

# Legislative Journal

TUESDAY, APRIL 8, 1975

Session of 1975

159th of the General Assembly

Vol. 1, No. 27

## HOUSE OF REPRESENTATIVES

The House convened at 9:30 a.m., e.d.t.

THE SPEAKER (Herbert Fineman) IN THE CHAIR

### PRAYER

REVEREND DOCTOR DAVID R. HOOVER, chaplain of the House of Representatives and pastor of St. Paul's Lutheran Church, McConnellsburg, Pennsylvania, offered the following prayer:

*Eternal and Everlasting God, as the dawn of a new day has pulled aside the curtain of darkness and permitted the light to shine through, we ask Thee to dispel the darkness of doubts which flood in upon us and prevent us from placing the trust and confidence in Thee we should. We beseech Thee to let the light of Thy truth so shine upon our lives that we may exemplify in word and deed Thy will and way; and we humbly pray that we may forever be conscious of Thy indwelling presence in order that we may find the peace which is Thine to give and the faith which is Thine to share. In Thy blest name we pray. Amen.*

### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Monday, April 7, 1975, will be postponed until printed.

### LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip.

Mr. MANDERINO. Mr. Speaker, I request leaves of absence for Messrs. GREENFIELD and BLACKWELL for today's session.

The SPEAKER. The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, I have no request for leaves of absence.

The SPEAKER. Without objection, leaves are granted. The Chair hears no objection.

### BILLS REPORTED AND CONSIDERED FIRST TIME AND TABLED

HOUSE BILL No. 496 By Mr. PETRARCA

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), limiting the time during which certain actions relating to transportation programs may be brought.

Reported from Committee on Transportation.

HOUSE BILL No. 692 By Mr. LAUDADIO

An Act providing for the regulation of land and water use for flood control purposes, imposing duties and conferring powers on the Department of Environmental Resources, the Environmental Quality Board, the Department of Community Affairs, municipalities and counties, providing for enforcement and penalties, and making an appropriation.

Reported from Committee on Conservation.

HOUSE BILL No. 793 By Mr. PETRARCA

An Act amending the "Pennsylvania Turnpike System Financing Act," approved August 14, 1951 (P. L. 1232, No. 282), increasing salaries.

Reported from Committee on Transportation.

HOUSE BILL No. 796 By Mr. M. E. MILLER

An Act amending "The Land and Water Conservation and Reclamation Act," approved January 19, 1968 (1967 P. L. 996, No. 443), granting the Secretary of Environmental Resources the right to enter certain premises for the purpose of conserving and reclaiming land and water resources; providing for liens upon such land; and providing for rights of recovery for abatement of emergency conditions.

Reported from Committee on Conservation.

HOUSE BILL No. 797 By Mr. LAUDADIO

An Act amending "The Clean Streams Law," approved June 22, 1937 (P. L. 1987, No. 394), changing provisions relating to penalties.

Reported from Committee on Conservation.

### BILL REPORTED AS AMENDED AND CONSIDERED FIRST TIME AND TABLED

HOUSE BILL No. 693 By Mr. W. W. WILT

An Act amending the act of July 5, 1973 (No. 10-A), entitled "An act appropriating moneys in the Land and Water Development Fund derived from the issuance and sale of bonds and notes pursuant to the act of January 19, 1968 (P. L. 996, No. 443), known as 'The Land and Water Conservation and Reclamation Act,' extending the time period and making additional appropriations to the Department of Environmental Resources, the Fish and Game Commissions and the Historical and Museum Commission.

Reported from Committee on Conservation.

### CONDOLENCE RESOLUTION INTRODUCED

The SPEAKER. The Chair recognizes the gentleman from Adams, Mr. Cole.

Mr. COLE. Mr. Speaker, it is with deep sadness that I introduce this memorial resolution on behalf of a recent former member of the House from Adams County, a personal and dear friend of mine and my political father, the late Fred G. Klunk of New Oxford.

