

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, SEPTEMBER 29, 1992

SESSION OF 1992

176TH OF THE GENERAL ASSEMBLY

No. 54

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:

Lord God, we come this afternoon seeking Your wisdom and direction as we accomplish our legislative tasks for this Commonwealth. We invite Your presence, for we know that we can accomplish great things for Your kingdom's sake. Cause us not to deceive ourselves into believing that we can do anything without You.

You told us that "Except the Lord build the house, they labor in vain that build it; except the Lord keep the city, the watchman waketh but in vain."

O God, be a part of all that we think, say, and do. Let us seek first Your kingdom and Your righteousness and You will supply all of our needs according to Your riches in glory.

In Your dear name we pray. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Wednesday, September 23, 1992, will be postponed until printed. The Chair hears no objection.

JOURNAL APPROVED

The SPEAKER. The Journal for Wednesday, June 10, 1992, however, is in print and, without objection, will be made part of the record.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2950 By Representatives FARGO, VROON, LEH, BROWN, BIRMELIN, HANNA, BARLEY, SAURMAN, S. H. SMITH, NOYE, HERSHEY, CARLSON, GEIST, KING, BOYES, JADLOWIEC, BUSH and ARNOLD

An Act providing for wetlands conservation and management; further providing for eminent domain; providing for penalties and remedies; establishing the Wetlands Conservation Fund; conferring powers and duties upon the Department of Environmental Resources; and making an appropriation.

Referred to Committee on CONSERVATION, September 29, 1992.

No. 2951 By Representatives BISHOP, GIGLIOTTI, DeLUCA, WILLIAMS, TRELLO, HARPER, JAMES, OLIVER and RITTER

An Act amending the act of May 3, 1933 (P. L. 242, No. 86), referred to as the "Cosmetology Law," further providing for regulation, examination and licensing of and permits for manicurists.

Referred to Committee on PROFESSIONAL LICENSURE, September 29, 1992.

No. 2952 By Representatives BISHOP, PESCI, TRELLO, HARPER, SALOOM, VEON, JAMES and OLIVER

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 certain standards and testing of certain commodities; and making editorial changes.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, September 29, 1992.

No. 2953 By Representative KUKOVICH

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," imposing duties on the Department of Public Welfare; and providing funding from gross receipts tax for the Pennsylvania Heating Energy Assistance Fund.

Referred to Committee on FINANCE, September 29, 1992.

No. 2954 By Representatives SAURMAN, FARGO, VROON, TRELLO, HERSHEY,

GODSHALL, GEIST, LEH, HASAY,
TIGUE, E. Z. TAYLOR and NOYE

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for declaration of individual responsibility.

Referred to Committee on STATE GOVERNMENT,
September 29, 1992.

No. 2955 By Representatives SAURMAN, FARGO,
NAILOR, FREEMAN, JOHNSON,
LANGTRY, HERMAN, TRELLO, DENT,
JAROLIN, GODSHALL, D. W. SNYDER,
GEIST, CAWLEY, LEH, KING, FARMER,
HASAY, TIGUE, E. Z. TAYLOR,
D. R. WRIGHT, GLADECK, CARONE,
NOYE, FLEAGLE, DERMODY,
GERLACH, BROWN, PITTS, PERZEL,
CESSAR, FLICK, ADOLPH, HECKLER,
HESS, LAUGHLIN and ARMSTRONG

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further providing for the tax on annuity considerations.

Referred to Committee on FINANCE, September 29,
1992.

No. 2956 By Representatives SAURMAN, NICKOL,
LANGTRY, TRELLO, HERSHEY,
HANNA, D. W. SNYDER, TULLI,
BLACK, LEH, MAYERNIK, CARONE,
GERLACH, FLICK, CARLSON, KREBS,
S. H. SMITH, FARGO, HARLEY,
ARMSTRONG and MERRY

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for the Governor's budgets and financial plan appropriations and surplus of operating funds.

Referred to Committee on STATE GOVERNMENT,
September 29, 1992.

No. 2957 By Representatives CAWLEY, WOZNIAK,
TIGUE, GRUITZA, HASAY, FREEMAN,
STISH, PETRONE, JAROLIN, GRUPPO,
CAPPABIANCA, WILLIAMS, SERAFINI,
TOMLINSON, WAMBACH, KOSINSKI,
STABACK, BELARDI, DeWEESE,
DeLUCA, McNALLY, OLIVER,
MAYERNIK, GIGLIOTTI, RICHARDSON,
LEVDANSKY, GANNON, LUCYK,
BATTISTO, ADOLPH, MICOZZIE,
KUKOVICH, D. R. WRIGHT,
MIHALICH, MICHLOVIC, PESCI,
ULIANA and COHEN

A Supplement to the act of June 30, 1992 (P. L. , No. 8A), known as the "General Appropriation Act of 1992," making an additional appropriation to the Department of Community Affairs for financially distressed municipalities.

Referred to Committee on APPROPRIATIONS,
September 29, 1992.

No. 2958 By Representatives BUNT, LEH,
JOHNSON, LAWLESS, BARLEY,
SAURMAN, KENNEY, S. H. SMITH,
HARLEY, GERLACH, HERSHEY,
FARMER, NOYE, ARMSTRONG,
CARONE, KREBS, STAIRS and ARNOLD

An Act amending the act of June 30, 1981 (P. L. 128, No. 43), known as the "Agricultural Area Security Law," further providing for evaluation criteria and decision on proposed area.

Referred to Committee on AGRICULTURE AND
RURAL AFFAIRS, September 29, 1992.

No. 2959 By Representatives ARGALL, ALLEN,
LEH, VROON, FARGO, TELEK,
M. N. WRIGHT, JAROLIN, PICCOLA,
KENNEY, J. TAYLOR, LAWLESS,
GERLACH, WOGAN, ARMSTRONG,
BARLEY, TOMLINSON and MERRY

An Act amending the act of June 30, 1992 (P. L. , No. 8A), known as the "General Appropriation Act of 1992," providing for appropriations to the Department of Corrections and the Department of Public Welfare.

Referred to Committee on APPROPRIATIONS,
September 29, 1992.

No. 2960 By Representatives DAVIES, COWELL,
SCHULER, COY, HERMAN, TULLI,
BATTISTO, STAIRS, E. Z. TAYLOR,
COLAFELLA, KOSINSKI, RUDY,
STEELMAN, HASAY, HANNA, DALEY,
STUBAN, NOYE, HAYES, PHILLIPS,
CESSAR, HESS, SEMMEL, ARGALL and
ALLEN

An Act providing for the establishment of the Maintenance Funding Allocation Program to provide funds to institutions of higher education and community colleges to perform certain maintenance requirements; requesting electoral approval of certain additional indebtedness; imposing powers and duties on the Department of Education; and providing a continuing appropriation.

Referred to Committee on EDUCATION, September 29,
1992.

No. 2961 By Representatives KASUNIC, ARNOLD,
MIHALICH, STEELMAN, DALEY,
WOZNIAK, PISTELLA, VEON,
LAUGHLIN, LANGTRY, JOHNSON,
BOYES, HESS, LAWLESS, KING,
SAURMAN, HERSHEY, ANDERSON and
TOMLINSON

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further providing for exclusions from the sales and use tax.

Referred to Committee on FINANCE, September 29,
1992.

No. 2962 By Representative RICHARDSON

An Act providing for the establishment of the Police Control Board in cities of the first class and defining its powers and duties; and providing for conduct of police personnel, for complaint procedure, for police hiring policies, and for supervision and overseeing of the police department.

