COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

WEDNESDAY, SEPTEMBER 24, 1980

Session of 1980 164th of the General Assembly No. 62

HOUSE OF REPRESENTATIVES

The House convened at 10 a.m., e.d.t.

THE SPEAKER (H. JACK SELTZER) IN THE CHAIR

PRAYER

THE HONORABLE RUTH B. HARPER, member of the House of Representatives and guest chaplain, offered the following prayer:

Let us pray:

Our Father in Heaven, we give Thee thanks for this day for Thy bountiful blessings and for Thy Divine love for each of us. We thank Thee, too, our Father, for our positions of responsibility and trust; and in it is our prayer that we may be faithful to Thee and to those whom we represent. Grant us wisdom to know what is right and courage to pursue it. As we create laws that will govern our people, grant that each of us may put aside any selfish motive and, sharing our wisdom and talents, create a better and a happier way of life for Thy people. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Tuesday, September 23, 1980, will be postponed until printed.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2936  By Representatives STEWART, HALVERSON, S. E. HAYES, JR., DIETZ, GEIST AND TELEK

An Act amending the "Industrial and Commercial Development Authority Law," approved August 23, 1967 (P. L. 251, No. 102), authorizing the creation of regional authorities.

Referred to Committee on STATE GOVERNMENT, September 23, 1980.

No. 2937  By Representatives STEWART, HALVERSON, S. E. HAYES, JR., DIETZ, GEIST AND TELEK

An Act amending "The County Code," approved August 9, 1955 (P. L. 323, No. 130), authorizing the issuance of non-debt revenue bonds for regional authorities and authority to request a referendum and making editorial corrections.

Referred to Committee on LOCAL GOVERNMENT, September 23, 1980.

No. 2938  By Representatives HASAY, A. K. HUTCHINSON, WASS, McCALL AND DOMBROWSKI

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for exemption from fees for the retired.

Referred to Committee on TRANSPORTATION, September 23, 1980.

No. 2939  By Representatives PITTS, E. R. LYNCH, LEVI, E. G. JOHNSON, YAHNER, SALVATORE AND TELEK

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), adding and deleting the names of certain boards of trustees for facilities under the jurisdiction of the Department of Public Welfare, *** and changing the name of a State hospital to "center."

Referred to Committee on HEALTH AND WELFARE, September 23, 1980.

No. 2940  By Representative POTT

An Act amending the "Wage Payment and Collection Law," approved July 14, 1961 (P. L. 637, No. 329), providing for provisions concerning employes paid on a commission basis.

Referred to Committee on LABOR RELATIONS, September 23, 1980.

No. 2941  By Representatives McINTYRE, BURNS, GALLAGHER, SALVATORE, WILSON, RIEGER, R. C. DONATUCCI, MAIALE, BELOFF, WHITE, COHEN, RAPPAPORT, BORSKI, LEVIN, McKELVEY, MCMONAGLE, DUMAS, BARBER, J. L. WRIGHT, JR., GIAMMARCO, OLIVER AND STREET

An Act declaring that certain real property used by a church, shrine, school, academy, boys’ or girls’ home shall be exempt from any real property taxes imposed by political subdivisions.

Referred to Committee on STATE GOVERNMENT, September 23, 1980.

No. 2942  By Representatives RICHARDSON, IRVIS, MANDERINO, HARPER, BARBER,
Referred to Committee on RULES, September 23, 1980.

No. 252

By Representatives PITTS, E. Z. TAYLOR, E. R. LYNCH, E. H. SMITH, BURD, CALTAGIRONE, PRATT AND FRYER

House urges the President of the United States to approve the International Trade Commission's findings on mushrooms.

Referred to Committee on FEDERAL-STATE RELATIONS, September 23, 1980.

SENATE MESSAGE

SENATE BILL FOR CONCURRENCE

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

SB 227, PN 228

Referred to Committee on Health and Welfare, September 23, 1980

SENATE MESSAGE

HOUSE BILLS

CONCURRED IN BY SENATE

The clerk of the Senate informed that the Senate has concurred in HB 1845, PN 2271, and HB 2114, PN 3586.

SENATE MESSAGE

AMENDED HOUSE BILL

RETURNED FOR CONCURRENCE

The Senate returned the following House bill with amendments in which concurrence of the House is requested:

HB 2204, PN 3907.

The SPEAKER. The bill will appear on the calendar.

BILLS SIGNED BY SPEAKER

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

HB 1845, PN 2271

An Act prohibiting the utilization of the terms "mongolism" or "mongoloid" as a synonym for the genetic disorder known as Down's syndrome.

HB 2114, PN 3586


LEAVES OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the majority whip. Mr. S. E. HAYES. I request a leave for the gentleman from Lackawanna, Mr. SERAFINI, and for the gentleman from Mifflin, Mr. DeVERTER, for today.
The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, we ask for a leave of absence for the gentleman from Philadelphia, Mr. MAIALE, and for the gentleman from Erie, Mr. DiCARLO, for today.

The SPEAKER. Without objection, leaves will be granted.

**MASTER ROLL CALL RECORDED**

The SPEAKER. Members please take your seats. The Chair is about to take the master roll. The members will proceed to vote.

The following roll call was recorded:

**PRESENT—176**

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<tr>
<th>Alden</th>
<th>Foster, W. W.</th>
<th>Lescovitz</th>
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**ADDITIONS—18**

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**NOT VOTING—1**

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**CALENDAR**

**BILLS AGREED TO 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 682, PN 2098; SB 765, PN 1811; HB 2537, PN 3840; SB 1063, PN 1594; SB 1430, PN 1836; SB 1253, PN 1558; HB 2351, PN 3914; HB 2920, PN 3910; HB 2764, PN 3673; HB 2620, PN 3467; HB 2621, PN 3468; HB 2622, PN 3469; SB 1373, PN 1741; HB 2327, PN 3884; SB 1262, PN 1663; and SB 776, PN 2031.

**MEMBERS' PRESENCE RECORDED**

The SPEAKER. The following members ask that their names be added to the master roll:

- The gentleman from Lehigh, Mr. Ritter; the gentleman from Centre, Mr. Cunningham; the gentleman from Lebanon, Mr. Moehlmann; the gentleman from Philadelphia, Mr. Rappaport; the gentleman from Lehig, Mr. Zeller; the gentleman from Lehigh, Mr. Zwilk; the gentleman from Butler, Mr. Burd; the gentleman from Lancaster, Mr. Wenger; the gentleman from Greene, Mr. DeWeese; the gentleman from Elk, Mr. Wachob; the gentleman from Philadelphia, Mr. Williams; and the gentleman from Bradford, Mr. Madigan.

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of HB 2919, PN 3909, entitled:


On the question, Will the House agree to the bill on third consideration? Bill was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage. The question is, shall the bill pass finally? Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

**YEAS—175**

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<td>Bills on Third Consideration Continued</td>
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<tr>
<td>The House proceeded to third consideration of SB 1263, PN 2100, entitled:</td>
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<tr>
<td>An Act amending the act of January 19, 1968 (1967 P. L. 996, No. 443), entitled “The Land and Water Conservation and Reclamation Act,” granting the Secretary of Environmental Resources the right to enter certain premises for the purpose of conserving and reclaiming land and water resources; providing for the lien upon such land; providing for the promulgation of rules and regulations and providing for rights of recovery for abatement of emergency conditions; establishing an account to receive and disburse Federal funds; and reappropriating lapsed funds.</td>
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<td>On the question, Will the House agree to the bill on third consideration? Bill was agreed to.</td>
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<td>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.</td>
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<th>YEAS—175</th>
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<td>Dininni, NOT VOTING—13</td>
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<td>Austin, DiCarlo</td>
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

**Remarks on Vote**

The SPEAKER. The Chair recognizes the lady from Susquehanna, Miss Sirianni.

Miss SIRIANNI. Mr. Speaker, I would like to be recorded as voting in the affirmative on HB 2919.

The SPEAKER. The lady's remarks will be spread upon the record.
The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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 SB 1475, PN 1917, entitled:

An Act making an appropriation to the Department of Revenue for reimbursements to certain municipalities.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

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

**YEAS—178**

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

* * *

The House proceeded to third consideration of SB 1508, PN 2101, entitled:


On the question,

Will the House agree to the bill on third consideration?

Mr. PIEVSKY offered the following amendment No. A8467:

Amend Sec. 1 (Sec. 3), page 8, line 12, by striking out "$84,000" and inserting $50,000.

On the question,

Will the House agree to the amendment?

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

Mr. PIEVSKY. Mr. Speaker, this is a simple amendment that affects the administrative cost of the Emergency Adult Education Program for Indochina refugees. It is so simple, Mr. Speaker, that it is agreed to.

What I am planning to do, Mr. Speaker, is recommend cutting the $84,000 to $50,000, and with the remaining $34,000 to be used for program use at the local level. I urge an affirmative vote on both sides of the aisle, Mr. Speaker.

**MEMBERS’ PRESENCE記錄ED**

The SPEAKER. The following members ask that their names be added to the master roll:

The gentleman from Washington, Mr. Sweet, and the gentleman from Montgomery, Mr. Lashinger.
CONSIDERATION OF SB 1508 CONTINUED

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

The following roll call was recorded:

YEAS—177

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

On the question,
Will the House agree to the bill as amended on third consideration?
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—178

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NAYS—0

NOT VOTING—16

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<th>Barber</th>
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<td>Donatucci, R.</td>
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<td>Dumas</td>
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EXCUSED—7

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<tr>
<th>Austin</th>
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<td>DeVenter</td>
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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 1462, PN 1681, entitled:

An Act authorizing and directing the Department of General Services, with the Department of Environmental Resources and the Governor, to convey to Hartley Township, 1.308 acres of land situate in Hartley Township, Union County, Pennsylvania.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

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

**YEAS—173**

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**NAYS—0**

**NOT VOTING—20**

Anderson, Barber, Beloff, Donatauci, R., Dumas, Geesy, Giammarco, Gray, Johnson, J. J., Jones, Leht, O'Brien, B. F., Puccitarelli, Reed, Shanding, Sirianni, Spencer, Street, Williams, Yohn, Zawikl, Zitterman, Zwill.
The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

* * *

The House proceeded to third consideration of HB 2470, PN 3885, entitled:

An Act amending the act of November 22, 1978 (P. L. 1166, No. 274), referred to as the Pennsylvania Commission on Crime and Delinquency Law, further providing for the termination of the commission.

On the question, Will the House agree to the bill on third consideration? Bill was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

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

Mr. ZELLER. Mr. Speaker, in regard to HB 2470, would Mr. Fisher consent to brief interrogation?

The SPEAKER. The gentleman, Mr. Fisher, indicates that he will. The gentleman, Mr. Zeller, may proceed.

Mr. ZELLER. As a member of this group in the northeast region, would you explain the need for it and what it is doing? Is it because of the fact that funds are needed to extend it to December 31, because I understand that LEAA goes out of business on December 31. Is this needed because of legal action in the state for termination or what? I do not understand it.

Mr. D. M. FISHER. Mr. Speaker, as a member of the supervisory board of the Pennsylvania Commission on Crime and Delinquency, there are approximately $14 million in funds which, although the LEAA funding for future years has dried up, it looks like the Congress will not fund it at least at past levels. There are moneys available which will be used for renewal grants and some first-time grants that are still to be considered at the October meeting of the commission. But the purpose of extending the life of the commission, particularly at this time, is there will be activities and there will be funds at least for the next year and we will have time in that period to determine how the commission should be restructured for the future.
The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

* * *

The House proceeded to third consideration of SB 144, PN 975, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania permitting the use of suppressed voluntary admissions or confessions to impeach a defendant's credibility.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that SB 144 be recommitted to the Committee on Judiciary.

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

The SPEAKER. Without objection, all of the bills on page 17 and page 18 will be passed over.

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

Mr. GRABOWSKI. Mr. Speaker, I do have an objection to passing over HB 2077 on page 17.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, the reason this bill was passed over was neither the Democratic caucus nor the Republican caucus took this bill or any of the other game law bills up in caucus and they are not ready for a vote. That is the only reason they are being passed over, these next two pages.

Mr. GRABOWSKI. Could we pass over them temporarily until after caucus?

Mr. RYAN. It is not my intention to caucus today or recommend a caucus today.

Mr. Speaker, 1 would yield to the minority leader.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. I would like to talk privately with the majority leader. I have some additional information neither one of us had when we marked the calendar.

The SPEAKER. The House will be at case.

The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, after a conference with the minority leader, I would request that all of the game law bills, starting with HB 2077 on page 17 and all of page 18, be passed over temporarily for the purpose of caucusing a little later in the day.

The SPEAKER. Without objection, HB's 2440, 2441, and 2510 will be passed over. The Chair hears none.

HB 2077 and all of the bills on page 18 will be passed over temporarily.

* * *

The House proceeded to third consideration of HB 2837, PN 3774, entitled:

An Act amending the "Nursing Home Loan Agency Law," approved July 22, 1974 (P. L. 610, No. 207), adding a legislative finding; further defining "nursing home" and "reconstruction"; and further providing for qualifications of applicants and loan application requirements.

On the question, Will the House agree to the bill on third consideration? Bill was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

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

YEAS—183

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Barber
Belardi
Bennett
Berson
Bitte
Borski
Bower
Brandi
Browne
Burd
Burns
Caltagirone
Cappalbiana
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Chess
Cimini
Civita
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Corell
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Cowell
Cunningham
DeMedio
DeWeese
Davies
Dawida
Diniz
Dombrowski
Donatusci, R.
Dorr
Duffy
Earley
Fee
Fischer
Fisher
Foster, W. W.
Foster, Jr., A.
Belardi
Gatrell
Gamble
Gantt
Gatski
Ghese
Geist
George
George
Gladek
Gobol
Goodman
Grabowski
Gray
Greenfield
Gracieu
Gruppo
Hagarty
Harper
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Hayes, Jr., S.
Helfrich
Hofel
Honaman
Hutchinson, A.
Hutchinson, W.
Irvis
Itkin
Johnson, E. G.
Jones
Kanuck
Klingaman
Knepper
Knight
Kolter
Kowalshyn
Kukovich
Lashinger
Laughlin
Lehr
Leskovits
Lettermen
Levi
Levin
Livengood
Lynch, E. R.
McCall
McClatchy
McIntyre
McKelvy
McMonagle
McMurry
Machowski
Madigan
Manderno
Manniller
Michlovic
Micozio
Milanovich
Miller
Moshmann
Mowery
Mrkonich
Mullen
Murphy
Nahill
Novak
O'Brien, D. M.
O'Donnell
Olive
Perzel
Peterson
Petrarca
Phillips
Piccola
Pieysky
Pisella
Pitts
Polite
Politi
Pott
Pratt
Pucciarelli
Punt
Pyles
Rappaport
Rasco
Richardson
Rieger
Rocks
Rodgers
Ryan
Salatore
Scheaffer
Schmitt
Schwedcr
Seventy
Shupnik
Sienihski
Sirisanti
Smith
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Spenec
Spitz
Stairs
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Stuben
Sweet
Swift
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Taylor, F.
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Trello
Troon
Wachob
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Wenger
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Williams
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Wright, D. R.
Wright, Jr., J.
Yahner
Zeller
Zitterman
Ziner
Zwerer
The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

REMARKS ON VOTES

The SPEAKER. The Chair recognizes the lady from Cambria, Mrs. Clark.

Mrs. CLARK. Mr. Speaker, may I be recorded in the affirmative on SB 1508?

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

The Chair recognizes the lady from Delaware, Mrs. Durham.

Mrs. DURHAM. Please let the record show that if I had been in my seat on HB 2837, I would have voted in the affirmative.

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

The Chair recognizes the gentleman from Bedford, Mr. Dietz.

Mr. DIETZ. Mr. Speaker, I was out of my seat when the vote was taken on HB 2837. Had I been in my seat, I would have voted in the affirmative.

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

BILLS ON THIRD
CONSIDERATION CONTINUED

The House proceeded to third consideration of SB 579, PN 2097, entitled:


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

Mr. ROCKS offered the following amendment No. A8466:

Amend Sec. 2 (Sec. 453), page 2, lines 20 and 21 by striking out both of said lines and inserting a physician has certified in writing that the life of the mother would be endangered if the fetus were carried to full term.

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

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

Mr. ROCKS. Mr. Speaker, the amendment in front of us comes as a result of the June 30 Supreme Court decision upholding the Hyde amendment. Simply stated, what this amendment would do is it would prohibit the use of public money for the purpose of abortion in the State of Pennsylvania with the following exceptions: where the life of the mother was endangered and in the case of rape and incest. That, Mr. Speaker, is the amendment.

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

Mr. CUNNINGHAM. Mr. Speaker, I will only say that there is an enormous body of medical opinion that the health of a woman is never threatened by a pregnancy except under circumstances that would threaten her life. The bill that is before us would fund pregnancies that are a threat to life. I would just like to quote one of many, many physicians on whom reliance could be made to say that, and I quote, "The provisions of standard obstetrical care," and we are not talking about extraordinary obstetrical care, merely standard care, the kind of care that any woman would find available in any clinic in Pennsylvania regardless of her income, "throughout the pregnancy would leave that woman in the exact state of health following childbirth that she possessed before she became pregnant." It is simply not true that abortions are necessitated by threats to the health of women. Sometimes in very rare circumstances they are necessitated by threats to life. Our bill would protect pregnancies under those circumstances.

A vote against this amendment is a pro-abortion vote. A vote in favor of this amendment is a pro-life vote, and I would encourage the adoption of the amendment.

The SPEAKER. Does the minority leader wish to be recognized?

Mr. IRVIS. Yes.

The SPEAKER. The gentleman is in order and may proceed.

Mr. IRVIS. Mr. Speaker, I oppose the amendment offered by the gentleman, Mr. Rocks. I will point out to the gentleman, Mr. Cunningham, that neither he nor I can be an authority nor any male can be an authority on pregnancy. He may have in his lifetime caused a pregnancy, as I have, but he has never borne a child, as he cannot. I pay no attention whatsoever, Mr. Speaker, to male physicians who pontificate about no threat to the health of the female by coming to term. We are not talking about the breeding of pigs, Mr. Speaker; we are talking about human beings who have nervous systems, who have psychological problems, who have mental and emotional problems, all of which may bear directly on the future health of the bearing mother. If Mr. Cunningham is right and if there is no threat to the health of a pregnant woman, then there is no need to change the words in this bill. If he is right, those words are inoperative, meaningless. If he is right, then no
physician will pay any attention to the words “health of the mother,” because if he is right, all the physicians will know that there is never a threat to the health of the mother except as he said, the threat of death.

I do not believe the gentleman’s statement. I do not believe the quotation he read. I do not believe any male physician has any right to make that statement, and I would like to hear from some of the women on the floor of the House whether they agree that there is no threat to the health of a female bearing a child except the threat of death. I oppose the amendment and I ask that the House vote it down.

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

Mr. MULLEN. Mr. Speaker, I support the amendment.

First of all, this is a good amendment, but you heard Leroy Irvis speak about the health of the mother. The problem is, if you leave the words “health of the mother” in there, you might as well not have any anti-abortion legislation at all; because if you read the Roe v. Wade case, the United States Supreme Court case, which had stricken down state laws in the past, they have carefully defined what the health of the mother means. Quote, this is what they say in that decision: “...when a pregnancy would: ‘Force upon a woman a distressful life and future. Produce psychological harm...tax mental and physical health by child care...bring the distress associated with the unwanted child...bring the continuing difficulties and stigma of unwed motherhood.’”

Now, if you read that, it is inconceivable to me that any woman who would want an abortion could not be able to get it under that definition. This is why we have to exclude the word “health” from any anti-abortion legislation. Because if you leave the word “health” in there, you might as well have no legislation at all. Certainly, in my opinion, a woman under any circumstances would fall within that definition of the Supreme Court. That is why with the Rocks amendment we are excluding health. But, we have to look to Washington.

First of all, all of us read the recent decision of the United States Supreme Court dealing with the State of Illinois. The United States Supreme Court, in that decision, said this: It said that under the Roe v. Wade case, we did not mean that any state is going to be required to fund abortions with taxpayers’ money. They made it emphatically clear that they did not say that. They said a state does have the right to refuse to use state moneys to prohibit abortions. They did not say that we had the right to outlaw abortions; we do not, because the Wade case still stands. Anyone who seeks an abortion with their own funds can still get the abortion. All we are doing here today is stating to the people of the Commonwealth, we are not going to use taxpayers’ money for the funding of abortions in Pennsylvania in the future.

Now, we are not going to prevent all abortions, because last year in Pennsylvania we aborted 63,000 children. Of those 63,000, 10,000 abortions were paid by taxpayers’ funds. That is all we are talking about in this amendment and in the bill. We are talking about preventing the use of state moneys for the funding of abortion in Pennsylvania. It is a good amendment; it is the best we can do; it will save 10,000 lives, and I think that is important. If it only saves one life, it would be important, but it saves 10,000 lives. So I certainly recommend that you adopt this amendment of Mr. Rocks. It is a good amendment and it will accomplish what I said it would. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Freind.

The Chair is attempting to take in order the members that he recognizes and as they are seen. Mrs. Clark will be next.

Mr. FREIND. The argument has been raised that males do not have a right to vote on this issue and that male doctors do not have a right to give an opinion with respect to this issue. We are legislators, Mr. Speaker. Carrying that argument to its logical conclusion, we are constantly called on to vote on legislation dealing with senior citizens. Are we to say that only those legislators who are senior citizens can vote on such legislation? We vote on licensing bills all the time. We voted on a bill yesterday with respect to chiropractors. Should only chiropractors be entitled to vote on this issue? We are voting on the issue, Mr. Speaker, of life, and I think we are all entitled to vote on that issue whether we are male or female.

This amendment, even if it is passed, is no great departure from what we have done in the past. In fact, it does not go as far as what we have done in the past. In 1978, this legislature overwhelmingly passed Act 148 of 1978 over Governor Shapp’s veto. That bill prohibited the use of state funds for all abortions except those to save the life of the mother. We, Mr. Speaker, are not going nearly that far in this bill. We have been very careful in drafting it to track the language of the June 30, 1980 Supreme Court decision.

If this bill is passed, if this amendment is passed, there will be no Medicaid funding for abortions except those where the life of the mother would be endangered—and that is different; it is more liberal than saving the life of the mother—also in cases of rape and incest, if reported promptly, because that is what Federal law requires. It is not nearly as far as the 1978 act, which we never repealed, but was immediately enjoined by a Federal district court. The end effect is this: Last year we picked up the entire tab for 10,303 abortions in the Commonwealth of Pennsylvania. If this amendment were law at the time, we would have paid for 98, Mr. Speaker.

This is not a vote on whether or not one supports abortion. It is a vote on whether or not we should be utilizing Commonwealth funds for abortions. If this amendment is not put in and the health language remains, as Mr. Mullen pointed out, there is no sense in even voting the bill because the word “health” leaves a loophole that is so wide you could take a truck through it sideways. Right now what we are doing with taxpayers’ money is subsidizing abortions for any reason whatsoever, including abortions that are
used as a method of birth control, because the health guideline is that wide. I do not think that that is right; I do not think the taxpayers' money should be used for that. And if we vote this amendment, we will only be paying for those abortions where the life of the mother is endangered. It is a good amendment. It is a necessary one, and I urge its passage.

The SPEAKER. The Chair recognizes the lady from Cambria, Mrs. Clark.

Mrs. CLARK. Mr. Speaker, it really does not make any difference whether you are a woman or a man voting for this. I think we should support this amendment. We must support it. There is a need to change the words. Now that the Hyde amendment is constitutional, it is up to the state legislators to prohibit public funding of abortions. This is what the Hyde amendment said. This is what the Supreme Court handed down in its decision. If we want to avoid language such as health, I think we better pass this amendment, because health can mean all kinds of things. It can be used as a convenience word. It could go to mental health. It could have women say, I do not want to carry this child; I do not want to go to fulfillment because it is going to affect my mental health; it is going to give me headaches; it is going to depress me; it is going to keep me from working on my job. All of these things, all of these things, would then be considered.

I do not think we should use the word "health." We should go back to the original words and we can avoid future differences and all kinds of questions of differences on this wording. Here the meaning is exact, and if we want to accomplish what the Hyde amendment intended, I think we should do this. On public abortions, even though people have the right to have abortions, there is nothing in our constitutional law that says we have a right to make the public pay for it. We are simply going to stop public funding of abortions, and the taxpayers want us to do that. Now that the Supreme Court has cleared the way for state regulation of abortion funds, I think it is up to us to support this and remit public funding of abortions.

MEMBER'S PRESENCE RECORDED

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Reed.

Mr. REED. Mr. Speaker, I ask that my name be added to the master roll.

FILMING PERMISSION GRANTED

The SPEAKER. The Chair has given permission to Mr. Vince Mannino of United Press International to take still photographs on the floor of the House for a period of 10 minutes starting now.

CONSIDERATION OF SB 579 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Lashinger.

Mr. LASHINGER. Mr. Speaker, would one of the sponsors, co-sponsors, of the amendment stand for brief interrogation?

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

Mr. LASHINGER. Mr. Speaker, at the outset I want to be clear that I am in general agreement with some of the statements that have been made by those members who would consider themselves pro-life advocates. My concern is the attempt by the co-sponsors to track some of the Federal language, and I really need an explanation as to whether we are doing this with the leeway that the Hyde amendment has given us at the state level. Mr. Cunningham indicated that the amendment, as it is drafted, 8466, would include those categories of rape and incest. I am not convinced or I do not understand why we are not specifically, if we have that opportunity to track the Federal language, why we do not specifically, instead of allowing it to interpretation, why we do not include that language in such an amendment.

Mr. ROCKS. Mr. Speaker, if the speaker will look at the bill on lines 17 and 18, he will see the language "...except those abortions for which funding is required under Federal law...." That language in this bill includes, as Federal law does today, the exceptions for rape and incest.

Mr. LASHINGER. Will not that change annually, though, with each legislative session?

Mr. ROCKS. I am sorry.

Mr. LASHINGER. Will that law not change annually with each legislative session, that Federal law? My understanding of the Hyde amendment is it has to be renewed in each session.

Mr. ROCKS. With each appropriation.

Mr. LASHINGER. With each appropriation?

Mr. ROCKS. Yes.

Mr. LASHINGER. So it is possible at some time, with us not including that specific language, that those might at some future time not be included in those that qualify for funding?

Mr. ROCKS. The speaker is correct. That is evolving, if you will, Federal language and is subject to change each year as that is the way the Hyde amendment is drafted. I think it is only fair to the membership of this body to understand, at least from this member's point of view and the other sponsors of this amendment, that I personally do not agree with the rape and incest exception. However, I am willing to accept that at this point in time because there is no one involved with this issue who does not understand the history of actions in the courts. Therefore, the exception is included in both the amendment and the bill that is in front of you.

Mr. LASHINGER. Your reply really is what prompted my question. I understand with those who have drafted the amendment why it is desirable to just merely insert the language, "...except those abortions for which funding is required under Federal law...." so we do not have to come back and go through this dance of legislation in each legislative session here in Harrisburg.
My fear is, though—and this is a policy statement on behalf of us in the General Assembly—that we have dropped that language in taking that easy out and saying that we are just going to follow the Federal law, and as they change in Washington, so will we change here in Harrisburg. It would be my hope, in your statement that you do not approve of those categories, rape and incest categories, funding in those categories, that we would include language so that we could make a policy statement, at least the majority of members, especially those who vote in favor of such amendment, that we do approve of those categories and that we would be specific, and that should Federal law change, we would come back and we would continue to include those categories despite the changes in Federal law.

Mr. ROCKS. Mr. Speaker, I just do not share your fears on that and believe that the sponsors of this amendment and many people who will cast a vote in here today are so concerned about the whole question of publicly funded abortion in this state today, that that is what we are attempting to address, and address it within the framework of the most recent Supreme Court decision which has been made just this past June 30. One footnote to that: You may well be aware that this legislation has already overwhelmingly passed a previous General Assembly. As a matter of fact, it not only passed but there was sufficient support that a Governor’s veto was overridden.

Mr. LASHINGER. I understand that. The second question—and, believe me, to the sponsors or to the cosponsors of the amendment, I am philosophically in agreement but I am not sure that we are covering all bases with the language that is included here. I understand the loopholes that are created by the threat-to-the-life language. My personal opinion is that part of that problem lies with the medical practitioners who are certifying, for absurd reasons, abortions. Like Mrs. Clark indicated, hypothetically, someone who has a headache as a result of this pregnancy, I understand that problem, and possibly part of that problem lies with those practitioners who continue to certify. I am not sure we are going to solve—Well, we are solving it if we drop the health language completely; that is assured. My concern becomes—and I can probably predict what your answers will be—hypothetically, when we drop that language, if a woman should be—Let us assume a woman has syphilis. It in no way is a threat—

The SPEAKER. Will the gentleman yield? The Chair would ask the gentleman, Mr. Lashinger, to please confine his interrogation to the amendment at hand. The gentleman will be recognized later on if he wishes to debate the amendment, but the gentleman had asked to interrogate one of the sponsors of the amendment, and the Chair would ask that he confine his remarks to the questioning of Mr. Rocks. The gentleman may proceed.

Mr. LASHINGER. I apologize, Mr. Speaker. I thought this was pertinent to the amendment since we are changing major language in the bill now. We are dropping the word “health” from the bill and merely inserting language that would substitute “endangered the life of the mother.” Syphilis would not be an endangerment to the life of the mother, but obviously would pose a serious health problem to the mother, or rubella. Mr. Pott and I have talked about, you know, other diseases, and he has talked about drafting an amendment that would include specific diseases like these: Tay-Sach’s disease; a woman is undergoing chemotherapy for cancer treatment, and this pregnancy, combined with this type of treatment, is going to pose a serious health problem to that female. We are saying our policy statement is that we are not going to include those categories by dropping that health language. Is that correct?

Mr. ROCKS. You can say that is correct, and with all respect to Mr. Irvis, I am going to yield to one of the male experts on this, Mr. Freind.

Mr. LASHINGER. Mr. Freind is an expert for having five children, Mr. Speaker.

Mr. FREIND. Almost five. You raised several questions. One of the problems is just with the definition of health itself. It is too broad. It is virtually impossible to monitor the physicians who continually certify health for anything, including pimples. Secondly—and let us be very frank—we have the Department of Public Welfare and an administration which is certainly not a foe of abortion. Giving them any opportunity whatsoever, they will fund as many abortions as they can, and that is being very frank. Thirdly, the diseases which you mentioned are so much a threat to the health of the mother—Tay-Sach’s, syphilis—as a threat to the child. And the policy question comes down then to should you abort because there may be a problem with a child because the mother has a specific disease? My personal answer to that is, absolutely not; that, in fact, what we are doing is playing God, because there is no certainty whatsoever that that child will be born with deformities, and, in fact, even if that child is born with some abnormalities, there is nothing to say that that child will not have a full and fruitful life and contribute to society.

To answer this question—and the legislature has heard this before, but it is directly on point—is the hypothetical which the physician gives at the University of California Medical School, and I paraphrase, but he gives this hypothetical: A woman who has syphilis and a man who has tuberculosis have had four children. One is stillborn; one is born blind; one is born with tuberculosis, and one is mentally retarded. She is now pregnant with her fifth child, and the physician then queries his class, what advice would you give to that mother? And invariably the class says that they would advise the mother to have an abortion, in which case the physician replies, Congratulations; You have just murdered Beethoven.

Mr. LASHINGER. Mr. Speaker, I agree with what you said. If it posed a problem, if there was a negative health effect to the fetus, I would not agree with aborting in those instances, and I can only rely on medical experts who have related instances to me where this pregnancy, combined with this physical problem, be it Tay-Sach’s disease, will only heighten that problem or aggravate that disease—
The SPEAKER. Will the gentleman yield? It is the Chair's opinion that the gentleman is debating, and under permission to interrogate, debate is not permitted. The Chair will recognize the gentleman to debate the amendment when he is through with his interrogation. Now, if the gentleman wishes to continue interrogation on the amendment, he may proceed.

Mr. LASHINGER. Yes, Mr. Speaker; I would ask permission to debate the amendment.

The SPEAKER. The gentleman may proceed.

Mr. LASHINGER. Mr. Speaker, it is a difficult problem that we are all faced with today in this amendment. I think that generally in knowing the feeling of the House, the majority are generally in agreement with the cosponsors of this amendment. It would be my hope, though, that we could look at possibly more specific language, as I indicated in my questions to Mr. Rocks. That language, hopefully, would include our policy statement as the General Assembly in the Commonwealth, that we would like to include rape and incest, so that our law that we pass today in the Commonwealth would not hinge annually on what happens down in Washington or what is changing on an annual basis in Washington.

I believe, despite Mr. Rocks' comments, that it would be the policy statement of this General Assembly to include rape and incest as categories that would qualify for Medicaid funding for abortions. I believe that it would also be the intent of this General Assembly to include categories where a threat, a bona fide threat, a serious threat, maybe categorization of some of those diseases that we know of—and we can only rely on medical testimony, just as you are relying on medical testimony in instances where we should abort or we should not abort—we can rely, those of us who feel this way, on medical testimony on the other side of the issue.

I would hope that we would look at other amendments that might specifically adopt some of those categories. It is for those reasons, Mr. Speaker, that I would possibly ask that we look at other amendments prior to this—there are other amendments floating around—and come back and reconsider these amendments, and, if not, stick with what I expect—and I agree with Mr. Freind—is loophole language and imposes a serious problem in this. That is why I hope that this chamber would adopt, later today, some other language that would clearly delineate categories where we will be funding abortions in the Commonwealth. Thank you, Mr. Speaker.

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

Mr. ZELLER. Mr. Speaker, in regard to the amendment and the comments made by our leader, Mr. Irvis, I would like to, if I may, comment to challenge a statement that bothers me, and that is the fact that Mr. Irvis challenged man—

The SPEAKER. The Chair would ask the gentleman from Lehigh please to confine his remarks to debate on the amendment rather than challenging the statements of another member. The gentleman may proceed.

Mr. ZELLER. Well, if the Chair will answer me, how can I be effective in regard to promoting an amendment that a member has challenged the right of a man, without commenting on it? I might just as well shut up altogether. Maybe some people would be happy. Right? So you tell me what I should do, other than sit down.

A statement was made by a leader of this House, and if I as a member have no right to challenge the statement, then we are lost.

The SPEAKER. Every member has an opportunity to voice his opinion on the issue before this House, and the gentleman is in order and may do so. The Chair was only cautioning in his recognition that he does not begin to debate with a member who has already spoken on the issue. The gentleman may proceed.

Mr. ZELLER. Thank you, Mr. Speaker. I am not debating with the gentleman because I have not asked to debate him. I am just mentioning some remarks made. For instance, in the article put out, a statement by the Supreme Court as to a state being forbidden to proscribe abortion anytime prior to birth if in the opinion of one licensed physician an abortion is necessary to preserve the life and health of the mother, Roe v. Wade. In that, I want to state that nowhere do you find that that licensed physician has to be a woman. That is the point I wanted to bring out.

Another point I want to bring out is that I did not like the word used referring to human beings and pigs. I did not like that because I am sure if some good farmer takes a hog to a veterinarian, they are not going ask the veterinarian whether the veterinarian is a male or a female and whether the hog is a male or female, and I am not referring to a pig being equal to the life of an individual, a human. And I want to press to get that one straight.

To carry it further, should we allow lawyers to vote on bills pertaining to law affecting lawyers? Mr. Freind or Mr. Rocks brought out a very good point on this. I shudder to think of that possibility. The issue is not abortions per se. The issue is the funding of them with taxpayers' money.

Lastly, I hate to have any leaders stand up here and tell us that in effect man means nothing in the family. That, in effect, is saying all we are in the eyes of the gentleman is chairman of the entertainment committee and that is about it. Therefore, man could be abolished altogether, evidently, without him being abolished. Just get rid of the rest of them. So I am offended and I know he cares less whether I am offended or not, but what I am getting at is to tell me that in my family I have no right to make a decision over something I was part of, then that is carrying it a little bit too far. Thank you.

The SPEAKER. The Chair recognizes the lady from Bucks, Mrs. George.

Mrs. GEORGE. Mr. Speaker, I find it difficult to believe that this House of Representatives can be so insensitive to the needs of women who find themselves faced with unwanted pregnancies that we can in essence say it does not matter that this woman is suffering from severe heart disease, it does not matter that this woman worries day and
night that her temporarily quiet cancer may once again
march through her body, it does not matter that a woman’s
mind and body are racked with psychological distress; her
suffering is of no concern to us. Let us give her something
else to worry about. Let us make her suffer some more. I
cannot believe that this House of Representatives can be
this insensitive. I urge a ‘no’ vote.

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

Mr. WILLIAMS. Mr. Speaker, I would like to ask if Mr.
Freind or Mr. Rocks would stand for brief interrogation on
the amendment?

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

Mr. WILLIAMS. Mr. Speaker, just so I can follow the
information here, your amendment, if I am correct, seeks
to eliminate from the bill the category of health as a reason
that the abortion can be funded. Is that basically correct?

Mr. ROCKS. Yes, Mr. Speaker.

Mr. WILLIAMS. Mr. Speaker, what is your policy
reason for not desiring to have health as one of the stan-
dards by which an abortion can be funded?

Mr. ROCKS. Mr. Speaker, one specific, one policy. The
specific is that under the definition of ‘‘health’’ is the way
that we are perpetuating thousands of public-money-paid
abortions in this Commonwealth. Number one, the policy is
that every supporter of this amendment knows that devi-
ant from the Federal language as upheld by the Supreme
Court begs court action, and that is the sure way to
continue Medicaid abortion in Pennsylvania.

Mr. WILLIAMS. Mr. Speaker, are you opposed to
funding an abortion where the life of the mother is endan-
gered?

Mr. ROCKS. Mr. Speaker, if the speaker would look at
his amendment, he will see that that exception is included in
this amendment.

Mr. WILLIAMS. Mr. Speaker, my question was not
directed to the amendment, but whether or not you are in
favor of abortion if the life of the mother is endangered?

Mr. ROCKS. Mr. Speaker, I do not mind continuing the
debate; however, I believe that I was being interrogated on
the amendment. If the gentleman would like to question me
on my motives, I am not sure that I would agree to that at
this point.

Mr. WILLIAMS. Mr. Speaker, I am—

The SPEAKER. Will the gentleman yield?

It is never proper interrogation for a member to question
the motives of another member. If the gentleman wishes to
continue his interrogation in a proper manner, the
gentleman is in order and may proceed.

Mr. WILLIAMS. Mr. Speaker, I asked you about your
reasons for being opposed to abortion regarding health. I
thought it was absolutely equal and reasonable to ask you
what your position is with regard to life. And I do not
question your motives. I know that they are very, very
sound and based on integrity. I was trying to deal with the
rationale and reasons with respect to both these aspects.

You did answer with regard to health. Is it my under-
standing that you do not want to state your position with
regard to the incidence of life?

Mr. ROCKS. No, Mr. Speaker. That intent is clearly
stated on three lines in front of you in the amendment; that
is that the exception is granted where the life of the mother
would be endangered.

Mr. WILLIAMS. Mr. Speaker, just one comment on
this. I am at a loss to understand that we, as a matter of
policy, would fund abortions for incest, for rape, and for
danger to life. And that there seems to be no real sound
argument when it comes to the same proposition as a
matter of policy when it may involve the health of the
bearer of that child.

I do not agree with those who have commented that the
issue is not abortion or not, but the issue is funding. To me
that is absolutely ludicrous. The issue is a question of
policy. And my comment is that it seems to me that there is
no basic tenable rationale to say that when a person’s life is
in danger or health is in danger that indeed there should be
some fine reason and policy that a government cannot and
should not fund that procedure. That is the end of my
comments, Mr. Speaker.

The SPEAKER. Has the gentleman completed his inter-
rogation of Mr. Rocks?

Mr. WILLIAMS. I have finished my interrogation.

The SPEAKER. The gentleman is recognized to debate
the amendment. The gentleman, Mr. Williams, may
proceed.

Mr. WILLIAMS. Mr. Speaker, I am about finished with
my comments, and that is I find no distinction, if we are
going to talk about policy, as to whether or not funds can
and should be put forth for certain reasons that may exist
with the mother who is holding the child. Thank you.

The SPEAKER. The Chair recognizes the gentleman
from Allegheny, Mr. Trello.

Mr. TRELLO. Mr. Speaker, I rise to support the amend-
ment.

About 38 or 40 years ago when the Nazis controlled
Germany, there were about 6 million Jews who were
unmercifully slaughtered, and even today the people are
seeking the guilty ones to prosecute them.

In this country over 7.2 million abortions were
performed, and I am not going to talk about that, except
just that 10,000 were performed with state money. That is
what this amendment addresses itself to. In view of all that,
I would ask all my colleagues on this side of the aisle to
support the amendment.

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

Mr. STREET. Mr. Speaker, will the gentleman, Mr.
Freind, stand for brief interrogation?

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

Mr. STREET. Mr. Speaker, you gave an analogy that
was very moving about the doctor and the child, and they
said abortion, and the doctor said you just killed
Mr. STREET. Well, the problem is that it was all speculation in terms of Beethoven or all of the good things that we would like to recognize.

Mr. FREIND. Not at all. That was an absolute factual description of the physical situation of Beethoven's parents and siblings.

Mr. STREET. This had nothing to do with the behavior of the fetus though. Nothing at all. I am going to the analogy that you drew in terms of the physical condition of the parents, I do not understand your point.

Mr. FREIND. You do understand the point and you made it for me. The point is none of us know. None of us know what that unborn child is going to be; neither did the doctor know once that fetus was born. So the analogy that you drew up costing the state more money—if we are concerned about money, and we do not give two hoots about life—to deprive the mother of the freedom of choice of saying I cannot provide for this child; I cannot give this child the quality of life that I think is necessary, so before it, in fact, is born, I want to abort it. So we deprive the mother of that and she has the child. Then I come back up here and I have to argue with people on that side of the aisle as to whether we should support that child or not. I do not understand that. I would appreciate it if you would try to give some idea as to how much the projected 10,000 abortions are going to cost as opposed to the percentage of money that the state has to pay to support them.

The SPEAKER. Will the gentleman yield?

The Chair would ask that the gentleman confine his remarks to the interrogation of Mr. Freind. It is not a debate. Does the gentleman have any additional questions to ask Mr. Freind?

Mr. STREET. After he answers the last one I just asked.

Mr. FREIND. Mr. Speaker, I do not know and I do not care. We are not talking about a 50-cent copay. We are not talking about increasing general assistance. We are talking about life, human life. I will never do even 1 second of research which would end in putting a price tag on a human life. It is just not negotiable, Mr. Speaker.

Mr. STREET. That is what I am trying to do. I am trying to clear up the issue, because I have heard about four speakers here go with the public funding, go to the cash that is involved in these abortions. I want to make it clear whether we are talking about—

The SPEAKER. Did the gentleman complete his interrogation? The Chair will recognize him to debate the amendment.

Mr. STREET. No. I am trying to preface my questions so that the—

The SPEAKER. It is the opinion of the Chair that the gentleman is debating with Mr. Freind. If the gentleman wishes to continue his interrogation, he is in order and may proceed.

Mr. STREET. I need some clarity from the Chair. I do understand how I can have a one-way debate. Mr. Freind was not saying anything. Can you clear that up for me?

PARLIAMENTARY INQUIRY

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

Mr. STREET. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STREET. Mr. Speaker, I am attempting to make my question clear, and the Chair has obviously concluded that in attempting to make my question clear that I am debating with the speaker, or with the gentleman that I am trying to interrogate. I am not sure how I can be characterized as debating when no one is talking but myself. I need clarity on that.

The SPEAKER. The gentleman, Mr. Street, has requested an opportunity to interrogate the gentleman from Delaware, Mr. Freind. The gentleman is in order and may interrogate the gentleman on the question before us, which is the amendment. Interrogation does not include debate. The gentleman will continue his interrogation which means asking questions. The gentleman is in order and may proceed.
Mr. STREET. Mr. Speaker, I am dealing with now the amendment which takes out the word "health." That is on point. If we strike that word "health" and the mother has to go through the 9 months of carrying that child, then what happens if that mother cannot afford to deal with her own physical condition in a way where the health of that child can be sound?

Mr. FREIND. Mr. Speaker, if the mother qualifies for Medicaid, she receives Medicaid; if she qualifies for public assistance, she receives public assistance, and so does her baby once it is born.

Mr. STREET. And if she qualifies for the WIC - Women, Infants and Children - program, she would receive assistance from that? Right?

Mr. FREIND. I would imagine, yes, Mr. Speaker.

Mr. STREET. Okay, that brings me to the question as to the number of mothers in the State of Pennsylvania who did not have abortions; who were trying to carry their children for the 9 months; who did qualify, over 70,000 of them, for the WIC program so that they could get the proper type of nourishment and the proper type of nutritional foods that were necessary to make that child a healthy child. In doing so, we find out that the State of Pennsylvania did not acquiesce or did not respond to those mothers who made that deal and turned back over $14 million of the money that was available to give to those children. How do we deal with that? I mean it is obvious that we have a number of mothers who did not choose to have abortions, but by the same token were denied the nutritional program so that they could have a healthy child. In view of that, I think that—

Mr. FREIND. If that is a question, I want to say this, Mr. Speaker: I am as concerned about our failure to apply for the funds which are available on the WIC program as you are. I wrote to the Secretary of Health 3 weeks ago on that. He has assured me that steps are being taken that that will not occur again; all of which is screamingly irrelevant to the issue at hand, and that is to save the lives of the unborn.

Mr. STREET. To save the lives of the unborn?

Mr. FREIND. Whenever we can, yes, Mr. Speaker.

Mr. STREET. It does not matter, the quality of the unborn; just save the life?

The SPEAKER. Has the gentleman completed his interrogation?

Mr. STREET. No, I have not.

The SPEAKER. Will the gentleman please confine his interrogations? The gentleman may continue.

Mr. STREET. I think the gentleman would have been completed had the Speaker not interrupted him so much.

Mr. FREIND. The answer to your question is, we certainly want to have good quality of lives for everyone. But before you can have a good quality of life, you have got to walk before you run, and the first thing you need is life, Mr. Speaker. That is step one.

Mr. STREET. The Rocks amendment reads: "...a physician has certified in writing that the life of the mother would be endangered if the fetus were carried to full term." The life of the mother has nothing to do with the quality of the fetus. I do not understand how we can eliminate the health and you want to have children born just for the sake of saying that children are born. What about the quality of the fetus? We are talking about the fetus in here, the health of the fetus. It is very, very important as far as I can see. You are talking about the life of the fetus; the mother must carry the fetus. What about the health of the fetus?

Mr. FREIND. Mothers who qualify for Medicaid also qualify for that prenatal treatment which not only helps the health of the mother but the health of the unborn baby. I do not see what your problem is. There are funds available for pregnant women for medical services under Medicaid for the mother and for the unborn child.

Mr. STREET. My question is that with all the new technology we have, what happens if the physician says you are a healthy mother but you have a deformed fetus? And we can pick this up on all of this new technology we have. We have x-rayed; the fetus is deformed; you are going to have a mentally retarded child. What does that mother do at that point? Does she have that child?

Mr. FREIND. Mr. Speaker, number one, what do you mean by deformed? Where do we draw the line? Abort if there is harelip? They can tell, Mr. Speaker. Do you abort because of that? Abort because a child is missing an arm? Abort because a child is blind in one eye? That has been tried before, Mr. Speaker, in other places, in other times. I reject it.

Mr. STREET. My point is that that is not my decision to tell this sister or this lady here that she has to have a deformed child. That is not my decision. That is her decision. All I am simply trying to point out is, you cannot take out the life of the mother without including the life and the quality of life and the physical health of the fetus. You are talking about two human beings, not one.

Mr. FREIND. You are absolutely correct, Mr. Speaker. And that amendment shows its concern for the life of both, the life of the mother and the life of the unborn, which is why we put it in.

Mr. STREET. "'Preconcluding.'" Is it not "preconcluding" that if the life of the mother is healthy that the child is automatically going to be healthy?

Mr. FREIND. Mr. Speaker, no test can ever say with certainty what a baby is going to be like when he or she is born. We are playing God, number one. Number two, even if there is a physical deformity, does that mean that person cannot have a fine quality of life; can be something? Do we make an arbitrary decision that because it is not 100 percent perfect that the baby does not have a right to be born?

Mr. STREET. Do you think that the mother who is going to give birth to that physically deformed child should have that decision?

Mr. FREIND. No.

The SPEAKER. Will the gentleman yield?

It is the opinion of the Chair that there is an argument going on between two members rather than interrogation.
Does the gentleman wish to interrogate Mr. Freind any further?

Mr. STREET. Yes.

The SPEAKER. Then the gentleman will confine his remarks to interrogation and not debate.

Mr. STREET. Well, Mr. Speaker, if you please, I have asked—

The SPEAKER. For the information of the gentleman, that means asking questions. If the gentleman wishes to state an opinion, he is entitled to do that when he is recognized to debate the amendment.

PARLIAMENTARY INQUIRY

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

Mr. STREET. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STREET. I want to know what rule we have that tells me or directs me how to phrase my questions?

The SPEAKER. The Chair refers to Mason's Manual, Section 114, subsection B. 6., "The purpose of a question is to obtain information and not to supply it to the body. A question may not contain statements of fact unless they be necessary to make the question intelligible and can be authenticated. Neither should a question contain arguments."

POINT OF ORDER

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

Mr. PICCOLA. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. PICCOLA. It is my understanding, Mr. Speaker, that the amendment deals with the health of the mother, and the discussion, interrogation, or what have you that has been going on has been dealing with the health of the fetus or unborn child, and I would request that the debate be limited to the subject of the amendment.

The SPEAKER. If the gentleman wishes to continue to obtain information, the gentleman is in order and may proceed. He is not in order to debate the amendment.

Mr. STREET. Mr. Speaker, if we do not know or it is not proof positive about the quality of the fetus in terms of a medical opinion, then can we assure ourselves that the medical opinion of the physician is correct that on termination, that carrying the fetus for 9 months would endanger the life of the mother?

Mr. FREIND. I am sorry, Mr. Speaker, I did not understand your question.

Mr. STREET. I am saying, you responded to one of my questions to get some information and you said that in view of the technical or the scientific equipment that we have, and can have, we can determine the physical condition of a fetus before it is born, and your reply to me was that we cannot depend on that, that is not accurate, and we should not place any real credence in that and we should go on and force that mother to have the child. I am simply saying that if a doctor supplies to my wife a note in writing saying that if she carries this fetus for 9 months, it will endanger her life, should we rely on that, and at that point perform the abortion? Or should we say, well, that is not true; go and try to have the child; you might make it anyway?

Mr. FREIND. Mr. Speaker, even with technology what it is, there are no guarantees in life except one: we are all going to die someday. We do the best we can. With respect to the life of the mother issue, if a doctor certifies in writing that it is his medical judgment the life of the mother would be endangered if carried full term, it provides for an abortion. But there are no guarantees. No one, but no one, can ever say anything with absolute 100-percent certainty.

Mr. STREET. Thank you, Mr. Speaker, for your patience. I am finished.

FILMING PERMISSION GRANTED

The SPEAKER. The Chair has given permission to WHP-TV to take 10 minutes of silent film on the floor of the House, starting now.

MEMBER'S PRESENCE RECORDED

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

Mr. DUMAS. I ask that my name be added to the master roll.

CONSIDERATION OF SB 579 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, I understand the nature of this debate and I understand sometimes we deal with issues like this in a very theoretical manner. We look at the law; we look at what it should be in terms of our values, and then we vote accordingly.

The nature of this amendment is something that disturbs me greatly, because what it does is deny a class of people whom I do not think we really want to hurt by adopting such an amendment. The class of people that I would like to talk about today is the class of people who are not registered voters; they are not even adults. They are the children of our state who, by virtue of their own body, have become sexually capable, and in many instances sexually active before they have had the maturity of mind to know what they are doing. And we contribute not only to their immaturity, but also, by allowing them to fallow in their own ignorance of what it is all about, we create attitudes of manhood and womanhood which allow these young people to assume that they will become mature if they finally do the adult act of having sexual intercourse.

I am appealing to this body today, ask yourselves how many times during your adolescence, during your times of young puberty, did you almost—or maybe you did—fall
into a situation of being in a position that you could be a father or a mother, as a teenager, as a 13 year-old or 14 year-old, of an unwanted fetus? Now what does this amendment do? This amendment, in essence, says that those young children who make a mistake and who are members of poor families who do not have the capacity to provide for these types of surgical procedures will have to bear that child to term unless they can come up with the $300 or the $250.

Now, what does that give rise to? That gives rise to the back-alley abortionist who does it for $5. That gives rise to the more sophisticated teenager who says, I know how to do it. I know how to do it; get a coat hanger. That is what it gives rise to. It gives rise to a plethora of ignorance and it gives rise to maiming and destruction of human life and body. Now, you know you can pass this amendment and pass this bill, but we are going to have sexually active teenagers who are going to make mistakes, and you know what this bill is going to do. It is going to make them chattels of their own error. It is going to make them unable to deal with the problems of just getting old and mature and learning to get a job. And yet you are going to subscribe these young people to a continuum of poverty and welfare.

We want to make this quality of life in Pennsylvania better. This particular amendment will make the quality of life worse. Consider it; consider the great number of known sexual experiences that are going on in our young people, and unless you first deal with that issue and abate it and prevent those pregnancies from occurring, we are going to end up with situations of back-alley abortions. Not only that, but I can imagine the boyfriend may even have to commit some burglaries and robberies to pay for one. Think about it. Leave that language in there - "health." It is not going to affect very much the number of abortions done in Pennsylvania. If we do 60,000 this year, so maybe with this amendment we will only do 58,000 or 57,000. Nothing really in substance is going to change except the traumatic experience of the 3,000 who are denied. For their sake, I would prefer to kill a fetus and give life to the child.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the lady from Philadelphia, Mrs. Harper.

Mrs. HARPER. Mr. Speaker, I rise to oppose the Rocks amendment. Some men here today would like to see women revert to the coat hangers and back-alley abortions. We have always had abortions and we always will. Wealthy women have been able to pay for their abortions and preserve their health. Poor women have had to revert to the coat hanger that I am holding here in my hand. My first cousin gave birth to four babies within 4 years, and in the 5th year she died in childbirth. The doctor said had she had an abortion, she would probably be living today. Her feeble body could not carry five pregnancies within 5 years. Poor women with heart conditions and cancers should not be forced to try to carry a pregnancy.

I get so sick and tired of men coming up with laws that affect women only. No man can have a child. I have been here for 4 years and I have not seen a woman yet try to come up with a law that affects men only and push it through. I think women should have a right to choose. I oppose the Rocks amendment. Give women a chance to speak for themselves. Abortion should be between a doctor and a woman. No woman should be forced to carry an unwanted pregnancy.

I was just talking to a friend last week about this poor girl, 16 years of age, mentally ill, having to have this baby. She had the baby, and with her mental state, she ran hot, scalding water in the tub and placed the baby in the tub. This girl should have been taken care of. Think of a woman's health; think of a woman's mind; think of her mental condition. The word "health" should be considered. I oppose the Rocks amendment. Thank you.

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

Mr. WHITE. I would like to ask a question of one of the makers of the amendment.

The SPEAKER. The gentleman, Mr. Rocks, indicates that he will stand for interrogation. Mr. White may proceed.

Mr. WHITE. Mr. Speaker, I am reading the amendment together with the bill and I have a question with respect to the definition of public funds. As I read the bill with the amendment, we would be saying to deny the use of funds where the abortion has been certified in writing by a physician that the life of the mother would be endangered if the fetus were carried to full term. My question relates again to the definition of what is meant by public funds? For example: In the contracts that have been negotiated by the labor unions that include various health benefits paid with public funds to employees of this Commonwealth, if I would read this correctly, that no employee who is covered by Blue Cross and Blue Shield of this Commonwealth would be entitled to receive an abortion unless a physician would certify in writing that the life of the mother would be endangered if the fetus were carried to full term. My question relates again to the definition of what is meant by public funds? For example: In the contracts that have been negotiated by the labor unions that include various health benefits paid with public funds to employees of this Commonwealth, if I would read this correctly, that no employee who is covered by Blue Cross and Blue Shield of this Commonwealth would be entitled to receive an abortion unless a physician would certify in writing that the life of the mother would be endangered if the fetus were carried to full term.

Mr. ROCKS. The intention of the amendment, Mr. Speaker, is the Medicaid abortions.

Mr. WHITE. Where in SB 579 does it speak to Medicaid funds?

Mr. ROCKS. Well, without specific definition in the amendment, it is understood in this state that the Medicaid abortions have a Federal funding source that passes through our Department of Welfare.

I believe I understand your question and, frankly, if that was a court interpretation, I, for one, would be pleased.

Mr. WHITE. What it says is, "no Commonwealth funds and..."; not or, not and/or; it says, "no Commonwealth funds and no Federal funds which are appropriated by the Commonwealth..." Nowhere in this legislation does it speak to Medicaid abortions. As I am reading this bill with this amendment, what we are saying is that any money appropriated by this Commonwealth, including moneys that
this Commonwealth pays to various health service agencies like Blue Cross and Blue Shield, could be in fact expended for the purpose of having an abortion unless a physician certifies in writing that the life of that mother would be endangered if the fetus were carried to full term. If it is the intent of the makers of this amendment, I would seriously urge you to redraft this amendment to conform to what your intent is because nowhere does it speak to Medicaid funds.

Mr. ROCKS. I do not believe that would be the interpretation. However, let me speak for the sponsors of the amendment. If either the department or a court would rule that way, that would be fine.

Mr. WHITE. I am merely speaking to what exists here in terms of the language inside SB 579. And I repeat, I repeat for the benefit of both the members of this House and for all of the state employees who have their squawk boxes on in the various offices on Capitol Hill, that if they are successful in passing this amendment and if in fact SB 579 becomes law in this Commonwealth, then the contracts that have been signed with union personnel regarding health services and medical treatment would all be invalidated because what we are saying here is that no Commonwealth funds—

The SPEAKER. Will the gentleman yield? The Chair would ask the gentleman to please confine his remarks to the interrogation.

Mr. WHITE. I am just repeating what I had already said during the interrogation, Mr. Speaker.

The SPEAKER. The gentleman is debating the amendment. Has the gentleman completed his interrogation?

Mr. WHITE. Yes, I did, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman, Mr. White, to debate the amendment. The gentleman is in order.

Mr. WHITE. As I had indicated before, if this House was to pass SB 579 with the proposed amendment that is before us now, we are not only talking about those persons who are on public assistance and whose medical benefits are paid through the medical assistance program of this state, but we are also talking about state employees, that is all state employees who are also paid with Commonwealth funds - public funds - as it is clearly stated in this bill, which then would mean that none of the women or spouses would be entitled to receive abortions unless a physician has certified in writing that the life of the mother would be endangered if the fetus were carried to full term.

I have got a myriad of reasons for not supporting the amendment or the bill, but this is simply one that I wanted to point out, because I am certain that by the time we recess for lunch and the folks in these offices have a chance to call some of us on the floor and let us know about the violations that we are about to do in terms of violating the contracts that have already been signed with the various unions of this Commonwealth, we will have a different amendment before us after lunch. Thank you, Mr. Speaker.

MEMBERS' PRESENCE RECORDED

The SPEAKER. The following members ask that their names be added to the master roll:
The gentleman from Philadelphia, Mr. Dumas, and the gentleman from Philadelphia, Mr. J. J. Johnson.

CONSIDERATION OF SB 579 CONTINUED

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

Mr. WILLIAMS. Mr. Speaker, would Mr. Rocks consent to brief interrogation?

The SPEAKER. The gentleman indicates that he will.

The SPEAKER. The gentleman, Mr. Williams, may proceed.

Mr. WILLIAMS. Mr. Speaker, your amendment says that the life of the mother would be endangered. Mr. Speaker, I am wondering what your definition of life is in that amendment?

Mr. ROCKS. The line before that is important, that the physician has certified in writing the life of a mother is endangered, and beyond that it is strictly taken from the Federal statute.

Mr. WILLIAMS. Mr. Speaker, the Webster Dictionary definitions of life are as follows:

"The physical and mental experiences of an individual... the period of existence... manner of living... animation, spirit... liveliness... animate activity... one providing interest and vigor."

Mr. ROCKS. Is that a question, Mr. Speaker?

It seems to me, Mr. Speaker— I have finished my interrogation, Mr. Speaker.

Mr. ROCKS. Thank you.

Mr. WILLIAMS. Maybe I have not, Mr. Speaker. I wanted to make some comments, and maybe you can respond to it.

It is obvious, Mr. Speaker, that the many definitions of life in the dictionary have a lot to do with health first of all. It also says if a person is endangered by the quality of their living, the manner of their living, the physical and mental experiences, all of that, it seems to me quite clear that if to have a pregnancy go to full term with a female would feel any kind of trauma with that, that all of those definitions of life would be endangered.

Mr. Speaker, I am suggesting to you that it is absolutely impossible, under the dictionary definitions of life, to endanger a person's life and not to endanger their health. It is clear to me that an attempt to avoid a word; to avoid what has been designated as the open floodgates when you are talking about health, because you cannot define all of those things, that what we have done or what you are doing with your amendment on life is to say that anytime any doctor says that the manner of a way a person lives from...
then on, her mental experiences from then on, the quality of that from then on, not talking about dead or alive, if it is endangered, what you are really saying is that we can and should fund abortions. But if someone would have a terrible physical disease, that you cannot.

Mr. Speaker, it is absolutely clear to me as we struggle to put a fix on some fixed positions that sound very moral, that Mr. Freind said he is not concerned about the quality of an existence; he wants to get it into being. I say to Mr. Freind and I say to Mr. Rocks, in an effort to do that narrow-minded thing, what you are doing by this amendment, if you can read the dictionary, you are saying that an abortion can happen anytime, really, that the quality of our existence is endangered. And I say very simply and with those words, that if this amendment passes, a court is going to say that because a dictionary says that.

I would suggest, Mr. Speaker, that we defeat this amendment because it does not even do what you want it to do. Now that may be because that cannot happen, but I do not think we should rush to pass an amendment just because someone wants to win some points and just because we are all spirited about life or death and children. We say that the quality of life is exceptionally important. We also say, when it comes to a mother bearing child, that is different from a situation of a separate individual unconnected physically with another, and men never have that problem. We do not know all the answers, but we are saying that the words you are using in your amendment do more than the words that you eliminate from the bill. That is Merriam-Webster's Dictionary which is utilized by the House here in its deliberations. Thank you, Mr. Speaker.

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

Mr. RITTER. Mr. Speaker, to follow up what Mr. White mentioned about the use of funds, it seems to me, if you read the bill starting on line 18, it says, "...provided, that nothing in this act shall be construed to deny the use of funds," the use of funds, "where abortion has been certified in writing by a physician to be necessary in order to preserve the life or health of the mother." The amendment seems to take out, of course, the language "or health." But my concern is that where you say we are denying the use of funds; we do not say such funds, meaning Commonwealth or Federal funds, we do not say public funds; we say funds. Now Bethlehem Steel and Mack Trucks and General Electric and many other corporations in this Commonwealth have contracts of medical insurance which provides that certain payments will be made for certain operations, certain payments will be made for health care, et cetera. And if the intent of the sponsors is to avoid a court suit over the use of money, public moneys for abortion, I say to you that this language in this bill will not avoid a court suit but, in fact, will invite one because a strict interpretation of this language means that no funds can be expended for abortions in this Commonwealth unless it is certified in writing, according to the amendment, that the life of the mother would be endangered if the fetus is carried to full term. I am not so sure, first of all, that we can even do that, and, in effect violate private contracts. I am not so sure we can do that. I do not know if we want to do that. I personally do not want to do it. There are many other reasons why I am opposed to this amendment, but because of the cloudiness of the language in the amendment and the fact that I am convinced it will end up in court and it will cost more money to fight than to argue what we meant when we could have by some language specified exactly what we meant, I think we ought to defeat the amendment.

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

Mr. STREET. Mr. Speaker, I rise to urge this House of Representatives to defeat the Rocks amendment. I cannot comprehend how we can sit here as intelligent men and women, allegedly, and say that we have the right to tell a woman that she has to have a child even if the doctor has said carrying this child is going to make you an emotional wreck and you may end up in a mental institution; even if the doctor says having this child is going to render you inefficient; you will no longer be able to perform the duties on the job that you presently hold because you are too emotionally disturbed by this pregnancy, and it is going to upset you to the point where you will probably never recover to your full capacity that you were prior to pregnancy. But, yet, Mr. Freind can take a nonchalant position and say, I am concerned about life. All I want to do is get me some more babies running around. All I want is some more children. Once a woman has conceived, if it does not go and impact upon the life of that woman that she should bring that life into the world regardless to the quality of that life. It is incomprehensible how we can take a position of that nature. And I believe that maybe I do understand how we can take that position because it seems like, to me, those of us who are asserting, those of us who are asserting that we want the quality of life can afford to go anywhere that we want regardless of what we do here and get our private physician and have an abortion in the quiet of the night, off at some country-club setting. So, therefore, it does not matter about what the poor people are confronted with, and if you check the history of abortions, you will find out that the wealthy of this country have been having abortions by physicians since the beginning of time. So they do not need any type of legislation to give them any direction. We only need the legislation because we want, for some reason, to bring more poor children into the world who are going to be deprived. Some of them will not even be able to go to bed with a full stomach of food. It does not matter to us.

