

Legislative Journal

WEDNESDAY, MAY 4, 1977

Session of 1977

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SENATE

WEDNESDAY, May 4, 1977

The Senate met at 10:00 a.m., Eastern Daylight Saving Time.

The PRESIDENT pro tempore (Martin L. Murray) in the Chair.

PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK GRUELLE, JR.:

Let us pray:

Lord of all Creation, we offer You our thoughts, words and actions, hoping that they may be for Your Honor and Glory. Grant, O Lord, that our only reward will be to love You more and more. Amen.

JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator NOLAN, further reading was dispensed with, and the Journal was approved.

SENATOR NOLAN TO VOTE FOR MEMBERS ON LEGISLATIVE LEAVE

Senator NOLAN. Mr. President, I ask for a legislative leave of absence for the gentleman from Cambria, Senator Copper-smith; the gentleman from Philadelphia, Senator Cianfrani; the gentleman from Delaware, Senator Sweeney; the gentleman from Philadelphia, Senator Hill; the gentleman from Philadelphia, Senator Lynch; the gentleman from Erie, Senator Orlando; and the gentleman from Westmoreland, Senator Kelley.

The PRESIDENT pro tempore. The Chair hears no objection and the leaves of absence will be granted.

BILLS INTRODUCED AND REFERRED

Senator BELL presented to the Chair SB 851, entitled:

An Act amending the act of April 13, 1972 (P. L. 184, No. 62), entitled "Home Rule Charter and Optional Plans Law," adding a public defender as an elected official.

Which was committed to the Committee on Local Government.

He also presented to the Chair SB 852, entitled:

An Act amending the act of December 22, 1965 (P. L. 1124, No. 437), entitled "Dog Law of 1965," prohibiting the giving away of any dog for the purposes of vivisection, providing for lifetime licenses and a new system of identification, transferring certain functions from the Department of Revenue to the Department of Agriculture.

Which was committed to the Committee on Agriculture and Rural Affairs.

Senators ORLANDO, ROSS, MOORE, BELL, McKINNEY and HESS presented to the Chair SB 853, entitled:

An Act creating a State Fire Safety Commission; providing for the appointment of members and a State Fire Safety Commissioner; and defining its powers and duties.

Which was committed to the Committee on State Government.

They also presented to the Chair SB 854, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," adding the State Fire Safety Commission.

Which was committed to the Committee on State Government.

Senators NOLAN, CIANFRANI, SMITH and ROMANELLI presented to the Chair SB 855, entitled:

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), entitled "The Borough Code," authorizing boroughs to provide a cable television system.

Which was committed to the Committee on Local Government.

Senators O'PAKE, STAPLETON, HANKINS, MOORE, SMITH, NOLAN, HOLL, MANBECK and ANDREWS presented to the Chair SB 856, entitled:

An Act amending the act of December 22, 1965 (P. L. 1124, No. 437), entitled "Dog Law of 1965," providing that fifty percent of all dog license fees shall be retained by the counties for the use of humane societies and animal rescue leagues.

Which was committed to the Committee on Agriculture and Rural Affairs.

Senators HAGER, FLEMING, ANDREWS and DWYER presented to the Chair SB 857, entitled:

An Act amending the act of April 29, 1937 (P. L. 487, No. 115), entitled, as amended, "The Permanent Registration Act for Cities of the Second Class, Cities of the Second Class A, Cities of the Third Class, Boroughs, Towns and Townships,"

further defining terms; providing for information to be contained on official registration application cards and for changes in party enrollment.

Which was committed to the Committee on State Government.

They also presented to the Chair SB 858, entitled:

An Act amending the act of March 30, 1937 (P. L. 115, No. 40), entitled "The First Class City Permanent Registration Act," further defining additional terms; further providing for the use of official registration application cards; and further providing for party enrollment.

Which was committed to the Committee on State Government.

