

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, APRIL 28, 1981

SESSION OF 1981

165TH OF THE GENERAL ASSEMBLY

No. 28

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (MATTHEW J. RYAN) IN THE CHAIR

PRAYER

REV. JAMES H. GOLD, chaplain of the House of Representatives and pastor of United Church of Christ and the Lutheran Church of Ickesburg, Pennsylvania, offered the following prayer:

In the name of the Father and of the Son and of the Holy Spirit. Amen.

Let us pray:

We thank Thee, Lord, for this opportunity to call upon Thee in prayer this day. Hear our prayers as we call upon Thee for Thy people throughout our Commonwealth. In particular, we pray for Thy continuing blessing on this deliberative body. Bless, direct, and guide each one in his or her appointed task. Rule each heart and bless each endeavor that there will be a continuing increase of Thy will throughout the land.

Even although we approach Thee from time to time with specific requests, our continuing prayer is, "Not our will, but Thine be done."

In the name of the Father and of the Son and of the Holy Spirit. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVED

The SPEAKER. The Journal of Wednesday, April 8, 1981, is now in print. Are there corrections to the Journal? If not, without objection, the Journal stands approved. The Chair hears none.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Monday, April 27, 1981, will be postponed until printed. The Chair hears none.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1292 By Representatives GLADECK, MADIGAN, SIRIANNI, LEWIS, MACKOWSKI, JACKSON, MERRY, DAIKELER and NOYE

An Act amending "The Pennsylvania Workmen's Compensation Act," approved June 2, 1915 (P. L. 736, No. 338), further providing for the amounts of compensation payable in certain cases.

Referred to Committee on LABOR RELATIONS, April 27, 1981.

No. 1293 By Representatives GLADECK, MADIGAN, SIRIANNI, LEWIS, MACKOWSKI, JACKSON, MERRY, DAIKELER and NOYE

An Act amending "The Pennsylvania Workmen's Compensation Act," approved June 2, 1915 (P. L. 736, No. 338), further providing for a connective period for death and occupational disease claims.

Referred to Committee on LABOR RELATIONS, April 27, 1981.

No. 1294 By Representatives GLADECK, MADIGAN, SIRIANNI, LEWIS, MACKOWSKI, JACKSON, MERRY, DAIKELER and NOYE

An Act amending "The Pennsylvania Workmen's Compensation Act," approved June 2, 1915 (P. L. 736, No. 338), further providing for the amounts of compensation payable in certain cases.

Referred to Committee on LABOR RELATIONS, April 27, 1981.

No. 1295 By Representatives GLADECK, MADIGAN, SIRIANNI, LEWIS, MACKOWSKI, JACKSON, MERRY, DAIKELER and NOYE

An Act amending "The Pennsylvania Workmen's Compensation Act," approved June 2, 1915 (P. L. 736, No. 338), further providing for the amounts of compensation payable in certain cases.

Referred to Committee on LABOR RELATIONS, April 27, 1981.

No. 1296 By Representatives GLADECK, MADIGAN, SIRIANNI, LEWIS, MACKOWSKI,

JACKSON, MERRY, DAIKELER and NOYE

An Act amending "The Pennsylvania Workmen's Compensation Act," approved June 2, 1915 (P. L. 736, No. 338), further providing for the effective date of certain claim petitions.

Referred to Committee on LABOR RELATIONS, April 27, 1981.

No. 1297 By Representatives GLADECK, MADIGAN, SIRIANNI, LEWIS, MACKOWSKI, JACKSON, MERRY, DAIKELER and NOYE

An Act amending "The Pennsylvania Workmen's Compensation Act," approved June 2, 1915 (P. L. 736, No. 338), further providing for interest for certain commutation payments.

Referred to Committee on LABOR RELATIONS, April 27, 1981.

No. 1298 By Representatives GLADECK, MADIGAN, SIRIANNI, LEWIS, MACKOWSKI, JACKSON, MERRY, DAIKELER and NOYE

An Act amending "The Pennsylvania Workmen's Compensation Act," approved June 2, 1915 (P. L. 736, No. 338), further providing for a limitation on the fees of expert witnesses and for payment of stenographic fees.

Referred to Committee on LABOR RELATIONS, April 27, 1981.

No. 1299 By Representatives BROWN, WOZNIAK, PERZEL and PISTELLA

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, imposing an excess profits tax on certain corporations.

Referred to Committee on JUDICIARY, April 27, 1981.

No. 1300 By Representatives BURNS, GALLAGHER, E. Z. TAYLOR and HARPER

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, adding provisions relating to education in public and nonpublic schools and making repeals.

Referred to Committee on EDUCATION, April 27, 1981.

No. 1301 By Representatives D. R. WRIGHT, LEVI and PETERSON

An Act making an appropriation to the Cook Forest Sawmill Art Center, Clarion County, Pennsylvania.

Referred to Committee on APPROPRIATIONS, April 27, 1981.

No. 1302 By Representatives COWELL, MARMION, GRABOWSKI, POTT, MISCEVICH, TRELLO, ITKIN, DUFFY and McVERRY

An Act amending "The First Class Township Code," approved June 24, 1931 (P. L. 1206, No. 331), changing the rates for mileage and per diem for attendance of appointed township officers and employees at conferences, institutes and schools.

Referred to Committee on LOCAL GOVERNMENT, April 27, 1981.

No. 1303 By Representative DeWEESE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the repair of brakes on trucks.

Referred to Committee on TRANSPORTATION, April 27, 1981.

No. 1304 By Representatives HEISER, POTT, McVERRY, CESSAR, MARMION, FLECK, TADDONIO, FRAZIER and HORGOS

An Act amending the "Second Class County Code," approved July 28, 1953 (P. L. 723, No. 230), abolishing the office of elected coroner and creating the position of county medical examiner in counties of the second class.

Referred to Committee on URBAN AFFAIRS, April 27, 1981.

No. 1305 By Representatives HEISER, MARMION, FRAZIER, FLECK, McVERRY, TADDONIO, POTT, RASCO, MURPHY, PENDLETON, TRELLO, OLASZ, ITKIN, CESSAR and KENNEDY

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), further providing for voting absentee ballot.

Referred to Committee on STATE GOVERNMENT, April 27, 1981.

No. 1306 By Representatives HEISER, MARMION, FRAZIER, McVERRY, TADDONIO, POTT, PENDLETON, TRELLO, OLASZ, ITKIN and KENNEDY

An Act amending "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," approved April 29, 1937 (P. L. 487, No. 115), further providing for the cancellation of registration for failure to vote and making related changes.

Referred to Committee on STATE GOVERNMENT, April 27, 1981.

No. 1307 By Representatives HEISER, MARMION, FLECK, McVERRY, TADDONIO and CESSAR

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), further providing for the duties of constables.

Referred to Committee on STATE GOVERNMENT, April 27, 1981.

No. 1308 By Representatives W. D. HUTCHINSON, NOYE, J. L. WRIGHT, VROON, A. C. FOSTER, JR., BELFANTI, HALUSKA, CLARK, KOWALYSHYN, DAWIDA, COCHRAN, LEVIN, CALTAGIRONE, SIRIANNI, MORRIS, McVERRY, SPITZ, DORR, ITKIN,

MERRY, TELEK, LASHINGER and
TRELLO

An Act amending the "Mental Health Procedures Act," approved July 9, 1976 (P. L. 817, No. 143), further providing for involuntary emergency treatment.

Referred to Committee on JUDICIARY, April 27, 1981.

No. 1309 By Representatives W. D. HUTCHINSON, NOYE, PETRARCA, J. L. WRIGHT, DeVERTER, SWEET, PISTELLA, JACKSON, BELFANTI, HALUSKA, CLARK, KOWALYSHYN, CIMINI, CALTAGIRONE, SIRIANNI, MORRIS, WARGO, RYBAK, GAMBLE, McVERRY, SPITZ, MERRY, ITKIN, GRIECO, MILLER, COCHRAN, PRATT, LAUGHLIN, TELEK, GEIST, B. SMITH, TRELLO and WILSON

An Act amending the act of July 20, 1917 (P. L. 1158, No. 401), referred to as the Constable Fee Law, changing the mileage allowance for constables.

