

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, OCTOBER 30, 1995

FIRST SPECIAL SESSION OF 1995

No. 66

HOUSE OF REPRESENTATIVES

The House convened at 1:05 p.m., a.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 gentleman from Humungdon, Mr. Sarber, offered the following prayer:

Let us pray:

Our Father, 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 halls 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 intercession 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 wisdom to realize that their spouse and their children may have a word to say.

And now we come, our Father, to that time in our prayer:

That in word of confrontation we ask You to deploy.

Confront our sinfulness, injustice, selfishness, inhumanity, so unfair:

Let our morality, ethics, character, faith, servanthood be such everyone will enjoy.

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 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, friends, and brothers and sisters in Canada and would ask that You 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 SPEAKER, Without objection, the approval of the Journal of Wednesday, October 25, 1995, will be postponed until printed. The Chair 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.

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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 hears none.

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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, and appellate counsel.

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

The SPEAKER. The Chair recognizes the lady from Philadelphia County, Ms. Manderino, who offers amendment A5466, which was printed with the gentleman, 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 inserts 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 Supreme Court to adopt standards for the appointment of counsel in capital cases, and this just clarifies that the standards we are talking about apply to all the counsel who 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 SPEAKER. The Chair recognizes the gentleman, Mr. Piccola, with respect to amendment A5466.

Mr. PICCOLA. Thank you, Mr. Speaker.

It is my view that this amendment is not really necessary, because I believe what the lady is attempting to accomplish is already in the bill. But it does not appear to do any disservice or

harm to the bill, and therefore, I would urge that the amendment be adopted and the House concur.

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

The following roll call was recorded:

YEAS 193

Table listing names of members who voted 'YEAS' (193 total). Includes names like Adolph, Allen, Altam, Amerspring, Baker, Bard, Barley, Battista, Bekko-Jones, Delardi, Bellardi, Bimmel, Bishop, Blum, Boscola, Boyce, Brown, Brusso, Burkovitz, Buston, Caltagirone, Cappabianca, Cain, Carone, Cawley, Chadwick, Civera, Clark, Clymer, Cohen, L. I., Cohen, M., Colafello, Colazzo, Conri, Cornell, Corpora, Cowell, Coy, Curtz, Daley, DeLoon, Dempsy, Dem, Dermody, DeWeese, DiCintrolamo, Donatucci, Druce, Durham, Egoif, Fairchild, Fall, Farago, Farner, Fesus, Fielmer, Fiengle, Flisk, Gantile, Gannon, Geisa, George, Giabattoli, Gindeck, Goudshall, Gordiner, Grappo, Hakey, Haluska, Harms, J. Farham, Jasay, Jermessey, Jernan, Hershey, Hess, Hickey, Hutchinson, Itkin, Jaskiewicz, James, Jarolin, Josephis, Kaiser, Keltner, Kenney, King, Kirland, Krebs, Kikasich, Kucinich, Laughlin, Lawless, Lederer, Leah, Lebowitz, Lovdensky, Lyle, Lucyk, Lynch, Maitland, Major, Manderino, Markosek, Marisco, Masland, Mayermik, McCall, McCashean, McGill, Melio, Meny, Nicozzi, Miller, Mundy, Nalbor, Nickel, Nese, O'Brien, Olasz, Oliver, Orzoff, Orzoff, Peral, Perara, Putone, Piro, Phillips, Piccola, Pitts, Platts, Preston, Ramos, Raymond, Reichshaw, Reber, Reind, Rieger, Roberts, Robinson, Roloff, Rosney, Rubley, Rudy, Sainato, Santon, Sather, Saylor, Schneider, Schuler, Scrimanti, Semmel, Spallini, Shaner, Sheehan, Smith, H., Smith, S., H., Snyder, D. W., Staback, Staier, Steelman, Strick, Stern, Stettler, Stish, Stotmister, Strick, Suna, Tangheri, Taylor, F. Z., Taylor, J., Thomas, Ugo, Trillo, Trich, Truc, Tubi, Vance, Van Horn, Veon, Vitelli, Walka, Washington, Waugh, Williams, Wagan, Wozniak, Wright, D. R., Wright, M. N., Yerville, Youngblood, Zimmerman, Zug, Ryan, Speaker.

NAYS 0

NOT VOTING 0

EXCLUDED 9

Table listing names of members who were 'EXCLUDED' (9 total). Includes names like Dunt, Corrigan, Evans, Cimizza, Michlovic, Mihulich, Parafis, Roebuck, Travaglio.

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Table listing names of members who were 'EXCLUDED' (9 total). Includes names like Dunt, Corrigan, Evans, Cimizza, Michlovic, Mihulich, Parafis, Roebuck, Travaglio.

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:

Amend Title, page 1, line 2, by inserting after "Statutes," establishing the Crime Prevention and Local Law Enforcement Program and the Crime Prevention and Local Law Enforcement Fund.

Amend Bill, page 1, lines 7 through 9, by striking out all of said lines and inserting:

Section 1. Chapter 21 of Title 42 of the Pennsylvania Consolidated Statutes is amended by adding a subchapter to read:

SECTION CHAPTER 21 CRIME PREVENTION AND LOCAL LAW ENFORCEMENT PROGRAM

Sec. 2161. Pennsylvania Commission on Crime and Delinquency.

2162. Establishment of Crime Prevention and Local Law Enforcement Fund.

2163. Rules and regulations.

§ 2161. Pennsylvania Commission on Crime and Delinquency. (a) Use of program funds.—The Pennsylvania Commission on Crime and Delinquency may offer financial assistance to municipalities for the following crime prevention and local law enforcement purposes:

(1) The establishment of community policing programs for municipalities which do not have such programs, or additional assistance for municipalities which have already established community policing programs.

(2) Upgrading or addition of equipment, materials or technologies which would not otherwise be purchased or replaced through routine equipment replacement and depreciation, and would benefit the agency in deterring criminal activities other than traffic violations.

(3) Hiring an additional law enforcement officer or officers, provided the municipality can show with reasonable certainty that such additional number of officer or officers will be retained following the termination of program funds.

(4) Measures to deter criminal gang activity which may include:

(i) Community organizations which implement programs to deter criminal gang activity. The commission shall give preference to programs which engage community organizations in identifying and prioritizing delinquency risk factors operating in their communities which include a comprehensive plan to reduce the impact of these risk factors on children. Criminal gang deterrence programs may include:

(A) Aftercare and monitoring to ensure that former criminal gang members are able to integrate into society.

(B) Rehabilitative and education support services.

(ii) 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 financial assistance to local law enforcement agencies

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) Commission use of funds.—The commission shall retain any funds which have not been awarded for crime prevention and local law enforcement projects during any given fiscal year and use such funds solely for project awards during the subsequent fiscal year or fiscal years. § 2162. Establishment of Crime Prevention and Local Law Enforcement Fund.

(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 Fund. The fund shall be administered by the Pennsylvania Commission on Crime and Delinquency for the purpose of providing financial assistance to local law enforcement agencies for crime prevention and local law enforcement projects set forth under section 2161 (relating to Pennsylvania Commission on Crime 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 fines, etc.) shall be deposited into the Crime Prevention and Local Law Enforcement Fund created under subsection (a) to be used for the purposes of this act. § 2163. Rules and regulations.

The Pennsylvania Commission on Crime and Delinquency shall promulgate 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 4

Amend Sec. 4, page 13, line 17, by striking out "4" and inserting 5

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

The SPEAKER. On the question of A5482, the Chair recognizes the gentleman, Mr. Sturla.

Mr. STURLA. 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 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 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 traffic violations. This is not so that these local communities can go out and start harassing citizens driving in their streets. This is 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 law enforcement agencies, but those moneys require that you match 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 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

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

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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 of law enforcement, we can leverage Federal dollars with it.

I encourage your support of this amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman, Mr. Piccola, in connection with this amendment.

Mr. PICCOLA. Thank you, Mr. Speaker.

Once again I would urge that the Sturla amendment be defeated. I believe we faced a bill or an amendment similar to this to another bill last week or the week before.

This amendment has nothing to do with unitary appeals in crime cases. It has to do with generating funds and distributing those funds across the Commonwealth. How these funds are going 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. Sturla would restrict the use of these funds to only those municipalities that, number one, have police departments, and number two, have either the wherewithal to file a grant application with PCCLD (Pennsylvania Commission on Crime and Delinquency) and, perhaps number three, have the political pull or the skill to obtain a grant from PCCLD.

I am not convinced that his program is a good one. If very well may be or it very well may have good aspects to it. It is something that should be explored in the committees of this House, in the committees of the Senate; it should be explored with the PCCLD; it should be explored with the Attorney General's Office; and it should be explored with various municipal police departments around the State. But it cannot be done here on the floor of the House of Representatives as an amendment, take it or leave it, to a bill that has nothing to do with the subject matter.

I urge that we defeat this amendment.

The SPEAKER. The gentleman, Mr. Sturla, for the second time.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, what this amendment is about is preventing crime, which I believe is hopefully what SB 81 is about.

This amendment is supported by the League of Cities, township supervisors, Fraternal Order of Police, 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 funds 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 Bucks, Mr. Drucel.

Mr. DRUCEL. 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. DRUCEL. Mr. Speaker, if I may ask one question.

Where is the fine money currently directed, and from what pool or what particular fund 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

understanding that there is about \$76 million in unappropriated funds in that fund right now. So it is not like we are going to deplete that fund. It is not like we are going to take moneys that are being used for something else. Those moneys currently are not being used, and if we ever get to the point where we do an enhancement of the taxes on fuels in the State of Pennsylvania, they would be more than covered.

Mr. DRUCEL. Thank you.

Mr. Speaker, I believe he answered my question. May I comment on the amendment?

The SPEAKER. The gentleman is in order.

Mr. DRUCEL. Mr. Speaker, I would just urge the members that at a 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 repair Pennsylvania's depleted highways, and for that reason alone I believe we ought to reject this amendment. Thank you.

The SPEAKER. Does the gentleman, Mr. Masland, from Cumberland County seek recognition?

Mr. MASLAND. Thank you, Mr. Speaker.

The SPEAKER. Will the gentleman yield?

The conferees on the two side angles, please break up, and all the ones in between.

The gentleman, Mr. Masland.

Mr. MASLAND. Thank you, Mr. Speaker.

I share some of the concerns as raised by the previous speaker, Representative Druce, but I speak primarily as a member of the Pennsylvania Commission on Crime and Delinquency.

I would suggest that Mr. Sturla's proposal has some merit but that the mechanics need to be worked on, and I do not believe that this is the place to work on it. I would be happy to work with Mr. Sturla on this proposal. I know that he did speak to PCCLD some time ago, back in the earlier part of the year, but I do not think that all of the details have been worked out to the extent that this is something that we want to move ahead on today.

I am going to urge a "no" vote on this, but I would be happy to work with Representative Sturla on this in the future. Thank you.

On the question recurring.

Will the House agree to the amendment?

The following roll call was recorded:

YEA 80

DeBko Jones	Def. new	Lucevior	Rudy
Belardi	Dem	Lexdamsky	Saricato
Belardi	Dernody	Lutzk	Sarconi
Bishop	DeWeese	Manderson	Shaner
Boscola	Fitt	Markesses	Staback
Bosses	Gombie	Mascernik	Stechman
Browns	Garrison	McGill	Stellar
Buxton	Cughorn	Nellie	Sturla
Calladrome	Cosider	Mundy	Tamaretti
Cappabianca	Diaby	Olase	Thomas
Carr	Halsaka	Oliver	Trello
Cassidy	Hershey	Peel	Urb
Cohen, M.	Irkin	Petrarca	Van Horn
Cotafella	James	Perone	Yoon
Cralzo	Josephs	Presron	Vitali
Corpora	Kantor	Ramos	Walker
Cowell	Kirkland	Reedshaw	Washington
Cox	Kukovich	Roberts	Williams

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 of law enforcement, we can leverage Federal dollars with it.

I encourage your support of this amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman, Mr. Piccola, in connection with this amendment.

Mr. PICCOLA. Thank you, Mr. Speaker.

Once again I would urge that the Sturla amendment be defeated. I believe we faced a bill or an amendment similar to this to another bill last week or the week before.

This amendment has nothing to do with unitary appeals in crime cases. It has to do with generating funds and distributing those funds across the Commonwealth. How these funds are going 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. Sturla would restrict the use of these funds to only those municipalities that, number one, have police departments, and number two, have either the wherewithal to file a grant application with PCCLD (Pennsylvania Commission on Crime and Delinquency) and, perhaps number three, have the political pull or the skill to obtain a grant from PCCLD.

I am not convinced that his program is a good one. If very well may be or it very well may have good aspects to it. It is something that should be explored in the committees of this House, in the committees of the Senate; it should be explored with the PCCLD; it should be explored with the Attorney General's Office; and it should be explored with various municipal police departments around the State. But it cannot be done here on the floor of the House of Representatives as an amendment, take it or leave it, to a bill that has nothing to do with the subject matter.

I urge that we defeat this amendment.

The SPEAKER. The gentleman, Mr. Sturla, for the second time.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, what this amendment is about is preventing crime, which I believe is hopefully what SB 81 is about.

This amendment is supported by the League of Cities, township supervisors, Fraternal Order of Police, 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 funds 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 Bucks, Mr. Druce.

Mr. DRUCEL. 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. DRUCEL. Mr. Speaker, if I may ask one question.

Where is the fine money currently directed, and from what pool or what particular fund 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

understanding that there is about \$76 million in unappropriated funds in that fund right now. So it is not like we are going to deplete that fund. It is not like we are going to take moneys that are being used for something else. Those moneys currently are not being used, and if we ever get to the point where we do an enhancement of the taxes on fuels in the State of Pennsylvania, they would be more than covered.

Mr. DRUCEL. Thank you.

Mr. Speaker, I believe he answered my question. May I comment on the amendment?

The SPEAKER. The gentleman is in order.

Mr. DRUCEL. Mr. Speaker, I would just urge the members that at a 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 repair Pennsylvania's depleted highways, and for that reason alone I believe we ought to reject this amendment. Thank you.

The SPEAKER. Does the gentleman, Mr. Masland, from Cumberland County seek recognition?

Mr. MASLAND. Thank you, Mr. Speaker.

The SPEAKER. Will the gentleman yield?

The conferees on the two side angles, please break up, and all the ones in between.

The gentleman, Mr. Masland.

Mr. MASLAND. Thank you, Mr. Speaker.

I share some of the concerns as raised by the previous speaker, Representative Druce, but I speak primarily as a member of the Pennsylvania Commission on Crime and Delinquency.

I would suggest that Mr. Sturla's proposal has some merit but that the mechanics need to be worked on, and I do not believe that this is the place to work on it. I would be happy to work with Mr. Sturla on this proposal. I know that he did speak to PCCLD some time ago, back in the earlier part of the year, but I do not think that all of the details have been worked out to the extent that this is something that we want to move ahead on today.

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Will the House agree to the amendment?

The following roll call was recorded:

YEA 80

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Calladrome	Cosider	Mundy	Tamaretti
Cappabianca	Diaby	Olase	Thomas
Carr	Halsaka	Oliver	Trello
Cassidy	Hershey	Peel	Urb
Cohen, M.	Irkin	Petrarca	Van Horn
Cotafella	James	Perone	Yoon
Cralzo	Josephs	Presron	Vitali
Corpora	Kantor	Ramos	Walker
Cowell	Kirkland	Reedshaw	Washington
Cox	Kukovich	Roberts	Williams

Curry Daly	LaGroua Laughlin	Robinson Rennay	Wozniak Youngblood
NAYS US			
Asaph	Feate	Minor	Sammel
Allen	Fichter	Marsico	Serafini
Argall	Fleagle	Mastand	Sheehan
Armstrong	Fleck	McGeehan	Smith, R.
Baker	Gelin	McGill	Smith, S. H.
Bald	George	Merr	Spencer, D. W.
Bales	Gladeck	Micozzie	Spies
Barnes	Gouldhall	Miller	Snell
Barnell	Grappo	Neffe	Stern
Blamm	Hanna	Nicole	Slich
Brosz	Hochstet	Nege	Strimmetter
Burkes II	Hosay	O'Brien	Suro
Carone	Hennessey	Bozell	Taylor, E. Z.
Chavylek	Herrman	Boni	Taylor, J.
Chisera	Hirshy	Phillips	Tigue
Clark	Hess	Pleoda	Tire
Clym	Hutchinson	Pits	Toil
Cohan, I. I.	Jadlowiec	Platz	Vance
Cornell	Kiefer	Raymond	Waugh
Cornel	Keller	Robert	Wozniak
Demopsey	Kerney	Richard	Wright, D. R.
Degloriano	King	Rieger	Wright, M. N.
Donatucci	Krebs	Robser	Yewick
Drace	Lavless	Rudley	Zimmerman
Dunham	Leader	Sutton	Zug
Egert	Leh	Seylon	Rean,
Lanschild	Liedt	Schuder	Susaker
Lange	Lisnich	Schuler	
Farmer	Nalband	Sermand	

NOT VOTING—0

EXCUSED—0

Hunt	Gruzica	Nabonch	Reebuck
Comigan	Michlovic	Pianola	Travaglio
Farna			

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. STURLA offered the following amendment No. A5483:

Amend Title, page 1, line 7, by inserting after "(a)" distribution of fines and forfeitures to municipalities for reduction of violence through community-based crime prevention and for

Amend Sec 1, page 1, line 7, by inserting after "Sections" § 274(b), § 274(b)(7)

Amend Sec. 1, page 1, by inserting between lines 9 and 10 § 3573, Commonwealth portion of fines, etc.

(b) Vehicle offenses.

(1) All fines, forfeited recognizances and other forfeitures imposed, lost or forfeited in connection with matters arising under Chapter 77 of Title 75 (relating to snowmobiles) shall unless

otherwise provided in Chapter 77 of Title 75 be payable to the Commonwealth.

(7) Except as provided in paragraph (4), when prosecution under any other provision of Title 75 (relating to vehicles) is the result of State Police action, all fines, forfeited recognizances and other forfeitures imposed, lost or forfeited shall be payable to the Commonwealth, for credit to the Motor License Fund. One-half of the revenue shall be paid to municipalities in the same ratio provided in section 4 of the act of June 1, 1926 (P.L.1944, No.655), relating to partial allocation of liquid fuels and fuel use tax proceeds.

(5) Except as provided in section 3573 (relating to municipal corporation portion of fines, etc.), when prosecution under any other provision of Title 75 is the result of local police action, [one-half of] all fines, forfeited recognizances and other forfeitures imposed, lost or forfeited shall be payable [to the Commonwealth, for credit to the Motor License Fund] to municipalities which have organized a municipal police department having at least one police officer or contracted for municipal police services with one or more municipalities.

(4) When prosecution under 75 Pa.C.S. § 1731 (relating to driving under influence of alcohol or controlled substance) is the result of State Police action, 50% of all fines, forfeited recognizances and other forfeitures imposed, lost or forfeited shall be payable to the Commonwealth, for credit to the Motor License Fund, and 50% shall be payable to the county which shall be further divided as follows:

- (i) Fifty percent of the moneys received shall be allocated to the appropriate county authority which implements the county drug and alcohol program to be used solely for the purposes of aiding programs promoting drug abuse and alcoholism prevention, education, treatment and research. Programs under this subparagraph include Project DARE (Drug and Alcohol Resistance Education).
- (ii) Fifty percent of the moneys received shall be used for expenditures incurred for county jails, prisons, workhouses and detention centers.

§ 3573. Municipal corporation portion of fines, etc.

(b) Vehicle offenses.

(2) Except as provided in paragraph (1), when prosecution under any other provision of Title 75 (except Chapter 77 (relating to snowmobiles)) is the result of local police action, [one-half of] all fines, forfeited recognizances and other forfeitures imposed, lost or forfeited shall be payable to the municipal corporation under which the local police are organized or which has contracted for municipal police service with one or more municipalities for reduction of 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 previous 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 Delinquency and that all the kinks might not have been worked out with the Pennsylvania Commission on Crime and Delinquency. While I believe that those comments are unfounded, what this amendment does is alleviate all those concerns, because

Curry Daly	LaGroua Laughlin	Robinson Rennay	Wozniak Youngblood
NAYS US			
Asaph	Feate	Minor	Sammel
Allen	Fichter	Marsico	Serafini
Argall	Fleagle	Mastand	Sheehan
Armstrong	Fleck	McGeehan	Smith, R.
Baker	Gelin	McGill	Smith, S. H.
Bald	George	Merr	Spencer, D. W.
Bales	Gladeck	Micozzie	Spies
Barnes	Gouldhall	Miller	Snell
Barnell	Grappo	Neffe	Stern
Blamm	Hanna	Nicole	Slich
Brosz	Hochstet	Nege	Strimmetter
Burkes II	Hosay	O'Brien	Suro
Carone	Hennessey	Bozell	Taylor, E. Z.
Chavylek	Herrman	Boni	Taylor, J.
Chisera	Hirshy	Phillips	Tigue
Clark	Hess	Pleoda	Tire
Clym	Hutchinson	Pits	Toil
Cohan, I. I.	Jadlowiec	Platz	Vance
Cornell	Kiefer	Raymond	Waugh
Cornel	Keller	Robert	Wozniak
Demopsey	Kerney	Richard	Wright, D. R.
Degloriano	King	Rieger	Wright, M. N.
Donatucci	Krebs	Robser	Yewick
Drace	Lavless	Rudley	Zimmerman
Dunham	Leader	Sutton	Zug
Egert	Leh	Seylon	Rean,
Lanschild	Liedt	Schuder	Susaker
Lange	Lisnich	Schuler	
Farmer	Nalband	Sermand	

NOT VOTING—0

EXCUSED—0

Hunt	Gruzica	Nabonch	Reebuck
Comigan	Michlovic	Pianola	Travaglio
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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.