We want to take this thing because it is politically expedient for us, obviously, at this time to pass this piece of legislation. So consequently we are going to say, all of you women out there who do not want your children, have them anyhow. You deal with them for the next 18 years. You provide for those children a quality education. You provide for those children an environment that is conducive for them growing up and being a viable, functional part of
this society. Mr. Freind is not going to participate in that. Mr. Freind is not going to make a contribution to the 10,000 women who are going to have children to help and see that those children become a viable, functional part of this society. Mr. Freind is going to be up here, more than likely, legislating because we pay too much money for them on their Medicaid cards and that those mothers should now pay for the prescriptions to take care of those little children. It does not make a lot of sense how we can sit here and talk about all we want is life, but, yet, by the other side of our mouth we talk about the lazy, the shiftless, the no-good people, who we already have in the world and who do not want to work, and, therefore, we have to get them off general assistance. So maybe we need to have borne 10,000 more into the world who might grow up being lazy and shiftless so that in 10, 15, 20 years from now we can come back and pass some legislation to get them off general assistance. It does not make a lot of sense to me. It does not make a lot of sense.

I ask the question in closing of my remarks, how many of us here, if we took our wives to the doctor, who have become pregnant in the heat of passion, if you please, and the doctor said, well, nothing is going to impact upon her life. She can have the child, but I tell you that you are going to have trouble living with this woman from here on out because she is going to be an emotional wreck; she may even be an alcoholic; how many of you would make the decision to force that lady to carry that child?

(The record at this point was expunged under a point of order and agreement by Mr. Street.)

POINT OF ORDER ON EXPUNGEMENT

The SPEAKER. For what purpose does the majority leader, Mr. Ryan, rise?

Mr. RYAN. I listened to everybody laugh at Mr. Street's remarks on Mr. Zeller, but I frankly would not like to see this record contain those remarks. I would ask Mr. Street to ask that the record be expunged as to those remarks. They were improper.

Mr. STREET. Mr. Speaker, I ask that the record be expunged and I offer my most humble apology to Mr. Zeller.

The SPEAKER. Mr. Street may proceed.

Mr. STREET. Mr. Speaker, if I may continue to address the men and women in the corner?

The SPEAKER. The Chair would suggest the gentleman confine his remarks to his peers, his fellow members.

The gentleman may proceed.

Mr. STREET. I am simply, Mr. Speaker, trying to point out that I do not think because we went out and got ourselves elected that we were somehow given some kind of God-given right to take the power of choice away from men and women of the Commonwealth of Pennsylvania. And I do not think we have that right, and I think that if we want to impose that right on men and women out there—and women I am talking about. And when you are talking about the families you are talking about men and women because there are in fact families, husbands and wives, who sit down and make conscious decisions based on medical reports that have nothing to do with the life of the mother, whether they can afford or whether they cannot afford to have a child or whether they can provide what that child needs to grow up in a society. And with that, Mr. Speaker, I would ask that the members of this House of Representatives defeat the Rocks amendment. Thank you.

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

Mr. WHITE. During my interrogation and during my remarks the first time around on this amendment, I had intended to ask the makers of the amendment whether or not they would redraft the amendment to speak to the specificity of what it is they are trying to accomplish. Mr. Rocks indicated that it was the intent of the makers or the authors of the amendment to speak directly to the use of Medicaid funds. I point out again that if you read the amendment with the bill, nowhere does it mention Medicaid funds. It only speaks to Commonwealth funds and Federal funds. If you carry it to the extreme, as Mr. Ritter has done, it may even be interpreted that that means no funds in this Commonwealth, whether they are private or public, should be used in such a manner as to effect an abortion unless it is certified in writing by a physician that the life of a mother is in jeopardy.

All that I ask of the members of this General Assembly is to read the bill and the amendment together. In doing so, what you will clearly find out is that we are not just talking about poor people; you are talking about all Commonwealth employees explicitly in the language of this legislation, and I would submit that what we are doing is asking for a lawsuit questioning the constitutionality of what we are about to do in total with respect to this legislation. Read it. What it will clearly say to you is that those of us who are employed by this Commonwealth who have public moneys expended on behalf of our medical services, on behalf of our health services, would not be entitled to receive that abortion unless the life of that mother is threatened as certified by a physician. If the authors of the amendment intended it to be that way, then so be it; run this amendment, but if it is their intent, as was indicated by Mr. Rocks as one of the prime sponsors of this amendment, then it would seem to me that what they need to do is have the amendment redrafted. But regardless of what they may decide to do, I would urge that this House seriously consider whether or not we want to continue to deny poor people the rights and privileges that are afforded to everyone else in this Commonwealth, and I would oppose this amendment. Thank you, Mr. Speaker.

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

Mr. MULLEN. Mr. Speaker, I want to address my remarks to Mr. Street and Mr. White. First of all, I do not think there is any question as to what the intent of the amendment is. We all feel that if this amendment is adopted, we are going to prevent in the Commonwealth
approximately 10,000 abortions from taking place in the next fiscal year. This is clearly all of our intents. Those of us who believe an abortion is wrong, we take the position that if we could possibly do so, we would not have this bill before you just limiting abortions like we have with this amendment. We would have another bill in there preventing all abortions, but we cannot do that. This is why we have this amendment before us, because we feel with this amendment we are doing the best that we possibly can. We are saving, in our opinion, 10,000 lives.

Now, each of you members who is about to vote on this particular amendment, you have to look at the philosophy behind it. First of all, do you believe in abortion? If you believe in abortion, you have no problem in voting against this amendment. But if you are against abortion, I think basically you are going to have to vote for this amendment. I think that the important thing here is human life.

My whole life in the legislature, almost 20 years of it, has been dedicated to saving human lives. I only wish that I would be able to see the day when we could get more amendments like this to save more lives, but it is the best we can do today. If you believe that it is all right to take a human life, you vote against this amendment, but if you believe that it is wrong to take a human life, you support this amendment, because it saves 10,000 lives. There is no any question in my mind that abortion is taking a human life, because I am convinced beyond any doubt that when a woman conceives a child, that child is just as much alive as if that child were walking here on the floor of the House. This is the only decision you have to make today. Are you going to save 10,000 of those children? With this amendment, you vote for it, and I certainly suggest all of you should vote for it.

Certainly the woman has a right to become pregnant, but once that woman becomes pregnant, we are talking about more than the woman; we are talking about more than the man who made her pregnant; we are talking about a separate, distinct human being, just like you and I. It would not be right to abort us because we are old; it would not be right to abort a child who is already born because he is poor. No. Why should it be right now to save these 10,000 lives? I ask you, why should you, all of you support this amendment. It is the best we can do under the circumstances.

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

Mr. Berson. Mr. Speaker, I rise to oppose the amendment. I think we ought to be very, very clear about what we are doing here today. We are, if we pass this amendment, cutting off Commonwealth funds, and it may cut off Commonwealth funds, as Mr. White suggests, to a lot of other things, to a certain class of people, poor people. We are saying to them, we have some ideas about how you should carry on your life, and you are going to do it our way. If your health is threatened, too bad, too bad, and we are taking a narrow group of people, poor, mostly teenagers, probably confused, some on alcohol, some on drugs, and we are saying to that narrow group, not to the wealthy, not to the middle class, not to anybody else, but to the poor and the downtrodden, those least able to defend themselves in this society, you shall live and bear children as we tell you to. I think that is wrong. I think you should reject this amendment.

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

Does the gentleman, Mr. Richardson, wish to be recognized? The Chair is attempting to recognize members as they stand, and Mr. Richardson was next. Mr. Cohen will be followed by Mrs. Harper.

Mr. Richardson. I would like to yield to Mr. Cohen, Mr. Speaker.

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

Mr. Cohen. Mr. Speaker, Mr. Mullen gave some advice as to how members should vote, and I would like to draw some more distinctions. Anyone who believes deeply as Mr. Mullen does that a fetus is a human being and has to be treated as such ought to vote for this amendment. A very substantial percentage, although I believe not a majority of the House, feels that way. For those who disagree with that belief, who are concerned about the cost to the Commonwealth involved in paying for Medicaid abortions, I would suggest that the cost for not paying these Medicaid abortions is very high, and that if our concern is not the moral issues but the concern is the cost to the Commonwealth, the cost to the Commonwealth is very high. Mr. Mullen is a man of great sincerity, and he is willing, if at all possible, to support paying for all the children born as a result of Medicaid abortions and all the children who are born of other poor parents. That is a very consistent position. However, if you feel that you do not want to pay for the cost of all these children and if you feel that this is not a moral issue but merely a financial issue, then that group of members of the House, I think, ought to vote against that amendment.

The SPEAKER. The Chair recognizes the lady from Philadelphia, Mrs. Harper.

Mrs. Harper. I challenge Mr. Mullen on whether we will save lives or lose lives by this amendment. We will lose many lives, not only the fetus but the women without money to have abortions, because there are many women with heart conditions and other diseases who cannot carry these fetuses, and without money for abortions, they will die.

The other question is, when does a fetus become a life? There is no proof of when a fetus becomes a life. I ask you to think of women; think of the health of women; think of the mental condition of women. I know from my personal life—I am the mother of two children—I felt that I could not afford more than two children. That is why I used every means possible to keep from having more than two children. I looked around and saw families who could barely make it, children going to bed hungry, mothers and fathers at each other's throats because they had no means
to really support those children and support themselves. I did not want to be in that predicament. That is why I did not choose to have more children, because I did not want to suffer myself and see my children suffer. Think about the poor, suffering families. Thank you.

MEMBER'S PRESENCE RECORDED

The SPEAKER. The Chair recognizes the gentleman from Mifflin, Mr. DeVerter.

Mr. DeVERTER. I ask that my name be removed from the leaves of absence and that my name be added to the master roll.

CONSIDERATION OF SB 579 CONTINUED

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

Mr. RAPPAPORT. Mr. Speaker, I merely rise to echo the words of my colleague, Mr. Berson.

What we are doing here is playing around with other people's lives, and I do not think that government should be doing that, and especially not when we play with the people who cannot afford to do things for themselves. If, God forbid, one of our wives or sisters needed an abortion and we felt it was a proper thing to do after consulting with the people whom we would choose to consult with, we can afford it. Most of us can afford it; most of society can afford it. The people we are legislating about are defenseless, and I personally say that I cannot vote for this amendment, because I do not feel I have the right to impose my moral standards on other people. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the lady from Cambria, Mrs. Clark.

Mrs. CLARK. Mr. Speaker, Mr. Rappaport just said we should not be playing around with other people's lives. I say, if we should not be doing that, then we should not be funding abortions. The majority of people are pro-life; all polls show that, and if they are, these people believe that abortion is a violent attack on life; it terminates life. Why should we ask these people to fund something that they are so totally against? We must pass this amendment.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I cast no aspersions on the motivations of any member on the floor of this House, some of whom I have known for many years and all of whom I trust. I think each man and woman who has argued here has argued from his or her principles, but I want to say very clearly that I disagree with Mr. Mullen's analysis of how to vote on this amendment.

Mr. Mullen said that if you are against abortion, you will vote for this amendment. I do not intend to vote for the amendment and I am against abortions. I have never been for them. I do not relinquish the title of pro-life to Mrs. Clark or Mr. Mullen or anyone else, and I will set my reputation and my life on that statement. I am as pro-life as anybody here, but I would point out to you that Mr. Mullen is incorrect, as Mrs. Harper pointed out, as Mr. Itkin explained, when he believes, as I know he does, by passing this amendment we will save 10,000 lives. I do not know how many lives we will or will not save, but I will tell you this, and there is not a man or woman among you who can call me liar: No matter what we do on the floor of this House today, there will be abortions tomorrow, the next day, the next week, the next month, the next year. There will be women who will have abortions regardless of what Mr. Mullen says, what Mrs. Harper says, what Mr. Rocks says, Mr. Cunningham, Mr. Irvis, whatever we say. They are going to have the abortions. I wish they would not.

I think those of you who serve with me know that year after year I have been trying to defend life by my position against the death penalty. I am against the death penalty because I do not think even the state has the right to take human life. I have not been overwhelmed by support of that position from certain members who stand at this microphone and say they are pro-life, but I have been in that position.

My vote today is based on this simple premise: If poor women are going to be pregnant—and they will be—if poor women are determined to have an abortion, then at least I want that abortion under conditions which give those women the best opportunity to survive. They will abort, and if we pass this amendment and this bill, they will still abort, but they will do it in the back alleys; it will be done by the amateurs; it will be done at the cost not just of the life of the fetus but frequently at the life of the bearer of the fetus. That is why I am voting against the amendment. It is not because I am against abortions. It is because I know they are going to exist regardless of what Marty Mullen says or believes. Regardless of what Leroy Irvis says or believes, they are going to exist, and as long as they are going to exist, I want to protect that would-be mother as best I can. Thank you, Mr. Speaker.

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

Mr. RICHARDSON. To be recognized.

The SPEAKER. The gentleman is in order and may proceed.

Mr. RICHARDSON. May I interrogate Mr. Mullen?

The SPEAKER. The gentleman, Mr. Mullen, indicates he will stand for interrogation.

Mr. RICHARDSON. Mr. Speaker, you read to us a paper dealing with the health expectations of abortion on the man. According to the Supreme Court decision of January 22, 1973, Roe v. Wade, it was ruled at that time that "A state is forbidden to proscribe abortions anytime prior to birth if in the opinion of one licensed physician an abortion is necessary to preserve the life or health of the mother." Further, it goes on to say by the Court's own definition, the word "health" means: "The medical judgment may be exercised in the light of all factors—physical, emotional, psychological, familial, and the woman's age—relevant to the well-being of the patient. All these factors may relate to health."
Do you agree with that or not?

Mr. MULLEN. Yes, Mr. Speaker. The reason I read that is because the issue before us was we were deleting from the bill the word "health," and I wanted the members of the Assembly to know how the Supreme Court of the United States in Roe v. Wade defined "health," and I was trying to point out that if you permitted "health" in there, practically any woman, for any reason, would be able to get an abortion under the health provision.

Mr. RICHARDSON. Under your definition of that and your interpretation of that, what would you prescribe for those individual women presently who get pregnant? Based on health reasons, what do you suppose that they should do?

Mr. MULLEN. Well, under existing law in Pennsylvania practically any person can get an abortion today, because we are operating under the life of the mother and the health of the mother, and the Department of Welfare has interpreted literally. All you have to do is look at the statistics and you see what I mean. Last year we had 63,000 abortions, and in our own city of Philadelphia, I want to tell you what happened. The population figures show that we lost 300,000 people in a 10-year period. Would you believe if I told you that 170,000 of that loss resulted directly from abortions? We had 170,000 abortions since the 1972 decision. So what we are doing is destroying the youth of our Nation and destroying the youth of Pennsylvania by permitting abortions to take place.

Mr. RICHARDSON. Well, Mr. Speaker, then why are you for the death penalty?

Mr. MULLEN. I am glad you asked that question. I think that is awfully important. I am for the death penalty because we are talking about two different things.

The SPEAKER. Will the gentleman yield?

Mr. RICHARDSON. Life. We are talking about life.

The SPEAKER. Will the gentleman yield? In the opinion of the Chair, the question is not before the House. Will the gentleman please confine his interrogation to the amendment before the House?

Mr. RICHARDSON. Well, Mr. Speaker, just think since we were talking about life, Mr. Speaker, that was in order. I will go on with my interrogation, Mr. Speaker.

The point is, Mr. Speaker, that the question before us is, if the Supreme Court decision talked about life, what do you suppose that they should do? Under your definition of what is life? And I would like to be recognized to speak on the amendment.

Mr. RICHARDSON. I will repeat it again; no problem. What was the question again then, Mr. Speaker?

Mr. RICHARDSON. I will repeat it again; no problem. What I asked for was how many states at this present time in the United States are presently having abortions since the 1972 Supreme Court decision ruled that states have an obligation to make up their own minds as to what should happen about abortions?

Mr. MULLEN. Basically the State of Illinois. That was the state that was before the Supreme Court. They had passed a law somewhat similar to what we are trying to do here today, and Pennsylvania, if we adopt this amendment, would be the second state.

Mr. RICHARDSON. So you are saying right now there is only one state. What do you suppose that they should do?

Mr. MULLEN. I really do not know. I do not have that information.

Mr. RICHARDSON. Very good. Thank you very much, Mr. Speaker. I would like to be recognized to speak on the amendment.

The SPEAKER. The gentleman is in order and may proceed.

Mr. RICHARDSON. I would like, Mr. Speaker, to speak to the amendment. I rise to oppose the Rocks amendment, and I do so for all of the reasons that those who are opposed to this bill have spoken on already. One of the things I want to point out is that Mr. Mullen shares with us the concept that health is important, that health should be utilized, but at the same time he contradicts himself when he says we may be opening Pandora's box and as a result we should pull the word "health" out.
Secondly, I would like to point out that those components and those individuals involved in the State Department of Public Welfare and some of the members of this House of Representatives claim by their statements that those persons who are on welfare, all they are is shiftless, lazy and tired, and all they want to do is have children so they can get more money, you know, to get on welfare. But then we hear a different tone today. We hear those same opponents who are saying to us now that what we should be doing is making sure that we in fact stop these lives; we can get more money, you know, to get on welfare. But those persons who are on welfare, all they are is shiftless, lazy and tired, and all they want to do is have children so they can have more money, you know, to get on welfare.

Then we hear a different tone today. We hear those same opponents who are saying to us now that what we should be doing is making sure that we in fact stop these lives; we should do whatever is necessary to have children. I do not understand it. I am confused now, because I hear Marty Mullen on one hand saying that we have to have these children; if the person gets pregnant, regardless now of health, let us have the child. Then at the same time I hear the Department of Public Welfare saying we have people who are abusing this particular law, and as a result we should make sure that we do everything to cut these people off welfare. It seems to be a contradiction, and I am just wondering in your own hearts and minds, as you search today, put yourselves in the same shoe and the same position.

Number one, if your daughter in fact were to get pregnant and you did not have any money and you were a poor person, what would you do? I have not heard anyone answer that yet intelligently to bring us to this point, that if we pass this particular amendment and we pass this bill as it presently reads with funds, saying all funds, you are opening up the door to even prevent those who are rich from getting the abortions that you had been able to get all along. When you deny people the right that is there available for them with public funds to do it, when you deny them that right, then you put yourself in the position of having to deal with people going to what they call the white market or the black market, whatever market it is. But at any rate, they go to a market and they try to deal with getting that particular service that is supposed to be applied to them at that particular time.

Now, what I feel is this: If we are to be sincere about our problem, that each and every one of the members here in this House has women in their legislative districts, and I venture to say that there are more women who vote in this Commonwealth than there are men, and if we are to be cognizant of that point, then it would seem to me that we would do everything that we can to leave the decision of the women in the hands of the woman and stop interfering. The Commonwealth of Pennsylvania has no right to step in and decide for my mother or my daughter or anybody else's mother or daughter in this room, but it seems to me that sometimes we lose sight of what our responsibilities are and we do not allow ourselves to get engrossed into the real mainstream of problems that affect the poor and those things that affect the vast problems.

I heard earlier Mr. Street indicate that a lot of the reason why all of this is happening right now is because the election is upon us, and the thing is that it is politically expedient to look good back home and say that I took this position or I took that position just before an election, but the problem is, what do we do about the thousands of people who are out here every day who run into the problem of rape and incest and have a situation where they cannot, for whatever reason, get an abortion? Now take away the only thing that is left for them to do in terms of turning to the Medicaid abortion, strip that away, and we have a serious problem.

I would indicate, Mr. Speaker, that we should oppose this amendment; we should oppose it vehemently, and we should do everything that we can to protect the rights of the women whom we say that we are for when you vote for ERA - Equal Rights Amendment - and then turn yourselves around on a contradiction and vote against them on this bill. Thank you very much, Mr. Speaker.

MEMBER'S PRESENCE RECORDED

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. O'Brien.

Mr. B. F. O'BRIEN. I ask that my name be added to the master roll.

CONSIDERATION OF SB 579 CONTINUED

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

Mr. BARBER. Mr. Speaker, when you have been around Harrisburg 10 or 12 years, you know most of the time the people have made up their minds. But in this particular case I feel differently about that for this reason: Monday when we had our meeting of the Health and Welfare Committee, in this bill was the word "death." We deleted that word and put in "life and health." So, therefore, I believe that many people will change their minds today, because many people were pro-life and people were anti-abortion, but we all voted and the majority voted that we should have in this amendment "life and health." And, Mr. Speaker, when you have in a bill "rape," a hypothetical thing: If a husband raped his wife, if a boyfriend raped his girl friend, this person will have a chance for abortion, but a person who is an alcoholic, a person who has hypertension, a person who is a diabetic, they cannot have an abortion. I think this is unfair.

I think we should vote on this amendment. I think we should vote "no." I think we should vote "no" because we know this is wrong. That is not because you are pro-life or you are against abortion. We are voting "no" for this reason: We are voting "no" because we are doing the right thing. Why are we putting this amendment in SB 579? Why are we planning on putting other amendments in SB 579? What I am interested in, I am interested in the right thing, and I think this is wrong. I think we should vote "no" on this amendment, and if we want to put in this amendment, put it in SB 283. That is an abortion bill. Why put it in SB 579? Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—139

Alden  Foster, Jr., A.  McCafe  Ryan
Armstrong  Freind  McClatchey  Salvatore
Arty  Gallagher  McIntyre  Schescher
Belardi  Gallen  McKelvey  Schmitt
Beloff  Gamble  McMonagle  Seventy
Benetti  Gannon  Mccerry  Shupnik
Bittie  Gatski  Mackowski  Sieminski
Borski  Goist  Madigan  Siranni
Bowser  George, C.  Mandelino  Smith, E. H.
Burd  Gladcek  Manniller  Spencer
Burns  Goebel  Michlovic  Spitz
Caltagirone  Goodman  Miccozie  Stairs
Cappabianca  Grabowski  Milanovich  Stoughner
Cesar  Gray  Mowery  Stewart
Cimini  Greco  Mkonic  Stuban
Civera  Gruppo  Mullen  Swift
Clark, B. D.  Hasay  Murphy  Taddemon
Clark, M. R.  Haynes, Jr., S.  Novak  Taylor, E. Z.
Cochran  Helfrich  Myers  Taylor, F.
Cole  Hutchinson, A.  O'Brien, B. F.  Teck
Coslett  Johnson, E. G.  O'Brien, D. M.  Thomas
Cowell  Jones  Perzel  Trello
Cunningham  Kamuck  Peterson  Vroom
DeMedio  Klingaman  Petrarca  Wargo
DeVetter  Knight  Phillips  Wass
Dawida  Koller  Pisella  Wenger
Dietz  Kowalshyn  Pitts  Wright, D. R.
Dininni  Laughlin  Politte  Wright, Jr., J.
Dombrowski  Lehr  Pott  Yahner
Donatucci, R.  Leskovitz  Pratt  Zeller
Duffy  Lettermen  Punt  Zitterman
Durham  Levi  Rasco  Zord
Durl  Lewiss  Reed  Zuckl
Fisher  Lynch, E. R.  Rodgers  Speaker
Foster, W. W.

NAYS—47

Anderson  Earley  Knopper  Rappaport
Barber  Fryer  Kukovich  Richardson
Barson  Geesey  Lashinger  Ritter
Brandt  George, M. H.  Levin  Street
Brown  Greenfield  Miller  Sweet
Chess  Hagarty  Moehlmann  Wachob
Cohen  Harper  Nahill  White
Cornell  Hoofer  O'Donnell  Williams
DeWeese  Honaman  Oliver  Wilson
Davies  Irvis  Piccola  Wilt
Durr  Ikin  Plevsky  Zwik
Dumas  Johnson, J. J.  Pyles

NOT VOTING—8

Amend Title, page 1, line 6, by removing the period after "Abortion" and inserting
, limiting general assistance to chronically needy persons and transitionally needy persons, further providing for annual quality control reviews relating to the administration of assistance, for child support eligibility, for continuing eligibility for general assistance and the verification thereof, for procedures relating to the cooperation of caretaker relatives, for access to certain records, for the use of funds saved and for certain expenditures.

Amend Bill, page 1, by inserting between lines 8 and 9
Section 1. Section 403, act of June 13, 1967 (P.L.31, No.21), known as the "Public Welfare Code," is amended by adding a subsection to read:

Section 403. Uniformity in Administration of Assistance; Regulations as to Assistance.—**

(e) Beginning July 1, 1981, the department shall conduct annual quality control reviews of the chronically needy case load in accordance with a methodology and scope determined by the department.

Amend Sec. 1, page 1, line 9, by striking out "1." and inserting 2.

Amend Sec. 1, page 1, line 9, by inserting after "(a)" and subsection (e)

Amend Sec. 1, page 1, lines 9 through 11, by striking out the comma in line 9, all of line 10 and "Welfare Code," in line 11, and inserting of the act,

Amend Sec. 1, page 1, line 11, by striking out "is" and inserting are

Amend Sec. 1 (Sec. 405.1), page 1, line 14, by inserting brackets before and after "ten" and inserting immediately thereafter three businesses.

Amend Bill, page 2, by inserting between lines 10 and 11

12. The department shall, within twelve months of the effective date of this act, establish a series of demonstration projects which will have as their primary purpose, the obtaining of bona fide employment for non-exempt assistance applicants and recipients. The demonstration projects may be substituted for the registration required by subsection (a). The demonstration projects shall include, but not be limited to referral to private employment agencies under contract with the department and the establishment of an employment officer in county board of assistance offices. Those demonstration projects considered by the department to be successful after at least a twelve-month trial period may be made permanent on either a Statewide or localized basis. During the trial period, a demonstration project shall include, but not be limited to adequate provision for evaluation and each evaluation shall include participation by members of the public. Nothing in this subsection shall be construed to permit the implementation of a demonstration program which would require an applicant or recipient to perform work as payment for an assistance grant. The department shall extend employment services as defined in this paragraph to all general assistance recipients in counties of the first and second class.

Amend Sec. 2, page 2, line 11, by striking out "2." and inserting 3.

Amend Bill, page 2, line 28, by striking out all of said line, and inserting

Section 4. Section 409 of the act is amended to read:

Section 409. Collection of Information; Reports.—The department shall have the duty:

1. To gather and study current information constantly, and to report, at least annually, to the Governor, as to the nature and need of support, as to the amounts expended under the supervision of each county board, and as to the work of each county board, and to cause such reports to be published for the information of the public.
(2) To report, at least annually, to the Governor, as to the cost of living in the various counties, as related to the standards of assistance and the amounts expended for assistance, and to cause such reports to be published for the information of the public. The department shall publish annually in the Pennsylvania Bulletin a description of the methodology it uses in determining what income persons need to meet a minimum standard of health and decency, the amounts so required to meet that standard and the percentage of the need met by cash assistance payments and food stamps.

Section 5. The introductory paragraph and clause (3) of section 532 of the act, amended April 1, 1976 (P.L.64, No.28), are amended to read:

Section 432. Eligibility.—Except as hereinafter provided, and subject to the rules, regulations, and standards established by the department, both as to eligibility for assistance and as to its nature and extent, needy persons of the classes defined in clauses (1), (2), (2)(ii) and (2)(iii) and (3) shall be eligible for assistance:

* * *

(3) Other persons who are citizens of the United States, or legally admitted aliens and who are chronically needy or transitionally needy persons.

Chronically needy persons are those persons chronically in need who may be eligible for an indeterminate period as a result of medical, social or related circumstances and shall include the following:

(A) A child who is under age eighteen, or who is under twenty-two and attending high school, an approved program of vocational training on a full-time basis, or undergraduate college on a full-time basis. No general assistance shall be paid to any full-time undergraduate student at a college or university who has not participated in a Federally subsidized program for dependent children within the previous five years.

(B) A person who is over forty years of age.

(C) A person who has a serious physical or mental handicap which prevents him or her from working in any substantial gainful activity as determined in accordance with standards established by the department. The department may require that documentation of disability be submitted from a physician or psychologist. The department may also order at the department’s expense a person to submit to an independent examination as a condition of receiving assistance under this paragraph. The department shall determine eligibility within thirty days from the date of application. Persons discharged from mental institutions shall be classified as chronically needy in accordance with department regulations.

(D) A person who is a caretaker. This category of persons shall include (i) one parent or other caretaker of a child under the age of fourteen and (ii) persons whose presence is required in the home to care for another person as determined in accordance with department regulations.

(E) A person suffering from drug or alcohol abuse who is currently undergoing active treatment in an approved program.

(F) A person who is employed full time and who does not have earnings in excess of current grant levels.

(G) Any person who is ineligible for Unemployment Compensation and whose income falls below the assistance allowance level as a result of a natural disaster as determined by the department.

(H) Any person who does not qualify as chronically needy under other provisions of this act, who has served at least two years on a sentence of imprisonment, and has been transferred to a pre-release facility, released on parole, or released at the expiration of the maximum sentence not more than sixty days before applying for assistance. Such persons shall only be considered as chronically needy under this provision for a maximum of three months following release from imprisonment, and must comply with section 405.1.

(I) Any person who does not otherwise qualify as chronically needy, and who is receiving general assistance on the date this section is enacted into law. Such person must comply with all employment requirements of this act and regulations promulgated thereunder. If after the date this section is enacted into law a person’s general assistance grants are terminated, then that person may not subsequently qualify for general assistance under this provision. If it is determined that the classification of persons according to their status on the date of enactment as provided in this paragraph (I) is invalid, then the remainder of this act shall be given full force and effect as if this paragraph (I) had been omitted from this act, and individuals defined in this paragraph (I) shall be considered transitionally needy if otherwise eligible.

(ii) Assistance for chronically needy persons shall continue as long as the person remains eligible. Redeterminations shall be conducted on at least an annual basis and persons capable of work, even though otherwise eligible for assistance to the chronically needy, would be required to register for employment and accept employment if offered as a condition of eligibility except as otherwise exempt under section 405.1.

(iii) Transitionally needy persons are those persons who are otherwise eligible for general assistance but do not qualify as chronically needy. Assistance for transitionally needy persons shall be authorized in the form of a single grant not to exceed the amount of thirty days assistance in any twelve-month period.

* * *

Section 6. Sections 432.3, 432.6(a) and 432.7(a)(4) and (b) of the act, added July 15, 1976 (P.L.993, No.202), are amended and section 432.6 is amended by adding a subsection to read:

Section 432.3. Voluntary Termination of Employment.— A person who is not in a class of persons excluded from mandatory participation in the Pennsylvania employables program and who without good cause: (i) voluntarily terminates employment or reduces his earning capacity for the purpose of qualifying for assistance or a larger amount thereof; or (ii) fails to apply for work at such time and in such manner as the department may prescribe; or (iii) fails or refuses to accept referral to and participate in a vocational rehabilitation or training program, including the work incentive program, or refuses to accept referral to and work in employment in which he is able to engage, provided such employment conforms to the standards established for a bona fide offer of employment in the Pennsylvania employables program, shall be disqualified from receiving assistance for thirty days thereafter and sixty days for the first violation and thereafter until such time as he is willing to comply with the requirements of section 405.1. For each subsequent violation, the minimum disqualification period shall be increased by sixty days. The disqualification period shall commence on the date the department's order imposing the disqualification is final.

Section 432.6. Support From Legally Responsible Relatives.—(a) Every applicant for assistance whose eligibility is based on deprivation due to absence of a parent from a home shall be referred within ten days for interview to the designated support official of the department who shall be stationed in local welfare offices, unless such offices have too few applicants to warrant permanent stationing of the support official. The department shall be responsible for taking all steps necessary to identify, locate, and obtain support payments from absent parents.

* * *

(e) Acceptance of public assistance shall operate as an assignment to the department, by operation of law, of the assistance recipient’s rights to receive support, on his or her own behalf and on behalf of any family member with respect
to whom the recipient is receiving public assistance. Such assignment shall be effective only up to the amount of public assistance received. The assignment shall take effect at the time that the recipient is determined to be eligible for public assistance. Upon termination of public assistance payments, the assignment of support rights shall terminate, provided that any amount of unpaid support obligations shall continue as an obligation to the department, to the extent of any unreimbursed assistance. Immediately upon receipt of notification from the department that a recipient has been determined to be eligible for public assistance, the clerks of the appropriate courts of the Commonwealth shall transmit any and all support payments that they thereafter receive on behalf of such public assistance recipients to the department. Such clerks shall continue transmitting such support payments until notified by the department that it is no longer necessary to do so. While the recipient is receiving public assistance, any such support payments made to or on behalf of the public assistance recipient shall be allocated first to any amount due the department as assignee of the recipient’s support rights. The public assistance recipient shall be deemed to have appointed the department as his or her attorney in fact to endorse over to the department any and all drafts, checks, money orders, or other negotiable instruments submitted for payment of support due during the time the recipient is receiving public assistance on behalf of himself, herself, or any family member.

Section 432.7. Determination of Paternity and Enforcement of Support Obligations.—In accordance with a child support plan approved by the Federal Government, the department shall have the power and its duty shall be to:

(a) Require as a condition of eligibility for assistance that the applicant or recipient:

(4) Cooperate in obtaining support payments for such applicant or recipient and for a child with respect to whom such aid is claimed or in obtaining any other payment or property due such applicant, recipient or such child, except when such cooperation would not be in the best interest of the child in accordance with standards developed by the department consistent with Federal regulations. “Cooperation” includes, but is not limited to, the keeping of scheduled appointments with applicable offices and appearing as a witness in court or at other hearings or proceedings necessary to obtain support from the absent parent.

(b) Provide for protective payments [for any child eligible for assistance when a caretaker relative is ineligible due to the caretaker relative’s failure to comply with either clause (2), (3) or (4) of subsection (a)] as set forth in section 432.7A.

Section 7. The act is amended by adding a section to read:

Section 432.7A. Protective Payments Imposed for Failure to Cooperate.—(a) It is essential to the effective and responsible utilization of assistance funds that applicants and recipients who are caretakers of a child whose eligibility for assistance is based on deprivation due to absence of a parent from a home, cooperate fully with the department in securing child support payments from the absent parent and in all other matters set forth in subsection (a) of section 432.7.

(b) (1) Upon application for assistance, each caretaker relative shall be notified that his or her cooperation in the matters set forth in subsection (a) of section 432.7 shall be required as a condition of eligibility and that failure to cooperate will result in the imposition of protective payments for any child in whose behalf the caretaker relative seeks assistance.

(2) If a caretaker relative fails to cooperate with the department as set forth in subsection (a) of section 432.7, unless the failure to cooperate was for good cause, the department shall notify the caretaker relative verbally and in writing that cooperation shall be required as a condition for continuing eligibility and shall further inform the caretaker relative that if he or she fails to cooperate protective payments will be imposed.

(3) If the caretaker relative fails to cooperate, unless the failure to cooperate was for good cause, the department shall notify the caretaker relative in writing that protective payments will be imposed for any child so affected ten days after the date of notice. At the expiration of the ten-day period, the department shall impose protective payments.

Section 8. Sections 432.9(b) and 432.11(a) of the act, added July 15, 1976 (P.L.993, No.202), are amended to read:

Section 432.9. Central Registry.—

(b) To effectuate the purposes of this section, the department may request and shall receive from all departments, bureaus, boards or other agencies of this Commonwealth, or any of its political subdivisions, and the same are authorized to provide, such assistance and data [except tax records] as will enable the department and other public agencies to carry out their duties to locate absent parents for the support of their children. The data to be provided from tax records shall be limited, to full name, residence or address, name and address of employer and the social security account number of the absent parent. The department shall utilize the “parent locator service” pursuant to establishment in the Department of Health, Education and Welfare by filing in accordance with section 653(b) of the Social Security Act.

Section 432.11. Access to State Records.—(a) The secretary or his designee in writing shall have access to all records [other than tax records], and the department, in cooperation with all other departments of the executive branch, shall establish a single uniform system of information clearance and retrieval. Information collected as a result of the use of tax records shall be limited to full name, residence or address, name and address of employer and the social security account number of the absent parent.

Section 9. The act is amended by adding a section to read:

Section 432.19. Verification of Eligibility.—The department may issue regulations requiring that certain conditions of eligibility for assistance be verified prior to authorization of assistance or during a redetermination of a recipient’s eligibility. Initial authorization of assistance shall not be delayed more than fifteen days after application for purposes of verification of eligibility if the applicant has cooperated in the verification attempt. Except when prohibited by Federal law, it shall be a condition of eligibility for assistance that an applicant or recipient consent to the disclosure of information about the age, residence, citizenship, employment, income and resources of the applicant or recipient which is in the possession of third parties. Such consent shall be effective to empower any third party to release information requested by the department. Except in cases of suspected fraud, the department shall attempt to notify the applicant or recipient prior to contacting a third party for information about that applicant or recipient.

Section 10. Section 442.1 of the act, added July 31, 1968 (P.L.904, No.273), is amended to read:

Section 442.1. The Medically Needy; Determination of Eligibility.—A person shall be considered medically needy if he:

(1) Resides in Pennsylvania, regardless of the duration of his residence or his absence therefrom; and

(2) Meets the standards of financial eligibility established by the department with the approval of the Governor. In establishing these standards the department shall take into account (i) the funds certified by the Budget Secretary as available for medical assistance for the medically needy; (ii) pertinent
Federal legislation and regulations; and (iii) the cost of living. Transitionally needy persons who are not eligible for cash assistance by reason of section 432(3)(iii) shall be considered medically needy.

Section 11. Subsection (e) of section 443.6 of the act, added September 26, 1978 (P.L.769, No.146), is amended to read:

Section 443.6. Reimbursement for Certain Medical Assistance Items and Services.—

(c) The department shall promulgate regulations to implement this section and shall establish a procedure for prior authorization. Such regulations may establish procedures for issuing prior authorization at whatever administrative level the department through the secretary deems appropriate. Appropriateness shall be determined by the secretary after hearings have been held and public input is received. Procedures adopted in accordance with this section shall provide authorization when appropriate, without undue delay. When no decision is made on a request to the department for covered services within twenty-one days of the date that the request is received by the department, the authorization shall be deemed approved. The department shall keep a record of those cases in which no decision is made within twenty-one days.

Section 12. The act is amended by adding a section to read:

Section 475. Use of Savings.—(a) The department shall determine the base year expenditures for the purpose of this section for general assistance by multiplying the total cost of general assistance cash grants for the months of July, August and September of 1980 by four. The department shall determine the first year expenditures for the purpose of this section for general assistance by multiplying the total cost of general assistance cash grants for the months of July, August and September of 1981 by four. The department shall determine the second year expenditures for the purpose of this section for general assistance by multiplying the total cost of general assistance cash grants for the months of July, August and September of 1982 by four.

(b) The department shall establish the first year savings for the purpose of this section by subtracting the first year general assistance cash grant cost from the base year general assistance cash grant cost. The department shall establish the second year savings for the purpose of this section by subtracting the second year general assistance cash grant cost from the first year general assistance cash grant cost.

(c) On February 1, 1982 the department shall raise general assistance and aid to families with dependent children allowances so that the cost of the increase in State funds for the purpose of this section over the twelve-month period beginning on that date shall be equal to at least seventy-five percent of the first year savings. On February 1, 1983, the department shall further raise general assistance and aid to families with dependent children allowances so that the cost of the further increase in State funds for the purpose of this section over the twelve-month period beginning on that date shall be equal to at least seventy-five percent of the second year savings. In determining the cost of the increases required by this section the department shall take into consideration each year the likelihood and extent of further reductions in State fund expenditures due to the further reduction in the general assistance caseload. That part of the first and second year savings not used for a grant increase shall be used to fund programs designed to provide job training for the transitionally needy and the chronically needy.

Section 13. The department shall carry out or fund an evaluation of the economic and social impact of the amendments herein to section 432 of the act and provide that evaluation to the General Assembly by July 1, 1982.

Section 14. Notwithstanding any other provision of law except as expressly prohibited by Federal law as applied to any particular individual, all Comprehensive Employment and Training Act programs shall give first priority to the transitionally needy and the chronically needy.

Section 15. (a) The amendments to sections 432, 432.3 and 442.1 shall take effect January 1, 1981.

(b) All other provisions of this act shall take effect April 1, 1981.

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

**REPUBLICAN CAUCUS**

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I would like the Chair to call for a recess until 2:30 for the purpose of lunch and a very, very brief Republican caucus at 2:15. I understand that the minority leader is also going to call for a short caucus.

**DEMONCRATIC CAUCUS**

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, it will be necessary for the Democrats to have a brief caucus. We will have that at 2 o'clock. We will be in there for about 20 minutes to a half hour, and then we will be back on the floor; 2 o'clock, please.

**MEMBER'S PRESENCERecordED**

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Rhodes.

Mr. RHODES. I ask that my name be added to the master roll.

**REMARKS ON VOTE**

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Rhodes.

Mr. RHODES. Mr. Speaker, in addition, I would like to add to the record that had I been in my seat, I would have voted in the negative on the past Rocks amendment to SB 579.

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

**STATE GOVERNMENT COMMITTEE MEETING**

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Galien, to announce a committee meeting.

Mr. GALLEN. Mr. Speaker, there will be a very brief meeting of the State Government Committee right now in my office, room 402. I would like all the members to show up. We will keep it quiet.
RECESS

The SPEAKER. Republican caucus at 2:15; Democratic caucus at 2 p.m.
Without objection, this House now stands in recess until 2:30 p.m. The Chair hears none.

AFTER RECESS

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

MR. ANDERSON REQUESTED TO PRESIDE

The SPEAKER. The Chair has asked the gentleman from York, Mr. Anderson, to preside temporarily.

THE SPEAKER PRO TEMPORE

(JOHN HOPE ANDERSON) IN THE CHAIR

MEMBER'S PRESENCE RECORDED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. Yohn.
Mr. YOHN. Mr. Speaker, I ask that my name be added to the master roll.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 2828, PN 3765 By Rep. L. E. SMITH
BUSINESS AND COMMERCE.

HB 2896, PN 3870 (Unanimous) By Rep. BITTLE
An Act designating French Creek in Berks and Chester Counties, as a component of the Pennsylvania Scenic Rivers System in accordance with the Pennsylvania Scenic Rivers Act, requiring cooperation by State agencies in implementing the purposes of this act and authorizing the expenditure of moneys to further the purposes of this act.
CONSERVATION.

SB 1427, PN 1830 By Rep. L. E. SMITH
An Act amending the act of September 20, 1961 (P. L. 1548, No. 658), entitled “Credit Union Act,” further providing for reserves.
BUSINESS AND COMMERCE.

SB 1428, PN 1831 By Rep. L. E. SMITH
An Act amending the act of September 20, 1961 (P. L. 1548, No. 658), entitled “Credit Union Act,” further providing for the powers of credit unions.
BUSINESS AND COMMERCE.

SB 1429, PN 2110 (Amended) By Rep. L. E. SMITH
An Act amending the act of September 20, 1961 (P. L. 1548, No. 658), entitled “Credit Union Act,” further providing for interest rates.

REPORT OF COMMITTEE ON CITIES, COUNTIES - SECOND CLASS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Pott.
Mr. POTT. Mr. Speaker, are we still on reports of committees?
The SPEAKER pro tempore. Yes; we are.
Mr. POTT. Mr. Speaker, I would like to submit to the House of Representatives the report of the Subcommittee on Second-Class Cities and Counties on HR 157, which was adopted by this House on February 6, 1980. That resolution directed our subcommittee to investigate the delays in the construction of the Pittsburgh Convention Center. I am submitting today a copy of that report and distributing a copy of that report to each of the members in the House.
The committee has concluded, as can be noted in the report, that the Commonwealth, the Commonwealth’s architect, and the contractor responsible for general construction are primarily responsible for the 18-month delay in completion of that project. It is anticipated that significant cost overruns will occur as a result of the substantial delay because of grievances to be filed by affected parties, the other four prime contractors, their subcontractors, and suppliers. This report can be used by this House of Representatives to discuss and review the reasonableness of any additional appropriation requested because of the delays in the completion of the David L. Lawrence Convention Center in Pittsburgh. Thank you.
The SPEAKER pro tempore. The gentleman will send his report to the desk.
(Copy of report is on file with the Journal clerk.)

REMARKS ON VOTE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Jefferson, Mr. Smith.
Mr. L. E. SMITH. Mr. Speaker, I was out of my seat when the vote was taken on the Rocks amendment to SB 579. I would like the record to reflect that had I been in my seat and voting, I would have voted in the affirmative.
The SPEAKER pro tempore. The gentleman’s remarks will be spread upon the record.

CONSIDERATION OF SB 579 CONTINUED

The SPEAKER pro tempore. At this time the House will continue its deliberations on SB 579, and the Chair recognizes the gentleman from Franklin, Mr. Punt.
On the question recurring,
Will the House agree to the amendments?
Mr. PUNT. You have before you an amendment which I am offering to this chamber, and at this point why do we not just put it up?
The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Pevsky.
Mr. PIEVSKY. Mr. Speaker, will the gentleman, Mr. Punt, explain his amendment?

The SPEAKER pro tempore. The gentleman indicates that he will.

Mr. PUNT. Mr. Speaker, this is welfare reform. It is covering several areas that this House has addressed in the past, during this past session year. It also addresses legislation of HB 2044, which was passed this year. You have the amendment before you.

The SPEAKER pro tempore. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, will Mr. Punt please answer a couple of questions for me?

The SPEAKER pro tempore. Mr. Punt indicates that he will. The gentleman may proceed.

Mr. IRVIS. The first and most important, I have not read the amendment, and I have had so many different reports on it that I am really sincere when I say I do not know what is in it. Does this differ in any way from HB 2044? Are there any changes in it?

Mr. PUNT. Yes, Mr. Speaker. Under the provisions of HB 2044, which was passed in March, the changes are within the chronically needy category. Under HB 2044 we had a lower limit age of 16. It has been changed in the amendment to reflect the age of 18. The other change was the ceiling or maximum age for that assistance, which was 55 years of age. That has since in the amendment been lowered to 40 years of age. That, by the way, was recommended on the floor of the House. The other change in HB 2044 is a grandfather clause which was offered by Senator Coppersmith.

Mr. IRVIS. Excuse me. The grandfathering in is part of this amendment. Is that it?

Mr. PUNT. Yes, sir. Yes; it is.

Mr. IRVIS. That is the important point I wanted to ask in the second question, and I wanted the members to hear that, those who are voting for it and those who are voting against it, because this is an important change. I am sorry to interrupt you, Mr. Speaker, but will you explain what you mean by the grandfathering-in clause?

Mr. PUNT. By the grandfather clause, the existing general assistance caseload will be considered chronically needy as long as they remain on assistance. However, ablebodied persons will be required to seek, accept, and retain employment or to be terminated from assistance. The grandfather clause allows for the avoidance of administrative errors, et cetera, from removing these people from the public assistance rolls. In other words, every person prior to the effective date of this law who would be on general assistance in Pennsylvania would automatically be placed within the chronically needy category. The only way that they would depart from the public assistance rolls would be because of two reasons: one, either they voluntarily leave the rolls by securing employment or moving elsewhere; or, two, if a job offer was offered and they refused, which is under the present law, they would be terminated from general assistance. Other than that, they would remain.

Mr. IRVIS. I thank the gentleman. Those are the two important questions that I wanted to make sure the members heard. Thank you very much.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Earley.

Mr. EARLEY. I would like to interrogate the sponsor of the amendment.

The SPEAKER pro tempore. Mr. Punt indicates that he will be agreeable to interrogation.

Mr. EARLEY. Mr. Speaker, at the time the original HB 2044 was processed, it was estimated that some 80,000 to 85,000 people would be purged from the welfare rolls, the general assistance rolls. If your amendments go into effect—

The SPEAKER pro tempore. For what reason does the gentleman, Mr. Street, address the Chair?

Mr. STREET. I am very interested, Mr. Speaker, in the debate and the questions that are being asked around this particular piece of legislation, and I cannot hear. I would like for the Speaker to get some quiet on the floor of the House, please.

The SPEAKER pro tempore. Will the gentleman, Mr. Earley, speak up, and will the rest of the people speak down?

Mr. EARLEY. I will start again. Mr. Speaker, at the time that HB 2044 went through this House and was introduced by you and since it has been in the mill, it has been estimated by various sources that some 80,000 to 85,000 people would be removed from general assistance rolls if HB 2044 became law. With your amendments, if your amendments were to become law, how would that number change? How many people would be adversely affected and removed from the general assistance rolls?

Mr. PUNT. Mr. Speaker, I just answered that to Mr. Irvis.

Mr. EARLEY. I did not hear that answer because I did not hear this question being asked.

Mr. PUNT. Under the grandfather clause which is in the amendment, none of the persons presently on general assistance would be removed as they would have been under the original version of HB 2044 which did pass the House.

Mr. EARLEY. Your grandfather clause is located where in this amendment? Would that be on page 4 under “I”?

Mr. PUNT. Page 4, beginning at paragraph “I.”

Mr. EARLEY. Now, in this clause it states, “If after the date this section is enacted into law a person’s general assistance grants are terminated, then that person may not subsequently qualify for general assistance under this provision.” Is that correct?

Mr. PUNT. As grandfathered; as under the grandfather clause.

Mr. EARLEY. How would this affect a general assistance recipient who is fortunate enough to find holiday employment at, say, the post office and therefore comes off the rolls, and upon the termination of that employment some 4 months later, he is again without a job. Is he able to come back on general assistance?
Mr. PUNT. He is able to come back and apply; yes, sir.
Mr. EARLEY. Perhaps I am not reading this right then.
Where would he be protected under this clause?
Mr. PUNT. Mr. Speaker, if they come back to apply
again for public assistance, they would fall under the provi-
sions established in the new law, which would be, one, the
transitionally needy category or the chronically needy cate-
gory. If they would be determined in the chronically needy
category, they would continue on general assistance alto-
gether. If they would be placed under the transitionally
needy category, then they would be eligible for all the ben-
efits of the other programs of general assistance with the
exception of the cash allowance, which would then be
limited to one check during a 12-month period.
Mr. EARLEY. So are you saying that the general assis-
tance recipient, who would ordinarily be classified transi-
tionally needy, has not been able to find a job for 5
months; he finds a temporary position and works for 4
months, and on losing his job again he then is only eligible
for 1 month’s assistance?
Mr. PUNT. If he works, say, as you use the example,
Mr. Speaker, for 4 months, he may be eligible for
unemployment compensation then at that time. If not, or at
the end of those benefits, he would apply for general assis-
tance. If he would fall within the transitionally needy cate-
gory, he would fall under the guidelines of the new law.
Mr. EARLEY. And therefore be eligible for only 1
month’s payment. Is that correct?
Mr. PUNT. One month, but full medical assistance and
other benefits, but just 1 month for the cash check allow-
ance.
Mr. EARLEY. Now, has an estimate therefore been
made as to how many people would, because of these
circumstances, be removed from the general assistance
rolls?
Mr. PUNT. Mr. Speaker, I have already answered that.
No person will be removed from the rolls.
Mr. EARLEY. You have made no estimate? No estimate
has been made. Is that correct?
Mr. PUNT. No. The only figure I could talk about
would be, those individuals under the guidelines of the tran-
sitionally needy category would be placed within that, but
the only way, as I said three times now, that they would be
removed would be, one, if they terminated that assistance
check by obtaining employment or, two, if they refused a
job offer. That is the only way that the 81,000 people who
are presently on general assistance, under the old version of
HB 2044, being placed within the transitionally needy cate-
gory, would be affected.
Mr. EARLEY. Is it not a fact, Mr. Speaker, that a
substantial number of people on general assistance are
persons whose work experience over the past few years has
been limited to their ability only to find seasonal work on a
part-time basis or for only a few months of the year? Is
that not true?
Mr. PUNT. That is not necessarily a correct premise, and
I do not think that we can document such.
Mr. EARLEY. Has that been explored?
Mr. PUNT. I cannot really answer that part because I do
not know to what extent the department may have gone
into seasonal employment.
Mr. EARLEY. As I understand it, Mr. Speaker, the
hearings that were held by the Senate in connection with
this legislation developed the data that general assistance
recipients on the average stayed on the welfare rolls 6.8
months, on the average. Is that correct?
Mr. PUNT. No, Mr. Speaker, that is not true. That was
not developed by the Senate; that was developed by the
department.
Mr. EARLEY. That was developed by the department,
and that was testified to before the Senate hearings by the
Secretary of Welfare, Helen O’Bannon. Is that not correct?
Mr. PUNT. That is correct.
Mr. EARLEY. Which would have been a development by
the Senate hearings; it was an outcome of the Senate hear-
ings. Now, is it not also a fact that it was learned during
those hearings that there was a frequent turnover of the
general assistance rolls?
Mr. PUNT. We knew that when the House passed HB
2044 in March.
Mr. EARLEY. There was a frequent turnover?
Mr. PUNT. Yes.
Mr. EARLEY. And what is the reason for the frequency
of that turnover, Mr. Speaker?
Mr. PUNT. Some people have been able to find employ-
ment; others have moved elsewhere; others have chosen not
to maintain and remain on welfare.
Mr. EARLEY. All right. Would it not be fair to say also,
Mr. Speaker, that others have sporadic employment and
therefore find it necessary to return to the general assistance
rolls?
Mr. PUNT. I interpret it that they have had a sporadic
desire to work.
Mr. EARLEY. I beg your pardon?
Mr. PUNT. I think they have had a sporadic desire in
working, perhaps.
Mr. EARLEY. I would like you to clarify what you mean
by “a sporadic desire to work.” We can document the
sporadic employment by virtue of the seasonal nature of
some employment. Are you saying that many people are on
the general assistance rolls simply because they do not want
to work?
Mr. PUNT. Yes in some cases, and no in others.
Mr. EARLEY. Has that been developed to determine the
extent to which that occurs?
Mr. PUNT. I do not know how we can determine that. I
cannot answer you that question, Mr. Speaker.
Mr. EARLEY. Of course you do not know, Mr. Speaker,
because it is speculation. I will approach that later when we
argue the merits of it.
Now, Mr. Speaker, has a determination been made as to
the estimated savings to the Department of Welfare by the
enactment of this legislation, of this amendment?
Mr. PUNT. Yes, Mr. Speaker. There is a fiscal note which was distributed today, and I refer to that, which each member should have received a copy of.

Mr. EARLEY. What is the estimated savings?

Mr. PUNT. The net savings for the bill on an annual basis is estimated at $12 million. Now, that is the net savings.

Mr. EARLEY. How would that savings be arrived at? To clarify my question, you are stating that there is going to be a $12-million savings. You stated earlier that because of the grandfathering clause, no one will be removed from the rolls; only new people will be coming on. I would like to know, how would that $12 million be arrived at?

Mr. PUNT. Mr. Speaker, that would be based upon basically a rapid turnover. Now, as far as the amounts of dollars and so forth are concerned, I am going to yield to the Appropriations Committee chairman, where he could answer this question of yours more intelligently.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. McClatchy.

Mr. McClatchy. If you will rephrase the question again; I did not hear it.

Mr. EARLEY. Mr. Punt has indicated that according to the fiscal note, the enactment of this amendment into law would result in a $12-million savings to the Commonwealth. My question is, how is that savings arrived at?

Mr. McClatchy. That is a net savings. You start off with roughly 93,000 general assistance recipients. That amounts to about $110 million a year. We have changed the category that is covered by general assistance from 55 to 40. We have dropped it to 40. That reduces the saving we originally talked about by eliminating all of the 93,000, which is $110 million. You start from $110 million. You eliminate that; that is $15 million. Then we went to giving prisoners an extra benefit in the bill; that is minus $600,000. The grandfather clause reduces it by $47 million, and then the mandated increase that is in the piece of legislation eats up an additional $35,550,000, leaving a balance of approximately $11,850,000.

Mr. EARLEY. Does your calculation take into account a reduction in the number of general assistance recipients?

Mr. McClatchy. Yes; it does.

Mr. EARLEY. And what approximately is that reduction in terms of numbers, numbers of people?

Mr. McClatchy. Well, it will be through attrition, and it will be approximately 45,000.

Mr. EARLEY. Approximately a 45,000 reduction in the general assistance rolls?

Mr. McClatchy. Yes, in the first year.

Mr. EARLEY. In the first year. You say through attrition?

Mr. McClatchy. Through the turnover, the 6- to 8-month period we have been talking about.

Mr. EARLEY. Of people leaving the rolls primarily because they have found employment. And it is because of the grandfathering clause that you believe that would take place. Is that correct?
this House of Representatives showed when they offered that amendment. Though I did not propose that amendment to HB 2044, it was offered and passed by the majority of members of this chamber. I would interpret a natural disaster such as a flood, a hurricane, a fire, where a whole situation may have happened. For further clarification, I would suggest you go back to Mr. Stewart for a definition.

Mr. EARLEY. All right, I can accept that. I asked that question for this reason: You have grandfathered in certain people who are already on the rolls, and you have given a definition of "transitionally needy," and according to your amendment a transitionally needy person would be eligible for only 1 month's cash payment. Let us assume, for the purpose of this question, that there is a person who would be designated transitionally needy, who is employed, but because of the nature of his employment—Suppose he had been on general assistance before. He gets employment and goes off general assistance, and because of a natural disaster, he is thrown out of work. Does that shift him from transitionally needy to chronically needy?

Mr. PUNT. If it was a result of a natural disaster, he would be placed in the chronically needy category, and upon the normal review of the department, once that person's condition had been restored to the level that it was prior to the natural disaster, then he would be conceivably removed then, because he would go back to work.

Mr. EARLEY. So if you have a natural disaster that destroys the workplace and thereby destroys the job which is not restored because of the nature of the disaster, as has happened in some of our areas, such as that addressed by Mr. Stewart when he introduced that amendment, what is the impact of that on that person whose income has fallen below that poverty level?

Mr. PUNT. He or she would be chronically needy and would receive full total benefits.

Mr. EARLEY. All right. I have no further questions, Mr. Speaker. I would like to address the amendment.

The SPEAKER pro tempore. The gentleman is in order and may proceed.

Mr. EARLEY. Mr. Speaker, I rise to oppose this amendment to SB 579 for a number of reasons. One of the first reasons why I am opposing it is because the sponsor and those persons supporting this are attempting to do now by indirection what was done and attempted by indirection several months ago on the floor of this House. To put that in the appropriate historical perspective, HB 2044 came to the floor of this House by such a devious course that many of the things that were brought out in the Senate hearings, many of the things that were developed and that have been developed over the months were not considered here in the House. Now we have SB 579 that has been considered in the Health and Welfare Committee. A great deal of time, Mr. Speaker, was put forth with respect to SB 579 to include in it and add to it those provisions relating to and controlling the expenditure of public funds for abortions. The Health and Welfare Committee had those and gave it complete consideration, to the point that today on this floor there was extensive debate with respect to the language of section 453 in SB 579. Now SB 579 came to this floor after coming out of committee as amended, and it came to this floor for that consideration, and I submit it should remain that way for that consideration only. What we have here is a ruse or device on the part of the sponsors of this amendment to again avoid the committee process, to again avoid the hearing process, and to add to this bill on this floor this extensive amendment, which is in reality another version of HB 2044.

On the merits of this amendment, the objections that there existed to HB 2044 are still present. Many of the objections to this amendment are the identical objections that were put forth to HB 2044 when it was originally submitted to this House, and what we have here in this amendment is nothing more than another version of HB 2044, just a few different items of clothing on it, and what we have is what I consider again on the part of this House a devious means of bringing this issue before the House.

Now, it has been stated in interrogation that the net savings from the enactment of this legislation would be in the neighborhood of $12 million, and that would account for some 41,000 less persons being on the welfare rolls, and they expect that many to leave the welfare rolls general assistance by attrition, and one of the reasons for that is that in the definition of "transitionally needy" it is spelled out in this way: an individual who today, at the enactment of this legislation, is a recipient of general assistance by attrition, and one of the reasons for that is not restored because of the nature of the disaster, as has happened in so many cases, that he cannot find employment and has been unable to find a job. He then is fortunate enough because of the season, because of the timing, because of some special need in the economy, to find a job which may only last him for 1 month, 2 months, or 3 months, and doing what he is supposed to do, he reports that he has employment. In reporting that he has employment, he is removed from general assistance and, therefore, the impact or the effect of the grandfather clause is now lost to him. At the end of the 6-week period, this individual is no longer employed because he has completed that for which he was hired, or the venture for which he was hired did not work. He goes back to the welfare office to report that he is not working now. He is not eligible for unemployment compensation and he is told he can only receive payment for one 30-day period. Now he may not be so fortunate as to find another short term job 2 or 3 months later. He may find, as has happened in so many cases, that he cannot find employment in excess of a year or more. But he has one 30-day period. And if he is lucky enough to be out of work for another year, then he can come back 12 months later and get another 30 days' worth of benefits.

I submit that this is a gross inequity and it is the primary objection to the category of transitionally needy. There is a tremendous fallacy in attempting to categorize people and place them in these kinds of pigeon holes. If the $12-million savings would arise out of certain efficiencies that are enacted and are adopted by the Department of Welfare and the State government, the categories of transitionally needy...
would not even be needed. And I submit that it is not needed now because although it may sound good to say that, what you are doing is still attacking a significant segment of the working population and pulling from them the help and support they need at a time when it is needed the most. It still comes down to the question of there being jobs available.

You see, Mr. Speaker, no matter what is said on the floor of this House about the equities or inequities of the situation, what you have been manifesting here is a very basic prejudice and bias on the part of this General Assembly and on the part of a great deal of the populace would not even be needed. And I submit that it is not needed now because although it may sound good to say that, what you are doing is still attacking a significant segment of the working population and pulling from them the help and support they need at a time when it is needed the most. It still comes down to the question of there being jobs available.

Now I am particularly concerned about this because within the past 5 days in my district we lost 1,600 jobs. In 1980 alone, we have lost 2,000 alone in my district, and my district comprises a very small city. Now when you expand that experience out of a city of under 50,000 to the state, and when you consider that the overwhelming majority of those people on general assistance are from our major cities such as Philadelphia and Pittsburgh, and when you examine the extensive loss of business and industry that has taken place over the past few years, particularly in this year during this recessionary period, and particularly in our industrial areas, then it becomes very significant that a category of transitionally needy does or does not take place.

Mr. Speaker, the legislature found it appropriate to take SB 579 and go through the committee procedures for evaluation and consideration of the abortion provisions that are contained in SB 579. That committee worked very hard on that. That committee put forth an effort to come up with the best amendments to and changes in and provisions in SB 579 that it could. I submit that that has not taken place with respect to the Punt amendment offered here. I submit that that is something that must take place. As we all know, two amendments to HB 2044 were advanced in the Senate. A position has been taken by the respective parties and consideration of the abortion provisions that are contained in SB 579 that it could. I submit that that has not taken place with respect to the Punt amendment offered here. I submit that that is something that must take place. As we all know, two amendments to HB 2044 were advanced in the Senate. A position has been taken by the respective parties of this legislature with respect to each amendment. I think that there is merit that may be found in each amendment. I think it is proper that this legislature consider both amendments side by side and attempt to arrive at a workable solution to the problem with which we are faced.

MOTION TO RECOMMIT

Mr. EARLEY. That being the case, Mr. Speaker, I move that SB 579 be recommitted to the Health and Welfare Committee for the purpose of considering the welfare amendments.

The SPEAKER pro tempore. There is a motion before the House that SB 579 be recommitted to the Committee on Health and Welfare.

The Chair recognizes the gentleman from Montgomery, Mr. Hoeffel.

Mr. HOEFFEL. I would certainly support the motion made by Mr. Earley to recommit this bill to the Health and Welfare Committee in the House. It is painfully clear to all of us on the Health and Welfare Committee that we simply did not have an opportunity last year or this to consider this legislation.

When HB 2044 first came to the House last year, we were called off the floor for a committee meeting. The bill was not yet in print. We waited around and finally voted it out over the minority's opposition, voting on a bill that was xeroxed, taken from a draft. That was last year. This year we were notified again—the minority members of the committee—last Saturday, that an attempt would be made to add the Punt amendment—at that time the Zord amendment—to SB 579 in committee this past Monday, and indeed that attempt was made. There was enough opposition in the morning meeting to the Zord amendment in committee that the committee meeting was held over until 5 o'clock Monday evening. The first order of business when the committee reconvened at 5 o'clock was for the Zord amendment to be withdrawn and other amendments not regarding the welfare situation added and the bill reported to the floor.