Referred to Committee on JUDICIARY, April 27, 1981.

No. 1310 By Representatives SWEET, LASHINGER, HOEFFEL and OLASZ

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for the use of final offer binding arbitration procedures between certain public employees and their public employers.

Referred to Committee on JUDICIARY, April 27, 1981.

No. 1311 By Representatives GRIECO, GEIST, PETRARCA, MADIGAN, HASAY, KLINGAMAN, STEVENS, CIMINI, PETERSON, STAIRS, BURD, MRKONIC, CALTAGIRONE, RASCO, W. W. FOSTER, GRUPPO, SIEMINSKI, SALVATORE, PHILLIPS, STUBAN, COCHRAN, TRELLO and CLYMER

An Act amending the act of June 19, 1913 (P. L. 528, No. 338), entitled "An act fixing the penalty for murder of the first degree; ***," further providing for infliction of the penalty for murder of the first degree, further providing for the place where the penalty is to be inflicted, making an appropriation and making an editorial change.

Referred to Committee on JUDICIARY, April 27, 1981.

No. 1312 By Representative DURHAM

An Act amending the act of May 31, 1911 (P. L. 468, No. 193), referred to as the State Highway Department Law, changing a route in Delaware County.

Referred to Committee on TRANSPORTATION, April 27, 1981.

No. 1313 By Representative DURHAM

An Act amending the act of September 18, 1961 (P. L. 1389, No. 615), referred to as the County and Municipal State Highway Law, amending a route in Delaware County.

Referred to Committee on TRANSPORTATION, April 27, 1981.

No. 1314 By Representative DURHAM

An Act amending the act of June 22, 1931 (P. L. 594, No. 203), referred to as the Township State Highway Law, deleting and amending routes in Delaware County.

Referred to Committee on TRANSPORTATION, April 27, 1981.

No. 1315 By Representatives ITKIN, J. L. WRIGHT, SEVENTY, SWAIM, PRATT, LETTERMAN, DAWIDA, TELEK, COLE, JOHNSON, PISTELLA, SPITZ, MRKONIC and PENDLETON

An Act amending the act of May 27, 1937 (P. L. 926, No. 249), referred to as the Bedding and Upholstery Law, further regulating reports of certain licensees.

Referred to Committee on BUSINESS AND COMMERCE, April 27, 1981.

No. 1316 By Representatives ITKIN, SPITZ, COHEN, NOYE, COCHRAN, DAWIDA, PISTELLA, PRATT, MORRIS, ALDEN, GAMBLE, POTT, TELEK and JOHNSON

An Act amending "The Borough Code," approved February 1, 1966 (1965 P. L. 1656, No. 581), authorizing the solemnizing of marriages by the mayor.

Referred to Committee on LOCAL GOVERNMENT, April 27, 1981.

No. 1317 By Representatives ITKIN, NOYE, COHEN, PISTELLA, PRATT, MORRIS, SPITZ, PENDLETON, GAMBLE, POTT, TELEK, COCHRAN and JOHNSON

An Act amending "The Borough Code," approved February 1, 1966 (1965 P. L. 1656, No. 581), increasing the per diem allowance and the mileage for attendance at the mayor's association meeting.

Referred to Committee on LOCAL GOVERNMENT, April 27, 1981.

No. 1318 By Representatives OLASZ, CLARK, PETRARCA, KOLTER, McCALL, MRKONIC, CAWLEY, TIGUE, HORGOS, BLAUM, SEVENTY, MISCEVICH, TRELLO, PENDLETON, DeMEDIO, BELFANTI, GRABOWSKI, MICHLOVIC, ITKIN, HEISER, DUFFY, COLAFELLA, McVERRY, BURD, VAN HORNE, TELEK, STUBAN, D. R. WRIGHT, LUCYK, PISTELLA, WAMBACH, LETTERMAN, GRUITZA, F. E. TAYLOR, KUKOVICH, MARMION, PETRONE, COCHRAN, A. K. HUTCHINSON, CORDISCO, POTT, FRAZIER, CAPPABIANCA, SHOWERS, GAMBLE, PUNT, DeWEESE, LAUGHLIN, GEORGE, McMONAGLE, MORRIS, RASCO, WOZNIAC,

STEWART, KOWALYSHYN, BROWN,
HALUSKA, COWELL, HOFFEL,
STEIGHNER, DOMBROWSKI, SWEET,
FLECK and WACHOB

An Act amending the "Senior Citizens Property Tax or Rent Rebate and Older Persons Inflation Needs Act," approved March 11, 1971 (P. L. 104, No. 3), changing the limitation on household income.

Referred to Committee on FINANCE, April 27, 1981.

No. 1319 By Representatives WASS and LIVENGOOD

An Act amending the act of May 16, 1921 (P. L. 579, No. 262), entitled, as amended, "An act providing for the better management of the jails or county prisons in the several counties of this Commonwealth of the third, fourth, fifth classes and in certain counties of the sixth, seventh and eighth classes by creating, in such counties, a board to be known by the name and style of inspectors of the jail or county prison, with authority to appoint a warden of such prison, and by vesting in said board, and the officers appointed by it, the safe-keeping, discipline, and employment of prisoners and the government and management of said jails or county prisons," requiring counties of the sixth class to be governed by this act.

Referred to Committee on LOCAL GOVERNMENT, April 27, 1981.

No. 1320 By Representatives J. D. WILLIAMS,
O'DONNELL, WENGER, EVANS,
OLIVER, McINTYRE, COHEN,
RICHARDSON, HARPER, EMERSON,
DeWEESE and WHITE

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), providing for the levying of corporate net income tax and capital stock-franchise tax on banks, bank and trust companies, savings institutions and trust companies. rieger/

Referred to Committee on FINANCE, April 27, 1981.

No. 1321 By Representatives J. D. WILLIAMS,
McINTYRE, O'DONNELL, EVANS,
BORSKI, PUCCIARELLI, OLIVER,
WENGER, HALUSKA, COHEN,
RICHARDSON, HARPER, EMERSON,
DeWEESE, WHITE and RIEGER

An Act amending the "Banking Code of 1965," approved November 30, 1965 (P. L. 847, No. 356), removing restrictions prohibiting municipal taxation of banks and bank property.

Referred to Committee on BUSINESS AND COMMERCE, April 27, 1981.

No. 1322 By Representatives A. K. HUTCHINSON,
TADDONIO, STAIRS, KOLTER and
PETRARCA

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "bus."

Referred to Committee on TRANSPORTATION, April 27, 1981.

No. 1323 By Representatives A. K. HUTCHINSON,
LIVENGOOD, KOLTER, McCALL and
CORDISCO

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, changing the minimum voting age of electors from 21 to 18.

Referred to Committee on JUDICIARY, April 27, 1981.

No. 1324 By Representative GALLEN

An Act amending the "Health Care Facilities Act," approved July 19, 1979 (P. L. 130, No. 48), deleting certain definitions and requirements.

Referred to Committee on STATE GOVERNMENT, April 27, 1981.

No. 1325 By Representatives MOEHLMANN,
DeWEESE, JACKSON, WACHOB and
KUKOVICH

An Act establishing county prison boards in counties of the third through the eighth class and providing for the powers and duties thereof.

Referred to Committee on LOCAL GOVERNMENT, April 27, 1981.

No. 1326 By Representative CORDISCO

An Act making an appropriation to the Department of Transportation for an emergency safety improvement.

Referred to Committee on APPROPRIATIONS, April 27, 1981.

No. 1327 By Representatives HAGARTY,
SAURMAN, REBER, CORNELL,
NAHILL, DAIKELER, GLADECK,
LEWIS, LASHINGER, McCLATCHY and
HOEFFEL

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for place of detention of dependent child.