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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 previous 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 Delinquency and that all the kinks might not have been worked out with the Pennsylvania Commission on Crime and Delinquency. While I believe that those comments are unfounded, what this amendment does is alleviate all those concerns, because

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 pay 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 bankrupt 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 SPEAKER. The gentleman, Mr. Piccola.

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 outright raid on the Motor License Fund. Right now these fines and costs go into the Motor License Fund, which as you all know we are discussing the possibility of enhancing, and this would require a further enhancement if we take those moneys out 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.

I urge the amendment be defeated.

The SPEAKER. The gentleman, Mr. Sturla.

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.

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

The following roll call was recorded:

YEA 80

Table listing names of members who voted 'YEA' for the amendment, including Bubko-Jones, Hefner, Helford, Bishop, Blaum, Basella, Boyce, Broxne, Buxton, Callagarene, Cappabianca, Cam, Cavley, Cohen, M., Colafella, Colalizo, Corpora, Cowell, Cox, Cury, Daley, DeLuca, Dempsie, Dent, Dermody, DiWise, Ealt, Grubbe, Gigliotti, Habay, Holaska, Ikin, James, Janolin, Josephs, Kober, Kirkland, Kukovich, LaGreca, Laughlin, Lesovier, Levitsky, Lueck, Mandelino, Markosek, Maxemik, McCall, Mello, Mello, Oliver, Pasi, Perreca, Petrone, Preston, Ramos, Rendshaw, Roberts, Robinson, Rooney, Samano, Shiner, Staback, Steelman, Steller, Sturla, Tagretti, Thomas, Tauc, Tello, Van Horn, Vero, Walko, Washington, Williams, Wogan, Wozniak, Youngblood.

NAYS—112

Table listing names of members who voted 'NAYS' for the amendment, including Adolph, Allen, Argall, Armstrong, Baker, Hand, Parley, Battisto, Birmelin, Brown, Bukowicz, Ciarro, Chadwick, Ciervo, Clark, Clymer, Cohen, L., Conti, Corneli, DeGirolamo, Donatucci, Duoc, Durham, Egolf, Fairchild, Fargas, Frazier, Feese, Fusiter, Fleagle, Fleck, Gannon, Geist, George, Gladock, Greshall, Gorbner, Gruppo, Hanna, Harhan, Hasay, Hennessy, Herman, Hershby, Hest, Hutchinson, Indusiewic, Jachowicz, Keller, Kenney, King, Krieger, Lawless, Ledera, Lech, Lloyd, Lynch, Maidland, Major, Marasco, Masland, McGeehan, McGill, Mary, McKezzie, Miller, Mundy, Naffor, Nukul, Nyce, O'Brien, Paezel, Perit, Phillips, Piccola, Pines, Platts, Raymond, Raber, Reardon, Riegar, Rohrer, Rubley, Rudy, Sather, Seichter, Seiders, Schuler, Schmitt, Semmel, Serafini, Sheehan, Smith, B., Smith, S. H., Snyder, D. W., Spais, Steil, Stern, Strimmarer, Surra, Taylor, L. Z., Taylor, J., Tios, Tios, Vance, Waugh, Wright, D. R., Wright, M. N., Yewick, Zimmerman, Zing, Ryan, Speaker.

NOT VOTING—1

Horsey

EXCUSED 9

Table listing names of members who were excused, including Hort, Corrigan, Evans, Gruliza, Michlovic, Mihalich, Pisella, 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?

Mr. PICCOLA offered the following amendment No. A5499:

Amend Sec. 1 (Sec. 9342), page 6, line 19, by striking out "No" and inserting: Except for first petitions filed under this subchapter by defendants whose sentences have been affirmed on direct appeal by the Supreme Court of Pennsylvania between January 1, 1994, and January 1, 1996, no

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 agreed to. It is compromise language which we are going to insert into the bill that should

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.

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NOT VOTING—1

Horsey

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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 agreed to. It is compromise language which we are going to insert into the bill that should

resolve some fears that have been raised concerning the stays of execution for appeals which have been affirmed by the Supreme Court on direct appeal from the 1st of January of 1994 to the 1st of January of 1996, which would be the effective date of this act.

I would urge the adoption of the amendment.

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

The following roll call was recorded:

YEAS—193

- Adolph, Allen, Amis, Amisstrong, Baker, Baird, Barley, Battista, Bekko-Jones, Bellardi, Bellardi, Birmello, Bishop, Blaum, Bossola, Boyce, Brown, Brinson, Brinkovitz, Buxton, Collagisone, Cappabianca, Carr, Carone, Cavaly, Chadwick, Craven, Clark, Clymer, Cohen, L. E., Cohen, M., Colabella, Colatizo, Conn, Cornell, Corpora, Cowell, Coy, Cury, Daloz, DeLous, Dempsey, Deul, Dermody, DeWense, DiGrolamo, Donarucci, Drice, Durham, Eagle, Fairchild, Fair, Farjo, Farnes, Fazio, Fleagle, Flick, Franco-Jones, Gambale, Gannon, Grist, George, Gigliotti, Gladock, Godshall, Godwin, Grappo, Hahoy, Hahnaka, Hannan, Harhart, Haray, Haraway, Harmon, Harnsey, Heas, Horsey, Hutchinson, Ikin, Indlowice, James, Jarolin, Joseph, Kaiser, Keller, Kenner, King, Kirkland, Kohls, Kubovich, LaRocca, Laughlin, Lassless, Lester, Loh, Lussanarz, Lovdinsky, Loya, Lynch, Maitland, Major, Manderino, Marascio, Marland, Mayerink, McCall, McCasban, McGill, Melio, Merry, Miccozzie, Miller, Mundy, Nadler, Nickel, Nyea, O'Brien, Olasz, Oliver, Ornel, Pardo, Phillips, Piccolo, Pitts, Platis, Preston, Ramos, Raymond, Reston, Reiser, Reinard, Resner, Roberts, Robinson, Rolosa, Rooney, Rubby, Rudy, Salinas, Santani, Sathie, Saylor, Schroder, Schuly, Scimmenti, Semmel, Serafini, Shauer, Sheridan, Smith, B., Smith, S. H., Snyder, D. W., Straback, Starn, Stelman, Stril, Stern, Suttler, Sush, Strumatter, Stuts, Surra, Tangredi, Tashler, F. Z., Taylor, J., Thomas, Tighe, Tiller, Truc, Tull, Vance, Van Horns, Vash, Verali, Walke, Washington, Waugh, Williams, Wong, Wozniak, Wright, D. R., Wright, M. N., Yewick, Youngblood, Zimmerman, Zuz, Ryan, Speaker

NAYS—0

NOT VOTING—0

EXCUSED 9

- Burt Corrigan Evans, Cruteza Michlovic, Mihalich Pirella, Roebuck Travaglio

The majority having voted in the affirmative, the question was 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. PICCOLA offered the following amendment No. A5500:

Amend Sec. 2 (Sec. 9575), page 12, line 12, by striking out "no" and inserting:

or Amend Sec. 2 (Sec. 9575), page 12, line 13, by removing the period after "warranted" and inserting: on any compromised previously unresolved factual issues material to petitioner's conviction on sentence.

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

The SPEAKER. On the question of the adoption of the Piccola amendment, A5500, the gentleman, Mr. Piccola, is recognized.

Mr. PICCOLA. Again, Mr. Speaker, I believe this amendment is agreed to. It is compromise language to resolve the fears of some who are concerned about the availability of a hearing when the court fails to issue a written order within the time limits that are contained in SB 81.

I would urge the adoption of the amendment.

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

The following roll call was recorded:

YEAS—192

- Adolph, Allen, Amis, Amisstrong, Baker, Baird, Barley, Battista, Bekko-Jones, Bellardi, Bellardi, Birmello, Bishop, Blaum, Bossola, Boyce, Brown, Brinson, Brinkovitz, Buxton, Collagisone, Cappabianca, Carr, Carone, Cavaly, Chadwick, Craven, Clark, Clymer, Cohen, L. E., Cohen, M., Colabella, Colatizo, Conn, Cornell, Corpora, Cowell, Coy, Cury, Daloz, DeLous, Dempsey, Deul, Dermody, DeWense, DiGrolamo, Donarucci, Drice, Durham, Eagle, Fairchild, Fair, Farjo, Farnes, Fazio, Fleagle, Flick, Franco-Jones, Gambale, Gannon, Grist, George, Gigliotti, Gladock, Godshall, Godwin, Grappo, Hahoy, Hahnaka, Hannan, Harhart, Haray, Haraway, Harmon, Harnsey, Heas, Horsey, Hutchinson, Ikin, Indlowice, James, Jarolin, Joseph, Kaiser, Keller, Kenner, King, Kirkland, Kohls, Kubovich, LaRocca, Laughlin, Lassless, Lester, Loh, Lussanarz, Lovdinsky, Loya, Lynch, Maitland, Major, Manderino, Marascio, Marland, Mayerink, McCall, McCasban, McGill, Melio, Merry, Miccozzie, Miller, Mundy, Nadler, Nickel, Nyea, O'Brien, Olasz, Oliver, Ornel, Pardo, Phillips, Piccolo, Pitts, Platis, Preston, Ramos, Raymond, Reston, Reiser, Reinard, Resner, Roberts, Robinson, Rolosa, Rooney, Rubby, Rudy, Salinas, Santani, Sathie, Saylor, Schroder, Schuly, Scimmenti, Semmel, Serafini, Shauer, Sheridan, Smith, B., Smith, S. H., Snyder, D. W., Straback, Starn, Stelman, Stril, Stern, Suttler, Sush, Strumatter, Stuts, Surra, Tangredi, Tashler, F. Z., Taylor, J., Thomas, Tighe, Tiller, Truc, Tull, Vance, Van Horns, Vash, Verali, Walke, Washington, Waugh, Williams, Wong, Wozniak, Wright, D. R., Wright, M. N., Yewick, Youngblood, Zimmerman, Zuz, Ryan, Speaker

resolve some fears that have been raised concerning the stays of execution for appeals which have been affirmed by the Supreme Court on direct appeal from the 1st of January of 1994 to the 1st of January of 1996, which would be the effective date of this act.

I would urge the adoption of the amendment.

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

The following roll call was recorded:

YEAS—193

- Adolph, Allen, Amis, Amisstrong, Baker, Baird, Barley, Battista, Bekko-Jones, Bellardi, Bellardi, Birmello, Bishop, Blaum, Bossola, Boyce, Brown, Brinson, Brinkovitz, Buxton, Collagisone, Cappabianca, Carr, Carone, Cavaly, Chadwick, Craven, Clark, Clymer, Cohen, L. E., Cohen, M., Colabella, Colatizo, Conn, Cornell, Corpora, Cowell, Coy, Cury, Daloz, DeLous, Dempsey, Deul, Dermody, DeWense, DiGrolamo, Donarucci, Drice, Durham, Eagle, Fairchild, Fair, Farjo, Farnes, Fazio, Fleagle, Flick, Franco-Jones, Gambale, Gannon, Grist, George, Gigliotti, Gladock, Godshall, Godwin, Grappo, Hahoy, Hahnaka, Hannan, Harhart, Haray, Haraway, Harmon, Harnsey, Heas, Horsey, Hutchinson, Ikin, Indlowice, James, Jarolin, Joseph, Kaiser, Keller, Kenner, King, Kirkland, Kohls, Kubovich, LaRocca, Laughlin, Lassless, Lester, Loh, Lussanarz, Lovdinsky, Loya, Lynch, Maitland, Major, Manderino, Marascio, Marland, Mayerink, McCall, McCasban, McGill, Melio, Merry, Miccozzie, Miller, Mundy, Nadler, Nickel, Nyea, O'Brien, Olasz, Oliver, Ornel, Pardo, Phillips, Piccolo, Pitts, Platis, Preston, Ramos, Raymond, Reston, Reiser, Reinard, Resner, Roberts, Robinson, Rolosa, Rooney, Rubby, Rudy, Salinas, Santani, Sathie, Saylor, Schroder, Schuly, Scimmenti, Semmel, Serafini, Shauer, Sheridan, Smith, B., Smith, S. H., Snyder, D. W., Straback, Starn, Stelman, Stril, Stern, Suttler, Sush, Strumatter, Stuts, Surra, Tangredi, Tashler, F. Z., Taylor, J., Thomas, Tighe, Tiller, Truc, Tull, Vance, Van Horns, Vash, Verali, Walke, Washington, Waugh, Williams, Wong, Wozniak, Wright, D. R., Wright, M. N., Yewick, Youngblood, Zimmerman, Zuz, Ryan, Speaker

NAYS—0

NOT VOTING—0

EXCUSED 9

- Burt Corrigan Evans, Cruteza Michlovic, Mihalich Pirella, Roebuck Travaglio

The majority having voted in the affirmative, the question was 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. PICCOLA offered the following amendment No. A5500:

Amend Sec. 2 (Sec. 9575), page 12, line 12, by striking out "no" and inserting:

or Amend Sec. 2 (Sec. 9575), page 12, line 13, by removing the period after "warranted" and inserting: on any compromised previously unresolved factual issues material to petitioner's conviction on sentence.

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

The SPEAKER. On the question of the adoption of the Piccola amendment, A5500, the gentleman, Mr. Piccola, is recognized.

Mr. PICCOLA. Again, Mr. Speaker, I believe this amendment is agreed to. It is compromise language to resolve the fears of some who are concerned about the availability of a hearing when the court fails to issue a written order within the time limits that are contained in SB 81.

I would urge the adoption of the amendment.

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

The following roll call was recorded:

YEAS—192

- Adolph, Allen, Amis, Amisstrong, Baker, Baird, Barley, Battista, Bekko-Jones, Bellardi, Bellardi, Birmello, Bishop, Blaum, Bossola, Boyce, Brown, Brinson, Brinkovitz, Buxton, Collagisone, Cappabianca, Carr, Carone, Cavaly, Chadwick, Craven, Clark, Clymer, Cohen, L. E., Cohen, M., Colabella, Colatizo, Conn, Cornell, Corpora, Cowell, Coy, Cury, Daloz, DeLous, Dempsey, Deul, Dermody, DeWense, DiGrolamo, Donarucci, Drice, Durham, Eagle, Fairchild, Fair, Farjo, Farnes, Fazio, Fleagle, Flick, Franco-Jones, Gambale, Gannon, Grist, George, Gigliotti, Gladock, Godshall, Godwin, Grappo, Hahoy, Hahnaka, Hannan, Harhart, Haray, Haraway, Harmon, Harnsey, Heas, Horsey, Hutchinson, Ikin, Indlowice, James, Jarolin, Joseph, Kaiser, Keller, Kenner, King, Kirkland, Kohls, Kubovich, LaRocca, Laughlin, Lassless, Lester, Loh, Lussanarz, Lovdinsky, Loya, Lynch, Maitland, Major, Manderino, Marascio, Marland, Mayerink, McCall, McCasban, McGill, Melio, Merry, Miccozzie, Miller, Mundy, Nadler, Nickel, Nyea, O'Brien, Olasz, Oliver, Ornel, Pardo, Phillips, Piccolo, Pitts, Platis, Preston, Ramos, Raymond, Reston, Reiser, Reinard, Resner, Roberts, Robinson, Rolosa, Rooney, Rubby, Rudy, Salinas, Santani, Sathie, Saylor, Schroder, Schuly, Scimmenti, Semmel, Serafini, Shauer, Sheridan, Smith, B., Smith, S. H., Snyder, D. W., Straback, Starn, Stelman, Stril, Stern, Suttler, Sush, Strumatter, Stuts, Surra, Tangredi, Tashler, F. Z., Taylor, J., Thomas, Tighe, Tiller, Truc, Tull, Vance, Van Horns, Vash, Verali, Walke, Washington, Waugh, Williams, Wong, Wozniak, Wright, D. R., Wright, M. N., Yewick, Youngblood, Zimmerman, Zuz, Ryan, Speaker

Cappabianca	Harlet	Oliver	Taylor, E. Z.
Carr	Hazy	Perzel	Taylor, J.
Carone	Hemminger	Perci	Thomas
Cawley	Herman	Petrarca	Ligno
Chadwick	Hershey	Pasquini	Trefin
Civiero	Hess	Perry	Trefin
Clark	Hutchinson	Phillips	True
Clymer	Ikin	Piccola	Falli
Cohen, L. I.	Jadlowiec	Pills	Vanoc
Cohen, M.	James	Pitts	Van Home
Colafarina	Jarolim	Plesner	Vann
Colaizzo	Joselitis	Ramos	Vitali
Condi	Kaiser	Raymond	Walke
Cornell	Kelley	Reidbaw	Washington
Corpora	Kennedy	Rohrer	Washolt
Cowell	King	Reinard	Williams
Cox	Kirkland	Rieger	Wogan
Cure	Krebs	Kobena	Wozniak
Daley	Kukovich	Robinson	Wright, D. R.
DeLuca	Lafrota	Rofino	Wright, M. N.
Dempsy	Laughlin	Rodrig	Yevick
Dent	Lavaca	Rubley	Youngblood
Dermoddy	Leberer	Rudy	Zimmerman
DeWiese	Leh	Salmato	Zing
D'Ercole	Lecovitz	Santoni	
Domatucci	Lecovitsky	Sather	Ryan
Drice	Lloyd	Saylor	Speaker
Durbam	Lusyk		

NAYS 0

NOT VOTING -1

Horses

EXCUSED—9

Hunt	Groffiz	Mihalich	Roebuck
Corrigan	Micholice	Distella	Travaglio
Evans			

The majority having voted in the affirmative, the question was 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. DERMODDY 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 noncapital cases, discovery shall be permitted only upon leave of the court. In capital cases, discovery shall be permitted and no reasonable discovery request of the petitioner shall be denied except upon demonstration of exceptional circumstances justifying denial of the 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 petitioner shall be denied except upon demonstration of exceptional circumstances justifying denial of the discovery request.

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

PARLIAMENTARY INQUIRY AMENDMENT DIVIDED

The SPEAKER, Mr. Dermody, it is my understanding that you are going to move to divide this amendment? Mr. DERMODDY. That is correct, Mr. Speaker. The SPEAKER. Would you advise the Chair at what point you would wish this division to take place? Mr. DERMODDY. Mr. Speaker, I would like 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 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. DERMODDY. 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. DERMODDY. Thank you, Mr. Speaker. Mr. Speaker, all this amendment does is allow in capital cases, allow the petitioner right to discovery unless the district attorney can show exceptional circumstances why discovery should be denied. I 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

Adolph	Esolf	Lusyk	Schroeder
Allen	Fairbaird	Lynch	Schuler
Angill	Fajit	Maitland	Serameon
Armstrong	Fargo	Mayer	Scummi
Baker	Ferraro	Mantarmis	Scutini
Bard	Fessa	Markonik	Schwarz
Borles	Fichter	Norisco	Shelton
Battista	Ficigale	Mostant	Smith, B.
Bubke, Jones	Fink	Mayemik	Smith, S. H.
Bullock	Gamble	McCall	Spider, D. W.
Belfoni	Gannon	McGeehan	Straback
Birmelin	Geist	McGill	Strais
Bishop	George	Mello	Stratton
Blaum	Gigliotto	Mery	Stull
Broschi	Gladek	McGeezie	Stern
Boyer	Godshall	Miller	Stevens
Brown	Gordina	Moody	Stra
Bruscia	Gruppo	Naffor	Strittmayer
Burkhardt	Haback	Nickol	Stulla
Buston	Haraska	Nyco	Suffa
Calagione	Hanan	O'Brien	Langretti
Cappabianca	Harhart	Olase	Taylor, E. Z.
Carr	Hasy	Oliver	Taylor, J.

Cappabianca	Harlet	Oliver	Taylor, E. Z.
Carr	Hazy	Perzel	Taylor, J.
Carone	Hemminger	Perci	Thomas
Cawley	Herman	Petrarca	Ligno
Chadwick	Hershey	Pasquini	Trefin
Civiero	Hess	Perry	Trefin
Clark	Hutchinson	Phillips	True
Clymer	Ikin	Piccola	Falli
Cohen, L. I.	Jadlowiec	Pills	Vanoc
Cohen, M.	James	Pitts	Van Home
Colafarina	Jarolim	Plesner	Vann
Colaizzo	Joselitis	Ramos	Vitali
Condi	Kaiser	Raymond	Walke
Cornell	Kelley	Reidbaw	Washington
Corpora	Kennedy	Rohrer	Washolt
Cowell	King	Reinard	Williams
Cox	Kirkland	Rieger	Wogan
Cure	Krebs	Kobena	Wozniak
Daley	Kukovich	Robinson	Wright, D. R.
DeLuca	Lafrota	Rofino	Wright, M. N.
Dempsy	Laughlin	Rodrig	Yevick
Dent	Lavaca	Rubley	Youngblood
Dermoddy	Leberer	Rudy	Zimmerman
DeWiese	Leh	Salmato	Zing
D'Ercole	Lecovitz	Santoni	
Domatucci	Lecovitsky	Sather	Ryan
Drice	Lloyd	Saylor	Speaker
Durbam	Lusyk		

NAYS 0

NOT VOTING -1

Horses

EXCUSED—9

Hunt	Groffiz	Mihalich	Roebuck
Corrigan	Micholice	Distella	Travaglio
Evans			

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

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Mr. DERMODDY offered the following amendment No. A5547:

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

PARLIAMENTARY INQUIRY AMENDMENT DIVIDED

The SPEAKER, Mr. Dermody, it is my understanding that you are going to move to divide this amendment? Mr. DERMODDY. That is correct, Mr. Speaker. The SPEAKER. Would you advise the Chair at what point you would wish this division to take place? Mr. DERMODDY. Mr. Speaker, I would like 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 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. DERMODDY. 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. DERMODDY. Thank you, Mr. Speaker. Mr. Speaker, all this amendment does is allow in capital cases, allow the petitioner right to discovery unless the district attorney can show exceptional circumstances why discovery should be denied. I 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

Adolph	Esolf	Lusyk	Schroeder
Allen	Fairbaird	Lynch	Schuler
Angill	Fajit	Maitland	Serameon
Armstrong	Fargo	Mayer	Scummi
Baker	Ferraro	Mantarmis	Scutini
Bard	Fessa	Markonik	Schwarz
Borles	Fichter	Norisco	Shelton
Battista	Ficigale	Mostant	Smith, B.
Bubke, Jones	Fink	Mayemik	Smith, S. H.
Bullock	Gamble	McCall	Spider, D. W.
Belfoni	Gannon	McGeehan	Straback
Birmelin	Geist	McGill	Strais
Bishop	George	Mello	Stratton
Blaum	Gigliotto	Mery	Stull
Broschi	Gladek	McGeezie	Stern
Boyer	Godshall	Miller	Stevens
Brown	Gordina	Moody	Stra
Bruscia	Gruppo	Naffor	Strittmayer
Burkhardt	Haback	Nickol	Stulla
Buston	Haraska	Nyco	Suffa
Calagione	Hanan	O'Brien	Langretti
Cappabianca	Harhart	Olase	Taylor, E. Z.
Carr	Hasy	Oliver	Taylor, J.



