

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, FEBRUARY 6, 1989

SESSION OF 1989

173D OF THE GENERAL ASSEMBLY

No. 10

### HOUSE OF REPRESENTATIVES

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

#### THE SPEAKER (JAMES J. MANDERINO) IN THE CHAIR

##### PRAYER

REV. CLYDE W. ROACH, Chaplain of the House of Representatives, from Harrisburg, Pennsylvania, offered the following prayer:

Let us pray:

Gracious God, our Father, we are grateful for the privilege of serving Your people. You have called us to this task, and we are grateful.

Often we feel inadequate in the discharge of our responsibilities, and sometimes our inabilities and limitations retard our progress. So we pray for clear minds, that we might discern Your will; understanding hearts, that we might know Your will; and willing spirits, that we might do Your will.

Cleanse our hearts and minds and sanctify us with Your truth. Give us the resolve to please You in our deliberations and actions. May we always place the needs of our constituents above all else, for we know that when we serve them, we glorify You.

In Your dear name we pray. Amen.

##### PLEDGE OF ALLEGIANCE

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

##### JOURNAL APPROVAL POSTPONED

The SPEAKER. The Journal, without objection, for Wednesday, February 1, 1989, will be postponed in its printing. The Chair hears no objection.

##### LEAVES OF ABSENCE

The SPEAKER. Are there leaves of absence?

The Chair recognizes the majority whip.

Mr. DeWEESE. Mr. Speaker, the gentleman from Allegheny County, Mr. OLASZ, for the week; the gentleman from Lawrence County, Mr. FEE, for the week; the gentleman from Allegheny County, Mr. GAMBLE, for the week; and the gentleman from Centre County, Mr. LETTERMAN, for the week.

The SPEAKER. The Chair thanks the gentleman.

Without objection, the leaves will be granted. The Chair hears no objection.

Does the minority party have leaves of absence?

Mr. HAYES. Yes, Mr. Speaker. I request a leave for the gentleman from Wayne County, Mr. BIRMELIN, for the week; the gentleman from Mercer County, Mr. FARGO, for the week; and the gentleman from Perry County, Mr. NOYE, for the week.

The SPEAKER. The Chair thanks the gentleman, Mr. Hayes.

Without objection, the leaves will be approved. The Chair hears no objection. The leaves are approved.

### HOUSE BILLS INTRODUCED AND REFERRED

No. 235 By Representatives BOWLEY, MAINE, CARLSON, LETTERMAN, STEIGHNER, VEON, COY, DISTLER, NOYE, HERMAN, TRELLO, HERSHEY, LINTON, CAWLEY, HECKLER, BATTISTO, S. H. SMITH, CAPPABIANCA, LASHINGER, MELIO, MERRY, DIETTERICK, PHILLIPS, CORRIGAN, SEMMEL, COLAIZZO and STABACK

An Act amending the act of December 8, 1982 (P. L. 848, No. 235), known as the "Highway-Railroad and Highway Bridge Capital Budget Act for 1982-1983," providing for a timber bridge program; making an appropriation; and making a repeal.

Referred to Committee on APPROPRIATIONS, February 6, 1989.

No. 236 By Representatives BOWLEY, HERMAN, SCRIMENTI, DALEY, LLOYD, NAILOR, JOSEPHS, G. SNYDER, PHILLIPS, D. W. SNYDER, TIGUE, FREEMAN, VEON, DeLUCA, KOSINSKI, TRELLO, CAWLEY, NOYE, SCHEETZ, RYBAK, S. H. SMITH, LEVDANSKY, WESTON, MARSICO, ARGALL, WOGAN, LANGTRY, MOWERY, ALLEN, TRICH, MAINE and McVERRY

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, prohibiting a legislator from voting to increase his expense allowance, whether for

vouchered or unvouchered expenses, if the increase would take effect for the session in which the vote occurs.

Referred to Committee on STATE GOVERNMENT, February 6, 1989.

**No. 237** By Representatives BOWLEY, VEON, YANDRISEVITS, HERMAN, DALEY, TRELLO, MICHLOVIC, STEIGHNER, CAPPABIANCA, MORRIS, PISTELLA, LETTERMAN, TIGUE, McVERRY, OLIVER, FOX, COLAIZZO and PRESTON

An Act providing for the establishment and operation of a Statewide disaster assistance program and fund; and imposing additional powers and duties on the Pennsylvania Emergency Management Agency.

Referred to Committee on APPROPRIATIONS, February 6, 1989.

**No. 238** By Representatives BOWLEY, VEON, YANDRISEVITS, HERMAN, DALEY, TRELLO, MICHLOVIC, STEIGHNER, CAPPABIANCA, MORRIS, PISTELLA, LETTERMAN, TIGUE and McVERRY

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for emergency legislation and for emergency declarations by the Governor.

Referred to Committee on STATE GOVERNMENT, February 6, 1989.

**No. 239** By Representatives BOWLEY, TRELLO, MAINE, HERMAN, DALEY, STAIRS, NOYE, BATTISTO, VEON, STEIGHNER, CAPPABIANCA, MORRIS, S. H. SMITH, LETTERMAN and BUSH

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further providing for the definition of "processing."

Referred to Committee on FINANCE, February 6, 1989.

**No. 240** By Representatives HERMAN, E. Z. TAYLOR, DALEY, TRELLO, ITKIN, NOYE, VEON, PERZEL, DEMPSEY, BOYES, JACKSON, DISTLER, FOX, MORRIS, ROBBINS, CORNELL, MERRY, LEE, JOHNSON, REBER, D. W. SNYDER, RUDY, LANGTRY and OLASZ

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for windshield obstruction.

Referred to Committee on TRANSPORTATION, February 6, 1989.

**No. 241** By Representative BELFANTI

An Act amending the act of October 10, 1984 (P. L. 758, No. 160), entitled "An act providing for the adoption of capital projects to be financed from the current revenues of the Motor License Fund," revising the description of a project and decreasing the amount of the project allocations.

Referred to Committee on TRANSPORTATION, February 6, 1989.

**No. 242** By Representatives NOYE, COY, E. Z. TAYLOR, COLAFELLA, DEMPSEY, TRELLO, CARLSON, DeLUCA, JOHNSON, BROUJOS, VROON, LETTERMAN, FOX, PRESSMANN, SCHULER, BELFANTI, MICOZZIE, OLASZ, GODSHALL, CIVERA, PICCOLA, CORNELL, ALLEN, BUSH, TELEK, BUNT, RAYMOND, BURD, McVERRY, LASHINGER, SCHEETZ, FARGO, FLICK, HERSHEY, McHALE, SAURMAN, PHILLIPS, STAIRS, NAHILL, SEMMEL, BOYES and MERRY

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," authorizing the State System of Higher Education to sell bonds; and providing for certain debt service payments by the Commonwealth.

Referred to Committee on EDUCATION, February 6, 1989.

**No. 243** By Representatives MARKOSEK, BOYES, RITTER, MORRIS, COY, VAN HORNE, MELIO, RAYMOND, COLAIZZO, TRELLO, OLASZ, CIVERA, LETTERMAN, STABACK, PRESTON, MAIALE, PISTELLA, MICHLOVIC, COWELL, FARMER, CORRIGAN, DeLUCA, BELARDI, ACOSTA, DONATUCCI, SERAFINI, WILLIAMS, VEON, LANGTRY, KENNEY, J. TAYLOR and BILLOW

An Act relating to the practice of opticianry and contact lens fitting; requiring licensing of persons; and providing for injunctions and penalties.

Referred to Committee on PROFESSIONAL LICENSURE, February 6, 1989.

**No. 244** By Representative O'DONNELL

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the transportation or possession of alcoholic beverages in public places.

Referred to Committee on JUDICIARY, February 6, 1989.

**No. 245** By Representative GAMBLE

An Act amending the act of June 29, 1988 (P. L. , No. 5A), known as the "General Appropriation Act of 1988," appropriating additional sums to the Department of Community Affairs for the purpose of providing moneys for the Practicing Scholar in Intergovernmental Cooperation Program.

Referred to Committee on APPROPRIATIONS, February 6, 1989.

**No. 246** By Representatives CAPPABIANCA, GALLEN, MANDERINO, F. TAYLOR,

SERAFINI, SCHULER, DISTLER, MERRY, VAN HORNE, PETRARCA, BOWLEY, HERMAN, VEON, HALUSKA, ROBINSON, LEVDANSKY, COLAIZZO, DeLUCA, D. W. SNYDER, LASHINGER, TIGUE, SCRIMENTI, McHALE, WOZNIAK, MICHLOVIC, RITTER, OLASZ, PRESTON, BELARDI, CALTAGIRONE, GRUPPO, BATTISTO and CAWLEY

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, requiring nonprofit corporations to supply information as to affiliation, activities and tax status to the Commonwealth; providing for powers and duties of the Department of State and the Department of Revenue; providing for penalties; and making appropriations.

Referred to Committee on BUSINESS AND COMMERCE, February 6, 1989.

**No. 247** By Representatives CALTAGIRONE, MOEHLMANN, LETTERMAN, PETRONE, KASUNIC, JOSEPHS, BELFANTI, HECKLER, GRUITZA, McCALL, STABACK, BILLOW, CARLSON, HASAY, HAGARTY, BORTNER, JAROLIN, DISTLER, ROBBINS, WASS, TRELLO, DeWEESE, MARKOSEK, MERRY, CESSAR, FOSTER, B. SMITH, STAIRS, G. SNYDER, DORR, PHILLIPS, WOZNIAK, BOWLEY and SCHEETZ

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for deposits into the Judicial Computer System Augmentation Account; and making refunds.

Referred to Committee on JUDICIARY, February 6, 1989.

**No. 248** By Representatives CALTAGIRONE, RYBAK, KOSINSKI, DALEY, STABACK, KENNEY, MRKONIC, MICOZZIE, LaGROTTA and VAN HORNE

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," granting an exemption from filing personal income tax returns and paying personal income tax for certain persons.

Referred to Committee on FINANCE, February 6, 1989.

**No. 249** By Representatives CALTAGIRONE, DALEY, TRELLO, STABACK, VEON, LaGROTTA and VAN HORNE

An Act amending the act of April 29, 1937 (P. L. 487, No. 115), known as "The Permanent Registration Act for Cities of the Second Class, Cities of the Second Class A, Cities of the Third Class, Boroughs, Towns, and Townships, extending the time before persons may be purged from the voter rolls.

Referred to Committee on STATE GOVERNMENT, February 6, 1989.

**No. 250** By Representatives CALTAGIRONE, TRELLO, VAN HORNE and LaGROTTA

An Act amending the act of July 7, 1947 (P. L. 1368, No. 542), known as the "Real Estate Tax Sale Law," authorizing counties to extend the time for certain unpaid taxes and to defer certain unpaid taxes.

Referred to Committee on FINANCE, February 6, 1989.

**No. 251** By Representative CALTAGIRONE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining the offense of flight to avoid prosecution.

Referred to Committee on JUDICIARY, February 6, 1989.

**No. 252** By Representatives CALTAGIRONE, VAN HORNE, TRELLO and MICOZZIE

An Act requiring certain actions or payments by municipalities when the providing of municipal waste collection by private firms is being terminated.

Referred to Committee on LOCAL GOVERNMENT, February 6, 1989.

**No. 253** By Representatives CALTAGIRONE, PRESSMANN, CESSAR, TRELLO, KENNEY, ANGSTADT, STABACK, BELARDI, VAN HORNE, VEON, MRKONIC, LaGROTTA and DALEY

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), known as "The Third Class City Code," permitting interests in police pension funds to vest after 12 years under certain conditions; providing for the amount of the retirement allowance benefit vested; and adding a definition.

Referred to Committee on URBAN AFFAIRS, February 6, 1989.