The clerk read the following resolution:

## CONDOLENCE

### HOUSE OF REPRESENTATIVES

WHEREAS, Fred G. Klunk, a former member of the Pennsylvania House of Representatives and a distinguished leader in the Democratic Party, died on March 23, 1975; and

WHEREAS, Fred G. Klunk honorably and ably served the People of the Ninety-first District as a member of the House of Representatives from 1970 to 1972; and

WHEREAS, Fred G. Klunk, a distinguished member of numerous civic and charitable organizations, enjoyed a long and varied career in the political affairs of his community and Adams County and most notably served as a member and president of New Oxford Town Council, as Democratic County Chairman for twenty-five years, and as a member of the Democratic State Committee; now therefore be it

RESOLVED, That the House of Representatives notes with sadness the passing of Fred G. Klunk, a former member of the House of Representatives and a distinguished leader in the Democratic Party, and expresses its deep condolences to his widow, Florence, and his family; and be it further

RESOLVED, That a copy of this document be delivered to Mrs. Florence Klunk, 15 North Peter Street, New Oxford, Pennsylvania 17350.

KENNETH J. COLE  
DONALD W. DORR

(Members stood in silence until the fall of the gavel)

The SPEAKER. The resolution is unanimously adopted.

## MASTER ROLL CALL

The SPEAKER. The Chair is about to take today's master roll. Only those members present in their seats are permitted to be recorded. Members will proceed to vote.

(A roll call was taken and is combined with the roll call taken at 4 p.m.)

## HOUSE BILLS INTRODUCED AND REFERRED

By Messrs. IRVIS, ROSS, Mrs. KELLY, Messrs. GREEN, GEORGE, HOPKINS, BURNS, HAMMOCK, W. D. HUTCHINSON, JOHNSON, ROMANELLI, ITKIN and BRUNNER **HOUSE BILL No. 924**

An Act amending the "Housing Authorities Law," approved May 28, 1937 (P. L. 955, No. 265), increasing the minimum amount for which the authorities may contract or purchase without bids.

Referred to Committee on Business and Commerce.

By Messrs. RENWICK, NOYE, HASAY, HALVERSON, PITTS, GIAMMARCO, COLE, LETTERMAN, E. H. SMITH and McINTYRE **HOUSE BILL No. 925**

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), increasing the penalty for hunting without a nonresident hunter's license.

Referred to Committee on Game and Fisheries.

By Messrs. RENWICK, NOYE, GIAMMARCO, HALVERSON, PITTS, COLE, THOMAS, LETTERMAN, MYERS, E. H. SMITH and McINTYRE **HOUSE BILL No. 926**

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), further regulating the issuance of special permits and providing a penalty.

Referred to Committee on Game and Fisheries.

By Messrs. SHELHAMER, NOYE, MYERS, HALVERSON, PITTS, McINTYRE, GIAMMARCO, THOMAS, HASAY, COLE, LETTERMAN, E. H. SMITH and RENWICK **HOUSE BILL No. 927**

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), further restricting the selling of raccoon.

Referred to Committee on Game and Fisheries.

By Messrs. REED, SCHWEDER, McLANE, KOWALYSHYN, MRKONIC, PRATT and MILLIRON **HOUSE BILL No. 928**

An Act amending "The Vehicle Code," approved April 29, 1959 (P. L. 58, No. 32), permitting taxicabs to cross railroad grade crossings without stopping under certain circumstances.

Referred to Committee on Transportation.

By Messrs. GOODMAN, O'BRIEN, McCALL and O'CONNELL **HOUSE BILL No. 929**

An Act amending "The Local Tax Enabling Act," approved December 31, 1965 (P. L. 1257, No. 511), further providing for exemptions from taxation.

Referred to Committee on Finance.

By Messrs. KOLTER, PETRARCA, SALOOM, DOMBROWSKI, MANDERINO and LAUDADIO **HOUSE BILL No. 930**

An Act amending "The Vehicle Code," approved April 29, 1959 (P. L. 58, No. 32), further providing for qualifications of school bus operators and funding of examinations.

Referred to Committee on Transportation.

By Mr. REED, Mrs. KERNICK, Messrs. KOWALYSHYN, SCHWEDER, GEORGE, RICHARDSON, MRKONIC, COWELL, ABRAHAM, PRATT and MILLIRON **HOUSE BILL No. 931**

An Act amending "The Local Tax Enabling Act," approved December 31, 1965 (P. L. 1257, No. 511), exempting certain housewives from the occupation privilege tax.

