

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, SEPTEMBER 24, 1990

SESSION OF 1990

174TH OF THE GENERAL ASSEMBLY

No. 51

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (ROBERT W. O'DONNELL) PRESIDING PRAYER

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

Let us pray:

Almighty God, we are grateful to You for keeping us from all hurt, harm, and danger during our recent recess. And now we are back to this legislature by Your grace to address the needs and aspirations of Your people, our constituents.

As we begin, we confess our shortcomings and ask Your forgiveness of whatever wrongs that we might have committed against You or our fellow beings. Pardon our offenses and blot out our transgressions. Make us worthy of the trust and confidence given to us by the voters of this Commonwealth.

In all of our ways, cause us to acknowledge You, for You will direct our paths.

In Your dear name we pray. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNALS APPROVED

The SPEAKER. The following Journals are in print and, without objection, will be approved: The Journals of Monday, June 11; Tuesday, June 12; Wednesday, June 13; Monday, June 18; Tuesday, June 19; Wednesday, June 20; Monday, June 25; Tuesday, June 26; Wednesday, June 27; Thursday, June 28; Friday, June 29; Saturday, June 30; and the Journal of Sunday, July 1, 1990.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that SB 895 and SB 1048 be removed from the table and placed upon the active calendar.

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

BILLS REREPORTED FROM RULES COMMITTEE AND TABLED PURSUANT TO HOUSE RULE 22

HB 244, PN 272 By Rep. DeWEESE
An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the transportation or possession of alcoholic beverages in public places.

RULES.

HB 458, PN 3811 By Rep. DeWEESE
An Act providing a loan program for small business in this Commonwealth; and making an appropriation.

RULES.

HB 465, PN 3793 By Rep. DeWEESE
An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for licenses to operate motor-driven cycles and motorized pedalcycles; redefining the term "motor-driven cycle"; and deleting provisions relating to the operation of pedalcycles.

RULES.

HB 887, PN 1005 By Rep. DeWEESE
An Act amending the act of March 11, 1971 (P. L. 104, No. 3), known as the "Senior Citizens Rebate and Assistance Act," freezing property tax of all senior citizens and certain widowed and divorced persons; and providing reimbursement to school districts for lost tax revenues.

RULES.

HB 1347, PN 3944 By Rep. DeWEESE
An Act amending the act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code," further providing for the display of flags; and further providing for the composition of park or recreation boards.

RULES.

HB 1534, PN 1795 By Rep. DeWEESE
An Act amending Title 22 (Detectives and Private Police) of the Pennsylvania Consolidated Statutes, authorizing the appointment of special policemen for planned communities; providing for their powers; authorizing the Commissioner of the Pennsylvania State Police to make certain training available; and providing for procedures and penalties.

RULES.

HB 1553, PN 1814

By Rep. DeWEESE

An Act amending the act of September 30, 1983 (P. L. 160, No. 39), known as the "Public Official Compensation Law," providing for certain expenses for official business of the Attorney General, Auditor General and the State Treasurer.

RULES.

HB 1825, PN 3838

By Rep. DeWEESE

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the State System of Higher Education, to convey to Michael and Helen Bilinski, of West Goshen Township, Chester County, Pennsylvania, 0.193 of an acre of land, more or less, situate in West Goshen Township, Chester County, Pennsylvania.

RULES.

HB 1867, PN 3824

By Rep. DeWEESE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the producer of record in assigned risk plan policies.

RULES.

HB 1953, PN 2530

By Rep. DeWEESE

An Act providing for health plan payments for acupuncture services.

RULES.

HB 1954, PN 3828

By Rep. DeWEESE

An Act amending the act of January 14, 1952 (1951 P. L. 1898, No. 522), known as the "Funeral Director Law," further providing for issuance of licenses to descendants of deceased licensees.

RULES.

HB 2028, PN 2660

By Rep. DeWEESE

An Act authorizing the Department of General Services, with the approval of the Governor and the Department of Transportation, to convey to Thomas Frick a parcel of land situate in White Township, Indiana County, Pennsylvania.

RULES.

HB 2238, PN 2992

By Rep. DeWEESE

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," further providing for collective bargaining by campus police.

RULES.

HB 2275, PN 3054

By Rep. DeWEESE

An Act empowering certain political subdivisions to levy and collect taxes on certain income; prescribing penalties; and making repeals.

RULES.

HB 2299, PN 3096

By Rep. DeWEESE

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," creating a financial incentive for school districts to reduce class sizes in kindergarten through third grade.

RULES.

HB 2383, PN 3732

By Rep. DeWEESE

An Act making an appropriation to the Department of Public Welfare for an employee wage and benefit pass-through plan.

RULES.

HB 2384, PN 3733

By Rep. DeWEESE

An Act amending the act of July 19, 1979 (P. L. 130, No. 48), known as the "Health Care Facilities Act," providing staffing requirements by regulation; and regulating ambulance transports.

RULES.

HB 2385, PN 3734

By Rep. DeWEESE

An Act amending the act of July 19, 1979 (P. L. 130, No. 48), known as the "Health Care Facilities Act," requiring nursing homes to pay for training and certification of nurse aides.

RULES.

HB 2386, PN 3735

By Rep. DeWEESE

An Act amending the act of July 19, 1979 (P. L. 130, No. 48), known as the "Health Care Facilities Act," authorizing the certification of certain nurse aides.

RULES.

HB 2387, PN 3246

By Rep. DeWEESE

An Act amending the act of July 19, 1979 (P. L. 130, No. 48), known as the "Health Care Facilities Act," further providing for appointment of masters for provider violations.

RULES.

HB 2401, PN 3276

By Rep. DeWEESE

An Act establishing a program to provide technical assistance, training and incentives to increase access of rural residents to existing housing programs; and making an appropriation.

RULES.

HB 2404, PN 3279

By Rep. DeWEESE

An Act amending the act of June 21, 1939 (P. L. 626, No. 294), referred to as the "Second Class County Assessment Law," providing for reduction of tax rates in certain cases.

RULES.

HB 2435, PN 3794

By Rep. DeWEESE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the passing of streetcars.

RULES.

HB 2485, PN 3713

By Rep. DeWEESE

An Act providing for the collection by employers, regardless of domicile, of taxes imposed by cities of the first class on any salary, wage, commission or other compensation due to employees; imposing liability for the payment of such taxes; and providing for penalties.

RULES.

HB 2486, PN 3812

By Rep. DeWEESE

An Act authorizing cities of the first class to levy, assess and collect a tax upon each separate sale at retail of tangible personal property or services; a tax upon the use within a city of the first class of tangible personal property purchased at retail and on services purchased at retail; and imposing penalties.

RULES.

HB 2502, PN 3764

By Rep. DeWEESE

An Act prohibiting incinerator operators from accepting trash from states which have imposed a moratorium on the development and construction of incinerators; and providing penalties.

RULES.

HB 2583, PN 3558

By Rep. DeWEESE

An Act amending the act of June 5, 1947 (P. L. 458, No. 208), known as the "Parking Authority Law," extending the act to second class townships; and making editorial changes.

RULES.

HB 2591, PN 3736

By Rep. DeWEESE

An Act enacting the care coordinator program for mothers and their children.

RULES.

HB 2592, PN 3571

By Rep. DeWEESE

An Act providing grants for residential drug and alcohol treatment programs for pregnant women and mothers.

RULES.

HB 2614, PN 3592

By Rep. DeWEESE

An Act amending the act of May 16, 1923 (P. L. 207, No. 153), referred to as the "Municipal Claim and Tax Lien Law," regulating municipal claims and liens.

RULES.

HB 2625, PN 3704

By Rep. DeWEESE

An Act amending the act of July 7, 1980 (P. L. 380, No. 97), known as the "Solid Waste Management Act," further providing for residual waste.

RULES.

HB 2634, PN 3636

By Rep. DeWEESE

An Act establishing a separate group of teaching hospitals for the purpose of State payments for medical assistance patients; providing for the formula for such payments; establishing a medical education loan repayment assistance program; and providing for further duties of the Pennsylvania Higher Education Assistance Agency.

RULES.

HB 2641, PN 3705

By Rep. DeWEESE

An Act amending the act of July 7, 1980 (P. L. 380, No. 97), known as the "Solid Waste Management Act," further declaring legislative policy; adding definitions; further providing for the powers and duties of the Environmental Hearing Board and for requirements for and actions on permits and licenses; providing for investigations by the Pennsylvania State Police and the department and for application fees; further providing for forfeiture of contraband and for the Solid Waste Abatement Fund; and making repeals.

RULES.

HB 2642, PN 3658

By Rep. DeWEESE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for motor carrier vehicles and for removal of vehicle by or at direction of police; providing for forfeiture of certain motor carrier vehicles; further providing for unlawful activities, for operation of vehicles without certificate of inspection, for inspection by police or Commonwealth personnel, for weighing and measurement of vehicles, for impoundment of vehicles for nonpayment of fines and disposition of impounded vehicles and loads, for removal of vehicles, for removal of vehicles and spilled cargo from roadway; and providing for penalties.

RULES.

HB 2643, PN 3659

By Rep. DeWEESE

An Act authorizing investigations into fitness to transport municipal waste; authorizing the Department of Environmental Resources and the Department of Transportation to issue orders, including orders restricting or prohibiting the transportation of municipal waste; providing remedies; establishing certain fees; prescribing penalties; and making a repeal.

RULES.

HB 2645, PN 3661

By Rep. DeWEESE

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," further providing for bonded warehouse licenses; and providing for winery licenses.

RULES.

HB 2647, PN 3663

By Rep. DeWEESE

An Act authorizing the indebtedness, with the approval of the electors, of \$100,000,000 for loans to municipalities and municipal authorities for the purpose of safely closing waste facilities owned by municipalities or municipal authorities.

RULES.

HB 2665, PN 3693

By Rep. DeWEESE

An Act amending the act of December 31, 1965 (P. L. 1257, No. 511), known as "The Local Tax Enabling Act," exempting from taxation certain facilities regulated by the Federal Regulatory Commission.

RULES.

HB 2687, PN 3728

By Rep. DeWEESE

An Act authorizing the State Armory Board of the Department of Military Affairs and the Department of General Services with the approval of the Governor, to sell and convey a tract of land, together with the building and structures thereto, in the City of Chester, Delaware County, Pennsylvania.

RULES.

HB 2693, PN 3745

By Rep. DeWEESE

An Act amending the act of July 29, 1953 (P. L. 970, No. 235), referred to as the "Middle Atlantic Interstate Forest Fire Protection Compact Act," authorizing the admission of other states into the compact; and making an editorial change.

RULES.

HB 2702, PN 3760

By Rep. DeWEESE

An Act regulating the use, storage, purchase and sale of explosive materials; requiring the licensing of persons for the detonation of explosive materials; requiring permits for the purchase and sale of explosive materials; imposing duties on persons who use, store, purchase and sell explosive materials; authorizing the Environmental Quality Board to adopt regulations and the Department of Environmental Resources to enforce and administer the act and regulations; providing for enforcement and remedies; establishing a fund; prescribing penalties; and making repeals.

RULES.

HB 2715, PN 3825

By Rep. DeWEESE

An Act amending the act of July 31, 1968 (P. L. 738, No. 233), known as "The Pennsylvania Fair Plan Act," further providing for the provisions of the Fair Plan.

RULES.

COMMUNICATIONS FROM GOVERNOR

BILLS SIGNED BY GOVERNOR

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

APPROVAL OF HB's 59, 317, 334, 368, 700, 1083, 1294, 1374, 1556, 1658, 1665, 1743, 1796, 1831, 1911, 2004, 2029, 2116, 2178, 2179, 2221, 2312, 2313, 2350, 2362, 2458, 2465, 2470, 2480, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2571, and 2710.

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 1, 1990

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 2116, Printer's No. 3953, entitled "AN ACT authorizing the Department of General Services to enter into lease/purchase agreements for prison space; ~~authorizing capital budget projects for certain option purchases;~~ providing for the issuance of bonds; making appropriations; authorizing indebtedness, with the approval of the electors, to make grants to counties for county or multicounty regional prison facilities; and authorizing the Department of Corrections to contract with county or regional prison facilities for the housing of State inmates."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 1, 1990

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 2312, Printer's No. 3684, entitled "AN ACT making appropriations from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 1, 1990

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 2313, Printer's No. 3685, entitled "AN ACT making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 1, 1990

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 2458, Printer's No. 3932, entitled "AN ACT making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry to provide for the expenses of administering The Pennsylvania Workmen's Compensation Act and The Pennsylvania Occupational Disease Act for the fiscal year July 1, 1990, to June 30, 1991, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1990."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 1, 1990

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 2465, Printer's No. 3752, entitled "AN ACT amending the act of July 2, 1984 (P.L. 553, No. 110), entitled, as reenacted and amended, 'An act establishing a program within the Department of Commerce to provide grants to engineering degree-granting schools to assist in the acquisition of new engineering equipment or the upgrading of existing engineering equipment that is necessary to provide students with the courses required to obtain a degree in engineering,' further providing for ~~the coverage of the act;~~ for reallocation of unused funds and for the expiration of the act."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 1, 1990

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 2571, Printer's No. 3520, entitled "AN ACT appropriating money from the Sunny Day Fund to the Department of Commerce for various projects throughout this Commonwealth for fiscal year 1990-1991."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 4, 1990

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 2515, Printer's No. 3913, entitled "A SUPPLEMENT to the act of April 1, 1863 (P.L. 213, No. 227), enti-

tled 'An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges,' making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 4, 1990

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 2516, Printer's No. 3914, entitled "A SUPPLEMENT to the act of July 28, 1966 (3rd Sp.Sess., P.L. 87, No. 3), entitled 'An act providing for the establishment and operation of the University of Pittsburgh as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the chancellor to make an annual report of the operations of the University of Pittsburgh,' making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 4, 1990

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 2517, Printer's No. 3915, entitled "A SUPPLEMENT to the act of November 30, 1965 (P.L. 843, No. 355), entitled 'An act providing for the establishment and operation of Temple University as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; providing for public support and capital improvements; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Temple University,' making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 4, 1990

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 2518, Printer's No. 3480, entitled "A SUPPLEMENT to the act of July 7, 1972 (P.L. 743, No. 176), entitled 'An act providing for the establishment and operation of Lincoln University as an instrumentality of the Commonwealth to serve as a State-related institution in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Lincoln University,' making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 4, 1990

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 2519, Printer's No. 3916, entitled "AN ACT making appropriations to the Trustees of the University of Pennsylvania."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 4, 1990

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 2520, Printer's No. 3917, entitled "AN ACT making appropriations to the Hahnemann University, Philadelphia."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 4, 1990

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 2521, Printer's No. 3918, entitled "AN ACT making appropriations to the Thomas Jefferson University, Philadelphia."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 4, 1990

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 2522, Printer's No. 3919, entitled "AN ACT making appropriations to The Medical College of Pennsylvania, East Falls, Philadelphia."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 4, 1990

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 2523, Printer's No. 3920, entitled "AN ACT making an appropriation to the Philadelphia College of Osteopathic Medicine, Philadelphia."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 4, 1990

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 2524, Printer's No. 3921, entitled "AN ACT making an appropriation to the Trustees of Drexel University, Philadelphia."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 4, 1990

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 2525, Printer's No. 3922, entitled "AN ACT making appropriations to the Delaware Valley College of Science and Agriculture at Doylestown."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 4, 1990

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 2526, Printer's No. 3923, entitled "AN

ACT making an appropriation to the Philadelphia University of the Arts, Philadelphia."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 4, 1990

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 2527, Printer's No. 3924, entitled "AN ACT making an appropriation to the Philadelphia College of Textiles and Science."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 4, 1990

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 2528, Printer's No. 3925, entitled "AN ACT making appropriations to the Trustees of the Berean Training and Industrial School at Philadelphia."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 4, 1990

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 2529, Printer's No. 3926, entitled "AN ACT making appropriations to the Downingtown Industrial and Agricultural School, Downingtown."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 4, 1990

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 2530, Printer's No. 3927, entitled "AN ACT making an appropriation to the Johnson Technical Institute of Scranton."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 4, 1990

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 2531, Printer's No. 3493, entitled "AN ACT making an appropriation to the Williamson Free School of Mechanical Trades in Delaware County."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 4, 1990

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 2532, Printer's No. 3928, entitled "AN ACT making an appropriation to the Pennsylvania College of Optometry, Philadelphia."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 4, 1990

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 2533, Printer's No. 3929, entitled "AN ACT making an appropriation to the Pennsylvania College of Podiatric Medicine, Philadelphia."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 4, 1990

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 2534, Printer's No. 3930, entitled "AN ACT making an appropriation to the Fox Chase Institute for Cancer Research, Philadelphia, for the operation and maintenance of the cancer research program."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 9, 1990

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 2535, Printer's No. 3497, entitled "AN ACT making appropriations to the Wistar Institute-Research, Philadelphia."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 9, 1990

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 2536, Printer's No. 3498, entitled "AN ACT making an appropriation to the Central Penn Oncology Group."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 9, 1990

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 2537, Printer's No. 3499, entitled "AN ACT making an appropriation to the Trustees of the University of Pennsylvania for cardiovascular studies."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 9, 1990

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 2538, Printer's No. 3500, entitled "AN ACT making an appropriation to St. Francis Hospital, Pittsburgh."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 9, 1990

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 2539, Printer's No. 3501, entitled "AN ACT making appropriations to St. Christopher's Hospital, Philadelphia."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 9, 1990

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 2540, Printer's No. 3502, entitled "AN ACT making an appropriation to the Lancaster Cleft Palate."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 9, 1990

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 2541, Printer's No. 3503, entitled "AN ACT making an appropriation to the Pittsburgh Cleft Palate."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 9, 1990

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 2542, Printer's No. 3504, entitled "AN ACT making an appropriation to the Trustees of Jefferson Medical College and Hospital of Philadelphia for a comprehensive program relating to Tay-Sachs disease."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 9, 1990

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 2543, Printer's No. 3505, entitled "AN ACT making an appropriation to the Burn Foundation of Greater Delaware Valley."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 9, 1990

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 2544, Printer's No. 3506, entitled "AN ACT making an appropriation to the Home for Crippled Children, Pittsburgh."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 9, 1990

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 2545, Printer's No. 3507, entitled "AN

ACT making an appropriation to the Arsenal Family and Children's Center."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 9, 1990

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 2546, Printer's No. 3508, entitled "AN ACT making an appropriation to the Beacon Lodge Camp."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 9, 1990

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 2547, Printer's No. 3509, entitled "AN ACT making an appropriation to the Trustees of the University of Pennsylvania for the general maintenance and operation of the University of Pennsylvania Museum."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 9, 1990

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 2548, Printer's No. 3510, entitled "AN ACT making an appropriation to the Carnegie Museum of Natural History for maintenance and the purchase of apparatus, supplies and equipment."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 9, 1990

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 2549, Printer's No. 3511, entitled "AN ACT making an appropriation to the Franklin Institute Science Museum."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 9, 1990

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 2550, Printer's No. 3512, entitled "AN ACT making an appropriation to the Academy of Natural Sciences."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 9, 1990

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 2551, Printer's No. 3513, entitled "AN ACT making an appropriation to the Trustees of the Buhl Science Center."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 9, 1990

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 2552, Printer's No. 3514, entitled "AN ACT making an appropriation to the Museum of the Philadelphia Civic Center for maintenance and the purchase of apparatus, supplies and equipment."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 9, 1990

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 2553, Printer's No. 3931, entitled "AN ACT making an appropriation to the Afro-American Historical and Cultural Museum for operating expenses."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 9, 1990

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 2554, Printer's No. 3516, entitled "AN ACT making an appropriation to the Everhart Museum in Scranton."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 9, 1990

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 2710, Printer's No. 3772, entitled "AN ACT amending the act of October 5, 1972 (Sp.Sess. No. 1, P.L. 2019, No. 4), entitled, as amended, 'An act implementing the provisions of clause (1) of subsection (a) of section 7 of Article VIII of the Constitution of the Commonwealth of Pennsylvania authorizing the incurring of debt for the rehabilitation of areas affected by the Great Storm and Floods of September, 1971 and June, 1972, and the Great Flood of July, 1977 through urban redevelopment assistance; imposing duties upon the Governor, the Auditor General and State Treasurer; prescribing the procedures for the issuance, sale and payment of general obligations bonds, the funding of debt and refunding of bonds; exempting said bonds from State and local taxation; creating certain funds; and making an appropriation,' further providing for the disposition of funds in the Disaster Relief Fund."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 10, 1990

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 334, Printer's No. 3836, entitled "AN ACT amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, ~~further providing for a special license plate for Pearl Harbor survivors; PROMOTING THE DEVELOPMENT OF THE CARNIVAL AND CIRCUS INDUSTRY BY ESTABLISHING SPECIAL LICENSE FEES FOR VEHICLES EXCLUSIVELY USED TO TRANSPORT CARNIVAL AND CIRCUS RIDES, SHOWS AND CONCESSIONS ON A SEASONAL BASIS; FURTHER PROVIDING FOR SUSPENSION OF REGISTRATION, FOR REVOCATION OR SUSPENSION OF OPERATING PRIVILEGE AND FOR CANCELLATION OF DRIVER'S LICENSE; PROHIBITING DISCHARGING, DISCIPLINING OR DISCRIMINATING AGAINST AN EMPLOYEE FOR REFUSAL TO OPERATE A MOTOR VEHICLE OR FOR FILING A COMPLAINT OR INSTITUTING OR TESTIFYING IN A PROCEEDING RELATING TO A MOTOR VEHICLE SAFETY RULE; ESTABLISHING THE MOTOR VEHICLE TRANSACTION RECOVERY FUND; PROVIDING FOR ASSESSMENTS ON HOLDERS OF MOTOR VEHICLE DEALER REGISTRATION PLATES AND ON AGENTS OF THE DEPARTMENT; PROVIDING FOR PENALTIES; FURTHER PROVIDING FOR SNOWMOBILE RESTRICTED RECEIPTS FUND, FOR SNOWMOBILE CERTIFICATES OF REGISTRATION AND DECALS AND FOR EXEMPTIONS FROM SNOWMOBILE REGISTRATION; AND MAKING A REPEAL. FURTHER PROVIDING FOR CERTIFICATE OF TITLE APPLICATIONS, TRANSFERS AND SECURITY INTERESTS AND FOR MANUFACTURER AND DEALER REGISTRATION PLATES; PROVIDING FOR SPECIAL REGISTRATION PLATES FOR PEARL HARBOR SURVIVORS AND FOR CIRCUS AND CARNIVAL USE; FURTHER PROVIDING FOR SUSPENSION OF REGISTRATION, SUSPENSION OF VEHICLE BUSINESS REGISTRATION PLATES, REVOCA-~~

TION OR SUSPENSION OF OPERATING PRIVILEGE AND CANCELLATION OF DRIVER'S LICENSE; PROVIDING FOR PERSONNEL ACTIONS BASED ON CERTAIN EMPLOYEE SAFETY CONSIDERATIONS AND FOR THE MOTOR VEHICLE TRANSACTION RECOVERY FUND; FURTHER PROVIDING FOR A CERTAIN RESTRICTED RECEIPTS FUND, FOR CERTIFICATES OF REGISTRATION AND DECALS AND FOR EXEMPTIONS FROM REGISTRATION; AND MAKING A REPEAL."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 10, 1990

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 368, Printer's No. 3778, entitled "AN ACT amending the act of July 1, 1981 (P.L. 191, No. 57), entitled 'An act establishing certain fees to be charged by registers of wills in counties of the fifth, sixth, seventh and eighth class and providing for fees in counties of the second, second A, third and fourth class,' providing for the fees to be levied by register of wills in counties of the second through fourth EIGHTH class."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 10, 1990

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 700, Printer's No. 3834, entitled "AN ACT ~~Prohibiting overcharges by health care practitioners for services to certain patients.~~ PROHIBITING HEALTH CARE PRACTITIONERS FROM BALANCE BILLING FOR SERVICES TO CERTAIN PATIENTS."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 10, 1990

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 1294, Printer's No. 3468, entitled "AN ACT amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, FURTHER PROVIDING FOR EXEMPTION FROM REGISTRATION FEES; increasing the penalty for certain parking violations relating to handicapped and disabled veterans' parking spaces; and authorizing LOCAL AUTHORITIES TO PERMIT handicapped persons and disabled veterans to issue certain ~~warnings~~ NOTICES STATEMENTS."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 10, 1990

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 1556, Printer's No. 3708, entitled "AN ACT amending the act of July 1, 1981 (P.L. 193, No. 58), entitled 'An act establishing certain fees to be charged by clerks of the orphans' courts of counties of the fifth, sixth, seventh and eighth class and providing for fees in counties of the second, second A, third and fourth class,' providing for the fees to be levied by clerks of orphans' courts in second through fourth EIGHTH class counties."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 10, 1990

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 1796, Printer's No. 2250, entitled "AN ACT designating a certain bridge in Everett Borough, Bedford County, Pennsylvania, as the Ellis R. Weicht Bridge."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 11, 1990

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 59, Printer's No. 61, entitled "AN ACT designating a highway bridge on Route 93 in Columbia and Luzerne Counties as the Berwick-Nescopeck Veterans Memorial Bridge."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 11, 1990

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 317, Printer's No. 2106, entitled "AN ACT to promote the health, safety and welfare of the people of this Commonwealth by supporting and expanding the network of Neighborhood Housing Services Programs which work to halt the deterioration of homes and the decline of neighborhoods, and to broaden the availability of the programs and services offered by Neighborhood Housing Services Programs, especially to persons of low and moderate income, by establishing within the Department of Community Affairs a State Neighborhood Housing Services Program; and making an appropriation."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 11, 1990

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 1083, Printer's No. 3839, entitled "AN ACT amending the act of March 10, 1949 (P.L. 30, No. 14), entitled 'An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto,' further providing for the purposes and powers of the State System of Higher Education, for maintenance projects and project contracts; providing for disposition of property; further providing for nondiscrimination; and making editorial changes."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 11, 1990

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 1374, Printer's No. 3737, entitled "AN ACT amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for the disposition of the proceeds of rentals and sales of State armories; and further providing for expenditures from the State Treasury Armory Fund."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 11, 1990

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 1658, Printer's No. 1986, entitled "AN ACT amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for handicapped plates and placards."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 11, 1990

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 1665, Printer's No. 3945, entitled "AN ACT amending the act of June 29, 1953 (P.L. 304, No. 66), entitled 'An act providing for the administration of a statewide system of vital statistics; prescribing the functions of the State Department of Health, the State Advisory Health Board and local registrars; imposing duties upon coroners, prothonotaries,

clerks of orphans' court, physicians, midwives and other persons; requiring reports and certificates for the registration of vital statistics; regulating the disposition of dead bodies; limiting the disclosure of records; prescribing the sufficiency of vital statistics records as evidence; prescribing fees and penalties; and revising and consolidating the laws relating thereto,' requiring parents to furnish Social Security numbers; and providing for missing children registration."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 11, 1990

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 1743, Printer's No. 3792, entitled "AN ACT creating a fee system to cover the costs related to the establishment of a low-level radioactive waste disposal regional facility in Pennsylvania; and regulating certain low-level waste."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 11, 1990

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 1831, Printer's No. 3933, entitled "AN ACT amending the act of December 19, 1988 (P.L. 1262, No. 156), entitled 'An act providing for the licensing of clubs to conduct games of chance, for the licensing of persons to distribute games of chance, for the registration of manufacturers of games of chance, and for suspensions and revocations of licenses and permits; requiring records; providing for local referendum by electorate; and prescribing penalties,' DEFINING THE TERM 'MUNICIPALITY'; AND further providing for local option referenda."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 11, 1990

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 1911, Printer's No. 3911, entitled "AN ACT amending the act of July 7, 1980 (P.L. 380, No. 97), entitled 'An act providing for the planning and regulation of solid waste storage, collection, transportation, processing, treatment, and disposal; requiring municipalities to submit plans for municipal waste management systems in their jurisdictions; authorizing grants to municipalities; providing regulation of the management of municipal, residual and hazardous waste; requiring permits for operating hazardous waste and solid waste storage, processing, treatment, and disposal facilities; and licenses for transportation of hazardous waste; imposing duties on persons and municipalities; granting powers to municipalities; authorizing the Environmental Quality Board and the Department of Environmental

Resources to adopt rules, regulations, standards and procedures; granting powers to and imposing duties upon county health departments; providing remedies; prescribing penalties; and establishing a fund,' further providing for certain permits; providing that no bond shall be required as a condition for issuance of a permit or license to a municipality or a municipal authority; and extending the deadline for filing for a permit for disposal of municipal wastes."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 11, 1990

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 2004, Printer's No. 3950, entitled "AN ACT designating Interstate Route 90 as the AMVETS Memorial Highway; and designating various portions of U.S. Route 15."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 11, 1990

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 2029, Printer's No. 3951, entitled "AN ACT amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for jurisdiction to enjoin certain nuisances in the City of Philadelphia. AMENDING TITLE 10 (CRIMES AND OFFENSES) AND TITLE 42 (JUDICIARY AND JUDICIAL PROCEDURE) OF THE PENNSYLVANIA CONSOLIDATED STATUTES, PROVIDING FOR PROTECTION FROM ABUSE; FURTHER PROVIDING FOR CRIMINAL MISCHIEF AND FOR INSTITUTIONAL VANDALISM; AND PROVIDING FOR SALE AND DISPLAY OF AEROSOL SPRAY PAINT CANS AND BROAD TIPPED MARKERS, AND PROVIDING FOR JURISDICTION TO ENJOIN CERTAIN NUISANCES IN THE CITY OF PHILADELPHIA. AND FOR SENTENCING FOR CRIMINAL MISCHIEF."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 11, 1990

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 2178, Printer's No. 2890, entitled "AN ACT amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, granting immunity to the owners, tenants or lessees of agricultural property from certain claims involving individuals picking their own agricultural products."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 11, 1990

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 2179, Printer's No. 3088, entitled "AN ACT providing for the creation of tax increment districts; providing for additional powers and duties to be exercised by redevelopment authorities and by industrial and commercial development authorities; authorizing the creation and approval of project plans for tax increment financing; providing for the establishment of a tax increment base; allocating the payment of positive tax increments; providing for the financing of project costs; and providing for the issuance of tax increment bonds and notes."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 11, 1990

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 2221, Printer's No. 3885, entitled "AN ACT amending the act of August 6, 1941 (P.L. 861, No. 323), entitled, as amended, 'An act to create a uniform and exclusive system for the administration of parole in this Commonwealth; providing state probation services; establishing the "Pennsylvania Board of Probation and Parole"; conferring and defining its jurisdiction, duties, powers and functions; including the supervision of persons placed upon probation and parole in certain designated cases; providing for the method of appointment of its members; regulating the appointment, removal and discharge of its officers, clerks and employes; dividing the Commonwealth into administrative districts for purposes of probation and parole; fixing the salaries of members of the board and of certain other officers and employes thereof; making violations of certain provisions of this act misdemeanors; providing penalties therefor; and for other cognate purposes, and making an appropriation,' providing for the cost of pre-parole drug screening tests; and further providing for notice of parole hearings."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 11, 1990

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 2350, Printer's No. 3162, entitled "A SUPPLEMENT to the act of June 12, 1931 (P.L. 575, No. 200), entitled, 'An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River, and the improvement of the facilities for transportation across the river; authorizing the Governor, for these purposes, to enter into an agreement with New Jersey; creating The Delaware River Joint Commission and specifying the powers and duties thereof, including the power to finance projects by the issuance of revenue bonds; transferring to the new commission all the powers of the Delaware River Bridge Joint Commission; and

making an appropriation,' authorizing certain projects of the Delaware River Port Authority pursuant to Article XII of the Compact or agreement between the Commonwealth of Pennsylvania and the State of New Jersey creating the Delaware River Port Authority."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 11, 1990

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 2362, Printer's No. 3199, entitled "AN ACT amending the act of July 13, 1987 (P.L. 348, No. 67), entitled 'An act providing for the creation, operation and duties of the Vietnam Veterans Health Initiative Commission as an advisory commission to the Department of Health,' extending the expiration date."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 11, 1990

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 2470, Printer's No. 3949, entitled "~~AN ACT A SUPPLEMENT Providing for the capital budget for the fiscal year 1990-1991.~~ TO THE ACT OF (P.L. , NO.), ENTITLED 'AN ACT PROVIDING FOR THE CAPITAL BUDGET FOR THE FISCAL YEAR 1990-1991,' ITEMIZING TRANSPORTATION ASSISTANCE PROJECTS AND PUBLIC IMPROVEMENT PROJECTS TO BE CONSTRUCTED OR ACQUIRED OR ASSISTED BY THE DEPARTMENT OF GENERAL SERVICES AND DEPARTMENT OF TRANSPORTATION, TOGETHER WITH THEIR ESTIMATED FINANCIAL COSTS; AUTHORIZING THE INCURRING OF DEBT WITHOUT THE APPROVAL OF THE ELECTORS FOR THE PURPOSE OF FINANCING THE PROJECTS TO BE CONSTRUCTED OR ACQUIRED OR ASSISTED BY THE DEPARTMENT OF GENERAL SERVICES AND DEPARTMENT OF TRANSPORTATION, STATING THE ESTIMATED USEFUL LIFE OF THE PROJECTS; AND MAKING APPROPRIATIONS."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 11, 1990

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 2480, Printer's No. 3771, entitled "AN ACT authorizing the Department of Aging to license and inspect older adult daily living centers; imposing additional powers and duties on the Department of Aging; and making repeals."