Carone	Hennessey	Perce	Thomas
Cawley	Herman	Piccol	Viguc
Chudwick	Hershey	Pieronia	Dello
Cavera	Hess	Petrone	Loch
Clark	Horsley	DeLu	True
Clymer	Hutchinson	Phillips	Tull
Cohen, L. J.	Irvin	Piccola	Vazco
Cohen, M.	Jadlovsky	Pore	Van Home
Colabella	James	Preston	Veal
Colangelo	Jarolin	Ramos	Venti
Corn	Josephs	Raymond	Washington
Cornel	Kaspr	Reidshias	Wough
Corpora	Keller	Reber	Williams
Coselli	Kennedy	Reinard	Wegan
Coy	King	Rieger	Wozniak
Curey	Kirkland	Roberts	Wright, D. R.
Daley	Krebs	Robinson	Wright, M. N.
Daluga	Kukovich	Rollas	Yavvic
Dempsey	LaGroma	Rooney	Youngblood
Derr	Laughlin	Rubley	Zimmerman
Dermody	Lawless	Ruds	Zig
DeWane	Lasker	Sainato	
DiCicciolano	Leh	Santoni	
Domenech	Lesovitz	Satler	
Drucci	Lewandovsky	Saylor	
Dutham	Lloyd		

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

The SPEAKER. The gentleman, Mr. Dermody, is recognized in connection with that amendment.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, this bill as it is currently drafted creates another unfunded mandate on our counties. In a capital case, our county government will be responsible for paying for the district attorney, the defense attorney, and if this bill passes as is and if the defendant is convicted, they will have to pay for a third attorney to help with the appeals. The result is, if a person is convicted of a murder and sentenced to death, his trial attorney will be responsible for conducting the appeal, the direct appeal will be paid for by the county, and this bill requires the county immediately after sentencing to appoint an additional attorney to represent that defendant on what is called a collateral appeal that is usually arguing ineffective assistance of counsel. So our counties will be paying for one lawyer to take a direct appeal and will be paying for another lawyer to say that lawyer who is taking the direct appeal is ineffective.

Now, if we want to do this, we should at least give the counties the wherewithal to pay for all this, because we are going to require them to spend a significant amount of additional moneys that they are not spending 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 they will be incurring 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 funding for the defense attorneys that the counties will be required to provide.

The Pennsylvania Bar Association and the Philadelphia Bar Association support this amendment.

The SPEAKER. The gentleman, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

I would probably agree with the last statement of the gentleman that the bar associations support this, because this is a major subsidy for lawyers. I urge that we defeat this amendment.

The reason that I suggest that we defeat this amendment is, first of all, there is no guarantee that the funds that the gentleman would appropriate are going to go to the counties. In fact, the language in the amendment says that it goes to the Attorney General and the Supreme Court. The Attorney General does not work in this area. They do not handle these appeals. So that appropriation is not necessary. The \$500,000 that goes to the Supreme Court, I am not sure what or how those funds are going to get down to our counties, but there is certainly no language in this amendment that would guarantee that.

If it appears after the operation of this bill when it becomes law, there are additional costs to the counties, and it is far from certain that there will be because we are only talking about certain capital cases where we have created a new system of appeals, and usually, there should be less cost because these will be unitary appeals. One appeal should do it all with respect to the State appeals. If, however, there are additional costs to the counties, and as I said, it is far from clear that that is going to be the case, then I think we should take that matter up in the ordinary course of our appropriations process. We should not speculate on what those costs are going to be. Give money to the Pennsylvania Supreme Court and then let them spread it around the Commonwealth like

NAYS-0  
NOT VOTING-0  
EXCUSED-9

Burt	Guirra	Mihalich	Roebuck
Corrigan	Nichols	Pistella	Travaglio
Evans			

The majority having voted in the affirmative, the question was determined in the affirmative and part 2 of the amendment 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" and inserting:  
and making appropriations—

Amend Bill, page 15, by inserting between lines 4 and 5  
Section 3. (a) The sum of \$500,000, or as much thereof as may be necessary, is hereby appropriated to the Office of Attorney General to handle capital appeals in Federal and State courts for the current fiscal year.

(b) The sum of \$500,000, or as much thereof as may be necessary, is hereby appropriated to the Supreme Court for payment of compensation and reasonable and necessary expenses authorized under 42 Pa.C.S. § 9572.

(c) The appropriations in subsections (a) and (b) shall not lapse at the end of the current fiscal year but shall continue for two fiscal years.

Amend Sec. 3, page 15, line 5, by striking out "3" and inserting:  
4

Amend Sec. 4, page 15, line 17, by striking out "4" and inserting:  
5

Carone	Hennessey	Perce	Thomas
Cawley	Herman	Piccol	Viguc
Chudwick	Hershey	Pieronia	Dello
Cavera	Hess	Petrone	Loch
Clark	Horsley	DeLu	True
Clymer	Hutchinson	Phillips	Tull
Cohen, L. J.	Irvin	Piccola	Vazco
Cohen, M.	Jadlovsky	Pore	Van Home
Colabella	James	Preston	Veal
Colangelo	Jarolin	Ramos	Venti
Corn	Josephs	Raymond	Washington
Cornel	Kaspr	Reidshias	Wough
Corpora	Keller	Reber	Williams
Coselli	Kennedy	Reinard	Wegan
Coy	King	Rieger	Wozniak
Curey	Kirkland	Roberts	Wright, D. R.
Daley	Krebs	Robinson	Wright, M. N.
Daluga	Kukovich	Rollas	Yavvic
Dempsey	LaGroma	Rooney	Youngblood
Derr	Laughlin	Rubley	Zimmerman
Dermody	Lawless	Ruds	Zig
DeWane	Lasker	Sainato	
DiCicciolano	Leh	Santoni	
Domenech	Lesovitz	Satler	
Drucci	Lewandovsky	Saylor	
Dutham	Lloyd		

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

The SPEAKER. The gentleman, Mr. Dermody, is recognized in connection with that amendment.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, this bill as it is currently drafted creates another unfunded mandate on our counties. In a capital case, our county government will be responsible for paying for the district attorney, the defense attorney, and if this bill passes as is and if the defendant is convicted, they will have to pay for a third attorney to help with the appeals. The result is, if a person is convicted of a murder and sentenced to death, his trial attorney will be responsible for conducting the appeal, the direct appeal will be paid for by the county, and this bill requires the county immediately after sentencing to appoint an additional attorney to represent that defendant on what is called a collateral appeal that is usually arguing ineffective assistance of counsel. So our counties will be paying for one lawyer to take a direct appeal and will be paying for another lawyer to say that lawyer who is taking the direct appeal is ineffective.

Now, if we want to do this, we should at least give the counties the wherewithal to pay for all this, because we are going to require them to spend a significant amount of additional moneys that they are not spending 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 they will be incurring 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 funding for the defense attorneys that the counties will be required to provide.

The Pennsylvania Bar Association and the Philadelphia Bar Association support this amendment.

The SPEAKER. The gentleman, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

I would probably agree with the last statement of the gentleman that the bar associations support this, because this is a major subsidy for lawyers. I urge that we defeat this amendment.

The reason that I suggest that we defeat this amendment is, first of all, there is no guarantee that the funds that the gentleman would appropriate are going to go to the counties. In fact, the language in the amendment says that it goes to the Attorney General and the Supreme Court. The Attorney General does not work in this area. They do not handle these appeals. So that appropriation is not necessary. The \$500,000 that goes to the Supreme Court, I am not sure what or how those funds are going to get down to our counties, but there is certainly no language in this amendment that would guarantee that.

If it appears after the operation of this bill when it becomes law, there are additional costs to the counties, and it is far from certain that there will be because we are only talking about certain capital cases where we have created a new system of appeals, and usually, there should be less cost because these will be unitary appeals. One appeal should do it all with respect to the State appeals. If, however, there are additional costs to the counties, and as I said, it is far from clear that that is going to be the case, then I think we should take that matter up in the ordinary course of our appropriations process. We should not speculate on what those costs are going to be. Give money to the Pennsylvania Supreme Court and then let them spread it around the Commonwealth like

NAYS-0  
NOT VOTING-0  
EXCUSED-9

Burt	Guirra	Mihalich	Roebuck
Corrigan	Nichols	Pistella	Travaglio
Evans			

The majority having voted in the affirmative, the question was determined in the affirmative and part 2 of the amendment 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" and inserting:  
and making appropriations—

Amend Bill, page 15, by inserting between lines 4 and 5  
Section 3. (a) The sum of \$500,000, or as much thereof as may be necessary, is hereby appropriated to the Office of Attorney General to handle capital appeals in Federal and State courts for the current fiscal year.

(b) The sum of \$500,000, or as much thereof as may be necessary, is hereby appropriated to the Supreme Court for payment of compensation and reasonable and necessary expenses authorized under 42 Pa.C.S. § 9572.

(c) The appropriations in subsections (a) and (b) shall not lapse at the end of the current fiscal year but shall continue for two fiscal years.

Amend Sec. 3, page 15, line 5, by striking out "3" and inserting:  
4

Amend Sec. 4, page 15, line 17, by striking out "4" and inserting:  
5

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

The SPEAKER. The gentleman, Mr. Dermody, is recognized in connection with that amendment.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, this bill as it is currently drafted creates another unfunded mandate on our counties. In a capital case, our county government will be responsible for paying for the district attorney, the defense attorney, and if this bill passes as is and if the defendant is convicted, they will have to pay for a third attorney to help with the appeals. The result is, if a person is convicted of a murder and sentenced to death, his trial attorney will be responsible for conducting the appeal, the direct appeal will be paid for by the county, and this bill requires the county immediately after sentencing to appoint an additional attorney to represent that defendant on what is called a collateral appeal that is usually arguing ineffective assistance of counsel. So our counties will be paying for one lawyer to take a direct appeal and will be paying for another lawyer to say that lawyer who is taking the direct appeal is ineffective.

Now, if we want to do this, we should at least give the counties the wherewithal to pay for all this, because we are going to require them to spend a significant amount of additional moneys that they are not spending 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 they will be incurring 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 funding for the defense attorneys that the counties will be required to provide.

The Pennsylvania Bar Association and the Philadelphia Bar Association support this amendment.

The SPEAKER. The gentleman, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

I would probably agree with the last statement of the gentleman that the bar associations support this, because this is a major subsidy for lawyers. I urge that we defeat this amendment.

The reason that I suggest that we defeat this amendment is, first of all, there is no guarantee that the funds that the gentleman would appropriate are going to go to the counties. In fact, the language in the amendment says that it goes to the Attorney General and the Supreme Court. The Attorney General does not work in this area. They do not handle these appeals. So that appropriation is not necessary. The \$500,000 that goes to the Supreme Court, I am not sure what or how those funds are going to get down to our counties, but there is certainly no language in this amendment that would guarantee that.

If it appears after the operation of this bill when it becomes law, there are additional costs to the counties, and it is far from certain that there will be because we are only talking about certain capital cases where we have created a new system of appeals, and usually, there should be less cost because these will be unitary appeals. One appeal should do it all with respect to the State appeals. If, however, there are additional costs to the counties, and as I said, it is far from clear that that is going to be the case, then I think we should take that matter up in the ordinary course of our appropriations process. We should not speculate on what those costs are going to be. Give money to the Pennsylvania Supreme Court and then let them spread it around the Commonwealth like

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

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

The following roll call was recorded:

YEAS—87

Table listing names of members who voted 'YEAS' (87 total). Includes names like Battista, DeWeese, Lloyd, Scrimanti, etc.

NAYS 105

Table listing names of members who voted 'NAYS' (105 total). Includes names like Adolph, Fargo, Marsilio, Schuler, etc.

NOT VOTING 1

Caro

EXCUSED 9

Table listing names of members who were excused: Bont, Grunza, Mihalich, Reebuck, Carigan, Medlovic, Pistella, Trivaglio, Evans.

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?

Mr. THOMAS. Yes, sir. On the question recurring, Will the House agree to the bill on third consideration as amended?

Mr. THOMAS offered the following amendment No. A5553: Amend 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 the gentleman, Mr. Thomas.

Mr. THOMAS. 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 intent of this legislation to change the law whatsoever with regard to a defendant's right to file a nunc pro tunc appeal where the prior counsel failed to preserve the defendant's right to appeal.

I would urge that this amendment be defeated, 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.

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, I 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.

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

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

The following roll call was recorded:

YEAS—87

Table listing names of members who voted 'YEAS' (87 total). Includes names like Battista, DeWeese, Lloyd, Scrimanti, etc.

NAYS 105

Table listing names of members who voted 'NAYS' (105 total). Includes names like Adolph, Fargo, Marsilio, Schuler, etc.

NOT VOTING 1

Caro

EXCUSED 9

Table listing names of members who were excused: Bont, Grunza, Mihalich, Reebuck, Carigan, Medlovic, Pistella, Trivaglio, Evans.

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?

Mr. THOMAS. Yes, sir. On the question recurring, Will the House agree to the bill on third consideration as amended?

Mr. THOMAS offered the following amendment No. A5553: Amend 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 the gentleman, Mr. Thomas.

Mr. THOMAS. 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 intent of this legislation to change the law whatsoever with regard to a defendant's right to file a nunc pro tunc appeal where the prior counsel failed to preserve the defendant's right to appeal.

I would urge that this amendment be defeated, 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.

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, I 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.

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. Piccola,  
 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 liable and totally eliminate the death penalty  
 in all cases.  
 I think this amendment is ill conceived and should be defeated.  
 The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—68

Hebl	George	Manderino	Serimont
Delardi	Gigliotti	Markosef	Shaur
Belloni	Hanna	Magomik	Staback
Bishop	Hershey	McCall	Stelmom
Birkovitz	Hick	McCoshan	Stetter
Calzagione	James	Stello	Strella
Cappabianca	Jarolin	Olase	Tangredi
Carr	Joseph	Oliver	Thomas
Cawley	Keller	Pent	Tigue
Cutler, M.	Kirkland	Peterson	Trelo
Colafella	Kukovich	Perrone	Loeb
Colazzo	Lafrota	Ramos	Van Horn
Cowell	Laughlin	Randazzo	Veon
Dales	Lederer	Reid	Walke
DeLeon	Lescosky	Ricco	Washington
Dermody	Lisowsky	Robinson	Williams
DeWeese	Lynch	Sabatino	Youngblood

NAYS—125

Adolph	Faell	Lloyd	Schroder
Allen	Fairchild	Lynch	Schuler
Argall	Fajt	Mahlard	Sammel
Armstrong	Fargo	Major	Serafini
Baker	Farron	Mansueti	Sheehan
Bard	Ferre	Martini	Smith, B.
Barley	Fisher	McCall	Smith, S. H.
Barnette	Flaigle	Mery	Spencer, D. W.
Berman	Frick	Milgazzo	Statis
Blaum	Gamble	Miller	Stell
Brescote	Gannon	Nandy	Sera
Bryce	Gent	Negro	Stish
Brown	Gindick	Nickel	Strommer
Browne	Godshall	Spice	Suzra
Burton	Gruber	Chirban	Taylor, L. Z.
Carone	Gruppo	Paegel	Taylor, J.
Chadwick	Habas	Perrin	Tran
Civone	Habusko	Phillips	Tull
Coble	Hartman	Piretta	Vance
Cornier	Hess	Pinto	Vitali
Cohen, J. L.	Hennessy	Platt	Wough
Corni	Herman	Rapinotto	Wozniak
Cornell	Hershey	Rasler	Wozniak
Carpina	Hess	Reinard	Wright, D. R.
Coy	Hutchinson	Roberts	Wright, M. N.
Cruz	Jadlovsky	Roher	Yevick
Dampas	Kasper	Rozney	Zimmerman

Dent	Kerney	Rubley	Zug
DiGirolamo	King	Rud	Ryan,
Donatucci	Krebs	Santoni	Speaker
Druce	Lawless	Scher	
Durham	Lodi	Saylor	

NOT VOTING—0

EXCUSED 9

Hunt	Grutza	Mihalich	Roebuck
Corrigan	Michiovic	Pistella	Travaglio
Evans			

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. THOMAS offered the following amendment No. A5554:

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

*A petition may be dismissed due to delay in the  
 filing by the petitioner only after a hearing upon a  
 motion to dismiss.*

On the question,  
 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 best 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 hurt the bill to have it in it, and so I would urge the House  
 to adopt the amendment.

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

The following roll call was recorded:

YEAS 193

Adolph	Faell	Lynch	Schroder
Allen	Fairchild	Mahlard	Schuler
Argall	Fajt	Major	Sammel
Armstrong	Fargo	Mansueti	Serafini
Baker	Farron	Martini	Sheehan
Bard	Ferre	McCall	Smith, B.
	Fisher	McCall	Smith, S. H.
	Flaigle	Mery	Spencer, D. W.
	Frick	Milgazzo	Statis
	Gamble	Miller	Stell
	Gannon	Nandy	Sera
	Gent	Negro	Stish
	Gindick	Nickel	Strommer
	Godshall	Spice	Suzra
	Gruber	Chirban	Taylor, L. Z.
	Gruppo	Paegel	Taylor, J.
	Habas	Perrin	Tran
	Habusko	Phillips	Tull
	Hartman	Piretta	Vance
	Hess	Pinto	Vitali
	Hennessy	Platt	Wough
	Herman	Rapinotto	Wozniak
	Hershey	Rasler	Wozniak
	Hess	Reinard	Wright, D. R.
	Hutchinson	Roberts	Wright, M. N.
	Jadlovsky	Roher	Yevick
	Kasper	Rozney	Zimmerman

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. Piccola,  
 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 liable and totally eliminate the death penalty  
 in all cases.  
 I think this amendment is ill conceived and should be defeated.  
 The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—68

Hebl	George	Manderino	Serimont
Delardi	Gigliotti	Markosef	Shaur
Belloni	Hanna	Magomik	Staback
Bishop	Hershey	McCall	Stelmom
Birkovitz	Hick	McCoshan	Stetter
Calzagione	James	Stello	Strella
Cappabianca	Jarolin	Olase	Tangredi
Carr	Joseph	Oliver	Thomas
Cawley	Keller	Pent	Tigue
Cutler, M.	Kirkland	Peterson	Trelo
Colafella	Kukovich	Perrone	Loeb
Colazzo	Lafrota	Ramos	Van Horn
Cowell	Laughlin	Randazzo	Veon
Dales	Lederer	Reid	Walke
DeLeon	Lescosky	Ricco	Washington
Dermody	Lisowsky	Robinson	Williams
DeWeese	Lynch	Sabatino	Youngblood

NAYS—125

Adolph	Faell	Lloyd	Schroder
Allen	Fairchild	Lynch	Schuler
Argall	Fajt	Mahlard	Sammel
Armstrong	Fargo	Major	Serafini
Baker	Farron	Mansueti	Sheehan
Bard	Ferre	Martini	Smith, B.
Barley	Fisher	McCall	Smith, S. H.
Barnette	Flaigle	Mery	Spencer, D. W.
Berman	Frick	Milgazzo	Statis
Blaum	Gamble	Miller	Stell
Brescote	Gannon	Nandy	Sera
Bryce	Gent	Negro	Stish
Brown	Gindick	Nickel	Strommer
Browne	Godshall	Spice	Suzra
Burton	Gruber	Chirban	Taylor, L. Z.
Carone	Gruppo	Paegel	Taylor, J.
Chadwick	Habas	Perrin	Tran
Civone	Habusko	Phillips	Tull
Coble	Hartman	Piretta	Vance
Cornier	Hess	Pinto	Vitali
Cohen, J. L.	Hennessy	Platt	Wough
Corni	Herman	Rapinotto	Wozniak
Cornell	Hershey	Rasler	Wozniak
Carpina	Hess	Reinard	Wright, D. R.
Coy	Hutchinson	Roberts	Wright, M. N.
Cruz	Jadlovsky	Roher	Yevick
Dampas	Kasper	Rozney	Zimmerman

Dent	Kerney	Rubley	Zug
DiGirolamo	King	Rud	Ryan,
Donatucci	Krebs	Santoni	Speaker
Druce	Lawless	Scher	
Durham	Lodi	Saylor	

NOT VOTING—0

EXCUSED 9

Hunt	Grutza	Mihalich	Roebuck
Corrigan	Michiovic	Pistella	Travaglio
Evans			

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. THOMAS offered the following amendment No. A5554:

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

*A petition may be dismissed due to delay in the  
 filing by the petitioner only after a hearing upon a  
 motion to dismiss.*

On the question,  
 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 best 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 hurt the bill to have it in it, and so I would urge the House  
 to adopt the amendment.

