

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, MAY 8, 1996

SESSION OF 1996

180TH OF THE GENERAL ASSEMBLY

No. 30

HOUSE OF REPRESENTATIVES

The House convened at 11:05 a.m., e.d.t.

THE SPEAKER PRO TEMPORE (J. SCOT CHADWICK) PRESIDING

PRAYER

The SPEAKER pro tempore. Without objection, the prayer from today's special session will be printed in today's regular session Journal.

REV. LOUISE WILLIAMS BISHOP, member of the House of Representatives and guest Chaplain, offered the following prayer:

Let us pray:

Eternal, all-wise, and everlasting Father, Thou whose presence is from everlasting to everlasting, we enter into Your sanctuary this morning and bring these, Thy servants of the people, and ask Your blessings upon all of us. We ask that You would pour out a double portion of Your love today, a double portion of Your peace, a double portion of Your unity. Let it fall upon us as we move about the people's business.

God, we pray that even though we deal with divisive issues, let us not be divisive. Help us that we may understand that we are to do the business of the people with love and with respect and with unity.

We thank You for this day that You have given unto us, and as we know that these are times when men's souls are being tried - we stand on the brink of social disaster; we stand on the brink of financial and economic disaster - but we know that You have given us a spirit of wisdom that we lean not unto our own understanding but that we trust in You.

We thank You for this day, and we do try as we go our way as servants of the people to feed the hungry, to clothe the naked, to give sight to the blind, and to set at liberty those that are bound. We thank You for Your divine intervention. Amen.

PLEDGE OF ALLEGIANCE DISPENSED WITH

The SPEAKER pro tempore. Without objection, the Pledge of Allegiance will be dispensed with.

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Tuesday, May 7, 1996, will be postponed until printed. The Chair hears no objection.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 2042, PN 2541**; and **HB 2140, PN 2674**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE AND REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to Senate amendments by further amending House amendments to Senate amendments to **HB 406, PN 3501**.

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

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE AND REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, returned **HB 1431, PN 3485**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER pro tempore. The Chair acknowledges receipt of additions and deletions for sponsorships of bills, which the clerk will file.

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

LEAVES OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Itkin, who requests a leave for today's session for the gentleman from Bucks County, Mr. CORRIGAN.

The Chair hears no objection. The leave is granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—200

Adolph	Evans	Maitland	Saylor
Allen	Fairchild	Major	Schroder
Argall	Fajt	Manderino	Schulcr
Armstrong	Fargo	Markosek	Scrimenti
Baker	Feese	Marsico	Semmel
Bard	Fichter	Masland	Scrafini
Barley	Fleagle	Mayernik	Shaner
Battisto	Flick	McCall	Sheehan
Bebko-Jones	Gamble	McGeehan	Smith, B.
Belardi	Gannon	McGill	Smith, S. H.
Belfanti	Geist	Melio	Snyder, D. W.
Birmelin	George	Merry	Staback
Bishop	Gigliotti	Michlovic	Stairs
Blaum	Gladeck	Micozzie	Steelman
Boscola	Godshall	Mihalich	Steil
Boyes	Gordner	Miller	Stern
Brown	Gruitza	Mundy	Stetler
Browne	Gruppo	Myers	Stish
Bunt	Habay	Nailor	Strittmatter
Butkovitz	Haluska	Nickol	Sturla
Buxton	Hanna	Nyce	Surra
Caltagirone	Harhart	O'Brien	Tangretti
Cappabianca	Hasay	Olasz	Taylor, E. Z.
Carn	Haste	Oliver	Taylor, J.
Carone	Hennessey	Perzel	Thomas
Cawley	Herman	Pesci	Tigue
Chadwick	Hershey	Petrarca	Travaglio
Civera	Hess	Petrone	Trello
Clark	Horsey	Pettit	Trich
Clymer	Hutchinson	Phillips	True
Cohen, L. I.	Itkin	Pistella	Tulli
Cohen, M.	Jadlowiec	Pitts	Vance
Colafella	James	Platts	Van Horne
Colaizzo	Jarolin	Preston	Veon
Conti	Josephs	Ramos	Vitali
Cornell	Kaiser	Raymond	Walko
Corpora	Keller	Readshaw	Washington
Cowell	Kenney	Reber	Waugh
Coy	Kirkland	Reinard	Williams
Curry	Krebs	Rieger	Wogan
Daley	Kukovich	Roberts	Wozniak
DeLuca	LaGrotta	Robinson	Wright, D. R.
Dempsey	Laughlin	Roebuck	Wright, M. N.
Dent	Lawless	Rohrer	Yewcic
Dermody	Lederer	Rooney	Youngblood
DeWeese	Leh	Rubley	Zimmerman
DiGirolamo	Lescovitz	Rudy	Zug
Donatucci	Levdansky	Sainato	
Druce	Lloyd	Santoni	
Durham	Lucyk	Sather	
Egolf	Lynch		

ADDITIONS—0**NOT VOTING—0****EXCUSED—3**

Corrigan Farmer King

LEAVES ADDED—1

Rudy

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair would like to welcome Kristina Watson and Ryan Nace, who are here today as guest pages. They are guests of Representative Allan Egolf. They are also members of the West Perry FFA (Future Farmers of America). Please rise. Welcome to the hall of the House.

**JEREMY LINN AND WHITNEY METZLER
PRESENTED**

The SPEAKER pro tempore. The Chair recognizes the gentleman from Dauphin County, Mr. Marsico, and the gentleman from York County, Mr. Waugh, for the purposes of presenting citations.

Mr. MARSICO. Thank you, Mr. Speaker.

It is my great pleasure to introduce to you central Pennsylvania Olympian Jeremy Linn. Jeremy resides in West Hanover Township in Dauphin County.

First let me say how proud I am of his achievement, his dedication, and his hard work, and before I tell you about some of the remarkable things this young man has accomplished during his swimming career, I would like to introduce and acknowledge his coach, Ed Fraser, and his family sitting to the left of the Speaker, Marsha Nettles, Jeremy's mother — please stand up — Andrew Linn, Jeremy's brother; Andrew's wife, Denise Linn, and their daughter, Abby; and Jeremy's grandfather, George Petsock. Also sitting over to the left of the Speaker is my son, Wayde Marsico, who attended high school with Jeremy Linn. Do you want to stand up, Wayde? Thank you.

In March, Jeremy competed in the Olympic trials in Indianapolis and, of course, won a position on the men's swim team by winning the 100-meter breaststroke. While this spot on the Olympic team could be the highlight of Jeremy's swimming career, he has many other accomplishments in the pool. While paving the way to this summer's Olympics in Atlanta, Jeremy has collected the following achievements: two national high school championships, three high school all-American titles, two high school State championships, a high school State record, five high school records at Central Dauphin High School, and a full scholarship at the University of Tennessee, where he presently is in the sophomore class.

Please join me in extending my congratulations and the best of luck for bringing home the gold to central Pennsylvania. And, Jeremy, obviously we are all very proud of you here in the House of Representatives and from central Pennsylvania. Congratulations, and best of luck to you.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Waugh.

Ryan,
Speaker

Mr. WAUGH. Thank you, Mr. Speaker.

Jeremy, congratulations and good luck.

Central Pennsylvania is very fortunate, obviously, to have some very dedicated, inspiring athletes. Before I introduce the young lady who I am going to recognize today, I would like to first also introduce the lady who accompanies her, and that is her mom, Barb Metzler. Barb, would you rise, please? Barb deserves a hand not only for being the inspiration or one of the inspirations, one part of the inspiration, to her daughter, but also as all of us can relate, Barb is an elected official in the local municipality. She has the distinction of being the local tax collector there, so that is probably about as dubious as our distinction from time to time.

I would like to speak of her daughter, Whitney. Whitney Metzler is an outstanding young lady, and rather than go through a list, what I would like to do is formally read the citation that I have here for her. Whitney is also going to be representing us in the 26th Olympiad this summer.

This is a citation that reads:

WHEREAS, Whitney Metzler of Glen Rock, who will be swimming in the 1996 Olympics in Atlanta, Georgia, is being recognized for her outstanding accomplishments;...

They are as follows:

...Whitney is a two-time winner of the 400-meter individual medley at the U.S. Open; was named Swimmer of the Year in her age group for Maryland in 1994 and 1995; and currently holds the Maryland record for the fastest time in the 400-meter individual medley. In addition, she was named to the Maryland All Star Team from 1990-95; was a member of the United States National "B" Team; and helped her team, the North Baltimore Aquatic Club, to win the Women's National Championship; and

WHEREAS, Whitney was nominated to the United States National Junior Team in 1994, and received the Shipley Award in 1994 and the Shipley Recognition in 1996. She competed at the Olympic Trials in Indianapolis, Indiana, and placed sixteenth in the 200-meter individual medley, and second in the 400 individual medley,...

which, as I said, has placed her on the 1996 United States Olympic team. She will be swimming the 400 individual medley at the Olympic Games on July 20 of 1996.

Whitney, I would like to personally congratulate you, first of all as a constituent from the area that I represent and also as a good friend. We all wish you well, and we actually look forward to having both of these young people back sometime after the games with gold medals around their neck.

Congratulations. Thank you.

THE SPEAKER (MATTHEW J. RYAN) PRESIDING

VOTE CORRECTION

Mr. COY. Mr. Speaker?

The SPEAKER. The gentleman, Mr. Coy.

Mr. COY. I would just like to correct the record for a moment, if I could.

I think it was in yesterday's session when HR 359 was voted. My switch did not reflect the fact that I wanted to vote in the affirmative.

The SPEAKER. The remarks of the gentleman will be spread upon the record. Thank you.

GUESTS INTRODUCED

The SPEAKER. The House will come to order.

There are various groups of schoolchildren visiting the Capitol today from an organization known as the Safe Kids Coalition. Some are here with us at the moment.

We have guests of Representative Roy Cornell — Lacey Barucci, here today with her grandfather, Frank; her parents, Frank, Jr., and Sherri; and her brother, Frank. She won an award from the Safe Kids Coalition by writing a paper on carbon monoxide. Lacey, would you please rise. Lacey, where are you so I can find you. She is in the balcony, the first row of the balcony.

Also with us, as the guests of Representative Pat Browne from Lehigh County, are Kara Snyder; her parents, Chip and Glenna Snyder; and her sister, Kirsten. Kara won an award from the Safe Kids Coalition when she wrote a paper on bike helmets. She raised \$250 and bought helmets for the needy. She deserves also our recognition. Would that young lady please rise. She is right next to the other young lady.

Also visiting, representatives from the Safe Kids Coalition — Jim Carlisle and Jean Hertzog. Would these folks please rise to be recognized.

RULES COMMITTEE MEETING

The SPEAKER. The majority leader calls for an immediate meeting of the Rules Committee at his desk.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HB 2042, PN 2541

An Act amending Title 13 (Commercial Code) of the Pennsylvania Consolidated Statutes, revising the division on investment securities and making conforming amendments to Divisions 1, 4, 5 and 9 of Title 13; providing for subordinated obligations and for qualified financial contracts; and further providing for negotiable instruments.

HB 2140, PN 2674

An Act amending the act of July 7, 1994 (P.L.421, No.70), known as the Food Act, further providing for adulterated food.

Whereupon, the Speaker, in the presence of the House, signed the same.

CALENDAR**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 294, PN 3290**, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for expenses of county officers for attending certain meetings and for coroner's investigations.

On the question recurring,
Will the House concur in Senate amendments?

The SPEAKER. The Chair turns to page 5 of today's calendar and takes up HB 294, which is the bill we were on at the time of adjournment yesterday.

PARLIAMENTARY INQUIRY

The SPEAKER. The gentleman, Mr. Gigliotti.
Mr. GIGLIOTTI. Thank you, Mr. Speaker.

Do I have to suspend the rules again — a parliamentary inquiry — to do my amendment again?

The SPEAKER. It will be necessary for you to move to suspend the rules.

RULES SUSPENDED

Mr. GIGLIOTTI. All right. At this time, Mr. Speaker, I would like to make a motion.

The SPEAKER. The gentleman will yield.

All right; it is time to get down to business. Sergeant at Arms, clear the area behind the rail. Members will take their seats. Staff people not involved in the morning activities, please leave the floor. Now, take seats; I am not asking you to leave the area completely, but leave the principal part of the floor. Sergeant at Arms, clear the area in the rear of the House.

It is my understanding that the gentleman, Mr. Gigliotti, moves that the House suspend its rules to permit him to offer amendment A2581. Is that correct?

Mr. GIGLIOTTI. Yes, sir.

The SPEAKER. Is there any debate on this motion?

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

The following roll call was recorded:

YEAS—190

Adolph	Durham	Lucyk	Sather
Allen	Egolf	Major	Saylor
Argall	Evans	Manderino	Schroder
Armstrong	Fairchild	Markosek	Schuler
Baker	Fajt	Marsico	Scrimenti
Bard	Fargo	Masland	Semmel
Barley	Feese	Mayernik	Serafini
Battisto	Fichter	McCall	Shaner
Bebko-Jones	Fleagle	McGeehan	Sheehan
Belardi	Flick	McGill	Smith, B.
Belfanti	Gamble	Melio	Smith, S. H.
Birmelin	Gannon	Merry	Snyder, D. W.
Bishop	Geist	Michlovic	Staback
Blaum	George	Micozzie	Stairs
Boscola	Gigliotti	Mihalich	Stern
Boyes	Gladeck	Miller	Stetler
Brown	Godshall	Mundy	Stish
Browne	Gordner	Myers	Strittmatter
Bunt	Gruitza	Nailor	Sturla
Butkovitz	Gruppo	Nickol	Surra
Buxton	Habay	Nyce	Tangretti
Caltagirone	Haluska	O'Brien	Taylor, E. Z.
Cappabianca	Harhart	Olasz	Taylor, J.
Carn	Hasay	Oliver	Thomas
Cawley	Haste	Perzel	Travaglio
Chadwick	Hennessey	Pesci	Trelio
Civera	Herman	Petrarca	Trich
Clark	Hershey	Petrone	True
Clymer	Hess	Pettit	Tulli
Cohen, L. I.	Hutchinson	Phillips	Vance
Cohen, M.	Itkin	Pistella	Van Horne
Colafella	Jadlowiec	Pitts	Veon
Colaizzo	James	Preston	Vitali
Conti	Jarolin	Ramos	Walko
Cornell	Josephs	Raymond	Washington
Corpora	Kaiser	Readshaw	Waugh
Cowell	Keller	Reber	Williams
Coy	Kenney	Reinard	Wogan
Curry	Kirkland	Rieger	Wozniak
Daley	Kukovich	Roberts	Wright, D. R.
DeLuca	LaGrotta	Robinson	Wright, M. N.
Dempsey	Laughlin	Roebuck	Yewcic
Dent	Lawless	Rohrer	Youngblood
Dermody	Lederer	Rooney	Zimmerman
DeWeese	Leh	Rublely	Zug
DiGirolamo	Lescovitz	Rudy	
Donatucci	Levdansky	Sainato	Ryan,
Druce	Lloyd	Santoni	Speaker

NAYS—10

Carone	Krebs	Platts	Steil
Hanna	Lynch	Steelman	Tigue
Horsey	Maitland		

NOT VOTING—0**EXCUSED—3**

Corrigan	Farmer	King
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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 concur in Senate amendments?

Mr. GIGLIOTTI offered the following amendment No. A2581:

Amend Title, page 1, line 6, by removing the period after "INVESTIGATIONS" and inserting

; and providing for a referendum in cities of the second class relating to neighborhood schools.

Amend Bill, page 4, by inserting between lines 14 and 15

Section 3. (a) For the purpose of determining the opinion of the electors resident in a city of the second class situate in a county of the second class, the county board of elections shall arrange for a referendum to be placed upon the ballot in such city of the second class relating to neighborhood schools. This referendum shall be held at the primary election of 1997.

(b) The question shall be as follows:

Do you favor the neighborhood school concept as a necessary part of our public school system?

(c) The advertising of the referendum and the canvassing of the votes thereon shall be as provided in the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code.

(d) The results of the referendum shall be published in at least one newspaper of general circulation within the city described in subsection (a).

Amend Sec. 3, page 4, line 15, by striking out "3" and inserting

4

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair calls to the House's attention A2581. Will the House agree to the amendment?

The gentleman, Mr. Preston, is recognized on the amendment.

Mr. PRESTON. Yes. I would like to interrogate the maker of the amendment.

The SPEAKER. The gentleman indicates he will stand for interrogation. You may begin.

Mr. PRESTON. Mr. Speaker, if your amendment passes, which would eventually possibly cause a resolution to be entered as far as taking a ballot, and if that ballot question would pass next year, would this result in the school district of Pittsburgh breaking a court order by the common pleas court?

Mr. GIGLIOTTI. I do not know.

Mr. PRESTON. Yesterday you stated during your debate that they were under a decision that was made by the Human Relations Commission. Are you still standing by that statement?

Mr. GIGLIOTTI. Mr. Speaker, what is going on here now is everybody wants to take my words out of context, and let me just answer this this way.

The amendment that I am proposing had to be clarified by some wording. We did that in this new amendment. The statements yesterday, it is on record. If, and I said "if" things occur, like HB 1689 passing the Senate, the Governor signs it, that takes out the Human Relations Commission guidelines. Now, does it stop the court case in Commonwealth Court? I do not know. Do we go to Commonwealth Court for a final answer? I do not know. I am not an attorney. But I am telling you, I am asking everybody in this chamber to give me the respect that is due to me as a member of this chamber and give a vote for me and Harry Readshaw and Donny Walko for this amendment. Thank you.

Mr. PRESTON. Mr. Speaker, I would like to read a statement to you, and then if you could please answer the following question.

The statement is a letter written by the school solicitor from the city of Pittsburgh, Mr. Robert Stefanko. It states—

Mr. GIGLIOTTI. I have the same letter, Mr. Speaker. You do not have to read it to me.

Mr. PRESTON. Well then, you asked the question on whether or not—

Mr. GIGLIOTTI. That is his opinion.

Mr. PRESTON.—the question—

Mr. GIGLIOTTI. That is his opinion. He is getting paid—

The SPEAKER. Will the gentlemen yield.

The House will come to order.

Mr. Preston, you are interrogating the gentleman, Mr. Gigliotti, rather than making a statement on the amendments. If that is the case, ask questions rather than making a speech.

Mr. PRESTON. I was trying to do so, but the gentleman was answering something totally unrelated to what I was asking, Mr. Speaker, in which I did not even have a chance to ask the question.

I will maybe rephrase my first question that I asked again in relationship to your previous statement just a moment ago.

Are you aware of any correspondence that states that if we pass this amendment, of which a vote is taken next year in the primary, that we will cause the city of Pittsburgh to break a court order by the Allegheny County Common Pleas Court? Are you aware of any information in relationship to that, sir?

Mr. GIGLIOTTI. I got a letter just like you did from the board of education, from Mr. Stefanko, who is the attorney being paid for by the board of education. That is his opinion. I do not agree with it.

Mr. PRESTON. So in other words, you are saying that the solicitor, who is licensed by the Commonwealth of Pennsylvania, is offering in writing a written opinion which you are saying is false and not accurate?

Mr. GIGLIOTTI. I am not saying that, Mr. Speaker. I am saying that that is his opinion. He does not work for the Commonwealth of Pennsylvania; he works for the Pittsburgh School District.

Mr. PRESTON. Mr. Speaker, may I address the amendment?

The SPEAKER. The gentleman is in order.

Mr. PRESTON. Mr. Speaker, I would like to first read the memo and then also follow along with my comments.

This is a memo from Robert Stefanko, who is the duly appointed solicitor for the school board of Pittsburgh, to Michael DiRaimo, who has been the lobbyist for the school district.

It states that "On the afternoon of Tuesday, May 7, 1996, you telephoned from Harrisburg to request my advice in writing on the current status of our desegregation order and my opinion of the effect of a referendum requiring school districts to operate neighborhood schools and how that referendum, if successful, would affect the court order and the constitutionality of maintaining what I believe would result in racially isolated schools.

"The current Order of the Commonwealth Court of Pennsylvania is dated April 20, 1982. It requires the Board of Public Education of the School District of Pittsburgh to maintain racially balanced schools throughout the School District, and the last line reads 'This Court shall retain jurisdiction until further order of court.' It was signed by Judge David W. Craig.

"A referendum requiring school districts to operate neighborhood schools would have the following effect in Pittsburgh. The schools would not be racially balanced and would,

in my opinion, result in a constitutional violation regarding equal protection under the law and it would be in direct violation of this continuing court order.

"I hope that this is responsive to your request but remain available to you if documentation such as the court order, itself, is required."

I have asked questions, and it was true that it was not under the jurisdiction of Allegheny Common Pleas Court. The information that Mr. Gigliotti has and other members from the delegation have received deals with a court order from 1982 from the Commonwealth Court. What this gentleman would be asking us to do would be to try to have a question on a ballot that would force the school district of the city of Pittsburgh to violate a court order from Commonwealth Court.

I would also like the members to note that yesterday we heard several discussions and we will hear several more discussions today about what was decided. The school district of the city of Pittsburgh had hearings the last 3 months. Over 2,000 people came to those hearings; 2,000 people came to those hearings and testified. I did not say just attended, but 2,000 people testified to the different, respective school district. There were thousands upon thousands of people who attended that. The people and the residents of the city of Pittsburgh, if they want to put a referendum on a ballot, they should. We should not be able to make the decision for them. We have over 500 separate school districts within this Commonwealth now. When are we going to stop playing cheap politics not just for a few people but trying to tell the majority what is good for them?

The unfortunate thing is that the letter that I have officially read into the record is known by the members who are trying to do this. My main concern is, again, we are under a court order; we are not under the jurisdiction in dealing with the Human Relations Commission, and I am going to be able to speak on this even further, because if we continue to do this form of racism as far as division and conquer, we will be breaking the city of Pittsburgh in half.

There is additional information, and after the members sit down and get with the debate, then I will be bringing additional statistical information in relationship to the court order and what has happened with the hearings in the school district.

But I am going to vote "no" on this amendment.

PARLIAMENTARY INQUIRY

The SPEAKER. The gentleman, Mr. Lescovitz, from Washington County is recognized.

Mr. LESCOVITZ. Point of parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. LESCOVITZ. Thank you, Mr. Speaker.

Amendment A2581 to HB 294 is requiring a mandate on a local municipality, local school district, to have a binding referendum on the ballot. Is there a fiscal note required for this amendment?

The SPEAKER. Will the gentleman yield.

On the question of a fiscal note, it is the opinion of the Chair that despite the fact that this is a de minimis expenditure, in the opinion of the Chair, it would nevertheless, in a strict interpretation of the rules, require a fiscal note.

Accordingly, I am going to suggest to the gentleman, Mr. Gigliotti, that the bill and the amendment be withdrawn temporarily until the Appropriations Committee can send down a letter saying there is a de minimis fiscal impact.

Mr. LESCOVITZ. A further point, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. LESCOVITZ. Thank you, Mr. Speaker.

The other point, besides section (c) in the amendment, which deals with advertising the referendum, the gentleman, Mr. Preston, related to an opinion by their solicitor from the city of Pittsburgh school district that there would be a conflict with the current requirement from the courts dealing with this situation, and therefore, would there also be a fiscal note required which would relate to the legal cost dealing with this, with the Federal courts?

The SPEAKER. No. No.

We are not going to look forward into the future as to every possible area of future litigation, real or imagined, that might take place on every piece of legislation that passes through this chamber. If that were the case, then conceivably there is a potential fiscal impact on everything we do.

Mr. LESCOVITZ. Thank you, Mr. Speaker.

BILL AND AMENDMENT PASSED OVER TEMPORARILY

The SPEAKER. Without objection, HB 294, together with amendment, is set aside temporarily, is over temporarily.

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as a guest of the gentleman, Mr. Trello, Mr. Ed Nelson, a supervisor of Moon Township. Mr. Nelson, would you please rise. Here to the left of the Speaker.

And as the guest of Representative Katie True, Gina Maio, a student visiting from Widener University. She is the guest of Representative True and her son, Colin. Would the guests please rise.

Here today as the guests of Representative Pistella of Allegheny County, seated to the left of the Speaker, are the Honorable Don Gillespie and the Honorable Jim Porter, members of Millvale Borough Council. Would these guests please rise.

PARLIAMENTARY INQUIRY

The SPEAKER. The gentleman, Mr. Robinson, of Allegheny County desires recognition, and he is recognized.

Mr. ROBINSON. Thank you, Mr. Speaker.

Mr. Speaker, in reference to HB 294 and your instruction that that bill should be held over until a fiscal note is received on the amendment that Mr. Gigliotti presented, I also have an amendment, and I was wondering if your direction also related to my amendment, which is A2568, and it directly relates to Mr. Gigliotti's amendment.

The SPEAKER. If that is on the list as of the moment, that, too, would pass over until we come back to the main bill, yes.

Mr. ROBINSON. Thank you, Mr. Speaker.

RESOLUTIONS PURSUANT TO RULE 35

Mr. VITALI called up **HR 362, PN 3488**, entitled:

A Resolution designating May 11, 1996, as "International Migratory Bird Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-199

Adolph	Evans	Lynch	Saylor
Allen	Fairchild	Maitland	Schroder
Argall	Fajt	Major	Schuler
Armstrong	Fargo	Manderino	Scrimenti
Baker	Feese	Markosek	Semmel
Bard	Fichter	Marsico	Serafini
Barley	Fleagle	Masland	Shaner
Battisto	Flick	Mayernik	Sheehan
Bebko-Jones	Gamble	McCall	Smith, B.
Belardi	Gannon	McGeehan	Smith, S. H.
Belfanti	Geist	McGill	Snyder, D. W.
Birmelin	George	Melio	Staback
Bishop	Gigliotti	Merry	Stairs
Blaum	Gladeck	Michlovic	Steelman
Boscola	Godshall	Micozzie	Steil
Boyes	Gordner	Mihalich	Stern
Brown	Gruitza	Miller	Stetler
Browne	Gruppo	Mundy	Stish
Bunt	Habay	Myers	Strittmatter
Butkovitz	Haluska	Nailor	Sturla
Buxton	Hanna	Nickol	Surra
Caltagirone	Harhart	Nyce	Tangretti
Cappabianca	Hasay	O'Brien	Taylor, E. Z.
Carn	Haste	Olasz	Taylor, J.
Carone	Hennessey	Oliver	Thomas
Cawley	Herman	Perzel	Tigue
Chadwick	Hershey	Pesci	Travaglio
Civera	Hess	Petrarca	Trello
Clark	Horsey	Petrone	Trich
Clymer	Hutchinson	Pettit	True
Cohen, L. I.	Itkin	Phillips	Tulli
Cohen, M.	Jadlowiec	Pistella	Vance
Colafrilla	James	Pitts	Van Horne
Colaizzo	Jarolin	Platts	Veon
Conti	Josephs	Preston	Vitali
Cornell	Kaiser	Ramos	Walko
Corpora	Keller	Raymond	Washington
Cowell	Kenney	Readshaw	Waugh
Coy	Kirkland	Reber	Williams
Curry	Krebs	Reinard	Wogan
Daley	Kukovich	Roberts	Wozniak
DeLuca	LaGrotta	Robinson	Wright, D. R.
Dempsey	Laughlin	Roebuck	Wright, M. N.
Dent	Lawless	Rohrer	Yewcic
Dermody	Lederer	Rooney	Youngblood
DeWeese	Leh	Rubley	Zimmerman
DiGirolamo	Lescovitz	Rudy	Zug
Donatucci	Levdansky	Sainato	
Druce	Lloyd	Santoni	Ryan,
Durham	Lucyk	Sather	Speaker
Egolf			

NAYS-0

NOT VOTING-1

Rieger

EXCUSED-3

Corrigan

Farmer

King

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

Mr. DEMPSEY called up **HR 363, PN 3489**, entitled:

A Resolution designating May 11, 1996, as "Food Drive Day" in Pennsylvania; and commending the National Association of Letter Carriers.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-200

Adolph	Evans	Maitland	Saylor
Allen	Fairchild	Major	Schroder
Argall	Fajt	Manderino	Schuler
Armstrong	Fargo	Markosek	Scrimenti
Baker	Feese	Marsico	Semmel
Bard	Fichter	Masland	Serafini
Barley	Fleagle	Mayernik	Shaner
Battisto	Flick	McCall	Sheehan
Bebko-Jones	Gamble	McGeehan	Smith, B.
Belardi	Gannon	McGill	Smith, S. H.
Belfanti	Geist	Melio	Snyder, D. W.
Birmelin	George	Merry	Staback
Bishop	Gigliotti	Michlovic	Stairs
Blaum	Gladeck	Micozzie	Steelman
Boscola	Godshall	Mihalich	Steil
Boyes	Gordner	Miller	Stern
Brown	Gruitza	Mundy	Stetler
Browne	Gruppo	Myers	Stish
Bunt	Habay	Nailor	Strittmatter
Butkovitz	Haluska	Nickol	Sturla
Buxton	Hanna	Nyce	Surra
Caltagirone	Harhart	O'Brien	Tangretti
Cappabianca	Hasay	Olasz	Taylor, E. Z.
Carn	Haste	Oliver	Taylor, J.
Carone	Hennessey	Perzel	Thomas
Cawley	Herman	Pesci	Tigue
Chadwick	Hershey	Petrarca	Travaglio
Civera	Hess	Petrone	Trello
Clark	Horsey	Pettit	Trich
Clymer	Hutchinson	Phillips	True
Cohen, L. I.	Itkin	Pistella	Tulli
Cohen, M.	Jadlowiec	Pitts	Vance
Colafrilla	James	Platts	Van Horne
Colaizzo	Jarolin	Preston	Veon
Conti	Josephs	Ramos	Vitali
Cornell	Kaiser	Raymond	Walko
Corpora	Keller	Readshaw	Washington
Cowell	Kenney	Reber	Waugh
Coy	Kirkland	Reinard	Williams
Curry	Krebs	Rieger	Wogan
Daley	Kukovich	Roberts	Wozniak
DeLuca	LaGrotta	Robinson	Wright, D. R.

Dempsey	Laughlin	Roebuck	Wright, M. N.
Dent	Lawless	Rohrer	Yewcic
Dermbody	Lederer	Rooney	Youngblood
DeWeese	Leh	Rubley	Zimmerman
DiGirolamo	Lescovitz	Rudy	Zug
Donatucci	Levdansky	Sainato	
Druce	Lloyd	Santoni	Ryan,
Durham	Lucyk	Sather	Speaker
Egolf	Lynch		

NAYS-0

NOT VOTING-0

EXCUSED-3

Corrigan	Farmer	King
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

* * *

Mr. GRUPPO called up **HR 364, PN 3490**, entitled:

A Resolution proclaiming May 17, 1996, as "Senior Center Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-199

Adolph	Fairchild	Maitland	Saylor
Allen	Fajt	Major	Schroder
Argall	Fargo	Manderino	Schuler
Armstrong	Feese	Markosek	Scrimenti
Baker	Fichter	Marsico	Semmel
Bard	Fleagle	Masland	Serafini
Barley	Flick	Mayernik	Shaner
Battisto	Gamble	McCall	Sheehan
Bebko-Jones	Gannon	McGeehan	Smith, B.
Belardi	Geist	McGill	Smith, S. H.
Belfanti	George	Melio	Snyder, D. W.
Birmelin	Gigliotti	Merry	Staback
Bishop	Gladeck	Michlovic	Stairs
Blaum	Godshall	Micozzie	Steelman
Boscola	Gordner	Mihalich	Steil
Boyes	Gruitza	Miller	Stern
Brown	Gruppo	Mundy	Stetler
Browne	Habay	Myers	Stish
Bunt	Haluska	Nailor	Strittmatter
Butkovitz	Hanna	Nickol	Sturla
Buxton	Harhart	Nyce	Surra
Caltagirone	Hasay	O'Brien	Tangretti
Cappabianca	Haste	Olasz	Taylor, E. Z.
Carone	Hennessey	Oliver	Taylor, J.
Cawley	Herman	Perzel	Thomas
Chadwick	Hershey	Pesci	Tigue
Civera	Hess	Petrarca	Travaglio
Clark	Horsely	Petrone	Trello
Clymer	Hutchinson	Pettit	Trich
Cohen, L. I.	Itkin	Phillips	True
Cohen, M.	Jadlowiec	Pistella	Tulli
Colafrilla	James	Pitts	Vance
Colaizzo	Jarolin	Platts	Van Horne

Conti	Josephs	Preston	Veon
Cornell	Kaiser	Ramos	Vitali
Corpora	Keller	Raymond	Walko
Cowell	Kenney	Readshaw	Washington
Coy	Kirkland	Reber	Waugh
Curry	Krebs	Reinard	Williams
Daley	Kukovich	Rieger	Wogan
DeLuca	LaGrotta	Roberts	Wozniak
Dempsey	Laughlin	Robinson	Wright, D. R.
Dent	Lawless	Roebuck	Wright, M. N.
Dermody	Lederer	Rohrer	Yewcic
DeWeese	Leh	Rooney	Youngblood
DiGirolamo	Lescovitz	Rubley	Zimmerman
Donatucci	Levdansky	Rudy	Zug
Druce	Lloyd	Sainato	
Durham	Lucyk	Santoni	Ryan,
Egolf	Lynch	Sather	Speaker
Evans			

NAYS-0

NOT VOTING-1

Carn

EXCUSED-3

Corrigan	Farmer	King
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

BILLS ON CONCURRENCE REPORTED FROM COMMITTEE

HB 406, PN 3504 (Amended) By Rep. PERZEL

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as The Administrative Code of 1929, providing for additional duties of the Department of Corrections in relation to prison inmate medical needs, for seasonal farm labor, for powers and duties of the Department of Health relating to anatomical gifts and for a study of pharmacy prices; further providing for the duties of the Department of General Services relating to certain contracts for modular facilities; and making repeals.

RULES.

HB 814, PN 3440 By Rep. PERZEL

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for law enforcement records, for juvenile history record information, for registration and assessment of sexual offenders, for certain notifications, for immunity for good faith conduct, for duties of the Pennsylvania State Police, for duties of the Pennsylvania Board of Probation and Parole and for the composition and compensation of the State Board to Assess Sexually Violent Predators; and providing for applicability.

RULES.

HB 2022, PN 3441

By Rep. PERZEL

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, providing for use of credit and debit cards and for black fly control.

RULES.

HB 2063, PN 3342

By Rep. PERZEL

An Act amending the act of April 27, 1927 (P.L.465, No.299), referred to as the Fire and Panic Act, further providing for smoke detectors in Class VI buildings.

RULES.

**RESOLUTION REPORTED
FROM COMMITTEE**

HR 258, PN 2852

By Rep. PERZEL

A Concurrent Resolution directing the Local Government Commission to review and recodify the laws of cities and counties of the second class.

RULES.

SUPPLEMENTAL CALENDAR A

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS
TO HOUSE AMENDMENTS
TO SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to House amendments to Senate amendments to **HB 406, PN 3504**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as The Administrative Code of 1929, providing for additional duties of the Department of Corrections in relation to prison inmate medical needs, for seasonal farm labor, for powers and duties of the Department of Health relating to anatomical gifts and for a study of pharmacy prices; further providing for the duties of the Department of General Services relating to certain contracts for modular facilities; and making repeals.

On the question,

Will the House concur in Senate amendments to House amendments to Senate amendments?

The SPEAKER. The gentleman, Mr. Thomas, desires recognition. The gentleman is recognized.

Mr. THOMAS. Mr. Speaker, I rise in opposition of concurrence to HB 406, and, Mr. Speaker, I think we need to pay very close attention to this bill, because this bill is really an issue that has been resolved by this body and is now before us again, an issue that we have already taken care of, and we need to start with 1994.

In 1994, Mr. Speaker, we passed Act 102, and Act 102 provided for a rotation procedure with respect to tissue banks, and, Mr. Speaker, this body, both sides of the aisle, made it clear that mandatory rotation was not something that we wanted to deal with.

So after Act 102 was passed, then there were further efforts to try and provide for mandatory rotation, and so the Department of Health went about the business of developing regulations. During that regulation period, people had an opportunity to provide input as to the type of tissue bank system we wanted in the Commonwealth of Pennsylvania. The Department of Health came up with regulations. The regulations were sent to the Governor's Office. The Governor's Office went over these regulations and was able to come up with regulations that met the basic tenets of Act 102 of 1994. And that has all been done. Everybody had an opportunity to participate in the discussion and to participate in shaping these regulations.

Mr. Speaker?

The SPEAKER. The gentleman, Mr. Thomas.

Mr. THOMAS. May we have some order? I do not want to raise my voice.

The SPEAKER. The gentleman, Mr. Thomas, is absolutely correct. He is entitled to the attention of the House, and if you are not interested in what the gentleman has to say, I think, as a matter of courtesy, you should either stay quiet or step to one of the outside chambers and carry on your conversations.

Mr. Thomas is recognized.

Mr. THOMAS. So as I was saying, Mr. Speaker, this body acted in 1994 through Act 102. The Department of Health, all the way up to last year, developed regulations that provided for a system of rotation. Both sides of the aisle had input or had an opportunity to provide input into the development of these regulations. The regulations subsequently went to the Governor's Office. The Governor's Office reviewed the regulations. There was an opportunity for people to call the Governor's Office and have input into the final draft of regulations. The final draft has been completed. The Department of Health is satisfied with the regulations. The regulations satisfy the basic tenets of this body, both bipartisan members of this body, and satisfy those basic tenets of Act 102.

Therefore, HB 406, which would provide for mandatory rotation, is really in direct contravention of what this body did in 1994. It is in direct contravention of the Governor's Office. It is in direct contravention of the Department of Health. What HB 406 would do in effect, if we concur in it, is it would involve the Commonwealth of Pennsylvania and this General Assembly in the business of guaranteeing a market share of body parts. Now, are we prepared to allow this body and allow this Commonwealth to get involved in the business of determining the market share of body parts?

Mr. Speaker, organ donation is a very private matter, and it is a matter that we went to great lengths in providing for procedures that would allow for fairness, that would allow for participation, and for us to come back now, because this bill has been amended, for us to come back now and get involved in mandating — mandating — the circumstances and market in which body parts will be donated or made available is far beyond the scope of this General Assembly.

So, Mr. Speaker, I ask that we nonconcur in HB 406. And let us not forget, number one, we took this issue up in 1994; we resolved it. Number two, the Department of Health looked at this issue, asked for input; input was provided. The Department of Health came up with regulations. The regulations subsequently went to the Governor's Office. The Governor's Office took almost 2 months to allow for input from both sides of the aisle on this particular issue, and the Governor's Office came up with a final

draft of regulations. So we need not, we need not entertain mandatory rotation as it is outlined in HB 406. We need not be mandating — mandating — the market share for the distribution of body parts.

And last but not least, Mr. Speaker, there is a real question of liability that comes into play when you start mandating the circumstances under which tissue banks will be organized and tissue banks will be making organs available to people. I think that it is clear, and I would like to ask several questions, which if you answer in the affirmative, you will understand what I am talking about.

Can you imagine the impact on donation and transplantation of all sorts if it is found out that a tissue bank has supplied contaminated tissue for transplantation or sold tissue intended by the family for transplantation to commercial interests? Think about it. Think about the liability that would arise when you start mandating the circumstances under which transplantation would take place and you have a situation where the transplantation has been infected or the transplantation has been made available for commercial purposes rather than the purposes that the family intended.

Secondly, can you imagine the reaction of a family if they agree to have a deceased loved one be a donor and then find out that he or she was used for commercial research to line someone's pockets with more profit? We cannot turn the whole question of tissue transplantation and organ donation into a profitmaking business.

We need to continue to pay attention to the interests of the family and have a system that is equitable and fair. The Governor has provided a system, the Department of Health has provided for a system, and we need to go with that and nonconcur on HB 406. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Cumberland, Mr. Masland.

Mr. MASLAND. Thank you, Mr. Speaker.

I rise to also ask for a vote against concurrence. I agree with the points made by the previous speaker, so I will not repeat them, but I would like to make a few other comments.

First of all, these regulations that we have been referring to from the Department of Health are technically titled "Guidelines to Assist Hospitals in the Selection and Designation of Tissue Procurement Providers." What these guidelines do is set up a broad set of factors for the hospitals to consider when they decide with whom they will deal in the issue of tissues. It does not set up any system that will preclude anyone. It does not cut anybody out.

In fact, on page 3 of the guidelines, it specifically says, "Act 102 requires that a hospital shall select at least one tissue procurement provider to effect the recovery of tissue. Please be aware selection is closely related to the amount and type of tissue recovered. If a hospital" — and this is important — "If a hospital selects more than one tissue procurement provider, the hospital should continue the rotation of referrals to tissue procurement providers started under Act 102...." In other words, they are recommending that if they want to rotate, they continue the same rotation, but this does not require them to do that. It does not mandate a continuation of rotation. In effect, it leaves it up to the hospital, as it should. We should not be mandating something to hospitals which should be left up to the free market or for the freedom of contract in this case.

I have been informed earlier today that the Hospital Association does oppose this bill, but let me say that I am not standing up here on behalf of the Hospital Association. I am not standing up here on behalf of the Governor or the administration because these are their guidelines. I am standing up here because 2 years ago I had the opportunity to be involved in the process from start to finish with respect to this organ donor bill. I had the opportunity to work with a number of members on the other side of the aisle — Mr. Fajt, Mr. Cohen, Mr. Petrarca, Sr. — on this issue, which is very important, and the purpose was to increase the awareness of the need for organ donation in our Commonwealth and to set up a system to improve hospital participation, and that is what has happened so far. Act 102 has been effective. There has been a 30-percent increase in the number of donations. I do not think we want to micromanage here with some guidelines that the department has set up which I believe set forth good public policy.

Now, I understand that there will be those that will rise and disagree with that; that there will be those that say this is designed to attack a particular tissue bank. In my opinion, that is not the case. This is to set up a system which is good public policy, good health policy for the entire Commonwealth, and I would urge you all at this point to nonconcur. A vote to nonconcur or a vote to concur is going to send this to the Senate, but I think we should let them know that on this issue, with respect to this amendment that was placed in the bill in the Rules Committee, that we do not believe that that is good public policy and we are opposed to it. Thank you.

The SPEAKER. The Chair recognizes, for the second time on the question, the gentleman, Mr. Thomas.

Mr. THOMAS. Mr. Speaker, just one response. In response to the comment that was made that these regulations were not improved, this system of hospital participation, Mr. Speaker, if this was an issue of first impression, something that we were dealing with for the first time, I might concur with several of the previous speaker's comments. However, this issue has been under discussion for 2 years now. In 1994 we adopted Act 102 with great pain because there was a lot, a lot of concern about the circumstances under which tissue donation would take place. We had public hearings, we had open discussions, and we finally came to a resolution on Act 102. It went to the Health Department. We are not specialists in this area. We have a Department of Health where they do have people who understand the larger environment in which this activity takes place. They opened up the doors for input and for discussion around the kind of system that we needed in Pennsylvania.

And let us be clear. In the Commonwealth of Pennsylvania there are no laws governing the whole question of organ transplantation. There are no local, there are no State, there are no Federal laws, and in the absence of any local, State, or Federal laws, we need some kind of regulatory scheme that will make it clear to the public at large the circumstances under which tissue transplantation would take place, and that is what the Department of Health attempted to do when they proposed these guidelines. And the Secretary of Health could have signed off on the guidelines and could have moved forward on implementation, but they did not do that.

They then sent the guidelines to the Governor's Office. The Governor brought in the best minds and the best people to look at these proposed guidelines. His people looked at these guidelines for over 2 months. They asked for input from the community at large. They received input from a number of people from both

sides of the aisle, and following that input, they came up with final approval of regulations that would not, and mind you, the Governor's Office specifically, in line with this body in 1994, did not want to mandate the circumstances under which tissue banks are allowed to operate.

And in closing, Mr. Speaker, the reason that the Governor's Office did not want to mandate these circumstances, the reason that this General Assembly stayed away from mandatory regulations is because this body, along with the Governor's Office, along with the Department of Health, understands the liability that can occur when you start mandating the circumstances under which body parts will be made available, because once you start mandating, then you are locked in and you leave room for a select group of people to determine the circumstances under which organs will be made available.

Mr. Speaker, the regulations have been proposed. They are fair, they are equitable, and they remove the General Assembly, the Department of Health, and the Governor's Office from the possibility of liability if we start mandating the circumstances under which this has happened.

So we have done the hard work that was necessary to come up with a process in Pennsylvania. Let us go with that. Vote to nonconcur on HB 406. I urge you from both sides of the aisle, let the Governor's decision remain intact, let the Department of Health's decision remain intact, let Act 102 of 1994 remain intact. Vote to nonconcur. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentleman from Lackawanna, Mr. Serafini.

Mr. SERAFINI. Mr. Speaker, my colleague, Fred Belardi, and I have worked on this legislation now for the Scranton Tissue Bank for a number of years. I myself have been an active observer of this tissue bank's creation in 1978.

The SPEAKER. Will the gentleman yield.

Conferences on the floor, please break up. Conferences on the side aisles—

The gentleman is recognized.

Mr. SERAFINI. Mr. Speaker, in 1978 the Scranton Tissue Bank was set up in order to provide tissue for those people who are in dire need. Perhaps an idea would be a burn victim, a specific example of which I personally observed. When a gentleman I know was burned from the legs to the chest and needed tissue, the Scranton Tissue Bank was the source of that tissue.

The Scranton Tissue Bank did not just pop up out of nowhere. It was created through hard work by creating donor awareness in our area. The Scranton Tissue Bank today is the only federally inspected and nationally accredited tissue bank in the State of Pennsylvania. Please understand what I am saying — tissue bank. We should not confuse tissue with organs.

What is happening with these guidelines is the attempt of the Philadelphia KIDNEY-1 organ procurement agency to create and grasp a monopoly in tissue in the State of Pennsylvania. Currently the tissue which they receive is processed by a company in New Jersey. Does that tissue enter Pennsylvania? Not very much of it. And to prove my point, just recently this State has been inundated with sales of tissue from Ohio, Indiana, Virginia, North Dakota, Georgia, Florida, and Maryland. Because of a lack of tissue in this State, these States are now looking at Pennsylvania as a marketplace for their tissue, which costs you and me 30 percent more than tissue processed in this State.

One of the speakers stated that we had an opportunity to discuss these guidelines which had come out quite some time ago

with the administration. We took that opportunity. The language which is in HB 406, the anatomical-gift language, was agreed to in our discussion with the Department of Health and the administration in September. However, the guidelines were released without that information. I have those words in my hand which were agreed to. They do not exist in these guidelines, and now we are fighting for the existence of the Scranton Tissue Bank so that it can survive in the State of Pennsylvania, because without tissue, there is no tissue bank.

I do not think the people in this room and in Pennsylvania would like a monopoly in the tissue industry. This rotation allows no monopoly, but instead an even, equitable distribution of tissue to those organizations that are capable of handling tissue and processing it.

I would appreciate your support. This is more than legislation that just enters a guideline. This is life, care, and survival.

It is a very important issue. The guidelines in HB 406 are very important, and at the very most what they do is preserve the integrity of Pennsylvania's tissue and allow the survival of the Scranton Tissue Bank. Thank you.

The SPEAKER. The gentleman from Lackawanna, Mr. Belardi. Mr. BELARDI. Thank you, Mr. Speaker.

Mr. Speaker, I would respectfully ask for an affirmative vote on HB 406 and ask that the members concur with what Representative Serafini has just described.

I think what is important for the members of this chamber to know is that this amendment in HB 406 is agreed to by the majority leader and our Democratic leader. It is agreed to by the leaders because they recognize that we need to fix this legislation, that we need to insert back in the legislation that this House passed 2 years ago the fact that we asked for mandated rotation until the guidelines came into effect. Let me point out that they are guidelines, not regulations. We asked for regulations. We still continue to ask for accreditation since we were the accredited tissue bank in Pennsylvania.

Mr. Speaker, this agreement between the House Republican leadership and, I understand, the administration when the draft guidelines came out was to do two things: one, call for future accreditation by the American Association of Tissue Banks for all future and new tissue banks in this Commonwealth; and two, that we have the continuation of the rotation formula that we stated under Act 102. They were the two things we did 2 years ago and they are the two things that are missing from these guidelines. There you have an agreement between both leaders saying we need to fix this.

Mr. Speaker, without belaboring the issue, among the many issues that have been addressed in this legislation is the recent addition of language, this language, clarifying the ability of the existing tissue banks in our Commonwealth to participate fairly and proportionately so that then this bill will be in fact fair and equitable, which it is not without this amendment in this legislation, so that we can have gains that we achieved through Act 102 that this chamber spearheaded through the legislature last session.

I personally, Mr. Speaker, would like to compliment the bipartisan sponsorship and the bipartisan support that we have received, not only from majority leader John Perzel and our Democratic leader, Bill DeWeese, and our leader, Mark Cohen, likewise from all of my leadership.

I again respectfully ask for your support to HB 406. Thank you.

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

Mr. THOMAS. Only for a brief interrogation.

The SPEAKER. The gentleman, Mr. Thomas, has had the floor twice on this subject and is not permitted further floor time.

Mr. THOMAS. Even for interrogation?

The SPEAKER. Even under the guise of interrogation.

The gentleman, Mr. Fajt, from Allegheny County.

Mr. FAJT. Thank you, Mr. Speaker.

Mr. Speaker, I stood on this floor a few years ago and was one of the leaders in the House on the organ donation bill, Act 102, that we passed at that time, along with my then colleague, Joe Petrarca. We had a shining moment in this chamber at that time when we passed that bill. It has now become a bill that is a model bill for other States to use throughout this Nation on organ donation.

I rise today to voice some concerns about HB 406 in its current state, and I will point out a few of those concerns right now.

If the language in HB 406 is adopted as it stands right now, anyone in this Commonwealth can open a tissue bank tomorrow. They can open a tissue bank tomorrow regardless of whether or not they have any qualifications to do so. Can you imagine if your loved one who has agreed to donate their tissue and they die, can you imagine the outrage that you would have knowing that those tissues go to somebody who is in this business for profit, who has no qualifications as a tissue bank? Can you imagine the outrage that you would have to know that their tissues have to go to a tissue bank with no qualifications and somebody that is out working on the open market? That is what HB 406 in its current state could lead to, could lead to.

There are other provisions in HB 406 that I support, other provisions that I am wholeheartedly in favor of, including asking prisoners to pay for some of their expenses while in prison.

MOTION TO TABLE

Mr. FAJT. Mr. Speaker, that is why at this time I would like to ask and I would like to put on the floor a motion to table HB 406 so that it can go back for further study. Mr. Speaker, I think that this amendment does not belong in this bill. It is too controversial, and I would like to make a motion at this time to table HB 406.

The SPEAKER. The gentleman, Mr. Fajt, moves that HB 406, PN 3504, be tabled.

On the question,

Will the House agree to the motion?

The SPEAKER. On that question, the only individuals permitted to debate this motion are the two floor leaders.

The gentleman, Mr. Perzel.

Mr. PERZEL. Thank you, Mr. Speaker.

I would simply oppose the motion to table the bill; that is all.

The SPEAKER. The motion before the House is tabling HB 406.

The gentleman, Mr. Cohen, on behalf of Mr. DeWeese.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, Representative DeWeese and Representative Belardi and I would all like a vote not to table this. We are prepared to continue debating this subject. We believe that this bill represents a rational solution to a complex and very frustrating problem that has occurred and that there can be further legislation to deal with any problems that this legislation causes.

I would urge, on behalf of the Democratic leadership, a "no" vote on this motion.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—32

Butkovitz	Kaiser	Mihalich	Rudy
Colafella	Keller	Petrarca	Scrimenti
Corpora	Kukovich	Petrone	Thomas
Cowell	Levdansky	Platts	Van Horne
Fajt	Lloyd	Preston	Vitali
Gamble	Lucyk	Readshaw	Walko
Horsey	Masland	Reber	Wozniak
Josephs	Michlovic	Rieger	Yewcic

NAYS—168

Adolph	Donatucci	Lescovitz	Schroder
Allen	Druce	Lynch	Schuler
Argall	Durham	Maitland	Semmel
Armstrong	Egolf	Major	Serafini
Baker	Evans	Manderino	Shaner
Bard	Fairchild	Markosek	Sheehan
Barley	Fargo	Marsico	Smith, B.
Battisto	Feese	Mayernik	Smith, S. H.
Bebko-Jones	Fichter	McCall	Snyder, D. W.
Belardi	Fleagle	McGeehan	Staback
Belfanti	Flick	McGill	Stairs
Birmelin	Gannon	Melio	Steelman
Bishop	Geist	Merry	Steil
Blaum	George	Micozzie	Stern
Boscola	Gigliotti	Miller	Stetler
Boyes	Gladeck	Mundy	Stish
Brown	Godshall	Myers	Strittmatter
Browne	Gordner	Nailor	Sturla
Bunt	Gruitza	Nickol	Surra
Buxton	Gruppo	Nyce	Tangretti
Caltagirone	Habay	O'Brien	Taylor, E. Z.
Cappabianca	Haluska	Olasz	Taylor, J.
Carn	Hanna	Oliver	Tigue
Carone	Harhart	Perzel	Travaglio
Cawley	Hasay	Pesci	Trello
Chadwick	Haste	Pettit	Trich
Civera	Hennessey	Phillips	True
Clark	Herman	Pistella	Tulli
Clymer	Hershey	Pitts	Vance
Cohen, L. I.	Hess	Ramos	Veon
Cohen, M.	Hutchinson	Raymond	Washington
Colaizzo	Itkin	Reinard	Waugh
Conti	Jadlowiec	Roberts	Williams
Cornell	James	Robinson	Wogan
Coy	Jarolin	Roebuck	Wright, D. R.
Curry	Kenney	Rohrer	Wright, M. N.
Daley	Kirkland	Rooney	Youngblood
DeLuca	Krebs	Rubley	Zimmerman
Dempsey	LaGrotta	Sainato	Zug
Dent	Laughlin	Santoni	
Dermody	Lawless	Sather	Ryan,
DeWeese	Lederer	Saylor	Speaker
DiGirolamo	Leh		

NOT VOTING—0

EXCUSED-3

Corrigan

Farmer

King

Less than the majority having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Will the House concur in Senate amendments to House amendments to Senate amendments?

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

Will the gentleman yield.

Mr. Thomas, do you seek recognition again?

Mr. THOMAS. Not right now, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, the key sentence in this bill that is creating all this debate reads as follows: "ADJUSTMENTS TO SUCH ROTATION—" I am sorry; two key sentences: "...THE DEPARTMENT OF HEALTH SHALL CONTINUE THE ROTATION OF REFERRALS TO TISSUE PROCUREMENT PROVIDERS..." as stated under the relevant statute. "ADJUSTMENTS TO SUCH ROTATION MAY BE MADE TO ACCOMMODATE NEW, QUALITY TISSUE PROCUREMENT PROVIDERS ACCREDITED BY THE AMERICAN ASSOCIATION OF TISSUE BANKS AS ADJUDGED UNDER THE GUIDELINES PUBLISHED..." in the Pennsylvania Bulletin "...AND THAT ANY HOSPITAL MAY DISCONTINUE SUCH ROTATION FOR CAUSE."

I think there are two safeguards to deal with the problems in this language. The first safeguard is that the procurement providers, the tissue banks, must be accredited by the American Association of Tissue Banks. The second safeguard is that any hospital may discontinue the rotation of any tissue bank for cause.

Now, there is additional proposed legislation available I have introduced, with many cosponsors of both parties, which would create statewide regulation of tissue banks. I would hope that this legislation would move. I would hope that the organ procurement organizations, which have not been very energetic in seeking the license of tissue banks, despite their rhetoric of concern, would decide to actually do something to try to get this legislation moving.

The main issue we faced in 1994 was increasing the availability of organs. We achieved that goal, and we basically fudged the issue of tissue banks. Very few people paid much attention to the tissue bank issue at that time because it was really a secondary issue. We put in very vague language which basically left the decision off to a future time. The future time is now here. The Health Department has made a decision in favor of the organ procurement organizations, and those of us who are concerned about this issue are divided on it. But I believe, Mr. Speaker, that there is a danger of monopoly. The organ procurement organizations have tissue banks, and that gives them an unfair advantage.

Now, the question is, can the government get involved in market share? The Federal Government made the decision over 100 years ago that, yes, they could do such a thing. We have

antitrust legislation, which is designed to guarantee market share. We had and still have numerous Federal regulatory commissions — the Federal Trade Commission, the former Interstate Commerce Commission, for example — which, among many other things, are interested in the maintenance of competition and the maintenance of some minimal level of market share for people whose presence in the market provides competition and stops the adverse effect of monopoly.

I think this issue as a whole is peripheral to the general issue of whether organ donations and tissue bank donations should increase. We are on record as saying they should increase. We have taken steps for it.

Passage of this legislation, I think, will move in the direction of getting rid of a distracting side issue which has really taken too much time, and the way to deal with any legitimate concerns that exist about the quality of tissue banks — current tissue banks or further tissue banks — will be to set up a statewide system of tissue banks, and I think vigorous advocacy on the part of the organ procurement organizations, who are generally opposed to this legislation, would lead to the establishment of statewide regulations and get rid of their concerns.

I therefore urge support of HB 406.

The SPEAKER. The gentleman from Allegheny, Mr. Michlovic.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Would the gentleman, Mr. Cohen, stand for brief interrogation?

The SPEAKER. He indicates he will. You may begin.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, in your defense of the language in HB 406 regarding organ procurement, you labeled as one of the protections that the hospital has the right, the language referring to the hospital's right to refuse using an organ procurement organization for cause. If the hospital and its board of trustees decides that it finds the selling of organ tissue for profit abhorrent to them, is that justifiable cause for not participating?

Mr. COHEN. Yes, Mr. Speaker.

Mr. MICHLOVIC. So in effect, they have the right to make the decision on behalf of their community and their clients to say, we are not going to participate because this is an absolutely objectionable process, and what happens then? Do they go to another organ procurement organization nearby? What happens?

Mr. COHEN. They merely would reduce the number of organizations that are in a rotation. So like right now, if there are three in a rotation and they object to one of them, they would have a rotation between two of them. If they would object to two of the three, they would only have one.

Mr. MICHLOVIC. I see.

Are there any requirements that the hospital publicize or let people know who they are procuring the organ tissue from in this bill or the other bill?

Mr. COHEN. I am not sure there are formal requirements. I honestly do not know if there are formal requirements. I do know that within the very narrow world of organ procurement organizations and tissue banks, it is well known what hospitals do.

Mr. MICHLOVIC. I see. So the folks that have an immediate interest in it generally are briefed on where the organs are coming from, what kind of organization.

Mr. COHEN. That is correct. The people interested are extremely well informed on these very obscure questions to most of us.

Mr. MICHLOVIC. Thank you, Mr. Speaker, for your response. May I make a comment?

The SPEAKER. The gentleman, Mr. Michlovic.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, having heard the response of the gentleman, Mr. Cohen, to my inquiry, I think I can now support the legislation. I think our defense on behalf of the community and the public is that the hospitals take a very judicious look at where they are procuring the organs and decide for their communities the very tough moral decisions that have to be made on whether they are going to allow these organs to be used for profit or whether they are going to use a nonprofit organization.

So with that response and in light of that kind of a practice, I endorse the bill and ask my colleagues to do so as well. Thank you, Mr. Speaker.

The SPEAKER. On the question of concurrence, the Chair recognizes the gentleman, Mr. Baker, the sponsor of the bill.

Mr. BAKER. Thank you, Mr. Speaker.

Mr. Speaker, as prime sponsor of this bill, I rise in support of this legislation and ask my esteemed colleagues on both sides to support this legislation.

When this legislation was first introduced, it was fairly innocuous, and I think it still is for the most part. It is a pro-taxpayer bill, and the initial legislation merely implemented a program with the Department of Corrections which requires that inmates of a State correctional institution who have medical insurance pay for their own medical needs through that insurance before taxpayer dollars are used.

Now, there are five other provisions in this legislation, notwithstanding the protestations of a couple of our colleagues on the floor of the House. I think this bill is a good bill. It passed unanimously in the House several months ago. It passed yesterday unanimously in the Senate, and I ask my colleagues to support this legislation today. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House concur in Senate amendments to House amendments to Senate amendments?

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

YEAS-176

Adolph	Druce	Levdansky	Saylor
Allen	Durham	Lucyk	Schroder
Argall	Evans	Lynch	Schuler
Armstrong	Fairchild	Maitland	Semmel
Baker	Fajt	Major	Serafini
Bard	Fargo	Markosek	Shaner
Barley	Feese	Mayermik	Sheehan
Battisto	Fichter	McCall	Smith, S. H.
Bebko-Jones	Fleagle	McGill	Snyder, D. W.
Belardi	Flick	Melio	Staback
Belfanti	Gamble	Merry	Stairs
Birmelin	Gannon	Michlovic	Steelman
Bishop	Geist	Micozzie	Steil
Blaum	George	Mihalich	Stern
Boscola	Gigliotti	Miller	Stish
Boyes	Gladeck	Mundy	Strittmatter
Brown	Godshall	Myers	Sturla
Browne	Gordner	Nyce	Surra
Bunt	Gruppo	O'Brien	Tangretti
Buxton	Habay	Olasz	Taylor, E. Z.
Caltagirone	Haluska	Oliver	Taylor, J.

Cappabianca	Hanna	Perzel	Tigue
Carone	Harhart	Pesci	Travaglio
Cawley	Hasay	Petrone	Trello
Chadwick	Haste	Pettit	Trich
Civera	Hennessey	Phillips	True
Clymer	Herman	Pistella	Tulli
Cohen, L. I.	Hershey	Pitts	Van Horne
Cohen, M.	Hess	Preston	Veon
Colafella	Hutchinson	Ramos	Vitali
Colaizzo	Itkin	Raymond	Walko
Conti	Jadlowiec	Readshaw	Washington
Cornell	James	Reber	Williams
Corpora	Jarolin	Reinard	Wogan
Cowell	Josephs	Rieger	Wozniak
Coy	Kaiser	Roberts	Wright, D. R.
Curry	Kenney	Robinson	Wright, M. N.
Daley	Kirkland	Roebuck	Yewcic
DeLuca	Krebs	Rooney	Youngblood
Dempsey	Kukovich	Rubley	Zimmerman
Dent	LaGrotta	Rudy	Zug
Dermody	Laughlin	Sainato	
DeWeese	Lawless	Santoni	Ryan,
DiGirolamo	Leh	Sather	Speaker
Donatucci	Lescovitz		

NAYS-24

Butkovitz	Keller	McGeehan	Scrimenti
Carn	Lederer	Nailor	Smith, B.
Clark	Lloyd	Nickol	Stetler
Egolf	Manderino	Petrarca	Thomas
Gruitza	Marsico	Platts	Vance
Horsey	Masland	Rohrer	Waugh

NOT VOTING-0

EXCUSED-3

Corrigan	Farmer	King
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments to House amendments to Senate amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

CALENDAR CONTINUED

CONSIDERATION OF HB 294 CONTINUED

The SPEAKER. The Chair returns to page 5 of today's calendar, HB 294, PN 3290, the amendment offered by the gentleman, Mr. Gigliotti, A2581.

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

The SPEAKER. It is the understanding of the Chair that a fiscal note is available and has been distributed or is available for distribution.

The Chair recognizes the gentleman, Mr. Gigliotti.
Mr. GIGLIOTTI. Thank you, Mr. Speaker.

As you can see, the fiscal note says it will cost the city of Pittsburgh \$75,000.

Again, I ask the House for an affirmative vote on this issue. Thank you.

The SPEAKER. On the question of the adoption of the amendment, Mr. Preston for the second time.

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

Over the last 2 days you have heard respective members speak about this issue, and basically what we are doing as elected officials is trying to get in another bailiwick. The school districts themselves in the city of Pittsburgh, as I stated previously, have had hearings. Thousands upon thousands of people attended those hearings. Over 2,000 people gave direct testimony to 9 school board members who are elected to represent the city of Pittsburgh as far as their respective districts.

The school district has implemented part of a plan, and unfortunately, it appears that some members of my Allegheny County delegation are not happy with part of the issue that they are doing, and they are not moving fast enough, accordingly. But what it takes, simply, are those residents, those residents who were even paid by some members of my delegation to even attend those hearings — I am sorry, paid for the transportation for people to attend those hearings — went through the whole process; all they have to do is get enough signatures back at home. Instead what we have are a few trying to make a decision for many.

This is an issue, as I said before, the city of Pittsburgh is under a court order for Commonwealth Court. What we have are a couple of people who may not be happy about the overall process. The unfortunate thing is, we have gotten away from the issue of quality, affordable, equitable education. It is no longer an issue; it is all really right now, what about me? This is what I feel is better for thousands and thousands of people. The unfortunate thing also, it will racially divide the city of Pittsburgh.

I have very strong misgivings, if we pass this resolution, of some of the problems that will happen, and basically what we will do is the House of Representatives will encourage the school district of the city of Pittsburgh to break the court order of Commonwealth Court, and I would ask you not to force people to be able to do that. If these people and the residents of the city of Pittsburgh want something on a referendum, let those people go very easily, as many people have done, go out, get the proper amount of signatures, and ask, thereby force, the city of Pittsburgh and Allegheny County to put the question on a referendum. I really do not believe that everything is worth \$75,000 to put the will on other people.

You have also heard several discussions; the Human Relations Commission is not forcing anybody to do anything. The court used them kind of as an ombudsman. We can continue to say, well, this is better for my district. It is not just what is best for the district; it is about the children and quality, affordable, equitable education for everybody in the city of Pittsburgh, and this just has not come through this way. You have heard me ask questions; those questions were not equitably answered, and also to question the solicitor, who offered what I felt was a qualified opinion.

This is not a happy day. This is not going to be a happy year if we have to go into this issue, because basically, whether we realize it or not, we will only be promoting racism in the city of Pittsburgh. I would ask for a negative vote on this amendment.

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

Mr. ITKIN. Mr. Speaker, I appreciate the opportunity to address the House today. Normally, as you know, I do not get up and speak a lot on a variety of issues, but this issue is so important

to the welfare of the city of Pittsburgh and its schools that I feel compelled to make a statement on the floor today and to urge your consideration of the points I would like to make.

I would like you to stop right now and think of all the words that you know to describe a cruel joke, words like "ruse," "chicanery," "deception," "swindle," "flimflam," "shenanigans." Keep those words in mind, because that is what this amendment is. It is in fact a cruel joke. Simply follow the logic to see my point.

More than 40 years ago, the United States Supreme Court ruled that separate but equal education was unconstitutional. Schools could not be totally white and totally black and still meet the ideals of democracy laid down in the United States Constitution. Unfortunately, many neighborhoods in Pittsburgh and in cities throughout the country are, for a variety of reasons, all white or all black. Therefore, neighborhood schools in these communities, schools that educate only nearby children, automatically violate the Constitution.

This situation leaves school districts in a quandary, but they are dealing with it as best they can. In Pittsburgh, for instance, the school board has established a strong system of magnet schools offering specialized programs that are so attractive that families are willing to bus their kids across town.

The SPEAKER. Will the gentleman yield.

There is a tremendous amount of noise in this hall. There is a good deal of it coming from the area in the immediate vicinity of the gentleman, Mr. Itkin. I would appreciate it if these conversations would either cease or lower.

The gentleman, Mr. Itkin.

Mr. ITKIN. Thank you, Mr. Speaker.

These schools, by virtue of their programs, these magnet schools, help the entire district overcome the problem of de facto segregation, but the Pittsburgh School Board is seeking other ways to desegregate schools as the United States Constitution requires while still responding to citizens' growing desire for neighborhood schools.

Now, keeping the words "ruse" and "chicanery," imagine the people of Pittsburgh going to the polls next spring; they see the question, do you favor the continuation of neighborhood schools as a necessary part of our public school system? How are they going to vote? How would you vote? Naturally you would vote "yes"; who would not? So the referendum votes come in, and the results are basically a foregone conclusion — the people of Pittsburgh overwhelmingly voted for neighborhood schools. And now they expect the members of the school board, their elected officials, to jump to it — institute neighborhood schools immediately; mothball all the buses; send my kid to school down the street. But it is all a cruel joke, because the school directors' hands are tied. They are trapped between a mandate from voters and a mandate from the United States Supreme Court. The voters of Pittsburgh will have had their hopes raised, while we know full well that their vote does not count. Frankly, in a democracy, the cruelest thing an elected official can do is to call an election with the conscious knowledge that citizens' votes will not mean anything. It is foolhardy at best, and it is divisive at worst.

If you are a supporter of less government, if you run your legislative affairs on the philosophy that the State should keep its big fat nose out of local business, then vote against this amendment. Let the Pittsburgh School Board work out a solution directly with the people of Pittsburgh. If the people of Pittsburgh do not like the options that the school board is presenting, then let them vote the school directors out of office. That is giving them a

vote that counts. This amendment, on the other hand, is like sending voters into an electronic voting booth that is not plugged into an outlet. It is disingenuous, it is cruel, it is deceptive, it is a dirty trick, and I urge my colleagues to vote "no." Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Readshaw.

Mr. READSHAW. Thank you, Mr. Speaker.

First of all, I think a few things have been lost in the dialogue which has occurred so far. This amendment has been redrafted since yesterday, and if anyone has not read the new amendment, I would appreciate if they would do that.

The question on the referendum is specific and nonbinding. It will allow the residents of Pittsburgh to voice their opinion to the Pittsburgh School Board so that the school board can utilize this information in making future decisions, and I obviously ask for everyone's support.

I would like to make one comment about the previous speaker. An hour or so ago, as I stood beside him in the rotunda and he spoke most eloquently and used words such as "community identity" in describing that the DCA (Department of Community Affairs) should not be demolished, he went on and on about the great, great advantages of having the boroughs retain their neighborhood identification, and an hour and a half later we come in this chamber, and all of a sudden we are against neighborhood identity.

I would ask an affirmative vote on this, and support the amendment. Thank you very much.

The SPEAKER. The gentleman, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, Representative Readshaw correctly pointed out that the amendment that is before us today is different than the amendment that was before us yesterday, and I think that this is an improved amendment in the sense that it is no longer binding and the language is somewhat more specific, although still general.

I rise still to oppose the amendment, because I do not think that this legislature ought to require any school district to put any policy question such as this on their ballot. This in effect is a meaningless exercise that we would go through since, in this case, it is not binding and because there are legal problems that restrict the actions that this school district can take. As was pointed out by an earlier speaker, this school district remains under a Commonwealth Court order.

But regardless of the question that we might pose, and I would remind you that there is another amendment to follow this one that Representative Robinson has circulated that would have us require the Pittsburgh School District to put a second question on the ballot, and surely there could be a third question and a fourth question and a fifth question on the Pittsburgh School District ballot — or a question on a ballot in any one of our school districts — if this legislature decides that this is the way we want to make school policy.

Mr. Speaker, I would suggest this is wrong for us to do this. This is indeed an important issue, and I share the concerns of the sponsors of this amendment on the issue of neighborhood schools, and I would argue that the Pittsburgh School Board needs to do more to promote and to embrace the concept of neighborhood schools, but it is wrong, and it will be counterproductive, I would predict, for this legislature to tell any school district, and in this case the Pittsburgh School District, that it must place on the ballot this opinion-gathering referendum question.

Mr. Speaker, it was only 2 weeks ago that this legislature declined the opportunity to require every school district this year to have 180 days of school, and that was real State education policy. Why, when we would refuse to do that, would 2 weeks later we come back and support an amendment that would have us butt in to what is clearly the prerogative under the law of the local school board?