**No. 254** By Representatives CALTAGIRONE, NAHILL, WAMBACH, KOSINSKI, BILLOW, NOYE, FOX, McVERRY, HALUSKA, JOSEPHS, SEMMEL, PHILLIPS, MORRIS, PISTELLA, DeWEESE, BELARDI, CORRIGAN, COLAIZZO, DALEY and VEON

An Act amending the act of June 22, 1964 (Sp. Sess., P. L. 84, No. 6), known as the "Eminent Domain Code," further providing for the definition of "displaced person," for moving and related expenses of displaced persons, for replacement housing and for issuance of regulations.

Referred to Committee on JUDICIARY, February 6, 1989.

**No. 255** By Representatives O'DONNELL, HAYES, COWELL, COLAFELLA, BATTISTO, KOSINSKI, COY, LESCOVITZ, LINTON, RUDY, TIGUE, YANDRISEVITS, HERMAN, FOX, PERZEL, LaGROTTA,

GIGLIOTTI, RYBAK, F. TAYLOR, DeWEESE, FEE, MICHLOVIC, KASUNIC, J. L. WRIGHT, GEIST, WOZNIAK, WOGAN, LLOYD, WAMBACH, FLICK, BUNT, S. H. SMITH, HALUSKA, MOWERY, STEIGHNER, BOYES, McCALL, DOMBROWSKI, ROBINSON, PHILLIPS, DIETTERICK, MAIALE, GODSHALL, DORR, SERAFINI, MELIO, KENNEY, STABACK, LEVDANSKY, FARMER, NOYE, HUGHES, VROON, TANGRETTI, PISTELLA, VEON, KUKOVICH, FREEMAN, FARGO, MAINE, LUCYK, SAURMAN, LAUGHLIN, NAHILL, MOEHLMANN, REINARD, GLADECK, CAPPABIANCA, DeLUCA, BELARDI, D. R. WRIGHT, MERRY, WESTON, CORRIGAN, ADOLPH, STISH, PRESTON, STUBAN, HASAY, LETTERMAN, MORRIS, PRESSMANN, JAROLIN, TRELLO, ARGALL, DEMPSEY, CAWLEY, D. W. SNYDER, MURPHY, BOWLEY, McVERRY, VAN HORNE, HECKLER, LASHINGER, GANNON, CORNELL, OLASZ, COLAIZZO, SEMMEL, CIVERA, HAGARTY and DALEY

An Act providing for the issuance of certain bonds; and providing for further duties of the Pennsylvania Higher Education Assistance Agency.

Referred to Committee on EDUCATION, February 6, 1989.

## CALENDAR

### BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 110**, **PN 180**, entitled:

An Act amending the act of July 2, 1984 (P. L. 545, No. 109), known as the "Capital Loan Fund Act," further providing for loans to agricultural processors.

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

### BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.  
Mr. O'DONNELL. Mr. Speaker, I move that HB 110 be recommitted to the Appropriations Committee for a fiscal note.

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

\* \* \*

The House proceeded to second consideration of **HB 117**, **PN 181**, entitled:

An Act banning the sale and use of certain leaded materials in plumbing systems; requiring water suppliers to provide public notification relating to lead contamination in drinking water and imposing powers and duties on the Department of Environmental Resources in relation thereto; and providing penalties.

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

### BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.  
Mr. O'DONNELL. Mr. Speaker, I move that HB 117 be recommitted to the Appropriations Committee for a fiscal note.

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

\* \* \*

The House proceeded to second consideration of **HB 94**, **PN 177**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for creditable non-school service.

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

### BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.  
Mr. O'DONNELL. Mr. Speaker, I move that HB 94 be recommitted to the Appropriations Committee for a fiscal note.

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

\* \* \*

The House proceeded to second consideration of **HB 95**, **PN 178**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for creditable non-school service.

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

### BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.  
Mr. O'DONNELL. Mr. Speaker, I move that HB 95 be recommitted to the Appropriations Committee for a fiscal note.

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

\* \* \*

The House proceeded to second consideration of **HB 96, PN 179**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further defining "approved leave of absence"; defining "maternity leave of absence"; and further providing for creditable nonschool service.

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

**BILL RECOMMENDED**

The SPEAKER. The Chair recognizes the majority leader. Mr. O'DONNELL. Mr. Speaker, I move that HB 96 be recommitted to the Appropriations Committee for a fiscal note.

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

\* \* \*

The House proceeded to second consideration of **HB 11, PN 13**, entitled:

An Act amending the act of February 19, 1980 (P. L. 15, No. 9), known as the "Real Estate Licensing and Registration Act," regulating time shares, continuing education and disclosures; and further providing for exclusions.

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

**BILL RECOMMENDED**

The SPEAKER. The Chair recognizes the majority leader. Mr. O'DONNELL. Mr. Speaker, I move that HB 11 be recommitted to the Appropriations Committee for a fiscal note.

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

\* \* \*

The House proceeded to second consideration of **HB 12, PN 14**, entitled:

An Act regulating the right to practice electrology; requiring the licensing of electrologists; providing for an Electrology Advisory Committee to the State Board of Cosmetology; and providing penalties.

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

**BILL RECOMMENDED**

The SPEAKER. The Chair recognizes the majority leader. Mr. O'DONNELL. Mr. Speaker, I move that HB 12 be recommitted to the Appropriations Committee for a fiscal note.

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

**MASTER ROLL CALL**

The SPEAKER. The Chair is about to take the master roll call. Will all the members indicate their presence by voting on the master-roll-call vote in the affirmative. Members will proceed to vote.

The following roll call was recorded:

**PRESENT—195**

Acosta	Dombrowski	Lashinger	Robbins
Adolph	Donatucci	Laughlin	Robinson
Allen	Dorr	Lee	Roebuck
Angstadt	Durham	Leh	Rudy
Argall	Evans	Lescovitz	Ryan
Barley	Fairchild	Levdansky	Rybak
Battisto	Farmer	Linton	Saloom
Belardi	Fleagle	Lloyd	Saurman
Belfanti	Flick	Lucyk	Scheetz
Billow	Foster	McCall	Schuler
Bishop	Fox	McHale	Scrimenti
Black	Freeman	McNally	Semmel
Blaum	Freind	McVerry	Serafini
Bortner	Gallen	Maiale	Smith, B.
Bowley	Gannon	Maine	Smith, S. H.
Boyes	Geist	Markosek	Snyder, D. W.
Brandt	George	Marsico	Snyder, G.
Broujos	Gigliotti	Mayernik	Staback
Bunt	Gladeck	Melio	Stairs
Burd	Godshall	Merry	Steighner
Burns	Gruitza	Michlovic	Stish
Bush	Gruppo	Micozzie	Strittmatter
Caltagirone	Hagarty	Miller	Stuban
Cappabianca	Haluska	Moehlmann	Tangretti
Carlson	Harper	Morris	Taylor, E. Z.
Carr	Hasay	Mowery	Taylor, F.
Cawley	Hayden	Mrkonic	Taylor, J.
Cessar	Hayes	Murphy	Telek
Chadwick	Heckler	Nahill	Thomas
Civera	Herman	Nailor	Tigue
Clark, B. D.	Hershey	O'Brien	Trello
Clark, D. F.	Hess	O'Donnell	Trich
Clark, J. H.	Howlett	Oliver	Van Horne
Clymer	Hughes	Perzel	Veon
Cohen	Itkin	Petrarca	Vroon
Colafella	Jackson	Petrone	Wambach
Colaizzo	Jadlowiec	Phillips	Wass
Cole	James	Piccola	Weston
Cornell	Jarolin	Pievsky	Williams
Corrigan	Johnson	Pistella	Wilson
Cowell	Josephs	Pitts	Wogan
Coy	Kaiser	Pressmann	Wozniak
DeLuca	Kasunic	Preston	Wright, D. R.
DeWeese	Kenney	Raymond	Wright, J. L.
Daley	Kondrich	Reber	Wright, R. C.
Davies	Kosinski	Reinard	Yandrisevits
Dempsey	Kukovich	Richardson	
Dietterick	LaGrotta	Rieger	Manderino,
Dininn	Langtry	Ritter	Speaker
Distler			

## ADDITIONS—0

NOT VOTING—0

EXCUSED—7

Birmelin	Fee	Letterman	Olasz
Fargo	Gamble	Noye	

The SPEAKER. It is my understanding that there has been an amendment submitted to HB 67 for duplication. The intention is to go to caucus. Will the member submitting the amendment please furnish amendment A67 that has been referred for duplication to the leaders on both sides of the aisle so that the caucuses can include the amendment.

The Chair recognizes the gentleman from Allegheny, Mr. Michlovic. For what purpose does the gentleman rise?

Mr. MICHLOVIC. Mr. Speaker, there is an amendment that I just gave to the amendment clerk from Representative Preston on HB 67.

The SPEAKER. Would the gentleman please refer those amendments to the caucus chairman of each party so that they can be caucused on.

Mr. MICHLOVIC. I will do that, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

**HB 92, PN 99** By Rep. BATTISTO

An Act amending the act of May 25, 1945 (P. L. 1050, No. 394), known as the "Local Tax Collection Law," further providing for the compensation of tax collectors in first class townships.

LOCAL GOVERNMENT.

### APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the chairman of the Appropriations Committee, the gentleman from Philadelphia, Mr. Pievsky, for the purpose of an announcement of a meeting of the Appropriations Committee.

Mr. PIEVSKY. Thank you, Mr. Speaker.

Mr. Speaker, there will be a meeting of the Appropriations Committee immediately upon the call of the caucus at the rear of the chamber.

The SPEAKER. The Chair thanks the gentleman.

The Appropriations Committee will meet at the call of the recess in the rear of the chamber.

### REPUBLICAN CAUCUS

The SPEAKER. Are there announcements by the caucus chairmen for caucuses this afternoon?

The Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

There will be a Republican caucus immediately following your call for a recess.

The SPEAKER. The Chair thanks the gentleman.

### DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, similarly, the Democrats will meet in the majority caucus room upon the declaration of the recess.

The SPEAKER. Will a 1-hour caucus be sufficient?

Mr. Hayes, he indicates 45 minutes will be sufficient?

### RECESS

The SPEAKER. This House will stand in recess until 2 p.m.

### RECESS EXTENDED

The time of recess was extended until 2:15 p.m.

### AFTER RECESS

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

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

**HB 62, PN 69** By Rep. PIEVSKY

An Act amending the act of July 1, 1985 (P. L. 120, No. 32), entitled "An act creating a special fund in the Treasury Department for use in attracting major industry into this Commonwealth; establishing a procedure for the appropriation and use of moneys in the fund; establishing the Tax Stabilization Reserve Fund; and providing for expenditures from such account," extending the use of the Sunny Day Fund moneys to job retention.

APPROPRIATIONS.

### BILLS REREPORTED FROM COMMITTEE

**HB 11, PN 13** By Rep. PIEVSKY

An Act amending the act of February 19, 1980 (P. L. 15, No. 9), known as the "Real Estate Licensing and Registration Act," regulating time shares, continuing education and disclosures; and further providing for exclusions.

APPROPRIATIONS.

**HB 105, PN 284 (Amended)**

By Rep. PIEVSKY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for extraordinary medical benefits, for limits, for transition of catastrophic loss benefits and for funding of benefits; and making repeals.

APPROPRIATIONS.

**HB 110, PN 180** By Rep. PIEVSKY

An Act amending the act of July 2, 1984 (P. L. 545, No. 109), known as the "Capital Loan Fund Act," further providing for loans to agricultural processors.

## APPROPRIATIONS.

**HB 117, PN 181**

By Rep. PIEVSKY

An Act banning the sale and use of certain leaded materials in plumbing systems; requiring water suppliers to provide public notification relating to lead contamination in drinking water and imposing powers and duties on the Department of Environmental Resources in relation thereto; and providing penalties.

