LEGISLATIVE JOURNAL

MONDAY, OCTOBER 30, 1995

FIRST SPECIAL SESSION OF 1995 No. 66 And now we come, our Father, to that time in our HOUSE OF REPRESENTATIVES prayer prayer prayer confrontation we ask You to deploy. Confront our sinfulness, injustice, selfishness, inhumanity, so unfar: Let our morality, ethics, character, faith, servanthood be such every one will enjoy. prayer The House convened at 1:05 p.m., e.s.t. THE SPEAKER (MATTHEW J. RYAN) Presiding

PRAYER

The SPEAKER, Without objection, the prayer from today's regular session will be printed in today's special session Journal

REV. DR. DONALD G. FISHEL, from East Prospect Zion United Methodist Church, East Prospect, Pennsylvania, guest Chaplain and guest of the gentiennan from Huntingdon, Mr. Sather, offered the following project:

Let us pray:

Our Lather, present in this House, we praise Your name. We praise You for men and women who are Representatives of this State: For You are the God of Abraham, Isaac, and Jacob,

and us the same. And for the members of the House, who do much

debate. We pray their desires to legislate, not lead others to resent and to hate.

We thank. You for the forgiveness of all who confess. We are grateful that from the chaos it was order You created. It is our plea that from these great balls of government will come legislation that You can bless: And peace and love and order will be widely demonstrated. So the lives that the members of this House represent will be able to live lives that are not a mess.

We ask Your increession for the needs of the families of the House members here represented: Their children at school or at home or in college; their spouses at home or at work or at play. And, Lord, when these in the House return to their homes, please let them not be resented. Give them the wiscken to realize that their spouse and their children may have a word to say.

And now, our Father, the business of this Uouse is at

And now, our Father, the business of this House is at hand.
Much work is unfinished and needs to be done and tested by fire.
Let them no outlandish promises make, because the outcome is Yours to command.
Close their ears to the critics, for Your word says, "A laborer is worth his hire."

And one final petition, our Father: Just as these men in this And one final petition, our Father: Just as these men in this House and these women in this House represent this State and seek Your will for its guidance and the decisions that are here made, we would pray for our family, thends, and brothers and sisters in Canada and would ask that Your might bring them unity and peace and love and joy, that as we desire to have the same here at our home, that they might find the same in theirs. In the name of Christ, Amen.

PLEDGE OF ALLEGIANCE DISPENSED WITH

The SPEAKER, Without objection, the Pledge of Allegiance will be dispensed with. The Chair hears no objection.

JOURNAL APPROVAL POSTPONED

The SPLAE1.8. Without objection, the approval of the Journal Wednesday, October 25, 1995, will be postponed until printed. of Wednesday, October 25, 1 The Char hears no objection.

LEAVES OF ABSENCE

The SPEAKER. The leaves of absence granted in today's regular session will also be granted in the special session.

MASTER ROLL CALL

The SPEAKER. The master roll call taken in today's regular session will also be the master roll call for the special session. The Chair hears no objection.

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, OCTOBER 30, 1995

FIRST SPECIAL S	SESSION OF 1995	No. 66
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E SPEAKER (MATTHEW J. RYAN) Presiding	Confrom our sinfulness, injustice, selfish inhumanity, so unlant: Let our morality, ethics, character, faith, servan be such every one will enjoy.	
PRAYER		
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C. DONALD G. FISHEL, from East Prospect Aethodist Church, East Prospect, Pennsylvania, guest guest of the gentheman from Huntingdon, Mr. Sather, lowing proyer.	 tested by fire. Let them no outlandish promises make, becure outcome is Yours to command. Close their ears to the critics, for Your word "A laborer is worth his hire." 	
y: a, present in this House, we praise Your	And one final petition, our Father: Just as the House and these women in this House represent this Your will fm its puldance and the decisions that are	s State and seek
a. Present in this fieldset out panels from a You for men and women who are sectarizes of this State: are the God of Abraham, Isaac, and Jacob, s the same. the members of the House, who do much	would pray for our family, friends, and brothers Cunada and would ask that You might bring them a and tove and joy, that as we desire to have the si- home, that they might find the same in theirs. In the name of Christ, Amen.	and sisters in unity and peace
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MASTER ROLL CALL

The SPEAKER. The master roll call taken in today's regular session will also be the master roll call for the special session. The Chair hears no objection. a conta

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merr children af senool or at home or in college; their spouses at home or at work or at play.
 And, Lord, when these in the House return to their homes, please let them not be resented.
 Give them the wisdom to realize that their spouse and their children may have a word to say.

CISCISLATIVE SC	$\mathbf{r}_{\mathbf{R}}$	- HOUSE		OCTOBER 30
ADDITIONS AND DELETIONS OF SPONSORS		uill, and therefore, the House concur		it the amendment b
The SPEAKER. The Chair acknowledges receipt of additions and deletions for sponsorships of bills, which the clerk will file.	On the qu	estion recurring. Touse agree to the		
(Copy of list is on file with the Journal clerk.)		wing roll call was		
CALENDAR		ΥT	5AS 193	
BILLS ON THIRD CONSIDERATION	Adolph	Egolf	Lucyk	Schroder
BILL PASSED OVER	Alten Argalt	Fairchild Fait	L Sheh Mairland	Schuler Scrimenti
The SPEAKER, SB 72, without objection, is over. The Chair nears none.	Armstrong Baker Batd Batley	Hargo Farmer Feese Fichter	Major Manderino Markosek Marsico	Semmel Seratini Shaner Sheebao
ж њ њ	Battisio Behko-Jones Belardi	Filengle Flick Ciamble	Masland Masland Mayernik MoCall	Smith, B Smith, S, H Smyder, D, W,
The House proceeded to third consideration of SB 81, PN 164, ntitled:	Belfanti Birmelur Bishop	Gannon Geist George	NicCreeban McCriff McCriff	Staback Stairs Steelman
An Act amending Title 42 (Judiciary and Judicial Procedure) of the ensystenia Consolidated Statutes, further providing for postconviction	Blaum Boscola Boyus Boyus	Gigliotti Citadeok Godshall Gordner	Meny Nilcozzie Miller	Sign Stern Stoller
elief; and providing for unitary review in death penalty cases. On the question,	Brown Browne Butkovitz	Cruppo Habay	Nailor Nickol	Stish Stottmatter Sports
Will the House agree to the bill on third consideration?	Buxton Caltagirone Cappabianca	Haluska Harua Harham	Nyee O'Brien Olasz	Suren Tan <u>e</u> rerri Taylor, F. 2
Ms. MANDERINO offered the following amendment No. 5466:	Carn Carone Cawley	Hasay Hennessey Herman	Oliver Perzet Pesci	Fagilor, J. Doornes Lugas
Amend Sec. 2 (Sec. 9572), page 10, line 12, by inserting after cases. ⁹	Chodwick Civera Clark	Hiorshey Fless Florsey	Petrone Petrone Petro	Trello Trich Truc
<u>These standards shall apply for the appointment of</u> <u>trial counsel</u> , <u>collateral review counsel</u> , and <u>appetitate counsel</u> .	Clymer Cohen, L. I. Cohen, M Colafella	Harchinson Itkin Jadlowice James	Phillips Picenta Picts Platts	Tutti Mance Man Horos Meon
On the question, Will the House agree to the amendment?	Colaizzo Conti Cornell	Jarotin Josephs Kaiser	Pression Ramow Raymend	Vitali Walko Washingtou
The SPEAKER. The Chair recognizes the lady from	Corpora Cowell Coy	Kelter Kenney King	Readshaw Reber Reber	Waugh Williams Wogan
niladelphia County, Ms. Manderino, who offers amendment 5466, which was printed with the gentleman, Mr. Veon's name, believe, appearing on the copies that were distributed. The lady	Cons Dates Det gen	Kirkland Erebs Kokosieh	Rieger Roberts Robinson	Wozniak Wrogbi, D. R. Wright, M. S.
recognized in connection with A5466. Ms. MANDERINO. Thank you, Mr. Speaker.	Dempsey Dem Demody	LaCirotto Laughtin Lawless	Robuer Roeney Rubley	Newcia Neunghlood Zimmerman
Mr. Speaker, amendment 5466 insens one sentence with regard the standards for attorneys that are written in the bill. As referenced, the bill already provides for counsel in capital	DeWeese DiGirolamo Denatucci	Lodonor Leth Leth	Rudy Sainato Sauton	Zug Ryan.
uses, for the Supreme Court to adopt standards for the projotiment of coursel in capital cases, and this just clarifies that a standards not define them to standards to all the second when	Druce Durham	Licydansky Litoyd	Sather Saytor	Spreaksyr
e standards we are falking about apply to all the counsel who ould be appointed in those cases, meaning the trial counsel, the allateral regiew counsel, and the appellate review counsel. So I			AYS 0 ZOTING 0	
k for an affirmative vote from the membership. The SPEAKER. The Chair recognizes the gentleman, r. Piccola, with respect to amendment A5466.			USED 9	
Mr. PICCOLA. Thank you, Mr. Speaker. It is my view that this amendment is not really necessary, scause 1 believe what the lady is attempting to accomplish is	Bunt Corrigan Exans	Cimitza Michlovic	N1ihalich Piste/In	Roebuck Travagtio

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ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. The Chair acknowledges receipt of additions and deletions for sponsorships of bills, which the clerk will file. (Copy of list is on file with the Journal clerk.)

CALENDAR

BILLS ON THIRD CONSIDERATION BILL PASSED OVER

The SPEAKER, SB 72, without objection, is over. The Chair is none. hears

* * *

The House proceeded to third consideration of SB 81, PN 164, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for postconviction relief) and providing for unitary review in death penalty cases.

On the question, Will the House agree to the bill on third consideration?

Ms. MANDERINO offered the following amendment No. A5466:

Amend Sec. 2 (Sec. 9572), page 10, line 12, by inserting after "cases."

These standards shall apply for the appointment of trial counsel, collateral review counsel, appellate counsel.

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

Will the House agree to the amendment?
The SPLAKER. The Chair recognizes the lady from Philadelphia County, Ms. Manderino, who offers amendment A5466, which was printed with the gentlemm, Mr. Veon's name. I believe, appearing on the copies that were distributed. The lady is recognized in connection with A5466.
Ms. MANDERINO. Thank you, Mr. Speaker.
Mr. Speaker, amendment 5466 insents one sentence with regard to the standards for attorneys that are written in the bill.
As referenced, the bill already provides for counsel in capital cases, for the Sopreme Court to adopt standards for the appointment of counsel in capital cases, and this just elarifies that would be appointed in those cases, meaning the trial counsel, the collateral review counsel, and the appellate review counsel. So I ask for an affirmative vote from the membership.
The SPEAKLER. The Chair recognizes the gentlemm, Mr. PiccOLA. Thank you, Mr. Speaker.
It is my view that this amendment A5466.

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out to the bill, and therefore, I would orge the lopted and the House concur.	at the amendm
On the question recurring, Will the House agree to the amendment?	
The following roll call was recorded:	

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The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question, Will the House agree to the bill on third consideration as amended?

Mr. STURLA offered the following amendment No. A5482:

Amond Title, page 1, line 2, by inserting after "Statutes," establishing the Crime Prevention and Locat Law Unforcement Program and the Crime Prevention and Locat Law Enforcement Fund, Amond Bill, page 1, lines 7 through 9, by striking out all of said well issuing out all of said Amend Bill, page 1, Intes 7 through 9, by striking os. ... Intes and inserting Section 1. Chapter 21 of Title 43 of the Pennsylvania Consolidated Statutes is amended by adding a subchapter to read: SUBCH APTER G CRIME PREVENTION AND LOCAL LAW ENFORCEMENT PROGRAM

ENFORCEMENT PROGRAMS
 2161. Pennsylvania Commission on Crime and Delinquency.
 2162. Establishment of Crime Prevention and Local Law Enforcement Tund.
 2163. Rules and regulations.
 § 2161. Pennsylvania Commission on Crime and Delinquency.
 (a) Use of program lunds.-The Pennsylvania Commission on Crime and Delinquency may offer financial assistance to municipalities for the following crime prevention and local law orforcement purposes:

 (b) The establishment of community policing programs for municipalities which do not have already established community policing programs.
 (c) Eggending or addition of equipment, materials or technologies which would not otherwise be purchased or replaced through course copipment replacement and depreciation, and would benefit the agency in determing commata detyreties other than uaffic violations.

benefit the agebcy in the second parameters of the second officer or officers. (3) Hiring an additional law enforcement officer or officers, provided the municipality can show with reasonable containty that such additional number of officer or officers will be related following the termination of program lunds. (1) Measures to deter criminal gang activity which may

include.

(j) Community organizations which implement (j) Community organizations which implement shall give prefective to programs which engage community organizations in identifying and prioritizing delinquency tisk itsens operating in their communities which include a comprehensive plan to reduce the impact of these tisk factors on children. Criminal gaug determence programs may include: (A. A.)

(A) Altereare and monitoring to ensure that former criminal gaug mombers are able to integrate into society. (B) Rehabilitative and education support

(B) Rehabilitative and education support services.
 (B) District attorneys to be used for the formation of special prosecution units, grand jury investigations and other strategies to deter criminal gang activity.
 (5) Any other crime prevention measures proposed by the local law enforcement agency which the commission deems appropriate.
 (b) Allocation of funds.-The commission shall make available not less than 95% of the state funds available annually for the administration of this section for funderal assistance to local law enforcement agencies.

Section 2161 (relating to fentiogramma community)
 (b) Deposits into fund.—All monoy's made payable to the Commonwealth resulting from local law enforcement actions under § 3571 (relating to Commonwealth portion of times, etc.) shall be deposited into the Crime Prevention and Local Law Inforcement Fund ercated under sobsection (a) to be used for the purposes of this act. § 2163. Rules and regulations. The Pennsylvania Commission on Crime and Definquency shall --contact and regulations necessary to implement the provisions.

§ 2163. Rules and regulations. The Pennsylvania Commission: on Crime and Definquency shall promutgate rules and regulations necessary to Implement the provisions of this subchapter. Section 2: Sections 0542, 9543, 9544, 9545 and 9546 of Title 42 are amended to read: Amend Sec. 2: page 8: line 3: by striking out "2" and inserting 3

Amond Sec. 3, page 15, line 5, by striking out "3" and inserting

Amond Sec. 4, page 15, line 17, by striking out "4" and inserting

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

Will the House agree to the amendment? Will the House agree to the amendment? The SPEAKER. On the question of A5482, the Chair recognizes the gentleman, Mr. Snirla. Mr. STURLA. Thank you, Mr. Speaker. Mr. Speaker, this amendment is an amendment similar to one that I have been trying to puss here for some time. Essentially what it does is takes a portion of fines that are currently generated by local police departments, which are paid for by local tax dollars that get sent to the State, and instead of having the State retain their portion of the fines, it allows those moneys to go to the Pennsylvania Commission on Crime and Delinquency for redisting equipment. It cannot be used for increasing more traffle violations. This is not so that these local communities can go out they can put more police officers on their streets. This is not so that they can put more police officers on their streets, have more access to computers, and combat violence. As we all know, the Federal Government has provided moneys for some local have enforcement agencies, but those moneys require that you much it with local dollars, and in hearing after hearing throughout the State this summer, we heard that local communities could not even come up with the matching dollars to allow for a down Federal funds. So not only are we not supporting our local police departments with any State dollars currently, we are not even giving them the ability to pull down Federal dollars. With this

LEGISLATIVE JOURNAL - HOUSE

The majority having voted in the affirmative, the question wa determined in the affirmative and the amondment was agreed to.

On the question, Will the House agree to the bill on third consideration as amended?

Mr. STURLA offered the following amendment No. A5482:

Amend Title, page 1, line 2, by inserting after "Statutes," establishing the Crime Prevention and Local Lox Enforcement Program and the Crime Prevention and Local Law Enforcement Fund, Amend Bill, page 1, lines 7 through 9, by stoking out all of said lines and inserting Section 1. Chapter 21 of Title 43 of the Pennsylvania Consolidated Statutes is amended by adding a subchapter to reach SUBCH APTER G CRIME PREVENTION AND LOCAL LAW ENFORCEMENT PROGRAM

ENFORCEMENT PROGRAM)
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 2162. Establishment of Crime Prevention and Local Law Pribreement Tund.
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benefit the agebcy in the second parameters of the second officer or officers. (3) Hiring an additional law enforcement officer or officers, provided the municipality can show with reasonable containty that such additional number of officer or officers will be related following the termination of program lunds. (1) Measures to deter criminal gang activity which may

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(B) Rehabilitative and education support services.
 (B) Itstrict atterneys to be used for the formation of special prosecution units, smart jury investigations and other strategies to deter eniminal gang activity.
 (5) Any other enime prevention measures proposed by the local law enforcement agency which the commission deems (b) Alternition of funds.-The commission shall make available nor (c) Alternitie.
 (c) Alternities funds while anomaly for the administration of this section for funds.assistance to local law enforcement agencies.

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 for the support of municipal, county or regional crime prevention projects.
 The funds shall be used to pay the individual project's cost. The remaining 5% of State funds available annually may be retained by the commission in order to administer the program.
 (c)

 (c)
 Commission use of funds.—The commission shall retain emptuds which have not been awarded for crime prevention and local have inforcement project available provided and local have inforcement for a Crime prevention and local y funds.

 (a)
 Establishment of Crime Prevention and Local Law Enforcement Found.

 (a)
 Fund.—There is hereby established within the State Treasury a nonlapsing revolving account to be known as the Crime Prevention and Local Law Enforcement Found. The fund shall be administed by the permissivarial Commission on Crime and Delinguency for the purpose of crime prevention and local law enforcement projects as efforts and local law enforcement projects are completed for crime and Delinguency for the purpose of crime prevention and local law enforcement projects are forth under commission on Crime and Delinguency for the purpose of crime prevention and local law enforcement projects are forth under complete section 2161 (relating to Pennsylvaria Commission on Crime and Delinguency).

Section 2161 (relating to Pennsylvania Commission on school and Delinquency). (b) Deposits into fund.—All moneys made payable to the Commonwealth resulting from local law enforcement actions under \$ 3571 relating to Commonwealth portion of lines, etc.) shall be deposited into the Crime Prevention and Local Low Inforcement Fund ereated under sobsection (a) to be used for the purposes of this set. \$ 2163. Rules and regulations. (b) Pennsylvania Commission on Crime and Delinquency shall promutigate rules and regulations necessary to implement the provisions of this subchapter. Section 2. Sections 9542, 9543, 9544, 9545 and 9546 of Title 42 are amended to read: Amend Sec. 2, page 8, line 3, by striking out "2" and inserting 3

Amend Sec. 3, page 15, line 5, by striking out "3" and inserting

Amend Sec. 4, page 15, line 17, by striking out "4" and inserting

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

Will the House agree to the amendment? Will the House agree to the amendment? The SPEAKER. On the question of A5482, the Chair recognizes the gentleman, Mr. Starta. Mr. STUREA. Thank you, Mr. Speaker. Mr. Speaker, this amendment is an amendment similar to one that I have been trying to pass here for some time. Essentially what it does is takes a portuon of fines that are currently generated by local police departments, which are paid for by local tax dollars that get sent to the State, and instead of having the State retain their portion of the fines, it allows those moneys to go to the Penrsylvania Commission on Crime and Delinquettey for redistribution to local municipalities for police enforcement. That police enforcement is limited to adding new police officers, upgrading equipment. It cannot be used for increasing more traffle violations. This is not so that these local communities can go out they can put more police officers on their streets. This is not so that they can put more police officers on their streets, have more access to computers, and combat violence. As we all know, the Federal Government has provided moneys for some local have enforcement agencies, but those moneys require that you match it with local dollars, and in hearing after hearing throughout the State this sammer, we heard that local communities could not even come up with the matching dollars to draw down Federal funds. So not only are we not supporting our local police departments with any State dollars currently, we are not even giving them the ability to pull down Federal dollars. With this

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Small amount of money, which amounts to \$18 million, small amount by State standards but a large amount by local government standards, we can not only do 18 million dollars' worth or law enforcement, we can leverage bederal dollars with it.
Lecture of the state standards but a large amount by local government standards, we can not only do 18 million dollars' worth or law enforcement, we can leverage bederal dollars with it.
Lecture of the state standards.
Lecture of the state state of the state of the state standards.
Me SPEAKLER The Chair recognizes the gentleman.
Me PICCOLA. Thank you. Mr. Speake.
Once again 1 would urge that the Sturia amendment be detected. I believe we faced a bill or an amendment similar to this to another bill last weak or the week before.
This amendment has nothing to do with unitary appeals in or ine cases. It has to do with generating funds and distributing to be distributed, right now we know that these dollars come into the Commonwealth and they are spread across the Commonwealth for various programs that are used by every municipality in the state. Mr. Sturia would restrict the use of these funds to only those municipalities that, number once, have police departments, and number two, have either the wherewithal to file a grant application be skill to obtam a grant from PCCD.
In mot convinced that his program is a good one. It very well may have good aspects to it, it is something that should be explored with the committees of this flows of the should be explored with the committees of the floor of the should be explored with the PCCD; it should be explored with various municipal police departments, and the should be explored with the subject on the should be explored in the committees of the loor of the should be explored with various municipal police departments, and the should be explored with various municipal police departments, and the should be explored with various municipal police departments to anothing

The SPLAKER. The genterman, which teams the time. Mr. STURLA. Thank you, Mr. Speaker. Mr. Speaker, which this amendment is about is preventing orime, which I believe is hopefully what SB 81 is about. This amendment is supported by the League of Cities, township supervisors. Fratemat Order of Police, local police departments, local municipal officials. If you have a local police departments, local municipal officials. If you have a local police department, you get money under this bill. As I said the last time, this one is a no-brainer. You have local police departments and they currently do not have adequate finds to do the things that they want to do in terms of crime prevention; this gives them some money to do it with.

Again, I would urge your support of this amendment.
 Thank you.
 The SPEAKER. The Chair thanks the gentleman.
 On the question, the Chair recognizes the gentleman from Parates Mr Durates.

On the question, the Chair recognizes the gentleman from Bucks, Mr. Druce. Mr. DRUCE. Thank you, Mr. Speaker. Can I interrogate the maker of the amendment, please? The SPEAKER. The gentleman, Mr. Sturla, will stand for interrogation. You may begin. Mr. DRUCE. Mr. Speaker. if I may ask one question. Where is the fine money currently directed, and from what pool or what particular find would you be removing moneys from the Commonwealth in order to fund your program? Mr. STURLA. The money that would be used for this is currently directed to the Motor License Fund. It is my

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 Immersionaling that there is about \$76 million in unappropriated funds in that that right now. So it is not like we are going to take moneya that are being used for something else. Those moneya currently are not being used for something else. Those moneya currently are not being used for something else. Those moneya currently are not being used for something else. Those moneya currently are not being used for something else. Those moneya currently are not being used for something else. Those moneya currently are not being used for something else. Those moneya currently are not being used for something else. Those moneys currently are not being used for something else. Those moneys currently are not being used for that covered.

 Mr. DRUCE. Mr. Speaker, I would just urge the members that at time when we are looking at addressing our serious highway needs, that we not be supporting programs that are going to take \$18 million out of the Motor License Fund at a time when we may want to utilize that money to repart Pennsylvania's depleted this money and for that reason alone I believe we ought to reject this amendment. Thank you.

 Mr. MASLAND, Thank you, Mr. Speaker.

 Mr. MASLAND, Thank you, Mr. Speaker.

 Mr. MASLAND, Thus you, Mr. Speaker.

 Mr. MASLAND, Thus you, Mr. Speaker.

 Penneytonia of the concerns as raised by the previous speaker.

 Representative Druce, but I speak primarily as a nomber of the Pennsylvania Commission on Crune and Delinquency.

 Mr. Storale on this proposal. I know that he did speak to PCCD spone ti

On the question recurring. Will the House agree to the amendment? The following roll call was recorded;

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LEGISLATIVE JOURNAL — HOUSE

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Small amount of money, which amounts to \$18 million, small amount by State standards but a large amount by local government standards, we can not only do 18 million dollars' worth or law enforcement, we can leverage bederal dollars with it.
Lecture of the state standards but a large amount by local government standards, we can not only do 18 million dollars' worth or law enforcement, we can leverage bederal dollars with it.
Lecture of the state standards.
Lecture of the state state of the state of the state standards.
Me SPEAKLER The Chair recognizes the gentleman.
Me PICCOLA. Thank you. Mr. Speake.
Once again 1 would urge that the Sturia amendment be detected. I believe we faced a bill or an amendment similar to this to another bill last weak or the week before.
This amendment has nothing to do with unitary appeals in or ine cases. It has to do with generating funds and distributing to be distributed, right now we know that these dollars come into the Commonwealth and they are spread across the Commonwealth for various programs that are used by every municipality in the state. Mr. Sturia would restrict the use of these funds to only those municipalities that, number once, have police departments, and number two, have either the wherewithal to file a grant application be skill to obtam a grant from PCCD.
In mot convinced that his program is a good one. It very well may have good aspects to it, it is something that should be explored with the committees of this flows of the should be explored with the committees of the floor of the should be explored with the PCCD; it should be explored with various municipal police departments, and the should be explored with the subject on the should be explored in the committees of the loor of the should be explored with various municipal police departments, and the should be explored with various municipal police departments, and the should be explored with various municipal police departments to anothing

The SPLAKER. The gentionian, wir, stories, is, is, included the second states of the second s

Again, I would urge your support of this amendment.
Again, I would urge your support of this amendment.
Thank you.
The SPEAKER. The Chair thanks the gentleman.
On the question, the Chair recognizes the gentleman from
Bucks, Mr. Druce.
Mr. DRUCE. Thank you, Mr. Speaker.
Can I interrogate the maker of the amendment, please ?
The SPEAKER. The gentleman, Mr. Sturla, will stand for
Interrogation. You may begin.
Mr. DRUCE. Mr. Speaker, if I may ask one question.
Where is the fine money eurennly directed, and from what pool
or what particular fund would you be retroving moneys from the
Commonwealth in order to fund your program.?
Mr. STUREA. The money that would be used for this is eurently directed to the Motor License Fund. It is my

URNAL — HOUSE
 OCTOBER 30
 Imderstanding that there is about \$76 million in twappropriated funds in that fund right now. So is not like we are going to take moneys that are being used for something else. Those moneys currently are not being used, for something else. Those moneys currently are not being used for something else. Those moneys currently are not being used for something else. Those moneys currently are not being used for something else. Those moneys currently are not being used for something else. Those moneys currently are not being used for something else. Those moneys currently are not being used for something else. The set of Pennsylvania. The DEUCE. Thank you.
 Mr. DEUCE. Thank you.
 Mr. Speaker, I believe he answered my question. May 1 comment on the amendment?
 Mr. DRUCE. Mr. Speaker, I would just urge the members that at time when we are booking at addressing our serios highway needs, that we nor be supporting programs that are going to take \$18 million out of the Motor License Fund at a time when we may want to utilize that money to repart Pennsylvania's depleted this amendment. Thank you.
 Mr. MASLAND. Thank you, Mr. Speaker.
 Mr. MasLAND. Thank you the previous speaker.
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On the question recurring. Will the House agree to the amendment? The following roll call was recorded;

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OCTOBER 30

LEGISLATIVE JOURNAL — HOUSE

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Less than the majority having voted in the affirmative, the istion was determined in the negative and the amendment was auestion not agreed to.

On the question recurring, Will the House agree to the bill on third consideration as amended?

Mr. STURLA offered the following amendment No. A5483:

Amend Sec. 1, gage 1, line 2, by inserting after "fac" distribution of fines and forferings ro-multiplattics, for reduction of others, to amend Sec. 1, page 1, line 2, by inserting after "Sections" SS7((b), 3573(b), 2). Amend Sec. 1, page 1, by inserting the "Sections" SS7((b), 3573(b), 2). Amend Sec. 1, page 1, by inserting between lines 9 and 10 \$357(1, 5), and 10 \$357

(b) Mehicle offenses.

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(b) Collicies of times, forfailed recognizances and other forthitnes (b) All times, forfailed in connection with matters arising under imposed, loss or forfailed in connection with matters arising under Chapter 77 of Tille 75 (relating to snow meblics) shall unless

otherwise provided in Chapter 27 of Title 75 be poyable to the Commonwealth.

provided in section 4 of the act of funct 1, 1956 (P.L. 1944, No.655), relating to partial allocation of liquid fuels and fuel use tax proceeds.
(.3) Except as provided in section 3573 (relating to municipal corporation portion of lines, etc.), when proceeding under any other provision of Tiffe 75 is the result of local police action. [one-half of] all flues, forfeited shall be provided in between the fluctuation of the section 3573 (relating to municipal corporation portion of the 75 is the result of local police action. [one-half of] all flues, forfeited shall be provided in the Commonwealth. For credit to the Motor License Fund] to the Commonwealth. For credit to the Motor License Fund] to the completies which have organized a municipal police department having at least one police officer or contracted for municipal notice department influence of alcohol or contracted for municipal notice for exotin of State Police notion. 50% of all these local shall be payable to the Commonwealth, for credit to the Motor License Fund. (f) Fifty percent of the onerty suffer half the funder shall be funder and 50% shall be payable to the county which shall be funder and 50% shall be proposed to the county which shall be funder and 50% shall be proposed for the subparagraph include Project DARE (Drug and Alcohol Resistance Education). (f) Fifty percent of the moneys received shall be used for expenditions the theory authority which implements the county due and alcohol programs prometing drug abuse and alcohol in prevention. Catement and research. Pregrams under this subparagraph include Project DARE (Drug and Alcohol Resistance Education).
(f) Fifty percent of the moneys received shall be used for expenditures incurred for county laits, prisons, workhouses and alcohol programs prometing drug abuse and alcohol mercention catedation.

§ 3575. Municipal corporation portion of fines, etc.

(b) Mehicle offenses.

