

Legislative Journal

WEDNESDAY, APRIL 14, 1982

SESSION OF 1982

166TH OF THE GENERAL ASSEMBLY

No. 28

SENATE

WEDNESDAY, April 14, 1982.

The Senate met at 1:00 p.m., Eastern Standard Time.

The PRESIDENT pro tempore (Henry G. Hager) in the Chair.

PRAYER

The Chaplain, the Reverend Monsignor JOSEPH KEALY, Pastor of the Assumption of the Blessed Virgin Mary Church, Lebanon, offered the following prayer:

Let us pray.

In the name of the Father and of the Son and of the Holy Spirit, Amen.

God, our Father, You guide everything in wisdom and love. Accept the prayers we offer for our Nation and our State.

By the wisdom of our leaders and integrity of our citizens may harmony and justice be secured and may there be lasting prosperity and peace.

You know the longings of men's hearts and You protect their rights. In Your goodness watch over those in authority so that people everywhere may enjoy freedom and security.

Father, You guide and govern everything with order and love. Look upon this assembly of our State Senate and of our National leaders and fill them with the spirit of Your wisdom. May they always act in accordance with Your will in their decisions for the well-being of all.

We ask this of You, who lives and reigns forever and ever. Amen.

The PRESIDENT pro tempore. The Chair thanks the Reverend Monsignor Kealy, who is visiting us this week as the guest of Senator Manbeck.

JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of April 13, 1982.

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

SENATOR MOORE TO VOTE FOR SENATOR SHAFFER

Senator MOORE. Mr. President, I request a temporary legislative leave of absence for Senator Shaffer for today's Session.

The PRESIDENT pro tempore. The Chair hears no objection and the leave is granted.

SENATOR SCANLON TO VOTE FOR SENATOR KELLEY AND SENATOR REIBMAN

Senator SCANLON. Mr. President, I request a temporary legislative leave of absence for Senator Kelley who should be here shortly.

Mr. President, I also request a temporary legislative leave of absence for Senator Reibman.

The PRESIDENT pro tempore. The Chair hears no objection and the leaves are granted.

HOUSE MESSAGE

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 18**, with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT pro tempore. The bill, as amended, will be placed on the Calendar.

GENERAL COMMUNICATIONS

RESOLUTION OF THE STATE OF MISSISSIPPI

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

HOUSE CONCURRENT RESOLUTION NO. 187

A CONCURRENT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ADOPT LEGISLATION AMENDING THE CLEAN WATER ACT OF 1977 TO ELIMINATE THE REQUIREMENT OF A NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT FOR WATER RELEASES FROM RESERVOIRS.

WHEREAS, the United States District Court for the District of Columbia has held that the Environmental Protection Agency must issue regulations covering dams as a point source category

under Section 402 of the Clean Water Act of 1977, Public Law 92-500; and

WHEREAS, on January 29, 1982, the Honorable Joyce Hens Greene, of the United States District Court for the District of Columbia, issued an opinion in National Wildlife Federal v. Gorsuch, ruling that certain water quality conditions associated with dams and reservoirs should be treated as a "discharge" of pollutants prohibited by Section 301 of the Clean Water Act of 1977, Public Law 92-500; and

WHEREAS, Judge Greene rejected the Environmental Protection Agency's long-held position that the National Pollution Discharge Elimination System is not applicable to water releases from reservoirs; and

WHEREAS, the court in the above case held that the Environmental Protection Agency has violated a nondiscretionary duty in failing to regulate dams and reservoirs with National Pollution Discharge Elimination System permits:

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MISSISSIPPI, THE SENATE CONCURRING THEREIN, That we do hereby memorialize the United States Congress to adopt legislation amending the Clean Water Act of 1977, Public Law 92-500, to eliminate the application of National Pollution Discharge Elimination System permits to discharges from reservoirs.

BE IT FURTHER RESOLVED, That copies of this Resolution be forwarded to the secretaries of state and presiding officers of the houses of the legislatures of each of the other states in the Union, to the Speaker of the United States House of Representatives, to the President of the United States Senate, to members of the Congress of the United States representing the State of Mississippi, and to the Capitol Press Corps.

ADOPTED BY THE HOUSE OF REPRESENTATIVES
March 24, 1982

C. B. NEWMAN
Speaker of the House of Representatives

ADOPTED BY THE SENATE
March 31, 1982

BRAD DYE
President of the Senate

RESOLUTION OF THE STATE OF IDAHO

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

HOUSE OF REPRESENTATIVES
STATE OF IDAHO

April 6, 1982

Dear Mr. President:

The Second Regular Session of the Forty-sixth Idaho Legislature has adopted House Concurrent Resolution No. 31, petitioning Congress to propose a constitutional amendment to the Constitution of the United States to provide line item veto authority to the President of the United States on legislation relating to federal appropriations.

I am pleased at this time to forward a printed copy of the Resolution for your consideration.

Sincerely,
PHYLLIS WATSON
Chief Clerk

IN THE HOUSE OF REPRESENTATIVES
HOUSE CONCURRENT RESOLUTION NO. 31
BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

REQUESTING APPROPRIATE ACTION BY THE CONGRESS TO PROPOSE AN AMENDMENT TO THE FEDERAL CONSTITUTION TO PROVIDE LINE ITEM VETO AUTHORITY TO THE PRESIDENT OF THE UNITED STATES ON ANY ORDER, RESOLUTION OR BILL RELATING TO FEDERAL APPROPRIATIONS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, with each passing year this Nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds a trillion dollars; and

WHEREAS, the annual federal budget continually demonstrates an unwillingness or inability of the legislative branch of the federal government to curtail spending to conform to available revenues; and

WHEREAS, under Article V of the Constitution of the United States, amendments to the Federal Constitution may be proposed by the Congress whenever a two-thirds majority of both Houses deems it necessary.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-sixth Idaho Legislature, the House of Representatives and the Senate concurring, that procedures be instituted in the Congress to add an amendment to the Constitution of the United States, and that this Legislature requests Congress to prepare and submit to the several states an amendment to the Constitution of the United States, to provide that the President of the United States, under the powers granted him by Article I, Section 7, of the Federal Constitution, may line item veto any order, resolution, or bill relating to federal appropriations.

BE IT FURTHER RESOLVED, that this Legislature also proposes that the Legislatures of each of the several states comprising the United States apply to the Congress requesting the enactment of an appropriate amendment to the Federal Constitution; and

BE IT FURTHER RESOLVED, that the Clerk of the House of Representatives be, and she is hereby directed to forward copies of this Resolution to the Secretary of State and presiding officers of the Houses of the Legislatures of each of the other States in the Union, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Congress of the United States representing the State of Idaho.

APPOINTMENT TO CITIZENS ADVISORY COUNCIL OF THE DEPARTMENT OF ENVIRONMENTAL RESOURCES

The PRESIDENT pro tempore. The Chair announces the appointment to a three-year term as a member of the Citizens Advisory Council of the Department of Environmental Resources, Dr. Alvin R. Grove of Harrisburg, Pennsylvania.

GENERAL COMMUNICATION

DISCHARGE PETITION

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

In the Senate, April 14, 1982.