Referred to Committee on Finance.

By Messrs. GEORGE, NOYE, SHELHAMER, HALVERSON, PITTS, GIAMMARCO, THOMAS, COLE, LETTERMAN, McINTYRE, E. H. SMITH and RENWICK **HOUSE BILL No. 932**

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), adding the term "resident" and specifying the meaning of the term for the purpose of the act.

Referred to Committee on Game and Fisheries.

By Messrs. IRVIS, ROSS, Mrs. KELLY, Messrs. D. S. HAYES, O'CONNELL, MILLIRON, HAMMOCK, KNEPPER, STAPLETON, MORRIS, PRATT, JOHNSON, GREEN, PETRARCA and ROMANELLI **HOUSE BILL No. 933**

An Act amending the act of June 25, 1937 (P. L. 2123, No. 433), entitled, as amended, "An act to define and restrict the obligation of persons engaged on, connected with, or employed by, certain magazines, newspapers, press associations, radio or television stations, in testifying as to the source of information procured or obtained by such persons," extending the provisions of the act to include news and information obtained or procured by such person and observations by such person relating thereto.

Referred to Committee on Judiciary.

By Messrs. IRVIS, ROSS, HASKELL, Mrs. KELLY, Messrs. O'CONNELL, MRKONIC, REED, HAMMOCK, GALLAGHER, KNEPPER, ZORD, MOEHLMANN, JOHNSON and GREEN **HOUSE BILL No. 934**

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), by authorizing the Pennsylvania Game Commission to grant rights to maintain areas for flying model aircraft.

Referred to Committee on Game and Fisheries.

By Messrs. IRVIS, ROSS, Mrs. KELLY, Messrs. HAMMOCK, REED, JOHNSON, GREEN, COHEN and LAUGHLIN **HOUSE BILL No. 935**

An Act relating to education, providing incentive grants for desegregation, human relations training, improving education in racial and low socio-economic impacted areas, and assistance for special problems incident to desegregation in elementary and secondary schools.

Referred to Committee on Education.

By Messrs. IRVIS, ROSS, HASKELL, Mrs. KELLY, Messrs. MILLIRON, REED, HAMMOCK, GALLAGHER, JOHNSON, GREEN and ITKIN **HOUSE BILL No. 936**

An Act amending the "Higher Education Equal Opportunity Act," approved August 31, 1971 (P. L. 423, No. 101), further defining student.

Referred to Committee on Education.

By Messrs. MANMILLER, DININNI, HEPFORD and REED **HOUSE BILL No. 937**

An Act amending the "Township State Highway Law," approved June 22, 1931 (P. L. 594, No. 203), adding a route in East Hanover Township, Dauphin County.

Referred to Committee on Transportation.

By Messrs. LINCOLN, DAVIS and TAYLOR **HOUSE BILL No. 938**

An Act amending "The Liquid Fuels Tax Act," approved May 21, 1931 (P. L. 149, No. 105), excepting from taxation liquid fuels delivered to volunteer fire and ambulance companies.

Referred to Committee on Transportation.

### LIQUOR CONTROL COMMITTEE MEETING

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

Mr. SULLIVAN. Mr. Speaker, I would like to announce at this time that the meeting of the Liquor Control Committee will be held in the rear of the House immediately. It had to be transferred from another room.

### SENATE MESSAGE

#### SENATE RESOLUTION FOR CONCURRENCE

#### TIME OF NEXT MEETING

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

In the Senate, April 8, 1975

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on

Monday, April 14, 1975, and when the House of Representatives adjourns this week it reconvene on Monday, April 14, 1975.

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

On the question,

Will the House concur in the resolution of the Senate? Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

### LEGISLATION TO BE INTRODUCED

The SPEAKER. The Chair recognizes the gentleman from Blair, Mr. Hayes.

Mr. S. E. HAYES. Thank you, Mr. Speaker.