Referred to Committee on URBAN AFFAIRS, September 29, 1992.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 388 By Representatives STAIRS, COLE, NYCE, FAIRCHILD, HAGARTY, VANCE, PICCOLA, ULIANA, KREBS, NICKOL, PITTS, GEIST, HALUSKA, NAILOR, CLARK, CARLSON, CESSAR, FLEAGLE, SCHULER, B. SMITH, PHILLIPS, D. W. SNYDER, M. N. WRIGHT, NOYE, SCHEETZ, SEMMEL, ARMSTRONG, LEH, SAURMAN, CIVERA, JOHNSON, KING, BARLEY, BUSH, J. TAYLOR, ADOLPH, ARGALL, MARSICO, E. Z. TAYLOR, STRITTMATTER, GERLACH, HERSHEY, CHADWICK, S. H. SMITH, BIRMELIN, GRUPPO, LAWLESS, GANNON, HESS, ARNOLD and MERRY

A Resolution encouraging support for full funding of the University of Pennsylvania School of Veterinary Medicine.

Referred to Committee on RULES, September 29, 1992.

No. 389 By Representatives ARMSTRONG, DENT, LANGTRY, CALTAGIRONE, GERLACH, TIGUE, PETRARCA, CARLSON, SCHULER, CAWLEY, GEIST, KING, DEMPSEY, LAUGHLIN, FARGO, FAJT, BELARDI, JOSEPHS, NOYE, FARMER, ITKIN, LINTON, LESCOVITZ, PITTS, PESCI, HARPER, CIVERA, JOHNSON, STAIRS, STABACK and HERSHEY

A Resolution designating the week of November 15 through 21, 1992, as "Pennsylvania Philanthropy Week" in Pennsylvania.

Referred to Committee on RULES, September 29, 1992.

No. 390 By Representatives SAURMAN, NOYE, M. N. WRIGHT, PESCI, KING, NAHILL, LEH, HERSHEY and TRELLO

A Resolution memorializing Congress to reform the work incentives for Aid to Families with *Dependent Children* recipients.

Referred to Committee on RULES, September 29, 1992.

No. 391
(Concurrent) By Representatives GRUITZA, LAUGHLIN, WOZNIAK, BUTKOVITZ and HAYDEN

A Concurrent Resolution disapproving Environmental Quality Board amendments to hazardous waste regulations.

Referred to Committee on RULES, September 29, 1992.

No. 392 By Representatives FAJT, SALOOM, RAYMOND, KOSINSKI, CAPPABIANCA and MELIO

A Resolution urging the Supreme Court of Pennsylvania to amend Pa. R.C.P.D.J. No.103 to provide for the establishment of office hours for district justices that include evening and weekend hours.

Referred to Committee on RULES, September 29, 1992.

No. 393 By Representatives FAJT, M. N. WRIGHT, TELEK, FAIRCHILD, HECKLER, PETRARCA, MUNDY, BOWLEY, E. Z. TAYLOR, NAILOR, DENT, MARKOSEK, STABACK, OLASZ, JOSEPHS, RUDY, TIGUE, STEIGHNER, LESCOVITZ, KREBS, DEMPSEY, STETLER, COLAIZZO, HARLEY, KENNEY, DeLUCA, GERLACH, COY, HERSHEY, FARMER, SCHULER, HESS, GEIST, KING, O'BRIEN, LAUGHLIN, KOSINSKI, CAPPABIANCA, HARPER, ITKIN, LINTON, PESCI, COLE, KAISER, PRESTON, NOYE, MELIO, GIGLIOTTI, WILLIAMS and ARNOLD

A Resolution designating the month of November 1992 as "Pennsylvania Hospice Month."

Referred to Committee on RULES, September 29, 1992.

COMMUNICATION FROM ATTORNEY GENERAL

The SPEAKER. The Chair acknowledges receipt of the annual report of the Attorney General pursuant to section 3(a) of the act of September 28, 1978, as amended, commonly known as the Sovereign Immunity Act. This report will be made part of the record.

The following communication was submitted:

Commonwealth of Pennsylvania
Office of the Attorney General
Harrisburg, Pa. 17120

September 18, 1992

Honorable Robert W. O'Donnell
Speaker
House of Representatives
Room 139, Main Capitol Building
Harrisburg, PA 17120

Dear Mr. Speaker:

Pursuant to Section 3(a) of the Act of September 28, 1978, P.L. 788, No. 152 (the Sovereign Immunity Act), the Office of Attorney General is required to report annually to the General Assembly regarding the institution and disposition of tort claims against the Commonwealth.

In response to that requirement, we are pleased to submit the enclosed annual report for the year ending March 31, 1992.

Sincerely yours,
Walter W. Cohen
First Deputy
Attorney General

WWC/LJR/pym
Enclosure

(Copy of report is on file with the Journal clerk.)

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes Mr. Kukovich.

Mr. KUKOVICH. Mr. Speaker, leaves of absence are requested for the gentleman from Allegheny County, Mr. ITKIN, for today; also the lady from Philadelphia, Ms. JOSEPHS; the gentleman from Philadelphia, Mr. CARN; the gentleman from Philadelphia, Mr. McGEEHAN; and the gentleman, Mr. BUTKOVITZ, of Philadelphia.

The SPEAKER. Without objection, leaves are granted.

The Chair recognizes Mr. Hayes.

Mr. HAYES. Thank you, Mr. Speaker.

I request a leave for the gentleman from Chester County, Mr. VROON, for the week; the gentleman from Perry County, Mr. NOYE, for the week; and the gentleman from Delaware County, Mr. FREIND, for the day.

The SPEAKER. Without objection, leaves are granted.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes Mr. George.

Mr. GEORGE. Mr. Speaker, I would like to make an inquiry of the Chair, if I may.

The SPEAKER. The gentleman is in order.

Mr. GEORGE. Would it be more advisable to call a committee meeting immediately or would it be more advisable to call it at the call of recess?

The SPEAKER. The Chair advises the gentleman to call it at the call of the recess.

Mr. GEORGE. I thank the gentleman.

CONSERVATION COMMITTEE MEETING

Mr. GEORGE. I want to call a committee meeting, Mr. Speaker, at the call of recess in room 39. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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—191

Acosta	Durham	Langtry	Robinson
Adolph	Evans	Laughlin	Roebuck
Allen	Fairchild	Lawless	Rudy
Anderson	Fajt	Lee	Ryan
Angstadt	Fargo	Leh	Saurman
Argall	Farmer	Lescovitz	Scheetz
Armstrong	Fee	Levdansky	Schuler
Arnold	Fleagle	Linton	Scrimenti

Barley	Flick	Lloyd	Semmel
Battisto	Foster	Lucyk	Serafini
Belardi	Freeman	McCall	Smith, B.
Belfanti	Gallen	McHale	Smith, S. H.
Billow	Gamble	McHugh	Snyder, D. W.
Birmelin	Gannon	McNally	Snyder, G.
Bishop	Geist	Maiale	Staback
Black	George	Markosek	Stairs
Blaum	Gerlach	Marsico	Steelman
Bowley	Gigliotti	Mayernik	Steighner
Boyes	Gladeck	Melio	Stetler
Broujos	Godshall	Merry	Stish
Brown	Gruitza	Michlovic	Strittmatter
Bunt	Gruppo	Micozzie	Stuban
Bush	Hagarty	Mihalich	Sturla
Caltagirone	Haluska	Mrkoncic	Surra
Cappabianca	Hanna	Mundy	Tangretti
Carlson	Harley	Murphy	Taylor, E. Z.
Carone	Harper	Nahill	Taylor, F.
Cawley	Hasay	Nailor	Taylor, J.
Cessar	Hayden	Nickol	Telek
Chadwick	Hayes	Nycc	Thomas
Civera	Heckler	O'Brien	Tigue
Clark	Herman	Olasz	Tomlinson
Clymer	Hershey	Oliver	Trich
Cohen	Hess	Perzel	Tulli
Colafigliola	Hughes	Pesci	Uliana
Colaizzo	Jadlowiec	Petrarca	Van Horne
Cole	James	Petrone	Vance
Cornell	Jarolin	Phillips	Veon
Corrigan	Johnson	Piccola	Wambach
Cowell	Kaiser	Pistella	Williams
Coy	Kasunic	Pitts	Wilson
DeLuca	Kenney	Preston	Wogan
DeWeese	King	Raymond	Wozniak
Daley	Kosinski	Reber	Wright, D. R.
Davies	Krebs	Reinard	Wright, M. N.
Dempsey	Kruszewski	Richardson	
Dent	Kukovich	Rieger	O'Donnell,
Dermody	LaGrotta	Ritter	Speaker
Donatucci			

ADDITIONS—1

Trello

NOT VOTING—1

Saloom

EXCUSED—8

Butkovitz	Freind	Josephs	Noye
Carn	Itkin	McGeehan	Vroon

MEMBER'S PRESENCE RECORDED

The SPEAKER. The Chair adds the name of Representative Trello to the master roll. His presence is noted in the hall of the House.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 1421, PN 2327

By Rep. OLIVER

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, providing an employer contribution rate for members of an independent retirement system.

