

Legislative Journal

TUESDAY, APRIL 8, 1980

Session of 1980

164th of the General Assembly

No. 25

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (H. JACK SELTZER) IN THE CHAIR

PRAYER

The SPEAKER. The prayer today will be offered by the grandson of a former member of this House, Albert Foor, and the son of a former member of this House, Percy Foor, the Reverend Alan Foor, of the Beavertown United Church of Christ. He is here today as the guest of Mr. Thomas.

Let us pray:

Our Father, and Our God, We pause here this afternoon at the opening of this session of the House of Representatives to come to You and to remember You and to invite Your presence here today and also to affirm Your presence with us.

We pause to give our thanks to You for Your gift of life, the gift of work. We pause to thank You, our God, for the gift of this day and all of the opportunities that will come our way this day to serve You and to serve mankind.

We thank You for this great country of America that we are privileged to live in, and this great State of Pennsylvania which has been a great pioneer and instrument of leadership for this great nation.

We pause this afternoon to recognize Your greatness, to recognize that You are our Father, our help, Father of all peoples—of all places—and as You have guided and delivered mankind throughout all time, we affirm that You will still guide and direct us of today.

We ask Thy blessings, Thy strength, and Thy direction to the Governor of this Commonwealth and to his family.

In this state House of Representatives today, we thank You for these men and women who have set their hand to the task of providing the laws of this state for the safety, the rights and the good of all of its citizens.

O God, may Thy strong hand of wisdom, grace, and love rest upon these leaders of this House and each and every member of this House of Representatives today. Guide them in their awesome decisions and responsibilities that they must make and fulfill. Yes, help each of us to always seek to know what is right to do - and to do it - even in the face of criticism.

Forgive us; be merciful to us when we fail and do wrong in Thy sight, and help us to always honor You and to know the blessing of Thy love and the blessing of Thy mercies.

May each one know that they are special to You. May Your anointing holy spirit abound in this chamber today and every day, in Christ's name and for His sake we pray. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNALS APPROVED

The SPEAKER. Are there any corrections to the Journals of March 3, 4, 5 and 17, 1980?

If not, and without objection, the Journals are approved.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Wednesday, March 26, 1980, will be postponed until printed.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2431 By Representatives BOWSER, PETERSON, KANUCK, SWIFT AND DOMBROWSKI.

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the use of headlights during heavy rains or heavy fog.

Referred to Committee on TRANSPORTATION, April 1, 1980.

No. 2432 By Representatives PETERSON, BOWSER, GEIST, KOLTER, B. F. O'BRIEN, LEVI, NOYE, KLINGAMAN, LAUGHLIN, GRIECO, CIMINI, PITTS, SWIFT, LEWIS, VROON, MADIGAN, W. D. HUTCHINSON AND STAIRS.

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), changing provisions relating to the power and duty of the Department of Transportation on township roads.

Referred to Committee on TRANSPORTATION, April 1, 1980.

No. 2433 By Representatives PETERSON, BOWSER, GEIST, KOLTER, B. F. O'BRIEN, LEVI, WASS, NOYE, LAUGHLIN, KLINGAMAN, GRIECO, CIMINI,

SIEMINSKI, HALVERSON, PITTS,
SWIFT, LEWIS, VROON, MADIGAN
AND A. C. FOSTER, JR..

An Act amending the act of June 1, 1956 (1955 P. L. 1944, No. 655), entitled "An act providing a permanent allocation of a part of the fuels and liquids fuels tax proceeds to cities, *** and repealing existing legislation," removing a clause relating to the use of twenty-five per cent of all money allocated to each municipality and making editorial changes.

Referred to Committee on TRANSPORTATION, April 1, 1980.

No. 2434 By Representatives DURHAM, ALDEN,
GLADECK, ARTY, MICOZZIE, SPITZ,
FREIND AND KLINGAMAN.

An Act amending "The Controlled Substance, Drug, Device and Cosmetic Act," approved April 14, 1972 (P. L. 233, No. 64), making it unlawful to manufacture, possess or deliver controlled paraphernalia.

Referred to Committee on JUDICIARY, April 1, 1980.

No. 2435 By Representatives A. K. HUTCHINSON,
PETRARCA, MANDERINO,
B. D. CLARK AND KOLTER.

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the length of certain combinations carrying motor vehicles.