I would remind you that the Pennsylvania School Boards Association has taken a position in opposition to this amendment, because they are concerned about the precedent-setting nature of this amendment where this legislature, contrary to law, ignoring the law that we have established that charges school boards with the authority to make these kinds of policy decisions, contrary to that law, we would say we are now going to require the school district to use this referendum question to gather opinion. Mr. Speaker, it is wrong policy. It is a wrong precedent. It could come back to haunt any one of us in any one of our school districts, and we would not want this legislature telling our school board what referendum question to place on a ballot on issues that are clearly the prerogative of the locally elected school board.

Mr. Speaker, for those reasons I would urge that we defeat this amendment.

The SPEAKER. On the question of the adoption of the amendment A2581, the gentleman, Mr. Itkin.

Mr. ITKIN. I just want to make a point.

We had the proceedings relative to this bill stopped momentarily because of the lack of a fiscal note. This amendment, if it is passed, is estimated by the Appropriations Committee to incur a cost of \$75,000. We think that the fiscal note that has been provided to you, there is a slight drafting error, that the cost would not be incurred by the city of Pittsburgh but would be incurred by the county of Allegheny, who is instructed by this amendment to have the question placed on the ballot and to do the advertising. So by passing this amendment, you would be incurring a \$75,000 cost to the county of Allegheny to have this referendum occur.

Therefore, for my former reasons and because of the cost, obviously, I am asking the members to vote "no." 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	Fichter	Major	Schroder
Allen	Fleagle	Marsico	Schuler
Argall	Flick	Masland	Semmel
Armstrong	Gamble	Mayernik	Serafini
Baker	Gannon	McCall	Sheehan
Bard	Geist	McGeehan	Smith, B.
Barley	Gigliotti	McGill	Snyder, D. W.
Belardi	Gladeck	Melio	Staback
Belfanti	Godshall	Michlovic	Stairs
Birmelin	Gruppo	Micozzie	Stern
Boscola	Habay	Mihalich	Stish
Boyes	Haluska	Miller	Strittmatter
Brown	Hanna	Nailor	Tangretti
Browne	Harhart	Nyce	Taylor, E. Z.
Bunt	Hasay	O'Brien	Taylor, J.
Butkowitz	Haste	Olasz	Tigue
Cawley	Hennessey	Perzel	Trello
Chadwick	Herman	Pesci	Trich

Civera	Hershey	Petrarca	True
Clymer	Hess	Petrone	Tulli
Cohen, L. I.	Hutchinson	Pettit	Vance
Colafrèlla	Jarolin	Phillips	Van Horne
Colaizzo	Kaiser	Pistella	Veon
Cornell	Keller	Pitts	Vitali
DeLuca	Kenney	Raymond	Walko
Dempsey	Krebs	Readshaw	Wogan
Dent	LaGrotta	Reber	Wozniak
Dermody	Laughlin	Roberts	Yewcic
Durham	Lederer	Rohrer	Zimmerman
Egolf	Leh	Rubley	Zug
Fairchild	Levdansky	Rudy	
Fajt	Lucyk	Sainato	Ryan,
Fargo	Lynch	Sather	Speaker
Feese	Maitland	Saylor	

NAYS-67

Battisto	DeWeese	Lloyd	Scrimenti
Bebko-Jones	DiGirolamo	Manderino	Shaner
Bishop	Donatucci	Markosek	Smith, S. H.
Blaum	Druce	Merry	Steelman
Buxton	Evans	Mundy	Steil
Caltagirone	George	Myers	Stetler
Cappabianca	Gordner	Nickol	Sturla
Carn	Gruitza	Oliver	Surra
Carone	Horsey	Platts	Thomas
Clark	Itkin	Preston	Travaglio
Cohen, M.	Jadlowiec	Ramos	Washington
Conti	James	Reinard	Waugh
Corpora	Josephs	Rieger	Williams
Cowell	Kirkland	Robinson	Wright, D. R.
Coy	Kukovich	Roebuck	Wright, M. N.
Curry	Lawless	Rooney	Youngblood
Daley	Lescovitz	Santoni	

NOT VOTING-0

EXCUSED-3

Corrigan	Farmer	King
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The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question,
Will the House concur in Senate amendments as amended?

RULES SUSPENDED

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Robinson, who offers the following amendment, which the clerk will read.

Pardon me. The clerk will suspend.

It is necessary for the gentleman, Mr. Robinson, to suspend the rules.

Mr. ROBINSON. Mr. Speaker, I move that the rules of this House be suspended to permit me to offer amendment A2568 to HB 294, PN 3290, at this time.

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

The following roll call was recorded:

YEAS-106

Battisto	Fajt	Manderino	Scrimenti
Bebko-Jones	Fargo	Markosek	Serafini
Belardi	Gamble	Masland	Shaner
Belfanti	Geist	Mayernik	Staback
Birmelin	George	McCall	Stern
Bishop	Godshall	McGeehan	Stetler
Blaum	Gordner	Melio	Sturla
Boscola	Gruitza	Michlovic	Surra
Butkovitz	Haluska	Mihalich	Tangretti
Buxton	Hasay	Mundy	Taylor, E. Z.
Caltagirone	Herman	Myers	Thomas
Cappabianca	Hess	Olasz	Travaglio
Carn	Horsey	Oliver	Trello
Cawley	Itkin	Pesci	Trich
Cohen, M.	James	Petrarca	Tulli
Colafrèlla	Jarolin	Petrone	Van Horne
Colaizzo	Kaiser	Phillips	Veon
Corpora	Keller	Preston	Vitali
Cowell	Kirkland	Ramos	Walko
Coy	Kukovich	Rieger	Washington
Curry	LaGrotta	Roberts	Williams
Daley	Laughlin	Robinson	Wozniak
Dermody	Lederer	Roebuck	Wright, D. R.
DeWeese	Lescovitz	Rooney	Youngblood
Donatucci	Levdansky	Rudy	
Evans	Lloyd	Sainato	Ryan,
Fairchild	Lucyk	Santoni	Speaker

NAYS-93

Adolph	Durham	Maitland	Saylor
Allen	Egolf	Major	Schroder
Argall	Feese	Marsico	Schuler
Armstrong	Fichter	McGill	Semmel
Baker	Fleagle	Merry	Sheehan
Bard	Flick	Micozzie	Smith, B.
Barley	Gannon	Miller	Smith, S. H.
Boyes	Gigliotti	Nailor	Snyder, D. W.
Brown	Gladeck	Nickol	Stairs
Browne	Gruppo	Nyce	Steelman
Bunt	Habay	O'Brien	Steil
Carone	Hanna	Perzel	Stish
Chadwick	Harhart	Pettit	Strittmatter
Civera	Haste	Pistella	Taylor, J.
Clark	Hennessey	Pitts	Tigue
Clymer	Hershey	Platts	True
Cohen, L. I.	Hutchinson	Raymond	Vance
Conti	Jadlowiec	Readshaw	Waugh
Cornell	Kenney	Reber	Wogan
DeLuca	Krebs	Reinard	Wright, M. N.
Dempsey	Lawless	Rohrer	Yewcic
Dent	Leh	Rubley	Zimmerman
DiGirolamo	Lynch	Sather	Zug
Druce			

NOT VOTING-1

Josephs

EXCUSED-3

Corrigan	Farmer	King
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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 concur in Senate amendments as amended?

Mr. **ROBINSON** offered the following amendment No. **A2568**:

Amend Title, page 1, line 6, by removing the period after "INVESTIGATIONS" and inserting

; and providing for a referendum in cities of the second class relating to neighborhood schools.

Amend Bill, page 4, by inserting between lines 14 and 15

Section 3. (a) For the purpose of determining the opinion of the electors resident in a city of the second class situate in a county of the second class, the county board of elections shall arrange for a nonbinding referendum to be placed upon the ballot in such city of the second class relating to neighborhood schools. This referendum shall be held at the election at which a referendum relating to continuation of neighborhood schools is to be held.

(b) The question shall be as follows:

Do you favor equally funding, for all purposes except teacher salaries, neighborhood schools that provide the same level of instruction?

(c) The advertising of the referendum and the canvassing of the votes thereon shall be as provided in the act of June 3, 1937 (P.L. 1333, No. 320), known as the Pennsylvania Election Code.

(d) The results of the referendum shall be published in at least one newspaper of general circulation within the city described in subsection (a).

Amend Sec. 3, page 4, line 15, by striking out "3" and inserting

4

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

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

Mr. **ROBINSON**. Thank you, Mr. Speaker.

Mr. Speaker, my rationale for offering this amendment relates specifically to a more fundamental question that I think the previous amendment, A2581, raised, and that is, how is the Pittsburgh Board of Public Education going to finance the education that is suggested in the previous amendment, and that is an education that relates to the establishment of what are called neighborhood schools.

As someone who is an advocate of neighborhood schools, I certainly can appreciate the concerns that are expressed in amendment 2581, but I think we have to also raise the question as to whether or not the school board is in a position to fund neighborhood schools. So my amendment speaks to that issue and indicates that if indeed the referendum question identified in amendment 2581 is on the ballot, there shall be another referendum question that simply would state, "Do you favor equally funding, for all purposes except teacher salaries, neighborhood schools that provide the same level of instruction?"

It would be consistent, if neighborhood schools were established by the Pittsburgh Board of Education and if young people and their parents could select schools in their neighborhood, that the quality of education in those schools be equal. That is not only consistent with the 1954 Supreme Court decision *Brown v. Board of Education*, it is also consistent with the 1982 Pennsylvania Commonwealth Court ruling relative to the Pittsburgh public schools.

I make no pretense that this particular approach is ideal or that we as a legislature should be taking our valuable time instructing the Pittsburgh Board of Public Education, the county of Allegheny, or even the people of the city of Pittsburgh as to how they should deal with this difficult issue of providing education for the youngsters under their jurisdiction. This amendment is designed so that if the residents of the city of Pittsburgh do face this issue in 1997 as a ballot question, they also will be able to deal with the underlying question, and that is, how do you pay for these neighborhood schools?

We are already mandated by the Pennsylvania Constitution to provide a quality education for all youngsters in this Commonwealth, and both implicitly and explicitly in that mandate is the requirement that all youngsters receive the same education. I interpret that to mean, in part, an equally funded education at all grade levels.

The issue of equity funding, as you are aware, is one that this legislature has wrestled with over the last 10 years at least. Some of our colleagues have struggled diligently with this issue and approximately 2 years ago provided us with an alternative to Federal court action or Commonwealth Court action on this issue. I will not reiterate the totality of that approach, but I will suggest that it was designed to provide equity, equally funded education for all youngsters in this Commonwealth, by starting on the presumption that every youngster should be educated at a minimum financial level and then we should build upon that financial level to meet their individual needs and the needs of their particular school district.

That approach is not now in effect in our Commonwealth. With the change of administration, our new Governor has struck out on a new course, which has basically scrapped this particular approach. There are approximately 200 school districts in the Commonwealth of Pennsylvania which now are engaged in a lawsuit against the Commonwealth, attempting to find a formula to equally and equitably fund all school districts and in the process develop a formula so that each youngster can be assured a quality education.

My amendment is in the spirit of amendments I previously offered when this chamber considered HB 1689, a bill that was eventually passed and now awaits action in the Senate. That bill, as you can remember, also addressed the issue of neighborhood schools. At that time I raised in this chamber the issue of making sure that all such schools would be equally funded.

It is unfortunate that this awkward and cumbersome approach, the one identified in amendment 2581, is being utilized, but I appreciate and respect my colleagues who feel that this is the only way that they can get their opinion — their opinion — heard by the school board in Pittsburgh. I believe that what we are doing — and I make no bones about it — is forcing an unfunded mandate on the county of Allegheny and the city of Pittsburgh and the Pittsburgh Board of Public Education. I would prefer not to use this approach, but it appears at this time that it is the only approach available to me and those of us who believe that we must provide equally funded education at all grade levels in the Pittsburgh School District.

To say the least, those of us who represent the city of Pittsburgh and even those of us who represent Allegheny County differ on our approach as to how our public schools should be funded. I accept and recognize that difference. But one should not be led to believe that all the people in the city of Pittsburgh want neighborhood schools, any more so than we should be led to

believe that all the people in the city of Pittsburgh want to continue busing, nor should we be led to believe that all the people in the city of Pittsburgh favor any proposal that has been presented by our school board over the last 3 months to address the issue of neighborhood schools, the quality of education, and the distribution of resources.

The issue was raised earlier as to whether or not a fiscal note was needed for amendment 2581. A fiscal note was provided. I believe each member has at their desk a fiscal note for my amendment as well. The approximate cost, again, would be \$75,000. That cost would be borne by the county of Allegheny. I am not sure whether or not one \$75,000 would be sufficient for both ballot questions or whether or not it would be a total of \$150,000, but certainly, a fiscal note is available.

While \$75,000 and \$150,000 is not necessarily burdensome on the county, I do recognize that this is an unfunded mandate, and I am very reluctant, very reluctant, to support such an effort, but as I mentioned before, I do not see at this point any other alternative that is available to me and the many people in the city of Pittsburgh who agree with me that our schools should be funded equally at all levels.

Let me just say that I can appreciate the constitutional issues, I can appreciate the issue that we should not frivolously use the referendum as a means of trying to impose our will on our constituents, and I have the highest regard for those people in the city of Pittsburgh who serve on our Pittsburgh Board of Public Education, basically without any compensation. It is indeed a thankless job, and this issue is just another example of how thankless that job really is.

I would ask that each member of the House seriously consider, particularly those of you who voted for amendment 2581, consider this particular amendment as a necessary companion to A2581, and I ask for your wholehearted support. Thank you.

Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

The SPEAKER. The gentleman, Mr. Barley.

Mr. BARLEY. Mr. Speaker, I have a parliamentary inquiry I would like to make of the Speaker.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. BARLEY. On the amendment that is before us, Mr. Speaker, could you clarify for me what kind of impact this amendment will have on the previous amendment that was adopted to this bill that was sponsored by Representative Gigliotti?

The SPEAKER. The Parliamentarian and I have been struggling over that question for a while, and I have come down with the answer that the Robinson amendment would knock the Gigliotti amendment out and it would take priority. Therefore, for all practical purposes, the Gigliotti amendment would be done away with.

Mr. BARLEY. Thank you, Mr. Speaker.

Could I make a comment then on the amendment?

The SPEAKER. You are in order.

Mr. BARLEY. Thank you, Mr. Speaker.

In light of that information, I would just recommend that we vote "no" on the amendment A2568 that is before us at the present time. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

Mr. LLOYD. Parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. LLOYD. Mr. Speaker, I do not have any particular feeling one way or the other on the merits of this issue, but I am concerned about the ruling, or at least what you answered to Mr. Barley's question, because that will have serious precedential effect on all future amendments to all other bills. And I was wondering if you could amplify for us for our future guidance, because historically, if you had a bill and lots of people wanted to amend it, and obviously, everybody cannot anticipate the previous members' amendments going in or not going in, and so the numbering—Everybody is putting in a new section 3, or in Title 75, everybody is putting in a new section 5000. I wonder if you could amplify what makes this different and why the two are in conflict.

The SPEAKER. All right.

It is not my intention to make anything different from prior rulings. The question that we have struggled with is in fact, is this different from prior rulings? The rulings have consistently held that a later amendment that is different from an earlier amendment would change that earlier amendment. The later amendment always took a priority. Here, the line 14 in Robinson versus the line 12 in Gigliotti, and then thereafter—in other words, the questions—everything else is substantially the same, except the questions.

Let me say this somewhat facetiously, but future generations might very well, looking at the language of these two questions, might very well say that—and I believe they would—that it was the intention of the legislature to incorporate within the Robinson question the wording of the Gigliotti referendum, and that is what I have ruled.

Mr. LLOYD. Well, Mr. Speaker, when we were amending section 1000 and there were two amendments to an existing section 1000 in the law, I think you are correct that historically we have said that that second one took precedence, and to the extent that there was an inconsistency, that the second one governed. As a matter of fact, years ago we had a ruling that you could not offer the second one. But I do not think that that is this case, Mr. Speaker. In this situation you are not amending something which is already in the law or even something which is already in the bill. You are adding. And I do not see, based on your ruling, without Mr. Robinson somehow having guessed whether Mr. Gigliotti's amendment was going to go in, how he could have drafted it.

And secondly, Mr. Speaker—

The SPEAKER. Let me interrupt at this moment.

When you mentioned that in prior rulings, and I was in the Chair making those prior rulings under a different Parliamentarian, and I was uncomfortable making the rulings. However, our rules have always said you cannot amend an amendment. The reason this Parliamentarian, as I understand it—And I happen to agree with him. I did not agree with my earlier Parliamentarian, but I went along with it. Once an amendment is accepted, it becomes part of the bill, and that is how you justify taking the next amendment. Otherwise, you would be in violation of the rules constantly, amending amendments.

Mr. LLOYD. If I could just point to lines 11 through 13 of the Robinson amendment, which stipulate that this referendum—in other words, the referendum question offered by the gentleman,

Mr. Robinson — shall be held at the election in which the referendum on the question sponsored by the Representative, Mr. Gigliotti, is going to be considered, it seems to me that that would lead to a conclusion that these were not intended the second to supersede the first but they were both to stand together, and that in fact Mr. Robinson, to the extent that he was able, has contemplated the enactment or the approval of the amendment offered by Mr. Gigliotti.

The SPEAKER. I hear you, I struggled with it, and I ruled. So what is left is an appeal.

Mr. LLOYD. Thank you.

The SPEAKER. And I conscientiously struggled with this, and I came to the conclusion I came to, and that is that the Robinson amendment would knock out the Gigliotti amendment in the areas that I make reference to.

Mr. LLOYD. Well, I am not going to appeal that, Mr. Speaker. I will wait to some day when it is something that I care about. Thank you.

The SPEAKER. I understand that position, too.

PARLIAMENTARY INQUIRY

Mr. COWELL. Point of parliamentary inquiry.

The SPEAKER. The gentleman, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I would like to pursue the issue that was raised by Representative Lloyd but direct the question to the Chair.

Given the ruling that you have made, it seems to me that whether it is Representative Robinson or Representative Perzel who would be seeking to amend this section, as you have ruled, it seems any amendment would be interpreted in such a way that it would, of necessity, under your ruling, replace the Gigliotti amendment. And if that is the rule that we are going to live by, not just on this bill but on many issues in the future, you seem to be creating a dilemma for anybody who is offering an amendment that would seek to amend a section of a resolution or a bill where that second amendment is offered following the successful introduction of amendment number one.

The SPEAKER. Mr. Cowell, if I may. Let me pose a hypothetical to you.

If we have a bill one day that says a certain type of activity is a murder that deserves capital punishment and you are going to be put to death for being found guilty of it and we put an amendment in the same day that says you get a \$25 fine for the same activity, which one is going to prevail? You cannot have both of them prevailing for the same activity. So one took priority. Now, under our rules, under our rules and the way they have always been interpreted, the later amendment has taken that priority, and that is the exact ruling I have just made.

Mr. COWELL. Mr. Speaker, I understand. I can vaguely recall some circumstances where this body may have, in a not very thoughtful way, adopted amendments which conflicted with one another, and I recall then that there was either a problem with that or we left it to the Reference Bureau to resolve the conflict. But in this particular instance there is no conflict, and in many other hypothetical situations there would be no conflict. But your ruling stifles the opportunity of members of this chamber to offer two, three, four, five different amendments that are not in conflict with one another, may in fact be very compatible, but in fact amend the same section of a bill. How do we get around that?

The SPEAKER. Mr. Cowell, I disagree with you. I do not stifle the offering of amendments. When amendments are in conflict, the later amendment — when they are in conflict; “conflict,” that is the key word — when they are in conflict, the later amendment is going to control, and that is the way it has always been, because you cannot have amendments that are in conflict in the law or no judge could interpret our laws. They have enough trouble as it is without us having two matters in conflict in the same statute. Now, that is the way it is. If you are unhappy with my ruling, you may appeal it.

Mr. COWELL. Mr. Speaker, I do not want to prolong the—

The SPEAKER. Well, then appeal my ruling. I am not going to change it, Mr. Cowell. If you want to make a speech at a later date, do that, but right now let us get on with our business or appeal the ruling of the Chair.

RULING OF CHAIR APPEALED

Mr. COWELL. Mr. Speaker, then I will appeal the ruling of the Chair.

The SPEAKER. The Chair thanks the gentleman. Not really.

The question before the House is the ruling of the Chair that amendment 2568 would take priority over amendment 2581 and effectively disenfranchise it, I guess is the easiest way of saying it, if adopted. The question is, shall the decision of the Chair stand as the judgment of the House?

On the question,

Will the House sustain the ruling of the Chair?

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

Mr. ITKIN. Is an appeal debatable?

The SPEAKER. Yes.

Mr. ITKIN. Thank you, Mr. Speaker.

May I be recognized?

The SPEAKER. The gentleman is recognized.

Mr. ITKIN. Thank you.

Mr. Speaker, I do not want to belabor the issue, but I think we are inviting much more problems, and I do not want to confront the Speaker in this regard, but I feel that if this happens that we set a precedent, then we are going to really find ourselves with a lot of problems later on. It seems to me and I agree with the Speaker that if there are two amendments in conflict, then the last should supersede the former one. However, in this particular amendment, it is so clear by the sentence that reads on line 11 that “This referendum shall be held at the election at which a referendum relating to continuation of neighborhood schools is to be held.” In other words, this amendment assumes that the prior amendment was adopted and that this would then be an adjunct question to the original referendum.

It seems to me, Mr. Speaker, and I know you err very few times, but I think at this time, I think you have made a mistake, and I would appreciate if the House would support the appeal from the Chair. Thank you, Mr. Speaker.

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

Mr. ROBINSON. Mr. Speaker, if I might, if you would be kind enough to give me a few moments to have a sidebar with you prior to our vote on your particular ruling.

The SPEAKER. The gentleman is in order.

(Conference held at Speaker's podium.)

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House a group of Girl Scouts, Troop 4029, from Westmoreland County. They are the guests of Representative Mihalich, and they are the winners of the National Safe Kids Check America Challenge Award. Would this troop of Girl Scouts kindly acknowledge their presence by waving.

And here as the guests of Representative Petrarca are Alan Mikula, mayor of Vandergrift, and Jim Gebicki, mayor of Latrobe. Would the two mayors please acknowledge their presence.

CONSIDERATION OF HB 294 CONTINUED

The SPEAKER. The question before the House is, shall the decision of the Chair stand as the judgment of the House?

Those in favor of sustaining the Chair's decision will vote "aye"; those opposed, "no."

On the question recurring,
Will the House sustain the ruling of the Chair?

The following roll call was recorded:

YEAS-133

Adolph	Durham	Lederer	Rubley
Allen	Egolf	Leh	Sainato
Argall	Fairchild	Lucyk	Sather
Armstrong	Fajt	Lynch	Saylor
Baker	Fargo	Maitland	Schroder
Bard	Feese	Major	Schuler
Barley	Fichter	Markosek	Semmel
Battisto	Fleagle	Marsico	Serafini
Belfanti	Flick	Masland	Sheehan
Birmelin	Gamble	Mayernik	Smith, B.
Blaum	Gannon	McCall	Smith, S. H.
Boscola	Geist	McGeehan	Snyder, D. W.
Boyes	Gigliotti	McGill	Stairs
Brown	Gladeck	Merry	Steil
Browne	Godshall	Micozzie	Stern
Bunt	Gruppo	Miller	Stish
Butkovitz	Habay	Nailor	Strittmatter
Buxton	Harhart	Nickol	Taylor, E. Z.
Carone	Hasay	Nyce	Taylor, J.
Cawley	Haste	O'Brien	Trello
Chadwick	Hennessey	Olasz	True
Civera	Herman	Perzel	Tulli
Clark	Hershey	Pesci	Vance
Clymer	Hess	Pettit	Walko
Cohen, L. I.	Hutchinson	Phillips	Waugh
Colaizzo	Jadlowiec	Pistella	Wogan
Conti	Jarolin	Pitts	Wright, M. N.
Cornell	Kaiser	Platts	Yewcic
DeLuca	Keller	Raymond	Zimmerman
Dempsey	Kenney	Readshaw	Zug
Dent	Krebs	Reber	
Dermody	LaGrotta	Reinard	Ryan,
DiGirolamo	Laughlin	Roberts	Speaker
Druce	Lawless	Rohrer	

NAYS-66

Bebko-Jones	Gordner	Mundy	Stetler
Belardi	Gruitza	Myers	Sturla
Bishop	Haluska	Oliver	Surra
Caltagirone	Hanna	Petrarca	Tangretti
Cappabianca	Horsey	Petrone	Thomas
Carn	Itkin	Preston	Tigue
Cohen, M.	James	Ramos	Travaglio
Colafella	Josephs	Rieger	Trich
Corpora	Kirkland	Robinson	Van Horne
Cowell	Kukovich	Roebuck	Veon
Coy	Lescovitz	Rooney	Vitali
Curry	Levdansky	Rudy	Washington
Daley	Lloyd	Santoni	Williams
DeWeese	Manderino	Scrimenti	Wozniak
Donatucci	Melio	Staback	Wright, D. R.
Evans	Michlovic	Steelman	Youngblood
George	Mihalich		

NOT VOTING-1

Shaner

EXCUSED-3

Corrigan Farmer King

The majority having voted in the affirmative, the question was determined in the affirmative and the ruling of the Chair was sustained.

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

Mr. BELFANTI. Mr. Speaker?

The SPEAKER. Mr. Belfanti, I will recognize you in a moment.

Mr. Robinson is recognized.

Mr. ROBINSON. I would just like to provide a little clarification before we take a final vote.

The SPEAKER. If I may, if the gentleman would yield for a moment.

To bring the House back to where we are, I would remind the gentleman, Mr. Robinson, that we are now back to considering your amendment, and what created this confusion was my parliamentary ruling that should your amendment be adopted, it would knock out the Gigliotti amendment. Your amendment is still very much alive and before the House. Now, you have already spoken once on that subject. Do you care to be recognized at this time or would you rather be recognized as the last speaker, which is customary?

Mr. ROBINSON. Mr. Speaker, at this time I would like to yield to Mr. Belfanti, and I will accept your option of being the last speaker on this subject.

PARLIAMENTARY INQUIRY

The SPEAKER. The gentleman, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, you might have noticed that I supported the ruling of the Chair, but I still believe that there is a way out of this quandary. I remember on at least two occasions - one during a

debate of the abortion control package and another occasion where we had an omnibus welfare reform amendment before the House — that there was a motion made to suspend the rules to allow for an amendment to be amended.

Mr. Speaker, under parliamentary inquiry, my understanding is that the suspension of the rules can apply to any rule, and again on at least two occasions that I can recall, there was a motion made so that members could offer amendments to an amendment. So if the gentleman, Mr. Robinson, were to ask for a suspension of the rules in order to amend the Gigliotti amendment, would that not be a proper motion and is there not a precedent for us to be able to do that and that resolves the quandary?

Again, I voted in favor of the Chair on the last ruling, but I still believe there is a way out of this situation.

I believe the Legislative Reference Bureau was able, in the last two instances, to determine whether there were conflicts and was able to remedy those conflicts in the Reference Bureau.

The SPEAKER. The problem that you put before us, in our judgment, in my judgment upon consultation, is not so much the suspension of the rule as the problem that the Reference Bureau really is needed to re-form the amendment, and a suspension of the rules does not re-form the amendment. Now, this is, admittedly, a close call, but if you can think of something that is clearly not a close call, you can understand where a suspension of the rules is not going to cure it. What is necessary is a trip to Reference Bureau and clearing it up and reoffering it. I mean, a suspension of the rules does not change the wording of the draft.

Mr. BELFANTI. Then, Mr. Speaker, if I might ask another point of parliamentary inquiry.

I think under the two instances that I cited — one a welfare reform measure and one an abortion control act package — the main omnibus amendment was circulated to the entire chamber days ahead of time so that when we were drafting amendments to the amendment, we were all cognizant of the fact that is what we were doing, and that might also be a bit different in this regard.

Would it not be proper then to place this legislation on the table with the amendment in it, with the Gigliotti amendment, have that amendment drafted as part of the body of the main bill and then bring the bill back off the table or back out of a committee and allow Mr. Robinson to offer his amendment to a new printer's number of the bill?

The SPEAKER. That is not my decision. That is a decision that has to be reached by members of the Allegheny County delegation and the majority and minority leaders.

Mr. BELFANTI. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Markosek.

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

The SPEAKER. The question before the House is the adoption of the amendment offered by Mr. Robinson.

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

I think the previous debate and parliamentary inquiries really bring about my point of why referendums are bad. In a referendum, we would not have the chance to have a parliamentary inquiry. We would take a bad question and simply have to vote "yes" or "no" without the legislative give-and-take.

Our forefathers designed our system of government as a republic, as a representative form of government, to work the way it works here. The decisions of government are designed to be made in the caldron of the legislature, in the caldron of the Congress, in the caldron of local government and local

school boards. I think by our actions here today, we will attempt to usurp that power that has been so long enrafted, this experiment in democracy that we have in a representative form of government.

I think it is wrong; it is wrongheaded. I think it is baleful, and I think it is woebegone that we would move in this area, Mr. Speaker.

Many of us have stood here shoulder to shoulder in the trenches and mustered up the courage to make the tough decisions that we have had to make from time to time, but we were elected to do that. Our citizens back home, the voters back home, put their trust in us. They put their trust in us to learn about the issues, to take the time out to study the issues, to go to the hearings, to attend the caucuses because they do not have time to do that. That is not the way the government is set up.

If we allowed our representative form of government to delve into something that is more pure democracy but would, in a sense, end up in practical chaos, I think that is bad. I think the fact here that we have an argument — I think it is interesting that we have an argument regarding two referendum amendments that contradict each other, that create a conundrum whereby the voters — Can you imagine if this were on a referendum ballot? We have seen referendums in California and elsewhere that have not worked because they have been contradictory and the courts have had to step in and rule they have been unconstitutional.

Again, going back to what I said yesterday about referendums in general, I think the American public is capable of making good decisions if they have good information. With the referendum process, they will not have good information. These will be emotional decisions. These will be expensive decisions. The pros and cons of these various decisions will have no choice but to spend a lot of money in what I would call sound-bite democracy in trying to portray their side of a referendum question. I think it is impractical and it is expensive.

I do not get up here today to rise to say whether or not I am for or against what Mr. Robinson is trying to do or what Mr. Gigliotti or Mr. Readshaw are trying to do as far as the neighborhood schools issue. To me that is a secondary issue with this. I think that the referendum issue is one that we should address here and say a resounding no to. I think our forefathers here in Pennsylvania were correct in not providing for a referendum process like they have in California where it has run amok, where there are lots and lots of referendum questions, where everybody is confused. Government is confusing enough. There is an old saying that we should never watch how sausage or legislation is made. There is a reason for that. It does not look nice; it does not look pretty.

But I think by and large over the long run, we have provided the laws that are decent for our citizens to live by. We have done the right thing because the folks have put their trust in us and I think we have responded in a reasonable manner.

I would also say that there are many here in this chamber who have been in favor of term limits. Term limits would take away — Those of you who would favor term limits have, in a sense, said we are taking away the vote of our citizens; we are limiting the vote of our citizens, and here, here we are today, many of us are standing up and saying we want to have an additional vote; we want to give our citizens an additional vote to vote ad infinitum on all these various issues that may come before us that we do not agree with.

I would say also that there are a lot of people in here that are in favor of merit selection of judges. Merit selection of judges takes away the right to vote. But yet here a lot of folks are willing to stand up and say, well, let us have a referendum on an issue that

we do not agree with. You cannot have it both ways. It is either one way or another.

Let me close by saying and summarize by saying that keep in mind, we just got through an election process, and what was the turnout for that election? Roughly 30 percent, and that was only of the people that were registered to vote. How many numerous people out there are not even registered to vote? They are legion. We cannot get people even interested in registering let alone going out to vote, and now we are going to say that we are going to put the great issues of our time in front of the population for a vote where only 30 percent of them show up. It does not make sense.

I think referendums are bad. It is the wrong way to go. We should not be doing this. Forget about whether you like the issue or not. Vote against this because you are voting against referendums, which, in my opinion, is a bad way to run a government. Thank you, Mr. Speaker.

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as guests of Representative Curry, Mr. Jack Plunkett, president of the Jenkintown Borough Council; Mr. Kenneth Bradley, chairman of the Springfield Township commissioners; and Phyllis Zemble, commissioner of Lower Merion Township. The guests are located in the balcony. Would they acknowledge their presence.

Also in the balcony is a group of Allegheny and Westmoreland County local government officials. All of these folks are here for Local Government Day. They are the guests of the Allegheny and Westmoreland County delegates. Would they please acknowledge their presence.

CONSIDERATION OF HB 294 CONTINUED

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, we are in this dilemma of having to choose between the Robinson language and the Gigliotti language, one, because of a ruling of the Chair, but ultimately, because we have gone down a path that we should not have gone down, and that is this path of some of us who live 200 and even 300 miles from the city of Pittsburgh telling people in the city of Pittsburgh what issue is going to appear on their ballot as a referendum question.

A moment ago I tried to defend the right of Representative Robinson to have a chance to offer his amendment and to do so in a way that it would not conflict with the Gigliotti amendment previously adopted, but I oppose his amendment nonetheless, just as I opposed the Gigliotti amendment.

We should not be doing this. Whether the question is neighborhood schools or the question is equitable funding in that single school district, this legislature, some of whom live 200 and 300 miles from Pittsburgh, should not be telling the Pittsburgh School District, or the city of Pittsburgh in this instance, what issue should appear on their ballots as an advisory opinion, a meaningless exercise that we are going to mandate.

Mr. Speaker, I am going to oppose the Robinson amendment as I opposed the Gigliotti amendment, but the 133 members who voted for the Gigliotti amendment ought to vote for the Robinson amendment, because the issue raised by Representative Robinson

is just as important as the issue raised by the prior amendment. People in Pittsburgh are struggling with the issue of the equitable distribution of funds among the school buildings as they are struggling with the issue of neighborhood schools and the overall issue of assigning students to schools. And if we are going to butt in, and we should not, but if we are going to butt in — and apparently two-thirds of the members of this House want to butt in — then you should find a way to make sure that both of these questions appear on the ballot.

It is a wrong path to go down. We should not be doing any of this, but if we are going to do it, those of you who think it is an appropriate policy ought to treat these issues fairly and ought to be respectful of the issues and respectful of the school board and respectful of the taxpayers and voters in Pittsburgh, even as we choose to impose improperly, unnecessarily, our will on them.

Mr. Speaker, I think this has been an awful precedent-setting route to take. It is going to come back to haunt us. It can take the form, it can rise up in the form of any issue that happens to be controversial in any one of our school districts. We simply should not be doing this. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Gigliotti.

Mr. GIGLIOTTI. Thank you, Mr. Speaker.

It is "Jigliotti," not "Gigliotti." I understand you Irish people have a tough time—

The SPEAKER. You say "Ryan" the way you want and I will say "Gigliotti" the way I want.

Mr. GIGLIOTTI. Thank you, Mr. Speaker.

The SPEAKER. I am sorry, Frank.

Mr. GIGLIOTTI. That is all right; that is all right. Thank you, Mr. Speaker.

I rise to oppose the Robinson amendment, and the reason why I oppose the Robinson amendment is because it guts out my amendment, and I am asking everybody in this chamber to continue to support me and Harry Readshaw. So that is all I have to say, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Preston.

Mr. PRESTON. This is for the first time. Am I correct? You said the second time last time, Mr. Speaker.

The SPEAKER. First time.

Mr. PRESTON. Thank you.

It is ironic to me that Mr. Gigliotti— And of which I was going to interrogate him and the majority leader, because to me it seems that in Mr. Robinson's amendment, Mr. Gigliotti's amendment happens to be within there. For the record again, I would like to read the question of Mr. Robinson and what the members are going to be voting on and whether they support or not support.

The question that would appear on the ballot shall read: "Do you favor equally funding, for all purposes except teacher salaries, neighborhood schools that provide the same level of instruction?" That is the question. And how can anybody say that they would be against equitable funding when a lot of your school districts are actually suing over this? And again, it also includes the question that Mr. Gigliotti was talking about, as far as being for or against neighborhood schools.

What really upsets me is that when Mr. Gigliotti asked for suspension of the rules, I, along with most of the members here, supported it. But when Mr. Robinson asked for the same right, to be able to do the same thing, a lot of members, and what really personally upsets me, including the majority leader, did not support that issue. And it is almost, unfortunately, does a person have to be

of a different color persuasion to ask and get the same fair treatment or not? Well, it is the same question. What good does it do? It is obvious that it almost depends on the color of one's skin on whether or not you give the right answer or not, Mr. Speaker. This is so— I have nothing else to say.

The SPEAKER. On the question of the adoption of the Robinson amendment, the Chair recognizes the gentleman, Mr. Robinson.

Mr. ROBINSON. Thank you, Mr. Speaker.

Mr. Speaker, I think members should particularly pay attention to lines 11 and 13 in my proposed amendment to get the written essence of my intent. As the person who crafted the idea for this amendment and shared that with our Legislative Reference Bureau, I believe I am most qualified to speak to the intent of what has been called the Robinson amendment.

My intent was to have this ballot question appear at any time the previously voted upon ballot question would appear on a ballot in Allegheny County, and to specifically add to, not to subtract from, but to add to the question of how neighborhood schools would be implemented in the city of Pittsburgh. The question very specifically is drafted so that there would not be, there is not, and will not be any conflict. In my opinion, these two issues stand separate as far as their drafting is concerned, and my intent at all times was to offer another question for the ballot that would appear at the exact same time as the previous ballot question.

Since I am sure the Chair would prefer that I not engage in speculation, I will not speculate what I would have done had the Gigliotti amendment not passed. Since it did, I simply exercise my option to offer an amendment and request that those of you who are concerned about equity of funding throughout the Commonwealth of Pennsylvania, that all youngsters receive the same education at the same funding level, will be supportive of amendment 2568.

Let me, Mr. Speaker, just hearken back to a comment I made earlier about the 200-plus school districts that have sued the Commonwealth. When that lawsuit started a couple years ago, there were only about 100 school districts, and now it is up to 200. I would suspect that before we are finished with this funding issue discussion, it will be 300 and it will be 400.

Unfortunately, my school district did not consider favorably my advice to them more than a year ago, and my advice was to sue the Commonwealth of Pennsylvania to make sure that the youngsters who attend schools in Pittsburgh received adequate funding. My school board and their administrators chose another path. They now find themselves confronted not only with a financial shortfall over the last 3 years but the prospects of being required to establish yet-to-be-defined neighborhood schools without this legislature passing along to them either the funds to do so or even recognizing that there needs to be equal funding of those schools.

Every member should be clear as to what my intent was. At no time was my intent to subvert or replace any legislation offered by Representative Gigliotti or anyone else on this issue but to maintain an issue that I have been maintaining since I became a member of this legislature in 1989, and that is that all of our schools in Pennsylvania at all grade levels should have equal and adequate funding except in the area of teacher salaries, and teacher salaries, as you know, are negotiated by a contract.

I would hope that my intent and the comments I have shared with you will encourage you to support my amendment and to allow the people of Pittsburgh, allow the people of Pittsburgh through this awkward procedure and one that should not be used

very often, to express their opinions and their concerns on the issue of neighborhood schools and how those schools should be funded.

Thank you very much for your indulgence, Mr. Speaker.

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

The following roll call was recorded:

YEAS—38

Blaum	Haluska	Mihalich	Roebuck
Boscola	Hanna	Myers	Scrimenti
Cohen, M.	Horseley	Oliver	Thomas
Colafella	Itkin	Petrarca	Trich
Curry	James	Petrone	Van Horne
Dermody	Kirkland	Pistella	Veon
DeWeese	Kukovich	Preston	Washington
Fajt	Lescovitz	Ramos	Williams
Gordner	Manderino	Robinson	Youngblood
Gruitza	Michlovic		

NAYS—162

Adolph	Druce	Lucyk	Schroder
Allen	Durham	Lynch	Schuler
Argall	Egolf	Maitland	Semmel
Armstrong	Evans	Major	Serafini
Baker	Fairchild	Markosek	Shaner
Bard	Fargo	Marsico	Sheehan
Barley	Feese	Masland	Smith, B.
Battisto	Fichter	Mayernik	Smith, S. H.
Bebko-Jones	Fleagle	McCall	Snyder, D. W.
Belardi	Flick	McGeehan	Staback
Belfanti	Gamble	McGill	Stairs
Birmelin	Gannon	Melio	Steelman
Bishop	Geist	Merry	Steil
Boyes	George	Micozzie	Stern
Brown	Gigliotti	Miller	Stetler
Browne	Gladeck	Mundy	Stish
Bunt	Godshall	Nailor	Strittmatter
Butkovitz	Gruppo	Nickol	Sturla
Buxton	Habay	Nyce	Surra
Caltagirone	Harhart	O'Brien	Tangretti
Cappabianca	Hasay	Olasz	Taylor, E. Z.
Carn	Haste	Perzel	Taylor, J.
Carone	Hennessey	Pesci	Tigue
Cawley	Herman	Pettit	Travaglio
Chadwick	Hershey	Phillips	Trello
Civera	Hess	Pitts	True
Clark	Hutchinson	Platts	Tulli
Clymer	Jadlowiec	Raymond	Vance
Cohen, L. I.	Jarolin	Readshaw	Vitali
Colaizzo	Josephs	Reber	Walko
Conti	Kaiser	Reinard	Waugh
Cornell	Keller	Rieger	Wogan
Corpora	Kenney	Roberts	Wozniak
Cowell	Krebs	Rohrer	Wright, D. R.
Coy	LaGrotta	Rooney	Wright, M. N.
Daley	Laughlin	Rubley	Yewcic
DeLuca	Lawless	Rudby	Zimmerman
Dempsey	Lederer	Sainato	Zug
Dent	Leh	Santoni	
DiGirolamo	Levdansky	Sather	Ryan,
Donatucci	Lloyd	Saylor	Speaker

NOT VOTING—0

EXCUSED-3

Corrigan Farmer King

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring,
Will the House concur in Senate amendments as amended?

AMENDMENT A2581 RECONSIDERED

The SPEAKER. The Chair has before it a motion of the gentleman, Mr. Preston, who moves that the vote by which amendment 2581 was passed to HB 294, PN 3290, on the 8th day of May be reconsidered. This is the Gigliotti amendment.

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

The following roll call was recorded:

YEAS-152

Adolph	Fajt	Major	Scrimenti
Allen	Feese	Manderino	Semmel
Argall	Fleagle	Markosek	Serafini
Battisto	Flick	Marsico	Shaner
Belardi	Gamble	Mayernik	Smith, B.
Belfanti	Gannon	McCall	Staback
Blaum	Geist	McGeehan	Steelman
Boscola	George	Melio	Steil
Brown	Gladeck	Merry	Stetler
Browne	Godshall	Michlovic	Stish
Bunt	Gordner	Micozzie	Strittmatter
Butkovitz	Gruitza	Mihalich	Sturla
Buxton	Haluska	Mundy	Sutra
Caltagirone	Hanna	Myers	Tangretti
Cappabianca	Hasay	Nailor	Taylor, E. Z.
Carn	Haste	O'Brien	Taylor, J.
Carone	Hennessey	Olasz	Thomas
Cawley	Hershey	Oliver	Tigue
Chadwick	Hess	Pesci	Travaglio
Cohen, M.	Hutchinson	Petrarca	Trello
Colafrilla	Itkin	Petrone	Trich
Colaizzo	Jadlowiec	Phillips	True
Conti	James	Pistella	Vance
Cornell	Jarolin	Pitts	Van Horne
Corpora	Josephs	Platts	Veon
Cowell	Kaiser	Preston	Vitali
Coy	Keller	Ramos	Washington
Curry	Kirkland	Reinard	Waugh
Daley	Krebs	Rieger	Williams
DeLuca	Kukovich	Roberts	Wozniak
Dempsey	LaGrotta	Robinson	Wright, D. R.
Dent	Laughlin	Roebuck	Wright, M. N.
Dermody	Lederer	Rohrer	Yewcic
DeWeese	Leh	Rooney	Youngblood
DiGirolamo	Lescovitz	Rudy	Zug
Donatucci	Levdansky	Sainato	
Egolf	Lloyd	Santoni	Ryan,
Evans	Lucyk	Schuler	Speaker
Fairchild	Lynch		

NAYS-48

Armstrong	Druce	Maitland	Sather
Baker	Durham	Masland	Saylor
Bard	Fargo	McGill	Schroder
Barley	Fichter	Miller	Sheehan
Bebko-Jones	Gigliotti	Nickol	Smith, S. H.
Birmelin	Gruppo	Nyce	Snyder, D. W.
Bishop	Habay	Perzel	Stairs
Boyes	Harhart	Pettit	Stern
Civera	Herman	Raymond	Tulli
Clark	Horsey	Readshaw	Walko
Clymer	Kenney	Reber	Wogan
Cohen, L. I.	Lawless	Rubley	Zimmerman

NOT VOTING-0

EXCUSED-3

Corrigan Farmer King

The majority 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 amendment?

The clerk read the following amendment No. **A2581**:

Amend Title, page 1, line 6, by removing the period after "INVESTIGATIONS" and inserting
; and providing for a referendum in cities of the second class relating to neighborhood schools.

Amend Bill, page 4, by inserting between lines 14 and 15

Section 3. (a) For the purpose of determining the opinion of the electors resident in a city of the second class situate in a county of the second class, the county board of elections shall arrange for a referendum to be placed upon the ballot in such city of the second class relating to neighborhood schools. This referendum shall be held at the primary election of 1997.

(b) The question shall be as follows:

Do you favor the neighborhood school concept as a necessary part of our public school system?

(c) The advertising of the referendum and the canvassing of the votes thereon shall be as provided in the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code.

(d) The results of the referendum shall be published in at least one newspaper of general circulation within the city described in subsection (a).

Amend Sec. 3, page 4, line 15, by striking out "3" and inserting

4

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

The SPEAKER. On the question before the House, will the House agree to the amendment offered by the gentleman, Mr. Gigliotti, amendment A2581, Mr. Preston.

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

I just wanted to give everybody a brief second chance. I am not going to talk long. All I want to ask is for equal treatment, and maybe everybody ought to give the same vote that they just gave Mr. Robinson since we are all supposed to be treated equally here. If you do not believe that Mr. Robinson and myself are promised

to be equal, then go ahead and continue to vote the same way that you did before.

The SPEAKER. The Chair thanks the gentleman.

On the question of adoption of amendment A2581 offered by the gentleman, Mr. Gigliotti, the gentleman, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, let me just add one other argument as to why we should not be approving this amendment. This amendment is drafted similarly to the Robinson amendment. It has the same defect that the Robinson amendment had that has not been illustrated yet.

This amendment that we have already approved and is now before us does not ask all the voters in all areas of the Pittsburgh School District to consider this question. The Pittsburgh School District includes the city of Pittsburgh and Mount Oliver Borough. If you read this amendment carefully, it says the issue is to appear on the ballot only in the city of Pittsburgh — not in the Pittsburgh School District but in the city of Pittsburgh. And so, again, it is another deficiency, another reason why we ought to reject this amendment, another reason why we should not go down this path.

The SPEAKER. The gentleman, Mr. Thomas, from the city of Philadelphia.

Mr. THOMAS. Thank you, Mr. Speaker.

I just wanted to concur with the question that Mr. Cowell raised, and that is that the amendment is really segregated. It only focuses on one part of the Pittsburgh School District, not the entire area of the school district. And secondly, the referendum question is really a narrow question that speaks to not really neighborhood schools but speaks to going back to a system that hopefully we have been working to try to get away from. So I ask that we reject the Gigliotti amendment. Thank you.

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

The following roll call was recorded:

YEAS-134

Adolph	Fargo	Levdansky	Saylor
Allen	Feese	Lucyk	Schroder
Argall	Fichter	Lynch	Schuler
Armstrong	Fleagle	Maitland	Semmel
Baker	Flick	Major	Serafini
Bard	Gamble	Marsico	Shaner
Barley	Gannon	Mayernik	Sheehan
Bebko-Jones	Geist	McCall	Smith, B.
Belardi	Gigliotti	McGeehan	Snyder, D. W.
Belfanti	Gladeck	McGill	Staback
Birmelin	Godshall	Melio	Stairs
Boscola	Gordner	Michlovic	Stern
Boyes	Gruitza	Micozzie	Stish
Brown	Gruppo	Mihalich	Strittmatter
Browne	Habay	Miller	Tangretti
Bunt	Haluska	Nailor	Taylor, E. Z.
Butkovitz	Hanna	Nyce	Taylor, J.
Cawley	Harhart	O'Brien	Tigue
Chadwick	Hasay	Olasz	Trello
Civera	Haste	Perzel	Trich
Clymer	Hennessey	Pesci	True
Cohen, L. I.	Herman	Petrarca	Tulli
Colaella	Hershey	Petit	Vance
Colaizzo	Hess	Phillips	Van Horne
Cornell	Hutchinson	Pistella	Vitali
Daley	Jarolin	Pitts	Walko
DeLuca	Kaiser	Raymond	Wogan

Dempsey	Keller	Readshaw	Wozniak
Dent	Kenney	Reber	Yewcic
Dermody	Krebs	Roberts	Zimmerman
Durham	LaGrotta	Rohrer	Zug
Egolf	Laughlin	Rubley	
Fairchild	Lederer	Sainato	Ryan,
Fajt	Leh	Sather	Speaker

NAYS-66

Battisto	Donatucci	Merry	Scrimenti
Bishop	Druce	Mundy	Smith, S. H.
Blaum	Evans	Myers	Steelman
Buxton	George	Nickol	Steil
Caltagirone	Horsey	Oliver	Stetler
Cappabianca	Itkin	Petrone	Sturla
Carn	Jadlowiec	Platts	Surra
Carone	James	Preston	Thomas
Clark	Josephs	Ramos	Travaglio
Cohen, M.	Kirkland	Reinard	Veon
Conti	Kukovich	Rieger	Washington
Corpora	Lawless	Robinson	Waugh
Cowell	Lescovitz	Roebuck	Williams
Coy	Lloyd	Rooney	Wright, D. R.
Curry	Manderino	Rudy	Wright, M. N.
DeWeese	Markosek	Santoni	Youngblood
DiGirolamo	Masland		

NOT VOTING-0

EXCUSED-3

Corrigan	Farmer	King
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The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question recurring,
Will the House concur in Senate amendments as amended?

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

YEAS-170

Adolph	Fairchild	Maitland	Schroder
Allen	Fajt	Major	Schuler
Argall	Fargo	Marsico	Semmel
Armstrong	Feese	Masland	Serafini
Baker	Fichter	Mayernik	Shaner
Bard	Fleagle	McCall	Sheehan
Barley	Flick	McGeehan	Smith, B.
Battisto	Gamble	McGill	Smith, S. H.
Bebko-Jones	Gannon	Melio	Snyder, D. W.
Belfanti	Geist	Merry	Staback
Birmelin	George	Michlovic	Stairs
Bishop	Gigliotti	Micozzie	Steelman
Blaum	Gladeck	Mihalich	Steil
Boscola	Godshall	Miller	Stern
Boyes	Gordner	Mundy	Stetler
Brown	Gruitza	Nailor	Stish
Browne	Gruppo	Nickol	Strittmatter
Bunt	Habay	Nyce	Sturla
Butkovitz	Haluska	O'Brien	Surra
Buxton	Hanna	Olasz	Tangretti
Caltagirone	Harhart	Oliver	Taylor, E. Z.
Carone	Hasay	Perzel	Taylor, J.
Cawley	Haste	Pesci	Tigue
Chadwick	Hennessey	Petrarca	Trello
Civera	Herman	Petit	Trich

Clark	Hershey	Phillips	True
Clymer	Hess	Pistella	Tulli
Cohen, L. I.	Hutchinson	Pitts	Vance
Colafrella	Jadlowiec	Platts	Van Horne
Colaizzo	Jarolin	Raymond	Veon
Conti	Kaiser	Readshaw	Vitali
Cornell	Keller	Reber	Walko
Coy	Kenney	Reinard	Waugh
Daley	Krebs	Rieger	Wogan
DeLuca	LaGrotta	Roberts	Wozniak
Dempsey	Laughlin	Rohrer	Wright, D. R.
Dent	Lawless	Rooney	Wright, M. N.
Dermody	Lederer	Rubley	Yewic
DiGirolamo	Leh	Rudy	Zimmerman
Druce	Lescovitz	Sainato	Zug
Durham	Levdansky	Santoni	
Egolf	Lucyk	Sather	Ryan,
Evans	Lynch	Saylor	Speaker

NAYS-30

Belardi	Donatucci	Manderino	Roebuck
Cappabianca	Horsey	Markosek	Scrimenti
Carn	Itkin	Myers	Thomas
Cohen, M.	James	Petrone	Travaglio
Corpora	Josephs	Preston	Washington
Cowell	Kirkland	Ramos	Williams
Curry	Kukovich	Robinson	Youngblood
DeWeese	Lloyd		

NOT VOTING-0

EXCUSED-3

Corrigan	Farmer	King
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments as amended were concurred in.

Ordered, That the clerk return the same to the Senate for its concurrence.

RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Perzel, who calls for an immediate meeting of the Rules Committee.

GUEST INTRODUCED

The SPEAKER. The Chair welcomes to the hall of the House Mr. Harry Weisman, owner of Upstate Collection Service, Lancaster, here as the guest of Representative Strittmatter and the Lancaster County delegation.

**BILL ON CONCURRENCE
REPORTED FROM COMMITTEE**

HB 1940, PN 3484

By Rep. PERZEL

An Act amending the act of May 31, 1945 (P.L.1198, No.418), known as the Surface Mining Conservation and Reclamation Act, further providing for definitions, for operator's license, for bonds, for health and safety and for remining of previously affected areas; authorizing removal of coal refuse; further providing for financial guarantees, for reclamation

bond credits and for Remining Environmental Enhancement Fund; and providing for the Department of Environmental Protection's authority for the awarding of grants.

RULES.

SUPPLEMENTAL CALENDAR B

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 1940, PN 3484**, entitled:

An Act amending the act of May 31, 1945 (P.L.1198, No.418), known as the Surface Mining Conservation and Reclamation Act, further providing for definitions, for operator's license, for bonds, for health and safety and for remining of previously affected areas; authorizing removal of coal refuse; further providing for financial guarantees, for reclamation bond credits and for Remining Environmental Enhancement Fund; and providing for the Department of Environmental Protection's authority for the awarding of grants.

On the question,

Will the House concur in Senate amendments ?

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

YEAS-199

Adolph	Evans	Lynch	Saylor
Allen	Fairchild	Maitland	Schroder
Argall	Fajt	Major	Schuler
Armstrong	Fargo	Manderino	Scrimenti
Baker	Feese	Markosek	Semmel
Bard	Fichter	Marsico	Serafini
Barley	Fleagle	Masland	Shaner
Battisto	Flick	Mayernik	Sheehan
Bebko-Jones	Gamble	McCall	Smith, B.
Belardi	Gannon	McGeehan	Smith, S. H.
Belfanti	Geist	McGill	Snyder, D. W.
Birmelin	George	Melio	Staback
Bishop	Gigliotti	Merry	Stairs
Blaum	Gladeck	Michlovic	Steelman
Boscola	Godshall	Micozzie	Steil
Boyes	Gordner	Miller	Stern
Brown	Gruitza	Mundy	Stetler
Browne	Gruppo	Myers	Stish
Bunt	Habay	Nailor	Strittmatter
Butkovitz	Haluska	Nickol	Sturla
Buxton	Hanna	Nyce	Surra
Caltagirone	Harhart	O'Brien	Tangretti
Cappabianca	Hasay	Olasz	Taylor, E. Z.
Carn	Haste	Oliver	Taylor, J.
Carone	Hennessey	Perzel	Thomas
Cawley	Herman	Pesci	Tigue
Chadwick	Hershey	Petrarca	Travaglio
Civera	Hess	Petrone	Trello
Clark	Horsey	Pettit	Trich
Clymer	Hutchinson	Phillips	True
Cohen, L. I.	Itkin	Pistella	Tulli
Cohen, M.	Jadlowiec	Pitts	Vance
Colafrella	James	Platts	Van Horne
Colaizzo	Jarolin	Preston	Veon
Conti	Josephs	Ramos	Vitali
Cornell	Kaiser	Raymond	Walko
Corpora	Keller	Readshaw	Washington
Cowell	Kenney	Reber	Waugh
Coy	Kirkland	Reinard	Williams

Curry	Krebs	Rieger	Wogan
Daley	Kukovich	Roberts	Wozniak
DeLuca	LaGrotta	Robinson	Wright, D. R.
Dempsey	Laughlin	Roebuck	Wright, M. N.
Dent	Lawless	Rohrer	Yewcic
Dermody	Lederer	Rooney	Youngblood
DeWeese	Leh	Rubley	Zimmerman
DiGirolamo	Lescovitz	Rudy	Zug
Donatucci	Levdansky	Sainato	
Druce	Lloyd	Santoni	Ryan,
Durham	Lucyk	Sather	Speaker
Egolf			

NAYS-1

Mihalich

NOT VOTING-0

EXCUSED-3

Corrigan Farmer King

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of SB 1441, PN 1863, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), entitled "Public Welfare Code," providing for legislative intent, for definitions, for uniform administration of assistance, for community work and training regulations, for work registration and for administrative duties and personal obligations; providing for grant diversion; further providing for special needs and self-sufficiency, for eligibility, for voluntary termination of employment, for identification and proof of residence, for limits on property holdings, for support from legally responsible relatives, for paternity determinations and support enforcement, for protective payments, for determination of need, for eligibility verification, for medical eligibility, for additional medical services and for penalties; providing for prescription drug benefits, for the Family Care Network and for a managed health care system; and imposing duties upon the Department of Public Welfare.

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

Ms. BOSCOLA offered the following amendment No. A2563:

Amend Sec. 7, page 20, line 23, by striking out "a section" and inserting

sections

Amend Bill, page 23, by inserting between lines 11 and 12

Section 405.6. Continuing Education Requirement.—(a) Any person who is receiving cash assistance, medical benefits or food stamps or who applies for cash assistance, medical benefits or food stamps shall continue to attend school or will be required to enroll in school if the person has not

graduated from high school or has not received a secondary school diploma or general educational development (GED) diploma. The department shall provide proper notice to each recipient of the educational requirement.

(b) Any person who decides to drop out of school prior to the completion of his or her educational obligation shall be counseled and properly informed that he or she will forfeit benefits by not continuing the pursuit of the educational obligation.

(c) Any person who chooses to drop out of school, after he or she has been counseled about the possibility of the forfeit of his or her benefits, shall be given three months from the cessation of the educational activity to resurrect the educational obligation. Benefits will be terminated after the person has failed to re-enroll after the three-month period.

(d) The department shall promulgate rules and regulations exempting persons with learning disabilities, with mental illness or with serious physical impairments from complying with the mandatory education provisions of this section.

(e) Within ninety days of the effective date of this section, the department 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 the provisions added by this section. It shall be the obligation of the department to enter into good faith negotiations with the appropriate Federal authorities and to make every effort to obtain the necessary Federal waivers and approvals.

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

The SPEAKER. On the question of adoption of the Boscola amendment, the Chair recognizes the lady.

Ms. BOSCOLA. Thank you, Mr. Speaker.

I support this welfare reform package, Mr. Speaker, because it encourages people to take responsibility for their lives instead of always depending on government for help. And although the legislature is making great gains in reforming our costly welfare system, I offer an amendment today that would further strengthen these changes.

My amendment, Mr. Speaker, stresses education. This amendment would require recipients of cash assistance, medicaid, and food stamps to get an education so they can stay off the welfare rolls. If you face the facts today, our economy presents us with a work force that is difficult to enter and much more difficult to compete in. We must place a premium on education if future generations are expected to succeed.

While we may have an obligation to extend welfare benefits for some people for a certain period of time, the potential for dependency can only be eliminated through education. Under my amendment, anybody receiving cash assistance, medical benefits, and food stamps must continue to attend school or be required to enroll in school if they have not graduated, received a secondary-school diploma, or a general education development diploma or GED.

The State Welfare Department would be required to notify people who drop out of school before graduating that they will forfeit their welfare benefits. After dropping out, these individuals would get 3 months to re-enroll before their benefits are terminated. This proposed change to the Welfare Code is particularly timely since President Clinton has said he is willing to work with the States when they address welfare reform. In fact, just a few days ago he said specifically he would give the States waiver of Federal guidelines if there was an educational requirement included in the welfare reform packages that are being

passed in the House. This amendment would require the Department of Welfare to submit to the appropriate Federal agency a request for any or all waivers of Federal guidelines.

The benefits of this proposal would be twofold. First, it would remove people from the welfare rolls and, more importantly, keep them off welfare. We can tell welfare recipients that they must work, but without an education, the opportunity to get a job is limited at best. By requiring welfare recipients to go to school, we will ensure that they get the education and skills they need to find gainful employment and break free of the cycle of dependency. This can be done without placing an undue burden on welfare recipients.

General education development tests are given in both English and Spanish, and State welfare covers the cost of the test the first time it is taken. Most general education development programs are flexible, offering instruction and testing on different days of the week, at nights, and on weekends. This makes it easier for welfare recipients with children to make necessary child-care arrangements.

This amendment is also an indirect way of helping improve our educational system in Pennsylvania. If a parent has dropped out of school, chances are their children will drop out as well. They will not realize how important education is in our society today. Parents must be role models for their children. If a parent does not go to school, chances are a child will not either. After all, we can implement all the kinds of educational reform measures we want, but what it breaks down to is motivation and encouragement from home that guarantees success.

This legislature is taking a step in the right direction today with regard to welfare reform. We can continue in that same direction by enacting my educational requirement amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Mr. Snyder.

Mr. SNYDER. Mr. Speaker, thank you.

We ask our members to support this amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question, Ms. Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, I think the intent of the Boscola amendment is right on target, and if people will look at the bill in the RESET (Road to Economic Self-sufficiency through Employment and Training) section of the bill that starts on page 13, you will see that there are educational components such as what she is attempting to do in the RESET program. However, I have to respectfully request that members oppose this amendment for the following reason.

Even the RESET amendment acknowledges a need for women with children who have day-care requirements and has day-care provisions in the RESET proposal. The Boscola amendment is not being inserted in the RESET program that deals with that issue; rather it is an additional section, and what happens because of that is it puts this vicious Catch-22 into place.

If a woman drops out of a program because of a lack of child day-care services, she is going to get disqualified here, because there is no requirement either in this amendment or, quite frankly, in the bill that the department provide child care. The language in the bill with regard to RESET says that the department is to do everything they can within the available funds to provide day care so that we can move people through education and on to work, but it acknowledges that in instances where that, for some reason, is not able to happen, we are not going to just cut people off and

leave them hanging. Unfortunately, that is what amendment 2563 does, is it has no provision, so it leads to a vicious cycle of, I had to drop out of school because I did not have child-care provisions, but I cannot get child provisions under the proposal and from the department or anywhere else, and I do not have the money for it, and so therefore, the only thing left, which is AFDC (aid to families with dependent children), is being cut off from me because I cannot go to school.

It is a good idea; unfortunately, without having that safety net with regard to child care, it is going to particularly jeopardize the very people whom we are trying to move forward and get into the workplace and leave families and children without any kind of sustenance. So I have to oppose the amendment and ask my colleagues to do the same.

The SPEAKER. The Chair recognizes the lady, Ms. Josephs, from Philadelphia.

Ms. JOSEPHS. Mr. Speaker, I want to also say that I understand the purpose of this amendment, and I certainly agree that its purpose is laudable. I agree with my colleague, Representative Manderino, on that. I also agree with her other points.

I would like to speak a little bit from the point of view of your school district. If your school district, and it may be that most school districts across the State do provide evening or flextime for folks who might be on food stamps and working full time or getting medical assistance and working full time; it may be that in most places people can actually work full time and continue their education even though they may not have child care which they need and they may not have transportation care, but there is no infrastructure in this amendment for your school district.

Think about the fact that this Governor's budget does not increase 1 cent the money that goes to education. What is going to happen to your local district when Welfare says, here is a bunch of people — maybe they are grownups; maybe they are 50, maybe they are 45, maybe they are 55 — they have got to be educated, or they are going to lose their AFDC.

Now, I think what we ought to do is vote this down today, take it back to the drawing board, and create an infrastructure so that we can actually make this work. I am not really interested in stuff that sounds good; I want it to be good. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

The gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Will the maker of the amendment rise for a brief interrogation?

Ms. BOSCOLA. Sure.

The SPEAKER. The lady indicates she will stand for interrogation. You may begin.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I have a couple questions concerning this, and I agree with Representative Manderino that the intent of this is correct, and I believe we all agree that the intent is correct, and I know we have talked about this amendment in the past and I have supported the concept. A couple of questions, though.

Do you intend for this to apply to everyone of every age who is receiving cash assistance or medical benefits at this point in time? In other words, my question is, if there is a 63-year-old widow who is receiving these benefits and who is not yet receiving Social Security, will she be required to go back and get her GED if she does not have her GED at this point in time?

Ms. BOSCOLA. Absolutely, until she gets her retirement benefits.

Mr. STURLA. Okay. I mean—

Ms. BOSCOLA. I mean, you want to get them back to work, do you not?

Mr. STURLA. Yes, I do. My concern is, do we have a fiscal note on this, just from the standpoint that I do not know whether our schools have the ability at this point in time to absorb the number of persons that we are talking about, if we are talking about the full age range here.

Ms. BOSCOLA. When I contacted various school districts around the State, they have open arms welcoming individuals that want to get their GED program.

Mr. STURLA. I guess what my question is, what did the Appropriations Committee say the fiscal note was on it to do this?

Ms. BOSCOLA. Welfare pays for the test to be taken and the school districts basically have the education programs already there, so there is no cost.

Mr. STURLA. Is that what the fiscal note said? Is there a fiscal note? I guess I will ask that question.

Ms. BOSCOLA. No, I do not have a fiscal note.

Mr. STURLA. I am sorry, Mr. Speaker. I did not hear you.

Ms. BOSCOLA. I have a fiscal note. There is no cost.

This was a bill that I had introduced, and at the time I introduced the bill, there was a fiscal note, so it attaches to the amendment as well. I drafted the bill, and then I drafted the amendment to SB 1441.

Mr. STURLA. But I guess my question is, is there a fiscal note for this amendment?

Ms. BOSCOLA. Yes, there is. There is no cost.

Mr. STURLA. Do we have that fiscal note? I have not seen that fiscal note. I guess my question is— May I ask the Speaker, is there a fiscal note for this?

The SPEAKER. I am advised one was distributed. Just wait; if you will yield for a moment.

Ms. BOSCOLA. Mr. Speaker, I am going to circulate this fiscal note.

Mr. STURLA. Mr. Speaker, I do not mind if it is circulated; I just want to know what it says.

Ms. BOSCOLA. Excuse me; I was interrupted. What did you say?

Mr. STURLA. All I need to know is what it says.

Ms. BOSCOLA. Oh; let us see here. The amendment increases the cost by \$234 million, but the decrease of the cash assistance program would be \$46.7 million, and the cost of medical assistance would be decreased by \$88 million. So there is an initial cost involved with implementing the program, but the benefits we receive when individuals are working—

Mr. STURLA. So that the increased cost, though, total is around \$120 million? Is that correct, if I do my quick math?

Ms. BOSCOLA. You are correct.

Mr. STURLA. Thank you, Mr. Speaker.

I mean, I have some serious concern with the amendment under those circumstances. I agree that it is an appropriate concept that we should be looking at, but given the tight fiscal constraints, I am not sure that we have \$120 million to throw around this afternoon, and in that particular case I would encourage a “no” vote at this particular time until we construe that or construct that amendment such that the cost does not have as severe an impact on the budget.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Ms. BOSCOLA. Mr. Speaker, when we talk about—

The SPEAKER. The Chair recognizes the lady.

Ms. BOSCOLA. When we talk about welfare reform, we are talking about the State will help you if you help yourself, and that is part of the reason that I put this amendment in. We will give you cash assistance if you do your part and you get yourself educated and go to school. That is the key component of this, and I think both sides of this aisle should recognize the value of this amendment and support it.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—153

Adolph	Fajt	Levdansky	Schroder
Allen	Fargo	Lucyk	Schuler
Argall	Feese	Lynch	Semmel
Armstrong	Fichter	Maitland	Serafini
Baker	Fleagle	Major	Shaner
Bard	Flick	Markosek	Sheehan
Barley	Gamble	Marsico	Smith, B.
Battisto	Gannon	Masland	Smith, S. H.
Belardi	Geist	Mayernik	Snyder, D. W.
Belfanti	George	McCall	Stairs
Birmelin	Gigliotti	McGeehan	Stern
Blaum	Gladeck	McGill	Stetler
Boscola	Godshall	Merry	Stish
Boyes	Gordner	Micozzie	Strittmatter
Brown	Gruitza	Miller	Surra
Browne	Gruppo	Mundy	Tangretti
Bunt	Habay	Nailor	Taylor, E. Z.
Butkovitz	Haluska	Nickol	Taylor, J.
Buxton	Hanna	Nyce	Tigue
Caltagirone	Harhart	O'Brien	Travaglio
Cappabianca	Hasay	Olasz	Trello
Chadwick	Haste	Perzel	True
Civera	Hennessey	Pesci	Tulli
Clark	Herman	Petrarca	Vance
Clymer	Hershey	Petrone	Van Horne
Cohen, L. I.	Hess	Phillips	Veon
Cornell	Horsey	Pistella	Vitali
Corpora	Hutchinson	Pitts	Waugh
Coy	Jadlowiec	Platts	Wogan
Daley	Jarolin	Raymond	Wozniak
DeLuca	Kaiser	Readshaw	Wright, D. R.
Dempsey	Keller	Reber	Wright, M. N.
Dermody	Kenney	Roberts	Yewcic
DiGirolamo	Krebs	Rohrer	Zimmerman
Donatucci	LaGrotta	Rooney	Zug
Druce	Laughlin	Sainato	
Durham	Lederer	Santoni	Ryan,
Egolf	Leh	Sather	Speaker
Fairchild	Lescovitz	Saylor	

NAYS—46

Bebko-Jones	DeWeese	Mihalich	Scrimenti
Bishop	Evans	Myers	Staback
Carn	Itkin	Oliver	Steeffman
Carone	James	Pettit	Steil
Cawley	Josephs	Preston	Sturla
Cohen, M.	Kirkland	Ramos	Thomas
Colafranca	Kukovich	Reinard	Trich
Colaizzo	Lawless	Rieger	Walko
Conti	Lloyd	Robinson	Washington
Cowell	Manderino	Roebuck	Williams

Curry	Melio	Rubley	Youngblood
Dent	Michlovic		

NOT VOTING-1

Rudy

EXCUSED-3

Corrigan	Farmer	King
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The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

The SPEAKER. The Chair requests the gentleman, Mr. Birmelin, to temporarily preside.

**THE SPEAKER PRO TEMPORE
(JERRY BIRMELIN) PRESIDING**

On the question recurring,

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

Ms. JOSEPHS offered the following amendment No. A2445:

Amend Sec. 9 (Sec. 432), page 29, line 23, by striking out "(i)"

Amend Sec. 9 (Sec. 432), page 29, line 30; page 30, lines 1 through 6, by striking out all of said lines on said pages

Amend Sec. 11 (Sec. 432.4), page 35, line 8, by striking out the bracket before "sixty"

Amend Sec. 11 (Sec. 432.4), page 35, line 8, by striking out "[twelve months]"

On the question,

Will the House agree to the amendment?

