

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, MAY 4, 1993

SESSION OF 1993

177TH OF THE GENERAL ASSEMBLY

No. 28

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (H. WILLIAM DeWEESE) PRESIDING

PRAYER

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

Let us pray:

Father, we stretch our hands to You; no other help we know. If You withdraw Yourself from us, O, whither shall we go. You alone possess the words of eternal life. It is only You who can give us a reason to continue our journey and labors here below.

It is into Your hands that we commit our life and our destiny. Will You not come now into our midst and bless each one of these legislators. Flood their pathways with Your marvelous light, sanctify their efforts with Your truth, and direct them in their doubt. Vouchsafe unto each of them Your peace and Your grace, and give them the blessed assurance that You are always near to prepare the way before them.

In Your name we pray. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, May 3, 1993, will be postponed until printed. The Chair hears no objection.

The Chair recognizes the gentleman from Delaware County, Tom Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, I note on today's calendar, page 2, HB 587 is scheduled to go over, and I would like to be recognized when you come to that bill to make an objection to going over that bill for the day.

The SPEAKER. The Chair thanks the gentleman.

Will the gentleman, Mr. Gannon, please approach the Speaker's rostrum.

(Conference held at Speaker's podium.)

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

A point of parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman is in order and will please state his point of parliamentary inquiry.

Mr. GANNON. Mr. Speaker, concerning a member's objection to going over a bill for a particular calendar day, how would the new rule apply to that type of objection?

The SPEAKER. The Parliamentarian advises me that 24 hours' notice has been requested and has been adopted by the general membership several weeks ago. Therefore, if the floor leader is going to offer a measure 24 hours in advance, it is the interpretation of the Parliamentarian that if you were to go and ask that a bill not be passed over, which in essence would be to call the bill up, that should also be done 24 hours in advance to comport with our newly adopted Lee-Freeman rule decision.

Mr. GANNON. Okay. Mr. Speaker, if a member wishes to object to a bill going over for another calendar day, would that objection have to be in writing to the members or could that be an announcement on the floor?

The SPEAKER. Counsel advises me that either one would be acceptable.

Mr. GANNON. Okay. Thank you, Mr. Speaker.

Mr. Speaker, in light of the parliamentary inquiry and the ruling from the Chair, I would like to object, for tomorrow's session, to going over HB 587.

The SPEAKER. The Chair thanks the gentleman.

Mr. GANNON. Thank you, Mr. Speaker.

SENATE MESSAGE

ADJOURNMENT RESOLUTION FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following extract from the Journal of the Senate, which was read as follows:

In the Senate
May 3, 1993

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, May 10, 1993, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, May 10, 1993, unless sooner recalled by the Speaker of the House of Representatives.

Ordered, That the clerk present the same to the House of Representatives for its concurrence.

On the question,
Will the House concur in the resolution of the Senate?
Resolution was concurred in.
Ordered, That the clerk inform the Senate accordingly.

GUESTS INTRODUCED

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

Mr. GEIST. Mr. Speaker, while we are at ease, may I be free to make a couple remarks to introduce a really special group of people in the gallery?

The SPEAKER. Certainly.

Mr. GEIST. Thank you, Mr. Speaker.

We in the city of Altoona are used to producing basketball champions, and I guess one more than anyone else, and that would be Bishop Guilfoyle High School. They are the reigning class A women's champions, and they are with us today as our guests in the balcony overlooking the House chambers.

I would ask that my fellow colleagues give them a warm welcome to the House of Representatives as they visit their State Capitol in honor of their championship.

Lady Marauders, we are certainly glad to have you, your coaches, and guests here today as guests of the House and the Senate, and thank you very much for coming to Harrisburg.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes Mr. Steighner, the Democratic secretary, for leaves of absence.

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, I would like to ask for leave for today only for the gentleman from Cambria, Mr. HALUSKA; the gentleman from Washington, Mr. TRICH; and the gentleman from Cambria, Mr. WOZNIAK.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Perzel, indicates there are no requests for leaves of absence from the Republican side.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—198

Acosta	Fajt	Levdansky	Rudy
Adolph	Fargo	Linton	Ryan
Allen	Farmer	Lloyd	Santoni
Argall	Fee	Lucyk	Sather

Armstrong	Fichter	Lynch	Saurman
Baker	Fleagle	Maitland	Saylor
Barley	Flick	Manderino	Scheetz
Battisto	Freeman	Markosek	Schuler
Bebko-Jones	Gamble	Marsico	Scrimenti
Belardi	Gannon	Masland	Semmel
Belfanti	Geist	Mayernik	Serafini
Birmelin	George	McCall	Smith, B.
Bishop	Gerlach	McGeehan	Smith, S. H.
Blaum	Gigliotti	McNally	Snyder, D. W.
Boyes	Gladeck	Melio	Staback
Brown	Godshall	Michlovic	Stairs
Bunt	Gordner	Micozzie	Steelman
Bush	Gruitza	Mihalich	Steighner
Bulkovitz	Gruppo	Miller	Steil
Buxton	Hanna	Mundy	Stern
Caltagirone	Harley	Murphy	Stetler
Cappabianca	Hasay	Nailor	Stish
Carn	Heckler	Nickol	Strittmatter
Carone	Hennessey	Nyce	Sturla
Cawley	Herman	O'Brien	Surra
Cessar	Hershey	Olasz	Tangretti
Chadwick	Hess	Oliver	Taylor, E. Z.
Civera	Hughes	Perzel	Taylor, J.
Clark	Hutchinson	Pesci	Thomas
Clymer	Itkin	Petrarca	Tigue
Cohen, L. I.	Jadlowiec	Petrone	Tomlinson
Cohen, M.	James	Pettit	Trello
Colaella	Jarolin	Phillips	True
Colazzo	Josephs	Piccola	Tulli
Cornell	Kaiser	Pistella	Uliana
Corrigan	Kasunic	Pitts	Vance
Cowell	Keller	Platts	Van Horne
Coy	Kenney	Preston	Veon
Curry	King	Raymond	Vitali
Daley	Kirkland	Reber	Waugh
DeLuca	Krebs	Reinard	Williams
Dempsey	Kukovich	Richardson	Wogan
Dent	LaGrotta	Rieger	Wright, D. R.
Dermody	Laub	Ritter	Wright, M. N.
Donatucci	Laughlin	Roberts	Yandrisevits
Druce	Lawless	Robinson	Yewcic
Durham	Lederer	Roebuck	Zug
Egolf	Lee	Rohrer	
Evans	Leh	Rooney	DeWeese,
Fairchild	Lescovitz	Rubley	Speaker

ADDITIONS—1

O'Donnell

NOT VOTING—0

EXCUSED—4

Haluska	Merry	Trich	Wozniak
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LEAVES ADDED—1

Petrarca

GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome from Millcreek Township, as guests of Representative Karl Boyes, government students from McDowell High School in Erie County. The House welcomes Karl Boyes' guests. Will you please rise and be recognized. Welcome to the rough-and-tumble of Pennsylvania democracy.

Representative Bill Adolph has some guests here today – students from Springfield High School in Delaware County, a United States government class. Would you please rise and be recognized. They are in the balcony.

FILMING PERMISSION

The SPEAKER. The Chair would like to announce to the membership that John Dille of the House Republican video team will be filming with audio today. He will be filming the McDowell High School honor students.

GUESTS INTRODUCED

The SPEAKER. Chairman Jeff Coy of Shippensburg welcomes the senior citizens of Shippensburg. Welcome to the hall of the House.

MEMBER'S PRESENCE RECORDED

The SPEAKER. The gentleman, Mr. O'Donnell's name will be added to the master roll call.

GUESTS INTRODUCED

The SPEAKER. The last announcement before the vote today: Mr. John Rizzo along with Dr. Peg Bettlyn and Tom Bontempo, all from Beaver County and the Reps of Beaver County, and the House welcomes these friends of Nicky Colafella. Would they please rise and be recognized.

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 719, PN 786**, entitled:

An Act amending the act of May 2, 1929 (P. L. 1513, No. 451), entitled, as amended, "Boiler Regulation Law," defining "field inspection," "power boiler" and "process boiler"; and further providing for shop and field inspections.

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—199

Acosta	Fargo	Linton	Rudy
Adolph	Farmer	Lloyd	Ryan
Allen	Fee	Lucyk	Santoni
Argall	Fichter	Lynch	Sather
Armstrong	Fleagle	Maitland	Saurman
Baker	Flick	Manderino	Saylor
Barley	Freeman	Markosck	Scheetz
Battisto	Gamble	Marsico	Schuler

Bebko-Jones	Gannon	Masland	Scrimenti
Belardi	Geist	Mayernik	Semmel
Belfanti	George	McCall	Serafini
Birmelin	Gerlach	McGeehan	Smith, B.
Bishop	Gigliotti	McNally	Smith, S. H.
Blaum	Gladeck	Melio	Snyder, D. W.
Boyes	Godshall	Michlovic	Staback
Brown	Gordner	Micozzie	Stairs
Bunt	Gruitza	Mihalich	Steelman
Bush	Gruppo	Miller	Steighner
Butkovitz	Hanna	Mundy	Steil
Buxton	Harley	Murphy	Stern
Caltagirone	Hasay	Nailor	Stetler
Cappabianca	Heckler	Nickol	Stish
Carn	Hennessey	Nyce	Strittmatter
Carone	Herman	O'Brien	Sturla
Cawley	Hershey	O'Donnell	Surra
Cessar	Hess	Olasz	Tangretti
Chadwick	Hughes	Oliver	Taylor, E. Z.
Civera	Hutchinson	Perzel	Taylor, J.
Clark	Itkin	Pesci	Thomas
Clymer	Jadlowiec	Petrarca	Tigue
Cohen, L. I.	James	Petrone	Tomlinson
Cohen, M.	Jarolin	Pettit	Trello
Colafella	Josephs	Phillips	True
Colaizzo	Kaiser	Piccola	Tulli
Cornell	Kasunic	Pistella	Uliana
Corrigan	Keller	Pitts	Vance
Cowell	Kenney	Platts	Van Horne
Coy	King	Preston	Veon
Curry	Kirkland	Raymond	Vitali
Daley	Krebs	Reber	Waugh
DeLuca	Kukovich	Reinard	Williams
Dempsey	LaGrotta	Richardson	Wogan
Dent	Laub	Rieger	Wright, D. R.
Dermody	Laughlin	Ritter	Wright, M. N.
Donatucci	Lawless	Roberts	Yandrisevits
Druce	Lederer	Robinson	Yewcic
Durham	Lee	Roebuck	Zug
Egolf	Leh	Rohrer	
Evans	Lescovitz	Rooney	DeWeese, Speaker
Fairchild	Lvdansky	Rubley	
Fajt			

NAYS—0

NOT VOTING—0

EXCUSED—4

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

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

The House proceeded to third consideration of **SB 298, PN 1149**, entitled:

An Act establishing the Agricultural Advisory Board in the Department of Environmental Resources and prescribing its powers; and providing for review by the board of certain proposed rules and regulations.

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—197

Acosta	Fajt	Levdansky	Rudy
Adolph	Fargo	Linton	Ryan
Allen	Farmer	Lloyd	Santoni
Argall	Fee	Lucyk	Sather
Armstrong	Fichter	Lynch	Saurman
Baker	Fleagle	Maitland	Saylor
Barley	Flick	Manderino	Scheetz
Battisto	Freeman	Markosek	Schuler
Bebko-Jones	Gamble	Marsico	Scrimenti
Belardi	Gannon	Masland	Semmel
Belfanti	Geist	Mayernik	Serafini
Birmelin	George	McCall	Smith, B.
Bishop	Gerlach	McGeehan	Smith, S. H.
Blaum	Gigliotti	McNally	Snyder, D. W.
Boyes	Gladeck	Melio	Staback
Brown	Godshall	Michlovic	Stairs
Bunt	Gordner	Micozzie	Steelman
Bush	Gruitza	Mihalich	Steighner
Butkovitz	Gruppo	Miller	Steil
Buxton	Hanna	Mundy	Stern
Caltagirone	Harley	Murphy	Stetler
Cappabianca	Hasay	Nailor	Stish
Carn	Heckler	Nickol	Strittmatter
Carone	Hennessey	Nyce	Surra
Cawley	Herman	O'Brien	Tangretti
Cessar	Hershey	O'Donnell	Taylor, E. Z.
Chadwick	Hess	Olasz	Taylor, J.
Civera	Hughes	Oliver	Thomas
Clark	Hutchinson	Perzel	Tigue
Clymer	Itkin	Pesci	Tomlinson
Cohen, L. I.	Jadlowiec	Petrarca	Trello
Cohen, M.	James	Petrone	True
Colafrilla	Jarolin	Pettit	Tulli
Colaizzo	Josephs	Phillips	Uliana
Cornell	Kaiser	Piccola	Vance
Corrigan	Kasunic	Pistella	Van Horne
Cowell	Keller	Pitts	Veon
Coy	Kenney	Platts	Vitali
Curry	King	Preston	Waugh
Daley	Kirkland	Raymond	Williams
DeLuca	Krebs	Reber	Wogan
Dempsey	Kukovich	Reinard	Wright, D. R.
Dent	LaGrotta	Rieger	Wright, M. N.
Dermody	Laub	Ritter	Yandrisevits
Donatucci	Laughlin	Roberts	Yewcic
Druce	Lawless	Robinson	Zug
Durham	Lederer	Roebuck	
Egolf	Lee	Rohrer	DeWeese,
Evans	Leh	Rooney	Speaker
Fairchild	Lescovitz	Rublely	

NAYS—0

NOT VOTING—2

Richardson Sturla

EXCUSED—4

Haluska Merry Trich Wozniak

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

* * *

The House proceeded to third consideration of **HB 1341, PN 1612**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for a performance evaluation of the Pennsylvania Community Work Program; providing for the New Directions Jobs Program and for employment and training programs for the transitionally needy and for referral to Pennsylvania Conservation Corps; establishing an exemption for education savings accounts; creating the Assistance Recipient Identification Program; establishing a residency requirement and requiring residency date collection; further providing for determination of paternity and enforcement and for Federal benefits as the primary source of assistance; ensuring aid to families with dependent children eligibility for children; requiring prior authorization for home health services; further providing for medical assistance payments and for Medicaid fraud; providing for certain purchases of private insurance, for certain purchases of laboratory and medical supplies and mail order prescriptions, for maximization of Federal funds for children's nutrition and drug and alcohol treatment and for independent disability determinations; removing the limit on the Employment Fund for the Blind; further providing for employment incentive payments; and making a repeal.

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

The SPEAKER. The gentleman, Mr. Snyder, is recognized for amendment 1220, which the clerk will read.

The Chair recognizes the gentleman, Mr. Snyder.

Mr. SNYDER. Mr. Speaker, that amendment has been withdrawn. The only amendment I was introducing to this bill was amendment 1403.

The SPEAKER. Amendment 1403, which the clerk will read.

The Chair thanks the gentleman.

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

Mr. SNYDER offered the following amendments No. A1403:

Amend Sec. 7, page 12, lines 19 and 20, by striking out "by adding a paragraph"

Amend Sec. 7 (Sec. 443.1), page 12, line 22, by striking out "Care.—The" and inserting

Care.—(a) The

Amend Sec. 7 (Sec. 443.1), page 12, line 25, by striking out all of said line and inserting

(1) The reasonable cost of inpatient hospital care, as specified by regulations of the department adopted under Title XIX of the Federal Social Security Act and certified to the

department by the Auditor General for a bed patient on a continuous twenty-four hour a day basis in a multi bed accommodation of a hospital, exclusive of a hospital or distinct part of a hospital wherein twenty-five percent of patients remain six months or more. To be eligible for such payments a hospital must be qualified to participate under Title XIX of the Federal Social Security Act and have entered into a written agreement with the department regarding matters designated by the secretary as necessary to efficient administration, such as hospital utilization, maintenance of proper cost accounting records and access to patients' records. Such efficient administration shall require the department to permit participating hospitals to utilize the same fiscal intermediary for this Title XIX program as such hospitals use for the Title XVIII program;

(2) The cost of skilled nursing and intermediate nursing care in State-owned geriatric centers, institutions for the mentally retarded, institutions for the mentally ill, and in county homes which meet the State and Federal requirements for participation under Title XIX of the Federal Social Security Act and which are approved by the department. This cost in county homes shall be as specified by the regulations of the department adopted under Title XIX of the Federal Social Security Act and certified to the department by the Auditor General; elsewhere the cost shall be determined by the department;

(3) Rates on a cost-related basis established by the department for skilled nursing home or intermediate care in a non-public nursing home, when furnished by a nursing home licensed or approved by the department and qualified to participate under Title XIX of the Federal Social Security Act;

(4) The cost of care in any mental hospital or in a public tuberculosis hospital. To be eligible for such payments a hospital must be qualified to participate under Title XIX of the Federal Social Security Act and have entered into a written agreement with the department regarding matters designated by the secretary as necessary to efficient administration, such as hospital utilization, maintenance of proper cost accounting records and access to patients' records. Care in a private mental hospital shall be limited to sixty days in a benefit period. Only persons aged twenty-one years or under and aged sixty-five years or older shall be eligible for care in a public mental or tuberculosis hospital. This cost shall be the reasonable cost, as determined by the department for a State institution or as specified by regulations of the department adopted under Title XIX of the Federal Social Security Act and certified to the department by the Auditor General for county and non-public institutions.

Amend Sec. 7 (Sec. 443.1), page 12, line 26, by striking out "(5)" and inserting

(b)

Amend Sec. 7 (Sec. 443.1), page 13, by inserting between lines 5 and 6

(c) Medical assistance funded patients and residents in skilled nursing and intermediate care facilities, institutions for the mentally retarded, institutions for the mentally ill, and in county homes shall receive a personal needs allowance deduction of a monthly minimum amount of forty dollars (\$40) in 1993, plus an annual adjustment to reflect an increase of five dollars (\$5) for each year for the years 1994 through 1997 to meet personal needs. The department shall amend its regulation to conform to this subsection.

On the question,

Will the House agree to the amendments?

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

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is being introduced on behalf of the residents of our various State institutions, nursing homes, county homes, and patients and residents of various skilled nursing and intermediate care facilities in Pennsylvania.

Mr. Speaker, these are for the residents of these institutions who are receiving medical assistance for the cost of their care. Under the requirements for medical assistance, all of their lifetime assets have already been depleted in order to qualify for medical assistance reimbursement to the facility. As a result, Mr. Speaker, the residents and patients have no other assets of their own.

In 1986, by regulation, the Department of Welfare increased the personal care needs allowance for residents and patients in these institutions to \$30 a month. Out of this \$30 a month, Mr. Speaker, the residents and patients must pay for their clothing, their hearing aids, eyeglasses, dentures, repair of their equipment such as wheelchairs, as well as their many other sundry and miscellaneous items such as the ability to purchase a newspaper, a soda, or a candy bar.

Mr. Speaker, not only are these people in poverty but they are also restricted to less than \$1 a day for spending for necessities. This amendment would increase that allowance to a minimum of \$40 in 1993, and over the next 4 years, increase it by \$5 a month annually, to a total of \$60 a month by the year 1997, which would correspond to the similar allowance that is allowed under the SSI (supplemental security income) program at the Federal level.

Mr. Speaker, I am introducing this to bring attention to the need to bring the personal care needs allowance up to meet the needs of our residents. To ask this legislature for an additional 15 cents a day for people in these facilities, I think, is a very small token of need that we can address. Thank you, Mr. Speaker.

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

Mr. EVANS. Mr. Speaker, what the gentleman just expressed, he and I had some conversation about it. I indicated to him that I would be willing to work with him regarding this particular issue and that I understand the sensitivity of this particular issue and that clearly it is something that the Commonwealth needs to address.

Mr. Speaker, I also indicated to the gentleman that I would be prepared to work with him through the budget process in terms of attempting to address this particular issue. Thank you.

The SPEAKER. The Chair thanks the gentleman.

AMENDMENTS WITHDRAWN

The SPEAKER. Mr. Snyder is recognized.

Mr. SNYDER. Mr. Speaker, based on the assurance from the chairman of the Appropriations Committee that this is an item that can and should be addressed through the budgetary process, I would certainly like to honor his request, and at this time I would withdraw the amendment, pending the outcomes of the budget deliberations during the next month. Thank you.

The SPEAKER. The Chair thanks the gentleman, and the amendment is withdrawn.

On the question recurring,

Will the House agree to the bill on third consideration?

Mrs. TAYLOR offered the following amendments No. A1333:

Amend Sec. 3, page 7, line 28, by inserting after "Sections" 432(3)(i)(B),

Amend Sec. 3, page 7, by inserting between lines 29 and 30 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), 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.

(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 be limited to:

* * *

(B) A person who is over [forty-five] fifty-five years of age.

* * *

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes Representative Taylor.

Mrs. TAYLOR. Thank you very much, Mr. Speaker.

I believe that the amendment is clearly stated. I would add that the amendment does increase the age from 45 to 55, at which time persons could then be considered chronically needy.

At the present time, we consider chronically needy over the age of 45, which means that they are covered for 12 months. The adoption of this amendment would move those in the category of 45 to 55 to transitionally needy, and we know that that would be a 3-month coverage period. The change is offered because the population is aging and the people continue to be very active and productive past the age of 45, and in some cases, even 55.

I believe that the ranks of the transitionally needy should be expanded to include those who are under 55. I know we hear a lot about costs. Everything is certainly not equated by money, but this amendment will save \$30 million, and I do not think that it is an antipersonal, an anticaring amendment. I believe that it is very realistic at this stage of the game, and I would urge your support. Thank you very much.

The SPEAKER. The Chair thanks the lady.

Chairman Evans of Philadelphia is recognized.

Mr. EVANS. Mr. Speaker, the sponsor of this amendment says that it is not always about cost, and unfortunately, that is all it is about.

When you start talking about welfare reform, you have to understand that somebody has to pick up the responsibility. It is not like you can just eliminate something and people will not have to pick it up. Let us talk about who will have to pick it up. Let us talk about your hospitals; let us talk about your county governments; let us talk about your townships; let us talk about your boroughs; let us talk about the villages; let us talk about the cities. Let us talk about that somebody has to pick up that responsibility.

So let us not be under any illusion when we take a State action that there will not be some other kind of action, because

it is incorrect thinking to sit back and think that you can take this kind of action and it will not have an impact on local government. It will absolutely have an impact on local government. Yes, on one hand, it looks like it may be a savings to the State, but on the other hand, there will be a shifting of dollars in some other categories to pick up this responsibility.

So I say to you, Mr. Speaker, that if the gentlelady from Chester County was sincere about welfare reform, there is a way to do it, and the way that we do it in this bill, Mr. Speaker, is we target work programs towards transitionally needy; we put language in the job contracting; we set up residence requirements, Mr. Speaker. We do those kinds of things to try to move people from being dependent to independent rather than just making an arbitrary decision, Mr. Speaker, about moving a certain line for the purpose of what is viewed as a savings to the Commonwealth of Pennsylvania, which in return will not be a savings to the Commonwealth of Pennsylvania because the Commonwealth of Pennsylvania, Mr. Speaker, will have to pick up that cost. There is no way, Mr. Speaker, that the Commonwealth of Pennsylvania will be exempt from picking up a cost or responsibility. The only thing you have to do is talk to your local county commissioners, your local mayors, your local council people.

One of the reasons we do the Human Services Development Fund, Mr. Speaker, is for the purpose of having flexible money so that local governments can pick up that responsibility. So, Mr. Speaker, I think it will be a mistake to think that you can make this change and it will not have any effect. It absolutely will have an effect.

The second thing I say to you, Mr. Speaker, is when you begin to look at the nature of the economy, when you look at Pennsylvania, which has moved from a heavy-industry type of economy to a service-oriented type of economy, where exactly do these people go, Mr. Speaker? What exactly do we do to make sure that these people have the transition into being productive citizens so that they move off the welfare rolls onto the tax rolls? What is the exact answer that we have here, Mr. Speaker?

I am the first one to say to you, Mr. Speaker, that the welfare system does not work and it needs to change. I say that, and I will say that continuously throughout this debate.

But, Mr. Speaker, this suggested amendment is not an answer to the particular problem. This, Mr. Speaker, only cost-shifts to hospitals, to local governments, in terms of them picking up that responsibility. So I hope, Mr. Speaker, that members on this floor just do not vote for this and say, well, let us vote for this and let us send it to the Senate, because the Senate will take it out.

Mr. Speaker, we have got a responsibility here. We should take that responsibility very seriously, and I hope we will be negative on the Taylor amendment. Thank you.

The SPEAKER. Does Representative Taylor seek recognition for the second time?

Mrs. TAYLOR. I will wait if someone else is going to speak.

The SPEAKER. Chairman Richardson. The gentleman from Philadelphia, Mr. Richardson, is recognized.

Mr. RICHARDSON. Mr. Speaker, I rise to oppose this amendment, A1333.

In our committee I want to say that we had an opportunity to discuss this particular amendment. This hits at the heart of those individuals who are 45 to 55, the most vulnerable individual citizens within our Commonwealth who happen to fall in this category whom we are going after in this amendment.

It seems to me that if we want to legally deal with those who are transitionally needy, it is ironic that this amendment now calls for those persons from 45 to 55, in this category, to be added so that now those individuals who are hard to get jobs for between the ages of 18 to 45, that we are going to extend that now to age 55. It is clear that we have a responsibility when we are looking at the fact that we are talking about 20,000 recipients that fall in this category.

Under the Social Security Act, you will find that you have a lot of discrimination particularly between the ages of 45 to 55 because these are the most vulnerable citizens that you have out there who in fact need to get a job but cannot. I mean, where else can you go now to try to find a job for individuals who are 45 to 55, who have worked 20 or 30 years, who get disability for a back hurt or because they have worked on their jobs and now cannot come back out into the job market and find a job? They are not readily easy. We have not retrained a number of category areas, which is why we have been pushing this job training bill, to try to help deal with reeducating people and trying to reclassify them in other areas.

This disability factor is dealing with those who are considered to be even the most illiterate or unskilled in those areas. When you look at that, it is clearly dealing with the fact that a number of people need assistance and need help in obtaining jobs. If we take this up to age 55, we are guaranteeing that these individuals will have no place to hang their head and no opportunity to get a job, and I do not think that we want to do that. I think we should support the amendments that deal with trying to give jobs to people in the Commonwealth of Pennsylvania, not take punitive actions against those individuals who cannot defend themselves.

Mr. Speaker, it is also clear that the gentelady who is offering this amendment has those same kinds of individuals within her own legislative district, and many of you do the same; about 1,300 with no opportunity for any job whatsoever, no food, no income, no opportunity to be able to do anything that would help support that individual person trying to find a job when there are no jobs for them to seek. We cannot afford in the Commonwealth of Pennsylvania to crase these individuals out of the job market by moving the transitionally needy from 45 to 55, and I oppose the amendment.

The SPEAKER. The gentleman from Lancaster County, Mr. Strittmatter, is recognized.

Mr. STRITTMATTER. Thank you, Mr. Speaker.

I rise to support the amendment.

I would like to join the lady in making the point and also contradicting the last gentleman. Why is it that we want to distinguish those people that are 45 as being worthless, over the hill, finished? If people are able to get work, why are we going to be able to send them a message saying, oh, you have reached 45; I guess you are on the downward side now and that now the State is going to have to take care of you for the rest of your life?

We are talking about allowing people to regain their dignity and the fact that we should have programs in the State that are geared for those people that fall between 45 and 55 and not have the State help in making that transition for those people that find themselves in the ages of 45 to 55 and needing to start a new career. I think it sends the wrong message to all of these people who find themselves in these straits, who have to be on welfare, to say, oh, I am 45 so I guess I must give up.

I would ask for support of this amendment. Thank you.

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

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

Mr. Speaker, as I sat here and listened to the debate on the current amendment, it occurred to me that very often we here in State government complain about the Federal Government passing on Federal mandates, and we know that many of our local county commissioners and local mayors have often been concerned about the State creating mandates in which we put the financial burdens on local government but yet we fail to send them the resources to handle those mandates.

Even though it appears that we may be cutting the welfare rolls and we may in fact save some money from the State budget, in essence what we are doing is just creating another transfer payment, and we are creating a transfer payment without the money but with the responsibility, because what we in fact are doing is saying to the county commissioners, to all the local mayors, that we are going to increase your homelessness, that we are going to increase all the responsibilities of handling those who were formerly on the welfare rolls and who are now going to be transitionally needy; we are going to make sure that we do not send you any revenues because we are cutting our budget, we are making a savings in the State's budget, but we are going to put the responsibilities on you at the local level for taking on the welfare of those individuals.

So once again we are in fact creating a State mandate without sending the resources, and all of you, I know, in the past several years have been concerned about overburdening local government, particularly without giving them the tax reform they need to be able to generate the revenues. Well, this is just another instance in which we are doing that, so therefore, I ask for a negative vote on the Taylor amendment. Thank you, Mr. Speaker.

The SPEAKER. Chairperson Taylor is recognized.

Mrs. TAYLOR. Thank you, Mr. Speaker.

You mentioned earlier that this was rough-and-tumble. I am pleased to report that Chairman Richardson and I are trying to give leadership to the Health and Welfare Committee, and Representative Richardson and I represent very different

constituencies, but through our leadership and through the discussion in the committee, we were able to come up with a tie vote, so right now Representative Richardson and I are in a tied position.

Mr. Speaker, today is welfare reform—I will repeat that—welfare reform, not business as usual, not business as usual.

Mr. Speaker, it was 10 or 11 years ago that the age 45 was arbitrarily named. We have in the past 10 years seen a healthier population in that 45-to-55 group. We have seen able-bodied men and women who want to work. We have seen the want ads that go unanswered every day in the paper. We have tried to get the message across that not everybody starts at the top.

Savings from this bill, which I would like to thank the majority Appropriations chairman for putting it in my hands approximately 10 minutes ago, so when I said it was a saving of \$30 million, I was wrong. The maker of this bill, the sponsor of this bill, the Appropriations chairman, tells me it is a savings of \$36.9 million. There will be a shift in personnel. The money that is saved will go into training programs. The money that is saved will help these people be contributing members of society.

The whole thrust of welfare reform, in my opinion, on both sides of the aisle, is getting people into the workforce, removing them from the welfare rolls. The Governor has charged the task force with this particular objective.

So I say today that with passage of this amendment, this House will be speaking to the people of Pennsylvania, saying we are not here for business as usual, we are not here to carry on the traditions of the past; we are here to make a step forward in welfare reform, and, Mr. Speaker, this is the first way to do it, and I urge your support.

The SPEAKER. The gentleman from Luzerne County, Tom Tigue.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I stand to support the Taylor amendment.

I think it is very simple. There is no reason why people who are between the ages of 45 and 55 should be allowed to collect welfare because an arbitrary figure of 45 years of age was chosen. This does not say they cannot obtain any public assistance because they can under the transitionally needy.

It is incumbent upon us, as the previous speakers have said, to reform the welfare system. Let us extend from 18 to 55 that those people have got to do something besides sit down and forever collect welfare. There is no reason why someone between the ages of 46 and 55 should have benefits far in excess of people between the 18-and-45 age range.

I would ask that you support this amendment. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Evans, is recognized for the second time.

Mr. EVANS. Mr. Speaker, the two previous speakers, there is no question that I would not disagree that it does not necessarily have to be business as usual. But clearly again, Mr. Speaker, there has to be an answer to the problem.

The approach of HB 1341 attempts to target transitionally needy in a way of moving them towards jobs. Mr. Speaker, neither of the last two people who spoke to you have an answer to that particular problem. Mr. Speaker, they both have indicated to you that just arbitrarily we are just making a decision to move a certain age group, and as a result of moving the certain age group, we are not dealing with the issue about exactly what happens with these people.

Mr. Speaker, that last gentleman who spoke can also tell you that he was here during the years when we changed the welfare system and the question of homelessness and the question of jobs have gone down and homelessness has gone up.

Mr. Speaker, again, I do not mind changing the system if you have got an answer to how you are going to change the system in a constructive way, Mr. Speaker. I spoke to the fact that we have job training. I spoke to the fact that we put language in job contracts. I spoke to the fact, Mr. Speaker, that we have built provisions in this bill that target the transitionally needy category. Mr. Speaker, Chester County has 1,500 chronically needy. Would it be fair to assume that many of these people will lose their 12-month benefit? Exactly what will happen in Chester County at this particular point? What will be the answer, Mr. Speaker, to this particular problem?

I am sharing with you, Mr. Speaker, that I do not disagree that people should not sit around and collect welfare. The only thing I am trying to say, Mr. Speaker, is that there has to be some kind of an answer to exactly what happens with these people and exactly what opportunities are there and available. I am saying to you, Mr. Speaker, we have not been generating those kinds of jobs and making them available for that age group.

So again, I would be against this amendment. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Richardson, for the second time.

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

Mr. Speaker, I cannot emphasize enough, this is sexy, it sounds slick, it sounds hip, but it does exactly nothing to help those individual persons other than take punitive actions against those in this Commonwealth who cannot defend themselves.

If we eliminate this section for those individual persons who presently are now in the TN category, which is transitionally needy, none of these individuals would qualify for the program to even get a job because they would be wiped out completely.

The other thing is that if you are released from prison, you now get 3 months to have an opportunity to be able to have some money for 3 months out of a year to try to get yourself back on track before you can find a job. Those without in this area, mainly having no money, have no safety net, no place to go. We are talking about 8.6 percent unemployment for those with job skills here within the Commonwealth of Pennsylvania. We are forcing a situation that we do not have to force here today. You talk about cruel and unusual punishment. Here are

for the first time many counties in this Commonwealth who have double-digit unemployment and cannot take care of those persons who are unemployed, who are not on welfare now but are on unemployment, who are going to eventually wind up on the welfare rolls after their unemployment runs out.

I would suggest to you, Mr. Speaker, that a majority of the persons that we are talking about in this Commonwealth of Pennsylvania who fall in the category of transitionally needy are a majority rule and white, and unfortunately, many people do not want to recognize that within this Commonwealth. Many of them come from your districts that impact directly on your people and those individuals who get hit the hardest.

You may not want to deal with that, but I can give you a statistic. A gentleman from Venango County, 46 years of age, was a former truck driver. He has no transportation, he is homeless now, and he cannot get a job. This would impact directly on that individual because he has not been able to get a job in 18 months, and he is in the loop for those individual programs that allow you to sign up on programs and go see about a job but he has not been able to find one in 18 months.

I would suggest to you, Mr. Speaker, this is a very dangerous piece of legislation to go after those individual persons who have no safety net, and I would ask for a negative vote on the amendment.

The SPEAKER. The Chair recognizes the gentleman from Blair County, Mr. Geist.

Mr. GEIST. Thank you, Mr. Speaker.

Just to remind Mr. Richardson that when he always says "he," it also could be "she." Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—122

Adolph	Fargo	Lee	Sather
Allen	Farmer	Leh	Saurman
Argall	Fichter	Lynch	Saylor
Armstrong	Fleagle	Maitland	Scheetz
Baker	Flick	Markosek	Schuler
Barley	Gamble	Marsico	Semmel
Belfanti	Gannon	Masland	Serafini
Birmelin	Geist	Mayernik	Smith, B.
Boyes	Gerlach	McGeehan	Smith, S. H.
Brown	Gigliotti	Micozzie	Snyder, D. W.
Bunt	Gladeck	Miller	Stairs
Bush	Godshall	Nailor	Steelman
Butkovitz	Gordner	Nickol	Steil
Buxton	Gruppo	Nyce	Stern
Carone	Hanna	O'Brien	Stish
Cessar	Harley	O'Donnell	Strittmatter
Chadwick	Hasay	Olasz	Taylor, E. Z.
Civera	Heckler	Perzel	Taylor, J.
Clark	Hennessey	Pesci	Tigue
Clymer	Herman	Pettit	Tomlinson
Cohen, L. I.	Hershey	Phillips	True
Cornell	Hess	Piccola	Fulli
DeLuca	Hutchinson	Pitts	Uliana
Dempsey	Jadlowiec	Platts	Vance
Dent	Jarolin	Raymond	Vitali
Donatucci	Kaiser	Reber	Waugh
Druce	Kenney	Reinard	Wogan

Durham	King	Roberts	Wright, M. N.
Egolf	Krebs	Rohrer	Yandrisevits
Fairchild	Laub	Ryan	Zug
Fajt	Lawless		

NAYS—75

Acosta	Fee	Manderino	Rudy
Battisto	Freeman	McCall	Santoni
Bebko-Jones	George	McNally	Scrimenti
Belardi	Gruitza	Melio	Staback
Bishop	Hughes	Michlovic	Steighner
Blaum	Itkin	Mihalich	Stetler
Caltagirone	James	Mundy	Sturla
Cappabianca	Josephs	Murphy	Surra
Carn	Kasunic	Oliver	Tangretti
Cawley	Keller	Petrarca	Thomas
Cohen, M.	Kirkland	Petrone	Trello
Colafella	Kukovich	Pistella	Van Horne
Colaizzo	LaGrotta	Preston	Veon
Corrigan	Laughlin	Richardson	Williams
Cowell	Lederer	Rieger	Wright, D. R.
Coy	Lescovitz	Ritter	Yewcic
Curry	Linton	Robinson	
Daley	Lloyd	Roebuck	DeWeese,
Dermody	Lucyk	Rooney	Speaker
Evans			

NOT VOTING—2

Levdansky	Rubley
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EXCUSED—4

Haluska	Merry	Trich	Wozniak
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The question was determined in the affirmative, and the amendments were agreed to.

FILMING PERMISSION

The SPEAKER. The Chair would like to inform the members of the House that Ron Rickens of WPVI channel 6 will be filming the welfare legislation today.

CONSIDERATION OF HB 1341 CONTINUED

PARLIAMENTARY INQUIRY

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

Mr. GANNON. A point of parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman is in order and will state his point.

Mr. GANNON. Mr. Speaker, on a question of— If a member were to raise the issue of constitutionality on the bill itself, when would be the appropriate time to do that? Could that be done at any time or would we have to wait until all amendments had been considered?

The SPEAKER. Final passage of the bill.

Mr. GANNON. Thank you, Mr. Speaker.

The SPEAKER. You are welcome.

On the question,

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

Mr. FLICK offered the following amendments No. A1224:

Amend Title, page 1, line 9, by inserting after "PROGRAM;"

further providing for eligibility for assistance;

Amend Title, page 1, line 14, by inserting after "children;" further providing for eligibility determinations for the medically needy;

Amend Title, page 1, line 23, by striking out "a repeal." and inserting

repeals.

Amend Sec. 3, page 7, line 28, by inserting after "Sections" 432(3)(i)(H) and (I) and (iii).

Amend Sec. 3, page 7, by inserting between lines 29 and 30 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), 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.

(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 be limited to:

* * *

(H) Any person who has previously been employed full time [for at least forty-eight months out of the previous eight years] and has exhausted his or her unemployment compensation benefits prior to applying for assistance.

[(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 and who has not refused a bona fide job offer or otherwise failed to comply with all employment requirements of this act and regulations promulgated thereunder. 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 clause except when such person has been terminated from employment through no fault of his own and has not met the minimum credit week qualifications of the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the "Unemployment Compensation Law." If it is determined that the classification of persons according to their status on the date of enactment as provided in this clause is invalid, then the remainder of this act shall be given full force and effect as if this clause had been omitted from this act, and individuals defined in this clause shall be considered transitionally needy if otherwise eligible. No person shall qualify for general assistance under this clause after December 31, 1982.]

* * *

[(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 only once in any twelve-month period in an amount not to exceed the amount of ninety days' assistance.]

* * *

Amend Bill, page 12, by inserting between lines 18 and 19 Section 7. Section 442.1 of the act, amended April 8, 1982 (P.L.231, No.75), 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 if otherwise eligible.]

Amend Sec. 7, page 12, line 19, by striking out "7" and inserting

8

Amend Sec. 8, page 13, line 6, by striking out "8" and inserting

9

Amend Sec. 9, page 14, line 19, by striking out "9" and inserting

10

Amend Sec. 10, page 15, line 16, by striking out "10" and inserting

11

Amend Sec. 11, page 19, line 3, by striking out "11" and inserting

12

Amend Sec. 11 (Sec. 491), page 23, lines 9 and 10, by striking out "or transitionally"

Amend Sec. 12, page 26, line 19, by striking out "12" and inserting

13

Amend Bill, page 28, lines 12 through 14, by striking out all of said lines and inserting

Section 14. (a) The following acts and parts of acts are repealed insofar as they provide job training or grants for persons classified as transitionally needy:

Act of July 13, 1987 (P.L.332, No.62), known as the Project Independence Act.

Act of July 13, 1987 (P.L.342, No.65), known as the Employment Opportunities Act.

(b) Section 1701-A of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, is repealed.

Amend Sec. 14, page 28, line 15, by striking out "14" and inserting

15

Amend Bill, page 28, by inserting between lines 19 and 20

Section 16. (a) The amendment affecting transitionally needy individuals in section 491(b) of the act shall only apply to persons applying for employment on or after the effective date of the amendment of section 491 of the act.

(b) The repeals under section 14(a) of this act shall apply prospectively and shall not affect any job training program or grant entered into on or before the effective date of section 17 of this act.

Amend Sec. 15, page 28, line 20, by striking out "15" and inserting

17

Amend Sec. 15, page 28, by inserting between lines 22 and 23

(2) This section shall take effect immediately.

Amend Sec. 15, page 28, line 23, by striking out "(2)" and inserting

(3)

On the question,

Will the House agree to the amendments?

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

Mr. FLICK. Thank you, Mr. Speaker.

Mr. Speaker, last year, about this time of the year, in the spring, I was driving home from Harrisburg—

POINT OF ORDER

Mr. LLOYD. Point of order, Mr. Speaker. Point of order.

The SPEAKER. The gentleman is recognized and may state his point.

Mr. LLOYD. Mr. Speaker, I realize that somewhere on my desk I probably, in a packet, have this amendment. The rules indicate that we are supposed to know what we are voting on. I realize that it is difficult when you have got three or four packets, but for the last 2 days members have been scrambling trying to find where these amendments are.

I would suggest that we have an identification either by the reading clerk or by the member when he introduces his amendment or by the Chair as to what packet we are to look at so that we can listen to the argument with the benefit of having the amendment in front of us and not spend 2 minutes looking for the amendment and miss the point of the gentleman's argument. Thank you.

The SPEAKER. That information is currently not available. It could be assembled, and the Chair would ask the floor managers of the bill, ask the floor managers of the bill — Mr. Evans and Mr. Richardson and Mr. Lloyd — to at least chat with the Chair at the lunch break relative to Mr. Lloyd's request. Mr. Richardson, Mr. Evans, Mr. Lloyd, please chat with the Chair at the commencement of the lunch break.

On the Flick amendment, the gentleman may proceed.

This is amendment A1224.

Mr. FLICK. Thank you, Mr. Speaker.

As I was saying, approximately 1 year ago in the spring I was traveling home from the capital back to Chester County. Mr. Speaker, there was a hitchhiker on the road. It was late at night. I thought I would give him a ride.

We started having a conversation as we headed through Lancaster County, and this individual told me he was coming from Florida where he had spent the winter and he expected to visit the county assistance office the following day to apply for cash assistance and to check things out. He had no intention of residing in Pennsylvania any longer than the summer months, at which time he was heading back to Florida because it got too cold here.

Now, Mr. Speaker, last night we offered a number of residency requirement amendments. Unfortunately, members on the other side of the aisle were more interested in the subject matter of the welfare lien bill, and I do not regret them for taking that stance, but today is another day, Mr. Speaker, and today we have the opportunity to vote on true welfare reform.

Mr. Speaker, my amendment does not deal with residency. My amendment goes right to the heart of welfare reform. My amendment is an amendment that would allow individuals who have a work history, who have exhausted their unemployment compensation benefits and find themselves unable to provide for their families because they do not qualify for welfare. Well, Mr. Speaker, my amendment would allow them to qualify, and my amendment would allow these individuals who have a history of working to qualify and to help these individuals out, and it would remove from the ranks the transitionally needy,

which are individuals who are single, between the ages of 18 and 45; they are individuals with no dependents; they are individuals like the hitchhiker I picked up from Florida who immediately qualified when he hit the welfare office the next day.

Mr. Speaker, I wonder what these individuals do for 9 months out of the year when they do not qualify. Quite possibly there are others that leave our State and travel to another State to qualify there. Mr. Speaker, there are individuals who know the ropes and know how to qualify to receive cash assistance, to receive medical assistance. These individuals appear on the welfare rolls for their 90 days, and then they seem to be able to take care of themselves.

