

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, FEBRUARY 1, 2006

SESSION OF 2006

190TH OF THE GENERAL ASSEMBLY

No. 7

HOUSE OF REPRESENTATIVES

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

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

PRAYER

HON. MATTHEW E. BAKER, member of the House of Representatives, offered the following prayer:

Thank you, Mr. Speaker.
Please pray with me.

Lord, as we look at the Terrible Towels and the Steeler fans in our midst, we pray that, be Thy will, that the Steelers will be protected, given strength, and be victorious. We thank You for the opportunities for our Pittsburgh, Pennsylvania, fans to enjoy the Super Bowl this coming weekend.

Almighty and loving God, we pray humbly for Your blessings upon members and staff of the Pennsylvania House of Representatives. Help us all to be servant leaders, to know our citizens' concerns and problems, and to live godly lives in order to solve them justly. May we find strength in realizing our weakness, find authority by being under Your authority, find direction by laying down our own plans, find vision by seeing the needs of others, find credibility by being a good example, find loyalty by expressing compassion, find honor by being faithful, find greatness by being a servant. In our Lord's name, we pray, Father. 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 Tuesday, January 31, 2006, will be postponed until printed.

JOURNALS APPROVED

The SPEAKER. However, the following Journals are in print: Tuesday, September 27, and Wednesday, September 28, 2005. Without objection, they will be approved.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2417 By Representatives WATERS, BISHOP, OLIVER, MYERS, CURRY, GERBER, JAMES, JOSEPHS, LaGROTTA, LEDERER, KIRKLAND, PARKER, PISTELLA, SHANER, THOMAS and YOUNGBLOOD

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

Referred to Committee on JUDICIARY, February 1, 2006.

No. 2418 By Representatives PAYNE, BALDWIN, BEYER, CALTAGIRONE, CAPPELLI, COHEN, CRAHALLA, DeWEESE, FAIRCHILD, GEORGE, GINGRICH, GRELL, HALUSKA, HERSHEY, MILLARD, SATHER, SIPTROTH, SOLOBAY, SONNEY, STERN, THOMAS, YOUNGBLOOD, RAPP, CREIGHTON, BOYD, SAYLOR, JAMES and HASAY

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for cellular telephone contract methods.

Referred to Committee on CONSUMER AFFAIRS, February 1, 2006.

No. 2419 By Representatives PAYNE, BELFANTI, BEYER, CALTAGIRONE, DeWEESE, FABRIZIO, GOODMAN, HESS, JAMES, KILLION, KOTIK, MARKOSEK, PHILLIPS, RAPP, REICHLEY, SIPTROTH, B. SMITH, SONNEY, WILT, YOUNGBLOOD, ZUG, GABIG, HARPER, HERSHEY and BOYD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for veterans' plates and placards.

Referred to Committee on TRANSPORTATION, February 1, 2006.

No. 2420 By Representatives D. EVANS, FRANKEL, GEORGE, KIRKLAND, MANDERINO, MANN, MARKOSEK, MELIO, PALLONE, PARKER, SOLOBAY, STABACK, WALKO, JOSEPHS and YOUNGBLOOD

An Act amending the act of April 21, 1949 (P.L.665, No.155), known as the First Class City Home Rule Act, further providing for the general grant of power.

Referred to Committee on URBAN AFFAIRS, February 1, 2006.

No. 2421 By Representatives READSHAW, CALTAGIRONE, FABRIZIO, GEORGE, KOTIK, LEACH, LEDERER, MARKOSEK, THOMAS, WALKO, WATERS, WOJNAROSKI and YOUNGBLOOD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for notice of available benefits and limits of motor vehicle insurance.

Referred to Committee on TRANSPORTATION, February 1, 2006.

No. 2422 By Representatives SEMMEL, DeWEESE, TIGUE, BAKER, BALDWIN, BARRAR, BELARDI, BELFANTI, BEYER, CALTAGIRONE, CAPPELLI, CAUSER, COHEN, COSTA, CRAHALLA, DALLY, FABRIZIO, FLEAGLE, FRANKEL, GEORGE, GINGRICH, GOOD, GOODMAN, GRUCELA, HARRIS, HENNESSEY, HERMAN, HERSHEY, JAMES, JOSEPHS, KILLION, MANN, MARKOSEK, McGEEHAN, MILLARD, R. MILLER, S. MILLER, MUSTIO, PETRARCA, PISTELLA, RAPP, READSHAW, SCAVELLO, SHANER, SIPTROTH, B. SMITH, STERN, SURRA, TANGRETTI, TRUE, WILT, WRIGHT, YOUNGBLOOD and YUDICHAK

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for the amounts of part-time student assistance grants.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, February 1, 2006.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 569 By Representatives CREIGHTON, BEYER, DeLUCA, DIVEN, GINGRICH, GOODMAN, GRUCELA, HANNA, RAPP, SIPTROTH, TANGRETTI and TIGUE

A Resolution amending House Rule 19.

Referred to Committee on RULES, February 1, 2006.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. S. SMITH. Mr. Speaker, I move that SB 437 be taken from 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 437, PN 1306.

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader. Mr. S. SMITH. Mr. Speaker, I move that SB 437 be recommitted to the Committee on Appropriations.

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

GUEST INTRODUCED

The SPEAKER. We have with us today, as a special guest of Representative Steven Cappelli, Anna Umantseva, an exchange student from Siberia. Anna was invited to the United States by the State Department to experience 1 year of formal education in the U.S.A. and is attending Loyalsock High School, and she is interested in American government. Anna is seated on the floor of the House. Would she please rise and be recognized.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip, who moves for a leave of absence for the day for the gentleman from Allegheny, Mr. HABAY; the gentleman from Montgomery, Mr. FICHTER; the gentleman from Bucks, Mr. McILHINNEY; the gentleman from Allegheny, Mr. DIVEN; the gentleman from Delaware, Mr. RAYMOND; and the gentleman from Chester, Mr. HENNESSEY. Without objection, those leaves will be granted.

The Chair recognizes the minority whip, who moves for a leave of absence for today for the gentleman from Carbon, Mr. McCALL; the gentleman from Philadelphia, Mr. RIEGER; the gentelady from Philadelphia, Ms. BISHOP; and the gentleman from Philadelphia, Mr. BLACKWELL. Without objection, those leaves will also be granted.

COMMUNICATION FROM CHIEF CLERK

The following communication was submitted:

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

Date: February 1, 2006

To: Official Reporter's Office

From: Roger Nick
Chief Clerk, House of Representatives

Subject: Representative Thomas W. Blackwell

Due to an oversight by one of my employees, Representative Blackwell was not put on leave of absence for Tuesday, January 31, 2006. Since this was a staff error, this explanation should be inserted in the Journal for Tuesday, January 31, 2006.

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—190

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—12

Bishop	Diven	Hennessey	Raymond
Blackwell	Fichter	McCall	Rieger
Corrigan	Habay	McIlhinney	Ruffing

LEAVES ADDED—1

Evans, D.

LEAVES CANCELED—3

Habay Hennessey Raymond

GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome to the hall of the House Lindsey Shaw, Cedar Cliff High School, and Shea Kemble, Northern High School. Both students are serving as senior projects interns for Representative Bruce Smith in his legislative office. They are seated to the left of the Speaker. Would those two guests please rise and be recognized.

CALENDAR

RESOLUTION PURSUANT TO RULE 35

The SPEAKER. The Chair is about to take up a resolution for a police officer who was killed.

Mr. STEIL called up **HR 553, PN 3417**, entitled:

A Resolution honoring the life and extending condolences for the supreme sacrifice of Police Officer Brian Steven Gregg, of the Newtown Borough Police Force, who was shot and killed in the line of duty on September 29, 2005, at St. Mary Medical Center, Langhorne, Pennsylvania, by a drunk-driving suspect.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—190

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

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

NAYS-0

NOT VOTING-0

EXCUSED-12

Bishop	Diven	Hennessey	Raymond
Blackwell	Fichter	McCall	Rieger
Corrigan	Habay	McIlhinney	Ruffing

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

HARRISBURG LEGISLATIVE LEAVES

The SPEAKER. The Chair recognizes the majority whip, who moves for a Capitol leave for the gentleman, Mr. ALLEN, and the gentleman, Mr. SCHRODER. Without objection, those leaves will be granted.

RESOLUTIONS PURSUANT TO RULE 35

Mr. SCAVELLO called up HR 563, PN 3461, entitled:

A Resolution recognizing 2006 as the "Year of Polio Education."

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-190

Adolph	Fleagle	Maitland	Samuelson
Allen	Flick	Major	Santoni
Argall	Forcier	Manderino	Sather
Armstrong	Frankel	Mann	Saylor
Baker	Freeman	Markosek	Scavello
Baldwin	Gabig	Marsico	Schroder
Barrar	Gannon	McGeehan	Semmel
Bastian	Geist	McGill	Shaner
Bebko-Jones	George	McIlhattan	Shapiro
Belardi	Gerber	McNaughton	Siptroth
Belfanti	Gergely	Melio	Smith, B.
Benninghoff	Gillespie	Metcalfe	Smith, S. H.
Beyer	Gingrich	Micozzie	Solobay
Bianucci	Godshall	Millard	Sonney
Birmelin	Good	Miller, R.	Staback

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

NAYS-0

NOT VOTING-0

EXCUSED-12

Bishop	Diven	Hennessey	Raymond
Blackwell	Fichter	McCall	Rieger
Corrigan	Habay	McIlhinney	Ruffing

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

* * *

Mr. FRANKEL called up HR 564, PN 3462, entitled:

A Resolution recognizing February 2006 as "Women's Heart Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-190

Adolph	Fleagle	Maitland	Samuelson
Allen	Flick	Major	Santoni
Argall	Forcier	Manderino	Sather
Armstrong	Frankel	Mann	Saylor
Baker	Freeman	Markosek	Scavello
Baldwin	Gabig	Marsico	Schroder
Barrar	Gannon	McGeehan	Semmel
Bastian	Geist	McGill	Shaner

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

NAYS—0

NOT VOTING—0

EXCUSED—12

Bishop	Diven	Hennessey	Raymond
Blackwell	Fichter	McCall	Rieger
Corrigan	Habay	McIlhinney	Ruffing

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

Miss PARKER called up **HR 571, PN 3473**, entitled:

A Resolution expressing condolences on the passing of Coretta Scott King, the wife and widow of the civil rights leader Rev. Dr. Martin Luther King, Jr., at the age of 78.

On the question,
Will the House adopt the resolution?

The SPEAKER. On that question, the Chair recognizes the gentlelady, Miss Parker.

Miss PARKER. Thank you, Mr. Speaker.

Mr. Speaker, when I rose early yesterday morning, I, like many across our country and in our great Commonwealth, arose to news reports reporting the death of America's first lady of civil rights, and I am referring to none other than Mrs. Coretta Scott King.

Mr. Speaker, I could not help but to recognize that when reading the news reports and listening to verbal reports on the passing of Mrs. King, of words laden with vivid descriptions of her life, words such as "courageous" and "graceful" and "uncompromising" and "beloved" kept coming to mind. Many of us in this body are familiar with Mrs. King because she is known as simply the widow of the late Rev. Dr. Martin Luther King, Jr., but, Mr. Speaker, I would daresay that Mrs. King was an icon and a civil rights leader on her own behalf.

After the death of her husband in 1968, she attempted to carry on his dream, working through the Martin Luther King, Jr. association for nonviolence and social justice in Atlanta, working through the Philadelphia Martin Luther King, Jr. Association for Nonviolence, and always attempting to seek truth, justice, and equality for all.

Mr. Speaker, one of the things that I think that is most important for me to note, particularly because I consider myself to be a part of what I deem the BTM (Benefactors of the Movement) generation, I am not among the generation of African-Americans, of Whites, of Latinos, of Christians, of Catholics, of Jews, who made several sacrifices. Many of them sacrificed their lives during the midst of the civil rights movement to ensure economic and social justice for all people, but we are here today. Many like me get an opportunity to stand before you as members of legislative bodies across this country because of the sacrifices made by that generation.

So as we pay homage to and salute and say farewell to our first lady of civil rights who promoted social justice, Mr. Speaker, I would ask that this body would stand and give a moment of silence to honor and pay homage to Mrs. Coretta Scott King.

Thank you.

(A moment of silence was observed.)

On the question recurring,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—190

Adolph	Fleagle	Maitland	Samuelson
Allen	Flick	Major	Santoni
Argall	Forcier	Manderino	Sather
Armstrong	Frankel	Mann	Saylor
Baker	Freeman	Markosek	Scavello
Baldwin	Gabig	Marsico	Schroder
Barrar	Gannon	McGeehan	Semmel
Bastian	Geist	McGill	Shaner
Bebko-Jones	George	McIlhattan	Shapiro
Belardi	Gerber	McNaughton	Siptroth
Belfanti	Gergely	Melio	Smith, B.
Benninghoff	Gillespie	Metcalfe	Smith, S. H.
Beyer	Gingrich	Micozzie	Solobay
Biancucci	Godshall	Millard	Sonney
Birmelin	Good	Miller, R.	Staback

Blum	Goodman	Miller, S.	Stairs
Boyd	Grell	Mundy	Steil
Bunt	Grucela	Mustio	Stern
Buxton	Gruitza	Myers	Stetler
Caltagirone	Haluska	Nailor	Stevenson, R.
Cappelli	Hanna	Nickol	Stevenson, T.
Casorio	Harhai	O'Brien	Sturla
Causser	Harhart	Oliver	Surra
Cawley	Harper	O'Neill	Tangretti
Civera	Harris	Pallone	Taylor, E. Z.
Clymer	Hasay	Parker	Taylor, J.
Cohen	Herman	Payne	Thomas
Cornell	Hershey	Petrarca	Tigue
Costa	Hess	Petri	True
Crahalla	Hickernell	Petrone	Turzai
Creighton	Hutchinson	Phillips	Veon
Cruz	James	Pickett	Vitali
Curry	Josephs	Pistella	Walko
Daley	Kauffman	Preston	Wansacz
Dally	Keller, M.	Pyle	Waters
DeLuca	Keller, W.	Quigley	Watson
Denlinger	Kenney	Ramaley	Wheatley
Dermody	Killion	Rapp	Williams
DeWeese	Kirkland	Readshaw	Wilt
DiGirolamo	Kotik	Reed	Wojnarowski
Donatucci	LaGrotta	Reichley	Wright
Eachus	Leach	Roberts	Yewcic
Ellis	Lederer	Roebuck	Youngblood
Evans, D.	Leh	Rohrer	Yudichak
Evans, J.	Lescovitz	Rooney	Zug
Fabrizio	Levdansky	Ross	
Fairchild	Mackereth	Rubley	Perzel,
Feese	Maher	Sainato	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-12

Bishop	Diven	Hennessey	Raymond
Blackwell	Fichter	McCall	Rieger
Corrigan	Habay	McIlhinney	Ruffing

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

CALENDAR CONTINUED

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS
AS AMENDED**

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 1318, PN 3458**, as further amended by the House Rules Committee:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, providing for requirements relating to voter identification; further providing for powers and duties of county boards, for polling places selected by county boards, for public buildings to be used where possible and portable polling places and for prohibiting polling places in buildings where malt or brewed beverages or liquors are sold; providing for polling places in other buildings; further providing for nominations by political bodies and for affidavits of candidates; providing for restrictions on voting by convicted felons; and further providing for opening of polls, posting cards of instruction and notices of penalties and voters' rights and examination of voting machines, for voting procedures, for manner of

applying to vote, for date of application for absentee ballots, for canvassing of official absentee ballots and for violation of provisions relating to absentee voting.

On the question recurring,
Will the House concur in Senate amendments as amended by the Rules Committee?

The SPEAKER. The House is returning to consideration of HB 1318, PN 3458, which is on concurrence in amendments inserted by the House.

The Chair recognizes the gentleman from Allegheny, Mr. Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

First, could I interrogate someone concerning the Senate amendments?

The SPEAKER. The gentleman, Mr. Barrar, indicates he will stand for interrogation. The gentleman is in order.

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

On the issue of dealing with a convicted felon, can you clarify to me, is a person allowed to register to vote or is it that they just cannot vote?

Mr. BARRAR. They cannot register or vote until they have served the maximum sentence imposed by the judge. Currently the law says that they can vote. I guess the interpretation would be they can vote and register upon their release from a correctional facility.

Mr. PRESTON. Okay. Clarify then to me that if someone gets a sentence of, say, 10 to 20 and let us say that they are paroled within 5 years or 6 years or in a halfway house or working, when would they be eligible to vote?

Mr. BARRAR. At the end of the sentence imposed, which would be 20 years.

Mr. PRESTON. So in other words, they would be prohibited for 13 years of not voting, even though they were out living a normal life in society?

Mr. BARRAR. Right.

Mr. PRESTON. Okay. Thank you very much.

If I could speak on the bill, Mr. Speaker?

The SPEAKER. The gentleman is in order.

Mr. PRESTON. You know, Mr. Speaker, every single day when we start and you bang your gavel and you call us to order, we have a gentleman who stands and reads a prayer in dealing with us with Christian thought and a lifestyle that I think that all of us were elected to be part of. I am trying to figure out the consistency of this piece of legislation versus what we are supposed to be about here in the House of Representatives, because I think that we as a body would like to try to be fair, and what I am sitting down wondering about fair and associations and relationships and how we are going to treat convicted felons is why I am very perplexed about this piece of legislation.

I really do not understand – and I am not going to ask the gentleman – but how is it that many of us within this House of Representatives can hire and we do hire convicted felons. There is almost every single one of us in this body politic that I have seen and look at from time to time that have a cocktail or sit down at a dinner table with a convicted felon; we shake hands with convicted felons, but yet, in a sense, they are not good enough to vote, and I want to simply say that one more time. We associate with, in this body politic there are those of us in caucuses that hire convicted felons. There is not hardly a day in

this Capitol that one or another of us does not have dinner or lunch or have a cocktail with a convicted felon, but yet, in a sense, they are not good enough for us to give them the right to vote.

Now, how can we – and some people might say by dictionary that is hypocritical – but how can we as a body politic say that someone is good enough and that we have forgiven and accepted some of their transgressions but still are not good enough, not good enough for things that people have lived and died for to be able to give the right to vote, but yet, in a sense, we do not want to admit that. And let us sit down and think about it; let us sit down— Every time some of us when we sit down, whether it is at the many restaurants or the many different forms of libation in this area and even across on the podiums that we sit on, that we sit down with convicted felons ourselves, and I am saying in both parties, Democrats and Republicans, but yet, in a sense, we still deny the right for people to vote. How can we face ourselves, because under the dictionary in Webster's, it would be hypocritical.

This is such an unfair bill. This is a punishable bill without any form of character, without any sense of respectability about those individuals who have done something wrong, and yet, in a sense, we are still trying to punish them even more. When people have paid their dues and still have certain requirements to make, why is it that we are willing to always continue to say that that is still not enough? We want to remind you that you are not free here in America, that you are not free here in the Commonwealth of Pennsylvania, that you should not have the right to be able to vote, but yet again some of us here sit down and have dinner with them, associate with them, pat them on the back, hug them, send them Christmas cards, but still will not let them vote. It is wrong.

This bill is bad. This is not a time to be able to punish these people, and I think that we should vote “no” on it, Mr. Speaker.

Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

The gentleman from Philadelphia, Mr. McGeehan.

Mr. McGEEHAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to the concurrence of HB 1318.

Mr. Speaker, I speak not just as a legislator but as a committeeman in Philadelphia for the last 25 years and also as a ward leader for the last 15. Mr. Speaker, I see the system, how it really operates, not just in Philadelphia but around the Commonwealth. Mr. Speaker, it is a system that literally it is on its last legs and at any time the entire election process and polling place system can collapse, and I will tell you why and you will realize it. The election day system in Philadelphia and around the Commonwealth is administered by 70- and 80-year-old women. Mr. Speaker, increasingly I find that each election day it is incumbent upon me to fill vacant spots on polling places, not just to have the smooth operation on election day but to literally open polling places time and time again.

Mr. Speaker, to those people who are volunteering their time – and let us be honest, they are working 13 and 14 hours a day for what amounts to little pay, which amounts to literally just above a minimum wage – we are going to require them under this bill to do much more, to assume much more responsibility under the current system.

Mr. Speaker, if, if those 70- and 80-year-old women forget to ask for identification or do not ask for identification, under the Election Code as it exists now, they can be subject to a

\$1,000 fine and a year imprisonment if they are in violation of this new language included in HB 1318.

Mr. Speaker, as you know, being a keen observer of the election process in Philadelphia, the time limit is placed on emergencies for changing polling places of 20 days. Mr. Speaker, you know that an emergency can crop up anytime, and the very definition of “emergency” is that it is a non-planned-for event. How can you say that we cannot change polling places in an emergency situation unless and until you have received notice 20 days out? Mr. Speaker, it is just not workable.

The bill provides that any person who knowingly assists another person who is not a qualified absentee voter in filling out an absentee ballot or an application commits a misdemeanor of the third degree. Mr. Speaker, do you mean that that elderly resident cannot have a son or daughter or husband or wife or neighbor assist them in filling out not the ballot but the application itself? Mr. Speaker, this is jeopardizing thousands and thousands of honest people and subjecting them to criminal penalties in what essentially are the duties of an election day worker, the duties of a good neighbor, the duties of a son or daughter in assisting their aged parents. It is just not workable.

RULES SUSPENDED

Mr. McGEEHAN. Mr. Speaker, in talking about the election day workers and the enormous burden they face under current law and with the added burden that they will be placed under with the amendments that were inserted in HB 1318, I move to suspend the rules to consider amendment A5735, which would increase the minimum compensation for election day workers.

Mr. Speaker, if we are going to demand that election day workers—

The SPEAKER. The gentleman has moved for a suspension of the rules.

If you had waited a minute or two and finished it up, we would have let you go, but you moved for suspension.

On the question,

Will the House agree to the motion?

The SPEAKER. So on the suspension of the rules, the only ones allowed to speak are the majority and minority leaders. It is the assumption of the Chair that the minority leader is going to yield his time to the gentleman, Mr. McGeehan.

Mr. McGEEHAN. Thank you, Mr. Speaker, and thank you for the clarification and for the education.

Mr. Speaker, what this amendment will do is increase the minimum compensation for election day workers. It just makes plain sense. If we are going to require election day workers to assume greater responsibility under this bill, I think it is only decent and fair and logical that we also increase their compensation.

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

Mr. ARGALL. Thank you, Mr. Speaker.

Mr. Speaker, we believe the topic is worthy of consideration. We do not object to the motion by Mr. McGeehan.

On the question recurring,

Will the House agree to the motion?

(Members proceeded to vote.)

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence. The minority whip requests a leave of absence for the gentleman, Mr. Dwight EVANS. Without objection, that leave will be granted.

CONSIDERATION OF HB 1318 CONTINUED

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

The following roll call was recorded:

YEAS—189

Table listing names of members who voted 'YEAS' for HB 1318, including Adolph, Allen, Argall, Armstrong, Baker, Baldwin, Barrar, Bastian, Bebkco-Jones, Belardi, Belfanti, Benninghoff, Beyers, Biancucci, Birmelin, Blaum, Boyd, Bunt, Buxton, Caltagirone, Cappelli, Casorio, Causer, Cawley, Civera, Clymer, Cohen, Cornell, Costa, Crahalla, Creighton, Cruz, Curry, Daley, Dally, DeLuca, Denlinger, Dermody, DeWeese, DiGrolamo, Donatucci, Eachus, Ellis, Evans, J., Fabrizio, Fairchild, Feese, Fleagle, Flick, Forcier, Frankel, Freeman, Gabig, Gannon, Geist, George, Gerber, Gergely, Gillespie, Gingrich, Godshall, Good, Goodman, Grell, Grucela, Gruitza, Haluska, Hanna, Harhai, Harhart, Harper, Harris, Hasay, 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, McGeehan, McGill, McIlhatten, McNaughton, Melio, Metcalfe, Micozzie, Millard, Miller, R., Miller, S., Mundy, Mustio, Myers, Nailor, Nickol, O'Brien, Oliver, O'Neill, Pallone, Parker, Payne, Petrarca, Petri, Petrone, Phillips, Pickett, Pistella, Preston, Pyle, Quigley, Ramaley, Rapp, Readshaw, Reed, Reichley, Roberts, Roebuck, Rohrer, Rooney, Ross, Rubley, Sainato, Samuelson, Santoni, Sather, 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, Tigie, True, Turzai, Veon, Vitali, Walko, Wansacz, Waters, Watson, Wheatley, Williams, Wilt, Wojnaroski, Wright, Yewcic, Youngblood, Yudichak, Zug, Perzel, Speaker

NAYS—0

NOT VOTING—0

EXCUSED—13

Table listing names of members who were excused: Bishop, Blackwell, Corrigan, Diven, Evans, D., Fichter, Habay, Hennessey, McCall, McIlhinney, Raymond, Rieger, Ruffing

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 concur in Senate amendments as amended by the Rules Committee?

Mr. McGEEHAN offered the following amendment No. A05735:

Amend Title, page 1, line 13, by inserting after "boards," for compensation of district election officers, Amend Bill, page 3, line 8, by striking out all of said line and inserting

Section 2.1. Section 412.2 of the act, added December 9, 2002 (P.L.1246, No.150), is amended to read:

Section 412.2. Compensation of District Election Officers.—(a) In all counties regardless of class, the compensation of judges of election, inspectors of election, clerks and machine operators shall be fixed by the county board of elections for each election in accordance with the following:

Table showing compensation rates for Election Officers, Judges of election, Inspectors of election, and Clerks and machine operators, with columns for Minimum and Maximum Compensation.