## APPROPRIATIONS.

**BILLS ON SECOND CONSIDERATION**

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

**HB 105, PN 284; HB 117, PN 181; HB 110, PN 180; and HB 11, PN 13.**

**CALENDAR CONTINUED****BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 67, PN 262**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," further providing for the creation of new election districts; providing for the number of signers for the nomination petition for the office of district council member in a city of the second class and providing for the fee for filing the petition; further providing for assistance in voting; and further providing for absentee ballots.

On the question,

Will the House agree to the bill on third consideration?

Mr. PRESTON offered the following amendments No. A0067:

Amend Title, page 1, line 15, by inserting after "petition;" and

Amend Title, page 1, line 16, by inserting a period after "voting"

Amend Title, page 1, line 16, by striking out "; and further providing for absentee ballots."

Amend Sec. 4, page 7, lines 20 through 30; pages 8 through 14, lines 1 through 30; page 15, lines 1 through 5, by striking out all of said lines on said pages

Amend Sec. 5, page 15, line 6, by striking out "5" and inserting

4

Amend Sec. 6, page 15, line 11, by striking out "6" and inserting

5

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the sponsor of the amendment, the gentleman from Allegheny, Mr. Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

It was brought to my attention that there was an enormous amount of controversy concerning the absentee ballot as far as immediate absentee ballot formulation, and the amend-

ment itself, 067, will delete all language that deals with the absentee ballot process.

I would ask for an affirmative vote.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Cessar, on the question of the amendment.

Mr. CESSAR. Thank you, Mr. Speaker.

I think it is a good amendment. I support the amendment, and I would hope that everybody on this side of the aisle would do likewise.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

## YEAS—191

Acosta	Dombrowski	Lashinger	Robinson
Adolph	Dorr	Laughlin	Roebuck
Allen	Durham	Lee	Rudy
Angstadt	Evans	Leh	Ryan
Argall	Fairchild	Lescovitz	Rybak
Barley	Farmer	Linton	Saloom
Battisto	Fleagle	Lloyd	Saurman
Belardi	Flick	Lucyk	Scheetz
Belfanti	Foster	McCall	Schuler
Billow	Fox	McHale	Scrimenti
Bishop	Freeman	McNally	Semmel
Black	Freind	McVerry	Serafini
Blaum	Gallen	Maiale	Smith, B.
Bortner	Gannon	Maine	Smith, S. H.
Bowley	Geist	Markosek	Snyder, D. W.
Boyes	George	Marsico	Snyder, G.
Brandt	Gigliotti	Mayernik	Staback
Broujos	Gladeck	Melio	Stairs
Bunt	Godshall	Merry	Steighner
Burd	Gruitza	Michlovic	Stish
Burns	Gruppo	Micozzie	Strittmatter
Bush	Hagarty	Miller	Stuban
Caltagirone	Haluska	Moehlmann	Tangretti
Cappabianca	Harper	Morris	Taylor, E. Z.
Carlson	Hasay	Mowery	Taylor, F.
Carn	Hayden	Mrkonic	Taylor, J.
Cawley	Hayes	Murphy	Telek
Cessar	Heckler	Nahill	Thomas
Chadwick	Herman	Nailor	Tigue
Clark, B. D.	Hershey	O'Brien	Trello
Clark, D. F.	Hess	O'Donnell	Trich
Clark, J. H.	Howlett	Perzel	Van Horne
Clymer	Hughes	Petrarca	Veon
Cohen	Itkin	Petrone	Vroon
Colafella	Jackson	Phillips	Wambach
Colaizzo	Jadlowiec	Piccola	Wass
Cole	James	Pievsky	Weston
Cornell	Jarolin	Pistella	Williams
Corrigan	Johnson	Pitts	Wilson
Cowell	Josephs	Pressmann	Wogan
Coy	Kaiser	Preston	Wozniak
DeLuca	Kasunic	Raymond	Wright, D. R.
DeWeese	Kenney	Reber	Wright, J. L.
Daley	Kondrich	Reinard	Wright, R. C.
Davies	Kosinski	Richardson	Yandrisevits
Dempsey	Kukovich	Rieger	
Dietterick	LaGrotta	Ritter	Manderino,
Dininni	Langtry	Robbins	Speaker
Distler			

## NAYS—0

## NOT VOTING—4

Civera	Donatucci	Levdansky	Oliver
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## EXCUSED—7

Birmelin Fargo	Fee Gamble	Letterman Noye	Olasz
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The question was determined in the affirmative, and the amendments were agreed to.

On the question,

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

The SPEAKER. The Chair recognizes the minority leader. For what purpose does the gentleman rise?

Mr. RYAN. Mr. Speaker, I rise to make a motion in connection with this bill.

The SPEAKER. Will the gentleman state his motion.

Mr. RYAN. I would rather state my reasons first and then make my motion.

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

Mr. RYAN. Mr. Speaker, this particular bill came out of a committee meeting at the rear of the hall of the House without a great deal of, in my opinion, consideration, without a great deal of debate. My staff people indicate that there are some two, perhaps as many as four areas of this bill that are, in their judgment, subject to constitutional challenge.

Now, it is not my purpose to kill the bill in the entirety, because I think it would be wise if we brought the Pennsylvania law into conformity with the Federal law. We have to conform to the Federal law in the general election years, but in municipal election years we do not.

If the members would listen for a moment, I would like to point out some of the areas that I am concerned with, and then I am going to make a motion that the bill be recommitted to committee in the hopes that the committee and its counsel will have an opportunity to look more closely at this bill and perhaps either make changes that will address the constitutional problems or remove the areas of concern completely, then report the bill back out to the floor.

For instance, Mr. Speaker, I would like the members to consider the following: Under the provisions of the bill, there is a provision that specifies that vacancies in the office of district committee people that arise out of redistricting of election districts must be filled at the next primary election, and it would prohibit the filling of the vacancies through appointment. The problem, though, is if committee people are presently serving by reason of the party rules, it is the judgment of our legal staff that this provision would be open to challenge as an unconstitutional interference with the First Amendment right of association offered to political party organizations. In other words, under the First Amendment, our respective parties, with their rules, govern today how vacancies are filled in the position of committee person for those parties. Now all of a sudden we are saying when they are to be elected and how they are to be elected, and it is the belief of many that this is unconstitutional.

The other area that creates a problem is the increasing from the present 10 to 100 the number of signatures necessary on a

nomination petition. This is retroactive, the wording of the bill is retroactive, to February 13, in the event the bill does not become law prior to February 13. Now, I do not believe—I cannot say that this will happen, but I do not believe the way the bill is worded is proper in that should the Senate delay it, should the Governor delay signing it, then any committee person who has filed their nominating petition with 10 or 20 or 30 or 40 signatures on it, which is the law today, would be knocked out by the provisions of this act that provide retroactivity to February 13, 1989. The chaos that could be created for Pittsburgh District Council candidates, if the law becomes effective after the 13th, I think is not worth the risk, and I believe, however, that the committee could address this question and change it to make it acceptable.

Mr. Speaker, I have amendments to address these issues. I think, however, though, that it would be better—and my addressing the issue is simply stripping these provisions from the bill—I think rather that the committee could address it and would do a better job, perhaps, than just stripping it, because they would be able to address the issues in a constitutional fashion. Thank you.

### MOTION TO RECOMMIT

Mr. RYAN. My motion, Mr. Speaker, is to recommit the bill to the State Government Committee.

The SPEAKER. The gentleman, Mr. Ryan, has moved that the bill be recommitted to the State Government Committee. That motion is debatable, but it is debatable only on the question of whether the bill should be recommitted to the committee.

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair recognizes the majority leader.

Mr. O'DONNELL. Thank you, Mr. Speaker.

An extraordinary procedure was used in terms of moving this bill, and that is because of the pressing time constraints that we are working under in Pittsburgh. This bill does a number of things that will straighten out that situation in Pittsburgh, and I would be happy to relinquish the microphone to anyone who can explain in detail, if the minority leader would be so inclined to hear that.

The constitutional issue is as follows: The 14th Amendment speaks in terms of State action. It is not clear under the 14th Amendment and never has been whether or not action by a political party, specifically as to the election of their party officers, including committee people, is a State action and therefore under the constitutional umbrella, and therefore whether or not it can be reexamined as being constitutional or unconstitutional. Different courts have approached that problem differently. Some get over the threshold; some do not get over the threshold. So it is not at all clear whether a constitutional issue arises here. So that issue, it seems to me, is not a sufficient basis for putting this bill back in committee.

There are a number of amendments, as the gentleman indicated, which will be offered this afternoon which would have



the effect of curing many of the alleged defects that the gentleman raises. I would suggest keeping the bill on the calendar, because the city of Pittsburgh is about to proceed with an election which may well be chaotic in terms of its filing requirements unless this bill is passed in time. As to the exact contours of the bill and the rationale for one section rather than another section, that is certainly open to debate and should be debated in the context of amendments.

As to the reason for the retroactivity, the retroactivity to 1987 applies only as to one section, section 502, and that date and that retroactivity was chosen because that is the day of the court order in the Pittsburgh case that required this redistricting.

So I would oppose the motion to recommit. The motion does not have a sound constitutional basis or a sound statutory basis, and inasmuch as there are problems in the bill, they can certainly be addressed with the amendments that are before us. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority leader.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, I would not want the members of the House to think that this bill concerns itself only with the Pittsburgh or Allegheny County area. It concerns the entire State. If the city of Philadelphia or your county went through a redistricting—and that can happen at any time—then the committee people in the redistricted area are subject to this new law, and your existing political party with its existing political party rules could not fill the vacancy created as a result of the redistricting, but rather it would have to wait until the next general election.

So this is not just a Pittsburgh problem; it is a statewide problem. It is a statewide problem that amounts to an interference with the political rules of our respective parties. It is not a Republican issue or a Democrat issue; it is an issue as to whether the State legislature can and should become involved with the political organizations of this State.

I think the problems that Mr. O'Donnell acknowledges—I believe acknowledges—exist, which later amendments may treat, could be better treated in committee. I do not even care if it is done today, but I think this bill should go back where the members can talk formally or informally and see the problems as they affect the entire State, not just Allegheny County.

I strongly recommend that we give this committee the opportunity to do that with which they are charged; that is, to review this bill and not just run it out because someone says we have to have it immediately.

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, I would like to reiterate what the majority leader has stated. This particular legislation is of critical importance to the people of the city of Pittsburgh who have decided to elect their council members by district rather than at large but have not been able to amend the Election Code to provide for the number of petition signers and the filing fee.

If we do not pass this bill in a timely fashion, the number of petition signers that will be permitted will be 10 and the amount of the filing fee will be \$5 for a job that pays in excess of \$35,000 for a 4-year term and represents some 47,000 constituents. Mr. Speaker, on that basis I feel that we should not waste time by recommitting this bill.

With respect to the minority leader's concern as to the provision dealing with district committee people applying statewide, as the majority leader indicated, there have been amendments created to deal with that particular issue. I will be offering, if the bill stays on the House calendar, an amendment to restrict that provision simply to counties of the second class, strictly to Allegheny County, so it is no longer a statewide concern but is parochial to Allegheny County. In addition, I would be willing to stand, if this motion fails, to answer any questions along with Mr. Preston, the prime sponsor of the bill, to give the members of the House a better appreciation of its contents and to understand why this is needed.

But the bottom line is that without this bill, we end up on Tuesday circulating petitions requiring only 10 signatures and a \$5 filing fee for a major political office, something that is inconsistent with the way we have chosen these signers and filing fees for all other municipal and State offices contained in the Election Code.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I listened to the words of Mr. Itkin and more than ever I am convinced the proper thing to do is return this to committee.

First off, if you had offered your amendment, I would be against it. I think it is wrong that we stand here in this legislative body and say, well, yes, this is probably a bad bill, but that does not matter because we have a special problem in Pittsburgh or Allegheny County. It is either good or it is bad; it is either right or it is wrong; it is constitutional or it is unconstitutional, and restricting it to Allegheny County should not make it that much easier for us. I mean, what you are attempting to do is meddle with the political committees that are present in Allegheny, Philadelphia, Delaware, Montgomery, and the rest of the counties, and I think it is wrong. Why are you afraid to put this back in committee and do it right?