Ms. JOSEPHS. If you will just give me a minute, Mr. Speaker.

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. The Chair recognizes the lady, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I withdraw that amendment, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

On the question recurring,

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

Mr. LLOYD offered the following amendment No. A2347:

Amend Title, page 1, line 16, by inserting after "penalties;"

creating the Adult Health Care Accessibility Fund;

Amend Bill, page 54, by inserting between lines 11 and 12

Section 22. On or before June 30, 1996, and each year thereafter, the Secretary of the Budget shall cause at least \$25,000,000 to be deposited in a special fund, to be known as the Adult Health Care Accessibility Fund, which is hereby created in the State Treasury. Moneys deposited in the fund and any interest income derived from those moneys shall remain in the fund until the General Assembly enacts enabling

legislation specifically authorizing subsidized health care coverage for low-income adults through private insurance carriers.

Amend Sec. 22, page 54, line 12, by striking out "22" and inserting 23

On the question,

Will the House agree to the amendment?

POINT OF ORDER

Mr. LLOYD. Mr. Speaker, a point of order.

I did not send an amendment forward to the desk. How can the reading clerk be reading an amendment when I am holding it in my hand? What he is reading is not the amendment which I intend to offer, and he has no authority and you have no authority to have him read it until I send something forward.

The SPEAKER pro tempore. Mr. Lloyd, the Chair is only reading the list of amendments in the order in which they are presented to us by the Republican leader's desk. I would suggest that you take a quick trip down there and ask him why it has been presented in this order, and maybe you can work out the problem with him. Thank you, sir.

(Conference held.)

AMENDMENT WITHDRAWN

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

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Lloyd.

Mr. LLOYD. Mr. Speaker, there apparently was a decision made by the Republican leadership to take those amendments which have a fiscal impact first. Amendment 2347, which does have a fiscal impact, I do not intend to offer as long as the Taylor amendment is in the bill.

Therefore, I withdraw that amendment and reserve my right at the proper time to offer amendment A2342. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman and thanks him.

On the question recurring,

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

The SPEAKER pro tempore. The Chair would recognize Representative Josephs at this time so that she may present amendment 2392, which the clerk will read.

The Chair rescinds that message, and we will get back to that amendment at a later time.

Ms. JOSEPHS. Mr. Speaker, thank you. I withdraw that amendment.

The SPEAKER pro tempore. The Chair thanks the lady.

On the question recurring,

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

Mr. **THOMAS** offered the following amendment No. **A2554**:

Amend Sec. 9 (Sec. 432), page 29, line 17, by inserting a bracket before "disposed"

Amend Sec. 9 (Sec. 432), page 29, line 22, by inserting after "institution."

] sold and received the benefit of the sale of his real or personal property of the value of two thousand dollars (\$2,000) or more, without fair consideration.

Amend Sec. 9 (Sec. 432), page 29, line 27, by inserting brackets before and after "up to seven days"

Amend Sec. 9 (Sec. 432), page 29, line 27, by inserting after "payments"

for shelter until residency can be established

Amend Sec. 9 (Sec. 432), page 29, line 29, by inserting after "department."

Vendor payments shall be jointly made to the shelter provider and to the recipient.

On the question,

Will the House agree to the amendment?

The **SPEAKER** pro tempore. On that question, the Chair recognizes Mr. Thomas.

AMENDMENT PASSED OVER TEMPORARILY

The **SPEAKER** pro tempore. The Chair would like to announce that we will have to go over this amendment temporarily because it has not been distributed to the membership.

On the question recurring,

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

Ms. **MANDERINO** offered the following amendment No. **A2393**:

Amend Sec. 7 (Sec. 405.5), page 20, line 26, by removing the period after "employer" and inserting

, nonprofit and public-sector employers, including special services districts created under the act of May 2, 1945 (P.L.382, No.164), known as the "Municipality Authorities Act of 1945."

On the question,

Will the House agree to the amendment?

The **SPEAKER** pro tempore. On that question, the Chair recognizes Representative Manderino and would inform the members that we are on packet No. 1.

Representative Manderino, you are recognized.

Ms. **MANDERINO**. Thank you, Mr. Speaker.

Mr. Speaker, this amendment deals with the issue of grant diversion, and as drafted in SB 1441, grant diversion can be used to create potential job openings only with private employers. This would add nonprofits and public-sector employers to that list, thereby opening up the number of potential job opportunities where we can move people into substantive work.

Just by way of example, in the city of Philadelphia, we have something known as the Philadelphia Center City District, which is a special nonprofit group formed specifically to clean up the center-city district, and people do that as regular full-time jobs.

That executive director would love to be able to take advantage and create new opportunities through a grant diversion program, and I know that many of our other nonprofit and public-sector employers would, too.

I think it makes sense to expand the definition, makes more jobs available, moves more people into work. I ask for an affirmative vote.

The **SPEAKER** pro tempore. The Chair recognizes Representative Snyder.

Mr. **SNYDER**. Mr. Speaker, we feel this is a good amendment, and we ask for support.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—199

Adolph	Evans	Maitland	Saylor
Allen	Fairchild	Major	Schroder
Argall	Fajt	Manderino	Schuler
Armstrong	Fargo	Markosek	Scrimenti
Baker	Feese	Marsico	Semmel
Bard	Fichter	Masland	Serafini
Barley	Fleagle	Mayernik	Shaner
Battisto	Flick	McCall	Sheehan
Bebko-Jones	Gamble	McGeehan	Smith, B.
Belardi	Gannon	McGill	Smith, S. H.
Belfanti	Geist	Melio	Snyder, D. W.
Birmelin	George	Merry	Staback
Bishop	Gigliotti	Michlovic	Stairs
Blaum	Gladeck	Micozzie	Steelman
Boscola	Godshall	Mihalich	Steil
Boyes	Gordner	Miller	Stern
Brown	Gruitza	Mundy	Stetler
Browne	Gruppo	Myers	Stish
Bunt	Habay	Nailor	Strittmatter
Butkovitz	Haluska	Nickol	Sturla
Buxton	Hanna	Nyce	Surra
Caltagirone	Harhart	O'Brien	Tangretti
Cappabianca	Hasay	Oliver	Taylor, E. Z.
Carn	Haste	Oliver	Taylor, J.
Carone	Hennessey	Perzel	Thomas
Cawley	Herman	Pesci	Tigue
Chadwick	Hershey	Petrarca	Travaglio
Civera	Hess	Petrone	Trello
Clark	Hutchinson	Pettit	Trich
Clymer	Itkin	Phillips	True
Cohen, L. I.	Jadlowiec	Pistella	Tulli
Cohen, M.	James	Pitts	Vance
Colaafella	Jarolin	Platts	Van Horne
Colaizzo	Josephs	Preston	Veon
Conti	Kaiser	Ramos	Vitali
Cornell	Keller	Raymond	Walko
Corpora	Kenney	Readshaw	Washington
Cowell	Kirkland	Reber	Waugh
Coy	Krebs	Reinard	Williams
Curry	Kukovich	Rieger	Wogan
Daley	LaGrotta	Roberts	Wozniak
DeLuca	Laughlin	Robinson	Wright, D. R.
Dempsey	Lawless	Roebuck	Wright, M. N.
Dent	Lederer	Rohrer	Yewcic
Dermody	Leh	Rooney	Youngblood
DeWeese	Lescovitz	Rubley	Zimmerman
DiGirolamo	Levdansky	Rudy	Zug
Donatucci	Lloyd	Sainato	
Druce	Lucyk	Santoni	Ryan,
Durham	Lynch	Sather	Speaker
Egolf			

NAYS-0

NOT VOTING-1

Horsey

EXCUSED-3

Corrigan

Farmer

King

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

VOTE CORRECTION

The SPEAKER pro tempore. The Chair recognizes Representative Rudy for the purpose of correcting the record.

Mrs. RUDY. Thank you, Mr. Speaker.

On amendment 2563 I was recorded as not voting. I would like to be recorded in the affirmative.

The SPEAKER pro tempore. The Chair thanks the lady.

CONSIDERATION OF SB 1441 CONTINUED

On the question recurring,

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

Mrs. VANCE offered the following amendment No. A2337:

Amend Sec. 2 (Sec. 402), page 5, line 25, by striking out "participation in any one or a" and inserting

(1) Participation in any one or a

Amend Sec. 2 (Sec. 402), page 6, by inserting between lines 21 and 22

(2) The term shall not include any vocational rehabilitation or training program serving individuals with visual, physical or mental disabilities or mental illness, including:

(i) facilities licensed by the department under Articles IX and X, including:

(A) sheltered employment, defined as a program designed to enable the disabled individual to move out of the vocational facility into competitive employment or into a higher level vocational program focusing on the development of competitive worker traits and using work as the primary training method; or

(B) handicapped employment, defined as a vocational program in which the disabled individual does not require rehabilitation, habilitation or ongoing training in order to work at the facility; or

(ii) supported employment programs, defined as competitive work in integrated work settings for individuals with the most severe disabilities for whom competitive employment has not traditionally occurred or for whom competitive employment has been interrupted or intermittent as a result of a severe disability and who, because of the nature and severity of their disability, need intensive supported employment services or extended services in order to perform such work.

Amend Sec. 9 (Sec. 432), page 27, line 3, by striking out "The verification of the physical or mental" and inserting

The term "work-related activity" shall not include any vocational rehabilitation or training program serving individuals with visual, physical or mental disabilities or mental illness, including:

(I) facilities licensed by the department under Articles IX and X, including:

(aa) sheltered employment, defined as a program designed to enable the disabled individual to move out of the vocational facility into competitive employment or into a higher level vocational program focusing on the development of competitive worker traits and using work as the primary training method; or

(bb) handicapped employment, defined as a vocational program in which the disabled individual does not require rehabilitation, habilitation or ongoing training in order to work at the facility; or

(II) supported employment programs, defined as competitive work in integrated work settings for individuals with the most severe disabilities for whom competitive employment has not traditionally occurred or for whom competitive employment has been interrupted or intermittent as a result of a severe disability and who, because of the nature and severity of their disability, need intensive supported employment services or extended services in order to perform such work.
The verification of the physical or mental

On the question,

Will the House agree to the amendment?

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

Mrs. VANCE. Thank you, Mr. Speaker.

This amendment came about because of a request from a United Cerebral Palsy group in my district. They were concerned that the severely disabled who were in sheltered workshops might be adversely impacted by this.

I talked to DPW (Department of Public Welfare) and they said they did not intend that to happen, but this is merely clarification to make sure that people who are in sheltered workshops with severe disabilities would not be impacted.

I ask your support for this amendment.

POINT OF ORDER

The SPEAKER pro tempore. On the question, the Chair recognizes Representative Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Point of order on a different issue.

The SPEAKER pro tempore. The gentleman will state his point.

Mr. STURLA. It would appear that half of this chamber has a set of blue sheets that has a list of amendments with the fiscal ramifications of those amendments attached to that also. I would assume that that information came from the Appropriations chair on the other side, and yet those of us who actually offered those amendments have not seen our fiscal notes yet.

Would it be possible for us to either get a copy of those blue sheets or our own fiscal notes at this point in time?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Representative Fargo, who I believe may be in a position to answer your question, or excuse me, Representative Barley is going to answer your question.

Mr. BARLEY. Thank you, Mr. Speaker.

Maybe the caucus chairman would be better equipped to handle that, but I think he could confirm what I will say.

Our caucus chairman does an excellent job of keeping his members informed, and he provided this bit of information for the purpose of informing the Republican Caucus members and for use in caucus. So that is the bit of information that is being referred to.

The SPEAKER pro tempore. Does the gentleman, Mr. Sturla, have any other questions on that point of order?

Mr. STURLA. Mr. Speaker, I guess my question is, is the information that is on those blue sheets incorrect or was it gotten from the Appropriations chair, and if it was gotten from the Appropriations chair—

Mr. SNYDER. Mr. Speaker, I do not think this is a proper point of order.

The SPEAKER pro tempore. Mr. Sturla, I would suggest that if you have a question of this nature, you may want to approach the leadership on the Republican side to get an answer to that as opposed to using the floor for that question.

Mr. STURLA. I guess what I am asking for, is it possible for us to get our fiscal notes that we requested on amendments that we are running?

The SPEAKER pro tempore. If the gentleman would hold on for just a minute, we will get an answer to that question.

Mr. Sturla, I am informed by the Parliamentarian that all amendments which have been submitted to the amendment clerk have had fiscal notes— All fiscal note requests that were turned in have been fulfilled.

Mr. STURLA. Mr. Speaker?

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

Mr. STURLA. I guess my question is, if the fiscal notes have been done, do those of us who requested those fiscal notes have access to them? Because I have not received any of my fiscal notes yet, and I assume that at some point in time during the proceedings we will get to a point where my amendment will come up and I will be asked whether I have a fiscal note, and I will say, I requested it but I have not seen it yet. And apparently, somebody has seen some of these at some point in time—

The SPEAKER pro tempore. Would the gentleman, Mr. Sturla, approach the desk, please.

(Conference held at Speaker's podium.)

The SPEAKER pro tempore. The gentleman, Mr. Sturla, is recognized to speak on the amendment, and he may proceed.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I have been informed that the information on the blue sheets is not accurate because it is not based on fiscal notes that were prepared by the Appropriations department, and so I would not request one of those blue sheets. I would simply request that before any amendment be run on the floor today, the fiscal note be distributed as required by the rules of the House. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Are there any other members wishing to speak on this amendment?

PARLIAMENTARY INQUIRY

Mr. DeWEESE. Mr. Speaker? Mr. Speaker?

Point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman, Mr. DeWeese, is recognized for a point of parliamentary inquiry.

Mr. DeWEESE. The chamber may take it for granted that the Speaker and the Parliamentarian are going to accede to the very proper request of the gentleman from Lancaster County. Is that correct, sir?

The SPEAKER pro tempore. That is correct.

Mr. DeWEESE. Thank you, sir.

The SPEAKER pro tempore. And I am sure Mr. DeWeese will remind us if we have not done so.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—200

Adolph	Evans	Maitland	Saylor
Allen	Fairchild	Major	Schroder
Argall	Fajt	Manderino	Schuler
Armstrong	Fargo	Markosek	Scrimenti
Baker	Feese	Marsico	Semmel
Bard	Fichter	Masland	Serafini
Barley	Fleagle	Mayernik	Shaner
Battisto	Flick	McCall	Sheehan
Bebko-Jones	Gamble	McGeehan	Smith, B.
Belardi	Gannon	McGill	Smith, S. H.
Belfanti	Geist	Melio	Snyder, D. W.
Birmelin	George	Merry	Staback
Bishop	Gigliotti	Michlovic	Stairs
Blaum	Gladeck	Micoozie	Steelman
Boscola	Godshall	Mihalich	Steil
Boyes	Gordner	Miller	Stern
Brown	Gruitza	Mundy	Stetler
Browne	Gruppo	Myers	Stish
Bunt	Habay	Nailor	Strittmatter
Butkovitz	Haluska	Nickol	Sturla
Buxton	Hanna	Nyce	Surra
Caltagirone	Harhart	O'Brien	Tangretti
Cappabianca	Hasay	Olasz	Taylor, E. Z.
Carn	Haste	Oliver	Taylor, J.
Carone	Hennessey	Perzel	Thomas
Cawley	Herman	Pesci	Tigue
Chadwick	Hershey	Petrarca	Travaglio
Civera	Hess	Petrone	Trello
Clark	Horsey	Pettit	Trich
Clymer	Hutchinson	Phillips	True
Cohen, L. I.	Itkin	Pistella	Tulli
Cohen, M.	Jadlowiec	Pitts	Vance
Colafella	James	Platts	Van Horne
Colaizzo	Jarolin	Preston	Veon
Conti	Josephs	Ramos	Vitali
Cornell	Kaiser	Raymond	Walko
Corpora	Keller	Readshaw	Washington
Cowell	Kenney	Reber	Waugh
Coy	Kirkland	Reinard	Williams
Curry	Krebs	Rieger	Wogan
Daley	Kukovich	Roberts	Wozniak
DeLuca	LaGrotta	Robinson	Wright, D. R.
Dempsey	Laughlin	Roebuck	Wright, M. N.
Dent	Lawless	Rohrer	Yewcic
Dermody	Lederer	Rooney	Youngblood
DeWeese	Leh	Rublely	Zimmerman
DiGirolamo	Lescovitz	Rudy	Zug
Donatucci	Levdansky	Sainato	
Druce	Lloyd	Santoni	Ryan,
Durham	Lucyk	Sather	Speaker
Egoif	Lynch		

NAYS—0

NOT VOTING—0

EXCUSED—3

Corrigan

Farmer

King

The majority having voted in the affirmative, 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. MILLER offered the following amendment No. A2403:

Amend Sec. 12 (Sec. 432.7), page 42, line 25, by striking out the bracket before "Provide"

Amend Sec. 12 (Sec. 432.7), page 42, lines 27 through 30; page 43, line 1, by striking out "[Subject to Federal]" in line 27, all of lines 28 through 30, page 42 and all of line 1, page 43

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes Representative Miller.

Mrs. MILLER. Thank you, Mr. Speaker.

The issue before us in amendment A2403 is whether the purpose of the child support enforcement system is to help children. The bill before us proposes to take child support away from the children and give it to the Department of Public Welfare. It does this by eliminating the child support pass-through.

When a person receives welfare benefits, they must assign their rights to child support to the Welfare Department. All of the support paid for the children goes to the Welfare Department except for a maximum of \$50 each month. SB 1441 is planning to take that \$50 away from the children. The national trend is in fact to increase the child support pass-through payments to children to ensure that children benefit from increased child support collections and to increase the incentives to pay that support. Arizona, Connecticut, Mississippi, Missouri, Ohio, Oregon, South Carolina, and Virginia have all increased the amount of child support that is passed through to the families. In addition, Arizona, Colorado, Montana, New York, Vermont, and Virginia have added a \$50 child support disregard to their food stamp programs.

This amendment simply keeps Pennsylvania's \$50 per month child support pass-through we currently have in the AFDC program. AFDC grant levels in Pennsylvania are less than 37 percent of the Federal poverty guideline and have not increased in more than 6 years. The child support pass-through is of enormous importance to families trying to make ends meet with less than a subsistence income.

So I would appreciate my colleagues in the House of Representatives' support for this important amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Surra.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of Representative Miller's amendment. The child support pass-through is critical for young families in Pennsylvania. The bill before us, Mr. Speaker, would eliminate the child support pass-through when other States in this

country are increasing it. Mr. Speaker, eliminating, as the Governor's proposal would do, would decrease the resources for children and it will also decrease parental responsibility.

We talk a lot about parents being responsible, fathers being responsible. This sends the wrong message to children and to parents. Mr. Speaker, in my district office I have never had a father come in and complain that the \$50 is being passed through the Department of Welfare on to their family. They are complaining that that is not enough, that their child support payments are being taken by the State and not going to their family.

Mr. Speaker, this sends the wrong message. This will encourage fathers not to be supportive of their children. This is a way of the State to gobble up that money. Many other States are increasing it, and Pennsylvania wants to eliminate it. This is the wrong direction.

In Elk County, which is part of my legislative district, and 16 other rural counties, the maximum grant for a mother and a child is only \$305 a month, and that is not even the lowest in the State. I also represent a section of Clearfield County, and 14 other counties, along with Clearfield, have a maximum monthly payment for a mother and a child of \$279.

The child support pass-through is of enormous importance to families trying to make ends meet. That means being able to purchase school supplies, shoes, winter clothing, being able to pay the electric or fuel oil bill and buy food at the end of the month. Mr. Speaker, in my district, if we take away that child support pass-through, you are taking away 15 percent of that family's monthly income.

Yesterday we voted to raise the minimum wage to help the working people who are working those minimum-wage jobs, to help raise their level of subsistence, to help them make ends meet. This goes in the opposite direction and helps the poor mother with children— It does not help them. It takes away 15 percent of their income.

I would ask the House to consider this and support the Miller amendment. You are going to take away a child's ability to say that my dad sends me money, my dad bought these shoes, my dad bought my glasses.

Mr. Speaker, as other States are increasing the pass-through, Pennsylvania ought not to eliminate it, and all this amendment does is restore it back to the \$50 that it is originally. Let us not forget the poor children and families in Pennsylvania.

I encourage you to support the Miller amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the lady, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I only want to say that this is an excellent amendment. Before I had the privilege of representing the 182d District, I did a lot of child support work as an attorney, and let me tell you, it is harder sometimes to get child support from an absent family than it would be to take all the paper that we have distributed today and turn it back into trees.

So I really commend my colleague, Representative Miller, for bringing this forward, and I urge a "yes" vote.

The SPEAKER pro tempore. Anecdotally, the Chair would make note that Ms. Josephs has probably got a few trees of her own in all of these amendments that we are seeing here.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—200

Adolph	Evans	Maitland	Saylor
Allen	Fairchild	Major	Schroder
Argall	Fajt	Manderino	Schuler
Armstrong	Fargo	Markosek	Scrimenti
Baker	Feese	Marsico	Semmel
Bard	Fichter	Masland	Serafini
Barley	Fleagle	Mayernik	Shaner
Battisto	Flick	McCall	Sheehan
Bebko-Jones	Gamble	McGeehan	Smith, B.
Belardi	Gannon	McGill	Smith, S. H.
Belfanti	Geist	Melio	Snyder, D. W.
Birmelin	George	Merry	Staback
Bishop	Gigliotti	Michlovic	Stairs
Blaum	Gladeck	Micozzie	Steelman
Boscola	Godshall	Mihalich	Steil
Boyes	Gordner	Miller	Stern
Brown	Gruitza	Mundy	Stetler
Browne	Gruppo	Myers	Stish
Bunt	Habay	Nailor	Strittmatter
Butkovitz	Haluska	Nicol	Sturla
Buxton	Hanna	Nyce	Surra
Caltagirone	Harhart	O'Brien	Tangretti
Cappabianca	Hasay	Olasz	Taylor, E. Z.
Carn	Haste	Oliver	Taylor, J.
Carone	Hennessey	Perzel	Thomas
Cawley	Herman	Pesci	Tigue
Chadwick	Hershey	Petrarca	Travaglio
Civera	Hess	Petrone	Trello
Clark	Horsey	Pettit	Trich
Clymer	Hutchinson	Phillips	True
Cohen, L. I.	Itkin	Pistella	Tulli
Cohen, M.	Jadlowiec	Pitts	Vance
Colafella	James	Platts	Van Horne
Colaizzo	Jarolin	Preston	Veon
Conti	Josephs	Ramos	Vitali
Cornell	Kaiser	Raymond	Walko
Corpora	Keller	Readshaw	Washington
Cowell	Kenney	Reber	Waugh
Coy	Kirkland	Reinard	Williams
Curry	Krebs	Rieger	Wogan
Daley	Kukovich	Roberts	Wozniak
DeLuca	LaGrotta	Robinson	Wright, D. R.
Dempsey	Laughlin	Roebuck	Wright, M. N.
Dent	Lawless	Rohrer	Yewcic
Dermody	Lederer	Rooney	Youngblood
DeWeese	Leh	Rublely	Zimmerman
DiGirolamo	Lescovitz	Rudy	Zug
Donatucci	Levdansky	Sainato	
Druce	Lloyd	Santoni	
Durham	Lucyk	Sather	
Egolf	Lynch		

NAYS—0

NOT VOTING—0

EXCUSED—3

Corrigan	Farmer	King
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The majority having voted in the affirmative, 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. HASTE offered the following amendment No. A2373:

Amend Sec. 9 (Sec. 432), page 33, by inserting between lines 7 and 8

(11) A person who is ineligible for general assistance or medical assistance under this act shall be ineligible for assistance under the act of June 24, 1937 (P.L.2017, No.396), known as the "County Institution District Law," and the act of August 9, 1955 (P.L.323, No.130), known as "The County Code."

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

The SPEAKER pro tempore. On that question, the Chair recognizes Mr. Haste.

Mr. HASTE. Thank you, Mr. Speaker.

The intent of this amendment is rather simple. It is to ensure that assistance for individuals who would no longer be eligible for general or medical assistance as a result of the passage of SB 1441 would not be shifted to the counties and become their financial responsibility. If we do not enact this, under the current County Code, it is possible that those financial responsibilities would be shifted from the State and to the counties. Therefore, we may be giving the counties another unfunded mandate, and I would ask that this body pass this amendment. Thank you.

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

Mr. EVANS. Mr. Speaker, can the maker of the amendment stand for the purpose of interrogation?

The SPEAKER pro tempore. The gentleman agrees to be interrogated. You may proceed.

Mr. EVANS. Mr. Speaker, I certainly understand the intent of your amendment, to make sure that the counties are not responsible for this fiscal burden. Then who would be responsible for this if — and I have the County Code information right here, and I just finished reading it — then who would be responsible to handle these uninsured individuals?

Mr. HASTE. I do not know. Some have argued the hospitals, some have said other doctors, but all I am trying to do is make sure that we do not pass this responsibility back to the counties. Counties are not in a position to do it, they do not do it now, and the intent is to make sure that we in some way do not backdoor the counties and pass that on to them.

Mr. EVANS. But your general sense is, by at least putting this in here, it prevents the burden from being passed over to the counties.

Mr. HASTE. That is correct.

Mr. EVANS. But that means, basically, either the hospitals or some charitable organization or some other entity we do not know will more than likely have to pick up that cost.

Mr. HASTE. That is possible, and some have made that argument.

Mr. EVANS. So then in a sense, this real issue about the uninsured, in a sense, will not be addressed?

Mr. HASTE. My intent is to make sure that if anybody is removed off the rolls, the financial responsibility is not given to the counties.

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

The SPEAKER pro tempore. Does the gentleman wish to speak on the amendment?

Mr. EVANS. Yes; I would like to make a comment.

The SPEAKER pro tempore. You may proceed.

Mr. EVANS. Mr. Speaker, what the gentleman is offering, from my standpoint, I truly understand is very sound for the counties, but I share with you that this entire policy is what I have been describing is like in the wrong direction. This amendment really just again proves the point about cost shifting. You have a particular situation that the counties are saying, well, we do not want to handle it, and I understand the counties do not want to handle it, and the State, i.e., the Governor, made the recommendation, saying he does not want to handle it, and the hospitals have said they do not want to handle it. The question is, this question of uninsured will have to be addressed in some way.

So really, the only reason I am standing up here responding to the gentleman's amendment — and I am not recommending people be for it or against it; I am not recommending that one way or the other — the only thing I am attempting to do is for people to pay attention to understand about the cost shift, because there is a price to every single thing we do here, and obviously, around this particular action, there will be a price that will have to be paid and somebody will have to pay it.

So I want to just bring that to people's attention for whatever it is worth. I understand people do whatever they have got to do, but I just want you to at least know and pay some attention to when an action is taken such as this particular amendment. Thank you, Mr. Speaker.

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

Mr. KUKOVICH. Thank you, Mr. Speaker.

I, too, rise not to ask members to vote for or against. I think what Mr. Haste is doing has to be done. It would be, I think, unfair to the counties to let this loophole exist and maybe foist the cost on them. However, as the speaker before me noted, it is very difficult, if we are shredding the safety net in this way, to continue to shred that net. My concern is that of all the amendments we will be facing, I think most of them are fairly easy votes. They are clear-cut one way or the other. This may be the most difficult one for me personally.

Again, I think Mr. Haste is well intentioned. It is important that he do this to preserve the fiscal solvency of the counties, because there are a lot of other human services programs that the counties have to perform that could be hurt unless this language is changed. But I am afraid that I will have to register a "no" vote for the broader purpose of not wanting to send a signal that we should cut out every possible vestige of hope for those people who could be thrown off medical assistance by SB 1441, and I just wanted that on the record. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Surra.

Mr. SURRA. Thank you, Mr. Speaker.

Briefly, I am going to support the Haste amendment, but I think this goes to the crux of this entire debate of the potential of removing health care from the working poor of Pennsylvania. Now we have an amendment to protect our counties so that the cost is not absorbed on them. So the State is not going to pay for it. Well, let us not make the counties pay for it. But believe me, one way or another, somebody is going to pay for it. Every business in

Pennsylvania, every individual in Pennsylvania, their health-care costs will go up, because these people are going to go to the emergency rooms and that is the most expensive form of health care. This cost — and I agree with my colleague from Philadelphia totally — will be shifted one way or another down to the local level.

I am going to support this amendment, but, Mr. Speaker, this is a good point just to show where we are going with this policy. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-178

Adolph	Egolf	Lynch	Saylor
Allen	Fairchild	Maitland	Schroder
Argall	Fajt	Major	Schuler
Armstrong	Fargo	Markosek	Scrimenti
Baker	Feese	Marsico	Semmel
Bard	Fichter	Masland	Serafini
Barley	Fleagle	Mayernik	Shaner
Battisto	Flick	McCall	Sheehan
Bebko-Jones	Gamble	McGeehan	Smith, B.
Belardi	Gannon	McGill	Smith, S. H.
Belfanti	Geist	Merry	Snyder, D. W.
Birmelin	George	Michlovic	Staback
Blaum	Gigliotti	Micozzie	Stairs
Boscola	Gladeck	Miller	Steelman
Boyes	Godshall	Mundy	Steil
Brown	Gordner	Nailor	Stern
Browne	Gruitza	Nickol	Stish
Bunt	Gruppo	Nyce	Strittmatter
Butkovitz	Habay	O'Brien	Sturla
Buxton	Haluska	Otasz	Surra
Caltagirone	Hanna	Perzel	Tangretti
Cappabianca	Harhart	Pesci	Taylor, E. Z.
Cawley	Hasay	Petrarca	Taylor, J.
Chadwick	Haste	Petrone	Tigue
Civera	Hennessey	Pettit	Travaglio
Clark	Herman	Phillips	Trello
Clymer	Hershey	Pistella	Trich
Cohen, L. I.	Hess	Pitts	True
Colafella	Hutchinson	Platts	Tulli
Colaizzo	Itkin	Preston	Vance
Conti	Jadlowiec	Raymond	Van Horne
Cornell	Jarolin	Readshaw	Veon
Corpora	Kaiser	Reber	Vitali
Cowell	Keller	Reinard	Walko
Coy	Kenney	Rieger	Waugh
Daley	Krebs	Roberts	Wogan
DeLuca	LaGrotta	Robinson	Wozniak
Dempsey	Laughlin	Roebuck	Wright, D. R.
Dent	Lawless	Rohrer	Wright, M. N.
Dermody	Lederer	Rooney	Yewcic
DeWeese	Leh	Rubley	Zimmerman
DiGirolamo	Lescovitz	Rudy	Zug
Donatucci	Levdansky	Sainato	
Druce	Lloyd	Santoni	Ryan,
Durham	Lucyk	Sather	Speaker

NAYS-21

Bishop	James	Melio	Stetler
Carn	Josephs	Mihalich	Thomas
Cohen, M.	Kirkland	Myers	Washington
Curry	Kukovich	Oliver	Williams
Evans	Manderino	Ramos	Youngblood
Horsey			

NOT VOTING—1

Carone

EXCUSED—3

Corrigan

Farmer

King

The majority having voted in the affirmative, 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. SAYLOR offered the following amendment No. A2544:

Amend Title, page 1, line 17, by striking out "and"

Amend Title, page 1, line 18, by removing the period after "Welfare" and inserting

; providing for a publicly financed consolidated assistance demonstration program; creating the Consolidated Assistance Program Fund; and providing for a medical assistance voucher demonstration program.

Amend Bill, page 53, by inserting between lines 16 and 17

Section 18.1. Article IV of the act is amended by adding subarticles to read:

ARTICLE IV
PUBLIC ASSISTANCE

(n) Consolidated Assistance Program

Section 494. Definitions.—As used in this subarticle:

"Annual minimum income" is, except in the instances covered under section 494.5, forty percent of the product of fifty-two multiplied by the Statewide average weekly wage rate under section 404(e)(2) of the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the "Unemployment Compensation Law." The result shall be rounded to the nearest thousand.

"Demonstration program" means the consolidated demonstration assistance program established under this subarticle.

"Dependent child" means a child or grandchild, by consanguinity, affinity or adoption, for whom a recipient of aid to families with dependent children benefits provides support during the tax year in which the income supplement is claimed, and who is under nineteen years of age or is enrolled in school for at least five months.

"Fund" means the Consolidated Assistance Program Fund created under this subarticle.

"Maximum income supplement adjuster" is the product of the phaseout percentage multiplied by the result of the participant's total income minus the annual minimum income.

"Participant" means either a single individual or a group of persons over the age of seventeen who are living together within the same household of which one of the individuals qualifies for aid to families with dependent children benefits. In the latter circumstance, a head of the household shall be chosen and the work requirements of this subarticle shall apply to that individual.

"Phaseout percentage" is:

(1) fifty-nine and twenty-three one hundredth percent for a participant with one dependent child;

(2) fifty-five percent for a participant with two dependent children;

(3) sixty-one and eighty-eight one hundredth percent for a participant with three dependent children; or

(4) sixty-eight and seventy-five one hundredth percent for a participant with four or more dependent children.

If the number of dependent children within the household increases after the participant has become enrolled in the demonstration program, those additional dependents shall not be counted toward the total number of dependent children when determining the phaseout percentage for the participant.

"Support" has the meaning given to it in section 152 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 152).

"Total income" includes all classes of income under section 303 of act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971," for the household of a participant in the consolidated assistance demonstration program. Income earned by a minor dependent child of the participant shall not be counted toward the income of the participant's household.

"Work-related activity" shall be defined as follows:

(1) unsubsidized employment;

(2) work experience/workfare;

(3) on-the-job training;

(4) community service;

(5) in the case of a recipient eighteen years of age or older and less than twenty-two years of age, education which is necessary for the recipient to obtain employment or which leads to the recipient receiving a high school diploma or a certificate of high school equivalency if the recipient is making satisfactory progress as defined by the school or educational program, but only for a maximum of twelve months; and

(6) participation in any combination of education or training activities is limited to a maximum of twelve months, except as specified above.

Section 494.1. Consolidated Assistance Program.—Following Federal approval where necessary, the department shall establish a five-year consolidated assistance demonstration program within three separate counties in different geographical regions representing rural, suburban and urban populations to provide, in a cost-effective manner, financial assistance for residents of this Commonwealth who qualify for aid to families with dependent children benefits and who are not aged, blind, disabled or under the age of nineteen within three separate counties which represent the following:

(1) a first or second class county;

(2) a second class A, third, fourth or fifth class county; and

(3) a sixth, seventh or eighth class county.

Section 494.2. Fund.—There is hereby created the Consolidated Assistance Program Fund. All moneys received under section 494.3 shall be transmitted to this fund.

Section 494.3. Financial Resources.—The demonstration program shall be funded by the aid to families with dependent children, food stamp, day care and women, infants and children financial resources currently available to the participants within the demonstration program areas.

Section 494.4. Waiver of Program Criteria and Requirements.—(a) After becoming enrolled in the demonstration program, all current eligibility requirements for aid to families with dependent children, food stamps, subsidized day care and women, infants and children services shall no longer apply to participants.

(b) Exceptions will be made with regard to:

(i) program criteria and eligibility requirements that mandate that the recipient participate in a work-related activity;

(ii) residency requirements for anyone who moves into the demonstration areas after the demonstration program has been implemented;

(iii) any welfare fraud provisions relating to the aid to families with dependent children program; and

(iv) any criteria or requirements created by this subarticle.

In the case of work-related activity requirements, the requirement will be for one adult residing in the household, and the adult shall be the participant in the Consolidated Assistance Program.

Section 494.5. Work-Related Activity.—For the purpose of this subarticle, a participant in a demonstration program who enrolls in a work-related activity for a minimum of twenty hours per week shall be

considered to be employed. This classification of employment shall be limited to one year of the five-year demonstration program, except where the definition of work-related activity specifies a different time limit. The time period used for work-related activity shall be applied to the time limit prescribed in section 494.12(2). If the work-related activity produces no income for the participant and the participant household has no other income as defined in this subarticle, the participant shall be determined to have an annual minimum income equal to fifty-seven percent of the product of fifty-two multiplied by the Statewide average weekly wage rate under section 404(e)(2) of the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the "Unemployment Compensation Law." The result shall be rounded to the nearest thousand.

Section 494.6. Earned Income Tax Credit Application.—All participants in the demonstration program shall be required to file an application for an earned income tax credit under section 32 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 32).

Section 494.7. Estimated Maximum Income Supplement.—(a) An estimated maximum income supplement shall be calculated by the Department of Revenue for a tax year as follows:

- (1) If the participant has one dependent child and:
 - (i) if the participant's total income is less than or equal to the annual minimum income, seventy percent of the total income of the participant's household; or
 - (ii) if the participant's total income is greater than the annual minimum income, seventy percent of the annual minimum income.
- (2) If the participant has two dependent children and:
 - (i) if the participant's total income is less than or equal to the annual minimum income, eighty percent of the total income of the participant's household; or
 - (ii) if the participant's total income is greater than the annual minimum income, eighty percent of the annual minimum income.
- (3) If the participant has three dependent children and:
 - (i) if the participant's total income is less than or equal to the annual minimum income, ninety percent of the total income of the participant's household; or
 - (ii) if the participant's total income is greater than the annual minimum income, ninety percent of the annual minimum income.
- (4) If the participant has more than three dependent children:
 - (i) if the participant's total income is less than or equal to the annual minimum income, one hundred percent of the total income of the participant's household; or
 - (ii) if the participant's total income is greater than the annual minimum income, one hundred percent of the annual minimum income.

If the number of dependent children within the household increases after the participant has become enrolled in the demonstration program, those additional dependents shall not be counted toward the total number of dependent children when determining the estimated maximum income supplement of the participant.

Section 494.8. Maximum Income Supplement.—The estimated maximum income supplement shall be modified by subtracting the maximum income supplement adjuster from the estimated maximum income supplement. The result will be the maximum income supplement available to the participant. Any maximum income supplement calculation that is less than zero shall be considered to be zero.

Section 494.9. Earned Income Supplement.—After calculating the maximum income supplement available to the participant, the amount of the earned income tax credit, under section 32 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 32), to which the participant is eligible shall be subtracted from the maximum income supplement. The remainder will be the earned income supplement. Any earned income supplement that is less than zero shall be considered to be zero.

Section 494.10. Disbursement of the Earned Income Supplement.—The following apply to the disbursement of the earned income supplement:

- (1) The earned income supplement shall be disbursed to the participant from the financial resources available within the fund.

(2) The earned income supplement shall be taken for the current tax year and may not be carried over to another tax year.

(3) The participant shall receive the earned income supplement in advance throughout the tax year by filing with the Department of Revenue an estimated tax return form promulgated by the Department of Revenue. The department and the Department of Revenue shall create a mechanism that will allow the participant's employer to disburse the participant's earned income supplement as part of or at the same time as the participant's regular payroll checks. In the case of more than one adult wage earner in the household, the former aid to families with dependent children recipient shall be designated as the recipient of the supplement. The department and Department of Revenue shall work together to reconcile discrepancies between the estimated tax return and the actual tax return for purposes of the earned income supplement.

Section 494.11. Employer Notification.—Any employer of aid to families with dependent children recipients within the demonstration program area shall notify each employe that he or she may be eligible for an earned income supplement.

Section 494.12. Time Limit.—The following are time limits for the receipt of an earned supplemental income payment:

- (1) A participant shall be allowed to receive an earned supplemental income payment while unemployed for not more than two years. The time period during which a participant, who is unemployed, receives an earned supplemental income payment shall be deducted from the two-year maximum time limit. If a participant so chooses, he or she may trade a portion or all of their two-year unemployed benefit time period to add to their three-year employed supplemental income payment time period. The trade shall be on a one-month-for-one-month basis.
- (2) A participant shall be allowed to receive an earned supplemental income payment while employed for not more than three years except as provided for in this clause. The time period during which a participant, who is employed, receives an earned supplemental income payment shall be deducted from the three-year maximum time limit, which can be greater than three years only in the instance where the participant trades in a portion or all of his or her two-year unemployed benefit time period.

(3) Under no circumstances shall the unemployed time period be applied to the three-year time limit for employed recipients, and under no circumstances shall the employed time period be applied to the two-year time limit for unemployed recipients, with exception given to the instance where the participant trades in a portion or all of his or her two-year unemployed benefit time period to increase his or her employed benefit time period.

Section 494.13. Program Reassessment.—If at any time during the operation of the demonstration program the earned income tax credit under section 32 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 32) undergoes revision, the method of determining the earned income supplement shall also be reassessed to take into consideration the changes to the earned income tax credit under section 32 of the Internal Revenue Code of 1986.

Section 494.14. Program Evaluation.—The department shall be required to analyze the demonstration program, measuring the program results against the goal of securing economic self-sufficiency for the program participants as well as comparing the demonstration program to Federal and State welfare programs. A report on the evaluation shall be submitted annually to the Governor and the General Assembly, detailing the findings of the evaluation following the implementation of the demonstration program. A final evaluation detailing the accumulated findings and recommendations of the evaluation shall be prepared at the end of the five-year demonstration program. All reports shall include, but not be limited to:

- (1) Cost effectiveness in the use of welfare program resources.
- (2) Rate of welfare recipients securing employment.
- (3) Comparison of benefits received by the participant from the demonstration program and those benefits the participant would have received if enrolled in the welfare programs displaced by the demonstration program.

(4) Rate of in-migration and out-migration in the demonstration program areas.

Section 494.15. Rules and Regulations.—The department and the Department of Revenue shall promulgate rules and regulations to carry out this subarticle. These shall include, but not be limited to, provisions relating to the development of the demonstration program, procedures for determining eligibility under the demonstration program, procedures for the determination of the earned income supplement and provisions for the disbursement of the earned income supplement and provisions for notification of possible eligibility for the earned income supplement. These regulations shall be promulgated within six months of the effective date of the subarticle.

(o) Voucher Program

Section 495. Definitions.—As used in this subarticle:

“Insurer” means:

(1) Any insurance company, association or reciprocal, nonprofit hospital plan corporation.

(2) A nonprofit professional health service plan.

(3) A health maintenance organization organized and regulated under the act of December 29, 1972 (P.L.1701, No.364), known as the “Health Maintenance Organization Act.”

(4) A risk-assuming preferred provider organization organized and regulated under the act of May 17, 1921 (P.L.682, No.284), known as “The Insurance Company Law of 1921.”

(5) A preferred provider with a “health management gatekeeper” role for primary care physicians organized and regulated as a health services corporation or a preferred provider organization subject to the provisions of section 630 of “The Insurance Company Law of 1921.”

(6) A fraternal benefit society subject to the provisions of the act of December 14, 1992 (P.L.835, No.134), known as the “Fraternal Benefit Societies Code.”

“Program” means a publicly financed voucher program providing access to privately delivered health insurance coverage for eligible medical assistance recipients.

Section 495.1. Voucher Program.—(a) Following Federal approval where necessary, the department shall establish a five-year demonstration voucher program within the same three geographic regions chosen by the department for the consolidated assistance demonstration program established under subarticle (n) to provide, in a cost-effective manner, access to privately delivered health insurance coverage for residents of this Commonwealth who qualify for aid to families with dependent children benefits and who are not aged, blind, disabled or under nineteen years of age. All health care services shall, when available, be provided within the designated region.

(b) Once enrolled in the program, the participant shall be eligible for the program as long as total income, as defined under subarticle (n), is less than the level of earned income which no longer results in an income supplement provided under subarticle (n). All other eligibility requirements shall be waived.

(c) The department through a competitive bidding process in each region shall select the following insurance providers to participate in the program:

(1) at least two insurers offering an individual or group policy of health insurance;

(2) at least two insurers offering individual or group policy health insurance with a high deductible; and

(3) at least two health maintenance organizations offering prepaid health care delivery plans.

(d) The contracts or agreements entered into by the department pursuant to subsection (c) shall provide that:

(1) the department shall pay any deductible charged pursuant to the policy or plan directly to the health care provider; and

(2) the total of deductibles and coinsurance charged for a calendar year may not exceed three thousand dollars (\$3,000) for a participant in a family medical assistance account as established in section 495.5.

(e) A contract or agreement entered into by the department pursuant to this section shall provide coverage for all services outlined in section 495.4.

(f) After taking competitive bids for contracts or agreements, the department may elect to:

(1) accept no bid;

(2) rebid the contract; or

(3) discontinue the program after reasonable notice to all affected parties.

(g) If the department elects to interrupt or discontinue the program under subsection (f), payment of claims shall be made pursuant to the method authorized for nonparticipation in the program. This section shall not relieve any insurer of any contractual obligation incurred under this subarticle.

Section 495.2. Issuance of Proof of Eligibility.—If the department determines that a person meets the eligibility requirements set forth for the program, the department shall issue that person proof of eligibility, which entitles the person and any other dependents, adult or child, within the household to coverage under any health insurance or health care policy or contract offered in accordance with this subarticle. In the case of dependent adults within the household, the following shall apply:

(1) A spouse is considered a dependent adult for the purposes of this subarticle.

(2) Any other adult who meets the Medical Assistance Program definition of immediate family shall be considered a dependent adult if they have lived in that household for at least a year prior to the head of household’s enrollment in the Consolidated Assistance Program. The department shall consider exceptions to this rule when it can be demonstrated by the head of household that inclusion of the individual as a dependent adult is necessary.

Section 495.3. Offering of Policies and Contracts.—If coverage is issued to the individual, policyholder or contract holder, the insurer shall submit the proof of eligibility and a request for reimbursement of premium to the department.

Section 495.4. Standards Applicable to the Policies and Contracts.—The health insurance or health care policies and contracts for which insurers are eligible shall be provided in accordance with the following conditions:

(1) The policies and contracts are not subject to any previous State mandatory benefits.

(2) Each policy and contract shall include, but not be limited to, the following benefits:

(i) Inpatient/outpatient hospital services.

(ii) Certified registered nurse practitioners’ services.

(iii) Family planning services and supplies.

(iv) Rural health clinic services.

(v) Laboratory and X-ray services, including mammography.

(vi) Home health services for individuals twenty-one years of age and older.

(vii) Physicians’ services.

(viii) Nurse-midwife services.

(ix) Thirty days inpatient care coverage for mental health, mental retardation and substance abuse. Intermediate care coverage may be substituted for inpatient care on a four-days-for-each-inpatient-day basis.

(x) Coverage for prescription drugs, including all medically necessary childhood immunizations.

(xi) Prenatal care coverage, including early and periodic screening, diagnosis and treatment (EPSDT) services, limited to individuals under twenty-one years of age.

Section 495.5. Establishment of Medical Assistant Accounts.—(a) The department shall establish a family medical assistance account for any group determined to be eligible for this program pursuant to section 495.2. The head of the household as designated within the Consolidated Assistance Program shall be designated as responsible for the account.

(b) On January 1 of each calendar year, or on the day the medical assistance recipient is enrolled, the department shall deposit in a family medical assistance account the sum of three-thousand dollars (\$3,000).

(c) The department may expend money deposited in medical assistance accounts to pay deductible payments required under the applicable policy or plan.

(d) The department shall terminate an account whenever a person dies or no longer qualifies as a participant of the demonstration program. Any sums remaining in the account shall be paid as follows:

(1) If a person dies, the remaining funds shall go into the General Fund to be credited to the department.

(2) If a person no longer qualifies as a participant, the remaining amount, prorated on a daily basis, shall be divided between the account holder and the department with fifty percent of the remaining balance going to the account holder and fifty percent going to the General Fund to be credited to the department.

(e) The department may consolidate all sums in all medical assistance accounts established under this section into one account for investment purposes. Interest from the investments of sums in the account shall be paid into the General Fund to be credited to the department.

(f) Account holders shall be given debit cards which will automatically debit from their accounts when health care services are rendered. Alternatively, health care providers shall submit for reimbursement to the department, and the department shall debit the sum from the account holder's account and send reimbursement to the health care provider.

(g) On December 31 of the year in which sums are deposited into the medical assistance account, if any sums remain in the account, and if the account holder has met the holder's preventative health care requirements as stipulated in subsection (i), the department shall give fifty percent of the balance remaining in the account to each participant or person designated as responsible for a family medical assistance account. The remaining fifty percent shall be paid into the General Fund to be credited to the department.

(h) A participant or person designated as responsible for a family medical assistance account may decline the reimbursement provided under subsection (g) and elect to leave any excess sums in the medical assistance account to carry over for the next year.

(i) In order to qualify for the reimbursement under subsections (g) and (h), the account holder shall demonstrate with a physician's letter that the account holder received an annual examination and that all dependents have received proper immunizations.

Section 495.6. Reimbursement of Insurers.—Within thirty days after receipt of a valid proof of eligibility and request for reimbursement from an insurer, the department shall issue payment to the insurer in the amount of the premium.

Section 495.7. Duties of Department.—The department shall:

(1) Administer and implement the program.

(2) Monitor the operation of the program.

(3) Disseminate to the insurer and to the public information concerning the program and the persons eligible to receive benefits under the program.

(4) Implement a system to provide information and guidance to all persons eligible under the program relative to the program's procedures and the selection of the most appropriate benefits under a health insurance or health care policy or contract.

(5) Continuously evaluate the program. The department shall contract for and complete an analysis of the program, measuring its delivery of and access to quality health care in a cost-effective manner.

Section 495.8. Report.—A report on the program shall be submitted to the Governor and the General Assembly, detailing the findings and recommendations of the evaluation at the close of the five-year program. The report shall include, but not be limited to, the following:

(1) Cost-effectiveness of the program compared to the current medical assistance program for both cost of care and administration.

(2) Improvement in access to the health care delivery system.

(3) Maintenance or improvement of the standard of quality care.

Section 495.9. Employer Buy-In.—If an employer already offers health care coverage to employees and the employer hires a current medical assistance voucher recipient, the employer shall be permitted as part of the options outlined in section 495.10 to provide health care coverage for the employee by buying into the remaining term, or a portion of the remaining term as negotiated between the department and the employer, of the medical assistance recipient's health plan, if the employer so chooses. The amount of the plan shall be prorated for the number of months remaining in the current year of coverage. Subsequent to a voucher recipient's employment, an employer shall negotiate with the department to determine an appropriate percentage of the voucher cost, which shall be paid by the employer to the department. This percentage shall be no more than sixty-five percent of the voucher cost and no less than thirty-five percent of the voucher cost. An employer who does not already offer health care coverage to employees does have the option to buy into a medical assistance voucher recipient employee's health care coverage as provided in this section, but the employer is not required to do so.

Section 495.10. Employer Responsibility.—If an employer offers health care coverage to employees, the employer shall extend coverage to, or continue coverage of, an employee or an employee's dependents who are eligible to receive benefits provided under this subarticle by either enrolling the employee and the employee's dependents, if applicable, in the employer's health coverage plan or buying into the voucher program health care coverage as prescribed under section 495.9.

Section 495.11. Rules and Regulations.—The department shall promulgate rules and regulations to carry out this subarticle. These shall include, but not be limited to, provisions relating to the development of the program, procedures for determining eligibility under the program, the specific geographic regions chosen, issuance of proof of eligibility, determinations of reimbursable premium amount and procedures for the reimbursement of insurers. These regulations shall be promulgated within six months of the effective date of this subarticle.

Section 495.12. Confidentiality of Medical Information.—All information pertaining to an individual's medical care shall be confidential, except that the department shall have access to information necessary to carry out its duties.

Amend Sec. 22, page 54, by inserting between lines 19 and 20

(4) The addition of subarticles (n) and (o) of Article IV of the act shall take effect in 90 days.

Amend Sec. 22, page 54, line 20, by striking out "(4)" and inserting (5)

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. For the information of the members, it is in packet 6; packet 6.

On the question of this amendment, the Chair recognizes the gentleman, Mr. Saylor.

Mr. SAYLOR. Thank you, Mr. Speaker.

My amendment creates a new program that is called CAP (Consolidated Assistance Program). This program that we introduced as a bill earlier this session is supported by the grassroots advisory panel that the Speaker of the House had created earlier this year.

The comments made about this proposal are as follows, quoting the organization: "We appreciate and support the CAP proposal that will provide both support and incentive for individuals...to become self-employed or employed within the work force. As a pilot demonstration" program, "it will enable government to identify the practical difficulties in making the transition from entitled welfare to incentives for positive change."

I ask for a positive vote on my amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, that was good conversation, but I do not a bit more understand what he was talking about than the man in the moon.

I would like to ask if he would stand for interrogation.

The SPEAKER pro tempore. Will the gentleman, Mr. Saylor, stand for interrogation? He indicates that he will. You may proceed.

Mr. THOMAS. Thank you.

What is the CAP program in essence?

Mr. SAYLOR. The CAP program takes moneys that are currently AFDC; it takes food stamp, cash assistance, WIC (women, infants, and children), and child day-care assistance and combines them into one program so that when a person gets a job, that individual does not automatically lose benefits. He will receive an income supplement that will continue to benefit him until he or she is able to promote himself in the work force. So it will continue for up to 5 years.

Mr. THOMAS. Okay. And would any of the specific services be diminished in any way?

Mr. SAYLOR. The benefit is for job training as well as day-care and health-care services. Instead of cutting an individual off as soon as they receive a job or reducing their benefits, this program would allow them to continue on the program for 5 years as long as they continue working or receiving an education.

Mr. THOMAS. Thank you, Mr. Speaker. Thank you.

The SPEAKER pro tempore. The Chair recognizes the lady, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I was not going to say anything about this amendment until the grassroots advisory panel was mentioned.

I am at the moment the Democratic Caucus' representative on that panel, and it is interesting to me that the maker of this amendment is very selective in reporting to you what that panel would like and would not like us to do.

In principle and in main and over and over again, they said they wanted to have an opportunity to testify at hearings about this bill, and the other members who are involved in the grassroots advisory panel have over and over and over again voted against having hearings.

Now, maybe this group of people, who do tremendously good service for our citizens in Pennsylvania, would support this amendment had they had hearings, had they got— Maybe they would not have supported it if they had heard any details.

I think this is just too big, too complex, too momentous, and too much of what should be going on in committee, not on the floor. This floor is not a committee. This floor is the floor.

I say vote "no" because who knows what this is about. Let us revisit it. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, maybe I missed it. Perhaps the fiscal note was circulated on this. I did not see it. Could you tell me what the fiscal impact is on this?

The SPEAKER pro tempore. Is the gentleman, Mr. Sturla, interrogating Mr. Saylor?

Mr. STURLA. Yes, Mr. Speaker.

The SPEAKER pro tempore. Mr. Saylor, do you agree to be interrogated? You may proceed, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, once again, I did not see a fiscal note on this. If it was circulated, I must have missed it. Could you tell me what the fiscal impact on this is?

Mr. SAYLOR. Okay. On this particular amendment, which is the same as the bill, the fiscal amendment is still being prepared, but on the bill, which is exactly like the amendment, there was no fiscal impact; there was no increase in the cost of this bill. In fact, it also, as it is implemented, Mr. Speaker, is, it does not cut the cost of this welfare bill either in the short term. In 2 to 3 years out is where the savings would be in this amendment, but it has no fiscal impact at this point.

Mr. STURLA. Thank you, Mr. Speaker.

If I could make a comment?

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

Mr. STURLA. Mr. Speaker, I will take the gentleman at his word, because I know of his reputation and I trust that that is the case.

My concern is that earlier, no more than 10, 15 minutes ago, it was agreed that no amendments would be run on the floor of the House without the fiscal note first being circulated. Did we suspend that rule at some point in time that I missed?

The SPEAKER pro tempore. No, we did not. Would you prefer that this amendment be held over at this time?

Mr. STURLA. Mr. Speaker, I would prefer that all amendments be held over until fiscal notes are circulated on them as required by the rules of the House.

The SPEAKER pro tempore. The rule is that amendments only require fiscal notes if they have a fiscal impact. An indication from Mr. Saylor is that this amendment has no fiscal impact. Therefore, a fiscal note was not required for it.

PARLIAMENTARY INQUIRY

Mr. STURLA. Mr. Speaker, point of parliamentary inquiry.

The SPEAKER pro tempore. You may proceed.

Mr. STURLA. Is it up to the maker of the amendment to determine whether a fiscal note is required or is it up to the Speaker?

The SPEAKER pro tempore. The general rule is that the Appropriations Committee would make that decision, and it is our information that they made the decision that there was no fiscal impact.

Mr. STURLA. Okay.

If I could make a comment, Mr. Speaker?

The SPEAKER pro tempore. You may feel free to do so.

Mr. STURLA. Mr. Speaker, if we could, and then as members get up to offer their amendments and we have not seen the fiscal notes, if they could advise us that perhaps the Appropriations Committee has contacted them in some way and let them know that they do not need a fiscal note so that we do not have to go through this every time, because I would— If there are fiscal impacts — and I think we just passed some that did have fiscal impacts — and we have not seen these fiscal notes, I would appreciate seeing those fiscal notes.

The SPEAKER pro tempore. Mr. Sturla, I am sure you have been a veteran of this body long enough to know that not every amendment requires a fiscal note nor is requested of one by the

Appropriations Committee, and that was the case with Mr. Saylor's amendment apparently. And I guess we will just have to take your suggestion at heart, and if members who are offering amendments would like to comment on whether or not they have requested a fiscal note or whether they feel it needs one, that would be up to the individual members. I do not know that we can carte blanche require every member to do that as a pro forma part of their presenting of an amendment.

Mr. STURLA. Mr. Speaker, if I could make one final comment.

I believe it will save the House a whole lot of time today from me getting up on every amendment and asking whether there was a fiscal note on it, because I will do that unless people want to be forthcoming and let us know whether there was a fiscal note required on it.

The SPEAKER pro tempore. That is your prerogative, Mr. Sturla.

The Chair recognizes the gentleman, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I know that people are acting in good faith and that their intentions are well, but, Mr. Speaker, I am having a fundamental problem. We are talking about a piece of legislation that could possibly result in the denial of medical assistance to about 260,000, people who will be affected from Erie to Philadelphia, from Erie to Chester, and from one end of the State to the other end.

Mr. Speaker, I do not like having to go through what perceptually looks like games that are being played with members. It has always been my understanding the fiscal impact is determined by the Appropriations Committee, and it has always been my understanding that if there has been a determination that there is no fiscal impact, then that should be in writing or at least someone from the Appropriations Committee should stand and acknowledge that they have reviewed the amendment in question and have determined that there is no fiscal impact.

The SPEAKER pro tempore. Mr. Thomas, if you would for a second, please. Let me again say in other words what I said to Mr. Sturla. A fiscal note can be requested by any member of the House floor to determine whether or not it can be challenged if one is not present. However, if a member presents an amendment and does not feel that it requires a fiscal note, he or she does not necessarily always have to ask for one to provide that background coverage or insurance, if you will. It is every member's prerogative to question whether or not the amendment being presented requires a fiscal note, and you do that by asking the Chair that question as a parliamentary inquiry. But to expect every member who has an amendment to automatically get a fiscal note for it, number one, burdens our Appropriations Committee in preparing fiscal notes for amendments that do not need them; and number two, puts the members through a lot of extra work that is not necessarily needed.

Mr. THOMAS. But, Mr. Speaker, I guess what my point is, anytime—

The SPEAKER pro tempore. Just if you would for a minute, please, suspend.

The Chair would request Mr. Saylor to come to the rostrum.

If you will hold on for just a minute, Mr. Thomas. We are investigating and we will have a better answer for you in just a minute, please.

The Chair would also ask the gentleman, Mr. Pitts, the Appropriations chairman, to come to the rostrum.

(Conference held at Speaker's podium.)

AMENDMENT PASSED OVER TEMPORARILY

The SPEAKER pro tempore. The Chair will inform the members that we are going to go over this amendment temporarily until we can determine the status of whether or not it needs a fiscal note, and at that time we will let you and the other members know, Mr. Thomas.

Mr. THOMAS. Mr. Speaker, while you are doing that, can I also ask that any member that has an amendment that calls for the expenditure of \$1 of taxpayer dollars and knows that it is going to have a fiscal impact should come forward and get a determination prior to a vote or a discussion on the amendment. I mean, I just kind of— I feel like, and I know that I am probably wrong, but I feel like we are playing games here this afternoon, and my problem is, if those games were just about our medical assistance, then I would say okay, but it is about 260,000 people who might not have any other alternative, and I resent having to go through this charade. Thank you.

The SPEAKER pro tempore. Mr. Thomas, the Chair recognized that Mr. Saylor thought there was no need for a fiscal note, and that was his position, not the Chair's, and neither are there games being played.

On the question recurring,

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

Mr. BROWNE offered the following amendment No. A2560:

Amend Bill, page 49, by inserting between lines 2 and 3

Section 15.1. Section 443.1 of the act, amended July 15, 1976, (P.L.993, No.202), is amended to read:

Section 443.1. Medical Assistance Payments for Institutional Care.—(a) The following medical assistance payments shall be made in behalf of eligible persons whose institutional care is prescribed by physicians:

(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.

(5) All facilities receiving medical assistance payments for hospital-based care under this section shall comply with the requirements of this clause. Each facility shall:

(i) complete, alone or with others, a community needs assessment, which shall be updated at least once every three years;

(ii) adopt and update annually a plan of implementation for providing community benefits; and

(iii) submit the community benefits plan and results to the department annually.

(b) As used in this section:

"Community benefits" includes, but is not limited to, unreimbursed cost of caring for the medically indigent, Medicaid recipients or Medicare recipients; local community health improvement efforts; and unreimbursed costs associated with medical research, education and volunteer efforts.

"Community needs assessment" means an evaluation of the need for community benefits and the rate or level at which they are provided by the facility.

"Local community health improvement efforts" includes health fairs, health screenings and other services offered to the community without discrimination against categories of patients who may benefit from those services.

On the question,

Will the House agree to the amendment?

AMENDMENT PASSED OVER TEMPORARILY

The SPEAKER pro tempore. On the amendment, the Chair recognizes Representative Browne.

Mr. BROWNE. Thank you, Mr. Speaker.

Mr. Speaker, I would ask to have the amendment passed over temporarily so we can receive a fiscal note to the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman, and the Chair will do so.

THE SPEAKER (MATTHEW J. RYAN) PRESIDING

The SPEAKER. The Chair thanks the gentleman, Mr. Birmelin, for presiding temporarily.

On the question recurring,

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

Mr. TAYLOR offered the following amendment No. A2570:

Amend Title, page 1, line 14, by striking out the comma after "verification" and inserting

and

Amend Title, page 1, line 15, by striking out the comma after "eligibility" and inserting

; providing for limited benefits for certain medically needy recipients; further providing

Amend Title, page 1, line 16, by inserting after "benefits,"

, for enrollment of certain recipients in managed care plans, for the withholding of certain payments to medical service contractors, for financing of costs of managed care,

Amend Sec. 2 (Sec. 402), page 3, by inserting between lines 24 and 25

"Dually eligible recipient" means an individual who is a beneficiary of the Medicare program and who is eligible to purchase supplemental coverage pursuant to Title XIX of the Social Security Act (49 Stat. 620, 42 U.S.C. § 301 et seq.) and the provisions of this act.

Amend Sec. 2 (Sec. 402), page 6, by inserting between lines 21 and 22

"Zero premium managed care plan" means a managed care plan for Medicare beneficiaries which accepts the premium paid by the Federal Government as full payment and which covers beneficiaries for all Medicare services as well as those services which would normally be purchased under a supplemental policy.

Amend Sec. 15 (Sec. 442.1), page 47, line 23, by striking out "and nonfinancial"

Amend Sec. 15 (Sec. 442.1), page 47, line 29, by inserting after "and"

either

Amend Sec. 15 (Sec. 442.1), page 47, line 30, by inserting a bracket before "Is"

Amend Sec. 15 (Sec. 442.1), page 48, line 4, by inserting a bracket after "or" and inserting immediately thereafter

Receives only medical assistance, is not otherwise eligible under Title XIX of the Social Security Act (49 Stat. 620, 42 U.S.C. § 301 et seq.) and is one of the following:

(i) a child under twenty-one years of age;

(ii) the parent of a dependent child under twenty-one years of age;

(iii) a person fifty-five years of age or older;

(iv) a person with a disability who is receiving Social Security disability benefits and who has been referred to the Social Security Administration for a determination of eligibility for Supplemental Security Income or who is under review for a disability determination by the department based upon Social Security disability criteria;

(v) a refugee for whom Federal financial participation is available;

or

(vi) a pregnant woman; or

(4) Receives only limited medical assistance as provided by section 442.3, is not otherwise eligible under Title XIX of the Social Security Act and is:

(i) between the ages of twenty-one and fifty-five; and

(ii) is currently employed or has been employed in the past twelve months, currently receives unemployment compensation or has received unemployment compensation within the previous twelve months, or has been determined by the department through an administrative process to be employable.

Amend Sec. 15 (Sec. 442.1), page 48, line 16, by striking out "(C)" and inserting

(b)

Amend Sec. 15 (Sec. 442.1), page 48, line 28, by striking out "(D)" and inserting

(c)

Amend Bill, page 49, by inserting between lines 2 and 3
Section 15.1. The act is amended by adding a section to read:

Section 442.3. Limited Benefits for Certain Medically Needy Recipients.—(a) Individuals who are classified as medically needy pursuant to section 442.1(a)(4) are eligible to receive coverage for the benefits described in subsection (b).

(b) Eligible individuals shall receive coverage for all of the following services:

- (1) Case management.
- (2) One annual well patient visit.
- (3) Twelve physician office/clinic visits for treatment of illness and injury unless additional visits are authorized by the department.
- (4) Emergency services including ambulance.
- (5) Durable medical supplies and equipment.
- (6) Appropriate diagnostic services.
- (7) Surgery, including ambulatory surgery and anesthesia.
- (8) Sixty days of inpatient hospitalization.
- (9) Thirty days of inpatient hospitalization for the treatment of mental illness.
- (10) Thirty days of inpatient hospitalization for the treatment of drug and alcohol detoxification and rehabilitation.
- (11) Thirty days of inpatient hospitalization for other medical rehabilitation services.
- (12) Twenty-four home health service visits.
- (13) Thirty days of hospice services.
- (14) Life sustaining medication and legend birth control medications.

(c) Annually, the department shall have the authority to establish a requirement by which beneficiaries shall pay a portion of the total cost of the benefits described in subsection (b). In no event, however, the portion paid by a beneficiary shall be greater than \$150 in a twelve-month period. The department may establish coinsurance requirements and copayments and deductibles for any of the services included in subsection (b), with the exception of case management services and the well patient office visit.

(d) The department shall have the authority to require preauthorization for any of the services in subsection (b), with the exception of case management services and the well patient office visit, unless otherwise prohibited by law.

(e) The department shall contract with the following entities to provide coverage for eligible individuals:

- (1) Hospital plan corporations as defined in 40 Pa.C.S. § 6101 (relating to definitions).
- (2) Hospital service corporations.
- (3) Managed care organizations, including a health maintenance organization organized and regulated under the act of December 29, 1972 (P.L.1701, No.364), known as the "Health Maintenance Organization Act," or a risk-assuming preferred provider organization or exclusive provider organization, organized and regulated under the act of May 17, 1921 (P.L.682, No.284), known as "The Insurance Company Law of 1921."
- (4) Provider sponsored organizations, operating either as a risk-assuming preferred provider organization or exclusive provider organization, organized and regulated under "The Insurance Company Law of 1921" or under contract with the department, so long as the provider sponsored organization satisfies such solvency and quality requirements and other conditions as the secretary shall choose to require.

(f) In areas where the department has multiple contracts, eligible individuals shall have the ability to select the contractor from which they want to receive coverage. No contractor shall have the authority to deny coverage to any eligible individual without the approval of the department. If an eligible, enrolled individual fails to select a contractor for coverage, the department may assign that individual to a contractor.

(g) The department may grant a waiver of the minimum benefit package to a contractor upon demonstration by that contractor that it is providing coverage for health care services for eligible individuals that meet the intent and purpose of this section.

(h) The department shall seek such Federal waivers and approvals as may be necessary to implement this program.

(i) The department, in designing and implementing this program, shall make every effort to maximize Federal financial participation in support of the program.

(j) No individual who is participating in the medical assistance program on the effective date of this section and would potentially become eligible to participate in the limited medically needy program established under this section, shall be denied eligibility for the benefits to which the individual would otherwise be entitled until the limited medically needy program is implemented.

(k) Individuals who exhaust their annual allowance for inpatient hospitalization, inpatient drug and alcohol services, inpatient psychiatric services or inpatient rehabilitation services shall automatically be subject to an eligibility review to determine if those individuals should be reclassified as disabled.

Amend Sec. 17, page 49, by inserting between lines 18 and 19

Section 443.7. Prepayment for Contracted Medical Services.—The department shall require as a condition of participation that all dually eligible recipients be enrolled in zero premium managed care plans. Prior to implementing such a requirement, the department shall secure such approvals as may be required by the Federal Government.

Section 443.8. Withholding Certain Payments.—The department may withhold up to three percent of each monthly payment to any contractor providing prepaid capitated contracted medical services as a reserve in order to assure that the contractor provides such monthly enrollment information to the department as required for payment. The department shall not hold the funds for more than twelve months and must pay interest on the funds at a simple interest rate of six percent per annum.

Section 443.9. Bridge Financing for Contractual Medical Services.—The department shall finance the costs incurred in moving from fee-for-service to capitated contracted managed care through bonds issued pursuant to the act of August 23, 1967 (P.L.251, No.102), known as the "Economic Development Financing Law."

Amend Sec. 17 (Sec. 455), page 51, line 10, by striking out "OR" and inserting a comma

Amend Sec. 17 (Sec. 455), page 51, line 10, by inserting after "ORGANIZATIONS" where it appears the second time
or political subdivisions

Amend Sec. 17 (Sec. 455), page 51, line 12, by inserting after "ASSISTANCE."

Recipients of medical assistance benefits in this Commonwealth shall be required to be enrolled in a medical assistance managed care plan by a date certain, depending upon the county in which they reside, as follows:

- (1) All recipients of medical assistance benefits residing in Bucks, Chester, Delaware, Montgomery and Philadelphia counties shall be enrolled in a medical assistance managed care plan by November 1, 1996.
- (2) All recipients of medical assistance benefits residing in Allegheny, Armstrong, Beaver, Butler and Washington counties shall be enrolled in a medical assistance managed care plan by January 1, 1997.
- (3) All recipients of medical assistance benefits residing in counties not listed in clause (1) or (2) shall be enrolled in a managed care plan or a primary care case management system by January 1, 1997.

On the question,

Will the House agree to the amendment?

RULES SUSPENDED

The SPEAKER. The gentleman, Mr. Taylor, is recognized for the purpose of making a motion.

Mr. TAYLOR. Mr. Speaker, before I proceed, to avoid the confusion that is occurring over fiscal notes, obviously because of the late rush to the amendment clerk and the overloaded Appropriations Committee, I have requested a fiscal note. I know

it is on its way, but to proceed with this bill, I am moving to suspend the rules, rule 19(a), for the purpose of offering this amendment.

The SPEAKER. The question before the House is the motion of the gentleman, Mr. Taylor, to suspend the rules of the House, specifically rule 19(a), to permit the consideration of his amendment without the need of a fiscal note.

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

The SPEAKER. On that question, the gentleman, Mr. Evans, speaks on behalf of the Democratic leadership.

Mr. EVANS. Mr. Speaker, I understand certainly the intent of the gentleman in his offer of the amendment, but the issue I raise, and I had raised this as long as I had been chairman of the Appropriations Committee when we were in charge, about the importance of rule 19(a). Mr. Sturla, I think, has been making excellent points. The reason we have rule 19(a) is so that we can go through that process in terms of evaluating whatever amendments or bills are put before us.