(2) Except as provided in paragraph (3), when prosecution under any other provision of Title 75 (except Chapter 77 (relating to snowmebiles)) is the result of local police action, [one-half of] all lines, forfeited recognizances and other forfeitures imposed. Iost or forfeited shall be payable to the municipal corporation under which the local police are organized or which has convacted for municipal police, <u>service with one or more municipalities for reduction of</u> violence through community-based crime prevention.

On the question. Will the House agree to the amendment?

The SPEAKER. On the question, the gentleman is recognized. Mr. STURLA. Thank you, Mr. Speaker. Mr. Speaker, on the provious amendment some of the members raised concerns that they were not sure how the money was going to get spent, that it might not get spent evenly because of the grants that we are giving out for the Pennsylvania Commission on Crime and Definquency and that all the kinks might not have been worked out with the Pennsylvania Commission on Crime and Definquency. While I believe than those comments are unbunded, what this amendment does is alloving all those concerns, because

LEGISLATIVE JOURNAL — HOUSE otherwise provided in Chapter 27 of Title 25 be physicle to the Commonwealth.

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Less than the majority having voted in the affirmative, the question was datarmined in the negative and the amendment was not agreed to.

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Mr. STURLA offered the following amendment No. A5483:

Amend Title, page 1, line 2, by inserting after "for" distribution of these and forferings, ro-municipalities, for eduction of violence through community-based crime or violence through Amend Sec 1, page 1, line 4, by inserting after "Sections" Amend Sec 1, page 1, by sections and for Amend Sec 1, page 1, by inserting herveen lines 9 and 10 \$3571. Commonwealth portion of times, etc.

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Commonwealth. (7) Except as provided in paragraph (4), when prosection under any other provided in paragraph (4), when prosection under any other provision of Title 75 (relating to volticlos) is the result of State Police action, all lines, for firled to complete shall be payable to the Commonwealth, for order to the Notor Electric shall be paid to the revenue shall be paid to municipalities in the same rate provided in section of linear of Lines ($P_{1,1}(P_{2,1}($ provided in section 4 of the act of funct 1, 1956 (P.L. 1944, No.655), relating to partial allocation of liquid fuels and fuel use tax proceeds.
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(b) Vehicle offenses.

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Horsey

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 LEGISLATIVE JO
 we no longer take that money and give it to the Pennsylvania Commission on Crime and Delinquency to distribute grants, we give it directly back to the municipalities.
 It is pretty simple. Local taxpayers puy for local police departments to generate fines; they get to keep the money. They do not have to send it to the State. At a time when we have communities going banknipr around this State, I think it is outrageous that the State wants to skim off the hard labors of the local police departments that are paid for by local taxpayers.
 I would urge your support of this amendment. Thank you. The SPLAKIK. The gentleman, Mr. Piecola.
 Mr. PICCOLA. Thank you, Mr. Speaker.
 I would urge that the House defeat this amendment as well.
 This is a much clearer amendment. It is an ouright raid on the Motor License Fund. Right now these fines and costs go into the possibility of enbancing, and this would require a further enhancement it we take those moneys our of it, and it would distribute it to the municipalities that have police departments. Right now the Motor License Fund benefits all municipalities throughout the Commonwealth, State and local roads. The way the gentleman would have these moneys distributed would require that only those municipalities that have police departments would get to keep them.
 T urge the amendment be defeated. to keep them.

to keep them. I urge the amendment be defeated. The SPLAKER. The gentleman, Mr. Sturlu, Mr. STURLA. The gentleman, Mr. Piccola, is absolutely right. This would distribute money to those municipalities that have police departments. I would suggest that any member who has municipalities with police departments, this is one that will drive money into your district. Thank you.

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The following roll call was recorded:

YEAS 80

Bebko-Jones	Dates	Lescovitz	Santoni
Helardi	1201.004	Levdansky	Shaner
Belfonti	Dempses	Lucyk	Staback
Bishop	Dent	Manderino	Steelman
Diaum	Dermody	Markosek	Steller
Boscola	DeWeese	Mayernik	Sturla
Boyes	ป่าเส้น	McCall	Langratti
Browne	C torradada-	Melio	Thomas
Buston	Ciglioni	Chase	Figue
Caltagnone	Habay	Oliver	nello
Cappabianca	Hadroska	Pesci	(freed)
Cam	Itkin	Permanen	Van Horne
Coveles	Janics	Petrone	NEDDY
Cohen, NL	Janolun	Preston	Vitali
Colafella	Josephs	Rearies	Wallos
Colaizzo	Kaiser	Readshass	Washington
Cherpona	Kirkland	Roberts	Wollhours.
Cowell	Kukovich	Robuson	Woean
Coy	LaGrotta	Riccipcy	Wozniak
Cuirs	t	Samaro	Youngblood

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Allen	Flock	Masland	Sectionenti
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Amstrone	Cleise	MeChill	Seralini
Baker	George	Menny	Sheehan
Hard	Chadeok	Micozzie	Scotti, B.
Darley	Cidedshall	Miller	Smith, S. El
Battisto	Gordner	Mundy	Snyder, D. W.
Dirmelin	Circapiper	Nailor	Stairs
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Clark	Hershey	Phillips	Laylor, E. Z.
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EXCUSED 9

Mihniich Pistella Hunt Corrigen Evons Roebuck Travaglio Gruicza Michlosie

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring, Will the House agree to the bill on third consideration as amended?

Mr. PICCOLA offered the following amendment No. A5499: vmend Sec. I (Sec. 9545), page 6, line 19, by striking out "<u>No</u>" and

Inserting Exect 1 (Sec. 93-53), page 6, the 19, by striking dout "<u>No</u>" and <u>Execution for periforms filed under this subsequer by definitions whose</u> sentences have been affirmed on direct appeal by the Supremy Court of <u>Pennsvivama between January 1, 1994, and January 1, 1996, no</u>

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

The SPEAKER. On that question, the gentleman is recognized. Mr. PICCOLA. Thank you, Mr. Speaker. I believe this amendment is ugreed to. It is compromise language which we are going to insert into the bill that should

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LEGISLATIVE JOURNAL — HOUSE

Horsey

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YEAS 80

Bebko-Jones	Dates	Lescovicz	Santon
Helardi	1261.069	Levdansky	Shaper
Belfonti	Dempsey	Lucyk	Staback
Jishop	1 Dent	Manderino	Steelman
Dilaum	Dermody	Markosek	Steller
Boscola	DeWeese	Mavernik	Studa
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Browne	C formulate-	Melio	Thomas
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Cappabanea	Haluska	Pesei	(Tread)
Cam	Itkin	Permanag	Van Horne
Caseles	James	Petrone	Newsy
Cohen, M.	Janolun	Preston	Vitali
Colafella	Josephs	FCentricoe	Wallos
Colaizzo	Kaiser	Readshass	Washington
Cherpona	Kirklaud	Roberts	Withsmis
Cowell	Kukovich	Robuson	Woean
Coy	LaGrotta	Riccipes	Wozniak
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Butkovitz Canone Chadwick Chark Clark Clark Colymer Cohen, L. J Contel DiGirolarmo	Harhart Hasay Hennessey Herman Hershey Hess Hutebinson Jodiesses Keller Keller	Noted O'Brien Perzel Pertit Phillips Piccola Pitts Matts Ray mend Ray mend	Stein Stein Stish Striumorren Surra Laylon, J. Laylon, J. Laylon, J. Vance Wance Wance
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EXCUSED 9 Mihniich Pistella Roebuck Travaglio Gruicza Michlosie

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resolve some	tears that have b	een raised conc	erning the stays of		EXC	CSED 9	
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this act. I would ur	ge the adoption of	f the amendment					
	estion recurring,			The majori determined in t	ity having voted the affirmative s	in the affirmative ind the amendmen	e, the question wa it was agreed to.
	ouse agree to the			On the que	stion recurring.		
The tonow	ving roll call was	AS-193		Will the lamended?	House agree to	the bill on thir	d consideration a
				Mr. PICC	OLA offered th	e following amer	dment No. A5500
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Bebko-Jones	Flick	Maxernik.	South, S. H.		issues inv	iterial to petition	ter's conviction of
Belandu	Camble	McCall	Snyder, D. W. Staback		somence.		
Helfanti Dirmelin	Geist	McGaechan NieGill	Starts				
Bishop	George	Nielio	Steelman	On the que			
Blaum	Cigliotti	Merry	Steil	Will the H	louse agree to th	e amendment?	
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LEGISLATIVE JOURNAL - HOUSE

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meanion 10	 appears wint; 	n nave been	annen by me	Bont	Gruitza	Muhalich	Rocbuck
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he ist of Jar	auary of 1996, M	nich would be th	ie effective date of	Lyans			
this act.							
I would ur	ge the adoption of	f the amendment	-				
				The maint	in the second second second	in the stringenution	, the question wa
Church and	estion recurring,					nd the amendmen	
	louse agree to the	States and reasons 12		determined or	ine arrinnative a	ng the amendmen	a was agreed to.
with the H	touse agree to the	annendment?					
					stion recurring.		
The follow	ving roll call was	recorded:		Will the 1	House agree to	the bill on third	d consideration a
				amended?			
	VF	AS-193					
				Mr. PICC	OLA offered th	e following amen	dment No. A5500
Adolph	E. <u>e</u> oltí	LOOSE	Schroder				
Allen	Fairchild	t ynch	Seluter Securenti	Amend S	ee. 2 (Sec. 9575)	, page 12, line 12,	by striking out "no
Argall	1 41	Maitland	Securenti Securel	and inserting			
Aunstrong	1/arjeo	Major Manderino	Senne		an)		
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Bard Barley	Hichter	Manances	Sheehan	after warrantee			
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Bebko-Jones	Flick	Max ernik	Smith, S. H.	1			er's conviction
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+= fanti	Connor	McGroohan	Staback	l	Source w.e.		
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Buscola	Cladeck	Micozzie	Stetler				
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Brown Browns	Condisar Condisar	Naibes	Stritmatter	Piccola amer	ndment, A5500	, the gentleman	. Mr. Piccola,
Burkovitz	Habay:	Nickol	Storla	recognized.		-	
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Coltagirone	Hอเวเวอ	OBCION	Tangretti	i a construction of the second		language to result	e the fears of son
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Convited:	Efsternan	Pesei	ligue	contained in S	B 81.		
Chadwick	t lershew	Petranan	The Unit	I would ur	ge the adoption.	of the amendmen	ι.
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Colaizzo	.farolin	Preston	Varati	The follow	wing coll call was	s recorded:	
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Cornell	K susar	Ray mood	Washington	1	\mathbf{Y}	EAS 192	
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Cos	King	Reinard	Miogao Miogniak	Allen	Harington Inf	Maitland	Schuler
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Daley	Roebs Rockestich	Robinson	Wright, M. N.	ATTOSTCODE	Гагдо	Ntanderino Mankossik	Second
DeLuca Dempsey	LaConotta	Reduce	Yeweic	(saker	Farmer Feese	Numicos	Shore
Dent	Laughtin	Rooney	Moungblood	Bard Barley	Fielder	Masland	Shochan
Dermody	Lawless	Rubbes	Zimmerman	Fattisto	Fleagle	Masseruck	Smith, B.
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				Boscola	Giaclock	Miller	Stean
	~	NYS-0		150yress	Churshall	Ntundy	Statler
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LEGISLATIVE JOURNAL — HOUSE Taylor, L. Z. Taylor, J. Tbornas Ligne Trello Trich True Talli Vanes Van Horne Voon

Van Human Veon Vitali Walko Wakin Wakin Wakin Wogan Voungblood Zing

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PARLIAMENTARY	INQUIRY
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ML	NDM	ENT	DIV	UDED.

The SPEAKER. Mr. Dermody, it is my understanding that you are going to move to divide this amendment? Mr. DERNIODY, That is correct, Mr. Speaker. The SPEAKER, Would you advise the Chair at what point you would wish this division to take place? Mr. DERMODY, Mr. Speaker, I would have to delete lines 1 through 8 and proceed with lines 9 through 14. The SPEAKER, That is in order.

PART 1 OF AMENDMENT WITHDRAWN

The SPEAKER. It is my understanding then that you move to divide, the division now has taken place, and you are withdrawing from consideration the first portion of that arrendment that you have now offered so that the only thing before the House is the second portion, which is that portion which begins at line 9. Mr. DERMODY. That is correct, Mr. Speaker.

On the question, will the House agree to part 2 of the amendment?

The SPEAKER. On that question, the gentleman is recognized. Mr. DERMODY. Thank you, Mr. Speaker. Mr. Speaker, all this amondment does is allow in capital cases, allow the petitioner right to discovery unless the distinct attorney can show exceptional circumstances why discovery should be demed. (believe it is agreed to The SPEAKER. The gentleman, Mr. Piccola, on the Dermody amendment. Mr. PICCOLA. The amendment is agreed to, Mr. Speaker.

On the question recurring, Will the House agree to part 2 of the amendment?

The following roll call was recorded:

YEAS-193					
Adolyth Allen Argall Arntswong Baker Barley Batisto Batisto Babko Jones	Eport Forretoild Fargo Farmon Feese Fichter Ficagle Ficas	Lingyk Nisittand Niajor Makor Markosak Nisico Masland Masland	Schröder Scholar Scannen Seatmel Shoehae Shoehae Smith, 13. Smith, 13.		
Hadandi Belfam Dirmelur Dishop	Camble Cannon Geist Ceorge	NieCail MeGechan NieGiji Nielio	Suyder, D. W. Stabuck Stairs Steelmon		
Blaum Hoscela Hoscela Brown Brown	Girghath Gladect Codahall Gordhea Compses	Menny Micoszie Miller Minndy Nation	Steff Stern Starto Stiso Strittmatter		
Butkovitz Buston Caluagirone Cappabianca Carn	Habay Bahaska Hanna Hurtam Hasay	Olasz Olasz Olasz	Statia Surra Langretti Laglor, E. Z. Taylor, J		

On the question recording, Will the House agree to the bill on third consideration as amonded? 2 Mr. DERMODY offered the following amendment No. A5547: M. DERMODY offered the following amendment No. A5547:
 Amend Sec. 1 (Sec. 9545), page 7, lines 7 through 9, by striking out all of said lines and inserting

 (2) In conceptial cases, discovery shall be permitted only unon, leave of the court. In capital, pases, discovery shall be permitted and po reasonable discovery request of the petitioner shall be denied excent upon demonstration of exceptional circumstances institution and Sec. 2 (Sec. 9573), page 11, lines 19 through 21, by striking out all of said lines and inserting.
 (2) Discovery, Discovery shall be permitted and po reasonable field and no reasonable discovery request.
 Amend Sec. 2 (Sec. 9573), page 11, lines 19 through 21, by striking out all of said lines and inserting.
 (d) Discovery, Discovery shall be permitted and no reasonable discovery request of the permitted and no reasonable discovery request of the permitted scenet upon demonstrations.

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Oliver Perrel Perrel Perrel Patrarea Patrarea Patrarea Patrarea Patrarea Provide Pitarea Pitarea Ranus Ranus

NAYS 0

NOT VOTING 4

EXCUSED-9

The majority having voted in the affirmative, the question was determined in the affirmative and the oriendment was agreed to.

On the question, Will the House agree to the amondment?

Harlieut Hasay Homossey Herman Hershey Hershey Hutchinson Itato Jadiowieo Jadiowieo Jadiowieo Jarolin Jacobio

Josephs Karser Keller Kenney King Kirkland

Kirkland Kreba Kukovich LaGrotu Laughlin Laughlin Laughlin Leb

Lescovitz Lescovitz Leschausky Lleyd Lucyk

Gruitza Michloste

LEGISLATIVE JOURNAL — HOUSE Harleut Hasey Habey Habey Herman Dershey Hutchinson Ukin Jadowiee Jarotin Josephs Kance Kenney King King Kirkland Taylor, E. Z. Taylor, J. Thomas Ligne Trich Trich True Palli Van Horne Van Horne Van Horne Oliver Percel Percel Percel Patrarea Patrarea Patrarea Patrarea Patrarea Provide Pitas Pit PARLIAMENTARY INQUIRY AMENDMENT DIVIDED The SPEAKER. Mr. Dermody, it is my understanding that you are going to move to divide this amendment? Mr. DERNIODY, That is correct, Mr. Speaker. The SPEAKER, Would you advise the Chair at what point you would wish this division to take place? Mr. DERMODY, Mr. Speaker, I would have to delete lines 1 through 8 and proceed with lines 9 through 14. The SPEAKER, That is in order. Meon Miafi Walko Washington Waogh Wittams Wogan Wogan PART I OF AMENDMENT WITHDRAWN Kirkland Krebs Kukovich LaGrota Laughlin Lawless Lederer Leb Wozmak Woght, D. R. Wright, M. N Yewaia Youngbiood Zimmerman Zug The SPEAKER. It is my understanding then that you move to divide, the division now has taken place, and you are withdrawing from consideration the first portion of that amendment that you have now offered so that the only thing before the House is the second portion, which is that portion which begins at line 9. Mr. DERMODY. That is correct, Mr. Speaker. Lescovitz Lescovitz Lesdansky Ryan. Spickler L loyet Lucy k On the question. Will the House agree to part 2 of the amendment? NAYS 0 The SPEAKER. On that question, the gentleman is recognized. Mr. DERMODY. Thank you, Mr. Speaker. Mr. Speaker, all this amondment does is allow in capital cases, allow the petitioner right to discovery unless the distinct attorney can show exceptional circumstances why discovery should be demed. (believe it is agreed to The SPEAKER. The gentleman, Mr. Piccola, on the Dermody amendment. Mr. PICCOLA. The amendment is agreed to, Mr. Speaker. NOT VOTING 4 EXCUSED-9 Oroitza Michloste Mitatien Pistella Rochuck

The majority having voted in the affirmative, the question v determined in the affirmative and the oriendment was agreed to.

On the question recurring, Will the House agree to the bill on third consideration as amended?

Mr. DERMODY offered the following amendment No. A5547:

M. DERMODY offered the following amondment No. A5547:
 Amond Sec. 1 (Sec. 9545), page 7, lines 7 through 9, by striking out all of sold lines and inserting

 (2) In non-point cases, disgovery shall be permitted only unon leave of the court. In capital cases, discovery shall be permitted and po reasonable discovery request of the poly unon leave of the court. In capital cases, discovery shall be denied excent upon demonstration of exceptional circumstances institution and sec. 2 (Sec. 9573), page 11, lines 19 through 21, by striking out all of said lines and inserting.
 (d) Discovery, Discovery shall be permitted and no reasonable discovery request.
 (e) Discovery, Discovery shall be permitted and no reasonable discovery request of the polytopy shall be completed excended by the discovery request of the polytopy shall be permitted and no reasonable discovery request of the polytopy request of the polytopy shall be denied excend upon demonstration.

On the question, Will the House agree to the amondment?

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OCTOBER 30

On the question recurring, Will the House agree to part 2 of the amendment?

The following roll call was recorded:

YEAS-193

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Allen	Foundhold	1. smch	Schuler
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Barley	Lichter	Mansico	Sheebar
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Bebke Jones	E Luck	Mayremito	Smith. 5, 11.
Harlen di	Gamble	McCall	Sugder, D. W.
Belfanti	Gunnon	McGeehan	Statsuck
Dirmelin	Cicist	N1-C(0)	Stairs
Dishop	Ссогде	Nielio	Studies
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Browne	Canapass	Saitor	Strittonatter
Burkowitz	Habay	Nickat	Storitz
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Caro	1 lasay	Oliver	Taylor, J

1995		LEG	ISLATIVE J	o_{U}
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Class bes	llerman	Hesa'	Tigue	
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Caseen	Eleas	Fetrone	Luis h	1
C. Lark	Housest	Pettst	True	
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Cohen, L. L.	Itkin	Preceda	Manee	
Cohen, MI.	Jadlowice	Pitts	Man Horne	
Celatena	James	Platts	Neon	
Cebuzzo	Jacolin	Frestor	Mulah	U
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Connell	Kous or	Raymond	Washington	1 1
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Ciurs	Rickland	Ricagian	Wozniak	1 17
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Bunt Corrigan Evans Gruitza Michtovic Mithabiob Pistella Roebuck Travaglio

The majority having voted in the affirmative, the question was determined in the affirmative and part 2 of the aroundment was agreed to.

On the question recurring, Will the House agree to the bill on third consideration as amended?

Mr. DERMODY offered the following amendment No. A5552:

Amend Title, page 1, line 3, by striking out "and" Amend Title, page 1, line 4, by removing the period after "cases"

1995

and inserting: and making appropriations. Nmend Bill, page 15, by inserting between lines 4 and 5 Section 3, call the sum of \$500,000, or as much thereof as may be necessary, is hereby appropriated to the Office of Anomey General ro-handle capital appeals in Federal and State courts for the current (b) The sum of \$500,000, or as much the (b) The sum of \$500,000, or as much the

Gasal year
 (b) The aum of \$500,000, or as much thereof as may be necessary.
 (c) The aum of \$500,000, or as much thereof as may be necessary.
 (c) The aum of suprementation is populated under 42 Pa.C.S.
 (c) The appropriations in sub-sections (a) and (b) shall not base at the end of the current basal year but shall continue for two factly ears.
 (c) Annead Sec. 3, page 15, line 5, by striking out "3" and inserting.

Amend Sec. 4, page 15, line 17, by striking out "4" and inserting

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

The SPEAKER. The gentleman, Mr. Detmody, is recognized

On the question. Will the House uprove to the amendment? The SPLAK1R. The gentleman, Mr. Dermody, is recognized in connection with that an endment. Mr. DERMODY. Thank you, Mr. Speaker. Mr. Speaker, this bill as it is currently drafted creates another unfunded mandate on our countes. In a capital case, our county government will be responsible for paying for the district attorney. the defendant is convicted, they will have to pay for a third attorney. the defendant is convicted, they will have to pay for a third attorney. The defendant is convicted, they will have to pay for a third attorney. The defendant is convicted, they will have to pay for a third attorney. The defendant is convicted, they will have to pay for a third attorney. The defendant is convicted, they will have to pay for a third attorney. The defendant is convicted to death, his trial attorney. The defendant on what is called a collateral appeal that is usually an guing ineffective assumes of counsel. So our counties will be paying for one lawyer to say that lawyer who is taking the direct appeal and will be paying for molice, lawyer to age that lawyer who is taking the direct appeal and will be pay for (1) this, because we are going to require the wherewithal to pay for (1) this, because we are going to require the speading today. All my amendment does is appropriate \$500,000 for the Office of the Attorney General to distribute to the D.A.'s offices to help them pay for the extra costs divy will be the utring as a result of these extra appeals that may not even be needed, and \$500,000 to the Supreme Court that would allow them to help train and provide. The Peinsylvama Bar Association and the Philadelphia that association support this amendment. Mr. PECCOLATINES south Mr. Miccula the appendent to pay for the spatientar. Mr. PECCOLATINE spatientar. Mr. PECCOLATINE spatientar. Mr. PECCOLATINE spatientar. Mr. Meresson and the spatientar. Mr. Meresson approximate that the funds that the gentlemant that the appen

LEGISLATIVE JOURNAL — HOUSE

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

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Cassles	Terman	Pesci	Tigue
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C. Jark	Horsey	Pettst	True
Claner	Huchinson	Phillips	Tulli
Cohen, L. I.	Itkin	Piccola	Manee
	Jadlowice	Pitts	Van Horne
Cohen, M.	James	Plants	Neon
Cetacos		Freston	Muali
Cobazzo	Jarolin	Ramos	Walko
Character	Jusephs		Washington
Quarter!	Numus or	Raymond	Waveh
Chorpopta	Notice .	Readshass	williams
Cossell	Kenney	Reber	
Cosy	5-00g.	Reinard	We showing a start
Curs	Firkland	Brapan	Wozniak
Dates	Kinebes	Robens	Wright, D. R
Del uco	K GLONICH	Robinson	Wright, M. N.
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Deni	Laughlin	Receives	Youngblood
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Druce	 encetamorelay 	Sather	Speaker
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LXCUSED-9

Bunt Corrigan Evans	Circitza Nicebioxie	Mishaliob Pistella	Roebuck Frax aglio

The majority having voted in the affirmative, the question was determined in the affirmative and part 2 of the aroundment was agreed to.

On the question recurring, Will the House agree to the bill on third consideration as amended?

Mr. DERMODY offered the following amendment No. A5552:

Amend Title, page 1, line 3, by striking out "and" Amend Title, page 1, line 4, by removing the period after "cases"

(b) The sum of \$500,000, or as much thereof as may be necessary: is hereby appropriated to the Supreme Court for two ment of compensation one reasonable and necessary: expenses authorized under 42 Pa.C.S. § 9572.
 (c) The appropriations in sub-sections (a) and (b) shall not base at the end of the current basis year but shall continue for two flam) years. Amend Soc. 3, page 15, line 5, by suriking out "3" and inserting.

Amend Sec. 4, page 15, line 17, by stuking out "4" and insertion $\frac{1}{2}$

WAM's (walking-around money). That should not be the role of		
the Supreme Court. This legislature should control that process,		
and this amondment should be defeated.	Bunt	Gru
	Concepto	N1aks
	Exans	

On the question recurring, Will the House agree to the amendment?

The following roll call was recorded:

YEAS-87

Battisto	DeWeese	Llove	Sorimenti
Bobko-Jones	Fait	Lucyk	Shaper
Belardi	Gamble	Lynch	Staback
Bellanu	George	Manderino	Steelman
Histop	Constront	Markosek	Stetler
Boscole	Coordner	Massinik	Sturla
Boyes	Haluska	MeCall	Surra
Botkovitz	Hanna	Metio	Tangretti
Buston	Hennessey	Olasz	Thomas
Caltagirone	Itkin	Oliver	
	James		Tigue
Cappabianca	Janes	+ e-sci	Trello
Castley		Petranea	Trich
Cohen. M.	Josephs	Petrone	Man Home
Colatella	Kaiser	Preston	Veon
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Daley	Loderer	Rooney	Wright, D. R.
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Armstrong	Fichter	MaCiald	Sheehan
Baker	Fleagle	Merry	Smith, B.
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Chadwick	Harbart	Perzel	Taylor, E. Z.
Civera	Lasay	Petrir	Decision, J.
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Foot	Mand	Savior	Speaker
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Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring, will the House agree to the bill on third consideration as amended?

The SPEAKER, Mr. Dermody, I believe I see your name attached to amendment A5562. Is that accurate? Mr. Dermody, do you have an amendment A5562? Mr. DERMODY, That is withdrawn, Mr. Speaker, The SPEAKER. Thank you. Mr. Thomas, do you have amendment A5553? Is that accurate, Mr. Thomas, do you have amendment A5553? Is that accurate,

Mr. Thomas, do you hav Mr. Thomas? Mr. Thomas? Mr. THOMAS, Yes, sin

On the question recurring, ${\rm Will}$ the House agree to the bill on third consideration as an ended?

Mr. THOMAS offered the following amendment No. A5553:

Amond Sec. 1 (Sec. 9545), page 6, lines 12 through 14, by striking out all of said lines

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

The SPEAKER. On the question, the Chair recognizes magentleman, Mr. Thornas. Mr. 11/OMAS, Mr. Speaker, this amendment is primarily designed to provide clarification to a section of this bill that is somewhat vague in terms of who is intended and who is not intended, and I urge both sides to support the amendment. The SPEAKER. The gentleman, Mr. Piccola, Mr. PICCOLA, Mr. Speaker, I would urge that this amendment be defeated. It is not the intended to a defendant's right to file a provide the amendment be defendent's right to appeal. I would urge that this amendment be defended, because I believe it will further make unclear in this bill what the intent was. The SPEAKER. The gentleman, Mr. Thomas, for the second time.

time. Mr. THOMAS. Mr. Speaker, if we refer to page 6, lines 12 through 14, this particular section provides that "..."government officials' shall not include defense counsel, whether appointed or retained." Mr. Speaker, at best that is ambiguous, because there might be situations where defense counsel needs to be included, and therefore, 1 think that in developing progressive legislation, progressive legislation should be inclusionary rather than exclusionary so that the public at large would not be confused as to what the underlying intent of this body is with respect to SB 81.

508		LEG	ISLATIVE JO	URNAL -	- HOUSE		OCTOBER 30
			d not be the role of		EX	CUSED 9	
			control that process,				
and this amei	idment should be	defeated.		Concepto	Gruitza Machtovic	Milhalich Distella	Resetsuele
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	estion recurring.						
Will the F	fouse agree to the	e amendment?					
The follo	wing roll call was	recorded:					the affirmative, the
	-			not agreed to		ic negative and	the amendment was
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Burton	Hennesses	Olasz	Thomas		MODY. That is a		i mana in la com
Caltagirone	Itkin	Oliver	Tique				speaker.
Cappabianca	James	Hesci	Trello		AKER. Thank yo		
Cowley	Jarolin	Petranea	Trich			amendment A55	53.2 Is that accurate,
Cohen, M.	Josephs	Petrone	Man Home	Mr. Thomas			
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	NA	YS 105		Amend out all of said		page 6, lines 12 r	brough 14, by striking
Adolph	Fargo	Marsico	Schuler				
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Esirmelin	Cimint	Mundy	Stairs	՝ Նվու 1 է քա	OMAS, Mr. Spea	aker, this amen	dment is primarily
Filmurn	Gladeck	Nailor	Steil	designed to	provide clarificat	ion to a section	of this bill that is
Brown	Codshall	Nickot	Stern	somewhat y	fague in terms of	f who is intend	ed and who is not
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C'hadwiek Civera	Harnan	Petrir	Paylor, E. Z. Paylor, J.				that this amendment
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Dent	Kenney	Reinard	Yewcia	believe it wi	ll further make und	clear in this bill s	what the intent was.
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Druce	Lawtess	Rudy	20 <u>9</u>	time.			
Dorham	Leh	Sather	Ryan,	Mr. THE	DNIAS, Mr. Spead	ker, if we refer	to page 6, lines 12
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				exclusionary	so that the public	at large would	not be confused as
			I				th respect to SB 81.

