

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, JUNE 2, 1992

SESSION OF 1992

176TH OF THE GENERAL ASSEMBLY

No. 37

SENATE

TUESDAY, June 2, 1992.

The Senate met at 2:00 p.m., Eastern Daylight Saving Time.

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

PRAYER

The Chaplain, Reverend BRUCE D. GEARHART, Pastor of Enola Emmanuel United Methodist Church, Enola, offered the following prayer:

Let us pray.

Almighty God, the God who is the strength and source of all wisdom for those who place their trust in You, prepare us now to open our lives to Your presence. We ask for You to guide and direct the minds of these Senators. Grant that their deliberations and decisions may promote Your glory and the welfare of Your people.

We extend our thanks to You, the God of creation, the sustainer and the guardian of all life, for the blessings of life that are good and holy. Many times and in many ways You have touched us, and we are ever mindful of Your presence in life.

We confess our sin and seek Your forgiveness. So very often we desire our way instead of seeking Your will. We ask Your forgiveness as we seek to understand Your will and implement it in daily living.

May we love and glory in all that is good. May we shun all that is low and mean and sinful and selfish. In our dealings and associations with our fellow human beings, may we be cheerful, generous, helpful, and forgiving. Enable us to be more like You, strong in our hope for a better world in tune with Your will.

Almighty God, hear our prayer of thanksgiving, receive our prayer of confession, and send Your blessing upon all who are gathered in this place at this time.

We pray in the name of Christ. Amen.

The PRESIDENT pro tempore. The Chair thanks the gentleman, Reverend Gearhart, who is the guest today of Senator Hopper.

JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 1, 1992.

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

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE AMENDMENTS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to House amendments to **SB 559**.

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 758**, with the information the House has passed the same without amendments.

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 9**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT pro tempore. Pursuant to Senate Rule XV, Section 5, this bill will be referred to the Committee on Rules and Executive Nominations.

BILLS INTRODUCED AND REFERRED

The PRESIDENT pro tempore laid before the Senate the following Senate Bills numbered, entitled and referred as follows, which were read by the Clerk:

June 2, 1992

Senators BRIGHTBILL, SHAFFER, LEMMOND, RHOADES, FATTAH, JUBELIRER, REIBMAN, GREENWOOD, STEWART, SHUMAKER, PETERSON, HART, LOEPER, WENGER, FISHER, MUSTO, SCANLON, SCHWARTZ, O'PAKE, AFFLERBACH, DAWIDA and JONES presented to the Chair **SB 1789**, entitled:

An Act amending the act of July 10, 1989 (P. L. 313, No. 52), entitled "Industrial Communities Action Program Act," providing for definitions; broadening the scope of eligible project activ-

ities and eligibility requirements; and extending the time under which grants shall be awarded by the department pursuant to this act.

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, June 2, 1992.

Senators MELLOW, FATTAH, REIBMAN, RHOADES, ANDREZESKI, MADIGAN, STAPLETON, O'PAKE, LINCOLN, BELAN, SCHWARTZ, STOUT, BORTNER, SHUMAKER and LEMMOND presented to the Chair **SB 1790**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for credited school service and for termination of annuities.

Which was committed to the Committee on FINANCE, June 2, 1992.

GENERAL COMMUNICATION

LIST OF LOBBYISTS AND ORGANIZATIONS

The PRESIDENT pro tempore laid before the Senate the following communication, which was read by the Clerk as follows:

SENATE OF PENNSYLVANIA

June 1, 1992

To the Honorable, the Senate of the Commonwealth of Pennsylvania
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from May 1, 1992 through May 31, 1992 inclusive, for the 176th Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:
MARK R. CORRIGAN
Secretary
Senate of Pennsylvania
JOHN J. ZUBECK
Chief Clerk
House of Representatives

(See Appendix for complete list.)

BILLS SIGNED

The PRESIDENT pro tempore (Robert C. Jubelirer) in the presence of the Senate signed the following bills:

SB 559 and 748.

REPORTS FROM COMMITTEE

Senator SHAFFER, from the Committee on Community and Economic Development, reported the following bills:

SB 437 (Pr. No. 462)

An Act amending the act of August 23, 1967 (P. L. 251, No. 102), entitled, as amended, "Industrial and Commercial Development Authority Law," further providing for projects eligible for financial assistance; expanding the activities for which bond proceeds may be used; providing for alternative forms of financing using sources of funds other than bond proceeds; further providing for financing by authorities and the Pennsylvania Economic Development Financing Authority; and eliminating certain approvals by the Secretary of Commerce.

SB 1788 (Pr. No. 2280)

An Act amending the act of July 10, 1986 (P. L. 1263, No. 116), entitled "Community Services Act," extending the expiration date of the act.

SB 1789 (Pr. No. 2296)

An Act amending the act of July 10, 1989 (P. L. 313, No. 52), entitled "Industrial Communities Action Program Act," providing for definitions; broadening the scope of eligible project activities and eligibility requirements; and extending the time under which grants shall be awarded by the department pursuant to this act.

HB 1136 (Pr. No. 3696) (Amended)

An Act establishing the Pennsylvania Quality Leadership Awards, the Pennsylvania Quality Leadership Awards Council, the Pennsylvania Quality Leadership Foundation and criteria and a selection process for the awards; and providing for presentation of the awards.

SPECIAL ORDER OF BUSINESS

GUESTS OF SENATOR MICHAEL A. O'PAKE PRESENTED TO THE SENATE

Senator O'PAKE. Mr. President, we have in the gallery two generations of distinguished Berks Countians, and I would like the Chair to extend its usual warm welcome to Dr. Rocco Chirieleison, who is the immediate past president of the staff at Reading Hospital, and his father, who is here celebrating his 80th birthday, Mr. Frank Chirieleison. The third generation is also here, but I think he is still parking the car. That is Michael Chirieleison. But Dr. Chirieleison and his father, Frank, are now in the gallery, and I would like the body to recognize this fine family from Berks County.

The PRESIDENT pro tempore. Would the guests of Senator O'Pake who are in the gallery please rise so the Senate may give you a warm welcome.

(Applause.)

RECESS

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate for the purpose of a Republican caucus to begin immediately in the first floor Majority Caucus Room, with an expectation of returning to the floor at approximately 3:45 p.m.

Senator STAPLETON. Mr. President, I would ask the Democrats to stand by and we will call a caucus as soon as our leaders get back.

The PRESIDENT pro tempore. For the purpose of a Republican caucus to begin immediately in the first floor caucus room, and asking that the Senate Democrats stand by for further announcements as to their caucus, the Senate will stand in recess.

AFTER RECESS

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

The PRESIDENT. The time of recess having expired, the Senate will come to order.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Appropriations to meet off the floor during today's Session to consider Senate Bills No. 1736, 1747 through and including 1785, and House Bills No. 1320, 1323, 2172 and 2696.

LEGISLATIVE LEAVES

Senator STAPLETON. Mr. President, I request a legislative leave for Senator Lynch, and temporary Capitol leaves for Senator Bortner and Senator Fattah.

The PRESIDENT. Senator Stapleton requests legislative leave for Senator Lynch, and temporary Capitol leaves for Senator Bortner and Senator Fattah. The Chair hears no objection. Those leaves will be granted.

LEAVES OF ABSENCE

Senator LOEPER asked and obtained leave of absence for Senator PECORA, for today's Session, for personal reasons.

Senator STAPLETON asked and obtained leave of absence for Senator FUMO, for today's Session, for personal reasons.

CALENDAR

SB 1597 CALLED UP OUT OF ORDER

SB 1597 (Pr. No. 2284) — Without objection, the bill was called up out of order, from page 4 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1597 (Pr. No. 2284) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 9, 1963 (P. L. 643, No. 341), entitled "First Class City Public Education Home Rule Act," further providing for grant of powers and authority relating to an elected school board with taxation powers.

Considered the third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

Senator MELLOW. Mr. President, this bill basically is the amendment that was offered yesterday by the gentleman from Philadelphia, Senator Salvatore, and there were many of us who took a position against that particular amendment yesterday.

Therefore, I would ask for a negative vote on the bill.

And the question recurring,
Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Senator MELLOW. Mr. President, I would like to change Senator LYNCH's vote from "aye" to "no."

The PRESIDENT. The gentleman will be so recorded.

Senator STOUT. Mr. President, I would like to change my vote from "aye" to "no."

The PRESIDENT. The gentleman will be so recorded.

Senator SCANLON. Mr. President, I would like to change my vote from "aye" to "no."

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—28

Afflerbach	Greenleaf	Lemmond	Rhoades
Armstrong	Greenwood	Loeper	Robbins
Baker	Hart	Madigan	Salvatore
Bell	Helfrick	O'Pake	Shaffer
Brightbill	Holl	Peterson	Shumaker
Corman	Hopper	Punt	Tilghman
Fisher	Jubelirer	Reibman	Wenger

NAYS—20

Andrezeski	Fattah	Lynch	Schwartz
Belan	Jones	Mellow	Stapleton
Bodack	LaValle	Musto	Stewart
Bortner	Lewis	Porterfield	Stout
Dawida	Lincoln	Scanlon	Williams

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

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED

BILL OVER IN ORDER

SB 402 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

THIRD CONSIDERATION CALENDAR

BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 1378 and 1572 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AMENDED

SB 37 (Pr. No. 37) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the identification of drivers of vehicles.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator CORMAN, by unanimous consent, offered the following amendment No. A2092:

Amend Sec. 1 (Sec. 1554), page 1, line 10, by striking out “titled or”

Amend Sec. 1 (Sec. 1554), page 2, lines 1 through 6, by striking out all of said lines and inserting:

B(i) The registrant of a vehicle which was leased or rented to another person at the time of the accident or violation.

(ii) The registrant of a vehicle listed by the police as having been stolen at the time of the accident or violation.

Amend Sec. 1 (Sec. 1554), page 2, line 8, by striking out “titled or”

Amend Sec. 1 (Sec. 1554), page 2, lines 11 through 22, by striking out all of said lines and inserting:

subsection (a)(1), the department shall suspend the registration of the vehicle and the operating privilege of the person for a period of six months, except that, if the motor vehicle is registered in the name of a firm, copartnership, association or corporation, the registration of the vehicle and the operating privileges of the individual to whom the vehicle was assigned shall be suspended.

(2) It is the duty of the police officer:

(i) to inform the person that the person’s operating privilege and vehicle registration will be suspended upon refusal to reveal the identity of the driver of the vehicle; and

(ii) to notify the department on a form prescribed by the department of the person’s refusal to reveal the identity of the driver.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator CORMAN.

BILLS OVER IN ORDER

HB 211 (Pr. No. 3494) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the issuance of special registration plates for veterans of the Korean War and for veterans of the Persian Gulf War.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair would first recognize the presence of Senator Fattah, who has been listed on temporary Capitol leave. That leave will be cancelled.

And the question recurring,

Will the Senate agree to the bill on third consideration?

Senator FATTAH, by unanimous consent, offered the following amendment No. A2027:

Amend Title, page 1, line 4, by removing the period after “War” and inserting: ; authorizing the Insurance Department to grant the exclusive right to provide automobile insurance in cities of the first class to a single carrier; making an appropriation; and making a repeal.

Amend Bill, page 2, line 16, by striking out all of said line and inserting:

Section 2. Part II of Title 75 is amended by adding a chapter to read:

CHAPTER 25

MISCELLANEOUS PROVISIONS RELATING TO INSURANCE

Subchapter

A. Single Carrier Automobile Insurance Plan for Cities of First Class

SUBCHAPTER A

SINGLE CARRIER AUTOMOBILE INSURANCE PLAN FOR CITIES OF FIRST CLASS

Sec.

2501. Legislative findings.

2502. Definitions.

2503. Intent to bid.

2504. Awarding of contract.

2505. Consumer advocate for private passenger automobile insurance in cities of first class.

2506. Antitrust provisions.

2507. Uninsured motorist crackdown.

2508. Fast track arbitration.

2509. Studies and reports.

2510. Responsibility for costs.

2511. Property Insurance Guarantee Program not affected.

2512. Plan to be self-sustaining.

2513. Rules and regulations.

§ 2501. Legislative findings.

For many years, the General Assembly, through the House and Senate Insurance Committees, has seen and heard extraordinary evidence that included fact-findings, research, consumer complaints and public hearings on the issue of automobile insurance. Further, through studies done by the Insurance Department, the Governor’s Office and a series of investigative reports written by area newspapers, the overwhelming conclusion is that affordable and accessible automobile insurance does not exist in cities of the first class. Therefore, the General Assembly, by this subchapter, directs that the Insurance Department be given the power to grant the exclusive right to provide automobile insurance in cities of the first class to a single carrier selected through a competitive bid process, as provided for in this subchapter.

§ 2502. Definitions.

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

“Commissioner.” The Insurance Commissioner of the Commonwealth.

“Department.” The Insurance Department of the Commonwealth.

§ 2503. Intent to bid.

(a) Prebid.—Thirty days prior to the opening of bids for the exclusive right to provide automobile insurance in cities of the first class, the department shall promulgate rules and regulations for prequalification of bidders. Nothing in the rules and regulations shall prohibit the submission of bids from new corporations that otherwise meet the department's licensing standards for automobile insurance. All prospective bidders shall meet financial means tests set forth by the department. After the adoption of regulations regarding bidding, the department must publish in the Pennsylvania Bulletin a notice that a bidding process for the exclusive right to provide automobile insurance for cities of the first class has been established. The department shall also send such notice to all automobile insurance carriers doing business in this Commonwealth at the same time the notice is being published in the Pennsylvania Bulletin. The time within which a bid may be received shall be within 120 days from the date of publication in the Pennsylvania Bulletin.

(b) Bid process.—

(1) The initial bid shall be in compliance with the following:

(i) The length of the contract under the initial bid shall be five years.

(ii) All bids shall reflect premium costs to motorists of the city, excluding taxes, and be at least 20% below automobile insurance rates currently in effect for a substantial number of drivers (e.g., over 95% of motorists in cities of the first class).

(iii) The rate structure should speak to a one-year period. Increases shall be based on actual claims experience. The department shall promulgate additional rules relating to rate increases.

(iv) Joint ventures shall be allowed between one or more companies.

(v) Any assignment of responsibility under joint venture arrangements shall be at the discretion of the parties and shall be included as part of the bid submission.

(2) Rebidding shall occur at subsequent three-year intervals. Future bids shall give preference to the original single carrier bidder. This preference shall fall within 5% of the present lowest bid.

(3) The single carrier shall be required to give a one-year notice before the termination or cancellation of the contract. The department shall promulgate additional rules relating to termination.

§ 2504. Awarding of contract.

(a) Criteria.—Contracts for the exclusive right to provide automobile insurance in cities of the first class shall be awarded on the basis of the following criteria:

(1) The lowest premium cost to motorists of the city.

(2) The department's determination of the efficiency and effectiveness of the single carrier's ability to serve the city market.

(3) Favorable review of prospective bidder's Business Servicing Plan and Solvency provisions.

(4) Inclusion of probability study that would illustrate how prospective bidders would achieve premium reductions for automobile insurance.

(b) Options.—Any of the following options may be included in any bid at the time of its submission to the department:

(1) The department shall allow, within the bidding process, a retrospective rating approach to be utilized by bidders if, at the end of the year, the single carrier's premium dollars represent less than the actual costs, the department shall allow the single carrier to recoup 50% of its losses if such losses fall within 10% of the initial bid rate. If costs are under the premiums charged, the single carrier shall refund 50% as a credit on next year's premium.

(2) An innovative automobile theft prevention program. The department shall require motorists in cities of the first class, in order to obtain coverage, to participate in a program designed to more efficiently track and/or protect vehicles in case of theft. Motorists shall have a range of options that reflect individuals' financial ability to comply with this program.

(3) An Assigned Risk Plan. Bids may include provisions which address reductions for those individuals who have been placed in assigned risk categories.

(4) Health Care Cost Containment provisions. Plans may reflect tentative agreements with interested health care providers.

(5) Fee schedules for property damage and replacement. Bidders may utilize existing fee schedules for property damages and replacement as part of their cost containment measures.

(c) Determination.—The department shall make preliminary determinations on each submitted bid within 120 days of its receipt. The department shall not make a determination on any bid until all bids have been received. The department shall make its final decision regarding the award of the exclusive single carrier right within 30 days of the last bid which has been reviewed by the department.

(d) Review.—Any rejected bidder may request an independent review of its bid by the House and Senate Insurance Committees.

(e) Existing personnel.—Bidders shall make a good faith effort to utilize existing personnel involved in servicing the Pennsylvania market as of July 1, 1991.

(f) Notification.—The Department of Transportation, in cooperation with the Insurance Department, shall, within 45 days of the awarding of a contract, notify all motorists in the city of the first class of the new single carrier system.

(g) Information packet.—Within 60 days of the awarding of a contract, the department and single carrier shall design a City of the First Class Motorist Information Package. This package shall include a letter that, by its return, will indicate acceptance of the single carrier system.

§ 2505. Consumer advocate for private passenger automobile insurance in cities of first class.

(a) Establishment.—After contract is awarded, there is hereby established within the department an Office of Automobile Insurance Advocate to represent the interests of private passenger automobile insurance consumers in cities of the first class before the department. The Automobile Insurance Advocate shall be within the department for administrative purposes only, and no official within the department shall exercise any policy influence whatsoever over the performance of that office.

(b) Qualifications.—The Automobile Insurance Advocate shall be a person who by reason of training, experience and attainment is qualified to represent the interests of automobile insurance consumers in cities of the first class. Compensation shall be set by the Executive Board. The Automobile Insurance Advocate shall be appointed by the Governor by and with the consent of two-thirds of the members of the Senate.

(c) Restrictions.—No individual who serves as Automobile Insurance Advocate shall, while serving in such position, engage in any business, vocation or other employment or have other interests inconsistent with his official responsibilities, nor shall he seek or accept employment nor render beneficial services for compensation with any insurance company offering automobile insurance in this Commonwealth during the tenure of his appointment and for a period of two years after the appointment is served or terminated.

(d) Employees.—The Automobile Insurance Advocate may appoint attorneys as assistant automobile insurance advocates and such additional clerical, technical and professional staff as

needed and may contract for any additional services as shall be necessary for the performance of all functions. The compensation of all employees shall likewise be set by the Executive Board.

(e) Authorization.—In addition to any other authority conferred by this subchapter, the Automobile Insurance Advocate is authorized, in carrying out responsibilities under this subchapter, to represent the interests of automobile insurance consumers in cities of the first class as a party, or otherwise participate for the purpose of representing an interest of such consumers, before the commissioner and before any court or agency, initiating proceedings, if in his sole judgment such may be necessary, in connection with any matter involving the regulation of automobile insurance companies providing coverage to consumers in cities of the first class. The representation may include actions before the commissioner as well as before any regulatory agency of the United States or any Federal or State court as may from time to time be required.

(f) Exercise of discretion.—The Automobile Insurance Advocate may exercise discretion in determining the interests of insurance consumers that will be advocated and in determining whether or not to participate in or initiate any particular proceeding. The Automobile Insurance Advocate may refrain from intervening or otherwise representing any particular interest of automobile insurance consumers when and if he makes a judgment that such is not necessary or practical in a particular case.

(g) Actions.—Any action brought by the Automobile Insurance Advocate before a court or an agency shall be brought in the name of the Automobile Insurance Advocate. Additionally, the advocate may name a consumer or group of consumers in whose name the action may be brought or may join with a consumer or group of consumers in bringing any action.

(h) Funding.—Funds for the establishment of the Office of Automobile Insurance Advocate shall be derived from a levy upon all automobile insurance premiums written within the city of the first class. This additional levy shall consist of a 1/2% tax upon the annual premiums of all automobile insurance policies written during the preceding calendar year in cities of the first class. Revenues from this additional tax shall be used in equal amounts to fund the following areas:

(1) The Office of Automobile Insurance Advocate.

(2) The Economic Adjustment Plan to be administered by the Department of Labor and Industry for those employees or agents of insurance carriers adversely affected by this subchapter. The plan shall deal with job training, relocation and related issues.

(i) Nonexclusive.—Nothing contained in this subchapter shall in any way limit the right of any individual consumer or group of consumers to bring any proceeding before either the commissioner or any court.

(j) Responsibility of department.—Nothing contained in this subchapter shall be construed to impair the statutory authority or responsibility of the department to regulate automobile insurance providers in cities of the first class in the public interest.

(k) Reports.—The Automobile Insurance Advocate shall annually provide to the Governor, the Insurance Committees of both Houses of the General Assembly and the general public a report on the conduct and performance of the office. The Automobile Insurance Advocate shall make recommendations as may from time to time be necessary or desirable to protect the interests of automobile insurance consumers.

(l) Rules and regulations.—The department shall promulgate rules and regulations that empower the Automobile Insurance Advocate to conduct annual managerial and efficiency audits of the single carrier.

§ 2506. Antitrust provisions.

(a) General rule.—The General Assembly finds as a fact that the single carrier automobile insurance plan for cities of the first class can only be successful if insurance carriers do not make agreements among themselves either to:

(1) refuse to participate in the plan; or

(2) fix their responses to requests for proposals relating to premiums, services, benefits or any other material factor in such a proposal.

(b) Prohibited acts.—With the exception of arrangements specifically permitted by subsection (c):

(1) No person legally eligible to participate as the single carrier of a plan or otherwise providing automobile insurance in this Commonwealth shall:

(i) Agree or conspire with any other person to refuse to participate in a plan.

(ii) Agree or conspire with any other person to refuse to submit a proposal in response to a request for proposals regarding a plan.

(2) No person legally eligible to participate as the single carrier of a plan or otherwise providing automobile insurance in this Commonwealth shall:

(i) Agree or conspire with any other person with regard to rates, scope of service or any other material features of a response to a plan request for proposal.

(ii) Discuss with any other person contents of a plan request for a proposal or the response to a request for a proposal prior to the date and time for the final submission of proposals except in the presence of a representative of the commissioner or at a prebid conference formally called by the commissioner.

(c) Exceptions.—The provisions of subsection (b)(2) shall not apply to discussions and agreements relating to subcontracting of discreet portions of the plan set forth in the request for proposals nor to discussions and agreements relating to reinsurance.

(d) Act of delinquency.—Any insurer or other person described in section 502 of the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of one thousand nine hundred and twenty-one, who violates the provisions of this section shall be deemed to have committed an act of delinquency and may be subject to summary proceedings under sections 510 through 513 of The Insurance Department Act of one thousand nine hundred and twenty-one as well as provided grounds for rehabilitation and may be subject to formal proceedings under Article V of The Insurance Department Act of one thousand nine hundred and twenty-one.

(e) Criminal offense.—Any person who violates this subsection commits a felony of the third degree.

§ 2507. Uninsured motorist crackdown.

The Department of Transportation, within 30 days of awarding a contract, may enter into an agreement with the single carrier that is designed jointly by the Insurance Department and the Department of Transportation and provides an effective mechanism for monitoring uninsured motorists in cities of the first class.

§ 2508. Fast track arbitration.

(a) Establishment.—A 100-day binding arbitration process shall be established for the purpose of resolving automobile insurance claims in cities of the first class. In an action arising under an insurance policy, if the court finds that the insurer has acted in bad faith toward the insured, the court may take all of the following actions:

(1) Award treble damages on the amount of the claim.

(2) Award punitive damages against the insurer.

(3) Assess court costs and attorney fees against the insurer.

(b) Binding arbitration.—A binding arbitration process shall be established by regulation.

(c) Immunity.—An insurance company which agrees to binding arbitration shall be immunized from bad faith actions on first party claims.

(d) Rules and procedures.—Rules and procedures for the fast track arbitration system shall be promulgated by the Attor-

ney General and the Insurance Commissioner. The rules and procedures must be approved by the House and Senate Judiciary Committees and shall be adopted in accordance with the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

§ 2509. Studies and reports.

Within one year after the award of a contract pursuant to this subchapter, the department shall study and issue a report regarding the premiums charged and profitability of those insurance carriers doing business throughout this Commonwealth that are no longer underwriting policies in the city of the first class as a result of this subchapter.

§ 2510. Responsibility for costs.

The department shall insure that all costs associated with this plan are solely the responsibility of the single carrier and insured motorists of the city of the first class.

§ 2511. Property Insurance Guarantee Program not affected.

Any losses that occur under the plan shall not in any way affect the State Property Insurance Guarantee Association.

§ 2512. Plan to be self-sustaining.

The single carrier automobile insurance plan for cities of the first class shall be self-sustaining and shall not receive subsidies in any form.

§ 2513. Rules and regulations.

The department may promulgate any rules and regulations it may deem necessary to carry out the provisions of this subchapter as long as such rules and regulations are in keeping with the provisions of this subchapter.

Section 3. The sum of \$1,000,000, or as much thereof as may be necessary, is hereby appropriated to the Office of Automobile Insurance Advocate for start-up expenses for that office prior to receipt of the revenues to be derived by means of the levy imposed by this act. This sum shall be repaid to the General Fund within five years of the effective date of this act.

Section 4. The provisions of 75 Pa.C.S. Ch. 17 Subch. D are repealed insofar as they are inconsistent with this act.

Section 5. This act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

Senator FATTAH. Mr. President, as we approach now July when the caps will be removed from the savings that were set in place in Act 6, even with those savings, Philadelphians still pay the highest rates in the nation, and as the caps come off we further exacerbate a situation in Philadelphia that has not been relieved in any way by Act 6.

As part of Act 6, there was a study commissioned by the department to look at a proposal to create a single carrier for the City of Philadelphia in which we would, through the Insurance Department, bid out the exclusive right to write auto insurance through one company, under the theory that by the economies of scale in the Philadelphia market and creating a short-term monopoly we could lower the rates in Philadelphia, something that we have not managed to do with all of the reforms that I have participated in here over the years for drivers.

This amendment will create a system in which the Insurance Department would have the ability to entertain proposals from insurance companies to bid on the Philadelphia market and, within the department's discretion, to analyze the financial solvency and the servicing plans of these proposed bidders and to make a determination.

I offer this amendment today with hope that my colleagues, which a significant number, if not a majority, supported when we were involved in the Act 6 debate.

I thank you.

Senator HOLL. Mr. President, first, I would like to tell the Members of the Senate that the Insurance Department opposes this amendment. This amendment, this concept, is not approved by the Pennsylvania Insurance Department. This fact has been made well-known, and I am sure that the gentleman from Philadelphia, Senator Fattah, is aware of that situation.

There are serious problems involving this concept. The proposal does not address the reasons auto insurance rates in Philadelphia are as expensive as they are. It does not address that problem, namely; excessive claims, particularly for bodily injury coverage; excessive claims, the high frequency of claims for bodily injury, including such serious items as fraud.

A recent survey found that Philadelphia has about 70 bodily injury claims for every 100 accidents. I will say that again. For every 100 automobile accidents in Philadelphia, there are about 70 bodily injury claims. This is the highest in the United States, the highest in the country. This compares with 15 to 18 bodily injury claims for Pittsburgh, Harrisburg, and other cities. This proposal does nothing to stop this situation.

The proposal does not address the many practical problems that a single carrier would create. One, it has to do with the regulating of the single carrier. This proposal, this amendment, does not contain information in any way as to keep the carrier on the risk or to reprimand the carrier if it breaks the law. It does not deal with reserves.

Philadelphia consumers would become hostages of the single carrier. It does not address the problem as to what would happen with the existing market in Philadelphia, such as Keystone, AAA, and other insurance carriers, including the assigned risk. The single carrier's rates, the professed rate reduction would only last for one year. After that, there is no control. The mandated rates as set forth in the amendment would last for only one year, and then the sky would be the limit, either of the rates or of any other reason which might change in that period of time.

A very important item involved in this proposal is the solvency of the carrier. There is virtually nothing to promote or preserve the single carrier's solvency beyond allowing the Insurance Department to set up initial financing requirements. But that is not sufficient. We are toughening the solvency standards for insurers all over Pennsylvania, and it makes no sense to weaken them for a single carrier in Philadelphia, which is a very risky area.

This proposal will benefit only one party, the administrator or the carrier who gets the contract. That is the only party that gets money without any risk or future obligations, and that is a very serious consideration.

Consumers have no safety net. If the single carrier fails, there is no guaranteed fund, as found with other insurance

companies. It is a pie-in-the-sky proposal that has no factual basis, and I urge that the Members of the Senate oppose this amendment.

Senator FATTAH. Mr. President, first of all, the words of the gentleman from Montgomery, Senator Holl, are word for word from what has been passed out, I believe, to all of the Members. It is from the Insurance Federation of Pennsylvania and their positions on this single carrier proposal.

I met with the Acting Insurance Commissioner last evening, and it is not the position of the Insurance Department to oppose this amendment. So that is the first factual thing I would like to correct.

Secondly, what is of import is that there is currently but one proposal to do anything about the high rates that Philadelphians pay in terms of auto insurance. They pay the highest rates in the nation. There is only this proposal, and the Chair of the Committee on Banking and Insurance, I think, is well aware of that. This proposal would provide that the State Insurance Department be given the obligation to determine the financial solvency of any company that would be a prospective bidder, and that they ensure the public in Philadelphia that that company had the kind of financial wherewithal to provide this service.

In addition to that, the basic premise of insurance is that by sharing the risk we could have, I think, the kinds of protections that we need at a reasonable cost, and that is what we attempt to do here. In Philadelphia, we have a number of monopolies that operate in the public for public services - electric, gas, water - in order to lower the cost for a lot of people who live in a very congested urban area.

I believe that in the area of auto insurance we can accomplish the same thing. In fact, the Insurance Department has conducted two studies which have determined that the most economical way to provide auto insurance to Philadelphians is through a single carrier, and that that can be done at substantial reductions in rates by Philadelphians. The only question that the department has raised is whether any company will bid.

This amendment will give the department the right to receive bids, and I believe that we can see in the marketplace whether or not we will have companies that would be willing to come forward and to look at a market which generates some \$700 million in policy premiums each year, some 400,000 motorists, and that we could give to them an opportunity to have affordable and accessible auto insurance.

So I would ask that our Members here understand a couple of things. One is that you have insurance companies throughout the State that are saying that they are charging your constituents more money because they are losing money in the Philadelphia market. This plan would create a single carrier that could both, one, run a profitable operation in Philadelphia; and secondly, relieve those companies that have to operate in Philadelphia from losing money if they are, indeed, losing money now and therefore, surcharging your constituents throughout the State.

