

**IN THE SUPREME COURT OF PENNSYLVANIA  
MIDDLE DISTRICT**

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**Docket No. 73 MM 2022**

TOM WOLF, GOVERNOR OF THE COMMONWEALTH OF  
PENNSYLVANIA, AND LEIGH M. CHAPMAN, ACTING SECRETARY  
OF THE COMMONWEALTH OF PENNSYLVANIA,

*Petitioners,*

v.

GENERAL ASSEMBLY OF THE  
COMMONWEALTH OF PENNSYLVANIA,

*Respondent.*

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**BRIEF OF *AMICI CURIAE*, JOANNA E. MCCLINTON, LEADER OF THE  
HOUSE DEMOCRATIC CAUCUS, AND THE DEMOCRATIC CAUCUS  
OF THE PENNSYLVANIA HOUSE OF REPRESENTATIVES, IN  
SUPPORT OF PETITIONERS' APPLICATION FOR INVOCATION OF  
KING'S BENCH POWER TO DECLARE SENATE BILL 106 OF 2021  
INVALID AND ENJOIN FURTHER ACTION ON CONSTITUTIONAL  
AMENDMENTS**

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Office of Chief Counsel,  
Democratic Caucus  
Pennsylvania House of Representatives  
Room 620 Main Capitol Building  
Harrisburg, PA 17120  
(717) 787-3002

Tara L. Hazelwood (PA #200659)  
Matthew S. Salkowski (PA #320439)  
Lam D. Truong (PA #309555)

*Attorneys for Amici Curiae*

August 24, 2022

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## **INTRODUCTION & STATEMENT OF INTEREST OF AMICI CURIAE**

House Democratic Leader, State Representative Joanna E. McClinton, and the House Democratic Caucus of the Pennsylvania House of Representatives (“*Amici Curiae*,” “*Amici*” or “*House Democratic Leader and Caucus*”), by and through their undersigned counsel, file this *Amici Curiae* brief (“*Brief*”) in support of the request by Tom Wolf, Governor of the Commonwealth of Pennsylvania, and Leigh M. Chapman, Acting Secretary of the Commonwealth of Pennsylvania (“*Petitioners*”), that this Honorable Court exercise its King’s Bench power to declare Senate Bill 106 of 2021 (“*SB 106*”) invalid and enjoin further action on constitutional amendments.

On July 28, 2022, *Petitioners* filed with this Honorable Court an Application for Invocation of King’s Bench Power to Declare SB 106 Invalid and Enjoin Further Action on Constitutional Amendments (“*Application*”). That *Application* was served to the General Assembly of the Commonwealth of Pennsylvania (“*Respondent*”) on August 1, 2022.

On August 11, 2022, State Representative Joanna E. McClinton, Leader of the House Democratic Caucus, filed an Emergency Application for Leave to Intervene with this Honorable Court. On August 12, 2022, *Respondent* filed an Answer not opposing that Emergency Application, and *Petitioners* followed suit on August 15, 2022. On August 18, 2022, this Honorable Court denied all emergency

intervention applications filed by the legislative leaders and caucuses of the General Assembly and further ordered the proposed legislative intervenors to file *amicus curiae* briefs on or before August 24, 2022.

*Amici Curiae* have a special interest in this case because it involves the constitutional powers of the General Assembly. Specifically, the questions before this Court involve the procedure by which the General Assembly proposes amendments to the Pennsylvania Constitution and whether the requirements for doing so under the Pennsylvania Constitution have been satisfied in the case of SB 106. The House Democratic Leader and Caucus have a particular interest here in assisting the Court in determining whether the constitutional process for considering, debating, and voting on SB 106 was followed so as not to have infringed upon the effectiveness of the House Democratic Members' legislative authority and their votes.

Further, the members of the House Democratic Caucus, led by Representative McClinton, are an integral part of the General Assembly. A political party caucus is one of two constituencies that comprise each the Senate and the House of Representatives, and, as the Pennsylvania Constitution explicitly recognizes, the two caucuses operate as part of each chamber through their leaders. *Precision Mktg., Inc. v. Com., Republican Caucus of the Sen. of Pa./AKA Sen of Pa. Republican Caucus*, 78 A.3d 667, 672 (Pa. Commw. Ct. 2013). The House

Democratic Caucus, comprised of 89 state representatives, is an integral part of the Pennsylvania House of Representatives, and, therefore, the General Assembly. *See id.* at 675. *Amici Curiae* believe this Court would benefit from hearing their perspectives germane to the underlying issues in this case, particularly since the interests of the House Democratic Leader and Caucus are not being represented by Respondent in this matter.

Here, the General Assembly is represented by counsel chosen by the Speaker of the House of Representatives and President Pro Tempore of the Senate and the arguments made on behalf of the General Assembly are guided by those presiding officers, both of whom are members of the Republican Caucuses and voted in favor of SB 106. Respondent does not represent the interests of the House Democratic Caucus.

While the vast majority of the House Democratic Caucus voted against the measure and the vast majority of the House Republican Caucus voted in favor, four members of the House Republican Caucus voted against SB 106 and one member of the House Democratic Caucus voted in favor.<sup>1</sup> Thus, any action seeking to review a measure voted on by the General Assembly must include all the integral constituent parts to ensure that all the interests and perspectives of the varied

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<sup>1</sup> Pa. House of Representatives, *House Roll Calls*, Session of 2021-2022 Regular Session (Aug. 24, 2022) [https://www.legis.state.pa.us/CFDOCS/Legis/RC/Public/rc\\_view\\_action2.cfm?sess\\_yr=2021&sess\\_ind=0&rc\\_body=H&rc\\_nbr=1156](https://www.legis.state.pa.us/CFDOCS/Legis/RC/Public/rc_view_action2.cfm?sess_yr=2021&sess_ind=0&rc_body=H&rc_nbr=1156).

Caucuses and their members are given equal opportunity to present their positions. Thus, *Amici Curiae* have a clear interest in participating and ensuring its positions are represented in this matter.

*Amici Curiae* file this brief pursuant to Pa.R.A.P. 531(b)(1)(iii). *Amici Curiae* disclose that no other person or entity other than the *Amici* paid for the preparation of or authored, in whole or in part, this Brief. See Pa.R.A.P. 531(b)(2).

### **ARGUMENT**

Petitioners raise several arguments regarding the constitutionality of SB 106 and the process by which it was passed by the legislature. *Amici* support those arguments, including that the addition of proposed Section 30 to Article I would violate our constitutional rights to privacy, personal liberty, protection from gender discrimination, and equal protection. See Pa. Const. art. I, §§ 1, 25, 26, 28. The imposition of a voter identification requirement as proposed by the amendment to Article VII, § 1, would violate our Constitution's guarantee of a free and equal election found under Article I, § 5. See Pa. Const. art I, § 5. The proposed amendment to Article III, § 9 would infringe upon the Governor's constitutional power and violate the separation of powers between our Commonwealth's branches of government. The proposed amendment to add a Section 15 to Article VII would similarly infringe upon the Judiciary's power set forth in Article VII, §



13, and would likewise pose a risk to the separation of powers in this Commonwealth's government.

Given *Amici Curiae's* position as an integral constituent of the General Assembly, the focus of this Brief in support of the Petitioners' Application is on two specific issues related to deficiencies in the legislative process used to pass SB 106. First, SB 106 as written violates the Article XI, § 1 requirement that a proposed amendment or amendments "shall be entered on [the journals of the Senate and House of Representatives] with the yeas and nays taken thereon." Second, the proposed amendment to Article I related to the constitutional right to an abortion violates the Article XI, § 1 requirement that "[w]hen two or more amendments shall be submitted they shall be voted upon separately." *See* Pa. Const. art. XI, § 1. *Amici Curiae* believe their unique perspective on these issues will assist the Court in coming to a resolution to accept Petitioners' Application and exercise its King's Bench power in this matter of great public importance.

**I. This Honorable Court Should Accept This Appeal Pursuant to Its King's Bench Power under 42 Pa.C.S. § 502.**

The invocation of this Honorable Court's King's Bench power is warranted in this matter. This Court's King's Bench authority derives from the judicial power provided under Article V of the Pennsylvania Constitution<sup>2</sup> as further

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<sup>2</sup> Article V, § 2(a) of the Pennsylvania Constitution states: "The Supreme Court shall be the highest court of the Commonwealth and in this court shall be reposed the supreme judicial power

statutorily authorized by the General Assembly under 42 Pa.C.S. § 502, which provides:

The Supreme Court shall have and exercise the powers vested in it by the Constitution of Pennsylvania, including the power generally to minister justice to all persons and to exercise the powers of the court, as fully and amply, to all intents and purposes, as the justices of the Court of King's Bench, Common Pleas and Exchequer, at Westminster, or any of them, could or might do on May 22, 1722.

42 Pa.C.S. § 502.

King's Bench power is generally invoked “to review an issue of public importance that requires timely intervention by the court of last resort to avoid the deleterious effects arising from delays incident to the ordinary process of law.” *In re Domitrovich*, 257 A.3d 702, 714-715 (Pa. 2021) (quoting *Friends of Danny DeVito v. Wolf*, 227 A.3d 872, 884 (Pa. 2020)). See also *In re Bruno*, 101 A.3d 635, 670 (Pa. 2014); *Commonwealth v. Williams*, 129 A.3d 1199, 1205-06 (Pa. 2015). This Court may exercise its King’s Bench power even over matters where no dispute is pending in a lower court, such as the case is here. *DeVito*, 227 A.3d at 884 (quoting *Williams*, 129 A.3d at 1206).

This Court has further clarified its role in the machinations of government when a potentially unconstitutional amendment is proposed:

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of the Commonwealth.” Pa. Const. art. V, §2 (a). Article V, § 2(c) states: “The Supreme Court shall have such jurisdiction as shall be provided by law.” Pa. Const. art. V, §2 (c).

[T]he voters should be given free opportunity to modify the fundamental law as may seem to them fit, but this must be done in the way they themselves have provided, if stability, in the carrying on of government, is to be preserved. It is the duty of the courts to follow the rules fixed by the Constitution. If [these rules are] believed [by the people] to be unwise, in the provisions expressed, it should be rewritten, or modified, but as long as plain words are used, directing what shall be permitted, it is imperative on the courts to restrain any actions which are forbidden.

*League of Women Voters of PA v. Degraffenreid*, 265 A.3d 207, 227 (Pa. 2021) (hereinafter “LWV”) (quoting *Pa. Prison Soc’y v. Commonwealth*, 776 A.2d 971, 978 (Pa. 2001) (plurality)).

The Pennsylvania Constitution is the fundamental law of the Commonwealth. *Pa. Prison Soc’y*, 776 A.2d at 977 (quoting *Commonwealth ex rel. Schnader v. Beamish*, 164 A. 615, 616-17 (Pa. 1932)). There is perhaps no power of greater significance or import bestowed to this General Assembly than placing before the electorate an amendment to the Constitution of the Commonwealth of Pennsylvania for their approval or disapproval. Any proposals to amend the Constitution should be well-crafted, thoroughly researched, and rare.

As discussed above, SB 106 presents five amendments to the Pennsylvania Constitution representing the gravest impacts on some of the most significant aspects of life for every Pennsylvanian. Whether or not the General Assembly has scrupulously followed the process established in Article XI § 1 to amend the

Constitution is a matter of tremendous public importance. *See LWV*, 265 A.3d at 227. Furthermore, this matter requires immediate resolution given the timelines designated for publication to the public, the upcoming general election,<sup>3</sup> and consideration by the next legislative sessions of the House and Senate. *See In re Domitrovich*, 257 A.3d at 715.

Petitioners seek to enforce provisions of the Pennsylvania Constitution protecting the fundamental constitutional rights of all Pennsylvanians and the balance of power between the three branches of state government while also preventing the abuse of the constitutional amendment process by the majority party in the General Assembly. For these reasons and as further discussed below, the *Amici* support Petitioners' request that this Court exercise its King's Bench power in accepting this challenge to the constitutionality of SB 106.

## **II. SB 106 Fails to Meet the Requirements of Article XI, § 1 of the Pennsylvania Constitution**

Having been rushed through the legislative process by the majority caucuses in both the House and Senate during a late-night session in the wake of passage of the Commonwealth's budget after the start of the new fiscal year, the final version of SB 106, PN 1857 included the following five amendatory provisions to the Constitution:

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<sup>3</sup> The 2022 General Election is scheduled for November 8, 2022, at which members of the General Assembly will be up for election. Pa. Const. art. II, § 2.

1. Amendment to Article I, the Declarations of Rights, to add a Section 30 declaring that “[t]his Constitution does not grant the right to taxpayer-funded abortion or any other right relating to abortion.”
2. Amendment to Article III, § 9 to exempt the disapproval of a regulation by the General Assembly from the types of concurrent orders or resolutions subject to presentment to the Governor for approval or disapproval.
3. Amendment to Article IV, § 4 to require that each nominated candidate for Governor select a candidate for Lieutenant Governor, subject to the approval of the political party or political candidate, and to further declare that a person may not seek both offices simultaneously.
4. Amendment to Article VII, § 1, to require that qualified electors provide an unexpired, government-issued identification to vote by person or by mail and that if a qualified elector does not possess such identification, to obtain one.
5. Amendment to Article VII, to add a Section 15 authorizing the General Assembly to provide by statute for the auditing of elections and election results by the Auditor General or an Independent Auditor in years when the Auditor General stands for election to any office.

SB 106 directs that the Secretary of the Commonwealth shall “proceed immediately to comply with the advertising requirements of Section 1 of Article XI of the Constitution of Pennsylvania,” and further directs that each of the five proposed constitutional amendments be presented to the qualified electors as a separate ballot question as early as the 2023 primary election. The constitutional amendments contained in SB 106 must pass both the House and Senate after the November 2022 General Election. *See* Pa. Const. art. XI, § 1.

SB 106 began as a relatively straightforward proposal to amend Article IV, § 4 of the Pennsylvania Constitution regarding the selection of the Lieutenant Governor as stated above. It was reported out of the Senate State Government Committee on January 22, 2021 and received first consideration on January 27, 2021. It received second consideration on February 5, 2021. SB 106 eventually passed on third consideration by a Senate vote of 43-4 and was sent to the House, where it was reported out of the House State Government Committee and received first consideration on May 25, 2021.

On December 14, 2021, SB 106 received second consideration in the House with the addition of several provisions, including: 1) The amendment to Article III, § 9 found in the final resolution regarding the disapproval process of regulations; 2) An amendment to Article IV, § 21 related to the duration of executive order or proclamations by the Governor; 3) An amendment to Article VII, § 1 similar to the

amendment to that section found in the final resolution regarding voter identification requirements; and 4) An amendment to Article VII to add a new section to provide for the auditing of elections, similar to the language found in the final resolution. SB 106 as amended received third consideration and final passage in the House on December 15, 2021, by a vote of 113-87, and was referred to the Senate Rules and Executive Nominations Committee that same day.

On July 7, 2022, SB 106 was re-reported on concurrence in the Senate, as amended. Among other changes, including the elimination of the proposed amendment to Article IV, § 21, relating to the duration of executive order proclamations by the Governor, SB 106, PN 1857, added an amendment to the Declaration of Rights stripping individuals of their constitutional right to an abortion. This amendment came less than two weeks after the June 24, 2022 decision by the United States Supreme Court in *Dobbs v. Jackson Women's Health Org.*, 142 S. Ct. 2228 (2022), which reversed nearly fifty years of precedent that the right to an abortion is provided in the United States Constitution. SB 106 passed both the House and the Senate, with a vote of 107-92 and 28-22 respectively, late in the evening on Friday, July 8, 2022.

Article XI, § 1 of the Pennsylvania Constitution provides in relevant part:

Amendments to this Constitution may be proposed in the Senate or House of Representatives; and if the same shall be agreed to by a majority of the members elected to each House, such proposed amendment or amendments shall be

entered on their journals with the yeas and nays taken thereon, and the Secretary of the Commonwealth shall cause the same to be published three months before the next general election, in at least two newspapers in every county in which such newspapers shall be published; and if, in the General Assembly next afterwards chosen, such proposed amendment or amendments shall be agreed to by a majority of the members elected to each House, the Secretary of the Commonwealth shall cause the same again to be published in the manner aforesaid; and such proposed amendment or amendments shall be submitted to the qualified electors of the State in such manner, and at such time at least three months after being so agreed to by the two Houses, as the General Assembly shall prescribe; and, if such amendment or amendments shall be approved by a majority of those voting thereon, such amendment or amendments shall become a part of the Constitution; but no amendment or amendments shall be submitted oftener than once in five years. When two or more amendments shall be submitted they shall be voted upon separately.

Pa. Const. art. XI, § 1.

The demand on the members of the House Democratic Caucus to take a single vote on five constitutional amendments set forth in one bill, touching on such disparate issues as health care, gender discrimination, personal liberty, elections, and government administration, without the opportunity to offer amendments to address members' concerns regarding the constitutional amendments or the ability to divide the bill to allow each member their rightful vote on each separate proposed constitutional amendment,<sup>4</sup> is clearly a violation of

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<sup>4</sup> See, e.g. Ex. A at p. 34 (parliamentary inquiry of Representative Stephens regarding division of the bill).



the Pennsylvania Constitution and requires the immediate action of this Court as requested by Petitioners.

In *Kremer v. Grant*, 606 A.2d 433, 438 (Pa. 1992), this Court reiterated the importance of giving the electorate of this Commonwealth the knowledge of how their elected officials voted on matters as important as the amendment of this Commonwealth's Constitution: "For if an informed electorate disagrees with the proposed amendments, they will have an opportunity to indicate their pleasure at the ballot box and elect individuals to the next General Assembly with different attitudes." *Kremer v. Grant*, 606 A.2d 433, 438 (Pa. 1992).

Of utmost importance to the principle of allowing the electorate to know where their elected officials stand on any one issue, especially on any of the rights as profound as those contained in SB 106, is to "afford the electorate abundant opportunity to be advised of proposed amendments and to let the public ascertain the attitude of the candidates for election to the General Assembly 'next afterwards chosen.'" *Id.* (citing *Commonwealth ex rel. Woodruff v. King*, 122 A. 279 (Pa. 1923); *Tausig v. Lawrence*, 197 A. 235 (Pa. 1938)).

The passing of SB 106, and the process of adopting amendments to that very bill that were made throughout the legislative process, denied the electorate the right to know how their representative legislators stand on each of the five totally

disparate and disconnected proposed amendments to the Pennsylvania Constitution.

Several Members of the House Democratic Caucus, during floor debate on the final passage of SB 106, raised these very concerns about the constitutionality of the passage of the bill. A copy of the unofficial transcript of that floor debate is attached as **Exhibit A**.<sup>5</sup> For example, regarding the majority party's efforts to table all amendments addressing the constitutionality of SB 106, House Democratic Leader Joanna McClinton commented:

Because when we started this whole exercise, my concern was what is happening right now and that is that the Democratic process by which each of our constituents in our 203 legislative districts would not be allowed to occur in this august body.

....

That there will be one procedural maneuver after another to silence our caucus, but most importantly and what is most sad is that it does not silence just members of the Pennsylvania House of Representatives, but it silences voters, it silences our next door neighbors and those that live near and far among those 62,500 people each and every one of us represents.

Ex. A at p. 30.

Representative Matt Bradford, Democratic Chair of the House

Appropriations Committee:

I rise to ask for at least approximately 7 weeks to have a thoughtful conversation. As you know there are multiple

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<sup>5</sup> See also Pa. House Video, *House Session – July 8, 2022*, (Aug. 24, 2022) <https://www.youtube.com/watch?v=leXNXBammX8&t=30057s>

constitutional amendments proposed in this bill in front of us. This is a dramatic restructuring of the role of government in the Commonwealth. Not the least of which it affects women health care, but in our elections. Many gentleman and ladies have spoken with great passion. Clearly, there is a tremendous division of thought. One that potentially could at least some meeting of the minds could come from appropriate hearings and the opportunity from people of good will to have an honest discussion about whether this is the appropriate time and hour to be amending our constitution without the opportunity of hearings or consideration or thought.