STATE GOVERNMENT.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that SB 1421 be taken from the table.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that SB 1421 be recommitted to the Appropriations Committee.

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

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HB 2054 and SB 792 be taken from the table.

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

VOTE CORRECTION

The SPEAKER. The Chair recognizes Mr. Petrarca.
Mr. PETRARCA. Thank you, Mr. Speaker.
Mr. Speaker, on September 23 my switch malfunctioned and I was not recorded on HR 369. I would like to be recorded in the affirmative. Thank you.

CALENDAR**BILL ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 2235, PN 3800**, entitled:

An Act providing for environmental education programs; providing for further duties of the Department of Education and the Department of Environmental Resources; providing for the disposition of a portion of certain fines and penalties; and making an appropriation.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HB 2235 be recommitted to the Appropriations Committee.

On the question,

Will the House agree to the motion?
Motion was agreed to.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2277, PN 2888**, entitled:

An Act amending the act of July 9, 1984 (P. L. 676, No. 145), known as the "Information Technology Education Act," extending the operation of the act.

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 2277 be placed upon the table.

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

* * *

The House proceeded to third consideration of **HB 170, PN 176**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the determination of antique slot machines.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HB 170 be recommitted to the Appropriations Committee.

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

* * *

The House proceeded to third consideration of **SB 978, PN 1758**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for tolling the statute of limitations.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that SB 978 be recommitted to the Appropriations Committee.

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

* * *

The House proceeded to third consideration of **SB 222, PN 231**, entitled:

An Act designating the fountain in the plaza of the East Wing of the Main Capitol Building in Harrisburg as the War Veterans' Memorial Fountain; and imposing duties upon the Department of General Services.

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

The **SPEAKER**. The Chair recognizes the gentleman, Mr. Hayes.

The Chair urges the members' attention to the following announcement and debate.

The Chair recognizes Mr. Hayes.

Mr. **HAYES**. Mr. Speaker, are we on SB 222 right now?

Thank you, Mr. Speaker.

I have the Persian Gulf veterans' memorial amendment here that is going to be offered by Representative Melio, who served on the task force, the Persian Gulf Task Force. I am going to ask that we leave the amendment at the clerk's desk because there may be some other lawmakers who want to cosponsor it with us.

But at this time I would yield to the gentleman from Bucks, Mr. Melio.

The **SPEAKER**. The amendment will be left at the desk for cosponsorship.

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

Mr. **MELIO** offered the following amendments No. A3386:

Amend Title, page 1, lines 1 through 4, by striking out all of said lines and inserting

Providing compensation to persons in active service in connection with the Persian Gulf Conflict or their beneficiaries; authorizing the incurring of indebtedness and the issue and sale of bonds by the Commonwealth for the payment of compensation and the design and construction of a memorial to veterans of this Commonwealth, contingent upon electorate approval; creating a special fund in the State Treasury to be known as the Persian Gulf Conflict Veterans' Compensation Bond Fund; designating the War Veterans' Memorial Fountain; imposing powers and duties on the Department of General Services; and making appropriations.

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- Section 1. Short title.
- Section 2. Definitions.
- Section 3. Computation of compensation.
- Section 4. Application for compensation.
- Section 5. Persons to whom payments shall be made in case of incompetence or death.
- Section 6. Applicant to designate beneficiaries.
- Section 7. Exemption from attachment, etc.
- Section 8. Penalty for charging fees for assisting veterans.
- Section 9. Administration of compensation program.
- Section 10. Payment of compensation.
- Section 11. Persian Gulf Conflict Veterans' Compensation Bond Fund.
- Section 12. Commonwealth indebtedness.

- Section 13. Question.
- Section 14. Designation of fountain.
- Section 15. Appropriations.
- Section 16. Effective date.

Amend Bill, page 1, lines 7 through 16, by striking out all of said lines and inserting

Section 1. Short title.

This act shall be known and may be cited as the Persian Gulf Conflict Veterans' Compensation and Bond Act.

Section 2. Definitions.

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

"Active service." For a member of a component of the armed forces of the United States, the time served on active duty for which the member has received or is eligible to receive the Southwest Asia Service Medal for service related to the Persian Gulf Conflict Theater, for a member of the Pennsylvania National Guard or a reserve component of the armed forces of the United States, time served on active duty for the support of operations in the Persian Gulf Conflict Theater whether or not that service was in the theater. The term includes time spent in hospitals as a result of service-connected wounds, diseases or injuries sustained on active service. Proof of such service shall be the official military records of the United States or such other evidence as is deemed sufficient by the Adjutant General. The term does not include time served on active duty for annual training or schooling, except for training and schooling in preparation for active duty in the Persian Gulf Conflict Theater.

"Fund." The Persian Gulf Conflict Veterans' Compensation Bond Fund.

"Issuing officials." The Governor, the Auditor General and the State Treasurer.

"Legal resident of this Commonwealth." A member of the United States Armed Forces, the reserve component of the United States Armed Forces or the Pennsylvania National Guard whose home of record at the time of the Persian Gulf Conflict was this Commonwealth or any specific place in this Commonwealth without regard to the place of enlistment, commission or induction. The proof of such residence shall be the official records of the United States or such other evidence as is deemed sufficient by the Adjutant General.

"Persian Gulf Conflict Theater." The area defined as the Persian Gulf Conflict Theater of Operations as established by the United States Department of Defense for the awarding of the Southwest Asia Service Medal for the period of time from August 2, 1990, through August 31, 1991.

"Veteran." A member of a component of the armed forces of the United States who had active service in the Persian Gulf Conflict Theater or a member of the Pennsylvania National Guard or a reserve component of the armed forces who had active service for the support of operations in the Persian Gulf Conflict Theater. The term does not include an individual who was separated from the armed forces under other than honorable conditions, had renounced his United States citizenship or was called to active duty for the purpose of annual training or schooling.

Section 3. Computation of compensation.

(a) Eligibility.—Compensation shall be payable under this act only to each veteran who was a legal resident of this Commonwealth.

(b) Compensation for service in the Persian Gulf.—Compensation shall be payable on the basis of \$75 for the first month of eligibility with a minimum of one day of active service; thereafter, it shall be computed on the basis of \$75 for each month or major fraction thereof.

(c) Compensation on behalf of deceased veteran.—In addition to any other compensation authorized under this section, the

compensation on behalf of a veteran who died in active service or as a result of service-connected wounds, diseases or injuries sustained during active service shall be \$4,000.

(d) *Compensation of prisoner of war.*—In addition to any compensation under the other provisions of this section, the compensation of a veteran who was declared a prisoner of war, regardless of the length of time spent as a prisoner of war, shall, upon return, be \$4,000.

(e) *Total amount of compensation.*—The compensation provided for active service under subsection (b) shall be not less than \$75 and not more than \$525.

(f) *Exclusion from compensation.*—Any individual who has received a bonus, gratuity or compensation of a nature similar to that provided for by this act from any other state in the United States is ineligible for compensation. This exclusion does not apply to a similar bonus, gratuity or compensation from the Federal Government.

Section 4. *Application for compensation.*

(a) *Application to Adjutant General.*—Applications shall be made by a veteran, the facility entitled under section 5(a) or the beneficiaries designated under section 5(b). The Adjutant General shall ascertain the applicants who are veterans and, as to each veteran, the number of months of service for which the veteran is entitled to receive compensation.

(b) *Time for filing application.*—The Adjutant General shall not accept or consider any application filed after August 31, 1995.