Referred to Committee on JUDICIARY, April 27, 1981.

No. 1328 By Representatives SEVENTY and POTT

An Act amending the "Second Class County Code," approved July 28, 1953 (P. L. 723, No. 230), increasing the hotel room rental tax; providing for its permanency and providing an appropriation for tourist promotion.

Referred to Committee on URBAN AFFAIRS, April 27, 1981.

No. 1329 By Representatives POTT, ITKIN, CESSAR,
PISTELLA, McVERRY, GRABOWSKI,
PENDLETON, GAMBLE, HORGOS,
DUFFY, MARMION and TRELLO

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), providing for a base appropriation; for the reduction of mandatory programs in certain cases and the preparation of a report by the Legislative Budget and Finance Committee.

Referred to Committee on HEALTH AND WELFARE, April 27, 1981.

No. 1330 By Representatives FLECK, MARMION,
COWELL, POTT, ITKIN, CESSAR,

PISTELLA, McVERRY, GRABOWSKI,
PENDLETON, GAMBLE, HORGOS,
DUFFY, TRELLO and FRAZIER

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), further defining the department's responsibilities.

Referred to Committee on HEALTH AND WELFARE, April 27, 1981.

No. 1331 By Representatives POTT, ITKIN, CESSAR, COWELL, PISTELLA, McVERRY, GRABOWSKI, PENDLETON, GAMBLE, HORGOS, DUFFY, MARMION, TRELLO and FRAZIER

An Act amending the "Local Health Administration Law," approved August 24, 1951 (P. L. 1304, No. 315), further providing for State grants to county departments of health and to certain municipalities.

Referred to Committee on HEALTH AND WELFARE, April 27, 1981.

No. 1332 By Representatives GAMBLE, FRAZIER, POTT, ITKIN, CESSAR, COWELL, PISTELLA, McVERRY, GRABOWSKI, PENDLETON, HORGOS, DUFFY, MARMION, TRELLO and HEISER

An Act amending the "Second Class County Code," approved July 28, 1953 (P. L. 723, No. 230), limiting certain agreements involving land not needed for airport purposes.

Referred to Committee on URBAN AFFAIRS, April 27, 1981.

No. 1333 By Representatives POTT, ITKIN, CESSAR, COWELL, PISTELLA, McVERRY, GRABOWSKI, OLASZ, PENDLETON, GAMBLE, HORGOS, DUFFY, MARMION and TRELLO

An Act amending the "Second Class County Code," approved July 28, 1953 (P. L. 723, No. 230), further regulating contracts and purchases.

Referred to Committee on URBAN AFFAIRS, April 27, 1981.

No. 1334 By Representatives PENDLETON, POTT, COWELL, ITKIN, CESSAR, PISTELLA, McVERRY, GRABOWSKI, OLASZ, GAMBLE, HORGOS, DUFFY, MARMION, TRELLO and HEISER

An Act amending the "Second Class County Code," approved July 28, 1953 (P. L. 723, No. 230), further providing for the membership of boards of managers of houses for detention of juveniles.

Referred to Committee on URBAN AFFAIRS, April 27, 1981.

No. 1335 By Representatives POTT, ITKIN, CESSAR, COWELL, PISTELLA, McVERRY, GRABOWSKI, GAMBLE, HORGOS, DUFFY, MARMION, TRELLO and PENDLETON

An Act amending the "Second Class County Code," approved July 28, 1953 (P. L. 723, No. 230), waiving the furnishing of performance bonds in connection with certain contracts.

Referred to Committee on URBAN AFFAIRS, April 27, 1981.

No. 1336 By Representatives MISCEVICH, POTT, TRELLO, RASCO, ITKIN, MICHLOVIC, HORGOS, MRKONIC, PETRONE, OLASZ, DAWIDA, DUFFY, PISTELLA, COWELL, SEVENTY, GAMBLE, MURPHY, MARMION, CLARK, FRAZIER, FLECK, TADDONIO, McVERRY, GRABOWSKI, PENDLETON and IRVIS

An Act amending the "Real Estate Tax Sale Law," approved July 7, 1947 (P. L. 1368, No. 542), exempting second class counties from the requirement to establish tax claim bureaus and further providing for returns by tax collectors.

Referred to Committee on URBAN AFFAIRS, April 27, 1981.

No. 1337 By Representatives CLARK, DUFFY, COCHRAN, PETRARCA and TRELLO

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), providing for the payment of indebtedness of involuntarily created school districts.

Referred to Committee on EDUCATION, April 27, 1981.

No. 1338 By Representatives SPITZ, MICOZZIE, RASCO, PISTELLA, MISCEVICH, TRELLO, PETRARCA and WASS

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), providing for nonvoting student representatives on school boards.

Referred to Committee on EDUCATION, April 27, 1981.

No. 1339 By Representatives SPENCER and BERSON

An Act amending the act of April 28, 1978 (P. L. 202, No. 53), entitled "A supplement to the act of July 9, 1976 (P. L. 586, No. 142), entitled 'An act amending Titles 42 (Judiciary and Judicial Procedure), 15 (Corporations and Unincorporated Associations), 18 (Crimes and Offenses) and 71 (State Government) of the Pennsylvania Consolidated Statutes, adding revised, codified and compiled provisions relating to judiciary and judicial procedure, *** enacting certain related provisions of law,' making revisions, corrections and additions relating to judiciary and judicial procedure, including certain judicially enforceable rights, duties, immunities and liabilities, ***, eliminating the repeal of provisions relating to post conviction hearings.

Referred to Committee on JUDICIARY, April 27, 1981.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 59 By Representatives L. E. SMITH, DORR, FLECK BURD, SERAFINI and McVERRY

House direct Business and Commerce Committee appoint a special committee on Small Business to review legislative proposals.

Referred to Committee on RULES, April 27, 1981.

No. 60 By Representatives WAMBACH, IRVIS, KOWALYSHYN, MANDERINO, HAYES, GREENFIELD, PIEVSKY, ITKIN, RAPPAPORT, TELEK, LEVIN, BELOFF, COHEN, BERSON, CESSAR, BROWN, RITTER, RYBAK, WOZNIAK, STEWART, JACKSON, SHUPNIK, HALUSKA, EMERSON, DEAL, EVANS, J. D. WILLIAMS, WIGGINS, PUCCIARELLI, BORSKI, ZWIKL, GRUITZA, LLOYD, DeWEESE, MANMILLER, DININNI, PICCOLA, KUKOVICH, CAWLEY, BLAUM, D. R. WRIGHT, LAUGHLIN, PETRONE, HORGOS, MISCEVICH, DUFFY, WARGO and BURNS

House designates May 1, 1981 to commemorate the holocaust during World War II, and need for protection of humanity.

Referred to Committee on RULES, April 27, 1981.

LEAVE OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the majority whip for the purpose of taking leaves of absence.

Mr. CESSAR. Mr. Speaker, I request leave of absence for the gentleman from Chester, Mr. VROON, for today's session.

The SPEAKER. Without objection, leave is granted. The Chair hears none.

The Chair recognizes the minority leader for the purpose of taking leaves of absence.

Mr. IRVIS. Thank you, Mr. Speaker.

At this time we have no requests.

MASTER ROLL CALL RECORDED

The SPEAKER. The Chair is about to take up the master roll call. Only those members present and in their seats are permitted to vote. The members will proceed to vote.

