

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, JUNE 27, 2005

SESSION OF 2005

189TH OF THE GENERAL ASSEMBLY

No. 42

HOUSE OF REPRESENTATIVES

The House convened at 1 p.m., e.d.t.

**THE SPEAKER (JOHN M. PERZEL)
PRESIDING**

PRAYER

REV. JULIANN V. WHIPPLE, Chaplain of the House of Representatives, offered the following prayer:

Let us pray:

As we come before You on this afternoon in the summer, mighty God, may it be with confidence and joy knowing that You gladly receive us into Your presence and every day that we arise is another invitation to join You on our journey. Teach us how to walk with You and not to be focused on our worldly day that we forget to take Your hand. How easy our lives would be if we would allow You to walk together with us. Perhaps we would not stumble so much. Perhaps we would laugh at ourselves more. Perhaps we would shed fewer tears.

When we awoke to the morning sun as it filtered through the shades, the aromatic smell of coffee, the sound of the birds, or the obtrusive blare of an alarm, our minds began spinning with all the things we need to get accomplished this week, the rest we received throughout the weekend already a distant memory. There are many loose ends to tie up, and we are in great need of a true rest – a time to be with family, friends, ourselves.

Sovereign God, we ask that You would bless our work as we attempt to finalize the many matters that have yet to be resolved. Keep us focused today and throughout the week so that Your work will be accomplished with as little impatience and anger as is possible and with perhaps a bit of excitement over being able to be involved in such important matters. May our meetings be fruitful and our conversations productive, and no matter how passionate the debate, may we shake hands at day's end knowing that we are warriors who fight on the same side – working for the good of this Commonwealth.

We praise You for the opportunity to serve, for it is an honor, and we pray that You would be proud of our efforts. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Wednesday, June 22, 2005, will be postponed until printed.

JOURNALS APPROVED

The SPEAKER. However, the following Journals are in print: Wednesday, March 16, and Monday, March 21, 2005. Without objection, those will be approved.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1784 By Representatives FEESE, ARMSTRONG, BAKER, BALDWIN, BARRAR, BELFANTI, BOYD, BUNT, CALTAGIRONE, CAPPELLI, CLYMER, CRAHALLA, DALLY, GEIST, GEORGE, GERGELY, GILLESPIE, GINGRICH, GOOD, GOODMAN, GRUCELA, HARHART, HARRIS, HERMAN, HESS, HICKERNELL, KAUFFMAN, LEH, MACKERETH, MANN, MARSICO, McILHATTAN, McNAUGHTON, MICOZZIE, R. MILLER, O'NEILL, PAYNE, PHILLIPS, PICKETT, PYLE, QUIGLEY, REICHLEY, ROHRER, RUBLEY, SATHER, SCAVELLO, SCHRODER, SHANER, SHAPIRO, SOLOBAY, STABACK, R. STEVENSON, E. Z. TAYLOR, THOMAS, TIGUE, TRUE, WATSON, WILT and YOUNGBLOOD

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, further providing for registration and for the definition of "other specified offense."

Referred to Committee on JUDICIARY, June 23, 2005.

No. 1785 By Representatives SHAPIRO, CALTAGIRONE, MANN, LEDERER, PAYNE, McGEEHAN, RAMALEY, CASORIO, JOSEPHS, BELFANTI, STABACK, CORNELL, LEACH, YOUNGBLOOD, YUDICHAK, THOMAS, RUBLEY, O'NEILL, BUNT, FABRIZIO, SURRA, PETRONE, GRUCELA, NICKOL, GINGRICH, WILLIAMS, TIGUE, TURZAI, CRAHALLA, MANDERINO, STETLER, PETRARCA, WALKO, GERGELY, WHEATLEY, DeLUCA, HARHAI, FRANKEL, ROONEY, PISTELLA, BIANCUCCI, JAMES, WANSACZ, SIPTROTH and KAUFFMAN

An Act prohibiting the use of Social Security numbers to identify individuals; and providing for a penalty.

Referred to Committee on STATE GOVERNMENT, June 23, 2005.

No. 1786 By Representatives HARHAI, BARRAR, BEBKO-JONES, BUNT, CALTAGIRONE, FABRIZIO, FREEMAN, GOODMAN, GRUCELA, JAMES, KOTIK, LEDERER, MANDERINO, McCALL, MICOZZIE, MUNDY, MYERS, PETRARCA, REICHLEY, SAINATO, SCAVELLO, SHANER, SHAPIRO, SOLOBAY, STABACK, TANGRETTI, TIGUE, WALKO, WANSACZ, YOUNGBLOOD, DALEY and PISTELLA

An Act amending the act of March 28, 1984 (P.L.150, No.28), known as the Automobile Lemon Law, enlarging the scope of the act.

Referred to Committee on TRANSPORTATION, June 23, 2005.

No. 1787 By Representatives HARHAI, GEORGE, BEBKO-JONES, BIANCUCCI, BARRAR, CALTAGIRONE, CASORIO, WANSACZ, WILT, YOUNGBLOOD, CURRY, DALEY, DeWEESE, DONATUCCI, J. EVANS, FABRIZIO, FRANKEL, FREEMAN, GINGRICH, GOODMAN, GRUCELA, HENNESSEY, JOSEPHS, LEDERER, MANDERINO, MANN, MARKOSEK, McGEEHAN, RAMALEY, READSHAW, REICHLEY, SAINATO, SAYLOR, SHANER, B. SMITH, STABACK, J. TAYLOR, THOMAS, WHEATLEY and JAMES

An Act prohibiting use of Social Security numbers as student identification numbers; providing for appointment of school privacy officers; and imposing duties on the Department of Education.

Referred to Committee on EDUCATION, June 23, 2005.

No. 1788 By Representatives CIVERA, ARGALL, E. Z. TAYLOR, S. H. SMITH, FEESE, PERZEL, MICOZZIE, RAYMOND, KILLION, ADOLPH, KENNEY, BUNT and FLICK

An Act amending the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law, further providing for title of act and for installment payment of taxes; authorizing monthly installment payment of school taxes and payment of school property tax increases to certain claimants who occupy homesteads; and providing for the powers and duties of the Department of Revenue.

Referred to Committee on FINANCE, June 23, 2005.

No. 1789 By Representatives ZUG, DeWEESE, ARGALL, ARMSTRONG, BAKER, BELARDI, BOYD, BUNT, CALTAGIRONE, CAPPELLI, CLYMER, COHEN, CORRIGAN, DeLUCA, FRANKEL, GABIG, GEORGE, GOODMAN, HARPER, HERMAN, HERSHEY, JAMES, KAUFFMAN, KILLION, KIRKLAND, LEACH, MANN, MARKOSEK, MICOZZIE, R. MILLER, MUSTIO, NAILOR, O'NEILL, PETRARCA, PHILLIPS, RAMALEY, READSHAW, SHANER, B. SMITH, STABACK, STERN, R. STEVENSON, SURRA, THOMAS, TIGUE, TRUE, WILT, WOJNAROSKI, YOUNGBLOOD, YUDICHAK, GRUCELA, J. TAYLOR and ROBERTS

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for persons with military service-connected disabilities and for spouses of persons killed in a military combat action to receive property tax exemptions.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, June 23, 2005.

No. 1790 By Representatives DeLUCA, MICOZZIE, CIVERA, DIVEN, BEBKO-JONES, BIANCUCCI, BOYD, BUNT, CALTAGIRONE, CRAHALLA, EACHUS, FABRIZIO, FRANKEL, FREEMAN, GEORGE, GOOD, GOODMAN, GRUCELA, JOSEPHS, KOTIK, MANDERINO, MARKOSEK, MELIO, MUNDY, MYERS, REICHLEY, RUFFING, TANGRETTI, E. Z. TAYLOR, THOMAS, VEON, WALKO, YOUNGBLOOD, COSTA, READSHAW, PETRONE, SANTONI, PALLONE, DERMODY, GERBER, PISTELLA, PRESTON, McCALL, WHEATLEY, HALUSKA, SHAPIRO, LEVDANSKY, CORRIGAN, BLACKWELL, KIRKLAND, JAMES, WATERS, ROBERTS, STETLER and LESCOVITZ

An Act amending the act of July 8, 1986 (P.L.408, No.89), known as the Health Care Cost Containment Act, further providing for data dissemination and publication and for expiration date of act.

Referred to Committee on HEALTH AND HUMAN SERVICES, June 23, 2005.

No. 1791 By Representatives KILLION, BALDWIN, BUNT, CALTAGIRONE, CREIGHTON, GANNON, GINGRICH, GRELL, HERSHEY, JAMES, THOMAS, WATSON and YOUNGBLOOD

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further providing for recording plats and deeds.

Referred to Committee on LOCAL GOVERNMENT, June 27, 2005.

No. 1792 By Representatives SAYLOR, SCAVELLO, GOOD, DERMODY, BELARDI, CALTAGIRONE, CASORIO, CRAHALLA, CREIGHTON, FRANKEL, GILLESPIE, GINGRICH, GRUCELA, JAMES, LEDERER, MANN, R. MILLER, NAILOR, E. Z. TAYLOR, THOMAS, YOUNGBLOOD and DENLINGER

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for securing loads in vehicles; and providing requirements for transporting loose material.

Referred to Committee on TRANSPORTATION, June 27, 2005.

No. 1793 By Representatives PISTELLA and WALKO

An Act making an appropriation to the Arsenal Family and Children's Center.

Referred to Committee on APPROPRIATIONS, June 27, 2005.

No. 1794 By Representatives CASORIO, BLAUM, BAKER, BEBKO-JONES, BELFANTI, CALTAGIRONE, CRAHALLA, FABRIZIO, FICHTER, GEIST, GEORGE, GERGELY, GOOD, GOODMAN, GRUCELA, JOSEPHS, KOTIK, MANN, R. MILLER, MYERS, SCAVELLO, SHANER, SOLOBAY, J. TAYLOR, THOMAS, WALKO, WOJNAROSKI and YOUNGBLOOD

An Act relating to the evaluation and cleanup of sites where certain controlled substances may have been manufactured or stored; imposing powers and duties on the Department of Environmental Protection and the Department of Health; and prescribing penalties.

Referred to Committee on JUDICIARY, June 27, 2005.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 365 By Representatives FLICK, PRESTON, BUXTON, CRAHALLA, FICHTER, ARMSTRONG, BAKER, BALDWIN, BENNINGHOFF, BUNT, CREIGHTON, J. EVANS, FABRIZIO, FRANKEL, GEORGE, GOOD, GOODMAN, HARHAI, HERSHEY, JAMES, KAUFFMAN, LEH, MANN, McILHATTAN, R. MILLER, ROHRER, SOLOBAY, THOMAS, YOUNGBLOOD and SEMMEL

A Resolution urging the Congress of the United States to refrain from taking action in developing legislation that would have the effect of preventing or hindering the exploration, drilling, development and production of natural gas in the Great Lakes.

Referred to Committee on CONSUMER AFFAIRS, June 27, 2005.

No. 368 By Representatives REICHLEY, ARMSTRONG, BALDWIN, BUNT, CALTAGIRONE, CRAHALLA, DALLY, FABRIZIO, FREEMAN, GEORGE, GILLESPIE, GRUCELA, HARHART, KOTIK, MANN, MARKOSEK, MYERS, O'NEILL, PALLONE, ROBERTS, RUBLEY, SCAVELLO, SHANER, THOMAS, WOJNAROSKI, YOUNGBLOOD and KIRKLAND

A Resolution urging the United States Army Corps of Engineers to study the effects of the 2004 wet weather events in the Little Lehigh Creek Watershed, Berks and Lehigh Counties, Pennsylvania, to reevaluate the existing flood control projects in the area and make recommendations on future flood control measures.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 23, 2005.

SENATE BILLS FOR CONCURRENCE

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

SB 361, PN 366

Referred to Committee on EDUCATION, June 23, 2005.

SB 652, PN 973

Referred to Committee on EDUCATION, June 23, 2005.

SB 672, PN 878

Referred to Committee on EDUCATION, June 23, 2005.

SB 686, PN 974

Referred to Committee on EDUCATION, June 23, 2005.

ACTUARIAL NOTES

The SPEAKER. The Speaker acknowledges receipt of the following actuarial notes:

SB 328, PN 340;
HB 546, PN 594;
HB 1048, PN 1204;
SB 403, PN 430;
HB 603, PN 676;
SB 404, PN 431; and
HB 1300, PN 1544.

(Copies of actuarial notes are on file with the Journal clerk.)

WRIT OF SPECIAL ELECTION

The SPEAKER. The Chair submits for the record a writ of special election for the 200th Legislative District in Philadelphia County.

The following writ of special election was submitted:

COMMONWEALTH OF PENNSYLVANIA, SS:

TO THE HONORABLE PEDRO CORTES, SECRETARY OF THE COMMONWEALTH, AND TO MARGARET M. TARTAGLIONE, EDGAR HOWARD, JR., AND JOSEPH DUDA, CONSTITUTING THE BOARD OF ELECTIONS OF PHILADELPHIA COUNTY.

GREETINGS: WHEREAS, A VACANCY EXISTS IN THE OFFICE OF REPRESENTATIVE OF THE COMMONWEALTH OF PENNSYLVANIA FOR THE TWO HUNDREDTH LEGISLATIVE DISTRICT OF THE COUNTY OF PHILADELPHIA, CAUSED BY THE REASON OF THE RESIGNATION OF LEANNA M. WASHINGTON, THE REPRESENTATIVE FROM SAID DISTRICT, ON THE 14TH DAY OF JUNE, TWO THOUSAND FIVE.

NOW THEREFORE, I, JOHN M. PERZEL, SPEAKER OF THE HOUSE OF REPRESENTATIVES, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION OF THE COMMONWEALTH OF PENNSYLVANIA, AND BY THE ACT OF ASSEMBLY IN SUCH CASE MADE AND PROVIDED, DO HEREBY COMMAND YOU:

THAT YOU CAUSE AN ELECTION TO BE HELD IN THE SAID COUNTY OF PHILADELPHIA ON THE 13TH DAY OF SEPTEMBER, TWO THOUSAND FIVE, TO CHOOSE A PERSON TO REPRESENT SAID LEGISLATIVE DISTRICT IN THE HOUSE OF REPRESENTATIVES OF PENNSYLVANIA, FOR THE REMAINDER OF THE TERM EXPIRING NOVEMBER THIRTIETH, TWO THOUSAND SIX, AND THAT YOU GIVE DUE AND PUBLIC NOTICE OF SAID ELECTION THROUGHOUT SAID DISTRICT, IN THE FORM AND MANNER DIRECTED BY LAW.

GIVEN UNDER MY HAND AND THE SEAL OF THE HOUSE OF REPRESENTATIVES AT HARRISBURG, PENNSYLVANIA, THIS 22D DAY OF JUNE, TWO THOUSAND FIVE.

JOHN M. PERZEL
SPEAKER OF THE
HOUSE OF REPRESENTATIVES

ATTEST: (SEAL)
TED MAZIA
CHIEF CLERK OF THE
HOUSE OF REPRESENTATIVES

REPORT SUBMITTED

The SPEAKER. The Speaker acknowledges receipt of the report of the Advisory Committee on Geriatric and Seriously Ill Inmates submitted by the Joint State Government Commission pursuant to SR 149 of 2002.

(Copy of report is on file with the Chief Clerk.)

CALENDAR

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1027, PN 1183**, entitled:

An Act naming the Academic Training Building at Fort Indiantown Gap the Major General Henry K. Fluck Academic Training Building.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that the following bill be placed upon the table: HB 1027.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that the following bill be taken off the table: HB 1027.

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

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that the following bills be taken off the table: HB 1118 and SB 147.

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

BILLS ON SECOND CONSIDERATION

The following bills, having been called up, were considered for the second time and agreed to, and ordered transcribed for third consideration:

HB 1118, PN 1324; and SB 147, PN 132.

BILLS RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that the following bills be recommitted to the Committee on Appropriations: HB 1118 and SB 147.

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

RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority leader, who moves for an immediate meeting of the Rules Committee.

BILLS REREPORTED FROM COMMITTEE

HB 727, PN 818 By Rep. S. SMITH

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

RULES.

HB 1358, PN 1633 By Rep. S. SMITH

An Act providing for the remediation of blighted properties in certain municipalities.

RULES.

HB 1377, PN 2304 By Rep. S. SMITH

An Act amending the act of June 18, 1998 (P.L.655, No.85), known as the Boiler and Unfired Pressure Vessel Law, defining "water heating appliance"; and further providing for interpretation.

RULES.

HB 1563, PN 1938 By Rep. S. SMITH

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for composition of park or recreation boards.

RULES.

HB 1580, PN 2302

By Rep. S. SMITH

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, further providing for the regulation of Cervidae livestock operations.

RULES.

HB 1602, PN 2306

By Rep. S. SMITH

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Basalt Trap Rock Company, a Maryland for-profit corporation, or their assigns, certain lands, situate in Morgan and Franklin Townships, Greene County, Pennsylvania.

RULES.

HB 1646, PN 2303

By Rep. S. SMITH

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, providing for a prohibition against unauthorized local government unit actions; establishing a cause of action for unauthorized enactment or enforcement of local ordinances governing normal agricultural operations; providing for duties of the Attorney General and for hearings; consolidating the Nutrient Management Act; further providing for scope, for legislative purpose, for definitions and for administration; providing for manure application; further providing for nutrient management and odor management certification; providing for odor management plans; further providing for the Nutrient Management Advisory Board, for financial assistance, for unlawful conduct, for civil penalties and for local preemption; providing for other statutes and for regulations; and making a related repeal.

RULES.

HB 1731, PN 2284

By Rep. S. SMITH

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for impoundment of certain vehicles and combinations for nonpayment of fines, for immobilization, towing and storage of vehicle for driving without operating privilege or registration and for disposition of impounded vehicles, combinations and loads.

RULES.

BILLS ON SECOND CONSIDERATION

The following bills, having been called up, were considered for the second time and agreed to, and ordered transcribed for third consideration:

HB 727, PN 818; HB 1358, PN 1633; HB 1377, PN 2304; HB 1563, PN 1938; HB 1580, PN 2302; HB 1602, PN 2306; HB 1646, PN 2303; and HB 1731, PN 2284.

BILLS RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that the following bills be recommitted to the Committee on Appropriations:

HB 727;
HB 1358;

HB 1377;
HB 1563;
HB 1580;
HB 1602;
HB 1646; and
HB 1731.

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

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND
RECOMMITTED TO COMMITTEE ON RULES**

HB 1686, PN 2131

By Rep. O'BRIEN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of sale and use of air rifles.

JUDICIARY.

**RESOLUTION REPORTED
FROM COMMITTEE**

HR 346, PN 2146

By Rep. O'BRIEN

A Resolution memorializing the Congress of the United States to pass and the President of the United States to sign Violence Against Women Act reauthorization legislation and to reaffirm our commitment to helping victims of violent crimes.

JUDICIARY.

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

SB 256, PN 1012 (Amended)

By Rep. O'BRIEN

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for establishment of fees and charges; eliminating the expiration of provisions on access to justice; further providing for the right of action regarding profits received as a result of the commission of a crime; and making a related repeal.

JUDICIARY.

SB 386, PN 677

By Rep. O'BRIEN

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

JUDICIARY.

The SPEAKER. The Chair would like to ask the gentleman, Mr. O'Brien, to please come to the rostrum. Mr. O'Brien.

GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome the Mallon family: Michael, Dottie, Annalie, and Sarah. They are from Malvern. They are winners of “A Day at the Capitol” at a silent auction for Family and Community Services of Delaware County. They are here today as the guests of Representative Tom Killion. Those guests are in the balcony. Would they please rise and be recognized.

LEAVES OF ABSENCE

The SPEAKER. The Chair turns to leaves of absence.

The Chair recognizes the majority whip, who moves for a leave of absence for the gentelady from Bucks, Mrs. WATSON; the gentelady from Lancaster, Mrs. TRUE; the gentleman from Huntingdon, Mr. SATHER; and the gentleman from Chester, Mr. SCHRODER. Without objection, those leaves will be granted.

The Chair recognizes the minority whip, who moves for a leave of absence for the gentleman from Dauphin, Mr. BUXTON; the gentleman from Philadelphia, Mr. CRUZ; the gentleman from Philadelphia, Mr. ROEBUCK; the gentleman from Philadelphia, Mr. RIEGER; the gentleman from Philadelphia, Mr. BUTKOVITZ; and the gentleman from Northampton, Mr. SAMUELSON. Without objection, those leaves will also be granted.

For the information of the members, the gentleman, Mr. Sather, is for the week.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take the master roll, and the members will proceed to vote.

The following roll call was recorded:

PRESENT—191

Adolph	Fichter	Levdansky	Rooney
Allen	Fleagle	Mackereth	Ross
Argall	Flick	Maher	Rubley
Armstrong	Forcier	Maitland	Ruffing
Baker	Frankel	Major	Sainato
Baldwin	Freeman	Manderino	Santoni
Barrar	Gabig	Mann	Saylor
Bastian	Gannon	Markosek	Scavello
Bebko-Jones	Geist	Marsico	Semmel
Belardi	George	McCall	Shaner
Belfanti	Gerber	McGeehan	Shapiro
Benninghoff	Gergely	McGill	Siptroth
Bianucci	Gillespie	McIlhattan	Smith, B.
Birmelin	Gingrich	McIlhinney	Smith, S. H.
Bishop	Godshall	McNaughton	Solobay
Blackwell	Good	Melio	Sonney
Blaum	Goodman	Metcalfe	Staback
Boyd	Grell	Micozzie	Stairs
Bunt	Grucela	Millard	Steil
Caltagirone	Gruitza	Miller, R.	Stern
Cappelli	Habay	Miller, S.	Stetler
Casorio	Haluska	Mundy	Stevenson, R.
Causer	Hanna	Mustio	Stevenson, T.
Cawley	Harhai	Myers	Sturla
Civera	Harhart	Nailor	Surra
Clymer	Harper	Nickol	Tangretti
Cohen	Harris	O'Brien	Taylor, E. Z.
Cornell	Hasay	Oliver	Taylor, J.

Corrigan	Hennessey	O'Neill	Thomas
Costa	Herman	Pallone	Tigue
Crahalla	Hershey	Payne	Turzai
Creighton	Hess	Petrarca	Veon
Curry	Hickernell	Petri	Vitali
Daley	Hutchinson	Petrone	Walko
Dally	James	Phillips	Wansacz
DeLuca	Josephs	Pickett	Waters
Denlinger	Kauffman	Pistella	Wheatley
Dermody	Keller, M.	Preston	Williams
DeWeese	Keller, W.	Pyle	Wilt
DiGirolamo	Kenney	Quigley	Wojnaroski
Diven	Killion	Ramaley	Wright
Donatucci	Kirkland	Rapp	Yewcic
Eachus	Kotik	Raymond	Youngblood
Ellis	LaGrotta	Readshaw	Yudichak
Evans, D.	Leach	Reed	Zug
Evans, J.	Lederer	Reichley	
Fabrizio	Leh	Roberts	Perzel,
Fairchild	Lescovitz	Rohrer	Speaker
Feese			

ADDITIONS—0

NOT VOTING—0

EXCUSED—10

Butkovitz	Rieger	Sather	True
Buxton	Roebuck	Schroder	Watson
Cruz	Samuelson		

LEAVES CANCELED—4

Buxton	Samuelson	Schroder	Watson
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2005 HOUSE SCHOLARSHIP WINNERS INTRODUCED

The SPEAKER. We are accustomed to recognizing extraordinary young people in this chamber, and today is no exception. As many of you know, a few years ago a scholarship program was established by the House members as a way for us to recognize and reward students for academic achievement and community and school leadership. Today we have with us the recipients of the 2005 House of Representatives scholarships. They are Dana Bruck, who is a graduate of Berlin Brothers Valley High School in Somerset County, and Lisa Hershey, a graduate of Northern Lebanon High School in Lebanon County.

Dana is the daughter of Timothy and Pamela Bruck and also a constituent of Representative Bob Bastian. She will be attending the University of Pittsburgh. Lisa is the daughter of Jay and Carol Hershey and is a constituent of Representative Peter Zug. She will be attending Eastern University.

Please join me in welcoming and congratulating Dana and Lisa. Please stand and be recognized.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence on the floor of the House of the gentleman from Chester, Mr. Schroder. His name will be added to the master roll.

TURKISH DELEGATION INTRODUCED

The SPEAKER. We have one more introduction, if you will bear with me.

Today we have with us in the House some very distinguished guests from the country of Turkey. The delegation is here to learn about Pennsylvania's energy regulation structure and how it can be applied successfully in Turkey. Turkey's strategic location makes it a natural bridge between oil-producing areas in the Middle East and the Caspian Sea on one side and the consumer markets of Europe on the other.

I am proud to introduce Mr. Amhet Aksu, who is the Department Head for Privatization Administration; Mr. Murat Hasan Erenel, Director of the Electricity Market Regulation, Monitoring and Assessment Department, Energy Market Regulatory Authority; and Dr. Gamze Oz, Assistant Professor, Faculty of Economic and Administrative Sciences, Middle East Technical University. They are accompanied by Mr. James Schilling of the United States State Department.

Please join me in giving them a warm welcome to our country.

GUESTS INTRODUCED

The SPEAKER. We have a special guest with us today – Nicholas Ruffing. He is the son of State Representative Ken Ruffing. He is seated at the well of the House, in the front of the Speaker to the right. Would that guest please rise and be recognized.

The Chair would like to welcome two guest pages, Rob and Andrew Glase from Allentown, PA, who are the guests of Representative Reichley. They are in the well of the hall of the House. Would those two guests please rise and be recognized.

Calm down a little. It is going to be a long month.

RESOLUTION

Mr. S. SMITH called up **HR 351, PN 2242**, entitled:

A Resolution establishing a select committee to investigate and review the policies, procedures and practices in place by the various Commonwealth agencies, authorities, boards, commissions, councils, departments and offices and the entities they license or regulate to protect the personal health, financial and other sensitive data of the citizens of this Commonwealth.

On the question,
Will the House adopt the resolution?

RESOLUTION RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HR 351, PN 2242, be recommitted to the Committee on Consumer Affairs.

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

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence on the floor of the House of the gentleman from Northampton, Mr. Samuelson. His name will be added to the master roll.

GUESTS INTRODUCED

The SPEAKER. The gentleman, Mr. Steil.
Mr. STEIL. Thank you, Mr. Speaker.

I would like to introduce four guests that are here today from Bucks County visiting the Capitol: Rich Nabasny; his daughter, Liz; Hannah Beers; and Meghan McDavid, all from Lower Bucks County in Pennsbury School District. They are in the gallery.

The SPEAKER. Welcome to the hall.
Mr. STEIL. Thank you, Mr. Speaker.