Section 5. *Persons to whom payments shall be made in case of incompetence or death.*

(a) *Incompetence.*—In a case where the veteran is incompetent, if no guardian has been appointed, payment shall be made for the benefit of the veteran to the person who is entitled to payment under subsection (b), or, in the absence of any such person and if the veteran is in a facility, to the person in charge of the facility to be expended for the clothing and incidental needs of the veteran. No part of the compensation paid to any facility shall be used for the maintenance of the veteran. A statement from the person in charge of the facility in which the veteran resides shall be evidence to determine the competence of the veteran.

(b) *Death.*—In the case of the death of a veteran, payment shall be made, in the order named, to the:

- (1) surviving spouse unless the spouse was living separate and apart from the veteran at the time of departure for active service;
- (2) surviving children, share and share alike; or
- (3) surviving parents.

(c) *Definitions.*—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

“Facility.” Any mental health establishment, hospital, clinic, institution, center, day-care center, base service unit, community mental health center or other organizational unit, or part thereof, which is devoted primarily to the diagnosis, treatment, care, rehabilitation or detention of mentally disabled persons.

“Parents.” Includes persons who, for a period of not less than one year, acted in the capacity of a foster parent to the veteran immediately prior to the veteran having attained 18 years of age.

Section 6. *Applicant to designate beneficiaries.*

Every person making application for compensation shall set forth in the application the names and addresses of all persons who, under this act, would be entitled to receive compensation in the event of the death of the applicant. If the applicant dies before the payment of the compensation, the application shall be deemed to inure to the benefit of the person next entitled to compensation, and payment shall be made to the person upon proof of identity satisfactory to the Adjutant General. If no person des-

igned in this act as being entitled to compensation survives the veteran, the right to the compensation shall cease.

Section 7. *Exemption from attachment, etc.*

No sum payable under this act to a veteran or to any other person under this act shall be subject to attachment, levy or seizure under any legal or equitable process and shall be exempt from all State taxation. No right to compensation under this act shall be assignable, except as otherwise provided in this act, or shall serve as a security for any loan. Any assignment or loan made in violation of this section shall be void. Assignments to any incorporated or unincorporated organization of veterans, any nonprofit corporation formed solely for the purpose of aiding disabled or incapacitated veterans and the State Veterans' Commission shall be valid.

Section 8. *Penalty for charging fees for assisting veterans.*

A person who charges or collects or attempts to charge or collect, either directly or indirectly, any fee or other compensation for assisting, in any manner, a veteran in obtaining any of the benefits provided under this act commits a misdemeanor of the second degree.

Section 9. *Administration of compensation program.*

The Adjutant General shall administer the compensation program. For that purpose application forms shall be prepared and distributed, applications shall be investigated, and, if satisfied of the proof of an application, compensation shall be approved and payment of compensation shall be made. The Adjutant General shall promulgate rules and regulations to implement, administer and enforce this act. The Adjutant General shall, as soon as practicable after the effective date of this act, prepare and distribute a digest explaining the provisions of this act to assist veterans in filing their applications and shall, from time to time, prepare and distribute additional or supplementary information as may be found necessary. The Adjutant General shall enlist, as far as possible, the services of veteran organizations in this Commonwealth in the dissemination of the information.

Section 10. *Payment of compensation.*

The compensation payable under this act shall, upon requisition by the Adjutant General, be paid by the State Treasurer from the fund, to be created with funds realized from a proposed bond issue. Payments shall be made as soon as possible after funds are available.

Section 11. *Persian Gulf Conflict Veterans' Compensation Bond Fund.*

(a) *Purpose of fund.*—The Persian Gulf Conflict Veterans' Compensation Bond Fund, which is hereby created in the State Treasury, shall be the source from which all payments are authorized with the approval of the Governor to carry out the purposes of this act. The moneys in the fund shall only be utilized:

- (1) For the purpose of providing compensation to veterans in accordance with the provisions of this act.
- (2) For payment of the cost of designing and constructing a patriotic monument or memorial in appreciation of veterans of this Commonwealth.
- (3) For the administrative costs incurred in any of the purposes in paragraph (1) or (2), including the costs incurred in connection with the issuance of the bonds.

(b) *Interfund transfers authorized.*—

(i) Whenever the cash balance and the current estimated receipts of the fund shall be insufficient at any time during any State fiscal year to meet promptly the obligations of the Commonwealth from such fund, the State Treasurer is hereby authorized and directed, from time to time during such fiscal year, to transfer from the General Fund to the fund such sums as the Governor directs, but in no case less than the amount necessary to meet promptly the obligations to be paid from the fund nor more than an amount which is the smallest of:

(i) the difference between the amount of debt authorized to be issued under the authority of this act and the aggregate principal amount of bonds and notes issued, not including refunding bonds and replacement notes; and

(ii) the difference between the aggregate principal amount of bonds and notes to be issued during a State fiscal year and the aggregate principal amount of bonds and notes, not including refunding bonds and replacement notes, issued during such State fiscal year.

Any sums so transferred shall be available only for the purposes for which funds are appropriated from the fund. The transfers shall be made under this section upon warrant of the State Treasurer upon requisition of the Governor.

(2) In order to reimburse the General Fund for moneys transferred from such funds under paragraph (1), there shall be transferred to the General Fund from the fund moneys from the proceeds obtained from bonds and notes issued under the authority of this act or from other available funds in such amounts and at such times as the Governor shall direct. The retransfers shall be made upon warrant of the State Treasurer upon requisition of the Governor.

Section 12. Commonwealth indebtedness.

(a) Borrowing authorized.—

(1) If and when the electorate approves a referendum question for the incurring of indebtedness in the amount and for the purposes prescribed in this act, the issuing officials, pursuant to the provisions of section 7(a)(3) of Article VIII of the Constitution of Pennsylvania, are authorized and directed to borrow, on the credit of the Commonwealth, money not exceeding in the aggregate the sum of \$25,000,000, not including money borrowed to refund outstanding bonds, notes or replacement notes, as may be found necessary to carry out the purposes of this act.

(2) As evidence of the indebtedness, general obligation bonds of the Commonwealth shall be issued, from time to time, to provide moneys necessary to carry out the purposes of this act for such total amounts, in such form, in such denominations and subject to such terms and conditions of issue, redemption and maturity, rate of interest and time of payment of interest as the issuing officials direct, except that the latest stated maturity date shall not exceed 20 years from the date of the first obligation issued to evidence the debt.

(3) All bonds and notes issued under the authority of this act shall bear facsimile signatures of the issuing officials and a facsimile of the Great Seal of the Commonwealth and shall be countersigned by a duly authorized officer of a duly authorized loan and transfer agent of the Commonwealth.

(4) All bonds and notes issued in accordance with the provisions of this section shall be direct obligations of the Commonwealth, and the full faith and credit of the Commonwealth is hereby pledged for the payment of the interest thereon, as it becomes due, and the payment of the principal at maturity. The principal of and interest on the bonds and notes shall be payable in lawful money of the United States.

(5) All bonds and notes issued under the provisions of this section shall be exempt from taxation for State and local purposes.

(6) The bonds may be issued as coupon bonds or registered as to both principal and interest as the issuing officials may determine. If interest coupons are attached, they shall contain the facsimile signature of the State Treasurer.

(7) The issuing officials shall provide for the amortization of the bonds in substantial and regular amounts over the term of the debt so that the bonds of each issue allocated to the programs to be funded from the bond issue shall mature within a period not to exceed the appropriate amortization period for each program as specified by the issuing officials

but in no case in excess of 20 years. The first retirement of principal shall be stated to mature prior to the expiration of a period of time equal to one-tenth of the time from the date of the first obligation issued to evidence the debt to the date of the expiration of the term of the debt. Retirements of principal shall be regular and substantial if made in annual or semi-annual amounts whether by stated serial maturities or by mandatory sinking fund retirements.