LEGISLATIVE JOURNAL - HOUSE

The SPEAKER. Has the gentleman concluded his remarks? Mr. THOMAS. Yes, Mr. Speaker. It is pretty straightforward. The SPEAKER. On the question, the gentleman, Mr. Piecola, for the second time. Mr. PICCOLA. Thank you, Mr. Speaker. It is very straightforward, and it is straightforward to the point of heing a disaster to this bill and to the whole appeals process, because it in essence makes defense attorneys in these cases, these capital cases, government employees, and when they or if they would roll over and not properly defend a defendant, it could make the Commonwealth liable and totally eliminate the death penality in all cases. I think this amendment is ill conceived and should be defeated.

11 consets. 1 think this amendment is ill conceived and should be defeated. The SPLAKER. The Chair thanks the gentleman.

On the question recurring, Will the House agree to the amendment?

The following roll call was recorded:

YEAS-68

Resko Jones	George	Manderino	Scrimenti
Delardi	Citaliouto	Markosek	Shaner
Bellianti	Lanna	Max subik	Stabask
Bushep	Horsey	MeCall	Steelmon
Burkovitz	TRUN	N10Creeban	Storler
Caltagirone	Lomes	Melio	Storla
Cappabiance	Jarolin	Olasz	Langretti
Carti	Josepha	OBSCI	Тіютыв
Caselon	Keller	Pesci	Tigue
Cubert, NL	K just land	Petracon	Trello
Colafella	Karkovich	Pernone	Luch
Colaizzo	LaGrotta	F'rescora	Van Horne
Cowell	Laushlin	Ramos	Veon
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Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recorring, Will the House agree to the bill on third consideration as amended?

Mr. THOMAS offered the following amendment No. A5554:

Amend Sec. 1 (Sec. 9543), page 4, line 13, by inserting offer "petitioner."

A petition may be distributed due to delay in the filling by the petitioner only after a heating upon a mation ro distribute.

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

SPEAKER. The Chair recognizes the gentloman,

The SPEAKER. The Chair recognizes the gentleman, Mr. Thomas, in connection with amendment A5554. Mr. THOMAS, Mr. Speaker, the overall purpose of this amendment is to provide an exception that would be applicable in situations like we have in the city of Philadelphia where corrupt police officers engage in conduct that works at the behest of the defendant and the defendant does not come in contact with this information usual latter on, which might be beyond the statute-of-limitations period. I think this is an amendment that is extremely necessary within the context of this bill. The SPEAKER, On the question, the Chair recognizes the gentleman, Mr. Piccola. Mr. PICCOLA, Thank you, Mr. Speaker. I do not think this particular amendment is necessary, but it does not hum the bill to have it in it, and so I would note the House to adopt the amendment.

On the question recurring, Will the House agree to the amendment?

The following roll call was recorded:

NUAS 193

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 The SPEAKER, Has the gentleman concluded his remarks?
 Mr. THOMAS, Yes, Mr. Speaker, It is pretty straightforward.

 The SPEAKER, On the question, the gentleman, Mr. Procola.
 For the second time.

 Mr. PICCOLA. Thank you, Mr. Speaker.
 It is very straightforward, and it is straightforward to the point of being a disaster to this bill and to the whole appeals process, because it in essence makes defense attorneys in these cases, these capital cases, government employees, and when they or if they would roll over and not properly defend a defendant, it could make the Commonwealth tiable and totally eliminate the death penalty in all cases.

 It think this amendment is ill conceived and should be defeated.

In cases. I think this amendment is ill conceived and should be defeated. The SPLAKER. The Chair thanks the gentleman.

On the question recurring, Will the House agree to the amendment?

The following roll call was recorded:

YEAS-68

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Bishop	Horsey	Methall	Steelman
Burkovitz	tricity	NicCreeburg	Stotler
Caltogirone	Lomes	Melio	Storla
Cappabiance	Jarolin	Olasz	Langretti
Carri	Jescelss	OByer	Thomas
Cawles	Keller	Pesci	Tigue
Cubero, NL	K in k burket	Petracon	Tretto
Colafella	Kakovich	Pernone	Lunch
Colaizzo	Latinouta	F'rescora	Van Horne
Cowell	Laushlin	Ramos	Veon
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Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recorring, Will the House agree to the bill on third consideration as amended?

Ar. THOMAS offered the following amendment No. A5554:

Amend Sec. I (Sec. 9543), page 4, line 13, by inserting offer "periformer."

A partition may be distributed due to delay in the filling by the petitioner only after a heading upon a motion to distribute.

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

Will the House agree to the amendment? The SPEAKER. The Chair recognizes the gentleman, Mr. Thomas, in connection with amendment A5554. Mr. THOMAS, Mr. Speaker, the overall purpose of this amendment is to provide an exception that would be applicable in situations like we have in the city of Philadelphia where corrupt police officers engage in conduct that works at the behest of the defendant and the defendant does not come in contact with this information until later on, which might be beyond the statute-of-limitations period. I think this is an amendment that is extremely necessary within the context of this bill. The SPEAKER, On the question, the Chair recognizes the gentleman. Mr. Piccola. Mr. PICCOLA, Thank you, Mr. Speaker. I do not think this particular amendment is necessary, but it does not hum the bill to have it in it, and so I would unce the House to adopt the amendment.

to adopt the amendment.

On the question recurring, Will the House agree to the amendment?

The following roll call was recorded:

YEAS 193

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Bebko-Jones	Flick	Magnaturite	Smith, S. H.		
Belardi	Cremelater	McCali	Snyder, D. W.		
Bellanti	Gannon	McGeehan	Stabusyk		
Birmelin	Geist	McGill	Stairs		
Bishop	George	Melio	Steelman		
Blaum	Giglioni	Merro	Stoll		
Hoscola	Gladeck	Michaelo	Stern		
Boyes	Crodshall	Niller	Steller		
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Browne	Ciruppo	Nator	Shittmatter	ame	
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Carin	Hasay	Oliver	Tastor, J.	unti	
Carone	Hennesses	Perzel	thomas	the	
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Ciwera	Hess	Petrone	Lriub		
Clark	Horsey	Fettit	True		
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Cohen, L. L.	11Kin	Piccola	Vanoe	duri	
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DeLuca	Kukovich	Robinson	wright, M. N	gent	
Dempsey	LaGrona	Bohrer	Yeweie		
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DeWeese	Lederer	Rudy	202	10 6	
DiCirolamo	Light	Sainato		ame	
Donatucci	Lescovitz	Santoni	Rymn,		
Druce	Levdansky	Sather	Speaker	beca	
Durham	Lloyd	Saylow		נרוגוברו	

NAYS-0

NOT VOTING-0

EXCUSED-9

Bont	Gruitza	Mibalich	Rosbuck
Clorriggen Fordans	Michlovia	Pistella	Frasaglio

The majority having voted in the affirmative, the question was armined in the affirmative and the amendment was agreed to. deter

On the question recurring, Will the House agree to the bill on third consideration as amended?

Mr. THOMAS offered the following amendment No. A5556:

Aniend See, 1 (See, 93-15), page 5, line 28, by stoking out "<u>or</u>" Amend See, 1 (See, 93-15), page 6, line 3, by removing the period after "<u>remoactively</u>" and inserting

(iv) There is a compelling need to address the elaim t of a fundamentality unifier trial, illegal somence or some because other manifest injustice.

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

On the question, Will the House agree to the amendment? The SPEAKER. On the question of the adoption of that amendment, the gentleman, Nr. Thomas, is recognized. Mr. THOMAS, Mr. Speaker, following the rationale that was previously offered, this amendment provides a protective mechanism in situations where there is conduct that does not arise ontil way beyond the statutory penod, and I do not think that it is the intent of this august body to provide for a situation that would not allow a defendant some avenue of redress. The SPEAKER. The gentleman, Mr. Piccola, Mr. PICCOLA, Mr. Speaker, I would urge this amendment be defeated. This opens up another avenue for collateral attack and appeal process that heretofore have not existed in our law. These avenues for attack, for a collateral attack and appeal, are really without basis. The issue of "some other manifest injustice," I am not sure what that means. I do not think there is any law on that, and it would provide an avenue for appeal without giving any standards to the courts, and I think this amendment be defeated. This nearly, be deleated. The SPEAKER. On the question, the Chair recognizes the gentleman, Mr. Thomas. Mr. THOMAS. Mr. Speaker, this is an exception of first inpression, but so are many of the propositis that have been made to changes to the Postconviction Rehef. Act. Many of the manner that we have movied to change this particular law. Decause I do not know of another jurisdiction that has inviced in the manner that we have movied to change this particular law. County, we have people who have sar in jail for 3, 3, 3 to 5 years who if under current circumstances, if we go with current law or go with the exceptions that are provided for in this bill, they would not have an opportunity for redress, and while we do not specifie attuation in the 39th District to result in any partern and practice of runsconduct, because to the most part in Philadelphia Gounty and I am confident that throughout the Commonwealth of Penns

redress. Secondly, Mr. Speaker, it appears as though these exceptions as provided in this bill were relied on from other bodies of law, not necessarily criminal law. Many of the exceptions appear to be exceptions arising our of the whole body of personal injury law. But I remind my colleagues on both sides of the aisle that if we look at certain legal principles like the mootness doctrine which provides a number of exceptions which are similar to the exception that has been articulated in this particular amendment. I think that fairness would require that we provide an avenue, an avenue of rolief, in situations where individuals do not come face to face with conduct that has resulted in either their mearceration of their harm

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Barley	Fichter	Niarsico	Schoolnages	: OF
Battisto	Floagle	Mostand	Smith, B.	
Beloko-Jones	Flick	Magneoraile	Smith, S. H.	
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Bishop	George	Melio	Steelman	
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DeLuca	Kukovich	Robinson	Wright, M. N	
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Durham	Lloyd	Savio	speaker	רורונאברו
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NAYS-0

NOT VOTING-0

EXCUSED-9

Borat Ciorriggen Forans	Gruitza Michlovia	Mihalich Pistella	Rosbuck Fravaglio
1.			

The majority having voted in the affirmative, the question v determined in the affirmative and the amendment was agreed to.

On the question recurring, Will the House agree to the bill on third consideration as amended?

Mr. THOMAS offered the following amendment No. A5556:

Amond Sec. 1 (Sec. 9515), page 5, line 28, by stoking out "<u>or</u>" Amond Sec. 1 (Sec. 9545), page 6, line 3, by removing the period after "<u>retroactively</u>" and inserting

(iv) There is a competing need to address the claim because of a fundamentally untain trial, Wegal someree or some other manifest injustice.

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

On the question, Will the House agree to the amendment? The SPEAKER. On the question of the adoption of that amendment, the gentleman, Nr. Thomas, is recognized. Mr. THOMAS, Mr. Speaker, following the rationale that was previously offered, this amendment provides a protective mechanism in situations where there is conduct that does not arise ontil way beyond the statutory penod, and I do on think that it is the intent of this august body to provide for a situation that would not allow a defendant some avenue of redress. The SPEAKER. The gentleman, Mr. Piccola, Mr. PICCOLA, Mr. Speaker, I would urge this amendment be defeated. This opens up another avenue for collateral attacks during the appeal process that heretofore have not existed in our law. These avenues for attack, for a collateral attack and appeal, are really without basis. The issue of "some other manifest injustice," I am not sure what that means. I do not think there is any taw on that, and it would provide an avenue for appeal without should be adopted because it will open up a Pandora's box – or be defeated; I am sorry, be deleated. The SPEAKER. On the question, the Chair recognizes the gentleman, Mr. Thomas. Mr. THOMAS. Mr. Speaker, this is an exception of first impression, but so are many of the propositis that have been made to changes to the Postconviction Rehef. Act. Many of the amendments and the bill itself might be one of first impression, because I do not know of another jurnsdiction that has inversed in the manner that we have moved to change this particular law. And. Mr. Speaker, going back to the sith component have ong or who the exceptions that are provided for in this bill, they would not have an opportunity for redress, and while we do not expect the situation in the 39th District to result in any partern and practice of misconduct, because for the most part in Philadelphia Gounty, we have people who have sar in jail for 3, 5, 3 to 5 years who if under curreat rincurstinges, if we go with current l

redress. Secondly, Mr. Speaker, it appears as though these exceptions as provided in this bill were relied on from other bodies of law, not necessarily criminal law. Many of the exceptions appear to be exceptions arising our of the whole body of personal injury law. But I remind my colleagues on both sides of the aiste that if we look at certain legal principles like the mootness doctrine which provides a number of exceptions which are similar to the exception that has been articulated in this particular amendment. I think that fairness would require that we provide an avenue, an avenue of rolief, in situations where individuals do not come face to face with conduct that has resulted in either their mearceration or their harm

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beyond that year, beyond that statutory year that is provided for in this particular bill. I think that we are almost bound to provide for an avenue of relief under these circumstances.

FILMING PERMISSION

The SPIAKER. The Chair at this time advises the members that permission is being extended to Les Shrader of WGAL, to the right of the Speaker. In videotape and/or record the proceedings of the House.

CONSIDERATION OF SB 81 CONTINUED

CONSIDERATION OF SB 81 CONTINUED The SPEAKER. The Chair recognizes the lady. M. MANDERNO. Thank you. Mr. Speaker. Mr. Speaker, I rise to support the Thomas amendment, and it might be confusing because this bill, SB 81. before us deals with really two separate parts of the Postconviction Reflet Act which deal with unitary review in death penalties and then all other mixes and the Postconviction Reflet Act as the applies to all other deal with unitary review in death penalties and then all other deals with unitary review in death penalties and then all after deats. Mr. Speaker, and the Postconviction Reflet Act as the applies to all other deals with unitary review in death penalties and then all other deals with unitary review in the news in Philadelphia and fam pretty such that it was distributed statewide a couple months ago about a gentleman who was released from juil after having devidence examined that was part of the key issue that got him served 8 years and theal was not the person who should have sat in all for 8 years. If we do not have some sort of provision that says there are going to be some circumstances where something is going to dent defendant, that he was not the person who should have sat in all for 8 years. If we do not have some sort of provision that says there are going to be some circumstances where something is glisservice to due where the Lyear statute of limitation and we do not allow any whole judicial system, and I do not really think we want to do that it was are doing and who we are affecting and how we are and mot allow an exception where somebody could come in and accomptish with the intent of this legislator. It think the Hormas amendment is a necessary one, and Lugar. Mr. PICCOLA, Thank you, Mr. Speaker. Mr. PICCOLA, Thank you, Mr. Speaker. The SPEAKER, Does the gendleman, Mr. Piccola, desire to all with all the circumstances that hey have reaised. The problem with this amendment is that it creates new have and the information who it does new

them. It will create all kinds of quagmires in our appellate court system, and I think we should not embark down this road. We are trying to unify the appeals in the original system, not to make them more lengthy or more diverse. I think this amendment needs to be defeated.

On the question recurring, Will the House agree to the amendment?

The following roll call was recorded:

YEAS-53

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Bebko-Jones	Gigliotti	Metro	Steelman
Belandi	I Lanna	CHASE	Stetler
Belfanti	Lionsey	OHIS on	Sturia
Bishop	lukin	Pesci	Tangretti
Butkovitz	Januacas	Ferrone	Thomas
Caltagirone	Jacoblin	Preston	Trette
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Cassles	Kalkostola	Reber	Medan
Cohen, M.	Louentin	Ricger	Washington.
Chargests a	(levdansky	Roberts	Williams
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Dates	Notice Reported	Staback	Youngblood
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	NA	YS-140	
Adotph	Fairchild	Libusid	Saylor
Allen	Гаді	LICONE	Schroder
Argall	Parjeo	1 Surch	Schuler
Armstrong	F structures	Maitland	Serimenti
Baker	Feese	Major	Seminel
Bard	Hichter	Marsico	Scraften
Harley	Fleagele	Nasland	Shaner
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Dirmylin	Ciscondulo:	MaCinti	Smith, B.
Blaum	Cappon	NICCechan	Smith, S. H
Hoscola	Geise	N1CGall	Suyder, D. W
Hoyes	George	NICOS	Stairs
Brown	Gladeck	Micozzio	Stoll
Browne	Codshall	Natifier	Stern
Duxton	Chicken Brucht	Alunciy	Stish Stotoatter
Carolone	Gruppo	Nailor	Suna
Checksick	Habay	Nickol	Laylor, E. Z.
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Diglama	Keller	Reinard	WOLDI, D. K.
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Ducham	Lish	Sather	Speaker
East	Lescovitz		

NOT VOTING-0

LEGISLATIVE JOURNAL - HOUSE

beyond that year, beyond that statutory year that is provided for in this particular bill. I think that we are almost bound to provide for an avoide of relief under these circumstances.

FILMING PERMISSION

The SPIAKER. The Chair at this time advises the members that permission is being extended to Les Shrader of WGAL, to the right of the Speaker. In videotape and/or record the proceedings of the House.

CONSIDERATION OF SB 81 CONTINUED

SPEANER. The Chair recognizes the lady. The

CONSIDERATION OF SB \$1 CONTINUED The SPEAKER. The Chair recognizes the lady. Ms. MANILERINO. Thank you, Mr. Speaker. Mr. Speaker. I use to support the Thomas amendment, and it might be confusing because this bill. SB 81, before us deals with radius two separate parts of the Postconviction Reflect Act with the confusing because this bill. SB 81, before us deals with radius two separate parts of the Postconviction Reflect Act with the confusing because this bill. SB 81, before us deals with radius two separate parts of the Postconviction Reflect Act with the convictions. What Mr. Thomas is talking about now, if I am not misraken, does not deal with people on death row. If I is talking about just the Postconviction Reflect Act as it applies to all other defcodants. There was just a case recently in the news in Philadelphia and I am preuzy such that it was distributed statewide a couple months ago about a gentleman who was released from jail after having served 8 years and finally got the DNA (deoxyribonucleic acid) reconvicted, and when they examined the DNA evidence of a right defendant, that he was not the person who should have sain inial for 8 years. If we do not have some sont of provision that says there are going to be some circumstances where something is going to have and doing and who we are affecting and how we are affecting them, and I think to close the door absolutely with 1 year and not allow an exception where somebody could come in and recomplish with the intent of this legislation. I thick the Homms amondment is a new. I thick the Homms amondment is a new trying to complexely were serious consideration mit vice 'yeas'. I. DECOLA, Thank you, Mr. Speaker. The SPFAKER. Does the gentleman is recognized. Mr. PICTOLA, Thank you, Mr. Speaker. The problem with this ammendment is a case of first saying these words into this monodiment is that it creates new law, and mr. Thomas adminicit has the value vidence after the bods at the bill. There are more than adognate prote

them. It will create all kinds of quagmires in our appellate court system, and I think we should not embark down this road. We are trying to unify the appeals in the ariminal system, not to make them more lengthy or more diverse. I think this amendment needs to be defeated.

On the question recurring, Will the House agree to the amendment?

The following roll call was recorded:

YEAS-53

Bebko-Jones	Gigliotti	NACIO	Sreelman
Belandi	I Lanna	Otasz	Statian
Belfanti	Lionsey	CHINGE	Sturia
Rishop	lakin	Pesci	Tangretti
Butkovitz	Jamas	Ferrone	Thomas
Caltagirone	Jacobio	Preston	Trello
Cappabiauwa	Josephs	Ramos	Enceb
(ann	Kirkland	it goards that we	Van Home
Cassles	Kakovičh	Reber	Meden
Cohen, M.	Lowentin	Ricker	Washington.
Chargester	(.evdansky	Roberts	Williams
Curry	Manderino	Rohmson	Wozniak
Dales	Markosek	Stuback	Youngblood
DeWeene			

NAYS-140

Fairchild	Liberard	Saylor
Гајн	L UCS K	Schroder
Parico	L ynob	Schuler
Farmer	Maitland	Serimenti
Feese	Maior	Serancel
Hichter	Marsico	Secondaria
Fleaste	Nasland	Shaper
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NOT VOTING-0

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LEGISLATIVE JOURNAL — HOUSE

	EXCUSED-9		
Bunt Corrigan Evans	Couitza Michtovic	Mihatich Pistella	Roebuck Travaglio

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring, Will the House agree to the bill on third consideration as amended?

Ms. MANDERINO offered the following amendment No. A5558:

Amond Sec. 2 (Sec. 9373), page 11. line 5, by striking out "120" and inserting 270

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

On the question, Will the House agree to the amendment? The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the lady, Ms. Mundenno. Ms. MANDERINO, Thank you, Mr. Speaker. This amendment increases the time period for filing the unitary review petition from 120 to 270 days. This is the unitary review petition that deals only with that portion of this bill that affects people on death row. The reason for the increase in time is really to make sure that there is deliberate review of the record and the investigation. When this bill was before the Senate Judiciary hearing, the former Attorney General testified and tequested a longer period of time, and the figure of 270 I got from his testimony, and I would just like to briefly read the reason that he gave that I think makes a lot of sense. He said, quote, "I believe that this time period may be too short to allow the appropriate review by the now appellate coursel." And further, "I suggest that the bill be amended to require the filing of the unitary review petition within 270 days of the filing of the record... This, by the way, is consistent with the time limits for filing habeas corpus petitions contained in a bill now pending before the Unitari States Senate, proposed by Senator Specter." I think it is a wise thing when we are talking about such a serious tssue of reviewing the record of testimony in a death penalty case that adequate time be allowed for the newly appointed coursel required under this new procedure of unitary review that we are setting up. And not only will it allow adequate time, but it may indeed prevent subsequent delays that could be autimable to mistakes made because of an insufficient tune to properly review and prepare the collateral proceedings. A transcript from a death penalty trial and sentence could be autimable to mistakes made because of an insufficient tune to properly review and is not unusual to be boxes and boxes of transcripts, and it hink that the former Attorney General was being realistie in

Mr. PICCOLA, Thank you, Mr. Speaker, Joppose this amendment.

Mr. PICCOLA. Thank you, Mr. Speaker, I oppose this amendment. The bill already provides for 120 days, which is 4 months, and it also provides in the bill that upon good cause shown the coart can extend that timeframe another 3 months or 90 days if good cause is shown. That is a total of 7 potential months. The lady would like to increase that to 9 months and then with the potential of an extension of another 3 months. We are attempting to have these appeals handled expeditionsly. This amendment would delay it, delay it in a very serious way. I think the courts are quite capable of reviewing these petitions in the timeframe allotted under this bill. They have the option if they can show good cause to have that timeframe extended by an additional 3 months. I think we should let the bill alone and defear the amendment.

can show good cause to have that origination excitated by an additional 3 months. I think we should let the bill alone and detear the amendment.
The SPEAKER. The lady. Ms. Manderino, for the second time on the question.
Ms. MANDERINO. Thank you, Mr. Speaker.
There is one thing that I neglected to say, and that was that the recommendation that 1 followed from the Senate Judiciary testimony asked for the 270 days and in addition the 90-day extension, and so I did not change the 90-day extension provision, just asked to increase from 120 to 270.
I do not have experience doing a death penalty trial. I have never done one nor represented anybody on death row, and I do not really know that many of us in this chamber do, but I think on such a senous issue we should look to the expertise and experience for a prosecutor who is pro-prosecuting in using the death penalty, then I do not think in vias an unrealistic number, and I think in matter of fairness the 270 and with good cause an additional of days makes sense in this bill, and i would ask for a "yes" vote.

n the question recurring, /iff the House agree to the amendment?

The following roll call was recorded:

YEAS 65

Bebko Jones	Crossinar	Markosek	Stoback
Belandi	Haluska	Metro	Steelman
Belland	Hanna	Mundy	Stetler
Bishop	Houses	Citosoz	Starla
Buston	likin	Colescer	Thomas
Caltagroome	James	Pesci	
Cannabianca	Janolin	Petrope	Ligue
Carp			Trello
	losophe	Presson	Uniela
Classifey	Ritkland	Ramos	Man Home
Cohert, M.	Rukensch	Readshaw	Veon
Corpora	Lua Cinestina	lêicyzer	Viral:
COMPLET	Caughlin	Recovers.	Walkes
Curry	Levidousky	Robinson	Washington
Dates	1 loyd	Samato	Williams
Dermody	Lucyk	Serimenti	Wozniak
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Cigliotti			
	NAY	'S-127	
Adatas	Earoh	Lassassite	Sather
Allen	Foirsbild	Livinen	Saytor
Argoli	Fait	Mohland	Sebrader
Amarone	Farge	Major	Schuler
Duker	Farmer		
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OCTOBER 30

LEGISLATIVE JOURNAL — HOUSE

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EXCUSED-9						
Bunt Corrigan Evans	Cauitza Michlovic	Mihatich Pistella	Roebuck Travaglio			

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring, Will the House agree to the bill on third consideration as amended?

As. MANDERINO offered the following amendment No. A 5558:

Amond Sec. 2 (Sec. 9373), page 11. line 5, by striking out "120" and inserting 270

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

On the question,
Will the House agree to the amendment?
The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the lady, Ms. Mandenno.
Ms. MANDERINO. Thank you, Mr. Speaker.
This amendment increases the time period for filing the unitary review petition from 120 to 270 days. This is the unitary review petition that deals only with that portion of this hill that affects people on death row. The reason for the increase in time is really to make sure that there is deliberate review of the record and the investigation.
When this bill was before the Senate Judiciary hearing, the former Attorney General testified and requested a longer period of time, and the figure of 270 I got from his testimony, and I would just like to briefly read the reason that he gave that 1 think makes a lot of sense. He said, quote, "I believe that this time period may be too short to allow the appropriate review by the new appellate counsel." And further. "I suggest that the bill be amended to require the filing of the unitary review petitions contained in a bill now pending before the United States Senate, proposed by Senator Specter."
I think it is a wise thing when we are talking about such a serious taxe of reviewing the record of testimony in a death penalty case that adequate time be allowed for the new counsel who, remember, was not the counsel of ran insufficient time to any advect the death of on only will a allow adequate time, but it may indeed prevent subsequent delays that could be attrabute to mistakes made because of an insufficient time to properly review and prepare the collateral proceedings.
A transcript from a death penalty trial and sentence could be attrabute to mistakes made because of an insufficient time to properly review and prepare the collateral proceedings.
A transcript from a death penalty trial and sentence could be attrabute to mistake smade because of an insufficient tine to properly review and pre

 URNAL — HOUSE
 OCTOBER 30

 Mr. PICCOLA. Thank you, Mr. Speaker.
 I oppose this amendment.

 The bill already provides for 120 days, which is 4 months, and it also provides in the bill that upon good cause shown the court can extend that timeframe another 3 months or 90 days if good cause is shown. That is a total of 7 potential months. The lady would like to increase that to 9 months and then with the potential of an extendition of another 3 months.

 We are attempting to have these appeals handled expeditionsly.

 This unendment would delay it, delay it in a very serious way. I think the courts are quite capable of reviewing these potitions in the timeframe allotted under this bill. They have the option if they can show good cause to have that timeframe extended by an additional 3 months. I think we should let the bill alone and defear the amendment.

the amendment. The SPEAKER. The lady, Ms. Manderino, for the second time

The SPEAKER. The lady, Ms. Mandorino, for the second time on the question. Ms. MANDERINO, Thank you, Mr. Speaker, There is one thing that I neglected to say, and that was that the recommendation that I followed from the Senate Judiciary testimony asked for the 270 days and in addition the 90-day extension, and so I did not change the 90-day extension provision, just asked to increase from 120 to 270. I do not have experience doing a death penalty trial. I have never done one nor represented anybody on death row, and I do not really know that many of us in this chamber do, but I think on auch a sensus issue we should look to the expertise and experience of those who have had this, and if it was not as unrealistic number for a proseculor who is pro-prosecuting in using the death penalty, then I do not think it was an unrealistic number, and I think in matter of fairness the 270 and with good cause an additional 90 days makes sense in this bill, and I would ask for a "yes" vote.

On the question recurring, Will the House agree to the amendment?

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The following roll call was recorded:

YEAS 65

Bebko Jones	Creation and	Markosek	Staback
Belandi	Haluska	Meho	Steehnan
Bellianti	Hanna	Mundy	Steller
Bishop	Houses	Chaste	Starta
Buston	Itkin	CODENT	Thomas
Caltagratione	James	Pesci	Ligue
Cappabianca	Janolin	Petrone	Trello
Carn	Josephs	Presson	Trich
Cawley	B. H. K. Land	Barnes	Man Home
Coherry N1.	Rukewich	Readshaw	Veon
Согрога	Lua Cinestaa	18icaer	Vital:
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Curry	Lev donsky	Robinson	Washington
Dates	1 loyd	Samato	Williams
Dermody	Lucyk	Scrimenti	Wozniak
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Blaum	Crannhle	Machill	Snyder, D. W
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Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring, Will the House agree to the bill on third consideration as amended?

Ms. MANDERINO offered the following amendment No. A5560:

Amend Sec. 2 (Sec. 9574), page 11, line 27, by striking out "may" and inserting

Amend Sec. 2 (Sec. 9574), page 11, line 30; page 12, line 1, by striking our Tfaiture to file an answer shall not constitute an" in line 30, page 11 and all of line 1, page 12.