The following roll call was recorded:

PRESENT—200

Table with 4 columns of names: Alden, Anderson, Armstrong, Arty, Barber, Belardi, Belfanti, Beloff, Berson, Bittle, Blaum, Borski, Bowser, Boyes, Brandt, Brown, Burd, Burns, Caltagirone, Evans, Fischer, Fleck, Foster, W. W., Foster, Jr., A., Frazier, Freind, Fryer, Gallagher, Gallen, Gamble, Gannon, Geist, George, Gladeck, Grabowski, Gray, Greenfield, Greenwood, Livengood, Lloyd, Lucyk, McCall, McClatchy, McIntyre, McMonagle, McVerry, Mackowski, Madigan, Maiale, Manderino, Manmiller, Marmion, Merry, Michlovic, Micozzie, Miller, Miscevich, Rocks, Rybak, Salvatore, Saurman, Serafini, Seventy, Showers, Shupnik, Sieminski, Sirianni, Smith, B., Smith, E. H., Smith, L. E., Snyder, Spencer, Spitz, Stairs, Steighner, Stevens

Table with 4 columns of names: Cappabianca, Cawley, Cessar, Cimini, Civera, Clark, Clymer, Cochran, Cohen, Colafella, Cole, Cordisco, Cornell, Coslett, Cowell, Cunningham, DeMedio, DeVerter, DeWeese, Daikeler, Davies, Dawida, Deal, Dietz, Dininni, Dombrowski, Donatucci, Dorr, Duffy, Durham, Earley, Emerson, Grieco, Gruitza, Gruppo, Hagarty, Haluska, Harper, Hasay, Hayes, Heiser, Hoeffel, Honaman, Horgos, Hutchinson, A., Hutchinson, W., Irvis, Itkin, Jackson, Johnson, Kanuck, Kennedy, Klingaman, Kolter, Kowalshyn, Kukovich, Lashinger, Laughlin, Lehr, Lescovitz, Letterman, Levi, Levin, Lewis, Moehlmart, Morris, Mowery, Mrkonic, Mullen, Murphy, Nahill, Noye, O'Donnell, Oiasz, Oliver, Pendleton, Perzel, Peterson, Petrarca, Petrone, Phillips, Piccola, Pievsky, Pistella, Pitts, Pott, Pratt, Pucciarelli, Punt, Rappaport, Rasco, Reber, Richardson, Rieger, Ritter, Stewart, Stuban, Swaim, Sweet, Swift, Taddonio, Taylor, E. Z., Taylor, F. E., Telek, Tigue, Trello, Van Horne, Wachob, Wambach, Wargo, Wass, Wenger, Weston, White, Wiggins, Williams, H., Williams, J. D., Wilson, Wogan, Wozniak, Wright, D. R., Wright, J. L., Zwick, Ryan, Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—2

Fee Vroon

CALENDAR

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 497, PN 750, entitled:

An Act amending "The First Class City Permanent Registration Act," approved March 30, 1937 (P. L. 115, No. 40), further providing for the approval of official registration application cards, and authorizing change of registration by mail.

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—196

Table with 4 columns of names: Alden, Anderson, Armstrong, Arty, Barber, Belardi, Belfanti, Beloff, Berson, Bittle, Blaum, Fleck, Foster, W. W., Foster, Jr., A., Frazier, Freind, Fryer, Gallagher, Gallen, Gamble, Gannon, Geist, Lucyk, McCall, McClatchy, McIntyre, McMonagle, McVerry, Mackowski, Madigan, Maiale, Manderino, Manmiller, Rybak, Salvatore, Saurman, Serafini, Seventy, Showers, Shupnik, Sieminski, Sirianni, Smith, B., Smith, E. H.

Borski	George	Marmion	Smith, L. E.
Bowser	Gladeck	Merry	Snyder
Boyes	Gray	Michlovic	Spencer
Brandt	Greenfield	Micozzie	Spitz
Brown	Greenwood	Miller	Stairs
Burd	Grieco	Miscevich	Steighner
Burns	Gruitza	Moehlmann	Stevens
Caltagirone	Gruppo	Morris	Stewart
Cappabianca	Hagarty	Mowery	Stuban
Cawley	Haluska	Mrkoncic	Swaim
Cessar	Harper	Mullen	Sweet
Cimini	Hasay	Murphy	Swift
Civera	Hayes	Nahill	Taddonio
Clark	Heiser	Noye	Taylor, E. Z.
Clymer	Hoeffel	O'Donnell	Taylor, F. E.
Cochran	Honaman	Olasz	Telek
Colafella	Horgos	Oliver	Tigue
Cole	Hutchinson, A.	Pendleton	Trello
Cardisco	Hutchinson, W.	Perzel	Van Horne
Cornell	Irvic	Peterson	Wachob
Coslett	Itkin	Petrarca	Wambach
Cowell	Jackson	Petrone	Wargo
Cunningham	Johnson	Phillips	Wass
DeMedio	Kanuck	Piccola	Wenger
DeVerter	Kennedy	Pievsky	Weston
DeWeese	Klingaman	Pistella	White
Daikeler	Kolter	Pitts	Wiggins
Davies	Kowalshyn	Pott	Williams, H.
Dawida	Kukovich	Pratt	Williams, J. D.
Deal	Lashinger	Pucciarelli	Wilson
Dininni	Laughlin	Punt	Wogan
Dombrowski	Lehr	Rappaport	Wozniak
Donatucci	Lescovitz	Rasco	Wright, D. R.
Dorr	Letterman	Reber	Wright, J. L.
Duffy	Levi	Richardson	Zwinkl
Durham	Levin	Rieger	
Emerson	Lewis	Ritter	Ryan,
Evans	Livengood	Rocks	Speaker
Fischer	Lloyd		

NAYS—1

Dietz

NOT VOTING—3

Cohen

Earley

Grabowski

EXCUSED—2

Fee

Vroon

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the clerk present the same to the Senate for concurrence.

**FEDERAL-STATE RELATIONS
COMMITTEE MEETING**

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

Mr. HASAY. Mr. Speaker, I would like to announce that there will be a House Federal-State Relations Committee meeting as soon as the recess is called in room 245. Federal-State Relations Committee. Thank you.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the majority caucus chairman.

Mr. NOYE. Thank you, Mr. Speaker.

I would like the Republican members to report to the caucus room immediately. We have a few items on the calendar to caucus on. Following that, the members can get lunch. I would ask that the recess be extended until 2 o'clock, at which time we will be able to return.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the minority caucus chairman.

Mr. O'DONNELL. Mr. Speaker, we will have a Democratic caucus at 11:30, and we will have you out in time for lunch. Thank you.

SENATE MESSAGE

HOUSE BILL

CONCURRED IN BY SENATE

The clerk of the Senate informed that the Senate has concurred in **HB 124, PN 125**.

BILL SIGNED BY SPEAKER

The Chair gave notice that he was about to sign the following bill, which was then signed:

HB 124, PN 125

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), removing provisions relating to advertisement of actions of commission.

COMMUNICATION FROM GOVERNOR

BILL SIGNED BY GOVERNOR

The Secretary to the Governor presented the following communication from His Excellency, the Governor:

APPROVAL OF HB No 570.

Commonwealth of Pennsylvania
Governor's Office, Harrisburg

April 27, 1981

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania

I have the honor to inform you that I have this day approved and signed House Bill 570, Printer's No. 598, entitled "An act amending the act of October 6, 1980 (No. 145), entitled 'An act providing for the capital budget for the fiscal year 1980-1981,' increasing the bond authorization for transportation assistance projects".

**DICK THORNBURGH
GOVERNOR**

REMARKS ON VOTES

The SPEAKER. The Chair recognizes the gentleman from Centre, Mr. Cunningham.

Mr. CUNNINGHAM. Mr. Speaker, I would like the record to show that I voted in error on HB 497. I meant to vote in the negative.

The SPEAKER. The gentleman's remarks will be spread upon the record.

The Chair recognizes the gentleman from Allegheny, Mr. Grabowski.

Mr. GRABOWSKI. I would like the record to show that I voted in the affirmative on HB 497.

The SPEAKER. The gentleman's remarks will be spread upon the record.

RECESS

The SPEAKER. Without objection, this House stands in recess until 2 p.m. The Chair hears none.

AFTER RECESS

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

CALENDAR RESUMED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 671, PN 706**, entitled:

An Act providing for the protection of library, museum and archival material, defining the crime of library theft, providing for the detention of suspects, exempting libraries and their employees from civil and criminal liability and providing penalties.