We, the Senators whose signatures are affixed hereto respectfully request that the Honorable William W. Scranton, III, as presiding officer of the Senate of the Commonwealth of Pennsylvania, place the nomination hereafter set forth before the Senate for a vote pursuant to the provisions of Article IV, Section 8(b) of the Constitution of the Commonwealth of Pennsylvania which provides in part "... The Senate shall act on each executive nomination within 25 legislative days of its submission. If the Senate has not voted upon a nomination within 15 legislative days following such submission, any five members of the Senate may, in writing, request the presiding officer of the Senate to place the nomination before the entire Senate body whereby the nomination must be voted upon prior to the expiration of five legislative days or 25 legislative days following submission by the Governor, whichever occurs first...."

We respectfully set forth the following facts relative to the nomination hereinafter set forth:

1. The nomination was presented to the Senate on February 1, 1982; and

2. The nomination has been before the Senate for a period of time in excess of 15 legislative days.

The nominee in the position is as follows:

Hazel B. Parks	Member Board of Assistance, Huntingdon County
	Edward P. Zemprelli
	Eugene F. Scanlon
	Robert J. Mellow
	Francis J. Lynch
	James E. Ross

The PRESIDENT pro tempore. The communication will be laid on the table.

CALENDAR

HB 1284 CALLED UP OUT OF ORDER

HB 1284 (Pr. No. 3113) — Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator MOORE.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 1284 (Pr. No. 3113) — 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—50

Andrezeski	Holl	Mellow	Scanlon
Bell	Hopper	Messinger	Shaffer
Bodack	Howard	Moore	Singel
Corman	Jubelirer	Murray	Snyder
Early	Kelley	O'Connell	Stampone
Fisher	Kusse	O'Pake	Stapleton
Fumo	Lewis	Pecora	Stauffer
Gekas	Lincoln	Price	Stout

Greenleaf	Lloyd	Reibman	Street
Hager	Loeper	Rhoades	Tilghman
Hankins	Lynch	Romanelli	Wilt
Helfrick	McKinney	Ross	Zemprelli
Hess	Manbeck		

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 return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

**GUESTS OF SENATOR FRANK J.
O'CONNELL PRESENTED TO SENATE**

Senator O'CONNELL. Mr. President, I have several guests in the balcony that I would like to introduce to the Members of the Senate and ask that the Senate give them their usual warm welcome. They are Michael Passanite, Jr., his lovely wife Charlene, and his two children, Corenza and Michael, III. Will they please stand?

The PRESIDENT pro tempore. The Chair welcomes these guests of Senator O'Connell to the Senate and extends a warm welcome to them.

(Applause.)

RECESS

Senator JUBELIRER. Mr. President, I request a recess of the Senate until 2:15 p.m., for the purpose of holding a Republican caucus and a Democratic caucus.

The PRESIDENT pro tempore. Are there any objections? The Chair hears no objection, and declares a recess of the Senate until 2:15 p.m., Eastern Standard Time.

AFTER RECESS

The PRESIDENT pro tempore. The time of recess having elapsed, the Senate will be in order.

**SENATOR SCANLON TO VOTE FOR
SENATOR O'PAKE, SENATOR LEWIS
AND SENATOR ZEMPRELLI**

Senator SCANLON. Mr. President, I have a request for a legislative leave of absence for the balance of the afternoon for Senator O'Pake, Senator Lewis and Senator Zemprelli.

The PRESIDENT pro tempore. There has been a request for legislative leave for three gentlemen. The Chair hears no objection and the leaves are granted.

CONSIDERATION OF CALENDAR RESUMED

REPORT OF COMMITTEE OF CONFERENCE

REPORT ADOPTED

HB 671 (Pr. No. 2975) — Senator JUBELIRER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 671, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, adding an offense and providing a penalty.

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

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

YEAS—50

Table with 4 columns of names: Andrezeski, Bell, Bodack, Corman, Early, Fisher, Fumo, Gekas, Greenleaf, Hager, Hankins, Helfrick, Hess, Holl, Hopper, Howard, Jubelirer, Kelley, Kusse, Lewis, Lincoln, Lloyd, Loeper, Lynch, McKinney, Manbeck, Mellow, Messinger, Moore, Murray, O'Connell, O'Pake, Pecora, Price, Reibman, Rhoades, Romanelli, Ross, Scanlon, Shaffer, Singel, Snyder, Stampone, Stapleton, Stauffer, Stout, Street, Tilghman, Wilt, Zemprelli

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 inform the House of Representatives accordingly.

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE NONCONCURS IN HOUSE AMENDMENTS

SB 685 (Pr. No. 1769) — Senator JUBELIRER. Mr. President, I move that the Senate do nonconcur in the amendments made by the House to Senate Bill No. 685, and that a Committee of Conference on the part of the Senate be appointed.

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

Senator MELLOW. Mr. President, I desire to interrogate the gentleman from Blair, Senator Jubelirer.

The PRESIDENT pro tempore. Will the gentleman from Blair, Senator Jubelirer, permit himself to be interrogated?

Senator JUBELIRER. I will, Mr. President.

Senator MELLOW. Mr. President, I personally had some very difficult thoughts in having Senate Bill No. 685 nonconcurrent upon. I had some very difficult times just thinking about that. I would like a point of clarification from the gentleman from Blair, Senator Jubelirer, before we get involved in any meaningful debate and ask for a "no" vote on the nonconcurrence.

Mr. President, can the gentleman from Blair, Senator Jubelirer, tell us the reason for the motion of nonconcurrence on Senate Bill No. 685?

Senator JUBELIRER. Mr. President, for clarification of the gentleman, the purpose of nonconcurring is to clarify some of the language in the consumer advocate amendment. It is not the intention to kill that amendment or kill the procedure but rather clarify the language and to do that we felt we had to go to a Committee of Conference.

Senator MELLOW. Mr. President, is the gentleman telling us to the best of his knowledge that when Senate Bill No. 685 is reported from the Committee of Conference, the language to have the General Assembly okay the budget of the consumer advocate should appear in that particular proposal?

Senator JUBELIRER. That is correct, Mr. President.

Senator MELLOW. Mr. President, having that on the record, then I would ask that we nonconcur on Senate Bill No. 685.

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

It was agreed to.

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

BILL OVER IN ORDER

SB 1122 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

THIRD CONSIDERATION CALENDAR

BILL OVER IN ORDER

SB 491 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 526 (Pr. No. 538) — 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—50

Table with 4 columns of names: Andrezeski, Bell, Bodack, Corman, Early, Fisher, Fumo, Gekas, Greenleaf, Hager, Hankins, Helfrick, Hess, Holl, Hopper, Howard, Jubelirer, Kelley, Kusse, Lewis, Lincoln, Lloyd, Loeper, Lynch, McKinney, Manbeck, Mellow, Messinger, Moore, Murray, O'Connell, O'Pake, Pecora, Price, Reibman, Rhoades, Romanelli, Ross, Scanlon, Shaffer, Singel, Snyder, Stampone, Stapleton, Stauffer, Stout, Street, Tilghman, Wilt, Zemprelli

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 527 (Pr. No. 539) — 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—50

Andrezeski	Holl	Mellow	Scanlon
Bell	Hopper	Messinger	Shaffer
Bodack	Howard	Moore	Singel
Corman	Jubelirer	Murray	Snyder
Early	Kelley	O'Connell	Stampone
Fisher	Kusse	O'Pake	Stapleton
Fumo	Lewis	Pecora	Stauffer
Gekas	Lincoln	Price	Stout
Greenleaf	Lloyd	Reibman	Street
Hager	Loeper	Rhoades	Tilghman
Hankins	Lynch	Romanelli	Wilt
Helfrick	McKinney	Ross	Zemprelli
Hess	Manbeck		

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 528 (Pr. No. 540) — 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—50

Andrezeski	Holl	Mellow	Scanlon
Bell	Hopper	Messinger	Shaffer
Bodack	Howard	Moore	Singel
Corman	Jubelirer	Murray	Snyder
Early	Kelley	O'Connell	Stampone
Fisher	Kusse	O'Pake	Stapleton
Fumo	Lewis	Pecora	Stauffer
Gekas	Lincoln	Price	Stout
Greenleaf	Lloyd	Reibman	Street
Hager	Loeper	Rhoades	Tilghman
Hankins	Lynch	Romanelli	Wilt
Helfrick	McKinney	Ross	Zemprelli
Hess	Manbeck		

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 RECOMMITTED

HB 752 (Pr. No. 2978) — Upon motion of Senator JUBELIRER, and agreed to, the bill was recommitted to the Committee on Judiciary.