Ex. A at p. 29.

Representative Dan Frankel, Democratic Chair of the House Health

Committee:

Mr. Speaker, I rise to oppose SB 106. Just minutes ago, during our Rules Committee Meeting we saw an extraordinary shameful display of anti-Democratic behavior by the majority party shutting down for the second time in 24 hours – in less than 24 hours – the ability of this caucus, the Democratic Caucus, being able to offer amendments to one of the most consequential pieces of legislation that this body will be considering, that will change the lives of Pennsylvania's women and families for the foreseeable future. On the heels of a devastating decision of the Supreme Court, we are supposed to follow suit here as a legislative body without any deliberation, without any opportunity to have a discussion, to have an opportunity to amend the piece of legislation. It was so shameful to be shut down.

Ex. A at p. 1.

Constitutional amendments should be rare. While amending our Constitution requires such legislation to pass two consecutive legislative sessions before

moving to the ballot, the consideration given to these constitutional amendments by the majority caucuses in the House and Senate was the same as bills that rename a bridge. Even a member of the House Republican Caucus raised a parliamentary inquiry about how SB 106, with its separate and distinct constitutional amendments, was being voted out of the House by a single vote by each member on one bill involving five distinct constitutional amendments. *See* Ex. A at p. 34.

Despite the inherent gravity of amending our governing document, almost all constitutional amendments proceed through the House without a public hearing and without any testimony from constitutional scholars as to the validity, impact, or appropriateness of the amendment. During the last two legislative sessions, the General Assembly through the agenda of the majority party has passed more than a dozen constitutional amendments.<sup>6</sup>

As noted above, the final version of SB 106 was rammed through the legislative process during a late-night session in the wake of passage of the Commonwealth's budget after the start of the new fiscal year, with the majority party limiting debate and consideration of amendments by members of the House Democratic Caucus. This is not the due diligence expected when wielding the

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<sup>6</sup> *See* Pennsylvania General Assembly, *Legislation Enacted, Joint Resolutions (Amendments to the Constitution) passed*, (Aug. 24, 2022) [https://www.legis.state.pa.us/cfdocs/legis/CL/Public/cl\\_view\\_action1.cfm?sess\\_yr=&sess\\_ind=0&cl\\_typ=JR&cl\\_nbr=](https://www.legis.state.pa.us/cfdocs/legis/CL/Public/cl_view_action1.cfm?sess_yr=&sess_ind=0&cl_typ=JR&cl_nbr=).

extraordinary power to amend the Pennsylvania Constitution that is provided to the General Assembly under Article XI. With the process chosen by the majority caucuses in the House and Senate to logroll five separate constitutional amendments into a single bill, the majority party denied members of the General Assembly the ability to consider, debate, and vote separately on the five proposed amendments and denied the Pennsylvania voters the ability to be informed on how their elected officials in the House and Senate voted on each amendment contained in SB 106. This undermines the fundamental purpose of the process required in Article XI, §1 and is unconstitutional.

**III. The Proposal to Amend Article I by Adding Section 30 Violates Article XI, § 1 of the Pennsylvania Constitution.**

The proposed amendment to add Section 30 to Article I of the Pennsylvania Constitution presenting together the issues of taxpayer-funded abortion rights and more broadly, the general right to abortion, violates the constitutional requirement under Article XI, § 1 that when two or more amendments are submitted for a vote, that the amendments must be voted on separately. *See* Pa. Const. art. XI, §1. The proposed amendment violates the standard used to determine the constitutionality of amendments that make multiple changes to the Pennsylvania Constitution.

The applicable standard for this Court to use in determining whether proposed constitutional amendments are properly presented as a single question is a “subject-matter focus to determine whether alterations are sufficiently

interrelated to justify their presentation to the electorate in a single question.”  
*Grimaud v. Commonwealth*, 865 A.2d 835, 841 (Pa. 2005) (quoting *Pa. Prison Soc’y*, 776 A.2d at 984 (Saylor, J., concurring, joined by Castille and Newman, JJ.)). “Each change to our Constitution contained in a proposed amendment must, when viewed together, form an interlocking package necessary to accomplish one overarching objective, such that the amendment ‘stand[s] or fall[s] as a whole.’”  
*LWV*, 265 A.3d at 237 (quoting *Kerby v. Luhrs*, 36 P.2d 549, 554 (Ariz. 1934)). As this Court has made clear:

Accordingly, in sum, we hold that the subject matter test of Article XI, § 1 requires a court, when reviewing a challenge to a proposed amendment making multiple changes to our Constitution – either through the addition of new provisions to our organic charter, or through the alteration of its existing provisions – to examine whether these changes function in an interrelated fashion to accomplish one singular objective, which means that it must determine whether the changes depend on one another for the fulfillment of that objective. If the changes the proposed amendment would make do not have this requisite interrelationship, the proposed amendment must be stricken as violative of the clear mandates of Article XI, § 1.

*LWV*, 265 A.3d at 238.

The changes to the Constitution presented by the proposed amendment to add Section 30 to Article I fail this test. There are two distinct changes proposed here: First, the declaration that there is no constitutional right to a taxpayer-funded abortion; and second, that there is no constitutional right relating to abortion.

The objective here is quite clear: That there be no constitutional right to abortion, taxpayer-funded or otherwise, in the Constitution of the Commonwealth of Pennsylvania. However, neither of these proposed changes are dependent upon the other to fulfill that objective, and so the proposal fails to pass constitutional muster under Article XI, § 1. As Petitioners succinctly note in their Application, “Because access to abortion and public funding for abortion operate independently, Article XI, § 1 requires that voters be given the opportunity to vote separately on each proposed change to the Constitution in Article I, § 30.” Pet’rs’ Appl. at 23.

## CONCLUSION

For the foregoing reasons, *Amici Curiae* respectfully request that this Court grant Petitioners' Application and exercise its King's Bench power to find that SB 106 violates Article XI, § 1 of the Pennsylvania Constitution and is therefore constitutionally invalid.

Respectfully Submitted,

/s/ Matthew S. Salkowski

Tara L. Hazelwood (PA #200659)

Matthew S. Salkowski (PA #320439)

Lam D. Truong (PA #309555)

Office of Chief Counsel,  
Democratic Caucus  
Pennsylvania House of Representatives  
Room 620 Main Capitol Building  
Harrisburg, PA 17120  
(717) 787-3002

*Attorneys for Amici Curiae*

August 24, 2022



## **CERTIFICATE OF COMPLIANCE**

I hereby certify that this Brief contains 4,500 words within the meaning of Pa.R.A.P. 2135. In making this certification, I have relied upon the word count function of the word-processing system used to prepare this Brief.

I further certify that this Brief complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Respectfully Submitted,

/s/ Matthew S. Salkowski  
Matthew S. Salkowski (PA ID 320439)  
Legal Counsel, Democratic Caucus  
Pennsylvania House of Representatives

August 24, 2022

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am this day effectuating service of the foregoing document upon the persons and in the manner indicated below, which satisfies the requirements of Pa.R.A.P. 121:

**Service by PACFile eService as follows:**

All counsel of record

Respectfully Submitted,

*/s/ Matthew S. Salkowski*  
Matthew S. Salkowski (PA ID 320439)  
Legal Counsel, Democratic Caucus  
Pennsylvania House of Representatives

August 24, 2022

# **EXHIBIT A**

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The SPEAKER. Moved by the gentleman, Leader Benninghoff, that the House concur in the amendments, the Chair now recognizes him for a brief description of the Senate amendments.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

As we know, the Senate sent us SB 106 done by Representative Argall, proposes five separate distinctive amendments to the Pennsylvania Constitution, including to change the nomination candidates for Lieutenant Governor, clarification to the Constitution does not grant the right to taxpayer-funded abortions and/or other right relating to abortions, requirements for auditing of elections and election results by the Auditor General, changes of qualifications of electors to require voter identification, an additional exception to the present \*\* clause of Article III relating to disapproved regulations in our Commonwealth.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks gentleman.

On concurrence, the Chair recognizes the gentleman, Representative Frankel.

Mr. FRANKEL. Mr. Speaker, I rise to oppose SB 106. Just minutes ago, during our Rules Committee Meeting we saw an extraordinary shameful display of anti-Democratic behavior by the majority party shutting down for the second time in 24 hours – in less than 24 hours – the ability of this caucus, the Democratic Caucus, being able to offer amendments to one of the most consequential pieces of legislation that this body will be considering, that will change the lives of Pennsylvania's women and families for the foreseeable future. On the heels of a devastating decision of the Supreme Court, we are supposed to follow suit here as a legislative body without any deliberation, without any opportunity to have a discussion, to have an opportunity to amend the piece of legislation. It was so shameful to be shut down.

The Senate Republicans did it last night and we are doing here at the last minute on Friday evening. This is no way for us to be considering the future of our constituents; the women and our families in the Commonwealth of Pennsylvania. There is no doubt about it, make no mistake. This legislation paves the way for extreme abortion bans.

The majority party knows that our constituents do not want to live in a place where half the population does not get to make decisions for their own bodies. That is why this amended in the Senate in the dead of the night and shut us down here at 5 o'clock on Friday afternoon, that is why the wording of this amendment keeps changing. But Pennsylvanians are paying attention.

Republicans can use the constitutional amendment process, fill the bill with unrelated provisions, and try to argue that it is just about taxes and voting, but none of that changes the fact that this bill is an inhumane, dangerous attack on the right to bodily autonomy. Pennsylvanians know that you cannot put lipstick on this legislative atrocity.

The ultimate goal of the majority party, of course, is to force anyone who becomes pregnant to give birth. They would pass a bill to do just that right now if they were not afraid of public revolt. This bill is a giant, if covert, step towards that goal. The public is not falling for it, and neither are we. Vote "no."

The SPEAKER. The Chair thanks the gentleman and recognizes the gentlewoman, Representative Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

That is the quietest I have heard this chamber in at least a week. I do rise in support of SB 106 and for a couple of reasons. I want to mention that this particular constitutional omnibus does include a variety of issues not just the life issue that has been referenced.

It also includes regulatory reform, which is very important to many in this chamber. It includes voter identification, which is also extremely important to election integrity and it does include, it does include an amendment to stop taxpayer-funding of abortion.

And I think it is important that we talk a little bit about how we got here and why this is important to so many. And it started really a very long time ago with the Hyde amendment that has been the law of the land for at least several decades that said that we would not use taxpayer-funded abortions – excuse me – taxpayer funds for elected abortions. That does not say that taxpayer funding could not be included for life of the mother. Taxpayer funding is allowed for incest and rape and this does not change that in any way.

In 2013, we had the opportunity as a legislative body to vote on HB 818, which later became Act 13 of 2013, where we had the option under the Obamacare to opt out of taxpayer funding of elective abortions. Again, I say this very clearly, elective abortions. Still permitted life of the mother, rape and incest.

We are now being taken to court to challenge that Act 13 of 2013. And that is why this legislative constitutional amendment is absolutely critical. It would prevent the Court from forcing taxpayers to pay for elective abortions. The amendment simply protects the status quo in Pennsylvania. That it is up to the people through their State legislators not the courts to decide how best to regulate abortion and that is and will continue to be in

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Pennsylvania the Abortion Control Act.

The amendment will continue to allow the legislature to determine whether or not to use taxpayer dollars to fund elective abortions and it will preserve the authority of elected officials not unaccountable judges to regulate abortion. And for these reasons, all of these reasons, I support SB 106 and ask for your support.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady and recognizes the gentlewoman, Representative Fiedler, on concurrence.

Ms. FIEDLER. Thank you, Mr. Speaker.

Earlier today, I asked some of my colleagues on the other side of the aisle what seems like a simple question, "Do you really think you should decide if I carry and birth a baby with my body? Do you really think you should decide that about my body?" It is a simple question and I think that your constituents just like my constituents deserve to know the answer and I have to say that over and over the response that I received was – from my colleagues – "That is a ridiculous question. That makes me uncomfortable." It is ridiculous. It makes me uncomfortable and it is outrageous that anyone, any law maker thinks that they deserve – that they have the right to insert themselves in a decision that should be made by a pregnant person and their doctor.

Imagine a pregnant person sitting in their doctor's office, maybe their partner is sitting in the chair next to them, and they are talking with the doctor. They are talking about a serious health condition the pregnant person has been struggling with. They are talking about the physical and economic implications of pregnancy or maybe they are talking about test results that did not turn out the way they expected or hoped. That pregnant person is sitting in their doctor's office and each of you, all 253 members of this legislative body, are inserted in between that pregnant person and their medical professional. It sounds ridiculous, right? It makes absolutely no sense that any lawmaker would think they had a place there and yet that is exactly, exactly what is happening here tonight and what happened in the Senate last night.

If we actually wanted to help babies, pregnant people, families across the Commonwealth, we know there is a lot we could do, right? And we are here to work. We could increase services for post-partum depression. We could compensate people fairly for the immense amount of free care work that is done primarily by women across the Commonwealth. We could increase affordable housing, raise the minimum wage, fund child care and elder care. We could do so much good for this Commonwealth and yet here we are tonight, as you heard, on Friday night trying to tear away the rights from people across the Commonwealth. It is outrageous and I hope that people vote "no."

Thank you.

The SPEAKER. The Chair thanks the lady and recognizes the gentlewoman, Representative Gleim, on concurrence.

Mrs. GLEIM. Thank you, Mr. Speaker.

I rise in support of all of the constitutional amendments under SB 106 today, because at the end of the day this legislation sets in motion the process that gives Commonwealth voters a direct say on these issues. They get a direct say on election integrity and voter ID. They get to decide on some of the regulatory reforms that we've been working so hard on. They get a direct say on whether the Governor gets to pick his running mate and whether we audit elections by the Auditor General. They also get a say on whether or not we are going to have the taxpayers fund abortions in the State.

Mr. Speaker, I come from a district that is the majority a pro-life district – I am pro-life – the majority of my constituents do not want to pay for someone else's abortion. The majority of my constituents do want to have a say on all of the constitutional amendments under this bill.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady and recognizes the gentlewoman, Representative Shusterman, on occurrence.

Ms. SHUSTERMAN. Thank you, Speaker.

This constitutional amendment is extreme and extremely cruel to women. I do want to read a sentence from the SB 106 and it says, "This Constitution does not grant the right to taxpayer-funded abortion or any other right relating to abortion," and that would include incest, that would include ectopic pregnancy, that would include rape. There is no exceptions in the law for those. So this takes away individual liberties, a woman's right to control her life, my right to control my life, my sister's right to control her life, and it allows for political and religious leaders to insert their radical uninformed beliefs in the doctor's office.

Moving this amendment forward would be turning your back on your mother, turning your back on your sister, turning your back on children of incest and rape, basically turning your back on the mothers, sisters, and children and their experience of pregnancy, miscarriage, and ectopic pregnancy. It is cruel and unusual punishment.

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How many women must die? Let me explain death. So anyone who has been to medical school, who has a sibling who is a doctor – I am from a family of doctors – we are talking death as everyone sitting there and talking about life. I am here to preserve the life of your sister, your mother, your 11-year-old child who becomes raped and her little body cannot handle it. How many women will be forced to carry pregnancies after being raped because of politicians deciding that this is their fate? Not doctors, but politicians, which is all of us. It is a sick, misjustice of power for which all of you will be judged. All of you will be judged by this sick misjustice of power and what I hear in committees is people do not even understand how women work biologically and that is the most disturbing part of this. Women's bodies should not be used to score political points. It is low, it is low and it lacks leading. It lacks serving your community. And it also lacks questioning your community when you know they are not on the right track. Such an overreach will have tragic and unintended consequences. Instead of codifying your so-called religious – these are religions I have never heard of before – these religious beliefs in our Constitution, we should work to move Pennsylvania forward and to work for everyone in Pennsylvania. Can you imagine how many businesses are going to want to come to Pennsylvania now? Very little, very little business. And stop taking away the rights of women and girls.

And let us remember Thomas Jefferson, because you guys love to remember Thomas Jefferson when it is convenient to you. Erecting the wall of separation between church and State is absolutely essential to a free society. So congratulations, this society and myself included are no longer free.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Representative Kail.

Mr. KAIL. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of SB 106. There are a lot of components regarding this bill that ought to be commended and I think it is something that we ought to move forward. There has been a lot of noise regarding this bill, particularly as it relates to taxpayer-funded abortions. I really want to set the record straight. This bill is about one thing: are we going to let four people in the Supreme Court determine our job or are we going to do the work of the people here in Pennsylvania? The question before us is this, whether you are for abortion or for life, are you willing to do your job? Are we willing to have that debate here in this building?

Mr. Speaker, my opinion is that is what we are elected to do. Whether we win the argument or lose the argument, the argument must be had here.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and we recognize the gentleman, Representative Malagari, on concurrence.

Mr. MALAGARI. Thank you, Mr. Speaker.

I rise to discuss SB 106. I want to speak on the language of the bill and some of the implications that it would have on Pennsylvanians. In addition to restricting necessary medical treatments to ectopic pregnancies and miscarriages, the language of this bill could complicate, if not outlaw, in vitro fertilization. While it is designed as an anti-abortion bill it implicates standard infertility treatments because fertilized eggs would be designated as unborn children. In vitro fertilization and fertility treatments give people the ability to have a family. They allow those who are dedicated to bringing life into this world the ability to do so.

The language of this constitutional amendment is not thought out. It is far reaching and will create barriers in access to medical procedures like in vitro fertilization. That is many people's only option for starting a family.

Let me tell you a little bit about some personal history. I have been dealing with this my entire life. I knew it from the moment I was born and diagnosed at Children's Hospital of Philadelphia, I knew that this would be a struggle for me. This would be difficult in my life when I reached adulthood to try and have a family with my wife. I knew that. I knew it going into it and I knew it would be hard. Round one of fertility treatments yielded 13 eggs, 6 were fertilized. None survived past 5 days. Round two, 6 eggs were retrieved, 3 of them were fertilized. None of them survived past 5 days.

Half a million babies that are delivered annually in the U.S. are the result of in vitro fertilization. Stripping away the right to these treatments from countless Pennsylvanians is anything but pro-life, anything but pro-life. It is theft to the possibility of life and the possibility of having a family for oh so many people that require this treatment. Do not stand on this floor and say that you are pro-life and pro-family and then go and remove what so many people have as an only option to creating a family and creating life.

And as some you may know– I speak from experience, as I just mentioned to you – my wife and I have been going through this for a very, very, very long time, and many of you have, too, and I know it for a fact. To this point we have been unsuccessful with our pregnancy. I hope to God and I pray to him every single day that we will be successful and be parents, not because we do not want to be parents – we want to, we are trying – but because sometimes it is just not as easy for some to attain pregnancy as others.

I know firsthand the necessity for these medical treatments. I, like the majority of Pennsylvanians, believe

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reproductive health decision at all stages of life should be between the patient and their doctor and sometimes that patient might be a man. Those who have determined they are financially stable and mentally prepared to have a family should not be collateral damage in the push to ban abortion.

So I sincerely thank my colleagues for a vote against this bill.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentlewoman, Representative Gaydos, on concurrence.

Ms. GAYDOS. Thank you, Mr. Speaker.

