

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

MONDAY, OCTOBER 2, 1995

1995

FIRST SPECIAL SESSION

No. 50

SENATE

MONDAY, October 2, 1995

The Senate met at 5:36 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 September 20, 1995.

The Clerk proceeded to read the Journal of the preceding Special Session, when, on motion of Senator LOEPER, 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 Afflerbach and Senator Bodack; legislative leaves for Senator Williams and Senator Schwartz; and personal leaves for Senator Porterfield and Senator Stewart.

COMMUNICATIONS FROM THE GOVERNOR

APPROVAL OF SENATE BILLS

The PRESIDENT laid before the Senate communications in writing from His Excellency, the Governor of the Commonwealth, advising that the following Senate Bills had been approved and signed by the Governor:

SB 2, SB 10, SB 14, SB 16, SB 19, SB 20, and SB 101.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate SB 54, with the information the House has passed the same without amendments.

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate SB 7 and SB 103, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XIV, section 5, this bill will be referred to the Committee on Rules and Executive Nominations.

HOUSE BILLS FOR CONCURRENCE

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

September 20, 1995

HB 36 and 126 -- Committee on Judiciary.

BILL SIGNED

The PRESIDENT (Lieutenant Governor Mark S. Schweiker) in the presence of the Senate signed the following bill:

SB 54.

**SPECIAL ORDER OF BUSINESS
ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Special Session to consider Senate Bill No. 7 and Senate Bill No. 103.

SENATE CONCURRENT RESOLUTION

RECESS ADJOURNMENT

Senator LOEPER offered the following resolution, which was read, considered and adopted:

In the Senate, October 2, 1995

RESOLVED, (the House of Representatives concurring), That when Special Session No. 1 adjourns this week it reconvene on Monday, October 16, 1995, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when Special Session No. 1 of the House of Representatives adjourns this week it reconvene on Monday, October 16, 1995, unless sooner recalled by the Speaker of the House of Representatives.

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

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 22 (Pr. No. 190) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for arrest without warrant.

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—26

Afflerbach	Greenleaf	Lemmond	Salvatore
Armstrong	Hart	Loeper	Shaffer
Bell	Heckler	Madigan	Tilghman
Brightbill	Helfrick	Mowery	Tomlinson
Corman	Holl	Punt	Uliana
Fisher	Jubelirer	Rhoades	Wenger
Gerlach	LaValle		

NAYS—19

Belan	Hughes	O'Pake	Stout
Bodack	Jones	Peterson	Tartaglione
Dawida	Kasunic	Robbins	Wagner
Delp	Mellow	Schwartz	Williams
Fumo	Musto	Stapleton	

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.

BILL ON THIRD CONSIDERATION AMENDED

SB 109 (Pr. No. 154) -- The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of (P. L. , No.), entitled "1995 Special Session Somerset Hospital Conversion Security Project Itemization Act," itemizing a public improvement project to be constructed or acquired by the Department of General Services, together with estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the project to be constructed or acquired by the Department of General Services; stating the estimated useful life of the project, and making an appropriation.

On the question,

Will the Senate agree to the bill on third consideration?

Senator WENGER offered the following amendment No. A5031:

Amend Title, page 1, line 1, by striking out "(P.L. , No.)," and inserting: July 6, 1995 (P.L.269, No.38),

Amend Sec. 3, page 2, line 7, by striking out "their respective" and inserting: its

Amend Sec. 4, page 2, line 30, by striking out "in a capital budget" and inserting: herein

Amend Sec. 6, page 3, line 12, by striking out "projects" and inserting: project

Amend Sec. 7, page 3, line 22, by striking out "in a capital budget" and inserting: herein

Amend Sec. 9, page 4, lines 1 through 9, by striking out all of said lines

Amend Sec. 10, page 4, line 10, by striking out "10" and inserting: 9

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.

LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentleman from Lancaster, Senator Wenger.

Senator WENGER. Mr. President, I request temporary Capitol leaves for Senator Jubelirer, Senator Fisher, Senator Shaffer, Senator Delp, and Senator Robbins.

The PRESIDENT. Senator Wenger requests temporary Capitol leaves for Senator Jubelirer, Senator Fisher, Senator Shaffer, Senator Delp, and Senator Robbins. Without objection, those leaves will be granted.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 109 (Pr. No. 156) -- The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of July 6, 1995 (P. L. 269, No. 38), entitled "1995 Special Session Somerset Hospital Conversion Security Project Itemization Act," itemizing a public improvement project to be constructed or acquired by the Department of General Services, together with estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the project to be constructed or acquired by the Department of General Services; stating the estimated useful life of the project, and making an appropriation.

On the question,

Will the Senate agree to the bill on third consideration?

The PRESIDENT. The Chair recognizes the gentleman from Fayette, Senator Kasunic.

Senator KASUNIC. Mr. President, I rise today to ask my colleagues to support Senate Bill No. 109. It will provide the necessary State funding to convert Somerset State Hospital into a medium security prison. Although I and the community would have preferred to keep it open as a State hospital, we

found after numerous meetings with the administration that a closing was inevitable. It was not, and I want to stress this, it was not a question about the care or the quality of care at the facility. It was simply a numbers crunch. The evidence for that is over the years the hospital has been commended many, many times over, as well as its employees, for the quality of care that it gave to its patients.

In essence, what we are saying is that if we simply just allow the hospital to close, it would have a very devastating effect on the economy of Somerset County, a county that already has a very high unemployment rate. I am simply saying that it would add to the county's troubled economic problems, and it is vital that we today approve funding to convert the hospital to a correctional facility and save the much needed jobs in Somerset County. I ask for your support.

Thank you very much, Mr. President.

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

YEAS—46

Afflerbach	Gerlach	Loeper	Schwartz
Andrezeski	Greenleaf	Madigan	Shaffer
Armstrong	Hart	Mellow	Stapleton
Belan	Heckler	Mowery	Stout
Bell	Helfrick	Musto	Tartaglione
Bodack	Holl	O'Pake	Tilghman
Brightbill	Hughes	Peterson	Tomlinson
Corman	Jones	Punt	Uliana
Dawida	Jubelirer	Rhoades	Wagner
Delp	Kasunic	Robbins	Wenger
Fisher	LaValle	Salvatore	Williams
Fumo	Lemmond		

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.

ANNOUNCEMENT BY THE SECRETARY

The following announcement was read by the Secretary of the Senate:

SENATE OF PENNSYLVANIA
COMMITTEE MEETING
TUESDAY, OCTOBER 3, 1995

10:30 A.M. JUDICIARY (to consider Special Session House Bills No. 36 and 115) Room 8E-B East Wing

ADJOURNMENT

Senator LOEPER. Mr. President, I move that the Special Session do now adjourn until Tuesday, October 3, 1995, immediately following the adjournment of the Regular Session.

The motion was agreed to.

The Special Session of the Senate adjourned at 5:55 p.m., Eastern Daylight Saving Time.