(8) The issuing officials are authorized to provide by resolution for the issuance of refunding bonds for the purpose of refunding any debt issued under the provisions of this act and then outstanding, either by voluntary exchange with the holders of the outstanding debt or providing funds to redeem and retire the outstanding debt with accrued interest, any premium payable thereon and the costs of issuance and retirement of the debt, at maturity or at any call date. The issuance of the refunding bonds, the maturities and other details thereof, the rights of the holders thereof and the duties of the issuing official in respect thereto shall be governed by the provisions of this section, insofar as they may be applicable. Refunding bonds, which are not subject to the aggregate limitation of \$25,000,000 of debt to be issued under this act, may be issued by the issuing officials to refund debt originally issued or to refund bonds previously issued for refunding purposes.

(9) Whenever any action is to be taken or decision made by the Governor, the Auditor General and the State Treasurer acting as issuing officials and the three officers are not able unanimously to agree, the action or decision of the Governor and either the Auditor General or the State Treasurer shall be binding and final.

(b) Sale of bonds.—

(1) Whenever bonds are issued, they shall be offered for sale at not less than 98% of the principal amount and accrued interest and shall be sold by the issuing officials to the highest and best bidder or bidders after due public advertisement on the terms and conditions and upon such open competitive bidding as the issuing officials shall direct. The manner and character of the advertisement and the time of advertising shall be prescribed by the issuing officials. No commission shall be allowed or paid for the sale of any bonds issued under the authority of this act.

(2) Any portion of any bond issue so offered and not sold or subscribed for at public sale may be disposed of by private sale by the issuing officials in such manner and at such prices, not less than 98% of the principal amount and accrued interest, as the Governor shall direct. No commission shall be allowed or paid for the sale of any bonds issued under the authority of this act.

(3) When bonds are issued from time to time, the bonds of each issue shall constitute a separate series to be designated by the issuing officials or may be combined for sale as one series with other general obligation bonds of the Commonwealth.

(4) Until permanent bonds can be prepared, the issuing officials may in their discretion issue, in lieu of permanent bonds, temporary bonds in such form and with such privileges as to registration and exchange for permanent bonds as may be determined by the issuing officials.

(5) The proceeds realized from the sale of bonds and notes, except refunding bonds and replacement notes, under the provisions of this act shall be paid into the fund. The proceeds shall be paid by the State Treasurer periodically to those Commonwealth officers and Commonwealth agencies authorized to expend them at such times and in such amounts as may be necessary to satisfy the funding needs thereof. The proceeds of the sale of refunding bonds and replacement notes shall be paid to the State Treasurer and applied to the

payment of principal, the accrued interest and premium, if any, and cost of redemption of the bonds and notes for which the obligations shall have been issued.

(6) Pending their application for the purposes authorized, moneys held or deposited by the State Treasurer may be invested or reinvested as are other funds in the custody of the State Treasurer in the manner provided by law. All earnings received from the investment or deposit of the funds shall be paid into the State Treasury to the credit of the fund. The earnings in excess of bond discounts allowed, expenses paid for the issuance of bonds and notes and interest arbitrage rebates due to the Federal Government shall be transferred annually to the fund. Any interest or investment income shall be applied to assist in the payment of the debt service incurred in connection with this act.

(7) *The Auditor General shall prepare the necessary registry book to be kept in the office of the duly authorized loan and transfer agent of the Commonwealth for the registration of any bonds, at the request of owners thereof, according to the terms and conditions of issue directed by the issuing officials.*

(8) There is hereby appropriated to the State Treasurer from the fund as much money as may be necessary for all costs and expenses in connection with the issue of and sale and registration of the bonds and notes in connection with this act and the payment of interest arbitrage rebates or proceeds of such bonds and notes.

(c) Temporary financing authorization.—

(1) Pending the issuance of bonds of the Commonwealth as authorized, the issuing officials are hereby authorized, in accordance with the provisions of this act and on the credit of the Commonwealth, to make temporary borrowings not to exceed three years in anticipation of the issue of bonds in order to provide funds in such amounts as may, from time to time, be deemed advisable prior to the issue of bonds. In order to provide for and in connection with the temporary borrowings, the issuing officials are hereby authorized in the name and on behalf of the Commonwealth to enter into any purchase, loan or credit agreement or agreements, or other agreement or agreements with any banks or trust companies or other lending institutions, investment banking firms or persons in the United States having power to enter into the same, which agreements may contain provisions not inconsistent with the provisions of this act as may be authorized by the issuing officials.

(2) All temporary borrowings made under the authorization of this section shall be evidenced by notes of the Commonwealth, which shall be issued, from time to time, for amounts not exceeding in the aggregate the applicable statutory and constitutional debt limitation, in the form and in the denominations and subject to terms and conditions of sale and issue, prepayment or redemption and maturity, rate or rates of interest and time of payment of interest as the issuing officials shall authorize and direct and in accordance with this act. The authorization and direction may provide for the subsequent issuance of replacement notes to refund outstanding notes or replacement notes, which replacement notes shall, upon issuance thereof, evidence the borrowing, and may specify other terms and conditions with respect to the notes and replacement notes thereby authorized for issuance as the issuing officials may determine and direct.

(3) When the authorization and direction of the issuing officials provide for the issuance of replacement notes, the issuing officials are hereby authorized in the name and on behalf of the Commonwealth to issue, enter into or authorize and direct the State Treasurer to enter into agreements with any banks, trust companies, investment banking firms or other institutions or persons in the United States having the power to enter the same:

(i) To purchase or underwrite an issue or series of issues or notes.

(ii) To credit, to enter into any purchase, loan or credit agreements, to draw moneys pursuant to any such agreements on the terms and conditions set forth therein and to issue notes as evidence of borrowings made under any such agreements.

(iii) To appoint as issuing and payment agent or agents with respect to notes.

(iv) To do such other acts as may be necessary or appropriate to provide for the payment, when due, of the interest on and the principal of such notes. Such agreements may provide for the compensation of any purchasers or underwriters of notes or replacement notes by discounting the purchase price of the notes or by payment of a fixed fee or commission at the time of issuance thereof, and all other costs and expenses, including fees for agreements related to the notes, issuing and paying agent costs and costs and expenses of issuance, may be paid from the proceeds of the notes.

(4) When the authorization and direction of the issuing officials provide for the issuance of replacement notes, the State Treasurer shall, at or prior to the time of delivery of these notes or replacement notes, determine the principal amounts, dates of issue, interest rate or rates, or procedures for establishing such rates from time to time, rates of discount, denominations and all other terms and conditions relating to the issuance and shall perform all acts and things necessary to pay or cause to be paid, when due, all principal of and interest on the notes being refunded by replacement notes and to assure that the same may draw upon any moneys available for that purpose pursuant to any purchase, loan or credit agreements established with respect thereto, all subject to the authorization and direction of the issuing officials.

(5) Outstanding notes evidencing such borrowings may be funded and retired by the issuance and sale of the bonds of the Commonwealth as hereinafter authorized. The refunding bonds must be issued and sold not later than a date three years after the date of issuance of the first notes evidencing the borrowings to the extent that payment of such notes has not otherwise been made or provided for by sources other than proceeds of replacement notes.

(6) The proceeds of all such temporary borrowing shall be paid to the State Treasurer to be held and disposed of in accordance with the provisions of this act.

(d) Debt retirement.—

(1) All bonds issued under the authority of this act shall be redeemed at maturity, together with all interest due, from time to time, on the bonds, and these principal and interest payments shall be paid from the Persian Gulf Conflict Veterans' Compensation Bond Sinking Fund, which is hereby created. For the specific purpose of redeeming the bonds at maturity and paying all interest thereon in accordance with the information received from the Governor, the General Assembly shall appropriate moneys to the Persian Gulf Conflict Veterans' Compensation Bond Sinking Fund for the payment of interest on the bonds and notes and the principal thereof at maturity. All moneys paid into the Persian Gulf Conflict Veterans' Compensation Bond Sinking Fund and all of the moneys not necessary to pay accruing interest shall be invested by the State Treasurer in such securities as are provided by law for the investment of the sinking funds of the Commonwealth.