Many of the members will recall that approximately 2 weeks ago the Pennsylvania Supreme Court, in a controversial 4-to-3 decision, left some question as to section 308 of our Crimes Code with regard to intoxication and drug over-use as they play a part in criminal offenses.

Representative Reed and myself have both worked with the Legislative Reference Bureau to begin drafting legislation which will address itself to this problem, and I would like to announce to the membership that I have prepared for introduction today a bill which begins our attention in that area.

If there are members who would like to join me, I would certainly ask their cooperation in this matter. I have the bill, Mr. Speaker, for signatures at this time.

Thank you.

### LEGISLATION TO BE INTRODUCED

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

Mr. REED. Mr. Speaker, in addition to what Representative Hayes just mentioned, the bill to amend section 308 of Title 18 of the Crimes Code, specifically, is setting immediately to my left for those members who would be interested.

It has exactly the same intent that Representative Hayes' bill has; the wording is slightly different. The wording in this particular bill is: "Nothing in this title shall deter from the responsibility of any person for any acts committed while under the willfull intoxication or influence of alcohol, drug, narcotic, or other such willfully consumed or applied substance that may have altered temporarily the behavior of that person." This has exactly the same intent which Representative Hayes is referring to.

Members on both sides of the aisle who might be interested in getting on this bill are certainly invited to do so. In fact, we would encourage persons to get on both bills.

Thank you.

### LEGISLATION TO BE INTRODUCED

The SPEAKER. The Chair recognizes the gentleman from Mercer, Mr. Bennett.

Mr. BENNETT. Mr. Speaker, I rise to make a brief statement.

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

Mr. BENNETT. Mr. Speaker, the legislation that I am introducing today is of considerable importance to all of the members of this body, regardless of their political party, and to all of their constituents, regardless of the area or the section of the state in which they reside. It is legislation that would have a statewide impact and, more importantly, a positive effect on Pennsylvania that would be felt for years and even decades to come. I am referring to the necessity and the opportunity to help assure the success of Pennsylvania's Bicentennial observation.

It goes without saying that the Bicentennial celebration represents a once-in-a-lifetime opportunity for our state to host literally millions of visitors from the United States and abroad. Not in my life span, nor probably in the life span of anyone in this chamber, will Pennsylvania again have this chance to demonstrate to the nation and to the world the richness of its scenic and natural beauty, its historical significance, and the hospitality and warmth of its people.

If we recognize this opportunity and act now, we will be making an investment for Pennsylvania that will be returned many times over in the form of increased business in the state, more jobs and income for the people, and added revenues for our municipalities and for the Commonwealth; revenues, I might add, that would come almost entirely from outside Pennsylvania.

According to figures supplied by the Commerce Department, Pennsylvania's travel industry added some \$7 billion to the economy of the state and employed about 360,000 state citizens in the last fiscal year. It returned more than half a billion dollars in taxes to state and local governments at an expenditure of little more than \$4 million by the Commonwealth, and it is estimated by officials of the department that a fully supported state Bicentennial observation could double the amount of tourist dollars spent in this state last year.

Published reports of public opinion surveys indicate that Philadelphia alone may have from 20 to 45 million visitors next year. That is a takeoff point for estimating the statewide impact. What this means is that many millions of people will come to Pennsylvania and leave with one of two attitudes—either they will want to return and they will and will speak well of their visit to friends and neighbors, or they will be disappointed. It would take many, many years, under ordinary circumstances, for Pennsylvania to achieve the favorable reputation among the visitors that we can achieve in just one year—1976. On the other hand, if Pennsylvania's Bicentennial fails, it may take many years to recover our loss.

Mr. Speaker, I am proposing that we take advantage of this opportunity now while it presents itself by appropriating \$10 million to the Bicentennial Commission, and another \$2.3 million to our local county tourist promotion agencies for their local observances.

Mr. Speaker, I want to carefully point out that this money would be spent throughout the state, not just in one portion of the Commonwealth, and it would have both an immediate and long-term stimulating effect, affecting the local economy in each and every county and every district.

Mr. Speaker, I am offering these bills today for joint, bipartisan sponsorship. They will be placed on the table, and I would urge and request each and every one of my

colleagues who is sincerely interested in the future of Pennsylvania to affix their signatures thereto.

