

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, JULY 21, 1981

SESSION OF 1981

165TH OF THE GENERAL ASSEMBLY

No. 51

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (MATTHEW J. RYAN) IN THE CHAIR

PRAYER

REV. GILBERT E. HOFFMAN, pastor of the Grace United Methodist Church, Grove City, Pennsylvania, and guest chaplain, offered the following prayer:

Let us pray:

O Lord, our God, who has created Your sons and daughters and placed us in this beautiful land and has ordained that we should have dominion over all Your holy creation, we pause here to acknowledge Your sovereignty and to speak praise and gratitude for Your abundant providence.

We come now to install Your son, Howard Fargo, into the office for which the citizens of his district have duly elected him. We ask for Howard Your continued love and protection. As he goes about the duties of this high office, may he know the constant companionship of Your Holy Spirit. May his life and welfare be sheltered by the power of Your presence. Grant also that wisdom, patience, and understanding shall attend his judgment. May he, like Solomon, rightly separate good and evil, right from wrong, truth from falsehood. And let his eye be eye and his nay be nay.

For all those who gather in these halls of government, O God, we pray. Let all the citizens of the Commonwealth find in this noble company the exercise of justice for all and the welfare of each served with equity.

And grant, O God, that all the people shall share in the rights, privileges, and duties of citizenship in this fair land. Through Jesus Christ, our Lord. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Wednesday, July 1, 1981, will be postponed until printed. The Chair hears none.

COMMUNICATION FROM SECRETARY OF COMMONWEALTH

SPECIAL ELECTION RETURNS FOR REPRESENTATIVE

The SPEAKER. The Chair at this time recognizes the Honorable Patricia A. Crawford, Executive Deputy Secretary of the Commonwealth.

Mrs. CRAWFORD. Mr. Speaker, it gives me a great deal of pleasure, particularly as a former member of the House, to present the returns of the special election for the member of the House of Representatives who will be sworn in today, Howard L. Fargo.

The clerk read the following communication:

COMMONWEALTH OF PENNSYLVANIA TO THE HONORABLE SPEAKER AND TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA; GREETINGS:

I have the honor to present the returns of the Special Election for a member of the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania held in the Eighth Legislative District, as the same has been certified to and filed with the Secretary of the Commonwealth of Pennsylvania by the respective County Board of Elections. The following person, having received the highest number of votes in his district, was duly elected as a member of the House of Representatives in the General Assembly:

Eighth District HOWARD L. FARGO Mercer County

(SEAL)

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal at the city of Harrisburg, this eighth day of July in the year of our Lord one thousand nine hundred and eighty-one and of the Commonwealth the two hundred and sixth.

William R. Davis Secretary of the Commonwealth

DEPARTMENT OF STATE  
BUREAU OF ELECTIONS  
BALLOT CERTIFICATION AND  
ELECTION RESULT CERTIFICATION  
SPECIAL ELECTION - JUNE 23, 1981

REPRESENTATIVE IN THE GENERAL ASSEMBLY  
8th Legislative District

Howard L. Fargo  
313 Elm Street  
Grove City, PA 16127      Republican      4,663

William T. Wardle  
R.D. #7, Box 7050 A  
Mercer, PA 16137      Democratic      3,351

MERCER COUNTY BOARD OF ELECTIONS  
CERTIFICATION AFFIDAVIT

(SEAL)

We hereby certify that the foregoing data are the official returns as they appear on the record of the votes cast at the special election herein named.

In witness whereof, we have hereunto set our hands and seal of office this 1st day of July, 1981.

William M. Reznor  
J. D. McCutcheon  
Harold E. Bell

ATTEST:  
Helen Pilgram  
Director  
County Board of Elections

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
OFFICE OF THE SECRETARY  
OF THE COMMONWEALTH

Harrisburg, July 15, 1981

Pennsylvania, ss:

I, William R. Davis, Secretary of the Commonwealth of Pennsylvania, custodian of the Great Seal of Pennsylvania

DO HEREBY CERTIFY, That pursuant to the provisions of section 1632 of the Pennsylvania Election Code, Representative elect Howard L. Fargo, has complied with the provisions of Article XVI of the Pennsylvania Election Code pertaining to election expenses.