So on that basis, Mr. Speaker — and I understand what the gentleman is attempting, and I am strongly supportive of what he is attempting to do — I will have to be against it, and I would encourage us to not suspend rule 19(a), because that is why we have that rule, so that people can truly understand exactly what the fiscal impact is of things that come on this floor.

So I would oppose suspending rule 19(a). Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.
The gentleman, Mr. Taylor.

Mr. TAYLOR. Mr. Speaker, the content of my amendment, we are hopeful, will frame the debate as this bill moves forward. I and I am sure the leadership on this side of the House do not want to unnecessarily suspend the rules, but we know we are in for a long night.

To move this debate forward and to get to the merits of the issue, I would ask for support of this motion.

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

The following roll call was recorded:

YEAS—117

Adolph	Fargo	Marsico	Schroder
Allen	Fichter	Masland	Schuler
Argall	Fleagle	Mayernik	Semmel
Baker	Flick	McGeehan	Serafini
Bard	Gamble	McGill	Sheehan
Barley	Gannon	Merry	Smith, B.
Birmelin	Geist	Micozzie	Smith, S. H.
Boscola	Gigliotti	Miller	Snyder, D. W.
Boyes	Gladeck	Myers	Stairs
Brown	Godshall	Nailor	Stern
Browne	Gruppo	Nickol	Stish
Bunt	Habay	Nyce	Strittmatter
Butkovitz	Haluska	O'Brien	Taylor, E. Z.
Caltagirone	Harhart	Olasz	Taylor, J.
Chadwick	Hasay	Perzel	Trello
Civera	Haste	Petrone	Trich
Clark	Hennessey	Pettit	True
Clymer	Herman	Phillips	Tulli

Cohen, L. I.	Hershey	Pitts	Vance
Conti	Hess	Raymond	Waugh
Cornell	Horsey	Readshaw	Williams
DeLuca	Hutchinson	Reber	Wogan
Dempsey	Jadlowiec	Reinard	Wozniak
Dent	Kaiser	Rieger	Wright, M. N.
DiGirolamo	Keller	Roebuck	Zimmerman
Donatucci	Kenney	Rohrer	Zug
Druce	Lawless	Rubley	
Durham	Lederer	Rudy	Ryan,
Egolf	Leh	Sather	Speaker
Fairchild	Major	Saylor	

NAYS—83

Armstrong	DeWeese	Lynch	Scrimenti
Battisto	Evans	Maitland	Shaner
Bebko-Jones	Fajt	Manderino	Staback
Belardi	Feese	Markosek	Steelman
Belfanti	George	McCall	Steil
Bishop	Gordner	Melio	Stetler
Blaum	Gruitza	Michlovic	Sturla
Buxton	Hanna	Mihalich	Surra
Cappabianca	Itkin	Mundy	Tangretti
Carn	James	Oliver	Thomas
Carone	Jarolin	Pesci	Tigue
Cawley	Josephs	Petrarca	Travaglio
Cohen, M.	Kirkland	Pistella	Van Horne
Colaella	Krebs	Platts	Veon
Colaizzo	Kukovich	Preston	Vitali
Corpora	LaGrotta	Ramos	Walko
Cowell	Laughlin	Roberts	Washington
Coy	Lescovitz	Robinson	Wright, D. R.
Curry	Levdansky	Rooney	Yewcic
Daley	Lloyd	Sainato	Youngblood
Dermody	Lucyk	Santoni	

NOT VOTING—0

EXCUSED—3

Corrigan	Farmer	King
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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 amendment?

The SPEAKER. The Chair recognizes the gentleman, Mr. Taylor, on the amendment.

Mr. TAYLOR. Thank you, Mr. Speaker.

Mr. Speaker, the last time I took this microphone with regard to this issue, we, as the House of Representatives, were facing the elimination of coverage for some 260,000 Pennsylvanians. I offered and we passed an amendment that restored those cuts, but at the same time I think I can speak for many members of this chamber that prior to that vote and during that vote and after that vote we had no expectation that that would stay in place. We realized the fact that we have a fiscal responsibility, our budget deadline is coming near, and we are anxious to come to a solution that makes sense for the recipients of this coverage and for the taxpayers of Pennsylvania.

Despite the fact that I do not believe that this is the ideal way to do this on the floor of the House, I am hopeful that today I can

give the members a sense that there have in fact been talks both with the House Health and Human Services Committee and in both caucuses, both publicly and privately, and that we have the basis for a solution, and I would like to offer that in this amendment form today.

Mr. Speaker, this amendment basically preserves some form of coverage for all persons covered under the medically-needy-only category. We heard many times that our main priority is to try to preserve medical assistance for those people between the ages of 55 and 64 who may be the most frail population and the most needy in terms of this category. This amendment keeps that category of recipients on in its entirety with no changes to their coverage.

For all others in this category we are offering in this amendment a reduced set of benefits similar to those that a working person would purchase who is working and wants to purchase the minimum set of benefits for medical coverage. I can do this with a sense of confidence that many of these folks will not be denied access into the system but may lose coverage at the back end, which we all know would then occur with the hospitals picking up those costs.

In addition to the reduced package, we are also establishing a methodology for copayment, which we talked about in committee, which would amount to approximately \$150 per month.

This amendment also calls for those senior citizens that we now cover with what we call medigap to be moved into a managed-care system, thereby eliminating the need for that coverage. Right now people in the private market who are on medicare also purchase a supplemental policy which, in many cases, is called a 65 special. Right now in the private market, people are moving from that 65-special situation, which costs them maybe a couple hundred dollars a year, into a managed-care program which eliminates the need to do that. By providing this coverage, by mandating that they move into managed care, they will no longer need the State to provide that particular coverage.

In addition, Mr. Speaker, we are asking in this amendment for the managed-care providers to withhold 3 percent of the moneys received as an additional way to finance this transition from fee for service in the medicaid program to managed care.

We will also look to the provisions of the Pennsylvania Economic Development Financing Act to finance the expensive transition from fee for service to managed care. That has been a topic that has been talked about at great length. I think we do recognize the need, that there is an expense at the startup of a managed-care program, and this particular funding and financing mechanism will help us do that.

Finally, but maybe most importantly, we will accelerate the move towards managed care with mandated managed care across the Commonwealth and in a fashion much faster than the Department of Public Welfare is proposing in the health choices program.

I would like to caution the members or maybe relieve some of their anxiety about this particular amendment, that it does not deal with the pharmacy carve-out that is already in SB 1441. The next amendment that I have deals with that, but I will not offer that assuming the passage of this amendment.

Also, this does not prohibit the counties from participating in the behavioral health mechanism planned and implemented, at least the initial stages of that have been implemented by the Department of Public Welfare. Many of you have received calls from your

mental health agencies and your county officials saying that this amendment interferes with that program, and it does not.

On the pharmacy issue, Representative Allen has expressed to me his concerns, so we will keep that intact the way it currently is in SB 1441, at least for today.

With that said, Mr. Speaker, I think we again have an opportunity here to begin meaningful negotiations that will achieve our goal, which is to realize savings, to be fiscally responsible, but at the same time to cover those Pennsylvanians who are in need of medical assistance, and I ask for your support of this amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the lady from Philadelphia County, Ms. Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

Would the maker of the amendment stand for a brief interrogation?

The SPEAKER. He indicates that he will. You may begin.

Ms. MANDERINO. Thank you, Mr. Speaker.

I have had questions on two specific issues from members on my side of the aisle, and I just want to clarify that they are covered in this amendment.

On page 5 of your amendment, line 4, where you add the language "political subdivisions," it is my understanding that what that does is with regard to the mental health managed-care component, that allows counties, as they are doing now in the health choices, to be participants in this program, correct?

Mr. TAYLOR. That is correct, Mr. Speaker.

Ms. MANDERINO. Thank you.

The second question that I had dealt with regard to a provision that went into SB 1441 the last time it was on the floor that dealt with the pharmacy services and whether that would be part of managed care, and what we said in the original bill was we want to do pharmacy and leave it separate. Is it my correct understanding that nothing in this proposed amendment changes that?

Mr. TAYLOR. That is correct.

Ms. MANDERINO. Thank you.

On the bill, Mr. Speaker.

The SPEAKER. The lady is in order and may begin.

Ms. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, over the past several weeks I have worked very hard on this issue. I have worked closely with Representative Taylor and members of the Health and Human Services Committee, and I think there are a lot of us that are really sincere about this issue, and I have to tell you that I am very disappointed that we were not given an opportunity in the Health and Human Services Committee to deal with this issue in a very thoughtful way.

The SPEAKER. The lady will yield.

Conversations on the floor, please cease. Conversations on the floor, conferences on the side aisle, please break up. Members will take their seats.

The area behind the rail is now clear. I would appreciate it if on an ongoing basis, the Sergeant at Arms would keep the area behind the rail clear.

The Chair apologizes to the lady and asks her to resume.

Ms. MANDERINO. Thank you, Mr. Speaker.

Having said that, I am standing to support the Taylor amendment, and I want to explain why and what I think is an important goal that is accomplished by the Taylor amendment.

I do not accept the same premise as my colleague, John Taylor, that there is a \$250-million hole in the budget that there is only one way to solve; at least that is the Governor's premise. I think it is a manufactured hole. But be that as it may, I do not have the ability to call that shot, and what I am concerned about are the people whose safety net, the original proposal, was just cutting away.

The goal that has been accomplished in amendment 2570 is to keep a safety net in Pennsylvania for every one of our citizens who were on the medically needy only and chronically needy categories, and how that bill does that within the fiscal constraints that Representative Taylor and others felt were upon us is by acknowledging that we have our older citizens, age 55-plus, whom we are going to keep in the program as they are and take the rest of our citizens, ages 21 to 54, and define a benefit package that keeps them all covered. And it also picks up a group of people that everyone was ignoring that is also extremely important, and that is those people who are going to be reclassified and knocked off the chronically needy category, and what it does is also define them in a way that they would fit in this safety net and be eligible for this package of benefits.

And the package of benefits has some limitations that I have a little bit of concern about, but the reality of it is that in examining them, I feel fairly comfortable that they do not stand in the way of people getting access to needed health care. Case management will come to each person. A wellness visit, which people do not have now, will come to each person. Twelve doctor visits a year will come to each person. The major limitation is the 60-day limit on in-hospital care, but that is more generous than any of a lot of the private packages that we have been looking at and that others have proposed as alternatives.

The other point that is very crucial, particularly for this population, because we cannot lose sight of the fact that this is a population of people who have an illness that requires them to take advantage of our medically needy only, and every product out there on the private market that we looked at had a preexisting-condition exclusion and this does not, and this will keep our people who need health care because they have a medical need, this will keep them covered.

This will also take those people who were in the chronically needy category and who, because they were now going to be reclassified by a new definition and being kicked out of that category, were not going to have any coverage for their life-sustaining medicines, and what this has said is we are going to cover their life-sustaining medicines. So that is a plus, I think, that comes with this Taylor proposal.

I think that we have a big job to do with this Taylor amendment today. I think that the Taylor amendment was crafted in a way that everybody has to give a little bit in the process. The hospitals give a little bit, the State gives a little bit, the recipients give a little bit, but the bottom line is everyone gets covered, and I think that if we are serious in Pennsylvania about maintaining the safety net for people, we should see absolutely nothing less than this come out of anything that the Senate, or should this go to a conference committee, anything less than this, in my view, would be unacceptable.

But I think it is important that we send the strong message that while we may not have agreed with the budgetary constraints, we are not in control, at least on my side of the aisle, and we are acknowledging them and we have found a way to provide that safety net for the people of Pennsylvania in a way that is humane, in a way that is just, in a way that is thoughtful. It is the way the

process should have worked. I think the amendment could be a little bit better had it been worked a little bit more in committee.

But saying all that, I would like to ask for your support of the Taylor amendment, because I think it is time that we make a statement that we are not going to abandon the working people and the working poor in Pennsylvania who need our help. We are going to acknowledge their help. We are going to be there to give it to them, and nothing less than what we are talking about today is acceptable to this chamber.

The SPEAKER. The gentleman from Allegheny, Mr. Michlovic.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Will the gentleman, Mr. Taylor, stand for a brief interrogation?

The SPEAKER. He does. You may proceed.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, I noticed in your amendment that you have certain eligible coverages listed, and among them 60 days for inpatient hospitalization, 30 days for inpatient hospitalization for treatment of mental illness, et cetera, et cetera. I cannot find it in your amendment, but I am told that in your amendment some of these days will be able to be traded maybe in multiples for outpatient treatment — 1 day inpatient for 2 or 3 days of outpatient treatment. Is that your intent in this amendment?

Mr. TAYLOR. Yes, Mr. Speaker.

Mr. MICHLOVIC. Okay. Thank you. I just wanted to clarify that.

Mr. Speaker, I would like to comment on the amendment.

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

Mr. MICHLOVIC. Thank you, Mr. Speaker.

I am going to support the Taylor amendment, somewhat reluctantly in a sense, because I think that there is, overall, going to be a loss of coverage for medical assistance clients, and I am not sure we as a State ought to be conducting that policy.

I want to commend the gentleman, Mr. Taylor, for making the best of a very tough and bad situation. He has worked very hard, diligently, and I think done a credible job, and I want to give him a great deal of appreciation for doing that.

However, getting back to my other point, this is still going to have an impact. If you recall, when we first debated this SB 1441, I talked about my local hospital, which is a disproportionate-share hospital, which has a high medicare-medicaid load. That still is going to be the case. That hospital, the Braddock hospital, is going to suffer a loss even under the Taylor amendment, because the Taylor amendment assumes that all of those medicaid clients are going to be paying a \$150 deductible when they come in, that there are going to be copayments for various kinds of treatments, and we all know that that simply is not going to happen in many cases.

He has listed in the amendment or in the explanation of the amendment a savings of \$94 million. Now, not all of that \$94 million will be applied to those local hospitals, but some of it will, and when you are applying it to hospitals with very high medicaid loads, medicare loads, you are going to see a substantial strain on their budgets.

And I also recognize that part of the administration's case here is that we have got to attack the rising costs of the medical assistance coverage. We in this chamber are very reluctant to address the major portion of medical assistance that is rising the fastest, that is causing the problem, and that is the long-term-care problem. We do not want to deal with the long-term-care problem, because politically, that is a lot tougher issue for us. Politically,

there are folks that are spending down their incomes to get qualified for medicaid. We are going to continue to allow them to spend down, even though they have the resources to pay, we are going to continue to allow them to do that simply because we do not have the courage to stand up to them and tell them that they have got to pay their own way; they have got to put some of those assets, they have got to put some of those resources into caring for their elderly parent.

So we are left with cutting the poorest of the poor. We are left cutting the hospitals that treat those folks in the poor districts. And I can tell you, there will be an impact, a ramification, on many of those hospitals and many of those clients across the Commonwealth of Pennsylvania.

Nevertheless, I support the Taylor amendment, because I think it is a long way from the original version of SB 1441, and as we all know, when this bill goes over to the Senate, we may well be faced with having to compromise in some form or fashion. I think John Taylor has made a great effort in that regard, and I support his amendment. I ask the other members of the House to do so as well. Thank you, Mr. Speaker.

The SPEAKER. The lady from Indiana, Ms. Steelman.

Ms. STEELMAN. Thank you, Mr. Speaker.

Will the maker of the amendment stand for interrogation?

The SPEAKER. The gentleman indicates he will. You may begin.

Ms. STEELMAN. Thank you, Mr. Speaker.

I join with my colleagues in expressing my appreciation for the effort that you have put into drafting this amendment and the work that you have done to try and create something that is both fiscally and socially responsible.

Mr. TAYLOR. I am sorry; could you please repeat your question? I could not hear you.

Ms. STEELMAN. Fortunately, I was still on my peroration in which I congratulated you for the effort that you have put into drafting the amendment. But as I look at the amendment, it raises a few questions that I would appreciate some clarification on.

The first one is on page 3 of the amendment, line 22. In the list of covered services, line 14 says, "Life sustaining medication and legend birth control medications." I am not sure I understand the applicability of the adjective "legend." Is that a typo for something else?

Mr. TAYLOR. I am looking at the same line. I honestly do not know what that would refer to, Mr. Speaker, to be honest with you. "Legend birth control medications"; I do not know.

Ms. STEELMAN. Oh; okay.

Mr. TAYLOR. Representative Manderino informs me that the word "legend" also has an interchangeable definition for "prescription," which I guess we should have asked the Democratic leader for the definition of that.

Ms. STEELMAN. "Prescription" certainly clarifies the issue to a great extent.

Mr. TAYLOR. Yes.

Ms. STEELMAN. My second question is in the next section about the portion paid by a beneficiary shall be no greater than \$150 in a 12-month period. The reason that I have a question about this is because last week I happened to have a conversation with a constituent of mine who recently got off general assistance and is in fact now medically needy only. He is working a commission-only sales job. His wife is chronically ill. They have three children, and the whole family, as I understood it, is currently classified as "medically needy only." They are not receiving any

other benefits at this point, and if your amendment becomes law, would they be required to pay \$150 a year for each of the adults, or would the three minor children also be included in that copayment? Would it be a \$300-a-year copayment or would it be a \$750-a-year copayment?

Mr. TAYLOR. The children it will not affect, so it would be two adults times \$150 for a \$300 copayment, and just let me maybe talk a second about the philosophy behind that.

The people that are working, we are cutting a fine line between a certain income level where people are actually out there purchasing insurance and in a difficult set of circumstances. So naturally, the only reason we are even here is because we have a budgetary problem, but we thought it would help even out the playing field for those that are out buying their policy and help reduce the cost of this entire program.

Ms. STEELMAN. I understand the principle. I just wanted to be sure how heavily it would bear on a sample family like this, and that is somewhat reassuring.

But then the other question that I had was after that sentence limiting the portion paid by a beneficiary to \$150 in a 12-month period, the amendment goes on to say that the department may establish coinsurance requirements and copayments and deductibles for any of the services with the exception of case management and the well-patient visit. Does that mean that those copayments and deductibles could be in addition to the \$150 a year or that all those, once the copayments and deductibles are paid up to the \$150-a-year limit, that would be it for that person?

Mr. TAYLOR. If you are referring to line 29 on page 3—

Ms. STEELMAN. Yes.

Mr. TAYLOR. —it is my intent that that is not an additional payment or an opportunity to try to derive additional payments but an additional methodology to obtain the \$150. So we are looking at creating an opportunity that could be coinsurance or copayments as well as deductibles, none of them collectively exceeding \$150 per recipient per year.

Ms. STEELMAN. Okay. My third question is that I am looking at the covered services, and it is clear that you have made a real attempt to create a safety net, but what I do not see here is outpatient treatment for mental illness, and particularly because of the anxieties that have been expressed to many of us by our county providers, could you give us a little fuller explanation of what is going to happen with regard to outpatient treatment of mental illness if this becomes the way we are operating the medicaid program in Pennsylvania?

Mr. TAYLOR. The outpatient treatment would be considered partial hospitalization, which is not a new category but a category that would be dealt with within the category of "inpatient hospitalization" in terms of the number of days covered.

Ms. STEELMAN. Could you give me an idea of the total number of visits that would be covered?

Mr. TAYLOR. If, for example, you utilize 40 days of inpatient care for a medical problem but 40 days a year for outpatient services in a psychiatric nature, they would both be included on your hospitalization number.

Ms. STEELMAN. Now, I am afraid that rather than clarifying this situation, that answer confused me more, because I am looking at the line that says 30 days of hospitalization for the treatment of mental illness entirely, and you are talking about somebody using more than that 30 days and yet still being able to qualify for outpatient treatment as well?

Is inpatient hospitalization then also going to be, the unqualified inpatient hospitalization, 60 days, is that also going to be tradable back and forth for treatment for mental illness?

Mr. TAYLOR. The inpatient psychiatric would be 30 days, which is reduced from unlimited, and there is no intent to trade back and forth inpatient days, but the partial hospitalization would be credited toward your inpatient days.

Again, I think it is important to point out that in the event somebody is undergoing a chronic disease, whether that problem be medical or mental or psychiatric, that once they have access to the system, the hospitals will ultimately be charged with that cost as opposed to preventing their entry into the system.

Ms. STEELMAN. But I thought that we were trying to move toward a model that kept people with mental illnesses out of hospitals, and I am worried that if what we are supporting is hospitalization almost exclusively, that what we are going to wind up with is more and more hospitalization, and that seems to also be the concern that people were calling my office with this morning.

Mr. TAYLOR. Mr. Speaker, I can only say that in developing a model, I would refer to it less as a model than as a starting point, which will proceed to the Senate and to the conference committee.

In the time in which I had to put this package together, keeping in mind that we did not do this in committee, that in fact what you are talking about may be a gap in coverage that we could have addressed either in the Senate or the conference committee, and I appreciate your concerns in that regard.

Ms. STEELMAN. Thank you.

My last question has to do with page 4, line 43, section 443.9: The department shall finance the costs incurred from fee-for-service to capitated contracted managed care through bonds issued pursuant to Act No. 102 of 1967 known as the Economic Development Financing Law? This seems to me to be—

Mr. TAYLOR. Yes; that is something that we passed here that nobody seems to remember, but I— And I will say that the provisions that we are referring to in that act were passed by this House and presented with the anticipated problem of financing the transition which, as you know, is not a novel concept, started at least in the other administration. But that particular law does provide the opportunity to finance the transition which, as we know, is a substantial amount of money.

Ms. STEELMAN. Thank you, Mr. Speaker. No further questions.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia County, Mr. Evans.

Mr. EVANS. Thank you, Mr. Speaker.

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

The SPEAKER. The gentleman indicates he will stand for interrogation. You may begin.

Mr. EVANS. Mr. Speaker, the copayments and the limits on some services as relating to inpatient hospital care and physician visits, it is my understanding you have a cap on how much is to be paid over a period of time?

Mr. TAYLOR. For the copay, Mr. Speaker?

Mr. EVANS. Yes.

Mr. TAYLOR. Yes.

Mr. EVANS. And it is my understanding that the cap, from what I read here, is over a 12-month period, a person should pay no more than \$150 dollars for the entire year?

Mr. TAYLOR. Yes, Mr. Speaker.

Mr. EVANS. That is including everything in terms of hospital care or physician visits or anything else?

Mr. TAYLOR. Yes.

Mr. EVANS. I also know, Mr. Speaker, that you have in the back of the amendment where you talk about the period of time that this should be implemented. For example, in Bucks, Chester, Delaware, Montgomery, and Philadelphia, they should be enrolled in a medical assistance managed-care plan by November 1, 1996. Is that consistent with the health choices that are being bidden at this point, Mr. Speaker?

Mr. TAYLOR. Mr. Speaker, it is consistent with the health choices, and the House should keep in mind that in that region of the State, in the southeast, that close to 70 percent of all medicaid recipients are currently in a managed-care plan. So we think that that particular section is easily obtained and can be implemented, and I believe that that is the goal of health choices for southeastern Pennsylvania at least. Where it differs is in the other counties, in the other sections, where we try to accelerate the movement.

Mr. EVANS. Do you have any, regarding those other areas that you have described, at this particular point you do not have a sense, is the department in terms of its health choices moving in this particular direction? Do I hear you in a sense basically saying that what the department is currently doing, you are just stretching it out over the next year, year and a half?

Mr. TAYLOR. Yes.

Mr. EVANS. Mr. Speaker, in terms of — and I assume I am operating based on numbers we have received from your office — on the bond financing, you estimate that at about \$50 million for the implementation costs to transition to managed care?

Mr. TAYLOR. Mr. Speaker, we anticipate that the financing of it realizes \$50 million in savings.

Mr. EVANS. \$50 million in savings? But the up-front costs—

Mr. TAYLOR. It is really delaying payments that have to be made for this budgetary crunch as we are moving into our deadline for July 1, 1996.

Mr. EVANS. Repeat that again, Mr. Speaker; I did not hear you.

Mr. TAYLOR. It is really an attempt to delay the costs, finance those costs, so that we are not incurring the entire cost of the transition in one budgetary year.

Mr. EVANS. Mr. Speaker, I would like to thank the gentleman for the opportunity to interrogate him. I would like to make some comments.

The SPEAKER. The gentleman, Mr. Evans, is in order and may begin.

Mr. EVANS. Thank you, Mr. Speaker.

Mr. Speaker, I want to join with both my colleagues but particularly with Representative Manderino in her earlier comments about, in our view, how we arrived to where we are today, because I think that it is important to understand the amendment that is being offered here.

Mr. Speaker, if we look at the dollars that we are receiving from the Federal Government, we have received an increase on the medical assistance, not a decrease. That is the first thing we should put on the table.

The second thing, Mr. Speaker, we should also understand that the two fastest growing parts of the budget are not medical assistance. In medical assistance there is a reduction. Long-term growth in terms of nursing homes and corrections are basically the two sections that have been growing in the budget. And if you take the increase in medical assistance on the Federal level and you take

the growth that has occurred in the other two areas and you take the reduction in those corporate taxes, Mr. Speaker, the reality of it is, unfortunately, not unfortunately but fortunately, as Representative Manderino said, this has been a manufactured crisis, and the reality of it is, it is not a question of not having the money; the money is there.

I compliment Representative Manderino and Representative Taylor for at least attempting to address the issue of health care. Just across over in New Jersey, Governor Christine Todd Whitman is dealing with this same issue on the issue of uninsured, and they have a line item in their budget something in the category of \$300 million that deals with the question of uninsured. If you go to New York, they, too, are dealing with the question of uninsured. So the reason that I compliment Representative Manderino and Representative Taylor is because at least both of them are attempting to do what they are doing in New Jersey and what they are doing in New York, not to retreat from these people but to find the way that will provide quality care as well as that will not bust the bank.

So what my observation is in what has taken place here is that this is an amendment that is moving in the right direction. It is an amendment, in my view, that gives an opportunity that says to the people of Pennsylvania that we are not just deserting you. The attempt that is here is to ensure that there is health care for people, and that is what the issue should fundamentally be about. We should not be shifting health care to our counties, to our hospitals, to our charitable organizations, because we do have a tendency up here to vote for things and then shift the cost to someone else and say, well, then you figure out what to do about it. This attempt on Representative Taylor's part and Representative Manderino's part is an attempt to at least send a message that the Commonwealth of Pennsylvania has a responsibility and we should not ignore that responsibility, because in New Jersey and in New York — and both have Republican Governors — both of them are standing up addressing the question of uninsured. They are not deserting the uninsured people of their particular State.

So I agree with Representative Manderino when she said that this crisis was created, because there was no reason that we had to go through what is occurring here today. This amendment is moving in the right direction, and I think that we should support it. Thank you, Mr. Speaker.

The SPEAKER. On the question of adoption of the amendment, the lady, Ms. Manderino, desires recognition for the second time? The lady is recognized.

Ms. MANDERINO. Thank you, Mr. Speaker.

Just briefly, at least to my members, but really, to all members, as I said before, this amendment is not perfect. I think it could have been a lot better had we done the right thing and let the committee do its work. I have some concerns I expressed myself to make sure the copayment does not deny access. Representative Steelman raised a question that I think is very important with regard to mental health outpatient concerns.

I am asking for a "yes" vote, again, because I think this is the right way to move. I do not think it is the end. I want to take those concerns not only that I have identified but that other members have identified and move forward and keep working in the Senate and keep working however far this bill goes to get these issues addressed, moving in the right direction.

So I ask you to stay with us and support us on the amendment today, and I also ask you to share those shortcomings that you have noticed from the amendment with us so that we can continue to

move forward and make sure that we have the proper coverage and the proper safety net for our citizens.

The SPEAKER. The Chair thanks the lady.

The gentleman, Mr. Taylor, for the second time.

Mr. TAYLOR. Briefly, Mr. Speaker, I would just ask the House to support this amendment. I think it is the first step in reaching our goal of realizing some savings for this budget, at the same time keeping intact the coverage for the people that need it in Pennsylvania, and I would ask for your support.

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—147

Allen	DiGirolamo	Levdansky	Rooney
Argall	Donatucci	Lloyd	Rublely
Bard	Druce	Lucyk	Rudy
Battisto	Evans	Manderino	Sainato
Bebko-Jones	Fajt	Markosek	Santoni
Belardi	Feese	Marsico	Scrimenti
Belfanti	Fichter	Masland	Semmel
Bishop	Gamble	Mayernik	Serafini
Blaum	George	McCall	Shaner
Boscola	Gigliotti	McGeehan	Staback
Boyes	Gladeck	McGill	Stairs
Bunt	Godshall	Melio	Steelman
Butkovitz	Gordner	Merry	Stetler
Buxton	Gruitza	Michlovic	Sturla
Caitagirone	Gruppo	Micozzie	Surra
Cappabianca	Habay	Mihalich	Tangretti
Carr	Haluska	Miller	Taylor, E. Z.
Carone	Hanna	Mundy	Taylor, J.
Cawley	Hasay	Myers	Thomas
Civera	Hennessey	Nailor	Tigue
Clark	Herman	Nyce	Travaglio
Clymer	Horsey	O'Brien	Trello
Cohen, L. I.	Itkin	Olasz	Trich
Cohen, M.	James	Oliver	Tulli
Colafiglia	Jarolin	Pesci	Van Horne
Colaizzo	Josephs	Petrarca	Veon
Conti	Kaiser	Petrone	Vitali
Cornell	Keller	Pistella	Walko
Corpora	Kenney	Preston	Washington
Cowell	Kirkland	Ramos	Williams
Coy	Krebs	Readshaw	Wogan
Curry	Kukovich	Reber	Wozniak
Daley	LaGrotta	Reinard	Wright, D. R.
DeLuca	Laughlin	Rieger	Wright, M. N.
Dempsey	Lawless	Roberts	Yewcic
Dermody	Lederer	Robinson	Youngblood
DeWeese	Lescovitz	Roebuck	

NAYS—52

Adolph	Flick	Pettit	Snyder, D. W.
Armstrong	Geist	Phillips	Steil
Baker	Harhart	Pitts	Stern
Barley	Haste	Platts	Stish
Birmelin	Hershey	Raymond	Strittmatter
Brown	Hess	Rohrer	True
Browne	Hutchinson	Sather	Vance
Chadwick	Jadlowiec	Saylor	Waugh
Dent	Leh	Schroder	Zimmerman
Durham	Lynch	Schuler	Zug
Egolf	Maitland	Sheehan	

Fairchild	Major	Smith, B.	Ryan,
Fargo	Nickol	Smith, S. H.	Speaker
Fleagle	Perzel		

NOT VOTING-1

Gannon

EXCUSED-3

Corrigan Farmer King

The majority having voted in the affirmative, 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. PERZEL. Mr. Speaker?

The SPEAKER. The gentleman, Mr. Perzel.

Mr. PERZEL. Thank you, Mr. Speaker.

At this time, Mr. Speaker, I would suggest we go to packet 1, amendment number—

I apologize, Mr. Speaker. The Browne amendment which we had passed over temporarily is now ready with a fiscal note. The second we are done with the Browne amendment, we go to packet 1, the first amendment on the first page, and run through the amendments in order, Mr. Speaker.

On the question recurring,

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

Mr. BROWNE reoffered the following amendment No. A2560:

Amend Bill, page 49, by inserting between lines 2 and 3

Section 15.1. Section 443.1 of the act, amended July 15, 1976, (P.L.993, No.202), is amended to read:

Section 443.1. Medical Assistance Payments for Institutional Care.—(a) The following medical assistance payments shall be made in behalf of eligible persons whose institutional care is prescribed by physicians:

(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.

(5) All facilities receiving medical assistance payments for hospital-based care under this section shall comply with the requirements of this clause. Each facility shall:

(i) complete, alone or with others, a community needs assessment, which shall be updated at least once every three years;

(ii) adopt and update annually a plan of implementation for providing community benefits; and

(iii) submit the community benefits plan and results to the department annually.

(b) As used in this section:

"Community benefits" includes, but is not limited to, unreimbursed cost of caring for the medically indigent, Medicaid recipients or Medicare recipients; local community health improvement efforts; and unreimbursed costs associated with medical research, education and volunteer efforts.

"Community needs assessment" means an evaluation of the need for community benefits and the rate or level at which they are provided by the facility.

"Local community health improvement efforts" includes health fairs, health screenings and other services offered to the community without discrimination against categories of patients who may benefit from those services.

On the question,

Will the House agree to the amendment?

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

Mr. BROWNE. Thank you, Mr. Speaker.

This amendment, A2560, frankly, is the community benefits legislation. Recently a national health survey that was conducted by a reputable community health organization surveyed 2,500 randomly selected individuals with different health insurance status, from commercial to medicaid to uninsured, and it revealed clearly, based on the survey, that the community that possesses the lowest health status is the one that receives medical assistance.

To questions such as whether you currently have poor health, 14 percent of the medicaid population said yes; 1 percent of those with commercial insurance said yes; 2 percent of the uninsured said yes. Those who said they were worse off from the prior year as far as their health, 41 percent of medicaid recipients said yes,

while only 13 percent of commercial and 14 percent of the uninsured said yes. What this shows is that even though we spend \$66.5 billion in medicaid, the health status of this community is significantly lower than where it should be. I think as a body that invests this money, we should ensure that we do not only look at the process and the cost but ensure that long-term health improvement of our medicaid population is ensured, and strategies have been evolving throughout our country to deal with this through greater assessment and greater evaluation methodologies in our health-care community.

Through something called community needs assessment, providers and provider groups are determining what populations are suffering from poor health status and why and what better practices and integrations are necessary to address the needs of these populations. And through community benefits assessment, providers and provider groups establish measurable outcomes of what they are doing as far as their health practices and their health-care networks and ways they can judge the utilization of health-care resources.

Through greater assessment and evaluation methodologies, we can facilitate individual and shared responsibilities, integration and interaction between health-care organizations and health human service organizations, local processes for prioritization and allocating resources, adoption of health status outcomes rather than just cost and processes of care to ensure health systems quality, and for us, accountability and the effective use of valuable medical dollars.

This amendment, Mr. Speaker, will require as a condition of receiving medicaid dollars that providers or provider groups conduct a community needs assessment and a community benefits assessment to be issued to the Department of Public Welfare every 3 years. It will promote better utilization of our health-care dollars, to the improved health status of our constituents. And because of that, because of the benefits of this, in the wake of limiting health dollars and making sure we integrate our resources and better serve our communities, to look at outcomes and better health status, I urge an affirmative vote.

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—197

Adolph	Egolf	Maitland	Schroder
Allen	Evans	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Fajt	Markosek	Semmel
Baker	Fargo	Marsico	Serafini
Bard	Feese	Masland	Shaner
Barley	Fichter	Mayernik	Sheehan
Battisto	Fleagle	McCall	Smith, B.
Bebko-Jones	Flick	McGeehan	Smith, S. H.
Belardi	Gamble	McGill	Snyder, D. W.
Belfanti	Gannon	Melio	Staback
Birmelin	Geist	Merry	Stairs
Bishop	George	Micozzie	Steelman
Blaum	Gigliotti	Mihalich	Stern
Boscola	Gladeck	Miller	Stern
Boyes	Godshall	Mundy	Stetler
Brown	Gordner	Myers	Stish
Browne	Gruitza	Nailor	Strittmatter

Bunt	Gruppo	Nickol	Sturla
Butkovitz	Habay	Nyce	Surra
Buxton	Haluska	O'Brien	Tangretti
Caltagirone	Harhart	Olasz	Taylor, E. Z.
Cappabianca	Hasay	Oliver	Taylor, J.
Carn	Haste	Perzel	Thomas
Carone	Hennessey	Pesci	Tigue
Cawley	Herman	Petrarca	Travaglio
Chadwick	Hershey	Petrone	Trello
Civera	Hess	Pettit	Trich
Clark	Horsey	Phillips	True
Clymer	Hutchinson	Pistella	Tulli
Cohen, L. I.	Itkin	Pitts	Vance
Cohen, M.	Jadlowiec	Platts	Van Horne
Colafella	James	Preston	Veon
Colaizzo	Jarolin	Ramos	Vitali
Conti	Josephs	Raymond	Walko
Cornell	Kaiser	Readshaw	Washington
Corpora	Keller	Reber	Waugh
Cowell	Kenney	Reinard	Williams
Coy	Kirkland	Rieger	Wogan
Curry	Krebs	Roberts	Wozniak
Daley	Kukovich	Robinson	Wright, D. R.
DeLuca	LaGrotta	Roebuck	Wright, M. N.
Dempsey	Laughlin	Rohrer	Yewcic
Dent	Lawless	Rooney	Youngblood
Dermody	Lederer	Rubley	Zimmerman
DeWeese	Leh	Rudy	Zug
DiGiroiamo	Lescovitz	Sainato	
Donatucci	Levdansky	Santoni	Ryan,
Druce	Lucyk	Sather	Speaker
Durham	Lynch	Saylor	

NAYS—3

Hanna	Lloyd	Michlovic
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NOT VOTING—0

EXCUSED—3

Corrigan	Farmer	King
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The majority having voted in the affirmative, 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?

The SPEAKER. The Chair turns to, for its own reference and for those of you who care to follow, to page 1 of packet 1, amendment No. 2342, that of Mr. Lloyd.

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

Mr. LLOYD offered the following amendment No. A2342:

Amend Title, page 1, line 17, by inserting after "SYSTEM;"
imposing license suspension for certain violations;
Amend Bill, page 53, by inserting between lines 16 and 17
Section 19. The act is amended by adding a section to read:
Section 484. Automatic License Suspension.—(a) A license, registration, certificate or permit which is issued to a person by a licensing

board under the Bureau of Professional and Occupational Affairs shall automatically be suspended as follows:

(1) Upon conviction of Medicaid fraud under Federal or State law or the laws of any other state, such suspension to be either concurrent with the period during which such person is imprisoned because of the conviction or for a period of one year from the date of sentencing for the conviction, whichever is greater.

(2) Upon denial of participation in the Medicaid program because of a violation of the Medicaid program as determined under Federal or State law or the laws of any other state, such suspension to be concurrent with the period during which such person is denied participation in the Medicaid program.

(b) Nothing in this section shall be construed to prohibit a licensing board from imposing a longer suspension than prescribed by subsection (a), provided that the licensing board shall impose a longer suspension only after notice and an opportunity to be heard and that the automatic suspension shall not be stayed pending a decision by the board on whether to impose a longer suspension.

(c) As used in this section, the term "conviction" shall include a finding or an admission of guilt, a plea of nolo contendere, probation without verdict, Accelerated Rehabilitative Disposition or disposition in lieu of trial.

Amend Sec. 19, page 53, line 17, by striking out 19 and inserting 20

Amend Sec. 20, page 53, line 26, by striking out "20" and inserting 21

Amend Sec. 21, page 54, line 5, by striking out "21" and inserting 22

Amend Bill, page 54, by inserting between lines 11 and 12

Section 23. The addition of section 484 of the act shall apply only to violations occurring on and after the effective date of section 484.

Amend Sec. 22, page 54, line 12, by striking out "22" and inserting 24

Amend Sec. 22, page 54, line 16, by striking out "SECTION 454" and inserting

sections 454 and 484

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

The SPEAKER. On the question before the House, the Chair recognizes the gentleman, Mr. Lloyd.

Mr. LLOYD. Thank you. Mr. Speaker.

Mr. Speaker, this amendment deals with the question of licensed health-care professionals who are convicted of medicaid fraud or are thrown out of the medicaid program because of a determination of fraud by the system. Mr. Speaker, this amendment would provide for the automatic suspension of the professional's license upon conviction of medicaid fraud, which would therefore eliminate the need for the State licensing boards to have hearings with regard to those suspensions. The length of that suspension would be either the period of time in which the person is in prison or 1 year, whichever is greater.

Secondly, Mr. Speaker, those people who are not criminally prosecuted but who are determined to be guilty of defrauding the system and therefore are denied the right to continue to participate in the system would also have their licenses automatically suspended.

Mr. Speaker, it seems to me that if we are serious about welfare reform and we are serious about trying to make sure that all of the excess costs are squeezed from the system, that when we have a health-care professional who is ripping off that system, there ought to be a serious penalty imposed for that.

Mr. Speaker, I urge adoption of the amendment.

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

The following roll call was recorded:

YEAS—200

Adolph	Evans	Maitland	Saylor
Allen	Fairchild	Major	Schroder
Argall	Fajt	Manderino	Schuler
Armstrong	Fargo	Markosek	Scrimenti
Baker	Feese	Marsico	Semmel
Bard	Fichter	Masland	Serafini
Barley	Fleagle	Mayernik	Shaner
Battisto	Flick	McCall	Sheehan
Bebko-Jones	Gamble	McGeehan	Smith, B.
Belardi	Gannon	McGill	Smith, S. H.
Belfanti	Geist	Melio	Snyder, D. W.
Birmelin	George	Merry	Staback
Bishop	Gigliotti	Michlovic	Stairs
Blaum	Gladeck	Micozzie	Steelman
Boscola	Godshall	Mihalich	Steil
Boyes	Gordner	Miller	Stern
Brown	Gruitza	Mundy	Stetler
Browne	Gruppo	Myers	Strish
Bunt	Habay	Nailor	Strittmatter
Butkovitz	Haluska	Nickol	Sturla
Buxton	Hanna	Nyce	Surra
Caltagirone	Harhart	O'Brien	Tangretti
Cappabianca	Hasay	Olasz	Taylor, E. Z.
Carn	Haste	Oliver	Taylor, J.
Carone	Hennessey	Perzel	Thomas
Cawley	Herman	Pesci	Tigue
Chadwick	Hershey	Petrarca	Travaglio
Civera	Hess	Petrona	Trello
Clark	Horsey	Pettit	Trich
Clymer	Hutchinson	Phillips	True
Cohen, L. I.	Itkin	Pistella	Tulli
Cohen, M.	Jadlowiec	Pitts	Vance
Colafiglia	James	Platts	Van Horne
Colaizzo	Jarolin	Preston	Veon
Conti	Josephs	Ramos	Vitali
Cornell	Kaiser	Raymond	Walko
Corpora	Keller	Readshaw	Washington
Cowell	Kenney	Reber	Waugh
Coy	Kirkland	Reinard	Williams
Curry	Krebs	Rieger	Wogan
Daley	Kukovich	Roberts	Wozniak
DeLuca	LaGrotta	Robinson	Wright, D. R.
Dempsey	Laughlin	Roebuck	Wright, M. N.
Dent	Lawless	Rohrer	Yewcic
Dermody	Lederer	Rooney	Youngblood
DeWeese	Leh	Rubley	Zimmerman
DiGirolamo	Lescovitz	Rudy	Zug
Donatucci	Levdansky	Sainato	
Druce	Lloyd	Santoni	Ryan,
Durham	Lucyk	Sather	Speaker
Egolf	Lynch		

NAYS—0

NOT VOTING—0

EXCUSED—3

Corrigan Farmer King

The majority having voted in the affirmative, 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?

The SPEAKER. The Chair recognizes the lady from Philadelphia, Ms. Josephs, for amendment A2377.

Ms. JOSEPHS. Mr. Speaker, I understand the confusion here because this is such an inappropriate exercise for this body, but I have already withdrawn this amendment. Thank you, Mr. Speaker.

The SPEAKER. Ms. Josephs, thank you.

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

Mr. OLIVER offered the following amendment No. A2378:

Amend Sec. 12 (Sec. 432.6), page 37, line 21, by striking out "not be authorized" and inserting

be terminated

Amend Sec. 12 (Sec. 432.6), page 37, line 22, by striking out "until" and inserting

if

Amend Sec. 12 (Sec. 432.6), page 37, line 23, by striking out "cooperated" and inserting

failed to cooperate

Amend Sec. 14 (Sec. 432.19), page 46, line 26, by inserting a period after "standards"

Amend Sec. 14 (Sec. 432.19), page 46, lines 26 through 28, by striking out "or" in line 26, all of line 27 and "relations section pursuant to section 432.6" in line 28

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

AMENDMENT WITHDRAWN

Mr. OLIVER. Mr. Speaker, I am withdrawing that amendment as well as the other amendments in my name.

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. Ms. Manderino is recognized for amendment A2383.

Ms. Manderino, do you have any amendments that you are withdrawing so that we can clear our information sheet up?

Ms. MANDERINO. Yes, Mr. Speaker. I am withdrawing all but two amendments. I do want to run A2383 and A2388.

The SPEAKER. At this time, Ms. Manderino, we will take A2383. A2388, we are awaiting a fiscal note on, so we will come back to that a little later.

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

Ms. MANDERINO offered the following amendment No. A2383:

Amend Sec. 5 (Sec. 405.1), page 14, lines 5 through 8, by striking out "A" in line 5, all of lines 6 through 8 and inserting

Those recipients whom the department determines to be permanently unemployable shall be exempt from work requirements and shall be referred to appropriate Federal disability programs. Those recipients whom the department determines to be temporarily unemployable will be assessed for rehabilitation potential and an employment and training plan shall be developed that includes treatment, training and rehabilitation services. Wilful failure to comply without good cause with an appropriate employment and training plan shall be grounds for sanction.

Amend Sec. 9 (Sec. 432), page 27, lines 14 through 19, by striking out "A" in line 14, all of lines 15 through 19 and inserting

Those recipients whom the department determines to be permanently unemployable shall be exempt from work requirements and shall be referred to appropriate Federal disability programs. Those recipients whom the department determines to be temporarily unemployable will be assessed for rehabilitation potential and an employment and training plan shall be developed that includes treatment, training and rehabilitation services. Wilful failure to comply without good cause with an appropriate employment and training plan shall be grounds for sanction.

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

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

Ms. MANDERINO. Thank you, Mr. Speaker.

This amendment makes a very practical adjustment to ensure that those people who had been classified as "chronically needy" and who are no longer going to be classified as such and are going to be classified as "employable" are moved into the same provisions to allow for an employment plan for them to be drawn up. In the past, if they were chronically needy, there was an assumption by the department that they were unemployable and there were never any employment services or an employment plan to get them into work provided. This asks for the department to include them in that process, and I ask for an affirmative vote.

The SPEAKER. Mr. Flick, do you desire recognition?

The Chair recognizes the gentleman, Mr. Flick.

Mr. FLICK. Madam Speaker, the—

The SPEAKER. Madam Speaker?

Mr. FLICK. Excuse me. Mr. Speaker—

The SPEAKER. Thank you.

Mr. FLICK. —Madam Manderino, the welfare reform proposal before us provides additional funding for job training, and part of the reason for providing additional funding is because the attempt is to provide the opportunity for more people to gain gainful employment. By allowing individuals to remove the work requirement, you are going to force the amount of money that was to be available for job training to be squandered in the continuing of passing out meager checks.

The whole point of the welfare reform proposal before us is to have individuals accept responsibility, to have them conduct a work search, to have them plan for their ability to get out of this welfare trap. I visited a project in Chester County. It was PennLINK. There were individuals who were in job training, and there were employers who were waiting to hire these individuals. If you remove the work requirement from this provision, individuals will continue to flip from one job training aspect to another.

When I was going to college a number of years ago, I worked 40 hours in gas stations. I helped provide for my tuition. Because an individual is receiving welfare payments does not necessarily entitle them to continuing education for years and years and years.

I would suggest that the whole point of this bill is for individuals to accept personal responsibility, to seek employment in the work force, and to also continue to advance their own abilities to move up in the job ladder by participating in job training. I have here a booklet that indicates all the job training programs that are available in Pennsylvania. There are 35 job training programs. We spend three-quarters of a billion dollars of Federal and State funds for these programs. Individuals who would be participating in the job requirement in this bill are not removed from participating in educational opportunities, but to remove the requirement that they help provide for their families is inconsistent with trying to be responsible adults.

I would oppose this amendment, Mr. Speaker and Madam Manderino.

The SPEAKER. The gentleman, Mr. Lloyd.

Mr. LLOYD. Mr. Speaker, would the maker of the amendment consent to interrogation?

The SPEAKER. She indicates she will. You may begin.

Mr. LLOYD. Mr. Speaker, my problem is, I read the language and I listened to what you said and I listened to what Mr. Flick said, and I do not see in the language anything that looks like what he said. I would like an explanation. Forget the arguments as to whether it is good or bad. I want to understand these sections of the bill, the way they work now and the way they would work if you amended them.

Ms. MANDERINO. Right now we have a classification called chronically needy that is being eliminated through this Senate bill. What they are going to do with chronically needy under the Senate bill is say, we are going to relook at everybody who is in chronically needy and we are going to redefine whether or not they are employable. What my amendment is saying is, if you redetermine that they are still permanently unemployable, the work requirements do not apply to them, but for the people that you are now going to say, we used to call you unemployable, you are now employable, for that classification of people who we are now going to call employable, we are going to say, what makes sense and what is only fair, what we never did for you before was any kind of employment and training program or employment and training plan and now we will.

Mr. LLOYD. So the difference is that if we do not pass your amendment and someone who is chronically needy today is determined to be capable of working, under the bill, that person loses his benefits. Whether he can in fact find a job or not, whether in fact anybody helps him or not, he loses his benefits. Under your amendment, he does not lose his benefits as long as he participates in some kind of a placement program that the department operates? Is that correct?

Ms. MANDERINO. Yes. What my amendment is saying is before ending their medical or subsistence benefits — okay? — we offer them services to help them become self-sufficient. So my intent is to bring them back in and say, the same services in RESET that we are going to offer for the medically needy only, it only makes sense to catch the chronically needy people.

Mr. LLOYD. I agree with that. I guess the question that I am trying to get to is, is there some termination on how long someone may receive that kind of assistance, in answer to Mr. Flick's point?

Ms. MANDERINO. It is my understanding that it is the same termination that applies under RESET, which is 2 years.

Mr. LLOYD. Two years. So that under the bill, without your amendment, someone who goes from chronically needy to not being chronically needy loses his cash benefits immediately. Under your amendment, that person could conceivably continue to receive them for 2 years.

Ms. MANDERINO. That is my intent, yes. That is my understanding of what I am doing here.

Mr. LLOYD. Thank you, Mr. Speaker.

The SPEAKER. On the question of the adoption of the amendment, the gentleman, Mr. Snyder.

Mr. SNYDER. Mr. Speaker, I ask for a negative vote on this amendment. This amendment does several things, as has been noted through the debate, but I think our members have to understand that one of the most critical areas that this addresses is the fact that it would require the Department of Welfare now to basically develop an individual training program for each person applying for public assistance and would substantially broaden the personnel requirements of the department and provide substantial expense to our assistance programs, and I would ask for a "no" vote.

The SPEAKER. On the question, Ms. Manderino for the second time.

Ms. MANDERINO. Thank you, Mr. Speaker.

Just briefly, a reminder that these are not the folks who have traditionally been classified as recipients or applicants under medically needy only; these are people who until the department redefines them are folks who have been considered disabled. So these are folks who have some real needs that have never been addressed if we are going to move them to employment.

I ask for an affirmative vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—93

Battisto	Fajt	Markosek	Sainato
Bebko-Jones	Gamble	McCall	Santoni
Belardi	George	McGeehan	Scrimenti
Belfanti	Gigliotti	Melio	Shaner
Bishop	Gordner	Michlovic	Staback
Butkovitz	Gruitza	Mihalich	Steelman
Buxton	Horsey	Mundy	Stetler
Caltagirone	Itkin	Myers	Sturla
Cappabianca	James	Oliver	Surra
Carr	Jarolin	Pesci	Tangretti
Carone	Josephs	Petrarca	Thomas
Cawley	Kaiser	Petrone	Travaglio
Cohen, M.	Keller	Pistella	Trello
Colafella	Kenney	Platts	Trich
Corpora	Kirkland	Preston	Van Horne
Cowell	Kukovich	Ramos	Veon
Coy	LaGrotta	Readshaw	Walko
Curry	Laughlin	Rieger	Washington
Daley	Lederer	Roberts	Williams
DeLuca	Lescovitz	Robinson	Wozniak
Dermody	Levdansky	Roebuck	Wright, D. R.
DeWeese	Lucyk	Rooney	Yewcic
Donatucci	Manderino	Rudy	Youngblood
Evans			

NAYS-106

Adolph	Egolf	Lloyd	Schuler
Allen	Fairchild	Lynch	Semmel
Argall	Fargo	Maitland	Serafini
Armstrong	Feese	Major	Sheehan
Baker	Fichter	Marsico	Smith, B.
Bard	Fleagle	Masland	Smith, S. H.
Barley	Flick	Mayernik	Snyder, D. W.
Birmelin	Gannon	McGill	Stairs
Blaum	Geist	Merry	Steil
Boscola	Gladeck	Micozzie	Stern
Boyes	Godshall	Miller	Stish
Brown	Gruppo	Nailor	Strittmatter
Browne	Habay	Nickol	Taylor, E. Z.
Bunt	Haluska	Nyce	Taylor, J.
Chadwick	Hanna	O'Brien	Tigue
Civera	Harhart	Perzel	Truc
Clark	Hasay	Petit	Tulli
Clymer	Haste	Phillips	Vance
Cohen, L. I.	Hennessey	Pitts	Vitali
Colaizzo	Herman	Raymond	Waugh
Conti	Hershey	Reber	Wogan
Cornell	Hess	Reinard	Wright, M. N.
Dempsey	Hutchinson	Rohrer	Zimmerman
Dent	Jadlowiec	Rubley	Zug
DiGirolamo	Krebs	Sather	
Druce	Lawless	Saylor	Ryan,
Durham	Leh	Schroder	Speaker

NOT VOTING-1

Olasz

EXCUSED-3

Corrigan Farmer King

Less than the majority having voted in the affirmative, 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?

Mr. BLAUM offered the following amendment No. A2398:

Amend Title, page 1, line 3, by inserting after "Commonwealth," providing for early intervention programs for infants and toddlers with handicaps;

Amend Bill, page 1, lines 21 and 22, by striking out all of said lines and inserting

Section 1. The act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, is amended by adding a section to read:

Section 201.2. Early Intervention Programs for Infants and Toddlers with Handicaps.—(a) The department shall be prohibited from withdrawing from Part H of the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.) prior to July 1, 1997.

(b) If the department recommends withdrawal from Part H of the Individuals with Disabilities Education Act, the department shall be required to comply with 34 CFR §§ 303.110 (relating to general requirements and timelines for public participation) through 303.113 (relating to reviewing and reporting on public comments received), which relate to procedures and timelines for ensuring public hearings, participation and comments on the proposed changes in the application.

(c) The department shall submit a report to the General Assembly, no later than January 1, 1997, which at a minimum:

(1) identifies and provides justification for any recommendations for changes in the early intervention program for infants and toddlers; and

(2) documents the extent to which the Interagency Coordinating Council established by the act of December 19, 1990 (P.L.1372, No.212), known as the "Early Intervention Services System Act," has participated in the development of the recommendations and whether the council has approved or commented on the proposed changes.

Section 1.1. Section 401 of the act, amended June 16, 1994

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question, the Chair recognizes the gentleman.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, this amendment addresses a concern of many people regarding the Department of Public Welfare's proposed changes in the early intervention program — early intervention, which takes care of kids with disabilities from birth until 3 years old, toddlers with serious problems that are addressed through the early intervention program. What the department has proposed is opting out of the Federal program, thereby giving up \$11 million to treat these kids; not only giving up the \$11 million but also capitating how much can be spent on each child at \$5,400. Now, the average is not much higher than that, but obviously, some kids need additional care and additional resources.

There has been some conversation throughout the day regarding fiscal notes. I welcome anyone to check the fiscal note for this particular amendment, because the operative language is that it actually gains \$11 million for the Commonwealth of Pennsylvania by continuing to participate in the Federal program that takes care of these kids.

Mr. Speaker, I think it is important to know that what this amendment does is retains this \$11 million, allows the Commonwealth to continue to participate under these regulations, but if after July 1 of this year the department wants to opt out, that they do it through a public hearing process so these children and their parents who are quite nervous about what has been proposed will have the opportunity to voice their concerns, and if in fact the department still feels that we ought to opt out of it, that they submit a report to the General Assembly, to all of us, by January of 1997 as to the reasons why it should be done. Many of us believe that this was proposed without a great deal of forethought and that we should not give up these necessary dollars. Right now we spend about \$35 million on this early intervention. The Governor, to his credit, has proposed an increase of about \$6.5 million, but we do need to participate with the Federal program to gain an additional \$11 million.

So I would ask the members for an affirmative vote.

The SPEAKER. The gentleman, Mr. Snyder.

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, this of course has also been an issue of concern to members of our caucus, and we ask for support for this amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-200

Adolph	Evans	Maitland	Saylor
Allen	Fairchild	Major	Schroder
Argall	Fajt	Manderino	Schuler
Armstrong	Fargo	Markosek	Scrimenti
Baker	Feese	Marsico	Semmel
Bard	Fichter	Masland	Serafini
Barley	Fleagle	Mayernik	Shaner
Battisto	Flick	McCall	Sheehan
Bebko-Jones	Gamble	McGeehan	Smith, B.
Belardi	Gannon	McGill	Smith, S. H.
Belfanti	Geist	Melio	Snyder, D. W.
Birmelin	George	Merry	Staback
Bishop	Gigliotti	Michlovic	Stairs
Blaum	Gladeck	Micozzie	Steelman
Boscola	Godshall	Mihalich	Steil
Boyes	Gordner	Miller	Stern
Brown	Gruitza	Mundy	Stetler
Browne	Gruppo	Myers	Stish
Bunt	Habay	Nailor	Strittmatter
Butkovitz	Haluska	Nickol	Sturla
Buxton	Hanna	Nyce	Surra
Caltagirone	Harhart	O'Brien	Tangretti
Cappabianca	Hasay	Olasz	Taylor, E. Z.
Carn	Haste	Oliver	Taylor, J.
Carone	Hennessey	Perzel	Thomas
Cawley	Herman	Pesci	Tigue
Chadwick	Hershey	Petrarca	Travaglio
Civera	Hess	Petrone	Trello
Clark	Horsey	Pettit	Trich
Clymer	Hutchinson	Phillips	True
Cohen, L. I.	Itkin	Pistella	Tulli
Cohen, M.	Jadlowiec	Pitts	Vance
Colafiglia	James	Platts	Van Horne
Colaizzo	Jarolin	Preston	Veon
Conti	Josephs	Ramos	Vitali
Cornell	Kaiser	Raymond	Walko
Corpora	Keller	Readshaw	Washington
Cowell	Kenney	Reber	Waugh
Coy	Kirkland	Reinard	Williams
Curry	Krebs	Rieger	Wogan
Daley	Kukovich	Roberts	Wozniak
DeLuca	LaGrotta	Robinson	Wright, D. R.
Dempsey	Laughlin	Roebuck	Wright, M. N.
Dent	Lawless	Rohrer	Yewcic
Dermody	Lederer	Rooney	Youngblood
DeWeese	Leh	Rublely	Zimmerman
DiGirolamo	Lescovitz	Rudy	Zug
Donatucci	Levdansky	Sainato	
Druce	Lloyd	Santoni	Ryan,
Durham	Lucyk	Sather	Speaker
Egolf	Lynch		

NAYS-0

NOT VOTING-0

EXCUSED-3

Corrigan Farmer King

The majority having voted in the affirmative, 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. SURRA offered the following amendment No. A2420:

Amend Sec. 12 (Sec. 432.7), page 43, by inserting between lines 11 and 12

(j) Any person who has assigned support rights to the department shall be entitled to notice and the opportunity to participate in any proceeding for the establishment, modification or enforcement of support.

(k) When an assignment is in effect, the department shall be guided by the best interest of the child in its actions concerning child support.

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

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

Mr. SURRA. Mr. Speaker, I am withdrawing amendment 2420.

The SPEAKER. The Chair thanks the gentleman.

Mr. Surra, we have you listed with about a half a dozen amendments. Are you withdrawing any others?

Mr. SURRA. I will tell you now which ones I am planning on withdrawing. I am trying to get that organized right now with what we have.

The SPEAKER. Shall we go in order - 2421?

Mr. SURRA. I will get a list to you, Mr. Speaker. I have it written down. It is not in my possession right now. I will bring it up to you.

The SPEAKER. The gentleman, Mr. Surra, will be passed over.

On the question recurring,

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

Mr. KUKOVICH offered the following amendment No. A2428:

Amend Sec. 17, page 51, by inserting between lines 14 and 15

Section 456. Medical Assistance Managed Care Planning Requirements.—(a) Prior to expanding medical assistance managed care, the secretary shall prepare in writing a medical assistance managed care plan.

(b) The plan shall include the following concepts and shall specify how these concepts are to be accomplished:

(1) The purpose of using managed care in the medical assistance program is to expand the availability of primary and preventive care in a cost-effective manner and to ensure that each individual has a medical home.

(2) This purpose shall not be achieved by denying needed specialty or rehabilitative services.

(3) Children in managed care on medical assistance shall be entitled to and have access to all medically necessary health and rehabilitative services allowed under Title XIX of the Social Security Act (49 Stat. 620, 42 U.S.C. § 701 et seq.), including case management and a full range of specialty providers.

(4) Participating managed care plans must recognize and respect parents or legal guardians as the primary decision makers for their children.

(5) Participating managed care plans shall not disapprove a health or rehabilitative service for a child as not medically necessary without providing an adequate alternative service that meets the child's needs.

(6) Participating managed care plans enrolling persons with special needs shall adhere to the principles developed by the Child and

Adolescent Service System Program and the Community Support Program, as applicable.

(7) Services provided by publicly funded nonprofit health care and rehabilitation providers shall continue to be available to individuals in managed care on medical assistance to the same extent as they are available to individuals on medical assistance not in managed care. Managed care enrollees must be notified of their right to and the manner in which they can obtain these services.

(8) Individuals on medical assistance in areas served by managed care plans shall be able to choose between competing plans where more than one plan participates in medical assistance in that area.

(9) Individuals on medical assistance in managed care plans shall have input in the ongoing development of policy by the department regarding managed care through the appointment of such individuals to the Consumer Subcommittee of the Medical Assistance Advisory Committee and by other mechanisms. In securing input, the department shall recognize the diversity of persons on medical assistance and the special health needs of children.

(10) Participating managed care plans shall give enrollees the option of receiving services in a home or community-based setting whenever the services needed can safely be provided in a noninstitutional setting.

(11) There shall be a workable process for consumer groups and providers to bring systemic problems to the attention of the department.

(12) Individuals on medical assistance in managed care plans who are dissatisfied with their plan's response to their grievances shall be entitled to a departmental fair hearing.

(13) Individuals on medical assistance shall not be required to enroll in a managed care plan if there are insufficient practitioners enrolled in a medical assistance participating plan within a reasonable distance of those individuals.

(14) The department shall establish a mental health task force that has significant consumer and family representation to review its plans to provide mental health services under managed care and to integrate those services with the full range of medical, clinical, rehabilitation, social supports and drug and alcohol services needed by persons with mental illness.

(15) Mobile, nonfacility-based services shall be provided for the priority population established by the Office of Mental Health in the department.

(c) The department shall contract only with those managed care plans that document the expertise and resources, including participating physicians, hospitals, etc., necessary to provide a broad range of quality health services to individuals on medical assistance in a timely and appropriate manner at locations sufficiently proximate to the individuals being enrolled.

(d) Participating managed care plans shall provide the department with sufficient data to monitor quality assurance, including:

(1) types and amounts of services provided to individuals under twenty-one years of age, including early and periodic screening, diagnosis and treatment services pursuant to section 1905(r) of the Social Security Act (49 Stat. 620, 42 U.S.C. § 1396d(r)) and those other services not on the medical assistance fee schedule;

(2) enrollment in each managed care plan by medical assistance beneficiaries receiving services through county-based mental health, mental retardation and drug and alcohol systems and their utilization of health services;

(3) number of and response to informal complaints and grievances;

(4) types and number of services for which coverage was denied by the managed care plan;

(5) responses to enrollee satisfaction surveys; and

(6) qualifications and specialties, if any, of enrolled providers.

(e) The department shall consider the following issues during its planning process and shall state in both its draft and final plans how it intends to resolve these issues:

(1) How it will ensure that persons under twenty-one years of age enrolled in managed care plans receive medical, developmental, vision,

dental and hearing screenings, as well as early and periodic screening, diagnosis and treatment services as specified in section 1905(r) of the Social Security Act.

(2) How it will ensure that there are no financial disincentives to specialty care imposed by participating managed care plans that constrain access to needed services.

(3) How it will integrate managed care with early intervention services as defined in section 103 of the act of December 19, 1990 (P.L.1372, No.212), known as the "Early Intervention Services System Act."

(4) How it will integrate managed care with special education.

(5) How it will integrate managed care with mental health services and specifically how it will ensure that persons with mental illness or behavioral disorders under twenty-one years of age enrolled in managed care plans receive the wrap-around services that are appropriate for their needs.

(6) How it will integrate managed care with programs for persons with disabilities such as the attendant care program as established pursuant to the act of December 10, 1986 (P.L.1477, No.150), known as the "Attendant Care Services Act."

(7) How it will ensure client confidentiality.

(8) How it will ensure that provider qualifications are appropriate for the persons being served.

(9) How it will ensure that managed care plans assist in coordinating the services available to enrolled children from public agencies such as county child protective services and school districts.

(10) What outreach and consumer education requirements should be imposed on managed care entities contracting with the department.

(11) How it will ensure the availability and accessibility of independent, community-based benefits counselors.

(12) What additional grievance requirements are needed for persons on medical assistance, especially for vulnerable populations.

(13) What methodology should be utilized to develop reimbursement and capitation rates that will ensure quality of care and availability of services.

(14) What special financial arrangements should be made to ensure adequacy of services for people with high-cost or chronic needs.

(15) To what extent the department should adopt, modify and enforce quality assurance standards for managed care developed by the Health Care Financing Administration, the Standards for the Accreditation of Managed Care Organizations as published by the national Committee for Quality Assurance and any other nationally recognized quality assurance standards.

(16) What additional quality assurance mechanisms would be useful for managed care plans under medical assistance.

(17) How medical transportation will be assured.

(18) How plans will effectively communicate with non-English-speaking enrollees.

(f) (1) As soon as the initial draft of the plan is prepared, the secretary shall distribute copies to and seek input from the following:

(i) The chairman and the minority chairman of the Public Health and Welfare Committee of the Senate and the chairman and the minority chairman of the Health and Welfare Committee of the House of Representatives.

(ii) All members of the Medical Assistance Advisory Committee.

(iii) All other interested parties.

(2) The secretary shall submit a notice of the availability of the draft plan for publication in the Pennsylvania Bulletin and provide a copy to all individuals or organizations requesting one.

(3) The secretary shall hold public hearings in at least three different locations for the purpose of obtaining public input on the draft plan. The secretary shall also solicit written comments from any interested individual or organization.

(4) After thorough consideration of the comments received, the secretary shall develop the final plan. The secretary shall submit a notice of the availability of the final plan for publication in the Pennsylvania Bulletin.

(g) (1) The department shall establish a direct services ratio which shall be made part of all its contracts with managed care entities. In no case shall a direct services ratio of less than eight-tenths (0.8) be permitted.

(2) Each managed care entity contracting with the department shall report annually to the department the medical revenues and medical expenses of each of the managed care plans it operates. The department shall then compute the direct services ratio and compare it with the anticipated direct services ratio in the managed care entity's contract.

(3) Whenever a managed care entity's reports show, or the department determines by other means, that a managed care entity's direct services ratio is below contract levels, the department shall attempt to recapture those excess revenues through reducing payments or requiring the plan to provide additional services or service uninsured persons, or any combination thereof necessary to bring the direct services ratio within contract parameters.

(h) The secretary shall submit a report annually to the chairman and the minority chairman of the Public Health and Welfare Committee of the Senate and the chairman and the minority chairman of the Health and Welfare Committee of the House of Representatives on the managed care for persons on medical assistance. This report shall contain the summaries of the data specified in subsection (d) along with any other information that may be useful in judging the quality and cost of health care services provided by managed care plans with medical assistance contracts. The report shall also contain any recommendations the secretary may have to improve the quality or availability of health care services within managed care.

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

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

Mr. KUKOVICH. Thank you, Mr. Speaker.

Since the movement in health care towards managed care, the legislation we are dealing with also plans on moving people who receive medical assistance towards managed care, and there are plans within the department to move people towards managed care. I think it is important that we do have an adequate planning process. That is basically what this amendment does.

It sets up a requirement that DPW engage in a planning process prior to requiring more people moved into managed care. It says there would have to be an annual plan; it would be reported to the House and to the Senate.

The purpose would be to try to ensure financial solvency of the various plans and provide access to services for all the members who are subscribed to those plans. It would also provide that the department have a procedure to monitor quality assurance.

The fiscal note says that there would be no significant cost. I think this is an important procedure for us to follow in order to do a good job in medical assistance as it pertains to managed care. I think it is pretty noncontroversial. I would ask for an affirmative vote.

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

The following roll call was recorded:

YEAS-200

Adolph	Evans	Maitland	Saylor
Allen	Fairchild	Major	Schroder
Argall	Fajt	Manderino	Schuler
Armstrong	Fargo	Markosek	Scrimenti
Baker	Feese	Marsico	Semmel
Bard	Fichter	Masland	Serafini
Barley	Fleagle	Mayernik	Shaner
Battisto	Flick	McCall	Sheehan
Bebko-Jones	Gamble	McGeehan	Smith, B.
Belardi	Gannon	McGill	Smith, S. H.
Belfanti	Geist	Melio	Snyder, D. W.
Birmelin	George	Merry	Staback
Bishop	Gigliotti	Michlovic	Stairs
Blaum	Gladeck	Micozzie	Stelman
Boscola	Godshall	Mihalich	Steil
Boyes	Gordner	Miller	Stern
Brown	Gruitza	Mundy	Stetler
Browne	Gruppo	Myers	Stish
Bunt	Habay	Nailor	Strittmatter
Butkovitz	Haluska	Nickol	Sturla
Buxton	Hanna	Nyce	Surra
Caltagirone	Harhart	O'Brien	Tangretti
Cappabianca	Hasay	Taylor, E. Z.	Taylor, J.
Cam	Haste	Ofiver	Thomas
Carone	Hennessey	Perzel	Tigue
Cawley	Herman	Pesci	Travaglio
Chadwick	Hershey	Petrarca	Trello
Civera	Hess	Petrone	Trich
Clark	Horsey	Pettit	True
Clymer	Hutchinson	Phillips	Tulli
Cohen, L. I.	Itkin	Pistella	Vance
Cohen, M.	Jadlowiec	Pitts	Van Horne
Colafiglia	James	Platts	Veon
Colaizzo	Jarolin	Preston	Vitali
Conti	Josephs	Ramos	Walko
Cornell	Kaiser	Raymond	Washington
Corpora	Keller	Readshaw	Waugh
Cowell	Kenney	Reber	Williams
Coy	Kirkland	Reinard	Wogan
Curry	Krebs	Rieger	Wozniak
Daley	Kukovich	Roberts	Wright, D. R.
DeLuca	LaGrotta	Robinson	Wright, M. N.
Dempsey	Laughlin	Roebuck	Yewcic
Dent	Lawless	Rohrer	Youngblood
Dermody	Lederer	Rooney	Zimmerman
DeWeese	Leh	Rublely	Zug
DiGirolamo	Lescovitz	Rudy	
Donatucci	Levdansky	Sainato	
Druce	Lloyd	Santoni	Ryan,
Durham	Lucyk	Sather	Speaker
Egolf	Lynch		

NAYS-0

NOT VOTING-0

EXCUSED-3

Corrigan	Farmer	King
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The majority having voted in the affirmative, 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?

The SPEAKER. Ms. Josephs, is it your intention— I have you listed with 34 amendments. I suspect some of these will be withdrawn.