On the question, Will the House agree to the amendmont?

the SPEAKER. On the question, the Chair recognizes the lady, Manderino Ms

Ms. MANDERINO. Thank you, Mr. Speaker. Ms. MANDERINO. Thank you, Mr. Speaker. This is the last amendment I am offering. A5560 also deals only with that portion of the bill that is under unitary review and affects only future death penalty cases. The way

it is structured in the bill, after a judge imposes the sentence of death and assigns collateral counsel, there is a time limit of 120 days for collateral counsel to file a petition. However, there is no requirement in the bill that the Commonwealth answer that petition. The language in the bill is permissive; it says "may." What my amendment does is change "may" to "must" and require the Commonwealth to answer the petition before you get to hearing.

no requirement in the bill that the Commonwealth answer that petition. The language in the bill is permissive: it suys "may." What my unendment does is change "may" to "must" and require the Commonwealth to answer the petition before you get to hearing. To me it is just a matter of simple fairness that that be the case. In most civil and criminal proceedings, when you file a complain or a petition, the Commonwealth would answer, and in answering that and 'putting on paper the grounds for their dispute of your contention. then you see where you are heading in the hearing. Perhaps there was evidence that you asserted in your petition that such and such oxidence was not examined, and the Commonwealth may unswer back, yes it was and here is the supporting evidence, and the collateral connact may not have known that and will not know that if answering by the Commonwealth is only permissive. And so what I may to be it on make it mundatory that there be an answer so that when you get to the hearing stage, all of the information that will be coming out will have been supplied in advance and there will not be any supprises. You will know how to go into court and either answer, defend, or drop particular issues. And so while we do it in most other cases – that is, require an answer – I think it is only fair that we require an answer in this ease as well, and the reason for eliminating the language on line 30 of page 11 and the top of page 12 about failing to answer would not constitute an admission is simply because if you must answer, then there is no risk that the fuilter to answer would be an admission. It would just be straightforward on the papers filed with the court, and so that language, of we change from "may". To "most," that extra language would have been superfluous. In the matter of fairness, in the matter of being straightforward on the record, I unge a "yes" vote. Me. PICCOLA, thonk you. Mr. Speaker. This amendment should be defeuted and defeated soundly, and here are the reasons why. We have seen in recen

defeat. The SPFAKER, Ms. Manderino. Ms. MANDERINO, Thank you, Mr. Speaker.

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Less than the majority having voted in the affirmative, the prestion was determined in the negative and the amendment was or agreed to.

On the question recurring, Will the House agree to the bill on third consideration as anended?

Ms. MANDERINO offered the following amendment No. A 5560

Amend Sec. 2 (Sec. 9574), page 11, line 27, by striking out "may" and inserting

Amond Sec. 2 (Sec. 9574), page 11, line 30; page 12, line 1, by striking nor "Fathere to file an answer shall not constitute an" in line 30, page 11 and all of line 1, page 12.

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

the SPEAKER. On the question, the Chair recognizes the lady, Manderine Ms

Ms. MANDERING. Thank you, Mr. Speaker. Ms. MANDERING. Thank you, Mr. Speaker. This is the last amendment I am offering. A5560 also deals only with that portion of the bill that is under unitary review and affects only future death penalty cases. The way

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eau. The SPFAKER, Ms. Manderino. Ms. MANDERINO, Thank you, Mr. Speaker.

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514 **LEGISTATIVE JO** Mr. Speaker, I would accept an argument that somebody might want to make if they think, which I do not agree with the conclusion, that this adds any time delays. I do not think that i does. I think it makes it pretty straightforward; you just file your answer before you go to hearing. But I will not stand here and take a criticism that is not accurate that this is in any way hurting the second-class citizens. None of this has anything to do with anything but a fairness and an honesty in the procedures that we are trying to institute in Pennsylvania. We are making big changes in the way we do business with this bill. Do not mess it up by making the changes so one-rous that even an accurate reading of the record or what is considered standard practice in any other case, to have an answer to a petition, is even denied. To say that an answer should be filed says nothing less of what you think about the case and says nothing less about what you think of vietims' rights, and it should not be classified that way.

way. I urge a "yes" vore.

On the question recurring. Will the House agree to the amendment?

The following roll call was recorded

YE	ΔS	-59

Nebko-Jones Belardi	Hatuska Hanna	Mundy Oliver	Stotler Storla
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Bishop	Itkin	l'etrarea	Tan <u>e</u> rem Thomas
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Caltaginone	Jarolin	Preston	
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Caseles	Kukovich	Rieger Roberts	Medan
Cohen, M	LaGrotta	Robinson	V-mail
Corpora	Loughton	Sainato	Washington Williams
Cors	Lescovitz	Serimenti	Wozniak
Daley	Lloyd	Shanor	Wright, D. R.
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Battisto	Fichter	Marsheu	Seration
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Doscola	Crambble	NICCON	South, S. 11.
Boyes	Gannon	MoGeehan	Snyder, D. W
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Browne	Cieca geo	Menny	Sceil
Butkovitz	ChizzFrentha	Micozzie	Stern
Carone	Ciladeok	Miller	terro sta
Chadswick	Ciodsinall	Nailor	Strittigatter
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Cohen, L. I.	1 Lastay	Chase	Triĝoe
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Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring, Will the House agree to the bill on third consideration as amonded?

The SPEAKER. The Chair recognizes the gentleman from Philadelphia County, Mr. Oliver. Do you have amendments, Mr. Oliver? The gentleman. Mr. Oliver, withdraws his superdycent.

Mr. Oliver? The genueman, Au. Onver. Fundaments, amendments,
 The genueman, Mr. James, is he going to pick up the ball? I was alraid of that. Is the genueman, Mr. James, going to offer amendment 5563?
 Mr. JAMES, Yes,
 The SPLAKER, All right.

On the question recurring, Will the House agree to the bill on third consideration as amended?

Mr. JAMES offered the following amondment No. A5563:

Amond Title, page 1, fine 3, by smiking out "and" Amond Title, page 1, fine 4, by removing the period after "coses" and inserting and further providing for semencing procedure for murder of the first degree. Amend Bill, page 15, by biserting between lines 4 and 5 Section 3. Section 9711 of Litle 42 is amended by adding a subsection to read: § 9711 Sentencing procedure for morder of the fust degree. and inserting

(b) Race of defendant

(1) On and after the effective date of this subsection, no
person shall be put to death under color of law and no warrant shall
be issued by the Governor, or any other State official, if the race of
the defendant or the vistim was a basis for the imposition of the
sentence of death.
(2) An inference that rage was a basis for the imposition of
the death sentence may be established through ordinary methods of
statistical proof. A defendant shall not be reguired to demonstrate

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514 **LEGISTATIVE JO** Mr. Speaker, I would accept an argument that somebody might want to make if they think, which I do not agree with the conclusion, that this adds any time delays. I do not think that i does. I think it makes it pretty straightforward; you just file your answer before you go to hearing. But I will not stand here and take a criticism that is not accurate that this is in any way huring the rights of victims, ignoring the rights of victims, putting victims as second-class citizens. None of this has anything to do with anything but a fairness and an honesty in the procedures that we are trying to institute in Pennsylvania. We are making big changes in the way we do business with this bill. Do not mess it up by making the changes so onerous that even an accurate reading of the record or what is considered standard practice in any other case, to have an answer to a petition, is even denied. To say that an answer should be filed says nothing less of what you think about the case and says nothing less about what you think of victims' rights, and it should not be classified that way.

way. I urge a "yes" vore.

On the question recurring. Will the House agree to the amendment?

The following roll call was recorded

	Y	EAS 59	
Nebko-Jones	Holuska	Mundv	Stotler
Delardi	Hamaa	Oliver	Storta
Bellianti	lionen	Pesci	Tangretti
Bishop	Itkin	l'etrarca	Thomas
Huston	James	Petrope	Trello
Caltaginane	Jarolin	Preston	Trich
Cappabianca	و باوروجيدا.	Ramos	Man Horne
Cam	Kuckbarol	Rieger	Neon
Caseley	Kukovich	Robots	Y (Dal)
Cohen, M	LaGrotta	Robinson	Washington
Corpora	Laughton	Sainato	Well liams
CUTY	Lescovitz	Serimenti	Wozniak
(Jaley	Lloyd	Shanoi	Wright, D. R.
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Cordner	Melio	Steelman	A
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Allen	Beolt	Levidansky	Santoni
Argall	Fairchild	LOGSIN	Sather
Accession	1 ait	Lisinels	Sastor
Baker	Fargo	Maitland	Schroder
13 and	Farmer	Nterior	Schuler
Marley	H knowst	Markosek	Semmel
Battisto	Fichter	Marsieu	Seratino
Humelon	Phoson le	Masland	Sheehan
Felaum	Flock -	Masernik	Smith, B.
Boscola	Cramble	MICCON	Smith, S. 11.
Boyes	Gannon	MoGeehan	Snyder, D. W
Hrown	Coist	NUCCEU	Stairs
Browne	Ciccugo	Menny	Scell
Butkovitz	ChizzFrentta	Micozzie	Stern
Carone	Ciladeok	Miller	terro sta
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Charles	Gruppo	Nickel	Second

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Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring, Will the House agree to the bill on third consideration as amonded?

The SPEAKER. The Chair recognizes the gentleman from Philadelphia County, Mr. Oliver, Do you have amendments, Mr. Oliver? The gentleman. Mr. Oliver, withdraws his amendments. The gentleman, Mr. James, is he going to pick up the ball? I visa afraid of that. Is the gentleman, Mr. James, going to offer amendment 5563? Mr. JAMES, Yes. The SPLAKER, All right.

On the question recurring, Will the House agree to the bill on third consideration as amended?

Mr. JAMES offered the following amondment No. A5563:

Amond Title, page 1, fine 3, by smiking out "and" Amond Title, page 1, fine 4, by removing the period after "cases"

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(p) Race of defendant.

(p) Race of defendant. (b) Race of defendant. (c) On and after the effective date of this subsection, no person shall be put to death under color of law and no warrant shall be issued by the Governor, or any other State official, if the race of the defendant or the vigin, was a basis. For the imposition of the sentence of death. (c) An inference flux race was a basis for the imposition of the death sentence may be established through ordinary methods of gratistical proof. A defendant shall not be required to demonstrate

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a discriminatory motive, ment or purpose on the part of any individual or institution.

in discriminatory, motive, ment or purpose on the part of any individual or institution. (3) Evidence, which shall be deemed relevant to catabilishing a neital basis for the imposition of a scenence of death individual or institution. (3) Evidence which shall be deemed relevant to provide administration of a scenence of the fragment individual of our race, with diamonomiumus fragmence with dismonomous of our race, with diamonomiumus fragmence to dismonomous of a racially discriminatory manner, the attorney for the Commons call be greater as a statistic restance of our race with commons and in a racially discriminatory manner, the attorney for the Commons call be individually discriminatory manner, the attorney for the Common scale in a racially discriminatory manner, the attorney for that personalize explain the dispartites comprising this partern. (5) No reason shall be bered from missing any claim, under this subsection, (6) A chain under this subsection may be a normal in the court of this subsection. (6) A chain under this subsection may be missed in the court of common plans in an evidentiary bearing at any stage in the proceedings. (7) The subsection of the sommethensite races of every denth reached dispartites approximation and any state of the proceedings. (7) The subsection of the sommethensite review of every denth reached disparts as part of its sommethensite review of every denth mentity case. Amend See, 5, page 15, ling 5, by struking out "3" and inserting:

<u>penalty case.</u> Amend Sec. 3, page 15, line 5, by striking out "3" and inserting.

Amend Sec. 4, page 15, line 17, by writing out "1" and inserting

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

Will the House agree to the amendment? The SPEAKLR. On the question, the Chair recognizes the genileman, Mr. James. Mr. JAMES. Thank you. Mr. Speaker. Mr. Speaker, Representative LeAnna Washington had to step away from her desk and was going to offer this, so I rise to offer this anondment on her behalf. A5563. Me. Speaker, this amendment deals with the very important and very sensitive issue of racial disparity. In the imposition of the death sentence in Pennsylvania, and T know that many of you system or in death penalty cases. I also know that many of you would not like to have to listen to a discussion of mee while you are eagerly waiting to vote for a procedure to expedite the imposition of the death penalty, and I know that most of you have probably minde up your minds to vote against this amendment. But there is a problem in Pennsylvania, a problem that can be and should be addeessed during this special session on crime. M. Speaker, bow can we claim to be providing justice for the difference. The spect of the continue to ignore the impact of race of the order to we really attempt to solve our erime problem if we refuse to try to remedy the painful injustices that exist in this Since. Mr. Speaker, let me provide you with some statistics. Since

Suste? Mr. Speaker, let me provide you with some statistics. Since January of 1973 more than 40 percent of the detendants sentenced to death in this country have been black. Another 7.5 percent of those defendants are Hispanic. Certainly this is disproportionate to the percentage of defendants who are in the cirrinal justice system, and in Periodylvania the statistics are even worse. Of the 193 people semenced to death. 118 of those defendants are black. Then is more than 60 percent. Xid just in case

DRNAL — HOUSE 515 mybody wonders about my source, these numbers are taken from mybody wonders about my source, these numbers are taken from "Death Row USA" dated summer of 1995. Mr. Speaker, I am moduled by those numbers, and many good citizens throughout this Commonwealth are also nonliked by those numbers. The frequency with which the death penalty is imposed on henous crimes. No. It is because prosecutors know how to pick present that are more hostile to black defendants and because those some prosecutors manipulate juries with racial issues. This question of race affects and impacts on our criminal values expression of race affects and impacts on our criminal blas did not pluy a role in death penalty cases. Mr. Speaker, rather than permitting these issues to be ignored, this amendment well cause our courts to take a careful blas did not pluy a role in death penalty cases. Mr. Speaker, rather than permitting these issues to be ignored, this amendment will cause our courts to address this lingering sore. This amendment will cause our courts to address this lingering sore. This amendment will cause our courts to address this lingering sore. This mendment sets forth some guidelines for our courts to use in assessing whether race of the victim shall not be permitted to be a relevant factor in death penalty cases. It would like to remind my colleagues of the sad fact that during the special session on erime, we have done all roo lime to address the special session on erime, we have done all roo lime to address the special session on erime, we have done all roo lime to address the lead to more erime and miscry. That could be done if we would take on the issue of dealing with more prevenuen. And I say that head to more erime and miscry. That could be done if we would take on the issue of dealing with more prevenuen. And I say that head to acking the deal spont the problem that we all know exists.

that the time has come to do something about the problem that we all know exists.
So I urge a "yes" vote for this amendment so that we can start rooting the racism out of our criminal justice system. Thank you, Mr. Speaker.
The SPEAKER, The gentleman, Mr. Piccola.
Mr. PICCOLA, Thank you, Mr. Speaker.
I urge the amendment be defeated.
This amendment would effectively put an end to the use of the death penalty in Pennsylvania because it would require a cumbersome if not impossible review of every death case that was held prior to the one that was order consideration, not only where the death penalty was imposed but in those cases where it was not imposed, and a detailed analysis of all of those cases.
Secondly, the documination as to whether there was a tacial bias would be documined solely upon "...ordinary" and this is the language of the amendment = "...ordinary methods of statistical proof."

So in essence what we are saying here is, we are going to ignore the law: we are going to ignore the facts of any given particular case; we are going to ignore the victim; we are just going to go by the numbers here. It would create racial quotas for the death penalty, and in all likelihood, the death penalty would never be imposed in Pennsylvania. I urge that this amendment be defeated. This SPEAKER. On the question, the gentleman, Mr. James, Mr. JAMES, Mr. Speaker, I just want to say that I disagree that this will stop the death penalty cases. Of course there are people that are on death row that are deserving of the punishment, but I disagree with the previous speaker that this chumates that. It does

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individual or institution. (3) Evidence which shall be deemed relevant to establishing a metal basis for the imposition of a sentence of denth shall include substitution and a sentence of the sentence of the upon nervous of one race, with distrumentionate frequency or nervous publishing a metal basis for the imposition of a sentence of a imposed upon nervous of one race, with distrumentionate frequency or nervous distrument for cinner committed available to sentence is imposed upon nervous of one race, with distrumentionate frequency or nervous distrumentionate frequency. (d) in order metal evidence that the denth menalty is being minored in a region with distrumention and convention the Common califfer myst establish by clear and convention that persuasively explain the dispertitive commention due and the metalty of the subsection on the around of having fulled to raise or prospet the subsection on the around of having fulled to take or prospet of this subsection. (6) A claim under this subsection may be mised in the court of this subsection. (6) A claim onder this subsection may stage in the proceedings. (7) The Supreme Court shall consider any stage in the proceedings. a discriminatory motive, ment or purpose on the part of any individual or institution.

processing and the supreme Court shall consider any exigence of racial disparts as pair of its geomeratensive review of every death

<u>penalty case.</u> Amend Sec. 3, page 15, line 5, by striking out "3" and inserting.

Amend Sec. 1, page 15, line 17, by striking out "1" and inserting

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

Will the House agree to the amendment?
The SPEAKER. On the question, the Chair recognizes the gentleman, Mr. James.
Mr. JAMES, Thank you, Mr. Speaker.
Mr. Speaker, Representative LeAnna Washington had to step away from her desk and was going to offer this so I rise to offer this amendment on her behalf. A5563.
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I also know that many of you would not like to have to listen to a discussion of race while you are eagerly wailing to vote for a procedure to expedite the imposition of the death penalty randed a problem that can be and should be addressed during this special session on crime.
Mr. Speaker, box can we claim to be providing justice for the citizens of Pennsylvania of we continue to ignore the impact of race on crime? How can we really attempt to solve our crime problem this size?
Mr. Speaker, let me provide you with some statistics, Since

Suste? Mr. Speaker, let me provide you with some statistics. Since January of 1973 more than 40 percent of the detendants sentenced to death in this country have been black. Another 7.5 percent of those defendants are Hispanic. Certainly this is disproportionate to the percentage of defendants who are in the cirrinal justice system, and in Periodylvania the statistics are even worse. Of the 193 people semenced to death. 118 of those defendants are black. Then is more than 60 percent. Xid just in case

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that the time has come to do something about the problem that we all know exists. So I arge a "yes" vote for this amendment so that we can start rooting the racism out of our criminal justice system. Thank you, Mr. Speaker. The SPEAKER. The gentleman, Mr. Piccola. Mr. PICCOLA. Thank you, Mr. Speaker. I urge the amendment be defeated. This amendment would effectively put an end to the use of the death penalty in Pennsylvania because it would require a cumbersome if not impossible review of every death case that was held prior to the one that was under consideration, not only where the death penalty was imposed but in those cases where it was not imposed, and a detailed analysis of all of those cases. Secondly, the doremined solely upon "...ordinary" and this is the language of the amendment – "...ordinary methods of statistical proof."

proof." So in essence what we are saying here is, we are going to ignore the law: we are going to ignore the facts of any given particular case; we are going to ignore the victim; we are just going to go by the numbers here. It would create racial quotas for the death penalty, and in all likelihood, the death penalty would never be imposed in Pennsylvania. Urge that this amendment be defeated. This SPEAKER. On the question, the gentleman, Mr. James, Mr. JAMES. Mr. Speaker, I just want to say that I disagree that this will stop the death penalty cases. Of course there are people that are on death row that are deserving of the punishment, but I disagree with the previous speaker that this chumates that. It does

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516 DEGISLATIVE JO not set up a racial quota. It just assures that there is not racial injustice. Thank you. The SPEAKER, Mr. Daley, do you seek recognition ? Mr. DALEY, Yes, Mr. Speaker. The SPEAKER. The gentleman is recognized on the question. Mr. DALEY, would the maker of the amendment stand for brief interrogation? The SPEAKER. I am sorry; would you repeat that? Mr. DALEY. I am asking if the maker of the amendment or the last speaker would stand for interrogation? Mr. DALEY. Just to clarify some of our misunderstandings in the front here, could you address line 17, on page 1, with regard to the statistical proof. Could you explain to the members exactly how the judge will base the statistical proof and explain to us why this determination may not have been not only by race but by gender or by geography? Mr. JAMES. You said that is line 17. What is the other one? Mr. DALEY. Line 17. Mr. JAMES. Well, according to this. Mr. Speaker, it says that it would be done "...through ordinary methods of statistical proof." Now, how that statistic works, I am not sure. I would have to ask a statistical. Mr. DALEY. Well, could you explain to us what the ordinary method would be 2.

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Mr. DALEY. I really question the court to determine the sumbare of sentence of the death penalty of this amendment in terms of setting a standard of ordinary statistical analysis that would be applied by the court to determine the sumature of people that are going to get or be sentenced under this statute based upon their race and not any other determined the statute based upon their race and not any other determined.

recognition?

Mr. PRESTON: Just very briefly, Mr. Speaker. Maybe to help the gentleman understand, to give a very simple, basic scenario for your cognitive ability to be able to understand. If there are 100 people who happen to be on death row in this State and 82 of them happen to be munority and all of them are there for first-degree murder, what does that tell you?

On the question recurring, Will the House agree to the amendment?

The following roll call was recorded:

YEAS-30

Bebko Jones	Horsey	Pusci	Sturla
Bistop	Ukin	Preston	Trangretti
Buston	Journeys	Ramos	Lhomas
Cappabianca	Jonatin	Racquer	Veon
Carn	Josephs	Roberts	Washington
Cohen, M.	Kirkland	Robinson	Williams
Corpora	Kukovich	Statler	Youngblood
DeWieese	Oliver		
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Adolph	Fairchild	1 ucy/k	Saytor
Atten	Fajt	1 Such	Schroder
Areall	Farvo	Mairland	Schuler
Armstrong	Parmer	Major	Seriorenti
Hater	Peese	Manderino	Sammed
Hand	Fielder	Markowek	Seration
Barley	Flengle	Marsice	Shuner
Battisto	Flick	Masland	Sheeheer
Belardi	Clamble	Mayernik	Smith, B.
Belfanti	CONTRACT	MeCall	Smith, S. H.
Birmelin	Closef	McGeehan	Singider, D. W.
Blaam	George	NEWSFILL	Staback
Boscola	Cigliotti	Ntelio	Statics
Boyes	Gladeck	Menny	Steelman
HICKED	Godshall	Micozzie	Stell
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Colaizzo	Hutchinson	Chillips	Vance
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Charmell	Kaiser	Pins	Vuali
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Cas	Kennes	Baymond	Wangh
CILITY	Kany	Readshaw	Wagan
Daley	Krebs	Rebei	Wozniak
Delluca	LaCirona	Remard	Wright, D. R.
Dempsey	Laughtin	Bohyar	Wright, M. N.
12ent	Landers	Rooney	Yewcic
Dermody	Lederer	Robles	Zipppicnan
DiGirolamo	Leb	Rody	Zue
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Druce	Levidonsky	Santoni	Bysan.
Durham	1.tosd	Sather	Speaker
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LEGISLATIVE JOURNAL - HOUSE

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The following roll call was recorded:

YEAS-30

Bebko Jones Bistop	Horsey Itkin	Presoi Preston	Sturla
Buxton	January 1		Langretti
Cappabianca	Jordin	Ramos	Thomas Veon
Cam	Josephs	Racigori	
Cohore M.	Kirkland	Roberts Robinson	Washington Williams
Corpora	Kukuvich	Statler	Youngolood
DeWeese	Oliver	Stetler	Youngelood
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Adolph	Fairchild	Lucyk	Saykor
Allen	Fait	1 such	Schroder
Areall	Farwo	Mairland	Schuler
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Hater	Feese	Manderino	Semmed
Hard	Fisher	Markovek	Seration
Barley	Flencie	Marsice	Shaner
Battisto	Flick	Masland	Sheehen
Belardi	Clamble	Mayernik	Smith, B.
Belfanti	Casulon	Mechan	Smith, S. H.
Birmelin	(Jac) 51	McGeehan	Sinvider, D. W.
Blaam	Cieorge	NAL CHIEF	Staback
Boscola	Gigliotti	Stelio	Statics
Boyes	Ciladeck	Menny	Steelman
HIGHNER	Godshall	Micozzie	Stell
Hindowine -	Circuitator	Ntiller	Stern
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Cornell	Kaiser	Processie Pinns	Van Horne
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Daley	Freips	Rebei	
Delluca	LaGuarta		Wozniak
Dempsey	Laughtin	Remard Rohver	Wright D. R.
12ent	Lawless	Roones	Wright, M. N. Yewcic
Dermody	Lederer	Robles	Zinnerman
DiGirolano	Lederer Leb	Bindy:	Zug
Densture	Loscovitz	Sainato	202
Druce	Levidonsky	Santon	Ryan.
Durham	1.toyd	Sather	Speaker
L'arolt			5 pic aloca

NOT VOTING-0

On the question recurring, Will the House agree to the amendment?

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 Mr. DALEY, Yes, Mr. Speaker.
 The SPEAKER, The genileman is recognized on the question.

 Mr. DALEY, Would the maker of the amendment stand for brief interrogation?
 The SPEAKER, I am sorry; would you repeat that?

 Mr. DALEY, I am asking if the maker of the amendment or the last speaker would stand for interrogation?
 The SPEAKER. The gentleman, Mr. James, will stand for interrogation you may begin.

 Mr. DALEY, Just to clarify some of our misunderstandings in the front here, could you address line 17, on page 1, with regard to the statistical proof. Could you explain to the members exactly how the judge will base the statistical proof and explain to us why this determination may not have been not only by race but by gender or by geography?

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Mr. DALEY. Well, I thought we were dealing with criminals regardless of the race.
Mr. JAMES. We are dealing with the death penalty and the fact that we believe or I believe that there is an injustice in rerms of the judicial system as it relates to the sentence of the death penalty.
Mr. DALEY. I have no further questions.
On the amendment. Mr. Speaker?
The SPEAKER. The gentleman is in order.
Mr. DALEY. I really question the constitutionality of this amendment in terms of setting a standard of ordinary statistical analysis that would be applied by the court to determine the number of people that are going to get or be sentenced under this statute based upon their race and not any other determination. Thank you, Mr. Speaker.
The SPEAKER. Does the gentleman. Mr. Preston, seek recognition?

recognition?

1995		LEGI	ISLATIVE JO	URNAL -	– HOUSE		517
	EXC	USED 9		Deluca	Eukovich	Robinson Rohrer	Wright, M. N. Yewcie
Bent Corrigan Evans	Oruitza Michlora	Mihalich Pistella	Roebuck Travaglio	Dempsoy Dent Deprivedy DeWeene DiGirotamo Donatucci	LaGrotta Laughlin Lawless Loderer Leb Lessovitz Levdansky	Rooney Robley Robley Rody Senton Senton Satter	Y rounghlood Zimmerman Zug Ryan, Speaker
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not agreed to					N	AYS-0	
On the q will the amended?	uestion recurring, : House agree to	the bill on thir	d consideration as	Waugh		VOTING-U	
A D	IENDMENT A5	556 RECONS	IDERED	1	$\mathbf{E}\mathbf{X}$	CUSED-9	
The SPI gentleman, amendment a	AKER. I have a r Mr. Thomas, who	econsideration i o moves that t	notion filed by the he vote by which 64, on the 300b day	Hunt Clorrigan L'vans	Gruitza Michlovie	Mihalich Pisrella	Rocbuck Travaguo
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	owing roll call was				uestion recurring. House agree to th	e amendment?	
	YE.	AS-192		The cleri	k read the following	ng amendment N	(o. A5556 :
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1995		LEGI	SLATIVE JO	<u>URNAL –</u>	- HOUSE		511
		USED 9		Delluca Dempsey Dent	Eakovich LaCirotta Laughlin	Robinson Rohrer Rooney	Wright, M. N. Yewcic Youngblood
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juestion was jot agreed to:	determined in the	e negative and it	e amendment was		ĸ	LAYS-0	
On the mil	estion recurring.				NOT	VOTING-U	
		the bill on thir	d consideration as	Wengh			
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gentleman. A amendment A	Ar. Thomas, who	o moves that t	notion filed by the he wate by which 64, on the 30th day	Hunt Corrigan L'vans	Gruitza Michlovic	Miballeh Pisrella	Roebuck Travagto
On the qu		matter 2		The maj dotermined i	ority having votes in the affirmative) in the affirmati and the motion w	ve, the question wa as agreed to.
	wing roll call was				uestion recurring. House agree to th		
	YE.	AS-192		The cler.	k read the followi	ng amendment N	o. A5556:
Adoloh	E.golf	Lucok	Saytor	Amend	Sec. 1 (Sec. 9545),	page 5, line 28, by	' suiking out " <u>or</u> "
Allen	Fairchild	I.ynch	Schroder	Ameno	1 Sec. 1 (Sec. 9545), page 6, line 3, b	y removing the perio
Argall	Taji.	Maidand Major	Schuler Scrimenti		<u>tively</u> " and inserting	2	
Armstroop Baker	Flango Flaumer	Manderino	Semmel	; <u>or</u>	the second second		to address the cla
Band	Poese	Markossik	Serafini	L	(10) incre <u>18 in</u>	the surface trial ill	gga <u>l sentence or so</u>
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Bartisto	Fleasle	Masland	Sheeban	other in	iantiest injustice.		
Hebko-Jones	H Licks	Masserik	Smith, B.	1			
Belardi	Comple	M 66 (811	Smith, S. H		juestion recurring.		
DelCanti	Ciannon	Macheehan Machill	Susder, D. N., Stebeck	Will the	House agree to th	ic amendment?	
Dirinelio	Cicist	Ntelio	Stairs	1			
Bishop	Cicantes Cignetates	Merts	Steelman	The SP	EAKER. On that	t question, the C	Thair recognizes (
Blaum Boscoia	Cilodeck	Microzzie	Stail	senteman.	Mr. Thomas.		
Boyes	Godshall	Ntiller	510101		OMAS, Thank ye	u. Mr. Speaker	
Brown	Conduct	Mundy	Stetler				of this amendme
Browne	Cimippo	Nailor	Srish	1	entreent was Gebast al	bot there mus a c	lear understanding
Butkesutz	1 Labors	Nickol	Strittmatter				
Baston	Holuska	54 54 C 4	Sturla		fore us with respe		
Caltagirone	1 Janna	() Brien	Sauce	Mr. Spe	aker, I guess to pu	it it very simply.	this amendment do
Cappabianco	Flathari	Oliver	Layter, E. Z.	not run 1	o death penalty	CONCE AS IT	was articulated
Carrie	ilasay Bannessey	Perizet	Taylor, J	Representat	tive Mandermo. T	his amendment r	uns to all other eas
Chancene	Hermon	Pesci	Lineimas	of posteony	liction reflet. And	l what the americ	frocor basically say
Case les Chartestick	Ligr shey	Petranea	Lizue	Mr. Speake	er, is that the exe	entions that have	been laid out in t
Civera	Elens	Perione	11010	1 15111 012-1		whether people	have reviewed
Clark	LIOPSCS	Petric	Ling h	and a second of the second of the second sec	Here the survey from	is whether or col	these exceptions a
Ciymer	Hucheson	Phillips	True	exceptions.	out the question	is whether or hou	a mineral checkling of
Cohen, 1., 1.	a tike in	Piccula	17m113	[summer t	o oral with those	situations when	e misconduct on
Cohen, M	tadlowice	POTES	Set set al.	part of the	Commonwealth, i	not on the part of	the detendant, are
Christella	Jacobies -	Piates	Non Borne	years later	beyond the state	atory period and	I whether or not
Colaizzo	Lano Em	Presson	Meen	should have	a an avenue of	relief in those	situations where
Conti	وبربا ومحرج	Ranosts	Vitali .	misconduct	is not brought t	o the attention o	if the defendant u
Connell	Kaiser	Boyntond	Walkes		in the second process of the second process		
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Clos	B Ing	Regionand Riteger	Webgour Webschak	this evening	g that believes the	a there will neve	r be a situation seb
Curry	Kirkland			defendants	might be entitled	t to redicif for eith	er an illegal sorte
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defeat. The gentleman, when he began his remarks, said he felt that there was not a clear understanding about what this amendment did Baker

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and that is why he wanted it reconsidered. He was absolutely right. There is no understanding about what this amendment does because this language does not mean anything.
It creates new language under which criminal defendants can attack their conviction. There is more than crough safeguard in the bull for newfound evidence and other kinds of situations that the gentleman is describing.
This amendment not only is not needed; it is dangerous. Furge it be defeated.
Number one, the exception that is articulated in this amendment provides that the Postconviction Relief Act will be available in situations where it is determed.
Case in point: You are arrested by a corrupt police officer or prosecuted by a prosecutor who engages in illegal conduct; you are sent off to jail. Mr. Speaker, years later information comes to the public's attention relief when the defendant did not get a fair trial. There is not big goovier or cliffer or generating the basis of postconvietion relief when the defendant did not get a fair trial. There is not bigged sound that information does not need to be qualifies attention or to the defendant did not get a fair trial. There is not bigged you do all only even situations where it is not postention or to be defendant.
Mre seented standard, illegal sentence. We do have situations but the public's attention relief when the because I do not understand the amendment, because I do not understand the amendment, because I do not understand the anendment, because I do not understand the unendment, because I do not think that there are some situations which require an exception beyond how estimations articulated in the bill. Thank you.
The speaker. The Chair thanks the gentleman.