Robert P. Casey
Governor

COMMUNICATION FROM GOVERNOR

BILL, WITH EXCEPTIONS, SIGNED BY GOVERNOR

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

APPROVAL OF HB 591.

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

July 11, 1990

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 591, Printer's No. 3779 entitled, "AN ACT Amending the act of July 15, 1976 (P.L. 1036, No. 208), entitled, as amended, 'An act authorizing the indebtedness, with the approval of the electors, of twenty-five million dollars for loans to volunteer fire companies, volunteer ambulance services and volunteer rescue squads for the purpose of establishing or modernizing facilities to house fire fighting apparatus equipment, ambulances, and rescue vehicles, and for purchasing new fire fighting apparatus equipment, ambulances, and rescue vehicles, protective and communications equipment, and any other accessory equipment necessary for the proper performance of such organizations' duties,' providing for an exception to loan limits and adjusting loan limits; ~~AND PROVIDING FOR A REFERENDUM QUESTION ON ADDITIONAL INDEBTEDNESS; PROVIDING FOR CONTRACTS FOR SERVICES BETWEEN THE COMMONWEALTH AND VOLUNTEER FIRE, AMBULANCE AND RESCUE COMPANIES; AND MAKING APPROPRIATIONS,~~" except as to the following:

SECTION 18.4. APPROPRIATIONS.—(A) THE SUM OF \$250,000, OR AS MUCH THEREOF AS MAY BE NECESSARY, IS HEREBY APPROPRIATED TO THE DEPARTMENT OF GENERAL SERVICES FOR THE FISCAL YEAR ENDING JUNE 30, 1991, TO EFFECTUATE THE PURPOSES OF SECTIONS 18.2 AND 18.3. ALL FUNDS UNEXPENDED, UNCOMMITTED OR UNENCUMBERED ON JUNE 30, 1991, SHALL LAPSE.

(B) THE SUM OF \$250,000, OR AS MUCH THEREOF AS MAY BE NECESSARY, IS HEREBY APPROPRIATED TO THE DEPARTMENT OF TRANSPORTATION FOR THE FISCAL YEAR ENDING JUNE 30, 1991, TO EFFECTUATE THE PURPOSES OF SECTIONS 18.2 AND 18.3. ALL FUNDS UNEXPENDED, UNCOMMITTED OR UNENCUMBERED ON JUNE 30, 1991, SHALL LAPSE.

I withhold my approval from both these items.

House Bill 591 authorizes the Departments of General Services and Transportation to enter into contracts with local volunteer fire, ambulance and rescue companies to extinguish fires or perform any other allied services on State-owned property or limited access highways other than the Pennsylvania Turnpike. It does not mandate that these departments enter into such contracts.

The cost to implement the program by the Department of Transportation is estimated to be approximately \$2 million based on the experience of the Pennsylvania Turnpike Commission which implemented a similar program. The cost impact on the Department of General Services may be similar although a precise cost estimate cannot be made at this time. To implement these programs, the Departments of General Services and Transportation would have to develop communication systems and systems to negotiate contracts, verify services rendered and make monthly payments to the volunteer companies.

The Department of Transportation would also pay at least \$350,000 annually to volunteer companies for reimbursement for rendered services assuming approximately 7,000 accidents per year and a reimbursement rate of at least \$50 per service call. In addition, this minimum cost would increase depending on the reimbursement costs for any special extinguishing agents used by the volunteer companies. The Department of General Services does not maintain similar statistics on the number of incidents at State-owned facilities which makes it difficult to estimate the cost impact on the Department of General Services.

In view of the potentially high cost of these programs, I am disapproving the appropriations contained in House Bill 591 so that the provisions will not be implemented until a further review of these programs can be made.

--I am directing the Departments of General Services and Transportation to undertake a study of these programs to determine the cost of implementation and operation, and make a recommendation in conjunction with their 1991-92 budget requests. The study will provide better information to evaluate the feasibility of implementing such programs in a cost effective manner.

I am also directing the Chairman of the Pennsylvania Emergency Management Council to evaluate the new loan limits set in House Bill 591 and determine the likelihood that the utilization of the maximum limits set will lead to defaults on the part of the volunteer companies. Depending on the results of that evaluation, limits below the maximum will be implemented by the Agency to insure that such defaults do not occur.

Robert P. Casey
Governor

BILL AND VETO MESSAGE TABLED

The SPEAKER. The Chair recognizes the majority leader. Mr. DeWEESE. Mr. Speaker, I move that the line-item veto of HB 591 be placed upon the table.

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

VOTE CORRECTION

The SPEAKER. The Chair recognizes Mr. Perzel, who indicates that on June 30 he inadvertently voted "yea" on HB 406, PN 3954, and would like to correct the record to reflect that he voted "nay" on this bill.

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

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 416, PN 456

By Rep. GAMBLE

An Act amending the act of June 11, 1968 (P. L. 149, No. 84), known as the "Volunteer Firemen's Relief Association Act," further providing for the expenditure of funds; and making an editorial change.

LOCAL GOVERNMENT.

HB 892, PN 1010

By Rep. GAMBLE

An Act amending the act of June 24, 1976 (P. L. 424, No. 101), referred to as the "Emergency and Law Enforcement Personnel Death Benefits Act," further providing for benefits.

LOCAL GOVERNMENT.

HB 1081, PN 1229

By Rep. GAMBLE

An Act amending the act of June 11, 1968 (P. L. 149, No. 84), known as the "Volunteer Firemen's Relief Association Act," providing for the purchase and distribution of certain educational materials.

LOCAL GOVERNMENT.

HB 2100, PN 4035 (Amended)

By Rep. RIEGER

An Act amending the act of June 19, 1931 (P. L. 589, No. 202), referred to as the "Barbers' License Law," further providing for barber shop licensees who employ licensed cosmetologists; and making editorial changes.

PROFESSIONAL LICENSURE.

HB 2101, PN 4036 (Amended)

By Rep. RIEGER

An Act amending the act of May 3, 1933 (P. L. 242, No. 86), referred to as the "Cosmetology Law," adding definitions; providing for an Electrology Advisory Committee to the State Board of Cosmetology; further providing for cosmetology shop licensees who employ licensed barbers; providing for the regulation of the practice of electrology; requiring the licensing of electrologists; providing penalties; and making an appropriation.

PROFESSIONAL LICENSURE.

HB 2339, PN 3167

By Rep. F. TAYLOR

An Act amending the act of October 28, 1966 (1st Sp. Sess., P. L. 55, No. 7), known as the "Goods and Services Installment Sales Act," further providing for the minimum service charge.

BUSINESS AND COMMERCE.

HB 2340, PN 3168

By Rep. GAMBLE

An Act amending the act of May 7, 1965 (P. L. 48, No. 38), entitled "A supplement to the act of May 28, 1915 (P. L. 596, No. 259), entitled 'An act requiring cities of the second class to establish a pension fund for employes of said cities, and regulating the administration and the payment of such pensions,' as to employes of the second class A cities, reducing the number of years of employment to qualify for a pension; and increasing pension payments and contributions," further providing for contributions by members.

LOCAL GOVERNMENT.

HB 2341, PN 3169

By Rep. GAMBLE

An Act amending the act of May 20, 1915 (P. L. 566, No. 242), entitled "An act requiring cities of the first class to establish a pension fund for employes of said cities, and all county or other public employes, if any, paid by appropriation of the city councils thereof, and out of the treasury of said cities; and regulating the administration and the payment of such pensions," further providing for payments by the city and public employees to the board of pensions.

LOCAL GOVERNMENT.

HB 2342, PN 3170 By Rep. GAMBLE

An Act amending the act of February 1, 1974 (P. L. 34, No. 15), known as the "Pennsylvania Municipal Retirement Law," further providing for the definitions of "actuarially sound" and "actuary," for annual estimates to municipalities, for existing local systems, for the source of municipal funds, for determination of municipal liability, for withdrawal from the system, for contributions by members and for contracts for optional retirement plans.

LOCAL GOVERNMENT.

HB 2344, PN 3172 By Rep. GAMBLE

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), known as "The First Class Township Code," further providing for police pensions and annuities.

LOCAL GOVERNMENT.

HB 2345, PN 3173 By Rep. GAMBLE

An Act amending the act of August 17, 1951 (P. L. 1254, No. 295), entitled "An act fixing the minimum pensions of policemen and firemen in certain cities," further providing for annual appropriations to police and firefighters' pension funds.

LOCAL GOVERNMENT.

HB 2347, PN 3175 By Rep. GAMBLE

An Act amending the act of November 10, 1965 (P. L. 835, No. 351), entitled "An act providing pensions for surviving spouses of police officers in cities of the second class A under certain terms and conditions, and providing for contributions by members of the police pension or retirement fund and appropriations by the city for that purpose," further providing for contributions by members and annual appropriations by the city.

LOCAL GOVERNMENT.

HB 2348, PN 3176 By Rep. GAMBLE

An Act amending the act of July 29, 1953 (P. L. 1034, No. 270), known as the "Public Auditorium Authorities Law," further providing for an authority's power regarding pension or retirement funds.

LOCAL GOVERNMENT.

HB 2453, PN 3356 By Rep. GAMBLE

An Act amending the act of June 11, 1968 (P. L. 149, No. 84), known as the "Volunteer Firemen's Relief Association Act," further providing for the purposes for which funds may be expended; and making an editorial change.

LOCAL GOVERNMENT.

HB 2597, PN 3576 By Rep. GAMBLE

An Act amending the act of June 11, 1968 (P. L. 149, No. 84), known as the "Volunteer Firemen's Relief Association Act," further providing for the purposes for which funds may be expended; and making an editorial change.

LOCAL GOVERNMENT.

HB 2656, PN 4037 (Amended)

By Rep. RIEGER

An Act amending the act of June 19, 1931 (P. L. 589, No. 202), referred to as the "Barbers' License Law," providing for temporary licenses.

PROFESSIONAL LICENSURE.

HB 2706, PN 3780 By Rep. GAMBLE

An Act amending the act of June 24, 1976 (P. L. 424, No. 101), referred to as the "Emergency and Law Enforcement Personnel Death Benefits Act," further providing for payment of benefits.

LOCAL GOVERNMENT.

HB 2708, PN 4038 (Amended)

By Rep. STUBAN

An Act amending the act of November 26, 1975 (P. L. 438, No. 124), known as the "Child Protective Services Law," providing for information relating to certain residents of child-care homes.

YOUTH AND AGING.

HB 2798, PN 3957 By Rep. GAMBLE

An Act amending the act of June 29, 1965 (P. L. 149, No. 100), entitled "An act relating to the sport of racing and carrier pigeons; providing for regulation thereof by municipalities (excluding cities of the first class), townships and counties; and authorizing the flying of such pigeons within municipalities (excluding cities of the first class), townships and counties," increasing the number of pairs of carrier pigeons under control of an owner.

LOCAL GOVERNMENT.

SB 315, PN 1093 By Rep. STUBAN

An Act providing for inpatient residential treatment services for mentally ill children and youth; and making an appropriation.

YOUTH AND AGING.

SB 497, PN 521 By Rep. GAMBLE

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), entitled "The County Code," further providing for security for bids.

LOCAL GOVERNMENT.

SB 575, PN 2471 (Amended)

By Rep. STUBAN

An Act amending the act of November 26, 1975 (P. L. 438, No. 124), entitled, as amended, "Child Protective Services Law," providing for reporting and investigating substance-abused children; and making an appropriation.

YOUTH AND AGING.

REPORT SUBMITTED

The SPEAKER. The Chair acknowledges receipt of the final report of the House Local Government Committee pursuant to HR 239.

(Copy of report is on file with the Chief Clerk.)

COMMUNICATION**LOBBYIST LIST PRESENTED**

The SPEAKER. The Chair acknowledges receipt of a list of lobbyists, which the clerk will file.

The following communication was submitted:

Senate of Pennsylvania

August 31, 1990

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

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from July 1, 1990 through August 31, 1990 inclusive, for the 174th Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:
Mark R. Corrigan, Secretary
Senate of Pennsylvania
John J. Zubeck, Chief Clerk
House of Representatives

(For list, see Appendix.)

CALENDAR

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 577, PN 841**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," further providing for Commonwealth reimbursement for certain election expenses, for the form of absentee ballots for qualified electors, for the mailing of absentee ballots, and for the number of signers required for nomination petitions.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that SB 577 be recommitted to the Committee on State Government.

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

FILMING PERMISSION

The SPEAKER. The Chair gives permission generally to the press present in the hall of the House to film the special order of business this afternoon.

SPECIAL ORDER OF BUSINESS

EISENHOWER CENTENNIAL CEREMONY PROGRAM

The SPEAKER. The Chair urges the members to take their seats for a special order of business.

If all the members are seated, the Chair would request the distinguished gentleman from Adams County, Mr. Cole, to preside.

THE SPEAKER PRO TEMPORE (KENNETH J. COLE) PRESIDING

The SPEAKER pro tempore. Ladies and gentlemen of the House, we are about to start a special session here in paying tribute to Gen. Dwight David Eisenhower, the 34th President of the United States.

INVOCATION

The SPEAKER pro tempore. It is a privilege for me to introduce for the invocation the Reverend Robert MacAskill. He was the pastor of General and Mamie Eisenhower when they came to Gettysburg, and in 1961 they joined the Gettysburg Presbyterian Church. Reverend MacAskill was not only their religious adviser but also a very close, personal friend. He buried both Ike and Mamie when they passed away, and Reverend MacAskill accompanied the body to Kansas for the official burial and conducted that service at the chapel.

Ladies and gentlemen, Reverend MacAskill for the invocation.

Would you please stand and remain standing for the national anthem.

REV. ROBERT A. MacASKILL offered the following invocation:

Let us pray:

Almighty God, we invoke Your blessing upon our convocation this day as in the Commonwealth of Pennsylvania we seek to honor and recognize the life, love, and labors of Dwight David Eisenhower on this centennial observance of his birth.

As a President of the United States, a general of the Army, for the signal qualities that made him in his time the world's most trusted figure, may we as a nation in this time of peril and testing, by following his example, receive a sense of vision, courage, and dedication, giving us inspiration for the living of our days.

To that end we dedicate our efforts that Your name may be glorified and our lives enriched. Amen.

(The national anthem was presented by the U.S. Army Field Band and Soldiers' Chorus.)

WELCOME AND INTRODUCTIONS

The SPEAKER pro tempore. A special welcome to the members of the House, members of the Senate, and with me are fellow commissioners of the Eisenhower Centennial celebration year. Would they please stand - the members of the commission?

Let me give a special introduction to this fine United States Army Field Band and Chorus. If you were not at the fountain

for the past hour, you missed a spectacular performance by this very talented band and chorus that travels all over the world, not only with our Presidents of the United States but for many functions at our military bases as well as public functions throughout the world.

I want to personally thank Colonel Clark. Is the colonel here? He was going to accompany the rest of the band.

But conducting the brass ensemble now is Major Hamilton. Major, take a bow. And the director of the chorus - another outstanding group that we heard out at the fountain - is First Sergeant Spaeth. He is the director of the chorus. Sergeant First Class Spaeth. Thank you. Outstanding organization.

Let me welcome the colleagues and members of the Eisenhower Commission, Reverend MacAskill, attorney Charles Wolf, a personal friend of General Eisenhower.

It is fitting that on the first day of the House of Representatives as we reconvene we pay tribute to a great American war hero, soldier, and distinguished statesman, Dwight David Eisenhower. Our 34th President of the United States celebrates his 100th birthday on October 14 of this year. We hope that many of you in the General Assembly will join us in Gettysburg for that celebration.

Pennsylvania was the State in which Eisenhower had his only permanent residence. Following his service as Supreme Commander of the Allied Forces in Europe during World War II, Eisenhower purchased a farm south of the Gettysburg Battlefield. That farm, which is now a national historic site, was truly the only home the Eisenhowers ever had.

The Eisenhower Centennial Commission is supporting commemorative events being planned by various local organizations including the Dwight D. Eisenhower Society, the Gettysburg National Military Park, and Gettysburg College. We hope you will join us in Gettysburg on October 14 for a morning ceremony along with Ike's personal, close friend and golfing partner, Bob Hope; former President Jerry Ford; and Ike's grandson, David Eisenhower. That afternoon at the Eisenhower National Historic Site, the farm, David Eisenhower will deliver an address, and the West Point Glee Club will perform a concert, along with a second day cancellation stamp booth and much more.

I also want to thank the United States Army Field Band and Chorus for participating in our special tribute here as the Commonwealth of Pennsylvania salutes General and President Eisenhower. Earlier today we had this patriotic concert at the fountain, and I would like to personally thank this fine organization - the United States Army Field Band - for giving that great atmosphere of patriotism earlier. Now I would like to take this opportunity to recognize this special band who did an outstanding job, and it is appropriate to have such a fine group of military men and women visit our Capitol to enhance today's tribute due to President Eisenhower's strong military background.

I was very honored to assist in this special tribute to Eisenhower. Being in Gettysburg during the Eisenhower years, I can assure you, was very exciting with all the activity that took place. You know, in 1955 when General Eisenhower

had his heart attack, Gettysburg for 3 months became the official capital of the United States as General Eisenhower performed his duty as President. Many Cabinet members and the hundreds of press corps and Secret Service certainly kept that town very active during that period of time.

I also want to take this opportunity to thank the Pennsylvania House of Representatives for supporting this event. To the Speaker, to the majority leader, and to the minority leader, we thank you for joining in paying this tribute to Dwight David Eisenhower. We hope that you come to Gettysburg to participate in the events.

RESOLUTION ADOPTED

The SPEAKER pro tempore. At this time I would like to recognize the gentleman from York County, a fellow member of the Eisenhower Centennial Commission, Representative Don Dorr, for the purpose of a resolution.

The clerk will read the resolution.

The following resolution was read:

House Resolution No. 354

A RESOLUTION

Commemorating October 14, 1990, as "Dwight David Eisenhower Day."

WHEREAS, October 14, 1990, marks the 100th Anniversary of the birth of the great American, Dwight David Eisenhower; and

WHEREAS, During his distinguished military career which culminated in his serving as Supreme Commander of the Allied Forces in World War II, Dwight David Eisenhower became a hero to the American people and a leading international figure; and

WHEREAS, After retiring from the United States Army as a five-star general, Eisenhower was elected by the people of the United States as their 34th President and served in the White House from 1953 to 1961; and

WHEREAS, Ike and Mamie Eisenhower, who lived in nearly 40 different houses in the United States and abroad during Ike's military career, had special ties to Pennsylvania, having purchased a farm in Gettysburg to serve as their only permanent residence. This purchase grew out of the couple's longstanding relationship with the town of Gettysburg. As a West Point cadet, Eisenhower studied on the Civil War battlefields surrounding the town. During World War I, the Eisenhowers lived in Gettysburg while he served as commander of 10,000 men at Camp Colt. They purchased the farm in 1950 upon his retirement from the Army, and it was used extensively during the presidential years both as a retreat and as a place to entertain heads of state and other notable guests; therefore be it

RESOLVED, That the House of Representatives commemorate October 14, 1990, as "Dwight David Eisenhower Day"; and be it further

RESOLVED, That a copy of this resolution be transmitted to the Superintendent of Gettysburg National Military Park and Eisenhower National Historic Site, Gettysburg, Pennsylvania, 17325.

Kenneth J. Cole
Donald W. Dorr
John H. Broujos
Jeffrey W. Coy
Robert D. Robbins

On the question,
Will the House adopt the resolution?

The SPEAKER pro tempore. The Chair recognizes Mr. Dorr.

Mr. DORR. Mr. Speaker, it is most appropriate that we declare October 14 as Dwight David Eisenhower Day in Pennsylvania and spend a few moments during today's session reflecting on a man who was such a heroic figure to millions of Americans, especially those who served with him in battle and remember him as the 34th President of the United States.

It was my pleasure to have taken part in the planning and organizing of many of the events surrounding the celebration of the 100th anniversary of President Eisenhower's birth.

Ike and Mamie Eisenhower are indeed very special to those of us who live in Pennsylvania. They were excellent citizens and were always willing to give time to their community.

Stephen Ambrose notes in his book "Eisenhower, The President," that Ike often fantasized about his retirement. He thought about days filled with bridge, golf, and fishing. After all, he deserved some rest after serving a half century of service to his country. George Washington at Mount Vernon was his model retirement, and Eisenhower's Mount Vernon was his farm at Gettysburg.

Of course, individuals as talented and experienced as Ike are not allowed to completely relax in retirement. His counsel was sought by those who followed him in office and vigorously supported his activities in the Republican Party.

Both Ike and Mamie loved the farm and the Gettysburg area, and the location was ideal - rural, but close enough to Washington and to New York for those trips to those cities and for visits from those who lived in those cities.

The farm was on the edge of the battlefield and close to the golf course at the Gettysburg Country Club. Ike and Mamie enjoyed going into town. Of course, tourists wanted to take their picture and Ike would quietly complain about the annoyance to Mamie, but he would always say, "Suppose people didn't like us. That would be terrible, wouldn't it?" Naturally everybody liked Ike and Mamie, too.

The farm being on the edge of the battlefield enhanced Ike's sense of being a part of the continuity of American history and allowed him to indulge in a never-ending game of "What If" concerning the strategy of the Battle of Gettysburg.

Ike and Mamie spent a great deal of time together on the farm, and Ike especially enjoyed the farmhouse's glass-enclosed sun porch for reading and painting. Hay was the main crop on the farm, and it was used to feed the prize Angus cattle.

Once again I would like to invite everyone to take part in the coming events, especially those scheduled in Gettysburg October 14.

And also I would like to recognize the other members of the commission and the staff for its work on this event. While Ike maintained his popularity until his death in 1969, it is very gratifying to note that historians are beginning to recognize the importance of his leadership in the 1950's.

We can all be very proud that Ike and Mamie chose to call Pennsylvania home. Thank you very much, Mr. Speaker.

The SPEAKER pro tempore. Thank you, Representative Dorr.

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

(An Eisenhower musical tribute was presented by the U.S. Army Field Band.)

KEYNOTE ADDRESS BY CHARLES W. WOLF

The SPEAKER pro tempore. I am very pleased to introduce to you today a very close and personal friend of mine. He is a practicing lawyer in Gettysburg and is a member of the Eisenhower Centennial Commission. He graduated from Gettysburg College and the Harvard Law School. He is a veteran of both the United States Army during World War I and the United States Air Force. In 1969 he and Henry Scharf, the publisher of the Gettysburg Times, were the cofounders of the Eisenhower Society in Gettysburg.

The accomplishments of the 34th President and World War II hero is why we are here today - to keep in mind the memory of Gen. Dwight David Eisenhower. I cannot think of a more appropriate person, who was his personal attorney since 1962 and a close friend of his, in my friend, Charlie Wolf.

Ladies and gentlemen, Mr. Wolf.

Mr. WOLF. Mr. Chairman, Mr. Speaker, members of the House and Senate of the Commonwealth, members of the United States Army Field Band and their chorus, members of the Pennsylvania Eisenhower Centennial Commission, and invited guests:

I must say that I am here in a sense by default. When the question of a speaker came up for this occasion, I recommended David Eisenhower, the general's grandson, but he has been booked solid with one thing or another for months. So in making the recommendation, I wound up doing it.

Well, anyway, I am glad to be here, and I am particularly glad to see what the House of Representatives and the Pennsylvania commission are doing to put together an overall centennial celebration with not only this Commonwealth but with Kansas, all of the things that are happening in Gettysburg, which Ken referred to, and the picnic at the farm, the Eisenhower Fellowship Program in Philadelphia on October 13, and on Sunday night a program on the Eisenhower legacy at the Eisenhower Theater of the Kennedy Center.

So our national chairman, Bob Hope, summed it all up beautifully some time ago by saying, "When we add together all of these events that are going to take place across the country, it is truly going to be a very significant and unique event in honoring this man on this occasion."

I am supposed to speak briefly about Eisenhower as a Pennsylvanian, and then I have been asked to give some reminiscences of my personal relationship with him and will close by referring to some of his character traits and brief comments on some of them.

The Eisenhowers came to this country as immigrants from Germany in 1743 and they settled principally in Dauphin County, right here in the Susquehanna Valley, in the Lykens Valley, and then particularly at Elizabethville, which is about 25 miles from here.

This was a very fertile and prosperous area, but in the 1870's Jacob Eisenhower, the general's grandfather, became in a sense the head of the family, and by 1878 the family had moved westward to Kansas. David had an interesting comment on that in a speech over at the farm not too long ago when he said the Elizabethville area is probably the most significant area in Pennsylvania because it was from that place that the family made its great mistake; namely, in unaccountably going west. They went out to principally Abilene, and when they got there, things began to befall them financially. The family had to mortgage their land and they went into bankruptcy. Of course, we cannot blame that on Kansas because at that time my recollection is there was a depression of 1890. But anyway, on that same visit out there and the same after, David, the general's father, went there with his father, Jacob, and David got into a business venture with a partner, and lo and behold, the partner and the partnership attorney teamed up together and cheated David, which resulted in his going broke, and we cannot blame that on Kansas either.

He then moved over to Texas and got a job on the Texas Railroad where in Denison on October 14, 1890, General Eisenhower was born. His family then moved back to Abilene, and not a whole lot is known about his early youth there. He spent his first 21 years there, but it is known that his parents brought him up in a Christian home; they were God-fearing people; they were members of the Church of the River Brethren when they were here in Pennsylvania, and of course, it all came from good Pennsylvania Dutch stock. The Germans, as you know, were solid people in settling this country, and the Pennsylvania Dutch were recognized as being very good settlers for the young country.

When the general went to West Point, he was urged by a friend of his in 1911 to go with him to Annapolis, because there is where the friend wanted to go, and the general had applied to both schools and was accepted at both and was a little bit on the fence as to which one he would attend.

At the time that it was necessary to sign the final papers, some legal impediment existed of not too much consequence. His friend said, "Well, why don't you just sign up anyway? Nobody will know about this and it's not going to make any difference." And Dwight said, "Well, maybe so, but I will always know it for the rest of my life." So he went to West Point.

Before he got his commission, his class spent three visits to Gettysburg; went over the battlefield; and all of them stayed at the Hotel Gettysburg, which is an historic place and was then with the Eisenhower family. He then came back, got married in 1915, and in 1918 he had his first command as a captain in the tank corps at Gettysburg. Unfortunately, there were no tanks at that time, but before he left, there was a con-

traption that was supposed to be what a tank was going to eventually look like.

He was a little bit concerned that he was never sent overseas, but he did get a promotion when he left Gettysburg, and he came back again in 1946 when he addressed the commencement at Gettysburg College and referred to the fact that his grandparents lived right across about threescore miles away over around Elizabethville.

In 1950 he decided to buy the farm at Gettysburg, and I am happy to announce at this time publicly that during 30 years in which he and his wife and Gen. Arthur Nevins and his wife, Ann, were trusted longtime, lifelong friends, the Eisenhowers wrote—some in Eisenhower's own handwriting—about 160 letters to the Nevinses, and they are going to be a gold mine on the relationship of the Eisenhowers to their Gettysburg farm. He began writing while he was in the White House and building the farm up, having an architect to rebuild the house, starting to stock it with cattle and so forth, and it was very interesting in having him write in one letter, "You know my absorbing interest in farming and cattle raising."

On another occasion Mrs. Eisenhower wrote a letter in Reader's Digest and stated that Ike loved his farm at Gettysburg - the cattle, the pastures, the beautiful woodlands, and just being there.

On one occasion while the general was in the White House, he wrote to Art Nevins about the relaxation it was possible to have during the vicissitudes and frustrations and responsibility of the Presidency just to think of the days when he could look forward to coming back to Gettysburg and spending the rest of his life there.

When he was in Gettysburg in 1918, I forgot to mention that he lived in three different houses. One was the old APO (Army post office) house across from the college campus. The other one was out at 263 Springs Avenue. And just before Mamie, Mrs. Eisenhower, died, the Eisenhower Society put a plaque on both of these homes, and we were about to put the plaque at 237 Springs Avenue when a 92-year-old lady, the wife of the former head of the seminary, called me and said, "Mr. Wolf, why are you putting the plaque on 237?" And I said, "Because that's what the Army archives showed and that's what the Army told us to do." And she said, "How long were you in the service?" And I said, "Eight years." She said, "Well, that was long enough for you to have learned that you can't rely on the Army archives in things like this." So we finally got the plaque at the right place. And to make Mrs. Eisenhower certain that that is where it was, we went through the attic one time with her. Lo and behold, there was a shoe box full of letters that they had received from the time of their marriage down to the time they moved to Gettysburg, and in the 1960's they were still there, stuck in a corner under one of the eaves of the roof. So she had no doubt that we finally had the right place.