RESOLUTIONS PURSUANT TO RULE 35

Mr. PISTELLA called up **HR 179, PN 1282**, entitled:

A Resolution designating September 25, 2005, as "American Gold Star Mothers' Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—193

Adolph	Fichter	Mackereth	Rubley
Allen	Fleagle	Maher	Ruffing
Argall	Flick	Maitland	Sainato
Armstrong	Forcier	Major	Samuelson
Baker	Frankel	Manderino	Santoni
Baldwin	Freeman	Mann	Saylor
Barrar	Gabig	Markosek	Scavello
Bastian	Gannon	Marsico	Schroder
Bebko-Jones	Geist	McCall	Semmel
Belardi	George	McGeehan	Shaner
Belfanti	Gerber	McGill	Shapiro
Benninghoff	Gergely	McIlhattan	Siproth
Biancucci	Gillespie	McIlhinney	Smith, B.
Birmelin	Gingrich	McNaughton	Smith, S. H.
Bishop	Godshall	Melio	Solobay
Blackwell	Good	Metcalfe	Sonney
Blaum	Goodman	Micozzie	Staback
Boyd	Grell	Millard	Stairs
Bunt	Grucela	Miller, R.	Steil
Caltagirone	Gruitza	Miller, S.	Stern
Cappelli	Habay	Mundy	Stetler
Casorio	Haluska	Mustio	Stevenson, R.
Causer	Hanna	Myers	Stevenson, T.
Cawley	Harhai	Nailor	Sturla
Civera	Harhart	Nickol	Surra
Clymer	Harper	O'Brien	Tangretti
Cohen	Harris	Oliver	Taylor, E. Z.
Cornell	Hasay	O'Neill	Taylor, J.
Corrigan	Hennessey	Pallone	Thomas
Costa	Herman	Payne	Tigue
Crahalla	Hershey	Petrarca	Turzai
Creighton	Hess	Petri	Veon
Curry	Hickernell	Petrone	Vitali
Daley	Hutchinson	Phillips	Walko
Dally	James	Pickett	Wansacz
DeLuca	Josephs	Pistella	Waters
Denlinger	Kauffman	Preston	Wheatley

Dermody	Keller, M.	Pyle	Williams
DeWeese	Keller, W.	Quigley	Wilt
DiGirolamo	Kenney	Ramaley	Wojnaroski
Diven	Killion	Rapp	Wright
Donatucci	Kirkland	Raymond	Yewcic
Eachus	Kotik	Readshaw	Youngblood
Ellis	LaGrotta	Reed	Yudichak
Evans, D.	Leach	Reichley	Zug
Evans, J.	Lederer	Roberts	
Fabrizio	Leh	Rohrer	
Fairchild	Lescovitz	Rooney	Perzel,
Feese	Levdansky	Ross	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-8

Butkovitz	Cruz	Roebuck	True
Buxton	Rieger	Sather	Watson

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

* * *

Mrs. FORCIER called up **HR 311, PN 1953**, entitled:

A Resolution designating July 20, 2005, as "Ride to Work Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-193

Adolph	Fichter	Mackereth	Rubley
Allen	Fleagle	Maher	Ruffing
Argall	Flick	Maitland	Sainato
Armstrong	Forcier	Major	Samuelson
Baker	Frankel	Manderino	Santoni
Baldwin	Freeman	Mann	Saylor
Barrar	Gabig	Markosek	Scavello
Bastian	Gannon	Marsico	Schroder
Bebko-Jones	Geist	McCall	Semmel
Belardi	George	McGeehan	Shaner
Belfanti	Gerber	McGill	Shapiro
Benninghoff	Gergely	McIlhattan	Siproth
Biancucci	Gillespie	McIlhinney	Smith, B.
Birmelin	Gingrich	McNaughton	Smith, S. H.
Bishop	Godshall	Melio	Solobay
Blackwell	Good	Metcalfe	Sonney
Blaum	Goodman	Micozzie	Staback
Boyd	Grell	Millard	Stairs
Bunt	Grucela	Miller, R.	Steil
Caltagirone	Gruitza	Miller, S.	Stern
Cappelli	Habay	Mundy	Stetler
Casorio	Haluska	Mustio	Stevenson, R.
Causar	Hanna	Myers	Stevenson, T.
Cawley	Harhai	Nailor	Sturla
Civera	Harhart	Nickol	Surra
Clymer	Harper	O'Brien	Tangretti
Cohen	Harris	Oliver	Taylor, E. Z.
Cornell	Hasay	O'Neill	Taylor, J.
Corrigan	Hennessey	Pallone	Thomas
Costa	Herman	Payne	Tigue

Crahalla	Hershey	Petrarca	Turzai
Creighton	Hess	Petri	Veon
Curry	Hickernell	Petrone	Vitali
Daley	Hutchinson	Phillips	Walko
Dally	James	Pickett	Wansacz
DeLuca	Josephs	Pistella	Waters
Denlinger	Kauffman	Preston	Wheatley
Dermody	Keller, M.	Pyle	Williams
DeWeese	Keller, W.	Quigley	Wilt
DiGirolamo	Kenney	Ramaley	Wojnaroski
Diven	Killion	Rapp	Wright
Donatucci	Kirkland	Raymond	Yewcic
Eachus	Kotik	Readshaw	Youngblood
Ellis	LaGrotta	Reed	Yudichak
Evans, D.	Leach	Reichley	Zug
Evans, J.	Lederer	Roberts	
Fabrizio	Leh	Rohrer	
Fairchild	Lescovitz	Rooney	Perzel,
Feese	Levdansky	Ross	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-8

Butkovitz	Cruz	Roebuck	True
Buxton	Rieger	Sather	Watson

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

* * *

Mr. HESS called up **HR 331, PN 2069**, entitled:

A Resolution designating the month of July 2005 as "Pennsylvania Senior Games Month" in Pennsylvania and recognizing the 25th annual Pennsylvania Senior Games to be held at Shippensburg University from July 14 through 17, 2005.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-193

Adolph	Fichter	Mackereth	Rubley
Allen	Fleagle	Maher	Ruffing
Argall	Flick	Maitland	Sainato
Armstrong	Forcier	Major	Samuelson
Baker	Frankel	Manderino	Santoni
Baldwin	Freeman	Mann	Saylor
Barrar	Gabig	Markosek	Scavello
Bastian	Gannon	Marsico	Schroder
Bebko-Jones	Geist	McCall	Semmel
Belardi	George	McGeehan	Shaner
Belfanti	Gerber	McGill	Shapiro
Benninghoff	Gergely	McIlhattan	Siproth
Biancucci	Gillespie	McIlhinney	Smith, B.
Birmelin	Gingrich	McNaughton	Smith, S. H.
Bishop	Godshall	Melio	Solobay
Blackwell	Good	Metcalfe	Sonney
Blaum	Goodman	Micozzie	Staback
Boyd	Grell	Millard	Stairs
Bunt	Grucela	Miller, R.	Steil
Caltagirone	Gruitza	Miller, S.	Stern
Cappelli	Habay	Mundy	Stetler

Casorio	Haluska	Mustio	Stevenson, R.
Causer	Hanna	Myers	Stevenson, T.
Cawley	Harhai	Nailor	Sturla
Civera	Harhart	Nickol	Surra
Clymer	Harper	O'Brien	Tangretti
Cohen	Harris	Oliver	Taylor, E. Z.
Cornell	Hasay	O'Neill	Taylor, J.
Corrigan	Hennessey	Pallone	Thomas
Costa	Herman	Payne	Tigue
Crahalla	Hershey	Petrarca	Turzai
Creighton	Hess	Petri	Veon
Curry	Hickernell	Petrone	Vitali
Daley	Hutchinson	Phillips	Walko
Dally	James	Pickett	Wansacz
DeLuca	Josephs	Pistella	Waters
Denlinger	Kauffman	Preston	Wheatley
Dermody	Keller, M.	Pyle	Williams
DeWeese	Keller, W.	Quigley	Wilt
DiGirolamo	Kenney	Ramaley	Wojnaroski
Diven	Killion	Rapp	Wright
Donatucci	Kirkland	Raymond	Yewcic
Eachus	Kotik	Readshaw	Youngblood
Ellis	LaGrotta	Reed	Yudichak
Evans, D.	Leach	Reichley	Zug
Evans, J.	Lederer	Roberts	
Fabrizio	Leh	Rohrer	
Fairchild	Lescovitz	Rooney	Perzel,
Feese	Levdansky	Ross	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-8

Butkovitz	Cruz	Roebuck	True
Buxton	Rieger	Sather	Watson

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

* * *

Mr. BAKER called up **HR 361, PN 2286**, entitled:

A Resolution honoring the Borough of Wellsboro, Tioga County, on its 175th anniversary.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-193

Adolph	Fichter	Mackereth	Rubley
Allen	Fleagle	Maher	Ruffing
Argall	Flick	Maitland	Sainato
Armstrong	Forcier	Major	Samuelson
Baker	Frankel	Manderino	Santoni
Baldwin	Freeman	Mann	Saylor
Barrar	Gabig	Markosek	Scavello
Bastian	Gannon	Marsico	Schroder
Bebko-Jones	Geist	McCall	Semmel
Belardi	George	McGeehan	Shaner
Belfanti	Gerber	McGill	Shapiro
Benninghoff	Gergely	McIlhattan	Siptroth
Bianucci	Gillespie	McIlhinney	Smith, B.
Birmelin	Gingrich	McNaughton	Smith, S. H.

Bishop	Godshall	Melio	Solobay
Blackwell	Good	Metcalfe	Sonney
Blaum	Goodman	Micozzie	Staback
Boyd	Grell	Millard	Stairs
Bunt	Grucela	Miller, R.	Steil
Caltagirone	Gruitza	Miller, S.	Stern
Cappelli	Habay	Mundy	Stetler
Casorio	Haluska	Mustio	Stevenson, R.
Causer	Hanna	Myers	Stevenson, T.
Cawley	Harhai	Nailor	Sturla
Civera	Harhart	Nickol	Surra
Clymer	Harper	O'Brien	Tangretti
Cohen	Harris	Oliver	Taylor, E. Z.
Cornell	Hasay	O'Neill	Taylor, J.
Corrigan	Hennessey	Pallone	Thomas
Costa	Herman	Payne	Tigue
Crahalla	Hershey	Petrarca	Turzai
Creighton	Hess	Petri	Veon
Curry	Hickernell	Petrone	Vitali
Daley	Hutchinson	Phillips	Walko
Dally	James	Pickett	Wansacz
DeLuca	Josephs	Pistella	Waters
Denlinger	Kauffman	Preston	Wheatley
Dermody	Keller, M.	Pyle	Williams
DeWeese	Keller, W.	Quigley	Wilt
DiGirolamo	Kenney	Ramaley	Wojnaroski
Diven	Killion	Rapp	Wright
Donatucci	Kirkland	Raymond	Yewcic
Eachus	Kotik	Readshaw	Youngblood
Ellis	LaGrotta	Reed	Yudichak
Evans, D.	Leach	Reichley	Zug
Evans, J.	Lederer	Roberts	
Fabrizio	Leh	Rohrer	
Fairchild	Lescovitz	Rooney	Perzel,
Feese	Levdansky	Ross	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-8

Butkovitz	Cruz	Roebuck	True
Buxton	Rieger	Sather	Watson

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

* * *

Mr. BELFANTI called up **HR 363, PN 2288**, entitled:

A Resolution designating the month of June 2005 as "Workplace Safety Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-193

Adolph	Fichter	Mackereth	Rubley
Allen	Fleagle	Maher	Ruffing
Argall	Flick	Maitland	Sainato
Armstrong	Forcier	Major	Samuelson
Baker	Frankel	Manderino	Santoni
Baldwin	Freeman	Mann	Saylor
Barrar	Gabig	Markosek	Scavello

Bastian	Gannon	Marsico	Schroder
Bebko-Jones	Geist	McCall	Semmel
Belardi	George	McGeehan	Shaner
Belfanti	Gerber	McGill	Shapiro
Benninghoff	Gergely	McIlhattan	Siptroth
Biancucci	Gillespie	McIlhinney	Smith, B.
Birmelin	Gingrich	McNaughton	Smith, S. H.
Bishop	Godshall	Melio	Solobay
Blackwell	Good	Metcalfe	Sonney
Blaum	Goodman	Micozzie	Staback
Boyd	Grell	Millard	Stairs
Bunt	Grucela	Miller, R.	Steil
Caltagirone	Gruitza	Miller, S.	Stern
Cappelli	Habay	Mundy	Stetler
Casorio	Haluska	Mustio	Stevenson, R.
Causer	Hanna	Myers	Stevenson, T.
Cawley	Harhai	Nailor	Sturla
Civera	Harhart	Nickol	Surra
Clymer	Harper	O'Brien	Tangretti
Cohen	Harris	Oliver	Taylor, E. Z.
Cornell	Hasay	O'Neill	Taylor, J.
Corrigan	Hennessey	Pallone	Thomas
Costa	Herman	Payne	Tigue
Crahalla	Hershey	Petrarca	Turzai
Creighton	Hess	Petri	Veon
Curry	Hickernell	Petrone	Vitali
Daley	Hutchinson	Phillips	Walko
Dally	James	Pickett	Wansacz
DeLuca	Josephs	Pistella	Waters
Denlinger	Kauffman	Preston	Wheatley
Dermody	Keller, M.	Pyle	Williams
DeWeese	Keller, W.	Quigley	Wilt
DiGirolamo	Kenney	Ramaley	Wojnaroski
Diven	Killion	Rapp	Wright
Donatucci	Kirkland	Raymond	Yewcic
Eachus	Kotik	Readshaw	Youngblood
Ellis	LaGrotta	Reed	Yudichak
Evans, D.	Leach	Reichley	Zug
Evans, J.	Lederer	Roberts	
Fabrizio	Leh	Rohrer	
Fairchild	Lescovitz	Rooney	Perzel,
Feese	Levdansky	Ross	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-8

Butkovitz	Cruz	Roebuck	True
Buxton	Rieger	Sather	Watson

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

* * *

Mr. WILLIAMS called up **HR 364, PN 2289**, entitled:

A Resolution recognizing June 19, 2005, as "Bishop Joshua Henry Jones Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-193

Adolph	Fichter	Mackereth	Rubley
Allen	Fleagle	Maher	Ruffing
Argall	Flick	Maitland	Sainato
Armstrong	Forcier	Major	Samuelson
Baker	Frankel	Manderino	Santoni
Baldwin	Freeman	Mann	Saylor
Barrar	Gabig	Markosek	Scavello
Bastian	Gannon	Marsico	Schroder
Bebko-Jones	Geist	McCall	Semmel
Belardi	George	McGeehan	Shaner
Belfanti	Gerber	McGill	Shapiro
Benninghoff	Gergely	McIlhattan	Siptroth
Biancucci	Gillespie	McIlhinney	Smith, B.
Birmelin	Gingrich	McNaughton	Smith, S. H.
Bishop	Godshall	Melio	Solobay
Blackwell	Good	Metcalfe	Sonney
Blaum	Goodman	Micozzie	Staback
Boyd	Grell	Millard	Stairs
Bunt	Grucela	Miller, R.	Steil
Caltagirone	Gruitza	Miller, S.	Stern
Cappelli	Habay	Mundy	Stetler
Casorio	Haluska	Mustio	Stevenson, R.
Causer	Hanna	Myers	Stevenson, T.
Cawley	Harhai	Nailor	Sturla
Civera	Harhart	Nickol	Surra
Clymer	Harper	O'Brien	Tangretti
Cohen	Harris	Oliver	Taylor, E. Z.
Cornell	Hasay	O'Neill	Taylor, J.
Corrigan	Hennessey	Pallone	Thomas
Costa	Herman	Payne	Tigue
Crahalla	Hershey	Petrarca	Turzai
Creighton	Hess	Petri	Veon
Curry	Hickernell	Petrone	Vitali
Daley	Hutchinson	Phillips	Walko
Dally	James	Pickett	Wansacz
DeLuca	Josephs	Pistella	Waters
Denlinger	Kauffman	Preston	Wheatley
Dermody	Keller, M.	Pyle	Williams
DeWeese	Keller, W.	Quigley	Wilt
DiGirolamo	Kenney	Ramaley	Wojnaroski
Diven	Killion	Rapp	Wright
Donatucci	Kirkland	Raymond	Yewcic
Eachus	Kotik	Readshaw	Youngblood
Ellis	LaGrotta	Reed	Yudichak
Evans, D.	Leach	Reichley	Zug
Evans, J.	Lederer	Roberts	
Fabrizio	Leh	Rohrer	
Fairchild	Lescovitz	Rooney	Perzel,
Feese	Levdansky	Ross	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-8

Butkovitz	Cruz	Roebuck	True
Buxton	Rieger	Sather	Watson

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

SUPPLEMENTAL CALENDAR A

RESOLUTION PURSUANT TO RULE 35

Mr. RAMALEY called up **HR 367, PN 2317**, entitled:

A Resolution congratulating the Township of Crescent, Allegheny County, on the 150th anniversary of its founding.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—193

Adolph	Fichter	Mackereth	Rubley
Allen	Fleagle	Maher	Ruffing
Argall	Flick	Maitland	Sainato
Armstrong	Forcier	Major	Samuelson
Baker	Frankel	Manderino	Santoni
Baldwin	Freeman	Mann	Saylor
Barrar	Gabig	Markosek	Scavello
Bastian	Gannon	Marsico	Schroder
Bebko-Jones	Geist	McCall	Semmel
Belardi	George	McGeehan	Shaner
Belfanti	Gerber	McGill	Shapiro
Benninghoff	Gergely	McIlhattan	Siptroth
Biancucci	Gillespie	McIlhinney	Smith, B.
Birmelin	Gingrich	McNaughton	Smith, S. H.
Bishop	Godshall	Melio	Solobay
Blackwell	Good	Metcalfe	Sonney
Blaum	Goodman	Micozzie	Staback
Boyd	Grell	Millard	Stairs
Bunt	Grucela	Miller, R.	Steil
Caltagirone	Gruitza	Miller, S.	Stern
Cappelli	Habay	Mundy	Stetler
Casorio	Haluska	Mustio	Stevenson, R.
Causar	Hanna	Myers	Stevenson, T.
Cawley	Harhai	Nailor	Sturla
Civera	Harhart	Nickol	Surra
Clymer	Harper	O'Brien	Tangretti
Cohen	Harris	Oliver	Taylor, E. Z.
Cornell	Hasay	O'Neill	Taylor, J.
Corrigan	Hennessey	Pallone	Thomas
Costa	Herman	Payne	Tigue
Crahalla	Hershey	Petrarca	Turzai
Creighton	Hess	Petri	Veon
Curry	Hickernell	Petrone	Vitali
Daley	Hutchinson	Phillips	Walko
Dally	James	Pickett	Wansacz
DeLuca	Josephs	Pistella	Waters
Denlinger	Kauffman	Preston	Wheatley
Dermody	Keller, M.	Pyle	Williams
DeWeese	Keller, W.	Quigley	Wilt
DiGirolamo	Kenney	Ramaley	Wojnaroski
Diven	Killion	Rapp	Wright
Donatucci	Kirkland	Raymond	Yewcic
Eachus	Kotik	Readshaw	Youngblood
Ellis	LaGrotta	Reed	Yudichak
Evans, D.	Leach	Reichley	Zug
Evans, J.	Lederer	Roberts	
Fabrizio	Leh	Rohrer	
Fairchild	Lescovitz	Rooney	Perzel,
Feese	Levdansky	Ross	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—8

Butkovitz	Cruz	Roebuck	True
Buxton	Rieger	Sather	Watson

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

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Feese, for the purpose of a committee announcement.

Mr. FEESE. Thank you, Mr. Speaker.

Mr. Speaker, the House Appropriations Committee will convene at 3 o'clock – at 3 o'clock – in the Appropriations Committee conference room.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Appropriations will meet at 3 p.m. in the Appropriations Committee conference room.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the gentlelady from Chester, Mrs. Taylor.

Mrs. TAYLOR. Thank you, Mr. Speaker.

The Republican Caucus will meet immediately at the call of recess, and, Mr. Speaker, I think we will need about an hour and a half.

DEMOCRATIC CAUCUS

The SPEAKER. Does the gentleman, Mr. Cohen, wish to make an announcement?

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, the Democrats will also caucus. I think it is quite possible that we will need more than an hour and a half because of the extent of the bills, the number of bills, and the controversial nature of some of the amendments.

The SPEAKER. The Chair thanks the gentleman.

CHILDREN AND YOUTH COMMITTEE MEETING

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

Mr. BIRMELIN. Thank you, Mr. Speaker.

The House Children and Youth Committee will meet immediately upon the call of the recess. We are meeting in room 60E. That is the Children and Youth Committee meeting immediately upon the call of the recess. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Children and Youth Committee will meet at the call of recess in room 60E.

TRANSPORTATION COMMITTEE MEETING

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

Mr. GEIST. Thank you, Mr. Speaker.

The Transportation Committee will meet upon the declaration of the recess in room 205 of the Ryan Office Building. The Transportation Committee at the break, at recess, 205, Ryan Office Building. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Transportation Committee will meet at the recess in room 205 of the Ryan Office Building.

RECESS

The SPEAKER. Are there any further announcements?

If there are no further announcements, this House is in recess until 3:15 p.m.

AFTER RECESS

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

**THE SPEAKER PRO TEMPORE
(MATTHEW E. BAKER) PRESIDING****BILLS REREPORTED FROM COMMITTEE**

HB 8, PN 1171 By Rep. FEESE

An Act providing for establishment and financing of community colleges; establishing the Board of Community Colleges and Council of Presidents; providing for the members, structure, powers and duties and chief executive officer of the Board of Community Colleges and Council of Presidents; further providing for the powers and duties of State Board of Education; providing for appropriations and the allocation of funds for community colleges, for audits, for powers and duties of board of trustees, for tuition and for financial plan, for reimbursement of payments and for capital expenses of community colleges; and making related repeals.

APPROPRIATIONS.

HB 121, PN 126 By Rep. FEESE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for passing and overtaking streetcars.

APPROPRIATIONS.

HB 498, PN 537 By Rep. FEESE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for false swearing.

APPROPRIATIONS.

HB 546, PN 594 By Rep. FEESE

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for creditable nonschool

service and for contributions for purchase of credit for creditable nonschool service.

APPROPRIATIONS.

HB 564, PN 2336 (Amended) By Rep. FEESE

An Act providing for college and university faculty and staff criminal history background investigations and self-disclosure requirements.

APPROPRIATIONS.

HB 603, PN 676 By Rep. FEESE

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further defining "enforcement officer" to include certain Pennsylvania Game Commission employees.

APPROPRIATIONS.

HB 727, PN 818 By Rep. FEESE

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

APPROPRIATIONS.

HB 740, PN 2111 By Rep. FEESE

An Act amending the act of February 1, 1974 (P.L.34, No.15), known as the Pennsylvania Municipal Retirement Law, further providing for service allowance, change of employment, military service and contract provisions relating to municipal employees, municipal firemen and municipal police.

APPROPRIATIONS.

HB 876, PN 999 By Rep. FEESE

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, authorizing the department to directly reimburse educational support services providers; and repealing penalties for grant recipients.

APPROPRIATIONS.

HB 1108, PN 2208 By Rep. FEESE

An Act amending the act of March 1, 1988 (P.L.82, No.16), known as the Pennsylvania Infrastructure Investment Authority Act, establishing the Water and Wastewater System Connection Funding Program to provide certain grants and low-interest loans; providing for transfer of certain moneys; and making editorial changes.

APPROPRIATIONS.

HB 1114, PN 1946 By Rep. FEESE

An Act amending the act of December 19, 1996 (P.L.1478, No.190), entitled "An act relating to the recycling and reuse of waste tires; providing for the proper disposal of waste tires and the cleanup of stockpiled tires; authorizing investment tax credits for utilizing waste tires; providing remediation grants for the cleanup of tire piles and for pollution prevention programs for small business and households; establishing the Small Business and Household Pollution

Prevention Program and management standards for small business hazardous waste; providing for a household hazardous waste program and for grant programs; making appropriations; and making repeals," further providing for the definition of "waste tire"; defining "recycled tire product" and "waste tire recycling facility"; and further providing for the disposal of whole waste tires, for Environmental Quality Board regulations, for waste tire registry and for remediation liens.

APPROPRIATIONS.

HB 1192, PN 2205 By Rep. FEESE

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for adoption assistance programs; and making a repeal.

APPROPRIATIONS.

HB 1198, PN 1404 By Rep. FEESE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for serious drug trafficking and violent repeat offenders not to possess, use, manufacture, control, sell or transfer firearms.

APPROPRIATIONS.

HB 1235, PN 1448 By Rep. FEESE

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for staffing levels and limitations on inmate capacity at State correctional institutions.

APPROPRIATIONS.

HB 1264, PN 1490 By Rep. FEESE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for licenses to carry firearms and for the offense of certain bullets prohibited.

APPROPRIATIONS.

HB 1273, PN 1614 By Rep. FEESE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of firearms not to be carried without a license.

APPROPRIATIONS.

HB 1358, PN 1633 By Rep. FEESE

An Act providing for the remediation of blighted properties in certain municipalities.

APPROPRIATIONS.

HB 1408, PN 1974 By Rep. FEESE

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, prescribing penalties for improper use of bond proceeds.

APPROPRIATIONS.

HB 1435, PN 2109 By Rep. FEESE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of computer-assisted remote harvesting of animals.

APPROPRIATIONS.

HB 1446, PN 2107 By Rep. FEESE

An Act providing for the powers and duties of the Department of Aging and area agencies on aging and for annual review of care plans; requiring criminal background checks and communicable disease screenings of certain providers; prohibiting certain provider financial interests; providing for consumer telephone access; and providing for procedures for noncompliance.

APPROPRIATIONS.

HB 1468, PN 1786 By Rep. FEESE

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Pennsylvania Historical and Museum Commission, to accept by donation a tract of land and any improvements thereon situate in the Borough of Ambridge, Beaver County.

APPROPRIATIONS.

HB 1504, PN 1838 By Rep. FEESE

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, providing for free license fees for former prisoners of war.

APPROPRIATIONS.

HB 1508, PN 1842 By Rep. FEESE

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for the powers of the Department of Labor and Industry relating to State-owned buildings; and establishing the Uniform Construction Fund.

APPROPRIATIONS.

HB 1525, PN 1858 By Rep. FEESE

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for limiting the number of retail licenses to be issued in each county.

APPROPRIATIONS.

HB 1563, PN 1938 By Rep. FEESE

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for composition of park or recreation boards.

APPROPRIATIONS.

HB 1578, PN 2206 By Rep. FEESE

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

of neglect of care-dependent person; and providing for the offense of abuse of care-dependent person.

APPROPRIATIONS.

HB 1579, PN 1980 By Rep. FEESE

An Act providing for certain responsibilities of county and private agencies regarding resource parents.

APPROPRIATIONS.

HB 1580, PN 2302 By Rep. FEESE

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, further providing for the regulation of Cervidae livestock operations.

APPROPRIATIONS.

HB 1602, PN 2306 By Rep. FEESE

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Basalt Trap Rock Company, a Maryland for-profit corporation, or their assigns, certain lands, situate in Morgan and Franklin Townships, Greene County, Pennsylvania.

APPROPRIATIONS.

HB 1619, PN 2138 By Rep. FEESE

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey certain lands situate in the City of Harrisburg, Dauphin County, to Crossgates, Inc., a Pennsylvania Corporation.

APPROPRIATIONS.

HB 1646, PN 2303 By Rep. FEESE

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, providing for a prohibition against unauthorized local government unit actions; establishing a cause of action for unauthorized enactment or enforcement of local ordinances governing normal agricultural operations; providing for duties of the Attorney General and for hearings; consolidating the Nutrient Management Act; further providing for scope, for legislative purpose, for definitions and for administration; providing for manure application; further providing for nutrient management and odor management certification; providing for odor management plans; further providing for the Nutrient Management Advisory Board, for financial assistance, for unlawful conduct, for civil penalties and for local preemption; providing for other statutes and for regulations; and making a related repeal.

APPROPRIATIONS.

HB 1704, PN 2166 By Rep. FEESE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for drug delivery resulting in death.

APPROPRIATIONS.

HB 1731, PN 2284

By Rep. FEESE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for impoundment of certain vehicles and combinations for nonpayment of fines, for immobilization, towing and storage of vehicle for driving without operating privilege or registration and for disposition of impounded vehicles, combinations and loads.

APPROPRIATIONS.

SB 158, PN 704

By Rep. FEESE

An Act adding a certain portion of the Bayfront Parkway in the City of Erie, Erie County, to the State Highway System, and transferring to the City of Erie a certain State road.

APPROPRIATIONS.

SB 462, PN 1014 (Amended)

By Rep. FEESE

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for sales by Pennsylvania liquor stores, for authority to issue liquor licenses to hotels, restaurants and clubs, for sales by liquor licensees regarding Sunday sales, for sale of malt or brewed beverages by liquor licensees, for retail dispensers' restrictions on purchases and sales, for revocation and suspension of licenses, for renewal of amusement permits, for the point system for certain licensees and for the assessment of points for noncompliance; providing for renewal of permit for sales for off-premises consumption in cities of the first class; further providing for unlawful acts relative to malt or brewed beverages and licensees; and providing for hours of operation relative to manufacturers, importing distributors and distributors and for unlawful acts relative to liquor, malt and brewed beverages and licensees.

APPROPRIATIONS.

SB 584, PN 807

By Rep. FEESE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining the offense of disarming a law enforcement officer; and providing a penalty.

APPROPRIATIONS.

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

SB 706, PN 1013 (Amended)

By Rep. GEIST

An Act designating the Main Street Bridge in Butler, Butler County, Pennsylvania, as the General Richard Butler Bridge.

TRANSPORTATION.

SB 721, PN 865

By Rep. GEIST

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, designating a portion of State Route 6 in Wyoming County as a scenic byway; and designating a certain portion of State Route 92 in Susquehanna County as a scenic byway.

TRANSPORTATION.

BILL ON SECOND CONSIDERATION

The following bill, having been called up, was considered for the second time and agreed to, and ordered transcribed for third consideration:

SB 462, PN 1014.

SUPPLEMENTAL CALENDAR B

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1578, PN 2206**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of neglect of care-dependent person; and providing for the offense of abuse of care-dependent person.

On the question,
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?

On that question, the Chair recognizes the gentleman, Mr. Vitali.
Mr. Vitali waives off.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS-193

Adolph	Fichter	Mackereth	Rubley
Allen	Fleagle	Maher	Ruffing
Argall	Flick	Maitland	Sainato
Armstrong	Forcier	Major	Samuelson
Baker	Frankel	Manderino	Santoni
Baldwin	Freeman	Mann	Saylor
Barrar	Gabig	Markosek	Scavello
Bastian	Gannon	Marsico	Schroder
Bebko-Jones	Geist	McCall	Semmel
Belardi	George	McGeehan	Shaner
Belfanti	Gerber	McGill	Shapiro
Benninghoff	Gergely	McIlhaffan	Siptroth
Bianucci	Gillespie	McIlhinney	Smith, B.
Birmelin	Gingrich	McNaughton	Smith, S. H.
Bishop	Godshall	Melio	Solobay
Blackwell	Good	Metcalfe	Sonney
Blaum	Goodman	Micozzie	Staback
Boyd	Grell	Millard	Stairs
Bunt	Grucela	Miller, R.	Steil
Caltagirone	Gruitza	Miller, S.	Stern
Cappelli	Habay	Mundy	Stetler
Casorio	Haluska	Mustio	Stevenson, R.
Causer	Hanna	Myers	Stevenson, T.
Cawley	Harhai	Nailor	Sturla
Civera	Harhart	Nickol	Surra

Clymer	Harper	O'Brien	Tangretti
Cohen	Harris	Oliver	Taylor, E. Z.
Cornell	Hasay	O'Neill	Taylor, J.
Corrigan	Hennessey	Pallone	Thomas
Costa	Herman	Payne	Tigue
Crahalla	Hershey	Petrarca	Turzai
Creighton	Hess	Petri	Veon
Curry	Hickernell	Petrone	Vitali
Daley	Hutchinson	Phillips	Walko
Dally	James	Pickett	Wansacz
DeLuca	Josephs	Pistella	Waters
Denlinger	Kauffman	Preston	Wheatley
Dermody	Keller, M.	Pyle	Williams
DeWeese	Keller, W.	Quigley	Wilt
DiGirolamo	Kenney	Ramaley	Wojnarowski
Diven	Killion	Rapp	Wright
Donatucci	Kirkland	Raymond	Yewcic
Eachus	Kotik	Readshaw	Youngblood
Ellis	LaGrotta	Reed	Yudichak
Evans, D.	Leach	Reichley	Zug
Evans, J.	Lederer	Roberts	
Fabrizio	Leh	Rohrer	
Fairchild	Lescovitz	Rooney	Perzel,
Feese	Levdansky	Ross	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-8

Butkovitz	Cruz	Roebuck	True
Buxton	Rieger	Sather	Watson

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

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

* * *

The House proceeded to third consideration of **HB 740, PN 2111**, entitled:

An Act amending the act of February 1, 1974 (P.L.34, No.15), known as the Pennsylvania Municipal Retirement Law, further providing for service allowance, change of employment, military service and contract provisions relating to municipal employees, municipal firemen and municipal police.