But, Mr. Speaker, right now we do not have any program for the unemployed workers in the Mon Valley who traveled here yesterday and who do not qualify, and I think that we should be dealing with them. If we are going to have true welfare reform, let us help the workers that have lost their ability to provide for their families and let us remove the transitionally needy.

Today is a new day, Mr. Speaker. I hope some of my colleagues from the other side of the aisle see the light. I am told that it is a sunny day though there are clouds, and I am told that everybody wants to get out of here earlier today than yesterday. So I urge your support of my amendment, and I thank you for your time and your indulgence.

The SPEAKER. The gentleman from Monessen, Pennsylvania, Mr. Mihalich.

Mr. MIHALICH. Mr. Speaker, for those of us who had difficulty following the gentleman's argument and the written amendment, it is in packet 3, and what the most confusing part is, it is not listed as his amendment; it is listed as the E. Z. Taylor amendment, 1224.

The SPEAKER. The gentleman from Philadelphia, Mr. Evans, is recognized.

Mr. EVANS. Mr. Speaker, we should be very clear of how we are going to deal with this debate, because if we are going to get into telling stories about picking up people on the road, talking about individual situations, let us just talk about a couple of situations.

Under this situation, Mr. Speaker, if this bill becomes law, that individual, there is a 30-day residency requirement. Currently, Mr. Speaker, as the gentleman has mentioned, you have to show proof of residency. You have to have income criteria. Mr. Speaker, there are a number of requirements that are established currently in State law, so when the gentleman says to you he is riding down the road—and one, he probably should have never picked that person up, because I do not think he is supposed to be picking up hitchhikers—I think we need to look at the facts of the matter, that again, here is an exaggeration.

I raise the very same issue as I raised before, that the talk about this cost shifting, exactly who will be responsible for picking up this cost, Mr. Speaker? I go back to what I said to you before — hospitals, boroughs, townships, local government. Mr. Speaker, it sounds great, but the reality of it is, Mr.

Speaker, someone has to pay for it, and the bottom line is, Mr. Speaker, it is your local officials who have to take that responsibility.

The gentleman clearly does not give an answer to solving the problem about the 40,000 people that are in this category. In this bill, Mr. Speaker, we talk about job training; we talk about putting language in job contracts; we talk about those kinds of things that target it towards transitionally needy. We do not just say arbitrarily, Mr. Speaker, that we need to eliminate this category and as a result of eliminating this category, it is going to go away because, quote, unquote, "There have been some people who have been abusive of the system." But that story may sound nice and cute, Mr. Speaker, but that is not reality, and I am saying to you, Mr. Speaker, as I have said before, there has to be a constructive way to make a change in the system, and I would be opposed to the Flick amendment. Thank you, Mr. Speaker.

The SPEAKER. Mr. Richardson is recognized.

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

Mr. Speaker, I stand before the members of this House of Representatives today to indicate to them that on one hand you take a bill and you take an amendment and you say you want to move the transitionally needy from 45 to 55, and then in the next breath you say you want to wipe them out altogether. You cannot have it both ways.

It has got to be made very clear. When we talk about eliminating this category altogether, you are talking about individual people here in this Commonwealth who have nothing at all. You already moved the eligibility limit from 45 to 55 in the last amendment; now you want to wipe out the entire section altogether. It seems to me that it is clear that members do not want to hear any of the true welfare reform packages that are being dealt with. All we want to deal with is taking punitive action against those individuals who are out there who are— By the way, when you talk about those who get over on the system, you are talking about 3.5 percent maybe, and we have one of the best fraud units in this Commonwealth, run over there right now by the Department of Public Welfare, that catches a number of these individuals who try and get over on the system. Here we are taking an amendment to wipe out an entire category and say that we are doing it on the basis and the need to be able to deal with those individuals who are trying to freeloader off the system who are not dealing with eligibility.

Now, I know that no matter what we say, the perception in the minds of those who are here is going to use the same compelling argument, that we have to vote for it because our people back home want to see us vote for some kind of change. This is punitive action. This is a stick over the heads of individuals. This is not even an opportunity to try to deal with the substantive part of this particular area of dealing with those who are transitionally needy. I can only indicate to you the pain and suffering in your community.

I went through this in 1981 and 1982 and I understand what has happened from then until now, and all you have to do is look in the streets and all you have to do is look in your

communities and all you have to do is ride downtown in many of the communities. All you have to do is ride down Washington and see people sleeping on the vents and see where they came from. They came from our communities; they came from our constituencies, and for some reason, no matter what you may think, wiping this out is not going to change that tomorrow. In fact, it is going to make it worse in our communities. It is going to bring on the kind of devastation that we have never seen before.

I will compel the members of this House to use your brain, to think for one moment what you are doing. There, but for the grace of God, there go I. I said that last night. Most of us are one paycheck away from welfare ourselves, and for us to take this kind of action against people who cannot defend and fight for themselves, then some of us have got to stand up and be fighters on their behalf.

Are all of us cowards? Are all of us afraid, the majority of the members afraid to deal with the issues as they really are? This is an opportunity for us to see that there is a clear delineation between those who would fall in the category of transitionally needy where we wipe them down already. The three checks out of a year, that is all; that is all they get. Now you want to wipe out the entire category altogether so that we do not take care of any poor people at all. Some may be your cousins or uncles, your aunts or your nieces, but trust me that it is going to come back to haunt you if this amendment passes.

And I would beg the difference with those individuals who do not understand the real true, t-r-u-e, welfare reform we are trying to push and not the punitive, negative action of welfare reform that is being pushed now. That is why we called ours true welfare reform and not negative welfare reform that takes punitive action against those with a stick. We can do better, and we can do better for those individuals in this Commonwealth if we pay attention to this debate, and I would ask for a negative vote on the amendment.

The SPEAKER. The gentleman from Mercer, Mr. Gruitza.

Mr. GRUITZA. Thank you, Mr. Speaker.

I rise here to oppose the amendment.

It is kind of ironic. I just walked out of the Lieutenant Governor's Office where I had a meeting with some of my constituents who are down here working at trying to put a factory back in line, a local foundry where we have several hundred people currently laid off.

I think that while many of the arguments have been articulated very well by the previous speakers, the point needs to be made that there is a lot of chaos out there in our economy, and as a result, we have good people, working people, people who are being bounced from job to job who, for no reason of their own, are being laid off, some of whom are eligible for unemployment, some of whom are not, many of whom are only eligible for welfare through this category of being called transitionally needy.

I think that the timing for this amendment is horrible. I think that that was stated earlier. I think there may have been a time when this amendment may have better served the

people of Pennsylvania, but I can say that in my particular district, an awful lot of hardworking people, a lot of people who will qualify really for no other benefits through the Commonwealth of Pennsylvania or the Federal Government may at least qualify for a few months of assistance while they are trying to get their feet back on the ground as a result of their job losses and the position that they find themselves in through no fault of their own.

So I strongly urge the members of both sides to consider our working people who find themselves in this situation, who look to us for leadership and for help, not necessarily for a free lunch or a way of life but just for a little bit of assistance to help them through a difficult time in their life. That is what public assistance is all about, what it should be all about, and I think that this amendment deserves to be defeated. Thank you.

The SPEAKER. The gentleman from Philadelphia, Representative Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate the maker of the amendment?

The SPEAKER. Mr. Flick indicates that he will consent to interrogation.

Mr. THOMAS. Mr. Speaker, would you tell us whether you have had any conversations with the Department of Public Welfare with respect to this amendment?

Mr. FLICK. Yes, Mr. Speaker. I have had conversations with a number of individuals regarding a number of amendments over the past 2 years as chairman of the Welfare Reform Task Force.

As a matter of fact, Mr. Speaker, when I was discussing the random drug pilot program amendment with the department, I was informed by an employee, a senior employee of one of the county assistance offices, that they felt the majority of individuals who were in the transitionally needy category had a severe addiction problem, either drug and/or alcohol. I have had a number of conversations with the department, and we have had testimony, not from the department but from other sources, and, Mr. Speaker, everyone seems to ask the question, what happens to these individuals the other 9 months of the year? They seem to make it on their own, but for 3 months the State has to give them \$205 and carry them under the transitionally needy. You see, Mr. Speaker, I think it would be far better for the State to carry the unemployed worker who has exhausted their unemployment compensation benefits.

Mr. Speaker, a gentleman has spoken earlier just on this subject, and I am quite surprised because I heard that individual speak at an Appropriations Committee hearing where he was saddened that many of his constituents did not qualify for cash assistance, could not get into welfare when they had lost their unemployment compensation benefits.

So, Mr. Speaker, I am trying to address two distinct philosophies: one, we ought to care for those who have worked; we ought to open up the categorically needy program to include individuals who have a work history, who have been

trying to provide for their family, and we ought to take care of them. Mr. Speaker, I am saying, it seems to me if an individual can take care of themselves if they are between 18 and 45 and they have no dependents and they are an able-bodied individual with no disabilities whatsoever and if they can care for themselves for 9 months, I think they can do it for 12. And you know what, Mr. Speaker? I think we would be helping that population if we told them just that.

Mr. THOMAS. Mr. Speaker, you attempted to answer my question, but I still did not get any specifics with respect to, where is the department on this particular amendment?

Second, you mentioned that there are a number of philosophies that are being advanced through this amendment. I agree that there are a number of philosophies. One philosophy is that we eliminate this transitionally needy category, a category that was created 10, 11 years ago when the question of welfare reform was put before this body. It was created then; now we want to eliminate it. Another philosophy that seems to be advanced is limiting the accessibility, the accessibility of benefits, to only those persons who live in Pennsylvania. A third philosophy which you have indicated is being advanced is what we need to do for the unemployed.

Is it not ironic that for a decade now we have not made any sizable progress in the creation of job opportunities for not only those who are underemployed but for many of those who are not on welfare but are out of work. We have not taken any sizable steps to make meaningful, long-term employment opportunities a reality in the Commonwealth of Pennsylvania, but yet we continue to advance these philosophies that take us nowhere but back rather than forward.

CONSTITUTIONAL POINT OF ORDER

Mr. THOMAS. And so, Mr. Speaker, let me remind you once again that, Mr. Chairman, and to the Speaker, because of the limitation that is contained in this amendment, which limits the accessibility of benefits created by statute in Pennsylvania to only Pennsylvanians, without any empirical data to show that we are being flooded by people from outside of Pennsylvania who are taking advantage of benefits, I once again rise to raise the question of constitutionality with respect to this amendment.

This amendment and provisions contained in it are in direct violation with both the Pennsylvania and United States Constitutions, and wherever this ugly residency requirement raises its head, I will challenge it, Mr. Speaker.

So I would like to move that this amendment is unconstitutional.

The SPEAKER. The gentleman from Philadelphia raises the point of order that this amendment is unconstitutional.

The Speaker, under rule 4, is required to submit questions affecting the constitutionality of a bill to the House for its decision.

On the question,

Will the House sustain the constitutionality of the amendments?

The SPEAKER. The Chair recognizes the gentleman, Mr. Ryan, on the question of constitutionality.

Mr. RYAN. Mr. Speaker, I am not trying to be disrespectful, but the only thing I have heard the gentleman say with respect to the Constitution is some question of residence, and wherever residence is raised, he is going to raise constitutionality. Well, I am going to remind the gentleman that this category of welfare is paid for lock, stock, and barrel by the people of Pennsylvania.

Now, part of your remarks said that you were bothered because this did not go beyond the State. I tell you, I did not know what you were talking about when you said that bothered you. It would bother me if it went beyond the State of Pennsylvania to residents of other States unless, as John Barley said, we had an opportunity to tax those people in other States, and then I suspect their legislatures might get upset with us, and I suspect also that they would not pay much attention to that tax.

But there is no constitutional question. We, unlike most other States in the United States, created this category of welfare. Now we are of a mind to discontinue it. We created it and we have the right to discontinue it. It has nothing to do with the Federal or the State Constitution. Residency requirements have nothing to do with it. The word "residency" is not involved in this at all, and I think the gentleman is way off target when he even raises the question of constitutionality.

I am suggesting that this is absolutely constitutional, and if anyone hides behind this question, then they are just being dishonest with themselves and dishonest with their constituents.

CONSTITUTIONAL POINT OF ORDER WITHDRAWN

Mr. THOMAS. Mr. Speaker, I yield to the speaker, not on merits but on form, and I withdraw this motion, and I urge people to remain steadfast in rejecting this amendment out of hand.

The SPEAKER. The Chair thanks the gentleman, and the motion of constitutionality is withdrawn.

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

The SPEAKER. The gentleman from Philadelphia, the Republican whip, Mr. Perzel, is recognized.

Mr. PERZEL. Thank you, Mr. Speaker.

Mr. Speaker, I took the liberty of going back into the Journals and looking up the debate on welfare when we originally created the department, and a gentleman from Delaware, Representative William Cloud Alexander, said this: "I tell you that you may run this down the throats of some people, but it will come back to haunt you, and if you pass this damnable legislation, it will haunt you to your grave...like Banquo's ghost...." That is from Macbeth, Mr. Speaker, for the members that do not know that. It will come back to haunt you even after you are dead, and, Mr. Speaker, I think we are seeing that right here.

Some of the comments that have been made have been a little off base. Representative Richardson said that we have the best fraud unit around. In Friday's Philadelphia Inquirer it says, and I quote—I think it is page 7: Two Chester offices overpaid recipients \$470,000 a State audit said, which again was more than it cost to start the department in the beginning.

Mr. Speaker, this is where it is out of control. If we are to believe what is being said here, Mr. Speaker, many of the truly needy could have benefited from that \$470,000. As Senator Dirksen said, a billion here, a billion there; pretty soon it is real money. This is half a million here, half a million there; pretty soon it is real money.

Now I would like to address the remarks of Governor Evans when he said that the people are losing jobs and are becoming homeless—I am sorry; Representative Evans—now and for the record.

I would like to read into the record a couple of statements that were made just recently on the floor of this House of Representatives: "Businesses and commentators across the nation are recognizing that we have built a jobs and economic development program...second to none." That was Governor Casey, January 26. I would also like to bring up a couple more statements made: "During the worst of the recession, we fought back by creating thousands of new jobs for our people..." of Pennsylvania. Also in that same speech: In highway construction alone, we created 27,500 jobs. "And we will expand job training for parents on welfare so that they can join the ranks of more than 200,000 people who have already moved from welfare to work under the New Directions Program." That was Governor Robert Casey on February 9.

Now, I only bring that up, Mr. Speaker, because either the gentleman from Philadelphia, Mr. Evans, is wrong or the Governor of the Commonwealth of Pennsylvania is wrong, and I will leave it to the gentleman from Philadelphia to tell us which one is wrong.

The SPEAKER. The gentleman from Lancaster, Mr. Sturla, is recognized.

Mr. STURLA. Mr. Speaker, will the maker of the amendment stand for interrogation?

The SPEAKER. The gentleman indicates that he will consent to interrogation.

Mr. STURLA. Mr. Speaker, what is the percentage of transitionally needy that repeat year after year, as you implied occurs?

Mr. FLICK. Mr. Speaker, I do not have the exact percentage of those who repeat. I am not sure that that information has been made available to us. We have asked for certain information. But let me tell you, Mr. Speaker, about some of the numbers of the people who are in transitionally needy.

You know, in Lancaster County, where you have 15,168 individuals receiving cash assistance in your county, there are only 770 that are 18 to 45 years old, that are single, and that are able-bodied. Mr. Speaker, students qualify when they are out of college if they do not get a job and they do not live at

home and they do not have assets. These are college graduates. Mr. Speaker, we need to change the direction.

Governor Casey proposed last year an additional \$250 million for the Department of Public Welfare. He has come back this year and has proposed, I believe, another \$200 million for public assistance. We are being bled by the rising costs of public assistance.

Now, this is a group of individuals that should be able to get a job, could be able to get a job, and I think we should encourage them to get a job. And on the other hand, we ought to take care of those individuals who have exhausted their unemployment compensation benefits and who have not qualified for public welfare.

Mr. Speaker, we need to put our priorities in the right place. Help those truly in need and give those individuals a *helping hand added to the job market when they need it*. Thank you, Mr. Speaker.

Mr. STURLA. Mr. Speaker, if I could make a comment now.

The SPEAKER. The gentleman's interrogation is over, and the gentleman is recognized to speak on the amendment.

Mr. STURLA. I believe what I heard was that the maker of the amendment did not know what the percentage of transitionally needy that repeat year after year was and cited that there were 770 people in my county that fell into this category. I guess given the fact that I do know that the average stay on assistance is less than 2 years, that perhaps it could be stated that there are not a whole lot of people who repeat year after year after year on the transitionally needy program, so that we do not have to worry about what it is that they are doing the other 9 months. We can assume that perhaps they are finding gainful employment and that that transitionally needy money was in fact helpful in getting them through that period of time that they needed. Thank you.

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

Mr. STRITTMATTER. Thank you, Mr. Speaker.

I rise in support of the Flick amendment, and I would ask the members to remember a few of the facts that we are facing today.

The fact is that our welfare payments have risen to \$9.6 billion. That is 48 percent of our budget. Of that 48 percent of the budget, the legislature and the Governor were forced to raise taxes by \$3 1/2 billion, and now we wonder why there are not jobs available for people in Pennsylvania. I do not believe you have to be a rocket scientist to make that connection, that when you raise taxes and when you waste tax dollars, you are going to drive business and job opportunities out of this State. So it comes as no surprise that there would be difficult times because of what has happened in the past. Now is the time, by supporting Representative Flick's amendment, to make a difference.

I would like to remind the members that the transitionally needy category that we are talking about consists of those people who are able-bodied, employable adults. They have no physical or mental handicaps, because if they did they would

be eligible for the chronically needy assistance program, nor do these people have dependent children to support with their cash assistance checks. This would qualify them for the AFDC (aid to families with dependent children) benefits if they did have children to support.

So I would like to remind the members that when we are talking about the transitionally needy, this is a category of people that we would hope we would be able to help get back into the mainstream, help become able-bodied working people rather than able-bodied people taking charity from hardworking taxpayers.

I would ask for an affirmative vote. Thank you.

The SPEAKER. Mr. Mihalich is recognized.

Mr. MIHALICH. Mr. Speaker, I know or know of almost every member of this House, and I can categorically say that I do not know any mean-spirited people here. But for reasons unknown to me, some of this debate this afternoon has taken on a very, very strong, mean-spirited flavor.

Just a little while ago we targeted the most vulnerable employable people in this State, and those between 45 and 55, despite laws on the books against age discrimination, every one of us knows here it is the most difficult age group of our *unemployed to go out and find a job*.

More recently I just heard somebody say that they do not need the money, because for the rest of the 9 months out of the year, somehow they make it. Is the implication that, well, they did not die and they are back here again, so they are okay? Now, how did they make it is the question, not whether they made it or not. Whether they make what? What is implied by "they made it"? As I said, *they did not die, they are around*, but maybe a lot worse for wear, and that is my only comment, Mr. Speaker.

There are no mean-spirited people here, but I am sure that there are some people here who are not realistically looking at the unemployment situation out there. You cannot tell somebody, go out and get a job, as if there are jobs out there waiting for every individual here in this Commonwealth. It is not true. And you cannot pick isolated examples of the famous welfare queens or kings or however you want to do it. If we want to apply that standard to the rest of society, we should. Let us not pick on the most vulnerable, the weakest people in our society. Let us look at this as good Americans, as good Pennsylvanians who are out to help our brothers and sisters. And despite the fact that one or two might get away with something, and it might even amount to quite a few bucks, that is not the reason to go out and pick on a whole category of people and practically *make it impossible for them to go out with any kind of confidence at all or any kind of support and really find a job*.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Allegheny County, Mr. Fajt.

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

The SPEAKER. Mr. Flick indicates he will stand for interrogation.

Mr. FAJT. Mr. Speaker, I apologize if you mentioned this earlier; I did not hear it, but have you talked at all about the cost savings that this amendment would have upon the current welfare system, and if so, what is that cost savings?

Mr. FLICK. Thank you, Mr. Speaker. I appreciate your bringing that up.

At the present time, the maximum monthly benefit that a transitionally needy, that is an 18- to 45-year-old single, able-bodied individual, the amount that they would receive would be \$205 a month, and they could receive that up to a period for 3 months.

Now, Mr. Speaker, there are now some 40,000 people receiving transitionally needy cash assistance. That is at the cost of about \$60,000 to the Commonwealth, and that is just the cash assistance only. These individuals are also removed from the medical assistance. The benefit to Pennsylvania would be— Excuse me. Sixty-four million dollars in cash benefits and \$126 million in medical benefits would be the savings to the Commonwealth, Mr. Speaker.

Mr. FAJT. Thank you, Mr. Speaker.

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

Mr. ROBERTS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose this amendment. No one here wants welfare reform more than I do. In fact, I campaigned on this issue, on the issue of the need for welfare reform. However, I recognize the fact, as I hope that all of my colleagues in this great chamber do, that as a legislator we are responsible to all the people of this great Commonwealth, including those in need of assistance. The transitionally needy program is a partial-benefit program that provides for a group of people that do not otherwise qualify for general public assistance but who are in fact truly needy.

I support welfare reform, Mr. Speaker, because there are too many abuses of the program that continue to abound and that must be eliminated. However, there are other legislation proposals that will come before us today that I think will better address the abuses that this amendment is trying to address. I think this amendment will hurt more than it will help, and I ask my colleagues to oppose the amendment.

The SPEAKER. The gentleman, Mr. Anthony Williams, from Philadelphia is recognized.

Mr. WILLIAMS. Thank you, Mr. Speaker.

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

The SPEAKER. Mr. Flick indicates that he will respond.

Mr. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, I heard comments made to, I guess, basically outline in detail the transitionally needy program, and I remain a bit confused, because as I understand the program, it is certainly a lot different than that as has been described by the folks who would like to eliminate the category, so I would like to get some clarity.

One of the items which was listed was college students. I would like to know if the gentleman is referring to all college students or to certain types of college students, and if certain

types, I would like him to describe those college students which would qualify.

Mr. FLICK. Mr. Speaker, I am not sure I heard specifically your questions, but I indicated that an individual who had graduated from college, did not live at home, had no income, and had no assets could qualify for up to 90 days' cash assistance as a transitionally needy — 18 to 45, able-bodied, single, no dependents. I was not making any reference to any class of individuals.

Mr. WILLIAMS. No, I heard clearly and many of the other people who sat near me heard clearly that college students were able to qualify, and I wanted to find out what college students the gentleman was referring to. Now I am hearing that you are not referring to any particular college students. Is that correct?

Mr. FLICK. Well, I guess it would be an individual who was not attending on a full-time basis at that time.

Mr. WILLIAMS. So it has nothing to do with the college students per se.

Mr. FLICK. Full-time college students, that is correct. It would not include them.

Mr. WILLIAMS. Okay.

Mr. FLICK. Thank you for correcting me, Mr. Speaker. But if an individual dropped out for a semester and was not a full-time student, I suspect that that individual might be able to qualify.

Mr. WILLIAMS. If that individual was not living at home—

Mr. FLICK. If they meet the other requirements.

Mr. WILLIAMS. Excuse me. If that individual was not living at home, if that individual was in fact, by law, identified as an independent from their particular family, is that not correct, Mr. Speaker? They were not a dependent of their household, correct?

Mr. FLICK. I am sorry. You are breaking up and I could not hear exactly what you said. I said if an individual—

Mr. WILLIAMS. I still did not know what you were—

Mr. FLICK. I think we are talking at the same time.

Mr. WILLIAMS. Yes.

Mr. FLICK. I said if an individual dropped out of school for a semester or a period of time, it is quite possible that individual could qualify as transitionally needy. But let us look at the other side of the proposal, Mr. Speaker.

Mr. WILLIAMS. Mr. Speaker, I would like you to just answer my questions and then we can go into a dialogue if you would like to, because as you are stating the situation, it still does not fully capture what I am talking about.

If the college student drops out, they live at home with their parents and they have assets, they do not qualify for transitionally needy. Is that not correct, Mr. Speaker?

Mr. FLICK. I again caught part of what you said. Mr. Speaker—

Mr. WILLIAMS. I will explain to you if you did not hear.

Mr. FLICK. Thank you. Would you please repeat the question.

Mr. WILLIAMS. The question is, if they live at home, they are dependents within their household, they happen to drop out,

they do not qualify for welfare. Is that not correct? Or they do not qualify for this category. Is that not correct?

Mr. FLICK. If they have dependents at home?

Mr. WILLIAMS. If they are dependents. If they live at home with their parents.

Mr. FLICK. No, I said I— Thank you, Mr. Speaker, but I never indicated that if they did live at home that they would. I said if they lived on their own— As a matter of fact, I said if they did not live at home.

Mr. WILLIAMS. No, you said if they dropped out, but that is okay. We do not need to debate this.

Mr. FLICK. Earlier I had said if they did not live at home.

Mr. WILLIAMS. Okay.

The people that are in this category, are they not persons such as those that would come from the navy yard when they are laid off, those that were laid off from Sears, those that were laid off from U.S. Steel, those that were laid off from Gulf Oil, those that were laid off from Mack Truck? Are they certainly not individuals that would be impacted by this type of legislation, because certainly they are able-bodied individuals who may, who may have used their life savings at certain points in time. Would they not necessarily qualify for this category, Mr. Speaker?

Mr. FLICK. Mr. Speaker, I am going to check with staff, but I believe that if they had worked—is it 48 months in the past 8 years?—they would not qualify for this.

Mr. WILLIAMS. Oh. So if they used up all their—

Mr. FLICK. Mr. Speaker, hold it. Mr. Speaker, as the welfare law now says, Mr. Speaker, under my amendment they would be brought into the categorically needy segment of cash assistance because we would remove that requirement and we would allow individuals who have traditional work history, when they have exhausted their unemployment compensation benefits, to qualify. And, Mr. Speaker, my point is that these are the individuals that we need to help out there. The same people you are referring to in your cross-examination are the individuals who do not qualify for public assistance now when they lose their unemployment compensation benefits. My amendment would bring them into this system. My amendment, on the other hand, would remove those individuals who have no work history and who have been receiving \$205 a month for up to 3 months out of the year.

Now, Mr. Speaker, I would rather take care of those individuals who have been separated from the work force and who have exhausted their unemployment compensation benefits. They are the people. I think, Mr. Speaker, it is time we start focusing on the finite numbers of dollars that we have available and not try to be all things to all people.

Mr. Speaker, there are truly those in need, and as I recall, last year in the Governor's budget proposal or prior to submission to his proposal, he talked about a cut in cash assistance payments across the board because we could not continue to afford the system. So if you want to cut the individuals who are mentally disabled—

Mr. WILLIAMS. Mr. Speaker, Mr. Speaker, I am trying to follow a certain line of logical order—

Mr. FLICK. I am trying to explain—

Mr. WILLIAMS—in terms of asking questions. If you would like at certain points in time to respond in a rhetorical or a debating manner, that is fine.

The SPEAKER. Both gentlemen will please cease. Both gentlemen will please cease.

The gentleman, Mr. Flick, and the gentleman, Mr. Williams, both realize this is a very, very provocative subject, and the Chair would request that both gentlemen do their utmost to maintain an especially amiable discourse as the day progresses.

The debate may continue at this point.

Mr. WILLIAMS. Mr. Speaker, if there is anything personal in terms of my comments, I would certainly like to apologize; it is not intended, but also I would like to follow a certain line of questioning, and if at some point in time, you know, the comments would like to get expanded, that is certainly fine, but I am not here to exchange back and forth at this point in time. I would just like to get my questions addressed and then proceed, and certainly the gentleman will have an opportunity to respond to what I guess he feels my conclusion is. I have not arrived at a conclusion, and I am trying to persuade my members also not to arrive at a conclusion without the information.

The comments that remain with regard to the original question in terms of who would be closed out: In your amendment, is there modification to the asset requirement?

Mr. FLICK. No, Mr. Speaker, not in this amendment.

Mr. WILLIAMS. So all those people you are suggesting are going to be drawn into this new piece with this amendment would in fact not necessarily be drawn into the process. And further, the individual, not the person with the family but the man or woman who is an individual not residing at home, renting, who spun down their unemployment compensation, would not necessarily be able to qualify for this category, and certainly based upon your comment may not be able to be involved in a larger program. Is that not correct, Mr. Speaker?

Mr. FLICK. Mr. Speaker, that is your conclusion, not mine.

Mr. WILLIAMS. I am sorry? No, as you described it, I do not see them fitting into any program at all, so I am trying to get clarity.

Mr. FLICK. Well, I think the problem, Mr. Speaker, is we are trying to speak in broad generalities, and the only way I can refer to generalities is dividing individuals who are unemployed into two categories. There are those individuals who have a work experience and who have tried to provide for themselves, for their families. They are out of work through no fault of their own. And then there are those individuals who have very little work history, and in the description here of "transitionally needy" published by the State, they indicate that they have very little, if any, work history and they are transitionally needy, and we give them now cash assistance, minimum cash assistance, \$205 a month for up to 3 months. That represents approximately \$60 million a year to the Commonwealth. We also pay medical assistance payments for those people. That represents about \$130 million to the

Commonwealth. We are spending \$190 million for these individuals who have little or no work experience, and we are not taking care of these individuals who do have a work experience and who have become separated from the work force, because there is an exclusion in the bill, and I am trying to correct that. I am saying we need to focus, if we are going to try to take care of those truly in need, let us focus on those individuals who have become separated from the work force; they are unemployed, and but for the provision in the Welfare Code that prohibits them from collecting, many of them could collect. Not all of them, Mr. Speaker, but certainly more than none.

Mr. WILLIAMS. Mr. Speaker, I am trying to get a response to a specific question.

The numbers which were just generally thrown out there, I would hope that everybody on the floor is quite clear that all of those numbers which were bantered about do not have to do with necessarily the one category that we are speaking of. So it is nice that you are talking in generalities, but I am trying to respond as specifically as possible to the category in which we are speaking and to those persons that will be specifically targeted and affected. And I believe that the people from Mack Truck, the people from the naval yard, the people from Sears, and a variety of other areas would believe that it is very specific with regard to the criteria that they are going to have to qualify for, it is very specific, and when they do not receive that payment for 3 months, that measly amount of money that they are talking about, certainly I guess we can talk in generalities about how they are not responsive, how they do not work, or how they do not do X, Y, and Z for whatever period of time, but I am not sure that that is going to fill or feed their children or feed their family or take care of them at that particular time.

Mr. Speaker, I could go on and ask more questions which would hopefully outline the fact that, frankly, not a heck of a lot is known about this particular category. The people who are moving this amendment, frankly, do not know enough about this category, and therefore, I do not think that they know the untold misery that they are going to play upon persons' lives.

I want to thank the gentleman for responding to my questions. I would like to close, Mr. Speaker.

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

Mr. WILLIAMS. There were a number of quotes earlier which were bantered about the floor from the gentleman from Philadelphia County, Representative Perzel, who was quoting quite a few people. Well, he can quote Anthony Hardy Williams today, on May 4, 1993, that a number of these amendments—

The SPEAKER. Will the gentleman yield.

Will the gentleman stand maybe 2 or 3 inches back from the microphone. The transmission of the voice through the system is difficult. The Chair thanks the gentleman.

Mr. WILLIAMS. Thank you, Mr. Speaker.

For those who did not capture the comments for the record, there were a number of comments or quotes which were

elicited today from the gentleman from Philadelphia County, Representative Perzel, who took it upon himself to quote a lot of people, and I hope that he would quote me today, on May 4, 1993, that the people who are moving these amendments are in fact not thinking about the consequences, just as when Governor Thornburgh decided to make major modifications to this particular category. We in Philadelphia County have seen untold numbers of homeless people, those who do not have conventional work experience but nonetheless certainly would want to work and are seeking work. I am sure in your counties, which are not necessarily Philadelphia County, you also see the misery from those Thornburgh cuts, because they counted numbers, not people.

Therefore, I would have to think and conclude that the people who are behind these amendments, mean spirited or unintentionally mean spirited, nonetheless, it is heartless and thoughtless, and it is certainly not in the deed of the Constitution of Pennsylvania, where we are to protect all Pennsylvanians, and therefore, I am standing in opposition to the amendments which are before us today. Thank you, Mr. Speaker.

The SPEAKER. Mr. Stetler from York County is the next person to debate.

Mr. STETLER. Thank you, Mr. Speaker.

I rise in opposition to this amendment, and I do so for several reasons.

Just moments ago, although I have to say it seems like days, we voted to expand the definition of transitionally needy from 18 to 45 to 18 to 55, and now we are turning around and considering to just eliminate the whole group completely. This does not seem rational to me.

A second point is that in listening to the debate this morning, we have not been able to determine what the number of repeaters are of this benefit. To be honest, I have not heard an argument to say that there is really a problem with this benefit, but I am sure problems will result if we pass this amendment, and I refer specifically to the homeless. Currently 22 percent of the homeless receive this benefit. Not only will these 22 percent lose the benefit but I am greatly afraid that in areas not just like Philadelphia and Pittsburgh but areas like York, the number of people in the ranks of the homeless will grow, and this concerns me greatly.

This amendment, Mr. Speaker, violates the spirit and the result that I envisioned when I first sat down with Representative Trich and started working on the concept of welfare reform.

Mr. Speaker, in good conscience, I cannot support this amendment and ask my colleagues to vote "no." Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—107

Adolph	Farmer	Leh	Sather
Allen	Fichter	Lynch	Saurman
Argall	Fleagle	Maitland	Saylor

Armstrong	Flick	Markosek	Schoetz
Baker	Gamble	Marsico	Schuler
Barley	Gannon	Masland	Semmel
Birmelin	Geist	Mayernik	Serafini
Boyes	Gerlach	Micozzie	Smith, B.
Brown	Gladeck	Müller	Smith, S. H.
Bunt	Godshall	Nailor	Snyder, D. W.
Bush	Gruppo	Nickol	Stairs
Carone	Harley	Nyce	Steil
Cessar	Hasay	O'Brien	Stern
Chadwick	Heckler	Olasz	Stish
Civera	Hennessey	Perzel	Strittmatter
Clark	Herman	Petrone	Taylor, E. Z.
Clymer	Hershey	Pettit	Taylor, J.
Cohen, L. I.	Hess	Phillips	Tomlinson
Cornell	Hutchinson	Piccola	True
Dempsey	Jadlowiec	Pitts	Tulli
Dent	Kaiser	Platts	Uliana
Druce	Kenney	Raymond	Vance
Durham	King	Reber	Waugh
Egolf	Krebs	Reinard	Wogan
Fairchild	Laub	Rohrer	Wright, M. N.
Fajt	Lawless	Rubley	Zug
Fargo	Lee	Ryan	

NAYS—92

Acosta	Evans	Lucyk	Rudy
Battisto	Fee	Manderino	Santoni
Bebko-Jones	Freeman	McCall	Scrimenti
Belardi	George	McGeehan	Staback
Belfanti	Gigliotti	McNally	Steelman
Bishop	Gordner	Melio	Steighner
Blaum	Gruitza	Michlovic	Stetler
Butkovitz	Hanna	Mihalich	Sturla
Buxton	Hughes	Mundy	Surra
Caltagirone	Itkin	Murphy	Tangretti
Cappabianca	James	O'Donnell	Thomas
Carn	Jarolin	Oliver	Tigue
Cawley	Josephs	Pesci	Trello
Cohen, M.	Kasunic	Petrarca	Van Horne
Colafrilla	Keller	Pistella	Veon
Colaizzo	Kirkland	Preston	Vitali
Corrigan	Kukovich	Richardson	Williams
Cowell	LaGrotta	Rieger	Wright, D. R.
Coy	Laughlin	Ritter	Yandrisevits
Curry	Lederer	Roberts	Yewcic
Daley	Lescovitz	Robinson	
DeLuca	Levdansky	Roebuck	DeWeese,
Dermody	Linton	Rooney	Speaker
Donatucci	Lloyd		

NOT VOTING—0

EXCUSED—4

Haluska	Merry	Trich	Wozniak
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The question was determined in the affirmative, and the amendments were agreed to.

GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome to the hall of the House the 3M Group sponsored by the Jordan U.C.C. Church. They are in the gallery, and they are here as the guests of the Lehigh County delegation.

The Chair recognizes the majority leader for the purpose of an announcement.

Mr. ITKIN. Mr. Speaker, I would like to move that the House now stand in recess and reconvene at 2 o'clock.

The SPEAKER. The Chair thanks the gentleman.

ANNOUNCEMENT BY MS. STEELMAN

The SPEAKER. The Chair recognizes Representative Steelman from Indiana County for an announcement.

Ms. STEELMAN. Thank you, Mr. Speaker.

At the State System of Higher Education breakfast last week, one of the subjects of discussion that excited a good deal of interest was the tuition challenge grant proposal. We are going to be having a discussion on the various forms of the tuition challenge grant over the lunch break. There will be representatives from the State-owned and State-related universities and some committee staff members to assist us in our deliberations. This is a bipartisan meeting, room 14, East Wing.

The SPEAKER. Room 14, East Wing, tuition challenge grant meeting, hosted by Representative Steelman and others.

The Chair recognizes the majority leader for another announcement.

Mr. ITKIN. Mr. Speaker, I would like to amend my recess motion that the reconvening of the House will occur at 2:15.

The SPEAKER. The House will please understand that the majority leader has requested a 15-minute extension to 2:15. The House recess will last until 2:15 this afternoon.

DEMOCRATIC CAUCUS

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

Mr. COY. Thank you, Mr. Speaker.

I would like to call a Democratic caucus at 2 o'clock in the majority caucus room. Thank you.

The SPEAKER. Democratic caucus at 2; a 15-minute caucus for the Democrats. All Democrats are requested to be at caucus from 2 to 2:15.

VOTE CORRECTIONS

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

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, yesterday on final passage of HB 41, I was not in my seat. I would like to be registered in the affirmative.

Today on amendment A1333, I pushed my button but it did not operate. I would like to be recorded in the affirmative. Thank you.

The SPEAKER. The Chair thanks the gentleman. His remarks will be spread across the record.

The Chair recognizes Mrs. Rubley.

Mrs. RUBLEY. Thank you, Mr. Speaker.

I would like the record to reflect that I voted in the affirmative for amendment 1333 to HB 1341. Thank you.

The SPEAKER. The gentlelady's remarks will be spread across the record.

The gentleman, Mr. Sturla, is recognized.

Mr. STURLA. Mr. Speaker, on SB 298 my switch malfunctioned and I was not recorded. I wish to be recorded in the affirmative.

The SPEAKER. The Chair thanks the gentleman. His remarks will be spread across the record, and we will have someone take a look at your switch.

The gentleman, Mr. Fairchild, is recognized.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

Yesterday on a motion by the majority leader to suspend the rules, I was not recorded and I would like to be recorded in the affirmative.

The SPEAKER. The Chair thanks the gentleman. His remarks will be spread across the House Journal.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes Chairman Dwight Evans of Philadelphia.

Mr. EVANS. May I call the Appropriations Committee to meet in the majority caucus room immediately. Thank you.

The SPEAKER. The House Appropriations Committee is alerted to an immediate meeting in the House majority caucus room; House Appropriations Committee will report immediately to the House majority caucus room.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 76, PN 86 By Rep. PETRONE

An Act amending the act of December 6, 1972 (P.L.1392, No.298), known as the Third Class City Port Authority Act, further providing for powers of port authorities.

URBAN AFFAIRS.

HB 77, PN 87 By Rep. PETRONE

An Act amending the act of December 6, 1972 (P.L.1392, No.298), known as the Third Class City Port Authority Act, further providing for powers of port authorities.

URBAN AFFAIRS.

HB 194, PN 211 By Rep. PETRONE

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, providing for designation of fire chiefs and deputy fire chiefs.

URBAN AFFAIRS.

HB 750, PN 814 By Rep. PETRONE

An Act amending the act of June 26, 1931 (P.L.1379, No.348), referred to as the Third Class County Assessment Board Law, further providing for appointments to the Board of Assessment Appeals.

URBAN AFFAIRS.

HB 1384, PN 1516 By Rep. GEORGE

An Act amending the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste

Reduction Act, requiring State agencies and offices to purchase recycled paper products containing postconsumer waste.

CONSERVATION.

RECESS

The SPEAKER. This House stands in recess until 2:15.

AFTER RECESS

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

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. ITKIN. Mr. Speaker, I move that HB 341, PN 1695, and HB 830, PN 893, be removed from the tabled calendar and placed upon the active calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. ITKIN. Mr. Speaker, I move that HB 341, PN 1695, be recommitted to the Appropriations Committee.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILL ON SECOND CONSIDERATION

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

HB 830, PN 893.

FILMING PERMISSION

The SPEAKER. The Chair would like to bring the attention of the House to the fact that permission is being given to John Forester of the Reading Eagle and Bill Uhrich, also of the Reading Eagle, a photographer. They will be on the floor taking photographs today during the welfare debate.

Also, the Chair would like to announce that Herb Logan of the House Republican Video will be on the floor filming with audio during the welfare reform debate.

HOUSE BILL

INTRODUCED AND REFERRED

No. 1536 By Representatives EVANS, BELARDI, TRELLO, COLAIZZO, MIHALICH, ROONEY, BATTISTO, MELIO and YANDRISEVITS

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for the review of financial solvency of insurers.

Referred to Committee on APPROPRIATIONS, May 4, 1993.

BILLS REREPORTED FROM COMMITTEE

HB 6, PN 16 By Rep. EVANS

An Act amending the act of June 18, 1974 (P.L.359, No.120), referred to as the Municipal Police Education and Training Law, further defining "police officer" and "police department"; adding a definition; and further providing for powers and duties of the commission, for police training, for penalties and for reimbursement of training expenses.

APPROPRIATIONS.

HB 353, PN 1624 By Rep. EVANS

An Act providing for the payment of interest on purchases by political subdivisions.

APPROPRIATIONS.

HB 1392, PN 1622 By Rep. EVANS

An Act providing for the formation of the Joint Legislative and Executive Task Force on Job Creation and for the implementation of a comprehensive job creation plan.

APPROPRIATIONS.

SB 60, PN 60 By Rep. EVANS

An Act dedicating a section of Interstate Highway 279 within the City of Pittsburgh to the residents whose removal permitted its construction.

APPROPRIATIONS.

BILLS ON SECOND CONSIDERATION

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

HB 6, PN 16; HB 353, PN 1624; HB 1392, PN 1622; and SB 60, PN 60.

GUESTS INTRODUCED

The SPEAKER. The Chair would like to recognize in the balcony Mrs. Nan Levy and her students from the Turner Middle School in Philadelphia, southwestern Philadelphia's 191st District, represented by Anthony Hardy "Tony" Williams. Welcome to the floor of the House.

CALENDAR CONTINUED

CONSIDERATION OF HB 1341 CONTINUED

The SPEAKER. The gentleman, Mr. Flick, is recognized for amendment 1273.

This amendment is located in the packet with the certificate on the front. The amendment that we are dealing with now,

amendment No. 1273, is located in the packet with the certificate on the front.

The clerk will please read the amendment.

On the question recurring,

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

Mr. FLICK offered the following amendments No. A1273:

Amend Title, page 1, line 7, by inserting after "Corps;" further restricting assistance payments and medical assistance to certain chronically needy persons;

Amend Title, page 1, line 23, by striking out "a repeal" and inserting

repeals

Amend Sec. 3, page 7, line 28, by inserting after "Sections" 432(3)(i)(H) and (I) and (iii),

Amend Sec. 3, page 7, by inserting between lines 29 and 30 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), 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.

(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 be limited to:

* * *

(H) Any person who has previously been employed full time [for at least forty-eight months out of the previous eight years] and has exhausted his or her unemployment compensation benefits prior to applying for assistance.

[(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 and who has not refused a bona fide job offer or otherwise failed to comply with all employment requirements of this act and regulations promulgated thereunder. 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 clause except when such person has been terminated from employment through no fault of his own and has not met the minimum credit week qualifications of the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the "Unemployment Compensation Law." If it is determined that the classification of persons according to their status on the date of enactment as provided in this clause is invalid, then the remainder of this act shall be given full force and effect as if this clause had been omitted from this act, and individuals defined in this clause shall be considered transitionally needy if otherwise eligible. No person shall qualify for general assistance under this clause after December 31, 1982.]

* * *

[(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 only once in any twelve-month period in an amount not to exceed the amount of ninety days' assistance.]

* * *

Amend Bill, page 12, by inserting between lines 18 and 19 Section 7. Section 442.1 of the act, amended April 8, 1982 (P.L.231, No.75), 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 if otherwise eligible.]

