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LEGISLATIVE JOURNAL

THURSDAY, JUNE 23, 2011

SESSION OF 2011

195TH OF THE GENERAL ASSEMBLY

No. 50

HOUSE OF REPRESENTATIVES

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

**THE SPEAKER (SAMUEL H. SMITH)
PRESIDING**

PRAYER

HON. GORDON DENLINGER, member of the House of Representatives, offered the following prayer:

Would you please join me in prayer:

Father in Heaven, we come before You this day full of praise and thanksgiving for Your many blessings to us. We come ever mindful of the power and glory You have displayed before us in the created order. How majestic are the works of Your hands. And, Father, we are humbled as we further recognize that You are concerned about every detail in our lives, for as Scripture teaches us, You see every sparrow that falls. Lord, for these, Your divine attributes, we give You praise.

Lord, it is a new day here in the State House. Many legislative efforts will be waged, political struggles lived out. And so for the day, we ask for a measure of Your wisdom and Your grace. Help us to be slow to anger and abundant in mercy.

And help us, Father, to acknowledge Your larger purpose – Your sovereign dealing in the affairs of this chamber. Keep us mindful that You are teaching us through all that occurs here. And though it is not easy, when we are honest, Lord, we recognize that more is learned through those things we consider setbacks and defeats than through the things we consider victories. Help us to grow through all the things that You bring our way, both as individuals and as a whole.

And finally, Lord, we bring before You those here and on staff who are struggling with health issues and relationship challenges. Lord, we pray that Your healing and comforting spirit would be present with those traveling in dark valleys and on lonely roads. Lord, You are the great physician, and we ask for Your healing mercies.

Lord, with humble and grateful hearts, we bring these, our petitions, before You. These things I pray in the name of the Father and of the Son and of the Holy Spirit. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Wednesday, June 22, 2011, will be postponed until printed.

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

HB 1683, PN 2185 (Amended)

By Rep. MILLER

An Act amending the act of July 2, 1984 (P.L.561, No.112), known as the Pennsylvania Conservation Corps Act, further providing for the definitions of "department" and "secretary"; and transferring the administration of the Pennsylvania Conservation Corps from the Department of Labor and Industry to the Department of Conservation and Natural Resources.

LABOR AND INDUSTRY.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE AND REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, returned **HB 440, PN 2084**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

RECESS

The SPEAKER. The House stands in recess until the call of the Chair.

AFTER RECESS

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

HOUSE BILLS INTRODUCED AND REFERRED

No. 1678 By Representatives SCHRODER, TURZAI, BLOOM, CHRISTIANA, COX, DENLINGER, EVERETT, GINGRICH, HENNESSEY, KILLION, METCALFE, RAPP and SWANGER

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for opportunity scholarships and for educational improvement tax credit; and repealing provisions of the Tax Reform Code of 1971 relating to educational improvement tax credit.

Referred to Committee on EDUCATION, June 23, 2011.

No. 1717 By Representatives MUSTIO, MAHER, BEAR, KILLION, CUTLER, DENLINGER, FLECK, FREEMAN, GEIST, MARSHALL, MUNDY, NEUMAN and WHITE

An Act relating to the right to practice naturopathic medicine; providing for the issuance of licenses and the suspension and revocation of licenses; providing for penalties; and making repeals.

Referred to Committee on PROFESSIONAL LICENSURE, June 23, 2011.

No. 1718 By Representatives CREIGHTON, BROOKS, CALTAGIRONE, CARROLL, CLYMER, DAVIS, GEIST, GIBBONS, GINGRICH, GROVE, HELM, KNOWLES, MILLER, MOUL and MUSTIO

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, in subdivision and land development, further providing for contents of subdivision and land development ordinance, for completion of improvements or guarantee thereof prerequisite to final plat approval, and for release from improvement bond.

Referred to Committee on LOCAL GOVERNMENT, June 23, 2011.

No. 1719 By Representatives CREIGHTON, BROOKS, CALTAGIRONE, CARROLL, CLYMER, DAVIS, GEIST, GIBBONS, GINGRICH, GROVE, HELM, KNOWLES, MILLER, MOUL and MUSTIO

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in municipal authorities, further providing for purposes and powers.

Referred to Committee on LOCAL GOVERNMENT, June 23, 2011.

SENATE BILL FOR CONCURRENCE

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

SB 458, PN 1299

Referred to Committee on HUMAN SERVICES, June 23, 2011.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 385, PN 349**, with information that the Senate has passed the same without amendment.

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:

HB 385, PN 349

An Act adopting the Honor and Remember Flag as an official flag to recognize and honor fallen members of the armed forces; and imposing duties on the Department of General Services.

Whereupon, the Speaker, in the presence of the House, signed the same.

LEAVES OF ABSENCE

The SPEAKER. The Speaker turns to leaves of absence and recognizes the majority whip, who requests a leave of absence for the gentleman, Mr. MICOZZIE, from Delaware County for the day; the gentleman, Mr. TAYLOR, from Philadelphia County for the day; the gentleman, Mr. EMRICK, from Northampton County for the day. Without objection, the leaves will be granted.

The Speaker recognizes the minority whip, who requests a leave of absence for the gentleman, Mr. BRENNAN, from Lehigh for the day. Without objection, the leave will be granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—198

Adolph	Dunbar	Kirkland	Rapp
Aument	Ellis	Knowles	Ravenstahl
Baker	Evankovich	Kortz	Readshaw
Barbin	Evans, D.	Kotik	Reed
Barrar	Evans, J.	Krieger	Reese
Bear	Everett	Kula	Reichley
Benninghoff	Fabrizio	Lawrence	Roae
Bishop	Farry	Longietti	Rock
Bloom	Fleck	Maher	Roebuck
Boback	Frankel	Mahoney	Ross
Boyd	Freeman	Major	Sabatina
Boyle, B.	Gabler	Maloney	Saccone
Boyle, K.	Galloway	Mann	Sainato
Bradford	Geist	Markosek	Samuelson
Briggs	George	Marshall	Santarsiero
Brooks	Gerber	Marsico	Santoni
Brown, R.	Gergely	Masser	Saylor
Brown, V.	Gibbons	Matzie	Scavello
Brownlee	Gillen	McGeehan	Schroder
Burns	Gillespie	Metcalf	Shapiro
Buxton	Gingrich	Metzgar	Simmons
Caltagirone	Godshall	Miccarelli	Smith, K.
Carroll	Goodman	Millard	Smith, M.
Causer	Grell	Miller	Sonney
Christiana	Grove	Milne	Staback
Clymer	Hackett	Mirabito	Stephens
Cohen	Hahn	Moul	Stern
Conklin	Haluska	Mullery	Stevenson
Costa, D.	Hanna	Mundy	Sturla
Costa, P.	Harhai	Murphy	Swanger
Cox	Harhart	Murt	Tallman

Creighton	Harkins	Mustio	Thomas
Cruz	Harper	Myers	Tobash
Culver	Harris	Neuman	Toepel
Curry	Heffley	O'Brien, D.	Toohil
Cutler	Helm	O'Brien, M.	Truitt
Daley	Hennessey	O'Neill	Turzai
Davidson	Hess	Oberlander	Veréb
Davis	Hickernell	Parker	Vitali
Day	Hornaman	Pashinski	Vulakovich
Deasy	Hutchinson	Payne	Wagner
DeLissio	Johnson	Payton	Waters
Delozier	Josephs	Peifer	Watson
DeLuca	Kampf	Petrarca	Wheatley
Denlinger	Kauffman	Petri	White
DePasquale	Kavulich	Pickett	Williams
Dermody	Keller, F.	Preston	Youngblood
DeWeese	Keller, M.K.	Pyle	
DiGirolamo	Keller, W.	Quigley	Smith, S.,
Donatucci	Killion	Quinn	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—5

Brennan	Micozzie	Perry	Taylor
Emrick			

LEAVES ADDED—4

Evans, D.	O'Brien, D.	Mundy	Wagner
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LEAVES CANCELED—2

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

UNCONTESTED CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mr. CLYMER called up **HR 349, PN 2171**, entitled:

A Resolution honoring William Penn and Hannah Callowhill Penn and endorsing the construction of a Penn Memorial at the Independence Mall National Historical Park in Philadelphia, Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

Adolph	Dunbar	Kirkland	Rapp
Aument	Ellis	Knowles	Ravenstahl
Baker	Evankovich	Kortz	Readshaw
Barbin	Evans, D.	Kotik	Reed
Barrar	Evans, J.	Krieger	Reese
Bear	Everett	Kula	Reichley
Benninghoff	Fabrizio	Lawrence	Roae
Bishop	Farry	Longietti	Rock
Bloom	Fleck	Maher	Roebuck
Boback	Frankel	Mahoney	Ross
Boyd	Freeman	Major	Sabatina

Boyle, B.	Gabler	Maloney	Saccone
Boyle, K.	Galloway	Mann	Sainato
Bradford	Geist	Markosek	Samuelson
Briggs	George	Marshall	Santarsiero
Brooks	Gerber	Marsico	Santoni
Brown, R.	Gergely	Masser	Saylor
Brown, V.	Gibbons	Matzie	Scavello
Brownlee	Gillen	McGeehan	Schroder
Burns	Gillespie	Metcalfe	Shapiro
Buxton	Gingrich	Metzgar	Simmons
Caltagirone	Godshall	Miccarelli	Smith, K.
Carroll	Goodman	Millard	Smith, M.
Causar	Grell	Miller	Sonney
Christiana	Grove	Milne	Staback
Clymer	Hackett	Mirabito	Stephens
Cohen	Hahn	Moul	Stern
Conklin	Haluska	Mullery	Stevenson
Costa, D.	Hanna	Mundy	Sturla
Costa, P.	Harhai	Murphy	Swanger
Cox	Harhart	Murt	Tallman
Creighton	Harkins	Mustio	Thomas
Cruz	Harper	Myers	Tobash
Culver	Harris	Neuman	Toepel
Curry	Heffley	O'Brien, D.	Toohil
Cutler	Helm	O'Brien, M.	Truitt
Daley	Hennessey	O'Neill	Turzai
Davidson	Hess	Oberlander	Veréb
Davis	Hickernell	Parker	Vitali
Day	Hornaman	Pashinski	Vulakovich
Deasy	Hutchinson	Payne	Wagner
DeLissio	Johnson	Payton	Waters
Delozier	Josephs	Peifer	Watson
DeLuca	Kampf	Petrarca	Wheatley
Denlinger	Kauffman	Petri	White
DePasquale	Kavulich	Pickett	Williams
Dermody	Keller, F.	Preston	Youngblood
DeWeese	Keller, M.K.	Pyle	
DiGirolamo	Keller, W.	Quigley	Smith, S.,
Donatucci	Killion	Quinn	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Brennan	Micozzie	Perry	Taylor
Emrick			

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

STATEMENT BY MR. CLYMER

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

Mr. CLYMER. Unanimous consent, Mr. Speaker.

The SPEAKER. The gentleman is recognized under unanimous consent.

Mr. CLYMER. Thank you.

Mr. Speaker, briefly, HR 349 that we just voted, thank you very much, Mr. Speaker, for allowing this resolution to move forward, and it honors William Penn and Hannah Callowhill Penn for their great work in setting the tone to make Pennsylvania the great State it is, for the religious freedom, for self-government, things that were unknown in the world until they came to Pennsylvania. So we appreciate the vote on this, and hopefully a monument will be built in the Independence

Mall arena that would honor these two outstanding Pennsylvanians, husband and wife.

Thank you, Mr. Speaker.

STATEMENT BY MR. CUTLER

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

Mr. CUTLER. Thank you, Mr. Speaker. Unanimous consent, if I may.

The SPEAKER. The gentleman is recognized under unanimous consent.

Mr. CUTLER. Thank you, Mr. Speaker.

As many of the members and staff on both sides of the aisle realized, I had my oldest daughter, Cheyanne, with me yesterday, and I wanted to personally thank each of you who went out of your way to greet her and welcome her and make her day that much more active. She talked about it the entire way home, and since you all were so gracious with your time, I wanted to sincerely thank you for making her day so memorable. Thank you.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Speaker returns to leaves of absence and notices the presence of the gentleman, Mr. Emrick, from Northampton County on the floor of the House. His name will be added back to the master roll call.

CALENDAR

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 828**, **PN 846**, entitled:

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

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

* * *

The House proceeded to second consideration of **SB 829**, **PN 847**, entitled:

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for township manager.

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

* * *

The House proceeded to second consideration of **SB 830**, **PN 848**, entitled:

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, providing for the office and powers and duties of a city administrator or manager.

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

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The House proceeded to second consideration of **SB 163**, **PN 148**, entitled:

An Act designating a bridge on that portion of State Route 0006 over the Lackawaxen River, Honesdale Borough, Wayne County, as the Brigadier General Richard J. Tallman Memorial Bridge.

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

* * *

The House proceeded to second consideration of **HB 973**, **PN 1945**, entitled:

An Act amending the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, further providing for definitions; and providing for disposition of cremated remains of veterans.

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

LEAVE OF ABSENCE

The SPEAKER. The Speaker returns to leaves of absence and recognizes the minority leader, who requests a leave of absence for the lady from Luzerne County, Ms. MUNDY, for the remainder of the day. Without objection, the leave will be granted.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Speaker returns to leaves of absence and notices the presence of the gentleman, Mr. Taylor, from Philadelphia on the floor of the House. His name will be added back to the master roll call.

LEAVE OF ABSENCE

The SPEAKER. The Speaker recognizes the majority whip, who requests a leave of absence for the gentleman, Mr. O'BRIEN, for the remainder of the day, Dennis O'Brien from Philadelphia. Without objection, leave will be granted.

RULES COMMITTEE MEETING

The SPEAKER. The Speaker recognizes the majority leader, Mr. Turzai, for the purpose of making a committee announcement?

Mr. TURZAI. Yes, please.

There will be an immediate Rules Committee meeting in the majority leader's conference room; an immediate meeting of the Rules Committee in the majority leader's conference room. Thank you.

The SPEAKER. Rules will meet immediately in the majority leader's conference room.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Speaker recognizes the gentleman from Delaware County, Mr. Adolph, for the purpose of making a committee announcement.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, immediately following the Rules Committee meeting, there will be a House Appropriations Committee meeting in the majority caucus room. Immediately following the Rules Committee, we will have a House Appropriations Committee meeting in the majority caucus room. Thank you.

The SPEAKER. Appropriations will meet following the Rules meeting in the majority caucus room.

HEALTH COMMITTEE MEETING

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

Mr. BAKER. A committee announcement.

The SPEAKER. The gentleman may make the announcement.

Mr. BAKER. There will be an immediate meeting of the Health Committee in room 60, East Wing, upon the break.

Thank you, Mr. Speaker.

The SPEAKER. The Health Committee will meet immediately at the break in room 60, East Wing.

There are a couple of committee meetings that are going to meet right now. The House will be at ease to allow those meetings to proceed. We do not anticipate them to be exceptionally long, so the House will be at ease for 20 minutes or so.

The House will come to order.

BILLS REREPORTED FROM COMMITTEES**HB 61, PN 29**

By Rep. ADOLPH

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for collection of court costs, restitution and fines by private collection agency.

APPROPRIATIONS.

HB 1203, PN 1598

By Rep. ADOPLH

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further regulating antique, classic and collectible plates.

APPROPRIATIONS.

HB 1416, PN 1690

By Rep. ADOLPH

An Act requiring the Department of Environmental Protection to submit annual reports relating to certain restricted accounts in the State Treasury.

APPROPRIATIONS.

HB 1500, PN 2108

By Rep. TURZAI

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, consolidating the Long-Term Care Patient Access to Pharmaceuticals Act; further providing for declaration of policy, for definitions and for third-party drugs in long-term care facilities; and making a related repeal.

RULES.

HB 1544, PN 2106

By Rep. ADOLPH

An Act amending the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, providing for certificates of death without cause of death listed.

APPROPRIATIONS.

HB 1548, PN 2183

By Rep. ADOLPH

An Act amending the act of May 13, 1915 (P.L.286, No.177), known as the Child Labor Law, further providing for definitions, for regulated employment, for employment of children at establishments where alcoholic beverages or malt liquor is sold and for permits; imposing duties on the department; further providing for educational requirements and for prohibitions regarding work hours; providing for transfers to minor child performer trust accounts and for revocation of permit; and further providing for employment certificate.

APPROPRIATIONS.

HB 1644, PN 2060

By Rep. ADOLPH

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, in contracts, further providing for sales of personal property and surplus farm products.

APPROPRIATIONS.

SB 326, PN 1387

By Rep. ADOLPH

An Act amending the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, providing for certificate of birth resulting in stillbirth.

APPROPRIATIONS.

SB 369, PN 1409

By Rep. ADOLPH

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, in scenic highways, providing for the designation of a portion of U.S. 219, U.S. 322, State Route 969, State Route 879, State Route 153, State Route 453, State Route 1001, State Route 729, State Route 4005 and the Greenville Pike and Bilger's Rocks Road in Clearfield County as scenic byways.

APPROPRIATIONS.

SB 606, PN 770

By Rep. ADOLPH

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, providing for the designation of the Crawford Lakelands Byway as a scenic byway.

APPROPRIATIONS.

SB 858, PN 1360

By Rep. ADOLPH

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in district and assistant superintendents, further providing for eligibility; and making editorial changes.

APPROPRIATIONS.

SB 1055, PN 1191

By Rep. ADOLPH

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 2011, to June 30, 2012, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2011.

APPROPRIATIONS.

SB 1056, PN 1192

By Rep. ADOLPH

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 2011, to June 30, 2012, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2011.

APPROPRIATIONS.

SB 1057, PN 1193

By Rep. ADOLPH

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

APPROPRIATIONS.

SB 1058, PN 1194

By Rep. ADOLPH

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Community and Economic Development to provide for the expenses of administering the Workers' Compensation Act, The Pennsylvania Occupational Disease Act and the Office of Small Business Advocate for the fiscal year July 1, 2011, to June 30, 2012, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2011.

APPROPRIATIONS.

SB 1059, PN 1195

By Rep. ADOLPH

An Act making appropriations from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission; and providing for the additional appropriation of Federal funds from the General Fund to the Pennsylvania Public Utility Commission for the fiscal year July 1, 2011, to June 30, 2012.

APPROPRIATIONS.

SB 1060, PN 1196

By Rep. ADOLPH

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate in the Office of Attorney General.

APPROPRIATIONS.

SB 1061, PN 1197

By Rep. ADOLPH

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Community and Economic Development.

APPROPRIATIONS.

SB 1062, PN 1408

By Rep. ADOLPH

An Act making appropriations from the restricted revenue accounts within the State Gaming Fund and from the State Gaming Fund to the Pennsylvania Gaming Control Board, the Department of Revenue, the Pennsylvania State Police and the Attorney General for the fiscal year beginning July 1, 2011, to June 30, 2012, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2011.

APPROPRIATIONS.

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

HB 727, PN 740

By Rep. BAKER

An Act providing for pharmacy audit procedures.

HEALTH.

HB 1317, PN 1770

By Rep. BAKER

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, providing for electronic prior approval for Medicaid.

HEALTH.

**BILL REPORTED AND REREFERRED TO
COMMITTEE ON HUMAN SERVICES**

HB 1653, PN 2081

By Rep. BAKER

An Act providing for the medical use of marijuana.

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

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

The House will come to order.

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1307, PN 1543**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in intermediate units, further providing for subsidies for services and for financial reports.

On the question recurring,

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

CONSIDERATION OF AMENDMENT A03484 CONTINUED

The SPEAKER. For the information of the members, we went over this bill temporarily yesterday, and we were in the midst of considering the White amendment A03484 – A03484. Therefore, the question before the House is, will the House agree to the amendment?

Further, for the information of the members, the members who have spoken on this amendment previously are, the gentleman, Mr. White, has spoken twice; the gentlemen, Mr. Vitali, Mr. Kotik, and Mr. Neuman. Milne, Clymer, Maher, Saccone, Mustio, and the lady, Ms. Boback, have all spoken on this amendment, and that is where we will be picking up relative to the discussion on this amendment.

On the question recurring,

Will the House agree to the amendment?

The SPEAKER. On that question, the Speaker recognizes the gentleman from Chester, Mr. Milne.

Mr. MILNE. Mr. Speaker, will the maker of the amendment stand for interrogation?

The SPEAKER. The gentleman indicates he will stand. You may proceed.

Mr. MILNE. Mr. Speaker, is the maker of the amendment aware that a judge ordered, a Washington County judge, a countywide property reassessment just a couple of weeks ago, on the 9th of June 2011?

Mr. WHITE. Mr. Speaker, I am aware that an order was entered to enforce a stipulation between two school districts and the county.

Mr. MILNE. Mr. Speaker, is this, given the fact that it was just 2 weeks ago, not a sufficient remedy to allow to have some time to go into effect before we try to prescribe a legislative remedy for this situation?

Mr. WHITE. Mr. Speaker, I believe actually the timeline is the exact reason that we need to do this. This is something, this is something that has been going on in Washington County since 2008, was when the original suit was filed. During that time the legislature has taken action through the study through the Legislative Budget and Finance Committee. We passed HB 1661 last session, which dealt with the issue of a

moratorium on reassessments so we could address some legislative issues. And it has also been the subject of Policy Committee hearings and joint hearings of the Local Government and Finance Committees, bipartisan here in the House.

Mr. MILNE. Mr. Speaker, should I assume then that the maker of the amendment is skeptical that a judicial remedy will bear fruition here in this matter? Is that the concluding point?

Mr. WHITE. Mr. Speaker, I believe that if the taxpayers of Washington County are being asked to pay \$8 million of taxpayer money for a flawed reassessment, I am going to avail myself of every possible legislative remedy to make sure that does not happen, because this is an important issue.

Mr. MILNE. Mr. Speaker, speaking of the taxpayers, most of these property owners will not see the reassessments until probably 2014. To your knowledge, have any of the school districts applied for waivers to go above the index?

Mr. WHITE. I do not know the answer to that, Mr. Speaker.

I am not aware of the answer to that, although I will say that given that it was brought about as a court action by two school districts, that has indicated to me what some of the motivations for this may be.

Mr. MILNE. Mr. Speaker, there have been reports in the press that indicate the gentleman from Washington County has introduced a seven-bill packet that is based on a 2010 report. Would you be able to elaborate on what that report did say?

Mr. WHITE. Yes, Mr. Speaker. And actually, those bills were not all mine. I believe some of them are also my colleague, Representative Neuman's. But those bills, it is a variety of different measures, some of which are to create a task force to address some of the technical issues. Some of them were to take— There were technical issues on the reassessment process. As a result of the Legislative Budget and Finance Committee report, they were almost verbatim recommendations. And then the final one was the context of this amendment, which was HB 1468.

Mr. MILNE. Mr. Speaker, have any of those bills been introduced?

Mr. WHITE. Yes, Mr. Speaker. I believe they all have.

Mr. MILNE. Mr. Speaker, I would like to direct the questioning about the Department of Education, and I would ask the speaker, is the speaker aware that the Department of Education has the ability to withhold subsidies to a local school district?

Mr. WHITE. I am, Mr. Speaker.

Mr. MILNE. Is the speaker aware that it has been past practice, when there have been violations by school boards, to withhold financial subsidies to the local school district?

Mr. WHITE. I am not aware of any instance where that has happened, Mr. Speaker.

Mr. MILNE. Mr. Speaker, if a particular local school district that perhaps is in Washington County has been shown to be in violation of prevailing law, is there no reason that prevailing practices by the Department of Education in Pennsylvania could not simply withhold subsidies in future budget years to remedy your situation the gentleman is facing in Washington County?

Mr. WHITE. Well, Mr. Speaker, I hesitate to go too deep into a hypothetical, but I will say that under the current law, a concern I would have would be that if the Department of Education withheld State subsidy without any sort of a punitive impact, I would be concerned that the impact there would be

local taxpayers would actually be forced to pay more and receive less State funding and that would be the only impact, which, to me, does not seem fair to the taxpayers in that community.

Mr. MILNE. Mr. Speaker, I would raise the observation that it is a practice of the Department of Education here in Pennsylvania to withhold subsidies at times, and I would raise the question to the gentleman of why such practice could not be a remedy for the situations he articulates and is the objective of his amendment.

Mr. WHITE. Well, Mr. Speaker, I believe I cannot speak to the motivations of the Department of Education. All I know is that this amendment, if passed, will provide an additional level of protection for the taxpayers all across Pennsylvania – residents, small business owners, everybody – and I think that that is something that we in this legislature should be committed to.

Mr. MILNE. Mr. Speaker, given that it is standard practice that the Department of Education can withhold subsidies under certain prescribed circumstances – that is prevailing law already – what is the necessity to switch the burden of responsibility to the State Treasurer for the purposes of the amendment?

Mr. WHITE. Mr. Speaker, that was the way the amendment was drafted. My thought is that we determined that that was the appropriate avenue to take it. And again my thought is, anything that provides an additional level of taxpayer protection against property tax increases should be the policy of this House.

Mr. MILNE. Mr. Speaker, is there a fiscal cost to the amendment?

Mr. Speaker, is there a fiscal cost to the amendment which the gentleman from Washington County has filed?

Mr. WHITE. Mr. Speaker, I do not believe so. I actually just spoke with someone from the Attorney General's Office a short while ago. They indicated that they are— And they have no opinion on this. They are not opposed. And they have indicated the fiscal cost would be almost minimal, because this is a situation that would almost never occur, assuming the school boards were cognizant and obey the law.

Mr. MILNE. Mr. Speaker, is it not possible that if there is one instance of the application of the objective of the amendment the gentleman has filed, perhaps that is valid that there will be no cost for a one-time application of the amendment, but this amendment sets a precedent that of course any of the 500 school districts in the State could avail themselves of if this practice becomes more standard, more widespread. Would that not begin to add a fiscal cost to the amendment?

Mr. WHITE. Mr. Speaker, I believe that if the Commonwealth is forced to, is obligated to enforce any of its laws, you can always make an argument that there would be a fiscal impact for anything.

Mr. MILNE. Mr. Speaker, I am in receipt of information from the Attorney General's Office, an office which the gentleman from Washington County has just referenced, and I would be happy to share the information with the gentleman. I realize it is not in front of him. But the information that I am in receipt of indicates that the cost of this amendment for the Attorney General's Office would be close to \$200,000 – \$182,885 to be specific. Does the gentleman from Washington County have a comment?

The SPEAKER. The gentleman will suspend.

I am not sure that that is quite a proper question, "Do you have a comment?" I think there is a way to ask your question, but an open-ended "do you have a comment," I do not—

Mr. MILNE. Thank you, Mr. Speaker. I will rephrase.

Mr. Speaker, does the gentleman from Washington County disagree with the figure that has been provided to me, the figure of \$182,885? And again, I would be certainly happy to share the document that I do have.

Mr. WHITE. Mr. Speaker, I will base my interpretation of the fiscal impact on the fiscal note that was signed off on by the Republican Appropriations chairman, and I will quote: "Adoption of this amendment will have no adverse impact on Commonwealth funds."

Mr. MILNE. Mr. Speaker, I would just raise the observation because the gentleman from Washington County referenced the Attorney General's Office and its apparent position on the amendments. The Attorney General's Office will be the front-line administrators of the amendments, and the amendments, the information I have received, again, indicates the cost of the amendment – this is from an individual who actually is in the office of the Attorney General – would be close to \$200,000. Does the gentleman from Washington County disagree with that assessment, just for the record?

Mr. WHITE. Mr. Speaker, I believe I have answered this. Again, I am basing my information on the fiscal note provided by the majority Appropriations chairman, which I would be more than happy to read again where it says, "Adoption of this amendment will have no adverse impact on Commonwealth funds."

Mr. MILNE. Thank you, Mr. Speaker. That concludes my interrogation for the moment.

The SPEAKER. The Speaker thanks the gentleman.

The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from York County, Mr. Saylor.

Mr. SAYLOR. Mr. Speaker, I rise to oppose the gentleman's amendment to this bill.

As a former chief assessor of York County and as somebody who had implemented a reassessment in York County prior to coming to the General Assembly, as I had talked to the gentleman yesterday on the House floor, I understand and I appreciate what he is trying to achieve and I agree with him. I believe that there are better ways and a different kind of an amendment to amending the law as far as it deals with county commissioners and deals with the chief assessor's operations and reassessments. I believe that is a better place to put this, because I do not believe that the Attorney General is the proper place. The proper place is to keep it local in the counties where the county commissioners themselves can enforce these rules simply by, as I did, and I did it on my own without legal instructions, sending out a notice to the school districts that they can only raise their taxes to a certain limit.

If the gentleman wishes to, he could simply write legislation, whether it is a bill or an amendment to another bill that covers either assessment or the tax law, that would encompass the idea he has but would not put that on the Attorney General's Office as a responsibility. I believe it should be kept local. I think as long as there is openness in the process in the county and the

county commissioners understand that – in fact, I spoke to the gentleman, the chief executive of Allegheny County, a number of months ago about this very same thing – I think he is right in proposing what he wants to do from the point of the end result but wrong in the way he is going about it.

So I ask for a "no" vote on this amendment. Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from York, Mr. Grove.

Mr. GROVE. Thank you, Mr. Speaker.

I stand to oppose A03484. The School Code of 1949 also already provides perfect access to take care of this issue. While property taxes is a major issue on many constituents' minds and many legislators within this chamber, the double penalty will only provide for a double increase in property taxes after the AG gets involved.

In the School Code, section 25-2552, "Withholding State Appropriations," it specifically allows "...the Superintendent of Public Instruction to withhold the payment of all money due any school district out of any appropriation made by the Commonwealth for any purpose, until all reports required by law and due at such time have been filed either with the Department of Public Instruction or other proper authority, whether or not such reports have any bearing on the right to such payment, and until all the school district's records bearing on its rights to reimbursements have been submitted on such uniform forms and in such manner as shall be prescribed by the department. At his discretion, he may, in like manner, withhold any or all appropriations from any district failing or refusing to comply with the laws and regulations of any department of the government of this Commonwealth for preserving the health or safety of pupils enrolled in the public schools."

Mr. Speaker, we have the opportunity already to do this. I would ask the gentleman to work with the Secretary of Education in ensuring that his school districts apply to current State law. Also, I might remind the General Assembly, HB 1696 is on the agenda for tomorrow. It is prime-sponsored by my colleague from Allegheny and Washington Counties, which will do a 1-year moratorium on court-ordered assessments, which would actually fix this problem and buy time for that.

So I would appreciate my colleagues' negative vote on this, and I would applaud the prime sponsor of the amendment for trying to protect his property tax payers, and I would ask that he seek remedy already provided under the School Code to do that. Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Allegheny County, Mr. Maher, for the second time.

Mr. MAHER. Thank you, Mr. Speaker.

We spent some time on this subject just yesterday. The gentleman who has sponsored this amendment, like me, represents part of Washington County. This is a matter of some concern in Washington County, but we have very different views, apparently, on solution.