I stand here in support of SB 106, but first I have to say that I am personally offended at some of the comments that I just heard, that are mischaracterizing the bill. This bill does nothing more than take the vote to the voters. It is the ultimate form of democracy. It gives the voters a direct voice and I want to iterate, this bill lets the voters, not politicians, decide on several very important issues, which I dare to say that this body has not enacted on. We are letting the people decide. This bill takes to the voters a decision if they want voter ID. No more waiting for politicians to decide, you decide. The bill also takes to the voters the decisions to allow or not to allow the Pennsylvania Governor candidate to pick their running mate, just like it is done on the presidential level when presidential candidates get to select their vice president. If voters approve, the Governor and Lieutenant Governor candidate come in as a team instead of two separate candidates. That is good for the Commonwealth. But this will be put directly to the voters to decide.

SB 106 also asks voters if they choose to use their taxpayer dollars to fund elective abortions. It does not prohibit abortions. It does not even change the Pennsylvania abortion law. It does not ban abortions.

Mr. Speaker, I am offended by the previous comments that try to mischaracterize this bill that it does this. It does not. It does not change the current Abortion Control Act, which still limits abortions to 26 weeks. It simply asks you, the voter, not politicians or either party, to decide what you think is best for your tax dollars. Furthermore, it lets people, not politicians, decide if the elected State Auditor General should conduct election audits to ensure that elections are free and fair and are administered equally throughout the State. I applaud former Democrat Auditor General Gene DePasquale for his work on the 2019 audit of the Pennsylvania election process which revealed that there were many flaws and inconsistencies that could threaten free and fair election, many of which this body did address. Overall, SB 106 lets the voters, not politicians, decide.

Last year the people made the decision to self-govern when they voted to decide that they wanted no more shutdowns and they had enough of the Governor's decisions telling them what to do. They decided; they decided.

Mr. Speaker, I trust the voters and I think we should have these discussions and we should listen to the voters. That is why I encourage people to vote for SB 106. Thank you.

The SPEAKER. The Chair thanks the lady and recognizes the gentlewoman, Representative Rossi.

Mrs. ROSSI. Thank you, Mr. Speaker.

I rise in support of SB 106. Whether pro-life or pro-choice this would let the people get to decide. So many feel passionate one way or another. I know I do. This lets the voice of the people be heard. It already is not a constitutional right to have an abortion so this is not a change to that, as many would make you believe. This would give use a clear answer as to how Pennsylvanians support or are against abortion being funded by their taxpayer dollars.

Mr. Speaker, I ask for a "yes" vote of SB 106. Thank you.

The SPEAKER. The Chair thanks the lady and recognizes the gentlewoman, Representative Bullock, on concurrence.

Mrs. BULLOCK. Thank you, Mr. Speaker.

I rise in opposition to SB 106. As chair of the Pennsylvania Legislative Black Caucus, as a member of this legislative body, as a mother, as a resident of Pennsylvania, as a Black woman, I am offended. I am offended by the very notion of this bill. Everything in this bill – the majority of this bill attacks my very existence, attacks my rights, and the rights of my community.

Yes, this is not just about abortion care. But when we look at the abortion care, I know that when we restrict access to that health care, we are putting the lives of Black women at risk, because many Black women who do look to see their pregnancy to term then have to face the likelihood of bias in the delivery room, the lack of prenatal care, the lack of postnatal care, all of which puts their health at risk. So as we force more women to carry to term, we are, by definition, putting their lives at risk.

So when we talk about funding with taxpayer dollars abortion care, I wonder why we do not ask our voters if they want to use their taxpayer dollars to fund your erectile dysfunction care. Why do we not ask taxpayers if they want to fund your Viagra. Let us ask taxpayers if they want to fund all of the other care that men seek and that others seek with taxpayer dollars. Let us put that to the voters as well.

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I am offended because we seem to think that the only health care we want to put to the voters is the health care that impacts the lives of women and birthing folks. I am offended because not only are we stopping at health care and abortion care, we also want to attack the rights, voting rights of millions of Pennsylvanians who do not have photo ID. We have been over this before. Voter ID disenfranchises Pennsylvania voters and we know because we have heard on record the Republican party state that voter ID helps them win elections. This again is another attempt to disenfranchise our voters and we should be offended. We should be all offended by the elements of this particular bill and, yes, some may say that we are putting the issues to the voters. The voters elected us to make those decisions. That is the decision of the voters. They put their trust and their confidence in the 203 ladies and gentlemen in this room, and the 50 ladies and gentlemen across the hall to make those decisions, but many of us do not want to put in the work, like our colleague said on the other side to actually debate the bills, debate the issues. We can debate them, let us do that. But instead we cut each other off, we do not allow the minority party to offer amendments, we do not allow honest debate in this House to actually debate the issues. We should all be offended by our own offense to democracy in this building.

And let me tell you – and I will take a seat after this, no matter how long it takes – as a Black woman, I have seen this coming, because year after year I have sat in this building as we chipped away and chipped away at the rights of Black and Brown folks and other disenfranchised people throughout this Commonwealth. We chip away and we chip away and so that is why I share the Black Caucus and many of the Black Caucus members we have never stopped standing up for our communities and I will stand before you every single time and stand up for those communities because we cannot afford to stand down. When we stand down, foolishness like this happens. When we stand down, you chip away at our rights. When we stand down, you fail to invest in our communities. When we stand down, we take away the rights of Pennsylvanians with foolishness and undercover in the middle of the night, at 6 o'clock on a Friday. We cannot afford to stand down, Pennsylvanians cannot afford to stand down, and this particular effort to undermine and disenfranchise the rights of Pennsylvanians will not be tolerated.

Thank you, Mr. Speaker. I ask for a "no" vote on the bill.

The SPEAKER. The Chair thanks the lady and recognizes the gentlewoman, Representative Klunk, on concurrence.

Ms. KLUNK. Thank you, Mr. Speaker.

Today I rise in support of SB 106, putting many, many important questions of the day to the people. I see these amendments as "we the people" amendments since we will pass them and, ultimately, let our people here in Pennsylvania decide. We will let the people decide on issues related to nominations and the selection of our Lieutenant Governor candidates. We will let the people decide on regulatory reform issues. We will let the people decide on voter ID and election audits, two issues that I have heard a lot about over the past few years. And finally, we will let the people decide whether or not our Pennsylvania State constitution grants the right to a taxpayer-funded abortion.

Now I read our State Constitution and there is no explicit right to an abortion in that State Constitution and there is also no explicit right to a taxpayer-funded abortion in our State Constitution and we have heard the debate here in this chamber and outside of the chamber and what I would say is that this amendment ensures that the people and their elected representatives, their House member, their Senator, our General Assembly, will ultimately decide on the Commonwealth's laws governing abortion. We will let the people, the people decide whether they want their elected Representatives or unaccountable judges on our State Supreme Court to regulate abortion.

Now, Mr. Speaker, this amendment will not ban abortion here in Pennsylvania. I want to say that again: this amendment would not ban abortion here in Pennsylvania. This amendment also would not change our Abortion Control Act. If this amendment would pass, our Abortion Control Act will still stand. Again, our Abortion Control Act will still stand and right now our Abortion Control Act still allows for abortions for any reason in Pennsylvania until 24 weeks of pregnancy or 6 months. After 24 weeks, abortion is also allowed in Pennsylvania to prevent either the death of the mother or prevent a substantial and irreversible impairment of a major bodily function of the mother. Our Abortion Control Act also states that no abortions are allowed for the purpose of sex selection of a child. There are many other things that our Abortion Control Act says but none of those things will change with the passage of this amendment.

Furthermore, nothing in this amendment impacts medical care for miscarriages, for ectopic pregnancies, or birth control. In fact, our State Abortion Control Act treats those things differently than abortion, because they do not involve the purposeful ending of a human life, as is the case with an elective abortion.

IVF (in vitro fertilization) is also not prohibited under the Abortion Control Act and would not be impacted by this amendment and, finally, our Abortion Control Act specifically prohibits our State from prohibiting medically accepted contraception. So, again, all of these things will not be impacted by the passage of this amendment.

Mr. Speaker, for me, voting "yes" to SB 106 is a vote to put these issues to the people where they belong



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and let them decide. I know I will be a "yes" here today and I will be a "yes" when they hopefully come before the people. I am a wife, I am a very, very proud mom, I am a proud daughter, and I am a proud granddaughter, and I am all these things because yes, I am a woman and it is okay to be pro-life and be a woman. And 5 years ago and 2 years ago I was on this floor and I was not just a pregnant person, Mr. Speaker, I was a pregnant woman. I am for protecting the unborn, our unborn daughters, our unborn sons, and I ask for your support today.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady and recognizes the gentlewoman, Representative Kinkead, on concurrence.

Ms. KINKEAD. Thank you, Mr. Speaker.

I rise in support of Pennsylvania women and birthing people. I am not a wife and I am not a mother and that is my choice and while my colleagues continue to highlight the prohibition on taxpayer funding of abortion, they are repeatedly and consistently leaving out the last seven words of this amendment, "or any other right relating to abortion." We have the right to an abortion in Pennsylvania and the fact that what we are trying to do is circumvent the duly and democratically elected judges in this Commonwealth by introducing this legislation is shameful.

We are hearing all about unaccountable judges and yet the same voter that you want to give this to elected those judges. Every judge in Pennsylvania was elected and that is the right of Pennsylvania people; that is the right of our voters to decide who sits on the Supreme Court. It is not our role and it is not our role to go around them. They are our check. There are three branches of government for a reason and every one of them is elected by Pennsylvania voters. These judges are not unaccountable. We have retention elections for a reason. We trust the courts to do their jobs just like every Pennsylvanian has the right to trust us to do our jobs and yet we are spending all of our time and energy in this session attacking our courts.

The first vote that I took in this body was attacking our courts and we continue to talk about unaccountable judges. They are accountable to the law. They are accountable to the people of Pennsylvania. That is their role. Commonwealth voters should have a direct say if we just abandon our entire government process and do direct voting on everything or do we trust that Commonwealth voters gave us the authority to use their voices to do their work, so they do not have to. They sent us here to do the work of the people. This is undermining their votes for their judges and their Governor and, fundamentally, what we are doing is setting up a path.

Yes, this amendment does not explicitly and immediately ban abortion, but it is a pathway and to say otherwise is a lie. We are setting up a pathway to see people like Savita Halappanavar, who died of blood poisoning because she could not access abortion. Olga Reyes, who died of a ruptured ectopic pregnancy, because she could not access an abortion. Isabella, who died of sepsis because she could not access an abortion. Manuela, who was charged with homicide because she had a miscarriage, when she could not access abortion, and on and on and on the list of women who have died because they have not had access to an abortion will only grow if we pass this amendment, because the people of Pennsylvania, the voters of Pennsylvania, know exactly what we are doing here today, and it is not just codifying what is already reality. We are setting up a path for women in Pennsylvania to die.

And if we are so pro-life here in Pennsylvania, I find it very appalling that we would set up a pathway for more children to be born when we are not addressing the gun violence that makes them the targets in their schools. So we are mandating the birth of targets of gunmen.

So, yes, we trust the voters of Pennsylvania to make these decisions about abortion, about voter ID, about all of these things, because their voices are paramount until they elect a Democrat for president.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Representative Owlett, on concurrence.

Mr. OWLETT. Thank you, Mr. Speaker.

I rise in support of SB 106. This is about more than one thing here today, but we are focusing on abortion and really when a life becomes a life. The question before us today as a chamber is do we want the people of the Commonwealth to fund abortions? Why are we so afraid to put this question before the people? This debate has been going on for decades and is now officially back to the States and I support putting this question and all of the other questions before the voters. We have all heard from constituents that have said at times, "Your vote did not represent me." This bill, SB 106, puts this important question ultimately before the voters – lots of questions – issues that this body has fought about for decades.

And I ask for a "yes" vote on SB 106 and I want people in my district to know that I am putting this before them. I want them to answer these questions so that they know that their voice is heard in this debate. About when a life is a life, when a human is a human, and when a beating heart is a beating heart. I ask for a "yes" vote on SB 106.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Bradford,

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on concurrence.

Mr. BRADFORD. Thank you, Mr. Speaker.

I rise in opposition to SB 106 and I ask to interrogate the majority leader.

The SPEAKER. The gentleman indicates that he is not available for interrogation. You may speak on concurrence, if you so desire.

Mr. BRADFORD. Sure. Is anybody in the majority party willing to stand for interrogation and defend this?

The SPEAKER. The gentleman is recognized to speak on concurrence.

Mr. BRADFORD. I am sorry. I was waiting for an answer.

The SPEAKER. The gentleman has indicated that he will not stand for interrogation and I would encourage the gentleman to speak on concurrence for which he is recognized on the debate. We will continue on. There are multiple speakers on both sides, which I think will answer many of the questions.

You are in order and may proceed on concurrence.

Mr. BRADFORD. Well, that is just breathtaking, is it not? A majority of 113 proud pro-life Republicans, not a single one with the courage to defend this atrocity; not a single one—

The SPEAKER. The gentleman will suspend.

Mr. BRADFORD. —not a single one, not the leader—

The SPEAKER. The gentleman will suspend.

Mr. BRADFORD. — not any rank-and-file member.

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

The purpose of debate is to discuss the underlying issues, not to subscribe motive, not to speak about anything other than the proper subject of debate, which is the concurrence on this issue.

Ms. McCLINTON. Mr. Speaker.

The SPEAKER. The gentlelady will suspend.

I will recognize you in just one moment, please.

The member is reminded that inciteful comments are not appropriate. In the debate we were doing quite a good job; we had many speakers who were able to comply with the rules. I will remind the members to, again, confine the remarks to the items under debate.

! [APOINT OF ORDER!] A

The SPEAKER. And now I recognize Leader McClinton. For what purpose do you rise?

Ms. McCLINTON. Mr. Speaker, he was stating the facts. He was not talking about a motive. There was no one who stood up to defend this. Not one person will stand up to be interrogated on SB 106 this Friday night. That is the truth; that is the facts. No motive.

The SPEAKER. Madam leader, I will refer to rule 10, when a member desires to address the House, the member shall rise and respectfully address the Speaker. Upon becoming recognized, the member may speak and shall be confined to the question under consideration.

The Speaker was merely pointing out that the question under consideration is concurrence. The good gentleman's question was answered and he may proceed on concurrence and he must avoid personal reflections.

Additionally, contained in Mason's Manual, under section 122, breaches of the order of the House. No person may indulge in personalities impugn motive of members, use indecent or profane language, or participate in conduct that disrupts or disturbs the orderly proceedings of the body.

The Speaker previously mentioned the orderly procession in which we were engaging in debate. Members on both sides of the aisle were able to do so. Subsection 3 says, "a member who resorts to persistent or irrelevant, persistent repetition after the attention of the House has been called to the matter may be directed to discontinue the speech by the presiding officer."

Furthermore, Jefferson's manual section 370, pages 176 and 177, it says "the freedom of speech in debate in the House of Representatives should never be denied or abridged but freedom of speech and debate does not mean license to indulge in personal abuses or ridicule. It is, however, the duty of the House to require its members in speech or debate to preserve that proper restraint which will permit the House to conduct its business in an orderly manner and without unnecessarily and unduly exciting animosity among its members or antagonism for those other branches of the government with which the House is correlated.

I would simply remind the member I believe the last time that I quoted that section of Jefferson's Manual I did so in defense of the executive branch and many of the other comments.

I would encourage the gentleman to speak solely on what he was recognized on. Many members previously were able to do so and I would ask that we can continue to do so, as the length of speakers is quite lengthy.

Madam Leader, do you have any further points of order or clarification?

The Chair thanks the lady.

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Does the gentleman, Representative Bradford, understand the rules by which we abide here in the House?

Mr. BRADFORD. Thank you, Mr. Speaker.

The SPEAKER. The gentleman will suspend.

If you can abide by the rules of the House you are in order and may proceed. However, as outlined in the rules, consistent and repetitive breaches of the rules will result in a nonrecognition.

You are in order and may proceed, sir.

![APOINT OF ORDER!]A

Ms. McCLINTON. Point of order.

The SPEAKER. For what purpose does the gentlelady rise?

Ms. McCLINTON. You are impugning the motive of the gentleman from Montgomery County, Mr. Speaker.

The SPEAKER. I was simply reading the rules as I have been asked to preside and asking the gentleman not to provoke members and abide by the rules as they are written.

Ms. McCLINTON. Mr. Speaker, asking the gentleman if he understands the rules is not reading the rules.

The SPEAKER. I am asking him if he understood the points that I raised regarding this. The Chair will not engage in a debate and will simply ask all members to properly adhere to the rules as they exist.

The gentlelady has received her point of order. The Chair thanks the lady.

You are in order and may proceed, sir.

![APARLIAMENTARY INQUIRY!]A

Mr. BRADFORD. Parliamentary inquiry.

Can I go down the—

The SPEAKER. The gentleman may suspend. You may state your parliamentary inquiry.

Mr. BRADFORD. Parliamentary inquiry. Can I go through the membership of the majority caucus and ask if any one of them, respectfully, would stand for interrogation?

The SPEAKER. Respectfully, the gentleman's question has already been answered, regarding who would stand for interrogation. Going one by one, I believe, would be dilatory in nature and the gentleman has expressed the desire to enter into debate and you are free to do so, on concurrence.

Mr. BRADFORD. So you are to say that none of them will and if I were to ask it would be dilatory, is that correct?

It seems as though Representative Warner has assented.

The SPEAKER. The gentleman's question has been asked and answered. You may proceed on concurrence.

Mr. BRADFORD. Will Representative Warner assent to interrogation?

The SPEAKER. The gentleman indicates that he will not.

Mr. BRADFORD. Will Representative Stephens?

The SPEAKER. The House will be at ease. Ask the gentleman and counsel to approach the rostrum.

(Conference at Speaker's podium.)

The SPEAKER. The House will return to order.

The gentleman, Representative Bradford, is recognized on concurrence.

Mr. BRADFORD. Thank you, Mr. Speaker.

And thank you for the opportunity to ask these questions and while I know they will not be answered by the majority this evening, rhetorically, they need to be addressed, because if we are to take rights from literally half of Pennsylvania then maybe somebody at some point should answer.

The good lady from York reassures the women of Pennsylvania that the Abortion Control Act will remain law. She does not tell you whether she believes it is constitutional. She does not tell you what will happen if this amendment comes to pass. She will not tell you that the plan in the majority caucus has been and always has been to end the right to safe, legal abortion in Pennsylvania.

Now if this amendment would pass, could this body, could this majority leader pass legislation to ban abortion at 24 weeks? I would argue, yes, he could. Could he pass legislation to ban abortion at 20 weeks? Yes, he could. Could he pass legislation to ban abortion at 16 weeks? Yes, he could. Could he under the Abortion Control Act, which we have discussed at length this evening, could he ban abortion at 8 weeks? The answer is most definitely yes. If this constitutional amendment came to pass, could this legislature ban emergency contraception? Answer that question.

The gentleman keeps yelling out. It asks the question: would you like to stand for interrogation?

The SPEAKER. The gentleman please briefly suspend.

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Members, this is not a responsive reading. The gentleman, Representative Bradford, has a right to debate the underlying issue regarding this and that goes for speakers on both sides. Let the good gentleman speak, say his point. As I mentioned there is close to 20 additional speakers yet to come. I know that there will be a continued and healthy debate, but engaging in a question-and-answer response with the audience is not consistent with the rules of the House.

Please move any other conversations to the rear of the House and off the rear of the House.

The gentleman, Representative Bradford, is in order and you may proceed, sir.