On the question recurring, Will the House agree to the amendment?

The following roll call was recorded:

YLAS-48

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ce	Bebko-Jones	Haluska	Mondering	Steelman
	Bishop	Hanna	Olasz	Stetler
	Hurkewitz	Hennessey	6.01.00.00	Sturla
re	Cultagarone	Horses	Pesco	Tangretti
1.51	Cappahianca	Irkin	Petrarea	1 Departments
OT	Com	James	Petrone	Trello
he:	Cohen, NL	Jusephs	Preston	Trich
to	Corpora	Keller	Bamos	Nan Home
	Curry	B, inkland	Readshave	N com
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ie	Gigliotti	Lederer	Robinson	Youngblood
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URNAL --HOUSE
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YLAS-48

Rebko-Jones			
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Bishop	Hanna	Olass	Steller
Hurkowitz	Hennessey	6.01 + + + + +	Sturla
Cultagarone	1 Conseq.	Heaco	Tungretti
Cappabianca	Irkin	Petranea	1 Deprinas
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Corpora	Keller	Bamos	Nan Home
Curry	Brinklanst	Readshave	Mean
Dates	Kukovich	Reber	Washington
DeWeese	Laughlin	Ricesr	Williams
Gigliotti	Lederer	Robinson	Youngblood
	5.5	YS 145	
Adolph	• • • • • • • • • • • • • • • • • • •	L. S. M. L.	
Allen	Outhann	Lucyk	Schroder
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Adolph Allen Argall Armstrong Baker Bard Bardey

LEGISLATIVE JOURNAL TT / D / C / C

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Bard	1/arrest	Marsido	Shaner	Flatristo	Floagle	MeCall	Sheehao
Harley	Flowersky	Masland	Sheeban	Bebko Jones	Flick	NicCirchan	South, B
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Delardi	Flengle	McCall	Smith, S. H.	Belfanti	Gapsen	Melio	Soyder, D. W.
Bellieuti	Tlick	McGieeban	Snyder, D. W.	Burnetin	Cleise	Merris	Sraback
Burnelin	Carriele	NUCCOUNT	Staback	Blaum	George	Micozzie	Stairs
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Colaizzo	Jadlossieg	Plats	Waugh	Clymer	Hatchinson	Pitts	True
Chunti	Jarolin	Resonand	Wogan	Cohen, L. I.	Itkin	Platts	Tulli
Cornell	Kaiser	Remard	Wozniak	Colatella	Jactowice	Preston	Variee
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EXCUSED-9

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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally. Ordered, that the clerk return the same to the Senate with the information that the floose has passed the same with amendment in which the concurrence of the Senate is requested.

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Bum Corrigan Esaus

On the question recurring, Will the House agree to the bill on third consideration as amended? Bill as amended was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage. The question is, shall the bill pass finally? Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS-180

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Allen	Lainshild	Mairland	Schuler
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ANNOUNCEMENT BY SPEAKER

SPEAKER. The Chair at this time has several announcements announcements. First, the majority whip, John Barley, last night became for the second time a grandfather. His son presented him with his first grandson— Where is John? What did he do, duck off the floor? No, there he is, He arrived here today the proud grandfather of Ethan Robert Barley, son of Robert and Shelly Barley. Congratulations, John.

GUEST INTRODUCED

The SPEAKER. A ffiend of mine slipped into the House, here to the left of the Speaker: former distinguished – did you eatch that? – former distinguished Secretury of Labor during the Thornburgh administration, Barry Stern, Barry Stern, please stand

RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Perzel, who calls a meeting of the Rules Committee at the desk.

BILLS ON CONCURRENCE REPORTED FROM RULES COMMITTEE

SB 100, PN 167

By Rep. PERZEL

An Act amonding Title 42 (Indicing) and Judiolal Procedure) of the Pennsylvania Consolidated Statutes, requiring the presence of parents, guardians or custodians at proceedings involving juveniles; further defining "delinquent act" to exclude certain criminal offenses; and providing for children committing delinquent acts.

RULES.

SB 109, PN 168

By Rep. PERZEL

A Supplement to the act of July 6, 1995 (P. L. 269, No. 38), entitled "An act providing for the capital badget for the (heat) year 1995-1996," itemizing public improvement projects 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 projects to be constructed or acquired by the Department of General Services; stating the estimated usoful life of the projects; and making an appropriation

RULES

RECESS

The SPEAKER. The House will stand in recess awaiting the dispersal of the various leaders.

OCTOBER 30

AFTER RECESS

The time of recess having expired, the House was called to orde

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE AND REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, returned **HB 130**, **PN 203**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

AMENDED SENATE BILL RETURNED FOR CONCURRENCE AND REFERBED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives by amending said amendments to SB 23, PN 171. Ordered, That the clerk present the same to the House of Representatives for its concurrence.

SENATE MESSAGE

HOUSE AMENDMENTS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to SB 98, PN 169; and SB 99, PN 170.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SB 34, PN 91

An Act amonding Title 42 (Judiciary and Judicial Procedure) of the Penny-lynnia Consolidated Statutes, authorizing courts to enter orders requiring the presence of parents, guardians or cristodians at proceedings for juveniles and their participation in court ordered programs.

Whereupon, the Speaker, in the presence of the House, signed the same

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SUPPLEMENTAL CALENDAR A

BILLS ON CONCURRENCE IN SENATE AMENDMENTS TO HOUSE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to House amendments to SB 100, PN 167, entitled:

An Act amending Litle 42 (Judiciary and Judicial Procedure) of the consylvania Consolidated Statutes, requiring the presence of parents, uardians or custodians at proceedings involving juveniles turther chining fedelinguent acts to execute certain criminal offenses; and roviding for children committing definquent acts. defin

On the question, Will the House concur in Senate amendments to House amendments? The SPEARLR Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

(Members proceeded to vote.)

VOTE STRICKEN

Mr. THOMAS, Mr. Speaker? The SPEAKER, Does the gentleman, Mr. Thomas, seek

The SPEAKER, Does the gentleman, Mr. Thomas, seek recognition? The board will be stricken. Mr. THOMAS, Yes, Will someone stand for interrogation? The SPEAKER. I do not see anyone, Mr. Thomas. I do not see anyone. This is a Senate bill, Perhaps you can read it and tell us what you find that bothers you. Mr. THOMAS, Mr. Speaker, would you strike the board, please?

NET THOWARS, WE speaker, would you since the local of the SPEAKER. The board will be stricken. Mr. THOWAS, Mr. Speaker, Ljust have a problem when I see legislation that talks about "...the development of competencies to enable children to become responsible and productive members of the community." What does that mean ? I mean, what are we doing here?

The SPEAKER. Do you care to comment on that as part of a debate?

The SPEARLER. Do you date to comment on that as part of a debate? Mr. THOMAS. Well, yes, I do care to comment on that, but The SPEARLER. The gentleman is recognized on the question of concurrence. Mr. THOMAS. Mr. Speaker, we have been in this special session since Jamany, and to my recollection, we have passed and there have been signed into law a number of laws that on to the behavior of children, and yet, Mr. Speaker, just in the last couple weeks. Philadelphia is about 19 homicides further along than it was last year at this time, and when I look across the Commonwealth of Pennsylomia, it is no different in other parts of this State. And, Mr. Speaker, just this morning while en route to Harrishars, people in Philadelphia are outraged, and I will sive you the situation. A mother and father have an These-rold child. The 11-year-old child is an academic student at Rhodes Middle School, and based on the provisions of Act 26 that we passed— The SPLAKLER. The gentleman will yield. Mr. THOMAS. There was ave-

SUPPLEMENTAL CALENDAR A BILLS ON CONCURRENCE IN SENATE AMENDMENTS TO HOUSE AMENDMENTS The House proceeded to consideration of concurrence in Senate amondments to House amendments to SB 100, PN 167, entitled:

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(Members proceeded to vote.)

Mr. THOMAS, Mr. Speaker?

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 The SPEAKER. The gentleman will yield.
 The gentleman's debate is restricted to the amendments. Now, what is before us is concurrence.
 Now, you have had opportunities before to deal with SB 100, and we are talking now about the question of concurrence. We are not going to open the whole subject up.
 Mr. Speaker.
 Nm. THOMAS. I understand, Mr. Speaker.

 Mr. THOMAS. I understand, Mr. Speaker.
 Mr. Speaker. I just find it problematic that we continuously vote on bills that have this vague, ambiguous language that results in the incarceration and no relabilitation of children. With some of these adults I understand in, build. The speaker, we are talking about 11-.
 12-; 13-; 14-, 15-year-old children. With some of these adults I understand in SB 100 are going to bring about changed behavior or more aggravated behavior. I take the position that it is going to opgravate an already devastating situation in the basic tonets of it.

 Now, I do not have the foggiest idea of what in the heck we we need the object the adoption behavior but we have the foggiest idea of what in the heck we have the termstructure dust in the inclusion.

aggressively fore on these only winding a feat check standing the basic teners of it. Now, I do not have the foggiest idea of what in the back we mean by competencies that do not talk about reliabilitation, but use these vague and broad terms that The SPLAKER. The gentleman, please. Stay on the amendments that we have before us on the question of concurrence, please. Mr. THOMAS, Mr. Speaker, I am trying to stay on the amendments before us, and I find myself in a situation where I am-being asked to vote on a bill that uses ambiguous language that I do not have the loggiest idea of what it means. The SPEAKER, Mr. Thomas, if you do not have the foggiest idea what it means, there was a time and a place to address that issue. Right now all you are permitted to address under our rules are the amendments that are before us on concurrence. If you did not like it, you should have prepared amendments at an earlier date.

Now, this is not the time to do that. Talk about concurrence, or

Now, this is not the time to do that. Talk about concurrence, or we will be here for months. Mr. THOMAS. Well, Mr. Speaker, that is the point. My point is, 1 just had a chance to look. The SPEAKER, No, but it is my point that counts. Mr. THOMAS. Well, 1 understand that and 1 respect that, but the record needs to reflect that 1 have a real problem with voting on something that 1 do not understand and out of 202 or 203 members there is no one who could even stand to provide clarification on the amendments. I think that that is embarrassing at best. The SPEAKER. The record is replete with your remarks to that effect.

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effect. Mr. James. On the question of concurrence, Mr. James. Mr. JAMES. Thank you, Mr. Speaker. Mr. Speaker, would I be in order if I just asked what the latest changes the Senate made, what are they? The SPEAKER. The gentleman, Mr. Piccola, would you be kind enough to answer that question? Mr. PICCOLA, Yes, Mr. Speaker. The Senate did three things. They took out an amendment inserted by the House that provided for the direct filing of juveniles who were found to be in concempt of court for violation of protection-from-above orders. They took out a House amendment that provided for the expansion of the open proceedings law, which we had already passed in another bill so it was not necessary to have in this bill. And they took out language which imposed

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additional lia	ability on paren	ts for fines the	were imposed in		N	AYS 17	
eriminal pro- separate bill and that is th we are going Mr. JAM I would	criminal proceedings on juvenile offenders. We did that in a separate bill and it was not necessary to be in this particular bill, and that is the issue before the House as I understand it, whether we are going to agree with the Senate removing that language. Mr. JAMES. Thank you, Mr. Speaker. I would just use in opposition to the bill, and I thank the speaker for explaining what the Senate did. Thank you,		Bishop Cappabianca Cam Curry DeWeese	Horsey Jomes Nickland Rickowich	Oliver Ramos Robusou Thomas	Vicon Washington Williams Yioungblood	
	XELR. The Chair					VOTING-0	
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Adolph Allen Argall Armstrong	Fairchild Fait Fargo Farmer	f ynch Maitland Maior Manderino	Saylor Schröder Schuler Schuler	Onlered.	That the clerk inf	orm the Senate as	cordingly.
Baker Baud Balloy Battisto Bebko-Jones	Feese Fichter Fleagle Flick Gamble	Markeenin Markee Markee Nasiand Mayoonik McCali	Seranol Seratini Shaner Sheebon Smith, B.	The Hou Senate amena entitled:	ise proceeded to diments to House	consideration amondments to	of concurrence in SB 109, PN 168,
Helandi Belfanti Biama Boscola Boscola Bosco Brown Brown Brown Buscon Buscon	Gambon Gaint Gaintge Gigtiotri Gladeck Godshall Godshall Grouppo Habay Habay Habay	McGieban McGill Mctio Micry Micozze Miller Mundy Nation Nickol Nickol	Simirin, S. H. Sing der, D. W. Stathack Statzs Steatman Steat Nicol Steatlor Steatlor Steatlor Steatlor	"An act provid itemizing publ the Department costs; authoriz electors for the acquired by 0	ding for the capital ie improvement pr nt of General Serv ting the incorring e purpose of fina-	budget for the fis ojects to be consti- toes, together with of debt without long the projects General Services:	269, No. 38), entitled scal year 1998 1998," runcted or acquired by h estimated financini the approval of the ro be constructed or slating the estimated m.
Caltagirone Carone Cawley Chadwick Civera	Hanna Harhart Hasay Henressey Herman	O [*] Brien Olasz Perzal Pesci Petrorca	Studia Surra Tangretti Faylor, L. Z. Taylor, J.	On the qu Will the amendments ?	House concur	in Senate amei	adments to House
Clark Clymer Coben, E. I	Horsbey Hess Hutchinson	Petrone Parit Phillips	Tigne Trello Trich		MOTION TO	SUSPEND RU	ULES
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				On the que Will the TI	stion, ouse agree to the	motion '?	
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			t were imposed in				
criminal pro	ceedings on juv	enile offenders,	We did that in a				
separate bill	and it was not n	eccessary to be in	this particular bill,	Bishop	Horsey	Oliver	Neon
and that is th	ie issue before th	e House as Loro	derstand it, whether	Coppatrianca	James	Ramos	Worsh ungton
we are going	to agree with the	Senate removing	g that language.	Curry	Kirkland Rokovich	Bioloroscon	Williams
Mr. JAM	ES. Thank you, N	4r. Speaker.		DeWeese	PC UNCONTENT	Thomas	Youngblood
			U, and I thank the	LAC WEEKSE			
	splaining what the						
	AKER. The Chair			1	NOT	VOTING-0	
The SPL.	AKER. THE Chan	manks me genu	eman.			WATE O	
On the au	estion recurring.				11.80	USED-9	
Will the	House concur	in Senate area	ndments to House	Listing.	Ciruitza	Mubalich	Rechook
amendments		in the line article	indifficities to intolase	Corrigan	Michlosic	Pistella	Travaglio
				Evens	orientiosie	FISICIAL	resagno
			provisions of the				
Constitution,	the yeas and nays	s will now be tak-	en.				
				The majo	rity required by t	the Constitution	having voted in the
	2/1	AS-176		aftirmative, d	re question was d	letermined in the	affirmative and the
	1 1	A.S=176		amendments to House amendments were concurred in.			greed in
Adolph	Fairchild	. .			Fhat the clerk into		
Allen	Fait	I yinch Maitland	Saylor Schoder		riat the otera hite	still and sternine st	acordingis.
Argall	Faren	Nator	Schuter			* * *	
Armstrong	Farmer	Nianderino	Sermenti	1			
Baker	Feese	Markosck	Senamel				
Baud	Fichter	Maisico	Scrafini	The Hou	se proceeded to	consideration	of concurrence in
Barley	Fleagle	Nasiand	Shaner	Senate amend	Incrits to House	amendments to	SB 109, PN 168,
Battisto	Flick	Mayornik	Sheehon	entitled:			
Bebko-Jones	Camble	Mccal	Smith, B.				
Helardi	Centralised	NicCleehan	Smith, S. H.	4 Supples	a constant reaction and the second	JULA 1996 ID I	269, No. 38), entitled
Relfanti	Crosise	McGill	Suyder, D. W.	NAR out provid	ding for the meeters	have a set of the set	cal year 1995 1998."
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Blaum	Gigliotti	Marine	Stairs	the Departure provi	te improvement pre	gecia to be consti	licted or acquired by
Boscola	Gladeck	Michizzan	Steefman	The trepations	R of General Serv	ices, lossenner kolt	h estimated financial
Howes	Godshall	Miller	Steel	costs; authoriz	ing the meaning	al debt without	the approval of the
Browne	Cition United	Mundy	Salerin	electors for the	e purpose of finan	citig the projects.	to be constructed or
Bukovitz	Gruppo Habay	Nation Nickol	Steller Stish	acquired by in	e Department of (general Services:	stating the estimated
Buston	Haluska	Nove	Strutimation	userut me or me	e projects; and mak	ing an appropriatio	ari.
Caltegirone	Hanna	O'Brien	Studa				
Carone	Harbart	Class	Surra	On the que			
Caseley	1 Lasas	Perzal	Tameretti	Will the	House concur :	in Senate amer	adments to House
Chadwick	Henriessey	Pesci	Faylor, L. Z.	amendments?			
Civera	Herman	Petrones	Waston, J.				
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Clymer	Fless	Physicia	Trello	i	MOTION TO 2	SUSPEND RU	LES
Clobert, E. I	Hutchinson	Fhillips	Trich				
Cohen, M	ltkin	Ficcola	11 cone		VKER. The gentle	eman, Mr. Trich	, from Washington
Colafelta	deather was	Pitts	Tulli	County.			_
Colaizzo Conti	Jarolin Josephs	Plans Preston	Marice	Mr. TRICI	H. Mr. Speaker, i	f appropriate. In	would like to move
Comell	Kaiser	Rasmond	Nan Herne Mhali	that we rever	t back to a prior	primer's numb	er, PN 166, and to
Company	Ketter	Readshaw	Walko	have the ormov	rtunity to explain	the patienally Ger	And the second second field for
Cowell	Kennes	Reber	Maush				
Cos	King	Renand	Wogan				thair that a motion
				-soon as that is	s me eourvaient (or all annendmen	ut un which case a

sideration of concurrence in ndments to SB 109, PN 168,

PEND RULES

County. Mr. TRICH, Mr. Speaker, if appropriate, I would like to move that we revert back to a prior primer's number, PN 166, and to have the opportunity to explain the rationale for such a motion. The SPEAKER. It is the decision of the Chair that a motion such as that is the equivalent of an amondment, in which case a suspension of the rules is required. So you would first move to suspend the rules to permit you to make a motion to move to the prior printer's number for a final vote. Is that what you wish to do?

[6] do ? Mr. TRICH. That being the case. Nr. Speaker, that is what I would like to do. The SPEAKER. The question before the flouse is the motion by the gentleman, Mr. Trich, to suspend the rules to permit him to later make a motion to revert to a prior printer's number.

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

Ray mond Readshaw Robert Roberts Roberts Roberts Roberts Roberts Roberts Salvas Salvas Salvas Salvas Salvas Vihali Walke Waugh Wogan Wogan Wogant, D. R. Wright, D. R. Wright, N. N. Yawan Zimmerman Zog Roan. Speaker

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Kimmey King Krebs Laughtin Laughtin Laviess Ledener Leh Leodansy Leoval Leoval Luova Luova

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The SPEAKER. On the question of suspension of the rules, the

The SPEARLER. On the quastion of suspension of the rules, the gentleman, Mr. Trich, Mr. TRICH, Thank you, Mr. Speaker, T know it has been a long day, and for the members I promise to make this brief, but I think it is an important matter that we should at least consider. A fittle less than 2 weeks ago we voted on an amendment that passed by a large majority = 167 to 26, as a matter of fact. That antendment had language that wont into SB 109 that merely indicated that we should make allowances for the eligibility of more inmattes to attend boot camps such as we have at the facility at Qochanna.

more immares to attend boot camps such as we have at the facility at Quehama. The SPFAKER. Mr. Trich, yield just for one moment, please, 1 am assuming that the gentleman, Mr. DeWeese, has yielded the leader's time to the gentleman, Mr. Trich. This is not debatable except by the two floor leaders. May I assume that this has been yielded to the gentleman, Mr. Trich? Yes. You may proceed; I am sorts.

the leader's time to the gentlemm. Mr. I rich. This is not debatable except by the two floor leaders. May I assume that this has been yielded to the gentleman, Mr. Trich? Yes. You may proceed; I am sorry.
Mr. TRICH. Thank you. Mr. Speaker, and I apologize for not pointing out that I am here representing, on this particular issue certainly. Representative Evans, who was the sponsor of that amendment, amendment A 5266.
The final passage, I might also indicate to members of the House, passed unanimously when it left this chamber. When it went to the Senate, that particular amendment was taken out. I am here to indicate that we need to revert back to the prior printer's number so that we can in fact deal with that issue.
Two things I thick mode to be taken intro consideration. Thist of all, we are presently below capacity as to the number of itmates that ead unitage of these boot camp programs, about 25 percent below capacity.
The SPEAKER. The gentleman will yield.
The gentleman is only permitted to discuss the question of supcessful with both motions.
Mr. TRICH. MI right. Thank you, Mr. Speaker.
Let me try to indicate then very quickly, with the indulgence of the Speaker, that we need to have a suspension of the rules in order to discuss this usue. It is an important aspect of legislation that we very strongly supported only 2 weeks ago, that how has a very dramatic change in it, and for that cason and for those of you who support the concept of boot camps and know that Pennsylvania's hoot only only a suspension of the rules and very dramatic change in it, and for there as support less that we vole for one of legislation that we vole to solve any support the prison, therefore I would ask that we vole wery strongly supported only 2 weeks ago. that now has a very dramatic change in it, and for the rules and who who a supersity of the supersent where the rules and the observed is recognize the gentleman. Mr. Perzel. Mr. PERZEL, The Remotin a supp

The SPEAKER. On the question of suspension of the rules, the

The SPEAKER. On the question of suspension of the rules, the gentleman, Mr. Trich, Mr. TRICH, Thank you, Mr. Speaker, I know it has been a long day, and for the members I promise to make this brief, but I think it is an important matter that we should at least consider. A fittle less than 2 weeks ago we voted on an amendment that passed by a large majority = 167 to 26, as a matter of fact. That members that we should that may adopt the time SB 109 that merely indicated that we should make allowances for the eligibility of more immatters to attend boot camps such as we have at the facility at Quebanna.

passed by a large majority - 167 to 26, as a matter of fact. That amendment had language that went into SB 109 that merely indicated that we should make allowances for the eligibility of more inmates to attend boot camps such as we have at the facility of Quehanna.
The SPEAKER. Mr. Trich, yield just for one moment, please. I am assuming that the gentleman, Mr. DeWeese, has yielded the leader's time to the gentleman. NE. 1 rich. This is nor debatable except by the two floor leaders. May I assume that this has been yielded to the gentleman, Mr. Trich Y es. You may proceed; I am sorry mr. TRECH. Thank you. Mr. Speaker, and I apologize for not pointing out that I am here representing, on this particular issue derivating out that I am here representing on this particular issue derivating out that I am here representing on this particular issue derivating out that I am here representing on this particular issue derivating out that I amendment a mendment Associate. Who was the sponsor of that amendment, amendment Associate is numericated where the base passed unanimously when it left this chamber. When it went to the Senate, that particular amendment was taken out. I am there to indicate that we can in fact deal with that issue.
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The spenteman is only permitted to discuss the question of suspension of the rules, nor the rules, norder to discuss this used to law a suspension of the rules in order to accet the subject of the subject of the cales. May the should be bestice as this cale to be advantage of these hoor of the rules in order to discuss this used. If is an important aspect of legislation that we very that the the definition of suspension of the rules, norder to a suspension of the rules. In order to discuss the suspendent with both motions.
Mr. TRICH, Mi right. Thank you, Mr. Speaker.
Let me try to indicate then very quickly, with the in

I think the appropriations contained in this bill are important, and we should enact them without that limitation set forth in the law. That is not going to prevent us from doing the things that are contained in that language, but we can do it independent of this bill. Actually, we would have to do it independent of this bill, and I do not think we should restrict the appropriations by putting that restriction in here.

I do not think we should restrict the appropriations by putting that restriction in here.
I think we should concur in the Senate amendments and not suspend the rules.
The SPFAKER. The gentleman. Mr. Trich.
Mr. TRICH. Mr. Speaker, for the second time, and I again will keep this brief.
I too, support, as I are sure many of our colleagues do, the concept of the bill as far as the expansion. All we are saying is, however, until we make it more cligible for more inmates to take advantage, it really does not make a lot of sense to go ahead with that expansion process since we are non-utilizing that which we have now. no

have now. For that reason I think it is important to put that language back in the bill, and for that reason I would respectfully ask my colleagues on both sides of the aisle to let us put it back in so that we can bring this bill back to where it was when we unanimously passed it 2 weeks ago.

On the question recording, Will the House agree to the motion?

The following roll call was recorded:

YEAS-92

Batristo	DeWcese	Libosof	Santoni
Reblic Jones	Donatucci	L DAY K	Scrimenti
Belardi	Fant	Manderino	Shaper
Belfanti	Cranicaliza	Markosek	Staback
Bishop	(teorge	Mayernik	Steelmon
Bound	Criglioni	McCull	Stetler
Moscola	Citoredracin	NECCOMM	Snurla
Furleysitz	Haluska	Nuclus	Surro
Ductori	Etarona	Atundy	Tangretti
Cantagyrenna	Horsey	C012est22	Thomas
Cappabianca	ltisin	CHING	Lighte
C1/2011	James	Pro-sco-	frello
Caseley	James Long	Fernarda	Trich
Coheng M	ansephs.	Petrone	Man Home
Colafella	PC:Liser	Prestori	NERGO
Colosso	Keller	Liken nors	Viroli
Corpora	Kirkland	PRICERCIES A LET YOU	Malko
Cowell	Ecileowich	Biogen	Washington
Cos	LaCirona	Roberts	Williams
Corrs	1.sughtin	Robinson	Wozniała
Doles	I ederer	Rooney	Wright D. B.
Det uca	Loscovitz	PR (c) et 2	Yesseia
Dermody	1. Companyer2	Samato	Youngblood
	N.2	YS (0)	
Adoloh	Fargo	Northand	Schuler
Allen	Factors	NIALOY	Semmel
A regult	Hoese	Marsico	Seculiai
Armstrong	Fichter	Masland	sheetoo
Baker	L'Icacie	Meenill	Samith, 19.
Bard	Physic	NEWLEY	Smith, S. 11.
Backs	Connen	Nicozzie	Snyder, D. W.
Isiumelin	Cicist	Miller	Sections
13 ON CO.	Cérta option de	Nailor	Stail
Brown	اللزة الجالحية فك	Sciele of	Stern

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 The SPEAKER. The gentleman. Mr. Trich.

 Mr. TRICH, Mr. Speaker, for the second time, and I again will keep this bief.

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On the question recording, Will the House agree to the motion?