This amendment requires that if there is going to be a single carrier, that the Insurance Department determine that they are solvent financially. And it also requires that this plan be self-sufficient and that there be no subsidies whatsoever, and that we use the combined premiums paid by Philadelphians to pay for the auto insurance coverage for Philadelphians, and that we provide it through a single carrier system. And we may take note that in the national debate on health care, there is a lot of dialogue about using a single payer system, and by creating a single payer that perhaps there could be cost containment.

That is the thrust of this amendment as it relates to auto insurance, and I would ask that my colleagues in the Senate give this opportunity to proceed for a single carrier, to give it light in terms of allowing a company to come forward and to make a reasonable proposal to the Insurance Department in this regard.

Thank you very much.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Bortner. His temporary Capitol leave will be cancelled.

LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, Senator Salvatore, Senator Baker, Senator Brightbill and Senator Helfrick have been called from the floor to their offices, and I would request temporary Capitol leaves on their behalf.

The PRESIDENT. Senator Loeper requests temporary Capitol leaves for Senator Salvatore, Senator Baker, Senator Brightbill and Senator Helfrick. There seems to be no objection to the temporary Capitol leaves, and those leaves will be granted.

Senator MELLOW. Mr. President, I also would like to add Senator Williams to that list.

The PRESIDENT. Senator Mellow requests a temporary Capitol leave for Senator Williams. The Chair hears no objection. That leave will be granted as well.

And the question recurring,
Will the Senate agree to the amendment?

The yeas and nays were required by Senator FATTAH and were as follows, viz:

YEAS—21

Andrezeski	LaValle	Musto	Schwartz
Belan	Lewis	O'Pake	Stapleton
Bodack	Lincoln	Porterfield	Stewart
Dawida	Lynch	Reibman	Stout
Fattah	Mellow	Scanlon	Williams
Jones			

NAYS—27

Afflerbach	Fisher	Jubelirer	Robbins
Armstrong	Greenleaf	Lemmond	Salvatore
Baker	Greenwood	Loeper	Shaffer
Bell	Hart	Madigan	Shumaker
Bortner	Helfrick	Peterson	Tilghman
Brightbill	Holl	Punt	Wenger
Corman	Hopper	Rhoades	

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

The PRESIDENT. House Bill No. 211 will go over in its order.

SB 424 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AMENDED

SB 629 (Pr. No. 1673) — The Senate proceeded to consideration of the bill, entitled:

An Act providing limitations on contracts for dating services, for cancellation of dating service contracts, and for violations of the act.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator GREENLEAF, by unanimous consent, offered the following amendment No. A2135:

Amend Sec. 4, page 6, line 4, by inserting after "certified": or registered

Amend Sec. 5, page 7, line 28, by striking out "and" and inserting: or

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator GREENLEAF.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 862 (Pr. No. 2162) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, adding and revising provisions relating to condominiums; and making editorial changes.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

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

YEAS—48

Afflerbach	Fisher	Lincoln	Robbins
Andrezeski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Lynch	Scanlon
Baker	Hart	Madigan	Schwartz
Belan	Helfrick	Mellow	Shaffer
Bell	Holl	Musto	Shumaker
Bodack	Hopper	O'Pake	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams

NAYS—0

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

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

SB 863 (Pr. No. 2163) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, adding provisions relating to real estate cooperatives.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

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

YEAS—48

Afflerbach	Fisher	Lincoln	Robbins
Andrezeski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Lynch	Scanlon
Baker	Hart	Madigan	Schwartz
Belan	Helfrick	Mellow	Shaffer
Bell	Holl	Musto	Shumaker
Bodack	Hopper	O'Pake	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams

NAYS—0

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

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

SB 888 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL OVER IN ORDER TEMPORARILY

SB 1233 — Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1487 (Pr. No. 1796) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 6, 1963 (P. L. 521, No. 277), entitled "An act providing that probation officers shall have the power of peace officers in the performance of their duties," further providing for powers of probation officers.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

LEGISLATIVE LEAVES

Senator MELLOW. Mr. President, prior to taking the roll, I would ask for temporary Capitol leaves for Senator Porterfield and Senator Scanlon, who have both just been called to their offices.

The PRESIDENT. Senator Mellow asks for temporary Capitol leaves for Senator Scanlon and Senator Porterfield. The Chair hears no objection. Those leaves will be granted.

Senator LOEPER. Mr. President, in addition to that, I would also request a temporary Capitol leave for Senator Peterson.

The PRESIDENT. Senator Loeper requests a temporary Capitol leave for Senator Peterson. The Chair hears no objection. That leave will be granted as well.

And the question recurring,
Shall the bill pass finally?

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

YEAS—47

Afflerbach	Fisher	Lincoln	Salvatore
Andrezeski	Greenleaf	Loeper	Scanlon
Armstrong	Greenwood	Lynch	Schwartz
Baker	Hart	Madigan	Shaffer
Belan	Helfrick	Mellow	Shumaker
Bell	Holl	Musto	Stapleton
Bodack	Hopper	O'Pake	Stewart
Bortner	Jones	Peterson	Stout
Brightbill	Jubelirer	Punt	Tilghman
Corman	LaValle	Reibman	Wenger
Dawida	Lemmond	Rhoades	Williams
Fattah	Lewis	Robbins	

NAYS—1

Porterfield

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

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

BILL ON THIRD CONSIDERATION AMENDED

HB 1492 (Pr. No. 2010) — The Senate proceeded to consideration of the bill, entitled:

An Act establishing a rural leadership training program; providing for rules and regulations; and imposing duties on the Department of Community Affairs.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER, by unanimous consent, offered the following amendment No. A2063:

Amend Sec. 3, page 2, line 17, by striking out "municipality,"

Amend Sec. 6, page 4, line 5, by inserting after "and" where it appears the second time: may, by regulation,

Amend Sec. 7, page 4, line 14, by striking out "in 60 days" and inserting: immediately

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator LOEPER.

BILLS OVER IN ORDER

HB 1515, SB 1588 and HB 1620 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1624 (Pr. No. 2007) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 2, 1984 (P. L. 520, No. 105), entitled "Business Infrastructure Development Act," extending provisions relating to termination.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

YEAS—48

Afflerbach	Fisher	Lincoln	Robbins
Andrezeski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Lynch	Scanlon
Baker	Hart	Madigan	Schwartz
Belan	Helfrick	Mellow	Shaffer
Bell	Holl	Musto	Shumaker
Bodack	Hopper	O'Pake	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams

NAYS—0

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

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

SB 1625 (Pr. No. 2008) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 2, 1984 (P. L. 568, No. 113), entitled, as amended, "Employee-Ownership Assistance Program Act," extending the final date for approvals.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

YEAS—48

Afflerbach	Fisher	Lincoln	Robbins
Andrezeski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Lynch	Scanlon
Baker	Hart	Madigan	Schwartz
Belan	Helfrick	Mellow	Shaffer
Bell	Holl	Musto	Shumaker

Bodack	Hopper	O'Pake	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams

NAYS—0

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

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

BILL LAID ON THE TABLE

HB 1859 (Pr. No. 2230) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 2, 1937 (P. L. 1208, No. 310), entitled "An act to describe, define, and officially adopt a system of coordinates for designating the positions of points on the surface of the earth within the Commonwealth of Pennsylvania," further providing for the system of plane rectangular coordinates; providing for the Pennsylvania Coordinate System of 1983; further providing for the establishment of triangulation or traverse stations; further providing for the recording of land records or deeds; and proscribing use of the Pennsylvania Coordinate System of 1927 after a certain date.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

BILLS OVER IN ORDER

HB 1970, 2010 and 2415 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 1674 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

PREFERRED APPROPRIATION BILLS ON SECOND CONSIDERATION

HB 2467 (Pr. No. 3682) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission, the Office of Consumer Advocate in the Office of the Attorney General and the Office of Small Business Advocate in the Department of Commerce.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

HB 2500 (Pr. No. 3242) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry to provide for the expenses of administering The Pennsylvania Workmen's Compensation Act and The Pennsylvania

Occupational Disease Act for the fiscal year July 1, 1992, to June 30, 1993, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1992.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

HB 2501 (Pr. No. 3243) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

HB 2502 (Pr. No. 3244) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Treasury Department out of various funds for payment of general obligation debt service.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

HB 2701 (Pr. No. 3552) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 1992, to June 30, 1993, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1992.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

HB 2702 (Pr. No. 3683) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1992, to June 30, 1993, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1992.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

BILL RECOMMENDED

HB 101 (Pr. No. 3648) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring owners and lessors of vehicles to reveal the names of renters or lessees in certain cases.

Upon motion of Senator LOEPER, and agreed to, the bill was recommitted to the Committee on Transportation.

BILLS OVER IN ORDER

SB 712 and 717 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION AMENDED

HB 734 (Pr. No. 811) — The Senate proceeded to consideration of the bill, entitled:

An Act designating the section of L.R. 238, Spur C, in Mercer County, Pennsylvania, as the Nick Strimbu Junior Industrial Corridor.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator ROBBINS offered the following amendment No. A2053, and, if agreed to, asked that the bill be considered for the second time:

Amend Sec. 2, page 1, line 11, by striking out “, middle”

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On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on second consideration, as amended?

It was agreed to.

Ordered, To be printed on the Calendar for third consideration.

BILLS OVER IN ORDER

SB 781, 782, 783, 784, 785, 786, 791, 868, HB 923, SB 1095, HB 1148 and 1314 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL REREFERRED

SB 1367 (Pr. No. 1595) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the prevention and treatment of Hepatitis B.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

BILLS OVER IN ORDER

SB 1375, 1421 and 1444 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

HB 1621 (Pr. No. 2595) — The Senate proceeded to consideration of the bill, entitled:

An act repealing certain obsolete laws relating to Pittsburgh and Allegheny County.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

BILLS OVER IN ORDER

SB 1645, 1651 and HB 1697 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 1731 (Pr. No. 2209) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 18, 1980 (P. L. 1241, No. 224), entitled “Pennsylvania Cancer Control, Prevention and Research Act,” extending the expiration date of the act.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

BILL OVER IN ORDER

HB 2195 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

HB 2300 (Pr. No. 2927) — The Senate proceeded to consideration of the bill, entitled:

An Act redesignating the South Street Bridge (S.R. 2007) in Luzerne County as The Ellis Roberts Bridge.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

BILL OVER IN ORDER

HB 2442 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

HOUSE CONCURRENT RESOLUTION
NO. 325, CALLED UP

Senator LOEPER, without objection, called up from page 10 of the Calendar, **House Concurrent Resolution No. 325**, entitled:

A Concurrent Resolution directing the Governor to declare the week of July 26 through 31, 1992 as “Ethnic Music and Dance Week.”

On the question,

Will the Senate concur in the resolution?

SENATE CONCURS IN HOUSE CONCURRENT
RESOLUTION NO. 325

Senator LOEPER. Mr. President, I move the Senate do concur in House Concurrent Resolution No. 325.

The motion was agreed to and the resolution was concurred in.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

RECESS

Senator BODACK. Mr. President, I would ask for a recess for an immediate Democratic caucus.

The PRESIDENT. Senator Bodack has requested a recess for the purpose of a Democratic caucus. Is there a need for a caucus on the Republican side at this point? There is none.

However, for the purpose of a Democratic caucus to begin immediately, the Senate will stand in recess.

AFTER RECESS

The PRESIDENT. The time of recess having expired, the Senate will come to order.

SENATE RESOLUTION

ADOPTING A TEMPORARY RULE OF THE SENATE RELATING SOLELY TO AMENDMENTS TO THE GENERAL APPROPRIATION BILL AND NONPREFERRED APPROPRIATION BILLS FOR THE FISCAL YEAR BEGINNING JULY 1 1992, INCLUDING ANY AMENDMENTS OFFERED TO OR FOR SUPPLEMENTAL APPROPRIATIONS FOR PRIOR FISCAL YEARS

Senator LOEPER offered the following resolution (**Senate Resolution No. 177**), which was read as follows:

In the Senate, June 2, 1992.

A RESOLUTION

Adopting a temporary rule of the Senate relating solely to amendments to the general appropriation bill and nonpreferred appropriation bills for the fiscal year beginning July 1, 1992, including any amendments offered to or for supplemental appropriations for prior fiscal years.

RESOLVED, That the Senate adopt a temporary rule to read:
TEMPORARY RULE

1. Any amendment offered on the floor of the Senate to the general appropriation bill or nonpreferred appropriation bills (which collectively comprise and shall be referred to as the 1992-1993 General Fund Budget) that proposes increased spending for the Commonwealth 1992-1993 fiscal year, or any prior fiscal year, above the levels contained in the 1992-1993 General Fund Budget as reported from the Appropriations Committee shall not be in order and may not be considered unless the same amendment or any "statement of intent" appended thereto contains sufficient line-item reductions to the 1992-1993 General Fund Budget so that the amendment offered does not result in a net increase in the total spending contained within such budget. Where a proposed alteration in the general appropriation bill is balanced, in whole or in part, by a change in one or more of the nonpreferred appropriation bills, the amendment shall have appended thereto a "statement of intent" setting forth the proposed adjustment to the nonpreferred appropriation bill or bills that will result in there being no net increase in the total proposed spending contained within the proposed 1992-1993 General Fund Budget as reported from the Appropriations Committee.

2. For the purpose of this temporary rule, the Legislative Reference Bureau, in drafting any amendment to the general appropriation bill or any nonpreferred appropriation bill, shall have appended the "statement of intent" required for proposals involving more than one bill.

3. Any amendment offered on the floor of the Senate proposing to make reductions in the following appropriations shall be out of order:

- (a) General obligation debt service.
- (b) State correctional institutions.
- (c) School employees' Social Security.
- (d) Harristown rentals.
- (e) Occupational disease payments.
- (f) Distribution of public utility realty tax.

4. Any amendment offered on the floor of the Senate proposing to make reductions in the following appropriations shall be out of order unless such amendment includes a program revision not contrary to statutes governing such program:

- (a) Cash assistance grants.
- (b) Medical assistance outpatient.
- (c) Medical assistance inpatient.
- (d) Medical assistance capitation.
- (e) Supplemental Security Income - aged disabled.

5. This temporary rule may be temporarily suspended only by a two-thirds vote of the members elected to the Senate. Rule XXVII of the Rules of the Senate, insofar as it applies to a temporary suspension of the Rules of the Senate, shall not apply to this temporary rule.

6. This temporary rule shall expire upon the enactment of a general appropriation act for the fiscal year beginning July 1, 1992.

Senator LOEPER asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,

Will the Senate adopt the resolution?

Senator MELLOW offered the following amendment No. A2197:

Amend Rule, page 2, line 19, by striking out all of said line

Amend Rule, page 2, line 20, by striking out "(c)" and inserting: (b)

Amend Rule, page 2, line 21, by striking out "(d)" and inserting: (c)

Amend Rule, page 2, line 22, by striking out "(e)" and inserting: (d)

Amend Rule, page 2, line 23, by striking out "(f)" and inserting: (e)

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate adopt the resolution, as amended?

SENATE RESOLUTION NO. 177, AS AMENDED, ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt Senate Resolution No. 177, as amended.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

YEAS—48

Afflerbach	Fisher	Lincoln	Robbins
Andrezski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Lynch	Scanlon
Baker	Hart	Madigan	Schwartz
Belan	Helfrick	Mellow	Shaffer
Bell	Holl	Musto	Shumaker
Bodack	Hopper	O'Pake	Stapleton
Bortner	Jones	Peterson	Stewart

Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams

NAYS—0

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

LEGISLATIVE LEAVE

Senator MELLOW. Mr. President, I request a temporary Capitol leave for Senator Afflerbach.

The PRESIDENT. Senator Mellow requests a temporary Capitol leave for Senator Afflerbach. The Chair hears no objection. That leave will be granted.

CONSIDERATION OF CALENDAR RESUMED

SB 1233 CALLED UP

SB 1233 (Pr. No. 2161) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Third Consideration Calendar, by Senator LOEPER.

BILL ON THIRD CONSIDERATION AMENDED

SB 1233 (Pr. No. 2161) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," further providing for public assistance administration, for public assistance community work, for public assistance eligibility and for public assistance identification and residence; and providing school attendance requirements for public assistance.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair would note the presence of Senator Williams, and his leave will be cancelled.

And the question recurring,

Will the Senate agree to the bill on third consideration?

Senator WILLIAMS, by unanimous consent, offered the following amendment No. A1864:

Amend Title, page 1, lines 1 through 7, by striking out all of said lines and inserting:

Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An act to consolidate, editorially revise, and codify the public welfare laws of the Commonwealth," providing for the New Directions Jobs Program; eliminating monthly reporting; and further providing for eligibility, for the enforcement of support obligations, for WIC benefits, for access to medical support and health insurance, for certain Federal benefits and Federal funding, for medical assistance, for long-term care insurance and for services relating to AIDS.

Amend Bill, page 1, lines 10 through 19; pages 2 through 16, lines 1 through 30; page 17, lines 1 through 24, by striking out all of said lines on said pages 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 405.3. New Directions Jobs Program.—The department shall draw down the maximum available Federal dollars for its New Directions Jobs Program to maximize the employment training and job placement potential of all employable welfare recipients. To that end for fiscal year 1993-1994, the department shall solicit voluntary donations from eligible New Directions contracting agencies as a match to draw down the maximum available Federal funds.

Section 2. Section 408 of the act, amended April 8, 1982 (P.L.231, No.75), is amended to read:

Section 408. Meeting Special Needs; Encouraging Self-Support and Employment.—(a) The department shall take measures not inconsistent with the purposes of this article; and when other funds or facilities for such purposes are inadequate or unavailable to provide for special needs of individuals eligible for assistance; to relieve suffering and distress arising from handicaps and infirmities; to promote their rehabilitation; to help them if possible to become self-dependent; and, to cooperate to the fullest extent with other public agencies empowered by law to provide vocational training, rehabilitative or similar services.

(b) For the purpose of increasing Federal funding and facilitating health in children, preventing malnutrition, low birth weight and infant mortality, and providing nutritious foods for infants, children, pregnant women and nursing mothers, the department shall designate State supplemental Women Infants and Children (WIC) benefits as a Special Need Item for persons eligible for Federally funded categories of cash assistance.

Section 3. Section 432 of the act is amended by adding a clause to read:

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

(8) The department shall not categorize any such person as chronically needy unless it has fully explored whether the child is eligible for Aid to Families with Dependent Children (AFDC). In furtherance of this end, the department shall:

(i) use the broadest possible definition of incapacity under Federal law and regulations and design a medical assessment form consistent with that definition;

(ii) use the broadest possible criteria permitted under Federal law and regulations regarding eligibility for AFDC for unemployed parents (AFDC-U); and

(iii) create flexible verification criteria for establishing the necessary degree of relatedness for specified relatives.

The pursuit of AFDC eligibility for any child shall not delay the child's receipt of public assistance. By October 1, 1992, the department shall complete a review of all general assistance household cases that contain at least one child to determine whether said household can be converted to AFDC.

Section 4. Sections 432.2, 432.7 and 432.21 of the act are amended by adding subsections to read:

Section 432.2. Determination of Eligibility.—***

(f) The department shall not require, as a condition of eligibility for assistance under this act, a monthly report from any assistance recipient.

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

(j) The department shall give priority in its resources and timeliness of enforcement to legally obligated parents of children who:

(i) have health or dental insurance either from an employer or through a union health and dental plan; and

(ii) are employed wage earners or salaried individuals and within this group to higher income individuals. In this regard, the department shall use its parent locator service and other means to determine which absent parents are employed or are union members.

(k) (1) The department shall petition courts for support orders or modify existing support orders to include medical support whenever health and dental insurance, including employment related or other group health insurance, is available to the absent parent at reasonable cost. The presence or availability of medical assistance (or Medicaid) shall not preclude the seeking and obtaining of a health support order where such other health insurance is or may be available in the future to support the children and spouse.

(2) Health insurance support must be sought even if not currently available to the absent parent at reasonable cost and even if the children cannot be on the current insurance policy so if when such insurance is available in the future no modification of the order shall be necessary.

(3) The custodial parent in a public assistance household must be told by the department that health support order services are available and the services must be provided upon request.

(4) In the department's ongoing review and, if appropriate, modification of cash support orders, undertaken under Federal law once every three years, the department shall also review such orders for the presence of medical support or health insurance access provisions and seek modifications to include them if appropriate. The department shall complete review of all ongoing orders for medical support by July 1, 1994. For cases where modification of cash support is not desired, but modification of medical support is, the department shall have written criteria with which to identify ongoing cases that have a high potential for obtaining medical support. The department must then petition the court to modify the underlying support order to include health insurance in these cases.

(5) The department, in obtaining or modifying support orders to provide for medical support, shall include provisions to the effect that the custodial parent has direct access to the health and dental insurance coverage information and needed claim forms, to submit claims, and to obtain ID cards, including where the noncustodial parent is the insured party.

(6) Support orders sought or modified by the department shall provide that to the extent required by the provisions for medical support coverage contained in the order the employer shall:

(i) enroll the employe, the employe's spouse or former spouse and the employe's dependent children listed in the order as covered persons in the group health insurance plan or similar plan providing health care services or coverage offered by the employer, if the subject spouse, former spouse or children are eligible for such coverage under the employer's enrollment provisions; and

(ii) deduct any required premiums from the employe's earnings to pay off the insurance.

If more than one plan is offered by the employers, the spouse, former spouse or children shall be enrolled in the insurance plan in which the employe is enrolled or, if the employe is not enrolled, in the plan best meeting the provisions for health care coverage contained in the order. In each case which is being enforced by the department, the employer shall respond to such orders by advising the department in which plan the children are enrolled or if the children are ineligible for any plan through the employer.

(l) The department shall contract with qualified persons to establish pilot projects throughout the State to utilize as processors of cash support and medical support orders and as representatives of the custodial parents, individuals who are not employes of State or county governments. Such pilot projects shall seek to demonstrate the efficiency and productivity in terms of savings to the State, and the amount and benefits to the custodial parent and children of cash and medical support orders obtained or modified by such project staff. To the extent feasible, support order funds obtained by such projects shall be utilized to finance the projects.

(m) Each publicly funded health care program that furnishes or pays for health care services to a recipient having private health care coverage shall be entitled to be subrogated to the rights that such person has against the insurer of such coverage to the extent of the health care services rendered. Such action may be brought within five years from the date that service was rendered such person.

Section 432.21. Requirement that Certain Federal Benefits be Primary Sources of Assistance.—***

(c) The department shall institute steps to identify any recipients and applicants for assistance who may be eligible for Social Security Survivor's benefits and shall provide assistance to them in applying for and obtaining said benefits, including, but not limited to, informing recipients and applicants of the eligibility standards for Social Security Survivor's benefits, helping them complete Social Security application forms and helping them obtain records establishing paternity.

(d) The department shall institute steps to aid recipients or applicants for assistance who are users of mental health and mental retardation (MH/MR) services, beginning with high users of services, to apply for and receive Federal Supplemental Security Income (SSI) and Federal Social Security Retirement, Survivor's and Disability Income benefits (RSDI). In furtherance of this end, the department shall:

(1) offer incentives, financial and otherwise, to providers of MH/MR services, including hospitals and community-based mental health/mental retardation centers, to assist their patients in applying for SSI and RSDI and to provide medical records and reports to support said applications;

(2) require each MH/MR center to designate a public benefits counselor to coordinate efforts to obtain SSI and RSDI for patients of the center and to serve as a liaison with the department's Disability Advocacy Program (DAP) workers and with the Social Security Administration, including the State Bureau of Disability Determinations under Federal contract, to do disability evaluations; and

(3) require all providers of mental health and mental retardation services to refer any denials of SSI and RSDI to the DAP.

Section 5. Section 443.3 of the act, amended November 28, 1973 (P.L.364, No.128), is amended to read:

Section 443.3. Other Medical Assistance Payments.—

(a) Payments on behalf of eligible persons shall be made for other services, as follows:

(1) Rates established by the department for outpatient services as specified by regulations of the department adopted under Title XIX of the Federal Social Security Act consisting of preventive, diagnostic, therapeutic, rehabilitative or palliative services; furnished by or under the direction of a physician, chiropractor or podiatrist, by a hospital or outpatient clinic which qualifies to participate under Title XIX of the Federal Social Security Act, to a patient to whom such hospital or outpatient clinic does not furnish room, board and professional services on a continuous, twenty-four hour a day basis.

(2) Rates established by the department for (i) other laboratory and X-ray services prescribed by a physician, chiropractor or podiatrist and furnished by a facility other than a hospital which is qualified to participate under Title XIX of the Federal Social

Security Act, (ii) physician's services consisting of professional care by a physician, chiropractor or podiatrist in his office, the patient's home, a hospital, a nursing home or elsewhere, (iii) the first three pints of whole blood, (iv) remedial eye care, as provided in Article VIII consisting of medical or surgical care and aids and services and other vision care provided by a physician skilled in diseases of the eye or by an optometrist which are not otherwise available under this Article, (v) special medical services for school children, as provided in the Public School Code of 1949, consisting of medical, dental, vision care provided by a physician skilled in diseases of the eye or by an optometrist or surgical care and aids and services which are not otherwise available under this article.

(b) As used in subsection (a)(2)(v), special medical services shall also include supplemental food, prescribed by a physician for children, infants, pregnant women and nursing mothers, available under the State supplemental WIC appropriation.

Section 6. The act is amended by adding sections to read:

Section 443.7. Facilitating Access of Elderly to Medical Assistance.—(a) In order to facilitate access of elderly persons eligible for medical assistance and to insure that elderly persons make use of medical assistance to pay for their prescribed medications instead of the State-funded prescription program under Chapter 3 of the act of August 14, 1991 (P.L.342, No.36), known as the "Lottery Fund Preservation Act" (PACE), the department shall "outstation" staff at senior citizens' centers and similar providers of services to the elderly for the taking of Medicaid applications and enrollment in the department's Healthy Horizons program for needy elderly persons eligible for medical assistance. To the extent feasible, the department shall coordinate such efforts with the Department of Aging, so that medical assistance applications and PACE applications can be taken together by the same workers, whether these be employees of the Department of Public Welfare or the Department of Aging.

(b) Both the Department of Public Welfare and the Department of Aging shall coordinate policies and take steps, including the outstationing of medical assistance application staff at senior citizens' centers, to insure that eligible elderly persons always receive medical assistance for prescriptions before PACE program funding is utilized.

Section 454. Procedure in Relation to Certain Medical Assistance Claims.—(a) The department shall amend the State Medical Assistance Plan to adopt the option of making independent disability determinations of persons with alcoholism and other drug dependencies for purposes of medical assistance eligibility as authorized by Title XIX of the Social Security Act (Public Law 74-271, 42 U.S.C. § 1396a(v)).

(b) The department shall transfer persons on general assistance who appear to meet the Social Security disability criteria to Federal medical assistance and shall seek Federal match for the cost of these services.

Section 455. Purchase of Private Insurance.—The department shall, as provided for in Title XIX of the Social Security Act (Public Law 74-271, 42 U.S.C. § 1396a), purchase private insurance with Medicaid funds, under the most cost-effective option allowed by Federal law.

Section 456. Maximization of Federal Funds for Alcohol and Other Drug Dependency Treatment under Medical Assistance.—The department shall take all efforts necessary to maximize Federal funds under the medical assistance program for alcohol and other drug dependency treatment now funded with purely State funds. Such efforts shall, at a minimum, include the following:

(1) train Disability Advocacy Project workers in Social Security disability criteria for persons with alcoholism and other drug dependencies;

(2) design a system to identify persons on general assistance who are alcohol or other drug dependent and refer those persons to specially trained Disability Advocacy Project workers;

(3) amend the State Medical Assistance Plan to adopt the option of making independent disability determinations of persons with alcoholism and other drug dependencies for purposes of medical assistance eligibility as authorized by Title XIX of the Social Security Act (Public Law 74-271, 42 U.S.C. § 1396a(v)); and

(4) transfer persons on general assistance who appear to meet the Social Security disability criteria to Federal medical assistance and seek Federal match for the cost of the services provided to them.

Section 457. Maximization of Federal Funds for Residential Alcohol and other Drug Dependency Treatment.—The department shall take all efforts necessary to maximize Federal funds under the medical assistance program for residential alcohol and other drug dependency treatment now funded with purely State funds pursuant to sections 2334 and 2335 of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929." Such efforts shall, at a minimum, include the following:

(1) where cost effective, provide funds to residential alcohol and other drug dependency treatment facilities that serve persons under twenty-one years of age to become accredited by the Joint Commission on Accreditation of Health Care Organizations and then seek Federal match for Medicaid eligible persons under twenty-one years of age treated in such facilities;

(2) amend the State Medical Assistance Plan and seek Federal match for any individual eligible for medical assistance under Federal requirements being treated in a residential facility having less than seventeen treatment beds;

(3) amend the State Medical Assistance Plan and seek Federal match under the optional targeted case management provision of the Federal Medical Assistance Program as provided for in the Social Security Act (Public Law 74-271, 42 U.S.C. § 1396n(g)) for any case management services currently or anticipated to be provided under sections 2334 and 2335 of "The Administrative Code of 1929," including those case management services to be provided under contract with the Single County Drug and Alcohol Authorities; and

(4) enter into negotiations with the Health Care Financing Administration regarding obtaining Federal match under medical assistance for other individuals receiving residential alcohol and other drug dependency treatment.

Section 458. Purchase of Laboratory Services, Etc.—The department shall enter into arrangements through a competitive bidding process or other means for the purchase of laboratory services, medical supplies and devices and durable medical equipment. The department may purchase laboratory services pursuant to this section only from laboratories that meet the applicable requirements of Titles XVIII and XIX of the Social Security Act (Public Law 74-271, 42 U.S.C. § 301 et seq.), and whose charges for such services to individuals entitled to benefits under Titles XVIII or XIX are no more than seventy-five percent of their total charges for such services.

Section 459. Mail-order Prescription Drugs.—The department shall enter into an arrangement by competitive bidding process or otherwise to provide prescription drugs to eligible recipients by mail order. Participation by recipients shall be voluntary but the department shall waive any applicable copayment requirements for recipients who choose to participate.

Section 460. Long Term Care Insurance.—It is declared to be the policy of this Commonwealth to promote the development of long term care insurance as a cost effective alternative to the use of Federal and State moneys under Title XIX of the Social Security Act (Public Law 74-271, 42 U.S.C. § 301 et seq.). In order to effectuate this policy, the department is directed to take all reasonable and appropriate steps, including application to the Federal government for necessary waivers, to modify the medical assistance program in order to create such incentives, including special income or resource levels and exemptions for recipient res-

idents of long term care facilities, in order to encourage the general population to purchase long term care insurance. The department shall report annually to the General Assembly regarding its efforts under this section on the first three anniversaries of enactment of this section.