On the question,

Will the House agree to the bill on third consideration?

Mr. ZWIKL offered the following amendment No. A1057:

Amend Sec. 2, page 1, line 16, by inserting a comma after "educational"

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Zwikl.

Mr. ZWIKL. Mr. Speaker, this is an amendment that places a comma on line 16. It was an oversight, and it is just a technical corrective punctuation amendment.

The SPEAKER. The Chair recognizes the majority leader. Mr. HAYES. The gentleman's amendment is agreed to.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—194

Alden	Emerson	Levi	Ritter
Anderson	Evans	Levin	Rocks
Armstrong	Fischer	Lewis	Rybak
Arty	Fleck	Livengood	Salvatore
Belardi	Foster, W. W.	Lloyd	Saurman
Belfanti	Foster, Jr., A.	Lucyk	Serafini
Beloff	Frazier	McCall	Seventy
Berson	Freind	McClatchy	Showers
Bittle	Fryer	McIntyre	Shupnik
Blaum	Gallagher	McMonagle	Sieminski
Borski	Gallen	McVerry	Sirianni
Bowser	Gamble	Mackowski	Smith, B.
Boyes	Gannon	Madigan	Smith, E. H.
Brandt	Geist	Maiale	Smith, L. E.
Brown	George	Manderino	Snyder
Burd	Gladeck	Manmiller	Spencer
Burns	Grabowski	Marmion	Spitz
Caltagirone	Gray	Merry	Stairs
Cappabianca	Greenfield	Micozzie	Steighner
Cawley	Greenwood	Miller	Stevens
Cessar	Grieco	Miscevich	Stewart
Cimini	Gruitza	Moehlmann	Stuban
Civera	Gruppo	Morris	Swaim
Clark	Hagarty	Mowery	Sweet
Clymer	Haluska	Mrkonic	Swift
Cochran	Harper	Mullen	Taddonio
Cohen	Hasay	Murphy	Taylor, E. Z.
Colafella	Hayes	Nahill	Taylor, F. E.
Cole	Heiser	Noye	Telek
Cordisco	Hoeffel	O'Donnell	Tigue
Cornell	Honaman	Olasz	Trello
Coslett	Horgos	Oliver	Van Horne
Cowell	Hutchinson, A.	Pendleton	Wachob
Cunningham	Hutchinson, W.	Perzel	Wambach
DeMedio	Irvic	Peterson	Wargo
DeVerter	Itkin	Petrarca	Wass
DeWeese	Jackson	Petrone	Wenger
Daikeler	Johnson	Phillips	Weston
Davies	Kanuck	Piccola	Williams, H.
Dawida	Kennedy	Pievsky	Williams, J. D.
Deal	Klingaman	Pistella	Wilson
Dietz	Kolter	Pitts	Wogan
Dininni	Kowalshyn	Pott	Wozniak
Dombrowski	Kukovich	Pratt	Wright, D. R.
Donatucci	Lashingier	Pucciarelli	Wright, J. L.
Dorr	Laughlin	Punt	Zwikl
Duffy	Lehr	Rasco	
Durham	Lescovitz	Reber	Ryan,
Earley	Letterman	Rieger	Speaker

NAYS—0

NOT VOTING—6

Barber	Rappaport	White	Wiggins
Michlovic	Richardson		

EXCUSED—2

Fee	Vroon
-----	-------

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

On the question,

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?

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

YEAS—195

Alden	Fischer	Lewis	Ritter
Anderson	Fleck	Livengood	Rocks
Armstrong	Foster, W. W.	Lloyd	Rybak
Arty	Foster, Jr., A.	Lucyk	Salvatore
Belardi	Frazier	McCall	Saurman
Belfanti	Freind	McClatchy	Serafini
Beloff	Fryer	McIntyre	Seventy
Berson	Gallagher	McMonagle	Showers
Bittle	Gallen	McVerry	Shupnik
Blaum	Gamble	Mackowski	Sieminski
Borski	Gannon	Madigan	Sirianni
Bowser	Geist	Maiale	Smith, B.
Boyes	George	Manderino	Smith, E. H.
Brandt	Gladeck	Manmiller	Smith, L. E.
Brown	Grabowski	Marmion	Snyder
Burd	Gray	Merry	Spencer
Burns	Greenfield	Michlovic	Spitz
Caltagirone	Greenwood	Micozzie	Stairs
Cappabianca	Grieco	Miller	Steighner
Cawley	Gruitza	Miscevich	Stevens
Cessar	Gruppo	Moehlmann	Stewart
Cimini	Hagarty	Morris	Stuban
Civera	Haluska	Mowery	Swaim
Clark	Harper	Mrkonic	Sweet
Clymer	Hasay	Mullen	Swift
Cochran	Hayes	Murphy	Taddonio
Cohen	Heiser	Nahill	Taylor, E. Z.
Colafrilla	Hoefel	Noye	Taylor, F. E.
Cole	Honaman	O'Donnell	Telek
Cordisco	Horgos	Olasz	Tigue
Cornell	Hutchinson, A.	Oliver	Trello
Coslett	Hutchinson, W.	Pendleton	Van Horne
Cowell	Iris	Perzel	Wachob
Cunningham	Itkin	Peterson	Wambach
DeMedio	Jackson	Petrarca	Wargo
DeVerter	Johnson	Petrone	Wass
DeWeese	Kanuck	Phillips	Wenger
Daikeler	Kennedy	Piccola	Weston
Davies	Klingaman	Pievsky	Williams, H.
Dawida	Kolter	Pistella	Williams, J. D.
Deal	Kowalshyn	Pitts	Wilson
Dietz	Kukovich	Pott	Wogan
Dininni	Lashinger	Pratt	Wozniak
Dombrowski	Laughlin	Pucciarelli	Wright, D. R.
Donatucci	Lehr	Punt	Wright, J. L.
Dorr	Lescovitz	Rappaport	Zwinkl
Duffy	Letterman	Rasco	
Durham	Levi	Reber	Ryan,
Earley	Levin	Rieger	Speaker
Emerson			

NAYS—0

NOT VOTING—5

Barber	Richardson	White	Wiggins
Evans			

EXCUSED—2

Fee	Vroon
-----	-------

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the clerk present the same to the Senate for concurrence.

* * *

The House proceeded to third consideration of **HB 696, PN 731**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for summary criminal

contempt proceedings for persons who willfully fail to comply with lawful support orders.

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?

The Chair recognizes the gentleman from Philadelphia, Mr. Levin.

Mr. LEVIN. Mr. Speaker, unfortunately, this is a bill backwards. This is a bill that takes Pennsylvania back against the general trend of law which has developed through the United States. Let me just explain for those of you who are not lawyers what the difference is in this bill and the present law.

What we have attempted to do for many years in the area of child support is take it out of the area of criminal sanctions. The reason for that is not to make it easier for people to avoid paying their responsibility, but rather to make it easier for the court to administer and to effectively administer people who refuse to pay support. To take a father, who is the usual situation, and bring him in as a criminal for failing to support proved to be very ineffective in the past. Instead, it was used historically as a threat over the head of individuals who basically were law abiding. The court has the power when a man or woman refuses to pay child support to hold them in contempt of court.

In the bill analysis that you received, you will note that there is a civil contempt procedure. That means that if an individual does not pay his support order, he then is brought back in front of the judge. The judge indicates that he is in contempt of that order. He may sentence him to jail for 6 months. This bill provides a 90-day sanction. The present civil contempt is or can be harsher if a judge wishes to use it. So the attempt to stop this bill from becoming law is not an attempt to help people avoid their responsibility; it is rather a difference in philosophy.

If you vote for this bill, you are sanctioning the continual use of criminal penalties in an area where the general trend across the United States is to effectuate this by civil sanctions. There is no reason to bring a father, who has gotten in a fight with his wife over child visitation, into a courtroom over a criminal sanction when you have an effective civil sanction.