(2) The State Treasurer, with the approval of the Governor, is authorized at any time to use any of the moneys in the fund not necessary for the purposes of the referendum authorizing the indebtedness necessary to carry out this act, for the purchase and retirement of all or any part of the bonds

and notes issued pursuant to the authorization of this act. In the event that all or any part of the bonds and notes are purchased, they shall be canceled and returned to the loan and transfer agent as canceled and paid bonds and notes, and thereafter all payments of interest thereon shall cease. The canceled bonds, notes and coupons, together with any other canceled bonds, notes and coupons, shall be destroyed as promptly as possible after cancellation but not later than two years after cancellation. A certification evidencing the destruction of the canceled bonds, notes and coupons shall be provided by the loan and transfer agent to the issuing officials. All canceled bonds, notes and coupons shall be so marked as to make the canceled bonds, notes and coupons nonnegotiable.

(3) The State Treasurer shall determine and report to the Secretary of the Budget by November 1 of each year, the amount of money necessary for the payment of interest on outstanding obligations and the principal of the obligations, if any, for the following fiscal year and the times and amounts of the payments. It shall be the duty of the Governor to include in every budget submitted to the General Assembly full information relating to the issuance of bonds and notes under the provisions of this act and the status of the Persian Gulf Conflict Veterans' Compensation Bond Sinking Fund of the Commonwealth for the payment of interest on the bonds and notes and the principal thereof at maturity.

(4) The General Assembly shall appropriate an amount equal to the sums as may be necessary to meet repayment obligations for principal and interest for deposit into the Persian Gulf Conflict Veterans' Compensation Bond Sinking Fund.

(e) Expiration.—Authorization to issue bonds and notes, not including refunding bonds and replacement notes, for the purpose of this act shall expire ten years from the effective date of this section.

Section 13. Question.

(a) Submission of question to electorate.—The question of incurring indebtedness of up to \$25,000,000 for the purposes set forth in this act shall be submitted to the electors at the next primary, municipal or general election following enactment of this act.

(b) Certification.—The Secretary of the Commonwealth shall certify the question to the county boards of elections.

(c) Form of question.—The question shall be in substantially the following form:

Do you favor indebtedness by the Commonwealth of up to \$25,000,000 for the payment of compensation for service in the Persian Gulf Conflict, including \$1,500,000 for the cost of designing and constructing a patriotic monument or memorial in appreciation of Pennsylvania's veterans?

(d) Election.—The election shall be conducted in accordance with the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, except that the time limits for advertisement of notice of the election may be waived as to the question.

(e) Proceeds.—Proceeds of the borrowing shall be used for the payment of compensation for service in or in support of the Persian Gulf Conflict, including \$1,500,000 for the cost of designing and constructing a patriotic monument or memorial in appreciation of veterans of this Commonwealth.

Section 14. Designation of fountain.

(a) Designation.—The fountain in the plaza of the East Wing of the Main Capitol Building in Harrisburg shall, on and after the effective date of this act, be known as the War Veterans' Memorial Fountain.

(b) Monument.—The Department of General Services shall erect an appropriate monument to depict this designation to the general public.

Section 15. Appropriations.

(a) Compensation appropriation.—For the purpose of payment for the compensation to eligible veterans, staff services, postage and other necessary expenses incurred by the Adjutant General in the administration of this compensation program, such sums, or as much thereof as may be necessary, are specifically appropriated to the Adjutant General out of any moneys which have been deposited in the Persian Gulf Conflict Veterans' Compensation Bond Fund.

(b) Veterans' memorial.—For the purpose of designing and constructing a patriotic monument or memorial on the grounds of Indiantown Gap National Cemetery in appreciation of veterans of this Commonwealth as authorized by 51 Pa.C.S. Ch. 19 (relating to Pennsylvania Veterans' Memorial Commission), a sum not to exceed \$1,500,000 is hereby appropriated to the Adjutant General from the fund for transfer at such times and in such amounts as the Adjutant General deems reasonable and appropriate to the Veterans' Memorial Trust Fund.

(c) Continuing appropriations.—The appropriations under subsections (a) and (b) shall be continuing appropriations and shall not lapse.

Section 16. Effective date.

This act shall take effect as follows:

(1) Sections 13(a), (b), (c) and (d) and 14 of this act shall take effect immediately.

(2) The remainder of this act shall take effect upon the certification of the approval by the electorate to incur the indebtedness necessary to carry out the provisions of this act.

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Melio.

Mr. MELIO. Mr. Speaker, this amendment provides a Persian Gulf bonus for the men and women of Pennsylvania who were called upon to participate in Desert Shield and Desert Storm and authorizes construction costs associated with the establishment of an all-veteran memorial at the new veterans cemetery at Fort Indiantown Gap.

I would ask for approval.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—191

Acosta	Durham	Langtry	Robinson
Adolph	Evans	Laughlin	Roebuck
Allen	Fairchild	Lawless	Rudy
Anderson	Fajt	Lee	Ryan
Angstadt	Fargo	Leh	Saurman
Argall	Farmer	Lescovitz	Scheetz
Armstrong	Fee	Levdansky	Schuler
Arnold	Fleagle	Linton	Scrimenti
Barley	Flick	Lloyd	Semmel
Battisto	Foster	Lucyk	Serafini
Belardi	Freeman	McCall	Smith, B.
Belfanti	Gallen	McHale	Smith, S. H.
Billow	Gamble	McHugh	Snyder, D. W.
Birmelin	Gannon	McNally	Snyder, G.
Bishop	Geist	Maiale	Staback
Black	George	Markosek	Stairs
Blaum	Gerlach	Marsico	Steelman
Bowley	Gigliotti	Mayernik	Steighner
Boyes	Gladeck	Melio	Stetter
Broujos	Godshall	Merry	Stish
Brown	Gruitza	Michlovic	Strittmatter
Bunt	Gruppo	Micozzie	Stuban
Bush	Hagarty	Mihalich	Sturla

Caltagirone	Haluska	Mrkonjic	Surra
Cappabianca	Hanna	Mundy	Tangretti
Carlson	Harley	Murphy	Taylor, E. Z.
Carone	Harper	Nahill	Taylor, F.
Cawley	Hasay	Nailor	Taylor, J.
Cessar	Hayden	Nickol	Telek
Chadwick	Hayes	Nyce	Thomas
Civera	Heckler	O'Brien	Tigue
Clark	Herman	Olasz	Tomlinson
Clymer	Hershey	Oliver	Trich
Cohen	Hess	Perzel	Tulli
Colafella	Hughes	Pesci	Uliana
Colaizzo	Jadlowiec	Petrarca	Van Horne
Cole	James	Petrone	Vance
Cornell	Jarolin	Phillips	Veon
Corrigan	Johnson	Piccola	Wambach
Cowell	Kaiser	Pistella	Williams
Coy	Kasunic	Pitts	Wilson
DeLuca	Kenney	Preston	Wogan
DeWeese	King	Raymond	Wozniak
Daley	Kosinski	Reber	Wright, D. R.
Davies	Krebs	Reinard	Wright, M. N.
Dempsey	Kruszewski	Richardson	
Dent	Kukovich	Rieger	O'Donnell,
Dermody	LaGrotta	Ritter	Speaker
Donatucci			

NAYS—0

NOT VOTING—2

Saloom Trello

EXCUSED—8

Butkovitz	Freind	Josephs	Noye
Carn	Itkin	McGeehan	Vroon

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?