The SPEAKER. The question is on the motion for recommitment. The only debate should be on the reasons for recommitment. The Chair recognizes a latitude privilege in the floor leaders. All members are asked to restrict their comments to the reason for recommitting.

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

Mr. PRESTON. Thank you, Mr. Speaker.

Last year we voted on the same exact similar bill except for what was amended in committee, and the amendments in committee is what the gentleman, Mr. Ryan, has brought about concerning the district committee people. Last year when we voted, it required 100 signatures and there was a \$50 filing fee. That bill, which was offered by Senator Lemmond,

went over to the Senate and was supposed to have been voted on the last day of session. It passed the House with only three negative votes. I would ask that we have the same chance. It is very important to me and to the district, and you have to realize that the committee went over this last term. It also had a chance to discuss this issue within committee before. It only has changed because previously we had a \$250 filing fee and wanted to be able to reach a happy medium of the road as far as the price for filing, and I would ask that we give the city of Pittsburgh a chance to be able to do this and that we also give the people who have other amendments a chance to be able to straighten out some of the quirks within this piece of legislation.

I would ask that we not recommit this bill to State Government, that we handle the business here on the floor of the House so that we can get everything over to the Senate. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Itkin, for the second time for a new light on the debate.

Mr. ITKIN. Mr. Speaker, I would just like to rise again very briefly to comment on the minority leader's assertion that we ought not to be dealing with party offices, which is a section contained in this bill.

I would like to remind the members of the House that in the Election Code, there are set forth the number of petition signers and the filing fee for party offices. We determine that by State law. In fact, it is understood that the rules of local party committees are governed by the superior State committees and also by State law, and time and time again we have by State statute framed how local party committees may deal with their internal organization. So it is something that is constitutional, something that is proper, and something that we should be able to debate on the floor of this House.

Mr. Speaker, I would urge again that we vote against the motion to recommit because of the urgency in Pittsburgh.

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

The following roll call was recorded:

YEAS—96

Adolph	Distler	Jadlowiec	Reinard
Allen	Dorr	Johnson	Robbins
Angstadt	Durham	Kenney	Ryan
Argall	Fairchild	Kondrich	Saurman
Barley	Farmer	Langtry	Scheetz
Black	Fleagle	Lashinger	Schuler
Boyes	Flick	Lee	Semmel
Brandt	Foster	Leh	Serafini
Bunt	Fox	McVerry	Smith, B.
Burd	Freind	Marsico	Smith, S. H.
Burns	Gallen	Merry	Snyder, D. W.
Bush	Gannon	Micozzie	Snyder, G.
Carlson	Geist	Miller	Stairs
Cessar	Gladeck	Mochlmann	Strittmatter
Chadwick	Godshall	Mowery	Taylor, E. Z.
Civera	Gruppo	Nahill	Taylor, J.
Clark, D. F.	Hagarty	Nailor	Telek
Clark, J. H.	Hasay	O'Brien	Vroon
Clymer	Hayes	Perzel	Wass
Cornell	Heckler	Phillips	Weston
Davies	Herman	Piccola	Wilson

Dempsey	Hershey	Pitts	Wogan
Dietterick	Hess	Raymond	Wright, J. L.
Dininni	Jackson	Reber	Wright, R. C.

NAYS—96

Acosta	Dombrowski	Lucyk	Rudy
Battisto	Donatucci	McCall	Rybak
Belardi	Evans	McHale	Saloom
Belfanti	Freeman	McNally	Scrimanti
Billow	George	Maine	Staback
Bishop	Gigliotti	Markosek	Steighner
Blaum	Gruitza	Mayernik	Stish
Bortner	Haluska	Melio	Stuban
Bowley	Harper	Michlovic	Tangretti
Broujos	Hayden	Morris	Taylor, F.
Caltagirone	Hughes	Mrkonic	Thomas
Cappabianca	Itkin	Murphy	Tigue
Carn	James	O'Donnell	Trello
Cawley	Jarolin	Oliver	Trich
Clark, B. D.	Josephs	Petrone	Van Horne
Cohen	Kaiser	Pievsky	Veon
Colaella	Kasunic	Pistella	Wambach
Colaizzo	Kosinski	Pressmann	Williams
Cole	Kukovich	Preston	Wozniak
Corrigan	LaGrotta	Richardson	Wright, D. R.
Cowell	Laughlin	Rieger	Yandrisevits
Coy	Lescovitz	Ritter	
DeLuca	Levdansky	Robinson	Manderino, Speaker
DeWeese	Linton	Roebuck	
Daley	Lloyd		

NOT VOTING—3

Howlett	Maiale	Petrarca
EXCUSED—7		

Birmelin	Fee	Letterman	Olasz
Fargo	Gamble	Noye	

The question was determined in the negative, and the motion was not agreed to.

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

Mr. ITKIN offered the following amendment No. A0088:

Amend Sec. 1 (Sec. 502), page 2, line 15, by inserting after "county"  
of the second class

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

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, this amendment does what I explained in my discussion with the minority leader. What this does is restrict the application of the provisions dealing with the appointment of district committeepersons when there is a court-ordered redistricting plan only to Allegheny County. We feel that the people in Allegheny County are familiar with the need for doing this. We are not certain that the members outside of Allegheny County fully comprehend the necessity of doing so, so we feel that it would be appropriate at this time just to restrict the application of this change in the State law simply to Allegheny County.

I ask for an affirmative vote.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Cessar, on the amendment.

Mr. CESSAR. Thank you, Mr. Speaker.

I think the arguments that were presented before by the distinguished minority leader hold true now for this amendment, so I would again ask that we not support the Itkin approach to this bill and vote against it. Thank you.

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

Mr. PRESTON. Thank you, Mr. Speaker.

I would like to explain to my colleagues one of the problems that is happening within Allegheny County.

It is different and unique that we have roughly 129 to 130 municipalities, and under the current redistricting, our department of elections currently has only done the city of Pittsburgh, and I think Mr. Cessar informed me about two other communities within Allegheny County. The rest of the county per se has not been done. There are still over 120 municipalities that are going to have to be redistricted.

One of the reasons why we are asking to hold this is so that the whole county can be done uniformly and that everything can fall in place as far as the districts, and perhaps, as I explained briefly to my good colleague, Mr. Cessar, that even partywise, Democrat and Republican, the suburban counties currently would lose an awful lot of say-so. It would give the city of Pittsburgh even a little bit more say-so to say who the endorsed candidates are, very simply because the county department of elections and the county parties - Democrat and Republican both - will be able to appoint additional county committee people. Currently, right now, the county outside the city of Pittsburgh will increase its numbers of committee people, Democrat and Republican.

What will also happen is the city of Pittsburgh currently has already been told that you will increase by 64. Overall, when this is done, the county itself will increase but the city of Pittsburgh committee people will decrease. So what Mr. Cessar wants to do is increase the levy right now for the city of Pittsburgh, and that is what the numbers are and the facts are.

I do not want to do that. I want to keep our county uniform. I do not want to create a circus. I was hoping that we would be able to do this so that the department of elections can do their job hopefully by the end of this year so that everybody can be appointed and that the respective parties themselves can appoint the committee people and that we do not increase these numbers and have a large circus.

I would ask for an affirmative vote on the Itkin amendment.

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

The following roll call was recorded:

YEAS—124

Acosta	DeWeese	Lescovitz	Ritter
Adolph	Daley	Levdansky	Robinson
Barley	Dombrowski	Linton	Roebuck
Battisto	Donatucci	Lloyd	Rudy
Belardi	Dorr	Lucyk	Ryan

Belfanti	Durham	McCall	Rybak
Billow	Evans	McHale	Saloom
Bishop	Flick	McNally	Saurman
Blaum	Freeman	Maine	Scrimenti
Bortner	Freind	Markosek	Staback
Bowley	Gannon	Mayernik	Steighner
Boyes	Geist	Melio	Stish
Brandt	George	Michlovic	Strittmatter
Broujos	Gigliotti	Micozzie	Stuban
Bush	Gruitza	Morris	Tangretti
Caltagirone	Hagarty	Mowery	Taylor, F.
Cappabianca	Haluska	Mrkonic	Thomas
Carlson	Harper	Murphy	Tigue
Carn	Hayden	Nahill	Trich
Cawley	Hayes	O'Donnell	Van Horne
Civera	Hughes	Oliver	Veon
Clark, D. F.	Itkin	Phillips	Wambach
Clark, J. H.	James	Pievsky	Wass
Cohen	Jarolin	Pistella	Williams
Colaella	Josephs	Pitts	Wozniak
Colaizzo	Kaiser	Pressmann	Wright, D. R.
Cole	Kasunic	Preston	Wright, R. C.
Cornell	Kosinski	Raymond	Yandrisevits
Corrigan	Kukovich	Reber	
Cowell	LaGrotta	Richardson	Manderino, Speaker
Coy	Laughlin	Rieger	
DeLuca	Lee		

NAYS—66

Allen	Farmer	Kondrich	Schuler
Angstadt	Fleagle	Langtry	Semmel
Argall	Foster	Lashingier	Smith, B.
Black	Fox	Leh	Smith, S. H.
Bunt	Gallen	McVerry	Snyder, D. W.
Burd	Gladeck	Marsico	Snyder, G.
Burns	Godshall	Merry	Stairs
Cessar	Gruppo	Miller	Taylor, E. Z.
Chadwick	Hasay	Moehlmann	Taylor, J.
Clark, B. D.	Heckler	Nailor	Telek
Clymer	Herman	O'Brien	Trello
Davies	Hershey	Perzel	Vroon
Dempsey	Hess	Petrone	Weston
Dietterick	Jackson	Piccola	Wilson
Dininni	Jadlowiec	Reinard	Wogan
Distler	Johnson	Scheetz	Wright, J. L.
Fairchild	Kenney		

NOT VOTING—5

Howlett	Petrarca	Robbins	Serafini
Maiale			

EXCUSED—7

Birmelin	Fee	Letterman	Olasz
Fargo	Gamble	Noye	

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

On the question recurring,

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

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I neglected to interrogate the gentleman, Mr. Itkin, just briefly on the measure that just passed.

It says that it is a second-class-county bill. I would like the record to reflect that it is not intended to include second-class county A in categories of political subdivision. Is that accurate, Mr. Itkin?

Mr. ITKIN. I would agree with that explanation.  
The SPEAKER. The Chair thanks the gentleman.

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

Mr. MARSICO offered the following amendments No. A0079:

Amend Bill, page 7, by inserting between lines 19 and 20  
Section 4. Section 1302(a) of the act, amended July 12, 1980 (P.L. 649, No. 134), is amended to read:

Section 1302. Applications for Official Absentee Ballots.—  
(a) Any qualified elector defined in preceding section 1301, subsections (a) to (h), inclusive, may apply at any time before any primary or election for any official absentee ballot in person, on any form supplied by the Federal Government, or on any official county board of election form addressed to the Secretary of the Commonwealth of Pennsylvania or the county board of election of the county in which his voting residence is located or on any form supplied by the State committee of any political party as defined pursuant to section 801(a), provided such form contains all the information required by this section.

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Amend Sec. 4, page 7, line 20, by striking out "4" and inserting

5  
Amend Sec. 5, page 15, line 6, by striking out "5" and inserting

6  
Amend Sec. 6, page 15, line 11, by striking out "6" and inserting

7  
On the question,  
Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Marsico, on the amendment.

Mr. MARSICO. Thank you, Mr. Speaker.

This amendment allows absentee ballot applications to be submitted on forms supplied by the political parties. This amendment would have three or four benefits, or pluses. One would be that they would benefit both parties or all parties involved. The second would be that it would increase voter turnout, and another plus is it would make it easier to vote. So in essence, what I am asking is that as long as the information on the absentee ballot application is accurate, that it would be accepted by the county election bureaus.