BILL OVER IN ORDER

SB 774 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 810 (Pr. No. 870) — 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—36

Bodack	Howard	Manbeck	Shaffer
Corman	Jubelirer	Mellow	Singel
Early	Kelley	Moore	Snyder
Fisher	Kusse	O'Connell	Stampone
Fumo	Lewis	O'Pake	Stauffer
Gekas	Lincoln	Price	Stout
Hankins	Loeper	Rhoades	Tilghman
Helfrick	Lynch	Ross	Wilt
Hopper	McKinney	Scanlon	Zemprelli

NAYS—14

Andrezeski	Hess	Murray	Romanelli
Bell	Holl	Pecora	Stapleton
Greenleaf	Lloyd	Reibman	Street
Hager	Messinger		

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, DEFEATED ON FINAL PASSAGE

SB 1092 (Pr. No. 1287) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

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

The PRESIDENT pro tempore. The gentleman will be so recorded.

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

The PRESIDENT pro tempore. The gentleman will be so recorded.

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

The PRESIDENT pro tempore. The gentleman will be so recorded.

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

The PRESIDENT pro tempore. The gentleman will be so recorded.

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

The PRESIDENT pro tempore. The gentleman will be so recorded.

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

The PRESIDENT pro tempore. 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—25

Corman	Holl	Lewis	Price
Early	Hopper	McKinney	Romanelli
Fisher	Howard	Manbeck	Shaffer
Gekas	Jubelirer	Messinger	Singel
Greenleaf	Kelley	Moore	Snyder
Hager	Kusse	O'Connell	Wilt
Hess			

NAYS—25

Andrezeski	Lloyd	Pecora	Stapleton
Bell	Loeper	Reibman	Stauffer
Bodack	Lynch	Rhoades	Stout
Fumo	Mellow	Ross	Street
Hankins	Murray	Scanlon	Tilghman
Helfrick	O'Pake	Stampone	Zemprelli
Lincoln			

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

RECONSIDERATION OF SB 1092

BILL OVER IN ORDER ON FINAL PASSAGE

SB 1092 (Pr. No. 1287) — Senator JUBELIRER. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 1092, Printer's No. 1287, just failed of final passage.

The motion was agreed to.

Senator JUBELIRER. Mr. President, I request that Senate Bill No. 1092 go over in its order and appear on the Final Passage Calendar.

The PRESIDENT pro tempore. There being no objection, the bill will be placed on the Final Passage Calendar.

SENATOR SCANLON TO VOTE FOR SENATOR SINGEL

Senator SCANLON. Mr. President, may I at this point request a legislative leave for Senator Singel who had to leave on legislative business?

The PRESIDENT pro tempore. The Chair hears no objection and the leave is granted.

THIRD CONSIDERATION CALENDAR RESUMED

BILL OVER IN ORDER

SB 1297 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL ON THIRD CONSIDERATION AMENDED

SB 1315 (Pr. No. 1792) — 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:

Amend Sec. 2, page 1, line 17, by striking out "Included" and inserting: Excluded

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.

BILL ON THIRD CONSIDERATION, DEFEATED ON FINAL PASSAGE

SB 1327 (Pr. No. 1675) — Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

Senator KUSSE. Mr. President, if I may prevail upon the patience of my colleagues, I would like to speak to the bill for just one moment. I think there have been some misunderstandings as to the intent and impact of the legislation. I would like to reassure the Members that the bill does not affect existing requirements regarding hours and prohibited occupations. The sole purpose of this bill is to save time and money for minors, their parents and school districts by allowing a single transferable work permit as an alternative to the existing employment certificate. Presently every time a minor changes jobs, he or she has to go and secure another employment certificate and go through the whole procedure. Senate Bill No. 1327 would propose that a work permit be created that would travel with the minor if he changed jobs. None of the other requirements are changed in any way. School districts will not lose any control that they currently have regarding a minor's employment. Employers will still be required to file certificates with school officials.

Mr. President, I ask for an affirmative vote.

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—22

Corman	Hess	Manbeck	Shaffer
Fisher	Hopper	Moore	Snyder
Gekas	Howard	O'Connell	Stauffer
Greenleaf	Jubelirer	Price	Tilghman
Hager	Kusse	Rhoades	Wilt
Helfrick	Loeper		

NAYS—28

Andrezeski	Kelley	Messinger	Scanlon
Bell	Lewis	Murray	Singel
Bodack	Lincoln	O'Pake	Stampone
Early	Lloyd	Pecora	Stapleton
Fumo	Lynch	Reibman	Stout
Hankins	McKinney	Romanelli	Street
Holl	Mellow	Ross	Zemprelli

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

BILL OVER IN ORDER

SB 1331 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 1351 (Pr. No. 1510) — 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—49

Andrezski	Holl	Manbeck	Scanlon
Bell	Hopper	Mellow	Shaffer
Bodack	Howard	Moore	Singel
Corman	Jubelirer	Murray	Snyder
Early	Kelley	O'Connell	Stampono
Fisher	Kusse	O'Pake	Stapleton
Fumo	Lewis	Pecora	Stauffer
Gekas	Lincoln	Price	Stout
Greenleaf	Lloyd	Reibman	Street
Hager	Loeper	Rhoades	Tilghman
Hankins	Lynch	Romanelli	Wilt
Helfrick	McKinney	Ross	Zemprelli
Hess			

NAYS—1

Messinger

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

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

SECOND CONSIDERATION CALENDAR

**BILL REREPORTED FROM COMMITTEE AS
AMENDED ON SECOND CONSIDERATION**

HB 1943 (Pr. No. 3106) — Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 86 and **HB 154** — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION

HB 223 (Pr. No. 3133) — Considered the second time and agreed to,

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

BILL OVER IN ORDER

SB 233 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL RECOMMITTED

HB 562 (Pr. No. 2754) — The bill was considered.

On the question,
Will the Senate agree to the bill on second consideration?

MOTION TO RECOMMIT

Senator JUBELIRER, Mr. President, I move that House Bill No. 562, Printer's No. 2754, be recommitted to the Committee on Transportation.

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

Senator FUMO. Mr. President, I have been advised by the judges in the Philadelphia Traffic Court that this is an important piece of legislation for them. I would like to ask the Majority Leader what the reason is behind his move for recommitment and if he intends to bring the bill out again?