Senators STAUFFER, O'PAKE, DOUGHERTY, KELLEY, SCANLON, HOWARD and FLEMING presented to the Chair SB 859, entitled:

An Act amending the act of May 13, 1915 (P. L. 286, No. 177), entitled, as amended, "Child Labor Law," further providing for work in which minors may engage.

Which was committed to the Committee on Labor and Industry.

Senator SNYDER presented to the Chair SB 860, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," excluding certain seeds and plants from the tax for education.

Which was committed to the Committee on Finance.

Senators DWYER and MOORE presented to the Chair SB 861, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for visual signals on emergency vehicles.

Which was committed to the Committee on Transportation.

Senators DWYER, MOORE, GEKAS and MANBECK presented to the Chair SB 862, entitled:

An Act amending the act of December 31, 1965 (P. L. 1257, No. 511), entitled "The Local Tax Enabling Act," further providing for exemptions from taxation and requiring reports by collectors of certain taxes.

Which was committed to the Committee on Local Government.

Senators DWYER, GEKAS, HESS, ANDREWS, O'PAKE, ORLANDO and REIBMAN presented to the Chair SB 863, entitled:

An Act amending the act of July 18, 1968 (P. L. 405, No. 183), entitled, "Vietnam Conflict Veterans' Compensation Act," extending the deadline for applications.

Which was committed to the Committee on Appropriations.

Senators COPPERSMITH, HANKINS and LYNCH presented to the Chair SB 864, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," further regulating insurance companies, associations and exchanges,

and their policy provisions.

Which was committed to the Committee on Insurance.

Senators O'PAKE, GURZENDA, COPPERSMITH, MES-SINGER, DOUGHERTY, DWYER and JUBERLIRER presented to the Chair SB 865, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for reimbursement for certain special education and home-bound instruction services.

Which was committed to the Committee on Education.

Senators O'PAKE, HANKINS, SMITH, DOUGHERTY, FLEMING, NOLAN, HOLL and LYNCH presented to the Chair SB 866, entitled:

An Act amending the act of March 11, 1971 (P. L. 104, No. 3), entitled, as amended, "Senior Citizens Property Tax or Rent Rebate Act," providing rent rebates to claimants who are tenants of an owner of real property exempt from real property taxes.

Which was committed to the Committee on Finance.

Senators JUBELIRER, TILGHMAN, STAUFFER, HAGER, HOPPER, COPPERSMITH, STAPLETON and GURZENDA presented to the Chair SB 867, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring open trucks to have covers over certain loads.

Which was committed to the Committee on Transportation.

Senators DWYER, GEKAS, MANBECK and ZEMPRELLI presented to the Chair SB 868, entitled:

An Act amending the act of October 10, 1974 (P. L. 705, No. 235), entitled, "Lethal Weapons Training Act," exempting privately employed agents employed by amusement parks.

Which was committed to the Committee on Law and Justice.

Senators DWYER, MOORE, MANBECK and ZEMPRELLI presented to the Chair SB 869, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing a referendum procedure to determine the preference of the residents of a reorganized school district with respect to consolidation of existing secondary school facilities.

Which was committed to the Committee on Education.

Senators LEWIS, MURRAY, SCANLON and NOLAN presented to the Chair SB 870, entitled:

An Act relating to the lawful conduct of bingo, prescribing penalties and making a repeal.

Which was committed to the Committee on State Government.

CALENDAR

THIRD CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILLS ON THIRD
CONSIDERATION AND FINAL PASSAGE

HB 880 (Pr. No. 1137)—Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

Senator SNYDER. Mr. President, this bill comes before us in a week in which public assistance is suddenly in the national spotlight again.

President Carter spoke out on welfare on Monday, but he did not give us as yet any outline of procedures. He merely stated his goals, most of which have been the goals of many of us for a long time.

Secretary Califano admitted, at the same press conference, that the Carter administration has not yet reached decisions on the central problems of welfare. What this means is that there is no Federal solution to the welfare problem in immediate prospect and we must do our own planning in the matter.