Referred to Committee on TRANSPORTATION, April 1, 1980.

No. 2436 By Representatives WACHOB, FISHER,
BERSON, O'DONNELL, MILLER,
W. D. HUTCHINSON AND SWEET.

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), further providing for child welfare services.

Referred to Committee on JUDICIARY, April 1, 1980.

No. 2437 By Representatives WILSON,
M. R. CLARK, TELEK, ROCKS,
GRUPPO, GOEBEL, McKELVEY,
VROON, SALVATORE, CORNELL,
BITTLE, BRANDT, DURHAM,
HELFRICK, E. G. JOHNSON AND
PUNT.

An Act providing for energy conservation and management, establishing the Pennsylvania State Energy Office, providing for its powers and duties and creating an Energy Advisory Council.

Referred to Committee on MINES AND ENERGY MANAGEMENT, April 1, 1980.

No. 2438 By Representatives MADIGAN, ZORD,
BURD, GRUPPO AND PETERSON.

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), excluding certain family residences from the terms children's institutions and child day care center.

Referred to Committee on HEALTH AND WELFARE, April 1, 1980.

No. 2439 By Representatives THOMAS,
LASHINGER, DeVERTER,
A. K. HUTCHINSON, LEWIS, PITTS,
YAHNER, McVERRY, CORNELL,
NAHILL, ANDERSON, WEIDNER,
CIMINI, CESSAR, ZORD, FISHER,
NOVAK, D. R. WRIGHT, STUBAN,
HELFRICK, E. Z. TAYLOR,
W. D. HUTCHINSON, ZELLER,
GLADECK, WASS, KLINGAMAN AND
GAMBLE.

An Act amending "The Local Tax Enabling Act," approved December 31, 1965 (P. L. 1257, No. 511), repealing occupation taxes based on a percentage millage or flat rate basis, repealing per capita taxes, further providing for credits to and deductions from taxes owed to political subdivisions ***

Referred to Committee on FINANCE, April 1, 1980.

No. 2440 By Representatives LEVI, WEIDNER,
DeMEDIO, A. C. FOSTER, JR. AND
FRYER.

An Act amending "The County Code," approved August 9, 1955 (P. L. 323, No. 130), further providing for expenses.

Referred to Committee on LOCAL GOVERNMENT, April 1, 1980.

No. 2441 By Representatives WEIDNER,
A. C. FOSTER, JR., LEVI, FRYER AND
DeMEDIO.

An Act amending the "Second Class County Code," approved July 28, 1953 (P. L. 723, No. 230), further providing for expenses.

Referred to Committee on LOCAL GOVERNMENT, April 1, 1980.

No. 2442 By Representatives DeMEDIO,
A. C. FOSTER, JR., FRYER, LEVI AND
WEIDNER.

An Act amending "The Borough Code," approved February 1, 1966 (1965 P. L. 1656, No. 581), further providing for expenses.

Referred to Committee on LOCAL GOVERNMENT, April 1, 1980.

No. 2443 By Representatives J. L. WRIGHT, JR.,
B. F. O'BRIEN, D. R. WRIGHT, STAIRS,
WASS, SWEET, YAHNER, C. GEORGE,
ITKIN, SEVENTY, TELEK, DAVIES,
BURNS, BELARDI, FISHER AND
McKELVEY.

An Act establishing the Pennsylvania Energy Development Authority, providing for its powers and duties in relation to the development and implementation of energy and energy conservation technologies, providing for the issuance of bonds and making an appropriation.

Referred to Committee on MINES AND ENERGY MANAGEMENT, April 1, 1980.

**HOUSE RESOLUTIONS
INTRODUCED AND REFERRED**

No. 220 By Representative FREIND.

House authorize Committee on Judiciary inquire into the conduct of Frederick Fiegenberg, Workman's Compensation Referee.

Referred to Committee on RULES, April 1, 1980.

No. 221

(Concurrent) By Representatives PRATT, ZELLER, F. TAYLOR, COCHRAN, STEIGHNER, CALTAGIRONE AND BENNETT.

General Assembly memorialize President and Congress oppose the closing of rural post offices.

Referred to Committee on FEDERAL-STATE-RELATIONS, April 1, 1980.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The clerk of the Senate presented the following bills for concurrence:

SB 683, PN 1664

Referred to Committee on Mines and Energy Management, April 1, 1980.