Mr. BRADFORD. So I ask again, rhetorically: if this amendment passed could this legislative body ban abortion for women who are the victims of rape or incest? The answer must certainly be "yes," and I say rhetorically, as if we do not know the answer, but one of the leading candidates for Governor of this Commonwealth has told us he had plans to do that. So this is not some theoretical law school hypothetical. Come on. It is disingenuous to describe it as such. This is the pathway that this majority has been on for a decade to end the right to safe, legal abortion in the Commonwealth of Pennsylvania. When you cannot stand to defend yourselves, God, it is so obvious what you are doing.

Now I would be remiss at this point if I did not bring up the exact language in the abortion provision in front of us. Several speakers, including the good lady from York, had said this is merely about ending the possibility of taxpayer-funded abortion and I am here to concede something. The first provision clearly says this Constitution does not grant the right to taxpayer-funded abortion. Period. Full stop. But then there is this language that is pretty problematic, Mr. Leader. It goes on to say "or any other right relating to abortion." Now if someone was willing to stand and defend this language, they would have to defend that second clause. They would have to explain why that is there, because it is not about taxpayer-funded abortion. You do not believe that there is a right to safe, legal abortion under the Constitution of the State of Pennsylvania and that is a legitimate view held by a determined minority of Pennsylvanians. It is certainly not the majority. It is not the opinion of the majority though. You want to ban abortion and that is your right. What you need to do is have the intellectual honesty and integrity to stand up and answer the questions in front of you.

This is the glide path you have been own. Why are you not celebrating what you are doing here this evening on this Friday night? Tell me what the purpose of this second phrase, the parenthetical of "or any other right relating to abortion."

Now again, I would ask rhetorically, into the ether, post *Dobbs*, the Federal Supreme Court ruling, we all now know, according to the Alito majority, that there is not a constitutional right to privacy that includes abortion under the Federal Constitution. What we do not know and what is going to be tested in the courts and what this amendment attempts to cut off at the pass is to find out whether such a right to privacy exists in the Pennsylvania State Constitution and if you do not believe that there are rights granted under the Constitution that are not explicit, then I ask you do you believe that there is a right to gay marriage? Do you believe that there is a right to interracial marriage? Do you believe that there is a right to contraception? Because these are rights that are not explicit but we have always held them dear, because while some parties run around yelling about freedom, some have actually defended it.

Now we have seen the boutique bans that this majority has passed in the last decades talking about oh, we are just limiting it to health care exchanges, now it is somehow just about taxpayer funding or based on an intellectual disability diagnosis or how the procedure itself is done. These boutique bans are now exposed for what they really are. The Alito majority of the Supreme Court has unleashed the possibility for you to work your will. You have the right now to ban abortion, if, if, that right is not secured under the Pennsylvania State Constitution.

Now at this point my intent was to ask some member of the majority that puts this forward: do you believe there is a right to privacy protected by the Pennsylvania State Constitution? It is such a simple question you would think that of 113 the hands would go up. If you do not believe there is such a right to privacy, I wonder what you believe is the right to contraception. What is the right for gay brothers and sisters to marry. What do you hope to accomplish with this misleading reading of a constitutional amendment that is so disingenuous that no one stands to defend it, that this is somehow about taxpayer abortion alone. If you are against taxpayer abortion then strike this language about "or other rights relating to abortion." It is embarrassing. Come on. There are thoughtful people, many attorneys in this room who know exactly what is at stake and what this language would do.

Now, again, the hour is late and the chance of changing many minds is limited. People have strong opinions on abortion. They had them long before the *Dobbs* opinion. But for some of you who have the chance to do the right thing, who know that the idea of this is just wrong, and to do it under the cloak of this intellectually dishonest, heartbreaking way, it is not appropriate and there are many here who know as much. They go back to suburban Philadelphia and they tell their constituents that. They say, "Oh, we're never going to ban abortion."

Here it is guys. This is the glide path. You have opened the door. You will inherit the wind. Good luck to

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this majority. Vote "no" on SB 106.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentlewoman, Representative Flood. Ms. FLOOD. Thank you, Mr. Speaker.

I rise in support of SB 106. This bill does not change the Pennsylvania abortion law. It does not ban abortion. Mr. Speaker, let us make the facts clear one more time. The amendment on SB 106 simply says you do not have the constitutional right to use taxpayer money to fund elected abortions. This amendment will allow the good people of our Commonwealth the opportunity to weigh in on this topic and have their voices heard.

Considering this particular amendment directly impacts our taxpayers, I believe it is imperative to allow them their say. I believe Pennsylvanians have the right to speak for themselves. This bill also allows the people of Pennsylvania the opportunity to vote on this and all amendments of SB 106, including voter ID and election audits, which is extremely important for the election integrity here in our State.

I strongly support what SB 106 stands for and ask for an affirmative vote. Thank you, Mr. Speaker.

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

Ms. MADDEN. Thank you, Mr. Speaker.

I rise in opposition to SB 106 and I would like to say that I could not agree more with the previous speaker, because in my 6 years in office I have been most impressed with the people of the Commonwealth and their engagement when called upon to act and, likewise, as how we, as legislators, have heeded the call to our constituents and acted sometimes even in a bipartisan way to respond to their calls for us to act.

Act 77 of 2019 comes to mind as an example. As a result of us coming together, we passed a bill that gave citizens greater and more convenient access to voting, which led to the highest voter turnout in six decades. In the summer of 2020, our constituents called on us once again to act, as citizens of color throughout the United States were being murdered by law enforcement at numbers that were devastating to anyone with a conscience. Here in this House, in a bipartisan way, we listened to their pleas and passed Act 57 requiring thorough background checks when hiring police officers and Act 57 requiring mental health evaluations as a condition of a continued employment for any officer suffering from PTSD (posttraumatic stress disorder) and we saw that legislation and that activist community speak out just this week when the borough of Tioga hired for one day, Timothy Loehmann, the Cleveland police officer who shot and killed Tamir Rice back in 2014. We saw the people demand action and we saw that action take place.

Now, sadly, with this recent SCOTUS (Supreme Court of the United States) decision to overturn 50 years of precedent and this bill in front of us today challenges us, once again – those of us who believe a woman has the right to bodily autonomy – yet to another call to action. We are now tasked at getting the word out to fellow voters that the decision to a safe and legal abortion will soon be in their hands.

In 2022, a Franklin and Marshall poll reported that 83 percent of Pennsylvanians support a safe and legal abortion. That is up from 51 percent in 2014, in a Pew Research poll.

Obviously, this is not a challenge we wanted, as so many of us thought this precedent was settled 50 years ago. I am optimistic, however, that the people of the Commonwealth and this country will rise to the occasion. They will knock on doors and let folks know of the paramount importance of their vote on this urgent health care decision. There will be many more protests like the ones we saw this afternoon on the Capitol steps. There will be demonstrations on courthouses, in all public areas, until we get the message out that women have a right to choose whether or not to have a safe and legal abortion and that safe and legal abortions are health care.

Mr. Speaker, I am confident that whichever election this ballot referendum appears we will experience voter turnout in numbers we have never seen before, because let us remember: 83 percent of Pennsylvanians support a safe and legal abortion. As legislators who believe that, we will join them at the doors on the steps of the Capitol and the courthouses, as I mentioned before and, importantly, we will join them in the voting booth.

Mr. Speaker, I can tell you that the people of Pennsylvania will not stand to have their rights stripped away without a fight, whether it be their right to bodily autonomy or their access to voting or any of the awful decisions that a few Supreme Court justices are suggesting in the near future. Mr. Speaker, the people of the Commonwealth and this country are up to the fight, we will not waiver, we will win this fight, and I can assure you, Mr. Speaker, the revolution will be televised. Thank you.

The SPEAKER. The Chair thanks the lady and recognizes the gentlewoman, Representative Keefer, on concurrence.

Mrs. KEEFER. Thank you, Mr. Speaker.

So we are talking about a constitutional amendment that gives people, that gives the voters the right. The voters will get to choose. So do we trust our voters? Should they have the choice and what choice will the voters have with this? Voter ID, right? We will ensure that counties are protecting election integrity by verifying the voters.

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Taxpayer funding, saying that taxpayers do not have to fund elected abortions. There is no right to that. Regulations, ensuring that legislators have the oversight on regulations and that their legislative intent is put into perpetuity. Choosing your running mate for Lieutenant Governor, right, as we allow in other races. Auditing elections and, simply put, that the counties would actually reconcile their election results.

But there is so much misinformation tonight about the implications of actually allowing the voters to choose and the irony of this is, after 2021, I have no right to be left alone, I have no right to decline medical treatment, if I want to participate in society, if I want to work, get a shot. If I want an organ transplant, get a shot. If I want to travel, get a shot. Right? You can force your will on me. No one here wants to act on that at all. But, in contrast, you want to have it codified that the Commonwealth owes all women a taxpayer-funded abortion. Taxpayers must fund elected abortions, elected abortions.

This is not about the safety of women. What about the safety of the women in the womb? I am sure it is not safe for them. This is not about other things that are outside, ectopic pregnancies or miscarriages and, just to clarify, Mr. Speaker, the impact this will and will not have treating an ectopic pregnancy – and this is off of Planned Parenthood's website – treating ectopic pregnancy is not the same thing as getting an abortion. An abortion is a medical procedure that when done safely ends pregnancy that is in your uterus. Ectopic pregnancies are unsafely outside of your uterus – usually the fallopian tubes – and are removed with a medicine called methotrexate or through a laparoscopic surgical procedure. Medical procedures for abortions are not the same as medical procedures for an ectopic pregnancy, just to clear that up.

So we are not talking about all of these other procedures that are far outside the scope that are leading the voters astray. This is talking about voters, taxpayers, paying for elected abortions and saying that you do not have that fundamental right. This is not taking any rights away. So I would ask everybody here to support this bill.

Thank you.

The SPEAKER. The Chair thanks the lady and recognizes the gentlewoman, Representative Daley, on concurrence.

Ms. DALEY. Thank you, Mr. Speaker.

I rise in opposition to SB 106. The history of Pennsylvania's Constitution has been to provide additional rights to people. It has not been to eliminate rights. The abortion amendment currently under consideration states that the right to an abortion does not exist in the Pennsylvania Constitution. This amendment also states that there is no right to a taxpayer-funded abortion which is already the case in Pennsylvania.

We hear that the abortion amendment is not a ban on abortion. It is an interesting statement. But let us face it, the amendment to the Pennsylvania Constitution that is under consideration would quote "remove any other right relating to abortion" and also it would ensure that there is no right to taxpayer-funded abortion. The abortion amendment outlined in SB 610 – I think I have the wrong numbers – SB 106 represents an enormous change to our Constitution and opens the gate to legislative action that could create a ban on abortion in Pennsylvania.

Right now abortion is safe and legal and our taxpayers are not funding abortions in Pennsylvania. But as my colleague from Monroe County suggested, it is time for Pennsylvanians who support abortion rights to organize, educate, and vote, but it is also really important for them to know the rules about how constitutional amendments work, because the process to approve a constitutional amendment can be complicated.

So let us take a little bit of time to just walk through that process to change the Pennsylvania Constitution. First, the exact language must be proposed as an amendment in two successive sessions of the General Assembly. If voted by a majority of both chambers, it is added to the Constitution. It does not need gubernatorial agreement and so it is never subject to a veto by the Governor. If a majority of both chambers approves a proposed amendment, it must then be advertised in every county of Pennsylvania 3 months before the next general election. This could mean that the abortion amendment would need to be advertised by August 10, 2022, if it passes this evening. The purpose of advertising before the general election is to provide voters information to help them decide which candidates to vote for, which candidates to vote for in the general election. So then we move into the next session of the General Assembly and a majority of both chambers must, again, approve the proposed amendment a second time. In that case, the amendment goes on a statewide ballot on any future election date. That decision, on which election, is determined by the State legislature.

At this point all of us – and I emphasize all registered voters of Pennsylvania – would have the opportunity to vote even whether the question is on the primary or the general election ballot. We need people to understand this because many people do not turn out for the primary elections because they are not registered either Democrat or Republican. But any voter, any voter in Pennsylvania would be able to turn out if this happened to be in a primary election.

So we have work to do to make sure the people understand the rules and can follow them to vote in their own best interests. Because now that the Supreme Court has stripped us of our Federal protections and sent the

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abortion questions to the State, it is time for Pennsylvanians to fight even harder against every effort to deny women and birthing people the inherent right to have control over their own body. We cannot back down from this.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady and recognizes the gentlewoman, Representative Pickett, on concurrence.

Ms. PICKETT. Thank you, Mr. Speaker.

Before us tonight are these questions: number one, does a taxpayer who will have the opportunity to vote on this constitutional amendment want their tax dollars to pay for abortions? Number two, do our constituents believe election integrity can only be fully achieved by ID being presented when they vote? Number three, this constitutional amendment gives our constituents the opportunity to vote, to require audits of our elections and our election results.

The voters rose to vote on the constitutional amendment to hold a Governor's declaration of emergency to a restricted time period. I believe the questions before us tonight are important questions regarding the future direction of Pennsylvania and I believe my constituents do not want to be denied the opportunity to vote on these questions. Therefore, I do ask for a "yes" vote on SB 106. Thank you.

The SPEAKER. The Chair thanks the lady.

! [AMOTION TO SUSPEND RULES!] A

The SPEAKER. The Chair recognizes the gentlewoman, Representative Cephas, on concurrence.

Miss CEPHAS. Thank you, Mr. Speaker.

I would like to rise to make a motion.

The SPEAKER. The gentlewoman may state your motion.

Ms. CEPHAS. I would like to rise to make the motion to suspend rules to offer amendment 05421.

The SPEAKER. For the information of the members, the gentlewoman, Representative Cephas, has made a motion to suspend a late-filed amendment, that she had previously filed. This amendment is not in order, given the fact that the bill is on concurrence, which is why the gentlewoman is rising to now suspend the rules for the consideration of this amendment.

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair now recognizes Representative Cephas, for speaking on the suspension of the rules.

Miss CEPHAS. Thank you.

The SPEAKER. I would simply remind the gentlewoman before she starts that the speech should be contained to the subject matter of the need for suspension and not the underlying component parts of the amendment. We will get to that if and when the rules are suspended.

You are in order and may proceed.

Miss CEPHAS. I rise to make this suspension of the rules for this amendment because this amendment guarantees the personal reproductive liberty to make decisions for Pennsylvanians to make decisions regarding the individual's own reproduction, including the ability to prevent, continue, or end the individual's pregnancy.

As a number of my colleagues have already stated with the bill that is on the table, we recognize that voters are being asked specifically to limit the liberties and their freedoms of birthing people and women across the Commonwealth of Pennsylvania, but what this amendment will do is to ask the next question and that is if individuals want to protect the bodily autonomy of those impacted by rape, impacted by incest, whose life is literally threatened at the thought of something like this being put into our Constitution. That is the question that we want to ask our voters: do our voters want to protect our personal reproductive liberty?

The SPEAKER. The gentlewoman, Representative Cephas, has made a motion to suspend the rules for immediate consideration of the amendment that is posted. This motion is only debatable by the maker of the motion and both leaders.

The Speaker recognizes the gentlewoman, Leader McClinton, on the motion to suspend the rules.

Ms. McCLINTON. Thank you, Mr. Speaker.

Mr. Speaker, I am asking all of the members in this august body to support the gentelady's motion to suspend the rules to take up amendment 05421.

Mr. Speaker, the rules need to be suspended because amendment 05421 will create a fundamental right to exercise personal reproductive freedom. Under this amendment all women will have the right to effectuate decisions

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regarding our own reproductive health, including the ability to decide to prevent, continue, or end pregnancy.

Mr. Speaker, we should suspend the rules if we really care about liberty and freedom. We should suspend the rules if we really care about individual rights. We should suspend the rules if we in fact care about privacy. We should suspend the rules because so many of my colleagues across the aisle talk about liberty and freedom and individual rights and say government stay out of my life and this amendment would give us all the chance to allow our constituents to make that decision at the voting box. We should suspend the rules because the government does not have a right to tell a woman that she cannot receive medically required health care that could be lifesaving.

We should suspend the rules because just a couple of hours ago in the Rules Committee when amendments were offered they were tabled. And the majority leader likes to tell this body all the time that amendments are for the committee process. But when we sat in the Rules Committee we could not amend this bill. But it is not unusual in this building because last night at 11 o'clock the Senate majority Rules chairman did the same thing. So we should suspend the rules and allow the immediate consideration of amendment 05421 because we also do not know what is next, Mr. Speaker. Marriage? The right to vote? The right to bear arms? We got to suspend these rules.

So I am asking everyone to vote affirmatively so we can suspend the rules and consider this amendment.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, the majority leader, on the motion to suspend the rules.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

I am asking not to support this suspension to support this untimely filed amendment so we can continue the debate. Thank you, sir.

The SPEAKER. The Chair thanks the gentleman.

Does the gentlewoman, Representative Cephas, wish to speak a second time on the suspension? No. The Chair thanks the lady.

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

(Members proceeded to vote.)

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

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman.

The following roll call was recorded:  
RC: 86-114

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

The SPEAKER. Does the Representative wish to speak on the underlying concurrence?

Miss CEPHAS. Absolutely.

The SPEAKER. You are in order and may proceed.

Miss CEPHAS. Thank you. With the failure of that amendment, we have literally just failed the women and birthing people of Pennsylvania. We are constantly talking about freedoms, bodily autonomy for families to make their own decisions, but with the failure of that amendment we are taking that away from them.

We are coming off the heels of celebrating freedom and liberty. When we talk about coming off of Fourth of July or when we talk about Juneteenth, we are only talking about Tweets, going to parades, making posts specifically for that one day to acknowledge our freedom. But with this constitutional amendment we are taking that freedom away from millions of families in the Commonwealth of Pennsylvania.

So much so I have a constituent in my district who passed away, her name was La'Shana Gilmore. She passed away at 34 years old, a Black woman, who lost her life on the hospital bed as she gave birth to her baby girl because she hemorrhaged. She leaves behind a grieving son and a husband who are now forced to bear the economic realities of caring for his family as a single father. We do not only just have this abortion conversation from a health



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perspective, it is an economic perspective, especially when we live in the country where you see an individual die every single day as a result of taking a pregnancy to term because this country, this State does not believe in maternal health infrastructure that actually keeps families alive, keeps women, keeps birthing people alive.

Until we figure out again how to ensure that women are not hemorrhaging, bleeding out on hospital beds; until we figure out how women are not getting preeclampsia during pregnancy, dying because of high blood pressure; until we ensure women have access to adequate prenatal care in an already eroding system where hospitals are closing, maternal wards are removing beds, we are constantly talking about a nurse shortage; until we have access to equal pay to pay for the expensive care of bringing a baby to term or till we have access to paid sick leave to ensure that they are able to care for them, their individual babies, because we know that 50 percent of these deaths that occur occur during the postpartum period; or until we have access to culturally competent doctors that understand how to care for Black and Brown people that are dying at a disproportional rate because of the decisions that we are making in this chamber, we could not vote on this Constitution.

But as our Appropriations chair literally just stated, the other side of the aisle would like to just state that it is banning just taxpayer funding for abortion care, it is almost as if you do not already know that it is already illegal for taxpayer dollars to be used. So the question is, if you want our taxpayers to be voting for something like this it almost sounds like you do not know your job because again it is already not legal here in the Commonwealth of Pennsylvania.

But what they do not repeat is the remainder of the language of the bill, which is more than not using taxpayer funding, again before our abortion, which again for the bill for the Constitution to not grant any right relating to abortion. That is the part that you are refusing to talk about, not the part that is already law, but the part that will cause thousands and millions of individuals to lose their lives because we do not have a maternity health care system that upholds an infrastructure that again saves the lives of women and birthing people here in the Commonwealth of Pennsylvania.

And because of those reasons, because you refuse to fund those things, because you refuse to make those issues a priority, I would ask for my colleagues to vote down SB 106.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Representative Kauffman, on concurrence.