Ms. JOSEPHS. Mr. Speaker, you are undoubtedly right, but I really do believe in playing by the right rules here.

I have not had an opportunity to look at the fiscal notes that were presented to me because I took them immediately to the amendment clerk. They have not been circulated, and I would like to ask you to hold these over. Perhaps when I see them, I will change my mind on a number of these amendments.

The SPEAKER. Are you asking at this time that you be passed over entirely or selectively?

Ms. JOSEPHS. Until the fiscal notes are available for my colleagues to read them.

I had asked for a fiscal note on every amendment that I submitted, because previously people were challenged if they did not have fiscal notes, and those were the rules, to my understanding, and I intend to abide by what I think is fair — consistent rules.

The SPEAKER. Is it my understanding that— As I glance quickly at one of my lists, I note that you have 10 amendments with fiscal notes provided already. Now, have you made a decision with respect to those 10 or shall we take them up now?

Ms. JOSEPHS. I am sorry, Mr. Speaker; let me try and make myself a little bit more clear.

The fiscal notes did come to my desk in a great big packet. I took them immediately to the amendment clerk. I did not look at them because I could see that it was going to be a long time before they came out because of this procedure, which is so difficult for all of us. I honestly do not know what they say.

I would like to wait, please, until they are circulated so that I and my colleagues on both sides of the aisle can read them, and then I will try and sort through and tell you what I will withdraw and what I would like to propose.

The SPEAKER. The Chair thanks the lady.

On the question recurring,

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

Mr. SURRA offered the following amendment No. A2425:

Amend Sec. 12 (Sec. 432.6), page 37, line 21, by striking out "not be authorized" and inserting

be terminated

Amend Sec. 12 (Sec. 432.6), page 37, line 22, by striking out "until" and inserting

if

Amend Sec. 12 (Sec. 432.6), page 37, line 23, by striking out "cooperated" and inserting

failed to cooperate

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question of the adoption of amendment A2425, the Chair recognizes the gentleman, Mr. Surra.

Mr. SURRA. Thank you, Mr. Speaker.

Just to set the chamber at ease, I have pulled my amendments to do away with our health-care benefits and those of the Governor since we are providing some type of managed care for the working poor of Pennsylvania.

Amendment 2425, Mr. Speaker, deals with the child support cooperation and delays in family court.

Mr. Speaker, SB 1441 denies benefits to children until family court will get around to scheduling hearings in their support cases.

Currently families get benefits while they are waiting for the Department of Public Welfare and family court to act on their child support cases. Now they would not be eligible until after family court certified that they had cooperated at every stage of the proceeding. Because of this backlog, the backlogs of DPW and at family court in many counties, it often takes months and even years before hearings are even scheduled. Why should we deny subsistence benefits because family court is crowded and DPW is too slow to act? Even if a woman is doing everything in her power to cooperate and even if the delay is being caused by family court, they will be denied benefits until this is resolved. The Governor's bill denies benefits to a woman and her family during this entire process no matter what she has done to cooperate.

This amendment, Mr. Speaker, will restore the current requirement that families must cooperate at every stage of a child support action and that benefits will be terminated if they do not cooperate, and I want to make that clear, Mr. Speaker. Under current law, benefits are terminated if a family fails to cooperate, and all that does is restore it to the way it is presently, Mr. Speaker.

I request an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from York, Mr. Waugh.

Mr. WAUGH. Thank you, Mr. Speaker.

Mr. Speaker, one of the important points of this proposal— And we have accepted a number of amendments here today. I am not sure that all of us really understand, with the amendments that we have put in so far, exactly what we are going to end up with as far as the final bill.

One thing that I do know, however, is — and I think most of the members would agree — that in this debate called welfare reform, promoting parental responsibility is a key and one of the points that I think is made very clear and has been made very clear throughout the creation of this bill.

You can say we have not had opportunities, and things have not been done correctly, or it is rushed, whatever. I do not happen to agree with that, but the bottom line is, we have tried to create a piece of legislation that does in fact create parental responsibility, and one of the keys to that is when an individual goes into the Department of Public Welfare's county assistance office to apply for benefits, someone needs to establish what is known as cooperation. After the eligibility requirements are met, there is a thing called cooperation that has to happen and should happen, in fact, in order for that individual to remain eligible.

The way it happens today is, as I understand it, quite often individuals are sort of determined to be eligible just by meeting a couple of basic points. Under the proposal that we have before us today, there is a more extensive list, and it is still not that extensive, but there is a more extensive list of requirements regarding cooperation.

One of the points regarding cooperation is the need to report to the domestic relations office. This would be the group that from here on would determine cooperation. I happen to believe — and I believe this bill is written properly along the lines of what I believe — that an individual should be determined to be cooperative with the department before they receive any benefits.

It is only human nature that if we receive what we are seeking before we cooperate with the system, whether it is welfare or any other system, we are not going to cooperate.

I believe cooperation is good. I believe that the county assistance office should be in a position to determine paternity, and once again I believe that parents should take responsibility for their children including identifying the father of paternity in order to establish a child support payment schedule that makes timely payments to children.

For that reason I would ask the members to not support amendment 2425. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Surra.

Mr. SURRA. Once again, Mr. Speaker, my amendment does not change current requirements that a family cooperates. If a family does not cooperate, they will be terminated.

Mr. Speaker, what SB 1441 will do, it will deny benefits to children and families until the family court gets around to scheduling hearings. Even if someone is cooperating to the full extent that they can, they will be denied benefits and we will have families that are going without, children and women, until the courts catch up. That is the thing. Even if they are cooperating, people will be denied the assistance that they so dearly need.

This is not complicated. This is about people, Mr. Speaker, and we must do that because these delays will be our fault. And when those people come into our district offices that do not have the money to feed their children because it is our court system that is causing the delay, even though they are cooperating, Mr. Speaker, I hope you can tell them that you supported this amendment to make sure that that did not happen.

So I ask for an affirmative vote.

The SPEAKER. Ms. Manderino, the lady from Philadelphia.

Ms. MANDERINO. Thank you, Mr. Speaker.

I rise in support of the Surra amendment, and I think that everyone who is familiar with what goes on in terms of the caseload in your family courts in your county should pay close attention to what is in the original bill and what Mr. Surra is attempting to do.

I know I have heard from the Philadelphia Family Court, which has such a horrendous backlog that they estimate that if this is not amended in a way that would still allow the paternity issues to come before the court but not as a precursor for even being eligible for benefits, that we are talking about 6 to 8 months where somebody is eligible but, because of court backlog, they just have not gotten in court, and all they are doing is going in court in order for a court to say, yes, you are cooperating.

For those of you who hear from other members in the family court, domestic relations, et cetera, about how long it takes for those cases to get through, imagine dumping, in addition to what is in your family courts, every single case with AFDC that involves this issue and you will see an exponential explosion.

It does not make a lot of sense. The avenue is still there if the recipient fails to cooperate for the department to shoot that right over to family court for approval, but if they are cooperating, the department does not have to send it to the county courts for prior approval.

That is all the Surra amendment is doing. It makes a heck of a lot of sense. Support the Surra amendment.

The SPEAKER. On the question, the gentleman, Mr. Waugh, for the second time.

Mr. WAUGH. Thank you, Mr. Speaker.

I understand the concerns voiced by the previous two speakers, and the concerns that they have expressed are similar; that is that in some counties, there is a backlog of determination, cooperation, particularly in our courts and the domestic relations office.

I would offer two remedies to those concerns. One is in the bill on page 46, where in section 432.19, "Verification of Eligibility," new language states that individuals— There would be a way, a mechanism built into this that if there is a backlog, if there is a concern — and I will read sort of the end of this language — that an individual would only be withheld benefit payment "...unless the verification is pending from a third party and the applicant has cooperated in the verification attempt in accordance with department standards or" — and this is the important part — "or unless certification of cooperation is pending with the domestic relations section pursuant to section 432.6." I believe that addresses the concern.

And as a backup to that — and now I am reading from regulation, so I doubt that you have this in front of you — but there is a section in regulation of the Welfare Code that allows — I am not going to read this — but the bottom line — if you would like me to read it, I would be happy to, to either of the opponents here — that does allow for the Department of Public Welfare to go ahead and to issue payments, and it speaks specifically when there is a mutual agreement existing between the DRS and the Department of Public Welfare regarding local referral procedures. I believe in the current regulations there is also a method to address these concerns.

So once again, I believe this is an unnecessary amendment, and I would ask nonsupport. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—87

Battisto	Fajt	Melio	Scrimenti
Bebko-Jones	George	Michlovic	Shaner
Belardi	Gordner	Mihalich	Staback
Belfanti	Gruitza	Mundy	Steelman
Bishop	Haluska	Myers	Stetler
Blaum	Horsey	Oliver	Sturla
Butkovitz	Itkin	Pesci	Surra
Buxton	James	Petrarca	Tangretti
Caltagirone	Jarolin	Petrone	Thomas
Cappabianca	Josephs	Pistella	Tigue
Cam	Keller	Platts	Travaglio
Cawley	Kirkland	Preston	Trello
Cohen, M.	Kukovich	Ramos	Trich
Colafella	LaGrotta	Readshaw	Van Home
Corpora	Laughlin	Rieger	Veon
Cowell	Lederer	Roberts	Walko
Curry	Lescovitz	Robinson	Washington
Daley	Lucyk	Roebuck	Williams
Dermody	Manderino	Rooney	Wozniak
DeWeese	Markosek	Rudy	Wright, D. R.
Donatucci	McCall	Sainato	Youngblood
Evans	McGeehan	Santoni	

NAYS—113

Adolph	Egolf	Leh	Schroder
Allen	Fairchild	Levdansky	Schuler
Argall	Fargo	Lloyd	Semmel
Armstrong	Feese	Lynch	Serafini
Baker	Fichter	Maitland	Sheehan
Bard	Fleagle	Major	Smith, B.
Barley	Flick	Marsico	Smith, S. H.
Birmelin	Gamble	Masland	Snyder, D. W.
Boscola	Gannon	Mayernik	Stairs
Boyes	Geist	McGill	Steil
Brown	Gigliotti	Merry	Stern
Browne	Gladeck	Micozzie	Stish
Bunt	Godshall	Miller	Strittmatter
Carone	Gruppo	Nailor	Taylor, E. Z.
Chadwick	Habay	Nickol	Taylor, J.
Civera	Hanna	Nyce	True
Clark	Harhart	O'Brien	Tulli
Clymer	Hasay	Olasz	Vance
Cohen, L. I.	Haste	Perzel	Vitali
Colaizzo	Hennessey	Pettit	Waugh
Conti	Herman	Phillips	Wogan
Cornell	Hershey	Pitts	Wright, M. N.
Coy	Hess	Raymond	Yewcic
DeLuca	Hutchinson	Reber	Zimmerman
Dempsey	Jadlowiec	Reinard	Zug
Dent	Kaiser	Rohrer	
DiGirolamo	Kenney	Rublely	Ryan,
Druce	Krebs	Sather	Speaker
Durham	Lawless	Saylor	

NOT VOTING—0

EXCUSED—3

Corrigan	Farmer	King
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Less than the majority having voted in the affirmative, 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?

Mr. SURRA offered the following amendment No. A2426:

Amend Sec. 12 (Sec. 432.6), page 37, line 18, by striking out the bracket before "be"

Amend Sec. 12 (Sec. 432.6), page 37, line 18, by striking out "[] appear before"

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman, Mr. Surra, on 2426.

Mr. SURRA. Thank you, Mr. Speaker.

This is a very simple amendment.

Under current law, Mr. Speaker, the Department of Welfare can refer to family court that someone is cooperating and being involved simply by computer, and under SB 1441, the individual would have to physically go over and wait in line and to verify, basically.

SB 1441 for no real discernible reason ends the current, very efficient system of referring people who apply for welfare benefits to the family court by computer. When family court is ready to see the family, they are given an appointment. Instead, the Governor's proposal in SB 1441 wants everyone who applies for welfare benefits to have to physically go into family court to get a piece of paper stamped to prove that they were there before their application will be approved. This is a return to the old manual system used before computers were available, Mr. Speaker.

The bill increases congestion of family court for no purpose. It will mean longer lines, more crowded waiting rooms at our courthouses, family court staff will have to spend time stamping papers instead of handling child support cases. We are going backwards, Mr. Speaker, when we have the technology to avoid this. We should continue using computer referrals instead of making mothers with small children run all over the county getting meaningless pieces of paper stamped by family court workers who have more important work to do.

My amendment simply allows the Department of Welfare to continue referring people to family court by computer so the family court workers can get on with the job of handling child support cases and welfare recipients can spend their time looking for work rather than standing in line to get a piece of paper stamped. Families that get welfare would still be required to appear at family court when they are needed, and I want to repeat that. When families are needed, they would be required to appear, Mr. Speaker. All this does is let the notification take place through computer, and we have the technology to do that.

This is a commonsense amendment, and I encourage your support.

The SPEAKER. The gentleman, Mr. Waugh, is recognized on the amendment.

Mr. WAUGH. Thank you again, Mr. Speaker.

Mr. Speaker, certainly some of the comments Mr. Surra makes are correct with respect to this sort of feeling that we are going back to an old system, and the fact is, there was a time when there was probably a certain amount of effort we required of recipients reporting to the domestic relations office and so forth, just a formality to make them show up. So doing some of this information via — I do not know; I understand in some cases it is actually done via computer now through communication — is probably efficient and probably good, both to the court system and to the department. At the same time I believe it is important.

Two points I would like to make here. First of all, just sort of a philosophical point, a personal point that I have on this particular part of this particular amendment. I happen to believe that there is nothing wrong with holding an individual accountable. It is another part of the responsibility that we are trying to pull from this welfare proposal, the idea of having an individual show up and be responsible for their actions. Are there times when they should not be made to show up simply because we are putting them through an exercise? Yes, I agree, there probably are.

And my second point is, I happen to believe that the amendment that we voted and passed upon earlier offered by Representative Vance, amendment A2518— Oh, I am sorry; we did not do this amendment yet, but it will be coming up, so that gives Mr. Surra an argument. But there will be an amendment offered shortly that would address his concerns and say that if an individual is in compliance, they would not have to report to domestic relations in order to be eligible. So maybe what we should do is run that amendment.

I would ask for a "no" vote in anticipation of passage of Representative Vance's amendment. That is about the best I can do. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the lady, Mrs. Vance.

Mrs. VANCE. Thank you, Mr. Speaker.

Just as a point of clarification, I think that in many parts I do agree with Representative Surra. However, I think that if somebody is not in compliance with their child support orders, that they should have to appear personally.

My amendment really clarifies existing regulations which say that you have to come every—

The SPEAKER. Will the lady yield.

Mrs. VANCE. Okay. You are right.

I would suggest that we vote "no" on this amendment because I do not think it defines the issue clearly. I do believe it illustrates part of the problem, but I think we need to define it better, and I respectfully ask that we vote "no" on this amendment.

The SPEAKER. The Chair recognizes the lady, Ms. Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

I listened to the explanations, I guess, with some surprise. We are talking about doing this, making people go somewhere to make them feel responsible, and I think we have a lot of things in this bill that are good with regard to personal responsibility. This is not one of them. This is something that is going to make your already crazy, overburdened, and underfunded family courts go crazy. It is as simple as that. It is going to send hundreds of people, and in Philadelphia, probably thousands of people, down to family court for an exercise in exercise; meaning, walking exercise. It does not really make a lot of sense.

If the Vance amendment will correct regulations, that is great. But to make a personal appearance for the sake of making a personal appearance and clogging up and costing more money to our courts when they are screaming at us that they do not have enough, just does not make sense.

Please vote "yes" for the amendment.

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

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the amendment stand for brief interrogation?

Mr. SURRA. Yes, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Surra, indicates he will. You may begin.

Mr. VITALI. Thank you, Mr. Speaker.

Have any groups come out with a position on this amendment, and I am thinking in particular of any of the family courts of the various jurisdictions in the State or the Department of Public Welfare. Are there any official positions on this amendment?

Mr. SURRA. Mr. Speaker, the Philadelphia president family judge, according to my colleague, Ms. Manderino, is supportive of this.

Mr. VITALI. Thank you, Mr. Speaker.

That concludes my questioning.

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

Mr. SURRA. Thank you, Mr. Speaker.

Very briefly, I would ask the members not to just line up and vote the way we have been voting. This is a commonsense amendment. If they can refer these things by computer, it just makes sense, and I would ask for your cooperation.

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

Mr. WAUGH. Thank you, Mr. Speaker.

I would just like to make a point on this, one quick point on this amendment, and I am reading from the section of the bill that we are dealing with.

The change that is proposed in the bill without Mr. Surra's amendment makes a change that says, rather than individuals having to simply be referred to domestic relations, they would have to appear before domestic relations. And as I said earlier, I would agree that there are cases and times when individuals should not have to simply jump through a hoop, so to speak.

I also happen to believe that the regulations that I read from earlier that are currently contained in our Welfare Code and also in anticipation — and I said this with some light earlier — but quite frankly, in anticipation of Representative Vance's amendment, I believe we are going to be focusing on the individuals who should be appearing before. Those are the individuals who have not been able to establish presence of parents and paternity.

For that reason, once again I would ask disapproval of this amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS-96

Battisto	Donatucci	Manderino	Santoni
Bebko-Jones	Evans	Markosek	Scrimenti
Belardi	Fajt	McCall	Serafini
Belfanti	George	McGeehan	Shaner
Bishop	Gordner	Melio	Staback
Blaum	Gruitza	Michlovic	Steelman
Boscola	Haluska	Mihalich	Stetler
Butkovitz	Hanna	Mundy	Sturla
Buxton	Horsey	Myers	Surra
Caltagirone	Itkin	Oliver	Tangretti
Cappabianca	James	Pesci	Thomas
Carn	Jarolin	Petrarca	Tigue
Carone	Josephs	Petrone	Travaglio
Cawley	Kaiser	Pistella	Trello
Cohen, M.	Keller	Platts	Trich
Colafiglia	Kirkland	Preston	Van Horne
Colaizzo	Kukovich	Ramos	Veon
Corpora	LaGrotta	Readshaw	Vitali
Cowell	Laughlin	Rieger	Walko
Coy	Lederer	Roberts	Washington
Curry	Lescovitz	Robinson	Williams
Daley	Levdansky	Rooney	Wozniak
Dermody	Lloyd	Rudy	Wright, D. R.
DeWeese	Lucyk	Sainato	Youngblood

NAYS-103

Adolph	Fargo	Lynch	Schroder
Allen	Feese	Maitland	Schuler
Argall	Fichter	Major	Semmel
Armstrong	Fleagle	Marsico	Sheehan
Baker	Flick	Masland	Smith, B.
Bard	Gamble	Mayernik	Smith, S. H.
Barley	Gannon	McGill	Snyder, D. W.
Birmelin	Geist	Merry	Stairs
Boyes	Gigliotti	Micozzie	Steil
Brown	Gladeck	Miller	Stern
Browne	Godshall	Nailor	Stish

Bunt	Gruppo	Nickol	Strittmatter
Chadwick	Habay	Nyce	Taylor, E. Z.
Civera	Harhart	O'Brien	Taylor, J.
Clark	Hasay	Olasz	True
Clymer	Haste	Perzel	Tulli
Cohen, L. I.	Hennessey	Pettit	Vance
Conti	Herman	Phillips	Waugh
Cornell	Hershey	Pitts	Wogan
DeLuca	Hess	Raymond	Wright, M. N.
Dempsey	Hutchinson	Reber	Yewcic
Dent	Jadlowiec	Reinard	Zimmerman
DiGirolamo	Kenney	Rohrer	Zug
Druce	Krebs	Rublely	
Durham	Lawless	Sather	Ryan,
Egolf	Leh	Saylor	Speaker
Fairchild			

NOT VOTING-1

Roebuck

EXCUSED-3

Corrigan Farmer King

Less than the majority having voted in the affirmative, 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?

Mr. MYERS offered the following amendment No. A2479:

Amend Sec. 2 (Sec. 402), page 6, line 20, by inserting after "as" approved in accordance with regulations or as

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

AMENDMENT WITHDRAWN

Mr. MYERS. Mr. Speaker, I am going to withdraw that 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. Is the gentleman, Mr. Myers, in a position to advise the Chair with respect to his other four amendments?

Mr. MYERS. Just a moment.

Mr. Speaker, I intend to introduce 2503 once I have a fiscal note. All the others I am going to withdraw.

The SPEAKER. The Chair greatly appreciates your advising us as to that. Thank you.

Is the gentleman, Mr. Sturla, on the floor?

The gentleman, Mr. Thomas, do you intend to introduce all of your amendments?

Mr. THOMAS. Mr. Speaker, that will ultimately be determined by the availability of fiscal notes.

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

Mr. TANGRETTI offered the following amendment No. A2517:

Amend Title, page 1, line 16, by inserting after "benefits,"
for State blind pensions,

Amend Bill, page 53, by inserting between lines 16 and 17
Section 18.1. Sections 506(3) and 507 of the act, amended April 6, 1980 (P.L.99, No.37), are amended to read:

Section 506. Eligibility.—The department shall provide a State blind pension to any blind person who:

(3) Has actual annual income of his own of less than [four thousand two hundred sixty dollars (\$4,260)] seven thousand seven hundred sixty-one dollars (\$7,761);

Section 507. Amount of Pension.—Except as provided for payment for nursing home care, the amount paid after the effective date of this act to an eligible blind person having actual annual income of his own of [three thousand sixty dollars (\$3,060)] six thousand two hundred eighty-six dollars (\$6,286) or less shall be one hundred dollars (\$100) monthly, and the monthly amount paid to any other eligible blind person shall be fixed in such amount that the sum of his actual annual income and State blind pension equals [four thousand two hundred sixty dollars (\$4,260)] seven thousand seven hundred sixty-one dollars (\$7,761) a year.

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

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the gentleman, Mr. Tangretti.

Mr. TANGRETTI. Thank you, Mr. Speaker.

Mr. Speaker, this amendment merely allows those individuals on State blind pension to increase the amount of money that they are able to earn as their outside income figure. This figure has not been raised since 1980. They deserve to have the ability to earn more than \$4,000 a year without losing their full blind pension of \$100 a month or \$1,200 a year.

Since we are in such a generous mood today, I think it is only appropriate and apropos that we allow this for those poor individuals, those visually challenged individuals; to have the benefit of earning more money than they are permitted now under current law, and I would ask my colleagues to support this amendment.

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

The following roll call was recorded:

YEAS-200

Adolph	Evans	Maitland	Saylor
Allen	Fairchild	Major	Schroder
Argall	Fajt	Manderino	Schuler
Armstrong	Fargo	Markosek	Scrimenti
Baker	Feese	Marsico	Semmel
Bard	Fichter	Masland	Serafini
Barley	Fleagle	Mayernik	Shaner
Battisto	Flick	McCall	Sheehan
Bebko-Jones	Gamble	McGeehan	Smith, B.

Belardi	Gannon	McGill	Smith, S. H.
Belfanti	Geist	Melio	Snyder, D. W.
Birmelin	George	Merry	Staback
Bishop	Gigliotti	Michlovic	Stairs
Blaum	Gladeck	Micozzie	Steelman
Boscola	Godshall	Mihalich	Steil
Boyes	Gordner	Miller	Stern
Brown	Gruitza	Mundy	Stetler
Browne	Gruppo	Myers	Stish
Bunt	Habay	Nailor	Strittmatter
Butkovitz	Haluska	Nickol	Sturla
Buxton	Hanna	Nyce	Surra
Caltagirone	Harhart	O'Brien	Tangretti
Cappabianca	Hasay	Olasz	Taylor, E. Z.
Cam	Haste	Oliver	Taylor, J.
Carone	Hennessey	Perzel	Thomas
Cawley	Herman	Pesci	Tigue
Chadwick	Hershey	Petrarca	Travaglio
Civera	Hess	Petrone	Trello
Clark	Horsey	Pettit	Trich
Clymer	Hutchinson	Phillips	True
Cohen, L. I.	Itkin	Pistella	Tulli
Cohen, M.	Jadlowiec	Pitts	Vance
Colafella	James	Platts	Van Home
Colaizzo	Jarolin	Preston	Veon
Conti	Josephs	Ramos	Vitali
Cornell	Kaiser	Raymond	Walko
Corpora	Keller	Readshaw	Washington
Cowell	Kenney	Reber	Waugh
Coy	Kirkland	Reinard	Williams
Curry	Krebs	Rieger	Wogan
Daley	Kukovich	Roberts	Wozniak
DeLuca	LaGrotta	Robinson	Wright, D. R.
Dempsey	Laughlin	Roebuck	Wright, M. N.
Dent	Lawless	Rohrer	Yewcic
Dermody	Lederer	Rooney	Youngblood
DeWeese	Leh	Rubley	Zimmerman
DiGirolamo	Lescovitz	Rudy	Zug
Donatucci	Levdansky	Sainato	
Druce	Lloyd	Santoni	Ryan,
Durham	Lucyk	Sather	Speaker
Egolf	Lynch		

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Steil.
Mr. STEIL. Mr. Speaker, this amendment A2521 addresses the section of the bill and would remove the cap that currently limits medical assistance to victims of domestic violence to 9 months in a lifetime.

Since it is frequently the case that the individual perpetrator of such violence continues their acts well beyond the period of 9 months and repeats the same act against the same individuals, because our judicial and police system are not able to entirely incarcerate or prevent these acts, we are asking that this cap be removed to allow the inclusion of medical assistance benefits beyond 9 months for each of these individuals.

This is an issue that affects violence against women. It is specifically an issue of deciding, what is the right number? Why did we decide that 9 months was the right number? And what happens if the healing process is not complete within that period of time? How can we be assured that the same perpetrator does not continue the abuse?

The fiscal note on this particular amendment is \$78,000 – \$78,000. Considering what we have added today, this is a very small price to pay to ensure that the women who are so affected receive all of the necessary time to heal from the domestic violence, which is one of our most insidious societal problems.

I encourage support of the amendment. Thank you, Mr. Speaker.

The SPEAKER. On the question, the Chair recognizes the gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

I rise in support of this amendment. This is identical language to an amendment which I had offered back on this bill earlier. It is the right thing to do for victims of domestic violence in Pennsylvania, and I urge an affirmative vote.

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

The following roll call was recorded:

NAYS-0

NOT VOTING-0

EXCUSED-3

Corrigan Farmer King

The majority having voted in the affirmative, 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. STEIL offered the following amendment No. A2521:

Amend Sec. 9 (Sec. 432), page 28, line 12, by inserting a bracket before "No"

Amend Sec. 9 (Sec. 432), page 28, line 14, by striking out the bracket before "his"

Amend Sec. 9 (Sec. 432), page 28, line 14, by striking out "[that person's"

Amend Sec. 9 (Sec. 432), page 28, line 15, by inserting a bracket after "lifetime."

YEAS-199

Adolph	Fairchild	Maitland	Saylor
Allen	Fajt	Major	Schroder
Argall	Fargo	Manderino	Schuler
Armstrong	Fesse	Markosek	Scrimenti
Baker	Fichter	Marsico	Semmel
Bard	Fleagle	Masland	Serafini
Barley	Flick	Mayernik	Shaner
Battisto	Gamble	McCall	Sheehan
Bebko-Jones	Gannon	McGeehan	Smith, B.
Belardi	Geist	McGill	Smith, S. H.
Belfanti	George	Melio	Snyder, D. W.
Birmelin	Gigliotti	Merry	Staback
Bishop	Gladeck	Michlovic	Stairs
Blaum	Godshall	Micozzie	Steelman
Boscola	Godshall	Mihalich	Steil
Boyes	Gordner	Miller	Stern
Brown	Gruitza	Mundy	Stetler
Browne	Gruppo	Myers	Stish
Bunt	Habay	Nailor	Strittmatter
Butkovitz	Haluska	Nickol	Sturla
Buxton	Hanna	Nyce	Surra
Caltagirone	Harhart	O'Brien	Tangretti
	Hasay		

Cappabianca	Haste	Olasz	Taylor, E. Z.
Carn	Hennessey	Oliver	Taylor, J.
Carone	Herman	Perzel	Thomas
Cawley	Hershey	Pesci	Tigue
Chadwick	Hess	Petrarca	Travaglio
Civera	Horshey	Petrone	Trello
Clark	Hutchinson	Pettit	Trich
Clymer	Itkin	Phillips	True
Cohen, L. I.	Jadlowiec	Pistella	Tulli
Cohen, M.	James	Pitts	Vance
Colafella	Jarolin	Platts	Van Horne
Colaizzo	Josephs	Preston	Veon
Conti	Kaiser	Ramos	Vitali
Cornell	Keller	Raymond	Walko
Corpora	Kenney	Readshaw	Washington
Cowell	Kirkland	Reber	Waugh
Coy	Krebs	Reinard	Williams
Curry	Kukovich	Rieger	Wogan
Daley	LaGrotta	Roberts	Wozniak
DeLuca	Laughlin	Robinson	Wright, D. R.
Dempsey	Lawless	Roebuck	Wright, M. N.
Dent	Lederer	Rohrer	Yewcic
Dermody	Leh	Rooney	Youngblood
DeWeese	Lescovitz	Rubley	Zimmerman
DiGirolamo	Levdansky	Rudy	Zug
Donatucci	Lloyd	Sainato	
Druce	Lucyk	Santoni	Ryan,
Durham	Lynch	Sather	Speaker
Egolf			

NAYS-0

NOT VOTING-1

Evans

EXCUSED-3

Corrigan Farmer King

The majority having voted in the affirmative, 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. PISTELLA offered the following amendment No. A2574:

Amend Title, page 1, line 3, by inserting after "Commonwealth," providing for timely burial of certain indigent persons;

Amend Bill, page 1, lines 21 and 22, by striking out all of said lines and inserting

Section 1. The act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, is amended by adding a section to read:

Section 318. Timely Burial of Deceased Indigent Patients of State Institutions.—When a patient dies at a State institution and no relative, friend or charitable organization claims the body for burial at their expense and the patient's estate contains insufficient funds for burial, the superintendent of the institution shall immediately provide for the patient's burial. Funds of the deceased shall be released to the funeral director. The institution may supplement the funds of the deceased for the purposes of paying for the burial. Expenses incurred by the institution for the burial of deceased indigent patients shall not exceed the maximum payment for burial as set forth in 55 Pa. Code § 285.3(d) (relating to requirements).

Section 1.1. Section 401 of the act, amended June 16, 1994 Amend Bill, page 54, by inserting between lines 11 and 12 Section 22. The act of June 13, 1883 (P.L.119, No.106), entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies," is repealed insofar as it is inconsistent with this act. Amend Sec. 22, page 54, line 12, by striking out "22" and inserting 23

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

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

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, this amendment 2574 would provide for the timely burial of deceased indigent patients of State institutions. It would provide for a situation where an individual that has no relatives, friends, or charitable organization claiming the individual's body would be able to have the State pay for the interment of the individual from funds that the individual may have had collected at the institution.

I would like to draw the attention of the members to the fiscal note that was provided by the Appropriations Committee, which shows that there is no fiscal impact to the legislation as a result of the adoption of this amendment. Thank you, Mr. Speaker.

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-200

Adolph	Evans	Maitland	Saylor
Allen	Fairchild	Major	Schroder
Argall	Fajt	Manderivo	Schuler
Armstrong	Fargo	Markosek	Scrimenti
Baker	Feese	Marsico	Semmel
Bard	Fichter	Masland	Serafini
Barley	Fleagle	Mayernik	Shaner
Battisto	Flick	McCall	Sheehan
Bebko-Jones	Gamble	McGeehan	Smith, B.
Belardi	Gannon	McGill	Smith, S. H.
Belfanti	Geist	Melio	Snyder, D. W.
Birmelin	George	Mery	Staback
Bishop	Gigliotti	Michlovic	Stairs
Blaum	Gladeck	Micozzie	Steelman
Boscola	Godshall	Mihalich	Steil
Boyes	Gordner	Miller	Stem
Brown	Gruitza	Mundy	Stetler
Browne	Gruppo	Myers	Stish
Bunt	Habay	Nailor	Stritmatter
Butkovitz	Haluska	Nickol	Sturla
Buxton	Hanna	Nyce	Surra
Caltagirone	Harhart	O'Brien	Tangretti
Cappabianca	Hasay	Oliver	Taylor, E. Z.
Cam	Haste	Perzel	Taylor, J.
Carone	Hennessey	Pesci	Thomas
Cawley	Herman	Petrarca	Tigue
Chadwick	Hershey	Petrone	Travaglio
Civera	Hess	Pettit	Trello
Clark	Horshey	Phillips	Trich
Clymer	Hutchinson	Pistella	True
Cohen, L. I.	Itkin		Tulli

Cohen, M.	Jadlowiec	Pitts	Vance
Colafella	James	Platts	Van Horne
Colaizzo	Jarolin	Preston	Veon
Conti	Josephs	Ramos	Vitali
Cornell	Kaiser	Raymond	Walko
Corpora	Keller	Readshaw	Washington
Cowell	Kenney	Reber	Waugh
Coy	Kirkland	Reinard	Williams
Curry	Krebs	Rieger	Wogan
Daley	Kukovich	Roberts	Wozniak
DeLuca	LaGrotta	Robinson	Wright, D. R.
Dempsey	Laughlin	Roebuck	Wright, M. N.
Dent	Lawless	Rohrer	Yewcic
Dermody	Lederer	Rooney	Youngblood
DeWeese	Leh	Rubley	Zimmerman
DiGirolamo	Lescovitz	Rudy	Zug
Donatucci	Levdansky	Sainato	
Druce	Lloyd	Santoni	Ryan,
Durham	Lucyk	Sather	Speaker
Egolf	Lynch		

NAYS-0

NOT VOTING-0

EXCUSED-3

Corrigan	Farmer	King
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The majority having voted in the affirmative, 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?

Ms. MANDERINO offered the following amendment No. A2388:

Amend Sec. 2 (Sec. 402), page 6, line 19, by striking out "and"

Amend Sec. 2 (Sec. 402), page 6, by inserting between lines 19 and 20

(xi) appropriate education provided by an accredited school, college or university for an individual to learn a specific job-related skill or profession, subject to the recipient maintaining satisfactory progress as defined by the school, college or university; and

Amend Sec. 2 (Sec. 402), page 6, line 20, by striking out "(xi)" and inserting

(xii)

Amend Sec. 5 (Sec. 405.1), page 12, line 7, by striking out "for an average of at least twenty hours per week"

Amend Sec. 5 (Sec. 405.1), page 12, lines 21 and 22, by striking out "full-time employment or employment for an average of at least twenty hours per week" and inserting employment

Amend Sec. 5 (Sec. 405.1), page 13, line 6, by striking out "for a maximum of twelve months"

Amend Sec. 5 (Sec. 405.1), page 13, lines 16 through 19, by striking out "or workfare" in line 16, all of lines 17 through 19 and inserting workfare or other appropriate work-related activity.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question of the amendment, the Chair recognizes the lady.

Ms. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, currently, many of the problems of the current welfare system are attributable to the unintended consequences of rigid rules that do not conform to common sense and individual circumstances. What my amendment is attempting to do with regard to the employment and training program and education provisions of the RESET program is to say, let us leave a little bit more flexibility for the Department of Public Welfare when we put together the plans that make sense for individuals whom we are moving to work.

The RESET program has a 2-year plan for moving people to work. I am not touching or extending that 2-year plan at all, but within that 2-year plan there are some limitations that do not make sense to me when we are trying to move people into work. One of them is the limitation that only 12 of the 24 months can be used for educational purposes, and it seems to me and our past experience should tell us that sometimes there are people whose needs, because of illiteracy or other educational deficits, may need to require them, to be work ready, to spend a little bit more than the 12 months in the education, and maybe you get them to the point where then they could get some limited job training that is specific or even just job readiness to move them into a job.

So I am not expanding how long they would be in the program, but I am saying this 12-month cap does not make a lot of sense if what we really want to do is make sure that at the end of the 2 years, that the people who have been in the RESET program are prepared for the work force. So if they need a few more months in an education program, I want to take that 12-month cap off and allow that to happen.

One of the other changes that gives more flexibility that I want to allow is to not limit any of the career-based educations or exclude from being able to be a provider of career-based education the community college system.

Most of you, at least I know it was in the clips, in our clips in the past week, and many from the Philadelphia area may have seen in the Philadelphia Daily News last week an article about the very successful Step-Up program that the Philadelphia Community College operates. This is actually one of the premier programs of the Department of Public Welfare that has worked very successfully in moving people off welfare for good. And if you will just allow me two paragraphs:

"Seven years ago" - I am reading to you from the Daily News article - "Valerie Mooney of South Philadelphia was a struggling mother of three trying to get off welfare.

"Today, she owns a house, is pursuing a bachelor's degree in education and is assistant teacher at the Children's Crisis Treatment Center..." Her road to recovery and out of poverty was aided by the 8-year-old program called Step-Up at Community College of Philadelphia.

This is the kind of program that when the department lets out RFP's (requests for proposals) for types of education and training programs that I want to see continue, but because of the language as written in SB 1441, it would not be able to be continued, because the community colleges are excluded from being providers under the employment and training portions of RESET. So it does not seem to make a lot of sense to me.

The third change that I am proposing through this amendment to the RESET education and training program deals with when you

are moving somebody to work, how many hours of employment they are going to have. In the bill it says that a minimum of 20 hours a week would be required to be a work-related activity, and if you cannot meet that 20 hours a week for some reason, the bill actually in the RESET program has an exemption process where you can be exempt from having to participate in a work-related program if you had a legitimate reason why you could not meet that 20 hours; for example, because of young children who are coming home from school.

It makes no sense to me, if we want to give people real work experience and move them to work, to put this arbitrary limit of 20 hours in there, particularly because there is this exemption plan. So what I am saying is, let us not put the 20 hours in there, because if we have a mother who could go to work when her children are at school, but because of the distance she travels in a rural area getting to and from jobs her work hours might only add up to 15 or 18 hours a week, instead of exempting her from her job-related work requirements, let us let her do it for 15 or 18 hours. It makes a heck of a lot of practical sense, and I think it is a change that will make the RESET program more flexible and better for achieving the long-term goal of getting off welfare dependency and into productive long-term work.

I ask for your support.

The SPEAKER. The gentleman from York, Mr. Saylor.

Mr. SAYLOR. Mr. Speaker, it is interesting, as I look at this amendment, I look around this House and I believe that most of us here, as we went to college, at some time or another had to work during our college days so that we could afford to be in college. This amendment says that those students who are currently working to put themselves through college, people on welfare do not have to do the same thing. This amendment basically guts any requirement for work for people who are on welfare.

I find this amendment somewhat offensive to the student body of our colleges and universities and to the parents of this Commonwealth who work very hard to put students and the youth of Pennsylvania through college. I ask you tonight, with a clear conscience, how we in this House can betray the student body of our colleges by approving this amendment.

This bill or this amendment as such is against everything that I believe I have heard both sides of the aisle talk about over the 4 years that I have been in this body — about moving people from welfare to work. This amendment also allows a continuous cycle of people going into job training program after job training program.

In the York office, I spent a day there and found a young lady who came in and got training to be an executive secretary. She got a job and a week later quit because she said, I do not like the job. If we are going to allow individuals to continue to cycle themselves through welfare and take every program that we offer, then we are failing the taxpayers of this Commonwealth and we are failing the people we are trying to help. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I do not think that this amendment is offensive, and maybe I have a different understanding than the previous speaker, but the three primary focuses of the amendment are, number one, that the department should have flexibility in the time, the educational time period cap; that in situations where a person needs more than 12 months to complete their education, all we are saying is that the department should have some flexibility in

making that decision and that we should not mandate that through statute.

Secondly, Mr. Speaker, the second focus of the amendment seems to be the inclusion of community colleges in getting people ready for the world of work, and the bill as it has currently been drafted would not provide for this inclusion. And the author of the amendment made specific reference to the successful Step-Up program that is being provided by the Community College of Philadelphia. The Step-Up program has received not only statewide favorable approval, but also it is slowly becoming a national model that many other States are looking to as a mechanism for getting people on welfare ready for the world of work.

And last but not least, the third focus of the amendment seems to be an opportunity that rather than have an arbitrary number of hours mandated by statute, that it is quite possible for job training goals, that job training goals could be satisfied in less than 20 hours or maybe 1 or 2 hours more than 20 hours. So all the author is saying is that we need not be so stringent and place an arbitrary amount of hours in the bill, statutorily regulate an arbitrary amount of hours.

I think those are reasonable objectives. Those objectives seem to be in line with where we want to go with respect to welfare reform, and I wholeheartedly support and echo all of the points that have been articulated by the author of the amendment, and I stand in support of amendment 2388, the Manderino amendment. Thank you.

THE SPEAKER PRO TEMPORE (J. SCOT CHADWICK) PRESIDING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Chester County, Mr. Flick.

Mr. FLICK. Thank you, Mr. Speaker.

If the members will look at the bill, on page 13 the bill does provide for individuals who are at least 18 years of age yet under 22 years of age, that they can use the 24 months to continue their education — their education to receive a high school diploma or equivalency. We should not be using taxpayer moneys to allow people to continue on through higher education, to support that.

Mr. Speaker, the whole purpose of this bill is to encourage people to enter the work force. That is the thrust of this legislation — encourage those who can to become self-sufficient. That is why there is the agreement for mutual responsibility, so that these individuals can help lay out their game plan for how they are going to become financially responsible for themselves and their families.

We cannot continue to be all things to all people, and if someone wants another year's education, well then fine, the taxpayers will pick it up. I am sorry; we cannot do that, Mr. Speaker. We need to lay the groundwork. The groundwork is, people will prepare themselves for work. They may use up to 12 months to enroll in good job training, job readiness programs, but then they are to enter the work force.

Mr. Speaker, this is a reasonable approach. We are taking care of those individuals who need the help. We are not taking care of individuals who want to just go on and on through program after program, which has been what is happening with welfare assistance programs to date — in one program, out of another program; find another program and get in that one.

Twenty-four months, Mr. Speaker. We want individuals to accept individual responsibility. I suspect that 2 years is sufficient

time for them to accept their individual responsibility, to chart a plan for themselves, to enroll themselves in an educational course for 12 months, and to move on to be responsible individuals.

Mr. Speaker, I concur with the gentleman from York County. There are too many individuals who are paying their own way or a portion of their way in our colleges and universities and our work training programs now with their hard-earned dollars. We should not continue to allow individuals to use taxpayer dollars. Thank you.

The SPEAKER pro tempore. The Chair recognizes the lady from Philadelphia, Ms. Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

That was all very interesting rhetoric, but it is actually not what the amendment says.

The prior speaker referred to the education sections on page 13. That goes to the high school GED section. The community college thing that I discussed earlier is an amendment that is inserted on page 6 under the employment and training program. What I am saying is that programs like Step-Up, which is an employment and training program and not just credit to the college, but the employment and training program is being administered and run by the college. It works. It makes sense. We should not have something that gets rid of the thing that we know is working in Pennsylvania and moving people to self-sufficiency.

That is where the references in my bill to the community colleges go. They go in the employment and training section. They are not on page 13 dealing with the education system. Please vote "yes" on the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh County, Mr. Snyder.

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, we have gone through a lot of amendments today. Many of them have been approved in a bipartisan manner and others we have had some differences.

I ask the members — I know we have been sitting for several hours now though — to look very carefully at this amendment. There are many of us in this room, on both sides of the aisle, who want to have meaningful welfare reform in Pennsylvania. This amendment, despite talking about technicalities and exceptions, is a gutting amendment.

Mr. Speaker, if the purpose of welfare reform is to get people to learn how to be self-supporting by giving them experience and the skills of getting up and going to work and working in the private sector where you get to learn what it is like to have to put in an hour's work for an hour's wage, we cannot reduce it below part-time work. What we are asking people to do, Mr. Speaker, is to work a minimum of 20 hours, which is part-time work, in order to remain eligible for the program assistance under our welfare programs that we are adopting today.

Mr. Speaker, this does gut the requirement that they work at least 20 hours a week, it takes away the workfare program, and also, as Mr. Flick already mentioned, it allows people, as we now know do, to abuse the system by continuing to go into different courses of education. This year they want to be a cosmetologist, next year they may go to school to be a florist, and the next year they may go to school to be something else.

Mr. Speaker, we need to be able to put people back into the private workplace. They are not going to find that experience by being in government programs. We ask for a "no" vote on this amendment if you truly want welfare reform in Pennsylvania. Thank you.

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

Mr. THOMAS. Mr. Speaker, just a couple points.

One, we should not hold welfare recipients responsible for a bankrupt proprietary education system in Pennsylvania. In many cases, these proprietary schools are popping up overnight and are using the resources of the welfare system along with the resources of the Pennsylvania Higher Education Assistance Agency and really preparing people for a road that ends nowhere.

Mr. Speaker, all we are asking, very simply, is the inclusion of community college in the employment and training system that is being developed. Community college has a successful track record in preparing people for the world of work.

Secondly, we are asking that we not be rigid in the timetable. We do not want to give people forever. It has been said that 2 years is a reasonable amount of time. We just do not want to be so rigid in defining what must happen in the first 12 months or happen in the second 12 months. We all agree that the economy in Pennsylvania is changing very rapidly. We are a service-driven industry in the Commonwealth of Pennsylvania. And I do not care what paraprofessional position that you look at, any significant paraprofessional position is going to require more than 12 months of education for readiness. Whether it be court reporter, whether it be in the health-care industry, physician's assistant, executive secretary, most of those positions, the reality is that they require more than 12 months of education. If we were living in the Dark Ages, maybe, yes, we could say that you only need 12 months, and you might have needed less than that when manufacturing drove the Pennsylvania economy, but that is no longer the case.

So very simply, give the department flexibility; secondly include community colleges; and thirdly, let us not be rigid in the timetable that is permitted for the educational side of employment and training development. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—69

Bebko-Jones	Dermody	Manderino	Rooney
Belardi	DeWeese	Melio	Scrimenti
Belfanti	Donatucci	Michlovic	Shaner
Bishop	Evans	Mihalich	Staback
Butkovitz	George	Mundy	Steelman
Buxton	Gigliotti	Myers	Sturla
Caltagirone	Horsey	Olasz	Surra
Cappabianca	Itkin	Oliver	Tangretti
Carn	James	Pesci	Thomas
Cawley	Jarolin	Petrarca	Travaglio
Cohen, M.	Josephs	Petrone	Trello
Colafella	Keller	Pistella	Veon
Colaizzo	Kirkland	Preston	Walko
Cowell	Kukovich	Ramos	Washington
Coy	Laughlin	Rieger	Williams
Curry	Lederer	Robinson	Wright, D. R.
Daley	Lescovitz	Roebuck	Youngblood
DeLuca			

NAYS-131

Adolph	Fichter	Maitland	Schroder
Allen	Fleagle	Major	Schuler
Argall	Flick	Markosek	Sermel
Armstrong	Gamble	Marsico	Serafini
Baker	Gannon	Masland	Sheehan
Bard	Geist	Mayernik	Smith, B.
Barley	Gladeck	McCall	Smith, S. H.
Battisto	Godshall	McGeehan	Snyder, D. W.
Birmelin	Gordner	McGill	Stairs
Blaum	Gruitza	Merry	Steil
Boscola	Gruppo	Micozzie	Stern
Boyes	Habay	Miller	Stetler
Brown	Haluska	Nailor	Stish
Browne	Hanna	Nickol	Strittmatter
Bunt	Harhart	Nyce	Taylor, E. Z.
Carone	Hasay	O'Brien	Taylor, J.
Chadwick	Haste	Perzel	Tigue
Civera	Hennessey	Pettit	Trich
Clark	Herman	Phillips	True
Clymer	Hershey	Pitts	Tulli
Cohen, L. I.	Hess	Platts	Vance
Conti	Hutchinson	Raymond	Van Horne
Cornell	Jadlowiec	Readshaw	Vitali
Corpora	Kaiser	Reber	Waugh
Dempsey	Kenney	Reinard	Wogan
Dent	Krebs	Roberts	Wozniak
DiGirolamo	LaGrotta	Rohrer	Wright, M. N.
Druce	Lawless	Rubley	Yewcic
Durham	Leh	Rudy	Zimmerman
Egolf	Levdansky	Sainato	Zug
Fairchild	Lloyd	Santoni	
Fajt	Lucyk	Sather	Ryan,
Fargo	Lynch	Saylor	Speaker
Feese			

NOT VOTING-0

EXCUSED-3

Corrigan	Farmer	King
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Less than the majority having voted in the affirmative, 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?

Ms. JOSEPHS offered the following amendment No. A2451:

Amend Sec. 6 (Sec. 405.3), page 17, line 29, by striking out "and" and inserting a comma

Amend Sec. 6 (Sec. 405.3), page 18, line 1, by inserting after "recipient"

and the penalties for the department for failure to take the actions agreed upon to support the efforts of the applicant or recipient

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. On that question, the Chair recognizes the lady from Philadelphia, Ms. Josephs.

Ms. JOSEPHS. Mr. Speaker, this is one of the amendments that I am withdrawing. Thank you, Mr. Speaker.

On the question recurring,

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

The SPEAKER pro tempore. Does the lady intend to offer amendment A2452?

Ms. JOSEPHS. Mr. Speaker, there are a number of amendments that I am waiting for the fiscal note to be circulated. As I explained before, when I received them at my desk, I took them immediately to the amendment clerk. I did not look at them, because I am trying to move this process along, because this process should not be taking place here on this floor, and that is one of the amendments I would like to have the benefit of myself and my colleagues to see the fiscal note before I make a decision. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The reason that we called that amendment up is that that fiscal note was circulated some time ago. We are only calling up your amendments for which fiscal notes have been circulated, and we are going down those simply in the order that we have them.

Ms. JOSEPHS. Okay. Let me look then. Sorry.

I am sorry, Mr. Speaker. I am looking around in this pile for the fiscal note for A2453, if you will just give me a minute.

The SPEAKER pro tempore. Ms. Josephs, would it help if we read you the list of your amendments for which fiscal notes have been circulated so you could let us know which ones you intend to offer?

Ms. JOSEPHS. I think I can reconstruct that.

A2452 I want to offer.

On the question recurring,

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

Ms. JOSEPHS offered the following amendment No. A2452:

Amend Sec. 14 (Sec. 432.19), page 46, line 24, by inserting after "[.]"

if the information being verified during the redetermination is expected to have changed since the previous verification

Amend Sec. 14 (Sec. 432.19), page 46, line 25, by inserting after "party"

or is unavailable

Amend Sec. 14 (Sec. 432.19), page 46, line 30, by striking out the bracket before "fifteen"

Amend Sec. 14 (Sec. 432.19), page 46, line 30, by striking out "[thirty"

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the lady from Philadelphia, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

This amendment has two different parts. I am not suggesting that it should be divided, but I would like to just explain. I am going to talk about one part and then the second part.

The first part I look at as an antibureaucratic, antipaperwork, anti-tie-up-the-Welfare-Department bill. What we have now presently in SB 1441 is, every time a client comes to his or her caseworker for a reevaluation, SB 1441 requires that absolutely everything be reverified. That is to say, if I go to my caseworker with my birth certificate and tell my caseworker I was born on such a month and such a day and such a year, when I come back again, I have to come back with my birth certificate again. This amendment allows the client to leave that birth certificate at home and to only bring in documentation of anything that reasonably may have changed between those visits for verification. Again, I think — I know — it will free up the caseworker to get this client into work, into education, not force that caseworker to go through pieces of paper which are not necessary.

Also, I would like to point out that we have all over the State people who have been homeless and go to apply for welfare with their families. Lots of times they cannot lay their hands on documents. If they have already shown that they were born on a certain date, that is already, it seems to me, to be enough for families. They do not, to me, have to, and to anybody, I think, who is reasonable, have to show that over and over and over again. Making somebody do this does not teach her or him to be responsible. It teaches the client that the Welfare Department is irresponsible.

The second part of the amendment returns us to the state where we are now. Right now, without SB 1441, if you come in and you prove satisfactorily to the Department of Public Welfare that you are eligible, in 15 days you get your check. SB 1441 lengthens that time to 30 days. I think that is unreasonable for somebody who has custody of little kids. I want to remind everybody here that what we did when we set up this system was to help little kids — children, babies, adolescents, toddlers — children. I cannot see any point in making children go without the assistance for which they are eligible simply because we say it should be 30 days.

So for commonsense reasons, I hope and I ask for a "yes" vote on this amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh County, Mr. Snyder.

Mr. SNYDER. Mr. Speaker, the intention of the drafting of the legislation was to acknowledge the fact that it takes time to determine eligibility with the new standards we have set up and also because of the establishment of an agreement of mutual responsibility, which is a contract between the recipient and the taxpayers of Pennsylvania. We ask for a negative vote on this amendment.

The SPEAKER pro tempore. Does the lady, Ms. Josephs, seek recognition again?

Ms. JOSEPHS. If you will give me a minute to talk to Mr. Snyder, maybe I can settle something.

The SPEAKER pro tempore. The House will stand at ease.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence and recognizes the gentleman, Mr. Itkin, who requests a leave for the balance of today's session for the lady from Centre County, Mrs. RUDY. The Chair hears no objection, and the leave is granted.

CONSIDERATION OF SB 1441 CONTINUED

PARLIAMENTARY INQUIRY

AMENDMENT DIVIDED

The SPEAKER pro tempore. The Chair recognizes the lady, Ms. Josephs, for the second time.

Ms. JOSEPHS. I have worked out an agreement. What I would like to do is divide the amendment. I will withdraw amendment B, B part, part 2, and I will offer again amendment 1. If you give me a second, I will again look for the amendment.

If it is permissible, I would like to divide it between lines— One moment, please.

Mr. Speaker, with your approval, I would like to divide this amendment between lines 8 and 9.

The SPEAKER pro tempore. The amendment is divisible. Which part did the lady wish to offer, the part above lines 8 and 9 or the part below?

PART 2 OF AMENDMENT WITHDRAWN

Ms. JOSEPHS. I wish to offer lines 1 through 8 and to withdraw the amendment as it stands between lines 9 and 12.

The SPEAKER pro tempore. The amendment is so divided.

The lady withdraws lines 9 through 12, and we will be voting only on the portion of the amendment contained in lines 1 through 8.

On the question,
Will the House agree to part 1 of the amendment?

The SPEAKER pro tempore. On the amendment as presented, the Chair recognizes the gentleman, Mr. Snyder.

Mr. SNYDER. We ask for support of this portion of the amendment.

Ms. JOSEPHS. Thank you, Mr. Speaker.

On the question recurring,
Will the House agree to part 1 of the amendment?

The following roll call was recorded:

YEAS—198

Adolph	Egolf	Lynch	Saylor
Allen	Evans	Maitland	Schroder
Argall	Fairchild	Major	Schuler
Armstrong	Fajt	Manderino	Scrimenti
Baker	Fargo	Markosek	Semmel
Bard	Feece	Marsico	Serafini
Barley	Fichter	Masland	Shaner
Battisto	Fleagle	Mayernik	Sheehan
Bebko-Jones	Flick	McCall	Smith, B.

Belardi	Gamble	McGeehan	Smith, S. H.
Belfanti	Gannon	McGill	Snyder, D. W.
Birmelin	Geist	Melio	Staback
Bishop	George	Merry	Stairs
Blaum	Gigliotti	Michlovic	Steelman
Boscola	Gladeck	Micozzie	Steil
Boyes	Godshall	Mihalich	Stern
Brown	Gordner	Miller	Stetler
Browne	Gruitza	Mundy	Stish
Bunt	Gruppo	Myers	Strittmatter
Butkovitz	Habay	Nailor	Sturla
Buxton	Haluska	Nickol	Surra
Caltagirone	Hanna	Nyce	Tangretti
Cappabianca	Harhart	O'Brien	Taylor, E. Z.
Carn	Hasay	Otasz	Taylor, J.
Carone	Haste	Oliver	Thomas
Cawley	Hennessey	Perzel	Tigue
Chadwick	Herman	Pesci	Travaglio
Civera	Hershey	Petrarca	Trello
Clark	Hess	Petrone	Trich
Clymer	Horsley	Pettit	True
Cohen, L. I.	Hutchinson	Phillips	Tulli
Cohen, M.	Itkin	Pistella	Vance
Colafella	Jadlowiec	Pitts	Van Home
Colaizzo	James	Platts	Veon
Conti	Jarolin	Preston	Vitali
Cornell	Josephs	Ramos	Walco
Corpora	Kaiser	Raymond	Washington
Cowell	Keller	Readshaw	Waugh
Coy	Kenney	Reber	Williams
Curry	Kirkland	Reinard	Wogan
Daley	Krebs	Rieger	Wozniak
DeLuca	Kukovich	Roberts	Wright, D. R.
Dempsey	LaGrotta	Robinson	Wright, M. N.
Dent	Laughlin	Roebuck	Yewcic
Dermody	Lederer	Rohrer	Youngblood
DeWeese	Leh	Rooney	Zimmerman
DiGirolamo	Lescovitz	Rubley	Zug
Donatucci	Levdansky	Sainato	
Druce	Lloyd	Santoni	Ryan,
Durham	Lucyk	Sather	Speaker

NAYS-1

Lawless

NOT VOTING-0

EXCUSED-4

Corrigan Farmer King Rudy

The majority having voted in the affirmative, the question was determined in the affirmative and part 1 of the amendment was agreed to.

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

The SPEAKER pro tempore. The Chair would inquire of the lady, Ms. Josephs, if we are correct in our understanding that the only amendments that the lady intends to offer are amendments A2440, A2457, and A2466. Is that correct?

Ms. JOSEPHS. As to the first two, yes, Mr. Speaker. I want to look again at A2466. I think perhaps it had already been considered and voted in a slightly different version. I just want to make sure that that is the case.

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

Ms. JOSEPHS offered the following amendment No. A2440:

Amend Sec. 12 (Sec. 432.5), page 35, line 30, by inserting a bracket before "two"

Amend Sec. 12 (Sec. 432.5), page 36, line 1, by striking out "applying for or receiving"

Amend Sec. 12 (Sec. 432.5), page 36, line 2, by striking out the brackets before and after "unit"

Amend Sec. 12 (Sec. 432.5), page 36, line 3, by striking out the bracket before "units"

Amend Sec. 12 (Sec. 432.5), page 36, line 3, by striking out "[] groups"

Amend Sec. 12 (Sec. 432.5), page 36, line 3, by inserting a bracket after "person" and inserting immediately thereafter

three thousand dollars (\$3,000)

Amend Sec. 12 (Sec. 432.7), page 41, line 1, by inserting after "section"

or attesting to the lack of information under penalty of perjury

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

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

Ms. JOSEPHS. Thank you, Mr. Speaker.

Unfortunately, however, this is an amendment that talks about money, and so far as I can tell - I would be happy to be corrected - the fiscal note has not yet been circulated. If somebody would check on that, and I will look around here also.

The SPEAKER pro tempore. A fiscal note has not yet been circulated on that amendment.

Ms. JOSEPHS. So with your permission, I would like to hold that over until it is circulated.

RULES SUSPENDED

Mr. SNYDER. Mr. Speaker?

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Snyder, seek recognition?

Mr. SNYDER. To move to suspend rule 19(a) for amendment 2440.

The SPEAKER pro tempore. The gentleman, Mr. Snyder, moves that rule 19(a) be suspended so that the amendment can be considered immediately without a fiscal note.

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

The SPEAKER pro tempore. The motion is only debatable by the leaders.

Does the gentleman, Mr. Evans, wish to speak for the Democratic side, or would the gentleman prefer to defer to the lady from Philadelphia?

Does the gentleman yield to the lady?

Mr. EVANS. Yes; I yield to the lady.

The SPEAKER pro tempore. The lady from Philadelphia, Ms. Josephs, is recognized on the motion.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I am not going to put the House through this vote. I just want to say that had we done that, I would have voted "no," because I think fiscal notes should be before us, but I can see that I do not have the votes.

I am only conceding that I will offer the amendment without the fiscal note, but I want the record to show that it is over my objection.

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

The following roll call was recorded:

YEAS—148

Adolph	Fairchild	Lynch	Saylor
Allen	Fajt	Major	Schroder
Argall	Fargo	Markosek	Schuler
Baker	Feese	Marsico	Semmel
Bard	Fichter	Mayernik	Serafini
Barley	Flick	McCall	Shaner
Bebko-Jones	Gamble	McGill	Sheehan
Belardi	Gannon	Melio	Smith, B.
Belfanti	Geist	Merry	Smith, S. H.
Birmelin	George	Michlovic	Snyder, D. W.
Blaum	Gigliotti	Micozzie	Staback
Boyes	Gladeck	Mihalich	Stairs
Brown	Godshall	Nailor	Steelman
Browne	Gordner	Nickol	Stern
Bunt	Gruppo	Nyce	Stish
Butkovitz	Habay	O'Brien	Strittmatter
Buxton	Haluska	Olasz	Tangretti
Caltagirone	Hanna	Perzel	Taylor, E. Z.
Cappabianca	Harhart	Pesci	Taylor, J.
Cawley	Hasay	Petrarca	Tigue
Chadwick	Haste	Petrone	Travaglio
Civera	Hennessey	Phillips	Trelio
Clark	Herman	Pistella	Trich
Clymer	Hershey	Pitts	True
Cohen, L. I.	Hess	Preston	Tulli
Colafrilla	Hutchinson	Ramos	Vance
Colaizzo	Jadlowiec	Raymond	Veon
Conti	Jarolin	Readshaw	Walko
Cornell	Kaiser	Reber	Waugh
Cowell	Keller	Reinard	Wogan
DeLuca	Kenney	Rieger	Wozniak
Dempsey	Kukovich	Roberts	Wright, M. N.
Dent	LaGrotta	Roebuck	Zimmerman
Dermody	Laughlin	Rohrer	Zug
DiGirolamo	Lawless	Rubley	
Donatucci	Leh	Sainato	Ryan,
Druce	Lescovitz	Sather	Speaker
Durham	Levdansky		

NAYS—51

Armstrong	Evans	Manderino	Steil
Battisto	Fleagle	Masland	Stetler
Bishop	Gruitza	McGeehan	Sturla
Boscola	Horsey	Miller	Surra
Cam	Itkin	Mundy	Thomas
Carone	James	Myers	Van Horne
Cohen, M.	Josephs	Oliver	Vitali
Corpora	Kirkland	Pettit	Washington
Coy	Krebs	Platts	Williams
Curry	Lederer	Robinson	Wright, D. R.
Daley	Lloyd	Rooney	Yewcic
DeWeese	Lucyk	Santoni	Youngblood
Egolf	Maitland	Scrimenti	

NOT VOTING—0

EXCUSED—4

Corrigan Farmer King Rudy

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 amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the lady from Philadelphia, Ms. Josephs.

Ms. JOSEPHS. Thank you.

I think a lot of people would have voted differently if I had explained this better or if we had had more time or if it had not been so late, but so be it, on the procedural motion.

Amendment 2440 changes limits on property holdings for applicants. Right now a family, which is known as an assistance unit, can hold \$1,000 and still be eligible for help, for assistance, for welfare. My amendment raises that limit to \$3,000. And I would just ask you to consider, Mr. Speaker, if you were looking for work or trying to get an education or get your children to day care, if you could find it, that you could only, for instance, own a car that was worth \$1,000. That does not seem fair to me. We have had inflation since this \$1,000 happened. I think that we ought to give people \$3,000, which is very, very little. I wonder how many of us spend \$3,000 a month without even thinking about it. I do not see any reason why our fellow Pennsylvanians ought not to be able to have \$3,000 in order to get on with their lives while they are temporarily on public assistance.

I think this amendment promotes responsibility, and I ask for an affirmative vote. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Chester County, Mr. Flick.

Mr. FLICK. Thank you, Mr. Speaker.

Already provided for in the bill is that welfare recipients can own an automobile, and there is no value limit placed on the automobile, and that is because it is important that individuals who are going to seek work have the ability to get to work, but, Mr. Speaker, I see no rational reason why we should increase by 300 percent the amount of money that an individual can retain in their savings account.

I would urge a "no" vote.

The SPEAKER pro tempore. The Chair recognizes the lady from Philadelphia, Ms. Josephs, for the second time.

Ms. JOSEPHS. I stand corrected; a bad example I gave. Here we have, let us say, a family where the parent would like to go to school. We say, save up money. The person can only save \$1,000. How can you go to school?

In addition, Senator Gerlach, in his original welfare plan before he introduced SB 1441, did have a \$3,000 property holding.

Again I urge you to support Senator Gerlach and my amendment.

The SPEAKER pro tempore. Does the gentleman, Mr. Snyder, seek recognition again? The Chair recognizes the gentleman.

Mr. SNYDER. This is the first time on this amendment.

Mr. Speaker, I can appreciate what the lady from Philadelphia is attempting to do, but the problem we have is that the reason there has been no change in this draft of the legislation is that the \$1,000 limit is set by Federal law, and in order to exceed that, it would require a Federal waiver, and we therefore ask to oppose the amendment at this time. We know that there is pending welfare reform at the national level, and perhaps, if and when Washington approves it and changes those limits, we would be able to have an opportunity to address this part, but, Mr. Speaker, I ask for a negative vote at this time because of the need for a Federal waiver.

The SPEAKER pro tempore. The Chair recognizes the lady from Philadelphia, Ms. Manderino.

Ms. MANDERINO. Mr. Speaker, this is not the first amendment that we have done today that required a Federal waiver. The first amendment that we did when we started the day, the Boscola amendment, which passed this House, requires a Federal waiver.

One of the areas that we see in Philadelphia, and I am sure other areas of the State see the same thing, where this \$1,000 limit has a real prohibition in terms of moving people out of public assistance types of things is in the area of housing.

Public housing, because you cannot accumulate the money you need for your security deposit, your first and last month's rent and the first rent payment plus moving expenses, people who want to try to move out of public housing and into their own do not even have an ability to save enough money in order to do that. Our public housing waiting lists have been closed for over 5 years — I think it is probably going on 10 years — and when I mean closed, that means the lists are so long now that we do not even put new people on the list unless they are homeless people.

It just makes a heck of a lot of sense, if we are really talking about flexibility and self-sufficiency, to make this change, and rather than have to come back if the Federal requirements go through and change and amend our own law, why not seek the waiver, just like we are going to seek the waiver on a couple of other amendments we did, and if it comes through on the Federal level before, that is even better. But if we really are serious about wanting to move people and let them be self-sufficient themselves, getting them out of public housing and into their own private housing is one of the biggest steps that we could make. This would allow them to do that. It makes sense.

Vote "yes" on this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lancaster, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I have heard numerous members stand up today and rail against various proposals because we were somehow helping people go to college or we were helping them do something else with State money and we were supposed to teach people to be self-sufficient, and here is the opportunity for people to be self-sufficient, to put a little money away, to learn what it means to save so that they have some money to do something with their life, and now those same members are standing up saying, do not dare let them be self-sufficient.

I find that extremely ironic, and I would urge a positive vote for the Josephs amendment. Thank you.

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

The following roll call was recorded:

YEAS—73

Battisto	DeWeese	Markosek	Sainato
Bebko-Jones	Donatucci	Melio	Schroder
Belardi	Evans	Michlovic	Shaner
Belfanti	George	Mihalich	Staback
Butkovitz	Gigliotti	Mundy	Steelman
Buxton	Haluska	Myers	Steller
Caltagirone	Hennessey	Olasz	Sturla
Cappabianca	Itkin	Oliver	Surra
Carn	James	Pesci	Tangretti
Carone	Jarolin	Petrarca	Thomas
Cawley	Josephs	Petrone	Trello
Cohen, L. I.	Kirkland	Pistella	Trich
Cohen, M.	Kukovich	Preston	Van Horne
Colaella	LaGrotta	Ramos	Veon
Colaizzo	Laughlin	Rieger	Walko
Cowell	Lawless	Robinson	Washington
Curry	Lescovitz	Roebuck	Williams
Dalry	Manderino	Rooney	Youngblood
DeLuca			

NAYS—122

Adolph	Feese	Lynch	Schuler
Allen	Fichter	Maitland	Scrimenti
Argall	Fleagle	Major	Semmel
Armstrong	Flick	Marsico	Serafini
Baker	Gamble	Masland	Sheehan
Bard	Gannon	Mayernik	Smith, B.
Barley	Geist	McCall	Smith, S. H.
Birmelin	Gladeck	McGeehan	Snyder, D. W.
Blaum	Godshall	McGill	Stairs
Boscola	Gordner	Merry	Steil
Boyes	Gruitza	Micozzie	Stern
Brown	Gruppo	Miller	Stish
Browne	Habay	Nailor	Strittmatter
Bunt	Hanna	Nickol	Taylor, E. Z.
Chadwick	Harhart	Nyce	Taylor, J.
Civera	Hasay	O'Brien	Tigue
Clark	Haste	Perzel	True
Clymer	Herman	Pettit	Tulli
Conti	Hershey	Phillips	Vance
Cornell	Hess	Pitts	Vitali
Corpora	Hutchinson	Platts	Waugh
Coy	Jadlowiec	Raymond	Wogan
Dempsey	Kaiser	Readshaw	Wozniak
Dent	Keller	Reber	Wright, D. R.
DiGirolamo	Kenney	Reinard	Wright, M. N.
Druce	Krebs	Roberts	Yewcic
Durham	Lederer	Rohrer	Zimmerman
Egolf	Leh	Rubley	Zug
Fairchild	Levdansky	Santoni	
Fajt	Lloyd	Sather	Ryan,
Fargo	Lucyk	Saylor	Speaker

NOT VOTING—4

Bishop	Dermody	Horsey	Travaglio
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EXCUSED—4

Corrigan	Farmer	King	Rudy
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Less than the majority having voted in the affirmative, 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?

Ms. JOSEPHS offered the following amendment No. A2457:

Amend Sec. 8 (Sec. 408), page 23, line 26, by striking out "may" and inserting

shall

Amend Sec. 8 (Sec. 408), page 24, line 6, by striking out "may" and inserting

shall

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

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

Ms. JOSEPHS. Thank you, Mr. Speaker.

This amendment changes a "may" to a "shall," has to do with providing child-care assistance and transportation when the lack of child care and transportation would cause a recipient or somebody who is applying to be exempt from the work requirements that are set forth in the mutual responsibility agreement.

In other words, if this, and I suppose in most cases it is a woman, can work, wants to work, is qualified to work, signs an agreement that she will work but she cannot get to the job or she cannot leave her children alone because she cannot afford day care, then the department must help her with transportation and day care.

We know that the biggest barrier for single parents who are on welfare to move from welfare is day care and many times also transportation. If we are really interested in self-sufficiency, we will give this parent the opportunity he or she wants and needs to go to work.

For family responsibility and for the care and safety of children, I urge a "yes" vote. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lancaster County, Mr. Barley.

Mr. BARLEY. Thank you, Mr. Speaker.

The amendment is rather simple in the fact that it just changes wording from "may" to "shall," but I believe, in this instance, the flexibility that is allowed by retaining the word "may" should be retained in the legislation. We are not preventing anything from happening and we are not preventing this kind of care from being extended by having the "may" provision. I believe it would be inappropriate to change that to "shall," and I would suggest that we allow the language to remain and reject this amendment.

