

WHEREAS, Many Senators have similar concerns about these regulations and are committed to assuring that any such regulations finally promulgated are in the public interest and in the best interests of parents and children; and

WHEREAS, That result will best be served by assuring that the General Assembly has adequate time to review these regulations carefully; and

WHEREAS, The Independent Regulatory Review Commission has refused to accept the regulations pending the formation of Standing Committees in the House of Representatives; and

WHEREAS, The State Board of Education has until June 4, 1994, to transmit these regulations for regulatory review once the House of Representatives has designated its Standing Committees; therefore be it

RESOLVED, That the Senate urge the State Board of Education to delay its formal delivery of the regulations for at least 30 days to permit the General Assembly more time for review; and be it further

RESOLVED, That the Senate urge the Education Committee of the Senate to consult with other members of the Senate in its deliberations on these regulations; and be it further

RESOLVED, That the Senate urge the Education Committee of the Senate to conduct at least one public hearing as part of its deliberations on these regulations.

APPOINTMENT BY MINORITY LEADER

The PRESIDENT. The Chair wishes to announce that the Minority Leader has made the following appointment:

Mr. Wallace Nunn as a member of the governing body of the Philadelphia Regional Port Authority.

LEGISLATIVE LEAVE

Senator LINCOLN. Mr. President, I would request a temporary Capitol leave for Senator Williams.

The PRESIDENT. Are there leaves of absence on the Republican side?

Senator LOEPER. Mr. President, I do not believe we have any leaves at this time.

The PRESIDENT. The Chair thanks the gentleman.

Senator Lincoln requests a temporary Capitol leave for Senator Williams. The Chair hears no objection, and the leave is granted.

CALENDAR

THIRD CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILL OVER IN ORDER

SB 260 — Without objection, the bill was passed over in its order at the request of Senator LINCOLN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1 (Pr. No. 2) — The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing amendments to the Constitution of the Commonwealth of Pennsylvania, changing provisions relating to judicial discipline.

Considered the third time and agreed to.

On the question,
Shall the bill pass finally?

Senator JUBELIRER. Mr. President, this is indeed a historic day in this Chamber as we approach, hopefully for the final time, judicial discipline, House Bill No. 1. For those of us who have advocated judicial reform for more than a decade, passage of this proposed amendment presents a long-awaited opportunity. We give the people a chance to replace a thoroughly discredited system with one that is more credible, more open, and, hopefully, more reflective of our desire to see judicial misconduct appropriately dealt with. From the time years ago when a few people started to push for reform through the days when this Senate acted Session after Session after Session, judicial reform has been a concept very much at the center of good government efforts. I think back to the days when people such as Senator Dick Snyder and former Majority Leader Jack Stauffer and others had a hand in shaping and launching the crusade for reform.

It is encouraging that this measure has drawn bipartisan support and much favorable commentary. It is discouraging to see the problems within the State's judicial branch that have swelled support for reform. The leaders, committee chairmen, and Members who have pushed for quick action to allow this question to be placed on the primary ballot deserve recognition. There is nothing to be gained through delay, and everything to gain by giving the people their chance to render judgment.

Mr. President, this measure, indeed, provides a dramatic change in judicial discipline. It removes much of the concern about judges judging judges. It provides much more of a public role than the current system. I know there are some who believe it does not go far enough, and there are others who believe it goes too far. I would urge opponents to take their case to the court of public opinion rather than searching for a friendly court ruling to again derail the question. This is ultimately a matter of public interest over self-interest, and after 12 years of an uphill fight, the people deserve their chance to hand down a ruling.

There is reason to believe that the Department of State will, on this occasion, appropriately carry out their responsibilities so no technical difficulties disrupt the move to referendum. Our action today to put judicial reform on the ballot is not an ending but a worthy preface to the debate over other measures aimed at improving the quality of justice in this State and raising public confidence, which has been severely sagging. I intend to urge the people to support this reform which will enable things to work differently and hopefully work much better. Approval should provide momentum so that we may succeed in future reform efforts.

As I indicated, Mr. President, this is not an ending to a dilemma over judicial reform but a beginning, and I am delighted to support this effort and urge each and every one of my colleagues to vote in the affirmative so that we may see this on the primary election ballot on May 18 and the people will finally have the opportunity to change the way judges are disciplined.

Mr. President, I thank you for the opportunity to offer these comments for the record, and I am delighted that this day has finally come.

Senator LINCOLN. Mr. President, I, too, would like to rise to support House Bill No. 1. I think that there is no question that the gentleman from Blair, Senator Jubelirer, put the position forward extremely well in regard to the need for this particular action at this time. I would concur with him that I believe there is a need. I also concur that there could be people who think it should be a little more than what it is, but I think those of us who are aware of the legislative process are aware that this is a compromising type of government that we have and that this is something that I think will bring us a long way in the right direction. I also want to say that the manner in which the General Assembly in this Session has handled this particular issue I think will point very clearly to the importance of it. The House sent this bill to us as House Bill No. 1, and we have moved this bill in the appropriate time period to make it eligible to be on the May primary ballot, and I also want to say that it was done here in the shortest possible time that the Constitution allowed, and that was 3 or 4 days.

I support this and I ask my colleagues to support it and, I think, take the next step toward putting some confidence back in both government and our judicial system.

Senator LEWIS. Mr. President, let me simply add to the comments made by the speakers who have preceded me by saying that although this is a significant event in the process of judicial reform, we need to be careful and understand that it is really only the beginning of the process. I am sure that there will be a great sense of accomplishment shared by many people who have been involved in this effort across the State for many, many years, but we need to understand that the next step on this specific issue is, of course, the education of the people of this State as to the importance of this issue, and, further, to understand that even if we succeed in that effort, that there are yet other equally important measures to follow. There will be the consideration, of course, of the concerns of merit selection, a variety of other reform proposals, including a proposal which I introduced yesterday calling for the potential of a constitutional convention on the judicial article itself. And so judicial discipline is an important beginning, but it is just that, a first step. There is much more to be done, and we need to commit ourselves to that process with the same kind of enthusiasm as we have to this first step.

Senator GREENLEAF. Mr. President, I rise in support of this legislation and urge its passage. We all know, and the previous speakers have indicated, that we have been on a long road toward the adoption of this process to provide some impartiality and some effectiveness in dealing with the way that we discipline judges.

This legislation is a compromise and is the second step in the process of changing our Constitution, as we adopted this legislation last Session and this is the second time that we have done that. What it would do is open up the process to public scrutiny and review. It would provide for and take away the judicial dominance that has occurred in the present system and

it would allow others to appoint people or members to this board when they review allegations against judges where there are allegations of misconduct, and I think it is important for us to do this. And, of course, I think it also provides an alternative process to what we have now. At the present time if there is an allegation of unethical conduct against a Supreme Court Justice, the judges themselves have to pass on that allegation, and I feel that judges cannot judge judges, and it is particularly difficult for Supreme Court Justices to pass upon allegations of their colleagues and then continue to work with the same Justice on that bench and continue to pass cases and be a coworker with that Justice. I think we have seen what happens when we force people in that position to pass on the misdeeds of their colleagues.

So this legislation, I think, will go a long way to solve those problems. It will, hopefully, be on the primary ballot and will be in place to deal with future and possibly present difficulties that the judiciary is facing at the present time.

Thank you.

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—49

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

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 without amendments.

BILL REREFERRED

SB 263 (Pr. No. 271) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for the establishment by the Department of Health of residential drug and alcohol treatment programs for pregnant women and mothers and their dependent children; and providing for certain training programs.

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