Mr. KAUFFMAN. Thank you, Mr. Speaker.

As this debate started out this evening I was up in my office listening to the debate and there were so many things being talked about that I actually, you know, I imagined we were opening up the Abortion Control Act and changing abortion law in Pennsylvania. And when I came down on the House floor I realized that, oh no, that was not the case, we are actually arguing the bill that I supposed we were, SB 106.

And this bill is very clear. There are many provisions, I believe five different amendments to the Constitution in this. It provides for the Auditor General to audit elections in the Commonwealth, it provides for voter ID, it allows the General Assembly to disapprove State regulations that are written by bureaucrats who have never been elected to anything in Pennsylvania, it allows for gubernatorial candidates and their chosen candidate for Lieutenant Governor to run as a team, and then it also provides that the Constitution does not grant a right to taxpayer funded abortion or any other right relating to abortion.

Now, that last amendment changes absolutely nothing in current State law. Not one thing. It does not open up the Abortion Control Act. It reiterates what is currently understood in State law. Under this amendment the Representatives of the people would continue to debate and determine abortion policy in the Commonwealth of Pennsylvania.

Most importantly, all of these amendments must be considered again next session by this General Assembly, then the people of this Commonwealth would subsequently determine which of these will be added to the Constitution when they go to the ballot box. I am not concerned as to what the voters of Pennsylvania will decide on these amendments, but as some attempt to change the subject tonight by talking about everything that is not in this bill, it would seem that many are terrified at the prospect that the people of this great Commonwealth will get to determine these key issues surrounding Pennsylvania governance. The decision of the voters of this Commonwealth should not concern those of us who are elected by those same voters. Tonight I support the people of this Commonwealth determining the future of this Commonwealth. Vote "yes" on SB 106.

Thank you, Mr. Speaker.

!![ATHE SPEAKER PRO TEMPORE  
(JOHN A. LAWRENCE) PRESIDING!]A

The SPEAKER pro tem. The Speaker thanks the gentleman and recognizes the gentleman, Representative Dan Miller. The gentleman is in order and may proceed.

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

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Mr. Speaker, I, I am what I always am, which is the son of immigrants who was raised poor, and I always remember it because I also know this truth that people do not come to a land of less opportunity, people do not come to a State with less freedom. Those are truth. They are American truth. They are reality to what has made our country great. They are at stake tonight here and in many State Houses across our nation. People do not come to a land of less opportunity.

You know, these amendments here that we have they are kind of packaged together. It kind of makes it difficult in some ways because although the voters may have a chance to vote on each one of these individually, we do not.

We have heard tonight a lot of talk about letting the voters decide. Let the voters decide. Well, they decide right now. They already can decide. You are asking them to decide what they already have the right to decide. The voters can decide to have an abortion, to not have an abortion. That is already law. That is exactly what it is.

We are told, do not worry about the last six words of that phrase, that any other right related to abortion. Do not worry about it, we are told. There is nothing for you to be concerned about. I take you though at your word. I read your Tweets. I watch your posts. I have fun in joint events whenever we can. But I truly take you at your word. There is no way to separate it or to assume that these six words were written there by accident or by chance. That they have no meaning. That they offer no hint to what is to come next. To think otherwise is ridiculous.

The litany that we have before us of these ideas do not reflect, obviously, anything of the Democratic Caucus. Our amendments, of course, were not worthy for consideration, I suppose. However, we have done some of this before.

The voter ID. We are acting as if we do not have voter ID. We have had several types of voter IDs. We have voter ID now when you go to register you show your ID. When you go to the poll for the first time you will show your ID. And when this majority attempted to make a more restrictive voter ID we also heard the words of the Supreme Court of Pennsylvania who said that you did it in a way that violated the Constitution. But again we listen to what you say and what did your leaders say, that voter ID would win the election for the Republican presidential nominee. All we do is listen to what you say, partially because we cannot get our amendments up. So we listen and we watch and we note and we think about those six words that any other right related to abortion is right there for us to see.

The reality of it is that there actually, I think, is common ground but not the common ground that seems that is ever discussed. Empowering women and strengthening families are shared goals, I got to believe it, for both caucuses.

But like I said, I grew up poor, and sometimes I struggle and wonder if anybody else in this building grew up poor. Cause if you did then you would know what it is like for a mom to have to make tough decisions about paying a rent or trying to have enough money to get food or borrowing money for a Christmas present so that that child does not go empty.

You would know what it is like to sit there and wonder when you get that diagnosis of Down syndrome and you are concerned to say what supports are there for my family as we go forward? We all know the reality of it is that we have thousands of people with Down syndrome in this State on waiting lists and then we wonder why parents and moms why they say, you know what I do not know if I can do this. Where is the State? Where is the State to help me with my child? Well, the State is not in maternal health. That is not what we do. The State is not in paid leave. You are in the wrong State for that. The State is not in affordable child care. That is not what we do here in Pennsylvania.

Seemingly though we are on the path of being the State of forced birth. That is a troubling and scary and I heard the word "terrifying," yeah, it is terrifying. It is a terrifying concept to think that instead of empowering women and families we are embarking on the path of forcing birth. People do not come to lands who do not offer more opportunity and freedom.

We have talked a little bit about the process here that we have for these amendments. And we have heard people talk about let the people, let the people decide. I am not quite sure, I kind of think we all kind of know that we are the people's voices here. That is our job. That is exactly what we are elected to do is to be the voice from our district. We must be confused as to what the job descriptions are.

But the process, the process of what we would do here with this is that we would send constitutional amendment after constitutional amendment overwhelmingly with no hearings, overwhelmingly with no real chance of amendments, with no commitment to run them actually at a time when most Pennsylvanians vote. We cannot do that either it seems. But we are going to let the voice of the people be heard. Just do not ask any question about it or do not ask us to put it when more people vote because that is not something we can do in Pennsylvania.

I get concerned, Mr. Speaker, about the process to which we take a look at our Constitution in a term to which we have had dozens and dozens of constitutional amendments authored and so little discussion as to their

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implication. One cannot help but feel that this process here tonight actually embodies the truth that we are a broken branch of government, that we do not work, and the only way to accomplish anything I guess of seeming value to one side is to go around the other. That is not what people send us here to do, but that is what it seems all we do.

I get lost with the idea, Mr. Speaker, of what brought so many people to our State and country as to how we will come together as a nation to discuss these issues. I get concerned, Mr. Speaker, when I think about why my family came here and what it meant to them to be the first in my family to come into New York City. That meant something to us to be here in the land of the free. That meant something to us of immense pride. And now we are finding here that we are actually rolling back freedom after freedom, and I get concerned as to why this is.

We hear talk often about it is a republic if you can keep it. It is a democracy not a theocracy. And I say that as a person raised in a church and I always remember my faith and I am lost at times when we seemingly get confused as to what this country is supposed to be. We have given the people of Pennsylvania the chance to decide now what they want to do with their body and their family choices. They already have that choice. Let them keep that choice. Let them keep that choice.

And the six words here of "any other right related to abortion" is all that we need to know the intent. Those words there reflect what we know to be true. They mirror your Facebook and your tweets. They mirror your e-mails and your events. And they represent the reality that although the majority of Pennsylvanians support *Roe v. Wade*, this majority seems determined to impress upon this State its own interpretation and desire in eliminating choice of women and families across this State.

Mr. Speaker, I urge a "no" on SB 106.

![@THE SPEAKER (BRYAN CUTLER)  
PRESIDING!@A

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Grove, on concurrence.

Mr. GROVE. Thank you, Mr. Speaker.

Tonight is July 8, we had a primary election on May 17, and we still do not have a certified election. Crazy, right? Crazy. But that is the shape of our elections in Pennsylvania. Election after election, issue after issue. Undated ballots – they are in, they are out; they are in, they are out. Ballots being printed, misprints. Hispanic populations in Reading, wrong dates. A county in western Pennsylvania had to send out a correction and had to correct the correction. These were all issues we have faced in this Commonwealth. Mistrust from both parties about the outcome of elections. Today, Mr. Speaker, we take up SB 106, trying to correct some of these issues, not all, but some of them in a rational and responsible way.

Voter ID has been mentioned several times. I know opposition to this claim it disenfranchises voters. In a recent hearing of the House State Government Committee held on April 6 I had the pleasure of asking the Department of State, what complaints and lawsuits it received from the current voter ID provisions here in the Commonwealth? If you are not familiar, first time voters actually have to show their ID in this State. Their response and quote – we have in writing – quote, "The department is unaware of lawsuits, complaints filed against the department that specifically related to guidance on voter ID." I also asked how many new voter registrations the Department received from 2015 through 2021? In total there is 2.4 million, 2.4 million new voters. Voter registration forms have an option for designating ethnicity and race as well. For these new voters who report ethnicity and race here is the data from the Department of State: Asian, 47,274; Black or African-American, 127,804; Hispanic or Latino, 90,390; Native American or Alaskan native, 3,099; native Hawaiian or Pacific Islander, 1,039; other, 14,706. From 2015-2021, 2.4 million new voters, if they show up to vote, have been required to show ID; 308,567 of them designated themselves as a minority – not one complaint, not one lawsuit.

Recently we have seen major election changes in the States of Georgia and Texas, major election changes. Decried from up on high Washington, DC, as huge, huge disenfranchisement of voters. What is the outcome? Higher voter turnout than ever before in Georgia and in Texas. Higher minority turnout of elections in Georgia and in Texas. Voting results are clear, election integrity provisions do not disenfranchise voters, it increases turnout and gives individuals confidence in the outcome of elections. Mr. Speaker, it is a very simple provision. You show up to vote, you show an ID. Even more important, Mr. Speaker, if you do not have one, the government will provide a free one. Covers all the basis, covers all the basis.

Mr. Speaker, important provision in this, currently no State in the country operates independent audits. Now, an audit is not an audit when it comes to elections. An audit is simply we are going to check the ballots, result confirming ballots. It is actually not an actual audit.

It is interesting, Mr. Speaker, the State of Washington authorized a local university to actually investigate election audits prior to 2020. They came back that said, we actually need to start looking at comprehensive election audits to the entire ecosystem of the elections. Confirm the results at the end. Look at the processes and procedures

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utilized throughout the election process. Why? Audits improve the overall system. What went wrong? What were the problems? What you can do better? It also identifies best practices to help other counties do it better.

Mr. Speaker, in no place, in no place in America except elections do we allow the people that operate audit themselves. In no place. We do not audit ourselves as the General Assembly. The Auditor General does not audit himself. They have outside counsel.

Single audits. Everybody that accepts Federal dollars has to have a single audit. It is a known entity to have independent audits, and that is the main part, the main part of an audit, Mr. Speaker. I know my colleague from Lebanon County is very excited about this discussion of audits and independent and conflict free. He is very excited about this cause that is a simple process of what an audit is, an independent conflict free analysis. That is not what we have in the election system anywhere in the United States.

Mr. Speaker, this is the first of the kind. This is exciting public policy to build a confidence in our election system to ensure that we have an independent conflict free audit of our election system. Make sure we know the results are accurate and the process is abided by by the law, and we have the correct internal controls to make sure we have confidence in the outcome of elections, Mr. Speaker. This is an important, important election policy that will ensure we have higher turnout, that to make sure that voters that are uneasy, from both parties, will come back and participate in the election process, Mr. Speaker.

Finally, Mr. Speaker, I want to touch on regulatory reform, little known piece of this bill. I have said it on this floor many times, regulation regime is actually a process of legislating that is endowed in the Constitution by this body. The administration has a role in it, but at the end of the day, Mr. Speaker, when we pass a bill that bill better be present in those regulatory regimes that agencies put out. This bill puts that power back in the General Assembly to say if the executive branch is placing regulations outside the scope of law of which this body passed, the people's voices passed, we can nullify that by a vote of both chambers. Mr. Speaker, that is an important tool to bring the power of regulation back into this body. I think both sides have seen the executive branch over wield their power of regulation over the years and it is time we re-exercise our power to regulate in the Commonwealth, Mr. Speaker.

Mr. Speaker, this bill does several important things: it protects life, it protects this body's constitutional obligation of regulatory of legislating, and it protects voters' rights to make sure they have fair elections in this Commonwealth, Mr. Speaker. I urge a "yes" vote.

And if nothing else, Mr. Speaker, at the end of the day, the voters decide on this. If you do not like a provision and you think the voters are not going to approve it, let them have the vote. Maybe they shoot it down. But I think, I think some worry is these are actually popular with Pennsylvania citizens. And I think some of the animosity is around the fact that people know Pennsylvania residents will actually approve these at the ballot box, Mr. Speaker. But it is ultimately the people's decision, not ours, if these become part of our Constitution.

So I urge a "yes" vote. Let us sends these to the people. Let us secure our elections, protect life, and restore our ability to regulate and legislate.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Kenyatta, on concurrence.

Mr. KENYATTA. Thank you, Mr. Speaker.

So right outside the majority caucus room there are a brunch of pictures of former Speakers hanging up there, and one is of the great Benjamin Franklin, who said that half the truth is often a great lie. We have heard a lot of half-truths in this building today. And I do not want to impugn the motives of my colleagues but I would surmise that those half-truths really hide a great lie. A lie about why we are here on a Friday night, almost 7:30, picking up where our colleagues in the other chamber left off last night, where they were in 11:30, they changed the rules so that they could stay in as late as possible and under the cover of darkness do the opposite of what we are sent here to do to make Pennsylvanians less free and less safe.

It has been mentioned numerous times that this bill, SB 106, is about more than protecting the freedom to choose. And that is right. It is about more than just the freedom to choose. And so I think it is worth the time to actually dissect some of these half lies and to tell the whole truth about what is in this bill. And I would like to do it one by one.

And so we have had a number of my colleagues on the other side they have suggested numerous times that if we pass SB 106 nothing will change. They have said it so many times that this bill would not actually ban abortion. That this bill would do nothing to make this Commonwealth more pro-life. This bill is just more of the same. Why are you here at 7:30 to do something that does nothing? That is a half-truth and it is starting to feel like a lie.

I have heard my colleagues on the other side, these folks trust voters now. They trust the voters. Sixty-four

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members of the Republican party signed a letter to throw out the votes of Pennsylvania voters but now you trust the voters.

Mr. BENNINGHOFF. Mr. Speaker?

The SPEAKER. The gentleman the please will suspend.

Mr. KENYATTA. No, I will not suspend— I will not—

The SPEAKER. The gentleman will please suspend.

Mr. BENNINGHOFF. Mr. Speaker?

The SPEAKER. The gentleman will suspend. The gentleman will suspend.

For what purpose does the gentleman, the majority leader, rise?

The gentleman will suspend.

The House will be at ease.

(Conference held at Speaker's podium.)

The SPEAKER. The House will return to order.

! [APOINT OF ORDER!] A

The SPEAKER. For what purpose does the gentleman, the majority leader, rise?

Mr. BENNINGHOFF. Mr. Speaker, it is pretty evident when you are talking about things— Point of order, pardon me.

The SPEAKER. You are in order and may state your point of order.

Mr. BENNINGHOFF. I think the gentleman, respectfully, was well afar off the topic of tonight when he is talking about some actions subsequent of the 2020 election and would just ask the gentleman to stay on topic, please.

The SPEAKER. The gentleman has raised – members will suspend. Going to address the point of order that the gentleman said. I will remind the members, once again, it is not appropriate for members on either side to exchange in yelling to the members or the leaders or the Speaker who are engaged in the debate. I think we have done a very good job so far this evening. The gentleman has raised a point of order. The gentleman is correct. I would simply remind the members to stay on the topic of the underlying bill.

The gentleman, Representative Kenyatta, you are in order and may proceed, sir.

! [APOINT OF ORDER!] A

The SPEAKER. For what purpose does the gentleman, Representative Harris, rise? Point of order. You are in order and may state you point of order. I think the microphone is working.

Mr. HARRIS. Thank you. But, Mr. Speaker, if I am not mistaken, the underlying bill is a constitutional amendment and it has in there, parts of there about election auditing. If the underlying bill has election auditing in the bill then the gentleman talking about elections and throwing out votes is actually on the bill because this actually contains underlying issues on election audits. So I think the gentleman is on the bill and should be allowed to continue on the bill on that particular perspective.

The SPEAKER. The gentleman is also correct just as the majority leader was regarding the scope of the debate. It was actually the gentleman's continued actions after being asked to suspend that were at issue, which is why the Chair is returning to the gentleman to continue speaking on concurrence.

Mr. HARRIS. So just so I am clear, we can talk about January 6 and folks wanting to throw out elections because underlying bill is about election audits so we can talk about the 64 folks who wanted to throw out Pennsylvanians votes?

The SPEAKER. The gentleman will please suspend. I do not believe the gentleman has stated a valid point of order.

Mr. HARRIS. It was a question, I am sorry. It is just a question.

The SPEAKER. The gentleman will suspend. That is not a proper parliamentary inquiry or point of order.

I have recognized the gentleman and ask him to continue, and I believe he will do so.

You are in order, Representative Kenyatta, and you may proceed.

Mr. KENYATTA. So we are back from the commercial break, and what I was talking about when we left off was that now in this body the majority trusts the voters. I am happy to hear that. I am happy to hear that. I am just curious and concerned that if the voters vote in the way that we know a majority of Pennsylvanians feel about protecting the freedom to choose if those results will be respected? I am curious about whether or not the majority party who wants to give this to the voters will be okay with the result that they get?

I want to get back to some of those half-truths which sound a little bit like a whole lie. The gentlewoman from York and Cumberland Counties, she is talking about freedom over her own body. She suggested that it was

beyond the scope of the government to demand that somebody get a shot to prevent them from spreading a deadly virus. She said that that was much too much. That that represented, in her view, an overreach from the government. And so I am just so curious how the woman from York and Cumberland Counties how she squares the circle of feeling like it is not okay to get a shot but it is okay for her to be a part of forcing people to give birth? That is fine.

The same people who did not want to wear masks want to force a mammogram for pregnant people – same people. These are the same folks. And you would not be like, nobody could fault you for thinking that these are separate people. The anti-mandate people. I remember coming in this building at the height of a deadly pandemic, none of us knew what was going on, and they wanted to open up one thing after another. I remember that. Dog groomers. We had to open up the zoo. But these are the same people that want to close down abortion clinics. Same people. You might be confused, but it is the same people.

And then these are the same people who got up here one after another, they hop up, and they are pro-life. They are pro-life. I think for anybody watching we understand that you are pro-birth. You are pro-birth.

My colleagues spoke, many of my colleagues on my side of the aisle, spoke very patiently about what pro-life actually looks like. What pro-life actually looks like – and if the gentlewoman wants to speak, there is a microphone but please do not speak during my time. Do not speak during my time.

The SPEAKER. The gentleman will please suspend.

Members, the Speaker has reminded you twice that the purposes of debate is for individuals to express their views on the bill. Members are not to engage in shouting across the floor. It is unbecoming of the House members and is in direct disobedience to the rules of the institution.

The gentleman, you are in order and may proceed.

Mr. KENYATTA. Thank you. All right. I think we are good now.

The last piece that I think it is important to talk about these half-truths which sound a lot like lies is about the election issues that the good chair of the State Government Committee just got up here and talked about. He quoted that there was no issues, no lawsuits around voter ID, further underlining the point that in Pennsylvania we actually already have voter ID. But he also did not talk about a hearing where the Auditor General, who he is calling an impartial, impartial person, the Auditor General is a Republican elected official, for people who are watching at home, he is not an impartial person. He came before the State Government Committee, the Auditor General, and was asked whether or not he believed the 2020 election was a free and fair election? He could not answer the question. And this is the guy, this is the great talent that we are going to be put in charge of auditing the election. Give me a break. He cannot call a ball. He cannot call a strike. He is a coward. We want him auditing the election?