This amendment proposes that the real estate tax payers in Washington County and in any other county in the State that might encounter similar circumstances would be punished with

higher taxes if they already punished their taxpayers with higher taxes, because the State would respond to the first misbehavior by removing State money, which would inevitably require more need for local money. I will not countenance punishing the taxpayers of Washington County, whether they be in my colleague's district or my own, as this amendment would suggest.

I stand firmly with my colleague across the aisle from Montgomery County who provided for some bipartisan harmony yesterday before being jostled after leaving the chamber. Let us defeat this foolishness. Do not punish real estate tax payers.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman, Mr. Neuman.

Mr. NEUMAN. Thank you, Mr. Speaker.

The comments from the previous speaker, if you relate them to comments made earlier, the remedy that was suggested also punishes taxpayers twice, but after this already happened. This is simple. If the school districts knowingly have a windfall over 5 percent, there is punishment. Right now, there is none. The school districts know exactly how much they are receiving in a windfall. If they go above that threshold, now there is teeth and they will be punished, so they will never go above that threshold.

Right now the process puts it on the taxpayer to bring the issue forward and alert the Department of Education. The main issue with that is, after reassessment, the definition of a "mill," the value of a mill was changed, and your millage rate may actually go down but you still see a raise in your property taxes. And they see a windfall greater than 5 percent, but the taxpayer only sees the millage rate and does not really know that the school board is breaking the law to bring this forward.

Mr. Speaker, I have one question for the maker of the amendment.

THE SPEAKER PRO TEMPORE (JOHN MAHER) PRESIDING

The SPEAKER pro tempore. The gentleman indicates he will stand for interrogation.

Mr. NEUMAN. Thank you, Mr. Speaker.

Mr. Speaker, a prior speaker, the gentleman from York, the majority whip, suggested that the county may direct State funds. Is there any way possible that county commissioners can direct how the State spends their money?

Mr. WHITE. Mr. Speaker, before I answer your question, I would like to ask the Speaker to possibly informally consider striking the remarks calling this – that a previous speaker from Allegheny County made calling this amendment foolish.

The SPEAKER pro tempore. The gentleman is not in order.

Mr. WHITE. Mr. Speaker, to answer the question, I am not aware of any provision in law that would allow a county to withhold State funding from a local school district. I do not see how that is possible.

Mr. NEUMAN. Thank you, Mr. Speaker.

The remedy in place is not adequate. This amendment puts a remedy in law that forces the school boards to abide by the law. If this amendment does not pass, then the school districts can continue to do what they have been doing. And the quote from a

previous speaker saying the moratorium will solve this is not true, because the moratorium does not change the law that allows the school districts to take advantage of taxpayers' dollars.

Mr. Speaker, I hope that we stand here today as a chamber and we vote in favor of the property owners. Thank you.

The SPEAKER pro tempore. Will the House agree to the amendment?

The gentleman from York County.

Mr. SAYLOR. First, I wanted to correct the gentleman in his comments. I never said that the county could ever influence the school districts' funding from the State. The truth of the matter is, that is just not possible. We do not flow any money through the county for the school districts. What I said was that the county has the power as the assessing body to instruct the school districts as to the amount of tax they are allowed to levy to stay within the range of the State law. So that is where I believe the best remedy for this is.

And not only that, I want to remind everybody that every time a school board does something that we do not like and we are going to ask the Attorney General to sue on our behalf or on behalf of constituents, I think that sets a bad precedent. Let us be honest here. I mean, there are a lot of us and a lot of people out there every day who write us letters and complain about what is happening in our school districts, whether it is a new school building that is being built that they think is a Taj Mahal, or whether there is not funding in certain programs and categories that they would like to see done. At what point do you say that we as taxpayers in our own local school districts have to hold those school board members accountable?

I believe there is a process that we can work out that is good for taxpayers, but this is not it. This is not the way to do it, by constantly shifting the responsibility of law enforcement on a tax matter to the Attorney General's Office. Because the next bill that comes up here, people will be asking the Attorney General to start enforcing issues from the Taj Mahal law, which is now enforced by the Department of Education, will be asking as to whether a school district is allowed to do any number of things. So this is just a bad precedent to set, taking responsibility, again, from the local taxpayers and putting it in the hands of the Attorney General.

So I ask again for a "no" vote.

The SPEAKER pro tempore. Thank you.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the minority whip, Mr. Hanna, who asks for the gentleman from Philadelphia, Mr. Dwight EVANS, to be put on leave for the remainder of the day. Without objection, leave is granted.

CONSIDERATION OF HB 1307 CONTINUED

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

The following roll call was recorded:

YEAS—93

Barbin	DeLissio	Keller, W.	Payton
Barrar	DeLuca	Kirkland	Petrarca
Bishop	DePasquale	Kortz	Preston
Boyle, B.	Dermody	Kotik	Ravenstahl
Boyle, K.	DeWeese	Krieger	Readshaw
Bradford	Donatucci	Kula	Reese
Briggs	Fabrizio	Longietti	Roebuck
Brown, V.	Frankel	Mahoney	Sabatina
Brownlee	Freeman	Mann	Sainato
Burns	Galloway	Markosek	Samuelson
Buxton	George	Matzie	Santarsiero
Caltagirone	Gerber	McGeehan	Santoni
Carroll	Gergely	Metzgar	Shapiro
Christiana	Gibbons	Miccarelli	Smith, K.
Cohen	Goodman	Mirabito	Smith, M.
Conklin	Haluska	Mullery	Staback
Costa, D.	Hanna	Murphy	Sturla
Costa, P.	Harhai	Mustio	Thomas
Cruz	Harkins	Myers	Wagner
Curry	Hornaman	Neuman	Waters
Daley	Johnson	O'Brien, M.	White
Davidson	Josephs	Parker	Williams
Davis	Kavulich	Pashinski	Youngblood
Deasy			

NAYS—104

Adolph	Fleck	Maher	Ross
Aument	Gabler	Major	Saccone
Baker	Geist	Maloney	Saylor
Bear	Gillen	Marshall	Scavello
Benninghoff	Gillespie	Marsico	Schroder
Bloom	Gingrich	Masser	Simmons
Boback	Godshall	Metcalfe	Sonney
Boyd	Grell	Millard	Stephens
Brooks	Grove	Miller	Stern
Brown, R.	Hackett	Milne	Stevenson
Causer	Hahn	Moul	Swanger
Clymer	Harhart	Murt	Tallman
Cox	Harper	O'Neill	Taylor
Creighton	Harris	Oberlander	Tobash
Culver	Heffley	Payne	Toepel
Cutler	Helm	Peifer	Toohil
Day	Hennessey	Petri	Truitt
Delozier	Hess	Pickett	Turzai
Denlinger	Hickernell	Pyle	Vereb
DiGirolamo	Hutchinson	Quigley	Vitali
Dunbar	Kampf	Quinn	Vulakovich
Ellis	Kauffman	Rapp	Watson
Emrick	Keller, F.	Reed	Wheatley
Evankovich	Keller, M.K.	Reichley	
Evans, J.	Killion	Roae	Smith, S.,
Everett	Knowles	Rock	Speaker
Farry	Lawrence		

NOT VOTING—0

EXCUSED—6

Brennan	Micozzie	O'Brien, D.	Perry
Evans, D.	Mundy		

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

GUEST INTRODUCED

The SPEAKER pro tempore. The Chair is very happy to recognize a guest in the well of the House, Mr. Jonah Shapiro. Jonah is spending the day with his father, our colleague from Montgomery County, Mr. Josh Shapiro.

CONSIDERATION OF HB 1307 CONTINUED

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

Mr. **M. SMITH** offered the following amendment No. **A03507**:

Amend Bill, page 1, line 7, by inserting after "reports"
; and providing for wearing of military uniform at graduation ceremony

Amend Bill, page 3, by inserting between lines 9 and 10
Section 3. The act is amended by adding a section to read:

Section 1616. Wearing of Military Uniform at Graduation Ceremony.—A student shall have the right to wear a dress uniform issued to the student by a branch of the United States Armed Forces while participating in the graduation ceremony for the student's high school if that student meets the following requirements:

(1) The student has fulfilled all of the requirements for receiving a high school diploma in this Commonwealth and is otherwise eligible to participate in the graduation ceremony.

(2) The student has completed basic training for, and is an active member of, a branch of the United States Armed Forces.

Amend Bill, page 3, line 10, by striking out "3" and inserting
4

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Allegheny County, Mr. Smith.

Mr. M. SMITH. Thank you, Mr. Speaker.

This amendment is a basic amendment. It would allow for an individual who is graduating from high school in the Commonwealth of Pennsylvania to wear a dress uniform issued by a branch of the United States Armed Forces if they fulfill two requirements: number one, that the individual has fulfilled their diploma requirements; and number two, that the individual has completed basic training and is an active member of a branch of the United States Armed Forces.

Mr. Speaker, this amendment attempts to address an issue that a lot of us in western Pennsylvania saw recently where a young woman from Wexford graduated from North Allegheny High School in Allegheny County. She completed her classes early in January, and after completing her classes, she enlisted in the United States Marine Corps, shortly after which she came back for her graduation ceremony to North Allegheny after completing her basic training at Parris Island and was initially denied the right to wear her dress blues uniform. This would alleviate the potential that any school district in the Commonwealth could similarly deny a young individual who is obviously giving so much to the United States the ability to

wear their uniform from whichever branch of the military they are in at that particular time, and I would respectfully ask for the members' approval of this amendment.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—197

Adolph	Dunbar	Kirkland	Readshaw
Aument	Ellis	Knowles	Reed
Baker	Emrick	Kortz	Reese
Barbin	Evankovich	Kotik	Reichley
Barrar	Evans, J.	Krieger	Roae
Bear	Everett	Kula	Rock
Benninghoff	Fabrizio	Lawrence	Roebuck
Bishop	Farry	Longietti	Ross
Bloom	Fleck	Maher	Sabatina
Boback	Frankel	Mahoney	Saccione
Boyd	Freeman	Major	Sainato
Boyle, B.	Gabler	Maloney	Samuelson
Boyle, K.	Galloway	Mann	Santarsiero
Bradford	Geist	Markosek	Santoni
Briggs	George	Marshall	Saylor
Brooks	Gerber	Marsico	Scavello
Brown, R.	Gergely	Masser	Schroder
Brown, V.	Gibbons	Matzie	Shapiro
Brownlee	Gillen	McGeehan	Simmons
Burns	Gillespie	Metcalfe	Smith, K.
Buxton	Gingrich	Metzgar	Smith, M.
Caltagirone	Godshall	Miccarelli	Sonney
Carroll	Goodman	Millard	Staback
Causer	Grell	Miller	Stephens
Christiana	Grove	Milne	Stern
Clymer	Hackett	Mirabito	Stevenson
Cohen	Hahn	Moul	Sturla
Conklin	Haluska	Mullery	Swanger
Costa, D.	Hanna	Murphy	Tallman
Costa, P.	Harhai	Murt	Taylor
Cox	Harhart	Mustio	Thomas
Creighton	Harkins	Myers	Tobash
Cruz	Harper	Neuman	Toepel
Culver	Harris	O'Brien, M.	Toohil
Curry	Heffley	O'Neill	Truitt
Cutler	Helm	Oberlander	Turzai
Daley	Hennessey	Parker	Vereb
Davidson	Hess	Pashinski	Vitali
Davis	Hickernell	Payne	Vulakovich
Day	Hornaman	Payton	Wagner
Deasy	Hutchinson	Peifer	Waters
DeLissio	Johnson	Petrarca	Watson
DeLozier	Josephs	Petri	Wheatley
DeLuca	Kampf	Pickett	White
Denlinger	Kauffman	Preston	Williams
DePasquale	Kavulich	Pyle	Youngblood
Dermody	Keller, F.	Quigley	
DeWeese	Keller, M.K.	Quinn	Smith, S., Speaker
DiGrolamo	Keller, W.	Rapp	
Donatucci	Killion	Ravenstahl	

NAYS—0

NOT VOTING—0

EXCUSED—6

Brennan	Micozzie	O'Brien, D.	Perry
Evans, D.	Mundy		

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

On the question recurring,

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

The SPEAKER pro tempore. The Chair is in possession of a late-filed amendment, No. 3653, from the gentleman from Philadelphia, Mr. Thomas. Does Mr. Thomas seek to suspend the rules for consideration of the amendment or are you withdrawing?

Mr. THOMAS. Mr. Speaker, this is a second amendment that I would like to entertain this afternoon. I would like to deal with a reconsideration motion first and then deal with this amendment if it is okay.

The SPEAKER pro tempore. The Chair is in possession of the reconsideration motion, and the custom of the House is to proceed with reconsideration motions on amendments after other amendments that have been filed.

Mr. THOMAS. Okay. Well, Mr. Speaker—

The SPEAKER pro tempore. Do you wish to offer your amendment?

Mr. THOMAS. Yes, I am offering my amendment and I ask for support.

MOTION TO SUSPEND RULES

The SPEAKER pro tempore. So the gentleman is seeking to suspend the rules for the purpose of considering amendment 3653?

Mr. THOMAS. Yes.

The SPEAKER pro tempore. Thank you.

On the question of suspension. For what purpose does the gentleman, Mr. Cruz, rise?

On the question recurring,

Will the House agree to the motion?

(Members proceeded to vote.)

The SPEAKER pro tempore. The clerk will strike the board.

Is the gentleman, Mr. Saylor, seeking recognition?

Mr. SAYLOR. Yes. I ask for a negative vote on the suspension of the rules, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. For what purpose does the gentleman from Philadelphia, Mr. Cruz, rise?

Mr. CRUZ. Point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. CRUZ. Parliamentary inquiry; I am sorry. Parliamentary inquiry. I just wanted to get a clarification on this amendment.

The SPEAKER pro tempore. Would you like the gentleman seeking suspension to provide a brief explanation of his amendment?

Mr. CRUZ. Well, Mr. Speaker, I just wanted to clarify because on Tuesday I introduced the same exact wording of this amendment and it was voted down, even by the prior speaker and the maker of this amendment. Why are we spinning the wheel? So I am asking not to suspend the rules.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Is the gentleman seeking suspension seeking recognition on the question?

Mr. THOMAS. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. THOMAS. Mr. Speaker, if you look at this amendment versus the previous amendment, you will see that it is different. The earlier amendment talked about returning the School Board of Philadelphia back to where it was prior to the School Reform Commission, but then it goes further. So I think if you look at both of the amendments, they are not the same.

The SPEAKER pro tempore. The Chair thanks the gentleman.

For what purpose does the gentleman from Philadelphia, Mr. Cruz, rise?

Mr. CRUZ. Mr. Speaker, once we introduced the amendment, the exact language—

The SPEAKER pro tempore. Mr. Cruz, the gentleman—

Mr. CRUZ. —we do not reconsider it.

The SPEAKER pro tempore. The gentleman should suspend.

On the question of suspension, the leaders are to be recognized and the maker of the motion. So unless you have a privileged motion, I am afraid I am not able to recognize you at this time.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—86

Barbin	DeLuca	Keller, W.	Preston
Bishop	DePasquale	Kirkland	Ravenstahl
Boyle, B.	Dermody	Kortz	Readshaw
Boyle, K.	DeWeese	Kotik	Roebuck
Bradford	Donatucci	Kula	Sabatina
Briggs	Fabrizio	Longietti	Sainato
Brown, V.	Frankel	Mahoney	Samuelson
Brownlee	Freeman	Mann	Santarsiero
Burns	Galloway	Markosek	Santoni
Buxton	George	Matzie	Shapiro
Caltagirone	Gerber	McGeehan	Smith, K.
Carroll	Gergely	Mirabito	Smith, M.
Cohen	Gibbons	Mullery	Staback
Conklin	Goodman	Murphy	Sturla
Costa, D.	Haluska	Myers	Thomas
Costa, P.	Hanna	Neuman	Vitali
Curry	Harhai	O'Brien, M.	Wagner
Daley	Harkins	Parker	Waters
Davidson	Hornaman	Pashinski	Wheatley
Davis	Johnson	Payton	White
Deasy	Josephs	Petrarca	Williams
DeLissio	Kavulich		

NAYS—111

Adolph	Farry	Lawrence	Reichley
Aument	Fleck	Maher	Roae
Baker	Gabler	Major	Rock
Barrar	Geist	Maloney	Ross

Bear	Gillen	Marshall	Saccone
Benninghoff	Gillespie	Marsico	Saylor
Bloom	Gingrich	Masser	Scavello
Boback	Godshall	Metcalf	Schroder
Boyd	Grell	Metzgar	Simmons
Brooks	Grove	Miccarelli	Sonney
Brown, R.	Hackett	Millard	Stephens
Causar	Hahn	Miller	Stern
Christiana	Harhart	Milne	Stevenson
Clymer	Harper	Moul	Swanger
Cox	Harris	Murt	Tallman
Creighton	Heffley	Mustio	Taylor
Cruz	Helm	O'Neill	Tobash
Culver	Hennessey	Oberlander	Toepel
Cutler	Hess	Payne	Toohil
Day	Hickernell	Peifer	Truitt
Delozier	Hutchinson	Petri	Turzai
Denlinger	Kampf	Pickett	Vereb
DiGirolamo	Kauffman	Pyle	Vulakovich
Dunbar	Keller, F.	Quigley	Watson
Ellis	Keller, M.K.	Quinn	Youngblood
Emrick	Killion	Rapp	
Evankovich	Knowles	Reed	Smith, S.,
Evans, J.	Krieger	Reese	Speaker
Everett			

NOT VOTING—0

EXCUSED—6

Brennan	Micozzie	O'Brien, D.	Perry
Evans, D.	Mundy		

NOT VOTING—0

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

On the question recurring,

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

The SPEAKER pro tempore. The Chair is in possession of a late-filed amendment from the gentleman from Allegheny, Mr. Matzie, amendment No. 3693. Is the gentleman withdrawing that amendment? The Chair thanks the gentleman.

AMENDMENT A03289 RECONSIDERED

The SPEAKER pro tempore. The Chair is in possession of a reconsideration motion for amendment 3289, filed by the gentleman from Philadelphia, Mr. Thomas, and the gentleman from Philadelphia, Mr. Waters.

On the question,

Will the House agree to the motion?

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

Mr. SAYLOR. Mr. Speaker, again, I oppose the reconsideration of that amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman, Mr. Waters, from Philadelphia.

Mr. WATERS. Thank you, Mr. Speaker.

Mr. Speaker, I am standing to request the General Assembly to grant an approval for reconsideration. This is nothing but for the members to express their feelings on what it is that we are presenting or what has already been presented to this body. The request for reconsideration is nothing uncommon or has not happened in this General Assembly before. So for that purpose, I would just ask the members to please consider this request. It is nothing uncommon. It will be a vote that will be taken. But let the members have a chance to vote, and I hope that leadership will allow the vote to go forward so everyone can vote their conscience.

Thank you, Mr. Speaker.

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, the motion for reconsideration is before the House because there is information that was not brought to the attention of the House at the time that this amendment was addressed and we can only do that through reconsideration.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The House will be at ease.

The Chair recognizes the majority whip, the gentleman from York County, Mr. Saylor.

Mr. SAYLOR. Mr. Speaker, I will retract my earlier remarks. We are okay with reconsidering the vote on this amendment from yesterday.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, those in favor of reconsidering amendment A3289 will vote "yea"; those opposed will vote "nay."

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—168

Adolph	DeWeese	Killion	Reed
Aument	DiGirolamo	Kirkland	Reichley
Baker	Donatucci	Knowles	Roae
Barbin	Ellis	Kortz	Rock
Barrar	Evans, J.	Kotik	Roebuck
Bear	Everett	Kula	Ross
Benninghoff	Fabrizio	Longietti	Sabatina
Bishop	Frankel	Maher	Sainato
Bloom	Freeman	Mahoney	Samuelson
Boback	Gabler	Major	Santarsiero
Boyd	Galloway	Maloney	Santoni
Boyle, B.	Geist	Mann	Saylor
Boyle, K.	George	Markosek	Scavello
Bradford	Gerber	Marsico	Schroder
Briggs	Gergely	Matzie	Shapiro
Brooks	Gibbons	McGeehan	Smith, K.
Brown, R.	Gillen	Millard	Smith, M.
Brown, V.	Gillespie	Miller	Sonney
Brownlee	Gingrich	Milne	Staback
Burns	Godshall	Mirabito	Stephens
Buxton	Goodman	Moul	Stern
Caltagirone	Grell	Mullery	Stevenson
Carroll	Grove	Murphy	Surla

Christiana	Haluska	Murt	Tallman
Clymer	Hanna	Mustio	Taylor
Cohen	Harhai	Myers	Thomas
Conklin	Harhart	Neuman	Tobash
Costa, D.	Harkins	O'Brien, M.	Toohil
Costa, P.	Harper	O'Neill	Turzai
Cox	Harris	Parker	Verb
Culver	Helm	Pashinski	Vitali
Curry	Hennessey	Payne	Vulakovich
Cutler	Hess	Payton	Wagner
Daley	Hickernell	Peifer	Waters
Davidson	Hornaman	Petrarca	Watson
Davis	Johnson	Pickett	Wheatley
Deasy	Josephs	Preston	White
DeLissio	Kampf	Pyle	Williams
DeLozier	Kauffman	Quigley	Youngblood
DeLuca	Kavulich	Quinn	
Denlinger	Keller, F.	Ravenstahl	Smith, S.,
DePasquale	Keller, M.K.	Readshaw	Speaker
Dermody	Keller, W.		

NAYS—29

Causar	Fleck	Marshall	Rapp
Creighton	Hackett	Masser	Reese
Cruz	Hahn	Metcalfe	Saccone
Day	Heffley	Metzgar	Simmons
Dunbar	Hutchinson	Miccarelli	Swanger
Emrick	Krieger	Oberlander	Toepel
Evankovich	Lawrence	Petri	Truitt
Farry			

NOT VOTING—0

EXCUSED—6

Brennan	Micozzie	O'Brien, D.	Perry
Evans, D.	Mundy		

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

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

The clerk read the following amendment No. **A03289**:

Amend Bill, page 1, line 5, by inserting after "thereto," further providing for distress in school districts of the first class;

Amend Bill, page 1, line 6, by striking out "and" and inserting a comma

Amend Bill, page 1, line 7, by inserting after "reports" and for superintendents' salaries

Amend Bill, page 1, lines 10 through 12, by striking out all of said lines and inserting

Section 1. Section 696(i)(3) of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, amended October 30, 2001 (P.L.828, No.83), is amended to read:

Section 696. Distress in School Districts of the First Class.—* * *

(i) In addition to all powers granted to the superintendent by law and a special board of control under section 693 and notwithstanding any other law to the contrary, the School Reform Commission shall have the following powers:

* * *

(3) To suspend the requirements of this act and regulations of the State Board of Education except that the school district shall remain subject to those provisions of this act set forth in section 1075, section 1732-A(a), (b) and (c) and section 1714-B and regulations under those sections.

* * *

Section 2. Section 907-A of the act, added May 4, 1970 (P.L.311, No.102), is amended to read:

Amend Bill, page 3, by inserting between lines 9 and 10

Section 3. Section 1075 of the act, amended January 14, 1970 (1969 P.L.468, No.192), is amended to read:

Section 1075. Salary.—(a) The board of school directors at any convention electing a district superintendent or an assistant district superintendent shall determine the amount of salary to be paid such district superintendent or assistant district superintendent which compensation shall be paid out of the funds of the district. If a district superintendent or an assistant district superintendent is employed in a joint school system including kindergarten or grades 1 to 12, his salary shall be fixed by a majority vote of all the school directors in the districts operating the joint school systems, and shall be paid by the districts in the same proportions as they contribute to the support of the joint school.

(b) District superintendents and assistant district superintendents shall be entitled to the following minimum annual salaries:

(1) Assistant district superintendents having less than one hundred (100) teachers under their supervision, nine thousand dollars (\$9,000).

(2) Assistant district superintendents having one hundred (100) teachers or more but less than three hundred (300) teachers under their supervision, ten thousand dollars (\$10,000).

(3) Assistant district superintendents having three hundred (300) or more teachers under their supervision, eleven thousand dollars (\$11,000).

(4) District superintendents having less than one hundred (100) teachers under their supervision, thirteen thousand dollars (\$13,000).

(5) District superintendents having one hundred (100) teachers or more but less than three (300) teachers under their supervision, fourteen thousand dollars (\$14,000).

(6) District superintendents having three hundred (300) or more teachers under their supervision, fifteen thousand dollars (\$15,000).

(c) Except as provided under subsection (b), district superintendents and assistant district superintendents of a school district that has been issued a certification declaring the school district in financial distress under section 691 may not receive:

(1) Any form of annual compensation except for an annual salary. For the purposes of this paragraph, annual compensation shall include bonuses, incentive payments and any other type of compensation. Annual compensation shall not include a severance payment if the district superintendent or assistant district superintendent is not terminated and medical benefits.

(2) Any type of severance payment if the district superintendent or assistant district superintendent was terminated.

Section 4. The amendment of section 1075 of the act shall apply to a contract setting the compensation of a district superintendent or assistant district superintendent of a school district that has been issued a certification declaring the school district in financial distress under section 691 entered into or renewed on or after the effective date of this section.

Amend Bill, page 3, line 10, by striking out "3" and inserting

5

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Philadelphia, Mr. McGeehan.

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

Mr. Speaker, this amendment would preclude the awarding of bonuses and other ancillary compensation to superintendents and vice superintendents in districts who are distressed. We are talking about two districts, Mr. Speaker, the Philadelphia School District and the Duquesne School District. At a time,

Mr. Speaker, when our school districts are tremendously challenged in their finances, I think we should be directing all of our moneys to the core function of schools, which is educating children, and not awarding fat-cat bonuses to superintendents.

I ask for a positive vote on the amendment.

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

Mr. WATERS. Thank you. Thank you, Mr. Speaker.

I would like to also thank the whip of the minority party for moving forward with this. I stand up in opposition to this amendment. This was voted down once before, earlier this month. This amendment was voted down because we discussed the fact that this should be an open market and free enterprise to allow school districts to try to attract the best talent to fix what could be already a problem or to maintain a high standard, which occurs in some school districts. Philadelphia is one of those distressed districts, and since our superintendent came to the Philadelphia School District, test scores have improved and are moving in the right direction.

There are as many counties throughout this Commonwealth that have multiple, multiple school districts within a county. For instance, Delaware County has maybe 15—

The SPEAKER pro tempore. May I ask the gentleman to suspend?

For what purpose does the gentleman from Philadelphia, Mr. McGeehan, rise?

Mr. MCGEEHAN. Mr. Speaker, this amendment is not being categorized—

The SPEAKER pro tempore. Mr. McGeehan, do you have a privileged motion?

Mr. MCGEEHAN. I do, Mr. Speaker.

The SPEAKER pro tempore. Please express your purpose.

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

The SPEAKER pro tempore. Thank you. Proceed.

Mr. MCGEEHAN. Thank you, Mr. Speaker.

This amendment is not being correctly categorized. This amendment deals with two school districts in Pennsylvania.

The SPEAKER pro tempore. Would the gentleman express his point of order?

Mr. MCGEEHAN. The gentleman is incorrect in his description of the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman. That is a question for debate and is not an appropriate point of order. Thank you.

Mr. Waters, you may proceed.

Mr. WATERS. Mr. Speaker, I am speaking about a school district that I am aware of. If another member here would like to speak about any other school district, they should stand up and speak about their school district, too. I am speaking about the school district where I reside, Philadelphia, and I am speaking about it because I have a vested interest in the quality of education that is taking place there. There are school districts throughout this Commonwealth and counties in this Commonwealth – for instance, in Delaware County, there are more than 10 school districts in Delaware County. In Pittsburgh, I do not even know how many school districts there are out there. Forty-two school districts in Pittsburgh. Thank you. In Northampton County, there are about eight school districts. In each one of those school districts, the superintendent makes over \$100,000 – in each school district, over \$100,000 – to manage less students than the Philadelphia School District has

to manage. I am speaking about the Philadelphia School District; that is correct.

I believe the superintendent there has taken on a mammoth assignment, has done well, and I believe that what we should do is look at this school district for having one superintendent as a bargain, as a bargain. So unless you want to divide up the Philadelphia School District into 8 school districts or 10 school districts and give each one of them \$100,000 like other school districts get, I think that this school district is getting and this State is getting a bargain of having one superintendent to manage more students than any other school district in this Commonwealth. So I would just like to say, I hope that we consider the task in front of the Philadelphia School District and the other school districts, but I am taking on this assignment.

I thank you, Mr. Speaker, for your indulgence.

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I filed a motion for reconsideration because I did not want to engage in a debate. It was more important to let people know that we are taking this step without ever having a conversation with the School District of Philadelphia, the mayor, the School Reform Commission that we put in place that is still controlled by the Governor of the Commonwealth of Pennsylvania. We have not talked with the School Reform Commission. We have not talked with the chair of the Philadelphia delegation, where we are talking about this problem, nor have we had a conversation with the chair of the Pennsylvania Legislative Black Caucus, and last but not least, we did not have a conversation with the majority chair of the House Education Committee. At a minimum, at a minimum, the people that we look to for answers deserve respect. We should at least talk to them, whether they agree or disagree, before we take actions like the one we took the other day.

So, Mr. Speaker, I ask that we vote against this amendment and at least let the stakeholders or the people that we have designated to deal with this issue of education, at least have a chance to have a conversation about whatever the issues are involved. Mr. Speaker, I just wanted to share that information with members on both sides.

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

Mr. SAYLOR. Mr. Speaker, I rise in support of the gentleman's amendment and ask for a positive vote.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Philadelphia, Mr. O'Brien.

Mr. M. O'BRIEN. Thank you, Mr. Speaker.

A former member, back when I was staff, used to like to come to the microphone and say, think about it. Think about someone who gets the salary of the Governor of the Commonwealth of Pennsylvania and the salary of the mayor of Philadelphia combined and exceeds it, plus bonuses on top of that. Now, you know, Mr. Speaker, I have mentioned on this floor from time to time that I am a butcher by trade. Something I understand, Mr. Speaker, is little pigs get fed, big pigs get sent to slaughter. This is an appropriate piece of legislation. I would encourage a "yes" vote.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes, on the question, the gentleman from Delaware, Mr. Killion.

Mr. KILLION. Thank you, Mr. Speaker.

I did not intend to get up on this amendment, but I listened closely to the gentleman from Philadelphia talking about the bargain we are getting with only one superintendent as compared to Delaware County where I live where we have 16 school districts and 16 superintendents all making over \$100,000, but I think we need to make sure the record is correct when we look at the picture. There are 90, 90, over 90 assistant superintendents in the city of Philadelphia making over \$100,000. That is a clearer picture.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Philadelphia for the second time on the question, Mr. Thomas.

Mr. THOMAS. Mr. Speaker—

The SPEAKER pro tempore. The House will come to order.

Mr. THOMAS. Mr. Speaker, that comment, all the other comments, they are all correct. They are correct. That is not the issue. The issue is, if this Assembly and the Governor put a board in place, the Philadelphia School Reform Commission, which is controlled by the Governor, we put them in place to negotiate contracts, to make decisions about contracts, and to deal with working conditions. Should they not have the right to make those decisions, whether they are good or bad? All I am saying to my colleagues from both sides of the aisle, should I go into Butler County after we have put people in place to deal with the educational system in Butler County? Should we go into Butler County and change the rules of the game without at least speaking to the Representative from Butler County? That is all that I am saying. Minimum respect. Respect is due to a dog, as my grandmother used to say.