I ask that this amendment be voted in the affirmative.

**PARLIAMENTARY INQUIRY**

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

Mr. PRESTON. A point of parliamentary inquiry, Mr. Speaker.

The SPEAKER. State the point of parliamentary inquiry.

Mr. PRESTON. I just wanted to make sure first that my amendment that passed, 0067, does not have any effect on Mr. Marsico's amendment.

The SPEAKER. The Parliamentarian has indicated, in his opinion, and the Chair concurs that there is no conflict in the amendments.

Mr. PRESTON. Thank you, Mr. Speaker.

That being the case, I would ask the members to support the Marsico amendment.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Michlovic, on the amendment.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Will the maker of the amendment stand for interrogation?

The SPEAKER. Will the gentleman, Mr. Marsico, stand for an interrogation? The gentleman has indicated that he will, and Mr. Michlovic may proceed.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, on the amendment presented to us, 0079, as I read it, the State committee can supply any form as long as it is a political party. By that do you mean that that form that they are supplying to the elector, the potential elector, does not have to comply with the county in which that elector resides?

Mr. MARSICO. It has to comply with the county election procedures.

Mr. MICHLOVIC. I thought that was what you meant, Mr. Speaker, but I think the amendment as it is drafted does not state that specifically. It states "...or on any form supplied by the State committee...." It seems to me that to have consistency in the information requested by each county, it would have to comply with that county's format, and I am concerned that if the amendment passes, there will not be such compliance.

Mr. MARSICO. Okay. It has to comply with the State Election Code, and that is all it has to comply to.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

May I comment on the amendment?

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

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, despite the gentleman's indications, I have some concern that this language would allow any kind of form to be used by any political party or State committee. I think that we are putting in language the ability for them to really violate the law in terms of the amount and the specific kind of information that is needed.

I would therefore oppose the Marsico amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Bortner.

Mr. BORTNER. Thank you, Mr. Speaker.

Would the gentleman, the offerer of the amendment, stand for some brief interrogation?

The SPEAKER. Will the gentleman, Mr. Marsico, stand for an interrogation? The gentleman indicates that he will. Mr. Bortner, you may proceed.

Mr. BORTNER. Mr. Speaker, I have several questions on the amendment. I guess the first one that I have is perhaps for some explanation as to why the official forms that are made available, put out by the Department of State to be used for this purpose, are not adequate, whether they are used by the political parties or by others, for securing an absentee ballot and why special forms have to be designed.

Mr. MARSICO. It is to encourage more absentee-ballot voting.

Mr. BORTNER. Well, is there some reason that the official absentee ballot does not encourage people to complete them and vote by absentee ballot? That is what I am trying to get a handle on.

Mr. MARSICO. These are application forms that would make it available to all voters and would make it easier to obtain, and it is an attempt to save the counties money.

Mr. BORTNER. Well, could you explain how this saves the counties money by having to consider—

Mr. MARSICO. The cost of postage.

Mr. BORTNER. I cannot hear you.

Mr. MARSICO. Because the State committees would be mailing out the applications, so it would save the counties postage.

Mr. BORTNER. Well, cannot the State committees mail out absentee applications at the present time?

Mr. MARSICO. Yes, they can.

Mr. BORTNER. And are not the county committees going to be receiving as many different kinds of forms as could be devised by the parties?

Mr. MARSICO. So what?

Mr. BORTNER. Well, the question is—

Mr. MARSICO. As long as the information is there.

Mr. BORTNER. The answer to the question then is that, yes, there could be as many different kinds of applications as people choose to prepare. Is that correct?

Mr. MARSICO. As long as it complies with the information required by the Election Code.

Mr. BORTNER. And whether they comply or not would be determined by the county board of elections. Is that correct?

Mr. MARSICO. Yes.

Mr. BORTNER. What other kind of information could be printed on the application in addition to that information that is now on the approved official form?

Mr. MARSICO. Nothing else would be authorized.

Mr. BORTNER. I apologize, Mr. Speaker. I could not hear.

Mr. MARSICO. Nothing else would be authorized.

Mr. BORTNER. So the only information that could appear would be the same information that appears on the forms that are put out by the Department of State, the Bureau of Elections?

Mr. MARSICO. Correct.

Mr. BORTNER. Thank you very much.

I have concluded my interrogation. I would like to make a statement, Mr. Speaker.

The SPEAKER. The gentleman is in order to debate the amendment, and he may proceed.

Mr. BORTNER. Thank you, Mr. Speaker.

This is a bad amendment and it is one that members on both sides of the aisle ought to oppose. I am all for opening up the election process and I am in favor of getting as many people out to vote and I am in favor of allowing people who have a reason to get an absentee ballot the opportunity to

vote, but the Department of State, the Bureau of Elections, is now in control of the election process, and I think it is important and there is a good reason that we keep the forms that are used for absentee ballots consistent.

These forms are available to anybody that wants them. Whether there is a civic organization, a political party, a local political party, a State political party, you can obtain these applications. You can hand them out; you can send them out. They are available in libraries; they are available in courthouses; they are available in just about any place that the public gathers, including banks. There is absolutely no reason to allow political parties or anybody else to design their own form to be used for securing an absentee ballot. The Department of State creates forms for registering to vote. They create the form for the absentee ballot, they prepare the form, and they send it out.

I think it is important that as we allow people who have a legitimate reason not to get to the polls and vote, whether it is because they are disabled or handicapped or away during an election, that we insure some control over the process so that we know that these applications that are being sent out to people are being received and are being returned. We can help to insure the integrity, I think, of the voting process by defeating this very bad amendment. Thank you.

The SPEAKER. The Chair recognizes the majority leader on the amendment.

Mr. O'DONNELL. Thank you, Mr. Speaker.

I would urge the defeat of this amendment.

We have set up our Election Code in such a way that we have drawn a pretty good line over the years between politics and the electoral process itself. We want to give a maximum opportunity for free speech and a maximum opportunity for people to participate in the political process. On the other hand, we have got to be absolutely clear that the mechanics of the electoral process are completely invulnerable from politics and completely invulnerable from fraud. We want people at the polling places. We want them there urging their candidates and their causes, but we do not want people inside the polling place. We want somebody who is disabled to be able to get voter assistance, but we do not want the political parties or their candidates or their candidates' agents soliciting people to become disabled, soliciting people to get voter assistance. That is an open invitation to fraud; it is an invitation to politicize the mechanics of the electoral process. And we do not want anyone soliciting an absentee ballot. No one - a political party, State committee, or otherwise - should be permitted to reach out to voters and give them the impression that they might not otherwise have that perhaps they can vote without bothering to come out today.

This amendment says that the solicitation by a State committee must contain all the information on the required form. What it does not mention is that it would be limited to that information. In other words, a form could come out that includes the necessary information but includes a lot of other things, too. It might include a little box already checked off where Bob O'Donnell's name is there.

I am not sure that gives the right impression. I think it politicizes the machinery of the electoral process without opening it up to anybody but a State committee, and I think it is the wrong thing to do here.

The SPEAKER. On the question of the amendment, the Chair recognizes the gentleman from Lehigh, Mr. Pressmann.

Mr. PRESSMANN. Thank you, Mr. Speaker.

Mr. Speaker, would the maker of the amendment stand for a brief period of interrogation?

The SPEAKER. Does Representative Marsico consent to interrogation? The gentleman indicates that he will. Mr. Pressmann may proceed.

Mr. PRESSMANN. Mr. Speaker, under your amendment, if that form was to have any other information except the information as provided on the usual absentee ballot request form, would that form then be illegal?

Mr. MARSICO. Could you repeat the question?

Mr. PRESSMANN. All right. I will use an example probably that you might be familiar with.

If the form that was created by the State committee were to have the names of candidates for office on the back of that form requesting that you vote for those people, would that form then be inconsistent with the form supplied by the county board of elections and then not be in compliance with your amendment?

Mr. MARSICO. Yes; it would be rejected. It would be an improper form. It would be rejected by the county election board.

Mr. PRESSMANN. Okay. Then you are saying that if any political propaganda were to be placed on this form, the form then would be improper and then should be rejected by the board of elections.

Mr. MARSICO. That is correct.

Mr. PRESSMANN. That is your intent, sir?

Mr. MARSICO. Yes, sir.

Mr. PRESSMANN. Thank you.

The SPEAKER. The Chair recognizes the majority leader.

Mr. O'DONNELL. Mr. Speaker, I came to my feet quickly, and I apologize for the interruption. I wanted to clarify the last interrogation.

The gentleman was asked, in effect, could you supply additional political information over and above that required by the State on the absentee ballot application? The gentleman answered, "No." My question is, where in your amendment or in the law do you find that prohibition?

The SPEAKER. The gentleman, Mr. O'Donnell, is asking whether Mr. Marsico will be interrogated. Will the gentleman indicate?

Mr. MARSICO. It would have to conform to the information required by this section.

Mr. O'DONNELL. The gentleman has just recited language which says it is okay if it contains all the information. You are familiar with that famous phrase in the law - "the truth, the whole truth, and nothing but the truth"? This says it must contain all the information.

Mr. MARSICO. Excuse me. Have you read the amendment?

Mr. O'DONNELL. Yes, and I also heard what you just answered, which said, "...all the information required by this section."

Mr. MARSICO. It must contain all the information required by this section.

Mr. O'DONNELL. Where is the prohibition, if there is any, against adding additional information?

Mr. MARSICO. If it contains more information, it would not be authorized by the section.

Mr. O'DONNELL. The answer is, information would be not authorized by this section, correct, but we are now, if we adopt this amendment, we are now going to authorize a State committee to send out a piece of paper which will be legally sufficient as long as it contains all the information required by this section. I cannot find any prohibition against adding additional information. If the answer is there is no prohibition, then that is the answer.

Mr. MARSICO. There is not any prohibition contained here, but if it would not be within this section, it would be outlawed by the applications.

The SPEAKER. The gentleman, Mr. O'Donnell, is in order and may proceed.

Mr. O'DONNELL. Thank you, Mr. Speaker. I think that terminates the interrogation.

I have read the amendment. There is no prohibition, and I think the gentleman's last answer was telling. It is clear that contrary to the gentleman's intent—which is only in his own mind and not subject to our scrutiny—his intent is not carried forward in either the law or in this amendment. So his intent, however well founded, is simply not a sufficient basis for us to be for this.

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

The arguments of the majority leader are almost laughable. Heaven forbid that we politicize the election process. The fact of the matter is that a political party today could take that application for an absentee ballot—And that is all we are talking about. We are not talking about the ballot; we are not talking about anything else; we are talking about that application that you send in to the county board of elections. A political party - local, municipal, or statewide - can take that application, stuff it in with a bunch of other political propaganda, as it has been characterized—I would rather call it campaign material—and send it to the voter. All this amendment is doing is saying that the political party can print the form, which is merely a request for an absentee ballot.

Now, Mr. O'Donnell does not have any faith in the electorate, apparently, because he does not want them to get any other information other than this sterilized form. Mr. Speaker, I have a great deal of faith in the electorate, and I think that if they got an application for an absentee ballot from a State political organization and it came along with some other information urging them to vote for their candi-

date, I am certain that the person will make a decision to vote absentee or not absentee based upon whether or not they are legitimately in or out of the county at the time of the election, and who they vote for will be based upon those factors or perhaps other factors. But to say that they are going to vote for somebody strictly because of what happens to be attached to an application is absolutely ludicrous, and we are taking the electorate for fools.

I do not think the majority leader believes that; I think he just wants to defeat this amendment for some unknown reason. I think it is a good amendment, and I think we should adopt it.

The SPEAKER. The Chair recognizes the gentleman from Cumberland, Mr. Broujos.