(SEAL)      IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State to be affixed, the day and year above written.  
William R. Davis  
Secretary of the Commonwealth

**OATH OF OFFICE ADMINISTERED**

The SPEAKER. The oath of office today will be administered by the Honorable Clarence C. Morrison, a judge of the several courts of Dauphin County.

For the information of the members and the guests, the Holy Bible being used today to administer the oath was printed at Oxford, England, in 1739. This was the Bible chosen by the Speaker of the Assembly, Isaac Norris, and Representative Benjamin Franklin to be the Assembly's Bible. On January 16, 1763, these two gentlemen were "...requested

to procure such books and maps as they may think necessary for the use of this House." The Bible is in its original binding of dark red morocco, ornamented with tools and gilt. The gilt letters, "Assembly of Pennsylvania," were added to the front cover by Philadelphia bookbinder Samuel Taylor in 1767.

During an unknown period of time, the Assembly's meetings were opened and closed with the reading of passages from this Bible. It was on this Bible that the members took their oath or made their solemn affirmation of office.

I have been a member of this House for 19 years, and to the best of my knowledge, this is the first time this Bible has been used for any ceremonial purpose here in the General Assembly during that period of time.

Judge, would you kindly come forward.

HON. CLARENCE C. MORRISON. Sir, will you raise your right hand and place your left hand on the Bible?

Do you, Howard L. Fargo, solemnly swear that you will support, obey, and defend the Constitution of the United States and the Constitution of this Commonwealth, and that you will discharge the duties of your office with fidelity?

If so, answer "I do."

(Member asserted oath.)

HON. CLARENCE C. MORRISON. Congratulations, sir. You are duly installed.

The SPEAKER. The Chair at this time recognizes Representative Fargo for any remarks he may deem appropriate. He has been campaigning for so many months, I am sure he is without words right now.

Mr. FARGO. This is the one thing I was guaranteed would not happen, that I would have to say anything. So I guess all I can really say is to thank everyone here, especially these people sitting down here in front who have traveled from Mercer County to see this happen. It has been a long, long road, and I am sure glad that we have come to this end anyway, but I do believe it is a beginning, and thanks a lot.

The SPEAKER. Now Mr. Fargo will be unable to say that we do not permit freshman legislators to speak their first year.

The Chair recognizes the majority leader.

Mr. HAYES. Thank you, Mr. Speaker.

We are here today in this chamber to mark the final chapter in the special election in the eighth legislative district. We as free Pennsylvanians know that all elections are special. They are special because they are a celebration that marks and gives witness to the fact that we as Pennsylvanians and as Americans have constitutional entitlement to self-governance rather than by crown or by dictator.

But, Representative Fargo, yours was in fact a special election. It was special for you, special for your family, special for your friends, and special for the wonderful people of Mercer County. It is also special in that your election took place in the year 1981, which is the year that marks our 300th year here in Pennsylvania as a colony and Commonwealth. No other man or woman serving in this assembly as of this day will have been elected this year, a special year for all Pennsylvanians. It is possible that later this year others will be elected through special elections in 1981, but for sure, it is special for you in this regard.

We who have been serving here for the past few months, after our good friend, the distinguished Senator, Roy Wilt, left us, have tried to the best of our ability to represent the people of Mercer County in spirit, and now you, Howard, will represent them in spirit but also by voice and by action. I join with the Speaker and all of my colleagues in wishing your service, as a Representative of the people, the very best - the very best for you, your family, your friends, and the wonderful people of Mercer County. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Thank you, Mr. Speaker.

Mr. Speaker, I have had the high privilege of being the friend of Representatives from Mercer County for a number of years, and I congratulate the people from Mercer - you obviously have high intelligence and good sense, because you keep sending us people from Mercer County who truly represent the best in American life. I am recalling now not just the present Senator when he was a member but also his father before him, and I remember so very well the high standards that his father set for him and which he himself has followed, and I am sure Representative Fargo will do likewise.

As a Representative, I am sure that you will also remember your election when you compare it with the struggles which are going on in Poland even now, where the people of Poland are striving to get on the first step of democracy. You and the people who followed you, who supported you, have taken for granted what the people of Poland are prepared to lay their lives down to obtain - an open, secret-ballot, free election. Never forget while you serve here in the House the importance of that heritage, and never forget the importance of the trust that the people not only of Mercer County but of the Commonwealth of Pennsylvania have placed in your hands, for to be a Representative in the Commonwealth of Pennsylvania, of the free people of Pennsylvania, of the United States of America, there can be no higher honor granted to a man or woman and no more serious responsibility accepted. I am certain that you will serve well as your predecessors have.