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

The following roll call was recorded:

YEAS 193

Adolph	Faell	Lynch	Schroder
Allen	Fairchild	Mahlard	Schuler
Argall	Fajt	Major	Sammel
Armstrong	Fargo	Mansueti	Serafini
Baker	Farron	Martini	Sheehan
Bard	Ferre	McCall	Smith, B.
	Fisher	McCall	Smith, S. H.
	Flaigle	Mery	Spencer, D. W.
	Frick	Milgazzo	Statis
	Gamble	Miller	Stell
	Gannon	Nandy	Sera
	Gent	Negro	Stish
	Gindick	Nickel	Strommer
	Godshall	Spice	Suzra
	Gruber	Chirban	Taylor, L. Z.
	Gruppo	Paegel	Taylor, J.
	Habas	Perrin	Tran
	Habusko	Phillips	Tull
	Hartman	Piretta	Vance
	Hess	Pinto	Vitali
	Hennessy	Platt	Wough
	Herman	Rapinotto	Wozniak
	Hershey	Rasler	Wozniak
	Hess	Reinard	Wright, D. R.
	Hutchinson	Roberts	Wright, M. N.
	Jadlovsky	Roher	Yevick
	Kasper	Rozney	Zimmerman

Barley	Falmer	Maraolo	Shoeman
Beitzel	Flaegle	Mastand	Smith, B.
Bebko-Jones	Flick	Mazurkik	Smith, S. H.
Belardi	Gamble	McCall	Snyder, D. W.
Bullanti	Gannon	McGeachan	Stroback
Burstein	Gier	McGill	Strohm
Bishop	George	Mello	Strohm
Blair	Gigliotti	Mero	Strohm
Boscola	Gladeck	Miozzio	Strohm
Bryer	Godsill	Mittler	Strohm
Brown	Gordner	Mundy	Strohm
Browne	Gruppo	Nadler	Strohm
Butkovicz	Habay	Nickol	Strohm
Buxton	Haluska	Nice	Strohm
Callagrone	Hanna	O'Brien	Tangredi
Cassabianca	Hartant	Oliver	Taylor, F. J.
Carr	Hesse	Oliver	Taylor, J.
Carone	Hennessey	Orzel	Thomas
Cavley	Herman	Orzel	Tigue
Chadwick	Hershey	Petrone	Tulle
Cwick	Hess	Petrone	Tulle
Clark	Horse	Ferrit	Truc
Clymer	Hutchinson	Phillips	Tull
Cohen, T. J.	Iklin	Piccola	Van
Cohen, M.	Jeffrey	Pis	Van Home
Colafella	James	Pitts	Veen
Colaszo	Jarolin	Preston	Visti
Couti	Josephs	Ramos	Walke
Cornell	Kahner	Raymond	Washington
Corpora	Keller	Rechtshaw	Waugh
Cowell	Kenny	Rebo	Williams
Coy	King	Reinard	Wojcik
Curry	Kirkland	Rieger	Wozniak
Daley	Krebs	Roberts	Wright, D. R.
DeLuca	Kukovich	Robinson	Wright, M. N.
Dempsy	LaGrotta	Rohrer	Yowick
Deir	Laughlin	Rooney	Youngblood
Demody	Lawless	Rubley	Zimmerman
DeWasse	Lederer	Rudy	Zur
Difrolimo	Lish	Sainato	
Domatucci	Liscovitz	Santoni	
Druc	Levdansky	Sather	Rynn, Speaker
Durham	Lloyd	Saylor	

NAYS—0

NOT VOTING—0

EXCUSED—9

Bont	Gruiza	Mihalich	Resback
Corrigan	Michlovia	Pistella	Dasaglio
Evans			

The majority having voted in the affirmative, the question was 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:

Amend Sec. 1 (Sec. 9515), page 5, line 28, by striking out "or"

Amend Sec. 1 (Sec. 9515), page 6, line 3, by removing the period after "retroactively" and inserting

or

(iv) There is a compelling need to address the claim because of a fundamentally unfair trial, illegal sentence or some other manifest injustice.

On the question.

Will the House agree to the amendment?

The SPEAKER. On the question of the adoption of that amendment, the gentleman, Mr. 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 until way beyond the statutory period, 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 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 law on that, and it would provide an avenue for appeal without giving any standards to the courts, and I think this amendment should be adopted because it will open up a Pandora's box — or be defeated; I am sorry, be defeated.

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 proposals that have been made to changes to the Postconviction Relief Act. Many of the amendments and the bill itself might be one of first impression, because I do not know of another jurisdiction that has moved in the manner that we have moved to change this particular law.

And, Mr. Speaker, going back to the situation in Philadelphia County, we have people who have sat 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 expect the situation in the 39th District to result in any pattern and practice of misconduct, because for the most part in Philadelphia County and I am confident that throughout the Commonwealth of Pennsylvania, the law enforcement community involves a group of people who give of their best day in and day out and for the most part would do the right thing, but you always will have a situation where the right thing might not occur, and I really do not believe that we need to create a box, a very narrow door that would preclude people in this kind of situation from having an avenue of 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 out 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 relief, in situations where individuals do not come face to face with conduct that has resulted in either their incarceration or their harm.

Barley	Falmer	Maraolo	Shoeman
Beitzel	Flaegle	Mastand	Smith, B.
Bebko-Jones	Flick	Mazurkik	Smith, S. H.
Belardi	Gamble	McCall	Snyder, D. W.
Bullanti	Gannon	McGeachan	Stroback
Burstein	Gier	McGill	Strohm
Bishop	George	Mello	Strohm
Blair	Gigliotti	Mero	Strohm
Boscola	Gladeck	Miozzio	Strohm
Bryer	Godsill	Mittler	Strohm
Brown	Gordner	Mundy	Strohm
Browne	Gruppo	Nadler	Strohm
Butkovicz	Habay	Nickol	Strohm
Buxton	Haluska	Nice	Strohm
Callagrone	Hanna	O'Brien	Tangredi
Cassabianca	Hartant	Oliver	Taylor, F. J.
Carr	Hesse	Oliver	Taylor, J.
Carone	Hennessey	Orzel	Thomas
Cavley	Herman	Orzel	Tigue
Chadwick	Hershey	Petrone	Tulle
Cwick	Hess	Petrone	Tulle
Clark	Horse	Ferrit	Truc
Clymer	Hutchinson	Phillips	Tull
Cohen, T. J.	Iklin	Piccola	Van
Cohen, M.	Jeffrey	Pis	Van Home
Colafella	James	Pitts	Veen
Colaszo	Jarolin	Preston	Visti
Couti	Josephs	Ramos	Walke
Cornell	Kahner	Raymond	Washington
Corpora	Keller	Rechtshaw	Waugh
Cowell	Kenny	Rebo	Williams
Coy	King	Reinard	Wojcik
Curry	Kirkland	Rieger	Wozniak
Daley	Krebs	Roberts	Wright, D. R.
DeLuca	Kukovich	Robinson	Wright, M. N.
Dempsy	LaGrotta	Rohrer	Yowick
Deir	Laughlin	Rooney	Youngblood
Demody	Lawless	Rubley	Zimmerman
DeWasse	Lederer	Rudy	Zur
Difrolimo	Lish	Sainato	
Domatucci	Liscovitz	Santoni	
Druc	Levdansky	Sather	Rynn, Speaker
Durham	Lloyd	Saylor	

NAYS—0

NOT VOTING—0

EXCUSED—9

Bont	Gruiza	Mihalich	Resback
Corrigan	Michlovia	Pistella	Dasaglio
Evans			

The majority having voted in the affirmative, the question was 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:

Amend Sec. 1 (Sec. 9515), page 5, line 28, by striking out "or"

Amend Sec. 1 (Sec. 9515), page 6, line 3, by removing the period after "retroactively" and inserting

or

(iv) There is a compelling need to address the claim because of a fundamentally unfair trial, illegal sentence or some other manifest injustice.

On the question.

Will the House agree to the amendment?

The SPEAKER. On the question of the adoption of that amendment, the gentleman, Mr. 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 until way beyond the statutory period, 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 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 law on that, and it would provide an avenue for appeal without giving any standards to the courts, and I think this amendment should be adopted because it will open up a Pandora's box — or be defeated; I am sorry, be defeated.

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Mr. THOMAS. Mr. Speaker, this is an exception of first impression, but so are many of the proposals that have been made to changes to the Postconviction Relief Act. Many of the amendments and the bill itself might be one of first impression, because I do not know of another jurisdiction that has moved in the manner that we have moved to change this particular law.

And, Mr. Speaker, going back to the situation in Philadelphia County, we have people who have sat 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 expect the situation in the 39th District to result in any pattern and practice of misconduct, because for the most part in Philadelphia County and I am confident that throughout the Commonwealth of Pennsylvania, the law enforcement community involves a group of people who give of their best day in and day out and for the most part would do the right thing, but you always will have a situation where the right thing might not occur, and I really do not believe that we need to create a box, a very narrow door that would preclude people in this kind of situation from having an avenue of redress.

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

CONSIDERATION OF SB 81 CONTINUED

The SPEAKER. The Chair recognizes the lady, Ms. Manderino.

Ms. MANDERINO. 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 Relief Act which deal with unitary review in death penalties and then all other convictions. What Mr. Thomas is talking about now, if I am not mistaken, does not deal with people on death row. He is talking about just the Postconviction Relief Act as it applies to all other defendants.

There was just a case recently in the news in Philadelphia and I am pretty sure 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) evidence examined that was part of the key issue that got him convicted, and when they examined the DNA evidence of a cigarette butt, it was conclusively determined that he was not the right defendant, that he was not the person who should have sat in jail 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 happen after the 1-year statute of limitation and we do not allow any avenue to review that, we are going to do a big disservice to our whole judicial system, and I do not really think we want to do that. I think we want to be at least pure in trying to be honest about what we are 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 reexamine does a whole disservice to what you are trying to accomplish with the intent of this legislation.

I think the Thomas amendment is a necessary one, and I urge you to give it your very serious consideration and vote "yes."

The SPEAKER. Does the gentleman, Mr. Piccola, desire recognition for the second time? The gentleman is recognized.

Mr. PICCOLA. Thank you, Mr. Speaker.

Both the gentleman, Mr. Thomas, and the lady really should look at the bill. There is more than adequate protection in this bill to protect the criminal defendant who finds new evidence after the fact, after the trial. There are more than enough protections in here to deal with all the circumstances that they have raised.

The problem with this amendment is that it creates new law, and Mr. Thomas admitted that. He said it is a case of first impression with respect to this amendment. What I think he was saying is this is not currently the law in Pennsylvania; there is no case law on what "manifest injustice" means. We should not be passing these words into statute without having some definition to

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 criminal 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

Table listing names of members who voted 'YEAS' (53 total). Includes names like Heiko-Jones, Bellardi, Borfanti, Bishop, Bulkoivitz, Callagione, Cappabianca, Carr, Clawley, Cohen, M., Corpena, Curry, Daley, DeWeese, Gigliotti, Hanna, Horsey, Ikin, James, Javolin, Josephs, Kirkland, Krikovich, Laughlin, Leviansky, Mandrino, Markoski, Marcolino, Mehe, Olasz, Oliver, Pesci, Perrone, Preston, Ramos, Reynolds, Reber, Rieger, Roberts, Robinson, Stabaek, Sreelman, Sretter, Sturla, Tangredi, Thomas, Troilo, Trish, Van Horne, Voon, Washington, Williams, Wozniak, Youngblood.

NAYS—140

Table listing names of members who voted 'NAYS' (140 total). Includes names like Adolph, Allen, Argall, Armstrong, Baker, Bard, Barley, Dattilo, Dirmalin, Blann, Boscola, Bryes, Brown, Browne, Duxton, Carone, Gladwick, O'Brien, Clark, Clancy, Cohen, L. J., Colabella, Conte, Conell, Cowell, Coy, Dell'osa, Demaree, Dent, Dermody, DiGirolamo, DiMunici, Druce, Dusham, Egolf, Fairchild, Fajl, Farzo, Farino, Fieber, Fleagle, Fluk, Giordis, Giammon, Guba, George, Gladeck, Goddard, Goulet, Gruppo, Habay, Halaska, Harhart, Hasey, Hennessey, Herman, Hershey, Hiron, Hutchinson, Jadiowicz, Karter, Keller, Kenney, King, Krebs, LaCrozza, Lawless, Ledner, Loh, Lescovitz, Lloyd, Lueck, Lynch, Matland, Major, Marisco, Mastrom, Mayernik, McCall, McCallahan, McGill, Meng, Micozzo, Miller, Mundy, Naylor, Nickol, Nyce, O'Brien, Petrol, Petrusa, Penn, Phillips, Piccola, Pitts, Plarr, Raymond, Richmond, Robey, Rooney, Rubley, Rudy, Sainato, Samont, Sacher, Saylor, Schroder, Schuler, Schmitt, Semmel, Scarfo, Shamer, Sheehan, Smith, D., Smith, S. H., Snyder, D. W., Strain, Streit, Stern, Stubb, Strommarter, Suros, Taylor, B. J., Taylor, J., Tighe, Tice, Tull, Vance, Vantu, Wolfe, Waugh, Wozan, Wright, D. R., Wright, M. N., Yawie, Zimmerman, Zins, Ryan, Speaker.

NOT VOTING—0

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

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CONSIDERATION OF SB 81 CONTINUED

The SPEAKER. The Chair recognizes the lady, Ms. Manderino.

Ms. MANDERINO. 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 Relief Act which deal with unitary review in death penalties and then all other convictions. What Mr. Thomas is talking about now, if I am not mistaken, does not deal with people on death row. He is talking about just the Postconviction Relief Act as it applies to all other defendants.

There was just a case recently in the news in Philadelphia and I am pretty sure 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) evidence examined that was part of the key issue that got him convicted, and when they examined the DNA evidence of a cigarette butt, it was conclusively determined that he was not the right defendant, that he was not the person who should have sat in jail for 8 years.

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I think the Thomas amendment is a necessary one, and I urge you to give it your very serious consideration and vote "yes."

The SPEAKER. Does the gentleman, Mr. Piccola, desire recognition for the second time? The gentleman is recognized.

Mr. PICCOLA. Thank you, Mr. Speaker.

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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 criminal 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

Table listing names of members who voted 'YEAS' (53 total). Includes names like Heiko-Jones, Bellardi, Borfanti, Bishop, Bulkoivitz, Callagione, Cappabianca, Carr, Clawley, Cohen, M., Corpena, Curry, Daley, DeWeese, Gigliotti, Hanna, Horsey, Ikin, James, Javolin, Josephs, Kirkland, Krikovich, Laughlin, Leviansky, Mandrino, Markoski, Marcolino, Mehe, Olasz, Oliver, Pesci, Perrone, Preston, Ramos, Reynolds, Reber, Rieger, Roberts, Robinson, Stabaek, Sreelman, Sretter, Sturla, Tangredi, Thomas, Troilo, Trish, Van Horne, Voon, Washington, Williams, Wozniak, Youngblood.

NAYS—140

Table listing names of members who voted 'NAYS' (140 total). Includes names like Adolph, Allen, Argall, Armstrong, Baker, Bard, Barley, Dattilo, Dirmalin, Blann, Boscola, Bryes, Brown, Browne, Duxton, Carone, Gladwick, O'Brien, Clark, Clancy, Cohen, L. J., Colabella, Conte, Conell, Cowell, Coy, Dell'osa, Demaree, Dent, Dermody, DiGirolamo, DiMunici, Druce, Dusham, Egolf, Fairchild, Fajl, Farzo, Farino, Fieber, Fleagle, Fluk, Giordis, Giammon, Guba, George, Gladeck, Goddard, Goulet, Gruppo, Habay, Halaska, Harhart, Hasey, Hennessey, Herman, Hershey, Hiron, Hutchinson, Jadiowicz, Karter, Keller, Kenney, King, Krebs, LaCrozza, Lawless, Ledner, Loh, Lescovitz, Lloyd, Lueck, Lynch, Matland, Major, Marisco, Mastrom, Mayernik, McCall, McCallahan, McGill, Meng, Micozzo, Miller, Mundy, Naylor, Nickol, Nyce, O'Brien, Petrol, Petrusa, Penn, Phillips, Piccola, Pitts, Plarr, Raymond, Richmond, Robey, Rooney, Rubley, Rudy, Sainato, Samont, Sacher, Saylor, Schroder, Schuler, Schmitt, Semmel, Scarfo, Shamer, Sheehan, Smith, D., Smith, S. H., Snyder, D. W., Strain, Streit, Stern, Stubb, Strommarter, Suros, Taylor, B. J., Taylor, J., Tighe, Tice, Tull, Vance, Vantu, Wolfe, Waugh, Wozan, Wright, D. R., Wright, M. N., Yawie, Zimmerman, Zins, Ryan, Speaker.

NOT VOTING—0

EXCUSED-9

Bunt  
Corrigan  
Evans

Cruzza  
Michtovic

Mihalich  
Prestia

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:

Amend 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?

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the lady, Ms. Manderino.

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 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 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 new appellate counsel." 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 United States Senate, proposed by Senator Specter."

I think it is a wise thing when we are talking about such a serious issue 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 at trial; this is the newly appointed counsel 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 attributable 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 quite onerous and is not unusual to be boxed and boxes of transcripts, and I think that the former Attorney General was being realistic in his estimate of the need for 270 days, and I would request that we amend the bill to provide a realistic timeframe.

The SPEAKER. On the question, the Chair recognizes the gentleman, Mr. Piccola.

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 extension of another 3 months.

We are attempting to have these appeals handled expeditiously. 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 defeat 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 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 such a serious issue we should look to the expertise and experience of those who have had this, and if it was not an unrealistic number for a prosecutor who is pro-prosecuting in using the death penalty, then I do not think it was an unrealistic number, and I think in a 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?

The following roll call was recorded:

YEAS-65

Table with 4 columns listing names of members who voted 'YEAS-65'. Names include: Babko, Jones, Belski, Kelland, Bishop, Bustin, Calligarisone, Cappabianca, Carr, Cawley, Cohen, M., Corpora, Cowell, Curry, Daley, Dermody, DiWassio, Gigliotti, Gordon, Haluska, Hanna, Hersey, Ikin, James, Jarolli, Joseph, K. Kelland, Kukulovich, LaCiretta, Leahy, Leventosky, Lloyd, Lucyk, Manderino, Markosik, Melen, Mundy, O'Hara, O'Leary, Perali, Perrone, Preston, Ramos, Readshaw, Rieger, Rosen, Robinson, Santoro, Scrimanti, Shaner, Staback, Stuchman, Steyer, Strala, Thomas, Tigue, Trillo, Trieli, Van Home, Veon, Vitali, Walke, Washington, Williams, Wozniak, Youngblood.

NAYS-127

Table with 4 columns listing names of members who voted 'NAYS-127'. Names include: Adeler, Allen, Argill, Armstrong, Baker, Egoff, Finkbeild, Fitt, Franco, Franco, Lussacitz, Lynch, Nighland, Major, Marsico, Sather, Sayler, Schroeder, Schuler, Santoni.

EXCUSED-9

Bunt  
Corrigan  
Evans

Cruzza  
Michtovic

Mihalich  
Prestia

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

The following roll call was recorded:

YEAS-65

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Table with 4 columns listing names of members who voted 'NAYS-127'. Names include: Adeler, Allen, Argill, Armstrong, Baker, Egoff, Finkbeild, Fitt, Franco, Franco, Lussacitz, Lynch, Nighland, Major, Marsico, Sather, Sayler, Schroeder, Schuler, Santoni.

Hard	Leese	Masland	Scarfino
Barley	Fichter	Mayermik	Sheahan
Baillifato	Fleahie	McCall	Smith, B.
Birmeton	Flick	McGeehan	Smith, S. H.
Bloom	Gamble	McGill	Snodder, D. W.
Boscola	Galar	Mahy	Starr
Bryce	George	Micozzie	Stell
Brown	Chadeck	Miller	Stem
Browne	Godshall	Miller	Sush
Bukavetz	Gruppo	Nickol	Sprimmarter
Carone	Labay	Nyge	Sura
Chadwick	Leahon	O'Brien	Taggart
Casino	Hesey	Perzel	Taylor, E. Z.
Clark	Hennessey	Retronea	Tasler, J.
Clymer	Herman	Pero	Truc
Cohen, I.	Hershby	Phillips	Tull
Colabella	Hess	Piccola	Vance
Colalizzo	Hutchinson	Pitt	Wozub
Coni	Jadloviec	Pitts	Wozan
Connell	Kaiser	Raymond	Wright, D. R.
Coy	Keller	Reber	Wright, M. S.
DeLuca	Kennedy	Rehner	Yewick
Dempsey	King	Robust	Zimmerman
Dair	Krebs	Rooney	Zug
DiGirolamo	Lawless	Rubley	
Donaucetti	Leahner	Ruff	Ryan
Draze	Leh	Santoni	Speaker

NOT VOTING 1

Gannon

EXCUSED 9

Bent  
Carrigan  
Evans

Gratias  
Mithlovsic

Mihalich  
Pistella

Roebsuck  
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. A5560:

Amend Sec. 2 (Sec. 9574), page 11, line 37, by striking out "may" and inserting "must"

Amend Sec. 2 (Sec. 9574), page 11, line 30; page 12, line 1, by striking out "Failure 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, Ms. Manderino.

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.

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 complaint 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 evidence was not examined, and the Commonwealth may answer back, yes it was and here is the supporting evidence, and the collateral counsel may not have known that and will not know that if answering by the Commonwealth is only permissive. And so what I want to do is to make it mandatory 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 surprises. 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 case 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 failure to answer would be an admission. It would just be straightforward on the papers filed with the court, and so that language, if we change from "may" to "must," that extra language would have been superfluous.

In the matter of fairness, in the matter of being straightforward on the record, I urge a "yes" vote.

The SPEAKER. On the question, the Chair recognizes the gentleman from Dauphin, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

This amendment should be defeated and defeated soundly, and here are the reasons why.

We have seen in recent years and decades a shift in our criminal justice system away from the criminal acts and the victims of crime to an almost sanitized concern about the hypertechnics of lawyers and filing of briefs and putting things in writing, and before long — and we have seen evidence of this in all kinds of high-profile cases recently — before long the name of the crime, the criminal act, the victim, is totally forgotten in the process — totally forgotten — and this amendment is another attempt to continue that shift of emphasis.