Mr. BROUJOS. Mr. Speaker, the amendment, I believe, is well intentioned and it certainly has as its objective a valid goal, and I think that goal is to get as many people to vote absentee as desire to and to expedite that process. I think that is a worthy objective, and we should look at the positive aspects of that goal rather than the negative ones. However, my experience with this absentee balloting is that counties have been reluctant to let that form for application be purchased even by persons other than the county boards. I have seen counties that have said, you have got to get your forms from us, whereas Johnson Voting Election Suppliers have been willing to sell it to anybody so that that form is available.

I think that the objective can be met by permitting duplication in substantially the same form as the State has for an absentee ballot, and I think that is probably what the sponsor wanted to do. That is done in many other areas of government. We have applications for articles of incorporation. We have many other State forms now that may be Xeroxed and used as long as it is substantially in the form of the government form authorized and standardized. I do see a great deal of harm that can come from bombarding the poor election officials with not only literature of the Socialist Party, the Communist Party, slogans like "Workers of the World Unite," candidates listed down one side, slogans on the bottom. That can occur, because there is no prohibition.

I think that the worthy objectives can be met in another manner, and I would recommend that that be done by the sponsor.

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Pitts.

Mr. PITTS. Thank you, Mr. Speaker.

This is a very timely amendment, Mr. Speaker, because in the last general election a situation arose that this would apply to. I know in my own county I dealt with some individuals involved in this situation where they received in the mail an application to apply for an absentee ballot. They sent that in to the county board of elections, and since this was done on a statewide basis, the issue was raised with the State Bureau of Elections. They ruled that the county should make the decision whether these would be considered official applications for absentee ballots. Some counties said, yes, we will take these as official applications; some did not. So you had a

number of voters disenfranchised across the State who thought they were going to receive an absentee ballot, and it was ruled in some cases that they were not appropriate because they were not the official form.

The gentleman, Mr. Marsico, has stated his legislative intent - that this application would have to require the same information, the same standards that apply under the existing code. I think he has made his intent clear. I am frankly surprised that anyone would oppose increasing the number of voters participating in the election process. The big problem we have is voter apathy, many people not even showing up, and this will encourage voter participation.

I think it is a good-government amendment. I urge support of this amendment.

The SPEAKER. The Chair recognizes the gentleman from Greene, Mr. DeWeese, on the amendment.

Mr. DEWEESE. I would just like to announce to my good friend, Mr. Pitts, that someday we will be looking forward with the same kind of enthusiasm to ingather more people into the voting process when we try to get same-day voter registration.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

I think we heard the best reason for supporting this amendment, unless my ears deceived me. I heard that there is a county that sells the request for absentee ballot. If that is the case, I think we should make them available through the State committees rather than have them have to pay for them. Support this amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—96

Adolph	Distler	Jadlowiec	Reinard
Allen	Dorr	Johnson	Robbins
Angstadt	Durham	Kenney	Ryan
Argall	Fairchild	Kondrich	Saurman
Barley	Farmer	Langtry	Scheetz
Black	Fleagle	Lashingier	Schuler
Boyes	Flick	Lee	Semmel
Brandt	Foster	Leh	Serafini
Bunt	Fox	McVerry	Smith, B.
Burd	Freind	Marsico	Smith, S. H.
Burns	Gallen	Merry	Snyder, D. W.
Bush	Gannon	Micozzie	Snyder, G.
Carlson	Geist	Miller	Stairs
Cessar	Gladeck	Moehlmann	Strittmatter
Chadwick	Godshall	Mowery	Taylor, E. Z.
Civera	Gruppo	Nahill	Taylor, J.
Clark, D. F.	Hagarty	Nailor	Telek
Clark, J. H.	Hasay	O'Brien	Vroon
Clymer	Hayes	Perzel	Wass
Cornell	Heckler	Phillips	Weston
Davies	Herman	Piccola	Wilson
Dempsey	Hershey	Pitts	Wogan
Dietterick	Hess	Raymond	Wright, J. L.
Dininni	Jackson	Reber	Wright, R. C.

NAYS—97

Acosta	Dombrowski	Lucyk	Rudy
Battisto	Donatucci	McCall	Rybak
Belardi	Evans	McHale	Saloom
Belfanti	Freeman	McNally	Scrimenti
Billow	George	Maine	Staback
Bishop	Gigliotti	Markosek	Steighner
Blaum	Gruitza	Mayernik	Stish
Bortner	Haluska	Melio	Stuban
Bowley	Harper	Michlovic	Tangretti
Broujos	Hayden	Morris	Taylor, F.
Caltagirone	Hughes	Mrkonc	Thomas
Cappabianca	Itkin	Murphy	Tigue
Carn	James	O'Donnell	Trello
Cawley	Jarolin	Oliver	Trich
Clark, B. D.	Josephs	Petrarca	Van Horne
Cohen	Kaiser	Petrone	Veon
Colafella	Kasunic	Pjevsky	Wambach
Colaizzo	Kosinski	Pistella	Williams
Cole	Kukovich	Pressmann	Wozniak
Corrigan	LaGrotta	Preston	Wright, D. R.
Cowell	Laughlin	Richardson	Yandrisevits
Coy	Lescovitz	Rieger	
DeLuca	Levdansky	Ritter	Manderino,
DeWeese	Linton	Robinson	Speaker
Daley	Lloyd	Roebuck	

NOT VOTING—2

Howlett           Maiale

EXCUSED—7

Birmelin	Fee	Letterman	Olasz
Fargo	Gamble	Noye	

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

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

Mr. DAVIES offered the following amendment No. A0082:

Amend Sec. 1 (Sec. 502), page 2, line 7, by inserting after "district,"  
or create separate election districts within the same geographical boundaries by dividing the electors as equally as practicable alphabetically based upon the first letter of the surname of each elector,

On the question,

Will the House agree to the amendment?

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Parliamentary inquiry first, Mr. Speaker.

The SPEAKER. State the point of parliamentary inquiry.

Mr. DAVIES. Since Mr. Itkin's amendment addressed only the material in line 15 and thereafter and my amendment addresses the bill before that line—it addresses it on line 7—it would therefore be applicable to all the districts, elective districts, throughout the State. Is that a correct interpretation on my part, Mr. Speaker?

The SPEAKER. There was a technical question asked by Mr. Davies, that if this House decides to insert the Davies

amendment, does it affect the Itkin amendment A0088, which this House has already adopted, and the Parliamentarian has indicated and the Chair concurs that it will not affect the Itkin amendment.

The gentleman is in order. On the amendment, the Chair recognizes Mr. Davies.

Mr. DAVIES. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is a commonsense amendment which would more or less allow an existing precinct to be divided into two precincts within its own confines, its own geographic confines, by merely taking the first initial of the surname and allowing such letters as A to maybe L to be one precinct within the precinct and the letters M to Z constitute the second precinct within the precinct.

Now, that would allow a growing precinct such as one that I have in my own township which has had to go back and forth to the Election Bureau time after time to get new and expanded geographical confines as well as a direction of voters—and it is now up to 1,900 voting members as well—rather than continue that subdivision, this would allow the board of election to set up that precinct. They would vote within the same— There is only one public building in that particular precinct that can be used as an election poll, the only facility that can handle that, so it would allow them to continue that. It would establish two election boards, two separate election books, and so forth and so on that actually implement it. There is a 500-house tract of development in the area, which is going to expand it again and need additional subdivision. It would prevent that and make it very easy for the election boards of the counties to construe these various election districts by this manner. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the majority leader.

Mr. O'DONNELL. Mr. Speaker, I just could not let this go by, because as I looked around, I did not see the expressions on the faces that I thought this would have produced.

Let me just repeat what the amendment does. It will take big divisions or give commissioners the power to take a large division and divide it by alphabet, so half the people, A to M, would be in one division and O to the rest of the alphabet, for example, would be in another division. It is a new level of creativity in Election Code law, but I do not think it is a good idea.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—63

Allen	Dietterick	Herman	Ryan
Angstadt	Dininni	Hess	Saurman
Argall	Distler	Jackson	Semmel
Barley	Dorr	Jadlowiec	Smith, B.
Black	Fairchild	Johnson	Smith, S. H.
Boyes	Fleagle	Kondrich	Snyder, D. W.
Burd	Foster	Lashingier	Snyder, G.
Burns	Freind	Micozzie	Stairs
Bush	Gallen	Moehlmann	Taylor, E. Z.
Carlson	Gannon	Mowery	Telek
Cessar	Geist	Phillips	Vroon



Civera	Gladeck	Pitts	Wass
Clark, J. H.	Gruppo	Raymond	Wilson
Clymer	Hasay	Reber	Wright, J. L.
Cornell	Hayes	Reinard	Wright, R. C.
Davies	Heckler	Robbins	

NAYS—129

Acosta	Evans	Lucyk	Roebuck
Battisto	Farmer	McCall	Rudy
Belardi	Flick	McHale	Rybak
Belfanti	Fox	McNally	Saloom
Billow	Freeman	McVerry	Scheetz
Bishop	George	Maine	Schuler
Blaum	Gigliotti	Markosek	Scrimenti
Bortner	Godshall	Marsico	Serafini
Bowley	Gruitza	Mayermik	Staback
Brandt	Hagarty	Melio	Steighner
Broujos	Haluska	Merry	Stish
Bunt	Harper	Michlovic	Strittmatter
Caltagirone	Hayden	Miller	Suban
Cappabianca	Hershey	Morris	Tangretti
Carn	Hughes	Mrkonic	Taylor, F.
Cawley	Itkin	Murphy	Taylor, J.
Chadwick	James	Nahill	Thomas
Clark, B. D.	Jarolin	Nailor	Tigue
Clark, D. F.	Josephs	O'Brien	Trello
Cohen	Kaiser	O'Donnell	Trich
Colaella	Kasunic	Oliver	Van Horne
Colaizzo	Kenney	Perzel	Veon
Cole	Kosinski	Petrarca	Wambach
Corrigan	Kukovich	Petrone	Weston
Cowell	LaGrotta	Piccola	Williams
Coy	Langtry	Pievsky	Wogan
DeLuca	Laughlin	Pistella	Wozniak
DeWeese	Lee	Pressmann	Wright, D. R.
Daley	Leh	Preston	Yandrisevits
Dempsey	Lescovitz	Richardson	
Dombrowski	Levdansky	Rieger	Manderino,
Donatucci	Linton	Ritter	Speaker
Durham	Lloyd	Robinson	

NOT VOTING—3

Adolph	Howlett	Maiale
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EXCUSED—7

Birmelin	Fee	Letterman	Olasz
Fargo	Gamble	Noye	

The question was determined in the negative, and the amendment was not agreed to.

On the question recurring,

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

Mr. RYAN offered the following amendments No. A0076:

Amend Title, page 1, lines 11 through 15, by striking out "further providing for the creation of new" in line 11, all of lines 12 through 14 and "fee for filing the petition;" in line 15

Amend Title, page 1, line 16, by striking out "; and further providing for absentee ballots"

Amend Bill, page 1, lines 19 through 24; pages 2 through 5, lines 1 through 30; page 6, lines 1 through 22, by striking out all of said lines on said pages and inserting

Section 1. Section 1218(a) and (b) of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, are amended to read:

Amend Bill, page 7, lines 20 through 30; pages 8 through 14, lines 1 through 30; page 15, lines 1 through 10, by striking out all of said lines on said pages

Amend Sec. 6, page 15, line 11, by striking out "6" and inserting

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, the amendments I have to offer would strip from the bill all those areas that have been termed by me as controversial, perhaps unconstitutional, and leave the bill with the changes that are necessary for us to comply with the Federal law. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny, Mr. Itkin, on the amendment.

Mr. ITKIN. Mr. Speaker, what the minority leader suggests is to kill the bill. That is what this amendment does. It basically strips out of the bill everything except the handicapped/disabled-voter provisions. It destroys the bill.

I urge a negative vote.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Preston, on the amendment.

Mr. PRESTON. Thank you, Mr. Speaker.