I congratulate you, and because I am a married man myself and know what the wife of a legislator must go through, I congratulate your wife. Thank you, Mr. Speaker.

### RECESS

The SPEAKER. Without objection, the Chair is going to declare a 5-minute recess for the purpose of allowing photographers to take pictures of Representative and Mrs. Fargo, the Speaker, if he is invited, and such other members of the General Assembly who may be of some interest to the photographers. At that time, when we come back in in 5 minutes, there are certain housekeeping chores that will be performed. It is not necessary that anyone be present during that time. There will be a reception and a luncheon in the majority caucus room. You may feel free to leave at this time and retire to the majority caucus room, or if you would like to stay, you certainly are welcome to stay. The majority caucus room is on the first floor in the main corridor.

Without objection, the House is in recess for a period of 5 minutes. The Chair hears none.

### AFTER RECESS

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

### HOUSE BILLS INTRODUCED AND REFERRED

No. 1768 By Representative DAVIES

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, repealing provisions relating to the vehicle equipment safety compact.

Referred to Committee on TRANSPORTATION, July 8, 1981.

No. 1769 By Representatives DAIKELER,  
GLADECK, SAURMAN, KENNEDY,  
JACKSON and MACKOWSKI

An Act amending "The Pennsylvania Workmen's Compensation Act," approved June 2, 1915 (P. L. 736, No. 338), providing for a reduction of benefits in cases where an employe receives benefits under other laws.

Referred to Committee on LABOR RELATIONS, July 21, 1981.

No. 1770 By Representatives DAIKELER,  
SAURMAN, NAHILL, CORNELL and  
GLADECK

An Act amending the "Mechanics' Lien Law of 1963," approved August 24, 1963 (P. L. 1175, No. 497), further providing for definitions.

Referred to Committee on JUDICIARY, July 21, 1981.

No. 1771 By Representatives W. D. HUTCHINSON,  
KOWALYSHYN, WOGAN, ALDEN,  
MILLER, ARTY, LAUGHLIN,  
DOMBROWSKI, SNYDER, MORRIS,  
GEIST and WILSON

An Act amending "The County Code," approved August 9, 1955 (P. L. 323, No. 130), authorizing State associations of constables and authorizing annual assessments.

Referred to Committee on LOCAL GOVERNMENT,  
July 21, 1981.

No. 1772 By Representatives PICCOLA,  
MANMILLER, SAURMAN,  
LETTERMAN, FRAZIER, LEHR, GEIST,  
MERRY, POTT, BOYES, WAMBACH,  
NOYE, CIMINI, PUNT, GRIECO,  
HAGARTY, SALVATORE, FREIND,  
LESCOVITZ, WENGER, GLADECK,  
ALDEN, STEVENS, McINTYRE,  
MARMION, VROON, RASCO,  
CORDISCO, SIRIANNI, E. Z. TAYLOR,  
SNYDER and MORRIS

An Act amending the act of August 6, 1941 (P. L. 861, No. 323), referred to as the Pennsylvania Board of Probation and Parole Law, further providing for parole; creating a revocation panel with power to return parole violators to prison and making editorial corrections.

Referred to Committee on JUDICIARY, July 21, 1981.

**No. 1773** By Representatives TRELLO, MISCEVICH and McINTYRE

An Act requiring certain public utilities to issue stock; in certain circumstances and requiring the Public Utility Commission to make certain calculations.

Referred to Committee on BUSINESS AND COMMERCE, July 21, 1981.

**No. 1774** By Representatives TRELLO, MISCEVICH, COCHRAN, BROWN, McINTYRE and OLASZ

An Act providing that customers and taxpayers shall receive shares of common stock of a public utility if certain costs of the nuclear accident at Three Mile Island are passed on.

Referred to Committee on BUSINESS AND COMMERCE, July 21, 1981.

**No. 1775** By Representatives GEIST, PUNT, GLADECK, GRUPPO, CIMINI, GRIECO, CUNNINGHAM, VROON, LASHINGER, TRELLO, COCHRAN, CLARK, DAWIDA, DAVIES and MICOZZIE

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), providing for a welfare scrip program subject to legislative oversight.