Section 461. Certain Services Relating to AIDS.—The department is directed to expand available service to the full extent permitted by the increase in the costs of institutional and hospital care and thereby to maximize the potential number of institutional admissions that may be avoided or deferred by recipients with acquired immune deficiency syndrome.

Section 462. Maximization of Funding Participation by Federal and Other Non-state Sources.—(a) Within sixty day of the effective date of this section, the Department of Corrections, Department of Education, Department of Health and the Department of Public Welfare shall each review all of their health care related programs and report to the General Assembly and the Secretary of the Budget all programs or parts of programs for which funding contributions may be available through Federal participation in the medical assistance program or other non-State sources. This report shall include the actions planned to make use of these additional funding sources.

(b) Within thirty days of receipt of the reports described in subsection (a), the Secretary of the Budget shall report to the General Assembly the progress made in acquiring additional funding from the sources identified in subsection (a) of this section.

Section 7. The Department of Welfare shall develop a strategy to stimulate and coordinate the efforts of State-funded programs to hire welfare clients. A report detailing these efforts is to be submitted to the majority and minority chairmen of the Appropriations Committee of the Senate, to the majority and minority chairmen of the Appropriations Committee of the House of Representatives, to the majority and minority chairmen of the Public Health and Welfare Committee of the Senate and to the majority and minority chairmen of the Health and Welfare Committee of the House of Representatives by February 1, 1993. At a minimum, the effort shall include language in all contracts requiring a good faith effort to hire welfare clients for new jobs created as a result of State funds. Existing employees or employees on unemployment compensation are not to be displaced by this effort.

Section 8. This act shall take effect in 60 days.

On the question,

Will the Senate agree to the amendment?

Senator WILLIAMS. Mr. President, I offer this amendment on this very significant issue. I do not know that we have any issue before us which is more important, especially more important for these times.

One of the deceptions is that we talk about welfare reform. Some, at least a certain portion of the people that I know that may unfortunately be in the area of public support, public assistance, talk about reform as reform, and what usually is offered for reform is reform. In other words, we reformulate on an issue of vast importance to our citizens, and Senate Bill No. 1233, in my humble opinion, simply offers to be both punitive, insensitive, and, yes, unconstitutional. Having said that, I do think that the bottom line is money. It is a question of money. In hard times and when everybody is having it bad, we are still talking about money and how we save money, and all that. So the thrust of the offerings in Senate Bill No. 1233 is a question of money.

The amendment that the lady from Philadelphia, Senator Jones, and my staff have worked on is an omnibus amendment that seeks to save money, gain money, and to do it by making the system work. We believe that real reform says to put people to work, and let us start with the bureaucracy, because all of the phantoms that have been offered over a period of years, both bureaucratic and legislative, and especially from the Republican side of our legislature, have been a number of bureaucratic, sometimes unconstitutional, efforts. So we offer a series of things here in this amendment that are win-win, that seek to make the department and other people seek money that is available from the Federal government so that we, just by working, do not have to spend a dollar here or there, just by paying attention to the store and coordinating our information to get the Federal dollars to work for us.

And, yes, just to give you an example of which, you have maybe 15 suggestions on your desk, and any honest approach to a mere question of saving money you would have to say, we ought to try this. Eliminate some things that cost us money, useless kinds of reportings. It requires the department to make certain reviews in households that will save us money. It requires the department to establish certain intergovernmental transfers with contract agencies that will draw down additional dollars. It requires the department to do things when it comes to the WIC program that helps children in the special needs area, where there is a potential of about \$20 million. It requires the department to do certain things with senior citizens that they are entitled to so that they can receive correct information and advice as to whether or not certain medical assistance programs should be used when it comes to eligibility for prescriptions.

It says in the question of insurance, let us cease the old way of looking at it and let us privatize some things where the Federal government allows certain options. Let us look at cancer or AIDS or some other forms of illnesses and let us combine an insurance methodology where premiums are paid and where the savings could be from \$3 million to \$10 million. It says, yes, let us be business and look at that. That kind of pattern has repeated itself in this country. It saves millions and millions of dollars, and why should we not do that? It says, yes, we offer to maximize Federal funds for drug and alcohol treatment by training workers so that they, for us, can make the determination as to who is eligible for what part of support, either from the Federal government or whether or not the person ought to be dependent on this State.

Let us recognize what is replete in newspaper articles, and everyone else recognizes it, and that is that the Federal government itself is not free from guilt when it denies eligibility in Social Security SSI to certain groupings of Pennsylvanians. It is just not so, because people who run those bureaucracies are discriminating against our citizens. So let us correct that because the Federal government does give us the option to make those findings. There is money in that.

And, yes, it is true that we also should be further creative with people who have available insurance and medical coverage who may be fathers of children who are required to pay

support orders, and so forth and so on, they are in the category of people who can pay. They already have contracts. And so rather than to only say we are going to get those fathers who have no money, and waste money to get no money and to act like we are being productive, let us say "yes" in support orders. Let us find fathers who are working, fathers who do have coverage, and let those insurance companies pay that money. And we say there is significant savings in that, and we say that is appropriate, that is enlightening, that is reform, that is productive, that is win-win.

And yes, we do say that we require the Departments of Education, Correction, Welfare, and all those to review all health care related programs and report to this General Assembly which programs of Federal participation we can maximally relate to. That does not exist today. What would be an obvious thing one would do in one's business we do not do. And so, the monies we say we have to save in some other way that never comes, we are saying if we put ourselves in a workfare program, we put the departments in a workfare program, we put the intelligent people, the expert people in a workfare program, and let us say you will be required to get us money that is there. You will not be required to separate yourself from one department to another, because this is one State. You will integrate and you will report to us, and we do think, therefore, that there is a form of workfare, that is, those who have the power and the obligation to get everything that is coming to us. And we strongly believe that in that grouping of money is much of the money that we chase like a fantasy, much of the money that we need and our taxpayers are entitled to have the support from.

Yes, we do think that we should put out competitive bids when it comes to prescription services and certain kinds of devices that we pay for already without competition, we pay for in a fee for service, no one is watching that store. Precedents have already shown us, for instance, in the WIC program that we saved almost 80 percent of what we were paying by putting it out to a competitive bid. All these bureaucracies work for somebody. We do not know who it is. But, you know, no one has to hold folks accountable because we just keep on feeding off the fat of the land, and being a very conservative person myself, I do not think that Senator Jones' staff and my staff agree that we should continue that. We say if you want to do bidding, let us do bidding in an area where everybody is saying money is being spent. And yes, we also think that when it comes to AIDS, scourge of our land, it promises to be a great fundamental threat to our future, why should we pay high prices for hospitalization when we can have an option for people to have sometimes much better treatment in hospices, home care, and other devices? And, yes, we can save there by doing something obvious there.

And we say that when it comes to the MH/MR area, that we have somewhere around 25,000 people for whom we are spending all State monies, that if they in some way were defined for benefits, because we have a system that works on that coming from the Federal government, that saves a couple of million to three there, when we require the department to

identify recipients who may be eligible under those Federal benefits.

We also think one of the hidden eroders of the cost in this area is in long-term care, in nursing care, which has been a great big exploder, one that the department and everybody else is concerned about growing. We need to examine long-term care insurance and other means to reduce that and to keep it under control.

Our staff believes that a premium insurance to pay for that very expensive care, if you look at the facts as to how long people are kept in that condition under the circumstances that actuarially, number one, it is a sound thing to look at, and, number two, it would relieve families from the indignity and expectation of tying up all of their assets and all of the things they have worked their lives for. It is a win-win situation. The State wins, the families retain their dignity and they win, and we need to make sure that the department is directed to look into that area of insurance and to relieve ourselves of an ever-burgeoning burden.

And so, there are any number of strategies along this line where we have options, we have plans, we have strategies which would save, at the very least, at least the \$60 million that is offered to be achieved in Senate Bill No. 1233, at least. But even more important, Mr. President, we say that it is reform because it reforms a system. And when we talk about reform, I think that most people over the years thought that there would be integrity in a system and not a dependency upon the personalities. And so, if we keep beating up on personalities, we keep beating up on groupings and not hold the system accountable for producing some answers, then we certainly have not achieved reform.

And as I sit down, Mr. President, I would just like to give one final observation, and that is that these issues are not new. It is true our times are critical whereby some of our cities and other places just have a wasteland of people, just a wasteland of people. Some have mental health problems, thousands and thousands of homeless people in a place like America, a sign of degradation that is beamed throughout the world, a result of failing policies, a result of sound bite politics that appeal to a simple solution, ignoring human potential, human participation, and human development. Thornfare and workfare, all a bunch of fake jobs when you look at them, and what we are offered at this point, Mr. President, is a similar cruel deception. It is our submission that the only attempt at reform is contained in this amendment simply because it puts the bureaucracy to work for a change.

Today, I attended a ceremony, a Catholic ceremony, where the priest said the souls of the just shall be in the hands of God. And just not only to the poor people who need public assistance, but just to the taxpayers who can no longer continue to sustain the deception, the promise of a rotten carrot. And so I wonder out loud, Mr. President, if the souls of the just shall be in the hands of God, where the others of us are going to go.

I urge support of the amendment to Senate Bill No. 1233 as being the only semblance of welfare reform, Mr. President,

that we have seen in either Chamber on this issue, and I just want to thank the staff of Senator Jones, and Senator Jones, for their fine work in developing what I believe is an accountability by those in charge of leading us on this issue.

I would appreciate it if you would recognize Senator Jones.

Senator JONES. Mr. President, I stand here as a former general assistance recipient.

The PRESIDENT. Would the gentlewoman please yield for just a moment? We seem to be having some problem with our microphones. Let us try to point it more directly toward you. Try that.

Senator JONES. Do you hear me, everybody? I want to make sure that everybody can hear.

The PRESIDENT. Would the gentlewoman move to the other microphone? Maybe that would be a little bit better.

Senator JONES. Mr. President, I stand here today as a former general assistance recipient, whom this legislation is all about. I not only stand here as a former general assistance recipient who made it here to the Senate, but I also stand here as a former activist who for 18 years fought to try to clean, if you will, for lack of a better word, the welfare system up through the National Welfare Rights Organization and also the Philadelphia Welfare Rights Organization and also Philadelphia Citizens in Action. I have been through this over and over, and until today I am looking at the same kind of nonsense that I have seen the legislature here in Pennsylvania try to play over and over and over again.

Right at the outset here, I just want everybody to know that I am not as dumb as a lot of our constituents are either that we think they are. People, I believe, are going to know, and they do know what real welfare reform is all about as opposed to politicalfare.

Mr. President, amendment A1864 eliminates all of the punitive and mean-spirited measures of Senate Bill No. 1233 and expands our job training program. We can reform our welfare system without hurting people by voting "yes." Voting "yes" on this amendment will move us forward, not backward.

As we begin this year's version of our debate on welfare, it is about time that we gain some perspective on what we are trying to accomplish. Let us not lose sight of a very simple fact, Mr. President. Over 770,000 people in our Commonwealth are poor. They do not have enough income each month to provide for their basic human needs. And each of those 770,000 poor people has a name, Mr. President, a face, and a story. Each is a human being entitled to be treated with respect and dignity. This is a very serious situation today. This is serious legislation, and before any vote is cast today, I want you to continue doing this debate and every once in a while look over at me and say, there was a former GA recipient. Somebody must have given her an opportunity.

I want to also tell my fellow Senators about a few of these people. Ed is a 42-year-old male from Venango County. He was homeless and a recovering alcoholic when he applied for job training. At that time he had not worked in five years because of his drinking. Before his life fell apart, he was a

truck driver. Since January, he has completed a job readiness program and took a two-month training program. In order to attend his job training program, he needed money to buy clothes. It was as a direct result of the directions we took in 1987 when we passed Act 62 and Act 65 that this man got a second chance. When we decided that the best way out of welfare was helping someone to get ready for a job and get job training, we were right, Mr. President. Let us not give up now. Let us continue on the road that we are on.

I also want to tell you about Alice. Alice is a 38-year-old woman from Harrisburg, right here—and by the way, these are true stories. She was homeless, a high school dropout who read below the seventh grade level, who lost a child to a violent death and who was hospitalized for psychiatric problems due to her child's death. She sought job training so she could make a better life for herself. Mr. President, since entering job training, Alice has increased her typing speed and accuracy and can now write stories using new words she had never used before but learned in job training. Before anyone votes today, he or she ought to think about, seriously, what will happen to all of the other Alices of Pennsylvania, people who hit hard times and just want a chance to make a better life.

Mr. President, I want to tell you about Bob. Bob is a 40-year-old man from Altoona. Bob dropped out of high school in 1965 after completing the 11th grade. He was able to hold a steady job for many years in construction. Several years ago he was convicted of a drug-related offense. When he asked for job training, he had to overcome not only his criminal record and lack of diploma, but also his poor reading and math skills and no transportation. Bob had not worked a steady job in 3 years, and only odd jobs for the last 12. He did such a good job on the training site that they offered him a full-time job and he began work, and he began to work the day after his training ended. At the end of his training, Bob thanked the program for helping him turn his life around and regain his self-respect and dignity. Mr. President, Bob was able to get a second chance because of what we had sense enough to do in 1987.

Then there is George, from my hometown, Philadelphia. George is 49 years old. He worked a steady job for 25 years, including 20 years at the same job. When that company went out of business, George could not find steady work again. He was one of the general assistance recipients fortunate enough to get a training slot. He was hired permanently when his training ended.

Mr. President, Barbara, also from Blair County, spent all of her adult life raising her five children. When her husband lost his job, she knew she had to go to the welfare office for help. In March of 1990, she started her job training. By June of 1990, she completed the program and is working, Mr. President, full time. She is now in her second year of work and is setting an example for her community and her family. Since she finished her job training, two of her children and her son-in-law enrolled in the same program. All three are now working in unsubsidized employment.

Mr. President, there are other success stories. They come from Lancaster and Pottsville, from Monroeville and Allentown, from Harrisburg, from Pittsburgh, from Union County, Snyder County and Venango County, and, yes, even from Philadelphia. Our job training and other employment programs work, but they cost a lot of money and will take time. We have never given them enough money, and today we are threatening to take away their time.

Mr. President, the amendment before us will eliminate the requirement that all of the people presently labeled as transitionally needy be assigned to workfare. Workfare, Mr. President, does not work. Do you know what? It has never worked. In preparing for today's discussion, I reviewed all of the modern era welfare reform efforts. The first modern welfare bill passed in 1939. It was the subject of another effort to make it work by the General Assembly in 1963, and it was part of the 1976 welfare reform, and, of course, part of what was done in 1982. In 53 years of trying, Mr. President, workfare has not proven itself, ever.

During the Thornburgh years, a study was done on the workfare program. It took one full staff person to create and monitor 33 workfare slots. If the workfare requirement of this bill becomes law, we will need, Mr. President, to create 36,000 slots just for the existing ones that are now labeled as transitionally needy. That will take over \$19.2 million. If we go ahead and actually change poor people between 45 and 54 years old from being chronically needy and reclassify them as being transitionally needy, we will need to find another 10,000 workfare slots, at a cost of \$5.6 million. That, Mr. President, will mean \$24.8 million for dead-end jobs for just a couple of months per person. We have to realize here, you are talking about training people two months. Is it worth destroying our real job training program that we established in Acts 62 and 65 for workfare?

Senate Bill No. 1233 will move another nearly 32,000 people from chronically needy to transitionally needy, from year-round assistance to assistance only three months a year. The bill holds out the false promise that these people who are between 45 and 54 years old will get two years of assistance in every three-year period if they enroll in one of the six outlined programs, Mr. President. The six programs are job training, general equivalency diploma, English as a second language, literacy, drug and alcohol treatment, or workfare. Does anyone really believe that we will appropriate the necessary monies to create 32,000 extra slots in these programs? If you do, think back, Mr. President. Think back to 1982, which is a year I will never forget, when you threw over 80,000 people off of welfare with the promise that we would provide job training and job readiness. I want to say right here I know a lot of my counterparts voted for that bill on the premise that they believed that it was going to provide training and job readiness. Well, Mr. President, it was not until 1987—and, I might say after I got here—that we did anything, and even now we provide fewer than 5,000 job training slots in any given month for over 40,000 people who are transitionally needy. Do you understand? In any given month, that is all.

Thornfare was a horrible thing to do in 1982, and Greenfare is no better now in 1992, Mr. President.

Our economy cannot provide jobs now for an additional 32,000 older workers, most of whom have significant barriers to employment. If the 45- to 54-year-old general assistance recipient faces the same problems as the 18- to 44-year-old you dumped in 1982, these are the barriers they will have to overcome: 24 percent, Mr. President, will be homeless, 20 percent will read below the seventh grade level, 6 percent will have limited English language skills, 56 percent will have no recent employment history, 39 percent will have had drug or alcohol problems, 10 percent will be victims of domestic violence or will be displaced homemakers, 39 percent will be high school dropouts, 24 percent will be ex-offenders, 62 percent will have few or no marketable skills. Are we going to send these 32,000 people into a job market with 7.9 percent unemployment and 470,000 people already looking for jobs but unable to find them? Half of the counties in Pennsylvania have unemployment rates higher than 9 percent, Mr. President. In Bucks County, Senator Greenwood, 21,700 of your people were out of work and looking for jobs. In Montgomery County, Senator Tilghman, Senator Baker, and Senator Holl, 22,700 people. There are 40,900 people in Allegheny County, Senator Hart and Senator Fisher, and 58,000 of them, yes, are in my hometown, Philadelphia, and Senator Salvatore's district. There are 16,900 people looking for jobs in Delaware County, Senator Loeper and Senator Bell, and 7,100 in Schuylkill County, Senator Rhoades. In Erie County, Senator Peterson and Senator Andrezeski, 11,000. And in Lehigh County, there are 11,100 there. In Blair County, Senator Jubelirer, 5,900 people cannot find jobs. And in Lackawanna County, 9,700 people.

We have 777,667 children and adults who need welfare to survive. Why? Because there are no jobs. And the rest of the reason is they are not skilled. This is why we brag and talk about job training. If we are going to give people an opportunity, it is job training getting them ready. Over 180,000 are general assistance recipients.

The bill before us, Mr. President, will not reduce the number of poor people in Pennsylvania, not at all, and I think every one of us sitting in this Chamber realizes that. There may be a few unlearned people here, staff maybe up there, who do not know the real deal on welfare, but I am here to tell you, it is not going to make a difference. The bill will not reduce poor people in Pennsylvania, but it will send a very clear message to them, and that message is, it will be obvious to the 6.5 percent of Pennsylvania's population who are welfare recipients that they simply do not count. You are breathing, you are living, but you do not count with us. Poor people will be brutalized, simply brutalized by this bill, because they are viewed, Mr. President, as easy targets, as targets for getting elected. They cannot afford to buy their way into the process, so they will be tossed out of the process.

I just want to say if we truly want to reform welfare, what is wrong with us not preparing our people? By preparing them, I would support anybody who would want people to work if

there were jobs. If they were job trained so they could accept these jobs, I would be the first one to say, no welfare, you must go to work. But let us be real. Why are we so bent on hurting poor people who cannot help themselves?

Mr. President, Senate Bill No. 1233 is simply a joke and something to confuse people and to confuse my colleagues and make you think that you are voting for welfare reform by forcing people to go out and find a job when there are not any, by forcing the Welfare Department to make pretend there are slots when there are not any training slots. This bill seeks to prevent people from coming to Pennsylvania for welfare benefits. And let me tell you something. There is not that much evidence to prove this. And then again, as a matter of fact, the Federal courts ruled in *Shapiro vs. Thompson* against residency requirements, saying that you could not use this as a method to try to keep people out of your town.

This legislation, Mr. President, requires workfare of all transitionally needy clients. Understand what I am saying. Not just 18 to 44 years old, but now 45 to 55 years old. This program does not promote anything like self-sufficiency and could wind up costing the department about \$25 million to try to create these slots. By increasing the age for chronically needy year-round benefits to 55 years old from the current 45 years old creates a potential cost to the counties, Mr. President, because these people will lose their safety net and may become homeless or wind up as chronically needy anyway. This is the least employable age group, Mr. President, 40 to 54. Over 25,000 could be dropped from their current benefits to 3 months per year.

I would like to invite some of you all to come to Philadelphia and let us see what happened after 1982 of the people we were able to grab and try to help. This is why we have a big homeless situation in Philadelphia. And you know what, Mr. President? We sit here and we appropriate money every year for these people whom we dropped from the general assistance rolls in 1982. It is foolish and it is stupid, because, number one, we pay more for one person in a shelter than we do for them having welfare the whole month. This is punitive legislation, Mr. President.

Potential cost explosion for school districts that would be administering some provisions under learnfare. If sanctions are to be imposed, Mr. President, the school district would have to appear at the hearings. This could cost school districts \$2.28 million, where the savings to the Commonwealth is only \$555,000. In Wisconsin, 85 percent of sanctions were overturned when they tried this learnfare, and the difference in absence of non-AFDC and AFDC school children was only three days per year, Mr. President. Do we need to start learnfare to penalize a mother because she sent her child to school and she goes to work or goes somewhere to try to find work and that child slips back in the house two times a month? Is she supposed to starve and the rest of her children are supposed to starve because of one child? Learnfare, Mr. President, that is stupidfare. I am totally against this, and this kind of nonsense, Mr. President, will hurt our young people, our future. It will hurt them.

The real question is, would this so-called reform actually save any money while it is hurting so many people? The potential exists to increase cost to the Commonwealth, Mr. President, while damaging many families and lives.

I urge my colleagues—it seems there is not anybody in here but a few people. Mr. President, I do not know what happened. I hope my speech was not too long, but I would encourage you to think seriously about what you are about to do to people, and think about the fact that all people want—and it has been proven—is an opportunity. I could readily understand this punitive legislation, Mr. President, if we did not try in 1987 and have proof that the welfare rolls have been eliminated because of job training. I could support some of this legislation if, in fact, I did not know that it is no good, and I urge all of you to support our amendment.

Thank you, Mr. President.

Senator SCHWARTZ. Mr. President, I, too, would like to add my voice.

You cannot hear me? I am sorry.

The PRESIDENT. We do seem to be having a problem with our floor microphones.

The gentlewoman may proceed.

Senator SCHWARTZ. Mr. President, I, too, would like to add my voice in support of this amendment and in opposition to the Senate bill before us. I believe that we really need to debate these issues of welfare reform, and as we do, I would like to just add a few facts, if I may. We certainly have heard some of the stories from some of my colleagues before us, and I will add, if I may, some of my own comments on it.

The fact is that too many people in this country have been hurt by the prolonged recession and the failed economic policies of the last 10 years. The facts are that more people are poor and are poorer, and more people are unemployed, drug use has increased, and more children are failing to get an education that prepares them for employment. Twenty-five percent of America's children are poor. Thirty percent of Philadelphia's public school children drop out before graduation. Unemployment in Pennsylvania is almost 8 percent. One in four black men is in jail, on parole or awaiting trial, and children are having children. Now as the recession deepens, as the Federal government continues to look the other way, as our poor, particularly in the cities, are suffering, we in this State are going to blame the victim. In the name of solving these problems and saving government expense, we will turn away from the facts and seek to punish those who are most vulnerable in our society. We should not do this. We cannot ignore the facts, the facts as to why people are poor and who is at fault for increasing costs of programs for people in need, or the facts as to what would really make a difference.

Let us look at the proposals before us. Senate Bill No. 1233 proposes learnfare. This program is intended to force parents to be responsible for their children's school attendance. A good idea? Maybe. But the fact is that in the one State, Wisconsin, where this program exists, it has not made a difference in school attendance and has cost the State millions of dollars. All of the professionals involved in the Wisconsin

program agree that the money would be better spent on improving educational options for these truant children rather than on recordkeeping to assure a reduction in cash grants to their families, which just denies their other siblings of food or clothing.

If I may, I would like to take a moment to read from a letter I think a number of us have seen written to Dr. Louis Sullivan from Robert S. Peterkin, the Superintendent of Schools in Milwaukee. I will just read a paragraph.

“In conclusion, the Milwaukee Public Schools acknowledges the goal of Learnfare, and its attempt to break the cycle of welfare dependency, by providing incentives for AFDC children to return to school and attend on a regular basis. However, the incentives offered under Learnfare are in effect punitive since the benefits of parents/families who are already below the poverty level are reduced if the child does not meet the attendance requirements. In addition, the program as currently structured has not proven to be effective in returning teenagers to school; it has not increased school attendance; and it has not reduced the number of dropouts. Moreover, the number of monthly sanctions does not appear to be declining.

“Rather than expand Learnfare, it would be more effective for the State to provide new outreach, assessment, support, and educational services for sanctioned families. Therefore, it is important that the current effort to expand the Learnfare program be rejected and the State of Wisconsin be directed to provide substantive evidence that the current initiative is meeting its goal before changes are considered.”

I think we need to take a look at this, we need to learn from learnfare. Why institute learnfare when the facts show us that it does not work? The programs that we know do work involve smaller classes, schools within schools, assistance with paid employment for youth, literacy programs for parents, after-school programs, and more active parent/teacher administrative cooperatives. They all work. If we care about keeping kids in school, there is no reason to penalize the parents. It is better, in fact, to implement programs that we know make a difference. If we are going to spend dollars, public dollars, \$1.7 million in the first year alone by the department's estimation, let us do what works.

Support this amendment which would remove learnfare from Senate Bill No. 1233.

Next, I would like to talk briefly about the residency requirements in Senate Bill No. 1233. They are based on the notion that people move to Pennsylvania for the sole purpose of reaping the benefits of our general assistance program. The fact is that our GA program will pay a mother of two children a benefit of \$403 per month. It is \$205 per month for a single person who is qualified as transitionally needy, and that person can only get benefits for three months of the year. Senate Bill No. 1233 ignores the fact that there is little financial incentive for poor people to move to Pennsylvania simply to get general assistance for 90 days a year. There may, in fact, be legitimate reasons for poor people to move to Pennsylvania, including to be closer to relatives, to the support systems, and to leave abusive situations. The residency

requirement is a solution to a false perception, not a real problem, and the result will be more people on the street homeless and without hope.

Senate Bill No. 1233 conditions GA benefits on the recipient being enrolled in what is known as workfare, community work experience program. Once again, this legislation ignores the facts. It ignores the fact that it will cost millions of dollars to administer a program to place 40,000 GA recipients in CWEP slots. It ignores the fact that the experience of the program is that recipients are placed in short-term, dead-end jobs, jobs that rarely lead to new skills or permanent employment and an escape from welfare dependency.

Once again, if we are going to spend dollars, in this case as much as \$25 million, let us spend it on what works - real job training, education, and literacy programs; referrals to jobs with a future.

Senate Bill No. 1233 proposes to reclassify as transitionally needy those age 45 to 54, and as a result, cut off these individuals from year-round benefits. This proposal is based on the notion that these individuals are able-bodied and should be working. But we know the facts. The facts are that Pennsylvanians who are unemployed, unskilled, and poorly prepared for decent paying jobs, particularly in the ages of 45 to 54, may find finding a job extremely difficult. The change in our economy over the past decade has left many former factory workers with few transferrable skills and competing in a declining job market. The fact is, Mr. President, Senate Bill No. 1233 as drafted will cost Pennsylvania money and help no one. The Senate Republicans admit Senate Bill No. 1233 will cost \$1.8 million in the first year. The Senate Democrats say it will cost \$7.4 million, and DPW estimates that it will cost \$26.5 million.

In the alternative, Mr. President, the amendment before us not only saves the Commonwealth \$44 million in the first year and \$51 million in the second year and draws down \$13 million in new Federal funds at no expense to the State, this amendment responds to the facts about poverty and welfare by taking positive steps to end dependency and give our citizens hope. The proposals in this amendment make sound fiscal sense and look to solve problems with programs we know work.

This amendment extends the New Directions Job Training Program by drawing down \$13 million in Federal funds. This amendment achieves true savings in the short term through administrative changes and aggressive efforts to utilize Federally funded programs instead of State funded programs.

More importantly, Mr. President, this amendment takes positive rather than punitive steps to move families off of welfare. It will, at the same time, save the Commonwealth millions of dollars. It is based on common sense and fairness. It does not blame families for being poor or for being set back by the recession.

Vote for the amendment and support hope and opportunity for even our poorest citizens.

Thank you, Mr. President.

The PRESIDING OFFICER (John J. Shumaker) in the Chair.

Senator FATTAH. Mr. President, I would like to join the comments—what we seem to have is a failure to communicate here.

(Whereupon the Senator moved to a functioning microphone.)

Senator FATTAH. Mr. President, I would like to join the comments of my colleagues in support of the Williams-Jones amendment to Senate Bill No. 1233. As the prime sponsor of the Employment Opportunities Act, one of the acts that created the New Directions Program, I think we know that there is ample evidence that job training and job readiness truly can work in terms of reducing the number of general assistance recipients and welfare recipients in our State. However, I think that it is important that we look at the total program offered in this amendment which has been outlined in detail by the gentleman from Philadelphia, Senator Williams, and others, and provide the votes necessary to pass it this evening.

I will not belabor the point because I think all of the critical points have been made except for one, and that is that this is an election year, and to a great degree welfare reform and an election year are contradictions in terms. You usually have people who are trying to create some political benefit by seeming to be penalizing welfare recipients. But I think that this amendment that is before us gives us an opportunity to actually do something constructive with Senate Bill No. 1233, and I would ask my colleagues to join me in voting in favor of the Williams-Jones amendment.

Senator GREENWOOD. Mr. President, I rise in opposition to the Williams-Jones amendment. The gentleman from Philadelphia, Senator Williams, described the amendment in some detail, as have some of the other speakers, but what Senator Williams left out that is most salient about the amendment is that what it does is it guts Senate Bill No. 1233 entirely as to its welfare reform amendments.

The amendment before us is not a welfare reform amendment. It is not any kind of a welfare reform amendment. The amendment takes the position that we do not need welfare reform, that what we essentially need, as Senator Williams described, is a change in the bureaucracy. The amendment consists primarily of proposals that would require the Department of Welfare to do a maximum effort in drawing down Federal funds for welfare and human services programs. And that is as it should be.