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

The following roll call was recorded:

YEAS-67

Bebko-Jones	Donatucci	Melio	Staback
Belardi	Evans	Michlovic	Steelman
Belfanti	George	Mihalich	Sturla
Bishop	Gigliotti	Mundy	Surra
Butkovitz	Haluska	Myers	Tangretti
Caltagirone	Horsey	Olasz	Thomas
Cappabianca	Itkin	Pesci	Travaglio

Carn	Jarolin	Petrarca	Trello
Cawley	Josephs	Petrone	Trich
Cohen, M.	Kirkland	Pistella	Van Horne
Colafrella	Kukovich	Preston	Veon
Colaizzo	LaGrotta	Ramos	Walko
Cowell	Laughlin	Rieger	Washington
Coy	Lawless	Robinson	Williams
Curry	Lescovitz	Roeback	Wright, D. R.
DeLuca	Levdansky	Rooney	Youngblood
DeWeese	Manderino	Sainato	

NAYS-130

Adolph	Fairchild	Lucyk	Schroder
Allen	Fajt	Lynch	Schuler
Argall	Fargo	Maitland	Scriminti
Armstrong	Feese	Major	Semmel
Baker	Fichter	Markosek	Serafini
Bard	Fleagle	Marsico	Shaner
Barley	Flick	Masland	Sheehan
Battisto	Gamble	Mayernik	Smith, B.
Birmelin	Gannon	McCall	Smith, S. H.
Blaum	Geist	McGeehan	Snyder, D. W.
Boscola	Gladeck	McGill	Stairs
Boyes	Godshall	Merry	Steil
Brown	Gordner	Micozzie	Stern
Browne	Gruitza	Miller	Stetler
Bunt	Gruppo	Nailor	Stish
Buxton	Habay	Nickol	Strittmatter
Carone	Hanna	Nyce	Taylor, E. Z.
Chadwick	Harhart	O'Brien	Taylor, J.
Civera	Hasay	Perzel	Tigue
Clark	Haste	Pettit	True
Clymer	Hennessey	Phillips	Tulli
Cohen, L. I.	Herman	Pitts	Vance
Conti	Hershey	Platts	Vitali
Cornell	Hess	Raymond	Waugh
Corpora	Hutchinson	Readshaw	Wogan
Daley	Jadlowiec	Reber	Wozniak
Dempsey	Kaiser	Reinard	Wright, M. N.
Dent	Keller	Roberts	Yewcic
Dermody	Kenney	Rohrer	Zimmerman
DiGirolamo	Krebs	Rubley	Zug
Druce	Lederer	Santoni	
Durham	Leh	Sather	Ryan,
Egolf	Lloyd	Saylor	Speaker

NOT VOTING-2

James	Oliver
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EXCUSED-4

Corrigan	Farmer	King	Rudy
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Less than the majority having voted in the affirmative, 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?

Ms. JOSEPHS offered the following amendment No. A2466:

Amend Sec. 5 (Sec. 405.1), page 13, line 26, by inserting after "activity."
In making a determination as to whether the person is precluded from any form of employment or work-related activity, the person's physical and mental capacity, age, employment history, skills and education shall be considered.

Amend Sec. 9 (Sec. 432), page 27, line 3, by inserting after "activity."
In making a determination as to whether the person is precluded from any form of employment or work-related activity, the person's physical and mental capacity, age, employment history, skills and education shall be considered.

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

The SPEAKER pro tempore. On that question, the Chair recognizes the lady from Philadelphia, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

Hopefully this will not confuse everyone. I will try and be clear.

We are talking now about the instant in time in which the person who now, today, has been categorized as chronically needy. What SB 1441 proposes is that that person who is now currently characterized, categorized as chronically needy be reevaluated to see if that person falls into some other category.

What this amendment says is that when that judgment is being made whether the chronically needy person is no longer chronically needy, when that judgment is being made by the Department of Public Welfare, the age, the employment history, and the work skills of that chronically needy individual must be considered in deciding whether that person is indeed not chronically needy but is employable.

I would like to also add that this language tracks language from the Social Security Act, and it is consistent with the rest of the bill's move towards the Social Security disability standard.

I hope that is clear. I thank you, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman, Mr. Flick, seek recognition? The Chair recognizes the gentleman from Chester, Mr. Flick.

Mr. FLICK. Mr. Speaker, what the gentlelady is trying to do is to paint shades of gray and give individuals the opportunity to continue to receive benefits if in fact they may not be entitled to these benefits.

In the bill, on page 13, it indicates and says, on line 22, that people will be exempted if "The applicant or recipient has been assessed by a physician or psychologist as having a verified physical or mental disability which temporarily or permanently precludes the applicant or recipient from any form of employment or work-related activity."

Mr. Speaker, it is very clear in the bill and it is properly in the hands of professionals to make the determination — doctors or psychologists.

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

The SPEAKER pro tempore. The Chair recognizes the lady, Ms. Josephs, for the second time on her amendment.

Ms. JOSEPHS. An interesting argument advanced by Mr. Flick. I really think it advances my argument.

Yes, we know that doctors and psychiatrists are going to look at mental and physical disability.

This does not continue eligibility for people who are not eligible. It simply says— Here, let me give you an example. We have a person who is 64, 63, 59, 56 whose doctor and/or psychiatrist says — and for the sake of example, let us say hypothetically, the doctor and the psychiatrist are right — the physical or mental condition does not preclude the person from work. All right. The 64-year-old woman — first of all, she is 64. I do not know how anybody gets a job at 64 who has been out of the work force, because we let her be; it is not her fault. She has not worked since she was 18 before she got married like a good woman, gave up her job, had a bunch of kids, and never went back to work because that is what we say good women should do, and she has consequently no work skills, having spent her entire life taking care of her family.

I want the department to look at that woman and say, okay, your chronic diabetes does not mean you are chronically needy, but, heck, you are never going to get a job, so we will continue to pay you the little few pennies we pay you to keep you from departing this earth. That is all I am asking. Thank you.

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

The following roll call was recorded:

YEAS-67

Bebko-Jones	Evans	Mihalich	Shaner
Belardi	Gamble	Mundy	Staback
Belfanti	George	Myers	Steelman
Bishop	Haluska	Olasz	Sturla
Burkovitz	Itkin	Oliver	Surra
Caltagirone	James	Pesci	Tangretti
Cappabianca	Jarolin	Petrarca	Thomas
Carn	Josephs	Petrone	Travaglio
Cawley	Kirkland	Pistella	Trello
Cohen, M.	Kukovich	Preston	Trich
Colaella	LaGrotta	Ramos	Van Horne
Colaizzo	Laughlin	Rieger	Veon
Cowell	Lescovitz	Roberts	Walko
Curry	Levdansky	Robinson	Washington
Daley	Manderino	Roebuck	Williams
DeWeese	Melio	Rooney	Youngblood
Donatucci	Michlovic	Sainato	

NAYS-131

Adolph	Fairchild	Lloyd	Schroder
Allen	Fajt	Lucyk	Schuler
Argall	Fargo	Lynch	Scrimenti
Armstrong	Feese	Maitland	Semmel
Baker	Fichter	Major	Serafini
Bard	Fleagle	Markosek	Sheehan
Barley	Flick	Marsico	Smith, B.
Battisto	Gannon	Masland	Smith, S. H.
Birmelin	Geist	Mayernik	Snyder, D. W.
Blaum	Gigliotti	McCall	Stairs
Boscola	Gladeck	McGeehan	Steil
Boyes	Godshall	McGill	Stern
Brown	Gordner	Merry	Stetler
Browne	Gruitza	Micozzie	Stish
Bunt	Gruppo	Miller	Strittmatter
Buxton	Habay	Nailor	Taylor, E. Z.
Carone	Hanna	Nickol	Taylor, J.
Chadwick	Harhart	Nyce	Tigue
Civera	Hasay	O'Brien	True
Clark	Haste	Perzel	Tulli
Clymer	Hennessey	Pettit	Vance

Cohen, L. I.	Herman	Phillips	Vitali
Conti	Hershey	Pitts	Waugh
Cornell	Hess	Platts	Wogan
Corpora	Hutchinson	Raymond	Wozniak
Coy	Jadlowiec	Readshaw	Wright, D. R.
DeLuca	Kaiser	Reber	Wright, M. N.
Dempsey	Keller	Reinard	Yewcic
Dent	Kenney	Rohrer	Zimmerman
Dermody	Krebs	Rubley	Zug
DiGirolamo	Lawless	Santoni	
Druce	Lederer	Sather	Ryan,
Durham	Leh	Saylor	Speaker
Egolf			

NOT VOTING-1

Horsley

EXCUSED-4

Corrigan Farmer King Rudy

Less than the majority having voted in the affirmative, 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?

Mr. STURLA offered the following amendment No. A2535:

Amend Sec. 6 (Sec. 405.3), page 19, line 3, by inserting after "that" reasonable attempts will be made to have

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Lancaster County, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, in the SB 1441, it says that we will take away benefits from a person who does not send their children to school or whose children do not attend school, and I think that concept is a very reasonable concept and a worthwhile thing for us to do.

All my language does is says that as long as the parent makes a reasonable attempt to have their children go to school, that they are still eligible for benefits.

When we did truancy legislation a while ago, we decided we would fine some students instead of just the parents, because what we saw happening was parents who actually physically delivered their children to school, walked them to their first class, went to their job, and the kid walked out the back door.

If we say that simply the fact that a child does not attend school, even though a parent makes every reasonable attempt they can to get that child to school, we will have situations where children will be threatening their parents with the denial of welfare benefits as to whether or not they go to school, and I do not think that is an appropriate situation that we should be doing or that we should be giving that much power to the children of some of the welfare recipients to hold it over their heads.

So I would urge a positive vote on this amendment.

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

Mr. CORNELL. Thank you, Mr. Speaker.

I rise to oppose the Sturla amendment.

It certainly seems it is the responsibility of the parents to ensure that their children are properly in school at the time, and certainly for that reason I would urge a "no" vote.

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

Mr. FLEAGLE. Thank you, Mr. Speaker.

Mr. Speaker, if this amendment is adopted, you will have a hole big enough in this bill to drive a truck through.

Reasonable attempt just does not cut it. We are talking about responsible parents. You are either responsible or you are not. This is just a subterfuge here.

Vote against this amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-58

Bebko-Jones	Itkin	Oliver	Stetler
Belardi	James	Pesci	Sturla
Belfanti	Jarolin	Petrarca	Surra
Bishop	Josephs	Petrone	Thomas
Buxton	Kirkland	Pistella	Tigue
Caltagirone	Kukovich	Preston	Travaglio
Cappabianca	Laughlin	Ramos	Trello
Carn	Lloyd	Reber	Trich
Cawley	Manderino	Rieger	Van Horne
Cohen, M.	Melio	Robinson	Veon
DeWeese	Michlovic	Roebuck	Walko
Donatucci	Mihalich	Rooney	Washington
Evans	Mundy	Scrimenti	Williams
Haluska	Myers	Steelman	Youngblood
Horsley	Olasz		

NAYS-140

Adolph	Durham	Lederer	Sather
Allen	Egolf	Leh	Saylor
Argall	Fairchild	Lescovitz	Schroder
Armstrong	Fajt	Levdansky	Schuler
Baker	Fargo	Lucyk	Semmel
Bard	Feese	Lynch	Serafini
Barley	Fichter	Maitland	Shaner
Battisto	Fleagle	Major	Sheehan
Birmeiin	Flick	Markosek	Smith, B.
Blaum	Gamble	Marsico	Smith, S. H.
Boscota	Gannon	Masland	Snyder, D. W.
Boyes	Geist	Mayernik	Staback
Brown	George	McCall	Stairs
Browne	Gigliotti	McGeehan	Steil
Bunt	Gladeck	McGill	Stern
Butkovitz	Godshall	Merry	Stish
Carone	Gordner	Micozzie	Strittmatter
Chadwick	Gruitza	Miller	Tangretti
Civera	Gruppo	Nailor	Taylor, E. Z.
Clark	Habay	Nickol	Taylor, J.
Clymer	Hanna	Nyce	True
Cohen, L. I.	Harhart	O'Brien	Tulli
Colafigliola	Hasay	Perzel	Vance
Colaizzo	Haste	Pettit	Vitali
Conti	Hennessey	Phillips	Waugh
Cornell	Herman	Pitts	Wogan
Corpora	Hershey	Platts	Wozniak

Cowell	Hess	Raymond	Wright, D. R.
Coy	Hutchinson	Readshaw	Wright, M. N.
Daley	Jadlowiec	Reinard	Yewcic
DeLuca	Kaiser	Roberts	Zimmerman
Dempsey	Keller	Rohrer	Zug
Dent	Kenney	Rubley	
Dermody	Krebs	Sainato	Ryan,
DiGirolamo	LaGrotta	Santoni	Speaker
Druce	Lawless		

NOT VOTING-1

Curry

EXCUSED-4

Corrigan	Farmer	King	Rudy
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Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

THE SPEAKER (MATTHEW J. RYAN) PRESIDING

The SPEAKER. The Chair thanks the gentleman, Mr. Chadwick, for presiding.

VOTE CORRECTION

The SPEAKER. Does the gentleman, Mr. Reber, seek recognition?

Mr. REBER. Mr. Speaker, on the last Sturla amendment, my switch malfunctioned. I would like to be recorded in the negative.

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

CONSIDERATION OF SB 1441 CONTINUED

On the question recurring,

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

Mr. STURLA offered the following amendment No. A2536:

Amend Sec. 5 (Sec. 405.1), page 15, by inserting between lines 6 and 7

(a.5) As used in this subsection, the term "self-sufficiency" in RESET programs shall mean income at or above one hundred eighty-five percent of the Federal poverty level.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman, Mr. Sturla, in connection with the amendment just offered.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I have not received a fiscal note on this yet, even though I requested one.

The SPEAKER. It is the information of the Chair that we have received one. Just yield for a moment.

Mr. Sturla, I am advised that fiscal notes are being distributed now for a number of your amendments.

With respect to A2536, however, I have a copy in my hands indicating that according to the 1995 guidelines, an annual income of \$13,800 for a family of one, \$18,500 for a family of two, \$23,292 for a family of three, and \$28,000 for a family of four. Using those guidelines, an adoption of the amendment would have no fiscal impact on State funds, based on a departmental analysis.

Mr. STURLA. Thank you, Mr. Speaker.

I will accept that as a—

The SPEAKER. Well, do not accept it as gospel. That is an abbreviation of what I quickly read.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, what this amendment simply does is says that self-sufficiency will be defined in this bill as 185 percent of poverty level, which is the cutoff point for receiving welfare benefits. And so it simply, basically, states that we are going to define "self-sufficiency" as what it stands at right now as to what qualifies you for certain benefits, AFDC benefits.

The SPEAKER. The gentleman, Mr. Cornell, from Montgomery County.

Mr. CORNELL. Thank you, Mr. Speaker.

I again would stand here before you to ask that you oppose the Sturla amendment.

We just did get the information from the fiscal note, and if you read that closely, for a family of four, that figure, as the Speaker had said, would rise to \$28,028.

For that reason I would ask you to cast a "no" vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-56

Bebko-Jones	Flick	Mihalich	Rooney
Belardi	George	Mundy	Shaner
Belfanti	Horsey	Myers	Steelman
Bishop	Itkin	Oliver	Sturla
Caltagirone	James	Pesci	Surra
Cappabianca	Jarolin	Petrarca	Thomas
Carn	Josephs	Petrone	Travaglio
Cawley	Kirkland	Pistella	Trello
Cohen, M.	Kukovich	Preston	Trich
Cowell	Laughlin	Ramos	Van Horne
Curry	Manderino	Rieger	Veon
Daley	Markosek	Roberts	Walko
DeWeese	Melio	Robinson	Williams
Donatucci	Michlovic	Roebuck	Youngblood

NAYS-141

Adolph	Egolf	Lescovitz	Schroder
Allen	Fairchild	Levdansky	Schuler
Argall	Fajt	Lloyd	Scrimenti
Armstrong	Fargo	Lucyk	Semmel
Baker	Feese	Lynch	Serafini
Bard	Fichter	Maitland	Sheehan
Barley	Fleagle	Major	Smith, B.
Battisto	Gamble	Marsico	Smith, S. H.
Birmelin	Gannon	Masland	Snyder, D. W.
Blaum	Geist	Mayernik	Staback
Boscola	Gigliotti	McCall	Stairs
Boyes	Gladeck	McGeehan	Steil
Brown	Godshall	McGill	Stern

Browne	Gordner	Merry	Stetler
Bunt	Gruitza	Micozzie	Stish
Butkovitz	Gruppo	Miller	Strittmatter
Buxton	Habay	Nailor	Tangretti
Carone	Haluska	Nickol	Taylor, E. Z.
Chadwick	Hanna	Nyce	Taylor, J.
Civera	Harhart	O'Brien	Tigue
Clark	Hasay	Olasz	Truc
Clymer	Haste	Perzel	Tulli
Cohen, L. I.	Hennessey	Pettit	Vance
Colafranca	Herman	Phillips	Vitali
Colaizzo	Hershey	Pitts	Waugh
Conti	Hess	Platts	Wogan
Cornell	Hutchinson	Raymond	Wozniak
Corpora	Jadlowiec	Readshaw	Wright, D. R.
Coy	Kaiser	Reber	Wright, M. N.
DeLuca	Keller	Reinard	Yewic
Dempsey	Kenney	Rohrer	Zimmerman
Dent	Krebs	Rubley	Zug
Dermody	LaGrotta	Sainato	
DiGirolamo	Lawless	Santoni	Ryan,
Druce	Lederer	Sather	Speaker
Durham	Leh	Saylor	

NOT VOTING—2

Evans Washington

EXCUSED—4

Corrigan Farmer King Rudy

Less than the majority having voted in the affirmative, 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?

Mr. STURLA offered the following amendment No. A2537:

Amend Sec. 5 (Sec. 405.1), page 15, by inserting between lines 6 and 7

(a.5) Skills and aptitude assessment shall be a part of RESET or any other training program which the department administers.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question, the Chair recognizes the gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

I am looking here, the fiscal note that had been just delivered to me, for the information of those members, says this has no fiscal impact on the current program— I am sorry; now wait. I am looking at the wrong number. I do not have a fiscal note on this one, even though I requested it. Mr. Speaker, I still have not received the fiscal note that I requested on this amendment. Oh, this is 37. I am sorry; I misunderstood you, Mr. Speaker. I do have this one now.

Mr. Speaker, the fiscal note on this amendment says that there is no fiscal impact. What this essentially does is follows guidelines that are set forth in the New Directions program and copies it with

the RESET program. It states that those people that are receiving training need to be assessed for skills and aptitude.

Now, this amendment has passed many times on the floor of this House, and what it does is say that before we spend training dollars, we assess someone to see whether they have the skills and aptitude to even do that job.

The example that I used before on the floor of the House, which I will use again, we have a kid who gets out of high school and he gets a job with a local contractor because his father knows somebody, and they say, let us go over here and we will have you lay bricks for a while. And by the end of the summer, the contractor realizes that the kid is a miserable bricklayer, and he lays him off at the end of the summer and says he is out of work and he sends him down to the unemployment office, and when they ask him what he has done, he says, I was a bricklayer, and they sign him up as a bricklayer and they go try and find him another job as a bricklayer. In the spring when jobs are available again, they find him a job as a bricklayer, and lo and behold, he goes out and tries to do that job again and he cannot do it, and he gets fired and he gets sent back to the unemployment office, and we continue to do that because no one has realized that this guy cannot lay bricks.

If we do skills and aptitude assessment before we do the training, we save a lot of training dollars and we save a lot of time and effort on behalf of those people that are trying to work in this State. All this is asking for is that that skills and aptitude assessment be done.

I would appreciate an affirmative vote. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Cornell, and reminds the members that in addition to the people in the gallery, if any, the cameras are watching us.

Mr. Cornell.

Mr. CORNELL. Thank you, sir. Thank you, Mr. Speaker.

With the lone example that Representative Sturla has explained to us, the department is already involved with the skills and aptitude assessment, so I would urge a "no" vote.

The SPEAKER. On the question, Mr. Sturla.

Mr. STURLA. Mr. Speaker, if I could, they are involved with the New Directions program, but the RESET program, as described in this legislation, does not require that. I would hope that we would at least require it and make it similar in nature to the requirements of the other program that the department offers. 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—74

Bebko-Jones	Dermody	Melio	Shaner
Belardi	DeWeese	Mihalich	Staback
Belfanti	Donatucci	Mundy	Stelman
Bishop	Evans	Myers	Stetler
Blaum	George	Oliver	Sturla
Buxton	Gruitza	Pesci	Surra
Caltagirone	Haluska	Petrarca	Tangretti
Cappabianca	Horsey	Petrone	Thomas
Carn	Itkin	Pistella	Tigue
Carone	James	Preston	Travaglio

Cawley	Jarolin	Ramos	Trello
Cohen, M.	Josephs	Rieger	Van Horne
Colafiglia	Kirkland	Roberts	Veon
Colaizzo	Kukovich	Robinson	Walko
Corpora	LaGrotta	Roebuck	Washington
Cowell	Laughlin	Rooney	Williams
Coy	Lescovitz	Sainato	Wright, D. R.
Curry	Lloyd	Scrimenti	Youngblood
Daley	Manderino		

NAYS-123

Adolph	Feese	Lynch	Saylor
Allen	Fichter	Maitland	Schroder
Argall	Fleagle	Major	Schuler
Armstrong	Gamble	Markosek	Semmel
Baker	Gannon	Marsico	Serafini
Bard	Geist	Masland	Sheehan
Barley	Gigliotti	Mayernik	Smith, B.
Battisto	Gladeck	McCall	Smith, S. H.
Birmelin	Godshall	McGeehan	Snyder, D. W.
Boscola	Gordner	McGill	Stairs
Boyes	Gruppo	Merry	Steil
Brown	Habay	Micozzie	Stern
Browne	Hanna	Miller	Stish
Bunt	Harhart	Nailor	Strittmatter
Butkovitz	Hasay	Nickol	Taylor, E. Z.
Chadwick	Haste	Nyce	Taylor, J.
Civera	Hennessey	O'Brien	Trich
Clark	Herman	Olasz	True
Clymer	Hershey	Perzel	Tulli
Cohen, L. I.	Hess	Pettit	Vance
Conti	Hutchinson	Phillips	Vitali
Cornell	Jadlowiec	Pitts	Waugh
DeLuca	Kaiser	Platts	Wogan
Dempsey	Keller	Raymond	Wozniak
Dent	Kenney	Readshaw	Wright, M. N.
DiGirolamo	Krebs	Reber	Yewcic
Druce	Lawless	Reinard	Zimmerman
Durham	Lederer	Rohrer	Zug
Egolf	Leh	Rubley	
Fairchild	Levdansky	Santoni	Ryan,
Fajt	Lucyk	Sather	Speaker
Fargo			

NOT VOTING-2

Flick	Michlovic
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EXCUSED-4

Corrigan	Farmer	King	Rudy
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Less than the majority having voted in the affirmative, 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?

Mr. STURLA offered the following amendment No. A2538:

Amend Sec. 9 (Sec. 432), page 28, line 3, by inserting after "Government."

[No individual shall qualify for general assistance under this clause for more than nine months in a lifetime.]

Amend Sec. 9 (Sec. 432), page 28, lines 6 through 8, by striking out "No" in line 6 and all of lines 7 and 8

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

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, earlier today we adopted the Steil amendment which removed the 9-month cap on lifetime benefits as a result of domestic violence situations. What this amendment would do is remove that 9-month cap for drug and alcohol also.

It is common within the drug and alcohol community that some people lapse back and require additional treatment, and so I would hope that we could provide that treatment for them to help them become self-sufficient citizens in the State of Pennsylvania.

The SPEAKER. Does the gentleman, Mr. Cornell, desire recognition on this amendment?

Mr. CORNELL. Yes, Mr. Speaker.

I would urge a "no" vote. I think the way the legislation is currently drafted will ensure that those individuals with those particular types of problems will get the treatment that they need.

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

The following roll call was recorded:

YEAS-54

Bebko-Jones	DeWeese	Mihalich	Shaner
Belardi	Donatucci	Myers	Steelman
Belfanti	Evans	Oliver	Sturla
Bishop	Horsey	Pesci	Surra
Buxton	Itkin	Petrone	Thomas
Caltagirone	James	Pistella	Travaglio
Cappabianca	Jarolin	Preston	Trello
Carn	Josephs	Ramos	Trich
Cawley	Kirkland	Rieger	Veon
Cohen, M.	Kukovich	Roberts	Walko
Corpora	Laughlin	Robinson	Washington
Cowell	Manderino	Roebuck	Williams
Curry	Melio	Rooney	Youngblood
Daley	Michlovic		

NAYS-145

Adolph	Fargo	Lloyd	Schroder
Allen	Feese	Lucyk	Schuler
Argall	Fichter	Lynch	Scrimenti
Armstrong	Fleagle	Maitland	Semmel
Baker	Flick	Major	Serafini
Bard	Gamble	Markosek	Sheehan
Barley	Gannon	Marsico	Smith, B.
Battisto	Geist	Masland	Smith, S. H.
Birmelin	George	Mayernik	Snyder, D. W.
Blaum	Gigliotti	McCall	Staback
Boscola	Gladeck	McGeehan	Stairs
Boyes	Godshall	McGill	Steil
Brown	Gordner	Merry	Stern
Browne	Gruitza	Micozzie	Stetler
Bunt	Gruppo	Miller	Stish
Butkovitz	Habay	Mundy	Strittmatter
Carone	Haluska	Nailor	Tangretti
Chadwick	Hanna	Nickol	Taylor, E. Z.
Civera	Harhart	Nyce	Taylor, J.

Clark	Hasay	O'Brien	Tigue
Clymer	Haste	Olasz	True
Cohen, L. I.	Hennessey	Perzel	Tulli
Colafella	Herman	Petrarca	Vance
Colaizzo	Hershey	Petit	Van Horne
Conti	Hess	Phillips	Vitali
Cornell	Hutchinson	Pitts	Waugh
Coy	Jadlowiec	Platts	Wogan
DeLuca	Kaiser	Raymond	Wozniak
Dempsey	Keller	Readshaw	Wright, D. R.
Dent	Kenney	Reber	Wright, M. N.
Dermody	Krebs	Reinard	Yewcic
DiGirolamo	LaGrotta	Rohrer	Zimmerman
Druce	Lawless	Rubley	Zug
Durham	Lederer	Sainato	
Egolf	Leh	Santoni	Ryan,
Fairchild	Lescovitz	Sather	Speaker
Fajt	Levdansky	Saylor	

NOT VOTING—0

EXCUSED—4

Corrigan	Farmer	King	Rudy
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Less than the majority having voted in the affirmative, 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?

Mr. MYERS offered the following amendment No. A2503:

Amend Sec. 5 (Sec. 405.1), page 13, line 30, by inserting after "recipient."
The department shall provide vouchers to the applicant or recipient for reimbursement to health care providers for disability examinations and necessary laboratory tests.

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Myers, on amendment 2503.

Mr. MYERS. Thank you, Mr. Speaker.

Mr. Speaker, my amendment, in my opinion, is an amendment that adds some credibility to what we are trying to do.

This amendment provides that if a medical exam or a lab test is needed to verify that an individual is disabled or unable to work, that these exams and these lab tests ought to be paid by DPW. The reason: If a person is an applicant trying to be verified by the department, he certainly comes to the Department of Public Welfare with no funds, and therefore, if it is our policy that this person needs to have such a verification in writing and documented by a doctor and/or a laboratory, then it is only fair that we at least get them over this first hump.

Then the other issue around recipients is that recipients are only allowed to use their medical assistance 18 times a year for doctor's visits, and if we demand and require that they be certified either by a doctor or a psychologist, it is also unfair that we ask them to use 1 of their 18 times to do that. The 18 times that they have available ought to be used for issues that are real and concrete in their lives.

For them to pass a litmus test or to jump through the hoops that we want them to, this one-time expenditure ought to be, from our perspective, carried out by us through the Department of Public Welfare.

I ask that there be a "yes" vote for my amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the lady, Ms. Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

I want to speak in support of this amendment and just focus members' attention on the classification of the person that we are talking about here.

Again, this goes back to people who are— We are talking about not medically needy only or the general assistance classification per se; we are talking about the people who are or are not labeled with a disability, and what Mr. Myers is attempting to do is say, let us make sure that we have the sick people properly classified, and if they are not permanently disabled, let us make sure of that, too, but let us not make whether they can afford the doctor's verification, which we are now going to require under this new proposal, be the stumbling block to finding out whether a sick person really is sick or not.

It just makes a lot of common sense. It is a compassionate and reasonable amendment, and I would ask for your support.

The SPEAKER. The Chair thanks the lady.

On the question, the Chair recognizes the gentleman from Montgomery, Mr. Cornell.

Mr. CORNELL. Thank you, Mr. Speaker.

Although I believe Representative Myers is well intended, that second opinion that must be obtained by the recipient is going to be paid for by the department.

I sincerely do not believe the voucher concept is worthwhile, and I would urge a "no" vote.

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

The following roll call was recorded:

YEAS—62

Bebko-Jones	George	Mihalich	Rooney
Belardi	Haluska	Mundy	Sainato
Bishop	Horsey	Myers	Shaner
Butkovitz	Itkin	Oliver	Sturla
Buxton	James	Pesci	Surra
Caltagirone	Jarolin	Petrarca	Tangretti
Cappabianca	Josephs	Petrone	Thomas
Carn	Keller	Pistella	Travaglio
Cawley	Kirkland	Preston	Trello
Cohen, M.	LaGrotta	Ramos	Trich
Cowell	Laughlin	Readshaw	Veon
Curry	Lederer	Rieger	Walko
Daley	Manderino	Roberts	Washington
DeWeese	McGeehan	Robinson	Williams
Donatucci	Melio	Roebuck	Youngblood
Evans	Michlovic		

NAYS—137

Adolph	Egolf	Leverdansky	Scrimenti
Allen	Fairchild	Lloyd	Semmel
Argall	Fajt	Lucyk	Serafini
Armstrong	Fargo	Lynch	Sheehan
Baker	Feese	Maitland	Smith, B.

Bard	Fichter	Major	Smith, S. H.
Barley	Fleagle	Markosek	Snyder, D. W.
Battisto	Flick	Marsico	Staback
Belfanti	Gamble	Masland	Stairs
Birmelin	Gannon	Mayernik	Steelman
Blaum	Geist	McCall	Steil
Boscola	Gigliotti	McGill	Stern
Boyes	Gladeck	Merry	Stetler
Brown	Godshall	Micozzie	Stish
Browne	Gordner	Miller	Strittmatter
Bunt	Gruitza	Nailor	Taylor, E. Z.
Carone	Gruppo	Nickol	Taylor, J.
Chadwick	Habay	Nyce	Tigue
Civera	Hanna	O'Brien	True
Clark	Harhart	Olasz	Tulli
Clymer	Hasay	Perzel	Vance
Cohen, L. I.	Haste	Pettit	Van Horne
Colafella	Hennessey	Phillips	Vitali
Colaizzo	Herman	Pitts	Wagh
Conti	Hershey	Platts	Wogan
Cornell	Hess	Raymond	Wozniak
Corpora	Hutchinson	Reber	Wright, D. R.
Coy	Jadlowiec	Reinard	Wright, M. N.
DeLuca	Kaiser	Rohrer	Yewcic
Dempsey	Kenney	Rublely	Zimmerman
Dent	Krebs	Santoni	Zug
Dermody	Kukovich	Sather	
DiGiroloamo	Lawless	Saylor	Ryan,
Drucc	Leh	Schroder	Speaker
Durham	Lescovitz	Schuler	

NOT VOTING-0

EXCUSED-4

Corrigan	Farmer	King	Rudy
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Less than the majority having voted in the affirmative, 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?

Mr. STURLA offered the following amendment No. A2514:

Amend Title, page 1, line 4, by removing the comma after "definitions" and inserting and

Amend Title, page 1, line 5, by removing the comma after "assistance" and inserting ; providing for subsidized child day-care service provider agreements; further providing

Amend Bill, page 9, by inserting between lines 8 and 9

Section 3.1. The act is amended by adding a section to read:

Section 403.1. Provider Agreements.—An entity of the Commonwealth, including a member institution of the State System of Higher Education, shall be eligible to provide child day care service to children under 55 Pa. Code Ch. 3040 (relating to subsidized child day care) absent an agreement to indemnify and hold harmless the department.

On the question,

Will the House agree to the amendment?

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

Mr. STURLA. Thank you, Mr. Speaker.

For those who have not gotten the fiscal note on this yet, there is no fiscal impact.

Essentially what this amendment does, currently if you are going to put your child in day care and it is subsidized by the State, you need to get an indemnification from the day-care provider saying that the Department of Public Welfare will not be held liable for anything.

Those day-care facilities that are run by the State System of Higher Education at colleges and universities throughout the State, where some of these welfare recipients are actually taking classes trying to improve their lives, are not allowed by law to indemnify the Department of Public Welfare. What this does is recognizes that and allows for a waiver of that indemnification in the cases where public assistance recipients want to place their children in day-care facilities at the State System of Higher Education.

This is a commonsense approach to things. It makes sense rather than running your kids across to one side of the county so you can get back to the other side of the county to take a class. I would urge an affirmative vote. Thank you.

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

Mr. CORNELL. Thank you, Mr. Speaker.

I believe Mr. Sturla is now talking or speaking about subsidized day care for these children as opposed to what is proposed in the legislation, and I would therefore ask for a negative vote.

The SPEAKER. The Chair thanks the gentleman.

Mr. Sturla is recognized for the second time.

Mr. STURLA. Mr. Speaker, I could not hear the speaker. Could he repeat his comment?

The SPEAKER. The gentleman, Mr. Cornell, would you please repeat your comment?

Mr. CORNELL. I would be happy to, Mr. Speaker.

I believe that Mr. Sturla is speaking about more subsidized day care as opposed to the day care that is provided in SB 1441, and I therefore ask for a negative vote.

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-67

Bebko-Jones	Gruitza	Oliver	Sturla
Belardi	Horsey	Pesci	Surra
Bishop	Itkin	Petrarca	Tangretti
Blaum	James	Petrone	Thomas
Buxton	Jarolin	Pistella	Tigue
Caltagirone	Josephs	Preston	Travaglio
Cappabianca	Kirkland	Ramos	Trello
Carn	Kukovich	Rieger	Trich
Cawley	Laughlin	Roberts	Veon
Corpora	Lescovitz	Robinson	Vitali
Cowell	Lloyd	Roebuck	Walko
Coy	Manderino	Rooney	Washington
Curry	Melio	Scrimenti	Williams
DeWeese	Michlovic	Shaner	Wozniak
Donatucci	Mihalich	Staback	Wright, D. R.
Evans	Mundy	Steelman	Youngblood
George	Myers	Stetler	

NAYS-131

Adolph	Egolf	Lawless	Rubley
Allen	Fairchild	Lederer	Sainato
Argall	Fajt	Leh	Santoni
Armstrong	Fargo	Levdansky	Sather
Baker	Feese	Lucyk	Saylor
Bard	Fichter	Lynch	Schroder
Barley	Fleagle	Maitland	Schuler
Battisto	Flick	Major	Semmel
Belfanti	Gamble	Markosek	Serafini
Birmelin	Gannon	Marsico	Sheehan
Boscola	Geist	Masland	Smith, B.
Boyes	Gigliotti	Mayernik	Smith, S. H.
Brown	Gladeck	McCall	Snyder, D. W.
Browne	Godshall	McGeehan	Stairs
Bunt	Gordner	McGill	Steil
Butkovitz	Gruppo	Merry	Stern
Carone	Habay	Micozzie	Stish
Chadwick	Haluska	Miller	Stritmatter
Civera	Hanna	Nailor	Taylor, E. Z.
Clark	Harhart	Nickol	Taylor, J.
Clymer	Hasay	Nyce	True
Cohen, L. I.	Haste	O'Brien	Tulli
Colafrilla	Hennessey	Olasz	Vance
Colaizzo	Herman	Perzel	Van Horne
Conti	Hershey	Pettit	Waugh
Cornell	Hess	Phillips	Wogan
Daley	Hutchinson	Pitts	Wright, M. N.
DeLuca	Jadlowiec	Platts	Yewcic
Dempsey	Kaiser	Raymond	Zimmerman
Dent	Keller	Readshaw	Zug
Dermody	Kenney	Reber	
DiGirolamo	Krebs	Reinard	Ryan,
Druce	LaGrotta	Rohrer	Speaker
Durham			

NOT VOTING-1

Cohen, M.

EXCUSED-4

Corrigan	Farmer	King	Rudy
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Less than the majority having voted in the affirmative, 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?

Mr. JAMES offered the following amendment No. A2391:

Amend Sec. 7 (Sec. 405.5), page 20, line 26, by removing the period after "employer" and inserting nonprofit and public-sector employers, including special services districts created under the act of May 2, 1945 (P.L.382, No.164), known as the "Municipality Authorities Act of 1945."

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman, Mr. James, on the amendment.

Mr. JAMES. Thank you, Mr. Speaker.

Mr. Speaker, 2391 was passed under Representative Manderino. Thank you.

The SPEAKER. The gentleman, Mr. James, indicates he withdraws his amendment. Is that accurate?

Mr. JAMES. Well, it was passed already by the House.

The SPEAKER. Then you are not offering this amendment. Thank you.

Mr. JAMES. All right.

The SPEAKER. The amendment is withdrawn.

On the question recurring,

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

The SPEAKER. The Chair returns to amendment 2544 offered by the gentleman, Mr. Saylor, which was passed over temporarily. The clerk will reread the amendment.

Mr. SAYLOR reoffered the following amendment No. A2544:

Amend Title, page 1, line 17, by striking out "and"

Amend Title, page 1, line 18, by removing the period after "Welfare" and inserting

; providing for a publicly financed consolidated assistance demonstration program; creating the Consolidated Assistance Program Fund; and providing for a medical assistance voucher demonstration program.

Amend Bill, page 53, by inserting between lines 16 and 17

Section 18.1. Article IV of the act is amended by adding subarticles to read:

ARTICLE IV
PUBLIC ASSISTANCE

(n) Consolidated Assistance Program

Section 494. Definitions.—As used in this subarticle:

"Annual minimum income" is, except in the instances covered under section 494.5, forty percent of the product of fifty-two multiplied by the Statewide average weekly wage rate under section 404(e)(2) of the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the "Unemployment Compensation Law." The result shall be rounded to the nearest thousand.

"Demonstration program" means the consolidated demonstration assistance program established under this subarticle.

"Dependent child" means a child or grandchild, by consanguinity, affinity or adoption, for whom a recipient of aid to families with dependent children benefits provides support during the tax year in which the income supplement is claimed, and who is under nineteen years of age or is enrolled in school for at least five months.

"Fund" means the Consolidated Assistance Program Fund created under this subarticle.

"Maximum income supplement adjuster" is the product of the phaseout percentage multiplied by the result of the participant's total income minus the annual minimum income.

"Participant" means either a single individual or a group of persons over the age of seventeen who are living together within the same household of which one of the individuals qualifies for aid to families with dependent children benefits. In the latter circumstance, a head of the household shall be chosen and the work requirements of this subarticle shall apply to that individual.

"Phaseout percentage" is:

- (1) fifty-nine and twenty-three one hundredth percent for a participant with one dependent child;
- (2) fifty-five percent for a participant with two dependent children;
- (3) sixty-one and eighty-eight one hundredth percent for a participant with three dependent children; or
- (4) sixty-eight and seventy-five one hundredth percent for a participant with four or more dependent children.

If the number of dependent children within the household increases after the participant has become enrolled in the demonstration program, those additional dependents shall not be counted toward the total number of dependent children when determining the phaseout percentage for the participant.

"Support" has the meaning given to it in section 152 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 152).

"Total income" includes all classes of income under section 303 of act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971," for the household of a participant in the consolidated assistance demonstration program. Income earned by a minor dependent child of the participant shall not be counted toward the income of the participant's household.

"Work-related activity" shall be defined as follows:

- (1) unsubsidized employment;
- (2) work experience/workfare;
- (3) on-the-job training;
- (4) community service;
- (5) in the case of a recipient eighteen years of age or older and less than twenty-two years of age, education which is necessary for the recipient to obtain employment or which leads to the recipient receiving a high school diploma or a certificate of high school equivalency if the recipient is making satisfactory progress as defined by the school or educational program, but only for a maximum of twelve months; and
- (6) participation in any combination of education or training activities is limited to a maximum of twelve months, except as specified above.

Section 494.1. Consolidated Assistance Program.—Following Federal approval where necessary, the department shall establish a five-year consolidated assistance demonstration program within three separate counties in different geographical regions representing rural, suburban and urban populations to provide, in a cost-effective manner, financial assistance for residents of this Commonwealth who qualify for aid to families with dependent children benefits and who are not aged, blind, disabled or under the age of nineteen within three separate counties which represent the following:

- (1) a first or second class county;
- (2) a second class A, third, fourth or fifth class county; and
- (3) a sixth, seventh or eighth class county.

Section 494.2. Fund.—There is hereby created the Consolidated Assistance Program Fund. All moneys received under section 494.3 shall be transmitted to this fund.

Section 494.3. Financial Resources.—The demonstration program shall be funded by the aid to families with dependent children, food stamp, day care and women, infants and children financial resources currently available to the participants within the demonstration program areas.

Section 494.4. Waiver of Program Criteria and Requirements.—(a) After becoming enrolled in the demonstration program, all current eligibility requirements for aid to families with dependent children, food stamps, subsidized day care and women, infants and children services shall no longer apply to participants.

(b) Exceptions will be made with regard to:

- (i) program criteria and eligibility requirements that mandate that the recipient participate in a work-related activity;
- (ii) residency requirements for anyone who moves into the demonstration areas after the demonstration program has been implemented;

(iii) any welfare fraud provisions relating to the aid to families with dependent children program; and

(iv) any criteria or requirements created by this subarticle.

In the case of work-related activity requirements, the requirement will be for one adult residing in the household, and the adult shall be the participant in the Consolidated Assistance Program.

Section 494.5. Work-Related Activity.—For the purpose of this subarticle, a participant in a demonstration program who enrolls in a work-related activity for a minimum of twenty hours per week shall be considered to be employed. This classification of employment shall be limited to one year of the five-year demonstration program, except where the definition of work-related activity specifies a different time limit. The time period used for work-related activity shall be applied to the time limit prescribed in section 494.12(2). If the work-related activity produces no income for the participant and the participant household has no other income as defined in this subarticle, the participant shall be determined to have an annual minimum income equal to fifty-seven percent of the product of fifty-two multiplied by the Statewide average weekly wage rate under section 404(e)(2) of the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the "Unemployment Compensation Law." The result shall be rounded to the nearest thousand.

Section 494.6. Earned Income Tax Credit Application.—All participants in the demonstration program shall be required to file an application for an earned income tax credit under section 32 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 32).

Section 494.7. Estimated Maximum Income Supplement.—(a) An estimated maximum income supplement shall be calculated by the Department of Revenue for a tax year as follows:

(1) If the participant has one dependent child and:

(i) if the participant's total income is less than or equal to the annual minimum income, seventy percent of the total income of the participant's household; or

(ii) if the participant's total income is greater than the annual minimum income, seventy percent of the annual minimum income.

(2) If the participant has two dependent children and:

(i) if the participant's total income is less than or equal to the annual minimum income, eighty percent of the total income of the participant's household; or

(ii) if the participant's total income is greater than the annual minimum income, eighty percent of the annual minimum income.

(3) If the participant has three dependent children and:

(i) if the participant's total income is less than or equal to the annual minimum income, ninety percent of the total income of the participant's household; or

(ii) if the participant's total income is greater than the annual minimum income, ninety percent of the annual minimum income.

(4) If the participant has more than three dependent children:

(i) if the participant's total income is less than or equal to the annual minimum income, one hundred percent of the total income of the participant's household; or

(ii) if the participant's total income is greater than the annual minimum income, one hundred percent of the annual minimum income.

If the number of dependent children within the household increases after the participant has become enrolled in the demonstration program, those additional dependents shall not be counted toward the total number of dependent children when determining the estimated maximum income supplement of the participant.

Section 494.8. Maximum Income Supplement.—The estimated maximum income supplement shall be modified by subtracting the maximum income supplement adjuster from the estimated maximum income supplement. The result will be the maximum income supplement available to the participant. Any maximum income supplement calculation that is less than zero shall be considered to be zero.

Section 494.9. Earned Income Supplement.—After calculating the maximum income supplement available to the participant, the amount of the earned income tax credit, under section 32 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 32), to which the

participant is eligible shall be subtracted from the maximum income supplement. The remainder will be the earned income supplement. Any earned income supplement that is less than zero shall be considered to be zero.

Section 494.10. Disbursement of the Earned Income Supplement.—The following apply to the disbursement of the earned income supplement:

(1) The earned income supplement shall be disbursed to the participant from the financial resources available within the fund.

(2) The earned income supplement shall be taken for the current tax year and may not be carried over to another tax year.

(3) The participant shall receive the earned income supplement in advance throughout the tax year by filing with the Department of Revenue an estimated tax return form promulgated by the Department of Revenue. The department and the Department of Revenue shall create a mechanism that will allow the participant's employer to disburse the participant's earned income supplement as part of or at the same time as the participant's regular payroll checks. In the case of more than one adult wage earner in the household, the former aid to families with dependent children recipient shall be designated as the recipient of the supplement. The department and Department of Revenue shall work together to reconcile discrepancies between the estimated tax return and the actual tax return for purposes of the earned income supplement.

Section 494.11. Employer Notification.—Any employer of aid to families with dependent children recipients within the demonstration program area shall notify each employe that he or she may be eligible for an earned income supplement.

Section 494.12. Time Limit.—The following are time limits for the receipt of an earned supplemental income payment:

(1) A participant shall be allowed to receive an earned supplemental income payment while unemployed for not more than two years. The time period during which a participant, who is unemployed, receives an earned supplemental income payment shall be deducted from the two-year maximum time limit. If a participant so chooses, he or she may trade a portion or all of their two-year unemployed benefit time period to add to their three-year employed supplemental income payment time period. The trade shall be on a one-month-for-one-month basis.

(2) A participant shall be allowed to receive an earned supplemental income payment while employed for not more than three years except as provided for in this clause. The time period during which a participant, who is employed, receives an earned supplemental income payment shall be deducted from the three-year maximum time limit, which can be greater than three years only in the instance where the participant trades in a portion or all of his or her two-year unemployed benefit time period.

(3) Under no circumstances shall the unemployed time period be applied to the three-year time limit for employed recipients, and under no circumstances shall the employed time period be applied to the two-year time limit for unemployed recipients, with exception given to the instance where the participant trades in a portion or all of his or her two-year unemployed benefit time period to increase his or her employed benefit time period.

Section 494.13. Program Reassessment.—If at any time during the operation of the demonstration program the earned income tax credit under section 32 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 32) undergoes revision, the method of determining the earned income supplement shall also be reassessed to take into consideration the changes to the earned income tax credit under section 32 of the Internal Revenue Code of 1986.

Section 494.14. Program Evaluation.—The department shall be required to analyze the demonstration program, measuring the program results against the goal of securing economic self-sufficiency for the program participants as well as comparing the demonstration program to Federal and State welfare programs. A report on the evaluation shall be submitted annually to the Governor and the General Assembly, detailing the findings of the evaluation following the implementation of the demonstration program. A final evaluation detailing the accumulated

findings and recommendations of the evaluation shall be prepared at the end of the five-year demonstration program. All reports shall include, but not be limited to:

(1) Cost effectiveness in the use of welfare program resources.

(2) Rate of welfare recipients securing employment.

(3) Comparison of benefits received by the participant from the demonstration program and those benefits the participant would have received if enrolled in the welfare programs displaced by the demonstration program.

(4) Rate of in-migration and out-migration in the demonstration program areas.

Section 494.15. Rules and Regulations.—The department and the Department of Revenue shall promulgate rules and regulations to carry out this subarticle. These shall include, but not be limited to, provisions relating to the development of the demonstration program, procedures for determining eligibility under the demonstration program, procedures for the determination of the earned income supplement and provisions for the disbursement of the earned income supplement and provisions for notification of possible eligibility for the earned income supplement. These regulations shall be promulgated within six months of the effective date of the subarticle.

(o) Voucher Program

Section 495. Definitions.—As used in this subarticle:

"Insurer" means:

(1) Any insurance company, association or reciprocal, nonprofit hospital plan corporation.

(2) A nonprofit professional health service plan.

(3) A health maintenance organization organized and regulated under the act of December 29, 1972 (P.L.1701, No.364), known as the "Health Maintenance Organization Act."

(4) A risk-assuming preferred provider organization organized and regulated under the act of May 17, 1921 (P.L.682, No.284), known as "The Insurance Company Law of 1921."

(5) A preferred provider with a "health management gatekeeper" role for primary care physicians organized and regulated as a health services corporation or a preferred provider organization subject to the provisions of section 630 of "The Insurance Company Law of 1921."

(6) A fraternal benefit society subject to the provisions of the act of December 14, 1992 (P.L.835, No.134), known as the "Fraternal Benefit Societies Code."

"Program" means a publicly financed voucher program providing access to privately delivered health insurance coverage for eligible medical assistance recipients.

Section 495.1. Voucher Program.—(a) Following Federal approval where necessary, the department shall establish a five-year demonstration voucher program within the same three geographic regions chosen by the department for the consolidated assistance demonstration program established under subarticle (n) to provide, in a cost-effective manner, access to privately delivered health insurance coverage for residents of this Commonwealth who qualify for aid to families with dependent children benefits and who are not aged, blind, disabled or under nineteen years of age. All health care services shall, when available, be provided within the designated region.

(b) Once enrolled in the program, the participant shall be eligible for the program as long as total income, as defined under subarticle (n), is less than the level of earned income which no longer results in an income supplement provided under subarticle (n). All other eligibility requirements shall be waived.

(c) The department through a competitive bidding process in each region shall select the following insurance providers to participate in the program:

(1) at least two insurers offering an individual or group policy of health insurance;

(2) at least two insurers offering individual or group policy health insurance with a high deductible; and

(3) at least two health maintenance organizations offering prepaid health care delivery plans.

(d) The contracts or agreements entered into by the department pursuant to subsection (c) shall provide that:

(1) the department shall pay any deductible charged pursuant to the policy or plan directly to the health care provider; and

(2) the total of deductibles and coinsurance charged for a calendar year may not exceed three thousand dollars (\$3,000) for a participant in a family medical assistance account as established in section 495.5.

(e) A contract or agreement entered into by the department pursuant to this section shall provide coverage for all services outlined in section 495.4.

(f) After taking competitive bids for contracts or agreements, the department may elect to:

(1) accept no bid;

(2) rebid the contract; or

(3) discontinue the program after reasonable notice to all affected parties.

(g) If the department elects to interrupt or discontinue the program under subsection (f), payment of claims shall be made pursuant to the method authorized for nonparticipation in the program. This section shall not relieve any insurer of any contractual obligation incurred under this subarticle.

Section 495.2. Issuance of Proof of Eligibility.—If the department determines that a person meets the eligibility requirements set forth for the program, the department shall issue that person proof of eligibility, which entitles the person and any other dependents, adult or child, within the household to coverage under any health insurance or health care policy or contract offered in accordance with this subarticle. In the case of dependent adults within the household, the following shall apply:

(1) A spouse is considered a dependent adult for the purposes of this subarticle.

(2) Any other adult who meets the Medical Assistance Program definition of immediate family shall be considered a dependent adult if they have lived in that household for at least a year prior to the head of household's enrollment in the Consolidated Assistance Program. The department shall consider exceptions to this rule when it can be demonstrated by the head of household that inclusion of the individual as a dependent adult is necessary.

Section 495.3. Offering of Policies and Contracts.—If coverage is issued to the individual, policyholder or contract holder, the insurer shall submit the proof of eligibility and a request for reimbursement of premium to the department.

Section 495.4. Standards Applicable to the Policies and Contracts.—The health insurance or health care policies and contracts for which insurers are eligible shall be provided in accordance with the following conditions:

(1) The policies and contracts are not subject to any previous State mandatory benefits.

(2) Each policy and contract shall include, but not be limited to, the following benefits:

(i) Inpatient/outpatient hospital services.

(ii) Certified registered nurse practitioners' services.

(iii) Family planning services and supplies.

(iv) Rural health clinic services.

(v) Laboratory and X-ray services, including mammography.

(vi) Home health services for individuals twenty-one years of age and older.

(vii) Physicians' services.

(viii) Nurse-midwife services.

(ix) Thirty days inpatient care coverage for mental health, mental retardation and substance abuse. Intermediate care coverage may be substituted for inpatient care on a four-days-for-each-inpatient-day basis.

(x) Coverage for prescription drugs, including all medically necessary childhood immunizations.

(xi) Prenatal care coverage, including early and periodic screening, diagnosis and treatment (EPSDT) services, limited to individuals under twenty-one years of age.

Section 495.5. Establishment of Medical Assistant Accounts.—

(a) The department shall establish a family medical assistance account for any group determined to be eligible for this program pursuant to section 495.2. The head of the household as designated within the Consolidated Assistance Program shall be designated as responsible for the account.

(b) On January 1 of each calendar year, or on the day the medical assistance recipient is enrolled, the department shall deposit in a family medical assistance account the sum of three-thousand dollars (\$3,000).

(c) The department may expend money deposited in medical assistance accounts to pay deductible payments required under the applicable policy or plan.

(d) The department shall terminate an account whenever a person dies or no longer qualifies as a participant of the demonstration program. Any sums remaining in the account shall be paid as follows:

(1) If a person dies, the remaining funds shall go into the General Fund to be credited to the department.

(2) If a person no longer qualifies as a participant, the remaining amount, prorated on a daily basis, shall be divided between the account holder and the department with fifty percent of the remaining balance going to the account holder and fifty percent going to the General Fund to be credited to the department.

(e) The department may consolidate all sums in all medical assistance accounts established under this section into one account for investment purposes. Interest from the investments of sums in the account shall be paid into the General Fund to be credited to the department.

(f) Account holders shall be given debit cards which will automatically debit from their accounts when health care services are rendered. Alternatively, health care providers shall submit for reimbursement to the department, and the department shall debit the sum from the account holder's account and send reimbursement to the health care provider.

(g) On December 31 of the year in which sums are deposited into the medical assistance account, if any sums remain in the account, and if the account holder has met the holder's preventative health care requirements as stipulated in subsection (i), the department shall give fifty percent of the balance remaining in the account to each participant or person designated as responsible for a family medical assistance account. The remaining fifty percent shall be paid into the General Fund to be credited to the department.

(h) A participant or person designated as responsible for a family medical assistance account may decline the reimbursement provided under subsection (g) and elect to leave any excess sums in the medical assistance account to carry over for the next year.

(i) In order to qualify for the reimbursement under subsections (g) and (h), the account holder shall demonstrate with a physician's letter that the account holder received an annual examination and that all dependents have received proper immunizations.

Section 495.6. Reimbursement of Insurers.—Within thirty days after receipt of a valid proof of eligibility and request for reimbursement from an insurer, the department shall issue payment to the insurer in the amount of the premium.

Section 495.7. Duties of Department.—The department shall:

(1) Administer and implement the program.

(2) Monitor the operation of the program.

(3) Disseminate to the insurer and to the public information concerning the program and the persons eligible to receive benefits under the program.

(4) Implement a system to provide information and guidance to all persons eligible under the program relative to the program's procedures and the selection of the most appropriate benefits under a health insurance or health care policy or contract.

(5) Continuously evaluate the program. The department shall contract for and complete an analysis of the program, measuring its delivery of and access to quality health care in a cost-effective manner.

Section 495.8. Report.—A report on the program shall be submitted to the Governor and the General Assembly, detailing the findings and

recommendations of the evaluation at the close of the five-year program. The report shall include, but not be limited to, the following:

(1) Cost-effectiveness of the program compared to the current medical assistance program for both cost of care and administration.

(2) Improvement in access to the health care delivery system.

(3) Maintenance or improvement of the standard of quality care.

Section 495.9. Employer Buy-In.—If an employer already offers health care coverage to employees and the employer hires a current medical assistance voucher recipient, the employer shall be permitted as part of the options outlined in section 495.10 to provide health care coverage for the employe by buying into the remaining term, or a portion of the remaining term as negotiated between the department and the employer, of the medical assistance recipient's health plan, if the employer so chooses. The amount of the plan shall be prorated for the number of months remaining in the current year of coverage. Subsequent to a voucher recipient's employment, an employer shall negotiate with the department to determine an appropriate percentage of the voucher cost, which shall be paid by the employer to the department. This percentage shall be no more than sixty-five percent of the voucher cost and no less than thirty-five percent of the voucher cost. An employer who does not already offer health care coverage to employes does have the option to buy into a medical assistance voucher recipient employe's health care coverage as provided in this section, but the employer is not required to do so.

Section 495.10. Employer Responsibility.—If an employer offers health care coverage to employes, the employer shall extend coverage to, or continue coverage of, an employe or an employe's dependents who are eligible to receive benefits provided under this subarticle by either enrolling the employe and the employe's dependents, if applicable, in the employer's health coverage plan or buying into the voucher program health care coverage as prescribed under section 495.9.

Section 495.11. Rules and Regulations.—The department shall promulgate rules and regulations to carry out this subarticle. These shall include, but not be limited to, provisions relating to the development of the program, procedures for determining eligibility under the program, the specific geographic regions chosen, issuance of proof of eligibility, determinations of reimbursable premium amount and procedures for the reimbursement of insurers. These regulations shall be promulgated within six months of the effective date of this subarticle.

Section 495.12. Confidentiality of Medical Information.—All information pertaining to an individual's medical care shall be confidential, except that the department shall have access to information necessary to carry out its duties.

Amend Sec. 22, page 54, by inserting between lines 19 and 20

(4) The addition of subarticles (n) and (o) of Article IV of the act shall take effect in 90 days.

Amend Sec. 22, page 54, line 20, by striking out "(4)" and inserting (5)

On the question recurring,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN TEMPORARILY

The SPEAKER. The gentleman, Mr. Saylor.

Mr. SAYLOR. Mr. Speaker, could we pass over the amendment temporarily?

The SPEAKER. The amendment is withdrawn temporarily.

On the question recurring,

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

Mr. THOMAS offered the following amendment No. A2548:

Amend Sec. 7 (Sec. 405.5), page 23, line 6, by inserting after "may" for cause

Amend Sec. 8 (Sec. 408), page 23, line 24, by inserting after "[vocational]"

] education,

Amend Sec. 8 (Sec. 408), page 23, line 24, by striking out the bracket after "training."

On the question,

Will the House agree to the amendment?

The SPEAKER. The question before the House is the adoption of the amendment. The Chair recognizes Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, 2548 makes some very small changes in the language in section 7. It asks that a recipient not be terminated except for cause.

And secondly, it asks that the word "training" next to "vocational" be dropped and replaced with the words "vocational education," which is more in line with school-to-work transition.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Cornell.

Mr. CORNELL. Thank you, Mr. Speaker.

We got our lines crossed here. This is an agreed-to amendment, and we hope you would support the Thomas amendment.

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—194

Adolph	Durham	Maitland	Saylor
Allen	Egolf	Major	Schroder
Argall	Fairchild	Manderino	Schuler
Armstrong	Fajt	Markosek	Scrimenti
Baker	Fargo	Marsico	Sermmel
Bard	Feese	Masland	Serafini
Barley	Fichter	Mayernik	Shaner
Battisto	Fleagle	McCall	Sheehan
Bebko-Jones	Flick	McGeehan	Smith, B.
Belardi	Gamble	McGill	Smith, S. H.
Belfanti	Gannon	Melio	Snyder, D. W.
Birmelin	Geist	Merry	Staback
Bishop	George	Michlovic	Stairs
Blaum	Gigliotti	Micozzie	Steelman
Boscola	Gladeck	Mihalich	Steil
Boyes	Godshall	Miller	Stern
Brown	Gordner	Mundy	Stetler
Browne	Gruitza	Myers	Stish
Bunt	Gruppo	Nailor	Strittmatter
Butkovitz	Habay	Nickol	Sturla
Buxton	Haluska	Nyce	Surra
Caltagirone	Harhart	O'Brien	Tangretti
Cappabianca	Hasay	Olasz	Taylor, E. Z.
Carn	Haste	Oliver	Taylor, J.
Carone	Hennessey	Perzel	Thomas
Cawley	Herman	Pesci	Travaglio
Chadwick	Hershey	Petrarca	Treilo
Civera	Hess	Petrone	Trich
Clark	Horsey	Petit	True
Clymer	Hutchinson	Phillips	Tulli
Cohen, L. I.	Itkin	Pistella	Vance

Cohen, M.	Jadlowiec	Pitts	Van Horne
Colafrilla	James	Platts	Veon
Colaizzo	Jarolin	Preston	Vitali
Conti	Josephs	Ramos	Walko
Cornell	Kaiser	Raymond	Washington
Corpora	Kenney	Readshaw	Waugh
Cowell	Kirkland	Reber	Williams
Coy	Krebs	Reinard	Wogan
Curry	Kukovich	Rieger	Wozniak
Daley	LaGrotta	Roberts	Wright, D. R.
DeLuca	Laughlin	Robinson	Wright, M. N.
Dempsey	Lawless	Roebuck	Yewcic
Dent	Lederer	Rohrer	Youngblood
Dermody	Leh	Rooney	Zimmerman
DeWeese	Lescovitz	Rubleby	Zug
DiGirolamo	Levdansky	Sainato	
Donatucci	Lucyk	Santoni	Ryan,
Druce	Lynch	Sather	Speaker

NAYS-3

Hanna	Lloyd	Tigue
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NOT VOTING-2

Evans	Keller
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EXCUSED-4

Corrigan	Farmer	King	Rudy
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The majority having voted in the affirmative, 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. THOMAS offered the following amendment No. A2550:

Amend Sec. 9 (Sec. 432), page 25, line 16, by inserting after "Secretary"

the Appropriations Committee of the Senate and the Appropriations Committee of the House of Representatives

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

The SPEAKER. On the question, the Chair recognizes Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, amendment 2550 only asks that the Appropriations Committees of the House and Senate be included in making a determination on levels of State supplemental assistance.

Thank you, and I urge an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Cornell.

Mr. CORNELL. Thank you, Mr. Speaker.
This, too, is an agreed-to amendment, and I would urge a "yes" vote.

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

The following roll call was recorded:

YEAS-196

Adolph	Fairchild	Maitland	Schroder
Allen	Fajt	Major	Schuler
Argall	Fargo	Manderino	Scrimenti
Armstrong	Feese	Markosek	Seumel
Baker	Fichter	Marsico	Serafini
Bard	Fleagle	Masland	Shaner
Barley	Flick	Mayernik	Sheehan
Bebko-Jones	Gamble	McCall	Smith, B.
Belardi	Gannon	McGeehan	Smith, S. H.
Belfanti	Geist	McGill	Snyder, D. W.
Birmelin	George	Melio	Staback
Bishop	Gigliotti	Merry	Stairs
Blaum	Gladeck	Michlovic	Steelman
Boscola	Godshall	Micozzie	Steil
Boyes	Gordner	Mihalich	Stern
Brown	Gruitza	Miller	Stetler
Browne	Gruppo	Mundy	Stish
Bunt	Habay	Myers	Strittmatter
Butkovitz	Haluska	Nailor	Sturla
Buxton	Hanna	Nickol	Surra
Caltagirone	Harhart	Nyce	Tangretti
Cappabianca	Hasay	O'Brien	Taylor, E. Z.
Carr	Haste	Olasz	Taylor, J.
Carone	Hennessey	Oliver	Thomas
Cawley	Herman	Pezel	Tigue
Chadwick	Hershey	Pesci	Travaglio
Civera	Hess	Petrarca	Trello
Clark	Horsey	Petrone	Trich
Clymer	Hutchinson	Pettit	True
Cohen, L. I.	Itkin	Phillips	Tulli
Cohen, M.	Jadlowiec	Pistella	Vance
Colafrilla	James	Pitts	Van Horne
Colaizzo	Jarolin	Platts	Veon
Conti	Josephs	Preston	Vitali
Cornell	Kaiser	Ramos	Walko
Corpora	Keller	Raymond	Washington
Cowell	Kenney	Readshaw	Waugh
Coy	Kirkland	Reber	Williams
Curry	Krebs	Reinard	Wogan
Daley	Kukovich	Rieger	Wozniak
DeLuca	LaGrotta	Roberts	Wright, D. R.
Dempsey	Laughlin	Robinson	Wright, M. N.
Dent	Lawless	Roebuck	Yewcic
Dermody	Lederer	Rohrer	Youngblood
DeWeese	Leh	Rooney	Zimmerman
DiGirolamo	Lescovitz	Rubleby	Zug
Donatucci	Levdansky	Sainato	
Druce	Lloyd	Sather	Ryan,
Durham	Lucyk	Saylor	Speaker
Egolf	Lynch		

NAYS-0

NOT VOTING-3

Battisto	Evans	Santoni
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EXCUSED-4

Corrigan Farmer King Rudy

The majority having voted in the affirmative, 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. BROWNE offered the following amendment No. A2559:

Amend Title, page 1, line 18, by removing the period after "Welfare" and inserting

and conditions on medical assistance providers.

Amend Bill, page 54, by inserting between lines 11 and 12

Section 22. The Department of Public Welfare shall conduct an investigation of hospitals and other providers of medical assistance in this Commonwealth that receive grants or assistance from the medical assistance program under Article IV of the act. The investigation shall include a study of all practices and procedures related to the provision of medical assistance services. The department shall prepare a report assessing the program to ensure that all billings and all payments made by the Commonwealth are in compliance with the act and regulations promulgated under the act. The study shall also include a detailed profile of recipients, a quality review and cost effectiveness of services and other related issues. A report containing the results of the investigation shall be submitted to the General Assembly by December 31, 1998. The department must have free and full access to all records of the hospitals and providers regarding medical assistance recipients and the administration of the medical assistance program in order for the hospital or provider to remain eligible to provide medical assistance services.

Amend Sec. 22, page 54, line 12, by striking out "22" and inserting 23

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Browne, on the question.

Mr. BROWNE. Thank you, Mr. Speaker.

Mr. Speaker, as we know, the General Assembly has approved billions of dollars' worth of investment in medical assistance for our poor and underprivileged population. Since we have made this significant investment, I believe it is also our responsibility to make sure that the money we spend on medical assistance is used both effectively and efficiently.

Amendment A2559 would require that the Department of Public Welfare conduct an investigation of some of our medical assistance providers to study practices and procedures, compile a detailed profile of our recipients, evaluate the effectiveness of our programs, and issue a report to the General Assembly by December of 1998.

It will foster more accountability in our health-care community for the benefit of our taxpayers, and I request an affirmative vote.

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

The following roll call was recorded:

YEAS-197

Adolph	Evans	Lynch	Saylor
Allen	Fairchild	Maitland	Schroder
Armstrong	Fajt	Major	Schuler
Baker	Fargo	Mandorino	Scrimenti
Bard	Feese	Markosek	Serafini
Barley	Fichter	Marsico	Shaner
Battisto	Fleagle	Masland	Sheehan
Bebko-Jones	Flick	Mayernik	Smith, B.
Belardi	Gamble	McCall	Smith, S. H.
Belfanti	Gannon	McGeehan	Snyder, D. W.
Birmelin	Geist	McGill	Staback
Bishop	George	Melio	Stairs
Blaum	Gigliotti	Merry	Steelman
Boscola	Gladeck	Michlovic	Steil
Boyes	Godshall	Micozzie	Stern
Brown	Gordner	Mihalich	Stetler
Browne	Gruitza	Miller	Stish
Bunt	Gruppo	Mundy	Strittmatter
Butkovitz	Habay	Myers	Sturla
Buxton	Haluska	Nailor	Surra
Caltagirone	Hanna	Nickol	Tangretti
Cappabianca	Harhart	Nyce	Taylor, E. Z.
Carn	Hasay	O'Brien	Taylor, J.
Carone	Haste	Olasz	Thomas
Cawley	Hennessey	Oliver	Tigue
Chadwick	Herman	Perzel	Travaglio
Civera	Hershey	Pesci	Trello
Clark	Hess	Petrarca	Trich
Clymer	Horsey	Petrone	True
Cohen, L. I.	Hutchinson	Pettit	Tulli
Cohen, M.	Itkin	Phillips	Vance
Colafella	Jadlowiec	Pistella	Van Home
Colaizzo	James	Pitts	Veon
Conti	Jarolin	Platts	Vitali
Cornell	Josephs	Preston	Walko
Corpora	Kaiser	Ramos	Washington
Cowell	Keller	Raymond	Waugh
Coy	Kenney	Readshaw	Williams
Curry	Kirkland	Reber	Wogan
Daley	Krebs	Reinard	Wozniak
DeLuca	Kukovich	Rieger	Wright, D. R.
Dempsey	LaGrotta	Roberts	Wright, M. N.
Dent	Laughlin	Robinson	Yewcic
Dermody	Lawless	Roebuck	Youngblood
DeWeese	Lederer	Rohrer	Zimmerman
DiGirolamo	Leh	Rooney	Zug
Donatucci	Lescovitz	Rubley	
Druce	Levdansky	Sainato	Ryan,
Durham	Lloyd	Santoni	Speaker
Egolf	Lucyk	Sather	

NAYS-0

NOT VOTING-2

Argall Semmel

EXCUSED-4

Corrigan Farmer King Rudy

The majority having voted in the affirmative, 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?

Ms. BISHOP offered the following amendment No. A2491:

Amend Sec. 12 (Sec. 432.7), page 43, by inserting between lines 11 and 12

(j) Any person who has assigned support rights to the department shall be entitled to notice and the opportunity to participate in any proceeding for the establishment, modification or enforcement of support.

(k) When an assignment is in effect, the department shall be guided by the best interest of the child in its actions concerning child support.

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

The SPEAKER. The Chair recognizes the lady. Ms. BISHOP. Thank you, Mr. Speaker.

Amendment 2491 deals with any person who has assigned support rights to the department, saying that they shall be entitled to notice and the opportunity to participate in any of the proceedings for the establishment or modification or enforcement of support. Any changes that are made, they feel that they have a right to be notified.

And secondly, when an assignment is in effect, the department shall be guided by the best interest of the child in its action concerning the child support.

I would like to have an affirmative vote, please.

The SPEAKER. The Chair thanks the lady.

On the question, Mr. Cornell? The Chair recognizes the gentleman, Mr. Cornell.

Mr. CORNELL. Thank you, Mr. Speaker.

This is an agreed-to amendment, and I would urge its support.

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

The following roll call was recorded:

YEAS-199

Table listing names of members who voted 'YEAS-199', including Adolph, Allen, Argall, Armstrong, Baker, Bard, Barley, Battisto, Bebko-Jones, Belardi, Belfanti, Birmelin, Bishop, Blaum, Boscola, Boyes, Brown, Browne, Bunt, Butkovitz, Buxton, Caltagirone, Cappabianca, Carn, Carone, Cawley, Chadwick, Civera, Clark, Evans, Fairchild, Fajt, Fargo, Feese, Fichter, Fleagle, Flick, Gamble, Gannon, Geist, George, Gigliotti, Gladeck, Godshall, Gordner, Gruitza, Gruppo, Habay, Haluska, Hanna, Harhart, Hasay, Haste, Hennessey, Herman, Hershey, Hess, Horsey, Lynch, Maitland, Major, Manderino, Markosek, Marsico, Masland, Mayernik, McCall, McGeehan, McGill, Melio, Merry, Michlovic, Micozzie, Mihalich, Miller, Mundy, Myers, Nailor, Nickol, Nyce, O'Brien, Olasz, Oliver, Perzel, Pesci, Petrarca, Petrone, Saylor, Schroder, Schuler, Scrimenti, Semmel, Serafini, Shaner, Sheehan, Smith, B., Smith, S. H., Snyder, D. W., Staback, Stairs, Steelman, Steil, Stern, Stetler, Strish, Strittmatter, Sturla, Surra, Tangretti, Taylor, E. Z., Taylor, J., Thomas, Tigue, Travaglio, Trello, Trich.