On the question,
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.

(Members proceeded to vote.)

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Buxton, who is present on the floor of the House, and his name will be added to the master roll call.

CONSIDERATION OF HB 740 CONTINUED

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—194

Table listing names of members who voted 'YEAS' for HB 740, including Adolph, Allen, Argall, Armstrong, Baker, Baldwin, Barrar, Bastian, Bebko-Jones, Belardi, Belfanti, Benninghoff, Biancucci, Birmelin, Bishop, Blackwell, Blaum, Boyd, Bunt, Buxton, Caltagirone, Cappelli, Casorio, Causer, Cawley, Civera, Clymer, Cohen, Cornell, Corrigan, Costa, Crahalla, Creighton, Curry, Daley, Dally, DeLuca, Denlinger, Dermody, DeWeese, DiGirolamo, Diven, Donatucci, Eachus, Ellis, Evans, D., Evans, J., Fabrizio, Fairchild, Feese, Fichter, Fleagle, Flick, Forcier, Frankel, Freeman, Gabig, Gannon, Geist, George, Gerber, Gergely, Gillespie, Gingrich, Godshall, Good, Goodman, Grell, Grucela, Gruitza, Habay, Haluska, Hanna, Harhai, Harhart, Harper, Harris, Hasay, Hennessey, Herman, Hershey, Hess, Hickernell, Hutchinson, James, Josephs, Kauffman, Keller, M., Keller, W., Kenney, Killion, Kirkland, Kotik, LaGrotta, Leach, Lederer, Leh, Lescovitz, Levdansky, Mackereth, Maher, Maitland, Major, Manderino, Mann, Markosek, Marsico, McCall, McGeehan, McGill, McIlhattan, McIlhinney, McNaughton, Melio, Metcalfe, Micozzie, Millard, Miller, R., Miller, S., Mundy, Mustio, Myers, Nailor, Nickol, O'Brien, Oliver, O'Neill, Pallone, Payne, Petrarca, Petri, Petrone, Phillips, Pickett, Pistella, Preston, Pyle, Quigley, Ramaley, Rapp, Raymond, Readshaw, Reed, Reichley, Roberts, Rohrer, Rooney, Ross, Rubley, Ruffing, Sainato, Samuelson, Santoni, Saylor, Scavello, Schroder, Semmel, Shaner, Shapiro, Siptroth, Smith, B., Smith, S. H., Solobay, Sonney, Staback, Stairs, Steil, Stern, Stetler, Stevenson, R., Stevenson, T., Sturla, Surra, Tangretti, Taylor, E. Z., Taylor, J., Thomas, Tigue, Turzai, Veon, Vitali, Walko, Wansacz, Waters, Wheatley, Williams, Wilt, Wojnaroski, Wright, Yewcic, Youngblood, Yudichak, Zug, and Perzel, Speaker.

NAYS—0

NOT VOTING—0

EXCUSED—7

Table listing names of members who were excused: Butkovitz, Cruz, Rieger, Roebuck, Sather, True, and Watson.

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

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

* * *

The House proceeded to third consideration of **HB 1619, PN 2138**, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey certain lands situate in the City of Harrisburg, Dauphin County, to Crossgates, Inc., a Pennsylvania Corporation.

On the question,
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.

The following roll call was recorded:

YEAS—194

Table listing names of members who voted 'YEAS' for HB 1619, including Adolph, Allen, Argall, Armstrong, Baker, Baldwin, Barrar, Bastian, Bebko-Jones, Belardi, Belfanti, Benninghoff, Biancucci, Birmelin, Bishop, Blackwell, Blaum, Boyd, Bunt, Buxton, Caltagirone, Cappelli, Casorio, Causer, Cawley, Civera, Clymer, Cohen, Cornell, Corrigan, Costa, Crahalla, Creighton, Feese, Fichter, Fleagle, Flick, Forcier, Frankel, Freeman, Gabig, Gannon, Geist, George, Gerber, Gergely, Gillespie, Gingrich, Godshall, Good, Goodman, Grell, Grucela, Gruitza, Habay, Haluska, Hanna, Harhai, Harhart, Harper, Harris, Hasay, Hennessey, Herman, Hershey, Hess, Levdansky, Mackereth, Maher, Maitland, Major, Manderino, Mann, Markosek, Marsico, McCall, McGeehan, McGill, McIlhattan, McIlhinney, McNaughton, Melio, Metcalfe, Micozzie, Millard, Miller, R., Miller, S., Mundy, Mustio, Myers, Nailor, Nickol, O'Brien, Oliver, O'Neill, Pallone, Payne, Petrarca, Petri, Ross, Rubley, Ruffing, Sainato, Samuelson, Santoni, Saylor, Scavello, Schroder, Semmel, Shaner, Shapiro, Siptroth, Smith, B., Smith, S. H., Solobay, Sonney, Staback, Stairs, Steil, Stern, Stetler, Stevenson, R., Stevenson, T., Sturla, Surra, Tangretti, Taylor, E. Z., Taylor, J., Thomas, Tigue, Turzai, Veon, and Veon.

Curry	Hickernell	Petrone	Vitali
Daley	Hutchinson	Phillips	Walko
Dally	James	Pickett	Wansacz
DeLuca	Josephs	Pistella	Waters
Denlinger	Kauffman	Preston	Wheatley
Dermody	Keller, M.	Pyle	Williams
DeWeese	Keller, W.	Quigley	Wilt
DiGirolamo	Kenney	Ramaley	Wojnaroski
Diven	Killion	Rapp	Wright
Donatucci	Kirkland	Raymond	Yewcic
Eachus	Kotik	Readshaw	Youngblood
Ellis	LaGrotta	Reed	Yudichak
Evans, D.	Leach	Reichley	Zug
Evans, J.	Lederer	Roberts	
Fabrizio	Leh	Rohrer	Perzel,
Fairchild	Lescovitz	Rooney	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-7

Butkovitz	Rieger	Sather	Watson
Cruz	Roebuck	True	

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

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

* * *

The House proceeded to third consideration of **HB 1446, PN 2107**, entitled:

An Act providing for the powers and duties of the Department of Aging and area agencies on aging and for annual review of care plans; requiring criminal background checks and communicable disease screenings of certain providers; prohibiting certain provider financial interests; providing for consumer telephone access; and providing for procedures for noncompliance.

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

Mr. **WALKO** offered the following amendment No. **A02211**:

- Amend Title, page 1, line 1, by inserting after "Aging"
the Department of Public Welfare
- Amend Title, page 1, line 4, by striking out "of certain providers"
- Amend Title, page 1, line 6, by striking out "and"
- Amend Title, page 1, line 7, by removing the period after "noncompliance" and inserting
and for registration for private care residences;
and imposing penalties.
- Amend Bill, page 1, by inserting between lines 9 and 10
CHAPTER 1
PRELIMINARY PROVISIONS
- Amend Sec. 1, page 1, line 10, by striking out "1" and inserting
101
- Amend Sec. 1, page 1, line 12, by inserting after
"Accountability"
and Private Care Residence

- Amend Bill, page 1, by inserting between lines 12 and 13
CHAPTER 3
HOME AND COMMUNITY-BASED SERVICES ACCOUNTABILITY
- Amend Sec. 2, page 1, line 13, by striking out "2" and inserting
301
- Amend Sec. 2, page 1, line 14, by striking out "act" and inserting
chapter
- Amend Sec. 3, page 4, line 4, by striking out "3" and inserting
302
- Amend Sec. 4, page 4, line 12, by striking out "4" and inserting
303
- Amend Sec. 5, page 4, line 19, by striking out "5" and inserting
304
- Amend Sec. 6, page 4, line 29, by striking out "6" and inserting
305
- Amend Sec. 7, page 7, line 29, by striking out "7" and inserting
306
- Amend Sec. 8, page 8, line 27, by striking out "8" and inserting
307
- Amend Sec. 9, page 9, line 28, by striking out "9" and inserting
308
- Amend Sec. 10, page 10, line 8, by striking out "10" and
inserting
309
- Amend Sec. 11, page 10, line 15, by striking out "11" and
inserting
310
- Amend Sec. 11, page 10, line 16, by striking out "act" and
inserting
chapter
- Amend Sec. 12, page 10, line 24, by striking out "12" and
inserting
311
- Amend Sec. 12, page 10, line 30, by striking out "act" and
inserting
chapter
- Amend Sec. 12, page 11, line 2, by striking out "act" and
inserting
chapter
- Amend Bill, page 11, by inserting between lines 2 and 3
CHAPTER 5
PRIVATE CARE RESIDENCE REGISTRATION
- Section 501. Definitions.
- The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:
- "Adult." An individual 18 years of age or older.
- "Area agency on aging." The local provider of protective services for older adults as provided by the act of November 6, 1987 (P.L.381, No.79), known as the Older Adults Protective Services Act.
- "Care-dependent person." As defined in 18 Pa.C.S. § 2713(f) (relating to neglect of care-dependent person).
- "Department." The Department of Public Welfare of the Commonwealth.
- "Legal entity." Any individual, partnership, unincorporated association, corporation or governing authority.
- "Older adult." As defined in section 103 of the act of November 6, 1987 (P.L.381, No.79), known as the Older Adults Protective Services Act.
- "Personal care." Assistance or supervision in activities of daily living, such as dressing, bathing, diet, securing health care, financial management, evacuation of a residence in the event of an emergency or medication prescribed for self-administration.
- "Private care residence." A private residence:
 - (1) in which the owner of the residence or the legal entity responsible for the operation of the residence, for monetary consideration, provides, or assists with or arranges for the

provision of, food, room, shelter, clothing, personal care or health care in the residence, for a period exceeding 24 hours, to less than four care-dependent persons who are not relatives of the owner; and

(2) which is not required to be licensed as a long-term care nursing facility, as defined in section 802.1 of the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act. The term does not include domiciliary care as defined in section 2202-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929. The term does not include a facility which provides residential care for less than four care-dependent adults and which is regulated by the department.

Section 502. Registration of private care residence.

(a) General rule.—The owner or legal entity responsible for the operation of a private care residence shall be required to register annually with the department. Registration shall include providing the department with the following information:

(1) The name of the owner or legal entity responsible for the operation and the address and telephone number of the residence.

(2) The name and date of birth, if known, of any care-dependent person residing in the residence.

(3) The name of any adult residing in the residence for more than 30 days in a calendar year who is not a care-dependent person.

(b) Copies.—Upon receipt of the registration information, the department shall forward copies of the registration information to the Department of Aging and to the appropriate area agency on aging.

Section 503. Background checks.

(a) Initial report.—At the initial registration with the department, the owner or legal entity responsible for the operation of a private care residence shall submit with the registration a report of criminal history record information from the Pennsylvania State Police with respect to:

(1) the owner, operator or manager of the private care residence;

(2) any employee who provides or has an obligation to provide care to a care-dependent person in the private care residence; and

(3) any adult residing in the home for more than 30 days in a calendar year who is not a care-dependent person.

(b) Interim report.—The owner or legal entity responsible for the operation of a private care residence shall submit, with the annual registration under section 502(a), a report of the criminal history record information for any individual under subsection (a) who does not have a report on file with the department.

(c) Updating.—

(1) Except as set forth in paragraph (2), the owner or legal entity responsible for the operation of a private care residence shall ensure that a report of criminal history record information submitted under subsection (a) or (b) is updated at least once every five years.

(2) Paragraph (1) does not apply to a report about an individual who is no longer the subject of a report under subsection (a).

(d) Availability.—The owner or legal entity responsible for the operation of a private care residence shall make these reports available upon request to any care-dependent person residing in the residence, any individual acting in the care-dependent person's behalf or any prospective resident or individual acting in the care-dependent person's behalf.

Section 504. Inspection.

The department shall have the authority to visit and inspect a private care residence to determine if the facility has complied with the registration requirements of this chapter. To the fullest extent possible, if it has reason to suspect that an older adult resides in the residence, the department shall coordinate its visitation and inspection with the appropriate area agency on aging so that a determination can be made

by that agency if protective services are needed pursuant to the act of November 6, 1987 (P.L.381, No.79), known as the Older Adults Protective Services Act.

Section 505. Protective services.

An area agency on aging shall be responsible for investigating any report that an older adult is in need of protective services and providing necessary services pursuant to the act of November 6, 1987 (P.L.381, No.79), known as the Older Adults Protective Services Act.

Section 506. Report to Governor and General Assembly.

Within two years after the effective date of this chapter, the department shall submit a report to the Governor and the General Assembly containing its findings and recommendations regarding implementation of this chapter.

Section 507. Penalties and enforcement.

(a) General rule.—The owner or legal entity responsible for the operation of a private care residence who fails to register with the department shall be subject to a civil penalty of \$500 for failure to comply with this chapter.

(b) Injunction.—In addition to any other penalty, if the owner or legal entity responsible for the operation of a private care residence refuses to comply with the registration requirements of this chapter, the department shall maintain an action in the name of the Commonwealth for an injunction or other process restraining or prohibiting the operation of the private care residence.

(c) Incomplete or inaccurate registration.—If the owner or legal entity responsible for the operation of a private care residence supplies incomplete or inaccurate information in connection with registering under this chapter, the department shall notify the owner or legal entity responsible for the operation of its findings. Within 30 days after notice by the department of the need to provide additional information, the owner or legal entity responsible for the operation shall comply with the requirements of this chapter or be subject to a civil penalty of \$25 for each resident for each day the owner fails to provide complete and accurate registration information.

CHAPTER 9

MISCELLANEOUS PROVISIONS

Amend Sec. 13, page 11, line 3, by striking out "13" and inserting

901

On the question,

Will the House agree to the amendment?

AMENDMENT PASSED OVER TEMPORARILY

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Walko.

The Chair goes over that amendment for the time being.

On the question recurring,

Will the House agree to the bill on third consideration?

Mrs. **GINGRICH** offered the following amendment No. **A01935**:

Amend Sec. 2, page 3, lines 7 and 8, by striking out all of said lines

Amend Sec. 2, page 3, line 9, by striking out "(4)" and inserting (3)

Amend Sec. 2, page 3, line 10, by inserting after "SERVICES" , on behalf of an employee

Amend Sec. 4, page 4, line 15, by striking out "ON AN UNANNOUNCED BASIS,"

Amend Sec. 4, page 4, line 16, by inserting after "individual."

At least one home visit per year shall be conducted on an unannounced basis.

Amend Sec. 6, page 7, lines 22 and 23, by striking out “ENSURE THAT SUCH INFORMATION IS UPDATED” and inserting

comply with subsection (a)

Amend Sec. 6, page 7, line 27, by striking out “THIS SECTION” and inserting

subsection (a)

Amend Sec. 7, page 8, lines 6 and 7, by striking out “OBTAIN SUCH UPDATED DOCUMENTATION” and inserting

comply with subsection (a)

Amend Sec. 7, page 8, line 11, by striking out “THIS SECTION” and inserting

subsection (a)

Amend Sec. 8, page 8, line 30, by inserting a period after “7”

Amend Sec. 8, page 9, lines 21 through 23, by striking out “FOR A” in line 21 and all of lines 22 and 23

Amend Sec. 11, page 10, line 20, by inserting after “OR” and inserting

other

Amend Sec. 12, page 10, line 26, by inserting before “The”

(a) General rule.—

Amend Sec. 12, page 11, by inserting between lines 2 and 3

(b) Certain persons to be prohibited from participation in waiver.—Procedures and regulations under subsection (a) shall include, but not be limited to, prohibiting participation in a waiver for:

(1) an employee or any other individual who fails to meet the requirements of sections 6 and 7;

(2) an employee who fails to notify a provider of any other individual providing home and community-based services on behalf of the employee; or

(3) a provider who fails to comply with sections 6 and 7.

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—194

Adolph	Feese	Levdansky	Ross
Allen	Fichter	Mackereth	Rubley
Argall	Fleagle	Maher	Ruffing
Armstrong	Flick	Maitland	Sainato
Baker	Forcier	Major	Samuelson
Baldwin	Frankel	Manderino	Santoni
Barrar	Freeman	Mann	Saylor
Bastian	Gabig	Markosek	Scavello
Bebko-Jones	Gannon	Marsico	Schroder
Belardi	Geist	McCall	Semmel
Belfanti	George	McGeehan	Shaner
Benninghoff	Gerber	McGill	Shapiro
Bianucci	Gergely	McIlhattan	Siptroth
Birmelin	Gillespie	McIlhinney	Smith, B.
Bishop	Gingrich	McNaughton	Smith, S. H.
Blackwell	Godshall	Melio	Solobay
Blaum	Good	Metcalfe	Sonney
Boyd	Goodman	Micozzie	Staback
Bunt	Grell	Millard	Stairs
Buxton	Grucela	Miller, R.	Steil
Caltagirone	Gruitza	Miller, S.	Stern
Cappelli	Habay	Mundy	Stetler
Casorio	Haluska	Mustio	Stevenson, R.
Causar	Hanna	Myers	Stevenson, T.
Cawley	Harhai	Nailor	Sturla
Civera	Harhart	Nickol	Surra
Clymer	Harper	O'Brien	Tangretti
Cohen	Harris	Oliver	Taylor, E. Z.
Cornell	Hasay	O'Neill	Taylor, J.
Corrigan	Hennessey	Pallone	Thomas
Costa	Herman	Payne	Tigue
Crahalla	Hershey	Petrarca	Turzai
Creighton	Hess	Petri	Veon
Curry	Hickernell	Petrone	Vitali

Daley	Hutchinson	Phillips	Walko
Dally	James	Pickett	Wansacz
DeLuca	Josephs	Pistella	Waters
Denlinger	Kauffman	Preston	Wheatley
Dermody	Keller, M.	Pyle	Williams
DeWeese	Keller, W.	Quigley	Wilt
DiGirolamo	Kenney	Ramaley	Wojnaroski
Diven	Killion	Rapp	Wright
Donatucci	Kirkland	Raymond	Yewcic
Eachus	Kotik	Readshaw	Youngblood
Ellis	LaGrotta	Reed	Yudichak
Evans, D.	Leach	Reichley	Zug
Evans, J.	Lederer	Roberts	
Fabrizio	Leh	Rohrer	Perzel,
Fairchild	Lescovitz	Rooney	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—7

Butkovitz	Rieger	Sather	Watson
Cruz	Roebuck	True	

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

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair recognizes the gentlelady, Mrs. Watson, who is present on the floor of the House, and she will be added to the master roll call.

CONSIDERATION OF HB 1446 CONTINUED

On the question,

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

The SPEAKER pro tempore. Will the gentleman, Mr. Walko, please come to the rostrum.

(Conference held at Speaker’s podium.)

AMENDMENT A02211 WITHDRAWN

The SPEAKER pro tempore. The gentleman, Mr. Walko, has withdrawn his amendment, and the Chair thanks him.

On the question recurring,

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

Bill as amended 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.

The following roll call was recorded:

YEAS—195

Adolph	Fichter	Mackereth	Rubley
Allen	Fleagle	Maher	Ruffing
Argall	Flick	Maitland	Sainato
Armstrong	Forcier	Major	Samuelson
Baker	Frankel	Manderino	Santoni
Baldwin	Freeman	Mann	Saylor
Barrar	Gabig	Markosek	Scavello
Bastian	Gannon	Marsico	Schroder
Bebko-Jones	Geist	McCall	Semmel
Belardi	George	McGeehan	Shaner
Belfanti	Gerber	McGill	Shapiro
Benninghoff	Gergely	McIlhattan	Siptroth
Biancucci	Gillespie	McIlhinney	Smith, B.
Birmelin	Gingrich	McNaughton	Smith, S. H.
Bishop	Godshall	Melio	Solobay
Blackwell	Good	Metcalfe	Sonney
Blaum	Goodman	Micozzie	Staback
Boyd	Grell	Millard	Stairs
Bunt	Grucela	Miller, R.	Steil
Buxton	Gruitza	Miller, S.	Stern
Caltagirone	Habay	Mundy	Stetler
Cappelli	Haluska	Mustio	Stevenson, R.
Casorio	Hanna	Myers	Stevenson, T.
Causer	Harhai	Nailor	Sturla
Cawley	Harhart	Nickol	Surra
Civera	Harper	O'Brien	Tangretti
Clymer	Harris	Oliver	Taylor, E. Z.
Cohen	Hasay	O'Neill	Taylor, J.
Cornell	Hennessey	Pallone	Thomas
Corrigan	Herman	Payne	Tigue
Costa	Hershey	Petrarca	Turzai
Crahalla	Hess	Petri	Veon
Creighton	Hickernell	Petrone	Vitali
Curry	Hutchinson	Phillips	Walko
Daley	James	Pickett	Wansacz
Dally	Josephs	Pistella	Waters
DeLuca	Kauffman	Preston	Watson
Denlinger	Keller, M.	Pyle	Wheatley
Dermody	Keller, W.	Quigley	Williams
DeWeese	Kenney	Ramaley	Wilt
DiGirolamo	Killion	Rapp	Wojnaroski
Diven	Kirkland	Raymond	Wright
Donatucci	Kotik	Readshaw	Yewcic
Eachus	LaGrotta	Reed	Youngblood
Ellis	Leach	Reichley	Yudichak
Evans, D.	Lederer	Roberts	Zug
Evans, J.	Leh	Rohrer	
Fabrizio	Lescovitz	Rooney	Perzel,
Fairchild	Levdansky	Ross	Speaker
Feese			

NAYS—0

NOT VOTING—0

EXCUSED—6

Butkovitz	Rieger	Sather	True
Cruz	Roebuck		

HB 1619 RECONSIDERED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Fairchild, who moves that the vote by which HB 1619, PN 2138, which passed on the 27th day of June be reconsidered.

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

The following roll call was recorded:

YEAS—195

Adolph	Fichter	Mackereth	Rubley
Allen	Fleagle	Maher	Ruffing
Argall	Flick	Maitland	Sainato
Armstrong	Forcier	Major	Samuelson
Baker	Frankel	Manderino	Santoni
Baldwin	Freeman	Mann	Saylor
Barrar	Gabig	Markosek	Scavello
Bastian	Gannon	Marsico	Schroder
Bebko-Jones	Geist	McCall	Semmel
Belardi	George	McGeehan	Shaner
Belfanti	Gerber	McGill	Shapiro
Benninghoff	Gergely	McIlhattan	Siptroth
Biancucci	Gillespie	McIlhinney	Smith, B.
Birmelin	Gingrich	McNaughton	Smith, S. H.
Bishop	Godshall	Melio	Solobay
Blackwell	Good	Metcalfe	Sonney
Blaum	Goodman	Micozzie	Staback
Boyd	Grell	Millard	Stairs
Bunt	Grucela	Miller, R.	Steil
Buxton	Gruitza	Miller, S.	Stern
Caltagirone	Habay	Mundy	Stetler
Cappelli	Haluska	Mustio	Stevenson, R.
Casorio	Hanna	Myers	Stevenson, T.
Causer	Harhai	Nailor	Sturla
Cawley	Harhart	Nickol	Surra
Civera	Harper	O'Brien	Tangretti
Clymer	Harris	Oliver	Taylor, E. Z.
Cohen	Hasay	O'Neill	Taylor, J.
Cornell	Hennessey	Pallone	Thomas
Corrigan	Herman	Payne	Tigue
Costa	Hershey	Petrarca	Turzai
Crahalla	Hess	Petri	Veon
Creighton	Hickernell	Petrone	Vitali
Curry	Hutchinson	Phillips	Walko
Daley	James	Pickett	Wansacz
Dally	Josephs	Pistella	Waters
DeLuca	Kauffman	Preston	Watson
Denlinger	Keller, M.	Pyle	Wheatley
Dermody	Keller, W.	Quigley	Williams
DeWeese	Kenney	Ramaley	Wilt
DiGirolamo	Killion	Rapp	Wojnaroski
Diven	Kirkland	Raymond	Wright
Donatucci	Kotik	Readshaw	Yewcic
Eachus	LaGrotta	Reed	Youngblood
Ellis	Leach	Reichley	Yudichak
Evans, D.	Lederer	Roberts	Zug
Evans, J.	Leh	Rohrer	
Fabrizio	Lescovitz	Rooney	Perzel,
Fairchild	Levdansky	Ross	Speaker
Feese			

NAYS—0

NOT VOTING—0

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.

EXCUSED—6

Butkovitz	Rieger	Sather	True
Cruz	Roebuck		

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

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

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Fairchild, for suspension of the rules. The gentleman, Mr. Fairchild, is recognized.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

I would like to suspend the rules for the purpose of introducing amendment 02202. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—195

Adolph	Fichter	Mackereth	Rubley
Allen	Fleagle	Maher	Ruffing
Argall	Flick	Maitland	Sainato
Armstrong	Forcier	Major	Samuelson
Baker	Frankel	Manderino	Santoni
Baldwin	Freeman	Mann	Saylor
Barrar	Gabig	Markosek	Scavello
Bastian	Gannon	Marsico	Schroder
Bebko-Jones	Geist	McCall	Semmel
Belardi	George	McGeehan	Shaner
Belfanti	Gerber	McGill	Shapiro
Benninghoff	Gergely	McIlhattan	Siptroth
Biancucci	Gillespie	McIlhinney	Smith, B.
Birmelin	Gingrich	McNaughton	Smith, S. H.
Bishop	Godshall	Melio	Solobay
Blackwell	Good	Metcalfe	Sonney
Blaum	Goodman	Micozzie	Staback
Boyd	Grell	Millard	Stairs
Bunt	Grucela	Miller, R.	Steil
Buxton	Gruitza	Miller, S.	Stern
Caltagirone	Habay	Mundy	Stetler
Cappelli	Haluska	Mustio	Stevenson, R.
Casorio	Hanna	Myers	Stevenson, T.
Causar	Harhai	Nailor	Sturla
Cawley	Harhart	Nickol	Surra
Civera	Harper	O'Brien	Tangretti
Clymer	Harris	Oliver	Taylor, E. Z.
Cohen	Hasay	O'Neill	Taylor, J.
Cornell	Hennessey	Pallone	Thomas
Corrigan	Herman	Payne	Tigue
Costa	Hershey	Petrarca	Turzai
Crahalla	Hess	Petri	Veon
Creighton	Hickernell	Petrone	Vitali
Curry	Hutchinson	Phillips	Walko
Daley	James	Pickett	Wansacz
Dally	Josephs	Pistella	Waters
DeLuca	Kauffman	Preston	Watson
Denlinger	Keller, M.	Pyle	Wheatley
Dermody	Keller, W.	Quigley	Williams
DeWeese	Kenney	Ramaley	Wilt

DiGirolamo	Killion	Rapp	Wojnaroski
Diven	Kirkland	Raymond	Wright
Donatucci	Kotik	Readshaw	Yewcic
Eachus	LaGrotta	Reed	Youngblood
Ellis	Leach	Reichley	Yudichak
Evans, D.	Lederer	Roberts	Zug
Evans, J.	Leh	Rohrer	
Fabrizio	Lescovitz	Rooney	Perzel,
Fairchild	Levdansky	Ross	Speaker
Feese			

NAYS—0

NOT VOTING—0

EXCUSED—6

Butkovitz	Rieger	Sather	True
Cruz	Roebuck		

A majority of the members required by the rules having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

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

Mr. FAIRCHILD offered the following amendment No. **A02202**:

Amend Title, page 1, line 4, by removing the period after "Corporation" and inserting ; authorizing and directing the Department of General Services, with the approval of the Governor, to convey tracts of land and buildings, consisting of a portion of the former Laurelton Center, located in Hartley Township, Union County, Pennsylvania; and making a related repeal.

Amend Bill, page 4, lines 20 and 21, by striking out all of said lines and inserting Section 2. Conveyance in Hartley Township, Union County.

(a) Authorization.—The Department of General Services, with the approval of the Governor, is hereby authorized and directed, on behalf of the Commonwealth of Pennsylvania, to grant and convey the tracts of land described in subsection (b) and the improvements erected thereon to Mountain Valley, Inc., a Maryland Corporation, for consideration equal to fair market value, as determined by an independent appraisal.

(b) Description.—All those certain tracts or parcels of land, with improvements thereon erected, situate in Hartley Township, Union County, Pennsylvania, more particularly bounded and described as follows:

TRACT 1

ALL THAT CERTAIN parcel of land shown as Existing Parcel No. 1 on an addition lot subdivision prepared by Larson Design Group dated November 9, 1997 and recorded in the Union County Recorder of Deeds Office in Plat Book 19, Page 54.