By requiring the Commonwealth to file these briefs, number one, you are encouraging criminal defendants and their lawyers to file all kinds of spurious briefs, because the requirement will be the Commonwealth must respond or whatever is said in those briefs is considered to be true. But the most important reason for defeating this amendment is because it shifts the emphasis away from the crime, the criminal act, the crime and the victim, and to the lawyer and to the defendant.

We should defeat this amendment by big numbers. I urge its defeat.

The SPEAKER. Ms. Manderino. Ms. MANDERINO. Thank you, Mr. Speaker.

Hard	Leese	Masland	Scarfino
Barley	Fichter	Mayermik	Sheahan
Baillifato	Fleahie	McCall	Smith, B.
Birmeton	Flick	McGeehan	Smith, S. H.
Bloom	Gamble	McGill	Snodder, D. W.
Boscola	Galar	Mahy	Starr
Bryce	George	Micozzie	Stell
Brown	Chadeck	Miller	Stem
Browne	Godshall	Miller	Sush
Bukavetz	Gruppo	Nickol	Sprimmarter
Carone	Labay	Nyge	Sura
Chadwick	Leahon	O'Brien	Taggart
Casino	Hesey	Perzel	Taylor, E. Z.
Clark	Hennessey	Retronea	Tasler, J.
Clymer	Herman	Pero	Truc
Cohen, I.	Hershby	Phillips	Tull
Colabella	Hess	Piccola	Vance
Colalizzo	Hutchinson	Pitt	Wozub
Coni	Jadloviec	Pitts	Wozan
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Coy	Keller	Reber	Wright, M. S.
DeLuca	Kennedy	Rehner	Yewick
Dempsey	King	Robust	Zimmerman
Dair	Krebs	Rooney	Zug
DiGirolamo	Lawless	Rubley	
Donaucetti	Leahner	Ruff	Ryan
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NOT VOTING 1

Gannon

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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 complaint 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 evidence was not examined, and the Commonwealth may answer back, yes it was and here is the supporting evidence, and the collateral counsel may not have known that and will not know that if answering by the Commonwealth is only permissive. And so what I want to do is to make it mandatory 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 surprises. You will know how to go into court and either answer, defend, or drop particular issues.

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By requiring the Commonwealth to file these briefs, number one, you are encouraging criminal defendants and their lawyers to file all kinds of spurious briefs, because the requirement will be the Commonwealth must respond or whatever is said in those briefs is considered to be true. But the most important reason for defeating this amendment is because it shifts the emphasis away from the crime, the criminal act, the crime and the victim, and to the lawyer and to the defendant.

We should defeat this amendment by big numbers. I urge its defeat.

The SPEAKER. Ms. Manderino. Ms. MANDERINO. Thank you, Mr. Speaker.



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 it 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 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.

I urge a "Yes" vote.

On the question recurring.

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—59

Table listing names of members who voted 'Yes', including Hehko-Jones, Delardi, Bellardi, Bishop, Ruston, Calmagione, Cappabianca, Carr, Caskey, Cohen, M, Corpora, Curry, Daley, DeWesse, and Gordner.

NAYS—134

Table listing names of members who voted 'No', including Adolph, Allen, Arzall, Armstrong, Baker, Bard, Barley, Battigo, Birmelin, Blaum, Boscola, Boyce, Brown, Browne, Bukovitz, Carone, Chadwick, Ceresa, Clark, Clymer, Cohen, L. I., Conithe, and Colatizo.

Table listing names of members who were not voting or excused, including Council, Cowell, Coy, DeLuz, Dempsey, Dent, Dermody, DiGirolamo, Donohue, and Drace.

NOT VOTING—0

EXCUSED—9

Table listing names of members who were excused, including Bunt, Corrigan, Ryan, Grunza, Mielbosc, Mihalich, Pirrella, Roebuck, and Trivaglio.

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. 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 was afraid of that. Is the gentleman, Mr. James, going to offer amendment 5563?

Mr. JAMES. Yes.

The SPEAKER. All right.

On the question recurring.

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

Mr. JAMES offered the following amendment No. A5563:

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

, and further providing for sentencing procedure for murder of the first degree.

Amend Bill, page 15, by inserting between lines 4 and 5

Section 3. Section 9711 of Title 42 is amended by adding a subsection to read:

§ 9711. Sentencing procedure for murder of the first degree.

\*\*\* (p) 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 victim was a basis for the imposition of the sentence of death.

(2) An intention that race was a basis for the imposition of the death sentence may be established through ordinary methods of statistical proof. A defendant shall not be required to demonstrate

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 it 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 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.

I urge a "Yes" vote.

On the question recurring.

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—59

Table listing names of members who voted 'Yes', including Hehko-Jones, Delardi, Bellardi, Bishop, Ruston, Calmagione, Cappabianca, Carr, Caskey, Cohen, M, Corpora, Curry, Daley, DeWesse, and Gordner.

NAYS—134

Table listing names of members who voted 'No', including Adolph, Allen, Arzall, Armstrong, Baker, Bard, Barley, Battigo, Birmelin, Blaum, Boscola, Boyce, Brown, Browne, Bukovitz, Carone, Chadwick, Ceresa, Clark, Clymer, Cohen, L. I., Conithe, and Colatizo.

Table listing names of members who were not voting or excused, including Council, Cowell, Coy, DeLuz, Dempsey, Dent, Dermody, DiGirolamo, Donohue, and Drace.

NOT VOTING—0

EXCUSED—9

Table listing names of members who were excused, including Bunt, Corrigan, Ryan, Grunza, Mielbosc, Mihalich, Pirrella, Roebuck, and Trivaglio.

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.

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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 was afraid of that. Is the gentleman, Mr. James, going to offer amendment 5563?

Mr. JAMES. Yes.

The SPEAKER. All right.

On the question recurring.

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(2) An intention that race was a basis for the imposition of the death sentence may be established through ordinary methods of statistical proof. A defendant shall not be required to demonstrate



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

(3) Evidence which shall be deemed relevant to establishing a racial basis for the imposition of a sentence of death shall include statistical proof that the death sentence is imposed upon persons of one race with disproportionate frequency or as punishment for crimes committed against persons of one race with disproportionate frequency.

(4) In order to rebut evidence that the death penalty is being imposed in a racially discriminatory manner, the attorney for the Commonwealth must establish, by clear and convincing evidence, that there are identifiable and relevant nonracial factors that persuasively explain the disparities comprising this pattern.

(5) No person shall be barred from raising any claim under this subsection on the ground of having failed to raise or prosecute the same or similar claim in any proceeding prior to the enactment of this subsection.

(6) A claim under this subsection may be raised in the court of common pleas in an evidentiary hearing at any stage in the proceedings.

(7) The Supreme Court shall consider any evidence of racial disparities as part of its comprehensive review of every death penalty case.

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

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

On the question,  
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. A-5563.

Mr. 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 I know that many of you would like to think that race is not an issue in the criminal justice system or in death penalty cases.

I also know that many of you would not like to have to listen to a discussion of race 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 made up your minds to vote against this amendment. But there is a problem in Pennsylvania, a problem that can be and should be addressed during this special session on crime.

Mr. Speaker, how can we claim to be providing justice for the citizens of Pennsylvania if we continue to ignore the impact of race on crime? How can we really attempt to solve our crime problem if we refuse to try to remedy the painful injustices that exist in this State?

Mr. Speaker, let me provide you with some statistics. Since January of 1973 more than 40 percent of the defendants 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 criminal justice system, and in Pennsylvania the statistics are even worse.

Of the 197 people sentenced to death, 118 of those defendants are black. That is more than 60 percent. And just in case

anybody wonders about my source, these numbers are taken from NAACP Legal Defense and Educational Fund report entitled "Death Row USA" dated summer of 1995. Mr. Speaker, I am troubled by those numbers, and many good citizens throughout this Commonwealth are also troubled by those numbers.

The frequency with which the death penalty is imposed on black defendants is not the result of the fact that they commit more heinous crimes. No. It is because prosecutors know how to pick juries that are more hostile to black defendants and because those same prosecutors manipulate juries with racial issues.

This question of race affects and impacts on our criminal justice system and plays itself out most cruelly in death penalty cases. My amendment would mandate our courts to take a careful look at the death penalty cases to make sure that race and racial bias did not play 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 sets forth some guidelines for our courts to use in assessing whether race played an important role in the decision to impose the death penalty. It would not unduly burden our courts, but it will provide an official State policy that the race of the defendant and the race of the victim shall not be permitted to be a relevant factor in death penalty cases. This amendment, Mr. Speaker, offers us all a chance to say it is time to put an end to racially discriminatory tactics in the death penalty cases.

I would like to remind my colleagues of the sad fact that during the special session on crime, we have done all too little to address the injustices that exist in our criminal justice system, injustices that lead to more crime and misery. That could be done if we would take on the issue of dealing with more prevention. And I say 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 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 determination as to whether there was a racial bias would be determined 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.

The 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 eliminates that. It does

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

(3) Evidence which shall be deemed relevant to establishing a racial basis for the imposition of a sentence of death shall include statistical proof that the death sentence is imposed upon persons of one race with disproportionate frequency or as punishment for crimes committed against persons of one race with disproportionate frequency.

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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 eliminates that. It does

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?

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?

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 statistician.

Mr. DALEY. Well, could you explain to us what the ordinary method would be?

Mr. JAMES. I am sorry; what is the last statement? I am sorry; could you repeat what you just said?

Mr. DALEY. Yes. I said, what are the ordinary methods that are utilized?

Mr. JAMES. Well, one ordinary method is if you just look at the numbers and the statistics that I just gave, it shows they are out of proportion.

Mr. DALEY. So could you explain to us what that means in terms of methodology? I do not understand how the court would use that as an ordinary method when the court is not applying that standard now as any method in determining the number of individuals that are being sentenced to this type of punishment. So there is no standard that is being applied as an ordinary method of statistical analysis here.

Mr. JAMES. Well, I think, Mr. Speaker, if we pass this, we definitely will have a standard set up.

Mr. DALEY. Well, my question to you is, then why on just race, but why not on geography or on gender? Why just race?

Mr. JAMES. Because race is out of proportion.

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 terms 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?

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 minority 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

Table listing names of members voting YEAS: Dubko Jones, Hildrop, Buxton, Cappabianca, Camp, Colson, M., Corpron, DeWesse, Horsey, Ikin, James, Jarelin, Josephs, Kirkland, Kukulich, Oliver, Pesel, Preston, Ramos, Ragan, Roberts, Robinson, Starler, Scurla, Tanaretti, Thomas, Veon, Washington, Williams, Youngblood.

NAYS 163

Table listing names of members voting NAYS: Adolph, Allen, Arzuff, Armstrong, Baker, Baird, Barley, Battista, Belardi, Blazman, Bismellin, Blazam, Boscola, Boyce, Brown, Braxton, Dackowicz, Callaghirone, Carone, Conway, Chadwick, Coker, Clark, Clymer, Colson, I., Colofella, Colozzo, Conti, Gammill, Gassell, Gray, Gony, Daley, DeLuca, Dempsey, Dent, Ekmoady, DiGirolamo, Donatucci, Drace, Durkin, Egoft, Fairchild, Fajt, Fargas, Farber, Fesse, Fichter, Fingle, Flick, Gambite, Gannon, Geist, George, Gigliotti, Gladick, Godshall, Goudner, Gruppo, Hahn, Hahn, Hatuska, Hanna, Harhart, Hasey, Harnasey, Herman, Hershey, Hess, Hutchinson, Jadowska, Kaiser, Keller, King, King, Krebs, LaCerra, Laughlin, Lawless, Lederer, Leh, Lesosvitz, Levinovsky, Lloyd, Lucyk, Nairland, Major, Manderino, Markosek, Marzisa, Masland, Mayernik, McCall, McClellan, McGiff, Nello, Nerry, Nicozzie, Niller, Noyes, Nuccio, Noked, O'Brien, O'Leary, O'Neil, Perzel, Perrone, Perini, Phillips, Piccola, Pitts, Platts, Raymond, Readshaw, Reba, Reimard, Reiber, Rooney, Rofley, Rudy, Saffino, Santoni, Sarber, Saylor, Schroder, Schuler, Semeriti, Semmel, Serrano, Shaner, Stoschka, Smith, R., Smith, S. H., Snyder, D. W., Suback, Stata, Steefman, Streil, Stern, Stish, Strimatter, Surra, Taylor, B. J., Taylor, J., Tigno, Trillo, Trich, Trice, Tull, Vance, Van Horne, Vitell, Walke, Wainwright, Wagon, Wozniak, Wright, D. R., Wright, M. S., Yewell, Zimmerman, Zou, Ryan, Speaker.

NOT VOTING—0

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?

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?

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 statistician.

Mr. DALEY. Well, could you explain to us what the ordinary method would be?

Mr. JAMES. I am sorry; what is the last statement? I am sorry; could you repeat what you just said?

Mr. DALEY. Yes. I said, what are the ordinary methods that are utilized?

Mr. JAMES. Well, one ordinary method is if you just look at the numbers and the statistics that I just gave, it shows they are out of proportion.

Mr. DALEY. So could you explain to us what that means in terms of methodology? I do not understand how the court would use that as an ordinary method when the court is not applying that standard now as any method in determining the number of individuals that are being sentenced to this type of punishment. So there is no standard that is being applied as an ordinary method of statistical analysis here.

Mr. JAMES. Well, I think, Mr. Speaker, if we pass this, we definitely will have a standard set up.

Mr. DALEY. Well, my question to you is, then why on just race, but why not on geography or on gender? Why just race?

Mr. JAMES. Because race is out of proportion.

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 terms 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?

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 minority 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

Table listing names of members voting YEAS: Dubko Jones, Hildrop, Buxton, Cappabianca, Camp, Colson, M., Corpron, DeWesse, Horsey, Ikin, James, Jarelin, Josephs, Kirkland, Kukulich, Oliver, Pesel, Preston, Ramos, Ragan, Roberts, Robinson, Starler, Scurla, Tanaretti, Thomas, Veon, Washington, Williams, Youngblood.

NAYS 163

Table listing names of members voting NAYS: Adolph, Allen, Arzuff, Armstrong, Baker, Baird, Barley, Battista, Belardi, Blazman, Bismellin, Blazam, Boscola, Boyce, Brown, Braxton, Dackowicz, Callaghirone, Carone, Conway, Chadwick, Coker, Clark, Clymer, Colson, I., Colofella, Colozzo, Conti, Gammill, Gassell, Gray, Gony, Daley, DeLuca, Dempsey, Dent, Ekmoady, DiGirolamo, Donatucci, Drace, Durkin, Egoft, Fairchild, Fajt, Fargas, Farber, Fesse, Fichter, Fingle, Flick, Gambite, Gannon, Geist, George, Gigliotti, Gladick, Godshall, Goudner, Gruppo, Hahn, Hahn, Hatuska, Hanna, Harhart, Hasey, Harnasey, Herman, Hershey, Hess, Hutchinson, Jadowska, Kaiser, Keller, King, King, Krebs, LaCerra, Laughlin, Lawless, Lederer, Leh, Lesosvitz, Levinovsky, Lloyd, Lucyk, Nairland, Major, Manderino, Markosek, Marzisa, Masland, Mayernik, McCall, McClellan, McGiff, Nello, Nerry, Nicozzie, Niller, Noyes, Nuccio, Noked, O'Brien, O'Leary, O'Neil, Perzel, Perrone, Perini, Phillips, Piccola, Pitts, Platts, Raymond, Readshaw, Reba, Reimard, Reiber, Rooney, Rofley, Rudy, Saffino, Santoni, Sarber, Saylor, Schroder, Schuler, Semeriti, Semmel, Serrano, Shaner, Stoschka, Smith, R., Smith, S. H., Snyder, D. W., Suback, Stata, Steefman, Streil, Stern, Stish, Strimatter, Surra, Taylor, B. J., Taylor, J., Tigno, Trillo, Trich, Trice, Tull, Vance, Van Horne, Vitell, Walke, Wainwright, Wagon, Wozniak, Wright, D. R., Wright, M. S., Yewell, Zimmerman, Zou, Ryan, Speaker.

NOT VOTING—0

EXCUSED 9

Hunt Corrigan Evans	Gruiza Michlovic	Mihalich Pistella	Keebuck Travaglio
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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?

AMENDMENT A5556 RECONSIDERED

The SPLAKER, I have a reconsideration motion filed by the gentleman, Mr. Thomas, who moves that the vote by which amendment A5556 was defeated to SB 81, PN 164, on the 30th day of October be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—192

Adolph	Egolf	Lueyk	Saylor
Allan	Fuhrhild	Lynch	Schroder
Argall	Fuji	Maidland	Schuler
Armistrong	Fargo	Major	Schimenti
Baker	Farina	Manderson	Semmel
Band	Fesce	Markoak	Serafini
Bartley	Fichter	Nasson	Shaner
Battiste	Fleagle	Nasland	Sheehan
Beckel-Jones	Flick	Maysorink	Smith, D.
Belardi	Gambale	McCall	Smith, S. H.
Belfanti	Gannon	McCahehan	Snyder, D. W.
Birnboim	Geist	McGill	Strabek
Bishop	George	McLu	Stares
Bloom	Gignone	Merry	Steeleman
Bonacola	Chisack	Monzine	Stell
Boys	Godshall	Miller	Sten
Brown	Gordon	Monday	Stetler
Brownie	Gruppa	Nailor	Strich
Butkusitz	Habes	Nickel	Strumatter
Buxton	Haberman	Nyes	Suarlo
Callagione	Hanna	O'Brien	Sura
Cappabianco	Harban	Oniz	Taniguchi
Carr	Hasso	OHyer	Taylor, E. Z.
Carone	Hanneman	Pozzil	Thomas
Cassidy	Herman	Pescl	Uigue
Chetwick	Herhey	Petrarca	Tello
Civona	Hess	Perone	Tello
Clark	Horsley	Petru	Tish
Clamer	Hutchinson	Phillips	Trae
Coffey, L. J.	Ikon	Piegolo	Tull
Cohen, M.	Jadlovsky	Pims	Vance
Conza	Jones	Platts	Van Horne
Collazzo	Langhin	Prusin	Vacc
Conz	Joseph	Ramos	Vitali
Cornell	Kaiser	Raymond	Wakis
Corsini	Keller	Reudshaus	Washington
Coselli	Kennedy	Reiss	Williams
Cos	King	Rever	Wozniak
Curry	Kirkland	Rieger	Wozniak
Daley	Krebs	Roberts	Wright, D. R.

DeLuca	Kukovich	Robinson	Wright, M. N.
Deropsey	LaGrotta	Roher	Yevic
Dent	Laughlin	Rooney	Youngblood
Demorey	Lawless	Rubley	Zimmerman
DeWeese	Leiderer	Rudy	Zug
DiGirolamo	Loh	Saines	
Domitacci	Lesovitz	Santoni	Ryan, Speaker
Druce	Levdansky	Sather	
Durham	Lepid		

NAYS—0

NOT VOTING—1

Waugh

EXCUSED—9

Hunt Corrigan Evans	Gruiza Michlovic	Mihalich Pistella	Keebuck Travaglio
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The majority having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

On the question recurring,

Will the House agree to the amendment?

The clerk read the following amendment No. A5556:

Amend Sec. 1 (Sec. 9545), page 5, line 28, by striking out "or"  
Amend Sec. 1 (Sec. 9545), page 6, line 3, by removing the period  
after "retroactively" and inserting

(iv) There is a compelling need to address the claim because of a fundamentally unfair trial, illegal sentence or some other manifest injustice.

On the question recurring,

Will the House agree to the amendment?

The SPLAKER, On that question, the Chair recognizes the gentleman, Mr. Thomas.

Mr. THOMAS, Thank you, Mr. Speaker.

Mr. Speaker, I rise for a reconsideration of this amendment because I am not confident that there was a clear understanding of the issue before us with respect to this amendment.

Mr. Speaker, I guess to put it very simply, this amendment does not run to death penalty cases as it was articulated by Representative Manderson. This amendment runs to all other cases of postconviction relief. And what the amendment basically says, Mr. Speaker, is that the exceptions that have been laid out in this bill, and I am not sure whether people have reviewed the exceptions, but the question is whether or not these exceptions are sufficient to deal with those situations where misconduct on the part of the Commonwealth, not on the part of the defendant, arises years later beyond the statutory period and whether or not we should have an avenue of relief in those situations where the misconduct is not brought to the attention of the defendant until years later.

Mr. Speaker, I do not think that there is anyone in this House this evening that believes that there will never be a situation where defendants might be entitled to relief for either an illegal sentence

EXCUSED 9

Hunt Corrigan Evans	Gruiza Michlovic	Mihalich Pistella	Keebuck Travaglio
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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?

AMENDMENT A5556 RECONSIDERED

The SPLAKER, I have a reconsideration motion filed by the gentleman, Mr. Thomas, who moves that the vote by which amendment A5556 was defeated to SB 81, PN 164, on the 30th day of October be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—192

Adolph	Egolf	Lueyk	Saylor
Allan	Fuhrhild	Lynch	Schroder
Argall	Fuji	Maidland	Schuler
Armistrong	Fargo	Major	Schimenti
Baker	Farina	Manderson	Semmel
Band	Fesce	Markoak	Serafini
Bartley	Fichter	Nasson	Shaner
Battiste	Fleagle	Nasland	Sheehan
Beckel-Jones	Flick	Maysorink	Smith, D.
Belardi	Gambale	McCall	Smith, S. H.
Belfanti	Gannon	McCahehan	Snyder, D. W.
Birnboim	Geist	McGill	Strabek
Bishop	George	McLu	Stares
Bloom	Gignone	Merry	Steeleman
Bonacola	Chisack	Monzine	Stell
Boys	Godshall	Miller	Sten
Brown	Gordon	Monday	Stetler
Brownie	Gruppa	Nailor	Strich
Butkusitz	Habes	Nickel	Strumatter
Buxton	Haberman	Nyes	Suarlo
Callagione	Hanna	O'Brien	Sura
Cappabianco	Harban	Oniz	Taniguchi
Carr	Hasso	OHyer	Taylor, E. Z.
Carone	Hanneman	Pozzil	Thomas
Cassidy	Herman	Pescl	Uigue
Chetwick	Herhey	Petrarca	Tello
Civona	Hess	Perone	Tello
Clark	Horsley	Petru	Tish
Clamer	Hutchinson	Phillips	Trae
Coffey, L. J.	Ikon	Piegolo	Tull
Cohen, M.	Jadlovsky	Pims	Vance
Conza	Jones	Platts	Van Horne
Collazzo	Langhin	Prusin	Vacc
Conz	Joseph	Ramos	Vitali
Cornell	Kaiser	Raymond	Wakis
Corsini	Keller	Reudshaus	Washington
Coselli	Kennedy	Reiss	Williams
Cos	King	Rever	Wozniak
Curry	Kirkland	Rieger	Wozniak
Daley	Krebs	Roberts	Wright, D. R.