Now, I have been asked to give certain reminiscences, and I will give two or three of them. You probably will enjoy them, I hope. One was, when the general came back to Gettysburg, there was an entrance from Route 15, which went from

Gettysburg to Washington, and there was also one, another entrance, on Waterworks Road, which was a long lane surrounded by his farmland on both sides. Well, anyway, the man out on Route 15 decided to put a sign up right on his land but right at the edge of the Eisenhower land, and it said, "View the Eisenhower Farm - \$5." And that bothered the general, because he felt that a great many of the tourists and the public would think that he was trying to raise \$5 to see the farm. So he talked to his Secret Service, and I think he had a suspicion that they were likely just to take the signs and keep taking them until the man got tired of putting them up, but he did not want to have anything happen. He did not want to have any court prosecution of the Secret Service boys. He called me in one day and he said, "Charlie, I want you to take care of that sign and have it down, and I don't want to get involved in any lawsuit. I don't want to be sued. I don't want to bring any prosecutions. I don't want to do any legal action. But I just want you to get it down. Do you understand?" And I said, "Well, yes, I understand."

I had not the foggiest notion of how to get it down, so I went out and talked to the man and did my best to persuade him to take it down and I got nowhere. I asked him if he had a lawyer. He said, "Yes, I have a lawyer, but I'm not going to talk to him because he'll charge me and I'm not going to listen to him anyway if he tells me to take it down." Well, at this point I was not quite sure what I would do, and so I went back about a week later and I said, "Have you had any second thoughts on this? I really think you ought to do it," and I gave him a lot of reasons, and he said, "I'm not going to do it, and what are you going to do about it?" I said, "Well, I'll tell you. I'll give you 10 days, till midnight on such and such a date to take it down or else." He said, "What does the 'or else' mean?" And I said, "Well, just don't take it down and find out."

Well, the 10th day came by and the general called me on the way home and said, "I see the sign is still there." I said, "Well, it's not 12 o'clock yet. This man is stubborn. He has until midnight. He just may have it down by midnight." So I went early the next morning and found that it was down, and about 9 o'clock the general called me and said, "I'm going out to the office for a little while. If you're not too busy, I want to talk to you." Of course, what he wanted to know was how I got the sign down. I said, "Well, I just told the man to get it down or else." He said, "What did the 'or else' mean?" I said, "I haven't the slightest idea. I didn't get that far. I just crossed one bridge at a time." He said, "Well, I'll give you an 'A' for results and a 'D minus' for not knowing what you were doing." I said, "That's all right. I'll settle. I'll bill you for results."

He called me a little bit later, in 1967 when he decided to give the farm to the government. He said he and Mamie had made a decision and he wanted me to draw the deed. He wanted the Eisenhowers' interest to end 6 months after the first to die. Well, I used a little legal license and decided that Mrs. Eisenhower might change her mind, so I put a clause in that their term would end with a life estate to the survivor. I

took the deed out in a couple of days, and he did not read any part of it except that. That he read, and he said, "That's not what I asked you to do." And I said, "No, I agree, but I just thought Mrs. Eisenhower might change her mind. But if she doesn't, well, we can just release the life estate." And he said, "Well, are you telling me that you know more about what Mamie will do than I do?" And I said, "No, indeed I'm not." He said, "Well, suppose you change it and make it the way I wanted it." And I said, "All right." That was the first time in 8 years of a very personal relationship with him that he ever sounded a little bit crisp.

Anyway, I am going down the stairs and he called me and he said, "Hey, Charlie, you know, I'm not upset about this." He said, "I'm just trying to say if you had done it the way I instructed you, you wouldn't have to do it over." And I said, "Well, the war is over and paper's cheap. I'll have it out in a day or so." And we did. Lo and behold, about 3 months after he died, Mrs. Eisenhower and Dr. Milton Eisenhower called me: Why did I put a clause in that the term was to end 6 months after the first to die? "Mamie wants to stay at the farm." Thank goodness I preserved the first deed. I did not tear it up because I thought something like this might happen. Anyway, she not only stayed for 6 months. Everybody thought she would go to Washington and go back to the Shoreham and play bridge with her cronies and so forth, but she did not. She went back for 1 month after about 3 or 4 years on the farm and she came back and said, "Charlie, that was a sad mistake. I'm here for the rest of my life."

Anyway, the moral of that story is that even though you are a five-star general or President of the United States, it is quite possible that you cannot be certain about what the better half is going to do. In that respect, the general was just like all the rest of us male mortals.

Talking about his truth, as he said when he entered West Point, there is one thing I need to mention. He was in a Cabinet meeting in 1959 with Khrushchev that saw some trouble with what the Germans were going to do in getting all the Allies out of Berlin, and he called a Cabinet meeting after the Gary Powers incident when the U-2 spy plane came down, and he asked each Cabinet member what advice they would give him. He went the whole way around, and all of them except one told him to deny it that he knew anything about it, that that would be better for relations with Russia and so forth.

He thanked everybody and adjourned the meeting and went out and met the press and said, "Do you want to know whether I knew about the U-2 spy plane? I did. I was Commander in Chief. It was my responsibility and I authorized it."

That upset some of the commentators who felt that was going to make Russian relations worse. I do not think it could have, because if he had denied it, Khrushchev would not have believed him anyway. He would simply have said that he was lying, and of course, he would have been.

To conclude, I would just like to say, and I do not think I have to say this; I think we all know it, but I would remind

you that George Washington, General of the Army and President, became the leading American figure of the 18th century as did Abraham Lincoln of the 19th century, and Dwight David Eisenhower will be the leading American figure of the 20th century.

Not only that, but we are coming to the end of 2,000 years, 20 centuries, and whether we talk about the 20th century or the 2,000 years, Dwight Eisenhower is going to be an outstanding figure during that whole 2,000 years.

President George Bush summed it all up very succinctly recently when he said, "The achievements, the accomplishments, and service of this great soldier, statesman, and President are without equal in this century." Thank you.

("Battle Hymn of the Republic" was presented by the U.S. Army Field Band and Soldiers' Chorus.)

The SPEAKER pro tempore. Thank you, Major Hamilton, Sergeant Spaeth, and again our thanks to Colonel Clark for your fine renditions in tribute to General Eisenhower.

REMARKS AND BENEDICTION BY REVEREND MacASKILL

The SPEAKER pro tempore. And now for brief remarks and the benediction, Reverend MacAskill.

REVEREND MacASKILL. Thank you, Chairman Cole.

Greetings to all who are here assembled. It is a real pleasure and privilege for me as the pastor of the Eisenhowers to be sharing with you on this occasion, the Eisenhower Centennial Ceremony Program, the tribute by the Commonwealth to the 34th President and General of the Army.

Dwight David Eisenhower was uniquely prepared by temperament and training to fulfill the awesome responsibilities of a soldier-statesman. He knew firsthand the destruction, the tyranny, and the futility of war, and this gave him an even greater dedication in the pursuit of freedom and human dignity.

In his concluding address as President, speaking to the American people on January 17, 1961, he said, "In the councils of government, we have to guard against the acquisition of unusual processes. We can take nothing for granted. Only an alert and knowledgeable citizenry can compel the proper meshing of the industrial military defense with our peaceful goals and methods, so that security and liberty may prosper together."

He was a man of faith - faith in God; faith in his beloved country; faith in his fellow man - and he said this faith is in the dignity of man, not for us alone but to be proclaimed to the free of the world - the tiller of rice in Burma; the planter of wheat in Iowa; the farmer in southern Italy; the mountaineer in the Andes. It is a faith that confers a common dignity upon the French soldier killed in Indochina, the British soldier's life given in Malaya, and American life offered in Korea.

He had a faith in the beneficence of the Almighty, and one of the last of his public writings expressed his faith in the young people of America when he said:

The world will soon be yours to do with as you can. I urge you to approach your task with boldness and the joy and hope of courage in your heart, ever dedicated to freedom and human dignity, for this is the only route to peace with justice.

Good luck then. The Lord go with you. I for one believe in you.

He was the only President to have offered a prayer before his inaugural address, and in this address he defined clearly his philosophy and intended purpose for his administration when he said:

Almighty God, as we stand here at this moment, my future associates in the executive branch join me in beseeching that You will make full and complete our dedication to the service of the people in this throng and their fellow citizens everywhere.

Give us, we pray, the ability to discern clearly right from wrong, that all our words and actions may be governed thereby and by the laws of this land.

And especially we pray that our concerns shall be for all the people, regardless of station, race, or calling, and that cooperation may be permitted and be the mutual aim of those who under the concept of our Constitution hold to differing political beliefs, so that all may work for the good of our beloved country and to Thy glory. Amen.

Here was the faith, simple, direct, and uncomplicated, of a world figure, and he not so much articulated a faith as he acted upon it, and that faith gave him a world vision and concern for all people and a deep dedication to the preservation and perpetuation of such a way of life.

As was said of Lincoln, it can be said of Eisenhower: He belongs to the ages. President Nixon in his eulogy stated it well when he said, "He was known not so much for what he did but for what he was. It was the character of the man."

And so his character, integrity, humility, and dedication can give us all on this centennial observance inspiration to resist the forces of tyranny and to work unceasingly for the things that make for peace and brotherhood and goodwill to the glory of God and the service of humanity. Thank you.

The SPEAKER pro tempore. Please stand.

REVEREND MacASKILL. Almighty God, may we, by what we have seen with our eyes, heard with our ears, felt in our hearts, translate in our lives this day as we have come to honor with joy and thanksgiving the life and legacy to our Nation of Dwight David Eisenhower.

And now, dismiss us with Your blessing. Keep us ever in the knowledge of Your love, the gift of Your peace, and the joy of service to You and one another we pray. Amen.

The SPEAKER pro tempore. The Chair thanks the Speaker for letting me preside during this very special occasion. Thank you, Mr. Speaker, and the House.

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. The Chair recognizes Representative Cohen for the purpose of announcement for the caucus.

Mr. COHEN. Mr. Speaker, it is my understanding that there is going to be a meeting of the House Appropriations Committee at this time. I am therefore calling a meeting of the House Democratic Caucus for 2:30 p.m.; 2:30 p.m. for members of the House Democratic Caucus. I urge all members to be present.

REPUBLICAN CAUCUS

The SPEAKER pro tempore. The Chair recognizes the Republican caucus chairman, Representative Noye.

Mr. NOYE. Thank you, Mr. Speaker.

The SPEAKER pro tempore. A round of applause for the United States Army Field Band.

Representative Noye thanks you for that applause.

Mr. NOYE. It is the first time I have ever been applauded for calling a caucus.

Thank you, Mr. Speaker.

Republicans, please report to the caucus room immediately.

STATE GOVERNMENT COMMITTEE MEETING

The SPEAKER pro tempore. Representative Oliver calls an immediate committee meeting at the rear of the hall of the House.

RECESS

The SPEAKER pro tempore. This House now stands in recess until 3:30 p.m.

RECESS EXTENDED

The time of recess was extended until 3:45 p.m.

AFTER RECESS

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

THE SPEAKER (ROBERT W. O'DONNELL) PRESIDING

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 993, PN 1128 By Rep. CALTAGIRONE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the grading of retail theft.

JUDICIARY.

HB 2318, PN 4042 (Amended)

By Rep. CALTAGIRONE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing certain immunity to individuals and organizations dealing with juveniles.

JUDICIARY.

HB 2319, PN 4043 (Amended)

By Rep. CALTAGIRONE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing civil immunity for probation officers and employees of agencies conducting restitution or community service programs.

JUDICIARY.

HB 2360, PN 4044 (Amended)

By Rep. CALTAGIRONE

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for burglary; and providing for sentences of intermediate punishment.

JUDICIARY.

SB 401, PN 2484 (Amended)

By Rep. CALTAGIRONE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of aggravated assault, for drug trafficking sentencing and penalties and for unlawful collection agency practices.

JUDICIARY.

SB 566, PN 604

By Rep. CALTAGIRONE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the procuring of children for the purpose of sexual exploitation; and imposing a penalty.

JUDICIARY.

SB 693, PN 2137

By Rep. CALTAGIRONE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, establishing the priority of advances made under certain mortgages; and providing for the rights of mortgagees, mortgagors and other parties with respect to certain mortgages.

JUDICIARY.

SB 718, PN 2482 (Amended)

By Rep. CALTAGIRONE

An Act providing for county intermediate punishment programs; conferring powers and duties on the Pennsylvania Commission on Crime and Delinquency and the Pennsylvania Commission on Sentencing; and making an appropriation.

JUDICIARY.

SB 1340, PN 1692

By Rep. CALTAGIRONE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for consecutive sentences in certain aggravated assault cases and in cases involving assaults by prisoners.

JUDICIARY.

SB 1535, PN 2328

By Rep. CALTAGIRONE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing judgment exemptions.

JUDICIARY.

BILLS REREPORTED FROM COMMITTEE**HB 1861, PN 4040 (Amended)**

By Rep. CAPPABIANCA

An Act providing for early intervention services for infants, toddlers and preschool children who qualify; establishing the Interagency Coordinating Council and providing for its powers and duties; and conferring powers and duties upon the Department of Education and the State Board of Education, the Department of Health and the Department of Public Welfare.

APPROPRIATIONS.

HB 1972, PN 4041 (Amended)

By Rep. CAPPABIANCA

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," authorizing the Department of Corrections to grant a license to the United States Park Service to erect and maintain certain radio telecommunications equipment on the land of the State Correctional Institution at Cresson, Cambria County; and authorizing the Department of General Services, with the approval of the Governor, to acquire certain tracts of land in the City of Pittsburgh, Allegheny County, for the use of the Department of Corrections.

APPROPRIATIONS.

HB 2158, PN 2862 By Rep. CAPPABIANCA

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for Commonwealth portion of fines, etc.

APPROPRIATIONS.

HB 2171, PN 3213 By Rep. CAPPABIANCA

An Act amending the act of December 1, 1965 (P. L. 988, No. 368), known as the "Weights and Measures Act of 1965," further providing for the types of weights and measures governed by the act; authorizing the regulation of persons engaged in selling, installing and repairing commercial weighing and measuring devices; and further providing for certain standards, testing and procedures and for the sale and packaging of certain commodities.

APPROPRIATIONS.

HB 2187, PN 2915 By Rep. CAPPABIANCA

An Act amending the act of May 5, 1921 (P. L. 389, No. 187), entitled "An act to regulate and control the manufacture, sale, offering for sale, giving away, and use of weights and measures and of weighing and measuring devices in the Commonwealth of Pennsylvania; providing for the approval and disapproval of such weights, measures, and devices by the Bureau of Standards; and prescribing penalties," defining certain terms; further providing for the approval of weights, measures and devices; increasing penalties; and making editorial changes.

APPROPRIATIONS.

HB 2188, PN 3214 By Rep. CAPPABIANCA

An Act providing for the licensing of public weighmasters and defining their powers and duties; regulating the sale and delivery of solid fuel and other commodities sold or priced by weight; providing for certain powers and duties of the Department of Agriculture; imposing penalties; and making repeals.

APPROPRIATIONS.

SB 266, PN 2480 (Amended)

By Rep. CAPPABIANCA

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing, in the Public School Employees' Retirement Code, for creditable nonschool service, for eligibility for special early retirement, for actuarial cost determinations, for termination of annuities, for the Public School Employees' Retirement Board, and for management of the Public School Employees' Retirement Fund; further providing, in the Public Employees' Retirement Code, for definitions, for membership in the State Employees' Retirement System, for retention and reinstatement service credits, for creditable nonstate service, for early retirement, for purchase of credit for creditable nonstate service, for actuarial cost determinations, for the State Employees' Retirement Board, for duties of department heads, for management of the State Employees' Retirement Fund, and for construction of the code; authorizing certain investments; and providing for legal counsel for the Public School Employees' Retirement Board and the State Employees' Retirement Board.

APPROPRIATIONS.

SB 1324, PN 2481 (Amended)

By Rep. CAPPABIANCA

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), entitled, as amended, "The Fiscal Code," authorizing the State Treasurer and the Secretary of Revenue to promulgate regulations concerning the method of payment of obligations due the Commonwealth; and further providing for requisitions out of any fund in the State Treasury.

APPROPRIATIONS.

RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority leader, who announces a meeting of the Rules Committee at the majority leader's desk immediately.

BILLS ON SECOND CONSIDERATION

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

SB 266, PN 2480; HB 2188, PN 3214; HB 2187, PN 2915; HB 2171, PN 3213; HB 2158, PN 2862; HB 1972, PN 4041; and HB 1861, PN 4040.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the minority whip for leaves of absence.

Mr. HAYES. Thank you, Mr. Speaker.

I request a leave for the gentleman from Blair County, Mr. JOHNSON, for the week; the gentleman from Schuylkill County, Mr. ARGALL, for the day; the gentleman from Luzerne County, Mr. DIETTERICK, for the week; the gentleman from Dauphin County, Mr. DININNI, for the day; and the lady from Delaware County, Mrs. DURHAM, for the day.

The SPEAKER. Without objection, leaves of absence are granted.

The Chair recognizes Mr. Coy for leaves of absence.

Mr. COY. Thank you, Mr. Speaker.

The majority would ask for a leave of absence for the gentleman from Philadelphia, Mr. PIEVSKY, and the gentleman from Lehigh, Mr. McHALE, for the day.

The SPEAKER. Without objection, leaves of absence are granted.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take the master roll. Members will proceed to vote.

The following roll call was recorded:

PRESENT—194

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

ADDITIONS—0

NOT VOTING—1

Wright, J. L.

EXCUSED—7

| | | | |
|------------|---------|---------|---------|
| Argall | Dininni | Johnson | Pievsky |
| Dietterick | Durham | McHale | |

LEAVES ADDED—1

Wright, J. L.

BILL REREPORTED FROM COMMITTEE

SB 577, PN 2483 (Amended)

By Rep. OLIVER

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," further providing for Commonwealth reimbursement for certain election expenses, for the form of absentee ballots for qualified electors, and for the mailing of absentee ballots.

STATE GOVERNMENT.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 2646, PN 4045 (Amended)

By Rep. MORRIS

An Act regulating the refrigeration of eggs stored, distributed or held for commercial sale or use; providing for additional duties of the Department of Agriculture and the Department of Environmental Resources; and providing for civil and criminal penalties.

AGRICULTURE AND RURAL AFFAIRS.

CALENDAR CONTINUED

BILLS ON SECOND CONSIDERATION

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

SB 733, PN 797; and SB 1269, PN 1581.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 2133, PN 3016**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, adding a definition of "newborn child"; further providing for notice of hearings; providing for confidentiality for adoptive parents; providing for the furnishing of counseling to parents whose parental rights are being relinquished; further providing for involuntary termination of parental rights; providing for preplacement investigations and reports; further providing for the contents of reports of intention to adopt; and further providing for preference as to religious upbringing of an adopted child.

On the question,

Will the House agree to the bill on third consideration?

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that HB 2133 be placed upon the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that HB 2133 be taken from the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

The SPEAKER. For what purpose does the gentleman, Mr. Taylor, rise?

Mr. F. TAYLOR. Thank you, Mr. Speaker.

I would like to announce to the members of the Business and Commerce Committee that I want to reconvene our meeting that we recessed this afternoon at the rear of the House. If all the members would join us, it will not take us very long to get the business done.

The SPEAKER. The Chair would suggest that the gentleman suspend that announcement. The Chair thanks the gentleman.

* * *

The House proceeded to third consideration of **HB 2361, PN 3712**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," further providing for crime victims' compensation and assistance.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER. The gentleman, Mr. Hasay, is recognized.

Mr. HASAY. Thank you, Mr. Speaker.

Mr. Speaker, as the minority chairman of the House Conservation Committee, on the issue of wetlands, I had recently had a meeting with Secretary Art Davis and Deputy Secretary Solano with regard to the concerns on the proposed regulations of the wetlands, and because of the public hearings that were held this summer and the number of the concerns and complaints regarding the Department of Environmental Resources, at this time, because Secretary Davis had assured me that those concerns would be addressed, I therefore withdraw the amendment, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. DORR offered the following amendments No. A2876:

Amend Title, page 1, line 21, by removing the period after "ASSISTANCE" and inserting

; providing for the obtaining of permits by businesses; and imposing duties on the Department of Commerce and the Department of Revenue.

Amend Bill, page 8, by inserting between lines 18 and 19

Section 5. The act is amended by adding sections to read:

Section 2504. Coordination and Consolidation of Inspections.—The Secretary of Revenue is authorized to establish a program for coordinating all inspections by State agencies of business establishments. Where practicable under existing law, he is authorized to require that inspections with similar objectives or involving common expertise be consolidated and performed by one inspector at one time. The secretary shall be authorized to provide special training to inspectors where it is determined that such training will assure the consolidation of certain inspections.

Section 2505-B. Master Application; Form; Master Permit; Total Fee; Agencies Covered; Renewal.— (a) Any person proposing a new business operation after June 1, 1991, shall submit a master application to the department requesting the issuance of all permits necessary prior to opening a new operation in this Commonwealth. The master application shall be on a form furnished by the department and shall contain in consolidated form all information necessary for the various State agencies to issue a permit. These provisions shall apply to persons seeking to continue an existing operation after January 1, 1992.

(b) Upon receipt of a properly completed master application, the department shall immediately send a copy to each State agency with potential jurisdiction over the proposed operation. Each notified agency shall respond in writing to the department within a reasonable time, as determined by the department, advising the department and the applicant:

(1) that it approves the application;

(2) that it approves with certain conditions as specified; or

(3) that it denies the application with reasons given for the denial.

The department shall then issue a master permit covering all the approvals and conditions, excluding any denials. It shall be the responsibility of the applicant to make appeals on conditions imposed or on permit denial through that normal appeal process established by the agency with jurisdiction for issuance of such permit.

(c) A total fee based on the sum of fees for individual permits requested shall accompany each master application and shall be collected by the department and used to reimburse the various State agencies as per their schedules. The issuance of a master permit shall be in lieu of any permit, certificate or similar document required by any agency listed in subsection (d).

(d) All permits and inspections related to business operations by the following State agencies shall be covered under this section:

(1) Department of Revenue.

(2) Department of Labor and Industry.

(3) Department of Commerce.

(4) Department of Agriculture.

(5) Department of State.

(6) Pennsylvania Liquor Control Board.

(7) Pennsylvania Public Utilities Commission.

(8) Department of Transportation.

(9) Any other State agency that may now or in the future issue permits or make inspections of business operations, but nothing in this section shall be construed to eliminate State or local government health or safety inspections.

(e) All individual permits covered by this section shall expire according to a staggered schedule to be specified by the Department of Commerce. Costs for permits issued in the interim will be prorated according to the time each permit is in force.

(f) Starting January 1, 1991, annual renewals for all individual permits shall be replaced by a master permit issued by the Department of Commerce. Renewals shall be automatically granted under conditions originally imposed unless one of the regulatory agencies informs the department of revised restrictions to be imposed prior to such issuance.

(g) The department shall establish permit-issuing centers in its offices at Harrisburg and in cooperation with the Department of Revenue, in all of the district offices of the Department of Revenue.

(h) The department, after consultation with other State agencies and affected businesses, shall submit to the General Assembly by January 1, 1992, a report setting forth the results of the experience under this section, together with any recommendations for:

(1) Consolidating inspections further by change in existing statutes.

(2) Expanding the program to include other types of permits.

(3) Further improving procedures.

(i) The following words and phrases when used in this section shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Department" shall mean The Department of Commerce of the Commonwealth.

"Permit" shall mean any license, permit, certificate, certification, approval, compliance schedule or other similar document pertaining to regulation of businesses in general, plus all health, safety and consumer protection regulations as required by any State agency. For purposes of this section, the term does not include licenses issued by the Bureau of Motor Vehicles of the Department of Transportation.

"Person" shall mean any individual, partnership, cooperative or private corporation attempting to establish a business operation in a new location or seeking to continue an existing business operation.

Amend Sec. 5, page 8, line 19, by striking out "5" and inserting

6

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman, Mr. Dorr.

Mr. DORR. Thank you, Mr. Speaker.

Mr. Speaker, as the members will recognize, the bill is an Administrative Code bill. The amendment I offer is a small business amendment. The amendment is an effort that I think is long overdue in Pennsylvania to create a system that will make it easier for our constituents to enter into business.

When a person in Pennsylvania decides to go into business, there are, as we all recognize, a myriad, a plethora, if you will, of licenses, permits, and applications that have to be filed with various State agencies. These applications may run from department to department. There may be several within any given department, and there is no responsible reason why the Commonwealth of Pennsylvania cannot offer an opportunity for citizens who are wanting to go into business to do so by coming to one central place, obtaining one central form, filling it out with the generic information, filling out the various separate information that is required by various departments that they might be involved with, and then submitting that so that it can be passed around to the various departments that are required to issue the permits.

Mr. Speaker, the system is in place in several other States. It would be a great assistance to small business people in Pennsylvania, people who want to create jobs, and I think that every member of this House is interested in creating jobs in his or her district.

I would ask that the members support the amendment and ask for an affirmative vote. Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman, Mr. Caltagirone.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

I would like to address this question to the Speaker as to whether or not this amendment would require a fiscal note?

The SPEAKER. The Chair understands the gentleman, Mr. Caltagirone, to be posing a parliamentary inquiry about whether this amendment requires a fiscal note. Although it is a parliamentary inquiry, the rules are silent on the standard by which the Chair be guided. Accordingly, the Chair would seek the participation of Representative Cappabianca on the subject of whether or not this requires a fiscal note.

The Chair recognizes the gentleman.

Mr. CAPPABIANCA. Mr. Speaker, it is my understanding that it does require a fiscal note, and it is my understanding also that we have had no request for a fiscal note. Therefore, staff of our Appropriations Committee has not prepared a fiscal note for this amendment.

The SPEAKER. Is there any other member of the House who would seek to comment on that subject? The Chair welcomes advice.

Mr. RYAN. Mr. Speaker?

The SPEAKER. The Chair recognizes the gentleman.

Mr. RYAN. I am not so sure I understood what the gentleman, Mr. Cappabianca, just said. I wonder if he would be kind enough to repeat that, or would you interpret it for me.

Mr. CAPPABIANCA. Yes, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman, Mr. Cappabianca.

Mr. CAPPABIANCA. I would advise the minority leader that, yes indeed, a fiscal note would be required on the amendment and that our side, the majority caucus, has not received a request for a fiscal note on that particular amendment. Our staff is ready and prepared to do a fiscal note on it, but there was no request asked of it.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes Mr. Ryan.

Mr. RYAN. It is my understanding, Mr. Dorr advises me that a request was made and that it is on its way down. He is on the telephone with someone or was on the telephone with someone. But that is not what my question was.

It was my understanding that the Speaker said that the rules are silent as to when a fiscal note is or is not required?

The SPEAKER. For the purpose of clarification, the standard, of course, is whether or not an expenditure may be required, and the Chair is familiar with that standard, and

that is in the rules. I was seeking further information about, on the content of this amendment, whether or not an expenditure might be required, and I invited the comment of the members, specifically Mr. Cappabianca.

PARLIAMENTARY INQUIRY

Mr. RYAN. A point of further parliamentary inquiry on the same question.

Who, Mr. Speaker, do you think—and I am not being facetious—should make the ruling as to whether or not an expenditure is indeed required under the amendment? Should that not be the ruling of the Chair as opposed to an Appropriations Committee chairman?

The SPEAKER. The Chair is about to make that ruling. The Chair solicited the participation of the members.

Mr. RYAN. Thank you.

The SPEAKER. Is there any other member who would offer the Chair advice on this subject?

The Chair recognizes the gentleman, Mr. Dorr.

Mr. DORR. Mr. Speaker, we requested a fiscal note on June 27, 1990, but we have not received it yet.

BILL PASSED OVER TEMPORARILY

The SPEAKER. This bill will be over temporarily. The Chair would welcome from the gentleman the documentation of that request.

ANNOUNCEMENT BY MR. D. R. WRIGHT

The SPEAKER. The Chair recognizes the gentleman, Mr. Wright, on unanimous consent.

Mr. D. R. WRIGHT. Thank you, Mr. Speaker.

Two years ago all of us unanimously joined in the enactment of Act 108, an act which provides for the siting of hazardous waste disposal facilities. It was not a perfect piece of legislation, and it certainly is not now, and I have some amendments to Act 108 which I intend to offer today. Many of you have signed on those bills already. I have sent out a memo about those bills. I am going to introduce them today, and if you would like to be a sponsor of those, I have those here at the desk and would be delighted to have you join me. I would welcome that participation. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

BUSINESS AND COMMERCE COMMITTEE MEETING

The SPEAKER. The gentleman, Mr. Fred Taylor, announces a meeting in the rear of the House immediately of the Business and Commerce Committee. The members of the Business and Commerce Committee are urged to join the gentleman, Mr. Taylor, in the back of the House.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1946, PN 3058**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," further providing for the quota on the issuance of distributors license and retail licenses.

On the question,

Will the House agree to the bill on third consideration?

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that HB 1946 be placed upon the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that HB 1946 be taken from the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

FINANCE COMMITTEE MEETING

The SPEAKER. The Chair recognizes Mr. Trello for an announcement.

Mr. TRELLO. Mr. Speaker, there will be a meeting of the House Finance Committee immediately at the call of the recess in the back of the chamber - House Finance Committee meeting immediately at the call of the recess in the back of the chamber.