We have before us a deficiency appropriation of nearly \$30 million for cash and medical assistance and county administration of the same. Could we have saved this sum and avoided a deficiency appropriation? I think we could. How could we have done it? Well, we could have stopped giving welfare to college students. We could have stopped giving welfare to strikers. We could have stopped giving welfare to unborn children, since needy mothers are already either supported by other sources or by welfare or additional nutrition through the Women, Infants and Children program.

We could have stopped giving welfare to those who leave Pennsylvania. We could have stopped paying excessive moving charges to those who elect to move. We could have stopped paying travel expenses for return trips to Puerto Rico. We could have stopped paying welfare to persons in prison. We could have stopped making good on duplicate checks to thousands of people who are not yet under the bank delivery system in Philadelphia.

We could have stopped paying welfare to people who get inheritances and other one-time windfalls. We could have stopped paying welfare to people with excessive amounts of TV's and other personal property which could be converted into cash. We could have stopped paying welfare to families which should be supported by the absentee fathers, thousands of whom are working but are not yet called upon to support them.

Would all this have saved \$30 million? Yes, if we had an efficient administration of welfare. How do we get an efficient administration of welfare? Well, one way to get it is to have a Governor who wants to administer the system efficiently and a Secretary of Welfare who is willing to do it.

Many of you joined in the passage of the welfare reform bill last year, a landmark in improving the system. Unfortunately, you will also recall that Governor Shapp signed it with an ostentatious show of reluctance. This was the tip-off to administrators throughout the State that the central government would not be too harsh on an indulgent and even a give-away handling of public assistance.

As a result, the intake desks are still willing to give now and check later, a policy which has hospitably put many on the rolls who should not be there and invited many who would not apply in the first place if they knew that the inquiry was rigorous.

How do we know this? The Federal figures on the fifty states with respect to ineligibility showed that Pennsylvania had a seven per cent rate for the six-month period ending June 1976. This seven per cent is substantially worse than the national average. It means that out of every billion dollars of welfare administered in Pennsylvania, \$70 million of it goes to people who are not eligible. Wipe out ineligibility in Pennsylvania and you have saved not only what you are preparing to appropriate here today, but also \$40 million of every billion dollars we spend.

Some of you may differ on the matter of paying public assistance to strikers. The fact remains, however, that people who are striking are able-bodied and capable to work and that, at least, if they are to receive welfare they should be prepared to go to other jobs pending the end of the strike at their regular job. Yet the regulations promulgated by the Department of Welfare two months ago specifically eliminate strikers from the requirement to seek work. This, incidentally, was not in the reform bill we passed. It was simply added by the Department in an arrogant determination of policy and in defiance of legislative intent.

Some of you may have felt a qualm of conscience when I mentioned that unborn children should be ineligible for welfare. This is not out of any lack of concern for the unborn child, but simply because it is amply provided for in other ways.

Do you realize that if a working father and a working mother have a daughter in high school who becomes pregnant, that the unborn child of that daughter then becomes eligible for welfare in Pennsylvania, even though a U.S. Supreme Court decision ruled this was not required? The grandparents of the unborn child are not legally obligated to support the unborn grandchild, although they must support their own daughter.

The unborn child is therefore eligible for welfare, under the Department's rulings, and the prospective mother receives up to \$173 a month. There is, in addition, the program called WIC, Women, Infants and Children, which provides food for pregnant women and is in addition to this welfare grant.

You may wonder, as I did, why Pennsylvania continues to pay welfare for two grant periods after a person has left Pennsylvania. This is difficult to understand since we pay welfare immediately to those who come into Pennsylvania and apply for it. I asked Secretary Beal last week at the hearing the rationale for this generosity, and the best answer I could get was that the Department had always done it and considered it a good policy.

I imagine that when I mentioned to you the one-time windfalls, some of you said to yourselves that this seems rather fantastic because one normally associates welfare with the genuinely needy. A few weeks ago we learned of an instance in which a family on welfare inherited \$7,500, spent it immediately on furniture and other things and, consequently, remained on welfare rolls without interruption.