(b) If a county board of elections authorizes that the duties of a clerk of elections or machine operator may be performed by two individuals who each perform such duties for one-half of an election day, such individuals shall each be compensated at one-half of the rate authorized for a single individual who performs the duties for the entire election day.

(c) The county board of elections may, in its discretion, establish different per diem rates within the minima and maxima provided for in subsection (a) based on the number of votes cast for the following groups:

- (1) 150 votes or fewer.
(2) 151 to 300 votes.
(3) 301 to 500 votes.
(4) 501 to 750 votes.
(5) 751 votes and over.

(d) For transmitting returns of elections and the ballot box or boxes, all judges of election shall be entitled to receive the additional sum of twenty dollars (\$20).

(e) The county board of elections may, in its discretion, require the minority inspector of election to accompany the judge of election in transmitting the returns of elections, in which case the minority inspector of election shall be entitled to receive the additional sum of twenty dollars (\$20).

(f) The person furnishing transportation to the judge of election and the minority inspector in transmitting returns and ballot boxes shall be entitled to a minimum of thirty-five cents (35¢) per circular mile from the polling place to the county court house. The name of such person shall appear on the voucher of the judge of election, and only one person shall receive mileage compensation.

(g) A constable or deputy constable performing duties under section 1207 of this act shall receive compensation at the same rate payable to an inspector.

(h) When a primary and special election or a special election and a general or municipal election take place on the same date, they shall be construed as one election for the purpose of receiving compensation.

(i) Compensation and other payments received by election officials pursuant to this section shall not be deemed income classified and categorized under section 303 of the act of March 4, 1971 (P.L.6, No.2), known as the “Tax Reform Code of 1971.”

Section 2.2. Section 526 of the act is amended to read:

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

The following roll call was recorded:

YEAS—189

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

NAYS—0

NOT VOTING—0

EXCUSED—13

Bishop	Evans, D.	Hennessey	Raymond
Blackwell	Fichter	McCall	Rieger
Corrigan	Habay	McIlhinney	Ruffing
Diven			

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 concur in Senate amendments as amended?

BILL PASSED OVER TEMPORARILY

The SPEAKER. HB 1318 is over temporarily.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair returns to leaves of absence and notes putting Mr. Ron Raymond on the master roll.

FILMING PERMISSION

The SPEAKER. The Chair wishes to advise the members it has given permission to Sean Simmers from the Harrisburg Patriot-News to take still photography on the floor of the House of Representatives for 10 minutes.

SUPPLEMENTAL CALENDAR A CONTINUED

RESOLUTION PURSUANT TO RULE 35

Mr. PETRONE called up **HR 568, PN 3470**, entitled:

A Resolution congratulating the Pittsburgh Steelers for winning the 2005 AFC championship and wishing them well in competing in Super Bowl XL.

On the question,
Will the House adopt the resolution?

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

Mr. PETRONE. Thank you, Mr. Speaker.

I thank you, Mr. Speaker, for allowing me this special privilege today, and it really is a very special privilege, and I thank you for your participation in this salute to this great, great Steeler football team.

Across the Ohio River from the West End, where I was born and grew up, is the North Side, home of the special, revered Mr. Art Rooney, a gentleman, a fine gentleman indeed. I have a lot of great remembrances of Mr. Rooney. I have pictures on my wall from 1923 when he played sandlot football against my uncle for the Hope Harveys. I have pictures in the late twenties and the early thirties when they both had sandlot teams that played against each other. They were tough men; they were tough men in tough times. They were honest men. They lived their life that way. They both loved two things in life, cigars and horses, and they were proud of it.

Anyway, it is special for me to be here today to salute this great team that is in the Super Bowl.

“WHEREAS, A National Football League (NFL) franchise was founded on July 8, 1933, in Pittsburgh, Pennsylvania, by the late Arthur Joseph Rooney, one of the pioneers of the American professional sports world, who is enshrined in the Professional Football Hall of Fame and is remembered as one of the City of Pittsburgh’s great citizens; and

“WHEREAS, The franchise, originally named the Pittsburgh Pirates and later renamed the Pittsburgh Steelers to reflect the city’s prominence as a steelmaking center, is now the fifth-oldest franchise in the NFL; and

“WHEREAS, Over the last eight decades, the Steelers have become a beloved part of the City of Pittsburgh and have brought many great moments to the league and city; and

“WHEREAS, Through draft selections in the 1970s, the Steelers assembled a group of remarkably talented players, including many future Hall of Fame inductees, to form one of the greatest NFL teams in history, making the playoffs eight seasons in a row and winning four Super Bowls; and

“WHEREAS, Throughout its history, the franchise has captured 17 division championships, made 23 playoff appearances and won six conference championships and four league championships, becoming the first team in NFL history to do so; and

“WHEREAS, During the 2005 season, the Steelers became the first sixth-seeded playoff team in NFL history to advance to the Super Bowl when the team defeated the Denver Broncos 34-17 in the American Football Conference Championship Game on January 22, 2006; and

“WHEREAS, The Steelers will represent Pennsylvania in Super Bowl XL on February 5, 2006, in Detroit, Michigan, at Ford Field; and

“WHEREAS, The Steelers deserve the admiration of the residents of this Commonwealth for an outstanding season of professional football; therefore be it

“RESOLVED, That the House of Representatives congratulate the Pittsburgh Steelers for winning the 2005 AFC championship and wish them well in competing in Super Bowl XL.”

Congratulations, our heroes, and let the fun begin now.

We need the Steeler fight song. Hey, everybody.

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

Mr. J. EVANS. Mr. Speaker? Mr. Speaker, on the resolution.

The SPEAKER. The gentleman is in order.

QUESTION OF PERSONAL PRIVILEGE

Mr. J. EVANS. I know, Mr. Speaker, it is House protocol for speakers to wear their jackets while they address the Speaker’s rostrum. I am wondering if I may have permission to remove the jacket today?

The SPEAKER. The gentleman has permission to remove his jacket.

Mr. J. EVANS. Okay. Well, we are going to do that.

I would like to congratulate Representative Petrone for the resolution. I am proud to be a cosponsor of this resolution honoring the Pittsburgh Steelers, the Rooney family, Coach Bill Cowher, and the entire organization for a fabulous

year and a victory this weekend in Super Bowl XL, as it is going to be coming up here in the very next few days.

I want to just briefly say that I have a special relationship with the team. Before I was in the General Assembly, I worked in television sports in Erie, and in the Erie area, unfortunately, we have small pockets of Browns fans and Bills fans also. We are doing our best to win them over. So this week they are all Steeler fans in northwestern Pennsylvania.

But I want to say that during my early years in covering sports, I had a chance to meet Art Rooney, Sr. – “The Chief” – had a chance to cover such legendary players as Bradshaw, as Lambert and Swann. And today we are covering such heroes as Hines Ward, Jerome Bettis, and Ben Roethlisberger. They make all of us in Pennsylvania proud.

So, Mr. Speaker, thank you for the opportunity to speak, and go Steelers.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the majority leader, the gentleman, Mr. Smith.

Mr. S. SMITH. Thank you, Mr. Speaker.

I appreciate the sentiment and the interest here today, and I wanted to enter into the record an e-mail that was sent kind of by a Steeler blog guy that is out of the area, and it was sent to my chief of staff. It is a little bit long, but I hope you guys, especially, especially the guys from the Allegheny County area in the heart of Pittsburgh, listen to this because it is a pretty good story about Pittsburgh and the Steelers.

This guy’s name is Scott Paulsen. This was actually written a couple weeks ago before they went to Denver, I think, so it may be slightly out of context today, but the message is solid.

“Think about this the next time someone argues that a professional sports franchise is not important to a city’s identity:

“In the 1980’s, as the steel mills and their supporting factories shut down from Homestead to Midland, Pittsburghers, faced for the first time in their lives with the specter of unemployment, were forced to pick up their families, leave their home towns and move to more profitable parts of the country. The steel workers were not ready for this. They had planned to stay in the ’burgh their entire lives. It was home.

“Everyone I know can tell the same story about how Dad, Uncle Bob or their brother-in-law packed a U-Haul and headed down to Tampa to build houses or up to Boston for an office job.

“At this same time, during the early to mid-eighties, the Pittsburgh Steelers were at the peak of their popularity. Following the Super Bowl dynasty years, the power of the Steelers was strong. Every man, woman, boy and girl from parts of four states were Pittsburgh faithful, living and breathing day to day on the news of their favorite team. Then, as now, it seemed to be all anyone talked about.

“Who do you think the Steelers will take in the draft...?”

“Is Bradshaw done?”

“Can you believe they won’t give Franco the money – what’s he doing going to Seattle?”

“The last memories most unemployed steel workers had of their towns had a black and gold tinge. The good times remembered all seemed to revolve, somehow, around a football game. Sneaking away from your sister’s wedding reception to go downstairs to the bar and watch the game against Earl Campbell and the Oilers – going to midnight mass, still half in the bag after Pittsburgh beat Oakland” – I knew some of

you guys would identify with that one – “you and your grandfather, both crying at the sight of The Chief, finally holding his Vince Lombardi Trophy.

“And then, the mills closed. Damn the mills.

“One of the unseen benefits of the collapse of the value systems our families believed in – that the mill would look after you through thick and thin – was that now, decades later, there is not a town in America where a Pittsburgher cannot feel at home. Nearly every city in the United States has a designated ‘Black and Gold’ establishment. From Bangor, Maine to Honolulu, Hawaii, and every town in between can be found an oasis of Iron City, chipped ham and yinzers. It’s great to know that no matter what happened in the lives of our Steel City refugees, they never forgot the things that held us together as a city – families, food, and Steelers football.

“It’s what we call the Steeler Nation.

“You see it every football season. And when the Steelers have a great year, as they have had this season, the power of the Steeler Nation rises to show itself stronger than ever. This week, as the Pittsburgh team of Roethlisberger, Polamalu, Bettis and Porter head to Denver” – as I mentioned, this was written a couple weeks ago – and now head to Detroit, “the fans of Greenwood, Lambert, Bleier and Blount, the generation who followed Lloyd, Thigpen, Woodson and Kirkland will be watching from Dallas to Chicago, from an Air Force base in Minot, North Dakota, to a tent stuck in the sand near Fallujah, Iraq.

“I have received more email from displaced Pittsburgh Steelers fans this week than Christmas cards this holiday season.

“They’re everywhere.

“We’re everywhere.

“We are the Steeler Nation.

“And now, it’s passing from one generation to the next. The children of displaced Pittsburghers, who have never lived in the Steel City, are growing up Steelers fans. When they come back to their parents’ hometowns to visit the grandparents, they hope, above all, to be blessed enough to get to see the Steelers in person.

“Heinz Field is their football Mecca.

“And if a ticket isn’t available, that’s okay, too. There’s nothing better than sitting in Grandpa’s living room, just like Dad did, eating Grandma’s cooking and watching the Pittsburgh Steelers.

“Just like Dad did.

“So, to you, Steeler Nation, I send best wishes and a fond wave of the Terrible Towel. To Tom, who emailed from Massachusetts to say how great it was to watch the Patriots lose and the Steelers win in one glorious weekend. To Michelle, from Milwaukee, who wrote to let me know it was she who hexed Mike Vanderjagt last Sunday by chanting ‘boogity, boogity, boogity’ and giving him the ‘maloik’....” It is big. I believe it. You will get your turn.

“All around the NFL, the word is out that the Pittsburgh Steeler fans ‘travel well,’ meaning they will fly or drive from Pittsburgh to anywhere the Steelers play, just to see their team. The one aspect about that situation the rest of the NFL fails to grasp is that, sometimes, the Steeler Nation does not have to travel. Sometimes, we’re already there.

“Yes, the short sighted steel mills screwed our families over.

“But they did, in a completely unintended way, create something new and perhaps more powerful than an industry.

“They helped create a nation.

“A Steeler Nation.”

Thank you, Mr. Speaker.

The SPEAKER. They were trying to correct your word “maloik.”

The Chair recognizes the gentleman—

Mr. S. SMITH. There are different pronunciations of the maloik.

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

Mr. HERSHEY. Thank you, Mr. Speaker.

I want to say a word about the most underrated fullback in the football league is Mr. Dan Kreider out of Manheim Central, and you know, 7 yards per carry, a fullback does not very often carry a ball, but my relationship with the Steelers, Dan’s mother is my wife’s first cousin.

Thank you for allowing me to say that, and go Steelers.

The SPEAKER. The Chair thanks the gentleman.

The gentleman from Allegheny, Mr. Costa.

Mr. COSTA. Thank you, Mr. Speaker.

First off, I have to thank you for allowing us to have this little celebration today, even though I know you are an Eagles fan, and I appreciate your supporting us Steeler fans.

But as you all know, every one of you received a Terrible Towel today. Those towels were given to us by the law firm of Klett Rooney Lieber & Schorling, and I wanted to make sure that we thanked them for giving us these towels.

And more importantly— Actually, I have got one more favor to ask of you, Mr. Speaker. As I told you before, these towels were given – sorry; I look like Jewell Williams. These towels were invented by Myron Cope, and actually, Myron is watching us right now, as we speak, on TV, but the most important thing is, money that is generated from these towels is donated to charity for the Allegheny Valley School, and they have given over almost \$1 1/2 million to the Allegheny Valley School to help the children that go there.

But the favor that I am asking you, Mr. Speaker, is that since Mr. Cope is watching us and he is the inventor of this towel, would it be possible to get everyone to grab their towels and give him a little wave? Give him a “yoi”; that is even better. So thank you. This is for you, Myron.

The SPEAKER. The Chair recognizes the gentleman from Lackawanna, Mr. Wansacz.

Mr. WANSACZ. Thank you, Mr. Speaker.

Mr. Speaker, I rise today on behalf of the northeastern Pennsylvania Steeler fans in wishing the Pittsburgh Steelers and the Art Rooney family good luck. As you can see, as had Mr. Smith said earlier, Steeler fans come from everywhere. I know there are some Eagle fans and there are some Giant fans in northeastern Pennsylvania, but I can tell you that the Steeler nation lives strong there, and we are excited to root on our team in the Super Bowl.

And I cannot express my excitement. I have not felt this good since I have been 4 years old and Christmas was coming. This is the greatest time. Even over my election, this has been a great moment. I can tell you, you know, my wife has not seen me this excited. I woke up with “the Steelers are going to the Super Bowl” with a smile on my face. I have not been able to stop smiling for a couple weeks.

The SPEAKER. Mr. Wansacz, it has been brought to the attention by the majority leader, if you changed over, you would feel that feeling again.

Mr. WANSACZ. So I rise to support this resolution, and I am excited. If we could just have one type of a chant, because everywhere I am going, I am getting this feeling, and it is the goose bumps, it is the excitement, and the feeling is that Pittsburgh is going to win the Super Bowl – yes. So if I could have the “Here we go Steelers” chant just one time for all the Steeler fans out there watching that goes with it. If we could, “Here we go Steelers, here we go. Here we go Steelers, here we go. Here we go Steelers, here we go.”

All right. Thank you, everybody. Let us go, Steelers.

(“Pittsburgh Steelers Polka Song” was played.)

The SPEAKER. Mr. LaGrotta, then Mr. Scavello.

Mr. LaGROTTA. Mr. Speaker, thank you.

First of all, I wondered, if I could, just on behalf of the General Assembly with their indulgence, apologize to Mrs. Wansacz, who is perhaps maybe watching this on television and wondering why her husband just told the entire Commonwealth that he was not this excited on their wedding day.

Secondly, Mr. Speaker, I would like to just remind the members of the General Assembly that the captain of this Steeler football team came to the great city of Pittsburgh via the great city of South Bend, Indiana, and the University of Notre Dame, and I invite all of you to come back to Notre Dame on September 9 when Notre Dame hosts Penn State, and we are going to honor Jerome Bettis that day at half time. I am sure you will be waving your Irish towels that day as well.

Finally, Mr. Speaker, if I could just say a word of congratulations to this General Assembly for having the foresight several years ago to recognize how important teams like the Steelers and the Eagles are to this Commonwealth and to the cities and the people that we represent and partner with the communities and the teams and the people to construct the stadiums that kept these people and these teams here. Part of the reason why we are celebrating today is because of the fact that the Steelers are still here, they are still in Pittsburgh, they are still in Pennsylvania, and in large measure, that is because of the people of Pennsylvania that supported them in their effort to stay here.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Scavello.

Mr. SCAVELLO. Thank you, Mr. Speaker.

I rise to try to help the gentleman from Lackawanna there and offer to have him and his lovely wife at my bagel shop on Sunday morning, where I will be serving yellow bagels, yellow bagels to anyone that happens to be in Monroe County on Sunday morning. Go Steelers.

The SPEAKER. Mr. Thomas. The gentleman, Mr. Thomas.

Mr. THOMAS. Mr. Speaker, I am humbled by the fact that the Pittsburgh Steelers are going to the Super Bowl, and I know you would have wanted to say this, so I am going to say it for you. The reason that I am humbled by the fact that the Steelers are going to the Super Bowl is because if the Eagles had not laid the foundation last year, the Steelers would not have been able to figure out how to get there this year.

The SPEAKER. I think it is important to remind the members of the General Assembly that last year there was only one team that beat both teams that were in the Super Bowl.

**HARRISBURG LEGISLATIVE LEAVE
CANCELED**

The SPEAKER. The Chair recognizes the majority whip, who moves for a Capitol leave for the day for the gentleman, Mr. Allen, and the gentle— No, taking Mr. Allen off Capitol leave. He is back in the hall of the House.

HARRISBURG LEGISLATIVE LEAVE

The SPEAKER. The gentleman, Mr. RAYMOND, is placed on Capitol leave. Without objection, that leave will be granted.

CONSIDERATION OF HR 568 CONTINUED

On the question recurring,
Will the House adopt the resolution?

(Members proceeded to vote.)

LEAVE OF ABSENCE CANCELED

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

CONSIDERATION OF HR 568 CONTINUED

On the question recurring,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—191

Adolph	Forcier	Major	Samuelson
Allen	Frankel	Manderino	Santoni
Argall	Freeman	Mann	Sather
Armstrong	Gabig	Markosek	Saylor
Baker	Gannon	Marsico	Scavello
Baldwin	Geist	McGeehan	Schroder
Barrar	George	McGill	Semmel
Bastian	Gerber	McIlhattan	Shaner
Bebko-Jones	Gergely	McNaughton	Shapiro
Belardi	Gillespie	Melio	Siptroth
Belfanti	Gingrich	Metcalfe	Smith, B.
Benninghoff	Godshall	Micozzie	Smith, S. H.
Beyer	Good	Millard	Solobay
Biancucci	Goodman	Miller, R.	Sonney
Birmelin	Grell	Miller, S.	Staback
Blaum	Grucela	Mundy	Stairs
Boyd	Gruitza	Mustio	Steil
Bunt	Habay	Myers	Stern
Buxton	Haluska	Nailor	Stetler
Caltagirone	Hanna	Nickol	Stevenson, R.
Cappelli	Harhai	O'Brien	Stevenson, T.
Casorio	Harhart	Oliver	Sturla
Causer	Harper	O'Neill	Surra
Cawley	Harris	Pallone	Tangretti
Civera	Hasay	Parker	Taylor, E. Z.
Clymer	Herman	Payne	Taylor, J.
Cohen	Hershey	Petrarca	Thomas
Cornell	Hess	Petri	Tigue
Costa	Hickernell	Petrone	True
Crahalla	Hutchinson	Phillips	Turzai
Creighton	James	Pickett	Veon
Cruz	Josephs	Pistella	Vitali

Curry	Kauffman	Preston	Walko
Daley	Keller, M.	Pyle	Wansacz
Dally	Keller, W.	Quigley	Waters
DeLuca	Kenney	Ramaley	Watson
Denlinger	Killion	Rapp	Wheatley
Dermody	Kirkland	Raymond	Williams
DeWeese	Kotik	Readshaw	Wilt
DiGirolamo	LaGrotta	Reed	Wojnaroski
Donatucci	Leach	Reichley	Wright
Eachus	Lederer	Roberts	Yewcic
Ellis	Leh	Roebuck	Youngblood
Evans, J.	Lescovitz	Rohrer	Yudichak
Fabrizio	Levdansky	Rooney	Zug
Fairchild	Mackereth	Ross	
Feese	Maher	Rubley	Perzel,
Fleagle	Maitland	Sainato	Speaker
Flick			

NAYS—0

NOT VOTING—0

EXCUSED—11

Bishop	Diven	Hennessey	Rieger
Blackwell	Evans, D.	McCall	Ruffing
Corrigan	Fichter	McIlhinney	

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

GUESTS INTRODUCED

The SPEAKER. The Chair welcomes to the hall of the House, from western Pennsylvania, the Protect Our Vote Coalition, led by Celeste Taylor, who are the guests today of Representative Joe Preston and the Allegheny County delegation. They are located in the balcony. Would those guests stand and be recognized.

REPUBLICAN CAUCUS

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

Mrs. TAYLOR. Mr. Speaker, there will be at the call of the recess, immediately at the call of the recess, both formal and informal caucus meetings in our caucus room – immediately.

The SPEAKER. The Chair thanks the gentlelady.

ANNOUNCEMENT BY MR. COHEN

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, there will be an immediate informal discussion in the House Democratic caucus room upon the call of the recess.

RECESS

The SPEAKER. Are there any further announcements? Seeing no one, this House is in recess until 1:45.

AFTER RECESS

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

SENATE MESSAGE

JOINT SESSION

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

In the Senate
February 1, 2006

RESOLVED, (the House of Representatives concurring), That the Senate and House of Representatives meet in Joint Session, Wednesday, February 8, 2006, at 11:30 a.m., in the Hall of the House of Representatives for the purpose of hearing an address by His Excellency, Governor Edward G. Rendell; and be it further

RESOLVED, That a committee of three, on the part of the Senate, be appointed to act with a similar committee on the part of the House of Representatives, to escort His Excellency, the Governor of the Commonwealth of Pennsylvania, to the Hall of the House of Representatives.

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

On the question,

Will the House concur in the resolution of the Senate?

Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 2003, PN 2754

By Rep. HERMAN

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for assistant county solicitors.

LOCAL GOVERNMENT.

HB 2021, PN 3480 (Amended)

By Rep. ALLEN

An Act amending the act of January 17, 1968 (P.L.11, No.5), known as The Minimum Wage Act of 1968, further providing for minimum wage.

LABOR RELATIONS, with a negative recommendation.

HB 2064, PN 3481 (Amended)

By Rep. HERMAN

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for intergovernmental cooperation, joint ownership and maintenance.

LOCAL GOVERNMENT.

HB 2065, PN 3482 (Amended) By Rep. HERMAN

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for intergovernmental cooperation, joint ownership and maintenance.

LOCAL GOVERNMENT.

HB 2066, PN 3483 (Amended) By Rep. HERMAN

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for intergovernmental cooperation, joint ownership and maintenance.

LOCAL GOVERNMENT.

**BILL REPORTED AND REREFERRED
TO COMMITTEE ON
VETERANS AFFAIRS AND
EMERGENCY PREPAREDNESS**

HB 2158, PN 2981 By Rep. HERMAN

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for other meeting expenses paid by counties.

LOCAL GOVERNMENT.

REPORT SUBMITTED

The SPEAKER. The Speaker acknowledges receipt of the annual report of the status of the Catastrophic Loss Benefits Continuation Fund submitted pursuant to Act 24 of 1989.

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

CONSIDERATION OF HB 1318 CONTINUED

The SPEAKER. The Chair returns to HB 1318, PN 3458.

On the question recurring,
Will the House concur in Senate amendments as amended?

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

Mr. VITALI. Thank you, Mr. Speaker.

I do not want to beat a dead horse here. My concerns surrounded the provisions with regard to felony voting and prohibiting felons from voting until the end of the maximum sentence, which would serve to disenfranchise them, and my objection to those provisions are, one, I do not see what policy reason would be served by that prohibition. Right now felons, after they have been released from jail, vote, and there are no apocalyptic consequences that have followed.

I think what you want to do with regard to people who have come out of jail is you want to include them in society. I think it is felt that by including them in society, you reduce recidivism rates because they have an ownership interest in the world they live in. One thing that has led people to commit antisocial behavior is the fact that they feel excluded from society.

I think by allowing someone to vote would help with regard to the recidivism rates.

Two, it is hard enough to get nonfelons to vote. I mean, it is just hard enough to get people to vote generally. If you have someone who has been convicted of a crime and he is motivated enough to educate himself on the issues and go to the polls, why do we want to stop that person from voting? I see no harm and only good from that.

I think the bill generally and this provision specifically is basically a solution in search of a problem. I do not see a problem here. And I think there is one constitutional problem here, and I think what the constitutional problem is, is this: If this bill were to pass, we would be inflicting further punishment on someone who has already committed a crime, and that would constitute an ex post facto action in violation of Article I, section 18, of the Pennsylvania Constitution, and because we are imposing additional punishment on someone who right now can vote, we would be taking that right away from them in certain circumstances. We would in effect be adding a penalty.

CONSTITUTIONAL POINT OF ORDER

Mr. VITALI. This legislation is unconstitutional, so I would move that HB 1318 be declared unconstitutional because it violates Article I, section 18, of the Pennsylvania Constitution, which deals with ex post facto legislation. So I so move.