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—192

Acosta	Durham	Laughlin	Roebuck
Adolph	Evans	Lawless	Rudy
Allen	Fairchild	Lee	Ryan
Anderson	Fajt	Leh	Saurman
Angstadt	Fargo	Lescovitz	Scheetz
Argall	Farmer	Levdansky	Schuler
Armstrong	Fee	Linton	Scrimenti
Arnold	Fleagle	Lloyd	Semmel
Barley	Flick	Lucyk	Serafini
Battisto	Foster	McCall	Smith, B.
Belardi	Freeman	McHale	Smith, S. H.
Belfanti	Gallen	McHugh	Snyder, D. W.
Billow	Gamble	McNaily	Snyder, G.
Birmelin	Gannon	Maiale	Staback
Bishop	Geist	Markosek	Stairs
Black	George	Marsico	Steelman
Blaum	Gerlach	Mayernik	Steighner
Bowley	Gigliotti	Melio	Stetler
Boyes	Gladeck	Merry	Stish
Broujos	Godshall	Michlovic	Strittmatter
Brown	Gruitza	Micozzie	Stuban
Bunt	Gruppo	Mihalich	Sturla
Bush	Hagarty	Mrkonjic	Surra

Caltagirone	Haluska	Mundy	Tangretti
Cappabianca	Hanna	Murphy	Taylor, E. Z.
Carlson	Harley	Nahill	Taylor, F.
Carone	Harper	Nailor	Taylor, J.
Cawley	Hasay	Nickol	Telek
Cessar	Hayden	Nyce	Thomas
Chadwick	Hayes	O'Brien	Tigue
Civera	Heckler	Olasz	Tomlinson
Clark	Herman	Oliver	Trello
Clymer	Hershey	Perzel	Trich
Cohen	Hess	Pesci	Tulli
Colafella	Hughes	Petrarca	Uliana
Colaizzo	Jadlowiec	Petrone	Van Horne
Cole	James	Phillips	Vance
Cornell	Jarolin	Piccola	Veon
Corrigan	Johnson	Pistella	Wambach
Cowell	Kaiser	Pitts	Williams
Coy	Kasunic	Preston	Wilson
DeLuca	Kenney	Raymond	Wogan
DeWeese	King	Reber	Wozniak
Daley	Kosinski	Reinard	Wright, D. R.
Davies	Krebs	Richardson	Wright, M. N.
Dempsey	Kruszewski	Rieger	
Dent	Kukovich	Ritter	O'Donnell,
Dermody	LaGrotta	Robinson	Speaker
Donatucci	Langtry		

NAYS—0

NOT VOTING—1

Saloom

EXCUSED—8

Butkovitz	Freind	Josephs	Noye
Carn	Itkin	McGeehan	Vroon

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.

* * *

The House proceeded to third consideration of **HB 2454, PN 3733**, entitled:

An Act amending the act of May 28, 1937 (P. L. 955, No. 265), known as the "Housing Authorities Law," further providing for the appointment and removal of and for restrictions and limitations on members, executive directors and employees; further providing for the powers and duties of authorities and transferring administrative responsibilities to the Department of Community Affairs; and making a repeal.

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 2454 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 2454 be taken from the table.

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

BILL ON FINAL PASSAGE POSTPONED

The House proceeded to consideration on final passage postponed of **SB 515, PN 1353**, entitled:

An Act amending the act of June 18, 1984 (P. L. 384, No. 81), entitled "Amusement Ride Inspection Act," further defining "amusement ride"; providing for the Amusement Ride Safety Advisory Board; and further providing for inspections.

On the question recurring,
Shall the bill pass finally?

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

YEAS—192

Acosta	Durham	Laughlin	Roebuck
Adolph	Evans	Lawless	Rudy
Allen	Fairchild	Lee	Ryan
Anderson	Fajt	Leh	Saurman
Angstadt	Fargo	Lescovitz	Scheetz
Argall	Farmer	Levdansky	Schuler
Armstrong	Fee	Linton	Scrimenti
Arnold	Fleagle	Lloyd	Semmel
Barley	Flick	Lucyk	Serafini
Battisto	Foster	McCall	Smith, B.
Belardi	Freeman	McHale	Smith, S. H.
Belfanti	Gallen	McHugh	Snyder, D. W.
Billow	Gambic	McNally	Snyder, G.
Birmelin	Gannon	Maiale	Staback
Bishop	Geist	Markosek	Stairs
Black	George	Marsico	Steelman
Blaum	Gerlach	Mayernik	Steighner
Bowley	Gigliotti	Melio	Stetler
Boyes	Gladeck	Merry	Stish
Broujos	Godshall	Michlovic	Strittmatter
Brown	Gruitza	Micozzie	Stuban
Bunt	Gruppo	Mihalich	Sturla
Bush	Hagarty	Mrkonic	Surra
Caltagirone	Haluska	Mundy	Tangretti
Cappabianca	Hanna	Murphy	Taylor, E. Z.
Carlson	Harley	Nahill	Taylor, F.
Carone	Harper	Nailor	Taylor, J.
Cawley	Hasay	Nickol	Telek
Cessar	Hayden	Nyce	Thomas
Chadwick	Hayes	O'Brien	Tigue
Civera	Heckler	Olasz	Tomlinson
Clark	Herman	Oliver	Trello
Clymer	Hershey	Perzel	Trich
Cohen	Hess	Pesci	Tulli
Colafiglia	Hughes	Petrarca	Uliana
Colaizzo	Jadlowiec	Petrone	Van Horne
Cole	James	Phillips	Vance
Cornell	Jarolin	Piccola	Veon
Corrigan	Johnson	Pistella	Wambach
Cowell	Kaiser	Pitts	Williams
Coy	Kasunic	Preston	Wilson
DeLuca	Kennedy	Raymond	Wogan
DeWeese	King	Reber	Wozniak
Daley	Kosinski	Reinard	Wright, D. R.
Davies	Krebs	Richardson	Wright, M. N.
Dempsey	Kruszewski	Rieger	

Dent	Kukovich	Ritter	O'Donnell,
Dermody	LaGrotta	Robinson	Speaker
Donatucci	Langtry		

NAYS—0

NOT VOTING—1

Saloom

EXCUSED—8

Butkovitz	Freind	Josephs	Noyce
Carn	Itkin	McGeehan	Vroon

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.

CONDOLENCE RESOLUTION ADOPTED

The SPEAKER. We are about to take up a condolence resolution on the death of a former member of the House. The Sergeant at Arms will close the doors of the House. Members will please take their seats.

The clerk will read the resolution.

The following resolution was read:

**COMMONWEALTH OF PENNSYLVANIA
THE HOUSE OF REPRESENTATIVES
RESOLUTION**

WHEREAS, Former statesman, musical impresario, champion of education, Dr. Clyde R. Dengler passed away on August 15, 1992 at the age of ninety-three; and

WHEREAS, Dr. Dengler, a graduate of Philadelphia Conservatory of Music with a doctorate in music, also studied at Juilliard and New York University. A United States Army veteran of World War I, he was elected to the Pennsylvania House of Representatives in 1954 and served for ten years before distinguishing himself in the Pennsylvania Senate, a position he held for the next eight years. A champion of education as demonstrated throughout his service, he was instrumental in increasing subsidies to schools in densely populated areas. His teaching career in music began in 1926, and he went on to chair the music department in the Upper Darby schools. Dr. Dengler also led the Delaware County Choral Society, conducted the University Glee Club of Philadelphia and was guest conductor at choral festivals in the Mid-Atlantic region. He was most proud of the Sunshine Singers, his own senior citizens choir, which received national attention with a performance at the White House; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania note with deep regret the passing of Dr. Clyde R. Dengler, who lived his life in a way which greatly benefited his family, his community and this state; extend heartfelt condolences to his wife, Pauline Waters Dengler; sons, Clyde R. and Richard; five grandchildren and seven great-grandchildren; and be it further

RESOLVED, That a copy of this resolution be transmitted to Mrs. Pauline Waters Dengler.

We hereby certify that the foregoing is an exact copy of a resolution introduced in the House of Representatives by Representatives Matthew J. Ryan, Thomas P. Gannon, Nicholas A.

Micozzie, Mario J. Civera, Jr., Stephen F. Freind, Ron Raymond, Kathrynann W. Durham, William F. Adolph, Jr. and Robert J. Flick and unanimously adopted by the House of Representatives.

Robert W. O'Donnell
Speaker of the
House of Representatives
ATTEST:
John J. Zubeck
Chief Clerk of the
House of Representatives

On the question,
Will the House adopt the resolution?

The SPEAKER. Those in favor of the resolution will rise and remain standing as a mark of respect for a deceased former member.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of the Honorable Clyde R. Dengler.)