Amend Sec. 7, page 12, line 19, by striking out "7" and inserting

8

Amend Sec. 8, page 13, line 6, by striking out "8" and inserting

9

Amend Sec. 9, page 14, line 19, by striking out "9" and inserting

10

Amend Sec. 10, page 15, line 16, by striking out "10" and inserting

11

Amend Sec. 11, page 19, line 3, by striking out "11" and inserting

12

Amend Sec. 11 (Sec. 491), page 23, lines 9 and 10, by striking out "or transitionally"

Amend Sec. 12, page 26, line 19, by striking out "12" and inserting

13

Amend Sec. 13, page 28, line 12, by striking out "13." and inserting

14. (a)

Amend Sec. 13, page 28, by inserting between lines 14 and 15

(b) The following acts and parts of acts are repealed insofar as they provide job training or grants for persons classified as transitionally needy:

Act of July 13, 1987 (P.L.332, No.62), known as the Project Independence Act.

Act of July 13, 1987 (P.L.342, No.65), known as the Employment Opportunities Act.

(c) The repeals under subsection (a) shall be applied prospectively and shall not affect any job training program or grant entered into on or prior to July 1, 1993.

Amend Sec. 14, page 28, line 15, by striking out "14" and inserting

15

Amend Sec. 15, page 28, line 20, by striking out "15" and inserting

16

On the question,

Will the House agree to the amendments?

AMENDMENTS WITHDRAWN

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Chester, Mr. Flick.

Mr. FLICK. Thank you, Mr. Speaker.

I withdraw that amendment.

The SPEAKER. The Chair thanks the gentleman, and amendment No. 1273 is withdrawn.

On the bill, the Chair recognizes the gentleman, Mr. Saurman, who introduces amendment 1277. This amendment is located in packet No. 3.

The gentleman, Mr. Saurman's amendment will be read by the clerk.

On the question recurring,

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

Mr. SAURMAN offered the following amendments No. A1277:

Amend Sec. 2 (Sec. 414), page 7, line 14, by striking out "FINGERPRINTED AND PHOTO" and inserting

finger-photo

Amend Sec. 2 (Sec. 414), page 7, line 17, by striking out "COMMONWEALTH" and inserting

Department of Public Welfare

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Montgomery, George Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, I had another amendment that I have withdrawn, and I would just like to make a statement for those who were interested in that. That was the Oregon plan for full employment. I think that that will produce a lot of the answers to some of the questions that were asked today, but the chairman of the Health and Welfare Committee has agreed to hold hearings on that, and with the budget situation coming up, it seemed wise to withdraw that.

However, the amendment A1277 is a bipartisan amendment offered in conjunction with Representative Melio, and it is to clarify two points about our finger photo identification pilot project which was added to the bill in committee.

The first thing it does is to clarify that it is our intent that a new computer technology be used which eliminates the need for traditional fingerprinting techniques, and in that system, two index fingers would be placed on a computer pad, and that will photograph the patterns and store them in a memory bank. Second, to alleviate some of the concerns that people have, this amendment provides that the Department of Welfare only have access to the finger photo identification data.

Mr. Speaker, I would ask for the concurrence in this technical amendment. I understand that it has been agreed to. Thank you.

The SPEAKER. The gentleman, Mr. Tony Melio, is recognized.

Mr. MELIO. Mr. Speaker, I would agree with my colleague, Mr. Saurman. I just want to put some information on the record.

The finger photo identification system is a foolproof form of identification that is currently in use in Los Angeles County, California, and Onondaga and Rockland Counties, New York.

The system works by photographing both index fingers with the use of an electronic pad connected to an IBM personal computer. The finger photos are then stored in a central data bank.

The New York program is not in use statewide. It has been instituted as a pilot program in two counties, specifically

Onondaga, which is the Syracuse area, and Rockland in suburban New York.

The function of the system is to doublecheck various forms of personal identification that can be falsified with a form that cannot be altered, specifically fingerprints. Utilizing this system in New York, it was discovered recently that 100 people received approximately \$45 million over a 5-year period by utilizing false identification. One of these persons succeeded in obtaining false ID and documentation and used it to receive 12 payments for 12 nonexistent families.

It needs to be clearly understood that this is a computerized photo process. It does not involve the traditional fingerprinting process that utilizes ink and fingerprint cards. It bears greater similarity to the procedure used in obtaining a photo ID operator's license. Furthermore, the New York program does not permit access to the central data bank by any criminal justice personnel. In addition, people in certain occupations in New York must be fingerprinted under provisions of law. These include pharmacists, schoolbus drivers, some bank employees and securities industry personnel, as well as people who adopt children.

The only purpose of this ID system is to answer one question: Is the applicant for a welfare program already enrolled in the program?

This system would work to guarantee that money appropriated for the Commonwealth's welfare programs would be utilized to help those in need as intended by the General Assembly.

I ask my colleagues on both sides of the aisle to adopt the amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes Mr. Evans.

Mr. EVANS. Mr. Speaker, I also support the Saurman amendment. I think certainly it is something we need to do to clarify the language. It is something that was adopted in the bill.

I also want my friend, the minority leader, to remember how I stood up and said I support the Saurman amendment. Thank you, Mr. Speaker.

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

Mr. RYAN. I knew he would stand up and support that amendment because yesterday he came over and marked up my amendment sheet and he wrote "yes" next to this amendment, and he knew if he did not support it today, I would have this all over the place this afternoon.

Thank you, Mr. Speaker, and I thank the Appropriations Committee chairman, who is a man of his word and the printed word as well.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—190

Adolph	Fairchild	Linton	Rudy
Allen	Fajt	Lloyd	Ryan
Argall	Fargo	Lucyk	Santoni
Armstrong	Farmer	Lynch	Sather
Baker	Fee	Maitland	Saurman
Barley	Fichter	Manderino	Saylor
Battisto	Fleagle	Markosek	Scheetz
Bebko-Jones	Flick	Marsico	Schuler
Belardi	Freeman	Masland	Scrimenti
Belfanti	Gamble	Mayernik	Semmel
Birmelin	Gannon	McCall	Serafini
Bishop	Geist	McGeehan	Smith, B.
Blaum	George	McNally	Smith, S. H.
Boyes	Gerlach	Melio	Snyder, D. W.
Brown	Gigliotti	Michlovic	Staback
Bunt	Gladeck	Micozzie	Stairs
Bush	Godshall	Mihalich	Steelman
Butkovitz	Gordner	Miller	Steighner
Buxton	Gruitza	Mundy	Steil
Caltagirone	Gruppo	Murphy	Stern
Cappabianca	Hanna	Nailor	Stetler
Carn	Harley	Nickol	Stish
Carone	Hasay	Nyce	Strittmatter
Cawley	Heckler	O'Brien	Sturla
Cessar	Hennessey	O'Donnell	Surra
Chadwick	Herman	Olasz	Tangretti
Civera	Hershey	Perzel	Taylor, E. Z.
Clark	Hess	Pesci	Taylor, J.
Clymer	Hutchinson	Petrarca	Tigue
Cohen, L. I.	Itkin	Petrone	Tomlinson
Cohen, M.	Jadlowiec	Pettit	Trello
Colafiglia	Jarolin	Phillips	True
Colaizzo	Kaiser	Piccola	Tulli
Cornell	Kasunic	Pistella	Utiana
Corrigan	Keller	Pitts	Vance
Cowell	Kenney	Platts	Van Horne
Coy	King	Preston	Veon
Curry	Krebs	Raymond	Vitali
Daley	Kukovich	Reber	Waugh
DeLuca	LaGrotta	Reinard	Wogan
Dempsey	Laub	Rieger	Wright, D. R.
Dent	Laughlin	Ritter	Wright, M. N.
Dermody	Lawless	Roberts	Yandrisevits
Donatucci	Lederer	Robinson	Yewcic
Druce	Lee	Roebuck	Zug
Durham	Leh	Rohrer	
Egolf	Lescovitz	Rooney	DeWeese,
Evans	Levdansky	Rubley	Speaker

NAYS—9

Acosta	Josephs	Oliver	Thomas
Hughes	Kirkland	Richardson	Williams
James			

NOT VOTING—0

EXCUSED—4

Haluska	Merry	Trich	Wozniak
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The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

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

AMENDMENT A1224 RECONSIDERED

The SPEAKER. Mr. Evans is recognized and moves that the vote by which amendment 1224 to HB 1341, PN 1612, passed on the 4th day of May be reconsidered.

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

The following roll call was recorded:

YEAS—194

Acosta	Fee	Lloyd	Ryan
Adolph	Fichter	Lucyk	Santoni
Allen	Fleagle	Lynch	Sather
Argall	Flick	Maitland	Saurman
Armstrong	Freeman	Manderino	Saylor
Baker	Gamble	Markosek	Scheetz
Barley	Gannon	Marsico	Schuler
Battisto	Geist	Masland	Scrimenti
Belardi	George	Mayernik	Semmel
Belfanti	Gerlach	McCall	Serafini
Birmelin	Gigliotti	McGeehan	Smith, B.
Bishop	Gladeck	McNally	Smith, S. H.
Blaum	Godshall	Melio	Snyder, D. W.
Boyes	Gordner	Michlovic	Staback
Brown	Gruitza	Micozzie	Stairs
Bunt	Gruppo	Mihalich	Steelman
Bush	Hanna	Miller	Steighner
Butkovitz	Harley	Mundy	Steil
Buxton	Hasay	Murphy	Stern
Cappabianca	Heckler	Nailor	Stetler
Carone	Hennessey	Nickol	Stish
Cawley	Herman	Nyce	Strittmatter
Cessar	Hershey	O'Brien	Sturla
Chadwick	Hess	O'Donnell	Surra
Civera	Hughes	Olasz	Tangretti
Clark	Hutchinson	Oliver	Taylor, E. Z.
Clymer	Itkin	Perzel	Taylor, J.
Cohen, L. I.	Jadlowiec	Pesci	Thomas
Cohen, M.	James	Petrarca	Tigue
Colafella	Jarolin	Petrone	Tomlinson
Cornell	Josephs	Pettit	Trello
Corrigan	Kaiser	Phillips	True
Cowell	Kasunic	Piccola	Tulli
Coy	Keller	Pistella	Uliana
Curry	Kenney	Pitts	Vance
Daley	King	Platts	Van Horne
DeLuca	Kirkland	Preston	Veon
Dempsey	Krebs	Raymond	Vitali
Dent	Kukovich	Reber	Waugh
Dermody	LaGrotta	Reinard	Williams
Donatucci	Laub	Richardson	Wogan
Druce	Laughlin	Rieger	Wright, D. R.
Durham	Lawless	Ritter	Wright, M. N.
Egolf	Lederer	Roberts	Yandrisevits
Evans	Lee	Robinson	Yewcic
Fairchild	Leh	Rohrer	Zug
Fajt	Lescovitz	Rooney	
Fargo	Levdansky	Rubley	DeWeese,
Farmer	Linton	Rudy	Speaker

NAYS—0

NOT VOTING—5

Bebko-Jones	Carn	Colaizzo	Roebuck
Callagirono			

EXCUSED—4

Haluska Merry Trich Wozniak

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

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

The clerk read the following amendments No. A1224:

Amend Title, page 1, line 9, by inserting after "PROGRAM;"

further providing for eligibility for assistance;

Amend Title, page 1, line 14, by inserting after "children;" further providing for eligibility determinations for the medically needy;

Amend Title, page 1, line 23, by striking out "a repeal." and inserting

repeals.

Amend Sec. 3, page 7, line 28, by inserting after "Sections" 432(3)(i)(H) and (I) and (iii),

Amend Sec. 3, page 7, by inserting between lines 29 and 30 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), 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.

(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 be limited to:

* * *

(H) Any person who has previously been employed full time [for at least forty-eight months out of the previous eight years] and has exhausted his or her unemployment compensation benefits prior to applying for assistance.

[(1) 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 and who has not refused a bona fide job offer or otherwise failed to comply with all employment requirements of this act and regulations promulgated thereunder. 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 clause except when such person has been terminated from employment through no fault of his own and has not met the minimum credit week qualifications of the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the "Unemployment Compensation Law." If it is determined that the classification of persons according to their status on the date of enactment as provided in this clause is invalid, then the remainder of this act shall be given full force and effect as if this clause had been omitted from this act, and individuals defined in this clause shall be considered transitionally needy if otherwise eligible. No person shall qualify for general assistance under this clause after December 31, 1982.]

* * *

[(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 only once in any twelve-month period in an amount not to exceed the amount of ninety days' assistance.]

* * *

Amend Bill, page 12, by inserting between lines 18 and 19

Section 7. Section 442.1 of the act, amended April 8, 1982 (P.L.231, No.75), 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 if otherwise eligible.]

Amend Sec. 7, page 12, line 19, by striking out "7" and inserting

8

Amend Sec. 8, page 13, line 6, by striking out "8" and inserting

9

Amend Sec. 9, page 14, line 19, by striking out "9" and inserting

10

Amend Sec. 10, page 15, line 16, by striking out "10" and inserting

11

Amend Sec. 11, page 19, line 3, by striking out "11" and inserting

12

Amend Sec. 11 (Sec. 491), page 23, lines 9 and 10, by striking out "or transitionally"

Amend Sec. 12, page 26, line 19, by striking out "12" and inserting

13

Amend Bill, page 28, lines 12 through 14, by striking out all of said lines and inserting

Section 14. (a) The following acts and parts of acts are repealed insofar as they provide job training or grants for persons classified as transitionally needy:

Act of July 13, 1987 (P.L.332, No.62), known as the Project Independence Act.

Act of July 13, 1987 (P.L.342, No.65), known as the Employment Opportunities Act.

(b) Section 1701-A of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, is repealed.

Amend Sec. 14, page 28, line 15, by striking out "14" and inserting

15

Amend Bill, page 28, by inserting between lines 19 and 20

Section 16. (a) The amendment affecting transitionally needy individuals in section 491(b) of the act shall only apply to persons applying for employment on or after the effective date of the amendment of section 491 of the act.

(b) The repeals under section 14(a) of this act shall apply prospectively and shall not affect any job training program or grant entered into on or before the effective date of section 17 of this act.

Amend Sec. 15, page 28, line 20, by striking out "15" and inserting

17

Amend Sec. 15, page 28, by inserting between lines 22 and 23

(2) This section shall take effect immediately.

Amend Sec. 15, page 28, line 23, by striking out "(2)" and inserting

(3)

On the question recurring,

Will the House agree to the amendments?

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

Mr. RYAN. Mr. Speaker, I am not going to take up any amount of time that is actually noticeable on this. I would remind the members that this is an amendment that passed with 107 votes before lunch. Now, unless people were fed something over the luncheon break, I would fully expect that this vote would be 107 to 92 again, and I will be curious to see how we do after that luncheon break on this. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Evans, is recognized.

Mr. EVANS. The minority leader said that unless people have been fed something over lunch. The minority leader probably should know by now he probably should never say anything to me on the record that I can in return take it and say what has been fed over the record.

What I will say, Mr. Speaker, to the minority leader is, what I like to think has been fed to people is that there must be an answer to this problem. I said to the minority leader that I am for welfare reform; I am for changing the way that the system works, but I am for changing it in a way that is in a constructive way, not in a destructive way.

I would be the first one to say that transitionally needy, the system does not work, but I would also be the first one to say that there is no way you can eliminate something and then turn around and then say, well, we are not going to be concerned about that; we are just going to do savings. What is unfortunate about this process is it is not on a level playing field. Some of you on that side know that this is not the right or correct thing to do. You know that, but what is unfortunate in this process is that folks are playing politics.

Now, we have got a chance to do something on welfare reform. We have got a chance. We have a Senate we have to deal with and we have a Governor we have to deal with. What is unfortunate, if for some reason this should stay in the bill, I am not too optimistic that this bill will become law. I am saying to you there is an opportunity for once to do something about welfare reform, and in my view, I do not believe eliminating transitionally needy is the answer. Should we have work programs? Yes. Should we have residency requirements? Yes. Should we have efforts that force people on transitionally needy to get a job? Yes. We should do all of those things, but just eliminating an entire category and thinking that you are solving the problem for welfare is not an answer; that is not an answer. Most of you over there on that side know that that is not an answer because I looked at your votes. All of you were just one way, and all of you do not necessarily believe that. I know you do not believe that. You are doing it for public consumption. But there is an opportunity. This should not be a partisan issue; this should be bipartisan.

So I would hope the gentleman, as he indicated that you have been fed something during the lunch hour, I hope all of those of you who voted "yes" have been fed something and reconsider your particular position and understand that this is not about a Democratic package or a Republican package,

because I am going to tell you something. All the Democrats on this side do not agree with me with what is in this package; all of the Democrats do not agree with me. But I am saying to you that we have got to figure out how we put a package together that can pass this House that in return can meet the test of the Senate as well as deal with the Governor, and I am sharing with you, eliminating transitionally needy will not meet the test of the Governor.

So I share with you, I want to do welfare reform. I think it is important we do welfare reform. But the only way in my view we do it is there has to be a little give-and-take, and there is some give-and-take in this bill. And no, this is not a perfect bill. This is not everything everybody wanted. This is not everything Representative Taylor wanted or Representative Richardson wanted or what Dwight Evans wanted. There is a little bit in there for everybody, and it is an attempt on our part to do something to make a change in the system.

So I hope, Mr. Speaker, I hope that not just something different has happened on this side but I hope something different has happened on that side, because, Mr. Speaker, I have shown, may it be with Representative Snyder or Representative Saurman or Representative Taylor when we were in the Health and Welfare Committee, I have shown, Mr. Speaker, that I have been willing to try to reach out. I have been willing to try to find a way to work this out. But unfortunately, Mr. Speaker, there are always some people who feel like they have got to have it their way, and if it is not their way, there is not going to be any issue, so they can run out there and they can say, the Democrats were weak on welfare and they did not want to beat up on people enough.

Well, I am sharing with you that I only ask people to think about what you are doing. Let me repeat that: I only ask people to think about what you are doing. Because the reality of it is, this category called transitionally needy of 40,000 people, there needs to be an answer to it, and I do not believe the answer is just eliminating the category and then all of a sudden turning around and saying, we solved the problem. That does not solve the problem. The problem does not go away, Mr. Speaker. The reality of it is, the way you solve it, you have debate and discussion. My understanding, we have got some other amendments that are coming up that people are going to have on the table trying to figure out how we deal with welfare. Turning around and eliminating this is not going to solve it.

Let me just say this to you in conclusion. A number of people said, well, I am doing the right thing because that is the way my people think. My people from my district want me to do this and to do that, and I think that is the best way to do it. Well, Mr. Speaker, I share with you that I do not believe that the people you represent want you just to eliminate people completely from receiving it. Do they want people on welfare? No, they do not want people on welfare. Do they want a constructive answer to welfare? Yes, they want a constructive answer to welfare. They would rather have people working than receiving a check.

In this bill, Mr. Speaker, we have the Community Work Program which has been in existence since 1982, 1981. We have that in this bill, Mr. Speaker. We have language in this bill, Mr. Speaker, that says that any State contract, that we have to do something about trying to place people in transitionally needy. Mr. Speaker, we have a support work program in this bill that targets transitionally needy, Mr. Speaker. We do those kinds of things that I believe, and I would hope you will believe, try to make a change in the way welfare has been conducted in this State.

So I am hoping, Mr. Speaker, that you will reconsider your positions and you will vote "no" on the Flick amendment. Thank you.

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

Mr. RYAN. Mr. Speaker, briefly I just wanted to answer the gentleman, Mr. Evans, the majority Appropriations Committee chairman. He makes much of the fact that the Governor may or may not like this. I have sat here for any number of years listening to leaders from both sides of the aisle warn us that it does not matter; we should not pay attention to what the Senate is going to do, reportedly going to do with something, or what the Governor is going to do with something, and I think that is probably right. We never know just what is going to be going through their minds at any given time, and I do not think that should drive us. I think it is something we should consider, but I do not think it should drive us.

This particular bill—and I think this is what should drive us—this particular bill is taking off the rolls people who are able-bodied, people who can work. They are going to lose the \$205 that they receive a month for 3 months, and where is this money going to go? This money is going to be made available for the people that Mr. Evans has been talking about for the past 2 days, the people who have or had jobs, jobs, jobs, and when they had the jobs and the jobs were lost, they went on unemployment compensation. And when their unemployment compensation went out, what did they have? They had nothing but this. With this transitionally needy category done away with, their unemployment compensation is reinstated if they were working people, and these are the people that I think we owe our allegiance to right now. It is people between 18 and, by virtue of the last amendment, 55 who are able-bodied that are being taken off this to provide money for unemployment compensation receivers who have lost their benefits because of time going out, and they are the ones — the factories that have closed, the workers who have lost their jobs, who have a work history — that we have a responsibility to, in my judgment, and they are the ones that I am trying to look out for. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes Ken Lee.

Mr. LEE. Thank you, Mr. Speaker.

I do not mean to take the time of the House here, but I had to take reference to a remark made by the Appropriations chairman regarding the idea that this should be a bipartisan effort here on reforming the welfare system, and I totally agree

with him. The question I have to him is, where is the bipartisanship here? I am not a member of the Health and Welfare Committee; I am not an expert on these types of issues, but I have not seen any dialogue going on between our side of the aisle and their side of the aisle to come up with this package. My assertion of it is, this is not even a one-party effort. Judging by the fact that only three members of the Democratic Caucus are cosponsors of this package that was run out late last week and judging by some of the votes we have had here today, I think there are some people on that side of the aisle that also have some concerns about this piece of legislation.

What we are doing here on this side of the aisle right now, by supporting the Flick amendment, is basically saying, hey, we want some input here, too. Let us sit down; let us try to talk about this. Probably not the best place to do this is on the House floor. We should probably get the Health and Welfare Committee on both sides of the aisle, sit down, talk about a bipartisan compromise, because a lot of the things we are talking about here are the same things. I think there can be some agreement, but we just do not appreciate the fact that the agreement is going to be come up by three people on that side of the aisle. So I recommend a positive vote on this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes Representative Mihalich.

Mr. MIHALICH. Mr. Speaker, two speakers or the speaker previous to the last one made some kind of a report or made some kind of a statement that we should take note of, and it is the kind of input that we have been getting quite frequently this afternoon and last night. He made references to abuse of the system by people on unemployment compensation who would receive welfare. Well, I think everybody in this hall knows or should know that that is an impossibility, that is not the kind of scenario, but that is the kind of thing we are hearing this afternoon.

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

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

Mr. MIHALICH. I am under the assumption that this is the Taylor amendment, the E. Z. Taylor amendment 1224, and I would like to interrogate the sponsor if it is in fact E. Z. Taylor.

The SPEAKER. The sponsor of the amendment is Mr. Flick.

Mrs. TAYLOR. Mr. Speaker, may I just answer and say that because of these new rules that we have, one has to get one's amendments in very early. So the amendments were in accordance with our new rules. They were all written in the chairman's name, but this amendment had never come before the Health and Welfare Committee.

Mr. MIHALICH. Mr. Speaker, the reason for my interrogation and the reason I want to interrogate the original maker of the amendment—and I am sure it has not been changed officially—is I would have asked this question: The amendment prior to that opened the door up or closed the door for people

45 to 55 years old. This amendment goes much, much further beyond that. I would have asked the question, which one of these thrusts or which one of these initiatives are you genuinely interested in, or was it just that if you thought you could get a nibble, then you would take the whole bite?

Mr. Speaker, this is not the way we should be running this business; this is not the way we should be running the business of the Commonwealth, especially when we are dealing with people much more unfortunate than we are. Mr. Speaker, if Mr. Flick is in fact the sponsor of this amendment, he should say so and do so in writing.

Mrs. TAYLOR. Mr. Speaker?

The SPEAKER. The lady is recognized and may proceed.

Mrs. TAYLOR. Thank you.

If I may, I believe the House has spoken as far as the amendment that I offered earlier today on the 45 to 55. The House has already spoken and that is a part of the bill as I see it now.

So we are taking these amendments as they come, I guess. The Health and Welfare Committee did, did look at my amendment, and we did have a tie vote in committee on that amendment, sir.

The SPEAKER. The gentleman, Mr. Mihalich, is recognized for the second time.

Mr. MIHALICH. I would just like to comment one more time to conclude this.

What my impression of what happened is, when the previous amendment went through, it might have been embarrassing for the same person to file another amendment along the same lines, expanding that concept, and for that reason I believe Mr. Flick jumped into the fray.

The SPEAKER. The Chair thanks the gentleman.

Mr. Richardson from Philadelphia is recognized.

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

Mr. Speaker, it is quite obvious that the members in this House of Representatives do not want to have us have an opportunity to deal with this whole issue of the transitionally needy in a very positive way. The punitive action taken here today is an indication that regardless of what is being said, we are going to be led by those individuals who have believed in their mind perceptually that this is a way to end welfare in the Commonwealth of Pennsylvania through those who are considered to be transitionally needy.

Now, "transitionally needy," as defined by the minority leader, Mr. Ryan, does not mean able-bodied, because we have individual persons just by the definition alone, since it has not been defined that way, as those who are chronically needy, who also may have to go and sign up for employment under programs every single month. The problem that you have, Mr. Speaker, is that there are no jobs for these people to go to now. Taking them off welfare with no substitute is not going to automatically all of a sudden give them jobs, and unfortunately what has happened is that those of you who voted in favor of this feel that there is an instantaneous job out there for folks. Well, I want to remind you of what took place in Michigan, because this is where this came from.

The Michigan plan was to end transitionally needy or general assistance in their particular State, and as a result of that, you had people who automatically went out to the streets with no place to go, who became homeless because there was no money for them to receive. The unemployment rate and the protesting and the problems and the looting and the kinds of concerns that have been raised has called for more police officers in the local municipalities to try and deal with that within their State.

If we are to really, clearly deal with true welfare reform, then this is not an answer to true welfare reform. This is again a punitive action to be taken against those who are considered to be transitionally needy. And let me once again just point out to you whom we are talking about.

The hardest hit segment of the community and society are those persons who are facing no opportunity to find jobs or the few jobs that are in the marketplace. The barriers to unemployment, illiteracy, lack of job skills, no job history, poor communication, and inadequate social skills are all part of the same amount of people whom we are talking about in this category of transitionally needy. Why can we not see for the first time that there is an attempt to try and eliminate an area by using the words "cost savings" and saying that we can take those cost savings and do something with them when in fact we have not done that when we reduced their pittance? You heard the prior speaker say that they get \$205, which amounts to \$615 a year. He did not worry about what is going to happen to the people. What he said is, what is going to happen to those individuals who now will be off the welfare rolls and now will have an opportunity to have a program, and I am saying to him that \$615 a year is all that is paid to these persons that are in the transitionally needy category in the Department of Public Welfare. To take the \$615 a year away from them and have them have nothing is shameful, is sinful, is ungodly. It is the kind of stupidity that allows us to be forced into a situation to see the devastation in society that we have seen over the past 12 to 13 years. It is growing every single day when we have not tackled the whole issue of what are we going to do about finding meaningful jobs and skills to give the people who have never been to school—who have never been to school—who do not have a high school diploma, who cannot run out there and get a job, who employers are saying, if you do not have a high school diploma, we will not hire you. In some cases, if you do not have a degree from college, they do not want to hire you, and some people with Ph.D. (doctor of philosophy) degrees cannot get jobs. What we are saying to the lowest persons on the political totem pole in our society, the poorest of the poor, and those who cannot defend themselves, we are going to take your little pittance, do not care what happens to you, throw you out on the street and say, whatever happens to you happens to you. Now, I do not think that is the way we should operate.

Now, I know it falls on deaf ears today because there is this feeling that we have fed some individuals. I think whatever we have been fed, it has not been correct, because it has made us look kind of bad as a State to have us wind up in a

position of being able to take our people off the transitionally needy category and tell the Commonwealth of Pennsylvania and its citizens that we do not care about those people out there who are getting \$615 a year.

Mr. Speaker, it shows and even studies that have been shared with us confirm that increased homelessness, as well as eliminating those persons in this category, is going to cause devastating harm. Mr. Speaker, it shows that all of those that were considered to be able-bodied after Thornfare in 1981 and 1982, that 80 percent of those persons who were considered to be able-bodied never found employment. And, Mr. Speaker, we have dealt with employment security in the Commonwealth of Pennsylvania; that has been unable to come up with jobs, meaningful jobs that put people back into the marketplace, and even those that are jobs that are considered to be minimum wage still are very difficult and hard for people to find. And I heard someone earlier say, you can go to the want ads; you can find jobs in the want ads. Those jobs are for people who have degrees. Many of those jobs are not unskilled jobs. Mr. Speaker, I think we are heading down a very dangerous road.

I heard Mr. Perzel say earlier that he referred to some newspaper articles and some other statements that were made by others. I can only indicate to him that the information that he has brought forth about the legislator that said that they created this and said that this would come back to haunt them, if this amendment passes and this becomes law in the Commonwealth of Pennsylvania, I guarantee you that this amendment alone will come back to haunt and also raise up the dead from the dead if this amendment passes.

I ask for a negative vote on the amendment.

The SPEAKER. The gentleman, Mr. Sturla, from Lancaster County is recognized.

Mr. STURLA. Mr. Speaker, I rise to oppose the Flick amendment.

We have heard a lot today about able-bodied persons, but what we have not heard about is you can be able-bodied and still not be able to read, and try and get any job without even being able to read the application form. We have talked about being able-bodied, and you can be able-bodied, but you still have to find an employer who is willing to look beyond your color or your ethnic origin, and if you cannot do that, being able-bodied does not get you a job. You can be able-bodied, but if you lapse back into a mental illness or back into alcohol addiction, it does not necessarily get you a job. What we are talking about here is punishing the weakest of the weak.

Earlier the maker of this amendment talked about picking someone up who was going to go to the welfare office to collect their transitionally needy money. I will contend that given the overcrowding and flowing into the streets in my district already that occurs from the homeless shelters, that pretty soon I will be picking these people up off the street and maybe I will be driving them to the district of the maker of this amendment and asking him whether he has a job for these people who are able-bodied, because there are going to be a lot of them in my district. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Mr. Flick is recognized.

Mr. FLICK. Thank you, Mr. Speaker.

Let us talk for a moment, if you would, about what this bill does. This bill does provide the opportunity for individuals who have a work history and who have exhausted their unemployment compensation to be brought into the welfare system with cash assistance. That is what this does. An individual who has a drug or alcohol addiction and is categorized as transitionally needy can ask for treatment, voluntarily, and be brought into the chronically needy category and get help.

Mr. Speaker, we have heard from individuals who just want to maintain status quo. The Governor was in here in February, and the Governor told us he was going to solve our budget problem by miraculously appealing to the Federal Government for an additional \$700 million in Federal assistance to stop the bleeding in our public welfare system. We do not even have any assurances that that Federal money is going to be there to close the gap in our Governor's budget proposal. It may not be there. Every State in this Nation is reassessing its priorities.

You cannot be everything to everybody. Welfare reform is coming, and I suggest we focus on those individuals who have a work history and who have exhausted their benefits and focus less on those individuals who have no work history. If they have drug and/or alcohol addiction problems, they can get into the chronically needy.

Mr. Speaker, we voted this amendment this morning. Last night we were not permitted to vote it because the majority party challenged germaneness. This is a Public Welfare Code bill. Not only is this amendment germane, Mr. Speaker, this amendment is appropriate and this amendment is setting good policy for Pennsylvania.

Mr. Speaker, I urge your affirmative vote. I thank you. We need to help those workers who have fallen on hard times and who have exhausted their unemployment compensation benefits.

The SPEAKER. The Chair recognizes Mr. Surra.

Mr. SURRA. Thank you, Mr. Speaker.

I would just like to interrogate the maker of the amendment briefly, because I have listened to this debate for a long time and there is something that I am not sure about.

The SPEAKER. Mr. Flick accedes to your request.

Mr. SURRA. Mr. Speaker, you have stated many, many times throughout your dialogue that you will take someone whose unemployment benefits run out and they will be able to be placed on the welfare rolls. How does that differ, Mr. Speaker, as opposed to someone right now that is a working person that gets laid off, that their unemployment runs out? I would like explained the differences between what is currently going on and what your amendment does, and I still do not understand that after this entire debate.

Mr. FLICK. Mr. Speaker, under my amendment, we are setting up a new category under the categorically needy section of the Public Welfare Code, and it is for individuals who are unemployed, who exhausted their unemployment compensation benefits, and otherwise meet the criteria of qualifying for

welfare. They would go into categorically needy. They would not become transitionally needy and qualify for 90 days. They would go into a separate category.

Mr. SURRA. And how does that differ from an individual whose current unemployment benefits run out and does not qualify for welfare? Is there no— I mean, I have people in my office all the time that because of their assets, because they have a life insurance policy, they do not qualify for welfare. Does it change the criteria that is necessary as far as assets to let working people get on welfare?

Mr. FLICK. No, Mr. Speaker. Right now the Public Welfare Code has a prohibition in it that individuals who have worked— The answer is no, because there is a prohibition in the Welfare Code right now.

Mr. SURRA. What is the prohibition?

Mr. FLICK. Mr. Speaker, under current law, you qualify based on income and assets. We are not changing those qualifications. We are changing the fact that these individuals would come into a separate category and would qualify for benefits beyond the 90 days.

Mr. SURRA. Then it is my understanding that a working person that does own a few things and may have a little bit of money in the bank, or not even money in the bank, may have a life insurance policy, that gets laid off and their unemployment runs out, they are still not going to qualify for welfare.

Mr. FLICK. My amendment is silent to those individuals.

Mr. SURRA. But what has been spoken about in this House for the last 3 hours is that we are going to be taking care of working people that run out of unemployment, and I think that is not totally accurate, because they still have to go by the criteria to qualify for welfare, and it has been my experience that people who qualify for welfare, Mr. Speaker, cannot own a heck of a lot.

And one more question, Mr. Speaker. There have been many changes in the unemployment compensation system over the past 12 years, and it has drastically reduced the numbers of persons who lose their jobs and that are actually covered by unemployment compensation. The number is down about one-third to the people that are not covered by unemployment. Where would they fall under your amendment if we eliminate the transitionally needy?

Because of changes in the unemployment compensation law, people that do not qualify for unemployment compensation, where would they fall? Or is there a big crack in the system where they would fall through?

Mr. FLICK. Mr. Speaker, they are not affected by my amendment. They would fall where they do now.

Mr. SURRA. There will be no transitionally needy people then, Mr. Speaker. They will fall on hard times, I take it.

Mr. FLICK. If they are able-bodied, they are 18 to 45, they have no dependents, and they have the ability to work, they will be expected to work.

Mr. SURRA. But in what jobs, Mr. Speaker?

Mr. FLICK. Mr. Speaker, we heard the Governor come in this chamber, right up here, and address us with the number of jobs that have been created over the years. We have heard

individuals from the other side of the aisle during budget negotiations indicate the number of jobs.

The time to make a change is when you are on the upswing. The gentleman in the White House now has pledged, you know, to get the economy rolling. There are going to be plentiful jobs out there from what I hear, and, Mr. Speaker, now is the time to change and make our change, not when everything is falling.

Mr. SURRA. Thank you, Mr. Speaker.

I am done with my interrogation. May I make just a brief comment?

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

Mr. SURRA. Mr. Speaker, all this sounds well and good, but I truly believe that we are not going to be able to put working people on welfare until they are destitute, just like any other welfare recipient. And the people that are falling through the cracks in the unemployment compensation rolls, that is what transitionally needy was taking care of in the past, and we are just totally ignoring those people. We are totally abandoning those people.

I want to be on record, Mr. Speaker, that I am for welfare reform, but I am not for doing it on the backs of the truly needy. And the jobs just are not there, Mr. Speaker, and we are going to be putting these people out on the streets and creating more homeless people for our courts and our police and we are going to add more expense to the Commonwealth.

I urge a "no" vote on the amendment, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—102

Adolph	Farmer	Leh	Saurman
Allen	Fichter	Lynch	Saylor
Argall	Fleagle	Maitland	Scheetz
Armstrong	Flick	Marsico	Schuler
Baker	Gannon	Masland	Semmel
Barley	Geist	Mayernik	Serafini
Birmelin	Gerlach	Micozzie	Smith, B.
Boyes	Gladeck	Miller	Smith, S. H.
Brown	Godshall	Nailor	Snyder, D. W.
Bunt	Gruppo	Nickol	Stairs
Bush	Harley	Nyce	Steil
Carone	Hasay	O'Brien	Stern
Cessar	Heckler	Perzel	Stish
Chadwick	Hennessey	Pettit	Strittmatter
Civera	Herman	Phillips	Taylor, E. Z.
Clark	Hershey	Piccola	Taylor, J.
Clymer	Hess	Pitts	Tomlinson
Cohen, L. I.	Hutchinson	Platts	True
Cornell	Jadlowiec	Raymond	Tulli
Dempsey	Kaiser	Reber	Utiana
Dent	Kenney	Reinard	Vance
Druce	King	Rohrer	Waugh
Durham	Krebs	Rubley	Wogan
Egolf	Laub	Ryan	Wright, M. N.
Fairchild	Lawless	Sather	Zug
Fargo	Lee		

NAYS—95

Acosta	Fajt	Manderino	Rooney
Battisto	Fee	Markosek	Rudy
Bebko-Jones	Freeman	McCall	Santoni
Belardi	George	McGeehan	Scrimenti
Belfanti	Gigliotti	McNally	Staback
Bishop	Gordner	Melio	Steelman
Blaum	Grunzta	Michlovic	Steighner
Butkovitz	Hanna	Mihalich	Stetler
Buxton	Hughes	Mundy	Sturla
Caltagirone	Itkin	Murphy	Surra
Cappabianca	James	O'Donnell	Tangretti
Carn	Josephs	Olasz	Thomas
Cawley	Kasunic	Oliver	Tigue
Cohen, M.	Keller	Pesci	Trello
Colaella	Kirkland	Petrarca	Van Horne
Colaizzo	Kukovich	Petrone	Veon
Corrigan	LaGrotta	Pistella	Vitali
Cowell	Laughlin	Preston	Williams
Coy	Lederer	Richardson	Wright, D. R.
Curry	Lescovitz	Rieger	Yandrisevits
Daley	Levdansky	Ritter	Yewcic
DeLuca	Linton	Roberts	
Dermody	Lloyd	Robinson	DeWeese,
Donatucci	Lucyk	Roebuck	Speaker
Evans			

NOT VOTING—2

Gamble	Jarolin
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EXCUSED—4

Haluska	Merry	Trich	Wozniak
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The question was determined in the affirmative, and the amendments were agreed to.

The SPEAKER. The House will please come to order. Members will please take their seats.

FORMER SPEAKER K. LEROY IRVIS
PRESENTED

The SPEAKER. The Chair is pleased today to welcome back to the hall of the House generally and to the Speaker's rostrum specifically a former member and former Speaker, the person who holds the modern record in Pennsylvania for longevity at this rostrum and a person who radiated the ideals of our State from its founding through his tenure and beyond.

It gives me personal satisfaction as a person who moved up through the rank and file, sometimes with his help and sometimes with a degree of tentativeness on his part, but nevertheless a warm and fraternal spirit that we all, I am sure, join in welcoming the Honorable K. Leroy Irvis, Speaker of the House.

Mr. IRVIS. Thank you very much. Thank you.

This House will come to order.

I am never lost for words, as you well know, but you have brought me as close to that condition as anybody has in the last decade. I appreciate what you have done for me, and I want you to know that I miss you.

People ask me even now after 4 years, do you miss going to Harrisburg, and I say no, but I miss the family that I had to

separate from, because that is what happened over 30 years. The members of the House, the administrators, the floor staff — everyone here became part of the family. I miss all of them. But I think I miss most of all the intimacy which I had when people had problems, to come to me and say, would you please help? I have to tell you that they are still doing that. I go now to four or five obligatory meetings every week. I try to get the people to turn elsewhere, but they say no, we know you and you cannot turn your back on us. So I cannot and will not.

I have only a few moments here with you today. I am here to present the arts honors to a good friend of mine, John Edgar Wideman, at about 5 o'clock this afternoon. I am also here to see my 7-month-old grandson, my 2-year-old granddaughter, and my 3 1/2-year-old granddaughter, and that has been an enthusiastic family rally, believe me. I had forgotten how much energy 2 1/2-year-olds and 3 1/2-year-olds have, but I now know.

Those of you who know not me—and that may be a number of you on this floor—and those of you who know me so very well know, I think, that I feel this deliberative body is the most important function of government. The ones who have heard me say this before, I will say it again: No other animal has created a parliament except man. Governors are not as important to people as legislators are. Courts are not as important to people as legislators are. The people of this Commonwealth speak through you, directly through you, and you speak back to them directly. Every 2 years they say to you what they want done and what they do not want done, and that is an enormous burden that you carry. But I will say this: In 30 years I never knew anyone on the floor of this House who did not carry that burden well, and indeed some of them carried it nobly. I know you will do the same.

Do not be dismayed by the naysayers. Do not be diverted by the editorial writers. Do pay no attention to the talking hens, the ones who cackle on television. They are not here. They are not you. They are not the representatives of the people. They are the people who carry the news to others, usually the bad news, but you are the people's representatives. You speak for the people of this Commonwealth. You defend the people of this Commonwealth. You lead the people of this Commonwealth, and they speak to you.

I thank you for being so attentive; it is unusual, and I take note that you are working on something brand new — welfare reform. If I did not look at my gray hair, I would think I was back in 1977. But thank you very much for your applause, for your kindnesses, for the members who have come up to me personally. I appreciate it. May God bless you, and keep going on your duties. Thank you again.

The SPEAKER. It never made more sense to say that the Chair thanks the gentleman.

CONSIDERATION OF HB 1341 CONTINUED

On the question recurring,

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

Mr. CORNELL offered the following amendment No. A1216:

Amend Sec. 3 (Sec. 432.2), page 8, line 21, by striking out “thirty” and inserting
ninety

On the question,

Will the House agree to the amendment?

The SPEAKER. The amendment is in packet No. 1.

On the amendment, the Chair recognizes the gentleman from Montgomery County, Mr. Cornell.

Mr. CORNELL. Thank you, Mr. Speaker, and I must say it is a tough act to follow Speaker Irvis to the microphone. I would only hope that I gain the attention of the House members.

Amendment A1216 would amend the current bill and require a 90-day residency requirement instead of a 30-day as proposed in Representative Evans' bill.

Just a few minutes ago Representative Evans, on talking on the Flick amendment, agreed with a residency requirement and he also said he is willing to reach out. All I am asking him to do is to reach out a bit further.

I would ask support of this amendment.

The SPEAKER. The Chair thanks the gentleman and recognizes Mr. Evans.

Mr. EVANS. Mr. Speaker, may I interrogate the maker of the amendment?

Mr. CORNELL. Certainly.

The SPEAKER. The gentleman, Mr. Cornell, indicates he will consent to interrogation.

Mr. EVANS. Mr. Speaker, you indicated, by using my words, that I said I wanted to reach out. I am trying to think, what is your exact rationale, though I say I support a residency requirement, of going from 30 days to 90 days?

Mr. CORNELL. It just seems to me, Mr. Speaker, and I think most of the members on this side, that a 90-day residency requirement for those people wishing to be eligible for general assistance makes more sense than your requirement of 30 days in the current fashion as it is in the bill today.

Mr. EVANS. Can you tell me, Mr. Speaker, when you say those of you on that side, what exactly makes more sense about a residency requirement of 90 days versus 30 days? When you say it makes more sense, I am just trying to get a sense. Did you do that because there are some other examples that you can point to?

Mr. CORNELL. The one good example I can point to is that it would save the Commonwealth almost \$160,000 annually as provided by your fiscal note through your staff.

Mr. EVANS. And that was the basis for how you arrived at 90 days? Mr. Speaker, is that the basis of how you arrived at 90 days?

Mr. CORNELL. That was not the only basis. That is certainly one of the considerations.

Mr. EVANS. What are some of the other considerations that you arrived at 90 days?

Mr. CORNELL. I think a lot of our members felt, including myself, that that residency requirement, increasing it from 30 to 60, might cut down on some of the welfare-type, I will not say fraud, but some of the abuses that we see today.

Mr. EVANS. You do not think that is done through 30 days, too?

Mr. CORNELL. I beg your pardon?

Mr. EVANS. You do not think that is done through 30 days, too?

Mr. CORNELL. I think it is done in 30 days, and I think it would be done if it were, you know, 12 months.

Mr. EVANS. I would like to thank the gentleman, Mr. Speaker, for the purpose of the interrogation. I would like to comment on the proposed amendment.

THE SPEAKER PRO TEMPORE (FRED A. TRELLO) PRESIDING

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

Mr. EVANS. Mr. Speaker, this question of residency has been an issue that has been debated back and forth. There are some people who say—and I am no attorney—that we do not have a right to do a residency. There are some people who argue that we can do a residency. If you talk to the Department of Public Welfare, they will tell you, which I have asked and the chairman of Health and Welfare has asked, that they do not necessarily have any empirical evidence that this is a problem.