All we are saying is, we are dealing with a situation, we are advancing a prescription and we have not given the mayor, city council, school district, School Reform Commission, or the Governor, we have not given any of them an opportunity to deal with these issues—

The SPEAKER pro tempore. Will the gentleman—

Mr. THOMAS. —that we are dealing with.

The SPEAKER pro tempore. Will the gentleman please suspend.

Mr. THOMAS. That is what I am saying. And secondly, in closing, Mr. Speaker—

The SPEAKER pro tempore. Will the gentleman please suspend.

For what purpose does the gentleman from Philadelphia, Mr. Cruz, rise?

Mr. CRUZ. Point of order, Mr. Speaker.

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

Mr. CRUZ. May I put a motion to proceed and get the vote done and just forget about the debate?

The SPEAKER pro tempore. The Chair thanks the gentleman.

That is not an appropriate point of order.

Mr. THOMAS. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Your colleague from Philadelphia, Mr. Thomas, may proceed.

Thank you, Mr. Thomas.

Mr. THOMAS. Mr. Speaker, some of us should never be talking about moving a previous question. That is stretching, but, Mr. Speaker, at the end of the day, all we are saying is, this is the chair right here of the Philadelphia delegation. We have never talked to him. We have 25 members from Philadelphia County. We have never had a conversation with the delegation. Representative Waters represents a delegation. We have never had a conversation with that delegation. So the question is, should we be making a decision without at least talking to the people that are dealing with this issue?

And last but not least, this amendment talks about contracts, a contractual relationship, and we are asking that we impact a contractual relationship that we should not be dealing with. So all I am saying is, give the Philadelphia delegation, School District of Philadelphia, the mayor, the Pennsylvania Department of Education, and the local officials an opportunity to say something about the issues that face children of Pennsylvania. That is all that we are raising.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes for— The gentleman waives off. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Philadelphia, Mr. Cruz.

Mr. CRUZ. Mr. Speaker, I just want to put a motion to proceed with the vote, as a motion, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and observes that there is no one further seeking recognition on the amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—179

Adolph	Ellis	Keller, W.	Quinn
Aument	Emrick	Killion	Rapp
Baker	Evankovich	Knowles	Ravenstahl
Barbin	Evans, J.	Kortz	Readshaw
Barrar	Everett	Kotik	Reed
Bear	Fabrizio	Krieger	Reese
Benninghoff	Farry	Kula	Reichley
Bishop	Fleck	Lawrence	Roae
Bloom	Frankel	Longietti	Rock
Boback	Freeman	Maher	Sabatina
Boyd	Gabler	Mahoney	Saccone
Boyle, B.	Galloway	Major	Sainato
Boyle, K.	Geist	Maloney	Samuelson
Bradford	George	Mann	Santarsiero
Briggs	Gerber	Markosek	Santoni
Brooks	Gergely	Marshall	Saylor
Brown, R.	Gibbons	Marsico	Scavello
Burns	Gillen	Masser	Schroder
Buxton	Gillespie	Matzie	Shapiro
Caltagirone	Gingrich	McGeehan	Simmons
Carroll	Godshall	Metcalfe	Smith, K.
Causer	Goodman	Metzgar	Smith, M.
Christiana	Grell	Miccarelli	Sonney
Clymer	Grove	Millard	Staback
Cohen	Hackett	Miller	Stephens
Conklin	Hahn	Milne	Stern
Costa, D.	Haluska	Mirabito	Stevenson
Costa, P.	Harhai	Moul	Sturla
Cox	Harhart	Mullery	Swanger
Creighton	Harkins	Murphy	Tallman

Cruz	Harper	Murt	Taylor
Culver	Harris	Mustio	Tobash
Curry	Heffley	Myers	Toepel
Cutler	Helm	Neuman	Toohil
Daley	Hennessey	O'Brien, M.	Truitt
Davis	Hess	O'Neill	Turzai
Day	Hickernell	Oberlander	Vereb
Deasy	Hornaman	Pashinski	Vulakovich
Delozier	Hutchinson	Payne	Wagner
DeLuca	Josephs	Peifer	Watson
Denlinger	Kampf	Petrarca	White
DePasquale	Kauffman	Petri	Youngblood
DeWeese	Kavulich	Pickett	
DiGirolamo	Keller, F.	Pyle	Smith, S.,
Donatucci	Keller, M.K.	Quigley	Speaker
Dunbar			

NAYS—18

Brown, V.	Hanna	Preston	Vitali
Brownlee	Johnson	Roebuck	Waters
Davidson	Kirkland	Ross	Wheatley
DeLissio	Parker	Thomas	Williams
Dermody	Payton		

NOT VOTING—0

EXCUSED—6

Brennan	Micozzie	O'Brien, D.	Perry
Evans, D.	Mundy		

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

On the question recurring,

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

Bill as amended was agreed to.

The SPEAKER pro tempore. The bill as amended will be reprinted.

* * *

The House proceeded to second consideration of **HB 1363, PN 1604**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for continuing professional development and for program of continuing professional development.

On the question,

Will the House agree to the bill on second consideration?

The SPEAKER pro tempore. Does the gentleman from Montgomery County, Mr. Briggs, intend to offer amendment 3404? The gentleman, indicates he is withdrawing his amendment. The Chair thanks the gentleman.

The Chair understands all other amendments pending have been withdrawn.

On the question recurring,

Will the House agree to the bill on second consideration?

Bill was agreed to.

SUPPLEMENTAL CALENDAR B

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1500, PN 2108**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, consolidating the Long-Term Care Patient Access to Pharmaceuticals Act; further providing for declaration of policy, for definitions and for third-party drugs in long-term care facilities; and making a related repeal.

On the question,

Will the House agree to the bill on second consideration?

Bill was agreed to.

SUPPLEMENTAL CALENDAR A

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1055, PN 1191**, entitled:

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 2011, to June 30, 2012, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2011.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

(Members proceeded to vote.)

The SPEAKER pro tempore. The clerk will strike the board.

The Chair recognizes the majority whip, the gentleman from York County, Mr. Saylor. The gentleman waives off.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—197

Adolph	Dunbar	Kirkland	Readshaw
Aument	Ellis	Knowles	Reed
Baker	Emrick	Kortz	Reese
Barbin	Evankovich	Kotik	Reichley
Barrar	Evans, J.	Krieger	Roae
Bear	Everett	Kula	Rock
Benninghoff	Fabrizio	Lawrence	Roebuck
Bishop	Farry	Longietti	Ross

Bloom	Fleck	Maher	Sabatina
Boback	Frankel	Mahoney	Saccone
Boyd	Freeman	Major	Sainato
Boyle, B.	Gabler	Maloney	Samuelson
Boyle, K.	Galloway	Mann	Santarsiero
Bradford	Geist	Markosek	Santoni
Briggs	George	Marshall	Saylor
Brooks	Gerber	Marsico	Scavello
Brown, R.	Gergely	Masser	Schroder
Brown, V.	Gibbons	Matzie	Shapiro
Brownlee	Gillen	McGeehan	Simmons
Burns	Gillespie	Metcalfe	Smith, K.
Buxton	Gingrich	Metzgar	Smith, M.
Caltagirone	Godshall	Miccarelli	Sonney
Carroll	Goodman	Millard	Staback
Causser	Grell	Miller	Stephens
Christiana	Grove	Milne	Stern
Clymer	Hackett	Mirabito	Stevenson
Cohen	Hahn	Moul	Sturla
Conklin	Haluska	Mullery	Swanger
Costa, D.	Hanna	Murphy	Tallman
Costa, P.	Harhai	Murt	Taylor
Cox	Harhart	Mustio	Thomas
Creighton	Harkins	Myers	Tobash
Cruz	Harper	Neuman	Toepel
Culver	Harris	O'Brien, M.	Toohil
Curry	Heffley	O'Neill	Truitt
Cutler	Helm	Oberlander	Turzai
Daley	Hennessey	Parker	Vereb
Davidson	Hess	Pashinski	Vitali
Davis	Hickernell	Payne	Vulakovich
Day	Hornaman	Payton	Wagner
Deasy	Hutchinson	Peifer	Waters
DeLissio	Johnson	Petrarca	Watson
Delozier	Josephs	Petri	Wheatley
DeLuca	Kampf	Pickett	White
Denlinger	Kauffman	Preston	Williams
DePasquale	Kavulich	Pyle	Youngblood
Dermody	Keller, F.	Quigley	
DeWeese	Keller, M.K.	Quinn	Smith, S., Speaker
DiGiroilamo	Keller, W.	Rapp	
Donatucci	Killion	Ravenstahl	

NAYS—0

NOT VOTING—0

EXCUSED—6

Brennan	Micozzie	O'Brien, D.	Perry
Evans, D.	Mundy		

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

* * *

The House proceeded to third consideration of **SB 1056, PN 1192**, entitled:

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 2011, to June 30, 2012, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2011.

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

(Bill analysis was read.)

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. This bill will be over temporarily.

* * *

The House proceeded to third consideration of **SB 1062, PN 1408**, entitled:

An Act making appropriations from the restricted revenue accounts within the State Gaming Fund and from the State Gaming Fund to the Pennsylvania Gaming Control Board, the Department of Revenue, the Pennsylvania State Police and the Attorney General for the fiscal year beginning July 1, 2011, to June 30, 2012, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2011.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

(Members proceeded to vote.)

Mr. MARKOSEK. Mr. Speaker? Mr. Speaker?

The SPEAKER pro tempore. The clerk will suspend the board.

The gentleman from Allegheny, Mr. Markosek, rises. For what purpose do you seek recognition?

Mr. MARKOSEK. I would like to speak on final passage.

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

Mr. MARKOSEK. Mr. Speaker, thank you.

This is the bill we did yesterday dealing with the gaming appropriations and—

The SPEAKER pro tempore. Will the gentleman suspend.

Would the caucuses in the aisles please be mindful of your volume.

The gentleman, Mr. Markosek, may proceed.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, this is the gaming bill that we dealt with here yesterday, I believe it was, where the Vereb amendments were included, and we recently had this bill in the Appropriations Committee, where I attempted to amend the bill at that time to essentially remove what the Vereb amendments had done,

which for the memory of the folks here, took out the money appropriated for the BIE (Bureau of Investigations and Enforcement), the investigative and enforcement folks over at the Gaming Board, and those amendments put that money with the Attorney General. We do not have, we do not have legislation in place to move the people to follow that particular money, and without that, as was said many times yesterday, this would create major problems with the Gaming Board in getting their operations working, particularly with several potentially new gaming venues coming online very soon. It in many ways would cause a lot of havoc, and it would interrupt some of the programs that are funded, the funding for those programs that are funded through gaming in Pennsylvania, such as the property tax rebate program that we have here.

I thought about offering my amendment here again, but rather than do that, I think I am just going to get up and speak against this bill and ask the members to please vote "no" to SB 1062 because of the essential damage that those amendments that are on board now would cause to our gaming establishments and gaming programs, and ultimately, property tax rebates that the citizens of Pennsylvania so much want to see.

So I would ask the members to please vote "no" on SB 1062.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Chester County, Representative Schroder.

Mr. SCHRODER. Thank you, Mr. Speaker.

I rise in support of passage of SB 1062 with the Vereb amendment as is. Mr. Speaker, contrary to the comments of the previous speaker, there is legislation there to accomplish the movement of these employees out from under the Gaming Control Board in BIE to the Attorney General's Office. That is HB 262, which passed this House at the very early stages of this session this year. This is merely a trailer bill that, once that bill passes the Senate, will put into place the necessary budget maneuver in order to make that a reality.

Now, Mr. Speaker, the thoughts and the scenarios of any damage to the gaming industry, any impact on property tax relief, there is just no place for that type of conversation here. It is really very simple. The effort should be made to get the State Senate, our colleagues in the Senate, to do the right thing, and the right thing will be to pass both HB 262 along with this gaming budget bill in conjunction with each other and let us get this done.

So, Mr. Speaker, once again, I urge a "yes" vote. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the minority whip, who asks that the gentledady from Allegheny County, Ms. WAGNER, be placed on leave for the balance of the day, without objection.

CONSIDERATION OF SB 1062 CONTINUED

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—116

Adolph	Everett	Krieger	Reese
Aument	Farry	Lawrence	Reichley
Baker	Fleck	Maher	Roae
Barrar	Frankel	Major	Rock
Bear	Gabler	Maloney	Ross
Benninghoff	Galloway	Marshall	Saccone
Bloom	Geist	Marsico	Saylor
Boback	Gillen	Masser	Scavello
Boyd	Gillespie	Metcalfe	Schroder
Bradford	Gingrich	Metzgar	Shapiro
Brooks	Godshall	Miccarelli	Simmons
Brown, R.	Grell	Millard	Sonney
Causer	Grove	Miller	Stephens
Christiana	Hackett	Milne	Stern
Clymer	Hahn	Moul	Stevenson
Cox	Harhart	Murt	Swanger
Creighton	Harper	Mustio	Tallman
Culver	Harris	O'Brien, M.	Taylor
Cutler	Heffley	O'Neill	Tobash
Daley	Helm	Oberlander	Toepel
Davis	Hennessey	Payne	Toohil
Day	Hess	Peifer	Truitt
Delozier	Hickernell	Petri	Turzai
Denlinger	Hutchinson	Pickett	Vereb
DiGirolamo	Kampf	Pyle	Vulakovich
Dunbar	Kauffman	Quigley	Watson
Ellis	Keller, F.	Quinn	
Emrick	Keller, M.K.	Rapp	Smith, S.,
Evankovich	Killion	Reed	Speaker
Evans, J.	Knowles		

NAYS—80

Barbin	DeLuca	Keller, W.	Preston
Bishop	DePasquale	Kirkland	Ravenstahl
Boyle, B.	Dermody	Kortz	Readshaw
Boyle, K.	DeWeese	Kotik	Roebuck
Briggs	Donatucci	Kula	Sabatina
Brown, V.	Fabrizio	Longietti	Sainato
Brownlee	Freeman	Mahoney	Samuelson
Burns	George	Mann	Santarsiero
Buxton	Gerber	Markosek	Santoni
Caltagirone	Gergely	Matzie	Smith, K.
Carroll	Gibbons	McGeehan	Smith, M.
Cohen	Goodman	Mirabito	Staback
Conklin	Haluska	Mullery	Sturla
Costa, D.	Hanna	Murphy	Thomas
Costa, P.	Harhai	Myers	Vitali
Cruz	Harkins	Neuman	Waters
Curry	Hornaman	Parker	Wheatley
Davidson	Johnson	Pashinski	White
Deasy	Josephs	Payton	Williams
DeLissio	Kavulich	Petrarca	Youngblood

NOT VOTING—0

EXCUSED—7

Brennan	Micozzie	O'Brien, D.	Wagner
Evans, D.	Mundy	Perry	

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.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of SB 745, PN 744, entitled:

An Act amending the act of July 5, 1984 (P.L.587, No.119), known as the Rail Freight Preservation and Improvement Act, further providing for contracts, procurement and sale of property and competition in award of contracts.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-196

Table listing names of members who voted 'YEAS' for SB 745, including Adolph, Aument, Baker, Barbin, Barrar, Bear, Benninghoff, Bishop, Bloom, Boback, Boyd, Boyle, B., Boyle, K., Bradford, Briggs, Brooks, Brown, R., Brown, V., Brownlee, Burns, Buxton, Caltagirone, Carroll, Causer, Christiana, Clymer, Cohen, Conklin, Costa, D., Costa, P., Cox, Dunbar, Ellis, Emrick, Evankovich, Evans, J., Everett, Fabrizio, Farry, Fleck, Frankel, Freeman, Gabler, Galloway, Geist, George, Gerber, Gergely, Gibbons, Gillen, Gillespie, Gingrich, Godshall, Goodman, Grell, Grove, Hackett, Hahn, Haluska, Hanna, Harhai, Harhart, Kirkland, Knowles, Kortz, Kotik, Krieger, Kula, Lawrence, Longiotti, Maher, Mahoney, Major, Maloney, Mann, Markosek, Marshall, Marsico, Masser, Matzie, McGeehan, Metcalfe, Metzgar, Miccarelli, Millard, Miller, Milne, Mirabito, Moul, Mullery, Murphy, Murt, Mustio, Ravenstahl, Readshaw, Reed, Reese, Reichley, Roae, Rock, Roebuck, Ross, Sabatina, Saccone, Sainato, Samuelson, Santarsiero, Santoni, Saylor, Scavello, Schroder, Shapiro, Simmons, Smith, K., Smith, M., Sonney, Staback, Stephens, Stern, Stevenson, Sturla, Swanger, Tallman, Taylor.

Table listing names of members who voted 'NAYS' for SB 745, including Creighton, Cruz, Culver, Curry, Cutler, Daley, Davidson, Davis, Day, Deasy, DeLissio, Delozier, DeLuca, Denlinger, DePasquale, Dermody, DeWeese, DiGirolamo, Donatucci, Harkins, Harper, Harris, Heffley, Helm, Hennessey, Hess, Hickernell, Hornaman, Hutchinson, Johnson, Josephs, Kampf, Kauffman, Kavulich, Keller, F., Keller, M.K., Keller, W., Killion, Myers, Neuman, O'Brien, M., O'Neill, Oberlander, Parker, Pashinski, Payne, Payton, Peifer, Petarca, Petri, Pickett, Preston, Pyle, Quigley, Rapp, Thomas, Tobash, Toepel, Toohil, Truitt, Turzai, Vereb, Vitali, Vulakovich, Waters, Watson, Wheatley, White, Williams, Youngblood, Smith, S., Speaker.

NAYS-0

NOT VOTING-0

EXCUSED-7

Table listing names of members who were 'EXCUSED' for SB 745, including Brennan, Evans, D., Micozzie, Mundy, O'Brien, D., Perry, Wagner.

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

* * *

The House proceeded to third consideration of HB 934, PN 2166, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in preliminary provisions, defining "proof of identification"; in the Secretary of the Commonwealth, providing for requirements relating to voter identification; and, in preparation for and conduct of primaries and elections, further providing for manner of applying to vote, persons entitled to vote, voter's certificates, entries to be made in district register, numbered lists of voters and challenges.

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

(Bill analysis was read.)

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

The question is, shall the bill—

DECISION OF CHAIR RESCINDED

The SPEAKER pro tempore. Without objection, the Chair rescinds its announcement that the bill was agreed to on third consideration.

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

The SPEAKER pro tempore. The Chair seeks the attention of the gentleman from Philadelphia, Mr. Cruz, who has two late-filed amendments, 3632 and 3655. Those amendments are not in order. Is the gentleman seeking to offer those amendments?

Mr. CRUZ. Yes, Mr. Speaker.

MOTION TO SUSPEND RULES

The SPEAKER pro tempore. Is the gentleman seeking to suspend the rules for consideration of which amendment?

Mr. CRUZ. Yes, Mr. Speaker. It is only one amendment, A03632.

The SPEAKER pro tempore. Would you verify that number for the amendment?

Mr. CRUZ. 03632.

The SPEAKER pro tempore. The gentleman from Philadelphia, Mr. Cruz, moves that the House suspend its rules for the immediate consideration of amendment A03632.

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Cruz.

Mr. CRUZ. This amendment is asking the county board of election to give a brief training to poll watchers, the way we do with the judges and majority inspectors so we can give an adequate and better election process to the people. There is a tape that the Secretary of State has on how to educate the poll watchers. So this is an amendment that is useful, and I am asking for an affirmative vote. Well, I am asking to suspend the rules so we can introduce this amendment, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question of suspension, the Chair recognizes the gentleman from Allegheny County, Mr. Frankel.

The Chair thanks the gentleman and recognizes in lieu of, the minority whip, Mr. Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

It is Mike, not Lou. I said it is Mike, not Lou.

Thank you, Mr. Speaker.

I rise to support the gentleman's motion for suspension of the rules. The gentleman had timely filed this amendment and had understood that it would be considered and did not get that opportunity, and we are asking for a suspension of the rules so that he can do it here today.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. Thank you.

On the question of suspension, the Chair recognizes the gentleman from Butler County, Mr. Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, this amendment, we did have this amendment called up during the process of second consideration. I had spoken with the gentleman. He at that time, through our discussion, had agreed to pull that amendment. It has been, of course, refiled with a suspension request here, which I would ask for a "no" vote.

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

Mr. SAYLOR. Mr. Speaker, I also ask for a negative vote on the suspension of the rules at this time.

The SPEAKER pro tempore. For what purpose does the gentleman from Philadelphia, Mr. Thomas, rise?

Mr. THOMAS. I rise to support—

The SPEAKER pro tempore. Mr. Thomas—

Mr. THOMAS. —suspension of the rules.

The SPEAKER pro tempore. Mr. Thomas, unless you have a privileged motion, you are not in order at this time.

Mr. THOMAS. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the maker of the motion for suspension, on the question of suspension, the gentleman from Philadelphia, Mr. Cruz.

Mr. CRUZ. I am asking again for the reconsideration to suspend the rules. This does not hurt anyone. This is very helpful to the voters in Pennsylvania. There is no cost. It is just a training, just like we train judges and majority— I am asking for an affirmative vote. Let us give the people the right that they deserve. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—90

Barbin	DeLuca	Keller, W.	Preston
Bishop	DePasquale	Killion	Ravenstahl
Boyle, B.	Dermody	Kirkland	Readshaw
Boyle, K.	DeWeese	Kortz	Roebuck
Bradford	Donatucci	Kotik	Sabatina
Briggs	Fabrizio	Kula	Sainato
Brown, V.	Frankel	Longietti	Samuelson
Brownlee	Freeman	Mahoney	Santarsiero
Burns	Galloway	Mann	Santoni
Buxton	George	Markosek	Shapiro
Caltagirone	Gerber	Matzie	Smith, K.
Carroll	Gergely	McGeehan	Smith, M.
Cohen	Gibbons	Mirabito	Staback
Conklin	Goodman	Mullery	Sturla
Costa, D.	Haluska	Murphy	Taylor
Costa, P.	Hanna	Myers	Thomas
Cruz	Harhai	Neuman	Vitali
Curry	Harkins	O'Brien, M.	Waters
Daley	Harris	Parker	Wheatley
Davidson	Hornaman	Pashinski	White
Davis	Johnson	Payton	Williams
Deasy	Josephs	Petrarca	Youngblood
DeLissio	Kavulich		

NAYS—106

Adolph	Everett	Lawrence	Reese
Aument	Farry	Maher	Reichley
Baker	Fleck	Major	Roae
Barrar	Gabler	Maloney	Rock
Bear	Geist	Marshall	Ross
Benninghoff	Gillen	Marsico	Sacccone
Bloom	Gillespie	Masser	Saylor
Boback	Gingrich	Metcalfe	Scavello
Boyd	Godshall	Metzgar	Schroder
Brooks	Grell	Miccarelli	Simmons

Brown, R.	Grove	Millard	Sonney
Causser	Hackett	Miller	Stephens
Christiana	Hahn	Milne	Stern
Clymer	Harhart	Moul	Stevenson
Cox	Harper	Murt	Swanger
Creighton	Heffley	Mustio	Tallman
Culver	Helm	O'Neill	Tobash
Cutler	Hennessey	Oberlander	Toepel
Day	Hess	Payne	Toohil
Delozier	Hickernell	Peifer	Truitt
Denlinger	Hutchinson	Petri	Turzai
DiGirolamo	Kampf	Pickett	Vereb
Dunbar	Kauffman	Pyle	Vulakovich
Ellis	Keller, F.	Quigley	Watson
Emrick	Keller, M.K.	Quinn	
Evankovich	Knowles	Rapp	Smith, S.,
Evans, J.	Krieger	Reed	Speaker

NOT VOTING—0

EXCUSED—7

Brennan	Micozzie	O'Brien, D.	Wagner
Evans, D.	Mundy	Perry	

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

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

MOTION TO SUSPEND RULES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny County, Mr. Markosek, who has offered amendment 3664. Mr. Markosek, your amendment is not timely filed, or is out of order under our rules. Do you wish to suspend the rules?

Mr. MARKOSEK. Yes, Mr. Speaker. May I speak on—

The SPEAKER pro tempore. The gentleman from Allegheny, Mr. Markosek, moves that our House rules be suspended for the immediate consideration of amendment A03664.

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny for that purpose.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, my amendment, again, is a similar amendment to the one offered in the Appropriations Committee yesterday. What it does is it indicates that any money to pay for voter ID, which, in my opinion, we really do not need anyway, but nevertheless, that money that we use to pay for that should not, under any circumstances, be withdrawn from the Motor License Fund. We have a situation in Pennsylvania where we know that the Motor License Fund is a fund that is under great pressure. We have, as many of us have heard many times, an infrastructure, a huge infrastructure problem in Pennsylvania, and it is the Motor License Fund that we use to repair our roads and bridges in the Commonwealth.

The SPEAKER pro tempore. Will the gentleman suspend.
The Chair would like to remind the gentleman that the question is the question of suspension, not the question of the underlying amendment.

Mr. MARKOSEK. Thank you, Mr. Speaker.

On suspension, I would like to make sure that the folks, all legislators here know, both parties, we all have roads and bridges in our districts and we do not want that Motor License Fund to be touched, which is a good reason—

Mr. SAYLOR. Mr. Speaker?

Mr. MARKOSEK. —that I am asking for a suspension—

The SPEAKER pro tempore. Will the gentleman suspend.

Mr. MARKOSEK. —so I can offer this amendment so that the money that we use for the roads and the bridges will not be taken away and used for this purpose that the bill indicates, that is something we probably do not need anyway within the Commonwealth.

Mr. Speaker, I appreciate your indulgence and I would just ask folks to please suspend the rules so that we can offer this amendment, which will preclude money from the Motor License Fund being used for this voter ID purpose, which is a purpose that basically we really do not need anyway in the Commonwealth.

Thank you, Mr. Speaker.

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

Mr. SAYLOR. Mr. Speaker, I rise to oppose the suspension of the rules again. There was a timely time to have this amendment filed. It was not filed timely, and I ask simply for a "no" vote on suspension of the rules.

The SPEAKER pro tempore. For what purpose does the gentleman from Philadelphia, Mr. Thomas, rise?

The Chair reminds the gentleman that on a question of suspension, those privileged to speak are the leaders or their designee, the maker of the motion to suspend, the maker of the underlying bill.

Do you seek to speak on suspension?

Mr. THOMAS. Thank you, Mr. Speaker.

It is my understanding that that is limited to speakers, to leaders on responding on whether this should be suspended, should we support this motion to suspend?

The SPEAKER pro tempore. Mr. Thomas, it would be that I, under our rules, am unable to recognize you on the question of suspension. Do you have another matter?

Mr. THOMAS. Just point of clarification, Mr. Speaker.

I do not know whether either one of the leaders mentioned anything about the 470,000 people in Pennsylvania—

The SPEAKER pro tempore. Mr. Thomas—

Mr. THOMAS. —who are unemployed.

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

Mr. THOMAS. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Butler County, the sponsor of the underlying legislation, Mr. Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, we went through many, many amendments from the other side of the aisle. They filed around 120 amendments to this legislation, that we kind of went through many of those over a 2-day period, many hours of

debate, Mr. Speaker. If this idea had any merit, that certainly would have been one that they should have filed early on during the first 2 days of debate, not waiting for final consideration, Mr. Speaker.

Mr. Speaker, I oppose suspension of the rules and would ask for a "no" vote.

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

The following roll call was recorded:

YEAS—87

Barbin	DeLissio	Kavulich	Preston
Bishop	DeLuca	Keller, W.	Ravenstahl
Boyle, B.	DePasquale	Kirkland	Readshaw
Boyle, K.	Dermody	Kortz	Roebuck
Bradford	DeWeese	Kotik	Sabatina
Briggs	Donatucci	Kula	Sainato
Brown, V.	Fabrizio	Longiotti	Samuelson
Brownlee	Frankel	Mahoney	Santarsiero
Burns	Freeman	Mann	Santoni
Buxton	Galloway	Markosek	Shapiro
Caltagirone	George	Matzie	Smith, K.
Carroll	Gerber	McGeehan	Smith, M.
Cohen	Gergely	Mirabito	Staback
Conklin	Gibbons	Mullery	Sturla
Costa, D.	Goodman	Murphy	Thomas
Costa, P.	Haluska	Myers	Vitali
Cruz	Hanna	Neuman	Waters
Curry	Harhai	O'Brien, M.	Wheatley
Daley	Harkins	Parker	White
Davidson	Hornaman	Pashinski	Williams
Davis	Johnson	Payton	Youngblood
Deasy	Josephs	Petrarca	

NAYS—109

Adolph	Farry	Lawrence	Reichley
Aument	Fleck	Maher	Roae
Baker	Gabler	Major	Rock
Barrar	Geist	Maloney	Ross
Bear	Gillen	Marshall	Saccone
Benninghoff	Gillespie	Marsico	Saylor
Bloom	Gingrich	Masser	Scavello
Boback	Godshall	Metcalfe	Schroder
Boyd	Grell	Metzgar	Simmons
Brooks	Grove	Miccarelli	Sonney
Brown, R.	Hackett	Millard	Stephens
Causar	Hahn	Miller	Stern
Christiana	Harhart	Milne	Stevenson
Clymer	Harper	Moul	Swanger
Cox	Harris	Murt	Tallman
Creighton	Heffley	Mustio	Taylor
Culver	Helm	O'Neill	Tobash
Cutler	Hennessey	Oberlander	Toepel
Day	Hess	Payne	Toohil
Delozier	Hickernell	Peifer	Truitt
Denlinger	Hutchinson	Petri	Turzai
DiGiroalamo	Kampf	Pickett	Verab
Dunbar	Kauffman	Pyle	Vulakovich
Ellis	Keller, F.	Quigley	Watson
Emrick	Keller, M.K.	Quinn	
Evankovich	Killion	Rapp	Smith, S., Speaker
Evans, J.	Knowles	Reed	
Everett	Krieger	Reese	

NOT VOTING—0

EXCUSED—7

Brennan Evans, D.	Micozzie Mundy	O'Brien, D. Perry	Wagner
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Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

On that question, the Chair recognizes the gentleman from Allegheny, Mr. Frankel.

Mr. FRANKEL. Thank you, Mr. Speaker.

I rise in opposition to HB 934, otherwise known as the voter suppression act. I think it is important to get several facts on the table as we enter this debate. What do we know about Pennsylvania voters today? About 700,000 Pennsylvanians lack a photo ID, and nearly half of those Pennsylvanians are senior citizens, many of them who have voted in election after election, decade after decade. That number also includes thousands and thousands of students across this State. We are blessed with college campuses. We are blessed with great universities, and in my district alone, with the University of Pittsburgh and Carnegie Mellon University, we know that there are about 10,000 students that do not have photo ID. What else do we know about this environment that this bill is being presented to us with? The talk about voter impersonation and voter fraud, well, in 2008 we know that nearly 6 million Pennsylvanians cast ballots, but from that year until now, just 4, 4 people have been prosecuted for voter fraud.