I am sorry, Mr. President, I withdraw my remarks on that. May we be at ease one moment, please?

The PRESIDENT pro tempore. The Senate will be at ease.
(The Senate was at ease.)

Senator FUMO. Mr. President, I understand that is not the legislation we are talking about, but rather this is the once a year inspection legislation. If I am wrong, correct me now.

The PRESIDENT pro tempore. The Chair would like to remind the gentleman on the issue of recommitment debate, including interrogation, it must be limited to the reason for the recommitment.

Senator FUMO. Mr. President, that is what I would like to do. I desire to interrogate the gentleman from Blair, Senator Jubelirer.

The PRESIDENT pro tempore. Will the gentleman from Blair, Senator Jubelirer, permit himself to be interrogated?

Senator JUBELIRER. I will, Mr. President.

Senator FUMO. Mr. President, I would like to interrogate the Majority Leader on the reason for recommitment of this particular legislation. I now understand this is not the one covering the Philadelphia Traffic Court but this is, rather, the legislation on once a year inspections. I would like to know why he would like to have the bill recommitted?

Senator JUBELIRER. Mr. President, the reason for the recommitment is to clean up some amendatory matters that the Chairman of the Committee on Transportation and others who have discussed this bill feel need be done in committee. We intend to bring it out immediately, as soon as the gentleman from Lebanon, Senator Manbeck, can schedule that meeting and, hopefully, have it right here on the Calendar next week.

The PRESIDENT pro tempore. The Senate will be at ease.
(The Senate was at ease.)

Senator FUMO. Mr. President, after a brief discussion with the Chairman of the Committee on Transportation, I will cease my interrogation and trust this will be out on the floor again quickly in an amended version.

The PRESIDENT pro tempore. The question recurs, shall House Bill No. 562 be recommitted to the Committee on Transportation?

Senator EARLY. Mr. President, would you put me in the negative on the recommitment motion?

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

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

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

The PRESIDENT pro tempore. The gentleman will be so recorded.

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

YEAS—34

Bell	Jubelirer	Manbeck	Singel
Corman	Kelley	Moore	Snyder
Fumo	Kusse	O'Connell	Stampono
Gekas	Lewis	O'Pake	Stout
Hager	Lincoln	Price	Street
Hess	Lloyd	Rhoades	Tilghman
Holl	Loeper	Scanlon	Wilt
Hopper	Lynch	Shaffer	Zemprelli
Howard	McKinney		

NAYS—13

Andrezski	Greenleaf	Messinger	Romanelli
Bodack	Hankins	Murray	Ross
Early	Mellow	Pecora	Stapleton
Fisher			

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

The PRESIDENT pro tempore. House Bill No. 562 is recommitted to the Committee on Transportation.

BILL OVER IN ORDER

SB 581 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION AMENDED

HB 758 (Pr. No. 2979) — The bill was considered.

On the question,
Will the Senate agree to the bill on second consideration?

GREENLEAF AMENDMENTS

Senator GREENLEAF offered the following amendments:

Amend Sec. 1 (Sec. 3301), page 2, line 28, by striking out "fire insurance coverage" and inserting: insurance covering loss by fire or explosion or both

Amend Sec. 1 (Sec. 3301), page 3, lines 3 and 4, by striking out "fire insurance coverage" and inserting: insurance covering loss by fire or explosion or both

On the question,
Will the Senate agree to the amendments?
They were agreed to.

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

ZEMPRELLI AMENDMENT

Senator SCANLON, on behalf of Senator ZEMPRELLI, offered the following amendment and, if agreed to, asked that the bill be considered for the second time:

Amend Sec. 1 (Sec. 3301), page 1, line 16, by inserting after "include: but shall not be limited to

On the question,
Will the Senate agree to the amendment?
It was agreed to.

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

SINGEL AMENDMENTS

Senator LLOYD, on behalf of Senator SINGEL, offered the following amendments:

Amend Title, page 1, line 4, by removing the period after "defense" and inserting: ; further providing that certain competition between individuals and promotion of such competition be unlawful and providing penalties.

Amend Sec. 1, page 1, line 9, by inserting after "amended": and a section is added

Amend Sec. 1, page 3, by inserting between lines 4 and 5:

§ 7107. Tough guy competition.

(a) Offense defined.—A person commits a misdemeanor of the first degree if he promotes, sponsors or participates in any manner in the staging of, or the conduct of, any tough guy contest or battle of the brawlers or in any similar competition.

(b) Exceptions.—This section shall not apply to news media and publications.

(c) Definition.—As used in this section the phrase "tough guy contest" or "battle of the brawlers" means any competition which involves any physical contact bout between two or more individuals, none of whom has had professional boxing or wrestling experience nor has trained in the martial arts, who attempt to knock out their opponent by employing boxing, wrestling, martial arts tactics or any combination thereof and by using techniques including, but not limited to, punches, kicks and choking. These phrases shall not apply to amateur or professional contests sanctioned by the Pennsylvania Athletic Commission nor to contests staged in connection with athletic training programs nor to amateur or professional contests of the martial arts nor to any collegiate or scholastic boxing, wrestling or martial arts contest.

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

Senator LLOYD. Mr. President, a brief description of the amendments before us is a piece of legislation the gentleman from Cambria, Senator Singel, offered and was passed almost unanimously in this Body on June 30, 1981. That is legislation to outlaw the so-called "tough guy" competition in Pennsylvania. As many of our colleagues know, we have had tragic experiences in Pennsylvania where various clubs and organizations have sponsored "tough guy" contests which are boxing or martial arts bouts between people who do not have organized training or an organized, regulated, structured atmosphere for the event. It has resulted in the death of at least one young person in the Johnstown area and this Body felt on June 30, 1981, that we should in fact outlaw it. That legislation was ultimately amended in the House, removing these amendments. It ultimately became what would be the now famous or infamous, depending on one's point of view, abortion legislation.

The gentleman from Cambria, Senator Singel, would like to reoffer these amendments for the Senate's consideration at this time. I would appreciate an affirmative vote and think all of our colleagues would be comfortable in casting a "yes" vote on this legislation.

Senator JUBELIRER. Mr. President, as somebody who has already cast a vote in favor of such legislation as sponsored by the gentleman from Cambria, Senator Singel, I watched the—I do not know if it was 60 Minutes or NBC Magazine—segment on the “tough man” contests, and as somebody who frankly is opposed to them, I must suggest to the gentleman that I do not think these amendments should go into this bill. I am sorry the gentleman from Cambria, Senator Singel, is not here because I know of his interest and of the death in Johnstown, but I again must say the legislation we are dealing with deals with an entirely different subject matter. It deals with arson, even though it amends Title 18. Our concern, Mr. President, is that these amendments will hamper the main bill. They are not really related to the arson statute and that really is an extremely important piece of legislation. I reluctantly must ask for a “no” vote even though I am in favor of the concept that the gentleman from Philadelphia, Senator Lloyd, on behalf of the gentleman from Cambria, Senator Singel, offers, and I suggest to him either separate legislation or another vehicle be used for these amendments.

It is for that reason, and that reason only, Mr. President, that I must oppose the amendments and ask the Members to recognize the legislation we are dealing with as an emergency type of situation and, hopefully, these amendments will not go in to impede the passage of that legislation.

Senator LLOYD. Mr. President, I desire to interrogate the gentleman from Blair, Senator Jubelirer.