CONTAINING 266.429-acres.

TRACT 2

ALL THAT CERTAIN parcel of land shown as Residual Lands of the Commonwealth of Pennsylvania on an addition lot subdivision prepared by Larson Design Group, dated November 9, 1997, and recorded in the Union County Recorder of Deeds Office in Plat Book 19, Page 54.

CONTAINING 5.993-acres.

TRACT 3

ALL THAT CERTAIN parcel of land shown as Existing Parcel No. 2 on an addition lot subdivision prepared by Larson Design Group,

dated November 9, 1997, and recorded in the Union County Recorder of Deeds Office in Plat Book 19, Page 54.

CONTAINING 64.428-acres.

(c) Easements.—The conveyance shall be made under and subject to all easements, servitudes and rights of others, including, but not confined to, streets, roadways and rights of any telephone, telegraph, water, electric, sewer, gas or pipeline companies, as well as under the subject to any interest, estates or tenancies vested in third persons, whether or not appearing of record, for any portion of the land or improvements erected thereon.

(d) General land use restriction.—The conveyance shall be under and subject to the condition, which shall be contained in the deed, that no portion of the property being conveyed shall be used as a licensed facility, as that term is defined in 4 Pa.C.S. § 1103 (relating to definitions) or for any other similar type of facility authorized under State law. The condition shall be a covenant running with the land and shall be binding upon the grantee, its successors and assigns. If a grantee, its successors or assigns permit the property authorized to be conveyed in this section, or any portion of the property, to be used in violation of this subsection, the title shall immediately revert to and revest in the grantor.

(e) Agricultural restriction.—That portion of the land as described in Tract 3 of subsection (b) that is currently subject to the provisions of the act of June 18, 1982 (P.L.549, No.159), entitled, "An act providing for the administration of certain Commonwealth farmland within the Department of Agriculture," shall continue to be subject to the restrictions provided for in that act and a restrictive covenant limiting the uses of the property to agricultural and open space uses shall be placed in the deed.

(f) Proceeds.—

(1) Except as provided in paragraph (2), the proceeds of the conveyance shall be paid into the State Treasury and deposited in the General Fund.

(2) The portion of the proceeds of the conveyance attributed to the property described in Tract 3 of subsection (b), which portion shall be determined by an independent appraisal, shall be deposited into the Agricultural Conservation Easement Purchase Fund.

(g) Approval.—The deed of conveyance shall be approved as provided by law and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(h) Costs.—Costs and fees incidental to the conveyance shall be borne by the grantee.

(i) Alternate disposal.—In the event that the conveyance under this section is not executed within one year of the effective date of this section, the property may be disposed of in accordance with section 2406-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

Section 3. Section 2 of the act of December 19, 1997 (P.L.623, No.66), entitled "An act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the City of McKeesport a tract of land situate in the Seventh Ward, City of McKeesport, Allegheny County, and to sell and convey to Smithfield Township certain land situate in the Township of Smithfield, Huntingdon County; and authorizing and directing the Department of General Services, with the approval of the Governor, to convey tracts of land and buildings, consisting of a portion of the former Laurelton Center, located in Hartley Township, Union County, Pennsylvania," is repealed as follows:

[Section 2. (a) The Department of General Services, with the approval of the Governor, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to grant and convey the following described tracts of land and the improvements erected thereon:

All those certain tracts or parcels of land, with improvements thereon erected, situate in Hartley Township, Union County, Pennsylvania, more particularly bounded and described as follows:

TRACT 1

Beginning at an existing steel pin and stones located on or near the northern right-of-way of S.R. 0045 and on the jurisdictional division line between lands of the Commonwealth of Pennsylvania, Bureau of Forestry and lands of the Commonwealth of Pennsylvania, Department of Public Welfare.

Thence along lands of the Commonwealth of Pennsylvania, Bureau of Forestry by the four following courses and distances:

1. North 22 degrees 29 minutes 55 seconds east, 3685.15 feet, to an existing witnessed stone pile;

2. North 74 degrees 47 minutes 54 seconds east, 831.53 feet, to an existing witnessed stone pile;

3. South 75 degrees 02 minutes 58 seconds east, 143.22 feet, to a point east of Stony Run Road;

4. South 25 degrees 32 minutes 58 seconds east, 1472.86 feet, to an existing witnessed stone pile east of Stony Run Road;

5. Thence along lands of William G. Rodgers and lands of W. James Beamesderfer and Craig A. Beamesderfer and crossing Stony Run Road, south 75 degrees 56 minutes 43 seconds west, 221.73 feet, to an existing stone pile;

6. Thence along lands W. of James Beamesderfer and Craig A. Beamesderfer and lands of Eileen R. Wiand and Lisa L. Mattern, south 20 degrees 40 minutes 20 seconds east, 1491.80 feet, to an existing witnessed stone pile;

7. Thence along lands of Eileen R. Wiand and Lisa L. Mattern, north 65 degrees 52 minutes 26 seconds east, 319.07 feet, to a point in the center of Stony Run Road.

Thence along the center of Stony Run Road and lands of the Commonwealth of Pennsylvania, Bureau of Forestry, by the eight following courses and distances:

1. South 33 degrees 57 minutes 45 seconds east, 570.05 feet, to point in the center of Stony Run Road;

2. South 33 degrees 07 minutes 08 seconds east, 653.60 feet, to point in the center of Stony Run Road;

3. South 30 degrees 01 minute 39 seconds east, 122.79 feet, to point in the center of Stony Run Road;

4. South 21 degrees 25 minutes 18 seconds east, 74.09 feet, to point in the center of Stony Run Road;

5. South 07 degrees 41 minutes 59 seconds east, 91.09 feet, to point in the center of Stony Run Road;

6. South 04 degrees 55 minutes 47 seconds west, 109.33 feet, to point in the center of Stony Run Road;

7. South 09 degrees 10 minutes 51 seconds west, 414.31 feet, to point in the center of Stony Run Road;

8. South 09 degrees 14 minutes 46 seconds west, 603.60 feet, to point on the northern right-of-way of S.R. 0045.

Thence along the northern right-of-way S.R. 0045 by the 13 following courses and distances:

1. North 70 degrees 20 minutes 12 seconds west, 263.53 feet, to a point;

2. North 19 degrees 39 minutes 48 seconds east, 5.00 feet, to a point;

3. North 70 degrees 20 minutes 12 seconds west, 150.00 feet, to a point;

4. South 19 degrees 39 minutes 48 seconds west, 5.00 feet, to a point;

5. North 70 degrees 20 minutes 12 seconds west, 250.29 feet, to a point;

6. North 71 degrees 27 minutes 12 seconds west, 359.32 feet, to a point;

7. North 70 degrees 18 minutes 12 seconds west, 700.74 feet, to a point;

8. North 70 degrees 42 minutes 12 seconds west, 1288.90 feet, to a point;

9. North 19 degrees 17 minutes 48 seconds east, 5.00 feet, to a point;

10. North 70 degrees 42 minutes 12 seconds west, 1145.04 feet, to a point;

11. By a curve to the left having a radius of 3854.70 feet, an arc length of 5.01 feet and a central angle of 00 degrees 04 minutes 28 seconds and a chord of north 70 degrees 44 minutes 26 seconds west, 5.01 inches;

12. South 19 degrees 13 minutes 20 seconds west, 5.00 feet, to a point;

13. By a curve to the right having a radius of 3849.70 feet, an arc length of 277.72 inches and a central angle of 04 degrees 08 minutes 00 seconds and a chord of north 72 degrees 50 minutes 40 seconds west, 277.66 feet, to an existing steel pin and stones, the point and place of beginning.

Tract 1 containing 266.428 acres as above described.

TRACT 2

Beginning at an existing steel pin located approximately 2850 feet east of the intersection of S.R. 0045 and S.R. 0235 and being on or near the southern right-of-way line of S.R. 0045 and on the division line between lands of the Commonwealth of Pennsylvania and lands of Arlon E. Wallace and Crystal A. Heeter.

1. Thence along lands of Arlon E. Wallace and Crystal A. Heeter and lands of Bradley F. Walter and Angelia Walter, south 08 degrees 15 minutes 05 seconds west, 1253.61 feet, to an existing twin oak tree;

2. Thence along lands of Raymond Hoover and Wilma Hoover, north 79 degrees 40 minutes 38 seconds west, 859.47 feet, to an existing steel pin;

3. Thence along lands of Richard J. Harvey and Janet L. Harvey and lands of Montana L. Schlegel and Janice M. Schlegel, north 18 degrees 33 minutes 56 seconds west, 840.74 feet, to an existing steel pin;

4. Thence along lands of Montana L. Schlegel and Janice M. Schlegel, south 72 degrees 46 minutes 49 seconds west, 762.09 feet, to a point on the eastern right-of-way of S.R. 0235.

Thence along the eastern right-of-way of S.R. 0235 by the four following courses and distances:

1. North 26 degrees 19 minutes 18 seconds west, 731.70 feet, to a point;

2. By a curve to the right having a radius of 2844.79 feet, an arc length of 354.94 feet, and a central angle of 07 degrees 08 minutes 55 seconds, and a chord of north 22 degrees 44 minutes 50 seconds west, 354.71 feet to a point;

3. North 19 degrees 10 minutes 23 seconds west, 478.05 feet to a point;

4. By a curve to the right having a radius of 35 feet, an arc length of 78.70 feet, and a central angle of 128 degrees 50 minutes 11 seconds, and a chord of north 45 degrees 14 minutes 43 seconds east, 63.14 feet to a point on the southern right-of-way of S.R. 0045.

Thence along the southern right-of-way of S.R. 0045 by the three following courses and distances:

1. South 70 degrees 20 minutes 12 seconds east, 1020.05 feet, to a point;

2. South 69 degrees 40 minutes 12 seconds east, 1556.28 feet, to a point;

3. By a curve to the right having a radius of 1318.45 feet, an arc length of 192.46 feet, and a central angle of 08 degrees 21 minutes 49 seconds, and a chord of south 65 degrees 29 minutes 18 seconds east, 192.28 feet to an existing steel pin, the point and place of beginning.

Tract 2 containing 64.428 acres as above described.

TRACT 3

Beginning at an existing steel pin located approximately 1180 feet west of the intersection of S.R. 0045 and S.R. 0235 and being on or near the southern right-of-way of S.R. 0045 and on the jurisdictional division line between lands of the Commonwealth of Pennsylvania, Department of Conservation and Natural Resources, and lands of the Commonwealth of Pennsylvania, Department of Public Welfare.

Thence along lands of the Commonwealth of Pennsylvania, Department of Conservation and Natural Resources, by the 12 courses and distances:

1. South 19 degrees 12 minutes 21 seconds west, 198.88 feet to an existing steel pin;

2. South 67 degrees 09 minutes 50 seconds east, 127.12 feet to a point;

3. South 28 degrees 08 minutes 01 second east, 256.88 feet to a point;

4. South 150 degrees 52 minutes 30 seconds west, 191.06 feet to an existing steel pin;

5. South 40 degrees 31 minutes 46 seconds east, 230.04 feet to an existing steel pin;

6. South 71 degrees 04 minutes 15 seconds west, 186.38 feet to an existing steel pin;

7. South 84 degrees 43 minutes 54 seconds west, 300.50 feet to an existing steel pin;

8. North 68 degrees 29 minutes 54 seconds west, 173.17 feet to an existing steel pin;

9. North 04 degrees 18 minutes 51 seconds east, 692.26 feet to an existing steel pin;

10. North 30 degrees 23 minutes 16 seconds west, 123.70 feet to an existing steel pin;

11. North 13 degrees 21 minutes 43 seconds west, 206.87 feet to an existing steel pin;

12. South 70 degrees 42 minutes 12 seconds east, 94.27 feet to an existing steel pin;

13. Thence along the southern right-of-way of S.R. 0045, south 70 degrees 18 minutes 12 seconds east, 356.77 feet to an existing steel pin, the point and place of beginning.

Tract 3 containing 9.832 acres as above described.

(b) The three tracts under this section or parts thereof may be offered together or separately.

(c) Notwithstanding Article XXIV-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, the Department of General Services shall, through sealed bids, auction or request for proposal, select the purchaser of the tracts and sell the property under this section. Acceptance of an offer shall be subject to a minimum price requirement as established by the department which shall be within a range of fair market value as established through independent appraisal. Proposals submitted in response to a request for proposal must demonstrate a value to the Commonwealth equivalent, to the fair market value range as established by the department through independent appraisal. In establishing the value equivalent the department shall consider the following factors: actual monetary consideration, creation of construction jobs, creation of permanent jobs, expansion of local tax base, economic growth, community development, highest and best use and public purpose.

(d) The conveyances shall be made under and subject to all easements, servitudes and rights of others, including, but not confined to, streets, roadways and rights of telephone, telegraph, water, electric, sewer, gas or pipeline companies, as well as under and subject to any interest, estates or tenancies vested in their persons, whether or not appearing of record, for any portion of land or improvements erected thereon.

(e) The deeds of conveyance shall be approved as provided by law and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(f) Costs and fees incidental to the conveyance under subsection (a) shall be borne by the grantee.

(g) The costs and fees incurred by the Department of General Services for preparing the property under subsection (b) for sale, including, but not limited to, environmental assessments, marketing services, title searches, advertising, appraisals, auctioneer fees and surveys, and by the Department of Public Welfare for protecting and securing the property shall be deducted from the purchase price, and that amount shall be an executively authorized augmentation to the appropriation from which the costs and fees were paid by the departments, with priority reimbursements being made to General Services and then Public Welfare.

(h) That portion of the conveyance authorized by subsection (b) currently subject to the provision of the act of June 18, 1982 (P.L.549, No.159), entitled "An act providing for the administration of certain Commonwealth farmland within the Department of Agriculture," shall continue to be subject to the restrictions provided for in that act and a restrictive covenant limiting the uses of such property to agricultural/open space uses shall be placed in the deed.]

Section 4. This act shall take effect immediately.

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Could we have a brief explanation of this amendment?

The SPEAKER pro tempore. The gentleman seeks to interrogate the maker of the amendment?

Mr. VITALI. Yes, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman agree?

The gentleman does, and you may proceed.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

This was essentially the House bill that came out of the State Government Committee. It transfers Laurelton Center in Union County. The only difference than the language that came out of the State Government Committee was the language that was required by last week's Pennsylvania Supreme Court ruling concerning putting all the language in that is deleted or that is repealed.

And I am not sure, Mr. Vitali, but I think you were at that meeting, but what happened is, we repealed part of Act 66, and this amendment simply reflects that; that that language, that repealer language, is actually in the amendment.

Mr. VITALI. Okay. Now, as I recall from that meeting, you did at that time have a rule 32 from the Department of General Services.

Mr. FAIRCHILD. That is correct.

Mr. VITALI. Now, with regard to this amendment and the changes you made, have they in fact approved the transfer in this fashion? In other words, do you have a DGS approval for this particular form of transfer?

Mr. FAIRCHILD. No, because we did not change any language other than complying with the Supreme Court decision which simply said that you had to articulate. Instead of saying section 3 of Act 66 was deleted, you had to say section 3 of Act 66 was deleted and here is the language.

Mr. VITALI. Thank you.

Mr. FAIRCHILD. That is the only difference. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentelady, Mrs. Miller.

Mrs. MILLER. Thank you, Mr. Speaker.

Mr. Speaker, as someone who is concerned about making sure that our State farmlands that are covered under Act 159 are continued to be protected by statute that requires them to stay in open space for agriculture, I would like to establish for the record by interrogating the sponsor of this amendment that in fact the language of his amendment does contain language saying that that agriculture deed restriction will be maintained and also that the proceeds of the sale of this farmland will go toward the Farmland Preservation Program in Pennsylvania, which has been clearly outlined in previous statute.

The SPEAKER pro tempore. The Chair thanks the lady and requests interrogation of the maker of the amendment. Does the gentleman agree?

You may proceed.

Mr. FAIRCHILD. Thank you, Mr. Speaker, and thank you, Representative Miller, for being on top of this subject.

Yes. To answer your question directly, there is an agricultural restriction on, I believe it is about 67 acres, and the proceeds of that portion of the property shall go to the land protection fund, the ag land protection fund.

Mrs. MILLER. Thank you, Mr. Speaker.

And I support this amendment and would encourage all my colleagues to do so also.

The SPEAKER pro tempore. The Chair thanks the lady.

The Chair recognizes the gentleman, Mr. Caltagirone.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

I would like to interrogate the maker of the amendment, please.

The SPEAKER pro tempore. The gentleman has agreed, and you may proceed.

Mr. CALTAGIRONE. Mr. Speaker, the original sale of this tract of land was handled by the Department of General Services. Is that correct?

Mr. FAIRCHILD. Yes. Actually, it was in the legislative arena directly, and then the Department of General Services decided to, well, in concert with the State Senator and the State Representative and the community, decided to put it back into the DGS surplus property list.

Mr. CALTAGIRONE. Was there a legitimate bidding process that took place and a check submitted to the Department of General Services for said tract?

Mr. FAIRCHILD. Actually, there were at least three legitimate, signed agreements with the Department of General Services, but for various reasons those proposals were either withdrawn by the bidders or rejected by the Department of General Services.

Mr. CALTAGIRONE. Mr. Speaker, was it not a fact, though, that Firetree, Ltd., put down \$83,000, and the State government, through General Services, held that check for well over 4 months, and that for whatever reason the final contract with the State, even though it was an open bid, was not consummated for whatever reasons?

Mr. FAIRCHILD. For whatever reason that is correct. The Department of General Services has stated many times, both in Harrisburg and to the local media and to myself and our State Senator, that there are no bids before General Services at this time.

Mr. CALTAGIRONE. But did they not hold the check for over 4 months before returning it, without interest, to the party that received the high-bid award when that was granted?

Mr. FAIRCHILD. I am not sure. I do know the check has been returned. I understand that is the dynamics of when somebody puts a check, and it was put into another Department of Revenue account, and I am not sure on that. I did not have anything to do with that.

Mr. CALTAGIRONE. The firm, Mr. Speaker, that is alluded to in this amendment, is it a State firm in Pennsylvania or is it an out-of-State firm?

Mr. FAIRCHILD. This firm is located in Maryland. They did try to get incorporated in Pennsylvania. They wanted to do it before we adjourned so we could get it in the legislation. In fact, the proprietor brought his attorneys to Harrisburg hoping to get

a quick corporation formed and was informed that there was a backlog and that it would take approximately 3 to 4 weeks. So in order to proceed, they incorporated in Maryland and have stated that they will reincorporate in Pennsylvania in the near future.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

If I may speak on the amendment, please.

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

Mr. CALTAGIRONE. I think we are treading on very, very dangerous ground with this amendment, because as I understand the history of what has taken place here, even though there was a legitimate sale that took place and a check was presented to General Services for this particular acquisition, some things happened evidently in the background, over a 4-month period, I might add, without interest on that check that was being held, and because of concerns or conversations with this administration about the particular use of or reuse of these facilities, it brings into question as to whether or not we should be legislating contracts for particular firms that are out of State that would like to acquire this facility for their particular use.

I just think that after reviewing the case history about how all of this transpired, it would be in our best interest not to approve this amendment, and I would respectfully ask the members to consider voting in the negative on this amendment.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Fairchild.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

There are a couple things the members need to know. Number one, DGS does not have a signed agreement of sale. Number two, everyone knows here that DGS has to do a rule 32. Essentially what that says is that this is the government agency that has reviewed everything and they have given it a positive endorsement. Third, you need to know that we are spending about a million dollars a year of taxpayers' money to maintain this piece of property that has been vacant since 1998.

Perhaps last you need to know, there have been four bidders. Three had agreements of sale. The fourth never had an agreement of sale. And for that reason it just makes sense that we move forward.

There was a task force. There were actually two task forces formed. One had 25 members appointed by Governor Ridge; the second was formed by myself and Senator Corman, who did great due diligence in investigating the background, looking what was best for the community, and came up with this firm. Just because they are across the border, from Maryland, heavens to Betsy, I thought we were trying to attract businesses to Pennsylvania, not put up a wall and keep them out.

This person is going to spend \$1.75 million on the property; \$1.75 million. That is an awful lot more than has ever been offered for it on a cash sale, and it is time we get rid of it. It is time we say to our friends and businesses in other States, come here. Heavens to Betsy, how many times have we heard about we are keeping companies out of Pennsylvania?

This should be a refreshing event for the Pennsylvania House of Representatives, and we should vote positive. Thank you very much.

And lastly, I would like to say to Representative Buxton, on a very tough day, the gentleman said that he would support my amendment, and I appreciate that very much, Ron, and we know how tough it is, and our hearts go out to you.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

I would also like to interrogate the maker of the amendment.

The SPEAKER pro tempore. The gentleman has agreed, and you may proceed.

Mr. SAMUELSON. Thank you.

I added up the acreage that the amendment seeks to transfer, about 336 acres involved in this amendment. I wonder if the gentleman might give a description of the property or what this Maryland corporation seeks to do with the property.

Mr. FAIRCHILD. I would be glad to, Mr. Speaker.

First, there is about 67 acres of open space that is the deed-restricted open space that I referred to. This will remain in open space, agricultural use, or those uses permitted under the open space statutes. The rest of it is made up of approximately 50 buildings that house— The last use, for a long time, was a facility for mental retardation patients/clients.

There is an on-site power plant. There is an on-site water supply. And essentially the bottom line is, if this was located perhaps in your district or southeast Pennsylvania or something, we could probably get a lot more money for it. It has been advertised by DGS, by national search firms, and quite frankly, when it comes to real estate, it is probably location, location, location.

There is about \$3 or \$4 million in asbestos remediation that will be required depending upon what your use is. There is some minor contamination. However, the Department of Environmental Protection has stated that they will give a phase 2 on the site.

So all in all, we have gone around the block. The present user wants to use some of the buildings for a small business incubator center. He wants to put a car museum there and a series of bed and breakfasts. He is presently in the high-tech security business. He does a lot of work for the government. And the committee that made the recommendations to Senator Corman and myself feel confident that this will be a fresh start for these vacant buildings.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER pro tempore. Mr. Caltagirone, were you seeking recognition?

Mr. CALTAGIRONE. Yes, Mr. Speaker, I was.

The SPEAKER pro tempore. I apologize. None of us saw you there, and the clerk will strike the vote.

You are now recognized, sir.

Mr. CALTAGIRONE. I would like to interrogate the maker for a second time, if he would stand.

The SPEAKER pro tempore. The gentleman has agreed, and you may proceed.

Mr. CALTAGIRONE. Mr. Speaker, is this particular issue involved in litigation at this time in the courts, to the best of your knowledge?

Mr. FAIRCHILD. At this time?

Mr. CALTAGIRONE. Yes.

Mr. FAIRCHILD. Yes, but it does not have anything to do with the legitimate legislative functions of this body.

Mr. CALTAGIRONE. Was the Governor or any of his staff involved in any of these transactions, to the best of your knowledge?

Mr. FAIRCHILD. The administration certainly was, through the Department of General Services.

Mr. CALTAGIRONE. Did you in fact meet with either the Governor, his representatives, or General Services Secretary or their representatives about this very issue?

Mr. FAIRCHILD. I have met with every Governor, every Department of General Services Secretary about this property since it was announced that it was going to close on September 11, 1996.

Mr. CALTAGIRONE. Could you reveal to this chamber any of the issues that may have been raised by this current administration and this Governor about this particular piece of land?

Mr. FAIRCHILD. I cannot speak to the issues that were raised concerning what the administration raised, but I can certainly speak to the issues that I raised in conjunction with my constituents and those that had an interest in divesting of this property.

Those issues centered around making the best use of the property, melding it into the community, making sure that the property returned to the tax rolls as it was intended to be from the very beginning, stated by both Governor Ridge and his Secretary in prior processes where they had for-profit entities vying to locate there. The zoning was an issue. Land use was an issue.

What happened was the task forces developed criteria that they used to evaluate the proposers.

Mr. CALTAGIRONE. Was not the original purchase that was offered, would that not in fact put it back on the tax rolls if Firetree would have acquired such property? Is that not the case?

Mr. FAIRCHILD. Which proposer are you talking about?

Mr. CALTAGIRONE. The original bid that was accepted and the money held for 4 months.

Mr. FAIRCHILD. The original— There were, as I said, there were four bidders. Three had signed agreements. All three of those put the property back on the tax roll. The last one, we never had an agreement, so—

Mr. CALTAGIRONE. No, but I am saying, basically if Firetree would have acquired the property, it would have ended up on the tax rolls if that would have been the case and they would have accepted the check that was written over 4 months ago?

Mr. FAIRCHILD. No.

Mr. CALTAGIRONE. You are saying it would not have gone back on the tax rolls?

Mr. FAIRCHILD. That is correct.

Mr. CALTAGIRONE. Okay. Thank you, Mr. Speaker.

Mr. FAIRCHILD. Firetree is a nonprofit corporation, and I think you would have to talk with the Department of

General Services, and I think they would be glad to respond to you, but that was one of the issues.

Mr. CALTAGIRONE. Well, Mr. Speaker, it is my understanding in the several operations that they have around this Commonwealth, in my district, in Philadelphia, a couple of other places, that in fact once they have acquired property, they do in fact pay the property taxes. Even though they are considered a nonprofit, they do pay the property taxes on those facilities.

Thank you, Mr. Speaker.

If I could make a statement.

The SPEAKER pro tempore. The Chair thanks the gentleman, and you may proceed.

Mr. CALTAGIRONE. I will reiterate once more to this House, I think it is a sad day if you go ahead and vote this. I will vote "no." You vote your own mind. You have heard the issues. I think there is going to be a lot more to come in future months about this very issue, and you are going to be reading about it. I do not say that lightly.

If any of you know anything about me and the homework that I do on issues like this, you will understand there is a lot more involved in this particular issue. I alluded to some of it, if you can read between the lines. I think you are going to find out, days to come and months to come, there is a lot more involved in this. I think it is in our best interest to either hold off on this if you have any doubts or just vote "no." I plan to vote "no."

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

HARRISBURG LEGISLATIVE LEAVE

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. DeWeese, who requests a Capitol leave for the gentleman, Mr. SURRA. Without objection, the leave is granted.

CONSIDERATION OF HB 1619 CONTINUED

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

The following roll call was recorded:

YEAS—175

Adolph	Fichter	Levdansky	Rohrer
Allen	Fleagle	Mackereth	Rooney
Argall	Flick	Maher	Ross
Armstrong	Forcier	Maitland	Rubleby
Baker	Frankel	Major	Ruffing
Baldwin	Freeman	Manderino	Sainato
Barrar	Gabig	Mann	Santoni
Bebko-Jones	Gannon	Markosek	Saylor
Belardi	Geist	Marsico	Scavello
Belfanti	George	McCall	Schroder
Benninghoff	Gillespie	McGeehan	Semmel
Biancucci	Gingrich	McGill	Shaner
Birmelin	Godshall	McIlhattan	Shapiro
Bishop	Good	McIlhinney	Siptroth
Blaum	Goodman	McNaughton	Smith, B.
Boyd	Grell	Melio	Smith, S. H.
Bunt	Grucela	Metcalfe	Sonney
Buxton	Gruitza	Micozzie	Staback

Cappelli	Habay	Millard	Stairs
Casorio	Haluska	Miller, R.	Steil
Causser	Hanna	Miller, S.	Stern
Cawley	Harhai	Mundy	Stetler
Civera	Harhart	Mustio	Stevenson, R.
Clymer	Harper	Nailor	Stevenson, T.
Cornell	Harris	Nickol	Surla
Corrigan	Hasay	O'Brien	Surra
Costa	Hennessey	Oliver	Tangretti
Crahalla	Herman	O'Neill	Taylor, E. Z.
Creighton	Hershey	Pallone	Taylor, J.
Curry	Hess	Payne	Tigue
Daley	Hickernell	Petrarca	Turzai
Dally	Hutchinson	Petri	Veon
DeLuca	Josephs	Phillips	Wansacz
Denlinger	Kauffman	Pickett	Watson
Dermody	Keller, M.	Pistella	Wheatley
DeWeese	Keller, W.	Preston	Wilt
DiGirolamo	Kennedy	Pyle	Wojnaroski
Diven	Killion	Quigley	Wright
Eachus	Kirkland	Ramaley	Youngblood
Ellis	LaGrotta	Rapp	Yudichak
Evans, D.	Leach	Raymond	Zug
Evans, J.	Lederer	Reed	
Fabrizio	Leh	Reichley	Perzel,
Fairchild	Lescovitz	Roberts	Speaker
Feese			

NAYS—20

Bastian	Gerber	Petrone	Vitali
Blackwell	Gergely	Readshaw	Walko
Caltagirone	James	Samuelson	Waters
Cohen	Kotik	Solobay	Williams
Donatucci	Myers	Thomas	Yewcic

NOT VOTING—0

EXCUSED—6

Butkovitz	Rieger	Sather	True
Cruz	Roebuck		

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

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

The following roll call was recorded:

YEAS—191

Adolph	Fleagle	Mackereth	Ross
Allen	Flick	Maher	Rubley
Argall	Forcier	Maitland	Ruffing
Armstrong	Frankel	Major	Sainato
Baker	Freeman	Manderino	Samuelson
Baldwin	Gabig	Mann	Santoni

Barrar	Gannon	Markosek	Saylor
Bastian	Geist	Marsico	Scavello
Bebko-Jones	George	McCall	Schroder
Belardi	Gerber	McGeehan	Semmel
Belfanti	Gergely	McGill	Shaner
Benninghoff	Gillespie	McIlhattan	Shapiro
Biancucci	Gingrich	McIlhinney	Siptroth
Birmelin	Godshall	McNaughton	Smith, B.
Bishop	Good	Melio	Smith, S. H.
Blaum	Goodman	Metcalfe	Solobay
Boyd	Grell	Micozzie	Sonney
Bunt	Grucela	Millard	Staback
Buxton	Gruitza	Miller, R.	Stairs
Cappelli	Habay	Miller, S.	Steil
Casorio	Haluska	Mundy	Stern
Causser	Hanna	Mustio	Stetler
Cawley	Harhai	Myers	Stevenson, R.
Civera	Harhart	Nailor	Stevenson, T.
Clymer	Harper	Nickol	Surla
Cohen	Harris	O'Brien	Surra
Cornell	Hasay	Oliver	Tangretti
Corrigan	Hennessey	O'Neill	Taylor, E. Z.
Costa	Herman	Pallone	Taylor, J.
Crahalla	Hershey	Payne	Tigue
Creighton	Hess	Petrarca	Turzai
Curry	Hickernell	Petri	Veon
Daley	Hutchinson	Petrone	Vitali
Dally	James	Phillips	Walko
DeLuca	Josephs	Pickett	Wansacz
Denlinger	Kauffman	Pistella	Waters
Dermody	Keller, M.	Preston	Watson
DeWeese	Keller, W.	Pyle	Wheatley
DiGirolamo	Kennedy	Quigley	Wilt
Diven	Killion	Ramaley	Wojnaroski
Donatucci	Kirkland	Rapp	Wright
Eachus	Kotik	Raymond	Yewcic
Ellis	LaGrotta	Readshaw	Youngblood
Evans, D.	Leach	Reed	Yudichak
Evans, J.	Lederer	Reichley	Zug
Fabrizio	Leh	Roberts	
Fairchild	Lescovitz	Rohrer	Perzel,
Feese	Levdansky	Rooney	Speaker
Fichter			

NAYS—4

Blackwell	Caltagirone	Thomas	Williams
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NOT VOTING—0

EXCUSED—6

Butkovitz	Rieger	Sather	True
Cruz	Roebuck		

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.