The SPEAKER. The resolution has been unanimously adopted.

The Sergeant at Arms will open the doors of the House.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair would like to extend its best wishes and gratitude for the return of the minority leader, Mr. Ryan, who looks quite fit and in good health.

STATEMENT BY MINORITY LEADER

Mr. RYAN. Mr. Speaker?

The SPEAKER. The Chair recognizes the gentleman.

Mr. RYAN. I do not owe money to all of them.

If I may, Mr. Speaker, I would like to just thank all of you for your many courtesies over the past couple of months, and it is one of those things that I have sent flowers, I have sent cards, I have sent all these things to people from time to time, and I guess I never really paid a whole lot of attention. It just was the thing to do. But I will tell you, when you are on the receiving end of it, you forget that people are as callous as I just referred to myself as being, and it meant a lot to me to hear from so many of you. And I know a number of you have asked me about my diet program, and I do not recommend the one I just came off of. Thank you, Mr. Speaker.

ANNOUNCEMENT BY MINORITY LEADER

The SPEAKER. The Chair recognizes the gentleman for purposes of introducing guests.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, we are fortunate today to have with us a group of distinguished dignitaries from the country of Pakistan. As part of its Pakistan Parliamentary Development Project, we here in Pennsylvania were asked by the Asia Foundation to help our colleagues better understand the theoretical and practical workings of our State government. The

Pakistan delegation has visited California, Colorado and will leave us tomorrow to travel to observe the Ontario Provincial Legislature.

At this time I would like to recognize the Speakers and Secretaries from three of the four Provincial Assemblies as well as their American hosts. Now, they are to the rear here, and I would ask these gentlemen to stand. With us is Speaker Tareen from the Northwest Frontier Province; Speaker Wattoo from Punjab Provincial Assembly; Speaker Marri is with this group but does not happen to be in the chamber at this time. He, too, is from the Sindh Provincial Assembly. Secretary Khattak from the Northwest Frontier Province; Secretary Habibullah from the Punjab Provincial Assembly; Speaker Mirza, who I believe is not in the chamber with us at this time but from the Sindh Provincial Assembly; Speaker Tom Lofius, former Speaker for 8 years of the Wisconsin State Legislature is one of the American hosts; Professor Mark Nechodom of the Asia Foundation.

Mr. Speaker, we are delighted to have all of these guests with us, and we hope in some small way we have been able to aide them in acquiring a better understanding of our political structure here in the Commonwealth and the United States. We, all of us here in the Pennsylvania House, wish you the best of luck as you continue your study tour in Canada and wish you to return to Pennsylvania at your earliest convenience. Thank you very much.

LABOR RELATIONS COMMITTEE MEETING

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

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, I would like to announce a meeting of the House Labor Relations Committee at the recess in room 302B of the South Office Building; that is a meeting of the House Labor Relations Committee immediately at the recess in room 302B of the South Office Building. The subject will be SB 88. Thank you.

The SPEAKER. There will be no more voting today. Tomorrow's session will be a token session only.

COMMITTEE MEETING CANCELED

The SPEAKER. The Appropriations Committee meeting for today is canceled.

RULES COMMITTEE MEETING

The SPEAKER. There will be a Rules Committee meeting immediately at the call of the recess at the majority leader's desk.

TRANSPORTATION COMMITTEE MEETING

The SPEAKER. The Transportation Committee will meet at the call of the recess in room 113, East Wing, to consider

SB's 1716 and 451. All Transportation Committee members are urged to report immediately to this brief meeting.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, there will be an immediate Democratic caucus. I urge the attendance of all members.

The SPEAKER. The Chair recognizes Mr. Ryan.

Mr. RYAN. Mr. Speaker, we were under the impression that tomorrow was not a token session. Our staff I thought checked with Democratic staff, and I wonder if we may have a moment to talk about this.

The SPEAKER. The House will be at ease.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes Mr. Richardson.

Mr. RICHARDSON. Mr. Speaker, I have a point of parliamentary inquiry.

The SPEAKER. The gentleman will state his inquiry.

Mr. RICHARDSON. Mr. Speaker, with respect to the announcement you just made concerning adjournment for today and then also token session for tomorrow, could you tell us what is then the actual procedure for the special convening next week of the 5th, of how that session actually operates? Will we be in session at all or is this a special session separate from regular session?

The SPEAKER. In response to the gentleman's inquiry, the House will open a special session next Monday at 1 o'clock limited to the subjects in the Governor's call, and the House will open its regular session shortly thereafter on the same day.

Mr. RICHARDSON. Thank you very much, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Ryan.

Mr. RYAN. Mr. Speaker, after a conference with the majority leader, I understand now the need for the token session tomorrow, and those matters that we were going to bring up tomorrow will be brought up on Monday during the regular session Monday rather than the special, of course.

JUDICIARY COMMITTEE MEETING

The SPEAKER. The Chair recognizes Mr. Caltagirone.

Mr. CALTAGIRONE. There will be a House Judiciary Committee meeting tomorrow in room 302 of the South Office Building at 10 a.m.

The SPEAKER. There will be no more votes cast today.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes Mr. Hayes.

Mr. HAYES. Thank you, Mr. Speaker.

There will be a very, very, very brief meeting of the Republican Caucus after you announce adjournment.

AGING AND YOUTH COMMITTEE MEETING

The SPEAKER. The Chair recognizes Mr. Stuban.

Mr. STUBAN. Thank you, Mr. Speaker.

Mr. Speaker, the meeting scheduled by the Aging and Youth Committee in 418 tomorrow will be held; the meeting will be there tomorrow.

RECESS

The SPEAKER. The Chair is in recess.

AFTER RECESS

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

BILL REREPORTED FROM COMMITTEE

SB 532, PN 2513 (Amended)

By Rep. DeWEESE

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for reciprocity in teacher certification and for the use of the proceeds of certain condemnation proceedings; and making an editorial change.

RULES.

RESOLUTIONS REPORTED FROM COMMITTEE

HR 341, PN 3723

By Rep. DeWEESE

A Resolution directing the Department of Transportation to provide Amtrak with funds to provide a second daily "Pennsylvanian."

RULES.

HR 366, PN 3961

By Rep. DeWEESE

A Resolution memorializing the United States Congress to conduct an investigation into the conviction of Mumia Abu-Jamal.

RULES.

HR 383, PN 4022

By Rep. DeWEESE

A Resolution declaring October 6, 1992, as "National Physician Assistants Day" in Pennsylvania.

RULES.

HR 384, PN 4023

By Rep. DeWEESE

A Resolution observing the week of October 25 through 31, 1992, as "Reflexology Week" in Pennsylvania.

RULES.

HR 385, PN 4024

By Rep. DeWEESE

A Resolution recognizing the month of October as "National Breast Cancer Awareness Month" in Pennsylvania.

RULES.

HR 389, PN 4032

By Rep. DeWEESE

A Resolution designating the week of November 15 through 21, 1992, as "Pennsylvania Philanthropy Week" in Pennsylvania.

RULES.

HR 391, PN 4034 (Concurrent)

By Rep. DeWEESE

A Concurrent Resolution disapproving Environmental Quality Board amendments to hazardous waste regulations.

RULES.

HR 393, PN 4036

By Rep. DeWEESE

A Resolution designating the month of November 1992 as "Pennsylvania Hospice Month."

RULES.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that the following bills be removed from the table and placed on the active calendar:

HB 149;
 HB 481;
 HB 1689;
 HB 1743;
 HB 1985;
 HB 2245;
 HB 2274;
 HB 2275;
 HB 2429;
 HB 2435;
 HB 2663;
 HB 2723;
 HB 2807;
 HB 2831;
 HB 2872;
 HB 2894;
 HB 2943;
 SB 1790; and
 SB 1794.

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

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 the gentleman, Mr. Nickol.

Mr. NICKOL. Thank you.

Mr. Speaker, I move that this House do now adjourn until Wednesday, September 30, 1992, 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 1:49 p.m., e.d.t., the House adjourned.