The SPEAKER. The gentleman, Mr. Vitali, raises the point of order that HB 1318, PN 3458, is unconstitutional.

The Speaker, under rule 4, is required to submit questions affecting the constitutionality of a bill to the House for decision, which the Chair now does.

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

The SPEAKER. The Chair recognizes the gentleman, Mr.— The Chair could recognize the gentleman, Mr. Vitali, at this time, but you only have one chance at the microphone, Mr. Vitali. The gentleman waives off for now.

Mr. S. SMITH. Mr. Speaker, just a point of inquiry.

The SPEAKER. The Chair recognizes the majority leader.

Mr. S. SMITH. I apologize. I did not hear. Would you restate what the point of constitutionality was that the gentleman raised?

The SPEAKER. Article I, section 18, dealing with ex post facto laws.

PARLIAMENTARY INQUIRY

Mr. S. SMITH. Mr. Speaker, just a point of parliamentary inquiry.

This exact same motion challenging constitutionality was made when this exact same issue, well, I guess I should not say exact same issue but substantially the same issue was before us. Is that motion still in order since we have already dealt with this?

The SPEAKER. If the bill had not been changed, the gentleman would have been correct. There were changes.

Mr. S. SMITH. Thank you, Mr. Speaker.

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

Mr. BARRAR. Mr. Speaker, I would ask for a vote to uphold the constitutionality of this since the ex post facto provision in the Constitution deals with the punishment of that criminal; the provision in this bill is not in there as an additional punishment. So I would ask for a vote to uphold the constitutionality of this.

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I think Mr. Vitali raises a very vital point here. There are people in this Commonwealth today who have been voting for years, who have been active, constructive members of their communities for years, who at some point committed a criminal act and would therefore be banned from voting under this legislation. This is an additional punishment. It is a punishment in that they cannot vote. It is a punishment that forces them to explain to friends or relatives why they cannot vote. It is a punishment that stigmatizes people.

I think it would be perfectly constitutional to have a rule saying that anybody convicted of a felony after the date of passage of this act cannot vote. That would be constitutional. It is not constitutional to take people who have already been convicted and saying, if you have already been convicted—

POINT OF ORDER

The SPEAKER. For what purpose does the gentleman, Mr. Barrar, rise?

Mr. BARRAR. A point of order.

I think the current speaker is off the message here. The issue is the ex post facto provision in the Constitution. He is talking about whether convicted felons should have a right to vote or not.

Mr. COHEN. Mr. Speaker, the gentleman—

The SPEAKER. Just one second.

The gentleman, Mr. Cohen, did stray off of the subject. Would the gentleman please try to restrain his remarks.

Mr. COHEN. Thank you.

Mr. Speaker, perhaps I was not clear enough. The issue is whether somebody who was already convicted can have a punishment added to that conviction. That is an additional punishment that is being added to a sentence that has already been given. Somebody could have been convicted of any felony, and if his maximum sentence has not yet been served – and many of these maximum sentences could be 20 or 30 years; hardly anybody gets the maximum sentences as a practical matter – but that person could have been out of prison for many years, could have voted, could have completely rehabilitated himself or herself, and we are making an ex post facto punishment that after you have already been sentenced, after you have been punished, we here are adding an additional punishment. That is what an ex post facto law is. An ex post facto law by definition is a law that adds an additional punishment to somebody who has already been convicted, and the Constitution of Pennsylvania and the Constitution of the United States both prohibit that.

I think it would be the simplest thing in the world to change this bill so that it only applies to future criminal convictions. Then it would not be an ex post facto law, and then this argument would not have validity. But in the absence of such a

section, in the absence of such an amendment, I totally agree that Mr. Vitali is right. HB 1318 in this form, with this language, is unconstitutional.

The SPEAKER. Those voting “aye” will vote to declare the bill constitutional; those voting “no” will vote to declare the bill to be unconstitutional.

On the question recurring,

Will the House sustain the constitutionality of the bill?

The following roll call was recorded:

YEAS—110

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

NAYS—80

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

NOT VOTING—1

Sturla

EXCUSED—11

Bishop	Diven	Hennessey	Rieger
Blackwell	Evans, D.	McCall	Ruffing
Corrigan	Fichter	McIlhinney	

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

On the question recurring,
Will the House concur in Senate amendments as amended?

HARRISBURG LEGISLATIVE LEAVES

The SPEAKER. The Chair recognizes the minority whip, who moves for a Capitol leave for the gentleman, Mr. TANGRETTI, and the gentleman, Mr. LaGROTTA. Without objection, they will be granted; those leaves will be granted.

CONSIDERATION OF HB 1318 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. GRUCELA.

Mr. GRUCELA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to HB 1318, mainly for many of the remarks that were made yesterday and some today, especially my good friend from the Easton area in Northampton County and former student, who last night mentioned that part of the problem today is the negativism and the cynicism about government and especially directed toward this institution, and many times for the very things that we are doing here this afternoon.

We ought not to be restricting the right to vote; we ought to be expanding the right to vote. When this bill passed the House, I think the prime sponsor, my good friend from White Oak in Allegheny County, had a lot of good intentions in this legislation. There were some good amendments that were also added when it went over to the Senate. If I may be biased for a second, I thank those members of the House who voted for the amendment that I inserted that would allow 17-year-olds to vote in the primary, which would be an expansion of the right to vote, especially for our younger people who are studying American government and civics in high school right about that age.

We are actually going in the opposite direction of the history of the right to vote. Throughout history, we have taken away the poll tax, eliminated literacy tests, removed the restrictions on race and gender, and as my good friend and colleague from Bucks County mentioned yesterday, we have made it easier to register to vote. We have motor-voter. We have done a lot of things to expand the right to vote, which are the things that we should be doing and the direction we should be going, and this particular bill, I believe, does the opposite.

I do not believe, again, that we ought to be restricting the right to vote. I think we ought to be expanding the electorate and trying to get as many people involved in the process as possible. We are already suffering the fact that too many people, and especially our younger people, are not going to the polls.

For these reasons, Mr. Speaker, I ask the members to vote “no” on HB 1318. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Myers.

Mr. MYERS. Thank you, Mr. Speaker.

Mr. Speaker, I agree with my colleague who just spoke, that I thought that what we were trying to do was expand people’s ability to participate in the electoral process. But, Mr. Speaker, you know, I really believe that a part of what we are being asked to do here today is a thin veil to disenfranchise people who we believe do not think that our public policy initiatives in this chamber represent their interests and, therefore, are probably most likely not to vote for us, so our response is that, well, if I do not think you are going to vote for me, then I am going to make it harder for you to vote.

And, Mr. Speaker, if I may use a Biblical analogy, would that be proper on the floor, Mr. Speaker? I want to tell you a story that I thought about last night. Jesus went to the polling place, and when Jesus got there, the first restriction, they said, “Well, Jesus, in order for you to vote, we changed the voting rights bill, and you have to walk on water.” So Jesus said to them, he said, “Well, I walked 5 miles on water before I got here.” And they said, “Well, we have another restriction. You have to raise people from the dead.” And Jesus said, “Well, I raised four people from the dead before I got here.” And they said, “Okay. You meet those two requirements. Let me ask you this here: What color ink do you have in your pen?” He says, “Red.” “No, you can’t vote because it’s not blue and it’s not black.”

Mr. Speaker, I believe that moving the bar to disenfranchise people is the wrong way to go—

The SPEAKER. The gentleman will yield.

POINT OF ORDER

The SPEAKER. For what purpose does the gentleman, Mr. METCALFE, rise?

Mr. METCALFE. Mr. Speaker, the gentleman asked if he could use an analogy from the Bible, and I do not know what Bible he reads, but the story he is telling is not in any Bible I have ever seen. So if he could get back on track with the argument at hand.

Mr. MYERS. You know, I am not going to respond to my colleague. I appreciate your point. I said it was a story that I thought about last night, and everybody knows that it is a story that I made up. So the fact of the matter is that we cannot walk on water, we cannot raise the dead, but we can stop people from voting if they have red ink. So I would suggest to the listening audience that you contact your Representative and say to them that if you do not want me to vote, then outlaw elections. If you want elections, then expand the process.

We have a responsibility to ensure that as many people as possible participate. You know, 8 out of 10 people do not vote now; 8 out of 10 people do not vote now because they are literally mad at the institution. Our Chairman Clymer spoke last night. His constituents are not mad at him; they are mad at government. They believe that government is not serving their basic needs and aspirations, and here we are going to try to come out here tonight with a bill that says, if you cannot jump through all these hoops, you cannot vote.

Mr. Speaker, in closing, I say we should let Jesus vote, and we should let our people vote also.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny, Mr. Wheatley. The gentleman waives off until later on.

The Chair recognizes the gentleman from Philadelphia, Mr. Williams.

Mr. WILLIAMS. Mr. Speaker, this bill is a bill that we all should pay close attention to. Mr. Speaker, this bill says that you could work, pay taxes, become a productive citizen, but you will not get the opportunity, you will not get the opportunity to vote because of something you did in the past.

Now, I will go on a limb to paraphrase my own story about a man we would call Jesus, a man we call Jesus who had compassion and forgiveness, and it seems to me, Mr. Speaker, that we do not have compassion for people who have paid their dues, did their time, and now are asking for a second chance in life. We should not be a part of voting for a bill that disenfranchises people. And a lot of us early Sunday mornings, we go off to our places of worship, and on Saturdays and on Friday evenings or Friday afternoons, and we ask for forgiveness and we pray for people, and here we are on this special day, National Freedom Day for African-Americans – this is a special day; this is a day that is dedicated to the freedom of African-Americans – and on this day, this time, we do not have compassion. If a person has served their time, if a person went to jail, served their time, and now they have a productive job, are trying to recover and get their life together, we are now saying, no, you have got to do additional time.

In closing, Mr. Speaker, I must say this: The Bible says “ye judges be forever careful,” so for some of you who do not think people need a second chance, we do not have to judge here on earth; God will do the judging. Read your books.

Thank you, Mr. Speaker, and vote “no” on this bill, 1318.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Armstrong, Mr. Pyle.

Mr. PYLE. Thank you, Mr. Speaker.

I have listened for a number of hours now about the merits and derogatory points of HB 1318, but perhaps I have a different perspective. I view this bill as preserving the sanctity of an American birthright. We are not restricting the right to vote. When it came down to the issue of showing photo identification, we remedied that by offering free, at no charge, non-driving-license photo IDs. This does not discriminate for height, weight, color, sex, religion – none of the above. It does not. What it does is it asks for a responsibility that all a person needs to do is show a photo identification, which I feel is a very, very small toll to ask.

We have eliminated the poll taxes, the literacy tests. Now all I ask, Mr. Speaker, is that when the Son of God steps up to the polling place, since we are invoking Biblical phrases, he just has to show an ID.

Thank you, Mr. Speaker.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair returns to leaves of absence and notes the presence on the floor of the House of the gentleman, Mr. Hennessey.

HARRISBURG LEGISLATIVE LEAVE

The SPEAKER. The majority whip requests a Capitol leave for the gentleman, Mr. PHILLIPS. Without objection, that leave will be granted.

CONSIDERATION OF HB 1318 CONTINUED

The SPEAKER. The Chair recognizes the gentleman, Mr. Surra. The gentleman, Mr. Surra, wishes to be recognized later on.

The Chair recognizes the gentleman, Mr. Cohen.

The Chair recognizes the gentleman from Philadelphia, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to nonconcur on HB 1318.

Mr. Speaker, I was excited when the House convened at 11 o'clock today. I was excited because the House convened on two good notes. One note was, one of our youngest members of this august body, Representative Chelle Parker, introduced a resolution acknowledging the life and legacy of the first lady of the civil rights movement. That was a good thing, Mr. Speaker, and, Mr. Speaker, as I counted votes, I did not see any negative votes to that resolution. And secondly, Mr. Speaker, we spent some time talking about the beauty of the Commonwealth of Pennsylvania, that in 2005 the Philadelphia Eagles went to the Super Bowl, and in 2006, because of what the Eagles did last year, the Steelers will go all the way this year, and, Mr. Speaker, those were good notes.

But let me start with the first note, the note which dealt with the first lady of the civil rights movement. Mr. Speaker, I remember very vividly when Dr. King and his wife said to all of us that the conditions of the people will not change until the people change the conditions within themselves. And, Mr. Speaker, what Dr. King and what Coretta Scott King argued for was a constitutional amendment that would allow for the right to vote to be standard across the country, because as you and I know, as of today, there is no constitutional right to vote. There is a Voting Rights Act that has been articulated which allows each State to basically set its own rules and treat it not as a constitutional right but as a privilege of the State. And, Mr. Speaker, Dr. King and Coretta Scott King argued for a constitutional amendment because they knew that this day would come, that there would come a time that States would engage on a path to disenfranchise, disenfranchise entire populations from participating in this privilege. And, Mr. Speaker, no matter what way you cut the cake today, and I say to all of those people who stood up and participated in a moment of silence on behalf of Coretta Scott King, remember that when you put up the vote for 1318, because when you put up your vote, you will either honor what she stood for or you will spit on her grave, because there is no way that Coretta Scott King died or that her husband died fighting to make sure that this day would never come.

And last but not least, Mr. Speaker, I turn my attention to not my colleagues, but I turn my attention to the thousands of judges of election and election board officers throughout the Commonwealth of Pennsylvania. HB 1318 would impose serious punishment, serious punishment on election board officers who have absolutely no idea of what is contained in HB 1318, but HB 1318 could become law and put them in a

position where they will have to either pay a serious fine or even go to jail because they do not understand the tenets of HB 1318.

Mr. Speaker, less than 1 percent of all election board officers in the Commonwealth of Pennsylvania are under 55 years of age – less than 1 percent. Mr. Speaker, most of our election board officers are our mothers, fathers, grandmothers, grandfathers, who believe, who believe that the electoral process is a very precious process that should be upheld at all times, and, Mr. Speaker, for us to say to a grandmother in Elk County that if you do not catch that convicted felon before he or she votes, you could be prosecuted and end up being charged with a third degree, a third-degree misdemeanor, and even fined \$1,000.

Mr. Speaker, to election board officers throughout the Commonwealth of Pennsylvania, pay close attention, pay close attention to what is going on here today, because if you know like I know, if you know like I know, and this gets to the Governor's desk and is signed into law, you should turn in your election board certificate within 24 hours of this bill being signed into law, because you should not be thrown into jail or financially penalized because you did not understand the garbage that is in this bill, HB 1318. So please pay close attention, and pay close attention to who supports this.

Yes, Representative McGeehan was able to get a nice amendment in. I supported that amendment, but you know what? That one amendment cannot remove the infectious state of this bill itself, because when you apply the totality of the circumstances, when you look at the four corners of HB 1318, that one amendment cannot clean it up. So you cannot escape, you cannot escape your bad deeds because you voted for the McGeehan amendment.

Mr. Speaker, this bill is wrong today; it will be wrong tomorrow; it is wrong, wrong, wrong. And, Mr. Speaker, if we really want to do something, if we really want to do something about the electoral process and bring so-called integrity back to the process, then we should nonconcur on HB 1318. No one in good faith should put up a "yes" vote to concur on HB 1318. There is no rational basis for supporting the four corners of this bill.

I urge each and every one of you, and if we want to do something, you know, it is ironic, it is ironic that in the Commonwealth of Pennsylvania you can go to jail for failure to catch a convicted felon trying to vote, but you cannot go to jail for buying a dozen weapons in 1 month that might end up killing a whole bunch of people on the street. It is ironic, it is ironic that you can go to jail, election board officers—

The SPEAKER. Mr. Thomas?

Mr. THOMAS. —for failure—

The SPEAKER. Mr. Thomas, please stay on the subject material before the House.

Mr. THOMAS. Thank you, Mr. Speaker.

You can go to jail as an election board officer for failure to comply with the basic tenets of HB 1318, but right now, right now, right now, you can run around the city of Philadelphia shooting people just like they are animals. Mr. Speaker, where is the logic in HB 1318?

Mr. Speaker, I urge my colleagues on both sides of the aisle to nonconcur, and let us get on with increasing minimum wage, reasonable restrictions on the availability of guns in the city of Philadelphia and in the Commonwealth of Pennsylvania, and

health care. Those are the real issues; those are the real issues, not this masked as a legislative prescription. Thank you.

The SPEAKER. The Chair thanks the gentleman.

HARRISBURG LEGISLATIVE LEAVES

The SPEAKER. The Chair recognizes the minority whip, who moves for a Capitol leave for the following gentlemen: Mr. COHEN, Mr. BELFANTI, Mr. EACHUS, Mr. SURRA, Mr. McGEEHAN, Mr. GERGELY, Mr. Bill KELLER, Mr. DeLUCA, Mr. WALKO, and Mr. BIANCUCCI. Without objection, those leaves will be granted. Capitol leaves will be granted.

CONSIDERATION OF HB 1318 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Lycoming, Mr. Feese. The Chair will move him until later on.

The gentleman from Philadelphia, Mr. Waters.

Mr. WATERS. Thank you, Mr. Speaker.

Mr. Speaker, as I am here, I am listening to the provisions of HB 1318, and I remember what started all the movement for the States to come up with their own election policies that are intended to protect the rights of voters, and I remember the bill was called HAVA, which is the Help America Vote Act, and for some reason I am under the impression that some people think that the "H" stands for "hinder" America's voting act, because what we are doing now is exactly that. If a bill like this were to pass this General Assembly, it would be used, the provisions in this bill would be used to hinder a person's ability to vote.

And I always go back to the story that I have given before about, I use my mother as an example, and I am sure many of us share an experience like this, where you can actually go and be a voter and voting in the same division for years and years and years. Asking a person for ID just does not make sense if the people on the election board are not trusted enough that they know the people who have been voting at that polling place. My mother has been voting since 1958 in the same division – since 1958 – and she can go to the polling place after a bill like this becomes law, and I hope that it does not, but if a bill like this becomes law, she will be asked to show ID at a polling place where, when she walks in the door, all the people on the election board will say, "Good afternoon, Mrs. Waters." They know her. She helped raise a lot of the people who are working on that election board. She has been their neighbor for years. That is what is so important about us having people on the board who live within the same division, because it helps with the responsibility and the relationships, that the people know who are working on the election board and they also know the people who are coming in to vote. Asking for a person who you know who the ID is, is in itself, in my opinion, a crime.

We have people who come to the polling place. Now, I do not know how many people in here have served in the Armed Forces, but there are many people who have served in the Armed Forces that might have served in WW II, they might have served a long time ago, they might have been injured, they might have been hurt while protecting the rights of America, they might have been injured or hurt while protecting the rights of this country, or gone abroad to defend the rights of another country or other citizens. Now this person comes to the polling place on election day, and they are an honorable citizen who

proudly waves their Purple Heart, every day they are proud of that Purple Heart, and they can come to the polling place to vote, and if they do not have these IDs that you want to have forced upon them to show, and the people at that polling place know them, might have cheered them when they came back from war, now, because it is the person on the election board, if they do not ask this person for ID, which they will be insulted probably for having to ask this person for ID, will stand the chance of being persecuted themselves for not doing that. So they ask the person for ID, and the person does not have it. Now, he or she has gone to war for this country. They have fought for this country. They have gone and fought for other countries that now have an 80-percent voter turnout. That would be great in America; it would be great in Pennsylvania if we could get an 80-percent voter turnout. It would be great. But now what we are doing is we are trying to decrease our numbers, because this does not help. This does not help get voters more engaged in the voting process. What it might do is have a voter who comes out to the polling place, who for whatever reason did not bring the proper ID but knows everybody on the election board, and the person asks them, I want to see your ID. That person might get offended; they might get so mad, they might not come back that day. They might even cuss everybody out on the election board, and it is not their fault. It will be our fault. It will be the fault of whoever it is that supports 1318; that is whose fault it will be.

When it comes down to people who have been convicted of a felony, if a person has served their time – we have heard the story – they have served their time, but now you have a person, and according to what I am reading in this bill, they might not even have had to go to jail. They might get instant probation because of the crime that they committed. That person who did not even go to jail will not be able to vote until he serves out whatever the sentence is, if it is 18 months probation. He cannot even vote. How are we going to encourage people who have been on the other side of the law to respect and be a part of the system and society that we want them to embrace and be a part of and be law-abiding citizens if we disenfranchise them and tell them, you have a further punishment to serve, not by the judge, not by the jury, but by this General Assembly; we have an additional sentence for you to serve, no matter what it is. Even if this person is a working person and they had married somebody, or they come back to their family and they are doing the right thing, they are engaged, but because of the amount of time they have got to walk off, now they cannot vote either. What message are we sending to the people in our community that we tell a person like that that we are helpful in trying to make sure that we get them on the right track, but we cannot help them when it comes down to getting them to participate in all the benefits that Americans enjoy; they cannot vote. That is what we are telling them; they cannot vote, and that is going to be the system that we are trying to put in place if we pass a bill like bill 1318.

And then on top of that, I hope this bill does not pass, but why are we not addressing the needs of the people who work on the election board, that we ask to work for 13 hours a day? How come we are not working on giving those people more money? You want to give them now a job that they can go to jail for if they do not do it right, you want to add additional burdens on them, but you do not want to add additional money into their daily paycheck for working on the board. If we want to talk about doing something and doing the right thing, as hard as it is

to get people to work all those hours, why are we not trying to get those people more money, get those people more benefits?

If you do not agree with anything, you should all, if you have a father that served in the military, if you served in the military or a relative of yours served in the military, or if you care about the soldiers who are on the frontlines today, we should be thinking about the fact that they are fighting for democracy today, and what we are doing right here, in my opinion, is against democracy. We are telling people to not participate in the process; we are eliminating a big voting bloc of people from the process, and unfortunately, in the State of Pennsylvania, that is a lot of African-Americans. Unfortunately, it is a lot of African-Americans, and it is important. Oh, yeah, it is people of color; it is people of color. There are also Latinos. There are a lot of people of color, but it does not matter. What really matters is, they are Americans, and they all come to this country and they work, they play, they participate in the process, they pay taxes. We do not tell them we do not want their taxes because they were convicted of a crime. We do not tell them that we do not need your tax money to pay for this General Assembly. We do not tell them that: Keep your tax money; we do not want your tax money that pays a lot of salaries. We do not tell them that, but the people here who benefit from that are telling them that we do not want you to participate. That, I agree with my colleague from Delaware County, is unconstitutional, and I stand here today saying that there should be no one who supports HB 1318.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny, Mr. Wheatley.

Mr. WHEATLEY. Thank you, Mr. Speaker.

Mr. Speaker, I rise today to speak against the concurrence of HB 1318.

Mr. Speaker, I am not sure if there is anything additional I can add to the discussion that we have had over the last couple of days, and most assuredly, we have had these discussions, at least while I have been here, over the last couple of years. But, Mr. Speaker, I find something troubling and at the same time ironic that on the day we begin to recognize our annual occurrence of African-American contributions to this world and to the Commonwealth and to our country in general, at the beginning of that time frame I find that it is interesting that we are handling the people's business in this way, in a way that I think would be troubling to most citizens in this Commonwealth, that they would know a bill such as HB 1318 is proposing to make the process harder for citizens, productive citizens, not citizens that are continuously trying to act outside of our laws but citizens that are trying to reconnect with our laws.

I think in general the people of this Commonwealth expect for us to do their business in such a way that we help those who are trying to help themselves and we try to punish those that are trying to break the laws that are set up for our safety net and our social improvement. And I think this bill, at least my reading of this bill and what I see in this bill, I think this bill goes well beyond trying to protect citizens. I think it is also trying to punish citizens for past mistakes, which I think if we pass this bill, it will be a mistake on our part as a General Assembly.

I am personally— And, Mr. Speaker, if I am off astray, please, I know that you will pull me back. I personally just reflect back in my first year in Harrisburg in this Capitol,

and I remember right in this chamber we had a ceremony to recognize the former Speaker, K. Leroy Irvis, and during a clip of that, we played a video and during a clip of that and he was up on the Speaker's rostrum for the last time giving his last speech here and he talked about this institution; he talked about the greatness of this institution. He quoted in that, that this was one of the most wonderful inventions on earth, a parliament in which all of our voices can be heard. And then the last words that he spoke on that rostrum, which some have used as the unofficial model for this chamber, is that through us they speak; through us they speak.

And I am wondering when we pass bills like HB 1318, I am wondering when we pass it, when we have provisions in there that are essentially trying to eliminate voices from our process, whom are we actually speaking to or speaking for? And who are those voices that are going to be harmed when we pass laws such as this? I mean, I think at the core of what we are supposed to be doing here, this process, at least at the core of what I thought democracy was, is that every voice gets a seat at the table and gets a chance, that every voice gets a seat at the table and gets a chance. Through us they speak.

It is amazing that, you know, historically – and I have heard many speakers talk about the historical nature; I even heard one of my colleagues on the other side talk about, we have gotten rid of poll taxes and inheritance taxes and the grandfather clause; we have opened up our process so that more people can have their voices heard – but historically speaking, in the post-civil-rights era, in the post-civil-rights era, the most glaring disenfranchisement tools that have been used to stop voices of people of color, especially young men and women, young men of color, have been whenever States have used disqualification requirements such as ex-felony convictions. It is the number one disenfranchisement tool in the modern era that is used to silence voices. And it is just a little disheartening that we are sitting here February 1, 2006, in a Commonwealth that we all are trying to make better and we talk about— You know, we just had a celebration in recognition of the Pittsburgh Steelers, and we have a lot of those players whose families probably will be impacted with such a disqualification requirement. It just seems to me something is wrong with us doing a bill like HB 1318.