The PRESIDENT pro tempore. Will the gentleman from Blair, Senator Jubelirer, permit himself to be interrogated?

Senator JUBELIRER. I will, Mr. President.

Senator LLOYD. Mr. President, the question I would have for the gentleman from Blair, Senator Jubelirer, would be whether it is a procedural question. The gentleman from Cambria, Senator Singel, feels very badly that he could not be here but did have to leave for pressing legislative business; he felt that this would, in fact, and I must admit I do, too, represent a reasonable vehicle in that we would be amending Title 18 of the Pennsylvania Consolidated Statutes that would in itself make it proper from a parliamentary point of view and a legislative point of view.

I think the other important point, Mr. President, that I must ask the gentleman from Blair, Senator Jubelirer, is, I do not see how this would impede the progress of this legislation for one simple reason. I think the amendments will be overwhelmingly accepted by Members on both sides of the aisle, certainly both here and in the House, as has been indicated both by the public feeling on the issue and the legislative history on this issue. I do not know if I fully understand how it would be an impediment or why it would not be proper to attach it to this legislation.

The PRESIDENT pro tempore. Senator Jubelirer, I think that was an interrogation.

Senator JUBELIRER. Mr. President, I yield to the gentleman from Delaware, Senator Bell.

Senator BELL. Mr. President, I suggest the proper way is to introduce a separate bill. We have moved the bill before,

we can move it again. I am not acceptive of the argument that something is more important in legislative business than being here in the Hall of the Senate and voting on bills.

The PRESIDENT pro tempore. Is that a sufficient response Senator Lloyd?

Senator LLOYD. Mr. President, it is almost beyond my comprehension. I did not think this would be a controversial issue.

Two points regarding the comments of the gentleman from Delaware, Senator Bell. One, I do not think any of us are qualified to determine what degree of intensity the schedule of the gentleman from Cambria, Senator Singel, has before him.

Secondly, this was originally introduced, and this is what I would want to indicate to the gentleman from Delaware County, as a bill. Certainly in fairness to the Majority, the Majority moved the bill out of committee, it came up before the Senate, was passed almost unanimously, so that route has been taken once. Oddly enough, it became gutted during the abortion battle and, therefore, in that it has not successfully been able to move through as a bill on its own, in spite of an obvious legislative intent on the part of the General Assembly to make that happen, this seemed to be an appropriate manner in which to handle it.

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

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

Senator WILT. Mr. President, I would like to change my vote from “aye” to “no.”

The PRESIDENT pro tempore. The gentleman will be so recorded.

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O’Pake	Stampono
Early	Lynch	Romanelli	Stapleton
Fumo	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Holl	Manbeck	Shaffer
Corman	Hopper	Moore	Snyder
Fisher	Howard	O’Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Hess			

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 second consideration, as amended?

It was agreed to.

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

BILL OVER IN ORDER

HB 936 — Without objection, the bill was passed over in its order at the request of Senator MOORE.

BILLS ON SECOND CONSIDERATION

SB 1119 (Pr. No. 1326) and **SB 1120 (Pr. No. 1327)** — Considered the second time and agreed to,

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

BILL OVER IN ORDER

SB 1206 — Without objection, the bill was passed over in its order at the request of Senator MOORE.

BILL ON SECOND CONSIDERATION AMENDED AND REREFERRED

SB 1210 (Pr. No. 1789) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator FISHER offered the following amendments:

Amend Sec. 1, page 2, line 2, by inserting after “(8): (9),

Amend Sec. 8 (Sec. 203.1), page 21, line 8, by striking out “(a)

Amend Sec. 11, page 22, line 6, by striking out “and subsections are added”

Amend Sec. 14 (Sec. 206.1), page 28, line 30, by striking out “(a)”

Amend Sec. 20 (Sec. 304), page 37, lines 29 and 30, by inserting brackets before and after “subsection (c) of section 206” and inserting immediately thereafter: 206.1

Amend Sec. 20 (Sec. 304), page 38, line 23, by striking out the bracket after “of”

Amend Sec. 20 (Sec. 304), page 38, line 23, by inserting a bracket after “206” and inserting immediately thereafter: section 206.1

Amend Sec. 20 (Sec. 304), page 38, line 27, by inserting brackets before and after “206” and inserting immediately thereafter: 206.1

Amend Sec. 20 (Sec. 304), page 41, line 2, by inserting brackets before and after “206” and inserting immediately thereafter: 206.1

Amend Sec. 20 (Sec. 304), page 41, line 8, by inserting brackets before and after “206” and inserting immediately thereafter: 206.1

Amend Sec. 20 (Sec. 304), page 44, line 20, by inserting brackets before and after “206” and inserting immediately thereafter: 206.1

Amend Sec. 21, page 48, line 2, by inserting after “401”: of the act

Amend Sec. 29 (Sec. 601), page 59, line 22, by striking out “in” and inserting: is

Amend Sec. 30 (Sec. 602), page 61, line 2, by inserting brackets before and after “206” and inserting immediately thereafter: 206.1

Amend Sec. 30 (Sec. 602), page 61, line 7, by inserting brackets before and after “206” and inserting immediately thereafter: 206.1

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

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

MOTION TO REREFER

Senator JUBELIRER. Mr. President, I move that Senate Bill No. 1210, Printer’s No. 1789, be rereferred to the Committee on Appropriations, as amended.

The motion was agreed to.

The PRESIDENT pro tempore. Senate Bill No. 1210 is rereferred to the Committee on Appropriations, as amended.

BILL OVER IN ORDER

SB 1253 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILLS ON SECOND CONSIDERATION

SB 1349 (Pr. No. 1741) and **SB 1350 (Pr. No. 1787)** — Considered the second time and agreed to,

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

BILL REREFERRED

SB 1357 (Pr. No. 1790) — Upon motion of Senator JUBELIRER, and agreed to, the bill was rereferred to the Committee on Appropriations.

BILL OVER IN ORDER

HB 1512 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION AMENDED AND OVER IN ORDER TEMPORARILY

HB 1575 (Pr. No. 3082) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator TILGHMAN offered the following amendments:

Amend Bill, page 2, lines 14 through 20, by striking out all of said lines

Amend Sec. 4, page 2, line 21, by striking out “4” and inserting: 3

Amend Sec. 4, page 2, line 30, by striking out “13” and inserting: 15

Amend Sec. 4, page 3, line 2, by striking out “and ten other members of whom six” and inserting: , the Adjutant General of the Department of Military Affairs, the Chairman of the State Veterans Commission, the President of the Pennsylvania War Veterans Council and nine other members of whom five

Amend Sec. 4, page 3, line 7, by inserting after “health”: and medical

Amend Sec. 4, page 3, line 9, by inserting after “health”: and medical

Amend Sec. 4, page 3, line 10, by inserting after “health”: and medical

Amend Sec. 4, page 3, line 12, by inserting after “health”: and medical

Amend Sec. 4, page 3, lines 16 and 17, by striking out “elect a chairperson from the” in line 16, all of line 17 and inserting: be chaired by the Secretary of the Department of Health.