SB 1219, PN 1508

Referred to Committee on Local Government, April 1, 1980.

LEAVES OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the majority whip. Mr. S. E. HAYES. I request leaves of absence for Messrs. ALDEN, KANUCK and ZORD for today, and Messrs. WEIDNER and D. M. O'BRIEN for the week.

The SPEAKER. The Chair recognizes the gentleman from Lawrence, Mr. Fee.

Mr. FEE. Mr. Speaker, I request leaves of absence for Messrs. RAPPAPORT and SCHWEDER for today.

The SPEAKER. Without objection, leaves will be granted. The Chair hears none.

MASTER ROLL CALL RECORDED

The SPEAKER. Members please report to the floor. The Chair is about to take the master roll. Only those members in their seats may be recorded. The members will proceed to vote.

The following roll call was recorded:

YEAS—183

Anderson	Fryer	Livengood	Rodgers
Armstrong	Gallagher	Lynch, E. R.	Ryan
Arty	Gallen	McCall	Salvatore
Barber	Gamble	McClatchy	Scheaffer
Belardi	Gannon	McIntyre	Schmitt
Bennett	Gatski	McKelvey	Serafini
Berson	Geesey	McMonagle	Seventy
Bittle	Geist	McVerry	Shadding

Borski	George, C.	Mackowski	Shupnik
Bowser	George, M. H.	Madigan	Sieminski
Brandt	Giammarco	Manderino	Sirianni
Brown	Gladeck	Manmiller	Smith, E. H.
Burd	Goebel	Michlovic	Smith, L. E.
Burns	Goodman	Micozzie	Spencer
Caltagirone	Grabowski	Milanovich	Spitz
Cappabianca	Gray	Miller	Stairs
Cessar	Greenfield	Moehlmann	Steighner
Chess	Grieco	Mowery	Stewart
Cimini	Gruppo	Mrkonc	Street
Clark, B. D.	Halverson	Mullen	Stuban
Clark, M. R.	Harper	Murphy	Sweet
Cochran	Hasay	Musto	Swift
Cohen	Hayes, Jr., S.	Nahill	Taddonio
Cole	Helfrick	Novak	Taylor, E. Z.
Cornell	Hoeffel	Noye	Taylor, F.
Coslett	Honaman	O'Brien, B. F.	Telek
Cowell	Hutchinson, A.	O'Donnell	Thomas
Cunningham	Hutchinson, W.	Oliver	Trello
DeMedio	Irvic	Perzel	Vroon
DeVerter	Itkin	Peterson	Wachob
DeWeese	Johnson, E. G.	Petrarca	Wargo
DiCarlo	Johnson, J. J.	Piccola	Wass
Davies	Jones	Pievsky	Wenger
Dawida	Klingaman	Pistella	White
Dietz	Knepper	Pitts	Wilson
Dininni	Knight	Polite	Wilt
Dombrowski	Kolter	Pott	Wright, D. R.
Dorr	Kowalshyn	Pratt	Wright, Jr., J.
Duffy	Kukovich	Pucciarelli	Yahner
Durham	Lashinger	Punt	Yohn
Earley	Laughlin	Pyles	Zeller
Fee	Lehr	Reed	Zitterman
Fischer	Letterman	Richardson	Zwilk
Fisher	Levi	Rieger	
Foster, W. W.	Levin	Ritter	Seltzer,
Foster, Jr., A.	Lewis	Rocks	Speaker
Freind			

NAYS—0

NOT VOTING—5

Austin	Dumas	Rhodes	Williams
Beloff			

EXCUSED—8

Alden	Kanuck	Rappaport	Weidner
Hayes, D. S.	O'Brien, D. M.	Schweder	Zord

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

**BILLS REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED**

HB 1456, PN 3190 (Amended)

By Rep. J. L. WRIGHT

An Act amending the act of May 5, 1933 (P. L. 364, No. 106), entitled, as amended, "An act relating to corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of certain corporations for profit; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations and associations within the provisions of this act; prescribing the terms and conditions upon which certain foreign corporations may be admitted, or may continue, to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, and certain State departments, commissions, and officers;

authorizing certain State departments, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations and other entities," further providing for the right of a public utility corporation to condemn property inside the limits of a railroad line or street railway.

MINES AND ENERGY MANAGEMENT.