The following roll call was recorded:

YEAS-92

Batristo	DeWeese	L bused	Samoni
Beblio Jones	Donatucci	L DSD K	Scrimenti
Delardi	Faut	Manderino	Shaper
DelCanti	Characters	Markosek	Staback
Bishop	George	Mayernik	Steelman
Banno	Ciglioni	MeCall	Stetler
Moscola	Gordinar	Nexteenablem	Snurla
Furleysitz	Haluska	Nuclus	Surro
Buston	Hamma	X hunds-	Tangretti
Cantagorenes	Horses	COLLESSE	Thomas
Cappabianca	lusin	Oliver	Lighte
Chaini	James	Provides	frello
Caseley	Jan Shine	Fernanda	Trich
Coherd M	Josephs	Petrone	Man Home
Colatella	Caiser	Prestore	Newson
Colosso	Keller	Rearrisos	Matoki
Corpora	Kirkland	Recordsidence	Malko
Covert	Eukowich	Bioger	Washington
Cos	LaGicoma	Roberts	Williams
Cars	1.sughtin	Robinson	Wozniak
Dates	I ederer	Rooney	Wright D. B.
Dethen	Loscovitz	Rods	"Y esseria
Dermody	1. Companyley	Samato	Youngblood
	NA	YS (0)	
Adoloh	Fargo	Northand	Schuler
Allen	Exercise	Slator	Semmel
1 (Back 1 - Back 1	1 cente	Marsico	Seratini
Armstrong	Fichier	Mastand	streetion
Daker	1 (leage) e	N4-6611	Samith, B.
Bard	1/Dek	Networks	Smith, S. 11.
Packay	Connerse	Nicozzie	Snyder, D. W
Baymelin	Cicist	Miller	Stars
13 ON CO.	Cit broch, networks	Nailor	Steil
Brown	Charlettertt	Scielent	Stern

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Browne	e		Stish	
	Gruppo Habay	Nyee O'Brien	Strittmatter	
Carone	Liarthant			
Chadwick Civera		Perzel	Laylor, E 🖉	
	Hasay	Pettit	flaylor, 1.	
C'Isu k	Hennessey	Phillips	True	
c, flynner	Herman	Precola	Fulli	
Cohen, L. L	Hershey	Pitte	Manee	
Conti	Hess	Platts	Waugh	
Cornell	Hutchinson	Raymond	Wogan	
Elempsey	Jadlowiec	Reber	Wright, Nt. N.	
Dent	Kenney	Reinard	Zimmerman	
DiGirolamo	King	Rohren	×.112	
Druce	Krobs	Rubley		
L'unham	1.8441058	Sather	R.y. art,	
Egolf	1 eh	Saylor	Speaker	
Fairchild	Lynch	Schreder		
	NOT	VOTING-0		
	EXC	USED-9		
Tiunt	Oruitza	Mihalich	Roebuck	
Corrigan Evans	Michlovic	Pistella	Travaglio	

Less than a majority of the members elected to the House baxing voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring, Will the House concur in Senate amendments to House amendments? The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS-185

Adolph	Deletes	I loyd	Section
Allen	Durham	L may k	Schroden
Argall	Egolf	f ynch	Schuler
Amstrong	Fairchild	Maitland	Scrimenti
Baker	Fait	Ntajou	Seminel
Bard	Fargo	Markosek	Scratini
Barles	Earmon	Marsico	Sharoer
Harristo	Teese	Masland	Sheehon
Fiebko Jones	Fichter	Mayernik	Smith, D.
Fšelardi	Fleagle	McCall	Smith, S. U.
Boltanti	Flick	McGicoban	Suyder, D. W.
Birmelin	Gamble	McOill	Statsock
Bishop	Cistoren	Matter	Status
Blaun	Chiefe AT	Believery	Steehoad
Boscola	George	Micowie	Steil
Boyes	Cipplicits	Miller	Stern
Brown	Gladeck	Mundy	Stetler
Hrowne	Codshall	Nation	Stish
Butkovitz	Churchuser	Nickol	Strittmatter
HIDODO	Ciriupipo	Nyce	Sturia
Caltagirone	Habay	OBrian	Suma
Cappabiance	Haluska	Olasz	Tangreni
Carn	Ffamma	Perize1	Taylor, L. Z.
Caulonio	Harbort	Prescell	ا يصلوه ا
Cowley	f Tassay	Petrarca	Tigue
Chadwick	Hennessey	Petrone	Trello
Civera	fforman	Pettit	Trich
Clark	Hershey	Phillips	11 mare
Clymen	ITess	Piccola	Tulli

	Cohen, L. I.	Hutchinson	Paths	Manipe
	Cohen, M	lthin	Phants	Yan Heroe
	Cotatella	Jadlowice	Preston	Vitali
	Colarzzo	Jarohn	Ramos	Walko
	Consi	Josephs	Raymond	Waugh
	Cornell	Kaiser	Bendshaw	Williams
	Corpora	Keller	Reber	
	Cowell			Wogan
		Kenney	Remard	Wozniak
	Cos	King	Rieger	Wright, D. R.
	Curry	Krebs	Roberts	Wright, M. N
	Dates	Kukovich	Robinson	YOWERS
	Dell'uco	LaGrotta	Rohrer	Youu <u>e</u> hteed
	Dempsey	Laughtin	Roones	Zimmerman
	Dent	Lavvless	Bubley	≥ug
	Dermody	Lederer	Budy	
	DeWeese	1_eb	Sainaro	R Sam.
	 Definite Equipped 	Lescovitz	Santoni	Speaker
	Exonatupoi	Levdansky	Sather	
		NAT	S -7	
	Horsey	Kirkland	Lhamas	Washington
	James	Manderino	N com	waannigenn
		NOT VO	TING 1	
	Oliver			
se		EXCU	SED-9	
he	Buor	Giruitzo	Mahalush	Roebuck
	Corrigan Evans	Michlovic	Pistella	LIAVAGUO

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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments to House amendments were concurred in. Ordered, That the elerk inform the Senste accordingly.

RECESS

The SPEAKER. Does the Republican leader or Democratic leader have any further business at this time in special session? Hearing none, the Chair recesses the special session to the call of the Chair.

AFTER RECESS

The time of recess having expired, the House was called to order.

HOUSE BILL INTRODUCED AND REFERRED

No. 133 By Representatives CURRY, CORRIGAN, STURLA, LEDERER, WAUGH, WOGAN, WALKO, RUBLEY, TRELLO, SATHER, BELARDI, KAISLE, LEVDANSKY, MERRY, JAROLIN, VAN HORNE, RUDY, TIKIN, TIGUE, DELUCA, MCCALL, OLASZ, HALUSKA, MANDERINO, BELFANTI, SHANER, TANGRETTI, DALEY, GORDNER, ROONEY, BROWNE, STEELMAN and PLIRARCA

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Browne Carone Chadwick Civera Civera Cohen, L. L. Cohen, L. L. Connit Connit Connit Connit Connit Connit Dentsey DiGirolamo Druce Duthim Egolf Feinshild	Gruppo Habay Habay Hamai Harman Harshey Harchinaan Harchinaan Harchinaan Harchinaan Kaimay Kaimay Kaisa Kados Hados Loh Lynch	Nydo O'Brien Perzel Pattit Haitips Hars Hars Hars Roher Roher Roher Roher Sollor Sollor Sollor	Silish Strittmatter Engler, F. Z. Paylor, J. True Jutti Vance Waugh Waght, M. N. Zimmerman Zug Ryan, Speaker	Cohen, L. I. Conen, M. Colatilla Colatizzo Cornell Corport Corvell Covell Covell Covell Covell Covell Covell Dempsey Dempsey Dempsey Dempsey Demody Demody Decoretano Decortano	1 Iutchinnon 1 Iutchin 3 adlowice Jarotan Kaiser Kaiser Kene Krue Krue Kukovich Lacorota Lacoro	Patts Platts Platts Treston Ramos Report Robord Roborts Robinsen Robinsen Robinsen Robinsen Robinsen Robinsen Santoni Sattori Sattori	Variae Vin Hering Virali Walko Waigh Wolaris Woalisk Wright, D. R. Wright, D. R. Wright, D. R. Wright, D. R. Wright, M. N. Yesinghtood Zimperman Zug Kyan, Speaker
	NOT	VOTING-0				4¥S-7	
	EXC	USED-9		Horsey James	Kickland Manderino	Thomas Meen	Washington
Bunt Corrigan Evans	Oruitza Michlovic	Mihalich Pistella	Roebuck Travaglio	Oliver	NOT	ZOTING I	
Less that	n a majority of t	the members el	ected to the House		EXC	USED-9	
negative and	the motion was no		as determined in the	Bunr Corrigan Evans	Gruitza Michlovic	Nachalach Pistella	Rocbuck Travaglio
		in Senate ame	ndments to House	The main	rity required by t	he Constitutio	n huaring arotest in the

amendments? The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and mays will now be taken.

YEAS-185

الولەلە.	1 De codado	L Loget	Service Lines
Allen	Durham	 nety k 	Schreden
Argall	Egolf	f ynch	Schuler
Amstrong	Tairchild	Maitland	Scrimenti
Baker	Fait	Majou	Seminol
Bard	Fargo	Markosck	Scratini
Barles	Excenses	Marsico	Sharotr
Harristo	Tease	Masland	Sheehon
Rebko Jones	Fichter	Mayernik	Smith, D.
Fielardi	Fleagle	McCall	Smith, S. U.
Boltanti	Fligh	McCicchoox	Snyder, D. W.
Hirmelin	Gamble	McOill	. Statsack
Dishop	Cistoren	Matio	Status
Blaum	C, inclusive	Networks	Steehoad
Boscola	George	Micowie	Steil
Boyes	ما يتما يوز ف	Miller	Stern
Brown	Gladeck	Mundy	Stetler
Hrowne	Codshall	Nation	Stish
Butkovitz	Churchuser	Nickel	Strittmatter
HIDODO	Ciriupipo	Nyce	Sturia
Caltagirone	Habay	OBrian	Suma
Cappabiance	Haluska	Olasz	Tangreni
Carn	Flamma	Perzel	Taylor, L. Z.
Caulone	Harbert	Piesce)	ا بداره ا
Cowley	Lasas	Petrarca	Tigue
Chadwick	Hennessey	Petrone	Trello
Civera	fforman	Pettit	Trich
Clark	Hershey	Phillips	11 mare
Clymer	ITens	Piccola	Tulli

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments to House amendments were concurred in, Ordered, That the clerk inform the Senste accordingly,

RECESS

The SPEAKER. Does the Republican leader or Democratic leader have any further business at this time in special session? Hearing none, the Chair recesses the special session to the call of the Chair.

AFTER RECESS

The time of recess having expired, the House was called to order.

HOUSE BILL INTRODUCED AND REFERRED

No. 133 By Representatives CURRY, CORRIGAN, STURLA, LEDERER, WAUGH, WOGAN, WALRO, RUBLEY, TRELLO, SATHER, BELARDI, KAISER, LEVDANSKY, MERRY, JAROLIN, VAN HORNE, RUDY, ITKIN, TIGUE, DELUCA, MCCALL, OLASZ, HALUSRA, MANDERINO, BELFANTI, SHANER, TANGREFTI, DALEY, GORDNER, ROONEY, BROWNE, STEELMAN and PLIRARCA

An Act establishing a Statewide fingerprinting network for law enforcement; conferring powers and duties on the Ponnsylvania Commission on Crime and Delinquency and the Pennsylvania State Police; and making an appropriation.

Referred to Committee on JUDICLARY, October 30, 1995.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SB 98, PN 169

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for penalties for truancy, providing for suspension of operating privilege and for antitruancy programs, and further providing for arrests of children lating to attend school and for prover of arrest.

SB 99, PN 170

A Supplement to the act of July 6, 1995 (P. L. 269, No. 35), emitted "An act providing for the capital budget for the fiscal year 1995 (1996," itemizing public improvement projects to be constructed or acquired hy the Department of General Sociecs, register with estimated financial costs: autorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed or acquired by the Department of General Services: stating the estimated useful hile of the projects; and making an appropriation.

Whereupon, the Speaker, in the presence of the House, signed the same.

VOTE CORRECTION

Mr. WAUGH, Mr. Speaker? The SPEAKER, The gentleman, Mr. Waugh, Mr. WAUGH, Thank you, Mr. Speaker. Would it be appropriate to correct the record in special

sion? The SPEAKER, it would be: Mr. WAUGH, On SB 81, special session amondment A\$556, wore did not register. I would like to be recorded with a "yes"

vote. The SPEAKLR. The remarks of the gentleman will be spread upon the record. Mr. WALGH. Thank you.

RECESS

The SPEARER. It is my understanding that our colleagues from the Democratic Caucus, quote, "are winding down their caucus," close quote, so the House will stand in recess during the wind-down period.

AFTER RECESS

The time of recess having expired, the House was called to order.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair recognizes the gentleman, Mr. Barley, who requests that the gentleman, Mr. Bunt, be removed from leave of absence and placed on the master roll call. It will be done.

RULES COMMITTEE MEETING

SPEAKER. The Chair recognizes the gentleman, rzel, who calls for an immediate meeting of the The Mr. Perzel, who calls for an immediate Roles Committee, which will meet at his desk.

HOUSE RESOLUTION INTRODUCED AND REFERRED

Privileged Resolution By Representative PERZEL

FILVINGEON RESOLUTION—BY REPRESENTATIVE PERZET. RESOLVED, that if the Senate shall adopt a similar resolution that the House of Representatives and Senate meet in Joint Session on Faceday, October 31, 1995, at 200 p.m. in the Hall of the House of Representatives for the purpose of henring an address by this Receilency Governor Tom Ridge; that a committee of three on the point of the House of Representatives be appointed to set with a similar commutee on the part of the Senate to secont His Excellency the Governor of the Commonwealth of Penasylvania to the Hall of the House of Representatives; that at the conclusion of the Governor's address, the presiding officer of the Senate, Heutmann Governor Mark S. Schweiker do declare that Special Session No. 1 of the General Assembly be and is adjourned sine die; and be it further RESOLVED, That a copy of this resolution be transmitted to the Senate.

Referred to Committee on RULES, October 30, 1995.

RESOLUTION REPORTED FROM COMMITTEE

Privileged Resolution.

By Rep. PERZEL

525

By Rep. PERZEL RESOLVED. That if the Senate shall adopt a similar calculation that the House of Representatives and South meet in Joint Sestion on Tuesday. October 31, 1995, at 2000 pm, in the Hall of the House of Representatives for the purpose of heading an address by His Excellency Governor Tom Ridge; that a committee of three on the part of the House of Representatives be appointed to act with a similar committee of the part of the Senate to escont His Excellency the Governor of the Commonwealth of Pennsylvania to the Hall of the House of Representatives; that a the conclusion of the Governor's address, the pusiding officer of the Senate, Liourenant Governor Natk S. Schweiker adjourned sing differ and be it further. Representatives and be it further.

RULES.

LEGISLATIVE JOURNAL - HOUSE

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RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Perzel, who calls for an immediate meeting of the Rules Committee, which will meet at his desk.

HOUSE RESOLUTIO? INTRODUCED AND REFERRED

Privileged Resolution By Representative PERZEL.

FITVILEGED RESOLUTION BY Representative PERZEL. RESOLVED, That if the Senate shall adopt a similar resolution that the House of Representatives and Senate meet in Joint Session on Fuesday, October 31, 1995, at 2:00 p.m. in the Hull of the House of Representatives for the purpose of hearing an address by His Excellency Governor Tom Ridge; that a committee of theorem of the House of Representatives be appointed to act with a similar committee on the part of the Senate to escent His Excellency the Governor of the Commonwealth of Pennsylvania to the Hall of the House of Representatives; that at the conclusion of the Governor's address, the presiding officer of the Senate 1 ientemant Governor Mark S. Schweiker do declare that Special Session No. 1 of the General Assembly be and is adjourned sing die; and be it further RESOLVED. That a copy of this resolution be transmitted to the Senate.

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An Act establishing a Statewide fingerprinting network for law enforcement; conferring powers and duties on the Ponnsylvania Commission on Crime and Delinquency and the Pennsylvania State Police; and making an appropriation.

RESOLUTION

Mr. PERZEL called up the following resolution:

RESOLVED, That is copy of this resolution is because that account of the General Assembly be and is account of the General Assembly be and is a sensitive of the four of the f Senate.

On the question, Will the House adopt the resolution?

The SPEAKER. The question before the House is the releged resolution just reported by the majority leader, Perzel. The SPEAKER. The question before the rouse is the rivileged resolution just reported by the majority leader. Ar. Perzel. On that question - -Mr. DeWEESE. Mr. Speaker? The SPEAKER. The gentleman, Mr. DeWeese. Mr. DeWEESE. I would like to interrogate the gentleman from "billodenbag

Mr. DeWERDD. Mr. Speaker.
The SPEAKER. The gentleman, Mr. DeWeese.
Mr. DeWEESE. I would like to interrogate the gentleman from Philadelphia.
The SPLAKER. The gentleman will yield.
The Chair believes there are just a few things to be done this evening, and if we cooperate, we should get out of here at a decent hour without suspending the 11 o'clock rule.
The gentleman, Mr. DeWeese, deserves our attention, and I would ask that the conferences on the floor kindly cease.
Mr. DeWEESE. 1 would like to ask the gentleman from Philadelphia, Mr. Perzel, exactly what a privileged resolution is.
Mr. DeWEESE. 1 would like to ask the gentleman from Philadelphia, Mr. Perzel, exactly what a privileged resolution is.
Mr. PERZEL. That is right, Mr. Speaker, i would have expected the minority leader to ask that question at the Rules Committee meeting, but he did not ask it.
This is a resolution, Mr. Speaker, to end the speakel session on erime. That is exactly what it is, Mr. Speaker, what is a privileged resolution? I asked the Speaker of the House, a gentleman who bas served in this august body for over three decades. If he had ever seen anything like this—
The SPEAKER. The gentleman will yield.
Mr. DeWEESE. The gentleman will yield.
Mr. DeWEESE. No; I am interrogating the gentleman from Philadelphia, Mr. Perzel.
The SPEAKER. If you are going to indulge in hearsay, Mr. DeWEESE. No; I am interrogating the gentleman from Philadelphia, Mr. Perzel.
Mr. DeWEESE. No; I am interrogate the gentleman from Philadelphia, Mr. Perzel.
Mr. DeWEESE. No; I am interrogate the gentleman from Philadelphia, Mr. Perzel.
Mr. DeWEESE. I would prefer if you would ask questions directly of the Chair by way of parliamentary inquiry.
Mr. DeWEESE. I would prefer to interrogate the gentleman from Philadelphia, Mr. Perzel.

Mr. DeWEESE, I appreciate the edification of the Chair. I still would like to know what a privileged resolution is smee this is something that very few of us, in fact none of us, have ever seen before

On page 1 of the gentleman's resolution it says, "RESOLVED,

On page 1 of the gentleman's resolution it says, "RESOLVED, That if the Senate shall adopt."
The SPEAKER, The gentleman will yield. Mr. DeWEESE, "—a similar resolution—"
The SPEAKER, When the gentleman asks a question, give the gentleman to whom the question was asked an opportunity to answer it, unless you wish to answer your own questions. Mr. DeWEESE, to will only try to bring forth some response if the gentleman is dilatory. The SPEAKER, All right.
Mr. PERZEL, Mr. Speaker, any member has the right to bring up a privileged resolution at any time. That is under rule 36, Mr. DeWEESE, So it is the impression of the gentleman from Philadelphia that a privileged resolution of our special session on crime?

Philadelphia that a privileged resolution will act in lieu of the Constitution and allow for the dissolution of our special session on crime?
Mr. PERZEL, Incorrect, Mr. Speaker. It is resolved that the Senate shall adopt a similar resolution, Mr. Speaker.
Mr. DeWLESE. I have to admit, I do not know whether this is fish nor low!. It is not a House resolution that we are dealing with collectively, and I am under the impression that the Constitution mandates that we deal with a sine die effort collectively and not have one in the House and one in the Senate. This seems to be a breach of our constitutional matter of the sages in this august body, then I at least want to make the record elear that we are doing something comparatively unusual tonight. Mr. PERZEL. Thank you, Mr. Speaker, but I would like to bring to your attention that by a volce vote a special session was ended in 1972, without a resolution in other House.
Mr. DeWEESE. In lieu of Article II, section 14, of the Constitution, it would like to go on record as saying that this is certainly not the way we should be doing business tonight.
The SPEARER. The gentleman, Mr. DeWeese, is calling into question the constitutionality of the resolution?
Mr. DeWEESE. In a under an observation to share a few general observationality of the resolution?
Mr. DeWEESE. Not I are not making a motion. I are not making a motion on constitutionality. I am only indicating that the states of the gentleman, who was referred to rule 36, sections (4) and (6) were the sections that 1 had

resolution. The gentleman is in order and may proceed.

526

Senate.

LEGISLATIVE JOURNAL - HOUSE

RESOLUTION

Mr. PERZEL called up the following resolution:

RESOLVED, That if the Senate shall adopt a similar resolution: RESOLVED, That if the Senate shall adopt a similar resolution that the House of Representatives and Senare meet in Joint Session on Tuesday, October 31, 1995, at 2:00 p.m. in the Hall of the House of Representatives for the purpose of learing an address by His Excellency Governor Tom Ridge; that a committee of three on the part of the House of Representatives be appointed to act with a similar committee on the part of the Senare to escort His Excellency the Governor of the Commonwealth of Pennsylvania to the Hall of the House of Representatives that at the conclusion of the Governor's address, the presiding officer of the Senate, Lieurenant Governor Mark S. Schweiker do declare that Special Session No. 1 of the Governor Assembly be and is adjourned <u>sine die</u> and be it further RESOLVED. That a copy of this resolution be transmitted to the Senate.

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The gentleman, Mr. DeWeese, deserves our attention, and I would ask that the conferences on the floor kindly cease.
Mr. DeWEESE, I would like to ask the gentleman from Philadelphia, Mr. Perzel, exactly what a privileged resolution is. You are reporting one from the Rules Committee, and I tan naive. Mr. PERZEL. That is right, Mr. Speaker, I would have expected the minority leader to task that question at the Rules Committee meeting, but he did not ask it.
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Mr. DeWEESE. In lice of Article II, section 14, of the Constitution, I would like to go on record as saying that this is certainly not the way we should be doing business tonight.
The SPEAKER. The gentleman, Mr. DeWeese, is calling into question the constitutionality of the resolution?
Mr. DeWEESE. Not I are not making a motion. I are not making a motion. Now I would request permission to share a few general observations, Mr. Speaker.
Mr. DeWEESE. Not I are not making a motion. I are not making a motion on constitutionality. I am only indicating that 1 believe we are in breach of the Constitution. I would a understand that you are questioning the spectrations (4) and (6) were the sections. I though I gathered thatMr. DeWEESE. Not I are not making a motion. I are not making a motion of one or the constitution. I an only making a suttement at the end of ny interrogation.
Mr. DeWEESE. Not I are not making a motion. I are not making a motion of the gent

The gentleman is in order and may proceed.

Mr. FAJT. Point of order, Mr. Speaker.
 The SPEAKER. The gentleman, Mr. Egit. For what purpose does the gentleman rise?
 Mr. FAJT. Point of order.
 The SPEAKER. Will the gentleman state his point of order.
 Mr. FAJT. I have not seen a copy of the resolution. Is there an actual resolution, and has it been distributed yet?
 The SPEAKER. Yes. The pages will get one to you right now.
 Mr. FAJT. Thank you very much.

The SPEAKER. The gentleman. Mr. DeWeese. Mr. DeWEESE. On the resolution? The SPEAKER. On the resolution. Mr. DeWEESE. To go home tonight, Mr. Speaker, or at least to go home this weekend without focusing on prevention, withour focusing on more police, seems to be to abbreviate our mission and our business.

focusing on more police, seems to be to abbreviate our mission and our business. In his campaign literature. His Excellency, Tom Ridge, said that we will insist that the legislature remain in session until a tough, comprehensive plan to stop violence is adopted. We will remain in session, et cetera, et cetera. On his proclamation. Mr. Speaker, point 10 he talked about the "Improvement of coordination and cooperation among law enforcement and eriminal justice agencies." One of the reasons that impels me to come to the microphone is because it is just that kind of cooperation and integration of services that Mr. Tangretti and our Policy Committee have worked on this summer that are not heing attended to. The idea of pooling or at least allowing for portability of police pensions is yet to be attended to. The idea of a revolving loan fund, a 2-percent loan fund, that would cost the General Fund nothing is yet to be attended to. It goes on and on, Mr. Speaker. And quoting some of the remarks of Governor Ridge on the day that he called for a special session, he sand that fighting orime is the local governments the resources they need. We are not doing that we have had a successful commencement. The punishment and privet.

local governments the resources they need. We are not doing that yet.
We have had a successful commencement. The punishment and prison aspect of our work is complete or at least moving in that direction. But the idea of preventing erime, the idea of allowing our police to gain money from fines, local police, and the idea of insurance pooling, as I said, and pension portability and additional training, all of these things that are somewhat less enticing, less magnetic to the headline writers, less politically server, are being withheld from our consideration in this point. If we are going to talk, Mr. Speaker, about a special session on arime, it seems that prevention. Rudge said last year that we are going to give the police the tools to do their job. Mr. Speaker, deal with firearms in courts, if we are not going to deal with the sale of drugs by corrections officers like Governor Ridge and going to deal with the same are doing down at Grateriord like Governor Ridge and poing to stantorily attend to this business, then it is our collective impression. I hope and basiness, then it is our collective impression, then are doing down without the concurrent resolution that we have dealt with since time immemorial.

With that in mind, Mr. Speaker, 1 would like to amend the gentleman, Mr. Perzel's resolution with an amendment that would state, "RESOLVED. That the Special Session No. 1 of 1995 of the Granual Assembly..." te, "RESOLVE neral Assembly

The SPEAKER. Will the gentleman yield. Will the gentleman scod his amondments to the clerk and to the

desk. Cassume the gentleman has more than one copy. Two? A

I assume the gentleman has more than one copy. Two? A former Speaker providing two copies? Mr. DeWEESE. I am under the impression, and this is not an admonition of the Chair, but I am told by staff that the gentleman from Delaware County, the distinguished Speaker, had indicated that a formal presentation of numerous copies was not necessary. Had I known otherwise, I would have naturally prepared them. The SPEAKER. I do not know who I said that to. We would like to see a copy though. A copy must be read by the clerk, as you well know. Mr. DeWLESE. They are flitting hither, thither, and yon. The SPEAKER. Considering their source, I am not surprised. The clerk will read the amendment.

On the question recurring. Will the House adopt the resolution?

Mr. DeWEESE offered the following amendment:

AMENDMENT TO RESOLUTION Sine Die Adjournment of First Special Session of 1995 Amend Resolution, page 1, lines 9-12, by striking out said lines and inserting in place thereo? Hall, of the House of Representatives: that the Special Session of 1925 of the General Assembly, he infourned Sine Die on November 30, 1996, or on the date coinciding with the adjournment of the 180th regular Session of the General Assembly, he adjournment of the 180th regular Session November 30, 1996; and he it

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

Will the House agree to the amendment? The SPEAKER. The gentleman, Mr. DeWeese, has offered an amendment to the resolution. The effect of the amendment is as follows: The words "that at the conclusion of the Governor's address, the presiding officer of the Senate, Lieutenant Governor's address, the presiding officer of the Senate, Lieutenant Governor's mark S. Schweiker do declare that Special Session No. 1 of the General Assembly be and is adjourned sine die," those words are deleted from the resolution introduced by the gentleman, Mr. Perzel. That is the effect of the gentleman's amendment. The following is added in its place: "that the Special Session No. 1 off 1995 of the General Assembly be adjourned Sine Die on November 30, 1996, or on the date coinciding with the adjournment of the 1800th regular Session of the General Assembly if such adjournment occurs prior to November 30, 1996." Is that accurate. Mr. DeWeese? Mr. DeWEESE, Yes, sir. The SPEAKER. The Chair thanks the gentleman. Will the gentleman, Mr. Piccola, come to the desk, please. (Conference held at Specker's portium.)

(Conference held at Speaker's podium.)

1995

LEGISLATIVE JOURNAL - HOUSE

POINT OF ORDER

Mr. FAJT. Point of order, Mr. Speaker.
 The SPEAKER. The gentleman, Mr. Egit. For what purpose does the gentleman rise?
 Mr. FAJT. Point of order.
 The SPEAKER. Will the gentleman state his point of order.
 Mr. FAJT. I have not seen a copy of the resolution. Is there an actual resolution, and has it been distributed yet?
 The SPEAKER. Yes. The pages will get one to you right now.
 Mr. FAJT. Thank you very much.

The SPLAKER. The gentleman. Mr. DeWeese, Mr. DeWEESE. On the resolution? The SPEAKER. On the resolution. Mr. DeWEESE. To go home tonight, Mr. Speaker, or at least to go home this weekend without focusing on prevention, withour focusing on more police, seems to be to abbreviate our mission and our business. In his compating formation and the second se

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AMENDMENT TO RESOLUTION Sine Die Adjournment of First Special Session of 1995 Amend Resolution, page 1, lines 9-12, by striking out said lines and inserting in place thereoil Hall of the House of Representatives: that the Special Session of 1995 of the General Assembly, he adjourned Sine Die on November 30, 1996, or on the date conjetion with the adjournment of the 180th regular Session of the General Assembly if such adjournment occurs prior to November 30, 1996; and be it

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

The SPEAKER. The gentleman, Mr. DeWeese, has offered an amendment to the resolution. The effect of the amendment is as follows: The words "that at the conclusion of the Governor's address: the presiding officer of the Senate. Lieutenant Governor's Mark S, Schweiker do declare that Special Session No. 1 of the General Assembly be and is adjourned sine die," those words are deleted from the resolution introduced by the gentleman, Mr. Perzel. That is the effect of the Special Session No. 1 of 1005 of the General Assembly be adjourned Sine Die on November 30, 1996, or on the date coinciding with the adjournment of the 180th regular Session of the General Assembly is adjourned Sine Die on November 30, 1996, or on the date coinciding with the adjournment of the 180th regular Session of the General Assembly is adjourned Sine Die on The universe of the Species? Mr. DeWEESE, Yes, Sir. The SPEAKER, The Chair thanks the gentleman. Will the gentleman, Mr. Piccola, come to the desk, please.

(Conference held at Speaker's podium.)

The SPEAKER. It is my understanding that the gentleman, Mr. DeWeese, really did not have an opportunity to address the House on the amendment that he has offered, which I believe is now understood by the House. The gentleman, Mr. DeWeese, is recognized. Mr. DeWEESE. Very quickly, Mr. Speaker, the meaning of the amendment, as you stated, would just be to allow us to continue to fight crime, focusing on prevention, between now and the end of the session. That is it. It is not all that complicated. I think it is imperative that the offerts to give local police much more flexibility and opportunity to prevent crime and to add to the good works we have already done are something that we should consider.