The SPEAKER. The Chair thanks the gentleman.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. I move that the rules of the House be suspended to permit immediate consideration of HR's 356, 355, and 353.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—183

| | | | |
|----------|-----------|-----------|----------|
| Adolph | Fairchild | Laughlin | Ritter |
| Allen | Fargo | Lee | Robbins |
| Angstadt | Farmer | Leh | Robinson |
| Barley | Fee | Lescovitz | Roebuck |
| Battisto | Fleagle | Levdansky | Rudy |
| Belardi | Flick | Linton | Ryan |
| Belfanti | Foster | Lloyd | Rybak |

| | | | |
|--------------|------------|------------|---------------|
| Billow | Fox | Lucyk | Scheetz |
| Birmelin | Freeman | McCall | Schuler |
| Bishop | Freind | McNally | Scrimenti |
| Black | Gallen | McVerry | Semmel |
| Bortner | Gamble | Maiale | Serafini |
| Bowley | Gannon | Maine | Smith, B. |
| Boyes | Geist | Markosek | Smith, S. H. |
| Brandt | Gigliotti | Marsico | Snyder, D. W. |
| Broujos | Gladeck | Mayernik | Snyder, G. |
| Bunt | Godshall | Melio | Stairs |
| Burd | Gruitza | Merry | Steighner |
| Burns | Gruppo | Michlovic | Stish |
| Bush | Hagarty | Micozzie | Strittmatter |
| Caltagirone | Haluska | Mihalich | Stuban |
| Carlson | Harper | Miller | Tangretti |
| Carn | Hasay | Moehlmann | Taylor, E. Z. |
| Cawley | Hayden | Morris | Taylor, F. |
| Cessar | Hayes | Mowery | Taylor, J. |
| Chadwick | Heckler | Mrkonjac | Telek |
| Civera | Herman | Nahill | Thomas |
| Clark, B. D. | Hershey | Nailor | Tigue |
| Clark, D. F. | Hess | Noye | Trello |
| Clark, J. H. | Howlett | O'Brien | Trich |
| Clymer | Hughes | Olasz | Van Horne |
| Cohen | Itkin | Oliver | Veon |
| Colafiglia | Jackson | Perzel | Vroon |
| Colaizzo | Jadlowiec | Pesci | Wambach |
| Cole | James | Petrarca | Wass |
| Cornell | Jarolin | Petrone | Weston |
| Corrigan | Josephs | Phillips | Williams |
| Cowell | Kaiser | Piccola | Wilson |
| DeLuca | Kasunic | Pistella | Wogan |
| Daley | Kenney | Pitts | Wozniak |
| Davies | Kondrich | Pressmann | Wright, D. R. |
| Dempsey | Kosinski | Preston | Wright, R. C. |
| Distler | Kukovich | Raymond | Yandrisevits |
| Dombrowski | LaGrotta | Reinard | |
| Donatucci | Langtry | Richardson | O'Donnell, |
| Dorr | Lashingner | Rieger | Speaker |
| Evans | | | |

NAYS—0

NOT VOTING—12

| | | | |
|-------------|---------|--------|---------------|
| Acosta | Coy | Murphy | Saurman |
| Blaum | DeWeese | Reber | Staback |
| Cappabianca | George | Saloom | Wright, J. L. |

EXCUSED—7

| | | | |
|------------|---------|---------|---------|
| Argall | Dininni | Johnson | Pievsky |
| Dietterick | Durham | McHale | |

A majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

RESOLUTIONS ADOPTED

The SPEAKER. The gentleman, Mr. Stuban, calls up HR 356, which will be read by the clerk.

The following resolution was read:

House Resolution No. 356

A RESOLUTION

Designating the week of September 23, 1990, as "World Summit for Children Week."

WHEREAS, Forty thousand children die worldwide everyday from malnutrition and disease; and

WHEREAS, Over 50,000,000 of the deaths during the decade of the 1990's would be easily preventable with today's technology; and

WHEREAS, United States' child poverty, infant mortality and school achievement are among the worst of all industrialized countries, with 40,000 children dying in this country every year; and

WHEREAS, Leaders of six countries have called for a World Summit for Children in New York City on September 29 and 30, 1990, to address the pressing needs of children;

WHEREAS, Our citizens are concerned about the health, education and welfare of children everywhere; and

WHEREAS, Adults and children at five sites across this Commonwealth are holding Candlelight Vigils on Sunday, September 23, 1990, to mobilize leaders to participate fully in the World Summit for Children; and

WHEREAS, On November 20, 1989, the United Nations General Assembly unanimously approved an international "Convention on the Rights of the Child," which spells out critical economic, social, cultural, civil and political rights of children; therefore be it

RESOLVED, That the House of Representatives support the Convention and designate the week beginning September 23, 1990, as "World Summit for Children Week" in Pennsylvania; and be it further

RESOLVED, That copies of this resolution be transmitted to the President of the United States, the Governor, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

- Ted Stuban
- Lynn B. Herman
- Richard A. Kasunic
- Louise Williams Bishop
- Michael E. Bortner
- Peter J. Daley II
- Edward J. Haluska
- Stanley J. Jarolin
- Frank LaGrotta
- David K. Levdansky
- Joseph F. Markosek
- Herman Mihalich
- Thomas B. Stish
- Anthony Hardy Williams
- Joseph A. Petrarca
- Howard L. Fargo
- Robert W. Godshall
- Ted V. Kondrich
- William C. Rybak
- Jere W. Schuler
- Jeffrey W. Coy
- Italo S. Cappabianca
- Daniel F. Clark
- Frank J. Gigliotti
- Richard J. Cessar
- Alice S. Langtry
- Lois Sherman Hagarty
- George W. Jackson
- Anthony J. Melio

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—187

| | | | |
|----------|------------|------------|----------|
| Acosta | Dombrowski | Langtry | Robbins |
| Adolph | Donatucci | Lashingner | Robinson |
| Allen | Dorr | Laughlin | Roebuck |
| Angstadt | Evans | Lee | Rudy |
| Barley | Fairchild | Leh | Ryan |
| Battisto | Fargo | Lescovitz | Rybak |
| Belardi | Farmer | Levdansky | Saloom |
| Belfanti | Fee | Linton | Saurman |

| | | | |
|--------------|-----------|------------|---------------|
| Billow | Fleagle | Lloyd | Scheetz |
| Birmelin | Flick | Lucyk | Schuler |
| Bishop | Foster | McCall | Scrimenti |
| Black | Fox | McNally | Semmel |
| Blaum | Freeman | McVerry | Serafini |
| Bortner | Freind | Maiale | Smith, B. |
| Bowley | Gallen | Maine | Smith, S. H. |
| Boyes | Gamble | Markosek | Snyder, D. W. |
| Brandt | Gannon | Marsico | Snyder, G. |
| Broujos | Geist | Mayernik | Staback |
| Bunt | George | Melio | Stairs |
| Burd | Gigliotti | Merry | Steighner |
| Burns | Gladeck | Michlovic | Stish |
| Bush | Godshall | Micozzie | Strittmatter |
| Caltagirone | Gruitza | Morris | Stuban |
| Cappabianca | Hagarty | Mowery | Tangretti |
| Carlson | Haluska | Mrkonic | Taylor, E. Z. |
| Carn | Harper | Murphy | Taylor, F. |
| Cawley | Hasay | Nahill | Taylor, J. |
| Cessar | Hayden | Nailor | Telek |
| Chadwick | Hayes | Noye | Thomas |
| Civera | Heckler | Olasz | Tigue |
| Clark, B. D. | Herman | Oliver | Trello |
| Clark, D. F. | Hershey | Perzel | Trich |
| Clark, J. H. | Hess | Pesci | Van Horne |
| Clymer | Howlett | Petrarca | Veon |
| Cohen | Hughes | Petrone | Vroon |
| Colafrella | Itkin | Phillips | Wambach |
| Colaizzo | Jackson | Piccola | Wass |
| Cole | Jadlowiec | Pistella | Weston |
| Cornell | James | Pitts | Williams |
| Corrigan | Jarolin | Pressmann | Wilson |
| Cowell | Josephs | Preston | Wozniak |
| Coy | Kaiser | Raymond | Wright, D. R. |
| DeLuca | Kasunic | Reber | Wright, R. C. |
| DeWeese | Kondrich | Reinard | Yandrisevits |
| Daley | Kosinski | Richardson | |
| Davies | Kukovich | Rieger | O'Donnell, |
| Dempsey | LaGrotta | Ritter | Speaker |

NAYS—0

NOT VOTING—8

| | | | |
|--------|----------|-----------|---------------|
| Gruppo | Mihalich | Moehlmann | Wogan |
| Kenney | Miller | O'Brien | Wright, J. L. |

EXCUSED—7

| | | | |
|------------|---------|---------|---------|
| Argall | Dininni | Johnson | Pievsky |
| Dietterick | Durham | McHale | |

The question was determined in the affirmative, and the resolution was adopted.

The SPEAKER. The Chair recognizes the gentleman, Mr. Stuban.

Mr. STUBAN. Thank you, Mr. Speaker.

Mr. Speaker, the resolution has been voted and there have been vigils held across the State. I know there was one held in my district last night at the Bloomsburg Fairgrounds, sponsored by the ministerium and the volunteers at the university along with other people at the university there, and I have had many requests and I know the cosponsor on this legislation has had many requests for other people to have their names put on. I would appreciate if we could just put everybody's name on the resolution.

The SPEAKER. The Chair would suggest to the gentleman that the resolution will be held available to all the members of the House, and those who wish to join who have not yet cosponsored, the resolution will be available for cosponsorship today, before it leaves the House.

Mr. STUBAN. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

For the information of the members, the votes are being recorded on the board to the right and not on the board on the left, but the tally is being taken in the usual way and, as far as we know, is accurate.

* * *

The SPEAKER. The gentleman, Mr. Jackson, calls up the following resolution, which the clerk will read.

The following resolution was read:

House Resolution No. 355

A RESOLUTION

Urging Pennsylvanians to prominently display the American flag in a united show of support for all American military troops in the Persian Gulf.

WHEREAS, The President of the United States has determined that the Iraqi invasion of Kuwait on August 2, 1990, represents an act of unprovoked aggression that counters the principles of the United Nations and threatens the American way of life as well as our economic well-being; and

WHEREAS, As a result of this act of aggression, the President has imposed economic sanctions against Iraq as requested by the United Nations Security Council, and has sent American troops to join international forces in the Persian Gulf to deter further military aggression; and

WHEREAS, Many Pennsylvanians have volunteered for duty in the Middle East through active military, reserve and guard forces; and

WHEREAS, Families in Pennsylvania and across the nation have been separated from their loved ones because of the developments in the Middle East; and

WHEREAS, These families and their brave sons and daughters deserve the unconditional support of the American people; therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania urge all Pennsylvania citizens to prominently display the American flag at their homes and places of business in a united show of support for all American military troops currently stationed in the Persian Gulf.

- George W. Jackson
- Samuel E. Hayes, Jr.
- Nicholas B. Moehlmann
- Ronald S. Marsico
- Howard L. Fargo
- Thomas W. Dempsey
- Richard J. Cessar
- Richard A. Geist
- David John Mayernik
- Paul J. Angstadt
- George C. Hasay
- Elinor Z. Taylor
- Bob Allen
- Samuel W. Morris
- Fred C. Noye
- John F. Pressmann
- Bernard J. Dombrowski
- Bruce Smith
- Edgar A. Carlson
- Robert D. Robbins
- Elaine F. Farmer
- Edward G. Staback
- James T. Distler
- Richard D. Olasz

Susan Laughlin
Lois Sherman Hagarty
John H. Broujos
Leonard Quirico Gruppo
John N. Wozniak
James M. Burd
Anthony J. Melio
William Russell Robinson
Arthur D. Hershey
Robert E. Belfanti, Jr.
Ron Raymond
Andrew Billow, Jr.
Edwin G. Johnson
Lynn B. Herman
Dick L. Hess
Charles F. Nahill, Jr.
William F. Adolph, Jr.
Daniel F. Clark
Gaynor Cawley
Anthony M. DeLuca
Thomas J. Scrimenti
George E. Saurman
Scott Dietterick
Frank A. Serafini
Ted V. Kondrich
Mario J. Civera, Jr.
Fred A. Trello
Thomas C. Petrone
Frank J. Gigliotti
Ivan Itkin

On the question,
Will the House adopt the resolution?

The SPEAKER. The Chair recognizes Mr. Jackson.

Mr. JACKSON. I would like to read this resolution. It is very important.

WHEREAS, The President of the United States has determined that the Iraqi invasion of Kuwait on August 2, 1990, represents an act of unprovoked aggression that counters the principles of the United Nations and threatens the American way of life as well as our economic well-being; and

WHEREAS, As a result of this act of aggression, the President has imposed economic sanctions against Iraq as requested by the United Nations Security Council, and has sent American troops to join international forces in the Persian Gulf to deter further military aggression; and

WHEREAS, Many Pennsylvanians have volunteered for duty in the Middle East through active military, reserve and guard forces; and

WHEREAS, Families in Pennsylvania and across the nation have been separated from their loved ones because of the developments in the Middle East; and

WHEREAS, These families and their brave sons and daughters deserve the unconditional support of the American people; therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania urge all Pennsylvania citizens to prominently display the American flag at their homes and places of business in a united show of support for all American military troops currently stationed in the Persian Gulf.

Thank you, Mr. Speaker.

On the question recurring,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—193

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

NAYS—0

NOT VOTING—2

Josephs Wright, J. L.

EXCUSED—7

| | | | |
|------------|---------|---------|---------|
| Argall | Dininni | Johnson | Pievsky |
| Dietterick | Durham | McHale | |

The question was determined in the affirmative, and the resolution was adopted.

The SPEAKER. The Chair recognizes Mr. Jackson.

Mr. JACKSON. Mr. Speaker, I also would request that all members of the House have an opportunity to sign this resolution.

The SPEAKER. The resolution will be held at the desk for cosponsorship for the members.

* * *

The SPEAKER. The lady, Mrs. Taylor, calls up HR 353, which will be read by the clerk.

The following resolution was read:

House Resolution No. 353

A RESOLUTION

Designating the week of September 16 through 22, 1990, as "Adult Day Care Week" in Pennsylvania.

WHEREAS, Pennsylvania has 130 adult day-care centers; and WHEREAS, The average daily attendance of Pennsylvania's day-care centers is over 2,500, with a total enrollment of approximately 5,000; and

WHEREAS, The majority of the persons in adult day care are individuals who have been diagnosed with some sort of cognitive brain dysfunction, either Alzheimer's disease or organic brain syndrome; and

WHEREAS, Adult day care is becoming an alternative to nursing homes; therefore be it

RESOLVED, That the House of Representatives of Pennsylvania designate the week of September 16 through 22, 1990, as "Adult Day Care Week" in Pennsylvania.

Elinor Z. Taylor

On the question,

Will the House adopt the resolution?

The SPEAKER. On the resolution, the Chair recognizes the lady, Mrs. Taylor.

Mrs. TAYLOR. Mr. Speaker, I know there are many members of this House who support what we are doing in Pennsylvania as far as adult day care is concerned, and so I, too, would ask as the others, if you would like to join me in designating adult day care, that the resolution be held open. Thank you, Mr. Speaker.

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—193

| | | | |
|-------------|-----------|-----------|---------------|
| Acosta | Donatucci | Lashinger | Robbins |
| Adolph | Dorr | Laughlin | Robinson |
| Allen | Evans | Lee | Roebuck |
| Angstadt | Fairchild | Leh | Rudy |
| Barley | Fargo | Lescovitz | Ryan |
| Battisto | Farmer | Levdansky | Rybak |
| Belardi | Fee | Linton | Saloom |
| Belfanti | Fleagle | Lloyd | Saurman |
| Billow | Flick | Lucyk | Scheetz |
| Birmelin | Foster | McCall | Schuler |
| Bishop | Fox | McNally | Scrimenti |
| Black | Freeman | McVerry | Semmel |
| Blaum | Freind | Maiale | Serafini |
| Bortner | Gallen | Maine | Smith, B. |
| Bowley | Gamble | Markosek | Smith, S. H. |
| Boyes | Gannon | Marsico | Snyder, D. W. |
| Brandt | Geist | Mayernik | Snyder, G. |
| Broujos | George | Melio | Staback |
| Bunt | Gigliotti | Merry | Stairs |
| Burd | Gladeck | Michlovic | Steighner |
| Burns | Godshall | Micozzie | Stish |
| Bush | Gruitza | Mihalich | Strittmatter |
| Caltagirone | Gruppo | Miller | Stuban |

| | | | |
|--------------|-----------|------------|---------------|
| Cappabianca | Hagarty | Moehlmann | Tangretti |
| Carlson | Haluska | Morris | Taylor, E. Z. |
| Carn | Harper | Mowery | Taylor, F. |
| Cawley | Hasay | Mrkoncic | Taylor, J. |
| Cessar | Hayden | Murphy | Telek |
| Chadwick | Hayes | Nahill | Thomas |
| Civera | Heckler | Noye | Tigue |
| Clark, B. D. | Herman | O'Brien | Trello |
| Clark, D. F. | Hershey | Olasz | Trich |
| Clark, J. H. | Hess | Oliver | Van Horne |
| Clymer | Howlett | Perzel | Veon |
| Cohen | Hughes | Pesci | Vroon |
| Colafella | Itkin | Petrarca | Wambach |
| Colaizzo | Jackson | Petrone | Wass |
| Cole | Jadlowiec | Phillips | Weston |
| Cornell | James | Piccola | Williams |
| Corrigan | Jarolin | Pistella | Wilson |
| Cowell | Josephs | Pitts | Wogan |
| Coy | Kaiser | Pressmann | Wozniak |
| DeLuca | Kasunic | Preston | Wright, D. R. |
| DeWeese | Kenney | Raymond | Wright, R. C. |
| Daley | Kondrich | Reber | Yandrisevits |
| Davies | Kosinski | Reinard | |
| Dempsey | Kukovich | Richardson | O'Donnell, |
| Distler | LaGrotta | Rieger | Speaker |
| Dombrowski | Langtry | Ritter | |

NAYS—0

NOT VOTING—2

Nailor Wright, J. L.

EXCUSED—7

| | | | |
|------------|---------|---------|---------|
| Argall | Dininni | Johnson | Pievsky |
| Dietterick | Durham | McHale | |

The question was determined in the affirmative, and the resolution was adopted.

The SPEAKER. The resolution will be held at the desk for cosponsorship by remaining members.

HB 1376 RECONSIDERED

The SPEAKER. The Chair is in possession of a reconsideration motion by which the gentleman, Mr. Michlovic, moves that the vote by which HB 1376 was defeated on the 27th day of June be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—184

| | | | |
|----------|------------|-----------|---------------|
| Adolph | Dombrowski | Leh | Robinson |
| Allen | Donatucci | Lescovitz | Roebuck |
| Angstadt | Dorr | Levdansky | Rudy |
| Barley | Evans | Linton | Ryan |
| Battisto | Fairchild | Lloyd | Rybak |
| Belardi | Fargo | McCall | Saloom |
| Belfanti | Farmer | McNally | Saurman |
| Billow | Fee | Maiale | Scheetz |
| Birmelin | Fleagle | Maine | Schuler |
| Bishop | Flick | Markosek | Scrimenti |
| Black | Foster | Marsico | Semmel |
| Blaum | Fox | Mayernik | Serafini |
| Bortner | Freeman | Melio | Smith, B. |
| Bowley | Freind | Merry | Smith, S. H. |
| Boyes | Gamble | Michlovic | Snyder, D. W. |
| Brandt | Gannon | Micozzie | Snyder, G. |
| Broujos | Geist | Mihalich | Staback |
| Bunt | George | Miller | Stairs |

| | | | |
|--------------|------------|------------|---------------|
| Burd | Gigliotti | Moehlmann | Steighner |
| Burns | Gladeck | Morris | Stish |
| Bush | Godshall | Mowery | Strittmatter |
| Caltagirone | Gruitza | Mrkonic | Stuban |
| Cappabianca | Gruppo | Murphy | Tangretti |
| Carlson | Hagarty | Nahill | Taylor, E. Z. |
| Carn | Haluska | Nailor | Taylor, F. |
| Cawley | Harper | Noye | Telek |
| Cessar | Hasay | O'Brien | Thomas |
| Chadwick | Hayden | Olasz | Tigue |
| Civera | Heckler | Oliver | Trello |
| Clark, B. D. | Herman | Perzel | Trich |
| Clark, D. F. | Hershey | Pesci | Van Horne |
| Clark, J. H. | Hess | Petrarca | Veon |
| Clymer | Howlett | Petrone | Vroon |
| Cohen | Hughes | Phillips | Wambach |
| Colaella | Jackson | Piccola | Wass |
| Colaizzo | Jadlowiec | Pistella | Weston |
| Cole | James | Pitts | Williams |
| Cornell | Jarolin | Pressmann | Wilson |
| Corrigan | Josephs | Preston | Wogan |
| Cowell | Kaiser | Raymond | Wozniak |
| Coy | Kasunic | Reber | Wright, D. R. |
| DeLuca | Kenney | Reinard | Wright, R. C. |
| DeWeese | Kondrich | Richardson | Yandrisevits |
| Daley | Kosinski | Rieger | |
| Davies | LaGrotta | Ritter | O'Donnell, |
| Dempsey | Langtry | Robbins | Speaker |
| Distler | Lashingier | | |

NAYS—1

Hayes

NOT VOTING—10

| | | | |
|--------|----------|---------|---------------|
| Acosta | Kukovich | Lucyk | Taylor, J. |
| Gallen | Laughlin | McVerry | Wright, J. L. |
| Itkin | Lee | | |

EXCUSED—7

| | | | |
|------------|---------|---------|---------|
| Argall | Dininni | Johnson | Pievsky |
| Dietterick | Durham | McHale | |

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

On the question recurring,
Shall the bill pass finally?

**BILL PLACED ON FINAL PASSAGE
POSTPONED CALENDAR**

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that HB 1376 be placed upon the final passage postponed calendar.

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

CONSIDERATION OF HB 2361 CONTINUED

The SPEAKER. The Chair returns to the gentleman, Mr. Caltagirone's parliamentary inquiry. The Dorr amendment, in the opinion of the Chair, does require a fiscal note. The gentleman, Mr. Dorr, has presented a letter indicating he requested such on June 27 of this year. The Appropriations Committee records do not reflect the receipt of that letter. In any event, we consider it a current request. The Appropri-

ations Committee has prepared a fiscal note. It has been circulated.

The gentleman is in order. The Dorr amendment is now before the House.

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

The SPEAKER. On the amendment, the Chair recognizes Mr. Dorr.

Mr. DORR. Thank you, Mr. Speaker.

As I indicated previously, Mr. Speaker, this amendment is what I call a one-stop licensing and permitting bill. The amendment would create a system in which people trying to go into business in Pennsylvania could go to one specific location, use one centralized form, and fill out the generic information that is required and then whatever specific information that is required for each of the separate forms that they pick out of the application which might be necessary for their particular business, and then have the State Government circulate that among the departments which would then issue the permit.

Mr. Speaker, the system is a simple one. It is in effect in a number of other States, including Washington, Oregon, and Wisconsin; it has been for years. It is time Pennsylvania got on board and improved the climate for business in Pennsylvania, thereby improving the ability of our constituents to obtain jobs.

This is, Mr. Speaker, a job-producing amendment. It is one whose time has come, and I ask for an affirmative vote.

The SPEAKER. The Chair recognizes Mr. Caltagirone.

Mr. CALTAGIRONE. Mr. Speaker, on the fiscal note itself, there is a cost attached to that amendment, and the additional employees that we are talking about would average 27 to 51 that the State would have to add as a complement in order to effectuate what Representative Dorr had indicated. At the average annual salary of a State employee plus benefits, the fiscal impact could range from well over \$1 million to close to \$2 million, and the problems that would be engendered by this amendment would not include the departments of DER (Department of Environmental Resources) and DPW (Department of Public Welfare), because they are not included on the master list. Commerce supposedly would have to coordinate all of this, and as anybody in this House knows, as a cost of doing business in government, it is passed on to business, and if we are trying to save money by adding additional State employees, then the cost of doing business for government will mean that we will add extra taxes for those businesses by adding these extra State employees. I think that is a negative, and why Revenue should be chosen as the agency and not someone else is a mystery.

I would ask for the members to please vote "no," because, number one, I think there is a fiscal impact involved with this—and I am talking between \$1 and \$2 million—and the agencies involved on that master list do not include DER and DPW, and having Commerce being charged with coordinating this would create somewhat of an awesome burden. So I would please ask for a negative vote.

The SPEAKER. The Chair recognizes Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I would like to interrogate the maker of the amendment.

The SPEAKER. The gentleman indicates he is willing to be interrogated. The gentleman may proceed.

Mr. LLOYD. Mr. Speaker, on the second page of the amendment, there is a listing of eight specific State agencies whose permits and licenses would be required to be pooled to the extent that that is possible. My question has to do with category No. (9), which is "Any other State agency that may now or in the future issue permits or make inspections of business operations...." Does that include the Department of Environmental Resources?

Mr. DORR. Mr. Speaker, yes; the answer is yes. The language would include all departments which issue permits for business purposes.

Mr. LLOYD. Well, then is it correct, Mr. Speaker, that what we are contemplating here is, if somebody is trying to get a permit for a landfill, that now that landfill permit application review is going to potentially involve the Department of Commerce or some other mechanism rather than the established procedures through the Department of Environmental Resources?

Mr. DORR. No, Mr. Speaker, that is not true. The established procedures would all in fact be followed. It is only that the permit application form could be obtained in a centralized booklet from the Department of Commerce initially. Each department would conduct their own separate reviews, would do everything that they do now in connection with those application forms. The purpose here is not to change the way government works except in the respect that it forces a new or an aspiring businessperson to troop around to 14 different departments to get their application forms. All this says is, you should have a centralized booklet where all the application forms are available and then let people fill them out, submit them to one place, which then gets circulated to the various departments for review purposes.

Mr. LLOYD. So then, Mr. Speaker, you are saying that the permit would still be issued by the Department of Environmental Resources, but on page 1, the Department of Environmental Resources would have to give its reasons for issuing or denying or modifying the application to the Department of Commerce. Is that correct?

Mr. DORR. Yes, Mr. Speaker.

Mr. LLOYD. Or is it Revenue?

Mr. DORR. The Department of Revenue, Mr. Speaker. I am sorry.

Mr. LLOYD. Okay, Revenue. So the answer is yes, that if you are applying for a landfill application permit and all the people object and you have your hearings, DER would go through the process just as they do now; they would make a decision; that decision, instead of going back to the applicant, would go to the Department of Revenue and would then be communicated.

Mr. DORR. No. That would be an additional notification point. It would still notify the individuals involved. It would follow its own procedures, and then in order to make the system complete, in order to complete the loop, it would also have to notify the Department of Revenue.

Mr. LLOYD. Now, what about the question of inspections, because at one point in the amendment, it says that all permits and inspections related to business operations by the following State agencies, including that category No. (9), are going to be covered by this section. Does that mean that somehow, instead of having an inspector for various State agencies coming around to a business, we are supposed to have only one inspector?

Mr. DORR. Yes, Mr. Speaker, if that program is established. This is an authorizing amendment.

Mr. LLOYD. So what happens if I have a landfill in my district about which people object or if I have a coal operator who is alleged to be causing blasting damage? Who is the inspector - the Department of Environmental Resources or the Department of Revenue or some new hybrid inspector?

Mr. DORR. Mr. Speaker, that is not an answerable question. My guess, if you want me to guess and speculate, is that because of the specialized nature involved, it would be very difficult to bring the Department of Environmental Resources into that particular program. I would guess that the Department of Revenue, in establishing it, would exempt the Department of Environmental Resources from that particular program. The amendment, in section 2504, authorizes the Department of Revenue to establish that. It does not require them to do so, and it would allow them therefore the flexibility to bring whatever they thought was practical and effective in assisting the business people to not have to deal with eight different inspectors, if that is practicable from the government's standpoint, too.

Mr. LLOYD. Mr. Speaker, on the amendment?

Mr. DORR. In further answer to one of Mr. Lloyd's questions, Mr. Speaker, if I am permitted.

The SPEAKER. The gentleman may proceed.

Mr. DORR. Mr. Speaker, I misspoke. I was confused by my own amendment. The department involved in the permitting and licensing is the Department of Commerce. As you will see when you go to the definitions on page 2 at the bottom, the department means the Department of Commerce. It is only that Revenue is involved only in the authorizing program regarding inspections. The permitting and licensing feature of this amendment is a Department of Commerce operation.

The SPEAKER. On the amendment, the gentleman, Mr. Lloyd, is recognized.

Mr. LLOYD. Mr. Speaker, the gentleman I think has a good idea, one that I have heard numerous candidates for Governor over, I think, the last 15 years say - we are going to have one-stop shopping for permits in Pennsylvania - and for whatever reason, despite those promises by candidates from both parties, we still do not have that. And I assume we do not have that because when they looked at the nitty-gritty,

they decided that it really was not practical to have DER permits running through the Department of Commerce or Agriculture Department inspections running through the Department of Commerce. And so I am not sure that this amendment is really going to accomplish very much.

But I guess my real concern is that because of the fact that the amendment is somewhat convoluted in the way that you would have to read through and divine what it does and does not do, I am very concerned with anything that is going to create the impression that somehow we are going to lessen review of applications for environmental permits. That is an exceptionally sensitive issue, as the gentleman, Mr. Wright, pointed out a little while ago, for people who are concerned with toxic waste. It is also an especially sensitive issue for people who are concerned about New Jersey garbage and landfills. And it is especially sensitive for people who are concerned about environmental damage which may come from coal mining and other kinds of earth disturbance.

For those reasons, Mr. Speaker, I think that we ought to reject this amendment and go back to the drawing board and come back with something that is a little more sharply focused and which specifically excludes the Department of Environmental Resources. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

Would the gentleman stand for a few questions, please?

The SPEAKER. He indicates that he will. The gentleman may proceed.

Mr. PRESTON. Thank you.

Mr. Speaker, within your amendment, and I guess I am also concerned about certain amounts of duplicity. One, it appears to me that the Department of Commerce would not have anybody currently within its office that would have any expertise in relationship to these inspections. Am I correct?

Mr. DORR. Mr. Speaker, first we have to differentiate between the two sections of the amendment. The Department of Revenue is involved in the inspection portion of the amendment that is, as I indicated to the gentleman, Mr. Lloyd, an authorizing section simply authorizing somebody to get this government's inspection system together and to create a program of inspections which will allow the business people of Pennsylvania to deal with it on a practical basis. Clearly there are situations where we need inspections. There probably are situations where it is not appropriate to do that on a generic basis, but there are certainly situations where it is appropriate to do it on a generic basis. I think the Department of Revenue ought to be authorized to create such a system, and that is all the amendment does is to authorize the creation of that system.

Mr. PRESTON. If I am correct, within your amendment you are asking for these regional offices to be set up within the next 3 months, fully staffed?

I am referring to section (g) about the establishment of permit-issuing centers where you ask them to be in all district offices of the Department of Revenue.

Mr. DORR. Yes, Mr. Speaker.

The Department of Revenue has existing offices in all regions, and therefore, that is why we chose the Revenue Department for that particular function.

Mr. PRESTON. What kind of expertise would some of these staff people be required to have, and roughly how many people are you talking about?

Mr. DORR. Their expertise would be necessarily limited simply to being able to hand a booklet to an individual who asked for a permit booklet. There is no expertise essentially involved in that process.

Mr. PRESTON. But when it comes to the inspection, is this also going to be handled— See, part of my concern, too, for example within Allegheny County, there are some inspections that the county itself performs on behalf of the State, and I do not know if that is also true—

Mr. DORR. Mr. Speaker, the particular section you question does not pertain to the inspection part of this amendment. The inspection part of the amendment simply authorizes the department to set up a program. That is different from the licensing and permitting section of this amendment. That is where we begin to deal with the Department of Revenue's regional offices, so that they can hand the booklets out to people and they do not have to come to Harrisburg to get a permit and license booklet.