The Health and Welfare Committee has never, never considered this legislation, never considered the subject of welfare reform, never dealt with this issue in any way. And the predictable result is that when we come to the floor, we are unable to deal with this matter in any kind of intelligent, comprehensive fashion. We are flooded with a blizzard of amendments; we do not fully understand the issues; we have not taken the time. Mr. Earley is entirely correct, this bill should be recommitted.

The SPEAKER. The Chair recognizes the lady from Chester, Mrs. Taylor.

Mrs. TAYLOR. Mr. Speaker, I would like to speak to the recommittal of this bill.

The SPEAKER pro tempore. The lady is in order and may proceed.

Mrs. TAYLOR. Mr. Speaker, when we were addressing this amendment in committee, we had every intention of doing a very good job in reviewing all of the aspects of the amendment. If anyone had attended that meeting—and Mr. Hoeffel was present—there was no opportunity because of the disruption of the meeting and the intimidation of the people who attempted to speak at that time. There was no possible way that we could have addressed the contents of this amendment. As a member of that committee, I went prepared to represent my constituents, just as the others were representing theirs. There was no opportunity to do that. The audience was completely out of control to the extent that the meeting had to be recessed, recalled again so that those of us who were doing our job in representing our people could have some occasion to address the problem.

And I suggest to the former speaker that had we had an opportunity to do that, we would have done our work in the Health and Welfare Committee.
I believe in the committee system. I would like to see the committee system work. But I suggest to the members of this House that there was no opportunity to do that when we addressed this question in committee. So, therefore, I urge a "no" vote on the recommittal motion.

The SPEAKER pro tempore. The Chair, at this time, recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I support Mr. Earley's motion to recommit and ask that the members vote in the affirmative.

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

Mr. MULLEN. Mr. Speaker, I oppose the motion. First of all, we considered a very important matter this morning that is in the bill. Let us vote against recommitting it. Let us vote against all amendments and vote for the bill.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Franklin, Mr. Punt.

Mr. PUNT. Mr. Speaker, this session of this legislature is going to soon come to an end. This House has had the courage to address itself to welfare reform. The taxpaying public has demanded such an effort be made. This House of Representatives has shown and displayed the courage and the wisdom to make that commitment. We passed it and sent it over to the Senate, and we have not received anything back from the Senate. In view of the lateness of the hour of the session year, it is imperative that this House of Representatives recommit itself to decisions of legislation that we have half passed during this past session with the amendment that was passed overwhelming by the majority of this House earlier today and the other amendments which will be offered on to SB 579. I strongly oppose the motion totally.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Centre, Mr. Letterman.

Mr. LETTERMAN. Mr. Speaker, I know we are talking about recommittal and I need a little leniency from you to ask a question of Mr. Punt, please.

The SPEAKER pro tempore. The gentleman, Mr. Punt, indicates that he will submit to interrogation.

Mr. LETTERMAN. Mr. Speaker, what will happen to a person incarcerated when he leaves prison today, under your bill, what will happen now?

Mr. PUNT. Under this bill?

Mr. LETTERMAN. Yes.

Mr. PUNT. Under the amendment?

Mr. LETTERMAN. Under your amendment.

Mr. PUNT. Okay. Under the amendment, persons who have served 2 years in prison who are released shall be considered chronically needy, chronically needy, for a maximum of 3 months of cash assistance allowance rather than in the transitionally needy category, which would be 1 month.

Mr. LETTERMAN. Thank you very much.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Earley.

Mr. EARLEY. Mr. Speaker, there are two reasons for the request for recommittal. I think the most important reason is that there is another amendment that encompasses those amendments made by Senator Lloyd to HB 2044. In looking at these two amendments, what you have is that being offered by Mr. Punt, which is basically the amendments advanced by Senator Coppersmith to HB 2044, and you have forthcoming, anticipated amendments offered by Senator Lloyd. Both sets of amendments are comprehensive; both are significant; both are meaningful. For us to proceed now and say we passed the Punt amendment, you have literally killed the other amendment which encompasses those provisions as asked by Senator Lloyd. The effect of that would be a unilateral decision on the part of individuals other than the committee and other persons charged with this responsibility of considering all of the ramifications.

There is nothing that absolutely demands that we have legislation on this issue by the end of 1980. Welfare reform, which I consider this not to be, is a sore need and must be addressed and can be addressed at any time. There is no urgency. I submit that the committee, notwithstanding what problems it had when it met, can and should further perform its duties by examining all input that is of any significance and any meaning to this. And if the committee found it important enough to consider these provisions with respect to SB 579, then it should go through the entire committee process.

Now, I understand Mr. Mullen's concern about that which we argued this morning and I am satisfied to agree that SB 579, in its present form and as amended, should go forward and be determined. And if it does, what will happen is there will be another unilateral decision to take the Punt amendment, or something like it, and attach it to another bill if it is determined that it can be pushed through before the end of this term and preferably before November 4. But I think that in fairness to all of the people affected, in fairness to attempt to bring about good legislation, that that input that came from the Senate from Senator Coppersmith and from Senator Lloyd should be examined carefully, and all of the beneficial things and meaningful things that can be derived from them be derived, and then we will come up with a more meaningful and a better piece of legislation that is going to affect the lives of so many thousands of our citizens. Thank you.

POINT OF ORDER

The SPEAKER pro tempore. For what purpose does the gentleman from Philadelphia, Mr. Salvatore, rise?

Mr. SALVATORE. I rise to a point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman, Mr. Salvatore, raises a point of order. He will state his point of order.

Mr. SALVATORE. Mr. Speaker, is there a motion on the floor to recommit this bill?
It seems to me that we are gaining absolutely nothing by passing this bill twice. If we pass this bill twice, why not pass it three or four times; why not pass it five or six times? What is the point of all this? I think there is no point of this unless the Senate acts or definitively refuses to act. If the Senate recommits this to committee or defeats it, then there might be some point in passing this legislation at this time. Because there is no point in it, because it is getting late, because we are probably going to wind up debating this until late at night for no real reason whatsoever, I would very much support Mr. Earley's motion to recommit it to the Health and Welfare Committee.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Richardson.

Mr. RICHARDSON. Mr. Speaker, I rise to support the motion to recommit and I do so for several reasons already enumerated.

Also, Mr. Speaker, I would like to point out that there is a lot of concern about the fact there is such an urgency on the part of the leadership of this House and also the Governor of the Commonwealth of Pennsylvania to push this bill again in the House. Not only were there hearings held across this Commonwealth of Pennsylvania, but about 95 percent of the persons who testified before the Senate committee, since it was the House Health and Welfare Committee that chose not to hold hearings because they ramrodded it through the House of Representatives before the bill was even printed—The same situation happened again on this Monday. Monday there was a call out for a meeting that was to be held, the Health and Welfare Committee, where this 8-page document came before us. We did not have a chance to review it before the meeting started. It was Mrs. Taylor who said to some of the persons who were there assembled in the room, why are you not out looking for a job as opposed to being here in this room dealing with this meeting?

I think, Mr. Speaker, as responsible legislators, we should have an opportunity to deal specifically with the merits of the amendment and just check out what it says. There has not been any ample time. We have not had an opportunity to hold public hearings, but the Senate already has the bill and is operating and working on it right at this moment. It would seem to me that if we are supposed to be about the business of a two-body legislative component of this Commonwealth, then the Senate has the bill now and should take its steps towards doing what it is going to do and then referring it back to us to concur or nonconcur in those Senate amendments that were placed in the bill. But to give it again and then send it back over there again, there is no accomplishment at all. Mr. Cohen indicated it already. There is no accomplishment out of us doing it again other than to get some stardom and press for yourselves. It is not doing anything to deal with the immediate needs and urgency of poor people in this state. I urge that the members vote "yes" to recommit the bill.

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

The following roll call was recorded:

YEAS—35

Barber Fryer Jones Rappaport
Berson Gianmarco Kukovich Rhodes
Borski Greenfield Levin Richardson
Chess Harper McIntyre Street
Cohen Hoeffel McMonagle Sweet
DeWeese Hutchinson, A. O'Donnell Wahchob
Donatucci, R. Irvis Oliver White
Dunas Itkin Pievsky Williams
Earley Johnson, J. J. Pucciarelli

NAYS—157

Alden Freind McClatchy Schaeffer
Anderson Gallagher McKelvey Schwerd
Armstrong Gallen McVerry Sevity
Arty Gamble Mackowski Shupnik
Belardi Gannon Madigan Seminski
Beloff Gatski Manderino Siriani
Belloff Geesey Mammiller Smith, E. H.
Bittle Geist Michovich Smith, L. E.
Bowser George, C. Meech Miller Spencer
Brandt George, M. H. Milanovich Spitz
Brown Gladeck Miller Swift
Burd Goebel Melohmann Taylor, E. Z.
Burns Goodman Mowery Taylor, F.
Caltagirone Grabowski Muhlenberg Steighner
Cappabianca Gray Mullion Steban
Cesar Grieco Murphy Taddionio
Cimini Gruppo Nahill Taylor, W.
Civera Hagarty Novak Taylor, W.
Clark, B. D. Hayas Noye Taylor, W.
Clark, M. R. Hayes, Jr., S. O'Brien, B. F. Telek
Cochran Heltrick O'Brien, D. M. Thomas
Cole Honaman Perzel Trello
Connell Hutchinson, W. Petersoa Vroon
Costlett Johnson, E. G. Petrarca Wargo
Cowell Kanuck Phillips Wass
Cunningham Klingaman Piccola Wender
DeMedio Knepper Pistella Wilson
Deviy Knight Pitts Wilt
Dawida Kolter Polite Wright, D. R.
Dietz Kowsylowny Pott Wright, Jr., J.
Dimmni Kowshing Pratti Yahnner
Domrowski Laughlin Punt Yohn
Dorr Lahr Pyles Zeller
Duffy Leszozit Rosco Zitterman
Darham Letterman Reo Zord
Fee Levi Ritter Zwikl
Fischer Lewis Rocks
Fisher Livengood Rodgers Seltzer,
Foster, W. W. Lynch, E. R. Ryan Speaker
Foster, Jr., A. McCull Salvatore

NOT VOTING—3

DeVerter Rieger Shadding

EXCUSED—5

Austin Halverson Maile Serafini
DiCarlo

The question was determined in the negative, and the motion was not agreed to.

On the question recurring,

Will the House agree to the amendments?

QUESTION OF GERMANELESS RAISED

The SPEAKER pro tempore. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I am going to propose something which perhaps, if the House will listen, it will accept, and it may solve some problems.

In my opinion, the Medicaid abortion battle is over. The House has decided how it wants to go on that. That is an extremely volatile issue, as is the issue of Mr. Punt's amendment. Members on both sides of the aisle have come to me privately—and, of course, being private information, I will not reveal who they are—saying that if they are forced to vote on these two very volatile issues tied into one bill, it puts them in an untenable position. There are those members who wish to vote "yes" on the abortion part of the bill, but wish to vote "no" on Mr. Punt's part of the bill. There are those who would like to vote "yes" on Mr. Punt's part of the bill and "no" on the abortion part of the bill. Those members who are caught in that position are not going to be able to vote the way they wish to vote on final passage either way.

I am suggesting, Mr. Speaker—and I do not intend to argue the parliamentary procedure, so do not any of you start to interrogate, because I will not answer you. I am suggesting—that the House has a vehicle to solve this. If the House declares the Punt amendment nongermane, then the only thing left in the bill will be the abortion part. Therefore, Mr. Speaker, I suggest that the question be placed before the House, Is the Punt amendment germane to SB 579? And I would suggest that the vote be "no." If the vote carries as "no," then the House will have before it the single issue of the Medicaid abortion. I ask that question be placed before the House, Mr. Speaker.

The SPEAKER pro tempore. The question before the House is whether or not the Punt amendment is germane to SB 579. That question will be decided by the House.

The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, Mr. Irvis really explains in his remarks that he does not seriously believe that the Punt amendment is not germane. He does not say it implicitly, but he leaves no room for doubt. The bill is a welfare bill before us. The amendment is a welfare amendment. Under no ruling of this Chair, since I have been here, would such a question be decided against germaneness. I think Mr. Irvis explained the real problem, and that is that this is a very difficult vote when the two issues are coupled. That indeed is the question, and I do not think that the question of germaneness is a fair way of tackling that question and I would suggest that the question of germaneness be resolved in the affirmative, that it is indeed a germane amendment to the bill that is before the House.

The SPEAKER pro tempore. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I rise to argue that the Punt amendment is not germane to the bill before us. Germane is a question of whether or not there is a similarity or a relationship between the two subjects. When the rules of this House were adopted in this session and in the last session, we had very much difficulty with the rule on germaneness. And the reason that we have had so much
difficulty in defining germaneness and how to handle germaneness on the floor of this House is because we have allowed, with the adoption of codes in the Commonwealth, vastly different subject matters to be included in the same code, and because of that it was very easy to have a bill that dealt with the very noncontroversial matter, an amendment to the Administrative Code or the Judicial Code or, as in this case, the Welfare Code, and have it amended with a very controversial subject, a very unrelated subject, a very different subject because it was in the same code, and that is what we are faced with here today. Whether or not a person should be on the rolls of the general assistance program of the Commonwealth of Pennsylvania has very little to do with whether or not we ought to pay with Commonwealth funds for abortions. They are unrelated subjects. They just simply both happen to be in the Welfare Code and addressed in the Welfare Code and that is why this House of Representatives, when it adopted its rules, said that it shall be up to this House in a vote to determine whether one subject was germane to the other, and that is why we put it in the rules in that way. And we have, on a number of occasions, decided in this House when the question of germaneness was put that even though the same code was being amended, one subject matter was not germane to the other. I suggest that that is what we ought to do today, and we ought to let the abortion Medicaid question be decided by this bill, and we ought to rule that HB 2044 portion or the elimination of general assistance is not germane to this bill, and that is what we ought to do, and I suggest it for every member, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, this bill originally was a welfare reform bill. It was amended with the abortion issue, which affected Medicaid, which again falls under the Welfare Code. It is suggested by Mr. Punt in his amendments that again we get into welfare reform, and it is perfectly clear to me that this is germane. Now, it may very well be, if I may be as forthright as Mr. Irvis, that the question is not so much of germaneness as it is on this vote whether or not we want to vote again on welfare reform in the GA area, and it may be that this is what is attempted to be avoided by this question of germaneness. I say that it is germane; it has always been germane to amend the same code, and I believe if the speaker looks at prior rulings that he will find time and time again that it has always been held that way at least in the past 4, 5, 6 years now. Now going back beyond that, I remember no distinctions, but it could be that something took place years ago, but in the past 4 years, 6 years, I believe every time a code has been attempted to be amended, it has been found to be germane despite the fact that the subjects may be completely different, and I refer specifically to the Public School Code where we do everything in there.

The SPEAKER pro tempore. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, very briefly, for the members' minds of this Assembly, whether or not these two matters are germane can be determined, I think, intellectually very easily. Should we be considering two matters in this bill on which a member may have a deep-seated, conscientious reason for voting one way on one and a different way on the other should he be forced in the position of having to place one vote on final passage, and if you cannot understand that a member may be in that position, that he is damned if he does and damned if he does not on final passage vote on two different subject matters, then there is only one conclusion, those two matters are not germane to each other, and that is the way it ought to be decided.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Mullen.

Mr. MULLEN. Mr. Speaker, I am going to support Mr. Manderino and Mr. Irvis on this issue. I do not know whether the issue is germane or whether it is not, but it would seem to me, in the light of what Mr. Manderino just outlined to you, it is not germane because there are two separate distinct issues here. I think it is clear. Those of us who were interested in the abortion question, we never intended to have anything in the bill except the abortion question, because that is a hot enough issue, but to put in Mr. Punt's particular proposal really creates a problem, and I will be honest with you, it creates a terrible problem for me. I feel that I have to vote that it is not germane, and I urge everyone who can possibly do so to vote that way also. That way we will be able to dissect Mr. Punt's proposal from the abortion and then decide the abortion question today and then decide Mr. Punt's issue on either another bill today or some other day. I think that is a sensible way of handling it. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Berks, Mr. Fryer.

Mr. FRYER. Mr. Speaker, I support the proposal that this House should rule that the amendment be not germane, and by way of explanation, I would like to state to you the position that I find myself in.

I feel very strongly on the two issues. I have voted on those two issues. I have been here for 18 years and I have never taken a walk on a vote. However, what you are doing here, you are forcing me into a position and it does not matter which way I vote, yes or no. I will be denounced by people that I represent, and I resent that very deeply. It reminds me of the old story of the country cousins who were playing poker, and one of them objected and he said, now, I think something is wrong here. And you know, the dealer looked at him and he said, now, Luke, you play those cards honest, because I know what I dealt you.

Now, I know what you have dealt me here, and I think this is just about as cynical as anyone could get because when we get into these two subjects, they are entirely removed. One can feel very strongly about one to support it, and on the other, his position is no. Now, I say this is wrong, and if we should term it by the term it is germane
or not germane, if that is the vehicle to permit me and others in this House who are faced with the same problem, then so be it. Let us use that device, or if you have a better one, present it. Let those issues be voted upon separately. To do less is a disservice to members of this House, and, Mr. Speaker, I think this is cynical.

I have a lot of respect for this House and the members in it. But when they shoot one like this to you, you feel like walking away from the desk because they are making it mission impossible. It does not matter if I vote “yes” or “no.” In the words of Mr. Manderino, I will be damned. Now, they can accuse me of faulty judgment, but I say this, when this body permits such a condition to go on, I think of those members who are torn between the two, and while it may be Fryer and others today, it could well be you tomorrow. It is unfair. It is completely unfair, and I would say let us move that this is not germane. The issues will become before us again, but to unite the two, that is hypocrisy at its highest. I ask that you vote and think of those such as myself who are in this position and vote that it is not germane. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I have listened to these words and I really have some problem with it. It is very, very clear to me that the simple truth is this, a way to duck the issue of workfare. That is the simple truth.

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Street.

Mr. STREET. Mr. Speaker, I rise to a point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STREET. I think our rules say that we are not allowed as members to speak to the same issue more than twice. It seems like to me that the majority leader has spoken to this issue.

The SPEAKER pro tempore. The Chair advises the gentleman that the leadership does not fall within that rule.

Mr. STREET. Shucks.

Mr. RYAN. Sorry about that, Senator.

Really, that is my judgment as to what is taking place. The two votes are difficult votes; they are difficult by themselves; they are difficult together. But we are closing down this session. We are getting to the end of the line. The question of workfare, HB 2044, has been out of this chamber for some 6 or 8 months. The Senate is loving it to death. They have had public hearings; they have offered amendments; they have done any number of things, but the one thing they have not done is address the final issue and send it back to us. We cannot control what goes on in their committees. What we can do under our rules though is put workfare back in this welfare reform provision; back into a Senate bill and send it over to the Senate where they cannot avoid that issue. I think anyone voting to sever this by a question on the germaneness of the amendment is really helping the Senate avoid an issue, and it is a tough issue, and no one doubts it is a tough issue. But the fact remains, if you want this issue resolved, if you want a final vote on it, you have got to do it this way, and to hide behind the question of germaneness, I think is ridiculous and will be read and seen for exactly what it is.

The SPEAKER pro tempore. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, the reason I made the suggestion which has caused this debate is because I am absolutely convinced from the messages I have received from a number of members that there are a number on both sides of the aisle who will find it impossible to vote their conscience on this bill. There are those members who feel very deeply about the Medicaid abortion part, and they want that, but they do not want to be put in the position of voting for HB 2044. There are those who feel very strongly, very deeply, about HB 2044, the Pun amendment, but they feel equally strong against the Medicaid abortion part.

I am not pleading for me. Let me make that very clear to you. I will be here because I am against both. So it is no problem for Leroy Irvis. I have a simple vote. It does not twist my conscience. But there are those members who have said to me, I do not know what to do. If I vote against it, I will be castigated by the pro-lifers; if I vote for it, the pro-lifers will love me, but those people who are in my district who are on welfare will march against me. I do not know what to do. I will have to take a walk.

Now, I suggest to you as a leader on the floor of this House that if there is a method that we can use to avoid forcing members to take a walk, we ought to use the method. I am going to tell you point-blank that I expect that the House sooner or later in this General Assembly will pass some form of HB 2044. I can read the votes on this side of the aisle and on your side. All I am suggesting is that the House members be given two clean decisions. One will be on the Medicaid abortion issue and the other will be on HB 2044. That is the purpose of my motion, and I again urge that those of you who agree with that vote with me on this so that we can resolve this issue cleanly. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Mr. Speaker, in the House Health and Welfare Committee, there are a good number of Senate bills, all of which I assume amend the Welfare Code. The Senate bills which probably amend the Welfare Code in the Health and Welfare Committee right now are SBs 184, 223, 235, 237, 238, 283, 478, 502, 526, 579, 581, 587, 588, 589, 1003, and 1052. So if there really is a sense of urgency on this, we could recess right now; the Senate could pick one of this very large number of bills; completely gut it; place it in the language of HB 2044; have its reading today and come back Monday, or we could even stay here until
tomorrow or we can come here tomorrow and we could vote a different bill out. This is not the issue of trying to gut the bill. This is the issue of fairness to the members on both sides of the aisle who want to be able to vote their constituency and their conscience on both issues. There is absolutely no reason why we cannot vote for both these bills separately. It is very, very easy. It could be done as early as tomorrow if that is the desire of the House. I would, therefore, urge that this amendment be declared not germane.

The SPEAKER pro tempore. The Chair recognizes the gentleman from York, Mr. Foster.

Mr. A. C. FOSTER. Mr. Speaker, in my 8 years' service in this body, I find nothing particularly unique in the fact that we have before us a bill which contains items on which some people may disagree. We have faced this issue of germaneness on many occasions, and I think here we have a clear-cut case of germaneness. If any two items are inextricably combined, I think it would be Medicaid abortion as it relates to welfare and welfare reform. It is perfectly germane. I would point out that my first year up here we had a bill that amended the Crimes Code in which the subject of the bill was malicious mischief in caves and it was amended to include prohibitions against fornication and adultery. That was germane. Certainly this is germane, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the lady from Philadelphia, Mrs. Harper.

Mrs. HARPER. Mr. Speaker, I have a feeling, I have always felt and I believe that we serve our brothers' keepers. I do not think that we should force our members to vote on this bill as being germane. I think we should have the separation and give the members the chance. I do not have a problem. I am against both of these bills. But there are others who have a problem, and I am sensitive to their problem. Therefore, I will vote that this amendment is not germane and give my brothers and sisters a chance to make that decision. Thank you.

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

Mr. WILLIAMS. Mr. Speaker, I would like to add my comments in support of the move to make this not germane.

We have been talking about, obviously, these two issues of abortion and basically jobs on unemployment. Mr. Ryan says it is germane because we have done it before. Other people have said, well, look, you have two issues that people have a conflict on. One of the things that concerns me—and I know they concern Mr. Ryan because he is a lawyer—is the ridiculous hodgepodge of legislation that legislators create which make a lot of fundamental mistakes. We did a code some years ago and everybody said it was perfect. It was so perfect that we have had to take 3 years to clean it up. I do not think that responsible legislators should do that when you have an opportunity to do it with some common sense. I think we are just talking about a choice of exercising power or common sense. And the two issues that are involved in here, if they cannot stand on their own merits, then it is absolutely positive that what we are doing is giving a public, that we say we serve, some unthoughtful kind of legislation.

I think that the technical question of germaneness really is not so important as it is a fact that we are violating obvious common sense in trying to join these two issues. I would urge that the vote on germaneness be for nongermaneness so we can approach these two issues in some basic commonsense terms. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The question recurs, Will the House agree as to whether or not the amendment is germane to the bill?

Those who vote “yes” declare that it is germane; those who vote “no” declare it is not germane. At this time the members will proceed to vote.

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The majority having voted in the affirmative, the question was determined in the affirmative and the amendments were declared germane.

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

GAVEL RETURNED TO THE SPEAKER

The SPEAKER pro tempore. At this time the Chair returns the gavel back to the Speaker, Mr. Seltzer.

THE SPEAKER (H. JACK SELTZER) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from York, Mr. Anderson, for presiding.

The Chair recognizes the gentleman from Montgomery, Mr. Hoeffel.

Mr. HOEFFEL. Mr. Speaker, I rise in opposition to the Punt amendment. I know we have had a lot of debate here today about various aspects of this legislation. I ask the House to focus on the provisions of the Punt amendment. I would like to discuss them a little bit. The only true debate we have heard on that specific issue on the substance of the amendment so far has been that put forth by Mr. Earley. I would like to commend him on his able presentation. I think he pointed out to the members of the House some of the problems that exist within the Punt amendment. Some of those problems were contained in HB 2044 when we passed it last March. Others of those problems exist in the Coppersmith language added in the State Senate.

To address some of the remarks of mine to the language added by Senator Coppersmith and touted by the proponents of this amendment as such a beneficial provision, I speak of the grandfather clause added in the Senate and placed into the amendment by Mr. Punt.

It seems to me that the grandfather clause is one that is fraught with danger for a welfare system. It seems to me that grandfather clause would act as a real disincentive to anybody receiving general assistance currently, a disincentive to go out and find work. Mr. Earley made the point very clearly that the great majority of general-assistance recipients have been on general assistance for a short period. The average length of general assistance is about 7 months. The history of those individuals is one of part-time employment, seasonal employment at the very lowest levels of the economic system. They are on general assistance. They find a part-time job; they lose that job because it runs out, or whatever, whether it is a holiday job wrapping packages at a department store or whatever, and they go back to general assistance. It is very clear; Mr. Earley pointed it out, that when those general assistance recipients who are grandfathered in accept that part-time employment, work there as long as they can and then have a need to go back to general assistance, they will not be able to. And because they are grandfathered in now, they are simply going to stay there. They are going to stay on the rolls, and I think that we are going in exactly the wrong direction by that grandfather clause.

I think everybody is interested in welfare reform. I really recognize the political popularity of embracing something that is called welfare reform. I think what Mr. Earley tried to point out and what I am trying to point out is simply calling something welfare reform does not mean it is true reform.

As I have said here today, we have not in the Health and Welfare Committee had an opportunity to really see if this is welfare reform. That decision must be made by this House.

I ask all of you to take a very careful look at the provisions of the Punt amendment and decide for yourself whether this is one step towards welfare reform and whether we need to go a lot further. I maintain we need to go a lot further, and that this is only a partial solution and without some kind of job program for the people we are dealing with here, that the true impact on Pennsylvania would be devastating.

There were some other points made during the presentation by the proponents of this legislation that I would like to address myself to. Also, these were provisions added by Senator Coppersmith in the Senate. There is a mandated savings provision in this legislation, in the amendment, that says the savings, if there are any—and there are serious questions if there will be any savings under this legislation, but there is a provision mandating that the savings—be plowed back into the welfare system. There are some serious constitutional problems about that provision. I think that nobody should hang their hat on that provision as a reason to vote for this bill. I think the next savings figure quoted by Mr. McClatchy of $12 million may be very illusory. I am not at all sure that there will be any savings to the state or to the welfare budget through this kind of program.

There were a lot of studies in the Senate and a lot of testimony received by the Senate committee indicating enormous complexities to this entire question, and, in fact, I would like to address myself briefly to what happened in the Senate.

We had not here in the House had a chance to receive testimony, to receive input, on this welfare-reform issue. The State Senate did. I would like to share with my colleagues very briefly some of those results.

For what it is worth, these individuals, whom I am about to name, all testified before the Senate against HB 2044 and some of the amendments considered by Senator Coppersmith: William Rafsky of the Philadelphia Chamber of Commerce, certainly not an organization of bleeding-heart liberals, Mr. Speaker. Harry Boyer of the AFL-CIO - American Federation of Labor and Congress of Industrial
any welfare-reform program that does not have those jobs, if indeed these welfare recipients will be finding jobs. The Department of City and Regional Planning, urban studies program of the University of Pennsylvania. The list goes on: Pennsylvania NOW; United Methodist Church; Action Alliance of Senior Citizens. These people all testified against the provisions of HB 2044 when it was considered by the Senate committee.

The Senate commissioned three studies to be done on HB 2044. Those studies were completed by the public enterprise research program of the Wharton School of the University of Pennsylvania. The Department of City and Regional Planning, urban studies program of the University of Pennsylvania - those are two separate studies - and the Social Policy Research Institute of New York. All of these studies indicated some real problems with HB 2044 and indicated that the entire question of welfare reform is one that is enormously complex; that the provisions of HB 2044, which we are essentially considering here today, merely touch on the surface and do not in any way embrace a comprehensive approach to welfare reform.

The Wharton School report on the bill said that without an effective positive stimulus to new job creation, which we certainly do not have here, this legislation will have a significant negative impact. There will be a significant increase in state expenditures, they said, in unemployment compensation for current workers who will be competing and losing jobs, if indeed these welfare recipients will be finding jobs.

I could point out to the members that state the obvious, there are some 450,000 Pennsylvanians out of work right now, and we are talking about putting more people with marginal skills and marginal work histories into that pool of 450,000 Pennsylvanians competing for jobs. Most of those jobs require an education level and skill level and experience level that the average general-assistance recipient simply does not have.

I think it was made very clear to the State Senate in their hearings that any welfare-reform proposal that does not include job training, job counseling, manpower programs, any welfare-reform program that does not have those elements is worthwhile. We are simply going to be creating, in my estimation, some truly enormous problems that all of us will live to regret. I wish I could embrace this legislation. I would love to go home and campaign in my conservative Commonwealth. I want that more than anybody in here because I want to come back.

I say to you and I really plead with you to take a very careful look at this legislation. Do not be swayed by the claim that it is welfare reform. Decide for yourself. I am sorry that the House Health and Welfare Committee cannot help you with this. But we cannot. We cannot offer you any committee testimony; any kind of expertise at all on this subject. We have left it to you and it is a difficult decision I know.

We have a responsibility to all Pennsylvanians and we have a responsibility to ourselves to approve legislation in an intelligent way, in a rational way and to turn down legislation no matter how great the title may be if we find that legislation to be wanting. This legislation is wanting in my estimation, and I urgently request the members of the House to say no and vote against the Punt amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Kukovich.

Mr. KUKOVICH. Would the author of the amendment please stand for brief interrogation?

Mr. Speaker, the gentleman indicates that he will?

Mr. PUNT. Yes, Mr. Speaker.

Mr. KUKOVICH. Mr. Speaker, you had a fiscal note circulated earlier today about the economic impact. Is that correct?

Mr. PUNT. I am sorry. Will you repeat that, please?

Mr. KUKOVICH. Did you have a fiscal note circulated today regarding the economic impact of your amendment?

Mr. PUNT. No; I did not; the Appropriations Committee chairman did.

Mr. KUKOVICH. That was the fiscal note that said there would be a $12-million savings?

Mr. PUNT. That is correct, net savings.

Mr. KUKOVICH. The Thornburgh administration 6 months ago had said in the first full year there would be a savings of, I think, $92 million. Can you explain to me the distinction between those figures?

Mr. PUNT. Would you repeat that, please? I could not hear you.

Mr. KUKOVICH. My question was that in the fiscal note before us today we saw a savings of $12 million. Approximately 6 months ago the Thornburgh administration estimated $92 million in the first fiscal year. At that point, 6 months ago, there were questions raised about the amount saved. The question is compounded today, and I am wondering what the distinction is.

Mr. PUNT. Mr. Speaker, the Appropriations Committee chairman went over that in detail. I will attempt to, and if that still does not satisfy you, then you could interrogate the Appropriations Committee chairman.

First of all, let us correct the figure. It was not $92 million; it was $96 million. Now, there has been an approximately 15-per cent increase in GA recipients, to about 93,000. We are looking at a total annually of $110 million. Now, we lowered the age from 55 to 40 years of age. That consisted of 13,000 people, which would come to $15 million. We looked at the prisoners who would be serving prison under this amendment, who would come out to about 1,200 for $600,000. Then with the grandfather segment for the 93,000, that would total to $47 million, which would give us a balance, from that original $110 million, of $47,400,000. Now, with the language that is
specified in the amendment, the 75-percent increase, of that remaining amount of dollars, would total $35,550,000 or so, which would leave us a net savings of about $12 million, or $11,850,000.

Mr. KUKOVICH. Does your amendment address how that savings will be used?

Mr. PUNT. Yes, Mr. Speaker.

Mr. KUKOVICH. What section is that? I will find that for myself if you will just let me know the section.

Mr. PUNT. It is on page 8, section 475.

Mr. KUKOVICH. Mr. Speaker, if you will recall, when HB 2044 was debated previously, I had an amendment adopted requiring that CETA - Comprehensive Employment and Training Act - funds would be used to first employ those put into the transitionally needy category. I cannot find that in this amendment. Am I correct, or is that language still in there?

Mr. PUNT. Page 8, section 14.

Mr. KUKOVICH. One more question, Mr. Speaker. Is there a breakdown of administratively how the ablebodied would be discerned?

Mr. PUNT. I am sorry. Would you repeat that, please?

Mr. KUKOVICH. How would the administration decide who would fall into the transitionally needy category? Is that specifically laid out in the bill, or is that an administrative function?

Mr. PUNT. No, Mr. Speaker. That is specified in the language of the amendment.

Mr. KUKOVICH. Is there an estimate as to the cost of that function?

Mr. PUNT. On the cost of what?

Mr. KUKOVICH. Of deciding who is ablebodied and who is not.

Mr. PUNT. They presently do a semiannual redetermination, and this would be done constantly as currently within the system.

Mr. KUKOVICH. Mr. Speaker, are you saying that there would be no increased costs to determine who is ablebodied? Is that your response?

Mr. PUNT. That is correct.

Mr. KUKOVICH. Thank you.

I have no more questions, Mr. Speaker. I do have a few comments.

Mr. Speaker, I do not think we should debate this at length. I have spoken on this same legislation previously, and many speakers have today. I think that the circumstances that have taken place in the last 6 months since we debated this bill before have shown that this bill is even more of a facade; that this bill is not indeed reform, and that we have had time to address the economic problems in this Commonwealth and have failed to even attempt to address them. There has been no attempt made to crack down on doctors' fraud, for example. According to the Associated Press of just this month, they admit that state agencies have failed to crack down on doctors who cheat the state’s medical-assistance program.

According to the various programs that this administration was going to use to create jobs, we have seen CETA funds forfeited; $200,000 in CETA funds directly under the Governor’s control, and according to figures that I had last spring, it runs into the millions of dollars forfeited by counties and municipalities across the state.

The Bureau of Employment Security has failed to do its job and increase the possibility of general-assistance individuals receiving employment. The Pennsylvania employables program, which has shown that it can have an effect, that it can do some good, has not been increased. The funding level has not been increased. The suggestion that more money would go to PIDA - Pennsylvania Industrial Development Authority - and that would create more jobs, that argument I think has proven itself to be a specious one, and even if it would create a substantial amount of jobs, it would not create jobs in the unskilled sector, the sector where most GA recipients would fall.

Mr. Speaker, this General Assembly and this administration have failed to address those questions. They failed to address the real problems in this Commonwealth, and instead we are throwing out some more window dressing at election time, image legislation that people can run on with no real substance, and the previous speaker, Mr. Hoeffel, ran through a litany of individuals who testified against this legislation. I would like to specifically address these next comments to those moralists among us who are trying to dictate how we as individuals should lead our lives. I would like to quote from an excerpt from that testimony against HB 2044, from the joint testimony of Howard Fetterhoff and Paul Gehris from the Pennsylvania Conference on Interchurch Cooperation. They have said that “The sluggish economy is not the fault of the poor. These people are the victims of it and they do not have the wherewithal to change economic conditions or the climate of joblessness.” Reverend Fuller, from the Baptist Ministers’ Conference: “We are living in a period when even the hope of a better life can no longer be taken for granted. People, Black and White, in communities, urban and suburban, across this nation and certainly across this state are frightened and desperate. We deplore the fact that in a time such as this, the Commonwealth of Pennsylvania would consider such action....”

Mr. Speaker, I could go on with about half a dozen other members of the clergy, people who have a genuine concern for the poor and the unfortunate of this Commonwealth. I think it is a travesty if we continue this charade and if we vote for this amendment, and if there is anybody left here paying attention, I would like you to carefully read this amendment and try to decide in your own mind if a vote for this amendment intellectually, honestly is going to solve the problems of welfare in this Commonwealth, especially at a time when the joblessness rate is increasing to the point of 9.5, especially at a time when the recession has hit our Commonwealth and this part of the country harder than any other, especially at a time when we have gone through an unemployment-compensation crisis.
Mr. Speaker, I would suggest that we vote “no” on this amendment, that we do not fool the people; that we come back here next session and work to address the problems of jobs and trying to create jobs, and I would ask for a negative vote on this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, would Mr. Punt stand for interrogation?

The SPEAKER. The gentleman indicates that he will.

Mr. ITKIN. Mr. Speaker, are you the prime sponsor of HB 2044?

Mr. PUNT. Yes, Mr. Speaker.

Mr. ITKIN. Are you familiar with the language contained in that particular legislation as it passed the House of Representatives?

Mr. PUNT. Would you repeat that, Mr. Speaker?

Mr. ITKIN. Are you familiar with the language contained in that bill as it passed the House of Representatives?

Mr. PUNT. I was at the time. I do not know how accurately I can describe everything at this point in time.

Mr. ITKIN. Does your aide have a copy of that bill, by any chance, that you may refer to?

The SPEAKER. The Chair would caution the gentleman from Allegheny, Mr. Itkin, that the matter before the House is the amendment offered by Mr. Punt. The gentleman may proceed.

Mr. ITKIN. Mr. Speaker, I am trying to glean some information, and I want to refresh the gentleman’s memory and I can only do that if he has a copy of the bill.

Do you have in your possession PN 3022?

Mr. PUNT. Mr. Speaker, I have a copy, but the Speaker has ruled it out of order.

Mr. ITKIN. I do not think he has ruled it out of order. I am just asking you if you have a copy of the bill?

Mr. PUNT. I sure do.

Mr. ITKIN. Okay. We can move right along then since you have a copy of the bill. Could you recite to the House page 2, line 9, of that bill as it passed the House?

The SPEAKER. The matter before the House is the amendment No. A8392. The Chair would suggest that Mr. Itkin confine his interrogation to the amendment before the House. The gentleman may proceed.

Mr. ITKIN. Well, all right. The reason why I am doing this, Mr. Speaker, is to compare the language in this amendment to the language that appeared in HB 2044 on passage. There are certain exceptions now in the language, and I want to seek some clarification from the prime sponsor of the bill and the sponsor of the amendment to find out why he made certain changes in the language. Is it appropriate to interrogate in that regard?

The SPEAKER. The Chair would caution the gentleman to please confine his interrogation to the amendment before the House. The gentleman may proceed.

Mr. ITKIN. Mr. Speaker, in HB 2044, PN 3022, it states that “Chronically needy persons are those persons chronically in need who may be eligible for an indeterminate period as a result of medical, social or related circumstances and shall include, but shall be limited to, the following:”, and after “the following” are a host of circumstances that you have included and modified somewhat in your amendment, like children under the age of 18, et cetera, a person over the age of 40. Now, could you tell the House how your amendment differs with the bill as it passed the House with respect to the section that I just read to you?

Mr. PUNT. Mr. Speaker, I stated all of this at the beginning of the debate. In fact, I answered it for Mr. Irvis; I answered it for Mr. Earley; and there is another member to whom I answered it. I went over that part.

Mr. ITKIN. Did you indicate to Mr. Irvis and did you indicate to Mr. Earley that you have removed from the language “but shall be limited to”? Therefore, the points that you have enumerated are included for consideration of chronically needy, but the language does not clearly exclude any other premise from being considered, and that is why when HB 2044 was originally passed by this House, the restrictive language that said “…shall include, but shall be limited to…” was included. Now, in this amendment you have dropped “but shall be limited to,” so I have only reason to believe that the points that you have enumerated are only partial and that other forms of chronically needy categories can be included beyond that. Look at the language. You dropped “but shall be limited to,”. Was that your particular intent, to drop the limitation enumerated as to who may qualify as being chronically needy?

Mr. PUNT. Mr. Speaker, I think the bill is very explanatory. I stipulated what I wanted in this amendment.

Mr. ITKIN. You stipulated in your amendment that chronically needy persons shall include the following, and then you list them, but you did not say “shall only include.” You did not say “shall include but are limited to the following.” The basic understanding of the English language is when you say “shall include,” it means that these particular items ought to be included but are not necessarily exclusive. Now, when we passed HB 2044, you had specifically written into the language to limit chronically needy to these categories, and now upon reading your amendment, I see that important phrase limiting chronically needy to these categories taken out. So I can only infer that you do not wish to any longer limit chronically needy to these particular categories, because you have specifically changed the language from HB 2044 in the amendment that you present to the House today.

Mr. PUNT. Mr. Speaker, I again say it is very clear. It shall include. If I left out “only,” okay. I say it is very clear. I have a basic contention of that. Then as you go over on page 4, section (i), it says, “Any person who does not otherwise qualify as chronically needy, and who is receiving general assistance on the date this section is enacted into law.” That is limiting it to those specific categories.
Mr. ITKIN. No, Mr. Speaker. You define a chronically needy person as a person who has a chronic need, and then you say it shall include the following types of individuals. You do not necessarily exclude a person who is in chronic need who does not fall into those categories, because then why would you have made the change?

In fact, Mr. Speaker, right now I have completed my interrogation of Mr. Punt, and, Mr. Speaker, if I can get your attention for a minute, I would like to interrogate Mr. Gladeck.

The SPEAKER. Will the gentleman, Mr. Gladeck, permit himself to be interrogated? The gentleman indicates that he will. The gentleman may proceed on the amendment.

Mr. ITKIN. Mr. Speaker, was it not you who saw this omission in HB 2044 and offered an amendment to the House which was subsequently adopted so that the language read “...and shall include, but shall be limited to, the following;”? Did you do that, sir?

Mr. GLADECK. Yes; I did.

Mr. ITKIN. Why did you do that if you felt it was clear purposely?

Mr. GLADECK. I am sorry, I cannot hear you.

Mr. ITKIN. Why did you do that? Could you explain to the House?

Mr. GLADECK. Well, it is quite obvious. To tighten up the language in the bill on HB 2044.

Mr. ITKIN. You are in no—

POINT OF ORDER

Mr. GLADECK. Excuse me, Mr. Speaker. Point of order.

The SPEAKER. The gentleman may state his point of order.

Mr. GLADECK. I do not believe that my amendment to HB 2044 is under discussion. I believe we are—

The SPEAKER. The gentleman is correct. The Chair has attempted to advise Mr. Itkin repeatedly to please confine his interrogation to the amendment. Mr. Itkin, you are a friend. Please do not take advantage.

Mr. ITKIN. Mr. Speaker, thank you for the interrogation.

The SPEAKER. Does the gentleman wish to debate the bill? The gentleman is in order and may proceed.

Mr. ITKIN. Mr. Speaker, it is obvious that when HB 2044 was before us, Mr. Gladeck wanted to insure that the categories enumerated would be the only qualifying categories, and, therefore, he specifically offered an amendment to this House to restrict the categories for chronically needy to only those categories enumerated by saying “...shall be limited to...” Now it is obvious to me, whether by intention or unintentionally, the framer of the amendment today has failed to take advantage of the amendment that was inserted by Mr. Gladeck and has now provided us with an amendment which no longer does, in my judgment, what the maker of the amendment and the sponsors of the bill, HB 2044, wished to have done; that is, they have not limited chronically needy to only those categories enumerated. What they have in fact said is that chronically needy persons are those in chronic need and shall include the following. They did not exclude those chronically needy persons who still are in chronic need who would still qualify.

It is clear to me that there is a defect in this amendment and that if this House were to pass it and this should become law, it would seem to me that there would be a legitimate right on the part of lawyers representing those people who would be disaffected and disadvantaged by this bill to seek inclusion in the chronically needy category. What I am doing today is pointing out this particular defect in the bill, and I think it should be corrected. Now, that is a decision for the maker of the amendment to do, but I believe that right now as this amendment is before us, it only limits chronically needy people to people who are in chronic need, as it so states in the language of the bill, and that the enumeration categories are only examples of what must be included but are not necessarily limited to. That is the reason why I point out that in HB 2044 as it passed this House, it was very specific, and so specific enough that Mr. Gladeck took the effort, made the effort, of offering that amendment which was not considered frivolous and was adopted by this House.

Mr. Speaker, I do not know what the will of the House will be with respect to this amendment. If you wish to pass it, I think that it can cause serious legal problems in the future. Thank you.

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

Mr. WILLIAMS. Will the gentleman, Mr. Punt, stand for brief interrogation?

The SPEAKER. The gentleman indicates that he will.

Mr. Williams may proceed.

Mr. WILLIAMS. Mr. Speaker, in follow-up to the previous speaker, how much money of the $12 million would be affected by the chronically needy category, or what percentage of the $12 million, approximately?

Mr. PUNT. I am sorry, Mr. Speaker. Would you repeat that, please?

Mr. WILLIAMS. The $12 million that will be saved, I assume that is for a year?

Mr. PUNT. The netted-out savings?

Mr. WILLIAMS. Yes. How much of that $12 million is saved by the chronically needy category being limited?

Mr. PUNT. We are not eliminating the chronically needy category.

Mr. WILLIAMS. Okay. Assuming that you have an estimated fixed number of chronically needy people to be served and that particular category is increased either because some people are just plain chronically needy or, let us say, some of the people on transitionally needy, what percentage of the $12-million savings is affected?

Mr. PUNT. It would really depend, Mr. Speaker, on the numbers.
Mr. WILLIAMS. Okay. In Mr. Itkin's interrogation on this point, you said even though it was not limited in one section, there was another section which said for persons who are not otherwise needy, so forth and so on and so on. Right?

Mr. PUNT. No, Mr. Speaker. The word “shall” is very inclusive. That has been debated in this House. It is limited.

Mr. WILLIAMS. You do not read my question. My question is: The words in the next section, which you read, would you read them again, please? We would start off with saying those who are not otherwise chronically needy, and then it said blah, blah, blah. Is that correct?

Mr. PUNT. That is correct.

Mr. WILLIAMS. So in furtherance of Mr. Itkin’s point, he said it did not limit it in the first section, and in the second section does it not seem to prove some other category? It says if you are not otherwise needy, “otherwise” meaning other than those that were listed by Mr. Itkin. Does that not seem to suggest that over and above the specified categories, there are other categories also? And does that not really reinforce Mr. Itkin’s point that there are other categories over and above those which are specified?

Mr. PUNT. No. They would fall into the transitionally needy category. Any other category, other than what is elaborated as chronically needy, would fall into the transitionally needy category.

Mr. WILLIAMS. Would you be kind enough to repeat the section that you read for Mr. Itkin—maybe I misheard it—the section which begins on the point about not being otherwise needy? Would you read that?

Mr. PUNT. Do you have a copy of this, Mr. Speaker, so you can follow me?

Mr. WILLIAMS. I have it, but it is back at my desk. Well, maybe—

Mr. PUNT. Now, I take it you are speaking of section (I)?

Mr. WILLIAMS. I will try to find it. What section did you say it was?

Mr. PUNT. Are you speaking in reference to paragraph (I) on page 4?

Mr. WILLIAMS. Yes. It says, “Any person who does not otherwise qualify as chronically needy, and who is receiving general assistance,…” and then it goes on to say some other things. Those words I just read, I am suggesting, add categories over and above those which are already listed as chronically needy. Would that not be your interpretation?

Mr. PUNT. That is correct, and that is the transitionally needy category.

Mr. WILLIAMS. Mr. Speaker, if I or a constituent of mine were to need assistance—and assume that they would need assistance under the chronically needy category—and were to go into the office and say that I am not in these specified categories but I am otherwise chronically needy and I need assistance, who would make the decision and what would happen to that person?

Mr. PUNT. The county board of assistance would, and if he or she would not fall into the categories as listed as chronically needy, that person, if eligible, would automatically fall into the transitionally needy category.

Mr. WILLIAMS. Suppose that person says he does not fall into transitionally needy but he is chronically needy. Would he have a right to appeal that and pursue to get his rights established?

Mr. PUNT. Yes. After a decision has been made, he would have the right to appeal.

Mr. WILLIAMS. Do you estimate how much that would cost if that was a substantial number of people?

Mr. PUNT. No, not really. No, Mr. Speaker.

Mr. WILLIAMS. Mr. Speaker, just two other brief interrogations. You referred to your motivation in this amendment as being HB 2044, and you stated that you changed the age limit from 55 to 40. What is the reason for that change in age in the transitionally needy category?

Mr. PUNT. The studies which have been done have indicated that the prime area that we want to redirect the direction of welfare in Pennsylvania is basically between the ages of 19 and 39 and 40. The studies which have been done by the Senate, by the department, by the Senate committee, their contracts that they have put out to the private contractors to do the research, all verified this information, and for this reason the age was brought down to 40.

Mr. WILLIAMS. You did not have that information before you first introduced HB 2044. Is that correct?

Mr. PUNT. Would you repeat that again, Mr. Speaker?

Mr. WILLIAMS. The reason that you changed it from 55 to 40, that information was not available to you 6 months ago when you introduced HB 2044. Is that correct?

Mr. PUNT. No, sir. When I debated HB 2044 in March, I stated on the floor that 55 was an arbitrarily picked age. The age of 40 is basically a compromise.

Mr. WILLIAMS. How many people from 40 to 55 were included in the category that you have lopped off?

Mr. PUNT. Approximately, Mr. Speaker, 13,000 persons who would otherwise have been ineligible.

Mr. WILLIAMS. All right now, Mr. Speaker, one further inquiry. The $12 million is what is being saved here per year. Is that what I am understanding?

Mr. PUNT. The approximately $12 million is the estimated net savings.

Mr. WILLIAMS. Okay, and just how many people are we projecting are going to be affected by this disallowance? Mr. PUNT. The entire existing caseload of GA recipients up to the effective date of this bill would not be affected.

Mr. WILLIAMS. They will be grandfathered in?

Mr. PUNT. Yes, sir. They will be grandfathered in, but they will receive as well the increase in the cash assistance checks.

Mr. WILLIAMS. I understand that. I am trying to get the figure of the amount of people who at some point per year are going to be affected by being denied this assistance grant. How many people do you estimate per year are going
to be denied and, therefore, we are going to save? Do you understand my question?

Mr. PUNT. Will you repeat that again, Mr. Speaker?

Mr. WILLIAMS. Yes. I want to know, per year, as you project this proposition, just how many people will be denied assistance who ordinarily would be eligible under present law? How many people whether they are new or old or what have you?

Mr. PUNT. I do not know if I totally follow you here. There are approximately—just rounded-off figures, okay?—hypothetically, say, 160,000 people on GA.

Mr. WILLIAMS. I am talking about the people who now will be between 19 and 40, that category, who are “ablebodied.” What I am saying, per year, how many of those people who will not be eligible now who are presently eligible?

Mr. PUNT. Approximately 45,000.

Mr. WILLIAMS. Approximately 45,000 people. And by doing that, we basically will save $12 million. Is that correct?

Mr. PUNT. No. That is netted out. In addition to that net amount, we are allocating the estimated savings, 75 percent of that, to increase the cash assistance checks to the GA recipients.

Mr. WILLIAMS. So we are taking everything away from somebody and giving some to others. Is that correct?

Mr. PUNT. To the truly needy.

Mr. WILLIAMS. Okay. Thank you.

Mr. Speaker, I will try to be very brief on this bill. We had before us 6 months ago a bill which many of us thought was very, very harmful, uneconomical, ineffective, and all those bad things. The history of that bill has shown that those of us who were trying to point that out had been subjected already to enough crimes, and this will further accelerate that danger to their quality of life. Mr. Speaker, therefore, it is bad for the families affected; it is bad for other families, and especially senior citizens, who might have to be subjected to the fact that there are no jobs, and we are taking away this small pittance. I did say a Viet Nam veteran and I did say a Korean veteran because when you lump a category like this, you are talking about healthy men and women who did work and who did fight for this country and who have nothing, and there are a lot of them in this category. Well, I think that that is un-American and it is dangerous.

Mr. Speaker, finally, this bill is bad for two other reasons. It is bad because we are creating a hammerlock on a category of people. This morning we voted that poor women could not and should not get assistance when it came to abortions. In the afternoon, we are saying their husbands or brothers should not have a small pittance to pay for anything if they want it. Mr. Speaker, I say we are creating a hammerlock on personal lives in a very, very dangerous way.

Finally, Mr. Speaker, the economics of the situation refute any bill like this; 9.5 percent unemployment; little or no sight for jobs; government not doing a darn thing to precipitate jobs and especially jobs in the areas that we are talking about. Mr. Speaker, every news article and evaluation I have read said that this piece of legislation and the heart of it is absolutely ridiculous and damaging the people and will not save this state any money. And for those reasons, Mr. Speaker, in addition to those that have been given and will be given, I think we should bite the bullet, face this issue, and defeat this amendment the same way HB 2044 is being defeated under the close scrutiny of the people of Pennsylvania. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Trello.

Mr. TRELLO. Mr. Speaker, will Mr. Punt stand for brief interrogation?

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

Mr. TRELLO. Mr. Speaker, unlike HB 2044, this amendment reduces the age limit from 50 to 40. Is that correct?
Mr. PUNT. Yes, Mr. Speaker, 55 to 40.

Mr. TRELLO. Fifty-five to 40, I am sorry. And unlike HB 2044, this also has the grandfather clause in, is that correct?

Mr. PUNT. Was your question, does this amendment have the grandfather clause?

Mr. TRELLO. Yes.

Mr. PUNT. Yes, Mr. Speaker, it does.

Mr. TRELLO. Well, I am somewhat confused. I can recall your debate in March with Mr. Street, Mr. White and a few other people in regards to the number of jobs that were available and some statistics that you showed from the Department of Labor and Industry on the number of jobs that were available. With this amendment now, are you now admitting there are not as many jobs available as you thought there were?

Mr. PUNT. No, I am not.

Mr. TRELLO. Then why are you offering this amendment that is altogether different than HB 2044, reducing the number of people that this affects?

Mr. PUNT. To help the taxpayers out across this state that have been demanding welfare reform. The issue has been bypassed constantly, and we want to address this issue head-on, and we are going to.

Mr. TRELLO. Well, Mr. Speaker, I agree with you 100 percent. I am for welfare reform myself, but you know I live in an area in western Pennsylvania where a lot of steel mills have moved out of the state. A lot of people are unemployed because of the recession, and the people who have worked for 20 or 25 and 30 years in these steel mills have paid taxes to support that type of program, and now that they need this program themselves, they cannot take advantage of it. What I am getting at is this: In HB 2044, a larger number of people were affected; more so than what your amendment speaks to now. At that time, I was thoroughly convinced with your remarks stating that there was a number of jobs to take care of these ablebodied welfare recipients. Now, with your amendment, you are telling me that there are not quite as many jobs and we will not have to affect as many people.

Mr. PUNT. I am not saying that at all.

Mr. TRELLO. Well, in comparison to HB 2044, how many people are you affecting with your amendment, compared to HB 2044 as far as welfare reform is concerned?

Mr. PUNT. All who would have been eligible for general assistance.

Mr. TRELLO. Except you are grandfathering a lot of people right now.

Mr. PUNT. Every single person who is on general assistance at midnight prior to the effective date of this act; yes, Mr. Speaker.

Mr. TRELLO. Will not be affected?

Mr. PUNT. Would not be affected. They would be replaced in a chronically needy category.

Mr. TRELLO. Well, then, you are also admitting that under HB 2044 the effective date of that legislation, if in fact it were passed and signed by the Governor, everybody on welfare would automatically stop receiving those benefits the day the Governor signed it or 60 days, whatever the case may be. Is that correct?

Mr. PUNT. No, sir. I believe it was a 90-day effective date with a 6-month implementation period, and then on top of that, those during that 6-month implementation period which would be determined as transitionally needy would receive a 1-month check during a 12-month period. After that, then those individuals, under the old version of HB 2044, would not have received another check during a 12-month period, those in the transitionally needy category.

Mr. TRELLO. You do, in fact, believe that there are enough jobs to take care of the larger percentage of the people that are on welfare today, the ablebodied welfare recipient. Is that correct?

Mr. PUNT. I believe that basically there is work available, yes, Mr. Speaker. And we will not be looking at the large quantities of numbers that we would have been looking at under the old version of HB 2044.

Mr. TRELLO. Thank you, Mr. Speaker.

I would like to make a brief statement.

The SPEAKER. The gentleman is in order and may proceed.

Mr. TRELLO. Mr. Speaker, I have just learned that there are enough jobs available to take care of the people that are on welfare, though this administration, during this campaign year when we are going to elect a new President, has constantly criticized the White House and that Administration about inflation and about unemployment because there are no jobs. Now I find out that even though they have criticized the Administration, they are telling me that if there are jobs to accommodate the majority of these people, I am confused. I want to do the right thing, and maybe I did not do the right thing on HB 2044, but if they are going to continually criticize the Administration and then come back and tell us there are jobs, then I am beginning to wonder what this Administration is doing itself. Are they trying to fool the people or is it just an election year? Thank you very much.

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

Mr. BERSON. Mr. Speaker, I really had not intended to get involved in this, but I am completely puzzled by the conclusion of this so-called grandfather amendment in Mr. Punt's amendment. If the aim of this amendment is to get people off welfare, I can see no greater disincentive than this grandfather amendment. What you are saying to people is, you better stay on because if you get a job, you are never going to be able to get back on. Now, is that what you want to accomplish, because you will have a permanent group of people who have been, do not get a job. If somebody says, go wrap parcels for Christmas and you can make some money, they dare not do it. I cannot believe that is really what you folks intend with this amendment, yet that is the way it reads to me.
Mr. McClatchy previously testified that we are talking about 80,000 to 90,000 people. Now you are going to say to those 80,000 or 90,000, do not get a job because if you do, you are off. If you just stay where you are, pick up your checks, you are grandfathered in. That makes no sense at all. I cannot believe that that is really what you consciously intend to do in this amendment. If it is, I am utterly mystified and I just do not understand what the purpose is unless it is to totally confuse everybody. I would advocate that we reject this amendment.

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

Mr. STREET. Mr. Speaker, will the gentleman, Mr. Punt, stand for interrogation?

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

Mr. STREET. Mr. Speaker, just a brief prelude to my statement. I am interested in the fiscal responsibility that is being pushed on the people in this legislation. I am not interested in anything else. I am interested in knowing from you, based on the figures of the cost of implementation of this piece of legislation, is it fiscally responsible?

Mr. PUNT. Yes, it is. We are operating within the existing system.

Mr. STREET. Please, do you know what fiscally responsible means? I am talking about the money. I am not talking about operating within anything; I am talking about the money, the cost, the cost of implementation of this. Do you feel that that is a responsible position to spend the amount of money, if you know, to implement this bill?

Mr. PUNT. Absolutely.

Mr. STREET. Okay. What is the procedure of moving people from transitionally needy to chronically needy? How are you going to do that?

Mr. PUNT. What is what?

Mr. STREET. How do you propose to determine who is chronically needy and who is transitionally needy? That is all I want to know. You have two categories here.

Mr. PUNT. The department determines eligibility.

Mr. STREET. The department determines and there is a process that the department must go through to make that determination. Is that not correct?

Mr. PUNT. I am sorry, would you repeat that, Mr. Speaker?

Mr. STREET. Okay. Can you explain to me the process that the department must go through to make a determination as to who is chronically needy and who is transitionally needy? What is the process and what is the cost of that process?

Mr. PUNT. The recipient goes into the county office to apply. The information is taken based upon the criteria and eligibility for that individual, and that is verified.

Mr. STREET. All right. Mr. Speaker, I need a few seconds to take a chart from back here up to the front so that I can show exactly the fiscal irresponsibility that is going to be attached to this bill.

The SPEAKER. Has the gentleman concluded his interrogation?

Mr. STREET. No, I have not, but I need time to get my charts.

The SPEAKER. The Chair hastens to remind the gentleman that under interrogation the gentleman is permitted to ask questions to obtain information but not to supply it to the body. The gentleman may supply it to the body under debate but not under interrogation.

Mr. STREET. I am attempting to use the chart to ask questions as to whether I am right or whether I am wrong. I do not see what is wrong with that.

The SPEAKER. It is the Chair's opinion that that approach is argumentative and not proper. Now the gentleman may do that under unanimous consent to debate the bill. If the gentleman would care to do that, the Chair will recognize him for that purpose.

Mr. STREET. Mr. Speaker, at the risk of sounding as though I am arguing with the Speaker, it is clear to me that the framer of this particular amendment to this piece of legislation does not have apparent knowledge of the cost of implementation, and I want to try to point that out in asking questions as to whether this piece of legislation—

The SPEAKER. The Chair again reminds the gentleman that it is not proper interrogation.

Mr. STREET. Mr. Speaker, you are forcing me to have to turn to some rather unique methods to make my point. I would want to use the chart so that I can show that this piece of legislation is fiscally irresponsible and is going to cost this Commonwealth upwards of $60 million to implement, and I can show that. I can prove that, and I think that if I am wrong, I have a right to ask the sponsor of this piece of legislation questions so that he can tell me whether I am right or wrong, because I may be wrong. But I do not think so.

The SPEAKER. Has the gentleman completed his interrogation?

Mr. STREET. I am waiting for a response to my parliamentary inquiry.

The SPEAKER. The Chair has responded to the gentleman that that is not proper interrogation. Would the gentleman like to be recognized to debate the amendment?

Mr. STREET. I will be recognized to continue my interrogation, thank you.

The SPEAKER. The gentleman may proceed on the amendment.

Mr. STREET. The amendment is rather lengthy, and I am sticking with it.

Mr. Speaker, there has been a fiscal note attached to this that indicates that the savings is $12 million. Is that correct?

Mr. PUNT. Again, the $12 million reflects the net savings.

Mr. STREET. What is the gross savings?

Mr. PUNT. That would include the amount that we have anticipated in saving which would be allocated towards increasing the cash assistance check, which would be a total
of your net saving and what we anticipate in savings through the increase in the check, to $47,400,000.

Mr. STREET. Your anticipation of saving $47 million, what happens with the $47 million?

Mr. PUNT. I just explained it, Mr. Speaker. Seventy-five percent of the estimated savings will be applied towards the increase in the cash assistance allowance.

Mr. STREET. For the AFDC - aid for dependent children?

Mr. PUNT. Pardon me, what?

Mr. STREET. You are going to use $47 million dollars to give an increase for the AFDC recipients.

Mr. PUNT. To AFDC and GA recipients as well, yes, sir.

Mr. STREET. To the GA recipients who are chronically needy?

Mr. PUNT. To the truly needy.

Mr. STREET. The truly needy? I do not see anything in here about truly needy. You said the AFDC is going to get an increase, and then you said that the GA recipients are going to get an increase also. My response was the chronically needy, and you said the truly needy. I see transitionally needy and chronically needy. I do not see anything in here about truly needy. I do not know who they are.

Mr. PUNT. Those who remain on the rolls of public welfare are determined as truly needy people, whether they be chronically needy or transitionally needy.

Mr. STREET. Okay. So we have chronically needy, transitionally needy, under the umbrella of truly needy. Now I understand. Is that what you are saying?

Mr. PUNT. Yes.

Mr. STREET. Let us talk about the process of moving people from - Let me ask you this. What happens if the recipient is, categorically by the department, told that he is transitionally needy, and he says, I am not transitionally needy, and he goes to a doctor and he gets a medical report that says, I am chronically needy. What happens then?

Mr. PUNT. He has the chance to appeal, and if he chooses to go to that doctor, and if the department determines that he is classified as such, then he will be placed within that specific category.

Mr. STREET. Okay, then, if the recipient - Why do people not listen to this? If a recipient can go to a doctor or find a doctor who says he is chronically needy, then he will be placed in the chronically needy category and he will be placed -

Mr. PUNT. I did not say that, sir. I said if the department determines such, they will be placed within the respective category determined by the department.

Mr. STREET. What happens if the department does not determine? The department says the doctor is lying; we do not believe the doctor. Then what happens?

Mr. PUNT. If the individual does not fall in the chronically needy category, he will be positioned in the transitionally needy category, if he is otherwise eligible.
Mr. STREET. I beg my apology from the Chair.

The SPEAKER. No apologies are needed. The Chair only asked the gentleman to restrict himself to the debate.

Mr. STREET. Sometimes, Mr. Speaker, my spontaneity takes control of me, and I get off the subject.

PARLIAMENTARY INQUIRY

Mr. STREET. Mr. Speaker, a point of parliamentary inquiry.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. STREET. It is my opinion that this piece of legislation needs—

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. STREET. I am doing that. What is the procedure that I should use to get a fiscal note attached to this? How do you like that?

The SPEAKER. The Chair understands that a fiscal note has already been distributed on this amendment.

Mr. STREET. What is the procedure, Mr. Speaker, for me to get a fiscal note that addresses itself to the cost of the implementation of this piece of legislation?

The SPEAKER. It is the opinion of the Chair that rule 19(a) of this House has been followed.

RULING OF THE CHAIR APPEALED

Mr. STREET. I appeal the ruling of the Chair.