I was just given some numbers recently. You know, the last time we had this discussion I talked about national figures. I was given a number recently from the Department of Corrections here in the State of Pennsylvania that talked about, 62.6 percent of the men and women who are in our correctional facilities are men and women of color; 62.6 percent. Now, some portion of those will come out under parole or probation with some terms and some sentences still left to serve, and if we were to pass this bill and this bill was to be signed into law, some portion of those people, 62.6 percent of those people of color, some portion of them will be prevented from having their voices heard.

And I said this before, we are continuously talking about having people be active participants in our society, having men and women, boys and girls, who want to be participants, full participants in our society, allowing for them to do that, and then when you make a mistake, when you make a mistake, we are telling you, you make a mistake and you serve your time, you get out of our correctional facilities, if you have 2 more years to wait on your punishment, then the 2 years that you have to wait for your sentence to be over, you cannot participate; you cannot participate in the political process. Even though you

are walking amongst the citizenry, even though you are working amongst the citizenry, even though you are trying to reintegrate back into your neighborhoods, you cannot participate on the basic level of being a citizen in this country; you cannot vote. You can pay taxes, but you cannot vote. I think something is unfair about that. I think there is something wrong about that.

I would say in closing, because I know this issue has been beaten to death to many of you, but I do believe this is a scenario that is ripe to be challenged in our courts, because I do believe these are disproportionate punishments that are going to happen to certain parts of our community based off these laws. We are going to disenfranchise certain parts of our communities based on a law such as this. I cannot restate it enough, since the post-civil-rights era, since we have eliminated and passed the Voting Rights Act of 1965, since we have done that, the number one tool to disenfranchise large segments of our citizenry has been disqualification mechanisms based off of felony convictions.

So I would implore all of us in this House to think seriously and long about what we are about to do here today on this bill. I would implore you all to vote not to concur with HB 1318 and let us continue to do the people's business in a way that the voter force sent us here to do.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Roebuck.

Mr. ROEBUCK. Thank you, Mr. Speaker.

I rise to urge that we nonconcur in the adoption of HB 1318. Certainly there have been many arguments made around this particular piece of legislation. I have heard just recently a reference to the sanctity of the American birthright, the right to vote. Well, understand that this legislation serves to substantially inhibit and undercut that very sacred birthright. We all remember the words that are written into the fundamental document upon which this nation was established, that all men are created equal, and embodied within that is a concept that with the equality comes the right to vote. We all understand that when we were formed as a nation, that was an imperfect grant, but we have systematically broken down barriers over the 200 or more years of our existence, so that indeed now we have moved beyond just white males and then black males and to include women and we have lowered the voting age. We have done things to expand that very essential right, the right to vote. Why now do we find it necessary in this legislative body, the oldest legislative body in the United States of America, why do we find it necessary to begin to infringe upon that very sacred right? Why?

I have heard no compelling reasons that we should do that. I have heard no compelling argument about some great problem that exists that demands that we must now change our system of voting. Certainly, if there were such a reason, I think that it ought to be offered, and perhaps then I and others might understand better what we are trying to do here. As it is now, I see no reason why we are doing that.

And then we have talked about all of those who are going to be hurt by this, but perhaps a group that we ought to think about most are those of our constituents who are seniors. Those are some of our steadiest and most committed voters. How are we going to say to that senior citizen who comes to vote on election day, who has voted every election for the last 50 years and comes this morning or this afternoon or this evening and forgets

to bring their identification, are we to say to them, well, it is too bad that you have had a perfect voting record, it is too bad that you fought for us, it is too bad that you pay taxes, it is too bad that you have been a good citizen, that matters nothing now because you do not have the proper identification? Who wants that responsibility? Those who vote for this legislation want that responsibility, and I suggest to you that what you do here attacks the very fabric of our democratic society. We ought to be careful about what we do.

And I would close, Mr. Speaker, because I heard one of my colleagues reference the fact about if Jesus came to vote and did not have an ID, that He would not be allowed to vote. Well, I hope, Mr. Speaker, that if Jesus came to my voting post, I would know who He was.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Erie, Mr. Evans.

Mr. J. EVANS. Thank you very much, Mr. Speaker.

I rise in support of HB 1318 for a number of reasons. There has been quite a bit of debate on this bill. Over the last 2 days, hours and hours of rhetoric, much of it, I am sad to admit, misinformation. This bill does not prevent or deter any Pennsylvanian from voting; repeat, this does not prevent or deter any Pennsylvanian from voting. It simply makes sure we have integrity in the voting process. It requires a photo or nonphoto ID or a voter registration card for people who go to vote. If a person does not have a photo ID, the State will provide a photo ID free of charge. The idea of people carrying photo ID is not really revolutionary. You must have one to cash a check; you must have a photo ID to board an Amtrak train; you must have a photo ID to ride in an airplane.

We have been told that this is a bill that is addressing a problem that does not exist. Well, I have a page of problems here. I am not going to read all of them, but I would like to read a couple, if I may, Mr. Speaker. "Of 131,206 welcome letters sent by Republican State Committee to newly registered voters in Philadelphia County" –newly registered voters – "10,000 were returned as undeliverable," because the address was a vacant lot or an abandoned home; "15...were returned because the recipient was deceased..." Also, "Individuals were observed carrying substantial numbers of absentee ballots to and from the Curran-Fromhold Prison, contrary to provisions of the Election Code, which permit 'third party' delivery of absentee ballots to and from disabled voters only." People were observed taking those ballots into that prison.

And last but not least, "In Delaware County, about 20 college students appeared to vote in Haverford Twp. and were told they could vote by provisional ballot and on the voting machines." These are just a few examples.

I believe we also need this bill to protect the absentee ballot process. We learned in 2004 that our military men and women overseas were disenfranchised. Their votes, in many cases, did not count because those absentee ballots did not get here on time. Well, this bill addresses that, cuts through that bureaucratic red tape. Those brave servicemen and servicewomen are overseas now putting their lives on the line for our right to vote. I believe we need to protect them. That is why we need to pass HB 1318 and move it forward today.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Huntingdon, Mr. Sather.

Mr. SATHER. Thank you, Mr. Speaker. I will be brief.

The previous speaker addressed some of the issues that I wanted to bring to the forefront. Much time in these last hours have been in debate or discussion about those who are serving time for doing a crime, serving time for doing a crime. You know, all of us are held accountable in one way or another and in some time frame for our activities. So I am not going to go to that issue, but I want to say about another group that are serving time in defense of this country. And I am very pleased that this legislation contains, as was just recently mentioned, an expansion of the absentee ballot process so that our military personnel defending this country and freedom throughout the world will have a better opportunity to see that they get the right to vote in this free and democratic society.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. James.

Mr. JAMES. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose concurrence on HB 1318. Mr. Speaker, you know, we talk about these photo IDs and they want photo IDs. What would be nice is if we would get a photo ID for everybody that has a gun. I do not know why they do not do that. But anyway, you know, I would like to support any measure that is going to reform voting, but it seems that this is definitely not going to reform. This bill is unacceptable. Rather than encouraging people to exercise their right to vote, which is the most valuable right as Americans, this bill includes provisions to make it more difficult to exercise that right. It restricts voting rights; it discourages voters; it disfranchises them, and as an elected official elected by votes, it saddens me that some of those people's voices are going to be suppressed by lack of voting.

It seems to me, Mr. Speaker, that this bill is discriminatory and it would have a profound impact on minorities and poor people, often our most vulnerable voting population. I urge my colleagues to consider this bill in its entirety and examine the details, consider the impact it would have on seniors, minorities, urban, and low-income voters, and I urge you to vote "no."

Mr. Speaker, I remember, I think it was back in 1995 that we did the motor-voter, and at that time in the wisdom of this House, they passed a restriction saying that those members that just got out of prison could not register to vote for 5 years, and thanks to the NAACP (National Association for the Advancement of Colored People) and an attorney at that time, Earl Trent, who is now a judge, they took it to the Pennsylvania Supreme Court, which overturned that, and I am hoping that this would happen in this case. This is just the latest tactic in a Republican agenda to suppress the turnout and intimidate minority voters. It was Florida in 2000, Ohio in 2004, and now the plan is to make it Pennsylvania in 2006 and 2008.

So again, I hope that we are able to defeat this, and I will call on all of us to vote "no." Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Elk, Mr. Surra.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, is there someone in the majority that could rise to speak to some of the amendments that were recently added?

The SPEAKER. The gentleman, Mr. Barrar, indicates he will stand for interrogation. The gentleman is in order and may proceed.

Mr. SURRA. Thank you, Mr. Speaker.

And the reason I asked this, this is the seventh printer's number for this bill and it is getting kind of difficult to keep track of the line out and the brackets and the different things that were added and deleted and changed.

The SPEAKER. Would the gentleman get to the question.

Mr. SURRA. The question is, on page 15 of the current printer's number, it seems as if we have bracketed out forms of identification, including a firearm permit, a utility bill, a bank statement.

The SPEAKER. Mr. Surra, that question was asked yesterday.

Mr. SURRA. It was, Mr. Speaker?

The SPEAKER. Yes, it was—

Mr. SURRA. Then my question is—

The SPEAKER. —by the gentledady from Philadelphia, Ms. Manderino.

Mr. SURRA. Then we did remove that then? I am sorry. I am just asking a question. Did we remove those things from the bill? Are they bracketed out?

Mr. BARRAR. I think one of the reasons this has been reprinted several times is, we are doing everything we can to make sure we get this bill right, because we understand how badly it is being demagogued, so we want to make sure it is perfect when we vote it today.

Mr. SURRA. I understand that and I appreciate that. Are those things in the bill now or are they excluded from forms of identification?

Mr. BARRAR. The ones that have been bracketed out are excluded from the bill.

Mr. SURRA. Okay. Thank you, and I appreciate that clarification. On the bill?

The SPEAKER. The gentleman is in order.

Mr. SURRA. Mr. Speaker, I cannot understand why I could not use my photo ID firearm permit as identification to prove that I am a voter. Now, if you do not know what it takes to get a photo ID firearm permit in this Commonwealth, you cannot only just be a citizen, you cannot only not ever have been convicted of a felony, there are very, very strict guidelines that say you are a law-abiding citizen in good standing in this Commonwealth. And why would we exclude that as an ID? A current utility bill, a current bank statement, a paycheck, a government check, I mean, those are all things that could prove someone's identification. But a firearm permit? I do not know why we are discriminating against gun owners. And it seems as if, contrary to the previous speaker, that we are doing a lot of things to disenfranchise people, which is not what we should be about.

So I am going to cast a negative vote for 1318. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, the question that this bill raises is, what direction should we go in as a Commonwealth, and since the Republican Party is the majority party in the House and the Senate, the question is also, what direction should the Republican Party go in?

It seems from media accounts that the front-runner for the Republican nomination is Lynn Swann, and one of the reasons that are cited as why Mr. Swann should be the Republican Party nominee is because he will be competitive in the communities

of Philadelphia and around the State where there are large numbers of low-income people, who are the people most adversely affected by this legislation.

The SPEAKER. Could the gentleman please tie that into the remarks on HB 1318.

Mr. COHEN. Yes, Mr. Speaker.

Mr. Speaker, HB 1318 sets barriers for people to vote. It sets barriers for people to vote who are low-income. It sets barriers for people to vote who are disabled. It sets barriers for people to vote who are poor. It sets barriers for people to vote who come from foreign countries. It sets barriers for people to vote who are African-American. The question before us today is, what kind of State do we want to be? What kind of message do we want to send about what Pennsylvania is in 2006 and should be in the future? Do we want to be a State that recognizes all people and treats them equally, or do we want to be a State that sets barriers and says that we are going to put obstacles in your place, that we are going to take a simple act like voting and set up identification systems which we know that numbers of people are simply not going to meet.

We know that in the State of Georgia, which passed a similar bill, a Federal court declared it unconstitutional as disenfranchising large numbers of voters. We have a whole history in this country with the poll tax, which disenfranchised large numbers of people and was ultimately repealed by an act of Congress.

What kind of State do we want to be? What kind of message do we want to send? Do we want to send a message of being a broad, inclusive Commonwealth and a broad, inclusive majority Republican Party, or do we want to send a message that only certain people are welcome, that only certain groups of people are welcome? I think we ought to send a message of inclusiveness. Inclusiveness is a value that transcends party lines. A victory by any candidate who gets a large number of votes is worth more in the long run than a candidate who gets a small number of votes. It strengthens the legitimacy of government. It strengthens the sense of ownership that people have in their government. I would hope we would vote today on the side of inclusiveness. I would hope we would vote today on the side of supporting equal rights for all people.

Matt Ryan, the former Speaker, who was a personal friend of many of us, was very, very proud of the list of famous Pennsylvanians on the back there, and some people are very visible to us and well known. William Penn and Benjamin Franklin are there.

The SPEAKER. Mr. Cohen? Mr. Cohen? What does that have to do with HB 1318?

Mr. COHEN. You will find out very soon, Mr. Speaker.

The SPEAKER. All right. Well, please make it soon.

Mr. COHEN. Mr. Speaker, I would like to point out to a gentleman whose arm is pointed like this.

The SPEAKER. Please talk into the microphone, Mr. Cohen.

Mr. COHEN. Okay. I would like to point out to the gentleman whose arm is pointed in this direction, who is on a cane, whose hair is tousled and unkempt. Thaddeus Stevens is the legislator from Pennsylvania who got the phrase "equal protection of the laws" into the United States Constitution. That is something that every Pennsylvanian ought to be proud of. That is something that we ought to be proud of. And this legislation, HB 1318, violates equal protection of the laws. It is very, very likely to be found unconstitutional by Federal courts, and even worse than any ultimate court decision,

it just sends the wrong message to people of Pennsylvania and people throughout the country as to what kind of State this is.

I do not think Pennsylvania is a State of intolerance. I do not think Pennsylvania is a State of exclusion. Pennsylvania ought to be a State of inclusion. Pennsylvania ought to be a State that values each and every person within it, and we as a State legislature representing all the people of Pennsylvania ought to surprise the outside world and surprise ourselves, perhaps, and vote “no” on HB 1318.

The SPEAKER. The Chair thanks the gentleman.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the gentleman from Lycoming, Mr. Feese.

Mr. FEESE. Thank you, Mr. Speaker.

Mr. Speaker, I would like to move to suspend the rules to consider amendment 5736.

The SPEAKER. The gentleman, Mr. Feese, moves for a suspension of the rules for immediate consideration of amendment A5736.

On the question,

Will the House agree to the motion?

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

Mr. DeWEESE. Earlier today, Mr. Speaker, the gentleman, Mr. Feese, and the Republican majority helped us suspend the rules for the gentleman, Mr. McGeehan. Notwithstanding my perplexity on the substance of the gentleman’s effort, I do think that they were kind enough to Mr. McGeehan, our colleague, that I would ask our members to vote and suspend the rules, and parenthetically, anything that we can do to screw up this bill with another amendment would be fine with me.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentledady, Ms. Manderino, rise?

Ms. MANDERINO. A parliamentary inquiry.

The SPEAKER. The gentledady will state.

Ms. MANDERINO. I realize the debate is only among the speakers, but is it appropriate to ask what the amendment does before we vote it, before we vote the suspension?

The SPEAKER. A brief explanation, Mr. Feese.

Mr. FEESE. Yes; thank you, Mr. Speaker.

Mr. Speaker, at present, as written, the bill states that no polling place may be in a private residence unless the county board of elections certifies that no public building is available. My amendment would not require the certification by the county board of elections but would state that if the polling place is in a private residence, that it must be ADA (Americans with Disabilities Act) accessible and be free of intimidation and harassment.

HARRISBURG LEGISLATIVE LEAVES CANCELED

The SPEAKER. The Chair recognizes the minority whip, who takes the following members off of Capitol leave: the gentlemen, Mr. McGeehan, Mr. Walko, Mr. DeLuca, Mr. Biancucci, Mr. Bill Keller, Mr. Tangretti, Mr. Surra, Mr. Gergely, Mr. Cohen, Mr. Belfanti, and Mr. Eachus. Without objection, they will be placed back on the roll.

CONSIDERATION OF HB 1318 CONTINUED

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—192

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

NAYS—0

NOT VOTING—0

EXCUSED—10

Bishop	Diven	McCall	Rieger
Blackwell	Evans, D.	McIlhinney	Ruffing
Corrigan	Fichter		

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 concur in Senate amendments as amended?

Mr. FEESE offered the following amendment No. **A05736**:

Amend Sec. 5 (Sec. 529.1), page 6, lines 10 and 11, by striking out all of said lines and inserting
certifies that:

(i) access to the polling place located within the private residence is accessible in a manner such that access to the location qualifies as a place of public accommodation under the Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327); and

(ii) the private residence is a location free of intimidation and harassment.

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

(Members proceeded to vote.)

The SPEAKER. The gentleman, Mr. Curry, indicates that he is a “yes” vote. There was a malfunction of his switch. He will be recorded in the affirmative.

The following roll call was recorded:

YEAS—192

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

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

NAYS—0

NOT VOTING—0

EXCUSED—10

Bishop	Diven	McCall	Rieger
Blackwell	Evans, D.	McIlhinney	Ruffing
Corrigan	Fichter		

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

On the question recurring,
Will the House concur in Senate amendments as amended?

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. Argall.

Mr. ARGALL. Thank you, Mr. Speaker.

Mr. Speaker, like many of the members of this House, I have been listening carefully to the debate, and I understand this is a very diverse State, rich and poor and White, Black, Hispanic, Asian, rural conservative, urban liberals, but like many of you, I think I am pretty confused at this stage.

You know, in the small towns that I represent along the Schuylkill River, there is nothing mean-spirited about extending the absentee ballot to our soldiers and their families, and this bill does just that. And in the district that I represent, there is absolutely nothing wrong with attempting to crack down on voter fraud, and this bill does just that. And if you want to know why we are concerned about voter fraud, I would suggest that you look at the statistics earlier referenced by Representative Evans. I believe that he answered that question very well. People should be encouraged to vote but only once, and they should not be registering on vacant lots and in abandoned buildings all over the State.

The American Center for Voting Rights listed Philadelphia as the number one election fraud hot spot in America. Now, we want to be number one in a lot of things, but this is not what we want to be number one in. And I would also suggest to you, however unfortunate it is, that it is not just a Philadelphia problem. A few years ago in a town very close to mine in Shenandoah, Pennsylvania, a miracle happened. More people

voted in a municipal election than were registered, and we found that very, very difficult to understand, and so we understand one thing, that voter fraud is a very, very real thing. It is a very sad fact of our political history. This bill is designed to try to crack down on voter fraud, and it should not just be of interest to Republicans, it should be of interest to Democrats as well, and I believe that it is.

We all received a letter from the American Center for Voting Rights. The former executive director of the Democratic National Committee sent us this letter: "The reform provisions contained in this legislation go a long way toward making it easy to vote and tough to cheat and will protect the right of all Pennsylvania citizens to participate in our elections free of intimidation and harassment."

Easy to vote, tough to cheat – that should be our goal today. I ask all of you for a "yes" vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Butler, Mr. Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, there has been a lot of passion expressed here today as we have heard some of the remarks about this legislation, and I stand, of course, today in favor of HB 1318, and I think what the former speaker had represented and had made remarks to, that I believe there are people on both sides of the aisle that want to see the right thing done, that want to ensure that we have integrity in our election process; that we ensure that every vote that is cast is counted, that every vote that is cast is legal, and that we actually have integrity to the results of whatever election we are judging.

I think there has been some misinformation today, and not to say that it was shared that way on purpose. I think maybe there are some misunderstandings of the legislation, but as we have heard the talk about felons voting, I think we are missing the very crucial aspect of that situation, and that is that many times those felons had a victim, and I think it is important, and I think that all of us would agree that a victim's right should be upheld, that somebody who has been convicted of a crime should serve the sentence of that crime, and because they are released early from prison and they are still carrying through with that maximum sentence that was imposed by the courts, they should be withheld from exercising this right until they have served their full sentence. I do not think it is out of line to ask that they carry through and serve their full sentence.

Another thought that was shared earlier that I think was some misinformation was that these judges of elections, that they may be actually held accountable if mistakenly somebody slips through and votes that was not supposed to, that they made an honest mistake, that something had happened that was beyond their control, that they made a mistake, that some felon possibly did cast a vote and that the judge of elections did not catch it. Well, that is not the situation. They would have to have intent to have committed that crime. It would not be just a mistake that was made by a judge of elections and then held accountable for that mistake, but I think at the same time, I think we all agree that a judge of elections, that person that is sitting there and making that judgment as the electors come through, that they have a very important job and that their very important job carries a lot of responsibility to ensure the integrity of our process, to ensure that every legal vote that is cast is counted and that illegal votes are not cast.

I think some of my colleagues have shared some of the statistics that were reported by the American Center for Voting Rights Legislative Fund, and the one that was very disturbing was the polling places that so many of the new registrants, many addresses listed for new registrants were, in fact, vacant lots and boarded-up buildings. I think that should raise a red flag for all of us. I do not believe that there is a Democrat or a Republican in here that sincerely would like to have people registering to vote from vacant buildings and parking lots when they know that that could actually be a duplicate registry or a triple or whatever, that somebody is already registered at their home and then registering at other addresses under other names, and that is why we need voter ID. And with Philadelphia being identified as the number one place for voting fraud, and we recognize that that is occurring in other areas around the country and other areas of our State, and we want to ensure it would protect every legal vote that is cast.

So I think the thrust of the argument today has been in the wrong direction. I think this bill goes a long way to ensuring that we have equal protection under the law, that everybody who is legitimately casting a vote, that every legal voter's vote is protected, and I think that people on both sides of the aisle should be able to agree on that, and I would hope that we would see a unanimous vote for this bill and that a lot of the contention that has been raised, hopefully just from misunderstanding, hopefully that is cleared up now.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentelady from Philadelphia, Miss Parker.

Miss PARKER. Thank you, Mr. Speaker.

You know, as I listen to my colleagues on both sides of the aisle express their interest and concern over HB 1318, an old adage came to mind which states that of all of our studies, history is best qualified to reward its research; of all of our studies, history is best qualified to reward its research. So when we talk about the poll tax having been eliminated, when we talk about the reading and writing tests and exams that were given to people to determine whether or not they had the wherewithal to cast a vote, that was not something that was given as a birthright to Americans as Americans. It was something that was fought for by women and by people of color across this country.

In addition to that, Mr. Speaker, I want to note that as the freshman member of this body, one of the things that I noted was that there are some political realities that we all have to take into consideration, and one of them, Mr. Speaker, I remembered last night when I was watching the State of the Union, when I heard our leadership justifying the use of eavesdropping as a way to protect Americans, and when I listened to my colleagues talk about 1318 as a way to open up our democracy and encourage more people to participate in this process, I am thinking that this is political folly.

I also ask us, Mr. Speaker, to think about the Presidential election of 2000 that one of my colleagues mentioned earlier, when our eyes were on Florida and we watched as many people were disenfranchised to vote because of blocks, obstacles, that were put in their way to discourage them from participating in the process.

The gentleman who spoke before me mentioned that we should be interested in supporting the extension of the deadline for receipts of absentee ballots cast by those who are in our military. Mr. Speaker, if there was a bill on the floor today to do

simply just that, I am sure that all in our body would be for that. If there was a bill that was on our floor today just for the city of the first class to say that it is illegal to register to vote from a vacant building or a vacant lot, I am sure we would be for that. But, Mr. Speaker, I do not know how we can vote for this bill and act as if as legislators we are truly trying to encourage and promote democracy and include people and encourage people to be a part of this process when, despite what we may think, people do not have a lot of confidence in government.

In addition to that, I want us to think about urban America as it relates to ex-offenders, the ex-offenders who have paid their dues, who have gone to jail, who have served their time. There is a disproportionate number of them, Mr. Speaker, who live in urban environments. Those are things that we need to take into consideration.

So I ask my colleagues to vote not to concur with HB 1318. This is not good for the Commonwealth of Pennsylvania. We should not be supporting it.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

The Chair recognizes the gentleman from Washington, Mr. Daley.

Mr. DALEY. Thank you, Mr. Speaker.

Today I thought I woke up in Harrisburg, Pennsylvania, in 2006, but I closed my eyes and I sit on the floor of this House and I think I am awakening in Montgomery, Alabama, in 1866. You know, the framers of our Constitution said that we hold these truths to be self-evident that all men and all women are created equal, all men and all women regardless of race or lineage, age or color, or where you are born or what part of Pennsylvania you are from or how much education you have. We need to stop and think what we are doing here; we need to stop and think what we are doing here, because if we pass this legislation, and there are parts of this bill that are some very good points, and we all agree, but one bad apple can spoil the bushel, one bad apple can spoil the bunch, and, Mr. Speaker, there are parts of this that are extremely, unbelievably, irrevocably unconstitutional.

Jim Crow is alive and kicking in Pennsylvania. That is wrong. The men and women who have fought for this country have fought for everyone's rights. And you heard from the Black Caucus here, you almost heard from every member of the Black Caucus, that something is wrong with this bill. It is going to hurt their constituency, but why would we want collectively to hurt anyone?