**HARRISBURG LEGISLATIVE LEAVE
CANCELED**

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. DeWeese, who requests that the gentleman, Mr. Surra, be removed from Capitol leave. Without objection, it is granted.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1318, PN 1967**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for affidavits of candidates.

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

The SPEAKER pro tempore. The gentleman, Mr. Vitali, offers the following amendment, which the clerk will read. Strike that.

The gentleman, Mr. Vitali, are you withdrawing that amendment? The gentleman is withdrawing that amendment. The Chair thanks the gentleman.

Is the gentleman also withdrawing 1191? The Chair thanks the gentleman. He is also withdrawing 1191.

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

Mr. **METCALFE** offered the following amendment No. **A01896**:

Amend Title, page 1, line 11, by inserting after "providing"
for manner of applying to vote and

Amend Bill, page 5, by inserting between lines 3 and 4
Section 2. Section 1210(a.3) of the act, amended October 8, 2004 (P.L.807, No.97), is amended to read:

Section 1210. Manner of Applying to Vote; Persons Entitled to Vote; Voter's Certificates; Entries to Be Made in District Register; Numbered Lists of Voters; Challenges.—* * *

(a.3) All electors, including any elector that shows identification pursuant to subsection (a), shall subsequently sign a voter's certificate in blue, black or blue-black ink with a fountain pen or ball point pen, and, unless he is a State or Federal employe who has registered under any registration act without declaring his residence by street and number, he shall insert his address therein, and hand the same to the election officer in charge of the district register. Such election officer shall thereupon announce the elector's name so that it may be heard by all members of the election board and by all watchers present in the polling place and shall compare the elector's signature on his voter's certificate with his signature in the district register. If, upon such comparison, the signature upon the voter's certificate appears to be genuine, the elector who has signed the certificate shall, if otherwise qualified, be permitted to vote: Provided, That if the signature on the voter's certificate, as compared with the signature as recorded in the district register, shall not be deemed authentic by any of the election officers, such elector shall not be denied the right to vote for that reason, but shall be considered challenged as to identity and required to make the affidavit and produce the evidence as provided in subsection (d) of this section. When an elector has been found entitled to vote, the election officer who examined his voter's certificate and compared his signature shall sign his name or initials on the voter's certificate, shall, if the elector's signature is not readily legible, print such elector's name over his signature, and the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines, and at primaries a letter or abbreviation designating the party in whose primary he votes shall also be entered by one of the election officers or clerks. As each voter is found to be qualified and

votes, the election officer in charge of the district register shall write or stamp the date of the election or primary, the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines, and at primaries a letter or abbreviation designating the party in whose primary he votes, and shall sign his name or initials in the proper space on the registration card of such voter contained in the district register.

As each voter votes, his name in the order of voting shall be recorded in two (2) numbered lists of voters provided for that purpose, with the addition of a note of each voter's party enrollment after his name at primaries.

* * *

Amend Sec. 2, page 5, line 4, by striking out "2" and inserting
3

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

The SPEAKER pro tempore. On that question, the gentleman, Mr. Cohen, is recognized.

Mr. COHEN. Thank you, Mr. Speaker.

Will the gentleman, Mr. Metcalfe, please explain the amendment.

The SPEAKER pro tempore. The gentleman has agreed, and you may proceed.

Mr. METCALFE. The amendment would require that an elector sign in blue or black ink when signing in to vote.

Mr. COHEN. And suppose the elector brings a red pen with him and then is permitted to vote. What happens then?

Mr. METCALFE. Well, normally, from the experience I am working off of, that usually when you sign in, you are using the writing implement that is there at the station that is being used by the folks who are working the polls to sign you in. So I do not normally see people bringing their own pens in, but if it was a red-ink pen, then this would not allow for them to sign in red ink or to sign with a crayon or to sign with a pencil. It requires that they use black or blue ink.

Mr. COHEN. And, Mr. Speaker, what is the problem that we are trying to solve with this amendment?

Mr. METCALFE. The concern that with the way the law is currently written, that it does not require that it is signed in ink, and therefore, a pencil could be used and erased and would lead to possibly more falsification than would be allotted if you had it signed in ink.

Mr. COHEN. And how many occasions, Mr. Speaker, say, in the last decade have there been prosecutions of people involved in this situation?

Mr. METCALFE. I am not aware of any, but it does not mean that we should let it stand currently when the law seems to have a flaw in it that could open us up to more fraud, and I think it is a concern that we all have, to make sure that every vote counts and that those votes are votes of integrity, that they are actually the people voting that are registered to vote and that their signature is actually the signature of the person who registered to vote originally, that it is that person.

Mr. COHEN. And why, Mr. Speaker, if somebody signs in red ink or green ink or purple ink will you not be able to tell whether it is his signature?

Mr. METCALFE. Well, we just did not allot for all the colors of the rainbow. We just went with blue and black.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this seems to me to be just one more effort to throw off, to disqualify voters here and there from voting. It is

one more effort to create some little, nit-picking requirement that you know on a statewide basis, with over 6 million voters – I think the total voter figure is now 8 million – some tiny fraction of the electorate is going to go in and they are going to sign with some ink color other than blue or black ink, and then you have got a scandal. There are 138 people who signed with red ink or green ink or purple ink or something else, and now we have got them, and let us call for an investigation.

This amendment has no purpose whatsoever. There is no reason whatsoever for mandating with this degree of specificity what color ink people ought to sign in. You know that the more requirements you make, the more likely somebody is going to be to not meet one of your requirements. And our duty ought to be to structure the election process so that people can vote and that people can vote without interference, without harassment, without running an obstacle course, and this amendment serves no purpose whatsoever other than to create an obstacle which will throw off a voter here or a voter there.

And I am not certain what happens, Mr. Speaker, if you have a polling place in which one or two people vote and they register and they sign the form with green ink or red ink. What does somebody do? They go in after the election and say all the votes in this precinct ought to be thrown out because one or two people signed in red or green ink?

This amendment has no purpose. It is just another obstacle course to stop the exercise of constitutional rights, and I strongly urge that this amendment be defeated.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Westmoreland County, Mr. Pallone.

Mr. PALLONE. Thank you, Mr. Speaker.

This amendment is absolutely absurd. Since I began to vote in 1978, in Westmoreland County we signed all the books in pencil. There has never been a lawsuit filed in Westmoreland County because anyone has ever erased anybody's signature, at least that I know of since 1978.

If anyone looks at any of the case law in Pennsylvania coming down from the Supreme Court and any other court or jurisdiction, you will find out that the issue with the courts when it comes to voting is to not disenfranchise the voter. This is just another opportunity to try and disenfranchise the voters in Pennsylvania.

What the courts have said each and every time, and if you look at any of the recent court decisions, any of the historical court decisions, you will see that the judges and the judiciary in Pennsylvania have always said, let us make voting the best opportunity for the people in Pennsylvania. This is just another opportunity taken by a minority group to try and disenfranchise additional voters.

And while it even designates blue and black ink, any of us who know anything about the color wheel will tell you that there are at least 100 different shades of blue. Does it include only one color of blue or all 100 shades of blue?

This particular legislation is not only vague, but it is also intended to disenfranchise voters. If you vote "yes" for this, you are voting to disenfranchise voters in Pennsylvania, and I ask all of you to vote "no."

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the majority whip, Mr. Argall.

Mr. ARGALL. Thank you, Mr. Speaker.

Mr. Speaker, I have to admit I am somewhat mystified by this debate. I have seen this same requirement on countless documents across this Commonwealth for many, many years, and I think this is the first time I have ever heard an objection to it. I would ask for support for the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Philadelphia, Mr. Thomas. He waives off.

Anyone else seeking recognition?

The gentleman, Mr. James, is recognized.

Mr. JAMES. Thank you, Mr. Speaker.

Mr. Speaker, I just think this is absurd, and I think the previous speaker pointed out something that is really significant when he talked about what color of blue, and I think that we should vote against this because he does not specify what color of blue ink that we should use, and I think that this is just another opportunity and chance that they are trying to suppress the vote.

I do not know if the maker of the amendment remembers or found out what happened in Ohio now that they have checked out what happened in Ohio in the last Presidential election, and I think this is just another chance of where they are starting to work to suppress the vote for the next Presidential election, and I would urge a "no" vote.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentledady, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I believe we ought to be for expanding the franchise, not contracting it. I have always been for expanding the franchise to as many people who can vote, who are eligible to vote, ought to be able to vote. I would say this is definitely a "no" for anybody who cares about making sure that the maximum number of people, your constituents, have the opportunity to vote.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

Does the gentleman, Mr. Cohen, seek recognition for the second time? He is recognized.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, the Republican whip said that there are other requirements in State government and possibly other places where there is a requirement for blue and black ink. The difference is, this is conditioning a fundamental right on meeting that trivial, nit-picking requirement.

As Representative Grucela told me privately, there are people who are colorblind. I have a brother-in-law who is colorblind. People who are colorblind cannot tell the difference between different colored ink. Somebody may go in there and cast and sign with the wrong color of ink. There could be an election clerk who is colorblind. There could be endless number of little things that will give people an excuse to cast a challenge to a signature. And then there is the question of all the different shades of blue. Is blue-green okay? We are wasting our time; we are wasting the time of the courts; we are wasting the time of the voters in something that has no purpose.

CONSTITUTIONAL POINT OF ORDER

Mr. COHEN. Mr. Speaker, under the 14th Amendment to the Constitution, there has to be a rational purpose for every piece

of legislation. That is normally a very, very easy test to meet, but I would submit that the requirement that the voter sign in blue or black ink does not have a reasonable requirement, does not have a rational basis in fact. Signing in ink may be rational, but the specification of the colors of black and blue is not a rational purpose.

And in addition, there is a vagueness because there are so many different shades of black and blue. There is a vagueness to it, which also violates the 14th Amendment to the Constitution, because it is unclear whether any specific shade of black or blue would be covered there. And we are not talking about some trivial thing here. We are talking about the right to vote, which is fundamental, and the right to vote is fundamental even if a candidate is running unopposed, even if one party dominates an election precinct or election district or legislative district or congressional district. No matter how clear it is who is going to win an election in a given constituency, the right of every single person to cast a vote is a fundamental right guaranteed by the U.S. Constitution, and that right cannot be defeated by bureaucratic steps that are merely set up, as I believe this one is set up, to create an obstacle course for voters.

So therefore, I move that this amendment be declared unconstitutional in violation of the equal protection clause of the 14th Amendment.

The SPEAKER pro tempore. The gentleman, Mr. Cohen, raises the point of order that amendment A01896 is unconstitutional. The Speaker, under rule 4, is required to submit questions affecting the constitutionality of an amendment to the House for decision, which the Chair now does.

On the question,
Will the House sustain the constitutionality of the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I heard a lot of complaints about changing and ensuring that the law is set up so that we can make sure that every person's vote is protected in regard to signing, when they sign in to vote, that they would sign actually in pen rather than in pencil or crayon or some other shade of pen that would be different than the black or blue.

The motion is an interesting motion by the gentleman for constitutionality based on the shade of ink that would be used. I did not think I would hear an argument like that today, but I would ask for the membership to vote that this amendment is in fact constitutional, that it is an amendment that should be passed to protect every individual's vote.

There are other areas of the election law that require that someone use black or blue ink. It does not specify which black or blue shade to use. It does not allow for red or green or purple pens to be used or pink. It does not allow for crayons or pencil to be used. So I think changing this section of the law to ensure that it coincides with other areas of the law, to make sure that someone, when they sign in, that they use a black or blue pen, a black or blue pen that would be provided for at the election polling place – it would not be something that they would be required to provide – I think that is very reasonable, and it will ensure that we take one more step to protect every vote that is cast.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question of constitutionality, the gentleman from Montgomery County, Mr. Leach, is recognized.

Mr. LEACH. Thank you, Mr. Speaker.

Mr. Speaker, I have a slightly different take on this, which I am hoping will be an example on other issues.

I oppose the Metcalfe amendment. I think it is a bad amendment for a lot of the reasons that have been stated. However, I am going to vote “no” or “yes,” when I figure it out, I am going to vote that this is constitutional because I have said previously that we should not use constitutionality as a substitute for actually voting on the merits of bills. And what I have seen here since I have gotten here is that there is a motion to declare something unconstitutional, everyone who is for the bill thinks it is constitutional, everyone who is against the bill thinks it is unconstitutional, and I think that trivializes the constitutional process.

So what I am going to do is I am going to vote that the bill is constitutional, even though I oppose the amendment. I will vote “no” on the merits of the amendment if we get to that point. But I would hope that in the future when we consider the constitutionality of various amendments or pieces of legislation, we actually consider the constitutionality of them rather than just whether or not we think they are a good idea. I think that would be better. I think it would help the public take what we do here more seriously.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentlelady from Philadelphia County, Ms. Josephs. She waives off.

Those voting “aye” will vote to declare the amendment to be constitutional. Those voting “no” will vote to declare the amendment to be unconstitutional.

On the question recurring,
Will the House sustain the constitutionality of the amendment?

The following roll call was recorded:

YEAS—125

Adolph	Flick	Maher	Roberts
Allen	Forcier	Maitland	Rohrer
Argall	Freeman	Major	Ross
Armstrong	Gabig	Manderino	Rubley
Baker	Gannon	Mann	Ruffing
Baldwin	Geist	Marsico	Samuelson
Barrar	Gillespie	McGill	Saylor
Bastian	Gingrich	McIlhattan	Scavello
Belardi	Godshall	McIlhinney	Schroder
Benninghoff	Good	McNaughton	Semmel
Birmelin	Grell	Metcalfe	Smith, B.
Boyd	Gruitza	Micozzie	Smith, S. H.
Bunt	Habay	Millard	Sonney
Buxton	Haluska	Miller, R.	Stairs
Cappelli	Harhart	Miller, S.	Steil
Causer	Harper	Mundy	Stern
Cawley	Harris	Mustio	Stetler
Civera	Hasay	Nailor	Stevenson, R.
Clymer	Hennessey	Nickol	Stevenson, T.
Cornell	Herman	O'Brien	Taylor, E. Z.
Crahalla	Hershey	O'Neill	Taylor, J.
Creighton	Hess	Payne	Tigue

Dally	Hickernell	Petri	Turzai
Denlinger	Hutchinson	Phillips	Watson
DiGirolamo	Kauffman	Pickett	Wilt
Diven	Keller, M.	Preston	Wright
Ellis	Kenney	Pyle	Yewcic
Evans, J.	Killion	Quigley	Zug
Fairchild	Leach	Rapp	
Feese	Leh	Raymond	
Fichter	Levdansky	Reed	Perzel,
Fleagle	Mackereth	Reichley	Speaker

NAYS—70

Bebko-Jones	Evans, D.	Markosek	Siptroth
Belfanti	Fabrizio	McCall	Solobay
Bianucci	Frankel	McGeehan	Staback
Bishop	George	Melio	Sturla
Blackwell	Gerber	Myers	Surra
Blaum	Gergely	Oliver	Tangretti
Caltagirone	Goodman	Pallone	Thomas
Casorio	Grucela	Petrarca	Veon
Cohen	Hanna	Petrone	Vitali
Corrigan	Harhai	Pistella	Walko
Costa	James	Ramaley	Wansacz
Curry	Josephs	Readshaw	Waters
Daley	Keller, W.	Rooney	Wheatley
DeLuca	Kirkland	Sainato	Williams
Dermody	Kotik	Santoni	Wojnaroski
DeWeese	LaGrotta	Shaner	Youngblood
Donatucci	Lederer	Shapiro	Yudichak
Eachus	Lescovitz		

NOT VOTING—0

EXCUSED—6

Butkovitz	Rieger	Sather	True
Cruz	Roebuck		

The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the amendment was sustained.

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

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Northampton County, Mr. Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

I rise to interrogate Mr. Metcalfe.

The SPEAKER pro tempore. The gentleman agrees, and you may proceed.

Mr. SAMUELSON. One of the previous speakers said in Westmoreland County they sign the voter's certificate, when you go into the polling place, in pencil. When I think about it, in Northampton County in the polling place, they do the same thing. You go in; you sign your name in pencil.

If this amendment would pass and in the future a polling place somewhere in Pennsylvania would continue to use a pencil, what would be the recourse? Would the entire number of votes from that precinct be thrown out, or what would be the recourse if somebody does not use a blue or black fountain pen or ball-point pen?

Mr. METCALFE. Well, I would believe that the judge of elections in the polling places across Pennsylvania would be required to ensure that they are using pens. So I would hope that

they would be enforcing the law as they are supposed to do when they are elected to become a judge of election.

Mr. SAMUELSON. I do understand if this was the new law, that they would be asked to enforce that law, but what if somebody made a mistake and used a felt-tip pen or a pencil, as is the current practice in some areas? What would happen to the votes of the voters in that precinct?

Mr. METCALFE. I do not know of any section of law that would address what the recourse would be. If the judge of elections did not enforce the law, I am not sure what the recourse would be for a penalty for them not enforcing the law. I am just sure once they cast their ballot, once they have signed in, the judge allows them to vote, then their vote has been cast. Normally if the judge of election would be standing there and watching the process, they would require that whoever was signing in would sign in with a pen. If they sign in with a pencil, hopefully that judge of election would correct them and require them to sign in pen. But once you sign in, you are given your ballot, as I understand it, or you are allowed to enter the booth and cast your vote. So once you are signed in, your vote is cast.

Mr. SAMUELSON. If a mistake was discovered later that a pencil or a felt-tip pen or a Sharpie or something was used, that would not affect — the vote would still stand. The votes of that precinct would not be thrown out, you are saying?

Mr. METCALFE. I would not think that they would, but like I said, I am not sure what section of law would address that. I would not see why they would be thrown out. I would hope that, as I said, the judge of elections would actually enforce the law and require people to sign in in pen so it could be validated later on and somebody could not, you know, falsify records or change something that was written in pencil.

Mr. SAMUELSON. And my second question is, under current law, if this amendment would not pass, if somebody signs a voter certificate and somebody else seeks to alter that signature, is that not illegal already in Pennsylvania?

Mr. METCALFE. I would assume so.

Mr. SAMUELSON. And the person who would seek to alter that signature could be prosecuted right now under current law. Why would this be necessary if that action would result in prosecution right now?

Mr. METCALFE. It would have to be discovered, for one, and I do not understand the objection to a commonsense change that would say that you should sign legal documents in pen. I mean, if you go in and sign most any legal document or take place in a legal proceeding, I do not see people using pencils and crayons and all colors of ink due to copying practices and things like that. Blue and black ink do copy better off of a document when you use that color if you have to copy other documents. But as I said, other areas of the election law require that you sign in in blue or black ink. Requiring that somebody sign in in blue or black ink, especially when the writing implement is being provided to them to do so, I do not understand the objection, unless people just like pencils so much more and the ability to have an eraser, but I do not understand what the problem is with a pen.

Mr. SAMUELSON. Okay. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the amendment stand for interrogation?

The SPEAKER pro tempore. He agrees, and you may proceed, sir.

Mr. VITALI. Thank you, Mr. Speaker.

I am just trying to understand this, because for as long as I have been voting, I go to the election, I wait in line, I go to the polls, they open the book, they give me a pencil, and I sign the sheet, and I vote, and it just seems like in this case your concern is the signature being erased. Right?

Mr. METCALFE. My concern is that they are signing in pencil, which could lend itself to becoming fraudulently changed or erased or altered in some manner. If we sign in ink, then there is not a problem with going back to verify that a signature was actually signed.

Mr. VITALI. Well, where would the fraud occur? Let us use my example. I go to the polls, I sign in pencil—

Mr. METCALFE. I am not here to deal in fiction. If you want to ask questions regarding the change, that is fine. I am not going to go through a host of examples for you.

Mr. VITALI. Now, let us just do one, because it is your amendment.

Mr. METCALFE. No, I am not even going to entertain one. If you want to go ahead and speculate in fiction, you are free to.

I would like to change the law to ensure that we have someone signing in pen, like you do on so many other legal documents, rather than pencil or crayon or one of many other colors of the rainbow. I think blue or black ink is very commonsense to have somebody sign a legal document.

Mr. VITALI. Okay. Now, I am trying to understand how your amendment is going to work. So tell me what you are trying to prevent in this hypothetical. I walk into the polling place, I sign, I vote—

The SPEAKER pro tempore. Will the gentleman suspend.

The gentleman has already indicated he does not wish to answer those kinds of questions. Does the gentleman wish to discontinue interrogation?

Mr. VITALI. No. I want to continue, but I am—

The SPEAKER pro tempore. Pardon me. I am asking the gentleman, Mr. Metcalfe.

Mr. METCALFE. If he has a legitimate question that is not going to deal in a fictional example, then I am happy to talk about it.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. VITALI. Well, tell me where the fraud occurs. Tell me how the erasing of the signature would cause a fraud here. Just sort of walk me through the situation you are trying to prevent.

Mr. METCALFE. We are not claiming that there has been any fraud from this in the past.

Mr. VITALI. No; I understand that.

Mr. METCALFE. What we are attempting to change is to ensure that when somebody signs in and they are the person who is registered under that name and they sign their name, that it is in fact their signature that is there in the future, and that it is not signed in pencil so that somebody can alter that in some way in the future.

Mr. VITALI. Are you suggesting that it is the person voting who is going to commit the fraud or the person—

Mr. METCALFE. That would be a ludicrous setup, would it not?

Mr. VITALI. Could you at least complete my—

Mr. METCALFE. Well, I am done with the interrogation.

Mr. VITALI. Mr. Speaker, I would like—

The SPEAKER pro tempore. Will the gentleman suspend. Will the gentleman suspend.

The gentleman has indicated he is no longer willing to be interrogated.

Does the gentleman wish to proceed?

Mr. VITALI. Yes, Mr. Speaker.

The SPEAKER pro tempore. You may continue, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

There are a number of questions here. I mean, the first question that occurred to me, and I think by the gentleman's own admission, this was an inadequately drafted amendment, as pointed out by the questioning from the maker from Philadelphia. The maker of the amendment talked about three different colors – blue, blue-black, and black – and conceded that he did not give an exhaustive list. The reality is, what the gentleman seems to want to do is simply make a requirement that it be in ink, but it is sloppily drafted. He simply did not say that. So that is one problem I see with this, a sloppily drafted amendment that should have just said ink is required but did not.

The second problem here is that the gentleman really could not answer the question, what happens if in fact it is done wrong, it is incorrect, it is signed in pencil? So that is a second question mark.

And I think the third problem I have with this is what the latest dialogue revealed, which is I think the speaker is really hard pressed to create a scenario where the fraud is he is trying to prevent. So I think it is, frankly, just an amendment that is not really well thought out.

MOTION TO TABLE

Mr. VITALI. So for that reason I am going to move that this amendment be tabled, and I so move.

The SPEAKER pro tempore. The gentleman, Mr. Vitali, makes a motion to table this amendment, 1896.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. That is only debatable by the floor leaders, and on that question, the gentleman, Mr. Argall, is recognized.

Mr. ARGALL. Thank you, Mr. Speaker.

Mr. Speaker, I believe this is simply a commonsense amendment, and I would ask for a negative vote on the tabling motion.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

This is a solution in search of a problem. The gentlelady that represents the Society Hill section of the city of Philadelphia said it all. If we can make the franchise easier, if we can embrace more people in the voting process, we should do so. This is picayune; this is nit-picking; this is inconsequential; this is vapid. This effort is tangible poppycock, and I would ask for its defeat.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS-89

Bebko-Jones	Frankel	Manderino	Shaner
Belardi	Freeman	Mann	Shapiro
Belfanti	George	Markosek	Siptroth
Biancucci	Gerber	McCall	Solobay
Bishop	Gergely	McGeehan	Staback
Blackwell	Goodman	Melio	Stetler
Blaum	Grucela	Mundy	Sturla
Buxton	Gruitza	Myers	Surra
Caltagirone	Haluska	Oliver	Tangretti
Casorio	Hanna	Pallone	Thomas
Cawley	Harhai	Petrarca	Tigue
Cohen	Harper	Petrone	Veon
Corrigan	James	Pistella	Vitali
Costa	Josephs	Preston	Walko
Curry	Keller, W.	Ramaley	Wansacz
Daley	Kirkland	Readshaw	Waters
DeLuca	Kotik	Roberts	Wheatley
Dermody	LaGrotta	Rooney	Williams
DeWeese	Leach	Ruffing	Wojnaroski
Donatucci	Lederer	Sainato	Yewcic
Eachus	Lescovitz	Samuelson	Youngblood
Evans, D.	Levdansky	Santoni	Yudichak
Fabrizio			

NAYS-106

Adolph	Fichter	Mackereth	Reed
Allen	Fleagle	Maher	Reichley
Argall	Flick	Maitland	Rohrer
Armstrong	Forcier	Major	Ross
Baker	Gabig	Marsico	Rubley
Baldwin	Gannon	McGill	Saylor
Barrar	Geist	McIlhattan	Scavello
Bastian	Gillespie	McIlhinney	Schroder
Benninghoff	Gingrich	McNaughton	Semmel
Birmelin	Godshall	Metcalfe	Smith, B.
Boyd	Good	Micozzie	Smith, S. H.
Bunt	Grell	Millard	Sonney
Cappelli	Habay	Miller, R.	Stairs
Causser	Harhart	Miller, S.	Steil
Civera	Harris	Mustio	Stern
Clymer	Hasay	Nailor	Stevenson, R.
Cornell	Hennessey	Nickol	Stevenson, T.
Crahalla	Herman	O'Brien	Taylor, E. Z.
Creighton	Hershey	O'Neill	Taylor, J.
Dally	Hess	Payne	Turzai
Denlinger	Hickernell	Petri	Watson
DiGirolamo	Hutchinson	Phillips	Wilt
Diven	Kauffman	Pickett	Wright
Ellis	Keller, M.	Pyle	Zug
Evans, J.	Kenny	Quigley	
Fairchild	Killion	Rapp	Perzel,
Feese	Leh	Raymond	Speaker

NOT VOTING-0

EXCUSED-6

Butkovitz	Rieger	Sather	True
Cruz	Roebuck		

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

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

The SPEAKER pro tempore. The gentleman from Philadelphia, Mr. Thomas, is recognized.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate the maker of the amendment, please?

The SPEAKER pro tempore. The gentleman has agreed, and you may proceed, sir.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, just so that there can be some ground rules, I do not want to deal in fiction. I like to concentrate on facts.

It is my understanding, and maybe you can clarify this for me, but it is my understanding that last year we approved a set of rules as it relates to election boards. One of those rules, if I understood it correctly – and I think those rules went into effect this past general election – but one of those rules said that at least as far as the judge of election – it might even extend to the majority inspector – that for illegal possession of a gun inside of an election place, it is a third-degree misdemeanor, but violation of the election law is a felony if you are found guilty. Is that correct?

Mr. METCALFE. Mr. Speaker, I am not familiar with that section that you are speaking about, but I would—

Mr. THOMAS. Well, I recall some questions being raised, and so my question to you is that if a judge of election or a majority inspector violates the basic tenets of your amendment if this becomes law, then they can be prosecuted and thereby found guilty of a felony. Is that correct?