Table listing names of members who did not vote, including Clymer, Cohen, L. I., Cohen, M., Colafella, Colaizzo, Conti, Cornell, Corpora, Cowell, Coy, Curry, Daley, DeLuca, Dempsey, Dent, Dermody, DeWeese, DiGiolamo, Donatucci, Druce, Durham, Egolf, Hutchinson, Itkin, Jadowiec, James, Jarolin, Josephs, Kaiser, Keller, Kenney, Kirkland, Krebs, Kukovich, LaGrotta, Laughlin, Lawless, Lederer, Leh, Lescovitz, Levdansky, Lloyd, Lucyk, Pettit, Phillips, Pistella, Pitts, Platts, Preston, Ramos, Raymond, Readshaw, Reber, Reinard, Rieger, Roberts, Robinson, Roebuck, Rohrer, Rooney, Rubley, Sainato, Santoni, Sather, True, Tulli, Vance, Van Horne, Veon, Vitali, Walko, Washington, Waugh, Williams, Wogan, Wozniak, Wright, D. R., Wright, M. N., Yewcic, Youngblood, Zimmerman, Zug, Ryan, Speaker.

NAYS-0

NOT VOTING-0

EXCUSED-4

Table listing names of members who were excused: Corrigan, Farmer, King, Rudy.

The majority having voted in the affirmative, 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?

Ms. BISHOP offered the following amendment No. A2492:

Amend Sec. 9 (Sec. 432), page 27, line 19, by inserting after "disability."

Medical assistance coverage shall continue for a woman eligible for medical assistance and who has been diagnosed as having breast cancer.

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

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the lady.

Ms. BISHOP. Thank you, Mr. Speaker.

The next amendment deals with medical assistance coverage, asking that it continue for a woman that is eligible for medical assistance and who has been diagnosed as having breast cancer.

I would like an affirmative vote. Thank you.

The SPEAKER. On the question, the Chair recognizes the gentleman from Montgomery, Mr. Cornell.

Mr. CORNELL. Thank you, Mr. Speaker.

Although this is an important amendment, I believe it is an unnecessary one, only because the continuation of these benefits would be included in the Taylor amendment which we adopted earlier this afternoon.

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-118

Battisto	Fajt	Manderino	Santoni
Bebko-Jones	Gamble	Markosek	Scrimenti
Belardi	George	Mayernik	Serafini
Belfanti	Gigliotti	McCall	Shaner
Bishop	Gordner	McGeehan	Sheehan
Blaum	Gruitza	Melio	Smith, S. H.
Boscota	Gruppo	Michlovic	Staback
Boyes	Habay	Mihalich	Steelman
Browne	Haluska	Mundy	Stetler
Butkovitz	Hanna	Myers	Sturla
Buxton	Harhart	Nickol	Surra
Caltagirone	Herman	Nyce	Tangretti
Cappabianca	Horsey	Olasz	Thomas
Carn	Itkin	Oliver	Tigue
Carone	James	Pesci	Travaglio
Cawley	Jarolin	Petrarca	Trello
Cohen, M.	Josephs	Petrone	Trich
Colafella	Kaiser	Pistella	Van Horne
Colaizzo	Keller	Platts	Veon
Corpora	Kirkland	Preston	Vitali
Cowell	Kukovich	Ramos	Walko
Coy	LaGrotta	Readshaw	Washington
Curry	Laughlin	Reinard	Waugh
Daley	Lawless	Rieger	Williams
DeLuca	Lederer	Roberts	Wogan
Dent	Lescovitz	Robinson	Wozniak
Dermody	Levdansky	Roebuck	Wright, D. R.
DeWeese	Lloyd	Rooney	Yewcic
Donatucci	Lucyk	Sainato	Youngblood
Evans	Maitland		

NAYS-81

Adolph	Egolf	Lynch	Schuler
Allen	Fairchild	Major	Semmel
Argall	Fargo	Marsico	Smith, B.
Armstrong	Feese	Masland	Snyder, D. W.
Baker	Fichter	McGill	Stairs
Bard	Fleagle	Merry	Steil
Barley	Flick	Micozzie	Stern
Birmelin	Gannon	Miller	Stish
Brown	Geist	Nailor	Strittmatter
Bunt	Gladeck	O'Brien	Taylor, E. Z.
Chadwick	Godshall	Perzel	Taylor, J.
Civera	Hasay	Pettit	True
Clark	Haste	Phillips	Tulli
Clymer	Hennessey	Pitts	Vance
Cohen, L. I.	Hershey	Raymond	Wright, M. N.
Conti	Hess	Reber	Zimmerman
Cornell	Hutchinson	Rohrer	Zug
Dempsey	Jadlowiec	Rubley	
DiGirolamo	Kenney	Sather	Ryan,
Druce	Krebs	Saylor	Speaker
Durham	Leh	Schroder	

NOT VOTING-0

EXCUSED-4

Corrigan	Farmer	King	Rudy
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The majority having voted in the affirmative, 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?

Ms. YOUNGBLOOD offered the following amendment No. A2493:

Amend Sec. 8 (Sec. 408), page 24, line 5, by inserting after "recipients,"

In providing child day care services under this act, the department shall:

(1) assure that recipients have access to child day care in all types of settings including child day care centers, group child day care homes, family child day care and other unregulated child day care.

(2) assure that the day care provided in all types of settings meets requirements designed to protect the health and safety of children, including, but not limited to, requirements relating to:

(i) the prevention and control of infectious diseases, including immunization;

(ii) building and physical premises safety;

(iii) minimum health and safety training appropriate to the provider setting;

(iv) obtaining a Pennsylvania Child Abuse History Clearance and a Pennsylvania State Police Criminal Record Check; and

(v) unlimited parental access to the parent's child when the parent's child is in day care.

Child day care provided by relatives shall not be required to meet the standards under clause (2). As used in this subsection, "relative" means a grandparent, aunt or uncle of the child in day care.

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

The SPEAKER. The Chair recognizes the lady, Ms. Youngblood.

Ms. YOUNGBLOOD. Mr. Speaker, I am offering A2494.

The provisions of this subsection—

The SPEAKER. Just a moment. Yield, please.

Did I understand you to say that, are you debating 2494? We have read 2493.

Ms. YOUNGBLOOD. Please forgive me. I did not have my glasses on.

The SPEAKER. Ms. Youngblood, we have read 2493. If you would like, we can withdraw that and go to 94.

Ms. YOUNGBLOOD. No; we can do 2493.

The SPEAKER. On the question of the adoption of amendment A2493, the lady is recognized.

Ms. YOUNGBLOOD. A2493: In providing child day-care services under this act, the department shall assure that recipients have access to child day care in all types of settings, including child day-care centers, group child day-care homes, family child-care homes, and other unregulated child-care homes; assure that the day care provided in all types of settings meets requirements designed to protect the health and safety of children, including but not limited to requirements relating to the prevention and control of infectious diseases, including immunization; building and physical premises safety; minimum health and safety training appropriate to the provider setting; obtaining a Pennsylvania child abuse history clearance and a Pennsylvania State Police criminal record check; unlimited parental access to the child's day-care center. Child day care provided by relatives shall

not be required to meet the standards under this clause. As used in this subsection, "relative" means a grandparent, aunt, or uncle of the child in day care.

I am asking for a "yes" vote on this amendment, Mr. Speaker. The SPEAKER. The Chair thanks the lady.

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

Mr. CORNELL. Thank you, Mr. Speaker.

This amendment strengthens the language contained in the current SB 1441, and I would ask for an affirmative vote.

Ms. YOUNGBLOOD. Thank you.

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

The following roll call was recorded:

YEAS-199

Adolph	Evans	Lynch	Saylor
Allen	Fairchild	Maitland	Schroder
Argall	Fajt	Major	Schuler
Armstrong	Fargo	Manderino	Scrimenti
Baker	Feese	Markosek	Semmel
Bard	Fichter	Marsico	Serafini
Barley	Fleagle	Masland	Shaner
Battisto	Flick	Mayernik	Sheehan
Bebko-Jones	Gamble	McCall	Smith, B.
Belardi	Gannon	McGeehan	Smith, S. H.
Belfanti	Geist	McGill	Snyder, D. W.
Birmelin	George	Melio	Staback
Bishop	Gigliotti	Merry	Stairs
Blaum	Gladeck	Michlovic	Steelman
Boscola	Godshall	Micozzie	Steil
Boyes	Gordner	Mihalich	Stern
Brown	Gruitza	Miller	Stetler
Browne	Gruppo	Mundy	Stish
Bunt	Habay	Myers	Strittmatter
Butkovitz	Haluska	Nailor	Sturla
Buxton	Hanna	Nickol	Surra
Caltagirone	Harhart	Nyce	Tangretti
Cappabianca	Hasay	O'Brien	Taylor, E. Z.
Carn	Haste	Olasz	Taylor, J.
Carone	Hennessey	Oliver	Thomas
Cawley	Herman	Perzel	Tigue
Chadwick	Hershey	Pesci	Travaglio
Civera	Hess	Petrarca	Trello
Clark	Horsey	Petrone	Trich
Clymer	Hutchinson	Pettit	True
Cohen, L. I.	Itkin	Phillips	Tulli
Cohen, M.	Jadlowiec	Pistella	Vance
Colafiglia	James	Pitts	Van Horne
Colaizzo	Jarolin	Platts	Veon
Conti	Josephs	Preston	Vitali
Cornell	Kaiser	Ramos	Walko
Corpora	Keller	Raymond	Washington
Cowell	Kenney	Readshaw	Waugh
Coy	Kirkland	Reber	Williams
Curry	Krebs	Reinard	Wogan
Daley	Kukovich	Rieger	Wozniak
DeLuca	LaGrotta	Roberts	Wright, D. R.
Dempsey	Laughlin	Robinson	Wright, M. N.
Dent	Lawless	Roebuck	Yewcic
Dermody	Lederer	Rohrer	Youngblood
DeWeese	Leh	Rooney	Zimmerman
DiGirolamo	Lescovitz	Ruble	Zug
Donatucci	Levdansky	Sainato	
Druce	Lloyd	Santoni	Ryan,
Durham	Lucyk	Sather	Speaker
Egolf			

NAYS-0

NOT VOTING-0

EXCUSED-4

Corrigan Farmer King Rudy

The majority having voted in the affirmative, 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?

Ms. YOUNGBLOOD offered the following amendment No. A2494:

Amend Sec. 9 (Sec. 432), page 30, line 6, by inserting after "Commonwealth"
The provisions of this subsection shall not apply to aid to families with dependent children applicants who can establish that they moved to this Commonwealth to escape an abusive living situation. The department shall adopt rules governing the proof required to establish that the applicant has moved to this Commonwealth to escape an abusive living situation.

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

The SPEAKER. The Chair recognizes the lady on that amendment.

Ms. YOUNGBLOOD. Basically, this amendment deals with families who move into the Commonwealth to escape abuse.

I am asking for a "yes" vote on this amendment.

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

Mr. CORNELL. Thank you, Mr. Speaker.

I also believe this is a strengthening amendment to SB 1441, and I would urge an affirmative vote.

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

The following roll call was recorded:

YEAS-196

Adolph	Evans	Major	Schroder
Allen	Fairchild	Manderino	Schuler
Argall	Fajt	Markosek	Scrimenti
Armstrong	Fargo	Marsico	Semmel
Baker	Feese	Masland	Serafini
Bard	Fichter	Mayernik	Shaner
Barley	Fleagle	McCall	Sheehan
Battisto	Flick	McGeehan	Smith, B.
Bebko-Jones	Gamble	McGill	Smith, S. H.
Belardi	Gannon	Melio	Snyder, D. W.
Belfanti	Geist	Merry	Staback
Birmelin	George	Michlovic	Stairs
Bishop	Gigliotti	Micozzie	Steelman
Blaum	Gladeck	Mihalich	Steil
Boscola	Godshall	Miller	Stern
Boyes	Gordner	Mundy	Stetler

Brown	Gruitza	Myers	Stish
Browne	Gruppo	Nailor	Strittmatter
Bunt	Habay	Nickol	Sturla
Butkovitz	Haluska	Nyce	Surra
Buxton	Harhart	O'Brien	Tangretti
Caltagirone	Hasay	Olasz	Taylor, E. Z.
Cappabianca	Haste	Oliver	Taylor, J.
Carn	Hennessey	Perzel	Thomas
Cawley	Herman	Pesci	Tigue
Chadwick	Hershey	Petrarca	Travaglio
Civera	Hess	Petrone	Trello
Clark	Horsey	Pettit	Trich
Clymer	Hutchinson	Phillips	True
Cohen, L. I.	Itkin	Pistella	Tulli
Cohen, M.	Jadlowiec	Pitts	Vance
Colafella	James	Platts	Van Horne
Colaizzo	Jarolin	Preston	Veon
Conti	Josephs	Ramos	Vitali
Cornell	Kaiser	Raymond	Walko
Corpora	Keller	Readshaw	Washington
Cowell	Kenney	Reber	Waugh
Coy	Kirkland	Reinard	Williams
Curry	Krebs	Rieger	Wogan
Daley	Kukovich	Roberts	Wozniak
DeLuca	LaGrotta	Robinson	Wright, D. R.
Dempsey	Laughlin	Roebuck	Wright, M. N.
Dent	Lawless	Rohrer	Yewcic
Dermody	Lederer	Rooney	Youngblood
DeWeese	Leh	Rublely	Zimmerman
DiGirolamo	Lescovitz	Sainato	Zug
Donatucci	Levdansky	Santoni	
Druce	Lucyk	Sather	Ryan,
Durham	Lynch	Saylor	Speaker
Egolf	Maitland		

NAYS-3

Carone	Hanna	Lloyd
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NOT VOTING-0

EXCUSED-4

Corrigan	Farmer	King	Rudy
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The majority having voted in the affirmative, 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?

Ms. WASHINGTON offered the following amendment No. A2495:

Amend Sec. 12 (Sec. 432.6), page 37, line 21, by striking out "not be authorized" and inserting

be terminated

Amend Sec. 12 (Sec. 432.6), page 37, line 22, by striking out "until" and inserting

if

Amend Sec. 12 (Sec. 432.6), page 37, line 23, by striking out "cooperated" and inserting

failed to cooperate

Amend Sec. 14, (Sec. 432.19), page 46, line 26, by inserting an underscored period after "standards"

Amend Sec. 14 (Sec. 432.19), page 46, lines 26 through 28, by striking out "or" in line 26, all of line 27 and "relations section pursuant to section 432.6." in line 28

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question, the Chair recognizes the lady, Ms. WASHINGTON. Thank you, Mr. Speaker.

SB 1441 denies benefits to children until family court gets around to scheduling hearings for their support cases. Currently families get benefits while they are waiting for DPW and family court to act on their child support cases. Now they would not be eligible until after family court certified that they had cooperated at every stage of the support proceedings. Because of the backlogs at DPW and at family court, it often takes months and even years before hearings are being scheduled. Why deny families subsistence benefits because family court is crowded and DPW is slow to act?

Even if a woman is doing everything she can to cooperate, it can take months before family court even files the petition in her case, and more months before the defendant is served with the court papers, and more months before a hearing is scheduled. If the defendant does not appear for the hearing, there will be a further delay while a bench warrant is being issued. The Governor's bill denies her benefits during this whole process, no matter what she has done to cooperate. Delays at DPW and at family court are now out of her control. There is no way she can make family court move faster. To deny her benefits while she is waiting for family court to act is outrageously cruel.

This amendment restores the requirement that families must cooperate at every stage of a support action and that benefits will be terminated if they do not cooperate. It does not change the bill's provisions about what they must do to cooperate. It does not change the standards for whether or not they have cooperated. It does not change the bill's provisions about when a family has good cause for not cooperating. All it does is say that as long as they are cooperating, they will get benefits.

I ask your support in this amendment.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman, Mr. Cornell.

Mr. CORNELL. Thank you, Mr. Speaker.

It is my sincere belief that that cooperation should begin and commence prior to receiving assistance, and for that reason I would urge a negative vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-83

Battisto	Evans	McGeehan	Santoni
Bebko-Jones	George	Melio	Shaner
Belardi	Gigliotti	Michlovic	Staback
Belfanti	Gruitza	Mihalich	Steelman
Bishop	Haluska	Mundy	Stetler
Blaum	Horsey	Myers	Sturla
Butkovitz	Itkin	Olasz	Surra
Buxton	James	Oliver	Tangretti
Caltagirone	Jarolin	Pesci	Thomas
Cappabianca	Josephs	Petrarca	Tigue

Carn	Keller	Petrone	Travaglio
Cawley	Kirkland	Pistella	Trello
Cohen, M.	Kukovich	Preston	Trich
Corpora	LaGrotta	Ramos	Van Horne
Cowell	Laughlin	Readshaw	Veon
Coy	Lederer	Rieger	Walko
Daley	Lescovitz	Roberts	Washington
DeLuca	Lucyk	Robinson	Williams
Dermody	Manderino	Roebuck	Wright, D. R.
DeWeese	Markosek	Rooney	Youngblood
Donatucci	McCall	Sainato	

NAYS-115

Adolph	Fajt	Levdansky	Schuler
Allen	Fargo	Lloyd	Scrimenti
Argall	Feece	Lynch	Semmel
Armstrong	Fichter	Maitland	Serafini
Baker	Fleagle	Major	Sheehan
Bard	Flick	Marsico	Smith, B.
Barley	Gamble	Masland	Smith, S. H.
Birmelin	Gannon	Mayernik	Snyder, D. W.
Boscola	Geist	McGill	Stairs
Boyes	Gladeck	Merry	Steil
Brown	Godshall	Micozzie	Stern
Browne	Gordner	Miller	Stish
Bunt	Gruppo	Nailor	Strittmatter
Carone	Habay	Nickol	Taylor, E. Z.
Chadwick	Hanna	Nyce	Taylor, J.
Civera	Harhart	O'Brien	True
Clark	Hasay	Perzel	Tulli
Clymer	Haste	Pettit	Vance
Cohen, L. I.	Hennessey	Phillips	Vitali
Colafella	Herman	Pitts	Waugh
Colaizzo	Hershey	Platts	Wogan
Conti	Hess	Raymond	Wozniak
Cornell	Hutchinson	Reber	Wright, M. N.
Dempsey	Jadlowiec	Reinard	Yewcic
Dent	Kaiser	Rohrer	Zimmerman
DiGirolo	Kenney	Rubley	Zug
Druce	Krebs	Sather	
Durham	Lawless	Saylor	Ryan,
Egolf	Leh	Schroder	Speaker
Fairchild			

NOT VOTING-1

Curry

EXCUSED-4

Corrigan	Farmer	King	Rudy
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Less than the majority having voted in the affirmative, 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?

Ms. WASHINGTON offered the following amendment No. A2498:

Amend Sec. 12 (Sec. 432.7), page 43, by inserting between lines 11 and 12

(j) Any person who has assigned support rights to the department shall be entitled to notice and the opportunity to participate in any proceeding for the establishment, modification or enforcement of support.

(k) When an assignment is in effect, the department shall be guided by the best interest of the child in its actions concerning child support.

(l) When cash assistance for a recipient is terminated, if arrearage is owed to the department, the department shall provide, within thirty days of the date assistance terminates, a statement to the former recipient showing the amount of the arrearage owed to the department, the amount of the arrearage owed to the former recipient and the calculations used by the department to determine these amounts.

(m) If arrearage is owed to the department and to an individual or family which formerly received cash assistance, any payments received on the arrearage shall first be paid to the individual or family, until the arrearage owed them is paid in full.

(n) If arrearage is owed to the department and the person owing the support subsequently reunites with the persons for whom the support is owed, the department shall not take any action to collect the support arrearage as long as the family remains reunited.

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

The SPEAKER. The Chair recognizes the lady, Ms. Washington.

Ms. WASHINGTON. Thank you, Mr. Speaker.

This amendment makes two small but very important changes in our child support system. It simply says that after a person has applied for welfare and therefore assigned child support rights to DPW, DPW must be guided by the child's best interests in pursuing the child support action and must provide the family with notice of and an opportunity to participate in the child support action.

Once again, the issue here is whether the purpose of the child support system is to help children or just to raise money for the State. If the purpose is to help children, as it should be, then DPW should be guided by the best interests of the child in whatever action is taken. If the purpose is to help children, then the child's mother should have an opportunity to participate in the child support action. The court will still make a decision as to what the court order will be. This simply provides that she will have notice of the court proceeding and an opportunity to tell the court what she thinks should happen.

For example, paternity and child support cases have been dismissed without the child's mother having an opportunity to object, because the current statute does not require that she be given notice. Child support orders have been limited to the amount of the welfare grant, rather than a higher amount, because that is all the Welfare Department cares about, and the current statute does not give the child's mother a right to participate in the proceeding. Yet a higher amount could be really important to the family's ability to get off and stay off of welfare.

This amendment, Mr. Speaker, simply allows a family that is getting welfare to know about and to participate in child support proceedings. We require families to cooperate in child support proceedings. Why should we not in return give them information and an opportunity to tell the court what they think should be

done? And why should not DPW's actions be governed by the best interests of the children whose support is at stake?

I ask support in this amendment, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman, Mr. Cornell.

Mr. CORNELL. Thank you, Mr. Speaker.

The lady from Philadelphia has a splendid idea, and I urge support of amendment A2498.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—186

- | | | | |
|--------------|------------|-----------|---------------|
| Adolph | Evans | Lucyk | Saylor |
| Allen | Fajt | Major | Schuler |
| Argall | Fargo | Manderino | Scrimenti |
| Armstrong | Feese | Markosek | Semmel |
| Baker | Fichter | Marsico | Serafini |
| Bard | Fleagle | Masland | Shaner |
| Barley | Flick | Mayermik | Sheehan |
| Battisto | Gamble | McCall | Smith, B. |
| Bebko-Jones | Gannon | McGeehan | Smith, S. H. |
| Belardi | Geist | McGill | Snyder, D. W. |
| Belfanti | George | Melio | Staback |
| Birmeltn | Gigliotti | Merry | Stairs |
| Bishop | Gladeck | Michlovic | Steelman |
| Blaum | Godshall | Micozzie | Steil |
| Boscola | Gordner | Mihalich | Stern |
| Boyes | Gruitza | Miller | Stetler |
| Brown | Gruppo | Mundy | Stish |
| Browne | Habay | Myers | Strittmatter |
| Bunt | Haluska | Nailor | Sturla |
| Butkovitz | Harhart | Nickol | Surra |
| Buxton | Hasay | Nyce | Taylor, E. Z. |
| Caltagirone | Haste | Olasz | Taylor, J. |
| Cappabianca | Hennessey | Oliver | Thomas |
| Carn | Herman | Perzel | Tigue |
| Carone | Hershey | Pesci | Travaglio |
| Cawley | Hess | Petrarca | Treflo |
| Chadwick | Horsey | Petrone | Trich |
| Civera | Hutchinson | Phillips | True |
| Clymer | Itkin | Pistella | Tulli |
| Cohen, L. I. | Jadlowiec | Pitts | Vance |
| Cohen, M. | James | Platts | Van Horne |
| Colafella | Jarolin | Preston | Veon |
| Colaizzo | Josephs | Ramos | Vitali |
| Conti | Kaiser | Raymond | Walko |
| Cornell | Keller | Readshaw | Washington |
| Corpora | Kenney | Reber | Waugh |
| Cowell | Kirkland | Reinard | Williams |
| Coy | Krebs | Rieger | Wogan |
| Curry | Kukovich | Roberts | Wozniak |
| DeLuca | LaGrotta | Robinson | Wright, D. R. |
| Dempsey | Laughlin | Roebuck | Wright, M. N. |
| Dent | Lawless | Rohrer | Yewcic |
| Dermody | Lederer | Rooney | Youngblood |
| DeWeese | Leh | Rubley | Zug |
| DiGirolamo | Lescovitz | Sainato | |
| Donatucci | Levdansky | Santoni | Ryan, |
| Durham | Lloyd | Sather | Speaker |

NAYS—11

- | | | | |
|-------|-----------|----------|-----------|
| Clark | Fairchild | Maitland | Schroder |
| Druce | Hanna | O'Brien | Zimmerman |
| Egolf | Lynch | Petit | |

NOT VOTING—2

- | | |
|-------|-----------|
| Daley | Tangretti |
|-------|-----------|

EXCUSED—4

- | | | | |
|----------|--------|------|------|
| Corrigan | Farmer | King | Rudy |
|----------|--------|------|------|

The majority having voted in the affirmative, 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. VANCE offered the following amendment No. A2518:

Amend Sec. 12 (Sec. 432.6), page 37, line 18, by striking out the brackets before and after "be referred to"

Amend Sec. 12 (Sec. 432.6), page 37, line 20, by inserting after "pleas"

unless a support order has been issued and its terms are being met with no existing arrearages

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question of the adoption of amendment 2518, the Chair recognizes the lady, Mrs. Vance.

Mrs. VANCE. Thank you, Mr. Speaker.

This very briefly says that as long as somebody has a support order issued and they are meeting the terms of that support order with no arrearages, they would not have to personally appear. This goes along with the line of responsibility and taking care of things, and as long as somebody is doing something correctly, there is no need for them to personally appear.

I urge support of this amendment.

The SPEAKER. On the question, Mr. Waugh.

Mr. WAUGH. Thank you, Mr. Speaker.

I would like to rise to support Representative Vance's amendment. This goes back, if you remember, a couple of hours ago when we were discussing some concerns that were voiced on the other side.

So I rise to support the amendment and encourage other members to do the same. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-199

Adolph	Evans	Lynch	Saylor
Allen	Fairchild	Maitland	Schroder
Argall	Fajt	Major	Schuler
Armstrong	Fargo	Manderino	Scrimenti
Baker	Feese	Markosek	Semmel
Bard	Fichter	Marsico	Serafini
Barley	Fleagle	Masland	Shaner
Battisto	Flick	Mayernik	Sheehan
Bebko-Jones	Gamble	McCall	Smith, B.
Belardi	Gannon	McGeehan	Smith, S. H.
Belfanti	Geist	McGill	Snyder, D. W.
Birmelin	George	Melio	Staback
Bishop	Gigliotti	Merry	Stairs
Blaum	Gladeck	Michlovic	Steelman
Boscola	Godshall	Micozzie	Steil
Boyes	Gordner	Mihalich	Stern
Brown	Gruitza	Miller	Stetler
Browne	Gruppo	Mundy	Stish
Bunt	Habay	Myers	Strittmatter
Butkovitz	Haluska	Nailor	Sturla
Buxton	Hanna	Nickol	Surra
Caltagirone	Harhart	Nyce	Tangretti
Cappabianca	Hasay	O'Brien	Taylor, E. Z.
Carn	Haste	Olasz	Taylor, J.
Carone	Hennessey	Oliver	Thomas
Cawley	Herman	Perzel	Tigue
Chadwick	Hershey	Pesci	Travaglio
Civera	Hess	Petrarca	Trello
Clark	Horsey	Petrone	Trich
Clymer	Hutchinson	Pettit	True
Cohen, L. I.	Idkin	Phillips	Tulli
Cohen, M.	Jadlowiec	Pistella	Vance
Colafrilla	James	Pitts	Van Home
Colaizzo	Jarolin	Platts	Veon
Conti	Josephs	Preston	Vitali
Cornell	Kaiser	Ramos	Walko
Corpora	Keller	Raymond	Washington
Cowell	Kenney	Readshaw	Waugh
Coy	Kirkland	Reber	Williams
Curry	Krebs	Reinard	Wogan
Daley	Kukovich	Rieger	Wozniak
DeLuca	LaGrotta	Roberts	Wright, D. R.
Dempsey	Laughlin	Robinson	Wright, M. N.
Dent	Lawless	Roebuck	Yewcic
Dermody	Lederer	Rohrer	Youngblood
DeWeese	Leh	Rooney	Zimmernan
DiGirolamo	Lescovitz	Rubley	Zug
Donatucci	Levdansky	Saintato	
Druce	Lloyd	Santoni	Ryan,
Durham	Lucy	Sather	Speaker
Egolf			

NAYS-0

NOT VOTING-0

EXCUSED-4

Cortigan	Farmer	King	Rudy
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The majority having voted in the affirmative, 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. STURLA offered the following amendment No. A2528:

Amend Title, page 1, line 17, by striking out "AND" and inserting a comma

Amend Title, page 1, line 17, by inserting after "SYSTEM" and for confidentiality of medical information

Amend Bill, page 53, by inserting between lines 16 and 17 Section 19. The act is amended by adding a section to read:

Section 494.10. Confidentiality of Medical Information.--All information pertaining to an individual's medical care shall be confidential, except the department shall have access to information necessary to carry out its duties.

Amend Sec. 19, page 53, line 17, by striking out "19" and inserting 20

Amend Sec. 20, page 53, line 26, by striking out "20" and inserting 21

Amend Sec. 21, page 54, line 5, by striking out "21" and inserting 22

Amend Sec. 22, page 54, line 12, by striking out "22" and inserting 23

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

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, one of the things that is arising in health care today is the confidentiality issue. All this does is require that all information related to a person's health care be confidential except for the purpose of administering this program.

I would appreciate an affirmative vote.

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

Mr. BARLEY. Thank you, Mr. Speaker.

I am pleased to be able to stand and support the amendment of my colleague from Lancaster, and I urge an affirmative vote.

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

The following roll call was recorded:

YEAS-199

Adolph	Evans	Lynch	Saylor
Allen	Fairchild	Maitland	Schroder
Argall	Fajt	Major	Schuler
Armstrong	Fargo	Manderino	Scrimenti
Baker	Feese	Markosek	Semmel
Bard	Fichter	Marsico	Serafini
Barley	Fleagle	Masland	Shaner
Battisto	Flick	Mayernik	Sheehan
Bebko-Jones	Gamble	McCall	Smith, B.
Belardi	Gannon	McGeehan	Smith, S. H.
Belfanti	Geist	McGill	Snyder, D. W.
Birmelin	George	Melio	Staback
Bishop	Gigliotti	Merry	Stairs
Blaum	Gladeck	Michlovic	Steelman
Boscola	Godshall	Micozzie	Steil
Boyes	Gordner	Mihalich	Stern
Brown	Gruitza	Miller	Stetler
Browne	Gruppo	Mundy	Stish
Bunt	Habay	Myers	Strittmatter
Butkovitz	Haluska	Nailor	Sturla
Buxton	Hanna	Nickol	Surra

Caltagirone	Harhart	Nyce	Tangretti
Cappabianca	Hasay	O'Brien	Taylor, E. Z.
Carn	Haste	Olasz	Taylor, J.
Carone	Hennessey	Oliver	Thomas
Cawley	Herman	Perzel	Tigue
Chadwick	Hershey	Pesci	Travaglio
Civera	Hess	Petrarca	Trello
Clark	Horsey	Petrone	Trich
Clymer	Hutchinson	Petit	True
Cohen, L. I.	Itkin	Phillips	Tulli
Cohen, M.	Jadlowiec	Pistella	Vance
Colafella	James	Pitts	Van Horne
Colaizzo	Jarolin	Platts	Veon
Conti	Josephs	Preston	Vitali
Cornell	Kaiser	Ramos	Walko
Corpora	Keller	Raymond	Washington
Cowell	Kenney	Readshaw	Waugh
Coy	Kirkland	Reber	Williams
Curry	Krebs	Reinard	Wogan
Daley	Kukovich	Rieger	Wozniak
DeLuca	LaGrotta	Roberts	Wright, D. R.
Dempsey	Laughlin	Robinson	Wright, M. N.
Dent	Lawless	Roebuck	Yewcic
Dermody	Lederer	Rohrer	Youngblood
DeWeese	Leh	Rooney	Zimmerman
DiGirolamo	Lescovitz	Rubley	Zug
Donatucci	Levdansky	Sainato	
Druce	Lloyd	Santoni	Ryan,
Durham	Lucyk	Sather	Speaker
Egolf			

NAYS-0

NOT VOTING-0

EXCUSED-4

Corrigan	Farmer	King	Rudy
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The majority having voted in the affirmative, 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. KUKOVICH offered the following amendment No. A2543:

Amend Title, page 1, line 17, by striking out "AND" and inserting a comma

Amend Title, page 1, line 17, by inserting after "SYSTEM" and for payments to counties for services to children

Amend Bill, page 53, by inserting between lines 16 and 17

Section 19. Section 704.1(a) of the act is amended by adding a clause to read:

Section 704.1. Payments to Counties for Services to Children.—

(a) The department shall reimburse county institution districts or their successors for expenditures incurred by them in the performance of their obligation pursuant to this act and the act of December 6, 1972 (P.L.1464, No.333), known as the "Juvenile Act," in the following percentages:

 (9) The department shall reimburse county institution districts or their successors fifty percent of the reasonable costs of detention services for a child held in detention as a result of committing a crime that has been excluded from the definition of "delinquent act" under 42 Pa.C.S. § 6302 (relating to definitions).

Amend Sec. 19, page 53, line 17, by striking out "19" and inserting 20

Amend Sec. 20, page 53, line 26, by striking out "20" and inserting 21

Amend Sec. 21, page 54, line 5, by striking out "21" and inserting 22

Amend Sec. 22, page 54, line 12, by striking out "22" and inserting 23

On the question,

Will the House agree to the amendment?

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

Mr. KUKOVICH. Thank you, Mr. Speaker.

Earlier this session, in the special session, we passed a bill that dealt with transferring juveniles to adult court. We have already started to see a problem where, in at least a dozen counties, because of overcrowding and other reasons and because some judges are afraid of the juveniles who may have been accused of violent crimes being released through the adult system, they are still placing them in juvenile detention facilities. Now, under current law the State reimburses the counties at 50 percent for anybody in those placements, but since we changed the law, they are beginning to take a look at those juveniles, who should eventually and will go through the adult system, during an interim period, being placed in a juvenile facility.

Again, it is kind of an unfunded mandate. It is building up costs for the counties unfairly. Typically, in the juvenile system, someone, before they are adjudicated, might spend 30 to 60 days there. Under the adult system, they are spending as much as 6 to 9 months, and that varies from county to county.

All this amendment says is that in those few circumstances where those juveniles are being kept in juvenile detention facilities awaiting trial in adult court, the State will pick up half of that financial burden. I would ask for an affirmative vote.

The SPEAKER. On the question, the Chair recognizes the gentleman, Mr. Snyder. Mr. Snyder, do you desire recognition on this amendment?

Mr. SNYDER. Can the Speaker just hold for a moment?

The SPEAKER. Mr. Snyder is recognized.

Mr. SNYDER. Mr. Speaker, we do not object to this amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-199

Adolph	Evans	Lynch	Saylor
Allen	Fairchild	Maitland	Schroder
Argall	Fajt	Major	Schuler
Armstrong	Fargo	Manderino	Scrimenti
Baker	Feese	Markosek	Semmel

Bard	Fichter	Marsico	Serafini
Barley	Fleagle	Masland	Shaner
Battisto	Flick	Mayernik	Sheehan
Bebko-Jones	Gamble	McCall	Smith, B.
Belardi	Gannon	McGeehan	Smith, S. H.
Belfanti	Geist	McGill	Snyder, D. W.
Birmelin	George	Melio	Staback
Bishop	Gigliotti	Merry	Stairs
Bjaum	Gladeck	Michlovic	Steelman
Boscola	Godshall	Micozzie	Steil
Boyes	Gordner	Mihalich	Stern
Brown	Gruitza	Miller	Stetler
Browne	Gruppo	Mundy	Stish
Bunt	Habay	Myers	Strittmatter
Butkovitz	Haluska	Nailor	Sturla
Buxton	Hanna	Nickol	Surra
Caltagirone	Harhart	Nyce	Tangretti
Cappabianca	Hasay	O'Brien	Taylor, E. Z.
Carn	Haste	Olasz	Taylor, J.
Carone	Hennessey	Oliver	Thomas
Cawley	Herman	Perzel	Tigue
Chadwick	Hershey	Pesci	Travaglio
Civera	Hess	Petrarca	Trello
Clark	Horsey	Petrone	Trich
Clymer	Hutchinson	Pettit	Truc
Cohen, L. I.	Itkin	Phillips	Tulli
Cohen, M.	Jadlowiec	Pistella	Vance
Colafiglia	James	Pitts	Van Horne
Colaizzo	Jarolin	Platts	Veon
Conti	Josephs	Preston	Vitali
Cornell	Kaiser	Ramos	Walko
Corpora	Keller	Raymond	Washington
Cowell	Kenney	Readshaw	Waugh
Coy	Kirkland	Reber	Williams
Curry	Krebs	Reinard	Wogan
Daley	Kukovich	Rieger	Wozniak
DeLuca	LaGrotta	Roberts	Wright, D. R.
Dempsey	Laughlin	Robinson	Wright, M. N.
Dent	Lawless	Roebuck	Yewcic
Dermoddy	Lederer	Rohrer	Youngblood
DeWeese	Leh	Rooney	Zimmerman
DiGirolamo	Lescovitz	Rublely	Zug
Donatucci	Levdansky	Sainato	
Druce	Lloyd	Santoni	Ryan,
Durham	Lucyk	Sather	Speaker
Egolf			

NAYS-0

NOT VOTING-0

EXCUSED-4

Corrigan	Farmer	King	Rudy
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The majority having voted in the affirmative, 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. SURRA offered the following amendment No. A2562:

Amend Sec. 14 (Sec. 432.19), page 46, line 30, by striking out the bracket before "fifteen"

Amend Sec. 14 (Sec. 432.19), page 46, line 30, by striking out "] thirty"

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

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

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, amendment 2562 is very simple. Current law mandates that the department act on an application for benefits within 15 days. SB 1441 would double that amount of time to 30 days. Mr. Speaker, a woman coming out of an abusive relationship or someone in need of assistance should not have to wait 30 days in order to get help. So I would just ask that we keep and maintain the current 15 days, and I would appreciate your support. Thank you.

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

Mr. CORNELL. Thank you, Mr. Speaker.

A similar amendment to this one was defeated earlier today. I believe the department needs that additional time, that 30 days, to determine the eligibility, and I would therefore respectfully ask for a "no" vote on this amendment.

The SPEAKER. The lady, Ms. Manderino, is recognized on the amendment.

Ms. MANDERINO. Thank you, Mr. Speaker.

Briefly, we did not vote on this issue before. It was withdrawn by Representative Josephs. But Representative Surra highlights a very important point that I think we should not overlook.

When you have somebody who is coming out of a desperate situation, whether it is domestic violence, like he talked about, or homelessness or whatever, even the 15— There have been times where I have had people in my district office — I am sure you have, too — where people were desperately scrounging for local charitable grants or something to tie them over during that 15-day period, and what we are doing is doubling that for a reason that does not seem to make any sense. It is not like DPW has been having trouble meeting that 15-day requirement. And I can only see the reason for an additional 15-day delay is to either discourage— And I guess that is what it is about, but the reality of it is, it hurts really poor people and people who are in need, and if you have had those folks sitting in your office desperately trying to figure out how they are going to put food on the table and make it till Monday morning with the kids, I am not sure you want to exacerbate that problem.

I think it is worthy of our support, and I ask you to vote "yes."

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

The following roll call was recorded:

YEAS-87

Battisto	Donatucci	McGeehan	Santoni
Bebko-Jones	Evans	Melio	Shaner
Belardi	George	Merry	Staback
Belfanti	Gordner	Michlovic	Steelman
Bishop	Gruitza	Mihalich	Stetler
Blaum	Haluska	Mundy	Sturla
Butkovitz	Hasay	Myers	Surra
Caltagirone	Horsey	Oliver	Tangretti
Cappabianca	Itkin	Pesci	Thomas
Carn	James	Petrarca	Travaglio
Carone	Jarolin	Petrone	Trello
Cawley	Josephs	Pistella	Trich

Cohen, M.	Keller	Platts	Van Horne
Colafrilla	Kirkland	Preston	Veon
Colaizzo	Kukovich	Ramos	Walko
Corpora	LaGrotta	Readshaw	Washington
Cowell	Laughlin	Rieger	Williams
Coy	Lederer	Roberts	Wozniak
Curry	Lescovitz	Robinson	Wright, D. R.
Daley	Lucyk	Roebuck	Yewcic
DeLuca	Manderino	Rooney	Youngblood
DeWeese	McCall	Sainato	

physician's use of any prescription drug that has been approved or designated as safe and effective by the Federal Food and Drug Administration that, in the physician's professional judgment and within the lawful scope of practice, is appropriate for the diagnosis or treatment of the patient.

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

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

Mr. TRICH. Thank you, Mr. Speaker.

This particular amendment is a fairly straightforward one. It really deals with the pharmaceutical aspect of the bill.

Currently, with the carve-out legislation that exists under the managed-care arrangement, there is a concern that it would be a government agency, or more specifically, a bureaucrat within a government agency that would be involved with the prior authorization for certain medications – generic versus brand name. The wording of this amendment merely makes it possible for a physician to have that ability to indicate when a brand name is a necessary requirement for an individual patient rather than having someone in government make that decision strictly on a cost-savings basis.

Although I certainly support many aspects of managed care and all aspects of cost saving when it comes to health-care costs, this is one that we really have to make certain that we do not go too far, so far that we begin looking at the bottom line as being more important than the interest of the patient involved.

It is my understanding that this is an agreed-to amendment, and I would ask for support on both sides of the aisle.

The SPEAKER. The gentleman, Mr. Cornell.

Mr. CORNELL. Thank you.

This is an agreed-to amendment, and I would urge a positive vote.

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

The following roll call was recorded:

NAYS-112

Adolph	Fajt	Lloyd	Schuler
Allen	Fargo	Lynch	Scrimenti
Argall	Feese	Maitland	Semmel
Armstrong	Fichter	Major	Serafini
Baker	Fleagle	Markosek	Sheehan
Bard	Flick	Marsico	Smith, B.
Barley	Gamble	Masland	Smith, S. H.
Birmelin	Gannon	Mayernik	Snyder, D. W.
Boscola	Geist	McGill	Stairs
Boyes	Gigliotti	Micozzie	Steil
Brown	Gladeck	Miller	Stern
Browne	Godshall	Nailor	Stish
Bunt	Gruppo	Nickol	Strittmatter
Buxton	Habay	Nyce	Taylor, E. Z.
Chadwick	Hanna	O'Brien	Taylor, J.
Civera	Harhart	Olasz	Tigue
Clark	Haste	Perzel	True
Clymer	Hennessey	Pettit	Tulli
Cohen, L. I.	Herman	Phillips	Vance
Conti	Hershey	Pitts	Vitali
Cornell	Hess	Raymond	Waugh
Dempsey	Hutchinson	Reber	Wogan
Dent	Jadlowiec	Reinard	Wright, M. N.
Dermody	Kaiser	Rohrer	Zimmerman
DiGirolamo	Kenney	Rubley	Zug
Druce	Krebs	Sather	
Durham	Lawless	Saylor	Ryan,
Egolf	Leh	Schroder	Speaker
Fairchild	Levdansky		

NOT VOTING-0

EXCUSED-4

Corrigan	Farmer	King	Rudy
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Less than the majority having voted in the affirmative, 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 ?

Mr. TRICH offered the following amendment No. A2565:

Amend Sec. 17 (Sec. 448), page 50, line 13, by inserting after "department."

Except with respect to coverage limitations permitted pursuant to section 1927(d)(2) of Title XIX of the Federal Social Security Act (49 Stat. 620, 42 U.S.C. § 1927 et seq.), the department shall provide reimbursement and shall not restrict by any prior or retroactive approval process a

YEAS-198

Adolph	Egolf	Lucyk	Sather
Allen	Evans	Lynch	Saylor
Argall	Fairchild	Maitland	Schroder
Armstrong	Fajt	Major	Schuler
Baker	Fargo	Manderino	Semmel
Bard	Feese	Markosek	Serafini
Barley	Fichter	Marsico	Shaner
Battisto	Fleagle	Masland	Sheehan
Bebko-Jones	Flick	Mayernik	Smith, B.
Belardi	Gamble	McCall	Smith, S. H.
Belfanti	Gannon	McGeehan	Snyder, D. W.
Birmelin	Geist	McGill	Staback
Bishop	George	Melio	Stairs
Blaum	Gigliotti	Merry	Steelman
Boscola	Gladeck	Michlovic	Steil
Boyes	Godshall	Micozzie	Stern
Brown	Gordner	Mihalich	Stetler
Browne	Gruitza	Miller	Stish
Bunt	Gruppo	Mundy	Strittmatter
Butkovitz	Habay	Myers	Sturla
Buxton	Haluska	Nailor	Surra
Caltagirone	Hanna	Nickol	Tangretti

Cappabianca	Harhart	Nyce	Taylor, E. Z.
Carn	Hasay	O'Brien	Taylor, J.
Carone	Haste	Olasz	Thomas
Cawley	Hennessey	Oliver	Tigue
Chadwick	Herman	Perzel	Travaglio
Civera	Hershey	Pesci	Trello
Clark	Hess	Petrarca	Trich
Clymer	Horsey	Petrone	True
Cohen, L. I.	Hutchinson	Pettit	Tulli
Cohen, M.	Itkin	Phillips	Vance
Colaafella	Jadlowiec	Pistella	Van Horne
Colaizzo	James	Pitts	Veon
Conti	Jarolin	Platts	Vitafi
Cornell	Josephs	Preston	Walko
Corpora	Kaiser	Ramos	Washington
Cowell	Keller	Raymond	Waugh
Coy	Kenney	Readshaw	Williams
Curry	Kirkland	Reber	Wogan
Daley	Krebs	Reinard	Wozniak
DeLuca	Kukovich	Rieger	Wright, D. R.
Dempsey	LaGrotta	Roberts	Wright, M. N.
Dent	Laughlin	Robinson	Yewcic
Dermody	Lawless	Roebuck	Youngblood
DeWeese	Lederer	Rohrer	Zimmerman
DiGirolamo	Leh	Rooney	Zug
Donatucci	Lescovitz	Rubley	
Druce	Levdansky	Sainato	Ryan,
Durham	Lloyd	Santoni	Speaker

NAYS-0

NOT VOTING-1

Scrimenti

EXCUSED-4

Corrigan Farmer King Rudy

The majority having voted in the affirmative, 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. SAYLOR reoffered the following amendment No. A2544:

Amend Title, page 1, line 17, by striking out "and"

Amend Title, page 1, line 18, by removing the period after "Welfare" and inserting
; providing for a publicly financed consolidated assistance demonstration program; creating the Consolidated Assistance Program Fund; and providing for a medical assistance voucher demonstration program.

Amend Bill, page 53, by inserting between lines 16 and 17

Section 18.1. Article IV of the act is amended by adding subarticles to read:

ARTICLE IV
PUBLIC ASSISTANCE

(n) Consolidated Assistance Program

Section 494. Definitions.—As used in this subarticle:

"Annual minimum income" is, except in the instances covered under section 494.5, forty percent of the product of fifty-two multiplied by the Statewide average weekly wage rate under section 404(c)(2) of the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as

the "Unemployment Compensation Law." The result shall be rounded to the nearest thousand.

"Demonstration program" means the consolidated demonstration assistance program established under this subarticle.

"Dependent child" means a child or grandchild, by consanguinity, affinity or adoption, for whom a recipient of aid to families with dependent children benefits provides support during the tax year in which the income supplement is claimed, and who is under nineteen years of age or is enrolled in school for at least five months.

"Fund" means the Consolidated Assistance Program Fund created under this subarticle.

"Maximum income supplement adjuster" is the product of the phaseout percentage multiplied by the result of the participant's total income minus the annual minimum income.

"Participant" means either a single individual or a group of persons over the age of seventeen who are living together within the same household of which one of the individuals qualifies for aid to families with dependent children benefits. In the latter circumstance, a head of the household shall be chosen and the work requirements of this subarticle shall apply to that individual.

"Phaseout percentage" is:

- (1) fifty-nine and twenty-three one hundredth percent for a participant with one dependent child;
- (2) fifty-five percent for a participant with two dependent children;
- (3) sixty-one and eighty-eight one hundredth percent for a participant with three dependent children; or
- (4) sixty-eight and seventy-five one hundredth percent for a participant with four or more dependent children.

If the number of dependent children within the household increases after the participant has become enrolled in the demonstration program, those additional dependents shall not be counted toward the total number of dependent children when determining the phaseout percentage for the participant.

"Support" has the meaning given to it in section 152 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 152).

"Total income" includes all classes of income under section 303 of act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971," for the household of a participant in the consolidated assistance demonstration program. Income earned by a minor dependent child of the participant shall not be counted toward the income of the participant's household.

"Work-related activity" shall be defined as follows:

- (1) unsubsidized employment;
- (2) work experience/workfare;
- (3) on-the-job training;
- (4) community service;
- (5) in the case of a recipient eighteen years of age or older and less than twenty-two years of age, education which is necessary for the recipient to obtain employment or which leads to the recipient receiving a high school diploma or a certificate of high school equivalency if the recipient is making satisfactory progress as defined by the school or educational program, but only for a maximum of twelve months; and
- (6) participation in any combination of education or training activities is limited to a maximum of twelve months, except as specified above.

Section 494.1. Consolidated Assistance Program.—Following Federal approval where necessary, the department shall establish a five-year consolidated assistance demonstration program within three separate counties in different geographical regions representing rural, suburban and urban populations to provide, in a cost-effective manner, financial assistance for residents of this Commonwealth who qualify for aid to families with dependent children benefits and who are not aged, blind, disabled or under the age of nineteen within three separate counties which represent the following:

- (1) a first or second class county;
- (2) a second class A, third, fourth or fifth class county; and
- (3) a sixth, seventh or eighth class county.

Section 494.2. Fund.—There is hereby created the Consolidated Assistance Program Fund. All moneys received under section 494.3 shall be transmitted to this fund.

Section 494.3. Financial Resources.—The demonstration program shall be funded by the aid to families with dependent children, food stamp, day care and women, infants and children financial resources currently available to the participants within the demonstration program areas.

Section 494.4. Waiver of Program Criteria and Requirements.—(a) After becoming enrolled in the demonstration program, all current eligibility requirements for aid to families with dependent children, food stamps, subsidized day care and women, infants and children services shall no longer apply to participants.

(b) Exceptions will be made with regard to:

(i) program criteria and eligibility requirements that mandate that the recipient participate in a work-related activity;

(ii) residency requirements for anyone who moves into the demonstration areas after the demonstration program has been implemented;

(iii) any welfare fraud provisions relating to the aid to families with dependent children program; and

(iv) any criteria or requirements created by this subarticle.

In the case of work-related activity requirements, the requirement will be for one adult residing in the household, and the adult shall be the participant in the Consolidated Assistance Program.

Section 494.5. Work-Related Activity.—For the purpose of this subarticle, a participant in a demonstration program who enrolls in a work-related activity for a minimum of twenty hours per week shall be considered to be employed. This classification of employment shall be limited to one year of the five-year demonstration program, except where the definition of work-related activity specifies a different time limit. The time period used for work-related activity shall be applied to the time limit prescribed in section 494.12(2). If the work-related activity produces no income for the participant and the participant household has no other income as defined in this subarticle, the participant shall be determined to have an annual minimum income equal to fifty-seven percent of the product of fifty-two multiplied by the Statewide average weekly wage rate under section 404(e)(2) of the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the "Unemployment Compensation Law." The result shall be rounded to the nearest thousand.

Section 494.6. Earned Income Tax Credit Application.—All participants in the demonstration program shall be required to file an application for an earned income tax credit under section 32 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 32).

Section 494.7. Estimated Maximum Income Supplement.—(a) An estimated maximum income supplement shall be calculated by the Department of Revenue for a tax year as follows:

(1) If the participant has one dependent child and:

(i) if the participant's total income is less than or equal to the annual minimum income, seventy percent of the total income of the participant's household; or

(ii) if the participant's total income is greater than the annual minimum income, seventy percent of the annual minimum income.

(2) If the participant has two dependent children and:

(i) if the participant's total income is less than or equal to the annual minimum income, eighty percent of the total income of the participant's household; or

(ii) if the participant's total income is greater than the annual minimum income, eighty percent of the annual minimum income.

(3) If the participant has three dependent children and:

(i) if the participant's total income is less than or equal to the annual minimum income, ninety percent of the total income of the participant's household; or

(ii) if the participant's total income is greater than the annual minimum income, ninety percent of the annual minimum income.

(4) If the participant has more than three dependent children:

(i) if the participant's total income is less than or equal to the annual minimum income, one hundred percent of the total income of the participant's household; or

(ii) if the participant's total income is greater than the annual minimum income, one hundred percent of the annual minimum income. If the number of dependent children within the household increases after the participant has become enrolled in the demonstration program, those additional dependents shall not be counted toward the total number of dependent children when determining the estimated maximum income supplement of the participant.

Section 494.8. Maximum Income Supplement.—The estimated maximum income supplement shall be modified by subtracting the maximum income supplement adjuster from the estimated maximum income supplement. The result will be the maximum income supplement available to the participant. Any maximum income supplement calculation that is less than zero shall be considered to be zero.

Section 494.9. Earned Income Supplement.—After calculating the maximum income supplement available to the participant, the amount of the earned income tax credit, under section 32 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 32), to which the participant is eligible shall be subtracted from the maximum income supplement. The remainder will be the earned income supplement. Any earned income supplement that is less than zero shall be considered to be zero.

Section 494.10. Disbursement of the Earned Income Supplement.—The following apply to the disbursement of the earned income supplement:

(1) The earned income supplement shall be disbursed to the participant from the financial resources available within the fund.

(2) The earned income supplement shall be taken for the current tax year and may not be carried over to another tax year.

(3) The participant shall receive the earned income supplement in advance throughout the tax year by filing with the Department of Revenue an estimated tax return form promulgated by the Department of Revenue. The department and the Department of Revenue shall create a mechanism that will allow the participant's employer to disburse the participant's earned income supplement as part of or at the same time as the participant's regular payroll checks. In the case of more than one adult wage earner in the household, the former aid to families with dependent children recipient shall be designated as the recipient of the supplement. The department and Department of Revenue shall work together to reconcile discrepancies between the estimated tax return and the actual tax return for purposes of the earned income supplement.

Section 494.11. Employer Notification.—Any employer of aid to families with dependent children recipients within the demonstration program area shall notify each employe that he or she may be eligible for an earned income supplement.

Section 494.12. Time Limit.—The following are time limits for the receipt of an earned supplemental income payment:

(1) A participant shall be allowed to receive an earned supplemental income payment while unemployed for not more than two years. The time period during which a participant, who is unemployed, receives an earned supplemental income payment shall be deducted from the two-year maximum time limit. If a participant so chooses, he or she may trade a portion or all of their two-year unemployed benefit time period to add to their three-year employed supplemental income payment time period. The trade shall be on a one-month-for-one-month basis.

(2) A participant shall be allowed to receive an earned supplemental income payment while employed for not more than three years except as provided for in this clause. The time period during which a participant, who is employed, receives an earned supplemental income payment shall be deducted from the three-year maximum time limit, which can be greater than three years only in the instance where the participant trades in a portion or all of his or her two-year unemployed benefit time period.

(3) Under no circumstances shall the unemployed time period be applied to the three-year time limit for employed recipients, and under no circumstances shall the employed time period be applied to the two-year time limit for unemployed recipients, with exception given to the instance where the participant trades in a portion or all of his or her two-year unemployed benefit time period to increase his or her employed benefit time period.

Section 494.13. Program Reassessment.—If at any time during the operation of the demonstration program the earned income tax credit under section 32 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 32) undergoes revision, the method of determining the earned income supplement shall also be reassessed to take into consideration the changes to the earned income tax credit under section 32 of the Internal Revenue Code of 1986.

Section 494.14. Program Evaluation.—The department shall be required to analyze the demonstration program, measuring the program results against the goal of securing economic self-sufficiency for the program participants as well as comparing the demonstration program to Federal and State welfare programs. A report on the evaluation shall be submitted annually to the Governor and the General Assembly, detailing the findings of the evaluation following the implementation of the demonstration program. A final evaluation detailing the accumulated findings and recommendations of the evaluation shall be prepared at the end of the five-year demonstration program. All reports shall include, but not be limited to:

- (1) Cost effectiveness in the use of welfare program resources.
- (2) Rate of welfare recipients securing employment.
- (3) Comparison of benefits received by the participant from the demonstration program and those benefits the participant would have received if enrolled in the welfare programs displaced by the demonstration program.
- (4) Rate of in-migration and out-migration in the demonstration program areas.

Section 494.15. Rules and Regulations.—The department and the Department of Revenue shall promulgate rules and regulations to carry out this subarticle. These shall include, but not be limited to, provisions relating to the development of the demonstration program, procedures for determining eligibility under the demonstration program, procedures for the determination of the earned income supplement and provisions for the disbursement of the earned income supplement and provisions for notification of possible eligibility for the earned income supplement. These regulations shall be promulgated within six months of the effective date of the subarticle.

(o) Voucher Program

Section 495. Definitions.—As used in this subarticle:

"Insurer" means:

- (1) Any insurance company, association or reciprocal, nonprofit hospital plan corporation.
- (2) A nonprofit professional health service plan.
- (3) A health maintenance organization organized and regulated under the act of December 29, 1972 (P.L.1701, No.364), known as the "Health Maintenance Organization Act."
- (4) A risk-assuming preferred provider organization organized and regulated under the act of May 17, 1921 (P.L.682, No.284), known as "The Insurance Company Law of 1921."
- (5) A preferred provider with a "health management gatekeeper" role for primary care physicians organized and regulated as a health services corporation or a preferred provider organization subject to the provisions of section 630 of "The Insurance Company Law of 1921."
- (6) A fraternal benefit society subject to the provisions of the act of December 14, 1992 (P.L.835, No.134), known as the "Fraternal Benefit Societies Code."

"Program" means a publicly financed voucher program providing access to privately delivered health insurance coverage for eligible medical assistance recipients.

Section 495.1. Voucher Program.—(a) Following Federal approval where necessary, the department shall establish a five-year demonstration voucher program within the same three geographic regions chosen by the department for the consolidated assistance demonstration program established under subarticle (n) to provide, in a cost-effective manner, access to privately delivered health insurance coverage for residents of this Commonwealth who qualify for aid to families with dependent children benefits and who are not aged, blind, disabled or under nineteen years of age. All health care services shall, when available, be provided within the designated region.

(b) Once enrolled in the program, the participant shall be eligible for the program as long as total income, as defined under subarticle (n), is less than the level of earned income which no longer results in an income supplement provided under subarticle (n). All other eligibility requirements shall be waived.

(c) The department through a competitive bidding process in each region shall select the following insurance providers to participate in the program:

(1) at least two insurers offering an individual or group policy of health insurance;

(2) at least two insurers offering individual or group policy health insurance with a high deductible; and

(3) at least two health maintenance organizations offering prepaid health care delivery plans.

(d) The contracts or agreements entered into by the department pursuant to subsection (c) shall provide that:

(1) the department shall pay any deductible charged pursuant to the policy or plan directly to the health care provider; and

(2) the total of deductibles and coinsurance charged for a calendar year may not exceed three thousand dollars (\$3,000) for a participant in a family medical assistance account as established in section 495.5.

(e) A contract or agreement entered into by the department pursuant to this section shall provide coverage for all services outlined in section 495.4.

(f) After taking competitive bids for contracts or agreements, the department may elect to:

(1) accept no bid;

(2) rebid the contract; or

(3) discontinue the program after reasonable notice to all affected parties.

(g) If the department elects to interrupt or discontinue the program under subsection (f), payment of claims shall be made pursuant to the method authorized for nonparticipation in the program. This section shall not relieve any insurer of any contractual obligation incurred under this subarticle.

Section 495.2. Issuance of Proof of Eligibility.—If the department determines that a person meets the eligibility requirements set forth for the program, the department shall issue that person proof of eligibility, which entitles the person and any other dependents, adult or child, within the household to coverage under any health insurance or health care policy or contract offered in accordance with this subarticle. In the case of dependent adults within the household, the following shall apply:

(1) A spouse is considered a dependent adult for the purposes of this subarticle.

(2) Any other adult who meets the Medical Assistance Program definition of immediate family shall be considered a dependent adult if they have lived in that household for at least a year prior to the head of household's enrollment in the Consolidated Assistance Program. The department shall consider exceptions to this rule when it can be demonstrated by the head of household that inclusion of the individual as a dependent adult is necessary.

Section 495.3. Offering of Policies and Contracts.—If coverage is issued to the individual, policyholder or contract holder, the insurer shall submit the proof of eligibility and a request for reimbursement of premium to the department.

Section 495.4. Standards Applicable to the Policies and Contracts.—The health insurance or health care policies and contracts for which insurers are eligible shall be provided in accordance with the following conditions:

(1) The policies and contracts are not subject to any previous State mandatory benefits.

(2) Each policy and contract shall include, but not be limited to, the following benefits:

(i) Inpatient/outpatient hospital services.

(ii) Certified registered nurse practitioners' services.

(iii) Family planning services and supplies.

(iv) Rural health clinic services.

(v) Laboratory and X-ray services, including mammography.

(vi) Home health services for individuals twenty-one years of age and older.

(vii) Physicians' services.

(viii) Nurse-midwife services.

(ix) Thirty days inpatient care coverage for mental health, mental retardation and substance abuse. Intermediate care coverage may be substituted for inpatient care on a four-days-for-each-inpatient-day basis.

(x) Coverage for prescription drugs, including all medically necessary childhood immunizations.

(xi) Prenatal care coverage, including early and periodic screening, diagnosis and treatment (EPSDT) services, limited to individuals under twenty-one years of age.

Section 495.5. Establishment of Medical Assistant Accounts.—

(a) The department shall establish a family medical assistance account for any group determined to be eligible for this program pursuant to section 495.2. The head of the household as designated within the Consolidated Assistance Program shall be designated as responsible for the account.

(b) On January 1 of each calendar year, or on the day the medical assistance recipient is enrolled, the department shall deposit in a family medical assistance account the sum of three-thousand dollars (\$3,000).

(c) The department may expend money deposited in medical assistance accounts to pay deductible payments required under the applicable policy or plan.

(d) The department shall terminate an account whenever a person dies or no longer qualifies as a participant of the demonstration program. Any sums remaining in the account shall be paid as follows:

(1) If a person dies, the remaining funds shall go into the General Fund to be credited to the department.

(2) If a person no longer qualifies as a participant, the remaining amount, prorated on a daily basis, shall be divided between the account holder and the department with fifty percent of the remaining balance going to the account holder and fifty percent going to the General Fund to be credited to the department.

(e) The department may consolidate all sums in all medical assistance accounts established under this section into one account for investment purposes. Interest from the investments of sums in the account shall be paid into the General Fund to be credited to the department.

(f) Account holders shall be given debit cards which will automatically debit from their accounts when health care services are rendered. Alternatively, health care providers shall submit for reimbursement to the department, and the department shall debit the sum from the account holder's account and send reimbursement to the health care provider.

(g) On December 31 of the year in which sums are deposited into the medical assistance account, if any sums remain in the account, and if the account holder has met the holder's preventative health care requirements as stipulated in subsection (i), the department shall give fifty percent of the balance remaining in the account to each participant or person designated as responsible for a family medical assistance account. The remaining fifty percent shall be paid into the General Fund to be credited to the department.

(h) A participant or person designated as responsible for a family medical assistance account may decline the reimbursement provided under subsection (g) and elect to leave any excess sums in the medical assistance account to carry over for the next year.

(i) In order to qualify for the reimbursement under subsections (g) and (h), the account holder shall demonstrate with a physician's letter that the account holder received an annual examination and that all dependents have received proper immunizations.

Section 495.6. Reimbursement of Insurers.—Within thirty days after receipt of a valid proof of eligibility and request for reimbursement from an insurer, the department shall issue payment to the insurer in the amount of the premium.

Section 495.7. Duties of Department.—The department shall:

(1) Administer and implement the program.

(2) Monitor the operation of the program.

(3) Disseminate to the insurer and to the public information concerning the program and the persons eligible to receive benefits under the program.

(4) Implement a system to provide information and guidance to all persons eligible under the program relative to the program's procedures and the selection of the most appropriate benefits under a health insurance or health care policy or contract.

(5) Continuously evaluate the program. The department shall contract for and complete an analysis of the program, measuring its delivery of and access to quality health care in a cost-effective manner.

Section 495.8. Report.—A report on the program shall be submitted to the Governor and the General Assembly, detailing the findings and recommendations of the evaluation at the close of the five-year program. The report shall include, but not be limited to, the following:

(1) Cost-effectiveness of the program compared to the current medical assistance program for both cost of care and administration.

(2) Improvement in access to the health care delivery system.

(3) Maintenance or improvement of the standard of quality care.

Section 495.9. Employer Buy-In.—If an employer already offers health care coverage to employees and the employer hires a current medical assistance voucher recipient, the employer shall be permitted as part of the options outlined in section 495.10 to provide health care coverage for the employee by buying into the remaining term, or a portion of the remaining term as negotiated between the department and the employer, of the medical assistance recipient's health plan, if the employer so chooses. The amount of the plan shall be prorated for the number of months remaining in the current year of coverage. Subsequent to a voucher recipient's employment, an employer shall negotiate with the department to determine an appropriate percentage of the voucher cost, which shall be paid by the employer to the department. This percentage shall be no more than sixty-five percent of the voucher cost and no less than thirty-five percent of the voucher cost. An employer who does not already offer health care coverage to employees does have the option to buy into a medical assistance voucher recipient employee's health care coverage as provided in this section, but the employer is not required to do so.

Section 495.10. Employer Responsibility.—If an employer offers health care coverage to employees, the employer shall extend coverage to, or continue coverage of, an employee or an employee's dependents who are eligible to receive benefits provided under this subarticle by either enrolling the employee and the employee's dependents, if applicable, in the employer's health coverage plan or buying into the voucher program health care coverage as prescribed under section 495.9.

Section 495.11. Rules and Regulations.—The department shall promulgate rules and regulations to carry out this subarticle. These shall include, but not be limited to, provisions relating to the development of the program, procedures for determining eligibility under the program, the specific geographic regions chosen, issuance of proof of eligibility, determinations of reimbursable premium amount and procedures for the reimbursement of insurers. These regulations shall be promulgated within six months of the effective date of this subarticle.

Section 495.12. Confidentiality of Medical Information.—All information pertaining to an individual's medical care shall be confidential, except that the department shall have access to information necessary to carry out its duties.

Amend Sec. 22, page 54, by inserting between lines 19 and 20

(4) The addition of subarticles (n) and (o) of Article IV of the act shall take effect in 90 days.

Amend Sec. 22, page 54, line 20, by striking out "(4)" and inserting (5)

On the question recurring,

Will the House agree to the amendment?

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

Mr. SAYLOR. Thank you, Mr. Speaker.

I again would like to ask the House to approve this amendment. It, again, sets up a pilot program for three counties in the Commonwealth, and at that, I gave a greater explanation earlier, so I will just stop at that, for shortness of time.

The SPEAKER. The Chair recognizes the lady, Ms. Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, I rise to ask for a "no" vote on the Saylor amendment.

I know it is late and people are tired, but please take a look, first of all, at just what the Saylor amendment is. It is a 10-page amendment that sets out a pilot program, about which we have had no discussions, no hearings in committee, no examination about the concept of the proposal. So you know, I am leery at recommending that something that has not even been put through a test of public opinion so extensively should be put into SB 1441, but of particular concern are some concepts in here that I am afraid will do a couple of different things.

There is a voucher program with regard to health insurance and an employer buy-in and a couple of other things that deal with health insurance that I have been trying, since the first time this came up, to understand how these would really work and how they might impact on all of the cost savings that we have achieved by crafting fairly carefully the Taylor amendment on the health end of the spectrum, to make sure we keep health packages and benefits in line. I fear, based on how this is drafted and how it is proposed to be funded, that that is going to mess up the health portions of SB 1441 that we have tried so hard to make sure that we maintain.

I just think that it is late in the day. I think this is a very big step. I cannot tell you what it proposes to do, but I can say that in 10 pages, it probably warrants more than just a three-sentence description. There is probably an awful lot in here that we do not really know or really understand, and for that reason I would ask you respectfully to vote "no" at this time on this amendment.

The SPEAKER. The Chair thanks the lady.

On the question, the Chair recognizes the gentleman from Westmoreland, Mr. Kukovich.

Mr. KUKOVICH. Thank you, Mr. Speaker.

I want to rise to applaud the maker of the amendment for trying to do something creative. However, I want to echo what the lady, Representative Manderino, said. I think there could be some positive benefits to it, but to do this as an amendment to this bill and something this extensive at this point I think is a mistake.

I am concerned about a couple of conflicts: one, exactly what the effect would be of channeling AFDC money, which is the way

this is funded, to individuals within a demonstration area and what impact that would have on our AFDC money, but secondly, I think what we did with the Taylor amendment was an excellent compromise. I think there are some potential conflicts between the demonstration program outlined here— I am sure it is inadvertent, but I think it could cause some problems with a rather carefully crafted compromise.

For that reason I would ask for a "no" vote on this amendment, but I would suggest that some further efforts be made with this type of program in the future, but after we get a chance to see this bill in print, reprinted, and how it will affect the Senate's vote on concurrence. This has no place in SB 1441 at this point, and I would ask for a "no" vote.

The SPEAKER. The gentleman from Delaware, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the amendment stand for a brief interrogation?

The SPEAKER. The gentleman indicates he will. You may begin.

Mr. VITALI. Thank you, Mr. Speaker.

I apologize. You indicated you had explained this before, but I must be quite frank in that I am not exactly clear as to what this amendment does, so I would ask if you could simply indulge me and just take us through and describe what this does and how that changes existing law.

Mr. SAYLOR. Mr. Speaker, this new bill creates a pilot program in three counties across this Commonwealth, and what it does is it takes from those three counties the funds that are currently being spent in those counties in the areas of aid to families with dependent children, the food stamp program, the day-care program, and infant and women and children's financial resources, and it distributes those to people and allows them to get a job and not be removed from the welfare rolls. This allows working mothers who have children at home to continue to receive day care for their children once they get a job, and it is a pilot program that gives them 5 years to get job training, to move along and get higher paying jobs.

Mr. VITALI. Okay. Thank you, Mr. Speaker.

The SPEAKER. The lady, Ms. Josephs, desires recognition?

Ms. JOSEPHS. Thank you, Mr. Speaker. Yes.

The SPEAKER. The lady is recognized.

Ms. JOSEPHS. Thank you.

I just want to also say what I said before when we talked about this amendment previously, and I, like Representative Kukovich, applaud the maker for originality, but we have not really aired this, and we have not aired it with the group where I represent this caucus, not thoroughly.

The party on the other side of the aisle has control of this process. This can come up at any time and be looked at more carefully. I just think that is the way it ought to be done. Why rush into something that may not work and will forever or for a long time make these kinds of creative efforts look bad, when with some work we might be able to put together a pilot program that would actually be a model for the country and would look good, and why run that risk at this hour, at this time, with this bill?

So I ask for a "no" vote, and I personally will work hard on seeing that this particular kind of pilot program can be made a success that we can all be proud of. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Daley.

Mr. DALEY. Could I ask the gentleman to stand for a brief interrogation, Mr. Speaker?

The SPEAKER. He indicates he will stand for interrogation. You may begin.

Mr. DALEY. Like the gentleman, Mr. Vitali, could you just indulge me one second, Mr. Speaker.

My question is resolved around the idea, is this going to be a privatized program?

Mr. SAYLOR. This system is going to be run by the State Welfare Department in those counties that have been selected to run this program.