Yesterday's debate or a couple of days ago's debate on second consideration was very revealing about the true intentions of this bill. Republicans voted down an amendment that would make sure legal voting citizens whose primary language is Spanish would fully understand the requirements of the law. Republicans voted down an amendment that would allow electors who forgot their ID to mail a copy of their identification to the board of elections the following day. Republicans want to force anyone who does not have identification to show up at county courts in person within 6 days. In Pittsburgh, that means someone who votes in their neighborhood on a Tuesday and then they have 4 working days to get to the board of elections during county government hours. There is no provision to expand those hours to make it easier for residents. Republicans refused to allow electors to show any other legitimate form of government or institutional identification, including voter identification cards, college IDs, ACCESS cards, hunting licenses, gun permits to prove their

identity. They voted down language to extend the period of eligible voting to make it simpler for people to find the time to get to the polls. Perhaps most telling and most outrageous, Republicans even voted down an amendment to let citizens know about the changes they plan to make in the voting process, these complicated changes. They voted against language – imagine this – against language that would simply add to already existing advertising information reminding people to bring their identification to the polls. We are already advertising about the elections. You voted against including information about the new voter ID law that you are proposing.

All that I can conclude from this is that these Republicans are not actually trying to make the process for voting better; they are just trying to make the process for voting harder. Why would they want to make it harder? A disproportionate number of citizens that do not carry the most common government-issued ID, driver's licenses, are bus riders. Those bus riders are typically senior citizens, they are out-of-State students, and they are low-income residents. So while Republicans across the country vote down Medicare, refuse to fund public transportation, and cut funding for universities, it makes sense, it makes a lot of sense that they would not want people who are hurt the most by their policies to get to the polls to make their displeasure known. The true intent of this legislation is to discourage those people from voting, to create chaos and obstacles and hurdles between individuals who have the right to vote and the voting booth.

I can only hope that these same people will be motivated in an extraordinary way by the challenges that we vote here today in all likelihood, based on what has happened previously, and say we are not going to stand for this and we will look at what is about to happen here and take accountability on election day at what has been promulgated by this legislation. This legislation, this legislation should be voted down. It is an embarrassment and we should not allow this to place the obstacles that are absolutely at its base to prevent our citizens from having the opportunity to exercise their right. Please vote down HB 934.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and, for the information of the members, notes that the list of those seeking recognition on this question now numbers 15 and recognizes the gentleman from Centre County, the minority whip, Mr. Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition—

The SPEAKER pro tempore. The gentleman— I am sorry, Mr. Hanna. If you would suspend please.

POINT OF ORDER

The SPEAKER pro tempore. For what purpose does the gentleman from Butler, Mr. Metcalfe, rise?

Mr. METCALFE. Point of order, Mr. Speaker.

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

Mr. METCALFE. Mr. Speaker, we spent a lot of time yesterday hearing about the word "cavalier" as it was used. Today the former speaker from Allegheny County said that the true intent, quote, "was to discourage voters." The true intent, which, Mr. Speaker, is a motivation, so he is assessing the motivation, the true intent, to my putting this legislation

forward, and to me, Mr. Speaker, that does not seem to be appropriate language for use on this floor.

The SPEAKER pro tempore. The Chair thanks the gentleman and had noted but not commented on the same expression and would ask that today we be mindful as we talk not to disparage the motivations of our members.

Thank you, Mr. Metcalfe.

Mr. Hanna, you may proceed.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to HB 934. Mr. Speaker, an attack on the right to vote is under way nationwide through laws designed to make it more difficult to cast a ballot. If this were happening in an emerging democracy, we would condemn it as election rigging, but it is happening here so there is barely a whimper. HB 934 is being debated in the name of preventing voter fraud, but study after study has shown that fraud by voters is not a major problem and is less of a problem than how hard many States make it for people to vote in the first place, including Pennsylvania.

This bill is not neutral. Its greatest impact will be to reduce turnout among seniors, African-Americans, Latinos, and the young. It is no accident that these groups were key to the Democratic victories in 2008 or that this bill in question was introduced in a House where Republicans currently hold the majority. Sometimes partisanship is so clear that if Stephen Colbert reported on what is transpiring, his audience would assume he was making it up.

This bill has a real impact on restricting the rights of particular voters. In part because of a surge of minority voters who had not cast ballots before, the U.S. elected its first African-American President in 2008. With this in mind, HB 934 and similar bills nationwide are a subtle attempt to return to Jim Crow voting laws.

HB 934 will disproportionately impact our senior citizens. Approximately 340,000 older Pennsylvanians do not have government-issued voter IDs. This is more than the total population of Pittsburgh. Many senior voters, some who have been going to the same polling place for 50 years, will be turned away because they do not have a government-issued picture ID. They may be carrying other sources of identification, such as an AARP card, a Medicare card, or a Social Security card, but HB 934 does not allow these widely accepted forms of ID as proof to vote. To obtain photo IDs, older voters must overcome numerous financial and nonfinancial obstacles. Even if the State spends its limited resources to provide photo IDs free to all voters, seniors must still travel and complete applications that will be difficult if not impossible for large numbers of seniors to do. It is easy to see how the supposedly simple requirement of a photo ID would impose an unnecessary burden on older Pennsylvanians' fundamental right to vote.

Proponents justify ID requirements as a way to prevent voter fraud. However, a study conducted by NYU's (New York University) Brennan Center for Justice found it more likely that an individual will be struck by lightning than he will be impersonated by another voter at a poll. Let me repeat that. It is more likely that an individual will be struck by lightning than be impersonated by another at a voting poll.

At a time of budget crises, with critical services for health care, education, and housing being cut, we should not be dedicating millions of dollars to make it harder to vote. Seniors built and defended this country; they protected our democracy

and the right to vote. Let us not make it harder for them to exercise that right.

Mr. Speaker, I urge a negative vote. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

CONSTITUTIONAL POINT OF ORDER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, the minority leader, Mr. Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, I would like to make a motion—

The SPEAKER pro tempore. The gentleman will state his motion.

Mr. DERMODY. —that this bill is unconstitutional and it violates Article I, section 5, of the Pennsylvania Constitution and Article I, section 26.

The SPEAKER pro tempore. The Chair thanks the gentleman.

It is moved by the gentleman from Allegheny, Mr. Dermody, that HB 934, PN 2166, is unconstitutional pursuant to Article I, section 5, of the Pennsylvania Constitution and Article I, section 26, of the Pennsylvania Constitution. The Speaker, under rule 4, is required to submit questions affecting the constitutionality of a bill to the House for decision, which the Chair does now do.

On the question,

Will the House sustain the constitutionality of the bill?

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

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, we have heard that this bill was drafted to be like the voter ID law in Indiana, which was upheld by both the Federal and State Supreme Courts. The Indiana State Supreme Court, of course, looked at whether the law violated the Indiana State Constitution. Mr. Speaker, while one could argue that this bill, if enacted, would withstand a Federal constitutional challenge, it most certainly will not withstand a Pennsylvania State constitutional challenge.

First of all, Mr. Speaker, our State Constitution includes an important voting protection provision that Indiana's Constitution does not. While Indiana's Constitution only includes a vague statement about free and equal elections, our Constitution, Article I, section 5, also prohibits interfering with a person's right to vote. The inclusion of this language in the Pennsylvania Constitution clearly differentiates us from Indiana, and our Supreme Court would have no choice but to strike this law as violating the State Constitution.

Moreover, the State of Missouri also had Indiana-style voter ID legislation before its Supreme Court struck it down, relying upon the same language in the Missouri State Constitution, prohibiting interference with a person's right to vote, as our Constitution does, and upon significant bureaucratic hurdles the legislation placed upon voters attempting to exercise their franchise.

Second, Mr. Speaker, Article I, section 26, of our State Constitution prohibits the Commonwealth from discriminating against any person in the exercise of any civil right. Clearly, the right to vote, being protected by the Constitution, is a civil right. However, this bill allows some elderly people, those living in

nursing homes that also happen to be polling places on election day, to escape some of these draconian ID requirements, while others, those who do not live in nursing homes, are forced to comply with them.

Moreover, Mr. Speaker, the bill only requires individuals who vote in person to produce ID but allows individuals who vote absentee to vote without producing ID. Mr. Speaker, I fail to see the rational basis of either of these distinctions, and I am certain our Supreme Court would, too.

For these reasons, Mr. Speaker, I ask my colleagues to vote with me in declaring this bill to be unconstitutional.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and asks that the gentleman restate the articles with which his point of order relates.

Mr. DERMODY. I submit and suggest to this body that this bill violates the Pennsylvania Constitution Article I, section 5, and the Pennsylvania Constitution Article I, section 26.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Cambria County on the question of constitutionality, Mr. Barbin.

Mr. BARBIN. Thank you, Mr. Speaker.

I rise in support of this motion that HB 934 is unconstitutional under Article I, section 5, and Article I, section 26. I would just make the following statement in support of the motion. If this bill were to pass, even though the AARP is against it, even though the county commissioners board of elections are against it, 2 out of every 10 senior citizens would be disenfranchised. There are 726,292 Republicans that are registered, that are over 65. There are—

The SPEAKER pro tempore. Would the gentleman suspend, please.

The Chair would like to remind the gentleman that the question is the constitutionality of the measure with respect to Pennsylvania Article I, section 5, and Pennsylvania Constitution Article I, 26, and to confine his remarks to that question.

Mr. BARBIN. Thank you, Mr. Speaker.

But I would like to remind the gentleman that the issue here is disenfranchising voters. Article V says you cannot do that, or section 5 says you cannot do it, and section 26 says you cannot, through this bill, violate someone's civil right. Now, if 2 out of every 10 senior citizens have been disenfranchised, that is going to affect their civil rights, and that is going to affect their voting rights. So with all due respect, I believe the fact that there are 726,292 Republicans that will be disenfranchised and I believe that 886,000 Democrats who are registered and over 65, and the fact that 340,000 of those people do not have driver's licenses that are acceptable, that ratio is 2 out of 10. So if I would stand here in the House and say, well, let us see, there are two Republican members that are over 65 and there are eight Democrat members that are over 65, but I choose the two Republicans to be disenfranchised, I am sure that somebody would object to that. Well, the people that are closest to the senior citizens have objected to that. They have said exactly the same thing. They have said, you are putting in effect a poll tax on senior citizens.

In 1966 Pennsylvania struck down the last remaining poll tax in Pennsylvania. This bill puts that poll tax back in place by making senior citizens who do not have driver's licenses not able to vote. This is an incredibly bad bill. This certainly

violates our Constitution and nobody who believes in the right of suffrage for all should be in favor of this bill.

So I ask you to join me in voting that this bill as written is unconstitutional.

The SPEAKER pro tempore. The Chair thanks the gentleman and, on the question of constitutionality, recognizes the gentleman from Butler County, Mr. Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, this motion on constitutionality is once again just an attempt to keep this legislation from moving forward as we have seen with the various amendments, but, Mr. Speaker, it is very clear that this legislation is constitutional. When you look at previous court decisions by the Pennsylvania Supreme Court, Mr. Speaker, the court has ruled that, to quote, "The Constitution confers the right of suffrage on every citizen possessing the qualifications named in that instrument." And it goes on to say, "His right cannot be denied, qualified, or restricted, and is only subject to such regulation as to the manner of exercise as is necessary for the peaceable and orderly exercise of the same right in other electors." Subject to such regulation as to the manner of exercise as is necessary for the peaceable and orderly exercise of the same right in other electors. It has been cited in Pennsylvania court decisions from the court, Mr. Speaker, that the legislature may pass statutes fixing the manner in which elections shall be conducted and provide safeguards against attempts to unlawfully exercise the right to vote, and provide safeguards against attempts to unlawfully exercise the right to vote, which, Mr. Speaker, is exactly what HB 934 is attempting to do to ensure that when somebody shows up to cast a vote, that they are actually the person they claim to be, Mr. Speaker.

Mr. Speaker, if this would be unconstitutional, then it would certainly follow logically that showing ID the very first time that you have to vote would also be unconstitutional, Mr. Speaker. Mr. Speaker, to take it a step further, if this would be unconstitutional and if showing ID the very first time that you are going to vote would be unconstitutional, Mr. Speaker, then it certainly would be unconstitutional for us to require somebody to show ID to exercise their right to bear arms and to ultimately have a carry conceal permit, Mr. Speaker.

So, Mr. Speaker, I think the logic is flawed seriously in the arguments by the other side on the motion for constitutionality. Mr. Speaker, it is clear from Pennsylvania Supreme Court decisions of the past, Mr. Speaker, that this law is constitutional. It is clear from the U.S. Supreme Court decisions related to the Indiana law that this mirrors that this law is constitutional, Mr. Speaker, that this legislation is constitutional, Mr. Speaker.

Mr. Speaker, I would ask for the members of this body to declare that this legislation is constitutional, Mr. Speaker. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the majority leader, the gentleman from Allegheny County, Mr. Turzai.

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

It is simple. *Baker v. Carr* has made it clear, a Supreme Court decision historic in the jurisprudence of our land, one person, one vote. Voter identification is designed not to infringe upon the sanctity of each citizen's vote, but to safeguard the sanctity of each citizen's vote. We are protecting the individual's right in a democracy. This is constitutional and it is constitutional in the most paramount importance. Please vote against this motion.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes, on the question of constitutionality, the gentleman from Philadelphia, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise in declaring this bill unconstitutional. Mr. Speaker, my reason for this declaration, let me just provide some history. Number one, there is no Federal right to voting. There is no right to vote in the United States Constitution. Through the 14th Amendment, section 5 of the 14th Amendment, it provides instructions to States on what can and cannot be done with respect to the exercising of the right to vote. So to that end, Mr. Speaker, the Democratic leader hit the nail on the head. Mr. Speaker, the Democratic leader made it very clear that the legislature has authority to provide circumstances under which the exercising of the right to vote can be carried out, but its methodology cannot be used in a way that abridges or interferes with a class of individuals in exercising that right.

In this bill, Mr. Speaker, the methodology enclosed in this bill represents the clearest, the clearest, clearest way in which the right to exercise this right will be abridged, frustrated, and interfered. Mr. Speaker, it was not that long ago that this great land used poll taxes, literacy tests, and even identification to interfere with people's right to vote. Mr. Speaker, there is a growing number of States in this country that are imposing methodologies using the concept of voter ID as a color-blind process, but when you look at the methodology in achieving it, it is seriously problematic.

So, Mr. Speaker, we have no other choice but to declare this bill unconstitutional. Mr. Speaker, there are about 10 other reasons why this bill should go back to where it came from. While the intent was good, the application, the impact will be seriously interfering with the elderly, with the disabled, and with people who do not have access to these identification systems or identification requirements contained in HB 934.

So, Mr. Speaker, we have no other choice but to follow the lead of the Democratic leader and declare this bill unconstitutional right now in this body. Mr. Speaker, to just kind of add to it, the \$10 million in this bill can be used to do something about the 470,000 people who are unemployed in Pennsylvania; can do something about, according to the Catholic Conference—

The SPEAKER pro tempore. The gentleman will suspend.

Mr. THOMAS. —thousands of people that are without insurance. This \$10 million could be used for that, but on the question of unconstitutionality, we will get to that later, but right now let us vote this as unconstitutional. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman from Philadelphia and, on the question of constitutionality, recognizes the gentleman from Lancaster County, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I am not an attorney, but *Baker v. Carr* dealt with legislative reapportionment and one person, one vote, not voter identification. But on the issue of constitutionality, voter identification has been debated for years. If you go back to 1828, former Speaker Benjamin Franklin said, "Today a man owns a jackass worth 50 dollars and he is entitled to vote; but before the next election the jackass dies. The man in the mean time has become more experienced, his knowledge of the principles of government, and his acquaintance with mankind,

are more extensive, and he is therefore better qualified to make a proper selection of rulers—but the jackass is dead and the man cannot vote. Now gentlemen, pray inform me, in whom is the right of suffrage? In the man or in the jackass?"

Well, let us apply that to today, is it the person that is standing in the polling place or is it in some photo ID that got issued or is it not at all because you voted by absentee ballot and you fraudulently registered? This bill is clearly unconstitutional.

We have used other methods to try and suppress the vote in the past. Before there were photographs, there was visual identification. If you walked into the polling place and you were an African-American, you were told you could not vote. If you walked into the polling place and you were a woman, you were told you could not vote. If this bill becomes law, you will walk into a polling place without a photo ID and be told you cannot vote. You will be there. You will be a citizen of the United States. You may even be dually registered. You will be denied your right to vote. This bill is unconstitutional, and I would encourage members to vote so. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and, given his particular interest in agriculture, is happy to learn of the gentleman's concern for the health of jackasses.

The Chair recognizes the gentleman from Luzerne County, Mr. Mullery.

Mr. MULLERY. Thank you, Mr. Speaker.

Unlike my good friend from Lancaster County, I am an attorney, and as I have sat here for the past 2 days, I have heard a lot about the Indiana voter ID law and the United States Supreme Court decision that upheld that law. So as any good attorney would, I went and did my research. I pulled the Indiana law and I pulled the United States Supreme Court decision and I read them both. I am here to tell you that the Supreme Court decision in that case, *Crawford v. Marion County Election Board*, offers no advice or input on how that voter ID law will affect other States, specifically in this instance, Pennsylvania's. In fact, the controlling opinion of the Supreme Court in that case offered an extremely narrow decision and applied its holding only to the facts that were before that Supreme Court on that specific case. It left open the possibility of any and all future challenges to both the Indiana law and any other State misguided enough to attempt to put a bill of their own into place. The decision is anything but a beacon of clarity and leaves voter identification laws up to future challenge, particularly as they apply to groups of voters.

The lead opinion in the case carefully limited its holding to the limited record and lack of evidence presented in the case before the Supreme Court and went so far as to even detail the types of potential cases that could be brought against the voter ID bill in Indiana. The Supreme Court Justices provided plaintiff attorneys in the State of Indiana with a list of evidence that they would need to strike down that bill. As an attorney in the Commonwealth, I can tell you this: If we pass this bill, the great attorneys of this State will not need guidance from the Supreme Court to tell them what evidence they need to strike it down.

Mr. Speaker, I can tell you that there is little doubt in my mind that voter identification laws will continue to be the subject of constitutional challenges, and rightfully so, and that the plaintiffs in this State, should this bill pass, will be able to present the evidence they need to prove their case. The

Crawford decision in the United States Supreme Court is far from the last word on the legitimacy in constitutionality of photo identification requirements. If we pass a bill similar to that in Indiana, our lawyers will defeat it and all it will do is cost this Commonwealth money.

For those reasons I challenge the constitutionality of this bill and I urge all of my colleagues to do so. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Lancaster County, Mr. Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

Like the prior speaker, I would agree, this, if challenged, would revolve around the facts of the State as presented, and I would like to review some of those facts. Mr. Speaker, we require voter registration prior to voting. We also require photo ID the first time you vote. Our State Constitution, Article I, section 5, says and guarantees that all "elections shall be free and equal...." Article VII, section 6, of our Constitution says that "...elections...shall be uniform throughout the State...." The legislature may pass a law with safeguards against election fraud and may draw distinctions within the law which reflect a compelling or substantial State interest, such as freedom of religion as one circumstance in that bill.

Religious freedom, as detailed in this bill, is one area where a constitutional exception was carved out. An additional exception involved voters that actually reside at their polling places. I would argue that this bill is in fact a constitutional exercise of our statutory authority under the General Assembly.

Mr. Speaker, the State's interest is the integrity of the voting process. Mr. Speaker, we have heard allusions that this could suppress the vote, but unfortunately, all the statistics do not match up. Our most recent numbers indicate that we have approximately 8.1 to 8.2 million registered voters. At the same time we have approximately 9.5 million validly issued State IDs that would be accepted under this proposal. Mr. Speaker, certainly there might be some individuals who currently have an ID that are not registered, as indicated by the greater number. What is uncertain is the number of those individuals who do not have an ID but are in fact registered to vote.

Mr. Speaker, in quoting some additional case law, I think it is important to point out what our prior court decisions have indicated on the thought of our elections being free and equal. In the New Britain Borough School District case, they said as follows: "The Constitution confers the right of suffrage on every citizen possessing the qualifications named in that instrument.... His right cannot be denied, qualified or restricted, and is only" – Mr. Speaker, this is the important part of this decision – "is only subject to such regulation as to the manner of exercise, as is necessary for the peaceable and orderly exercise of the same right in other electors...."

According to *Patterson v. Barlow*, Mr. Speaker, "The Legislature may pass statutes fixing the manner in which elections shall be conducted..., and provide safeguards against attempts to unlawfully exercise the" same "right to vote...."

Furthermore, Mr. Speaker, I would like to revisit those areas of prerequisites that we already have in regards to exercising our right of suffrage. As the gentleman from Butler so eloquently alluded previously, if in fact requiring a photo ID for all voters is unconstitutional, I suppose the same argument would apply to the photo the first time as well as even the requirement to register. Mr. Speaker, the interest is ensuring the

integrity of the election and ensuring, as under *Baker v. Carr*, that one person cast his one legal vote and that vote is no way diminished by an illegally cast vote.

Mr. Speaker, further in Article VII, section 6, where it is required that "all laws regulating the holding of elections by the citizens, or for the registration of electors, shall be uniform throughout the State," the distinctions are being drawn between absentee ballots, individuals in nursing homes, and individuals who show up to physically vote at the polling places.

In *Kerns v. Kane*, the Court said, "As this Court said in construing the same language in what was then article VIII, section 7 of the Constitution, 'To be uniform in the constitutional sense, such a law must treat all persons in the same circumstances alike.'" Furthermore, "But it is only those in 'the same circumstances' who must be treated alike...." Mr. Speaker, individuals casting absentee ballots all cast alike. Mr. Speaker, individuals who are showing up at the polls required to provide photo identification, all treated in a like manner. "...The Legislature is not forbidden," quoting from the case again, "...the Legislature is not forbidden to draw distinctions where difference in treatment rests on some substantial basis." We can certainly argue what that substantial basis is, but I do not believe that we can argue that we do not have this authority to exercise in the first place. Mr. Speaker, the same circumstances, the same manner of voting are being treated with the same requirements.

Mr. Speaker, it is for that reason I oppose the motion that this is unconstitutional. It is clearly within the authority of the General Assembly to regulate the issues surrounding voting and anything leading up to that, including registration, and I would encourage a "no" vote on this motion. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and, on the question of constitutionality, recognizes the gentleman from Montgomery County, Mr. Shapiro.

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, I have listened to the arguments here on constitutionality, including the argument just proffered by my good friend, the gentleman from Lancaster. He talked about constitutionally protected groups and quite correctly identified one such group based on their religious beliefs. He then spoke – and I believe I have this quote correct, and if I am incorrect, the gentleman is certainly free to break in with a point of order with the Chair's approval – he said that we have to treat those in similar circumstances alike and cited precedent for such. But, Mr. Speaker, one of the reasons why I believe this bill to be unconstitutional is that it treats seniors in not the similar way. They are not being treated alike under this bill.

In addition to that, certain seniors in this bill who live in a nursing home, as we have all heard here in the discussion on the floor, are not required under this bill to vote similarly to seniors who are not living in a nursing home, and so thus we have created two classes of seniors. They are not being treated alike.

And so I guess I would ask the gentleman from Lancaster, in a rhetorical fashion, of course, because I cannot interrogate him over this, are seniors living in nursing homes a constitutionally protected class? I think not. So either the provision in this bill that allows seniors who live in nursing homes to not deal with the onerous requirements that are put on them is in need of being taken out, or if it is left in there, Mr. Speaker, in my opinion, it lends this bill and renders it to be unconstitutional.

There was an argument put forth by the distinguished leader from Allegheny County. He talked about *Baker v. Carr*, a

Federal court case, I would add, not a State court case, but a Federal court case, as I see the gentleman nodding across the way. It is a Federal court case about one person, one vote. I do not agree, Mr. Speaker, that one person, one vote is relevant to this issue that we are debating today, but even if you are to accept the leader's rationale, I think then that this bill violates one person, one vote and renders the bill to be unconstitutional. Why do I believe that? Because, Mr. Speaker, under this bill if this were to become law, in my estimation it would turn people away from the polling place. It would make it harder for some in Pennsylvania to cast their vote. It would place a burden, Mr. Speaker, on the rights of some Pennsylvanians. So, Mr. Speaker, it is not about one person, one vote. Mr. Speaker, under this bill, it is one person, no vote for some people; one person, no vote for some people.

The final point I will make, Mr. Speaker, the sponsor of this legislation, the gentleman from Butler, said many times during the debate on this floor, correctly so, that the General Assembly under our State Constitution has the power to regulate elections, and I do not quibble with that. He is correct. But in my opinion, Mr. Speaker, what the gentleman from Butler's bill does do is that it, in this instance, allows the General Assembly – or excuse me – it puts the General Assembly in a position to overregulate elections, setting too many hurdles on Pennsylvanians to be able to cast their vote, and I think that flies in the face of the Pennsylvania Constitution and what is called for under our Constitution for the General Assembly to do. So, Mr. Speaker, I think this bill goes far beyond the power given to the General Assembly under our State Constitution.

Mr. Speaker, second, using the Federal standard that the leader from Allegheny put forth, I think that it renders it not one person, one vote, but one person, no vote, and using the standard that the gentleman from Lancaster elucidated on the floor here that those need to be treated in similar circumstances does not take into account the fact that there are certain seniors in this bill who are not treated like other seniors in this bill. And the only way around that, Mr. Speaker, is if those seniors in question, those living in a nursing home, are a constitutionally protected class, which I think we can all agree they are not.

And so, Mr. Speaker, for at least those three reasons, I would respectfully submit to this House that this bill is unconstitutional, and I would respectfully ask the members to support the Dermody motion and vote this bill to be unconstitutional.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question of constitutionality, those voting to declare HB 934 to be constitutional shall vote "aye"; those voting to declare it unconstitutional shall vote "nay."

On the question recurring,

Will the House sustain the constitutionality of the bill?

The following roll call was recorded:

YEAS—109

Adolph	Farry	Lawrence	Reichley
Aument	Fleck	Maher	Roae
Baker	Gabler	Major	Rock
Barrar	Geist	Maloney	Ross
Bear	Gillen	Marshall	Saccone

Benninghoff	Gillespie	Marsico	Saylor
Bloom	Gingrich	Masser	Scavello
Boback	Godshall	Metcalfe	Schroder
Boyd	Grell	Metzgar	Simmons
Brooks	Grove	Miccarelli	Sonney
Brown, R.	Hackett	Millard	Stephens
Causar	Hahn	Miller	Stern
Christiana	Harhart	Milne	Stevenson
Clymer	Harper	Moul	Swanger
Cox	Harris	Murt	Tallman
Creighton	Heffley	Mustio	Taylor
Culver	Helm	O'Neill	Tobash
Cutler	Hennessey	Oberlander	Toepel
Day	Hess	Payne	Toohil
Delozier	Hickernell	Peifer	Truitt
Denlinger	Hutchinson	Petri	Turzai
DiGirolamo	Kampf	Pickett	Vereb
Dunbar	Kauffman	Pyle	Vulakovich
Ellis	Keller, F.	Quigley	Watson
Emrick	Keller, M.K.	Quinn	
Evankovich	Killion	Rapp	Smith, S., Speaker
Evans, J.	Knowles	Reed	
Everett	Krieger	Reese	

NAYS—87

Barbin	DeLissio	Kavulich	Preston
Bishop	DeLuca	Keller, W.	Ravenstahl
Boyle, B.	DePasquale	Kirkland	Readshaw
Boyle, K.	Dermody	Kortz	Roebuck
Bradford	DeWeese	Kotik	Sabatina
Briggs	Donatucci	Kula	Sainato
Brown, V.	Fabrizio	Longietti	Samuelson
Brownlee	Frankel	Mahoney	Santarsiero
Burns	Freeman	Mann	Santoni
Buxton	Galloway	Markosek	Shapiro
Caltagirone	George	Matzie	Smith, K.
Carroll	Gerber	McGeehan	Smith, M.
Cohen	Gergely	Mirabito	Staback
Conklin	Gibbons	Mullery	Sturla
Costa, D.	Goodman	Murphy	Thomas
Costa, P.	Haluska	Myers	Vitali
Cruz	Hanna	Neuman	Waters
Curry	Harhai	O'Brien, M.	Wheatley
Daley	Harkins	Parker	White
Davidson	Hornaman	Pashinski	Williams
Davis	Johnson	Payton	Youngblood
Deasy	Josephs	Petrarca	

NOT VOTING—0

EXCUSED—7

Brennan	Micozzie	O'Brien, D.	Wagner
Evans, D.	Mundy	Perry	

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

The SPEAKER pro tempore. The House has concluded that HB 934 is constitutional.

On the question recurring,
Shall the bill pass finally?

CONSTITUTIONAL POINT OF ORDER

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

Mr. CARROLL. Thank you, Mr. Speaker.

Mr. Speaker, I rise to make a motion.

The SPEAKER pro tempore. The gentleman will state his motion.

Mr. CARROLL. Mr. Speaker, I move that this bill is unconstitutional because it violates Article VIII, section 11, of the Pennsylvania Constitution.

The SPEAKER pro tempore. The gentleman, Mr. Carroll, raises the point of order that he believes this bill to be unconstitutional subject to Article I, section 8, of the Pennsylvania Constitution. Did I understand that correctly?

Mr. CARROLL. Article VIII, section 11.

The SPEAKER pro tempore. Article VIII, section 11, of the Pennsylvania Constitution.

Mr. Carroll, would you restate your motion, please, your point of order.

Mr. CARROLL. Mr. Speaker, I move that this bill violates Article VIII, section 11, of the Pennsylvania Constitution.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The gentleman, Mr. Carroll, raises the point of order that HB 934, PN 2166, is unconstitutional. Under rule 4, the questions of constitutionality are required to be submitted to the House for decision, which the Chair does now.

On the question,

Will the House sustain the constitutionality of the bill?

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

Mr. CARROLL. Thank you, Mr. Speaker.

Mr. Speaker, a quick review of Article VIII, section 11, of the Pennsylvania Constitution, which speaks to the issue of gasoline taxes and motor license fees and the restricted motor license fuel account, clearly, clearly illustrates and speaks to the question of the use of the funds in the Motor License Fund for projects that are related to transportation. Very specifically, the language says, "...and used solely for construction, reconstruction, maintenance and repair of and safety on public highways and bridges and costs and expenses incident thereto...." That seems crystal clear to me, Mr. Speaker.

What makes it doubly clear, Mr. Speaker, is the fiscal note provided by the majority committee, the majority Appropriations Committee that states, "This legislation would have a fiscal cost to the Motor License Fund in the amount of \$4,315,417...." Mr. Speaker, the Appropriations Committee made a determination that the Motor License Fund will be subjected to a \$4 million expense and the Constitution of our Commonwealth says that such an expense is improper because this process, this bill, has nothing to do with transportation, has everything to do with voting, and for that reason, Mr. Speaker, this bill is clearly in violation of the Pennsylvania Constitution.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question of constitutionality, the Chair recognizes the gentleman from Lancaster County, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, clearly the gentleman raises the constitutional point as to why this bill is not constitutional. We do not even allow motor license funds to be used for mass transit, but now we are going to let it be used to do photo checks of voters. How absurd.