I can show you, Mr. Speaker, that the former Secretary of HEW (Department of Health, Education, and Welfare), Louis Sullivan, who was one time asked, is this a problem, publicly said that this was not a problem, or at least they do not have any evidence to say that it was a problem.

I want to tell you, Mr. Speaker, how I arrived at 30 days and not at 45, not at 50, not at 90. The way I arrived at 30 days, Mr. Speaker—and I kind of heard Mr. Ryan say it earlier—was that voter registration is 30 days, driver's license is 30 days, and I even went a step further, Mr. Speaker. I even put language in the bill that said that the department should be directed to look and to investigate this issue to determine if this is as much of a problem as people say it is.

Mr. Speaker, some members, my colleagues, particularly in the Greene County-Fayette County area that borders the Commonwealth, indicate that their constituents have indicated that they have heard stories about people moving in and easily being able to access welfare. So as a result, Mr. Speaker, what I attempted to do by putting 30 days and putting language in there, what I attempted to do is find out how much of a problem this really is, and what I did, Mr. Speaker, by trying to put this language in there, I basically said that the department should go out, make some kind of determination, and come back to this General Assembly and make some sort of recommendations about if we should go more than 30 days, because, Mr. Speaker, there are some people who will raise the question of constitutionality, and that is something that I cannot raise. I will leave that up to some other people who will stand up and make that argument. But I will say to you, Mr.

Speaker, that I believe that 30 days meets the objective of at least having a residency requirement, first; secondly, Mr. Speaker, by putting the language that I have in the bill that says that the department is directed to make some kind of determination, because if we are to develop public policy in this Commonwealth, we should have some information to make those determinations.

Now, I know that may sound shocking to some people that we should take information and we should weigh that information to make a decision, but I would like to think that we should have some information to make a determination of how much a problem that this is. So as a result, Mr. Speaker, I would encourage members to be “no” on the Cornell amendment, because if you heard the gentleman, basically the only thing he basically said was that because members on our side think that it should be 90 days and because members on our side think we are going to save \$150,000, we should go to 90 days. He did not say we should go to 90 days because this is something that has been occurring with other programs. He did not say because he has some kind of empirical evidence. He did not say because he has some kind of documentation that showed that this is a particular problem. He just came out and said, we should go to 90 days. No basis whatsoever.

Now, Mr. Speaker, he is correct. I did tell Mr. Flick that I am for a residency requirement, but I did not just say arbitrarily that I was for 90 days or I was for 60 days. I said I was for 30 days based on the fact that voter registration and driver's license we do it, and I also said, Mr. Speaker, furthermore, that we should go out and try to find out how much of a problem that this is and not just tell these stories on this House floor of people traveling in willy-nilly and this occurring.

I again would ask people to vote “no” on the Cornell amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes Curtis Thomas, the Representative from Philadelphia.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate the maker of the motion?

The SPEAKER pro tempore. Will the gentleman, Mr. Cornell, stand for interrogation?

Mr. CORNELL. Yes.

The SPEAKER pro tempore. The gentleman agrees that he will. The gentleman may continue.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, what district do you represent?

Mr. CORNELL. I represent a district in Montgomery County and a portion of Bucks County.

Mr. THOMAS. Pardon me? I did not hear the last part.

Mr. CORNELL. Montgomery County and a portion of Bucks County.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I imagine the intent of your amendment is to provide some timetable for which a determination of residency can be made. Is that correct?

Mr. CORNELL. That is true.

Mr. THOMAS. Out of what empirical or presumed data is this amendment arising? I mean, upon what basis do you feel that we need a 90-day residency requirement in Pennsylvania?

Mr. CORNELL. There are other residency requirements for individuals on PACE (Pharmaceutical Assistance Contract for the Elderly). As Representative Evans said, there are other residency requirements for individuals who wish to drive. There are many other type residency requirements for many other things in the Commonwealth, and 90 days seemed appropriate for residency requirements for these individuals.

Mr. THOMAS. Mr. Speaker, do you acknowledge that the Commonwealth of Pennsylvania does not have a standard residency requirement?

Mr. CORNELL. A standard residency requirement? For what?

Mr. THOMAS. That applies to all programs and/or benefits that one might take advantage of from the Commonwealth of Pennsylvania.

Mr. CORNELL. I do not believe so, but I do not believe also we should treat our welfare recipients better than we treat our senior citizens in Pennsylvania.

Mr. THOMAS. So, Mr. Speaker— Well, I mean, that analogy can be applied to a number of situations. There are those who say that we should not be limiting access to cash assistance to welfare recipients while at the same time desirous of a pay raise for ourselves. So there are all kinds of arguments that can be raised, but, Mr. Speaker, I want to kind of stick to the point.

Then you would acknowledge that as of May 4, 1993, at about 3 minutes to 4, that you have no data from your legislative district to support the need for a 90-day residency requirement with respect to this category of people.

Mr. CORNELL. The only data that I receive is from my constituents, who do not want to support out-of-State residents with their tax dollars that they send to Harrisburg, sir.

Mr. THOMAS. Well, that is what I asked you, Mr. Speaker. What data do you have to show that people are coming into Montgomery County or coming into your legislative district from other States and are taking advantage of Pennsylvania's general assistance program?

Mr. CORNELL. The information that has been supplied by your side, your Appropriations Committee, would reflect that those individuals are coming into not only the Philadelphia area but Bucks and Montgomery Counties and the other counties in the Commonwealth as well.

Mr. THOMAS. Mr. Speaker, I have not heard of any information from my side of the aisle to show that people are coming in and out of your district, my district, or anybody else's district with any great numbers and taking advantage of Pennsylvania's general assistance program.

Mr. Speaker, since you are unable to provide me with any data and provide this body with any data to support why this amendment is on the table, Mr. Speaker, I would like to now make a comment.

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

CONSTITUTIONAL POINT OF ORDER

Mr. THOMAS. I am sick and tired of being sick and tired of constantly putting up on the board amendments and bills that are shallow in both form and in substance. Now, this bill is designed to do something, but it has no basis for what it is designed to do — establish a 90-day residency requirement. I am confident that in the end this amendment is going to be voted down, but before we even get to the merits of it, there is another problem with this amendment that I have raised several times before. The last time I withdrew it because that amendment did not deal strictly with the issue of residency, but this amendment deals strictly with the issue of residency, and as my colleague aptly noted yesterday, in the case of *Shapiro v. the State of Connecticut*, the Supreme Court struck down Connecticut, Pennsylvania, and another State's residency requirement on the basis of both the 14th Amendment and the 5th Amendment.

It has been long established that all residents, citizens of this country, have a fundamental right to come and go as they please; that the right to travel is embodied in our Bill of Rights; and that just as Congress is restricted from chilling that right to travel with respect to the AFDC program, the Commonwealth of Pennsylvania, by and through this legislature, is without the authority to interfere with that fundamental right in the absence of a compelling State interest. There is no compelling State interest that has been articulated by this speaker or anyone else to establish a 90- or 9-day residency requirement in the Commonwealth of Pennsylvania for the general assistance program, and the fact that we have a residency requirement with the PACE program and with other programs is of little consequence, because those programs do not run to a fundamental right that we as citizens of this country have, and that right is to be able to come and go.

So, Mr. Speaker, this speaker has failed to provide that compelling State interest for establishing a 90-day requirement with respect to the general assistance program, and therefore, I have no other choice, Mr. Speaker, but to ask that this amendment be declared unconstitutional, based on both the Pennsylvania and United States Constitutions.

As it has been aptly noted, the Supreme Court has not overturned *Shapiro v. Connecticut* and has not overturned any chilling conduct on the part of legislative or executive bodies of States in this country to use residency as a way of limiting access to a fundamental right.

So, Mr. Speaker, I move that this amendment be declared unconstitutional, and I ask my colleagues from both sides of the aisle that the time is now to stand up. Let us put this issue to rest once and for all.

I am very sensitive to the interest of this speaker's intent with this amendment, but I submit to you that there are at least 5 to 10 different ways that we can achieve, we can deal with the problem, the alleged problem, that has been put before us, and that is outsiders taking advantage of programs in the Commonwealth of Pennsylvania and thereby draining Pennsylvania's resources. That is an alleged perception. We do not even have facts to support it, but if in fact that is true, then

there are a number of ways that we can deal with that problem in the absence of interfering with all citizens' fundamental right to travel.

So I urge my colleagues on both sides of the aisle to declare this amendment unconstitutional now and once and for all. Thank you.

The SPEAKER pro tempore. The gentleman, Mr. Thomas, raises a point of order that the amendment A1216 is unconstitutional.

On the question,

Will the House sustain the constitutionality of the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the minority leader, Mr. Ryan.

Mr. RYAN. Thank you.

Mr. Speaker, would the gentleman, Mr. Thomas, consent to a brief interrogation on the question of constitutionality?

The SPEAKER pro tempore. The gentleman agrees to his interrogation.

Mr. RYAN. It is my understanding, Mr. Speaker, that you raised the question of constitutionality based on the residence requirement that is found in the amendment that the gentleman, Mr. Cornell, would impose — that is, a 90-day residence requirement. Is that accurate?

Mr. THOMAS. No, Mr. Speaker. I raised the question of constitutionality based on provisions contained in the 14th Amendment of the United States Constitution and provisions of the Pennsylvania Constitution.

Mr. RYAN. Well, I understand that, but I meant the part that you find unconstitutional is that part of his amendment that calls for a 90-day residency. Is that accurate?

Mr. THOMAS. Correct, Mr. Speaker. If you look at this amendment from all four corners, the only issue contained in this amendment is the issue of residency, and that issue, if adopted by this body, would interfere with the fundamental right, that right to travel.

Mr. RYAN. Okay. Now, without this amendment, do you have any problems of constitutionality with the bill based on residency?

Mr. THOMAS. Mr. Speaker, I do have problems with the residency provision in the bill, and I have problems each and every time the question of residency has been raised as a way to deny people access to Pennsylvania's general assistance program.

Mr. RYAN. Is it your intention to question the constitutionality of HB 1341 as introduced by Chairman Evans, based on the residency question again?

Mr. THOMAS. Only if that issue is not moot by the time we get to the question of the bill.

Mr. RYAN. Well, the bill has a 30-day residency restriction in it. Assuming that that restriction—and that is put in there by Mr. Evans as the drafter of the bill—assuming that is still in it, is the bill still unconstitutional in your judgment?

Mr. THOMAS. Mr. Speaker, it is hoped, and I have shared this with the maker of the bill—

The SPEAKER pro tempore. The only question before the House is the question on the amendment and not the bill.

Mr. RYAN. Well, that is right, Mr. Speaker, if I may. I am trying to find the degree of constitutionality, whether it is a 30-day constitutional problem, a 31-day or a 90-day problem.

The SPEAKER pro tempore. Well, I believe the ruling is that you could do that on final passage of the bill but not on the amendment. The amendment speaks to 90 days.

Mr. RYAN. All right. Thank you.

Off of that question, which I will save to a later date.

Do you believe, do you believe— Well, you have stated that under the Constitution you are trying to protect the right of people to go back and forth between the States without regard to a residency requirement, I think is how you interpret the constitutional violation that is set forth in this amendment. Is that accurate?

Mr. THOMAS. Mr. Speaker, here is the problem, and the court has made this clear in the Shapiro case. Whenever a law or proposed law has the possibility of interfering with a fundamental right that has been granted to all citizens of this country, the standard for whether or not that law or proposed law will be stricken or upheld is based on whether or not there is a compelling State interest for the imposition of that law. I submit to you that in the absence of any empirical or other data giving rise to the fact that we need a residency requirement, whether or not it be 9 or 90 days, in Pennsylvania has not been substantiated, and so therefore, we have failed to provide a compelling State interest for even thinking about the imposition of a residency requirement, and to that end, this amendment is unconstitutional.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, on the question.

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

Mr. RYAN. Mr. Speaker, I think the question of constitutionality is again something to hide behind. If we are not going to hide behind it, we should come all the way out in the open, and if we are all the way out in the open, then there is a 90-day waiting period for our senior citizens, never challenged, never declared unconstitutional, which I think is equally wrong if this gentleman says it. There is even a 90-day waiting period in Pennsylvania before a laborer or a mechanic can work on a public works contract for a State or a county, municipality, or another political subdivision. There is a 90-day wait for a laborer or a mechanic to work in a school district for construction, alteration, or other repairs. There is a waiting period for voting eligibility. There is a 1-year residency requirement before you can apply for a PHEAA (Pennsylvania Higher Education Assistance Agency) loan. There is a 1-year residency requirement before you can apply for registration under the State System of Higher Education and the State-related institutions. There is a 1-year residency requirement for out-of-State students to go to our community colleges as residents of Pennsylvania, and our own wonderful law regarding taxation declares that you are a permanent resident of Pennsylvania

after you have been here more than 183 days; you have had a domicile in Pennsylvania for 183 days.

The idea of this being unconstitutional, I think, is far-fetched. I am not going to try and argue the Shapiro-Thompson case other than to say that what I remarked about it earlier, I say again. It does not apply, in my judgment, to the Pennsylvania facts that are found in this bill or in this amendment, and I think that this is just some place, some way, some method of hiding from a vote, and I think that is how it will be interpreted by everybody who has this called to their attention.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Richardson.

Mr. RICHARDSON. Mr. Speaker, I rise to debate this issue on constitutionality and I do so for the following reasons: I am not a lawyer, but Mr. Ryan is. It was ironic that he said he did not want to debate this issue on constitutionality. Well, it is very clear. The fundamental constitutional right to travel was established by the Supreme Court in *Shapiro v. Thompson*, 394 U.S. 618 (1969). More recent Supreme Court cases do not allow States to create fixed permanent distinctions between classes of residents based on when they arrived in the State, and that is *Zoebel v. Williams*, 457 U.S. 55 (1982).

If enacted into law, this provision will be taken to court, and when it is found to be in violation of the Constitution of this United States, it will be overturned at great expense to the Commonwealth of Pennsylvania.

It is not rational, Mr. Speaker, without support, but for a few anecdotal tales, to pass legislation which clearly violates the law. That speaks directly to the issue of constitutionality that has been raised by Mr. Thomas.

Also, it should be noted that when individuals cite one or two cases that come directly from individual constituents to them, that is not an entourage of people flowing into the Commonwealth of Pennsylvania to jump on welfare to receive \$1.95 a month. That is ridiculous. We pay one of the lowest amounts of money for those persons coming into this Commonwealth in the first place. It seems that we have got a real serious attitude about misperceptions and conceptions about what is really going on.

I talked with Secretary Karen Snider today, who indicated very strongly that even though they have collected data for the last 6 months, it should be noted very clearly for the record that there is no evidence whatsoever, even in the 6 months that they have collected the data, that people are charging into Pennsylvania, jumping on the rolls for the purpose of being able to say that they were coming to Pennsylvania to get on welfare.

Finally, if in fact you do not believe what we are saying, this bill calls for the requirement of a study to be done to determine if, as the Department of Public Welfare has stated in the past, people do not move to Pennsylvania to receive welfare benefits. It is clear that it is already in the bill.

Representative Evans has crafted this to try to allow every opportunity to be available to those individuals to say at a minimum, 30 days. And even though I do not agree with it, Mr. Speaker, I have made it very clear that I would stand and

fight on behalf of those individual persons who believe that they have got to do it, even though I know it is going to be taken out in the courts if this were to pass.

Migrant workers spend the winter months picking crops in the South and return to their home States during the summer months. Does that mean that those individual migrant workers should not be allowed to come into the Commonwealth of Pennsylvania to receive benefits even though they worked in the South during the summer? I think not, Mr. Speaker. And on those grounds, I ask to support the motion of Representative Thomas on his motion that this amendment is unconstitutional.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Montgomery County, Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, I think the debate has gotten off the issue of constitutionality. The vote will come after this is determined to be indeed constitutional, in my opinion, and that is when we should debate the merits of a 30- or 90-day period.

I am concerned that for some reason there seems to be some belief of a constitutional assurance or right to receive money for whatever purpose. I fail to find anything in the Constitution that says welfare is a right guaranteed by the Constitution. Under the 14th Amendment, which has been talked about, there is a right for mobility within the country.

We are not denying or choosing or any residency requirement is not refusing residency. Anyone can come. The problem is how soon can they get on the dole. That is the difference. If in fact we are talking about restrictions of travel, how about ruling then unconstitutional the tolls that are on the Delaware River bridges which keep us from coming from one State to another if we do not have the money to do it. That is a real prohibition of travel. This has no restrictions whatsoever. These people can come here. It just says that they have to be here for a period of time before they become eligible for something that Pennsylvania taxpayers are going to provide.

This is constitutional. If you want to vote for 30 or 90 days, that is different, but this in fact is a constitutional amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The question of constitutionality being before us, those voting "aye" will vote to declare the amendment to be constitutional; those voting "no" will vote to declare the amendment to be unconstitutional.

On the question recurring,

Will the House sustain the constitutionality of the amendment?

The following roll call was recorded:

YEAS—136

Adolph	Farmer	Lynch	Saylor
Allen	Fichter	Maitland	Scheetz
Argall	Fleagle	Manderino	Schuler
Armstrong	Flick	Markosek	Semmel

Baker	Freeman	Marsico	Serafini
Barley	Gamble	Masland	Smith, B.
Battisto	Gannon	Mayernik	Smith, S. H.
Birmelin	Geist	McGeehan	Snyder, D. W.
Boyes	Gerlach	Micozzie	Stairs
Brown	Gladeck	Mihalich	Steelman
Bunt	Godshall	Miller	Steil
Bush	Gordner	Nailor	Stern
Butkovitz	Gruppo	Nickol	Stetler
Buxton	Harley	Nyce	Stish
Caltagirone	Hasay	O'Brien	Strittmatter
Carone	Heckler	O'Donnell	Sturla
Cessar	Hennessey	Perzel	Surra
Chadwick	Herman	Pesci	Tangretti
Civera	Hershey	Pettit	Taylor, E. Z.
Clark	Hess	Phillips	Taylor, J.
Clymer	Hutchinson	Piccola	Tigue
Cohen, L. I.	Jadlowiec	Pitts	Tomlinson
Cornell	Jarolin	Platts	True
Cowell	Kaiser	Raymond	Tulli
Dempsey	Kasunic	Reber	Uliana
Dent	Keller	Reinard	Vance
Dermody	Kenney	Roberts	Van Horne
Donatucci	King	Rohrer	Vitali
Druce	Krebs	Rooney	Waugh
Durham	Laub	Rublely	Wogan
Egolf	Lawless	Ryan	Wright, M. N.
Fairchild	Lee	Santoni	Yandrisevits
Fajt	Leh	Sather	Yewcic
Fargo	Levdansky	Saurman	Zug

NAYS—60

Acosta	DeLuca	Linton	Rieger
Bebko-Jones	Evans	Lloyd	Ritter
Belardi	Fee	Lucyk	Robinson
Belfanti	George	McCall	Roebuck
Bishop	Gigliotti	McNally	Scrimenti
Blaum	Gruitza	Melio	Staback
Cappabianca	Hanna	Michlovic	Steighner
Carn	Hughes	Mundy	Thomas
Cawley	Itkin	Murphy	Trello
Cohen, M.	Josephs	Olasz	Veon
Colafrella	Kirkland	Oliver	Williams
Colaizzo	Kukovich	Petrone	Wright, D. R.
Corrigan	LaGrotta	Pistella	
Coy	Laughlin	Preston	DeWeese,
Curry	Lederer	Richardson	Speaker
Daley	Lescovitz		

NOT VOTING—3

James	Petrarca	Rudy
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EXCUSED—4

Haluska	Merry	Trich	Wozniak
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The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the amendment was sustained.

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

The SPEAKER pro tempore. On that question, the Chair recognizes the lady, Mrs. Vance.

Mrs. VANCE. Thank you, Mr. Speaker.

I rise to support the Cornell amendment.

I am very distressed about the double standard that we are applying here — one standard applied to our senior citizens and one to welfare recipients. The law establishes a criteria that must be met for each recipient to be eligible for either PACE or welfare. From a technical standpoint, one could argue that both may be entitlements. However, I hear no anguished cries that our senior citizens must have a 90-day residency. No one is saying that their waiting requirement is unconstitutional. Why the double standard?

I hope to speak for the senior citizens and say, we are not second-class citizens, and I strongly support the 90-day residency requirement for welfare recipients as well. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

The Chair recognizes Curt Thomas from Philadelphia.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, once again I rise in opposition to this amendment, and I rise in opposition to this amendment because it has been said that we are here to speak for the people, on behalf of the people, and in the best interests of the people. No one who has supported this amendment has provided any data, has not even provided any perceptual data, to indicate that the borders of Pennsylvania are being flooded by people from the outside so much so that we need to put up a residency guard around the borders of Pennsylvania. I asked the author of the amendment to at least provide us with some data that would substantiate why he, on behalf of the 58,000 constituents in his district, is advancing this amendment based on people flooding Montgomery County from outside Pennsylvania. He maintains that he has received a few calls, but he has not offered one hard fact to substantiate why he is advancing this amendment, and because he has failed to offer one scintilla of evidence to substantiate why this amendment is on the board, this amendment must be rejected out of hand.

We cannot find an analogous situation just because there is a 90-day residency requirement with respect to the PACE program.

Mr. Speaker, we need a wake-up call. The PACE program is one of several programs that is funded and provided for through the lottery program. The lottery program is something that was created by statute. General assistance is a category that was created by statute, and at a minimum, at a minimum, I want reform just like everybody else. I would like for there to be a reform of our priorities in terms of how we spend. We are now talking about reforming the welfare system. When is somebody going to talk about reform for all the people who are unemployed, not on welfare, but need to be gainfully employed because their company has left the borders of Pennsylvania?

I do not want to go too far out there. I just want to say this, that in the absence of Mr. Cornell, Representative Cornell, or anybody else providing some basis as to why we need to talk about residency with respect to the general assistance program, how are we going to go back and tell our people that we passed a law that we had no basis for passing, that we acted but we were unable to substantiate our conduct, unable

to substantiate our actions? How do we go back and say that to people?

I recall just last year we adopted the Pennsylvania abortion control law. We said that there needed to be a waiting period. The courts struck down that waiting period because it interfered with the fundamental right that has not been overturned by the United States Supreme Court.

Mr. Speaker, let us not play with this any longer. If we want change, let us become real change agents, and you become real change agents by substantiating that which we are doing, and we cannot substantiate what we are articulating through this amendment.

Therefore, I say, from both sides of the aisle, this amendment must be rejected and let us get on to the real business of reform. Thank you.

THE SPEAKER (H. WILLIAM DeWEESE) PRESIDING

The SPEAKER. The Chair thanks the gentleman and recognizes Representative Mark Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, as somebody who has been in public office for 19 years and has been active in politics for longer than that, I try to make it a habit to get to know the new people who move into my district, and I am sure that many of you try to get to know the new people who move into your district. I have learned that whenever there is a big crisis abroad, whenever there is some huge plant closing anywhere within hundreds of miles of Philadelphia, sooner or later at least a few people are going to wind up in or around my legislative district. Whenever there is some crisis, whenever people are fearful of their lives, whenever they are fearful of their jobs, people tend to move. They try to better their situation by finding a different place in which to live, and people come to Philadelphia, they come to other parts of the State because they want to begin again.

What this amendment does is it says that if somebody comes here for any reason, they are not going to be able to get welfare for 90 days, and people do not come to Pennsylvania for the purpose of getting welfare. They come to Pennsylvania for the purpose of getting jobs, and sometimes they are successful and sometimes they are not.

We want there to be a labor force in Pennsylvania for our employers, and we need people coming into Pennsylvania. All this does is it says that people who come into Pennsylvania and who need the welfare payments to survive are not going to be able to get it for 90 days. In many individual cases, that is very cruel. That means people will starve; that means people will be begging for food; that means people will be demanding from local governments, from charitable organizations, the basic subsistence that they need. What we are talking about here is the fundamental right to live in modern society. All people ought to have it, and we ought not to be taking it away from people or telling people they ought to starve. That is not the kind of decent society that I think most of us want.

I would strongly urge that this amendment be defeated. We are not talking about any great mass of people. According to the Department of Public Welfare, 94 percent of the people who are on public assistance have resided in Pennsylvania for at least 1 year, and that is very, very similar to the rest of the population.

Of the 11 States which have residency requirements, I am informed by the staff who has dealt with this information, not a single residency requirement has been implemented in any State at all. The 30-day residency requirement will put us among the most militant of all States in seeking residency requirements. Ninety days will, in all likelihood, kill a residency requirement because of the injustice of the situation in many individual cases. I suspect it will be difficult for anybody who wants to challenge the residency requirement to come up with somebody to sue if we go in the 30-day residency requirement. If we go in the 90-day residency requirement, it will be very easy to come up with people in real-life hardship cases who will make very appealing plaintiffs, and it will make it very easy for the Federal courts to throw this out.

I would strongly urge that we defeat the Cornell amendment.

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

Mr. ARMSTRONG. Mr. Speaker, I would like to interrogate Mr. Thomas, if at all possible.

The SPEAKER. The gentleman, Mr. Thomas, consents to interrogation. The gentleman, Mr. Armstrong, may proceed.

Mr. ARMSTRONG. Thank you, Mr. Speaker.

Mr. Speaker, I just have one short question for you. Is it your opinion that should one move into the State of Pennsylvania from the State of New York, that immediately they should be able to access the welfare?

Mr. THOMAS. Mr. Speaker, no, it is not my opinion that people moving into the State of Pennsylvania should have automatic access to any of the programs and benefits offered by Pennsylvania. What is my opinion is that we cannot interfere with basic fundamental rights, and, Mr. Speaker, if I can, let me elaborate on this a little bit, because I think people are a little bit confused or this sounds like some new concept.

The right to travel grows out of a long list of cases, starting from early civil rights cases, to voting rights cases, to abortion control cases. I mean, this is not something that—

Mr. ARMSTRONG. Mr. Speaker?

The SPEAKER. The Chair recognizes the gentleman.

Mr. ARMSTRONG. A point of order there.

I asked a question. He seems to be taking us off into another ballpark, and I believe he answered my question.

The SPEAKER. You have ceased your interrogation—

Mr. ARMSTRONG. Yes, I have.

The SPEAKER. —and would like to speak on the amendment?

Mr. ARMSTRONG. Yes, I would, please.

The SPEAKER. Does the gentleman, Mr. Thomas, understand the nature of the gentleman's request?

Mr. THOMAS. Mr. Speaker, I had not finished answering the gentleman's question.

The SPEAKER. The gentleman's interrogation is no longer ongoing. He has ceased his interrogation. The Chair will recognize the gentleman, Mr. Thomas, who can comment on the amendment as soon as the gentleman finishes his interrogation.

Mr. THOMAS. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. ARMSTRONG. Thank you, Mr. Speaker.

Mr. Speaker, if you have just heard the question I have asked, I have asked if it was his opinion that should one be able to move into the State from another State, if they would be able to immediately access the welfare system, to which he responded that he is not in favor of an automatic access. Then he started meandering into another area.

I would like to just say that regardless of whether we have empirical evidence at this point, whether it exists or not, this is simply something that is right to do. It is not right for an individual to come into this State and to take benefits from individuals who have lived in this State for a length of time, and as to elements of substance, there have been a lot of elements of substance that have been relayed today in this particular amendment, such as the savings that the State would realize to be able to use for other individuals who need our assistance.

There are financial benefits that we have already stated in other areas. In most cases, you have to have a residency requirement of 90 days or more. Also, I would like to say that in most areas of employment, you have to show that you have worked for at least 90 days before you can receive some kind of medical insurance or vacation benefits. It is only the right thing. It is very consistent with a lot of what is happening in our workplace and our society today.

I would ask for everyone to support this bill. I think it is a very reasonable amendment. Thank you for your consideration.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I think that it is relevant that we are without any evidence to support why a 90-day residency requirement is necessary, and, Mr. Speaker, I would further like to say that we are not talking about something that has been thrust upon us. It was no more than a little more than a decade ago that this side, while in the majority, under the tutelage of Governor Thornburgh, created the categories that we are now talking about abolishing. General assistance was a category that was created by this body a little more than a decade ago, and if I am not mistaken, Mr. Speaker, the question of residency was raised at that time and was rejected out of hand, and the reason that it was rejected out of hand—

The SPEAKER. The Chair interrupts the gentleman. The Chair was giving exceptional leniency to the gentleman. This is the third time that you have spoken on the amendment, and therefore, the Chair will have to politely ask that you conclude your comments at this time.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, there are guidelines within the general assistance category, guidelines that talk about need, that talk about other circumstances that are reviewed prior to a decision being made on whether or not you can have access to the benefits under the general assistance program, and in the absence of some data to substantiate why we need a 90-day residency requirement, I urge that we reject this amendment, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Sturla. The gentleman is recognized for the second time.

Mr. STURLA. Mr. Speaker, will the maker of the amendment rise for interrogation?

The SPEAKER. The gentleman from Montgomery County indicates he will consent to interrogation.

Mr. STURLA. Mr. Speaker, under this amendment, are there any provisions for exceptions to the 90-day rule?

Mr. CORNELL. No, there are not.

Mr. STURLA. So in other words, if, for instance, my mother were ill in the State of Pennsylvania and I came to Pennsylvania from another State where I was on public assistance to keep her out of a home or out of the hospital so that I could attend to her needs, I would not qualify for public assistance in this State for 90 days. Is that correct?

Mr. CORNELL. That would be your responsibility, sir, as opposed to the taxpayers of Pennsylvania.

Mr. STURLA. Under this amendment, if I were a resident of Pennsylvania and I went to another State to attend to an ailing parent and was out of the State for 2 or 3 months, would I have to reestablish my residency when I returned?

Mr. CORNELL. If you maintained your residency in Pennsylvania, you would not.

Mr. STURLA. How would I be able to maintain my residency if I were out of State?

Mr. CORNELL. Because you would be on an extended vacation.

Mr. STURLA. And would that be allowed under the current welfare regulations?

Mr. CORNELL. I beg your pardon?

Mr. STURLA. Would that be allowed under the current welfare regulations?

Mr. CORNELL. I believe it would.

Mr. STURLA. Okay. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—133

Adolph	Farmer	Lloyd	Saurman
Allen	Fichter	Lynch	Saylor
Argall	Fleagle	Maitland	Scheetz
Armstrong	Flick	Markosek	Schuler
Baker	Gamble	Marsico	Scrimenti
Barley	Gannon	Masland	Semmel
Belfanti	Geist	Mayernik	Serafini

Birmelin	Gerlach	McCall	Smith, B.
Boyes	Gladeck	McGeehan	Smith, S. H.
Brown	Godshall	Micozzie	Snyder, D. W.
Bunt	Gruppo	Miller	Staback
Bush	Hanna	Nailor	Stairs
Butkovitz	Harley	Nickol	Steil
Carone	Hasay	Nyce	Stern
Cessar	Heckler	O'Brien	Stish
Chadwick	Hennessey	O'Donnell	Strittmatter
Civera	Herman	Olasz	Surra
Clark	Hershey	Perzel	Tangretti
Clymer	Hess	Pesci	Taylor, E. Z.
Cohen, L. I.	Hutchinson	Pettit	Taylor, J.
Cornell	Jadlowiec	Phillips	Tomlinson
Cowell	Jarolin	Piccola	True
Coy	Kaiser	Pitts	Tulli
Daley	Kasunic	Platts	Uliana
Dempsey	Keller	Raymond	Vance
Dent	Kenney	Reber	Van Horne
Dermody	King	Reinard	Vitali
Donatucci	Krebs	Roberts	Waugh
Druce	Laub	Rohrer	Wogan
Durham	Lawless	Rublely	Wright, D. R.
Egolf	Lee	Rudy	Wright, M. N.
Fairchild	Leh	Ryan	Yewic
Fajt	Levdansky	Sather	Zug
Fargo			

NAYS—66

Acosta	Evans	Linton	Robinson
Battisto	Fee	Lucyk	Roebuck
Bebko-Jones	Freeman	Manderino	Rooney
Belardi	George	McNally	Santoni
Bishop	Gigliotti	Melio	Steelman
Blaum	Gordner	Michlovic	Steighner
Buxton	Gruitza	Mihalich	Stetler
Caltagirone	Hughes	Mundy	Sturla
Cappabianca	Itkin	Murphy	Thomas
Carn	James	Oliver	Tigue
Cawley	Josephs	Petrarca	Trello
Cohen, M.	Kirkland	Petrone	Veon
Colafrella	Kukovich	Pistella	Williams
Colaizzo	LaGrotta	Preston	Yandrisevits
Corrigan	Laughlin	Richardson	
Curry	Lederer	Rieger	DeWeese, Speaker
DeLuca	Lescovitz	Ritter	

NOT VOTING—0

EXCUSED—4

Haluska	Merry	Trich	Wozniak
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The question was determined in the affirmative, and the amendment was agreed to.

On the question recurring,

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

Mrs. TAYLOR offered the following amendments No. A1226:

Amend Title, page 1, lines 3 and 4, by striking out "further providing for a performance evaluation of the Pennsylvania" and inserting repealing the requirement for regulations as to community work and training; further providing for and renaming the

Amend Sec. 1, page 1, line 26, by striking out "405.2" and inserting

405

Amend Sec. 1, page 1, line 27; page 2, lines 1 and 2, by striking out "amended by" in line 27, page 1, all of lines 1 and 2, page 2, and inserting repealed.

Section 2. Section 405.2 of the act, added April 8, 1982 (P.L.231, No.75), is amended to read:

Section 405.2. [Community Work Program.—(a) The department shall coordinate the establishment of community work projects by departments, agencies or institutions of the Commonwealth or any political subdivision located within the Commonwealth or any agency of the Federal Government and shall assign to these work projects cash assistance recipients for whom the Office of Employment Security has been unable to secure employment. In instances when community work projects are not available for all able-bodied cash assistance recipients, priority shall be given to general assistance recipients for referral to available projects.

(b) Every individual who has not received a bona fide offer of training or employment under section 405.1 shall, as a condition of continuing eligibility for cash assistance, report to and work in a community work project established under this section unless such individual is over the age of forty-five or is exempt from the registration requirements of section 405.1. Such individual shall be required to work that number of hours which when multiplied by the applicable minimum wage equals the amount of cash assistance such person receives: Provided, however, That the parent or other caretaker of a child between the ages of six and fourteen who is personally providing care for the child with only very brief and infrequent absences from the child shall not be required to participate in community work projects except on days and at times when the child is in school or when there are adequate day-care arrangements available for the child at no cost to the recipient. No lien shall be imposed against the real property of the individual under the act of June 24, 1937 (P.L.2045, No.397), known as "The Support Law," to recover cash assistance payments paid to that individual for the period that the individual actually works in community work projects.

(c) Community work projects established under this section must be approved by the department. To qualify for approval, a work site must conform to appropriate health and safety standards. Cash assistance recipients shall not be assigned to work opportunities available due to a labor dispute, strike, or lockout and shall not be assigned to perform work so as to cause the layoff, downgrading or prevention of return to work of an available competent employe. Cash assistance recipients shall be assigned to community work projects within twenty-five miles of their place of residence.

(d) A person who without good cause fails or refuses to accept assignment to and participate in a community work project shall be disqualified from receiving cash assistance for sixty days for the first violation and thereafter until such time he or she is willing to comply. For the second violation and subsequent violations the disqualification period shall be one hundred twenty days. The disqualification period shall commence on the date the department's order imposing disqualification is final.] Pennsylvania Workfare Program.—(a) In the event an able-bodied recipient of general assistance does not otherwise gain employment, it is the intent of the General Assembly to establish a workfare program whereby able-bodied recipients of general assistance shall provide public service in exchange for their publicly funded cash grants.

(b) The department shall enter into cooperative agreements with any department, agency or institution of the State or any political subdivision thereof, to provide able-bodied general assistance recipients with workfare opportunities.

(c) Able-bodied general assistance recipients shall be assigned by the department to perform public service and shall be required to work such number of hours as he or she would work if paid a compensation equal to the local minimum wage. Such work shall not exceed eight hours per day or forty hours per week. Individuals who fail to participate in an assigned workfare project in accordance with rules and regulations promulgated by the

department, shall be terminated from assistance pursuant to section 432.3.

(d) Workfare employes shall not be used to displace employed workers, be assigned more than twenty-five miles from his or her residence unless the department determines that a greater distance is not a hardship, or be employed due to a labor dispute, strike or lockout.

(e) The department shall propose initial rules and regulations for the administration of this section prior to the effective date of this section. Neither initial rules and regulations nor any promulgated thereafter with regard to this section shall take effect without the approval of the General Assembly. The department's proposed initial rules and regulations shall be submitted to, and approved or disapproved by, the Senate and the House of Representatives in the same manner as provided for the consideration of reorganization plans provided for by the act of April 7, 1955 (P.L.23, No.8), known as the "Reorganization Act of 1955." In the event that the General Assembly disapproves the proposed rules and regulations, then the department shall submit new rules and regulations within thirty days.

(f) Workmen's compensation insurance premiums shall be the responsibility of the entity which provides the employment opportunity.

Amend Sec. 2, page 2, line 17, by striking out "2" and inserting

3

Amend Sec. 3, page 7, line 28, by striking out "3" and inserting

4

Amend Sec. 4, page 10, line 1, by striking out "4" and inserting

5

Amend Sec. 5, page 10, line 18, by striking out "5" and inserting

6

Amend Sec. 6, page 11, line 29, by striking out "6" and inserting

7

Amend Sec. 7, page 12, line 19, by striking out "7" and inserting

8

Amend Sec. 8, page 13, line 6, by striking out "8" and inserting

9

Amend Sec. 9, page 14, line 19, by striking out "9" and inserting

10

Amend Sec. 10, page 15, line 16, by striking out "10" and inserting

11

Amend Sec. 11, page 19, line 3, by striking out "11" and inserting

12

Amend Sec. 12, page 26, line 19, by striking out "12" and inserting

13

Amend Sec. 13, page 28, line 12, by striking out "13" and inserting

14

Amend Sec. 14, page 28, line 15, by striking out "14" and inserting

15

Amend Sec. 15, page 28, line 20, by striking out "15" and inserting

16

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

AMENDMENTS WITHDRAWN

The SPEAKER. On the amendment, the Chair recognizes Chairman Taylor.

Mrs. TAYLOR. Mr. Speaker, I am withdrawing that amendment at this time.

The SPEAKER. The Chair thanks the lady.

FORMER MEMBER WELCOMED

The SPEAKER. The Chair would like to introduce a former member of the General Assembly from the Lehigh Valley, Mr. Kurt Zwinkl. Kurt, welcome to the hall of the House.

GUESTS INTRODUCED

The SPEAKER. Ladies and gentlemen, also with Kurt today we have a very unusual privilege to welcome a Pulitzer Prize winner to our midst. David McCullough, who wrote the vast volume on the life of Harry Truman, is being honored today by Governor Casey, being given the Pennsylvania Award for the Humanities. The Chair would like to welcome David McCullough, Pulitzer Prize winner from Pennsylvania, and his wife.

Welcome to the hall of the House, sir, and congratulations.

CONSIDERATION OF HB 1341 CONTINUED

On the question recurring,

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

Mrs. TAYLOR offered the following amendments No. A1225:

Amend Title, page 1, line 16, by inserting after "fraud;" establishing mandatory school attendance or the acquisition of a high school equivalent diploma as a condition to receiving aid for dependent children; granting the Department of Public Welfare the power to enforce these requirements; providing the Department of Education with authority to set standards; formulating a reporting process for school districts;

Amend Bill, page 19, by inserting between lines 2 and 3

Section 11. Article IV of the act is amended by adding a subarticle to read:

(g.1) Minimum School Attendance Requirements

Section 461. Legislative Intent.—(a) The General Assembly finds and declares that:

(1) As a result of continuing changes in the economy and therefor the types of jobs available in today's economic climate, education and knowledge skills, including a high school diploma or its equivalent as a minimum educational attainment, are becoming more and more critical to both short-term and long-term prospects for economic independence through employment.

(2) A large percentage of AFDC recipients drop out of secondary school and fail to obtain a high school diploma or its equivalent prior to twenty-one years of age. These include many teenage parents who receive cash assistance through the AFDC program.

(3) Present welfare policy fails to provide any incentive to welfare families to keep their children in school until they receive a high school diploma; in fact, existing policy provides continuing financial support for high school dropouts, with no responsibilities for educational attainment by AFDC recipients.

(b) It is the policy of this Commonwealth to require school attendance as a condition of the receipt of cash assistance under the AFDC program for members of AFDC families, in order to

increase the future employability and economic independence of Pennsylvania children presently on the welfare role.

Section 462. Definitions.—As used in this subarticle:

“AFDC” is an acronym for the program which provides aid to families with dependent children under this act.

“Attendance problem” means a situation which arises when a qualified individual has been reported as illegally absent under section 1354 of the act of March 10, 1949 (P.L.30, No. 14), known as the “Public School Code of 1949.”

“Department” means the Department of Public Welfare of the Commonwealth.

“Full day” means the entire school day as defined by the school board.

“Qualified individual” means an individual who receives AFDC payments or a child whose parent or guardian receives AFDC payments, who is eight to eighteen years of age and who has not graduated from school or obtained a certificate of satisfactory completion of a general educational development test.

“School” means any public or private school operated pursuant to the act of March 10, 1949 (P.L.30, No. 14), known as the “Public School Code of 1949”; any vocational, technical or college affiliated program which satisfies requirements for completion of a high school education program; any program which leads to a certificate of satisfactory completion of a general educational development test; or any home educational program approved by the Department of Education.

Section 463. Required School Attendance.—(a) An individual who is an AFDC recipient or is a dependent child of an AFDC recipient shall be required to attend school without any attendance problems as a requirement for continuing eligibility for such AFDC assistance if all of the following apply:

(1) The individual is:

(i) eight to fourteen years of age in the first full school year after the effective date of this section;

(ii) eight to fifteen years of age in the second full school year after the effective date of this section;

(iii) eight to sixteen years of age in the third full school year after the effective date of this section;

(iv) eight to seventeen years of age in the fourth full school year after the effective date of this section;

(v) eight to eighteen years of age in the fifth and each subsequent full school year after the effective date of this section.

(2) The individual has not graduated from a public or private high school or obtained a certificate of satisfactory completion of a general educational development test.

(3) The individual is not enrolled in a home school program under section 1327.1 of the act of March 10, 1949 (P.L.30, No. 14), known as the “Public School Code of 1949.”

(4) The individual is not legally excused from attending school.

(5) The individual is not prohibited from attending school while an expulsion is pending.

(6) If the individual was expelled from a school, there is another school available which the individual can attend.

(7) The individual does not have good cause for failing to attend school, as set forth in section 464.

(b) An individual who fails to meet the requirements of subsection (a) shall be subject to the sanctions specified in section 465.

(c) The department may require consent to the release of school attendance records as a condition of eligibility.

(d) If an individual required to attend school under subsection (a) is enrolled in a public school, communications between the school district and the department or a county agency concerning the individual's school attendance may only be made by the district's attendance officer as designated under section 1341 of the “Public School Code of 1949.”

Section 464. Qualified Reasons for Nonattendance.—An AFDC recipient shall not be subject to any sanctions for nonattendance for any one of the following reasons:

(1) The qualified individual is a caretaker for a child who is less than ninety days old.

(2) The qualified individual requires the use of child care services which are unavailable or unaffordable.

(3) Public or private transportation is necessary but is neither available nor affordable.

(4) The reasons defined in sections 1329, 1330 and 1417 of the “Public School Code of 1949” and 22 Pa. Code Ch. 11 (relating to pupil attendance).

Section 465. Sanctions for Failure to Comply with Mandatory Attendance.—(a) The County Board of Assistance shall review the school attendance of, and maintain attendance records for, every qualified individual subject to its jurisdiction. When the total number of unexcused absences in any one school month exceeds two full days, the County Board of Assistance shall notify the qualified individual of the existence of an attendance problem for that school year and the possible imposition of sanctions under subsection (b). This notification shall be sent by certified mail to the last known address of the qualified individual or the individual's parent or legal guardian, whoever is the primary AFDC recipient within ten days of the review.

(b) If, after notification under subsection (a), the County Board of Assistance determines in any subsequent month within the school year that the qualified individual continues to have an attendance problem, the County Board of Assistance shall remove that qualified individual from the formula used to determine the amount of the AFDC grant. The qualified individual shall remain ineligible for AFDC assistance until the attendance problem is resolved.

(c) The sanction shall be effective for one payment month for each month that the qualified individual failed to meet the attendance requirement.

(d) In the case of a dropout, the sanction shall remain in effect until the qualified individual provides written proof from the school district that he or she has re-enrolled and has met the attendance requirement for one month. Any month in which school is “in session” as defined by the school board may be used to meet the attendance requirement. The sanction shall be removed in the next possible payment month.