Mr. PRESTON. But part of my concern, again, coming to the inspection, as an example. The Health Department within Allegheny County performs an awful lot of inspections - for example, gas stations with the Department of Agriculture. I do not know how it works in some of the other counties. Now we are asking for a contractor to also be responsible to talk to someone over the phone or another agency that it has not had to deal with in the past to be able to say that there is a problem here and especially with all the master lists, because it has also come to my information that, for example, take a lot of taverns. They have to get approvals and licenses from the Department of Labor and Industry, the Liquor Control Board. I do not know if they have to be registered with the Secretary of State, depending on other things that they may have within the building or the establishment.

The SPEAKER. Will the gentleman suspend.

The gentleman, Mr. Dorr, stood for interrogation. Perhaps the gentleman would like to be recognized on the amendment itself. Has the gentleman concluded his interrogation?

Mr. PRESTON. No; I am still asking him concerning these inspections and how this is going to be done by the department when we have a subcontractor. Can you explain to me how that process will be speeded up under your proposal?

Mr. DORR. No, Mr. Speaker, because all the amendment does, again, is to authorize the Department of Revenue to set up a practical inspection program where it is appropriate so that inspections for different departments or different agencies within a department can be done by one inspector. It does not set out the details of that. That would be left for the Department of Revenue to determine, and the particular concerns of the gentleman, I am sure, would be taken into consid-

eration by the Department of Revenue, and where it is impossible or impractical to create a new system of inspection, they, I am sure, would not do so.

Mr. PRESTON. As I heard the previous speaker, Mr. Speaker, am I correct in assuming this thing is very similar to what the current Governor had mentioned about his one-stop planning about 2 or 3 years ago? Is this quite similar to this, to Governor Casey's program or recommendation to us?

Mr. DORR. Mr. Speaker, I recall vaguely the Governor mentioning this program. He, however, to my knowledge, has never come forth with a specific plan. This is a sufficiently specific plan to set his desired objective in motion, and I think it is time we got ahead with doing it.

Mr. PRESTON. Thank you, Mr. Speaker.

Can I speak briefly on the amendment?

The SPEAKER. The gentleman is recognized and may proceed.

Mr. PRESTON. While the intentions of Mr. Dorr are good, it makes me very nervous again when we start talking about any other department, which would include the Department of Welfare, which would involve some of your senior citizens' day care. Some of your nursing homes could also get involved in this along with— You have already heard the previous speaker mention as far as your environmental resources. But an awful lot of your local business establishments and corporations have to apply for more than just one permit and deal with an awful lot of different sections and departments. What we would be asking is, within the next 90 days, the setup of one-stop shop, and take into consideration that a lot of these licenses do not lapse all at the same time. Some of these different things and some of the different businesses have separate fiscal years in which they must apply for certain different things, and we are just asking time in something that really right now, Mr. Speaker, the vehicles are not there, and in the next 90 days I really do not see the impetus about being able to garner the 24 or 25 people that might be needed in the Department of Revenue, and then you would be asking them to interact, again creating another level of bureaucracy within government. I thought that one of the things that we were trying to do as modern-day legislators would be to eliminate the different levels of government, and to create one, I think, right now would be in the negative, especially in so much short of a time with the environmental impact that we have going on across this State.

I would ask for a negative vote on this amendment.

The SPEAKER. The Chair recognizes Mr. Saurman.

Mr. SAURMAN. Mr. Speaker, I wonder if the maker of the amendment might stand for another bit of interrogation?

The SPEAKER. The gentleman indicates that he will. The gentleman may proceed.

Mr. SAURMAN. Mr. Speaker, it has been very difficult to hear really what has transpired up to this time, but my question is, the program that you are proposing, would it end merely with the one-stop application or do I understand from your amendment that there would be a consolidation of inspections; that in other words, instead of maybe three

departments sending out individual inspectors, that only one person would go and make the inspection on behalf of three of them?

Mr. DORR. After that program would be set up, that could be done, Mr. Speaker, yes.

Mr. SAURMAN. It would seem to me, in other words, that while the fiscal note refers to what would happen to the Department of Revenue, that perhaps they would have to have additional employees to take care of this, that there could very easily be a shift in terms of these expenses and that ultimately this could in fact become a cost-saving device and certainly the kind of a program that would improve the business climate, which would be an incentive for businesses to come to the Commonwealth of Pennsylvania because of the efficient manner in which these licenses and the permits are being handled. Would you consider that that would be an appropriate evaluation?

Mr. DORR. Absolutely, Mr. Speaker, and the cost to Pennsylvanians, who after all pay the taxes to the Commonwealth of Pennsylvania, the overall cost to Pennsylvanians would clearly be less when the whole thing is put into place because of the added efficiency involved.

Mr. SAURMAN. Thank you, Mr. Speaker. That ends my interrogation.

If I might just make a quick statement.

The SPEAKER. The gentleman is recognized.

Mr. SAURMAN. Mr. Speaker, I guess I am somewhat annoyed that there is a great deal of noise and I do not think there is much attention being paid to the amendment that is being offered, and I really think it is a serious thing that we should look at very carefully. It is a very positive business-oriented program at a time when we have seen a decline in the economy in the Commonwealth of Pennsylvania. I think that it is incumbent upon us to be very, very positive about anything that will improve that climate, and I would certainly urge your support of the Dorr amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—115

| | | | |
|----------|-----------|------------|---------------|
| Adolph | Distler | Jadlowiec | Reinard |
| Allen | Donatucci | Kenney | Robbins |
| Angstadt | Dorr | Kondrich | Rudy |
| Barley | Fairchild | Kosinski | Ryan |
| Battisto | Fargo | Langtry | Saurman |
| Belfanti | Farmer | Lashingner | Scheetz |
| Birmelin | Fleagle | Lee | Schuler |
| Black | Flick | Leh | Semmel |
| Bortner | Foster | McCall | Serafini |
| Boyes | Fox | McVerry | Smith, B. |
| Brandt | Freeman | Maine | Smith, S. H. |
| Broujos | Freind | Marsico | Snyder, D. W. |
| Bunt | Gallen | Merry | Snyder, G. |
| Burd | Gannon | Micozzie | Stairs |
| Burns | Geist | Miller | Strittmatter |
| Bush | Gladeck | Moehlmann | Stuban |
| Carlson | Godshall | Morris | Taylor, E. Z. |
| Cessar | Gruppo | Mowery | Taylor, J. |
| Chadwick | Hagarty | Nahill | Telek |
| Civera | Haluska | Nailor | Thomas |

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|--------------|---------|-----------|---------------|
| Clark, D. F. | Hasay | Noye | Vroon |
| Clark, J. H. | Hayes | O'Brien | Wambach |
| Clymer | Heckler | Perzel | Wass |
| Cole | Herman | Phillips | Weston |
| Cornell | Hershey | Piccola | Wilson |
| Cowell | Hess | Pitts | Wogan |
| Coy | Howlett | Pressmann | Wright, D. R. |
| Davies | Itkin | Raymond | Wright, R. C. |
| Dempsey | Jackson | Reber | |

NAYS—79

| | | | |
|--------------|-----------|------------|--------------|
| Acosta | Gamble | McNally | Roebuck |
| Belardi | George | Maiale | Rybak |
| Billow | Gigliotti | Markosek | Saloom |
| Bishop | Gruitza | Mayernik | Scrimenti |
| Blaum | Harper | Melio | Staback |
| Bowley | Hayden | Michlovic | Steighner |
| Caltagirone | Hughes | Mihalich | Stish |
| Cappabianca | James | Mrkonic | Tangretti |
| Carn | Jarolin | Murphy | Taylor, F. |
| Cawley | Josephs | Olasz | Tigue |
| Clark, B. D. | Kaiser | Oliver | Trello |
| Cohen | Kasunic | Pesci | Trich |
| Colaella | Kukovich | Petrarca | Van Horne |
| Colaizzo | LaGrotta | Petrone | Veon |
| Corrigan | Laughlin | Pistella | Williams |
| DeLuca | Lescovitz | Preston | Wozniak |
| DeWeese | Levdansky | Richardson | Yandrisevits |
| Daley | Linton | Rieger | |
| Dombrowski | Lloyd | Ritter | O'Donnell, |
| Evans | Lucyk | Robinson | Speaker |
| Fee | | | |

NOT VOTING—1

Wright, J. L.

EXCUSED—7

| | | | |
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| Argall | Dininni | Johnson | Pievsky |
| Dietterick | Durham | McHale | |

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

On the question,

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

Mr. CALTAGIRONE offered the following amendment No. A3429:

Amend Bill, page 8, lines 19 through 23, by striking out all of said lines and inserting

.....Section 5. Section 1 (section 477) shall be retroactive to October 1, 1990.

Section 6. This act shall take effect as follows:

(1) Sections 2 (section 477.3), 3 (sections 477.9, 477.15 and 479.3) and 4 (section 479.5) shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes Mr. Caltagirone.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

Very briefly, this is a retroactivity clause to October 1, 1990, for the distribution of the moneys from the Federal Government. This would be needed in the event the Senate would not approve this legislation by October 1 of this year.

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

The following roll call was recorded:

YEAS—188

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

NAYS—0

NOT VOTING—7

| | | | |
|---------|---------|---------|---------------|
| Gruitza | O'Brien | Saloom | Wright, J. L. |
| Maiale | Raymond | Wozniak | |

EXCUSED—7

| | | | |
|------------|---------|---------|---------|
| Argall | Dininni | Johnson | Pievsky |
| Dietterick | Durham | McHale | |

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

On the question recurring,

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

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—193

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

NAYS—0

NOT VOTING—2

Maiale Wright, J. L.

EXCUSED—7

| | | | |
|------------|---------|---------|---------|
| Argall | Dininni | Johnson | Pievsky |
| Dietterick | Durham | McHale | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

* * *

The House proceeded to third consideration of SB 775, PN 1348, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, reducing the time for advertisement of accounts to two weeks; adding a section providing that documents submitted to the register of wills, except for probate, may be attested to by an affidavit or by a verified statement; broadening the class of property deemed disclaimed when a spouse takes an elective share; avoiding automatic modification of wills and inter vivos conveyances that are made in contemplation of a marriage or divorce; adding a rule of interpretation for wills and conveyances regarding corporate fiduciaries; confirming existing law that a gift to any unfunded trust is valid; adding a chapter relating to contracts concerning succession; authorizing personal representatives to make certain temporary investments; allowing fiduciaries to hold certain securities in book-entry form; further providing for notice to parties in interest; further providing for rights of claimants; authorizing the guardian of the estate of a minor to distribute certain income without court approval; adding the Pennsylvania Uniform Transfers to Minors Act; clarifying the jurisdiction of the court to appoint certain temporary guardians; authorizing the court to exercise all rights and privileges under certain contracts which provide for payments to an incompetent or others after the incompetent's death; authorizing the court to modify the estate plan of an incompetent to reflect changes in applicable tax laws; permitting certain powers of attorney to be executed by mark; ensuring the validity of durable powers of attorney; authorizing the court to allow a shorter period of notice to an absentee; providing that as a matter of law divorce revokes any revocable beneficiary designation made in favor of the former spouse; further providing for the annexation of accounts; further authorizing the court to divide trusts; further authorizing the court to grant declaratory relief with respect to certain interests in real property; and making technical changes.

On the question,

Will the House agree to the bill on third consideration?

Mr. GRUITZA offered the following amendments No. A3424:

Amend Title, page 1, line 1, by striking out "Title 20" and inserting

Titles 20

Amend Title, page 1, line 1, by inserting after "Fiduciaries" and 72 (Taxation and Fiscal Affairs)

Amend Title, page 2, line 4, by inserting after "property;" exempting spousal transfers from inheritance taxation; providing for the taxation of certain spousal trusts;

Amend Bill, page 40, by inserting between lines 7 and 8

Section 14. Section 1707 of Title 72 is amended by adding a subsection to read:

§ 1707. Transfers subject to tax.

* * *

(d) Trusts and similar arrangements for spouses.—All succeeding interests which follow the interest of a surviving spouse in a trust or similar arrangement, to the extent specified in section 1712 (relating to trusts and similar arrangements for spouses), are transfers subject to tax as if the surviving spouse were the transferor.

Section 15. Sections 1708(b) and 1711(k) and (m) of Title 72 are amended to read:

§ 1708. Joint tenancy.

(b) Husband and wife.—[Except as provided in subsection (c), this] This section shall not apply to property and interests in property passing by right of survivorship to the survivor of husband and wife.

§ 1711. Transfers not subject to tax.

(k) Property subject to power of appointment.—Property subject to a power of appointment, whether or not the power is exercised, and notwithstanding any blending of such property with the property of the donee, is exempt from inheritance tax in the estate of the donee of the power of appointment, except as provided in section 1712 (relating to trust and similar arrangements for spouses).

(m) Husband and wife.—Transfers of property to or for the use of a husband or wife of the decedent are exempt from inheritance tax, except as otherwise provided pursuant to section 1716(a)(2) (relating to inheritance tax). Property owned by husband and wife with right of survivorship is exempt from inheritance tax. [If the ownership was created within the meaning of section 1707(c)(3) the entire interest transferred shall be subject to tax under section 1707(c)(3) as though a part of the estate of the spouse who created the co-ownership.]

Section 16. Title 72 is amended by adding a section to read:
§ 1712. Trusts and similar arrangements for spouses.

In the case of a transfer of property for the sole use of the transferor's surviving spouse during the surviving spouse's lifetime, all succeeding interests which follow the interest of the surviving spouse shall not be subject to tax as transfers by the transferor, but rather shall be deemed to be transfers subject to tax by the surviving spouse of the property held in the trust or similar arrangement at the death of the surviving spouse. Such succeeding interests shall be valued at the death of the surviving spouse and taxed at the tax rates applicable to dispositions by the surviving spouse. Any exemption from tax based upon the kind or location of property shall be based upon the kind or location of property held in the trust or similar arrangement at the surviving spouse's death.

Section 17. Sections 1716(a) and (e) and 1730(1) and (2) of Title 72 are amended to read:

§ 1716. Inheritance tax.

(a) Rate of tax.—

(1) Inheritance tax upon the transfer of property passing to or for the use of any of the following shall be at the rate of 6%:

(i) Grandfather, grandmother, father, mother[, husband, wife] and lineal descendants.

(ii) Wife or widow and husband or widower of a child.

(2) Inheritance tax upon the transfer of property passing to or for the use of a husband or wife shall be:

(i) At the rate of 5% for estates of decedents dying on or after July 1, 1991, and before July 1, 1992.

(ii) At the rate of 4% for estates of decedents dying on or after July 1, 1992, and before July 1, 1993.

(iii) At the rate of 3% for estates of decedents dying on or after July 1, 1993, and before July 1, 1994.

(iv) At the rate of 2% for estates of decedents dying on or after July 1, 1994, and before July 1, 1995.

(v) At the rate of 1% for estates of decedents dying on or after July 1, 1995, and before July 1, 1996.

[(2)] (3) Inheritance tax upon the transfer of property passing to or for the use of all persons other than those designated in paragraph (1), (2) or (3) or exempt under section 1711(m) (relating to transfers not subject to tax) shall be at the rate of 15%.

[(3)] (4) When property passes to or for the use of a husband and wife with right of survivorship, one of whom is taxable at a rate lower than the other, the lower rate of tax shall be applied to the entire interest.

(e) Compromise as to rate of future interests.—If the rate of tax which will be applicable when [a future] an interest vests in possession and enjoyment cannot be established with certainty, the department, after consideration of relevant actuarial factors, valuations and other pertinent circumstances, may enter into an agreement with the person responsible for payment to establish a specified amount of tax which, when paid within 60 days after the agreement, shall constitute full payment of all tax otherwise due upon such transfer. Rights of withdrawal of a surviving spouse not exercised within nine months of the transferor's death shall be ignored in making such calculations.

§ 1730. Deductions not allowed.

The following are not deductible:

(1) The value of assets claimed for the spouse's allowance under 20 Pa.C.S. § 2102 (relating to share of surviving spouse).]

(2) Claims of a former [or surviving] spouse, or others, under an agreement between the former [or surviving] spouse and the decedent, insofar as they arise in consideration of a relinquishment or promised relinquishment of marital or support rights.

Section 18. Section 1744 of Title 72 is amended by adding a subsection to read:

§ 1744. Source of payment.

(e.1) Trusts for spouses.—In the absence of a contrary intent appearing in the instrument creating the trust or similar arrangement, and in the absence of a contrary direction by the surviving spouse, the inheritance tax, including interest, due at the death of a surviving spouse with respect to a trust or similar arrangement to which section 1712 (relating to trusts and similar arrangements for spouses) is applicable shall be paid out of the principal of the trust or similar arrangement. The payment shall be made by the trustee or other fiduciary in possession of the property and, if not so paid, shall be made by the transferee of such principal.

Amend Sec. 14, page 40, line 8, by striking out "14" and inserting

19

Amend Sec. 15, page 41, line 6, by striking out "15" and inserting

20

Amend Bill, page 41, line 21, by striking out all of said line and inserting

Section 21. (a) The amendment to section 17 (72 Pa.C.S. 1716(a)) shall apply to the estates of all decedents dying on or after July 1, 1991, and to inter vivos transfers made by decedents dying on or after July 1, 1991, regardless of the date of the transfer.

(b) The remainder of the amendments to Title 72 shall apply to the estates of decedents dying on or after July 1, 1996, and to inter vivos transfers made by decedents dying on or after July 1, 1996, regardless of the date of the transfer.

Section 22. This act shall take effect as follows:

(1) Sections 14, 15, 16, 17 and 18 (amending Title 72) shall take effect July 1, 1991.

(2) The remainder of this act shall take effect in 60 days.

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

The SPEAKER. On that question, the Chair recognizes Mr. Gruitza.

Mr. GRUITZA. Thank you, Mr. Speaker.

Amendment 3424 essentially would amend into this legislation the so-called widow's tax exemption. It would repeal the inheritance taxes that are paid on individually held assets between husbands and wives. It would do this in a phase-in beginning July 1 of 1991, and in each succeeding year an additional 1 percent would be phased out of the inheritance tax until after July 1, 1996, where the entire tax would be abolished.

A fiscal note has been prepared which I think many of the members should pay some attention to which shows a pretty substantial revenue loss to the Commonwealth over the length of this phase-in. However, I think that in my estimation it is very difficult to really get a handle on the fiscal impact that this legislation will have to the Commonwealth because there is really no way of determining how many large estates are fleeing Pennsylvania as a result of this tax. Many tax attorneys and estate attorneys are advising their clients that they can avoid paying this tax by taking a domicile in virtually every other State in the Union, because Pennsylvania stands alone in its treatment of spousal inheritance taxes. So I think the fiscal note deals with one portion of the issue but does not take into account the number of estates that we are losing to neighboring States as a result of our current treatment on this tax.

I believe this is an agreed-to amendment with Mr. Ryan, and I would urge your support. I think that Pennsylvania, as I said, stands alone in the way we tax our property between husbands and wives, and this is a step in the right direction towards a real meaningful tax reform and something that has the support of our constituents back home.

So I would urge your favorable consideration of this amendment. Thank you.

The SPEAKER. The Chair recognizes Mr. Ryan.

Mr. RYAN. Thank you, Mr. Speaker.

Members of the House, this is one of the few opportunities you get to do nothing but good. Here you are going to adopt a very worthwhile amendment that is going to put us into compliance with laws of 47 other States plus the Federal Government. You are going to make the American Association of Retired Persons happy. You are going to make the Pennsylvania Farmers' Association happy, National Federation of Independent Business happy, Pennsylvania Grange happy, and Mr. Gruitza and me happy. Thank you very much, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, would the minority leader stand up for interrogation, please?

Mr. RYAN. Mr. Speaker, I will be happy to.

Mr. DeLUCA. Okay. The reason I asked for you, Mr. Ryan, you said that we are going to make a lot of people

happy and you mentioned the 47 States. Do all the 47 States totally exempt— Is there any cap in the other States, for my own information?

Mr. RYAN. I do not have that information before me right now. I have had it. I have no recollection of a cap except, I believe, in one State. There is a provision in one other State, as I recall, where it is taxed at a half rate, as I recall. But we really stand alone right now for a full tax without any exemption.

Now, in Pennsylvania our Constitution is such that we would not be permitted to have a \$200,000 or \$400,000 or \$500,000 or \$600,000 exemption. It would make the bill unconstitutional.

Since I have started talking, a member of my staff has called to my attention that Massachusetts and Michigan have, one a \$250,000 and the other a \$500,000 deduction, and they are the only other two that are anything other than zero tax.

Mr. DeLUCA. Thank you, Mr. Speaker.

That is all, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Tigie.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, would either the maker of the amendment or the minority leader stand for interrogation? Either one of them.

Okay. Mr. Speaker, do you know of any property which would be subject or any possession subject to the inheritance tax in Pennsylvania which is not allowed to have joint ownership?

Mr. RYAN. I understand an IRA (individual retirement account) account and a Keogh account cannot be held jointly. Now, I just read that, and whether they are taxed and subject to the Pennsylvania tax, because ordinarily they would be payable on death to your spouse, I am not really sure of that. I guess if they were— I would ordinarily have assumed that they would be treated pretty much the same way an insurance policy is treated, but I do not know the answer to that.

Mr. TIGUE. Okay. But, Mr. Speaker, the way the insurance policies are treated, they are not taxable then.

Mr. RYAN. Well, they are taxable if they are payable to your estate. They are not taxable if they are payable— Oh, no; no, not insurance. They are not taxable if they are payable to your spouse.

Mr. TIGUE. So in other words, if the IRA and the Keogh are treated similar to the insurance, they in fact would not be subject to the inheritance tax.

Mr. RYAN. That is correct.

Mr. TIGUE. So therefore, there is no property or possession that you are aware of which cannot be owned jointly which would be subject to an inheritance tax.

Mr. RYAN. Well, I think that is probably so, but there are any number of reasons why some people— That is not so?

I am going to yield to Mr. Gruitza. He does not believe that to be the case.

Mr. GRUITZA. After introducing HB 921, I received correspondence from individuals throughout the Commonwealth who were happy to see this measure introduced and were hoping that we would do something with it.

Mr. TIGUE. That has nothing to do with the question, Mr. Speaker.

Mr. GRUITZA. Okay. Among those letters were letters from individuals who were involved with IRA's, individual retirement accounts, who were forced to pay 6 percent of the value of those accounts for their inheritance taxes.

Mr. TIGUE. Were they the spouses of the owners of the policies?

Mr. GRUITZA. Yes, they were.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I would like to make a comment.

The SPEAKER. The gentleman is recognized and may proceed.

Mr. TIGUE. Mr. Speaker, between the maker of the amendment, the minority leader and the different staffs, and even the Department of Revenue, there seems to be— At least no one seems to be definite in their description of what is subject to the inheritance tax, the point being, perhaps there should be an adjustment to the inheritance tax law, and I for one would be willing to say any property, any type of annuity, whatever the possession might be which cannot be owned jointly should be exempt from an inheritance tax.

However, right now it has become the political thing to do to vote against the so-called widow's tax. Widows have nothing to do with this tax. What has to do with this tax is the people who for various reasons—and we all know some of those reasons are to avoid other taxation—have made a decision, not by mistake but by intent, to keep their spouse's name off property. Maybe it is a hidden asset. Maybe they are concerned about their marital status. Maybe they are concerned about themselves and no one else. The point is, forget about this widow's tax. Let us call it the Leona Helmsley tax. Let us give her a break. Let us let Leona Helmsley, who avoids taxes every which way possible, not count her husband as a coowner. Let us give her and her kind a tax break. This is another gimmick.

If I want my wife to receive any property or possessions I may own, all I have to do is declare joint ownership. That is my responsibility; that is my decision. To do otherwise is irresponsible or it is a way to avoid paying taxes or hiding assets. That is what we are doing. We are allowing the people who are irresponsible in some cases, in other cases who are trying to avoid other taxes such as State income tax or Federal income tax, not to pay an inheritance tax because they will not put the name of their spouse on jointly held property. It is that simple.

This has become a public relations, political way of doing away with more revenue for people who have large estates. Check your letters and calls and see who called you and who is complaining about paying an inheritance tax or who is concerned about it.

I know it is going to pass. This is a political season and we are here in an election. But believe you me, you have not heard the last of it, publicly or politically. I would suggest that each one of us do what is right and vote this down. Thank you, Mr. Speaker.

LEAVE OF ABSENCE

The SPEAKER. Without objection, the gentleman, Mr. James WRIGHT, will be put on leave.

CONSIDERATION OF SB 775 CONTINUED

The SPEAKER. The Chair recognizes Mr. Foster.

Mr. FOSTER. Thank you, Mr. Speaker.

I rise to clear up just one point if it has not been cleared up, and that is with respect to IRA's. This point came up at our Finance Committee hearing in Hazleton just recently. IRA's are indeed taxable and they cannot be held in joint name. So it is a gridlock situation for someone that has an IRA and dies and passes that on to their spouse.

The SPEAKER. The Chair recognizes Mr. Ryan.

Mr. RYAN. Mr. Speaker, while the gentleman was telling us why we should not adopt this, someone else whispered in my ear, if you will, a type of property that ordinarily could not be held in joint names, and that is a partnership interest.

If you and one of your business associates decide to form a partnership and you do not want the two wives involved— assuming for a moment it is two men that are in this venture— then on the death of one or the other of them, the problem would arise. You could get around this problem, of course, Mr. Tigue, by having all four of the married people involved in the business enterprise. But many times it is not prudent to have everyone in your family in your business. It may be that it is a risky business and you do not want to expose your spouse to the risks of the business or it may be your spouse does not wish to be exposed to the risks, and then, of course, you have a death. Very often it takes place— And that, I think, is a preclusion, for practical purposes, of having it titled in joint name.

The usual situation though, I think, is not the great big rich person but rather it is the person who has inherited a family farm, the person who has inherited a small business or has started a small business and frankly does not want to put their spouse on the line for liability purposes. It may be as simple, it may be as simple as a person who owns a car does not want their wife or husband on the ownership of that car simply because they do not know what will happen in an accident and a subsequent lawsuit today. Or a license, a liquor license. Very often a husband and wife will not go on a liquor license together for fear of a suit under a dramshop act, and there are any numbers of examples like this that give us good reason to pass a law such as this. The biggest single one is, why are we out of line?

The SPEAKER. The Chair recognizes Mr. McNally.

Mr. McNALLY. Thank you, Mr. Speaker.

I am opposed to this Gruitza amendment. I realize that there are some very limited circumstances when the taxation of a transfer between spouses operates in an unfair way. I have had those experiences; I have experienced those situations with clients. But the fact of the matter is, as Mr. Tigue had indicated before, that the vast majority of transfers between spouses are totally exempt from the Pennsylvania

inheritance tax, and that if a husband and wife properly plan their estate and plan their affairs, they can completely exempt themselves from any inheritance taxes.

And on the point of the matter of individual retirement accounts. I think that a lot of this debate over this particular proposal is based on misinformation. And I am not sure exactly how individual retirement accounts are treated, but I do know that under Title 72, section 1711, paragraph (r), it says that "Payments under pension, stock bonus, profit-sharing and other retirement plans including, but not limited to, H.R.10 plans, individual retirement accounts, individual retirement annuities and individual retirement bonds to distributees designated by decedent or designated in accordance with the terms of the plan, are exempt from inheritance tax to the extent that decedent before his death did not otherwise have the right to possess...the payment made."

I think that, again, there is a lot of misinformation about this inheritance tax. In some respects I think that some of that misinformation has been deliberately put out in the public domain to scare senior citizens, to frighten them and to confuse them. The fact of the matter is that our law already protects the vast majority of senior citizens, and to the extent that there might be some unusual circumstances, limited circumstances where this law is unfair, I would support a change. But this particular proposal is too broad. It is really just a tax loophole for a few wealthy taxpayers. Thank you.

THE SPEAKER PRO TEMPORE (IVAN ITKIN) PRESIDING

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Luzerne, Mr. Tigue, for the second time.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I think the minority leader, Mr. Ryan, made a valid point when he brought up a partnership. That is the point I was trying to make earlier. I am not saying that we should retain the status quo. What I am saying is we should put into law those specific areas for exemption for which you cannot have joint ownership, whether it is a prohibition by law or in fact it is something that we should be doing, such as the partnership. I have no problems with that. As far as a car goes, you do not have to pay taxes on a car when you pass it from one family member to another. It is a gift.

The point being, here we are voting on something as substantial as this and no one is sure what we are exempting, what is exempted under the current law. The point again is, we are not only exempting partnerships, IRA's, and Keogh plans, we are exempting everything. We are exempting all of those things which people have the right to own jointly which for whatever reasons they themselves made the voluntary decision not to hold jointly. We are exempting all of them. All I am saying is, we should not. They made that reason; they know the consequences in many cases; then they should pay the tax.

As far as the 47 States, that is fine. If Mr. Ryan is willing to stand with me and join most of the other States that have an

income tax and make it graduated, I will support this measure. So if we want to do what other people do, let us do it. Thank you, Mr. Speaker.

THE SPEAKER (ROBERT W. O'DONNELL) PRESIDING

The SPEAKER. The Chair recognizes Mr. Ryan.

Mr. RYAN. I am not going to stand with you on that one.

The SPEAKER. The Chair recognizes Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, as I look at the fiscal note for this amendment, in the next fiscal year the loss to the Commonwealth will be in excess of \$4 million. That number will triple the following year, double the third year, increase by 50 percent the fourth year, and so on and so forth.

It seems to me that just about 90 days ago we passed a balanced budget in the Commonwealth of Pennsylvania. I think through a lot of hard work and belt tightening this Governor brought the ship through some very heavy storms, economic storms, and made us pay our bills. We are now going to, for next year, cut into that to the tune of more than \$4 million. And I remember when we were going through the last budget, I was knocking on the door of the leadership and on the door of the Governor's Office asking for more money for education; I was asking for more money for children and youth services, and now I see that next year we are going to be putting a hole in the budget. That is not bad enough, Mr. Speaker, but through the debate in caucus and here on the floor, I have become aware of the fact that the great majority of that hole will be given to wealthy Pennsylvanians.

Now, I am not sure whether or not this is the best way to tax people in Pennsylvania, but I do know that we should not put a hole in an already very tight budget this year—the same can be said for the upcoming year—without being fair in replacing that lost revenue. But one thing is for sure, that if we are going to give a tax cut in excess of \$4 million the first year, \$12 million the second, and so on and so forth, it should be a fair tax cut across the board and have some impact on the people of Pennsylvania's ability to pay.

The majority of the \$4 million next year that will be saved by Pennsylvanians will be saved by wealthy Pennsylvanians, not the quote, unquote, "widow" whom we can envision who is having a very difficult time making ends meet, whose property is held jointly. They are not taxed anyway.