If there is any question about this, the courts have ruled on this multiple times. This will be what will bring this bill down. In the interim we will have spent hours debating this uselessly and thousands of dollars in court. Let us just end it now and vote to move that this bill is unconstitutional. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the question of constitutionality, the Chair recognizes the gentleman from Allegheny County, Mr. Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I also rise in support of the gentleman from Luzerne's motion that this is unconstitutional. It actually seems to me to be pretty simple. Basically, if you look at the Constitution relative to the Motor License Fund, it says that the money in the Motor License Fund shall be "...used solely for construction, reconstruction, maintenance and repair of and safety on public highways and bridges and costs and expenses incident thereto...." It does not say anything about motor-voter. It does not say anything about voter ID. It does not say anything about any of those things. It is pretty much black and white that this is unconstitutional. We cannot use money out of the Motor License Fund for mass transit, for example, as was previously stated by the previous speaker.

So I would ask the members to support the gentleman from Luzerne in his motion that this is in fact unconstitutional, and I can go on and on, of course, about a lot of other reasons why we should not use Motor License Fund money for anything but roads and bridges, but nevertheless, I will just stick with constitutionality. This is definitely unconstitutional, and I would ask the members to vote that this is unconstitutional. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and his attention to the subject at hand and recognizes, on the question of constitutionality, the gentleman from Butler County, Mr. Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, once again, the second motion on constitutionality is just another attempt to obstruct passage of HB 934.

As you read the legislation, it is very clear that the legislation does not instruct, does not give direction on ultimately where the money is going to come from. It certainly requires that the free IDs would be issued, the nondriver identification card, as it is currently issued by the PENNDOT outlets across the State, that is currently issued, that they would be issued by the State, but it does not require in the legislation that the Motor License Fund pay for that. And as with other situations, a supplemental appropriation piece of legislation may be necessary, of course, to ensure that the money is coming from the General Fund and from another source other than the one that has been referenced by the maker of this motion, but the legislation does not require that the money come from the Motor License Fund, Mr. Speaker.

Mr. Speaker, it is very clear from many of us that have visited those outlets across the State, when you do go up and have your license renewed, they certainly ask you if you would like to vote, if you would like to register to vote. So currently, Mr. Speaker, those outlets that are being paid for out of the Motor License Fund are being utilized for registering individuals to vote, Mr. Speaker, and of course there is a cost incurred as they do so, certainly doing that as a result of the Federal law that required the motor-voter to occur.

But, Mr. Speaker, once again, this motion is just another obstructionist move. This legislation is constitutional. I would ask the members to support its constitutionality and vote "yes" that this legislation is constitutional, HB 934. Once again, this legislation does not require the moneys to come out of the Motor License Fund, as has been referenced by the maker of the motion. Those moneys would and could be replaced from the General Fund or from another source that we would identify in supplemental appropriation-type legislation, Mr. Speaker.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question of constitutionality, the Chair recognizes the majority leader, the gentleman from Allegheny County, Mr. Turzai.

Mr. TURZAI. Thank you, Mr. Speaker.

The proposal under HB 934 provides a definition for "photo identification." It is clear that the parameters for what that photo identification is are set forth in the bill. It states that it has to show the name of the individual to whom the document was issued and that the name conforms to the name of the individual as it appears in the district register; it shows a photograph of the individual to whom the document was issued; it includes an expiration date; it has to be a date that is not expired or expired after the date of the most recent general election; and that it was issued by the United States or the Commonwealth.

Now, the statute itself does not indicate what those documents might be. Although it is clear from practice that it would include a driver's license or a PENNDOT photo ID or a U.S. passport or a military ID card or a Native American tribal photo identification card or an SSHE (State System of Higher Education) identification card with an expiration date, but none of these are mandated. The bill in fact does not specify what photo identification you need. It just sets forth parameters, and it does not in any way mandate a single expense.

Therefore, it is clear that this bill in no way violates anything to do with the Motor License Fund whatsoever, because there is no mandated expense. It just says, hey, look, here are the parameters, and everybody knows that the type of license you get for other purposes like driving – and we all know that PENNDOT provides a photo ID card; that is certainly constitutional – that constitutionality has never been challenged. So this is apples and oranges.

This is a far-fetched argument with respect to constitutionality and should be rejected out of hand. The fact of the matter is, this HB 934 is quite certainly constitutional.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the minority leader on the question of constitutionality, the gentleman from Allegheny, Mr. Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, this is the furthest thing from apples and oranges. The fiscal note from the majority Appropriations Committee says the bill is paid for from the Motor License Fund. The motor-voter law, the motor-voter law, those licenses are paid for – rather, that bill is paid for from the General Fund. Our PENNDOT, the department, is required to issue a free voter ID to anybody who applies for one. The costs of this bill are directly from the Motor License Fund. That violates our State Constitution. There are no oranges in the place. It is apples versus apples, and it is unconstitutional.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question of constitutionality, those voting to declare HB 934 to be constitutional shall vote "aye"—

MOTION TO RECOMMIT

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

Mr. MARKOSEK. Thank you, Mr. Speaker.

A point of order.

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

Mr. MARKOSEK. Mr. Speaker, I would like to make a motion to rerefer the bill back to Appropriations since we have found a mistake in the fiscal note. It should be cleaned up.

The SPEAKER pro tempore. The Chair thanks the gentleman for his motion. It is a privileged motion but may not be superior to the question of constitutionality. So the House will be at ease for a moment while we verify.

Mr. MARKOSEK. Thank you.

The SPEAKER pro tempore. Would the gentleman, Mr. Markosek, just for the sake of simplicity, be receptive to allowing us to conclude on the point of order before entertaining your motion, with the understanding that you would be recognized for your motion as soon as we conclude on the point of order?

Mr. MARKOSEK. Mr. Speaker, I would think that it is essential that we know where the money is coming from. The fiscal note says one thing. We have heard testimony here today that it—

The SPEAKER pro tempore. Without respect to the substance of the question, Mr. Markosek, I am just asking, the simplest way to proceed I think would be to conclude with the first point of order and then to entertain your motion to recommit, and we will certainly recognize you for that motion as soon as we have concluded on the point of order. Would you be receptive to that?

Mr. MARKOSEK. Well—

The SPEAKER pro tempore. Or we could be at ease for some time while we go forth with the precedence, whichever you prefer.

Mr. MARKOSEK. Mr. Speaker, this is, I think, essential to the motion of constitutionality and it needs cleaned up, and so therefore, that is—

The SPEAKER pro tempore. I am sorry. Your motion would still be in order once we concluded with the point of order; that is what I am suggesting, because the question of constitutionality, technically, is a point of order. So I am just suggesting we conclude the point of order and then we will move to the question for recommittal.

Mr. MARKOSEK. May we approach?

The SPEAKER pro tempore. Feel free to approach the rostrum; yes. Thank you.

The House will be at ease.

(Conference held at Speaker's podium.)

The SPEAKER pro tempore. The House will come to order.

For the information of the members, we were in the midst of the point of order on constitutionality and we were just about to

have a vote when a privileged motion to recommit the bill to the Appropriations Committee was made by the gentleman, Mr. Markosek. That privileged motion is in order at this time, and the gentleman, Mr. Markosek, is fully within his rights not to accept the Chair's counsel on concluding on the point of order before proceeding with the motion to recommit.

So we are now on the question of recommitting HB 934 to the Appropriations Committee.

On the question,

Will the House agree to the motion?

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

Mr. MARKOSEK. Thank you, Mr. Speaker, and thank you for your indulgence.

This should be recommitted, obviously, because there is a discrepancy in where the money is coming from and whether or not you agree it should or should not come from the Motor License Fund, and I would like to think that all of us would agree that it should never come from the Motor License Fund. But nevertheless, whether you agree or disagree with that, I think it should be recommitted for no other reason so that we here in the House can keep up our very high standards of providing the best legislation technically possible and get it back to the committee where that will happen with the greatest certainty. So I would say that my motion is to recommit the bill to the Appropriations Committee. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Delaware County, the Appropriations chairman, Mr. Adolph.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the motion by the gentleman from Allegheny County, the chairman, the reason being is that even though the fiscal note says that the money is going to be taken from the motor vehicle fund, the motor vehicle fund, the money will be deposited into the General Fund and then transferred to the motor vehicle fund. So eventually that money will be from the motor vehicle fund.

So I rise to oppose the recommendation. Thank you.

The SPEAKER pro tempore. On the motion to recommit, the Chair recognizes the gentleman from Luzerne County, Mr. Carroll.

Mr. CARROLL. Thank you, Mr. Speaker.

Notwithstanding the chairman of the Appropriations Committee, the majority chair, that transaction I did not quite understand. What I did understand was the maker of the bill's commentary that a supplemental appropriation may be necessary. It seems to me that if a supplemental appropriation is necessary, we ought to solve that appropriations problem before we pass the bill from this House.

There is no question in my mind that this bill needs additional work to protect the lockbox that is the Motor License Fund. The recommitment will give us a chance to protect the money that we use for 6,000 deficient bridges and tens of thousands of miles of roads throughout this Commonwealth that need the precious dollars in the Motor License Fund.

Mr. Speaker, this bill needs to be recommitted to be corrected so that the folks at PENNDOT and the contractors throughout this State will have access to the dollars they need to repair bridges and highways in every single district in this State, all 203 House districts. Every one of them has deficient bridges;

every one of them has roads that need to be resurfaced. This money cannot be used for things other than that. The fact of the matter is, this bill uses funds for things other than that, for free photo IDs for seniors who do not have them so that they can go and vote. Let us use this money for what it is intended, and that is to fix roads and bridges. Let us get this bill back to the committee so it can be corrected.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the question of recommittal, the Chair recognizes the gentleman from Lehigh County, Mr. Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

I had not quite expected to be called upon, but that is very generous of the Chair.

The SPEAKER pro tempore. Well, perhaps your jacket was seeking recognition.

Mr. REICHLEY. It has taken on a life of its own; that is true.

Mr. Speaker, I would note for the record that any implication that somehow people should be charged for these IDs would be in direct contradiction to what constitutional law said would therefore be the equivalent of a poll tax, an illegal imposition of a cost to exercise the right to vote. These IDs are going to be provided for free, but the sort of statistics that are being cited by the other side are really only an estimate. In order to come to the \$4.3 million total which was identified within the fiscal note, it would require all 319,661 people who are registered with no Pennsylvania Department of Transportation identification to request one. So it is merely speculative as to what the true impact of this would be.

In addition to the fact that the particular line item which would pay—

Mr. MARKOSEK. Mr. Speaker? Mr. Speaker? Mr. Speaker?

The SPEAKER pro tempore. The Chair thanks the gentleman.

POINT OF ORDER

The SPEAKER pro tempore. On the question of recommittal, the Chair recognizes the gentleman from Allegheny County, the minority Appropriations chairman, Mr. Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Point of order that the gentleman has appeared to have drifted to the substance of the bill. We are arguing, of course, the motion to recommit.

The SPEAKER pro tempore. The Chair thanks the gentleman for his attention to his colleague's remarks and notes that his colleague has concluded.

On the question of recommittal, those in favor of recommitting HB 934 to the Committee on Appropriations shall vote "aye"; those opposed shall vote "nay."

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

The following roll call was recorded:

YEAS-87

Table with 4 columns: Barbin, DeLuca, DePasquale, DeLissio, Kavulich, Keller, W., Kirkland, Preston, Ravenstahl, Readshaw

Table with 4 columns: Boyle, K., Bradford, Briggs, Brown, V., Brownlee, Burns, Buxton, Caltagirone, Carroll, Cohen, Conklin, Costa, D., Costa, P., Cruz, Curry, Daley, Davidson, Davis, Deasy, Dermody, DeWeese, Donatucci, Fabrizio, Frankel, Freeman, Galloway, George, Gerber, Gergely, Gibbons, Goodman, Haluska, Hanna, Harhai, Harkins, Hornaman, Johnson, Josephs, Kortz, Kotik, Kula, Longietti, Mahoney, Mann, Markosek, Matzie, McGeehan, Mirabito, Mullery, Murphy, Myers, Neuman, O'Brien, M., Parker, Pashinski, Payton, Petrarca, Roebuck, Sabatina, Sainato, Samuelson, Santarsiero, Santoni, Shapiro, Smith, K., Smith, M., Staback, Sturla, Thomas, Vitali, Waters, Wheatley, White, Williams, Youngblood

NAYS-109

Table with 4 columns: Adolph, Aument, Baker, Barrar, Bear, Benninghoff, Bloom, Boback, Boyd, Brooks, Brown, R., Causer, Christiana, Clymer, Cox, Creighton, Culver, Cutler, Day, Delozier, Denlinger, DiGirolamo, Dunbar, Ellis, Emrick, Evankovich, Evans, J., Everett, Farry, Fleck, Gabler, Geist, Gillen, Gillespie, Gingrich, Godshall, Grell, Grove, Hackett, Hahn, Harhart, Harper, Harris, Heffley, Helm, Hennessey, Hess, Hickernell, Hutchinson, Kampf, Kauffman, Keller, F., Keller, M.K., Killion, Knowles, Krieger, Lawrence, Maher, Major, Maloney, Marshall, Marsico, Masser, Metcalfe, Metzgar, Miccarelli, Millard, Miller, Milne, Moul, Murt, Mustio, O'Neill, Oberlander, Payne, Peifer, Petri, Pickett, Pyle, Quigley, Quinn, Rapp, Reed, Reese, Reichley, Roae, Rock, Ross, Saccone, Saylor, Scavello, Schroder, Simmons, Sonney, Stephens, Stern, Stevenson, Swanger, Tallman, Taylor, Tobash, Toepel, Toohil, Truitt, Turzai, Vereb, Vulakovich, Watson, Smith, S., Speaker

NOT VOTING-0

EXCUSED-7

Table with 4 columns: Brennan, Evans, D., Micozzie, Mundy, O'Brien, D., Perry, Wagner

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

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

The SPEAKER pro tempore. On the question of constitutionality, those voting to declare HB 934 to be constitutional shall vote "aye"; those voting to declare HB 934 unconstitutional shall vote "nay."

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

The following roll call was recorded:

YEAS—109

Adolph	Farry	Lawrence	Reichley
Aument	Fleck	Maher	Roae
Baker	Gabler	Major	Rock
Barrar	Geist	Maloney	Ross
Bear	Gillen	Marshall	Saccone
Benninghoff	Gillespie	Marsico	Saylor
Bloom	Gingrich	Masser	Scavello
Boback	Godshall	Metcalfe	Schroder
Boyd	Grell	Metzgar	Simmons
Brooks	Grove	Miccarelli	Sonney
Brown, R.	Hackett	Millard	Stephens
Causar	Hahn	Miller	Stern
Christiana	Harhart	Milne	Stevenson
Clymer	Harper	Moul	Swanger
Cox	Harris	Murt	Tallman
Creighton	Heffley	Mustio	Taylor
Culver	Helm	O'Neill	Tobash
Cutler	Hennessey	Oberlander	Toepel
Day	Hess	Payne	Toohil
Delozier	Hickernell	Peifer	Truitt
Denlinger	Hutchinson	Petri	Turzai
DiGirolamo	Kampf	Pickett	Vereb
Dunbar	Kauffman	Pyle	Vulakovich
Ellis	Keller, F.	Quigley	Watson
Emrick	Keller, M.K.	Quinn	
Evankovich	Killion	Rapp	Smith, S., Speaker
Evans, J.	Knowles	Reed	
Everett	Krieger	Reese	

NAYS—87

Barbin	DeLissio	Kavulich	Preston
Bishop	DeLuca	Keller, W.	Ravenstahl
Boyle, B.	DePasquale	Kirkland	Readshaw
Boyle, K.	Dermody	Kortz	Roebuck
Bradford	DeWeese	Kotik	Sabatina
Briggs	Donatucci	Kula	Sainato
Brown, V.	Fabrizio	Longietti	Samuelson
Brownlee	Frankel	Mahoney	Santarsiero
Burns	Freeman	Mann	Santoni
Buxton	Galloway	Markosek	Shapiro
Caltagirone	George	Matzie	Smith, K.
Carroll	Gerber	McGeehan	Smith, M.
Cohen	Gergely	Mirabito	Staback
Conklin	Gibbons	Mullery	Sturla
Costa, D.	Goodman	Murphy	Thomas
Costa, P.	Haluska	Myers	Vitali
Cruz	Hanna	Neuman	Waters
Curry	Harhai	O'Brien, M.	Wheatley
Daley	Harkins	Parker	White
Davidson	Hornaman	Pashinski	Williams
Davis	Johnson	Payton	Youngblood
Deasy	Josephs	Petrarca	

NOT VOTING—0

EXCUSED—7

Brennan	Micozzie	O'Brien, D.	Wagner
Evans, D.	Mundy	Perry	

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 pro tempore. On that question, the Chair recognizes the gentlelady from Philadelphia, Ms. DeLissio, on the question.

Ms. DeLISSIO. Thank you, Mr. Speaker.

Will the maker of the bill please stand for brief interrogation?

The SPEAKER pro tempore. The gentleman indicates he declines the invitation.

Ms. DeLISSIO. He declines.

The SPEAKER pro tempore. You may proceed.

Ms. DeLISSIO. Thank you, Mr. Speaker.

Mr. Speaker, over the last couple of days that we have debated this bill, I have heard a number of statistics that have been shared. So I did a little bit of homework and found out that indeed 30 States have some form of voter ID but currently only 7 States in the United States have strict voter ID, 7 States have photo ID requirements, and 16 States have nonphoto ID requirements. So Pennsylvania, as a result of passing this legislation, would be in the most restrictive category and join that category of States, and I do not think that is a very good idea, Mr. Speaker.

Mr. Speaker, I am also curious about the U.S. Supreme Court decision as it pertains to their finding in the State of Indiana. And again, some information that I have gleaned says that in the State of Indiana, as my colleague earlier commented on that Supreme Court decision, found that to be very narrowly defined and found the demographics of Indiana to already have photo IDs and therefore not find this piece of legislation to be particularly burdensome.

I am also intrigued, because I traveled a lot for business over the last several years, I have had to file absentee ballots in the Commonwealth of Pennsylvania, and that is indeed a very burdensome type of task. We have to apply for an absentee ballot and then we have to submit the ballot. It has to be timely. It cannot be up against— There are certain deadlines that are set previous to each election, and I think the time here would have been much better spent figuring out how we could have encouraged more people to vote as opposed to HB 934, which by all accounts is going to prevent people from voting and voting in a timely and regular way.

Voter participation has been a big concern of mine for many years. As somebody who has voted in every election since I turned 18, I have a particular appreciation for the right and the privilege, and I have done my best to encourage others to exercise that same right and privilege. And I think our Commonwealth can go a long way in trying to facilitate voter participation as opposed to implementing legislation such as HB 934 that will do just the opposite, in my opinion.

It is well documented that the easier it is for somebody to vote, the higher the turnout will be, and in the Commonwealth we make it very difficult. Voting has to occur within a very narrow 13-hour window. It occurs only on one day. If somebody has to leave town suddenly the night before or in the very early morning of the day of voting, they have no opportunity to vote. We do not have same-day voter registration.

We in fact have quite a few problems with our voting issues in the Commonwealth of Pennsylvania, but one of those issues is not voter fraud. This is another piece of legislation that is not evidenced or data-based at all. It is a solution looking for the problem, and that is very much a concern of mine.

So I hope that you will join with me and rethink that this is not a good piece of legislation. Vote this piece of legislation down so we in the Commonwealth and in the General Assembly can actually pass legislation and look at opportunities to increase voter turnout.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentlelady and recognizes the gentleman from Bucks County, the Honorable Paul Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I stand to support HB 934.

Honest and free elections are imperative to a democracy where the voice of the people can be heard. Therefore, the election process cannot be and must not be compromised or tampered with. We all acknowledge that the freedoms and liberties we take for granted come at a high cost.

Today, as we debate this very issue, America's finest are engaged in foreign countries to safeguard the freedoms that we so often take for granted. Protecting the integrity of the ballot box should not be a Republican or Democrat issue. We cannot provide a brighter future for the next generations of Americans if we do not jealously safeguard the process by which we elect our political figures. Requiring a voter to show identification is a small price to pay when we consider the very undergirding of our democracy rests, to a large measure, on fair and honest elections.

Mr. Speaker, HB 934 is a standard to protect the political process, to keep it from ever being corrupted and abused by those who at times would choose to do so.

I respectfully request and ask the members to support this important legislation. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Montgomery County, Mr. Briggs.

Mr. BRIGGS. Thank you, Mr. Speaker.

I was hoping to do a brief interrogation of the chairman, the Representative from Butler.

The SPEAKER pro tempore. The gentleman indicates he declines your invitation.

You may proceed on the bill.

Mr. BRIGGS. Mr. Speaker, I have concerns regarding HB 934, which imposes an excessively burdensome, unreasonable additional requirement on the citizens of this Commonwealth.

In previous statements the gentleman from Butler has said that he believed everyone in the Commonwealth that wants to vote will have the means and resources to take advantage of the free ID PENNDOT will provide. One of the many problems I have with the gentleman from Butler's bill is that PENNDOT requires certain documents before it will even issue the photo ID.

I have examined the cost of the documents PENNDOT will need to accept prior to issuing a photo ID. The first is a birth certificate with a raised seal, not a photocopy. The cost of a certified copy of your birth certificate is \$10. Mr. Speaker, a

certificate of U.S. citizenship is also allowable, INS (Immigration and Naturalization Service) form N-560. The cost of this document is \$600, and this document is for U.S. citizens who may have been born outside of the United States, and Hawaii is part of the United States. Mr. Speaker, a Certificate of Naturalization, INS form N-550 or N-570. Mr. Speaker, the Certificate of U.S. Naturalization is a document issued by the United States government as proof of a person having obtained U.S. citizenship through naturalization, which is the legal process of obtaining a new nationality. Naturalization is the process by which U.S. lawful permanent residents after a certain number of years apply to become U.S. citizens. The process involves a lot of paperwork; attending an interview; demonstrating the ability to speak, read, and write English; and passing a test on the U.S. history and government. Mr. Speaker, this process costs thousands of dollars and many years to accomplish. The last form of identification that is acceptable is a valid U.S. passport. The cost of that is \$165, which also would be an allowable way for them to vote. The only way the gentleman from Butler's bill does not equate to a poll tax is if the Commonwealth pays for all of the related costs for a citizen to get a valid photo ID.

Mr. Speaker, because we cannot afford to waste money on this modern-day Jim Crow law, I urge a "no" vote on HB 934. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Northampton County, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, would the prime sponsor of this legislation, the gentleman from Butler County, stand for a brief period of interrogation?

The SPEAKER pro tempore. The gentleman indicates he declines your invitation.

You may proceed on final passage.

Mr. FREEMAN. Thank you, Mr. Speaker.

I am sorry to hear that. I think we would have had a very interesting dialogue.

Mr. Speaker, the integrity of the election process truly is critical to the successful functioning of a democracy, but one of the most important, one of the most paramount parts of a well-functioning democracy is to ensure that those individuals who are eligible to vote and are registered to vote as bona fide registered voters are not denied access to the ballot box by some arbitrary election laws designed to prevent them from casting their ballots.

We here in this chamber have seen some tremendous changes in world history over the course of the last several decades. At the close of the last century, the Iron Curtain came down. People who lived under authoritarian regimes were, for the first time, allowed access to the ballot box, and through fair and free elections were able to cast their ballot. This past spring we saw movements in Tunisia, Egypt, Libya where individuals were striving for the kind of democracy that America has always been the ideal model and are working out those efforts to gain access to the ballot box to cast their vote in free and fair elections.

Even here in America over the course of the last 40 or 50 years, we have made tremendous advancements to ensure that anyone who is eligible to vote and who registers has the

right to cast their ballot and not have to go over arbitrary hurdles in statute to get access to that ballot box. That is why we have the Voting Rights Act on the books here in the United States; that is why the 24th Amendment abolished the poll tax here in the United States; that is why we have motor-voter legislation here in Pennsylvania to make registering to vote easy and accessible for all eligible citizens.

The effects of this legislation that is before us today would disenfranchise numerous groups of individuals who should have that right to the ballot box. It has been said on this floor in the course of this debate that senior citizens, in particular, would be disenfranchised, many of whom do not have the kind of identification that this legislation calls for. And with the defeat of the Santarsiero amendment which would have provided for notice, election notice advertisements as to where polling places are and also to remind voters that they would need a proper photo ID, with the defeat of that amendment, we have denied an easy way of reminding voters of a substantial change in our Election Code, and they, too, will oftentimes not know of the change. As a result, they will be denied access to the ballot box. Senior citizens, minorities, people of low income are the most at risk, because these groups, by a larger percentage, do not have the kind of photo IDs required in this legislation.

We must keep in mind, too, that to even get the free identification offered through PENNDOT would require those individuals to make a trip to a photo ID center, many of which exist in suburban settings that do not have easy access for a person without a driver's license to get to. If you do not have a car and your local photo center is in some shopping mall in a suburban area, chances are you are going to have to try and find a very arduous way to get transportation just to get the free photo ID, again, an unnecessary and cumbersome barrier to being able to cast your vote as a legitimate registered voter in this Commonwealth.

Mr. Speaker, any government that denies its legitimate voters, its legitimate citizens who are duly registered, who denies them access to the ballot box because of arbitrary election laws that have the effect of suppressing their vote, any government that does that commits an act of tyranny against its citizenry.

In the course of this debate, we have ignored one very important feature as to, in my opinion, one of the greatest flaws in this proposal, and that is the impact upon our election workers, those who work inside the polls, who put in a long day's worth of work to ensure that our elections function properly. We all know those individuals; many of them are senior citizens who give 13, 14, 15 hours to make sure that the conduct of our elections are done fair. And among those poll workers are a judge of election, selected by the voters of that precinct; a majority inspector, representing the majority party of that precinct; a minority inspector, representing the minority party of that precinct. So all the major parties of our Commonwealth are represented in that board that the registered voter has to go before, sign their name to be able to cast their ballot.

We have built-in safeguards by having that board to review who is coming through that door and claiming to be the person they are. We require their signature, another safeguard, which ensures who they are because it has to match the signature in the registration book. We have also required that if you are voting in that precinct for the first time, under current law you must have some form of identity, if not a photo ID, some other form

of identity, such as a utility bill, to demonstrate who you are. So we have safeguards built into the process already to review who is going to cast their ballot.

But let us return to the issue of the impact of this legislation on those poll workers who work inside, those senior citizens, and let me walk you through a very realistic scenario which is liable to happen if this legislation becomes law. A senior citizen, say someone who is 85 years old, perhaps a veteran of World War II, someone who had served in our nation's Armed Forces, who may very well have landed at Omaha Beach on June 6, 1944, this 85-year-old individual who has voted religiously for over the last 60 years without missing a vote shows up on election day. There was no way that he had knowledge of knowing that he now needed a photo ID, because we do not put that in the announcement as to where your voting precinct is. The majority of this House voted that very commonsense measure down. Maybe he does not get a newspaper anymore, so he has not even seen other publications that may have been put in to help advertise the change, yet he is a bona fide registered voter, a veteran of this country who has served his nation well. He goes to cast his ballot, as he has for the last 60-some years without missing an election. He walks into that polling place; he goes up; he says hello to the judge of elections because he knows him; he is his neighbor. He says hello to the inspectors. They are his neighbors, too. They know him. They live down the street from him. And he wants to sign his name and cast his ballot, and they ask him, "Where's your photo ID?" He says, "Well, I don't drive anymore. I gave up my driving privileges a long time ago because I am up in years. My kids don't want me to drive, so I don't have a driver's license." "What about a passport?" "I live on a pension. I can't afford to get a passport. I can't afford to travel abroad. I'm on a limited income. I just want to vote. That is what I've done in this precinct for over 60-some years. You know me. You know who I am. You've seen me. I know your name; you know mine." "We know who you are. The law tells us we can't let you vote even though you are a valid bona fide registered voter, you've served your country in the nation's military, you've not missed a vote in over 60-some years. I'm sorry; you don't have a driver's license, you don't have a passport, you don't have a photo ID. You can't vote even though I know who you are." That is absurd, and it is an injustice to that voter, and that story will be replicated many times across this Commonwealth if we let this measure become law.

Now, let us take that scenario one step further. The judge of election, the inspectors, they do know who he is. They do know that he has voted in that precinct for over 60-some years religiously. They say, "Well, we'll let it slide this time. We know who you are. We know you're going to vote because you always have voted in this precinct. You're our neighbor." They let that individual cast his ballot, as he should rightly have the right to do, because he is registered; he is a legitimate voter.

Let me tell you what this measure will result as a penalty for those election workers who let that senior citizen cast his legitimate vote. Under section 1848 of the Election Code, they would be charged with the failure to perform their duty. Those election day workers who were just doing a favor to a legitimately registered voter who has voted for over 60 years in his precinct but does not have a photo ID, those election workers would be sentenced to pay a fine of up to \$1,000 and could face imprisonment of not more than 2 years simply for allowing their neighbor, a legitimately registered voter, an

85-year-old senior citizen who has cast his ballot religiously for over 60 years, who is a veteran of this nation's Armed Forces, who defended freedom on the beaches of Omaha, they will go to jail under this law if they allow him to cast his legal vote without a photo ID. That is absurd. That is an injustice.

Let me tell you what else they will encounter as a penalty. Under section 1852, persons convicted of violating the Election Code lose their franchise for 4 years; they lose their right to vote. So that senior citizen who works in that polling place for 13 or 14 hours on an election day, gets paid peanuts but does it out of a sense of civic duty, will, because out of the kindness of their heart they let a legitimate voter cast his vote but he did not have a photo ID, those election poll workers will also be subject to losing their right to cast their vote for up to 4 years. So people who give of their time, their civic duty to work inside the polling places on election day, who know their neighbors, know who is a legitimate voter, and know who is not because they know who cast their ballot religiously every year, like that 85-year-old veteran who has voted without missing an election day for 60 years, those poll workers will go to jail, they will be fined up to \$1,000, and under this law, they will very well lose their right to vote for up to 4 years. How is that improving the election process here in the Commonwealth of Pennsylvania, Mr. Speaker? It has committed an injustice on the legitimate voters of this State.

The SPEAKER pro tempore. The Chair thanks the gentleman.

For the information of the members, the current roster of those seeking recognition on final passage is down to a mere 20, and with that note, the Chair recognizes the gentleman from Luzerne County, Mr. Pashinski.

The Chair rescinds his announcement. We thought the gentleman, Mr. Freeman, had concluded. I certainly can understand why you would need a breath. Please continue.

Mr. FREEMAN. I am sure it was the Chair's desire that I conclude my remarks. I guess you could add to the litany of injustices cutting off free speech as a possibility as well.