That legislation is not necessary because, in fact, the Welfare Code already calls upon the Department of Public Welfare—and I am quoting from Section 201 of Article II of the General Powers and Duties of the Department of Public Welfare—“To take such measures as may be necessary to render the Commonwealth eligible for available Federal funds or other assistance.” It goes on to say that the department can enact all kinds of even emergency procedures in order to make sure that every single Federal dollar available for these programs is drawn down. So we do not need that language.

However, having said that, I see nothing wrong with some of the language, and should this amendment be defeated, I will offer an amendment to Senate Bill No. 1233 which will incorporate some of those proposals. Other proposals incorporated in this amendment, aside from the cost-shifting proposals, would change some of the ways in which the Department of Public Welfare goes to bid for purchasing certain services and products, and it would set up a system by which welfare recipients would rely upon a mail order program to receive their prescriptions. While there may be some merit to some of those aspects of the amendment, they are certainly not proposals that have been heard by any committee or studied in any detail by any of us.

The amendment changes the bureaucracy, but what it does not do is it does not change people's attitudes. It does not change people's expectations. It does not change people's behavior. And what this bill is about is doing that. This nation is engaged, in every State and at the Federal level, in serious efforts to find out how we can move beyond a welfare system that seems, more than anything else, to promote dependence, to make generation after generation captive to a welfare system, to deteriorate the family, and to again deteriorate the city. That is the challenge. Our challenge is to devise a welfare system that moves, that certainly in every instance cares for those who cannot provide for themselves, and our system does that and this bill does not change that. But what we need to do is to construct a welfare system that, using incentives and disincentives, moves people through the process and on to independence.

The speech of the lady from Philadelphia, Senator Jones, was not too long, but it was not too accurate either. The fact of the matter is that the Alices and the Bobs that she described in her anecdotes will not be affected by Senate Bill No. 1233. Job training programs are not eliminated by this bill. In fact, this bill does virtually nothing to eliminate people from the welfare rolls. There is no wholesale discarding of people from the welfare rolls onto the streets in this bill. There is none of that at all.

If you vote for this amendment, what you say is that you do not think it is appropriate that if someone voluntarily quits their job, that they wait 30 days before accepting general assistance. Some people may think it is punitive to tell an individual, you cannot quit your job today and go get welfare tomorrow. I do not, and I do not think most Pennsylvanians and most Americans think that.

If you support this amendment, what you say is that you want to continue the policy in Pennsylvania that says that when you attain the ripe old age of 45, we will deem you chronically dependent, and because you are 45, and only because you are 45, you may sit for the rest of your life and collect welfare and we will expect from you nothing because you are 45. That does not make sense. If that kind of policy was in any other Pennsylvania program, it would be considered age discrimination. And what this bill does without the amendment is to say, if you are between the ages of 45 and 54, you are not necessarily chronically dependent as long as you

do not have a physical or mental impairment. What it says is, even still, we are not going to cast you off the welfare rolls. We are going to say to you, if there is some reason why you cannot find work, we will provide you benefits uninterrupted for 24 months. You have two years, Mr. 45-year-old, to find a job.

Now, regardless of the state of the economy, if you cannot find a job in Pennsylvania, or elsewhere, in two years, there is something wrong with you. And if there is something wrong with you, we need to work on that. So, we say to that recipient, that 45-year-old recipient, participate in getting your GED so you are more employable. If the reason you cannot get a job and the thing that is wrong with you is alcohol or drug dependency, participate in a program. Get treated. Get cured. That will enhance your employability. If your problem is you do not speak English, learn English as a second language and we will continue your benefits just because you are studying English. Participate in a job training program. Participate in a literacy program. Do these things to improve yourself so that you can be employed two years from now and we will continue to provide your benefits. Is that punitive? Is that mean-spirited? Is that insensitive? Of course it is not. Of course it is not.

And if you cannot get into any of those programs, or if you do not want to participate in any of those programs during those two years, be willing to work in your community. Be willing to participate in a community work experience program so that you get some job training, some work readiness skills, and you contribute something to your community. Is that punitive? Is that mean-spirited to say if you want to work 10 hours a week, we will carry you for 2 more years on general assistance while you look for a job? I think not. I do not think most people think that is mean-spirited.

And then we say after that two years, okay, now you are on your own. You have had two years to prepare to find a job, two years to find a job, and now you are on your own. But, if 12 months later you have not made it, come on back on, we will give you 2 more years of training and education and community work experience. And after that, you try it again for a year. If you do not make it, come on back. We will give you two more years, and so on. That is not a bad deal.

If you vote for this amendment you say, I am not for the notion of workfare. The workfare proposal that was adopted by the legislature 10 years ago said, if you are able-bodied, and only if you are able-bodied, and you are under 45 and you are over 18 and someone offers you a community work experience job and you turn it down, you are off benefits. It is a simple choice. The problem is that the Casey administration came in and said, we are not going to offer anyone jobs. We are not going to make these community work experience jobs available. Nobody has to turn them down, nobody gets off the rolls.

Now, if you think there is something wrong with asking an able-bodied, relatively young, healthy person to give something back to his community, or her community, in the form of working for the county, the city, the township, the

borough, the State, a nonprofit agency, go into a nursing home, do things that many Pennsylvanians do on a completely voluntary basis. Many Pennsylvanians put 10 hours a week volunteering in their community. Do that. And what do you get from that? You get some good experiences that might help you become more employable. You learn to get up in the morning and go to a job site. That is an important quality. You tell the taxpayer when you are doing that that it is a square deal. I am in need, you helped me, I give back. That is a square deal. That is fair. That is reasonable. It is not punitive.

We say to the welfare recipient, you have earned this. Here. Thank you. Thank you for what you did for your community today. Here is your check. And the other thing that we accomplish, we actually have an opportunity to clean up cities, to clean up trash from highways, to clean vacant yards, to clean graffiti, to repair playgrounds at schools and community parks. We can be as creative as we want. We can rehab homes. We can do all kinds of things. There is nothing wrong with that.

My colleagues from across the aisle who have spoken this evening have not come here to say, we find some faults with these ideas and we would like to correct them and we would like to work with you to correct them. That has not been the approach. The approach has been to say, we do not want welfare reform at all; at all. We are not doing things that create these incentives and these disincentives to move people on to independence.

I think that every discussion about welfare reform has to be in context, and the context is, what is the status quo that you want to protect? If you want to protect the status quo, if you like what the welfare system is doing, if you like the way it affects families, then you ought to vote for this amendment. But if you want to change that, then you ought to vote "no," and that is what I ask for.

And this is not a Republican versus Democratic issue. I would like to read a quote on the subject of people working for their benefits. "At a cost of over \$900 billion spent on all public assistance, we have managed to produce little more than subsistence level payments to an increasingly hopeless and alienated segment of American society. We now understand that personal responsibility and self-esteem can't simply be taught, they have to be earned. A society with children who need care, roads that need repair and bridges that need building cannot afford to pay able men and women to sit idle." And this speaker goes on to advocate a program where all welfare recipients, with the exceptions of mothers with very young children and those enrolled in education and training programs, like our bill, would be required to take an available job in a sponsored project if they cannot find jobs elsewhere. The speaker points to the great successes during the Depression of the WPA and the CCA and makes a comparison to these kinds of programs. Who do you think said that? Herbert Hoover? Ronald Reagan? Dick Thornburgh? It was Harris Wofford on May 21st of 1992.

It is not a partisan issue. It is an issue we need to come together on, despite our counties of representation, despite our parties. We need to figure out how to move people into independent, productive lives, and that is what this bill does.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

Senator FISHER. Mr. President, I am not going to repeat and go over in any great length the comments already presented by the gentleman from Bucks, Senator Greenwood.

I do rise to urge opposition to the Williams amendment and support for the bill as it is, together, hopefully, with the amendments which will subsequently be offered by Senator Greenwood. But I would like to just point out a couple of additional issues that are contained within the bill and distinguish our proposal from the proposal that has been offered by the gentleman from Philadelphia, Senator Williams.

One of the other issues that has not received any attention is the one which would limit the amount of cash benefits for both general assistance and AFDC recipients who have resided in the Commonwealth for less than 12 months to an amount that will not exceed the amount they would have received in their former State. I think that that is a very good change. It is one that tries to bring about some equality between the amounts paid to needy people in this State versus needy people in other States, and to try to eliminate any inducement if, in fact, there is one to have people move across State lines for the sole reason of obtaining general assistance from this Commonwealth which would be in excess of what they would receive elsewhere.

But I think just for a moment I would like to address my attention to the learnfare concept. It is language which I inserted in the bill in the Committee on Appropriations. It is language which I think is perhaps one of the most crucial parts of this legislation, although, as has been indicated by the previous speakers, it by no means is one of the big cost savers. We do not propose it as being one that is going to balance this year's budget. It is not going to make a major difference in the amount of money that will need to be appropriated for the Department of Public Welfare for our welfare system. But, in fact, it is one which I believe can have a far greater impact in the long run than many of the other provisions that are contained either in any of the amendments or in our entire Welfare Code.

We have heard the phrase "the cycle of dependency," and that is not something new that we coined on the floor of this Senate here tonight. But, the cycle of dependency, I believe, is something that all of us are concerned about and this nation is concerned about. We are concerned as to whether or not the children in our nation are, in fact, entering into that kind of cycle where they will not realize that they are the ones upon whom they are going to have to depend in future years. We do not know where our welfare system is going to be in this State or in this country in future years, but we know that there are many children in this State, people who are in their formative years, people between the ages of 8 and 16, as is covered by the amendment, who just are not attending school. We know

that there are many children throughout all of our school districts who continue to have unexcused absences, who are problems for the districts, who are problems for the families, and who end up being problems for the communities.

But, what we have before us is a bill which deals with at least those children who are part of the families who receive welfare in this State. And what we are saying is, we are not saying it in a Draconian way, we are not saying it in a way which I believe is overly harsh, but we are saying it in a way that other States have already said it, that one small thing we should ask the families in this State, not for us as a Commonwealth but for themselves and for their children, is to try to get their children basic education and try to help their children so that their children in future years can help themselves. We want them here to be productive citizens of our Commonwealth. We want them to learn. We want them to be holding jobs. We want them to stay here, but they are never going to be able to do that if they do not go to school.

It is very difficult for us to force certain children, it is very difficult for us to force families to change their attitudes. I guess I, for one, do not believe that learnfare is going to change everybody's attitude immediately, but I would hope that the message that we are sending out through the adoption of a provision that says, if, in fact, a child in the current bill has two days—but the gentleman from Bucks, Senator Greenwood, has an amendment which will raise that to three days, so, for purposes of discussion, it says that if a child has three or more unexcused absences a month, that a process will begin. That process could culminate in the reduction of the payments to that family until the child gets back in school and attends regularly. It is not a long-term punishment. It is not a long-term punishment at all, but it is an attempt to try to get the families of Pennsylvania whom we are supporting in part through general assistance and AFDC payments to take education seriously. For whatever reason, some of those who are less fortunate in this State may not have taken education seriously when they were children, and that is unfortunate. We are not going to be able to reeducate everybody, but let us not let another generation in this State go by without giving them every opportunity to learn. If we can say, by putting in some financial measures that maybe wake some people up, whether it be children or whether it be adults, then I think we have succeeded. I think that is one very valid reason why we should reject the Williams amendment, proceed forward with the Greenwood bill as it is before us and as it has been amended, and adopt these changes.

Some people have asked me today, are we trying to balance the budget on the backs of the people who are least able in this State? I say, no, but, in fact, we are trying to change the welfare system and make it a better welfare system for tomorrow.

Thank you, Mr. President.

Senator WILLIAMS. Mr. President, I am not sure whether we have been addressing substantially the amendment or whether we are all over the lot on the bill and the amendment, and, frankly, I do not really care to call it a technicality one

way or the other, but I have tried to discipline myself and, therefore, I do not want to be deprived of the opportunity to make comments both on the amendment and on the bill. So if I am reserved additional commentary on the bill, I will not try to caution myself, but if I do that now, half and half, I just wanted to alert the President that I think the rules ought to be flexible, but, at the same time, I do not want to miss the points that I want to make.

The PRESIDENT. The Chair appreciates the gentleman's comment and would point out that there will be at least one other opportunity to discuss the bill on final passage, should we arrive at that stage tonight.

Senator WILLIAMS. Mr. President, I do want to say that at some point the thrust of the amendment was lost, and, for instance, when the issue of race arose, the lady from Philadelphia, Senator Schwartz, had talked about one in four black males being either incarcerated or on parole, I really think there is a real serious and faulty, flawed question of parole in this State. I think that gives a message about the race of people on welfare, though, and we need to know that is a misperception of times, that most of the folks on welfare whom we are talking about are not African-Americans. It does not make a difference, but we do not want to present the issue of public assistance as being other than broad based, and people who fall into categories, be it poor or blind or children, people who cannot help themselves, by definition, and that is the public policy in the welfare system.

As I listen to the Senator from Bucks, I almost thought that this was a new, brilliant notion that was coming to the fore to meet some critical issue because if the legislation that we have, the amendment presented against is so brilliant, I do not know why that could not have been done 10 years ago.

So it is obvious that anytime we talk about welfare reform, either someone is running for election or there is a fiscal crisis. Everybody knows that. And so let us not fool ourselves. We are not talking about reform, we are talking about—let us talk about money, because the taxpayers like to hear that. Let us talk about some poor people who are not carrying their load like the rest of us. Everybody in America knows that. I say this time let us not make that kind of cruel deception, because the events of our country indicate that the cities and the country are falling apart.

I agree with the gentleman from Allegheny, Senator Fisher. People are tired of the cycle of dependency. That is why Ross Perot is so popular, because glib politicians are on the backs mostly of poor people. It is rich people saying, well, we do not have to worry about those people. I will get elected, or I will sound good. It comes down to that. And so the American people of all strata are tired of this. They do want a behavior change. And they do want to stop the cycle of dependency as talked about by those of us who are so smart, giving all these glib answers, and fundamentally it keeps on taking place.

The whole question here is jobs. I do not know about you, but I was a kid on welfare, of welfare parents, and I liked them. And guess what? Every day of elementary school, except two, I made class. I even went in the morning when I

was supposed to only go in the afternoon. Now, of course, the Republicans were in charge of the city, but there were no rewards one way or the other. So it is not about that. It is punitive and very unlearned to punish a parent who may not even know his or herself. That is not very smart, and it is the same kind of behavior and dependency that our public is tired of.

And so I say the offerings of Senate Bill No. 1233 fall far, far below any respectability in terms of reform of anything. It is a glib attempt, a regressive attempt at that, to appeal to a constituency. Learnfare is a regressive thought process which says we will punish. It does not even sound like it is in America, to me, to say, I am going to punish that parent. Help that man get a job, plain and simple. I know a lot of people and some college graduates who cannot find work who want to work, who are good workers. Now, when are we in the legislatures of this land going to be smart enough to create some growth ideas for the cities, in other words, that keep our economy relevant? I mean, it is only about jobs, although the statistics will show you that most of these people want to work. It will show you the length of welfare is not more than a couple of years. It will show you that the hearts of American people, black and white, want to take care of families.

I do not know about you, but I do volunteer all the time and I see those families who are affected by the policies of this government, the Federal government, and the practices of those of us who are supposed to be enlightened, whether it is age discrimination, sex discrimination, race discrimination, or whatever. We discriminate so much that most of the people in those categories are there because we put them there, and they still do not get jobs. So let us accept responsibility. It is true that I do start from the top, Mr. President, because the top should set the example. Those who run the money should solve this fiscal crisis. I mean, what is wrong with saying—Senator Greenwood says they are already entitled to do that by some funny language in the law. I want to fire them up, say, do it. Report to me next month. What do you have on the books? They tried it a few times and they saved a lot of money. What is wrong with us saying, we hold you accountable to save this money, produce this program, if we have real live people working? Even the constituency whom we are talking about all want to get a better job. I am one who does not believe the so-called job training programs you are talking about are anything more, in most cases, the ones that we buy, than a warmed-over version hitting a few people.

We have to create opportunities and unblock disopportunities. A lot of us in here are businesspeople and we know how to do that for ourselves, and we ought to accept that responsibility. And so, I say that the amendment is the only reform, but it is because it makes us and the departments responsible for getting the money we are concerned about. It stops blaming the poor people. It also puts upon us the responsibility to create jobs, to tend to our economy, and if we cannot do that, we should not be in office. If you cannot create jobs, then the promises that we all make when we run for election, frankly, are in the same category which creates,

as I said, the cycle of dependency by those of us in office which gives Ross Perot such popularity, because our people are sick and tired of the same old words, the same old code words when it affects the poor.

I want to say one final thing on that because we are talking about cities at large and we are talking about heads of families and heads of households. A lot of what happened in Los Angeles is about that. It is in every city, something in the fabric we are ignoring, and it is costing us millions and millions of dollars, and the President finally goes out there. But that thing which showed itself worldwide is something going on that is other than the glib way we talk up here in the ivory towers that we live in, and sometimes some fantasies. That is real. So we are talking about people in those categories of need. And you keep hearing people like some of us get up and say, those people want to work. It seems to me there is a responsibility that if you are concerned about America, really America, I mean, the composition of America and its future, these should concern us all, and we cannot just glibly cast the poor aside and the disabled aside in glib tones as we always do. We need to, it seems to me, especially if we want to send some signal nationally, there is a responsibility. It is a new age, a new time. That is what happened in the Presidential election. People want to hear something different. They want to hear some solutions. They want to hear real people. They want men and women, black and white, to talk together, basic honesty for a change, without putting people down and up and in categories. And I think Senate Bill No. 1233 represents that same old version.

I am not saying our welfare reform amendment is the greatest, but it is the first attempt I have seen for people to start digging to find some answers about how we are going to raise the money, what we are going to do with it, without giving people a sense of abuse and degradation.

Senator PETERSON. Mr. President, I rise to support Senate Bill No. 1233 and to discuss the amendment that is before us. As I reviewed the amendment this afternoon that is before us now, I guess I would say it is a document that admonishes the Department of Welfare and tells them to start doing their job.

As was stated earlier by a previous speaker, the Department of Public Welfare can do almost everything that is in the amendment without any law changes. As you look at the amendment, the titles of the paragraphs are: requires the department, the department is required, the department may use, must maximize Federal funds, the department will ensure, requires the Department of Health and Education, the department is directed, the department is required, the department shall seek ways, the department may competitively bid, the department shall adopt, the department is to develop a strategy.

If you look at the Welfare Code, almost everything that is in this amendment could be covered by the present mandate of this General Assembly for the Department of Public Welfare to manage this program.

As we look at history, and I think we have to, early in the Casey administration one of the first changes was to downsize and not fill the positions in the fraud unit. And that is a bad message to send to cheaters, both on the recipient and on the provider side, that when you are not watching for fraud, you are going to have a lot more of it. I am told by people who work for the department, people who work right down there with the recipients, people who care about the future of the recipients, just like you and I do, and that philosophy changed a few years ago and it became a philosophy that said, bend the rules, make it easy, do not ask certain questions, counsel people not to give you certain information that might disqualify them. Do everything you can to allow them to qualify. And I guess that comes down to the real philosophical discussion that we are having here tonight. Welfare is something that is necessary and vital to our needy people.

When we debated this issue in 1981 and 1982 in the House, I guess I was credited for coining the phrase "the truly needy," because those are the ones we must help, we must support, and we must take care of. But I think the difficult part in developing a welfare net is where do you draw the line? Where do you make the tough choices? Who can pull themselves up? Who can work themselves back into society and who cannot? And those who are trapped because of health, any kind of disabilities, unfortunate happenings, and they cannot pull themselves up are the ones we absolutely have to support.

But as we look at some of the provisions that are ripped out by the amendment that is before us, I guess I have a hard time understanding why we are wanting to provide welfare benefits from Pennsylvania for people who choose to come here and leave States maybe because our benefits are better. And those who say that is not happening are not telling the whole story.

I talked to some managers in some rural counties and they see a migration, from Florida especially, from North Carolina, from Alabama, other States, a lot of southern States, and if that is happening in rural counties in central Pennsylvania, what is happening in Philadelphia, Pittsburgh, and Erie that are right on the corners and the borders of our State? I know what is happening. I know in Erie they are coming from Buffalo. They come from Cleveland. We do not do cross-checks. It is possible to have benefits in both States. But we seem to have resistance against having controls to make sure that Pennsylvania dollars are here to serve Pennsylvania people, and I do not understand that philosophy. Many States do not have a general assistance program and many States have cut their general assistance program. That is why some of those people are coming to Pennsylvania, to get general assistance. It is no longer available or as available as it was in the past.

I guess the issue that will be debated for a long time and that I debated with many Members before is the issue of workfare. I think workfare, if properly administered, can be one of the best programs. We all have parks and community facilities that need all kinds of assistance and help. We have needs in all of our communities and in many of our organizations that could stand some help, and someone said volun-

teers. What is wrong with the person who is able-bodied, healthy, to get up in the morning at a certain time and report to a workfare site and perform a duty that could lead them to employment? I have talked with individuals personally who have made that transition and they support workfare. I will not say under the last workfare as it was implemented that in all the counties in Pennsylvania it was implemented well. Probably better in rural counties than in urban because there is a different thought process there. But I think counties that implemented that program found good, meaningful work experiences.

I happen to know a district engineer at PennDOT who got his secretary there. She came in as a part-time typist, took some typing courses, got up to speed, ended up with a good job in the Department of Transportation. We could do wonders within our park system, within our welfare system itself with the people they employ, or the Department of Transportation, along with our communities. Workfare will work. We had community work under the last setup before it was gradually phased out by the Casey administration, or downsized to 500 people now, I guess, working in it, who every summer had a sidewalk project or some community improvement. The sidewalk project was one in two communities - in Smithport, Pennsylvania, and Waterford, Pennsylvania - where they had someone on staff who knew how to pour sidewalks and curbs. They took some community facilities money or some CDBG funds and they ended up being able to subsidize the cost of sidewalks in that community where the people and the businesses could afford them, and their whole downtown sections had nice, safe sidewalks, sidewalks that were handicap accessible. Those young men—that program was limited to men because of the type of work—learned a skill. Being able to pour concrete and finish it is a skill that is very saleable in most parts of Pennsylvania. Those are the kinds of projects that worked, that made a difference, and should be out there.

One of the other impacts that the county managers have told me about, and some retired county managers who were very willing to talk, was that when workfare got implemented to its greatest extent, it was surprising to them how many people would call in and say, you know, I am not going to work at that workfare job. And do you know why? Because they already had a job that they were not reporting. And that happens. That is not the multitude, that is not the big percentage, but, ladies and gentlemen, it is out there. There are people in the black market, or whatever you want to call it, who work for cash in our cities, in our rural areas who do not report that income to anybody for income taxes or anything else, and they get welfare. But when they found out that on a certain day of the week or on certain days of the month they had to go and report for work and they no longer could go to that employer and work, they chose work over welfare.

I think it is important, as we debate this issue tonight, the Greenwood bill, Senate Bill No. 1233 is not a harsh bill. It is not a bill that throws gross amounts of people off the system. It is a bill that I think will help us get the right balance. It is a

bill that will encourage and make more chances for people to work themselves back into the workforce.

Yes, we need to revitalize our economy, and I have spoken loudly and clearly at this microphone that there are some other changes like business taxes, and so forth, that we need to do to make sure we are competitive in the job market and get our economy going again. But in the interim, I think Senate Bill No. 1233, that includes residency, that includes workfare, that includes fairness in many of the provisions, just brings fairness along with some of the proposals that are in the Williams-Jones amendment, is exactly what we need to do. The amendment before us, which some of the provisions will be offered by the gentleman from Bucks, Senator Greenwood, a little later as an amendment, has a lot of requirements that I think the Department of Public Welfare ought to do, but they do not really have to be done by law. The Department of Welfare should be already doing them.

I think it is important tonight, as we again alter our welfare program in Pennsylvania, that we find that balance that is fair, that helps the truly needy, that gives as many opportunities as possible but does not allow people to get into the net, the webbing, or into the swamp, or whatever you want to call it. But, unfortunately, there are those who get into the system and never seem to have the will or opportunity to get back out, and that is why it is very important that we constantly monitor and modify our system, that we do everything possible to make sure that people are not choosing welfare but are choosing work and a future that is meaningful.

The provisions in Senate Bill No. 1233 have been well-thought-out. They are not radical. They make sense, and they ought to be Pennsylvania law.

Senator JONES. Mr. President, thank you for allowing me another opportunity to speak on our amendment.

First of all, I would like to answer one of the questions that was asked by the gentleman from Bucks, Senator Greenwood, on the idea that people should work, and if they do not, they do not get welfare. We already have, Mr. President, Section 432.3 of the Public Welfare Code. You might not be familiar with it, but if a person quits a job, they cannot get welfare for 60 days, and if it is a second occurrence, it is 120 days that they cannot get welfare. So, you see, we already have a provision there for these types of people you spoke of.

And to the gentleman from Venango, Senator Peterson, I agree with him about the things that the Welfare Department can do. However, we need to make this law. This is why the gentleman from Philadelphia, Senator Williams, and I have done what we have. And, Mr. President, if there are some jobs, you know, I want to make this clear: I think it is an insult to the 470,000 people who are unemployed in the State of Pennsylvania to assume that they are lazy and do not want to work, because that is what you are saying if you are saying all these jobs are available, why are these people unemployed? I want to make something very clear, because I have worked with welfare recipients, being one myself. I know how they plead for job training. I know how they plead for work. There are very few people who want to live on welfare. As a matter

of fact, there is good and bad in everything. There are good preachers, there are bad preachers. There are good Senators, and there are some bad Senators. Welfare recipients are no different than other people. They are human beings. Of course, you might find a few people who might be guilty of some of the myths that continuously circulate for excuses of not doing the right thing. But you cannot put all these people in one barrel and get up and call yourself, or introduce some legislation that simply penalizes people.

Let me explain what I meant when I said that what you are doing will hurt people who are now in job training. If we have \$26 million to deal with, which is what this program will cost, then where are you going to get the money for job training? If this is going to cost us, where is the job training money? That is what I mean by you are going to put these people out.

Mr. President, in my earlier remarks, I spoke of the human impact of this bill. Now I would like to speak on my amendment. I would like to speak on the fiscal impact. The very able Committee on Appropriations staffs of the gentleman from Montgomery, Senator Tilghman, and the gentleman from Philadelphia, Senator Fumo, have each concluded that Senate Bill No. 1233 will cost money to implement for the first two years at least. Senator Tilghman's staff believes the cost will be at least \$1.8 million, and Senator Fumo's staff believes the cost will be at least \$7.4 million. The Department of Welfare believes the cost will be at least \$26.5 million. All agree that this bill costs money. I believe the costs to be higher still, since I believe the hidden costs of homelessness and hopelessness have not been calculated into any of the fiscal notes.

Mr. President, this amendment will save money and expand job training. My staff has calculated the savings from this amendment to be \$44.235 million next year, and over \$51 million the year after. The savings will come from a variety of areas. If the Medical Assistance Program purchased private insurance for certain people with chronic, costly illnesses, the Federal government would pay for over half of the costs of the premium, and we will save over \$10 million per year there. If it takes six months to get this program going, we will save \$5 million a year. If we completely bid out the lab service and medical supplies, we can save over \$2 million next year, and \$4 million the year after. If we make an aggressive, intensive effort to shift mental health consumers and drug and alcohol treatment consumers from State-funded-only programs to State and Federally funded programs, we can save over \$30 million next year. This is talking about real welfare reform.

Mr. President, I may be wrong about the total dollar savings of this amendment, but I am absolutely right that Senate Bill No. 1233 will not save a dime next year or the year after unless, Mr. President, it is the intention of the supporters of this bill that people 45 to 54 years old will not have slots available to them in the six outlined programs so that they can keep their benefits for the next two years. If this bill and its supporters mean what their words say, then there will be no savings from raising the chronically needy age to 55 years old until people have exhausted their 24 months of benefits.

Mr. President, no one can believe that if slots are available, people will refuse them; at least very few people would. Mr. President, the victims of this bill are poor. They are not stupid. If they can keep their only link to survival by jumping through loops, they will jump. In fact, Mr. President, the whole premise of this bill is that poor people can be made to jump through loops. The only way this bill will save money next year, Mr. President, is if the loops are removed; that is, if the program slots are not available. And, Mr. President, to hold out the promise that people can keep their benefits by enrolling in programs and then not to make the program available would be deceitful, and I know that the Members of this Chamber are not deceitful.

Anyone voting against this amendment and for this bill is voting against real welfare reform, real welfare reform, Mr. President, the kind of reform that saves money and helps people. But are we for real? Are we really for real, or are we going to try to get a Congressman to Washington on the backs of poor people?

Finally, Mr. President, I repeat that my estimates of \$44 million in savings from this amendment may be off. However, I would suggest that we pass this amendment, that we really pass the Jones-Williams amendment and refer this bill to the Committee on Appropriations. Let us give these people a chance and let the Committee on Appropriations look at real welfare reform.

And the question recurring,

Will the Senate agree to the amendment?

The yeas and nays were required by Senator WILLIAMS and were as follows, viz:

YEAS—19

Afflerbach	Jones	Mellow	Schwartz
Belan	LaValle	Musto	Stewart
Bodack	Lewis	Porterfield	Stout
Dawida	Lincoln	Reibman	Williams
Fattah	Lynch	Scanlon	

NAYS—29

Andrezeski	Greenleaf	Lemmond	Robbins
Armstrong	Greenwood	Loeper	Salvatore
Baker	Hart	Madigan	Shaffer
Bell	Helfrick	O'Pake	Shumaker
Bortner	Holl	Peterson	Stapleton
Brightbill	Hopper	Punt	Tilghman
Corman	Jubelirer	Rhoades	Wenger
Fisher			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third consideration?

LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, I request temporary Capitol leaves for Senator Andrezeski and Senator Lewis.

The PRESIDENT. Senator Lincoln requests temporary Capitol leaves for Senator Andrezeski and Senator Lewis. The Chair hears no objection. Both of those leaves will be granted.

And the question recurring,

Will the Senate agree to the bill on third consideration?

Senator GREENWOOD, by unanimous consent, offered the following amendment No. A2182:

Amend Title, page 1, line 5, by striking out "and" and inserting a comma

Amend Title, page 1, line 6, by striking out "; AND PROVIDING" and inserting: and for medical assistance; and providing for maximizing Federal funds and for

Amend Sec. 1 (Sec. 403), page 2, line 21, by inserting after "aid.": For the purpose of this subsection, the term "household" does not include single-room occupancy residences, rooming houses or nonprofit residential programs receiving charitable funding, Federal, State or local government funding.