You know, I taught American history before coming to this legislature, and I understand what the poll tax is all about. You know what? If you were illiterate, if you did not have a job, you paid a tax, a \$25 tax, to vote. The registrar stood at the poll and he wrote your name down, and it precluded Americans from voting. And I know what the literacy test is all about. You had to read and write. They gave you the Constitution of the United States and they said, read it. If you cannot read all the words and if you stumble on one word, you cannot vote, and there are a lot of people in America that died without voting but they died making America as great as it is today. And we all know what voting-poll gerrymandering did to many people in America, not only Blacks, not only Hispanics, but minorities that came in the 1880s and 1890s. Stop and think what we are doing here today. This is not about color. This is about people.

The first day you took office, the first day you took office, you put your hand on the Bible, all of us, and we said we are

going to obey and defend and protect the Constitution of the United States and the Constitution of Pennsylvania, protect and defend the Constitution for all people. And you heard the Black Caucus, you are stepping on our people. You heard the Hispanic Caucus, you are stepping on our people. Jim Crow should not be alive and kicking. That is a dark day in American history. We should not go back 150 years to where we are repressing people from voting. There are parts of this bill that are very good; we all agree. You heard Mr. Cohen say it is a legislature of inclusion, not exclusion.

Let me say this: As you stop and think, are we going to be remembered as the legislature to leave the legacy of being Aristotelian and arrogant, or are we going to leave a legacy of caring and embracing? This is a bad bill with a bad section. There are parts that are very good. Just remember, stop and think.

I oppose the passage of 1318 because Jim Crow died a long time ago. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentlelady from Luzerne, Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

I have very serious concerns about some of the provisions of HB 1318, notwithstanding some of the good and worthy provisions that are in this bill. I come from northeastern Pennsylvania, Luzerne County. Luzerne County has many, many elderly voters, and I think my concerns are most adequately addressed by a memo that we all received yesterday or the day before from the County Commissioners Association, and I am going to just quote them to highlight some of the provisions that I have serious concerns about.

The County Commissioners Association says that "...requiring every voter to present identification and limiting identification to a photo ID or the county voter registration card," because of that, they "...have concerns with this provision on several grounds." First, they claim that "...it is a solution in search of a problem.... Yet this provision would require massive voter re-education...." And I understand that in the bill, the Commonwealth is responsible for this massive voter reeducation, but I cannot help but wonder how many of my senior citizens will not be reading the newspaper article that this appears in or perhaps the classified ad that is placed to educate voters about these new requirements. How many of them will come to the polls and inevitably either be turned away or have to wait in long lines as the IDs are checked? Who is going to educate the poll workers? Is that going to be a mandate on county government? Of course it is. Who else would do it? And the concern with the provisional ballots is also highlighted in the County Commissioners Association memo.

There is a reason that the AARP, that the League of Women Voters, and the County Commissioners Association is opposed to HB 1318 as it is currently before us, and again, I am most concerned about the elderly voters in my community who will inevitably show up at the polls, have no voter ID with them, not be able to return because they are being brought there by a friend or a relative, and be turned away from the polls, and I can only begin to imagine how angry they are going to be.

In addition to these new requirements that you are asking to impose on elderly voters, for the first time in Luzerne County, maybe in the primary, but most certainly by the time of the general election, we will have new electronic voting machines. So now we have new requirements for photo ID. We are going

to have new voting machines. I can only begin to imagine the chaos that will ensue this year in my election and your election as we undertake these new requirements that you are attempting to impose on us today.

Again, I join with the AARP, the League of Women Voters, and the County Commissioners Association in asking that we all vote to nonconcur in HB 1318. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

The Chair recognizes the gentleman from Tioga, Mr. Baker.

Mr. BAKER. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of this legislation. I also agree with the gentleman from Butler County on his earlier remarks on the floor, particularly in view of the subject of convicted felons.

HB 1318 specifies that a person who is convicted of a felony offense is ineligible to vote in any election for a period beginning with the date of conviction and ending with the expiration of the maximum sentence imposed by the court. Without this legislation, convicted felons, whether they are felons of violence or nonviolence, if they are on probation or parole, they can vote. Most citizens support this language, I believe, because many victims unfortunately of crime have been victimized by convicted felons who are on probation and parole. They take what they call a probation hit, and they end up back in prison with an even more extended sentence. All one has to do is ask the district attorneys, judges, law enforcement that many convicted felons on probation or parole commit crime again, and this just takes a reasonable approach to restricting convicted felons on probation and parole until they then fully serve throughout that period of time.

This bill is not intended as an additional punishment. Rather, its purpose is to protect the integrity of our democracy and to regulate voting qualifications. Once there is reason to believe that a felon has been rehabilitated and prepared to accept his or her responsibility as a citizen, the bill restores their right to vote. I believe that the expiration of the criminal sentence is a reasonable measure of the time it will take to assure society that these felons are now prepared to participate in the voting process as responsible citizens.

For these and other reasons, I rise to support this legislation, and I thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

HARRISBURG LEGISLATIVE LEAVE

The SPEAKER. The Chair returns to leaves of absence. The gentleman, Mr. STETLER, is placed on Capitol leave.

CONSIDERATION OF HB 1318 CONTINUED

The SPEAKER. The gentleman, Mr. Sturla, from Lancaster is recognized.

Mr. STURLA. Thank you, Mr. Speaker.

Will someone that is supporting this legislation rise for brief interrogation?

The SPEAKER. The gentleman, Mr. Barrar, indicates he will stand for interrogation. The gentleman is in order and may proceed.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, numerous times as I have gone door-to-door over the 15 or 20 years I have been involved in politics, I have

knocked on the door and asked for the person listed on the voter registration roll, and the tenant there says to me, "Oh, no. They don't live here. They're the landlord. They live in a town three towns over." But the landlord has chosen to register at the address of the property that he owns because he has got more in dollar investment on a property in my town than he does in the town where he actually resides. I have asked the voter registration bureau how I go about having that person removed from the voter registration rolls, and they said, well, you have to go prove that in fact the person resides somewhere else and you have to go through all sorts of machinations to do that.

Now, I am hoping that as a result of this person having to show a photo ID now, most likely a driver's license, that their driver's license will actually show their real residence and that they will be denied from voting in my town. Is that the case or does the address on their photo ID have to match the address that they are voting from?

Mr. BARRAR. Mr. Speaker, I would think that this legislation will definitely help to clear up that. You would have to report that on your driver's license that that is your address.

Mr. STURLA. Well, is there anything in this bill that requires that my voter address match my driver's license, or is there any requirement of people working at the polls to report people whose driver's license address does not match their voting address?

Mr. BARRAR. I do not think there is a reporting requirement in this for the poll worker, for the election board to report the address, but I think this is a common problem that we have all been faced with. I know I have been at my polls on election day and I have seen people who have moved out of my town come to vote who have moved 2, 3 years ago, and they come back to vote all the time because they have not taken the time to change their registration. They are the ones that are going to have to take steps, in this case, to safeguard their right to vote.

Mr. STURLA. Okay. As long as they produce a photo ID, they will not be prohibited from voting. Is that correct?

Mr. BARRAR. If the address on the photo ID does not match the registration address, I would assume, unless there is going to be a challenge, that they would not have the right to vote there, but they would be able to vote by a provisional ballot.

Mr. STURLA. So you are saying anybody who produces a photo ID with an address that is different than their voting address will have to vote by provisional ballot, according to this legislation?

Mr. BARRAR. Yes. They would be voting illegally already if they were voting under that circumstance. Would they not?

Mr. STURLA. No. And I am asking whether this legislation changes any of that?

Mr. BARRAR. If they are voting at an address where they do not live, are they not voting illegally? You would have a right to challenge that.

Mr. STURLA. Well, I would think they would be, but that currently is not the case, but beyond that, if somebody moved last month, they have a right by law to go vote at their old place—

The SPEAKER. Arguing is not allowed. You can ask questions.

Mr. STURLA. Well, I am trying to get to the bottom of this as to— I mean, what I am asking is, does this legislation change any of that, and I believe the answer is no.

Mr. BARRAR. The answer is yes; it would.

Mr. STURLA. Can you cite me where in the bill that provision is stated?

Mr. BARRAR. I am sure this is covered in the intent of this legislation.

Mr. STURLA. Mr. Speaker, I do not see anywhere that you can construe that this would be covered in the intent of this legislation. If it is the case, if it truly is the case that your address on your photo ID has to match the location of your voting place, I will guarantee you, we will not just have a few people in trouble on election day; we are going to have thousands and hundreds of thousands of people in trouble on election day, and that is why I am curious as to whether, you know, if that is the intent and if that is the stated intent on the floor of the House, that gives me even more reason to vote against this, because people that legitimately can vote will be prohibited from voting on election day.

I am done with my interrogation, Mr. Speaker. If I can make comment.

The SPEAKER. The gentleman is in order.

Mr. STURLA. One, I think this is just part of the, you know, demonic nature of this legislation as it is before us. There is nothing in this legislation that I see that actually prevents the real fraud that does occur on occasion, but there is the intent now stated that would prevent legitimate, legal voters from voting if their address on their driver's license may have changed recently or on some other form of ID, photo ID that they may have had from 3 years ago that they carry around in their wallet. If a student has an old college ID that shows their address as their college address, they are going to be denied voting now, even though they have a photo ID? If they scratch it out, will it count? I mean, there is nothing in this legislation that covers any of that. I think we are going down the wrong path here with the way we are approaching this.

But secondly, I must comment on the fact that there are numerous members who say they are supporting this legislation because they are concerned about convicted felons voting. I would remind them that it was just not too long ago when there was a convicted felon that sat on the floor of this House and those same members defended his right to vote on laws in Pennsylvania, and yet they would deny other felons the right to vote even when they have served their time.

Mr. Speaker, this legislation is bad for all Pennsylvanians, and I would encourage a "no" vote and would predict that ultimately it will fail in the courts as being unconstitutional.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny, Mr. Maher.

Mr. MAHER. Thank you, Mr. Speaker.

I have to confess a bit of surprise at how many members on the other side of the aisle appear to think that the electorate is not very smart. Now, I am perhaps— I would assume we all had respect for the intelligence of the people in our districts, and I certainly have a great deal of respect for the intelligence of the electorate.

The notion that folks are not going to be able to figure out how to vote with new equipment and how to carry a photo ID, that those will be bewildering obstacles to your electorate, is astonishing. Now, of course, there is some good empirical evidence that I represent some of the smartest voters not just in Pennsylvania but in the nation; that back at the time the Florida voters were having some trouble with the punch ballots,

in Washington County we had that very same equipment in use and we had no hanging chads; Butler County as well. So there certainly are parts of this State and I believe every part of this State where you should not be casting such aspersions on the intelligence of the voters. Folks are smart. They will figure out how to vote, and you will know, you will know and the electorate will know that only those folks who reside in the district and are entitled to vote have voted.

And to the extent that there is confusion, initially provisional ballots are available. No one is being disenfranchised except for the ghosts and the dead and those with imaginary addresses. Mr. Speaker, the imaginary people will not be voting any longer. They are the only people being disenfranchised by this legislation.

So I urge your support. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Cohen, for the second time.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, [name stricken] made reference that the American Center for Voting Rights is arguing for the proposition that there is massive voting fraud in Pennsylvania, especially in Philadelphia. I had never heard of the American Center for Voting Rights, so I did some quick Internet research. There is something called the Brad blog, which was also curious about what the American Center for Voting Rights is, and they printed a picture of the headquarters of the American Center for Voting Rights, and the American Center for Voting Rights is located in a UPS (United Parcel Service) store. It is a post office box. My eyes are not as good as they used to be, but I think that it is Post Office Box 298 at a UPS store in Texas; that is the American Center for Voting Rights.

Now, Dan Surra wants to know if that establishes as a residence?

Now, then there is the Pittsburgh Tribune-Review, which the last time I checked is not a particularly—

The SPEAKER. For what purpose does the gentleman, Mr. Metcalfe, rise?

Mr. COHEN. —liberal newspaper.

The SPEAKER. Will the gentleman suspend.

POINT OF ORDER

The SPEAKER. For what purpose does the gentleman rise?

Mr. METCALFE. A point of order, Mr. Speaker.

The SPEAKER. The gentleman will state his point.

Mr. METCALFE. Somebody during debate referenced the headquarters of a company that is using a post office box. I mean, a lot of companies do that. I did not know what relevance that had to the debate and if he was still on track or if he is kind of off on a very diverse track there. I think a lot of companies use post office boxes. I do not know what he proved and what relevance that has.

The SPEAKER. The gentleman, Mr. Cohen, will stick to HB 1318 on concurrence.

Mr. COHEN. Thank you.

Mr. Speaker, I think HB 1318 is a bad bill, and [name stricken] attempted to argue that it was a good bill based on the authority of the American Center for Voting Rights, and that is why the American Center for Voting Rights is in the bill, because [name stricken] chose to make it relevant to this debate.

Now, it turns out that based on my quick Internet research, I am not the only one in Pennsylvania who has questions. There is this newspaper. You have heard of it. It is not a particularly liberal newspaper. It is called the Pittsburgh Tribune-Review. It is published by a fellow named Richard Mellon Scaife, who has given more money to Republican causes than any man alive in America.

What does Richard Mellon Scaife in the Pittsburgh Tribune-Review think about the American Center for Voting Rights? There is a headline in the Pittsburgh Tribune-Review for August 8, 2005. There is an article by Dimitri Vassilaros, who is certainly a very Republican-oriented columnist, as anybody who reads the Pittsburgh Tribune-Review knows. What is its conclusion, the headline on this article in the Pittsburgh Tribune-Review about precisely the same study that [name stricken] called to our attention for the conclusion that this bill is urgently needed? It is because the American Center for Voting Rights did a study saying that it was needed, and, well, what does the Pittsburgh Tribune-Review say about the American Center for Voting Rights act? Let me read you the headline, Mr. Speaker, about [name stricken] study.

Mr. S. SMITH. Mr. Speaker? Mr. Speaker?

Mr. COHEN. “ ‘Study’ is political fraud.”

POINT OF ORDER

Mr. S. SMITH. Mr. Speaker?

Mr. Speaker, a point of order.

The SPEAKER. The majority leader.

Mr. S. SMITH. I do my best – I know we all get carried away from time to time – but I do my best not to refer to other members by their name.

The SPEAKER. The gentleman is correct.

Mr. S. SMITH. The gentleman has been making reference to a member directly by name, which there in part infers a personal attack of a sort, and I would ask that the gentleman from Philadelphia kindly refrain from referring to members by name.

The SPEAKER. The gentleman is 100 percent correct. You are not to use another member’s name.

The stenographer will strike the name from the record.

The gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

I will refer from here on out to the gentleman from Butler County.

The SPEAKER. That is correct.

Mr. COHEN. Thank you.

The gentleman—

The SPEAKER. Will the gentleman suspend.

Mr. COHEN. The Pittsburgh Tribune-Review—

The SPEAKER. The gentleman from Butler has another question.

The gentleman will suspend.

Yes, Mr. Metcalfe. For what purpose does the gentleman rise?

Mr. METCALFE. Mr. Speaker, just to correct the record.

I believe a couple of my other colleagues also referenced the same source. So maybe the gentleman, to be accurate, could reference that several Republican members used the same data source of a company that actually had a post office box as their mailing address like so many other companies have also.

Thank you.

Mr. COHEN. Thank you. Mr. Speaker?

The SPEAKER. Mr. Cohen.

Mr. COHEN. I do not think we have to talk about the post office box anymore. I would like to talk about the Pittsburgh Tribune-Review article. The Pittsburgh Tribune-Review article says, “ ‘Study’ ”—

The SPEAKER. Would the gentleman please stick to concurrence on HB 1318.

Mr. COHEN. Mr. Speaker, I am discussing the study that the gentleman from Butler County and several other members have viewed as extremely relevant to why we pass this bill. If the gentleman from Butler County will say he withdraws the claim that this study is of relevance, I will stop talking about this study. If the gentleman still believes it is of relevance – he is shaking his head, yes, he does – then I would like to say for the record and for the people here what the Pittsburgh Tribune-Review headline, a paper published by Richard Mellon Scaife, a very, very conservative source who ought to have legitimacy in the minds of many members of this House, said about his study, the study is a political fraud; that is what they said.

Furthermore, the lead sentence of the article says, “The supposedly nonpartisan American Center for Voting Rights – which purports to expose voter fraud – is a fraud.” So the Tribune-Review is on record that both the study that was cited and the organization itself is a fraud.

Mr. Speaker, we ought to deal with legitimate organizations and legitimate sources of information when we have debates, and we ought to deal with reality. The reality of this bill is that it takes away people’s right to vote. Despite the fraudulent nature of the American Center for Voting Rights and any similar organization, this bill is a far greater problem, a far greater cause of voter problems than any fraud that exists in Pennsylvania. The American Center for Voting Rights, in the words of the Tribune-Review, is a fraud. This bill aids fraud. This bill does not prevent fraud; it aids it. It is a step in the direction of excluding a lot of people who legitimately have a right to vote from voting.

It is something that all members of this House ought to vote against. It sends a bad message as to what the legislature is for. It sends a bad message as to what the Republican Party is for. It sends a bad message as to what every individual who votes for this is for. I strongly urge members of the House to defeat this legislation.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. KIRKLAND. Thank you, Mr. Speaker.

Mr. Speaker, will the maker of HB 1318 stand for brief interrogation?

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman is in order.

Mr. KIRKLAND. Thank you, Mr. Speaker.

Mr. Speaker, I do not know if I saw it in the bill or not; I may have to look through it again, but my question is, who checks the judge of elections’ credentials as far as identification, the proper identification for voting, before he or she opens the polls?

Mr. BARRAR. I am not really sure what you are trying to get at with that.

Mr. KIRKLAND. I am trying to find out if their ID— Do they have to have the same ID that we are talking about for

every other voter, and do they have to present that ID prior to them opening the polls?

Mr. BARRAR. I would imagine their qualifications would have to be checked at the period of time that they become a candidate for that position. In order to become a judge of elections, you do have to prove who you are to be on that ballot.

Mr. KIRKLAND. Okay. But my question is, once they step through that polling place and that polling place is open, prior to that polling place being open, who are the persons that check to make sure that their credentials – that they have the proper ID?

Mr. BARRAR. I would imagine the check would be made by the same people who check our IDs when we go to vote. Why would they be singled out and be any different? When they go to cast their ballot, they would then be asked by that election board to produce – the judge of elections would produce a photo ID.

Mr. KIRKLAND. So, Mr. Speaker, my next question is, who checks the election board's ID?

Mr. BARRAR. At the time that they go to vote, the people in the election board.

Mr. KIRKLAND. So they check themselves?

Mr. BARRAR. Well, they would check each other. I am sure the person sitting at the table is not going to be the same person sitting across the table.

Mr. KIRKLAND. How do we know that by them checking themselves, that everything is aboveboard and that they have provided the proper identification?

Mr. BARRAR. That is what we are trying to establish here. That is what this legislation does. It requires the photo ID to be checked.

Mr. KIRKLAND. Mr. Speaker, how do we know that the judge of elections, minority and majority inspectors, have the proper ID and have presented the proper ID prior to opening and closing and even casting their vote during that day?

Mr. BARRAR. I think you are making the assumption that these people are going to be treated differently than anyone else when they go to the other side of the table to vote. They should be, the law requires them to be treated exactly the same as you and I are treated and any other person that goes in there to vote.

Mr. KIRKLAND. Mr. Speaker, if they have a felony, if they have a felony, Mr. Speaker, are they allowed to remain in their position or, once again, are they allowed to vote?

Mr. BARRAR. I am sorry, Mr. Speaker. Could you repeat that?

Mr. KIRKLAND. I said, Mr. Speaker, if that same judge of elections, the minority and majority inspectors, if they have a felony, are they allowed to remain in that position and are they allowed to vote that day and they are the judge of elections?

Mr. BARRAR. If they are a judge of elections that is on parole for a felony conviction, I would assume that they will not be allowed to hold that position after 2007.

Mr. KIRKLAND. Is that in the bill? I heard you say assume. Is that in the bill?

Mr. BARRAR. That specific reference to that situation, no, is not in the bill.

Mr. KIRKLAND. Thank you, Mr. Speaker.

I have finished my interrogation. I would like to speak on the bill.

The SPEAKER. The gentleman is in order.

Mr. KIRKLAND. Mr. Speaker, it is clear to me that there are a lot of things missing within this bill, within this legislation. There is a lot of uncertainty, there are a lot of things that are not

clear in this bill, even when it comes to persons who are supposed to be monitoring and operating the elections at the polling places. For example, the judge of elections, the majority and minority inspectors, there is nobody there to make sure that their credentials are correct. In other words, they are policing themselves. So that lets me know, Mr. Speaker, that there are some flaws, some flaws.

I know that we talked earlier, that the previous speaker talked about making a perfect bill. Well, Mr. Speaker, this bill is far, far, far from perfect.

Also, Mr. Speaker, there was talk about people coming to the polls and there was talk about race, there was talk about African-Americans and how it would affect them, and there was talk about how it would affect Hispanic-Americans and how it would affect Whites and how it would affect Asians. The fact of the matter, Mr. Speaker, is, this legislation goes far and beyond color. It affects in a negative way, Mr. Speaker, persons with disabilities. For example, Mr. Speaker, there are people that come to my polling place, people throughout my district who come in wheelchairs, on walkers, on crutches, and some people come, Mr. Speaker, almost being carried because they want to exercise their right to vote, and when they get there now, Mr. Speaker, when they arrive at those polling places now, those who are on walkers, those who are on crutches, those who are of age and find themselves even limping and almost being carried to the polling places, when they get there, they are now going to be told, we know you had a rough time getting here. However, because you do not have the proper ID, now you have to go back home, get home the best way you can, and come back once again with proper ID. That, Mr. Speaker, is wrong, and that is not what we are supposed to be about here when we are talking about encouraging people to vote. It affects persons in a negative way with disabilities.

It also affects persons, Mr. Speaker, in a negative way, those persons who are visually impaired. Mr. Speaker, there are a number of people, once again, all across this Commonwealth and particularly in my district who are visually impaired. Mr. Speaker, they will now come to and be led to polling places throughout Pennsylvania, and when they arrive to these polling places, Mr. Speaker, they will be told, we are sorry; you cannot vote. You have to go back home, have someone assist you and go back home and get the proper ID. That, Mr. Speaker, is the wrong message that we are sending to people with disabilities and people who are visually impaired.

And then, Mr. Speaker, there are the elderly, the people that have led the fight when it comes to voter rights, the people who have encouraged us to register to vote, to exercise our vote, those elderly persons who have time and time and time again gone to the polls to cast a vote for the person or persons they feel will best represent them, and now, Mr. Speaker, when they get to the polls, those same elderly persons who have stood down through time, those same elderly persons who have encouraged others to register to vote, those same elderly persons who have inspired many of us in this House to run for public office, those same elderly persons will be told, you do not have the proper registration, so you have to go back home and get it. We are telling them and we are sending them the wrong message.

Mr. Speaker, I am in opposition of HB 1318 in its concurrence, and I am asking that my colleagues on both sides would do the same.

Finally, Mr. Speaker, there was a question asked or a statement made that Jesus needed ID. They said Jesus needed ID, and then someone spoke, one of my other colleagues, who said he did not know which Bible he was speaking from or which Scripture. Well, let me drop a little Scripture on you, Mr. Speaker – Mark 8:27, 28, and 29. Let me just tell you what it said when it comes to ID, Mr. Speaker, because we want to make sure, we want to make sure. I am going to show you the effect when you put a person in a position where he has to have ID to exercise a right.

The SPEAKER. We are going to come back to HB 1318.

Mr. KIRKLAND. I am coming back to it.

The SPEAKER. The Chair is happy—

Mr. KIRKLAND. I am right on it; I am right on it, Mr. Speaker.

The SPEAKER. The Chair is happy to hear that.

Mr. KIRKLAND. Mark 8:27, 28, and 29: “And Jesus and his disciples went...into the” towns “of Caesarea Philippi; and on the way he asked his disciples, saying to them, ‘Who do men say that I am?’ They answered him,... ‘John the Baptist;...’ ” but some say “ ‘...Elias; and others, one of the prophets.’ Then he said to them, ‘But who do you say that I am?’ Peter answered and said to him, ‘Thou art the Christ.’ ”

Jesus did not need ID, and guess what? Neither does Mr. and Mrs. Staples. Jesus did not need ID because they knew him. Mr. and Mrs. Staples in my district do not need ID because we know them. Mr. Oscar Rainey should not need ID because the people know him. Mrs. Carthorn does not need ID because the people know her in her district where she goes to vote. Ms. Leola Williams should not need ID because the people know her in the district and at the polling place when she goes to vote. Mrs. Thomas should not have to carry ID with her because the people in her district know her at the polling place and they know her when she comes there. Mrs. Rotuno in Trainer, a senior citizen in Trainer, should not need ID because they know her when she comes to the polling place. Judge Miller, Judge Kenneth Miller of Upland, should not need ID because they know him when he comes to his polling place. Calvin Bernard and his wife, Joseph Holland and his wife should not need ID in Chester Township because the people know them when they come to their polling places. Sam and Felicia Laury, Rod and Debbie Brooks should not need ID in Twin Oaks because the people know them when they come to their polling places. Mayor George McClure of Marcus Hook should not need ID because the people know him when he comes to the polling place, and Chief Rodden, the police chief of Eddystone, should not need ID because the people know him when he comes to the polls.