Referred to Committee on HEALTH AND WELFARE, July 21, 1981.

**No. 1776** By Representatives W. W. FOSTER, SIRIANNI, DIETZ, HOFFEL, SNYDER, E. H. SMITH, PUNT, GREENWOOD, PETERSON and GRABOWSKI

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), further providing for special permits, further providing for roadside menageries, providing for permits, to deal in and possess wildlife and further providing for penalties.

Referred to Committee on GAME AND FISHERIES, July 21, 1981.

## COMMUNICATIONS FROM GOVERNOR

### BILLS SIGNED BY GOVERNOR

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

APPROVAL OF HBs Nos. 5, 243, 261, 303, 568, 638, 643, 644, 793, 949, 1057, 1484, 1485, 1593, 1594, 1596, 1598, 1612, 1644 and 1646.

Commonwealth of Pennsylvania  
Governor's Office, Harrisburg

July 10, 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 5, Printer's No. 5, entitled "AN ACT amending the act of July 24, 1941 (P. L. 490, No. 188), entitled 'An act relating to acknowledgments of written instruments, and to make uniform the law with relation thereto,' providing for acknowledgments by an attorney at law."

DICK THORNBURGH  
GOVERNOR

Commonwealth of Pennsylvania  
Governor's Office, Harrisburg

July 10, 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 243, Printer's No. 1989, entitled "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 and to certain personnel of public utilities."

DICK THORNBURGH  
GOVERNOR

Commonwealth of Pennsylvania  
Governor's Office, Harrisburg

July 10, 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 261, Printer's No. 1889, entitled "AN ACT relating to the lawful conduct of bingo, prescribing penalties and making a repeal."

DICK THORNBURGH  
GOVERNOR

Commonwealth of Pennsylvania  
Governor's Office, Harrisburg

July 10, 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 303, Printer's No. 309, entitled "AN ACT amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for certain remedies against individuals violating provisions relating to electronic surveillance and for certain defenses."

DICK THORNBURGH  
GOVERNOR

Commonwealth of Pennsylvania  
Governor's Office, Harrisburg

July 10, 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 568, Printer's No. 1494, entitled "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."

DICK THORNBURGH  
GOVERNOR

Commonwealth of Pennsylvania  
Governor's Office, Harrisburg

July 10, 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 638, Printer's No. 1074, entitled "AN ACT amending the act of December 15, 1980 (No. 222), entitled 'An act providing for the regulation for energy conservation purposes of the construction of buildings, the establishment of a Building Energy Conservation Committee and a Board on Variances, appeals and for penalties,' further providing for EXCLUSIONS FROM THE DEFINITION OF 'BUILDING' AND FOR steam and hot water heating systems."

DICK THORNBURGH  
GOVERNOR

Commonwealth of Pennsylvania  
Governor's Office, Harrisburg

July 10, 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 643, Printer's No. 1888, entitled "AN ACT providing limited civil and criminal immunity to persons donating food to charitable OR RELIGIOUS organizations for distribution to needy persons and imposing certain powers and duties on counties."

DICK THORNBURGH  
GOVERNOR

Commonwealth of Pennsylvania  
Governor's Office, Harrisburg

July 10, 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 644, Printer's No. 1979, entitled "AN ACT repealing ACT AND PARTS OF ACTS INsofar AS THEY REQUIRE CERTAIN PRISONERS TO BE CONFINED SEPARATE AND APART FROM OTHER PERSONS."

In approving this bill, I am not endorsing the practice of "double-celling" prison inmates as an ordinary or acceptable penal practice. As a Commonwealth, we should strive to maintain a private cell for each inmate. I have recently proposed capital expenditures to modernize and expand the state prison system to ensure we do not have to resort to double-celling in our efforts to combat crime.

We cannot allow concern over the practice of double-celling, however, to assume primacy over the need to protect the public from dangerous criminals. When unanticipated increases in prison populations occur, temporary double-celling is preferable to the unjustifiable release of convicts or certain persons being held for trial which I am told will occur under the present law prohibiting double-celling in county prisons, specifically Philadelphia. Securing private jail cells is a valuable social goal, but is not an absolute right that should be given priority over the need to preserve public safety and order.