Mr. BENNINGHOFF. Mr. Speaker?

Mr. KENYATTA. He also said— And I apologize, Mr. Speaker.

The SPEAKER. The gentleman will please suspend. The gentleman will please suspend.

Mr. KENYATTA. I did that one, that was my fault.

The SPEAKER. I believe the gentleman recognizes the error of his ways in regards to inflammatory comments regarding members of the executive branch, which was quoted earlier from Jefferson's Manual. Simply ask the gentleman to stay focused on the underlying issue, which is the election, I understand. You are in order and may proceed.

Mr. KENYATTA. Thank you, Mr. Speaker.

Some people might suggest that about the good Auditor General. I apologize for doing so from the floor.

But one of the things that he said during that hearing was that it would be a daunting task to audit all 67 counties, and I have not seen any interest or any line item in the budget that we just passed that would provide a substantial increase of funding to the Auditor General's Office that would even allow them to execute this task. So this, to me, does not make a lot of sense that we are not going to give the resources to the office that we are charging to audit the elections. So this is one of those moments where you have put your money where your mouth is, and I did not see no money in the budget that lines up with this new thing that you want to give to the Auditor General.

So here is what we know about SB 106, Mr. Speaker. This is a crap sandwich, and every single piece of the sandwich is worse and worse and worse. It starts off with a bill with language that would effectively ban abortion in Pennsylvania. And instead of the pro-life folks celebrating that, they want to convince us all that we are crazy and gaslight us and tell us that it does not ban abortion but we know what it is and what it does.

This bill would also in very real terms make the climate crisis worse. We have literally members in this body – you do not have to trust me, go look on their pages – who do not believe that we are facing a climate crisis, and these are the people who we want to allow to overturn regulations that keep our water clean that keep our public parks safe? These are folks that we just want to allow willy-nilly to overturn important environmental regulations?

And so, no, sadly this bill is not just about taking away the freedom to choose. It is also about taking away the freedom to have clean air and clean water, taking away the freedom for us to sustain our beautiful public parks.

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It is also about that. And I think it is a reason that we have not heard a lot of defense of the proposal of that either.

We know that if this, the things that are in this bill could have been done through regular order; if folks could have introduced these bills in committee, had a hearing, brought those bills to the floor to actually allow for amendments, and then send those bills to the Governor's desk for a veto or a signature, if they felt like they could achieve these goals through the regular process, that is what we would be doing. But instead we are trying to ram through a laundry list of awful ideas through the constitutional amendment process. It is wrong. And I think that many people on this side of the aisle, I think you know that it is wrong. I know how you are going to vote but I think some of you deep down know that you are wrong.

We have heard Dr. King say – and I will end here, Mr. Speaker – that when you look back it is not just the deeds of the bad folks that you look back on but it is the silence of your so-called friends. And there are a lot of folks who are going to go back to their districts and act like they are a friend to women but they are silent in this building, and they are going to go along to get along and vote for this knowing good and well it is the wrong thing to do. There are a lot of people who are going to go home to their districts and act like they are a friend to the environment. But yet you are going to vote for a bill that you know is good and wrong. There are a lot of folks who are going to act like they are a friend to our democracy but you are silent right now while you allow them to take an axe to the tenant of our democracy. For folks who are in the majority party, who know that this is the wrong way to go, get some steel in your spine, say "no."

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Eric Nelson, on concurrence.

Mr. E. NELSON. Thank you, Mr. Speaker.

It is funny. Oftentimes when my children scream and stomp their feet and spout about it is because they are trying to distract from actual truths. The good gentleman, very passionate in his main arguments, forgot to mention that last year the Governor vetoed the election audit—

![ATHE SPEAKER PRO TEMPORE  
(JOHN A. LAWRENCE) PRESIDING!]A

The SPEAKER pro tem. The gentleman will suspend.

![APOINT OF ORDER!]A

The SPEAKER pro tem. Yes, the gentleman from Philadelphia is recognized. The gentleman will state his point of order.

Mr. KENYATTA. Thank you. I think that the gentleman is impugning my motives. He is getting real close to it.

The SPEAKER pro tempore. The Speaker thanks the gentleman.

Mr. KENYATTA. And, Mr. Speaker, are you going to instruct him—

The SPEAKER pro tem. The gentleman will suspend.

Mr. KENYATTA. —to not impugn my motives?

The SPEAKER pro tempore. The gentleman will suspend.

Mr. KENYATTA. Is that an answer to my question?

The SPEAKER pro tempore. The gentleman will suspend.

The Speaker has consulted with the Parliamentarian. We did not hear a motive being questioned, however, we will listen very carefully and we appreciate the gentleman from Philadelphia bringing the point of order to the House.

The gentleman, Representative Eric Nelson, is recognized and the Speaker would encourage the gentleman to stay on the topic of the bill.

Mr. E. NELSON. Thank you, Mr. Speaker.

And back on the topic of the bill and the facts at hand, the fact is, Mr. Speaker, despite the yelling, the Governor vetoed election audit language last year and there is money sitting waiting for the audit to occur. That is a fact, Mr. Speaker.

What is also a fact was mentioned this would be less free and less safe. This bill does not impact freedom or safety. Indeed, Mr. Speaker, this lets the citizens of Pennsylvania decide. This bill is not forced birth. This bill does not change any of the abortion laws we have in Pennsylvania. It is still legal to abort over 32,000 babies each year in this State. This amendment does not change that.

An earlier speaker spoke of gun violence and the over 200 deaths that have occurred in Philadelphia, over 41 deaths of children. This amendment does not change abortion rights in Pennsylvania. And the 14, greater than 14,000 Black or African-American babies that aborted each year, this does not change that, Mr. Speaker; 90 percent of which are in eight counties. This bill does not answer that question at all. Though we look forward to future debate on the topics.

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What this bill does do is let the people decide about election integrity. This bill lets the people choose if they want to show their ID to vote, if it is going to be a requirement. This bill allows citizens to decide if the government is going to pay for abortions or not. And if the citizens decide, yes, they can do it, then that is the choice and the will of the people.

Mr. Speaker, this bill allows citizens to determine should our elections be audited because as multiple speakers said, both Democratic and Republican officials have attempted to audit counties. In 2019 audits were refused by counties. Factual.

Mr. Speaker, this bill confirms that if a regulatory body weaponizes legislation that this chamber and the Senate, working together, can offset those changes, and the people are going to decide if we and the Senate have the authority or we do not. That is all this bill does. It lets the people, the citizens of Pennsylvania determine some key issues moving forward. I hope my colleagues can support it. I hope we continue to speak facts and let the vote occur.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Speaker thanks the gentleman.

The question is, will the House concur in the amendments inserted by the Senate to House amendments? On that question, the lady from Chester, Representative Sappey, is recognized.

Ms. SAPPEY. Thank you, Mr. Speaker.

I rise as a woman, as a mother, and a Pennsylvanian in opposition to SB 106. And I rise for the women and the families of Pennsylvania that do not want us in their reproductive lives.

We have heard a lot tonight about how SB 106 does not change anything. But the language is clear, any other right to abortion. It does change. It changes a lot.

I have also heard the words "freedom" and "liberty" in this chamber a lot in the last several years. My concern and my disillusionment over SB 106 stems from how we seem to want to choose who is free and when and how they exercise their liberty. For example, sometimes it is okay, like last week, to disregard the will of the people of Philadelphia who duly elected their district attorney. That is not okay but having this body regulate our bodies is okay. We must not choose indiscriminately when, where, and how people exercise their rights. The women of Pennsylvania are capable of making their own health care decisions and they are exercising their free will.

SB 106, as we heard a lot about taxpayer funded abortions, this will, you know, disproportionately impact poor woman and woman of color, and yes, White married women with families. You can ask the many who have walked that same tragic journey that should have been shared and remained with their doctors and their faith leaders.

Mr. Speaker, I strongly oppose SB 106. And in the protection of freedom and liberty and the rights of women throughout the Commonwealth, I urge my colleagues to do the same. Thank you.

The SPEAKER pro tempore. The Speaker thanks the lady and recognizes the gentleman from Lancaster, the Speaker, Representative Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

Earlier a person asked did we grow up poor? I will share my experiences as a young person. I will let you make that decision.

I grew up, as many people in the country do, and I famously alluded to it here on the House floor regarding garden centers being opened and somebody replied why do we need that? Why do we need manicured lawns during the shutdown? And I said, "Well, Mr. Speaker, where I come from we grow our own food." Growing up I thought it was because that is what everybody did. I was 18 years old before I realized that not everybody butchered their own animals and processed their own meat. And, Mr. Speaker, I remember as a child cutting up scrap lumber to put in my wood stove with my dad that came out of parts from Sperry New Holland that was the pieces of cottonwood because it was dried lumber that could burn and we could not afford the electric heat.

We heard a lot of talk about do we understand the situation? Have you ever been in a challenging circumstance? Many of you are familiar with my own story where my parents were on Social Security disability because of their diagnosis related to Lou Gehrig's disease. I have shared it many times here. So yes, Mr. Speaker, I think I can relate to some of those experiences that were described.

We have heard it said this evening that we are only pro-birth. Mr. Speaker, I am pro-person. I am pro-life, and I am proud of it. Cause the truth is, Mr. Speaker, it was not that long ago, just yesterday, that we voted a budget that addressed many of those issues. In fact, we had 180 votes here for that document, which I think is close to a record. What did we fund?

For the first time ever in the history of the Commonwealth we had a child tax care credit, actually inspired by the good gentleman from Montgomery County's amendment that he had offered to some other bills that was out of order. But we worked it into the budget because we understand that working people need help, Mr. Speaker. They need child care in order to go to work. We understood that. That good gentleman's amendment was capped at 10 million, we uncapped it and it went north of 40 in the budget.



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Mr. Speaker, I know because I was the one who personally did it, I lobbied for increased LIHEAP funding out of the ARPA funds as we go up. I will also share it is because we had the appropriate safeguards in that system that I worked with with the good gentleman, who is no longer with us from Philadelphia, as the prime sponsor on the LIHEAP reform program because former Auditor General, the Democrat from Allegheny County had indicated that program had some serious fraud issues. Our side argued that fraud should not occur, the gentleman from Philadelphia argued fraud hurts my constituents, and we were both right. So I feel comfortable putting more money into that system, and that is why I advocated for it. Quite frankly, Mr. Speaker, I was surprised by some of the people who opposed that request.

Unfortunately, I was unsuccessful in my advocacy for the poverty tax exemption or the earned income tax credit, which I know the good lady from Philadelphia has, but those are efforts that are worthy of continued effort as we go forward because they impact people, Mr. Speaker.

Intellectual disabilities. There was a reference to the Down syndrome diagnosis and the bills that were passed previously. We significantly increased funding in this budget for intellectual disabilities, long-term care, the waiting lists.

I also worked with the good gentleman from the Lehigh Valley on a package of mental health bills, which I had the privilege of sitting with the Governor yesterday while he signed. So yes, Mr. Speaker, we also care about mental health and we put hundreds of millions of dollars into that area as well.

We heard the issue of environmental regs and what we would be doing for clean air and clean water. Mr. Speaker, this budget actually protects those. They are included. Hundreds of millions of dollars yet again.

So we heard about the amendment process. Why are we here tonight at 8 o'clock in the evening? Well, first, Mr. Speaker, we are a deliberative body and as was reminded me earlier, we are a full-time body. That means we are here. Now, I will point out that we sent this bill over on December 15 of last year to the Senate, they recently amended it and came back and that is why we are here tonight debating these issues. But what is the process? It was described earlier regarding the constitutional amendment process and I think this is so vitally important. What makes this evening so important? Well, the latest that we have passed and appropriately advertised a constitutional amendment is actually July 15. We just did it last session regarding the emergency powers. We did that. We did that here. And we know that the administration can meet the deadline because the deadline for advertising is the first week of August. That is why we are here tonight, Mr. Speaker, and we are here tonight because these issues are important to people.

There was a lot of discussion about voter ID and the impacts.

Audits, I would simply point out as the good gentleman from Westmoreland previous raised, I was also the person who advocated for funding for audits. And it was line item vetoed by the Governor last session. And I understood where the Governor was. I will be very honest, I understand when the Governor says he is going to veto something he means it. We saw it again this morning. I put the human services veto on the House voting schedule earlier today because it was vetoed. We will be putting another bill on the veto schedule as soon as we are done debating this one.

So, Mr. Speaker, one of things that I believe in is actually working towards those areas of commonality, and on audit funding we clearly have not reached agreement with the Governor. That is part of the legislative process. Also the person who has advocated for the audit process, working with the good gentleman from York County on what I think is a very robust process. In fact, many of the other States in the country have actually since adopted it. I think that is important. I think we should take a real look at that. That is what this constitutional amendment would do. It would authorize us to put that legislation in place.

And I understand that many of the people have focused on the issue of pro-life, pro-abortion because that was the most recent addition to the bill. But, Mr. Speaker, as has been repeatedly said here tonight, it does not change our current law. And any future changes will in fact come through the legislative process.

The Hyde amendment was also referenced previously, which has been the longstanding bipartisan agreement in the Federal Congress in regards to the application of taxpayer dollars for abortions. The three exceptions were outlined previously, which are legal. But the Hyde amendment is more than just about public funding of abortions. It has enjoyed strong bipartisan support until recently because of the right of conscience and whether or not you want your taxpayer money going there. I think Pennsylvanians deserve an opportunity to answer that question since the Federal government seems to be looking past that.

Mr. Speaker, also includes regulatory reform. That is important because the current regulatory process is stacked in favor of the administration. We ran through that during the debate when we covered it. The idea that you need a supermajority to undo something a simple majority never voted for is ridiculous.

And finally, the original constitutional amendment was on the Governor or Lieutenant Governor and the dynamics in that race. We have seen it in terms of these prior and previous separate races. And it would mirror the

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Federal system where the ticket actually gets to pick itself.

Mr. Speaker, it was questioned earlier about trusting the voters, trusting people who wanted to open up businesses and express freedom during the government overreach and the shutdown. Mr. Speaker, I would simply point out that just was not one side. Those votes were bipartisan in many cases, and many of them floated on the edge of veto override numbers. We did not do that alone, we did that together.

Mr. Speaker, let us review some of the other things that have been said tonight. We have heard that the Federal unelected judges have taken away a right and they cannot be trusted, while at the same time the gentlewoman from Allegheny County argued that our judges can be trusted because they are elected by the people. We have also heard that we have to keep judges accountable. And we do that through the retention process. Although given the fact that we have only not retained one judge in the last hundred years, some would probably just view that as a rubber stamp. I have made my position known on the judicial process. I think that there is a better way and in fact that is yet another topic where I have worked in a bipartisan way.

So sometimes we are told to trust the judges, sometimes we are told not to. Sometimes we trust the voters to make these decisions and then other times we do not. That is what we have heard tonight. The truth of the matter is, Mr. Speaker, I trust the voters. I trust the voters on this issue. I trust that they have the right to have a voice in this process. I trust that they have a right to vote on these very important issues. Why, Mr. Speaker? Because our government is of the people, for the people, and by the people. I did not hear the branches of government in that statement. I heard the people. That is who deserves a right to vote on this because once we vote on this today, if it passes, it will be appropriately advertised, and then it has to pass a second vote in this chamber in a subsequent session, and then after advertising, so the public will be made very aware of what went on here tonight, and then it goes out for a voter referendum. We have demonstrated that time and time again. Mr. Speaker, that is the government of the people, for the people, by the people. To let them have a say on these issues because that is what they deserve.

I urge a "yes" vote.

The SPEAKER pro tempore. The Speaker thanks the gentleman.

![ALEAVE OF ABSENCE!]A

The SPEAKER pro tem. The Speaker recognizes the majority whip, who requests leave for the lady from Allegheny, Representative MIHALEK.

![ACONSIDERATION OF SB 106 CONTINUED!]A

The SPEAKER pro tem. The question is, will the House concur in amendments inserted by the Senate to House amendments?

On that question, the gentleman from Lancaster, Representative Sturla, is recognized.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman from Lancaster that just proceeded me pointed out an important reason why this is running tonight, and it is because the way we have set up how constitutional amendments get done requires that it be done in such a way that even though the voters will not actually vote on the amendment in this coming election they have to be notified that the first part of that process started so that they get a shot to unelect anybody who started that process that they believe will not be good for them.

Now, there is a part of me that says if I believe any polling that has been done in the last 50 years that an overwhelmingly majority of Pennsylvanians do not want a women's right to choose to be taken away from her. And so I got to believe that a majority of people that come out to vote will unelect members that vote for this today. I have also got to believe that the ones that do survive, even if they do survive, when they get to a second shot at this and it eventually goes on a ballot that the majority of Pennsylvanians will reject the notion that a woman's right to an abortion should be taken away.

So there is a part of me that says bring it on. Let us have at it. Except that I know the process by which these amendments have been brought in Pennsylvania. They have been run in primaries, and I believe the last amendment that passed the Constitution passed with 11 percent of the voters voting for it; 11 percent. Now, I am not sure what democracy you all live in, but the one I live in does not say 11 percent rules.

That being said, let us be clear about some of the things that are and are not in this piece of legislation tonight. I have heard repeatedly and I will have to get the transcript to the count just how many times people stood up and said this is about whether or not elective abortions should be taxpayer funded. Let me be very clear, the word "elective" does not appear in the entirety of this bill. It says, and I quote, "§ 30. ABORTION. THIS CONSTITUTION DOES NOT GRANT THE RIGHT TO TAXPAYER-FUNDED ABORTION OR ANY OTHER RIGHT RELATING TO ABORTION."

Now, I know that there are people that applaud this. If that is the case, why do we only want to talk about this taking away of the right to this? Why do we not just do an amendment that says we are banning abortion in the

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State of Pennsylvania? Why not? Come on. Let us have at it. This hides the any other right relating to abortion by putting in front of it, oh, taxpayer funded, taxpayer funded. Nobody gets a taxpayer funded abortion in the State of Pennsylvania right now. No one is going to get one after this amendment passes. Has nothing to do with it. But let us do a little smoke and mirrors up front and say, we know the people do not like taxpayer funded abortions so then we can hide oh and other rights relating to abortion.

So the notion that nothing changes except rights, a tiny little thing called rights, that is what changes here. There is no legislation that changes. It is rights that change. It specifically says there will be no rights. You are not taking away some tiny thing from somebody, you are taking away rights. And it says it right there in plain English, "...ANY OTHER RIGHT RELATING TO ABORTION."

Mr. Speaker, we heard that the Pennsylvania Abortion Control Act offers protections. And that is true. It currently does. And assuming this amendment passes, although I do not think it will, I think it will pass tonight, but I do not think it will pass by the voters, but even if it did, do not have to worry, the Abortion Control Act still does not allow for that. But we also know, because there were people applauding when I said you could just take away all rights to any abortion that that is the intent. The intent here is to say if there is no right to any related, anything related to abortions that then the legislature can come back and change the Abortion Control Act, and that is the intent.

Now, I guess because people say, well, the people should speak on something as important as this. I am hoping that when you try and go from a 24-week ban to a 15-week ban like Mississippi or a 6-week ban like Texas or an outright ban that you put that up for a constitutional amendment also. Because after all why would you want that in mere legislation? Why not give the people a chance to vote on that one? Are you going to do that? Answer me that question because my guess is the answer is [word stricken] no. We are not going to let the people vote on that.

! [ATHE SPEAKER (BRYAN CUTLER)  
PRESIDING!] A

The SPEAKER. The gentleman will please suspend.

Mr. STURLA. My apologies, Mr. Speaker.