The SPEAKER. The Chair is unable to determine whether the gentleman is appealing the fact that a fiscal note has been distributed or the Chair has reminded the gentleman a fiscal note has been distributed.

Mr. STREET. I am appealing the last remark that you made prior to that remark.

The SPEAKER. The Chair does not feel that the gentleman has an appeal. The Chair observed that a fiscal note had been circulated. The Chair has one at its desk.

Mr. STREET. Mr. Speaker, my inquiry went to a fiscal note that would tell the members of this House how much money would be needed for the implementation of this piece of legislation. The fiscal note that I had before me only dealt with the anticipated savings of this piece of legislation. My question is, Mr. Speaker, what is the procedure to get a fiscal note that would indicate to the members of this House how much it is going to cost the taxpayers of the State of Pennsylvania to implement HB 2044?

The SPEAKER. The Chair knows of no procedure.

The Chair recognizes the majority leader.

Mr. RYAN. Not to preempt the Chair, but it would seem to me that if the gentleman has some further question about the fiscal implications, perhaps he should move the bill together with the amendment back to the Appropriations Committee, and if that is suitable to the gentleman, I would ask him to go ahead and make the motion so that we can vote "no" and get on with the business of the House.

Mr. STREET. Well, I do not know if I want that. My point is not to move anything simply so that you can vote "no." My point is to get to the political implications of the thing—Mr. Ryan, I am responding to your remark—so that perhaps before November 4 I could make this a political liability based on the cost for some of your members who do not understand how much it is going to cost to implement this bill, and that is my purpose.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. I suggest to the gentleman to accomplish his stated political purpose, he has the alternative of moving the bill together with amendments to the Appropriations Committee with a request that the fiscal implications of that area that he is interested in be provided, and I know of no other way to do what the gentleman wants to do. If he does that, I am going to ask that we vote "no" and get on with the business of the House, and then it is true democracy. We will vote it and see what happens.

MOTION TO TABLE

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

Mr. STREET. Mr. Speaker, I make the motion that we table this piece of legislation.

The SPEAKER. It is moved by the gentleman from Philadelphia, Mr. Street, that SB 579 and the amendments be laid on the table.

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

The following roll call was recorded:

YEAS—56

Barber  Gianmarco  Kukovich  Petrarca
Beloff  Goodman  Letterman  Pieszky
Berson  Grabowski  Levin  Pistella
Burski  Gray  McCall  Rappaport
Cappabianca  Greenfield  McIntyre  Richardson
Clark, B. D.  Harper  McMenagle  Rodgers
DeWeese  Hoefield  Manderino  Seventy
Dawida  Hutchinson, A.  Michlovic  Street
Dombrowski  Irish  Mianovich  Sweet
Dumas  Itkin  Murphy  Tello
Earley  Johnson, J. J.  Novak  Wachob
Fryer  Jones  O'Brien, B. F.  White
Gannon  Knight  O'Donnell  Williams
Gatski  Kolter  Oliver  Yahner

NAYS—130

Alden  Fisher  Lynch, E. R.  Schweder
Anderson  Foster, W. W.  McClatchy  Shupnik
Armstrong  Foster, J., A.  McKelvey  Sismondi
Belardi  Freind  McVerry  Siriani
Bennett  Gallagher  Mackowski  Smith, E. H.
Bittle  Gallen  Madigan  Smith, L. E.
Bowers  Gamble  Mannheimer  Spencer
Brandt  Geesey  Micozie  Spitz
Brown  Geist  Miller  Stair
Burd  George, C.  Mowery  Steighner
Burns  George, M. H.  Mronic  Stewart
Caltagirone  Gladeck  Mullen  Stuban
Cesar  Goebel  Nahill  Swift
Chess  Greco  Noye  Taidonio
Civita  Hagarty  Perzel  Taylor, F.
The question was determined in the negative, and the motion was not agreed to.

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

MOTION TO RECOMMIT

Mr. STREET. Mr. Speaker, I am not finished.
The SPEAKER. For what purpose does the gentleman, Mr. Street, rise?
Mr. STREET. I make a motion we refer this to the Appropriations Committee.
The SPEAKER. It is moved by the gentleman, Mr. Street, that SB 579 and the amendments be referred to the Committee on Appropriations. The question is on the motion. All those in favor of recommittal would vote "aye"; opposed "no." Members will proceed to vote.

On the question,
Will the House agree to the motion?
The following roll call was recorded:

YEAS—50

Barber    Giammarco    Levin    Plevsky
Beloff    Goodman    McCall    Pistella
Berson    Greenfield    McGuire    Richardson
Borski    Harper    McMonagle    Rodgers
Cappabianca    Hoeffel    Manderson    Salvatore
Clark, B. D.    Hutchinson, A.    Michlovic    Seventy
Cohen    Irvis    Milanovich    Street
DeWeese    Itkin    Murphy    Sweet
Dombrowski    Johnson, J. J.    O'Brien, B. F.    Tredy
Dumas    Jones    O'Donnell    Wachob
Earley    Knight    Oliver    White
Fryer    Kolter    Petracca    Williams
Gatski    Kukovich

NAYS—135

Alden    Foster, W. W.    Lewis    Schmitt
Anderson    Foster, Jr., A.    Livengood    Schweder
Armstrong    Freid    Lynch, E. R.    Shuppak
Arty    Gallagher    McClatchy    Sieminski
Belardi    Gaffen    McKevey    Siriani
Bennett    Gamble    McVerry    Smith, E. H.
Bittle    Gannon    Mackowski    Smith, L. E.
Bowser    Geesey    Madigan    Spencer
Brandt    Geist    Mannheimer    Spitz
Brown    George, C.    Miller    Steigler
Burd    George, M. H.    Miller    Stewart
Caltagirone    Gladeck    Morgan    Stupin
Cesar    Goebel    Mrkoski    Swift
Chess    Grabowski    Mullin    Taddiono
Cimini    Gray    Nahill    Taylor, E. Z.
Clera    Griceo    Novak    Taylor, F.
Clark, M. R.    Gruppo    O'Brien, D. M.    Telck
Cochran    Hagarty    O'Brien, D. M.    Vroom
Cohen    Hasay    Perzel    Vroom
Cormell    Hayes, Jr., S.    Peterson    Wargo
Couslet    Helfrick    Phillips    Wargo
Cowell    Honaman    Piccola    Watt
Cunningham    Hutchinson, W.    Pitts    Wenge
DeMedio    Klingaman    Pott    Wright, D. R.
DeVerter    Knepper    Pyles    Wright, D. R.
Davies    Kowalskyn    Rasco    Yohn
Dietz    Lasheger    Reed    Zeller
Dininni    Laughlin    Ritter    Zitterman
Dorr    Lehr    Rocks    Zord
Duffy    Lescoffin    Ryan    Zwiel
Durham    Levi    Salvatore    Zwill
Fee    Lewis    Scheffer    Seltzer
Fischer    Livengood    Schmitt    Speaker

NOT VOTING—10

Burns    Pucciarelli    Rocks    Wilson
Donatucci, R.    Rhodes    Shadding    Wright, Jr., J.
Moehlmann    Rieber

EXCUSED—5

Austin    Halverson    Maiale    Serafini
DiCarlo

The question was determined in the negative, and the motion was not agreed to.

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

POINT OF ORDER

The SPEAKER. For what purpose does the gentleman from Philadelphia, Mr. Williams, rise?
Mr. WILLIAMS. Mr. Speaker, I rise to a point of order.
The SPEAKER. The gentleman, Mr. Williams, from Philadelphia will state his point of order.
Mr. WILLIAMS. Mr. Speaker, it is my understanding that a motion to refer to a committee is debatable. Am I not correct?
The SPEAKER. The gentleman is correct. The motion is debatable. No one had asked recognition to debate the motion. The Chair moved the question.
The Chair recognizes Mr. Street.
Mr. WILLIAMS. Mr. Speaker, my point of order is that I moved to debate the bill and the Speaker did not permit me to do so. Now, may I request that the vote be stricken so I can have my right to debate the motion to recommit?
The SPEAKER. The Chair is unable to—
Mr. WILLIAMS. The Chair cut the thing off and did not recognize me.
The SPEAKER. The Chair cannot protect the right of the member to be on his feet in time and ask to debate the bill.
Mr. WILLIAMS. I was on my feet in time; I spoke in time. Mr. Speaker, I want to know if I can ask, as you always do, to strike the vote so I can speak on a proper motion.

The SPEAKER. The roll has been taken; the vote has been announced. The question—

Mr. WILLIAMS. I understand that, Mr. Speaker.

PARLIAMENTARY INQUIRY

Mr. WILLIAMS. Mr. Speaker, point of additional parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. WILLIAMS. Is it not true that we have repeatedly done that when the Speaker has precipitously recorded a vote when a member wanted to speak? Have we not done that in the past repeatedly?

The SPEAKER. The Chair never acts precipitously.

Mr. WILLIAMS. Well, maybe you did not. I want to know why I cannot speak on a proper motion.

The SPEAKER. It would be unethical for the Speaker to do so.

Mr. WILLIAMS. I absolutely agree, and if that is the case, that is what happened in this case. I want my right to speak on the motion because Mr. Street raises great issues on that motion of the cost of this bill and that it should be debated so the House can determine whether or not it should go back to that committee for the cost of this bill, and I want to make my comments on the record in debate of that, Mr. Speaker.

The SPEAKER. The Chair is unable to debate with the member. The Chair has responded to the member's inquiry. The roll was taken; the vote was announced.

Mr. WILLIAMS. I am requesting that the Speaker, because the Speaker acted improperly and did not recognize me and cut the mike off, to strike the vote. Yes or no?

The SPEAKER. There were no microphones cut off for any member of this House.

Mr. WILLIAMS. Okay. The Speaker did not hear my voice; the microphone did not work.

The SPEAKER. Has the gentleman completed his parliamentary inquiry?

Mr. WILLIAMS. Mr. Speaker, my last request was to ask you to strike the vote so I can debate the bill. Yes or no?

The SPEAKER. The Chair is unable to strike the vote. The vote has been taken and the result has been announced.

REMARKS ON VOTES

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

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

Mr. SALVATORE. Mr. Speaker, I inadvertently voted in the affirmative. I want to be recorded as voting in the negative on the recommittal motion.

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

CONSIDERATION OF SB 579 CONTINUED

The SPEAKER. Does the gentleman, Mr. Street, wish to be recognized?

Mr. STREET. I wish to debate the merits of the amendment.

The SPEAKER. The gentleman is in order and may proceed.

Mr. STREET. I would ask for 2 seconds to get up front so that I can now, as you had previously instructed me, use my charts.

The SPEAKER. The gentleman can come down and use his charts.

For what purpose does the gentleman, Mr. Wright, rise?

Mr. D. R. WRIGHT. Just to announce for the benefit of the members that I have had a report, Mr. Speaker, that it is snowing in the west.

The SPEAKER. The Chair thanks the gentleman for the good news.

(Mr. STREET, at front of House with chart, continued debate as follows:)

Mr. STREET. Mr. Speaker, I have prepared a breakdown on the costs of this piece of legislation because of the due process. On the first page here you will see that the estimated cost of this bill for implementation is $59.3 million. Now, we believe that if you follow the process that has to be followed in moving people from the categories of transitionally and chronically needy, that is going to be a very expensive process, and to do that, it is going to cost the State of Pennsylvania $59.3 million. Now let me break it down for those of you who are interested.

What I was trying to get Brother Punt to deal with is the medical examinations for existing GA recipients. You cannot assume, by passing this piece of legislation, that GA recipients are going to automatically, when they walk into the Welfare Department, say, okay, you said I cannot be on, good-bye. That is not what is going to happen. What is going to happen is they are going to follow the process, and we estimate—and I am going to break it down—that the medical examinations for existing GA recipients are going to cost $9.7 million. Medical examinations for new applicants, Mr. Speaker, new applicants, because they are entitled by law to follow the process, is going to cost $7.7 million. We estimate for vocational training—we have the training aspects of it—it is going to cost us over $1 million. We have changed this age limit here from 55 down to 40, which means that is even going to cost us more money, because we have a larger group of people to deal with now than we did before.
Appeals, okay? It is going to cost a lot of money, and I am going to break down to you. This is factual information because this information was accumulated from the Department of Labor based on how much money it costs right now if they remove somebody off the assistance rolls and they go through the appeal process. Some of us do not believe that the recipients are going to exercise the appeal process, but we believe that they will, because we know that there are groups out there who have organized them, who are going to tell them. And you need to deal with that, talking about fiscal responsibility.

Right now we are dealing with—and this number will drop—a total of 115,750 people. In Philadelphia, what we are dealing with is about 43,000 people; probably more than that now since you lower the age in the new Punt amendment. Unemployables, we have 56,000; 75 percent employable, 60,000; making a total of 115,000 people whom we have to deal with. Let me explain that for some of you who may want to know. We have to deal with the unemployables and we have to deal with the employables. Some of them are going to go into the category of chronically needy and some of them are going to go into the category of transitionally needy.

The minimum cost of medical examinations is, Mr. Speaker, $75 per applicant. I think that that is a point that needs to be made and needs to be pushed home. For every welfare recipient who exercises his appeal process to go from the transitionally needy to the chronically needy, or from the truly needy, if you please, to the chronically needy, it is going to cost the taxpayers of the State of Pennsylvania $75 per recipient. And if you start multiplying 115,750 times $75, you come up with $8,681,250, just for those people who decide they are going to exercise due process. You cannot, by any stretch of the imagination, try to pass legislation of this nature, talking about you are going to categorize people with existing law and not take into account that there is a cost. Because we are fair Americans, we want to believe we are fair Americans, so we provide for everybody due process. The Department of Welfare, you are right, Mr. Speaker, the Department of Welfare will make the choice. The Department of Welfare will tell a number of these people, you do not qualify. Get out of here. We are taking you off. These recipients will then—Let me explain the process to you and to those of us who have to vote on this, and I do not understand how we think that we can get around it.

Give me some help here, one of you pages. Thank you. Hold that right there, because I am coming back.

Here is the process, Mr. Speaker, that we have to go through, and we have checked this out and we checked it out with the Department of Health and Welfare, and there are a lot of groups here today who supplied this information. All right? The client goes in and he is interviewed. He is interviewed by the department, just like you said; you are absolutely right. The client is told that he is employable. You can work. We are putting you in the transitionally needy category. The client returns in a day or two with a doctor's note; step No. 2, he returns with a doctor's note. The caseworker reviews that and he says, well, we do not believe the doctor. Now MTP stands for medically trained person. The medically trained person is supposed to be the individual who reviews this by the Department of Health and Welfare. Well, when we contacted the Department of Health and Welfare, you might be interested in knowing there is no such animal as a medically trained person now on the staff over at the Department of Health and Welfare. So we have a nonexistent individual who is going to make this determination. So what we have to do now is provide for a medically trained person.

So we have to find somebody who is medically trained enough to review the doctor's note to make a determination on behalf of the caseworker's denying or accepting the doctor's note saying that this person has a bad back; he has syphilis; he has gonorrhea; he has all these funny kinds of diseases that will not let him work. All right? And the doctor says he cannot work, and this is the process. All right, and they say, well, we do not believe you. The medically trained person rejects that. The guy goes to a doctor; he appeals. At this point the department has to pay for the cost of the appeal. When I raised this question over at the Department of Health and Welfare, what they told me was, well, we will send him to a doctor, and it only costs $6, because he has a medical card, and we will do that. All right? But that is not the end of it. He spends the $6 right here. At the end of this interview, when they tell him he cannot, he goes to a doctor. That is when he spends the $6. I have not even included that. Now when you get down here when he appeals, you no longer can send him to the $6 person at that point. You cannot send him to the $6 person. Then it gets costly. All right? He appeals the whole thing; the medically trained person rejects it; he appeals; the caseworker schedules what? A DPW examination. That is what has to happen. That is due process. The caseworker has to do that; he does not have a choice. He schedules the examination. The doctor then, what? He goes and he gets examined, cross-examined; the doctor writes the report. The report then goes back to the medically trained person, who, incidentally, does not exist. Okay.

We are talking about just passing some legislation when we do not even understand the implications in the implementation of the legislation, and that, I assert, is being fiscally irresponsible for this House of Representatives to assert that we are passing welfare reform when in fact we are going to cost the taxpayers of Pennsylvania millions of dollars to implement this thing, because these people do not have jobs; so they are going to exercise their appeal. A medically trained person rejects the report. He says, I do not believe it, and he rejects it. The caseworker is sent his rejection notice. The client receives the notice. The caseworker continues, okay, his GA benefits because during this process—and you must understand this—the general-welfare recipient remains on assistance. You cannot take the recipient and deny him his benefits while he is exercising due process. You cannot do it. So he is getting his scratch while we are going through this process. All right?
Mr. Speaker, in dealing with this piece of legislation, there has been extensive work done on it, and I am reasonably sure, if not 100 percent sure, that if there was some way that we could communicate the cost of implementation to this, to the taxpayers, and the constituents that we were sent up here to represent, that there would not be one person in this hall who would vote for this piece of legislation. I am convinced of that. I am convinced that if everybody in this hall would take the time to be fiscally responsible—let us deal with our rhetoric; let us deal with the implementation of our rhetoric. We are here to save the taxpayers of Pennsylvania money. We are not here to play political jokes or hide behind a political hoax by letting our taxpayers believe that we have passed welfare reform when we have in fact passed nothing, nothing.

I want to make it clear that I am for welfare reform. I would be happy when the day comes when everybody is off welfare—nobody—everybody has a decent paying job and can get up in the morning and can go to work and can live for more than a lousy $62 or $82 a week every 2 weeks. I think everybody in here is for welfare reform, and the question is not whether we are for welfare reform. The question is, how do we go about getting welfare reform? That is the question that should be before this House. The question before this House should be, how do we make productive, viable citizens? I agree that it does not do too much keeping them on welfare, but I also agree that the people who are on welfare do not want to be on welfare, but we have not provided them a viable alternative because we take away the jobs that they can do. We take away the jobs, and that is all we are trying to say here.

I know many of you here are saying all people want to be on welfare, but I will guarantee you something, let us provide some jobs, and we are lining people up to take those jobs, Mr. Speaker. In HB 2044, let us do the jobs first, and I agree with you 1,000 percent, that any man or woman who turns down a decent job in the State of Pennsylvania should be off welfare, should be off, should be on GA? We then have the cost of continuance to send them checks. We have spent all this money going through the process to get them off GA, and all we have done is gouged, by every stretch of the imagination, the taxpayers of the State of Pennsylvania. Okay?

Now, let me go back. I am not finished yet. I am just getting started because you need this. I will be right with you. What happened to my helper?

Mr. S. E. HAYES. He is out on an appeal hearing right now.
Helen O’Bannon—admitted that a large number of the general-welfare recipients are seasonal workers. They were cropsharers where they get no benefits. They do not get all of the unemployment benefits and whatnot. So when they get finished sharecropping, when they get finished unloading ships down at the dock, those who are not in the union, and there is no more work, they go on general assistance, and as soon as there is no work they come off general assistance. It is a matter of fact; it is a matter of record that all of the people—we debated this—who work in the tourist industry, those who work at Hersheypark, those who work at all the recreation parks - Dutch Wonderland, Dorney Park - all those people are seasonal workers and they do not get benefits. When they come off and the parks close down, they go on assistance, those who are single and qualify for general assistance.

I would say that although I am not unaware of the fact that the votes are lined up, I am not unaware of the fact that everything I am saying is good and is important, but we have tied this piece of legislation to an issue that is very important to some of you. Some of you are going to have to answer the question, because when you all go home next week and everybody else goes home, I just might—and I am thinking about it seriously—stage me a protest about this State House of Representatives, because we are being fiscally irresponsible. And I feel like bringing my bedding, sleeping on the floor of this House while you all go home next week and everybody else goes home, I just might—and I am thinking about it seriously—stage me a protest about this State House of Representatives, because we are being fiscally irresponsible. And I feel like bringing my bedding, sleeping on the floor of this House while you all go home campaigning so we can just draw attention, and draw attention, and draw attention, and draw attention, and draw attention to the fiscal irresponsibility that this House of Representatives deal with week in and week out charging the taxpayers all this money for the implementation of a piece of legislation that has the effect of doing absolutely nothing.

**MOTION TO LIMIT DEBATE**

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Goebel.

Mr. GOEBEL. Mr. Speaker, I just received a report that it is snowing in the west and the geese are flying south. Therefore, I move that all further debate on this bill be limited to 2 minutes, with two turns at the mike.

The SPEAKER. It has been moved by the gentleman from Allegheny, Mr. Goebel, that the House limit debate to 2 minutes.

It is the feeling of the Chair that in order to do this, rule 55 would have to be suspended before any limit on debate could be put on, and that will take 102 votes to suspend the rules.

**RULES SUSPENDED**

The SPEAKER. The Chair recognizes Mr. Goebel.
member. It is the Chair's further understanding the motion did not go further beyond this particular bill and the amendments.

Mr. STREET. Mr. Speaker, I am not clear on what the geese and the snow have to do with it.

The SPEAKER. The Chair has no understanding of geese or snow.

Mr. STREET. I am not clear whether the geese or the snow were a part of the motion or not.

The SPEAKER. The Chair recognizes Mr. Goebel.

Mr. GOEBEL. I did say two minutes, two turns at the mike. I would amend that to say one turn at the mike for 5 minutes. Maybe that would suit people better. No? No?

Oh, I am sorry.

The SPEAKER. The question before the House is the suspension of the rule. It would be the Chair's intention if the first motion carried. So the question now is the suspension of the rule.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—109

Anderson             Foster, W. W.       Freindel, R. E.      Scheaffer, M.
Armstrong            Fryer, W.           Gannon, G.          Sieminski, J.
Artz                 Geist, M.           Mackowski, R.        Smith, E. H.
Belardi               Bennett, R.         Maniller, M.        Smirni, G.
Bittie               Bowser, J.          DiGiacomo, K.        Spencer, J.
Brandt               Brown, J.           Grabowski, J.        Spitz, R.
Browne               Burns, R.           Gruppo, J.           Stairs, T.
Burns                Caltagirone, V.    Hasay, F.            Taylor, E. Z.
Cortese              Cassar, G.          Chess, S.            Teck, J.
Cimini               Cimini, M.          Chermak, T.         Thomas, J.
Civita                Clark, M. R.        Collins, E.          Verno, J. A.
Clark, E.             Cornish, C.         Coffman, M.          Vrban, R.
Coslett              Cunningham, A.      DeVerter, J.         Wright, D. R.
Davies               DiCarlo, J.         Dietz, M.            Wright, Jr., A.
Dietz                Dill, R.            DiRocco, J.          Yohn, R.
Dorr                 Dorr, J.            Dolny, M.            Zeller, J.
Duffy                Durbin, J.          Dwyer, E.            Zetterman, J.
Duffy                Durham, J.          Fischer, R.          Zikl, J.
Fisher              

NAYS—76

Barber                Beloff, J.         Beloff, J.           Pyles, H.
Belford              Bellon, R.         Bellon, R.           Read, T.
Bergen               Besnik, R.         Besnik, R.           Rhodes, M.
Borski               Botta, A.          Botta, A.           Richardson, D.
Capellan             Cappabianco, J.     Clark, B. D.         Smith, W. A.
Carr                        Goodman, D.     Cochran, J.         Smiech, J.
Cecelia               Cohen, A.          Cole, M.             Sponaugle, J.
Coffman              Connors, R.         Cooper, E.           Stewart, J.
Cook                     Corn, T.         Corr, M.             Street, E.
Couto                  Courtin, P.    D'Amato, J.         Street, P.
Cowan                 Coughlin, V.       DeMario, J.          Swift, R.
Cromwell             DeMead, S.         DeWeese, J.          Sweet, S.
Dawson               Doppelt, J.        DeWitt, J.           Sweitzer, T.
Dembrowski            Dumas, R.          Donatucci, R.       Tello, S.
Dumas                 Dunkin, R.         Donnelly, J.        Tello, S.
Earley                Douglass, J.       Dorsey, R.           Tello, S.

Fence                Fink, J.             Dougherty, J.       Terry, J.
Foster, Jr.           Frost, J.          Foster, Jr.          Thomas, J.
Gallagher             Gable, J.          Gable, J.           Thomas, J.
Hagen                 Hall, B.           Hagen, B.           Thomas, J.
Hagen                 Hall, R.           Hagen, R.           Thomas, J.
Hagerty              Hadley, J.         Hagen, J.            Thomas, J.
Harvey, M.            Harris, J.         Harris, J.          Thomas, J.
Harrison, A.          Hartsfield, J.     Harrison, J.         Thomas, J.
Hartley               Hartwell, J.       Hartwell, J.         Thomas, J.
Hartwig               Hartwig, J.        Hartwig, J.         Thomas, J.
Hartwig, R.           Hartz, J.          Hatter, J.           Thomas, J.
Hartwig, W.           Hatcher, J.        Hatcher, J.          Thomas, J.
Hartwig, W.           Hatcher, J.        Hatcher, J.          Thomas, J.
Hartwig, W.           Hatcher, J.        Hatcher, J.          Thomas, J.
Hartwig, W.           Hatcher, J.        Hatcher, J.          Thomas, J.
Hartwig, W.           Hatcher, J.        Hatcher, J.          Thomas, J.
Hartwig, W.           Hatcher, J.        Hatcher, J.          Thomas, J.
Hartwig, W.           Hatcher, J.        Hatcher, J.          Thomas, J.
Hartwig, W.           Hatcher, J.        Hatcher, J.          Thomas, J.
Hartwig, W.           Hatcher, J.        Hatcher, J.          Thomas, J.
Hartwig, W.           Hatcher, J.        Hatcher, J.          Thomas, J.
Hartwig, W.           Hatcher, J.        Hatcher, J.          Thomas, J.
Hartwig, W.           Hatcher, J.        Hatcher, J.          Thomas, J.
Hartwig, W.           Hatcher, J.        Hatcher, J.          Thomas, J.
Hartwig, W.           Hatcher, J.        Hatcher, J.          Thomas, J.
Hartwig, W.           Hatcher, J.        Hatcher, J.          Thomas, J.
Hartwig, W.           Hatcher, J.        Hatcher, J.          Thomas, J.
Hartwig, W.           Hatcher, J.        Hatcher, J.          Thomas, J.
Hartwig, W.           Hatcher, J.        Hatcher, J.          Thomas, J.
Hartwig, W.           Hatcher, J.        Hatcher, J.          Thomas, J.
Hartwig, W.           Hatcher, J.        Hatcher, J.          Thomas, J.
Hartwig, W.           Hatcher, J.        Hatcher, J.          Thomas, J.
Hartwig, W.           Hatcher, J.        Hatcher, J.          Thomas, J.
Hartwig, W.           Hatcher, J.        Hatcher, J.          Thomas, J.
Hartwig, W.           Hatcher, J.        Hatcher, J.          Thomas, J.
Hartwig, W.           Hatcher, J.        Hatcher, J.          Thomas, J.
Hartwig, W.           Hatcher, J.        Hatcher, J.          Thomas, J.
Hartwig, W.           Hatcher, J.        Hatcher, J.          Thomas, J.
Hartwig, W.           Hatcher, J.        Hatcher, J.          Thomas, J.
Hartwig, W.           Hatcher, J.        Hatcher, J.          Thomas, J.
Hartwig, W.           Hatcher, J.        Hatcher, J.          Thomas, J.
Hartwig, W.           Hatcher, J.        Hatcher, J.          Thomas, J.
Hartwig, W.           Hatcher, J.        Hatcher, J.          Thomas, J.
Hartwig, W.           Hatcher, J.        Hatcher, J.          Thomas, J.
Hartwig, W.           Hatcher, J.        Hatcher, J.          Thomas, J.
Hartwig, W.           Hatcher, J.        Hatcher, J.          Thomas, J.
Hartwig, W.           Hatcher, J.        Hatcher, J.          Thomas, J.
Hartwig, W.           Hatcher, J.        Hatcher, J.          Thomas, J.
Hartwig, W.           Hatcher, J.        Hatcher, J.          Thomas, J.
Hartwig, W.           Hatcher, J.        Hatcher, J.          Thomas, J.
Hartwig, W.           Hatcher, J.        Hatcher, J.          Thomas, J.
Mr. IRVIS. Mr. Speaker, I do not mean to be dilatory, but I am reading rule 55 and I confess to being a bit confused. The only thing which I see which would pertain to what we are doing is the question of “Debate on the motion to amend shall be limited to the amendment and shall not include the general merits of the main question.” Now, we have temporarily abolished the rule. Is it the understanding of the Chair that, having abolished that rule, a member could now stand under the new rule by Mr. Goebel, debate a motion to amend, and not be limited to the amendment, because that is no longer the rule?

The SPEAKER. The Chair does not concur with the observation of the minority leader. It was the opinion of the Chair that before a motion such as this could be made, the rules would have to be suspended, and because this was a—

Mr. IRVIS. Mr. Speaker, I withdraw the parliamentary inquiry. I do not think it will serve any purpose to settle that point. Perhaps it will never come to the question anyway.

MOTION WITHDRAWN
The SPEAKER. For what purpose does Mr. Alden rise?
Mr. ALDEN. I will withdraw my motion, Mr. Speaker.

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

Mr. COHEN. Mr. Speaker, will Mr. Hayes consent to interrogation?
Mr. S. E. HAYES. Yes, Mr. Speaker.

Mr. COHEN. Mr. Speaker, how many amendments do we have to this bill?
Mr. S. E. HAYES. Pardon, Mr. Speaker?

Mr. COHEN. How many amendments have been presented to this bill?
Mr. S. E. HAYES. So far today it is my recollection that we had the amendment offered by Mr. Rocks—

Mr. COHEN. Excuse me, Mr. Speaker. I did not make myself clear. How many amendments are yet to be voted on for this bill? I believe you have the record.

The SPEAKER. May the Chair interject? It is the Chair’s understanding, somewhere in the neighborhood of 25.

Mr. S. E. HAYES. I would confirm the Speaker’s observation. I have approximately 25 amendments in my possession that have not yet been considered.

Mr. COHEN. Have any members introduced more than two amendments, Mr. Speaker?

Mr. S. E. HAYES. More than two per member?

The SPEAKER. The Chair believes that there are some members who offered at least two.

Mr. COHEN. Mr. Speaker, it would seem to me, if I heard correctly, what this motion would do is it would limit any member from introducing more than two amendments. Presumably, under the rules of the House, members are required to explain the amendments.

The SPEAKER. The Chair does not believe that to be the case. It is the Chair’s understanding that if this temporary rule would be adopted, each member could speak twice on each amendment for a period of 2 minutes each time.

Mr. COHEN. That is the Chair’s understanding?
The SPEAKER. Yes.

Mr. COHEN. Okay. Thank you, Mr. Speaker.

The SPEAKER. For what purpose does the gentleman from Philadelphia, Mr. White, rise?

Mr. WHITE. To debate the motion, Mr. Speaker.

The SPEAKER. The Chair has been very lenient in permitting members an opportunity to discuss this motion. The Chair reluctantly calls to the attention of Mr. White and the other members of the House that this is not a debatable motion.

MOTION TO ADJOURN
The SPEAKER. The Chair recognizes Mr. Street.

Mr. STREET. Mr. Speaker, I move we adjourn. That takes precedence.

The SPEAKER. It is moved by the gentleman from Philadelphia, Mr. Street, that the House adjourn.

Mr. STREET. Until Monday morning at 3 o’clock in the afternoon.

The SPEAKER. With the geese flying and the snow falling.

The gentleman from Philadelphia, Mr. Street, moves—the Chair would hope the gentleman would listen to the motion to make sure the Chair has it properly—that this House do now adjourn until Monday, September 29, at 1 p.m.?

Mr. STREET. No. I said that we adjourn until Monday morning, 3 o’clock in the afternoon. Now, we have to figure out when that is.

The SPEAKER. Under the rules of the House, we cannot convene earlier than 1 p.m. on the first day of a session.

Mr. STREET. Okay. Monday morning at 1 p.m.

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

The following roll call was recorded:

YEAS—52

Barber   Gianmarco   McVerry   Rodgers
Beloff   Gray        Manderino  Schmitt
Berson   Harper      Michlovic  Seventy
Borski   Hoeft      O’Donnell  Shupnik
Clark, B. D.  Irvis      Oliver    Siriani
Cochran  Itkin       Petarca   Steigner
Cohen    Johnson, J. J.  Plevsky  Stewart
DeMedio  Jonas       Pisello   Street
DeWeese  Kukovich    Pratt     Sweet
Dumas    Laughlin    Reed      Taylor, F.
Farley   Levin       Rhodes    Trello
Fee      McIntyre    Richardson White
Geisler  McMenagle  Ritter    Wright, D. R.

NAYS—132

Alden    Foster, W. W.  Letterman  Rocks
Anderson  Foster, Jr., A.  Levi    Ryan
Armstrong Freind     Lewis     Salvatore
Arty     Fryer        Livengood  Schaeffer
Belardi  Gallagher  Lynch, E. R.  Sieminski
Bennett  Gellen      McCall    Smith, E. H.
Bittie   Gamble      McClatchy  Smith, L. E.
Bowser   Gannon      McKelvey  Spencer
Brandt   Geesey      Mackowski Spitz
Brown    Gent        Madigan   Stairs
Burd     George, C.  Mannheimer Stanb
The question was determined in the negative, and the motion was not agreed to.

**CONSIDERATION OF SB 579 CONTINUED**

The SPEAKER. The question recurs on limiting debate. Those in favor of limiting debate will vote “aye”; opposed, “no.” The members will proceed to vote.

Will the House agree to the motion?

The following roll call was recorded:

**YEAS—106**

<table>
<thead>
<tr>
<th>Burnts</th>
<th>George, M. H.</th>
<th>Micozzi</th>
<th>Swift</th>
</tr>
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<tbody>
<tr>
<td>Callagione</td>
<td>Gladbeck</td>
<td>Milanovich</td>
<td>Taddaonic</td>
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<tr>
<td>Capobianca</td>
<td>Goebel</td>
<td>Miller</td>
<td>Taylor, E. Z.</td>
</tr>
<tr>
<td>Ceslar</td>
<td>Goodman</td>
<td>Moehlmann</td>
<td>Teek</td>
</tr>
<tr>
<td>Chess</td>
<td>Grabowski</td>
<td>Mowery</td>
<td>Thomas</td>
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<tr>
<td>Cinini</td>
<td>Greco</td>
<td>Munkonic</td>
<td>Vroon</td>
</tr>
<tr>
<td>Civera</td>
<td>Gruppo</td>
<td>Mullen</td>
<td>Wachub</td>
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<tr>
<td>Clark, M. R.</td>
<td>Haaray</td>
<td>Nahil</td>
<td>Wargo</td>
</tr>
<tr>
<td>Cole</td>
<td>Hayes, Jr., S.</td>
<td>Noye</td>
<td>Weger</td>
</tr>
<tr>
<td>Cornell</td>
<td>Helfrick</td>
<td>O’Brien, B. F.</td>
<td>Wilson</td>
</tr>
<tr>
<td>Coles</td>
<td>Honaman</td>
<td>O’Brien, D. M.</td>
<td>Wit</td>
</tr>
<tr>
<td>Cunningham</td>
<td>Hutchinson, A.</td>
<td>Perzel</td>
<td>Wright, J., J.</td>
</tr>
<tr>
<td>DeVerter</td>
<td>Hutchinson, W.</td>
<td>Peterson</td>
<td>Yahner</td>
</tr>
<tr>
<td>Dawida</td>
<td>Johnson, E. G.</td>
<td>Phillips</td>
<td>Yohn</td>
</tr>
<tr>
<td>Dietz</td>
<td>Kanuck</td>
<td>Piccola</td>
<td>Zelter</td>
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<tr>
<td>Dininni</td>
<td>Klingaman</td>
<td>Pitts</td>
<td>Zitterman</td>
</tr>
<tr>
<td>Dombrowski</td>
<td>Knepper</td>
<td>Polite</td>
<td>Zord</td>
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<tr>
<td>Dorr</td>
<td>Knight</td>
<td>Poll</td>
<td>Zwikl</td>
</tr>
<tr>
<td>Duffy</td>
<td>Kowalskyn</td>
<td>Punt</td>
<td></td>
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<tr>
<td>Durham</td>
<td>Lashinger</td>
<td>Pyles</td>
<td>Seltzer,</td>
</tr>
<tr>
<td>Fischer</td>
<td>Lehr</td>
<td>Rasco</td>
<td>Speaker</td>
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<tr>
<td>Fisher</td>
<td>Lescovitz</td>
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</tbody>
</table>

**NOT VOTING—11**

<table>
<thead>
<tr>
<th>Davies</th>
<th>Kolter</th>
<th>Rappaport</th>
<th>Shadding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Donaucci, R.</td>
<td>Murphy</td>
<td>Rieger</td>
<td>Williams</td>
</tr>
<tr>
<td>Greenfield</td>
<td>Pucciarelli</td>
<td>Schweder</td>
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</table>

**EXCUSED—5**

<table>
<thead>
<tr>
<th>Austin</th>
<th>Halverson</th>
<th>Maiale</th>
<th>Serafini</th>
</tr>
</thead>
<tbody>
<tr>
<td>DiCarlo</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. There is no official timekeeper. As I recall, we have one person sitting in here who is very good at keeping time. I wonder if the lady would agree to be the official timekeeper to watch for the 2-minute period?

The SPEAKER. The Chair thanks the gentleman for the suggestion. The Chair has asked one of his staff here at the rostrum to be the official timekeeper, and if the lady, Miss Sirianni, would like to come up and be an observer to make sure the time is kept correctly, the Chair would welcome her.

**REMARKS ON VOTE**

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. I was out of my seat on the previous motion of limiting debate to SB 579. I would like to be recorded in the affirmative.

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

**CONSIDERATION OF SB 579 CONTINUED**

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Richardson, for 2 minutes.

Mr. RICHARDSON. I would like to interrogate Mr. Punt.

The SPEAKER. Will the gentleman, Mr. Punt, stand for interrogation? The gentleman, Mr. Richardson, may proceed.
Mr. RICHARDSON. I would like to get some clarity if I can, Mr. Speaker. First of all, before I start the interrogation, my understanding is that, as I understand it, a limitation to this debate is on the amendment. Does it say anything at all in the process that it limits it to, at all, the questioning, because it might take an individual 2 minutes to say nothing? Is there anywhere in the debate, Mr. Speaker, that says there is anything about interrogating a person who is on the floor, because I did not hear it, and I ask for clarity from the Chair?

The SPEAKER. The Chair was unable to hear the gentleman. The gentleman will repeat his question.

Mr. RICHARDSON. My question to the Chair is a point of clarity before I start this interrogation. I want to know whether or not there is a limitation on the amount of time you can interrogate someone if you are talking about the bill, particularly if the person does not answer you in the time frame that has been allotted?

The SPEAKER. The Chair refers to Mason's Manual, Section 114, subsection 3, and he quotes: "In computing the time allowed for argument, the time consumed in asking questions must be considered." With response to the gentleman, yes. Interrogation is taken into consideration in the 2-minute time.

RULING OF CHAIR APPEALED

Mr. RICHARDSON. Well, then, Mr. Speaker, I would appeal the ruling of the Chair on that decision because it is my understanding that we are talking about debate. The motion that was before this House was not in Mason's Manual, and if we are going to deal with the business of this Commonwealth concerning poor people, then it would seem to me that my asking questions does not fall into that purview. And I would ask that there be an appeal of the ruling of the Chair on that particular decision that the Chair has made.

The SPEAKER. The gentleman from Philadelphia, Mr. Richardson, appeals the ruling of the Chair.

The SPEAKER. The question is on the motion—

Mr. RICHARDSON. Well, I ask then, Mr. Speaker, that on the appealing of the ruling of the Chair that the Speaker should step down.

PARLIAMENTARY INQUIRY

The SPEAKER. Those who believe in sustaining the ruling of the—

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

The SPEAKER. —Chair will vote "aye"; opposed—

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

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. RICHARDSON. Is it not proper—as the rules of Mason's Manual indicate—that when there is an appeal to the ruling of the Chair, that the person who is in the Chair must step down and appoint a pro tempore in order for there to be an accurate count on the vote?

The SPEAKER. The gentleman is in error. The Chair has—

Mr. RICHARDSON. Will you cite to me the rule?

The SPEAKER. —followed the practice the entire session that when appeals of the ruling of the Chair have been taken, the Chair has not voted.

Mr. RICHARDSON. Can you cite to me the rule?

The SPEAKER. Even though, under the rules of the House, the Chair would be permitted to vote on the question, the Chair has not done so and does not intend to do on this question.

Mr. RICHARDSON. Can you indicate to me what the rule is, Mr. Speaker?

The SPEAKER. Those voting in favor of sustaining the ruling of the Chair will vote "aye"; —

Mr. RICHARDSON. Mr. Speaker, I asked whether or not there was an opportunity to find out if there was a rule that says that, Mr. Speaker. I am entitled to know that.

The SPEAKER. There is no rule that provides that the Speaker remove himself from the Chair.

Those in favor of sustaining the ruling of the Chair will vote "aye"; opposed, "no."

Mr. RICHARDSON. But is there a rule that says that a person can sit there?

The SPEAKER. The members will proceed to vote.

Mr. RICHARDSON. Mr. Speaker, I was speaking and asking for a point of order when you asked for the rollcall vote.

The SPEAKER. Have all the members present voted?

Mr. RICHARDSON. What is the proper question before the House, Mr. Speaker? Nobody knows whether it is "yes" or "nays" or not.

The SPEAKER. The sustaining of the ruling of the Chair. Have all the members present voted?

Mr. RICHARDSON. Well, what is the proper question? What is a "yes" and what is a "no," Mr. Speaker? We have a right to know. You just cannot ram it down our throats.

The SPEAKER. Have all the members present voted? The clerk will record the vote.

On the question, Will the House sustain the ruling of the Chair?

The following roll call was recorded:

YEAS—136

Alden
Armstrong
Arty
Belardi
Bennett
Bittle
Bower
Brandt
Brown
Burd
Burns
Caltagirone
Chess
Cimini
Gallen
Gannon
Gersey
George, C.
George, M. H.
Gladeck
Goebel
Grabowski
Greenfield
Grieco
Gruppo
Hasay
Hayes, Jr., S.
McCann
McClatchy
McKelvey
Mackowski
Madigan
Manns
McKee
Mills
Meilhmann
Mowery
Mrkonic
Murphy
Nahill
Novak
Noyes
Scheaffer
Schwedew
Severy
Shupnik
Sienni
Sirianni
Smith, E. H.
Smith, L. E.
Speichert
Spitz
Stairs
Steighner
Stewart
Swift
Swift

SEPTEMBER 24,
Mr. RICHARDSON. All we want to know, Mr. Speaker, is how the question that was being phrased was so that we could vote accurately, and you ran the vote without giving us an opportunity to vote.

The SPEAKER. The question was stated.

Mr. RICHARDSON. No it was not stated.

The SPEAKER. The vote was taken. The vote was recorded. The vote was announced. Does the gentleman wish—

Mr. RICHARDSON. It was never cited as to what was a "yea" and what was a "nay," Mr. Speaker.

The SPEAKER. Does the gentleman wish to be recognized to debate the amendment?

Mr. RICHARDSON. Yes, that is why I am standing here.

The SPEAKER. Does the gentleman wish to interrogate Mr. Punt?

Mr. RICHARDSON. If I can have some clarity here, I will continue to debate it, yes.

The SPEAKER. Does the gentleman wish to interrogate Mr. Punt for 2 minutes? The gentleman is in order and may proceed.

Mr. RICHARDSON. I raised a question to the Chair, Mr. Speaker. The question before us just a few moments ago was whether or not there was a rule that had been cited that you can refer to that will allow us to know whether or not we would be able to debate this issue on the question in front of us.

The SPEAKER. That question has been resolved. The question before us is the adoption of the amendment.

POINT OF ORDER

Mr. RICHARDSON. I still have a point of order, Mr. Speaker.

The SPEAKER. Does the gentleman wish to debate the amendment?

Mr. RICHARDSON. I have a point of order, Mr. Speaker.

The SPEAKER. The gentleman will state his point of order.

Mr. RICHARDSON. I think that the vote that was taken in relationship to the question was not posed right to the members.

The SPEAKER. The gentleman will state his point of order.

Mr. RICHARDSON. I think that the rollcall vote was taken in error. And, number one, that in asking for an appealing of the ruling of the Chair—

The SPEAKER. The gentleman is not making a point of order. The gentleman is debating, and the Chair is not in a position to debate the gentleman.

Mr. RICHARDSON. I am not debating, Mr. Speaker. I am asking that question in the light of the fact that the question that I raised—

The SPEAKER. The question before the House is the adoption of the amendment. Does the gentleman wish to interrogate Mr. Punt?
Mr. RICHARDSON. It is very easy, Mr. Speaker. I do wish to interrogate Mr. Punt, and also wish to raise a parliamentary inquiry to you.

The SPEAKER. If the gentleman wishes to interrogate Mr. Punt, the gentleman may proceed. The gentleman will start the clock. The gentleman may proceed.

Mr. RICHARDSON. The point of order is out of order, Mr. Speaker, to ask the Chair a question?

Point of order, Mr. Speaker.

The SPEAKER. The gentleman will state his point of order.

Mr. RICHARDSON. Yes. I just asked a question and it seems as though you do not want to hear. I am asking whether or not there is any way that we have an opportunity to find out what was a "yea" and what was a "nay" because that was never cited before the vote was taken. I have a right to ask this House what is the proper procedure in terms of what is the question that is being posed before we can accurately and effectively vote on anything that is in front of us, and that was never stated by the Chair.

The SPEAKER. The Chair heard the question of the gentleman and the Chair responded. The Chair announced what the question before the House was before the roll call was taken.

Mr. RICHARDSON. But never what was "yes" and what was "no," Mr. Speaker. You never announced what was "yes" and what was "no."

The SPEAKER. The Chair did. Unfortunately, the gentleman apparently did not hear.

Mr. RICHARDSON. Well, then that is one of the reasons I asked for order.

The SPEAKER. Now, does the gentleman wish to interrogate Mr. Punt? The gentleman is in order and may proceed.

Mr. RICHARDSON. Well, I will tell you what, because you all have the votes lined up, let me just say this: I ask a question, Mr. Speaker; I want to know specifically, in relationship to the new amendment that is placed in this bill, what impact does this have on the 81,000 people who are proposed to be taken off in terms of the transitional period, in terms of the effective date of enactment of this amendment?

Mr. PUNT. Mr. Speaker, are you addressing me or the Speaker?

Mr. RICHARDSON. I guess I better get a ruling from the Chair.

The SPEAKER. Has the gentleman concluded his interrogation?

Mr. RICHARDSON. Well, if you heard your own man speak, he indicated that he did not know whom I was speaking to. You say, Mr. Speaker, that you have to always address the Chair in order for the gentleman who is being interrogated to answer. Everybody knows that.

Mr. PUNT. Mr. Speaker, would you ask your question again?

Mr. RICHARDSON. Yes. I will be more than happy to.

Mr. Speaker, I said can you tell us the impact that this amendment that you have before us will have in terms of the transition, in terms of the effective date of this enactment that this piece of legislation will have if it is adopted?

Mr. PUNT. It depends upon the individual's situation at that specific time.

Mr. RICHARDSON. What is the period of time—I have said effective date, and I have said a number of things in it—the effective date, the period of time that it is going to take in terms of being able to take all of these 81,000 people off welfare? What impact is that going to have in terms of the Department of Public Welfare?

Mr. PUNT. The bill itself takes effect January 1, 1981, and we are not removing anybody from the rolls with the grandfather clause.

The SPEAKER. Will the gentleman yield? The time is up.

Mr. RICHARDSON. I wish to be recognized for my second 2 minutes.

The SPEAKER. The gentleman is in order. The Chair recognizes Mr. Richardson.

Mr. RICHARDSON. Well, let him finish so he can answer my question.

Mr. PUNT. I did answer it.

Mr. RICHARDSON. When is the effective date? January 1. Then the impact of that is after January 1?

Mr. PUNT. There is no impact. We are not removing, as you just said, the 81,000 people. We are not removing them from the rolls.

Mr. RICHARDSON. Well, who is being removed from the rolls, Mr. Speaker?

Mr. PUNT. Would you repeat it, Mr. Speaker?

Mr. RICHARDSON. Who is being removed from the rolls?

Mr. PUNT. No one.

Mr. RICHARDSON. In your example of transitionally and chronically needy, in categories of falling into that with relationship to this grandfather clause, if a job is not available for an individual in this Commonwealth of Pennsylvania and they, by the time they are offered, come up through the departmental process for a job, what do they do in terms of them finding one?

Mr. PUNT. Mr. Speaker, what we are addressing is the new people who apply for public assistance as of January 1, 1981. Those individuals would be placed, based upon eligibility for public assistance, in either the chronically needy or transitionally needy categories.

Mr. RICHARDSON. The transitionally needy category that I am raising, Mr. Speaker, is based on the fact of the unemployment situation in the Commonwealth of Pennsylvania. I am saying if they are offered a job, where do they go in fact if there are none? Based on this amendment right here in front of us, falling under the transitionally needy person, who will be offered a bona fide job?

Mr. PUNT. As stated in March and again now, it is our contention that it is the individual's responsibility to seek employment.
Mr. RICHARDSON. And if they do not find it, where do they go, Mr. Speaker?
The SPEAKER. The 2-minute time limit has expired.

**MOTION TO SUSPEND RULES**

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

Mr. RICHARDSON. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON. I ask for suspension of the rules in order to finish my interrogation.

The SPEAKER. The gentleman from Philadelphia, Mr. Richardson, moves that the rule for the limiting of debate that was just adopted by the House be suspended. The question is on the motion.

Mr. RICHARDSON. I would like to debate the motion.

The SPEAKER. Those voting to suspend the rule will vote "aye"; those opposed "no."

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

Mr. RICHARDSON. To debate the motion.

The SPEAKER. For 2 minutes.

Mr. RICHARDSON. It seems to me, Mr. Speaker, that if we are going to deal with the issues that are at hand concerning poor people, then each and every one of us, regardless of how the votes have gone down in the past—

The SPEAKER. On the motion to suspend the rule, will you please restrict your debate to the reason for suspension of the rule and not the merits of the amendment?

Mr. RICHARDSON. My reason for asking for suspension is the fact that we are not allowed an opportunity to deal with the issues that are at hand.

Number one, we are talking about a very serious problem that affects poor people in this Commonwealth while we have a limited debate. On other issues and matters concerning other personal interests on this floor, they have not limited the debate in order to deal with the substance of what we are dealing with. To just shove this amendment down the throats of the members of this House without having an opportunity to question the fine points does not speak to any merit or issue as I can understand it.

It seems to me that we always run into this same BS when it comes down to dealing with the problems that are on top of us in 1980. We are supposed to be a responsible body. We are supposed to deal with the issues that are in front of us, and we are being told that we have a 2-minute limitation to deal with something that we already fought on back in March and now they want to change some of the language, and because we want to know the impact of it, they want to cut us off.

I think we are entitled to know why that has been done, and we are asking for 2 minutes on limitation of each speaker. We should be afforded the opportunity to continue our train of thought and also on the matter concerning each member of this House who has been afforded an opportu-

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

The following roll call was recorded:

**YEAS—53**

Barber, E fate
Beloff, F Lee
Berson, S
Berski, T
Cappabianca, F
Clark, B. D.
Cohen, H
Coffin, W.
Cowell, M
DeMedio, C
DeWeese, J
Dawida, V.
Dorr, J
Duffy, T
Dumas, R

**NAYS—129**

Aiden, J
Anderson, G
Armstrong, T
Arty, J
Belardi, F
Bennett, R
Bittle, L
Bower, J
Brandt, A
Brown, J
Burd, S
Burns, G
Callagione, M
Cesar, M
Cesare, A
Cimini, G
Cleri, D
Clark, M. R.
Cochran, S
Cole, J
Cornell, W
Costello, J
Cunningham, L
DeVerter, A
DeVito, S
Dietz, P
Diminno, T
Dombrowski, J
Durham, L
Fischer, R
Fisher, M
Foster, W. W.
Foster, J. A.

**NOT VOTING—13**

Donatucci, R.
Gray, M
Levin, F
McIntyre, F

**EXCUSED—5**

Austin, H
DiCarlo, T

The question was determined in the negative, and the motion was not agreed to.
On the question recurring,
Will the House agree to the amendments?

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

Mr. COHEN. Mr. Speaker, will Mr. Punt submit to interrogation?

The SPEAKER. The gentleman, Mr. Punt, indicates that he will. Mr. Cohen may proceed.

Mr. COHEN. Mr. Speaker, you have indicated that many people will have to leave the State of Pennsylvania in order to find work if this legislation passes. Could you indicate what studies you have made about where these people are to go?

Mr. PUNT. Just a minute, Mr. Speaker. Repeat that first statement again, please.

Mr. COHEN. Mr. Speaker, I am trying to be as brief as possible to get within the 2 minutes. You have indicated in the past—I think this is an accurate summation of your remarks—that those who cannot find work in Pennsylvania will have to go elsewhere?

Mr. PUNT. No, Mr. Speaker. I did not say that.

Mr. COHEN. Mr. Speaker, you have said that and Mrs. O'Bannon has said that, that one way we will find jobs for people is because they will leave Pennsylvania and that is the way we will solve this problem.

Mr. PUNT. I certainly cannot speak for Secretary O'Bannon. I did not.

Mr. COHEN. Do you have any knowledge as to where these people can go and find work?

Mr. PUNT. No. That is up to the individual. We can offer help through BES - Bureau of Employment Security - if they want to secure help from a private agency, et cetera, or do it on their own.

Mr. COHEN. Mr. Speaker, I think it is very clear that there are no plans whatever in any other state for these people to find work. There is no plan for them to find work in any foreign country. I think what we are talking about is very, very cruel. I think this is a very, very cynical attempt. I think it is an attempt that is completely outside of the traditions of American history to try to force people elsewhere. I would urge that this amendment be defeated.

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

The following roll call was recorded:

YEAS—141

<table>
<thead>
<tr>
<th>Alden</th>
<th>Foster, W. W.</th>
<th>Letterman</th>
<th>Ryan</th>
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<tr>
<td>Anderson</td>
<td>Foster, Jr., A.</td>
<td>Levi</td>
<td>Salvatore</td>
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<td>Armstrong</td>
<td>Fried</td>
<td>Lewis</td>
<td>Schaeffer</td>
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<td>Arty</td>
<td>Fryer</td>
<td>Livengood</td>
<td>Seminski</td>
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<td>Belardi</td>
<td>Gallagher</td>
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<td>Sieranni</td>
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<td>Bennett</td>
<td>Gallen</td>
<td>McCall</td>
<td>Smith, E. H.</td>
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<td>Bittel</td>
<td>Gamble</td>
<td>McClatchy</td>
<td>Smith, L. E.</td>
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<td>Bowser</td>
<td>Gannon</td>
<td>McKevey</td>
<td>Spencer</td>
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<td>Gatski</td>
<td>Mackowski</td>
<td>Spitz</td>
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<td>Brown</td>
<td>Geisey</td>
<td>Madigan</td>
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<td>Burd</td>
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<td>Manninger</td>
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<td>Burns</td>
<td>George, C.</td>
<td>Miccozie</td>
<td>Stewart</td>
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<td>Caltagirone</td>
<td>George, M. H.</td>
<td>Miller</td>
<td>Stuban</td>
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<td>Cesar</td>
<td>Gladbeck</td>
<td>Mowery</td>
<td>Swift</td>
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<td>Cimini</td>
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<td>Taddonio</td>
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<tr>
<td>Civera</td>
<td>Goodman</td>
<td>Nahill</td>
<td>Taylor, E. Z.</td>
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</tbody>
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Clark, B. D. Grabowski | Noye | Taylor, F. |
Clark, M. R. Greico | O'Brien, D. M. | Telk |
Cochran         | Gruppo       | Perzel    | Thomas |
Cole            | Hagarty      | Peterson  | Vroom |
Cornell         | Hassay       | Petracca  | Wess |
Costlett        | Hayes, Jr., S. | Phillips | Wenger |
Cowell          | Helbrich     | Piccola   | Wilson |
Cunningham      | Honoran      | Pitella   | Wilt |
DeMedici        | Hutchinson, A. | Pitts    | Wright, D. R. |
DeVerter        | Hutchinson, W. | Polite | Wright, J. R. |
Davies          | Johnson, E. G. | Pott  | Yahnner |
Dawida          | Kanuck       | Pratt     | Yohn |
Dietz           | Klingaman    | Punt      | Zeller |
Dinini          | Knepper      | Pyles     | Zitterman |
Dorr            | Kolter       | Rappaport | Zosk |
Duffy           | Kowalyshyn   | Raco      | Zwilk |
Durham          | Lashinger    | Reed      | |
Fiee            | Laughin      | Ritter    | Selzter, |
Fischer         | Leht         | Rocks     | Speaker |
Fisher          | Lesicovitz   | Rodgers   | |

NAYS—47

Barber          | Gray         | McMonagle | Rieger |
Beloff          | Greenfield   | Mandertino | Schmitt |
Berson          | Harper       | Michlovic | Septant |
Borski          | Hoefedl     | Mallen    | Shupnik |
Cappabianca    | Irvi         | Murphy    | Street |
Chess           | Jkin         | Novak     | Sweet |
Cohen           | Johnson, J. J. | O'Brien, B. F. | Trello |
DeWeese         | Jones       | O'Donnell | Wachob |
Dombrowski      | Knight       | Oliver    | Wargo |
Dumas           | Kukovich    | Piesky    | White |
Earley          | Levin       | Rhodes    | Williams |
Gianmarco       | McIntyre    | Richardson | |

NOT VOTING—7

Donatucci, R. | Milanovich   | Pucciarelli | Shadding |
McVery          | Moehlmann    | Schweder | |

EXCUSED—5

Austin         | Halverston  | Maiale    | Serafini |
DiCarlo         |             |           | |

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

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

Mr. DAVIES offered the following amendments No. A8523:

Amend Title, page 1, line 5, by inserting a comma after "manpower"

Amend Title, page 1, line 6, by removing the period after "ABORTION" and inserting , and further providing for reimbursement to counties for child welfare services.

Amend Sec. 2, page 2, line 11, by striking out "A SECTION" and inserting sections

Amend Bill, page 2, by inserting between lines 27 and 28

Section 709. Reimbursement to Counties.—

(a) Reimbursement for child welfare services made pursuant to section 704.1 shall not exceed the State funds appropriated each fiscal year.

(b) Commencing no later than July 1, 1981 the county institution districts or their successors shall be reimbursed in accordance with their fiscal year plans as approved by the department.

(c) The department shall, by regulation, define allowable costs for authorized child welfare services and shall not approve for reimbursement plans in the aggregate whose costs are in excess of the amount appropriated by the General Assembly. Legislative oversight shall be required in the form of
an annual report to the Legislature from the department indicating, but not limited to, showing the amounts paid to each county for each fiscal year, the source of funds, the timeliness of payments, and the extent to which funds were not available to meet allowable and authorized costs.

Section 3. The sum of $28,000,000 is hereby specifically appropriated to the Department of Public Welfare for the 1980-1981 fiscal year for payment to counties for child welfare programs and for the care of delinquent and deprived children committed by the courts to a private or public facility. The moneys appropriated by this section shall be in addition to those moneys appropriated by the act of June 18, 1980 (No.17A), known as the "General Appropriation Act of 1980." Reimbursement for child welfare services made pursuant to section 704.1 of the act of June 13, 1967 (P.L.31, No.21), known as the "Public Welfare Code," shall not exceed the amount of State funds appropriated.

Amend Sec. 3, page 2, line 28, by striking out "3." and inserting 4.

Amend Sec. 3, page 2, line 28, by removing the period after "days" and inserting , except that the provisions of section 3 shall take effect immediately.

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

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

Mr. ITKIN. Mr. Speaker, to make a motion which takes precedence over the main motion before the body.

The SPEAKER. The Chair will recognize the gentleman for a motion as soon as Mr. Davies has explained his amendment.

Mr. ITKIN. Mr. Speaker, my motion takes precedence over—

The SPEAKER. The Chair had already recognized Mr. Davies. He has the floor. The Chair will then recognize Mr. Itkin.

The gentleman, Mr. Davies, may proceed.

Mr. DAVIES. Thank you, Mr. Speaker. Essentially what the amendment does is it would, of course, place a cap on those moneys that are being sought for the continuation of those children's services programs that have been delineated by the—

POINT OF ORDER

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, point of order.

The SPEAKER. The gentleman will state it.

Mr. MANDERINO. Mr. Speaker, in reading the Punt amendment and reading the Davies amendment, they both speak to amending the title of the bill by removing the period after "abortion" and inserting certain language. Is this not amending an amendment?

The SPEAKER. In response to the gentleman, Mr. Manderino, the Chair sees no conflict. The amendment offered is not amending any amendment that had been inserted in the bill before. What is being added is to the title, an addition to the title, which we must do before a bill is proper to show in the title what is in the body of the bill.

So it is the opinion of the Chair that this is not an amendment to an amendment.

Mr. MANDERINO. Thank you, Mr. Speaker. Can I ask one question?

The SPEAKER. The gentleman is in order.

Mr. MANDERINO. If both the Punt amendment and the Davies amendment remove the period after the word "abortion" and insert different language, you tell me how there are not two different conflicting languages going in.

Mr. Speaker, does that 2-minute language apply to the Parliamentarian in his rulings?

The SPEAKER. Only when the snow is flying and the geese are in.

In response to the minority whip's query, the Chair has been advised by the Parliamentarian that he sees no problem in inserting not only this amendment after the period but other amendments after the period as long as you are not amending amendments which have already been adopted by the House.

Does Mr. Itkin wish to be recognized?

Mr. ITKIN. Mr. Speaker, yes. We have about 25 amendments to this bill still to be considered, and I would like to give every maker of an amendment the opportunity to properly reflect on what he has to say. I do not want these amendments to be disposed of expeditiously, because I know what disposal means. I mean, if you are serious about dealing with this bill tonight and you really want to get this bill passed, at least let us go to dinner and come back and we will handle the amendments. We got a half an hour for lunch before we went to caucus at noon and we are all suffering from the same thing. Let us go out for an hour, an hour and a half, and come back and work on the bill, but at least give us an opportunity to at least get some food. I move at this point that we recess until 8:30, and we will work on the bill.

The SPEAKER. The Chair will recognize the gentleman, Mr. Itkin, after the sponsor of the amendment has explained his amendment.

Mr. ITKIN. Mr. Speaker, a motion to recess—

The SPEAKER. The gentleman, Mr. Davies, had the floor. The point of order was made and disposed of, and the Chair recognized Mr. Davies to explain his amendment. The Chair will then recognize Mr. Itkin for a motion.

Mr. ITKIN. Thank you, Mr. Speaker.

The SPEAKER. Mr. Davies may proceed.

Mr. DAVIES. Mr. Speaker, section 709 clearly establishes that the amendment will establish a cap on those moneys for those particular services. Section (c) of that same portion will establish that the department will, of course, have the right to authorize what the programs will be and will not approve any of the funding until they have the aggregate costs in excess of any amount that had been appropriated by this body.

In addition to that, there is a provision added to it for legislative review of the department actions, and that, of course, will go to look at the schedule of payment and also to the amount of funds that are available and what the specific costs of the programs are in place.
Essentially the last one on the back of it, if you will turn over to part 2 or section 2 of the sheet that you were given, in effect make the provisions or the money available immediately.

The SPEAKER. Has the gentleman completed his explanation of the amendment?

QUESTION OF INFORMATION

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, I have one question to ask and then I will make my motion.

The first question has to do with—

The SPEAKER. Of whom is the gentleman asking the question?

Mr. ITKIN. Of the Chair. We are making a big to-do about how to offer these amendments, and so many of us have drawn amendments to the same sections that Mr. Davies is offering in his amendment. So that we know the rules of the game, we would like to know specifically, if the Davies amendment goes in at some time this evening, tell us explicitly what our instructions are so we may have our amendments redrafted, because I had not seen the Davies amendment until 25 minutes ago and so that we can make sure that our amendments will be germane to be offered to the bill tonight.

The SPEAKER. In response to the query by the gentleman from Allegheny, Mr. Itkin, the Chair would feel compelled to— Will the gentleman, Mr. Itkin, come to the desk, please?

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

Mr. ITKIN. Mr. Speaker, I will withdraw my question of the Chair. I would like to get to the second part of making a motion.

MOTION TO RECESS

Mr. ITKIN. I would like to move at this time, Mr. Speaker, that the House do recess for dinner and reconvene at 8:30 this evening.

The SPEAKER. It is moved by Mr. Itkin that the House do recess until 8:30 p.m. The question is on the motion. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, I respectfully suggest that we reject the Itkin motion and we continue our work on welfare reform and those other matters which are currently before the House. Thank you, Mr. Speaker.

The SPEAKER. Those voting to recess until 8:30 will vote “aye”; opposed, “no.”