Amend Sec. 4, page 3, line 24, by striking out “February” and inserting: July

Amend Sec. 5, page 4, line 1, by striking out “5” and inserting: 4

Amend Sec. 5, page 4, line 7, by inserting after “program”: which would coordinate and supplement the outreach efforts of the Department of Military Affairs, the State Veterans Commission, the Pennsylvania War Veterans Council, County Directors

of Veterans Affairs, the Governor's Outreach and Assistance Centers, and other organizations

Amend Sec. 6, page 4, line 14, by striking out "6" and inserting: 5

Amend Sec. 7, page 4, line 21, by striking out "7" and inserting: 6

Amend Sec. 8, page 4, line 26, by striking out "8" and inserting: 7

Amend Sec. 8, page 4, line 29, by striking out "JUNE" and inserting: November

Amend Sec. 9, page 5, line 2, by striking out "9" and inserting: 8

Amend Sec. 9, page 5, line 7, by inserting after "program": shall be coordinated with the Department of Military Affairs and the Governor's Outreach and Assistance Centers and

Amend Sec. 9, page 5, line 8, by striking out "an effort" and inserting: assistance in the commission's efforts

Amend Sec. 9, page 5, line 22, by inserting after "exposure.": The education component should utilize existing resources, such as the informational films prepared by the Veterans Administration, whenever possible.

Amend Sec. 10, page 5, line 23, by striking out "10" and inserting: 9

Amend Sec. 10, page 6, line 3, by inserting after "physician": shall be similar in content to the forms being used by the Veterans Administration in their Agent Orange Registry Program and

Amend Sec. 10, page 6, lines 5 and 6, by striking out "to a chemical herbicide or defoliant or" in line 5, all of line 6 and inserting: of the veteran.

Amend Sec. 10, page 6, by inserting between lines 8 and 9:

(4) Dates of military service in Vietnam and the locations in Vietnam where the veteran served.

Amend Sec. 11, page 6, line 12, by striking out "11" and inserting: 10

Amend Sec. 12, page 6, line 25, by striking out "12" and inserting: 11

Amend Sec. 13, page 6, line 29, by striking out "13" and inserting: 12

Amend Sec. 14, page 7, line 8, by striking out "14" and inserting: 13

Amend Sec. 15, page 7, line 13, by striking out "15" and inserting: 14

Amend Sec. 15, page 7, line 14, by striking out "December 1, 1981." and inserting: immediately.

On the question,

Will the Senate agree to the amendments?

Senator TILGHMAN. Mr. President, I urge the adoption of the amendments. I think the other side of the aisle has had the amendments in caucus. If there are any questions, I would be happy to answer them.

Senator SCANLON. Mr. President, we would like a roll call on the amendments.

And the question recurring,

Will the Senate agree to the amendments?

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

YEAS—50

Andrezeski	Holl	Mellow	Scanlon
Bell	Hopper	Messinger	Shaffer
Bodack	Howard	Moore	Singel
Corman	Jubelirer	Murray	Snyder
Early	Kelley	O'Connell	Stampono
Fisher	Kusse	O'Pake	Stapleton
Fumo	Lewis	Pecora	Stauffer
Gekas	Lincoln	Price	Stout

Greenleaf	Lloyd	Reibman	Street
Hager	Loeper	Rhoades	Tilghman
Hankins	Lynch	Romanelli	Wilt
Helfrick	McKinney	Ross	Zemprelli
Hess	Manbeck		

NAYS—0

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

On the question,

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

Senator SCANLON, on behalf of Senator ZEMPRELLI, offered the following amendment:

Amend Sec. 2, page 2, lines 9 and 10, by striking out "Vietnam, Cambodia, Thailand or Laos during the Vietnam" in line 9 and all of line 10 and inserting: the armed forces during the years 1961-1972.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

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

The PRESIDENT pro tempore. While the Senate is waiting for the Lloyd amendments to House Bill No. 1575, with the permission of the Senate, we will now move temporarily to House Bill No. 1788. House Bill No. 1575 will go over temporarily, as amended.

BILLS OVER IN ORDER

HB 1788 and 1823 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

UNFINISHED BUSINESS

REPORTS FROM COMMITTEES

Senator CORMAN, from the Committee on Local Government, reported, as committed, SB 1316, HB 1532, 1533, 1534, 1535 and 1537; as amended, SB 1338, HB 1193, 1194 and 1856.

Senator HESS, from the Committee on Education, reported, as committed, HB 1010; as amended, SB 706, HB 517 and 2097.

Senator HOLL, from the Committee on Banking and Insurance, reported, as committed, HB 2199.

CONSIDERATION OF CALENDAR RESUMED

HB 1575 CALLED UP

HB 1575 (Pr. No. 3082) — Without objection, the bill, which previously went over in its order temporarily, as amended, was called up, from page 7 of the Second Consideration Calendar, by Senator JUBELIRER.

BILL ON SECOND CONSIDERATION AMENDED

HB 1575 (Pr. No. 3082) — And the question recurring,

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

Senator LLOYD offered the following amendments:

Amend Sec. 8, page 4, line 29, by striking out "1982" and inserting: 1983

Amend Sec. 8, page 5, line 1, by striking out all of said line and inserting: January 1, 1984.

Amend Bill, page 7, by inserting between lines 7 and 8: Section 14. Sunset provisions.

Unless extended by law, the Vietnam Herbicides Information Commission together with its statutory powers and duties shall terminate and go out of existence on June 30, 1984.

Amend Sec. 14, page 7, line 8, by striking out "14" and inserting: 15

Amend Sec. 14, page 7, line 9, by striking out "\$150,000" and inserting: \$450,000

Amend Sec. 14, page 7, line 11, by striking out "period" and inserting: periods

Amend Sec. 14, page 7, line 11, by inserting after "1981-1982": and 1982-1983

Amend Sec. 14, page 7, line 12, by inserting after "act.": The appropriation shall be divided so that the sum of \$225,000 is allocated for each fiscal period.

Amend Sec. 15, page 7, line 13, by striking out "15" and inserting: 16

On the question,

Will the Senate agree to the amendments?

Senator LLOYD. Mr. President, in the interest of brevity, which my fellow colleagues are deeply concerned about, these do two things. They increase the appropriation for the Agent Orange Vietnam Herbicides Information Commission from \$150,000 to \$450,000 and they insert a Sunset provision that would have this legislation sunset after two years; June 30, 1984 would be the sunset date on the legislation.

Mr. President, I urge a "yes" vote on the amendments.

Senator TILGHMAN. Mr. President, I would like to speak against the amendments for a couple of reasons. One of them is that we may not have a continuing appropriation in a bill.

Secondly, this bill as it is now before us, before the submission of the amendments of the gentleman from Philadelphia, Senator Lloyd, is only for this fiscal year, and that means we have about two months left. We have in the legislation \$150,000 for this fiscal year. It is improbable that this commission can get going this year because the Governor must go into various veteran areas in the State and appoint commission members. We think \$150,000 will easily take care of this year. We will have to have another piece of legislation the next fiscal year making an appropriation. In the meeting of the Committee on Appropriations when we cut the amount in the bill from \$300,000, which was \$150,000 less than the amendments of the gentleman from Philadelphia, Senator Lloyd, from \$300,000 to \$150,000, we guaranteed that this program would be adequately funded no matter how much money it takes, and I do not know how much money it will take as we get into it.

Mr. President, I would, therefore, suggest to you that we vote down these amendments in that the sums in the bill now

are adequate to carry us through to June 30, 1982. I urge a "no" vote on these amendments.