Mr. Speaker, this is wrong. We do not need ID when we go to the polling places because our people know us, and, yes, sir, Jesus did not need ID.

I ask my colleagues, Mr. Speaker, to nonconcur on HB 1318.

The SPEAKER. The Chair thanks the gentleman.

HARRISBURG LEGISLATIVE LEAVE

The SPEAKER. The Chair returns to leaves of absence, and the majority whip requests a Capitol leave for the gentleman from Allegheny, Mr. HABAY. Without objection, that leave will be granted.

CONSIDERATION OF HB 1318 CONTINUED

The SPEAKER. The Chair recognizes, for the second time, the gentleman from Butler, the gentleman, Mr. Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman from Philadelphia earlier attempted to discredit the organization that several of us had used some statistics from or some findings from. I just wanted to relieve him of any burden he might be carrying mentally because of that. There is another source for the same information. The Republican State Committee has sent out 131,206 welcome letters to newly registered voters in Philadelphia County; 10,000 were returned as undeliverable. Of those, 3,329 addresses were deemed unknown and 310 letters were returned because the addresses – get this – the addresses were to a vacant lot or abandoned home; 15 letters were returned because the recipient was deceased.

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman, Mr. Preston, rise?

Mr. PRESTON. Point of inquiry.

If I am right, I think I am hearing the same thing twice that was said by someone else. I think we should save on the paper, and maybe the gentleman, I do not know, maybe he was busy talking to someone else and did not hear it—

Mr. METCALFE. No, that was not the case.

Mr. PRESTON. —but I think, I am pretty sure, that I have already heard the information, which was read by the gentleman from Erie.

The SPEAKER. We have heard a lot of information twice, Mr. Preston. We are just going to let the gentleman continue.

Mr. PRESTON. Mr. Speaker, then for the point of parliamentary inquiry, I would like to be able to state for a fact, to the best of my knowledge, the gentleman from Erie read the previous statement that the gentleman from Butler County is trying to read, and if I am correct, because I was listening, I am hearing the same thing twice. So maybe the information will sink in this time.

Mr. METCALFE. I appreciate—

The SPEAKER. The Chair thanks the gentleman.

Mr. Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

I appreciate the gentleman’s point, and I would hope he would share that with his colleague from the other side of the aisle who obviously had not heard that information, because that information actually backed up what I had said later on. So thank you for the clarification, because what I just said was, as you said, mentioned earlier, and it just verifies exactly the point that I had made off of the other organizations’ findings that the gentleman tried to invalidate.

I would like to make another correction to the record of fact, and that is, the previous speaker and many speakers had tried to invoke the name of Jesus Christ in their arguments today, and of course Jesus would not need ID. Jesus is God. God does not need ID, but you are human beings and you need ID.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentlelady from Philadelphia, Ms. Youngblood. Ms. Youngblood.

Ms. YOUNGBLOOD. Thank you.

Mr. Speaker, may I interrogate the maker of HB 1318?

The SPEAKER. The gentleman, Mr. Barrar, indicates he will stand for interrogation. The gentlelady is in order.

Ms. YOUNGBLOOD. Mr. Speaker, when Representative Kirkland asked a question, I do not think it was answered appropriately, but I am going to ask the question. If no one on the election board shows up on election day and you have a curbside election to install an election board so we can conduct the election process, whose responsibility then is it to ensure that there are no convicted felons that were installed as the judge, the majority inspector, minority inspector, clerk, and the machinist, because this is quite frequent in Philadelphia? You may not have a board and you always do not have elected members of an election board.

Mr. BARRAR. Mr. Speaker, this bill challenges the right of a convicted felon to vote. Okay? It does not address the right of a convicted felon to serve as a judge of elections or any other board position. So I think you are straying off the issue trying to make a point that does not exist in the bill. This is not an election officer code of conduct bill or anything like that. This is a felon – this deals with a convicted felon on parole's right to vote. Where does that draw into being a convicted felon as a judge of elections or a minority inspector, majority inspector, or any of the other election board positions?

Ms. YOUNGBLOOD. But they would still have to show photo ID, and these same convicted felons then, if they are serving on the board and would not show photo ID, they would still have the right to vote because no one would know. The city commissioners would not know during the election process, and 9 times out of 10 they would not find out until after the process. They are still asking people for photo ID and going through a process, and they would still vote because they have been installed as officials.

Mr. BARRAR. I would think in that situation either the majority party, the majority inspector, the minority inspector would have a right to challenge, knowing that person had a background as a convicted felon, would have a right to challenge their ability to be on that board, but the bill does not deal with that.

Ms. YOUNGBLOOD. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

The Chair recognizes the gentleman from Lancaster, Mr. Sturla, for the second time.

Mr. STURLA. Mr. Speaker, as I understand it, it has been referenced several times about mailing to newly registered voters in Philadelphia. Let me tell you a story about mailing to registered voters in the city of Lancaster. My school district, which has 11,000 students, every year, each and every year identifies 1,000 different children as being homeless, every year, and their parents are also homeless. They have an address at the homeless shelter for a month or two, and then they find temporary shelter and they have that address for a month or two, and then they move to an address where they are teamed up with another family, where they live for a month or two, and then hopefully we find them permanent residences.

I have a highly transient population. It moves from apartment to apartment to apartment within that district. If I register 1,000 voters, as I frequently do over a summer, and I mail to them in September, a third of them come back as not deliverable at that

address, even though I stood at that door with the person and registered them myself at that door. It has nothing to do with fraud. It has to do with poverty, and those members that do not understand that, do not get why they are disenfranchising people with this vote.

This is not about trying to track down people that are legitimately trying to vote. This bill punishes the poor. Understand that that is all it does; that is its intent and purpose, and if you vote "yes" for it, I ask you to come visit one of my homeless shelters someday and look in the eyes of those people and tell them they do not have a right to vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Pallone, for the second time.

Mr. PALLONE. Thank you, Mr. Speaker.

Again I rise in opposition to HB 1318 on concurrence in that, again, I cannot emphasize enough how it disenfranchises the voters in Pennsylvania by requiring another level or another obstacle, if you will, for voting.

But I also ask rhetorically to the chamber that we look at the provisions of HB 1318, and assuming that you agree with the provisions of HB 1318 and require the validated ID for voting, you must ask yourself why we do not require the same identification for an absentee ballot. We do not require anyone who votes absentee to send a photocopy with their absentee ballot, either their driver's license or their voter registration card. And we have seen throughout the Commonwealth of Pennsylvania and throughout this country that when you are talking about incidents of voter fraud or voter misrepresentation, it is generally in the environment with absentee ballots. It is rarely the individual who comes to the polling place and casts his vote either on a mechanical or an electronic or even a paper ballot.

This is nothing more than an obstacle that will continue to hinder voting in Pennsylvania. In some districts in Pennsylvania, we have less than 10 or 15 percent of the registered voters who turn out to vote already. By putting this other obstacle in the way of the voter, we are going to see that number decline even more, and I do not care if you are a Republican or if you are a Democrat or if you are an Independent or you are any other party, this is nothing more than a chilling effect on voters who turn out to vote. We are not imposing an equal and opposite restriction on the absentee voter. It is unfair and it is inequitable.

Mr. Speaker, again, I implore you to vote "no."

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny, Mr. Preston, for the second time.

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

Earlier today one of my colleagues came up to me and said that some of the members might have felt offended on my remarks, and I was talking about myself as well as all of us who associate or have friendly relationships with people in this body politic and/or around in our business who are convicted felons, and again, I was talking about myself. If I offended any of you, I am sorry, but I do not apologize for the words that I used, because the words I used were truthful and honest, because the situation is not really a negative situation; it is a forgiving situation because it is an issue about life, of what was in the

past, and as we go on into the future. So I did want to be able to say that.

Next I would like to be able to address the issue that a gentleman from Allegheny County was the original sponsor of HB 1318 many printer's numbers ago. This bill is not the intent that that sponsor from Monroeville meant. I myself was a cosponsor of HB 1318, and like the primary sponsor, I have also withdrawn my name from HB 1318 for these very reasons.

I have very strong personal convictions on what we should do as a body politic, and as you remember, I mentioned of how – and we have talked about religious connotations – of how we open this House body politic with prayer. Well, you know, when we sit down and we look at who even checks those IDs, let us look at what is wrong with our system and why this bill does not even touch the basic problem. Most of us know that there are five certified, supposedly certified people who are supposedly going to be checking these people for ID; it is the judge of elections, there are two inspectors who run for election, and then each inspector has the right to appoint a clerk of that respective party.

Now, when I think about the judge of elections who just got elected last year, and they circulated a petition, they turned it in and had it notarized, but to my knowledge, I have not seen one piece of writing or anything in this bill that addresses those issues – who are supposed to be checking our ID, that they are really whom they propose to be. All I know is they circulated a petition, they had a notary certify that this was their petition, and they turned it in, and now they are the judge of elections, and that is the same thing as the inspector. But not only that, the two clerks who are appointed, what identification and who are they in our electoral process? Now, I could ask the gentleman those questions, and he could not prove that whoever is sitting in front of you, whoever is sitting in front of you checking your driver's license is who even they are.

Now, I am not an attorney. I am just a basic layperson. But all I know is in my county, in Allegheny County, in our court system, and I have heard some people talk about convicted felons, well, you know, the convicted felons, all of them are not in criminal court. As a matter of fact, most of the people that we even associate with that we openly know who are convicted felons have not been in criminal court; they were in civil court and found guilty at a Federal or a State level. Those of us who sit down and have dinner with some of these individuals or talk to them, most of them are our friends, and I have no problem with that because that is in the past.

And there is another situation, Mr. Speaker. We talked about some of those people who suffered. Well, you know, the reality is, it is our fault. I have been here through five different Governors, and we have what we call a Department of Corrections where people have been incarcerated, and it is supposed to correct the problem, and for five Governors I have never seen a correction in this system where the recidivism rate goes down. So when we are pointing our fingers, the fingers should be pointing at us because we are not correcting things, because we are the ones that do the budget and orchestrate and approve what this Governor has. So I have mixed problems with that, because we talk about, as I have heard different people that have been out there and created some things, and I am still trying to figure out that if someone has done and been found guilty and is a felon of a civil crime, where were the victims and who are the victims that I continue to hear some people who are

assistant district attorneys or district attorneys or attorneys, whom did they hurt and where and why in this bill?

The other thing is – and again, I am just a country kid out of the back off the Kiskiminetas River from Vandergrift, Pennsylvania – I sat down and I watched us vote on an issue of constitutionality, and I remember how Ben Franklin used to say what is right and wrong and use a balance sheet, and I heard several people today say that no one is going to be penalized and no one is going to lose their rights. Well, all I know is, though, the same people were simply saying that those individuals who are convicted felons who are still under some form of court jurisdiction as of 2007 are going to lose the right to vote. Now, when someone shows me how that is not taking something away from them, then maybe I am willing to listen.

You know, they say in geometry you have theorems and then you have postulates and you build up what is accurate and what is truthful. Theorems and postulates are major forms of words or numbers, and yet, in a sense, we have people who are going to be checking ID that we have no proof of who they are, and we need to work on that process. We have people who are appointed by those same people, and we have no proof of who they really are, and they are going to be able to say yes or no whether or not someone can vote. We need to look at this process and we really have not.

So I take great umbrage that there is clearly an awful lot of conflict with HB 1318, and if the gentleman— And I was almost tempted to interrogate because it is irrefutable, because you cannot show me the numbers to verify and guarantee me a level of accuracy against a group of people who three of them are elected, two of them are appointed, and we have no proof on who they are. We have no registered valid registration that when those people turn in those petitions, that that is who they really are. We are just going to trust them. And yet, in a sense, we are saying that we are not going to deny people their rights, but yet, in a sense, in 2007 there are thousands of people in the Commonwealth of Pennsylvania, some of which we know who are convicted felons, that we are going to take away their right to vote.

This is not the bill; this is not the time. We still have a lot of work to do, and I am still waiting to hear someone tell me of the accuracy of HB 1318.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate—

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman is in order and may proceed.

Mr. THOMAS. —the new prime sponsor of HB 1318?

Thank you, Mr. Speaker.

Mr. Speaker, it is my understanding that these restrictive provisions that we have been discussing this evening were added by the Rules Committee in the House. Is that correct?

Mr. BARRAR. Yes, they were.

Mr. THOMAS. Well, Mr. Speaker, does that mean that when this bill left the House and went to the Senate, that the Senate had taken it out and we put it back?

Mr. BARRAR. The Senate took out some of the provisions that were in here dealing with the felon voting. They expanded the number of nonphoto ID sources that would be accepted, and

there were a few other minor changes other than that that were put back in in Rules, that were changed in the Rules Committee.

Mr. THOMAS. So what were the provisions that the Rules Committee put back in, Rules Committee of the House?

Mr. BARRAR. The convicted felon prohibition was added in in Rules, the issue dealing with the serving of where and when an alcoholic beverage could be served at a polling place, and there was a change made to the photo and nonphoto ID requirements.

Mr. THOMAS. Mr. Speaker, I imagine that there was some basis as to why the Rules Committee of the House put the convicted felon provision back in, but how many States follow that as a restrictive provision?

Mr. BARRAR. There are only 2 States in the country – 48 States have some type of felon disenfranchisement law – only 2 States, Vermont and I think it is Maine are the only 2 States that allow a convicted felon to vote. There are 38 States that have much more stricter types of provisions than what we are proposing here. We very well could have, we very well could have been asking here for a lifetime ban on felon voting. We are not. We are asking for a reasonable restriction for a convicted felon.

Mr. THOMAS. Now, Mr. Speaker, my next question runs to this particular provision. That is a restriction that is contained in HB 1318. Election board officers have a responsibility to enforce that restriction. Is that correct?

Mr. BARRAR. Yes, they do.

Mr. THOMAS. Mr. Speaker, by what process will election board officers be able to identify those who are convicted felons and are still on parole and thereby precluded from voting?

Mr. BARRAR. The district registrars will have that information available to them. They will be required to keep that up to date.

Mr. THOMAS. So that you are saying that in my ward I have judges who were just elected and will serve for the next 4 years, that the county commissioner will provide each of those judges with a list of convicted felons in the 14th ward. Is that what you are saying?

Mr. BARRAR. Yes. The Department of State will disseminate that information to our counties, and then they will be responsible for getting that information out.

Mr. THOMAS. Because, Mr. Speaker, to the best of my knowledge, there is no link between the county commissioner and judges of elections, because, I mean, we discussed this issue prior to the last election, HB 1318. HB 1318 and this issue were discussed prior to the last election. So I had a responsibility to at least try to make sure that my judges were up to speed on proposed restrictions, and this convicted felon issue was one of the issues that we discussed, and there was absolutely no system in place. In fact, the Department of Corrections, I am not sure that they have a complete database on where paroled felons might be in Philadelphia County or Elk County.

And so to that end, and I guess my other question is, do you know of any polling places that have the infrastructure and/or technology equipment that will allow them to access that kind of database, because you actually need some infrastructure and equipment to access that kind of database?

Mr. BARRAR. I think this is one of the reasons why we have asked to delay this provision until 2007. I think we live in amazing days here. The technology available today to start to implement this type of tracking system is not that far off. So I think by 2007 we can perfect this system, have it up and

running, and be able to assure you that there are safeguards in place.

Mr. THOMAS. Well, I like your candor. You said 2007 as though it is some years away. We are only talking about 10 months from now. Is that correct?

Mr. BARRAR. The last time I checked, all the counties now are participating in the SURE (Statewide Uniform Registry of Electors) system, and Philadelphia has just recently gone online just within the past month.

Mr. THOMAS. Correct.

And, Mr. Speaker, my last concern is, as far as HB 1318 is concerned, the people who are elected and charged with validating the electoral process can be convicted felons.

Mr. BARRAR. No, they cannot be. In order to serve on the board, you must be an eligible elector. If you are a convicted felon, you would not be eligible, but that is not addressed in the bill as far as who can serve as the judge of elections, but the current qualifications require you to be a qualified elector of your district.

Mr. THOMAS. Well, Mr. Speaker, I guess that is my point, because we just went through the electoral process for election board officers, so they are in place. They will be in place if HB 1318 is signed into law. So unless HB 1318 provides some retroactive review of those people who were just elected, we could conceivably have a situation where the head is a convicted felon but the people who come out and vote will be held to a higher standard.

Mr. BARRAR. There may be, but I would think that would be in the best interests of the voters.

Mr. THOMAS. But the voters would not know, because the election process has already occurred and will not occur again for another 3 1/2 years.

The SPEAKER. Mr. Thomas, please stay on concurrence.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. BARRAR. They are not qualified, they would not be qualified, to hold that office, so they would be removed from that position.

Mr. THOMAS. Who would remove them?

Mr. BARRAR. The district attorney.

Mr. THOMAS. Pardon me?

Mr. BARRAR. I would imagine the district attorney would have that authority.

Mr. THOMAS. Have the district attorneys been advised to take affirmative conduct to check the qualifications of— There are 66— 2700— No, 5 times 6; there are about 3,000 people in Philadelphia County who are elected board officers, judge, and majority inspector, and my question is whether HB 1318 directs the district attorney to go back and validate all of those people who were elected this year and will serve for 3 1/2 remaining years.

Mr. BARRAR. No, that would not be the case. I would think that the case would be, if I know that a person sitting on my election board is a convicted felon, I am going to file a complaint with the district attorney to have them removed. That is why we have the safeguard of having a minority inspector and a majority inspector on the board.

Mr. THOMAS. Well, Mr. Speaker, I guess my response to that is that I just shared with you that I was a ward leader. I have divisions—

The SPEAKER. Is the gentleman done with his interrogation?

Mr. THOMAS. No; I am finishing up on his answer, and I just wanted to share—

The SPEAKER. Mr. Thomas, this is not a courtroom. If the gentleman has a question to ask of the gentleman, please feel free to ask.

Mr. THOMAS. Thank you, Mr. Speaker. I have concluded my interrogation. I would like to comment at this point.

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

Mr. THOMAS. Mr. Speaker, I know of a number of wards in the city of Philadelphia where there are no minority inspectors. There is nobody to check the validity of the people who are charged with the responsibility of making sure that the election process is fair and without fraud, because as you know, Mr. Speaker, we have these situations where many divisions and wards are overwhelmingly Democrat and/or overwhelmingly Republican, and so to that end, there are many Republican wards where there are no Democratic minority officers of the election board. Similarly, there are many Democratic wards that are overwhelmingly Democratic, and there are no Republican and/or minority officers of the election board. And, Mr. Speaker, my point is this, that we are in the process of putting something in place without getting it right, without getting it right. We want to remedy and/or remove all vestiges of fraud when in effect, because we have not gotten it right, we are actually becoming the perpetrators of fraud, because we are placing on innocent people burdens that they have not been educated or empowered. I dare to say that there is not one election board officer, judge, and/or majority inspector who is aware of what is contained in HB 1318 as it relates to their responsibilities as election board officers and as it relates to the burden that is being put on them to manage and maintain an electoral process that is fraud-free. So, Mr. Speaker, we are in effect creating a problem that we innocently thought that we were correcting. So where we thought we were dealing with the elimination of fraud, we are actually committing a fraud on innocent people.

And once again, Mr. Speaker, I say that when you apply the totality of circumstances, when you apply the world that we live in, when you look at how the election boards are made up in the Commonwealth of Pennsylvania, more often than not we are talking about people who have served for a number of years, people who have fallen into a practice of doing things a certain way, people who have been accustomed to carrying out this process in a certain way. When we consider the burden and responsibilities that we are putting on them without a system for educating and/or empowering them in a way so that they can effectively apply the basic tenets of HB 1318, when you look at the world as it really is, Mr. Speaker, we, we are committing the fraud if we vote “yes” to concur on HB 1318.

I think that it is probably timely for us to back up and make sure that we know what the situation is, make sure that there is some orientation, there is some education, and there are some empowerment tools that we give election board workers on this whole issue of convicted felons. As I said years ago when Pennsylvania stuck this in as a part of the motor-voter law, some of you might remember I stood on this floor and I said that that provision would be stricken down by the courts of Pennsylvania, and it was in fact stricken. Well, I stand here tonight and I say to you tonight that there is no relationship between whether or not one has been convicted of a felony and whether or not one should exercise his or her privilege to vote. There is no causal relationship between the two. It is tantamount

to punishment, and my whole thing is, if you want to punish somebody, punish those people who killed 380 people in the city of Philadelphia last year. Punish the people in Norristown who were executing, who ran around the streets with guns—

The SPEAKER. Mr. Thomas—

Mr. THOMAS. I am off course. I apologize.

The SPEAKER. —you have valid points, but they are not meant for this debate.

Mr. THOMAS. I apologize. I know guns is not in the debate. I am just trying to find out whether somebody who is a convicted felon and should have the right to vote takes precedence over somebody running up and down the streets killing people like they are animals, killing human beings as they are animals, and we do not want to deal with that issue. I am just trying to balance the two. I will step back.

But at the end of the day, Mr. Speaker, my concern is the same. We need to back up, orientate, educate, empower the people that we have charged with carrying out the election process before we dump these egregious, egregious restrictions on them as a part of their newfound duties and responsibilities, because, Mr. Speaker, some people are going to get hurt, and more importantly, this is going to diminish voter participation rather than expand voter participation.

Mr. Speaker, we have dealt with enough this year, we have dealt with enough this year and last year, and I ask my colleagues on both sides of the aisle, if Rosa Parks meant anything to you, if C. DeLores Tucker, the first African-American Secretary of State in the Commonwealth of Pennsylvania, meant anything to you, if Coretta Scott King meant anything to you, then, Mr. Speaker, you will vote to nonconcur on HB 1318, because all three women – Rosa Parks, C. DeLores Tucker, Coretta Scott King – believed Shirley Chisholm, believed that the doors, the doors of voter participation should be open, not limited, and that we should never use our right to vote as a form of punishment to preclude a whole class of people from being able to participate. If any of those women meant anything to you, then you will vote to nonconcur on HB 1318, and if we do not have enough sense to do the right thing, I am urging our Excellency, the Governor, to veto this bill on arrival and allow us an opportunity to sustain his veto and close the door on this tragedy that we are trying to commit this evening.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Rooney.

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

Mr. Speaker, much has been made over the course of the last 2 days about voter fraud that has occurred in Pennsylvania, and anything we can do, clearly Democrats and Republicans can and do and will agree that anything that we can do to remove fraud from the electoral process is certainly a step in the right direction. I firmly believe that the bill we are about to vote on finally does not achieve the goals that I think we really need and the prime sponsor, at least the initial prime sponsor, set out to address.

The irony with respect to some of the contentions that have been made with respect to voting irregularities across the State, in Philadelphia for example, a lot has been made, a lot of assertions, contentions have been made, but I have not heard one member of this General Assembly talk about any cases that have been brought to trial and any convictions that came as a result of that. I believe one of the greatest deficiencies

embodied in HB 1318 is the idea that voter intimidation will become more prevalent, not less. And, Mr. Speaker, there are differences, there are profound differences when you talk about intimidation of voters. There is subtle intimidation of voters and not so subtle, and what I mean by that “not so subtle” intimidation are things that occur in places around this great Commonwealth where people don jackets, windbreakers, on election day that say “Election Watch Official,” and they question people waiting in line, but these people have no more to do with the fair electoral process in this State than I do with brain surgery. The fact of the matter is, forms of intimidation can be in your face or they can be subtle, and make no mistake about it, the subtle intimidation that is condoned in this bill is going to cause many, many voters to not exercise their constitutionally protected right.

Just today, just as an aside, I was looking at numbers of both major parties in terms of inconsistent voters, voters who vote once in a while but not regularly. I guarantee you this: Those numbers are going to grow, and then astonishingly in Democrat and Republican precincts across Pennsylvania, voters who are registered and vote occasionally sometimes number 50 percent of those eligible to vote in those locales. I think this: This bill will go a long way toward advancing voter threat and intimidation and not even begin to solve the problem.

We have heard much talk over the last 2 days about convicted felons, convicted felons, convicted felons and their rights under this law or this proposed law. To that end, I would like to interrogate the gentleman, and I have a very brief question. Mr. Speaker, am I in order?

HARRISBURG LEGISLATIVE LEAVE

The SPEAKER. First, the Chair returns to leaves of absence, and the minority whip requests a Capitol leave of absence for the gentleman, Mr. GERBER.

CONSIDERATION OF HB 1318 CONTINUED

The SPEAKER. The gentleman, Mr. Barrar, indicates he will stand for interrogation. The gentleman, Mr. Rooney, is in order and may proceed.

Mr. ROONEY. Thank you, Mr. Speaker.

I just have one question, and I will put my interrogation to rest.

In this bill – and you have to excuse me, I am not a lawyer, and, my God, I do not pretend to be one – in this legislation, how are people who are sentenced but not yet convicted accounted for? So in other words, if somebody is convicted of a felony prior to a regularly scheduled election, would he or she be allowed to vote in that ensuing election?

Mr. BARRAR. I think the question at this time would come down to whether the person is incarcerated or not.

Mr. ROONEY. Okay. So there is no distinction made in the bill between those who have been convicted and those who have been sentenced?

Mr. BARRAR. You are convicted upon sentencing, are you not?

Mr. ROONEY. Well, you are convicted when a jury of your peers says you are guilty, and sometimes you are sentenced immediately and other times you are not.

Mr. BARRAR. No; the law says you are convicted upon sentencing.