Imperative that the orbits in green crime and to add to the good works we have already done are something that we should consider.
So I would ask for an affirmative vote to the amendment, and I thank the gentleman for his indulgence. Thank you.
The SPEAKER. The Chair thanks the gentleman.
The SPEAKER. The Chair thanks the gentleman.
The gentleman, Mr. Tangretti, on the question of the amendment offered by the gentleman, Mr. DeWeese.
Mr. TANGRETT, Thank you, Mr. Speaker.
I obviously rise in support of the amendment.
I would take to spend just a few minutes telling my colleagues about what we did this summer and what precipitated that.
As we all know in this House, we passed IIB 14 twice now. It was under a previous number in the last session, and just m April we passed it again for the 2-percent loan bill for municipal police departments, and it passed overwhelmingly both times — a lot of support from members on both sides of the and; the angle overment Committee, which we are trying to have it moved.
The fact of the matter is though, we wanted to generate some support, so we did a mailing to all the police chiefs and the mayors and the borough council presidents, and we said, here is an idea we have for local police departments in terms of helping you buy equipment and vchieles and help you maintain your buildings, and we set a postcard preaddressed back to us asking for their comments.

POINT OF ORDER

POINT OF ORDER Mr. REBER, Mr. Speaker? The SPEAKER. The gentleman, Mr. Reber, For what purpose does the gentleman rise? Mr. REBER, Point of order, and with all due respect, and I apologize for interruption the speaker, but not having a copy of the amendment which is allegedly being debuted on my desk. I have a hard time understanding the debute of the gentleman relative to the amendment, and I was wondering if in fact we are going to be offæred the opportunity, those 190-some-odd members who are still here present ilstening to this debute, be afforded the opportunity to have the amendment which is heing debuted. The SPEAKER. Would the shaff prople be sure that copies are sent out. Now, the members should understand that what is presently before us is the amendment of the gentleman, Mr. DeWeese, which, simply stated, says that the special session called by Governor Ridge shall be extended until the last day of our term – I think that is furty stated – be it wither the last day of November of 1996 or if we adjourn sine die prior to that time, to that date. that date.

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That is what is before us right now. Do we want that, or do we want to adjourn that special session in accordance with the underlying resolution that Mr. DeWeese is trying to amend? And I am going to get these copies to you, but so the debate can continue.

PARLIAMENTARY INQUIRY

Mr. RERER, Point of parliamentary inquiry, Mr. Speaker. The SPEAKER. The gentleman may proceed, Mr. REBER. Is it not true that notwithstanding what we may do relative to the special session on crine, the Judiciary Committee in this House may continue throughout the remainder of the session anything and everything it would like to do relative to the issue of crimes and corrections or any type of materials that might be jurisdictionwise before the Judiciary Committee? The SPEAKER, Of course. Mr. REBER, Thank you, Thank you, Mr. Speaker.

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Mr. REBER, Thank you, Thank you, Mr. Speaker.
The SPEAKER. The gentleman, Mr. Tangretti,
Mr. TANGRETTI, Thank you, Mr. Speaker.
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So as a result of flat response, our Policy Committee formed a task force, which I was privileged to chair, and we held a series of bearings throughout the Commonwealth. Mr. Speaker, I wish you all could have been there to hear the anecdoral stories, the testimony, the evidence, of how we have beingply neglected those people who every day put their lives on the fine for us, who have for make decision should when a session on erime when we do not help our police departments?
The ve supported and cosponsored all of the bills in the special session that we have done so far, and I think they are well deserved and we had to do those things, but we need to have a dedicated on this special session on or fine and out do do and 50 and, in one instance. S0 percent of a budget goes for a police department, they need to have a communitient of a budget goes for a police department, they need to have a strength when 20 and 30 and 40 and 50 and, in one instance. S0 percent of a budget goes for a police department, they need to have a dedicate department, but is not the end of it, it is not the curre-all. They are containly not the only ideas. We need to have a median of the special session on erime and out do who have a dedicate of the set of the force of a budget goes for a police department, they need to have discussion it is not the enter s

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The SPEAKER, Of course. Mr. REBER, Thank you, Thank you, Mr. Speaker. The SPEAKER, The gentleman, Mr. Tangretti, Mr. TANGRETTI, Thank you, Mr. Speaker. As I was saying, we did a multing, and we asked for returns on the second back from police chiefs, municipal borough officials, styp officials, mayors, and everyone else saying not only do they support HB 14 but they need help now with everything. We have treated the police departments in this Commonwealth shatbilly. We have not done anything for them in decades in decades. We need to help them. So as a realt of that response, our Policy Committee formed a task force, which I was privileged to chair, and we held a series of bearings throughout the Commonwealth. Mr. Speaker, I wish you all could have been there to hear the anecdoral stories, the testimony, the evidence, of low we have beingnly neglected those people who every day put their lives on the line for us, who have is may be any munified or fix their partot car. Where are we going to buy amumified or fix their partot car. Where are we going 7 How can we doel with a session on erime when we do not help our police departments? They supported and cosponsored all of the bills in the special session that we have done so far, and I think they are well deserved and we had to do those things, but we need to do more. We cannot not give them the help that they need. We need to hand, in one instance. 80 percent of a budget goes for a police department, they we have come up with two or three schemes, two or three deads, on finding for holize departments, bur it is not the end of it. It is not the cure-all. They are containly not the only ideas. We need to have input. We need to have discussion on crime. To just shough this now, as we have done in the past, is worthelp. We need to have the focus of the spectrum section of the do have input. We need to have discussion in crime. To just shough this now, as we have done in the past, is wrong. We should not have imput. We need to have di

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PARLIAMENTARY INOURY

MIR, V.CON, Mr. Speaker? Mr. Speaker?
 The SPEAKER. The gentleman, Mr. Veon, For what purpose does the gentleman rise?
 Mr. VLON, Parliamentary inquiry.
 The SPEAKER. Will the gentleman state it.
 Mr. VEON. Thank you, Mr. Speaker.
 Mr. Speaker, there seems to continue to be a lot of confusion about the nature or the definition of this resolution, and I was wondering if his Speaker could again remind the members the definition of this resolution.

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power possible; help us be at least on the same playing field, at least on the same playing field as the people that we have to fight

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530 **LEGISLATIVE JO** resolution here tonight had this been considered under rule 38? It would have required some rule 21 notification that would have clearly put us past this evening's voting table. The SPEAKER, No, because of 36. Mr. VEON, Thank you, Mr. Speaker. Mr. Speaker, then I would like to make a motion that this resolution is out of order and it should be in fact considered under flouse rule 38, not rule 36, and I would like to make a motion that this motion that something is out of order. I think you can make a motion to postpone, you can challenge a ruling that I have made, which, if you are not happy with it, you can appeal, you can move to postpone something, but simply to say something is out of order. Mr. VEON, All right. Thank you, Mr. Speaker. Mr. Speaker, if I could then focus in on the parliamentary inquiry. Are you saying that in fact this resolution is being considered under rule 36 and that rule 38 does not apply because. The SPEAKER, No, I am not saying that at all. Come on now, I have said too many times that rule 38 to the first step in this road: it is the first thing that we did, rule 38. I have said that two or three times now. Mr. VEON, Okay.

it is the first thing one ... times now. Mr. VEON, Okay. Mr. Speaker, I do not want to be contentious on that point. I just would like to get to the point where the House has an opportunity to cast a vote that this resolution should be considered under House rule 38 since it is in fact a sine die resolution. That is the first the second opportunity is the second opportunity to cast a the second opportunity to case the second opportunity to be second opportunity to case the second oppo

opportunity to cast a vote that this resolution should be considered under House rule 38 since it is in fact a sine die resolution. That is the—
The SPEAKER. Well, it has been considered under 38, and the requirements of 38 have been met. Now, maybe you can say they have not been met, but I do not know where they have not been met, because 38 simply says they have to go into and out of the Rules Committee, and it has done that.
Mr. VEON. Thank you, Mr. Speaker.
The SPEAKER. The gentleman, Mr. Sturla.
Do you give up?
Mr. STURLA. Thank you, Mr. Speaker.
On the amendment?
The SPEAKER. Do you give up?
Mr. STURLA. I would like to interrogate the maker of the amendment, if I could, please.
The SPEAKER. All right.
Mr. STURLA. I hank you, Mr. Speaker.
Mr. STURLA. I would like to interrogate the maker of the amendment, if I could, please.
Mr. STURLA. I would write the call of adjoint the amendment in November of 1996, that there would m fact be nothing that would produce us, should we actually got the rest of the business accomplished that we are talking about doing – some bills dealing with police, perhaps getting some of the bills back over from the special session – that if we got some of that accomplished, there would he nothing that would have us adjoorn at a date cartier that November of 1996. Is that can adjoorn at a date cartier that November of 1996. Is that constant accompliance there in the special session – that if we got some of that accomplished, there mould have us adjoorn at a date cartier that November of 1996. Is that constant, a particular the particular that here here a still lingering over there in the special session – that if we got some of that accomplished. Here would he nothing that would have to affirm uny perspective – but. I believe that any vote of the chamber would checkmare this

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The SPEAKER. I apologize: I was not paying attention to either the question or the maswer.
Mr. STURLA. Mr. Speaker, my question is, if in fact we adopt the DeWeese amendment, which says we should adjourn in November of 1996, if after we have accomplished some business in the interim and we get out a month or two or even a couple of weeks and we decide that we have accomplished some business in the interim and we get out a month or two or even a couple of weeks and we decide that we have accomplished somethan that?
The SPEAKER. I suppose we would be in a position at such time, with a majority vote, to amend this resolution or to put the new date in yes.
Mr. STURLA. Thank you, Mr. Speaker.
The SPEAKER. I mean, anything a majority does, a majority presumably can undo.
Mr. STURLA. Thank you, Mr. Speaker.
If I could make a comment?
Thank you.
Given the fact that we could adjourn this at any given point, if we simply extend that we believe in the beyond tonight, it would urge the members that perhaps have special session bills still situng over in the senate, those members that have other things that her believe need to be accomplished tonight, it would urge the members that perhaps have a precisit session bills still situng over in the senate, those members that have other things that they believe need to be accomplished, that we at least extend this for a short period of time, if you are not willing to go along with November 1996, so that we can try and accomplish some of those things.

a short period of time, if you are not willing to go along with November 1996, so that we can try and accomplish some of those things. I do not have a problem with listening to the Governor speak fornorrow. I just think there is some more business that heads to be done, and I believe there are a lot of members on both sides that believe there is some more business that needs to be done. And while the comment was made that, well, we can always do that in regular session, the fact of the matter is we could have always done everything we did in the special session in regular session, and to call it off new simply puts the special session that we have done in bad light, in saying that we really did it for public relations reasons, not to accomplish a focus on crime. If we want to continue to focus on crime, we only need do it for a short period of time in order to accomplish those things that we believe are necessary - helping fund police. here got some of the bills that are over in the Senate that we have sent over there that have Republican prime sponsors on them in special session, to get some of them back over here - and to accomplish a source real achievement in this special session. Thank you. The SPEAKER. On the question, the Chair recognizes the gendeman, Mr. Piccola. Mr. PICCOLA, Thank you, Mr. Speaker. First of all, I rise to oppose the amendment offered by the gendeman, Mr. Deweese. Before I give you my reasons why. I would like to respond to the police of this Commonswealth shabbily. That is not true. We have some of the finest State and local municipal police officers in

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530 LEGISLATIVE JO
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PARLIAMENTARY INQUIRY

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Au 34. Authorization of the Department of Corrections to implement inmate work programs - HH 124 Elimination of substance abuse by convicted State offenders and of contraband within the State correctional facilities – Act 18. Improvement of coordination and cooperation among law enforcement and eriminal justice agencies - Act 2. Reduction of violence in schools and communities through school-based and community-based erime prevention - Act 23. SB 98, which we will hopefully pass into law very shortly.

CRNALL - HOUSE Solution of the Composition of the special session on crime. We will be dealing with state of the Special session on crime. We will be dealing with state of the special session on crime. We will be dealing with state of the special session on crime. We will be dealing with state of the special session on crime. We will be dealing with the special session on crime. We will be dealing with the special session on the special session on crime. We will be dealing with the special session on a crime. We will be dealing with the special session on the special session on crime. We will be dealing the special session of the special session on the special session on crime. We will be dealing with specific the special session on the special session on crime. We will be dealing with the special session on the special session on crime. We will be dealing with the special session on crime. We will be dealing with the special session on crime. We will be dealing with the special session on crime. That will not special special session and every special session on crime. That will not special session and every special session on crime. That will not special session and every special session and every with the special session on crime. The will be dealing with these problems from mow until the entil the special session and every special session on crime. That will not special session and every special session on crime. That will not special session and every special session on crime. That will not special session and every special session on crime. That will not special session and every special session special session and every will be dealing working on these problems from mow until the end of this special session and every special session on crime. That will not special session and every special session on crime. That will not special session and every special session hereafter, because unfortunately, crime will not go away. The special session hereafter become and on cleetion and we have the special session

. Forge that we reject the DeWeese amendment, The SPFAKER. The Chair recognizes the majority leader.

Mr. Perzel. Nr. PERZEL. Thank you, Mr. Speaker. There were a couple comments made here this evening. Mr. Speaker, that were disturbing. One of them was, it was said we have not helped local police in the last decade. We have not been in charge on our side of the aisle for the last decade. Mr. Speaker, the other side has been in charge. So if there was a problem there, there could have been a special session called at any time by this General Assembly in the last 12 years. You did not need the Governor to call a special session. We could have done it on our math CONST

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Autorization of the Department of Corrections to implement inmate work programs - H11-124 Elimination of substance abuse by convicted State offenders and of contrabund within the State correctional facilities - Act 18. Improvement of coordination and cooperation among law enforcement and eriminal justice agencies - Act 2. Reduction of violence in schools and communities through school-based and community-based erime prevention - Act 23. SB 98, which we will hopefully pass into law very shortly.

CRNALL - HOUSE State of the Composition of the special session on crime. We will be dealing with subject matter what the special session and get to work of the special session on crime. We will be dealing with subject matter what the special session and every special session on crime. We will be dealing with subject matter what the special session and every special session on crime. We will be dealing with subject the special session and every special session on crime. We will be dealing with specific to special session of the special session on the special session and every special session on the special session on the special session on the special session and every special session on the special session on the special session and every special session on the special session and the special session and every special session on the special session and every special session on the special session and every special session on the special session and every special session special session and the special session and every special session and the special session and every special session special session and we have should bring this special session and every special session here the special session and which were matter we have taken major steps on major policy initiatives that the special session and every special session here the DeWese amendment.

. Forge that we reject the DeWeese amendment, The SPFAKER. The Chair recognizes the majority leader. The SI Perzel N1r

Mr. Perzel. Nr. PERZEL. Thank you, Mr. Speaker. There were a couple comments made here this evening. Mr. Speaker, that were disturbing. One of them wus, it was said we have not helped local police in the last decade. We have not been in charge on our side of the aisle for the last decade. Mr. Speaker, the other side has been in charge. So if there was a problem there, there could have been a special session called at any time by this General Assembly in the last 12 years. You did not need the Governor to call a special session. We could have done it on our own. CONSTR

... I memion that because a lot of the bills that were brought up I mention that because a lot of the bills that were brought up here this evening—— We have not ended the Judiciary Committee. It still exists, We intend to take up a number of the matters that were brought before this House here this evening. We are not going to stop as a body. When you read the rules — and I have had to read them a lot this year — it says that our job is to come on the floor of this House and make laws. This is not the last day of the General Assembly. It will go on, Mr. Speaker. — A couple of things were mentioned here for prevention and protection, for isopping erime. Mr. Speaker. We are going to pass, by tomorrow, roughly 30 bills. I remember sitting through a special session on local tax reform where 60 bills were introduced. Nor one out of that special session became law. By tomorrow it will be 31.

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The SPEARLER. The Chair recognizes the lady from Ene, Ms. Bebko-Jones. Ms. BEBKO-JONES. Thank you, Mr. Speaker. Mr. Speaker, I rise in support of the DeWeese amendment. After revisiving the Governor's proclamation, Mr. Speaker, on the special session on erime, I noticed we have nor addressed all the articles in the Governor's proclamation. We have tocked them up and thrown away the keys, and I know all of us in this chamber tonight feel a lot safer because we tocked them all up. Do we not? But we have not addressed the issues that put these folks in prison in the first place, issues like prevention, education, and treatment, and for that reason alone I ask my colleagues on both sides of the aisle to support the special session on crime to continue. I was very impressed with Mr. Piceola's report eard on the special session on crime, but nowhere in his report card does he talk about prevention, education, and treatment. He talked about HB 124, which this chamber passed, and this bill is still sitting in the Senate, and yet we are going to end the special session on crime.

crime

URNAL—HOUSE
Again, Task my colleagues on both sides of the aiste to please some the support the special session on crime. What is the hurry 2 thank you.
The SPEAKER. The gentleman from Allegheny, Mr. Tretto, Mr. TRELLO, Mr. Speaker, I would just like to clear the statement that Mr. Targetti did not think there is any one member in this clamber, I do not care what side of the aiste that you at one when the state of the aiste that you at one when the state of the aiste that you at one of public safety, I can attest to that, the big city of composition of public safety, I can attest to that, the big city of composition of public safety, I can attest to that the big city of composition of public safety, I can attest to that the big city of composition of public safety, I can attest to that the big city of composition of public safety, I can attest to that the big city of composition of public safety, I can attest to that the big city of composition of public safety, I can attest to that the big city of composition of public safety, I can attest to that the big city of composition of public safety, I can attest to that the big city of composition of public safety, I can attest to that the big city of composition of public safety, I can attest to that the big city of composition of public safety, I can attest to that the big city of composition of public safety, I can attest to that the big city of composition of public safety, I can attest to that the big city of composition of public safety, I can attest to that the problem that have. Mr. Speaker, Is the fact that my first hometown of the what is at the safet of the what at one time, when a first got effected, we have any shotguns to shoot at anyhody if they did not have any shotguns to shoot at anyhody. If they did not have any noney for police cars: we had money for policement when a four pulle what at one time when I first got effected. We would nor have a subjects, but - ah, knock it for you can be subject about WAM's up din not have apy noney

Mr. TRELLO, But anyways, getting back to the subject on fighting orime.
The SPEAKER, Lagree with the gentleman. That is all I wanted to say. I am all in favor of them. However—
Mr. TRELLO, But what the gentleman—
The SPEAKER, I des subject matter. Mr. Trello, is the amendment of Mr. DeWeese.
"TKT TRELLO, What the gentleman. Mr. Piccola, stated about what we passed and what the regionity leader said is all true. I think it is fartastic. I know the chairman of the Judiciary Commutee.
Mr. Piccola, did a terrific job. I know that any leader of any kind has a difficult job getting his troops in order and getting things done, but what we are talking about is grass-roots morey — money to buy weapons, to buy supplisiteared radios, ro buy equipment. I know of no bill that was passed that is going to bring my district money for our police departments to maybe make those part-time police, send them to school and maybe make those part-time police, send them. We need money for that.

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Again, I ask my colleagues on both sides of the aiste to please continue to support the special session on crime. What is the hurry? Thank you.

continue to support the special session on crime. What is the harry? Thank year.
The SPEAKER. The gentleman from Alleghany, Mr. Trello.
Mr. TRELLO. Mr. Speaker, I would just like to clear the record. The gentleman from the ether side of the arste made a statement that Mr. Tangretti did not think much of our police departments. I think he must not have been listening to what Mr. Tangretti was saying. I do not think there is any one member in this General Assembly that we do have the best policemen – State, county, and local – in the country. As a former director of public safety, if can attest to that, the big city of Coraopolis.

Coraopolis, ' But what I am really concerned about is that I think the majority leader and all the members from this General Assembly ought to put themselves on the back, because I think we all did a wonderful job, and I congratulate all of you. I think we did a tremendous job on our special session on crime. The problem that I have. Mr. Speaker, is the fact that my little hometown of Coraopolis, they would not have a police car to chase erminals if it were not for the WAM's (walking-around money); they would not have any shotguns to shoot at anybody if they did not have

It were not for the wave a volume that anybody if they did not have not have any shotguns to shoot at anybody if they did not have WAM's. Now, Mr. Speaker, I am dead serious about this. You know, I come from a community that at one time when I first got elected, we had steel mills all over the place. Our tax base was terrific. We had money for police cars: we had money for policement; we had money for guns; we had money for everything. At that time we had house for guns; we had money for everything. At that time we had noney for guns; we had money for everything. At that time we had and four part time. How in the heek do you tight erime when you do not have experts on the street, with thur full time and four part time? Now, you know, I hate to bring the subject about WAM's up because it is one of my favorite subjects, but – ah, knock it off, you guys but my community, my hometown, and a number of communities in my legislative district would not have any tools at all to fight erime if it were not for WAM's. Now, you will have to edmit them your side of the alse that some of you enjoyed a few of these this hat budget. I The SPEAKLER. Will the gentleman yield. Mr. TRELLO. But anyways, getting back to the subject on fighting orime.

The SPEAKERS, to make 1 Mr. TRELLO, But anyways, getting back to the subject on highting orime. The SPEAKER, Lagree with the gentleman. That is all I wanted to say, I am all in favor of them. However— Mr. TRELLO, But what the gentleman— The SPEAKER, the subject matter. Mr. Trello, is the amendment of Mr. DeWeese. "TRT TRELLO what the gentleman. Mr. Piccola, stated about what we passed and what the majority leader said is all true. I think it is frantatic. I know the chainman of the Judiciary Committee. Mr. Piccola, did a terrific job. I know that any leader of any kind has a difficult job getting his theory in order and getting things done. I congranilate him on getting things done, but what we are taking about is grass-roots money — money to buy weapons, to buy sophisticated radios, to buy equipment. I know of no bill that was passed that is going to bring my district money for our police departments to maybe make those part-time police, send them to school and make them full time so they can be better trained. We need money for that.

OCTOBER 30

I think we have done an excellent job so far, but we have not gone far enough.

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The SPEAKER. Will the gentleman yield.
Mr. TRETLO: So I move that we we we do not need a resolution: we do not need this special resolution. We can introduce bills all seasion long. What do we need this junk for ? All it is is a cover for something, because I can introduce a bill next week, if I want to, about crime, but why not leave it open? Why not? What is the big deal?
I move to support that motion. Maybe, just maybe I might inroduce a bill to bring some money to my hometown and yours. On the special seasion on crime. What we have have a bound the special seasion on crime. What we have a special seasion on crime. What we have a low a done in peonsylvania and had over 300 people from all sections of the city of Philadelphia and called for a special assion on crime, Kuta is both of the appeal assion on crime in produce in provide a subsequently forvernor Ridge packages which Governor Casey and subsequently Covernor Ridge packages which Governor?
Mr. Speaker, Pennsylvania stands, to the best of my

Governor Casey and subsequently Governor Ridge packages which involved successful special session on crime models throughout the country.
Mr. Speaker, Pennsylvania stands, to the best of my knowledge, as the only State that entered into a special session on crime and did not set aside S1 for local law enforcement, for prevention, and for intervention.
In 1994 I attended the National Conference of State Legislatures, and a significant portion of that conference was dedicated to this whole issue of crime. People from across the country made it very clear that you cannot deal with punishment without dealing with prevention if you are verious about crime; that you cannot deal with the problem of dope onless you are prepared to pur resources aside for the need of hope; that you cannot deal with the whole issue of crime and talk about ignorance unless you are prepared to set some money aside for difference to some of the commute away from punishment. Now let us talk about prevention.
Mn in reference to some of the commute that I have beard in reference to this whole that are still in the House – juventle justice grants; delinquer built, drug, and alcohol; drong eour prior program; saft schools; substance abuse assessment grants; establishing, erime prevention and local law enforcement fund. Many of these bills are still in the Judiciary Commute that were introduced in special session but were given selective treatment in terms of moving it forward, from and seconds; how are to use the sense of business.
Unif the business is finished and if you do not want to use this as a yardstick in determining whether or not we have concluded our business.

than in special session, but if there is, if there is real sensitivity towards wanting to accomplish something in special session, then we need to keep the doors open until we have concluded our business either as measured by the Governor's proclamation or measured by the special session bills that are in Judiciary, in Education, in other committees of this House, and even some in the

Exhibition, in other committees of this function that due in ductoraly. In Scharte, or other committees of this House, and even some in the Scharte. Mr. Speaker, the bottom line for exery member of this General Assembly, and that is, in my own district, the 181st Legislative Ebistrict, erime has actually escalated during the special session. It has not been decreased, in Pittsburgh, Allegheny County, there are many places we have been in special session, and throughout the Commonwealth of Pennsylvania, the data is the same. There is a direct correlation between the punishment that we have imposed on young people and unemployment, high school and going to jail than we have graduating and going to Yale. It is no mystique that in the Commonwealth of Pennsylvania who are unemployed and underemployed than these that are working and mying to take care of themselves and their families. It is no mystique that in the commonwealth of Pennsylvania we have more guns in some communities than we have more guns in some communities than we have more guns in some communities than we have more guns in some communities we have young people who believe that there is no tomorow and do not feel as though there is any hope for tomorow. And as long as that kind of attinde, those kinds of circumstances exist, Mr. Speaker, we have a moral impositive to more away from punishment now and move towards real prevention and intervention. You cannot have one without the other.

prevention and intervention. You cannot have one without the other. All criminologists, major people throughout this country who have looked at this whole issue of crime have made it very clear that we are never going to have any material or substantial results until we recognize that this problem cannot be resolved by a law enforcement strategy; that there is a behavioral strategy that we need to take a look at: that we need to change the mindset of some of these young people; that we need to change the mindset of some around which some of these young people are having to deal with Representative Bebko-lones was correct. You can deal with the sore, but unless you remove the conditions which brought about the sore, but unless you remove the conditions which brought about the sore, but unless you remove the conditions which brought about the sore, but unless you remove the conditions which brought about the sore, but unless you remove the conditions which brought about the sore, but unless you remove the conditions which brought about the sore, then you really have not done anything. So in closing, Mir Speaker, let us say, well done on the side of punishment, and let us say, yes, yes, to prevention and intervention. Recep the special session open. Thank you. The SPEAKER. The Char thanks the gentlemm. The Chair recognizes the gentleman from Delaware County, Mr. Kirkland.

The Chair recognizes the gentleman from Delaware County, Mr. Kirkland. Mr. KirklichND. Thank you, Mr. Speaker. Mr. Speaker, a very well known Senator from Delaware County once said to inc, he said, young man, whenever you are invited to an affair or to a function, if you cannot stay the entire function or the entire affair, it is best that you do not come at all, he said, because it is disrespectful to get up and leave in the middle of the function. And I respect the Senator's wisdom and his words of wisdom. I say that because it seems like now we are in the middle of the function or the affhir and we are attempting to leave; we are preparing to leave.

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LEGISLATIVE JOURNAL — HOUSE

I think we have done an excellent job so far, but we have not

1 think we have done an excellent job so far, but we have not gone far enough.
The SPLAKER, Will the gentleman yield.
Mr. TRETLO, So I move that we We do not need a resolution: we do not need this special resolution. We can introduce bills all session long. What do we need this junk for ? All in is is a cover for something, because I can introduce a bill next week. If I want to, about crinics, but why not leave it open? Why not? What is the big deal?
I move to support that motion. Maybe, just maybe I might incoduce a bill to bring some money to my bornetown and yours. On the amendment. Nr. THOMAS, Thank you.
The SPEAKLER, Mr. Thomas, on the amendment to continue the special session on crime. What we have had is a special session on crime. What we have a done in Peonsylvania. And, Mr. Speaker, there are about 16 to maybe 20, 25 States that had over 300 people from all sections of the city of Philadelphia and called for a special assion on crime, Rover Rovernor Ridge packages which they special sections of the discusses which they do a people the special sections of the city. Mr. Speaker, there are about 16 to maybe 20, 25 States that had over 300 people from all sections of the city. May had be done in Philadelphia and called for a special assion on crime, sent both Govennor Clasey and subsequently Covernor Ridge packages which they special sections of the city. Mr. Speaker, the both Sections of the city.

involved successful special session on crime models throughout the country. Mr. Speaker, Pennsylvania stands, to the best of my knowledge, as the only State that entered into a special session on prevention, and for intervention. In 1994 I attended the National Conference of State Legislatures, and a significant portion of that conference was dedicated to this whole issue of crime. People from across the country made it very clear that you cannot deal with punishment without dealing with prevention if you are serious about crime; that you cannot deal with the problem of dope unless you are prepared to put resources aside for the need of hope; that you cannot deal with the whole issue of crime and talk about illiteracy and talk about ignorance unless you are prepared to set some money aside for education. Mr. Speaker, this amendment must be supported in order to continue this, special session so we can move away from punishment und move towards prevention. We have done a good

for education. Mi. Speaker, this amendment must be supported in order to continue this special session so we can move away from punishment and move towards prevention. We have done a good job on punishment. Now let us talk about prevention. And in reference to some of the comments that have heard in reference to issue of the comments that have heard in the flows – juventie justice grants: delinqueen child, drug, and alcobol: drug court pilot program; safe schools: substance abuse assessment grants; establishing, crime prevention and local law enforcement fund. Many of these bills are still in the Judiciary Committee that were introduced in special session but were given selective treatment in terms of moving it forward. front and back; unfinished business. In firshed and if you do not want to use this as a yardstick in determining whether or not we have concluded induced that there are parts of the Governor's proclamation that we have not resolved. If it is so casy for us to resolve unfinished business in regular session, then we should have firshed and if you do not want to use this as a yardstick in determining whether or not we have concluded business in regular session, then we should never have played with the notion of special session. We could have moved forward aggressively in dealing with those issues in regular session rather

than in special session, but if there is, if there is real sensitivity towards wanting to accomplish something in special session, then we need to keep the doors open until we have concluded our business either as measured by the Governor's proclamation or measured by the special session bills that are in Judiciary, in Education, in other committees of this House, and even some in the

Exhibition, in other committees of this House, and even some in the Senare. Mr. Speaker, the bottom line for me, as 1 am sure it is the bottom line for every member of this General Assembly, and that is, in my own district, the 181st Legislative District, erime has actually escalated during the special session. It has not been decreased, in Pittsburgh, Allegheny County, there are many places we have been in special session, and throughout the Commonwealth of Pennsylvania the data is the same. There is a direct correlation between the punishment that we have imposed on young people and unemployment, high school and going to jail than we have graduating and going to fail the we have more young people dropping out of high school and going to jail that we have more young people in the Commonwealth of Pennsylvania who are unemployed and underemployed than those that are working and trying to take care of themselves and their families. It is no mystique that in the commonwealth of Pennsylvania we have more guns in some communities than we have young people who believe that there is no tomorow and do not feel as though there is any hope for tomorow. And as long as that kind of attinde, those kinds of circumstances exist, Mr. Speaker, we have a moral imperative to more away from punishment now and move towards real prevention and intervention. You cannot have one without the other. All criminologists, major people throughout this country who

prevention and intervention. You cannot have one without the other. All criminologists, major people throughout this country who have looked at this whole issue of crime have made it very clear that we are never going to have any material or substantial results until we recognize that this problem cannot be resolved by a law enforcement strategy: that there is a behavioral strategy that we need to take a look at that we need to change the mindset of some of these young people; that we need to change the mindset of some around which some of these young people are having to deal with. Representative Bebko-lones was correct. You can deal with the sore, but unless you remove the conditions which brought about the sore, then you really have not done anything. So in closing, Rir. Speaker, let us say, well done on the side of ponishment, and let us say, yes, yes, yes, to prevention and intervention. Keep the special session open. Thank you. The Chair recognizes the gentleman from Delaware County, Mr. KIRRI AND. Thank you, Mr. Speaker.