Mr. METCALFE. Well, as I said, I am not sure which section of the law you are referencing for that felony-type penalty, but whatever law that would govern the Election Code, that would govern how they are to conduct themselves and conduct their polling place and to ensure that business is transacted with the electors signing in, this would be a change to that section that requires that they use a pen to sign in rather than a pencil. So I am not sure what the penalty would be if they would violate that, but I do not think there is any judge of elections in the State that would knowingly violate this section of the law, and I would assume that they are all up on changes like this when they do occur, that they would ensure that they do have pens there for the voters to sign in with.

Mr. THOMAS. Mr. Speaker, you know, I was looking for clarification, because we had a lengthy debate here on the floor about these changes to the Election Code, and under existing law, under the Pennsylvania uniform firearms law, illegal possession of a gun is no more than a third-degree misdemeanor, but these changes that we made to the Election Code make it a felony for a judge or a majority inspector—

The SPEAKER pro tempore. Will the gentleman suspend.

Has the gentleman completed his interrogation and wish to speak on the amendment?

Mr. THOMAS. Well, Mr. Speaker, I believe that the speaker has called on his staff to look at the Election Code and see if he can identify that section that would make it a felony for a judge or a majority inspector to knowingly violate the law, and I am trying to find out, is it analogous to the tenets of his amendment? So I think his staff is looking that up.

Mr. METCALFE. And we are not attempting to change any of the current penalties for a judge of election that would not conduct the election according to the law. We are not changing the penalties. All we are doing is changing the section that

allows someone to sign in with any writing implement right now, to specify that they use a black or a blue pen.

Mr. THOMAS. Okay.

Mr. Speaker, my second question is, who would have responsibility for making sure that a black and blue pen is available and making sure that signers only use that black or blue pen that is available? Would that be the judge, or would that be the majority inspector?

Mr. METCALFE. As I understand the law, it would be the judge of elections.

Mr. THOMAS. It would be the judge of elections.

Mr. METCALFE. As I understand, consulting with staff related to that.

Mr. THOMAS. Okay.

Mr. Speaker, if you would in fact find that a judge could be prosecuted and, if found guilty, charged with a felony for violating the basic tenets of your amendment, would you withdraw your amendment?

Mr. METCALFE. I would not withdraw it, because it is a simple change to the law, commonsense change, that is like other small details within the Election Code. If the judge of elections has to abide by the other small details in the Election Code, I do not see a problem with them abiding by this.

As I said before, I do not understand, you know, what the problem is with requiring that someone signs a legal document with a pen rather than allowing it to be possibly a pencil.

Mr. THOMAS. Mr. Speaker, I hear you, and I respect the fact that from your vantage point, it is a commonsense change. However, when you apply it to the Election Code, especially with the recent changes in the Election Code, your amendment adds another responsibility that is placed on judges of elections and could thereby result in an innocent judge being charged with a felonious crime, and I do not think that that is what you want. Is that correct?

Mr. METCALFE. Well, I would like to ensure that all judges of election carry forth with ensuring that the law is complied with as the election is held, and I know they have a lot of responsibilities that they have throughout the day, throughout the election day, such as counting the ballots and accounting for the ballots that are given or cast and the absentee ballots and the counting of the absentee ballots and ensuring that everything is delivered to their proper election bureau. So I know they have a lot of responsibility already, and I did not think that changing this to ensure that they had pens on-site would be that much more that would cause them a problem or cause them to violate the law, because I think they would be able to take care of it without a problem.

Mr. THOMAS. Well, Mr. Speaker, do you recognize that the average age of our judge of elections is about 65, maybe older? We have a very aging election board in the Commonwealth of Pennsylvania. Are you aware of that fact?

Mr. METCALFE. I am aware that we are a very aging State, and likewise, I would expect that we had an aging election board also.

Mr. THOMAS. So, Mr. Speaker, do you believe that this commonsense change would not represent an undue burden on an aging election board that we have already placed additional responsibilities on?

The SPEAKER pro tempore. Will the gentleman suspend.

The gentleman is reminded that the purpose of interrogation is to elicit information and answers that he does not know and is

specific and relevant to the issue at hand and not to advance his own argument.

Mr. THOMAS. Thank you, Mr. Speaker.

I appreciate your guidance.

My last question is, is there a fiscal note to this amendment?

The SPEAKER pro tempore. Will the gentleman suspend.

PARLIAMENTARY INQUIRY

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

Mr. PALLONE. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will speak.

Mr. PALLONE. Yes, sir. Thank you, Mr. Speaker.

It is my understanding – correct me if I am wrong – but I believe that the issue of interrogation is generally for the purpose of establishing a legislative record for future reference and source, not only to only get information that you do not already know. It is certainly used in litigation senses. The Journals from the House and the Senate are oftentimes introduced in court for support for legislation for different laws and so forth. It is my understanding as a practicing attorney—

The SPEAKER pro tempore. The gentleman will please suspend.

The Chair is admonished that the gentleman is in error, and if he wishes to speak about this with the Parliamentarian for purposes of further clarification, he may approach the rostrum.

Mr. PALLONE. Thank you, Mr. Speaker.

Mr. DeWEESE. Mr. Speaker?

The SPEAKER pro tempore. On the question, the gentleman, Mr. Thomas, is recognized.

Mr. DeWEESE. Mr. Speaker?

Mr. THOMAS. Thank you.

The SPEAKER pro tempore. The gentleman, Mr. DeWeese, is recognized.

Mr. DeWEESE. Would the gentleman, Mr. Thomas, yield momentarily?

Mr. THOMAS. Sure.

POINT OF ORDER

Mr. DeWEESE. Point of order, please.

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

Mr. DeWEESE. Many of us, possibly mistakenly, believed that the gentleman from Westmoreland County's comments were precise and on target. Many of us bereft of a legal education are quite curious as to the comment just proffered by the Chair.

Again, not to be antagonistic but to be very quizzical, would the honorable Speaker pro tem please at least momentarily expatiate on your answer, because many of us on this side of the aisle are confused. We thought that much of the Journal was a record, and we thought that the gentleman from Westmoreland County's comments were on target. The Parliamentarian and the Speaker have indicated otherwise. So please share with us, not sidebar, one-on-one, but for the whole chamber, because many of us do need enlightened.

The SPEAKER pro tempore. Mr. DeWeese, the Chair has ruled on numerous occasions on this issue. The interrogation is

for the specific purpose of eliciting information that the questioner does not know. Debate may be used to establish legislative intent—

Mr. THOMAS. But, Mr. Speaker—

The SPEAKER pro tempore. —but not through interrogation if the questioner in fact knows the answer.

Mr. THOMAS. Mr. Speaker?

The SPEAKER pro tempore. On the question, the gentleman, Mr. Thomas, is recognized.

Mr. THOMAS. Thank you, Mr. Speaker.

Let me thank my colleague, and let me thank leadership.

Implied in the interrogation is the establishment of a record. An interrogation can be used to establish a record, and the record in this case is that we have made changes to the Election Code that make it a felony for a judge of election or a majority inspector to knowingly violate the law. And so my question to the speaker was, if his amendment becomes law, would a violation of the basic tenets of his amendment result in prosecution and possibly a felony for judges of election throughout the Commonwealth of Pennsylvania? That was my question.

Mr. Speaker, I concluded my interrogation, and I would like to now speak on the amendment.

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

Mr. THOMAS. Mr. Speaker, this is another effort to make life difficult if not impossible for election boards throughout the Commonwealth of Pennsylvania and place additional burdens on an aging core of election board judges who have enough to do.

Mr. Speaker, if this amendment becomes law, then we are disenfranchising not only people who are unable to sign in black or blue ink but we are also disenfranchising a group of aging workers who do not need this additional responsibility, because at the end of the day, whether or not a black or blue pen is available is clearly going to rest on the backs of our judges of election, and if they fail to encourage, instruct, and even mandate that signers use one of those two pens, then they will be subjected to a complaint and prosecution which could result in, if they are found guilty, a felony.

Mr. Speaker, this is wrong. It is wrong. We are not only disenfranchising voters, but we are also disenfranchising a group of people who give up 16 to 17 hours of their time on election day to make sure that the election process goes forward smoothly. We would never be able to compensate our election boards for the time, energy, and work that they put in making sure that the election process runs smoothly in Pennsylvania.

Mr. Speaker, it is clear that there is no rational basis for legislating these kinds of instructions. There might be common sense in wanting these kinds of instructions, but there is no rational basis for legislating these kinds of instructions. Mr. Speaker, we could have directed the Secretary of State to encourage all election boards or county commissioners to instruct people to sign in black or blue ink, but we do not need to legislate it. Legislating it makes it problematic, and it has a negative and it has an adverse effect on a process that we should be devoting our time towards making it easier, making it more workable, than making it more difficult.

And so, Mr. Speaker, I have no other choice than to urge my colleagues on both sides of the aisle, let us vote “no” on the Metcalfe amendment, and if you believe that the instructions of

the amendment are important or needed, then let us just direct our Secretary of State to do that, but do not waste our time in legislating these kinds of instructions.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

MOTION TO PLACE BILL ON THIRD CONSIDERATION POSTPONED CALENDAR

The SPEAKER pro tempore. The Chair recognizes the gentleman from Luzerne County, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

A long time ago in this chamber, I learned that we can all accomplish a great deal if we just listen to one another.

When I vote, I sign in pencil. That is what they hand me, and that is what I sign with. I think the gentleman, Mr. Metcalfe, might have a good idea – let us use ink. I think his colleagues may have another good idea – it should not be just limited to those two colors. Maybe the penalties are too high for somebody that accidentally signs in pencil.

I think the gentleman is well intended and has a good amendment. I ask, obviously, and suggest that some of the comments we have heard today are also good and should be taken into consideration, and so I would very respectfully ask that we go over the bill and the amendment and that maybe it can be tweaked to better serve the people of Pennsylvania. I think the gentleman, as I said, might have a good idea that we should not use pencil, but also members have raised very serious questions about the seriousness of the offense that would occur and perhaps that limiting it to certain colors is not a good idea; maybe it should not go that far.

So I would make a motion, I guess, Mr. Speaker, again very respectfully of the maker, not to scuttle his ideas but to work with others to make it a better amendment to this bill. And so I would ask that we go over it for today, that we do some work, and at the Speaker, the majority leader, and the maker of the amendment’s convenience later on this week, we bring it back up and we have a better amendment to put before the body. So I guess I would ask for that motion, Mr. Speaker.

The SPEAKER pro tempore. The correct motion would be to postpone the bill?

Mr. BLAUM. To go over the bill so that we, you know, do some very fast work—

The SPEAKER pro tempore. It is essentially to postpone the bill, Mr. Blaum.

Mr. BLAUM. Postpone the bill, Mr. Speaker. Thank you very much.

The SPEAKER pro tempore. Thank you, Mr. Blaum.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. On the motion to postpone, the gentleman, Mr. Argall, is recognized.

Mr. ARGALL. Mr. Speaker, I would object to that motion.

Representative Metcalfe informs me that on May 3 of this year, this picayune amendment passed this House by a vote of 197 to 0. I am somewhat mystified as to why we have spent 50 minutes on this issue, and I would point out that the

proponents of the amendment are responsible for, I believe, a grand total of 3 minutes of that debate.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—88

Bebko-Jones	Fabrizio	Manderino	Shaner
Belardi	Frankel	Mann	Shapiro
Belfanti	Freeman	Markosek	Sipthoth
Bianucci	George	McCall	Solobay
Bishop	Gerber	McGeehan	Staback
Blackwell	Gergely	Melio	Stetler
Blaum	Goodman	Mundy	Sturla
Buxton	Grucela	Myers	Surra
Caltagirone	Gruitza	Oliver	Tangretti
Casorio	Haluska	Pallone	Thomas
Cawley	Hanna	Petrarca	Tigue
Cohen	Harhai	Petrone	Veon
Corrigan	James	Pistella	Vitali
Costa	Josephs	Preston	Walko
Curry	Keller, W.	Ramaley	Wansacz
Daley	Kirkland	Readshaw	Waters
DeLuca	Kotik	Roberts	Wheatley
Dermody	LaGrotta	Rooney	Williams
DeWeese	Leach	Ruffing	Wojnaroski
Donatucci	Lederer	Sainato	Yewcic
Eachus	Lescovitz	Samuelson	Youngblood
Evans, D.	Levdansky	Santoni	Yudichak

NAYS—107

Adolph	Fleagle	Mackereth	Reed
Allen	Flick	Maher	Reichley
Argall	Forcier	Maitland	Rohrer
Armstrong	Gabig	Major	Ross
Baker	Gannon	Marsico	Rubley
Baldwin	Geist	McGill	Saylor
Barrar	Gillespie	McIlhattan	Scavello
Bastian	Gingrich	McIlhinney	Schroder
Benninghoff	Godshall	McNaughton	Semmel
Birmelin	Good	Metcalfe	Smith, B.
Boyd	Grell	Micozzie	Smith, S. H.
Bunt	Habay	Millard	Sonney
Cappelli	Harhart	Miller, R.	Stairs
Causar	Harper	Miller, S.	Steil
Civera	Harris	Mustio	Stern
Clymer	Hasay	Nailor	Stevenson, R.
Cornell	Hennessey	Nickol	Stevenson, T.
Crahalla	Herman	O'Brien	Taylor, E. Z.
Creighton	Hershey	O'Neill	Taylor, J.
Dally	Hess	Payne	Turzai
Denlinger	Hickernell	Petri	Watson
DiGirolamo	Hutchinson	Phillips	Wilt
Diven	Kauffman	Pickett	Wright
Ellis	Keller, M.	Pyle	Zug
Evans, J.	Kenny	Quigley	
Fairchild	Killion	Rapp	Perzel,
Feese	Leh	Raymond	Speaker
Fichter			

NOT VOTING—0

EXCUSED—6

Butkovitz	Rieger	Sather	True
Cruz	Roebuck		

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

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

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Benninghoff. The gentleman waives off.

The gentleman, Mr. Pallone, is recognized for the second time.

Mr. PALLONE. Thank you, Mr. Speaker.

Again, all I can suggest again is to give serious consideration, which may have been passed over by this House back in May, but the issue before us today is one of grave importance.

When we look at this particular issue, I ask myself, when the Emancipation Proclamation or the Declaration of Independence or the United States Constitution were signed, have any of the historians determined whether or not it was a black ink or a blue-black ink that was used on those documents?

And clearly, clearly, historically the issue with using blue and/or most prominently black ink on documents and legal documents of the sort was because of the technology issues that were before society in the business community, because black and blue used to photocopy the best. As we know today with technological advances, whether it be pencil, red, blue, purple, or any other color under the rainbow, the duplicating machines and the technology today says that it can be duplicated.

As for the life expectancy of a signature that comes from an ink pen, whether it be blue, black, or blue-black, is questionable at best, because with technological advances and advances in chemistry, we now know that we can purchase erasable ink pens. They are no different than erasable pencils. So here we are today passing foolish legislation.

And last and certainly not least, this becomes a mandate to the counties who provide the election tools in all 67 counties in Pennsylvania. Right now most of the counties use pencil because pencils are very inexpensive. If a voter takes the pencil with them, it can be replaced very cheaply. Right now we are going to ask the taxpayers in every county in Pennsylvania to spend more money on the elections so that we can implement a Machiavellian program. This is nothing more than continued Gestapo tactics by putting mandates on the counties and the election bureaus.

Again I encourage you to vote “no.” Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. James.

Mr. James, this is the second time, I understand?

Mr. JAMES. Yes.

The SPEAKER pro tempore. You may proceed, sir.

Mr. JAMES. Thank you.

Can I question the maker of the amendment?

The SPEAKER pro tempore. If he agrees.

Will the gentleman, Mr. Metcalfe, agree to interrogation by the gentleman, Mr. James? The gentleman has graciously agreed, and you may proceed, sir.

Mr. JAMES. Can I ask, Mr. Speaker, the maker, is this a problem in your county?

Mr. METCALFE. I think it is a problem in all 67 counties because the law would provide that you can sign in anywhere in

the State with a pencil or a crayon or any other writing implement, and that is why we want to change it at the State level to ensure that you have to sign in with a pen.

PARLIAMENTARY INQUIRY

Mr. JAMES. Okay. Then a question to you, Mr. Speaker, I guess as a parliamentary inquiry.

If there is a problem, if we wanted to like just to take out certain counties, would that have to go through an amendment process?

Mr. METCALFE. I said it was all 67 counties.

The SPEAKER pro tempore. Would the gentleman suspend.

Mr. James, is that a question—

Mr. JAMES. Yes.

The SPEAKER pro tempore. —of Mr. Metcalfe, or is that a parliamentary inquiry?

Mr. JAMES. A parliamentary inquiry.

The SPEAKER pro tempore. You would have to go through the amendatory process, sir.

Mr. JAMES. Okay. Thank you.

Then a question again to the maker of the amendment. Do you realize that this would further suppress votes in different counties, poor minorities, et cetera?

Mr. METCALFE. I do not believe that it would suppress the votes because the pens would be provided at the polling place for them. They are not required to bring their own pen. The pens would be there. So how would it suppress the vote if a pen is provided? All they would have to do is put a pen in their hand instead of a pencil.

Mr. JAMES. Okay.

And the other question I have to you, Mr. Speaker, is, is this done in any other States, other Southern States?

Mr. METCALFE. I do not know about other Southern States, but I did not think we were a Southern State to be an other one.

Mr. JAMES. But if we pass this, we are coming up south with this kind of amendment?

Mr. METCALFE. I do not understand the question.

Mr. JAMES. Well, I mean, do you know of any other States that this is in, whether they are southern or northern?

Mr. METCALFE. I am not sure. I would hope that other States also require people to sign in in pen so that their votes for President do not harm ours and there is not fraud being perpetrated there.

Mr. JAMES. Do you know of any other election bureaus in the State that have asked for this?

Mr. METCALFE. I do not know of any other election bureaus that have asked for it, no.

Mr. JAMES. Okay. All right. Thanks.

May I make a statement, please.

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

Mr. JAMES. All right. Thank you.

Mr. Speaker, I would just ask again that I think this further works towards suppression of the vote, and as Representative Josephs said earlier, we need to be encouraging people to vote, and if we are telling them that this is going to be a problem in our areas and they are not understanding that, then it is obvious that they are getting this information either from RNC, or Republican National Committee, or something to continue to

suppress votes throughout different parts of the State, and I would ask for a “no” vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—103

Adolph	Fleagle	Mackereth	Ross
Allen	Flick	Maitland	Ruffing
Argall	Forcier	Major	Saylor
Armstrong	Gabig	Marsico	Scavello
Baker	Gannon	McGill	Schroder
Baldwin	Geist	McIlhattan	Semmel
Barrar	Gillespie	McIlhinney	Smith, B.
Bastian	Gingrich	Metcalfe	Smith, S. H.
Belardi	Godshall	Millard	Sonney
Benninghoff	Good	Miller, R.	Stairs
Birmelin	Grell	Miller, S.	Stern
Boyd	Harhart	Mustio	Stevenson, R.
Bunt	Harris	Nailor	Stevenson, T.
Buxton	Hasay	Nickol	Taylor, E. Z.
Cappelli	Hennessey	O'Brien	Taylor, J.
Causar	Herman	O'Neill	Tigue
Civera	Hershey	Payne	Turzai
Clymer	Hess	Petri	Watson
Crahalla	Hickernell	Phillips	Wilt
Creighton	Hutchinson	Pickett	Wright
Dally	Kauffman	Pyle	Yewcic
Denlinger	Keller, M.	Quigley	Yudichak
Diven	Keller, W.	Rapp	Zug
Ellis	Kenney	Reed	
Evans, J.	Killion	Reichley	Perzel,
Fairchild	Leh	Rohrer	Speaker
Fichter			

NAYS—91

Bebko-Jones	Feese	Maher	Samuelson
Belfanti	Frankel	Manderino	Santoni
Biancucci	Freeman	Mann	Shaner
Bishop	George	Markosek	Shapiro
Blackwell	Gerber	McCall	Sipiroth
Blaum	Gergely	McGeehan	Solobay
Caltagirone	Goodman	McNaughton	Staback
Casorio	Grucela	Melio	Steil
Cawley	Gruitza	Micozzie	Stetler
Cohen	Habay	Mundy	Sturla
Cornell	Haluska	Myers	Surra
Corrigan	Hanna	Oliver	Tangretti
Costa	Harhai	Pallone	Thomas
Curry	Harper	Petrarca	Veon
Daley	James	Petrone	Vitali
DeLuca	Josephs	Pistella	Walko
Dermody	Kirkland	Preston	Wansacz
DeWeese	Kotik	Ramaley	Waters
DiGirolamo	LaGrotta	Readshaw	Wheatley
Donatucci	Leach	Roberts	Williams
Eachus	Lederer	Rooney	Wojnaroski
Evans, D.	Lescovitz	Rubley	Youngblood
Fabrizio	Levdansky	Sainato	

NOT VOTING—1

Raymond

EXCUSED—6

Butkovitz	Rieger	Sather	True
Cruz	Roebuck		

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

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

Mr. METCALFE offered the following amendment No. A01984:

Amend Title, page 1, line 11, by inserting after "elections," " providing for requirements relating to voter identification; and

Amend Title, page 1, line 11, by removing the period after "candidates" and inserting and for voting procedures.

Amend Bill, page 1, lines 14 through 17, by striking out all of said lines and inserting

Section 1. The act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, is amended by adding a section to read:

Section 206. Requirements Relating to Voter Identification.—

(a) The Secretary of the Commonwealth shall prepare and disseminate information to the public regarding the photo identification requirements established under section 1210.

(b) Notwithstanding the provisions of 75 Pa.C.S. § 1510(b) (relating to issuance and content of driver's license) to the contrary, the Department of Transportation shall issue an identification card described in 75 Pa.C.S. § 1510(b) at no cost to any registered elector who has made application therefor and has included with the completed application a signed affidavit stating that the elector is unable to obtain another form of photo identification, including a driver's license, that the elector is unable to pay the required fee for the identification card and that the elector is a registered elector as defined in 25 Pa.C.S. § 1102 (relating to definitions).

(c) The Secretary of the Commonwealth shall prepare the form of the affidavit described in subsection (b) and shall distribute the form to the counties and the Department of Transportation. The Secretary of the Commonwealth, the Secretary of Transportation and the county boards of election shall disseminate information to the public regarding the availability of identification cards under subsection (b).

Section 2. Sections 630.1, 910 and 981.1 of the act, amended February 13, 1998 (P.L.72, No.18), are amended to read:

Amend Bill, page 5, line 4, by striking out all of said line and inserting

Section 3. Section 1210(a), (a.1), (a.2) and (a.4) of the act, amended October 8, 2004 (P.L.807, No.97), are amended to read:

Section 1210. Manner of Applying to Vote; Persons Entitled to Vote; Voter's Certificates; Entries to Be Made in District Register; Numbered Lists of Voters; Challenges.—(a) [At] Except as provided in subsection (a.2)(2), at every primary and election each elector who appears to vote [in that election district for the first time] and who desires to vote shall first present to an election officer one of the following forms of photo identification:

- (1) a valid driver's license or identification card issued by the Department of Transportation;
- (2) a valid identification card issued by any other agency of the Commonwealth;
- (3) a valid identification card issued by the United States Government;

- (4) a valid United States passport;
- (5) a valid student identification card;
- (6) a valid employe identification card; or
- (7) a valid armed forces of the United States identification card.

The election officer shall examine the identification presented by the elector and sign an affidavit stating that this has been done.

[(a.1) Where the elector does not have a photo identification as provided for in subsection (a), the elector shall present for examination one of the following forms of identification that shows the name and address of the elector:

- (1) nonphoto identification issued by the Commonwealth, or any agency thereof;
- (2) nonphoto identification issued by the United States Government, or agency thereof;
- (3) a firearm permit;
- (4) a current utility bill;
- (5) a current bank statement;
- (6) a paycheck;
- (7) a government check.

The election officer shall examine the identification presented by the elector and sign an affidavit stating that this has been done.]

(a.2) [If] (1) Except as provided in clause (2), if the elector is unable to produce photo identification or the elector's identification is challenged by the judge of elections, the elector shall be permitted to cast a provisional ballot in accordance with subsection (a.4).

(2) An elector who is unable to produce photo identification on the grounds that presentation of photo identification conflicts with the elector's religious beliefs or practices shall be entitled to vote upon executing an affidavit stating that the elector has a religious objection to being photographed and upon meeting the requirements of subsection (a.3).

(a.4) (1) At all elections an individual who claims to be properly registered and eligible to vote at the election district but whose name does not appear on the district register and whose registration cannot be determined by the inspectors of election or the county election board shall be permitted to cast a provisional ballot. [Individuals who are voting for the first time at the election district] Except as provided in subsection (a.2)(2), individuals who appear to vote shall be required to produce photo identification pursuant to subsection (a) [or (a.1)] and if unable to do so shall be permitted to cast a provisional ballot. An individual presenting a judicial order to vote shall be permitted to cast a provisional ballot.

(2) Prior to voting the provisional ballot, the elector shall be required to sign an affidavit stating the following:

I do solemnly swear or affirm that my name is _____, that my date of birth is _____, and at the time that I registered I resided at _____ in the municipality of _____ in _____ County of the Commonwealth of Pennsylvania and that this is the only ballot that I cast in this election.

Signature of Voter/Elector
Current Address

Check the Reason for Casting the Provisional Ballot.
Signed by Judge of Elections and minority inspector

(3) After the provisional ballot has been cast, the individual shall place it in a secrecy envelope. The individual shall place the secrecy envelope in the provisional ballot envelope and shall place his signature on the front of the provisional ballot envelope. All provisional ballots shall remain sealed in their provisional ballot envelopes for return to the county board of elections.

(4) Within seven calendar days of the election, the county board of elections shall examine each provisional ballot envelope that is received to determine if the individual voting that ballot was entitled to vote at the election district in the election. One authorized representative of each candidate in an election and one representative from each political party shall be permitted to remain in the room in which the determination is being made. Representatives shall be

permitted to keep a list of those persons who cast a provisional ballot and shall be entitled to challenge any determination of the county board of elections with respect to the counting or partial counting of the ballot under this section. Upon challenge of any provisional ballot under this clause, the ballot envelope shall be marked "challenged" together with the reason for the challenge, and the provisional ballot shall be set aside pending final determination of the challenge according to the following procedure:

(i) Provisional ballots marked "challenged" shall be placed unopened in a secure, safe and sealed container in the custody of the county board of elections until it shall fix a time and place for a formal hearing of all such challenges, and notice shall be given where possible to all provisional electors thus challenged and to every attorney, watcher or candidate who made the challenge.

(ii) The time for the hearing shall not be later than seven days after the date of the challenge.

(iii) On the day fixed for the hearing, the county board shall proceed without delay to hear the challenges and, in hearing the testimony, the county board shall not be bound by the Pennsylvania Rules of Evidence.

(iv) The testimony presented shall be stenographically recorded and made part of the record of the hearing.

(v) The decision of the county board in upholding or dismissing any challenge may be reviewed by the court of common pleas of the county upon a petition filed by any petitioner aggrieved by the decision of the county board. The appeal shall be taken, within two days after the decision was made, whether the decision was reduced to writing or not, to the court of common pleas setting forth the objections to the county board's decision and praying for an order reversing the decision.

(vi) Pending the final determination of all appeals, the county board shall suspend any action in canvassing and computing all challenged provisional ballots irrespective of whether or not an appeal was taken from the county board's decision.

(vii) Upon completion of the computation of the returns of the county, the votes cast upon the challenged official provisional ballots shall be added to the other votes cast within the county.

(5) (i) Except as provided in subclause (ii), if it is determined that the individual was registered and entitled to vote at the election district where the ballot was cast, the county board of elections shall compare the signature on the provisional ballot envelope with the signature on the elector's registration form and, if the signatures are determined to be genuine, shall count the ballot if the county board of elections confirms that the individual did not cast any other ballot, including an absentee ballot, in the election.

(ii) A provisional ballot shall not be counted if:

(A) either the provisional ballot envelope under clause (3) or the affidavit under clause (2) is not signed by the individual;

(B) the signature required under clause (3) and the signature required under clause (2) are either not genuine or are not executed by the same individual; [or]

(C) a provisional ballot envelope does not contain a secrecy envelope[.]; or

(D) in the case of a provisional ballot that was cast under subsection (a.2)(1) because the individual was unable to produce photo identification, the individual fails to present to the county board of elections, within six calendar days following the election, a form of photo identification described in subsection (a).

(iii) One authorized representative of each candidate in an election and one representative from each party shall be permitted to remain in the room in which deliberation or determination of subclause (ii) is being made.

(6) If it is determined that the individual voting the provisional ballot was not registered, the provisional ballot shall not be counted and the ballot shall remain in the provisional ballot envelope and shall be marked "Rejected as Ineligible."

(7) The following shall apply:

(i) Except as provided in subclause (ii), if it is determined that the individual voting the provisional ballot was eligible to vote in the county in which the ballot was cast but not at the election district where the ballot was cast, the county board of elections shall open the envelope and only count that portion of the ballot that the individual would have been eligible to vote in his proper election district and at the election district where the vote was cast if:

(A) the county board of elections confirms that the individual did not cast any other ballot, including an absentee ballot, in the election; and

(B) the individual casting the provisional ballot is a resident of the county in which the provisional ballot was cast.

(ii) In the event that the individual casting the provisional ballot is not found to be a resident of the county in which the provisional ballot was cast, the ballot shall not be counted.