To reach the conclusion of my remarks and satisfy the desires of the Chair, let me simply close with this. This legislation will put at risk our election workers. It will deny access to the ballot by legitimate voters, those who are bona fide registered voters who simply do not have a photo ID, were unaware of the change in the law, or simply could not have access to those facilities that would give them a proper photo ID. It means longer lines, unnecessary interruptions to their ability to cast their vote.

There is no denying that this legislation is a suppressing of the right to vote for large segments of our population, and shame on those who support that endeavor. This very measure goes against the grain of democracy, and I ask my colleagues to look deeply into their own souls, to stand by democracy, and to vote "no" on this outrageous proposal.

The SPEAKER pro tempore. The Chair thanks the gentleman again and recognizes the gentleman from Luzerne, Mr. Pashinski.

Mr. PASHINSKI. Thank you, Mr. Speaker.

Would the gentleman from Butler please rise for brief interrogation?

The SPEAKER pro tempore. The gentleman indicates that he declines your invitation.

You may proceed on final passage.

Mr. PASHINSKI. It was an easy question.

Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to HB 934.

The intent of HB 934 is admirable, an effort to ensure perfect identification of every Pennsylvania citizen that is eligible to vote. Everyone supports a fair and open process that will guarantee every legitimate vote cast is legal and does count and that anyone that attempts to violate this process will be found out and appropriately punished for falsifying that identification.

There is no argument when it comes to protecting and guaranteeing one's right to vote, one's very precious right to vote. Millions of Americans have died and countless foreigners have sacrificed their lives as well in order to create this democracy and preserve the very freedoms that we hold so close to our hearts and embodies the very soul of our country's remarkable success. Voting is a very special right.

But as the members of the State Government Committee began to look at HB 934, it was obvious that there were major problems with the bill. Because of the shortfalls of this bill, it is true we drafted a large number of amendments. Those amendments were drafted to attempt to address the areas that we felt were inconsistent with law and concerns, and our intent was to correct, an attempt to improve the shortcomings of HB 934.

In order to improve the bill, we offered the idea to create a marketing campaign that would ensure the people of Pennsylvania would be made aware of the new voting requirements and every effort must be taken to utilize every single viable source, every viable advertising vehicle to inform our citizens of the new requirements. HB 934 is changing the way Pennsylvanians have voted for the last 50-plus years, and because that information is absolutely vital information, a campaign must be conducted to achieve this goal.

We also suggested that we advertise in many languages. Unfortunately, the advertising amendments that we offered in good faith were voted down. We also recognized that HB 934 provides an exemption, an exemption for certain religious sects, relieving these people of the requirements to provide a valid picture ID, an exception for these folks, and yet for millions of Pennsylvania voters, millions of voters that have voted in our Commonwealth election time and time again, for these citizens they must provide an approved photo ID at the polling place or they cannot vote.

So your grandmother, your grandfather, who have lived in the same area and voted in the same polling place for decades, must now show a photo ID that was issued by our Commonwealth or the Federal government or they do not get to vote. No longer will your grandparents, millions of senior citizens be able to use a nonphoto State or Federal government-issued ID. No longer will citizens be able to submit as a legitimate identification a paycheck or a government-issued check to provide their identity. Mr. Speaker, my grandparents, many of my relatives never owned a vehicle, never needed to drive, and therefore never had a photo ID, but now if they want to cast their vote, now, whether they are 70, 80, 90, or more, they have to go to a Pennsylvania photo center to get that photo ID. Now, if everyone had to do that, then I think it would be agreeable. However, there are continued exceptions.

HB 934 recognizes another exception, too. If you live in a care facility that is also a polling place, they are exempt from having a photo ID just because they live there, just because you rolled in the voting machine. Who identifies whether they are

indeed legitimate? Yet the people in every other care facility throughout Pennsylvania must have a photo ID. This exception, again, creates another great inconsistency, another loophole in the voting process that demonstrates the shortfalls, the unfair and uneven set of rules that make it more difficult for many Pennsylvanians to exercise their right to vote.

HB 934 does more to disenfranchise voters than to assist them. HB 934 does more to disrupt than facilitate the voting process, and to top it off, it will cost several millions of dollars, millions of dollars to initiate, as high as \$10 million, and millions of dollars to continue every year, every year forever.

So while we wait to final passage of this year's budget, which will severely cut the funds for our public schools, our State-related schools, and our 14 State colleges; severely cut human services for the aged, the vulnerable; eliminate jobs, eliminate—

The SPEAKER pro tempore. The gentleman will suspend, please.

Mr. PASHINSKI. —human health—

The SPEAKER pro tempore. The gentleman will suspend, please.

POINT OF ORDER

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

Mr. SCHRODER. Mr. Speaker, the topic is not the State budget. I am sure we will have plenty of time in the ensuing days to discuss that, and I would ask that the gentleman be reminded to stay on the topic of the bill.

The SPEAKER pro tempore. The Chair thanks the gentleman and encourages such.

Mr. PASHINSKI. I do apologize, Mr. Speaker.

Would it be appropriate to show where the money shortfall may rest upon the transportation system?

The SPEAKER pro tempore. Mr. Pashinski, you may proceed on final passage.

Mr. PASHINSKI. I thank you, Mr. Speaker.

In any case, it goes on and on and on and yet we are spending valuable money for a solution in search of a problem. These inconsistencies make HB 934 gravely flawed and therefore will do more harm than good. HB 934, without the appropriate amendments, is indeed a mistake, and I ask for a "no" vote. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes, on final passage, the gentleman from Bucks County, Mr. Santarsiero.

Mr. SANTARSIERO. Thank you, Mr. Speaker.

Mr. Speaker, I would ask whether the sponsor of the bill would stand for brief interrogation. I recognize that the sponsor has been defending the bill now for some time, and I ask his indulgence.

The SPEAKER pro tempore. The gentleman's invitation is declined, and you may proceed on final passage.

Mr. SANTARSIERO. Mr. Speaker, I ask whether the majority leader would stand for interrogation.

The SPEAKER pro tempore. The majority leader is otherwise occupied. You may proceed on final passage.

Thank you, Mr. Majority Leader.

The majority leader indicates that he will entertain your interrogation.

ANNOUNCEMENT BY MAJORITY LEADER

Mr. TURZAI. Mr. Speaker, a point of order – and I will accept the interrogation – if I might just make an announcement first?

The SPEAKER pro tempore. I rescind my misunderstanding of the hand signals.

Mr. TURZAI. But I will stand for interrogation.

Mr. Speaker, under point of order, just for the members, I would suggest to the Speaker we will break at 6:30 for the opportunity for everybody to come back at 9 o'clock, and so from 6:30 we will break and we will be back on the floor at 9 o'clock.

And if I might – and then I will come back for interrogation – if I might just defer to my colleague from the northeast, our chair.

REPUBLICAN CAUCUS

The SPEAKER pro tempore. The Chair recognizes the Republican Caucus chairwoman, Ms. Major, for an announcement.

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce that Republicans will caucus this evening at 8 p.m. I would ask our members to please report promptly to our caucus room at 8 o'clock, and we will be prepared to come back to the floor at 9 o'clock. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentlelady.

CONSIDERATION OF HB 934 CONTINUED

Mr. TURZAI. Yes.

The SPEAKER pro tempore. The majority leader indicates that he will stand for interrogation. Mr. Santarsiero, you may continue.

Mr. SANTARSIERO. Thank you, Mr. Speaker.

Mr. Speaker, I would ask that you turn your attention to page 5 of the bill and specifically lines 15 through 25.

Mr. TURZAI. Mr. Speaker, if I might, I will at this time, if it is okay with the maker of the interrogation, I will defer to the maker of the bill who will stand for interrogation, but we will be breaking at 6:30.

Mr. SANTARSIERO. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Butler County is recognized for the purpose of interrogation. Mr. Santarsiero, you may continue.

Mr. SANTARSIERO. Thank you, Mr. Speaker.

I will repeat it for the gentleman from Butler County. Specifically, I would draw his attention to page 5 of the bill, lines 15 through 25. Is he there, Mr. Speaker?

Mr. METCALFE. I am there.

Mr. SANTARSIERO. Thank you, Mr. Speaker.

Mr. Speaker, those lines are specifically section (a.2), which talks about when someone wants to file a provisional ballot, they do not have a proof of identification. Is that not true, Mr. Speaker?

Mr. METCALFE. Would you repeat your question again, please.

Mr. SANTARSIERO. Yes, Mr. Speaker. This section deals with an elector who is unable to provide proof of identification at the time of voting being able to provide provisional ballots. Correct?

Mr. METCALFE. That is correct.

Mr. SANTARSIERO. Thank you, Mr. Speaker.

And the two categories that are dealt with, in these two situations that are dealt with where a provisional ballot can be used first deal with a person who is indigent, and that is (a.2)(1). Correct, Mr. Speaker?

Mr. METCALFE. It appears to be correct.

Mr. SANTARSIERO. Thank you. And then the second one seems to be the catchall provision, and it says, "on any other grounds or the elector's proof of identification is challenged by the judge of elections...." Correct?

Mr. METCALFE. Yes.

Mr. SANTARSIERO. Thank you, Mr. Speaker.

And that one is denominated section (a.2)(2). Correct?

Mr. METCALFE. Yes.

Mr. SANTARSIERO. Thank you, Mr. Speaker.

So under that section, for example, if someone were to show up at the polls without identification; let us say, they simply forgot their ID, they could, under that section, then request a provisional ballot. Is that correct?

Mr. METCALFE. That is correct.

Mr. SANTARSIERO. Thank you, Mr. Speaker.

Mr. Speaker, I would ask you to turn your attention now to page 8, and specifically lines 3 through 28. This is section (ii), small Roman (ii). Do you see that, Mr. Speaker?

Mr. METCALFE. Was it lines 3 through 8?

Mr. SANTARSIERO. Mr. Speaker, before you answer that question, may I ask the Speaker, the Chair, please, to ask the House to tone it down a bit.

The SPEAKER pro tempore. The gentleman is quite right. Would the conversations in the aisles please break up.

Mr. SANTARSIERO. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. SANTARSIERO. Thank you, Mr. Speaker.

I had asked the speaker to focus his attention now on page 8 and specifically section small Roman (ii), lines 3 through 28. Does the gentleman see that, Mr. Speaker?

Mr. METCALFE. I have it.

Mr. SANTARSIERO. Okay. And specifically paragraph (D) in that section, Mr. Speaker. That section talks about instances in which provisional ballots would not be accepted. Is that correct?

Mr. METCALFE. That is correct.

Mr. SANTARSIERO. It would not be.

Mr. METCALFE. Yes.

Mr. SANTARSIERO. Thank you.

And paragraph (D) in that section, Mr. Speaker, refers back to section (a.2)(2), which we just talked about, which is that section in which a person could show up at the polls on election day and ask for a provisional ballot because they did not have the ID with them. They simply forgot it. Correct?

Mr. METCALFE. It appears so.

Mr. SANTARSIERO. And yet if you read paragraph (D), Mr. Speaker, it says that in that situation, under that paragraph, if an elector fails to appear at the courthouse within 6 days and sign the affidavit and if the elector is indigent, then the ballot will not be counted. So in other words, Mr. Speaker, paragraph (D) requires that the elector be indigent.

Mr. METCALFE. I do not have the same reading of it or the same interpretation as you do. The legislation is providing if somebody casts the provisional ballot because they did not have their ID with them or because they did not have ID because they were indigent, that they are allowed to cast that provisional ballot and that they do have to appear at the courthouse, but not that the person who has cast it, who did not have the ID, that they had to be indigent. If somebody fails to have their ID with them, they are allowed to cast a provisional ballot and then show up at the courthouse whether they were indigent or not.

Mr. SANTARSIERO. Mr. Speaker, that is not what the bill says, Mr. Speaker, with all due respect.

Mr. METCALFE. Well, Mr. Speaker, I am not going to engage in debate. I agreed to rise for interrogation. As you had seen, I had not done that with several speakers before you specifically because of the many hours of debate we have had. Many of the amendments and many of these requests for interrogation are nothing more than obstructionist tactics, and I will end the interrogation at this time.

The SPEAKER pro tempore. Would the gentleman suspend. Thank you.

To remind the members, the purpose of interrogation is to ascertain understanding about the bill before us and not for other purposes.

Does the gentleman have any further inquiries along those lines?

Mr. SANTARSIERO. Mr. Speaker, I am, among other things, trying to establish a legislative record. I am trying to understand what the intent of the bill is and what the actual language of the bill is, and I am trying to interrogate the maker of the bill so that I can understand exactly what the intent is here.

Now, I have read the language—

The SPEAKER pro tempore. The gentleman is reminded that he is recognized now for the purpose of interrogation to ascertain understanding of the bill before him.

Do you have further interrogation for the sponsor?

Mr. SANTARSIERO. I have one other question, Mr. Speaker, if the gentleman will stand for that question.

The SPEAKER pro tempore. The gentleman indicates that he declines your invitation—

Mr. SANTARSIERO. Okay.

The SPEAKER pro tempore. —which will conclude that interrogation.

It is just before 6:30. When we return from recess, the gentleman, Mr. Santarsiero, will be recognized when we return to final passage of HB 934 for debate on final passage.

RECESS

The SPEAKER pro tempore. The House will stand in recess until 9 p.m., unless sooner recalled by the Chair.

AFTER RECESS

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

**THE SPEAKER (SAMUEL H. SMITH)
PRESIDING**

The SPEAKER. Members will report to the floor.

SENATE MESSAGE

**AMENDED HOUSE BILL RETURNED
FOR CONCURRENCE AND
REFERRED TO COMMITTEE ON RULES**

The clerk of the Senate, being introduced, returned **HB 986, PN 1849**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 1727 By Representative ADOLPH

A Supplement to the act of July 28, 1966 (3rd Sp.Sess., P.L.87, No.3), known as the University of Pittsburgh—Commonwealth Act, making appropriations for carrying the same into effect; and providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

Referred to Committee on APPROPRIATIONS, June 23, 2011.

No. 1728 By Representative ADOLPH

A Supplement to the act of November 30, 1965 (P.L.843, No.355), known as the Temple University—Commonwealth Act, making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

Referred to Committee on APPROPRIATIONS, June 23, 2011.

No. 1729 By Representative ADOLPH

An Act making appropriations to the Trustees of the University of Pennsylvania.

Referred to Committee on APPROPRIATIONS, June 23, 2011.

No. 1730 By Representative ADOLPH

A Supplement to the act of July 7, 1972 (P.L.743, No.176), known as the Lincoln University—Commonwealth Act, making an appropriation for carrying the same into effect; providing for a basis for payments of the appropriation; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

Referred to Committee on APPROPRIATIONS, June 23, 2011.

No. 1731 By Representative ADOLPH

A Supplement to the act of April 1, 1863 (P.L.213, No.227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; and providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

Referred to Committee on APPROPRIATIONS, June 23, 2011.

No. 1732 By Representative ADOLPH

A Supplement to the act of April 1, 1863 (P.L.213, No.227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure; and making an appropriation from a restricted account within the Agricultural College Land Scrip Fund.

Referred to Committee on APPROPRIATIONS, June 23, 2011.

CALENDAR CONTINUED

CONSIDERATION OF HB 934 CONTINUED

The SPEAKER. The House will pick up with the debate on HB 934 on page 6 of today's calendar.

On the question recurring,
Shall the bill pass finally?

The SPEAKER. The gentleman from Bucks County, Mr. Santarsiero, had previously concluded his interrogation and is continuing on the final passage of the bill.

The gentleman may proceed on final passage.

Mr. SANTARSIERO. Thank you, Mr. Speaker.

As the interrogation made clear, there is an inherent inconsistency in this bill. Among other things, unless a voter is indigent, if they show up at the polls without an ID, an otherwise valid voter who then tries to file for a provisional ballot will find that that ballot will not be counted under this bill. This bill only counts provisional ballots if the voter is an indigent person, and as a consequence, it has the real potential of disenfranchising thousands and thousands of voters who, by no fault of their own, may simply forget their ID on the day of the election, not have time to go back home and get it, and, as a consequence, be prevented from voting and have their provisional ballot not counted. Because under the terms of this bill, those ballots will not be counted unless in fact the voter can show that he or she is indigent, and as a consequence, valid voters from across the Commonwealth will be prevented from voting.

But beyond that, Mr. Speaker, as some of the other speakers have said already tonight, the fact of the matter is that this bill is unnecessary. Through our hearings in the State Government

Committee and in the debate on the floor today and earlier, the proponents of this bill have not been able to show any clear evidence that justifies this bill. Essentially, it is a solution in search of a problem. It will instead have the impact of making it more difficult for people that exercise the franchise at a time when we should be making it easier for people to vote. And for that reason, I urge my colleagues on both sides of the aisle to vote "no" on HB 934.

Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Allegheny County, Mr. Saccone.

Mr. SACCONI. Thank you, Mr. Speaker.

I rise in support of this bill. I have two points. I will be brief.

The first one is, I have heard several times during this week that we have had only four cases of voter fraud prosecuted in Pennsylvania; therefore, voter fraud basically does not exist. I think this logic is shallow and must be challenged. In the last election, our poll watchers documented scores of violations of various kinds of voter fraud and submitted them to the local authorities, and they have yet to be acted upon.

Now, I have heard of similar instances submitted across the State. So what I think is, the shame is that we just do not seem to be prosecuting voter fraud, and that is not a reason to say there is no voter fraud. So we need to end the assertion that voter fraud is nonexistent. We all know it happens. Some of us have been the victims of it.

My second point, Mr. Speaker, is that the beauty of our system, I think, is well captured in the timeless saying, and they created a government whereby all men were pledged to defend the rights of each man, and each man pledged to defend the rights of all men. That is what we accomplish when we ask citizens to show an ID to vote. We are defending the vote of every man, ensuring that only one eligible person votes and that vote is not deluded by fraud. That is the essence of our representative government and the foundation of good citizenship.

This bill protects only one facet of voter fraud, I admit that, but it is a critical first step. We must start here to strengthen our system to ensure the rights of all men. Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the lady from Philadelphia, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

There has been a lot of discussion. Of course, we are all aware of that. I want to remind you all that the gentleman from York, I believe, in the course of debate made a rather appalling statement that would suggest that people who are survivors of domestic violence and those folks who are attempting to help them are engaging in some kind of fantasy. When I listened to this – he retreated a little bit from that after he was admonished by a number of people – when I listened to this, I reminded myself that there is a fantasy going here, there is no doubt a fantasy going here, and the fantasy is that large numbers of voters attempt to vote twice or impersonate another voter, and that is one part of the fantasy. And the other part of the fantasy is that somehow forcing them to bring photo ID, which is very easy and very cheap to duplicate, very hard to detect, is going to end that fantasy of a crime.

And I am again reminded by the last speaker – I did not see the county, but it does not matter; it was the last speaker immediately before me – who talked about some locality in this

State where numerous frauds were directed, were conducted, and they complained to the election director, I assume, and to this date, nothing has happened. I am not going to interrogate the gentleman, but I do wonder, if this was all so serious, why did not anybody inform the local district attorney? Why did not anybody inform the local district attorney? I will ask that again: Why did not anybody inform the local district attorney? Well, when we— Or the Attorney General of the State.

We heard in committee from a lawyer who testified from an organization. When you read her testimony carefully, you saw that she was not speaking for the organization; she just belonged to it or worked for it. She was speaking for herself. And she alleged that hundreds, as I remember, voters were bused in to at least one polling place in Allegheny County to vote for President Obama. I begged her to tell me, to give me more information. She said she would. Weeks passed. Nothing happened. I was concerned, because here was a person who looked credible, although the organization that she was connected with did not have her position, and I do not want fraud to be happening anyplace. I am not for fraud. I do not know anybody on this floor who is for fraud, or in the General Assembly.

So I took the trouble to write to the local district attorney and asked about prosecutions and complaints, and I heard back from the district attorney from Allegheny County, and he made the effort of kind of canvassing a lot of election officials, or the election official in Allegheny County, and he had not had complaints. There were no prosecutions. And the election official from Allegheny County wrote a letter that said, well, it is not uncommon, you know, Representative, when people lose an election to make these kinds of allegations. It seems to me to be obvious, and since they were never reported to anybody or prosecuted, I cannot really give them too much credence. So I am not very concerned about that incident in Allegheny County. So that is one thing.

Here is another: We have voted here and all the Republican votes for one of the amendments would have disqualified or did not allow the Democratic amendment which would have said, which did say, anybody over 65 does not have to show this photo ID except for the first time, of course. Apparently some of the people or some of those votes that were cast were cast very uncomfortably, because after that, we took up the question of domestic violence survivors, veterans, and people who were physically and intellectually challenged, and in all those three cases, the Republicans, somebody who was from the other side of the aisle, got up and made a motion that these were not germane, that these amendments were not germane. And their preponderance, the great majority, all of the Republican votes, went to—

The SPEAKER. The lady will please suspend.

PARLIAMENTARY INQUIRY

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

Mr. SCHRODER. Thank you, Mr. Speaker.

A point of parliamentary inquiry.

The SPEAKER. The gentleman will state his inquiry.

Mr. SCHRODER. Mr. Speaker, we have been hearing for a number of minutes now, and even before we took the break, recitations about amendments – amendments that failed; what

happened during the amendment process. Mr. Speaker, we are on final passage, and I want to know if it is proper to discuss the amendments that failed and are not in the bill since the subject of final passage, as I always understood it, are the four corners of the bill as they exist right now.

The SPEAKER. The gentleman is correct that the subject is the final passage. While someone cannot redebate an amendment that had been considered previously, arguably they could discuss what they perceive to be a weakness in the bill because an amendment was not added. So it is maybe a matter of style, but the Speaker would say that technically, you are correct.

Mr. SCHRODER. Well, I thank you, Mr. Speaker, and I would just urge that we have moved far afield many times now on a number of speakers and would just ask that attention be paid to that so that we can all discuss what we are voting on, not what has already been voted and discussed ad nauseam.

The SPEAKER. The Speaker thanks the gentleman.

The Speaker would ask the members to tailor their remarks to the final passage of the bill that is before the House.

The lady may proceed.

Ms. JOSEPHS. One of the infirmities of this bill has to do with the fact that we did not protect elderly voters, voters who are handicapped or physically or mentally challenged, voters who are veterans, American citizens who are survivors of domestic violence. We did not protect those three, or four groups really. Had we, I might be up here making another speech. So it is very important to the reason why I am not for this bill to discuss what is not in the bill, Mr. Speaker, and protection for those four groups who are important voters is not in this bill.

But I would also like to say, Mr. Speaker, that people, those four communities, are not fooled by the procedural vote. They are not fooled. They know very well what those votes were about, and so do the rest of us.

I want to move on to ask the individual from Butler County, the chairman of the committee, State Government Committee, to stand for brief interrogation. I have two questions.

The SPEAKER. I do not see the gentleman on the floor— Oh. You have been asked to stand for interrogation. The gentleman indicates that he is not standing for interrogation.

Ms. JOSEPHS. I am very disheartened by this. Mr. Chairman, if I showed you my photo ID, would you do that?

The SPEAKER. The lady will suspend.

The gentleman indicated he was not going to stand for interrogation. You direct your remarks, your comments, to the Speaker, not to a member.

Ms. JOSEPHS. Mr. Speaker, I find it pretty amazing that an individual who is the maker of this bill—

The SPEAKER. The lady will suspend.

The subject before the House is not whether or not an individual member would stand for interrogation or not; the debate before the House is on final passage of the bill.

Ms. JOSEPHS. Well, there are some questions I wanted to ask I do not know the answer to, so I will pose them rhetorically. Maybe someone else knows the answer. I will pose the question, and I will see if somebody who is in support of this bill has an answer.

I draw your attention to the exception for people who live in nursing homes where they vote in their own facility. Those people do not have to have voter ID. I would like to know, Self – I will stand on the left – what is a nursing home?

Well, what do you mean what is a nursing home?

Well, in my district, Self, we have acute-care facilities, some of which have common rooms where they vote, and we have assisted-living facilities where people have their apartments and sometimes they cook and sometimes they do not cook, and I would like to know, Self, whether both of those facilities qualify as care homes?

The SPEAKER. The lady will suspend.

Ms. JOSPEHS. I would like to know—

The SPEAKER. The lady will suspend.

The subject before the House is the bill before us, HB 934. The subject is very serious, and if the lady is going to make a mockery of the debate, then she will be ruled out of order.

Ms. JOSEPHS. Sir, in this bill, there is a term "care facility." I would like to know whether in my district or anybody else's district this term contains an assisted-living arrangement. It is not usually thought of as a nursing home, but I have a facility in my district where people get certain services. They can cook in their apartments or they can go and eat in a common room. There is a medical team which can be called on at any moment. But people have their own apartments, and they go out into the city and they come back to this assisted living. Does that count as a nursing home? To me, that does not sound like mockery. I am trying to find out what this bill means, and if nobody can answer me, that is the mockery. And I really think that we should really stop saying to each other and making these kinds of characteristic remarks. I am trying to find something out.

The SPEAKER. The lady will suspend.

PARLIAMENTARY INQUIRY

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

Mr. PAYNE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his inquiry.

Mr. PAYNE. I am struggling to find out from the Parliamentarian, when a member has been repeatedly told that that is not part of the right questioning, that we are making a mockery of the system, that nobody is going to stand for interrogation, she acts like she is interrogating herself, now she is challenging the Speaker on the ruling, what does the Parliamentarian say on what is the next action that we can do?

The SPEAKER. The Speaker says when someone is out of order or not. I think I have made a fairly direct suggestion as to when someone might be out of order, but that is the judgment of the Speaker, quite candidly.

Mr. PAYNE. Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

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

Mr. ROEBUCK. Mr. Speaker, I rise just on an inquiry, because I am really confused—

The SPEAKER. A parliamentary inquiry?

Mr. ROEBUCK. A parliamentary inquiry.

I am confused at this point. If no one answers your question, how do you get an answer in this chamber for a legitimate question about the substance of a bill?

The SPEAKER. I think generally we read the bill, we speak to our staff, maybe we call other outside sources that would provide an interpretation, and make our own interpretation. In other words, if one reads the bill and they draw a conclusion, then they state that is their conclusion on what the bill means, whether that is good or bad, they support or deny— You know, either it garners their support or lack of support for the bill.

Mr. ROEBUCK. Mr. Speaker, if I make my own interpretation, then how do I know that is the correct interpretation if no one who is the sponsor of the bill clarifies if I am right or wrong? How do you do that, Mr. Speaker?

The SPEAKER. That is not a parliamentary inquiry.

Mr. ROEBUCK. I will then— I am asking for clarity, Mr. Speaker. You said you make your own interpretation. I am unclear what that means in this process of debate on a legislative matter.

The SPEAKER. The gentleman is not stating a parliamentary inquiry.

Mr. ROEBUCK. Thank you for not answering my question, Mr. Speaker.

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

Mr. DERMODY. Mr. Speaker, the gentlelady has explained what her question was. It clearly was not frivolous. It was not an attempt to make a mockery of anything. It was on a substantive issue with regard to this bill—

The SPEAKER. The Speaker cannot—

Mr. DERMODY. —and I do not believe we should take her motives into question. We talked all night about we should not question a member's motives. Her motive was to find out what really the intent of the bill is.

The SPEAKER. The Speaker only instructed the lady that when she was doing the "interrogate myself," that he thought that was a little less than within the decorum of the House. The Speaker did not tell the lady that she cannot ask a rhetorical question or ask a straightforward question. The Speaker cannot compel a member to speak.

The lady may proceed.

Ms. JOSEPHS. Mr. Speaker, my second question, which I hope somebody can answer – it seems like if you cannot defend a bill, maybe it is not defensible, but I will ask the question anyway. I do not drive. I have a driver's license that I use for identification. Many people in my district and the cities all over this State do not drive, especially senior citizens. Can I get a nondriver's ID, give up my driver's license and get a free nondriver's ID for the purpose of voting? Can my constituents do that? Am I doing something illegal if I do an e-mail blast to my constituents and say, hey, look, you do not need to spend whatever it costs to have a driver's ID; you just need to go to the election board and say, I need ID for voting; please give it to me free. Can I do that? Is that illegal under this bill? Is that legal? Is that something I ought to be encouraging? I would like to know that.

Well, that was elucidating.

Mr. Speaker and the rest of my friends here, I would like to read a paragraph from the County Commissioners Association of Pennsylvania. These are the people who run our elections all over the State. I am reading a quote. You all have this letter, but I am going to read it, only a paragraph: "Administration of elections generally, and of polling places, is a responsibility we take seriously. Were the question of fraudulent voting an issue, we would be calling for legislation such as these proposals, and perhaps other measures, to deal with the problem. But we find no evidence – substantiated by a search of case records and anecdotal information from the counties – that it is an issue. And so we believe a requirement to present ID at all elections is a solution to a problem that does not exist."

This is not the Democrats saying this. This is not people who might have an ax to grind about an election they lost or won. These are the professionals. They are Republicans and Democrats who work very hard to make sure that every qualified voter gets to cast a vote and that every vote is counted accurately. And they say this is a solution in search of a problem. And you know what, Mr. Speaker? They are right.

Now, some people out in the public will say, what is the big deal? I need photo ID to get a credit card. I need photo ID to buy a drink. I need photo ID to buy a pack of cigarettes. Actually, I wish you did. I think mostly you do not. Here is the reason: No American ever died so you could have a credit card. No American ever died so you could drink alcohol. No American ever died so you could smoke a pack of cigarettes. But people have lost their sons and daughters, their brothers, their fathers, their mothers, their sisters. They have come back from battlefields without limbs, without the possibility of being able to see, blinded, deafened. They have come back waking up in the middle of the night and screaming from the trauma, from the things that they have seen, and they have done that for the right to vote. And when they come to vote themselves, they are not even protected, because all of the Republican votes were against our veterans.

This is shameful. It is disgraceful. I think the voters are not going to miss this. I think people know exactly what is going on. Thank you, Mr. Speaker.

The SPEAKER. The question is— For what purpose does the gentleman, Mr. Clymer, rise?

Mr. CLYMER. Unanimous consent, Mr. Speaker, to reflect on a question made by the person who is now speaking.

Mr. Speaker—

The SPEAKER. The gentleman will please suspend.

The Speaker's judgment is that if the gentleman seeks to respond to the context of the debate, that you would be seeking to be recognized on the subject of the bill and not under unanimous consent.

Mr. CLYMER. Okay. On the subject of the bill.

The SPEAKER. The gentleman is not recognized under the subject of the bill because we have a list of members, and I kind of need to keep in order.

Mr. CLYMER. Mr. Speaker, I want to inquire about the comments that were made by the speaker dealing with veterans and Republican votes.

The SPEAKER. The gentleman, that type of interrogation or response to previous debate is in the context of debating the bill, and I would be happy to add you to the list of members seeking

recognition. That is not something that would be taken up under unanimous consent.

Mr. CLYMER. Okay. Thank you, Mr. Speaker. So I will have the opportunity to ask, to deal with the issue—

The SPEAKER. The gentleman's name will be added to the list.

Mr. CLYMER. —on the language made by the current testifier, legislator, who said that—

The SPEAKER. The gentleman will suspend.