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

The following roll call was recorded:

YEAS—48

Caltagirone
Chess
Clark, B. D.
Cochran
Cohen
Cowell
DeWeese
Dawida

Harper
Hoefel
Hutchinson, A.
Irvis
Itkin
Johnson, J. J.
Jones
Knight

Michlovic
Murphy
Novak
O'Brien, B. F.
Oliver
Petrarca
Pievsky
Pistella

Seventy
Shapnik
Street
Tello
Wargo
White
Wright, D. R.
Yahner

NAYS—139

Alden
Anderson
Armstrong
Arty
Belardi
Bennett
Bitte
Borski
Bowser
Brandt
Burd
Burns
Cappabianca
Capparella
Cesar
Cimini
Civera
Clark, M. R.
Cole
Cornell
Coyle
Cottrell
Cunningham
DeMedio
DeVolter
Davies
Davies
Capparella
Grabowski
Gray
Griego
Griva

Frie
Giammarco
Gill
green
Griffo

NAYS—139

J. Petrarca White

NOT VOTING—8

Donatucci, R.
Giammarco

McIntyre
Pascarelli

Riiger
Schwedler

Shadding
Williams

EXCUSED—5

Austin
DiCarlo

Halverson
Maiale

Serafini
Speaker

The question was determined in the negative, and the motion was not agreed to.

CONSIDERATION OF SB 579 CONTINUED

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

The SPEAKER. The Chair recognizes the gentleman from Elk, Mr. Wachob, on the amendment.

Mr. WACHOB. I rise in strong support of the Davies amendment. As many of you know, a group of legislators, both House Democrats and House Republicans, have been fighting to restore the child welfare cuts that are so vitally needed to the future of our children of Pennsylvania. This is identical language that we had contained in HB 2913 and also identical language that I had introduced early this
morning in the form of an amendment, and I wish to withdraw my amendment at the time and support the Davies amendment and urge my colleagues to do likewise. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. McClatchy.

Mr. McClatchy. Mr. Speaker, I cannot urge too strongly my opposition to this amendment. I am sure the House in its wisdom will do what it wants to do, but please believe me, the $28 million is just not available. This is a program, I think we all recognize, that is in trouble. This is a program that we found out in the dying moments of the 1979-80 year was out of control. This is a program to which we gave an increase from $75 million to $88 million, plus a deficiency of $26 million. I think that shows our desire to properly take care of these children. When and if the money does become available, I can assure you I will be one of the first to try and get that money to this program. All I can say is, it is not.

One of the things, I guess, that disturbs me also is that we still have not funded our state-related colleges and universities. This appropriation could compete for that money. I am not saying it will, but it could. You may find yourself voting for child welfare and end up voting against your state-related colleges and universities. I think some of the other problems of the program as far as I am concerned — Just for example, Act 148 was for delinquent and dependent children, and the funds that are currently used in Philadelphia for this program were for a day care program; $2.4 million they spent of child welfare money for day care money. That is improper. In Philadelphia you have an administrator who is presently making more money than the Secretary of Welfare. I do not think that is right. In addition, Federal funds under the Adoption and Assistant Child Welfare Act of 1980 have not been fully applied for. This additional revenue could bring in $32 million into the Commonwealth for child welfare this year —

The SPEAKER. The gentleman has exceeded the time limit.

The Chair recognizes the gentleman from Westmoreland, Mr. Kukovich.

Mr. Kukovich. I rise to ask your support of the Davies amendment. Since the passage of the cap, SB 237, in SB 237 on Act 148, I have been in touch with the Westmoreland County Children's Bureau. Westmoreland County is approximately the fifth largest county in the state, and the opinion, I think, of the court system and most juvenile justice people around the state is that the Westmoreland County Children's Bureau does a very good job. Right now they are being severely hamstrung; they need this money desperately. The executive people of the bureau obviously have no control over the decisions of the courts and the judges as to where those children are going to be sent and how they will be disposed of. As a result, they are being tied tighter and tighter. They are going to have to cut back on the amount of children going to foster homes and how they are funded, and the children who are going to have a chance, who are not going to be sent to institutions, who are going to have a chance to break out of that rut that so often we see them find themselves in and in the long term save us money through the juvenile justice system, and we are going to lose all those opportunities. We are going to lose a quarter of a million dollars roughly in Westmoreland County alone in the first 6 months of this year; in the second 6 months, $550,000; and according to the projections into 1981, the first 6 months, another $550,000. Now, this is going to be a severe blow to the children's services of Westmoreland County.

The SPEAKER. The Chair reminds the gentleman the time has expired.

Mr. Kukovich. I just ask for your support on this amendment, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Itkin.

Mr. Itkin. Mr. Speaker, I take exception to what the chairman of the Appropriations Committee has said. There is money available. It may be in not the most retractive form. There is over $500 million in encumbered funds that the Governor has seen fit to encumber. Certainly $28 million is not an abnormally large sum when compared to that figure. In past years encumbrance releases have amounted to 10 percent of the encumbered funds, and we are talking about $50 million. In addition, there is money that is available in the Liquor Control Board over and above what their price increases provided. They always have a little kitty for their profits, and there is some money to be transferred from the LCB to the administration.

In addition, nothing prevents the Governor from lapsing moneys. Although we authorized appropriations, he does not need to spend all of them, and he can indicate to the General Assembly $28 million in cuts, or some lesser amount, out of the $6.9-billion appropriation bill we sent to him. It is not an extraordinarily difficult task to perform; it is one that might require some inconvenience, but certainly in the situation where we have failed to do this and provide the necessary support for child welfare, it is incumbent upon us to make those inconveniences and make those sacrifices to provide this money. I support the Davies amendment.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I support the Davies amendment and urge all the members on the floor to do likewise.

On the question recurring, Will the House agree to the amendments? The following roll call was recorded:

YEAS—156

Alden    Fischer    Levin    Rocks
Anderson Foster, W. W.    Livengood    Rodgers
Armstrong Fryer    Lynch, E. R.    Salvatore
Arty Gallager    McCall    Scheafer
Barber Gellen    McNiely    Schmitt
Belardi Gumble    McKelvey    Schweder
Beloff Giannoni    McMonagle    Shently
Bennett Gatski    McVerry    Shipnink
The SPEAKER. The question was determined in the affirmative, and the amendments were agreed to.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Itkin, who had a query of the Chair, it is the Chair's understanding.

Mr. ITKIN. Mr. Speaker, with respect to the adoption now of the Davies amendment, the amendment I am offering now repeats some of the language common to the Davies amendment but adds certain other important considerations that the Davies amendment failed to include. I would like to have these amendments offered and, because of the time involved, not to have them reprinted. I would like to have the House suspend the appropriate rule which would allow me to offer the amendment without having to have the amendment redrafted.

The SPEAKER. The gentleman, Mr. Zeller, will be recognized when the Chair has completed the motion that was before the House.

The gentleman, Mr. Itkin, had moved that rule 27 be suspended in order that amendments which are in conflict with other amendments which have already been adopted to this bill would not have to be reprinted.

The Chair recognizes the majority whip.

Mr. S. E. HAYES. By way of clarification, Mr. Speaker, there are several sentences in rule 27. I believe that we are specifically referring to that one sentence, that one line in rule 27 which states, "No amendment to an amendment shall be admitted nor considered." Is that correct?

The SPEAKER. The gentleman is correct.

Mr. S. E. HAYES. I would support the gentleman's motion to suspend rule 27 as I have articulated it temporarily. Thank you, Mr. Speaker.

The SPEAKER. The question before the House is the suspension of that part of rule 27 which says, "No amendment to an amendment shall be admitted nor considered." Those in favor of suspension of this rule temporarily will vote "aye"; opposed, "no."

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

The following roll call was recorded:

YEAS—174

Alden
Anderson
Armstrong
Ary
Barber
Belardi
Beloff
Bennett
Benson
Bittle
Bower
Brandt
Brown
Burd
Bursa
Caltagirone
Cappabianca
Cesar
Chess
Cimini
Civera
Clark, B. D.
Clark, M. R.
Cochran
Cohen
Cole
Cornell
Costello
Cowell
DeMedio
DeVerter
Dumas
Durham
Earley
Faye
Bittle
Brandt
Brown
Burd
Bursa
Caltagirone
Cappabianca
Cesar
Chess
Cimini
Civera
Clark, B. D.
Clark, M. R.
Cochran
Cohen
Cole
Cornell
Costello
Cowell
DeMedio
DeVerter
Dumas
Durham
Earley
Faye

NOT VOTING—9

Dininni
Donatucci, R.
Dorr

EXCUSED—5

Austin
DeCarlo

NAYS—30

Bittie
Brandt
Cunningham
Dietz
Foster, Jr., A.
Freind
Geist
Gladeck

Bittie
Brandt
Cunningham
Dietz
Foster, Jr., A.
Freind
Geist
Gladeck

Bittie
Brandt
Cunningham
Dietz
Foster, Jr., A.
Freind
Geist
Gladeck

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

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Itkin, who had a query of the Chair, it is the Chair's understanding.

Mr. ITKIN. Mr. Speaker, with respect to the adoption now of the Davies amendment, the amendment I am offering now repeats some of the language common to the Davies amendment but adds certain other important considerations that the Davies amendment failed to include. I would like to have these amendments offered and, because of the time involved, not to have them reprinted. I would like to have the House suspend the appropriate rule which would allow me to offer the amendment without having to have the amendment redrafted.
The question was determined in the affirmative, and the motion was agreed to.

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

Mr. ITKIN offered the following amendments No. -A8482:

Amend Title, page 1, line 5, by inserting a comma after "manpower".

Amend Title, page 1, line 6, by removing the period after "ABORTION" and inserting , and further providing for reimbursement to counties for child welfare services.

Amend Sec. 2, page 2, line 11, by striking out "A SECTION" and inserting sections

Amend Bill, page 2, by inserting between lines 27 and 28 Section 709. Reimbursement to Counties. —

(a) Reimbursement for child welfare services made pursuant to section 704.1 shall not exceed the State funds appropriated each fiscal year.

(b) Commencing no later than July 1, 1981 the county institution districts or their successors shall be reimbursed in accordance with their fiscal year plans as approved by the department.

(c) The department shall, by regulation, define allowable costs for authorized child welfare services and shall not approve for reimbursement plans in the aggregate whose costs are in excess of the amount appropriated by the General Assembly. In no year shall the allowable costs authorized and approved by the department for any county for the provision of services reimbursable under section 704.1 be less than the total amount approved for reimbursement by the department for any county for the provision of reimbursable services under section 704.1 for the calendar year 1980 (fiscal years 1979-1980). For the fiscal years 1980-1981, 1981-1982 and 1982-1983 the total State appropriation shall not increase beyond seven percent in each of the years. In each of these periods, the amount reimbursed to any county shall not exceed an increase of seven percent. Legislative oversight shall be required in the form of an annual report to the Legislature from the department indicating, but not limited to, showing the amounts paid to each county for each fiscal year, the source of funds, the timeliness of payments, and the extent to which funds were not available to meet allowable and authorized costs.

Section 3. As much as the appropriation to the Department of Public Welfare for payment to counties for child welfare services of section 201, act of June 18, 1980 (No.17A), known as the "General Appropriation Act of 1980," as reads: "Reimbursement for child welfare services made pursuant to section 704.1 of the act of June 13, 1967 (P.L.31, No.21), known as the 'Public Welfare Code,' shall not exceed the amount of State funds appropriated," is repealed.

Amend Sec. 3, page 2, line 28, by striking out "3." and inserting 4.

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

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, this particular amendment, in part, duplicates the amendment that we just accepted of Mr. Davies. What it does do, in addition, is establish capping language, which is different than the capping language that we had previously accepted in the budget document. In the budget document, we said that we gave them $88 million and that was it, that was all you could spend. What the amendment here into the Public Welfare Code says is, recognizing the problems in child welfare and recognizing the need for capping, that we will allow each county in 1980 to spend as much money as they have gotten in reimbursable service costs for the prior year. And for fiscal years 1980-81, 1981-82, and 1982-83, the next three fiscal years, we will allow the total state appropriations to increase but not beyond 7 percent in each of those three successive years. In other words, it is controlled growth, and it is not a meat cleaver to child welfare. It will give us the three years to review the entire child welfare situation, get a handle on it, and by the end of the 3-year period, we will be able to make some very thoughtful decisions regarding this important area. Thank you very much, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. McClatchy.

Mr. McClatchy. Mr. Speaker, this amendment is even worse than the last one. Not only are we giving them everything that they had or wanted and have not yet determined how much they need this year, we are already building in an increase every year. I think, despite my oppositional estimate, that this is certainly worse and I even more strongly oppose this one than I did the last one. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. O'Donnell.

Mr. O'Donnell. I would like to interrogate Mr. Itkin.

The SPEAKER. Will the gentleman, Mr. Itkin, stand for interrogation? The gentleman may proceed.

Mr. O'Donnell. Is it 7 percent per head or 7 percent of the gross number?

Mr. Itkin. It is, "...the total State appropriation shall not increase beyond seven percent...."

Mr. O'Donnell. What if the number of children to be served or to be sentenced or whatever increases dramatically in any given county?

Mr. Itkin. My amendment does not speak to that particular situation except what would be reimbursable could be permitted due to the increase, but the state appro-
Pensions could not grow by more than 7 percent. In other words, it would allow some growth to the county that had that problem, but once we reached the total appropriation of 7 percent more than the prior fiscal year, that is where we cut off.

Mr. O’DONNELL. What would be the effect of your language on next year’s general appropriation bill?

Mr. ITKIN. Well, assuming that $88 million and the $28 million, we are talking roughly about, let us say, $120 million; so a 7-percent increase. We would allow it to grow roughly around $8 million.

Mr. O’DONNELL. What I am saying is, suppose next year when we face that, we are still completely free in the general appropriation bill to change this number. It can be 7 percent, 10 percent, 4 percent, whatever; right?

Mr. ITKIN. Yes, but this would be a matter of law; and, therefore, it would be an obligation on the part of the executive branch to pay. Right now what is done is if you put the capping language—and it says, that is all we are going to give you; we have $88 million and all we are going to give you is $88 million—you cannot recover that in any subsequent year. Even if we should fail in the appropriations bill, for example, next year, to pay that money, it still provides in the law an obligation for the Commonwealth to pay it in future years. It is an obligation owed.

Mr. O’DONNELL. Thank you.

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

Mr. ZELLER. Mr. Speaker, in regard to the Itkin amendment, I think we have done well with the Davies amendment, and with this we are going to set a very dangerous precedent because this House has stated on many, many occasions—for the years that I have been here, in 10 years—that we want to assess every department because these funds coming in, much of this fund is coming in from the Federal Government. We have got to assess it every year to be able to find out whether or not they are functioning properly. We are going to defeat the purpose of that whole setup if we are going to go along with the Itkin amendment, because what they will do, they can come back for supplemental appropriations just like we are doing now. In other words, they meet it head-on. But to give them an open carte blanche 7 percent every year without proper assessment, I just cannot see it. I think we have got to face it every year. That is what we are here for, and I ask you to defeat the amendment.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Wilson.

Mr. WILSON. Mr. Speaker, will Mr. Itkin answer a question, please?

The SPEAKER. The gentleman indicates that he will.

Mr. WILSON. Mr. Speaker, if I understand this, and I read it hastily, you are grandfathering in to all the counties the same amount of money they get now at this current time; even if they spent the money erroneously or promiscuously, they will still get exactly what they got this year?

Mr. ITKIN. Well, it has to be an allowable cause, so it is not promiscuous.

Mr. WILSON. I am sorry, I, in short, delayed the time to read this, but as I understand it, “In no year shall the allowable costs authorized and approved by the department for any county for the provision...under section 704.1 be less than the total amount approved for reimbursement”, and I read on, “for the...year 1980...”, etc., “...fiscal years 1980-1981...”. So, therefore, they would still be guaranteed to get the same amount that they are charging the state now, or hoping to recover at this time?

Mr. ITKIN. Well, it means basically that they will receive payments for the cost that they incurred in the past and to keep the same degree of service for this particular year, so in that sense you are right, but it is not for promiscuous reasons. They are for allowable—

Mr. WILSON. It has been said by some that some of the counties got carried away and did, in fact, spend their money in ways that were not intended by Act 148, but that would be grandfathered in whether it was approved good or bad?

Mr. ITKIN. No, if the costs were not permitted and were not allowable, they would not be considered. They have to be permitted costs.

Mr. WILSON. Okay. Mr. Speaker, may I speak on the bill?

The SPEAKER. The gentleman is in order.

Mr. WILSON. I think this is a bad amendment. I think that unfortunately it is in haste that we look at it, but I think that we are setting a very, very bad precedent here in allowing a built-in grandfather clause. We are doing the same effect that Act 148 created in the first place that we were so concerned about. We are really guaranteeing them increases even though there is a cap on the bill, and I would urge a negative vote here.

The SPEAKER. The Chair recognizes the gentleman from Elk, Mr. Wachob.

Mr. WACHOB. I believe that this amendment is very important and I think somewhat misleading in the remarks that the chairman of the Appropriations Committee, Mr. McClatchy, made. It does not mandate increased money from year to year that would grow in leaps and bounds that we are having problems with now. It also would avoid the current problem that we are having now where we have to continually provide deficit appropriations. What this would do would provide a basic commitment and a basic minimum payment to counties of $100 million from this year on.

In Act 148, we made a commitment to counties and we made a commitment to community-based care in Pennsylvania for kids. This would only ensure that counties receive a minimum of $100 million, and that the maximum that it could grow from year to year would be 7 percent. I think that is a very modest increase and there is nothing to say that the legislature has to increase the appropriation by 7 percent. I strongly urge support of the Itkin amendment.
The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I oppose the Itkin amendment. I think we have taken a major step forward this evening with the Davies amendment. It is one, frankly, that you will note how I voted, that I did not think we would do. I think, however, to go the next step which you are proposing is compounding an error. You would grandfather in counties regardless of their need. You would give no incentive to these counties to cut costs, if that is in fact possible, because they get no reward for cutting costs and in fact they just would continue to spend at whatever level they are now spending plus the increments that you mention in your bill. We have no idea now what the base rate of these counties even is today. We know that they have submitted plans, and I believe through bureaucratic error, the total of these plans was not kept. I really wonder whether or not the plans were ever examined too closely. I suggest to you that perhaps they were not examined closely or maybe the problem would not be on us today that is on us.

You would ask for a mandatory increase over a period of years, yet I think you and I are the first to argue that past legislatures should not encumber future legislatures on relatively short-term commitments such as this. All in all, I believe it to be fiscally improper to do it and perhaps even fiscally insane to do this, and I really urge sincerely to be satisfied with as far as we have gone and reject the Itkin amendment.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, I expected this kind of resistance to this amendment. The reason I expected the resistance to this amendment is that if my amendment is adopted, the counties can be assured of a statutory law that is going to say that we will provide them with the reimbursments of the costs they incurred.

The Davies amendment, while I support, has a great Achilles’ heel in that all the Governor has to do is blue-line that $28 million and put anything in he wants. He can put in zero, sign SB 579, and you will say, what has happened? The problem with the Davies amendment is that we do not have an agreement from the Governor that he is going to improve that $28 million or any dollar amount. So it is all right for the majority leader to say, sure, we will take the Davies amendment; it is no problem, because when it gets to the Governor’s desk, he can take out his blue pen, turn around and say, what happened? I passed the bill. I do not know what the Governor did. The majority leader knows that, I know that, and that is why I have created the amendment in language form so it goes into the Public Welfare Code, so that the Governor cannot take his blue pen and decide he does not want to spend this kind of money. We are telling him it is a matter of public policy that we want child welfare services kept at the level that we had provided in Act 148. And if you believe it, you vote for the statutory language, and, by God, a 7-percent increase when you are dealing with a high labor-intensive category, professional services in view of what salary increases are today, 7 percent per year in terms of inflation is a negative number.

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Mr. Miller.

Mr. MILLER. I somewhat reluctantly rise to oppose the Itkin amendment. I say reluctantly because in principle we agree.

We have a serious problem in children and youth services funding in this Commonwealth; so serious that I think it behooves this legislature to end the rain-dance approach to solving the problem. Mr. Itkin, I am certain, is familiar with the prerequisites of Act 148 and the subsequent funding promise to the counties. I am certain the gentleman is. And what has happened? Because of improper accounting procedures, the lack of program approval, and we both know the entire litany, it has been a rain dance. The moneys have not flowed to the counties. There is a severe cutback because this General Assembly has appropriated limited dollars to solve the problem. The programs are out there and operating in every one of our counties that dollars have not flowed forth for from the General Assembly.

Enter Mr. Itkin and this amendment. The language looks great, Mr. Itkin, but it is the same false promise. There are no administrative controls for county approval of program planning. There is no language now in force as we stand here to either appropriate new dollars to those agencies or to channel the flow of dollars to those county welfare agencies. It is that simple.

This General Assembly need pull SB 237 off the calendar, amend Act 138—if I might wane a bit here—and then sit down and talk about substantive promises of this legislature that the 1979-1980 session says there shall be a 7-percent increase and hope, only hope, that we can convince our colleagues in the succeeding sessions to follow that rule. We have not followed the prerequisites of our own act of 5 years ago. What is to think we will follow this one? There is a direct solution. That direct solution of amending the act and then coming up with a specific dollar appropriation to, number one, get us out of debt; and, number two, follow the dollar appropriation granted each year in that line-item category in the budget.

The SPEAKER. The time has expired.

Mr. MILLER. Mr. Speaker, I apologize for exceeding that 2 minutes of time.

The SPEAKER. It is not necessary to apologize. The Chair was just keeping time on the gentleman. The gentleman is entitled to an additional 2 minutes if he would like to continue.

Mr. MILLER. If the Speaker would permit about 30 seconds.

The SPEAKER. The gentleman is in order and may proceed.

Mr. MILLER. It happens every year at the end of 2 years of session of this General Assembly that we scramble and
fall all over ourselves to solve problems that we should have worked very hard on in the preceding months. And this problem is typical of those. The Itkin amendment will not solve it, and I suggest the Davies language will not either. It will take a committed effort of both sides of the aisle to sit down and offer corrective language to the act and thereafter a commitment of this General Assembly, in no rain dance but a straight appropriation bill, to the children and youth services agencies across this Commonwealth through our Department of Public Welfare. There is no substitute for that. Mr. Speaker, I suggest we quit playing games. Thank you for your indulgence.

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

The following roll call was recorded:

YEAS—80

Barber  Gallagher  Letterman  Rhodes
Bennett  Gamble  Levin  Richardson
Berson  Gatski  Livengood  Ritter
Borski  George, C.  McCall  Rodgers
Brown  Goebel  McIntyre  Schmit
Caltagirone  Goodman  McDonal  Seven
Cappabianca  Grabowski  Mandrono  Shapak
Chess  Gray  Michlovic  Steighe
Clark, B. D.  Greenfield  Milonovich  Stewart
Cochran  Harper  Mrkonjic  Street
Cohen  Hoeffel  Murphy  Stuban
Cole  Irvis  Novak  Taylor, F.
Cowell  Itkin  O'Brien, B. F.  Trelo
DeMedio  Jones  O'Donnell  Wachob
DeWeese  Knight  Oliver  Wargo
Dawida  Koler  Petraca  Williams
Dombrowski  Kowalsky  Pievsky  Wright, D. R.
Duffy  Kukovich  Petsella  Yahner
Dumas  Laughlin  Pratt  Zitzman
Fee  Lenczewski  Reed  Zwicki

NAYS—104

Alden  Foster, Jr., A.  McClatchey  Salvatore
Anderson  Freid  McKelvey  Scheffer
Armstrong  Fryer  McVerry  Sienkiewicz
Artz  Galien  Mackowski  Siriani
Benedetti  Gannon  Madigan  Smith, E. H.
Bittle  Greese  Mannheimer  Smith, L. E.
Bowser  Geist  Miczko  Spencer
Brandt  George, M. H.  Miller  Spitz
Burd  Gladek  Moehlman  Stairs
Burns  Greico  Mowery  Swift
Cessar  Gruppo  Mullen  Taiden
Cimini  Hagarty  Nahil  Taylor, E. Z.
Civera  Haray  Noye  Tek
Clark, M. R.  Hayes, Jr., S.  O'Brien, D. M.  Thomas
Cornell  Helfrich  Perzel  Vroon
Coslett  Hosanna  Peterson  Wass
Cunningham  DeVerter  Hutchinson, W.  Phillips
DeVerter  Hutchinson, W.  Phillips  Wilson
Davis  Johnson, E. G.  Pitts  Wilt
Dietz  Kanuck  Polit  Wright, Jr., J.
Dinini  Klingaman  Pott  Yohn
Dorr  Knepper  Punt  Zeller
Durham  Lashinger  Pyles  Zord
Eamer  Lemer  Raso  Seltzer
Fischer  Levi  Rocks  Speaker
Fisher  Lewis  Ryan  Speaker
Foster, W. W.  Lynch, E. R.

NOT VOTING—11

Beloff  Johnson, J. J.  Rieger  Sweet
Donatucci, R.  Puciarelli  Schweder  White
Giammarco  Rappaport  Shadding

EXCUSED—5

Austin  DiCarlo
Halverson  Maiella  Serafini

The question was determined in the negative, and the amendments were not agreed to.

MOTION TO MOVE PREVIOUS QUESTION

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

Mr. ZELLER. Mr. Speaker, at this time I reluctantly call for the previous question on SB 579.

The SPEAKER. The gentleman from Lehigh, Mr. Zeller, moves the previous question as outlined under rule 61. Are there 20 members who will second the motion?

The gentleman from Chester, Mr. Pitts; the gentleman from Blair, Mr. E. G. Johnson; the lady from Susquehanna, Miss Sirianni; the gentleman from Warren, Mr. Peterson; the gentleman from Venango, Mr. Levi; the gentleman from Delaware, Mr. Freid; the gentleman from Indiana, Mr. Wass; the lady from Chester, Mrs. Taylor; the gentleman from Chester, Mr. E. H. Smith; the gentleman from Chester, Mr. Vroon; the gentleman from Chester, Mr. E. R. Lynch; the gentleman from Center, Mr. Cunningham; the gentleman from Lehigh, Mr. Kanuck; the gentleman from Erie, Mr. Bowser; the gentleman from Schuylkill, Mr. Klingaman; the gentleman from Westmoreland, Mr. Stairs; the gentleman from Washington, Mr. R. R. Fischer; the gentleman from Northumberland, Mr. Phillips; the gentleman from Lycoming, Mr. Greico; the gentleman from Lycoming, Mr. Cimini; the lady from Cambria, Mrs. Clark; the gentleman from Cambria, Mr. Telek; the gentleman from Northampton, Mr. Groupo; the gentleman from Northampton, Mr. Sieminski; the gentleman from Bradford, Mr. Madigan; the gentleman from Butler, Mr. Burd; the gentleman from Philadelphia, Mr. McKeel; the gentleman from Philadelphia, Mr. Rocks; the gentleman from York, Mr. A. C. Foster; the gentleman from Bedford, Mr. Dietz; the gentleman from Delaware, Mr. Alden; the lady from Delaware, Mrs. Arty; and the gentleman from Delaware, Mr. Gannon.

More than 20 members have seconded the motion.

The Chair recognizes the minority leader.

Mr. IRVIS. I will yield to the gentleman, Mr. Hutchinson.

Mr. A. K. HUTCHINSON. Mr. Speaker, do the people in this House know what they did tonight? What they are going to do? They are going to shut up who ever wants to put an amendment in.

The SPEAKER. This is not a debatable motion.
Mr. A. K. HUTCHINSON. Well, I would just like to tell you—

The SPEAKER. The gentleman is out of order. It is not a debatable motion.

The Chair recognizes the minority leader.

Mr. A. K. HUTCHINSON. They will be sorry; they will be sorry they ever did it when they come back—

Mr. IRVIS. Mr. Speaker, the gentleman, Mr. Hutchinson, in a more emotional frame of mind, has asked the question I intended to ask.

Under rule 61 on the Previous Question, it says, "...a majority of the members present, shall put an end to all debate and bring the House to an immediate vote on the question then pending...." My query to the Chair is: In the Chair's opinion, what is the question then pending? Is it the taking of other amendments or is it the actual bill, because if it is the actual bill, then Mr. Hutchinson is right, we will have precluded—if we adopt this motion—other members who have amendments ready to be offered from even offering the amendments? I do not know if that is the interpretation of the Chair.

The SPEAKER. It is the interpretation of the Chair that the motion made by Mr. Zeller would apply to the pending question which is the final passage of the bill.

The Chair recognizes the minority leader.

Mr. IRVIS. I am tired and perhaps more tired than a number of the younger members. I would like to get to the final vote too. But I would ask you before you vote that you consider what Mr. Hutchinson has said. If this were merely to cut off the debate on an amendment offered, I could understand it. But if you decide the previous question, you accept it, you will have precluded—if we adopt this motion—other members who serve on this floor with you from offering their amendments, and I think that would be most unfair and it might well be most unwise.

The SPEAKER. For what purpose does the minority whip rise?

Mr. MANDERINO. To ask your indulgence to make a very brief statement on the matter, Mr. Speaker, as a leader.

The SPEAKER. The Chair recognizes the minority whip. The gentleman may proceed.

Mr. MANDERINO. Mr. Speaker, I want to tag on to what Mr. Irvis has said.

There are many amendments on this floor that are substantial amendments, well thought-out amendments, that members on this floor honestly believe ought to be inserted into the bill on both the abortion issue and the welfare issue.

If the members of this House felt that there were dilatory measures this afternoon—you have already voted to limit debate to one speech, each person to 2 minutes. If amendments appear that have the color of being dilatory—it is within the Speaker's prerogative to call them out of order as being dilatory. And I think there are enough safeguards in what we have done already in cloture and what the Speaker can do in calling someone out of order for being dilatory that we should not pass a previous-question motion when there are substantial amendments that members have waited here patiently all afternoon to offer and to speak to, albeit for only 2 minutes now.

The SPEAKER. For what purpose does the gentleman from Berks, Mr. Gallen, rise?

Mr. GALLEN. Mr. Speaker, to oppose the motion.

The SPEAKER. The motion is not a debatable motion.

Mr. GALLEN. I just rose to oppose the motion, Mr. Speaker.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

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<th>YEAS</th>
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The question was determined in the negative, and the motion was not agreed to.

The SPEAKER. Does the majority whip, Mr. Hayes, wish to be recognized?

Mr. S. E. HAYES. I would yield to the minority leader, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. I wanted to thank the members of the House for what I consider to be, under rather painful circumstances, a very carefully imbalanced judgment. I also want to point out to the members who may not be aware of it that under the rules of the House, if the Speaker decides that a motion is dilatory or an amendment is dilatory, he may so rule. So you are not helpless before an onslaught of dilatoriness. I was not defending any dilatory motions on any member’s part. I was simply defending—and I am glad may so rule. So you are not helpless before an onslaught of that a motion is dilatory or an amendment is dilatory, he leader.

Mr. DiCARLO to point out to the members who may not be aware of it motion was not agreed to.

Mr. Zeller, I wish to be recognized?

Mr. HOEFFEL offered the following amendments No.

Amend Title, page 1, line 6, by removing the period after “ABORTION” and inserting and providing a tax credit for business firms for employing recipients.

Amend Sec. 1, page 1, line 9, by inserting after “(a)” and subsection (e)

Amend Sec. 1, page 1, line 11, by striking out “its” and inserting are

Amend Bill, page 2, by inserting between lines 10 and 11

The department—shall—within twelve months of the effective date of this act, establish a series of demonstration projects which will have as their primary purpose, the obtaining of bona fide employment for non-exempt assistance applicants and recipients. The demonstration projects may be substituted for the registration required by subsection (a). The demonstration projects shall include, but not be limited to referral to private employment agencies under contract with the department and the establishment of an employment officer in county board of assistance offices. Those demonstration projects considered by the department to be successful after at least a twelve-month trial period may be made permanent on either a Statewide or localized basis. During the trial period, a demonstration project may be expanded. Every demonstration project must include adequate provision for evaluation and each evaluation shall include participation by members of the public. Nothing in this subsection shall be construed to permit the implementation of a demonstration program which would require an applicant or recipient to perform work as payment for an assistance grant. The department shall extend employment services as defined in this paragraph to all general assistance recipients in counties of the first and second class.

The department shall, within twelve months of the effective date of this act, establish [a series of demonstration projects] throughout the Commonwealth, programs which will have as their primary purpose, the obtaining of bona fide employment for non-exempt assistance applicants and recipients. [The demonstration projects may be substituted for the registration required by subsection (a). The demonstration projects shall include, but not be limited to referral to private employment agencies under contract with the department and the establishment of an employment officer in county board of assistance offices. Those demonstration projects considered by the department to be successful after at least a twelve-month trial period may be made permanent on either a Statewide or localized basis. During the trial period, a demonstration project may be expanded. Every demonstration project must include adequate provision for evaluation and each evaluation shall include participation by members of the public.] Nothing in this subsection shall be construed to permit [the implementation of a demonstration program] programs which would require an applicant or recipient to perform work as payment for an assistance grant.

Section 2. The introductory paragraph and clause (3) of section 432 of the act, amended April 1, 1976 (P.L.64, No.28), are amended to read:

Section 432. Eligibility.—Except as hereinafter otherwise provided, and subject to the rules, regulations, and standards established by the department, both as to eligibility for assistance and as to its nature and extent, needy persons of the classes defined in clauses (1), (2), [(2)(i) and (2)(ii)] and (3) shall be eligible for assistance:

(3) Other persons who are citizens of the United States, or legally admitted aliens and who are chronically needy or transiently needy persons.

(J) Chronically needy persons are those persons chronically in need who may be eligible for an indeterminate period as a result of medical, social or related circumstances and shall include the following:

(J) Any person, otherwise eligible for general assistance, who is registered with the Bureau of Employment Security and who has not refused an offer of bona fide employment as defined under section 405.1.
Amend Sec. 2, page 2, line 11, by striking out "2." and inserting 3.
Amend Sec. 2, page 2, line 11, by striking out "A SECTION" and inserting sections.
Amend Bill, page 2, by inserting between lines 11 and 12 
Section 438. Duties of the Department of Labor and Industry.—(a) The Department of Labor and Industry shall establish goals for and coordinate activities of all departments and agencies that have as their purpose job search, counselling, development, training and placement.
(b) The Department of Labor and Industry shall review and assess all job training, counselling, educational and employment programs and report annually to the Public Health and Welfare Committee of the Senate and the Health and Welfare Committee of the House of Representatives as to the results of the programs. The report shall include but not be limited to the following information:
(1) The number of cases in each program.
(2) The number of job placements in each program.
(3) The total number of job placements in each program.
(4) Job placement as a percent of the total cases.
(5) The public assistance employs case load.
(6) The length of time to secure job placement.
(7) The length of time employed.
(8) The number of jobs per year for each person.
(9) Employer's response to public assistance employables.
(10) The persons or agencies responsible for obtaining job placements.
(11) Number of business firms which hired employables and who claimed a tax credit pursuant to the act of November 29, 1967 (P.L.636, No.292), known as the "Neighborhood Assistance Act."
Amend Bill, page 2, by inserting between lines 27 and 28 
Section 475. Tax Credit.—Any business firm authorized to do business within the Commonwealth which employs a person, regardless of residency, who received general assistance from the Commonwealth for a period of at least six months immediately preceding his or her employment, or which contributes to organizations for providing job training, education or long-term employment of persons registered under section 405.1 is eligible to receive a tax credit as provided in the act of November 29, 1967 (P.L.636, No.292), known as the "Neighborhood Assistance Act," in an amount which shall not exceed fifty percent of the compensation paid during the taxable year to such employee. The business firm seeking a tax credit under this section is entitled to the tax credit only for wages paid to such employee for the first twelve months of employment, and such employee must be employed by the business firm for at least twelve consecutive months.
Amend Sec. 3, page 2, line 28, by striking out "3." and inserting 4.
On the question,
Will the House agree to the amendments?
The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Hoeffel.
Mr. Hoeffel. This is amendment A8518.
The purpose of this amendment, Mr. Speaker, is to add to the language in SB 579, dealing with the welfare-reform provisions, four additional provisions which I believe will improve this bill and be of benefit to general-assistance recipients.
The first provision would extend the existing Pennsylvania employables program to a statewide application. Currently there are pilot projects in 30 of our counties on a demonstration pilot status. This amendment would extend the Pennsylvania employables program statewide. The idea behind this is the caseworkers working in the welfare offices are called upon to provide employment services to the general-assistance recipients.
The second part of the amendment would add to the definition of chronically needy any person who is otherwise eligible for general assistance who is registered with the Bureau of Employment Security and who has not refused an offer of bona fide employment. The purpose of that is to say that no one can be removed from the welfare rolls unless he has refused to accept a bona fide job offered to him.
Thirdly, the Department of Labor and Industry is given full coordination responsibilities for all of the job-search, job-counseling, job-development, job-training, and job-placement programs which exist within the State government.
Lastly, my amendment would create a tax credit for businesses who hire general-assistance recipients as part of the Neighborhood Assistance Act, a law, by the way, written by my predecessor here, Dan Beren. This would extend the tax credits under the terms of the Neighborhood Assistance Act so that the welfare recipients would be given a tax credit by the company.

REMARKS ON VOTE
The SPEAKER. The Chair recognizes the gentleman from York, Mr. Dorr.
Mr. Dorr. Mr. Speaker, I do not like to interrupt the debate, but I would like to get on the record. I noticed the printout shows that my switch failed to function on the Davies amendment A8523 to SB 579. I would like to be recorded in the affirmative.
The SPEAKER. The gentleman's remarks will be spread upon the record.

CONSIDERATION OF SB 579 CONTINUED
The SPEAKER. The Chair recognizes the gentleman from Franklin, Mr. Punt.
Mr. Punt. Mr. Speaker, I oppose this amendment. I think this is a direct opposition to what this House debated for 4 hours today, to what this House debated in March for 3 days. This is not achieving any type of welfare reform. It is circumventing the intent of the amendment which was just passed in SB 579. I would ask to oppose this amendment and defeat it.
The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Hoeffel.
Mr. Hoeffel. I really do not agree with the analysis of Mr. Punt when he says that the legislation I proposed does not constitute welfare reform.
The amendment I have offered is almost identical to the language that Senator Lloyd offered successfully in the Senate committee. The purpose is to provide job-training programs to increase the effort that this Commonwealth
makes to place people in jobs. Mr. Punt's amendment that we have approved earlier today does absolutely nothing to give a job to any general-assistance recipient. All it does is kick them off the rolls if they meet the categories he set up. And that may well be what we want to do, but it seems to me that we ought to go a little further. We ought to offer tax credits to industries to hire people; we ought to mandate that the Department of Labor Industry get some coordination in our program; we ought to offer coordination in our program; we ought to mandate that the University of Labor Industry get some coordination in our program; we ought to mandate that the placement of people in jobs. Mr. Punt's amendment that we have approved earlier today does absolutely nothing to make to place people in jobs. Mr. Punt's amendment that we have approved earlier today does absolutely nothing to give a job to any general-assistance recipient. 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On the question,
Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Kukovich.

Mr. KUKOVICH. This amendment rather simply stated allows the Department of Public Welfare to set up what is called a supported work program. Now, rather than specify within this amendment the details of that program, because it is rather voluminous, work has been done by the United States Department of Labor, and about 10 years ago with help from the Ford Foundation and several Federal agencies, they started a demonstration program, an experimental program in 15 cities around the United States.

Now, the reason I am offering this amendment is that this supported work program has actually succeeded. The concept is not simply like CETA, like other training programs. The idea is to take funds, channel it into small local programs, possibly in the private sector, and start to build training habits, start to build work records.

Now, I wanted to offer this amendment about 6 months ago and did not have the opportunity. The only change I have made in this amendment is that 6 months ago I wanted the savings from this program to be channeled into funding this amendment. I have deleted that language and left out any funding language. That will be left up to the Department of Public Welfare, depending on whether or not there are any savings accrued due to the new language we have adopted previously. At the very least, I want to set up a framework to help unskilled people get jobs and to keep people off the welfare rolls. If we adopt this amendment—

The SPEAKER. Time has expired.

**FILMING PERMISSION GRANTED**

The SPEAKER. The Chair gives notice that it has given permission to WHTM, Channel 27, Harrisburg-TV to take 10 minutes of silent film starting now.

**CONSIDERATION OF SB 579 CONTINUED**

The SPEAKER. The Chair recognizes the gentleman from Franklin, Mr. Punt.

Mr. PUNT. Mr. Speaker, I oppose this amendment because it involves two programs, a PEP program, and we are presently upgrading our Pennsylvania employables program, which was in the welfare amendment which was adopted into SB 579. We are likewise peppin up the Neighborhood Assistance Act. What we do not need is another layer to the bureaucracy to add to the boondoggle approach of the bureaucratic state government. We have two programs that are working. We have increased the PEP program for first and second class counties. I do not see a need for another bureaucratic nightmare. I oppose this amendment.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Kukovich.

Mr. KUKOVICH. Mr. Speaker, as I said earlier in debate, I think the PEP program is starting to work, but it has not been increased. The money authorized has not been increased for this program, and I just would like to take my time to read from a New York Times article of March, 1980, about this program which shows that it is not a bureaucratic boondoggle.

"But in the case of welfare mothers...who became part of this program...the experiment was a resounding success," according to the New York Times; and to further quote, "More than a year after leaving the program, participating women were working 35 percent more hours and earning 50 percent more money than a comparison group of nonparticipants." That is from the private sector, not from government. Twice as many participants had given up welfare altogether. The results were most favorable for recipients who had been on welfare longest and possessed the fewest skills. The program was just as successful in another way; it more than paid for itself and saved welfare payments and new income taxes.

I am suggesting, Mr. Speaker, that this is a program that works. At the Federal demonstration level it has been proven it works, and we can do it here in Pennsylvania and provide jobs for the unskilled, those people who are going to be kicked off the rolls by this language. I think any reasonable-minded person would at the very least support this amendment.

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

Mr. COHEN. Mr. Speaker, I am not sure that Mr. Kukovich has had a chance to fully explain what supported work means. What supported work means is that the money which is now paid to general-assistance recipients is going to go to employers, either private enterprises or local government agencies or nonprofit organizations, to supplement the salaries of people who are on general assistance in order that they may be paid in an economically feasible way. There has been a lot of conservative feeling and some feeling among economists who cannot be classified as conservative that the minimum wage works as a disincentive to hire low-skilled people. What this amendment does is it says that in order to make it economically feasible and justifiable to hire low-skilled people, the government is going to spend some money to supplement their wages in order that the local employers are not going to have to pay the full minimum wage and the state will help subsidize it. It is the opinion of the New York Times and the Ford Foundation and the manpower which created the Manpower Demonstration Research Corporation to test this idea in 15 cities throughout the United States that this program works. In the long run it saves far more money than it spends. We get the people with work experience. Once they have work experience they have no problems getting jobs and paying the minimum wage, and the result is we save welfare money and we create a new class of taxpaying citizens.
Once again, this is a program which is really welfare reform because it deletes the people who are on general assistance getting full-time regular jobs and becoming taxpayers. This is real reform, and I urge its support.

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

The following roll call was recorded:

YEAS—81

Barber, Gamble, Lescoevitz, Rhodes
Bennett, Gataki, Letterman, Richardson
Berson, George, M. H., Levin, Ritter
Borski, Goebel, Livengood, Rodgers
Brown, Goodman, McCall, Seventy
Caltagirone, Grabowski, McDonagel, Shapnik
Cappabianca, Gray, Manderino, Steighner
Chees, Greenfield, Michlovich, Stewart
Clark, B. D., Harper, Milanovich, Stuban
Cochran, Hoeffel, Mullen, Sweet
Cole, Irvis, Novak, Trelol
Cowell, Elkin, O'Brien, B. F., Wachob
DeMedio, Johnson, J. J., O'Donnell, Wargo
DeWeese, Jones, Oliver, Williams
Dawida, Knight, Petracca, Yahe
Dombrowski, Kolfer, Pietrzyk, Wright, D. R.
Duffy, Kowalsky, Pistoia, Yalney
Dumas, Kuckovich, Pratt, Zitterman
Fay, Laughlin, Reed, Zwikl

NAYS—101

Alden, Foster, W. W., Lynch, E. R., Salvatore
Anderson, Foster, Jr., A., McClatchey, Scheaffter
Armstrong, Freind, McKelvey, Siemian
Artz, Fryer, McVerry, Siriani
Belardi, Gallen, Mackowski, Smith, E. H.
Bittle, Gannon, Madigan, Smith, L. E.
Bowser, Geesy, Manniller, Spencer
Brandt, Geist, Micozzi, Spitz
Burd, George, C., Miller, Stairs
Burns, Gladreck, Moehlmann, Swift
Cessar, Grieco, Mowery, Taddeon
Cimin, Gruppo, Nahill, Taylor, E. Z.
Civera, Hagerty, Noye, Tekel
Clarke, M. R., Hassay, O'Brien, D. M., Thomas
Cornell, Hayes, S., Perzel, Vroom
Cotlett, Hellfick, Peterson, Wass
Cunningham, Honanam, Phillips, Weng
DeVerter, Hutchison, W., Piccola, Wilson
Davies, Johnson, E. G., Pitta, Wright, Jr., J.
Dietz, Kanuck, Polie, Yohn
Dinini, Klingman, Pott, Zeller
Dorr, Knepper, Pun, Zord
Durham, Lasheger, Pyles
Earley, Lehr, Rasco, Seltzer
Fischer, Levi, Rocks, Speaker
Fisher, Lewis, Ryan

NOT VOTING—13

Beloff, Mrkonic, Rieger, Shadding
Donatucci, R., Pucciarelli, Schmitt, Street
Giannarco, Rappaport, Schweder, Wilt

EXCUSED—5

Austin, Halverson, Maiale, Serafini
DiCaro

The question was determined in the negative, and the amendments were not agreed to.

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

Mr. MANDERINO offered the following amendments No. A8534:

Amend Title, page 1, line 6, by removing the period after "ABORTION" and inserting and providing for tax credits.
Amend Sec. 2, page 2, line 11, by striking out "A SECTION" and inserting sections
Amend Bill, page 2, by inserting between lines 27 and 28 Section 475. Tax Credit.—Any business firm authorized to do business within the Commonwealth which employ a person, regardless of residency, who received general assistance from the Commonwealth for a period of at least six months immediately preceding his or her employment shall be entitled to receive a tax credit of fifty percent of the annual wages paid to each such person against any tax levied by the Commonwealth. The maximum amount against all taxes levied shall be fifty percent of the wages of each such person. A firm shall employ such person for a period of twelve consecutive months prior to making application for the credit. A firm shall be entitled to receive the credit for the first year it employs such person and for an additional period of two years, but not thereafter.

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

The SPEAKER. The Chair recognizes the minority whip, Mr. MANDERINO. Mr. Speaker, when the House debated HB 2044, it was in different form than the welfare reform that is before us today. HB 2044 took from the welfare rolls all the welfare recipients in the category of general assistance. This particular reform before us today leaves those people who are presently on welfare still on welfare, and the savings have been drastically cut. I think there was a $92-million savings anticipated. The fiscal note says we are no going to save $12 million. Mr. Speaker, we are now going to have a lot of general-assistance recipients on welfare rolls in the area of chronically needy. I am proposing in this amendment a real reform, giving a 50-percent tax credit to any business organization that employs someone who has been on welfare for at least 6 months directly against any tax that that business firm pays. It is going to cost the people of the Commonwealth to do. It is going to cost them a little money, but we are asking employers to look at
the general-welfare recipients and other welfare recipients and employ them.

Mr. Speaker, I think it is a good amendment. The incentive granted will be certainly a loss of revenue that will be made up many, many times by those who are employed in the program.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I oppose the Manderino amendment. I think it makes a lot of sense; I do not think it does at this time and place, if I may.

First off, we have no idea whatsoever as to the cost of the proposed Manderino amendment. The other thing that bothers me about this—and I would think those of you with strong ties to organized labor might pay some attention to my remarks—it would seem to me that many employers might get rid of their present employees, if they thought that they could be replaced with persons who were on general assistance, and receive a tax credit. The Manderino amendment as I read it makes no provision for this. It simply says that any business within the Commonwealth which employs a person, regardless of residency, etc., who receive general assistance. There is nothing in here to say that the businessman cannot fire an existing employe to replace him with a new employe and get 50 percent of his wages paid for by the state. I think this is highly speculative, very attractive, and not well thought out, and accordingly, I would oppose it, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Alden.

Mr. ALDEN. Will the maker of the amendment stand for interrogation?

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

Mr. ALDEN. Mr. Speaker, would this mean that if I were to run a business and I would hire a chronically needy person, that my personal income tax would be cut in half?

Mr. MANDERINO. No. Your personal income would not be cut in half. It depends on what you would pay that individual. You would take his wages and 50 percent of them would be a credit against whatever taxes you pay to the Commonwealth.

Mr. ALDEN. So 50 percent of what I pay him would go off my taxes?

Mr. MANDERINO. Yes.

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

Mr. COHEN. Mr. Speaker, knowing the philosophy of labor unions throughout the state, I seriously doubt that labor would oppose this kind of resolution. Whatever labor's opinion, this is something again that has shown it has great support in the State Senate, and, again, State Senate support is needed in order to get anything into law and to have it just become something other than empty rhetoric. I think certainly this is a way to encourage people to be hired; it is certainly unlikely, considering that the people on general assistance are low-skilled people, that high-skilled people are going to be fired in order to replace low-skilled people. It is also unlikely that places under an union contract are going to be able to get away with it. I think our collective-bargaining laws are very, very clear as to who can be fired and who cannot be fired. The only thing that the Manderino amendment could possibly apply to is to situations in which companies with a certain amount of cash are not sure how to spend that money, whether to invest in the stock market, or make other investments, or possibly hire people. What this says is that if they have a certain amount of money and it is not feasible to hire people paying the regular tax rates, they will get a lower tax rate, and this will encourage them to hire new people and create new jobs and to make new profits. This is an amendment that ought to be supported by members of both parties.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Dawida.

Mr. DAWIDA. Mr. Speaker, just very briefly, many of the Democrats and I who have supported the welfare reform have been concerned that welfare has created a permanent underclass, a permanently needy class in the country, and that is why we feel there is a need for some kind of reform. Mr. Manderino's amendment attacks at that very root cause of what we are all concerned about. It is a very good idea, one which I think everyone in this room should support to crack at that permanent underclass of people who have not been able to make the job market and that is what welfare reform should be all about, and I urge your support.

The SPEAKER. The Chair recognizes the gentleman from Greene, Mr. DeWeese.

Mr. DeWESEE. Would the gentleman, Mr. Punt, submit to brief interrogation?

The SPEAKER. Mr. Punt indicates he will stand for interrogation. Mr. DeWeese may proceed.

Mr. DeWESEE. Mr. Speaker, during Mr. Hoeffel's remarks, he indicated that he wanted to give some tax incentives to business, and you indicated that you thought that what he was saying was a sham, a sham. What I would like you to do is tell me why you think what he said and what Mr. Manderino is proposing is a sham, especially in the conceptual realm. In other words, tax credits to business seem a good idea to many of us on this side of the aisle and conceptually to an administration and to a group of lawmakers like the Republicans who are in favor of business. I am trying to ascertain exactly where you gentlemen, collectively and individually, believe that tax incentives are necessary and proper, so that we can get on about the business of putting people to work in Pennsylvania.

Two minutes, Mr. Speaker.

Mr. PUNT. What is the question?

Mr. DeWESEE. Do you believe in tax incentives for business to put GA recipients to work? Yes or no, and why and where and how? Edify me, Mr. Speaker, edify me.
Mr. PUNT. The question is this amendment. As Mr. Ryan has explained, there are many valid reasons why this amendment should be opposed.

Mr. DeWEESE. Answer the question, please.

The SPEAKER. The Chair recognizes the gentleman from Greene, Mr. DeWeese, for his second 2-minute period. The gentleman may proceed.

Mr. DeWEESE. I am anticipating some enlightenment, sir. Mr. Speaker, I do not think that the humor element may perpetuate throughout the rest of my 2 minutes; therefore, substantively, sir—and I am addressing Mr. Punt, not the majority leader—do you or do you not believe in tax incentives to induce business to reach out and grab men and women who are on GA to get in and work for a living, since you are obviously not going to subsidize them in any other humane form?

Mr. PUNT. Mr. Ryan requested that I yield to him.

Mr. MANDERINO. Step up on the box, Mr. Ryan.

Mr. RYAN. I do not want it to be that apparent that I look down upon you, Jim.

Mr. Speaker, I think I provoked Mr. DeWeese’s remarks when I said that the Manderino amendments were ill conceived. I wonder whether Mr. Manderino or anyone else could give any estimate of the cost of that to this Commonwealth, which, frankly, has a balanced budget and no surplus, to the best of my knowledge.

I look and I quarrel with Mr. Cohen. I look at this amendment and I suggest to you that these smart businessmen whom we are talking about may very well go out of their way to hire people to get a 50-percent reduction in their payroll, and I think that it is a mistake to jump into this because it looks attractive to dress up this particular bill when no one has any figures on it. I am not suggesting for a minute that ideas such as this are improper; I, off the top of my head, think 50 percent is wrong. I do not know whether it should be 5 percent; I have no idea. It requires some study and not just a statement at 8:30 at night that this is going to solve problems of unemployment. It is not.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Duffy.

Mr. DUFFY. You know, I have been sitting here listening to the talk all day and listening to all these amendments that have been up on this floor, and I think this amendment is the most sensible thing I have seen all day. If we are interested in putting people to work, solving businessmen’s problems, let us vote “yes” on this amendment.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Clark.

Mr. CLARK. I wonder if the gentleman, Mr. Manderino, would consent to brief interrogation?

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

Mr. CLARK. Mr. Speaker, the question of cost has been brought up to this amendment, and listening to the arguments for and against the unemployment compensation bill earlier this year, I heard that more money put into industry in Pennsylvania, more money put into jobs, would generate more tax revenue for the Commonwealth. Under your proposal, how much do you feel would be generated for the Commonwealth in tax revenue to offset the costs of 50 percent given to business in credits?

Mr. MANDERINO. Mr. Speaker, it is very difficult for me to answer that question. Mr. Ryan is right that we do not know the cost. I have asked the Appropriations Committee chairman to give me a fiscal note on the amendment. I have not received anything back, and I can understand that at a late hour, but we have not had that much time to consider the bill.

I really think, though, that many of the concerns that Mr. Ryan had, especially in the area of unionization and some other concerns that people had in the area of being able to fire people and replace them with this kind of an incentive worker, are not real problems. The department has the right to write regulations, and I am sure they are going to write sensible regulations that will not allow a tax credit in the case where you are replacing one worker with another and not putting on a worker from the incentive program in the spirit of what we have. I think this is real reform. I think my gut reaction is that it is going to save us money in the long run, because we are only giving a tax credit for 3 years, and by your own statistics, people who are on welfare remain on welfare for generations sometimes, and that is what we are trying to stop and that is what we are trying to get away from and that is what we are trying to improve, and I think this does it.

Mr. CLARK. Thank you, Mr. Speaker.

Mr. Speaker, I would like to comment on the amendment.

The SPEAKER. The gentleman is in order; he has a few seconds.

Mr. CLARK. Mr. Speaker, currently the Federal Government has a system of Federal investment tax credits for equipment and machinery.

The SPEAKER. The Chair recognizes the gentleman for his second 2-minute period. The gentleman may proceed.

Mr. CLARK. The Federal Government currently has a system of investment tax credits to spur employment in this country, only they give it for equipment and machinery. The problem has arisen in Pennsylvania that we are giving money to industry to move equipment and machinery to other states. If we give credits to place jobs in Pennsylvania, it is going to put people to work in Pennsylvania. This is the only sensible amendment that we have offered tonight, and I would urge its adoption.

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Vroon.

Mr. VROON. Mr. Speaker, this is a very poorly drawn amendment. The motive for this amendment may be very good and I certainly subscribe to the idea of putting people to work, but there are many flaws in this amendment. For one thing, this amendment makes no reference to new jobs that are offered, and without that kind of specification in this amendment, there is nothing whatsoever to prevent old jobs from being offered to welfare recipients, and they need
not be skilled jobs because we have hundreds of thousands of unskilled jobs available and being handled by the workers throughout our Commonwealth. This is absolutely a poorly drawn amendment.

Secondly, it says the credit will be applied against any taxes that are owed. Wow! I am just wondering, how in the wide world are you going to keep track of all these tax credits? We have capital stocks tax; we have sale taxes; we have corporate net income taxes; and we have gross receipts taxes of all kinds. What taxes, pray tell, are you going to have the credit against? It does not specify that. Any taxes?

Finally, these kinds of amendments demonstrate a lack of awareness of what is happening out in the real world of employment. I happen to be very active in the real world of employment, and I will tell you what I see being done all the time, Mr. Speaker, and I am not kidding you. I see people coming on all of these make-work programs, being hired by employers, public and private, all over the Commonwealth, and they hold them on as long as they can, for 12 months, 18 months, 3 years, as long as the government will let them hold them on, and then they have enjoyed all this nice free help, or in this case half-free help. This is nothing but a handout to employers.

The SPEAKER. The time has expired for the gentleman.

Mr. VROON. Have I a second 2 minutes?

The SPEAKER. The Chair recognizes the gentleman for his second 2 minutes. The gentleman may proceed.

Mr. VROON. I really do not need another 2 minutes, but, in effect, if this is left, if it is passed the way it is, unless there are some teeth put into this kind of amendment, this is nothing but a handout to employers who want to exploit the situation. Believe me, and I speak as a man who has seen it done all over the place.

I oppose this as being very poorly constructed. It was well intended but is certainly an ill-advised amendment at this time.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Murphy.

Mr. MURPHY. Mr. Speaker, I would like to speak in favor of this bill.

Very briefly, this is not a new idea in this amendment. The amendment was initiated at the Federal level in the late 1960's and it was eliminated by the Nixon Administration in the early 1970's. Under the National Alliance of Businessmen it was strongly supported by businesses around the country, and it was successful. It was successful not only in training—and, Mr. Speaker, I would agree with you entirely that the training program should not be in the public sector but should be in the private sector—but this program was successful in not only providing employment to low-income and previously unemployed people; it also was successful in attracting businesses into the inner city, which is ironic because just last week the Senate passed legislation that we will probably see next week that provides tax credits to businesses to settle in Pennsylvania's decaying inner cities. It is ironic to me that we are willing to provide those types of tax credits so willingly, tax credits such as the $60-

million tax credit that we recently have given the railroads in this state to put people to work and provide maintenance to tracks. It is interesting to me that we voted on an unemployment compensation bill in part to protect the Federal tax credits of our employers in this state and that we are not willing to give a tax credit to the same businesses in this state to put people to work. So that does not make any sense to me, and I urge you to support this amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Carbon, Mr. McCall.

Mr. MANDERINO. Mr. Speaker, I think in regard to keeping track of the tax credits, I do not see a serious problem. All of our tax collections are on computers. We have in the past enacted legislation similar to this. For instance, all the farmers in the Commonwealth, where they use gasoline on the farm for farm purposes, are given a tax credit. They get a complete refund of every dollar that they pay in the gasoline tax in Pennsylvania. Now, when we wrote that law, we wrote it very simply. The department wrote its regulations; it made out its refund forms; it set up the procedure, and farmers who use gasoline on the farm write in, send the proper form, and they get a check in the mail as a rebate for their taxes. I think this is easily handled.

I think we have a good idea here. We ought not to defeat it by putting up all these red herrings about what is going to happen here and what is going to happen there. There will be a way to do it in the department with regulations. They make more law over there in the departments once we give them an idea than we make here in the legislature, and we make an awful lot of law.

Mr. McCALL. Thank you, Mr. Speaker.

The SPEAKER. Thank you, Mr. Speaker.

Mr. COHEN. Mr. Speaker, listening to Mr. Vroon's statements about the dangers of unscrupulous businessmen reminded me of labor rallies I have attended.

I think, Mr. Speaker, there is a far greater danger than passing the Manderino amendment. If we are really worried about unscrupulous businessmen taking advantage of the public, the real great danger is going to be what happens when we have 80,000 people who are left to starve to death. They certainly are not going to be very discriminating. If a businessman offers them a job at $2 an hour or a $1.50 an hour, what we are doing is creating a large pool of labor which might well be willing to enter into conspiracies with businessmen to ignore minimum wage laws, to ignore safety laws, to ignore all sorts of laws designed to protect the American worker. If the real danger is unscrupulous businessmen, as Mr. Vroon thinks it is, then the best way to deal with this is to pass the Manderino amendment.
On the question recurring, Will the House agree to the amendments?

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The question was determined in the negative, and the amendments were not agreed to.

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

Mr. MANDERINO offered the following amendments No. A8548:

Amend Title, page 1, line 6, by removing the period after "ABORTION" and inserting and providing for tax credits.

Amend Sec. 2, page 2, line 11, by striking out "A SECTION" and inserting sections

Amend Bill, page 2, by inserting between lines 27 and 28 Section 475. Tax Credit. —Any business firm authorized to do business within the Commonwealth which employs a person, regardless of residency, who received general assistance from the Commonwealth for a period of at least six months immediately preceding his or her employment shall be entitled to receive a tax credit, equal to the amount of assistance received by such person during the twelve months immediately prior to employment, against any tax levied by the Commonwealth. The maximum amount against all taxes levied shall be the amount of such assistance for each such person. A firm must employ such person for a period of twelve consecutive months prior to making application for the credit. A firm shall be entitled to receive the credit for the first year it employs such person and for an additional period of two years, but not thereafter.

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

The SPEAKER. Is the gentleman, Mr. Manderino, offering amendment No. A8545?

Mr. MANDERINO. Yes, Mr. Speaker, but I would rather offer A8548 at this time.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, this amendment is an amendment embodying the same idea as the last amendment. Recognizing what Mr. Ryan talked about in the cost of the amendment, we are offering an amendment that we can tell what it will cost. It will not cost anything. The tax credit given to the same employable person for the same period of time will be limited, Mr. Speaker, to that amount that that person would have received on welfare.

Mr. Speaker, we are going to save money after the 3 years that the tax credit is given. We do have a handle on its cost. It does not do as well as the last amendment. It is not quite as large an incentive, but it is an incentive that I think we ought to put into law. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, again, these amendments are very difficult to vote against because they are attractive. Again, I say that in my judgment they are ill conceived as of this date.

The money that is saved as a result of the enactment of this bill is earmarked to the extent of 75 percent to give increases in the welfare payments to the needy recipients of welfare who are on our rolls. So to the extent that that saving is spent in other directions, such as is proposed here by giving tax relief to business, the very people who you allegedly are attempting to help are hurt, and I wonder how many of you are keeping that in mind.

The savings resulting from the enactment of this bill are earmarked to increase the check to the welfare recipient who qualifies for welfare. I have not heard much about that tonight. I hear about how cruel this is, but I wonder how cruel the people who are truly needy and deserving and are receiving welfare are going to think it is when at the last
moment, the eleventh hour, we pass a bill that we really do not understand, an amendment to a bill, to deprive them of that increase. This administration from the beginning, when it made its first proposal along these lines, said that the money realized from the saving would go to the welfare recipient who was deserving. On that basis and on the basis that I do not believe we have proper studies of this system proposed by Mr. Manderino, I ask that it be rejected.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Hoeffel.

Mr. HOEFFEL. I cannot believe that I am hearing the Republican floor leader argue against tax credits to put people to work. It is just beyond my comprehension. My constituents would not believe it; I cannot believe it, and there is something extremely partisan about the way these votes are breaking down.

I would like to ask the minority whip whether in his opinion the statements of Mr. Ryan are valid. Would the savings earmarked in the Punt amendment be affected by the tax credits that you propose, Mr. Speaker?

Mr. MANDERINO. Mr. Speaker, we have done nothing about the savings that would take place the way the bill is drafted, which the fiscal note says is $12 million, and that savings, Mr. Speaker, is 75 percent dedicated toward giving some sort of an increase. At least that is my understanding; the wording is a little fuzzy.

Mr. Speaker, I am not talking about that savings. I am talking about those people who would remain on welfare, who expect to be remaining on welfare, whom you expect to remain on welfare or you would have a $92-million savings that you would be calculating. I am talking about the $80 million worth of payments that this Commonwealth is going to make over and above the meager savings you are going to have by this bill. You are going to make those payments because of this bill. You are going to put those transitionally needy or those general-assistance people in the chronically needy category and continue to pay them. I want to get them off welfare. I want to get them employed.

There will be a direct savings. General assistance is paid for 100 percent by the Commonwealth of Pennsylvania. I am simply saying, let us not pay them on the welfare rolls; let us give businesses a tax incentive to pay them those same dollars, exactly those same dollars, in the private sector.