This bill passed this House in the last session and was vetoed by Governor Shapp because it goes against the trend of the modern philosophy.

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

Mr. DORR. Mr. Speaker, I think that the gentleman has not explained one aspect of the bill or emphasized one aspect of the bill which probably is the basis for the distinction between the current trend and this bill, and that is that the person is liable to go to jail only where he is in contempt of an existing court order; that is, the nature of the offense that he has committed is that he has not paid when he had the ability to pay and he is in contempt of court for refusing to pay when

he had the ability to pay. This bill will give the judges of this Commonwealth an added device, an added bit of leverage in attempting to obtain cooperation from recalcitrant fathers who have not paid bills for support when they had the ability to pay.

It is my judgment that they should have paid and they should pay a penalty if they have not paid when they had that capability. The courts should have the ability, if in their judgment that person is so much in contempt that they should go to court, to send them to jail under those circumstances. I urge passage of the bill.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Levin, for the second time.

Mr. LEVIN. Thank you, Mr. Speaker.

What Mr. Dorr has said is essentially correct, and I do not dispute that his bill would solve a tiny problem that occurs in rare, rare instances where someone who had the ability to pay support and is presently unable to pay support is not subject to a civil penalty. The tragedy of this kind of bill is not the kind of case that Mr. Dorr spoke to; it is in the general area.

Those of us who have practiced in these courts for a long time know that nothing in this world is like the fight between a husband and wife when there is child visitation and child support. It is the general businessman, the respected member of the community who has never had any contact with the criminal law, who one day finds himself in this kind of fight and wakes up being charged with a crime instead of being brought in front of a judge and ordered to pay in a normal fashion. That is the reason that all the states have moved against this kind of bill. We do not want to use a criminal sanction in an area where there is an effective civil sanction and where there is no reason to use it. This bill does solve one very minor little problem, but at a very great penalty to the overall trend of the law.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Hardy Williams. Does the gentleman, Mr. Hardy Williams, seek recognition?

Mr. H. WILLIAMS. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. H. WILLIAMS. Mr. Speaker, I would yield to Mr. Rappaport. I believe he sought recognition before I did.

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

Mr. RAPPAPORT. Thank you, Mr. Speaker, and I thank my learned colleague.

The SPEAKER. Your what?

Mr. RAPPAPORT. My learned colleague.

The SPEAKER. The Chair thanks the gentleman.

Mr. RAPPAPORT. Mr. Speaker, the Chief Justice of the United States gave a speech several months ago in which he condemned the overtechnicalities of the criminal law and the problem that we cannot bring anybody to trial now or convict them and put them away because the appeals take 15 years. And indeed, Mr. Justice Rehnquist, in an opinion that he handed down yesterday, said the same thing about the death penalty, that we can pass all the laws we want but in fact nobody is being executed because of the technicalities of the law.

Here I see us bringing the technicalities of the criminal law into a very simple procedure. Once we make this a crime, then that errant father or mother gets all the rights of a criminal defendant. They are entitled to a lawyer, a lawyer paid for by the taxpayers. They are entitled to self-incrimination, the fifth amendment; and all the appeals, which the taxpayers will pay for.

At the present time, at least in my county, there is no nonsense about it. If somebody has not paid in 3 months, the judge does not give them any warnings; he just says, you are going to the detention center for 90 days—no appeals, nothing; bang, 90 days. And the judges tell me that miraculously, after that unsupporting father hears those magic words, “90 days,” the money turns up inside of 6 hours.

Mr. Speaker, I think it would be a mistake to make this a crime. We have a civil remedy that is even more effective than any criminal remedy. The civil remedy is called 90 days, next case. And like anything else, if we have the judges to do it—and we happen to in Philadelphia—they will pay. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Hardy Williams.

Mr. H. WILLIAMS. Mr. Speaker, I agree with Mr. Rappaport, but I wanted to suggest there is another reason why this bill should be defeated.

The courts of common pleas, at least in most urban areas where you get this problem of errant fathers, are already clogged up civilly and criminally so bad that we have serious problems delivering justice to victims of crime already.

It seems to me that to take a measure like this would add to that problem that exists presently. It would also add to the financial burden of the state, it seems to me, if we are going to deposit another system of people into the jails and prisons. So my reason really for opposing the bill as put is that it is financially a detriment to us. It is a nonintelligent approach to a solution to criminal behavior. I am seriously afraid that a well-intentioned measure may fly back in our face, both financially and as far as the system is concerned, and I would, Mr. Speaker, urge defeat of the bill as put.

On the other hand, I know the measure is well intentioned, and at an appropriate time I would like to ask that that bill be submitted to the Subcommittee on Courts, because indeed, I think it has more impact on the court system than anything; little or no impact on the lives of people, but on courts and justice and the money that we spend. Those are my basic fundamental reservations for opposing the bill.

The SPEAKER. Is the gentleman, Mr. Williams, moving that the bill be recommitted to the Judiciary Committee?

Mr. H. WILLIAMS. Mr. Speaker, I said that editorially. I do not want to take the opportunity away from Mr. Dorr to put it on, but I suggested that editorially as to where I thought it might best be.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from York, Mr. Dorr.

Mr. DORR. Mr. Speaker, just a couple of comments with regard to the arguments of the Philadelphia lawyers. The

gentleman, Mr. Rappaport, indicates that the Philadelphia judges send people to jail now. Well, perhaps if my judges in York County did not recognize the opinions of the Supreme Court, we would not have this problem. The problem is that it is illegal to send people to jail under circumstances that he described today under recent opinions of the Supreme Court which gave rise to my judges in York County and some other judges of cosponsors of this measure to ask us to pass this measure to give them the additional leverage that they need. I believe that the potential problems raised by the gentleman from Philadelphia, Mr. Rappaport, are not there, because we have placed in the bill a limitation of this offense to a summary offense. It will come before the judges automatically. In my judgment, it will not give rise to a myriad of appeals into the appellate courts of the Commonwealth, because effectively what will happen is exactly what Mr. Rappaport indicated happens in Philadelphia now where the judges apparently are sending people to jail, and that is that the support order will be paid.

Again I urge passage of the bill.

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—146

Alden	Durham	Levi	Rybak
Anderson	Fischer	Lewis	Salvatore
Armstrong	Foster, W. W.	Livengood	Saurman
Arty	Foster, Jr., A.	McCall	Serafini
Belardi	Frazier	McClatchy	Seventy
Bittle	Freind	McVerry	Showers
Blaum	Gallagher	Mackowski	Sieminski
Bowser	Gallen	Madigan	Sirianni
Boyes	Gamble	Manmiller	Smith, B.
Brandt	Gannon	Marmion	Smith, E. H.
Brown	Geist	Merry	Smith, L. E.
Burd	George	Michlovic	Snyder
Burns	Gladeck	Micozzie	Spencer
Cawley	Grabowski	Miller	Spitz
Cessar	Gray	Morris	Stairs
Cimini	Greenwood	Mowery	Stevens
Civera	Grieco	Mrkonic	Stuban
Clark	Gruppo	Mullen	Sweet
Clymer	Hagarty	Murphy	Swift
Colafella	Hasay	Nahill	Taddonio
Cole	Hayes	Noye	Taylor, E. Z.
Cordisco	Heiser	Olasz	Taylor, F. E.
Cornell	Honaman	Perzel	Telek
Coslett	Horgos	Peterson	Tigue
Cowell	Hutchinson, W.	Petrarca	Wachob
Cunningham	Jackson	Petrone	Wambach
DeMedio	Johnson	Phillips	Wass
DeVerter	Kanuck	Piccola	Wenger
DeWeese	Kennedy	Pievsky	Weston
Daikeler	Klingaman	Pistella	Wilson
Davies	Kolter	Pitts	Wogan
Dawida	Kowalshyn	Pott	Wozniak
Dietz	Kukovich	Punt	Wright, D. R.
Dininni	Lashinger	Rasco	Wright, J. L.
Donatucci	Lehr	Reber	
Dorr	Lescovitz	Ritter	Ryan,
Duffy	Letterman	Rocks	Speaker