Amend Bill, page 4, lines 8 and 9, by striking out all of said lines and inserting:

The department shall place a client in a community work project only if the department is unable to place the client in an appropriate education training or job search activity to improve his employability or obtain bona fide employment, or if the department determines that participation in community work experience is the most appropriate activity to enhance employability.

Section 2. Section 408 of the act, amended April 8, 1982 (P.L.231, No.75), is amended to read:

Section 408. Meeting Special Needs; Encouraging Self-Support and Employment.—(a) The department shall take measures not inconsistent with the purposes of this article; and when other funds or facilities for such purposes are inadequate or unavailable to provide for special needs of individuals eligible for assistance; to relieve suffering and distress arising from handicaps and infirmities; to promote their rehabilitation; to help them if possible to become self-dependent; and, to cooperate to the fullest extent with other public agencies empowered by law to provide vocational training, rehabilitative or similar services.

(b) For the purpose of increasing Federal funding and facilitating health in children, preventing malnutrition, low birth weight and infant mortality, and providing nutritious foods for infants, children, pregnant women and nursing mothers, the department shall designate State supplemental Women Infants and Children (WIC) benefits as a Special Need Item for persons eligible for Federally funded categories of cash assistance.

Section 3. Section 432(3) and (5) of the act, amended April 8, 1982 (P.L.231, No.75), are amended and the section is amended by adding a clause to read:

Amend Sec. 2 (Sec. 432), page 5, line 18, by striking out "LICENSED"

Amend Sec. 2 (Sec. 432), page 8, line 10, by striking out all of said line and inserting:

The provisions of this subclause shall not apply to Aid for Families with Dependent Children or General Assistance recipients 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.

(8) The department shall not categorize any such person as chronically needy unless it has fully explored whether the child is eligible for Aid to Families with Dependent Children (AFDC). In furtherance of this end, the department shall:

(i) use the broadest possible definition of incapacity under Federal law and regulations and design a medical assessment form consistent with that definition;

(ii) use the broadest possible criteria permitted under Federal law and regulations regarding eligibility for AFDC for unemployed parents (AFDC-U); and

(iii) create flexible verification criteria for establishing the necessary degree of relatedness for specified relatives.

The pursuit of AFDC eligibility for any child shall not delay the child's receipt of public assistance. By October 1, 1992, the department shall complete a review of all general assistance household cases that contain at least one child to determine whether said household can be converted to AFDC.

Section 4. Section 432.4 and 432.5(c) of the act, amended April 8, 1982 (P.L.231, No.75), are amended to read:

Amend Sec. 2 (Sec. 432.4), page 8, line 11, by inserting after "Residence.—": (a)

Amend Sec. 2 (Sec. 432.4), page 8, line 23, by inserting after "application.":

The provisions of this subsection shall not apply to General Assistance 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.

Amend Sec. 2 (Sec. 432.4), page 8, line 24, by inserting before "For": (b)

Amend Sec. 2 (Sec. 432.4), page 8, line 29, by inserting before "If": (c)

Amend Sec. 2 (Sec. 432.4), page 9, line 3, by inserting before "When": (d)

Amend Bill, page 9, by inserting between lines 7 and 8:

Section 432.5. Limits on Property Holdings.—***

(c) Other property in excess of two hundred fifty dollars (\$250) for a single person assistance unit and other property in excess of one thousand dollars (\$1,000) for assistance units with more than one person shall be considered an available resource. The following items shall not be considered an available resource, unless such consideration is required under Federal law or regulations:

(1) Wedding and engagement rings, family heirlooms, clothing and children's toys.

(2) Household furnishings, personal effects and other items used to provide, equip, and maintain a household for the applicant and recipient.

(3) Equipment and material which are necessary to implement employment, rehabilitation, or self care plan for the applicant or recipient.

(4) A motor vehicle with an equity value that does not exceed limits as the department may establish by regulation.

(5) Retroactive assistance payments received as a result of a prehearing conference or a fair hearing decision.

(6) Accumulated assets established under the act of April 3, 1992 (P.L.28, No.11), known as the "Tuition Account Program and College Savings Bond Act," or a restricted education savings account approved by the department.

Section 5. Section 432.21 of the act is amended by adding a subsection to read:

Section 432.21. Requirement that Certain Federal Benefits be Primary Sources of Assistance.—***

(c) The department shall institute steps to identify any recipients and applicants for assistance who may be eligible for Social Security Survivor's benefits and shall provide assistance to them in applying for and obtaining said benefits, including, but not limited to, informing recipients and applicants of the eligibility standards for Social Security Survivor's benefits, helping them complete Social Security application forms and helping them obtain records establishing paternity.

(d) The department shall institute steps to aid recipients or applicants for assistance who are users of mental health and mental retardation (MH/MR) services, beginning with high users

of services, to apply for and receive Federal Supplemental Security Income (SSI) and Federal Social Security Retirement, Survivor's and Disability Income benefits (RSDI). In furtherance of this end, the department shall:

(1) offer incentives, financial and otherwise, to providers of MH/MR services, including hospitals and community-based mental health/mental retardation centers, to assist their patients in applying for SSI and RSDI and to provide medical records and reports to support said applications;

(2) require each MH/MR center to designate a public benefits counselor to coordinate efforts to obtain SSI and RSDI for patients of the center and to serve as a liaison with the department's Disability Advocacy Program (DAP) workers and with the Social Security Administration, including the State Bureau of Disability Determinations under Federal contract, to do disability evaluations; and

(3) require all providers of mental health and mental retardation services to refer any denials of SSI and RSDI to the DAP.

Section 6. Section 443.3 of the act, amended November 28, 1973 (P.L. 364, No. 128), is amended to read:

Section 443.3. Other Medical Assistance Payments.—
(a) Payments on behalf of eligible persons shall be made for other services, as follows:

(1) Rates established by the department for outpatient services as specified by regulations of the department adopted under Title XIX of the Federal Social Security Act consisting of preventive, diagnostic, therapeutic, rehabilitative or palliative services; furnished by or under the direction of a physician, chiropractor or podiatrist, by a hospital or outpatient clinic which qualifies to participate under Title XIX of the Federal Social Security Act, to a patient to whom such hospital or outpatient clinic does not furnish room, board and professional services on a continuous, twenty-four hour a day basis.

(2) Rates established by the department for (i) other laboratory and X-ray services prescribed by a physician, chiropractor or podiatrist and furnished by a facility other than a hospital which is qualified to participate under Title XIX of the Federal Social Security Act, (ii) physician's services consisting of professional care by a physician, chiropractor or podiatrist in his office, the patient's home, a hospital, a nursing home or elsewhere, (iii) the first three pints of whole blood, (iv) remedial eye care, as provided in Article VIII consisting of medical or surgical care and aids and services and other vision care provided by a physician skilled in diseases of the eye or by an optometrist which are not otherwise available under this Article, (v) special medical services for school children, as provided in the Public School Code of 1949, consisting of medical, dental, vision care provided by a physician skilled in diseases of the eye or by an optometrist or surgical care and aids and services which are not otherwise available under this article.

(b) As used in subsection (a)(2)(v), special medical services shall also include supplemental food, prescribed by a physician for children, infants, pregnant women and nursing mothers, available under the State supplemental WIC appropriation.

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

Section 454. Procedure in Relation to Certain Medical Assistance Claims.—(a) The department shall amend the State Medical Assistance Plan to adopt the option of making independent disability determinations of persons with alcoholism and other drug dependencies for purposes of medical assistance eligibility as authorized by Title XIX of the Social Security Act (Public Law 74-271, 42 U.S.C. § 1396a(v)).

(b) The department shall transfer persons on general assistance who appear to meet the Social Security disability criteria to Federal medical assistance and shall seek Federal match for the cost of these services.

Section 455. Purchase of Private Insurance.—The department shall, as provided for in Title XIX of the Social Security Act

(Public Law 74-271, 42 U.S.C. § 1396a), purchase private insurance with Medicaid funds, under the most cost-effective option allowed by Federal law.

Section 456. Maximization of Federal Funds for Alcohol and Other Drug Dependency Treatment under Medical Assistance.—The department shall take all efforts necessary to maximize Federal funds under the medical assistance program for alcohol and other drug dependency treatment now funded with purely State funds. Such efforts shall, at a minimum, include the following:

(1) train Disability Advocacy Project workers in Social Security disability criteria for persons with alcoholism and other drug dependencies;

(2) design a system to identify persons on general assistance who are alcohol or other drug dependent and refer those persons to specially trained Disability Advocacy Project workers;

(3) amend the State Medical Assistance Plan to adopt the option of making independent disability determinations of persons with alcoholism and other drug dependencies for purposes of medical assistance eligibility as authorized by Title XIX of the Social Security Act (Public Law 74-271, 42 U.S.C. § 1396a(v)); and

(4) transfer persons on general assistance who appear to meet the Social Security disability criteria to Federal medical assistance and seek Federal match for the cost of the services provided to them.

Section 457. Maximization of Federal Funds for Residential Alcohol and other Drug Dependency Treatment.—The department shall take all efforts necessary to maximize Federal funds under the medical assistance program for residential alcohol and other drug dependency treatment now funded with purely State funds pursuant to sections 2334 and 2335 of the act of April 9, 1929 (P.L. 177, No. 175), known as "The Administrative Code of 1929." Such efforts shall, at a minimum, include the following:

(1) where cost effective, provide funds to residential alcohol and other drug dependency treatment facilities that serve persons under twenty-one years of age to become accredited by the Joint Commission on Accreditation of Health Care Organizations and then seek Federal match for Medicaid eligible persons under twenty-one years of age treated in such facilities;

(2) amend the State Medical Assistance Plan and seek Federal match for any individual eligible for medical assistance under Federal requirements being treated in a residential facility having less than seventeen treatment beds;

(3) amend the State Medical Assistance Plan and seek Federal match under the optional targeted case management provision of the Federal Medical Assistance Program as provided for in the Social Security Act (Public Law 74-271, 42 U.S.C. § 1396n(g)) for any case management services currently or anticipated to be provided under sections 2334 and 2335 of "The Administrative Code of 1929," including those case management services to be provided under contract with the Single County Drug and Alcohol Authorities; and

(4) enter into negotiations with the Health Care Financing Administration regarding obtaining Federal match under medical assistance for other individuals receiving residential alcohol and other drug dependency treatment.

Amend Sec. 3 page 9, line 9, by striking out "3" and inserting: 8

Amend Sec. 3 (Sec. 465), page 13, line 1, by striking out "TWO" and inserting: three

Amend Sec. 4, page 17, line 4, by striking out "4" and inserting: 9

Amend Sec. 5, page 17, line 12, by striking out "5" and inserting: 10

Amend Sec. 5, page 17, line 21, by striking out "4" and inserting: 9

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

Senator GREENWOOD. Mr. President, as I mentioned during the previous debate, this amendment consists of those portions of the Williams-Jones amendment that we felt had merit and ought to be included in the total package. It also includes a variety of amendments that are intended to make sure that in our efforts to move welfare recipients, able-bodied welfare recipients, to independence, that we do not, in fact, produce any unintended consequences that might limit the benefits to those who really require them.

The amendment on the issue of households, where in the bill we have said that a household with three or more general assistance recipients must be limited to a total payment to that house not to exceed that which would go to a family of that size, we make sure that that language does not involve single-room occupancy residences, rooming houses, or nonprofit residential programs receiving charitable funds, State, local, or Federal government funding. We are trying to make sure that we do not inadvertently have this apply to programs that shelter abused individuals or otherwise provide group settings for human services purposes.

We clarify that the assignment to workfare sites occurs only if the department determines that workfare is the most appropriate job training assignment or that there is no other appropriate job training program.

From the Williams-Jones amendment, we incorporate the language that increases Federal funding for WIC by using the State money as a match for medical assistance funding.

We eliminate the requirement that persons receive extended benefits only when they are in licensed drug and alcohol treatment programs. However, the programs must be approved by the Single County Authority Drug and Alcohol Program.

We waived the grant limitation for AFDC and GA recipients who have lived in the Commonwealth for less than 12 months if the applicant can establish that they have moved to the Commonwealth to escape an abusive living situation. We do not want that residency requirement to apply to someone who is fleeing an abusive situation in another State, whether that individual is abused by a spouse, abused by a parent, or abused by anyone.

Again, taking from the Williams-Jones amendment, we direct the department to relax definitions and interpretations for AFDC eligibility rules to transfer families from State funded GA programs to Federally funded AFDC benefits.

We waive the 90-day residency requirement for general assistance recipients who can establish they moved to the Commonwealth due to an established abusive living situation. So we have gone after the residency requirement for those individuals and we also eliminated the idea that they would be held to the grant levels that existed in the States from whence they came.

We restricted education saving accounts from being considered available assets. There was a case that made all of the TV shows earlier this week where a young girl had saved money, she was on welfare, her family was on AFDC, she had saved

\$5,000, I think it was, for a college education, and the department in that State deemed that to be assets and wanted to make her family ineligible for benefits. We say, if you are going to save money from a job and you are going to put that money in an account for your education, it is exempted.

From the Williams-Jones amendment, we pick up the language that directs the department to institute steps to transfer grant recipients to SSI and SSDI programs, that directs the department to make independent disability determinations of addicted persons on welfare and maximize the availability of all Federal funds to match State funds to pay for drug and alcohol treatment, and permits the department to purchase private health insurance.

And finally, on the learnfare aspect of this bill, we increase from two to three the days of truancy which would kick in the learnfare program. That is done to match a similar illegal absence requirement in the School Code, which is actually three per year for children in our public schools.

Mr. President, this amendment, I think, goes a long way to make sure that there are no unintended consequences of the bill. It incorporates the best of the Williams-Jones amendment and makes the bill better, I think, from everyone's perspective, and I would ask for its support.

Senator WILLIAMS. Mr. President, I rise to oppose the amendment because I believe that the offer is made in a spirit that ridicules the process. A perfect example is, on the one hand, because something appears in the paper or is on TV where a child was saving money for school, it seems obvious that people say that is wrong. All of a sudden we say, well, we are not going to have that. And in the same bill we say that if three or more people who are not making any money, who are getting way, way below the poverty allotment are living together, leveraging like the rest of the world does, saving the State and everybody else money makes sense, that we are not going to allow that, but if it is a charitable institution or some other category, we will allow that. It seems to me that is ridiculing the whole process. I mean, if people who are receiving a dole, not enough to live on, combine and say, okay, make things more livable, what is wrong with that? And you say that is not insensitive? That it is not punitive? No one is really making any money. An arrangement like that makes everybody less mentally unhealthy, less possible for homelessness, more healthy for the children and more sense of a community and family. Everybody in America is leveraged. In the big, fat corporations that overextended themselves, according to the gentleman from Philadelphia, Senator Fumo, they merge. They leverage. Everybody does that. It is so bad that at one point we thought Japan was going to leverage us out. That is American, and it saves money.

So on the one hand, I just think the amendment is a cruel process. We are going to vote for this and these poor people, so we will give them a bone. I think that is demeaning, Mr. President, and, therefore, I oppose the amendment out of fear that we might give some respectability to the notion of what is being attempted in the bill and in the amendment.

Mr. President, I just would like to urge defeat of the amendment because, overall, I think the contents of the amendment tend to reinforce a notion which I said really ridicules the process, so I would just want to reemphasize that. I would urge a "no" vote.

Senator JONES. Mr. President, I would like to ask the gentleman from Bucks, Senator Greenwood, a question, please.

The PRESIDENT. Will the gentleman from Bucks, Senator Greenwood, permit himself to be interrogated?

Senator GREENWOOD. I will, Mr. President.

Senator JONES. Mr. President, maybe I misunderstood the gentleman, but did he also exempt personal care homes? Maybe you do not have this in a lot of counties, but we have an enormous amount of that in Philadelphia. Would the gentleman clarify whether he exempted that group or not?

Senator GREENWOOD. Mr. President, my staff advises me that, yes, we made sure that personal care boarding homes were not included in the definition of households.

Senator JONES. Mr. President, but the gentleman did not exempt three or four people getting together to live in homes so they can save money in order to survive, did he? That part is still in there, am I correct? And it could be men, not just women and men. It could be anybody saving money, if you understand.

Senator GREENWOOD. Mr. President, the gentlewoman is correct that the provision of the bill that specifies that when three or more unrelated individuals reside in a home who are general assistance recipients, that their grant combined may not exceed that of an AFDC family of the same size. So the argument here is, and we have encountered examples where there have been very abusive situations of this kind, you can have 10 or 12 people all living in a home, all getting the general assistance grant and receiving severalfold more than the family next door with the same number of people who are a mother and father and children.

Senator JONES. Mr. President, I find that really quite comical, because if you find four, five, or six poor people who try to live together to save money, I do not see where that is anybody's business, as long as they are not defrauding the State. They are just together to save money, to pay the rent and the bills. I am familiar with that. I am familiar with that, Mr. President. As a former welfare recipient, I taught people in welfare rights how to combine their resources, go buy 50 pounds of potatoes and divide it with three of us who go together. That is not uncommon, sir, for poor people. I think you are stepping way out of line to stop people from saving. Since our grants are so inadequate, we ought to be proud of these people for learning to use their resources this way. There is no fraud in there. I object to that, and I urge you to vote "no" on this amendment.

Senator FATTAH. Mr. President, I wanted to ask if the prime sponsor of this amendment, the gentleman from Bucks, Senator Greenwood, would stand for brief interrogation?

The PRESIDENT. Will the gentleman from Bucks, Senator Greenwood, permit himself to be interrogated?

Senator GREENWOOD. I will, Mr. President.

Senator FATTAH. Mr. President, my questions really relate to learnfare and the change the gentleman is making from two to three days. I guess my first question is that AFDC families go through an eligibility requirement to determine that they are eligible, in need of this type of assistance from the State, is that correct?

Senator GREENWOOD. Mr. President, that has been my experience, as a social worker.

Senator FATTAH. Mr. President, and they essentially need this for food, clothing, and shelter, and to the extent that we would remove this assistance from these families, could the gentleman share with us how it is that he thinks they would be able to provide food, clothing, and shelter for them and their loved ones?

Senator GREENWOOD. Mr. President, the issue before the Senate right now is my amendment, and all my amendment does with regard to that portion of the bill is to move from two days to three days the number of days that would be required in terms of illegal absences to qualify for the program. I would submit, Mr. President, that if the gentleman wishes to interrogate on that issue, it may not be pertinent to the amendment. I would propose that, but if, in the opinion of the Chair, it is, then I would yield to the gentleman from Allegheny, Senator Fisher, who introduced that aspect of the bill into the total bill.

The PRESIDENT. Does the gentleman from Philadelphia wish to pursue the interrogation with some other Senator?

Senator FATTAH. Mr. President, I would like to continue my interrogation of the prime sponsor of the amendment. His amendment changes one of the features as it relates to learnfare, and my question, at least my opening question, is related to get into the whole area of learnfare in terms of why he is changing it from one day to the other. But I would like him, rather than evading my first question, if he would share with us how it is that families with small children absent the resources of AFDC would be able to provide for the needs of life - food, clothing, and shelter - and how it is that if we would remove it after their absence of three days of school he would suspect that they would be able to make these provisions?

Senator GREENWOOD. Mr. President, I do not mean to make myself unavailable to my good friend, the gentleman from Philadelphia, Senator Fattah, but I think, appropriately, I have described the amendment which is before us with regard to the learnfare provisions. I think we have said everything that can possibly be said about that as far as the amendment goes, and I would ask the gentleman to propose his questions on final passage.

Senator FATTAH. Mr. President, I do not think that he said anything that I could gather about learnfare, other than that his amendment would cause the end of benefits to arrive after missing three days rather than two days of school. And my question really relates to how it is that these families are going to be able to provide food, clothing, and shelter and other needs for these small children absent these resources

once the State has already determined that they have no other ability to provide these resources to these children. So I am still searching for an answer, and I do not believe in the record—and we could go back through it if you would like—that he has made any comments relative to that question.

The PRESIDENT. The Chair certainly understands the question. The Chair has also heard the gentleman's version of the answer, and it does not appear that there is further response forthcoming.

Senator FATTAH. Mr. President, well, I thought that the gentleman had offered himself available for interrogation on this matter. Maybe I was mistaken. We have been having a problem with communicating all night with these microphones.

Is he available for interrogation on this subject or not?

Senator GREENWOOD. (Indicating in the negative.)

The PRESIDENT. The gentleman indicates that he is not.

Senator FATTAH. Thank you very much, Mr. President.

Senator MELLOW. Mr. President, I do not really care to speak on the amendment, but I find it absolutely incredible that a gentleman who has us here on the floor at 5 minutes to 10:00 on a Tuesday evening who is so interested in talking about welfare reform, which each and every Member of this Senate wants, all 50 Members, of which 48 are present and able to vote this evening, refuses to accept a question under interrogation to the prime sponsor not only of the bill but also of the amendment. At that point in time, Mr. President, I can only question the motives as to why the gentleman has even brought the issue on the floor of this Senate. I have to wonder if it is purely political or if, in fact, the gentleman really wants to bring about meaningful welfare reform and why he will not answer the questions of the gentleman from Philadelphia, Senator Fattah. I cannot understand—

Senator LOEPER. Point of order, Mr. President.

Senator MELLOW. —under any circumstances, Mr. President, why the gentleman would refuse to do that—

Senator LOEPER. Point of order, Mr. President.

Senator MELLOW. —unless his reasons for not answering are purely political only.

Senator LOEPER. Point of order, Mr. President.

The PRESIDENT. If the gentleman would yield, and if the gentlemen would cease from destroying the furniture.

The Chair would simply point out to the Minority Leader that, in fact, a question was asked and answered to a fashion. The answer was not particularly gratifying to the poser of the question, but in the interest of decorum and in the interest of fairness, there was an interrogation, there was an answer given, and it is not appropriate to question the motivation of a Member of the Senate under any circumstances.

Senator MELLOW. Mr. President, I believe that I heard Senator Fattah once again ask the gentleman if he would stand for interrogation and answer the question. He stood against the wall on the other side of the aisle and shook his head "no." To me, my own way of thinking, that is not the proper type of answer that should come from a prime sponsor of both a bill and an amendment so that Members on this

floor can totally understand exactly what we are voting on or what we are voting for.

This is an extremely important piece of legislation and every Member of this body wants to bring about a proper type of welfare reform. There is no one particular person, Mr. President, who can say that he or she is the sole sponsor of any reform package on this floor dealing with welfare reform, and it is unfortunate, once again, that the gentleman decided not to answer the question properly and would not allow himself to be interrogated.

Senator LOEPER. Mr. President.

The PRESIDENT. The Chair thanks the gentleman for the comments and recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, I would certainly have to take this time to dispute the remarks of the Minority Leader. The gentleman from Bucks, Senator Greenwood, has stood before this Senate for several hours this evening, has made extremely valid points as far as the bill itself, the amendment, the previous amendment that was offered, and also spoke on this amendment and subjected himself to interrogation. However, the gentleman from Philadelphia who interrogated him just did not seem satisfied with the gentleman's answer, and I think that the gentleman was full and frank in responding to that interrogation, even though it did not seem to be to the satisfaction of the questioner. And I think it is unfair, Mr. President, particularly in light of the seriousness and the criticalness of this issue, to characterize the gentleman's response in that fashion.

Senator WILLIAMS. Mr. President, I am reminded of a time in the House when the former Senator Street could not get anyone to stand for interrogation, and so being the brilliant Republican/Democrat that he was, he interrogated himself and answered it. And so the gentleman from Lackawanna, Senator Mellow, was talking about interposers. I just think some people are interposers of questions and some people are supposers, and I guess if you say no, that makes you a "no-oser."

So I rise to answer the gentleman's question. The answer to that question, very simply, is let the children starve. We are talking about Thornfare, because once determined, you know, that they are needy, it says, we do not care. We will teach you. Let the children starve. And I made that observation to your very penetrating question, Mr. President, because I had said at the beginning that this legislation is punitive and insensitive. The nice words that followed from the author of the bill and this particular amendment was that is poppycock. That is foolhardy. Everybody knows that this is not insensitive. Well, his question was so deep, so right down. He said, how are you going to feed the kids? No, the gentleman was not available. The gentleman was unavailable, because the question resounds all over the State that the gentleman just does not give a darn. Let the kids starve. That is the answer.

And the question recurring,

Will the Senate agree to the amendment?

The yeas and nays were required by Senator GREENWOOD and were as follows, viz:

YEAS—41

Afflerbach	Fisher	Lewis	Robbins
Andrezeski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Schwartz
Baker	Hart	Musto	Shaffer
Belan	Helfrick	O'Pake	Shumaker
Bell	Holl	Peterson	Stapleton
Bodack	Hopper	Porterfield	Stewart
Bortner	Jubelirer	Punt	Stout
Brightbill	LaValle	Reibman	Tilghman
Corman	Lemmond	Rhoades	Wenger
Dawida			

NAYS—7

Fattah	Lincoln	Mellow	Williams
Jones	Lynch	Scanlon	

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

The PRESIDENT. Senate Bill No. 1233 will go over in its order, as amended.

RECESS

Senator LOEPER. Mr. President, at this time I would ask for a very brief recess of the Senate for the purpose of a recessed meeting of the Committee on Appropriations to take place immediately in the Rules room at the rear of the Senate Chamber, with an expectation that we will have a Supplemental Calendar and the bill that we just voted as amended back for the Members' consideration yet this evening.

The PRESIDENT. For the purpose of a meeting of the Committee on Appropriations to begin immediately in the Rules room at the rear of the Senate Chamber, the Senate will stand in recess.

AFTER RECESS

The PRESIDENT. The time of recess having expired, the Senate will come to order.

REPORTS FROM COMMITTEE

Senator TILGHMAN, from the Committee on Appropriations, reported the following bills:

SB 1747 (Pr. No. 2237)

A Supplement to the act of April 1, 1863 (P. L. 213, No. 227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

SB 1748 (Pr. No. 2238)

A Supplement to the act of July 28, 1966 (3rd Sp. Sess., P. L. 87, No. 3), entitled "An act providing for the establishment and operation of the University of Pittsburgh as an instrumentality of the Commonwealth to serve as a State-related university in the

higher education system of the Commonwealth;....," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

SB 1749 (Pr. No. 2239)

A Supplement to the act of November 30, 1965 (P. L. 843, No. 355), entitled "An act providing for the establishment and operation of Temple University as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth;....," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

SB 1750 (Pr. No. 2240)

A Supplement to the act of July 7, 1972 (P. L. 743, No. 176), entitled "An act providing for the establishment and operation of Lincoln University as an instrumentality of the Commonwealth to serve as a State-related institution in the higher education system of the Commonwealth;....," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

SB 1751 (Pr. No. 2241)

An Act making appropriations to the Trustees of the University of Pennsylvania.

SB 1752 (Pr. No. 2242)

An Act making appropriations to the Hahnemann University, Philadelphia.

SB 1753 (Pr. No. 2243)

An Act making appropriations to the Thomas Jefferson University, Philadelphia.

SB 1754 (Pr. No. 2244)

An Act making appropriations to The Medical College of Pennsylvania, East Falls, Philadelphia.

SB 1755 (Pr. No. 2245)

An Act making an appropriation to the Philadelphia College of Osteopathic Medicine, Philadelphia.

SB 1756 (Pr. No. 2246)

An Act making an appropriation to the Trustees of Drexel University, Philadelphia.

SB 1757 (Pr. No. 2247)

An Act making appropriations to the Delaware Valley College of Science and Agriculture at Doylestown.

SB 1758 (Pr. No. 2248)

An Act making an appropriation to the University of the Arts, Philadelphia.

SB 1759 (Pr. No. 2249)

An Act making an appropriation to the Philadelphia College of Textiles and Science.

SB 1760 (Pr. No. 2250)

An Act making appropriations to the Trustees of the Berean Training and Industrial School at Philadelphia.

SB 1761 (Pr. No. 2251)

An Act making appropriations to the Downington Industrial and Agricultural School, Downington.

SB 1762 (Pr. No. 2252)

An Act making an appropriation to the Johnson Technical Institute of Scranton.

SB 1763 (Pr. No. 2253)

An Act making an appropriation to the Williamson Free School of Mechanical Trades in Delaware County.

SB 1764 (Pr. No. 2254)

An Act making an appropriation to the Pennsylvania College of Optometry, Philadelphia.

SB 1765 (Pr. No. 2255)

An Act making an appropriation to the Pennsylvania College of Podiatric Medicine, Philadelphia.

SB 1766 (Pr. No. 2256)

An Act making an appropriation to the Fox Chase Institute for Cancer Research, Philadelphia, for the operation and maintenance of the cancer research program.

SB 1767 (Pr. No. 2257)

An Act making appropriations to the Wistar Institute-Research, Philadelphia.

SB 1768 (Pr. No. 2258)

An Act making an appropriation to the Central Penn Oncology Group.

SB 1769 (Pr. No. 2259)

An Act making an appropriation to the Trustees of the University of Pennsylvania for cardiovascular studies.

SB 1770 (Pr. No. 2260)

An Act making an appropriation to St. Francis Hospital, Pittsburgh.

SB 1771 (Pr. No. 2261)

An Act making appropriations to St. Christopher's Hospital, Philadelphia.

SB 1772 (Pr. No. 2262)

An Act making an appropriation to the Lancaster Cleft Palate.

SB 1773 (Pr. No. 2263)

An Act making an appropriation to the Pittsburgh Cleft Palate.

SB 1774 (Pr. No. 2264)

An Act making an appropriation to the Trustees of Jefferson Medical College and Hospital of Philadelphia for a comprehensive program relating to Tay-Sachs disease.

SB 1775 (Pr. No. 2265)

An Act making an appropriation to the Burn Foundation, Philadelphia.

SB 1776 (Pr. No. 2266)

An Act making an appropriation to the Rehabilitation Institute of Pittsburgh.

SB 1777 (Pr. No. 2267)

An Act making an appropriation to the Arsenal Family and Children's Center.

SB 1778 (Pr. No. 2268)

An Act making an appropriation to the Beacon Lodge Camp.

SB 1779 (Pr. No. 2269)

An Act making an appropriation to the Trustees of the University of Pennsylvania for the general maintenance and operation of the University of Pennsylvania Museum.

SB 1780 (Pr. No. 2270)

An Act making an appropriation to The Carnegie for the Carnegie Museum of Natural History and the Carnegie Science Center.

SB 1781 (Pr. No. 2271)

An Act making an appropriation to the Franklin Institute Science Museum.