Senator JUBELIRER. Mr. President, I support the position of the Chairman of the Committee on Appropriations and again assure the Members that it is our intention to fund this adequately in next year's budget. I think to do anything else would not be treating the matter as we should, and I think the appropriate procedure is as the gentleman from Montgomery, Senator Tilghman, has outlined.

And the question recurring,

Will the Senate agree to the amendments?

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

YEAS—21

Andrezeski	Lewis	Messinger	Scanlon
Bodack	Lincoln	Murray	Singel
Early	Lloyd	O'Pake	Stapleton
Fumo	McKinney	Romanelli	Stout
Hankins	Mellow	Ross	Zemprelli
Kelley			

NAYS—25

Bell	Holl	Manbeck	Shaffer
Corman	Hopper	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Hess			

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 second consideration, as amended?

Senator JUBELIRER. Mr. President, I ask that the bill be considered for the second time.

And the question recurring,

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.

UNFINISHED BUSINESS

REPORTS FROM COMMITTEE

Senator HOWARD, from the Committee on Finance, reported, as committed, **HB 1652, 1997, 1998 and 1999.**

BILLS IN PLACE

Senator ANDREZESKI presented to the Chair two bills.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to the Pennsylvania-Delaware Chapter of the American Society of Landscape Architects by Senator Early.

Congratulations of the Senate were extended to James J. Satin by Senator Loeper.

Congratulations of the Senate were extended to Wasil Pisechko by Senator Mellow.

Congratulations of the Senate were extended to Mrs. Marie Evans, Jim Trusky and to Gary Sanchez by Senator Rhoades.

Congratulations of the Senate were extended to Homestead Borough Police Chief Christopher T. Kelly, Police Sergeant Samuel W. Andrews and to Patrolman Mark C. Zuger by Senator Romanelli.

Congratulations of the Senate were extended to Mrs. Bertha Kiehl by Senator Stapleton.

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 for consideration certain nominations previously reported from committee and laid on the table.

The Clerk read the nominations as follows:

MEMBER OF THE HEALTH CARE POLICY BOARD

March 10, 1982.

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 William A. Gannon, R. D. 2, Towanda 18848, Bradford County, Twentieth Senatorial District, for reappointment as a member of the Health Care Policy Board, to serve until January 8, 1986, and until his successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE STATE HEALTH FACILITY HEARING BOARD

March 10, 1982.

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 Roger A. Fairfax, Sr., 3692 Chartiers Avenue, Pittsburgh 15204, Allegheny County, Forty-second Senatorial District, for reappointment as a member of the State Health Facility Hearing Board, to serve for a term of four years and until his successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF MILLERSVILLE STATE COLLEGE

March 1, 1982.

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 Sarah N. Vanderslice, 2838 Fiddlers Green, Lancaster 17601, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Board of Trustees of Millersville State College, to serve until the third Tuesday of January, 1985, and until her successor is appointed and qualified, vice Benjamin Weaver, Lancaster, deceased.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF MOTOR VEHICLE MANUFACTURERS, DEALERS AND SALESMEN

March 1, 1982.

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. Habeeb (Motor Vehicle Salesman), 817 Griffin Pond Road, Clarks Summit 18411, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the State Board of Motor Vehicle Manufacturers, Dealers and Salesmen, to serve until March 7, 1984, and until his successor is appointed and qualified.

DICK THORNBURGH.

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—50

Andrezeski	Holl	Mellow	Scanlon
Bell	Hopper	Messinger	Shaffer
Bodack	Howard	Moore	Singel
Corman	Jubelirer	Murray	Snyder
Early	Kelley	O'Connell	Stampone
Fisher	Kusse	O'Pake	Stapleton
Fumo	Lewis	Pecora	Stauffer
Gekas	Lincoln	Price	Stout
Greenleaf	Lloyd	Reibman	Street
Hager	Loeper	Rhoades	Tilghman
Hankins	Lynch	Romanelli	Wilt
Helfrick	McKinney	Ross	Zemprelli
Hess	Manbeck		

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 inform the Governor accordingly.

NOMINATION TAKEN FROM THE TABLE

Senator LOEPER. Mr. President, I call from the table for consideration certain nomination previously reported from committee and laid on the table.

The Clerk read the nomination as follows:

JUDGE, COURT OF COMMON PLEAS,
MCKEAN COUNTY

March 12, 1982.

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 Richard E. Brandow, Esquire, 54 Boylston Street, Bradford 16701, McKean County, Twenty-fifth Senatorial District, for appointment as Judge of the Court of Common Pleas of the Forty-eighth Judicial District of Pennsylvania, composed of the County of McKean, to serve until the first Monday of January, 1984, vice The Honorable William Potter, defeated in retention election.

DICK THORNBURGH.

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—50

Andrezeski	Holl	Mellow	Scanlon
Bell	Hopper	Messinger	Shaffer
Bodack	Howard	Moore	Singel
Corman	Jubelirer	Murray	Snyder
Early	Kelley	O'Connell	Stampone
Fisher	Kusse	O'Pake	Stapleton
Fumo	Lewis	Pecora	Stauffer
Gekas	Lincoln	Price	Stout
Greenleaf	Lloyd	Reibman	Street
Hager	Loeper	Rhoades	Tilghman
Hankins	Lynch	Romanelli	Wilt
Helfrick	McKinney	Ross	Zemprelli
Hess	Manbeck		

NAYS—0

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

Ordered, That the Secretary of the Senate inform the Governor accordingly.

EXECUTIVE SESSION RISES

Senator LOEPER. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

BILLS ON FIRST CONSIDERATION

Senator HOPPER. Mr. President, I move that 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 706, 1316, 1338, HB 517, 1010, 1193, 1194, 1532, 1533, 1534, 1535, 1537, 1652, 1856, 1997, 1998, 1999, 2097 and 2199.

And said bills having been considered for the first time,

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

PETITIONS AND REMONSTRANCES

Senator BELL. Mr. President, I would like to talk very briefly on the amendments of the gentleman from Philadelphia, Senator Lloyd, which were just voted down, so the air is clear on this matter.

Mr. President, I have had a chance now to read the amendments. The gentleman from Philadelphia, Senator Lloyd, was initiating a new policy in the Senate of Pennsylvania, that is, a two-year appropriation, not a one-year appropriation. We have annual appropriations, although the Constitution does not specifically state that. It does state under Article VIII, Section 14, "All surplus of operating funds at the end of the fiscal year shall be appropriated during the ensuing fiscal year by the General Assembly." This implies that we have appropriations for one year and at the end of the year the money lapses unless reappropriated.

The gentleman from Philadelphia, Senator Lloyd, by his amendments, endeavored to make appropriations for two fiscal years, fiscal year 1981-1982 and fiscal year 1982-1983. This, I believe, is prohibited by the Constitution of Pennsylvania.

Secondly, although the original appropriation to the Agent Orange bill was \$300,000—it was so set after adequate committee discussion and I was present, although not a member of the committee—that was for a seven-month period, December 1, 1981 to June 30, 1982. Since approximately half of the seven-month period had elapsed, the Committee on Appropriations cut this back to \$150,000 which is adequate for the remaining part of this fiscal year. What the gentleman from Philadelphia, Senator Lloyd, did, which was wrong, by the amendments, he actually was cutting the throat of the Agent Orange victims because the amendments would only give \$300,000 for the whole next fiscal year. The committee determined \$300,000 was necessary for seven months. The gentleman from Philadelphia, Senator Lloyd, by going ahead of schedule and not putting this into the General Appropriations bill, has now left an assumption that \$300,000 is enough to run this commission for the whole next year. Mr. President, I do not think that is fair because if we needed \$300,000 to run it for seven months, I do not know that we can run this commission for twelve months at \$300,000. That is why we have committees to study what is needed and when we put the General Appropriations bill together for the next fiscal year, we had the Majority Chairman of the Committee on Appropriations make a commitment here on the floor, as he made in committee previously, that there would be adequate monies funded in the next General Appropriations bill to carry on this commission.