The SPEAKER. The gentleman, just simply for the statement of the record, profanity is not allowed on the House floor. That profanity will be stricken from the record.

You are in order and may proceed on concurrence, sir.

Mr. STURLA. Thank you, Mr. Speaker.

My guess is your response would be, heck no. Gosh darn it. Dang gamut. Not us. We are not going to do that.

Mr. Speaker, this is about where we are headed. And if in fact we believe that, as we have heard so many times tonight, the people have a right to vote on these kinds of issues but we are not giving them the right to vote on an amended version of this because we did not allow that tonight. We did not allow the words "or any other right relating to abortion" the be stricken from this. You know my guess is if it says this Constitution does not allow the right to a taxpayer funded abortion I would doubt that we, we could have gone home at 4 o'clock this afternoon cause, heck, you cannot do that in Pennsylvania right now anyway so where is the fight? But it added those other words and we could not take them out. And the voters will not be able to take them out. They will not be able to split that question on the ballot. They will not be able to say I well, I do not really like taxpayer funded abortions but dang, do not take away every other right to an abortion. And that is why it was constructed that way. It is a little smoke and mirrors up front. That blinds you with a little bit of taxpayer funded abortion, you do not want that. Oh, and any other abortion; oh, and any other – you know.

Mr. Speaker, if we really think that these kinds of issues that are this critical should be brought before the voters, let us start putting constitutional amendments up as to whether or not people think assault weapons should be banned in the State of Pennsylvania. I am pretty sure if I look at the polling and I talk to my constituents that thing would pass in a heartbeat.

Mr. Speaker, how about if we start putting up on the ballot whether or not we should increase fracking fees? I think that one might pass.

How about if we put on—

The SPEAKER. The gentleman will please suspend.

The Speaker was trying to give the gentleman a little bit of latitude because I thought you would bring it back to the underlying issues contained in the five subsets of the constitutional amendments, I would simply remind the gentleman to focus what is in the bill, not that which is not included in the bill.

You are in order and may proceed, sir.

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The SPEAKER. For what purpose does Leader McClinton rise?

Ms. McCLINTON. Mr. Speaker, no one interrupted the previous speaker which talked about a number of topics that are not related to SB 106 so I just would ask that the same courtesy be extended to this gentleman from Lancaster County.

The SPEAKER. The gentelady's point of order is recognized; however, the prior speaker was simply responding to all of the prior points that were brought up by every speaker previously. The good gentleman—

Ms. McCLINTON. Now he is responding too.

The SPEAKER. The good gentleman is bringing up topics that are extraneous to the debate thus far and simply him encourage him to stay – he acknowledged that when we requested he stopped. I know he will be consistent with the rules going forward.

The Chair thanks the lady.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, how about if we put on the ballot no exception for the life of the mother or rape or incest. I mean, hey, it is an abortion. Right? Now, there are people on the floor of the House, I believe, that would say, yes, absolutely. No exceptions. Let us put that one on the ballot. Do we know the answer to that one? Why not put that one on the ballot?

How about no abortions at all? Let us try putting that one on the ballot. Because, well, this one just says no rights relating to abortion, it did not take away the right – it did not take away abortions yet, it just took away the right to an abortion. So let us put it on the ballot and see what the public thinks so that we can save ourselves a whole heck of a lot of time here in the ensuing months while we try and pass all those pieces of legislation without voter input.

How about if we put on the ballot no contraception that prevents a fertilized egg from implanting in the uterine wall? Cause I know there is people on the floor of the House that would vote for that. Let us put that one on the ballot and see where we are at.

Now, if you wonder why people are concerned about the language in here that says "OR OTHER RIGHTS RELATING TO ABORTION," all those things are other rights relating to abortion. Every one of them. I do not understand why we are hiding behind oh but the taxpayer funded abortions, that is what we are against. We really do not mean anything else. Everything I just described is other rights relating to abortion. Why cannot we ask those questions? Because you know what the answers are already also. The answer would be a flat-out no. But you want to open the door so that we can have those debates on this floor day after day after day after day.

And I guess my next question is, if the voters, after the second time this kind of amendment to the Constitution passes, if the voters actually say no, I do not care whether it is taxpayer or not, I do not care, no, you are not restricting a woman's right, will you then stop? Or will you just say well now let us test how far we can go with those rights? Why are we dancing around this issue? Let us figure it out. Why not put all those questions on the ballot? We can let Pennsylvanians decide and save us a whole lot of heartache here in the years to come.

Mr. Speaker, I was approached recently by a constituent who is concerned that her young daughter, who has not yet had her menstrual cycle, whether she would need to put her daughter on birth control as soon as her daughter started having her menstrual cycle. And you go, well, why would she do that? If and when you all vote to make abortion illegal, her 11-year-old might need to have that ability to prevent an abortion.

Now, it seems a bit of a stretch to me to think that we would want to put every young 10, 11, 12, 13, 14, 15-year-old on birth control. But the reality is if the option of an abortion in the case of rape or incest, in the case of something happening that happens to 13-year-olds and 14-year-olds occasionally, that that pregnancy could not be terminated. If that is the only other option, guess what? You are now going to have every – or not every cause of some of you will not allow your – well, you may not allow your kids to do it but they will do it anyway – you are going to have a whole lot of 10, 11, 12, 13, 14-year-olds on contraception that otherwise would never even consider it.

Mr. Speaker, one of the things I go back to on this issue is the first time I ran and it was a tumultuous time. My gubernatorial candidate at the top of my ticket was Bob Casey. Gubernatorial candidate on the other side of the ticket was Barbara Hafer. My gubernatorial candidate was antichoice, Republican gubernatorial candidate was prochoice. I was prochoice. My opponent was antichoice. You know, talk about a mixed-up mess.

And I was out knocking on doors. And I was looking at my voter list – and for those of you that have actually knocked on doors you know that when you get to an 8Y voter that means that they have voted in every primary and every general election as far back as we keep records to carry around on street lists. And it was a woman in her 80s. She was a Republican. And I thought, boy, I do not know. Why is a young Democrat going to go knock on this woman's door? But I did. And when she answered the door I introduced myself and she said, "I have one question for you. Where are you on a woman's right to choose?" Which I thought was a pretty strange question

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coming from an 80-year-old woman. I also thought I knew what the answer was that she wanted. And I said, "Well, ma'am, I will tell you, I am pro-choice." And before I could get out another word she said, "You have my vote." And I was taken aback by that because that was not what I expected. And I said to her, could you explain to me because that was not what I expected to hear from you. And she said, "Young man," she said, "You might not be old enough to remember but I had friends that died of back alley abortions. We can never go back there."

This amendment takes us right back there. This amendment will not curb abortions. It will simply force them into back allies. Women will die. If you do not believe it talk to somebody who is 80 years old or 90 years old right now and ask them whether they knew anybody that died of a back-alley abortion. I guarantee you they do.

For the last 50 years you have not to deal with that issue. *Roe v. Wade* took care of that issue for you. Think about women dying at a rate – it was mentioned there were 13,000 abortions, I believe it was – 32,000 abortions. Imagine if 1 out of every 10 of those goes wrong in a back alley. Think about thousands of women in Pennsylvania dying every year because they are forced into back alley abortions.

Mr. Speaker, I have daughters that are of childbearing age and they are proud mothers who cherish their children, my grandchildren. But they do not have to have somebody else tell them that they are forced to carry a pregnancy to term.

Mr. Speaker, I encourage a "no" vote. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentlewoman, Representative Daley, who has a late-filed amendment that is out of order.

I believe she is seeking recognition for a suspension of the rules?

\*\*MOTION TO SUSPEND THE RULES

Ms. DALEY. Correct, Mr. Speaker.

The SPEAKER. You are in order and may proceed, ma'am.

Ms. DALEY. Mr. Speaker, I move to suspend the rules for the purposes of offering amendment A05440. Mr. Speaker, A05440 would codify Planned Parenthood \*\*EKC holding that a woman has a right to an abortion prior to fetal viability. We should suspend the rules because 60 percent of Americans oppose the Supreme Court's decision to strip women of their right to body autonomy. We should suspend the rules because if we do not and this constitutional amendment becomes law the stage will be set for women to be sentenced to death in cases of medical necessity. Mr. Speaker, I know that sounds extreme. I know that it sounds like it cannot be true. I know it sounds like we are talking about the boogie man, but Mr. Speaker if we do not suspend the rules SB 106 will begin the process of fulfilling the Republican nominee for Governor stated goal to ban abortions in cases of medical necessity to save the mother's life, in cases of rape, and in cases of incest. Mr. Speaker, if we do not suspend the rules women will die, mothers will die, sisters will die, friends will die. Mr. Speaker, this is not hyperbole women will die.

The SPEAKER. The Chair thanks the lady.

The gentlewoman, Representative Daley, has made a motion to suspend the rules for immediate consideration of amendment 5440. Again, a reminder to the members, the motion is debatable by the maker of the motion, the underlying maker of an amendment or in this the bills and then both leaders. The Speaker recognizes the gentlewoman, Leader McClinton. She waives off. The Chair thanks the lady and recognizes the gentleman, leader Benninghoff.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

Respectfully, this is a late-filed amendment. I would ask the members to not support the suspension. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Leader McClinton, you are seeking recognition on the suspension of the rules. You are in order and may proceed, ma'am.

Ms. McCLINTON. Thank you, Mr. Speaker.

I was not going to say anything, but in Rules tonight we had timely-filed amendments and we could not run are timely-filed amendments, all the members of the Rules Committee know how that went down. There was no cameras, so the people watching right now at home that are texting and tweeting and Facebooking about this nonsense, they did not see what occurred in Rules Meeting, but there were timely-filed amendments that we offered in the Rules Meeting and guess what happened in the Rules Meeting in this Democratic chamber that loves votes and loves voters? Well, the members of the Committee in the Rules Meeting, Mr. Speaker - and this is why we need to suspend the rules now, with our timely-filed amendments, we were not allowed to vote on one of them. We offered three timely-filed amendments and, Mr. Speaker, you and the majority leader know the nature of the rules of this institution do not provide us the opportunity to provide a timely-filed amendment tonight. You are aware of that because you made those rules. So here we are on a Friday night glad to be at work because we know our voters sent

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us here to fight this battle. And we cannot even suspend the rules for one consideration of something that is very important as the maker of the motion stated. We are talking women dying. We are talking about more than half the population not being able to make decisions when not even half of this body has a uterus. That is what we are talking about tonight and that is why these rules need to be suspended because we do not follow the rules in this body. Let the people back home know. That is why the rules need to be suspended, Mr. Speaker. That is why the rules need to be suspended, Mr. Speaker, because we had timely-filed amendments that were tabled and in case you are watching because so many are as we heard from constituent voters are watching, we filed them in a timely way so they could be considered in committee which is what the majority leader likes to lecture my caucus about each and every legislative day, but here we are being silenced yet again, and understand when you are silencing us we are actually elected officials like you are so you are silencing millions of voters from every corner of the Commonwealth when you silence us and do not allow us to amend bills that will not let people vote, that will not allow women to make their own decisions, you are silencing all of us. So we need to suspend the rules and this amendment come through before we rush this off to the voters. Those same voters that you tried to silence in 2020 when you did not like the outcome of the election, those same voters that you said it did not matter what they chose -

Mr. BENNINGHOFF. Mr. Speaker.

Ms. McCLINTON. Those are the people you are trying to shut up.

The SPEAKER. The gentlelady will please suspend.

![APOINT OF ORDER!]A

The SPEAKER. For what purpose does the gentleman, the majority leader, rise?

Mr. BENNINGHOFF. Point of order.

The SPEAKER. You may state your point of order.

Mr. BENNINGHOFF. It would seem that the previous speaker is trying to impugn the motive of some of our speakers. I just ask her to stay on topic.

The SPEAKER. The House will please come to order. The House will please come to order. The Leader can be recognized for his point of order just as the prior Leader was recognized to speak on the suspension of the rules. I will once again remind the members that disrupting the orderly debate of session is contrary to the rules that we all voted on previously in the session. So, majority leader, you may state your point of order.

The Speaker asks the majority leader to please restate your point of order.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

I was encouraging the member to stay on topic of the bill and not impugning the motives of our members and actions of other elected officials prior or we can start talking about the Secretary of State.

The SPEAKER. The gentleman - the Speaker thanks the gentleman for raising a point of order, however, I will remind the members that we are to engage in an orderly debate regarding this. Generally and I will once again remind the members of this as well both leaders are given a little but more latitude to speak on items both policy and procedure of the House. However, is not productive to unnecessarily excite members from either side and that applies to both sides. The gentleman's point of order is noted and Leader McClinton you may conclude your remarks.

Ms. McCLINTON. Thank you, Mr. Speaker.

As I was saying, in this un-Democratic chamber that cares so much tonight about voters and rushing off a constitutional amendment to voters, we need to suspend these rules because we wanted to make this better. If we are going to get a product to voters as early as the primary in 2023 then let us work on a product that explains to voters what these issues are. Let us not jam them all through on one very convoluted question that they may receive in the future. If we want to care about the voters, we need to suspend the rules because the voters elected Tom Wolf, the voters elected us to legislate not rush amendments down the turnpike to their voting booth at the next primary off-year election. So I ask everyone to support the gentlelady from Montgomery County motion to suspend these rules.

The SPEAKER. The Chair thanks the good lady.

On the question,

Will the House agree to the motion?

(Members proceeded to vote.)

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

Mr. HARRIS. Thank you, Mr. Speaker.

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The SPEAKER. The Chair thanks the gentleman and recognizes the gentlewoman, Representative Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady.

The following roll call was recorded:

RC: 86-113

The SPEAKER. The Speaker recognizes the gentlewoman, Representative Rapp, on concurrence.

Ms. RAPP. Thank you, Mr. Speaker.

It has been a long evening and I know there are a lot of members of the public watching and, Mr. Speaker, a lot of the speakers already addressed some of the issues that I will be addressing, but I thank you, Mr. Speaker, for the opportunity to speak on SB 106. I rise in support of the proposed constitutional amendment that will ensure that the taxpayers of this Commonwealth are not required to pay for elective abortions. Contrary to what is being said, this issue is not specific to the recently decided Dobbs' case, rather this issue is presently pending before our State Supreme Court. In this case, the petitioners are asking the Pennsylvania Supreme Court to find a State constitutional right to an abortion and a State constitutional right to taxpayer funding of abortion, taxpayer funding of an abortion. If that occurs, and without this amendment, the State Legislature will be stripped of its duty to determine much of the abortion policy in this State. Presently 11 States have had their courts declare a State constitutional right to an abortion. Supporters of the lawsuit before our State Supreme Court are looking for Pennsylvania to join that list and some of these States, Mr. Speaker, allow for abortion up to the moment of birth. Let us look at the facts and not the rhetoric. This constitutional amendment will not change our State's Abortion Control Act which has already withstood a Supreme Court challenge. It still stands today. As that law has banned taxpayer funding of elected abortions since its inception in 1982. That act will remain in place. This constitutional amendment will not ban current funding permissible under the law. Currently Medicaid covers non-elective abortions involving the health and the life of the mother as well as elective abortions involving rape or incest. The amendment will not end abortions in this Commonwealth that is simply not accurate. Currently a woman has access to abortion up to 24 weeks. That is 6 months except for issues relating to the life of the mother. And, Mr. Speaker, you know, I have listened to all these stories from previous speakers. Yes, I am pro-life, and, Mr. Speaker, we have organizations in our State, pregnancy centers as I have heard people talk about women who are not going to have any support. We have pregnancy centers in this nation that in 2019 and more since 2019 that gave almost 270 million in resources like diapers, classes, formula, and other needs to mothers. Pregnancy centers also already outnumber abortion clinics 3-to-1 in the U.S. We have been and will continue to work for a culture that values all life. Several centers follow the centers for up to a year. We heard testimony in the Health Committee from a pregnancy center in Pittsburgh that follows a mother and the entire family for over a year to make sure that mother and child is prospering. Mr. Speaker, I also heard about the concerns of our services for our children. We know everyone in this body that just in this last budget we increased funding for early intervention, special education, children with intellectual disabilities, people on the waiting list and, you know, there are also many organizations in the private sector that also help many parents if they have a child with a disability and I am very familiar. Mr. Speaker, with Shriners Hospital because there are many of us that also grew up poor and also had family members that received those services and I am very thankful for those services and for the institutions that help families who have children with disabilities. What this constitutional amendment will do is ensure that the State Legislature and not the courts will determine abortion policy in this Commonwealth giving one branch of government sole control over abortion laws does not represent a balanced approach to this issue. Ultimately, if this proposed amendment passes two consecutive legislative sessions, the voters, the people of this Commonwealth will decide this issue along with the other issues proposed in SB 106. Polling has shown that across this Commonwealth a majority of Pennsylvania citizen do not support taxpayer funding of elected abortions. This amendment will maintain the status quo. That does not mean that a woman in the State of Pennsylvania cannot have an abortion. Mr. Speaker, I am asking my colleagues for an affirmative vote on this Senate bill and I thank my colleagues for that vote and I thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Representative Topper, on concurrence.

**\*\*MOTION FOR PREVIOUS QUESTION**

Mr. TOPPER. Thank you, Mr. Speaker.

This has certainly been an emotionally-charged debate and I can appreciate that and I can understand that. There have been accusations that have flown across the room. There have been members who have ben gaveled

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down, reminded of the rules. I understand the decorum is at the core of this institution and there has been a lot of talking about how we speak, people being silenced to how we speak as members and the number one way that we speak, Mr. Speaker, is that we vote and I believe it is time to do that on this issue. So, Mr. Speaker, I move for the previous question pursuant to rule 61 in order to proceed immediately to concurrence on SB 106.

The SPEAKER. The gentleman, Representative Topper, has moved the previous question on SB 106. Those who second this motion will rise and remain standing until their names are recorded. For the information of the members, a total of 20 members are required. The Speaker recognizes the gentleman, Representative Saylor, Representative Dunbar, Representative Oberlander, Representative Kail, Representative O'Neal, Representative Gregory, Representative Rigby, Representative Diamond, Representative Jozwiak, Representative Knowles, Representative Kauffman, Representative Klunk, Representative Maloney, Representative Owlett, Representative Causer, Representative Borowicz, Representative Roae, Representative Rapp, Representative Irvin, Representative Millard, Representative Davanzo, Representative Moul. The Speaker has been notified that is the appropriate 20 seconds. The motion for the previous having been made and seconded.

\*\*\*MOTION TO ADJOURN

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

Mr. BRADFORD. To make a privileged motion.

The SPEAKER. The gentleman may state your motion and will determine the primacy of those motions.

Mr. BRADFORD. Motion to adjourn.

The SPEAKER. The gentleman, Representative Bradford, has made a motion to adjourn prior to getting the motion to move the previous question. As the gentleman stated this is a privileged motion and we will now put the motion to adjourn made by the gentleman, Representative Bradford, on the floor. As expressed previously this evening, Representative Bradford we need to adjourn to a date certain in time.

Mr. BRADFORD. September 12, 2022, please.

The SPEAKER. The gentleman, Representative Bradford, has moved that we adjourn until September 12, which I believe is a regular scheduled session day and the time would be 12 noon. The gentleman, Representative Bradford, is recognized and you may speak on your motion to adjourn.

Mr. BRADFORD. Thank you, Speaker.