DeLuca	Kukovich	Robinson	Wright, M. N.
Deropsey	LaGrotta	Roher	Yevic
Dent	Laughlin	Rooney	Youngblood
Demorey	Lawless	Rubley	Zimmerman
DeWeese	Leiderer	Rudy	Zug
DiGirolamo	Loh	Saines	
Domitacci	Lesovitz	Santoni	Ryan, Speaker
Druce	Levdansky	Sather	
Durham	Lepid		

NAYS—0

NOT VOTING—1

Waugh

EXCUSED—9

Hunt Corrigan Evans	Gruiza Michlovic	Mihalich Pistella	Keebuck Travaglio
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The majority having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

On the question recurring,

Will the House agree to the amendment?

The clerk read the following amendment No. A5556:

Amend Sec. 1 (Sec. 9545), page 5, line 28, by striking out "or"  
Amend Sec. 1 (Sec. 9545), page 6, line 3, by removing the period  
after "retroactively" and inserting

(iv) There is a compelling need to address the claim because of a fundamentally unfair trial, illegal sentence or some other manifest injustice.

On the question recurring,

Will the House agree to the amendment?

The SPLAKER, On that question, the Chair recognizes the gentleman, Mr. Thomas.

Mr. THOMAS, Thank you, Mr. Speaker.

Mr. Speaker, I rise for a reconsideration of this amendment because I am not confident that there was a clear understanding of the issue before us with respect to this amendment.

Mr. Speaker, I guess to put it very simply, this amendment does not run to death penalty cases as it was articulated by Representative Manderson. This amendment runs to all other cases of postconviction relief. And what the amendment basically says, Mr. Speaker, is that the exceptions that have been laid out in this bill, and I am not sure whether people have reviewed the exceptions, but the question is whether or not these exceptions are sufficient to deal with those situations where misconduct on the part of the Commonwealth, not on the part of the defendant, arises years later beyond the statutory period and whether or not we should have an avenue of relief in those situations where the misconduct is not brought to the attention of the defendant until years later.

Mr. Speaker, I do not think that there is anyone in this House this evening that believes that there will never be a situation where defendants might be entitled to relief for either an illegal sentence

or illegal incarceration brought on by conduct of the Commonwealth, and if you examine the exceptions as articulated in the bill, they are not sufficient to address a situation of prosecutorial or police misconduct, because in situations involving prosecutorial and police misconduct, those situations do not come to the immediate attention in all cases. In many instances, that misconduct does not come to the attention of the defendant or come to the attention of the public until many years later, and I cite as an example Philadelphia County, and there are other places where this situation has occurred.

Mr. Speaker, after almost 6 months, after almost 6 months of investigation into problems at the 39th police district, the district attorney's office, the police department, and there is no law enforcement or defender association in Philadelphia County that can tell you that we might be looking at thousands of cases that have gone to the courts and resulted in incarceration or resulted in illegal sentences as a result of police misconduct.

And, Mr. Speaker, as I said before and I want the record to be very clear, we have a very fine law enforcement agency in the city of Philadelphia. The police department is a good department. We are not talking about the Philadelphia Police Department, but there will always be situations that fall outside the norm, and the 39th police district is a case in point that has fallen outside the norm. It has not been brought to the public's attention until years later. Do we understand that there are people who have been incarcerated for the last 3, 4, 5 years? Now, if this bill becomes law, these individuals would be precluded, would be precluded under the exceptions as articulated in this bill from any standard of relief or from any avenue of relief.

And so, Mr. Speaker, the exception that is outlined in my amendment is not a troubling exception. It is an exception that would provide an avenue of relief in situations that do not come to the defendant's attention or do not come to the public's attention for years later. I do not think that there is anyone on either side of the aisle that would not want to make sure or would not want to create a situation that addresses these kinds of problems.

I, you know, cite just as an example, in a personal injury situation, in an accident situation where you had an accident and you suffer major injury to your back or to one of those other parts of the body where an injury is not easily detectable. Now, we have a statute that says that you must bring a claim within a certain period of time. Courts have recognized that there are certain injuries that will not fall within that statutory period, and so the statute need not run until there is acknowledgment of the existence of that injury, and that is when the statute begins to toll.

And so, Mr. Speaker, I am saying that the exceptions that are currently in this bill do not provide for those situations that I have cited and that we need an avenue of relief, and it is not something that is going to complicate the administration of the Postconviction Relief Act. It is not something that is going to delay, slow down the system. This exception will only be available in those situations where conduct on the part of the Commonwealth does not come to the attention of the defendant or to the public until many years beyond the tolling of the statute.

I ask for an affirmative vote on this amendment. Thank you.

The SPEAKER. The gentleman, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

Very briefly, this is an amendment that I would urge the House

defeat.

The gentleman, when he began his remarks, said he felt that there was not a clear understanding about what this amendment did

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 enough safeguard in the bill for newfound evidence and other kinds of situations that the gentleman is describing.

This amendment not only is not needed, it is dangerous. I urge it be defeated.

The SPEAKER. The gentleman, Mr. Thomas.

Mr. THOMAS. Very quickly, Mr. Speaker.

Number one, the exception that is articulated in this amendment provides that the Postconviction Relief Act will be available in situations where it is determined many years beyond the statutory period that an unfair trial occurred.

Case in point: You are arrested by a corrupt police officer or prosecutor 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 that the defendant did not get a fair trial. There is nothing complicated about an unfair trial becoming the basis of postconviction relief when the misconduct occurs many years after the statute.

The second standard, illegal sentence. We do have situations where sentences are imposed illegally and that information does not come to the public's attention or to the defendant's attention until many years beyond the statute.

And so, Mr. Speaker, reconsideration is not being requested because I do not understand the amendment; it is being requested because I am not sure that there was a clear understanding of what is being articulated in this amendment, because I do not think that there is anybody on either side of the aisle that does not believe that there are some situations which require an exception beyond those situations 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:

YEAS—48

Table with 4 columns of names: Babko-Jones, Bishop, Birkstein, Caltagarone, Cappabianca, Cohn, Cohen, N., Corpea, Curry, Dalry, DeWesse, Gigliemi, Haluska, Hanft, Hermsesey, Horsey, Irkin, James, Joseph, Keller, Kirkland, Kukevich, Laughlin, Lederer, Mandelino, Glanz, Glover, Fero, Petruca, Petrou, Preston, Ramos, Readshaw, Reber, Rieger, Robinson, Steelman, Strife, Surla, Tangretti, Thomas, Trillo, Trich, Van Home, Veon, Washington, Williams, Youngblood

NAYS 145

Table with 4 columns of names: Adolph, Allen, Arzuff, Armstrong, Baker, Durham, Lygoff, Fairchild, Fall, Fero, Lueyk, Lynch, Whitford, Nijou, Markosek, Schroder, Schuber, Serimanni, Semmer, Scattoli

or illegal incarceration brought on by conduct of the Commonwealth, and if you examine the exceptions as articulated in the bill, they are not sufficient to address a situation of prosecutorial or police misconduct, because in situations involving prosecutorial and police misconduct, those situations do not come to the immediate attention in all cases. In many instances, that misconduct does not come to the attention of the defendant or come to the attention of the public until many years later, and I cite as an example Philadelphia County, and there are other places where this situation has occurred.

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I ask for an affirmative vote on this amendment. Thank you.

The SPEAKER. The gentleman, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

Very briefly, this is an amendment that I would urge the House

defeat.

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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.

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The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—48

Table with 4 columns of names: Babko-Jones, Bishop, Birkstein, Caltagarone, Cappabianca, Cohn, Cohen, N., Corpea, Curry, Dalry, DeWesse, Gigliemi, Haluska, Hanft, Hermsesey, Horsey, Irkin, James, Joseph, Keller, Kirkland, Kukevich, Laughlin, Lederer, Mandelino, Glanz, Glover, Fero, Petruca, Petrou, Preston, Ramos, Readshaw, Reber, Rieger, Robinson, Steelman, Strife, Surla, Tangretti, Thomas, Trillo, Trich, Van Home, Veon, Washington, Williams, Youngblood

NAYS 145

Table with 4 columns of names: Adolph, Allen, Arzuff, Armstrong, Baker, Durham, Lygoff, Fairchild, Fall, Fero, Lueyk, Lynch, Whitford, Nijou, Markosek, Schroder, Schuber, Serimanni, Semmer, Scattoli

Baron	Mandac	Shano
Beebe	Marland	Sheehan
Bentley	Mayermik	Smith, B.
Bellardi	McCall	Smith, S. H.
Beltram	McCreeshan	Snyder, D. W.
Belloni	McGill	Staback
Bonifant	Melie	Stairs
Brown	Merry	Steil
Brown	Micozzio	Ston
Brown	Mills	Strick
Brown	Mundy	Strommmer
Buckner	Nailor	Sutra
Carone	Neel	Taylor, E. Z.
Carroll	Neve	Taylor, J.
Cawley	O'Brien	Thane
Chadwick	Horsy	Town
Civena	Herman	Tull
Clark	Hemby	Vance
Clymer	Hess	Viall
Cohen, L. L.	Hutchinson	Walke
Colafella	Jedlowiec	Wough
Colazzo	Jarolin	Wogan
Conrad	Kaiser	Wozniak
Coswell	Kennedy	Wright, D. R.
Cox	King	Wright, M. N.
DeLuca	Krebs	Yasawa
Dempsie	Lacortra	Zimmerman
Dent	Lawless	Zig
Demersy	Leh	Ryan, Speaker
DiGirolamo	Lesosvitz	
Donatucci	Lesdonsky	
Druce	Lloyd	

NOT VOTING—0

EXCUSED—9

Bunt	Gronez	Mihalich	Roebuck
Corrigan	Michlovic	Pistella	Travaglio
Evans			

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? 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

Adolph	Agall	Armstrong	Baker	Bard	Bailey	Bigoff	Fairchild	Fitt	Farje	Ferraro	Fesse	Fisher	Lynch	Marland	Majca	Markosek	Marisco	Marland	Mazurik	Saylor	Schroder	Seibster	Serimandi	Stimmel	Szostini	Shaner
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Dattisto	Diegle	McCall	Sheehan
Bebo Jones	Fick	McCubhan	Smith, B.
Belardi	Gambale	McGill	Smith, S. H.
Belardi	Gannon	McHo	Snyder, D. W.
Bonifant	Grebe	Mery	Srnback
Brown	Gronez	Micozzio	Stairs
Brown	Gigliotti	Miller	Steeleman
Brown	Gladeck	Mundy	Steil
Brown	Godshall	Nailor	Stern
Brown	Goetner	Nickol	Stetka
Bukowicz	Gronez	Neve	Sligh
Buston	Hobbs	O'Brien	Strommmer
Callegrona	Halaska	Olasz	Strla
Cappabianca	Hanna	Perzel	Sutra
Carr	Harbar	Pigo	Tangretti
Carrone	Hess	Fermana	Taylor, E. Z.
Cawley	Hennessey	Petrone	Taylor, J.
Chadwick	Herman	Petit	Pigue
Civena	Henshey	Phillips	Trich
Clymer	Clark	Pescini	Truc
Cohen, L. L.	Hutchinson	Pitts	Tull
Colafella	Ikon	Platt	Vance
Colazzo	Jadlowise	Preston	Vincent
Conrad	Jarolin	Ramos	Vincent
Connell	Kaiser	Raymond	Walker
Conner	Keller	Resulshay	Walsh
Coppola	Kenny	Rebar	Wright
Coswell	King	Reinard	Williams
Cox	Kings	Rieger	Wojan
Craig	Kukovich	Roberts	Wozniak
Daly	Lacrotta	Robinson	Wright, D. R.
DeLuca	Laughlin	Rohrer	Wright, M. N.
Dempsie	Lawless	Rooney	Yasawa
Dent	Laderer	Rubley	Zimmerman
DeWese	Leh	Rudy	Zig
DiGirolamo	Lesosvitz	Salmato	
Donatucci	Lesdonsky	Santoni	
Druce	Lloyd	Sather	Ryan, Speaker
Durham	Lusky		

NAYS—12

Cohen, M.	James	Manderino	Veon
Dormody	Josephs	Oliver	Washington
Horsy	Kirkland	Thomas	Youngblood

NOT VOTING—1

Bishop			
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Corrigan	Michlovic	Pistella	Travaglio
Evans			

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DeLuca	Laughlin	Rohrer	Wright, M. N.
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DiGirolamo	Lesosvitz	Salmato	
Donatucci	Lesdonsky	Santoni	
Druce	Lloyd	Sather	Ryan, Speaker
Durham	Lusky		

NAYS—12

Cohen, M.	James	Manderino	Veon
Dormody	Josephs	Oliver	Washington
Horsy	Kirkland	Thomas	Youngblood

NOT VOTING—1

Bishop			
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Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

**ANNOUNCEMENT BY SPEAKER**

The **SPEAKER**, The Chair at this time has several 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 Brian Robert Barley, son of Robert and Shelly Barley. Congratulations, John.

**GUEST INTRODUCED**

The **SPEAKER**, A friend of mine slipped into the House, here to the left of the Speaker: former distinguished — did you catch that? — former distinguished Secretary of Labor during the Thornburgh administration, Barry Stern. Barry Stern, please stand up.

**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 amending Title 42 (Judiciary and Judicial 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 budget for the fiscal 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 useful 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.

**AFTER RECESS**

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

**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 REFERRED 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 amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, authorizing courts to enter orders requiring the presence of parents, guardians or custodians 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:

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On the question, 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.

(Members proceeded to vote.)

VOTE STRICKEN

Mr. THOMAS. Mr. Speaker? 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?

The SPEAKER. The board will be stricken.

Mr. THOMAS. Mr. Speaker, I just 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?

Mr. THOMAS. Well, yes, I do care to comment on that, but

The SPEAKER. The gentleman is recognized on the question of concurrence.

Mr. THOMAS. Mr. Speaker, we have been in this special session since January, and to my recollection, we have passed and there have been signed into law a number of laws that run 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 Pennsylvania, it is no different in other parts of this State.

And, Mr. Speaker, just this morning while en route to Harrisburg, people in Philadelphia are outraged, and I will give you the situation. A mother and father have an 11-year-old 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 SPEAKER. The gentleman will yield.

Mr. THOMAS. There was a—

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. 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 rehabilitation of children. With some of these adults I understand it, but, Mr. Speaker, we are talking about 11-, 12-, 13-, 14-, 15-year-old children, and some of this ambiguous language, we need to slow down and take a look at whether or not the amendments in SB 100 are going to bring about changed behavior or more aggravated behavior. I take the position that it is going to aggravate an already devastating situation in the Commonwealth of Pennsylvania, and we need not continue to aggressively vote on these bills without at least understanding the basic tenets of it.

Now, I do not have the foggiest idea of what in the heck we mean by competencies that do not talk about rehabilitation, but use these vague and broad terms that—

The SPEAKER. 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 foggiest 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 we will be here for months.

Mr. THOMAS. Well, Mr. Speaker, that is the point. My point is, I just had a chance to look.

The SPEAKER. No, but it is my point that counts.

Mr. THOMAS. Well, I understand that and I respect that, but the record needs to reflect that I have a real problem with voting on something that I 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.

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 contempt of court for violation of protection-from-abuse 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 liability on parents for fines that were imposed in 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 rise in opposition to the bill, and I thank the speaker for explaining what the Senate did. Thank you. The SPEAKER. The Chair thanks the gentleman.

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—176

- Adolph, Allen, Arzuff, Armstrong, Baker, Baud, Bailey, Battista, Bekke-Jones, Belardi, Belardi, Birmelin, Blum, Buscola, Buscola, Hayes, Brown, Browne, Rukopvic, Buxton, Calzagirone, Carone, Casley, Chadwick, Clvera, Clark, Clymer, Cohen, L. I., Cohen, M., Colafello, Colajazzo, Conti, Cornell, Corpora, Cowell, Cus, Dalce, DeLuca, Dempsey, Derr, Dermody, DiCicciolo, Donatucci, Druce, Durham, Esoli.

- NAYS 17: Bishop, Capobianca, Corn, Curry, DeWeese, Hersey, James, Kirkland, Kukulich, Oliver, Rattios, Robinson, Thomas, Veon, Washington, Williams, Youngblood.
- NOT VOTING-0
- EXCUSED-9: Hunt, Corrigan, Evans, Gruliza, Mielchovic, Miodolich, Peretta, Resneck, Travaglio.

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 Senate accordingly.

The House proceeded to consideration of concurrence in Senate amendments to House amendments to SB 109, PN 168, entitled:

A Supplement to the act of July 6, 1995 (P. L. 269, No. 38), entitled "An act providing for the capital budget for the fiscal year 1995-1998," 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 useful life of the projects; and making an appropriation.

On the question. Will the House concur in Senate amendments to House amendments?

MOTION TO SUSPEND RULES

The SPEAKER. The gentleman, Mr. Trich, from Washington County.

Mr. TRICH. Mr. Speaker, if appropriate, I would like to move that we revert back to a prior printer'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 amendment, 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?

Mr. TRICH. That being the case, Mr. Speaker, that is what I would like to do.

The SPEAKER. The question before the House 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?

additional liability on parents for fines that were imposed in 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 rise in opposition to the bill, and I thank the speaker for explaining what the Senate did. Thank you. The SPEAKER. The Chair thanks the gentleman.

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—176

- Adolph, Allen, Arzuff, Armstrong, Baker, Baud, Bailey, Battista, Bekke-Jones, Belardi, Belardi, Birmelin, Blum, Buscola, Buscola, Hayes, Brown, Browne, Rukopvic, Buxton, Calzagirone, Carone, Casley, Chadwick, Clvera, Clark, Clymer, Cohen, L. I., Cohen, M., Colafello, Colajazzo, Conti, Cornell, Corpora, Cowell, Cus, Dalce, DeLuca, Dempsey, Derr, Dermody, DiCicciolo, Donatucci, Druce, Durham, Esoli.

- NAYS 17: Bishop, Capobianca, Corn, Curry, DeWeese, Hersey, James, Kirkland, Kukulich, Oliver, Rattios, Robinson, Thomas, Veon, Washington, Williams, Youngblood.
- NOT VOTING-0
- EXCUSED-9: Hunt, Corrigan, Evans, Gruliza, Mielchovic, Miodolich, Peretta, Resneck, Travaglio.

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 Senate accordingly.

The House proceeded to consideration of concurrence in Senate amendments to House amendments to SB 109, PN 168, entitled:

A Supplement to the act of July 6, 1995 (P. L. 269, No. 38), entitled "An act providing for the capital budget for the fiscal year 1995-1998," 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 useful life of the projects; and making an appropriation.

On the question. Will the House concur in Senate amendments to House amendments?

MOTION TO SUSPEND RULES

The SPEAKER. The gentleman, Mr. Trich, from Washington County.

Mr. TRICH. Mr. Speaker, if appropriate, I would like to move that we revert back to a prior printer'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 amendment, 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?

Mr. TRICH. That being the case, Mr. Speaker, that is what I would like to do.

The SPEAKER. The question before the House 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?



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 little 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 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 at 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, 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 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 A5266.

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 think need to be taken into consideration. First of all, we are presently below capacity as to the number of inmates that can take advantage 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 suspension of the rules, not the merits of his case, should he be successful with both motions.

Mr. TRICH. All 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 issue. It is an important aspect of legislation that we very strongly supported only 2 weeks ago, that now has a very dramatic change in it, and for that reason and for those of you who support the concept of boot camps and know that Pennsylvania's boot camp has an excellent rating, right now or less than half coming back into the prison, therefore I would ask that we vote favorably towards this request for a suspension of the rules and would urge all my colleagues to do so.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Perzel.

Mr. PERZEL. Thank you, Mr. Speaker.

I would like to yield to Representative Piccola.

The SPEAKER. The gentleman, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

I do not believe it is necessary to suspend the rules. If you will note the language that was taken out by the Senate which Mr. Trich is urging that we revert back to, it is simply a limitation on ourselves. We are not saying that we are not going to do the things that are enumerated in that language. All that we did in this amendment was to make the spending of the appropriations contingent upon us doing that. The Senate feels that that kind of a contingency is not needed.

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 think we should concur in the Senate amendments and not suspend the rules.

The SPEAKER. The gentleman, Mr. Trich.

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

I, too, support, as I am 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 eligible 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 not utilizing that which we 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 recurring, Will the House agree to the motion?