I would like to concur with my colleague, Mr. Itkin. The gentleman, Mr. Ryan, really lacks the total sensitivity of what the situation is doing here, and the bill itself does help both sides of the aisle, Democrats and Republicans, as far as urban and suburban. It does keep everything fairly uniform. I think that, unfortunately, maybe the staff did not inform the minority leader enough to realize that previously, before we had district elections, it was a \$250 filing fee. In actuality, the current law, because we have changed the format, lowers it automatically down, retrogrades it back down to \$5. This would bring it up to what we think is more uniform across the State, to \$100 and 100 signatures.

It still gives everybody a chance to be part of the political process, to proceed within the election process as far as city council in the city of Pittsburgh now that we have district elections. And please remember, we are talking about districts that will have approximately 47,000 people, and to be able to say that five signatures or \$5 is what the law is, that was not exactly the case. It was \$100 and 250 signatures, and I would hope that more people would be more sympathetic and realize that what this bill does is add something to a good government.

Also, I have already explained to you that the process in Allegheny County is not complete. It has not completed at all any of its redistricting. Only 3 or 4 of the municipalities versus 129 have been completed. We would like also to be able to have some uniformity in this phase of holding up the rights of the additional committee people. Again, the suburban people will lose if we go with what is current. The city delegation would be able to increase its votes as far as committee people, as I have stated concerning Mr. Cessar's statements. So I would hope that we would vote against the Ryan amendment.

The SPEAKER. The Chair recognizes the minority leader on the amendment.

Mr. RYAN. Mr. Speaker, would the gentleman, Mr. Itkin, or the gentleman, Mr. Preston, consent to interrogation?

The SPEAKER. Would either of the gentlemen consent to interrogation? The gentleman, Mr. Itkin, indicates that he will consent to interrogation, and Mr. Ryan may proceed.

Mr. RYAN. Mr. Speaker, would the gentleman advise us, what happens to those people who have been appointed in accordance with the rules of the parties of Pittsburgh, what happens to those who have been appointed to be committee people since March of 1987 if this becomes law?

Mr. ITKIN. If such appointments had been made, they would not be valid until the next election - 1990. What the process validates now is that in the municipal primary of 1988, all the committee people duly elected at that time still maintain themselves as committee people, but any new appointment that may be created by virtue of a new set of election districts or voting precincts in the county, that appointment would be prohibited until 1990 when in the municipal election the voters would decide who the committee people are for that district.

Mr. RYAN. All right. Thank you, Mr. Speaker.

Mr. Speaker?

The SPEAKER. The gentleman is in order for comment and debate on the amendment.

Mr. RYAN. Mr. Speaker, the answer of the gentleman is the very reason why I am trying to strip from the bill that provision. You have had people appointed to committee posts in accordance with the rules of the party, and now if we do this, we will retroactively strip them of that appointment. It is just not right that we in the legislature come along and we say, you members of the Republican and Democratic Parties of Pittsburgh or Allegheny County who have been appointed committee people since March of 1987 are now stripped of that committee post and you have to run for election next year. It is wrong. We should stay away from it.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, it is hypothetical on my part. I do not know of any person who has been appointed a committee-person pursuant to this redistricting at the present time. We just put it in the bill to insure that if this bill were to become law, if this bill were to become law, that you would not end up in a situation where part of the potential for appointments would be made and the remainder would not be made on the basis of the timeframe, when the appointment was done. This would make it a uniform playing field in saying let the voters decide in 1990 who they wish to have as their committee-person.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. I think what the gentleman is saying is that it was placed in this bill to insure that the bill would be unconstitutional. If you know of no person who has been appointed, and none will be appointed, then why do you have retroactive provisions to March of 1987, almost 2 years?

Mr. ITKIN. I do not even know, Mr. Ryan, if today those appointments are being made.

The SPEAKER. The gentleman, Mr. Itkin, said he would consent to the interrogation and has made his answer.

The Chair recognizes the gentleman from Allegheny County, Mr. Cessar.

Mr. CESSAR. Thank you, Mr. Speaker.

Would Mr. Itkin stand for interrogation rather briefly?

The SPEAKER. The gentleman, Mr. Itkin, indicates that he will stand for interrogation, and the gentleman, Mr. Cessar, may proceed.

Mr. CESSAR. Under current law, is this not correct?—Any individual filing for a position as a candidate for city council in the city of Pittsburgh must pay a \$5 filing fee and have 10 valid signatures.

Mr. ITKIN. Mr. Speaker, all members now serving on city council who were elected pursuant to current law were required to have 400 signatures and pay a \$250 filing fee.

Now we are changing it, these council members to run by district. Because we have not placed in the law specifically the provisions for district council member in the cities of the second class, the elections department has concluded that the only thing that applies is, in the enumeration of the list, "any other public office," which is the lowest on the hierarchy and therefore says 10 signatures or a \$5 filing fee, meaning it was a minuscule office, failing to understand that we never had district elections in council before that. In other words, we should be required at the time that the city charter is amended to make these changes, and we are trying to do that now before this election goes into being.

Mr. CESSAR. Thank you, Mr. Speaker.

Again, the filing fee is \$5, and 10 signatures are the requirement.

Mr. ITKIN. If we fail—

Mr. CESSAR. Is that correct or not correct, Mr. Speaker? Yes or no.

Mr. ITKIN. If we fail to take action and pass this bill, then those who run for district council now will require only 10 signatures and \$5, whereas their predecessors required 400 signatures and a \$250 filing fee.

The SPEAKER. I think the gentleman has answered yes to the question.

Mr. CESSAR. Thank you, Mr. Speaker.

Now, Mr. Speaker, once again, just a step further. I run for city council and the day to circulate the first petitions is February 14 of this month. We have not passed this legislation as yet. It has not been signed into law by the Governor. I go out and I get the 10 signatures; I come in to the Bureau of Elections; I pay my \$5 filing fee, and I am on record as being a candidate for city council. This bill is passed later on, signed into law by the Governor. What then occurs to me as the person who is running and has submitted, under the existing law, the 10 signatures and the \$5 filing fee?

Mr. ITKIN. Mr. Speaker, we believe that the Election Code is ministerial in nature, that it is created for the purpose of assisting in the conduct of elections so that it would be convenient to do so for the electorate involved, that the choice of things like filing dates and when petitions are to be circulated is basically arbitrary and may be set up according to State law as long as they do not take away the rights of the persons who

are candidates. We feel that we can just as soon have a 21-day filing period. We could reduce that day to 19 days or 18 days by State statute.

It is our feeling that as long as we research the law, as long as we are clear in the retroactivity, we can view anyone who circulates a petition and submits 10 signatures and a \$5 filing fee as looking at it as a partial filing. They would then be required to submit additional filings of 90 bona fide signatures and a \$95 additional filing fee. We do that now with petitions that require larger numbers of signatures, where people may submit partial petitions and then complete the process by going ahead later and getting more signatures in order to complete the requirements of State law.

We do not think this will be a significant problem. In fact, if you will cooperate in moving this thing expeditiously, we will probably pass this on time, and so the retroactive provisions will not be required, or if we are late, we will only be late by a day or two. So we would appreciate your cooperation on the other side so that the retroactive provisions contained in the bill really will not even have to be enforced.

Mr. CESSAR. Thank you, Mr. Speaker.

The SPEAKER. Does the gentleman, Mr. Cessar, have further interrogation?

Mr. CESSAR. No; just a comment, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. CESSAR. Mr. Speaker, it just seems to me that this is a circumvention of the law, and I do not think we ought to be looking at this portion of the bill and saying that we ought to be passing it. I agree with the amendment being offered by the minority leader. Let us strip this section out and the other sections and go on with what we think we have to do to be in conformity with the Federal law. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

#### YEAS—96

Adolph	Distler	Johnson	Reinard
Allen	Dorr	Kenney	Robbins
Angstadt	Durham	Kondrich	Ryan
Argall	Fairchild	Langtry	Saurman
Barley	Farmer	Lashinger	Scheetz
Black	Fleagle	Lee	Schuler
Boyes	Flick	Leh	Semmel
Brandt	Fox	McVerry	Serafini
Bunt	Freind	Marsico	Smith, B.
Burd	Gallen	Mayernik	Smith, S. H.
Burns	Gannon	Merry	Snyder, D. W.
Bush	Geist	Micozzie	Snyder, G.
Carlson	Gladeck	Miller	Stairs
Cessar	Godshall	Moehlmann	Strittmatter
Chadwick	Gruppo	Mowery	Taylor, E. Z.
Civera	Hagarty	Nahill	Taylor, J.
Clark, B. D.	Hasay	Nailor	Telek
Clark, D. F.	Hayes	O'Brien	Vroon
Clark, J. H.	Heckler	Perzel	Wass
Clymer	Herman	Phillips	Weston
Cornell	Hershey	Piccola	Wilson
Davies	Hess	Pitts	Wogan
Dempsey	Jackson	Raymond	Wright, J. L.
Dietterick	Jadlowiec	Reber	Wright, R. C.

#### NAYS—94

Acosta	Dombrowski	Linton	Robinson
Battisto	Donatucci	Lloyd	Roebuck
Belardi	Evans	Lucyk	Rudy
Belfanti	Foster	McCall	Rybak
Billow	Freeman	McHale	Saloom
Bishop	George	McNally	Scrimenti
Blaum	Gigliotti	Maine	Staback
Bortner	Gruitza	Markosek	Steighner
Bowley	Haluska	Melio	Stish
Broujos	Harper	Michlovic	Stuban
Caltagirone	Hayden	Morris	Tangretti
Cappabianca	Hughes	Mrkonic	Taylor, F.
Carn	Itkin	O'Donnell	Thomas
Cawley	James	Oliver	Tigue
Cohen	Jarolin	Petrarca	Trello
Colaella	Josephs	Petrone	Trich
Colaizzo	Kaiser	Pievsky	Van Horne
Cole	Kasunic	Pistella	Veon
Corrigan	Kosinski	Pressmann	Wambach
Cowell	Kukovich	Preston	Williams
Coy	LaGrotta	Richardson	Wozniak
DeLuca	Laughlin	Rieger	Wright, D. R.
DeWeese	Lescovitz	Ritter	Yandrisevits
Daley	Levdansky		

#### NOT VOTING—5

Dininni	Maiale	Manderino,
Howlett	Murphy	Speaker

#### EXCUSED—7

Birmelin	Fee	Letterman	Olasz
Fargo	Gamble	Noye	

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman from Allegheny, Mr. Mayernik, on the bill.

Mr. MAYERNIK. Thank you, Mr. Speaker.

I would like to question Mr. Itkin regarding the amendments pertaining to the committee people.

The SPEAKER. The gentleman may proceed.

Mr. MAYERNIK. Thank you, Mr. Speaker.

This question might already be answered, but if I could ask Mr. Itkin anyway to clarify it.

Approximately 3 to 4 years ago, one of my municipalities, Ross Township, was redistricted, and we have approximately 20 new committee people. How would this bill affect their appointment or election as committee people? Would they still be committee people, or will they now have to run again? What will be the position of this bill, if passed finally, in regards to the committee people, Mr. Speaker? It was within the last year, I would say, instead of 3 to 4 years.

Mr. ITKIN. Mr. Speaker, if these individuals were elected subsequently after their appointment, then they would qualify to legitimately be committee people even if this bill were to become law, and I believe that is the case in Ross Township.

Mr. MAYERNIK. Thank you, Mr. Speaker.

#### DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, the Chair rescinds its statement that the bill was agreed to on third consideration as amended. The Chair hears no objection.