SB 1782 (Pr. No. 2272)

An Act making an appropriation to the Academy of Natural Sciences.

SB 1783 (Pr. No. 2273)

An Act making an appropriation to the Museum of the Philadelphia Civic Center for maintenance and the purchase of apparatus, supplies and equipment.

SB 1784 (Pr. No. 2274)

An Act making an appropriation to the Afro-American Historical and Cultural Museum for operating expenses.

SB 1785 (Pr. No. 2275)

An Act making an appropriation to the Everhart Museum in Scranton.

HB 1320 (Pr. No. 3703) (Amended) (Rereported)

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 1992, to June 30, 1993, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1992; to provide appropriations from the State Lottery Fund, the Pennsylvania Economic Revitalization Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund and the Emergency Medical Services Operating Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department; to provide appropriations from the Motor License Fund for the fiscal year July 1, 1992, to June 30, 1993, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive and Judicial Departments of the Commonwealth and for the establishment of restricted receipt accounts for the fiscal year July 1, 1992, to June 30, 1993, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1992; to provide for the additional appropriation

of Federal funds to the Executive Department of the Commonwealth for the fiscal year July 1, 1991, to June 30, 1992, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1992.

LEGISLATIVE LEAVE CANCELLED

Senator LOEPER. Mr. President, I would ask that you recognize the presence of Senator Brightbill on the floor and cancel his temporary Capitol leave.

The PRESIDENT. Senator Brightbill is with us. His temporary Capitol leave is cancelled.

LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, Senator Fisher has been called from the floor, and I would request a temporary Capitol leave on his behalf.

The PRESIDENT. There seems to be no objection to the Capitol leave, and that leave will be granted.

Senator LINCOLN. Mr. President, I request temporary Capitol leaves for Senator Dawida and Senator O'Pake.

The PRESIDENT. Senator Lincoln requests temporary Capitol leaves for Senator Dawida and also Senator O'Pake. The Chair hears no objection to that, and the leaves will be granted.

Senator MELLOW. Mr. President, have we considered the bill on final passage yet?

The PRESIDENT. We have not.

REQUEST FOR RECESS

Senator MELLOW. Mr. President, prior to doing that, I would ask if we could have a recess of the Senate until the amendments that have been ordered from the Reference Bureau are returned to the Senate so that we may consider them before the bill is put into the position of final passage where we would have to go through the procedure of reversing that.

The PRESIDENT. The Chair thanks the gentleman.

Just as a matter of information, we are considering this bill and it is before us on third consideration. We have not yet taken that vote.

Senator MELLOW. Mr. President, so now would be the appropriate time for additional amendments?

The PRESIDENT. Amendments would be in order by unanimous consent at this point.

Senator MELLOW. Mr. President, then I would ask if we could have a brief recess pending the delivery from the Reference Bureau of amendments that have been ordered and prior to the bill being moved into the position of final passage.

The PRESIDENT. The Chair would suggest that we do have a few other items to deal with this evening and we could proceed with that business while we are awaiting amendments, if that is agreeable to both sides.

Senator LOEPER. Mr. President, just for the information of the Majority, could the Minority Leader give us an approximate time of how long the Reference Bureau will take in getting those amendments prepared?

Senator MELLOW. Mr. President, yes. Our chief counsel is now talking to the Reference Bureau on amendments that had been ordered, and they say at least another 15 to 20 minutes before they will be delivered to the floor.

HB 203 TAKEN FROM THE TABLE

Senator LOEPER. Mr. President, I move that House Bill No. 203, Printer's No. 213, be taken from the table and placed on the Calendar.

The motion was agreed to.

The PRESIDENT. The bill will be placed on the Calendar.

COMMUNICATION FROM THE GOVERNOR

RECALL COMMUNICATION LAID ON THE TABLE

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and laid on the table:

MEMBER OF THE PENNSYLVANIA LIQUOR CONTROL BOARD

June 2, 1992.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 21, 1992 for the reappointment of Oliver L. Slinker, 1185 Fairmount Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the Pennsylvania Liquor Board to serve until the third Tuesday in May 1996. vice

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY.

NOMINATION RETURNED TO THE GOVERNOR

Senator LOEPER. Mr. President, I call the nomination of Oliver L. Slinker from the table and move that the nomination just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDENT. The nomination will be returned to the Governor.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator LOEPER,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

NOMINATIONS TAKEN FROM THE TABLE

Senator LOEPER. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

MEMBER OF THE BRANDYWINE BATTLEFIELD
PARK COMMISSION

February 11, 1992.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Arthur Miller, 12 Grant Lane, Wayne 19087, Chester County, Nineteenth Senatorial District, for appointment as a member of the Brandywine Battlefield Park Commission, to serve until December 5, 1992, and until his successor is appointed and qualified, vice Katherine Reese, Mendenhall, resigned.

ROBERT P. CASEY.

MEMBER OF THE BRANDYWINE BATTLEFIELD
PARK COMMISSION

February 14, 1992.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Frederick E. Roberts, 411 Conservatory Road, Kennett Square 19348, Chester County, Thirty-sixth Senatorial District, for reappointment as a member of the Brandywine Battlefield Park Commission, to serve until July 8, 1994, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE BRANDYWINE BATTLEFIELD
PARK COMMISSION

February 14, 1992.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, David W. Wood, M.D., 640 North Valley Forge Road, Devon 19333, Chester County, Nineteenth Senatorial District, for reappointment as a member of the Brandywine Battlefield Park Commission, to serve until December 27, 1992, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES OF
EASTERN STATE SCHOOL AND HOSPITAL

April 27, 1992.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jeri J. Goldman, Ph.D., 55 Forsythia Drive East, Levittown 19056-1928, Bucks County, Sixth Senatorial District, for appointment as a member of the Board of Trustees of Eastern State School and Hospital, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified, vice Joseph J. Ryan, Bensalem, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES OF
EASTERN STATE SCHOOL AND HOSPITAL

February 11, 1992.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Luci Wienczkowski, 1110 Stanley Avenue, Bethlehem 18015, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the Board of Trustees of Eastern State School and Hospital, to serve until the third Tuesday of January, 1993, and until her successor is appointed and qualified, vice Patricia Kind, Huntingdon Valley, resigned.

ROBERT P. CASEY.

SECRETARY OF HEALTH

February 14, 1992.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dr. Allan S. Noonan, 1106 Galway Court, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, for appointment as Secretary of Health, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice N. Mark Richards, M.D., Mount Lebanon, resigned.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD
OF EXAMINERS OF NURSING
HOME ADMINISTRATORS

April 10, 1992.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Ronald H. Gabriel, 732 Waterdam Road, McMurray 15317, Washington County, Thirty-seventh Senatorial District, for reappointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD
OF EXAMINERS OF NURSING
HOME ADMINISTRATORS

February 11, 1992.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Doris S. Turbett, P. O. Box 183, Summerdale 17093, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Patricia E. Irwin, Pittsburgh, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA PUBLIC TELEVISION NETWORK COMMISSION

February 28, 1992.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Rania L. Harris, 1031 Washington Road, Pittsburgh 15228, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the Pennsylvania Public Television Network Commission, to serve for a term of six years and until his successor is appointed and qualified, vice Richard A. Stafford, Esquire, Pittsburgh, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE WORKMEN'S COMPENSATION APPEAL BOARD

February 18, 1992.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, J. Douglas Wolfe, Esquire, 132 Walnut Street, Johnstown 15901, Cambria County, Thirty-fifth Senatorial District, for appointment as a member of the Workmen's Compensation Appeal Board, to serve until the third Tuesday of January 1995, and until his successor is appointed and qualified, vice Joseph J. McAneny, Johnstown, resigned.

ROBERT P. CASEY.

MEMBER OF THE BRADFORD COUNTY BOARD OF ASSISTANCE

April 27, 1992.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Helen E. Barrett (Republican), R. D. 4, Box 177, Towanda 18848, Bradford County, Twenty-third Senatorial District, for reappointment as a member of the Bradford County Board of Assistance, to serve until December 31, 1992, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE BRADFORD COUNTY BOARD OF ASSISTANCE

April 27, 1992.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Margaret J. Johnson (Republican), 216 York Avenue, Towanda 18848, Bradford County, Twenty-third Senatorial District, for reappointment as a member of the Bradford County Board of Assistance, to serve until December 31, 1992, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE FRANKLIN COUNTY BOARD OF ASSISTANCE

May 4, 1992.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, David L. McCleary (Democrat), 2888 Philadelphia Avenue, Chambersburg 17201, Franklin County, Thirty-third Senatorial District, for appointment as a member of the Franklin County Board of Assistance, to serve until December 31, 1994, and until his successor is appointed and qualified, to add to complement.

ROBERT P. CASEY.

MEMBER OF THE LEHIGH COUNTY BOARD OF ASSISTANCE

April 29, 1992.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Reginald Johnson (Democrat), 227 East Cumberland Street, Allentown 18103, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the Lehigh County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified, vice Daylin B. Leach, Esquire, Allentown, resigned.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

YEAS—48

Afflerbach	Fisher	Lincoln	Robbins
Andrezski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Lynch	Scanlon
Baker	Hart	Madigan	Schwartz
Belan	Helfrick	Mellow	Shaffer
Bell	Holl	Musto	Shumaker
Bodack	Hopper	O'Pake	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams

NAYS—0

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

Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

Senator LOEPER. Mr. President, I call from the table a certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

JUDGE, COURT OF COMMON PLEAS, MIFFLIN COUNTY

February 19, 1992.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Helen A. White, Esquire, 53 Woodland Circle, Reedsville 17084, Mifflin County, Thirty-fourth Senatorial District, for appointment as Judge of the Court of Common Pleas of Mifflin County, to serve until the first Monday of January, 1994, vice The Honorable Francis A. Searer, lost retention election.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

Senator MELLOW. Mr. President, I just want to make a brief statement.

I am not certain as to what the final outcome will be of the confirmation of Attorney White, but it does appear from the discussions that we have had with staff and some of the sidebar discussions that regardless of merit, Helen White, whose name has been recommended to the Governor's Office through a merit selection committee, through no fault of her own may, in fact, be rejected by the Members of the Senate to serve as a member of the judiciary in Mifflin County.

If that is the case, Mr. President, I think it is a very unfortunate set of circumstances that we find ourselves in. We have a number of eminently qualified individuals whose names have been submitted by the Governor's Office for confirmation here in the Senate not only to serve as members of the judiciary but for a number of other boards and commissions, and, indeed, local county offices.

Mr. President, for one reason or another, the Majority Party in the Senate has declined and has refused to bring these names not only to the floor of the Senate but, in some cases, refused to bring the names from the Committee on Rules and Executive Nominations. I can only speculate as to the reason why this is happening. I can only speculate, Mr. President, as to the reasons why I believe that Attorney White will not be confirmed here on the floor this evening. None of them have to do with her qualifications to serve as a judge of Mifflin County. None of them have to do with the fact that the people of Mifflin County need her to serve as a judge to better be prepared to handle the problems of their county. They purely and simply, Mr. President, I believe, have to do with political considerations, considerations that once again will find a qualified individual rejected not based on any merit or any problems with the fact that she could not do the job, but purely and simply based on the fact that the Majority Party does not want to confirm a judge, and it is really an unfortunate thing. I hope I am wrong and I hope that the vote in the Senate is 48 to 0, but I hardly believe that that, in fact, will take place. I think only the Majority Party, those who will have to answer to the people of Pennsylvania, can tonight answer to the people of Mifflin County as to why they will not confirm this qualified individual to serve as a jurist.

NOMINATIONS TAKEN FROM THE TABLE

Senator LOEPER. Mr. President, in light of the remarks of the Minority Leader and in the spirit of those remarks, I

would also call from the table at this point the Judge of the Court of Common Pleas of Bucks County, Robert J. Mellon, Esquire; Judge of the Court of Common Pleas of Huntingdon County, Stewart L. Kurtz, Esquire; and Judge of the Court of Common Pleas of Mercer County, Michael J. Wherry, Esquire, and also ask for their consideration.

The Clerk read the nominations as follows:

JUDGE, COURT OF COMMON PLEAS,
BUCKS COUNTY

April 3, 1992.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert J. Mellon, Esquire, 73 West Windrose Drive, Richboro 18954, Bucks County, Tenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Bucks County, to serve until the first Monday of January, 1994, vice The Honorable George Kelton, mandatory retirement.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,
HUNTINGDON COUNTY

April 3, 1992.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Stewart L. Kurtz, Esquire, 327 Mifflin Street, Huntingdon 16652, Huntingdon County, Thirtieth Senatorial District, for appointment as Judge of the Court of Common Pleas of Huntingdon County, to serve until the first Monday of January, 1994, vice The Honorable Newton Taylor, lost retention election.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,
MERCER COUNTY

April 3, 1992.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Michael J. Wherry, Esquire, 7 Chambers Avenue, Greenville 16125, Mercer County, Fiftieth Senatorial District, for appointment as Judge of the Court of Common Pleas of Mercer County, to serve until the first Monday of January, 1994, vice The Honorable Albert E. Acker, resigned.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

Senator CORMAN. Mr. President, I would like the record to show that I just have given the same speech that the Minority Leader gave, only reverse the party saying the Minority Party did not provide the appropriate votes to confirm our judge.

Thank you.

Senator LOEPER. Mr. President, I would also indicate that the Majority Party is prepared to put up 25 affirmative votes for all four judges.

Senator MELLOW. Mr. President, I know the Majority Party only has 25 votes in their registration as we sit here tonight, even though there are two Members who are on personal leave because of unfortunate tragedies that have taken place in their families. I also know, Mr. President, that the Majority Party, or those who have 25 votes in the Senate, Mr. President, have played their political games with a member of the Liquor Control Board whose name was submitted in a timely fashion for reconsideration and for confirmation, Mr. Ollie Slinker, whose name tonight had to be recalled because the Republican Party in the Senate decided last week that now they wanted to add another part of the political intrigue to the puzzle, and that was not to go ahead and confirm Ollie Slinker.

I know, Mr. President, of the comments that have been made by Republicans in Indiana County, where there is a vacancy for the register of wills, clerk of the orphans' court, and recorder of deeds, all in one, a gentleman by the name of Blair Swistock that the gentleman from Fayette, Senator Lincoln, talked about yesterday, Mr. President.

POINT OF ORDER

Senator LOEPER. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Delaware, Senator Loeper, will state it.

Senator LOEPER. Mr. President, I believe that the issue before the body is the confirmation of the four judges, and the debate should be limited to that issue at this point in time.

The PRESIDENT. The gentleman's point is well-taken.

Senator MELLOW. Mr. President, the issue before the body is the confirmation and the process, and I have no idea what the Republican Leader is afraid of.

Senator BELL. Point of order, Mr. President.

The PRESIDENT. If the gentleman could yield for just a second.

Senator MELLOW. He could reconvene the Committee on Rules and Executive Nominations right now and he could report out of the Committee on Rules and Executive Nominations Mr. Blair Swistock so we could talk about the proper type of confirmation.

Senator BELL. Point of order.

The PRESIDENT. If the gentleman would yield.

The gentleman from Delaware, Senator Bell, is recognized.

Senator MELLOW. I do not like the fact that I was cut off, Mr. President, for Senator Bell or anyone else on the floor of this Senate.

The PRESIDENT. The Chair thanks the gentleman for his concern.

Senator BELL. If you would shut up.

The PRESIDENT. Would the gentleman please be in order. Would the Senate come to order. Would both gentlemen please restrain.

Senator MELLOW. I resent that man telling me to shut up on the floor of the Senate.

Senator BELL. I resent what he said about me, Mr. President.

The PRESIDENT. The Chair resents both gentlemen's inappropriate behavior.

Senator MELLOW. I am entitled to make a statement.

The PRESIDENT. Would the gentlemen please maintain some sense of decorum in the Senate of Pennsylvania.

Senator BELL. I apologize to the Chair.

The PRESIDENT. Does the gentleman wish to be recognized for any purpose at this time?

If not, the fact of the matter is that we are dealing with the confirmation of four specific individuals for the position of judge, and, in fact, that is the issue before us. And with all due respect to my friend and colleague from Lackawanna County, the issue is not the process. The issue is not any larger question other than the confirmation of these four judges, and the Chair would appreciate him limiting his comments to that issue.

Senator MELLOW. Mr. President, can you please turn my microphone back on?

The PRESIDENT. The Chair accedes to the request.

Senator MELLOW. Mr. President, I do not know whether the Chair did that or whether someone else turned my microphone off. I would hate to think—

Senator BELL. I did.

Senator MELLOW. Mr. President, I do not think the gentleman is big enough to. I do not think he can reach that far.

The PRESIDENT. The fact is that we have been having this curious set of problems with our microphones all day, Senator.

Senator MELLOW. Mr. President, it must be the Republicans trying to infiltrate once again into this body so that clear and honest debate cannot, in fact, take place.

The PRESIDENT. Would the gentleman please take a moment.

Senator MELLOW. For what?

The PRESIDENT. To collect ourselves.

The gentleman may proceed.

Senator MELLOW. Mr. President, the Members on this side of the aisle are prepared at any particular time to address the issue of Executive Nominations in the appropriate fashion, but we no longer are going to sit back and tolerate the way the Republican Party has handled Executive Nominations, especially in dealing with judges, in such a highly political fashion as to go ahead and to try to get only the individuals whom they want confirmed because they control the Committee on Rules and Executive Nominations and only report those who are favorable to them or those individuals who are not favorable but, unfortunately, are on the 24th or 25th day when they then will use the power of their votes to go ahead and to reject those individuals.

Mr. President, as far as we are concerned, we will be as selective in confirming judges who have been brought to the floor of this Senate by the Republicans as they are in confirming Democrats who are brought to the floor by that same Republican Committee on Rules and Executive Nominations.

Therefore, Mr. President, unless we can come up with some meeting of the minds where we can confirm those individuals whose names have been submitted by the administration, we, in fact, will not be able to capitulate in the fraud that is being brought about by the Republican Party.

Senator LOEPER. Mr. President, I seem to be hearing two different tunes from the Minority Leader. Initially tonight I heard about the merit selection process and how the Majority on this side was going to shoot down a person who was selected from that process, nominated by the Governor, and before this body for consideration.

Mr. President, we have four nominations now before this body who have come through that process, two who happen to be Republican and two who happen to be Democrat. And as I indicated, we are fully supportive here to confirm all four of these qualified candidates.

Senator LINCOLN. Mr. President, do I hear the distinct odor of Let's Make a Deal? Is that how we confirm judges in Pennsylvania now? Did I hear that? Was that Let's Make a Deal? I thought Monty Hall ran Let's Make a Deal.

In other words, if this person who is not going to get a Republican vote in the next five minutes was coupled with Let's Make a Deal time, then that person would be confirmed.

I think that that probably points out what I have been saying for the last month of how bad this system has deteriorated. It stinks. It is getting to the point now where the sound starts to smell. But I do not think that we should be playing Let's Make a Deal with people who are Common Pleas Court Judges in Pennsylvania.

Senator LOEPER. Mr. President, I just remind the gentleman that he cannot have it both ways. We have before us four qualified individuals, people who have been selected through the merit selection process in their various counties, are recommended to the Governor, are recommended by the Governor to this Senate for confirmation, have been before the Committee on Judiciary, and have been reported out of the Committee on Rules and Executive Nominations. Each one of these four individuals has been found to be qualified and I think deserve the full support of this Senate for confirmation this evening.

Senator LINCOLN. Mr. President, I think that to stand before this body and the press and the public and say that by the Majority Leader also further shows me the deterioration of this system under the Republican leadership.

Today we saw a fine gentleman by the name of Ollie Slinker recalled who served this Commonwealth capably, had nothing to do with Let's Make a Deal for judges—Judge Wherry and the other judge from Huntingdon County, or wherever else they may be. We have a prothonotary, a register of wills, and a clerk of courts from Indiana County who is caught up in the election process.

POINT OF ORDER

Senator LOEPER. Point of order, Mr. President.

Senator LINCOLN. Mr. President, we do not want to talk about this now? Fine.

The PRESIDENT. Will the gentleman yield.

The gentleman is in order to state his point of order.

Senator LOEPER. Mr. President, I would just reiterate the point of order that I raised earlier, the germaneness of the debate, and that the only issue before us is the confirmation of the four judges.

The PRESIDENT. The fact of the matter is that the Senator is on solid ground with his point of order, and the Chair would point out that the appropriate time to discuss the merits of Mr. Slinker's nomination was during his confirmation vote. Therefore, I would simply urge all of the Members to bear that in mind.

Senator LINCOLN. Mr. President, I did not bring up anybody until the Majority Leader stood and rose and spoke of three other judges who are not before us, who were stated, if you read back his remarks, that they could be confirmed as a bunch here tonight if we made a deal. I did not bring them up. I am responding to remarks made by the Majority Leader who expanded this debate from the current debate on the candidate before us to whatever is on the Calendar.

The PRESIDENT. The gentleman may be mistaken to a certain degree, and, with respect, the Chair would suggest that the gentleman from Delaware has been referring to the four judges who are presently before us.

Senator LINCOLN. Mr. President, they are not before us.

The PRESIDENT. Yes, as a matter of fact, they are, Senator Lincoln.

QUESTION DIVIDED

Senator LINCOLN. Mr. President, all four are ready for a vote?

Well, then I move, Mr. President, that we divide it into individuals. I thought that the Majority Leader had done that already.

The PRESIDENT. The gentleman has the right to divide the question, and we can vote on each one of them individually, and if the gentleman wishes to pursue that in that course, that is what we will do.

Senator LINCOLN. Mr. President, that is exactly what I would like to do.

The PRESIDENT. The question is, will the Senate advise and consent to the confirmation of Robert J. Mellon, Judge, Court of Common Pleas, Bucks County?

On the question,

Will the Senate advise and consent to the nomination?

Senator LOEPER. Mr. President, may we be at ease for a moment?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

The PRESIDENT. For the information of the Members, the fact is that we are dealing with the judges before us. Senator Lincoln has correctly suggested and requested that we deal with each of them individually. It is a fact, however, that the order in which we consider these can be determined by the Majority of the body.

Therefore, in order to expedite the procedure, the Chair would request of the Majority Leader, what is his pleasure?

CONSIDERATION OF NOMINATION
OF MICHAEL J. WHERRY

Senator LOEPER. Mr. President, I would then call individually the Judge of the Court of Common Pleas of Mercer County, Michael J. Wherry, Esquire, and ask for a confirmation vote.

The Clerk read the nomination as follows:

JUDGE, COURT OF COMMON PLEAS,
MERCER COUNTY

April 3, 1992.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Michael J. Wherry, Esquire, 7 Chambers Avenue, Greenville 16125, Mercer County, Fiftieth Senatorial District, for appointment as Judge of the Court of Common Pleas of Mercer County, to serve until the first Monday of January, 1994, vice The Honorable Albert E. Acker, resigned.

ROBERT P. CASEY.

On the question,
Will the Senate advise and consent to the nomination?

PARLIAMENTARY INQUIRY

Senator MELLOW. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The gentleman from Lackawanna, Senator Mellow, will state it.

Senator MELLOW. Mr. President, did you not place before the body the name of Robert J. Mellon, Esquire, for consideration?

The PRESIDENT. That was the intention of the Chair, but the fact of the matter is that that was an arbitrary choice and actually the body determines the order in which confirmation proceeds. The Chair was attempting to expedite the matter only.

Senator LINCOLN. Mr. President, so then what is before us?

The PRESIDENT. What is before us is the confirmation of Michael J. Wherry, Judge, Court of Common Pleas, Mercer County.

And the question recurring,
Will the Senate advise and consent to the nomination?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

YEAS—25

Armstrong	Greenwood	Lemmond	Robbins
Baker	Hart	Loeper	Salvatore
Bell	Helfrick	Madigan	Shaffer
Brightbill	Holl	Peterson	Shumaker
Corman	Hopper	Punt	Tilghman
Fisher	Jubelirer	Rhoades	Wenger
Greenleaf			

NAYS—23

Afflerbach	Fattah	Mellow	Schwartz
Andrezeski	Jones	Musto	Stapleton
Belan	LaValle	O'Pake	Stewart
Bodack	Lewis	Porterfield	Stout
Bortner	Lincoln	Reibman	Williams
Dawida	Lynch	Scanlon	

Less than a constitutional two-thirds majority having voted "aye," the question was determined in the negative.

Ordered, That the Governor be informed accordingly.

RECONSIDERATION OF EXECUTIVE NOMINATION
NOMINATION LAID ON THE TABLE

Senator LOEPER. Mr. President, I would move that the vote by which Michael J. Wherry, Esquire, Judge, Court of Common Pleas of Mercer County, was defeated be reconsidered and that the nomination lie on the table.

The PRESIDENT. Senator Loeper moves that the vote by which Michael Wherry failed confirmation be reconsidered, and that the nomination lay upon the table.

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

PARLIAMENTARY INQUIRY

Senator LINCOLN. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The gentleman from Fayette, Senator Lincoln, will state it.

Senator LINCOLN. Mr. President, on a reconsideration motion, does it take 26 votes, the constitutional majority, or just a simple majority of those present to approve a reconsideration?

The PRESIDENT. It would take a simple majority of those present.

Senator LINCOLN. Mr. President, can the President point out to me where in the rules it says that?

The PRESIDENT. If the gentleman likes, we can.
(The Senate was at ease.)

The PRESIDENT. The Chair would point out the reason for the delay was that we were looking for more specific language to satisfy your question in a very forthright and direct manner, and as is usually the case in these kinds of parliamentary matters, there is some degree of obtuseness about the issue. However, the fact of the matter is that in those cases where a constitutional majority is required, it is specifically delineated, both in the rules and in Mason's Manual and in the precedents. It is not specifically delineated for reconsideration motions or for amendments and, therefore, the inference that can be drawn is that it is simply a majority of those present.

Senator LINCOLN. Mr. President, so that I understand what your ruling is—

The PRESIDENT. And if the gentleman would yield for one further moment. If you refer to Section 473 of Mason's: "A majority vote of the members present and voting is necessary to reconsider an action."

It took us a while, but we got there.

Senator LINCOLN. Mr. President, thank you. You answered my question.

The PRESIDENT. You are quite welcome, Senator.

On the motion to reconsider and lay on the table, all those in favor signify by saying "aye"; all those opposed, "no."

The "ayes" have it. The motion is carried, and the nomination will lay upon the table.

CONSIDERATION OF NOMINATION OF HELEN A. WHITE

Senator LOEPER. Mr. President, I call up the nomination for Judge of the Court of Common Pleas, Mifflin County, Helen A. White.

The Clerk read the nomination as follows:

JUDGE, COURT OF COMMON PLEAS, MIFFLIN COUNTY

February 19, 1992.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Helen A. White, Esquire, 53 Woodland Circle, Reedsville 17084, Mifflin County, Thirty-fourth Senatorial District, for appointment as Judge of the Court of Common Pleas of Mifflin County, to serve until the first Monday of January, 1994, vice The Honorable Francis A. Searer, lost retention election.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

YEAS—25

Afflerbach	Fattah	Lynch	Scanlon
Andrezeski	Hart	Mellow	Schwartz
Belan	Jones	Musto	Stapleton
Bodack	LaValle	O'Pake	Stewart
Bortner	Lewis	Porterfield	Stout
Corman	Lincoln	Reibman	Williams
Dawida			

NAYS—23

Armstrong	Greenwood	Loeper	Salvatore
Baker	Helfrick	Madigan	Shaffer
Bell	Holl	Peterson	Shumaker
Brightbill	Hopper	Punt	Tilghman
Fisher	Jubelirer	Rhoades	Wenger
Greenleaf	Lemmond	Robbins	

Less than a constitutional two-thirds majority having voted "aye," the question was determined in the negative.

Ordered, That the Governor be informed accordingly.

RECONSIDERATION OF EXECUTIVE NOMINATION

MOTION TO RECONSIDER AND TABLE

Senator MELLOW. Mr. President, I move that the vote by which Helen White was defeated be reconsidered and the nomination be laid upon the table.

The PRESIDENT. Senator Mellow moves that the vote by which Helen White failed confirmation be reconsidered and that the nomination lay upon the table.

On the question,

Will the Senate agree to the motion?

MOTION DIVIDED

Senator LOEPER. Mr. President, we would agree to the motion to reconsider the vote by which the nomination was defeated. However, I would oppose the motion to lay the nomination on the table.

The PRESIDENT. The Chair would point out that the motion is divisible. Is that what the gentleman is asking?

Senator LOEPER. Mr. President, that is correct.

MOTION TO RECONSIDER

The PRESIDENT. Therefore, the motion before the body is, will the Senate reconsider the vote by which Helen White failed to receive sufficient votes for confirmation?

On the question,

Will the Senate agree to the motion to reconsider?

Senator MELLOW. Mr. President, on the motion to reconsider.

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna.

Senator MELLOW. Mr. President, so I understand where we stand right now with this nominee, I moved that the vote by which Helen White was defeated be reconsidered and that the nomination lay on the table. The gentleman from Delaware, Senator Loeper, objected to the fact that the nomination would lay on the table, is that correct?

The PRESIDENT. The gentleman is correct.

Senator MELLOW. Mr. President, what is before us right now would be his objection to that motion to have it lay on the table?

The PRESIDENT. The action that Senator Loeper has taken had the effect of dividing your motion into two parts. The first part is whether or not to reconsider. The second part is whether to lay upon the table.

Senator MELLOW. Mr. President, further, as an inquiry, the motion that I made is the exact same motion that Senator Loeper made for Mr. Michael Wherry, is that not correct, Mr. President?

The PRESIDENT. The gentleman is correct.

Senator MELLOW. Mr. President, also, there was no objection to having Mr. Wherry's nomination lay on the table, was there?

The PRESIDENT. The gentleman is correct.

Senator MELLOW. Mr. President, so, therefore, Senator Loeper, or the Majority Leader, has moved to take Attorney White and have her nomination be reconsidered this evening. Is that the net result of his objection?

The PRESIDENT. The gentleman is correct.

Senator MELLOW. Mr. President, could the Chair then state for us what is before us right now? Is it the motion for Attorney White's name to lay on the table? Is that what is before us?

The PRESIDENT. What is before us is the motion to reconsider.

Senator MELLOW. Mr. President, I would ask for a roll-call vote on the motion to reconsider.

And the question recurring,
Will the Senate agree to the motion to reconsider?

The PRESIDENT. On the motion to reconsider, the Clerk will call the roll.