Mr. ROONEY. Okay. So this bill, I mean, in order to be a disqualified elector under this legislation, one must be sentenced.

Mr. BARRAR. Yes. One of the things that I think is good in this bill, that it cleans up, it actually says, it differentiates between what felons can vote. An incarcerated felon cannot vote, but a convicted felon who is serving under house arrest can vote. So, I mean, there is a certain amount of lunacy in the current law that we are trying to clean up here.

Mr. ROONEY. I thank the gentleman, and my interrogation is concluded.

Mr. Speaker, I think certainly the prime sponsor has done his best; we just have not gotten there, but I do respect his intentions. I know he has got a good heart. I know he would not purposely do anything to further disenfranchise voters, but that is the sum and substance of what this bill is going to do. I know the gentleman is a good man. He would never purposely engage in the drafting of a piece of legislation that would allow voter intimidation and voter suppression to become more prevalent. I know that is not what he intended to do, but that is what this bill is going to accomplish.

And I just leave you with this thought. We have talked a lot about convicted felons and their rights or their disqualification when it comes to the electoral process. I just ask you all to keep that in mind when you cast your votes. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. James, for the second time.

Mr. JAMES. Thank you, Mr. Speaker.

Mr. Speaker, it just seems after all of this discussion that even though we are opposed to this bill and we gave our reasons for the opposition, that it just might pass. But in that, I guess that is why our process has the different bodies, and hopefully our Governor will look upon this and veto this unworthy bill.

But I would just like to submit for the record, Mr. Speaker, a news release that I put out when we talked about this bill when it came out back in June, and also I would like to submit for the record some remarks from the ACLU (American Civil Liberties Union) and also some remarks, a letter, from the County Commissioners in regard to HB 1318 for the record, Mr. Speaker.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

REMARKS SUBMITTED FOR THE RECORD

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

HB 1318 WOULD DISENFRANCHISE THOUSANDS OF PENNSYLVANIA VOTERS

Current Pennsylvania law allows individuals who have been convicted of felonies to vote while they are on probation or parole. The Barrar amendment proposes to take away the right to vote from those individuals. The Barrar amendment would effectively disenfranchise thousands of Pennsylvanians.

All around the country other States are taking steps to phase out archaic and discriminatory laws and practices that disenfranchise

felons. Pennsylvania should not be taking a big step backwards at a time when other States are extending the franchise.

Current Pennsylvania law is similar to the law of our neighbors, Maryland and Ohio, as well as other big States like Illinois, Massachusetts, and Michigan.

Throughout the country there are about half a million veterans denied the right to vote due to laws that disenfranchise felons. While we do not know the exact number of veterans there are in Pennsylvania who would lose their right to vote were the Barrar amendment to be adopted, it is clear that we would be taking away the right to vote from hundreds of men and women who fought for our country.

Taking away the right to vote hurts all of us as Americans. Disenfranchisement not only affects individuals, it also adversely impacts on their families and communities.

Due to felon disenfranchisement laws, nearly 5 million American citizens have lost the fundamental right to participate in our political process. Disenfranchisement laws have a disproportionate impact on African-American men.

States that disenfranchise felons have difficulty in applying those laws in ways that do not end up disenfranchising people who are not felons. We learned from the 2000 Florida election that there are flawed lists of who should not be allowed to vote because of a criminal record. People with names that are similar to those who are felons have been denied the right to vote in States that disenfranchise felons. A patchwork of flawed and inconsistent out-of-State laws inevitably results in arbitrary denials of the right to vote.

There is no evidence that the current law that permits an individual to vote once he leaves prison is not working or resulting in any fraud or unfairness. In fact, many people recognize that allowing offenders to participate in the electoral process is part of a good program of reentry and rehabilitation.

In 1974 then Attorney General Israel Packel and Deputy Attorney General David L. Kurtz wrote an opinion in which they said, "It is essential to the process of rehabilitating individuals confined in penal institutions that they be returned to their roles in society as fully participating citizens upon completion of their period of confinement." In that opinion they referred to the National Advisory Commission on Criminal Justice Standards and Goals, Report on Corrections, that states, "Loss of citizenship [including] the right to vote...inhibits reformative efforts. If correction is to reintegrate an offender into a free society, the offender must retain all attributes of citizenship. In addition, his respect for the law and the legal system may well depend in some measure, on his ability to participate in that system."

The last time Pennsylvania tried to restrict the right to vote was back when PA implemented the motor-voter law. Then the legislature enacted a 5-year ban on voter registration for anyone who had been convicted of a felony and spent time in prison. In 2000 that law was held to be unconstitutional by the Commonwealth Court in 2000, *Mixon v. Commonwealth*, 759 A. 2d 442.

(For additional remarks, see Appendix.)

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentlelady from Philadelphia, Ms. Josephs, for the second time.

Ms. JOSEPHS. Thank you, Mr. Speaker.

Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentlelady will state.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I would like to reference the fact that several speakers, and when you look at the bill, you see that PENNDOT is required to supply voter ID for free for those who request it and that there is an education program that is required on photo ID. I cannot believe that this will not cost the State some money. I would like to know if there is a fiscal note for this printer's number.

The SPEAKER. The Chair is checking on the fiscal note.

Ms. JOSEPHS. Thank you, Mr. Speaker.

The SPEAKER. We do have the fiscal note for the way the bill left the House, which is essentially the way the bill is at this present time.

Ms. JOSEPHS. Mr. Speaker?

The SPEAKER. Just one second.

Ms. JOSEPHS. Certainly.

The SPEAKER. The bill as it left the chamber had a fiscal note. The bill as it came back had a fiscal note. The rule, rule 19, says that that is what is required in the chamber, but we do have a fiscal note being drafted as we speak. It should be here in just a few moments.

BILL PASSED OVER TEMPORARILY

The SPEAKER. We will go over the bill temporarily.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 595, PN 1486**, entitled:

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, further providing for removal of directors, for control persons and for qualifications of directors.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER. On 595, there is no need for a member, under rule 65, to recuse themselves from voting on SB 595, even though they may be members of a corporate or a nonprofit board, since they are members of the general class which may be affected by this legislation. There is no need to recuse themselves.

The gentleman, Mr. Turzai, offers the following amendment, which the clerk will read. Before the clerk reads that, amendment 5738 is a corrective amendment to amendment 5725. So there is no need— It was filed timely.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. **TURZAI** offered the following amendment No. **A05738**:

Amend Sec. 3 (Sec. 5722), page 3, line 11, by striking out "Directors not of full age" and inserting

Advisory committee

Amend Sec. 3 (Sec. 5722), page 3, lines 15 through 22, by striking out all of said lines and inserting incorporation to establish an advisory committee to its board, composed of members who may include individuals who are 16 or 17 years of age. If a nonprofit corporation amends its articles of incorporation to establish an advisory committee under this subsection, the total number of advisory committee members may not exceed the total number of directors required for a quorum for the transaction of business.

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

The following roll call was recorded:

YEAS—192

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

NAYS—0

NOT VOTING—0

EXCUSED—10

Bishop	Diven	McCall	Rieger
Blackwell	Evans, D.	McIlhinney	Ruffing
Corrigan	Fichter		

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. 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?

The Chair at this time recognizes the gentleman from Delaware, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Could we have a brief explanation of this bill?

The SPEAKER. The Chair recognizes the gentleman from Lycoming, Mr. Feese.

Mr. FEESE. Thank you, Mr. Speaker.

Mr. Speaker, the bill is the same as it left Appropriations with the Turzai amendment that just passed, and Mr. Vitali was at the Appropriations Committee meeting.

Mr. VITALI. Mr. Speaker, if I may continue.

The SPEAKER. The gentleman is in order.

Mr. VITALI. Mr. Speaker, for the benefit of the chamber, could you explain what this bill does?

Mr. FEESE. The bill amends the business corporation law.

Mr. VITALI. Mr. Speaker, is there any reason of your reluctance to share with the House and the public the contents of your amendment?

Mr. FEESE. I do not have an amendment at this time, Mr. Vitali. The bill is on the screen before you. I am not reluctant at all. I would be happy to answer your specific questions about the content of the bill.

Mr. VITALI. I used the word "amendment" because it was your amendment in the Appropriations Committee that is causing controversy in the bill. So that you can show that you do not have reluctance to explain this, why do you not just give me a very basic answer to a very simple question: What in fact does this bill do?

Mr. FEESE. The bill amends the business corporation law, Mr. Speaker.

Mr. VITALI. In what way?

Mr. FEESE. I will try to answer your probing question, Mr. Speaker.

It says that there is an amendment to the business corporation law as it relates to the antitakeover provisions and as it relates to removing shareholders for cause or without cause from the board and in regard to appointing minors to advisory committees for nonprofit youth organizations.

Mr. VITALI. Could you explain the provisions with regard to takeovers?

Mr. FEESE. It amends the antitakeover provision to say that shares acquired directly from the corporation and a transaction exempt from the registration requirements of the Securities Act of 1933, those shares would not be included in a controlled transaction.

Mr. VITALI. Mr. Speaker, that concludes my interrogation. I would like to speak on the bill.

The SPEAKER. The gentleman is in order.

Mr. VITALI. And I would like at the outset to say I have very little background in corporate law but I do have some background in court and in House procedure, and I am very, very concerned with what is happening here.

Mr. Speaker, we are making some significant changes to the corporation law, which could affect the transfer of tens and hundreds of millions of dollars, and this has been done, this language had been unveiled yesterday afternoon. This legislation in the Feese amendment was not reviewed by the Commerce Committee or any other committee. It was not reviewed by the Senate. It was not reviewed by the Senate as a whole or the Senate subcommittees. It essentially, Mr. Speaker, raises— It raises numerous questions, Mr. Speaker.

Additionally, it is problematic, in my view, because it is designed to affect a specific transaction which is now in Federal litigation, Mr. Speaker. I do not pretend to fully understand that entire transaction, but I will do my best based on what I have attempted to learn in the past 18 hours. I can also tell you, Mr. Speaker, in addition to affecting an ongoing piece of litigation, that it also has impact on the State Employees' Retirement System and investments in that. In fact, the State Employees' Retirement System, through its representatives, has weighed in on this case, and I will— Let me just get to that in a bit.

And I am not suggesting right now that there is any wrongdoing here, Mr. Speaker. What I am simply suggesting is, this is not something we ought to be considering as a body within 18 hours of it first being unveiled. This involves essentially, as I have been able to piece it together over the past day or so, a transaction involving Sovereign Bancorp, a Pennsylvania institution and the third largest savings and loan institution in the United States, their attempt to buy out a New York-based Independence Community Bank, their effort to sell a 19.8-percent stake in their bank to a Spanish corporation, Santander. It also involves objections by current shareholders of Sovereign Bank, more than one shareholder group, Relational being one of them. It involves accusations of excessive compensation on the part of the board of directors. It is really difficult to figure out in this short period of time who the good guys and the bad guys are, whether this is just a simple piece of legislation to help a member in his own district, and it is difficult to piece altogether right now what the unforeseen consequences are of changing Pennsylvania law in a significant way to accommodate one transaction. I am very concerned with that.

Again, this, by way of continued background, this involves an effort to somehow assist Sovereign Bank in a current transaction it is attempting to do, which is at the heart of Federal litigation right now. I want to just, and again, I do not fully understand all of this, because my ultimate message is going to be we need to wait, but I do want to read a quote from the January 28, 2006, Scranton Times-Tribune, and this involves a statement by Peter Gilbert, the chief investment officer of the \$29 billion pension fund of the Pennsylvania State Employees' Retirement System. His quote is, "The Sovereign deal is a sad example of how the letter of the law has been manipulated by management to circumvent the spirit of the regulatory scheme and disadvantage the shareowners of the company." The Pennsylvania State Employees' Retirement System has concerns, as evidenced by that, and I am not going to speak for them. All I am really saying about them is they have expressed concerns about this issue. They need to speak for themselves, and as of my contacting them today, they have not had a chance to review the issue. The Peter Gilbert mentioned in this is out of town.

They have written a letter to the – give me just a second – the U.S. Securities and Exchange Commission expressing concerns over this situation. Let me be more accurate. Rather than saying "of this situation," they have concerns about a loophole that exists that could prejudice their shareholders, and I have been told by a representative of them today that the legislation we are attempting to pass by this bill would perpetuate a loophole that they have written the SEC attempting to close. In other words, it could be argued, based on what I know, that we are legislating against good, solid public policy. But again, I am not a corporate lawyer. I really know very little about the facts of this situation other than what I have been able to piece together since the Appropriations Committee yesterday, Mr. Speaker.

So what I am simply suggesting is, and let me say this, it is my understanding that the next shareholders' meeting is in August, which means we have time – I think. Mr. Speaker, what I would simply suggest is that this is not something that the House act on today. We have caught a lot of grief since July 7 about doing things in the middle of the night, without public notice, and my hope is that we take that message we have gotten in no uncertain terms to heart. Therefore, what I am suggesting is, we need a little time just to see if in fact this is a good piece of legislation. It very well may be a good piece of legislation; I simply do not know, but enough questions have been asked to slow it down just a bit.

MOTION TO POSTPONE

Mr. VITALI. Therefore, I am going to move to postpone consideration of SB 595 until February 13 at 1 o'clock, which is basically in 2 weeks, and I so move.

The SPEAKER. It has been moved by the gentleman that the legislation be postponed, SB 595, until February 13 at 1 o'clock.

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

The SPEAKER. On that motion, the gentleman, Mr. Feese.
Mr. FEESE. Thank you, Mr. Speaker.
Mr. Speaker, I oppose the motion.

The gentleman is talking about facts regarding lawsuits and companies. This bill does not address the lawsuits, does not address specific companies. It is very general. It is very easy to understand from the content of its general language, one, that the sale of treasury shares does not trigger Pennsylvania's antitakeover statutes; two, that articles of incorporation may specifically state that members of the board cannot be removed other than for cause; and then that youths can serve in advisory capacities in nonprofits. It is very simple. It is general. It does not take an analysis of a lawsuit or facts that are circling around out there to make a decision this evening.

So I oppose the motion to postpone.

The SPEAKER. Those in favor of postponing will vote "aye"; those opposed, "no."

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

The following roll call was recorded:

YEAS—39

Casorio	Hanna	Nickol	Stairs
Cawley	Harhai	Pallone	Stetler
Curry	Hutchinson	Petrarca	Sturla
DeLuca	Josephs	Roberts	Surra
Donatucci	Kirkland	Roebuck	Tangretti
Freeman	Kotik	Samuelson	Tigue
Gerber	Manderino	Schroder	Vitali
Gergely	McIlhattan	Shaner	Walko
Godshall	Melio	Shapiro	Waters
Grucela	Myers	Siptroth	

NAYS—153

Adolph	Fabrizio	Levdansky	Rooney
Allen	Fairchild	Mackereth	Ross
Argall	Feese	Maher	Rubley
Armstrong	Fleagle	Maitland	Sainato
Baker	Flick	Major	Santoni
Baldwin	Forcier	Mann	Sather
Barrar	Frankel	Markosek	Saylor
Bastian	Gabig	Marsico	Scavello
Bebko-Jones	Gannon	McGeehan	Semmel
Belardi	Geist	McGill	Smith, B.
Belfanti	George	McNaughton	Smith, S. H.
Benninghoff	Gillespie	Metcalfe	Solobay
Beyer	Gingrich	Micozzie	Sonney
Biancucci	Good	Millard	Staback
Birmelin	Goodman	Miller, R.	Steil
Blaum	Grell	Miller, S.	Stern
Boyd	Gruitza	Mundy	Stevenson, R.
Bunt	Habay	Mustio	Stevenson, T.
Buxton	Haluska	Nailor	Taylor, E. Z.
Caltagirone	Harhart	O'Brien	Taylor, J.
Cappelli	Harper	Oliver	Thomas
Causar	Harris	O'Neill	True
Civera	Hasay	Parker	Turzai
Clymer	Hennessey	Payne	Veon
Cohen	Herman	Petri	Wansacz
Cornell	Hershey	Petrone	Watson
Costa	Hess	Phillips	Wheatley
Crahalla	Hickernell	Pickett	Williams
Creighton	James	Pistella	Wilt
Cruz	Kauffman	Preston	Wojnaroski
Daley	Keller, M.	Pyle	Wright
Dally	Keller, W.	Quigley	Yewcic
Denlinger	Kenney	Ramaley	Youngblood
Dermody	Killion	Rapp	Yudichak
DeWeese	LaGrotta	Raymond	Zug
DiGirolamo	Leach	Readshaw	
Eachus	Lederer	Reed	
Ellis	Leh	Reichley	Perzel,
Evans, J.	Lescovitz	Rohrer	Speaker

NOT VOTING—0

EXCUSED—10

Bishop	Diven	McCall	Rieger
Blackwell	Evans, D.	McIlhinney	Ruffing
Corrigan	Fichter		

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

On the question recurring,
Shall the bill pass finally?

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Vitali, for the second time.

Mr. VITALI. Thank you, Mr. Speaker.

For the reasons and the factual basis I outlined previously, and the fact that this has not been considered by committee, and because it deals with, arguably, a significant change in our corporation law, I feel it is important that this go through the committee process.

And, Mr. Speaker, it is my understanding, comments aside, that we are dealing with a multibillion-dollar transaction. This is a very significant issue, and there is an adage in the law that good facts make bad law, and obviously what that means is although you might change the law to deal with a seemingly compelling set of facts, the legacy you leave is one of bad law applying to other facts. Therefore, I think this is something that our Commerce Committee should at least have a crack at.

It is my understanding that this bill passed out of the Commerce Committee, I believe it was yesterday, and I believe that it was without considering this amendment. I think we have set up the committee system to develop a set of expertise, and that expertise should be employed to see if this in fact, as Representative Feese has said, this is just a simple transaction. If this is just a simple change, then the Commerce Committee ought to be the one to approve that, to consider that. But questions have been raised that it is not as simple as the gentleman, Mr. Feese, may suggest.

MOTION TO RECOMMIT

Mr. VITALI. Mr. Speaker, therefore, I would move that SB 595 be rereferred to the House Commerce Committee. I so move.

The SPEAKER. It is moved by the gentleman to send SB 595 back to the Committee on Commerce.

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

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

Mr. FEESE. Thank you, Mr. Speaker.

Mr. Speaker, the Appropriations Committee did discuss this. The bill is not that complex. The House certainly can understand it and make a collective decision. So I would oppose the recommittal to the Committee on Commerce.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—41

Casorio	Harhai	Nickol	Shapiro
Causar	Hutchinson	Pallone	Staback
Cohen	Josephs	Petrarca	Sturla
Curry	Kotik	Preston	Surra
DeLuca	Maher	Roberts	Tangretti
Freeman	Manderino	Roebuck	Tigue
Gerber	McIlhattan	Samuelson	Vitali
Gergely	Melio	Sather	Walko
Grell	Mundy	Schroder	Waters

Grucela Hanna	Myers	Shaner	Wilt
NAYS—151			
Adolph	Fabrizio	Leh	Rooney
Allen	Fairchild	Lescovitz	Ross
Argall	Feese	Levdansky	Rubley
Armstrong	Fleagle	Mackereth	Sainato
Baker	Flick	Maitland	Santoni
Baldwin	Forcier	Major	Saylor
Barrar	Frankel	Mann	Scavello
Bastian	Gabig	Markosek	Semmel
Bebko-Jones	Gannon	Marsico	Siptroth
Belardi	Geist	McGeehan	Smith, B.
Belfanti	George	McGill	Smith, S. H.
Benninghoff	Gillespie	McNaughton	Solobay
Beyer	Gingrich	Metcalfe	Sonney
Biancucci	Godshall	Micozzie	Stairs
Birmelin	Good	Millard	Steil
Blaum	Goodman	Miller, R.	Stern
Boyd	Gruitza	Miller, S.	Stetler
Bunt	Habay	Mustio	Stevenson, R.
Buxton	Haluska	Nailor	Stevenson, T.
Caltagirone	Harhart	O'Brien	Taylor, E. Z.
Cappelli	Harper	Oliver	Taylor, J.
Cawley	Harris	O'Neill	Thomas
Civera	Hasay	Parker	True
Clymer	Hennessey	Payne	Turzai
Cornell	Herman	Petri	Veon
Costa	Hershey	Petrone	Wansacz
Crahalla	Hess	Phillips	Watson
Creighton	Hickermell	Pickett	Wheatley
Cruz	James	Pistella	Williams
Daley	Kauffman	Pyle	Wojnaroski
Dally	Keller, M.	Quigley	Wright
Denlinger	Keller, W.	Ramaley	Yewcic
Dermody	Kenny	Rapp	Youngblood
DeWeese	Killion	Raymond	Yudichak
DiGirolo	Kirkland	Readshaw	Zug
Donatucci	LaGrotta	Reed	
Eachus	Leach	Reichley	Perzel,
Ellis	Lederer	Rohrer	Speaker
Evans, J.			

NOT VOTING—0

EXCUSED—10

Bishop	Diven	McCall	Rieger
Blackwell	Evans, D.	McIlhinney	Ruffing
Corrigan	Fichter		

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

On the question recurring,
Shall the bill pass finally?

CONSTITUTIONAL POINT OF ORDER

The SPEAKER. The Chair recognizes Mr. Vitali. The gentleman has already spoken twice on final passage. That is it.

Mr. VITALI. I have a motion to make.

Mr. Speaker, I rise for the purpose of making a motion on the issue of the constitutionality of this bill.

The SPEAKER. State the section.

Mr. VITALI. This would be Article II, which deals with the requirements dealing with the passage of legislation, which deals with the fact that bills must be considered on 3 separate days by each chamber.

The SPEAKER. Okay. The Chair thanks the gentleman.

On the motion—

Mr. VITALI. I would like to speak on that, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Vitali, raises the point of order that SB 595 is unconstitutional. The Speaker, under rule 4, is required to submit questions affecting the constitutionality of a bill to the House for decision, which the Chair now does.

On the question,

Will the House sustain the constitutionality of the bill?

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

Mr. VITALI. Thank you, Mr. Speaker.

Our Constitution requires that a bill be considered on 3 separate days by each chamber, and again, I think if you will recall the incidence again of July 7 which caused about 78 CleanSweep candidates—

The SPEAKER. Mr. Vitali, please stay to the issue.

Mr. VITALI. Mr. Speaker, I am working up to that.

The SPEAKER. No, Mr. Vitali; you will stick to the issue.

Mr. VITALI. Mr. Speaker, the Constitution requires that a bill be considered on 3 separate days by each chamber. The substance of this bill is in fact what Representative Feese introduced yesterday afternoon in the Appropriations Committee, which basically dealt with the hostile takeover issue. That is the substance of this bill, not what 595 was prior to that. That major takeover change in Title 15 was not considered on 3 days by the Senate, it was not considered at all by the Senate, and in fact, it was not considered by the House either, Mr. Speaker. This has been in existence for less than 1 day.

Mr. Speaker, for that reason this bill runs afoul of Pennsylvania's Constitution, and I rule that it be held unconstitutional.

The SPEAKER. That is a good rule there.

Those voting "aye" will vote to declare the bill constitutional. Those voting "no" will vote to declare the bill unconstitutional.

On the question recurring,

Will the House sustain the constitutionality of the bill?

The following roll call was recorded:

YEAS—156

Adolph	Flick	Mann	Santoni
Allen	Forcier	Markosek	Sather
Argall	Frankel	McGeehan	Saylor
Baker	Gabig	McGill	Schroder
Baldwin	Gannon	McIlhattan	Semmel
Barrar	Geist	McNaughton	Shaner
Bastian	George	Metcalfe	Siptroth
Belardi	Gergely	Micozzie	Smith, B.
Belfanti	Gillespie	Millard	Smith, S. H.
Benninghoff	Gingrich	Miller, R.	Solobay
Beyer	Godshall	Miller, S.	Sonney
Biancucci	Good	Mundy	Staback

Birmelin	Goodman	Mustio	Stairs
Blaum	Gruitza	Myers	Steil
Boyd	Habay	Nailor	Stern
Bunt	Haluska	O'Brien	Stetler
Buxton	Harhai	Oliver	Stevenson, R.
Caltagirone	Harhart	O'Neill	Stevenson, T.
Cappelli	Harper	Parker	Taylor, E. Z.
Causer	Harris	Payne	Taylor, J.
Cawley	Hasay	Petrarca	Thomas
Civera	Hennessey	Petri	Tigue
Cornell	Herman	Petrone	True
Costa	Hershey	Phillips	Turzai
Crahalla	Hess	Pickett	Veon
Cruz	Hickernell	Pistella	Wansacz
Daley	Hutchinson	Preston	Waters
Dally	Keller, W.	Pyle	Watson
Denlinger	Kenney	Quigley	Wheatley
Dermody	Killion	Ramaley	Williams
DeWeese	Kirkland	Rapp	Wojnaroski
DiGiroloamo	Leach	Raymond	Wright
Donatucci	Lederer	Readshaw	Yewcic
Eachus	Lescovitz	Reed	Youngblood
Ellis	Levdansky	Reichley	Yudichak
Evans, J.	Mackereth	Roberts	Zug
Fabrizio	Maher	Rooney	
Fairchild	Maitland	Ross	
Feese	Major	Rublely	Perzel,
Fleagle	Manderino		Speaker

NAYS-36

Armstrong	Gerber	LaGrotta	Samuelson
Bebko-Jones	Grell	Leh	Scavello
Casorio	Grucela	Marsico	Shapiro
Clymer	Hanna	Melio	Sturla
Cohen	James	Nickol	Surra
Creighton	Josephs	Pallone	Tangretti
Curry	Kauffman	Roebuck	Vitali
DeLuca	Keller, M.	Rohrer	Walko
Freeman	Kotik	Sainato	Wilt

NOT VOTING-0

EXCUSED-10

Bishop	Diven	McCall	Rieger
Blackwell	Evans, D.	McIlhinney	Ruffing
Corrigan	Fichter		

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

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS-139

Adolph	Fleagle	Mackereth	Ross
Allen	Flick	Maher	Sainato
Argall	Forcier	Major	Santoni
Baker	Frankel	Mann	Saylor
Baldwin	Gannon	Markosek	Sammel
Barrar	Geist	McGeehan	Shaner
Bastian	George	McGill	Shapiro
Belardi	Gerber	Metcalfe	Siptroth
Belfanti	Gergely	Micozzie	Smith, B.

