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COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, APRIL 25, 1995

1995

FIRST SPECIAL SESSION

No. 27

SENATE

TUESDAY, April 25, 1995

The Senate met at 4:29 p.m., Eastern Daylight Saving Time.

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

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Special Session of April 24, 1995.

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

LEGISLATIVE LEAVES

The PRESIDENT. The following leaves granted in today's Regular Session will also be granted in the Special Session:

Temporary Capitol leaves for Senator Jones, Senator Dawida, Senator Bodack, Senator Andrezeski, Senator Corman, Senator Robbins, Senator Afflerbach, and Senator Porterfield; and legislative leave for Senator Williams.

HOUSE MESSAGE

**HOUSE CONCURS IN SENATE
CONCURRENT RESOLUTION**

The Clerk of the House of Representatives informed the Senate that the House has concurred in resolution from the Senate, entitled:

Weekly adjournment.

REPORTS FROM COMMITTEE

Senator GREENLEAF, from the Committee on Judiciary, reported the following bills:

SB 75 (Pr. No. 97)

An Act conferring police powers on Federal law enforcement officers in certain circumstances.

HB 5 (Pr. No. 142) (Amended)

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for the powers and duties of the Board of Pardons.

HB 6 (Pr. No. 143) (Amended)

An Act amending the act of August 6, 1941 (P.L.861, No.323), referred to as the Pennsylvania Board of Probation and Parole Law, further providing for investigations and recommendations to the Board of Pardons.

HB 24 (Pr. No. 144) (Amended)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for a mandatory minimum penalty for delivery of contraband to certain confined persons; and imposing a penalty for possession of a controlled substance by an inmate.

CALENDAR

**BILL ON CONCURRENCE IN
HOUSE AMENDMENTS**

SENATE CONCURS IN HOUSE AMENDMENTS

SB 4 (Pr. No. 112) -- The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for the composition and powers of the Board of Pardons.

Senator FISHER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 4.

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

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Fisher.

Senator FISHER. Mr. President, on that motion, I would urge that the Members of the Senate do concur in House amendments to Senate Bill No. 4, and while discussing Senate Bill No. 4, I would urge similarly on the next bill on the Calendar that the Senate also concur in House amendments to Senate Bill No. 12.

But in talking about concurrence in the amendments to both of these bills, I think it is important for us to recognize that at this stage in our Special Session the Senate and the House, working collectively in a bipartisan fashion with the Ridge administration, have made what I believe is unprecedented progress in meeting the goals of the Special Session. With the hopeful passage today on concurrence of the two constitutional amendments which are before us and, hopefully, with the passage of House Bill No. 19, the record of both the House and

Senate will be that as of the passage of these two constitutional amendments there will have been 11 bills that will have been signed into law as acts and there will have been 3 constitutional amendments which will have been given final approval by both Chambers.

One of those constitutional amendments is Senate Bill No. 11, a constitutional amendment sponsored by the gentleman from Montgomery, Senator Greenleaf, which was passed for the second consecutive Session by this General Assembly, and it will appear on the ballot this fall. With the passage of Senate Bill No. 4 and the hopeful passage of Senate Bill No. 12, we will then have had two additional constitutional amendments which will have been passed the first time and will be in a position to be considered by the next General Assembly in the next Session.

Mr. President, I think the progress that we have made has not only been an outstanding example of bipartisan cooperation between the Chambers, but the progress that we have made has made a significant change in State law, particularly as it applies to juvenile crime as well as adult crime. There are more bills to be considered in the Special Session. There are about five or six additional bills that were part of the initial phase, as well as perhaps another dozen bills which will be considered in a second phase. But all in all, I think all of us can be proud, the Legislature and the Ridge administration combined, that we have taken historic steps in less than 100 days in this administration to pass some laws which I believe will make the Commonwealth of Pennsylvania a safer place in which to live.

So with that, Mr. President, I would, once again, ask that the Senate do concur in House amendments to Senate Bill No. 4.

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

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

YEAS—45

| | | | |
|------------|-----------|-------------|-------------|
| Afflerbach | Greenleaf | Mellow | Shaffer |
| Andrezeski | Hart | Mowery | Shumaker |
| Armstrong | Heckler | Musto | Stapleton |
| Baker | Helfrick | O'Pake | Stewart |
| Belan | Holl | Peterson | Stout |
| Bell | Jubelirer | Porterfield | Tartaglione |
| Brightbill | Kasunic | Punt | Tilghman |
| Corman | LaValle | Rhoades | Tomlinson |
| Dawida | Lemmond | Robbins | Uliana |
| Delp | Loeper | Salvatore | Wagner |
| Fisher | Madigan | Schwartz | Wenger |
| Gerlach | | | |

NAYS—5

| | | | |
|--------|--------|-------|----------|
| Bodack | Hughes | Jones | Williams |
| Fumo | | | |

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.

LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Fumo and Senator Hughes.

The PRESIDENT. Senator Mellow requests temporary Capitol leaves for Senator Fumo and Senator Hughes. Without objection, those leaves will be granted.

CONSIDERATION OF CALENDAR RESUMED

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 12 (Pr. No. 113) -- The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for bail.

Senator FISHER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 12.

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

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

YEAS—44

| | | | |
|------------|-----------|-------------|-----------|
| Afflerbach | Fisher | Loeper | Salvatore |
| Andrezeski | Gerlach | Madigan | Shaffer |
| Armstrong | Greenleaf | Mellow | Shumaker |
| Baker | Hart | Mowery | Stapleton |
| Belan | Heckler | Musto | Stewart |
| Bell | Helfrick | O'Pake | Stout |
| Bodack | Holl | Peterson | Tilghman |
| Brightbill | Jubelirer | Porterfield | Tomlinson |
| Corman | Kasunic | Punt | Uliana |
| Dawida | LaValle | Rhoades | Wagner |
| Delp | Lemmond | Robbins | Wenger |

NAYS—6

| | | | |
|--------|----------|-------------|----------|
| Fumo | Jones | Tartaglione | Williams |
| Hughes | Schwartz | | |

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.

SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR CLARENCE D. BELL PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Bell.

Senator BELL. Mr. President, we have in the gallery another group of visitors from southeastern Delaware County.