Section 466. Powers and Duties of Department.—(a) Within ninety days of the effective date of this act, the secretary shall submit to the appropriate Federal agency a request for any and all waivers of Federal law and regulations and for any other approvals by the Federal Government necessary for the implementation of this act for an initial demonstration period of five years. It shall be the obligation of the secretary to enter into good faith negotiations with the appropriate Federal officials and to make every effort to obtain the necessary Federal waivers and approvals.

(b) The department and the County Board of Assistance shall be responsible for making the AFDC eligibility determinations and budget computations necessary for the implementation of the provisions of section 463.

(c) The department shall obtain the necessary school attendance information at the initial eligibility determination and shall review the school attendance information at all subsequent eligibility determination reviews.

(d) The department shall disqualify for AFDC benefits any parent, guardian or otherwise qualified individual who fails to cooperate with or hinders the department in obtaining or reviewing school attendance enrollment information.

(e) The department shall provide to each school district, on a monthly basis, a list of all AFDC recipients under nineteen years of age who are residing in the school district.

(f) The department shall establish procedures to provide hearings for persons aggrieved by the provisions of this act. These hearings shall be conducted under the provisions of 2 Pa.C.S. (relating to administrative law and procedure).

(g) On or before September 15 following the first school year of the implementation of this act, and on or before that date in each succeeding year, the department shall provide a report covering the preceding school and fiscal year to the Secretary of the Senate and the Chief Clerk of the House of Representatives for distribution to members of the General Assembly. The report shall provide an evaluation of the effectiveness of this act in meeting its stated purposes. The annual report shall contain, but

not be limited to, the following information, provided for each county in this Commonwealth and for the Commonwealth as a whole:

(1) The number of AFDC recipients affected by this act who receive a high school diploma or a general equivalency diploma, beginning with the school year preceding the implementation of this act and every year thereafter for the five-year periods.

(2) The number of AFDC recipients who continue to receive public assistance as a result of their participation in the education program as defined in section 463, beginning with the first school year of the implementation of this act and every year thereafter for five-year periods.

(3) The number of AFDC recipients who become ineligible for AFDC assistance as a result of section 463 during the first year of implementation of this act and each year thereafter for five-year periods, together with the average length of time of their ineligibility and the amounts of Federal and State funds that would have been spent had these persons remained otherwise eligible for participation in the AFDC program, and the amount of State funds for general assistance spent to provide cash assistance to such persons during each fiscal year.

(4) An overall statement of the progress of the program during the preceding year, along with recommendation for improvements.

(h) Within sixty days after the Federal waiver approval, the department shall promulgate rules and regulations necessary to effectuate the provisions of this act, except for the provisions of sections 467 and 468.

(i) The department shall conduct periodic five-year comprehensive reviews of this program and obtain whatever Federal waivers or approvals that may be necessary to continue this program. The program under this subarticle shall not be terminated except by legislation which repeals or modifies the program.

Section 467. Powers and Duties of Department of Education.—(a) The Department of Education, with the approval of the State Board of Education, shall promulgate rules and regulations to define minimum standards of attendance required by section 463, to be implemented by all school districts to ensure meaningful participation in educational programming leading towards the attainment of a high school diploma or its equivalent by the AFDC recipients affected by this program.

(b) In cooperation with the department, the Department of Education shall provide guidance to local school districts relating to procedures for the efficient reporting of information to county assistance offices as required by section 468.

(c) The Secretary of Education shall be responsible for providing information and technical assistance to school districts concerning the implementation of model alternative educational programs with proven effectiveness in meeting the educational needs of AFDC recipients affected by this program.

Section 468. Powers and Duties of School Districts.—Each school district within this Commonwealth shall be responsible for reporting monthly, to the appropriate county assistance office of the department, the names and other appropriate identifying information of any AFDC recipient who fails to meet the school attendance requirement of section 463. In reporting attendance the school district may not add partial days together to constitute a full day.

Amend Sec. 11, page 19, line 3, by striking out "11" and inserting

12

Amend Sec. 12, page 26, line 19, by striking out "12" and inserting

13

Amend Sec. 13, page 28, line 12, by striking out "13" and inserting

14

Amend Sec. 14, page 28, line 15, by striking out "14" and inserting

15

Amend Sec. 15, page 28, by inserting between lines 19 and

20

Section 16. The addition of subarticle (g.1) of Article IV of the act shall be applicable from the beginning of the school year following the adoption of this act. The implementation of any provisions of this act requiring authorization by the Federal Government, especially the assurance of Federal matching funds for the AFDC program in this Commonwealth, is contingent upon the receipt and period of effectiveness of such Federal approvals.

Amend Sec. 15, page 28, line 20, by striking out "15" and inserting

17

Amend Sec. 15, page 28, by inserting between lines 22 and 23

(2) The addition of subarticle (g.1) of Article IV of the act shall take effect in 60 days.

Amend Sec. 15, page 28, line 23, by striking out "(2)" and inserting

(3)

On the question,

Will the House agree to the amendments?

The SPEAKER. On the question, the gentlady is recognized.

Mrs. TAYLOR. Thank you, Mr. Speaker.

I yield to Representative Pitts on this amendment.

The SPEAKER. The Chair thanks the lady and recognizes the distinguished Appropriations chairman from Chester County, Mr. Pitts.

Mr. PITTS. Thank you, Mr. Speaker.

Mr. Speaker, this amendment aims at keeping children in AFDC families who are chronically truant in school.

Some of you may have read about the issue of Learnfare. That is the title given to this concept in other States. This is a little bit different the way it is drafted from the other States.

The most important factor in helping children break the cycle of welfare dependency is education. This amendment provides that families with chronically truant children will have their assistance grants reduced if their children do not attend school on a regular basis. This version of Learnfare differs from others in the country, such as Wisconsin. Wisconsin deals only with high school students. Our amendment begins with 8-year-olds. It phases in over a 5-year period, beginning with children from 8 to 14, and then gradually phasing in so that all the children, even in high school, are included.

What this does is to encourage parental responsibility by alerting parents of a child's attendance problems. By starting with young children, good attendance habits can be fostered. Exceptions in the amendment are included for teenage mothers with newborns or if day care is not available or if transportation is not available or there are other legitimate problems. Such programs as food stamps, other forms of assistance, remain unaffected.

Mr. Speaker, this program extends a helping hand to parents by encouraging them to make sure their children attend school. Parents who receive assistance from taxpayers have a responsibility for that assistance they receive. They should be responsible to make sure their children attend school on a regular basis.

Mr. Speaker, I urge adoption of the amendment.

The SPEAKER. The Chair thanks the gentleman.

Does Mr. Richardson seek recognition?

Mr. RICHARDSON. Yes, Mr. Speaker.

Mr. Speaker, I rise to oppose the amendment offered by the gentleman, Mr. Pitts, A1225, and I would like at this time, if I may, to interrogate the prime sponsor of the amendment.

The SPEAKER. The gentleman, Mr. Pitts, indicates that he will stand for interrogation instead of the prime sponsor of the amendment. Is that acceptable?

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

Mr. Speaker, I would like to know whether or not you can share with the members of this House of Representatives the actual Learnfare program in Wisconsin and what has been the outcome of such legislation.

Mr. PITTS. Mr. Speaker, we are not offering the legislation that was adopted in Wisconsin. As I stated previously, we are addressing the children in their younger, more formative years, and that is not appropriate to completely equate the two.

Mr. RICHARDSON. Okay. Then, Mr. Speaker, I would like to ask whether or not you can share then with the members of this House, how do we consider a person or a youngster to be a chronic truant? What is the determination or definition of such terminology?

Mr. PITTS. Mr. Speaker, if the child misses school in excess of a certain number of days, then they are considered chronic.

Mr. RICHARDSON. Well, how many days? I mean, 10 days? 5 days? 6 days? 4 days? 3 days?

Mr. PITTS. Mr. Speaker, it is 2 days a month that are excused. There are other excuses for commonsense exceptions.

Mr. RICHARDSON. Two days a month, and what else, sir?

Mr. PITTS. Two unexcused attendances per month.

Mr. RICHARDSON. Did you say per month? I am sorry. We are having a hard time hearing you. I cannot hear you.

Mr. PITTS. Yes; per month.

Mr. RICHARDSON. And as a result of the two unexcused absences per month, is there a gradual stage or a gradual period of time before we move to take a parent off welfare because that child is truant for two unexcused absences a month? How many months must that exist before you actually take the welfare check?

Mr. PITTS. Mr. Speaker, the parent is not taken off welfare. The grant is reduced a percentage share for the child that is chronically missing school.

Mr. RICHARDSON. And what is that grant?

Mr. PITTS. The grant for that particular child.

Mr. RICHARDSON. I am asking you, is there an amount?

Mr. PITTS. It varies by region of the Commonwealth and by family size.

Mr. RICHARDSON. Okay. Give me the southeastern region by size.

Mr. PITTS. Mr. Speaker, we can get you that information.

Mr. RICHARDSON. Well, we are debating the bill now, Mr. Speaker, and as intelligent as we are about everything else, I know that we would not stand here on this floor and say we will get the information. I said that before and you all laughed at me.

Mr. PITTS. We will provide that information to you.

Mr. RICHARDSON. I ask for a recess until the gentleman provides us with the information.

Mr. PITTS. Mr. Speaker, for a family of six it would be \$80.

The SPEAKER. For a family of six, it would be \$80.

Mr. RICHARDSON. And which region is that? I asked for the southeastern region and the northeastern region.

Mr. PITTS. Mr. Speaker, we will get you the whole schedule.

Mr. RICHARDSON. I ask for a recess until I can get the schedule, Mr. Speaker. If we are voting on something this major and this dangerous to children in this Commonwealth, then we need to see the schedule, not based on somebody telling me, because I do not believe it.

The SPEAKER. Would the gentleman, Mr. Pitts, indicate to the Chair at what point he believes a schedule would be forthcoming?

Mr. PITTS. Mr. Speaker, they are calling to see if they can get it right now for you.

The SPEAKER. If it is within moments, the Chair would deem that appropriate. If not, we could potentially pass over temporarily and go to another amendment, but the Chair will ask the members to be at ease momentarily.

Mr. PITTS. Mr. Speaker?

The SPEAKER. The Chair recognizes Joe Pitts.

Mr. PITTS. Is he ready to listen?

All right. Mr. Speaker, for the southeast region, for a family of two, if a child were chronically truant, that family would lose \$115 per month. For a family of three, if one child were truant, they would lose \$91 per month. A family of four, one child truant, would lose \$93 per month.

Mr. RICHARDSON. And in the northeast region?

Mr. PITTS. Mr. Speaker, we will have to get that. The gentleman probably has the information, but we can call and get it for him.

BILL PASSED OVER TEMPORARILY

Mr. RICHARDSON. Mr. Speaker, I ask for this amendment to go over until we have an opportunity to have the schedule. If we are going to vote to try to take money away from people and we have it broken down by schedule and this is supposed to be in the amendment, I do not think it is proper for us to proceed until all that information is on the floor. You would not allow me to do it, and I do not think anybody else should have the right to be able to do it either.

I ask that this amendment be passed over temporarily.

The SPEAKER. The gentleman indicates he would like for the amendment to be gone over temporarily. The Chair hears no objection.

RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority leader.

Mr. ITKIN. Mr. Speaker, at this time I would like to put the House at ease for the purpose of a Rules Committee meeting at the majority leader's desk.

The SPEAKER. The Chair thanks the gentleman and notes to the membership that a Rules Committee meeting will be immediately forthcoming at the podium of the majority leader.

The House will stand at ease momentarily.

BILLS REPORTED AND REREFERRED TO COMMITTEE ON JUDICIARY

HB 1457, PN 1636 By Rep. ITKIN

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for simple assault and for probable cause in domestic violence cases; and further providing for bail.

RULES.

HB 1459, PN 1637 By Rep. ITKIN

An Act amending the act of June 18, 1974 (P.L.359, No.120), referred to as the Municipal Police Education and Training Law, further providing for the powers and duties of the commission.

RULES.

RESOLUTIONS REPORTED FROM COMMITTEE

HR 48, PN 1165 By Rep. ITKIN

A Resolution recognizing June 1993 as "Dairy Month" in Pennsylvania.

RULES.

HR 81, PN 1554 By Rep. ITKIN

A Resolution declaring the week of May 23 through 29, 1993, as "Emergency Medical Services (EMS) Week" in Pennsylvania.

RULES.

HR 86, PN 1694 By Rep. ITKIN

A Concurrent Resolution memorializing the President and Congress of the United States, the Secretary of Defense and all members of the Base Closure and Realignment Commission to delay all current realignment actions at the Naval Air Warfare Center Aircraft Division in Warminster, Pennsylvania, until all legal questions concerning the original realignment decisions of this facility are resolved and until the economic and the long-term savings issues of this facility's realignment are reconsidered and restudied.

RULES.

HOUSE SCHEDULE

The SPEAKER. The Chair recognizes the majority leader.
Mr. ITKIN. Mr. Speaker, at this time I would like to make a motion that the House stand in recess for the purposes of a Republican caucus and subsequently dinner. We will recess at this time and return to the floor at 7:30.

The SPEAKER. The Chair thanks the gentleman.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes Representative Geist.
Mr. GEIST. Thank you, Mr. Speaker.

Since we have not caucused on the calendar, there will be an immediate Republican caucus, and it should be short and brief, and then we will break for dinner and be back likewise; and, Mr. Speaker, very informative by Representative Ryan to our members.

The SPEAKER. The Chair thanks the gentleman.

RECESS

The SPEAKER. This House stands in recess until 7:30 p.m.; recess until 7:30 p.m.

AFTER RECESS

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

THE SPEAKER PRO TEMPORE (FRED A. TRELLO) PRESIDING

LEAVE OF ABSENCE

The SPEAKER pro tempore. The gentleman, Mr. PETRARCA, will be registered for a leave of absence for the rest of the evening, without objection. The Chair hears none.

Mr. D. R. WRIGHT. Mr. Speaker?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Wright.

Mr. D. R. WRIGHT. Could the Chair advise us when we might be in session so we can get on with other business?

The SPEAKER pro tempore. At the present time we are waiting for the arrival of the majority leader to set the schedule.

Mr. D. R. WRIGHT. Do you have any indication when that will be, or shall we sit here all night waiting?

The SPEAKER pro tempore. Well, if the gentleman would like to make a statement of some kind, the gentleman is in order.

Mr. D. R. WRIGHT. What time were we scheduled to be here, Mr. Speaker?

The SPEAKER pro tempore. At 10 after 8.

Mr. D. R. WRIGHT. We were scheduled to be here at 10 after 8?

The SPEAKER pro tempore. Right.

Mr. D. R. WRIGHT. I will wait for 2 minutes.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair would like to announce the arrival of the majority leader.

The gentleman, Mr. Wright, if he has any questions to direct, he can direct them at the majority leader.

RULES SUSPENDED

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

Mr. ITKIN. Mr. Speaker, I move to suspend the rules for HR's 93 and 94.

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

The following roll call was recorded:

YEAS—197

Acosta	Fajt	Linton	Ryan
Adolph	Fargo	Lloyd	Santoni
Allen	Farmer	Lucyk	Sather
Argall	Fee	Lynch	Saurman
Armstrong	Fichter	Maitland	Saylor
Baker	Fleagle	Manderino	Scheetz
Barley	Flick	Markosek	Schuler
Battisto	Freeman	Marsico	Scrimenti
Bebko-Jones	Gamble	Masland	Semmel
Belardi	Gannon	Mayernik	Serafini
Belfanti	Geist	McCall	Smith, B.
Birmelin	George	McGeehan	Smith, S. H.
Bishop	Gerlach	McNally	Snyder, D. W.
Blaum	Gigliotti	Melio	Staback
Boyes	Gladeck	Michlovic	Stairs
Brown	Godshall	Micozzie	Steelman
Bunt	Gordner	Mihalich	Steighner
Bush	Gruitza	Miller	Steil
Butkovitz	Gruppo	Mundy	Stern
Buxton	Hanna	Murphy	Stetler
Caltagirone	Harley	Nailor	Stish
Cappabianca	Hasay	Nickol	Strittmatter
Carn	Heckler	Nyce	Sturla
Carone	Hennessey	O'Brien	Surra
Cawley	Herman	O'Donnell	Tangretti
Cessar	Hershey	Olasz	Taylor, E. Z.
Chadwick	Hess	Oliver	Taylor, J.
Civera	Hughes	Perzel	Thomas
Clark	Hutchinson	Pesci	Tigue
Clymer	Itkin	Petrone	Tomlinson
Cohen, L. I.	Jadlowiec	Pettit	Trello
Cohen, M.	James	Phillips	True
Colafella	Jarolin	Piccola	Tulli
Colaizzo	Josephs	Pistella	Uliana
Cornell	Kaiser	Pitts	Vance
Corrigan	Kasunic	Platts	Van Horne
Cowell	Keller	Preston	Veon
Coy	Kenney	Raymond	Vitali
Curry	King	Reber	Waugh
Daley	Kirkland	Reinard	Williams
DeLuca	Krebs	Richardson	Wogan
Dempsey	LaGrotta	Rieger	Wright, D. R.
Dent	Laub	Ritter	Wright, M. N.
Dermody	Laughlin	Roberts	Yandrisevits
Donatucci	Lawless	Robinson	Yewcic
Druce	Lederer	Roebuck	Zug
Durham	Lee	Rohrer	
Egolf	Leh	Rooney	DeWeese,
Evans	Lescovitz	Rublely	Speaker
Fairchild	Levdansky	Rudy	

NAYS—1

Kukovich

NOT VOTING—0

EXCUSED—5

Haluska
Merry

Petrarca

Trich

Wozniak

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

RESOLUTIONS

The SPEAKER pro tempore. The gentleman from Carbon, Mr. McCall, calls up HR 93, which will be read by the clerk.

The following resolution was read:

House Resolution No. 93

A RESOLUTION

Recognizing May 1993 as "Better Hearing and Speech Month" in Pennsylvania.

WHEREAS, Speech-language pathologists in Pennsylvania observe and celebrate "Better Hearing and Speech Month" each year during the month of May; and

WHEREAS, The House of Representatives recognizes and values the efforts of all who work to eliminate or minimize the isolating effects of communication disorders in the one-in-ten families affected by them; and

WHEREAS, Speech-language pathology services throughout our nation help to enable and empower individuals with communication disorders to lead independent, productive and fulfilling lives; and

WHEREAS, The Commonwealth of Pennsylvania is proud and honored to have speech-language pathologists offering quality education and health care services to its citizens; therefore be it

RESOLVED, That the House of Representatives recognize May 1993 as "Better Hearing and Speech Month" in Pennsylvania and encourage all citizens to recognize the achievements of speech-language pathologists in improving the quality of life for people with communication disorders.

Keith R. McCall
Fred Belardi
Susan Laughlin
Phyllis Mundy
Kevin Blaum

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

Acosta	Fajt	Levdansky	Rudy
Adolph	Fargo	Linton	Ryan
Allen	Farmer	Lloyd	Santoni
Argall	Fee	Lucyk	Sather
Armstrong	Fichter	Lynch	Saurman
Baker	Fleagle	Maitland	Saylor
Barley	Flick	Manderino	Scheetz
Battisto	Freeman	Markosek	Schuler
Bebko-Jones	Gamble	Marsico	Scrimenti
Belardi	Gannon	Masland	Semmel
Belfanti	Geist	Mayernik	Serafini
Birmelin	George	McCall	Smith, B.
Bishop	Gerlach	McGeehan	Smith, S. H.
Blaum	Gigliotti	McNally	Snyder, D. W.
Boyes	Gladeck	Melio	Staback

Brown	Godshall	Michlovic	Stairs
Bunt	Gordner	Micozzie	Steelman
Bush	Gruitza	Mihalich	Steighner
Butkovitz	Gruppo	Miller	Steil
Buxton	Hanna	Mundy	Stern
Caltagirone	Harley	Murphy	Stetler
Cappabianca	Hasay	Nailor	Stish
Carn	Heckler	Nickol	Strittmatter
Carone	Hennessey	Nyce	Sturla
Cawley	Herman	O'Brien	Surra
Cessar	Hershey	O'Donnell	Tangretti
Chadwick	Hess	Olasz	Taylor, E. Z.
Civera	Hughes	Oliver	Taylor, J.
Clark	Hutchinson	Perzel	Thomas
Clymer	Itkin	Pesci	Tigue
Cohen, L. I.	Jadlowiec	Petrone	Tomlinson
Cohen, M.	James	Pettit	Trello
Colafrilla	Jarolin	Phillips	True
Colaizzo	Josephs	Piccola	Tulli
Cornell	Kaiser	Pistella	Uliana
Corrigan	Kasunic	Pitts	Vance
Cowell	Keller	Platts	Van Horne
Coy	Kenney	Preston	Veon
Curry	King	Raymond	Vitali
Daley	Kirkland	Reber	Waugh
DeLuca	Krebs	Reinard	Williams
Dempsey	Kukovich	Richardson	Wogan
Dent	LaGrotta	Rieger	Wright, D. R.
Dermody	Laub	Ritter	Wright, M. N.
Donatucci	Laughlin	Roberts	Yandrisvits
Druce	Lawless	Robinson	Yewcic
Durham	Lederer	Roebuck	Zug
Egolf	Lee	Rohrer	
Evans	Leh	Rooney	DeWeese,
Fairchild	Lescovitz	Rubley	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Haluska	Petrarca	Trich	Wozniak
Merry			

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

Mr. STRITTMATTER. Mr. Speaker?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Strittmatter.

Mr. STRITTMATTER. Thank you.

I will yield to Representative McCall. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, other members have indicated an interest in cosponsoring this resolution. I would ask that it be placed on the desk for additional sponsors.

The SPEAKER pro tempore. The resolution will be placed on the desk for additional sponsors until the close of business.

* * *

The SPEAKER pro tempore. The gentleman from Allegheny County, Mr. Cessar, calls up HR 94, which will be read by the clerk.

The following resolution was read:

House Resolution No. 94

A RESOLUTION

Congratulating Jim Delligatti for inventing the Big Mac.

WHEREAS, Jim Delligatti of Fox Chapel, Pennsylvania, invented the famous McDonald's sandwich known as the Big Mac in the summer of 1967; and

WHEREAS, The Big Mac is the best-selling sandwich of McDonald's; and

WHEREAS, May 4, 1993, is the 25th Anniversary of the marketing of the Big Mac, with over 14,000,000,000 having been sold; therefore be it

RESOLVED, That the House of Representatives congratulate Jim Delligatti for inventing the Big Mac, an American sandwich classic; and be it further

RESOLVED, That the House of Representatives rejoice in the outstanding culinary and marketing accomplishment of a citizen of this Commonwealth; and be it further

RESOLVED, That copies of this resolution be transmitted to Jim Delligatti and to the headquarters of McDonald's.

- Richard J. Cessar
- Ivan Itkin
- Fred A. Trello
- Anthony M. DeLuca
- Richard D. Olasz
- Terry E. Van Horne
- Frank J. Pistella
- David J. Mayernik
- Thomas A. Michlovic
- Thomas J. Murphy, Jr.
- David K. Levdansky
- Ralph Kaiser
- Joseph F. Markosek
- Elaine F. Farmer
- Albert W. Pettit
- Ron Gamble

On the question,

Will the House adopt the resolution?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Cessar.

Mr. CESSAR. Thank you, Mr. Speaker.

This resolution, Mr. Speaker— Could I have a little quiet, please, Mr. Speaker?

The SPEAKER pro tempore. Could we have some order? I am sure this information is very important to all of us.

Mr. CESSAR. Thank you, Mr. Speaker, especially since you already had your dinner.

Mr. Speaker, this resolution is something that I am extremely happy to present to the members of this General Assembly and ask for their support for it. This day marks the 25th anniversary of the birth of the Big Mac hamburger, Mr. Speaker. Of course, sometimes we think of people as hot dogs, but this is the Big Mac hamburger.

Mr. Speaker, this Big Mac hamburger is two all-beef patties, special sauce, lettuce, cheese, pickles and onions on a toasted sesame bun. Now, I am pleased to say, Mr. Speaker, that the person that really invented this hamburger is one of my constituents, one of the great Americans of my district.

For the record, 14 billion Big Macs have been sold around the world, enough for every man, woman, and child to clutch

one in each fist, with millions to spare. Or think of it another way: You could circle the earth with all of those Macs 35.5 times, or stack them to the moon and back - twice.

Now, that is a lot of Big Macs, would you not say? Great.

ARTICLE SUBMITTED FOR THE RECORD

Mr. CESSAR. Mr. Speaker, I ask for your support for this resolution to honor my good friend, Jim Delligatti, who is the father of the Big Mac, and I offer this for the record, Mr. Speaker. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. CESSAR submitted an article for the Legislative Journal.

(For article, see Appendix.)

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Roberts, from Fayette.

Mr. ROBERTS. Mr. Speaker, point of information on the Big Mac resolution.

I stand before this group and I am proud to say that the Big Mac originated in the city of Uniontown 25 years ago, and we will take credit for the Big Mac.

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Cessar, rise?

Mr. CESSAR. Well, to add to that, Mr. Speaker, that happened 25 years ago, and I must say this: The originator had a store in Representative Mayernik's district, and that was in the North Hills of Allegheny County, but to try it out, he went to Uniontown in Fayette County to make sure you people liked it first.

The SPEAKER pro tempore. The Chair thanks the gentleman.

For the information of both gentlemen, Big Mac Sarducci was from Coraopolis.

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

The following roll call was recorded:

YEAS—191

Acosta	Fajt	Lescovitz	Rubley
Adolph	Fargo	Levdansky	Rudy
Allen	Farmer	Linton	Ryan
Argall	Fee	Lloyd	Santoni
Armstrong	Fichter	Lucyk	Sather
Baker	Fleagle	Lynch	Saurman
Barley	Flick	Maitland	Saylor
Battisto	Gamble	Manderino	Scheetz
Bebko-Jones	Gannon	Markosek	Schuler
Belardi	Geist	Marsico	Scrimenti
Belfanti	George	Masland	Semmel
Birmelin	Gerlach	Mayernik	Serafini
Blaum	Gigliotti	McCall	Smith, B.
Boyes	Gladeck	McGeehan	Smith, S. H.
Brown	Godshall	McNally	Snyder, D. W.
Bunt	Gordner	Melio	Staback
Bush	Gruitza	Michlovic	Stairs

Butkovitz	Gruppo	Micozzie	Steighner
Buxton	Hanna	Mihalich	Steil
Caltagirone	Harley	Miller	Stern
Cappabianca	Hasay	Mundy	Stetler
Carn	Heckler	Murphy	Stish
Carone	Hennessey	Nailor	Strittmatter
Cawley	Herman	Nickol	Sturla
Cessar	Hershey	Nyce	Surra
Chadwick	Hess	O'Brien	Tangretti
Civera	Hughes	O'Donnell	Taylor, E. Z.
Clark	Hutchinson	Olasz	Taylor, J.
Clymer	Itkin	Oliver	Thomas
Cohen, L. I.	Jadlowiec	Perzel	Tigue
Cohen, M.	James	Pesci	Tomlinson
Colaella	Jarolin	Petrone	Trello
Colaizzo	Josephs	Pettit	True
Cornell	Kaiser	Phillips	Tulli
Corrigan	Kasunic	Piccola	Uliana
Cowell	Keller	Pistella	Vance
Coy	Kenney	Pitts	Van Horne
Curry	King	Platts	Veon
Daley	Kirkland	Preston	Waugh
DeLuca	Krebs	Raymond	Williams
Dempsey	Kukovich	Reber	Wogan
Dent	LaGrotta	Reinard	Wright, D. R.
Dermody	Laub	Richardson	Wright, M. N.
Donatucci	Laughlin	Roberts	Yewcic
Druce	Lawless	Robinson	Zug
Durham	Lederer	Roebuck	
Egolf	Lee	Rohrer	DeWeese,
Evans	Leh	Rooney	Speaker
Fairchild			

NAYS—6

Bishop	Rieger	Stelman	Yandrisevits
Freeman	Ritter		

NOT VOTING—1

Vitali

EXCUSED—5

Haluska	Petrarca	Trich	Wozniak
Merry			

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

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 816, PN 879**, entitled:

An Act providing for evaluation, termination and continuation of State agencies; establishing the Sunset Leadership Committee and providing for its powers and duties; and making repeals.

On the question,

Will the House agree to the bill on third consideration?

Ms. MUNDY offered the following amendments No. A1076:

Amend Sec. 2, page 3, line 14, by striking out "5(d)" and inserting

5(c)

Amend Sec. 8, page 17, line 20, by striking out "at the conclusion" and inserting on December 31

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

The SPEAKER pro tempore. The Chair recognizes the lady, Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

Amendment 1076 is simply a technical amendment, clarifying amendment, and I urge the support of the members. Thank you.

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

The following roll call was recorded:

YEAS—197

Acosta	Fajt	Linton	Ryan
Adolph	Fargo	Lloyd	Santoni
Allen	Farmer	Lucyk	Sather
Argall	Fee	Lynch	Saurman
Armstrong	Fichter	Maitland	Saylor
Baker	Fleagle	Manderino	Scheetz
Barley	Flick	Markosek	Schuler
Battisto	Freeman	Marsico	Scrimenti
Bebko-Jones	Gamble	Masland	Semmel
Belardi	Gannon	Mayernik	Serafini
Belfanti	Geist	McCall	Smith, B.
Birmelin	George	McGeehan	Smith, S. H.
Bishop	Gerlach	McNally	Snyder, D. W.
Blaum	Gigliotti	Melio	Staback
Boyes	Gladeck	Michlovic	Stairs
Brown	Godshall	Micozzie	Steelman
Bunt	Gordner	Mihalich	Steighner
Bush	Gruitza	Miller	Steil
Butkovitz	Gruppo	Mundy	Stern
Buxton	Hanna	Murphy	Stetler
Caltagirone	Harley	Nailor	Stish
Cappabianca	Hasay	Nickol	Strittmatter
Carn	Heckler	Nyce	Sturla
Carone	Hennessey	O'Brien	Surra
Cawley	Herman	O'Donnell	Tangretti
Cessar	Hershey	Olasz	Taylor, E. Z.
Chadwick	Hess	Oliver	Taylor, J.
Civera	Hughes	Perzel	Thomas
Clark	Hutchinson	Pesci	Tigue
Clymer	Itkin	Petrone	Tomlinson
Cohen, L. I.	Jadlowiec	Petit	Trelio
Cohen, M.	James	Phillips	True
Colafiglia	Jarolin	Piccola	Tulli
Colaizzo	Josephs	Pistella	Uliana
Cornell	Kaiser	Pitts	Vance
Corrigan	Kasunic	Platts	Van Home
Cowell	Keller	Preston	Veon
Coy	Kenney	Raymond	Vitali
Curry	King	Reber	Waugh
Daley	Kirkland	Reinard	Williams
DeLuca	Krebs	Richardson	Wogan
Dempsey	Kukovich	Rieger	Wright, D. R.
Dent	LaGrotta	Ritter	Wright, M. N.
Dermody	Laub	Roberts	Yandrisevits
Donatucci	Laughlin	Robinson	Yewcic
Druce	Lawless	Roebuck	Zug
Durham	Lederer	Rohrer	
Egolf	Leh	Rooney	DeWeese,

Evans
Fairchild

Lescovitz
Levdansky

Rubley
Rudy

Speaker

NAYS—0

NOT VOTING—1

Lee

EXCUSED—5

Haluska
Merry

Petrarca

Trich

Wozniak

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

On the question,

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

Mr. STEIL offered the following amendment No. A0894:

Amend Sec. 5, page 8, by inserting between lines 5 and 6 (g) Early review.—An agency may request at any time, a termination review earlier than provided for in this act, subject to the same conditions defined herein.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes Representative Steil.

Mr. STEIL. Mr. Speaker, this amendment adds language to the bill authorizing an early review of any agency affected. This is to replace the language in the bill which currently authorizes a 10-year review period, but the language in this amendment enables any individual agency to request an early termination and review. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the lady, Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

This amendment is agreed to. I do not really see this ever happening, but it would be novel. I agree to the amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the lady.

The Chair recognizes the gentleman, Mr. Lloyd.

Mr. LLOYD. Mr. Speaker, I realize that the prime sponsor has agreed to the amendment, but I think that there is a real problem with this amendment.

As I understand the effect of this amendment, it would be to allow an agency to declare itself its own schedule for sunset review. Let me give you two practical examples, and then members can decide. If that is what they want to do, fine.

We have had two very controversial boards that everybody has gotten squeezed on. One was the Board of Chiropractic. If this amendment goes into the bill, it will allow that board, if we go through sunset review of that board, and whatever controversial issues, we resolve them one way or the other and we put up with all the complaining and pressing from all sides, and the next year the board decides it did not like the way we

resolved those things, it can say, we volunteer to be sunseted early, and this language appears to say "subject to the same conditions as in this act," and that would allow them to force us to reopen that issue the next year.

The second example is the Board of Optometry, which we went through in the last session, and this would appear to say that if that board does not like what we do or do not do, then it can unilaterally declare that it is going to be subject to sunset on a schedule of its own choosing. Now, Mr. Speaker, I think that is a mistake, and I think that is going to plunge us into the middle of a lot of uncomfortable situations that we do not want to be involved in once we have made a decision.

Finally, Mr. Speaker, the Supreme Court of this State has said that it is unconstitutional for us to delegate to our leadership the power to postpone the termination of an agency for 1 year. I cannot imagine that we can grant to the agency the right to determine its own schedule for when it is going to go out of existence and that is going to be constitutional.

I intend to vote against this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the lady for the second time, Ms. Mundy.

Ms. MUNDY. Mr. Speaker, I yield to the superior logic of my colleague, Representative Lloyd, and I recognize the validity of what he is saying, and so therefore, I have to say that I would ask for a "no" vote on this amendment.

The SPEAKER pro tempore. The Chair also recognizes the gentleman, Mr. Steil, for the second time.

Mr. STEIL. I may be confused. However, the language in this very clearly says to me that although the normal language requires a 10-year review, this language says that any agency within that 10-year timeframe can call for an early review, subject to the same language in the bounds of the bill and the same procedures in the bill, and I do not see why that is a problem. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—50

Argall	Fargo	Maitland	Ryan
Baker	Fleagle	Masland	Sather
Barley	Flick	Nickol	Saurman
Birmelin	Gannon	Perzel	Saylor
Bunt	Geist	Phillips	Serafini
Bush	Gladeck	Piccola	Smith, B.
Cessar	Hasay	Pitts	Steil
Clymer	Heckler	Platts	Stern
Cohen, L. I.	Hennessey	Reber	Strittmatter
Cornell	Herman	Reinard	Tulli
Corrigan	Hershey	Roberts	Waugh
Druce	Jarolin	Rubley	Zug
Fairchild	Laub		

NAYS—148

Acosta	Farmer	Lloyd	Santoni
Adolph	Fee	Lucyk	Scheetz
Allen	Fichter	Lynch	Schuler
Armstrong	Freeman	Manderino	Scrimenti
Battisto	Gamble	Markosek	Semmel
Bebko-Jones	George	Marsico	Smith, S. H.
Belardi	Gerlach	Mayernik	Snyder, D. W.
Belfanti	Gigliotti	McCall	Staback
Bishop	Godshall	McGeehan	Stairs
Blaum	Gordner	McNally	Steelman
Boyes	Gruitza	Melio	Steighner
Brown	Gruppo	Michlovic	Steller
Butkovitz	Hanna	Micozzie	Stish
Buxton	Harley	Mihalich	Sturla
Caltagirone	Hess	Miller	Surra
Cappabianca	Hughes	Mundy	Tangretti
Carn	Hutchinson	Murphy	Taylor, E. Z.
Carone	Itkin	Nailor	Taylor, J.
Cawley	Jadlowiec	Nyce	Thomas
Chadwick	James	O'Brien	Tigue
Civera	Josephs	O'Donnell	Tomlinson
Clark	Kaiser	Olasz	Trello
Cohen, M.	Kasunic	Oliver	True
Colafiglia	Keller	Pesci	Uliana
Colaizzo	Kenney	Petrone	Vance
Cowell	King	Pettit	Van Horne
Coy	Kirkland	Pistella	Veon
Curry	Krebs	Preston	Vitali
Daley	Kukovich	Raymond	Williams
DeLuca	LaGrotta	Richardson	Wogan
Dempsey	Laughlin	Rieger	Wright, D. R.
Dent	Lawless	Ritter	Wright, M. N.
Dermody	Lederer	Robinson	Yandrisevits
Donatucci	Lee	Roebuck	Yewcic
Durham	Leh	Rohrer	
Egolf	Lescovitz	Rooney	DeWeese,
Evans	Levdansky	Rudy	Speaker
Fajt	Linton		

NOT VOTING—0

EXCUSED—5

Haluska	Petrarca	Trich	Wozniak
Merry			

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 on third consideration as amended?

Bill as amended was agreed to.

The SPEAKER pro tempore. 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—197

Acosta	Fajt	Linton	Ryan
Adolph	Fargo	Lloyd	Santoni
Allen	Farmer	Lucyk	Sather
Argall	Fee	Lynch	Saurman
Armstrong	Fichter	Maitland	Saylor

Baker	Fleagle	Manderino	Scheetz
Barley	Flick	Markosek	Schuler
Battisto	Freeman	Marsico	Scrimenti
Bebko-Jones	Gamble	Masland	Semmel
Belardi	Gannon	Mayernik	Serafini
Belfanti	Geist	McCall	Smith, B.
Birmelin	George	McGeehan	Smith, S. H.
Bishop	Gerlach	McNally	Snyder, D. W.
Blaum	Gigliotti	Melio	Staback
Boyes	Gladeck	Michlovic	Stairs
Brown	Godshall	Micozzie	Steelman
Bunt	Gordner	Mihalich	Steighner
Bush	Gruitza	Miller	Steil
Butkovitz	Gruppo	Mundy	Stern
Buxton	Hanna	Murphy	Stetler
Caltagirone	Harley	Nailor	Stish
Cappabianca	Hasay	Nickol	Strittmatter
Carn	Heckler	Nyce	Sturla
Carone	Hennessey	O'Brien	Surra
Cawley	Herman	O'Donnell	Tangretti
Cessar	Hershey	Olasz	Taylor, E. Z.
Chadwick	Hess	Oliver	Taylor, J.
Civera	Hughes	Perzel	Thomas
Clark	Hutchinson	Pesci	Tigue
Clymer	Itkin	Petrone	Tomlinson
Cohen, L. I.	Jadlowiec	Pettit	Trello
Cohen, M.	James	Phillips	True
Colafella	Jarolin	Piccola	Tulli
Colaizzo	Kaiser	Pistella	Uliana
Cornell	Kasunic	Pitts	Vance
Corrigan	Keller	Platts	Van Horne
Cowell	Kenney	Preston	Veon
Coy	King	Raymond	Vitali
Curry	Kirkland	Reber	Waugh
Daley	Krebs	Reinard	Williams
DeLuca	Kukovich	Richardson	Wogan
Dempsey	LaGrotta	Rieger	Wright, D. R.
Dent	Laub	Ritter	Wright, M. N.
Dermody	Laughlin	Roberts	Yandrisevits
Donatucci	Lawless	Robinson	Yewcic
Druce	Lederer	Roebuck	Zug
Durham	Lee	Rohrer	
Egolf	Leh	Rooney	DeWeese,
Evans	Lescovitz	Rubley	Speaker
Fairchild	Levdansky	Rudy	

NAYS—0

NOT VOTING—1

Josephs

EXCUSED—5

Haluska	Petrarca	Trich	Wozniak
Merry			

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

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

* * *

The House proceeded to third consideration of **HB 450, PN 501**, entitled:

An Act amending Title 5 (Athletics and Sports) of the Pennsylvania Consolidated Statutes, providing for the licensing of athletic agents; and imposing a penalty.

On the question,

Will the House agree to the bill on third consideration?

Mr. FREEMAN offered the following amendments No. A0947:

Amend Sec. 1, page 9, by inserting between lines 20 and 21 § 3307. Exemption from bonding requirement.

(a) Immediate family members.—Athletic agents who are representing an immediate family member are exempt from section 3306 (relating to bonding requirements).

(b) Definitions.—As used in this section, the term “immediate family” means a parent, stepparent, grandparent, spouse, son, daughter, uncle, aunt, brother, sister or first cousin.

Amend Sec. 1 (Sec. 3307), page 9, line 21, by striking out “3307” and inserting
3308

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, my amendment would exempt immediate family members who act as athletic agents for an athlete from the bonding requirements of this legislation. Such individuals would still be required to register with the State Athletic Commission in order to make sure their activities can be properly monitored, but I do not think it is appropriate or necessary to impose a financial hardship of a bonding requirement on those agents who are immediate family members and obviously will have the best interest of the athlete at heart.

This amendment has the support of the State Athletic Commission, and I urge a “yes” vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—197

Acosta	Fajt	Linton	Ryan
Adolph	Fargo	Lloyd	Santoni
Allen	Farmer	Lucyk	Sather
Argall	Fee	Lynch	Saurman
Armstrong	Fichter	Maitland	Saylor
Baker	Fleagle	Manderino	Scheetz
Barley	Flick	Markosek	Schuler
Battisto	Freeman	Marsico	Scrimenti
Bebko-Jones	Gannon	Masland	Semmel
Belardi	Geist	Mayernik	Serafini
Belfanti	George	McCall	Smith, B.
Birmelin	Gerlach	McGeehan	Smith, S. H.
Bishop	Gigliotti	McNally	Snyder, D. W.
Blaum	Gladeck	Melio	Staback
Boyes	Godshall	Michlovic	Stairs
Brown	Gordner	Micozzie	Steelman
Bunt	Gruitza	Mihalich	Steighner
Bush	Gruppo	Miller	Steil

Butkovitz	Hanna	Mundy	Stern
Buxton	Harley	Murphy	Stetler
Caltagirone	Hasay	Nailor	Stish
Cappabianca	Heckler	Nickol	Strittmatter
Cam	Hennessey	Nyce	Sturla
Carone	Herman	O'Brien	Surra
Cawley	Hershey	O'Donnell	Tangretti
Cessar	Hess	Olasz	Taylor, E. Z.
Chadwick	Hughes	Oliver	Taylor, J.
Civera	Hutchinson	Perzel	Thomas
Clark	Itkin	Pesci	Tigue
Clymer	Jadlowiec	Petrone	Tomlinson
Cohen, L. I.	James	Pettit	Trello
Cohen, M.	Jarolin	Phillips	True
Colafrilla	Josephs	Piccola	Tulli
Colaizzo	Kaiser	Pistella	Uliana
Cornell	Kasunic	Pitts	Vance
Corrigan	Keller	Platts	Van Horne
Cowell	Kenney	Preston	Veon
Coy	King	Raymond	Vitali
Curry	Kirkland	Reber	Waugh
Daley	Krebs	Reinard	Williams
DeLuca	Kukovich	Richardson	Wogan
Dempsey	LaGrotta	Rieger	Wright, D. R.
Dent	Laub	Ritter	Wright, M. N.
Dermoddy	Laughlin	Roberts	Yandrisevits
Donatucci	Lawless	Robinson	Yewcic
Druce	Lederer	Roebuck	Zug
Durham	Lee	Rohrer	
Egolf	Leh	Rooney	DeWeese,
Evans	Lescovitz	Rubleby	Speaker
Fairchild	Levdansky	Rudy	

NAYS—0

NOT VOTING—1

Gamble

EXCUSED—5

Haluska	Petrarca	Trich	Wozniak
Merry			

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

On the question,

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

Mr. CLYMER offered the following amendment No. A1096:

Amend Sec. 1 (Sec. 3102), page 2, line 27, by inserting after "athlete" , but shall not include the coach or trainer of a secondary or postsecondary school athlete, provided the coach or trainer is performing his work-related responsibilities

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, my amendment—and I believe it has been distributed—is a technical amendment that has been agreed to. What it does, if you look at the bill on page 2, line 23, as it

describes an "athletic agent," it says "A person who, directly or indirectly, recruits or solicits a person to enter into an agent contract or professional sport services...." What we want to exclude here are the coaches or trainers of a secondary or postsecondary school, provided that coach or trainer is performing his or her work-related responsibilities.

So that is what we are doing with my amendment, and I ask for support. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Beaver, Mr. Colafrilla.

Mr. COLAFELLA. Thank you, Mr. Speaker.