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

Mr. COHEN. Mr. Speaker, the difference between the Democratic approach and the Republican approach seems to be that we favor giving the people jobs, and we think there could be far greater savings if people have jobs than if they do not have jobs. If people do not have jobs, they are going to be a lot sicker; there are going to be a lot more expenditures for community mental health; there are going to be a lot more expenditures for crime prevention; there are going to be a lot more expenditures in the courts and the district attorneys' offices and the police forces, and in our prisons we are going to have a lot more expenses.

The Manderino amendment, again, is a solid approach to saving the taxpayers a lot of money by leading to the creation of jobs and real jobs for the people. That is what they want.

The rhetorical statement that "the money is saved" from general-assistance people to other welfare recipients is, as Senator Lloyd said, not an attempt to give welfare increases to some but rather is a strategic attempt to divide the welfare constituency. I urge support for this amendment.

The SPEAKER. The Chair recognizes the gentleman from McKean, Mr. Mackowski.

Mr. MACKOWSKI. Mr. Speaker, something is missing in this proposal, and I think when you talk about Republicans feeling in this way—I think it was Mr. Hoeffel who said, or whoever it was—we have every right to believe in the free competitive system. If I need a job or my son needs a job, he should not become a second-class person because the employer can hire this other man and get a tax credit for it. I think we all should have opportunities to get jobs and not be put in a caste system, so to speak, by the State of Pennsylvania.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Itkin.

Mr. IITKIN. Just very briefly, I think this is a very exciting proposal. I do not understand why the other side has not offered it, but irrespective of that, I think we all agree that it is a very exciting proposal. There is some question about we have to have time to examine this. Well, we are not here at 10 to 9 examining a lot of proposals. I suggest right now let us vote it in the bill; let us send it to the Governor and let him look at it, and then we will know. Thank you.

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

Mr. COHEN. Mr. Speaker, responding to Mr. Mackowski, the historical reason why we have general assistance and why we have other welfare programs by the Federal Government is not so much because we want to help the poor people. The reason we have these programs is because we want to help the middle class by cutting down competition for jobs. That is the reason.

By supporting the Punt amendment you are creating far more competition for jobs to the extent that anybody on general assistance is able to get a job, and you are seriously undermining the jobs that the middle class now has.

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

Mr. RICHARDSON. I just rise to support the Manderino amendment. I would just like to say to some of the comments on the other side of the aisle about the fact that people should not try to create a caste system, it has already created a class caste system when you tell one hand of people that they should work to make a living when there are no jobs available for those who cannot work and make the same kind of living. There is also a class caste system that is created that says that rich should have everything and the poor people should have nothing. So when...
you have an amendment like this that meets the needs of those folks and says let us give a tax credit, the first thing I hear crying from those on the other side of the aisle is, just cut them off altogether, do not worry about them, but save my particular little threshold because I have got to make it. Well, what about the sons and daughters of those who cannot make it and are out every day looking for a job and there are no jobs that exist within this Commonwealth and you deny them that right? Today if we had not moved to fight to get some of the amendments in that deal specifically with the people's needs, we would not be at this point at 10 of 9. All I am suggesting to you is if you have any compassion in your heart, you would vote the Manderino amendment.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I have got to agree with Mr. Hoeffel that it is an astonishing evening.

I hear Mr. Vroon, who is an industrialist, tell me that his fellow industrialists are not to be trusted because they are corrupt and they will find some way to get around this law we are going to pass. I hear Mr. Micozzie telling me about a free enterprise system which did not exist in the time of Thomas Jefferson and George Washington and does not exist today. I remember that we gave the railroads—what was it?—about $11 million to fix their tracks. I think that does not bode well for the free enterprise system. I think when we bailed Chrysler out, that did not bode well. We did not call that welfare, incidentally, you know, but we gave them taxpayers' money.

Here in Pennsylvania we give tax credits for industry for introducing antipollution devices. Maybe if we had the real free enterprise system, we would tell them do it and pay for it yourself.

I have also heard the Manderino amendment criticized on this floor because it has not been worked out in all the details; we do not know quite how to do everything. But you did not answer the question Mr. Street asked you earlier about how you are going to examine these various people on general assistance; how you are going to work out the details of the medical examination. What you really said is we will do that later on. But I suggest to you that if we pass this amendment, any details that we have not worked out at this late hour tonight, we can do that later on, too. But if I see the vote up there of the Republican Party voting against tax credits one more time, I had a chance to written the regulations to see that it did not happen, and I think it could be done very easily and I would expect them to do it, and that is what I said, that I expect them to do it.

I wish I would have had the time to write a detailed proposal, but no one imagined that Mr. Punt was going to put in his welfare amendment, and it has already been through this House once. It was introduced today for the first time, and today for the first time I had a chance to write an amendment that I think is good, and I think that the regulations can work out the details to prevent what you are talking about.

Mr. MANDERINO. Mr. Speaker, that was alluded to before. I do not doubt that that could happen if the department did not write sufficient regulations to see that it did not happen, and I think it could be done very easily and I would expect them to do it, and that is what I said, that I expect them to do it.

And you know, Mr. Vroon, I do not believe you. I really think your Republican business cohorts are reputable, honest, trustworthy industrialists and they would not ever conspire to take advantage of a loophole in the law. Thank you, Mr. Speaker.
Mr. IRVIS. No. I would probably negotiate—
The SPEAKER. Will the gentleman yield?
Mr. IRVIS. Oh, I will answer him, Mr. Speaker.
The SPEAKER. The Chair understands the gentleman
would be very happy to answer the question.
Mr. IRVIS. I would be delighted.
The SPEAKER. But the Chair is asking that the
gentleman please confine his interrogation to the amend-
ment before us. The gentleman may proceed.
Mr. VROON. It is on tax credits, Mr. Speaker. It is on
tax credits.
The SPEAKER. Hypothetical questions are not before
us.
Mr. VROON. Mr. Irvis accused me of accusing people of
being unscrupulous in business, and now I am trying to—
Mr. IRVIS. No. I said I did not believe that you would
do that; I did not believe you would accuse them of that.
And I do not believe you would accuse your fellow industri-
алистов of being unscrupulous. I know you know them better
than that.
Mr. VROON. That is absolutely right, and that is what I
am trying to demonstrate to you in this illustration. If you
had 100 people and you had an opportunity to hire 10
people to replace 10 of your people who are higher paid
with cheaper paid people who happen to be on welfare, as
an astute businessman, do you not think you would be
mighty tempted to do that?
Mr. IRVIS. No, because I think that is unscrupulous,
and I do not know any unscrupulous businessmen.
Mr. VROON. Enough said, Mr. Speaker.
The SPEAKER. The Chair recognizes the gentleman
from Cumberland, Mr. Mowery.
Mr. MOWERY. Before we vote on this, I would just like
to take a quick moment here to take a little pause in our
enthusiasm to vote on an amendment that I think is a super
amendment, and I congratulate the other side for coming
up with a good idea that I think can be developed. I think
it can maybe be a very wonderful way of solving a major
problem in Pennsylvania, but I think that it is very foolish
at the last minute to put it on as an amendment regardless
of how we got here or why we did not have a lot of time to
think about it, because I think some of the remarks that
our leadership made, particularly Mr. Ryan, in regards to
the employment of people in lieu of many union people
who have worked hard to hold their jobs is a major
concern.
I think the other concern that most of us know and we
speak of in every other light is the fact that the bureaucracy
and the regulators do not always come up, unless we spell it
out, with the best ideas, and I think that to leave this to the
regulators because we have not had time to put it together
in a proper bill first is very foolish on our part and, I
think, very irresponsible; that we will pay the price for a
long time to come. I would be happy to cosponsor a piece
of legislation as has been introduced tonight if it has been
properly thought through. I think it has a lot of merit, but
not in the way it is being offered here this evening.

Commonwealth of Pennsylvania. The private sector does
not receive any benefit; the employe does not receive any
benefit. The only person who receives any benefit is the
Commonwealth of Pennsylvania through a reduction in
their tax revenues. All of us certainly do support tax credits
that will stimulate employment. However, this goes far
beyond what would appear to be a reasonable tax credit. A
50-percent tax credit or a 25-percent tax credit would be
much more reasonable.

This will drive a tremendous hole in our Commonwealth
budget, and we should look very carefully at it. In the
House Finance Committee, Mr. Speaker, we have had tax
credit proposals which are much more reasonable than the
one presently proposed. I do applaud Mr. Manderino’s
effort at attempting to stimulate the private sector. Howev-
er, at the eleventh hour, at this time, it is a little too
little, too late.

The SPEAKER. The Chair recognizes the gentleman
from Montgomery, Mr. McClatchy.

Mr. McClATCHY. Mr. Speaker, the problem I have
with this amendment is that it is an illusionary use of the
savings we are trying to use in this bill. We are talking
about a possibility of using every bit of savings that we
were going to turn over to the welfare recipients. Now,
those savings amount to $47 million in our fiscal note. They
are committed to a cash grant increase of 75 percent. If the
Manderino amendment goes in, that could actually wipe out
that entire savings. The rest of the savings, $11-million or
$12-million savings, is earmarked, intended to go toward
the PEP - Pennsylvania employables program - and job
training and job manpower programs. I think that is the
proper way to go. I think if we are going to draft a tax
credit bill for business, I am sure we could all sit down and
do a good job of it later on. This is, in my mind, an indica-
tion of trying to defeat this bill with kindness, Mr. Speaker,
and I would ask for a negative vote.

The SPEAKER. The Chair recognizes the gentleman
from Chester, Mr. Vroon.

Mr. VROON. Mr. Speaker, am I allowed 2 minutes for
interrogation, please?

The SPEAKER. The gentleman is entitled to 2 minutes of
interrogation.

Mr. VROON. Okay. Mr. Irvis, please.

The SPEAKER. The gentleman, Mr. Irvis, indicates he
will stand for interrogation.

Mr. VROON. Mr. Speaker, if you had a business that
employed 100 people and you did not have work for any
more than 100 people, would you be inclined to hire more
than 100 people?

Mr. IRVIS. Well, that is a hypothetical. I have never had
enough money to go in business to hire even two people.

Mr. VROON. Okay; that is fine. That makes a point.

Secondly, Mr. Speaker, if you had 100 people and you
had a union and you could not lay off any of these people
and hire new people because of union rules, then what
would you do? Would you hire new people?
The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Street.

Mr. STREET. Mr. Speaker, I only have a few brief remarks, but it is amazing to me—and as a matter of fact, rather flabbergasting—that all of a sudden the other side is talking about the budget; the budget is balanced, and we do not have any additional money to do this, when I just made what I consider a very brilliant presentation on the cost of the implementation of HB 2044, which is going to cost this Commonwealth an enormous amount of money, which we very ably ignored. And now, suddenly, when we start talking about doing something substantive to get some jobs, all of a sudden we do not have the money in the budget. All of a sudden we are concerned about money. We are concerned about studies. We are concerned about putting this thing together carefully, and somebody should explain to me—And I pause for a moment to point out to you that the gentleman who talked about the geese and the snow and put this gag order on us is gone. He is gone. He is not even here. I do not understand that either. I mean, where is Mr. Gecele? He is the one who wanted to limit debate, and he split. So we went for that. All right, we went for that also.

I am simply trying to point out that we must be consistent. I think people look around, you know, at us as we work up here, and they look for consistency, and I do not see the consistency here. What I see is inconsistency exemplified. I would support the Manderino amendment, and let us get our people working. Let us get some jobs. Let us put people to work so that we can get them off the welfare rolls and into some jobs.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, just in brief response to some of the points that were made, several of the people who spoke talked about they would be worried about unions and how they would look at this and we will get rid of union employees. I do not think there is a ghost of a chance that union employees, protected by seniority, protected by contracts, protected by the labor-management agreements, are ever going to have to worry about the employable person on welfare and the tax incentive given to that business. I do not think we ought to worry about that, and I think it is a red herring that has been raised.

One of the gentlemen said he could not see any benefit. Do you not think there is a benefit to a welfare recipient to be working and to have the dignity of earning a living rather than to be there on a dole, generation after generation, family after family? There has got to be a benefit to that welfare person to be in a substantial job. There has got to be a benefit to the businessman who, for the wages that he pays that person, can take a tax credit up to the amount that that person would have received on welfare. Certainly there has got to be a benefit to the business. The business can hire, for certain jobs, unskilled in most cases, because these people are all or mostly unskilled. There has got to be a benefit to the Commonwealth of Pennsylvania, in the third instance, because the Commonwealth of Pennsylvania is going to be giving a tax credit for 3 years equal to the amount they would have paid on welfare, and then there is no tax credit and a tremendous savings on that one individual from here on to whenever, the way the rules of this category are set up.

Mr. Speaker, do not shoot down what everyone has said is a very good idea because we are not sure. Frankly, there are many of us who are not sure about the things that are in HB 2044—how they are going to work; how the medical exams are going to take place; who is going to categorize; how they are going to categorize; is there going to be an appeal procedure? If you do not have to worry about those kinds of things when you are talking about people's lives, then do not raise these red herrings on a very good idea embodied in an amendment that has a chance to be real welfare reform and to put people to work to help the private sector. All the training programs that we have you can throw and shake in a bag and they all come up the same. When the training period is over, the job is over. That just might not happen with this kind of incentive. Thank you, Mr. Speaker.

Mr. RYAN. Mr. Speaker, in conclusion of my own thoughts, to the Federal Government these rich fat cats are paying taxes in the 48-, 50-percent category. You give them a tax credit; it might amount to 5 percent of their total tax liability. Today a man in Pennsylvania who earns $200,000 pays taxes of approximately $9,000 in state taxes. If he hired one person at $9,000 a year, he would only owe half of that amount to the Commonwealth. If he had two, he would owe no taxes to the Commonwealth. I think when we put a plan such as this together, there should be an additional cap, and that cap, in my judgment, should be a percentage of the total tax liability so that a person is not completely excused of paying all taxes. I think that is something that we must do when we look at it. And I am willing, like Mr. Mowery, to sit down and try and work this out, because I think the principle is sound. I do not believe, again, that it is sound tonight.

I disagree with Mr. Manderino on his interpretation of the regulators' actions. I think we have to specify that it would be for new jobs and not replacement jobs, and I would guess that organized labor would be the first ones to insist that we do it and not take our chances that the regulators will do it.

The third and last point I would like to make is, despite Mr. Manderino's protest to the contrary, in my judgment—and no one has sufficiently explained differently—the savings realized from the enactment of this law, 75 percent of it goes to the welfare recipient, the other 25 percent to the programs as outlined by Mr. McClatchy. I believe that this would change that proposal. Thank you, Mr. Speaker.

MOTION TO TABLE

The SPEAKER. The Chair recognizes the gentleman from Centre, Mr. Letterman.
Mr. LETTERMAN. Mr. Speaker, I have been sitting very quietly listening to every amendment and everybody talking. I think what we have really seen and witnessed here tonight is the fact that we have sat on our tail for much too long. We have not tried to do anything except we are going to take you off welfare and we will save that much money, and you think that is not cruel? Just because that man is a single person, he is still a person, and this country and this place and this state cannot offer that man a job. I have a single person, he is still a person, and this country and for the best of this state. But, no, we did not do that; we forgot to do it.

I would like to make a motion at this time that we put this bill upon the table until Tuesday to give some of the greater minds in this House of Representatives the opportunity to look over some of the amendments they have drawn, to come up with possibly a better plan and try to work it out. I think it is here. I think for the first time since I have been a legislator in 10 years, I have finally heard somebody interested in doing the right thing, and that is finding jobs for people whom you want to take off the welfare rolls. Thank you.

Mr. Speaker, the reason I am doing this is I really feel that we are onto something, and I really feel that, Mr. Ryan, with your votes over there you can defeat this tonight, and I know what is going to happen if you defeat it. It is going to be forgotten and we are never going to deal with it again. The reason I am asking for at least 2 days is to let someone have an opportunity to do some digging in the next 4 days before we come back on Tuesday. I mean, we are going to be here on Monday, but I think we should give it a try, not just shot something down because it was drawn too hurriedly for some of you people to like. And I agree, possibly it was, but I certainly think I have a good idea in trying to work this thing out along with the rest of you, and I hate to see us just let go and go home because we can defeat someone's amendment that could do some good, and I really and sincerely am offering my proposal. Thank you.

The SPEAKER. The gentleman from Centre, Mr. Letterman, has moved that the bill and the amendments be laid on the table. This motion is not debatable.

PARLIAMENTARY INQUIRY

Mr. LETTERMAN. Parliamentary inquiry, please.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. LETTERMAN. Is it proper for me to put a time for this to be taken back off the table with that motion?
The question was determined in the negative, and the motion was not agreed to.

On the question recurring,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the lady from Philadelphia, Mrs. Harper.

Mrs. HARPER. I rise to support the Manderino amendment. Jobs is the issue, and I quote from the Philadelphia Daily News: "The issue is jobs, not some kind of hardened Republican litany to con the voters into thinking something real is being done." Jobs truly is the issue, and nothing real is being done. This is just another gimmick, a political gimmick. We know that there are no jobs. I have stacks of applications for work. I have tried to find jobs for people; they have tried to find jobs. It is cruel and inhumane to take people off assistance when we know that there are no jobs, so let us stop this phoniness and get down to business and create some jobs for people to earn a living. Support the Manderino amendment. Thank you.

Mr. PETRARCA. I rise in support of the Manderino amendment. Just last week I had a young adult, 25 years old. I guess he was able to go through rehab; he was handicapped enough, and he has done everything looking for work. He supports his mother. He is from Freeport, Pennsylvania, and he told me, I do not want to be on welfare; it is embarrassing; I make $245 a month; I am willing to work for the $245; do not take it off me; get me a job. So what did I do? I won a cover letter. I sent his letter to the personnel manager of Pennsylvania, I think Mr. Rath, and he has tried to avoid that accusation, but it is unavoidable if you vote against the Manderino amendment. What other purpose is served other than some public act of maliciousness, so malicious, in fact, made more malicious by the fact that we have enjoined the support of one other segment of the poor that we are going to give more money to to join with us in beating up on some other smaller group that we have designated now as the vulnerable poor. So, Mr. Speaker, all I can say is, if you vote against this amendment, be you Democrat or Republican, it seems to me you are voting for an act of public maliciousness in this state. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Westmoreland, Mr. Petrarca.

Mr. PETRARCA. I rise in support of the Manderino amendment. Just last week I had a young adult, 25 years old. I guess he was able to go through rehab; he was handicapped enough, and he has done everything looking for work. He supports his mother. He is from Freeport, Pennsylvania, and he told me, I do not want to be on welfare; it is embarrassing; I make $245 a month; I am willing to work for the $245; do not take it off me; get me a job. So what did I do? I won a cover letter. I sent his letter to the personnel manager of Pennsylvania, I think Mr. Rath, and you know what is going to happen to that letter; there will be no jobs.

Now, I am sincere now. Here is a chance where the Manderino amendment will create a mechanism to hire people. It is a step. Let us vote people tonight; let us not vote party.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Street, for the second time.

Mr. STREET. Yes, my light is lit. I will not be long.

I want to just make a couple observations here on a couple quotes. We have here in front of us a quote coming from Governor Thornburgh in answer to the question: "Can you guarantee everybody (removed from the welfare rolls) a job?" Answer: "No." Governor Thornburgh: "There are no jobs." Philadelphia Inquirer, 8/10/80.

Delaware County Daily News, 8/4, Senator Louis Coppersmith: "I think everyone agrees that jobs aren't there for these people..." GA employables, GA recipients, in dealing with the economy. The jobs are not there. Everybody agrees.

In closing, I just want to mention I have been studying—and this is important to me anyhow. I have been studying—the platforms of both the President and the other two Presidential candidates, and it might be interesting to note, for the brothers and my colleagues on the other side of the aisle, that one of the major planks of the Republican candidate for the Presidency, Reagan, is job incentives, giving jobs and tax incentives to businesses similar to the Mand-
erino amendment. And I do not see how you can disagree with the Manderino amendment and at the same time agree with the Governor Reagan platform. So I think you need to take a good look at that before you vote on the Manderino amendment. I urge support of the amendment.

On the question recurring,
Will the House agree to the amendments?
(Members proceeded to vote.)

VOTES CHALLENGED

Mr. MANDERINO. Mr. Speaker, prior to the taking of the roll, let us lock some people out who are not in their seats. I have checked with the clerks up here; they have locked everybody out on this side and nobody on that side, and I think we ought to. Fair is fair, Mr. Speaker, although Mr. D. M. Fisher here? Is Mr. Helfrick here?

THE SPEAKER (H. JACK SELTZER) IN THE CHAIR

The SPEAKER. The clerk will strike the roll. Only those members in their seats may be recorded.

Ms. MANDERINO. What we should do, Mr. Hayes, is be fair about locking out, and this would not happen.

Mr. S. E. HAYES. Mr. Manderino, I would join you in your fairness. You are known to be a fair man.

Mr. Cole. Could you help us with that one, Mr. Manderino? Mr. Cole?

Mr. MANDERINO. Mr. Speaker, I push my switch. Mr. Mandleino?

Mr. S. E. HAYES. Mr. Manderino, I would join you in your fairness.

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Mr. MANDERINO. What we should do, Mr. Hayes, is be fair about locking out, and this would not happen.

Mr. S. E. HAYES. Mr. Manderino, I would join you in your fairness. You are known to be a fair man.

Mr. Cole. Could you help us with that one, Mr. Manderino? Mr. Cole?
The question was determined in the negative, and the amendments were not agreed to.

Mr. S. E. HAYES. Is Mr. White on the floor of the House?

Mr. STREET. Yeah, right here.

Mr. S. E. HAYES. You are many things, sir, but you are not Mr. White.

The SPEAKER. Does the minority whip, Mr. MANDERINO, wish to offer amendment No. 8545?

Mr. MANDERINO. Mr. Speaker, would you lock everybody out who did not vote on that roll call?

The SPEAKER. The Chair cannot lock out everyone who is not voted on that roll call. The Chair can only lock out those people who are not in their seats.

Mr. MANDERINO. That is all I want you to do, Mr. Speaker, lock out those people who are not in their seats.

The SPEAKER. Does the minority whip, Mr. MANDERINO, wish to offer amendment No. 8545?

Mr. MANDERINO. Yes, I do.

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman from Greene, Mr. DeWeese, rise?

Mr. DeWEES. We have a difficulty, Mr. Speaker, that has not been resolved.

The SPEAKER. The time to call that to the attention of the Chair is when the vote is being taken.

The clerk will read the amendment.

Mr. DeWEES. Mr. Speaker, we could not get your attention at that moment.

The SPEAKER. The Chair recognizes the minority whip. Mr. DeWEES. Mr. Speaker, in all fairness to Mr. Rocks, I would suggest that we strike the vote and allow him to vote.

On the question recurring,

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

Mr. MANDERINO offered the following amendments No. A8545:

Amend Title, page 1, line 6, by removing the period after “ABORTION” and inserting , limiting general assistance to chronically needy persons and transitionally needy persons, further providing for annual quality control reviews relating to the administration of assistance, for child support eligibility, for continuing eligibility for general assistance and the verification thereof, for procedures relating to the cooperation of caretaker relatives, for access to certain records, for the use of funds saved and for certain expenditures.

Amend Bill, page 1, by inserting between lines 8 and 9 Section 1. Section 403, act of June 13, 1967 (P.L.31, No.21), known as the “Public Welfare Code,” is amended by adding a subsection to read:

Section 403. Uniformity in Administration of Assistance; Regulations as to Assistance.—

(en) Beginning July 1, 1981, the department shall conduct annual quality control reviews of the chronically needy case load in accordance with a methodology and scope determined by the department.

Amend Sec. 1, page 1, line 9, by striking out “1.” and inserting 2.

Amend Sec. 1, page 1, line 9, by inserting after “(a)” and subsection (e)

Amend Sec. 1, page 1, lines 9 through 11, by removing the comma after “405.1” in line 9, all of line 10, and “Welfare Code,”* in line 11 and inserting of the act,

Amend Sec. 1, page 1, line 11, by striking out “is” and inserting are

Amend Sec. 1 (Sec. 405.1), page 1, line 14, by striking out “[ten] three business” and inserting ten business.

Amend Bill, page 2, by inserting between lines 10 and 11 (e) The department shall, within twelve months of the effective date of this act, establish a series of demonstration projects which will have as their primary purpose, the obtaining of bona fide employment for non-exempt assistance applicants and recipients. The demonstration projects may be substituted for the registration required by subsection (a). The demonstration projects shall include, but not be limited to referral to private employment agencies under contract with the department and the establishment of an employment officer in county board of assistance offices. Those demonstration projects considered by the department to be successful after at least a twelve-month trial period may be made permanent on either a Statewide or localized basis. During the trial period, a demonstration project may be expanded. Every demonstration project must include adequate provision for evaluation and each evaluation shall include participation by members of the public. Nothing in this subsection shall be construed to permit
the implementation of a demonstration program which would require an applicant or recipient to perform work as payment for an assistance grant. The department shall extend employment services as defined in this paragraph to all general assistance recipients in counties of the first and second class.

**Amend Sec. 2, page 2, line 11, by striking out "2." and inserting 3.

Amend Bill, page 2, line 28, by striking out all of said line and inserting Section 4. Section 409 of the act is amended to read:

Section 409. Collection of Information; Reports.—The department shall have the duty:

(1) To gather and study current information constantly, and to report, at least annually, to the Governor, as to the nature and need of assistance, as to the amounts expended under the supervision of each county board, and as to the work of each county board, and to cause such reports to be published for the information of the public.

(2) To report, at least annually, to the Governor, as to the cost of living in the various counties, as related to the standards of assistance and the amounts expended for assistance, and to cause such reports to be published for the information of the public. The department shall publish annually in the Pennsylvania Bulletin a description of the methodology it uses in determining what income persons need to meet a minimum standard of health and decency, the amounts so required to meet that standard and the percentage of the need met by cash assistance payments and food stamps.

Section 5. The introductory paragraph and clause (3) of section 532 of the act, amended April 1, 1976 (P.L.64, No.28), are amended to read:

Section 432. Eligibility.—Except as hereinafter otherwise provided, and subject to the rules, regulations, and standards established by the department, both as to eligibility for assistance and as to its nature and extent, needy persons of the classes defined in clauses (1), (2), (2)(i) and (2)(ii) and (3) shall be eligible for assistance:

**Other persons who are citizens of the United States, or legally admitted aliens and who are chronically needy or transitionally needy persons.**

(i) Chronically needy persons are those persons chronically in need who may be eligible for an indeterminate period as a result of medical, social or related circumstances and shall include the following:

(A) A child who is under age eighteen, or who is under twenty-two and attending high school, an approved program of vocational training on a full-time basis, or undergraduate college on a full-time basis. No general assistance shall be paid to any full-time undergraduate student at a college or university who has not participated in a Federally subsidized program for dependent children within the previous five years.

(B) A person who is over forty years of age.

(C) A person who has a serious physical or mental handicap which prevents him or her from working in any substantial gainful activity as determined in accordance with standards established by the department. The department may require that documentation of disability be submitted from a physician or psychologist. The department may also order at the department's expense a person to submit to an independent examination as a condition of receiving assistance under this paragraph. The department shall determine eligibility within thirty days from the date of application. Persons discharged from mental institutions shall be classified as chronically needy in accordance with department regulations.

(D) A person who is a caretaker. This category of persons shall include (i) one parent or other caretaker of a child under the age of fourteen and (ii) persons whose presence is required in the home to care for another person as determined in accordance with department regulations.

(E) A person suffering from drug or alcohol abuse who is currently undergoing active treatment in an approved program.

(F) A person who is employed full time and who does not have earnings in excess of current grant levels.

(G) Any person who is ineligible for Unemployment Compensation and whose income falls below the assistance allowance level as a result of a natural disaster as determined by the department.

Any person who did not qualify as chronically needy under other provisions of this act, who has served at least two years on a sentence of imprisonment, and has been transferred to a pre-release facility, released on parole, or released at the expiration of the maximum sentence not more than sixty days before applying for assistance. Such persons shall only be considered as chronically needy under this provision for a maximum of three months following release from imprisonment, and must comply with section 405.1.

(i) Any person who does not otherwise qualify as chronically needy, and who is receiving general assistance on the date this section is enacted into law, such person must comply with all employment provisions of this act and regulations promulgated thereunder. If after the date this section is enacted into law a person's general assistance grants are terminated, then that person may not subsequently qualify for general assistance under this provision. If it is determined that the classification of persons according to their status on the date of enactment as provided in this paragraph (i) is invalid, then the remainder of this act shall be given full force and effect as if this paragraph (i) had been omitted from this act, and individuals defined in this paragraph (i) shall be considered transitionally needy if otherwise eligible.

(ii) Assistance for chronically needy persons shall continue as long as the person remains eligible. Redeterminations shall be conducted on at least an annual basis and persons capable of work, even though otherwise eligible for assistance to the chronically needy, would be required to register for employment and accept employment if offered as a condition of eligibility except as otherwise exempt under section 405.1.

(iii) Transitionally needy persons are those persons who are otherwise eligible for general assistance but do not qualify as chronically needy. Assistance for transitionally needy persons shall be authorized in the form of a single grant not to exceed the amount of thirty days assistance in any twelve-month period.

Section 6. Sections 432.3, 432.6(a) and 432.7(a)(4) and (b) of the act, added July 15, 1976 (P.L.993, No.202), are amended and section 432.6 is amended by adding a subsection to read:

Section 432.3. Voluntary Termination of Employment.—A person who is not in a class of persons excluded from mandatory participation in the Pennsylvania employables program and who without good cause: (i) voluntarily terminates employment or reduces his earning capacity for the purpose of qualifying for assistance or a larger amount thereof; or (ii) fails to apply for work at such time and in such manner as the department may prescribe; or (iii) fails or refuses to accept referral to and participate in a vocational rehabilitation or training program, including the work incentive program, or refuses to accept referral to and work in employment in which he is able to engage, provided such employment conforms to the standards established for a bona fide offer of employment in the Pennsylvania employables program, shall be disqualified from receiving assistance for thirty days thereafter and sixty days for the first violation and thereafter until such time as he is willing to comply with the requirements of section 405.1. For each subsequent violation, the minimum disquali-
Section 432.5. Support From Legally Responsible Relatives.—(a) Every applicant for assistance whose eligibility is based on deprivation due to absence of a parent from a home shall be referred within ten days for interview to the designated support official of the department who shall be stationed in local welfare offices, unless such offices have too few applicants to warrant permanent stationing. The department shall be responsible for taking all steps necessary to identify, locate, and obtain support payments from absent parents.

(b) Acceptance of public assistance shall operate as an assignment to the department, by operation of law, of the assistance recipient’s rights to receive support, on his or her behalf and on behalf of any family member with respect to whom the recipient is receiving public assistance. Such assignment shall be effective only up to the amount of public assistance received. The assignment shall take effect at the time that the recipient is determined to be eligible for public assistance. Upon termination of public assistance payments, the assignment of support rights shall terminate, provided that any amount of unpaid support obligations shall continue as an obligation to the department, to the extent of any unreimbursed assistance. Immediately upon receipt of notification from the department that a recipient has been determined to be eligible for public assistance, the clerks of the appropriate courts of the Commonwealth shall transmit any and all support payments that they thereafter receive on behalf of such public assistance recipients to the department. Such clerks shall continue transmitting such support payments until notified by the department that it is no longer necessary to do so. While the recipient is receiving public assistance, any such support payments made to or on behalf of the public assistance recipient shall be allocated first to any amount due the department as assignee of the recipient’s support rights. The public assistance recipient shall be deemed to have assigned the department as his or her attorney in fact to enforce the department’s demand for support due during the time the recipient is receiving public assistance on behalf of himself, herself, or any family member.

Section 432.7. Determination of Paternity and Enforcement of Support Obligations.—In accordance with a child support plan approved by the Federal Government, the department shall have the power and its duty to be:

(a) Require as a condition of eligibility for assistance that the applicant or recipient:

(1) Cooperate in obtaining support payments for such applicant or recipient and for any child with respect to whom such aid is claimed or in obtaining any other payment or property due such applicant, recipient or such child, except when such cooperation would not be in the best interest of the child in accordance with standards developed by the department consistent with Federal regulations. "Cooperation" includes, but is not limited to, the keeping of scheduled appointments with applicable offices and appearing as a witness in court or at other hearings or proceedings necessary to obtain support for the absent parent.

(b) Provide for protective payments for any child eligible for assistance when a caretaker relative is ineligible due to the caretaker relative’s failure to comply with either clause (2), (3) or (4) of subsection (a) as set forth in section 432.7A.

Section 7. The act is amended by adding a section to read:
Section 432.7A. Protective Payments Imposed for Failure to Cooperate.—(a) It is essential to the effective and responsible utilization of assistance funds that applicants and recipients who are caretaker relatives of a child whose eligibility for assistance is based on deprivation due to absence of a parent from a home, cooperate fully with the department in securing child support payments from the absent parent and in all other matters set forth in subsection (a) of section 432.7.

(b) (1) Upon application for assistance, each caretaker relative shall be notified that his or her cooperation in the matters set forth in subsection (a) of section 432.7 shall be required as a condition of eligibility and that failure to cooperate will result in the imposition of protective payments for any child in whose behalf the caretaker relative seeks assistance.

(2) If a caretaker relative fails to cooperate with the department as set forth in subsection (a) of section 432.7, unless the failure to cooperate was for good cause, the department shall notify the caretaker relative verbally and in writing that cooperation shall be required as a condition for continuing eligibility and shall further inform the caretaker relative that if he or she fails to cooperate protective payments will be imposed.

(3) If the caretaker relative fails to cooperate, unless the failure to cooperate was for good cause, the department shall notify the caretaker relative in writing that protective payments will be imposed for any child so affected ten days after the date of notice. At the expiration of the ten-day period, the department shall impose protective payments.

Section 8. Sections 432.9(b) and 432.11(a) of the act, added July 15, 1976 (P.L.993, No.202), are amended to read:
Section 432.9. Central Registry.—

(b) To effectuate the purposes of this section, the department may request and shall receive from all departments, bureaus, boards or other agencies of this Commonwealth, or any of its political subdivisions, and the same are authorized to provide, such assistance and data [except tax records] as will enable the department and other public agencies to carry out their duties to locate absent parents for the support of their children. The data to be provided from tax records shall be limited to full name, residence or address, name and address of employer and the social security account number of the absent parent. The department shall utilize the “parent locator service” pursuant to establishment in the Department of Health, Education and Welfare by filing in accordance with section 633(b) of the Social Security Act.

Section 42.11. Access to State Records.—(a) The secretary or his designee in writing shall have access to all records [other than tax records], and the department, in cooperation with all other departments of the executive branch, shall establish a single uniform system of information clearance and retrieval. Information collected as a result of the use of tax records shall be limited to full name, residence or address, name and address of employer and the social security account number of the absent parent.

Section 9. The act is amended by adding a section to read: Section 432.19. Verification of Eligibility.—The department may issue regulations requiring that certain conditions of eligibility for assistance be verified prior to authorization of assistance or during a recertification of a recipient’s eligibility. Initial authorization of assistance shall not be delayed more than fifteen days after application for purposes of verification of eligibility if the applicant has cooperated in the verification attempt. Except when prohibited by Federal law, it shall be a condition of eligibility for assistance that an applicant or recipient consent to the disclosure of information about the
age, residence, citizenship, employment, applications for employment, income and resources of the applicant or recipient which is in the possession of third parties. Such consent shall be effective to empower any third party to release information requested by the department. Except in cases of suspected fraud, the department shall attempt to notify the applicant or recipient prior to contacting a third party for information about that applicant or recipient.

Section 10. Section 442.1 of the act, added July 31, 1968 (P.L.904, No.273), is amended to read:

Section 442.1. The Medically Needy; Determination of Eligibility.—A person shall be considered medically needy if he:

(1) Resides in Pennsylvania, regardless of the duration of his residence or his absence therefrom; and

(2) Meets the standards of financial eligibility established by the department with the approval of the Governor. In establishing these standards the department shall take into account (i) the funds certified by the Budget Secretary as available for medical assistance for the medically needy; (ii) pertinent Federal legislation and regulations; and (iii) the cost of living. Transitionally needy persons who are not eligible for cash assistance by reason of section 432(3)(ii) shall be considered medically needy.

Section 11. Subsection (e) of section 443.6 of the act, added September 26, 1978 (P.L.769, No.146), is amended to read:

Section 443.6. Reimbursement for Certain Medical Assistance Items and Services.—

(e) The department shall promulgate regulations to implement this section and shall establish a procedure for prior authorization. Such regulations may establish procedures for issuing prior authorization at whatever administrative level the department through the secretary deems appropriate. Appropriateness shall be determined by the secretary after hearings have been held and public input is received. Procedures adopted in accordance with this section shall provide authorization when appropriate, without undue delay. When no decision is made on a request to the department for covered services within twenty-one days of the date that the request is received by the department, the authorization shall be deemed approved. The department shall keep a record of those cases in which no decision is made within twenty-one days.

Section 12. The act is amended by adding a section to read:

Section 475. Use of Savings.—(a) The department shall determine the base year expenditures for the purpose of this section for general assistance by multiplying the total cost of general assistance cash grants for the months of July, August and September of 1980 by four. The department shall determine the first year expenditures for the purpose of this section for general assistance by multiplying the total cost of general assistance cash grants for the months of July, August and September of 1981 by four. The department shall determine the second year expenditures for the purpose of this section for general assistance by multiplying the total cost of general assistance cash grants for the months of July, August and September of 1982 by four.

(b) The department shall establish the first year savings for the purpose of this section by subtracting the first year general assistance cash grant cost from the base year general assistance cash grant cost. The department shall establish the second year savings for the purpose of this section by subtracting the second year general assistance cash grant cost from the first year general assistance cash grant cost.

(c) On February 1, 1983 the department shall raise general assistance and aid to families with dependent children allowances so that the cost of the increase in State funds for the purpose of this section over the twelve-month period beginning on that date shall be equal to at least seventy-five percent of the first year savings. On February 1, 1983, the department shall further raise general assistance and aid to families with dependent children allowances so that the cost of the further increase in State funds for the purpose of this section over the twelve-month period beginning on that date shall be equal to at least seventy-five percent of the second year savings. In determining the cost of the increases required by this section the department shall take into consideration each year the likelihood and extent of further reductions in State fund expenditures due to the further reduction in the general assistance caseload. That part of the first and second year savings not used for a grant increase shall be used to fund programs designed to provide jobs and job training for the transitionally needy and the chronically needy.

Section 13. The department shall carry out or fund an evaluation of the economic and social impact of the amendments herein to section 432 of the act and provide that evaluation to the General Assembly by July 1, 1982.

Section 14. Notwithstanding any other provision of law except as expressly prohibited by Federal law as applied to any particular individual, all Comprehensive Employment and Training Act programs shall give first priority to the transitionally needy and the chronically needy.

Section 15. (a) The amendments to sections 432, 432.3 and 442.1 shall take effect January 1, 1981.

(b) All other provisions of this act shall take effect April 1, 1981.

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

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, amendment No. 8545 appears to be a very lengthy amendment. It does nothing more than repeat the Rocks amendment in toto—or the Punt amendment, I am sorry, in toto—because that is the way we were told it had to be done. It makes one change, Mr. Speaker. On the second page of the printed amendment, at the top of the page, the change exists.

Mr. Speaker, in order to continue to be eligible for assistance, those on general assistance must qualify in the employables program by registering. It is a very simple rule. It takes the bureau 10 days to require them to run down and get registered. We have lived for many years with the 10-day rule. It takes the bureau 15 days to make a determination of eligibility; we ought to at least give the employable recipient those 10 days he has always had to get into the employables program by registering. It is a very simple amendment, and I think, Mr. Speaker, that we ought to adopt it as humane.

The SPEAKER. The Chair recognizes the majority leader.
Mr. RYAN. Mr. Speaker, I do not think it is a godawful short time to go out and try to get a job within 3 days. Why should we let them go 10 days, if they really want to get a job? I mean that is ridiculous, to pay a 10-day vacation. If you are out of work or I am out of work, we are out looking for a job the next day, and I see no reason why we cannot insist that they sign up for a job within 3 days instead of 10. Incidentally, this is the identical amendment that was inserted in the Senate by Senator Coppersmith. According to SB 581, it was inserted 45 to 4 in the Senate; that amendment reducing it to 3 days.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I was working from a Coppersmith amendment that was a long, detailed amendment and it was not in that amendment. The 10 days remained in that amendment. There was no change in that portion. Mr. Speaker, what we are saying is we are not giving anybody a vacation. We are simply saying that there is too much chance for abuse that will cause penalty to that employable if, within 3 days, he has got to get down there and get registered for work. Mr. Speaker, it takes at least 15 days for them to determine eligibility. He may not even be at home. There are any number of reasons that 3 days is a short period of time. It is not going to cost us any more money, Mr. Speaker, unless the reason that we are going from 10 days to 3 days is to catch people in a trap and, you know, with less humanity than the rest of the amendment offers, Mr. Speaker. We just want to cut them off. If we want to cut them off that badly, then you should have stuck to your original proposition, just throw them off, because that is about what you are doing for many people, without good cause, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Well, I have a lot of trouble when you question the motives of Senator Coppersmith. He was cosponsor of the amendment, and it was his bill that reduced it from 10 days to 3 days. I have no problem whatsoever saying that if I am out of work, I better apply for a job or a program within 3 days and not sit on my duff for 10 watching television. I have no problem going against this amendment, and I would think that no one else would.

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

Mr. STREET. Mr. Speaker, I want to point out the contradiction, and I agree with Mr. Ryan - I think that 3 days is enough for anybody to sign up and look for work and I think that 3 days is enough for us to go out and campaign to keep our jobs. So I am suggesting that we ought to stay here just up until 3 days before the election so we can go out and campaign to keep our jobs. I do not think we need to recess this House 4 weeks before the election so some of us can go home and sit on our butts and watch television, who do not have to campaign. I do not think we should have to do that. I think we should stay here and work, and if we stayed here and worked, then we would not have to be up here at quarter to 10 tonight, because we would be back tomorrow; we would be back next week; we would be back the following week, and a lot of you are going to be home sitting on your butts watching television like you do not want the welfare recipients to sit on their butts and watch television. Let us show some conscience.

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

Mr. COHEN. Mr. Speaker, over the years I have had occasion to know a good number of members who were defeated for reelection, and I will tell you, you know, after the election returns came in it took a while for the job applications to go out. When anybody is defeated, whether he is a House member or whether he is out of work, there is a period of shock. People are paralyzed. Their families are shocked. Their families are paralyzed. People have been known not to tell their spouses that they have been out of work for periods of time a lot longer than 3 days. It takes time to adjust to reality.

So the problem is that somebody who has never been able to hold a steady job, he or she might have a lot of experience being out of work. For some people, being fired is a regular thing, but for other people who have worked long at one job year after year, they might not have any experience being fired. They might not have any experience being unemployed, and basically this is a proposal which penalizes the middle class. It is not a proposal that penalizes somebody who has been out of work repeatedly. I think we ought to defeat this proposal and support this amendment.

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

Mr. OLIVER. Mr. Speaker, I, too, rise in support of the Manderino amendment, and I would like to point out to the members of this House of Representatives, we members making $18,000 a year and have been off the entire summer whereas we could have been here going about the business that we should be doing, and to deny these people the right to have 10 days to do what they have to do, I think this is outrageous. I say to Mr. Punt who is talking about reform, Mr. Speaker, I think this is absolutely wrong, and I think, based on the conversations that you and I have had personally, I think some of the things that you have said to me, I am surprised, Mr. Speaker, that you are not at this moment defending the Manderino amendment. I say to all of you on both sides of the aisle, I think it is a good amendment and a fair one, and I urge your support of it.

REMARKS ON VOTE

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

Mr. ROCKS. Mr. Speaker, I would like to thank the gentleman, Mr. DeWeese, for pointing out the malfunction in my machine on the last amendment which was amendment 8548. If the machine had been working, Mr. Speaker, I would have been voted in the negative.
The SPEAKER. The gentleman's remarks will be spread upon the record.

CONSIDERATION OF SB 579 CONTINUED

On the question recurring, Will the House agree to the amendments? The following roll call was recorded:

YEAS—71

Barber, Gallagher Laughlin Pistella
Berson, Gamble Lescowitz Richardson
Borski, Gatski Letterman Schmitt
Caltagirone, George, C. Levin Seventy
Cappabianca, George, M. H. Livengood Shupnik
Chess, Goodman McCaff Stelighner
Clark, B. D. Gray McMonagle Stewart
Cochran, Greenfield Manderino Street
Cohen, Harper Michlovic Stuban
Cowell, Hoeffel Mrkonic Sweet
DeMedio, Hutchinson, A. Mullen Trello
DeWeese, Irvis Murphy Wachob
Dawida, Itkin Novak Wargo
Donbrowski, Johnson, J. J. O'Brien, B. F. Williams
Duffy, Jones O'Donnell Wright, D. R.
Dumas, Knight Oliver Yahner
Earley, Kowalshyn Petracca Zitterman
Fee, Kukovich Plevsky

NAYS—93

Alden, Freind McKelvey Sieninski
Anderson, Fryer McVerry Siriani
Armstrong, Galiin Mackowski Smith, E. H.
Arty, Gannon Madigan Spencer
Belardi, Geely Mannmiller Spilz
Boeser, Geist Miccozie Stairs
Brandt, Glabicki Miller Swift
Brown, Grabowski Moehlmann Taylor, E. Z.
Burd, Greco Mowery Telek
Burns, Gruppo Noye Thomas
Cesar, Hagarty O'Brien, D. M. Veen
Cimini, Hasay Perel Wiss
Civera, Hayes, Jr., S. Peterson Wenger
Clark, M. R. Housman Phillips Wilson
Cornell, Hutchinson, W. Piccola Wit
Coslett, Johnston, E. G. Pitts Wright, Jr., J.
Cunningham, Kunkuc Potl Yohn
Davies, Klingaman Punt Zeller
Dietz, Lasheger Rasco Zord
Dorr, Lehr Ritter Zwik
Durham, Levi Rocks
Fischer, Lewis Ryan Seltzer
Foster, W. W., Lynch, E. R. Salvatore Speaker
Foster, Jr., A., McClatchy Scheaffer

NOT VOTING—31

Beloff, Giammarco Polite Rodgers
Bennett, Goebel Pratt Schweder
Bittle, Helfrick Pucciarelli Shadding
Cole, Knepper Pyles Smith, L. E.
DeVerter, Kolter Rappaport Taddeion
Diminmi, McIntyre Reed Taylor, F.
Donatucci, R. Milanovich Rhodes White
Fisher, Nahill Rieger

EXCUSED—5

Austin, Halverson Mainaie Serafini
DiCarlo

The question was determined in the negative, and the amendments were not agreed to.

The SPEAKER. For the information of the House, that is the last amendment the Chair has on the workfare provision. The Chair is now going into a series of amendments on abortion.

The Chair recognizes the gentleman from Greene, Mr. DeWeese.

For what purpose does the gentleman from Philadelphia, Mr. Cohen, rise?

Mr. COHEN. Mr. Speaker, I asked you to temporarily pass over me. I have an amendment dealing with the workfare provision.

The SPEAKER. Will the gentleman, Mr. Cohen, identify his amendment by number?

Mr. COHEN. Amendment 8485.

The SPEAKER. This was the amendment the Chair had attempted to recognize Mr. Cohen on an hour or more ago. The Chair had thought the gentleman had withdrawn the amendment.

Mr. COHEN. No.

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

Mr. COHEN offered the following amendment No. A8485:

Amend Sec. 3, page 2, line 28, by striking out "This act shall take effect in 60 days," and inserting This act shall not take effect until the goals of the Federal Full Employment and Balanced Growth Act of 1978, Public Law 95-523 (15 U.S.C. §§ 1021-1025) have been attained as determined by the Department of Public Welfare.

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

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

Mr. COHEN. Mr. Speaker, in debating the other amendments, we heard a lot of qualified praise for these amendments. We heard that the Hoeffel amendment was good but it had problems. We heard that the Kukovich amendment was very good but it had problems. We heard the Mandrino amendments were good but they had problems. We probably heard more but's and more however's on this bill than on any other bill in the House over the last 2 years. You know what this amendment is designed to do is to give people time, time to carefully analyze all the very, very worthwhile ideas that have come forth on the Democratic side tonight by postponing the effectiveness of the Punt provisions of this amendment until the goals of the Federal Full Employment and Balance Growth Act of 1978 have been attained as determined by the Department of Welfare. That would mean a reduction in the rate of unemployment. Right now we have a 9-percent rate of unemployment.

This would delay the parts of the bill relating to the Punt amendment until such time as we have in Pennsylvania achieved 3 percent unemployment overall or 4 percent unemployment for young people overall. Ronald Reagan may well be elected President. Ronald Reagan thinks these goals are very, very achievable very, very quickly. So we...
may only be talking about a very short period of time or we may be talking about a long period of time if the economic slump continues. But basically what this provision will do is give us plenty of time. We can vote this amendment tonight. We will still have plenty of time to consider the many valid, the many innovative ideas we have heard from Messrs. Hochfeld, Kukovich, and Manderino tonight.

On the question recurring.

Will the House agree to the amendment?

The following roll call was recorded:

**YEAS—55**

Barber... Kowalsky... Pivsky
Berson... Gamble... Kukovich... Pistella
Borski... Gold... Laughlin... Richardson
Calitragone... George, M. H... Letterman... Ritter
Cappabianca... Grabowski... Levin... Seventy
Chess... Greenfield... McMenagle... Steighner
Clark, B. D... Harper... Manderino... Stewart
Cochran... Hochfeld... Michlin... Street
Cohen... Hutchinson, A... Murphy... Sweet
DeMedio... Irs... Novak... Treflo
DeWeese... Itkin... O’Brien, B. F... Wachob
Dombrowski... Johnson, J. J... O’Donnell... Williams
Dunas... Jones... Oliver... Zwikl
Earley... Knight... Petroca

**NAYS—108**

Alden... Freind... McKelvey... Sieniaski
Anderson... Gallen... McVerry... Siranni
Armstrong... Gannon... Mackowski... Smith, E. H
Art... Geesey... Madigan... Spencer
Belardi... Gelet... Mann... Spitz
Bower... George, C... Micciozie... Stairs
Brandt... Gladek... Miller... Stuban
Brown... Goodman... Moehlmann... Swift
Burd... Gray... Mowery... Taylor, E. Z
Burns... Grieco... Mrkonich... Telek
Cessar... Gruppo... Mullen... Thomas
Cimini... Hagarty... Nov... Vroom
Civera... Hasay... O’Brien, D. M... Wargo
Clark, M. R... Hayes, Jr., S... Perzel... Wess
Cornell... Hosman... Peterson... Wenger
Coslett... Hutchinson, W... Phillips... Wilson
Cowell... Johnson, E. G... Piccola... Wilk
Cunningham... Kanuck... Pitts... Wright, D. R
Davies... Kligman... Pott... Wright, Jr., J
Dawida... Lashinger... Pun... Yahn
Dietz... Lehr... Rasco... Yohn
Dorr... Lescohod... Rocks... Zeller
Duffy... Levi... Ryan... Zitterman
Darham... Lewis... Salvatore... Zord
Fee... Livengood... Scheaffer
Fischer... Lynch, E. R... Schm... Seltzer,
Foster, W. W... McCall... Shipnik... Speaker
Foster, Jr., A... McClatchy

**NOT VOTING—32**

Beloff... Gallagher... Nahill... Rieg
Bennett... Giannmarco... Polite... Rodgers
Bittle... Goebel... Pratt... Schwed
Cole... Helfrick... Pucciarelli... Shadd
DeVerter... Knepper... Pyles... Shmid
Dinacci... Koller... Rappaport... Thadde
Donatucci, R... McNulty... Reed... Taylor, F
Fisher... Milanovich... Rhodes... White

**EXCUSED—5**

Austin... Halverson... Miale... Serafini
DiCarlo
On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

**YEAS—56**
- Barber, Dumas
- Berson, Earley
- Borskis, Gallagher
- Caltagigone, Gamble
- Cappabianca, Gatski
- Chess, George, M. H.
- Clark, B. D.
- Cochran, Grabowski
- Cohen, George, C. Miller
- Cowell, Hoeffel
- Dawida, Irvis
- Dombrowski, Ikin
- Duffy, Johnson, J. J.
- Earley, Fee
- Austin, F.
-k
- Farnam, Johnston, J. J.
- Novak, Wright, D. R.

**NAYS—109**
- Alden, Fryer
- Anderson, Gilleen
- Armstrong, Cannon
- Alley, Cecey
- Belardi, Geist
- Bittle, George, C.
- Bowser, Gladbeck
- Brandt, Gray
- Brown, Greico
- Burd, Gruppo
- Burns, Hagarty
- Cessar, Hasay
- Cinini, Hayes, Jr., S.
- Civalia, Honoman
- Clark, M. R.
- Cornwall, Hutchinson, W.
- Cesi, Johnson, E. G.
- Cunningham, Kanuck
- DeMedio, Klingaman
- Davies, Lashinger
- Dietz, Lehr
- Duff, Lescovitz
- Durham, Lettermann
- Fee, Levi
- Fischer, Lewis
- Foster, W. W.
- Foster, Jr., A.
- Freund, McKevey

**NOT VOTING—30**
- Beloff, Goebel
- Bennett, Hellfrick
- Cole, Knepper
- DeVerter, Kolter
- Donatucci, R.
- Fisher, Nahill
- Giannmarco, Polite
- Beloff, Goebel
- Bennett, Hellfrick
- Cole, Knepper
- DeVerter, Kolter
- Donatucci, R.
- Fisher, Nahill
- Giannmarco, Polite

**EXCUSED—5**
- Austin, Halverson
- DiCarlo

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Mr. LAUGHLIN offered the following amendments No. A8553:

Amend Sec. 2, page 2, line 11, by striking out "A SECTION" and inserting sections

Amend Bill, page 2, by inserting between lines 11 and 12 Section 438. Limited Eligibility for Certain Unemployed Individuals.—Notwithstanding any restrictions imposed on eligibility for general assistance pursuant to this act, any transitionally needy person who has received unemployment compensation, pursuant to the act of December 31, 1936 (1937 2nd Sp.Sess., P.L.2897, No.1), shall be eligible for and shall receive assistance for a period of ninety days from the date of the last unemployment compensation payment.

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

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

Mr. WILLIAMS. Mr. Speaker, on the last amendment, on the last vote—

The SPEAKER. The gentleman will yield. The Chair has recognized Mr. Laughlin to explain his amendment. The Chair will then recognize the gentleman to change his vote.

The gentleman, Mr. Laughlin, may proceed.

Mr. LAUGHLIN. Mr. Speaker, this amendment speaks to the situation in the state right now where many industries across Pennsylvania are being forced out of business or forced to reduce staff; in many counties across the state. I know in the northeast a tire company went out of business. In Beaver County a steel company went out of business. In another area of Beaver County the cokeworks was closed down for a long period of time.

Mr. Speaker, what this amendment does is it speaks to working people, people who have been employed all of their lives. These very people are being closed out of employment, not because they are desirous of loafing or collecting unemployment or collecting public assistance. They are desirous of being employed. And, Mr. Speaker, what this amendment does is it provides for those who have exhausted their unemployment compensation benefits to be eligible for this program for a period of ninety days, Mr. Speaker. I ask the support of all of those who support working people in this House. Thank you.

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**REMARKS ON VOTES**

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

Mr. WILLIAMS. Mr. Speaker, I wanted to be recorded in the affirmative on the last vote, the Chess amendment.

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

The Chair recognizes the gentleman from Franklin, Mr. Bittle.

Mr. BITTLE. Mr. Speaker, my switch also failed to function on the Cohen amendment, No. 8485. I would like to be recorded in the negative on that amendment.

The SPEAKER. The gentleman's remarks will be spread upon the record.
CONSIDERATION OF SB 579 CONTINUED

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

The following roll call was recorded:

YEAS—80

Barber
Benson
Borski
Brown
Burd
Barns
Caltagirone
Cappebianca
Chess
Clark, B. D.
Cochran
Cohen
Cowell
DeMedio
DeWeese
Dawida
Dombrowski
Duffy
Dumas
Earley
H. W.

Amend Title, page 1, line 5, by inserting a comma after “manpower.”
Amend Title, page 1, line 6, by removing the period after “ABORTION” and inserting and providing for the filling of certain vacancies in the department.
Amend Bill, page 2, by inserting between lines 27 and 28 Section 3. The department shall set aside 15% of all job vacancies and 15% of all new positions in the department and 15% of all jobs contained in all service contracts entered into by the department to be reserved exclusively for those persons currently on general assistance.
Amend Sec. 3, page 2, line 28, by striking out “3.” and inserting 4.

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

The SPEAKER. The Chair recognizes the gentleman from Greene, Mr. DeWeese.

Mr. DEWESE. This amendment simply states: “The department shall set aside 15% of all job vacancies and 15% of all new positions in the department and 15% of all jobs contained in all service contracts entered into by the department to be reserved exclusively for those persons currently on general assistance.” That is all my amendment says. Some of the parliamentary maneuvers and some of the amendment efforts on behalf of my caucus, my colleagues, have been comparatively difficult, comparatively esoteric. What I am trying to do right now, Mr. Speaker, is make Dick Thornburgh and Helen O’Bannon put some action where their words and their ideas and their concepts have heretofore been the only things that have surfaced. They can, if they wish, put people to work. This is not something difficult to understand.

We are asking that men and women who apply for jobs at the Department of Welfare, who have been on public assistance, be given consideration. We are asking that 15 out of every 100 people who come and ask for a job are hired from the public assistance rolls. That is not asking for very much. If we indeed, Mr. Punz and some of his colleagues, want to put people to work, this is an ideal way to do it. This is doing it within the governmental sector. You have collectively negated our efforts to put people to work in the private sector. Now is a chance for us, the government, to put some of our less fortunate brothers and sisters to work in the government, in the Department of Welfare, in an echelon where they have had experience, a knowledge, an awareness. I hope that we can pass this amendment, and pass it now. Thank you.

The SPEAKER. Does the gentleman, Mr. Cohen, wish to debate the amendment? The gentleman may proceed.

Mr. COHEN. Mr. Speaker, I support the DeWeese amendment. No one could deny that the one experience that welfare recipients have is experience with the welfare system. They know the welfare system better than anybody else. They have firsthand experience with the welfare system. They know what its strengths are; they know what its failures are. They ought to be working for the state. I urge support of the DeWeese amendment.
On the question recurring,  
Will the House agree to the amendments?  
The following roll call was recorded:  

YEAS—60  
Barber  Gallagher  Laughlin  Petracca  
Berson  Gamble  Lescovitz  Piekavy  
Borski  Gatski  Letterman  Piestla  
Caligironi  Goodman  Levin  Rhodes  
Cappabianca  Gray  Livengood  Richardson  
Chess  Greenfield  McMonagle  Seventy  
Clark, B. D.  Harper  Manderino  Shapnik  
Cochran  Hutchinson, A.  Michlcvic  Stewart  
Cohen  Irvis  Mrkonic  Street  
Cowell  Itkin  Mullen  Trello  
DeWeese  Johnson, J.  Murphy  Wachob  
Dawida  Jones  Novak  Wargo  
Dombrowski  Knight  O'Brien, B. F.  Williams  
Dumas  Kowalsbhn  O'Donnell  Wright, D. R.  
Earley  Kukovich  Oliver  Yahner  

NAYS—105  
Aiden  Foster, Jr., A.  McCAll  Siriani  
Anderson  Freind  McClatchy  Smith, E. H.  
Armstrong  Fryer  McKelvey  Spencer  
Arty  Gullen  McVerry  Spitz  
Belardi  Cannon  Mackowski  Stanh  
Bittle  Geesey  Madigan  Steighner  
Bowser  Gei  Mannimmer  Stuban  
Brandt  George, C.  Micozie  Sweet  
Brown  George, M. H.  Miller  Swift  
Burd  Gladbeck  Mochlmann  Taylor, E. Z.  
Burns  Grabowski  Mowery  Telek  
Cesar  Grieco  Noye  Thomas  
Cimini  Gruppo  O'Brien, D. M.  Vroon  
Clera  Hagarty  Perzel  Wass  
Clark, M. R.  Hasay  Peterson  Wenger  
Cornell  Hayes, Jr., S.  Phillips  Wilson  
Codett  Hroeffel  Piccola  Witt  
Cunningham  Honaman  Potts  Wright, Jr., J.  
DeMedio  Hutchinson, W.  Pott  Yohn  
Davies  Johnson, E. G.  Punt  Zeller  
Dietz  Kanuck  Rasco  Zitterman  
Dorr  Klingman  Ritter  Zoed  
Duffy  Lashtinger  Rocks  Zwikl  
Durham  Lehr  Ryan  
Fee  Levi  Salvatore  Seltzer  
Fischer  Lewis  Scheaffcr  Speaker  
Foster, W. W.  Lynch, E. R.  Sieninski  

NOT VOTING—30  
Beloff  Goebel  Pratt  Schmitt  
Bennett  Helfrisk  Pucciarelli  Schweder  
Cole  Knepper  Pyles  Shadding  
DeVerter  Kolter  Rappport  Smith, L. E.  
Dininn  Mclfutre  Reed  Taddoni  
Donatiucci, R.  Milanovich  Rieger  Taylor, F.  
Fisher  Nahill  Rodgers  White  
Giammarco  Politte  

EXCUSED—5  
Austin  Halverson  Maiate  Serafini  
DiCarlo  

The question was determined in the negative, and the amendments were not agreed to.  
On the question recurring,  
Will the House agree to the bill as amended on third consideration?  
Mr. BERSON offered the following amendment No. A8410:  

Amend Sec. 2 (Sec. 453), page 2, line 21, by removing the period after “MOTHER” and inserting or where prenatal diagnostic tests as certified in writing by a physician indicate that the fetus will be born with Tay Sachs's disease.  

On the question,  
Will the House agree to the amendment?  
The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Berson.  
Mr. BERSON. Mr. Speaker, this amendment, No. 8410, is an amendment to the abortion section of the bill, and it adds the following language: “...where prenatal diagnostic tests as certified in writing by a physician indicate that the fetus will be born with Tay-Sachs’s disease.” The purpose of this amendment is to allow poor women, who have been diagnosed as having a fetus afflicted with Tay-Sachs’s disease, to obtain a Medicaid abortion. Tay-Sachs’s is an invariably fatal disease. It develops in an infant at about 3 months. It is completely wasting, and the infant is dead in a year or two. Amniocentesis can tell a pregnant woman whether she has a fetus that is or is not afflicted with Tay-Sachs’s. The present bill, as it is written, would require that woman, even having been told that the fetus is afflicted with Tay-Sachs’s disease, would say you must continue to bear that fetus to carry it to term and watch that child die before your eyes. I think that is wrong. I think there ought to be some exception to the harsh rule that is now in this bill, and I am offering this amendment for that purpose.  

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Mullen.  
Mr. MULLEN. Mr. Speaker, I oppose this amendment as I will oppose all the other amendments. I thought we disposed of this matter this morning. We were talking about the health of the mother. This is another exception that will go under the health of the mother, and we have 20 others. I never knew we had so many diseases until I started to look at these amendments, and it is just another one.  
First of all, I have confidence in the doctor that if a child is born they may be able to save him, but if you abort the child right away you cannot save him. I do not care what he has or what the doctor says he has, the child should be given an opportunity to be born, but to say that some doctor can say he has a disease, which he may have or may not have, I do not think is fair because if he says he has it and you put the exception in, you will abort him. We do not want to have any more abortions than we have to, and I ask you to not only vote against this amendment but all these other diseases, which I do not know what half of them are really. Thank you.  

On the question recurring,  
Will the House agree to the amendment?  
The following roll call was recorded:  

YEAS—51  
Anderson  Fryer  Lashtinger  Ritter  
Barber  Gamble  Levin  Seventy  
Belardi  Geesey  Michlcvic  Spencer  
Berson  George, M. H.  Miller  Street  
Brandt  Greenfield  Mochlmann  Sweet  
Brown  Hagarty  Noye  Wachob  
Chess  Harper  O'Brien, B. F.  Williams
in the case where the fetus may contract rubella, which is a disease dealing with scarlet fever, also a disease of the bladder. It seems to me that if we are going to deal with the health of the mother, particularly as it relates to any particular disease that the fetus may have, and you have taken away the health aspect, regardless of what Mr. Mullen says, the only thing that is in front of us now is an opportunity to specifically outline what those health factors are. And in this regard, as in the case of rubella, it is a disease that affects the child through emotional problems and also scarlet fever. It gives the woman a discomfort, and, as a result, the baby and the mother could die. If we are to examine the health aspects of some of the amendments that you are going to hear this evening on this bill, then it should be directed towards making sure that the health of the mother and the life of the mother and the baby, both, are taken care of. I ask for support of this amendment.