Beyer	Gillespie	Millard	Smith, S. H.
Biancucci	Godshall	Miller, R.	Solobay
Birmelin	Good	Miller, S.	Sonney
Blaum	Goodman	Mundy	Staback
Boyd	Gruitza	Mustio	Stairs
Bunt	Habay	Myers	Stetler
Buxton	Haluska	Nailor	Stevenson, T.
Caltagirone	Harhai	Oliver	Sturla
Cappelli	Harhart	O'Neill	Taylor, E. Z.
Causer	Harris	Parker	Taylor, J.
Cawley	Hasay	Payne	Thomas
Civera	Hennessey	Petrarca	Veon
Clymer	Herman	Petri	Wansacz
Costa	Hershey	Petrone	Waters
Cruz	Hess	Phillips	Watson
Daley	Hickernell	Pickett	Wheatley
Dally	James	Pistella	Williams
Denlinger	Keller, W.	Preston	Wojnaroski
Dermody	Kenney	Pyle	Wright
DeWeese	Killion	Quigley	Yewcic
DiGiroloamo	Kirkland	Ramaley	Youngblood
Donatucci	LaGrotta	Rapp	Yudichak
Eachus	Leach	Raymond	Zug
Evans, J.	Lederer	Readshaw	
Fabrizio	Lescovitz	Reed	Perzel,
Fairchild	Levdansky	Roberts	Speaker
Feese			

NAYS-53

Armstrong	Grell	McIlhattan	Scavello
Bebko-Jones	Grucela	McNaughton	Schroder
Benninghoff	Hanna	Melio	Steil
Casorio	Harper	Nickol	Stern
Cohen	Hutchinson	O'Brien	Stevenson, R.
Cornell	Josephs	Pallone	Surra
Crahalla	Kauffman	Reichley	Tangretti
Creighton	Keller, M.	Roebuck	Tigue
Curry	Kotik	Rohrer	True
DeLuca	Leh	Rooney	Turzai
Ellis	Maitland	Rublely	Vitali
Freeman	Manderino	Samuelson	Walko
Gabig	Marsico	Sather	Wilt
Gingrich			

NOT VOTING-0

EXCUSED-10

Bishop	Diven	McCall	Rieger
Blackwell	Evans, D.	McIlhinney	Ruffing
Corrigan	Fichter		

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

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

REMARKS SUBMITTED FOR THE RECORD

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

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

I just wanted to submit some remarks for the record on that bill.

The SPEAKER. The Chair thanks the gentleman. The gentleman's remarks will be spread across the record.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

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

The purpose of section 2543 of the business corporation law is to protect shareholders when corporate raiders attempt to take over a company. We have seen over and over the devastating effects on communities and workers when these types of takeovers occur. Unfortunately, there is a loophole in section 2543, so that a provision designed to protect shareholders can actually be used against the company to prevent the company from obtaining necessary financing. SB 595 closes this loophole.

This is an important issue for the people of Berks County and also for the rest of the State. Sovereign Bank, headquartered in Reading, is presently facing a takeover attempt by corporate raiders led. Sovereign Bank is the second largest Pennsylvania bank. They employ 5,000 people in Pennsylvania and have just opened a new operations center in downtown Reading, employing 500 people. Sovereign Bank and its president, Jay Sidhu, have provided vision and leadership to bring business, investment, and jobs to eastern Pennsylvania.

We must protect our homegrown banks from hostile outside interference if we hope for economic development in Pennsylvania. SB 595 closes a loophole and provides that protection.

I ask for your support.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1860, PN 3246**, entitled:

An Act amending the act of July 5, 1947 (P.L.1217, No.498), known as the State Public School Building Authority Act, further providing for competitive bidding of contracts; and providing for evasion of advertising requirements.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HB 1860, PN 3246, be recommitted to the Committee on Local Government.

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

* * *

The House proceeded to third consideration of **HB 1865, PN 3251**, entitled:

An Act amending the act of November 20, 1968 (P.L.1075, No.329), referred to as the Public Television Network System Law, further providing for contracts.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HB 1865, PN 3251, be recommitted to the Committee on Local Government.

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

CONSIDERATION OF HB 1318 CONTINUED

The SPEAKER. The Chair returns to consideration of HB 1318.

On the question recurring,
Will the House concur in Senate amendments as amended?

The SPEAKER. The gentlelady, Ms. Josephs, has the floor.
Ms. JOSEPHS. Thank you, Mr. Speaker.

We now have a fiscal note on the system. I am glad that while we are indicating to voters that they have to follow procedures, that we follow our own procedures. That is about the least the voters can expect from us.

The SPEAKER. Would the gentlelady please stay to HB 1318.

Ms. JOSEPHS. Thank you for the guidance, Mr. Speaker.
I believe that fiscal note was to HB 1318.

I would like to talk about several provisions in this bill in final passage. The gentleman from Lancaster and the gentleman from Philadelphia talked about the felony provisions. I would like to elaborate on them just a bit.

After we passed motor-voter in 1995, the bill was amended to deny voting rights to individuals after they left prison for 5 years. That bill was overturned by a court. I believe the felon voting provisions here, the disenfranchisement of people who have served their time, will also make this bill susceptible.

In 1998, I am sure my colleagues who were here then remember, a Republican House member was indicted for lying to a grand jury. He was convicted of perjury in August 1999 and sentenced in November of 1999 to 5 months in prison.

The SPEAKER. Excuse me. We would hope that the gentlelady is going to wrap this into something that deals with 1318.

Ms. JOSEPHS. It has to do with felony disenfranchisement, Mr. Speaker.

In December the House Democrats challenged the member's right to vote on the House floor, and the Republicans took the stance that the member should be—

The SPEAKER. The gentlelady is off target. Is there anything else that she would like to say?

Ms. JOSEPHS. Yes, I have much to say, Mr. Speaker, and it is on the bill.

The SPEAKER. Well, stick to the bill.

Ms. JOSEPHS. This Republican member who was convicted—

The SPEAKER. That is not acceptable, Ms. Josephs.

Ms. JOSEPHS. We have had people sitting on the House floor here who have been convicted of felonies. They are felons. They have been allowed to vote. I protect—

The SPEAKER. The gentlelady is out of order.

Ms. JOSEPHS. All right. Let us move on to the American Center for Voting Rights, an organization that was referenced first by the proponents of these bills. The question is, where is the fraud, on the side of the voters or the side of the American Center for Voting Rights? I am finished with that part, Mr. Speaker.

Finally, you know, it is interesting how you do not like to be reminded about felons on the floor, is it not?

The SPEAKER. Ms. Josephs, we can be reminded of a lot of them, but that is not the subject of 1318. That is a piece of 1318. Would the lady please continue.

Ms. JOSEPHS. I want to read two or three sentences from the County Commissioners letter, which you all received.

The SPEAKER. Is it for or against HB 1318? Then it would be relevant.

Ms. JOSEPHS. It is against HB 1318.

The SPEAKER. Well, then it is relevant.

Ms. JOSEPHS. Thank you, sir.

“First, it is a solution in search of a problem. There are virtually no found cases of voter fraud of this type reported in the Commonwealth.” This is not some group in Virginia; this is not some think tank someplace. These are the people that serve us every day. They are the county commissioners. They are in charge of our elections. They say there is no fraud, and I believe them. They also say that extending ID requirements to all voters and making that identification more stringent adds another step in the polling place and will invariably slow the voting process, result in longer lines, and end up disenfranchising voters. It will not address fraud. We all know where the fraud is; it is in the absentee ballot provisions. This bill will make it harder for people to vote. We should not support it.

Now, of course I know there are some good parts of this bill. We are protecting military and overseas voters, we are adding to the pay of our long-suffering election board workers, and those are good things. And if the honorable gentleman from Bucks, my counterpart on the State Government Committee, and I had 5 minutes to talk about this as if we were actual rational human beings instead of politicians, we could bring out a bill that everyone could vote for and that the voters would be happy to see happen. That is what the voters want us to do. They want us to work together, and we can do it. I am very disappointed that this bill has turned into something which disenfranchises the ordinary felon, leaving the felons who sit on the floor the right to vote.

I am reminded that there is no order, and I would like to ask for order, Mr. Speaker.

The SPEAKER. The gentlelady would like some order in the chamber. Please keep the noise levels down. The gentlelady is entitled to be heard.

Ms. JOSEPHS. Thank you, Mr. Speaker.

This is a bad bill. This is a bad bill for Democrats; it is a bad bill for Republicans; it is a bad bill for the old, for the young, for Independents, for nonpartisans. It is a bad piece of public policy. Nobody who is a voter wants anything like this to happen. They want us to work together and extend the franchise. We should not be limiting the franchise.

This is a bad bill. I would like everybody in this chamber to recognize this. Let us step out of this political infighting. Our constituents do not like that. This is a bad bill. Let us vote “no.”

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

The Chair recognizes the gentleman from Greene, the minority leader, Mr. DeWeese. The gentleman waives off.

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

Mr. BARRAR. Thank you, Mr. Speaker.

To concur on HB 1318 is about protecting and safeguarding our election process. It is also about integrity of our elections. This bill has a reasonable ID requirement, and surveys have shown that 82 percent of Pennsylvanians support this requirement.

Mr. Speaker, Pennsylvanians are losing confidence in our election process. We all support making our elections and the process easier, but easier should not mean easy to cheat and forgoing all safeguards. This legislation cleans up the confusion over when a convicted felon can vote, and most importantly, it gives our military personnel every opportunity to have their absentee ballot counted.

We have heard quite a few of the speakers here reference *Mixon v. Commonwealth*. That was a court case the gentlelady spoke about earlier. But in that court case, the judge said – these are the exact words, the writing from the judge in his opinion – said, “The right of a convicted felon to vote is not fundamental. Therefore, the Commonwealth is not required to show a compelling state interest to justify excluding a…” felon’s right to the franchise of voting. “A state may not only disenfranchise all convicted felons, it may distinguish among them.” But the courts have upheld the prohibition until the convicted felon’s maximum sentence has been served as a constitutional standard. So that case, that has already been heard. We have heard quite a few speakers talk about that it will be struck down in court. I am confident that if this goes to court, it will be upheld by our court system.

Mr. Speaker, this legislation will only affect the citizens of our Commonwealth who have betrayed the social compact with society and have broken our most serious laws. These are the people that have ruined the lives of many of our children by selling them drugs or committing violent crimes against them. They have lost the right to decide who will become our leaders and the lawmakers of this Commonwealth. If you think about it, what we do in elections, we elect lawmakers, we elect judges, we elect the President, who is the chief law enforcement officer of this country, and you want to allow them to decide who becomes the lawmakers. It is lunacy at its greatest. These are the outstanding citizens that you think should maintain the right to vote, even while they are sitting in a prison cell? We are talking about assault on a police officer, assault with a dangerous weapon, assault with the intent to commit another offense, assault with the intent to commit mayhem – that happened here today – assault with the intent to commit sexual abuse, sexual child abuse of the first degree, sexual child abuse of the second degree. Mr. Speaker, this bill does not disenfranchise anyone’s vote except someone who is trying to vote illegally.

I have here a study from the Carter-Baker Commission. I do not know where Jimmy Carter currently lives, but I know he lived in a big White House back in the seventies, until his lease was revoked by Ronald Reagan. And he states in here that—Carter, one of our most liberal Presidents of this age, Jimmy Carter in this study says, “To enhance ballot integrity, states should require voters to…” provide “a REAL ID card at

the polls and provide non-drivers with a free photo ID....” We do that in this legislation.

Mr. Speaker, we have debated this bill for 2 days. We debated it back in July for 2 days. I would ask for a “yes” vote on that. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Jefferson, the majority leader, the gentleman, Mr. Smith.

Mr. S. SMITH. Thank you, Mr. Speaker.

Mr. Speaker, I just wanted to clarify a couple points of history that I think were rewritten today, or at least some attempted to rewrite history, and then follow up on the gentleman from Delaware County’s concluding remarks.

There has been a lot of innuendo and even some reference directly today, Mr. Speaker, that somehow the Republicans were seeking to disenfranchise certain citizens’ rights to vote. Mr. Speaker, when you get down and look at the history, the history of the Constitution as it has evolved and the history of this country, the Republican Party has been the leader on such things. It was the Republican Party, Abraham Lincoln, who truly led the fight, and following the Civil War, Article XV of the United States Constitution, section 1, “Right of Certain Citizens to Vote Established. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color or previous condition of servitude.” Mr. Speaker, that is what the article said. That article came out of the Republican leadership of this country at one time. To imply otherwise, I think, is a case of trying to rewrite history, and that, Mr. Speaker, while many abide by it and try to do it, I think is inappropriate.

Mr. Speaker, this bill does not deny the opportunity to vote to anyone who has the citizenship and the general qualifications to vote. Even if someone goes to the poll without their ID, they have got the provisional ballot. There are all kinds of mechanisms available, Mr. Speaker, reasonable mechanisms to allow people to vote. The gentleman from Delaware touched on the main issues and the debate has been long, so I am not going to go back over them all, but, Mr. Speaker, I have been amazed, Mr. Speaker, at the general comment that this bill is bad, that this is going to disenfranchise voters, that this is going to hurt these people, it is going to hurt those people. Mr. Speaker, there is nothing in the general reading of this bill, there is nothing that anyone can point to that specifically takes away or harms the citizens of this Commonwealth when you look at the bottom line here, and the bottom line is that I get one vote and no more than one vote and you get one vote and no more than one vote, and that is what true, fair elections are about.

Mr. Speaker, I would like to also make a reference, as the previous speaker did, to the Carter-Baker Commission on Federal Election Reform. Two points under the report’s “Voter Identification” section; it is section 2.5 in their report. One, and I quote it, “The electoral system cannot inspire public confidence if no safeguards exist to deter or detect fraud or to confirm the identity of voters. Photo IDs currently are needed to board a plane, enter federal buildings, and cash a check. Voting is equally important.”

The following paragraph, Mr. Speaker, “...because we believe that citizens should identify themselves as the correct person on the registration list when they vote.” And they were referencing the reason to have voter identification as part of the election process. They go on in the report: “The problem, however, is not the magnitude of the fraud. In close or disputed

elections, and there are many, a small amount of fraud could make the margin of difference. And second, the perception of possible fraud contributes to low confidence in the system. A good ID system could deter, detect, or eliminate several potential avenues of fraud – such as multiple voting or voting by individuals using the identities of others....” and they go on.

Mr. Speaker, this legislation is not bad for Pennsylvania. Mr. Speaker, this is legislation that helps to reform our Election Code, to make it one in which each qualified Pennsylvania elector can go with confidence, cast their vote without being intimidated, and know that their one vote counts and that somebody is not overriding their vote by fraudulently voting false identification, false individuals, people that do not exist or people that have been made up or people that are deceased. Mr. Speaker, I have heard a lot of rhetoric today, but most of it, Mr. Speaker, does not hold up to the daylight that this legislation will ultimately shed on our voter process.

Mr. Speaker, I urge the members to support HB 1318, concur on this, and allow Pennsylvania’s election process, allow it to be more free of fraud and know that one person’s vote will count for them.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker, and I will be very brief.

In response to the majority leader, I need to say that for the most part the people on this side of the aisle support 95 percent of the contents and the rationale behind this legislation, and I can understand why the County Commissioners Association might oppose it because of its confusion, because of its costs, because of possible long voting lines, because of the education of the judges and inspectors of elections, but, Mr. Speaker, the 5 percent of this legislation that they disagree with and I disagree with and most of the members on my side of the aisle disagree with led the League of Women Voters and AARP not only not to come out in support of this legislation, not to remain neutral on this legislation, but to come out and strongly oppose this legislation in its present form.

I do not believe that the people that do the research for AARP or the League of Women Voters take their jobs lightly. I think they have spoken. There is no unanimity on this legislation by the major organizations that represent voters in this State, and therefore, Mr. Speaker, on that 5 percent of this bill that makes the other 95 percent not work, I am asking for a “no” vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny, Mr. Wheatley. The gentleman waives off.

On the question recurring,

Will the House concur in Senate amendments as amended?

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

The following roll call was recorded:

YEAS—106

Adolph
Allen

Flick
Forcier

Maier
Maitland

Rohrer
Ross

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

NAYS—85

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

NOT VOTING—1

Bastian

EXCUSED—10

Bishop	Diven	McCall	Rieger
Blackwell	Evans, D.	McIlhinney	Ruffing
Corrigan	Fichter		

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

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

VOTE CORRECTION

The SPEAKER. For what purpose does the gentleman, Mr. Pistella, rise?

Mr. PISTELLA. Thank you, Mr. Speaker. For the purpose of correcting the record.

The SPEAKER. The gentleman is in order.

At 2:16 p.m. today on the motion of constitutionality that was raised by the gentleman, Mr. Vitali, I was recorded in the affirmative. I wish to have been recorded in the negative.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. Before we go to the gentleman, Mr. Harhai, Monday will be a nonvoting token session. Tuesday will be at 11 o'clock.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. Mr. Harhai.

Mr. HARHAI. Thank you, Mr. Speaker.

I would just like to submit some comments for the record on a bill, HB 1294.

The SPEAKER. The gentleman's comments will be spread across the record.

Mr. HARHAI. Thank you, Mr. Speaker.

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

Thank you, Mr. Speaker.

This bill would require the disclosure of the presence of a motor vehicle event data recorder, or "black box," when consumers in Pennsylvania purchase or lease a car.

EDRs record the status of car system readings such as braking, steering, vehicle speed, airbag deployment, and seat belt use immediately before, during, and after an accident. The data is often used in automobile manufacturer research and Federal safety research, as well as in police accident investigations and legal proceedings.

Consumers need to be aware of EDRs, because the information they record can be used against them. It is inherently unfair that consumers are paying for a part of a car, just like they pay for the brakes, seat belts, turn signals, windshield wipers, and air conditioners, only to be totally unaware that the recorded information could be used against them in an accident investigation or court proceeding.

This bill does not in any way restrict or limit the use of EDRs when the data they record is needed by appropriate authorities. In fact, the bill establishes guidelines for accessing an EDR. Data could not be obtained unless one of the following applies: the owner of the vehicle consents to the removal; a court orders the removal; the information is used for purposes related to improving vehicle safety and the owner's identity is not revealed; the information on the EDR is needed to diagnose, service, or repair the vehicle; or the National Transportation Safety Board requests it as part of an official accident investigation.

Thousands, if not millions of Pennsylvanians, are unaware that they are driving in cars that contain EDRs. This bill addresses a vital issue of consumer protection and disclosure.

VOTE CORRECTION

The SPEAKER. Mr. Denlinger.

Mr. DENLINGER. Thank you, Mr. Speaker.

In the matter of SB 595, I was recorded in the affirmative and I wish to be recorded in the negative.

The SPEAKER. The gentleman's remarks will be spread across the record. The Chair thanks the gentleman.

STATEMENT BY MR. THOMAS

The SPEAKER. The gentleman, Mr. Thomas.

Mr. THOMAS. Personal privilege, Mr. Speaker.

The SPEAKER. The gentleman will state.

Mr. THOMAS. Mr. Speaker, today is going to represent hopefully a short number of days or a long number of days. Last year Philadelphia County lost 380 human beings as a result of senseless violence. Over 65 percent of the 380 homicides were committed by people who should never have had their hands on a gun. Mr. Speaker, all the prosecution in the world is not going to stop that problem. What is going to stop it is reasonable restrictions in the Pennsylvania uniform firearms law that limits the number of weapons that an individual can purchase a month, tracking of where these weapons are ending up, and placing some responsibility and accountability on the people who are in possession of these weapons.

This year, this is February 1, for the 31 days in January, 27 people have been shot in the city of Philadelphia, Mr. Speaker. Just this past weekend a 6-year-old sitting in the car with his grandfather, who was the target of senseless violence, is lying in the hospital now in a comatose state because some punks came out of an alley and just began to randomly shoot at this car and hit this 6-year-old in his neck.

In Norristown there has been violence. In Allegheny County there has been violence as a result of illegal weapons. Mr. Speaker, the police commissioner, Sylvester Johnson of Philadelphia County, has begged, has begged this House and the Senate to give him some tools to work with. His police officers are at risk in the city of Philadelphia every day that they go to work and have to deal with punks who are able to run up and down the streets shooting and killing people as though it was open season on human beings.

Mr. Speaker, I hope when we return— There are a number of bills in the House; there are some bills in the Senate that would provide reasonable restrictions on the supply of weapons in Philadelphia County. Either give Philadelphia County to do what is necessary to curtail this scourge of violence or, Mr. Speaker, let us amend the firearms law to provide reasonable restrictions. Sylvester Johnson, police commissioner, our previous police commissioner, and the mayor of the city of Philadelphia are calling on the General Assembly to act and act now. We have a very serious situation in Philadelphia County and through other parts of the Commonwealth of Pennsylvania.

So I thank you for this time. Today is going to represent— Every day that I come to work, Mr. Speaker, I will not be able to sit and just participate in business that is not related to this emergency that we have in Philadelphia County. Thank you.

The SPEAKER. The Chair thanks the gentleman.

STATEMENT BY DEMOCRATIC LEADER

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

Mr. DeWEESE. Thank you very much, Mr. Speaker. I just wanted a couple remarks for the record.

Now that we have engaged in a very long afternoon of rather dubious debate, none of us are able to ascertain the intrinsic worth of this exercise, but some of us on the Democratic side of the aisle are ready to speculate that with a gubernatorial pronouncement, that there would be an immediate veto of this legislation on voting; that it was proffered to 50 States by the Republican National Committee; that so many of my colleagues, men and women of color, have been very, very exercised by this extravagant gesture on the part of the majority. Having said that, Mr. Speaker, I would like to hope that when we return to session next week and in subsequent weeks, we will focus incontrovertibly on an enhanced minimum wage.

If the Republican majority yesterday who was so hell-bent for leather anxious to reduce business taxes will not come back and help us augment our lowly minimum wage, notwithstanding the fact that other neighboring States have already done so, then we will see these exercises for being exactly what they are: bald, immutable politics. So with my brief admonition on this, again, very questionable exercise on voting opportunities and voting rights, especially by individuals who have been incarcerated and are released, are back out and trying to regain a foothold in society, and especially by people in our inner cities and sometimes in our difficult and distant rural townships, my final observation, Mr. Speaker, would be that it is high time we do something on property taxes. When are we going to reduce property taxes in Pennsylvania?

Governor Rendell and his adversary, D. Michael Fisher, campaigned on this 3 years ago. We are now in the midst of a subsequent gubernatorial campaign. We have the revenue almost ready to flow into the State coffers. We have \$1 billion in gaming. We have \$700 million if we shift and go, reducing property taxes, and go to a half percent sales tax, and then we have a \$1.3 billion effort that is very, very possible if our 501 school districts opt, after a local referendum, for an EIT, an earned income tax, instead of property taxes. So we have a chance to pulverize approaching 50 percent of property taxes in our State, and the Republican Party in the House has been our ally in the gaming exercise and in a variety of other efforts.

As the Parliamentarian knows, an astute observer of the scene, Governor Rendell has been the happy beneficiary of a few Republican initiatives, just a few, but on property taxes, Mr. Speaker, we cannot continue to dilly-dally. We cannot continue to half step. We cannot continue, Mr. Speaker, to be tentative. When we return, the minimum wage and a reduction in property taxes by specific legislation will be the clarion call of the Democratic Caucus.

Thank you.

**THE SPEAKER PRO TEMPORE
(DAVID G. ARGALL) PRESIDING**

The SPEAKER pro tempore. The Chair thanks the gentleman.

LEAVE OF ABSENCE

The SPEAKER pro tempore. We should also note for the record that prior to the vote on HB 1318, we had been asked to place Representative BASTIAN on leave. Without objection, the gentleman will be placed on leave.

RECESS

The SPEAKER pro tempore. This House stands in recess until the call of the Chair.

AFTER RECESS

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

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

SENATE MESSAGE

**HOUSE AMENDMENTS
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 595, PN 1496**.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SB 595, PN 1496

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, further providing for removal of directors, for control persons and for qualifications of directors.

Whereupon, the Speaker, in the presence of the House, signed the same.

RECESS

The SPEAKER. The House stands in recess to the call of the Chair.

AFTER RECESS

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

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, any remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

RECESS

The SPEAKER. The Chair recognizes the gentleman, Mr. Geist, from Blair County.

Mr. GEIST. Mr. Speaker, I move that this House do now recess until Monday, February 6, 2006, at 1 p.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 12:59 p.m., e.s.t., Monday, February 6, 2006, the House recessed.