On the question recurring,

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

#### AMENDMENT A0076 RECONSIDERED

The SPEAKER. It is moved by the majority leader that the vote by which amendment A0076 to HB 67, PN 262, passed on the 6th day of February be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

#### YEAS—192

Acosta	Distler	Laughlin	Robinson
Adolph	Dombrowski	Lee	Roebuck
Allen	Donatucci	Leh	Rudy
Angstadt	Dorr	Lescovitz	Ryan
Argall	Durham	Levdansky	Rybak
Barley	Evans	Linton	Saloom
Battisto	Fairchild	Lloyd	Saurman
Belardi	Farmer	Lucyk	Scheetz
Belfanti	Fleagle	McCall	Schuler
Billow	Flick	McHale	Scrimenti
Bishop	Foster	McNally	Semmel
Black	Fox	McVerry	Serafini
Blaum	Freeman	Maine	Smith, B.
Bortner	Freind	Markosek	Smith, S. H.
Bowley	Gallen	Marsico	Snyder, D. W.
Boyes	Gannon	Mayernik	Snyder, G.
Brandt	Geist	Melio	Staback
Broujos	George	Merry	Stairs
Bunt	Gigliotti	Michlovic	Steighner
Burd	Gladeck	Micozzie	Stish
Burns	Godshall	Miller	Strittmatter
Bush	Gruitza	Moehlmann	Stuban
Caltagirone	Gruppo	Morris	Tangretti
Cappabianca	Hagarty	Mowery	Taylor, E. Z.
Carlson	Haluska	Mrkonic	Taylor, F.
Carn	Harper	Murphy	Taylor, J.
Cawley	Hasay	Nahill	Telek
Cessar	Hayden	Nailor	Thomas
Chadwick	Hayes	O'Brien	Tigue
Civera	Heckler	O'Donnell	Trello
Clark, B. D.	Herman	Oliver	Trich
Clark, D. F.	Hershey	Perzel	Van Horne
Clark, J. H.	Hess	Petrarca	Veon
Clymer	Hughes	Petrone	Vroon
Cohen	Jackson	Phillips	Wambach
Colafella	Jadlowiec	Piccola	Wass
Colaizzo	James	Pievsky	Weston
Cole	Jarolin	Pistella	Williams
Cornell	Johnson	Pitts	Wilson
Corrigan	Josephs	Pressmann	Wogan
Cowell	Kaiser	Preston	Wozniak
Coy	Kasunic	Raymond	Wright, D. R.
DeLuca	Kennedy	Reber	Wright, J. L.
DeWeese	Kondrich	Reinard	Wright, R. C.
Daley	Kosinski	Richardson	Yandrisevits
Davies	Kukovich	Rieger	
Dempsey	LaGrotta	Ritter	Manderino,
Dietterick	Langtry	Robbins	Speaker
Dininni	Lashinger		

#### NAYS—0

#### NOT VOTING—3

#### EXCUSED—7

Howlett	Itkin	Maiale	
Birmelin	Fee	Letterman	Olasz
Fargo	Gamble	Noye	

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

On the question recurring,

Will the House agree to the amendments?

The clerk read the following amendments No. A0076:

Amend Title, page 1, lines 11 through 15, by striking out "further providing for the creation of new" in line 11, all of lines 12 through 14 and "fee for filing the petition;" in line 15

Amend Title, page 1, line 16, by striking out "; and further providing for absentee ballots"

Amend Bill, page 1, lines 19 through 24; pages 2 through 5, lines 1 through 30; page 6, lines 1 through 22, by striking out all of said lines on said pages and inserting

Section 1. Section 1218(a) and (b) of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, are amended to read:

Amend Bill, page 7, lines 20 through 30; pages 8 through 14, lines 1 through 30; page 15, lines 1 through 10, by striking out all of said lines on said pages

Amend Sec. 6, page 15, line 11, by striking out "6" and inserting

2

On the question recurring,

Will the House agree to the amendments?

The SPEAKER. The gentleman from Allegheny, Mr. Cessar, indicates that he wants to be recognized on the question of the amendment.

Mr. CESSAR. Mr. Speaker, no, I will just pass. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

#### YEAS—96

Adolph	Distler	Jadlowiec	Reinard
Allen	Dorr	Johnson	Robbins
Angstadt	Durham	Kennedy	Ryan
Argall	Fairchild	Kondrich	Saurman
Barley	Farmer	Langtry	Scheetz
Black	Fleagle	Lashinger	Schuler
Boyes	Flick	Lee	Semmel
Brandt	Foster	Leh	Serafini
Bunt	Fox	McVerry	Smith, B.
Burd	Freind	Marsico	Smith, S. H.
Burns	Gallen	Merry	Snyder, D. W.
Bush	Gannon	Micozzie	Snyder, G.
Carlson	Geist	Miller	Stairs
Cessar	Gladeck	Moehlmann	Strittmatter
Chadwick	Godshall	Mowery	Taylor, E. Z.
Civera	Gruppo	Nahill	Taylor, J.
Clark, D. F.	Hagarty	Nailor	Telek
Clark, J. H.	Hasay	O'Brien	Vroon
Clymer	Hayes	Perzel	Wass
Cornell	Heckler	Phillips	Weston
Davies	Herman	Piccola	Wilson
Dempsey	Hershey	Pitts	Wogan
Dietterick	Hess	Raymond	Wright, J. L.

Dininni	Jackson	Reber	Wright, R. C.
NAYS—97			
Acosta	Dombrowski	Lucyk	Rudy
Battisto	Donatucci	McCall	Rybak
Belardi	Evans	McHale	Saloom
Belfanti	Freeman	McNally	Scrimenti
Billow	George	Maine	Staback
Bishop	Gigliotti	Markosek	Steighner
Blaum	Gruitza	Mayernik	Stish
Bortner	Haluska	Melio	Stuban
Bowley	Harper	Michlovic	Tangretti
Broujos	Hayden	Morris	Taylor, F.
Caltagirone	Hughes	Mrkonc	Thomas
Cappabianca	Itkin	Murphy	Tigue
Carn	James	O'Donnell	Trello
Cawley	Jarolin	Oliver	Trich
Clark, B. D.	Josephs	Petrarca	Van Horne
Cohen	Kaiser	Petrone	Veon
Colafella	Kasunic	Pievsky	Wambach
Colaizzo	Kosinski	Pistella	Williams
Cole	Kukovich	Pressmann	Wozniak
Corrigan	LaGrotta	Preston	Wright, D. R.
Cowell	Laughlin	Richardson	Yandrisevits
Coy	Lescovitz	Rieger	
DeLuca	Levdansky	Ritter	Manderino, Speaker
DeWeese	Linton	Robinson	
Daley	Lloyd	Roebuck	

NOT VOTING—2

Howlett	Maiale		
EXCUSED—7			
Birmelin	Fee	Letterman	Olasz
Fargo	Gamble	Noye	

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the minority leader on final passage.

Mr. RYAN. Mr. Speaker, I am not going to take up much of the House's time.

I have given a number of arguments as to why I believe this is a bad bill. I offered one possible solution, which was the recommendal so that the difficult areas which I believe to be unconstitutional could be looked at more closely. The House, particularly the majority side, did not see fit to consider that favorably, so I am going to recommend to all of the House that this unconstitutional measure be voted down.

On the question recurring,

Shall the bill pass finally?

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

YEAS—96

Acosta	Dombrowski	Lucyk	Rudy
Battisto	Donatucci	McCall	Rybak
Belardi	Evans	McHale	Saloom
Belfanti	Freeman	McNally	Scrimenti
Billow	George	Maine	Staback

Bishop	Gigliotti	Markosek	Steighner
Blaum	Gruitza	Mayernik	Stish
Bortner	Haluska	Melio	Stuban
Bowley	Harper	Michlovic	Tangretti
Broujos	Hayden	Morris	Taylor, F.
Caltagirone	Hughes	Mrkonc	Thomas
Cappabianca	Itkin	Murphy	Tigue
Carn	James	O'Donnell	Trello
Cawley	Jarolin	Oliver	Trich
Clark, B. D.	Josephs	Petrarca	Van Horne
Cohen	Kaiser	Petrone	Veon
Colafella	Kasunic	Pievsky	Wambach
Colaizzo	Kosinski	Pressmann	Williams
Cole	Kukovich	Preston	Wozniak
Corrigan	LaGrotta	Richardson	Wright, D. R.
Cowell	Laughlin	Rieger	Yandrisevits
Coy	Lescovitz	Ritter	
DeLuca	Levdansky	Robinson	Manderino, Speaker
DeWeese	Linton	Roebuck	
Daley	Lloyd		

NAYS—97

Adolph	Dorr	Johnson	Reinard
Allen	Durham	Kenney	Robbins
Angstadt	Fairchild	Kondrich	Ryan
Argall	Farmer	Langtry	Saurman
Barley	Fleagle	Lashingier	Scheetz
Black	Flick	Lee	Schuler
Boyes	Foster	Leh	Semmel
Brandt	Fox	McVerry	Serafini
Bunt	Freind	Marsico	Smith, B.
Burd	Gallen	Merry	Smith, S. H.
Burns	Gannon	Micozzie	Snyder, D. W.
Bush	Geist	Miller	Snyder, G.
Carlson	Gladeck	Moehlmann	Stairs
Cessar	Godshall	Mowery	Strittmatter
Chadwick	Gruppo	Nahill	Taylor, E. Z.
Civera	Hagarty	Nailor	Taylor, J.
Clark, D. F.	Hasay	O'Brien	Telek
Clark, J. H.	Hayes	Perzel	Vroon
Clymer	Heckler	Phillips	Wass
Cornell	Herman	Piccola	Weston
Davies	Hershey	Pistella	Wilson
Dempsey	Hess	Pitts	Wogan
Dietterick	Jackson	Raymond	Wright, J. L.
Dininni	Jadlowiec	Reber	Wright, R. C.
Distler			

NOT VOTING—2

Howlett	Maiale		
EXCUSED—7			
Birmelin	Fee	Letterman	Olasz
Fargo	Gamble	Noye	

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill fell.

STATEMENT BY MR. S. H. SMITH

The SPEAKER. Under unanimous consent, the gentleman from Jefferson, Mr. Smith, has asked that he be permitted to inform the House about Groundhog Day in Punxsutawney. Without objection, the gentleman, Mr. Smith, is recognized. The Chair hears no objection.

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

As most of you are aware, February 2, last Thursday, was Groundhog Day, and as I had told you the last time we were in session, I will report to you on that event.

Of course, the Punxsutawney groundhog did see his shadow. Although it was a thin shadow, that has no bearing on the weather that he predicts. Many people have come up to me and kind of shook their fist in my face saying, "The lousy groundhog. What's he doing predicting more winter?" And I would tell them that it is the groundhog's job to predict the weather; it is not his job to make the weather.

Of course, if any of you happened to watch on the national news some of the coverage of the groundhog, you would have seen that this groundhog is in fact alive and kicking and biting as opposed to some of the brand X groundhogs that exist around the State and country that are more like stuffed brand X's as opposed to the real thing.

So I thank you, Mr. Speaker, for indulging me this moment, and happy Groundhog Day in a belated manner to all of the members and to the Commonwealth.

The SPEAKER. The Chair thanks the gentleman.

### CONSERVATION COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Clearfield, Mr. George. For what purpose does the gentleman rise?

Mr. GEORGE. Mr. Speaker, we would like to call a meeting of the Conservation Committee for 9 a.m. tomorrow in the majority caucus room.

The SPEAKER. The gentleman, Mr. George, chairman of the Conservation Committee, has announced a meeting of the Conservation Committee tomorrow morning at 9 a.m. The majority caucus room is the place of the meeting.

### HOUSE SCHEDULE

The SPEAKER. For the information of the members, there is a joint session of the House tomorrow to receive the Governor's budget message for this coming fiscal year. That is at 12 noon. We will, however, be in session at the regular time, 11 a.m. tomorrow. The House will be in session at 11 a.m. tomorrow.

### RESOLUTION PASSED OVER

The SPEAKER. Without objection, the remaining resolution on today's calendar will be passed over. The Chair hears no objection.

### ADJOURNMENT

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

Mr. JAMES. Thank you, Mr. Speaker.

It gives me great pleasure, not only because it is the end of the day but because it is my first time, to move that this House do now adjourn until Tuesday, February 7, 1989, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 4:05 p.m., e.s.t., the House adjourned.