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

The following roll call was recorded:

YEAS—41

Anderson  Fischer  Kukovich  Stairs
Barber  Fryer  Kukovich  Street
Benson  George, M. H.  Levin  Sweet
Brandt  Hagarty  Miller  Swift
Brown  Harper  Moehlmann  Trehilo
Chess  Hoefer  Oliver  Wachob
Cohen  Honaman  Piesky  Wilt
Cornell  Irvin  Rhodes  Wilson
DeWeese  Ickin  Richardson  Yohn
Davies  Johnson, J. J.  Ritter  Zwick
Earley

NAYS—118

Alden  Gallagher  Lynch, E. R.  Rasco
Armstrong  Gamble  McCall  Rocks
Arty  Gannon  McClatchy  Ryan
Belardi  Gaski  McKeelver  Salvation
Bittle  Geesey  McMonagle  Scheaffer
Borski  Geist  McVerry  Schmitt
Bowser  George, C.  Madigan  Seventy
Burd  Gladek  Mackowski  Shupnik
Burns  Goodman  Menderino  Sieminski
Callagione  Grabowski  Mimmiller  Siriani
Cappabianca  Gray  Michlovic  Smith, E. H.
Cesar  Greco  Miozzi  Spencer
Cimini  Gruppo  Mowery  Spitz
Clark, B. D.  Hasay  Mrkonjic  Steiger
Clark, M. R.  Hayes, Jr., S.  Mullen  Stoban
Cochran  Hutchinson, A.  Murphy  Taylor, E. Z.
Cole  Hutchinson, W.  Novak  Teles
Cosslett  Johnson, E. G.  O’Brien, D. M.  Vroon
Cowell  Jones  O’Donnell  Wargo
Cunningham  Kanuck  Perzel  Wess
DeMedio  Kingman  Peterson  Wenger
Dawida  Knight  Perreta  Wright, Jr., J.
Dietz  Kowalskyhyn  Phillips  Yahner
Dombrowski  Laughlin  Picolla  Zeller
Duffy  Lehr  Pits  Zitterman
Durham  Lescozit  Pun  Zord
Fee  Letterman  Rasco
Foster, W. W.  Levi  Rocks  Seltzer
Foster, Jr., A.  Lewis  Ryan  Speaker

NOT VOTING—30

Beloff  Giammarco  Polite  Rodgers
Bennett  Goebel  Pratt  Schwerder
DeVetter  Helfrick  Pucciarelli  Shadding
Diniini  Knepper  Pyles  Smith, L. E.
Donatucci, R.  Kolter  Rapaport  Taddornio
Dumas  McIntyre  Reed  Taylor, F.
Earley  Milanovich  Rieger  White
Fisher  Nahill

EXCUSED—5

Austin  Halverson  Maiale  Serafini
DiCarlo

The question was determined in the negative, and the amendment was not agreed to.

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

Mr. RICHARDSON offered the following amendment No. A8411:

Amend Sec. 2 (Sec. 453), page 2, line 21, by removing the period after “MOTHER” and inserting or where the pregnant woman has been exposed to or contracted rubella, as determined and certified in writing by a physician.

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

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

Mr. RICHARDSON. Mr. Speaker, I rise to ask support of an amendment dealing with the pregnancy of a woman
The question was determined in the negative, and the amendment was not agreed to.

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

Mrs. HARPER offered the following amendment No. A8418:

Amend Sec. 2 (Sec. 453), page 2, line 21, by removing the period after "MOTHER" and inserting or where abortion is certified in writing by a physician as medically necessary as a result of the woman having a history of alcoholism.

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

The SPEAKER. The Chair recognizes the lady from Philadelphia, Mrs. Harper.

Mrs. HARPER. Mr. Speaker, I am only going to offer one amendment. The number is A8418.

This amends section 2, section 453, page 2, line 21, by removing the period after "mother" and inserting "or where abortion is certified in writing by a physician as medically necessary as a result of the woman having a history of alcoholism." It has been medically proven that a woman who is an alcoholic is subject to have a mentally retarded child. And I have seen some children who had alcoholic mothers, and they were mentally retarded and they were really pitiful to see. I ask for your support on this amendment. Thank you.

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

The following roll call was recorded:

YEAS—33

Anderson  Barber  Berson  Chess  Cohen  DeWeese  Dorr  Dumas  Earley  
Fischer  George, M. H.  Greenfield  Hagarty  Harper  Hoefel  Kolter  McNalty  Milanovich  
Johnson, J. J.  Kukovich  Levin  Michlovic  Miller  Moethmann  Reed  Rodgers  Rodgers  
Koehler  Richardsion  Stairs  Street  Sweet  Wachob  Williams  Wright, Jr. J.  

NAYS—133

Alden  Armstrong  Ary  Bellardi  Bittle  Borski  Bower  Civen  Civrano  DiCarlo  
Freind  Fryer  Gallagher  Gallen  Gamble  Gannon  Gatski  Giammarco  Giovanni  
Livengood  Lynch, E. R.  Mccall  McClatchy  McKeeley  McMonagle  McVerry  Mackowski  
Salvatore  Scheaffer  Schmitt  Seventy  Shupnik  Sieninski  Sirianni  Smith, E. H.  
Spitz  Steighner  Stewart  Studen  Swift  Taylor, E. Z.  Teleg  Thomas  Trello  
Trewitt  Weager  Wright, Jr. J.  Yahtner  Yohn  Zeller  Zitterman  Zs,  Zerles,  Seltzer,  
Rocks  Speaker  Ryan

NOT VOTING—36

Beloff  Bennett  Civera  DeVcrter  Diminii  Donatucci, R.  Dorr  Dumas  Fisher  
Freind  Giammarco  Polite  Helfrick  Kneppe  Pucciarelli  Pratt  Rodgers  
Shadding  Smith, L. E.  Taddionio  Taylor, F.  White  Williams  Wright, Jr. J.  

EXCUSED—5

Austin  Halverson  Miale  Serafini  DiCarlo

The question was determined in the negative, and the amendment was not agreed to.

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

Mr. RICHARDSON offered the following amendment No. A8415:

Amend Sec. 2 (Sec. 453), page 2, line 21, by removing the period after "MOTHER" and inserting or where abortion is certified in writing by a physician as medically necessary as a result of the woman having a history of drug addiction.

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

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

Mr. RICHARDSON. Mr. Speaker, it seems to me that this amendment, probably over all the amendments that we have, is also one of the most serious problems that we have when we talk about the fact that the mother will have a history of drug addiction. It seems to me that not only can we prove through case history that those individuals who are on drugs, those individuals who are mothers who have had a drug problem, that the baby will in fact have a drug problem, and it seems to me that not only will the child come out addicted, but it seems that there is no cure for...
giving them any medicine or any prescription to prescribe to that fetus to cure the addiction of that particular child. Not only will you cause withdrawal symptoms, but also the fact remains that this individual child runs into many complications as the baby is born.

What we have seen in Texas is why they eliminated abortions. Births went up to about 40 percent, and those children born with those particular drug addictions, some of them out of that 40 percent, we saw deformed babies born.

It seems to me that if there is any serious amendment to be considered along with all the rest of them, that this would certainly want to touch your conscience in some way to make it clear that those babies whose mothers have had drug addiction and the mother says, hey, I know I have a problem; I feel that we should have an abortion, and I suggest that we have one so that this child does not come into this world as a drug addict and should be taken care of. This amendment attempts to reach in that direction to deal with that particular problem.

Also, mindful of the fact, Mr. Speaker, that we are talking about the risk of hepatitis, and a lot of you know about the disease of hepatitis. For those who contract hepatitis, it is very hard to get rid of. This in fact deals with the health of the child and should allow those individual members who are here to be cognizant of the fact that we have a very serious problem and health is most important. I just ask for the support of the members on this amendment.

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

The following roll call was recorded:

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The question was determined in the negative, and the amendment was not agreed to.

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

Mr. KUKOVICH offered the following amendment No. A8419:

Amend Sec. 2 (Sec. 453), page 2, line 21, by removing the period after "MOTHER" and inserting or where abortion is certified in writing by a physician as medically necessary as a result of the woman having a history of muscular dystrophy or other neuromuscular disease.

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

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Kukovich.

Mr. KUKOVICH. Mr. Speaker, this amendment deals with muscular dystrophy and would exempt from this bill those women who are suffering from muscular dystrophy.

I have received some information from the Muscular Dystrophy Association and from a doctor in the area regarding this disease and the problem it creates in a pregnancy. One of the problems is a genetic problem, an element of muscular dystrophy called Dushane. When it is one of the muscular dystrophy diseases that has been contracted by a woman, it is transmissible to all male children and transmissible to 50 percent of all female children.

According to a doctor at the Elizabethtown Hospital For Children & Youth, if the abortion is not available, if that is not an option after they have had an amniocentesis test, they will probably refuse to have that child because of the incidence of genetic defects.

I am saying, Mr. Speaker, that women trapped in this position should have an option. They should not be locked in, and I think this amendment deserves your support.
Amend Sec. 2 (Sec. 453), page 2, line 21, by removing the period after "MOTHER" and inserting or where abortion is certified in writing by a physician as medically necessary as a result of the woman having a history of previous attempted suicide.

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

The Speaker. The Chair recognizes the gentleman from Lebanon, Mr. Moehlmann.

Mr. MOEHLMANN. Mr. Speaker, this amendment would create the exemption in the bill to permit Medicaid funding of an abortion where it is certified in writing by a physician as medically necessary as a result of that woman having a history of previously attempted suicide.

Mr. Speaker, consider the woman who is so beset by life's burdens that she has in the past attempted to take her own life. Consider, also, that she then becomes pregnant and so disturbed and further beset, further burdened, that a physician is willing to certify in writing that an abortion is medically necessary. If she has the money, that is not a problem. She can procure the abortion privately. If she does not have the money, if she would have to depend on Medicaid funding, I suppose that her option is to go ahead and commit suicide. Mr. Speaker, that is a rather bleak thought. I ask your support of this amendment.

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

The following roll call was recorded:

YEAS—35

Berson George, M. H. Kukovich Street
Armstrong Greenfield Levin Sweet
Brandt Fryer Livengood Schaefer
Arty Gallagher Lynch, E. R. Seventy
Belardi Gannon McCall Shupnik
Borski Ganski McManigle Sirianni
Bower Gosey McVerry Smith, E. H.
Burd Geist Murphy Spencer
Burns Hassay Nye Trello
Calagione George, C. Madigan Steighner
Cappabianca Gladeck Micozio Stewart
Cessar Goodman Mowery Stuban
Cimini Grabowski Mikonic Swift
Civica Gray Mullen Taylor, E. Z.
Clark, B. D. Giacco Murphy Telek
Clark, M. R. Gruppo Novak Thomas
Cochran Hasay Nye Trello
Cole Hayes, Jr., S. O'Brien, B. F. Vreon
Cornell Hutchison, A. O'Brien, D. M. Wargo
Coslett Hutchison, W. O'Donnell Wass
Cunningham Johnson, E. G. Perzel Wether
deMedico Jones Peterson Wright, Jr., J.
Davies Kanuck petracca Yahr
Dawida Klingman Phillips Zeller
Dietz Knight Piccola Zitterman
Dombrowski Kowalszyn Pitsel Zord
Duffy Laughlin Pits Seltzer,
Durham Lehr Punt Seltzer,
Fees Lescovitz Rocks Speaker
Foster, W. Letterman

NOT VOTING—33

Beloff Koller Pucciarelli Schmitt
Benett Kolter Pyles Schwerd
DeVerter McIntyre Rappaport Shadding
Dinini Manderino Rasco Smith, L. E.
Donaucci, R. Milanovich Reed Taddonic
Fisher Nahill Rhodes Taylor, F.
Giammarco Polite Rieger White
Goebel Pratt Rodgers Williams
Helfrick

EXCUSED—5

Austin Halverson Maiale Serafini
Di Carlo

The question was determined in the negative, and the amendment was not agreed to.

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

Mr. MOEHLMANN offered the following amendment No. A8420:
The question was determined in the negative, and the amendment was not agreed to.

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

Mr. MILLER offered the following amendment No. A8424:

Amend Sec. 2 (Sec. 453), page 2, line 21, by removing the
period after “MOTHER” and inserting or where abortion is
certified in writing by a physician as medically necessary as a
result of the woman having a history of multiple sclerosis.

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

The SPEAKER. The Chair recognizes the gentleman
from Lancaster, Mr. Miller.

Mr. MILLER. The hour is late. The battle lines are
drawn. I suppose this is the other amendment that will go
down, but before falling to that defeat, I would like to
share with you two brief items that have come out of this
debate. Think on it, if you will, those of you who paid
attention to the two prime movers of the major issue before
us, in which we are trying to amend the tight restrictions on
the Medicaid funding for abortions.

I heard Mr. Mullen say that he really does not know
what Tay-Sachs is; but I guess that is not important to his
point of view. I heard Mr. Freind refer to harelip, speaking
to a congenital birth defect, the second most common one
that afflicts children born in this Commonwealth, and he
cannot even call it by its proper generic name, cleft lip and
palate. That is the opposition to this critical issue of health.

I present a very simple amendment for multiple sclerosis,
a disease that perhaps all of us are not familiar with but we
have all seen the results, particularly the results to
newborns. It is one matter for this society to determine that
we will not use tax dollars to pay for a service that the
wealthy can afford, and to deprive the indigent of a service,
but I wonder how healthy it is for all of us to deprive them
of a service when they are indeed indigent but as well
diseased. I earnestly ask your consideration for the exempt-
tion for multiple sclerosis. Thank you.
Amend Sec. 2 (Sec. 453), page 2, line 21, by removing the period after "MOTHER" and inserting or where abortion is certified in writing by a physician as medically necessary as a result of the woman having a history of heart disease.

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

Mr. EARLEY offered the following amendment No. A8427:

Sec. 453 Sec.

Amend Sec. 2 (Sec. 453), page 2, line 21, by removing the period after "MOTHER" and inserting or where abortion is certified in writing by a physician as medically necessary as a result of the woman having a history of heart disease.

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

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Earley.

Mr. EARLEY. Mr. Speaker, I recognize the statement made by my colleague, the gentleman from Delaware, that all of these amendments. So I will just offer this for your consideration for you to handle as you have already determined the way it is going to vote on all of these amendments. I would like to be registered upon the record.

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

CONSIDERATION OF SB 579 CONTINUED

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

The following roll call was recorded:
On the question,
Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Kukovich.

Mr. KUKOVICH. Mr. Speaker, of all these litany of amendments, to me I think this one is the most important probably because the disease is widespread. We are talking about diabetes because there are so many different degrees of diabetes differing in their severity. But no matter what degree and no matter how severe they all complicate pregnancies, always.

A doctor told me today that the effect on a diabetic woman of a pregnancy is to create certain problems four times the threat of what a normal woman would have. Many women do not even know they are afflicted with diabetes until they become pregnant. It is the first time they have a urine test and learn about the sugar.

The specific problem with this disease is that the fetus literally feeds and absorbs sugar from the placenta. Now when that is done, the placenta has to replenish that, and they do it from the body of the woman. You can see for yourself an obvious problem to a diabetic woman if that placenta is feeding on the sugar. Even with a slight change of diet such a woman could go into shock and could die.

I can run through a series of problems that can be caused by this and not an insignificant percentage: It can cause various neurological disorders; it can cause blindness; and there are various effects on the nervous system; it can cause kidney failure. I think every time, as a matter of fact, diabetic pregnant women must be prepared for a premature delivery.

The SPEAKER. The time has expired.

Mr. KUKOVICH. I still have another 2 minutes, Mr. Speaker.

The SPEAKER. The gentleman is in order and may proceed.

Mr. KUKOVICH. Many diabetic women cannot use birth control pills. We are putting them uniquely in a position of mandatory pregnancy.

I think this is one of the amendments of this litany that have been offered that again you have to look at very closely and I think follow your conscience on this vote. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—46

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NOT VOTING—30

| Beloff    | Helfrick | Pratt  | Schmitt |
| Bennett   | Knepper  | Pucciarelli | Schweder |
| DeVerter  | Kolter   | Pyles  | Shadding |
| Diminni   | McIntyre | Rappaport | Smith, L. E. |
| Donatucci, R. | Milanovich | Reed  | Taddonio |
| Ficke     | Nahili   | Ringer | Taylor, F. |
| Giammarco | Petarca  | Rodgers | White    |
| Goebel    | Polit    |        |          |

EXCUSED—5

| Austin   | Halverson | Maiale | Serafini |
| DiCarlo  |           |       |          |

The question was determined in the negative, and the amendment was not agreed to.

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

Mr. ITKIN offered the following amendment No. A8492:

Amend Sec. 2 (Sec. 453), page 2, line 21, by removing the period after “MOTHER” and inserting or where abortion is certified in writing by a physician as medically necessary as a result of the woman having a history of kidney disease.

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

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Itkin.

Mr. ITKIN. My health is failing as the evening progresses. I am just curious to know where you are taking us all to breakfast this morning with all those slush funds I always hear that the leadership has in the House.

There is just no humor in this House and no compassion.
My 2 minutes are up 2 hours ago or 6 hours ago or when the day began. Right? All right. How much more time do I have left, Mr. Speaker? Give me a figure on the clock. Come on.

The SPEAKER. The gentleman has a minute and 20 seconds on the first recognition and 2 minutes on the second one.

Mr. ITKIN. All right. I still have time to go, because I know what this vote is going to be.

This amendment has to do with providing or allowing for Medicaid abortions of people with kidney disease. It is quite obvious that for people with kidney disease the problem is worsened when women become pregnant. Obviously, the body fluid is increased substantially during any operation, and this is something by which people with kidney disease can ultimately become extremely harmed. In fact of this general scope, I cannot understand why the majority leader has some intention of calling for a short caucus, and we would like to resolve at this time the question recurring, Will the House agree to the amendment?

The following roll call was recorded:

YEAS—43

YEAS—43

DeWeese  Irvis  Pievsky  Will
Davies  Itkin  Rhodes  Zwick
Dorr  Johnson, J. J.  Richardson

NAYS—124

Aiden  Gallagher  Lynch, E. R.  Salvatore
Armstrong  Gallei  McCall  Scheaffer
Arty  Gamble  McClatchy  Seventy
Belardi  Gannon  McKeley  Shupnik
Bittle  Gattiski  MeMonagle  Sieminski
Borski  Geesey  McVerry  Sirianni
Boswer  Geist  Mackowski  Smith, E. H.
Brandt  George, C.  Madigan  Spencer
Burd  Gladeck  Manderino  Spitz
Burns  Goodman  Maniuller  Stairs
Calagione  Grabowski  Micoluzza  Steighner
Cappabianca  Gray  Miller  Stewart
Cessar  Greico  Mowery  Stuhman
Cimini  Gruppo  Mrkonic  Swift
Civera  Hasay  Mullen  Taylor, E. Z.
Clark, B. D.  Hayes, Jr., S.  Murphy  Telet
Clark, M. K.  Houlihan  Novak  Thomas
Cochran  Hutchinson, A.  O'Brien, B. F.  Trelo
Cole  Hutchinson, W.  O'Brien, D. M.  Wargo
Coslett  Johnson, E. G.  O'Donnell  Wass
Cunningham  Jones  Perzel  Wenger
DeMedio  Kanuck  Peterson  Wright, D. R.
Dawida  Klingaman  Petracca  Wright, Jr., J.
Dietz  Knight  Phillips  Yahner
Dombrowski  Kowalshyn  Pinstella  Yohn
Duffy  Lashinger  Pitts  Zeller
Durham  Laughlin  Pott  Ziterman
Fee  Lescovitz  Punt  Zord
Fischer  Lettermann  Ratco
Foster, W. W.  Levi  Rocks  Seltzer
Foster, J., A.  Lewis  Ryan  Speaker
Freind  Livengood

NOT VOTING—28

Beloff  Goebel  Polite  Rodgers
Bennett  Helfrick  Pratt  Schmitt
DeVerter  Knepner  Pucciarelli  Schweder
Dimmii  Kolter  Pyles  Shadding
Donatucci, R.  McIntyre  Rappaport
Fishier  Milanovich  Reed  Taddion
Giammarco  Nahill  Riger  Taylor, F.

EXCUSED—5

Austin  Halversten  Maiile  Serafini
DiCarlo

The question was determined in the negative, and the amendment was not agreed to.

RULES SUSPENDED
TIME OF SESSION EXTENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, at this time I am going to move that the rules of the House be suspended to permit us to continue working this evening past 11 o'clock, which under the rules we would have to normally abide by, and stop. The reason for this request at this time, Mr. Speaker, is I know that the minority leader has some intention of calling for a short caucus, and we would like to resolve at this time that this is not going to delay consideration of this bill. And so as to fairly warn everyone, in the event that we are unsuccessful in suspending the rules, then I will move the previous question with the idea in mind that everyone
has had full opportunity to offer amendments and debate. I do not want to do that, but it would be the only protective measure I could take to see to it that the consideration of this bill does not cease. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. I shall not oppose the motion of the majority leader to suspend the rules. We do have at least one other bill besides this that is important for us to pass tonight. So I would urge our members to concede on this particular point and join the majority leader in his vote.

The SPEAKER. Those in favor of suspension of the rules will vote “aye”; opposed, “no.” It is the suspension of rule 15.

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

The following roll call was recorded:

YEAS—157

Alden
Anderson
Armstrong
Arty
Barber
Belardi
Berson
Borski
Bowser
Brandt
Brown
Burs
Caltagirone
Capabianca
Chess
Cinatti
Civera
Clark, B. D.
Clark, M. R.
Cochran
Cole
Cornell
Coslett
Cowell
Cunningham
DeMedio
DeWeese
Davies
Dawida
Dietz
Dombrowski
Dorr
Duffy
Dumas
Durham
Earley
Fic
Fischer

NAYS—5

Cohen
Kukovich

NOT VOTING—33

Beloff
Bennett
Cesari
DeVerter
Dininni
Donatucci, R.

Fisher
Giammarco
Goebel

Fahill
Polite
Rodgers
White

Rieger
Serafini

DiCarlo

EXCUSED—5

Austin
Halverson
Maiale
Serafini

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

CONSIDERATION OF SB 579 CONTINUED

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

Mr. CHESS offered the following amendment No. A8521:

Amend Sec. 2 (Sec. 453), page 2, by inserting between lines 21 and 22 In any case where a woman would have been eligible for an abortion but for the provisions of this amendatory act and carries the fetus to full term, the Commonwealth shall provide payments to the parent or guardian of such child to cover all the costs incidental to the proper care, support, maintenance, and education, including, but not limited to college, or such child, which are not paid for by the Federal Government.

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

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Chess.

Mr. CHESS. Mr. Speaker, this amendment, unlike many that have been brought up, will not result in one additional abortion. If anything, this amendment will encourage life because it will guarantee the support of that child. It has been brought up before that we are talking about 10,000 fetuses a year being taken by abortion. It certainly raises the question of what ever happened to effective sex education, what ever happened to effective birth control. And we have seen from some things that Mr. Kukovich brought up that in certain cases you cannot even have effective birth control.

Mr. Mullen recently, earlier in the debate, suggested that if we are going to take away this right under the Constitution for abortion from the poor, he is willing—and hopefully other people here are willing—to support that child. Now, granted, under the current law the Federal Government provides many of the benefits necessary for the birth of the child, for the upbringing of the child, and education of the child, but we cannot guarantee that the Federal Government will always be there with that dole in it would he very likely that a great deal of this money may be cut out.

I did not put into this amendment anything with sex education or anything on birth control, because I understand that many are still morally or religiously opposed to birth control or sex education. All I have said here is the guarantee to these mothers of children who currently receive Federal funding for the birth of the child, for the upbringing of the child, and the education of the child that
the state will guarantee that upbringing of the child if by some case the Federal moneys are cut back. And if you as a body today take away the right to abortion, you are also taking on the responsibility for the upbringing of that child. I request your positive support.

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

The following roll call was recorded:

YEAS—34

Anderson  Barber  Berson  Cappabianca  Chess  Cohen  Cowell  DeWeese  Dawida

Dumas  Earley  Fryer  George, M. H.  Grabowski  Harper  Hutchinson, A.  Irvis  Itkin

Johnson, J. J.  Knight  Kukovich  Levin  Livengood  Mandertino  Oliver  Petrarca  Wilson

Richardson  Seventy  Street  Sweet  Wachob  Williams  Wilson

NAYS—129


NOT VOTING—32

Beloff  Bennett  DeVerter  Dinini  Donatucci, R.  Fisher  Geesey  Giammarco  DiCarlo

Goebel  Greenfield  Helfrick  Knepper  Koter  McNulty  Milanovich  Nahill  Halverson  Halverson  Hirs  Polite  Pucciarelli  Pyles  Rappaport  Reed  Rhodes  Rabisky  Rodgers  Schweder  Shadding  Smith, L. E.  Steighner  Taddeno  Taylor, F.  White

Serafini

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

Mr. POTT offered the following amendments No. A8543:

Amend Sec. 2 (Sec. 453), page 2, lines 17 and 18, by striking out "...EXCEPT THOSE ABORTIONS FOR WHICH FUNDING IS REQUIRED UNDER LAW..."

Amend Sec. 2 (Sec. 453), page 2, lines 20 and 21, by striking out both of said lines and inserting a physician has certified in writing that the life of the mother would be endangered if the fetus were carried to full term or except for such medical procedures necessary for the victims of rape or incest when such rape or incest has been reported promptly to a law enforcement agency or public health service.

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

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Pott.

Mr. POTT. What I am offering at this time of the evening is something that I thought and many of the members of this General Assembly thought was offered this morning. The amendment that I am offering is the Hyde amendment. I am offering the exact language from Public Law 96123 of November 20, 1979, in which the Hyde amendment is included. Many of those speakers this morning led us to believe that we were "following Federal law." Some of them even went so far as to say this was the Hyde amendment. I do not mean to impugn the integrity of previous speakers upon this floor of the House of Representatives; however, they must have made an oversight in drafting the Rocks-Cunningham-Freind amendment which was drafted this morning.

My amendment, A8543, uses the exact language that was adopted this morning. It states that "a physician has certified in writing that the life of the mother would be endangered if the fetus were carried to full term or except..." then we continue to adopt the language of the Hyde amendment, which is an apparent oversight of those drafters of this morning's amendment. And anyone who would doubt that can step right up here and take a copy of Public Law 96123 which contains the Hyde amendment. It says "...or except for such medical procedures necessary for the victims of rape or incest when such rape or incest has been reported promptly to a law enforcement agency or public health service."

I will speak further if my 2 minutes have expired, Mr. Speaker. Have my 2 minutes expired?

The SPEAKER. The first 2-minute period has elapsed. Does the gentleman wish to be recognized? He may continue.

Mr. POTT. I will utilize my second 2 minutes later.

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

Mr. MULLEN. Mr. Speaker, we oppose this amendment. First of all, the gentleman is speaking about the Hyde amendment. The original Hyde amendment, which was passed in Washington, prohibited all abortions except for
the life of the mother. Every year we have had a hassle in Washington about the Hyde amendment. The House of Representatives would pass the Hyde amendment exactly as it passed the first time with only one exception, the life of the mother. This year the House of Representatives in Washington has passed the Hyde amendment with a proviso that only the life of the mother would be an exception. But they added something into the Hyde amendment this year which is all-important to us and this is why we have this bill before us today. They said in the new Hyde amendment if it becomes law that the states will have the right, notwithstanding whatever the Federal rule says, to adopt whatever they see fit. Now, what we are trying to do here is expand something that we really do not want because this is like the health of the mother. They say rape and incest, but who is going to decide rape and incest. Any woman who becomes pregnant maybe after 30 or 60 days and decides that she does not want to become pregnant, all she has to do is run down to the police station and say, I was raped, and then she could have an abortion. This is wrong. It creates too many exceptions, and I think that the Hyde amendment which will be adopted this year will no longer have this in there because it is going to give the rights to the state to adopt whatever they think is necessary.

Mr. LASHINGER. Mr. Speaker, this amendment addresses the issue that I spoke to just about 12 hours ago, earlier in the day. You are being misled, with all due respect to Mr. Mullen. That legislation that passed the House of Representatives is proposed legislation. Mr. Pott is absolutely correct. What we have seen today—and I hope this is not falling upon deaf ears in the House—is an important issue. Incest and rape are not spelled out in this legislation. What is happening is you are essentially being set up for some future date when the Federal legislation changes and rape and incest are no longer categories that are going to be funded with Medicaid funds. I find it incomprehensible that a situation—especially a nonconsensual situation, rape or incest—would not be a category that we would consider funding in the Commonwealth. And I am sure if that were the vote, merely to vote for rape and incest as funded categories—And that is essentially what this vote is, voting to include rape or incest. We are tracking the Federal language, the existing law; not the law, the proposed law that Mr. Mullen talks about. We are talking about the Federal law that is on the books today. We are tracking that language exactly. The language that is in the legislation that we are looking at now allows for an ebb and flow with Federal law. As Federal law changes—and I expect what Federal law will do is disregard those two categories come next year if it is up to Congressman Hyde or others in Washington. And I cannot believe that what we in the Commonwealth are essentially doing is making a policy statement and we are tracking the Federal language and we could not expect to be enjoined. Nothing will happen. We cannot expect any repercussions under this language. We will be preventing those abortions with this language that we would hope to prevent with the Rocks-Cunningham-Freind language. All we are doing, again, is making a policy statement that, yes, we do want to fund those categories that include rape and incest. Thank you, Mr. Speaker.

I would implore the House, I would implore the House to bear in mind that we must subordinate ourselves to Federal law; that with this language we will fund the same abortions funded by Federal Government, which are rape and incest and life of the mother. If we get specific when Federal law changes—of course it is going to change one way or the other—we are going to be out of compliance; we are going to be back in court, and the floodgates are going to be open again. I would urge that we retain this language. Thank you, Mr. Speaker.

Mr. IRVIS. I will wait until Mr. Zeller has his chance. The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Zeller.

Mr. ZELLER. Mr. Speaker, about 4 or 5 years ago when the abortion issue came up, I made a statement on the floor...
of the House as to a survey made in Minneapolis-St. Paul by a police department with regard to rape and incest. As a matter of fact, the Fourth Estate over there—I do not know where they are at tonight; they went to sleep or somewhere—quoted me as making the statement. I was merely quoting the police department. So I want to get this one straight again. They are very good at that. The point I am trying to bring out is this survey brought out by this police department and the officer in charge said that in over some 400 cases in the period in which they checked it for rape, they did not find one that was actually legitimate. What they found out was—this is the statement he made; not me. I am making a statement that he made—and they said that when they found that they were pregnant, they hollered rape, and if they were not pregnant, they had a good time. So think that one over.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, will the gentleman, Mr. Cunningham or Mr. Freind, either one, stand for interrogation on the relationship of the Federal law to the proposed bill in front of us?

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

Mr. IRVIS. I really am not doing this to delay. I do not understand what Mr. Cunningham meant when he said that we were doing what the Federal law says we should do and it was dangerous for us to become specific.

Now, as I read what is handed to me as a Federal law, it says that Federal funds shall not be used except where the life of the mother would be endangered—and we are including that—and then they say that except for the victims of rape or incest when such rape or incest has been reported promptly. Now, how are we in compliance with the Federal law under the bill we are debating if the only language we track or pick up is the language on the endangering of the life of the mother and we refuse to put in the Federal language on rape and incest?

Mr. FREIND. Mr. Speaker, no one has attempted to mislead anyone in this House. The language of this bill right now without the Pott amendment is absolutely, categorically in compliance with the Federal law because what it says is this: "...except those abortions for which funding is required...." Federal funding is required under the Hyde amendment for all abortions where the life of the mother is endangered and in instances of rape and incest when reported promptly. The reason why we put in the specific "life of the mother" language is not because of the Hyde amendment, and I do not want to confuse this. It is because of the Bauman amendment which has passed the House and may in fact pass the Senate. The Bauman amendment in plain, ordinary words says that the states can go further than the Federal Government in restricting abortions. If we did not put that proviso in that, however, "nothing shall prohibit funding for abortions where the life of the mother is endangered", and Bauman goes through the categories, but we have nothing in Pennsylvania whatso-

ever. There is no funding for any abortions. We did that to protect those mothers whose life is in danger to make sure that even if Bauman passes, they in fact—Excuse me. That is a fact; not an opinion. If Bauman passes—the endangered mother is still covered. Our danger, if we get into specific tracking language is: one, we do not want to give ground, not on the issue of rape and incest, but on the issue of rape and incest the way it is in the Hyde amendment. We do not agree with it because the regulations promulgated say rape and incest if reported within 60 days, and I submit, Mr. Speaker, that gives you a loophole so wide that you could walk through it. The initial draft of this bill mentioned rape and incest reported within 10 days, but our attorneys conferred and said when you get specific, you are going to end up in court, and particularly the Eastern District of Pennsylvania has a history of enjoining the entire bill if one comma is out of line. But it is a fact that under this bill without the Pott amendment, Pennsylvania will fund abortions when the life of the mother is endangered and in the instances of rape and incest.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. All right. I thank the gentleman. I understand his explanation. He is relying on the words in the bill which says we shall fund all those cases which are covered by Federal law. I understand the gentleman now. I did not understand what Mr. Cunningham said, and I thank the gentleman.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Kukovich.

Mr. KUKOVICH. Two points. I am really confused now. I think I have been misled, I am sure unintentionally. I am not sure if I vote here whose hands I am going to play into, Mr. Cunningham's or the abortionists' or Mr. Freind's. I think no matter how I vote I am playing into somebody's hands. I would like my brothers in the Right to Life movement to join me, Congressman Hyde and Messrs. Pott and Lashinger in supporting this amendment tracking the Federal language precisely. Secondly, I would like to go on record as saying that I think the women of this Commonwealth deserve an apology from Mr. Zeller. I think that was an unconscionable comment.

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

Mr. ZELLER. Mr. Speaker, I will apologize to Mr. Kukovich if I hurt his delicate feelings, but I merely reported what happened in Minneapolis-St. Paul. I hope he accepts that. Go contact the sergeant; he is the one who said it.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Pistella.

Mr. PISTELLA. Mr. Speaker, I would like to address an issue that is really very sensitive, and I hope to do so in a very intelligent and serious fashion. One of the previous speakers had mentioned the fact that an individual could be raped and go for an extended period of time before reporting that rape to the proper law-enforcement authori-
ties. Some other members have made some comments that I thought were really rather disparaging upon women in the Commonwealth of Pennsylvania, but I would like to discuss with you now the reality of rape and the reality of incest.

The reality is that a rape or an incestuous relationship occurs probably every day, perhaps in every legislative district in this state, and the tragedy is not only for the shame of the victim but also the fact that those acts go unreported because of fear, fear of having to reveal to the public that such incidents occur. It is, nonetheless, a shame that we have to bear as legislators in the impotency that we have to try to correct that injustice. But we are looking at a situation that has been illustrated before perhaps in a more eloquent fashion by Mr. Pott, that this is reality, that unfortunately there are rapes and unfortunately there are incestuous relationships, but now we are stepping over that bounds, not the one decision of whether a woman can decide on her own in an uninhibited fashion whether or not she would wish to terminate a fetus, but we are putting victims in a position where they have no recourse, where they cannot decide for themselves because they are poor that they have to bear this burden alone in a very shamed fashion. It is something that they will be scarred with forever, not just the physical ramifications, but the emotional and mental ones.

I would like you all to think now for a moment, whether you are pro-choice or pro-life, that you are dealing with a very, very sensitive situation, and I would hope that we make the decision to support the Pott amendment in a very true and just fashion, that we will not make people victims twice for a crime over which they had no control. Thank you.

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

Mr. LEVIN. Will Mr. Cunningham stand for interrogation, please?

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

Mr. LEVIN. Mr. Speaker, if the Pott amendment is not adopted and your amendment becomes the law of Pennsylvania, and assuming that the Hyde proposal in Congress is accepted next year and the rape and incest exceptions are taken out of the Federal act, will that automatically take rape and incest out of a permissible range in Pennsylvania?

Mr. CUNNINGHAM. Our law will automatically track Federal law, because we must subordinate ourselves to Federal law—

Mr. LEVIN. Mr. Speaker, please do not give me tracking. Answer the question.

Mr. CUNNINGHAM. Under the terms of the bill as drafted, our law will automatically track Federal law. We have a constitutional obligation to subordinate state law to Federal law. Pennsylvania will always be free to pursue whatever course it wishes in terms of funding additional abortions beyond those the Federal Government is willing to fund.

Mr. LEVIN. Does that mean the answer is yes?

Mr. CUNNINGHAM. That means that Pennsylvania law has got to subordinate itself to Federal law, and, as a consequence, we have elected language that will automatically reflect Federal law.

Mr. LEVIN. Mr. Speaker, you are an attorney, are you not?

Mr. CUNNINGHAM. That is correct.

Mr. LEVIN. Can you give me a yes or no and then give me your explanation, please?

The SPEAKER. The gentleman, Mr. Levin, has interrogated the gentleman, and the gentleman has responded on two occasions. The Chair cannot direct the gentleman to give an answer other than what he has given.

Mr. LEVIN. I have asked Mr. Cunningham, Mr. Speaker. If he objects to the yes or no, I think he is adult enough to tell this body.

Mr. CUNNINGHAM. Mr. Speaker, is that a question or a comment or am I to respond?

Mr. LEVIN. I would like you to respond yes or no.

Mr. CUNNINGHAM. Mr. Speaker, I have answered that question as clearly and as unambiguously as I can, and I say that in good faith. I am not trying to do anything other than answer as clearly as I can.

Mr. LEVIN. Thank you.

Will Mr. Freind stand for interrogation?

The SPEAKER. The gentleman's first 2 minutes have expired. The Chair recognizes the gentleman from Philadelphia, Mr. Levin, for the second 2 minutes.

The gentleman, Mr. Freind, indicates that he will stand for interrogation. Mr. Levin may proceed.

Mr. LEVIN. Yes or no, Mr. Speaker?

Mr. FREIND. Yes.

Mr. LEVIN. Thank you.

Mr. FREIND. And if that happens, this legislature is free to come back with legislation to provide funding for rape and incest. But I would certainly hope, A, they would not provide 60 days, and B, they would be more specific, because if you will notice the Hyde language, they have to report it to a law-enforcement agency or a public-health service. It is no crime to provide false information to a public-health service. So if in fact it happens and Hyde becomes more liberal, we can come back with rape and incest language, but let us do it right. Unfortunately, right now we are stuck with the Federal language.

Mr. LEVIN. Thank you.

I would like to finish my 2 minutes. I hope his speech on it does not count.

The SPEAKER. It does.

Mr. LEVIN. Well, it should not. That is unfair.

The SPEAKER. The gentleman responded to your question.

Mr. LEVIN. May I just make one comment?

The SPEAKER. The gentleman may proceed to the limit.

Mr. LEVIN. I believe that the answers we receive clearly show the issue. The Cunningham-Rocks attempt is to go further than the Hyde amendment and deny rape and
The issue is in front of you, Mr. Speaker. Cast your votes. At least know what you are voting on.

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

Mr. MULLEN. Mr. Speaker, under the Federal law the moneys that we receive for Medicare abortions in Pennsylvania are received under the Social Security Title XIX. We do not get the money unless we comply with the Federal law. Now, this bill that is before you this evening complies with that Federal law 100 percent, but what we are doing in this bill is we are going both ways.

If the Federal Government adopts the Bauman amendment—by the way, which was supported by our good friend who supported us here on the floor for many years, Jack Murtha from Cambria County—if they adopt the bill that passed the House of Representatives in Washington and that becomes law, then the option is going to be given to the states to do whatever they see fit. Now, what we are doing here tonight by asking you to vote against the Pott amendment is to tell you that if the Federal Government adopts the Hyde amendment as it passed the House this time, then we are going to do the same thing, and we are not going to fund abortions for rape or incest. And the reason I think we should not is because there are too many loopholes and it will create too many babies who will be aborted by having people run to the police and say they were raped when in fact they were not raped, and then they would get an abortion. So I think that the bill before you here tonight is a good bill. It takes care of whatever eventuality may result from action in Washington.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Mr. Speaker, I originally rose a couple of minutes ago to interrogate one of the opponents of this particular amendment. I wanted to make it more clear in my own mind and for others who may have been confused exactly what the intent was. I think Mr. Mullen in his comments and the other gentlemen who responded to Mr. Levin’s questions in their comments have clarified quite adequately; that is, the intent ultimately is to eliminate funding for abortions that occur as a result of rape or incest.

I am supporting this legislation generally, but I think it would be outrageous if this legislature, this House of Representatives, would tell any woman that because of a pregnancy because of rape or incest, she has got to bear that child. For us to tell any family, any father, any husband, boyfriend, son, that we are imposing that kind of decision on their daughter, their mother, girl friend, whatever the case happens to be, is outrageous.

I think that most of the people who have supported this legislation so far have done so assuming that there would be exceptions for life of mother, rape, and incest. That is the party line, so to speak, that we have heard continuously. Proponents of this legislation who have been calling us and writing us for the past several days or several weeks have been indicating that they are sympathetic to those exceptions. Now suddenly at this moment we find that those exceptions may well be temporary and that the ultimate goal of some of the proponents of this legislation is something far more severe. I think that most of us disagree with that, even those of us who have been inclined to support this bill thus far. I think most Pennsylvanians disagree with that. I think it would be totally inappropriate for us to adopt public policy that would have that posture, and I would urge that we adopt the Pott amendment.

Thank you.

The SPEAKER. Does the gentleman from Philadelphia, Mr. Williams, wish to debate the amendment?

Mr. WILLIAMS. Mr. Speaker, I would like to request Mr. Freind or Mr. Cunningham or Mr. Rocks on the point to stand for interrogation.

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

Mr. WILLIAMS. Mr. Speaker, on this point that we are trying to clarify, if the Federal law on rape changed tomorrow or changed today, tomorrow someone in Pennsylvania could not legally perform an abortion that would be funded this way. Is that correct?

Mr. FREIND. Yes and no. Keep in mind there is a 60-day provision. You are right; if Federal law changed tomorrow, no one applying thereafter would be eligible for funding for abortions for rape or incest.

Mr. WILLIAMS. Sixty days where? In the state law?

Mr. FREIND. As of right now, Federal law gives you 60 days to apply.

Mr. WILLIAMS. No. You missed my question. If Federal law tomorrow said we eliminate rape and it is effective immediately, then the next day no one legally could fund an abortion for rape and incest. Is that correct?

Mr. FREIND. No. What I am saying is, those who have already applied within that 60 days would still be permitted.

Mr. WILLIAMS. Under what law?

Mr. FREIND. Because they have already applied under the present Hyde language. If they applied after the effective date, you are absolutely right, Mr. Speaker.

Mr. WILLIAMS. Okay. I am suggesting to you that the Federal people can decide what they want to do. They might decide today, effective tomorrow, no rape, no incest. And if they do that, on the next day if someone funds it, they are committing a crime under our law, violating our law. Is that not true?

Mr. FREIND. That is right, and it would be up to us then to take appropriate action with new legislation.

Mr. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, that is the very critical danger that Mr. Lashinger and Mr. Pott are pointing out. I have never seen or heard legally where one law depends on the law enacted by another body from day to day, and you have suggested that the Federal people can change that law tomorrow and we would not even know about it—a doctor, the department who is running the operation, or the patient, no one—
Mr. WILLIAMS. In other words, until all that paperwork got unscrambled, no one would have to know about that and would be violating the very law that we are seeking to enact. And, Mr. Speaker, I know of no precedent, legal, that allows any legislative body to proceed in the future depending on a law that will be enacted by another legislative body, and I would suggest, Mr. Speaker, at this point that what is being attempted—I guess I cannot test the constitutionality of what has been offered this morning. I would just like to say very seriously that Mr. Lashinger and Mr. Pott are very sincerely putting forth a point that will prevent us from doing the impossible, and I would support the Pott amendment because it seeks to achieve a legal result and not a fanciful result which would allow someone who advocates prolong to control what happens in the future depending upon what someone else says. There is no reason in the world why this legislature cannot say what it means. That means incest or rape. If we mean that, say it: incest, rape, or life. There is nothing at all to prevent us or should prevent us from saying exactly what we mean, and if we do it any other way, I guarantee you that the same court you are afraid of will throw you out of court. I guarantee that. Thank you, Mr. Speaker.

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

Mr. STREET. Will the gentleman, Mr. Cunningham, stand for brief interrogation?

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

Mr. STREET. Mr. Speaker, am I understanding you to say that, Mr. Street, you represent people who are in the medium-income bracket of $6,000 or less and a large portion of them are on welfare, and if one of those poor sisters or one of those young ladies gets raped and becomes pregnant, we should not be responsible or she should not have the choice through Medicaid to have an abortion? Is that what you are telling me? You do not believe that we should have to deal with that?

Mr. CUNNINGHAM. What I am telling you, Mr. Speaker, is that the people who would like to defeat this bill, the people who would like all of this to go for naught and turn all of this into wasted time, believe that the best shot they have to do that is to insert the language that is before us now to make us vulnerable to attack in Federal court. That is all I am saying.

Mr. STREET. So you are not even answering, you do not choose to address the question as to whether that young lady is entitled to have an abortion or not that is paid for by Medicaid? That is all I am asking.

Mr. CUNNINGHAM. If we pass this bill without the Pott-Lashinger language in it, Pennsylvania will fund abortions that are necessitated by threats to the life of the mother, rape, and incest. If Federal law changes, this General Assembly can change the law of Pennsylvania anytime they wish to do that to reflect whatever policy we wish to reflect. But in the interim, by adopting that language we make ourselves vulnerable to the very attack that the abortionists hope we will make ourselves vulnerable to so they can take us into Federal court and enjoin the implementation of this entire bill.

Mr. STREET. Can you make your answers short? You are taking my 2 minutes. I want my 2 minutes, please.

Then my understanding is that it does not matter whether we adopt the amendment or not. If a young person is raped and they report it expeditiously, they can get it anyway, even under the language?

Mr. CUNNINGHAM. Under our language that is exactly correct. Under the Punt—

Mr. STREET. Thank you, thank you.

Mr. CUNNINGHAM. Okay.

Mr. STREET. Thank you.

I would like to just respond to some things that Mr. Mullen made.

The SPEAKER. The gentleman has used up the first 2 minutes. The Chair recognizes him for his second 2 minutes. The gentleman may proceed.

Mr. STREET. I become very concerned when I hear a statement that was made like Mr. Mullen made about if we accept the Pott amendment, then we are going to have all these dishonest women who just want abortions, who deal with lies and falsehood, running down to the police station saying, I was raped. What he implied was they did in fact enjoy a reasonable portion of the indulgence but yet they are going to assert that they were raped because they want an abortion. I believe that it is an indictment on the women of this Commonwealth for Mr. Mullen to say that they are just going to conjure up a lot of lies and run to get an abortion and assert that they were raped and get a record and go on record that they were raped just to get an abortion.

I think that we ought to deal with the issue. There is a minimal or limited amount of women who are going to be raped or going to report the incest like was said here, and I think that when that occurs, we should support the Pott amendment, and if that occurs, we should give those women the right to go to a doctor and have that taken care of without having to go through the harassment of a police station and some newsy officer who wants to ask a whole lot of questions about what were you doing; how high was your skirt; what did you do to make the guy rape you; you were raped because it was your fault. It was not their fault, and I do not think—

The SPEAKER. The gentleman's time has elapsed.

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

Mr. A. C. FOSTER. Mr. Speaker, I have looked at the language of the bill before us very carefully and I would like to make it clear to anyone that under the language of the bill as drafted, anyone in Pennsylvania who becomes pregnant by virtue of rape or an incestuous relationship can under the terms of this bill obtain a Medicaid abortion that is necessary. Now, the question becomes, why is it not
spelled right out in the bill, and I think the proponents of
the bill have made it quite clear that if that is done, we will
be in grave trouble; we will be out of synchronization with
Federal law, and we will be right back in court where we do
not want to be. We can be less strict than the Federal
Government, but we cannot be more strict than the Federal
Government. Therefore, we are trying to keep our language
perfectly clear and concise with the Federal Government.

The question is raised, suppose—and this is a purely
hypothetical situation at this point—suppose the Federal
Government suddenly becomes stricter and eliminates
requirements for rape and incest. Certainly then it is
incumbent upon us, if we feel inclined to do so, to come
back in Pennsylvania and change our law. We can be more
lenten than the Federal Government anytime we wish to
be, but we cannot be stricter than the Federal Government.

I think the language is good as it is written. I think it is
the way that we should go for those of us who are pro-life
in this House. I feel perfectly comfortable with the
language. I urge that we reject the Pott amendment.

The SPEAKER. The Chair recognizes the gentleman
from Dauphin, Mr. Reed.

Mr. REED. Will Mr. Cunningham stand for brief
interrogation?

The SPEAKER. The gentleman, Mr. Cunningham,
indicates he will. Mr. Reed may proceed.

Mr. REED. Rape is a violation of Title 18 of the Penn-
sylvania Crimes Code, is it not?

Mr. CUNNINGHAM. Yes, it is.

Mr. REED. We have in Pennsylvania the Pennsylvania
crime victims compensation program which pays for,
amongst other things, medical bills for the innocent victims
of crime unless, of course, they have third-party-payer
insurance, which would cover those bills. Is that correct?

Mr. CUNNINGHAM. That is, as a general proposition,
correct.

Mr. REED. Is it conceivable, therefore, that a welfare
recipient, the victim of a rape, who then reports that rape
and who, as a part of her medical treatment, receives an
abortion because of having been impregnated as a result of
that rape, would it not be conceivable that the crime victims
compensation program would indeed pay for that medical
procedure as it pays for other medical procedures for
innocent victims of crime?

Mr. CUNNINGHAM. I believe that that is without
precedent, and your guess would be as good as my guess to
the extent that it is unprecedented. We could only speculate
with regard to what policy that particular administrative
body might adopt. I am not aware of any regulation they
have that addresses the issue specifically.

Mr. REED. Well, I am not aware of any aspect of the
crime victims compensation law which prohibits the
payment of an abortion. I do not think the question ever
came up when the law was being considered. I merely threw
that out, Mr. Speaker—I am finished with the interrogation
—as an interesting sidelight to the question of the availa-
bility of abortion and who is going to pay for it in the
event of an eligible medical-assistance recipient being the
victim of rape.

The SPEAKER. The Chair recognizes the gentleman
from Clarion, Mr. Wright.

Mr. D. R. WRIGHT. I had not intended to speak on this
subject, and I will try to speak briefly even at that.

As I have been listening all day, I am beginning to feel
increasing sense of outrage. I wish that some of those who
were so filled with righteous indignation and oozing with
self-righteous morality would be as concerned about the
double cross that is going on here right now.

There are some of us who have been supporting this
legislation because we understood the general consensus. It
was in the collective unconscious. It was discussed with
those who supported this legislation that there would be the
exclusion of rape and incest. Now at the eleventh hour we
are hearing that that is not acceptable; that you are going
to accept our sense of morality; we are going to measure
your righteousness according to our grid of what is right
and what is wrong. I object to that, Mr. Speaker. I am
outraged at that.

There are people who are concerned about this issue, but
they would like to have just a little bit to say about what
the final product of this legislation is. I would urge the
support of the Pott amendment for no other reason than
simply there are those who have also a right to say what is
right and what is wrong. I support Mr. Pott and his amend-
ment.

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

Mr. RICHARDSON. Mr. Speaker, I would like to ask
Mr. Cunningham a question.

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

Mr. RICHARDSON. Recently I read in the paper, Mr.
Speaker, that there was a woman who was—well, she is a
woman now—9 years of age at the time this incident
occurred, where her father engaged in sexual intercourse
with her and as a result of that she was tormented for
about 7 years, and her mother also went along with it
because she never believed the fact that this was happening
to her. As she became an adult, she indicated at the age of
16—women are considered adult then—that she went to the
Federal authorities and she complained about the fact that
this has gone on and in fact she had been impregnated and
as a result she had to have an abortion. Later on her suit
was filed in court and she won that suit. Do you feel that
that would be a case that you would support in terms of
this amendment that is being offered in front of us today?

Mr. CUNNINGHAM. Mr. Speaker, this bill as it
currently exists without the Pott amendment would provide
funding for an abortion under those circumstances. There is
nothing in this bill that jeopardizes that in any way.

Mr. RICHARDSON. Yes, but do you feel that way? You
see, that is the question. Everybody has an easy way out of
it by talking about the law, and I am asking you how do
you feel about that, because I do not believe that right now
the way the law is written in this bill it covers that? I am saying you are speculating on what is going to happen down in Washington or what the Feds are going to do. I am saying that we are talking about right now. We have women in this Commonwealth who meet the kinds of problems on a daily basis in those police stations, are subjected on a daily basis to the kinds of questions that you would not allow your mother to be questioned about or your daughter to be questioned about. And I am saying, how do you feel about it, Mr. Speaker? What would be your position, yes or no? Would you favor it or not?

Mr. CUNNINGHAM. My response to that is that we can only guess what the Federal Government is going to do, but this General Assembly may do whatever we feel is most consistent with the public interest. If we wish to fund a specific kind of abortion, we can certainly do that.

Mr. RICHARDSON. How do you feel?

Mr. CUNNINGHAM. This bill as it is before us funds rape and incest abortions, and that will continue to be the case as long as we wish it to be the case.

The SPEAKER. The gentleman's time has expired.

Mr. RICHARDSON. I will use my second 2 minutes.

The SPEAKER. The gentleman is in order and may proceed.

Mr. RICHARDSON. You never answered the question, but that is beside the point. I would like to ask to speak on the bill.

Mr. Speaker, what we have in front of us is a clear example of what we have talked about, the life of two worlds. There was a book called the Tale of Two Cities, about those who are affluent and those who are poor. I will go back to it again. The rich get everything and the poor get nothing. You expect us to believe that it is in the bill just because you say so and that we should speculate on the fact what the Federal Government is going to do down the line? It would seem to me that you three gentlemen presented that early this afternoon; we are now here at 25 minutes after 11 and we just found out that this really is not in the bill, and we should be supporting the Pott amendment?

If there is anybody who can understand the kinds of trauma that are experienced by women in this Commonwealth, maybe search your souls, those of you who are men who have women, girl friends, wives, et cetera, whatever it is, for it seems to me that you should be looking at the fact that these individuals need to have some men who have the guts enough to stand up and protect their rights in this Commonwealth instead of being chumps and afraid to deal with the truth.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I, as several others have already indicated, generally support the position of Mr. Cunningham, Mr. Freind, and Mr. Mullen on this portion of the bill, but I have also always supported the exception for rape and incest and I intend to support the Pott amendment.
It seems to me that if we take rape and incest out in conformance with a Federal law that may be passed later this year or next year to do that, that law is also going to be tested and we may find that our law is thrown out because that new law is found to be constitutionally wanting. So I would, therefore, submit that members on both sides of the issue should be supporting the Pott amendment. Thank you.

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

Mr. ROCKS. Mr. Speaker, I think an important comment, listening very carefully to some of the language that has come up in the chamber, like double-cross and trickery, would be to clearly frame for the entire House the issue that is in front of us, number one; and the second point, where I would like to begin, and I will be brief.

There is no movement here today to subvert. There never has been. We are here today on this issue because of a Supreme Court decision on June 30. It alone gave us the opportunity to address the question of public money in the Commonwealth of Pennsylvania for abortion.

The other issues, those being rape and incest, may in fact be a debate some day in this chamber. But they are not tonight, because the language of the amendment that was adopted here as has been explained by the sponsors of this amendment, and explained very honestly, makes the following exceptions, and those exceptions are the same exceptions that not only were passed as Federal law but upheld by the Supreme Court. Those exceptions are where the life of the mother is endangered and in the case of rape and incest. I just think that it is very important that we realize that is the question that has been framed in front of us and that is the way the vote should be. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Stewart.

Mr. STEWART. I wonder if Mr. Cunningham would stand for brief interrogation?

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

Mr. STEWART. Mr. Speaker, in your mind on this issue, if you vote for SB 579 the way it stands without the Pott amendment, in your own mind, with a yes or no, please, do you feel you are supporting the position that this Commonwealth will fund abortions for rape in cases of rape and incest?

Mr. CUNNINGHAM. There is no question. There is absolutely no question, yes.

Mr. STEWART. So those of us who vote for the bill without the Pott amendment are voting for the rape and incest exemptions and those of us who vote for the Pott amendment are also voting for those same exemptions?

Mr. CUNNINGHAM. With the difference that with the Pott amendment we are almost assured of going into court. We are made vulnerable to the very court attack that we have labored to avoid by using this language.

Mr. STEWART. Thank you, Mr. Speaker.

Mr. Speaker, I think we have a lot of presumptions about going into court. We have been into court many times with this issue. The courts have hashed this out. The Congress has hashed this out, and I believe we should make it clear what we want.

We support rape and incest exemptions by voting for the bill as it stands. I think we should make it clear by voting for the Pott amendment that we support also, in the language, exemptions for rape and incest. Thank you.

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

Mr. BERSON. Mr. Speaker, I merely want to point out to those who have heard the colloquy between Mr. Reed and Mr. Cunningham that, contrary to the conclusion you might have drawn that the Crime Victim's Compensation Board would be able to compensate a rape victim for the cost of an abortion even if the Federal Government no longer permitted it, as I read this bill, as it is now drafted, under SB 579, they would not be permitted to do so because the bill says, "No Commonwealth funds and no Federal funds which are appropriated by the Commonwealth shall be expended by any state or local government agency for the performance of abortion...." I submit that the Crime Victim's Compensation Board is a Commonwealth agency and would thereby be stopped from compensating a rape victim for an abortion if the Federal Government was to change its law. So that position which was suggested in that conversation between the two gentlemen simply will not stand scrutiny under this statute.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, will the gentleman, Mr. Cunningham, yield to interrogation?

The SPEAKER. The gentleman, Mr. Cunningham, indicates that he will stand for interrogation.

Mr. MANDERINO. Mr. Speaker, you have said for two or three times, four times, that we are insuring that we are going to be in Federal court if we adopt the language of the Pott amendment instead of the way you want. Can you explain to me how putting in rape and incest, exactly as the Federal Government has it now, is going to put us into court?

Mr. CUNNINGHAM. We are advised that there will be a court challenge to this law that is being watched very carefully; that there will be a court challenge to it just as there was a court challenge to the law we passed one session ago in 1978. The fact that that court challenge succeeded is why we are operating under a court order today instead of operating under the legislation that passed this General Assembly by a two-thirds majority last session. We would like to avoid that.

We are advised by lawyers who have read every Federal court decision, who have studied the regulatory history, who know the statutory law, that the best way to proceed in terms of minimizing the likelihood of a successful court challenge is to track Federal law precisely by using the kind of general language that will ensure that we do not get into
a situation during which we are being more restrictive in
our funding of abortion than is the Federal Government.

Mr. MANDERINO. Does the Pott amendment do
anything besides allow rape and incest as exceptions to the
general law if it is reported within 60 days? Is that not all it
does?

Mr. CUNNINGHAM. No.
Mr. MANDERINO. What else does it do?
Mr. CUNNINGHAM. It makes us vulnerable to
Federal—
Mr. MANDERINO. What else does it do in terms of the
language that they are putting in the bill?
Mr. CUNNINGHAM. Our differences are not policy
differences.

Mr. MANDERINO. Thank you, Mr. Speaker.
Mr. CUNNINGHAM. They are not subject to policy
differences.

Mr. MANDERINO. Whatever their attorneys are
advising them I think is ludicrous, for them to tell you that
the language of the Pott amendment is going to put you
into court. They said that we are allowed to be more liberal
than the Federal law. Any state is. The most this could do
is make us more liberal than the Federal law if it changes.
If they deny rape and incest as cause, then we might be
more liberal than the Federal law. But if that is your
choice, then you ought to have the exception for rape and
incest; you ought to vote for the Pott amendment, and you
ought not to believe all this bologna about what we have
been advised by our attorneys, because if that is the kind of
advice they are getting, they are not telling you that they
are getting advice that there could be an unconstitutional
delagation of power the way they are doing it.

The SPEAKER. The Chair recognizes the gentleman
from Montgomery, Mr. Gladeck.

Mr. GLADECK. Mr. Speaker, will Mr. Cunningham
stand for brief interrogation?

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

Mr. GLADECK. Mr. Speaker, could you please tell me if
the Pott amendment is basically in compliance with the
Hyde amendment word for word? Is that basically what it
is?

Mr. CUNNINGHAM. As the Hyde amendment exists at
this exact instant in time, yes.

Mr. GLADECK. Is it your intention then by opposing
this amendment to eliminate at some future point in time
rape and incest from the Pennsylvania law?

Mr. CUNNINGHAM. No.

Mr. GLADECK. Or should I rephrase that to say, do
you favor rape and incest funding for abortion?

Mr. CUNNINGHAM. This bill provides funding for rape
and incest abortions. We are required by Federal law to
fund those. If at any future time Pennsylvania were to
decide that as a consequence of a change in Federal policy
toward funding rape and incest, we wished to continue to
fund rape and incest abortions pursuant to our own regula-
tions, there is virtually nothing to stop us from doing that.
We, as a legislative body, can do that.

Mr. GLADECK. I guess what I am getting back to is
what Mr. Levin had alluded to earlier, and I am not quite
clear on this myself. I would kind of like to know if the
Federal Government chose to eliminate funding for rape
and incest, then would our law in Pennsylvania follow
accordingly, automatically under the law as we have passed
it approximately 12 hours ago?

Mr. CUNNINGHAM. Only for so long a period of time
as we chose to allow that to be the case. We could act
immediately to fund rape and incest abortions if we wished
to do that.

Mr. GLADECK. Then you are saying that it would
indeed eliminate rape and incest immediately if the Federal
law chose to? Correct?

Mr. CUNNINGHAM. No. For a period of 60 days they
could continue to be funded during which we could easily
take the necessary action to continue to fund, if that were
the will of this General Assembly.

Mr. GLADECK. Thank you. I think I understand the
gist of it.

Mr. Speaker, I support the Pott amendment and I do not
believe that—

The SPEAKER. The gentleman's first 2 minutes have
expired. The Chair recognizes the gentleman for his second
2 minutes. The gentleman may proceed.

Mr. GLADECK. I do not believe it was ever the purpose,
Mr. Speaker, of this House to deny victims of rape and
incest assistance. I think that there are very few people in
this House who ever intended to eliminate, either now or at
a future date, those individual women who could not afford
to pay for abortions that were victims of those hideous
crimes, their right to obtain an abortion. I would urge all
my colleagues to vote accordingly and vote for the Pott
amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman
from Chester, Mr. Pitts.

Mr. PITTS. Mr. Speaker, I rise to oppose the Pott
amendment. I think that it is regrettable that the words
"subterfuge" and "double-cross" have been used. I have
talked to the drafters of this amendment from the begin-
ning and know that there is absolutely nothing in their
motivations to try to deceive the members on this issue.

According to the bill as it stands now, the exceptions for
rape and incest are included in the bill. This amendment is
not needed. According to the legal counsel that they have
sought, of people who have fought this issue before the
courts and are continuing across the country addressing this
issue, they feel that if we adopt this amendment that Mr.
Pott has drafted that we will invite a challenge to our state
law. The real purpose of addressing this issue is to try to
cut off the public funding for the 30 abortions a day, a
thousand per month, that are occurring, and if we do get a
challenge to our law, we are not going to be able to accom-
plish anything. By tracking with this Federal language, if
the Federal law changes, we can change our law. We still
have the opportunity to act immediately to stop these
public-funded abortions except in these three instances. I
urge defeat of this amendment.
The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. McVerry.

Mr. McVERRY. Mr. Speaker, far be it from me to question the motivation of the drafters of the original amendment because I know them all to be of the highest integrity and of the highest purpose.

I will say however that we hear a lot of talk about tracking the Federal language. We can no closer track the Federal language than to use the Federal language. The Federal language of the Hyde amendment is the Pott amendment. It has been argued, however, that if we adopt that language we are inviting a court challenge. The fact that has brought us here today arguing this is that the Supreme Court has said that the Hyde language is the appropriate language by which states can restrict the funding of abortions. Accordingly, how can we be inviting a legal challenge if we use the identical language which the Supreme Court of the United States has said it is appropriate to use?

It is argued that the language of the current amendment permits the funding of abortions caused by rape or incest. That is arguable and may or may not be so. However, we have assured ourselves of funding those types of Medicaid abortions if we track the Hyde language exactly as the Pott amendment does and if the Federal Government changes its law, which I hate to imagine may or may not happen, but if they do, we are still able to leave that funding in our law because we can be more liberal in the application of government monies for funding those types of abortions. If, however, we choose not to fund them, we can come back here and change that law and be continuously in accordance with Federal law. I would more certainly rather have that decision in our hands than simply sit back and wait and see what the Congress is going to do. If the Congress does change the language of the Hyde amendment to withdraw permissible funding of those types of abortions next year, you can guarantee that that language will be back in the United States Supreme Court to determine whether it is too restrictive or not.

Mr. Speaker, it seems very clear and very simple. The Supreme Court of the United States has authorized that particular language and it is exactly tracked in the Pott amendment, and we should adopt the Pott amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. Hutchinson.