NAYS—52

Barber	Evans	Lloyd	Rieger
Belfanti	Fleck	Lucyk	Shupnik
Beloff	Fryer	McMonagle	Steighner
Berson	Greenfield	Maiale	Stewart

Borski	Gruitza	Manderino	Swaim
Caltagirone	Haluska	Miscevich	Trello
Cappabianca	Harper	Moehlmann	Van Horne
Cochran	Hoefel	O'Donnell	Wargo
Cohen	Hutchinson, A.	Oliver	White
Deal	Irvis	Pendleton	Wiggins
Dombrowski	Itkin	Pratt	Williams, H.
Earley	Laughlin	Pucciarelli	Williams, J. D.
Emerson	Levin	Rappaport	Zwinkl

NOT VOTING—2

McIntyre	Richardson
----------	------------

EXCUSED—2

Fee	Vroon
-----	-------

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the clerk present the same to the Senate for concurrence.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. I am sorry; I inadvertently hit the "no" button on the vote on HB 696. I would like to be recorded in the affirmative.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 82, PN 83**, entitled:

An Act amending the "Pennsylvania Cigarette Tax Act," approved July 22, 1970 (P. L. 513, No. 178), removing an exemption from taxation.

On the question,

Will the House agree to the bill on third consideration?

Mr. DORR offered the following amendments No. A822:

Amend Title, page 1, line 4, by inserting after "taxation" and changing the cigarette stamping agencies permitted to pay for purchases on a deferred basis

Amend Bill, page 2, by inserting between lines 14 and 15

Section 2. Subsection (e) of section 301 of the act is amended to read:

Section 301. Stamp to Evidence the Tax.—***

(e) The department shall by regulation permit [only] a [Pennsylvania domiciled] cigarette stamping agency to pay for purchases on a deferred basis, upon the filing of a surety bond, of the type approved by the department, with the department, in an amount deemed sufficient by the department to protect the revenue, said bond to be executed by the cigarette stamping agency as principal and by a corporate surety company, duly authorized to engage in such business in the Commonwealth of Pennsylvania, as surety. The department shall deny deferred purchase plans to any stamping agency in any state where such state denies charges stamping agencies in Pennsylvania the right to use deferred purchase plans.

Amend Sec. 2, page 2, line 15, by striking out "2." and inserting

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

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

Mr. DORR. Mr. Speaker, the amendment creates a reciprocal situation between Pennsylvania and other states with regard to the treatment of small business persons who operate cigarette or other tobacco distributing companies. These people purchase tax stamps to place on the cigarettes that they sell. In Pennsylvania we allow only Pennsylvanians to purchase those stamps on a deferred basis; that is, on a basis where they can get the stamps and then pay for them as they are paid for their cigarettes. Other states, namely Maryland, state that if Maryland residents are prevented in Pennsylvania from paying on a deferred basis, then they will prevent Pennsylvanians from paying on a deferred basis in Maryland. This amendment simply makes the situation totally reciprocal in that if Maryland allows Pennsylvanians to pay for their Maryland stamps on a deferred basis, then Pennsylvania will allow Marylanders to pay for their stamps in Pennsylvania on a deferred basis.

I think that we are all aware of the problems that government causes small business people. One of the main areas of those problems relates to the payments by government to these people, which many times strings out over months and months, and also the situation where money is coming from those people to the state where we are requiring them to pay in effect in advance. This will create a reciprocal situation in which Pennsylvanians will now be able to pay their Maryland taxes on a deferred basis, as well as Marylanders doing so in Pennsylvania.

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Would Mr. Dorr please stand for questioning?

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman, Mr. Laughlin, may proceed.

Mr. LAUGHLIN. Mr. Speaker, whenever you mention "deferred," how long a period of time are you talking about, since Pennsylvania has never allowed this in the past?

Mr. DORR. Frankly, Mr. Speaker, I am not sure. I believe it is over a period of 3 or 4 months. It depends on how long the regulations of the Department of Revenue extend that privilege. It would extend it to Marylanders the same as Pennsylvanians have that privilege today.

Mr. LAUGHLIN. How much money is involved in this type of deferral, Mr. Speaker? Do you have that kind of figure?

Mr. DORR. No. I have asked for help with that from the Appropriations Committee, but I have not gotten an answer from them. I do not think it is extensive at all.

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

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Ritter.

Mr. RITTER. Mr. Speaker, would Mr. Dorr consent to brief interrogation?

The SPEAKER. The gentleman indicates he will. The gentleman, Mr. Ritter, may proceed.

Mr. RITTER. Mr. Speaker, do you have a copy of the amendment?

Mr. DORR. I am sorry, Mr. Speaker.

Mr. RITTER. Mr. Speaker, let me just read the language to the gentleman and then ask the question. It says, "The department shall deny deferred purchase plans to any stamping agency in any state where such state denies charges stamping agencies in Pennsylvania the right to use deferred purchase plans." What does that word "charges" mean in that amendment? I do not know whether that is superfluous or whether that is an error or what.

Mr. DORR. My guess is that it is a typographical error resulting from the typing of this amendment in the Legislative Reference Bureau.

Mr. RITTER. Mr. Speaker, it seems to me that if the amendment would read, "...in any state where such state denies...stamping agencies in Pennsylvania...." If the word "charges" was not in there, it would make a great deal more sense.

Mr. DORR. I agree with the gentleman.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Ritter.

Mr. RITTER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RITTER. Mr. Speaker, when I questioned Mr. Dorr, I think he agreed with me that the word "charges" ought not to be in the amendment. It just does not make any sense. Is there any way that we can simply eliminate that word in this amendment, or can we instruct the Legislative Reference Bureau to strike that language?

The SPEAKER. The Chair is aware of no way under the rules that the word "charges" may be deleted from that amendment.

Mr. RITTER. Mr. Speaker, I do not want to hold up the amendment. I agree with the amendment. It is just that the word does not belong in there and it does not make any sense when you read it, and I do not know what it is going to do if we leave that word in.

AMENDMENTS WITHDRAWN

Mr. DORR. Mr. Speaker, I want to apologize to the House. I will withdraw the amendment and ask, with the sponsor's permission, if we could go over the bill at least temporarily until I can get the amendment redrafted.

HB 82 PASSED OVER TEMPORARILY

The SPEAKER. It is the Chair's understanding that the gentleman from York, Mr. Dorr, is agreeable to withdraw his amendment if the gentleman from Delaware, Mr. Freind, is agreeable to hold the bill over temporarily. Is that correct?

The gentleman, Mr. Freind, agrees, and the bill, without objection, will be temporarily passed over. The Chair hears none.

REPUBLICAN CAUCUS

-The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, while we wait for that amendment, I would like to recess the House for a period of 1 hour for the purpose of a Republican caucus, and I would ask all Republicans to report to caucus immediately.

RECESS

The SPEAKER. Without objection, this House will stand in recess until 3:45. Republican members report to the caucus room; all Republican members report to the caucus room. The Chair hears no objection.

AFTER RECESS

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

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, all the remaining bills and resolutions on today's calendar will be passed over. The Chair hears none.

REPORT FROM RULES COMMITTEE**BILL REMOVED FROM TABLE FOR CALENDAR**

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, the Rules Committee has instructed me to make a motion to remove HB 586 from the table and place it on the active calendar, and I so move.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS REMOVED FROM TABLE FOR CALENDAR

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, the Rules Committee has instructed me to make a motion to remove the following bills from the table and place them on the active calendar with the understanding that they will be rereferred to the Appropriations Committee for the purpose of a fiscal note at a later date, and I so move:

HB 163; and

HB 176.

On the question,

Will the House agree to the motion?

Motion was agreed to.