(iii) In the event that the board of elections determines, based on an evidentiary record, that the individual intentionally and wilfully cast a provisional ballot in an election district in which the individual was not eligible to vote, the ballot shall not be counted.

(8) On election night, immediately upon completion of the count and tabulation of the votes cast, the judge of election shall prepare and certify under oath a tally displaying the number of provisional ballots received from the election board and the number of provisional ballots cast and transmitted to the county board of elections. The judge of election shall record on the tabulation the name of the individual into whose possession the provisional ballots were passed for transmission to the county board of elections.

(9) All provisional ballots and the tally of provisional ballots tabulated under clause (8) in the possession of an election board official shall be promptly returned by the judge of election to the custody of the proper county election board in accordance with sections 1113-A(j), 1225(b) and 1228(a).

(10) One authorized representative of each candidate in an election and one representative from each political party shall be permitted to remain in the room where provisional ballots are received by the county board of elections.

(11) The department shall establish a World Wide Web site and a toll-free telephone number to permit an individual who cast a provisional ballot to determine whether the vote of that individual was counted and, if the vote was not counted, the reason that it was not counted.

(12) For purposes of this subsection, "provisional ballot" means a ballot issued to an individual who claims to be a registered elector by the judge of elections on election day when the individual's name does not appear on the general register and the individual's registration cannot be verified.

Section 4. This act shall take effect as follows:

(1) The following provisions shall take effect in 90 days:

(i) The addition of section 206 of the act.

(ii) The amendment of section 1210(a), (a.1), (a.2) and (a.4) of the act.

(2) The remainder of this act shall take effect immediately.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the gentleman, Mr. Metcalfe, is recognized.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, amendment 1984 to this bill would amend the Election Code to require each voter at every election to present one of the following forms of photo identification: driver's license, nondriver ID from PENNDOT, ID issued by any other agency of the Commonwealth, ID card issued by the Federal government, U.S. passport, student ID, employee ID,

Armed Forces of the U.S. ID. We would provide an exception for the Amish and others with a religious objection to being photographed, but they would be required to sign an affidavit stating their religious objections.

In accordance with the mandates in the Federal Help America Vote Act, the amendment allows a voter who is unable to present a photo ID on election day to cast a provisional ballot. Any such ballot will not be counted, however, unless the individual would provide the county board of elections with a photo ID no later than 6 days following the election.

In addition, this amendment would require the Department of Transportation to issue a nondriver ID at no charge to any voter who submits an application for an ID and includes with the application an affidavit stating that he or she is unable to obtain another form of photo identification, that he or she is unable to pay the required fee for the identification card, and that he or she is a registered elector.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, will the gentleman submit to interrogation?

The SPEAKER pro tempore. The gentleman has agreed. You may proceed.

Mr. COHEN. This amendment requires numerous free IDs to be supplied to the voters of this Commonwealth. What is the cost of that to Pennsylvania taxpayers?

Mr. METCALFE. We have the fiscal note. The estimated fiscal impact for providing free nondriver IDs to those who do not currently possess them and who are registered voters is \$207,572 per year.

Mr. COHEN. \$200—

Mr. METCALFE. \$207,572.

Mr. COHEN. —572 a year. It is a very specific fiscal note there.

Mr. METCALFE. We have a very detail-oriented Appropriations chairman.

Mr. COHEN. Yes. It might not quite cost that specific detail.

Mr. METCALFE. It might be a couple bucks cheaper.

Mr. COHEN. Over \$200,000; a little over \$200,000 a year it costs.

Mr. Speaker, I have no further questions of the gentleman.

Mr. METCALFE. Thank you.

The SPEAKER pro tempore. Does the gentleman wish to speak on the amendment?

Mr. COHEN. Yes, to speak on the amendment.

The SPEAKER pro tempore. You may proceed, sir.

Mr. COHEN. Mr. Speaker, as we attempt to balance a very, very difficult budget, this looks like \$200,000 that we do not need to spend in that budget.

The process of voting ought to be a simple process. I have an ID that gets me in this building, and you all have the same ID with your pictures on it, but when guards know me, they do not ask me to take out my ID and show that I am a State legislator. I get in if a guard sees me without showing my ID. I am sure you do, too. The fact is, Mr. Speaker, that for us to do our job as a State legislator, we need to get in the building, and we get in the building whether we have our ID cards with us or not. People know who we are, and when people go to the polling places of this Commonwealth, very often the judges of elections know who they are. So do the workers.

Now, I have been voting at the same polling place now for 13 years, and the people know who I am. Many people, many of

them, know who the other people in the polling place are. We have a requirement in law, which is the minimum requirement under Federal law, saying that for the first time somebody votes after registering in a given polling place, he or she has to show identification. After that he has to sign his signature, and now as a result of the last vote, you can all rest assured that the signature will be in blue or black ink, and you can easily compare the signature signed in blue or black ink with the signature on record at the local county board of elections, and you could challenge that vote if there is a great discrepancy in the signatures.

This is just one more obstacle course that is being established to discourage some people from voting. You have a limited number of requirements that people have. People may not have or may forget to bring with them the voter identification that you are requiring at any given moment.

This is a democracy. Whoever gets elected ought to represent the people. It should not be the people who meet increasingly difficult bureaucratic requirements. It ought to be all the people — people with identification of one kind and people with identification of another kind, people who are known to the judges of elections and people who are not known to the judges of elections.

Everybody ought to be able to vote, and they ought to be able to vote in a convenient manner, which does not waste their time, which does not create long lines as people search their wallets for the appropriate identification. People ought to be able to vote in a convenient manner. Voting is a fundamental right, and we need a system of voting in Pennsylvania that guarantees that whoever wins the election will truly represent the people. There should not be endless questions of legitimacy as to who wins elections. We should not be agonizing over, gee, did the fact that so-and-so lost the election by seven votes have anything to do with the blue and black ink requirement? Did the fact that somebody lost an election by 300 votes have anything to do with the requirement for voter identification? The elections ought to be so clear and so clean that everybody will understand that whoever won, won because he or she had the most public support, and the more we stick on these kinds of requirements, the more we convert the act of voting into an act of meeting a bureaucratic obstacle course, the more difficult it is.

Now, some people out there will say, well, these are simple requirements. What are you worried about? Well, we have had experience in the General Assembly about the difficulty of meeting huge numbers of very simple requirements. We had members of this General Assembly thrown off the ballot in the last election because they could not meet all the simple requirements. You know, you add a simple requirement here and another simple requirement there and you build up a long list of simple requirements that people have to meet within a very short period of time, and some people are just going to be too busy or too preoccupied or too lazy or too, use whatever word you want, to meet all the simple requirements that are set. And just as there were about three or four legislators thrown off the ballot in the primary because they could not meet the simple requirements for filing a nominating petition, so there are going to be other well-meaning people who are going to be disqualified because they cannot meet the simple requirements in this bill. And it is our constitutional duty as legislators, sworn to uphold the State and Federal Constitutions, to have a voting system that every single citizen can participate in. Every single

eligible citizen ought to be able to participate, and nobody ought to be disqualified because they forgot to bring the proper form of identification with them to the polling place. They will sign the signature, and the people can compare the signatures if there is any question.

Mr. Speaker, this is a very bad amendment. It is a step in the wrong direction. It is a step away from a democracy. It is a step away from the legitimacy of elections in Pennsylvania. It is a step towards what Harold James referred to as making Pennsylvania elections more like the elections of the Old South where people who were really eligible to vote were kicked off the voting rolls. It is a step in the wrong direction. It is a step in the direction of taking away people's rights. It is a step we ought not to take. I strongly urge the defeat of this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Philadelphia County, Mr. Thomas.

Mr. THOMAS. Mr. Speaker, once again I rise for those who are unable to rise themselves, and I say to every judge of election, every election board in the Commonwealth of Pennsylvania, wake up. Pay attention to what is going on here this afternoon. All across Pennsylvania you represent all faces. You represent America here in Pennsylvania. You work 16, 17 hours a day volunteering. We could never pay you enough for the time that you put in to make sure that that fundamental right to vote is sacred and that it is adhered to. Pay attention to what is taking place this afternoon. And my concern is, look at the changes that we made in the Election Code last year regarding the penalties to you – to you, Mom; to you, Dad; to you, Grandmom; to you, Granddad. Look at the changes that we have made. We have said that if you willfully, if you knowingly fail, fail to comply with the Election Code as it has been drafted, then you will be subject to prosecution and possibly imprisonment.

We have another change to the code. The architect of this amendment says that you must produce photo IDs in order, in order to vote. Judges of election, you have the responsibility to make sure that photo IDs are presented by each and every voter that comes into the polling place. It is your responsibility to make sure that that happens.

Mr. Speaker, we have elderly people across Pennsylvania that do not carry photo ID. They might have their Medicare card. They might have some other card that does not require their picture. I have yet to see a Medicare card that has someone's picture on it. It has other important ID but not a picture. So now we are saying to our aging community, our seasoned community – I do not want to call them aging – but we are saying to our seasoned community and to other parts of the Pennsylvania community, do not exercise your right to vote unless you have a photo ID, and, judges, if you do not enforce this rule if it becomes law, then you will be prosecuted and possibly sent to jail. Pay attention to what is going on this afternoon.

Mr. Speaker, this amendment must be rejected out of hand; it must be rejected out of hand, and we should measure what we do. We should measure what we do. If changes to the Election Code do not, do not improve participation and improve the process, then it is bad; it is not good. And, Mr. Speaker, by requiring this is bad, bad, bad, and I ask each and every one of you to stop, to stop. There is no rational basis for this amendment.

There are many people in Pennsylvania, good people, good people in Pennsylvania, that do not carry photo ID. It does not mean that they do not have identification on them, but they might not have photo ID, and there are many people who do not have photo ID who do not have the money to go out and purchase a nondriver's license ID.

Mr. Speaker, the speaker says that he has made provisions for people who do not want to present their ID because of their religious beliefs, but he has said that they must sign an affidavit now. If they sign the affidavit and somebody challenges their affidavit, they now can be prosecuted.

Mr. Speaker, we are going down the wrong road. We are going down the wrong road. I ask each and every one of you as leaders, as leaders across the Commonwealth of Pennsylvania, think about who manages this process on election day. I do not know any of us that will sit in one place 17, 18 hours a day volunteering to make sure that the election process goes forward smoothly. I do not know one of us that would do that, and most of the people who will do it are our mothers, our fathers, our grandmothers, our grandfathers, people who have worked all their lives, did what we asked them to do and laid the foundation for us to be able to stand here today and for us to create the kind of network that we are creating for them through this photo ID requirement, through this black- or blue-pen requirement.

Mr. Speaker, it is just dead wrong, and I ask that we vote down this amendment and get to the business of creating an electoral process that encourages and inspires people to participate without threat of prosecution and without threat of unnecessary challenges.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from York County, Mr. Saylor.

Mr. SAYLOR. Thank you, Mr. Speaker.

You know, I have heard a lot of comments on the House floor today about the election process, and you know, one of the things that was mentioned and talked about is the sacredness of our elections, and the real point here is that everybody needs to understand that for an election to be sacred and the rights of people to vote, that means the process has to have honesty and it has got to have integrity. Right now there is not a member on the House floor today that knows that every election this State has held in recent memory has been questioned about the integrity of votes coming out of different counties in this State. For people to sit here on this floor today, to ignore that question of integrity of Pennsylvania's election process, is shameful. It is shameful to sit here and think that the citizens of this State believe that our election process in Pennsylvania is fair any longer. People do not believe it in Pennsylvania, and it is time that we restore that integrity to our election process so that the people who vote in every county in this State believe that the election count is right and fair, and the only way to restore that is exactly what Mr. Metcalfe is talking about here; that is, to require people to have ID when they go to the polling place. You cannot even get on an airplane today without ID. You cannot even do a lot of things today without ID, and yet all of a sudden today we are talking about impugning the election process because we require a photo ID?

We know for a fact the newspapers across this State have had story after story about people who have voted in two counties, two States, or two municipalities within a county.

Now, where does anybody on that side of the aisle who talked about the sacredness of elections believe that the people of Pennsylvania believe there is integrity in our election process in this State? Where do you believe that the people of this Commonwealth believe that our elections in Pennsylvania are fair and honest if and when we continue to find in our election process people voting two and three times? Where in our process can we believe, that in the old days it was great when our election officials, from judges of election to clerks in our voting booths, who stood there knew everybody that came in. They knew their neighbors. That is not the way it is today. That is not reality. People move. The judges of election do not know everybody like they used to. The process has changed. And if I forget my ID, I live in that neighborhood. It is not a big deal for me to run back home and get my photo ID. It is not like I am trekking miles or hours to a polling place. So let us not get carried away with these ideas that it puts a hardship on people to require them when we are going to pay for the photo ID and it is within their neighborhood that their polling place is at, that they cannot go back and get that ID fairly easily and rather quickly.

What Mr. Metcalfe is trying to do is simply put the sacredness back into the election process in Pennsylvania, so that when the vote totals come out on a November election or on a primary, people can believe that it truly was an honest process and that the election process was not stolen by somebody who decides to stuff the ballots with people who show up on election day. We have had enough indictments in this State to prove to the fact it is time for a change in the way we do elections, and it is time now to vote for Mr. Metcalfe's amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

For the information of the members, the Chair has a list of nine individuals seeking recognition, and the next person on the list is the gentleman, Mr. Waters, from Philadelphia.

Mr. WATERS. Thank you, Mr. Speaker.

Mr. Speaker, I would like to ask the maker of the amendment if he would like to answer a question.

The SPEAKER pro tempore. The gentleman has agreed, and you may proceed.

Mr. WATERS. Thank you, Mr. Speaker.

I wanted to talk to him about the need for everyone to show ID. I know we went over the point already about how we know the people who come to our polling place and vote. I know I do. I am a committeeman, and I also served as judge of election. Where I served as judge of election, my mother comes to vote there, and I want to know now, when my mother comes to vote – and I am 55 years old – when my mother comes to vote, am I supposed to ask my mother for ID?

Mr. METCALFE. Now, are you working as a committeeman or as a judge of election?

Mr. WATERS. No, judge of election.

Mr. METCALFE. Okay. If you are the judge of election, but you probably would not be sitting at the seat; you would probably have one of the inspectors or somebody helping you work there, so hopefully you would have one of them ask your mother for her ID, because I do not think you would want to ask. You might get in trouble.

Mr. WATERS. You are right; I would. You are absolutely right.

Now, the lady who now serves as judge, since I am now the committeeperson – I do not serve both roles – her mother comes

to the same polling place and votes, and she is the judge, the current judge there. Is it required for the judge to ask her mother, who bore her, who raised her, whom she knows very well, for ID?

Mr. METCALFE. I think the judges of election and I know you would agree and her mother would agree that nobody is above the law, so even though you know them, they are still supposed to present photo identification. So I think we are writing the law so that we are not arbitrarily saying, you know, well, we are just going to trust that you know this person or that person, but everybody is required to show photo ID.

Mr. WATERS. The judge, and I believe the word “judge” in itself says that the people have the right to judge, so you are taking away the word “judge” when you are saying that they are required now. There is no judgment in that. Now they are just absolutely acting as a machine saying, I no longer have a right to judge; now I want you to give me ID; Mother, I want you to give me ID. Now, if a candidate is there, now let us say a candidate has a poll watcher who is there and the poll watcher is watching the process, the election process, is that judge of election whose mother comes in there to vote or whose brother comes in there to vote or whose father comes in there to vote and does not ask that candidate for ID, can that poll watcher challenge that vote even though that is that person's mother?

Mr. METCALFE. I would probably say yes, that they could challenge it, but I am sure it would be remedied fairly quickly when they showed their ID then and they would show that they are their mother or brother or sister.

Mr. WATERS. But I believe it is also an insult to ask a person.

Now, I heard some questions gone over about how a person could go back home and get their ID, but if a person is on their way to work or a person, and I know at the polling place where they vote where I am, some people come there who are blind, some people come there in a wheelchair, or some senior citizens come there who are already having to go through a hardship to come out and vote, and they have been residents in that community longer than I have been alive and I know them very well. Now I have to ask that person to turn around and go back home and bring ID, even though I know who that person is and even though I know that person helped raise me, even though I know this person very well, a friend of my family whom I have been invited to their house and I know very well—

The SPEAKER pro tempore. Will the gentleman suspend. Has the gentleman concluded his interrogation?

Mr. WATERS. No; no, I have not. No, I have not. Mr. Speaker, I would like to continue my interrogation. I will not be that much longer.

The SPEAKER pro tempore. Then the gentleman is encouraged to continue his interrogation and save his argument on the amendment.

Mr. WATERS. I will. I will continue my interrogation briefly, and I believe Mr. Metcalfe is willing to participate in this? Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman. You may proceed, sir.

Mr. WATERS. Thank you.

As we can see, asking my mother for ID at a polling place that she has been voting at since 1958 would be an insult. Many of us know the people. I believe that if we do not know the person, the judge, and I say “judge,” should be allowed to ask that person for ID. But if this person is known by everybody on

the panel, and including the judge whose mother or father whom they would have to question now if this amendment is adopted, I believe that we are going too far. I believe that this is overkill when it comes down to making sure that people are registered and have a right to vote at that polling place. I believe that what we should be concentrating more on, because these people are going to now have to accept an added burden with this amendment, is working on making sure the people who work there get compensated better for the 17 hours that they are asked to work there rather than trying to find a way to make their job more difficult for the same compensation.

Thank you, Mr. Speaker.

Oh, yeah. Mr. Speaker, I would like to amend my conclusion by asking that we all give a “no” vote for me and for my mother. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. CASORIO. Thank you, Mr. Speaker.

Mr. Speaker, I trust my judges of election. I know all 51 of my judges of election and inside poll workers and I trust them. Whether they are Democrats or Republicans, I trust their judgment and I trust that their spending 18 hours a day or longer is a voluntary process. Yes, they receive a stipend, but it certainly does not compensate them for their length of duty. Mr. Speaker, I trust their judgment in knowing what is right and wrong. As the gentleman from Westmoreland before me and several speakers said, I have not known of any incidents of trouble or abuse save any that he may have spoken of. Mr. Speaker, those folks are there to guard the process.

Mr. Speaker, let me just read something from the amendment, if I could, and the gentleman, the maker of the amendment, stopped at this point, remarkably enough. Let me read from the record here. This amendment – and this is probably the most egregious part, the part that really chafes the most, Mr. Speaker – this removes the provision in the Election Code that only requires a photo ID for the first time you vote and makes it mandatory for each time. We know that. If you do not have a photo ID, you will be given a provisional ballot, Mr. Speaker, and if you cannot provide a photo ID, you are given a provisional ballot; they take it to the county. We are going to review that process in a moment, Mr. Speaker. But once you cast that provisional ballot, because you did not have your ID and you have lived in that ward or precinct for a number of years, you have to then go to the county, take that ID that you may not have had on election day, and say to the county, yes, this is me. Now, if you do not make it to the county for a reason that maybe you are working a minimum-wage job that you cannot get off because your employer has scheduled you 12, 13 hours that day, Mr. Speaker, or you are working somewhere where you are working on a project that you cannot get off, maybe you are caring for an infirm loved one, Mr. Speaker, maybe you are traveling out of the area for business after the election, Mr. Speaker, you must go to the county within 6 days of the election and say, this is Jim Casorio; that is my provisional ballot. If you do not go to the county within 6 days because you cannot afford the bus fare, because you do not have a car, because your husband or wife is working and you do not have a car, because you have to take your son or daughter to a dentist appointment, the county is going to throw that provisional ballot in the garbage. Mr. Speaker, that is what

this amendment does to the process. It throws the entire voting process in the garbage.

This is wrong, Mr. Speaker. Not only are we making it more difficult for folks to vote – yes, first-time voters should have an ID; we agree with that – but if you do not have your ID, you leave work, maybe you are a volunteer fireman like many are in Westmoreland County and you go to vote during the day and your ID and your personals are at the station and you just go to vote – oh, boy, it is a quarter to 8; the polls close at 8 o'clock; you go to vote. Jim Casorio, we know that is you, but you do not have your ID; here is a provisional ballot. By the time you get back down to the station, the polls are closed – right? – 8 o'clock. You cannot make it to the county in 6 days for whatever reason. They are going to throw that ballot in the trash. Mr. Speaker, I do not think that is what we want to do here today. We certainly agree that safeguards for first-time voters are in place and appropriate, but, Mr. Speaker, this is about disenfranchising voters.

That aside, Mr. Speaker, if you look at the wording of the amendment, and it is a rather lengthy amendment, there is a whole set of procedures that I will not bore you with because they are in front of your computer, but it talks about the county having several hearings on this provisional ballot if they are challenged, Mr. Speaker, if they are challenged by another candidate or another party, and the county has to set up a hearing within a certain number of days. It is on your computer in this amendment. Then the county has to schedule that, and they have to have folks there – they have to pay for those individuals – and then they have to count the ballots, Mr. Speaker, and it goes down through a long list of provisional ballot requirements – representatives, where they should be, times within certain days of the election. That is another burden on the county, Mr. Speaker, when I know Westmoreland County, my director of county elections lives in my district. They are concerned about the cost for the computer voting machines, Mr. Speaker, that are being forced upon them.

Mr. Speaker, the counties have enough to do. The counties have enough to do with 650, I believe, polling places in Westmoreland, 51 in my district. They have enough to do on any given election day, Mr. Speaker. But the part that if you do not have your ID for whatever reason and you have lived in that precinct or lived in that ward in Irwin or North Huntingdon or Jeannette or Penn Township in Westmoreland County and you do not have that ID, you do not have your wallet, maybe you were dropped off from work and you are walking down to your house but it is a few blocks away, they are going to take that provisional ballot, Mr. Speaker, and throw it in the trash if you cannot make it to the county in 6 days. That is wrong. That disenfranchises votes, Mr. Speaker.

The system in Pennsylvania is not broken. We do not need to fix this. We see the underlying aspects of this amendment, Mr. Speaker, and it smells. We need to defeat this amendment, and I ask for a negative vote. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Delaware County, Mr. Barrar.

Mr. BARRAR. Mr. Speaker, may I interrogate the maker of the amendment?

The SPEAKER pro tempore. The gentleman has agreed, and you may proceed.

Mr. BARRAR. Mr. Speaker, I am just trying to find out, what are the other States surrounding us and throughout the country doing about the issue of photo IDs?

Mr. METCALFE. I believe we have heard of a couple recently. I believe there are now 21 States that are either requiring or soon to require voter identification when you vote, and out of those, I believe there are now 6 and moving toward 7 to require photo identification when you vote.

Mr. BARRAR. Are any of them doing any advanced measures like a thumbprint type of ID or anything, or is it just photo IDs we are seeing?

Mr. METCALFE. I believe it is just photo ID.

Mr. BARRAR. In the last two elections where there were cries of disenfranchisement, did we see any court challenges to the photo ID issue from any of the courts?

The SPEAKER pro tempore. Will the gentleman suspend.

POINT OF ORDER

The SPEAKER pro tempore. The gentleman, Mr. Pallone, has a point of order. The gentleman is recognized.

Mr. PALLONE. Thank you, Mr. Speaker.

Back in my last inquiry about examining the maker of a bill or amendment, you had suggested it should be questions that you do not know the answers to. I have reason to believe that Representative Barrar has the answers to the questions he is already asking, and it is just repetitive in nature, completely contrary to what your prior ruling was.

Mr. BARRAR. Mr. Speaker, I was trying to see if there had been any court challenges—

The SPEAKER pro tempore. Will the gentleman suspend.

Again, to repeat what I have said at least probably three or four times today, the purpose of interrogation is to elicit information and answers to which the interrogator is not privy, does not know the answers to, and I do not think the gentleman is questioning the veracity of the questioner, and the Speaker always gives the benefit of the doubt. But if there is suspicion, the questioner will be admonished.

Mr. PALLONE. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is welcome.

Mr. BARRAR. Mr. Speaker, my question was—

The SPEAKER pro tempore. Will the gentleman suspend.

POINT OF ORDER

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

Mr. MAHER. A point of order, Mr. Speaker.

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

Mr. MAHER. It certainly sounded to me that the gentleman, Mr. Pallone, was challenging the motives or integrity of the inquisitor, and I believe that violates the House rules, and I would ask that the Chair convey to Mr. Pallone that that is inappropriate to be attacking the integrity or motives of members during the course of debate.

The SPEAKER pro tempore. The Chair thanks the gentleman for his point of order, and the Chair did not interpret that in the same way and gives the benefit of the doubt for the time being to the gentleman, Mr. Pallone.

Mr. MAHER. If I might, Mr. Speaker, when the gentleman, Mr. Pallone, is saying that he has reason to believe that the speaker knows things that the speaker is not revealing, it certainly sounds to me as though the gentleman has attacked the integrity of the speaker. And if I misunderstood, I certainly apologize, but it is, I think, very important for the decorum of this House that we be respectful of one another.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair agrees, that we will listen very, very carefully, and appreciates the gentleman's remarks.

On the amendment, the gentleman, Mr. Barrar, may continue.

Mr. BARRAR. Thank you, Mr. Speaker.

What I am trying to find out is if there have been any court challenges of constitutionality on the issue of photo ID or if in the year 2000 or 2004 we have seen any complaints coming out of States that currently require a photo ID.

Mr. METCALFE. We are not aware of any court challenges to photo ID being required in any of those States that they have required it.

Mr. BARRAR. Thank you.

Mr. Speaker, are you aware of any one particular group over another that may be disenfranchised by the passage of this amendment?

Mr. METCALFE. No. I look at voters as individuals; they vote as individuals, and I do not believe this disenfranchises any individual voter's ability to vote. Actually, I think it actually empowers people to ensure that their vote is going to be counted and that fraudulent votes will not be counted, because people who might be prone to try and cast a fraudulent vote would be discouraged from doing so knowing that they have to use photo identification to vote now.

Mr. BARRAR. Thank you. That is all I have, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentlelady from Philadelphia, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I would like to interrogate the maker of this amendment, if it is acceptable.

The SPEAKER pro tempore. The gentleman has agreed, and you may proceed.

Ms. JOSEPHS. Thank you. Thank you, Mr. Speaker.

I understand that the reason that you propose this amendment is your concern with fraud. Is that correct?

Mr. METCALFE. That is correct.

Ms. JOSEPHS. How many people in Pennsylvania showed up in the last election, let us say the primary, saying they were a voter and they were not the voter that they identified themselves to be?

Mr. METCALFE. I think if we had photo ID, we could probably answer your question a lot better.

Ms. JOSEPHS. How many people showed up in the last election with the intent of pretending to be someone else other than the voter and tried to vote?

Mr. METCALFE. Again, if we actually required people to prove that they are who they say they are with photo identification when they go vote, there would not be a problem with trying to find a count, because we would cut down on fraud.

Ms. JOSEPHS. All right. Let me make this just a little easier. In your district, sir, how many people showed up and said that they were a person that they were not and attempted to vote?

Mr. METCALFE. As I said, still, in my district they do not require photo identification any more than they do yours, so we still could not answer that question without implementing this new amendment.

Ms. JOSEPHS. All right. So we have absolute— Thank you. Thank you, Mr. Speaker. I have finished interrogation, and if I may make a statement, I would appreciate making that.

The SPEAKER pro tempore. The lady is in order and may proceed.

Ms. JOSEPHS. Thank you, sir.

What the maker of this amendment has admitted by not answering the question is that we have no notion whatsoever whether one person or 40,000 people showed up at a polling place and pretended to be someone other than who that person was and then tried to vote. We are debating an important public policy position in the absence, the absolute absence, of any evidence that there is a problem here, and that was admitted by the maker of this amendment because he did not answer my question. My question was, how many people have tried to create, have tried to conduct fraudulent voting by showing up and saying they were X but they were really Y, and the answer is, no one knows. This is such a minor problem that not only no one knows but nobody has bothered to find out.

Now, I am going to paraphrase a little bit some evidence that was given in another State when I make my statement so that nobody accuses me of plagiarism, but these are also my sentiments. While we are debating this issue, it is very important to understand that for the individual voter to show up at a polling place and to say “I am A” but that voter is really B is very risky right now. Someone who pretends, a voter who pretends to be someone else risks prosecution, and this State should and will certainly prosecute people who attempt to do that, and we know that because the other gentleman who spoke in favor of this amendment pointed out a few rare cases in which the State did prosecute and the voter was charged with a serious infraction.

On the other hand, the rewards for somebody who might have a massive voter registration scheme perpetrated, that he or she is perpetrating, where tens or hundreds or hundreds of thousands, perhaps, of voters are given fraudulent ID and told to show up in places, I mean, does this sound like it could ever happen, really? I mean, this will not happen, because the rewards for a person who perpetrates such a scheme are virtually nonexistent. You cannot tell whether the person you have paid to do this actually voted the way in which you paid that person to vote. Actually, where the fraud comes in in elections, and we have seen it here over and over and over again, particularly in the county of Philadelphia, is with absentee and mail-in ballots, and if we are going to talk about fraud and preventing fraud, that is the place we have to look, because that is where it happens.

One of the gentlemen in favor of this amendment mentioned that people were caught voting twice and claimed that if folks had voter ID required at the polling place, that that kind of fraud would be stopped. How? How, I ask? How? If you have one fraudulent ID, photo ID, you could have 2 or 10 or 20. You could vote as many times as you have fraudulent ID. So the people who vote twice, and occasionally that happens – and I know; it happened in a county, it happened in

Philadelphia County, and the person was prosecuted – will continue to do that under any scheme that resembles anything that the maker of this amendment is trying to push.