The following roll call was recorded:

YEAS—02

Table with 4 columns of names: Barrato, DeWeese, Lloyd, Santoni; Belski Jones, Donatucci, Long, Scrimmieri; Belardi, Felt, Manderino, Shaner; BelCanti, Garbilo, Markosek, Staaback; Bishop, George, Mayerick, Steelman; Brown, Gighlind, McCall, Stuber; Horvath, Gordon, McCoshan, Swila; Burlewitz, Halushka, Niles, Sarno; Buxton, Harris, Nundy, Tangredi; Castagnone, Hervey, Olasz, Thomas; Cappabianca, Ikin, Oliver, Figue; Cam, Jatus, Pasa, Frelle; Casley, Joseph, Ferrara, Trich; Culon, M, Joseph, Perone, Van Horn; Colatella, Kaiser, Ruston, Yoon; Colazzo, Keller, Sarno, Yarn; Copora, Kirkland, Reasnow, Walke; Covell, Kukovich, Reger, Washington; Cox, Lucerna, Roberts, Williams; Curry, Langhlin, Robinson, Ascentak; Daley, Ladner, Rosary, Wright, D. R.; Detlea, Lebowitz, Rudy, Yawic; Dermody, Lovinsky, Samato, Youngblood

NAYS 10

Table with 4 columns of names: Adolph, Fargo, Blairland, Schuler; Allen, Farrow, Nager, Semmel; Argall, Heese, Marlico, Scerifini; Armstrong, Fichter, Mastland, Sheehan; Baker, Piazolo, McCull, Smith, B.; Bandy, Flick, Sarno, Smith, S. H.; Backy, Gannon, Nierozwie, Snyder, D. W.; Bemelm, Geist, Miller, Sours; Boyce, Gindler, Nailer, Stull; Brown, Godshall, Siskot, Stern

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 little 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 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 at 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, 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 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 A5266.

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 think need to be taken into consideration. First of all, we are presently below capacity as to the number of inmates that can take advantage 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 suspension of the rules, not the merits of his case, should he be successful with both motions.

Mr. TRICH. All 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 issue. It is an important aspect of legislation that we very strongly supported only 2 weeks ago, that now has a very dramatic change in it, and for that reason and for those of you who support the concept of boot camps and know that Pennsylvania's boot camp has an excellent rating, right now or less than half coming back into the prison, therefore I would ask that we vote favorably towards this request for a suspension of the rules and would urge all my colleagues to do so.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Perzel.

Mr. PERZEL. Thank you, Mr. Speaker.

I would like to yield to Representative Piccola.

The SPEAKER. The gentleman, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

I do not believe it is necessary to suspend the rules. If you will note the language that was taken out by the Senate which Mr. Trich is urging that we revert back to, it is simply a limitation on ourselves. We are not saying that we are not going to do the things that are enumerated in that language. All that we did in this amendment was to make the spending of the appropriations contingent upon us doing that. The Senate feels that that kind of a contingency is not needed.

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 think we should concur in the Senate amendments and not suspend the rules.

The SPEAKER. The gentleman, Mr. Trich.

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

I, too, support, as I am 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 eligible 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 not utilizing that which we 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 recurring, Will the House agree to the motion?

The following roll call was recorded:

YEAS—02

Table with 4 columns of names: Barrato, DeWeese, Lloyd, Santoni; Belski Jones, Donatucci, Long, Scrimmieri; Belardi, Felt, Manderino, Shaner; BelCanti, Garbilo, Markosek, Staaback; Bishop, George, Mayerick, Steelman; Brown, Gighlind, McCall, Stuber; Horvath, Gordon, McCoshan, Swila; Burlewitz, Halushka, Niles, Sarno; Buxton, Harris, Nundy, Tangredi; Castagnone, Hervey, Olasz, Thomas; Cappabianca, Ikin, Oliver, Figue; Cam, Jatus, Pasa, Frelle; Casley, Joseph, Ferrara, Trich; Culon, M, Joseph, Perone, Van Horn; Colatella, Kaiser, Ruston, Yoon; Colazzo, Keller, Sarno, Yarn; Copora, Kirkland, Reasnow, Walke; Covell, Kukovich, Reger, Washington; Cox, Lucerna, Roberts, Williams; Curry, Langhlin, Robinson, Ascentak; Daley, Ladner, Rosary, Wright, D. R.; Detlea, Lebowitz, Rudy, Yawic; Dermody, Lovinsky, Samato, Youngblood

NAYS 10

Table with 4 columns of names: Adolph, Fargo, Blairland, Schuler; Allen, Farrow, Nager, Semmel; Argall, Heese, Marlico, Scerifini; Armstrong, Fichter, Mastland, Sheehan; Baker, Piazolo, McCull, Smith, B.; Bandy, Flick, Sarno, Smith, S. H.; Backy, Gannon, Nierozwie, Snyder, D. W.; Bemelm, Geist, Miller, Sours; Boyce, Gindler, Nailer, Stull; Brown, Godshall, Siskot, Stern

Browne	Gruppo	Nyce	Stish
Carone	Habasy	O'Brien	Strittmatter
Chadwick	Harhart	Perzel	Taylor, F. J.
Civiera	Hassay	Pettit	Taylor, I.
Clark	Hennessey	Phillips	Truc
Clymer	Herman	Piccola	Tull
Cohen, L. I.	Hershey	Pitts	Vance
Conri	Hess	Platts	Wausch
Cornell	Hutchinson	Raymond	Wegman
Dempsay	Jadlowiec	Reber	Wright, M. N.
Deat	Kemney	Reinard	Zimmerman
DiGirolamo	King	Rohrer	Zug
Druce	Krubs	Rubley	
Dunham	Lawless	Sallier	Ryan, Speaker
Egolf	Lynch	Seyla	
Fairchild		Schnodda	

NOT VOTING—0

EXCUSED—9

Bunt	Croatza	Mihalich	Roebuck
Corrigan	Michlovic	Pistella	Travaglio
Evans			

Less than a majority of the members elected to the House having 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	Druce	Lloyd	Seyla
Aiken	Dunham	Lueck	Schroder
Alger	Egolf	Lynch	Sculer
Armstrong	Fairchild	Maitland	Scrimmer
Baker	Felt	Major	Samuel
Bard	Ferpe	Markosok	Saralini
Barley	Fommer	Marice	Shaner
Hartisto	Teese	Masland	Sheehan
Rebko, Jones	Fichter	Mayermik	Smith, D.
Belardi	Fiasig	McGill	Smith, S. H.
Bellardi	Flak	McClebban	Snyder, D. W.
Hirmelin	Gamble	McGill	Staback
Diabop	Gannon	Matic	Stais
Blaun	Gier	Merry	Stechman
Boscota	George	Micozide	Stell
Bous	Griffith	Miller	Stern
Brown	Gladeck	Mundy	Stetler
Hrowne	Godshall	Nailor	Stish
Bukovitz	Gordner	Nickol	Strittmatter
Buxton	Gruppo	Nyce	Sturla
Calragirone	Habasy	O'Brien	Suma
Cappabianca	Halaska	Olasy	Tangreni
Carr	Hanna	Parce	Taylor, E. Z.
Carone	Harhart	Pesa	Taylor, I.
Cawley	Hassay	Petrarca	Tigue
Chadwick	Hennessey	Petrone	Trelle
Civiera	Herman	Pettit	Trich
Clark	Hershey	Phillips	Truc
Clymer	Hess	Piccola	Tull

NOT VOTING—0

EXCUSED—9

Bunt	Croatza	Mihalich	Roebuck
Corrigan	Michlovic	Pistella	Travaglio
Evans			

Less than a majority of the members elected to the House having 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	Druce	Lloyd	Seyla
Aiken	Dunham	Lueck	Schroder
Alger	Egolf	Lynch	Sculer
Armstrong	Fairchild	Maitland	Scrimmer
Baker	Felt	Major	Samuel
Bard	Ferpe	Markosok	Saralini
Barley	Fommer	Marice	Shaner
Hartisto	Teese	Masland	Sheehan
Rebko, Jones	Fichter	Mayermik	Smith, D.
Belardi	Fiasig	McGill	Smith, S. H.
Bellardi	Flak	McClebban	Snyder, D. W.
Hirmelin	Gamble	McGill	Staback
Diabop	Gannon	Matic	Stais
Blaun	Gier	Merry	Stechman
Boscota	George	Micozide	Stell
Bous	Griffith	Miller	Stern
Brown	Gladeck	Mundy	Stetler
Hrowne	Godshall	Nailor	Stish
Bukovitz	Gordner	Nickol	Strittmatter
Buxton	Gruppo	Nyce	Sturla
Calragirone	Habasy	O'Brien	Suma
Cappabianca	Halaska	Olasy	Tangreni
Carr	Hanna	Parce	Taylor, E. Z.
Carone	Harhart	Pesa	Taylor, I.
Cawley	Hassay	Petrarca	Tigue
Chadwick	Hennessey	Petrone	Trelle
Civiera	Herman	Pettit	Trich
Clark	Hershey	Phillips	Truc
Clymer	Hess	Piccola	Tull

Cohen, L. I.	Hutchinson	Pitts	Yusef
Cones, M.	Jikin	Platts	Van Heine
Colabella	Jadlowiec	Traxton	Vitali
Colazzo	Jarolin	Ramos	Walke
Coni	Josephs	Raymond	Waugh
Cornell	Kaiser	Reidshaw	Williams
Corpora	Keller	Reber	Wogan
Cowell	Kemney	Reinard	Wozniak
Cox	King	Rieger	Wright, D. H.
Curry	Krubs	Roberts	Wright, M. N.
Daley	Kubovich	Robinson	Yewers
DeLuca	LaGratta	Rohrer	Youngblood
Dempsay	Laughlin	Rooney	Zimmerman
Dent	Lavless	Rubley	Zur
Demody	Leahner	Rudy	
DeWesse	Leh	Sainare	Ryan, Speaker
DiGirolamo	Leusovitz	Santoni	
Donnanni	Levdansky	Satber	

NAYS—7

Horsey	Kirkland	Thomas	Washington
James	Manderino	Yoon	

NOT VOTING 1

Oliver			
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EXCUSED—9

Bunt	Croatza	Mihalich	Roebuck
Corrigan	Michlovic	Pistella	Travaglio
Evans			

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 Senate 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, LEDLER, WAUGH, WOGAN, WALKO, RUBLEY, TRUFFLO, SATHER, BELARDI, KAISER, LEVDANSKY, MERRY, JAROLIN, VAN HORN, RUDY, TIGUE, DELUCA, McALL, GLASZ, HALASKA, MANDERINO, BELFANT, SHANER, TANGRETT, DALEY, GORDNER, ROONEY, BROWNE, STEELMAN and PETRARCA

Browne	Gruppo	Nyce	Stish
Carone	Habasy	O'Brien	Strittmatter
Chadwick	Harhart	Perzel	Taylor, F. J.
Civiera	Hassay	Pettit	Taylor, I.
Clark	Hennessey	Phillips	Truc
Clymer	Herman	Piccola	Tull
Cohen, L. I.	Hershey	Pitts	Vance
Conri	Hess	Platts	Wausch
Cornell	Hutchinson	Raymond	Wegman
Dempsay	Jadlowiec	Reber	Wright, M. N.
Deat	Kemney	Reinard	Zimmerman
DiGirolamo	King	Rohrer	Zug
Druce	Krubs	Rubley	
Dunham	Lawless	Sallier	Ryan, Speaker
Egolf	Lynch	Seyla	
Fairchild		Schnodda	

NOT VOTING—0

EXCUSED—9

Bunt	Croatza	Mihalich	Roebuck
Corrigan	Michlovic	Pistella	Travaglio
Evans			

Less than a majority of the members elected to the House having 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	Druce	Lloyd	Seyla
Aiken	Dunham	Lueck	Schroder
Alger	Egolf	Lynch	Sculer
Armstrong	Fairchild	Maitland	Scrimmer
Baker	Felt	Major	Samuel
Bard	Ferpe	Markosok	Saralini
Barley	Fommer	Marice	Shaner
Hartisto	Teese	Masland	Sheehan
Rebko, Jones	Fichter	Mayermik	Smith, D.
Belardi	Fiasig	McGill	Smith, S. H.
Bellardi	Flak	McClebban	Snyder, D. W.
Hirmelin	Gamble	McGill	Staback
Diabop	Gannon	Matic	Stais
Blaun	Gier	Merry	Stechman
Boscota	George	Micozide	Stell
Bous	Griffith	Miller	Stern
Brown	Gladeck	Mundy	Stetler
Hrowne	Godshall	Nailor	Stish
Bukovitz	Gordner	Nickol	Strittmatter
Buxton	Gruppo	Nyce	Sturla
Calragirone	Habasy	O'Brien	Suma
Cappabianca	Halaska	Olasy	Tangreni
Carr	Hanna	Parce	Taylor, E. Z.
Carone	Harhart	Pesa	Taylor, I.
Cawley	Hassay	Petrarca	Tigue
Chadwick	Hennessey	Petrone	Trelle
Civiera	Herman	Pettit	Trich
Clark	Hershey	Phillips	Truc
Clymer	Hess	Piccola	Tull

Cohen, L. I.	Hutchinson	Pitts	Yusef
Cones, M.	Jikin	Platts	Van Heine
Colabella	Jadlowiec	Traxton	Vitali
Colazzo	Jarolin	Ramos	Walke
Coni	Josephs	Raymond	Waugh
Cornell	Kaiser	Reidshaw	Williams
Corpora	Keller	Reber	Wogan
Cowell	Kemney	Reinard	Wozniak
Cox	King	Rieger	Wright, D. H.
Curry	Krubs	Roberts	Wright, M. N.
Daley	Kubovich	Robinson	Yewers
DeLuca	LaGratta	Rohrer	Youngblood
Dempsay	Laughlin	Rooney	Zimmerman
Dent	Lavless	Rubley	Zur
Demody	Leahner	Rudy	
DeWesse	Leh	Sainare	Ryan, Speaker
DiGirolamo	Leusovitz	Santoni	
Donnanni	Levdansky	Satber	

NAYS—7

Horsey	Kirkland	Thomas	Washington
James	Manderino	Yoon	

NOT VOTING 1

Oliver			
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EXCUSED—9

Bunt	Croatza	Mihalich	Roebuck
Corrigan	Michlovic	Pistella	Travaglio
Evans			

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 Senate 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, LEDLER, WAUGH, WOGAN, WALKO, RUBLEY, TRUFFLO, SATHER, BELARDI, KAISER, LEVDANSKY, MERRY, JAROLIN, VAN HORN, RUDY, TIGUE, DELUCA, McALL, GLASZ, HALASKA, MANDERINO, BELFANT, SHANER, TANGRETT, DALEY, GORDNER, ROONEY, BROWNE, STEELMAN and PETRARCA

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

Referred to Committee on JUDICIARY, 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 anti-truancy programs; and further providing for arrests of children failing to attend school and for power of arrest.

##### SB 99, PN 170

A Supplement to the act of July 6, 1995 (P. L. 269, No. 38), entitled "An act providing for the capital budget for the fiscal 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 useful life 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 session?

The SPEAKER, It would be.

Mr. WAUGH, On SB 81, special session amendment AS556, my vote did not register. I would like to be recorded with a "yes" vote.

The SPEAKER, The remarks of the gentleman will be spread upon the record.

Mr. WAUGH, Thank you.

#### RECESS

The SPEAKER, 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.

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

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The SPEAKER, 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

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 RESOLUTION INTRODUCED AND REFERRED

Privileged 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 Tuesday, October 31, 1995, at 7:00 p.m. in the Hall of the House of Representatives for the purpose of hearing 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 Senate 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, Lieutenant 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

RESOLVED, That if the Senate shall adopt a similar resolution that the House of Representatives and Senate 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 hearing 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 Senate 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, Lieutenant 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.

RULES.

#### AFTER RECESS

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RESOLVED, That a copy of this resolution be transmitted to the Senate.

RULES.

RESOLUTION

Mr. PERZEL called up the following resolution:

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RESOLVED, That a copy of this resolution be transmitted to the Senate.

On the question. Will the House adopt the resolution?

The SPEAKER. The question before the House is the privileged resolution just reported by the majority leader, Mr. Perzel.

On that question: Mr. DeWEESE, Mr. Speaker?

The SPEAKER. The gentleman, Mr. DeWeese.

Mr. DeWEESE. I would like to interrogate the gentleman from Philadelphia.

The SPEAKER. 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 conferees on the floor kindly cease.

The gentleman, Mr. DeWeese.

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 am naive.

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 special session on crime. That is exactly what it is, Mr. Speaker.

Mr. DeWEESE. Generically, Mr. Speaker, what is a privileged resolution? I asked the Speaker of the House, a gentleman who has 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. —he candidly replied he did not.

The SPEAKER. The gentleman will yield.

Are you interrogating the Speaker at this time or are you indulging in hearsay?

Mr. DeWEESE. No; I am interrogating the gentleman from Philadelphia, Mr. Perzel.

The SPEAKER. If you are going to indulge in hearsay, 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.

The SPEAKER. Well, then do not indulge in hearsay.

Mr. DeWEESE. I appreciate the edification of the Chair. I still would like to know what a privileged resolution is since 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, 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. I 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. Speaker.

Mr. DeWEESE. So it is the impression of the gentleman from 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. DeWEESE. I have to admit, I do not know whether this is fish nor fowl. It is not a House resolution that we are dealing with collectively; it is not a concurrent 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 tradition, and if it is and since it has never been witnessed even by some of the sages in this august body, then I at least want to make the record clear 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 voice vote a special session was ended in 1972, without a resolution in either House.

Mr. DeWEESE. In lieu 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. I have made an observation at the end of my interrogation. Now I would request permission to share a few general observations, Mr. Speaker.

The SPEAKER. And do I understand that you are questioning the constitutionality of the resolution? That is my question. I thought I gathered that—

Mr. DeWEESE. No; I am not making a motion. I am not making a motion on constitutionality. I am only indicating that I believe we are in breach of the Constitution. I am only making a statement at the end of my interrogation.

The SPEAKER. For the benefit of the gentleman, who was referred to rule 36, sections (4) and (6) were the sections that I had called to the attention of the gentleman, Mr. Perzel, with respect to this resolution.

The gentleman is in order and may proceed.

RESOLUTION

Mr. PERZEL called up the following resolution:

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RESOLVED, That a copy of this resolution be transmitted to the Senate.

On the question. Will the House adopt the resolution?

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The gentleman, Mr. DeWeese.

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The gentleman is in order and may proceed.

POINT OF ORDER

Mr. FAJT. Point of order, Mr. Speaker. The SPEAKER. The gentleman, Mr. Fajt. 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, without 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 criminal 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 being 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 said that fighting crime is the core function of our government, and our effort should be to give 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 crime, 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 sexy, are being withheld from our consideration at this point. If we are going to talk, Mr. Speaker, about a special session on crime, it seems that prevention, crime prevention, should be our hallmark.

Governor Ridge said last year that we are going to give the police the tools to do their job. Mr. Speaker, I think he has given us a toolbox, but the toolbox is half empty. If we are not going to, 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 his teams are doing down at Graterford tonight, if we are not going to staunchly attend to this business, then it is our collective impression, I hope and believe, that this is premature to shut down and especially to shut down without the concurrent resolution that we have dealt with since time immemorial.

With that in mind, Mr. Speaker, I 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 General Assembly—"

The SPEAKER. Will the gentleman yield. Will the gentleman send his amendments to the clerk and to the desk.

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. DeWEESE. 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 thereof: "Hall of the House of Representatives; that the Special Session of 1995 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 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 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 of 1995 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 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 Speaker's podium.)

POINT OF ORDER

Mr. FAJT. Point of order, Mr. Speaker. The SPEAKER. The gentleman, Mr. Fajt. 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.

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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 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 efforts 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.

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 gentleman, Mr. Tangretti, on the question of the amendment offered by the gentleman, Mr. DeWeese.

Mr. TANGRETTI. Thank you, Mr. Speaker.

I obviously rise in support of the amendment.

I would like 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 HB 14 twice now. It was under a previous number in the last session, and just in 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 aisle, which I was grateful for -- and it still sits in the Senate Local Government 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 vehicles and help you maintain your buildings, and we sent a postcard preaddressed back to us asking for their comments.

Mr. Speaker, we got well over --

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 interrupting the speaker, but not having a copy of this amendment which is allegedly being debated on my desk, I have a hard time understanding the debate of the gentleman relative to the amendment, and I was wondering if in fact we are going to be offered the opportunity, those 190-some-odd members who are still here present listening to this debate, be afforded the opportunity to have the amendment which is being debated.

The SPEAKER. Would the staff people 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 fairly stated -- be it either the last day of November of 1996 or if we adjourn sine die prior to that time, to that date.

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 efforts 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.

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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. REBER. 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 crime, 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.

The SPEAKER. The gentleman, Mr. Tangretti.

Mr. TANGRETTI. Thank you, Mr. Speaker.

As I was saying, we did a mailing, and we asked for returns on HB 14. Mr. Speaker, we got an overwhelming response -- over 600 cards back from police chiefs, municipal borough officials, city officials, mayors, and everyone else saying not only do they support HB 14 but they need help now with everything.

We have trained the police departments in this Commonwealth shabbily. We have not done anything for them in decades -- in decades, we need to help them.

So as a result of that response, our Policy Committee formed a task force, which I was privileged to chair, and we held a series of hearings throughout the Commonwealth, Mr. Speaker. I wish you all could have been there to hear the anecdotal stories, the testimony, the evidence, of how we have benignly neglected those people who every day put their lives on the line for us, who have to make decisions between bulletproof vests and fixing the roof of the city hall, who have to make the decision about whether they are going to buy ammunition or fix their patrol car. Where are we going? How can we deal with a session on crime when we do not help our police departments?

I have 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 end this special session on crime and not deal with the police and not give them the help that they need. We need to have a dedicated source of funding. When 20 and 30 and 40 and 50 and, in one instance, 80 percent of a budget goes for a police department, they need help.

We have come up with two or three schemes, two or three ideas, on funding for police departments, but it is not the end of it. It is not the cure-all. They are certainly not the only ideas. We need to have input. We need to have discussion. We need your help. We need to have the focus of the special session on crime. To just shotgun this now, as we have done in the past, is wrong. We should not lose this window of opportunity. We should allow this crime session to go on. What is the magic of tomorrow? Why do we have to do this today or tomorrow? Why do we have to end it?