HB 1460, PN 1679 By Rep. J. L. WRIGHT

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, extending exceptions to prohibition on interception and disclosure of communications to the Pennsylvania Emergency Management Agency.

MINES AND ENERGY MANAGEMENT.

HB 2163, PN 2750 By Rep. J. L. WRIGHT

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), further providing for the powers and duties of the Department of Environmental Resources.

MINES AND ENERGY MANAGEMENT.

HB 2268, PN 3193 (Amended)
By Rep. J. L. WRIGHT

An Act relating to emergency powers and duties of the Governor in the event of an energy or fuel supply emergency or an energy resource shortage, supply or distribution problem and prescribing penalties.

MINES AND ENERGY MANAGEMENT.

REPORT OF JOINT STATE GOVERNMENT COMMISSION

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Shupnik.

Mr. SHUPNIK. Mr. Speaker, on behalf of the Joint State Government Commission, I have the honor to transmit herewith the publication Local School Tax Reform: A Proposal to Reduce Property and Nuisance Taxes.

Copies of this publication will be found in the respective post office boxes.

The SPEAKER. The Chair thanks the gentleman. The gentleman will send his report to the desk.

(For report see Appendix.)

CALENDAR

BILL AGREED TO ON SECOND CONSIDERATION

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

SB 841, PN 1671.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 616, PN 648**, entitled:

An Act amending the act of July 14, 1970 (P. L. 485, No. 165), entitled "An act removing for a limited time the statutory limits imposed upon interest rates and interest costs to be paid on obligations issued by State and local governments, authorities, agencies and instrumentalities," removing the time limit.

On the question,

Will the House agree to the bill on third consideration?

Bill 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?

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

YEAS—176

Anderson	Foster, W. W.	Lewis	Rocks
Armstrong	Foster, Jr., A.	Livengood	Rodgers
Arty	Freind	Lynch, E. R.	Ryan
Barber	Fryer	McCall	Salvatore
Belardi	Gallagher	McClatchy	Scheaffer
Bennett	Gallen	McKelvey	Schmitt
Berson	Gamble	McMonagle	Serafini
Bittle	Gannon	McVerry	Seventy
Borski	Gatski	Mackowski	Shadding
Bowser	Geesey	Madigan	Shupnik
Brandt	Geist	Manderino	Sieminski
Brown	George, C.	Manmiller	Siranni
Burd	George, M. H.	Michlovic	Smith, L. E.
Burns	Giammarco	Micozzie	Spencer
Caltagirone	Gladeck	Milanovich	Stairs
Cappabianca	Goebel	Miller	Steighner
Cessar	Goodman	Moehlmann	Stewart
Chess	Grabowski	Mowery	Stuban
Cimini	Greenfield	Mrkonic	Sweet
Clark, B. D.	Gruppo	Murphy	Swift
Clark, M. R.	Halverson	Musto	Taddonio
Cochran	Harper	Nahill	Taylor, E. Z.
Cohen	Hasay	Novak	Taylor, F.
Cole	Hayes, Jr., S.	Noye	Telek
Cornell	Helfrick	O'Brien, B. F.	Thomas
Coslett	Hoeffel	O'Donnell	Trello
Cowell	Honaman	Oliver	Vroon
Cunningham	Hutchinson, A.	Perzel	Wachob
DeMedio	Hutchinson, W.	Peterson	Wargo
DeVerter	Irvis	Petrarca	Wass
DeWeese	Itkin	Piccola	Wenger
DiCarlo	Johnson, E. G.	Pievsky	White
Davies	Johnson, J. J.	Pistella	Wilson
Dawida	Jones	Pitts	Wilt
Dietz	Klingaman	Polite	Wright, D. R.
Dininni	Knepper	Pott	Wright, Jr., J.
Dombrowski	Knight	Pratt	Yahner
Dorr	Kolter	Pucciarelli	Yohn
Duffy	Kowalshyn	Punt	Zeller
Dumas	Kukovich	Pyles	Zitterman
Durham	Lashinger	Reed	Zwilk
Earley	Laughlin	Richardson	
Fee	Lehr	Rieger	Seltzer,
Fischer	Letterman	Ritter	Speaker
Fisher	Levi		

NAYS—1

Spitz

NOT VOTING—11

Austin	Grieco	Mullen	Street
Beloff	Levin	Rhodes	Williams
Gray	McIntyre	Smith, E. H.	