It is an agreed-to amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—198

Acosta	Fajt	Levdansky	Rudy
Adolph	Fargo	Linton	Ryan
Allen	Farmer	Lloyd	Santoni
Argall	Fee	Lucyk	Sather
Armstrong	Fichter	Lynch	Saurman
Baker	Fleagle	Maitland	Saylor
Barley	Flick	Manderino	Scheetz
Battisto	Freeman	Markosek	Schuler
Bebko-Jones	Gamble	Marsico	Scrimanti
Belardi	Gannon	Masland	Semmel
Belfanti	Geist	Mayernik	Serafini
Birmelin	George	McCall	Smith, B.
Bishop	Gerlach	McGeehan	Smith, S. H.
Blaum	Gigliotti	McNally	Snyder, D. W.
Boyes	Gladeck	Melio	Staback
Brown	Godshall	Michlovic	Stairs
Bunt	Gordner	Micozzie	Steelman
Bush	Gruitza	Mihalich	Steighner
Butkovitz	Gruppo	Miller	Steil
Buxton	Hanna	Mundy	Stern
Caltagirone	Harley	Murphy	Stetler
Cappabianca	Hasay	Nailor	Stish
Cam	Heckler	Nickol	Strittmatter
Carone	Hennessey	Nyce	Sturla
Cawley	Herman	O'Brien	Surra
Cessar	Hershey	O'Donnell	Tangretti
Chadwick	Hess	Olasz	Taylor, E. Z.
Civera	Hughes	Oliver	Taylor, J.
Clark	Hutchinson	Perzel	Thomas
Clymer	Itkin	Pesci	Tigue
Cohen, L. I.	Jadlowiec	Petrone	Tomlinson
Cohen, M.	James	Pettit	Trello
Colafrilla	Jarolin	Phillips	True
Colaizzo	Josephs	Piccola	Tulli
Cornell	Kaiser	Pistella	Uliana
Corrigan	Kasunic	Pitts	Vance
Cowell	Keller	Platts	Van Horne
Coy	Kenney	Preston	Veon
Curry	King	Raymond	Vitali
Daley	Kirkland	Reber	Waugh
DeLuca	Krebs	Reinard	Williams
Dempsey	Kukovich	Richardson	Wogan
Dent	LaGrotta	Rieger	Wright, D. R.

Dermody	Laub	Ritter	Wright, M. N.
Donastucci	Laughlin	Roberts	Yandrisevits
Druce	Lawless	Robinson	Yewcic
Durham	Lederer	Roebuck	Zug
Egolf	Lee	Rohrer	
Evans	Leh	Rooney	DeWeese,
Fairchild	Lescovitz	Rubley	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Haluska	Petrarca	Trich	Wozniak
Merry			

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

On the question recurring,

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

Mr. COLAFELLA offered the following amendment No. A1157:

Amend Sec. 1 (Sec. 3305), page 7, lines 23 through 26, by striking out all of said lines and inserting

(a) Investigation.—The executive director may review the operations of all licenses and shall prepare a written report for review by the commission.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Colafella.

Mr. COLAFELLA. Thank you, Mr. Speaker.

This is an amendment that simply gives the executive director of the State Athletic Commission the power to review the operations of all licenses and shall prepare a written report for review by the commission.

I appreciate an affirmative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—198

Acosta	Fajt	Levdansky	Rudy
Adolph	Fargo	Linton	Ryan
Allen	Farmer	Lloyd	Santoni
Argall	Fee	Lucyk	Sather
Armstrong	Fichter	Lynch	Saurman
Baker	Fleagle	Maitland	Saylor
Barley	Flick	Manderno	Scheetz
Battisto	Freeman	Markosek	Schuler
Bebko-Jones	Gamble	Marsico	Scrimenti
Belardi	Gannon	Masland	Semmel
Belfanti	Geist	Mayernik	Serafini
Birmelin	George	McCall	Smith, B.
Bishop	Gerlach	McGeehan	Smith, S. H.
Blaum	Gigliotti	McNally	Snyder, D. W.

Boyes	Gladeck	Melio	Staback
Brown	Godshall	Michlovic	Stairs
Bunt	Gordner	Micozzie	Steelman
Bush	Gruitza	Mihalich	Steighner
Butkovitz	Gruppo	Miller	Steil
Buxton	Hanna	Mundy	Stern
Caltagirone	Harley	Murphy	Stetler
Cappabianca	Hasay	Nailor	Stish
Carn	Heckler	Nickol	Stritmatter
Carone	Hennessey	Nyce	Sturla
Cawley	Herman	O'Brien	Surra
Cessar	Hershey	O'Donnell	Tangretti
Chadwick	Hess	Olasz	Taylor, E. Z.
Civera	Hughes	Oliver	Taylor, J.
Clark	Hutchinson	Perzel	Thomas
Clymer	Itkin	Pesci	Tigue
Cohen, L. I.	Jadlowiec	Petrone	Tomlinson
Cohen, M.	James	Petit	Trello
Colafella	Jarolin	Phillips	True
Colaizzo	Josephs	Piccola	Tulli
Cornell	Kaiser	Pistella	Uliana
Corrigan	Kasunic	Pitts	Vance
Cowell	Keller	Platts	Van Horne
Coy	Kenney	Preston	Veon
Curry	King	Raymond	Vitali
Daley	Kirkland	Reber	Waugh
DeLuca	Krebs	Reinard	Williams
Dempsey	Kukovich	Richardson	Wogan
Dent	LaGrotta	Rieger	Wright, D. R.
Dermody	Laub	Ritter	Wright, M. N.
Donastucci	Laughlin	Roberts	Yandrisevits
Druce	Lawless	Robinson	Yewcic
Durham	Lederer	Roebuck	Zug
Egolf	Lee	Rohrer	
Evans	Leh	Rooney	DeWeese,
Fairchild	Lescovitz	Rubley	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Haluska	Petrarca	Trich	Wozniak
Merry			

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

On the question recurring,

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

Mr. VITALI offered the following amendments No. A1309:

Amend Sec. 1 (Sec. 3304), page 5, line 1, by striking out "any of the following offenses within ten" and inserting a felony within seven

Amend Sec. 1 (Sec. 3304), page 5, line 2, by removing the colon after "application" and inserting a period

Amend Sec. 1 (Sec. 3304), page 5, lines 3 through 30; page 6, lines 1 through 30; page 7, lines 1 through 21, by striking out all of said lines on said pages

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Mr. Speaker, this amendment would limit those crimes which would serve as a bar to the issuance of an athletic sports agent license. The original bill, in my view, was overbroad. The limited categories would be relating to robbery, theft, forgery, and other crimes which basically involve dishonesty.

The purpose of the amendment was to limit those types of crimes relating to crimes of violence and sexual offenses and simply just limit to those crimes where there is some relationship to dishonesty.

I believe it is an agreed-upon amendment, so I would move for its support.

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

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. Gladeck.

Mr. GLADECK. Would you tell me what packet that is in.

The SPEAKER pro tempore. It is not in a packet. It is from last week.

The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Colafella.

Mr. COLAFELLA. Thank you, Mr. Speaker.

This is an agreed-to amendment as well.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—181

Adolph	Fairchild	Lee	Rudy
Allen	Fajt	Leh	Ryan
Argall	Fargo	Lescovitz	Santoni
Armstrong	Farmer	Levdansky	Sather
Baker	Fee	Lucyk	Saurman
Barley	Fichter	Lynch	Saylor
Battisto	Fleagle	Maitland	Scheetz
Bebko-Jones	Flick	Manderino	Schuler
Belardi	Gamble	Markosek	Scrimenti
Belfanti	Gannon	Marsico	Semmel
Birmelin	Geist	Masland	Serafini
Bishop	George	Mayernik	Smith, B.
Boyes	Gerlach	McCall	Smith, S. H.
Brown	Gigliotti	McGeehan	Snyder, D. W.
Bunt	Gladeck	McNally	Staback
Bush	Godshall	Melio	Stairs
Butkovitz	Gordner	Michlovic	Steighner
Buxton	Gruitza	Micozzie	Steil
Caltagirone	Gruppo	Miller	Stern
Cappabianca	Hanna	Mundy	Stish
Carn	Harley	Murphy	Strittmatter
Carone	Hasay	Nailor	Surra
Cessar	Heckler	Nickol	Tangretti
Chadwick	Hennessey	Nyce	Taylor, E. Z.
Civera	Herman	O'Brien	Taylor, J.
Clark	Hershey	O'Donnell	Tigue
Clymer	Hess	Ofasz	Tomfinson
Cohen, L. I.	Hughes	Oliver	Trello
Cohen, M.	Hutchinson	Perzel	True
Colafella	Itkin	Pesci	Tulli
Colaizzo	Jadlowiec	Petrone	Uliana
Cornell	Jarolin	Pettit	Vance

Corrigan	Josephs	Phillips	Van Horne
Cowell	Kaiser	Piccola	Veon
Coy	Kasunic	Pistella	Vitali
Curry	Keller	Pitts	Waugh
Daley	Kenney	Preston	Williams
DeLuca	King	Raymond	Wogan
Dempsey	Kirkland	Reber	Wright, D. R.
Dent	Krebs	Reinard	Wright, M. N.
Dermody	Kukovich	Rieger	Yewcic
Donatucci	LaGrotta	Roberts	Zug
Druce	Laub	Roebuck	
Durham	Laughlin	Rohrer	DeWeese,
Egolf	Lawless	Rooney	Speaker
Evans	Lederer	Rubleay	

NAYS—17

Acosta	Linton	Richardson	Stetler
Blaum	Lloyd	Ritter	Sturla
Cawley	Mihalich	Robinson	Thomas
Freeman	Platts	Steelman	Yandrisevits
James			

NOT VOTING—0

EXCUSED—5

Haluska	Petrarca	Trich	Wozniak
Merry			

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—195

Acosta	Fajt	Levdansky	Rubleay
Adolph	Fargo	Linton	Rudy
Allen	Farmer	Lloyd	Ryan
Argall	Fee	Lucyk	Santoni
Armstrong	Fichter	Lynch	Sather
Baker	Fleagle	Maitland	Saylor
Barley	Flick	Manderino	Scheetz
Battisto	Freeman	Markosek	Schuler
Bebko-Jones	Gamble	Marsico	Scrimenti
Belardi	Gannon	Masland	Semmel
Belfanti	Geist	Mayernik	Serafini
Birmelin	George	McCall	Smith, B.
Bishop	Gerlach	McGeehan	Smith, S. H.
Blaum	Gigliotti	McNally	Snyder, D. W.
Boyes	Gladeck	Melio	Staback
Brown	Godshall	Michlovic	Stairs
Bunt	Gordner	Micozzie	Steelman
Bush	Gruitza	Mihalich	Steighner
Butkovitz	Gruppo	Miller	Steil
Buxton	Hanna	Mundy	Stern
Caltagirone	Harley	Murphy	Stetler
Cappabianca	Hasay	Nailor	Stish

Carn	Heckler	Nickol	Stritmatter
Carone	Hennessey	Nyce	Sturla
Cawley	Herman	O'Brien	Surra
Cessar	Hershey	O'Donnell	Tangretti
Chadwick	Hess	Olasz	Taylor, E. Z.
Civera	Hughes	Oliver	Taylor, J.
Clark	Hutchinson	Perzel	Thomas
Clymer	Itkin	Pesci	Tomlinson
Cohen, L. I.	Jedlowiec	Petrone	Trello
Cohen, M.	James	Pettit	True
Colafella	Jarolin	Phillips	Tulli
Colaizzo	Josephs	Piccola	Uliana
Cornell	Kaiser	Pistella	Vance
Corrigan	Kasunic	Pitts	Van Horne
Cowell	Keller	Platts	Veon
Coy	Kenney	Preston	Vitali
Curry	King	Raymond	Waugh
Daley	Kirkland	Reber	Williams
DeLuca	Krebs	Reinard	Wogan
Dempsey	Kukovich	Richardson	Wright, D. R.
Dent	LaGrotta	Rieger	Wright, M. N.
Dermody	Laub	Ritter	Yandrisevits
Donatucci	Laughlin	Roberts	Yewcic
Druce	Lawless	Robinson	Zug
Durham	Lederer	Roebuck	
Egolf	Leh	Rohrer	DeWeese,
Evans	Lescovitz	Rooney	Speaker
Fairchild			

NAYS-3

Lee Saurman Tighe

NOT VOTING-0

EXCUSED-5

Haluska Petrarca Trich Wozniak Merry

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

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

The House proceeded to third consideration of **HB 243, PN 1175**, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for collection of taxes.

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

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. DeLuca.

Mr. DeLUCA. Mr. Speaker, I move that the rules of the House be suspended to offer amendment A1491.

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

(Members proceeded to vote.)

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Lee.

Mr. LEE. Thank you, Mr. Speaker.

Can I interrogate the majority leader regarding this amendment? Is this a motion to suspend the rule to allow the offering of amendments?

The SPEAKER pro tempore. Yes.

Mr. LEE. Can you just specifically say which amendment—

The SPEAKER pro tempore. For the information of the gentleman, this was done last week, but it is a new amendment though.

Will the majority leader agree to interrogation? The majority leader agrees, and Mr. Lee can start with his interrogation.

Mr. LEE. If I can just have an explanation of what this amendment would do, why we are suspending the rules in this particular case. I want to say right off the bat, I thought we have been doing an excellent job, thanks largely to the majority leader, trying to keep the rules as we adopted them in order that people know what amendments are going to be offered in plenty of time. I have no objection to the substance of this amendment, but I have a concern that if we just start routinely suspending the rules in order to allow the offering of amendments, we will soon have no rule at all, and if you perhaps could explain to the members why this is absolutely necessary that we suspend the rules at this time as opposed to putting the bill over and offering it tomorrow. Thank you.

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

Mr. ITKIN. Mr. Speaker, I would like to yield to Mr. Snyder first.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Snyder.

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, perhaps an explanation for the suspension is that upon review of HB 243, the Republican legal analysis indicated that there was perhaps a technical problem with the legislation. We had worked with the chairman of the Local Government Committee from the Democratic side and our staff, and the amendment basically does not change the legislation other than address one of the issues that was brought up through our analysis that there might have been a constitutional problem. We had considered recommitting the bill to the committee, putting the amendment in, and committing it right back to the House calendar, but that would have perhaps changed the printer's number, and we would like to see this legislation moved. It was agreed to with our caucus to support the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the minority leader, Mr. Ryan.

Mr. RYAN. Mr. Speaker, I, too, was aware of what was going on in this situation. There were two amendments called to my attention that were going to need a suspension of the rules, both of which the majority leader and I had agreed to.

One is this particular amendment that we are now referring to. The other, coincidentally, is an amendment that the gentleman, Mr. Butkovitz, had, which I happen to be on, that was not drafted as we thought it was to be drafted, and he got another line added to the amendment.

However, I am going to confess to some negligence on my part, because I find that we just passed an amendment, offered by the gentleman from Delaware, Mr. Vitali, that had never been submitted on time, and I am waiting to get an explanation from the Parliamentarian or the majority leader's staff as to how that took place, because it was never submitted and, to the best of my knowledge, it was never called to our attention one way or the other. It was passed by all of us contrary to our rules, and it is not that important an amendment, but as long as we are going to be sticklers, there is one that slipped by all of us. And I am not being critical of the gentleman, Mr. Vitali. I am saying that we are going to have to police these things and there is one that got by. I do not think it is worth reconsideration and then moving through a suspension of the rules, frankly. I would rather see what the Parliamentarian does with it.

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

The following roll call was recorded:

YEAS—169

Acosta	Durham	Laughlin	Ryan
Adolph	Evans	Lederer	Santoni
Allen	Fajt	Lescovitz	Sather
Argall	Fargo	Lloyd	Saurman
Armstrong	Fee	Lucyk	Scheetz
Baker	Fichter	Manderino	Schuler
Barley	Fleagle	Markosek	Scrimenti
Battisto	Flick	Marsico	Semmel
Bebko-Jones	Freeman	Mayernik	Smith, B.
Belardi	Gamble	McCall	Smith, S. H.
Belfanti	Gannon	McGeehan	Snyder, D. W.
Birmelin	Geist	McNally	Staback
Bishop	George	Melio	Stairs
Blaum	Gerlach	Michlovic	Steelman
Boyes	Gigliotti	Micozzie	Steighner
Brown	Gladeck	Mihalich	Steil
Bunt	Godshall	Miller	Stern
Butkovitz	Gordner	Mundy	Stetler
Buxton	Gruitza	Murphy	Stish
Caltagirone	Gruppo	Nyce	Strittmatter
Cappabianca	Hanna	O'Brien	Sturla
Carn	Harley	O'Donnell	Surra
Carone	Hasay	Olasz	Tangretti
Cawley	Heckler	Oliver	Taylor, E. Z.
Cessar	Hennessey	Perzel	Taylor, J.
Chadwick	Hershey	Pesci	Thomas
Civera	Hess	Petrone	Tigue
Clark	Hughes	Phillips	Tomlinson
Clymer	Itkin	Piccola	Trello
Cohen, L. I.	Jadlowiec	Pistella	Uliana
Cohen, M.	James	Pitts	Van Horne
Colaella	Jarolin	Preston	Veon
Colaizzo	Josephs	Raymond	Vitali
Cornell	Kaiser	Reinard	Williams
Cowell	Kasunic	Richardson	Wogan
Coy	Keller	Rieger	Wright, M. N.
Curry	Kenney	Ritter	Yandrisevits

Daley	King	Roberts	Yewcic
DeLuca	Kirkland	Robinson	Zug
Dent	Krebs	Roebuck	
Dermody	Kukovich	Rooney	DeWeese,
Donatucci	LaGrotta	Rubley	Speaker
Druce	Laub	Rudy	

NAYS—28

Bush	Hutchinson	Masland	Saylor
Corrigan	Lawless	Nailor	Serafini
Dempsey	Lee	Nickol	True
Egolf	Leh	Pettit	Tulli
Fairchild	Levdansky	Platts	Vance
Farmer	Lynch	Reber	Waugh
Herman	Maitland	Rohrer	Wright, D. R.

NOT VOTING—1

Linton

EXCUSED—5

Haluska	Petrarca	Trich	Wozniak
Merry			

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

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

Mr. DeLUCA offered the following amendment No. A1491:

Amend Sec. 1 (Sec. 10), page 2, lines 25 through 27, by striking out "PERSON SHALL BE APPOINTED BY THE CHAMBER OF" in line 25 and all of lines 26 and 27 and inserting

resident shall be appointed by the elected controller of the municipality.

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, I think the explanation that Representative Snyder gave about why this amendment was drafted, was to correct a problem that was brought up by their legal staff. I appreciate the work Representative Snyder did to bring that to my attention.

I would ask for an affirmative vote. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—198

Acosta	Fajt	Levdansky	Rudy
Adolph	Fargo	Linton	Ryan
Allen	Farmer	Lloyd	Santoni

Argall	Fee	Lucyk	Sather
Armstrong	Fichter	Lynch	Saurman
Baker	Fleagle	Maitland	Saylor
Barley	Flick	Manderino	Scheetz
Battisto	Freeman	Markosek	Schuler
Bebko-Jones	Gamble	Marsico	Scrimenti
Belardi	Gannon	Masland	Semmel
Belfanti	Geist	Mayernik	Serafini
Birmelin	George	McCall	Smith, B.
Bishop	Gerlach	McGeehan	Smith, S. H.
Blaum	Gigliotti	McNally	Snyder, D. W.
Boyes	Gladeck	Melio	Staback
Brown	Godshall	Michlovic	Staback
Bunt	Gordner	Micozzie	Steelman
Bush	Gruitza	Mihalich	Steighner
Butkovitz	Gruppo	Miller	Steil
Buxton	Hanna	Mundy	Stern
Caltagirone	Harley	Murphy	Stetler
Cappabianca	Hasay	Nailor	Stish
Carn	Heckler	Nickol	Strittmatter
Carone	Hennessey	Nyce	Sturla
Cawley	Herman	O'Brien	Surra
Cessar	Hershey	O'Donnell	Tangretti
Chadwick	Hess	Olasz	Taylor, E. Z.
Civera	Hughes	Oliver	Taylor, J.
Clark	Hutchinson	Perzel	Thomas
Clymer	Itkin	Pesci	Tigue
Cohen, L. I.	Jadlowiec	Petrone	Tomlinson
Cohen, M.	James	Pettit	Trello
Colafella	Jarolin	Phillips	True
Colaizzo	Josephs	Piccola	Tulli
Cornell	Kaiser	Pistella	Uliana
Corrigan	Kasunic	Pitts	Vance
Cowell	Keller	Platts	Van Horne
Coy	Kenney	Preston	Veon
Curry	King	Raymond	Vitali
Daley	Kirkland	Reber	Waugh
DeLuca	Krebs	Reinard	Williams
Dempsey	Kukovich	Richardson	Wogan
Dent	LaGrotta	Rieger	Wright, D. R.
Dermody	Laub	Ritter	Wright, M. N.
Donatucci	Laughlin	Roberts	Yandrisevits
Druce	Lawless	Robinson	Yewcic
Durham	Lederer	Roebuck	Zug
Egolf	Lee	Rohrer	
Evans	Leh	Rooney	DeWeese,
Fairchild	Lescovitz	Rubley	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Haluska	Petrarca	Trich	Wozniak
Merry			

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—195

Acosta	Fajt	Levdansky	Rudy
Adolph	Fargo	Linton	Ryan
Allen	Fee	Lloyd	Santoni
Argall	Fichter	Lucyk	Sather
Armstrong	Fleagle	Lynch	Saylor
Baker	Flick	Maitland	Scheetz
Barley	Freeman	Manderino	Schuler
Battisto	Gamble	Markosek	Scrimenti
Bebko-Jones	Gannon	Marsico	Semmel
Belardi	Geist	Masland	Serafini
Belfanti	George	Mayernik	Smith, B.
Birmelin	Gerlach	McCall	Smith, S. H.
Bishop	Gigliotti	McGeehan	Smith, S. H.
Blaum	Gladeck	McNally	Snyder, D. W.
Boyes	Godshall	Melio	Staback
Brown	Gordner	Michlovic	Staback
Bunt	Gruitza	Micozzie	Steelman
Bush	Gruppo	Mihalich	Steighner
Butkovitz	Hanna	Miller	Steil
Buxton	Harley	Mundy	Stern
Caltagirone	Hasay	Murphy	Stetler
Cappabianca	Heckler	Nailor	Stish
Carn	Hennessey	Nickol	Strittmatter
Carone	Herman	Nyce	Sturla
Cawley	Hershey	O'Brien	Surra
Cessar	Hess	O'Donnell	Tangretti
Chadwick	Hughes	Olasz	Taylor, E. Z.
Civera	Hutchinson	Oliver	Taylor, J.
Clark	Itkin	Perzel	Thomas
Clymer	Jadlowiec	Pesci	Tigue
Cohen, L. I.	James	Petrone	Tomlinson
Cohen, M.	Jarolin	Phillips	Trello
Colafella	Josephs	Piccola	True
Colaizzo	Kaiser	Pistella	Tulli
Cornell	Kasunic	Pitts	Uliana
Corrigan	Keller	Platts	Vance
Cowell	Kenney	Preston	Van Horne
Coy	King	Raymond	Veon
Curry	Kirkland	Reber	Vitali
Daley	Krebs	Reinard	Waugh
DeLuca	Kukovich	Richardson	Williams
Dempsey	LaGrotta	Rieger	Wogan
Dent	Laub	Ritter	Wright, D. R.
Dermody	Laughlin	Roberts	Wright, M. N.
Donatucci	Lawless	Robinson	Yandrisevits
Druce	Lederer	Roebuck	Yewcic
Durham	Lee	Rohrer	Zug
Egolf	Leh	Rooney	
Evans	Lescovitz	Rubley	DeWeese,
Fairchild			Speaker

NAYS—3

Farmer	Pettit	Saurman
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NOT VOTING—0

EXCUSED—5

Haluska	Petrarca	Trich	Wozniak
Merry			

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

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

VOTE CORRECTION

The SPEAKER pro tempore. For what reason does the gentleman, Mr. Cawley, rise?

Mr. CAWLEY. Mr. Speaker, am I in order during this short whatever it is to correct the record?

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

Mr. CAWLEY. On the final passage of HB 450, I was recorded in the affirmative. Due to the scrutiny of my lawyer, Representative Tigie, I wish to be recorded in the negative on the final passage of HB 450.

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

Mr. CAWLEY. Thank you.

HB 450 RECONSIDERED

The SPEAKER pro tempore. The majority leader moves that the vote by which HB 450, PN 501, was passed on the 4th day of May be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—196

Acosta	Fajt	Linton	Ryan
Adolph	Fargo	Lloyd	Santoni
Allen	Farmer	Lynch	Sather
Argall	Fee	Maitland	Saurman
Armstrong	Fichter	Manderino	Saylor
Baker	Fleagle	Markosek	Scheetz
Barley	Flick	Marsico	Schuler
Battisto	Freeman	Masland	Scrimenti
Bebko-Jones	Gamble	Mayernik	Semmel
Belardi	Gannon	McCall	Serafini
Belfanti	Geist	McGeehan	Smith, B.
Birmelin	George	McNally	Smith, S. H.
Bishop	Gerlach	Melio	Snyder, D. W.
Blaum	Gigliotti	Michlovic	Staback
Boyes	Gladeck	Micozzie	Stairs
Brown	Godshall	Mihalich	Steelman
Bunt	Gordner	Miller	Steighner
Bush	Gruitza	Mundy	Steil
Butkovitz	Gruppo	Murphy	Stern
Buxton	Hanna	Nailor	Stetler
Caltagirone	Harley	Nickol	Stish
Cappabianca	Hasay	Nyce	Strittmatter
Carn	Heckler	O'Brien	Sturla
Carone	Hennessey	O'Donnell	Surra
Cawley	Herman	Olasz	Tangretti
Cessar	Hershey	Oliver	Taylor, E. Z.
Chadwick	Hess	Perzel	Taylor, J.
Civera	Hughes	Pesci	Thomas
Clark	Hutchinson	Petrone	Tigie
Clymer	Itkin	Petit	Tomlinson
Cohen, L. I.	Jadlowiec	Phillips	Trello
Cohen, M.	James	Piccola	True
Colafrella	Jarolin	Pistella	Tulli
Colaizzo	Josephs	Pitts	Uliana

Cornell	Kaiser	Platts	Vance
Corrigan	Kasunic	Preston	Van Horne
Cowell	Keller	Raymond	Veon
Coy	Kenney	Reber	Vitali
Curry	King	Reinard	Waugh
Daley	Kirkland	Richardson	Williams
DeLuca	Krebs	Rieger	Wogan
Dempsey	Kukovich	Ritter	Wright, D. R.
Dent	Laub	Roberts	Wright, M. N.
Dermody	Laughlin	Robinson	Yandrisevits
Donatucci	Lawless	Roebuck	Yewcic
Druce	Lederer	Rohrer	Zug
Durham	Lee	Rooney	
Egolf	Leh	Rublely	DeWeese,
Evans	Lescovitz	Rudy	Speaker
Fairchild	Levdansky		

NAYS—0

NOT VOTING—2

LaGrotta Lucyk

EXCUSED—5

Haluska Petrarca Trich Wozniak
Merry

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

On the question recurring,
Shall the bill pass finally?

DECISION OF CHAIR RESCINDED

The SPEAKER pro tempore. Without objection, the Chair rescinds its decision that HB 450 was agreed to on third consideration as amended.

On the question recurring,

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

AMENDMENT A1309 RECONSIDERED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that the vote by which amendment 1309 was adopted on the 4th day of May be reconsidered.

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

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER pro tempore. The clerk will strike the vote. The Chair recognizes the gentleman, Mr. Freeman.

Mr. FREEMAN. Mr. Speaker, I would yield to the gentleman, Mr. Gordner, at this time.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Gordner.

Mr. GORDNER. Mr. Speaker, I believe the amendment number is 1317 instead of 1309.

The SPEAKER pro tempore. No; the gentleman is in error. A1309 was the one we adopted. That is why we asked for the reconsideration motion.

Mr. GORDNER. I am sorry, Mr. Speaker. I thought we were reconsidering Mr. Vitali's amendment, which is 1317.

The SPEAKER pro tempore. Well, we are. He submitted the wrong amendment for the wrong printer's number, and that is why we are doing what we are doing.

Mr. GORDNER. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—196

Acosta	Fargo	Linton	Ryan
Adolph	Farmer	Lloyd	Santoni
Allen	Fee	Lynch	Sather
Argall	Fichter	Maitland	Saurman
Armstrong	Fleagle	Manderino	Saylor
Baker	Flick	Markosek	Scheetz
Barley	Freeman	Marsico	Schuler
Battisto	Gamble	Masland	Scrimenti
Bebko-Jones	Gannon	Mayermik	Semmel
Belardi	Geist	McCall	Serafini
Belfanti	George	McGeehan	Smith, B.
Birmelin	Gerlach	McNally	Smith, S. H.
Bishop	Gighioti	Melio	Snyder, D. W.
Blaum	Gladeck	Michlovic	Staback
Boyes	Godshall	Micozzie	Stairs
Brown	Gordner	Mihalich	Steelman
Bunt	Gruitza	Miller	Steighner
Bush	Gruppo	Mundy	Steil
Buxton	Hanna	Murphy	Stern
Caltagirone	Harley	Nailor	Stetler
Cappabianca	Hasay	Nickol	Stish
Carn	Heckler	Nyce	Strittmatter
Carone	Hennessey	O'Brien	Sturla
Cawley	Herman	O'Donnell	Surra
Cessar	Hershey	Olasz	Tangretti
Chadwick	Hess	Oliver	Taylor, E. Z.
Civera	Hughes	Perzel	Taylor, J.
Clark	Hutchinson	Pesci	Thomas
Clymer	Itkin	Petrone	Tigue
Cohen, L. I.	Jadlowiec	Pettit	Tomlinson
Cohen, M.	James	Phillips	Trello
Colafrilla	Jarolin	Piccola	True
Colaizzo	Josephs	Pistella	Tulli
Cornell	Kaiser	Pitts	Uliana
Corrigan	Kasunic	Platts	Vance
Cowell	Keller	Preston	Van Horne
Coy	Kenney	Raymond	Veon
Curry	King	Reber	Vitali
Daley	Kirkland	Reinard	Waugh
DeLuca	Krebs	Richardson	Williams
Dempsey	Kukovich	Rieger	Wogan
Dent	LaGrotta	Ritter	Wright, D. R.
Dermody	Laub	Roberts	Wright, M. N.
Donatucci	Laughlin	Robinson	Yandrisevits
Druce	Lawless	Roebuck	Yewcic
Durham	Lederer	Rohrer	Zug
Egolf	Lee	Rooney	
Evans	Leh	Rubley	DeWeese,
Fairchild	Lescovitz	Rudy	Speaker
Fajt	Levdansky		

NAYS—0

NOT VOTING—2

Butkovitz Lucyk

EXCUSED—5

Haluska Petrarca Trich Wozniak
Merry

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

On the question recurring,

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

Mr. VITALI offered the following amendments No. A1317:

Amend Sec. 1 (Sec. 3304), page 5, line 1, by striking out "ten" and inserting

seven

Amend Sec. 1 (Sec. 3304), page 5, lines 5 through 30; page 6, lines 1 through 30; page 7, lines 1 through 21, by striking out all of said lines on said pages and inserting

Chapter 37 (relating to robbery).

Chapter 39 (relating to theft and related offenses).

Chapter 41 (relating to forgery and fraudulent practices).

Section 4701 (relating to bribery in official and political matters).

Chapter 49 Subchapter A (relating to perjury and falsification in official matters).

Section 5111 (relating to dealing in proceeds of unlawful activities).

Section 7107 (relating to unlawful actions by athlete agents).

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. I would like to apologize to the House. What was intended to be submitted as—

POINT OF ORDER

Mr. GANNON. Point of order, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Gannon.

Mr. GANNON. Mr. Speaker, would it not be more appropriate for Mr. Vitali to withdraw that amendment that is immediately before the House, which we just reconsidered, and then offer any other amendment that he wishes to offer?

The SPEAKER pro tempore. Appropriateness is probably in the mind of the amendee.

Mr. GANNON. Mr. Speaker, as I understand the rules, if there is a reconsideration, the only thing before the House is that subject which is being reconsidered, and that is the amendment on which we just voted to make a reconsideration.

The SPEAKER pro tempore. The gentleman is correct.

On the question recurring,

Will the House agree to the amendments?

AMENDMENT A1309 WITHDRAWN

The SPEAKER pro tempore. The gentleman, Mr. Vitali, will withdraw amendment No. 1309.

On the question recurring,

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

The SPEAKER pro tempore. Now Mr. Vitali is offering amendment 1317, which the clerk has already read.

On the question recurring,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. I would request an affirmative vote on 1317. That is what was argued; that is what was agreed to.

By way of explanation, 1309 was simply an earlier draft. The final version meant to be 1317.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

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

Since there has been so much confusion regarding what is actually in the Vitali amendment, would the gentleman elaborate exactly what he is asking us to vote on.

Mr. VITALI. Specifically, with regard to the issuance of a sports agent's license, the initial bill contained numerous criminal provisions which would provide a bar to a sports license, such as disorderly conduct, underage drinking, and other offenses deemed inappropriate to bar someone's issuance of a sports license for 10 years.

What the amendment, 1317, does is simply limit those offenses which would be a bar to the sports license to the following: all crimes under chapter 37 relating to robbery, all crimes under chapter 39 relating to theft and related offenses, all crimes under chapter 41 relating to forgery and fraudulent practices, all crimes under section 4701 relating to bribery and political matters, all crimes under chapter 49 relating to perjury and falsification.

Basically, what the amendment does is simply limit those crimes which would be a bar to getting a sports license to those involving dishonesty. The purpose, I believe, in the initial maker of the act, was to prevent trickery and dishonesty by agents of their athletes. The reason for this amendment is to simply keep that relationship of dishonesty and just limit, limit— Do you get the picture? That is what we are trying to do.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Linton.

Mr. LINTON. Thank you very much.

Would the gentleman stand for a brief period of interrogation, please?

Mr. VITALI. I will.

Mr. LINTON. Could you explain to me why in fact, if we are trying to make sure that those people who have engaged in illegal activities no longer receive a license, why you now want to narrow that provision so that you make it easier for those who violated the law to receive a license?

Mr. VITALI. Mr. Speaker, let me give a for-instance. In the act, HB 450, as it is originally crafted, one who commits the summary offense of disorderly conduct would be barred from having a sports license for a period of 10 years. It is the feeling that that simply is too severe a penalty in these circumstances. One who perhaps was in some sort of minor altercation perhaps on the House floor or in some other place and commits the summary offense of disorderly conduct, the thought is it would be inappropriate for that person to lose his license for 10 years. The purpose of limiting to these offenses is simply a recognition that the reason we do not want to issue a sports license is in situations where a person has demonstrated a propensity towards dishonesty. I would submit to you that there is no relationship, for example, between a crime against a person, such as simple assault, and the barring of a sports license, or a crime of passion.

With regard to a sports license, what you are trying to prohibit is trickery; what you are trying to prohibit is an agent taking advantage of an athlete; what you are trying to do is eliminate those people who have demonstrated a propensity to engage in dishonesty. You are not concerned with the husband perhaps who has committed a crime of passion against his wife or someone else who has committed some miscellaneous crime. There has to be some sort of relationship there, and that is what we are attempting to do here.

Mr. LINTON. Thank you, Mr. Speaker.

I have no further need for interrogation for the gentleman.

For one, I do not understand why we are limiting the fine, even after his explanation. I still have difficulty in agreeing with that, and I will have difficulty in supporting the bill.

So I ask for a negative vote on the amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Strittmatter.

Mr. STRITTMATTER. Thank you, Mr. Speaker.

Without having the benefit of having the amendment before me, will Mr. Vitali stand for interrogation, please?

Mr. VITALI. I will, sir.

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

Mr. STRITTMATTER. Thank you.

Would the crime of harassment be one that would stop an agent from being allowed to be licensed?

Mr. VITALI. It would not.

Mr. STRITTMATTER. So in other words, a person who has been convicted and found guilty of harassment could then be allowed to be licensed as an agent.

Mr. VITALI. That is correct.

Mr. STRITTMATTER. Okay. I do not believe I need any more further questions. I would like to make a statement.

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

Mr. STRITTMATTER. Obviously, this amendment is wrong and we should defeat it. Obviously, you know, harassment, assault, murder, any of those things — that is what we are trying to get at right here, to make sure that our children who are going to be inundated with these agents, represented by these agents, that we can count on the fact that they are the type of people we like dealing with our children, and in no way, you know, should we be supporting this amendment.

I would ask for a “no” vote. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman, Mr. Uliana.

Mr. ULIANA. Mr. Speaker, may I interrogate the maker of the amendment, please, briefly?

The SPEAKER pro tempore. The gentleman agrees to interrogation.

Mr. ULIANA. Mr. Speaker, would someone who is convicted of selling steroids, for example, to an individual or trafficking in some sort of substance like that, would they then be prohibited under your amendment from turning around and becoming a sports agent?

Mr. VITALI. Under this act, only those crimes listed here, which involve dishonesty, would be.

Mr. ULIANA. Would then, Mr. Speaker, if I could follow up, would you believe that that would be a crime under dishonesty or would that not be?

Mr. VITALI. That is not in the Crimes Code under the enumerated sections.

Mr. ULIANA. Mr. Speaker, I finished my interrogation. If I could make a few brief comments on the amendment.

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

Mr. ULIANA. I strongly urge every member of this General Assembly to vote “no” on this amendment for specifically the reason which I gave in my questioning.

We have a strong problem with giving performance-enhancing drugs to athletes in our culture right now. Allowing an agent who has given at one time or has been a party to the serious crime of giving performance-enhancing drugs to athletes thoroughly undercuts our ability to have integrity amongst our sports agents, and for anyone — any State, any licensing body — to condone that activity, either by blindly letting it happen or by specifically saying that it is not prohibited, I think sends the wrong signal to our athletes across our State and also to the youngsters who aspire to be very much like those athletes.

I urge all of you to keep integrity in our sports, keep integrity in our agents, and to follow the lead of the maker of this bill and vote “no” on this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the lady from Lehigh, Ms. Ritter. Ms. RITTER. Thank you, Mr. Speaker.

I also have looked at this. I voted against it before, but now that I see it, I am even more opposed to it.

It seems to me that also there is a whole list of other crimes beyond the one that Mr. Uliana just mentioned which I had concerns about, too; there is murder, kidnapping, rape, all those types of crimes. I think we need to look at whether or not we should allow someone to have a sports agent's license because they committed a crime that deals with dishonesty— We cannot prohibit it if they have not been convicted of those crimes but they have been convicted of murder, kidnapping, rape, and those types of crimes.

I would urge very strongly that the members vote “no” on this amendment.

The SPEAKER pro tempore. The Chair thanks the lady.

The Chair recognizes the gentleman from Westmoreland, Mr. Mihalich.

Mr. MIHALICH. The gentlelady said before me what I had intended to say. I would just like to add to that that recently there were major newspaper articles which pointed to very, very difficult relationships between coaches, agents, and clients, none of which would have related to the amendment that is being offered now but certainly would be covered under other aspects of illegal activity. As she said, there are too many activities that would be permitted for somebody, for instance, a rapist, somebody convicted of a dope charge, et cetera, to be permitted.

I ask for a “no” vote on this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Delaware, Mr. Gannon.

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

The SPEAKER pro tempore. Will the gentleman, Mr. Vitali, agree to an interrogation?

Mr. VITALI. I will.

The SPEAKER pro tempore. The gentleman does. The member may proceed.

Mr. GANNON. Mr. Speaker, as I read the bill, as I read the bill, if a person is convicted of the offense of disorderly conduct within 10 years of applying for a license, that conviction would prevent that person from obtaining a license. Is that a fair reading of the bill?

Mr. VITALI. I am sorry; repeat that, sir.

Mr. GANNON. Excuse me? I did not hear you, Mr. Speaker.

Mr. VITALI. Mr. Speaker, would you repeat that.

Mr. GANNON. Oh, I am sorry.

First of all, I want to see what your amendment tries to change in the bill. For example, as I read the bill as unamended by your amendment, a person who was convicted of disorderly conduct within 10 years of applying for a license would be denied a license on the basis of that conviction.

Mr. VITALI. No. Mr. Speaker, that would be incorrect. Just to the contrary. What the amendment does is— Under HB 450 unamended, disorderly conduct would be a bar for the next

10 years. What this amendment does is delete that language and instead substitute those crimes in the Crimes Code relating to dishonesty instead.

Mr. GANNON. I mean, that is my point, Mr. Speaker. I wanted to make it clear what you were doing here.

The bill as it now reads would prohibit somebody convicted of disorderly conduct from obtaining a license. You are changing that so that that type of a violation would not prohibit someone from obtaining a license.

Mr. VITALI. That is correct.

Mr. GANNON. Thank you, Mr. Speaker.

If I may, on the amendment.

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

Mr. GANNON. Mr. Speaker, when you look through the list that is now in this bill to deny somebody the livelihood of representing an athlete, it borders on the ridiculous. "Failure of disorderly persons to disperse upon official order"; I mean, there are many reasons why someone may be charged with failure to disperse upon official order. You know, we have pro-life people at the clinics now who are being convicted of failure to disperse on official order, and they would be denied a livelihood of representing sports athletes under this bill.

This amendment, I think, makes it very, very clear that we want to look at those people who are being dishonest for robbery, theft, fraud, bribery, perjury, and dealing with persons.

POINT OF ORDER

Mr. VITALI. Mr. Speaker, point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. VITALI. Mr. Speaker, based on some of the legitimate concerns raised by my colleagues, I would request that the amendment be withdrawn, that the bill be tabled until next week, and we will take another shot at this amendment at that point.

The SPEAKER pro tempore. Will the gentleman suggest that to the majority leader, please.

Mr. VITALI. Yes. I would move to table the bill and withdraw the amendment. That would be amendment 1317.

The SPEAKER pro tempore. Will the majority leader come to the desk, please?

(Conference held at Speaker's podium.)

AMENDMENTS WITHDRAWN AND BILL PASSED OVER

The SPEAKER pro tempore. The gentleman withdraws his amendment A1317, and the bill will go over for today.

THE SPEAKER (H. WILLIAM DeWEESE) PRESIDING

CONSIDERATION OF HB 1341 CONTINUED

The SPEAKER. The House will return to page 3 of today's calendar, HB 1341, PN 1612.

When we suspended action on this bill prior to our dinner break, we were on the Pitts amendment A1225.

On the question recurring,

Will the House agree to the amendments?

AMENDMENTS WITHDRAWN TEMPORARILY

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

Mr. PITTS. Thank you, Mr. Speaker.

In the interests of moving the process along, I will temporarily withdraw the amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

The SPEAKER. Amendment 1210 offered by the chairman of the Republican Health and Welfare Committee, Mrs. Taylor, which the clerk will read. This is in packet No. 3.

Mrs. TAYLOR. Mr. Speaker, I wish to withdraw this amendment temporarily.

The SPEAKER. Temporarily? The Chair thanks the lady.

Mr. RYAN. Mr. Speaker?

The SPEAKER. Mr. Ryan is recognized.

Mr. RYAN. Mr. Speaker, the amendments that— And there are quite a few amendments that were to be offered by the Republican members of the House. If in fact we are going to get to the vote on HB 1341 after one more amendment from the other side, we will have no further amendments to offer. If, however, there is reconsideration of portions of this bill, then we will start up again with our amendments.

The SPEAKER. The House will be at ease for 1 minute.

(Conference held at Speaker's podium.)

On the question recurring,

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

Mr. OLASZ offered the following amendments No. A1388:

Amend Sec. 10 (Sec. 443.9), page 16, lines 18 and 19, by striking out "medical supplies and devices and durable medical equipment"

Amend Sec. 10 (Sec. 443.10), page 16, lines 27 through 30; page 17, lines 1 and 2, by striking out all of said lines on said pages and inserting

Section 443.10. Prescription Drugs and Medical Supplies.—To assure lowest possible prices to the consumer, while providing greater opportunity for the consumer to obtain these items and drug utilization review from neighborhood establishments, every manufacturer, wholesaler, repackager or distributor of prescription drugs and medical supplies in this Commonwealth shall be required to offer their products to all purchasers of equal volume, the same prices, conditions and privileges offered to the most favored purchase in this Commonwealth. While a manufacturer, wholesaler, repackager or other distributor of drugs and medical supplies may change their prices for these products, they must give thirty days prior notice of price changes.

On the question,

Will the House agree to the amendments?

The SPEAKER. Amendment 1388 is in the packet with the certificate on the cover.

On the amendment, the Chair recognizes the gentleman from West Mifflin, Mr. Olasz.

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

I will wait until the discussion settles down. I want to give the boys a little bedtime story and something to think about.

The SPEAKER. The House will please come to order. One of our more colorful orators is at the microphone.