ID requirements, as was said before, impose a severe burden on many voters, particularly the elderly, low income, single parents, disabled voters. I do not come, for instance, to the polls with any kind of ID because, guess what, folks? I do not drive to my polling place and neither do the majority of people in urban areas. We walk, and there is no requirement that American citizens have to carry with them any kind of papers when they walk in the street. This is a democracy. This is a big difference between us and many other governments. We are not required to carry papers when we walk in the streets. We are citizens of a free country, and when we walk down the street and walk into our polling place, we are still the same citizens of the same free country. We do not need to carry papers on us. We are Americans.

Finally, I believe that this kind of scheme is unconstitutional. I am not going to move to declare it unconstitutional because I understand that on this floor whether something is constitutional or not is a political question. But when it gets to the court, it is not a political question; it is a judicial question. Poll taxes have been struck down. The requirement to own property has been struck down. The requirement to be of a certain race, of a certain gender, has been struck down. This will also be struck down, and if we pass this and if it becomes law, we will have yet another opportunity to embarrass ourselves as a State, because we are going to lose a fundamental constitutional question in State court, Federal court, any court you would like to name.

This is really a bad idea. I understand this is partisan politics, but I believe that people on both sides of the aisle will be hurt if we pass this. We were all elected by people who did not have to show, for the most part, any ID. We belong here. How many of us are going to find out we do not come back here if we impose one nonsensical and ridiculous requirement or another on the voters.

Vote “no” on this. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman from Schuylkill County, Mr. Argall.

Mr. ARGALL. Thank you, Mr. Speaker.

In the interest of the late hour, I am going to be very, very brief.

On swearing-in day we all hear many flowery speeches about the long and glorious history of this institution and this State, and I have done a few of those speeches about the Liberty Bell and about the Constitution and the Declaration of Independence being a product of the people from the Colonial Assembly and in the early Congress’s meet in Philadelphia. But the sad truth about Pennsylvania is that there is also a darker part of our history, and it is not just in Philadelphia. It is in many of our counties where there have been documented instances – it is a miracle – more people vote than live in some of those precincts or are registered in some of those precincts. I cannot imagine how that happens, but we know that it happens. What I believe Representative Metcalfe has suggested here today is a very commonsense way. We understand you will probably never, never completely crack down on every incident of voter fraud. What I do believe he is attempting to do is a step in the right direction, nothing less and nothing more, and so I would ask for a positive vote on the Metcalfe amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Westmoreland County, Mr. Pallone.

Mr. PALLONE. Thank you, Mr. Speaker.

And I rise again in opposition to this amendment, not unlike the last attempts that have been passed to, again, disenfranchise the voters in Pennsylvania. I know that myself being the product, a second generation American family, my grandparents were imports from Italy and came to this country for one of a number of reasons, one being, of course, the inalienable right to be able to vote and have the freedoms that we enjoy in our country. Today I stand before you shamed that we in fact are instituting legislation and regulation in the voting arena not unlike the Third World countries and other dominant countries around that create all of the problems that we have. We have young men and young women abroad fighting in a war so that those people can enjoy the freedoms that we enjoy now today. We are going to take those freedoms away from the voters in Pennsylvania and make it again more difficult to vote. What are we afraid of?

I can stand before you as an elected official and tell you that in my legislative district, there are no voting problems, whether it is blue ink or black ink or pencil, whether it is a photo ID or my trust and our public trust in the judges of election that serve in the counties and the communities that I serve. I stand before all of you ashamed that I have to make this argument that we should not be disenfranchising the voter, that we should be trying to find a way to make the voter vote, not make it more difficult. We should be looking for technological advances so that voters can vote more easily from work, from home, or from wherever, their BlackBerry or their computer. We should be looking for opportunities to encourage our people to vote. If you look at this last primary election in Pennsylvania, it is shameful the number of people who turned out to vote. It was probably the lowest voter turnout in the history of this Commonwealth, and now we are going to make voting even more difficult. This is nothing more than a Machiavellian attempt to keep the voters away from the poll because we are afraid of what they might do.

Again, I ask all of you and implore you to vote “no.” Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Northampton County, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the Metcalfe amendment. Despite the well-intended efforts on the part of the gentleman, Mr. Metcalfe, to get after fraud, the reality is that this amendment, I think, will cause more problems for legitimate voters than it will to crack down on fraud.

The procedure that is outlined in the provisions of this amendment provides a very unnecessary and very cumbersome way in which to deal with the issue of voter identification. A previous speaker talked about if someone was in line and forgot their license or a photo ID, they could easily run back home, pick it up, bring it back to the polling place. We all recall the long lines that existed in the 2004 Presidential election. The likelihood is that that person may not come back because they cannot get back in line in time. The other alternative for that individual would be to vote by provisional ballot. That will add more time to the processing of legitimate electors through that polling place. It is going to slow the process, it is going to prove

to be cumbersome, and it is going to discourage people from exercising their franchise.

Let me walk through a scenario which I feel is very real and very likely to happen if we adopt the Metcalfe amendment today. There is a lady by the name of Mrs. Jones. She is 81 years old. She has lived in the same neighborhood and voted in the same polling place for the last 60 years. She is known to every member of the polling place – judge of elections, the minority inspector, the majority inspector. Every one of them knows her on sight and by name. She does not have a photo ID. Despite the best efforts of the Secretary of the Commonwealth to make it known that voters should get a photo ID or by the efforts by the Department of Transportation that they can obtain one, as this amendment provides, she just did not find out about it. We see this every day in trying to make more and more of our senior citizens aware of the property tax and rent rebate program. How many senior citizens are there out there who still do not know about that program despite all of our best efforts to enroll them in that program if they qualify?

So in this case, Mrs. Jones is unaware of the free photo ID. She goes to vote. They know her on sight. She has voted religiously at the same place for 60 years in a row, never missing a vote. She has no photo ID because she does not drive anymore. Her only recourse under the provisions of this amendment is to fill out an affidavit that within 6 days she produces a photo ID. Now, keep in mind, if it is a heavy-turnout election, the likelihood is that many of the instructions that will be needed to be given to voters who use the provisional ballot will not be given clearly, will not be provided in a clear outlined fashion. Many people may use the provisional ballot and not catch the fact that they have to produce a photo ID 6 days later, in which case, as the gentleman, Mr. Casorio, points out, that ballot goes in the waste can. It will not be counted despite the fact that that elector was a legitimately registered voter, whose vote will not now be counted.

In the scenario of Mrs. Jones, she fills out the affidavit. She even understands she has to produce a photo ID within 6 days. Mrs. Jones does not own a car. The only photo ID center within her vicinity is accessible only by car. She has to try and find a way to get to that photo ID center within 6 days to get a photo ID. Chances are, she will fail in that attempt, and despite the fact that she has a sterling record of participating in every election over the last 60 years, her ballot will not be counted. Despite the fact that every one of the people inside that polling place knew her on sight because she has voted there religiously without missing an election for 60 years, her ballot will not be counted. She will, in effect, be disenfranchised.

This amendment is not part and parcel of an effort to encourage a good working democracy. It discourages political participation, and that is counter to the very ideals of a democracy. Although well intentioned on the part of the gentleman, Mr. Metcalfe, this amendment should go back to the drawing board. It does not provide adequate safeguards. It creates a cumbersome and unnecessary process that will only serve to disenfranchise legitimate voters. None of us should be supporting that kind of proposal.

I urge this House to vote “no.”

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Allegheny County, Mr. Readshaw.

Mr. READSHAW. Thank you, Mr. Speaker.

I would like to interrogate the maker of the amendment.

The SPEAKER pro tempore. The gentleman has agreed, and you may proceed.

Mr. READSHAW. Thank you, Mr. Speaker.

Just a point of clarification here. Is this statement accurate: If you do not have a photo ID, you will be given a provisional ballot. If you cannot provide photo ID within 6 days, 6 days, to the county election board, your vote will not be counted. Is that accurate?

Mr. METCALFE. The way that we have drafted the amendment, if somebody shows up at the voting place and they do not have photo ID with them, then they would be allowed to cast a provisional ballot. After they have cast that provisional ballot, then they would be required to show their photo identification at the election bureau within 6 days for that ballot to be counted.

Mr. READSHAW. Okay. Very good. And that is the point I am trying to make here and the question I need to ask. Is that 6 consecutive days? Six business days? Because under the assumption that the election would be held on Tuesday, you would have Wednesday, Thursday, Friday, Saturday, Sunday, and Monday, two of those days being Saturday and Sunday. I would have to assume that the election board would not be open for an individual to comply with this and provide a photo ID. So obviously my question is, are we talking 6 business days or 6 consecutive days?

Mr. METCALFE. No. The requirement that the law provides for now, for a provisional ballot to be opened on the seventh day, required us to use calendar days. So that would be 6 calendar days. As I said, that would fit with the current law that requires provisional ballots to be opened on the seventh day.

Mr. READSHAW. All right. So the reality of it is we are talking 4 days when the board would be available. Is that accurate? I assume that may vary from county to county, but—

Mr. METCALFE. You would have 6 days, and as you said, that would vary from county to county whether or not they would be available to review the photo ID material.

Mr. READSHAW. All right. Thank you. That was my question, Mr. Speaker. I needed to establish if that included Saturday and Sunday, and I assume that is accurate and that is what it says.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Philadelphia County, Mr. Thomas, for the second time.

Mr. THOMAS. Thank you, Mr. Speaker.

May I interrogate the maker of the amendment?

The SPEAKER pro tempore. The gentleman has agreed, and you may proceed.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, earlier I asked you about changes that we made to the Election Code, and I want to draw your attention to section 1825, which deals with fraud by election officers, and there is a section in this section which talks about false entries in district registers and talks about failure to insert in the voting check list, and it lists a whole number of things. It is almost a whole page on what would constitute fraud on behalf of election board workers. I thought that it was just limited to judges, but it is not just limited to judges. It includes majority inspectors, minority inspectors, machine inspectors, and clerks.

Here is my question, in the interest of time: An election board officer who accepts something other than a photo ID in

order for a person to vote, would that be a violation of the Election Code if your amendment becomes law?

Mr. METCALFE. If my amendment becomes law and—

Mr. THOMAS. Your amendment requires photo ID.

Mr. METCALFE. That is correct. If somebody willfully accepted something other than photo ID, then they would be in violation of the law, but – and we looked a little more into your previous question that you are referencing – for somebody to be prosecuted under the law, as we understand it, they would have to willfully commit fraud or who conspires to willfully commit fraud. It would not just be a mistake that they did something they were not supposed to do. They would have to willfully commit fraud in the process.

Mr. THOMAS. Well, let us use this situation. A judge of elections is 73 and has known you ever since you were a kid, knows that you are in fact Mr. Metcalfe, allows you to go and vote without verifying that you have photo ID. Is that not a willful violation of the code if your amendment becomes law?

Mr. METCALFE. Well, it would be a— As you are laying it out, they would willfully not abide by the law that they are supposed to enforce, but they also would not be doing it to commit fraud, because like you said, they would know who the person is. You would not condone that action but neither would you see that as a felony according to the language that I have before me, that is in the current law related to penalties.

Mr. THOMAS. Well, the law focuses more on the willful act rather than the motives underlining the act.

Mr. METCALFE. Well, the language says willfully commits fraud or who conspires to willfully commit fraud, is the language that I have before me that is out of that section of law.

Mr. THOMAS. We are on the same page. It talks about willful violation or willful commission of fraud or inspires someone else to commit fraud or facilitates an act that amounts to fraud. My point is this: I wanted to bring your attention to this section, and if you might recall, I remember that you were one of the proponents of this section, and as a proponent of this section of the Election Code, we upgraded willful violation of the code from a misdemeanor to a third-degree felony. We increased the fine from \$1,000 to \$15,000. We increased the sentence from not less than 5 years in prison to not less than 7 years in prison. This is the result of a willful violation of the Metcalfe amendment, if the amendment becomes law.

Thank you, Mr. Speaker. I am finished with my interrogation.

Mr. Speaker, I again draw my colleague's attention to section 1825 of the Election Code, section 1823, section 1817, and section 1802, all of these sections, and it is important for us to understand, there is something called de jure violation of the law and there is something called de facto violation of the law. While the intent of the architect of this amendment might be good, in the real world, the application of this amendment, if it becomes law, will result in innocent people, because all you have to do is to file a challenge and prove that the judge, the majority inspector, minority inspector, clerk, or machine inspector willfully failed to comply with the tenets of the Metcalfe amendment, and a guilty verdict of willful failure to comply will result in a third-degree misdemeanor, a third-degree felony, a \$15,000 fine, and maybe imprisonment of not less than 7 years. That is the current law as it exists in Pennsylvania.

To advance either one of the Metcalfe amendments will create a very bad situation for innocent people that we know.

Some of them have known us all of our lives, have watched us come into the world and grow up to become elected officials. Some of our judges, our majority inspectors, our minority inspectors, they know who we are, and many of them, not intentionally but willfully, will fail to comply with the basic tenets of this amendment, because again, as I mentioned earlier, there is a growing segment of Pennsylvania's community that does not have photo identification. And I caution, some earlier speakers talked about identification. The issue with the Metcalfe amendment is not identification; it is photo ID, so that you can have a valid Social Security card, which does not carry a picture; you can have a valid Medicare card, which does not carry a picture. So you can have legitimate identification but be denied the opportunity to vote because you do not have photogenic identification, and without the photo, your identification is null and void, and I ask that we rethink, that we think about what we are doing with amendment 1984.

If it moves forward, it will result in disenfranchisement of voters because there are people who will not have a photo ID who would know that their identification that they have, their Social Security card, their Medicare card, it is no longer relevant in order for them to vote, and so rather than spend money to get a noncommercial driver's license with a photo on it, they will just say the heck with it; they will just say the heck with it. There will be another group of people who do not have photo ID, or they might have photo ID but do not want to be intimidated by the process.

And, Mr. Speaker, the absence of photo ID is not tantamount to threatening the sanctity of the process. The process can remain sincere and with integrity if the issue was identification, but the issue is not just identification. It is photo identification, which creates a different kind of problem for a lot of people in Pennsylvania.

Mr. Speaker, without further discussion, the architect of the amendment might mean well, but the application of the amendment is going to create living hell for many people throughout Pennsylvania, and against that reality, we have no other choice than to vote this amendment down.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Erie County, Mr. Fabrizio.

Mr. FABRIZIO. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to the Metcalfe amendment. There has been a lot of dialogue that has occurred this evening, but let us look at something. We are drawing some analyses; we are drawing some comparisons; we are drawing some analogies, but we are confusing rights and privileges on many occasions.

Article I of the Pennsylvania Constitution calls it the Declaration of Rights. It is not the declaration of rights and privileges. Section 5 deals with elections. Simply stated, it says, "Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage." It also goes on to say that "Every citizen 21 years of age,..." with certain qualifications, "...shall be entitled to vote at all elections subject, however, to such laws requiring and regulating the registration of electors...."

Now, the amendments we have seen this evening that we have discussed have often interchangeably referred to voters and electors. If in fact they have been declared voters and electors, then we have done our duty by law to declare them electors by the registration process. We cannot go any further in interfering with their right to vote.

Have we become so paranoid, so distrusting, so insecure that we must supplant our inherent trust and reliance on responsible behavior with an arbitrary and capricious code of structured and prescriptive behavior that inhibits and prohibits reasonable people from exercising their fundamental rights?

The superimposition of personal values which restrict rights and which compel decent, hardworking citizens to comply with rules and regulations that serve no purpose but to salve the moral indignation of the moral majority, which is neither, is no course of action. It is a dangerous path to follow.

We have heard the word bandied around oftentimes preserve the integrity of the process. Vote for this and you challenge the integrity of every decent citizen of this Commonwealth. Go back and tell your voters that you do not trust them.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Cohen, for the second time.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, not too long ago Mr. Barrar asked Mr. Metcalfe if he was aware of any legal challenges to photo identification. I thought that was a good question. Mr. Barrar did not know the answer, but we are now able to use the Internet at our chairs, and sure enough, there have been legal challenges.

You may not have heard – I had not heard until an hour or so ago – of Judge James Robart. Judge James Robart was a Bush appointee. He had originally been opposed by the Democratic Party in Washington as being too conservative. He was finally confirmed a year ago in 2004.

And Judge Robart got to rule on the question of whether street performers in Seattle, Washington, could be required to wear ID so people would know who they are, and Judge Robart ruled that the U.S. Constitution prevented street performers from being required to wear or have ID, and that is a Federal judge appointed by President Bush, just sworn in last year.

There are cases all over the country challenging photo identification for voter registration. Dan Ocko of my staff produced for me – he downloaded from the Internet – a brief filed in the State of Indiana. Their law is virtually identical to the proposed Metcalfe amendment. And there are a whole bunch of plaintiffs: a longtime State legislator in Indiana, the group United Senior Action of Indiana, the Indianapolis Resource Center for Independent Living, the Concerned Clergy of Indianapolis, the Indianapolis branch of the NAACP (National Association for the Advancement of Colored People), the Indiana Coalition on Housing & Homeless Issues. There is a whole coalition of people who signed on to this lawsuit challenging the constitutionality of the bill that Mr. Metcalfe is imitating.

And in Georgia on April 22, a bill very similar to this bill was signed into law, and the very next day after the bill was signed into law, another group of citizens in Georgia announced they were filing a constitutional challenge of this bill in Georgia.

And in Connecticut they passed a bill like this in the fall of 2004, and litigation was promptly filed, and according to the Internet search in Google, there will be hearings on this within the next couple of weeks before the Federal judge in Indiana, and the plaintiffs are very optimistic that the case will go in their favor.

At the very least, Mr. Speaker, this is highly questionable legally as to whether we could do it. I think the case is clear that

we cannot engage in this kind of action. All we are doing is setting up an obstacle course for people who are voters, who are citizens, who may be trapped because they do not have the identification with them.

At one of the polling places in my district last year, at about a quarter after 8, a woman was told— She was carrying a small child with her. The child was perhaps 1 year. The child was tired. It was the end of the day. She was carrying this small child, and she was told that she did not have identification, adequate identification, within our current law, and she rushed home, and sure enough, she beat the clock. She brought her child with her again, and by about 1 or 2 minutes of 8, she got in and she voted. But you know, we cannot be sure that is always going to happen. If you challenge enough people, some of them are going to give up. We have seen that happening with lines year after year.

This amendment is at best, at most charitably, constitutionally dubious; it is probably unconstitutional. I strongly urge defeat of this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Philadelphia, Mr. James.

Mr. JAMES. Thank you, Mr. Speaker.

Mr. Speaker, I would just like to say that in my district right after 9/11, they changed the way people get birth certificates and they changed the way people— In order to get ID, they had to have this kind of ID. And then coming in my office, if they did not have, if they did not have some kind of an ID, they would have to have bills. Well, some people in my district did not have bills because they rent rooms; they rent apartments.

So it was just very, very, very difficult in order to get this, and I am just saying that this is further going to cause more problems with people being able to vote. And I again think and I remember hearing or reading somewhere that Pennsylvania was like Philadelphia on one end, Philadelphia County on one end and Allegheny County on the other end and either Alabama or Mississippi in the middle, and it seems that that is what is happening now, that we are starting to be like the South.

I guess pretty soon if these amendments keep passing, we are going to have to call in the freedom fighters again or the freedom voters or something in order to bring some sense to voting. But I think we should be encouraging people to vote and not discouraging people to vote. In fact, we should even let people vote on election day if they can come in. If somebody knows they just moved into a district and they want to vote, we should even allow that.

So again I would urge a “no” vote, and this, again, is an indication of further suppression of voting. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the minority leader, the gentleman from Greene County, Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

Real quickly and without any pyrotechnics, it is a moment of metaphorical piquancy to look at the number of the amendment, 1984, and to think that George Orwell, the creator of the Big Brother perspective, would look askance at what we are doing here today.

The argumentation against this rather unusual measure does not need buttressed by me at this juncture. It has been well commented upon by my colleagues, but it does seem to me an infringement upon the right of franchise, the suffrage that the

United States of America’s tradition has been constructed upon. It is a solution that seems to be looking for a problem.

And as the interrogation has indicated, the honorable gentleman from Butler County could not remember any instance in his district or the one next door or the one next door to that. And the gentleman from York County was talking about needing an ID to go to the airport. Well, there is nothing in the Constitution that guarantees that airport visit. It was a completely irrational argument. We have had so many irrational arguments today.

Amendment 1984 by the honorable gentleman from Butler County is unnecessary; it is wrong-headed; it needs to be countervailed. The right to vote in the United States, the right to vote in Pennsylvania, as the last gentleman from Philadelphia said, we should have same-day registration. If you walk in that polling place, you should be able to vote on that day like they do in so many other States. We should be opening up the chance to vote in Pennsylvania, not putting it in shackles and pinions. The gentleman is wrong to proffer this amendment, and I would ask for its defeat.

The SPEAKER pro tempore. The Chair thanks the gentleman and finally recognizes the gentleman, Mr. Metcalfe.

Will the gentleman suspend.

DOCUMENT SUBMITTED FOR THE RECORD

The SPEAKER pro tempore. Mr. James, do you seek recognition for the second time?

Mr. JAMES. No. I seek recognition on a point of information, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his point.

Mr. JAMES. I would just like to submit this document for the record in relationship to this. It is called “Preserving Democracy: What Went Wrong in Ohio.” It is a report done by Congressman Conyers, an investigation of the Ohio elections, and I would like to have this submitted for the record.

The SPEAKER pro tempore. The gentleman may submit that to the clerk.

Mr. JAMES. Thank you.

(For document, see Appendix.)

The SPEAKER pro tempore. The gentleman, Mr. Metcalfe, is recognized.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, we have gone for some time on this amendment and the previous one, that I did not expect to take us into this late hour of the day for these couple of amendments, but I appreciate the members’ time in considering this very important amendment. As I mentioned early on, as we work to ensure and protect the integrity of our election process, I think that this is a very important amendment to do just that.

Some of the previous speakers had talked about long lines and the possibility that this might discourage somebody from voting. I would just cause everybody to bring this to your attention that in fact in this amendment we do provide that if someone showed up, did not have voter ID, they would be able to cast a provisional ballot. They would not be discouraged and turned out of the line, but they could cast a provisional ballot and then show their photo ID within 6 days.

I think what we are missing here is we hear disenfranchisement talked about, that we do not want to disenfranchise any voters. I think the problem is that we are disenfranchising voters with the current system, that we are disenfranchising every voter that has cast a legitimate, legal vote. When they have somebody cast a vote that is fraudulent because we do not have photo identification, that disenfranchises that voter.

The current system does not require voter identification unless you are a first-time voter. We need to make this change to the law to require the photo identification, and I would appreciate your affirmative vote. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—99

Adolph	Fleagle	Maitland	Reed
Allen	Flick	Major	Reichley
Argall	Forcier	Marsico	Rohrer
Armstrong	Gabig	McGill	Ross
Baker	Gannon	McIlhattan	Saylor
Baldwin	Geist	McIlhinney	Scavello
Barrar	Gillespie	McNaughton	Schroder
Bastian	Gingrich	Metcalfe	Semmel
Benninghoff	Grell	Micozzie	Smith, B.
Birmelin	Habay	Millard	Smith, S. H.
Boyd	Harhart	Miller, R.	Sonney
Bunt	Harris	Miller, S.	Stairs
Cappelli	Hennessey	Mustio	Stern
Causar	Herman	Nailor	Stevenson, R.
Civera	Hershey	Nickol	Stevenson, T.
Clymer	Hess	O'Brien	Taylor, E. Z.
Crahalla	Hickernell	O'Neill	Taylor, J.
Creighton	Hutchinson	Payne	Turzai
Dally	Kauffman	Petri	Watson
Denlinger	Keller, M.	Phillips	Wilt
Diven	Kennedy	Pickett	Wright
Ellis	Killion	Pyle	Zug
Evans, J.	Leh	Quigley	
Fairchild	Mackereth	Rapp	Perzel,
Feese	Maher	Raymond	Speaker
Fichter			

NAYS—96

Bebko-Jones	Fabrizio	Lescovitz	Santoni
Belardi	Frankel	Levdansky	Shaner
Belfanti	Freeman	Manderino	Shapiro
Bianucci	George	Mann	Siptroth
Bishop	Gerber	Markosek	Solobay
Blackwell	Gergely	McCall	Staback
Blaum	Godshall	McGeehan	Steil
Buxton	Good	Melio	Stetler
Caltagirone	Goodman	Mundy	Sturla
Casorio	Grucela	Myers	Surra
Cawley	Gruitza	Oliver	Tangretti
Cohen	Haluska	Pallone	Thomas
Cornell	Hanna	Petrarca	Tigue
Corrigan	Harhai	Petrone	Veon
Costa	Harper	Pistella	Vitali
Curry	Hasay	Preston	Walko
Daley	James	Ramaley	Wansacz
DeLuca	Josephs	Readshaw	Waters
Dermody	Keller, W.	Roberts	Wheatley
DeWeese	Kirkland	Rooney	Williams

DiGirolamo	Kotik	Rubley	Wojnaroski
Donatucci	LaGrotta	Ruffing	Yewcic
Eachus	Leach	Sainato	Youngblood
Evans, D.	Lederer	Samuelson	Yudichak

NOT VOTING—0

EXCUSED—6

Butkovitz	Rieger	Sather	True
Cruz	Roebuck		

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

BILL PASSED OVER

The SPEAKER pro tempore. HB 1318 will be passed over for the day.

There will be no further votes today.

RESOLUTION REPORTED FROM COMMITTEE

HR 357, PN 2246

By Rep. BIRMELIN

A Concurrent Resolution establishing the Katie Elise Lambert Commission on Child Safety in this Commonwealth.

CHILDREN AND YOUTH.

ANNOUNCEMENT BY MR. COHEN

The SPEAKER pro tempore. The gentleman, Mr. Cohen, is recognized for an announcement.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, there will be informal discussions in the House Democratic caucus room.

The SPEAKER pro tempore. The Chair thanks the gentleman.

ANNOUNCEMENT BY SPEAKER PRO TEMPORE

The SPEAKER pro tempore. For the information of the Republican members, there is also an informal caucus in the caucus room.

RULES COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the majority leader, who calls for an immediate meeting of the Rules Committee.

BILLS REREPORTED FROM COMMITTEE**HB 1509, PN 1843**

By Rep. S. SMITH

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to F & L Group, Inc., an access and utility easement across certain lands situate in the Hempfield Township, Westmoreland County.

RULES.

HB 1597, PN 2207

By Rep. S. SMITH

An Act providing for registration of private care residences and for background checks; imposing duties on the Department of Public Welfare; and imposing penalties.

RULES.

HB 1606, PN 2149

By Rep. S. SMITH

An Act providing for free breast and cervical cancer screening services to certain eligible women and for the powers and duties of the Department of Health.

RULES.

HB 1745, PN 2307

By Rep. S. SMITH

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to convey tracts of land and buildings, consisting of a portion of the former Laurelton Center, located in Hartley Township, Union County, Pennsylvania; and making a related repeal.

RULES.

BILLS ON SECOND CONSIDERATION

The following bills, having been called up, were considered for the second time and agreed to, and ordered transcribed for third consideration:

HB 1509, PN 1843; HB 1597, PN 2207; HB 1606, PN 2149; and HB 1745, PN 2307.

**CONSUMER AFFAIRS
COMMITTEE MEETING**

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Flick.

Mr. FLICK. Thank you, Mr. Speaker.

I just wanted to remind the members of the Consumer Affairs Committee that tomorrow morning at 10 we are having a meeting in hearing room 2 of the North Office Building. I would like all members to be there promptly. We will be very quick.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

There is a Consumer Affairs Committee meeting in hearing room 2 of the North Office Building tomorrow at 10 a.m.

BILLS RECOMMITTED

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

Mr. S. SMITH. Mr. Speaker, I move that the following bills be recommitted to the Appropriations Committee:

HB 1509;
HB 1597;
HB 1606; and
HB 1745.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILL REMOVED FROM TABLE

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

Mr. S. SMITH. Mr. Speaker, I move that SB 86 be taken off the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILL ON SECOND CONSIDERATION

The following bill, having been called up, was considered for the second time and agreed to, and ordered transcribed for third consideration:

SB 86, PN 665.

BILL RECOMMITTED

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

Mr. S. SMITH. Mr. Speaker, I move that SB 86 be recommitted to the Appropriations Committee.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 1797 By Representative FLEAGLE

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for the Board of Commissioners on Uniform State Laws; and making a related repeal.

Referred to Committee on STATE GOVERNMENT,
June 27, 2005.

No. 1802 By Representative FEESE

An Act amending the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, further providing for procedures for capital budget bill and debt-authorizing legislation.

Referred to Committee on APPROPRIATIONS, June 27, 2005.

SENATE BILL FOR CONCURRENCE

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

SB 724, PN 868

Referred to Committee on TRANSPORTATION, June 27, 2005.

SENATE MESSAGE**AMENDED HOUSE BILL RETURNED
FOR CONCURRENCE AND
REFERRED TO COMMITTEE ON RULES**

The clerk of the Senate, being introduced, returned **HB 1338, PN 2275**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

BILLS AND RESOLUTIONS PASSED OVER

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

RECESS

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Pyle, from Armstrong County.

Mr. PYLE. Mr. Speaker, I move that this House do now recess until Tuesday, June 28, 2005, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 6:50 p.m., e.d.t., the House recessed.