I rise to ask for at least approximately 7 weeks to have a thoughtful conversation. As you know there are multiple constitutional amendments proposed in this bill in front of us. This is a dramatic restructuring of the role of government in the Commonwealth. Not the least of which it affects women health care, but in our elections. Many gentleman and ladies have spoken with great passion. Clearly, there is a tremendous division of thought. One that potentially could at least some meeting of the minds could come from appropriate hearings and the opportunity from people of good will to have an honest discussion about whether this is the appropriate time and hour to be amending our constitution without the opportunity of hearings or consideration or thought. While I know it would be easy for those to fall into an easy partisan one way or another vote, I think the conversation tonight reflects a recognition by many that this constitutional restructuring and the impacts it would have on so many Pennsylvanians, men and women, on voters on so many issues that are such a hot button that created debate in this institution but also a protest across the Commonwealth and across the country that time and thoughtful consideration as opposed to parliamentary jujutsu and a rush to judgement without the advantage of thoughtful inquiry from the majority party.

Mr. BENNINGHOFF. Mr. Speaker.

The SPEAKER. The gentleman will please suspend. For what purpose does the gentleman, majority leader rise?

Mr. BENNINGHOFF. To make my own motion.

The SPEAKER. The gentleman may state your motion, we will determine the primacy of the motion.

Mr. BENNINGHOFF. I would like to make a motion to move the previous question on this motion to adjourn.

The SPEAKER. For the information of the members, moving the previous question on the motion to adjourn would be in order. Just like the prior previous question, it would require a total of 20 seconds of which the Speaker will once again recognizes the members.

The gentleman, Representative Saylor, the gentleman Representative Dunbar, Representative Grove, Representative Kail, Representative Klunk, Representative White, Representative Oberlander, Representative Topper, Representative Warner, Representative O'Neal, Representative Gregory, Representative Knowles, Representative Kauffman, Representative Delozier, Representative Hamm, Representative Keefer, Representative Pennycuick, Representative Stambaugh, Representative Moul, Representative Gleim, Representative Hickernell, Representative Fee. The Speaker has been informed that there are 20 seconds on the motion to adjourn.

The question to adjourn is now before the body. Those in favor of the motion to adjourn will vote "aye"



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those opposed - Leader McClinton, are you seeking recognition to speak on the motion on the previous question to the motion to adjourn? You are in order and may proceed for brief remarks as is consistent with our past precedent.

Ms. McCLINTON. How brief, Mr. Speaker?

The SPEAKER. We will determine that as we move along, Madam Leader.

Ms. McCLINTON. Okay. Because when we started this whole exercise, my concern was what is happening right now and that is that the Democratic process by which each of our constituents in our 203 legislative districts would not be allowed to occur in this august body. Our constituents made some very serious decisions on that night in November in 2020 and so much of that has been the continual outcry of protest, sanction, challenges, and even an insurrection. And here we are this evening fast forward year and a half later and we simply like to do the job with which we lawmakers were elected to do, Mr. Speaker. And when this exercise began once we completed the budget earlier this evening just about 4 hours ago my concern was that we not go down that deep, dark pathway that the majority party loves called the silencing the minority and in fact chairmen, some very senior members, one gentleman from Luzerne raised this exact moment about 5:10 in the majority Appropriations conference room stating and actually asking your majority leader would debate be permitted on SB 106 since our timely-filed amendments were tabled so quickly and right before we voted on that you will recall Mr. Majority Leader you were asked just flat out that well if our timely-filed amendments are being tabled or were about to be tabled we could not just get an up or down vote could you please let us know that we will in fact be able to talk on the floor of the House the way our constituents decided we should be able to do on that fateful night in November in 2020, and Mr. Speaker that is all we are trying to do here tonight. We are not playing any games like the majority party, we are not doing any gimmicks for all those voters who are watching, we simply want to speak on behalf of our constituents, but here we go down that deep, dark path that the majority loves and that is to simply tell our caucus that our constituents, that our voters, that their priorities cannot be uplifted in this chamber. That there will be one procedural maneuver after another to silence our caucus, but most importantly and what is most sad is that it does not silence just members of the Pennsylvania House of Representatives, but it silences voters, it silences our next door neighbors and those that live near and far among those 62,500 people each and every one of us represents. So I am standing to make some brief remarks, Mr. Speakers, because several hours ago where so many people could have made different commitments to their constituents thinking we would have had an on-tie budget, you know, June 30th was the deadline or did something about gun violence or fairly funded schools, I mean we had so many opportunities ahead of us and once again we drop the ball. So in these brief remarks, Mr. Speaker, we are very asking simply to be able to do our jobs.

The SPEAKER. Has Leader McClinton concluded her remarks?

Ms. McCLINTON. Mr. Speaker, I have concluded my remarks, but I hope we have not concluded our work.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman the majority leader on the motion to move to previous question to adjourn.

Mr. BENNINGHOFF. Well that is a little confusing, Mr. Speaker. Thank you.

You know we are discussing whether to vote on the minority party's motion to adjourn which therefore would end the ability to do the people's work she just said she wanted to do. After hours of debate, we would like to continue the people's business that came here to vote. We have listened to lots of debate, Mr. Speaker. Let us finish the people's business.

The SPEAKER. The Chair thanks the leader.

Leader McClinton seeking recognition for the second time?

Ms. McCLINTON. Absolutely. Just so we are clear –

The SPEAKER. The gentlelady will please suspend. I believe past precedent is each leader gets to speak once.

Ms. McCLINTON. But there was some things stated that are not rooted in reality or truth, Mr. Speaker.

The SPEAKER. The leader will please suspend your comments. The Chair thanks the lady. Past precedent of the House is that each leader gets to speak once and then we will move to the question that is before us. If the leaders would like to approach the rostrum and discuss any other issues immediately after the vote which this is several layers of moving the question, we can do so. The question before us is the motion to adjourn - moving the question on the motion to adjourn.

Those in favor of moving the previous question and then immediately preceding to the adjournment motion that was previously made by the gentleman from Montgomery County will vote "aye", those opposed "no." Members will proceed to vote.

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

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Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman.

The following roll call was recorded:

RC: 110-89

The SPEAKER. The question now before the body is the question the gentleman from Montgomery County raised which is the motion to adjourn.

On the question,

Will the House agree to motion?

(Members proceeded to vote.)

Ms. McCLINTON. Mr. Speaker, I wanted to speaker on the motion.

The SPEAKER. Nothing is in order but the taking of the vote.

The Chair recognizes the gentlewoman, Representative Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman.

The following roll call was recorded:

RC: 90-109

The SPEAKER. Motion fails and we will move to the previous question as previously made by the gentleman, Representative Topper.

The SPEAKER. For what purpose does the gentlewoman rise?

Ms. DELOZIER. Thank you, Mr. Speaker.

Mr. Speaker, personal privilege?

The SPEAKER. That is not currently in order. The question before the body is moving the previous question.

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

The SPEAKER. The gentlewoman may state your point of order.

Ms. DELOZIER. Could the Speaker kindly explain why my personal privilege request is because it relates to the vote that is about to be taken. Once that vote is taken my personal privilege will be negated.

The SPEAKER. The rules are clear regarding the motion to move the previous question in that both leaders may give brief comments. I know there was some discussion previously that only one leader was given that opportunity that is simply not true. Leader McClinton spoke first, Leader Benninghoff spoke second and then the question was called on the underlying motion. I will remind the members that the question was called, there was an intervening motion to adjourn, and the question was called on the motion to adjourn. We are currently unwinding those series of motions, both leaders had spoken on the adjournment motion which just failed and now we are on the motion to mover the previous question which was also previously debated. So the question before the body right now is motion to move the previous question. For what purpose does the gentleman rise?

Mr. BRADFORD. I would like to debate the motion.

The SPEAKER. That is not in order. Past precedent -

Mr. BRADFORD. I would like to appeal the ruling of the Chair.

The SPEAKER. The gentleman will suspend.

Mr. BRADFORD. Point of order to appeal the ruling of the Chair.

The SPEAKER. The gentleman, Representative Bradford, has appealed the ruling of the Chair regarding

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the debate ability of the motion to move the previous question and the past precedent. Could the gentleman please clearly state the ruling that you wish to appeal.

Mr. BRADFORD. Yes, as you know we are attempting with almost no notice and no hearings to amend the constitution most likely resulting in disenfranchising of voters and interfering with the right of women to bodily autonomy.

The SPEAKER. The gentleman will please suspend. The gentleman was recognized to state briefly his motion to appeal the Chair. I believe the gentleman is getting into the substance of the debate if and when the appeal is granted.

Mr. BRADFORD. There are nine speakers from the minority party that have yet been given the opportunity even to speak. I believe it is appropriate to appeal the ruling of the Chair to allow them the opportunity to be heard.

Mr. BENNINGHOFF. Mr. Speaker?

The SPEAKER. The gentlemen will please suspend. For what purpose does the gentleman, majority leader, rise?

Mr. BENNINGHOFF. I would like to make a motion to proceed on the appeal of the Chair. Pardon me - move the previous question on the appeal of the Chair.

The SPEAKER. The motion to appeal the ruling of the Chair has been made by the gentleman, Representative Bradford and now the motion to move the question on the motion to appeal the Chair is now before the body. As in the prior moving the previous question, 20 seconds will once again be needed. The Chair will start with Representative Rapp, Representative Roae, Representative Borowicz, Representative Hickernell, Representative Fee, Representative Miller, Representative Zimmerman, Representative Greiner, Representative Causer, Representative Owlett, Representative Jozwiak, Representative Diamond, Representative Moul, Representative Maloney, Representative Gleim, Representative Sankey, Representative Keefer, Representative Kauffman, Representative Knowles, Representative Rigby, Representative Gregory, Representative O'Neal. The Chair has been notified that that is the appropriate 20 seconds.

The gentleman, Leader Benninghoff, has moved the previous question on the motion to appeal the ruling of the Chair. The appropriate 20 seconds having been made the Chair recognizes the gentlewoman, Leader McClinton, is she seeking recognition on the motion to the previous question on the motion to appeal the Chair.

Ms. McCLINTON. Thank you, Mr. Speaker.

Mr. Speaker, I am hopeful that before this evening winds down that the majority leader will rise for interrogation on SB 106 which is something that we did request about 3-and-a-half hours ago, and the only reason why our caucus is moving to adjourn is because it is clear that if we cannot speak in this body that we elected to come and speak on behalf of our constituents, if the minority is being silenced. If the party of transparency and accountability is shutting us down then it is clear that we need to adjourn, have break so that we can have hearings so that we can take testimony and that so we can appropriately examine what should be happening with SB 106

Mr. BENNINGHOFF. Mr. Speaker.

Ms. McCLINTON. And I am talking, Mr. Leader.

The SPEAKER. The gentlelady will please suspend.

Ms. McCLINTON. I am talking. Maybe you cannot hear me I am talking.

Mr. BENNINGHOFF. Oh I hear you.

The SPEAKER. Both leaders will immediately approach the rostrum and the House will be at ease.

The SPEAKER. The House will return to order. The Speaker has consulted with both leaders regarding the current motion moved to previous question on the motion to appeal the Chair. The leaders have indicated in conference that they would work through withdrawing the motions if a time clock was put on for the remaining speakers who are on the list of a time period of 3 minutes. If that is agreeable to both leaders. The gentleman, Representative Bradford, withdraws the motion to appeal the ruling of the Chair. And I believe the gentleman, Representative Bradford, would also need to withdraw the motion to adjourn. We still have one of those left.

The Chair thanks the gentleman and that brings us back to the gentleman, Representative Topper, on the motion to move the previous question. The gentleman indicates that he will. The Chair thanks the gentleman. In that case, we will post the 3-minute clock and recognize the gentlewoman, Representative Krueger, is recognized on concurrence. The goal is to get wrapped up as quickly as possible here while ensuring that everybody who remains on the list that was agreed to by the leaders has an opportunity to speak prior to final vote. You are in order and may proceed, ma'am.

Mr. KRUEGER. Mr. Speaker, let us be clear. We are here on Friday night in July at 9:42 p.m. and he bill before us SB 106 creates a vehicle to ban abortion here in Pennsylvania plain and simple. We have heard a lot of

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misinformation on this floor tonight, but you only need to read the language of the bill to understand where we are headed. This Constitution does not grant the right to taxpayer-funded abortion or any other right related to abortion. Tonight this bill rolls back our rights and the legislators behind this language are trying to pave the way for an end to abortion rights in Pennsylvania at a time where they think no one is watching. We only need to look at what has happened in other States that have passed similar language to know where this road heads. In 2014, Tennessee approved similar language after politicians there promised that they would not use it to pass any abortion bans. In the year since that amendment passed, Tennessee legislators have passed nine bills restricting access to abortion. Women's' reproductive rights are under attack on this House floor tonight. Abortion is safe and legal today. But it will not for long if this language becomes law. By this time next year, we could face the same abortion bans as Texas or Alabama or Oklahoma. So if we want to protect our reproductive rights, we must all rise up and fight this bill with everything we got. We will not go back. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady and recognizes the gentlewoman, Representative Otten, on concurrence.

Ms. OTTEN. Thank you, Mr. Speaker.

Mr. Speaker, I rise tonight to oppose SB 106. To ignore the last seven words of the language regarding abortion in this bill or any other right related to abortion would be intellectually dishonest and intellectually inconsistent with the bill because the same people who stood up here tonight and talked about trusting the voters in the very same bill address issues related to not trusting the 2020 election and still believe that that election was stolen. It is all right here in this bill voter ID, politically motivated audits, and assaults on the checks and balances set forth in the Constitution.

The SPEAKER. The gentlelady will please suspend. The gentlelady specifically mentioned motivation which is violation of the rules. I would encourage you to please stay on topic on the underlying bill. You are in order and may proceed.

Ms. OTTEN. Thank you, Mr. Speaker.

This is the first time in history that an amendment to the Constitution seeks to deny rights to Pennsylvanians, and as we stand here today Pennsylvania is in a health-care crisis. We have health-care deserts in every corner of Pennsylvania in the poorest and the wealthiest counties in Pennsylvania. Just this year Chester County has lost two hospitals and even before the total hospital closures, even in hospitals that remain open the first services to close are maternity units. Before I had my own children back in the early 2000's Pennsylvania experienced an exodus of ob-gyns (obstetrics-gynecologist) who would no longer deliver babies because driving the cost of malpractice insurance for providers through the roof with restrictive livelihood threatening policies, threatens to drive ob-gyn from providing their services right here in Pennsylvania. Fears of restrictions and legal repercussions that will make already limited access to sexual and reproduction health care and fertility care extremely inaccessible in Pennsylvania. Imagine the day when Pennsylvanians have to drive to New York or New Jersey just to access essential personal health care services or the day where they need to be rushed there by ambulance because the life-saving emergency health care they need is either not legal or not accessible here on our State. Aggressively worsening the shortage of ob-gyn providers will make emergency obstetric care more and more scarce and unavailable to pregnant people who do not have the ability or time to travel or be transported in order to save their lives

The SPEAKER. Suspend. Your time has expired. The Chair thanks the lady and recognizes the gentleman, Representative Webster on concurrence.

Mr. WEBSTER. Thank you, Mr. Speaker.

I am also opposed to SB 106 for many of the reasons that have been cited previously, but I do want to add a few others from a good governing perspective very quickly. We are governing, attempting to govern today, by constitutional amendment and one of those amendments would abrogate you know regulations by fiat of the legislature and it is important I think for us to recognize a foundational principal of United States democracy is the checks and balances of the three branches of government. Second, our colleague from Warren County spoke to court laws and ongoing court cases and I am very concerned that the language \*\* or any other right related to abortion would abrogate the rights of Pennsylvanians to petition the courts and petitioning our government with grievances is a foundational right in the democracy of the United States of America. So there is a couple of reasons. Here is a specific scenario about voter identification rights and our military members. I am referring to a letter from the Department of Defense to Virginia who had a similar ID concern and it says: "When registering to vote by mail, citizens covered by the UOCAVA are exempt under" federal statute..."from State requirements to provide a copy of a valid photo identification..." etc. Etc. And if we were legislating by bill we might add that exemption, we might add definitions and requirements and get it right but instead we are going to present you know whatever it is a 13-word constitutional amendment and then go back to the courts - oh. Maybe we cannot petition the courts. So this

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is disconcerting to me especially since - we will make it personal right at the end, right? In the middle of this discussion my wife texted to me that debate tonight like your daughter's life depends on it because our female family history suggests she is highly likely to have a failed a pregnancy at some time in her life like her mother like one, two, three, four of her aunts that I can name and it is my job to protect my daughter and preserve her options. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman. I have been notified that Representative Innamorato is the next and final speaker to be recognized.

Ms. INNAMORATO. I rise today to oppose SB 106 because today in this chamber we have before us a document that threatens our freedoms and our liberties. It aims to add a ban on Pennsylvanians right to abortion into our State Constitution. Yes, regardless of what has been said up here the text of the bill reads, \*\*quote, the Constitution does not grant the right to taxpayer-funded abortion or any other rights relating to abortion. If added to our Constitution this will not only take away our freedom and our liberties, but also our right to privacy that we are currently afforded as citizens of this Commonwealth under our Constitution. This seems like a new low for this chamber using the Pennsylvania State Constitution instead of upholding and protecting rights and freedoms of individuals we are weaponizing this document to remove to rights of women birthing people and families to make their own private medical decisions. Think about the dangerous precedent this sets. For the people watching at home, think about the road that this puts us on, a world where we use our Constitution to restrict rights instead of upholding them and since the majority party has denied us interrogation and has denied us hearings, we can only imagine what is next. Like my colleague said in 2014 Tennessee passed - added similar language to their constitution. And at the time lawmakers said the same things that we are hearing this evening, that it is about the voters that it is protecting taxpayers, that it will not change a thing. But they said that hey, trust us. And where are we today? Well, on June 28th abortion is illegal in Tennessee past six weeks. One of the most extreme bans in the United States, and these restrictions they are dangerous. States with more abortion restrictions tend to have poor health outcomes for women and children than any other State. This will harm children and it will harm women. So what rights are we going to use the Constitution to remove next? Are we going to ban the usage of IVF (In-Vitro Fertilization)? Are we going reduce access to contraception? Are we going to criminalize doctors who provide care to patients? Are we going to ban abortions entirely like they did in Tennessee? Because what we are doing here is an abortion access ban -

The SPEAKER. The gentlelady will please suspend. Your time has expired. The Chair wanted to thank both leaders for coming to an agreement to rapidly wrap up debate, however, I do know that there are members on both sides of the aisle who were seeking recognition who wish to submit remarks for the record. The clerk has been notified that you will be preparing remarks and may do so. For what purpose does the gentlewoman rise?

Ms. DeLISSIO. Thank you, Mr. Speaker.

Mr. Speaker, I appreciate that courtesy. What length of time will we have to submit those remarks for the record, please?

The SPEAKER. Any time in the next couple days will be just fine Representative DeLissio. We have notified the clerk that members still needed to type up their remarks, that they were intending to give their speeches, and they can expect remarks over the weekend and through Monday.

Ms. DeLISSIO. Thank you, Mr. Speaker.

I appreciate that and my constituents appreciate that.

The SPEAKER. The Chair thanks the lady. The Chair will look to both leaders. Does either leader wish to speak on the underlying bill?

![APARLIAMENTARY INQUIRY!]A

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

Mr. STEPHENS. Parliamentary inquiry.

The SPEAKER. You may state your parliamentary inquiry.

Mr. STEPHENS. This bill contemplates four separate and distinct constitutional amendments and I was wondering whether this bill is divisible?

The SPEAKER. For the information of the members the gentleman's parliamentary inquiry is, is the bill divisible. According to rule 63, "Division of a Question. Any member may call for a division of a question by the House, if it comprehends propositions so distinct and separate that one being taken away, the other will stand as a complete proposition for the decision of the House. Bills and resolutions" however "shall not be subject to division...."

That would only apply to amendments Representative Stephens.

Mr. STEPHENS. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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(Members proceeded to vote.)

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

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentlewoman, Representative Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The following roll call was recorded:

RC: 107-92