Mr. DALEY. Could you repeat that? It is going to be run by the Department of Public Welfare?

Mr. SAYLOR. It will continue to be run by the Department of Public Welfare, right.

Mr. DALEY. Okay. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, would the maker of the amendment consent to interrogation?

The SPEAKER. The gentleman indicates he will stand for interrogation. You may begin.

Mr. LLOYD. Mr. Speaker, I want to understand the way this would work.

You said there would be three counties picked. Does that mean that everyone who qualifies for assistance in those three counties would be in the pilot or only that some people in those counties would be in the pilot?

Mr. SAYLOR. Mr. Speaker, only those who qualify for AFDC, not senior citizens, as such.

Mr. LLOYD. No. I understand that.

Mr. SAYLOR. Disabled individuals would also not be involved in this program.

Mr. LLOYD. Let us take York County.

Mr. SAYLOR. Okay.

Mr. LLOYD. If this program is in effect as a pilot and York County is a pilot, will everybody who qualifies for AFDC in York County be in this program?

Mr. SAYLOR. Except for those who are handicapped.

Mr. LLOYD. Now, are the income eligibility and the asset tests and so forth to get into this program the same as the requirements to get into assistance in a county which is not part of the pilot?

Mr. SAYLOR. The requirements are not changed at all.

Mr. LLOYD. Now, you mentioned something about 5 years to get a job, and we have had a lot of debate today about 2 years. As a matter of fact, I supported you folks on the other side of the aisle when Representative Manderino earlier today tried to put in some language which could possibly, conceivably, remotely create an opportunity for somebody to stay on for a full 2 years. I heard you say 5 years.

Mr. SAYLOR. It is possible, if a mother with dependent children gets a job, that we would support her or help her with day care. Her income would be subtracted from her allocation, but she would still be eligible for day-care services.

Mr. LLOYD. So in other words, somebody in York County, because York County is in the pilot, gets to be on assistance for 5 years, but somebody in Dauphin County or somebody in Lancaster County or somebody in Somerset County, because they are not in the pilot, does not get to be on for more than 2 years. Is that right?

Mr. SAYLOR. That is right, if they are working, yes.

Mr. LLOYD. Thank you, Mr. Speaker.

The SPEAKER. On the question, the gentleman, Mr. Melio.

Mr. MELIO. Can I interrogate the prime sponsor, Mr. Speaker?

The SPEAKER. The gentleman will stand for interrogation. You may begin.

Mr. MELIO. Mr. Speaker, could you tell me what three counties are going to be involved?

Mr. SAYLOR. No. Spelled out in the amendment, in the amendment it gives the Department of Welfare a choice. They must pick one county that is either first class or second class, one county out of the group that would be 2-A class through fifth class, and one county from sixth to eighth class.

Mr. MELIO. But at the present time, you do not know what three counties they are?

Mr. SAYLOR. No. We left that up to the department for their workability.

Mr. MELIO. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the lady, Ms. Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

Would the maker stand for interrogation, please?

The SPEAKER. He indicates he will. You may begin.

Ms. MANDERINO. Thank you, Mr. Speaker.

Did I understand the answer to Representative Lloyd correctly that if a county is one of the three chosen counties, then everyone who is an assistance recipient in that county, except for those who are disabled or under the age of 18 or those few excluded classes, would be in the pilot project?

Mr. SAYLOR. Except for— Those that are working; yes.

Ms. MANDERINO. Okay.

Because one of the classifications of the counties, meaning one of the counties has to be a first- or a second-class county, that means that by definition in your amendment, either Philadelphia or Pittsburgh will be in this pilot project.

Mr. SAYLOR. That is right.

Ms. MANDERINO. Okay.

I also want to direct your attention to page 6, beginning on line 43, the voucher program. And if you would for me, please, is this voucher program one of the vehicles by which the health benefits would be provided in these three counties, and if so, can you explain to me the package? I am trying to follow the package in here, and it seems like it is a package that is something less than what we currently require by law now. Could you explain the particulars of that to me so I can understand it?

Mr. SAYLOR. Mr. Speaker, we provide in here what the Federal Government requires as well as additional moneys for children.

Ms. MANDERINO. Okay.

On page 7, line 59, "The policies and contracts are not subject to any previous State mandatory benefits." Could you explain what that means?

Mr. SAYLOR. I am sorry, Mr. Speaker; could you repeat that?

Ms. MANDERINO. Certainly.

On page 7, the last line, line 59, continuing on to the next page, "The policies and contracts are not subject to any previous State mandatory benefits."

Mr. SAYLOR. That is correct. But we are talking about Federal mandates? They would still be in effect.

Ms. MANDERINO. But if it is something that we in Pennsylvania decided Pennsylvanians should be entitled to in a health policy in Pennsylvania, it would not apply to people in this benefit plan.

Mr. SAYLOR. That is correct.

Ms. MANDERINO. Okay.

On page—

PARLIAMENTARY INQUIRY

Mr. HORSEY. Mr. Speaker, point of parliamentary inquiry.

The SPEAKER. Will the gentleman, Mr. Horsey, state his point of parliamentary inquiry.

Mr. HORSEY. Mr. Speaker, I do not know if this is in order or not, but we just saw the Saylor amendment is 10 pages long. Numerous people complained about the length of it. Would a motion to table be in order right now?

The SPEAKER. A motion to table an amendment is not in order.

Mr. HORSEY. Okay. Fine then.

Ms. MANDERINO. One last question, Mr. Speaker, and I lost my reference to it, but in addition to the reference of the medical vouchers, I also saw a section on medical savings accounts. How does that fit in? I mean, will people have a choice of a medical savings account or a private voucher, or will the county decide which way the county is going and then all the folks will go in that?

Mr. SAYLOR. The recipient will have the choice.

Ms. MANDERINO. Thank you.

I have finished my interrogation, Mr. Speaker, and would like to speak briefly.

The SPEAKER. The lady is recognized.

Ms. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, I want to urge the members again to vote "no" on this.

If you listened to the interrogation, what you heard is that if your county is one of those counties that gets picked — and in my case, Philadelphia or Pittsburgh would definitely be one of those counties — then everyone in that county, pretty much, would go into this plan. First, that would have significant impact, potentially, on the managed-care program we just put in place, because for the big counties, that is a big part of the population you are going to drop out of the medical assistance plan.

Secondly, what you are doing is you are saying, for those counties who you do not know who they are yet but if you happen to live in that county, then we are going to provide this package that is something less than what is available and mandated by everyone else in Pennsylvania. Both ideas, I think, with such little reflection, perhaps they could have been refined, but they are not today.

Please vote "no" on this amendment. Thank you.

The SPEAKER. Mr. Cohen.

Mr. COHEN. Thank you.

Mr. Speaker, will Mr. Saylor consent to further interrogation?

The SPEAKER. The gentleman indicates he will stand for interrogation. You are in order.

Mr. COHEN. Thank you.

Mr. Speaker, suppose I own a fast-food franchise and I want to have this fast-food franchise as profitable as possible and I want to

hire workers at the lowest wage I can. What wage will I have to pay a worker under your amendment who is now on AFDC?

Mr. SAYLOR. You would have to pay minimum wage.

Mr. COHEN. I would have to pay the minimum wage.

Mr. SAYLOR. At least that.

Mr. COHEN. You think so?

Mr. Speaker, suppose my fast-food franchise pays workers above the minimum wage and I hire these new workers at the minimum wage. Would I get a State subsidy for these new workers?

Mr. SAYLOR. Mr. Speaker, the money goes directly to the employee as an income supplement.

Mr. COHEN. Is the gentleman going to answer the question?

Mr. SAYLOR. I did, Mr. Speaker. I said, no; the money goes directly to the employee, not to the employer.

Mr. COHEN. I am sorry, Mr. Speaker; I cannot hear the gentleman.

The SPEAKER. Will the gentleman yield.

Members of the House, please.

Mr. SAYLOR. Mr. Speaker, the money would go directly to the employee, not to the employer.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I have no further questions.

I think, though, this is an awfully risky experiment that we do not know enough about, and I would urge a "no" vote.

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—45

Armstrong	Geist	Nickol	Steller
Baker	Hanna	Perzel	Stish
Barley	Harhart	Phillips	Strittmatter
Boscola	Haste	Platts	Sturla
Boyes	Hershey	Rohrer	True
Brown	Hutchinson	Sather	Tulli
Cawley	Leh	Saylor	Vance
Egolf	Lynch	Schuler	Waugh
Fairchild	Maitland	Sheehan	Wogan
Fargo	Masland	Smith, B.	Zimmerman
Fleagle	Mayernik	Stern	Zug
Gannon			

NAYS—152

Adolph	Donatucci	Lcvdanský	Rooney
Allen	Druce	Lloyd	Rubley
Argall	Durham	Lucy	Sainato
Bard	Evans	Major	Santoni
Battisto	Fajt	Manderino	Schroder
Bebko-Jones	Feese	Markosek	Scrimenti
Belardi	Fichter	Marsico	Semmel
Belfanti	Flick	McCall	Serafini
Birmelin	Gamble	McGeehan	Shaner
Blaum	George	McGill	Smith, S. H.
Browne	Gigliotti	Melio	Snyder, D. W.
Bunt	Gladeck	Merry	Staback
Butkovitz	Godshall	Michlovic	Stairs
Buxton	Gordner	Micozzie	Steelman
Caltagirone	Gruitza	Mihalich	Steil
Cappabianca	Gruppo	Miller	Surra
Can	Habay	Mundy	Tangretti

Carone	Haluska	Myers	Taylor, E. Z.
Chadwick	Hasay	Nailor	Taylor, J.
Civera	Hennessey	Nyce	Thomas
Clark	Herman	O'Brien	Tigue
Clymer	Hess	Olasz	Travaglio
Cohen, L. I.	Horsely	Oliver	Trello
Cohen, M.	Itkin	Pesci	Trich
Colaella	Jadlowiec	Petrarca	Van Horne
Colaizzo	James	Petrone	Veon
Conti	Jarolin	Pettit	Vitali
Cornell	Josephs	Pistella	Walko
Corpora	Kaiser	Preston	Washington
Cowell	Keller	Ramos	Williams
Coy	Kerney	Raymond	Wozniak
Curry	Kirkland	Readshaw	Wright, D. R.
Daley	Krebs	Reber	Wright, M. N.
DeLuca	Kukovich	Reinard	Yewcic
Dempsey	LaGrotta	Rieger	Youngblood
Dent	Laughlin	Roberts	
Dermody	Lawless	Robinson	Ryan,
DeWeese	Lederer	Roebuck	Speaker
DiGirolamo	Lescovitz		

NOT VOTING-2

Bishop Pitts

EXCUSED-4

Corrigan Farmer King Rudy

Less than the majority having voted in the affirmative, 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?

The SPEAKER. The Chair understands the gentleman, Mr. James, now wishes to offer an amendment?

Mr. JAMES. That is correct, Mr. Speaker.

The SPEAKER. What number does the gentleman wish to offer?

Mr. JAMES. 2502.

The SPEAKER. The clerk will read the amendment.

On the question recurring,

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

Mr. JAMES offered the following amendment No. A2502:

Amend Sec. 22, page 54, lines 12 through 21, by striking out "as follows:" in line 12, all of lines 13 through 21 and inserting no later than six months following public hearings held in no fewer than three regions of this Commonwealth to assess the impact of the act. Upon completion of the last hearing, the department shall transmit notice to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin. The act shall take effect six months after publication of notice to the bulletin.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman, Mr. James, in connection with that amendment.

Mr. JAMES. Thank you, Mr. Speaker.

Mr. Speaker, this amendment changes the effective date of the act so that the act shall take effect no later than 6 months following public hearings held in no fewer than three regions of this Commonwealth to assess the impact of the act. Upon completion of the last hearing, the department shall transmit notice to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin. The act shall take effect 6 months after publication of the notice in the bulletin.

Mr. Speaker, that is the basis of the amendment, and if I may make a few remarks.

The SPEAKER. The gentleman is in order.

Mr. JAMES. Mr. Speaker, this amendment, 2502, attempts to do what this administration has failed to do on far too many occasions. We have before us a measure that will severely impact on the lives of over 300,000 Pennsylvanians. Yet there have been no organized efforts on behalf of this administration to convene statewide public hearings and give Pennsylvania citizens the opportunity to voice their concerns. Those individuals who will be affected the most by this measure have been shut off from this process. This mean-spirited proposal was crafted and debated behind closed doors without any concern of the impact it would have on the State's most vulnerable residents.

And we recently, Mr. Speaker, saw that many people came to Harrisburg over the past weeks who will have been affected the most and traveled here protesting this kind of legislation and the devastation that it would have, and they were attempting to make their voices heard, but apparently, not too many of us heard their call because still, Mr. Speaker, no public hearings have been scheduled.

Mr. Speaker, there is a tremendous interest in this bill because of the broad range of devastation it promises to wreak across Pennsylvania, and this amendment would remedy that situation temporarily, calling for public hearings to be held in three different regions of the State to assess the impact of this legislation, and I think it is about time many of these legislators get out and hear what their constituents have to say.

I urge support of this amendment. Thank you, Mr. Speaker.

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

Mr. SNYDER. Mr. Speaker, this amendment would delay implementation of the act by up to a year, and it would have no impact on the legislation.

We ask for a "no" vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-44

Belardi	Jarolin	Myers	Sturla
Bishop	Josephs	Oliver	Surra
Butkovitz	Keller	Pesci	Thomas
Carr	Kirkland	Petrone	Travaglio
Cawley	Lederer	Preston	Trello
Cohen, M.	Lescovitz	Ramos	Trich
Curry	Manderino	Robinson	Van Horne
DeWeese	McGeehan	Roebuck	Walko

Evans	Michlovic	Rooney	Washington
Itkin	Mihalich	Staback	Williams
James	Mundy	Stetler	Youngblood

NAYS-149

Adolph	Druce	Leh	Sather
Allen	Durham	Levdansky	Saylor
Argall	Egolf	Lloyd	Schroder
Armstrong	Fairchild	Lucyk	Schuler
Baker	Fajt	Lynch	Scrimenti
Bard	Fargo	Maitland	Semmel
Barley	Feece	Major	Serafini
Battisto	Fichter	Markosek	Shaner
Bebko-Jones	Fleagle	Marsico	Sheehan
Belfanti	Flick	Masland	Smith, B.
Birmelin	Gamble	Mayernik	Smith, S. II.
Blaum	Gannon	McCall	Snyder, D. W.
Boscota	Geist	McGill	Stairs
Boyes	George	Melio	Steelman
Brown	Gigliotti	Merry	Steil
Browne	Gladeck	Micozzie	Stern
Bunt	Godshall	Miller	Stish
Buxton	Gordner	Nailor	Strittmatter
Caltagirone	Gruitza	Nickol	Tangretti
Cappabianca	Gruppo	Nyce	Taylor, E. Z.
Carone	Habay	O'Brien	Taylor, J.
Chadwick	Haluska	Olasz	Tigue
Civera	Hanna	Perzel	True
Clark	Harhart	Petrarca	Tulli
Clymer	Hasay	Pettit	Vance
Cohen, L. I.	Haste	Phillips	Veon
Colafrilla	Hennessey	Pistella	Vitali
Colaizzo	Herman	Pitts	Waugh
Conti	Hershey	Platts	Wogan
Cornell	Hess	Raymond	Wozniak
Corpora	Hutchinson	Readshaw	Wright, M. N.
Cowell	Jadlowiec	Reber	Yewcic
Daley	Kaiser	Reinard	Zimmerman
DeLuca	Kenney	Roberts	Zug
Dempsey	Krebs	Rohrer	
Dent	Kukovich	Rubley	Ryan,
Dermody	LaGrotta	Sainato	Speaker
DiGirolamo	Lawless	Santoni	

NOT VOTING-6

Coy	Horsey	Rieger	Wright, D. R.
Donatucci	Laughlin		

EXCUSED-4

Corrigan	Farmer	King	Rudy
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Less than the majority having voted in the affirmative, 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?

PARLIAMENTARY INQUIRY

Mr. HORSEY. Mr. Speaker, point of inquiry now.
The SPEAKER. Mr. Horsey.

Mr. HORSEY. Mr. Speaker, we have not had any public hearings on this bill. We resubmitted it a few weeks ago. Would it be appropriate, Mr. Speaker, to request that this bill be recommitted to the Appropriations Committee?

The SPEAKER. That motion would be in order.

Mr. HORSEY. Thank you, Mr. Speaker.

MOTION TO RECOMMIT

The SPEAKER. Are you making it?

Mr. HORSEY. I am making the motion; yes, Mr. Speaker. Thank you.

The SPEAKER. The gentleman, Mr. Horsey, moves that SB 1441, together with amendments — is that correct, Mr. Horsey; together with amendments?

Mr. HORSEY. Yes, Mr. Speaker.

The SPEAKER. —be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

The SPEAKER. On the question, the gentleman, Mr. Snyder, opposes the motion.

The gentleman, Mr. DeWeese—

Mr. HORSEY. Mr. Speaker, I did not hear that.

The SPEAKER. I could figure that out at this hour of the night.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS-46

Bebko-Jones	Donatucci	McGeehan	Robinson
Belardi	Evans	Melio	Roebuck
Bishop	Horsey	Mihalich	Stetler
Butkowitz	Itkin	Mundy	Sturla
Buxton	James	Myers	Thomas
Cappabianca	Jarolin	Oliver	Travaglio
Carn	Josephs	Petrarca	Trello
Cawley	Keller	Preston	Walko
Cohen, M.	Kirkland	Ramos	Washington
Coy	Kukovich	Rieger	Williams
Curry	Lederer	Roberts	Youngblood
DeWeese	Manderino		

NAYS-153

Adolph	Fajt	Lynch	Scrimenti
Allen	Fargo	Maitland	Semmel
Argall	Feece	Major	Serafini
Armstrong	Fichter	Markosek	Shaner
Baker	Fleagle	Marsico	Sheehan
Bard	Flick	Masland	Smith, B.
Barley	Gamble	Mayernik	Smith, S. II.
Battisto	Gannon	McCall	Snyder, D. W.
Belfanti	Geist	McGill	Staback
Birmelin	George	Merry	Stairs
Blaum	Gigliotti	Michlovic	Steelman

Boscola	Gladeck	Micozzie	Steil
Boyes	Godshall	Miller	Stern
Brown	Gordner	Nailor	Stish
Browne	Gruitza	Nickol	Strittmatter
Bunt	Gruppo	Nyce	Surra
Caltagirone	Habay	O'Brien	Tangretti
Carone	Haluska	Olasz	Taylor, E. Z.
Chadwick	Hanna	Perzel	Taylor, J.
Civera	Harhart	Pesci	Tigue
Clark	Hasay	Petrone	Trich
Clymer	Haste	Pettit	True
Cohen, L. I.	Hennessey	Phillips	Tulli
Colafrilla	Herman	Pistella	Vance
Colaizzo	Hershey	Pitts	Van Horne
Conti	Hess	Platts	Veon
Cornell	Hutchinson	Raymond	Vitali
Corpora	Jadlowiec	Readshaw	Waugh
Cowell	Kaiser	Reber	Wogan
Daley	Kenney	Reinard	Wozniak
DeLuca	Krebs	Rohrer	Wright, D. R.
Dempsey	LaGrotta	Rooney	Wright, M. N.
Dent	Laughlin	Rubley	Yewcic
Dermody	Lawless	Sainato	Zimmerman
DiGirolamo	Leh	Santoni	Zug
Druce	Lescovitz	Sather	
Durham	Levdansky	Saylor	Ryan,
Egolf	Lloyd	Schroder	Speaker
Fairchild	Lucyk	Schuler	

NOT VOTING-0

EXCUSED-4

Corrigan	Farmer	King	Rudy
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Less than the majority having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,

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

AMENDMENT A2492 RECONSIDERED

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Mr. Strittmatter, who moves that the vote by which amendment No. 2492, which was the Bishop amendment, passed to SB 1441, PN 1863, on the 8th day of May be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS-190

Adolph	Fairchild	Maitland	Schroder
Allen	Fajt	Major	Schuler
Argall	Fargo	Manderino	Scrimenti
Armstrong	Feese	Markosek	Semmel
Baker	Fichter	Marsico	Serafini
Bard	Fleagle	Masland	Shaner
Barley	Flick	Mayernik	Sheehan
Battisto	Gamble	McCall	Smith, B.
Bebko-Jones	Gannon	McGeehan	Smith, S. H.

Belardi	Geist	McGill	Snyder, D. W.
Birmelin	George	Melio	Staback
Bishop	Gigliotti	Merry	Stairs
Blaum	Gladeck	Michlovic	Steil
Boscola	Godshall	Micozzie	Stern
Boyes	Gordner	Mihalich	Stetler
Brown	Gruitza	Miller	Stish
Browne	Gruppo	Myers	Strittmatter
Bunt	Habay	Nailor	Sturla
Butkovitz	Haluska	Nickol	Surra
Buxton	Hanna	Nyce	Tangretti
Caltagirone	Harhart	O'Brien	Taylor, E. Z.
Cappabianca	Hasay	Olasz	Taylor, J.
Carr	Haste	Oliver	Thomas
Carone	Hennessey	Perzel	Tigue
Cawley	Herman	Pesci	Travaglio
Chadwick	Hershey	Petrarca	Trello
Civera	Hess	Petrone	Trich
Clark	Horsley	Pettit	True
Clymer	Hutchinson	Phillips	Tulli
Cohen, L. I.	Itkin	Pistella	Vance
Colafrilla	Jadlowiec	Pitts	Van Horne
Colaizzo	James	Platts	Veon
Conti	Jarolin	Preston	Vitali
Cornell	Josephs	Ramos	Walko
Corpora	Kaiser	Raymond	Washington
Cowell	Keller	Readshaw	Waugh
Coy	Kenney	Reber	Williams
Curry	Kirkland	Reinard	Wogan
Daley	Krebs	Rieger	Wozniak
DeLuca	LaGrotta	Roberts	Wright, D. R.
Dempsey	Laughlin	Roebuck	Wright, M. N.
Dent	Lawless	Rohrer	Yewcic
Dermody	Lederer	Rooney	Youngblood
DeWeese	Leh	Rubley	Zimmerman
DiGirolamo	Lescovitz	Sainato	Zug
Donatucci	Lloyd	Santoni	
Druce	Lucyk	Sather	Ryan,
Egolf	Lynch	Saylor	Speaker

NAYS-9

Belfanti	Evans	Levdansky	Robinson
Cohen, M.	Kukovich	Mundy	Steelman
Durham			

NOT VOTING-0

EXCUSED-4

Corrigan	Farmer	King	Rudy
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The majority 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 amendment?

The clerk read the following amendment No. A2492:

Amend Sec. 9 (Sec. 432), page 27, line 19, by inserting after "disability."

Medical assistance coverage shall continue for a woman eligible for medical assistance and who has been diagnosed as having breast cancer.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—199

Adolph	Evans	Lynch	Saylor
Allen	Fairchild	Maitland	Schroder
Argall	Fajt	Major	Schuler
Armstrong	Fargo	Manderino	Scrimenti
Baker	Feese	Markosek	Semmel
Bard	Fichter	Marsico	Serafini
Barley	Fleagle	Masland	Shaner
Battisto	Flick	Mayernik	Shcehan
Bebko-Jones	Gamble	McCall	Smith, B.
Belardi	Gannon	McGeehan	Smith, S. H.
Belfanti	Geist	McGill	Snyder, D. W.
Birmelin	George	Melio	Staback
Bishop	Gigliotti	Merry	Stairs
Blaum	Gladeck	Michlovic	Steelman
Boscola	Godshall	Micozzie	Steil
Boyes	Gordner	Mihalich	Stern
Brown	Gruitza	Miller	Stetler
Browne	Gruppo	Mundy	Stish
Bunt	Habay	Myers	Strittmatter
Butkowitz	Haluska	Nailor	Sturla
Buxton	Hanna	Nickol	Surra
Caltagirone	Harhart	Nyce	Tangretti
Cappabianca	Hasay	O'Brien	Taylor, E. Z.
Carn	Haste	Olasz	Taylor, J.
Carone	Hennessey	Oliver	Thomas
Cawley	Herman	Perzel	Tigue
Chadwick	Hershey	Pesci	Travaglio
Civera	Hess	Petrarca	Trello
Clark	Horsey	Petrone	Trich
Clymer	Hutchinson	Pettit	True
Cohen, L. I.	Itkin	Phillips	Tulli
Cohen, M.	Jadlowiec	Pistella	Vance
Colaella	James	Pitts	Van Horne
Colaizzo	Jarolin	Platts	Veon
Conti	Josephs	Preston	Vitali
Cornell	Kaiser	Ramos	Walko
Corpora	Keller	Raymond	Washington
Cowell	Kenney	Readshaw	Waugh
Coy	Kirkland	Reber	Williams
Curry	Krebs	Reinard	Wogan
Daley	Kukovich	Rieger	Wozniak
DeLuca	LaGrotta	Roberts	Wright, D. R.
Dempsey	Laughlin	Robinson	Wright, M. N.
Dent	Lawless	Roebuck	Yewcic
Dermody	Ledcrer	Rohrer	Youngblood
DeWeese	Leh	Rooney	Zimmerman
DiGirolamo	Lescovitz	Rubley	Zug
Donatucci	Levdansky	Sainato	
Druce	Lloyd	Santoni	Ryan,
Durham	Lucyk	Sather	Speaker
Egolf			

NAYS—0

NOT VOTING—0

EXCUSED—4

Corrigan	Farmer	King	Rudy
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The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

Mr. DeWeese, it looks like you are first and last, if you care to be recognized.

Pardon me. Mr. George, do you care to be recognized on this? I apologize.

The gentleman, Mr. George.

Mr. GEORGE. Mr. Speaker, thank you.

I know you would be disappointed if I did not say something.

The SPEAKER. No, I would not.

Mr. GEORGE. Well, then I hope that you can forgive me because I am going to say something.

You know, Mr. Speaker, I sat here as long as you. In fact, you possibly could have taken a nap a couple of hours ago, and I did not. Now, someday when I am as important as most of these people and I become a leader, maybe I will be able to take a nap.

My problem, Mr. Speaker, is that a couple of weeks ago I watched us all deliberate on an amendment in this same bill, agonize over what was taking place, and then pass that amendment very hopefully, very happily that we were going to take something bad and make it just a little better. So we passed the Taylor amendment, and then someone stood up and said, let us send that bill back to the committee. Now, not being as smart as you, Mr. Speaker, I still do not know why in the heck we sent it back to the committee, but back it went from whence it came. And now, Mr. Speaker, on the way back to this fine Capitol, I hear that this bill again will come out, ram-shod with 12 Republican votes and 11 Democrats, and sure as God made apples, Mr. Speaker, here it is.

And now you are happier than a pig in a poke because you are going to be able to go home, but I am going to agonize over the fact that I was a part of this charade and that many of you who will talk and provide your ideology all over this State in the coming months, you can say you voted for welfare reform, and I am going to tell my people that I had the courage to wait until I find out just what in the heck this bill was all about. It is mean-spirited. We placed— Mr. Speaker, tell those “noes” that I listened to their “yeas” all day today. And tell them, Mr. Speaker, that I would not slam an outhouse door as hard as they slam people in this General Assembly. That is what I am concerned about. So if you do not care about it and if all you want to do is say you voted for welfare reform, I am sure you are going to do that.

But again, I have always had the philosophy that there are some of us on that side that think like Democrats — God bless them — and there are some of us on this side that think like corporate executives, like the man up at the big desk, but I am just a little old guy who tries to do the best for his little old people. And even though I do not have the brilliance of presence that continually shines on most of you who are the intellect, I learned very early there is a difference between — you know what I am going to say — scratching your butt and tearing it to pieces.

Oh, yes, it is not going to be so funny for some of these people if this bill should be okayed by the Senate, but it is not going to be okayed. Those of you that passed the amendments, you can take

great pride and personal glee over the fact you got your amendments in. For how long, I do not know.

But this is not a welfare bill we are working on; \$40 million of it is welfare. We would not have been able to hold it back. A couple of weeks ago we did not take on the hospitals and the doctors and all of those people that have so much. But now today for some reason— And I congratulate the majority leader. He did a fine job. His Governor threw him that ball, indeed he did; indeed he did. I wish that his Governor would learn to run with the legislature, not over them. I will bet secretly some of those people over there wish that would happen, too. You noticed one person said “yea,” Mr. Speaker. Will you not say “yea”?

The SPEAKER. That was Mr. DeWeese.

Mr. GEORGE. Oh, I am making a little levity come out of it, but it is not so funny. It does not matter to me; I am not going home with my tail between my legs, because my people trust me. They know that I understand that those little people that get those little checks, they do not buy stocks and bonds. They put it into the same cash registers of some of those people that complain about where that money is coming from.

Today all of us in business complain about that easy money. Well, I am just as concerned as you are over those individuals that do not want to do anything, but I am equally as concerned about those individuals who, through no fault of their own, find themselves in a very, very precarious situation, and those of us — and there is some brilliance in this House — but sometimes we simply forget what we promised those people back home when we asked them to send us down here.

Now, they do not want us to give the money away. They did not want a lot of things that we have done, and we have done them, but if we have done them in good conscience, that is one thing, but if we have done them for political being, for political reference, and for political expedition, then it is wrong.

To those of you that have to vote that way, you go to it, but I am going to wait until this turkey comes back around Thanksgiving and then we will find out what we are going to do with it, because I am going to vote “no.”

The SPEAKER. The Chair recognizes the gentleman from Philadelphia County, Mr. James.

Mr. JAMES. Thank you, Mr. Speaker.

Mr. Speaker, I rise at this time to encourage my colleagues to act as they did in March when this proposal was before us.

I urge them to remain steadfast to their beliefs and the concerns of our constituents and their constituents. I urge the members of this chamber to vote against SB 1441 to stop this medical time bomb before it goes any further, at least until formal or public hearings are conducted.

Mr. Speaker, this is a bill that touches every Pennsylvanian, and recent reactions by the public prove that contention.

In the past few months since we last debated this measure, you could not walk through the Capitol without witnessing the barrage of concerned citizens who traveled to Harrisburg in hundreds of buses, including those provided by our own Henry Nichols of Hospital Workers' Union 1199-C, and where three of those buses came from my district in South Philadelphia. Nor could you pick up a newspaper without reading of the widespread devastation that this bill promises if enacted.

Social workers from around the State have predicted a dreadful outcome — more homelessness and more unemployment.

Health-care workers have stated that this bill, in its original form, will cause hospital costs to skyrocket while quality medical care for the poor would decline dramatically.

Mr. Speaker, I understand this measure now includes an earlier amendment sponsored by my colleague from Philadelphia, Representative John Taylor, and another amendment that was adopted today, and more amendments and others — some good, some not so good. This is a commendable change, because it would restore medical assistance to the working poor and the medically needy of our Commonwealth.

However, Mr. Speaker, it is my fear — and I want to make sure that this is written expressly on the record so future generations understand the injustice that is about to take place — that this administration will take this mean-spirited approach of pushing this measure through a conference committee where the ultimate outcome of this bill will undoubtedly remain as originally intended.

So are we perpetrating a fraud? Working poor families, Mr. Speaker, across our Commonwealth will lose medical assistance, and able-bodied adults who cannot find work will lose their benefits. So, Mr. Speaker, I am urging that you and that my colleagues vote “no” on this bill until we have some hearings so the public can finally be involved. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Williams, from the city of Philadelphia.

Mr. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker?

The SPEAKER. Mr. Williams.

Mr. WILLIAMS. Some of my colleagues want to make sure that I am recognized appropriately — not the city of Philadelphia—

The SPEAKER. I am sorry, Mr. Williams. Would you stand closer to the microphone; I am having trouble hearing you.

Mr. WILLIAMS. Some of my colleagues want to make sure that I was recognized correctly — not the city of Philadelphia but the county of Philadelphia, and that is what they were telling me in the background. So I just wanted to make sure that was on the record.

The SPEAKER. The Chair recognizes the gentleman from the city and county of Philadelphia, the City of Brotherly Love—

Mr. WILLIAMS. Thank you, Mr. Speaker.

The SPEAKER. —that is contiguous to the great county of Delaware.

Mr. WILLIAMS. It certainly is.

The SPEAKER. My county.

Mr. WILLIAMS. My neighbor.

The word “welfare” sort of denotes a standard by which all citizens should want to arise; that is, concern and compassion for thy neighbor, the person sitting next to them. But clearly by the activities of today and probably the activities of the next coming months, unfortunately, there will be nothing well in the Commonwealth of Pennsylvania and certainly nothing fair about the legislation which we are visiting.

It is my hope — and I will be brief — it is my hope — and I will tell you this — I sat here today without an amendment, with a specific intent. I do not want my name or my signature or my testimony to be connected with this particular piece of legislation. The fact is, Representative John Taylor brought forth what people perceive to be a compromise. I perceive it to be a death warrant upon the poor. The fact is, when we were here in March — many of you recognized it — those people would bleed to death immediately, so today we have chosen a much slower path of

torture. We have merely mortally wounded them so they will bleed to death slowly.

Make no mistake about it, there is not an amendment which will serve as an apology. There is not an amendment which will correct the wrong that we are doing today. The fact is, we have put the train on the track; it is now headed down the line. Who wants to be on board when it crashes, and that means the economic crash which will result because of this legislation. Because as you all know, we are not talking about people here; we are talking about money, and that seems to be the ever-riding word as we proceed towards this budget, "money" — not people, not citizens, not constituents, not compassion, not concern for others, not welfare, but money — money so that we can put it in someone's pocket who does have the means, corporate America in Pennsylvania, and take it out of those pockets, those who are in need, most in need and most vulnerable, those who are poor and have low and moderate income in the State of Pennsylvania, and for some reason, change that philosophy.

It is my hope, Mr. Speaker, that we come back to this House in June or sometime in the future and consider the original bill. It is my hope that the plan that everybody speculates is going to happen and all of these wonderful amendments which have gone in, all these great ideas, will be stripped in that conference committee in the Senate, and that amendment that Mr. Taylor put in there, even that one I have a hope that that will come out also, because I want it to come back to this floor in its original form, and, Pennsylvanians, maybe we can do a referendum on that. Maybe we can come back with a referendum on this bill like we did earlier today on another item, and we can decide what Pennsylvanians truly want to do, and we missed that opportunity.

I guarantee you one thing: If we come back to this House with that original bill and it passes out of here, there will be a referendum in November. There will be a referendum in November, and those people in all of our districts, Republicans and Democrats, who are the most vulnerable and most in need and some of my neighbors will witness what I have told them.

We did not heed the word "welfare." We did not serve it well, nor do we serve our constituents well when we vote upon this tonight, and so I certainly encourage a "no" vote. Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Philadelphia, Mr. Taylor. Mr. TAYLOR. Thank you, Mr. Speaker.

Mr. Speaker, nobody was more critical of SB 1441 the way it came to this House than I was. I think, though, for a few reasons it is important that we move SB 1441 along and out of this chamber.

I am absolutely certain that the form that we saw it in when it came here which provided for the complete elimination of 260,000 people we will never see again. We will not see that provision again, and I really do believe that we made some progress even if the procedure was not ideal.

I think the talks that occurred, even if they were not in the format of a committee hearing, were sincere; they are real. I think many of those possible solutions and the thoughts on those solutions were embodied in the amendment that we passed today, and I am confident that in the end there will be a reasonable solution.

I would, however, just create a warning to whoever ends up on the conference committee that this House, by virtue of its passage of my amendment the last time and by virtue of the passage of a different amendment this time, will not tolerate a conference committee report that does not go a long way towards establishing

protection in the health-care area for these people and, at the same time, realize some savings.

So for those reasons, Mr. Speaker, I am going to support the passage of SB 1441 this evening.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes the lady from Philadelphia, Ms. Washington, on final passage.

Ms. WASHINGTON. Thank you, Mr. Speaker.

I would just like to submit my remarks for the record.

The SPEAKER. The Chair thanks the lady. She may submit her remarks for the record.

Ms. WASHINGTON submitted the following remarks for the Legislative Journal:

In a perfect world, we would not face the many problems we are forced to deal with every day. In a perfect world, there would be no hunger, no disease, no physical or mental illness.

There would be no drug or alcohol addictions, no domestic abuse or child abuse. There would be adequate housing, education and jobs for everyone who needs one. And of course, in a perfect world, we would not have so-called leaders who want to balance the State's budget on the backs of those who can least afford it.

But of course, we do not live in a perfect world. Every day we must deal with the issues I just mentioned: hunger, disease, physical and mental illness, drug and alcohol abuse, inadequate and insufficient housing, jobs and education.

While I cannot make this world a perfect one, I am doing all I can to make this world a better place for my constituents and all residents of this State. When SB 1441 came before us in March, I joined with the majority of my legislative colleagues to send this bill back to the committee. I hoped the bill would languish in the committee until it died a quiet death.

Unfortunately, that is not going to happen. The bill is before us today, complete with many of its punitive provisions.

(It still contains the language that would end child support pass-through payments to children, which will shortchange our children even more. The bill still includes the provisions that gut this State's good education and job training programs, trapping women in poverty. And it still includes the stipulation that the residency requirement for general assistance recipients be increased from 60 days to 12 months.)

But it is clear to me that the Governor and many of my colleagues in the House and Senate are hell-bent on balancing the State's budget on the back of the working poor. I applaud my colleagues from the other side of the aisle who realized how punitive SB 1441 is and have refused to follow the party line in supporting it.

That is why I am supporting the Taylor amendment. While I would prefer a quick death for this bill, it is pretty clear the Governor has his sights set on SB 1441 becoming law.

The Taylor amendment is a workable compromise that does not simply dump the working poor from the State assistance rolls. It moves these individuals onto a managed-care program instead of out into the street.

It acknowledges that we cannot simply turn our backs on the thousands of people who rely on the State to provide them with a medical safety net. I know that this is the right thing to do and I plan to vote in favor of Mr. Taylor's amendment.

It is expected that this bill will eventually end up in a conference committee. I urge those members who will make up this conference committee to do the right thing. I urge you to make sure that when SB 1441 is reported out of committee, that we can vote for it and at least partially ensure that we are helping the less fortunate residents of this Commonwealth.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The gentleman, Mr. James.

Mr. JAMES. Thank you, Mr. Speaker.

Mr. Speaker, I found some additional remarks that I would like to submit for the record.

The SPEAKER. The gentleman may submit his remarks for the record.

Mr. JAMES submitted the following remarks for the Legislative Journal:

Mr. Speaker, ignoring the legislative process by throwing this measure to a conference committee will prevent public policy-makers from introducing amendments to protect the needy citizens of this State, and it will continue to erode the public's ability to participate in the legislative process.

We are moving too fast.

This is a mean-spirited proposal that originally was crafted and debated behind closed doors, a proposal that now comes to us in a reckless hurry, without any concern of the impact it would have on the State's most vulnerable residents.

In an attempt to bring SB 1441 to the floor for a SECOND vote, leadership and members on the other side of the House Health and Human Services Committee hastily organized and convened a meeting in less than 24 hours.

That is not enough time for committee members to adequately study the proposal and prepare amendments. And it certainly does not provide the voters of Pennsylvania with an opportunity to find out what is going on in this chamber.

That should not be too surprising, though.

The leadership in this House has a proven record of pushing measure after measure through this chamber without the benefit of public hearings.

That includes SB 1441.

No formal public hearings have been ordered to determine the full extent of this measure. The voice of the ordinary citizen of Pennsylvania has been muffled by the majority caucus. Those individuals who will be most affected by this measure have been shut out.

Mr. Speaker, why have there been no organized efforts on behalf of this administration to convene statewide hearings? Is it because our esteemed leaders know that the majority of Pennsylvanians are insistently opposed to this mean-spirited proposal?

Mr. Speaker, why are we denying Pennsylvania citizens the opportunity to voice their concerns? This is their State, and they should be heard on public policies that will severely impact their lives. Do they not deserve a forum to discuss their concerns?

SB 1442 is a time bomb waiting to explode on the citizens of Pennsylvania. This bill is of tremendous interest not only to my constituents in Philadelphia, but to every Pennsylvanian.

That is why we desperately need public hearings to accurately assess the impact of this legislation.

Many Pennsylvanians are only one illness away from a serious health crisis. A recent survey shows:

- * Pennsylvania has the highest death rate for female breast cancer.
- * At 52.3 percent, Pennsylvania ranks first in the number of adult men with high blood pressure.
- * Pennsylvania has the second highest death rate for colon and rectum cancer, for cancer of the uterus, and it has the second highest rate of new cases in both categories.
- * Pennsylvania has the third highest death rate for diseases of the heart.
- * Pennsylvania has the fifth-highest death rate for diabetes.

This is not a time for us to be looking at ways to save costs by dismantling a system that is a matter of life and death for thousands of Pennsylvanians.

We must send a message to the residents of this Commonwealth that we do indeed care; that we are indeed compassionate.

Members from both sides of the aisle have been working to develop alternatives to offset the more than \$250 million the Governor claims he needs to balance his budget.

According to published reports, both sides have hammered out proposals that would bring our budget on-line without cutting benefits for needy Pennsylvanians.

Among some of those savings:

- * Eliminating business tax cuts proposed by Governor, \$60 million.
- * Establishing copayment provisions for recipients, \$66 million.
- * Transfer tax refund reserves, \$30 million.
- * Utilize statewide managed-care facilities, \$87.5 million.

Mr. Speaker, I would like to submit for the record a comprehensive, detailed list of those cost-saving alternatives.

And I would like to ask what has happened to those viable proposals — the proposals by both Democrats and Republicans? Why are they being ignored?

In the past several months, we have heard the cries of the thousands of individuals who are afraid they and their families could lose what minimal health-care coverage they have.

SB 1441 is not welfare reform, it is a health-care storm, a blatant assault on the health and human services of this Commonwealth.

Wrapping this bill in Representative Taylor's meaningful amendment is an ugly disguise that gets this bill back to the House floor. It is not a serious attempt to debate the issue. If it were, we would have been allowed to make changes to this measure in committee Tuesday.

Again, this is a mean-spirited attempt to get this bill moved into a conference committee, to get the bill back behind closed doors where leaders on the other side can slash away at programs designed to aid the most vulnerable residents of this State.

Do not strip the Taylor amendment in conference committee.

Otherwise, SB 1441 is vicious, careless, and neglectful.

I urge every member of this House to vote NO on SB 1441 and send it back to the House Health and Human Services Committee for public hearings.

I further urge you to vote NO and:

- * Preserve the integrity of this Commonwealth.
- * Protect health benefits for thousands of needy Pennsylvanians.
- * Demand statewide public hearings to determine the full impact of this measure.
- * Review the alternatives that would balance the budget while assuring working poor families and the medically needy retain their medical assistance.

Mr. Speaker, I urge us to vote NO on SB 1441, so we can continue working on other amendments that would assure health care for the working poor and the needy citizens of Pennsylvania.

Thank you.

Cost-saving Alternatives
to Senate Bill 1441

The House Health and Human Services Committee met twice in early April to discuss alternatives to Gov. Thomas J. Ridge's health-care reduction plan and find ways to generate the more than \$250 million the Governor claims is needed to balance the budget.

Those alternatives, which are still open for debate by House and committee members, include:

- * Federal funds to offset medical costs in State correctional system; \$22 million.
- * Rainy Day Fund (Requires fiscal code amendment); \$17.7 million.
- * Tax refund reserves; \$30 million.
- * "Prudent Person" investment guidelines for treasury; \$10 million.
- * Impact Study: Medical Fraud Information System; \$25 million.
- * Community-based options for long-term care; \$7 million.
- * Automating the Insurance Department; \$7.5 million.
- * Establishing copayment provisions for recipients; \$66 million.
- * Elimination of new Behavioral Health funds for counties; \$33.7 million.
- * Funds tied up as a result of 1995-96 budget lawsuit; \$19 million.
- * Eliminate business tax cuts proposed by Governor; \$60 million.
- * Eliminate tax credits to employers hiring low-income people; \$15 million.
- * Utilize statewide managed-care facilities; \$87.5 million.
- * Withhold the first month capitation payment to the MCO's; \$61.4 million.
- * Fund one month of FFS/MCO overlap through PEDFA; \$7.6 million.
- * Implement HealthChoices 7/1/96 without behavioral health carve; \$60 million.
- * Implement HealthChoices 10/1/96 without behavioral health carve; \$35 million.

NOTE: These figures were prepared by the House Health and Human Services Committee after meetings convened April 1, 1996, and April 2, 1996, and submitted for the record by State Rep. Harold James, D-Phila., after debate on SB 1441 on the House floor May 8, 1996.

The SPEAKER. The gentleman from Philadelphia, Mr. Oliver.

Mr. OLIVER. Thank you, Mr. Speaker.

Mr. Speaker, I, too, rise in opposition to SB 1441.

If you can recall, Mr. Speaker, I made that motion to recommit that bill back to the Human Services Committee. I did that in hopes that we would at least have some public hearings on that bill, at least we would have an opportunity to amend that bill in committee. Mr. Speaker, I can say to you at this moment, we did not have that opportunity.

The members of this House voted overwhelmingly that this should be done, and I want the members of this House to know that this was not done. The wishes that you wanted by voting for that to go back into committee, it was not done, and because of that, Mr. Speaker, I am opposed to this bill, and I would hope that all the members of this House would vote against it because of that reason. This committee did not, did not go along with their wishes by recommitting that bill to improve that bill by public hearings or amendments to it.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I think that my sentiments regarding SB 1441 are pretty clear.

The SPEAKER. The gentleman will yield.

We are closing in— We should be finished within a half an hour if we have order in the House. Now, if conversation is necessary, converse in the back rooms, the side rooms. Let us finish up the final debate in a courteous fashion.

Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I think my sentiments with respect to SB 1441 are pretty clear. What I would like to do is to just take a couple minutes and share with my colleagues from both sides of the aisle some experiences that I have had in the last 2 weeks and then issue a challenge to my colleagues from both sides of the aisle.

On Saturday of this past week, I attended the funeral of a young lady in the ninth grade who was on her way home from school and was run down as she was crossing the street. Every bone in her body was shattered. We had to go around and actually raise money to help put this young lady in the ground, because her mother's situation was such that she did not have access to health care, did not have access to other support systems that were needed.

And this Sunday, while on my way to Lincoln University for their graduation, I was informed that a young man, 13 years of age, had hung himself in his apartment in one of the housing developments in my district because he had just reached a point where he just could not take it anymore, seeing his mother going out day after day trying to find employment and no meaningful job opportunities out there, seeing his mother every month having to come up with so-called spend-downs so that she could just deal with the health problems that some of her other kids faced.

Mr. Speaker, these last 2 weeks I have seen people literally suffering through no fault of their own, either victims of fire or victims of violence or victims of hopelessness, and I share those stories with members on both sides of the aisle not because you need to know, but I share those stories with you because I hope and trust and I ask Almighty God that when we leave this chamber this evening, that we return to this chamber with a level of seriousness that speaks to the gravity of circumstances that people are facing throughout the Commonwealth of Pennsylvania.

I am ashamed of the laughter, of the get-along, of the jokes, of the political expediency that took place in this chamber this evening while we were talking about public policy that is going to affect 260,000 people. I am ashamed that we treat those situations so lightly, that we treat the people who will be affected by those situations so lightly.

Mr. Speaker, I know that we come from different parts of the Commonwealth of Pennsylvania; I know that we come to this chamber with different experiences, but I do not believe that regardless of where we come from, that we come here with ice in our veins as it relates to what is happening to people in other parts of the Commonwealth of Pennsylvania.

Since January we have been dealing with some very serious issues, some issues that come down to whether or not people are going to live or die within the next 30 to 60 days, and I think that if the constituents of your district had enough faith, had enough confidence, to send you here to represent them, that at least you can show respect to one another and at least we can deal with these issues with the kind of seriousness that is attached to the back side of these issues.

Mr. Speaker, it is disgraceful that in the Commonwealth of Pennsylvania, the only State along the Northeastern corridor, it is much easier to get a \$25,000 scholarship to go to jail and we cannot spend \$10,000 to see that a kid goes to Yale. That is disgraceful. But Pennsylvania is slowly becoming, slowly becoming a State where it is easier to go to jail than it is to go to Yale and get an education.

Public policy in Pennsylvania is becoming extremely lopsided, and the responsibility has to fall on each and every one of us. So I hope and trust that when we take this day or couple of days to do

whatever we are planning to do, that we come back with a renewed commitment to be serious about the people's business in the Commonwealth of Pennsylvania.

You do not have to be a Republican or a Democrat to show respect to one another. You do not have to be a Republican or a Democrat to be serious about what is happening to people in the Commonwealth of Pennsylvania. And I do not ever want to see a situation like we have had this evening where folks lay back and go to sleep, lay back and crack jokes, lay back and eat food, lay back and do whatever they want to do other than be serious about what is happening to people in the Commonwealth of Pennsylvania.

As a writer once said, the responsibility is with us, and now is the time for us to learn that either we learn to live together and support one another's brothers, or we will end up dying divided as fools. And, Mr. Speaker, that is what it comes down to, because we constantly must ask ourselves the question, what did we do when we had the chance to do something, that everybody that is on welfare is not shiftless and lazy and on welfare because they want to be on welfare. There are some people out there that are on welfare because their house burned down or their job got up and left Pennsylvania and went to Alabama. There are some people out there on welfare because they have no other place to go, and for us to start talking about placing conditions on them that make life difficult, more difficult than it already is, something is fundamentally wrong.

Yeah, we need to talk about reform; we need to talk about reform. We need to talk about reform and how we fund schools throughout the Commonwealth of Pennsylvania. We need to talk about reform and how we make jobs available to people. We need to talk about reform and how health care is delivered in the Commonwealth of Pennsylvania, and until we do those things, all this other stuff really does not mean anything. It really does not mean a thing.

I leave each member of this House with a clear understanding that that clock that starts at 12 will always come back to 12. Let us not ever feel as though we are so secure that tomorrow we might not be in the same situation that some of these so-called welfare recipients are in. Let us not feel so secure that tomorrow circumstances cannot hit us. Let us understand that but for the grace of God, there go I. We could be sitting in the same situation that many of these people that are on welfare are sitting in, and would we want, would we want a legislative body to take our circumstances as lightly as we took the circumstances facing 260,000 people in Pennsylvania?

Thank you, Mr. Speaker, and I urge every member, every member in good faith to put up a "no" vote, a "no" vote on SB 1441. All we did this evening is made it more egregious than it was when it came here. Thank you.

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

Mr. DeWEESE. Very briefly.

Mr. Speaker, when I think of the Taylor amendment several weeks ago and the collective effort that we made, the Democratic Caucus and 25 members of the Republican Caucus working together to try to solve Pennsylvania's health problems for poor people, I am happy in retrospection, but tonight we have poured the sweet milk of concord into hell, paraphrasing a gentleman whom you might have heard paraphrased last night. We have poured the sweet milk of concord into hell. I think that is what

Bud George said, only he said it in more earthy and direct terms. In fact, I think Mr. George's remarks are another reason for me to abbreviate my own. He said it all; he said it all.

I cannot fathom the fact that although we have strutted and fretted our hour upon the stage, so to speak, or our 8 hours or 6 hours upon this stage, we have done essentially the work of a committee. In fine-tuned legislative bodies across the country or across the world — someplace there must be one that is fine-tuned — these kinds of very arcane and complicated actions are done within a committee forum.

Today we have had 10-page amendments, Mr. Speaker, to SB 1441 that have been very casually and cavalierly acceded to. We have spent money, and some of those moneys have been proffered by some of our own Democratic members that should not have been spent or at least should have been more deliberately studied before they were spent. Tens of millions of dollars in amendments.

These are the kinds of efforts, Mr. Speaker, that committees should do. In fact, the distinguished gentleman that is the current habitue of the dais has agreed, at least to some degree with myself, that our rules need altered. And sometimes when I think retrospectively, I should have been more involved in trying to change those rules, but certainly prospectively, Mr. Speaker, somehow this chamber has got to think about the future vis-a-vis what we did here today.

Is SB 1441, Mr. Speaker, a precursor of the way our budget is going to be handled? Will the Republican Party of the House of Representatives allow this kind of Christmas-treeing, this kind of — I think that is the participle that we can invent for tonight — this kind of charade to take place during the budget? I hope not. What are Mr. Pitts and Mr. Evans and our Appropriations Committees for?

Again, I am going to relinquish the microphone in a couple of seconds, but I want to say, not only do I concur with the gentleman from Clearfield County, Mr. George, and my vote will parallel his own, I look back to the moment when 25 Republicans and the unanimous group of Democrats supported the Taylor amendment, and we thought that in committee, in that sanctum sanctorum of the Republican committee structure, that some work might be realized, that some results might be advanced, but this process, Mr. Speaker, has been helter-skelter, harum-scarum, nondeliberative, nonproductive. This has not been a good day for our General Assembly. Many poor people in the State — many poor people in this State — will have their medical benefits sundered or jeopardized, and our General Assembly, this deliberative body, was not deliberative.

And my last observation, Mr. Speaker, would be, as was said someplace in Macbeth, O full of scorpions is my mind.

The SPEAKER. What a straight line.

The gentleman, Mr. Snyder.

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, in concluding today's business, first of all I would like to thank all the members of the House. We considered over 150 amendments this afternoon, and if we are a deliberative body, I think we accomplished that goal in terms of providing the opportunity to everyone in this House to have their amendments considered, to be debated and considered. And as in a democracy, the majority shall rule. Many times we had bipartisan support for amendments and we also had bipartisan opposition to certain amendments, and I would like to thank the members for the

consideration that they gave to each of the speakers and sponsors of these amendments.

Mr. Speaker, I think Representative Taylor in his earlier remarks made it very clear, this is another step in the legislative process. It is a process that begins from point A and goes eventually to some point in the future where we will be gathering once again to give final approval to what we hope will be a very commonsense welfare and health-care reform plan for the Commonwealth of Pennsylvania.

Mr. Speaker, I feel, despite what the previous speakers have said, we have accomplished a lot today. When you look at the bill, there are many things in there that I think we can all go back to our taxpayers and substantiate the fact that we are now trying to make people more responsible who depend upon the government for assistance and support and to provide those transitions that so many people need.

REMARKS SUBMITTED FOR THE RECORD

Mr. SNYDER. Mr. Speaker, we ask for final passage of this bill, and I ask for permission to submit for the record additional remarks.

The SPEAKER. The Chair suggests the remarks be forwarded to the desk.

Mr. SNYDER submitted the following remarks for the Legislative Journal:

Welfare Reform that stresses Work, Education and Family

Pennsylvanians believe in the value and dignity of hard work. Millions of men and women around the State go off to difficult jobs every day to provide for their families. Why should they spend their hard-earned tax dollars to provide welfare benefits to those who are able to do the same? The Common Sense Welfare Reform Plan responds to those concerns. It will create an "Agreement of Mutual Responsibility" between the taxpayers who fund the benefits and the recipients by:

- * requiring recipients to seek work from the first day they are on the welfare rolls;
- * requiring recipients to work 20 hours per week after 2 years on welfare rolls;
- * requiring children under age 18 to stay in school;
- * strengthening paternity establishment to hold fathers responsible for their children;
- * requiring teenage, unwed mothers to live at home;
- * toughening residency requirements for welfare eligibility;
- * making smart investments in child care and support services, increasing funding by an unprecedented 116 percent; and
- * providing greater job training opportunities by increasing funding by 66 percent!

* * *

TALKING POINTS

House Republican Caucus
John M. Perzel, Majority Leader

WELFARE REFORM:
A Commonsense Approach

- * SB 1441 is a commonsense approach to move our less fortunate citizens from dependence to dignity. * It makes common sense for Pennsylvania to promote personal responsibility among its citizens.

Our welfare reform plan does that by requiring work in exchange for benefits.

Our welfare reform plan creates the Road to Economic Self-Sufficiency through Employment and Training, which requires 20 hours of work per week or that the recipient be engaged in work-related activity.

Those who fail to work or be in work-related activities will be penalized and in some case, will lose eligibility for assistance. Failure to meet the 20-hour work requirement without good cause will result in ineligibility for assistance.

- * It makes common sense for Pennsylvania to provide incentives for our citizens to achieve self-sufficiency.

Our welfare reform plan requires individuals to plan how they will become self-reliant, and as a condition of eligibility, individuals must sign an Agreement of Mutual Responsibility that outlines their plans.

In addition to work, our welfare reform plan requires individuals to cooperate in determining paternity; to fulfill any education obligations; to ensure their children go to school and receive immunizations and other medical care; to participate in substance abuse and treatment programs and remain substance-free; and to fulfill any payment obligations for child care.

- * It makes common sense to keep families together through parental responsibility.

Our welfare reform program requires parents to fulfill their fundamental responsibilities to their children.

All recipients must provide the proper care for their children, ensuring that they stay in school and receive the proper medical care.

Recipients under the age of 18 MUST live at home or in an adult supervised setting.

It makes common sense for Pennsylvania to reduce the systemic incentives for families to separate. Families will be able to increase their monthly living allowances while providing the proper care for their children.

- * It makes common sense to promote education among our citizens. Our welfare reform plan encourages individuals to participate in education programs by requiring recipients under the age of 18 to go to high school or enroll in a GED program.
- * It makes common sense for Pennsylvania to try to break the cycle of dependency by targeting education programs to those among us who could not otherwise work or achieve self-sufficiency without those basic education skills.
- * It makes common sense to tighten eligibility for public assistance programs so those most in need are being served.

SB 1441 restructures eligibility criteria for recipients of cash assistance and medically needy only benefits to ensure that individuals most in need are served.

Cash assistance eligibility will include: individuals with a disability that precludes them from work; individuals waiting for approval for SSI; the elderly; individuals up to the age of 21; two-parent families with children under the age of 13, or older if the child has a verified disability; a nonparental caretaker of a child under 13 or another person; a pregnant woman whose pregnancy has been medically certified; and domestic violence victims.

For general assistance, individuals must reside in this Commonwealth for at least 12 months. Individuals applying for AFDC who reside in the Commonwealth less than 12 months will receive assistance at the level of their former State or Pennsylvania, whichever is less.

- * SB 1441 increases funding for child welfare services.
- * It increases long-term care services for the elderly and disabled citizens of this Commonwealth.
- * It provides additional funding for county drug and alcohol and mental health services.
- * It is our responsibility to assure that those who are most in need receive the assistance they need; but also it is our responsibility to ensure that taxpayer dollars are spent efficiently and effectively.
- * Pennsylvania's welfare reform proposal brings personal responsibility into the system, protects those who cannot protect themselves, and protects the taxpayer who pays for the system.
- * SB 1441 preserves the medicaid program for families, children, the elderly, people with disabilities, and those who are unable to work.
- * Pennsylvania provides a comprehensive medicaid benefit package, with spending ranking 4th in the nation.
- * Pennsylvania covers more optional groups of people than 35 other States, and is only one of 15 States that still has a statewide general medical assistance program.
- * Even with proposed changes, the per capita expenditure per medicaid recipient will rise by 17 percent — from \$3,270 to \$3,912 over a 3-year period.
- * SB 1441 establishes the medicaid program to a level that the Commonwealth can reasonably expect to be able to afford under Federal medicaid reform and future General Fund availability.
- * All medicaid benefits for low-income families with children, pregnant women, the elderly, the disabled and those unable to work, are continued.
- * Those who remain eligible for medicaid include those under the age of 21, the elderly, refugees for whom Federal financial participation is available, recipients of Social Security disability benefits or applicants for Social Security Income (SSI) or disability benefits under review, and pregnant women.

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—155

Adolph	Feese	Marsico	Serafini
Allen	Fichter	Masland	Shaner
Argall	Fieagle	Mayernik	Sheehan
Armstrong	Flick	McCall	Smith, B.
Baker	Gamble	McGill	Smith, S. H.
Bard	Gannon	Melio	Snyder, D. W.
Barley	Geist	Merry	Staback
Battisto	Gigliotti	Micozzie	Stairs
Birmelin	Gladeck	Mihalich	Steelman
Blaum	Godshall	Miller	Steil
Boscola	Gordner	Mundy	Stern
Boyes	Gruppo	Nailor	Stetler
Brown	Habay	Nickol	Stish
Browne	Haluska	Nyce	Strittmatter
Bunt	Hanna	O'Brien	Sturla
Buxton	Harhart	Olasz	Surra
Carone	Hasay	Perzel	Tangretti
Chadwick	Haste	Pesci	Taylor, E. Z.
Civera	Hennessey	Petrarca	Taylor, J.
Clark	Herman	Pettit	Tigue
Clymer	Hershey	Phillips	Travaglio
Cohen, L. I.	Hess	Pitts	Trello
Colafella	Hutchinson	Platts	Trich
Colaizzo	Jadlowiec	Raymond	True
Conti	Kaiser	Readshaw	Tulli
Cornell	Kenney	Reber	Vance
Corpora	Krebs	Reinard	Vitali
Coy	LaGrotta	Roberts	Walko
Daley	Laughlin	Rohrer	Waugh
DeLuca	Lawless	Rooney	Wogan
Dempsey	Leh	Rubley	Wozniak
Dent	Lescovitz	Sainato	Wright, D. R.
Dermody	Levdansky	Santoni	Wright, M. N.
DiGirolamo	Lloyd	Sather	Yewcic
Druce	Lucyk	Saylor	Zimmerman
Durham	Lynch	Schroder	Zug
Egolf	Maitland	Schuler	
Fairchild	Major	Scrimenti	Ryan,
Fajt	Markosek	Semmel	Speaker
Fargo			

NAYS—44

Bebko-Jones	Curry	Keller	Preston
Belardi	DeWeese	Kirkland	Ramos
Belfanti	Donatucci	Kukovich	Rieger
Bishop	Evans	Lederer	Robinson
Butkovitz	George	Manderino	Roebuck
Caltagirone	Gruitza	McGeehan	Thomas
Cappabianca	Horsley	Michlovic	Van Horne
Carn	Itkin	Myers	Veon
Cawley	James	Oliver	Washington
Cohen, M.	Jarolin	Petrone	Williams
Cowell	Josephs	Pistella	Youngblood

NOT VOTING—0

EXCUSED—4

Corrigan	Farmer	King	Rudy
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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 with amendment in which the concurrence of the Senate is requested.

The SPEAKER. There will be no further votes other than the votes required for the normal housekeeping chores the Speaker has.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 2441, PN 3517 (Amended) By Rep. DURHAM

An Act defining full-service and self-service motor vehicle fuel stations; establishing minimum standards; requiring motor vehicle fuel stations to have air pumps for the public; and providing penalties.

CONSUMER AFFAIRS.

HB 2463, PN 3519 (Amended) By Rep. B. SMITH

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for definitions, for license costs and fees, for applications for licenses, for unlawful acts concerning licenses, for incident reports and assistance, for increased penalties for shooting at or causing injury to or killing another person and for license revocation; providing for contraband and forfeiture proceedings, for an additional penalty for poaching, for a felony penalty and for hunting or shooting at or causing injury to or killing another person while under the influence of alcohol or controlled substances; and further providing for the buying and selling of game.

GAME AND FISHERIES.

HB 2585, PN 3473 By Rep. B. SMITH

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, prohibiting interference with lawful fishing and boating.

GAME AND FISHERIES.

REMARKS SUBMITTED FOR THE RECORD

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

Mr. TRICH. Mr. Speaker, to offer remarks for the record.

The SPEAKER. The gentleman will send them to the desk.

Mr. TRICH submitted the following remarks for the Legislative Journal:

SB 1441 is now a better piece of legislation than it was when first introduced in March. Our actions on the floor just over a month ago were successful in protecting the medical assistance of those considered "most medically needy." More than a quarter million Pennsylvanians — most of whom are the working poor, without any means for medical insurance coverage — were able to keep their State-provided coverage.

Today we voted on a variety of welfare reform amendments, some good, and some not so good. Our efforts to make people more accountable for themselves was a necessary step in the right direction. For that reason I am supporting this legislation.

If, however, this bill is returned to this chamber with major changes, specifically those that would take away medical coverage from those working poor who are most needy, then I will reverse my vote and will oppose it.

I strongly support welfare reform. I do not agree with the non-committee system, forced on us by the Republican leadership. Nor will I support any attempt to cut medical coverage for our medically most needy for the political gain that a vote for a false welfare reform bill would generate.

VOTE CORRECTIONS

The SPEAKER. The gentleman, Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

On amendment A2570 to SB 1441, my switch malfunctioned. I would like to be recorded in the negative.

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

The gentleman, Mr. Flick, is recognized.

Mr. FLICK. Thank you, Mr. Speaker.

On amendment A2537 to SB 1441, I was out of my seat when the vote was taken. I would like to be recorded in the negative. And on amendment A2536 to SB 1441, my voting switch recorded an affirmative vote. I would like that to be recorded as a negative vote. Thank you.

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

The gentleman from Montgomery, Mr. Curry.

Mr. CURRY. Thank you, Mr. Speaker.

Mr. Speaker, on SB 1441, amendment 2535, I was out of my seat. I would like to be recorded in the affirmative. And on SB 1441, amendment A2495, my switch malfunctioned, and I would like to be recorded in the affirmative. Thank you.

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

The gentleman from Fayette, Mr. Shaner.

Mr. SHANER. Thank you, Mr. Speaker.

I would like to correct the record.

On HB 294, the motion appealing the Chair, I wish to be voted in the negative.

The SPEAKER. The remarks of the gentleman will be spread upon the record, and the Chair thanks the gentleman.

SENATE MESSAGE

HOUSE AMENDMENTS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 975, PN 1937**.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HB 1940, PN 3484

An Act amending the act of May 31, 1945 (P.L.1198, No.418), known as the Surface Mining Conservation and Reclamation Act, further providing for definitions, for operator's license, for bonds, for health and safety and for remining of previously affected areas; authorizing removal of coal refuse; further providing for financial guarantees, for reclamation bond credits and for Remining Environmental Enhancement Fund; and providing for the Department of Environmental Protection's authority for the awarding of grants.

SB 975, PN 1937

An Act amending the act of October 22, 1986 (P. L. 1452, No. 143), entitled "Adult Literacy Act," further providing for adult literacy and education; establishing and empowering the Interagency Coordinating Council; and providing for reports.

Whereupon, the Speaker, in the presence of the House, signed the same.

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 2599 By Representatives PISTELLA, OLASZ, WALKO, GIGLIOTTI, ITKIN, LAUGHLIN, YOUNGBLOOD, PRESTON, COWELL, KAISER, READSHAW and PETRONE

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for county employee retirement allowances.

Referred to Committee on URBAN AFFAIRS, May 8, 1996.

No. 2600 By Representatives STRITTMATTER, NICKOL, STERN, EGOLF, E. Z. TAYLOR, ZIMMERMAN, ARMSTRONG, ZUG, HENNESSEY, STISH, WAUGH, KREBS, CARONE, KENNEY, SAYLOR, DIGIROLAMO, MERRY, HASTE, FAIRCHILD, LYNCH, MILLER, J. TAYLOR, FLICK and FARGO

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, abolishing the Department Health and the Department of Public Welfare; establishing the Department of Health and Human Services and the Office of the Physician General; transferring certain functions, powers and duties heretofore performed by the Department of Health and the Department of Public Welfare; transferring certain boards and commissions; and making editorial changes.

Referred to Committee on HEALTH AND HUMAN SERVICES, May 8, 1996.

No. 2601 By Representatives ROBERTS, THOMAS, LAUGHLIN, BELARDI, MERRY, BOSCOLA, EGOLF and MELIO

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, providing for the mailing and handling of absentee ballot applications and absentee ballots; imposing a penalty for solicitation of registrations; further providing for violations of provisions relating to absentee electors ballots; and providing for mandatory minimum fines.

Referred to Committee on STATE GOVERNMENT, May 8, 1996.

No. 2602 By Representatives SANTONI, MERRY, ITKIN, WAUGH, GORDNER, READSHAW, LUCYK, CALTAGIRONE, HERSHEY, DeLUCA, STABACK, RUDY, BOSCOLA, TIGUE, OLASZ, MILLER, McGEEHAN, HALUSKA, FAIRCHILD, KUKOVICH, JOSEPHS, ROONEY, PISTELLA and YOUNGBLOOD

An Act amending the act of July 3, 1986 (P.L.396, No.86), entitled "An act requiring notice of rate increases, policy cancellations and nonrenewals by property and casualty insurers," prohibiting premium increases and cancellations of insurance policies in cases of certain volunteer emergency service personnel.

Referred to Committee on INSURANCE, May 8, 1996.

No. 2603 By Representatives READSHAW, HALUSKA, BEBKO-JONES, WOGAN, ARGALL, TRELLO, WALKO, LAUGHLIN, STURLA, SAINATO, HERMAN, BELARDI, STABACK, CAPPABIANCA, SHANER, MELIO, MERRY, BROWNE, BOSCOLA, VAN HORNE, BELFANTI, McCALL, DeLUCA, JAROLIN, McGEEHAN, PISTELLA, E. Z. TAYLOR, LAWLESS, DERMODY, OLASZ and GIGLIOTTI

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for the Crime Victim and Witness Assistance Fund and for surcharge and program criteria.

Referred to Committee on JUDICIARY, May 8, 1996.

No. 2604 By Representatives EGOLF, MAITLAND, FLICK, HERSHEY, COY, STERN, D. W. SNYDER, LLOYD, LUCYK, ARGALL, TRUE, WAUGH, FLEAGLE, LYNCH, FARGO, DIGIROLAMO, BAKER, PHILLIPS, SATHER, SCHULER, BIRMELIN, FESE, TIGUE, OLASZ, ARMSTRONG, E. Z. TAYLOR, LEH, HESS, CLYMER, HUTCHINSON, BROWN, CLARK, PITTS, ROHRER, MICOZZIE, STISH, SAYLOR, SCHRODER and HENNESSEY

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, defining "marriage"; and adding provisions relating to same sex marriages.

Referred to Committee on JUDICIARY, May 8, 1996.

No. 2605 By Representatives REBER, BUNT, LEH, SCHRODER, HENNESSEY, HERSHEY and STEIL

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further providing for enactment of zoning ordinance amendments.

Referred to Committee on LOCAL GOVERNMENT, May 8, 1996.

No. 2606 By Representatives E. Z. TAYLOR, MILLER, BATTISTO, COWELL, HERMAN, GEIST, BELARDI, DEMPSEY, CALTAGIRONE, CURRY, SCRIMENTI, HERSHEY, RUBLEY, FAIRCHILD, FAJT, ROEBUCK, TRELLO, FICHTER, COY, BAKER, STURLA, GORDNER, SHANER, M. N. WRIGHT, SAYLOR, SATHER, TIGUE, CLYMER, FARGO, BELFANTI, L. I. COHEN, FLICK, YOUNGBLOOD, ITKIN, CAPPABIANCA, BARD, PISTELLA, BOSCOLA, VAN HORNE and D. W. SNYDER

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for higher education equipment grants.

Referred to Committee on EDUCATION, May 8, 1996.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 368 By Representatives O'BRIEN, McGEEHAN and BUTKOVITZ

A Resolution establishing a select committee to study changes in the delivery of nursing services and the resulting impact on the quality of acute care in this Commonwealth.

Referred to Committee on RULES, May 8, 1996.

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. Do the Republican or Democrat leaders have any further business in regular session?

Do the committee chairmen have any announcements? Do the members have any announcements or corrections of the record in regular session?

Hearing none, the Chair recognizes the lady from Susquehanna, Miss Major.

Miss MAJOR. Mr. Speaker, I move that this House do now adjourn until Monday, May 13, 1996, at 1:05 p.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 8:50 p.m., e.d.t., the House adjourned.