Mr. President, I also want to re-emphasize that the Majority Leader, the gentleman from Blair, Senator Jubelirer, got up to that microphone and stated that he backed up the Chairman of the Committee on Appropriations of the Senate of Pennsylvania in this commitment. The veterans of Pennsylvania have the commitment from the Chairman of the Committee on Appropriations, himself a veteran, who won the Silver Star at Iwo Jima, and from the gentleman from Blair, Senator Jubelirer, the Majority Leader, there would be adequate money to fund this commission.

Mr. President, I am saying this loud and clear because my friends, the VFW and the American Legion, will understand what I am saying is factual and I think this thing was premature and that is why I voted against it.

COMMUNICATION FROM THE GOVERNOR

NOMINATION BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT pro tempore laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Rules and Executive Nominations:

MEMBER OF THE BEDFORD COUNTY BOARD OF ASSISTANCE

April 14, 1982.

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 Vaughn E. Whisker, Sr. (Republican), 332 South Bedford Street, Bedford 15522, Bedford County, Thirtieth Senatorial District, for reappointment as a member of the Bedford County Board of Assistance, to serve until December 31, 1984, and until his successor is duly appointed and qualified.

DICK THORNBURGH.

HOUSE MESSAGE

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bill for concurrence, which was referred to the committee indicated:

April 14, 1982

HB 198 — Committee on Transportation.

GENERAL COMMUNICATIONS

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:

April 14, 1982

Senators HOWARD, REIBMAN, HELFRICK, HESS and HAGER presented to the Chair **SB 1384**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for membership on the Public School Employees' Retirement Board.

Which was committed to the Committee on FINANCE, April 14, 1982.

Senators HOWARD, REIBMAN, RHOADES, CORMAN, PECORA, O'PAKE, MURRAY, JUBELIRER, SCANLON and HAGER presented to the Chair **SB 1385**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, adding provisions to allow early retirement under certain conditions.

Which was committed to the Committee on FINANCE, April 14, 1982.

Senators RHOADES, MANBECK, BELL, HELFRICK, HOPPER, GEKAS, REIBMAN, SINGEL, O'PAKE, SHAFFER, STAUFFER, LLOYD, PECORA, LOEPER, O'CONNELL, ANDREZESKI, BODACK, ROSS, STOUT, FISHER, EARLY, LINCOLN, FUMO, KELLEY, LEWIS and MOORE presented to the Chair **SB 1386**, entitled:

An Act to promote the general welfare and stimulate the economy of the Commonwealth by requiring that all public agencies, including the Commonwealth, its political subdivisions and all authorities, include in all contracts for construction, reconstruction, alteration, repair, improvement or maintenance of improvements of a permanent or temporary nature, a provision that only domestic materials produced in the United States shall be used, and imposing a penalty for violation of this act.

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, April 14, 1982.

Senators BELL, STREET, McKINNEY, HANKINS and PRICE presented to the Chair **SB 1387**, entitled:

An Act providing for certain grants-in-aid for vocational education and rehabilitation, self-employment training and retraining related activities, providing for further duties of the Department of Labor and Industry and making an appropriation.

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, April 14, 1982.

Senators SINGEL, HELFRICK, STAPLETON, ANDREZESKI, O'PAKE, SHAFFER, RHOADES, MELLOW and SCANLON presented to the Chair **SB 1388**, entitled:

An act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for ice grips and tire studs.

Which was committed to the Committee on TRANSPORTATION, April 14, 1982.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

FRIDAY, APRIL 16, 1982

10:30 A.M.	PUBLIC HEALTH AND WELFARE (Overview of functions of County Assistance Boards)	Court House, Clearfield, PA.
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MONDAY, APRIL 19, 1982

11:00 A.M.	LAW AND JUSTICE (to consider Senate Bill 786, 1375; House Bills No. 178, 1268 and 1734)	Room 459, 4th Floor Conference Rm., North Wing
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1:00 P.M. CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider House Bills No. 2066, 2081 and Administrative Rules Report No. 2) Room 460, 4th Floor Conference Rm., North Wing

TUESDAY, APRIL 20, 1982

9:30 A.M. PUBLIC HEALTH AND WELFARE (to consider Senate Bills No. 820, 1067, 1318; House Bills No. 121, 391 and 1824) Room 460, 4th Floor Conference Rm., North Wing

11:00 A.M. JUDICIARY (to consider Senate Bills No. 128, 638, 1150, 1151, 1152, 1153, 1208; House Bills No. 950, 1789, 1806, 1814; the nominations of Robert E. Kunselman to the Court of Common Pleas, Beaver County and Paul C. Vangrossi, Esquire to the Court of Common Pleas, Montgomery County) Room 461, 4th Floor Conference Rm., North Wing

11:00 A.M. FINANCE (to consider Senate Bills No. 1329 and 1345) Room 460, 4th Floor Conference Rm., North Wing

12:00 Noon MILITARY AND VETERANS AFFAIRS (to consider Senate Bill No. 1180; Senate Resolution No. 214; House Bills No. 139, 315 and House Resolution No. 43) Room 459, 4th Floor Conference Rm., North Wing

WEDNESDAY, APRIL 21, 1982

10:00 A.M. LEGISLATIVE BUDGET AND FINANCE COMMITTEE Room 461, 4th Floor Conference Rm., North Wing

THURSDAY, APRIL 22, 1982

10:00 A.M. BANKING AND INSURANCE (Public Hearing to take testimony on Senate Bill No. 1270) Senate Majority Caucus Room

MONDAY, APRIL 26, 1982

9:30 A.M. SENATE JUDICIARY AND HOUSE JUDICIARY (Public Hearing for the purpose of receiving the 1982 Annual Report of the Pennsylvania Crime Commission) Room 156, House Majority Caucus Room

MONDAY, MAY 3, 1982

9:30 A.M. ENVIRONMENTAL RESOURCES AND ENERGY (Public Hearing on Senate Bill No. 1266) Senate Majority Caucus Room

WEDNESDAY, May 5, 1982

11:00 A.M. Public Employee Retirement Study Commission Room 460, 4th Floor Conference Rm., North Wing

MONDAY, MAY 10, 1982

10:00 A.M. ENVIRONMENTAL RESOURCES AND ENERGY (Public Hearing on Senate Bill No. 1266) Penthouse Hearing Rm., Philadelphia State Office Bldg., 1400 W. Spring Garden St., Philadelphia, PA

THURSDAY, MAY 27, 1982

10:00 A.M. BANKING AND INSURANCE (Public Hearing to take testimony on Senate Bill No. 1369) Senate Majority Caucus Room

ADJOURNMENT

Senator JUBELIRER. Mr. President, I move that the Senate do now adjourn until Monday, April 19, 1982, at 2:00 p.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 5:26 p.m., Eastern Standard Time.