DICK THORNBURGH  
GOVERNOR

Commonwealth of Pennsylvania  
Governor's Office, Harrisburg

July 10, 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 949, Printer's No. 1990, entitled "AN ACT amending Title 59 (Partnerships) of the Pennsylvania Consolidated Statutes, FURTHER PROVIDING FOR THE GOVERNMENT AND REGULATION OF CERTAIN PARTNERSHIPS AND THEIR RELATIONSHIPS WITH THIRD PARTIES, adding provisions relating to foreign limited partnerships and making a conforming amendment to Title 42 as to foreign partnerships and other entities."

DICK THORNBURGH  
GOVERNOR

Commonwealth of Pennsylvania  
Governor's Office, Harrisburg

July 10, 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 1057, Printer's No. 1171, entitled "AN ACT authorizing the Township of Sewickley, Westmoreland County, to convey a portion of Project 70 land located in the Village of Rillton for a private roadway."

DICK THORNBURGH  
GOVERNOR

Commonwealth of Pennsylvania  
Governor's Office, Harrisburg

July 10, 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 1593, Printer's No. 1859, entitled "AN ACT making an appropriation to the Trustees of the University of Pennsylvania for cardiovascular studies."

DICK THORNBURGH  
GOVERNOR

Commonwealth of Pennsylvania  
Governor's Office, Harrisburg

July 10, 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 1594, Printer's No. 1860, entitled "AN ACT making an appropriation to St. Francis Hospital, Pittsburgh."

DICK THORNBURGH  
GOVERNOR

Commonwealth of Pennsylvania  
Governor's Office, Harrisburg

July 10, 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 1596, Printer's No. 1862, entitled "AN ACT making an appropriation to the Trustees of the Jefferson Medical College and Hospital of Philadelphia for a comprehensive program relating to Tay-Sachs disease."

DICK THORNBURGH  
GOVERNOR

Commonwealth of Pennsylvania  
Governor's Office, Harrisburg

July 10, 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 1598, Printer's No. 1864, entitled "AN ACT making an appropriation to St. Christopher's Hospital of Philadelphia, Pennsylvania for treatment of Cerebral Palsy."

DICK THORNBURGH  
GOVERNOR

Commonwealth of Pennsylvania  
Governor's Office, Harrisburg

July 10, 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 1612, Printer's No. 1878, entitled "AN ACT making an appropriation to the Central Penn Oncology Group."

DICK THORNBURGH  
GOVERNOR

Commonwealth of Pennsylvania  
Governor's Office, Harrisburg

July 10, 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 1644, Printer's No. 1923, entitled "AN ACT making an appropriation to the Beacon Lodge Camp."

DICK THORNBURGH  
GOVERNOR

Commonwealth of Pennsylvania  
Governor's Office, Harrisburg

July 10, 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 1646, Printer's No. 1925, entitled "AN ACT making an appropriation to the Arsenal Family and Children's Center."

DICK THORNBURGH  
GOVERNOR

Commonwealth of Pennsylvania  
Governor's Office, Harrisburg

July 12, 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 793, Printer's No. 1857, entitled "AN ACT amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes revising provisions relating to retirement for public school employees and State employees."

DICK THORNBURGH  
GOVERNOR

Commonwealth of Pennsylvania  
Governor's Office, Harrisburg

July 12, 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 1484, Printer's No. 1978, entitled "AN ACT authorizing the incurring of indebtedness, with approval of the electors, of \$300,000,000 for the repair, CONSTRUCTION, reconstruction, rehabilitation, EXTENSION and improvement of community water supply systems, and for the repair, reconstruction or rehabilitation of flood control facilities, dams and port facilities and providing the allotment of proceeds from borrowing hereunder."

DICK THORNBURGH  
GOVERNOR

Commonwealth of Pennsylvania  
Governor's Office, Harrisburg

July 12, 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 1485, Printer's No. 1725, entitled "AN ACT amending the act of August 7, 1963 (P. L. 549, No. 290), entitled, as amended, 'An act creating the Pennsylvania Higher Education Assistance Agency; defining its powers and duties; conferring powers and imposing duties on the Governor, President Pro Tempore of the Senate, Speaker of the House of Representatives, Superintendent of Public Instruction and the Department of Auditor General; and making appropriations,' clarifying the term 'resident' and providing for loan guarantees to parents of postsecondary students."