The gentleman, Mr. Olasz, may proceed.

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

Everyone in this House at one time or other has rooted for the underdog. That is the little guy that gets up early in the morning and humps it all day to make a go of it in life.

What my amendment does—and I hope you will listen to it very carefully—this amendment deletes a plan to offer mail-order prescriptions to medicaid recipients. The delivery of prescription drugs through mail order rather than face-to-face contact through a pharmacy is a step backwards in our overall goal to provide efficient health care at a reasonable price.

Mail order is fraught with difficulties, particularly for recipients of medicaid. Drug utilization review and on-the-spot, immediate delivery of a critically needed drug cannot occur—and I repeat, cannot occur—with mail order.

If your child needs an antibiotic immediately to control a critical illness, how can you or I as a parent tell that sick child to wait for the mailman to feel better? And I do not know about you, but I can recall situations where my mail has been delivered to a wrong address or was somehow misdirected by any postal system's handling of millions of pieces of mail each day.

How can we condone the delivery of drugs in this manner? Do any of you want to be held responsible if a critically needed drug does not arrive on time by mail and the result is fatal? That is right, no, none of you want to. If you are a street person and you are familiar with what goes on in neighborhoods, especially where most of our medicaid people live, they cannot even be certain that their check is going to be in the box; it is lifted. What do you think the situation is going to be with mail-order drugs? Then what is the effect? Yes, think about it.

Local pharmacies offer face-to-face counseling. They offer drug utilization review, Mr. Speaker. They offer prompt service, and they are just as cost effective as mail order. The GE (General Electric) study of use of this mail-order pharmacy substantiates that fact.

Our country is the only developed country in the world that dispenses drugs throughout the mail. That ought to tell us something. Just how advanced are we?

I hope you are listening to this, some of you. I know it is a great night for hockey, as Mr. Johnson used to say, but this is an extremely important issue.

Instead of attempting to hold down costs by switching to a mail-order system fraught with opportunity for abuse and

misuse, my amendment would truly hold down the cost of drugs by requiring pharmaceutical companies to offer fair pricing based on volume and not some arbitrary condition.

Most manufacturers and distributors of goods offer lower costs based on volume. It makes sense that if you purchase 1 million items, you receive a lower price per unit than if you purchase 10 items. Pharmaceutical manufacturers do not operate like that. In fact, they have developed multitiered pricing systems that make no sense and certainly do not take into account volume of purchase.

For example, let us take a look at the popular heart medication Inderal. The pharmaceutical company which manufactures Inderal may sell that drug to a pharmacy at the price of \$35.10 per 100 doses. That is what is called the average wholesale price. It does not matter how much Inderal a pharmacy purchases, the price remains the same. Volume has no impact on that price. The price is dictated by the class system of trade established by the manufacturer. However, when that company sells that same drug to perhaps a large hospital, that has what is called, quote, "preferred class." That drug costs \$8.50 per 100 doses. That is a 95-percent difference in price. Unbelievable? Think about it.

If we are truly interested in cutting prescription costs, we must send a clear message to drug manufacturers that we will no longer tolerate a class system in the legal drug trade. The current discriminatory pricing practices must end. This class system treats local pharmacies as second-class citizens by charging them the highest prices. There are as many as 15 classes of trade established by drug manufacturers. I repeat for your consideration: There are as many as 15 classes of trade-established drugs by drug manufacturers, and each class has its own pricing system.

Let me emphasize that the prices paid by these select purchasers — certain hospitals, mail-order pharmacies, HMO's (health maintenance organizations), nursing homes, clinics, and others — are not based on volume purchases. Let me make it also clear that these lower prices are not being passed on to the medicaid system. Repeat: Let me make it clear that these lower prices are not being passed on to the medicaid system. Medicaid suffers from these pricing classes, and our State budget takes the fall. I repeat: Our State budget takes the fall. Taxpayers across our State foot the bill, not only for themselves but through their tax dollars that pay for medicaid. The high cost of medicaid would be better controlled by banning this discriminatory pricing practice.

The Insurance Commissioner and the Secretary of Public Welfare have both stated that there would not be any true reform in health care costs until this discriminatory pricing system ends and one system of payment is achieved. Once again, the Insurance Commissioner and the Secretary of Public Welfare have both stated that there would not be any true reform in health care costs until this discriminatory pricing system ends and one system of payment is achieved.

Instead of playing into this discriminatory practice by pushing mail order, let us stand strong. Let us get at the root cause for high drug costs. Let us ban this class system and

require drug manufacturers to offer some volume prices to all drug purchasers. Join me in striking a blow for true reform, and vote "yes" on amendment 1388. I ask you to think about it, very seriously.

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

Mr. EVANS. Mr. Speaker, this is very difficult, so since it is difficult, I want to ask the maker of the amendment a few questions.

Mr. OLASZ. Go right ahead.

Mr. EVANS. Thank you.

I am trying to be clear, Mr. Speaker, on exactly what the gentleman is attempting to accomplish by offering this amendment.

Mr. OLASZ. What I am attempting to do is to exclude mail order from having exclusive rights to handle the medicaid program and, Mr. Speaker, to also give that independent guy the opportunity to compete in the free market.

Mr. Speaker, if you have failed to hear my response, it is to give that independent pharmacy man an opportunity to compete on the same level field and to be given an opportunity to purchase those drugs at the same price these mail-order firms receive.

Mr. EVANS. My understanding, Mr. Speaker, from what I read here, is that this certainly will have some effect upon the free market price by setting prices into State law. Are you aware of that?

Mr. OLASZ. No, Mr. Speaker, this would not have any effect on the free market; rather, it would become a freer market if that individual pharmacy was permitted to purchase these drugs at the same price from the manufacturer.

Mr. EVANS. When you say the same price from the manufacturer, exactly what do you mean, Mr. Speaker?

Mr. OLASZ. Well, Mr. Speaker, like I indicated, currently your local pharmacist is charged \$39.50 for the popular heart medicine Inderal. These same manufacturers showed favoritism by giving the hospitals, for the same dosage, the price of \$8.50, a 95-percent lower rate. You figure that one out.

We are making them think, Mr. Speaker.

Mr. EVANS. Mr. Speaker, are you aware that in the bill, the purpose for moving in the direction of the bulk approach of pharmaceutical drugs is for the purpose of savings? Are you aware of that?

Mr. OLASZ. Yes, Mr. Speaker, and we are all caught up in this buzzword of "cost containment." I am fully aware of it. I am out there on the streets every day. And this, once again, is a buzzword. If that local pharmacist is willing to offer that same price, why should he be excluded? I ask you that, Mr. Speaker.

Mr. EVANS. Mr. Speaker, from understanding the way that the language is written in the bill, we say that the Department of Public Welfare has that option and it is on a volunteer basis. Are you aware of that?

Mr. OLASZ. Mr. Speaker, you and I have both been around long enough to understand the full meaning of "voluntary." We see the big boys put their foot in the door, and look at me; I am the underdog. I am here by myself. I do not have

three advisers telling me what questions to ask and what answers to respond to. But I know how the big guys work. These big pharmacists— And let us be honest with one another, most of our medicaid patients live in areas where they cannot get to these large pharmaceutical houses such as Rite Aid, Thrift, et cetera. They have got to spend hard-earned money to get there. But how about when that little "Joe Blow" needs a bottle of Lydia Pinkham's or Sloan's Liniment or St. Joseph's Aspirin. The local pharmacist says, that is okay; when you get your check, you can pay me. What is the big guy going to tell your medicaid people? If you do not have the cash, baby, no pay, no play; you are out of the ball game.

Mr. EVANS. Mr. Speaker, my understanding is the effect of this amendment would decrease competition among purchasers, and as a result, it would also increase higher prices. Are you aware of that?

Mr. OLASZ. You tell me, Mr. Speaker, how will it decrease competition? You are giving a mail order, a sole mail-order firm; how is that competitive with 12,000 individual pharmacists?

Mr. EVANS. But, Mr. Speaker, by the nature of the way we have written the bill, it basically gives that option to the recipient.

Mr. OLASZ. Mr. Speaker, I repeat again: If we want to give those drugs at the same price as you give these big guys, that is fine; they can compete on a level playing field. But until we put that into law and can force them to do it, no such dice. And I repeat once again, and I will quote from my remarks, "The Insurance Commissioner and the Secretary of Public Welfare have both stated that there would not be any true reform in health care costs until this discriminatory pricing system ends and one system of payment is achieved." Those are the two biggies in State government. How can you refute their comments?

Mr. EVANS. Mr. Speaker, do you have any kind of idea what the cost exactly will be as a result of this amendment to the consumer?

Mr. OLASZ. Mr. Speaker, can you tell me what the cost will be for the mail order?

Mr. EVANS. If you recall, since I am the one interrogating you, Mr. Speaker, I do not mind answering that—

Mr. OLASZ. Well, I will ask you, Mr. Speaker, will you stand for interrogation?

Mr. EVANS. Let me ask you the questions first; then you will get the chance to ask me.

I am still trying to get a sense of cost from you. Exactly, do you have any sense of what this will mean to the consumer?

Mr. OLASZ. Mr. Speaker, what I know that it means to the consumer is it gives him an opportunity to walk to that corner pharmacy store and, if he is ill, to get immediate service, and if there is an interdiction between those drugs prescribed, once that druggist hits that computer, the alarm goes off. You tell me who in that mail-order house is going to set that alarm and how long is it going to take that medicine to arrive at that

home? Can you put a price on someone's health or someone's death as a result of receiving the wrong medication?

Mr. EVANS. Mr. Speaker, I would like to thank the gentleman for the interrogation.

Mr. OLASZ. Mr. Speaker, would the chairman stand for interrogation, please?

The SPEAKER. The chairman indicates that he will consent to interrogation, and the gentleman, Mr. Olasz, is in order and may proceed.

Mr. OLASZ. Mr. Speaker, could you possibly tell me what the mail-order program would cost the taxpayers of Pennsylvania?

Mr. EVANS. Mr. Speaker, the purpose of putting the mail-order provision language in there was for the Department of Public Welfare to make a determination which program was much more cost effective. That decision would have to be determined by the Department of Public Welfare.

Mr. OLASZ. Thank you, Mr. Speaker.

But once again, for the third time I come back to the statements made by the Insurance Commissioner and also the Secretary of Public Welfare that have both stated that there would not be any true reform in health care costs until this discriminatory pricing system ends and one system of payment is achieved.

The SPEAKER. The gentleman has concluded his interrogation?

Mr. OLASZ. Yes, Mr. Speaker. Thank you, and I thank the chairman.

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

Mr. RICHARDSON. Mr. Speaker, I rise to share a couple of points with the members here on the floor.

HB 282—and I have had an opportunity to talk to Representative Olasz concerning this matter—is presently in front of the Health and Welfare Committee. The minority chairperson, Representative Taylor, and myself have had an opportunity to meet and discuss this matter and have asked that we be given an opportunity, which we have already started, and that is a meeting with the labor unions as well as the pharmacists on this bill.

It is my belief that the art of compromise in politics is based on the ability to be able to discuss this matter, because that is where the snag is. The snag right now is between labor and with the pharmacists on this issue. I do not think that it has anything to do with the fight against the large conglomerates, like Rite Aid, which we have a major concern and problem with, but that it is because there are some concerns that have been raised on both labor's side and also with the side of the pharmacists that this amendment in this particular bill at this particular time may preempt our opportunity to be able to bring both of these parties to the table and sit down and work out some kind of compromise on this issue as it deals with their entities.

I think that whatever you have in terms of statements from the Department of Public Welfare and the Department of Insurance and from both of their Secretaries, we have also

invited them to the same table to sit down and deal with this issue because we believe that it is important for us to try to work it out.

I had a brief conversation with you last night concerning this same matter, and I ask respectfully, as Chairman Evans has done in other situations, give us an opportunity to work this matter out, if you would, so that perhaps maybe we can come back with a conclusionary point and determination as to what we will do about the whole mail-order piece as far as those mother and father—we call them “mom and pop”—pharmacists that are in our legislative districts, which are feeling the hit from these large conglomerates, because they have been there always for us, and I am not opposed to them in any way, shape, or form, but I think that there are some major concerns that need to be worked out, and I share that with the gentleman and ask respectfully if he would withdraw the amendment at this time.

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

Mr. OLASZ. Mr. Speaker, I appreciate your sincerity. Not only did we speak last evening, we also spoke earlier this evening.

But HB 282 is a separate piece of legislation, Mr. Speaker. That will stand on its own merits. What we are addressing tonight, this reform, is a major piece of legislation, and I cannot in all honesty and sincerity turn my back on that little guy down the street.

It is unfortunate; you and I will have some other discussions, I am sure, and once again, I appreciate your sincerity in offering to hold hearings on HB 282. That is another animal. That is something else. There are issues that I could bring up now addressing the pricing by your major pharmaceutical firms that I am holding back until we get into the meat of HB 282. But because of the impact that this welfare reform bill holds, I am sorry; I have cooperated with you, but I would not withdraw this amendment at this time.

We have gone too far, and I would ask all of you, for that little guy out on the street that gave your mother, your grandmother, Lydia Pinkham's, Sloan's Liniment, or St. Joseph's Aspirin on tick and said, when you get your check, come in and see me, remember, you are wiping him out if you do not give him an opportunity to participate in this program. Think about it. Think about it very seriously.

The SPEAKER. The gentleman from Montgomery County, Mr. Saurman, is recognized.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, I wonder what comes next. Are we going to tell the pharmaceuticals and the other businesses in this State what price they can charge for their products? If in fact we are going to pursue that, let us also then reconsider our antitrust situations.

If we are saying here that whatever the lowest price is that is charged to some person must be available to the local guy, then you know that that price that the local guy is going to be charged and everybody else is going to be charged is going to

be high. It is going to be higher than it is now. It is not going to reduce costs.

Mr. Speaker, the cost of the medication part of our health care cost containment problems is a very small percentage. I am amazed that the Secretary of Welfare and the Secretary of Aging or whoever else it was says that we cannot control costs until we control pharmaceuticals and the prices. Mr. Speaker, the arrangements that have already been made with the rebates that the pharmaceuticals pay to our senior citizens, to the State itself for purchases, all of these are, seem to be at least, some kind of a conspiracy to go after one of the remaining industries in our State, which has generated profits, which has made jobs for people, which has helped the communities in which they exist, and now we want to go after them for something else and tell them how they have to price their product.

Mr. Speaker, this is a dangerous, dangerous precedent, and I urge everyone in this House to think about, as Mr. Olasz says, what the effect will be on the future of business in this State as well as the cost of health care, and I would urge that this amendment be defeated. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Mr. McNally.

Mr. McNALLY. Thank you, Mr. Speaker.

Would the gentleman, Mr. Evans, stand for a brief interrogation?

The SPEAKER. Does Chairman Evans consent to interrogation? The gentleman indicates that he will. Mr. McNally may proceed.

Mr. McNALLY. Thank you, Mr. Speaker.

I would like to refer to page 17, line 1, of the legislation. That first sentence indicates "Participation by recipients shall be voluntary."

Does that language mean that a recipient of medical assistance would not be required to participate in a mail-order program that has been arranged by the department?

Mr. EVANS. Correct, Mr. Speaker.

Mr. McNALLY. Thank you, Mr. Speaker.

Would the gentleman, Mr. Olasz, stand for a brief interrogation?

Mr. OLASZ. Yes.

The SPEAKER. The gentleman is standing and ready.

Mr. McNALLY. Thank you, Mr. Speaker.

Mr. Speaker, referring to amendment 1388, the first part of the amendment, it deletes from page 16, lines 18 and 19, the words "medical supplies and devices and durable medical equipment."

Would this amendment in fact delete a provision that would permit the department to arrange in competitive-bidding processes for the purchase of medical supplies and devices and durable medical equipment?

Mr. OLASZ. From the best of my knowledge, it does not.

Mr. McNALLY. Well, Mr. Speaker, I would like to just refer back to that particular page. Under the current language, it says, starting on page 16, line 15, "The department shall, where cost effective and feasible, enter into arrangements through a competitive bidding process or other means for the

purchase of laboratory services, medical supplies and devices and durable medical equipment."

I refer now to amendment 1388, the first section of the amendment. It says, page 16, lines 18 and 19, by striking out the language, quote, "medical supplies and devices and durable medical equipment."

Now, I would ask again, does this amendment eliminate the provision that would permit the department to establish a competitive-bidding process for medical supplies and devices and durable medical equipment?

Mr. OLASZ. Once again, Mr. Speaker, to the best of my ability, it does not, and once again, here is the underdog. Where are my advisers? I have got three again against one. I love those odds. Underdog.

Mr. McNALLY. Now, next question, Mr. Speaker, if the underdog would stand for further interrogation.

Mr. OLASZ. Wait; I will send out for some of my advisers to come down and prompt me, also. Go ahead. Fire away.

Mr. McNALLY. Referring to the second part of the amendment, on the seventh line, inserting a new section, 443.10, there is language here that I would like to have explained, and the term used is "all purchasers of equal volume." Would you explain that term, please?

Mr. OLASZ. Well, Mr. Speaker, as you are aware, if you have 50 attorneys in here, you can get 50 different opinions, and I think I indicated earlier in my statements what happens with the pricing, that some people are treated with a very favorable ability to go out and purchase at a reduction while that same pharmacist may purchase the same quantities and he does not get that favorable price.

So once again, it is open for interpretation, whatever way you want to look at it.

Mr. McNALLY. Thank you, Mr. Speaker.

May I speak to the amendment?

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

Mr. McNALLY. Mr. Speaker, I would like to ask the House to oppose this amendment. I would ask them to oppose it for the following reasons.

First, contrary to the underdog's comments, the amendment does in fact eliminate a competitive-bidding process that would be established by the department, where it is cost effective and feasible, for the purchase of medical supplies and devices and durable medical equipment. Now, Mr. Speaker, it is true I think, it is common knowledge, and it is well known that one of the most effective and cost-effective ways for government to purchase services or goods is through the competitive-bidding process. What we do with this amendment is we eliminate the competitive-bidding process for a special class of the health care industry. We say that the producers and the retailers of medical supplies and devices and durable medical equipment will not have to submit to a competitive-bidding process.

Secondly, I submit that we should not vote for this amendment on the basis that we really do not understand it. There is this mysterious language of "all purchasers of equal volume."

We have not gotten a clear answer as to what that means. What it would seem to mean is that the only people who would get the most favored price are not the small "mom and pop" pharmaceutical or retail drugstores; the people who would get to be open for this type of process would be big pharmaceutical retailers. That is not what the maker of the amendment has intended, but I think that is what this language seems to imply.

Finally, Mr. Speaker, I think that we ought to oppose this amendment because I think it goes against the grain of what health care cost containment and health care reform is all about. The fact of the matter is that we are not going to be able to have everything that we want. The fact of the matter is that if we are going to have health care reform, there will have to be some arrangements that are made—they are being made today, in fact—where there will be preferred providers, there will be contracts made with people who will have the benefit of economies of scale, and they will be able to give better prices as a result of that. That is simple economic realities, and I think that if we give in to this kind of amendment, this kind of special interest, political interest, that not only will undermine this health care cost containment, this medical assistance type of reform, it is going to undermine health care reform as a whole. We have to stand tall against this kind of special interest politics, and we have to do what is right to contain health care costs.

I urge you to oppose this amendment.

Mr. OLASZ. Mr. Speaker, will he stand for interrogation, please?

The SPEAKER. The gentleman, Mr. Olasz, has already been recognized twice on the amendment.

The Chair recognizes the gentleman, Mr. Murphy.

Mr. OLASZ. He interrogated me, Mr. Speaker. I would like to interrogate him.

The SPEAKER. The gentleman should be alerted to the recollection of the Chair, and that is that, number one, Representative Olasz spoke on the amendment; number two, the gentleman, Mr. Olasz, asked to interrogate the gentleman, Mr. Evans; and number three is the current interrogatory that you have offered to the Chair.

The Chair is ruling you out of order and recognizing the gentleman, Mr. Murphy.

Mr. MURPHY. Mr. Speaker, I would like to interrogate the Appropriations chairman for a moment.

The SPEAKER. Mr. Evans indicates he will yield to interrogation. The gentleman may proceed.

Mr. MURPHY. Mr. Speaker, how much does the Commonwealth spend on medical assistance for prescriptions annually?

Mr. EVANS. My understanding, Mr. Speaker, is over \$135 million in State funds.

Mr. MURPHY. Mr. Speaker, the language I read in the bill indicates that the department might enter into contracts with mail-order prescription companies through a competitive-bid process. Is there any assurance that these mail-order companies would be located in Pennsylvania?

Mr. EVANS. Could you repeat your question again, Mr. Speaker.

Mr. MURPHY. Mr. Speaker, is there any reason to assume that the mail-order companies would be located in Pennsylvania that the department might contract with?

Mr. EVANS. No, Mr. Speaker; we do not necessarily have any idea that they will be located in the Commonwealth of Pennsylvania.

Mr. MURPHY. Then, Mr. Speaker, if I removed \$135 million annually from the Pennsylvania economy from small companies across the State, what impact would that have on the corporate net income tax?

Mr. EVANS. Mr. Speaker, the first thing I want to say is that question would be somewhat difficult to answer off the top of my head, so I would not want to just tell you something just to be telling you, first.

Secondly, Mr. Speaker, the issue I have raised is that it is a volunteer program, and you also have the question of dealing with the issue of the recipients, who do live in the Commonwealth of Pennsylvania and who do participate in the pharmaceutical program, Mr. Speaker.

Mr. MURPHY. Thank you, Mr. Speaker.

Mr. Speaker, while I do think it is important to control the cost of health care, as I travel around Pennsylvania and I see many small business districts in small towns and in neighborhoods in the larger cities of Pennsylvania, very, very often the anchor of those small business communities is the local drugstore. I think by looking at savings by moving to a competitive bid for a mail-order prescription service might be penny-wise and dollar-foolish.

I would be very concerned about encouraging the department to proceed with a mail-order plan when in many cases we will be jeopardizing the health of many small businesses across the State, and for that reason I would encourage you to support the Olasz amendment, because if we do not, my fear is that we will have a rippling effect by closing small businesses down that have served people in the Commonwealth, in communities where they are the anchor of those local business districts. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes Gordon Linton of Philadelphia.

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

Would the gentleman, the chair of the Appropriations Committee, stand for a brief period of interrogation?

The SPEAKER. The gentleman indicates he will consent to interrogation.

Mr. LINTON. Mr. Speaker, if I recall, several years ago we made an effort through the PACE program to save a number of dollars in our cost-containment efforts to try to make sure that we were able to maximize the dollars from the Lottery Fund. Is what you are suggesting in this particular bill similar to that that we have in the PACE program?

Mr. EVANS. Yes, Mr. Speaker.

Mr. LINTON. So I thought that as we were trying to proceed through welfare reform, we were attempting to accomplish a couple of things. One of those was to make sure

that we have an effective welfare program that provides an opportunity for people to have employment and thus remove people from the rolls and put them into viable employment.

The other objective was that we try to make sure that we maximize the taxpayers' dollars. It seems to me that what you are proposing—and correct me if I am wrong—but what you are proposing is that we will have some savings, and I think even the gentleman, Mr. Saurman, mentioned that there will be some savings that will be rendered through this program, and I thought many of us who were voting today, part of our objective was to try to save money to our taxpayers. It seems to me that we cannot have it both ways.

Mr. Speaker, would you let me know whether or not we can in fact render some savings through this program as you are proposing it?

Mr. EVANS. Mr. Speaker, I would say the attempt is to see if that is available to us by having the Department of Public Welfare explore the aspect of bulk purchasing. It is a method that is used that we need to consider more in the future in terms of State government. It is a practice that is certainly used in the private sector, but it also stresses the aspect of giving the recipient a choice. So the question really again, Mr. Speaker, is an opportunity to maybe make some savings, and in our view, Mr. Speaker, we should not tie the hands of the department if they can generate some savings as a result of this particular provision.

Mr. LINTON. Mr. Speaker, I was listening to the gentleman, Mr. Murphy, make reference to the loss of revenues through our corporate net income tax if in fact we would go to mail order, but I recall when we were looking at some issues in our tax package in the budget of 1991, it was very clear that if people were selling items through mail order in the Commonwealth, we still would be able to collect corporate net income tax, so in essence, we would still be able to reap those revenues. Is that correct, Mr. Speaker?

Mr. EVANS. Absolutely, Mr. Speaker. Keep in mind, as I stressed before to the gentleman from the city of Pittsburgh, I indicated then that we still would be taking advantage of that revenue and we still would be collecting it. Although he raised the issue about if the firms were necessarily Pennsylvania based, the fact of the matter is, we still would be collecting tax revenue from those whom we provide service with.

Mr. LINTON. Mr. Speaker, one final question: Could you tell me whether or not the cost of drugs under the PACE program may be subject to going up if we were to pursue the Olasz amendment?

Mr. EVANS. My understanding, Mr. Speaker, is that that could potentially occur; that there could be a potential increase under PACE, which would certainly affect our senior citizens, if this amendment is adopted.

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

If I may be in order to make a comment on the amendment, please.

The SPEAKER. The gentleman is in order and should continue.

Mr. LINTON. Thank you very much.

Mr. Speaker, it is clear to me from the interrogation that in this House, through the efforts of welfare reform, we are attempting to accomplish several items. One of those is to make sure that, one, we have a welfare system that at least begins to return people to solid employment so they become taxpayers, and we are going to attempt to do that, but also, many of us have heard from constituents around the Commonwealth the cost of the welfare system, and quite frankly, I think many of the members of this House are motivated by trying to cut the cost of government.

Now, we can either cut the cost of government or we can continue to make sure that those who are in business make a lot of money. Now, I think the choice is pretty clear. If all of those who want to impose all these things to try to defeat fraud with the feeling that the poor welfare recipients are reaping and stealing from the taxpayers, because you are concerned about them taking money from us, it would seem to me that you would also be concerned about an opportunity that you are getting ready to let go away by supporting this amendment and not allowing us to have cost containment so we can maximize those taxpayers' dollars.

I can understand why Mr. Olasz has concerns about the individual pharmacists in his neighborhood. I have been contacted by many of those pharmacists myself in other instances.

I serve, as many of you know, on the board of SEPTA (Southeastern Pennsylvania Transportation Authority), and we on the SEPTA board have made an effort to in fact cut costs because of budget difficulties. In a labor contract, we engaged in a contract similar to this that allowed our employees to get bulk purchasing of drugs through the Rite Aid Pharmacy and reaped a number of savings to SEPTA, and that in essence reaps a number of savings to this Commonwealth.

So it is my suggestion, Mr. Speaker, that we defeat the Olasz amendment, that we stay with the language that is currently in the bill so that we can reap the savings that we are trying to get out of trying to make sure we have meaningful welfare reform. Thank you very much, Mr. Speaker.

The SPEAKER. The gentleman is welcome, and Mr. Mihalich is recognized for the second time.

Mr. MIHALICH. First time, Mr. Speaker.

The SPEAKER. The Chair will take your word for it.

Mr. MIHALICH. Okay. I will not talk more than once anyway.

Mr. Speaker, for the same reasons that the maker of this amendment has offered the amendment, I oppose the amendment.

I am interested in the welfare of my independent pharmacies. They are, in many of my small communities, the cornerstones of their little neighborhood shopping districts. They participate in community activities, and they employ a lot of local people. The reason why I think that this amendment will hurt the local pharmacies is because of the very clear language in here that says that the same prices shall be charged to people who buy equal volumes.

Now, to me, that means I have heard this story before in some of the hearings that we had in the House last year. When one manufacturer and distributor was asked, well, why do you sell at a certain price to a drug chain and why do you sell at a certain price to a small drugstore, he said, the answer is simple; it is the volume. That makes sense. Everybody understands that, I think, and it would not take any legal minds, any Harvard graduates working for the drug companies, to interpret that way because that is exactly what it says.

They have to give an equal price only when there are equal-volume purchases. Not only the same prices, they can offer conditions and privileges to purchasers of large volumes which they do not have to offer to smaller purchasers. What could those conditions and privileges be? Those conditions and privileges are most often a line of credit which may not be available to the little guy. It might be a lot of other inducements which may not be available to the little guy.

I think the amendment does not achieve what the originator of the amendment would like to achieve, and for that reason I think it is a bad amendment, and I will take Chairman Richardson's invitation. I have taken that seriously. I will attend his meetings, and I will try to work out something that will protect these little, independent operators. I do not think that this amendment does it. Thank you.

The SPEAKER. The gentleman from Lackawanna County, Mr. Cawley.

Mr. CAWLEY. Thank you, Mr. Speaker.

Mr. Speaker, for the same reasons that the previous speaker opposes the Olasz amendments, I support the Olasz amendments and ask for an affirmative vote. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Mr. OLASZ. Mr. Speaker, just a last comment which I am entitled to, my closing remarks. Forget it and roll it.

Vote "yes."

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

The following roll call was recorded:

YEAS—148

Adolph	Fee	Marsico	Scheetz
Allen	Fichter	Masland	Schuler
Argall	Fleagle	Mayernik	Scrimenti
Armstrong	Freeman	McCall	Semmel
Baker	Gamble	McGeehan	Serafini
Barley	Gannon	Melio	Smith, B.
Battisto	Geist	Micozzie	Smith, S. H.
Belardi	George	Miller	Snyder, D. W.
Blaum	Gerlach	Mundy	Staback
Boyes	Gigliotti	Murphy	Stairs
Brown	Gordner	Nailor	Steelman
Bunt	Gruppo	Nickol	Stern
Butkovitz	Hasay	Nyce	Stish
Caltagirone	Hennessey	O'Donnell	Strittmatter
Cappabianca	Herman	Olasz	Sturla
Carn	Hess	Perzel	Surra
Cawley	Hughes	Pesci	Tangretti
Cessar	Hutchinson	Petrone	Taylor, E. Z.
Chadwick	Itkin	Phillips	Taylor, J.
Civera	Jadlowiec	Piccola	Thomas
Clark	Jarolin	Pistella	Tigue

Cohen, M.	Kasunic	Platts	Tomlinson
Colafella	Keller	Preston	Trello
Colaizzo	King	Raymond	True
Cornell	Kirkland	Reber	Tulli
Corrigan	Kukovich	Rieger	Utiana
Cowell	LaGrotta	Ritter	Vance
Coy	Laub	Roberts	Van Horne
Daley	Laughlin	Robinson	Vitali
DeLuca	Lawless	Roebuck	Waugh
Dent	Lederer	Rooney	Williams
Donatucci	Lescovitz	Rubley	Wogan
Durham	Lloyd	Rudy	Wright, D. R.
Egolf	Lucyk	Ryan	Wright, M. N.
Fairchild	Lynch	Santoni	Yandrisevits
Fargo	Maitland	Sather	Yeweic
Farmer	Markosek	Saylor	Zug

NAYS—49

Acosta	Druce	Kenney	Pitts
Bebko-Jones	Evans	Krebs	Reinard
Belfanti	Fajt	Lee	Richardson
Birmelin	Flick	Leh	Rohrer
Bishop	Gladeck	Levdansky	Saurman
Bush	Godshall	Linton	Steighner
Buxton	Gruitza	Manderino	Steil
Carone	Hanna	McNally	Stetler
Clymer	Harley	Michlovic	Veon
Cohen, L. I.	Heckler	Mihalich	
Curry	Hershey	O'Brien	DeWeese,
Dempsey	Josephs	Oliver	Speaker
Dermody	Kaiser	Pettit	

NOT VOTING—1

James

EXCUSED—5

Haluska	Petrarca	Trich	Wozniak
Merry			

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

The SPEAKER. The Chair recognizes the gentleman from Dauphin County, Representative Piccola, on a reconsideration motion.

The gentleman indicates he will withdraw the motion. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Evans, on a reconsideration motion, and the gentleman indicates that he also will waive the opportunity to reconsider.

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

CONSTITUTIONAL POINT OF ORDER

The SPEAKER. Does Mr. Gannon seek recognition? Does Chairman Gannon seek recognition?

The gentleman from Delaware County is recognized.

Mr. GANNON. Mr. Speaker, this will be brief and easy.

Some time back I believe the House made an error in its judgment on a provision similar to the provision contained in this bill, and I would like to raise the issue before the House this evening, because I do not believe the issue will have an opportunity to be presented in this fashion again. Mr. Speaker, what I am going to do is I am going to make a motion, and then I am going to ask the members to vote *against the motion*. In fact, I am going to vote against it myself.

Let me explain very briefly, Mr. Speaker. Some time back the House set a precedent on the issue of the question of a tax credit provision that was contained in some prior legislation. There is exact tax credit language contained in this particular bill, and I am going to raise the issue of the constitutionality of that language, and the reason I am doing that is because in the prior instance, the House voted that that language was unconstitutional, and because of a misunderstanding and confusion at that time, all the Republicans voted one way and all the Democrats voted another way. What I would like to do is raise the issue here because I think there will be agreement that the tax credit language contained in this bill is constitutional.

At the time of the prior debate, the issue was raised by Representative Pistella on the question of constitutionality on the uniformity clause in our State Constitution, and at that time, unfortunately, the House agreed that that tax credit language was unconstitutional.

So, Mr. Speaker, I would like to make a motion as to whether or not the specific language in this proposal dealing with a tax credit for work incentives is or is not constitutional.

The SPEAKER. Is the gentleman basing his request on the uniformity clause?

Mr. GANNON. Yes, Mr. Speaker; the same issue that was raised at the prior time, the uniformity clause.

The SPEAKER. The Chair thanks the gentleman.

The Speaker, under rule 4, is required to submit questions affecting the constitutionality of a bill to the House for decision, which the Chair now does.

On the question,

Will the House sustain the constitutionality of the bill?

The SPEAKER. Is there additional debate on the constitutionality of the measure?

Mr. GANNON. Mr. Speaker, I would request that the members vote "yes," that this is constitutional.

The SPEAKER. Does Mr. Richardson seek recognition on constitutionality?

Mr. RICHARDSON. Yes, Mr. Speaker.

Mr. Speaker, earlier I rose and I raised several points concerning constitutionality, and I think that if we are on final passage and this is to deal specifically with the constitutionality, I would like to raise those points again for the record.

I think that it is going to be very clear to me that those who are here tonight do not recognize or understand that I believe strongly that this measure is not constitutional, and I cited several of the points and reasons why. It is clear to me that tonight we have a very serious problem in front of us with respect to this issue, particularly as it deals with *Shapiro v. Thompson*, and I cited that case of 1969. I further went on, Mr. Speaker, to cite that—

Mr. GANNON. Mr. Speaker?

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes Mr. Gannon.

Mr. GANNON. Point of parliamentary order, Mr. Speaker.

The SPEAKER. The gentleman will state his point.

Mr. GANNON. Mr. Speaker, I raised the question of constitutionality specifically on the uniformity clause contained in this proposal, and I would request that the Speaker require any other remarks dealing with the issue of constitutionality address that specific issue of the uniformity clause.

The SPEAKER. The Chair would interpret the moment, Mr. Gannon, as that you have opened up the question of constitutionality on HB 1341. Now, although it would be your druthers that the focus of the constitutionality question be the uniformity clause, the Chair interprets the constitutionality question to be one of HB 1341, so the gentleman is in order and may proceed.

Mr. GANNON. Thank you, Mr. Speaker.

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

As I was saying, the whole fundamental constitutional right to travel was established by the Supreme Court in *Shapiro v. Thompson*, 394 U.S. 618 (1969), and I would just further indicate that on this motion of constitutionality, we are setting a very dangerous precedent when we talk about people's right to be able to travel from one point to another. I have always felt that this particular bill itself was in fact unconstitutional, because even though there was an opportunity by Chairman Evans to try to appeal to the better judgment of those minds here tonight in a compromise that he started off with, that he felt that the 30 days was the way to deal with it, we evidently did not agree with that. But more recent Supreme Court cases do not allow States to create fixed, permanent distinctions between classes of residents based on when they arrived in the State, and that case is cited as *Zoebel v. Williams*, 457 U.S. 55 (1982), and if this bill is enacted into law, this provision will be taken to court, and when it is found to be in violation of the Constitution of this United States, it will be overturned at great expense to this Commonwealth once again. It is not rational, without support for new and few anecdotal tales, to pass legislation which clearly violates the law.

Now, the last time we raised that, evidently members on this floor did not believe that and went against all of what the law stands for and said, the heck with the law. If HB 1341 passes and even though it had asked that it requires a study to be done to determine if the Department of Public Welfare has stated in the past people do not move into Pennsylvania to

receive welfare benefits, then we are not allowing the department to be able to do its job in bringing back that information to this body.

Mr. Speaker, I think that on constitutionality, we raised several different points that need to be addressed by our members here, particularly as it relates to the rights of those individual persons who come from other parts of this country. No one rushes to Pennsylvania to get on welfare.

It seems to me that all of the attempts that are being made, even by the other side of the aisle who believe that they have a victory tonight in HB 1341 on this particular issue, particularly dealing with constitutionality, I believe would not stand up in a court of law. I believe that it is imperative amongst us as legislators to do our business in this House of Representatives and not have it turned over to the court. It is not important that the constitutionality question be in fact bypassed without us raising the issues of constitutionality and debating the issue on constitutionality tonight.

It is a violation of law, Mr. Speaker, and I would ask that the members who are here tonight would recognize that constitutionality is a major question on this bill and would ask that they would vote that final passage of HB 1341 is not constitutional.

The SPEAKER. Mr. Sturla is recognized.

Mr. STURLA. Mr. Speaker, while I do have some concerns about the constitutionality of the section that Mr. Gannon raised, because this bill does contain a severability clause, I plan to vote that this is constitutional at this point in time so that we can get the other portions of the bill passed and with the belief that it will be severable later. Thank you.

The SPEAKER. On the issue of constitutionality, those who believe that the measure is constitutional will vote "aye"; those who believe that it is unconstitutional will vote "no."

On the question recurring,

Will the House sustain the constitutionality of the bill?

The following roll call was recorded:

YEAS—170

Adolph	Fee	Linton	Santoni
Allen	Fichter	Lloyd	Sather
Argall	Fleagle	Lucyk	Saurman
Armstrong	Flick	Lynch	Saylor
Baker	Freeman	Maitland	Scheetz
Barley	Gamble	Manderino	Schuler
Battisto	Gannon	Markosek	Scrimenti
Belardi	Geist	Marsico	Semmel
Belfanti	George	Masland	Serafini
Birmelin	Gerlach	Mayernik	Smith, B.
Blaum	Gigliotti	McCall	Smith, S. H.
Boyes	Gladeck	McGeehan	Snyder, D. W.
Brown	Godshall	McNally	Staback
Bunt	Gordner	Michlovic	Stairs
Bush	Gruitza	Micozzie	Steelman
Butkovitz	Gruppo	Miller	Steighner
Caltagirone	Hanna	Mundy	Steil
Cappabianca	Harley	Murphy	Stern
Carone	Hasay	Nailor	Stetler
Cawley	Heckler	Nickol	Stish
Cessar	Hennessey	Nyce	Strittmatter
Chadwick	Herman	O'Brien	Sturla

Civera	Hershey	O'Donnell	Surra
Clark	Hess	Olasz	Tangretti
Clymer	Hutchinson	Perzel	Taylor, E. Z.
Cohen, L. I.	Jadlowiec	Pesci	Taylor, J.
Colafella	Jarolin	Petrone	Tigue
Cornell	Josephs	Pettit	Tomlinson
Corrigan	Kaiser	Phillips	Trello
Cowell	Kasunic	Piccola	True
Coy	Keller	Pistella	Tulli
DeLuca	Kenney	Pitts	Uliana
Dempsey	King	Platts	Vance
Dent	Krebs	Raymond	Van Home
Dermody	LaGrotta	Reber	Vitali
Donatucci	Laub	Reinard	Waugh
Druce	Laughlin	Rieger	Wogan
Durham	Lawless	Rohrer	Wright, D. R.
Egolf	Lederer	Rooney	Wright, M. N.
Fairchild	Lee	Rubley	Yandrisevits
Fajt	Leh	Rudy	Yewcic
Fargo	Lescovitz	Ryan	Zug
Farmer	Levdansky		

NAYS—28

Acosta	Daley	Mihalich	Roebuck
Bebko-Jones	Evans	Oliver	Thomas
Bishop	Hughes	Preston	Veon
Buxton	Itkin	Richardson	Williams
Carn	James	Ritter	
Cohen, M.	Kirkland	Roberts	DeWeese,
Colaizzo	Kukovich	Robinson	Speaker
Curry	Melio		

NOT VOTING—0

EXCUSED—5

Haluska	Petrarca	Trich	Wozniak
Merry			

The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the bill was sustained.

On the question recurring,
Shall the bill pass finally?

The SPEAKER. Does the gentleman, Mr. Evans, seek recognition? The gentleman is recognized.

Mr. EVANS. Mr. Speaker, a couple weeks ago when we introduced this, what we call the self-sufficiency package, the attempt was to try to find some middle ground to reform the welfare system. I state to you, Mr. Speaker, that the issues that we have in HB 1341, I would like to just tick off what we were attempting to do.

The first thing we had, Mr. Speaker, was an employment incentive program. The reason we had that program, Mr. Speaker, was for the purpose of tax credit.

Number two, Mr. Speaker, we had the New Directions Jobs Program, Mr. Speaker, for the purpose of targeting general assistance recipients, for the purpose of attempting to do something with transitionally needy. We also, Mr. Speaker, had an evaluation component to look at it from the standpoint of community work programs, to assess its effectiveness, and to provide recommendations to the General Assembly.

In addition, Mr. Speaker, we had a demonstration transitionally needy support program for the purpose of trying to put a work model together to deal with transitionally needy recipients. In addition, Mr. Speaker, we had a demonstration program for contracting for job services that was for the purpose of dealing with job readiness for public assistance clients.

Mr. Speaker, we did all of those measures hoping that we could target those 40,000 people, but unfortunately, Mr. Speaker, as a result of something that has occurred on this particular floor, we do not have to worry about having those job training programs because we have eliminated the category of transitionally needy.

Now, Mr. Speaker, although we have eliminated that category, we still have not provided an answer to what we do about 40,000 people, and I know, Mr. Speaker, that I have been in this process long enough to know and understand when I can count votes. I understand, Mr. Speaker, when something is politically expedient, we forget about the fact of dealing with the reality of answering some serious questions. I, Mr. Speaker, on this side of the aisle—even with my own caucus there were some differences of opinion—felt that we can have a real constructive debate about this question of welfare, trying to find a way, in a meaningful way, to deal with it.

Mr. Speaker, I differ with some of my colleagues on this side about the residency requirement. I felt we should have one. No, I did not think it should be 90 days, but I felt that we should have a residency requirement.

I, too, Mr. Speaker, stood up and talked about community work programs, because I felt that people who are on public assistance should work. I felt that we should work in that particular direction, but, Mr. Speaker, I do not believe that we should be punitive or destructive in our approach. I believe, Mr. Speaker, if we are going to deal with the question of people on public assistance, we have to try to do it in what I consider a much more constructive way.

I have been on this floor an awful long time, and I probably have never seen, Mr. Speaker, so many individuals so quickly think that they are going to solve the problem by eliminating the category of transitionally needy. Yes, Mr. Speaker, there will be a headline tomorrow that the General Assembly voted to eliminate transitionally needy, but you still do not solve the problem, Mr. Speaker. The people do not go away. The problems do not go away. They are still here.

The reality of it, Mr. Speaker, is we have to accept that reality. We may not like that reality; we may not want to deal with that reality, but that is a reality. The reality is that there are poor people, that there are people who are uninsured, there are people who do not have health insurance, there are people who do not have the same ability as some of us have in this chamber, and the reality of it is, they are not going anywhere. We are going to have to deal with it. The reality of it is, Mr. Speaker, when we looked at the poverty rate in Greene County and Fayette County and Philadelphia and Indiana County, and particularly the poverty that was in rural Pennsylvania, those problems are there.

So, yes, we can eliminate transitionally needy; we can get rid of it. We can get rid of welfare completely and the problem still will not go away. There still will be drug addiction; there still will be homelessness; there still will be AIDS (acquired immune deficiency syndrome); there still will be all those kinds of problems that we sometimes in this chamber want to act like they do not exist. We want to act like those problems do not exist, but the reality of it is, Mr. Speaker, those problems do exist.

The reality of it is, Mr. Speaker, that we who come here have a responsibility. No, it is not easy to try to solve these problems that we are dealing with. I assure you, Mr. Speaker, these are rather complex problems, and unfortunately, Mr. Speaker, sometimes the public out there does not necessarily think that we are capable of figuring out how to solve these problems. We do not solve these problems, in my view, Mr. Speaker, by saying we are going to eliminate a category and as a result of eliminating that category, no longer, no longer does this problem exist. I wish it was as simple as that. I wish we could do things as simply as that and suddenly say it does not exist. But, Mr. Speaker, may it be drive-by shootings in Lancaster or Harrisburg or York or Erie or Pittsburgh or Philadelphia, or may it be problems that we have as I just described, the reality of it is, Mr. Speaker, that these problems are here. The reality of it, Mr. Speaker, is that we have to begin to make some choices about how we move in the future.