Thank you, Mr. Speaker.

RECESS

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, I move that this House now stand in recess until 4 p.m.

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

The SPEAKER. This House is now in recess until 4 p.m.

AFTER RECESS

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

THE SPEAKER (Herbert Fineman)  
IN THE CHAIR

MASTER ROLL CALL

The roll was taken and was as follows:

YEAS—190

Abraham	George	McGinnis	Scheaffer
Anderson, J. H.	Giammarco	McGraw	Schmitt
Arthurs	Gillespie	McIntyre	Schweder
Barber	Gillette	McLane	Scirica
Bellomini	Gleason	Mebus	Seltzer
Bennett	Gleeson	Menhorn	Shane
Beren	Goodman	Milanovitch	Shelhamer
Berlin	Green	Miller, M. E.	Shelton
Bittle	Grieco	Miller, M. E., Jr.	Shuman
Bonetto	Gring	Milliron	Shupnik
Bradley	Halverson	Miscevich	Sirianni
Brandt	Hamilton, J. H.	Moehlmann	Smith, E.
Brunner	Hammock	Morris	Smith, L.
Burns	Hasay	Mrkonic	Spencer
Butera	Haskell	Mullen, M. P.	Stapleton
Cessar	Hayes, S. E.	Mullen	Stout
Cimini	Hepford	Musto	Sullivan
Cole	Hill	Myers	Taddonio
Cowell	Hopkins	Novak	Taylor
Crawford	Hutchinson, A.	Noye	Tayoun
Cumberland	Hutchinson, W.	O'Brien	Thomas
Davies	Irvis	O'Connell	Toll
Davis, D. M.	Itkin	O'Donneil	Trello
DeMedio	Johnson, J.	O'Keefe	Ustynoski
Deverter	Katz	Oliver	Valicenti
Dicarlo	Kelly, A. P.	Pancoast	Vann
DiDonato	Kelly, J. B.	Parker, H. S.	Vroon
Dietz	Kernick	Perry	Wagner
Dininni	Kistler	Petrarca	Walsh, T. P.
Dombrowski	Klingaman	Pievsky	Wansacz
Dorr	Knepper	Pitts	Wargo
Doyle	Kolter	Polite	Weidner
Dreibelbis	Kowalyszyn	Pratt	Westerberg
Eckensberger	Kusse	Prendergast	Whelan
Englehart	LaMarca	Pyles	Whittlesey
Fawcett	Laudadio	Reed	Wilson
Fee	Laughlin	Renninger	Wilt, R. W.
Fischer	Lederer	Renwick	Wilt, W. W.
Fisher	Lehr	Rhodes	Wojdak
Flaherty	Letterman	Richardson	Worrlow
Foster, A.	Levi	Rieger	Wright
Foster, W.	Lincoln	Ritter	Yahner
Fryer	Lynch	Romanelli	Zeller
Gallagher	Manderino	Ross	Zord
Gallen	Manmiller	Ruggiero	Zwickl
Garzia	McCall	Ryan	
Geesey	McClatchy	Saloom	Fineman,
Geisler	McCue	Salvatore	Speaker

## NOT VOTING—13

Berson	Greenfield	Rappaport	Turner
Blackwell	Hayes, D. S.	Stahl	Yohn
Caputo	Perri	Sweeney	Zearfoss
Cohen			

The SPEAKER. One hundred ninety members having indicated their presence, a master roll is established.

**BILL REPORTED AS AMENDED AND  
CONSIDERED FIRST TIME AND TABLED**

**HOUSE BILL No. 854** By Mr. LAUDADIO

An Act amending the "Pennsylvania Solid Waste-Resource Recovery Development Act," approved July 20,

1974 (No. 198), providing for demonstration projects; providing for grants; imposing powers and duties on the Department of Environmental Resources and the Environmental Quality Board and making an appropriation.

Reported from Committee on Conservation.

**ADJOURNMENT**

Mr. MENHORN moved that this House do now adjourn until Wednesday, April 9, 1975, at 9:30 a.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and (at 4:02 p.m., e.d.t.) the House adjourned.