DICK THORNBURGH  
GOVERNOR

### COMMUNICATION FROM GOVERNOR

#### VETO OF HB 456

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

#### VETO OF HB 456.

Commonwealth of Pennsylvania  
Governor's Office, Harrisburg

July 10, 1981

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

I return herewith, without my approval, House Bill 456, Printer's No. 1890, entitled "AN ACT amending the act of April 9, 1929 (P. L. 177, No. 175), entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and

employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined,' abolishing the Valley Forge Park Commission, IMPOSING RESTRICTIONS ON THE DEPARTMENT OF TRANSPORTATION RELATING TO AUTO EMISSIONS INSPECTIONS and making repeals.'

The need to veto this measure arises from the provision concerning vehicle emission inspections, which would place this Commonwealth in violation of federal law and jeopardize our much-needed federal highway funds.

While the administration totally sympathizes with the sentiment for such a bill, there is real concern over enactment of such a measure at this time. Such an action could complicate the efforts we are currently pursuing in Washington and the courts. Moreover, it would immediately jeopardize desperately needed federal highway and other funds for Pennsylvania. However much we disagree with the federal emission program or with the Shapp Administration's decision to enter into a voluntary court decree consenting to implement it, we should not risk "cutting off our nose to spite our face."

I resent the choice that current federal legislation, the federal court and the action of the prior administration impose on me. I am forced to veto this bill which would block a program that I agree is unfairly burdensome and unnecessary, or face the loss of over \$400 million in federal funds.

My administration is fighting the precipitous implementation of this program through the courts. At the same time, we are actively supporting efforts in the Congress to abolish the program and to prevent the loss of federal funds to states which decline to implement it.

I continue to believe that states should be permitted to set their own air quality standards and adopt their own means for implementing them. Moreover, I am convinced that the currently mandated program is not the best means of ensuring appropriate air quality in the Commonwealth. Before resorting to the drastic measure represented by this bill, however, I feel that we should at least pursue to conclusion our efforts in the courts and the Congress.

DICK THORNBURGH  
GOVERNOR

### BILL AND VETO MESSAGE TABLED

The SPEAKER. Without objection, the bill and the veto message will be laid on the table. The Chair hears none.

### SENATE MESSAGE

#### HOUSE AMENDMENTS NONCONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to SB 277, PN 1135, and has appointed Senators GREENLEAF, FISHER and KELLEY a committee of conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the differences existing between the two Houses in relation to said bill.

### MOTION INSISTING UPON AMENDMENTS

Mr. LEHR moved that the House insist upon its amendments nonconcurred in by the Senate to SB 277, PN 1135, and that a committee of conference on the part of the House be appointed.

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

### APPOINTMENT OF COMMITTEE OF CONFERENCE

The SPEAKER. The Chair appoints as a committee of conference on the part of the House on SB 277, PN 1135:

Messrs. LEHR, DORR and PRATT.

Ordered, That the clerk inform the Senate accordingly.

### REPORT OF COMMITTEE ON COMMITTEES

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

Mr. ANDERSON. Mr. Speaker, I submit the following supplemental report of the Committee on Committees.

The following report was read:

#### SUPPLEMENTAL REPORT OF COMMITTEE ON COMMITTEES

In the House of Representatives, July 21, 1981

RESOLVED, That Howard L. Fargo, 8th District, Mercer County, is hereby elected a member of the Agriculture Committee vice Roy W. Wilt resigned, the Federal-State Relations Committee vice Arthur F. Earley deceased, the Games & Fisheries Committee vice Merle H. Phillips resigned.

RESOLVED, That Joseph M. Gladeck, Jr., 61st District, Montgomery County, is hereby elected a member of the Urban Affairs Committee vice Arthur F. Earley deceased.

RESOLVED, That Merle H. Phillips, 108th District, Northumberland County, is hereby elected a member of the Transportation Committee vice Harold F. Mowery resigned.

Signed: John Hope Anderson,  
Chairman, and others

On the question,  
Will the House adopt the resolution?  
Resolution was adopted.