It seems to me, Mr. Speaker, that this is an idea that sounds good, but when we see who benefits the most, that it is wealthy Pennsylvanians who are going to benefit the most from this, that it is not the fairest way to go about it, and I would ask for, reluctantly ask for a negative vote, Mr. Speaker.

The SPEAKER. The Chair recognizes Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I also rise to ask for a negative vote, particularly because I intend to introduce shortly after we have finished this discussion an amendment with a cap on it which I think will meet

the objections of many people who are saying that this is only for the rich.

My amendment will change that. Please vote "no" on this. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Fargo.

Mr. FARGO. Thank you, Mr. Speaker.

I am listening to an awful lot of arguments for voting against this widow's tax elimination, and I am really surprised at them. This particular bill will help almost everyone in Pennsylvania - small landowners, small estates, big estates. It does not make any difference. It is almost impossible in my relationship with clients as a certified public accountant to completely eliminate the tax as far as maintaining all of your property in joint title. For a fact, it is the very fact that we do not know exactly what all the rules are in determining how we should handle our assets, it is that very fact that makes it so important that we really do pass this bill, because there are so many cases after the death of the spouse that the remaining spouse all of a sudden finds out that they are subject to taxes in Pennsylvania.

Do you realize that in the Federal Government not only are all assets that are turned over to the spouse tax exempt but they also allow an additional \$600,000 that you can pass on to your children, you can pass on to your friends, your relatives, and not pay taxes on it? But in Pennsylvania we pay taxes on everything whenever there is a transfer.

Wait until you get involved in a situation where someone in your family has passed away and you suddenly find out that even though there is a small estate, there is still a tax to be paid. Wait until you get involved with someone who has a small business and he is maintaining that business, going along, having a good livelihood, and he dies, and his wife all of a sudden finds out that she has got a business on her hands. Not only does she have to try to run that business but she has got to pay a tax to the State Government because those assets were in the hands of the breadwinner and they are being passed on to her, and unknowingly, all of a sudden, whether she has the money or not, she is going to pay those taxes.

I also want to tell you that even though you do avoid the tax by allowing your spouse to get that tax-free transfer to her, ultimately, ultimately, unless she continues to marry and somebody dies and he continues to marry, ultimately that is going to be taxed. And even though we may lose some tax moneys at the present time based on the fiscal note, ultimately those assets are going to get taxed and those taxes will come into Pennsylvania.

And the other thing that is not considered in this fiscal note is the fact that there are going to be a lot of people stay in Pennsylvania with their assets that are ultimately going to get taxed who are going to leave Pennsylvania if we do not do something about the widow's tax. We are not going to lose the kind of money that is shown on that fiscal note on the overall picture. We are actually going to start saving money, and you are going to be helping Pennsylvanians, not just wealthy Pennsylvanians, all Pennsylvanians who are married and will ultimately have to pay this tax upon the death of their spouse.

I cannot believe the discussions that we are getting here. They are very shallow. You are not looking at the whole picture. This is something that has to be changed in Pennsylvania and this is our opportunity to do it, and I believe that we should get on with it and do it.

The SPEAKER. The Chair recognizes Mrs. Harper.

Mrs. HARPER. Thank you, Mr. Speaker.

I rise to oppose this amendment, and I can speak from self-experience. Just 3 years ago I lost my husband. I inherited the property, CD's (certificates of deposit), savings, insurance, everything, and I did not have to pay taxes.

So this is just another false bill for the wealthy, and I urge you to vote against it. Thank you.

The SPEAKER. The Chair recognizes Mr. Gruitza.

Mr. GRUITZA. Thank you, Mr. Speaker.

A number of things have been said here that I really would like to address. For one, the insinuation that this is a bill strictly for the wealthy is really inaccurate. The fact is— And I think that the arguments that were presented by Mr. Tighe really support our reason for why we should pass this bill, because in almost every case, the present law provides a way to avoid this tax. This is an avoidable tax, and believe me, most people are aware of that and take the proper steps to avoid the tax, and those extremely wealthy people in Pennsylvania—believe me—are aware of what they need to do to avoid Pennsylvania's taxes, and they are doing it by the hundreds. They are leaving Pennsylvania; they are fleeing, and so when they finally both pass away and their children inherit their estates, Florida, North Carolina, South Carolina, New York, Ohio—you name it—those States ultimately are taxing those estates and those assets that were earned and raised here in Pennsylvania because those families were advised to leave Pennsylvania to avoid this taxation. So I think that if you think that it is only the wealthy that are involved in this, that is just not the case. Most wealthy people can afford good attorneys and good tax counselors, and they understand what they have to do to avoid this tax, and they are doing it.

At the House Finance Committee hearings, experts from the Pennsylvania Economy League and others testifying for the AARP pointed out—and we received this memo, and I would just like to read a piece of this for you because I really believe this—that when you look at this issue, by enacting this legislation, we are going to gain revenue for Pennsylvania; we are not going to lose revenue, because the fact of the matter is, right now when we lose all of these so-called big estates, we are losing not only the ability to tax the transfer between the spouses but we are losing the ultimate opportunity to tax when the children inherit or when some charity inherits or anybody, whoever ultimately inherits these funds. I would just like to read this to you. This expert estimated that with the current law, "...Pennsylvania will lose an estimated \$673.5 million in income in one year alone, will lose approximately \$5.2 billion from migrants taking their assets with them, and will lose substantial tax revenues from the state inheritance tax, income tax, sales tax, and other taxes."

Our sister States, our neighboring States, have active commissions, have active agencies, within their State Government out working to see what they can do to attract the very people who are fleeing this State because of the provisions of our inheritance tax law.

Now, we need to reverse this trend. The outward migration of our senior citizens is a disgrace. But do not let anybody kid you that this is just a tax break for the rich. The rich really know how to avoid this tax, and they are doing it. This is something that happens to people who have not planned properly, who have been hit by a sudden catastrophe and never had the opportunity to plan properly, or to others who by virtue of their cultural background held assets one way or the other because that is how it was always done in their particular ethnic group.

I urge the passage of this legislation today. Let us send it to the Senate so that we can do something good for all the people of Pennsylvania, not just the wealthy. Thank you.

The SPEAKER. The Chair recognizes Mr. Fox.

Mr. FOX. Just for a brief comment, Mr. Speaker.

I think we need to vote for this amendment. We are out of step with 47 or 48 other States that have already passed it. A case in point, Representative Gruitza certainly points out that in Florida many of our Pennsylvania residents are now registered from Florida because of their favorable inheritance tax laws. We are losing it for census, we are losing it for reapportionment with our congressional representation, and we are losing it for Federal aid.

Let us take a positive step to help our Pennsylvania. You have seen the editorial support throughout the Commonwealth for this particular legislation. I urge you to support it. Thank you very much.

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

The following roll call was recorded:

YEAS—179

Table with 4 columns of names: Acosta, Adolph, Allen, Angstadt, Barley, Battisto, Belardi, Belfanti, Billow, Birmelin, Bishop, Black, Bortner, Bowley, Boyes, Brandt, Broujos, Bunt, Burd, Burns, Bush, Caltagirone, Cappabianca, Carlson, Cawley, Cessar, Chadwick, Dorr, Evans, Fairchild, Fargo, Farmer, Fee, Fleagle, Flick, Foster, Fox, Freeman, Freind, Gallen, Gamble, Gannon, Geist, George, Gigliotti, Gladeck, Godshall, Gruitza, Gruppo, Hagarty, Haluska, Hasay, Hayden, Hayes, Lashinger, Laughlin, Lee, Leh, Lescovitz, Linton, Lloyd, Lucyk, McCall, McVerry, Maine, Markosek, Marsico, Mayernik, Melio, Merry, Michlovic, Micozzie, Mihalich, Miller, Moehlmann, Morris, Mowery, Mrkonic, Murphy, Nahill, Nailor, Ritter, Robbins, Robinson, Roebuck, Rudy, Ryan, Rybak, Saloom, Saurman, Scheetz, Schuler, Scrimenti, Semmel, Serafini, Smith, B., Smith, S. H., Snyder, D. W., Snyder, G., Staback, Stairs, Steighner, Stish, Strittmatter, Stuban, Tangretti, Taylor, E. Z., Taylor, F.

Table with 4 columns of names: Civera, Clark, B. D., Clark, D. F., Clark, J. H., Clymer, Colafella, Colaizzo, Cole, Cornell, Corrigan, Cowell, Coy, DeLuca, Daley, Davies, Dempsey, Distler, Donatucci, Heckler, Herman, Hershey, Hess, Howlett, Hughes, Itkin, Jackson, Jadlowiec, James, Kaiser, Kasunic, Kenney, Kondrich, Kosinski, Kukovich, LaGrotta, Langtry, Noye, O'Brien, Olasz, Oliver, Perzel, Pesci, Petrarca, Petrone, Phillips, Piccola, Pistella, Pitts, Pressmann, Preston, Raymond, Reber, Reinard, Richardson, Taylor, J., Telek, Thomas, Trello, Trich, Van Horne, Vroom, Wambach, Wass, Weston, Williams, Wilson, Wogan, Wozniak, Wright, D. R., Wright, R. C., Yandrisevits

NAYS—13

Table with 4 columns of names: Blaum, Carn, Cohen, DeWeese, Dombrowski, Harper, Jarolin, Josephs, Levdansky, McNally, Tigue, Veon, O'Donnell, Speaker

NOT VOTING—2

Table with 2 columns of names: Maiale, Rieger

EXCUSED—8

Table with 4 columns of names: Argall, Dietterick, Dininni, Durham, Johnson, McHale, Pievsky, Wright, J. L.

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

On the question,

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

Ms. JOSEPHS offered the following amendments No. A3340:

Amend Title, page 1, line 1, by striking out "Title 20" and inserting

Titles 20

Amend Title, page 1, line 1, by inserting after "Fiduciaries)" and 72 (Taxation and Fiscal Affairs)

Amend Title, page 2, line 4, by inserting after "property;" exempting spousal transfers from inheritance taxation; providing for the taxation of certain spousal trusts;

Amend Bill, page 40, by inserting between lines 7 and 8 Section 14. Section 1707 of Title 72 is amended by adding a subsection to read:

§ 1707. Transfers subject to tax.

(d) Trusts and similar arrangements for spouses.—All succeeding interests which follow the interest of a surviving spouse in a trust or similar arrangement, to the extent specified in section 1712 (relating to trusts and similar arrangements for spouses), are transfers subject to tax as if the surviving spouse were the transferor.

Section 15. Sections 1708(b) and 1711(k) and (m) of Title 72 are amended to read:

§ 1708. Joint tenancy.

(b) Husband and wife.—[Except as provided in subsection (c), this] This section shall not apply to property and interests in property passing by right of survivorship to the survivor of husband and wife.

§ 1711. Transfers not subject to tax.

(k) Property subject to power of appointment.—Property subject to a power of appointment, whether or not the power is exercised, and notwithstanding any blending of such property with the property of the donee, is exempt from inheritance tax in the estate of the donee of the power of appointment, except as provided in section 1712 (relating to trust and similar arrangements for spouses).

(m) Husband and wife.—Transfers of property to or for the use of a husband or wife of the decedent are exempt from inheritance tax, except as otherwise provided pursuant to section 1716(a)(2) (relating to inheritance tax). Property owned by husband and wife with right of survivorship is exempt from inheritance tax. [If the ownership was within the meaning of section 1707(c)(3) the entire interest transferred shall be subject to tax under section 1707(c)(3) as though a part of the estate of the spouse who created the co-ownership.]

Section 16. Title 72 is amended by adding a section to read:
§ 1712. Trusts and similar arrangements for spouses.

In the case of a transfer of property for the sole use of the transferor's surviving spouse during the surviving spouse's lifetime, all succeeding interests which follow the interest of the surviving spouse shall not be subject to tax as transfers by the transferor, but rather shall be deemed to be transfers subject to tax by the surviving spouse of the property held in the trust or similar arrangement at the death of the surviving spouse. Such succeeding interests shall be valued at the death of the surviving spouse and taxed at the tax rates applicable to dispositions by the surviving spouse. Any exemption from tax based upon the kind or location of property shall be based upon the kind or location of property held in the trust or similar arrangement at the surviving spouse's death.

Section 17. Sections 1716(a) and (e) and 1730(1) and (2) of Title 72 are amended to read:

§ 1716. Inheritance tax.

(a) Rate of tax.—

(1) Inheritance tax upon the transfer of property passing to or for the use of any of the following shall be at the rate of 6%:

(i) Grandfather, grandmother, father, mother[, husband, wife] and lineal descendants.

(ii) Wife or widow and husband or widower of a child.

(2) Inheritance tax upon the transfer of property having a value in excess of \$250,000 passing to or for the use of a husband or wife shall be at the rate of 6% on that portion of the transfer of property which exceeds \$250,000.

(3) Inheritance tax upon the transfer of property having a value of \$250,000 or less, passing to or for the use of a husband or wife shall be:

(i) At the rate of 5% for estates of decedents dying on or after July 1, 1991, and before July 1, 1992.

(ii) At the rate of 4% for estates of decedents dying on or after July 1, 1992, and before July 1, 1993.

(iii) At the rate of 3% for estates of decedents dying on or after July 1, 1993, and before July 1, 1994.

(iv) At the rate of 2% for estates of decedents dying on or after July 1, 1994, and before July 1, 1995.

(v) At the rate of 1% for estates of decedents dying on or after July 1, 1995, and before July 1, 1996.

[(2)] (4) Inheritance tax upon the transfer of property passing to or for the use of all persons other than those designated in paragraph (1), (2) or (3) or exempt under section 1711(m) (relating to transfers not subject to tax) shall be at the rate of 15%.

[(3)] (5) When property passes to or for the use of a husband and wife with right of survivorship, one of whom is taxable at a rate lower than the other, the lower rate of tax shall be applied to the entire interest.

(e) Compromise as to rate of future interests.—If the rate of tax which will be applicable when [a future] an interest vests in possession and enjoyment cannot be established with certainty, the department, after consideration of relevant actuarial factors, valuations and other pertinent circumstances, may enter into an agreement with the person responsible for payment to establish a specified amount of tax which, when paid within 60 days after the agreement, shall constitute full payment of all tax otherwise due upon such transfer. Rights of withdrawal of a surviving spouse not exercised within nine months of the transferor's death shall be ignored in making such calculations.

§ 1730. Deductions not allowed.
The following are not deductible:

[(1)] The value of assets claimed for the spouse's allowance under 20 Pa.C.S. § 2102 (relating to share of surviving spouse).]

(2) Claims of a former [or surviving] spouse, or others, under an agreement between the former [or surviving] spouse and the decedent, insofar as they arise in consideration of a relinquishment or promised relinquishment of marital or support rights.

Section 18. Section 1744 of Title 72 is amended by adding a subsection to read:

§ 1744. Source of payment.

(e.1) Trusts for spouses.—In the absence of a contrary intent appearing in the instrument creating the trust or similar arrangement, and in the absence of a contrary direction by the surviving spouse, the inheritance tax, including interest, due at the death of a surviving spouse with respect to a trust or similar arrangement to which section 1712 (relating to trusts and similar arrangements for spouses) is applicable shall be paid out of the principal of the trust or similar arrangement. The payment shall be made by the trustee or other fiduciary in possession of the property and, if not so paid, shall be made by the transferee of such principal.

Amend Sec. 14, page 40, line 8, by striking out "14" and inserting

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Amend Sec. 15, page 41, line 6, by striking out "15" and inserting

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Amend Bill, page 41, line 21, by striking out all of said line and inserting

Section 21. (a) The amendment to section 17 (72 Pa.C.S. 1716(a)) shall apply to the estates of all decedents dying on or after July 1, 1991, and to inter vivos transfers made by decedents dying on or after July 1, 1991, regardless of the date of the transfer.

(b) The remainder of the amendments to Title 72 shall apply to the estates of decedents dying on or after July 1, 1996, and to inter vivos transfers made by decedents dying on or after July 1, 1996, regardless of the date of the transfer.

Section 22. This act shall take effect as follows:

(1) Sections 14, 15, 16, 17 and 18 (amending Title 72) shall take effect July 1, 1991.

(2) The remainder of this act shall take effect in 60 days.

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

The SPEAKER. On that question, the Chair recognizes the lady, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

As I said before when I stood up in the previous debate, this amendment puts a cap or gives an exemption, whichever way you want to think of it, on this inheritance tax. That figure is \$250,000.

The reason why I am offering this amendment is because of the sad stories, which I believe are true, that I have heard on the floor during this last debate. Those people who only own a car and not much else and it is only in one name, those people who only own a house and not much else and it is in one name, a partnership, a liquor license, an IRA - an individual retirement account - will not be taxed under this amendment unless their estate exceeds \$250,000. I think that is fair.

Now, I think you are going to hear an argument that this is an unconstitutional amendment, and I regret to say that I did not have the leisure nor the staff to do my own research in order to counter that in the very legal, eloquent, and persuasive way I am sure that the minority leader will make his argument, but I would like to point out to my colleagues that we vote on many things that are clearly unconstitutional to some of us and we vote on many things that are clearly constitutional to some of us.

It was mentioned in the debate that there are two other States which have some sort of cap, some sort of exemption. I do not know how like or how different our Constitution is to either one of those States, but one never knows how the court is going to decide until the court decides, and one never knows whether the personnel of the court will change and make law a little different tomorrow than it was today or yesterday.

I think my suggestion is fair and just from a gut point of view, from a point of view of anybody who feels in a recession, maybe even a depression that we are having in this State, it is not the role of this government to allow rich people to pay less taxes. That is what is being proposed on the Federal level with cutting the capital gains tax, and the same kind of reasoning is being given. I do not believe that is our role here. I believe our role here is to find money to help Pennsylvanians who cannot help themselves and not to allow the very richest people in this State to get off of taxes so the very poorest people cannot get the programs that they need.

My amendment will not wipe out everybody's savings. The fiscal note that I have shows that the total cost of this amendment is about 60 percent of the bill without it. We will still be allowing some people to save some money, but the people we will be allowing to save money will be those who are poor, not those who are rich.

About 26 percent of all estates with gross assets over \$500,000 had a taxable spousal bequest, while only 9.3 percent of all estates with gross assets less than \$500,000 had a taxable spousal bequest. At least 56.1 percent, almost 60 percent, of the tax on spousal bequests is collected from beneficiaries of estates with gross assets greater than \$500,000. The

beneficiaries of the top 2.4 percent of estates pay 33 percent of the total inheritance tax, but they would receive more than half of the total exemption unless you adopt my amendment.

I think my amendment is fair. I think it is just. I think that people who do not vote for it are going to be viewed as taxing the poor in order to benefit the rich, and I urge the support of every fairminded person among us. Thank you, Mr. Speaker.

CONSTITUTIONAL POINT OF ORDER

The SPEAKER. The Chair recognizes Mr. Ryan.

Mr. RYAN. Mr. Speaker, the lady's prognosis was entirely accurate. I challenge the constitutionality of the lady's amendment and would like to be recognized on the question of constitutionality.

The SPEAKER. Under the rules, the question of constitutionality is a matter for the House. The gentleman, Mr. Ryan, raises the point of order that the amendment now before the House is unconstitutional.

On the question,

Will the House sustain the constitutionality of the amendments?

The SPEAKER. On the subject of constitutionality, the Chair recognizes Mr. Ryan.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, the amendment that the lady has before the House is one that I frankly looked into myself, although when I looked into it, I looked into it at \$500,000, I looked into it at \$250,000, and in fact had amendments drawn. In the course of getting ready for the session today, I went through the file on these very amendments. I had a discussion with the gentleman, Mr. Gruitza, and he and I both independently had received advice to the same effect, and that is that the constitutionality of a dollar limit on a marital exemption for Pennsylvania inheritance tax is doubtful and in fact is thought by many legal scholars to be just outright unconstitutional and not even in doubt, because of the uniformity clause of our Constitution.

We had the opportunity to have in caucus with us today on this question—although we frankly did not really go into any great examination on the question—members of the Joint State Government staff who did a good deal of the research in connection with the whole decedent's estate bill, the task force itself. They joined with the independent counsel's opinion in stating that this amendment, which at that time was my amendment, would be violative of the Pennsylvania Constitution. In case any of you are interested, they cite as the leading case a case called *In re Cope's Estate*, 191 Pennsylvania. If any of you are interested in it, I would be glad to respond to interrogation on the question, but no less a legal scholar than the gentleman, Mr. Gruitza, has agreed that this is unconstitutional, and I will accept his opinion as well. Thank you, Mr. Speaker.

The SPEAKER. Is the lady, Ms. Josephs, seeking recognition on this subject?

devisee has the right to the net sale price, the property received in exchange, the condemnation award or the insurance proceeds. This paragraph does not apply if subsequent to the sale, exchange, condemnation, or casualty, the testator has been adjudicated [competent] an incapacitated person and survives the adjudication by one year.

(16.2) Nonademption; attorney-in-fact.—If an attorney-in-fact, during the time that his principal is [incompetent] an incapacitated person within the meaning of section 5501 (relating to meaning of [incompetent] incapacitated person), sells or exchanges property of the principal which is specifically devised or bequeathed, the specific legatee or devisee has the right to the net sale price or the property received in exchange. For the purposes of this paragraph, a sale or exchange of property made by an attorney-in-fact shall be deemed to have been made during the time that the principal is [incompetent] an incapacitated person, unless shown to the contrary. This paragraph does not apply if it is shown that for a period of at least one year subsequent to the sale or exchange the principal was not [incompetent] an incapacitated person within the meaning of section 5501.

Amend Sec. 7, page 6, lines 16 through 18, by striking out all of said lines and inserting

Section 7. Sections 3122(b), 3155(b), 3182, 3316, 3321(e), 3324, 3503, 3504, 3532(a) and (b)(1), 3701, 3702(a), (b), (c) and (d), 3703, 3706(c), 4112, 4121, 5115, 5144 and 5164 of Title 20 are amended to read:

§ 3122. Payment or delivery of exemption.

(b) Property set aside for minors or [incompetents] incapacitated persons.—When any spouse, child or parent entitled to all or part of the exemption is a minor or [incompetent] an incapacitated person, the guardian of his estate, and if no such guardian has been appointed then the personal representative, without request made to him by anyone, shall select, for the use and benefit of the minor or [incompetent] incapacitated person, real or personal property to the full value to which he is entitled, and in so doing the guardian or personal representative shall be governed by the necessities of the minor or [incompetent] incapacitated person in the circumstances of each case.

§ 3155. Persons entitled.

(b) Letters of administration.—Letters of administration shall be granted by the register, in such form as the case shall require, to one or more of those hereinafter mentioned and, except for good cause, in the following order:

(1) Those entitled to the residuary estate under the will.

(2) The surviving spouse.

(3) Those entitled under the intestate law as the register, in his discretion, shall judge will best administer the estate, giving preference, however, according to the sizes of the shares of those in this class.

(4) The principal creditors of the decedent at the time of his death.

(5) Other fit persons.

(6) If anyone of the foregoing shall renounce his right to letters of administration, the register, in his discretion, may appoint a nominee of the person so renouncing in preference to the persons set forth in any succeeding paragraph.

(7) A guardianship support agency serving as guardian of an incapacitated person who dies during the guardianship administered pursuant to Subchapter F of Chapter 55 (relating to guardianship support).

§ 3182. Grounds for removal.

The court shall have exclusive power to remove a personal representative when he:

(1) is wasting or mismanaging the estate, is or is likely to become insolvent, or has failed to perform any duty imposed by law; or

(2) has been adjudged a lunatic, a habitual drunkard, or a weakminded person; or]

(3) has become [incompetent] incapacitated to discharge the duties of his office because of sickness or physical or mental incapacity and his [incompetency] incapacity is likely to continue to the injury of the estate; or

(4) has removed from the Commonwealth or has ceased to have a known place of residence therein, without furnishing such security or additional security as the court shall direct; or

(5) when, for any other reason, the interests of the estate are likely to be jeopardized by his continuance in office.

Amend Sec. 7, page 7, by inserting between lines 27 and 28

§ 3324. Death or [incompetency] incapacity of fiduciary.

The personal representative of the estate of a deceased fiduciary or the guardian of an adjudged [incompetent] incapacitated fiduciary by reason of his position shall not succeed to the administration of, or have the right to possess, any asset of an estate which was being administered by the deceased or [incompetent] incapacitated fiduciary, except to protect it pending its delivery to the person entitled to it. The account of the deceased or [incompetent] incapacitated fiduciary may be filed by the fiduciary of his estate and it shall be filed if the court shall so direct. The court may direct the fiduciary of a deceased or [incompetent] incapacitated fiduciary to make the distribution and to make the transfers and assignments necessary to carry into effect a decree of distribution.

Amend Sec. 7, page 8, by inserting between lines 6 and 7

§ 3504. Representation of parties in interest.

Persons interested in the estate as beneficiary, heir, or next of kin, if minors or otherwise legally [incompetent] incapacitated, and possible unborn or unascertained persons, when not already represented by a fiduciary, may be represented in an accounting by a guardian or trustee ad litem, if the court deems it necessary. The court may dispense with the appointment of a guardian or trustee ad litem for a person legally [incompetent] incapacitated, unborn, or unascertained, when there is a living person sui juris having a similar interest or when such person is or would be issue of a living ancestor sui juris and interested in the estate whose interest is not adverse to his. If the whereabouts of any beneficiary or next of kin is unknown, or if there is doubt as to his existence the court shall make such provision for service of notice and representation in the accounting as it deems proper.

--- Amend Sec. 7, page 11, by inserting between lines 17 and 18 ---

§ 4112. To foreign trustee, guardian or committee.

When a share of an estate administered in the Commonwealth is distributable to a nonresident minor, a trustee subject to the jurisdiction of a foreign court, or a nonresident [incompetent] incapacitated person, the court may award it to the guardian or committee of the nonresident appointed in the foreign jurisdiction, or to such trustee: Provided, That the court shall be satisfied, in all cases where an applicable will or trust instrument does not direct distribution to the foreign guardian, committee or trustee, that adequate security or other protection has been provided in the domiciliary jurisdiction by the domiciliary law for the protection of the persons beneficially interested in the share so awarded.

§ 4121. Award to foreign guardian when minor or [incompetent] incapacitated person becomes a nonresident.

When the minor or [incompetent] incapacitated person for whose estate a guardian has been appointed by the court is or becomes a nonresident of the Commonwealth, the court, upon satisfactory proof that it will be for the best interests of the minor

or [incompetent] incapacitated person and that no rights of a resident of the Commonwealth will be adversely affected and that removal of the property will not conflict with any limitations upon the right of the minor or [incompetent] incapacitated person to such property, may direct the locally appointed guardian to transfer the assets of the minor or [incompetent] incapacitated person within his control to a duly qualified guardian or guardians in the jurisdiction where the minor or [incompetent] incapacitated person resides.

§ 5115. Appointment of guardian in conveyance.

Any person, who makes a deed or gift inter vivos or exercises a right under an insurance or annuity policy to designate the beneficiary to receive the proceeds of such policy, may in such deed or in the instrument creating such gift or designating such beneficiary, appoint a guardian of the estate or interest of each beneficiary named therein who shall be a minor or otherwise [incompetent] incapacitated. Payment by an insurance company to the guardian of such beneficiary so appointed shall discharge the insurance company to the extent of such payment to the same effect as payment to an otherwise duly appointed and qualified guardian.

§ 5144. Powers, duties and liabilities identical with personal representatives.

The provisions concerning the powers, duties and liabilities of a guardian appointed by the court shall be the same as those set forth in the following provisions of this title for the administration of a decedent's estate:

Section 3313 (relating to liability insurance).

Section 3314 (relating to continuation of business).

Section 3315 (relating to incorporation of estate's business).

Section 3317 (relating to claims against co-fiduciary).

Section 3318 (relating to revival of judgments against personal representative).

Section 3319 (relating to power of attorney; delegation of power over subscription rights and fractional shares; authorized delegations).

Section 3320 (relating to voting stock by proxy).

Section 3321 (relating to nominee registration; corporate fiduciary as attorney-in-fact; deposit of securities in a clearing corporation; book-entry securities).

Section 3322 (relating to acceptance of deed in lieu of foreclosure).

Section 3323 (relating to compromise of controversies).

Section 3324 (relating to death or [incompetency] incapacity of fiduciary).

Section 3327 (relating to surviving or remaining personal representatives).

Section 3328 (relating to disagreement of personal representatives).

Section 3331 (relating to liability of personal representatives on contracts).

Section 3332 (relating to inherent powers and duties).

Amend Sec. 8, page 12, lines 6 and 7, by striking out "a chapter is added" and inserting

the title is amended by adding a chapter

Amend Bill, page 30, lines 3 through 30; page 31, lines 1 through 30; page 32, lines 1 through 16, by striking out all of said lines on said pages and inserting

Section 9. The headings of Chapter 55 and Subchapter A of Chapter 55 and section 5501 of Title 20 are amended to read:

CHAPTER 55
[INCOMPETENTS]
INCAPACITATED PERSONS

* * *

SUBCHAPTER A
[MEANING OF INCOMPETENT]
GENERAL PROVISIONS

* * *

§ 5501. Meaning of [incompetent] incapacitated person.

["Incompetent" means a person who, because of infirmities of old age, mental illness, mental deficiency or retardation, drug addiction or inebriety:

(1) is unable to manage his property, or is liable to dissipate it or become the victim of designing persons; or

(2) lacks sufficient capacity to make or communicate responsible decisions concerning his person.]

"Incapacitated person" means an adult whose ability to receive and evaluate information effectively and communicate decisions in any way is impaired to such a significant extent that he is partially or totally unable to manage his financial resources or to meet essential requirements for his physical health and safety.

Section 10. Title 20 is amended by adding a section to read:

§ 5502. Purpose of chapter.

Recognizing that every individual has unique needs and differing abilities, it is the purpose of this chapter to promote the general welfare of all citizens by establishing a system which permits incapacitated persons to participate as fully as possible in all decisions which affect them; which assists these persons in meeting the essential requirements for their physical health and safety, protecting their rights, managing their financial resources and developing or regaining their abilities to the maximum extent possible; and which accomplishes these objectives through the use of the least restrictive alternative; and recognizing further that when guardianship services are necessary, it is important to facilitate the finding of suitable individuals or entities willing to serve as guardians.

Section 11. Sections 5505, 5511 and 5512 of Title 20 are amended to read:

§ 5505. Provisions similar to small estates of minors.

The provisions concerning small estates of [incompetent] incapacitated persons shall be the same as are set forth in the following provisions of this title relating to minors' estates:

Section 5101 (relating to when guardian unnecessary).

Section 5102 (relating to power of natural guardian).

Section 5103 (relating to sequestered deposit).

§ 5511. Petition and hearing; [examination by court-appointed physician] independent evaluation.