Mr. CLYMER. —those votes, that those votes—

The SPEAKER. The House will come to order.

The gentleman will suspend. The House will come to order.

The Speaker understands what the gentleman would like to do. His name will be added to the list of speakers who would wish to debate the bill, at which time you may make whatever response to prior debate as you choose.

Mr. CLYMER. Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Northampton, Mr. Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

I rise to speak in opposition to HB 934. We have had a lot of debate this week on Monday and Tuesday and today about the flaws in this bill and how this bill could lead to additional hurdles put in the way of people to vote.

We have a right to vote in this country. It is a precious American right to vote, and we should not be making it harder for citizens of Pennsylvania to vote. We should not be putting this requirement that you have a photo ID, and if you do not have one, as is the case with hundreds of thousands of Pennsylvanians, if you do not have a photo ID, you have to make an extra trip to PENNDOT ahead of time before you go to the polls or you have to make an extra trip to the county courthouse within 6 days after you go to the polls, two trips for the right to vote in the United States of America in Pennsylvania.

Mr. Speaker, there is a tremendous cost to this bill. We have a fiscal note in front of us that says the cost of this bill is \$4.3 million. Now, I understand how the fiscal note was derived. The estimate was made that there are 319,000 people who do not have a photo ID and thereby would be prohibited from voting unless they get the photo ID from PENNDOT that was discussed earlier. So 319,000 people times the cost of that photo ID, \$13.50, that is how the fiscal note arrives at the number of \$4.3 million.

Now, one additional point on that number. Earlier in the debate, a couple of hours ago, one of the members on the other side said, well, even though the fiscal note says there will be 319,000 people, it might not be that much because not everyone would go out and get a photo ID. Well, right now every one of those 319,000 people has the right to vote in Pennsylvania in the United States of America. If it is true, as the gentleman on the other side of the aisle said that some would not get that photo ID, that is an admission that those folks would no longer have the right to vote in Pennsylvania. That is outrageous. We should not endorse a system where thousands of people are denied the right to vote.

Furthermore, the fiscal note only addresses the cost of providing free photo IDs to those 319,000 people. There are additional costs in this bill. If you do some research, you will find out there are about 800,000 people in Pennsylvania who already have a nondriver's license photo ID. It is good for a term

of 4 years. So every year, about one-fourth of those people renew their photo ID, about 200,000 people. In fact, last year it was 215,000 people. Currently those people do pay for the photo ID, \$13.50 apiece. That is another \$2.6 million. That is not in the fiscal note. That is \$2.6 million that currently comes into Pennsylvania from the people who normally get photo IDs already. Well, guess what? One of the speakers just a few minutes ago suggested that if this becomes law, every person who wants a photo ID in Pennsylvania would say, well, you know what? I need it for voting. I want to get the free photo ID that is provided in this bill. I do not want to pay the \$13.50; I want the free photo ID. If this bill becomes law, I would imagine that those 215,000 people annually would choose to apply for a photo ID that way.

So let us review. You have got 319,000 people who do not have a photo ID, who we hope would sign up in the first place; an additional 215,000 people who currently have a photo ID renewed every year who would probably try to get the free one with the new system. So let us add that up. That is \$4.3 million for the first group and about \$2.6 million in lost revenue for the second group. That is a fiscal impact of just under \$7 million — \$7 million in a year when we are set to debate a very tight budget. The budget of Pennsylvania that our citizens have been reading about has a lot of severe cuts. Seven million dollars is not an unfamiliar figure. Seven million dollars, that is about the amount that was cut from PHEAA (Pennsylvania Higher Education Assistance Agency) grants for our college students in the budget that passed this House in late May. Seven million dollars, that was the money that was eliminated for a program where honors kids in our high schools can take college classes. That is \$7 million in the current budget, zero in the budget that passed the House on May 24.

We discussed earlier tonight that if this money comes out of the Motor License Fund, that is \$7 million less for roads and bridges in Pennsylvania. So at a time when we are debating a very tight budget, there are a lot of higher priorities for \$7 million than creating a new, unnecessary photo ID system which would have the effect of suppressing people's right to vote, putting additional hurdles in the way of people who want to vote, and ultimately diminish the number of people in Pennsylvania who vote. We should not be trying to limit voting; we should be trying to encourage voting, and I urge a "no" vote on HB 934.

Thank you, Mr. Speaker.

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

On the question, the Speaker recognizes the gentleman, Mr. Knowles. The gentleman waives off.

The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman from Luzerne, Mr. Mullery.

Mr. MULLERY. Thank you, Mr. Speaker.

I rise in opposition to HB 934. Those who support this bill justify photo identification as a reasonable measure to combat the problem of voter fraud, but they have supported this interest with unsubstantiated anecdotes of alleged fraud, and at no point have any lawmakers presented evidence of any kind between the correlation of stricter identification requirements and reduction in fraud. However, as several studies made clear, photo identification restrictions leave unaddressed the most prevalent types of fraud currently plaguing the electoral process.

First, it is undisputed that there is virtually no evidence that voter impersonation fraud poses any kind of serious problem

anywhere in this country. As several Secretaries of State explained in an amicus brief filed in the Indiana Supreme Court case, in over 10 years of experience overseeing or administering Federal elections in which more than 24 million votes were cast, they were not aware of any cases of polling place voter impersonation fraud in those elections. There are also no—

The SPEAKER. The gentleman will suspend.

POINT OF ORDER

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

Mr. HORNAMAN. Just a point of order.

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

Mr. HORNAMAN. Mr. Speaker, could we please have some respect for this man speaking at the podium, please?

The SPEAKER. The gentleman would like the House to come to order. The Speaker would be glad to comply.

Members will please take their seats. Take the conversations to the rear of the House. The Speaker would ask the members to take their seats. Members will please take their seats or take the conversations to the rear of the House.

Members will please take their seats or take the conversations to the rear of the House. The Speaker thanks the members.

The gentleman may proceed.

Mr. MULLERY. Thank you, Mr. Speaker.

Mr. Speaker, my colleague from Washington and Allegheny Counties cited earlier scores of voter fraud that have occurred in his counties. That is absolutely contradictory to what 12 Secretaries of State testified to in an amicus brief before the United States Supreme Court. They indicated that they were not aware of any cases of polling place voter impersonation fraud in elections in which 24 million votes were cast. There were also no confirmed reports of this type of fraud filed anywhere in the United States. Perhaps this is because voter impersonation fraud is highly impractical, extremely inefficient, and wholly ineffective in an effort to affect election outcomes. There is a real risk that potential impersonators will be recognized in neighborhood polling places, and the penalties for this conduct are severe. And such fraud only adds one vote for each impersonation, a highly ineffective method of affecting the overall election outcome. It is therefore not surprising that a recent study of election fraud concluded that impersonation of voters is probably the least frequent type of election fraud because it is the most likely type of fraud to be discovered and there are penalties associated with this type of fraud, and it is an inefficient method of influencing an election.

Second, photo identification laws, like this bill purports to enact, do nothing to combat the other types of fraud that have, on rare occasions, tainted elections in the past and that pose more of a threat to the electoral outcomes. For example, a 2006 study of election fraud conducted by the Election Assistance Commission found consensus within the extensive electoral research that absentee ballot fraud, a type of fraud that photo identification laws like this one failed to address, is the most prevalent form of election fraud across the country. Other more common forms of fraud include vote buying and voter registration fraud, two additional types of fraud that this bill does absolutely nothing about. Thus, although these other types

of fraud are more prevalent than the virtually nonexistent voter impersonation fraud that we are seeking to resolve here and though these types of fraud may actually sway the outcome of an election by infecting hundreds or even thousands of ballots, this bill fails to provide any relief for these schemes.

Third, even though there have been few documented allegations of these types of fraud in the past, deeper investigation into these cases have frequently proved the allegations baseless and have further demonstrated that fraud is in fact a very rare occurrence. In a comprehensive study of voter fraud, Professor Lorraine Minnite and David Callahan examined news reports and legal records and conducted interviews with State officials in 12 States. Through this research, they discovered that some of the most notable allegations of fraud have proved to be baseless. They ultimately concluded that, quote, "[v]oter fraud appears to be very rare," and they found little evidence of significant fraud in any of the 12 States "or any indication that fraud is more than a minor problem," end quote.

Accordingly, before enacting this type of bill, which is a quick-fix solution for a theoretical problem of vote fraud, we should consider empirical evidence as to whether the proposed remedies will effectively address this type of fraud, if any actually exists, than to threaten or corrupt the election process. Enacting this bill does not remedy an actual problem; it only increases our costs without benefit. In addition to the lack of legitimate justification for this bill, we should be mindful of the disproportionate burdens identification requirements like this will have on voters.

Mr. Speaker, I would like to give you some examples of what happened in Indiana immediately following the November 2000 election. That was the first election held after the implementation of the photo ID requirement. It became very clear that a number of voters, citizens who had voted in prior elections, were precluded from voting for lack of proper identification.

Ray Wardell, a 78-year-old Korean war veteran, could not get a new State voter ID card after his wallet was stolen because Indiana's Bureau of Motor Vehicles would not accept his Medicare card, even though it had accepted that photo ID instead of his birth certificate 1 year earlier.

Mike Westervelt, a boilermaker at Purdue University, could not obtain an Indiana voter ID card because the BMV (Bureau of Motor Vehicles) refused to accept his New Jersey driver's license as one of the necessary underlying documents. He was thus denied necessary ID, even though Indiana lists out-of-State driver's licenses as an acceptable form of documentation for procuring a State ID.

Kim Tilman suffered economic hardships and delays in her unsuccessful attempts to secure a Michigan birth certificate, a document necessary for her to procure an Indiana voter ID.

Russell Baughman, a United States veteran who served in three conflicts, was turned away at the polls because the identification he presented – an expired driver's license, his Department of Veterans Affairs card, and his voter registration card – was not sufficient to procure a ballot. The same challenges occurred 6 months later during the May primary.

Mr. Speaker, 12 nuns, all of whom were in their eighties and nineties, were turned away from a poll by a fellow Sister of theirs because they did not have a compliant Indiana or Federal identification card bearing their photograph. These women were not only denied access to the polls but were not even provided

with a provisional ballot because of the difficulties involved in getting them to a BMV to obtain an adequate ID.

These are just a few examples of the many individual voters, American citizens who had voted in prior elections, whose right was severely burdened, indeed denied, by the photo identification requirement similar to the one we are seeking to enact into law. If this bill were to pass, our offices will be besieged with phone calls relating similar stories from our own constituents, American citizens who have voted in prior elections whose rights will no doubt be denied.

For these reasons, Mr. Speaker, I urge a negative vote on this bill. Thank you.

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

On that question, the Speaker recognizes the gentleman from Bucks County, Mr. O'Neill.

Mr. O'NEILL. Thank you, Mr. Speaker.

Mr. Speaker, I come today to talk about, on final passage, HB 934. You know, I always wonder if this bill is the right avenue, if it is the right way to go, but I am a believer in that you have to do something sometime to move forward, to bring things to a debate, and we know that this has certainly been debated to its fullest. I will tell you, however, that I know what it is like to have your identity stolen. I believe there is another member, my good friend from Waynesboro, who also knows that.

You do not know what it is like to have your identity stolen until it is stolen. You do not know what your family goes through, and you certainly do not know what you have to live with day in and day out. It is one thing to have your identity stolen, to have your financial world that you once had control of completely taken away from you. But I will tell you this: I have never missed a vote in my life since when I was 19 years old and I was given that right when they changed it from the 21 to 19. But one day, as chairman of the board of supervisors in Warminster Township, where everybody in the township knew me because we were on TV, where I voted at the same poll forever, I walk into the polls to vote, and the ladies say to me, "Oh, Mr. O'Neill, how're you doing?" And I said, "Fine. I am here to vote today," blah, blah, blah. "But you already voted." I said, "Excuse me? I didn't vote yet today. I'm here to vote, to cast my vote for State Representative for the first time ever." "Oh, yes, you did. Look, you signed right here."

The SPEAKER. The gentleman will suspend. The gentleman will suspend, please.

For what purpose does the lady from Philadelphia rise?

Ms. JOSEPHS. If I was straying from the subject, I think this is very far.

The SPEAKER. The Speaker thanks the lady.

The gentleman may proceed.

Mr. O'NEILL. Thank you.

Only to find out that someone had taken my identity and they had voted for me, and they were able to vote for me because there was no identification. All they had to do was sign their name, and the signature was not even close to my signature. It is one thing losing your identity, but having your basic right to vote taken away by theft is another thing, too.

I cannot tell you what a mess it was to try to prove that I did not vote, what a mess it was to exercise my right to vote because it was stolen from me. I told this story in caucus, and I can tell you, I honestly do not know if a picture ID is the way to go, but I can tell you this: Something has to be done, and this might move that debate forward, because something truly does

have to be done. But I can tell you, if they were required to ask for my picture ID when they voted for me, I am sure they would not have been able to vote and steal my identity from me.

I know that the lady from Philadelphia does not want to hear it, but she has never had her identity stolen. So until you have walked in my shoes, do not tell me I do not have a right to say what I have to say. Thank you very much.

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

On that question, the Speaker recognizes the gentleman from Centre County, Mr. Conklin.

Mr. CONKLIN. I would like to thank you, Mr. Speaker.

I was wondering if my keeper and protector of arms, my man that wants to save the castle, will take a couple of questions from me? Just a couple humble, easy questions.

The SPEAKER. Would the gentleman be more clear as to whom he would like to interrogate?

Mr. CONKLIN. Our wonderful maker of the bill.

The SPEAKER. We think he is wonderful, too. Will the gentleman stand for interrogation? The gentleman indicates he is not going to stand for interrogation.

Mr. CONKLIN. Thank you, Mr. Speaker.

I told all my friends here that a man of the cloth, of my background—

The SPEAKER. The gentleman will suspend.

The question before the House is the final passage of the bill. The gentleman is in order under final passage.

Mr. CONKLIN. Thank you, Mr. Speaker.

The questions were quite simple. All that I wanted to know was if he believed that this bill would suppress votes. That is all I wanted to know. Or if he believed that voting next year would have the same number of people after it was enacted. It was a very simple question. And the question, I think, is a fair question, not a difficult question, because when you think about it, that either it is true that the accusations are made that this bill is to suppress votes or the bill will not suppress votes and it will make no change. That is the only question I wanted to know. Is it true that it is done to suppress votes? Because I know it has been accused, and I do not want that. Or I want to know, does he believe that the question, there will be the same amount of people who vote in the next election.

The SPEAKER. The gentleman will suspend.

POINT OF ORDER

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

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

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

Mr. METCALFE. Mr. Speaker, many speakers tonight, including the current one that is pushing forth his rhetorical questions, have done so in a way that is very offensive, very insulting, attributing some sinister motivation to those of us who believe that every voter has a right to have their vote protected from fraud.

The SPEAKER. The gentleman would state his parliamentary inquiry.

Mr. METCALFE. The parliamentary inquiry, Mr. Speaker, is, is it appropriate for the current speaker to be insinuating and attributing these motivations to those of us that support this, which is the majority of us? To insinuate.

The SPEAKER. The gentleman is correct. The insinuation of, using an argument of motivation is an improper form of debate. In the Speaker's judgment, the previous speaker was certainly on the edge of that line, and I guess it is up to the Speaker to determine at what point in time it goes over the line. But I will certainly take your comments— Your comments are correct that impugning the motivation as a reason is not proper.

Mr. METCALFE. Thank you, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. CONKLIN. Mr. Speaker, I apologize. I did not want this to seem like the 1993 "Groundhog" movie to the gentleman that things keep going over and over again. But where I was getting at is that there have been accusations made on this bill, and I wanted them clarified because, and here is why, if it is really true, and I believe the gentleman's motives are to do something good, I do believe that, and if he believes that there will be no change in voter turnout, it would basically mean that there was no voter fraud. And I think that is the point of the question and that is what I am trying to get at. It was never meant to insult the fine gentleman, the keeper of arms. It was meant to get to the point of the bill, and that is what I am trying to get to.

The point of the bill is that there is a notion that we are running rampant in the State of Pennsylvania with voter fraud. But the reality of it is, we are not running rampant in this State with voter fraud, and that is all I was trying to do, was bring that point out. Because at the end of the day, for you to say there is voter fraud, to start with, if you wanted to accuse a group such as ACORN (Association of Community Organizations for Reform Now) of 8,000 registrations, which has been said, that people registered and voted, that is not true. I chaired the election board for many years. You would have to say that your county board of elections is negligent in doing their job. You would have to say that your county board of elections is somehow fraudulent and willing to break the law for there to be voter fraud within the State of Pennsylvania, and it is not true. It does not happen.

When somebody fills out a voter form and they turn it in, if it is not correct, it is thrown out. Today if somebody goes to a voting booth, they have to sign their name, and if for some reason there is some type of reasoning that they do not believe that that person is a qualified voter, they do exactly what is in this bill and they do what is called a provisional ballot. They do that provisional ballot. It goes back to registration. They check that person. If they are not registered to vote, then their vote is not cast.

Voter fraud is not happening in Pennsylvania. What is happening in Pennsylvania is that we are talking about a budget issue. If you are truly budget conscious, why would you pass a bill that costs more money? Mr. Speaker, I keep hearing what a bad state we are in, but you are willing to give the taxpayers the cost of a bill. Your local taxpayers are going to have to pay more property taxes. Do you not understand? It goes downhill. This is not something you do and walk away from. This is not something that some people may have an ideological dream, and I do not believe many do, but there may be some of those people that do. This bill does nothing that you are trying to do. In fact, you are saying you want to imitate the Indiana bill. Has anybody been to Indiana and vote? You cannot go where you do not know how to go or lead where you should not lead. When you go to Indiana, you have early voting. So if there is a

problem, if for some reason you do not have ID, you can go 29 days early in Indiana. We tried to do this on this floor. We tried to imitate the Indiana way of voting, but we voted it down. We took away an easy, accessible way to vote.

Indiana has open primaries. If you want to do the Indiana bill, do an open primary. If you want to protect voters from being accosted going into the voting booth, do the 50-foot setback. It is called a chute in Indiana. For goodness' sakes, Mr. Speaker, if you want to do Indiana, let us do Indiana. If you want to cost taxpayers tax dollars, then do this bill. If you want to show fiscal irresponsibility without moving forward and doing anything to better our voting system, then pass this bill.

You know, people have been voting in this State for centuries. Punxsutawney, created in 1816, has the mayor there who makes sure that it is done correctly. There are people who make sure it is done well. I understand the gentleman from Butler County wants to pass this bill. I understand his motivations. I am sure they are wholesome, and I am sure there may have been something said that he has taken out of context, including my comments trying to get to a point. And I tell you, Mr. Speaker, I never meant anything disingenuous to the man from Butler County by just trying to get to the point, that his motives may be wholesome, may be genuine. But at the same time, they are going to cost us money. They are going to cost local taxpayers money. You cannot get away. You know, there is no de minimis amount when you take tax dollars. A penny is a penny, a dollar is a dollar, and a million is a million. You cannot get around it. You can walk up; you can walk forward. The only way there is fraud is if people within the voting system cause the fraud, and voter ID is not going to change that type of fraud. It is not going to change it.

So let us be fiscally responsible. Let us not cost the taxpayers more money. I remember when we were doing other bills, and I know I do not mean to go astray, but when we wanted to do reform and we said, oh, that amendment costs a million dollars; we cannot do it, well, this is more than that. It costs the State and the local. Let us be fiscally responsible. Let us remember why we are here. Let us do access to voting.

And just to finish up, if you are going to do Indiana, you have got to do Indiana. Let us do the early voting, let us do the open primary, let us do the 50-foot chute, and let us give people total access to voting or let us vote this bill down. I congratulate him for what I believe, he is a true patriot, he is a true American, and let us move on and give people easy, accessible voting.

Mr. Speaker, I thank you so much for listening to me. And again, I apologize to the gentleman. I was only trying to get to a point and the point being, the bill does not do what you think it is going to do. Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman from Montgomery County, Mr. Vereb.

Mr. VEREB. Thank you, Mr. Speaker.

Mr. Speaker, the State Government Committee had a public hearing on this bill. Then the State Government Committee had an informational meeting on this bill. Then the State Government Committee, Mr. Speaker, had a 2-hour voting meeting on this bill. Then, Mr. Speaker, we have debated and considered and discussed this bill for 3 days on the floor of the House.

Mr. Speaker, this is a simple concept: Should we protect the integrity of the voting process, protect the integrity of a fundamental tenet of our Republic by asking someone for a picture ID when they vote? Mr. Speaker, we have listened to 3 full days of debate with all the amendments and all the questions that have been answered previously. One of the questions is funding, Mr. Speaker. Well, just think, with a couple less taxpayer-paid jazz festivals, Mr. Speaker, we can fund this bill.

MOTION FOR PREVIOUS QUESTION

Mr. VEREB. Mr. Speaker, I think we have reached a time in this debate of redundancy and repetitiveness and surely enough skulduggery, Mr. Speaker.

I at this time, Mr. Speaker, respectfully make a motion to move the previous question and bring HB 934 to a final vote, Mr. Speaker.

The SPEAKER. The House will come to order.

The gentleman, Mr. Vereb, moves the previous question on HB 934.

Those who second this motion will rise and remain standing until their names are recorded. Twenty members are required: the gentleman, Mr. Metcalfe; the gentleman, Mr. Saylor; the gentleman, Mr. Turzai; the gentleman, Mr. Adolph; the gentleman, Mr. Everett; the lady, Ms. Major; the gentleman, Mr. O'Neill; the lady, Ms. Pickett; the gentleman, Mr. Knowles; the gentleman, Mr. Payne; the gentleman, Mr. Cox; the gentleman, Mr. Grove; the gentleman, Mr. Creighton; the gentleman, Mr. Tallman; the gentleman, Mr. Ross; the gentleman, Mr. Barrar; the gentleman, Mr. Hickernell; the gentleman, Mr. Reichley, because of his beautiful jacket; the gentleman, Mr. Harris; the gentleman, Mr. Miller; the lady, Ms. Oberlander; the gentleman, Mr. Causer. That is over 20.

The motion for the previous question has been made and seconded.

MOTION TO ADJOURN

Mr. DERMODY. Mr. Speaker?

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

Mr. DERMODY. To make a motion, Mr. Speaker.

The SPEAKER. The gentleman may state his motion.

Mr. DERMODY. I move to adjourn, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Dermody, has moved to adjourn, which is a privileged motion.

The question before the House is, shall this House adjourn?

On that question, the Speaker recognizes the gentleman, Mr.—

Mr. TURZAI. Sir, we would like to get to a—

The SPEAKER. Will the gentleman suspend one minute.

Would the gentleman state as to adjourn until when?

Mr. DERMODY. Tomorrow morning at 9 o'clock when we should be allowed to debate this most important issue, whether or not people should be allowed to vote in the Commonwealth of Pennsylvania, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Dermody, has moved this House do adjourn until 9 tomorrow morning.

On the question,

Will the House agree to the motion?

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Turzai.

Mr. TURZAI. Sir, we oppose the motion to adjourn. We have had 3 full days of debate. We need to get a vote on the underlying bill. Thank you.

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

Mr. MAHER. Mr. Speaker, I am considering moving the previous question on the motion to adjourn, but if the list is short, I will not. But if the list continues, expect to see me back at the microphone. Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

PARLIAMENTARY INQUIRY

The SPEAKER. The question before the House is, shall the House adjourn?

On that question, the Speaker recognizes the gentleman, Mr. Daley.

Mr. DALEY. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. Sorry; the Speaker did not understand.

Mr. DALEY. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state his inquiry.

Mr. DALEY. I would ask if an objection to consideration of this bill at this time would be in order, and I think the question should be directed to the Parliamentarian.

The SPEAKER. I am sorry; we did not understand the question. I apologize.

Mr. DALEY. Thank you, Mr. Speaker.

I know the Parliamentarian is very familiar with a motion to move to objection to the consideration of a motion. It is in both Mason's and Robert's, and I directed this question to you, Mr. Parliamentarian, in the past, an objection to the consideration of a particular motion, if there is a certain procedure for it. Is it in order now to file this motion to place the objection of consideration of this motion at this time?

The SPEAKER. The gentleman raised a parliamentary inquiry, and the Speaker is not aware of the motion the gentleman cited.

The question before the House is, shall the House adjourn?

On that question, the Speaker recognizes the gentleman from Philadelphia, Mr. Roebuck.

Mr. ROEBUCK. Mr. Speaker, there is no more important right in a democracy—

Mr. VEREB. Mr. Speaker?

Mr. ROEBUCK. —than the right to vote.

The SPEAKER. The question, the question, the question—

Mr. ROEBUCK. And I am offended, Mr. Speaker—

The SPEAKER. The gentleman will suspend.

The question before the House is a motion to adjourn.

Mr. ROEBUCK. Yes. My next sentence is, I am offended by the suggestion that because we debated it for 3 days, it is right to adjourn. Why is there a limit on discussing basic rights of democracy in this chamber? That is wrong, Mr. Speaker.

Mr. VEREB. Mr. Speaker?

Mr. ROEBUCK. It is personally offensive, Mr. Speaker. Thank you.

The SPEAKER. The question before the House is, shall this House adjourn?

On that question, the Speaker recognizes the gentleman, Mr. Vereb.

Mr. VEREB. Mr. Speaker, I was just going to make a comment and ask him to stick to the adjournment.

The SPEAKER. The Speaker thanks the gentleman.

The question before the House is, shall the House adjourn?

The Speaker recognizes the gentleman from Allegheny, Mr. Kortz.

Mr. KORTZ. Thank you, Mr. Speaker.

I support the motion to adjourn. It has been a very long day. I understand that. There are still a number of speakers to go on the list up there, and I do not think we would be doing our due diligence if we cut off the debate, we cut off the discussion, and we do not follow through on what we should be doing in this chamber.

So I would support the motion to adjourn. Let us come back tomorrow, sir, and continue this debate. Thank you.

The SPEAKER. The question is, shall the House adjourn?

The Speaker recognizes the gentleman from Allegheny, Mr. Frankel.

Mr. FRANKEL. Mr. Speaker, I support as well the motion to adjourn. I find it to be a more palatable solution than calling the previous question. It seems to me that calling the previous question is quite ironic in this environment, because—

The SPEAKER. The gentleman will suspend.

The question before the House is not whether or not to call the previous question. The question before the House is, shall this House adjourn?

Mr. FRANKEL. We need to adjourn so that we can continue this debate, so that we do not suppress debate the way this bill wants to suppress voters. So I support the motion to suspend and postpone until tomorrow so that we do not suppress debate the way you folks want to suppress voters.

PARLIAMENTARY INQUIRY

Mr. TURZAI. A point of parliamentary inquiry, sir.

The SPEAKER. The gentleman, Mr. Turzai, may state his inquiry.

Mr. TURZAI. Sir, with respect to the motion to adjourn, can we move the previous question on the motion to adjourn?

The SPEAKER. Yes, that is in order.

MOTION FOR PREVIOUS QUESTION

Mr. TURZAI. In conjunction with Mason's Legislative Manual, chapter 34, section 345, we move the previous question with respect to the motion to adjourn.

Mr. DERMODY. Mr. Speaker?

The SPEAKER. The gentleman, Mr. Turzai, moves the previous question on the motion to adjourn.

Mr. DERMODY. Mr. Speaker?

The SPEAKER. Those who second this motion will rise—
The gentleman is out of order.

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

The SPEAKER. The gentleman is out of order.

Those who second this motion will rise and remain standing until their names are recorded. Twenty members are required: the gentleman, Mr. Metcalfe; the gentleman, Mr. Turzai; the

gentleman, Mr. Vereb; the gentleman, Mr. Saylor; the gentleman, Mr. Adolph; the gentleman, Mr. Everett; the lady, Ms. Major; the gentleman, Mr. Miller; the gentleman, Mr. Clymer; the gentleman, Mr. Baker; the gentleman, Mr. Geist; the gentleman, Mr. Creighton; the gentleman, Mr. Tallman; the gentleman, Mr. Ross; the gentleman, Mr. Grove; the gentleman, Mr. Barrar; the gentleman, Mr. Reichley; the gentleman, Mr. Harris; the gentleman, Mr. Moul; the gentleman, Mr. Marsico; the gentleman, Mr. Kaiser; the lady, Ms. Oberlander; the gentleman, Mr. Sonney. That is more than 20.

The motion for the previous question having been made and seconded, those in favor of the motion for the previous question will vote "aye"—

POINT OF ORDER

Mr. DERMODY. Mr. Speaker? A point of order, Mr. Speaker.

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

Mr. DERMODY. Mr. Speaker, a motion to adjourn is a privileged motion that is higher than a motion to move the previous question. This motion is out of order.

The SPEAKER. This is not taking precedence over the motion to adjourn.

Mr. DERMODY. It most certainly is.

I am sorry, Mr. Speaker. Go ahead.

The SPEAKER. This does not take away the motion to adjourn; it just brings it to an immediate vote. So it is not taking privilege over your motion to adjourn. This motion is in order.

Those in favor of the motion for the previous question will vote "aye"; those opposed will vote "no."

Mr. DERMODY. Mr. Speaker, I want to appeal the ruling of the Chair.

The SPEAKER. An "aye" vote is a vote to end all debate and bring the House to an immediate vote.

Mr. DERMODY. Point of order, Mr. Speaker.

The SPEAKER. The members will proceed to vote.

On the question,

Will the House agree to the motion?

(Members proceeded to vote.)

Mr. DERMODY. Point of order, Mr. Speaker.

The SPEAKER. Nothing is in order but the vote.

Mr. DERMODY. Mr. Speaker, I want to appeal the ruling of the Chair.

Point of order, Mr. Speaker.

The SPEAKER. There is nothing in order but the taking of the vote.

Mr. DERMODY. Mr. Speaker, I want to appeal the ruling of the Chair.

The SPEAKER. Have all the members voted? Have all the members voted? Have all the members voted? The clerk will record the vote.

Mr. DERMODY. Mr. Speaker, I make a motion to move, pursuant to rule 66—

The SPEAKER. The clerk will record the vote.