### ADDITIONS AND DELETION 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 of bills.

#### ADDITIONS:

HB 527, Rasco; HB 1056, Arty; HB 1494, Belfanti; HB 1693, Telek; HB 1694, Telek; HB 1695, Telek; HB 1696, Telek, Snyder, Punt; HB 1725, Cordisco, Tigue, Cawley; HB 1726, Cordisco, Tigue, Cawley; HB 1727, Cordisco, Tigue, Cawley; HB 1728, Cordisco, Tigue, Cawley; HB 1729, Sirianni, E. Z. Taylor, Rasco, Snyder, Cordisco, Morris; HB

1730, Sirianni, E. Z. Taylor, Rasco, Snyder, Cordisco, Morris.

DELETION:  
HB 1527, Petrarca.

**REMARKS ON VOTE  
SUBMITTED FOR THE RECORD**

The SPEAKER. The Chair has received a communication from Robert O'Donnell, member, addressed to the Chief Clerk, Mr. Zubeck.

Dear Mr. Zubeck,

On the House concurrence in Senate amendments to H.B. 261, the record incorrectly reflects that I voted in the affirmative.

At the earliest possible time, I would appreciate it if this letter of correction would be inserted in the record.

Very truly yours,  
Robert W. O'Donnell

The remarks will be made part of the record.

**BILLS REPORTED FROM COMMITTEE,  
CONSIDERED FIRST TIME, AND  
RECOMMITTED TO RULES COMMITTEE**

**HB 1647, PN 2096 (Amended) (Unanimous)**  
By Rep. WILSON

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), setting forth legislative findings and declaration of purpose; providing that the taxes imposed by Article VII and VIII are privilege taxes measured by actual value of capital stock; \*\*\*; making provisions with respect to certain tax credits and refunds.

FINANCE.

**HB 1649, PN 2097 (Amended) (Unanimous)**  
By Rep. WILSON

An Act amending "The Fiscal Code," approved April 9, 1929 (P. L. 343, No. 176), further providing for reviews, refunds, settlements and resettlements.

FINANCE.

**HB 1657, PN 2098 (Amended) (Unanimous)**  
By Rep. WILSON

An Act amending "The Fiscal Code," approved April 9, 1929 (P. L. 343, No. 176), providing additional procedures for the settlement, assessment, collection, and lien for taxes, bonus, and all other accounts due the Commonwealth.

FINANCE.

**HB 1668, PN 1947 (Unanimous)**  
By Rep. WILSON

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), changing a provision relating to State tax reporting on a fiscal year basis.

FINANCE.

**HB 1669, PN 1948 (Unanimous)**  
By Rep. WILSON

An Act amending "The Fiscal Code," approved April 9, 1929 (P. L. 343, No. 176), changing a provision relating to State tax reporting on a fiscal year basis.

FINANCE.

**HB 1670, PN 1949 (Unanimous)**  
By Rep. WILSON

An Act amending the "Judiciary Act of 1976," approved July 9, 1976 (P. L. 586, No. 142), exempting the Commonwealth from certain fees charged by the office of the prothonotary of the court of common pleas of counties of the first class.

FINANCE.

**HB 1671, PN 2099 (Amended) (Unanimous)**  
By Rep. WILSON

An Act amending the act of July 11, 1970 (P. L. 643, No. 133), entitled "An act fixing the fees to be received by the prothonotary of Philadelphia County," further providing for the fee to commence or execute upon a Commonwealth tax lien.

FINANCE.

**HB 1678, PN 2100 (Amended)**  
By Rep. WILSON

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), increasing the rate of the personal income tax and excluding one thousand dollars (\$1,000) from the same.

FINANCE.

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

**SB 532, PN 1203 (Amended)**  
By Rep. SPENCER

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for confidential communications to counselors of sexual assault victims.

JUDICIARY.

**WELCOMES**

The SPEAKER. The Chair is pleased to welcome to the hall of the House today the Senator from Representative Fargo's district, Senator Wilt.

The Chair is pleased to welcome to the hall of the House today 18 international fellows attending the United States Army War College at the invitation of General Edward C. Meyer, Chief of Staff of the United States Army. The officers represent numerous countries of this world. Accompanying the officers are Col. Jethro Davis of the War College and Henry H. Young, associate editor of the Patriot News Company of Harrisburg. These gentlemen are here today as the guests of Representative Peter Wambach.

**ADJOURNMENT**

The SPEAKER. The Chair recognizes the majority whip.

Mr. CESSAR. Mr. Speaker, I move that this House do now adjourn until Monday, September 14, 1981, at 1 p.m., e.d.t., unless sooner recalled by the Speaker.