(During the calling of the roll, the following occurred:)

Senator MELLOW. Mr. President, I realize the roll call has started, but Senator Loeper did accept that motion to reconsider, is that not correct?

The PRESIDENT. The gentleman is correct.

Senator MELLOW. Okay.

And the question recurring,
Will the Senate agree to the motion to reconsider?

The PRESIDENT. All those in favor of the motion signify by saying "aye"; all those opposed, "no."

The "ayes" have it.

And the question recurs, will the Senate advise and consent to the confirmation of Helen White, Court of Common Pleas, Mifflin County?

And the question recurring,
Will the Senate advise and consent to the nomination?

PARLIAMENTARY INQUIRY

Senator LOEPER. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The gentleman from Delaware, Senator Loeper, will state it.

Senator LOEPER. Mr. President, is the issue before us at this point the tabling motion?

MOTION TO TABLE

The PRESIDENT. The Chair apologizes. Yes. In fact, the second part of Senator Mellow's motion has never been put before the body. My mistake.

On the question,
Will the Senate agree to the motion to table?

Senator MELLOW. Mr. President, it was on that question that I would request a roll-call vote.

The PRESIDENT. The Chair thanks the gentleman.

Senator LINCOLN. Mr. President, is this a debatable issue, the motion?

The PRESIDENT. This is not a debatable issue.

Senator LINCOLN. Thank you, Mr. President.

The PRESIDENT. Again, the issue before the Senate is whether or not the nomination will lay upon the table.

PARLIAMENTARY INQUIRY

Senator LINCOLN. Mr. President, point of parliamentary inquiry.

The PRESIDENT. The gentleman will state his point.

Senator LINCOLN. Mr. President, by doing this, will there be a recorded vote that will be in the Journal?

The PRESIDENT. The gentleman is correct.

Senator LINCOLN. Thank you.

And the question recurring,
Will the Senate agree to the motion to table?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

YEAS—23

Afflerbach	Fattah	Mellow	Schwartz
Andrezski	Jones	Musto	Stapleton
Belan	LaValle	O'Pake	Stewart
Bodack	Lewis	Porterfield	Stout
Bortner	Lincoln	Reibman	Williams
Dawida	Lynch	Scanlon	

NAYS—25

Armstrong	Greenwood	Lemmond	Robbins
Baker	Hart	Loeper	Salvatore
Bell	Helfrick	Madigan	Shaffer
Brightbill	Holl	Peterson	Shumaker
Corman	Hopper	Punt	Tilghman
Fisher	Jubelirer	Rhoades	Wenger
Greenleaf			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

Senator LOEPER. Mr. President, could we be at ease for a moment?

The PRESIDENT. The Senate will be at ease.
(The Senate was at ease.)

MOTION RECONSIDERED

NOMINATION LAID ON TABLE

The PRESIDENT. And now at the risk of complicating this matter further, the Chair recognizes the gentleman from Lackawanna, Senator Mellow, who I understand moves to reconsider the vote by which the motion to lay upon the table was denied.

On the question,
Will the Senate agree to the motion?
The motion was agreed to.

Senator MELLOW. Mr. President, have we disposed now of, at least for this evening, Helen White?

The PRESIDENT. Yes, and the nomination will lay upon the table.

CONSIDERATION OF NOMINATION OF ROBERT J. MELLON

Senator MELLOW. Mr. President, I call from the table the name of Robert J. Mellon, Esquire, for Judge of the Court of Common Pleas of Bucks County.

The PRESIDENT. Senator Mellow calls forth the name of Robert J. Mellon.

The Clerk read the nomination as follows:

JUDGE, COURT OF COMMON PLEAS,
BUCKS COUNTY

April 3, 1992.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert J. Mellon, Esquire, 73 West Windrose Drive, Richboro 18954, Bucks County, Tenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Bucks County, to serve until the first Monday of January, 1994, vice The Honorable George Kelton, mandatory retirement.

ROBERT P. CASEY.

On the question,
Will the Senate advise and consent to the nomination?

NOMINATION LAID ON THE TABLE

Senator LOEPER. Mr. President, I would move to table the nomination.

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

The PRESIDENT. Senator Loeper moves that the nomination be laid upon the table, which is, as a matter of information, a preferential motion in this case and nondebatable.

Senator MELLOW. Mr. President, I realize the motion is not debatable, but I would request a roll-call vote on the nominee, since Senator Loeper wanted to consider all four nominees this evening and we think it appropriate to follow that pattern of scheduling that was established by the Republican Leader of the Senate.

And the question recurring,
Will the Senate agree to the motion?

Senator MELLOW. Mr. President, I am going to ask for a verification of the roll, but is it appropriate I do it now or after the vote has been announced?

The PRESIDENT. It is more appropriate to do it before the vote is announced.

And the question recurring,
Will the Senate agree to the motion?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

YEAS—25

Armstrong	Greenwood	Lemmond	Robbins
Baker	Hart	Loeper	Salvatore
Bell	Helfrick	Madigan	Shaffer
Brightbill	Holl	Peterson	Shumaker
Corman	Hopper	Punt	Tilghman
Fisher	Jubelirer	Rhoades	Wenger
Greenleaf			

NAYS—23

Afflerbach	Fattah	Mellow	Schwartz
Andrezeski	Jones	Musto	Stapleton
Belan	LaValle	O'Pake	Stewart
Bodack	Lewis	Porterfield	Stout
Bortner	Lincoln	Reibman	Williams
Dawida	Lynch	Scanlon	

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

VERIFICATION OF THE VOTE

Senator MELLOW. Mr. President, I would ask for a verification of the "aye" votes so that I would know how the Senator from that district voted. I want to make sure that I am aware of how that gentleman voted on the tabling motion.

The PRESIDENT. If the gentleman would yield.

Senator MELLOW. Mr. President, I would like a verification of the "aye" votes.

The PRESIDENT. The motivations are not appropriate, but the request is.

If the gentleman is seeking a verification of the "aye" votes, the Clerk will read the names of the "aye" votes.

The CLERK. Armstrong, Baker, Bell, Brightbill, Corman, Fisher, Greenleaf, Greenwood, Hart, Helfrick, Holl, Hopper, Jubelirer, Lemmond, Loeper, Madigan, Peterson, Punt, Rhoades, Robbins, Salvatore, Shaffer, Shumaker, Tilghman, Wenger.

The PRESIDENT. Are there any additions or corrections to the roll call? If not, the vote stands verified at "ayes" 25, "nays" 23. That is, 25 voting for tabling, 23 opposed, and the motion carries.

NOMINATIONS CALLED FROM TABLE

Senator LOEPER. Mr. President, I would call from the table the name of Mr. Neil W. Regan as a member of the State Board of Funeral Directors; Dr. Patricia J. Baldwin, Norristown State Hospital; Joseph F. Leeson, Esquire, the Pennsylvania Public Television Network Commission; Mrs. Irene B. Smerick, Polk Center Board of Trustees; and Steven D. Ginter, Esquire, District Justice, Lancaster County, and ask for their consideration.

The Clerk read the nominations as follows:

MEMBER OF THE STATE BOARD
OF FUNERAL DIRECTORS

February 14, 1992.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Neil W. Regan, 1900 Pittston Avenue, Scranton 18505, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the State Board of Funeral Directors, to serve for a term of five years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Henry J. Nimmons, Philadelphia, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES
OF NORRISTOWN STATE HOSPITAL

February 11, 1992.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dr. Patricia J. Baldwin, 990 Newlin Road, York 17403, York County, Twenty-eighth Senatorial District, for appointment as a member of the Board of Trustees of Norristown State Hospital, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified, vice Dorothy Hamilton, Blue Bell, resigned.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA PUBLIC
TELEVISION NETWORK COMMISSION

February 28, 1992.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph F. Leeson, Jr., Esquire, 3355 Camelot Drive, Bethlehem 18017, Northampton County, Eighteenth Senatorial District, for appointment as a member of the Pennsylvania Public Television Network Commission, to serve for a term of six years and until his successor is appointed and qualified, vice Joseph D. Hughes, Esquire, Pittsburgh, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES
OF POLK CENTER

March 9, 1992.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Irene Smerick, 1816 East Fourth Street, Erie 16511, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Board of Trustees of Polk Center, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified, vice Beverly Snyder, Emlenton, resigned.

ROBERT P. CASEY.

DISTRICT JUSTICE

May 4, 1992.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Steven D. Ginter, Esquire, 804 Mohawk Drive, Lancaster 17601, Lancaster County, Thirteenth Senatorial District, for appointment as District Justice in and for the County of Lancaster, Magisterial District 2-2-05, to serve until the first Monday of January, 1994, vice Richard A. Sheetz, resigned.

ROBERT P. CASEY.

CONSIDERATION OF NOMINATION
OF STEWART L. KURTZ

NOMINATION LAID ON THE TABLE

The PRESIDENT. The Chair appreciates the gentleman's assistance and wishes not to be contentious. However, there is one final judicial matter that must be dealt with before moving on to the others.

Is it the gentleman's intention to move to lay that on the table as well?

Senator LOEPER. Mr. President, that is correct.

Senator MELLOW. Mr. President, I would like to call from the table the name of Stewart L. Kurtz, Esquire, Judge of the Court of Common Pleas in Huntingdon County.

The PRESIDENT. The Chair would have to point out that it is already off the table. We just simply had not gotten to it in its order, and what had happened in that brief exchange is that the gentleman from Delaware has requested that it be laid upon the table and has moved the same, is that correct?

Senator LOEPER. Mr. President, that is correct.

The PRESIDENT. The Chair apologizes, but what is before us is whether or not to lay upon the table.

On the question,

Will the Senate agree to the motion?

The PRESIDENT. The motion before the Senate is, will the Senate lay upon the table the nomination of Stewart Kurtz?

Senator MELLOW. Mr. President.

The PRESIDENT. If the gentleman would yield for one moment.

LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, I request a temporary Capitol leave for Senator Williams.

The PRESIDENT. Senator Lincoln requests a temporary Capitol leave for Senator Williams. The Chair hears no objection. The leave will be granted.

Senator LOEPER. Mr. President, I would request a temporary Capitol leave for Senator Bell, who has been called from the floor.

The PRESIDENT. Senator Loeper requests a temporary Capitol leave for Senator Bell, and that leave will be granted.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Fisher is here and his temporary Capitol leave will be cancelled.

And the question recurring,

Will the Senate agree to the motion?

Senator MELLOW. Mr. President, I was going to object to Stewart Kurtz's name being laid on the table, the nomination being laid on the table, but I realize full well that it would be an exercise of futility tonight, that the Republican Majority—

Senator LOEPER. Mr. President, the only thing in order is the motion to table—

Senator MELLOW. —this evening would carry it—

Senator LOEPER. —which is not debatable.

Senator MELLOW. —and therefore, Mr. President—

The PRESIDENT. The gentleman is correct.

Senator MELLOW. —I do not object to the gentleman, Stewart Kurtz's name going on the table.

The PRESIDENT. The Chair thanks the gentleman and thanks the gentleman for refraining from debating the issue.

The question before the Senate is, will the Senate lay the nomination of Stewart Kurtz on the table?

All those in favor say "aye"; all those opposed, "no."

The "ayes" have it, and the nomination will lay upon the table.

CONSIDERATION OF NOMINATIONS CONTINUED

The PRESIDENT. And the question now is, will the Senate advise and consent to the nominees taken from the table - Neil W. Regan, Patricia S. Baldwin, Joseph F. Leeson, Irene Smerick and Steven D. Guinter?

On the question,

Will the Senate advise and consent to the nominations?

Senator MELLOW. Mr. President, I would just like to point out one thing, basically, that there are five nominees in front of us, all new appointments, Mr. President, and once again we find ourselves in a position where the Republican Party in the Senate wants to go ahead, and for no apparent reason other than to protect some individuals, and purely and simply for political purposes, wants to go ahead and reject five individuals who are eminently qualified.

The individual at the Norristown State Hospital, Dr. Baldwin, is a highly, eminently qualified individual, as is each and every one of these particular people whose names are before us. But, purely and simply, for political reasons, Mr. President, the Republican Majority again in the Senate would like to exercise its political strength and deny these individuals the opportunity of serving the public for no apparent reason based on merit, but only to satisfy the wishes of Members of their Caucus to protect some political favors in which they want to occur.

And because of that, Mr. President, I would ask for an affirmative vote on the five individuals.

Senator LOEPER. Mr. President, we have heard time and time again this evening nothing but political rhetoric out of the Minority Leader and the Members of that side of the aisle. We heard about how they were prepared to confirm the people who were before us, and they had their first opportunity with Judge Wherry, and as a Caucus to a man voted against Judge Wherry, and I think that it is very obvious to the Members of the Senate how sincere the Minority is in trying to move this confirmation process forward.

I would ask for a negative vote on these nominees.

And the question recurring,

Will the Senate advise and consent to the nominations?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

YEAS—23

Afflerbach	Fattah	Mellow	Schwartz
Andrezeski	Jones	Musto	Stapleton
Belan	LaValle	O'Pake	Stewart
Bodack	Lewis	Porterfield	Stout
Bortner	Lincoln	Reibman	Williams
Dawida	Lynch	Scanlon	

NAYS—25

Armstrong	Greenwood	Lemmond	Robbins
Baker	Hart	Loeper	Salvatore
Bell	Helfrick	Madigan	Shaffer
Brightbill	Holl	Peterson	Shumaker
Corman	Hopper	Punt	Tilghman
Fisher	Jubelirer	Rhoades	Wenger

Greenleaf

Less than a majority of all the Senators having voted "aye," the question was determined in the negative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Senator LOEPER. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR NO. 1

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1233 (Pr. No. 2292) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," further providing for public assistance administration, for public assistance community work, for public assistance eligibility, for public assistance identification and residence and for medical assistance; and providing for maximizing Federal funds and for school attendance requirements for public assistance.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator BORTNER, by unanimous consent, offered the following amendment No. A2203:

Amend Title, page 1, line 8, by inserting a period after "FUNDS"

Amend Title, page 1, lines 8 and 9, by striking out "AND FOR school attendance requirements for public assistance."

Amend Bill, page 17, lines 2 through 30; pages 18 through 24, lines 1 through 30; page 25, lines 1 through 4, by striking out all of said lines on said pages

Amend Sec. 10, page 25, line 5, by striking out "10" and inserting: 8

Amend Sec. 10, page 25, lines 12 through 16, by striking out all of lines 12 through 15, and "(3)" in line 16, and inserting: (2)

Amend Sec. 10, page 25, line 17, by striking out "(4)" and inserting: (3)

On the question,

Will the Senate agree to the amendment?

Senator BORTNER. Mr. President, I know the hour is late. I appreciate the indulgence of other Members and of the Majority Leader in permitting me to offer this amendment. I also would ask the attention of the Members for just a minute or two because I think this is an important issue.

The whole subject that we have taken up this evening is controversial. Pretty shortly, every Member will have to make a judgment on the merits of Senate Bill No. 1233, and while the entire issue contains some controversy, I believe there is one section of this legislation which is not only unfair but which would be very, very impractical to implement, and that is the

section of the bill or the provision that is referred to as learnfare. The amendment that I am offering would very simply remove that portion of Senate Bill No. 1233. It would take out the language that deals with learnfare, which would penalize families if their children were absent from school for more than three days a month.

Very quickly, I offer this amendment for several reasons. First of all, based on my own experience, I served as a member of a truancy task force in York that was made up of educators, people from Children and Youth Services, other members of the community. We looked at the truancy issue in depth. One of the things that we found out is that it was a very complex issue. Children miss school because they do not do well, they have learning disabilities. Many of them suffer from a lack of self-esteem. In many cases, parents want their children to be in school very, very much and go to the extent of taking them to school and in many cases watch their children go in the front door, only to find out later that they slipped out the back door either immediately or sometime later in the day. I think we need to realize that in many of these situations, parents are working with school officials to keep their children in school and that we will be doing nothing to further that problem and we will be, perhaps, exasperating the problem, perhaps even to the point where a family would be compelled to have that child no longer reside with the family, because it might put in jeopardy some income that they have or they need to take care of their other children.

I think this would also create a nightmare for schools. Schools would have to keep separate attendance records for children who come from families who are receiving Aid to Families with Dependent Children. They would have to report this to the office of public assistance on a monthly basis, and I do not think that the schools need that additional bookkeeping or administrative responsibility.

Finally, though, and perhaps the best reason to vote for this amendment and to remove this provision from this legislation is the fact that this has been tried someplace else and it has not worked. I read from Education Week, the issue of February 19, 1992, with a headline that says, "Learnfare Fails To Boost Attendance, New Study Finds." It goes on to say, "Learnfare, Wisconsin's pioneering effort to link public assistance to school attendance, has not resulted in improved attendance among students whose families are on welfare, the first comprehensive study of the program has found." This is a Federally commissioned study. There is much more information in the article, but suffice it to say that the statistics they found is that there was no link. There is absolutely no link between those families where they lost some of their public assistance and the effect that that had on keeping their children in school.

For those reasons, I would ask the Members of the Senate to support this amendment, which merely removes one section that I find to be the most objectionable part of this legislation, and then we move on to a final consideration of this entire issue.

Thank you, Mr. President.

Senator FISHER. Mr. President, I rise in opposition to the amendment.

I previously had the opportunity, during the time when the gentleman from Philadelphia, Senator Williams, was offering his amendment, to point out the importance of the learnfare amendment, and I do not want to be redundant in my comments. However, I think that it is absolutely essential that, once again, we understand what the intent of the language which I inserted in this bill which has subsequently been modified by the gentleman from Bucks, Senator Greenwood, would do.

The purpose of the learnfare amendment is to try to break that cycle of dependency and not to try to save money, perhaps there will be some savings through the learnfare program, but in trying to break that cycle of dependency, to get the children of welfare families across this Commonwealth educated, to get them an education so that they, when they grow up, when they get out of school, are going to be able to get a job, to be able to get off of welfare. That is the importance of the learnfare amendment.

The learnfare amendment has been adopted in a number of other States. I believe five other States, to date, have adopted some form of learnfare. The study that the gentleman from York, Senator Bortner, referred to was a study that was done, it was Federally funded. I am not sure everybody was pleased with the results. I know Governor Thompson of Wisconsin was not pleased with the results. But even with the results, he indicated if one-third of the children were helped—and that is what it was—one-third of the children were helped by the learnfare law in Wisconsin, then he batted .333. And, as he said, .333 would make him a multimillion dollar player, if he were in baseball.

Learnfare can work. Learnfare can work to get the people of Pennsylvania to recognize that they have some obligation, some obligation to their families to try to get their kids to stay in school.

This issue has been around for a while. I would just like to read a text from an article I have here in front of me which says, "Unfortunately, Learnfare does not seem to have sparked much interest in Philadelphia or Harrisburg. If and when it does, there will be the knee-jerk charge that the policy would 'punish' poor families. (Currently, a typical welfare family in Pennsylvania - a mother and two children - gets just \$384 a month.) But that disregards the severe punishment of preserving the status quo, disadvantaged kids drop out and, in effect, follow in their mothers' footsteps: to a life of dead-end poverty."

The article goes on to say that "Combined with ambitious steps to make these kids want to graduate from high school, learnfare can help them beat the odds. If it can work in the slums of Milwaukee, why not here in Philadelphia?"

This comes from an editorial, an editorial that appeared in the Philadelphia Inquirer on Sunday, October 1, 1989. Almost three years ago the Philadelphia Inquirer brought this to our attention and said the very things that we are hearing here tonight.

I think that the learnfare issue is one that is a very basic issue. I believe it is a very basic part of this welfare reform that is before us. I would hope that we would give learnfare a chance here in Pennsylvania, while at the same time giving those children whom I believe all of us care about a chance to learn, a chance to be educated, and a chance to be a success.

Mr. President, I would urge the rejection of the Bortner amendment.

Senator MELLOW. Mr. President, when we deal with the learnfare issue, I think there are certain other things that must be taken into consideration about the lack of activity that has happened in this body. For example, Mr. President, learnfare would take over and would deprive a family of some much-needed money if certain things that are beyond the control of that family have, in fact, taken place.

Some of them, Mr. President, can be traced right back onto the floor of this Senate and the lack of action by the Republican Party in dealing with some of the vital issues of the needs of the family. The same individuals, Mr. President, who are talking about bringing about a learnfare program right now are the same individuals who are sitting out two of the most important issues that this Assembly can deal with in trying to resolve the problems of the family. What happens with the learnfare program, Mr. President, if there is a lack of adequate child care within that home? What happens with the learnfare program, Mr. President, if there is a lack of transportation to either a child care center or to the school of choice of that particular family? What happens, Mr. President, if we are dealing with a very young family, a very young single-parent mother who, because of a lack of parenting skills, has not been able to do the job properly and that young boy or young girl may, in fact, have to miss a few days of school because of that and would be considered to be truant? And, Mr. President, what happens when you have low self-esteem in a family, which has taken place in this great country of ours, and, indeed, in Pennsylvania today, because of the possibility of families suffering from despair and anguish and depression? Where is the Republican Party in the Senate on that one, Mr. President? And what happens when you have parental conflict, when you might have internal battles taking place within that family and the poor victims of that conflict, Mr. President, are the children who perhaps cannot get up and go to school the next day because of what has taken place within the family unit and within the family structure and the deterioration of the American family as we know it?

Why, Mr. President, do we not have enacted on the floor of this Senate prior to a learnfare program, which publicly might look good, it might look great on your voting record, Senator, and it might look even better when you do your 30-second sound bite for the reelection bid come November of 1992 when you can say to the people in a very misleading fashion, I voted to take away public assistance from a family because they did not send their child - son or daughter - to school. Why do you not talk about the failure of this body to enact day care, something that we have been dealing with for a number of years, something that the Members on this side of

the aisle have submitted to you as their priority item that we think is important that we deal with? Why do you not consider family care programs that we have talked about? Why do you not look at programs that can reinstitute family values and help people who are suffering from conflict and depression and the lack of various types of skills, and possibly the lack of transportation to get that young boy or that young girl to school? Is it not about time we start being realistic with one another? Is it not about time we start showing some sympathy to the people who can least afford to have the affliction placed on them that we are placing on them here this evening, especially with a learnfare program or learnfare program, or however you may want to state it?

And how can we compare what is taking place in Pennsylvania with the diversity of this State, with the great metropolitan areas that we have, with the problems that we have in our major cities, and maybe even in some of our cities that are even smaller, with regard to homeless, with regard to the fact, Mr. President, that there has been no domestic agenda in this country for the last 12 years? Is it not a sad state of affairs of what has happened to the American people and to the Pennsylvania family, and are we not taking undue advantage of them here this evening in saying that if your child misses three days of school in any one particular month, regardless of whether you have adequate child care, in view of the fact that we have no day care program in this State, in view of the fact that we have no family care program in this State, and we have nothing to go ahead and to train parents for the proper type of parenting skills and to do anything to help people with self-esteem or depression? But we are going to go ahead and we are going to be the big bully on the block, the big guy in the ivory tower who is going to tell those people on the lowest ladder of life that because your child missed three days of school this month, because you could not adequately send that son or daughter to school, we are going to go ahead and we are going to punish you even more than you have already been punished, and we are going to take away that mother's milk that you have, that money that we are giving you, those bare minimum dollars that we are giving you that allows you to go ahead and to nourish that child and buy that child some milk and some groceries and maybe even some medicine.

Shame on you, gentlemen on the other side of the aisle, and lady, if you turn down an amendment such as this.

Senator FATTAH. Mr. President, I was hoping that perhaps the gentleman from Allegheny, Senator Fisher, would stand for brief interrogation on this matter of learnfare.

The PRESIDENT. Will the gentleman from Allegheny, Senator Fisher, permit himself to be interrogated?

Senator FISHER. I will, Mr. President.

Senator FATTAH. Mr. President, I am searching for some answers this evening. I assume that the State would have an interest in young people attending school on a regular basis, and to the extent that they attend, we would hope that they would get an adequate education in any one of our 501 school districts. Is the gentleman prepared to offer to the General

Assembly and to the Senate this evening any information that would help us understand whether there is some particular differential between families who benefit through our welfare system and other families in our State in terms of the attendance of their children in the public school system in our State?

Senator FISHER. Mr. President, I am not sure that I have those statistics right at hand. However, I do know that attendance in the public school system is a problem across this Commonwealth in certain areas, and what this amendment attempts to direct itself to is to at least those families who are receiving financial help and assistance from the State. And if it helps with that category of families, then it has helped someone.

Senator FATTAH. Mr. President, I guess what I am at a loss to understand is whether or not there is some particular or peculiar loss to our society if a youngster on AFDC does not go to school versus a youngster who is not a benefit of the State welfare system who does not go to school and live up to their potential. I would assume that we would have the same concern for any child and that is why we mandate school attendance.

Senator FISHER. Mr. President, I assume that was a question. It sounded perhaps as much a statement as a question, but there are already penalties in place for no matter whether a child comes from an AFDC family or from a non-AFDC family, and there are penalties in place for truancy. But that is not what this bill is all about.

This bill is an attempt to provide an incentive for families to try to make sure that their children get the necessary education, and I do not see anything wrong with it.

Senator FATTAH. Mr. President, I think we are approaching an answer here as we go forward.

First, the gentleman does not have any information to provide us as to whether or not there is any difference between the school attendance of children on welfare and children who are not beneficiaries of the welfare system in the State.

Secondly, the gentleman thinks that there are penalties presently in place for all children, but that perhaps what we need is some specific disincentive or incentive for welfare children, even though there is no particular information that would lead us to believe that there is some difference in the attendance rate.

Let us go on for a minute. Presently, in the Department of Education, we have a drop out prevention program. Is the gentleman aware of the activities of the State Department of Education in that regard?

Senator FISHER. Mr. President, I am.

Senator FATTAH. Mr. President, does the gentleman, as we pursue this antitrucancy effort, does he think that perhaps we should, rather than stigmatize the children of poor families, pursue a more comprehensive approach to limiting the truancy of children in any one of our school districts?

Senator FISHER. Mr. President, I think we have laws on the books that would deal with truancy. However, I think that the issue before us is the question of whether or not this issue,

the learnfare issue, should be a further incentive, and I would call it an incentive, to get our children educated.

Senator FATTAH. Mr. President, I want to thank the gentleman for his willingness to participate in this interrogation.

I would like to make a comment.

The PRESIDENT. The gentleman is in order. The gentleman may proceed.

Senator FATTAH. Mr. President, it seems to me that the comments that have been made illustrate that this learnfare proposal has absolutely nothing to do with responding to a problem of children of welfare families not attending school, since it is not based upon any study, any statistic, any information whatsoever, that there is a problem that somehow is related to either the income or the participation in this program of these children. So what we seem to have, from all that I can gather, is an attempt to find a way to either cut dollars out of the welfare budget or to just penalize welfare families. But beyond that, I think we do something that is a little more dangerous here, and that is that we stigmatize young children who are on some special roll or some special piece of paper, who are receiving some special treatment in a school circumstance, that signifies and stigmatizes them as being children whose families benefit through the State's welfare program, and I think that is the most dangerous thing that we could do.

Truancy is a concern that should be dealt with across the board, and from all of the indications and the studies that I have seen, there is no statistical difference between children in various income groups or children who receive welfare as it relates to their attendance. I would think that we have programs now in our Department of Education. Each one of our school districts has an aggressive program, and it would seem to me that if we want to even launch a more aggressive effort, that we should do so, but we should not in any way attempt to focus on particular income groups in terms of trying to respond to this problem, because I think it does a disservice to our general mission and, specifically, I think it will do a larger disservice to the children involved.

Thank you.

Senator LINCOLN. Mr. President, I would like to read a little bit more of the report that I think the gentleman from Allegheny, Senator Fisher, played baseball with, and I really believe that that part of this debate was as offensive as anything I have heard, when we are talking about the seriousness of a child's welfare—a 3-year-old or a 6-year-old or an 8-year-old, or whatever—that would be adversely affected by their benefits being cut off because one of their older siblings, brother or sister, failed to go to school. To compare that with batting .333, I think, really signals to me very clearly where this debate is coming from and why it is coming about.

But in the report that has the one-third, it also says:

“The study, released last week, found that a year after families of welfare recipients first had their checks reduced because of their teenagers' truancy, one-third of the penalized students had improved attendance, but more than half”—more than half. That is 50 percent, that is a .500 batting

average. More than 50 percent—"had even worse attendance records. The same ratio held for students whose families were merely threatened with having their checks docked.

"The study also found that the graduation rates for Milwaukee teenagers exposed to Learnfare when they entered high school in 1987 was the same - 18 percent - as the graduation rates of classmates in families that formerly were on welfare but no longer were, and therefore were not subject to the program."

So the one-third is not a very glowing example when you also see the same report and the same statistics from the same State say that over 50 percent did worse.

I also think that the threat to a parent or a student in a school district that were not AFDC, had nothing to do with welfare, but had to go to the same school district where this piece of legislation, and this particular part of it, is going to force principals and school teachers to spend their valuable time identifying AFDC youth, determining and reporting unexcused absences to the county assistance office where the county assistance office workers, who already are overworked by any stretch of the imagination—one of the complaints that we have not even heard here tonight is the 150, 200, 300 cases that each one of them have, which determines whether they can accurately and adequately look at the needs of those particular people whom they are representing—those workers will then have to determine, with their valuable time and their resources, whether unexcused absences are justified and decide to impose sanctions. This will compete with already heavy and demanding schedules of their workloads, and the real sad thing is it is going to take away from the teacher their time to teach. In effect, we are very cruelly saying to young children who may only be months old that what you need to survive on is going to be taken away from you because your older brother or sister did not go to school three days this month.

Now, I think that is probably the bottom of the barrel in looking for political gratitude. When you leave here, when you go out and tell people you voted for a welfare reform bill, if they knew that this type of activity was included in it, I really believe that they would be ashamed of you as a legislator and would not be applauding you for doing something that there are a lot of people out there who want it done. I just cannot imagine how this amendment could be accepted. I do not know what it has to do with welfare reform. I have no idea what it has to do with helping the people involved who are being punished. It does not make any sense.

Now, I am going to speak a little bit more on this on final passage, but I would say to you that this amendment would go a long way to making a very bad piece of legislation a little bit better.

Senator HART. Mr. President, I felt required to speak in response to the remarks of the gentleman from Lackawanna, Senator Mellow, a few minutes ago. I could not help but think, Mr. President, that while he spoke, his indictment of the learnfare proposal and the reform proposals presented here today rings a bit hollow. Reform of the welfare system

has not been addressed at all by the Minority, let alone in such a creative or innovative way as it is being addressed here tonight by the Majority.