(a) Resident.—The court, upon petition [and a hearing at which good cause is shown,] and hearing and upon the presentation of clear and convincing evidence, may find a person domiciled in the Commonwealth to be [incompetent] incapacitated and appoint a guardian or guardians of his person or estate. The petitioner may be any person interested in the alleged [incompetent's] incapacitated person's welfare. The court may dismiss a proceeding where it [finds as a fact] determines that the proceeding has not been instituted to aid or benefit the alleged [incompetent]. Notice] incapacitated person, or that the petition is incomplete or fails to provide sufficient facts to proceed. Written notice of the petition and hearing shall be given in large type and in simple language to the alleged incapacitated person. The notice shall indicate the purpose and seriousness of the proceeding and the rights that can be lost as a result of the proceeding. It shall include the date, time and place of the hearing and an explanation of all rights, including the right to counsel and the right to have counsel paid for if it cannot be afforded. The Supreme Court shall establish a uniform citation for this purpose. A copy of the petition shall be attached. Personal service shall be made on the

alleged incapacitated person and the contents and terms of the petition shall be explained to the maximum extent possible in language and terms the individual is most likely to understand. Service shall be no less than 20 days in advance of the hearing. In addition, notice of the petition and hearing shall be given in such manner as the court shall direct [to the alleged incompetent,] to all persons residing within the Commonwealth who are sui juris and would be entitled to share in the estate of the alleged [incompetent] incapacitated person if he died intestate at that time, to the person or institution providing residential services to the alleged incapacitated person and to such other parties as the court may direct, including other service providers. The hearing may be closed to the public and without a jury unless the alleged [incompetent] incapacitated person or his counsel objects. The hearing shall be closed and with or without a jury if the person alleged to be [incompetent] incapacitated or his counsel so requests. The hearing may be held at the residence of the alleged incapacitated person. The alleged [incompetent] incapacitated person shall be present at the hearing unless:

[(i)] (1) the court is satisfied, upon the [presentation of positive testimony, that because of] deposition or testimony of, or sworn statement by a physician or licensed psychologist, that his physical or mental condition [his welfare would not be promoted] would be harmed by his presence; or

[(ii)] (2) it is impossible for him to be present because of his absence from the Commonwealth. It shall not be necessary for the alleged [incompetent] incapacitated person to be represented by a guardian ad litem in the proceeding.

Petitioner shall be required to notify the court at least seven days prior to the hearing if counsel has not been retained by or on behalf of the alleged incapacitated person. In an appropriate case, counsel shall be appointed to represent the alleged incapacitated person in any matter for which counsel has not been retained by or on behalf of that individual.

(b) Nonresident.—The court may find a person not domiciled in the Commonwealth, having property in the Commonwealth, to be [incompetent] incapacitated and may appoint a guardian of his estate. The appointment may be made after petition, hearing and notice, as in the case of a person domiciled in the Commonwealth, or upon the submission of an exemplified copy of a decree establishing his [incompetency] incapacity in another jurisdiction. The court shall give preference in its appointment to the foreign guardian of the nonresident [incompetent] incapacitated person, unless it finds that such appointment will not be for the best interests of the [incompetent] incapacitated person.

[(c) Court-appointed physician.—Upon the filing of a petition the alleged incompetent may be examined by a physician appointed by the court who shall submit his report in writing to the court and to the parties before the hearing.]

(c) Payment of certain costs.—If the alleged incapacitated person is unable to pay for counsel or for the evaluation, or if payment would result in substantial financial hardship, the court shall order the county to pay these costs. These costs shall be reimbursed by the Commonwealth in the following fiscal year.

(d) Independent evaluation.—The court, upon its own motion or upon petition by the alleged incapacitated person for cause shown, shall order an independent evaluation which shall meet the requirements of section 5518 (relating to evidence of incapacity). The court shall give due consideration to the appointment of an evaluator nominated by the alleged incapacitated person. If the alleged incapacitated person is unable to pay for the independent evaluation or if payment would result in substantial financial hardship, costs of the independent evaluation shall be paid by the court and be reimbursed by the Commonwealth in the following fiscal year.

(e) Petition contents.—The court shall develop an easy to use form for guardianship petitions. The petition shall include the name, age, residence and post office address of the alleged incapacitated person; the names and addresses of the spouse, parents and presumptive adult heirs of the alleged incapacitated person; the name and address of the person or institution providing residential services to the alleged incapacitated person; the names and addresses of other service providers; the name and address of the person or entity whom petitioner asks to be appointed guardian; the proposed guardian's averment that there is no interest adverse to the alleged incapacitated person; the reasons why guardianship is sought; a description of the functional limitations and physical and mental condition of the alleged incapacitated person; the steps taken to find less restrictive alternatives; the specific areas of incapacity over which it is requested that the guardian be assigned powers; and the qualifications of the proposed guardian. If a limited or plenary guardian of the estate is sought, the petition shall also include the gross value of the estate and net income from all sources to the extent known.

§ 5512. County of appointment; qualifications.

(a) Resident [incompetent] incapacitated person.—A guardian of the person or estate of an [incompetent] incapacitated person may be appointed by the court of the county in which the [incompetent] incapacitated person is domiciled, is a resident, or is residing in a long-term care facility.

(b) Nonresident [incompetent] incapacitated person.—A guardian of the estate within the Commonwealth of an [incompetent] incapacitated person domiciled outside of the Commonwealth may be appointed by the court of the judicial district having jurisdiction of a decedent's estate or of a trust in which the [incompetent] incapacitated person has an interest. When the nonresident [incompetent's] incapacitated person's estate is derived otherwise than from a decedent's estate or a trust within the Commonwealth, a guardian may be appointed by the court of any county where an asset of the [incompetent] incapacitated person is located.

(c) Exclusiveness of appointment.—When a court has appointed a guardian of [an incompetent's] the person or estate of an incapacitated person pursuant to subsection (a) or (b) [of this section], no other court shall appoint a similar guardian for the [incompetent] incapacitated person within the Commonwealth.

Section 12. Title 20 is amended by adding sections to read:
§ 5512.1. Determination of incapacity and appointment of guardian.

(a) Determination of incapacity.—In response to a petition for the appointment of a guardian of the person or estate, the court shall consider and make specific findings of fact concerning:

(1) The nature of any condition or disability which impairs the individual's capacity to make and communicate decisions.

(2) The extent of the individual's capacity to make and communicate decisions.

(3) The need for guardianship services, if any, in light of such factors as the availability of family, friends and other supports to assist the individual in making decisions; and in light of the existence, if any, of advance directives such as durable powers of attorney or trusts.

(4) The type of guardian, limited or plenary, of the person or estate, needed based on the nature of any condition or disability and the capacity to make and communicate decisions; the court shall prefer limited guardianship.

(5) The duration of the guardianship.

(b) Limited guardian of the person.—Upon a finding that the person is partially incapacitated and in need of guardianship services, the court shall enter an order appointing a limited guardian of the person with powers consistent with the court's findings of limitations, which may include:

(1) General care, maintenance and custody of the incapacitated person.

(2) Designating the place for the incapacitated person to live.

(3) Assuring that the incapacitated person receives such training, education, medical and psychological services and social and vocational opportunities, as appropriate, as well as assisting the incapacitated person in the development of maximum self-reliance and independence.

(4) Providing required consents or approvals on behalf of the incapacitated person.

(c) Plenary guardian of the person.—The court may appoint a plenary guardian of the person only upon a finding that the person is totally incapacitated and in need of plenary guardianship services.

(d) Limited guardian of the estate.—Upon a finding that the person is partially incapacitated and in need of guardianship services, the court shall enter an order appointing a limited guardian of the estate with powers consistent with the courts finding of limitations, which shall specify the portion of assets or income over which the guardian of the estate is assigned powers and duties.

(e) Plenary guardian of the estate.—A court may appoint a plenary guardian of the estate only upon a finding that the person is totally incapacitated and in need of plenary guardianship services.

(f) No presumption.—No presumption of incapacity shall be raised from the alleged incapacitated person's institutionalization.

(g) Legal rights retained.—Except in those areas designated by court order as areas over which the limited guardian has power, a partially incapacitated person shall retain all legal rights.

(h) Information as to rights.—At the conclusion of a proceeding in which the person has been adjudicated incapacitated, the court shall assure that the person is informed of his right to appeal and to petition to modify or terminate the guardianship.

§ 5512.2. Review hearing.

(a) Time of hearing.—The court may set a date for a review hearing in its order establishing the guardianship, or hold a review hearing at any time it shall direct. The court shall conduct a review hearing promptly if:

(1) the incapacitated person or any interested party petitions the court for a hearing for reason of a significant change in the person's capacity, a change in the need for guardianship services, or the guardian's failure to perform his duties in accordance with the law or to act in the best interest of the incapacitated person; or

(2) the guardian petitions the court for a hearing because of a significant change in the person's capacity, or change in the need for guardianship services.

The court may dismiss a petition for review hearing if it determines that the petition is frivolous.

(b) Burden of proof and rights.—The incapacitated person shall have all of the rights enumerated in this chapter. Except when the hearing is held to appoint a successor guardian, the burden of proof shall be on the party advocating continuation of guardianship or expansion of areas of incapacity.

(c) Who may be appointed guardian.—The court may appoint as guardian any qualified individual or corporate fiduciary, nonprofit corporation, county agency or the guardian office at a State facility. The court shall not appoint a person or entity providing residential services for a fee to the incapacitated person or any other person whose interests conflict with those of the incapacitated person except where it is clearly demonstrated that there is no alternative. Any family relationship to such individual shall not, by itself, be considered as an interest adverse to the alleged incapacitated person. If appropriate, the court shall give preference to a nominee of the incapacitated person.

§ 5512.3. Annual report.

The court shall annually file with the Supreme Court Administrators Office on forms furnished by the office a statistical and descriptive report to assist in evaluating the operation and costs of the guardianship system.

Section 13. Sections 5513, 5514, 5515, 5516, 5517 and 5518 of Title 20 are amended to read:

§ 5513. [Temporary] Emergency guardian.

Notwithstanding the provisions of section 5511 (relating to petition and hearing; independent evaluation), the court, upon petition and a hearing at which [good cause] clear and convincing evidence is shown, may appoint [a temporary] an emergency guardian or guardians of the person or estate of a person alleged to be [incompetent] incapacitated, when it appears that the person lacks capacity, is in need of a guardian, and a failure to make such appointment will result in irreparable harm to the person or estate of the alleged [incompetent] incapacitated person. The provisions of section 5511, including those relating to counsel, shall be applicable to such proceedings, except [that only such notice of the petition and hearing shall be required as shall appear to the court to be] when the court has found that it is not feasible in the circumstances[, and need not be given at such times or to such persons as would be required by the provisions of section 5511 in a proceeding for the appointment of a guardian. A temporary]. An emergency guardian so appointed for the person or estate of an alleged [incompetent] incapacitated person shall only have and be subject to such powers, duties and liabilities and serve for such time as the court shall direct in its decree. An emergency order may be in effect for up to 72 hours. After 72 hours, a full guardianship proceeding must be initiated pursuant to section 5511. If the emergency continues, then the emergency order may be extended for no more than 20 days from the expiration of the initial emergency order. The court may also appoint a temporary guardian of the person pursuant to this section for an alleged incapacitated person who is present in this Commonwealth but is domiciled outside of this Commonwealth, regardless of whether the alleged incapacitated person has property in this Commonwealth.

§ 5514. To fill vacancy; co-guardian.

The court, after such notice to parties in interest as it shall direct, may without a hearing appoint a succeeding guardian to fill a vacancy in the office of guardian or may appoint a co-guardian of the estate of [a person found to be incompetent without a hearing.] an incapacitated person. Where the vacating guardian was a parent who is now deceased, any testamentary nominee of the parent shall be given preference by the court.

§ 5515. Provisions similar to other estates.

The provisions relating to a guardian of an [incompetent] incapacitated person and his surety shall be the same as are set forth in the following provisions of this title relating to a personal representative or a guardian of a minor and their sureties:

Section 3182 (relating to grounds for removal).

Section 3183 (relating to procedure for and effect of removal).

Section 3184 (relating to discharge of personal representative and surety).

Section 5115 (relating to appointment of guardian in conveyance).

Section 5121 (relating to necessity, form and amount).

Section 5122 (relating to when bond not required).

Section 5123 (relating to requiring or changing amount of bond).

§ 5516. Fiduciary estate.

The court, in its discretion, upon the application of any party in interest, in addition to any bond required for the [incompetent's] incapacitated person's individual estate, may require a separate bond in the name of the Commonwealth, with sufficient surety, in such amount as the court shall consider necessary for

the protection of the parties in interest in an estate of which the [incompetent is] incapacitated person is serving in the capacity as a fiduciary and conditioned in the following form:

(1) When one guardian.—The condition of this obligation is that, if the said guardian shall well and truly account for property held by the [incompetent] incapacitated person as fiduciary according to law, this obligation shall be void; but otherwise it shall remain in force.

(2) When two or more guardians.—The condition of this obligation is that, if the said guardians or any of them shall well and truly account for property held by the [incompetent] incapacitated person as fiduciary according to law, this obligation shall be void as to the guardian or guardians who shall so account; but otherwise it shall remain in force.

§ 5517. Adjudication of [competency.] capacity and modification of existing orders.

[The court, upon petition and after such notice as it shall direct, may find, after a hearing at which good cause is shown, that a person previously adjudged incompetent has become competent.] In addition to the remedies set forth in section 3182 (relating to grounds for removal), the court, after a hearing under section 5512.2 (relating to review hearing), may order that a person previously adjudged incapacitated is no longer incapacitated or the court may find that the incapacitated person has regained or lost capacity in certain areas in which case the court shall modify the existing guardianship order.

§ 5518. Evidence of [mental condition] incapacity.

[In any hearing relating to the mental condition of a person whose competency is in question, the deposition of, or sworn statement by, a superintendent, manager, physician or psychiatrist of any State-owned mental hospital or veterans' administration hospital or a physician or psychiatrist at any hospital or institution shall be admissible in evidence as to the condition of an inmate of such hospital in lieu of his appearance and testimony, unless by special order, the court directs his appearance and testimony in person.] To establish incapacity, petitioner must present testimony by individuals qualified by training and experience in evaluating individuals with incapacities of the type alleged by petitioner, which establishes the nature and extent of incapacities and disabilities found; the person's mental, emotional and physical condition, adaptive behavior and social skills; the services being utilized to meet essential requirements for physical health and safety or manage financial resources or to develop or regain abilities; an opinion regarding the types of assistance required by the person and why no less restrictive alternatives would be appropriate; an opinion regarding the probability that the extent of the alleged incapacitated person's incapacities may significantly lessen or change.

Section 14. Title 20 is amended by adding a section to read: § 5518.1. Cross-examination of witnesses.

In any hearing to establish a guardianship, witnesses testifying to the capacity of the alleged incapacitated person shall be subject to cross-examination by counsel for the alleged incapacitated person.

Section 15. Sections 5521, 5522, 5524, 5525, 5533, 5534, 5535, 5536 and 5537 of Title 20 are amended to read:

§ 5521. Provisions concerning powers, duties and liabilities.

(a) Duty of guardian of the person.—It shall be the duty of the guardian of the person to assert the rights and best interests of the incapacitated person. Expressed wishes and preferences of the incapacitated person shall be respected to the greatest possible extent. Where appropriate, the guardian shall assure and participate in the development of a plan of supportive services to meet the person's needs which explains how services will be obtained. The guardian shall also encourage the incapacitated person to participate to the maximum extent of his abilities in all decisions which affect him, to act on his own behalf whenever he is able to do so, and to develop or regain, to the maximum extent possible, his capacity to manage his personal affairs.

(b) Duty of guardian of the estate.—The provisions concerning the powers, duties and liabilities of guardians of [incompetents'] incapacitated persons' estates shall be the same as those set forth in the following provisions of this title relating to personal representatives of decedents' estates and guardians of minors' estates:

Section 3313 (relating to liability insurance).

Section 3314 (relating to continuation of business).

Section 3315 (relating to incorporation of estate's business).

Section 3317 (relating to claims against co-fiduciary).

Section 3318 (relating to revival of judgments against personal representative).

Section 3319 (relating to power of attorney; delegation of power over subscription rights and fractional shares; authorized delegations).

Section 3320 (relating to voting stock by proxy).

Section 3321 (relating to nominee registration; corporate fiduciary as attorney-in-fact; deposit of securities in a clearing corporation; book-entry securities).

Section 3322 (relating to acceptance of deed in lieu of foreclosure).

Section 3323 (relating to compromise of controversies).

Section 3324 (relating to death or [incompetency] incapacity of fiduciary).

Section 3327 (relating to surviving or remaining personal representatives).

Section 3328 (relating to disagreement of personal representatives).

Section 3331 (relating to liability of personal representative on contracts).

Section 3332 (relating to inherent powers and duties).

Section 3355 (relating to restraint of sale).

Section 3356 (relating to purchase by personal representative).

Section 3359 (relating to record of proceedings; county where real estate lies).

Section 3360 (relating to contracts, inadequacy of consideration or better offer; brokers' commissions).

Section 3372 (relating to substitution of personal representative in pending action or proceedings).

Section 3374 (relating to death or removal of fiduciary).

Section 3390 (relating to specific performance of contracts).

Section 5141 (relating to possession of real and personal property).

Section 5142 (relating to inventory).

Section 5143 (relating to abandonment of property).

Section 5145 (relating to investments).

Section 5146 (relating to guardian named in conveyance).

Section 5147 (relating to proceedings against guardian).

Section 5151 (relating to power to sell personal property).

Section 5154 (relating to title of purchaser).

Section 5155 (relating to order of court).

(c) Reports.—

(1) Each guardian of an incapacitated person shall file with the court appointing him a certification, at least once within the first 12 months of his appointment and at least annually thereafter, attesting to the following:

(i) Guardian of the estate:

(A) current principal and how it is invested;

(B) current income;

(C) expenditures of principal and income since the last report; and

(D) needs of the incapacitated person for which the guardian has provided since the last report.

(ii) Guardian of the person:(A) current address and type of placement of the incapacitated person;(B) major medical or mental problems of the incapacitated person;(C) a brief description of the incapacitated person's living arrangements and the social, medical, psychological and other support services he is receiving;(D) the opinion of the guardian as to whether the guardianship should continue or be terminated or modified, and the reasons therefor; and(E) number and length of times the guardian visited the incapacitated person in the past year.(2) The court shall require the filing of a final report within 60 days of the death or restoration of capacity of the incapacitated person.(d) Powers and duties only granted by court.—Unless empowered by the guardianship order after specific findings of fact or otherwise ordered after a subsequent hearing with specific findings of fact, a guardian or emergency guardian shall not have the power and duty to:(1) Consent on behalf of the incapacitated person to an abortion, sterilization, psychosurgery, electroconvulsive therapy or removal of a healthy body organ.(2) Prohibit the marriage or consent to the divorce of the incapacitated person.(3) Consent on behalf of the incapacitated person to the performance of any experimental biomedical or behavioral medical procedure or participation in any biomedical or behavioral experiment.(e) Knowledge of objection.—In a hearing to determine whether a guardian shall be ordered to consent to a specific act or omission, if the guardian knows or has reason to know of the incapacitated person's objection to the action or omission, whether such objection had been expressed prior or subsequent to the determination of incapacity, the guardian shall report to the court such knowledge or information.(f) Powers and duties not granted to guardian.—The court may not grant to a guardian powers controlled by other statute including, but not limited to, the power:(1) To admit the incapacitated person to an inpatient psychiatric facility or State center for the mentally retarded.(2) To consent, on behalf of the incapacitated person, to the relinquishment of the person's parental rights.(g) Criminal and civil immunity.—In the absence of gross negligence, recklessness or intentional misconduct, a unit of local government or nonprofit corporation appointed as a guardian shall not be criminally liable or civilly liable for damages for performing duties as a guardian of the person, as authorized pursuant to this title.§ 5522. Power to lease.A guardian may lease any real or personal property of the [incompetent] incapacitated person for a term not exceeding five years after its execution.§ 5524. Effect of determination of [incompetency] incapacity.[An incompetent] A partially incapacitated person shall be incapable of making any contract or gift or any instrument in writing [after he is adjudged incompetent and before he is adjudged to have regained his competency] in those specific areas in which the person has been found to be incapacitated. A totally incapacitated person shall be incapable of making any contract or gift or any instrument in writing. This section shall not impair the interest in real estate acquired by a bona fide grantee of, or a bona fide holder of a lien on, real estate in a county other than that in which the decree establishing the [incompetency] incapacity is entered, unless the decree or a duplicate original or certified copy thereof is recorded in the office of the recorder of deeds in

the county in which the real estate lies before the recording or entering of the instrument or lien under which the grantee or lienholder claims.

§ 5525. Notice to Commonwealth and political subdivisions.When the Commonwealth or a political subdivision thereof has a claim for maintaining an [incompetent] incapacitated person in an institution, the guardian within three months of his appointment, shall give notice thereof to the Department of [Revenue] Public Welfare or the proper officer of such political subdivision, as the case may be.§ 5533. Notice, audits, reviews and distribution.The provisions concerning accounts, audits, reviews, distribution and rights of distributees in an [incompetent's] incapacitated person's estate shall be the same as those set forth in the following provisions of this title for the administration of a decedent's or minor's estate:

Section 3503 (relating to notice to parties in interest).

Section 3504 (relating to representation of parties in interest).

Section 3511 (relating to audits in counties having separate orphans' court division).

Section 3512 (relating to audits in counties having no separate orphans' court division).

Section 3513 (relating to statement of proposed distribution).

Section 3514 (relating to confirmation of account and approval of proposed distribution).

Section 3521 (relating to rehearing; relief granted).

Section 3532(c) (relating to record of risk distributions).

Section 3533 (relating to award upon final confirmation of account).

Section 3534 (relating to distribution in kind).

Section 3536 (relating to recording and registering decrees awarding real estate).

Section 3544 (relating to liability of personal representative for interest).

Section 3545 (relating to transcripts of balances due by personal representative).

Section 5167 (relating to failure to present claim at audit).

§ 5534. Recognition of claims.Upon the audit of the account of the guardian of a person who has died during [incompetency] incapacity, the auditing judge or auditor passing on the account shall not pass upon any claims against the estate of the [incompetent] incapacitated person other than necessary administration expenses, including compensation of the guardian and his attorney. All claims remaining unpaid at the [incompetent's] incapacitated person's death shall be presented to the personal representative.§ 5535. Disposition of trust income.Except as otherwise provided by the trust instrument, the trustee of an inter vivos or testamentary trust, with the approval of the court having jurisdiction of the trust, may pay income distributable to [an incompetent beneficiary] a beneficiary who is an incapacitated person for whose estate no guardian has been appointed directly to the [incompetent] incapacitated person, or expend and apply it for his care and maintenance or the care, maintenance and education of his dependents.§ 5536. Distributions of income and principal during [incompetency] incapacity.(a) In general.—All income received by a guardian of the estate of an [incompetent] incapacitated person, including (subject to the requirements of Federal law relating thereto) all funds received from the Veterans' Administration, Social Security Administration and other periodic retirement or disability payments under private or governmental plans, in the exercise of a reasonable discretion, may be expended in the care and maintenance of the [incompetent] incapacitated person, without the

necessity of court approval. The court, for cause shown and with only such notice as it considers appropriate in the circumstances, may authorize or direct the payment or application of any or all of the income or principal of the estate of an [incompetent] incapacitated person for the care, maintenance or education of the [incompetent] incapacitated person, his spouse, children or those for whom he was making such provision before his [incompetency] incapacity, or for the reasonable funeral expenses of the [incompetent's] incapacitated person's spouse, child or indigent parent. In proper cases, the court may order payment of amounts directly to the [incompetent] incapacitated for his maintenance or for incidental expenses and may ratify payments made for these purposes.

(b) Estate plan.—The court, upon petition and with notice to all parties in interest, shall have the power to substitute its judgment for that of the [incompetent] incapacitated person with respect to the estate and affairs of the [incompetent] incapacitated person for the benefit of the [incompetent] incapacitated person, his family, members of his household, his friends and charities in which he was interested. This power shall include, but is not limited to, the power to:

- (1) Make gifts, outright or in trust.
- (2) Convey, release or disclaim his contingent and expectant interests in property, including marital property rights and any right of survivorship incident to joint tenancy or tenancy by the entirety.
- (3) Release or disclaim his powers as trustee, personal representative, custodian for minors, or guardian.
- (4) Exercise, release or disclaim his powers as donee of a power of appointment.
- (5) Enter into contracts.
- (6) Create for the benefit of the [incompetent] incapacitated person or others, revocable or irrevocable trusts of his property which may extend beyond his disability or life.
- (7) Exercise options of the [incompetent] incapacitated person to purchase or exchange securities or other property.
- (8) Exercise [his rights to elect options and change beneficiaries under insurance and annuity policies or surrender the policies for their cash value.] all rights and privileges under life insurance policies, annuity contracts or other plans or contractual arrangements providing for payments to the incapacitated person or to others after his death.
- (9) Exercise his right to claim or disclaim an elective share in the estate of his deceased spouse and renounce any interest by testate or intestate succession or by inter vivos transfer.
- (10) Change the [incompetent's] incapacitated person's residence or domicile.
- (11) Modify by means of codicil or trust amendment, as the case may be, the terms of the incapacitated person's will or of any revocable trust created by the incapacitated person, as the court may deem advisable in light of changes in applicable tax laws.

In the exercise of its judgment for that of the [incompetent] incapacitated person, the court first being satisfied that assets exist which are not required for the maintenance, support and well-being of the [incompetent] incapacitated person, may adopt a plan of gifts which results in minimizing current or prospective [income, estate or inheritance] taxes, or which carries out a lifetime giving pattern. The court in exercising its judgment [may] shall consider the testamentary and inter vivos intentions of the [incompetent] incapacitated person insofar as they can be ascertained.

§ 5537. Reserve for funeral.

(a) In general.—The court may authorize the guardian to retain such assets [not exceeding \$1,200 in value] as are deemed appropriate for the anticipated expense of the [incompetent's] incapacitated person's funeral, including the cost of a burial lot

or other resting place, which shall be exempt from all claims including claims of the Commonwealth. The court with notice thereof to the institution or person having custody of the [incompetent] incapacitated person may also authorize the guardian or another person to set aside such assets in the form of a savings account in a financial institution which account shall not be subject to escheat during the lifetime of the [incompetent] incapacitated person. Such assets may be disbursed by the guardian or person who set aside such assets or by the financial institution for such funeral expenses without further authorization or accounting. Any part of such assets not so disbursed shall constitute a part of the deceased [incompetent's] incapacitated person's estate. Should the [incompetent become competent] incapacitated person become capacitated or should such assets become excessive, the court, upon petition of any party in interest, may make such order as the circumstances shall require.

(b) Definition.—As used in this section "financial institution" includes a bank, a bank and trust company, a trust company, a savings and loan association, a building and loan association, a savings bank, a private bank and a national bank.

Section 16. Chapter 55 of Title 20 is amended by adding a subchapter to read:

SUBCHAPTER F GUARDIANSHIP SUPPORT

Sec.

5551. Guardianship support demonstration project.
5552. Services to individuals whose decision-making ability is impaired.
5553. Guardianship services.
5554. Services to courts, guardians and others.
5555. Costs and compensation.
§ 5551. Guardianship support demonstration project.
The Department of Aging and the Department of Public Welfare shall jointly institute a guardianship support demonstration project to assess the need for guardianship support services. The objective of the demonstration project shall be to test private and public service delivery models and to explore funding options, including revenues generated from fees. The provisions of the remaining sections of this subchapter shall become operative when the guardianship demonstration project has been completed and the Department of Aging and the Department of Public Welfare, acting jointly, cause a notice to be published in the Pennsylvania Bulletin authorizing the establishment of guardianship support agencies. Thereafter, each county may contract with one or more private or public agencies to provide guardianship support services for residents of the county whose decision-making ability is impaired, as provided in this subchapter.
§ 5552. Services to individuals whose decision-making ability is impaired.

Guardianship support demonstration projects shall include guardianship services under this chapter. Such services shall include, but not be limited to:

- (1) Assistance to individuals in decision making, including financial management training.
 - (2) Assistance to individuals in securing and maintaining benefits and services.
 - (3) Recruiting, training and maintaining a group of individuals to serve as representative payees or similar fiduciaries established by benefit-issuing agencies, attorneys-in-fact pursuant to a power of attorney, and trustees.
- § 5553. Guardianship services.

(a) In general.—The guardianship support agency shall be available to serve as guardian of the estate or of the person, or both, of an incapacitated person when no less restrictive alternative will meet the needs of the individual and when no other person is willing and qualified to become guardian. The agency itself may be appointed guardian and no individual need be specified by the court. If appointed, the guardianship support agency

shall have all of the powers and duties of a corporate fiduciary and shall not be required to post bond.

(b) Powers and duties.—The guardianship support agency shall be treated the same as all other guardians in regard to appointment as guardian or successor or co-guardian, reporting, powers and duties, compensation, and in all other respects. In addition to section 5521 (relating to provisions concerning powers, duties, and liabilities) a guardianship support agency shall have the power and duty to:

(1) Invest the principal and income of incapacitated persons for whom it is the guardian of the estate. For this purpose, it may pool the principal and income but shall maintain an individual account for each incapacitated person reflecting the person's participation therein.

(2) Expend and, if necessary, advance costs necessary to administer guardianships for which it has been appointed guardian.

(3) Apply for letters or otherwise administer the estate of any incapacitated person for whom it has been appointed guardian who dies during the guardianship when no one else is willing and qualified to serve.

§ 5554. Services to courts, guardians and others.

(a) Services to courts.—Guardianship support agencies may be available to assist courts on request with reviewing petitions for appointment of a guardian, recommending alternatives to guardianship, investigating petitions, explaining petitions to respondents or reviewing reports and monitoring guardianship arrangements.

(b) Services to guardians.—Guardianship support agencies may be available to assist guardians in filing reports, monitoring incapacitated persons and otherwise fulfilling their duties.

(c) Services to petitioners and others.—Guardianship support agencies may be available to assist in the filing of petitions for guardianship, to provide information on available alternatives to potential petitioners, to locate and train individuals skilled in providing functional evaluations of alleged incapacitated persons and to perform such other duties as required.

§ 5555. Costs and compensation.

(a) Charges.—Recipients of service shall be charged for services based on their ability to pay.

(b) Nonsupplantation.—Commonwealth funding shall not be used to supplant any existing efforts. Guardianship support agencies shall make every effort to minimize costs, including minimizing personnel costs through the use of volunteers.