Mr. W. D. HUTCHINSON. Mr. Speaker, I have had one purpose in connection with this bill and this particular amendment, and that is to stop the abortion by demand that is going on in this Commonwealth.

Everyone I think in this House who has served with me knows that that is my position and I have supported every anti-abortion measure here, as strongly as it can be. I think, however, on this one, if your purpose is to stop it and stop it to as large an extent as you can, you should vote for this amendment.

I think that Mr. Yohn is precisely correct. If we track the Federal language and Congress then changes that language, makes it more liberal, the matter will be back in court, and I know this district and this circuit. They are among the most liberal in the nation, and you will be enjoined, and we will be going back to full funding of abortions. If Congress does make the law more restrictive and that is upheld in the court, I would be voting here; I would then at that time participate to make our law more restrictive. But I do not want to take that chance, that we could again, after a change in law by the Congress, have our law held unconstitutional, be enjoined, and have this thing happen again. Therefore, I am going to support the Pott amendment and vote for it with that in mind and that only. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. McClatchy.

Mr. McClatchy. Mr. Speaker, we have heard an awful lot about possible court challenge. I think that is a possibility, and no one would disagree with that. I think the safest approach we can take, those of us who want to stop Medicaid abortions in this state, is to vote against the Pott amendment. That is the safe, pro-life, anti-abortion vote.

If you have looked about tonight, you see the ones get up, not all of them, to support the Pott amendment, I think that speaks to where we are going. Again, the safest, most practical thing we can do tonight is to defeat the Pott amendment and go with the amendment that is already in the bill that will stand a constitutional test. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Freind.

Mr. FREIND. Mr. Speaker, I know it has been a long night, and I will be very brief. Everybody has to do what they must do on this amendment. Just a couple quick points. One, no matter what is perceived up the aisle, there has never been any attempt in this to lead anyone with respect to this amendment and this bill. The bill without the Pott amendment does provide at present for the funding of abortions in the case of rape and incest.

I think the key here is this. The reason why I oppose the Pott amendment and, quite frankly, when we come to a vote on rape and incest, and I do not think we have to fight that battle tonight, I do not know where I am going to be. But I do not want to support the Pott amendment because if the Pott amendment passes, we are saying that we support fundings for abortions in rape and incest. We have a full 60 days to report and it does not have to be reported to a law-enforcement agency, but only to a public-health service. Whether or not you favor fundings for rape and incest abortions, that is far too liberal, that goes far too far, we have taken care of the rape and incest provisions in the bill now. If for some reason the Feds get more restrictive, we can come back in and debate the issue of rape and incest. It is a battle that we do not have to fight tonight. I would seriously urge your opposition to the Pott amendment.
On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—95

Anderson  George, M. H.  Madigan  Ryan
Armstrong  Gladeck  Manderino  Salvatore
Barber  Grabowski  Mammilller  Scheaffer
Berson  Greenfield  Michiolovic  Seventy
Bittie  Gruppo  Miller  Sieminski
Bower  Hagarty  Moehlmann  Spencer
Brandt  Harper  Mowery  Spitz
Brown  Hasay  Murphy  Staats
Burd  Hoefel  Novak  Stewart
Chess  Honaman  Noye  Street
Cohen  Hutchinson, A.  O'Brien, B. F.  Stiabin
Cole  Hutchinson, W.  O'Donnell  Sweet
Cornell  Irvis  Oliver  Taylor, E. Z.
Coslett  Ikin  Piccola  Trello
Cowell  Knight  Pievyk  Wachob
DeWeese  Kukovich  Pistella  Watt
Dawida  Lashinger  Potter  Wengler
Dorr  Letterman  Punt  Williams
Dumas  Levin  Pyles  Wilson
Earley  Lewis  Racso  Witt
Fischer  Livengood  Reed  Wright, D. R.
Fryer  Lynch, E. R.  Rhodes  Yohn
Gatski  McCail  Richardson  Zwiki
Geist  McVerry  Ritter

NAYS—70

Alden  Durham  Klingaman  Philips
Arty  Fee  Kowalskyn  Pitts
Belardi  Foster, W. W.  Laughlin  Pratt
Borski  Foster, Jr., A.  Lehr  Rocks
Burns  Freind  Lescozvitz  Slupnik
Callagione  Gallagher  Levi  Siranni
Cappabianca  Gailen  Mcclatchy  Smith, E. H.
Cesar  Gamble  McKelvey  Steighner
Cimini  Gannon  MccMoneagle  Swift
Civra  Geesey  Mckowski  Tekel
Clark, B. D.  George, C.  Micozze  Vroon
Clark, M. R.  Goodman  Mrkonic  Wargo
Cochran  Gray  Mullen  Wright, Jr., J.
Cunningham  Grieo  O'Brien, D. M.  Yahnert
DeMedio  Hayes, J., S.  Perzel  Zeller
Dietz  Johnson, E. G.  Peterson  Zitterman
Dombrowski  Jones  Petracca  Zord
Duffy  Kanuck

NOT VOTING—30

Beloff  Goebel  Polite  Smith, L. E.
Bennett  Hoffhirk  Pucciarelli  Taddonio
Devoter  Johnson, J. J.  Rapaport  Taylor, F.
Davis  Knepper  Riger  Thomas
Dinini  Kolter  Rodgers  White
Donatucci, R.  McIntyre  Schmitt
Fisher  Milavovich  Schweid  Selzer,
Giammarco  Nahil  Shaddling  Speaker

EXCUSED—5

Austin  Haizerson  Maiale  Serafin
DiCarlo

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

REMARKS ON VOTES

The SPEAKER. The Chair recognizes the minority leader.

Mr. MANDERINO. Mr. Speaker, on the Chess amendment 8521, I voted in the affirmative. I did not understand what I was doing, Mr. Speaker. I would like the record to indicate that I voted in error.

The SPEAKER. The Chair would only remind the gentleman that the snows are flying and so are the geese.

The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I am glad Mr. Manderino insisted that the record reflect that he did not know what he was doing.

The SPEAKER. The Chair recognizes the gentleman from Butler, Mr. Steighner.

Mr. STEIGHNER. I was not on the floor at the time the vote on the Chess amendment 8521 was taken, so I really did not know what was going on. Please let the record reflect that on amendment 8521 to SB 579, I would have voted "no."

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

The Chair recognizes the gentleman from Perry, Mr. Noye.

Mr. NOYE. Earlier this evening we voted the Davies amendment 8523, and I was out of my seat at the time. I would like the record to reflect that I had been in my seat, I would have voted in the affirmative.

The SPEAKER. The Chair thanks the gentleman.

CONSIDERATION OF SB 579 CONTINUED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, earlier this evening the minority leader stated that it was within the prerogative of the Chair, I believe—and I am not sure that that is accurate—but, in any event, the minority leader stated that amendments offered for dilatory purposes should not be accepted. I am asking that someone review the Richardson amendments that came out of the blue and, as I glance at them, appear to be very, very, very similar to amendments that have already been offered with minor changes. If that is the case, if this is dilatory tactics, I will be the first one to move the previous question.

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

Mr. RICHARDSON. Since my name was added to that, they did not come out of the blue; they have been prepared all day. What had happened was there were some language problems because they were drafted to the wrong bill, HB 2044. They had to go back upstairs to be redrafted to SB 579. There has been a problem upstairs. They have just finished completing them. They have been coming down all day. I waited until they were all put together and then I made sure they were all put together and presented them up front to the amendment clerk.

There are no dilatory tactics here. Some of these amendments deal with various aspects of employment; some of them deal with various aspects dealing specifically with jobs for welfare recipients. And those that are duplicates of any
that have already been run, I will be more than willing to withdraw them. There are no dilatory tactics being taken, and I resent the statement from the majority leader.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, by way of example, Mr. Richardson's A8551 is a change from an earlier amendment where he changes the name to "Commonwealth Employment Priority Program" from "Active Advocacy Assistance Program." Now if that is not dilatory, changing the name of a program, I do not know what is.

The SPEAKER. The Chair recognizes Mr. Richardson.

Mr. RICHARDSON. The same thing against Mr. Cunningham and them trying to present to us on the floor of this House to make us believe that one thing was one thing and the Hyde amendment was another thing, and they were lying.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, by way of further example, A8546 and A8485 are essentially the exact same amendment, as I read it. I think this is an insult to the House.

The SPEAKER. The Chair recognizes the gentleman from Tioga, Mr. Spencer.

Mr. IRVIS. Mr. Speaker, before Mr. Spencer makes his motion—

The SPEAKER. Will the gentleman, Mr. Spencer, yield?

The Chair recognizes the minority leader.

Mr. IRVIS. The gentleman, Mr. Richardson, has assured me that he has not offered such amendments as are plainly duplicates of those already offered. Even though he has put them on the desk, he will not offer them for debate if they are duplicates of earlier amendments. So before you make your motion, let us sit down with him and see what he actually intends to offer.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I raise this question based on earlier comments of the minority leader, who has since conferred with me and advised me that the rule does provide for dilatory motions rather than dilatory amendments. So to that extent, I was inaccurate when I made my earlier statement. The fact remains, though, that if I had to make a guess as to what has happened, and based on Mr. Richardson's statement, he went into his briefcase, pulled out whatever was left over from the HB 2044 debate and just recently had them redrafted. That to me is dilatory. I mean, it was not something thought out and circulated earlier. We have been here all day and everyone knew—the press and everyone else knew—what we were going to do this week.

MOTION FOR PREVIOUS QUESTION

The SPEAKER. The Chair recognizes the gentleman from Tioga, Mr. Spencer.

Mr. SPENCER. Mr. Speaker, I am not doing this lightly. I have been around here long enough so I know when dilatory tactics are being used or not being used. I have sat silently here all day long, listening and giving everyone a chance to debate, but now the time has come, and I so move the previous question.

The SPEAKER. The Chair would hope that the gentleman would not offer that motion at this time.

The Chair recognizes the gentleman from Tioga, Mr. Spencer.

Mr. SPENCER. Mr. Speaker, would you be at ease just a moment?

The SPEAKER. The Chair recognizes, Mr. Spencer.

Mr. SPENCER. Mr. Speaker, I insist on my motion.

The SPEAKER. It has been moved by the gentleman from Tioga, Mr. Spencer, that the previous question has been moved on SB 579. The motion requires 20 members to second it.

MOTION SECONDED

The SPEAKER. The Chair recognizes the following members as seconds: The gentleman from Dauphin, Mr. Piccola.

AMENDMENTS WITHDRAWN

The SPEAKER. The Chair recognizes the majority leader.

Mr. IRVIS. Mr. Speaker, the gentleman, Mr. Richardson, has agreed to withdraw his amendments. It may not be necessary to continue with the motion on the previous question.

The SPEAKER. Mr. Irvis has informed the Chair that the gentleman from Philadelphia, Mr. Richardson, has withdrawn his amendments.

Mr. IRVIS. Mr. Kukovich has withdrawn his amendments.

The SPEAKER. Mr. Kukovich has withdrawn his amendments.

Mr. IRVIS. Those of you with your hands up may be excused or just sit down.

RECONSIDERATION OF AMENDMENT 8553

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

Mr. LAUGHLIN. Mr. Speaker, I move that the vote by which amendment 8553 was defeated on the 24th day of September, 1980, be reconsidered.

The SPEAKER. The Chair recognizes the gentleman from Washington, Mr. Sweet.

Mr. SWEET. I second the motion.

POINT OF ORDER

The SPEAKER. The Chair recognizes the lady from Delaware, Mrs. Durham. For what purpose does the lady rise?

Mrs. DURHAM. I rise to a point of order.

The SPEAKER. The lady will state it.

Mrs. DURHAM. Mr. Speaker, I did not hear Mr. Spencer withdraw his motion. Therefore, I believe you should continue to count the 20.
The SPEAKER. The Chair was under the impression the gentleman had withdrawn.

The Chair recognizes, Mr. Spencer.

Mr. SPENCER. Were all the amendments withdrawn?

The SPEAKER. All of the amendments were withdrawn. The only thing before us is a reconsideration motion on an amendment which had been defeated about an hour ago, the Laughlin amendment.

Mr. SPENCER. Well, I continue to insist on my motion.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Williams, for a parliamentary inquiry.

Mr. WILLIAMS. Mr. Speaker, could you tell me at what point the offering of amendments can be stopped? In other words, what rule allows for the amendment process to be cut off?

The SPEAKER. The Chair was unable to hear the gentleman.

Mr. WILLIAMS. Could the Speaker have read to me the rule which allows the amendment process to be cut off?

The SPEAKER. If the Chair understands the gentleman’s question, rule 61 permits it to be cut off.

Mr. WILLIAMS. Mr. Speaker, I do not have my rules with me. I wonder if you could read it.

The SPEAKER. The Chair recognizes Mr. Spencer.

Mr. SPENCER. Mr. Speaker, could we proceed with my motion? I think we are just getting into another hassle.

The SPEAKER. The Chair has cited the rule. The motion is not debatable.

MOTION SECONDED

The SPEAKER. Are there any seconds to the motion? Are there 20 seconds to the motion?

The Chair recognizes the lady from Delaware, Mrs. Arty; the lady from Delaware, Mrs. Durham; the gentleman from Delaware, Mr. Alden; the lady from Cambria, Mrs. Clark; the gentleman from Bedford, Mr. Dietz; the gentleman from Lehigh, Mr. Zeller; the gentleman from Allegheny, Mr. Rasco; the gentleman from Lycoming, Mr. Grieco; the gentleman from Bradford, Mr. Madigan; the gentleman from Allegheny, Mr. Zord; the gentleman from Chester, Mr. Vroom; the lady from Montgomery, Mrs. Lewis; the lady from Chester, Mrs. Taylor; the lady from Susquehanna, Miss Sirianni; the gentleman from McKean, Mr. Mackowski; the gentleman from Venango, Mr. Peterson; and the gentleman from Luzerne, Mr. Hasay.

Are there any additional seconds? The gentleman from Centre, Mr. Cunningham; the gentleman from Blair, Mr. Geist; and the gentleman from Blair, Mr. Johnson; the gentleman from Crawford, Mr. Swift; the gentleman from Northampton, Mr. Gruppo.

More than 20 having seconded the motion, the question is, Will the House agree to the previous question? This motion is not debatable.

PARLIAMENTARY INQUIRY

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

Mr. COWELL. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COWELL. Mr. Speaker, I understand that this is not a debatable motion, so I ask a point of parliamentary inquiry.

Mr. Kukovich has circulated amendment A8536 to this bill which deals with fees paid to pharmacists. That issue was discussed at great length yesterday by many members of the local pharmacists.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. COWELL. My question is, Mr. Speaker, if this motion is passed to move the previous question, does that mean that we would not be able to consider this amendment?

The SPEAKER. The Chair is informed that all amendments have been withdrawn.

Mr. COWELL. Mr. Speaker, that was not correct. I am a cosponsor of this amendment and it is not withdrawn.

The SPEAKER. To respond to the gentleman’s question, the amendment cannot be reconsidered if this motion carries.

Mr. COWELL. Thank you, Mr. Speaker.

VOTE ON PREVIOUS QUESTION MOTION

The SPEAKER. Those in favor of moving the previous question will vote “aye”; opposed “no.” The members will proceed to vote.

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

The following roll call was recorded:

YEAS—66

Aliden Arduino Bardin Belardi Brown Burd Cesar Cinini Civer Clark, M. R. Cornell Coslett Cunningham Dietz Durham Fischer Foster, W. W. Freind

McGann Geist Gladeke Grieco Gruppo Hagarty Hasay Hayes, J. S. Honeman Johnson, E. G. Kanuck Klingaman Pitts Pniccola

McVerry Mackowski Madigan Mannheimer Miccozie Mowery Perzel Peterson Phillips Piccola Pits Vass Wander

Scheaffer Sieminski Sirianni Smith, E. H. Stairs Swift Taylor, E. Z. Telek Thomas Vroom Wengs Wass

NAYS—98

Anderson Armstrong Barber Beran Bittle Borski Bowier

Earley Fee Foster, Jr., A. Fryer Gallagher Gallen Gamble

Lehr Lesowitz Leterman Levi Levin Livengood McCaIl Pyles Reed Rhodes Richardson Ritter Seventy Shupnik
1980

LEGISLATIVE JOURNAL—HOUSE

NOT VOTING—31

NAYS—24

NOT VOTING—29

EXCUSED—5

EXCUSED—5

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

The question recurring,
Will the House agree to the bill as amended on third consideration?

AMENDMENTS TO SB 579 RECONSIDERED

Mr. LAUGHLIN reoffered the following amendments No. A8553 to SB 579:

Amend Sec. 2, page 2, line 11, by striking out “A SECTION” and inserting sections
Amend Bill, page 2, by inserting between lines 11 and 12

Section 438. Limited Eligibility for Certain Unemployed Individuals.—Notwithstanding any restrictions imposed on eligibility for general assistance pursuant to this act, any transitionally needy person who has received unemployment compensation, pursuant to the act of December 3, 1936 (1937 2nd Sp.Sess., P.L.2897, No.1), shall be eligible for and shall receive assistance for a period of ninety days from the date of the last unemployment compensation payment.

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

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

Mr. LAUGHLIN. Mr. Speaker, I will be very brief. The reason that I ask for the reconsideration—and I thank the
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—85

Barber  Gallagher  Lescovitz  Richardson  Salvatore
Berson  Gamble  Letterman  Ritter  Scheaffer
Borski  Gatski  Levin  Seventy  Shapnik
Caltagirone  George, C.  Livengood  McClain  Shatters
Cappabianca  Goodman  McMonagle  Steigleimer  Stewart
Ches  Grabowski  Manderino  Street  Sullivan
Clark, B. D.  Gray  Michovic  Street  Taylor, F.
Cohen  Greenfield  Mrkonjic  Stuban  Trello
Culwell  Hubing, A.  Novak  Trello  Vachob
DeWeese  Iklin  O'Donnell  Wargo  Wargo
Dawida  Johnson, J. J.  Oliver  White  Williams
Dombrowski  Jones  Pietarca  Wright, D. R.  Yahner
Duffy  Knight  Plevsky  Wright, D. R.  Yahner
Dumas  Kolter  Pasta  Yoder  Zeller
Earley  Kowalskyn  Pratt  Zitterman  Zitterman
Fencer  Kucovitch  Reed  Ziterman  Ziterman
Fischer  Laughlin  Rhodes  Zwick
Fryer

NAYS—86

Alden  Foster, Jr., A.  McKelvey  Salvatore  Scheaffer
Anderson  Freind  McVerry  Slemen  Sieminski
Armstrong  Gallen  Mackowski  Siriani  Siriani
Arty  Gannon  Maddigan  Smith, E. H.  Smith, E. H.
Belardi  Gearsy  Mannheimer  Smith, E. H.  Spencer
Bittle  Geist  Miccuzio  Smith, E. H.  Smith, E. H.
Bowser  Grady  Miller  Spitz  Swift
Brandt  Gruppo  Moehlmann  Spitz  Swift
Burd  Hagar  Mowery  Taylor, E. Z.  Taylor, E. Z.
Burns  Hasay  Noye  Tek  Tek
Cessar  Hayes, Jr., S.  O'Brien, D. M.  Thomas  Thomas
Cimin  Holian  Perzel  Vroon  Vroon
Clivera  Hutchinson, W.  Peterson  Wass  Wass
Clark, M. R.  Johnson, E. G.  Phillips  Wenger  Wenger
Cornell  Kanuck  Piccola  Wilson  Wilson
Coslett  Klagesman  Pits  Will  Will
Cunningham  Laschester  Potts  Wright, J. R., J.  Wright, J. R., J.
Davies  Leber  Hott  Yohn  Yohn
Dietz  Levi  Pyles  Zord  Zord
Dorr  Lewis  Racso  Zoto  Zoto
Durham  Lynch, E. R.  Rocks  Zelter  Zelter
Foster, W. W.  McClatchey  Ryan  Speaker  Speaker

NOT VOTING—24

Beloff  Giammarco  Milavich  Rodgers  Rodgers
Bennett  Glaub  Nahill  Schmitt  Schmitt
DeVerter  Geobel  Polite  Schweder  Schweder
Dinizni  Helfrick  Puccarelli  Shadling  Shadling
Donatucci, R.  Knepper  Rappaport  Smith, L. E.  Smith, L. E.
Fisher  McIntyre  Riger  Taddeon  Taddeon

EXCUSED—5

Aston  Halverson  Maiolo  Serafini  Serafini
DiCarlo

The question was determined in the negative, and the amendments were not agreed to.

CONSIDERATION OF SB 579, AS AMENDED, RESUMED

On the question recurring,

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

It is the understanding of the Chair that the minority leader, on behalf of his membership, had withdrawn all amendments.

Mr. KUKOVICH. Mr. Speaker, the only amendments withdrawn were those that were supposed to be similar to other amendments. My amendment deals with the Pharmacy Act—

The SPEAKER. The Chair understood the minority leader very clearly that the minority had withdrawn the Kukovich amendments and the Richardson amendments. That was the understanding of the Chair.

Mr. KUKOVICH. Mr. Speaker, if that was the understanding of the Chair, it was on the basis that the previous question would not be moved. The previous question was moved, and I am offering this amendment.

The SPEAKER. Does the minority whip wish to be recognized?

Mr. MANDERINO. Mr. Speaker, why does not a page come down and get his amendment and have the clerk read it? He has the floor and he wants to offer an amendment.

The SPEAKER. The Chair has already agreed to the bill as amended. The question before the House presently is the final passage of the bill.

For what purpose does the gentleman, Mr. Cowell, rise?

Mr. COWELL. Mr. Speaker, I do not know under what point I appropriately make this remark, but I had clearly indicated earlier, when I asked a point of parliamentary inquiry, that there was still an amendment to be offered.

Secondly, I do not think anybody on this floor is authorized to withdraw amendments for another person.

The SPEAKER. It is the understanding of the Chair that the offer was made with the complete knowledge, understanding, and support of the members of the minority party.

Mr. COWELL. Mr. Speaker, the understanding of the Chair was obviously in error.

The SPEAKER. The Chair does not believe that he was in error when he received the assurances of the minority party that all amendments were withdrawn.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. A point of parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. RYAN. What is before the House at the moment?

The SPEAKER. Final passage of SB 579.

Mr. RYAN. I move the order of business and suggest that we get on with the debate or the vote, whatever the case may be.
that, our members and at least three of them have come up to me, who voted against that, and said that they voted against moving the previous question so that final debate could take place without any further amendments. That is why the vote went the way it did.

Mr. MANDERINO. The record will clearly indicate, Mr. Ryan, when you read it in the Journal, that Mr. Cowell informed that he had an amendment before the vote was taken. He informed the Speaker, and it is on the record.

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER. The Chair recognizes Mr. Kukovich.

Mr. KUKOVICH. Mr. Speaker, a point of personal privilege.

The SPEAKER. The Chair recognizes Mr. Kukovich for a point of personal privilege.

Mr. KUKOVICH. Two points, Mr. Speaker. One, I think maybe in the interest of clarity, we should review the tapes. Secondly, I do think 15 or 20 minutes ago at a side bar I mentioned that I still wanted to offer the amendment, and you did not say that you would run the bill.

The amendment was received at 10:35, almost 2 hours ago, Mr. Speaker. There was absolutely nothing dilatory in this amendment, and I think in the interest of fairness, we can very simply run the amendment. I can promise you I will be brief and hold it to 2 minutes.

Mr. IRVIS. Mr. Speaker, may the majority leader and I approach the bench?

The SPEAKER. The House will be at ease.

MOTION TO RECONSIDER VOTE ON SB 579 RESTATE

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

Mr. COWELL. I move that the vote by which SB 579 has passed third consideration as amended on the 24th day of September be reconsidered.

The SPEAKER. The Chair recognizes the gentleman from Carbon, Mr. McCall.

Mr. McCALL. I second the motion.

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair recognizes Mr. Cowell.

Mr. COWELL. I would only note that my sole intent in offering this is to provide an opportunity for one amendment to be offered that has not yet been considered. Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. A point of parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. RYAN. What are the rules with respect to debate on this motion?

The SPEAKER. In response to the inquiry of the majority leader, the motion to reconsider is debatable.

The Chair recognizes Mr. Cowell.

Mr. COWELL. Mr. Speaker, I only reiterate what I stated, that is, I am offering this motion so that we can offer one amendment dealing with the pharmacist's fee. That subject has not been the subject of any prior amendment addressed by this bill or any other bill considered today or in the recent past, but it was the subject of a great deal of conversation when we met with pharmacists yesterday. Many members on this floor made a commitment or at least made a suggestion that they would look favorably on this legislation, this particular amendment.

Some assurances were given to pharmacists' representatives that this kind of amendment would be offered today. I am simply trying to provide an opportunity for that amendment to be offered and considered by the members. I would ask that we vote favorably on the motion which I have offered. Thank you.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I am not suggesting for a moment that the amendment is not germane to the issue; however, I think what is germane to the issue that faces us as members is that when we were advised that the amendments were withdrawn, it was on that basis that a number of our members voted against the motion when the motion was made to move the previous question, the idea being that there would be no further amendments, that there would be final debate, and that this evening might end.

There are other measures available to handle the question—in fact, they are on our calendar—to handle the amendment that Mr. Kukovich and Mr. Cowell are interested in. I am not speaking to the merits of that amendment; I am speaking now to the procedure that is before this House tonight. I would like to see a "no" vote to show that when a statement is made that there will be no amendments, there in fact will be no amendments.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I did make the statement that Mr. Kukovich had withdrawn his amendment, but, for the record, I made that statement after Mr. Kukovich had agreed to withdraw it, believing that making that offer there would no longer be a motion of the previous question, and I was trying to avoid putting the House to voting the previous question. Obviously, that did not succeed, and at that point, or just before that point, Mr. Cowell rose and explained to the House that there was an amendment in which he was interested that Mr. Kukovich had, and quite obviously the two Representatives, believing that the previous question had failed, thought they have a right to offer their amendment.

Now, I suggest that we could have saved some time if we simply had gone back. By this time we would have decided
What I said, Mr. Speaker, was that earlier today, as you, legislation, as are many members here on the floor tonight, effective even if it becomes law.

insufficient funds appropriated to make this amendment have to be an additional hill passed, because there are amendment was circulated that in order to accomplish the amendment which was earlier agreed that that amendment could be withdrawn and that it would be offered to that bill, and then hopefully their willingness to withdraw it from this particular bill would gain some favor, and we could get not only the substantive legislation which is in this amendment but also the appropriation which is necessary to accomplish the final result passed. I think that those members, for example, of the small business subcommittee who cosponsored that earlier amendment are no less interested than anyone else in accomplishing that final result, and I suggest to the members of the House that it would be appropriate to vote not to reconsider the move from third to final passage, and by that method follow the leadership of the people in the industry who are trying to develop the strategy which will result in a final victory for the purpose that we are all interested in.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Will the gentleman, Mr. Dorr, consent to interrogation?

The SPEAKER. Will the gentleman, Mr. Dorr, stand for interrogation? The gentleman indicates that he will.

Mr. MANDERINO. Mr. Speaker, are you saying that the Pennsylvania Pharmaceutical Association wants us all to vote against this reconsideration motion so that we do not consider the Kukovich amendment?

Mr. DORR. That was not what I said, Mr. Speaker. What I said, Mr. Speaker, was that earlier today, as you know, there was an amendment offered of a similar nature. Mr. MANDERINO. There was no offer, but go ahead.

Mr. DORR. It was circulated, I am sorry, and in consideration of the fact that in order to obtain any additional money for the fees that are paid to the pharmacists, which I assume is the intent of this amendment and was of the earlier amendment, there would have to be an appropriation bill passed in addition, and in order to obtain some consideration of getting that accomplished, the representatives of that association and another association that is interested in this bill, indicated to me that their belief was that better strategy was to withdraw that amendment which had been circulated earlier today and to offer it to SB 237, which is also on our calendar.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I think we have an opportunity this evening to take the first step in solving that. I do not think it is entirely correct that necessarily additional money must be appropriated. It depends on whether or not that money appropriated in the category might be sufficient to do what this amendment might want it to do, and we all know that the estimates made on appropriations of this kind, Mr. Speaker, are someone's rough guess at the time of the budget, and very much might be accomplished if this amendment were passed today, because we are talking about a piece of legislation that has to go to the Senate for concurrence only, and by next week the problem can be solved.

SB 237 is still in committee in the House and there are very few days left. I think the better strategy would be to allow the reconsideration so that the amendment may be offered, possibly passed, and if it is passed, if it is the wish of this House, the problem will be solved quickly. It may not get solved at all with the vehicle SB 237 that you speak of.

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

The following roll call was recorded:

YEAS—81

Barber  Gamble  Lescovitz  Rhodes
Berson  Gatski  Letterman  Richardson
Borski  George, C.  Levin  Ritner
Brown  George, M. H.  Livengood  Seventy
Caltagirone  Goodman  McCall  Shupnik
Cappabianca  Grabowski  McMonagle  Steighner
Chess  Gray  Manderson  Stewart
Clark, B. D.  Greenfield  Michiovic  Street
Coeban  Harper  Mckonic  Subban
Cohen  Hoeffel  Mullen  Sweet
Cole  Hatchinson, A.  Murphy  Taylor, F.
Cowell  Irvis  Novak  Trello
DeMedio  Itkin  O'Brien, B. F.  Wachob
DeWeese  Johnson, J. J.  O'Donnell  Wargo
Dawida  Jones  Oliver  Williams
Dombrowski  Knight  Petracca  Wright, D. R.
Duffy  Kolter  Plevsky  Yahner
Dumas  Kovalyshyn  Pistela  Zeller
Fee  Kukovich  Pratt  Zitterman
Fryer  Laughlin  Reed  Zwilki
Gallagher
The SPEAKER. The Chair has no answer for the gentleman.

Mr. MANDERINO. Will the Chair please find me an answer, Mr. Speaker, by asking the rollcall clerk, who works for the Bipartisan Management Committee of this House?

The SPEAKER. The Chair asked the rollcall clerk, and the clerk has informed the Chair that the switch has not been opened.

Mr. MANDERINO. Is Mr. Wilt shown voting on the roll call?

Miss SIRIANNI. He was here.

Mr. MANDERINO. He was not here.

The SPEAKER. The Chair has been informed that he was voted in the negative.

Mr. MANDERINO. How can that possibly happen if he was locked out earlier?

The SPEAKER. Is the gentleman, Mr. Wilt, still in the hall of the House?

The clerk will lock Mr. Wilt's switch.

Mr. MANDERINO. For the second time, Mr. Speaker.

The SPEAKER. As far as the Chair can recollect, that is the first time the minority whip has seen fit to bring Mr. Wilt's switch to his attention.

Mr. MANDERINO. Mr. Speaker, I brought it to the attention of the rollcall clerk much earlier this evening.

ROLLCALL VOTE ON SB 579
ON FINAL PASSAGE

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.

(Members proceeded to vote.)

The SPEAKER. The Chair paused; no one stood at their microphone, Mr. Speaker.

The SPEAKER. Nothing is in order but the taking of the roll.

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—147

Alden Foster, W. W. McClatchey Salvatore
Anderson Foster, Jr., A. McKevney Scheaffer
Armstrong Freind McVerry Sieminski
Arty Gallen Mackowski Siriani
Belardi Gannon Madigan Smith, E. H.
Bittle Geesey Maxmiller Spencer
Bowser Geist Miccuzio Spitz
Brandt Gladeck Miller Stairs
Burd Grieco Moehrlmann Swift
Burns Gruppo Mowery Taylor, E. Z.
Cessar Hagarty Noye Telek
Cimini Hasay O'Brien, D. M. Thomas
Civita Hayes, Jr., S. Perzel Vroom
Clark, M. R. Honaman Peterson Wass
Cornell Hutchinson, W. Phillips Wengler
Coslott Johnson, E. G. Piccola Wilson
Cunningham Kanuck Pitts Wilt
Davies Klingaman Post Wright, Jr., J.
Diets Lashinger Pust Yohn
Dorr Lehr Pyles Zord
Durham Levi Rasco
Earley Lewis Rocks Seltzer
Fischer Lynch, E. R. Ryan Speaker

NOT VOTING—24

Beloff Giammarco Nahill Schmitt
Bennett Goebel Polite Schwerder
DeVerter Heffrick Pucciarelli Shadding
Dinanni Knepper Rappaport Smith, L. E.
Donatucci, R. McFayre Rieger Taddionio
Fisher Milanovich Rodgers White

EXCUSED—5

Austin Halverson Maiale Serafini
DiCarlo

The question was determined in the negative, and the motion was not agreed to.

On the question recurring,
Shall the bill pass finally?

STATEMENT ON OPEN SWITCHES
BY MINORITY LEADER

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I noticed a lot of switches on the other side that had been locked earlier this evening were open on that last vote without the members ever having appeared on this floor. Can you tell me how they got open?

The SPEAKER. The Chair has no indication that switches are being opened or closed at anyone's whim.

Mr. MANDERINO. Will you inquire of the rollcall clerk whether any switches have been opened since they were locked?

The SPEAKER. The Chair has been informed that the answer is no.

The question before the House is the final passage of SB 579.

Mr. MANDERINO. Did you lock Mr. Wilt's button earlier this evening?

The SPEAKER. The Chair has responded to the inquiry.

Mr. MANDERINO. Not Mr. Wilson, Mr. Wilt. Mr. Wilt voted and he was locked out earlier. I would like to know how he voted on that last vote.
The Chair gave notice that he was about to sign the following bills, which were then signed:

**SB 1345, PN 1703**

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), entitled “The County Code,” prohibiting fee sharing among county officers, employes and consultants or persons contracting for personal services with the county.

**SB 1346, PN 1704**

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled “The Second Class Township Code,” prohibiting fee sharing among township officers, employes and consultants or persons contracting for personal service with the township.

**SB 1347, PN 1705**

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), entitled “The First Class Township Code,” prohibiting fee sharing among township officers, employes and consultants or persons contracting for personal services with the township.

**DECISION OF CHAIR REVERSED**

The SPEAKER. The Chair returns to page 13 of today’s calendar, to HB 2895. The Chair reverses its decision as to the bill having been passed over. The Chair hears no objection.

**BILLS ON THIRD CONSIDERATION CONTINUED**

The House proceeded to third consideration of HB 2895, PN 3866, entitled:

A Supplement to the act of , entitled “An act providing for the capital budget for the fiscal year 1980-1981,” itemizing a public improvement project to be acquired and constructed by the Department of General Services together with its estimated financial cost; *** and making an appropriation.

On the question, Will the House agree to the bill on third consideration? Mr. GEORGE offered the following amendments No. A8366:

Amend Sec. 8, page 4, line 4, by removing the period after “Conrail” and inserting , and order of and assignment to berth and removal of vehicles at Greenwich Coal Pier 124 shall not deny access to the pier by all practicable rail users.

Amend Sec. 8, page 4, line 5, by inserting after “for” aggregate

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

The SPEAKER. The Chair recognizes the gentleman from Clearfield, Mr. George.

Mr. RYAN. Mr. Speaker, pardon me, will the gentleman yield?

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, this is, I am advised, an agreed-to amendment. I wonder if the gentleman would simply explain briefly its contents so that the members will understand exactly what it covers.
The SPEAKER. The Chair recognizes Mr. George.
Mr. GEORGE. Thank you, Mr. Majority Leader.
Mr. Speaker, this amendment simply assures that there will not be a monopoly placed on the pier that anyone or any corporation would be able to make this captive. It just assures fairness to all, all companies and all concerned. That is what it simply does.

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

The following roll call was recorded:

YEAS—162
Alden  Foster, Jr., A.  Letterman  Reed
Anderson  Freind  Levi  Ritter
Armstrong  Fryer  Levin  Rocks
Arty  Gallagher  Lewis  Ryan
Belardi  Galen  Livengood  Salvatore
Benson  Gamble  Lynch, E. R.  Scheaffer
Bidle  Ganion  McCull  Sevey
Borski  Gatski  McCleathy  Shapnik
Bowser  Geesey  McKelvey  Sieminski
Brandt  Geist  Monangle  Sirianni
Brown  George, C.  McVerry  Smith, E. H.
Burd  George, M. H.  Mackowski  Spencer
Burns  Giadeck  Madigan  Spitz
Cattagione  Goodman  Mandermo  Stairs
Cappabianca  Grabowski  Maaniller  Steighner
Ceslar  Gray  Michiocc  Stewart
Chess  Greenfield  Micorzic  Stuban
Cimini  Gricco  Miller  Sweet
Civita  Gruppo  Moehlmann  Swift
Clark, B. D.  Hagarty  Morery  Taylor, E. Z.
Clark, M. R.  Harper  Mrkonic  Taylor, F.
Cochran  Hasay  Mullen  Teleck
Cohen  Hayes, Jr., S.  Murphy  Thomas
Cone  Hoeefel  Novak  Trello
Cornell  Honaman  Noye  Vroon
Costello  Hutchinson, A.  O'Brien, B. F.  Wachob
Cowell  Hutchinson, W.  O'Brien, D. M.  Wargo
Cunningham  Irvis  O'Donnell  Woss
DeMedico  Itkin  Peretz  Wengar
DeWeese  Johnson, E. G.  Peterson  Wilson
Davies  Jones  Perracca  Wright, D. R.
Dawida  Kandel  Phillips  Wright, Jr., J.
Dietz  Klingsman  Piccola  Yahner
Dombrowski  Knight  Plevsky  Yohn
Dorr  Koiter  Pistella  Zeller
Duffy  Kowalchyn  Pitts  Zitterman
Durham  Kukovich  Potter  Zord
Earley  Lashinger  Pratt  Zwikl
Fee  Laughlin  Pant  Zitterman
Fischer  Lehr  Pyles  Seltzer
Foster, W. W.  Lescozovitch  Rasco  Speaker

NAYS—6
Barber  Johnson, J. J.  Street  Williams
Dumas  Richardson

NOT VOTING—27
Beloff  Goebel  Polite  Schweder
Bennett  Helfrick  Puccicelli  Shadding
DeVerter  Knepper  Rappaport  Smith, L. E.
Dininni  McIntyre  Rhodes  Taddionio
Donatucci, R.  Milanovich  Ringer  White
Fisher  Nahill  Rodgers  Will
Giammarco  Oliver  Schmitt

EXCUSED—5
Austin  Halverson  Maiale  Serafini
DiCarlo

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

On the question,
Will the House agree to the bill as amended on third consideration?
Bill as amended was agreed to.

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

Mr. WILLIAMS. Mr. Speaker, I have an amendment to this bill.

DECISION OF CHAIR REVERSED

The SPEAKER. The Chair reverses its decision as to the House agreeing to the bill as amended on third reading.

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

Mr. WILLIAMS offered the following amendments No. A8556:

Amend Title, page 1, line 10, by inserting after “Conrail,” providing a minority set aside
Amend Bill, page 4, by inserting between lines 16 and 17, if the minority members. “Minority members” shall include, but are not limited to, Blacks, Puerto Ricans, Spanish-speaking Americans, American Indians and Eskimos.
Amend Sec. 10, page 4, line 17, by striking out “10.” and inserting 11.

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

The SPEAKER. The Chair recognizes Mr. Williams.

Mr. WILLIAMS. Mr. Speaker, this amendment to the bill also addresses itself to some fairness in regard to improvement of a pier in Philadelphia. The bill states that the jobs that will be involved in the improvement of Pier 124 in Philadelphia, there be a set-aside program that would assure that 25 percent of the employees working on that improvement in Philadelphia shall be minority employees. Mr. Speaker, I would ask the members of the House to support this amendment in further recognition of the job situation we have been talking about all day. I think it will be a very positive step for Pennsylvania to take and would be very, very good for many areas of Philadelphia and I would ask your support of the amendment.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I have discussed this amendment off and on with Mr. Williams all day and with different representatives of the parties that are interested in this particular bill. The problem that comes up, which I have already discussed with Mr. Williams—there are no surprises here with him—is the requirement that 20 percent of the employees working on projects funded by this act shall be minority employees. That is the substance of the amendment of Mr. Williams, and some of the questions that have been raised, by me principally, deal with the
problem of whether it is 20 percent of those working on the site. If you are putting a computer in, by way of example, is it necessary that the company that is manufacturing that computer have 20 percent of its employees members of the minority?

The other problem that comes up is how do you police this? There is no penalty clause. If there are 18-percent minorities, what happens? Or is it a “so what” situation? And I think essentially the problem comes down to one of practicalities. If this goes in and if by chance some employer or subcontractor working on the job cannot make a head count representing 20 percent minorities, and if it is litigated, it could very well be that several years could be spent in litigation of this very amendment.

Now the information we have is that Conrail would be the employer on this project. It is my understanding that Conrail has been doing a good job in its minority representation, and I think that is generally concurred in. The administration believes that it, too, has been doing a reasonably good job in advancing the interests of minority representation, and both are, of course, equal opportunity employers. We would hope that this amendment be rejected at this time, and I would ask for a “no” vote, with the understanding that as it moves through and to the Senate, Mr. Williams, myself, and the others that we have been talking to over this evening can continue discussions to see if we can put together an amendment that is acceptable, would not be subject to litigation, and perhaps enter it in the Senate as an agreed-to amendment.

We have time problems on the bill. We have a time problem, of course, with this amendment. It is not something that we are ignoring or dismissing out-of-hand, but one, rather, that requires some little bit of time, and on that basis I would ask for a negative vote.

The SPEAKER. The Chair recognizes Mr. Williams.

Mr. WILLIAMS. Mr. Speaker, in all due appreciation of the reservations articulated by Mr. Ryan, I just want to say very clearly that this provision is a provision which has been utilized before, is utilized by the Federal Government, has been legally tested, and is in motion, going all the way back to the Nixon Administration when they implemented that. So those reservations mentioned by you, I say, have been solved. Additionally, I want to say that we are also doing the same kind of thing already in the Department of Transportation, and the mechanism is very simple. Mr. Speaker, I am saying that the fears raised by the majority leader are the kind of arguments which in the past have made the situation the way it is today. With all due respect to his earnest attempt to get information, I am merely saying that these are in the Federal regulations already.

With regard to Conrail who is doing a good job in this area, but that is only because they have been required by the Federal law to do so, this provision enables our state to do an even better job at above some percentages that Conrail has. Just when is it that the minority community, which is out of the contracting, out of all of that, is going to get equal access to the big jobs that we offer—in this case $25 million worth—we are merely saying that here is a guide that will guarantee that. Here is a guide that will require us to require those who contract to do this work to make sure that they have a certain minimal percentage of minority workers. I restate, Mr. Speaker, that the formula utilized here is clear-cut, with precedent already in motion, and would do an awful lot to meet the unemployment situation in Philadelphia in a fair manner, and that is all we are asking by requesting this body to provide for a set-aside.

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

Mr. STREET. Mr. Speaker, very briefly, we have been talking all evening about employment. In Philadelphia in the neighborhood that I represent, we have over 50-percent unemployment; people are looking for jobs. Many of you read in the paper that there was a killing by a cop of a young man, and the hue and cry at that point, after we worked diligently to keep an uprising from happening, was that we want jobs, we want jobs, and people are looking for jobs. For many, in part, we are talking about unskilled jobs; jobs that we can fit young people into where they can do the type of work that is going to be offered, in many cases, by the building of this new pier in Philadelphia, which will also have an extension of jobs when they start bringing in the coal. I am sure those of you upstate who are interested in jobs are interested in this because of the jobs it is going to provide in the coal-mining area.

I would hope that we could at least lay aside something so that those of us who are in the area can safeguard against this thing, make sure some things happen, and be able to produce some jobs for some people. I think that somewhere along the line we are going to have to face the reality that we have to find jobs for people in the State of Pennsylvania, and I would urge a “yes” vote on this amendment.

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

Mr. BARBER. Mr. Speaker, for what has happened today, for 81,000 people who will be taken off welfare, 40,000 some thousand are from Philadelphia, and I believe if we would get the 20 percent of these jobs for Philadelphia, that it would help. I know it would make me feel a great deal better, because I have worked hard today hoping that HB 2044 would not pass, but I knew better in my heart. So I would appreciate if the members would give us a break and give us this 20 percent, and we could get, maybe, 10,000 of those 21,000 people employed in Philadelphia.

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

Mr. RICHARDSON. I just rise to say very briefly, Mr. Speaker, without belaboring the members of this House any longer, if there is anything to draw a correlation to in terms of where we are, in terms of incentive jobs in this Commonwealth, we would indicate that we are at the bottom rung of the totem pole when it comes to minority businesses and when it comes to minority employment.
Right now in the Commonwealth of Pennsylvania we are number one in the nation for unemployment as it deals directly with our young people. We are number one in the nation as it deals with unemployment for those young people in this Commonwealth, and I think that you need to hear that.

Number two, we are number one as it relates to unemployment for minorities across the board as far as the adults are concerned, and here is an opportunity with pier 9 in Philadelphia, where we are talking about $25 million coming into the city of Philadelphia and an opportunity for us to make it clear to the members of this House that we are about pushing to get jobs for those who do not have jobs. I do not feel that it is an unfair request and I ask the members to support an amendment this House that we are about pushing to get jobs for those adults who do not have jobs. I do not feel that it is an unfair request and I ask the members to support an amendment that is going to deal with putting some people to work. You claim that that is what this was all about; you claim that that is what this was all about; you claim that it is going to deal with putting some people to work. You claim that is going to deal with putting some people to work. You claim that is going to deal with putting some people to work. You claim that is going to deal with putting some people to work.

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

The following roll call was recorded:

YEAS—73


NAYS—91


The question was determined in the negative, and the amendments were not agreed to.

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

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?

The Chair recognizes the gentleman from Erie, Mr. Dombrowski.

Mr. DOMBROWSKI. Mr. Speaker, just briefly, I am going to vote “no” on this bill and I would like the members of the House to know why.

It has not been too many years ago—in fact I think it was last year; it might have even been during this session—that we allowed Conrail some tax credits so they could improve the tracks in Pennsylvania. We were in Philadelphia to view the port, and I really understand that they need this money for the port there and that is why I am not seriously objecting to the bill, but my vote is going to be in protest because Conrail had spent $2.2 million on the tracks in Ohio so that the coal from Clarion could be shipped down to the port of Ashtabula. Now, we have a port in Erie which seems to be neglected, and that, Mr. Speaker, is my reason for voting in the negative.

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—159


The question was determined in the negative, and the amendments were not agreed to.

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

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?

The Chair recognizes the gentleman from Erie, Mr. Dombrowski.

Mr. DOMBROWSKI. Mr. Speaker, just briefly, I am going to vote “no” on this bill and I would like the members of the House to know why.

It has not been too many years ago—in fact I think it was last year; it might have even been during this session—that we allowed Conrail some tax credits so they could improve the tracks in Pennsylvania. We were in Philadelphia to view the port, and I really understand that they need this money for the port there and that is why I am not seriously objecting to the bill, but my vote is going to be in protest because Conrail had spent $2.2 million on the tracks in Ohio so that the coal from Clarion could be shipped down to the port of Ashtabula. Now, we have a port in Erie which seems to be neglected, and that, Mr. Speaker, is my reason for voting in the negative.

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—159


The question was determined in the negative, and the amendments were not agreed to.
The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Warren, Mr. Peterson.

Mr. PETRARCA. Mr. Speaker, on SB 579 I voted in the negative. I would like the record to show I wanted to vote in the positive.

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

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes the gentleman from Lethbridge, Mr. Zeller.

Mr. ZELLER. Mr. Speaker, I submit these remarks for the record.

Mr. ZELLER submitted the following remarks for the Legislative Journal:

Mr. Speaker, I am certain you were aware of the fact that I did not have the votes to support the motion for the previous question on SB 579, which I requested tonight. I knew it and the members who supported me knew it. However, we felt that since the House had come into bedlam, with members intentionally trying to do everything within their power to delay and sidetrack this bill, the only way we could bring sense back into this chamber was a shock move to get the House in order. In my 10 years I never moved the previous question and only supported it once before as a shock move when the House was in bedlam over a welfare bill in 1979.

I agree with the words of our leaders as to the danger of cutting off debate for any member, but there comes a time when we must also question ourselves as to allowing members to abuse this privilege in their desire to delay or undermine the desires of others. I feel we were effective since activity on SB 579 and its amendments proceeded in order and without serious abuse. Thank you.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Warren, Mr. Peterson.

Mr. PETRARCA. On the last vote there was a malfunction of my switch. My vote was not recorded. I would like to be recorded in the affirmative on HB 2895.

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

Will the members please stay in their seats? There is one more bill to be considered.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of SB 489, PN 2096, entitled:


On the question,
Will the House agree to the bill on third consideration?
Mr. MANDELLINO offered the following amendments No. A8503:

Amend Title, page 1, line 24, by removing the period after “ESTIMATES” and inserting and providing for the lapsing of funds.
Amend Sec. 1, page 2, line 2, by striking out “A SECTION” and inserting sections
Amend Sec. 1, page 3, by inserting between lines 3 and 4 Section 621. Lapsing of Funds.—(a) As used in this section:

“Contingent commitment.” An authorization made by proper authority for a spending agency to commit moneys from an appropriation which has not as yet been made by the General Assembly. It is contingent upon the eventual passage of an appropriation for the purpose and money may not be paid out or goods or services delivered until such an appropriation has been made.

“Contracted repairs.” All contracted repairs to buildings, grounds, roads, fixed and movable equipment and furniture, excluding maintenance and repair work performed by State employees. Repairs are defined as costs which will restore the
asset to that condition which will permit the effective use of
the asset up to but not beyond its previously determined useful
life.

"Fixed assets." Includes as machinery, equipment or
furniture those articles which meet the following two general
criteria:
(1) Those items that can be expected to have a useful life
of more than one year.
(2) Those items that can be used repeatedly without mate-
rially changing or impairing their physical condition and that
can be kept in serviceable condition by normal repair, mainte-
nance or replacement of components.
Also included in this major category of expenditure are:
- livestock, game and poultry purchased primarily for farm
stock, breeding or similar use, land acquisitions, acquisitions of
building and structures, capital improvements to buildings and
structures and nonstructural improvements.
- "Grants and subsidies." Includes all payments made by
the State to political subdivisions, individuals, institutions and
organizations for which no direct services are rendered to the
State. Also included are: awards, bounties and indemnities.
- "Major categories of expenditure." Fixed assets, opera-
tional expenses and personnel services.
- "Operational expenses." Includes the cost of commodi-
ties, substances or manufactured articles which are used or
consumed in current operation or processed in the construc-
tion or manufacture of articles. Supplies also include minor equip-
ment, expendable tools and other articles not meeting the
criteria for machinery and equipment set forth in the definition
of "fixed assets." This major category of expenditure also
includes services performed by State or outside agencies which
may include the use of equipment or the furnishing of
commodities in connection with these services under express or
implied contracts.
- "Personnel services." The cost of salaries and wages,
including the State's share of payroll taxes and employee
benefits, paid State officials and employees for services rendered and
for State annuitants.
- "Purchase order." A written document authorizing
delivery of specified items or the rendering of certain services
and the incurrence of a charge for them.
- "Purchase requisition." A written request to the
purchasing officer, usually of a central supply agency, for the
purchase or delivery of specified items or services.
(b) All actions relating to the encumbering of funds shall
be supported by complete documentation including a detailing
of methods used to estimate a year end encumbrance. Purchase
orders shall have a specified delivery date. Delivery of goods
and services encumbered in one fiscal year shall be made by
August 31 of the following fiscal year, except as otherwise
provided.
(c) Payments for personnel services shall be charged to
the fiscal year in which the expense was incurred or the liability
accrued.
(d) Payments for operational expenses and grants and
subsidies shall be charged as follows:
(1) Purchases of supplies and services other than specifi-
cally provided herein shall be charged to the fiscal year in
which the actual expenses or commitment to purchase was
incurred. Contracted services, consultant fees and rentals,
excluding General State Authority rentals, shall be prorated
between fiscal years.
(2) Payment of the cost of contracted repairs shall be
charged to the fiscal year in which the obligation was incurred.
(3) Payments of grants and subsidies and reimbursements
for services provided or costs incurred by other government
units, institutions, and individuals shall be charged to the fiscal
year in which funds were appropriated, allocated for the
purpose by the Budget Secretary and obligated.

(4) Except as hereinafter provided, no encumbrance for
operational expenses and grants or subsidies shall be made
after May 31 in the fiscal year to which the encumbrance is
charged.
(5) Encumbrances made because of purchase orders or
because of an emergency that threatens the continued operation
of government or the health, safety or lives of the citizens of
the Commonwealth may be created subsequent to May 31. If a
purchase order is executed subsequent to June 15, a contingent
commitment shall be established to insure the payment of the
bill.

(6) Outstanding prior year encumbrances charged to op-
erational expenses or subsidies and grants shall be reviewed not
later than August 31 of the current fiscal year. At that time
they shall be cancelled and the funds shall lapse unless
extended because of the material shortages, delays in produc-
tion schedules, strikes, arbitration, inspections, audits, acts of
nature, or litigation upon complete justification of the agency
with the concurrence of the agency controller.
(a) Fixed assets shall be charged as follows:
(1) Purchase or cost of fixed assets shall be charged to the
fiscal year in which funds for this purpose are allocated by the
Budget Secretary.
(2) Except as hereinafter provided, no encumbrance for
fixed assets shall be made after February 28 in the fiscal year
in which the encumbrance is charged.
(3) Encumbrances for fixed assets made because of
purchase orders or because of an emergency that threatens the
continued operation of government, or the health, safety, or
lives of the citizens of the Commonwealth may be created
subsequent to February 28. If a purchase order is executed
subsequent to April 30, a contingent commitment shall be
established to insure the payment of the bill unless delivery is
expected prior to June 30.
(4) Encumbrances for fixed assets made because of a
purchase order subsequent to April 30 shall be automatically
cancelled and the funds lapsed if delivery is not made prior to
June 30.

(5) Outstanding prior year encumbrances charged to fixed
assets shall be reviewed not later than September 30 of the
current fiscal year. At that time they shall be cancelled and the
funds lapsed unless extended because of material shortages,
delays in production schedules, strikes, arbitration, inspections,
audits, acts of nature, or litigation upon complete justification
of the agency with the concurrence of the agency controller.
(f) Outstanding prior year encumbrances extended in
accordance with the provisions of this act shall be automati-
cally cancelled as of October 31, excepting encumbrances for
items being litigated or arbitrated.
(g) Nothing shall preclude an agency from encumbering
funds from the current fiscal year to pay for a prior year's
encumbrance which was cancelled under subsection (c), (d), (e)
or (f).

(b) Balances due to liquidation or cancellation of prior
year encumbrances shall be lapsed. These funds shall not be
transferred to any other major or minor category of expendi-
ture and may not be used to create any new obligation.
(j) Moneys from liquidation or cancellation of prior year
encumbrances shall be lapsed by the end of the subsequent
month in which the encumbrance was liquidated or cancelled,
or earlier at the discretion of the Budget Secretary. Except as a
result of litigation, in no case shall an encumbrance be held for
more than the next complete subsequent fiscal year.
(j) In no case shall there be a transfer of funds from an
encumbrance in one major category of expenditure to an
encumbrance in another major category of expenditure.
(k) All deadlines for creating encumbrances shall be
extended when the encumbrances apply to an appropriation
received after the deadlines stated herein.
30 of the fiscal year in which the moneys were appropriated.

(m) The Secretary of the Budget shall have the power to waive any of the provisions included in section 621 upon written request of an agency justifying an exception to these provisions which is in the best interests of the Commonwealth. When the Secretary of the Budget decides to approve an agency request for a waiver of these provisions, he shall submit the agency request along with his own written analysis and justification for the waiver of these provisions to the respective Chairmen of the Majority and Minority Appropriations Committees in the House of Representatives and the Senate allowing a reasonable time for their review and comment.

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

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, this too is an agreed-to amendment. I would ask the minority whip to explain it.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, the other day I offered an amendment to a bill that was on the calendar in the primary package that dealt with the encumbrance procedure of the executive branch of government. Since that time, Mr. Speaker, a compromise amendment has been worked out between the staffs of the Appropriations Committees, Republican and Democratic, in the House. Participating in the discussions was an authority from the Budget Office. It, for the first time, sets in the force of law and gives the force of law to a series of guidelines for encumbrances. It prohibits the Budget Secretary from waiving anything under those guidelines without first letting the four Appropriations chairmen know of the proposed waiver.

Mr. Speaker, this takes a step, a small step, in the correction of the procedure that I talked about on the floor of the House. We still have a problem with inadequate, I think, policing the prohibition that we would like to see on the Budget Office the waiver powers. Mr. Speaker, I ask for an adoption of the amendment.

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

The following roll call was recorded:

YEAS—162

Alden
Anderson
Armstrong
Arty
Barber
Belardi
Berson
Bitte
Bowers
Brandt
Brown

Foster, W. W.
Foster, Jr., A.
Fryer
Gallagher
Gamble
Gannon
Gatski
Geesey
Geist
George, C.
George, M. H.

Levi
Levin
Lewis
Lievengood
Lynch, E. R.
McCall
McClatchy
McKelvey
McMonagle
McVerry
Mackowski

Richardson
Ritter
Rocks
Ryan
Salvatore
Scheffauer
Seveny
Shupnik
Sieninsky
Sirianni
Smith, E. H.

Burd
BURNS
Callagheone
Cappabianca
Cesar
Chees
Cimini
Civera
Clark, B. D.
Clark, M. R.
Cochran
Cohen
Cole
Correll
Costlett
Cowell
Cunningham
DeMedio
DeWeese
Davies
Dawida
Dietz
Dombrowski
Dott
Duffy
Dumas
Durham
Earley
Fee
Fischer

Gladeck
Goodman
Grabowski
Gray
Greenfield
Greco
Gruppo
Hagarty
Hasay
Hayes, Jr., S.
Hoeftel
Honaman
Hutchinson, A.
Hutchinson, W.
Itvis
J. D.
Kanuck
Klingaman
Knight
Koller
Kowalskyn
Kukovich
Lashinger
Laughlin
Lehr
Lescovitz
Lettermann

Madigan
Mandernino
Mannheimer
Michlovic
Micozzi
Miller
Muehlmann
Mowery
Mrkonic
Mullen
Murphy
Rittles
Naylor
Phillips
Piccola
Pitts
Pott
Pratt
Punt
Raco
Reed
Rhodes

Spitz
Stairs
Steighner
Stewart
Street
Stuban
Sweet
Swift
Taylor, E. Z.
Telet
Thomas
Trelo
Vronik
Wachob
Wright, D. R.
Wright, Jr., J.

Not Voting—33

Beloff
Bennett
Borski
DeVerter
Dininni
Donatucci, R.
Fisher
Freind
Gallen

Giammarco
Goebel
Heford
Helfrick
Knepper
McIntyre
Milanovich
Nabili

O'Donnell
Polite
Pucciarelli
Pyles
Rappaport
Rieger
Rodgers
Schmitt

Red

Wenger
Williams
Wilson
Zeller
Zitterman

Yahner
Yohn
Zelmer
Zord
Zwikl

Excused—5

Austin
DiCarlo

Sheeaffer
Serafini

NAYS—0

Beloff
Bennett
Borski
DeVerter
Dininni
Donatucci, R.
Fisher
Freind
Gallen

Giammarco
Goebel
Heford
Helfrick
Knepper
McIntyre
Milanovich
Nabili

O'Donnell
Polite
Pucciarelli
Pyles
Rappaport
Rieger
Rodgers
Schmitt

Red

Wenger
Williams
Wilson
Zeller
Zwitter

JEAS—161

Alden
Anderson
Armstrong
Arty
Barber
Belardi
Berson
Bitte
Bowers
Brandt
Brown

Foster, Jr., A.
Frieund
Fryer
Gallagher
Gamble
Gannon
Gatski
Geese
Geist
George, C.
George, M. H.

Levin
Livengood
Lynch, E. R.
McCall
McKelvey
McMonagle
McVerry
McMonagle
McVerry
Mackowski

Ritter
Rocks
Ryan
Salvatore
Scheffauer
Seveny
Shupnik
Sieninsky
Sirianni
Smith, E. H.

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

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

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—2359

Alden
Anderson
Armstrong
Arty
Barber
Belardi
Berson
Bitte
Bowers
Brandt
Brown

Foster, W. W.
Foster, Jr., A.
Fryer
Gallagher
Gamble
Gannon
Gatski
Geesey
Geist
George, C.
George, M. H.

Levi
Levin
Lewis
Lievengood
Lynch, E. R.
McCall
McClatchy
McKelvey
McMonagle
McVerry
Mackowski

Richardson
Ritter
Rocks
Salvatore
Scheffauer
Seveny
Shupnik
Sirianni
Smith, E. H.

Spitz
Stairs
Steighner
Stewart
Street
Stuban
Sweet
Swift
Taylor, E. Z.
Telet
Thomas
Trelo
Vronik
Wachob
Wright, D. R.
Wright, Jr., J.

Not Voting—33

Beloff
Bennett
Borski
DeVerter
Dininni
Donatucci, R.
Fisher
Freind
Gallen

Giammarco
Goebel
Heford
Helfrick
Knepper
McIntyre
Milanovich
Nabili

O'Donnell
Polite
Pucciarelli
Pyles
Rappaport
Rieger
Rodgers
Schmitt

Sirianni
Smith, E. H.

Excused—5

Austin
DiCarlo

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

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

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—161

Alden
Anderson
Armstrong
Arty
Barber
Belardi
Berson
Bitte
Borski
Bowsr
Brandt
Brown

Foster, Jr., A.
Frieund
Fryer
Gallagher
Gamble
Gannon
Gatski
Geese
Geist
George, C.
George, M. H.

Levin
Livengood
Lynch, E. R.
McCall
McKelvey
McMonagle
McVerry
Mackowski
Madigan
Mandernino

Ritter
Rocks
Ryan
Salvatore
Scheffauer
Seveny
Shupnik
Sirianni
Smith, E. H.

Spitz
Stairs
Steighner
Stewart
Street
Stuban
Sweet
Swift
Taylor, E. Z.
Telet
Thomas
Trelo
Vronik
Wachob
Wright, D. R.
Wright, Jr., J.

Not Voting—33

Beloff
Bennett
Borski
DeVerter
Dininni
Donatucci, R.
Fisher
Freind
Gallen

Giammarco
Goebel
Heford
Helfrick
Knepper
McIntyre
Milanovich
Nabili

O'Donnell
Polite
Pucciarelli
Pyles
Rappaport
Rieger
Rodgers
Schmitt

Sirianni
Smith, E. H.

Excused—5

Austin
DiCarlo

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

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

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

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 SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I think the members can leave now. There will be no further roll calls and I thank everyone for their patience and good temper.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Clarion, Mr. Wright.

Mr. D. R. WRIGHT. Mr. Speaker, on the Williams amendment to HB 2895, I was not recorded. I wish to be recorded in the affirmative. Thank you.

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

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 2291, PN 3962 (Amended) (Unanimous) By Rep. GALLEN

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to convey to the Borough of Mahaffey 2.756 acres of land, more or less, situate in the Borough of Mahaffey, Clearfield County, Commonwealth of Pennsylvania.

STATE GOVERNMENT.

HB 2901, PN 3875 By Rep. A. C. FOSTER

An Act amending the “Municipality Authorities Act of 1945,” approved May 2, 1945 (P. L. 382, No. 164), further providing for the powers of airport authorities and police officers of authorities.

LOCAL GOVERNMENT.

HB 2902, PN 3876 By Rep. A. C. FOSTER

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, including municipal airport authority grounds in the term “highway” and providing for the disposition of vehicle fines for violations on grounds of municipal airport authorities.

LOCAL GOVERNMENT.

SB 456, PN 2125 (Amended) By Rep. GALLEN

An Act authorizing the Department of General Services, with the approval of the Department of Environmental Resources, to lease to the City of Philadelphia certain lands subject to certain conditions within the bed of the Delaware River in the fifth ward of the City of Philadelphia, Pennsylvania.

STATE GOVERNMENT.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Mr. Speaker, I would like to be recorded in the affirmative on the final passage of the last bill, SB 489.

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

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.

WELCOMES

The SPEAKER. The Chair welcomes to the front of the House Reverend Carl Hill, pastor of the Bedford United Methodist Church, Bedford, Pennsylvania, and Mr. Renato Pedroso from Piracicaba, Brazil, who is an exchange student and staying with Reverend Hill. They are here as the guests of Mr. Dietz.
The Chair at this time welcomes to the hall of the House Roy Siders and Guy Diambrosio, residents of Allegheny County, who are here today as guests of Mr. D. M. Fisher.

The Chair welcomes to the House, Attorney James Munley, Democratic candidate for judge, Lackawanna County; Ed Staybauch, Democratic borough chairman of Archbald; and John Yerkly. They are here as the guests of the Lackawanna County delegation.

The Chair welcomes to the House the Huntingdon County Commissioners and several civic leaders of the county. They are here as the guests of Mr. S. E. Hayes.

ADJOURNMENT

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that this House do now adjourn until Monday, September 29, 1980, at 1 p.m., e.d.t.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 1:18 a.m., e.d.t., the House adjourned.