Mr. Kirkland, Mr. Kirkland, Mr. KirkkirAND, Thank you, Mr. Speaker, Mr. Speaker, a very well known Senator from Delaware County once suid to use, he said, young man, whenever you are invited to an affair or to a function, if you cannot stay the entire function or the entire affair, it is best that you do not come at all, he said, because it is disrespectful to get up and leave in the middle of the function. And I respect the Senator's wisdom and his words of wisdom. I say that because it seems like now we are in the middle of the function or the affair and we are attempting to leave; we are preparing to leave.

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Mr. Speaker, if we end this special session on crime right now, onight – I heard a Representative from the other side talk about and speak on a number of acts – if we end this special session on crime tonight, nght now, then all we have done is act. We have become a group and a bunch of actors. I also heard the speaker on the other side say how much they have done for the police departments throughout our State. Let me just give you a little history, Mr. Speaker. My city, the city in which I live and hall from, a city called Chester-The SPEAKER. Mr. Kirkland? Mr. KIRKLAND, Yes, Mr. Speaker. The SPEAKER. The question before the House is the amendment offered by the gentleman, Mr. DeWeese, Keep that in mind.

mind

mind. Mr. KIRKLAND. Yes. Mr. Speaker. As I was suying, the city which I come from, which is called Chester, is the oldest city in the State of Pennsylvania, the first city in the State of Pennsylvania. If Columbus were to get off his boat today in the city of Chester where he landed, he would not even have a police escort. He would not have a police escort because the police vehicles are so outdated, so worn, so bear up that they could not even escort Mr. Columbus around our community. I say this, Mr. Speaker, and I am in support of the DeWeese amendment, because we need to continue this session, this special session on crime or crime prevention.

because we need to continue this session, this special session on erime or crime prevention. There are two types of people in my community, and they are the haves and the have-nots. Mr. Speaker, the haves have updated weapons; the have-nots do not. The haves have vehicles that work: the have-nots do not. The haves have numbers; the have-nots do not. The haves have uniforms; the have-nots do not. The haves have state-of-the-art equipment: the have-nots do not. The haves have everything they need, and the have-nots do not. The haves the criminals, the thieves, and the drug dealers, and the have-nots are our police officers and our correctional officers in our communities. I am standing to say that this session, this special session on

are our ponce onleers and our correctional onleers in our communities. I am standing to say that this session, this special session on provide those individuals in our communities, the once who put their very lives on the line day in and day out, with the necessary equipment, tools, and finances needed to preven crime in our communities. So we rise in support of the DeWeese amendment. And finally, Mc. Speaker, it would be remiss of me if I did not quote something from the Good Book, and it says that if we train up a child in the way that he or she should go, when they are old, they will not depart from it. If we prevent crime, if we begin to teach our young people how not to get involved in crime, if we provide our officers with the necessary tools to prevent crime, then as time goes on, as our young people begin to grow older. Mr. Speaker, they will have the wherewubal not to get involved in criminal acts. criminal acts

criminal acts. So we ask that you would support the DeWeese amendment. Support preventing crime in our communities; support our police officers; support our local officers. Allow then to have the tools and the equipment that is necessary, that is definitely necessary. If the Governor is committed, if he is serious, if he is focused on crime prevention, then we must continue this debate; we must continue this session. We must, we must make sure that our police officers and our correctional persons who are in place have everything they need, Mr. Speaker, to stop crime in its tracks. Thank you.

nk you. The SPLAKER. The gentleman, Mr. Blaum.

URNAL—HOUSE
Mr. BLAUM. Thank you. Mr. Speaker.
Mr. BLAUM. Thank you. Mr. Speaker.
Mr. Speaker, I think that the comments of I guess a few days ago, perhaps a week, that the special session on erime was coming to an ond came as a suprise to many of us on this side of the aisle, if no in the entire chamber, and I think probably came as an even greater surprise to the people of Pennsylvania. For the life of me, I do not believe that we are done and I do not think it is time to end this special session on erime, and I would hate to think that it had anything to do with the reasons contained in the original resolution to which the DeWeese amendment is being offered.
We have more to do. Mr. Speaker. This focus of a special session, as mentioned by the gentleman, Mr. Piecola, I think helped focus the attention of not only the General Assembly but all of Pennsylvania on crime, and I think that the members have done a good job so far, but it is not time to dissolve that more to do. One need only took at the list of bills which still sit in for various committees of the General Assembly. There is a lot more for us to do. We have legislation on initors and to be induced by the special to eliminate it in more than users of the General Assembly. There is a lot that deals with plea bargaining and the need to eliminate it in the special session, and I duresay that none of your constituents none of your constituents and say that the job is done or that the focus can now be removed. We need to keep the focus focus and these there are sold to ack on the assisted on this special session and I assisted on this special session and I assisted on the special session and the need to pass and adopt many of these bills.

of the legislation which currently exists in commutees and to seep this white-hot light on the need to pass and adopt many of these bills.
So 1 ask the members of the House to vote for the DeWeese amendment, to continue our work. There is no reason to conclude this. I do not believe that any of the 11 million people in Pennsylvania think that we are done or that this resolution should be adopted in its current form. It needs to be amended, and I ask the members to support the DeWeese amendment.
The SPEAKER. The Chair thanks the gentleman.
These taken to tak a few times for allowing members to stray, and it is 9:30 now; no one to my knowledge has had dinner, and we are staying. Now, it has been suggested that we should adopt temporary rules to permit members to debate only once for a limit of 5 minutes. I would ask that we do this on a voluntary busis and that we do not impose this by a temporary rule.
I am going to close up a fulle bit on the rules of the House and that is the adoption or the rejection of the DeWeese amendment. We are really going just far afield, and it is unfart to too many people who, frankly, just want to have their dimmer. Everybody knows what the amendment says: everybody knows what it is all about, and I am tired of catching the dickens for allowing this straying procedure. So with that, the next guy up is the gentleman, Mr. Fajt. Mr. FAJT. Thank you, Mr. Speaker.
I hope that was not intended for me, but I think I know you better than that.

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Mr. Speaker, if we end this special session on crime right now, onight – I heard a Representative from the other side talk about and speak on a number of acts – if we end this special session on crime tonight, nght now, then all we have done is act. We have become a group and a bunch of actors. I also heard the speaker on the other side say how much they have done for the police departments throughout our State. Let me just give you a little history, Mr. Speaker. My city, the city in which I live and hall from, a city called Chester-The SPEAKER. Mr. Kirkland? Mr. KIRKLAND, Yes, Mr. Speaker. The SPEAKER. The question before the House is the amendment offered by the gentleman, Mr. DeWeese, Keep that in mind.

amondment offered by the gentleman, Mr. DeWeese, Keep that in mind. Mr. KIRKLAND, Yes, Mr. Speaker. As I was saying, the city which I come from, which is called Chester, is the oldest city in the State of Pennsylvania, the first city in the State of Pennsylvania. If Columbus were to get off his boat today in the city of Chester where he landed, he would not even have a police escort. He would not have a police escort because the police vehicles are so outdated, so worn, so hear up that they could not even escort Mr. Columbus around our community. I say this, Mr. Speaker, and I am in support of the DeWeese amondment, because we need to continue this session, this special session on erime or crime prevention. There are two types of people in my community, and they are the haves and the have-nors. Mr. Speaker, the haves have updated weapons; the have-nors do not. The haves have vehicles that work: the have-nors do not. The have-nots do not. The haves have state-of-the-art equipment: the have-nots do not. The haves have cverything they need, and the have-nots do not. The haves are the orining to say that this session, this special session on communities.

The our police officers and our concentrational officers in our communities. I am standing to say that this session, this special session on crime, should not end here but it should continue. We should provide those individuals in our communities, the ones who put their very lives on the line day in and day out, with the necessary equipment, tools, and finances needed to preven crime in our communities. So we rise in support of the DeWeese amendment. And finally, Mc. Speaker, it would be remiss of me if I did not quote something from the Good Book, and it says that if we train up a child in the way that he or she should go, when they are old, they will not depart from it. If we prevent crime, if we begin to teach our young people how not to get involved in crime, if we provide our officers with the necessary tools to prevent crime, then as time goes on, as our young people begin to grow older, Mr. Speaker, they will have the wherewithal not to get involved in criminal acts. criminal acts

So we ask that you would support the DeWeese amendment. So we ask that you would support the Deweese amendment, Support preventing crime in our communities; support our police officers; support our local officers. Allow them to have the tools and the equipment that is necessary, that is definitely necessary. If the Governor is committed, if he is serious, if he is focused on crime prevention, then we must continue this debate; we must confinue this session. We must, we must make sure that our police officers and our correctional persons who are in place have everything they need, Mr. Speaker, to stop crime in its tracks. Thank you.

mk you. The SPLAKER. The gentleman, Mr. Blaum.

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Mr. BLAUM, Thank you, Mr. Speaker.
Mr. Speaker, I think that the comments of I guess a few days ago, perhaps a week, that the special session on erime was coming to an end came as a suprise to many of us on this side of the aisle, if not in the entire chamber, and I think probably came as an even greater surprise to the people of Pennsylvania. For the life of me, I do not believe that we are done and I do not think it is time to end this special session on erime, and I would hate no think that it had anything to do with the reasons contained in the original resolution to which the DeWeese amendment is being offered.
We have more to do, Mr. Speaker. This focus of a special session, as mentioned by the gentleman, Mr. Piecola, I think helped focus the attention of not only the General Assembly but all of Pennsylvania on crime, and I think that the members have done a good job so far, but it is not time to dissolve that special session. One need only look at the list of bills which still sit in for various committees of the General Assembly. There is a lot more for us to do. We have legislation or infors and those that would sell drugs to them. We have legislation sitting in committee that deals with plea bargaining and the need to eliminate it in more for us to do. We have legislation sitting in committee or do used by the or would vote to end those that one doily setting section scales.
We need to take up and to remain focused on this type of hegislation. There should be no rush here. There is no reason to cludt its special session, and I daresay that none of your constituents none of your constituents – would vote to end this special session and session, and I as yould to see for the post of the legislation in this special session, and I ask you to vote for the body special session which currently exists in committees and to keep the focus the used on this type of begislation in this special session, and I ask you to vote for the body special session which cu

of the legislation which durrently exists in commutees and to scep-this white-hot light on the need to pass and adopt many of these bills.
So I ask the members of the House to vote for the DeWeese amendment, to continue our work. There is no reason to conclude this, I do not believe that any of the 11 million people in Peonsylvania think that we are done or that this resolution should be adopted in its current form. It needs to be amended, and I ask the members to support the DeWeese amendment.
The SPEAKER. The Chair thanks the gentleman.
These taken to tak a few times for allowing members to stray, and it is 9:30 now; no one to my knowledge has had dinner, and we are staying. Now, it has been suggested that we should adopt temporary rules to permit members to debate only once for a limit of 5 minutes. I would ask that we do this on a voluntary basis and that we do nor impose this by a temporary rule.
Tam going to close up a fulle bit on the rules of the House, and that is the adoption or the rejection of the DeWeese amendment. We are really going just far affeld, and it is unfar to too many people who, frankly, just want to have their dimer. Everybody knows what the amendment asys: everybody knows what it is all about, and I an tired of catching the dickens for allowing this straying procedure, so with that, the next guy up is the gentleman, Mr. Fajt.
Mr. FAJT. Thank you, Mr. Speaker.
The SPEAKER. No: no, let me say that I think I know you befter than that.
The SPEAKER. No: no, let me say that I purposely picked my time, because I know you would not abuse the rules of the House. Mr. FAJT. That is correct. I promise you I will stay within that voluntary time limit.

Mr. Speaker, I rise to support the DeWeese amendment to not allow this special session on crime to close. I think all of us here have done a tremendous job in the special session on crime. Most of the bills that have been up on the board so far this year have enjoyed the overwhelming support of people on both sides of this aisle. The reason that they enjoyed the overwhelming support of people on both sides is that they were good, commonsense law-and-order pieces of legislation. We did a tremendous job on that.

law-and-order pieces of legislation. We did a tremendous job on that.
We heard earlier today a report card given by one of my colleagues on the other side of the aisle, and there was one area that I was particularly interested in, and that was the area of drug and alcohol abuse. So I grabbed one of the pages and I did some checking on this, and I direct your attention: No. 9 of the Governor's proclamation says that this special session shall be focused upon the "Elimination of substance abuse by convicted state offenders and of contraband within state correctional facilities." And with regard to that, the gentleman on the other side of the asile said that Act 18 was in response to that; Act 18 was in response to No. 9, so I got a copy of Act 18. I remind you that No. 9 says the "Flimination of substance abuse by convicted state offenders..." Act 18 does nothing but increase the madatory minimum penalty for the possession of controlled subtances and contraband by convicted a bill that I supported, a bill that most of abuse by convicted criminals – nothing. And I bring this up only because I preached on this subject before, and I will conclude by saying this: tha 70 to 80 percent of the people in the criminal justice system are there because of drug and alcohol abuse.
I had the pleasure this morning of meeting with the Governor

The SPEAKER. The gentleman will yield; the gentleman will

yield. Your meeting with the Governor is the kind of thing that really Your meeting with the Governor is the DeWerse amendment is

Your meeting with the Governor is the kind of thing that really is not important to whether or not the DeWeese amendment is adopted, and I really do not thick that the discussion on drug and alcohol abuse is important to the question as to whether or not the DeWeese amendment is adopted. Now, I am going to ask you to really address that issue closely or I am going to ask you to interrupt. Thank you. Mr. FAJT. No problem. Mr. Speaker. I understand that. The reason that I am mentioning that is because the DeWeese amendment is about keeping the special session on crime open, and we should keep the special session on crime open because we have not taken care of all the Governor's points on the special session on crime, specifically No. 9. We have done nothing to eliminate substance abuse by convicted criminals. And again, I think this is something that needs to be addressed by this Assembly, it is something that is not going to go away, and it is commonwealth. I ask for an affirmative vote on the DeWeese amendment.

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 Thank you, Mr. Speaker.
 The SPEAKER. The gentleman, Mr. Tangretti, for the second time on the isane.
 Mr. TANGRETTI, Thank you, Mr. Speaker.
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 was important, at least from my point of view, to address a couple of the issues that were raised on the other side of the alste, and, Mr. Speaker, I am talking particularly of Mr. Piccola's comments. I think that was a real stretch, quile frankly, on his behalf with respect to my statement on how we have treated the police departments shabbily, and I do not think that he understood or cared to understand what I had to say in that regard, because I think other than the Dunicpul Police Training Act and the piggybacking of allowing them to purchase off State contracts, we have not done anything for local police.

 Interestingly enough, I agree 100 percent with the gentleman from Dauphin County's comments as they relate to the dedication of our police departments and their competencies, but I find it refreshing for hum to say it in view of the fact that in response to. Mr. Speaker, Representative Smitha's amendment last week, he suggested that more funds for local police departments would only in support of local police now.

 And I would suggest to the majority leader that in his district when an individual is approaching from behind someone who is at a MAC machine, our constituents are crying out -- The SPEAKER. The amendment is the understand what it says, about MAC machines and the like.

 Mr. TANGRETTI, Sir?

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 Mr. TANGRETTI, I did not raise the issue, Mr. Speaker, the majority leader did.

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The SPLAKER. Well, I was negligent in not stopping him theo, but I am not negligent now. Stay on the amendment.
Mr. TANGRL I Ff. Ves, Mr. Speaker.
Mr. Speaker, I know you agree with me. I know that there are members on that side of the aisle who want to extend this crime session, who do not want it to end, because they have heard from their police departments, as we have.
It is a difficult vote. I want you to think about it. I wish I would not have said that - but I want you to concern yourself with this issue and extend this crime session. Do not let if cull. Do not let out police departments down. We spent millions of dollars up to this point in the special session on erime, and not SI has you one chachine. I am sorry, Mr. Speaker.
Mr. DeLUCA. Thank you, Mr. Speaker.
Mr. DeLUCA. Thank you, Mr. Speaker.
Mr. Speaker. I will make it brief, and I will stay on the amendment.

Mr. Speaker, I will make it brief, and I will stay on the amendment. I rise to support the DeWeese amendment, I think it is very important that we stay focused in this crime session, special session, mainly because of the fact when we end this crime session here, we will all be minning out to put press releases on there saying what a great job, and we did do a great job. But there is a more important job ou there that we can be doing, and we could be the leaders of this Nation by putting this great. Commonwealth in the forefront of addressing the issues that affect

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LEGISLATIVE JOURNAL - HOUSE

Mr. Speaker, I rise to support the DeWeese amendment to not allow this special session on crime to close. I think all of us here have done a tremendous job in the special session on crime. Most of the bills that have been up on the board so far this year have enjoyed the overwhelming support of people on both sides of this alsle. The reason that they enjoyed the overwhelming support of people on both sides is that they were good, commonsense law-and-order pieces of legislation. We did a tremendous job on that.

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I had the pleasure this morning of meeting with the Governor on an unrelated matter, and I mentioned this to him. I knew we were going to close the special session today— The SPEAKER. The gentleman will yield; the gentleman will

The SPEARER. The gentleman will yield; the gentleman will yield. Your meeting with the Governor is the kind of thing that really is non-important to whether or not the DeWeese amendment is adopted, and I really do not think that the discussion on drog and alcohol abuse is important to the question as to whether or not the DeWeese amendment is adopted. Now, I am going to ask you to interrupt. Thank you. Mr. FAJT, No problem, Mr. Speaker, I understand that. The reason that I am mentioning that is because the population on the special session on crime open, and we should keep the special session on crime open, and we should keep the special session on crime special session on crime append because we have not taken care of all the Governor's points on the special session on thing that this is something that is no be addressed by this something that is no be addressed by this commonwealth. I ask for an affirmative vote on the DeWeese amendment.

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 Mr. TANGRETTI. Thank you, Mr. Speaker.
 I felt in necessary to rise again in view of some of the comments that were made. I had no intention of doing that, but I thought a

URNAL - HOUSE 535
Was important, at least from my point of view, to address a couple of the issues that were raised on the other side of the aiste, and, Mr. Speaker, I am talking particularly of Mr. Piccola's comments, I think that was a real stretch, quite frankly, on his behalf with respect to my statement on how we have treated the police departments slabbily, and I do not think that he understood or ordered to understand what I had to say in that regard, because I think other than the Dunderstand what I had to say in that regard, because I think other than the Dunderstand what I had to say in that regard, because I think other than the Dunderstand what I had to say in that regard, because I think other than the Dunderstand what I had to say in that regard, because I think other than the Dunderstand what I had to say in that regard, because I think other than the Dunderstand what I had to say in that regard. Decause I think on Dauphin County's comments as they relate to the dedication of our police departments and the regordement is used, he suggested that more funds for local police departments would only coale police.
Mr. Speaker, Representative Shirla's amendment last week, he suggested that more funds for local police departments would only coale them to run more speed traps. So I am happy to see that he MAC machine, our constituents are crying out -:
The SPEAKER, Mr. Tangetti, pleuse.
Mr. IANGRETTI, Sir?
The SPEAKER, The amendment is the umendment of your dash in, but it is just to extend this session. We do not want to hear shout MAC machines and the like.
Mr. TANGRÜTTI, I did not raise the issue, Mr. Speaker, the majority leader did.
The SPEAKER, Well, he was wrong. You should have stopped him - then, Now, come on, stay on tho issue. Please stop.

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Mr. TANGRETTI. I's yes, Mr. Speaker.
Mr. Speaker, I know you agree with me. I know that there are members on that side of the aisle who want to extend this crime session, who do not want it to end, because they have heard from their police departments, as we have.
If is a difficult vote. I want you to think about it. I wish I would not have said that - but I want you to concern yourself with this issue and extend this erime session. Do not let if end. Do not bls point in the special session on erime, and not S1 has put one policeman on the street to protect that woman at the MAC machine. I am sorry, Mr. Speaker.
Mr. Speaker, I will make it brief, and I will stay on the amendment.
I has to support the DeWeese amendment. I think it is very important that we stay focused in this crime session here, we will all be roming out to put press releases out they can be doing, and we could be the leaders of this nation by putting this grant.

the men and women out there in this community and in all our We can stay focused and we should stay focused on the issues that we are talking about, prevention and that there. We can do it, sure we can do it with other bills, but the way we address this special session is by staying focused. If we continue that special session and stay focused and try to put the bills on prevention and move them, then we certainly are doing the citizens of this Commonwealth a great justice. Thank you, I support it, and I would appreciate your support on it.

Commonweidth a great justice. Thank you. I support at and I would appreciate your support on it.
The SPEAKER. The Chair thanks the gentleman. On the question of the DeWeese amendment, the Chair recognizes the gentleman. Mr. DeWeese, my concluding observation, quickly, would be that the amendment deals with tune and time alone.
On the third day of Getrysburg, Mr. Speaker, after Federal troops had sustained heavy losses but nevertheless were able to thwart General Pickett and his Confederate buttations, they allowed the Confederate not bill down toward the Maryland border and on across the Piotonac. They did not strike while the iron was hot. They did not alongate their maneuvers. They quit: they quit, and the duress of the conflict endured for another 2 years.
Treally think that we are stopping at a strategically inopportane moment, Mr. Speaker. I think that the voide sloth of partiamentary antidotes that Representative Tangreth and the Policy Committee on our side had offered are worthy of consideration are worthy of consideration in an environment of special session.
Mr. Speaker, could I please have some order for my last minute or two at the microphone?
The SPEAKER. Indeed.
The SPEAKER. Indeed.
The gentleman, Mr. DeWeese, wants a moment or two of order. Mr. DeWEESE. Thank you very much. Mr. Speaker. These of the majority party. But nevertheless, nevertheless, we have a lot of work to do, Mr. Speaker.
The gentleman from Philadelphia, Mr. Perzel in his pacan to the legislature indicated that this had been a bipartisan effort. Three out so is a rather meek and desultory effort on his part and on the collective part of the majority party. But nevertheless, nevertheless, we have a lot of work to do. Mr. Speaker, and the session.
The SPEAKER. The Chair thanks the gentleman.

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On the question recurring. Will the House agree to the amendrocou?

The following roll call was recorded:

YEAS-92

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	Cos	LaGroda	Bridger 15	Williams
	Curry	Laughlin	Boltanson	Wozniak
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Salar Call

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring, Will the House adopt the resolution?

2011 - 12 - ----

The following roll call was recorded:

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the men and women out there in this community and in all our communities. We can stay focused and we should stay focused on the issues that we are talking about, prevention and that there. We can do it; sure we can do it with other bills, but the way we address this special session is by staying focused. If we continue that special session and stay focused and try to put the bills on prevention and move them, then we certainly are doing the citizens of this Commonwealth a great justice. Thank you, I support it, and I would appreciate your support on it.

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 Mr. Speaker, could I please have some order for my last minute or two at the microphone?
 The SPEAKER. Indeed.
 DeWEESE. Thank you very much. Mr. Speaker. These of the down or do of order, Mr. DeWEESE. Thank you very much. Mr. Speaker. These bills going to the Governor's desk from the Democratic ranks out of 35 is a rather meck and desultory effort on his part and on the collective part of the majority party. But nevertheless, nevertheless, we have a lot of work to do, Mr. Speaker, another several moment of the special session.
 I have that can be done, and i would respectfully request that this amondment of another several most several moments and the session.
 The SPEAKER. The Chair thanks the gentleman.

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The following roll call was recorded:

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Battisto	DeWeese	L.Logod	Santoni
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	- HOUSE		OCTOBER 3
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Buston	Herman	Munds	Turnereiti
Caltagirone	Horsey	Olaso	Discriments
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Corpora	Kirkland	Readshaw	Walko
Cowell	Kukovich	Rieger	Washington
Class	LaCrona	Rodow 1a	Williams
Curry	Lauphlin	Bathanson	Wozniak
Daley	Loderer	Rooney	Wright, D. R.
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Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

On the question recurring, Will the House adopt the resolution?

The following roll call was recorded:

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Adolph	Fungo	Lynch	Schroder
Allen	Cariner	Mairtand	Schuler
Argall	Freesa	Major	Semmel
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Baker	Flangle	Mashand	Sheebas
Bard	Flick	NICOID	Smith, H
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

VOTE CORRECTIONS

VOTE CORRECTIONS The SPEAKER, For the purpose of correcting the record, the Chair recognizes the gentleman from Luzerne, Mr. Jacollo, Mr. JAROLIN, Thank you, Mr. Speaker, The SPEAKER, This is in special session? Mr. JAROLIN, That is correct. Thank you, Mr. Speaker, On SB 81, amendment 5563, I would like to be recorded in the negative or that. The SPEAKER, The remarks of the gentleman will be spread upon the frequent. The SPEAKER, The remarks of the gentleman will be spread upon the record. Mr. JAROLIN, Thank you, Mr. Speaker. The SPEAKER, The Chair recognizes the gentleman from Armstrong, Mr. Pesci. Mr. PESCI, Mr. Speaker, on SB 81, amendment 5563, I was recorded in the positive. I would like to be recorded in the negative due to a malfunction.

due to a malfunction. The SPEAKER, the remarks of the gentleman will be spread upon the record.

ADJOURNMENT

The SPPAKER. Does the Republican leader have any further business in special session? Mr. Perzel, do you have any further business? Are there any announcements or committee meetings to be called in special session? Any corrections of the record in special session? Does the Democratic floor leader. Mr. DeWeese, or Mr. likin have any further business in special session? Any announcements, Mr. DeWeese, in special session? Any business in special session?

Mr. DeWeese, in special session? Any business in special session? Hearing none, the Chair recognizes the gentleman from Mongomery County, Mr. Lawless, Mr. LAWLESS, Mr. Speaker, I move that Special Session No. 1 of 1995 do now adjourn until fuesday. October 31, 1995, at 11:05 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question, Will the House agree to the motion? Motion was agreed to, and at 9:41 p.m., e.s.t., the House adjourned.

LEGISLATIVE JOURNAL – HOUSE 53				995 LEGISLATIVE JC			
VOTE CORRECTIONS		AS 104	YEA				
 The SPEAKER, For the purpose of correcting the record, the Chair recognizes the gentleman from Luzeme. Mr. Jacolin, Mr. JAROLIN, Thank you, Mr. Speaker, The SPEAKER, This is in special session? Mr. JAROLIN, Than is correct. Thank you, Mr. Speaker, On SE 81, amendment S563, I would like to be recorded in the negative on that. The SPEAKER. The chair recognizes the gentleman will be spready of the SPEAKER. The Chair recognizes the gentleman from the recorded in the setters. Mr. JAROLIN, Thank you, Mr. Speaker. The SPEAKER. The Chair recognizes the gentleman from the record. Mr. PESCI, Mr. Speaker, on SE 81, amendment S563, I would like to be recorded in the negative on the positive. I would like to be recorded in the negative of the positive. I would like to be recorded in the negative of the positive. I would like to be recorded in the negative of the positive. I would like to be recorded in the negative of the second of the recorded in the negative of the second of the record. 	Scheoder Schuler Semmel Shretban Smith, H Smith, S. H. Smith, S. H. Smith, S. H. Stolf Stich Stich Stich Stich Stich Stich Stich Stich Stich Stich Stich Stich Stich Stich Stich Stormater Logior, E. Z. Tuylor, J. Tuylor, J. Tuylor, J. Start Vansch Wangh Wangh	Lynch Maitthod Marsieu Marsieu Marsieu Maraith Net3ill Net3ill Net43ill Net43ill Net43ill Net40	Fango Factor Focka Ficka Ficke Flick Class Charge Gauton Charge Gauton Gauton Charge Gauton Charge Gauton Haray Haray Haray Haray Haray Haray Haray Haray Haray Haray Haray Haray Haray Haray Haray Haray Haray	Artolints Viteri Viteri Asinsarrong Baker Barley Barley Barley Barowin Boowin Boowin Boowin Boowin Chartwick Chartwick Chartwick Chartwick Chartwick Chartwick Chartwick Chartwick Connell			
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.