You may be surprised that prisoners get welfare. This occurs when a person goes to prison and no notice is given the welfare office. Consequently, the checks keep flowing and the grants remain for the whole family, the prisoner's absence notwithstanding.

The intentional looseness of the administration could be illustrated by a recent training session here in Harrisburg in which employees from the county offices were called in and instructed how to administer the new rules. The instructor told the people who were to subsequently train others, "Don't be picky. If they have five TV's or eight air conditioners or ten bicycles, forget it." Now, this is in spite of the limits on personal property which we mandated in the act requiring families with convertible assets to use them before drawing on public funds.

Last week the gentleman from Cambria, Senator Coppersmith and I and other members of the Committee on Public Health and Welfare held a public hearing, with Secretary Beal as the witness, to explore why the welfare reform act was not implemented faster, why some parts of it are being misconstrued by the Department and why the regulations are so incredibly elastic. Indeed, in many ways the regulations invite more looseness in public assistance rather than less.

For example, under the former law, if the breadwinner in the family on general assistance refused to work, the whole family received no public assistance. The new regulations change it to exclude only the individual who refused work which, undoubtedly, results in his or her living off the reduced grant to the remainder of the family and offers little incentive to them to seek work.

The law we passed last year suggested a new approach on the matter of employing persons on welfare. It mandated that the Department try pilot programs, placing specific employment officers in the county offices and negotiating contracts with private employment agencies to undertake work placement. None of these endeavors has been reached as yet even though the act is now nine months old.

I might say that if the gentleman from Cambria, Senator Coppersmith, were here this morning he would probably reply to that and say the act does not require that until a year has passed and he would be correct. However, the fault I find with the Department is that the Department has already gone eight or nine months in which it could have already started pilot programs and has failed to do so.

Indeed, almost in defiance of the statute, the regulations list so many ways in which the applicant can refuse work that even Secretary Beal confessed they need redrafting.

For example, if the working conditions are supposedly substandard—a highly flexible concept—this is good cause for refusing work. If there are not "essential social services to enable a person to accept or retain employment or training," he has a way out. If the employee was given a chance to resign or be fired and he chose to resign, "to preserve his good employment record," he need not take work. If his appearance, attitude or manner are such it would not be reasonable for the employer to retain him, then this is "good cause" for not accepting or retaining a job and allows him to qualify for welfare.

So, we come to the bottom line of what we are here for today, whether to pass this bill. I suppose we can blame ourselves for lack of oversight of the Executive Branch, specifically in letting this welfare budget get out of hand just as it has for a number of years heretofore.

In spite of the welfare reform bill we passed, in spite of nu-

merous efforts to point out the deficiencies in the system and in spite of innumerable newspaper editorials demanding an end to welfare chiseling, fraud and waste, we come again to the point where we seem to have no recourse but to pass a deficiency bill, deploring it, and hoping for a better year beginning July 1.

I am going to vote for this bill because I have no other honorable choice in consideration of those who would suffer if it did not pass. In effect, the money has been spent or, at least at the present rate, it will be spent by June 30, since the wheels of bureaucracy turn so slowly that even all the reforms I mentioned, if they were implemented at the push of a button at this point, could not effect the savings of \$30 million.

But let us heed the rumbling which we hear through the State. The taxpayers are sick and tired of larger budgets and heavier taxes. They know about welfare waste, too, from the taxi driver, the mail carrier, the check-out girl and the bartender. It is often the relatives and neighbors who carry the tale of improper use of welfare funds and what they regard as the unsatisfactory handling of the system.

Mr. President, if all these people know about the looseness and fraud in the public assistance, it behooves us to know about it, too. As we answer "aye" on this \$30 million and the related matters in the bill, let us make a commitment to ourselves to exercise a firmer oversight on a wasteful Department of Public Welfare.