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

The following roll call was recorded:

YEAS—109

Adolph	Farry	Lawrence	Reichley
Aument	Fleck	Maher	Roae
Baker	Gabler	Major	Rock
Barrar	Geist	Maloney	Ross
Bear	Gillen	Marshall	Saccone
Benninghoff	Gillespie	Marsico	Saylor
Bloom	Gingrich	Masser	Scavello
Boback	Godshall	Metcalfe	Schroder
Boyd	Grell	Metzgar	Simmons
Brooks	Grove	Miccarelli	Sonney
Brown, R.	Hackett	Millard	Stephens
Causar	Hahn	Miller	Stern
Christiana	Harhart	Milne	Stevenson
Clymer	Harper	Moul	Swanger
Cox	Harris	Murt	Tallman
Creighton	Heffley	Mustio	Taylor
Culver	Helm	O'Neill	Tobash
Cutler	Hennessey	Oberlander	Toepel
Day	Hess	Payne	Toohil
Delozier	Hickernell	Peifer	Truitt
Denlinger	Hutchinson	Petri	Turzai
DiGiroloamo	Kampf	Pickett	Vereb
Dunbar	Kauffman	Pyle	Vulakovich
Ellis	Keller, F.	Quigley	Watson
Emrick	Keller, M.K.	Quinn	
Evankovich	Killion	Rapp	Smith, S., Speaker
Evans, J.	Knowles	Reed	
Everett	Krieger	Reese	

NAYS—20

Bishop	Dermody	Mahoney	Samuelson
Buxton	Fabrizio	Mann	Santoni
Caltagirone	Freeman	O'Brien, M.	Staback
Conklin	George	Readshaw	Vitali
Deasy	Hanna	Sainato	Youngblood

NOT VOTING—67

Barbin	DeLissio	Kavulich	Payton
Boyle, B.	DeLuca	Keller, W.	Petrarca
Boyle, K.	DePasquale	Kirkland	Preston
Bradford	DeWeese	Kortz	Ravenstahl
Briggs	Donatucci	Kotik	Roebuck
Brown, V.	Frankel	Kula	Sabatina
Brownlee	Galloway	Longietti	Santarsiero
Burns	Gerber	Markosek	Shapiro
Carroll	Gergely	Matzie	Smith, K.
Cohen	Gibbons	McGeehan	Smith, M.
Costa, D.	Goodman	Mirabito	Sturla
Costa, P.	Haluska	Mullery	Thomas
Cruz	Harhai	Murphy	Waters
Curry	Harkins	Myers	Wheatley
Daley	Hornaman	Neuman	White
Davidson	Johnson	Parker	Williams
Davis	Josephs	Pashinski	

EXCUSED—7

Brennan	Micozzie	O'Brien, D.	Wagner
Evans, D.	Mundy	Perry	

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

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

The SPEAKER. Nothing is in order but the taking of the vote. The question before the House is, shall this House adjourn? Because of the motion to move the previous question, there is no debate on this motion, the question being, shall this House adjourn?

Those voting "aye" are voting to adjourn; those voting "nay" are voting against adjournment.

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

(Members proceeded to vote.)

PARLIAMENTARY INQUIRY

Mr. DERMODY. Mr. Speaker, I make a motion that the board stay open pursuant to rule 66 for the maximum time.

The SPEAKER. Have all the members voted?

Mr. DERMODY. Mr. Speaker? Mr. Speaker?

The SPEAKER. The gentleman, Mr. Dermody, is raising a point of parliamentary inquiry relative to rule 66?

Mr. DERMODY. Rule 66. And I request, pursuant to rule 66, that the board stay open for the maximum time, Mr. Speaker.

The SPEAKER. The rule reads, "When, in the judgment of the Speaker, reasonable time has been allowed all members present in the House to vote...the Speaker shall ask the question...." I do not believe there is anything in that requires the board to remain open.

Mr. DERMODY. The last paragraph of rule 66—

The SPEAKER. The Speaker might also say that members who are in their seats are required to vote.

Mr. DERMODY. Mr. Speaker?

The SPEAKER. Have all the members voted?

The rules require a member to be in their seat when they are on the floor, and when they are in their seat, they are required to vote.

Have all the members voted?

Mr. DERMODY. "A prime sponsor of a bill, the Minority Leader or Majority Leader..." may make a motion on their behalf and "...may request that the roll call remain open for the maximum time allowed in accordance with this rule."

The SPEAKER. That is at the discretion of the Speaker.

Have all the members voted? The clerk will record the vote.

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

The following roll call was recorded:

YEAS—18

Buxton	Deasy	Kula	Samuelson
Caltagirone	DePasquale	Mahoney	Santoni
Carroll	Freeman	Readshaw	Staback
Cohen	Kavulich	Sainato	Vitali
Conklin	Keller, W.		

NAYS—111

Adolph	Fleck	Lawrence	Reese
Aument	Gabler	Maher	Reichley
Baker	Geist	Major	Roae
Barrar	George	Maloney	Rock
Bear	Gillen	Marshall	Ross
Benninghoff	Gillespie	Marsico	Saccone
Bloom	Gingrich	Masser	Saylor
Boback	Godshall	Metcalfe	Scavello
Boyd	Grell	Metzgar	Schroder
Brooks	Grove	Miccarelli	Simmons
Brown, R.	Hackett	Millard	Sonney
Causar	Hahn	Miller	Stephens
Christiana	Harhart	Milne	Stern
Clymer	Harper	Moul	Stevenson
Cox	Harris	Murt	Swanger
Creighton	Heffley	Mustio	Tallman
Culver	Helm	Neuman	Taylor
Cutler	Hennessey	O'Neill	Tobash
Day	Hess	Oberlander	Toepel
Delozier	Hickernell	Payne	Toohil
Denlinger	Hutchinson	Peifer	Truitt
DiGirolamo	Kampf	Petri	Turzai
Dunbar	Kauffman	Pickett	Vereb
Ellis	Keller, F.	Pyle	Vulakovich
Emrick	Keller, M.K.	Quigley	Watson
Evankovich	Killion	Quinn	
Evans, J.	Knowles	Rapp	Smith, S.,
Everett	Krieger	Reed	Speaker
Farry			

NOT VOTING—67

Barbin	DeLuca	Josephs	Petrarca
Bishop	Dermody	Kirkland	Preston
Boyle, B.	DeWeese	Kortz	Ravenstahl
Boyle, K.	Donatucci	Kotik	Roebuck
Bradford	Fabrizio	Longietti	Sabatina
Briggs	Frankel	Mann	Santarsiero
Brown, V.	Galloway	Markosek	Shapiro
Brownlee	Gerber	Matzie	Smith, K.
Burns	Gergely	McGeehan	Smith, M.
Costa, D.	Gibbons	Mirabito	Sturla
Costa, P.	Goodman	Mullery	Thomas
Cruz	Haluska	Murphy	Waters
Curry	Hanna	Myers	Wheatley
Daley	Harhai	O'Brien, M.	White
Davidson	Harkins	Parker	Williams
Davis	Hornaman	Pashinski	Youngblood
DeLissio	Johnson	Payton	

EXCUSED—7

Brennan	Micozzie	O'Brien, D.	Wagner
Evans, D.	Mundy	Perry	

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,
Will the House agree to the motion?

The SPEAKER. The question before the House is whether to move the previous question on HB 934. That is not debatable.

Those voting "aye" will move the previous question on the vote; those voting "nay" are voting not to move the previous question.

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

(Members proceeded to vote.)

Mrs. DAVIDSON. Mr. Speaker, a parliamentary inquiry.
The SPEAKER. Nothing is in order but the taking of the vote.

Mrs. DAVIDSON. A parliamentary inquiry.
The SPEAKER. Nothing is in order but the taking of the vote.

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

The following roll call was recorded:

YEAS—109

Adolph	Farry	Lawrence	Reichley
Aument	Fleck	Maher	Roae
Baker	Gabler	Major	Rock
Barrar	Geist	Maloney	Ross
Bear	Gillen	Marshall	Saccone
Benninghoff	Gillespie	Marsico	Saylor
Bloom	Gingrich	Masser	Scavello
Boback	Godshall	Metcalfe	Schroder
Boyd	Grell	Metzgar	Simmons
Brooks	Grove	Miccarelli	Sonney
Brown, R.	Hackett	Millard	Stephens
Causar	Hahn	Miller	Stern
Christiana	Harhart	Milne	Stevenson
Clymer	Harper	Moul	Swanger
Cox	Harris	Murt	Tallman
Creighton	Heffley	Mustio	Taylor
Culver	Helm	O'Neill	Tobash
Cutler	Hennessey	Oberlander	Toepel
Day	Hess	Payne	Toohil
Delozier	Hickernell	Peifer	Truitt
Denlinger	Hutchinson	Petri	Turzai
DiGirolamo	Kampf	Pickett	Vereb
Dunbar	Kauffman	Pyle	Vulakovich
Ellis	Keller, F.	Quigley	Watson
Emrick	Keller, M.K.	Quinn	
Evankovich	Killion	Rapp	Smith, S.,
Evans, J.	Knowles	Reed	Speaker
Everett	Krieger	Reese	

NAYS—50

Barbin	Deasy	Kavulich	Sainato
Bishop	DeLissio	Keller, W.	Samuelson
Bradford	DePasquale	Kula	Santoni
Brownlee	Donatucci	Longietti	Shapiro
Burns	Fabrizio	Mahoney	Smith, K.
Buxton	Frankel	Mann	Smith, M.
Caltagirone	Freeman	Markosek	Staback
Carroll	Galloway	Mirabito	Sturla
Cohen	George	Mullery	Thomas
Conklin	Haluska	Neuman	Vitali
Costa, D.	Harhai	Pashinski	Wheatley
Costa, P.	Hornaman	Readshaw	Youngblood
Cruz	Johnson		

NOT VOTING—37

Boyle, B.	DeWeese	Kortz	Petrarca
Boyle, K.	Gerber	Kotik	Preston
Briggs	Gergely	Matzie	Ravenstahl
Brown, V.	Gibbons	McGeehan	Roebuck

Curry	Goodman	Murphy	Sabatina
Daley	Hanna	Myers	Santarsiero
Davidson	Harkins	O'Brien, M.	Waters
Davis	Josephs	Parker	White
DeLuca	Kirkland	Payton	Williams
Dermody			

EXCUSED—7

Brennan	Micozzie	O'Brien, D.	Wagner
Evans, D.	Mundy	Perry	

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

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—108

Adolph	Farry	Lawrence	Reese
Aument	Fleck	Maher	Reichley
Baker	Gabler	Major	Roae
Barrar	Geist	Maloney	Rock
Bear	Gillen	Marshall	Saccone
Benninghoff	Gillespie	Marsico	Saylor
Bloom	Gingrich	Masser	Scavello
Boback	Godshall	Metcalfe	Schroder
Boyd	Grell	Metzgar	Simmons
Brooks	Grove	Miccarelli	Sonney
Brown, R.	Hackett	Millard	Stephens
Causar	Hahn	Miller	Stern
Christiana	Harhart	Milne	Stevenson
Clymer	Harper	Moul	Swanger
Cox	Harris	Murt	Tallman
Creighton	Heffley	Mustio	Taylor
Culver	Helm	O'Neill	Tobash
Cutler	Hennessey	Oberlander	Toepel
Day	Hess	Payne	Toohil
DeLozier	Hickernell	Peifer	Truitt
Denlinger	Hutchinson	Petri	Turzai
DiGirolamo	Kampf	Pickett	Vereb
Dunbar	Kauffman	Pyle	Vulakovich
Ellis	Keller, F.	Quigley	Watson
Emrick	Keller, M.K.	Quinn	
Evankovich	Killion	Rapp	Smith, S.,
Evans, J.	Knowles	Reed	Speaker
Everett	Krieger		

NAYS—88

Barbin	DeLissio	Kavulich	Preston
Bishop	DeLuca	Keller, W.	Ravenstahl
Boyle, B.	DePasquale	Kirkland	Readshaw
Boyle, K.	Dermody	Kortz	Roebuck
Bradford	DeWeese	Kotik	Ross
Briggs	Donatucci	Kula	Sabatina
Brown, V.	Fabrizio	Longietti	Sainato
Brownlee	Frankel	Mahoney	Samuelson
Burns	Freeman	Mann	Santarsiero
Buxton	Galloway	Markosek	Santoni
Caltagirone	George	Matzie	Shapiro
Carroll	Gerber	McGeehan	Smith, K.
Cohen	Gergely	Mirabito	Smith, M.
Conklin	Gibbons	Mullery	Staback
Costa, D.	Goodman	Murphy	Sturla
Costa, P.	Haluska	Myers	Thomas
Cruz	Hanna	Neuman	Vitali

Curry	Harhai	O'Brien, M.	Waters
Daley	Harkins	Parker	Wheatley
Davidson	Hornaman	Pashinski	White
Davis	Johnson	Payton	Williams
Deasy	Josephs	Petrarca	Youngblood

NOT VOTING—0

EXCUSED—7

Brennan	Micozzie	O'Brien, D.	Wagner
Evans, D.	Mundy	Perry	

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

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

The SPEAKER. The House will come to order. The House will come to order. The House will come to order.

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

Mr. THOMAS. Mr. Speaker, I just want the record to reflect that 60,000 people in the 181st Legislative District—

The SPEAKER. The gentleman will suspend. The gentleman will suspend.

Mr. THOMAS. —have been denied representation tonight.

The SPEAKER. The gentleman will suspend. The gentleman will suspend. The gentleman will suspend.

The Speaker asked for what purpose did the gentleman rise. You do not go into a speech without being recognized. The gentleman will suspend. The gentleman will suspend. The House will come to order. The gentleman is out of order.

BILLS RECOMMITTED

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

- HB 973;
- HB 1307;
- HB 1363;
- HB 1500;
- SB 163;
- SB 828;
- SB 829; and
- SB 830.

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

Mr. DeWEESE. Mr. Speaker? Mr. Speaker? Mr. Speaker?
Mr. Speaker, respectfully—

The SPEAKER. Respectfully, the gentleman, Mr. DeWeese, is recognized. For what purpose does the gentleman seek recognition?

Mr. DeWEESE. Point of clarification.

The SPEAKER. The gentleman may ask his point of clarification.

Mr. DeWEESE. At the conclusion of the formal activities of the evening, when the Speaker normally says to the group "there will be no further votes" and the members are making their way toward the egress, I would like to be recognized.

The SPEAKER. Under what authority? The gentleman would like to be recognized under unanimous consent later on?

Mr. DeWEESE. Unless my honorable colleague, from the constabulary of Conshohocken—

The SPEAKER. The gentleman will suspend.

Mr. DeWEESE. —decides to desist.

The SPEAKER. The gentleman will suspend, respectfully.

BILLS REMOVED FROM TABLE

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

SB 151;
SB 303;
SB 304;
SB 314;
SB 1096;
SB 1097; and
SB 1131.

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

BILLS REMOVED FROM TABLE

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

HB 421;
HB 816; and
HB 1412.

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

BILLS TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that the following bills be removed for the active calendar and placed on the tabled calendar:

HB 421;
HB 816; and
HB 1412.

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

REMARKS SUBMITTED FOR THE RECORD

Ms. V. BROWN. Mr. Speaker?

The SPEAKER. For what purpose does the lady, Ms. Brown, rise?

Ms. V. BROWN. Mr. Speaker, I would like to submit my remarks. I serve 60,000. I would like people at home to know that I did stand for them, I did work, and I have remarks that I would like to submit—

The SPEAKER. You would like your remarks spread upon the record relative to debate on HB 934?

Ms. V. BROWN. Yes, I would.

The SPEAKER. The lady's remarks will be submitted for the record.

Ms. V. BROWN. Thank you, Mr. Speaker.

Ms. V. BROWN submitted the following remarks for the Legislative Journal:

Mr. Speaker, HB 934 is overly burdensome on voters, and the Commonwealth is simply unequipped to administer this law and ensure legal voters will not be disenfranchised or subject to a poll tax.

Mr. Speaker, will the gentleman from Butler please stand for interrogation?

Mr. Speaker, do you know what percentage of Pennsylvanians do not possess an acceptable, valid photo ID under your bill?

Mr. Speaker, do you know what percentage of elderly Pennsylvanians do not possess an acceptable, valid photo ID under your bill?

Mr. Speaker, do you know what percentage of disabled Pennsylvanians do not possess an acceptable, valid photo ID under your bill?

Mr. Speaker, do you know what percentage of white men and women in Pennsylvania that do not possess an acceptable, valid photo ID under your bill?

Mr. Speaker, do you know what percentage of African-American men and women in Pennsylvania that do not possess an acceptable, valid photo ID under your bill?

Mr. Speaker, do you know what percentage of African-American men and women between the ages of 18 to 24 in Pennsylvania that do not possess an acceptable, valid photo ID under your bill?

Mr. Speaker, do you know what percentage of Hispanic men and women in Pennsylvania that do not possess an acceptable, valid photo ID under your bill?

Mr. Speaker, do you know if every county in the Commonwealth has a DMV office open full-time, including weekends?

Mr. Speaker, I am finished with my interrogation and would like to speak on the bill.

Mr. Speaker, this bill has one purpose – voter suppression. It was said on this very floor 2 days ago, the purpose of this bill is to ensure the "right voters" vote.

Mr. Speaker, you are not a "right voter" if you are poor, disabled, a veteran, a victim of domestic violence, a woman, an African-American, a non-English speaking American citizen. Even if you show up to the polls with a valid firearms permit, you are not a "right voter."

Mr. Speaker HB 934 is overly burdensome on voters, too expensive for the Commonwealth, and we do not even know if the Commonwealth is equipped to administer this law and ensure legal voters will not be disenfranchised or subject to a poll tax.

Mr. Speaker, for these reasons I implore my colleagues to vote "no" on final passage of HB 934.

The SPEAKER. For what purpose does the lady, Mrs. Davidson, rise?

Mrs. DAVIDSON. I was told at the start of the vote I would have an opportunity to make a parliamentary inquiry. I believe you ruled that I had to wait until after the vote. Is the time now?

The SPEAKER. I believe the Speaker said that nothing was in order but the taking of the vote. If you would like to make a parliamentary inquiry at this time, it is appropriate.

Mrs. DAVIDSON. I just have a quick parliamentary inquiry about what is the rule and what is a rank-and-file member to do when there is a travesty of justice in this House and an inability to vote.

The SPEAKER. That is not a parliamentary inquiry.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. For what purpose does the lady, Ms. Brownlee, rise?

Ms. BROWNLEE. Mr. Speaker, I have remarks I would like to add to the official record.

The SPEAKER. Relative to HB 934?

Ms. BROWNLEE. Relative to HB 934.

The SPEAKER. The lady may submit her remarks to the clerk.

Ms. BROWNLEE. Thank you, Mr. Speaker.

The SPEAKER. They will be placed on the record.

Ms. BROWNLEE submitted the following remarks for the Legislative Journal:

Thank you, Mr. Speaker.

I rise in opposition to HB 934, which amends the Election Code by eliminating the requirement of voters who vote in an election for the first time to show proof – to voters showing "proof of identification" every time, in every election that they vote.

There were many amendments offered that would have made this bill one that would be fair and evenhanded. However, they were voted down. An amendment was offered that would ease the burden of proof for those age 62 and over, that was voted down. Why? Because you all know electors age 62 and over vote. Are you trying to say seniors engage in voter fraud? I think not.

An amendment was offered to make exempt the fine, upstanding men and women who fight and have fought for and put their very lives in danger to protect this great nation and Commonwealth. That was voted down. Why? Is it because these selfless men and women are deemed dishonest when it comes to casting a vote?

An amendment was offered to exempt those with physical and intellectual disabilities. Well, that was deemed unconstitutional. By the way, exempting victims of domestic violence seems to be unconstitutional as well.

Amendments regarding campaign reform and eliminating pay-to-play were not "germane" – a word I am beginning to quickly dislike. A voter registration card is not good enough to show as proof, even though now most people get registered through PENNDOT which requires ID to get valid ID or a driver's license.

We do not want to micromanage counties, so the requirement to advertise these changes was voted down. It is not necessary to disseminate these changes in English and Spanish. I think I heard someone say that it is too expensive. Adding an ACCESS card, hunting or fishing license as additional acceptable forms of ID was voted down, even though they are State-issued.

What I kept hearing, Mr. Speaker, is HB 934 is fashioned after Indiana's photo ID law. So I looked to see what one would have to do to obtain a free government-issued ID in Indiana. Indiana photo ID

must meet four criteria: display your photo; display your name and confirm your voter registration record; display an expiration date; and be issued by the State or the U.S. government.

In most cases and Indiana, photo ID, military ID or U.S. passport is sufficient. But if you do not have any of these to get the free photo ID, you have to have five other qualifying documents: one to prove your identity; one to prove your lawful status; two to prove your residency; and one to establish your Social Security number. Is this really what we want to do to the citizens of Pennsylvania? Our voters.

In Indiana the material, labor, production, and delivery costs were about \$13 per card. This bill at this time in this Commonwealth would be very costly to the very voters we represent, estimating the cost to be about \$7 million just for the free ID card. And we say we have to cut education funding that benefits our children and our future. Mr. Speaker, the U.S. Constitution was referenced. I think the 15th Amendment, which states, "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." This was ratified on February 3, 1870, but it was not until the 19th Amendment ratified on August 18, 1920, almost 50 years later that women were allowed to vote.

The 19th Amendment stated, "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 sex." That was ratified on February 2, 1870, but it was not until the Civil Rights Act of 1964 and the Voting Rights Act of 1965, respectively, that clarified for African-Americans, women, and minorities the ability to register to vote and vote freely without impediment.

Mr. Speaker, Pennsylvania's Constitution, Article I, section 5, states that "elections shall be free" – not subject to or restricted by – "and equal" – the same in operation or effect, free from extreme – "and no power, civil or military, shall at any time interfere to prevent" – to keep from happening – "the free exercise of the right of suffrage" – the right to vote.

HB 934 impedes the citizens of the Commonwealth suffrage.

My constituents and I ask all the members of the House of Representatives, Democrat and Republican, men and women, to vote "no" on HB 934.

Thank you, Mr. Speaker.

REMARKS SUBMITTED FOR THE RECORD

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

Mr. BARRAR. I would like to submit comments for the record, please, Mr. Speaker.

The SPEAKER. Relative to HB 934, the gentleman's remarks, deliver them to the clerk and they will be placed on the record.

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

Mr. Speaker, I rise in support of HB 934. This bill dealing with photo ID is the number one most important thing we can do to protect the integrity of the election process. This is about one voter voting one time.

There is good news out there, Mr. Speaker. At least six other States have adopted this type of legislation and free elections still exist, contrary to the cries on the left. With the adoption of this legislation free elections will continue, but there will be more confidence in the integrity of the process.

We have heard so many times that this will prevent legal voters from voting. There is no proof of that happening anywhere where this is being adopted, but we are certain this legislation will stop illegal voters from voting.

Justice Stevens cited the Carter-Baker Report in his majority opinion stating that the electoral system cannot inspire public confidence if no safeguards exist to deter or detect fraud or to confirm the identity of voters.

I heard one legislative leader on the other side of the aisle say this legislation is an embarrassment to the Commonwealth. Well, where was the concern about being embarrassed when the Black Panthers were intimidating voters in Philadelphia? I did not hear one person speak up for the voters that were disenfranchised that day.

I was concerned about our veterans in the 2000 election when the DNC (Democratic National Committee) devised a scheme to disqualify the absentee ballots of our military personnel, many from Pennsylvania.

I was embarrassed in the 2004 elections when I heard about our former Secretary of State running an absentee ballot voting scheme out of our State and county prisons while at the same time opposing an extension for the acceptance of overseas military absentee ballots.

Mr. Speaker, in the past 5 years I have had at least six very large senior citizen communities built in my legislative district.

Every one of these seniors new to my district had to show a photo ID the first time they voted, not one had a problem showing a valid ID.

We have heard there is no voter fraud being committed here in Pennsylvania. Let us be honest. Florida thought their election process was just fine until they had an election that was as close as the 2000 election – that is when all the problems show.

Mr. Speaker, our district attorneys just are not interested in spending their time investigating voter fraud, especially after an election is over and when the victor in that election won by a sizable margin. I took a voter fraud case to the Philadelphia district attorney in 2004.

Mr. Speaker, I could go on and on, but I ask the members to vote "yes" on this bill and vote to protect the integrity of the election process.

Vote for this HB 934.

Vote "yes" to restore confidence in the election process. Thank you.

REMARKS SUBMITTED FOR THE RECORD

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

Thank you, Mr. Speaker.

Today I rise in opposition to HB 934, which would require voters to present photo identification issued by the United States or the Commonwealth of Pennsylvania before voting at a polling place every time they vote.

Laws already exist requiring first-time voters to provide identification.

This photo ID would have to include an expiration date and show a name conforming to the name of an individual as it appears in the district register.

Mr. Speaker, this bill would only disenfranchise citizens who are eligible and have the right to vote, especially racial and ethnic minorities, the disabled, the elderly, and the working poor.

Studies have consistently shown that approximately 10 percent of voting-age citizens in the country – or more than 20 million individuals – lack a government-issued photo ID.

And further, by requiring an expiration date, HB 934 would also exclude individuals with common forms of photo ID, such as student or military ID cards.

Though HB 934 would allow voters without acceptable ID to vote a provisional ballot, many of the very individuals who do not have acceptable ID will be unable to travel to the county seat to sign the required affidavit within 6 days. This is just not practical.

And although the bill would allow PENNDOT to distribute photo IDs at no charge, the underlying documents required to get the ID cost money and involve extra time and costs.

According to the Pennsylvania Budget and Policy Center, the estimated costs associated with a Pennsylvania voter ID are staggering – more than \$11 million.

Here are the figures:

- Cost of the free voter ID cards – \$1.94 million
- Lost revenue for PENNDOT – \$1.18 million
- Public education on the program – \$4.2 million
- Voter notification – \$2.7 million
- Photo ID equipment – \$376,540
- Election day staffing – \$576,840

HB 934 would create an unfunded mandate, imposing significant costs on the State that are unnecessary and avoidable.

Facing a \$4 billion budget deficit for 2011-2012, these costs would be incurred unnecessarily.

There are so many important issues facing our State and country right now; we should want people to be even more motivated to vote, not make the process more difficult.

I urge a "no" vote.

Thank you, Mr. Speaker.

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

Mr. KIRKLAND. Personal privilege, Mr. Speaker, respectfully.

The SPEAKER. The gentleman may proceed under personal privilege.

Mr. KIRKLAND. Thank you, Mr. Speaker.

Mr. Speaker, I have been standing here for almost 15 minutes trying to get the attention of the Speaker. I am waving my arms, I am flailing around, so that I might have some comments as we were talking about the bill that dealt with voter registration. Mr. Speaker, quite frankly, the Speaker kept looking down, not even acknowledging many members on this House floor. Mr. Speaker, we just got finished talking about some type of mockery or wrongful behavior happening in this House.

The SPEAKER. The gentleman will suspend.

Mr. KIRKLAND. Mr. Speaker—

The SPEAKER. The gentleman will suspend. This is not the type of comment that is a part of a personal privilege.

Mr. KIRKLAND. Mr. Speaker, I mean, I tried, I tried, and I tried by waving my hands and trying to get your attention, but, Mr. Speaker, it is like you almost refused to acknowledge me, and so—

The SPEAKER. The gentleman will suspend. This is not a comment of personal privilege.

Mr. KIRKLAND. Well, Mr. Speaker, let me ask you this question. Are you the Speaker of the Republicans—

The SPEAKER. The gentleman will suspend.

Mr. KIRKLAND. —or are you Speaker of the House?

The SPEAKER. The gentleman will suspend. The gentleman will suspend.

Mr. KIRKLAND. Are you Speaker of the House?

The SPEAKER. The gentleman will suspend.

Mr. KIRKLAND. Are you Speaker of the House?

The SPEAKER. The gentleman will suspend. The gentleman will suspend.

PARLIAMENTARY INQUIRY

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

Mr. WATERS. Parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman may state his inquiry.

Mr. WATERS. Mr. Speaker, when we are here, no matter—

The SPEAKER. The gentleman will suspend. The House will come to order. The Speaker is having trouble hearing the gentleman.

Mr. WATERS. When members are called to come to the floor by the Speaker and we come to the floor to debate issues that will affect Pennsylvanians and when a person who is the prime sponsor of a bill refuses to discuss the bill in open session so the voters could be clear about what is going to be required—

The SPEAKER. Will the gentleman state his parliamentary inquiry?

Mr. WATERS. I am trying to find out what the rules say, because this gets to a point when—

The SPEAKER. The gentleman is seeking to know what the rules say about whether or not a member is required to stand for interrogation? Is that the gentleman's point of parliamentary inquiry?

Mr. WATERS. Yes.

The SPEAKER. The rules do not require a member to stand for interrogation. It is at their choosing. There is nothing that the Speaker or the members of the House can do to require a member to stand for interrogation.

Mr. WATERS. So there is no process of people getting information that they might request since the people of the 191st Legislative District sent me here to represent them? I might not be able to bring them back information about a bill that is going to affect their lives?

The SPEAKER. There is nothing that someone can do to require someone to stand for interrogation. It is as simple as that.

There will be no further votes.

Mr. WATERS. Mr. Speaker?

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

Mr. WATERS. Mr. Speaker, I was not finished asking questions about my parliamentary inquiry, if you will so indulge.

That was one part of the question.

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

Mr. WATERS. Yes.

The SPEAKER. He may state it.

Mr. WATERS. After the gentleman or the lady, whoever, refuses to answer questions, then another member can stand up and say move to the previous question, cutting off any discussion. I do not think that represents democracy, Mr. Speaker.

The SPEAKER. I am not sure that there is a parliamentary inquiry, but if you are asking about what the procedures are, the rules of the House and the general rules of Mason's Manual provide for a motion known as moving the previous question,

which is established to end debate on a bill. It is a proper move under the rules, and in fact, once that motion is made, then there is no further debate on that subject, whether it was a bill or another motion, and it is a privileged motion and it is a normal motion under the rules of the House, and in Mason's Manual it is a standard motion under parliamentary procedure.

Mr. WATERS. Thank you, Mr. Speaker.

Thank you for stating that publicly. I just hope that we could find a better way—

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

Mr. WATERS. No, Mr. Speaker.

The SPEAKER. There is no further business before the House.

The Speaker recognizes the gentleman, Mr. Kampf, from Chester County, who moves that this House do adjourn until Friday, June 24, 2011, at 9 a.m.

Mr. HANNA. Mr. Speaker, the gentleman, Mr. DeWeese, asked for the opportunity to speak, and I also was asking for recognition.

The SPEAKER. The Chair apologizes.

Is the gentleman, Mr. DeWeese, seeking recognition under unanimous consent? I believe I heard an objection.

Excuse me. Did I hear an objection? I heard an objection.

Mr. DeWEESE. I would like Mr. Maher's name put upon the record.

The SPEAKER. The gentleman—

Mr. DeWEESE. My good friend—

The SPEAKER. The gentleman—

Mr. DeWEESE. Mr. Maher—

The SPEAKER. The gentleman is out of order.

Mr. DeWEESE. —interrupting my freedom—

The SPEAKER. The gentleman is out of order.

Mr. DeWEESE. —of speech—

The SPEAKER. The gentleman is out of order.

Mr. DeWEESE. —on the floor of the House of Representatives.

The SPEAKER. The gentleman is out of order. The gentleman is out of order. Unanimous consent is what it is; it is unanimous consent. Any member of the floor is allowed to object. I think the former Speaker knows that.

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

Mr. PRESTON. Mr. Speaker, without objection, under unanimous consent.

The SPEAKER. The gentleman, Mr. Preston, is seeking recognition under unanimous consent. The gentleman may proceed unless we hear an objection.

I am sorry; I have heard an objection. The gentleman is not recognized under unanimous consent.

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

ADJOURNMENT

The SPEAKER. The Speaker recognizes the gentleman, Mr. Kampf, who moves this House do adjourn until Friday, June 24, 2011, at 9 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 10:43 p.m., e.d.t., the House adjourned.