We see the system of handouts, which advocates no personal responsibility or incentives for personal development or pride. The system has created a subculture of youth without guidance or a desire to succeed.

Learnfare advocates no stigmatization of students. It is not a proposal to harm anyone. It is, on the contrary, a proposal to improve the system. Our goal should be to focus on these children and understand that with no incentives for the families and no emphasis placed on the importance of education and self-improvement, that our welfare system will perpetuate an ever-increasing number of dropouts.

Therefore, Mr. President, I encourage a negative vote on the amendment.

Senator REIBMAN. Mr. President, will the gentleman from Allegheny, Senator Fisher, stand for interrogation?

The PRESIDENT. Will the gentleman from Allegheny, Senator Fisher, permit himself to be interrogated?

Senator FISHER. I will, Mr. President.

Senator REIBMAN. Mr. President, are there any families on AFDC whose children go to nonpublic schools?

Senator FISHER. Mr. President, I would assume that answer is yes.

Senator REIBMAN. Mr. President, how would this apply to those children whose families are on AFDC who do not go to school, who are truant?

Senator FISHER. Mr. President, it is my understanding, from review of the amendment, that the applicability is to a public or to a private school, so that failure to attend the school to which a student was enrolled would subject the family to the same requirements of this act.

Senator REIBMAN. Mr. President, is it my understanding from the bill that the notification on truancy must be sent to the public school?

Senator FISHER. Mr. President, it is my understanding that the notification will go to the Department of Public Welfare. The county office will be the ones who give the notification to the student and who will effectuate the one-month loss of the welfare payment if, in fact, three days or more have been missed in the preceding month.

Senator REIBMAN. Mr. President, my understanding is that the verification and the notice go to the school district, and that is where the records are kept.

Senator FISHER. Mr. President, in looking quickly at the amendment, that is not correct. It would go to the Welfare Department.

Senator REIBMAN. Mr. President, do I understand that the notice as to who is on AFDC from the Welfare Department is sent to the school districts?

I draw the Senator's attention to page 22 of the bill, line 12, (e). "The department shall provide to each school district, on a monthly basis, a list of all AFDC recipients under nineteen years of age who are residing in the school district."

What effect does that have on the nonpublic schools?

Senator FISHER. Mr. President, I would assume for those AFDC recipients within that school district who were attending a private school that the school district would refer those names over to the private school, and the private school obviously is the one that has the attendance record.

Senator REIBMAN. Mr. President, where does it say that?

Senator FISHER. Mr. President, I believe that is under the School Code, and that is obviously under the—

Senator REIBMAN. Mr. President, would the gentleman please cite to me the section of the School Code that has that?

Senator FISHER. Mr. President, I believe that is in current law.

Senator REIBMAN. Mr. President, well, I do not think it is.

I thank the gentleman, Senator Fisher.

I have worked in education for a long time, as you all know, and I find it very important, as many of you do, too, to keep children in school, to make sure that they get an adequate education, that they can be truly trained to meet the competitiveness, if they are going to have to be trained.

Children of poverty level are already at risk, and to add another burden upon them I think is counterproductive. The time and energy and money that is going to be needed to implement this learnfare could be better used to strengthen alternative programs and attacking some of the root causes of why children do not go to school or why they are truant.

I just happened to pick up a couple of newspapers this week where children are literally scared to death to go to school because some of their classmates have been knifed in the schools, or kids have come to school with guns and have brandished guns at other children in schools.

I talked to a truant officer in my district not too long ago who said that he was amazed when he went around to find out why children were truant and discovered because they did not have proper clothes or because they did not have the proper shoes, they were embarrassed to go to school and played hooky. What he was able to do was to get some of the service clubs to supply clothes and sneakers and shoes for those children.

To take money away from a family because one child is delinquent and the other two children in the family may be going to school every day but the one child, the third child in the family, is delinquent, to punish the other two children who are good and want to go to school and to reduce the food payments and the rent and the shelter and the clothing for the other two children who go to school I think is absolutely inhumane.

It seems to me that we ought to bend every effort, every energy, whatever money that this program of learnfare is going to cost ought to be put to positive programs, good alternative programs, to make school a place where children want to go to school and want to learn. Most parents, most parents want their children in school. Most parents want to see a better life for their children than what they have had. I think we should not be following what Wisconsin has followed. It

has not been proven to be a good program. If we want to follow States, let us follow States that have good programs, that turn out programs that are successful, programs where schools have been reformed to such a way that children want to learn, where they find it exciting to go to school and stay there, where schools are really a haven and not a place for children to bring guns and knives and have violence in the schools. That is where we ought to be spending our energy.

I would hope that you would vote for this amendment to delete this portion of the bill. It is not a good section to have in this bill.

And the question recurring,
Will the Senate agree to the amendment?

The yeas and nays were required by Senator BORTNER and were as follows, viz:

YEAS—23

Afflerbach	Fattah	Mellow	Schwartz
Andrezeski	Jones	Musto	Stapleton
Belan	LaValle	O'Pake	Stewart
Bodack	Lewis	Porterfield	Stout
Bortner	Lincoln	Reibman	Williams
Dawida	Lynch	Scanlon	

NAYS—25

Armstrong	Greenwood	Lemmond	Robbins
Baker	Hart	Loeper	Salvatore
Bell	Helfrick	Madigan	Shaffer
Brightbill	Holl	Peterson	Shumaker
Corman	Hopper	Punt	Tilghman
Fisher	Jubelirer	Rhoades	Wenger
Greenleaf			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,
Will the Senate agree to the bill on third consideration?

It was agreed to.

And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The PRESIDENT. The Chair would simply suggest to all the Members that we really had a lot of broad latitude on discussion of amendments and third consideration and the Supplemental Calendar and would simply ask that we focus our comments, if possible.

Senator LINCOLN. Mr. President, I have been such a good example of focusing my comments, I figured I would be a good person to start off with.

The PRESIDENT. If the gentleman would yield, we really are having great difficulty with a failing system, including my own.

The Chair thanks the gentleman. We shall use those speakers' microphones.

Senator LINCOLN. Mr. President, this is an issue that I take very seriously, welfare reform. Twenty years ago when I became a Member of the General Assembly in the House of Representatives, this debate was hot and heavy, and I have

stood very tall in my efforts to bring about a reasonable and a fair welfare reform system. In 1982, on this floor, on March 30th, I provided the 26th vote for the welfare reform package of the day, the Thornfare program. And I have to tell you that I came to the floor this evening listening to the debate, agonizing myself over a philosophical streak in the belief that I have had for most of my life about the ills of welfare, and I had the audacity, I guess, to go back to 1982 and had my staff look up the debate. I am almost ashamed of myself for that vote, because the same motivation that brought about a very bad piece of legislation in 1982, a political motivation, one that did not take into consideration any of the consequences of that particular issue and that action, motivated the Members of the Senate at that time, and that is exactly what the problem is tonight and why we are not going to see anything substantial, anything fair, anything workable, and anything that we can be proud of 10 years from now come out of the debate and the vote on this issue this evening.

And you say, how can you say that? Dick Thornburgh was reelected in 1982 by a very squeaky margin over a candidate who had no money. And he was not the most personable person. He was very bright, hardworking, but did not smile a lot, and he lost by less than 80,000 votes to a well-financed candidate. And that happened because people did not realize how bad the direction in this country was at that time, the leadership coming out of the Republican administration in Washington, and we had a Republican General Assembly and a Republican governor in 1981-82. The effects of that today have been devastating to a lot of western Pennsylvania. Steel mills, coal mines, glass factories, rubber factories, you name it, have disappeared from the face of the earth forever because the leadership, both coming out of this General Assembly, led by the Republicans, the Republican national Presidency that was being held by President Reagan, and Dick Thornburgh as Governor.

Whenever this bill was passed, I am going to read to you what a gentleman whom I have a great deal of respect for, and I am going to quote from the Journal of March 30, 1982, Senator Stauffer, who was the Majority Leader at that time.

“Mr. President, as I began to say, today we will write the last pages in the final chapter of a book that is being written for about the past fifteen years and, of course, the title of that book is ‘Welfare Reform in Pennsylvania.’”

There was one of the most respected men whom I ever met. A good leader, a man of integrity, and a man of fairness who believed what he was saying was true, because Thornburgh wanted that passed, and Senator Stauffer believed that his activities in getting it passed were going to be a benefit. And if you heard what I said, that we are going to write the final chapter, and a long chapter, 1982 to 1992.

In his closing in that same speech, and I quote Senator Stauffer once more, “...we have dealt with the issues that the Members raised, that we have accommodated them as much as possible, that we have expanded the transitionally needy issue substantially to three months, and ask the Members to search their thoughts, recognize where we are and where this

issue is with the people of Pennsylvania and to give us the help we need so that today we can write the final sentences of that book and make it a proper and a satisfactory ending.”

You know as well as I do, it did not end. In fact, whenever the Governor signed that particular piece of legislation and with all the fanfare and the ensuing publicity that he got out of it, he then for four years did nothing with it. The CWEP program had absolutely nothing done with it. The tools that we gave Dick Thornburgh and the Republican administration from 1982-86 were absolutely abandoned. The only thing that was used with that particular vote that night was the publicity and generating a public image - big time, great, going out and getting those welfare frauds and cheats. Nothing was done, with an administration that had four years to do it. In fact, the voters in Pennsylvania voted to allow Dick Thornburgh to spend \$190 million in an economic development issue on a bond issue which could have been used to generate jobs to put the CWEP people in, and when he left office there was \$145 million or \$150 million left because he did not care whether they worked. He wanted to have the Republican Members of this Senate be able to stand on the floor and talk about how they were representing the good people in this Commonwealth by putting those welfare cheats to work.

I walked off of the floor the night before we passed the bill, refused to give my vote until the changes were made. And do you know what one of them was? We went from 55 to 45 on the person who had to fit into that transitionally needy category. And you ask, why am I going to vote against this thing tonight? Because after 10 years, the only substantial change in that whole piece of garbage is adding the 10 years back on. To take now, 10 years later, with a great deal more people involved at that age, those who were steelworkers most of their lives, those who were glassworkers most of their lives, those who were rubberworkers most of their lives, who worked and paid bills, who by this time have nothing left, they have lost their homes, they have lost their whole identity, generations of families who worked in the steel mills in Wheeling-Pitt and Allentown and all in the Mon Valley, that is the guy you are looking at now who is in the 45 to 55 category. And he is not an old man, but go out and try to find a job at 50. Try to go out after you have worked someplace for 20 years and find a job at 50 years of age. The attitude in this country is so bad by the business community in cutting back that we are finding temporary workers with no benefits, 30 hours so that they do not have to pay any benefits at all, and they are getting rid of the people at the top end, the older worker, because they do not want to pay pensions and they do not want to pay the higher wages. And they are going to hire somebody at 50.

This is the most incredible, hard, ungodly, insensitive approach to a very serious issue that I have ever seen. If Senator Stauffer were here tonight, I would love to have him talk about the 10-year chapter to this book we are talking about.

I could talk about this forever. It is late. I know that this bill is going to pass, because that is the political issue in front

of us tonight. It is going to pass, and I guarantee you that it will never see law. Thank God for the good sense that the people in Pennsylvania have had to at least put the Democrats in control of the House, where there will be some sensitivity used, where we will not talk about taking assistance away from a 6-month-old baby because a 14-year-old kid would not go to school, that is being dictated by people who have never lived in that kind of an area. The gentleman from Allegheny, Senator Fisher, lives in one of the nicest, richest parts of this country, not just of this State. Upper St. Clair is a world apart from most of Pennsylvania. And how can anybody who grew up in that environment, lives in that environment, make a decision about somebody who has three kids and they have to worry about one of them going to school and there is nobody there to help them? That aspect of this bill is absolutely horrible.

I do not see Senator Fisher saying, we are going to do the same thing to students in a regular classroom who come from poor families but they do not get welfare. Why do we not take away from the school district every month part of their subsidy so that everybody in the school district is punished? Why do we not do that? Why do we not have a system put together so that if you have 20 kids in a school who missed 3 days in 1 month, then you take a portion of the subsidies given to that school district? I cannot think of a better way to pressure the school district into making the kid attend.

Now, what the heck do you accomplish when you make him attend? If you take a child who is 16 years old, who is not the same kind of kid that you see in a home where they have been mollycoddled for 8 or 10 or 12 or 16 years, when a kid has to get up in the morning and not eat breakfast, go out to school in who knows what kind of clothing, not be warm maybe in the winter, scratch and fight every day just to get through the day, do you think that kid is going to benefit by you forcing him to sit in a school classroom? Why do you not say we are going to make him sit there but we are going to have a training program that is going to teach him something? Maybe they do not want to study geometry. Maybe they do not want to study English. Then let us let them study something that will lead to a job, and then let us face the real task.

This particular bill, the way it is written, if we only took half of the CWEP workers and found work for them, only half, in some community project—and I am going by estimates given to me by the Department of Welfare and the Budget Office, and I do not know where else to get these figures, \$25 million—if we just took care of half of them, you are telling that group, I am not going to give you anything now that you are age 45 to 55. It does not make any difference, there are no jobs. You are not going to get anything nine months out of a year. Then we are also going to go down to the child of that particular person, or a brother or a sister, and say to them, hey, your sister did not go to school three days this month. We are going to take a portion of your welfare off of you. What little bit you get to subsist on we are going to take it off of you, and we are not going to give you any training for your sister or brother, and there are no jobs for them if

they quit school or if they graduate. We are not going to do anything about that. We are not worried about training. We are not worried about giving you something. There is not going to be a world for you to step into, but we want you to go to school, and you go there and do not miss three days a month, because we are going to take the milk off the table for your brother and your sister. Now, a 16-year-old kid is very mature and understands those things just like everybody else. That kid is going to sit down and say, gee, my brother is going to starve if I do not go to school. I better get up tomorrow and go. I mean, that is ridiculous. It is stupid and it is senseless and it is cruel.

Whenever the time comes that the Republican Party in this Senate decides that they want to do something that is sensible and something that is not punitive and something that will lead 10 years from now to where I can say I am proud of that vote and I can show that there were 125,000 people over the past 10 years who left the welfare rolls, got work, they are raising families, their kids are not being forced to go to school because they live in an environment that says they want to go to school, you come to me with that kind of change and that kind of proposal and I will do what I think is right and vote for welfare reform.

The easiest thing for me to do this evening would be to sit in that seat with number 20 on it and vote "yes" when they call the roll on this. And I want to tell you something. I do not want to be in public office bad enough if that is how I am going to determine how I vote on this kind of an issue. It did not mean that to me in 1982. I have not had an opponent for so long I would be afraid. I would not know what to do if I had to campaign. So that vote was not going to defeat me or make me more popular or do anything else. I voted for that because I believed at that time that it was a good vote, and I was misled. I was misled because the people who had the ability to administer that program did not do it, because all they were interested in is what I see tonight, interest in getting a good publicity grab out of an issue that is very easy to incite people on and make yourself look good. It is not going to save money, it is not going to save lives, it is not going to add anything for the people whom we are trying to help. In fact, it is going to hurt them. It is not being supported by anybody that I am aware of, and it does not make any sense.

I would ask you, knowing that it is like throwing my voice into a 100-mile-an-hour windstorm, to look at this in a manner different than for political purposes. If you do that, I guarantee you that you are not going to vote for this.

LEGISLATIVE LEAVE

Senator LOEPER. Mr. President, Senator Corman has been called to his office, and I would request a temporary Capitol leave on his behalf.

The PRESIDENT. Senator Loeper requests a temporary Capitol leave for Senator Corman. The Chair hears no objection. The leave will be granted.

And the question recurring,

Shall the bill pass finally?

Senator FATTAH. Mr. President, my last brief comments on this matter as it passes by us this evening.

It is interesting to take note that most often when we call something reform, the public ends up worse off than before we started, and that will probably be the occasion after tonight or after this bill were to become law.

The first thing I want to mention, though, before I make my concluding remarks, is that the gentleman from Bucks, Senator Greenwood, had mentioned earlier that he was trying to be careful that we did not have unintended consequences by action of this legislation, and I think that there is one unintended consequence, perhaps, that will come about. I do not believe that there is any family or any person who is responsible for small children who is already living at something less than 60 percent of the poverty level who, even with their best intentions to try to get their children to go to school, who will not, if necessary, provide absentee notes or do whatever is necessary in order to comply with appropriate details so that they can continue to receive their welfare benefits, and I think we are again creating a situation where families have to essentially separate themselves from their values in order to deal with their necessities of life. And I think that is an unintended consequence of this action.

But the thing that I want to say mostly is that what we have before us, mainly, in three parts, one is a residency requirement, and there is no information that has been provided by anyone that anybody is moving to Pennsylvania to collect welfare payments. In fact, we just finished reapportionment, and we may want to take note that we have lost population in our State. But no one is coming here for \$205 a month, for 90 days of assistance at \$205 a month, moving their families to Pennsylvania, and no one has offered any information to us tonight that that is taking place.

Secondly, we have learnfare, and that is the response to another make-believe problem, that children of welfare families are not going to school in some disproportionate rate than other families in our Commonwealth. And again, the gentleman from Allegheny, Senator Fisher, on the interrogation offered to us absolutely thin air on the question of whether there was any information, any statistics, any study, any facts of any kind that students were not attending school in any disproportionate way if they were, in fact, receiving welfare.

And finally, we have this move from age 45 to age 55 because we have these able-bodied people who are 45 to 55 who are not going to work. Now, this is in a State in which we recognize the fact that we are missing a couple hundred thousand jobs for people every day who are reporting to unemployment offices, in a country in which the Fortune 500 companies have not produced 1 net increase job in the last 10 years in our country, that somehow there are a bunch of jobs waiting out there for people and we just have people who would rather sit by, collect \$205 a month and will not go to work, which is another falsehood that we are addressing tonight. And I think these three lies, these three lies that are being built upon in order to pass this bill, are creating really a

farce in which the public will perceive that they have benefited somehow through our long hours of debate today and by the votes that will be cast in favor of this, when in reality, the public would have been much better served by us addressing the real issue of job creation. They may have been better served by us addressing how we could strengthen our dropout prevention programs. They may have been better served if we would deal with how we make our State a State where people want to move to because there are jobs and there are real opportunities, so that the next time that we have a reapportionment process we can gain a few seats in the United States Congress.

Thank you.

Senator ARMSTRONG. Mr. President, as far as the residency requirements in Pennsylvania, I would like to respond to the previous gentleman.

The previous gentleman stated that the residency requirements in Pennsylvania were not an element as far as people coming to Pennsylvania. I would just like to tell him a brief story that happened in Lancaster County. I was asked to come down to the welfare office by some of the employees and have lunch down there, a bag lunch. They were talking about some of the problems they were having. I was just astounded about what was happening, about people who were coming in and getting welfare who were not really qualified, but they could not do anything about it. So I got the information and was doing some studying and they said, well, could you ever get the Welfare Secretary down here? I said, well, I will try.

So about three months later I asked Secretary Snyder to come down to Lancaster, and she graciously accepted. So I was going to meet her out there at 2:00 o'clock in the afternoon. I pulled into the parking lot and here is a Ford Escort in front of me, a white Escort with two people in it with Virginia plates on it. I followed it and wrote the plates down, walked right into the welfare office behind them. They applied for welfare, and I just sat around and listened to what was going on. So they signed up for welfare. They were residents of Pennsylvania, supposedly.

So I went back and told the Secretary this and also the manager of the office. They checked it out. Here the person was coming up for the weekend and staying with their brother in Lancaster and they actually lived in Virginia, and I believe they were collecting welfare down there, too. This is a scam, and they knew it.

We had another tragic murder in Lancaster when people from New York came to Lancaster to collect welfare and their welfare check was not ready, so they had a couple of hours to kill, so they went out and tried to get a car. They went to a used car dealer and went for a test drive with the used car owner. They took him out and murdered the man, went in and got their welfare check, and left.

Now, if people from other States are not coming in, how come the people in the welfare office say they are? Take a trip down to your welfare office and ask them. Sit down for an hour and a half and talk to the people down there. They are totally frustrated with the system, and they see it every day.

It is time for a change now. I urge an affirmative vote for this bill.

Thank you.

Senator JONES. Mr. President, you know, as I listened to the gentleman from Lancaster, Senator Armstrong, talk about how disgusted the caseworkers are about two people who may have come from another city, it sounds very stupid to me. You know what they are disgusted about? The fact that they are over-caseloaded and they cannot provide the services to these poor people and working people who now find themselves on welfare. That is what the problem is.

I want to, Mr. President, allude to the bill in general. I do not want to go into any parts of the bill now because we have been here five hours on this issue almost, and I am sure everybody in this Chamber understands, if they want to understand. It is a question of this: Do we send a man to Congress, or do we help poor people in this Commonwealth? We know right now there are 470,000 people who are out of work in this Commonwealth. I have been on welfare. I know what it is like to want a job and cannot get it, and if we are all serious in this Chamber, we will do the right thing, and that is, sit down, both aisles together, and we can sit down and come up with true welfare reform, where people can actually get a job, where we totally eliminate welfare, but not this mess.

This is incredible, and I am going to say something to you all, because I have been there. I know what it is like. I do not know about the lady from Allegheny, Senator Hart. She has never been on welfare. When I hear her stand up and defend learnfare, as a woman, it makes me ashamed of her. Because, first of all, to be on welfare—and I am not insulting her, I am trying to point out facts to her. I have been on welfare. I know what it is like to get an inadequate welfare check with two kids, with a husband who walked out.

POINT OF ORDER

Senator LOEPER. Mr. President, a point of order.

The PRESIDENT. Would the gentlewoman yield, please.

The gentleman from Delaware, Senator Loeper, will state it.

Senator LOEPER. Mr. President, I can well appreciate the gentlewoman's emotion in her debate. However, I think to cast any kind of aspersions upon another Member was out of order.

Senator JONES. I think if the kitchen is too hot, get out of it.

The PRESIDENT. If the gentlewoman would yield just a moment. This does tend to be an emotional issue.

Senator JONES. Mr. President, you do not make remarks unless you can stand the heat. I have been on welfare. I know what it was like to send my kids to school, to wake up and perhaps not have the things my kids needed, shoes with holes in them, because the State of Pennsylvania never provided me enough money to take care of my kids. I worked all of my life from age 13 years old, but because of an unfortunate marriage, I was forced on welfare. And to hear a so-called woman get up and speak on learnfare like she spoke against women is wrong.

POINT OF ORDER

Senator LOEPER. Mr. President, point of order.

The PRESIDENT. If the gentlewoman would yield.

The Chair would submit that perhaps we are just not communicating effectively here. The Chair understands the gentlewoman's deep convictions about the issue, but must agree with the Majority Leader that the gentlewoman does tend to stray into the area of casting aspersions against another Member.

Senator JONES. Mr. President, I want to apologize. I apologize, but it is very hard for me to sit in this room and hear the comments that have come from Members on the other side of this aisle about poor people.

The PRESIDENT. The Chair would suggest to the gentlewoman, if you would yield for one second, that if you would simply not direct comments to an individual Member and keep your comments general.

Senator JONES. Well, I did not say that. I said the Members on the other side. That means all of them who spoke out now.

The PRESIDENT. That is better. I like it.

Senator JONES. All right. All of them who spoke out against it, I am speaking to them. And I mean, this might sound very funny or comical to some of you, but if you never walked in those shoes, you know, I feel sorry for you to try to pass judgment on people, to sit here and vote on legislation that is going to hurt people. It is not going to help the situation in Pennsylvania. I say that if you truly want to help people, we gave you the answers, the gentleman from Philadelphia, Senator Williams, and I.

So this is political. So why do we not just close up and go home and go to sleep? I will sleep tonight. I will sleep because I know that I have done the right thing, as many other people here. But a lot of you who think you are going to sleep tonight, you are not going to sleep very well. You are not going to sleep. You cannot sleep and pass judgment on people and pass this legislation that will do nothing but have more homeless people, that will cause more people to become alcoholics. I do not know how many of you have ever walked the streets and seen the homeless people. People who want to work and cannot work. All this derives from 1982, and I am telling you, you are about it again, and the same reason you were about it in 1982 is the same reason you are about it tonight—to get somebody elected to office. But I will tell you one thing, the election is not over yet.

And the question recurring,
Shall the bill pass finally?

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

YEAS—39

Afflerbach	Fisher	Lewis	Robbins
Andrezeski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Shaffer
Baker	Hart	Mellow	Shumaker
Belan	Helfrick	Musto	Stapleton
Bell	Holl	O'Pake	Stewart
Bodack	Hopper	Peterson	Stout

Bortner	Jubelirer	Porterfield	Tilghman
Brightbill	LaValle	Punt	Wenger
Corman	Lemmond	Rhoades	

NAYS—9

Dawida	Lincoln	Reibman	Schwartz
Fattah	Lynch	Scanlon	Williams
Jones			

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

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Neil G. Moyer by Senator Afflerbach.

Congratulations of the Senate were extended to Craig M. Rappaport, Jose Colon and to Mr. and Mrs. Robert B. Flowers by Senator Armstrong.

Congratulations of the Senate were extended to George Krapf Jr. and Sons, Inc. by Senator Baker.

Congratulations of the Senate were extended to Dr. Carlo J. DiMarco by Senator Bell.

Congratulations of the Senate were extended to Mary Louise Hosek, Officer Randy Vulakovich, Mr. and Mrs. Howard D. Neidig and to the citizens of Aspinwall Borough by Senator Bodack.

Congratulations of the Senate were extended to Nicole H. Winchell and to Mr. and Mrs. Preston Bortell by Senator Corman.

Congratulations of the Senate were extended to Kyle Jones, Pauline Dodge, Jermal Corbin, Susie Samaras, Daniel Stuart, Monica Long, Pholly Kim, Melissa Rossi, Monita Var, Ruby Kochar, Ming Kuang, Hoa Vu, Mark Armando, Tanya Bates, Christopher Ivey, Carrie A. Malaczewski, Antwine Davis, Johanna Diaz, Salvatore DeLuca, Wyneva House, Valerie Visalli, Karl Wellman, Michelle Ortiz and to Rachael Iannetta by Senator Fumo.

Congratulations of the Senate were extended to Rick Miller by Senator Greenleaf.

Congratulations of the Senate were extended to Dr. Patricia A. Guth, Robert E. Bair, Jr. and to Palisades High School Girls' Track Team by Senator Greenwood.

Congratulations of the Senate were extended to Gatto Cycle Shop by Senator Hart.

Congratulations of the Senate were extended to Mr. and Mrs. Norman Herb and to Mr. and Mrs. William E. Fisher by Senator Helfrick.

Congratulations of the Senate were extended to North Penn International Friendship Committee by Senator Holl.

Congratulations of the Senate were extended to Helen Metzdorf and to Martha Fouse Cain by Senator Hopper.

Congratulations of the Senate were extended to Scotland School for Veterans' Children by Senator Jones.

Congratulations of the Senate were extended to Mr. and Mrs. Jeldo J. Evangelisto by Senator Jubelirer.

Congratulations of the Senate were extended to Mr. and Mrs. Albert Porter, Robert O. Hobbes, Mr. and Mrs. Andrew Fisher, Mr. and Mrs. Leo Krashnak, Mr. and Mrs. Carl Franztes and to Louis Zeppel by Senator Lemmond.

Congratulations of the Senate were extended to Dr. David L. Witmer by Senator Lewis.

Congratulations of the Senate were extended to John Kuna and to Richard Leonori by Senator Mellow.

Congratulations of the Senate were extended to Marc Lenzi, Eric Hamilton, Mr. and Mrs. Clarence Carney, Mr. and Mrs. Emidio DiPaolo, Mr. and Mrs. William Hugus and to Margaret M. Fletcher by Senator Porterfield.

Congratulations of the Senate were extended to Michael Reed, Mark Weikert, Jeffrey Strauss, Justin Hersh and to Matthew Hill by Senator Reibman.

Congratulations of the Senate were extended to Jason A. Pennypacker by Senator Rhoades.

Congratulations of the Senate were extended to Matthew W. Shandlay by Senator Salvatore.

Congratulations of the Senate were extended to Beth Greenawalt, Mr. and Mrs. John B. Cranmer, Jr., Dr. Robert L. Paserba and to Edward J. Bayuszik by Senator Shaffer.

Congratulations of the Senate were extended to Eric L. Sweeney and to the First Baptist Church of Ford City by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. John T. Asbury and to Mr. and Mrs. Emerson L. Moore, Jr. by Senator Stout.

CONDOLENCE RESOLUTION

The PRESIDENT laid before the Senate the following resolution, which was read, considered and adopted:

Condolences of the Senate were extended to the family of the late Roger J. Wolz by Senator Andrezeski.

BILLS ON FIRST CONSIDERATION

Senator MUSTO. Mr. President, I move the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

SB 437, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1788, 1789 and **HB 1136**.

And said bills having been considered for the first time,

Ordered, To be printed on the Calendar for second consideration.

COMMUNICATIONS FROM THE GOVERNOR**NOMINATIONS BY THE GOVERNOR
REFERRED TO COMMITTEE**

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

DISTRICT JUSTICE

June 2, 1992.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Ann Berardocco, 386 Lombardy Road, Drexel Hill 19026, Delaware County, Twenty-sixth Senatorial District, for appointment as District Justice in and for the County of Delaware, Magisterial District 32-1-35, to serve until the first Monday of January, 1994, vice Albert Berardocco, resigned.

ROBERT P. CASEY.

DISTRICT JUSTICE

June 2, 1992.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gary H. Havelka, 412 E. Market Street, Burgettstown 15021, Washington County, Forty-sixth Senatorial District for appointment as District Justice in and for the County of Weshington, Magisterial District 27-3-07, to serve until the first Monday of January, 1994, vice Thomas McGraw, resigned.

ROBERT P. CASEY.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA**COMMITTEE MEETINGS**

FRIDAY, JUNE 5, 1992

10:30 A.M.	LOCAL GOVERNMENT	Allegheny Co.
	(Public Hearing - to consider	Courthouse
	House Bill No. 1242)	Gold Room

TUESDAY, JUNE 9, 1992

11:00 A	INTERGOVERNMENTAL	Room 460
	AFFAIRS - to consider	4th Floor
	Senate Bill No. 1735, Senate	North Wing
	Resolution No. 142, House	
	Bills No. 60 and 1147)	

ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Wednesday, June 3, 1992, at 10:30 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 11:59 p.m., Eastern Daylight Saving Time.