And the question recurring,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—41

- | | | | |
|--------------|------------|------------|------------|
| Andrews, | Hager, | Lewis, | Reibman, |
| Arlene, | Hankins, | Lynch, | Romanelli, |
| Bell, | Hess, | Manbeck, | Ross, |
| Cianfrani, | Hill, | McKinney, | Scanlon, |
| Coppersmith, | Holl, | Messinger, | Smith, |
| Dougherty, | Hopper, | Murray, | Snyder, |
| Duffield, | Howard, | Nolan, | Stauffer, |
| Dwyer, | Jubelirer, | Noszka, | Sweeney, |
| Fleming, | Kelley, | O'Pake, | Tilghman, |
| Gekas, | Kury, | Orlando, | Zemprelli, |
| Gurzenda, | | | |

NAYS—4

- | | | | |
|--------|---------|-----------|------------|
| Early, | Mellow, | Schaefer, | Stapleton, |
|--------|---------|-----------|------------|

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 881 (Pr. No. 1042)—Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—41

Andrews,	Hager,	Lewis,	Reibman,
Arlene,	Hankins,	Lynch,	Romanelli,
Bell,	Hess,	Manbeck,	Ross,
Cianfrani,	Hill,	McKinney,	Scanlon,
Coppersmith,	Holl,	Messinger,	Smith,
Dougherty,	Hopper,	Murray,	Snyder,
Duffield,	Howard,	Nolan,	Stauffer,
Dwyer,	Jubelirer,	Noszka,	Sweeney,
Fleming,	Kelley,	O'Pake,	Tilghman,
Gekas,	Kury,	Orlando,	Zemprelli,
Gurzenda,			

NAYS—4

Early,	Mellow,	Schaefer,	Stapleton,
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A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

UNFINISHED BUSINESS

REPORT FROM COMMITTEE

Senator KURY, from the Committee on Consumer Affairs, reported, as amended, **SB 513**.

CONGRATULATORY RESOLUTIONS

The PRESIDENT pro tempore laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Mr. and Mrs. G. Oscar Goss and to Mr. and Mrs. Harold C. Chappelle by Senator Jubelirer.

Congratulations of the Senate were extended to Anthony Cickavage and to Francis J. Mallick by Senator Gurzenda.

Congratulations of the Senate were extended to William C. Dowling by Senator Manbeck.

Congratulations of the Senate were extended to Reverend Herbert Stroup, Jr., John W. Purcell, Clayton L. Rock, Edward M. Green, John M. Byerly, Mrs. Joseph M. McGrath, Theodore Stellwag and to the Camp Hill Lincoln Elementary School Safety Patrol by Senator Hopper.

Congratulations of the Senate were extended to the Girls' Basketball Team of Exeter Township High School by Senator O'Pake.

Congratulations of the Senate were extended to Mrs. Rebecca Thomas by Senator Jubelirer.

Congratulations of the Senate were extended to the citizens of Lackawanna by Senator Mellow.

Congratulations of the Senate were extended to James J. Mill by Senator Scanlon.

BILL ON FIRST CONSIDERATION

Senator NOLAN. Mr. President, I move that the Senate do now proceed to consideration of the bill reported from committee for the first time at today's Session.

The motion was agreed to.

The bill was as follows:

SB 513.

And said bill having been considered for the first time, Ordered, To be laid aside for second consideration.

BILLS SIGNED

The President pro tempore (Martin L. Murray) in the presence of the Senate signed the following bills:

HB 128, 393, 880 and 881.

ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

MONDAY, MAY 9, 1977

11:00 A.M. Joint SENATE AND HOUSE JUDICIARY COMMITTEES (Public Hearing to consider Senate Bill No. 585)	Senate Majority Caucus Room
3:30 P.M. JUDICIARY (Public Hearing on the nomination of Murray S. Eckell to be Judge of the Court of Common Pleas of Delaware County)	Senate Majority Caucus Room

ADJOURNMENT

Senator NOLAN. Mr. President, I move that the Senate do now adjourn until Monday, May 23, 1977, at 1:00 p.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 10:40 a.m., Eastern Daylight Saving Time.