Mr. Speaker, Pennsylvania, and we are all a part of it, we have to make some choices, and those choices, Mr. Speaker, are not easy choices. I have always said over and over again, Mr. Speaker, we have to move to a point where we do not do what I call practice avoidance behavior. Let me repeat that: We have to make a decision, Mr. Speaker, where we do not practice avoidance behavior. By eliminating a category and suddenly saying to ourselves, that is one less line item in the budget that we have to deal with, you do not eliminate it that simply. You do not just all of a sudden say, by eliminating that category, that all of a sudden I do not have to be concerned about that problem. Well, Mr. Speaker, it does not go away that easy.

What we were attempting to do—we, Chairman Richardson and a number of other people who were involved in this effort—was to try to come up with a package. No, it was not a perfect package. No, it did not do all the things that everybody wanted to do, but it was an attempt, Mr. Speaker, to try to deal with it in some way.

I heard, Mr. Speaker, from yesterday to today that we could not have business as usual, and you are right. I would be the first one to say that the process must change, this House must change, welfare must change. I would be the first one to say that. I would be the first one to say that the welfare system does not work, but I also say this to you, Mr. Speaker, that the fact of the matter this does not work does not mean just because you get rid of a category, that all of a sudden the problem is going to go away. It is not that easy, and it is not going to go away if it is passed by this House, because there is a Senate and there is a Governor.

Yes, when the newspaper prints tomorrow and they print yes or no, you will get your yes or no. But there is a Senate and there is a Governor, and we all know in this room, Mr. Speaker, that that is the extent of this bill. So you can say tonight, you can print in the literature, and you can put out there that we got rid of a category; we no longer have to be involved with that problem called transitionally needy. But I share with you, Mr. Speaker, that is not the way we deal with problems.

Mr. Speaker, we have a lot of problems facing us in this Commonwealth. Education inequity, Mr. Speaker. We have to make some decisions about how school districts receive funding. So I share with you, Mr. Speaker, that this is not the end; this is just the beginning. As long as I am here in this House, I am going to continue pushing for welfare reform, and I am going to push for welfare reform until every person in this House begins to understand that there is a constructive way to approach it and not a destructive way, that there is a way to approach it so that we can begin to find a way to solve a problem, not just think that we can eliminate the problem.

So, Mr. Speaker, I rise with some real difficulty. I rise with difficulty to oppose something that I have worked on for the last month or so for the last 2 years. I am opposing something, Mr. Speaker, that I strongly believe in that we should do. I am opposing because of that amendment. I am opposing, Mr. Speaker, because, in my view, that amendment sends the wrong message. That amendment is cruel, vicious, and nasty. There is no way, Mr. Speaker, in good conscience that I can stand here today and be for it as long as that amendment is in that particular bill, because it does not solve the problem.

I am looking to solve the problem. I am not looking for the headline, Mr. Speaker. I am looking to find a way, once and for all, to try to change the way the welfare system works, and everyone knows, even on that side, that it is not working and it must change, but eliminating the category called transitionally needy is not going to solve the problem. You know it and I know it.

So I would ask, Mr. Speaker, that you would give a negative to HB 1341. Thank you.

The SPEAKER. Mr. Thomas is recognized.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I have just developed, and I hope many of my colleagues share the same feeling. I think that the chairman of the Appropriations Committee just rose to another level of maturity, because, Mr. Speaker, I know the kind of work and energy that went into shaping HB 1341. I know how much this problem has been on the mind of the chairman and not just he. There are many others from both sides of the aisle that have been concerned about the state of welfare in the Commonwealth of Pennsylvania and have called for reform.

So, Mr. Speaker, I, too, rise in opposition to HB 1341, and I rise in opposition to HB 1341 for some very specific reasons. Number one, HB 1341 has been tainted, has been tainted in a way that if it ever becomes law, will wreak serious havoc on people throughout Pennsylvania who are now suffering through no fault of their own.

Mr. Speaker, there is this feeling that we need to change welfare in a way that adversely affects those people who are on welfare through no fault of their own. Pennsylvania, the Commonwealth of Pennsylvania's unemployment rate is one of the highest in the Nation. The Commonwealth of Pennsylvania's underemployment rate might be the highest in the Nation.

Mr. Speaker, there is a critical problem with how we order our priorities. We will spend millions of dollars on Distinguished Daughters of Pennsylvania and yet we would not spend money on women and children who are in trouble through no fault of their own. In the last year, we have had more families devastated through fires that they did not cause; we have had more women and children— Just in Philadelphia County alone, there are over 3,000 cases of child abuse or child neglect which exist every month.

In other counties throughout the Commonwealth of Pennsylvania, there are people who are suffering through no fault of their own, and if we really wanted to do something about the transitionally needy category— I did not create that category. That category was created by many of those of you who sit here this evening and move to eliminate it. You created it a little more than a decade ago. You provided the legislative intent. You provided the legislative spirit for its existence.

If we really wanted to do something about the transitionally needy, it seems very simple to me that we could have converted the cash assistance to wages and tied work to any receipt of assistance and achieved what we wanted to achieve, because I, too, agree with many of you that anybody that is able-bodied should be working and should be given an opportunity to move into the mainstream of Pennsylvania.

I have heard our Governor say on many occasions that Pennsylvania is becoming the rising new star of this country. Well, it is time for us to put up, put up with something that makes a difference in people's lives and shut up about those things that create more devastating conditions in people's lives rather than moving them forward.

I do not mind, I do not mind providing cash assistance to a family that will use that money to do something constructive. Like some of my colleagues, I think that the Commonwealth of Pennsylvania should be spending money to send our kids to Yale rather than spending money to send our kids to jail, and if you examine the budgets that we have proposed and adopted in the last couple years, we have spent more money to put people in jail than we have to send them to Yale. We have developed more policies against young people shooting basketballs on the court and in effect, in many cases, encouraged young people to pick up guns and shoot one another in the street.

Mr. Speaker, it is time that we reorder our priorities in the Commonwealth of Pennsylvania. We need to get real serious about our business here in this General Assembly.

We have talked about education, yet we have not done anything about education. We have talked about welfare reform, but I guarantee you, if you ask any objective reader of

the headlines tomorrow whether or not we achieved welfare reform through HB 1341, they would say no.

We spent almost 7 hours on the question of whether or not the Commonwealth of Pennsylvania should be putting liens on people's property who need assistance because they have lost their job or because they are without a lifeline to exist. We spent 7 hours on that.

So, Mr. Speaker, I urge each and every member of this House on both sides of the aisle, on both sides of the aisle, do not vote on this bill based on what you think is popular or what you think is politically expedient. Vote on this bill based on what you know to be in the best interest of those people that you represent, and if you vote on HB 1341 from what is in the best interest of the people that we represent and what is overall in the best interest of the citizens of this great Commonwealth, then you will vote "no" on HB 1341 and let us get on to the business of real welfare reform. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Zug, from Lebanon County is recognized on final passage of the bill.

Mr. ZUG. Thank you, Mr. Speaker.

I would just like to thank both sides of the aisle for giving us a chance to really direct true welfare reform, and I think it is a compliment to this body. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Gordon Linton from Philadelphia is recognized on final passage.

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

Mr. Speaker, I think I was encouraged when I heard the chairman of the Appropriations Committee say that once and for all, this week we will begin to allow this House to deal with welfare reform.

I was also encouraged to know that hopefully we were going to try to make sure that we move those able-bodied individuals into employment that will make them viable parts of the citizens of our Commonwealth and taxpayers.

But, Mr. Speaker, it looks like what we ended up with was not welfare reform but in fact welfare spending. It looked to me that every effort to try to make sure that we provide meaningful employment for those who are on welfare, we instead decided on trying to make sure we kept the coffers filled of the individual pharmacists. It looks to me that when in fact it looked like we had an opportunity to try to look for employment and try to make sure we eliminate costs, we were concerned about fingerprinting welfare recipients and whether or not we could have drug testing for welfare recipients.

I question whether or not we sought to have true welfare reform — to make sure that people are employed and to make sure, the bottom line, we save the taxpayers of the Commonwealth some dollars. It seemed to me that we were more concerned about being harsh, vindictive, and mean, and also more concerned about spending dollars and transferring those dollars from the welfare recipients to not the needy but those who are greedy. That is what we have got, not welfare reform but in essence we have welfare spending, and I think the members of this House who would vote for this bill can be

very proud of their welfare spending bill. I plan to vote against it. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Saurman, from Montgomery is recognized.

Mr. SAURMAN. Thank you, Mr. Speaker.

This will be very brief. I just want to say that if anybody thought that the welfare reform package would be solved with the passage of one piece of legislation, they are smoking something that they ought not to be smoking.

The chairman of the Health and Welfare Committee came before the committee with a package of 17 bills. These are the amendments that members felt. This is a situation that is indeed complex. If you are talking about, though, a solution, then the solution ought to involve the 203 members of this House and then that input be allowed to be put together in some kind of a cooperative way. What we came with was a package. What this House has spoken about is that they did not like that package and they have adjusted it. It is kind of like right now the Appropriations chairman wants to take the ball home because the game did not go his way, so now he wants to go home and take the ball with him. I used to do that when I was a kid. I had a football, and when I did not win, I took the ball and everybody went home.

Mr. Speaker, this is a serious matter. Whichever way members vote, this bill is not and cannot be the solution; it is not the end-all, and you have to decide in your own minds whether it moves us forward or not. But certainly no one can expect that one piece of legislation with such a complex issue is going to solve the problem, but at least the process allowed for input which had not been there earlier, and if we are going to solve the problem, it is going to have to be there in a serious manner. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman, Mr. Anthony Williams.

Mr. WILLIAMS. Thank you, Mr. Speaker.

I am discouraged tonight, not based upon the passage or the nonpassage of this bill, but I have come to this chamber for a number of years. As a child, Mr. Fineman sat in that fine Chair. I saw Mr. Manderino and now I have seen Mr. DeWeese. What discourages me most is that with the passage of some 20 years, we as a society and specifically as a government apparently come to decisions not based upon fact but based upon our biases, based upon our prejudices. I recognize that comments of mean-spiritedness, of evilness, of contempt are not taken seriously, because I believe that those folks who are hunkered into their positions do not believe themselves to be mean-spirited nor of malice.

But I would suggest that people have approached me with regard to the issue of welfare reform, that people from rural areas who look to the urban areas for guidance begin to look towards their own communities.

To those folks who believe that the fact that a large percentage of minority members had to stand on this floor to debate this publicly, that it is our issue and our desire to carry the load with regard to welfare reform, that that is not the correct status.

The fact is that change for change's sake is ridiculous. This country is changing. This State is changing. Change in terms of the welfare system is needed to accommodate the changes within our respective communities. You see, transitionally needy are not just people in my community who do not fit a particular criteria with regard to, I guess, what was established or, quote, unquote, "conventional work experience." No. You see, transitionally needy in the nineties are lawyers, are doctors, are engineers, are people who work for corporations in this country who will, for the first time, find themselves needing the support of this State when they have to give up their homes, when their unemployment is spent down, and if we do not read those tea leaves, then change for change's sake is what we are about today. Stuffing the football down my mouth or in my face or slam dunking for victory and going back and slapping your friend on the back, that is a hollow victory in the face of people who truly will be in need.

Communities which are now being devastated, which traditionally never felt the pain of an economic downturn, will be the people that we are deciding we need to eliminate. Oh, and they certainly will meet the criteria of conventional and traditional employment and they certainly will fall into the category of transitionally needy, but when people will come and tap me on my shoulders, as they do now about the issue of drugs, because, you see, I stood here, I stood here as a sophomore in college and witnessed the debate about drugs, and those same perceptions, those same biases, those same conventional wisdoms, those same perceptions which seemed to suggest that drugs was an urban problem; drugs was a problem that did not touch my community; and God forbid, marijuana and crack cocaine, those are things that were just beyond the pale of reason within certain given geographical areas, and now the Attorney General, who is a Republican, to the Governor, who is a Democrat, see drugs as the number one unraveling glue or unraveling string of our society, of our communities. Well, I would suggest that that is a benchmark, and that is a benchmark for us tonight as we discuss welfare reform in a manner which, frankly, does suggest change but is not truth. It is not honesty. It is not people looking in the mirror and facing the realities of what is happening within Pennsylvania.

It is not just the less fortunate parts of our society, those less fortunate sections of Pennsylvania, which will require the need of the transitionally needy category. Frankly, it is those more affluent, those more traditionally accepted categories which do not necessarily traditionally accept transitionally needy people into their communities, and I guess at that point in time you have to turn upon yourselves. How you will restore it in the face of removing it tonight is certainly something I will hoot and holler about and certainly something editorial sections will write about, but even more importantly, hopefully it will be something you discuss at home with your children — how you could take the food out of their mouths in very difficult times.

I stand in opposition to this bill, not simply upon the technical reasons but the moral reasons. For people who stand

for life—and I heard that mentioned earlier tonight—for people who stand for life, to remove this category is unconscionable. I do not know how they can justify it; I do not know how they can rationalize it; I do not know how they balance it, but it certainly is a paradox, and that is a nice way to describe it.

So I stand in opposition to HB 1341, Mr. Speaker.

THE SPEAKER PRO TEMPORE (PHYLLIS MUNDY) PRESIDING

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes Representative Josephs.

Ms. JOSEPHS. Thank you, Madam Speaker.

I rise to oppose this bill in its present form, and I just want to make an observation which has occurred to me a number of times, many times during the debate of today and of last night and yesterday.

There seems to be some notion among the members of the party of the other side of the aisle, and I unhappily have to say some of the members of my own party, that some people on general assistance are more deserving in some way than other people on general assistance; that those people who live in areas represented by my esteemed Republican colleagues somehow are on general assistance or on welfare for no reason that they can be blamed for. It is not their fault. The plant moved out; the job disappeared; the wage earner in the family had some serious health problem. It is not their fault. The people that we represent on our side of the aisle, who are our constituents who are on general assistance, somehow it is their fault that they are on general assistance and they deserve to be punished and they deserve to have the problem solved by simply cutting them off of subsistence. Well, ladies and gentlemen of the other party, our constituents are on general assistance because of circumstances that are not their fault. They are on welfare because there was no job or because they got sick or because they were a victim of violence in a home where they could not stay, and it is not their fault either.

I think, echoing in some ways the sentiments of one of the previous speakers who agrees that this bill deserves to go down and never come back up again in this form, I think that this is going to come around to haunt you, those of you who think that your constituents are more worthy than our constituents, because you are going to find out that you are going to have constituents who are on welfare and who stay on welfare because this society is not producing jobs and this society is not going to produce jobs, and this society is not going to produce people who are able to take the jobs that are offered if we keep on approaching problems in this shortsighted, grandstanding, juvenile, callous, destructive, and unjust way.

I thank you very much, Madam Speaker, and I am sorry to have to speak in such an angry and distressed tone in a situation which ought to be a very nice one. It is very nice to say "Madam" Speaker. Thank you for your courtesy in calling on me.

The SPEAKER pro tempore. The Chair thanks the lady.

The Chair recognizes Representative Ryan.

Mr. RYAN. Thank you, Madam Speaker.

It is not my intention to take much time. As I look at the clock, we have 3 minutes to go. It is my understanding, having talked to the staff of the majority leader, that this will be the last roll call of the evening.

I think everyone is familiar with what is in this bill. I think everyone is familiar with the amendments and the improvements and the changes in the bill. I believe that indeed it is welfare reform. It is something that deserves support, and I look forward to seeing it pass. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Representative Mihalich.

Mr. MIHALICH. Madam Speaker, for all of the reasons enunciated by previous speakers, I think it is a bad bill now, and I want to underline one item in the bill which I commented on earlier, and that is that we have in this bill institutionalized and put into writing a formula by which our independent pharmacies can really get beat over the head on prices. By "independent" I am talking independent and not independent chains — small chains, big chains. I am talking about "mom and pop" that you are going to have to go home and face and look in the eye and say that we have now institutionalized the practice of establishing differences in prices when you go to purchase your products at a wholesale price. That alone is enough for me to vote against the bill, but I want to point out that the previous speakers all made some good points, too. Thank you.

THE SPEAKER (H. WILLIAM DeWEESE) PRESIDING

The SPEAKER. Reverend Kirkland, Representative Kirkland, from Chester is recognized.

Mr. KIRKLAND. Thank you, Mr. Speaker.

Mr. Speaker, I am a little concerned. One of the gentlemen on the other side of the aisle spoke of a game. He spoke about football, and he spoke about taking his football and going home or someone taking their football and going home. Just to share something with you, a little bit of scripture, and it says, when I was a child, I thought as a child. It says, I spoke as a child and I understood as a child, but today I am a man and I put away childish things.

I have a problem when we start playing games or doing childish things and saying that it is important to do away with the transitionally needy. I have a problem when we start playing games and start saying put people to work when there are not any jobs. I have a problem when we want to change the ages of the transitionally needy from 18 to 45 and then change it to 18 to 55 and then eliminate it altogether. I have a problem, and I wonder when we begin to grow up.

We have an obligation. We have an obligation as legislators to our constituents, and that obligation is to clothe those who are naked. That obligation is to feed those who are hungry. That obligation is to house those who are homeless. If we continue to consider this as a game, then it is not only we who are losing but our constituents.

I ask that you vote "no" on HB 1341.

The SPEAKER. The gentleman, Mr. Richardson.

I believe the gentleman, Mr. Richardson, is the last person to debate on final passage of HB 1341.

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

Mr. Speaker, I rise at a point in time that brings sadness to my heart. Yeah, sadness, and I really think that it is a shame that we are back here in 1993 when we had gone through this in 1982. It was this same House of Representatives that decided to take away those individual rights of individuals in the Commonwealth of Pennsylvania and say that we would only give them subsistence for 3 months out of the year. That was in 1982. It was a nightmare then; it is a night of travesty and a nightmare all over again for the citizens of this Commonwealth who are less fortunate than you and I. And it seems to me, Mr. Speaker, that while there was laughter, nonconcern, and commitment to really trying to deal with what we thought was an attempt to deal with true welfare reform, that we wound up with negative, punitive, backstabbing individuals that thought that it would be better to take individuals down with a vote and end transitionally needy when recognizing that we had a major problem.

Now, this book that we put together, we attempted to try to lay out what is welfare and who gets it. We tried very hard to share with those individuals, particularly as it related to the general assistance category, who these persons are. The Commonwealth of Pennsylvania, regardless of what we may think, the majority of those on assistance are not African-Americans, are not Hispanic, but are white. They live alone. They have less than a high school education. In most instances, those individuals whom we are recognizing in this category of general assistance are over 45, have a history of working but no longer qualify for unemployment compensation, and get 90 days of benefits in a year's time. The typical recipient is equally likely to be a man or a woman in this Commonwealth.

The general assistance rolls also are directly related to the economy. When the economy is prosperous, the number of people on GA drops, and when the economy hits recessionary times, the general assistance rolls increase. These are very clear statistics that must be laid out for the record tonight.

It is important to keep in mind that the largest portions of increased funding are not being channeled to general assistance; rather, that funding is being spent for medical assistance nursing home care. There is some notion in the minds of many of you tonight who voted to end transitionally needy that these individual persons are some type of individuals that are freeloading off the system. This is not true. There is also this tendency to believe that there is this influx of individuals that are rushing here to the Commonwealth of Pennsylvania to jump on the welfare rolls.

Welfare has a percentage of poverty. This means that a person must reach 100 percent of the poverty level to be able to afford food and shelter. Pennsylvania's payment rate is low-average amongst the United States. Combining cash assistance and food stamps, Pennsylvania provides only 73.6 percent of poverty. The GA budget — that is both CN (chronically needy) and TN (transitionally needy) — accounts for only 2.4 percent

of Pennsylvania's budget. But you would have people believe that this was a large portion of the budget, that somehow we would take this 2.4 and make believe or make people think that we are spending so much money on people who really need it in this Commonwealth, while in New York, 91.6 percent of poverty is spent; in Maryland, 73.8 percent of poverty is spent; and in New Jersey, 73.7 percent of poverty is spent. These States have a higher rate of payment, and Ohio is less than 2 percent below us.

Who do we think is moving into Pennsylvania to receive our benefits? Certainly not from those States. And the few individuals that you do find that may move here move here basically because they come to live with their families because there may be a sick aunt, an uncle, or another loved one that they must come and try to take care of that individual.

Nearly half of the 150,000 individuals in the general assistance recipients category are women of childbearing age. That is right, women. Some of these same women that felt that we should get rid of these individuals on welfare are going against their own gender. This body, by our action tonight, is forcing a large number of these women to lose shelter and go without food.

Unemployment is currently at a record high of 8.6 percent. There are no jobs available. No matter what you think, no matter how much you say there are, you have not produced one job that has been expressed here tonight other than to point to the Governor's Office and say the Governor said that there are some jobs. He certainly was not talking about jobs for many of the recipients that we have talked about eliminating here tonight.

Where are your constituents tonight? Yes, these people live in our districts. These are the same people that in some instances vote for us and some that do not, some that are registered and some that are not, but at any rate, they still live in our districts. To go without jobs, to go without money, to go without a living wage, and to go without a helping hand, there is no safety net for these people.

This same year, 1982, I can remember distinctly Thornfare predicted that the transitionally needy could attain employment and achieve self-sufficiency. Instead, Thornfare caused widespread suffering. It increased the homeless population.

In 1982 at least 68,000 citizens in Pennsylvania, people we represent, most of them in rural Pennsylvania and rural white, were cut off from general assistance. One year later over 80 percent of them had not found long-term jobs at all. This population includes the temporarily disabled, victims of domestic violence, abandoned homemakers without skills whose children have turned the age of 18. These are people that you represent.

When we look at the individuals who fall in this category, again I must indicate that when we eliminate this category, no money. If they are released from prison, no money. Those individual persons that are blue-collar, disabled workers who may not be able to find a job, this is cruel and unusual punishment for those individuals.

Mr. Speaker, tonight there is an opportunity to share some of the strategy that Representative Evans, Chairman Evans, tried to put forth. There was a real serious attempt on his part to try to be honest, because he felt deep down in his soul that there were some compassionate individuals on the floor of this House that were willing to try to really bring about true welfare reform, and even convinced members in his caucus that he felt that if he put a 30-day residency requirement in a bill, that perhaps maybe that would make our members go along with that and not let them move in an area of feeling that we have to be more punitive against those individual persons who in fact are less fortunate than you and I. In fact, he put job training programs in the legislation. He tried to combine some of the good and some of the bad and incorporate it into HB 1341.

And by the way, this battle is not over, Mr. Speaker. In fact, this is just the beginning, because this is just one of the many bills in this package; that we did not even get to our package in true welfare reform at all. Some of the same contents are combined, but the real effort was to try and get you to understand what was being done in terms of appealing to the mindset of individuals and not be swayed by individuals on the outside who are using this as a major attempt to use perception as a stone to get you to be gravitated towards that and accept the negativisms of Wisconsin, of Michigan, of New Jersey, and other areas that have taken punitive action against those persons who are less fortunate in this country. But that failed. Even in every attempt that he tried, that failed.

There is no cost savings to what has been done here tonight; none whatsoever. In fact, it is just the opposite. You will suffer as a result of what is taking place here tonight. You will suffer as a result of seeing those individuals who now cannot defend themselves fall into a position of being placed outside in the cold with no place to go whatsoever and to use this as an attempt and a means to try to say to the citizens of this Commonwealth that I do not care; it does not make any difference to me; we got what we want, and it does not matter whether or not there is any interest or any concern whatsoever.

Mr. Speaker, may I have order?

The SPEAKER. The gentleman deserves to have order. The issue that we are discussing is a seminal issue of our time. We are not, we are not overburdened, and we should listen to our fellow member. I would hope that all of us would have the occasion to listen to each other from time to time.

The gentleman, Mr. Richardson, may continue.

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

I am going to finish, and you can keep on talking all you want; I am going to finish, because I think the senses have been raised tonight on this floor about taking people off of welfare. We have a right to debate and stand on this floor. Because you took all the time with all the 68 amendments that you had, we have a right to discuss this issue, and I am going to discuss this issue, period. I am not rolling over anything and we are not getting rid of this issue without having a debate. That is what you wanted and there is where it is. Just because you do not have anything else to say does not mean I do not

have something to say. If you do not like it, leave the floor and I will finish and then you can come back when I am done.

Mr. Speaker, it is very clear to me that tonight is a very clear night for individuals who have not taken any time to study any of the myths and the lies that have been projected by those individuals who feel that we do not even have a right to speak after you put these crazy amendments in the bill. It is not going to be done without us explaining exactly who we are talking about, and, Mr. Speaker, I am going to give it to you as I tried earlier but no one would listen, and that is that in the medical assistance area and cash assistance area in the Department of Public Welfare data of 1993 of March, we go to Allegheny County. Those people receiving general assistance support is 19,761 persons. So all of those who live in Allegheny County who feel that they are not affected at all by this legislation, I ask you to remember that in your area, in your county, you have 19,761 persons receiving general assistance. In Armstrong County, 1,105 people receiving general assistance support; in Beaver County, 2,845 people receiving general assistance support; in Bedford County, 466 people receiving general assistance support; in Berks County, 3,366 people receiving general assistance support; in Blair County, 2,047 people receiving general assistance support; in Bradford County, 859 people receiving general assistance support; in Bucks County, 2,807 people receiving general assistance support; in Butler County, 1,180 people receiving general assistance support; in Cambria County, 1,946 persons receiving general assistance support; in Cameron County, 81 people; in Carbon County, 464 people; in Centre County, 624 people receiving general assistance; in Chester County, 2,071 people receiving general assistance support; in Clarion County, 516 people receiving general assistance; in Clearfield County, 1,230 people receiving general assistance support; in Clinton County, 456 people receiving general assistance support; in Columbia County, 384 people receiving general assistance support; in Crawford County, 1,271 people receiving general assistance support; in Cumberland County, 599 people receiving general assistance support; in Dauphin County, 3,081 people receiving general assistance support; in Delaware County, 5,942 people receiving general assistance support; in Elk County, 248 people receiving general assistance support; in Erie County, 4,243 people receiving general assistance support; in Fayette County, 4,163 people receiving general assistance support; in Forest County, 54 persons receiving general assistance support; in Franklin County, 730 people receiving general assistance support.

Mr. RYAN. Mr. Speaker?

Mr. RICHARDSON. In Fulton County, 135 people receiving general assistance support.

Mr. RYAN. Mr. Speaker?

Mr. RICHARDSON. In Greene County, 1,286 people receiving general assistance support; in Huntingdon County—

The SPEAKER. Does the gentleman, Mr. Ryan, seek recognition?

Mr. RICHARDSON. I knew he was going to cut me off. He always does. Go ahead, Mr. Ryan.

Mr. RYAN. Thank you.

Mr. Speaker, I have listened to the gentleman. What the gentleman is doing is he is going page after page after page out of a report saying how many people are in each county, a report that is available to every one of us.

Now, I have any number of my members— And no useful purpose is served by it, because it is a printed sheet that he is reading from that every single person here has: "Forest County, 54...." It is like reading a telephone directory, and I think it is a mockery of this House, particularly when we are doing this at 20 after 11 and our rules call for us to adjourn at 11.

Accordingly, with a great deal of respect, and I say this respectfully to you, Mr. Speaker, I am going to ask that the rules be enforced and that debate be cut off at this time and that a roll call be taken on the bill.

The SPEAKER. The options available at this time are that Mr. Richardson or any member of the House may move to suspend the rules or the rules that Mr. Ryan has noted will be enforced.

MOTION TO SUSPEND RULES

Mr. RICHARDSON. Mr. Speaker?

The SPEAKER. The gentleman is recognized.

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

Then I move, Mr. Speaker, that this House suspend the rules, Mr. Speaker, so this House may stay in session so I may finish the debate on welfare reform that has been opened by this House of Representatives so we could conclude those individual remarks that I have not finished.

On the question,

Will the House agree to the motion?

Mr. RYAN. Mr. Speaker, on that question.

The SPEAKER. Other than the floor leaders, I believe the debate is not appropriate. The gentleman, Mr. Ryan, is recognized.

Mr. RYAN. Last night, last night at the request of the majority leader, we adjusted our rules and agreed to extend the debate, I believe it was at that time, until 11:15. I would request the gentleman, Mr. Richardson, to advise the House, prior to my making a recommendation to my caucus, at least, on his question, if he would advise us how much time he needs to complete his statement.

Mr. RICHARDSON. I think I will be finished by a quarter of 12.

Mr. RYAN. I think I got 201 votes now.

I ask the following question respectfully: Is it possible, at a quarter of 12 at night— What you are reading from is material that we all have. Is it possible you could just call this to our attention so that it is not necessary for us to really listen to it?

Mr. RICHARDSON. Well, that is your opinion, and you are entitled to that, Mr. Ryan, and you have always done this to me, but let me just say to you tonight, as one of the senior

members in this House of Representatives like you, who always has the opportunity to raise the questions that need to be raised, I believe that this issue is just as important as every amendment that you passed and put in this bill tonight for me to be able to speak.

Mr. RYAN. Mr. Speaker?

The SPEAKER. The gentleman is recognized for the debate on the suspension of the rules.

Mr. RYAN. Mr. Speaker, I would ask that the motion of the gentleman be amended to read that the rules be suspended until 11:20, at which time the debate will cease and a final vote will be taken. That is my amendment.

The SPEAKER. Until 11:20?

Mr. RYAN. Pardon me; 11:40, which gets us out of here at 11:45— All right. 11:45. I will give him— Mr. Rieger, you provide the pizzas for us and we will stay all night.

POINT OF ORDER

Mr. WILLIAMS. Mr. Speaker, point of order, please.

The SPEAKER. The gentleman, Mr. Williams, is recognized. For what purpose does the gentleman rise?

Mr. WILLIAMS. With regard to the motion to suspend the rules, Mr. Speaker.

The SPEAKER. Will the gentleman yield momentarily.

Mr. WILLIAMS. Certainly.

The SPEAKER. Prior to recognizing the gentleman, the minority leader should note that Mason's Manual indicates that a motion to suspend the rules is unamendable.

Mr. RYAN. All right.

I am going to ask my caucus to vote against this, and then I intend to move to suspend the rules—and ask everyone to vote for it—to suspend the rules to allow the gentleman, Mr. Richardson, to continue his debate and make his remarks until quarter of 12, at which time—and this would be part of my motion—the final vote will be taken.

The SPEAKER. The Chair thanks the gentleman.

For what purpose does the gentleman, Mr. Williams, rise, with the knowledge that this is not debatable except by the floor leaders?

Mr. WILLIAMS. Well, Mr. Speaker, I am rising in the same spirit that I guess Representative Lee rose in with regard to how we plan to follow the process within the House. We have passed several rules or reforms to the House. I think Mr. Lee and several others of us are concerned about the balance of power as it, I guess, quote, unquote, "is structured within the House," and I think along those lines, I do not believe that I can, in good conscience, follow the directives of the minority leader this evening. I think Mr. Lee rose earlier—

The SPEAKER. The gentleman is out of order; the gentleman is out of order.

On the question, the Chair recognizes the gentleman from Allegheny County, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, I will yield to the gentleman from Philadelphia, Mr. Richardson.

MOTION WITHDRAWN

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

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

For the purpose of trying to get out of here at the time that the gentleman is offering, the more we debate this, I am going to withdraw the motion and allow the majority leader to make the comments that he has to make.

RULES SUSPENDED

The SPEAKER. Mr. Itkin is recognized.

Mr. ITKIN. Mr. Speaker, I move to suspend the rules to allow us to stay in the House in active session until 11:45.

The SPEAKER. Mr. Ryan is recognized.

Mr. RYAN. I second the motion.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—193

Acosta	Fajt	Levdansky	Ryan
Adolph	Fargo	Linton	Santoni
Allen	Farmer	Lloyd	Sather
Argall	Fec	Lucyk	Saurman
Armstrong	Fichter	Lynch	Saylor
Baker	Fleagle	Maitland	Scheetz
Barley	Flick	Manderino	Schuler
Battisto	Freeman	Markosek	Scrimenti
Bebko-Jones	Gamble	Marsico	Semmel
Belardi	Gannon	Masland	Serafini
Belfanti	Geist	Mayernik	Smith, B.
Birmelin	George	McCall	Smith, S. H.
Bishop	Gerlach	McGeehan	Snyder, D. W.
Blaum	Gigliotti	McNally	Staback
Boyes	Gladeck	Melio	Stairs
Brown	Godshall	Michlovic	Steelman
Bunt	Gordner	Micozzie	Steighner
Bush	Gruitza	Mihalich	Steil
Butkovitz	Gruppo	Miller	Stern
Buxton	Hanna	Mundy	Stetler
Caltagirone	Harley	Murphy	Stish
Cappabianca	Hasay	Nailor	Strittmatter
Carn	Heckler	Nickol	Surra
Carone	Hennessey	Nyce	Tangretti
Cessar	Herman	O'Brien	Taylor, E. Z.
Chadwick	Hershey	O'Donnell	Taylor, J.
Civera	Hess	Olasz	Thomas
Clark	Hughes	Oliver	Tigue
Clymer	Hutchinson	Perzel	Tomlinson
Cohen, L. I.	Itkin	Pesci	Trello
Cohen, M.	Jadlowiec	Petrone	True
Colafella	James	Pettit	Tulli
Colaizzo	Jarolin	Phillips	Uliana
Cornell	Josephs	Piccola	Vance
Corrigan	Kaiser	Pistella	Van Horne
Cowell	Kasunic	Pitts	Veon
Coy	Keller	Platts	Vitali
Curry	Kenney	Preston	Waugh
Daley	King	Raymond	Williams
DeLuca	Kirkland	Reber	Wogan
Dempsey	Krebs	Reinard	Wright, D. R.
Dent	LaGrotta	Rieger	Wright, M. N.
Dermody	Laub	Ritter	Yandrisevits

Donatucci	Laughlin	Roberts	Yewcic
Druce	Lawless	Robinson	Zug
Durham	Lederer	Roebuck	
Egolf	Lee	Rohrer	DeWeese,
Evans	Leh	Rooney	Speaker
Fairchild	Lescovitz	Rublely	

NAYS—5

Cawley	Richardson	Rudy	Sturla
Kukovich			

NOT VOTING—0

EXCUSED—5

Haluska	Petrarca	Trich	Wozniak
Merry			

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

The SPEAKER. The rules are suspended so that the House may remain in session until 11:45.

CONSIDERATION OF HB 1341 CONTINUED

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

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

Mr. Speaker, as I was saying, in Greene County there are 1,286 persons receiving general assistance; in Huntingdon County there are 471 persons receiving general assistance; in Indiana County there are 1,347 people receiving general assistance; in Jefferson County there are 488 persons receiving general assistance; in Lackawanna County there are 1,999 people receiving general assistance; in Lancaster County there are 3,157 people receiving general assistance; in Lawrence County, 1,757 people receiving general assistance; in Lebanon County, 756; in Lehigh County, 2,490 persons receiving general assistance; in Luzerne County, 3,408 persons receiving general assistance; in Lycoming County, 1,736 people receiving general assistance; in McKean County, 708; in Mercer County, 1,585; in Mifflin County, 560; in Monroe County, 671; in Montgomery County, 3,274; in Montour County, 135; in Northampton County, 1,940; in Northumberland County, 731 persons receiving general assistance; in Perry County, 328 persons receiving general assistance; in Philadelphia County, 66,696 people receiving general assistance; in Pike County, 218; in Potter County, 271; in Schuylkill County, 1,200; in Snyder County, 184; in Somerset County, 836; in Sullivan County, 42; in Susquehanna County, 379; in Tioga County, 407; in Union County, 196; Venango County, 822; in Warren County, 458; in Washington County, 2,796; in Wayne County, 300; Westmoreland County, 4,395; Wyoming County, 273; York County, 1,932. I think there were two counties that were missed: Adams County, 431; and Juniata County, 141.

Mr. Speaker, I read them off because I felt that it was important to place in the record tonight those individual persons who keep saying that they do not have any welfare

recipients in their districts and keep saying that they do not know why we keep raising this question about those individuals who are on general assistance because it does not impact on me at all. Rural Pennsylvania, suburban Pennsylvania, urban Pennsylvanians are all affected by this legislation, and what has happened, Mr. Speaker, is that we have taken this opportunity tonight to try to confuse the masses of our people into thinking that we are doing something to help them. I am so upset that we do not realize the devastation and the impact, and while many of those individuals are taking fire tonight, regardless of what happens, I will say to you that this issue will come back to haunt you.

There is another area of concern that has been raised by this issue. Those on general assistance, transitionally needy, age from 45 to 55 tonight, that passed, and then in the same breath, we moved the next piece of amendment to take people off of transitionally needy altogether. You cannot have it both ways. There are not sufficient resources to provide the approximately 23,000 to 30,000 individuals that fall within this category with the training, education, or treatment opportunity to insure that benefits continue beyond those 90 days, and by taking them away, individuals in this age group, with limited education and skills already, will be extremely unlikely to find employment, as if it were not enough after extending the mood to try to take the age to 55. But tonight this House, and not in its wisdom—certainly not in its wisdom—but in its haste to make sure that we got something that will be headlines for tomorrow, feels that it is not necessary to deal with those individual persons that are being eliminated from the transitionally needy group.

Who now knows who is left with no means of support? One of the major points that we must consider is, there are currently 60,000 people in this Commonwealth that have a problem in terms of drug and alcohol treatment, and they are receiving this treatment now. That is in Pennsylvania. By eliminating the transitionally needy, we have potentially raised that number, and we have raised and placed in the minds of many people that HB 1341, that residency requirement, no matter what we discussed tonight, will have difficulty in becoming, what I believe, sustained by the Constitution of the United States.

Now, I understand what you all are saying here tonight, and that is that when you get rid of this category—I am going to make this very quick—you are telling people that we do not really care, and what you are saying tonight, and I really was hoping that we would not get to the point that we would not feel that judgment and judging people would be left up to us to become a jury and judge and executioner, but tonight we have made that total decision on lives of people who are not here watching you and not here being able to defend their right as individuals through any due process. What we have said to them is that we do not care at all about you; we do not care whether or not we take everything away from you or not and turn you out on the street. The fact is, we are going to take billions and billions of dollars to repair, to repair what we have done here tonight, not just with the so-called thousands of

dollars that you feel that you may save and millions of dollars you may save by taking these people off but billions of dollars that are going to be paid as a result of those individual persons having no place to go.

I have said to you over and over again, but for the grace of God, there go I, and none of you felt that that was important. None of you felt that that was necessary, even in dealing with this situation. It seems to me that with all the debate, all the amendments of Representative Flick and Representative Taylor and Representative Saurman and others who have had amendments to offer, that nobody shut them off; nobody cut anybody off here in the last 2 days, but certainly, Mr. Minority Leader had to cut me off because they never want me to have an opportunity to ever deal with anything when it comes to this issue, and the best way to do it is to use our side, to make them go against us. They have a right to be able to speak against something that is detrimental to my constituents and many of those constituents here who do not have anybody to fight for them. But that is okay, because his day also will come. When we have an opportunity to be able to debate fully— Well, we gave it all to you tonight and yesterday to debate and then reconsider each motion that came up two times and then even question each one that came down the pike; got it. There was no problem; nobody cut off the debate, but as soon as we had to speak tonight, immediately, because I started reading some of the contents of the book, immediately then Mr. Ryan had to come over and say, we have to cut off debate; it is getting late now; we made an agreement last night, and this is the way it is.

But let me say this to you: It does not matter what you all do tonight; you will never be able to shut me up as long as God gives me breath in my body to speak, and no matter what rules are invoked and no matter what other rules come into play, it will never matter as far as I am concerned. I believe that I have a right just as each and every one of you do to stand up and speak on behalf of your constituents without hesitation, thought, or being provoked. You have a right to do that. But when it comes to us, who just happen to be in this House, one of the senior members, it does not matter; respectability does not come about.

What we want to talk about is the fact of these individual persons who are transitionally needy who do not get any respect whatsoever. Nobody is going to defend them. But your mother, your father, your brother, your sister, your cousins, your uncles, and your aunts may be in that category one day, and I hope you take the same action that you took tonight so quickly, the quick move of a vote to say that we are going to get rid of anybody who we believe freeloards off the system. You same hypocrites will use an opportunity to tell people that we will go after them but we do not want to pay for our own children; that we want to try to somehow make sure that those who are deadbeats in this Commonwealth, just because you hold a professional degree, that you should not pay for your children. We are going to push that later on in this welfare amendment. We are going to make sure that we save and protect certain segments of people.

But we want to go after those who feel that there is nobody out there to defend them, because it is easy to pick on the little locked-out and left-out and locked-down when nobody else can defend for them. I am going to defend them. I am going to stand up and fight for them. I am going to be their freedom fighter, and I am going to stand on the floor of this House every time when I see something that is detrimental to those individuals. But you play it on two sides of the issue. You play it when it sounds good for you to support issues that protect a profession that is yours and close and dearest to you; you will protect that, but you will not stand up and protect those who are less fortunate because you feel that they are the most vulnerable and you can do away with them and get away with not respecting or dealing with their issue.

I believe that it has come time to deal with this issue sincerely. You have taken every gumption to end transitionally needy here tonight. I predict that it will never ever ever become law in this Commonwealth of Pennsylvania. We cannot afford to allow people who are suffering already to be hurt worse in this day and time.

Mr. Speaker, I call for the vote.

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—165

Adolph	Fargo	Lescovitz	Santoni
Allen	Farmer	Levdansky	Sather
Argall	Fee	Lloyd	Saurman
Armstrong	Fichter	Lucyk	Saylor
Baker	Fleagle	Lynch	Scheetz
Barley	Flick	Maitland	Schuler
Battisto	Freeman	Markosek	Scrimenti
Belardi	Gamble	Marsico	Semmel
Belfanti	Gannon	Masland	Serafini
Birmelin	Geist	Mayernik	Smith, B.
Blaum	George	McCall	Smith, S. H.
Boyes	Gerlach	McGeehan	Snyder, D. W.
Brown	Gigliotti	Melio	Staback
Bunt	Gladeck	Micozzie	Stairs
Bush	Godshall	Miller	Steelman
Butkovitz	Gordner	Mundy	Steil
Caltagirone	Gruppo	Murphy	Stern
Carone	Hanna	Nailor	Stetler
Cessar	Harley	Nickol	Stish
Chadwick	Hasay	Nyce	Strittmatter
Civera	Heckler	O'Brien	Sturla
Clark	Hennessey	O'Donnell	Surra
Clymer	Herman	Olasz	Tangretti
Cohen, L. I.	Hershey	Perzel	Taylor, E. Z.
Colafella	Hess	Pesci	Taylor, J.
Colaizzo	Hutchinson	Petrone	Tigue
Cornell	Jadlowiec	Pettit	Tomlinson
Corrigan	Jarolin	Phillips	Trello
Cowell	Kaiser	Piccola	True
Coy	Kasunic	Pistella	Tulli
Curry	Keller	Pitts	Uliana
Daley	Kenney	Platts	Vance
DeLuca	King	Raymond	Van Horne
Dempsey	Krebs	Reber	Vitali
Dent	LaGrotta	Reinard	Waugh
Dermody	Laub	Roberts	Wogan

Donatucci	Laughlin	Rohrer	Wright, D. R.
Druce	Lawless	Rooney	Wright, M. N.
Durham	Lederer	Rubley	Yandrisevits
Egolf	Lee	Rudy	Yewcic
Fairchild	Leh	Ryan	Zug
Fajt			

NAYS—33

Acosta	Gruitza	McNally	Roebuck
Bebko-Jones	Hughes	Michlovic	Steighner
Bishop	Itkin	Mihalich	Thomas
Buxton	James	Oliver	Veon
Cappabianca	Josephs	Preston	Williams
Carn	Kirkland	Richardson	
Cawley	Kukovich	Rieger	DeWeese,
Cohen, M.	Linton	Ritter	Speaker
Evans	Manderino	Robinson	

NOT VOTING—0

EXCUSED—5

Haluska	Petrarca	Trich	Wozniak
Merry			

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

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

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

ADJOURNMENT

The SPEAKER. The Chair recognizes Representative Stephen Maitland from Adams County for one of his maiden speeches.

Mr. MAITLAND. Mr. Speaker, I move that this House do now adjourn until Wednesday, May 5, 1993, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 11:38 p.m., e.d.t., the House adjourned.