RESOLUTIONS REPORTED FROM COMMITTEE

HR 5, PN 242

By Rep. HAYES

House direct Transportation Committee investigate distribution and sale of fuel by nonmetered tank vehicles.

RULES.

HR 30, PN 914 (Unanimous)

By Rep. HASAY

House memorialize Congress urge Department of Labor proceed with speedy resolution of the backlog in Black Lung benefit claims.

FEDERAL-STATE RELATIONS.

HR 44, PN 1250

By Rep. HAYES

House direct subcommittee on first class cities investigate citizen complaints on the operation of Northwest Incinerator, Philadelphia.

RULES.

HR 56, PN 1428 (Concurrent)

By Rep. HASAY

General Assembly memorialize President and Congress permit Conrail to make transition from Federal support to nonsubsidized, efficient, competitive entity.

FEDERAL-STATE RELATIONS.

HR 59, PN 1440

By Rep. HAYES

House direct Business and Commerce Committee appoint a special committee on Small Business to review legislative proposals.

RULES.

HR 60, PN 1441

By Rep. HAYES

House designates May 1, 1981 to commemorate the holocaust during World War II, and need for protection of humanity.

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

HB 125, PN 1492 (Amended) (Unanimous)

By Rep. GALLEN

An Act amending Title 9 (Burial Grounds) of the Pennsylvania Consolidated Statutes providing for the registration of certain cemetery companies with the State Real Estate Commission, providing for investigation of cemetery companies and further providing for the filing of accounts.

STATE GOVERNMENT.

HB 229, PN 1493 (Amended) (Unanimous)

By Rep. GALLEN

An Act creating the Public Employee Retirement Study Commission to make a continuing study of all public employee retirement and pension systems; and making an appropriation.

STATE GOVERNMENT.

HB 568, PN 1494 (Amended) (Unanimous)

By Rep. GALLEN

An Act authorizing the Department of General Services, with the approval of the Governor and the Secretary of Public Welfare, to sell and convey a certain lot or tract of land situate in the City of Harrisburg, Pennsylvania.

STATE GOVERNMENT.

HB 588, PN 617 (Unanimous)

By Rep. GALLEN

An Act authorizing the Department of General Services, with the approval of the Governor to sell and convey a certain lot or tract of ground together with improvements thereon situate in the Township of Mt. Joy, Lancaster County, Pennsylvania.

STATE GOVERNMENT.

HB 719, PN 768 (Unanimous)

By Rep. GALLEN

An Act amending "The Fiscal Code," approved April 9, 1929 (P. L. 343, No. 176), further providing for the deposit of securities.

STATE GOVERNMENT.

HB 1153, PN 1278 (Unanimous)

By Rep. GALLEN

An Act providing for cession by the Governor to the United States of jurisdiction over certain lands within Commonwealth boundaries.

STATE GOVERNMENT.

HB 1218, PN 1353 (Unanimous)

By Rep. GALLEN

An Act amending the "Real Estate Licensing Act," approved February 19, 1980 (No. 9), providing for the registration of cemetery companies and providing for fees, enforcement and penalties.

STATE GOVERNMENT.

HB 1274, PN 1413

By Rep. GALLEN

An Act creating the State Board of Organized Network Community Anticrime Assistance, granting powers to the board, providing for grants, imposing duties upon certain public officers and agencies and making an appropriation.

STATE GOVERNMENT.

ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, I submit for the record in accordance with our rules the additions and deletions of sponsors.

ADDITIONS:

HB 412, Hasay; HB 714, Micozzie; HB 772, Micozzie; HB 774, Micozzie; HB 775, Micozzie; HB 863, Micozzie; HB 1285, Marmion, L. E. Smith; HB 1286, A. C. Foster, Johnson, Noye, Gray.

DELETIONS:

HB 254, E. Z. Taylor; HB 720, Pratt; HB 1184, Morris; HB 1185, Morris; HB 1186, Morris; HB 1187, Morris; HB 1188, Morris.

**COMMUNICATION FROM SECRETARY OF
EDUCATION**

The SPEAKER. The Chair acknowledges receipt of a communication dated April 22, 1981, from Robert G. Scanlon, Secretary of Education. Said report is a calculation of the state median actual instruction expense per weighted average daily membership, which will be made part of the record.

The following communication was read:

Commonwealth of Pennsylvania
Department of Education
Harrisburg, Pennsylvania 17126

April 22, 1981

The Honorable Matthew J. Ryan
Speaker, House of Representatives
139 Capitol Building
Harrisburg, Pennsylvania 17120

Dear Speaker Ryan:

Subsection 12 of Section 2501 of the Public School Code, as amended by Act 59 of 1977, provides, "The Secretary of Education annually shall calculate the State 'Median Actual Instruction Expense per Weighted Average Daily Membership' and shall supply the same to the General Assembly."

For the school year 1979-80, the Median Actual Instruction Expense per Weighted Average Daily Membership was \$1,340.62.

Sincerely,
Robert G. Scanlon

COMMUNICATION FROM CHIEF CLERK

The SPEAKER. The Chair acknowledges receipt from the Chief Clerk of the Sunshine notice for the months of May, June, and July, which will be made part of the record.

The following communication was read:

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

NOTICE
SESSION SCHEDULE
HOUSE OF REPRESENTATIVES

Notice is hereby given, in accordance with the Act of July 19, 1974, P.L. 486, No. 175, that the House of Representatives will convene in open session in the Hall of the House on the following dates:

May 4, 5, 6, 11, 12, 13
June 1, 2, 3, 8, 9, 10, 15, 16, 17,
22, 23, 24, 29, 30
July 1

The time of convening on the first day of each session week shall be 1:00 p.m., prevailing time (as per House Rules), and on each other session day at 11:00 a.m., prevailing time, unless a different time is previously announced by the Speaker in open session of the House.

John J. Zubeck
Chief Clerk

April 28, 1981

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

I hereby certify that thirty copies of the foregoing notice were delivered to the Supervisor of the Newsroom of the State Capitol Building in Harrisburg on April 28, 1981, and a copy was also posted on the bulletin board outside the main entrance to the Chief Clerk's Office on the same date.

John J. Zubeck
Chief Clerk
House of Representatives

April 28, 1981

(Copy is on file with the Journal clerk.)

WELCOMES

The SPEAKER. The Chair is pleased to welcome to the hall of the House today Renee Terrill of Harborcreek Township, Erie County, and Judy Gastemire of Franklin Township, Erie County, members of the 4-H Club in that area, quests of Mr. Bowser.

The Chair welcomes to the hall of the House Miss Sherry Miller of Enhaut, Dauphin County, Pennsylvania. Miss Miller is writing a paper entitled "A Day in the Life of a Legislator" as a requirement for her business law class at Central Dauphin East High School. She is here today as the guest of the gentlemen from Dauphin County, Mr. Wambach and Mr. Piccola.

The Chair welcomes to the floor of the House Mr. Florian Swalina, who is here as the guest of Mr. Belfanti from Northumberland County.

The Chair welcomes students from Wilson High School in Berks County - Bill Fryer, Jeff Bukowski, Ed Naylor, Cheryl Traczk, and Andrea Romig - here as the guests of Mr. Davies.

The Chair welcomes the Pennsylvania history class of Westminster Academy, Carmichaels, Pennsylvania, along with their teacher, Miss Karen Shergy, here today as the guests of Mr. DeWeese of Greene County.

The Chair recognizes Perry High School juniors and seniors from Pittsburgh, here today as the guests of Mr. Murphy of Allegheny County.

The Chair welcomes Mrs. Suzanne Glasow of State College, *guest of Mr. Martin Mullen and Mr. Greg Cunningham*. Mrs. Glasow is the latest appointment to the Commission for Women.

ADJOURNMENT

The SPEAKER. The Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Mr. Speaker, I move that this House do now adjourn until Wednesday, April 29, 1981, at 11 a.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 4:48 p.m., e.d.t, the House adjourned.