Section 17. Sections 5601, 5603(a), (d) and (e), 5604(b) and (c), 5704 and 6111.1 of Title 20 are amended to read:

Amend Sec. 9, page 34, by inserting between lines 23 and 24

(d) Power to claim an elective share.—A power "to claim an elective share of the estate of my deceased spouse" shall mean that the attorney-in-fact may elect to take against the will and conveyances of the principal's deceased spouse, disclaim any interest in property which the principal is required to disclaim as a result of such election, retain any property which the principal has the right to elect to retain, file petitions pertaining to the election, including petitions to extend the time for electing and petitions for orders, decrees and judgments in accordance with section 2211(c) and (d) (relating to determination of effect of election; enforcement), and take all other actions which the attorney-in-fact deems appropriate in order to effectuate the election: Provided, however, That the election shall be made only upon the approval of the court having jurisdiction of the principal's estate in accordance with section 2206 (relating to right of election personal to surviving spouse) in the case of a principal who has been adjudicated an [incompetent] incapacitated person, or upon the approval of the court having jurisdiction of the deceased spouse's estate in the case of a principal who has not been adjudicated an [incompetent] incapacitated person.

(e) Power to disclaim any interest in property.—A power "to disclaim any interest in property" shall mean that the attorney-in-fact may release or disclaim any interest in property on behalf of the principal in accordance with Chapter 62 (relating to disclaimers) or section 6103 (relating to release or disclaimer of powers or interests), provided that any disclaimer under Chapter 62 shall be in accordance with the provisions of section 6202 (relating to disclaimers by fiduciaries) in the case of a principal who shall have been adjudicated an [incompetent] incapacitated person at the time of the execution of the disclaimer.

Amend Sec. 9, page 35, line 4, by striking out all of said line and inserting

(c) Relation of attorney-in-fact to court-appointed guardian.—

(1) If, following execution of a durable power of attorney, the principal is adjudicated an [incompetent] incapacitated person and a guardian is appointed for his estate, the attorney-in-fact is accountable to the guardian as well as to the principal. The guardian shall have the same power to revoke or amend the power of attorney that the principal would have had if he were not [incompetent] an incapacitated person.

(2) A principal may nominate, by a durable power of attorney, the guardian of his estate or of his person for consideration by the court if [incompetency] incapacity proceedings for the principal's estate or person are thereafter commenced. The court shall make its appointment in accordance with the principal's most recent nomination in a durable power of attorney except for good cause or disqualification.

Amend Sec. 10, page 35, line 29, by striking out "10" and inserting

18

Amend Sec. 11, page 36, line 17, by striking out "11" and inserting

19

Amend Sec. 12, page 37, lines 1 and 2, by striking out all of said lines and inserting

Section 20. Sections 6202, 7133, 7184, 7188, 7191, 7315.1(b), 8301 and 8411 of Title 20 are amended to read:

§ 6202. Disclaimers by fiduciaries or attorneys-in-fact.

A disclaimer on behalf of a decedent, a minor or an [incompetent] incapacitated person may be made by his personal representative, the guardian of his estate or in the case of an [incompetent] incapacitated person who executed a power of attorney which confers the authority to disclaim upon his attorney-in-fact and which qualifies as a durable power of attorney under section 5604 (relating to durable powers of attorney) by such attorney-in-fact, if, in each case, the court having jurisdiction of the estate authorizes the disclaimer after finding that it is advisable and will not materially prejudice the rights of creditors, heirs or beneficiaries of the decedent, the minor or his creditors, or the [incompetent] incapacitated person or his creditors, as the case may be. A personal representative may make a disclaimer on behalf of his decedent without court authorization if the will of the decedent so authorizes him.

§ 7133. Powers, duties and liabilities identical with personal representatives.

The provisions concerning the powers, duties and liabilities of a trustee shall be the same as those set forth in the following provisions of this title for the administration of a decedent's or a minor's estate:

Section 3313 (relating to liability insurance).

Section 3314 (relating to continuation of business).

Section 3315 (relating to incorporation of estate's business).

Section 3317 (relating to claims against co-fiduciary).

Section 3318 (relating to revival of judgments against personal representative).

Section 3319 (relating to power of attorney; delegation of power over subscription rights and fractional shares; authorized delegations).

Section 3320 (relating to voting stock by proxy).

Section 3321 (relating to nominee registration; corporate fiduciary as attorney-in-fact; deposit of securities in a clearing corporation; book-entry securities).

Section 3322 (relating to acceptance of deed in lieu of foreclosure).

Section 3323 (relating to compromise of controversies).

Section 3324 (relating to death or [incompetency] incapacity of fiduciary).

Section 3327 (relating to surviving or remaining personal representatives).

Section 3328 (relating to disagreement of personal representatives).

Section 3331 (relating to liability of personal representative on contracts).

Section 3332 (relating to inherent powers and duties).

Section 3353 (relating to order of court).

Section 3354 (relating to power given in governing instrument).

Section 3355 (relating to restraint of sale).

Section 3356 (relating to purchase by personal representative).

Section 3358 (relating to collateral attack).

Section 3359 (relating to record of proceedings; county where real estate lies).

Section 3360 (relating to contracts, inadequacy of consideration or better offer; brokers' commissions).

Section 5147 (relating to proceedings against guardian).

§ 7184. Disposition of income.

Except as otherwise provided by the trust instrument, the trustee with the approval of the court, may pay income distributable to a minor or [incompetent] incapacitated beneficiary for whose estate no guardian has been appointed directly to the minor or [incompetent] incapacitated person, or expend and apply it for his maintenance or education.

Amend Sec. 13, page 37, lines 29 and 30, by striking out all of said lines

Amend Sec. 13 (Sec. 8301), page 38, line 21, by inserting brackets before and after "incompetent" and inserting immediately thereafter

incapacitated person

Amend Bill, page 40, by inserting between lines 7 and 8

§ 8411. Notice of action to United States Veterans' Bureau.

In any action brought under any law of this Commonwealth for the appointment of a committee or guardian for a veteran of any war, or a minor child, or [incompetent] incapacitated dependent of a veteran of any war, on whose account benefits of compensation or insurance or other gratuity is payable by the United States Veterans' Bureau, or its successor, or upon the filing of any petition or account by any such committee or guardian of any such person, notice of such action, or of the filing of such petition or account, and of the hearing thereon, shall be mailed the attorney of the United States Veterans' Bureau office having jurisdiction over such person. In all such cases, the United States Veterans' Bureau, or its successor, shall be a party in interest, and a certified copy of each account filed in the court shall be supplied the said bureau by the committee or guardian.

Section 21. Sections 3307(a), 3508(g), 4405(a) and 8308(c) of Title 13 are amended to read:

§ 3307. Burden of establishing signatures, defenses and due course.

(a) Proof of effectiveness of signature.—Unless specifically denied in the pleadings each signature on an instrument is admitted. When the effectiveness of a signature is put in issue:

(1) the burden of establishing it is on the party claiming under the signature; but

(2) the signature is presumed to be genuine or authorized except where the action is to enforce the obligation of a purported signer who has died or become [incompetent] an incapacitated person before proof is required.

§ 3508. Notice of dishonor.

(g) Notice when party dead or [incompetent] incapacitated.—When any party is dead or [incompetent] an incapacitated person notice may be sent to his last known address or given to his personal representative.

§ 4405. Death or [incompetence] incapacity of customer.

(a) Authority of bank unaffected in absence of knowledge.—The authority of a payor or collecting bank to accept, pay or collect an item or to account for proceeds of its collection if otherwise effective is not rendered ineffective by [incompetence] incapacity of a customer of either bank existing at the time the item is issued or its collection is undertaken if the bank does not know of an adjudication of [incompetence] incapacity. Neither death nor [incompetence] incapacity of a customer revokes such authority to accept, pay, collect or account until the bank knows of the fact of death or of an adjudication of [incompetence] incapacity and has reasonable opportunity to act on it.

§ 8308. Indorsement, how made; special indorsement; indorser not a guarantor; partial assignment.

(c) Definition of "appropriate person".—An "appropriate person" in subsection (a) means:

(1) the person specified by the security or by special indorsement to be entitled to the security;

(2) where the person so specified is described as a fiduciary but is no longer serving in the described capacity,—either that person or his successor;

(3) where the security or indorsement so specifies more than one person as fiduciaries and one or more are no longer serving in the described capacity,—the remaining fiduciary or fiduciaries, whether or not a successor has been appointed or qualified;

(4) where the person so specified is an individual and is without capacity to act by virtue of death, [incompetence] incapacity, infancy or otherwise,—his executor, administrator, guardian or like fiduciary;

(5) where the security or indorsement so specifies more than one person as tenants by the entirety or with right of survivorship and by reason of death all cannot sign,—the survivor or survivors;

(6) a person having power to sign under applicable law or controlling instrument; or

(7) to the extent that any of the foregoing persons may act through an agent,—his authorized agent.

Section 22. Section 311(c) of Title 18 is amended to read:

§ 311. Consent.

(c) Ineffective consent.—Unless otherwise provided by this title or by the law defining the offense, assent does not constitute consent if:

(1) it is given by a person who is legally [incompetent] incapacitated to authorize the conduct charged to constitute the offense;

(2) it is given by a person who by reason of youth, mental disease or defect or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense;

(3) it is given by a person whose improvident consent is sought to be prevented by the law defining the offense; or

(4) it is induced by force, duress or deception of a kind sought to be prevented by the law defining the offense.

Section 23. Sections 509, 2901(b), 2905(b) and 3206(a), (g) and (i) of Title 18 are amended to read:

§ 509. Use of force by persons with special responsibility for care, discipline or safety of others.

The use of force upon or toward the person of another is justifiable if:

(1) The actor is the parent or guardian or other person similarly responsible for the general care and supervision of a minor or a person acting at the request of such parent, guardian or other responsible person and:

(i) the force is used for the purpose of safeguarding or promoting the welfare of the minor, including the preventing or punishment of his misconduct; and

(ii) the force used is not designed to cause or known to create a substantial risk of causing death, serious bodily injury, disfigurement, extreme pain or mental distress or gross degradation.

(2) The actor is a teacher or person otherwise entrusted with the care or supervision for a special purpose of a minor and:

(i) the actor believes that the force used is necessary to further such special purpose, including the maintenance of reasonable discipline in a school, class or other group, and that the use of such force is consistent with the welfare of the minor; and

(ii) the degree of force, if it had been used by the parent or guardian of the minor, would not be unjustifiable under paragraph (1)(ii).

(3) The actor is the guardian or other person similarly responsible for the general care and supervision of an [incompetent] incapacitated, mentally ill or mentally retarded person; and:

(i) the force is used for the purpose of safeguarding or promoting the welfare of the [incompetent] incapacitated, mentally ill or mentally retarded person, including the prevention of his misconduct, and there is no reasonable alternative to the use of such force; and

(ii) the force used is not designed to cause or known to create a substantial risk of causing death, bodily injury, disfigurement, unnecessary pain, mental distress, or humiliation.

(4) The actor is a doctor or other therapist or a person assisting him at his direction; and:

(i) the force is used for the purpose of administering a recognized form of treatment not prohibited by law of this Commonwealth which the actor believes to be adapted to promoting the physical or mental health of the patient; and

(ii) the treatment is administered with the consent of the patient, or, if the patient is a minor or an [incompetent] incapacitated person with the consent of his parent or guardian or other person legally competent to consent in his behalf, or the treatment is administered in an emergency when the actor believes that no one competent to consent can be consulted and that a reasonable person, wishing to safeguard the welfare of the patient, would consent.

(5) The actor is a warden or other authorized official of a correctional institution; and:

(i) he believes that the force used is necessary for the purpose of enforcing the lawful rules or procedures of the institution, unless his belief in the lawfulness of the rule or procedure sought to be enforced is erroneous and his error is due to ignorance or mistake as to the provi-

sions of this title, any other provision of the criminal law or the law governing the administration of the institution;

(ii) the nature or degree of force used is not forbidden by law; and

(iii) if deadly force is used, its use is otherwise justifiable under this chapter.

(6) The actor is a person responsible for the safety of a vessel or an aircraft or a person acting at his direction; and:

(i) he believes that the force used is necessary to prevent interference with the operation of the vessel or aircraft or obstruction of the execution of a lawful order, unless his belief in the lawfulness of the order is erroneous and his error is due to ignorance or mistake as to the law defining his authority; and

(ii) if deadly force is used, its use is otherwise justifiable under this chapter.

(7) The actor is a person who is authorized or required by law to maintain order or decorum in a vehicle, train or other carrier or in a place where others are assembled; and:

(i) he believes that the force used is necessary for such purpose; and

(ii) the force used is not designed to cause death, or known to create a substantial risk of causing death, bodily injury, or extreme mental distress.

§ 2901. Kidnapping.

(b) Grading.—Kidnapping is a felony of the first degree. A removal or confinement is unlawful within the meaning of this section if it is accomplished by force, threat or deception, or, in the case of a person who is under the age of 14 years or [incompetent] an incapacitated person, if it is accomplished without the consent of a parent, guardian or other person responsible for general supervision of his welfare.

§ 2905. Interference with custody of committed persons.

(b) Definition.—As used in this section the term “committed person” means, in addition to anyone committed under judicial warrant, any orphan, neglected or delinquent child, mentally defective or insane person, or other dependent or [incompetent] incapacitated person entrusted to the custody of another by or through a recognized social agency or otherwise by authority of law.

§ 3206. Parental consent.

(a) General rule.—Except in the case of a medical emergency, or except as provided in this section, if a pregnant woman is less than 18 years of age and not emancipated, or if she has been adjudged an [incompetent] incapacitated person under 20 Pa.C.S. § 5511 (relating to petition and hearing; examination by court-appointed physician), a physician shall not perform an abortion upon her unless, in the case of a woman who is less than 18 years of age, he first obtains the informed consent both of the pregnant woman and of one of her parents; or, in the case of a woman who is [incompetent] an incapacitated person, he first obtains the informed consent of her guardian. In deciding whether to grant such consent, a pregnant woman’s parent or guardian shall consider only their child’s or ward’s best interests. In the case of a pregnancy that is the result of incest where the father is a party to the incestuous act, the pregnant woman need only obtain the consent of her mother.

(g) Coercion prohibited.—Except in a medical emergency, no parent, guardian or other person standing in loco parentis shall coerce a minor or [incompetent] incapacitated woman to undergo an abortion. Any minor or [incompetent] incapacitated woman who is threatened with such coercion may apply to a court of common pleas for relief. The court shall provide the minor or [incompetent] incapacitated woman with counsel, give

the matter expedited consideration and grant such relief as may be necessary to prevent such coercion. Should a minor be denied the financial support of her parents by reason of her refusal to undergo abortion, she shall be considered emancipated for purposes of eligibility for assistance benefits.

(i) Penalty.—Any person who performs an abortion upon a woman who is an unemancipated minor or [incompetent] incapacitated person to whom this section applies either with knowledge that she is a minor or [incompetent] incapacitated person to whom this section applies, or with reckless disregard or negligence as to whether she is a minor or [incompetent] incapacitated person to whom this section applies, and who intentionally, knowingly or recklessly fails to conform to any requirement of this section is guilty of "unprofessional conduct" and his license for the practice of medicine and surgery shall be suspended in accordance with procedures provided under the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, or their successor acts, for a period of at least three months. Failure to comply with the requirements of this section is prima facie evidence of failure to obtain informed consent and of interference with family relations in appropriate civil actions. The law of this Commonwealth shall not be construed to preclude the award of exemplary damages or damages for emotional distress even if unaccompanied by physical complications in any appropriate civil action relevant to violations of this section. Nothing in this section shall be construed to limit the common law rights of parents.

Section 24. Section 2711(a) of Title 23 is amended to read: § 2711. Consents necessary to adoption.

(a) General rule.—Except as otherwise provided in this part, consent to an adoption shall be required of the following:

(1) The adoptee, if over 12 years of age.

(2) The spouse of the adopting parent, unless they join in the adoption petition.

(3) The parents or surviving parent of an adoptee who has not reached the age of 18 years.

(4) The guardian of an [incompetent] incapacitated adoptee.

(5) The guardian of the person of an adoptee under the age of 18 years, if any there be, or of the person or persons having the custody of the adoptee, if any such person can be found, whenever the adoptee has no parent whose consent is required.

Section 25. Section 5322(a) of Title 42 is amended to read: § 5322. Bases of personal jurisdiction over persons outside this Commonwealth.

(a) General rule.—A tribunal of this Commonwealth may exercise personal jurisdiction over a person (or the personal representative of a deceased individual who would be subject to jurisdiction under this subsection if not deceased) who acts directly or by an agent, as to a cause of action or other matter arising from such person:

(1) Transacting any business in this Commonwealth. Without excluding other acts which may constitute transacting business in this Commonwealth, any of the following shall constitute transacting business for the purpose of this paragraph:

(i) The doing by any person in this Commonwealth of a series of similar acts for the purpose of thereby realizing pecuniary benefit or otherwise accomplishing an object.

(ii) The doing of a single act in this Commonwealth for the purpose of thereby realizing pecuniary benefit or otherwise accomplishing an object with the intention of initiating a series of such acts.

(iii) The shipping of merchandise directly or indirectly into or through this Commonwealth.

(iv) The engaging in any business or profession within this Commonwealth, whether or not such business requires license or approval by any government unit of this Commonwealth.

(v) The ownership, use or possession of any real property situate within this Commonwealth.

(2) Contracting to supply services or things in this Commonwealth.

(3) Causing harm or tortious injury by an act or omission in this Commonwealth.

(4) Causing harm or tortious injury in this Commonwealth by an act or omission outside this Commonwealth.

(5) Having an interest in, using, or possessing real property in this Commonwealth.

(6) (i) Contracting to insure any person, property, or risk located within this Commonwealth at the time of contracting.

(ii) Being a person who controls, or who is a director, officer, employee or agent of a person who controls, an insurance company incorporated in this Commonwealth or an alien insurer domiciled in this Commonwealth.

(iii) Engaging in conduct described in section 504 of the act of May 17, 1921 (P.L.789, No.285), known as "The Insurance Department Act of 1921."

(7) Accepting election or appointment or exercising powers under the authority of this Commonwealth as a:

(i) Personal representative of a decedent.

(ii) Guardian of a minor or [incompetent] incapacitated person.

(iii) Trustee or other fiduciary.

(iv) Director or officer of a corporation.

(8) Executing any bond of any of the persons specified in paragraph (7).

(9) Making application to any government unit for any certificate, license, permit, registration or similar instrument or authorization or exercising any such instrument or authorization.

(10) Committing any violation within the jurisdiction of this Commonwealth of any statute, home rule charter, local ordinance or resolution, or rule or regulation promulgated thereunder by any government unit or of any order of court or other government unit.

Amend Sec. 14, page 40, line 8, by striking out "14" and inserting

26

Amend Sec. 15, page 41, line 6, by striking out "15" and inserting

27

Amend Bill, page 41, line 21, by striking out all of said line and inserting

Section 28. This act shall apply to all guardianship proceedings in which petitions for the appointment of a guardian are filed subsequent to the effective date of this act. Proceedings for the appointment of a guardian, which are filed prior to the effective date of this act, but which are still in progress, may be amended with leave of court to conform to this act. Existing guardianship may be modified by the court in accordance with this act upon petition of any interested party.

Section 29. This act shall take effect as follows:

(1) Section 16 of this act shall take effect July 1, 1991.

(2) The remainder of this act shall take effect in 60 days.

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Kukovich.

Mr. KUKOVICH. Thank you, Mr. Speaker.

I think this amendment should engender no debate. If you recall back at the end of June, whenever the widow's tax issue came up, it was an amendment to the guardianship reform bill. We have redrafted that bill to amend SB 775. It was redrafted identically with the way it was finally amended on the floor of this House, so those amendments offered by Representatives Hagarty and McVerry are contained in this amendment. I do not necessarily agree with the way it was weakened, but I accept the will of the chamber. The only change made in the amendment which has been circulated is that the \$250,000 that was placed in there for a demonstration project for guardianship of last resort has been removed, so there would be no fiscal impact regarding any support demonstration projects.

With that being said, I would ask for the members to vote in the affirmative on the amendment as they accordingly voted last June.

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

The following roll call was recorded:

YEAS—191

| | | | |
|--------------|-----------|-----------|---------------|
| Adolph | Dorr | Lashinger | Robbins |
| Allen | Evans | Laughlin | Robinson |
| Angstadt | Fairchild | Lee | Roebuck |
| Barley | Fargo | Leh | Rudy |
| Battisto | Farmer | Lescovitz | Ryan |
| Belardi | Fee | Levdansky | Rybak |
| Belfanti | Fleagle | Linton | Saloom |
| Billow | Flick | Lloyd | Saurman |
| Birmelin | Foster | Lucyk | Scheetz |
| Bishop | Fox | McCall | Schuler |
| Black | Freeman | McNally | Scrimenti |
| Blaum | Freind | McVerry | Semmel |
| Bortner | Gallen | Maine | Serafini |
| Bowley | Gamble | Markosek | Smith, B. |
| Boyes | Gannon | Marsico | Smith, S. H. |
| Brandt | Geist | Mayernik | Snyder, D. W. |
| Broujos | George | Melio | Snyder, G. |
| Bunt | Gigliotti | Merry | Staback |
| Burd | Gladeck | Michlovic | Stairs |
| Burns | Godshall | Micozzie | Steighner |
| Bush | Gruitza | Mihalich | Stish |
| Caltagirone | Gruppo | Miller | Strittmatter |
| Cappabianca | Hagarty | Moehlmann | Suban |
| Carlson | Haluska | Morris | Tangretti |
| Carn | Harper | Mowery | Taylor, E. Z. |
| Cawley | Hasay | Mrkonic | Taylor, F. |
| Cessar | Hayden | Murphy | Taylor, J. |
| Chadwick | Hayes | Nahill | Telek |
| Civera | Heckler | Nailor | Thomas |
| Clark, B. D. | Herman | Noye | Tigue |
| Clark, D. F. | Hershey | O'Brien | Trello |
| Clark, J. H. | Hess | Olasz | Trich |
| Clymer | Howlett | Oliver | Van Horne |
| Cohen | Hughes | Perzel | Veon |
| Colaifella | Itkin | Pesci | Vroon |
| Colaizzo | Jackson | Petrarca | Wambach |
| Cole | Jadlowiec | Petrone | Wass |
| Cornell | James | Phillips | Weston |
| Corrigan | Jarolin | Piccola | Williams |

| | | | |
|------------|----------|------------|---------------|
| Cowell | Josephs | Pistella | Wilson |
| Coy | Kaiser | Pitts | Wogan |
| DeLuca | Kasunic | Pressmann | Wozniak |
| DeWeese | Kenney | Preston | Wright, D. R. |
| Daley | Kondrich | Reber | Wright, R. C. |
| Davies | Kosinski | Reinard | Yandrisevits |
| Dempsey | Kukovich | Richardson | |
| Distler | LaGrotta | Rieger | O'Donnell, |
| Dombrowski | Langtry | Ritter | Speaker |
| Donatucci | | | |

NAYS—0

NOT VOTING—3

| | | |
|--------|--------|---------|
| Acosta | Maiale | Raymond |
|--------|--------|---------|

EXCUSED—8

| | | | |
|------------|---------|---------|---------------|
| Argall | Dininni | Johnson | Pievsky |
| Dietterick | Durham | McHale | Wright, J. L. |

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—191

| | | | |
|--------------|-----------|-----------|---------------|
| Acosta | Dorr | Laughlin | Robbins |
| Adolph | Evans | Lee | Robinson |
| Allen | Fairchild | Leh | Roebuck |
| Angstadt | Fargo | Lescovitz | Rudy |
| Barley | Farmer | Levdansky | Ryan |
| Battisto | Fee | Linton | Rybak |
| Belardi | Fleagle | Lloyd | Saloom |
| Belfanti | Flick | Lucyk | Saurman |
| Billow | Foster | McCall | Scheetz |
| Birmelin | Fox | McNally | Schuler |
| Bishop | Freeman | McVerry | Scrimenti |
| Black | Freind | Maine | Semmel |
| Blaum | Gallen | Markosek | Serafini |
| Bortner | Gamble | Marsico | Smith, B. |
| Bowley | Gannon | Mayernik | Smith, S. H. |
| Boyes | Geist | Melio | Snyder, D. W. |
| Brandt | George | Merry | Snyder, G. |
| Broujos | Gigliotti | Michlovic | Staback |
| Bunt | Gladeck | Micozzie | Stairs |
| Burd | Godshall | Mihalich | Steighner |
| Burns | Gruitza | Miller | Stish |
| Bush | Gruppo | Moehlmann | Strittmatter |
| Caltagirone | Hagarty | Morris | Suban |
| Cappabianca | Haluska | Mowery | Tangretti |
| Carlson | Harper | Mrkonic | Taylor, E. Z. |
| Carn | Hasay | Murphy | Taylor, F. |
| Cawley | Hayden | Nahill | Taylor, J. |
| Cessar | Hayes | Nailor | Telek |
| Chadwick | Heckler | Noye | Thomas |
| Civera | Herman | O'Brien | Tigue |
| Clark, B. D. | Hershey | Olasz | Trello |
| Clark, D. F. | Hess | Oliver | Trich |
| Clark, J. H. | Hughes | Perzel | Van Horne |
| Clymer | Itkin | Pesci | Veon |
| Cohen | Jackson | Petrarca | Vroon |
| Colaifella | Jadlowiec | Petrone | Wambach |
| Colaizzo | James | Phillips | Wass |
| Cole | Jarolin | Piccola | Weston |
| Cornell | Josephs | Pistella | Williams |

| | | | |
|-----------|------------|------------|---------------|
| Corrigan | Kaiser | Pitts | Wilson |
| Cowell | Kasunic | Pressmann | Wogan |
| Coy | Kenney | Preston | Wozniak |
| DeLuca | Kondrich | Raymond | Wright, D. R. |
| DeWeese | Kosinski | Reber | Wright, R. C. |
| Daley | Kukovich | Reinard | Yandrisevits |
| Davies | LaGrotta | Richardson | |
| Dempsey | Langtry | Rieger | O'Donnell, |
| Distler | Lashingner | Ritter | Speaker |
| Donatucci | | | |

NAYS—0

NOT VOTING—3

| | | |
|------------|---------|--------|
| Dombrowski | Howlett | Maiale |
|------------|---------|--------|

EXCUSED—8

| | | | |
|-----------|---------|---------|---------------|
| Argall | Dininni | Johnson | Pievsky |
| Dieterick | Durham | McHale | Wright, J. L. |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

HB 2361 RECONSIDERED

The SPEAKER. The Chair is in possession of a reconsideration motion offered by the gentleman, Mr. Mihalich, who moves that the vote by which HB 2361, PN 3712, was passed today be reconsidered.

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

The following roll call was recorded:

YEAS—190

| | | | |
|--------------|------------|------------|---------------|
| Acosta | Dombrowski | Lashingner | Robbins |
| Adolph | Donatucci | Laughlin | Robinson |
| Allen | Dorr | Lee | Roebuck |
| Angstadt | Evans | Leh | Rudy |
| Barley | Fairchild | Lescovitz | Ryan |
| Battisto | Fargo | Levdansky | Rybak |
| Belardi | Farmer | Linton | Saloom |
| Belfanti | Fee | Lloyd | Saurman |
| Billow | Fleagle | Lucyk | Scheetz |
| Birmelin | Flick | McCall | Schuler |
| Bishop | Fox | McNally | Scriminti |
| Black | Freeman | McVerry | Semmel |
| Blaum | Freind | Maine | Serafini |
| Bortner | Gallen | Markosek | Smith, B. |
| Bowley | Gamble | Marsico | Smith, S. H. |
| Boyes | Gannon | Mayermik | Snyder, D. W. |
| Brandt | Geist | Melio | Snyder, G. |
| Broujos | George | Merry | Staback |
| Bunt | Gigliotti | Michlovic | Stairs |
| Burd | Gladeck | Micozzie | Steighner |
| Burns | Godshall | Mihalich | Stish |
| Bush | Gruitza | Miller | Strittmatter |
| Caltagirone | Gruppo | Moehlmann | Stuban |
| Cappabianca | Hagarty | Morris | Tangretti |
| Carlson | Haluska | Mowery | Taylor, E. Z. |
| Carn | Harper | Mrkonic | Taylor, F. |
| Cawley | Hasay | Murphy | Taylor, J. |
| Cessar | Hayden | Nahill | Telek |
| Chadwick | Hayes | Nailor | Thomas |
| Civera | Heckler | Noye | Tigue |
| Clark, B. D. | Herman | O'Brien | Trello |

| | | | |
|--------------|-----------|------------|---------------|
| Clark, D. F. | Hershey | Olasz | Trich |
| Clark, J. H. | Hess | Oliver | Van Home |
| Clymer | Hughes | Perzel | Veon |
| Cohen | Itkin | Pesci | Vroon |
| Colaella | Jackson | Petrarca | Wambach |
| Colaizzo | Jadlowiec | Petrone | Wass |
| Cole | James | Phillips | Weston |
| Cornell | Jarolin | Piccola | Williams |
| Corrigan | Josephs | Pistella | Wilson |
| Cowell | Kaiser | Pitts | Wogan |
| Coy | Kasunic | Pressmann | Wozniak |
| DeLuca | Kenney | Preston | Wright, D. R. |
| DeWeese | Kondrich | Raymond | Wright, R. C. |
| Daley | Kosinski | Reber | Yandrisevits |
| Davies | Kukovich | Richardson | |
| Dempsey | LaGrotta | Rieger | O'Donnell, |
| Distler | Langtry | Ritter | Speaker |

NAYS—1

Reinard

NOT VOTING—3

| | | |
|--------|---------|--------|
| Foster | Howlett | Maiale |
|--------|---------|--------|

EXCUSED—8

| | | | |
|-----------|---------|---------|---------------|
| Argall | Dininni | Johnson | Pievsky |
| Dieterick | Durham | McHale | Wright, J. L. |

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

On the question recurring,
Shall the bill pass finally?

BILL PLACED ON FINAL PASSAGE POSTPONED CALENDAR

The SPEAKER. The Chair recognizes the majority leader. Mr. DeWEESE. I move that HB 2361 be placed upon the final passage postponed calendar.

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

VOTE CORRECTION

The SPEAKER. The Chair recognizes Mr. Dombrowski. Mr. DOMBROWSKI. Mr. Speaker, my switch was inoperative on SB 775. I wish to be recorded in the affirmative. The SPEAKER. The gentleman's remarks will be spread upon the record.

For the information of the members, there will be no more votes this afternoon.

RESOLUTIONS REPORTED FROM COMMITTEE

HR 335, PN 3747 By Rep. DeWEESE
Memorializing Congress to open the cable television industry to more competition in the marketplace.

RULES.

HR 346, PN 3909 By Rep. DeWEESE
Commemorating the tenth anniversary of the North Country National Scenic Trail and commending the many people who have assisted in building it.

RULES.**HR 352, PN 4031**

By Rep. DeWEESE

Saluting the Drug Abuse Resistance Education (DARE) Program.

RULES.**BILLS AND RESOLUTIONS PASSED OVER**

The SPEAKER. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

ADJOURNMENT

The SPEAKER. The Chair recognizes Representative Fleagle of Franklin County.

Mr. FLEAGLE. Mr. Speaker, I move that the House do now adjourn until Tuesday, September 25, 1990, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:52 p.m., e.d.t., the House adjourned.