We had witnesses from all over this Commonwealth, many of whom are from your districts as well as mine, who are saying, help us; help us do our jobs; help us protect ourselves against the criminal who has access to the most modern, technological fire

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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 in the street.

We are not talking just about the urban areas of this Commonwealth, Mr. Speaker, because one of the things that opened my eyes and other members of our task force was the erosion of the criminal activity into our smaller rural communities, mainly brought on by two factors: development of the highway system that brings people from the inner-urban areas out to the areas. That was particularly revealing when we had our hearings in Bucks County, in Bristol Township, and we had the chiefs of police from their area talking about the new interstate that just brings the criminal element out. They find it easy to jump in a car, come up the interstate, jump off somewhere in Bucks County, commit a crime, and jump back on the interstate and go back down to Philadelphia. It happens. It happens. That is a problem. The other thing is, they know that with the sophistication level of these small-time police departments, they do not have the kind of weaponry and the kind of technology that they need.

We have come up with ideas on funding, on helping with regionalization, on pension portability, as the Democratic leader mentioned — which was a significant eye-opener for a lot of us — on communications. We have situations where police in one part of a county cannot talk to the other part because their equipment is not compatible. They do not have access to the same data.

We need to have help for our police departments. Why we have to end this crime session without dealing with this issue, I have not the foggiest. I wish somebody could explain it to me. I would ask the majority leader, what is the magic of today? Why? Why can we not just go on? We need to do this.

So I would ask you not to allow this to happen. I would ask you to support this amendment on behalf of your police departments as well as mine. Let us do something for them. Let us not drop the ball here. Let us not declare victory and walk away from it. It is not over. It is not over. It is not over until we address those people who are on the road, in the streets, in their cars, fighting those criminals every day on our behalf, and we are turning our backs on them. It is wrong, and you know it is wrong.

So I would ask you to support this amendment, and let us extend this crime session, and let us do the right thing by those people who are doing the right thing for us.

The SPEAKER. The Chair recognizes the gentleman, Mr. Sturla.

PARLIAMENTARY INQUIRY

Mr. VEON. Mr. Speaker? Mr. Speaker?

The SPEAKER. The gentleman, Mr. Veon. For what purpose does the gentleman rise?

Mr. VEON. 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 the Speaker could again remind the members the definition of this resolution. Under what rule are we considering this resolution?

The SPEAKER. We are considering this resolution under rule 36. It is a resolution privileged for immediate consideration of the House. It deals with a joint session, and it deals with adjournment. That is under provisions (4) and (6) of that rule.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, a further parliamentary inquiry.

I would like to make the motion that this resolution is out of order in that, by its very definition, it is a resolution of sine die, which should be considered under House rule 38, which would require all the proper notification, and it seems to me would not be in order for tonight's vote.

The SPEAKER. This resolution does comply with rule 38 in that it was referred to the Rules Committee and it was reported out of Rules Committee.

Mr. VEON. Mr. Speaker, my further parliamentary inquiry.

Since this is a resolution that would have the House adjourn sine die, would it not be and should it not be considered under rule 38, which very clearly in the rules states that that would be the rule under which sine die adjournment motions would take place?

The SPEAKER. I am sorry; I do not understand that question. I thought perhaps I answered the question when I said that under rule 38 a resolution dealing with sine die has to be introduced into Rules and reported out, and that did happen, but I do not know what else can be done under 38. I do not know what you are referring to now.

Mr. VEON. Mr. Speaker, a further inquiry.

You have stated that the resolution is being considered under rule 36. Is that correct?

The SPEAKER. Well, I got over the first hurdle of 38, which was getting it into and out of committee, and now I am back over onto 36. For instance, the question comes up, a motion to adjourn is not debatable — all right? — except by the floor leaders. However, a motion concerning sine die resolutions, under Mason's Manual, is debatable, and I go to Mason's Manual, too. So I mean, we use more than one rule when we are acting in the capacity of Speaker. We just do not hang on 38 and hope and pray that it gets us home.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I guess if I could just focus in on, the question is, how can we consider a sine die resolution which the rules state should be considered under House rule 38; how can we consider that as a privileged resolution under House rule 36? That is the crux of my parliamentary inquiry.

The SPEAKER. Mr. Veon, as I view the rules, 38 is simply saying, a sine die resolution must go into and out of the Rules Committee. That is all it says, essentially — now want stay with me — and then in addition to that, rule 36 labels it as a privileged resolution and gives it the priority listing as to when you may take it up, if you like, because it can be immediately considered. It is a privileged resolution, and that is because it deals with adjournment or it deals with a joint session, whatever you want to call it.

Mason's Manual gives us further knowledge as to how we conduct our business here this evening. When we look to — I will give you a cite — when we look to Mason's Manual — I had a member come up and say, we should not allow them to keep this up, because this is restricted, this debate, until you go and you look into Mason's Manual, section 445, and it says, "A motion...to adjourn sine die...or any motion...which would have the effect of dissolving a legislative body...is subject to debate, amendment and all the subsidiary motions." So the mere fact that 38 starts us off does not terminate us.

Mr. VEON. Thank you, Mr. Speaker.

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Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, my further parliamentary inquiry then — and this would be the last point — would we be would we not be required to have further notice, and would we in fact not be able to vote on this

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 House rule 38, not rule 36, and I would like to make that motion at the proper time or in the proper way, Mr. Speaker.

The SPEAKER. I honestly do not know how you make a 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, I am at a loss. You are going to have to go a step further than that.

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 is 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.

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—

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.

The gentleman, Mr. DeWeese, will stand for interrogation. The gentleman, Mr. Sturla, may proceed.

Mr. STURLA. I thank you, Mr. Speaker.

Mr. Speaker, it is my understanding that under the amendment that you have proposed, while it calls for adjournment in November of 1996, that there would in fact be nothing that would preclude us, should we actually get 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 Senate that we have passed and are still lingering over there in the special session — that if we got some of that accomplished, there would be nothing that would preclude us from then passing another resolution that would have us adjourn at a date earlier than November of 1996. Is that correct?

Mr. DEWEESE. I am under the firm impression the Speaker and the Parliamentarian would have to affirm my perspective — but I believe that any vote of the chamber would checkmate this

amendment and we could dissolve the special session at our leisure.

PARLIAMENTARY INQUIRY

Mr. STURLA. Mr. Speaker, could I ask for a ruling from the Speaker to see whether in fact that would be the case, that we could

The SPEAKER. I apologize; I was not paying attention to either the question or the answer.

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 actually accomplished what we believe needs to be accomplished, would there be anything that would preclude the House from then passing another resolution that would have us adjourn at a time sooner than 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.

It could make a comment?

Thank you.

Given the fact that we could adjourn this at any given point, if we simply extend this beyond tonight, I would urge the members that perhaps have special session bills still sitting 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.

I do not have a problem with listening to the Governor speak tomorrow. I just think there is some more business that needs 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 cut it off now 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, help get 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 some real achievement in this special session. Thank you.

The SPEAKER. On the question, the Chair recognizes the gentleman, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

First of all, I rise to oppose the amendment offered by the gentleman, Mr. DeWeese.

Before I give you my reasons why, I would like to respond to the remarks of Mr. Tangretti, where he said that we have treated the police of this Commonwealth shabbily. That is not true. We have some of the finest State and local municipal police officers in

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.

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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.

The gentleman, Mr. DeWeese, will stand for interrogation. The gentleman, Mr. Sturla, may proceed.

Mr. STURLA. I thank you, Mr. Speaker.

Mr. Speaker, it is my understanding that under the amendment that you have proposed, while it calls for adjournment in November of 1996, that there would in fact be nothing that would preclude us, should we actually get 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 Senate that we have passed and are still lingering over there in the special session — that if we got some of that accomplished, there would be nothing that would preclude us from then passing another resolution that would have us adjourn at a date earlier than November of 1996. Is that correct?

Mr. DEWEESE. I am under the firm impression the Speaker and the Parliamentarian would have to affirm my perspective — but I believe that any vote of the chamber would checkmate this

amendment and we could dissolve the special session at our leisure.

PARLIAMENTARY INQUIRY

Mr. STURLA. Mr. Speaker, could I ask for a ruling from the Speaker to see whether in fact that would be the case, that we could

The SPEAKER. I apologize; I was not paying attention to either the question or the answer.

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 actually accomplished what we believe needs to be accomplished, would there be anything that would preclude the House from then passing another resolution that would have us adjourn at a time sooner than 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.

It could make a comment?

Thank you.

Given the fact that we could adjourn this at any given point, if we simply extend this beyond tonight, I would urge the members that perhaps have special session bills still sitting 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.

I do not have a problem with listening to the Governor speak tomorrow. I just think there is some more business that needs 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 cut it off now 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, help get 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 some real achievement in this special session. Thank you.

The SPEAKER. On the question, the Chair recognizes the gentleman, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

First of all, I rise to oppose the amendment offered by the gentleman, Mr. DeWeese.

Before I give you my reasons why, I would like to respond to the remarks of Mr. Tangretti, where he said that we have treated the police of this Commonwealth shabbily. That is not true. We have some of the finest State and local municipal police officers in



the country in this Commonwealth. We train them well. We help to train them well at the State level, and for anyone to suggest that this General Assembly, either during this special session or outside this special session, has treated the local police or the State Police shabbily, well, it is simply not true.

I have been a member of this House for almost 19 years, and with the possible exception of my involvement and this General Assembly's involvement in the impeachment of Justice Larsen last year, I have to say that this special session on crime has been the high point of my service here in the House.

Why has that been the case? I think it has been the case because it had a very defined beginning which was rooted, whether we like to remember this or not, it was rooted in a campaign where the issues that have been dealt with in this session were taken to the people of Pennsylvania and where they cast votes in part upon what was being proposed during that campaign by the Governor of this Commonwealth. It had a meaning. It had significant accomplishments where the proposals that were campaigned on by the Governor and many of us running for legislative office were brought to this General Assembly in special session and passed into law, and we will have some 40 bills, I believe, that this will have passed into law or proposed to the people as amendments to the Constitution, and probably more important or at least as important is that it will have an end, and that is what this resolution is all about. It will be a successful and well-defined conclusion to the special session on crime.

The special session on crime was outlined for us by the Governor in his proclamation of January 23d of this year. In that proclamation he outlined 11 points that he wanted the General Assembly to deal with, and with the indulgence of the House, I would like to go over those points and what we did under each one of them.

An orderly process to implement the death penalty, and I refer you to Act 4 and Act 23.

Reduction of juvenile crime by reforming the system and laws relating to crimes committed by juveniles - Act 1, Act 6, Act 7, Act 9, Act 11, Act 13.

Enhancement of the ability of law enforcement officials and the judiciary to identify, prosecute, punish, and monitor sex offenders and child molesters - Act 2, Act 10, Act 14, Act 24.

Reform the pardons and commutations system and the laws to insure the public safety - Act 16.

Improvement of public safety by denying bail to dangerous prisoners - Act 3, Act 5, Act 5, Act 17, Act 19.

The revision of the Wiretapping and Electronic Surveillance Control Act - HB 102, which will be sent to the Governor shortly.

Improvement of the delivery and the scope of services and restitution to crime victims, a very important feature of this special session - Act 2, Act 10, Act 8, Act 12, Act 15, Act 20, Act 23, Act 24.

Authorization of the Department of Corrections to implement inmate work programs - HB 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 criminal justice agencies - Act 2.

Reduction of violence in schools and communities through school-based and community-based crime prevention - Act 23, SB 98, which we will hopefully pass into law very shortly.

Now, I know that this would have been possible in years past. It is fully within the capability of the House Judiciary Committee and Mr. DeWeese knows this; he is a past chairman of that committee in the majority - but it takes a will, a political will, to do these things, and they were done.

In my estimation, Mr. Speaker, this special session on crime, with its very defined beginning, its very defined accomplishments, and its very defined ending period, will serve as a model for future Governors and future General Assemblies to deal with specific programs that they would like to see enacted into this Commonwealth.

Go to the people of the Commonwealth during the election process; that is what it is all about. Outline with specificity what you intend to accomplish and how you intend to accomplish it. Once you are elected, call the General Assembly into special session with that mandate and have them sit down and get to work on that subject matter, whatever it may be, and then when you have accomplished that, draw that special session to an end. It worked here. It can work in other areas. That is the challenge for us.

I fully can see that crime is not going to go away as a result of the special session on crime. We will be dealing with issues outside the special session. One that comes to mind immediately is parole reform, something that requires a long-range planning and implementation process. It cannot be done in a narrow-focus special session on crime. That will not stop. There will still be committees of this General Assembly working on these problems from now until the end of this session and next session and every session hereafter, because unfortunately, crime will not go away, but we have taken major steps on major policy initiatives that this Governor has proposed and which were ratified by the people of this Commonwealth with his election and our election and we have done it successfully, and we should bring this special session to an end.

I urge that we reject the DeWeese amendment.

THE SPEAKER. The Chair recognizes the majority leader, Mr. Perzel.

Mr. 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 own.

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 stopping crime, 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. Not one out of that special session became law. By tomorrow, right now, tonight, 26 of them have become law. By tomorrow it will be 31.

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But let us talk about prevention just for one moment, just for a moment, Mr. Speaker, because it was a theme of the minority leader. We have appropriated more than 3 million new dollars for Drug Abuse Resistance Education, the D.A.R.E. program, which awards funds to local law enforcement agencies. We provided nearly 4 million new State dollars for grants to school districts to create alternative education programs for disruptive students. We budgeted one-half million new dollars for the safe school initiative. Mr. Speaker, We have beefed up the budget commitment for an additional 50 State troopers for rural Pennsylvania and to train 300 new cadets. Mr. Speaker, Fiscal year 1995-96 budget appropriated more than \$150 million in State and Federal funds for WIC (women, infants, and children) programs to provide proper nutrition for low-income women and their children. Act 62 of 1993 provided a mechanism for the acknowledgment of and responsibility for parenting at the time of the birth of an illegitimate child, which promotes fatherhood and fosters responsibility. This year's budget contains more than \$80 million of State funds for drug and alcohol abuse. Nearly \$1.3 million is included in this year's budget for parenting and teen pregnancy programs. Mr. Speaker. And this year's fiscal 1995-96 State budget provides \$42.8 million for day-care services, a 15-percent increase.

Now, we tried as best we possibly could to make this a bipartisan session. Three of the bills signed into law — mandatory restitution by Representative McGeehan; allowing juvenile offenders' records to be used in adult court. Representative Lederer; wiretapping of inmate phone calls, Representative Rosita Youngblood. I received a written request from Representative Tangredi on February 6 asking for his bill to be passed. We passed that bill and sent it to the Senate. Mr. Speaker. We are not holding up his bill; it is in the Senate. Now, I think it would be more appropriate to find out what the Senate is doing with the bill. We would be glad to ask it as part of the budget negotiations.

Mr. Speaker, I do not know about you, Mr. Speaker, but in my district in Philadelphia and in a lot of the districts around this Commonwealth, we talked about crime prevention programs in the sixties, the seventies, the eighties, and the early nineties. Now, people in my district are being beat up when they go to a M.A.C. (money access center) machine and they are tired of talking about that. They want the thugs to go to jail. That is what this was about, Mr. Speaker.

The SPEAKER. The Chair recognizes the lady from Erie, Ms. Beeko-Jones.

Ms. BEBKO-JONES. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the DeWeese amendment. After reviewing the Governor's proclamation, Mr. Speaker, on the special session on crime, I noticed we have not addressed all the articles in the Governor's proclamation. We have locked them up and thrown away the keys, and I know all of us in this chamber tonight feel a lot safer because we locked 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. Piccola's report card 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.

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

The SPEAKER. The gentleman from Allegheny, Mr. Trello. Mr. TRELLO. Mr. Speaker, I would just like to clear the record. The gentleman from the other side of the aisle made a statement that Mr. Tangredi did not think much of our police departments. I think he must not have been listening to what Mr. Tangredi was saying. I do not think there is any one member in this chamber. I do not care what side of the aisle that you sit on, we know here 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, I can attest to that, the big city of Coraopolis.

But when I am really concerned about it is that I think the majority leader and all the members from this General Assembly ought to pat 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 criminals 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 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 policemen; we had money for guns; we had money for everything. At that time we had 14 policemen plus the chief. Now we have eight — four full time and four part time. How in the heck do you fight crime when you do not have experts on the street, with four 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 roofs at all to fight crime if it were not for WAM's. Now, you will have to admit from your side of the aisle that some of you enjoyed a few of those (his last budget).

The SPEAKER. Will the gentleman yield.

Mr. TRELLO. But anyways, getting back to the subject on fighting crime.

The SPEAKER. I agree with the gentleman. That is all I wanted to say. I am all in favor of them. However —

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The SPEAKER. The subject matter, Mr. Trello, is the amendment of Mr. DeWeese.

Mr. TRELLO. What the gentleman, Mr. Piccola, stated about what we passed and what the majority leader said is all true. I think it is fantastic. I know the chairman of the Judiciary Committee, 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. I congratulate him on getting things done, but what we are talking 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.

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

The SPEAKER: Will the gentleman yield. Mr. TRETICO: So I move that 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 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 introduce a bill to bring some money to my hometown and yours, too, to fight crime. Thank you.

The SPEAKER: Mr. Thomas, on the amendment. Mr. THOMAS: Thank you, Mr. Speaker.

On the amendment, I rise to support the amendment to continue the special session on crime. What we have had is a special session on punishment, not on crime. What we have done in Pennsylvania. And, Mr. Speaker, there are about 16 to maybe 20, 25 States that have held special sessions on crime. In fact, it was August 8 of 1994 when I held a press conference in Philadelphia and had over 300 people from all sections of the city of Philadelphia and called for a special session on crime, sent both 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 \$1 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 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 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 I have heard in reference to this amendment, Mr. Speaker, I have a whole list here of unfinished business, bills that are not in the Senate but are still in the House — juvenile justice grants; delinquent child, drug, and alcohol; 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.

Until 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, let us refer back to Representative Bekko-Jones, who indicated that there are parts of the Governor's proclamation that we have not resolved. If it is so easy for us to resolve unfinished 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 Senate.

Mr. Speaker, the bottom line for me, as I 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, crime has actually escalated during the special session. It has not been decreased. In Pittsburgh, Allegheny County, there are many places where crime has actually escalated. It has not been decreased since 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 dropout. It is no mystique that in the Commonwealth of Pennsylvania we have more young people dropping out of high school and going to jail than we have graduating and going to Yale. It is no mystique 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 homes and books. It is no mystique that in many communities we have young people who believe that there is no tomorrow and do not feel as though there is any hope for tomorrow. And as long as that kind of attitude, those kinds of circumstances exist, Mr. Speaker, we have a moral imperative to move 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 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 circumstances around which some of these young people are having to deal with. Representative Bekko-Jones 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, Mr. Speaker, let us say, well done on the side of punishment, and let us say, yes, yes, yes, to prevention and intervention. Keep the special session open. Thank you.

The SPEAKER: The Chair thanks the gentleman. The Chair recognizes the gentleman from Delaware County, Mr. Kirkland.

Mr. KIRKLAND: Thank you, Mr. Speaker.

Mr. Speaker, a very well known Senator from Delaware County once said to me, 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.

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

The SPEAKER: Will the gentleman yield. Mr. TRETICO: So I move that 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 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 introduce a bill to bring some money to my hometown and yours, too, to fight crime. Thank you.

The SPEAKER: Mr. Thomas, on the amendment. Mr. THOMAS: Thank you, Mr. Speaker.

On the amendment, I rise to support the amendment to continue the special session on crime. What we have had is a special session on punishment, not on crime. What we have done in Pennsylvania. And, Mr. Speaker, there are about 16 to maybe 20, 25 States that have held special sessions on crime. In fact, it was August 8 of 1994 when I held a press conference in Philadelphia and had over 300 people from all sections of the city of Philadelphia and called for a special session on crime, sent both 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 \$1 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 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 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 I have heard in reference to this amendment, Mr. Speaker, I have a whole list here of unfinished business, bills that are not in the Senate but are still in the House — juvenile justice grants; delinquent child, drug, and alcohol; 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.

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Mr. Speaker, if we end this special session on crime right now, tonight — 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, right 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 hail 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.

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 beat 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.

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 are 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 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 prevent crime in our communities. So we rise in support of the DeWeese amendment.

And finally, Mr. 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.

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 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.

The SPEAKER. The gentleman, Mr. Blaura.

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 crime was coming to an end came as a surprise 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 crime, 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. Piccola, 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 this special session. One need only look at the list of bills which still sit in the various committees of the General Assembly. There is a lot more for us to do. We have legislation on minors 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 many, many serious cases.

We need to take up and to remain focused on this type of legislation. There should be no rush here. There is no reason to end this special session, and I daresay that none of your constituents — none of your constituents — would vote to end this special session and say that the job is done or that the focus can now be removed.

We need to keep the focus focused on this type of legislation in this special session, and I ask you to vote for the DeWeese amendment, to continue the efforts and the consideration of the legislation which currently exists in committees and to keep 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 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.

I have been taken to task 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 not impose this by a temporary rule.

I am going to close up a little bit on the rules of the House and try and restrict the debate to what is before the House, and that is the adoption or the rejection of the DeWeese amendment. We are really going just far afield, and it is unfair to too many people who, frankly, just want to have their dinner. 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.

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.

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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.

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 aisle 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 "Elimination of substance abuse by convicted state offenders..." Act 18 does nothing but increase the mandatory minimum penalty for the possession of controlled substances and contraband by convicts, a bill that I supported, a bill that most of us in here supported, but it does nothing to eliminate substance 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: that 70 to 80 percent of the people in the criminal justice system are there because of drug and alcohol abuse. Seventy to eighty percent are there because of drug and alcohol abuse.

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 yield.

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 think 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 continue 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 something that is at the root of the crime problem in this Commonwealth.

I ask for an affirmative vote on the DeWeese amendment. Thank you, Mr. Speaker.

The SPEAKER: The gentleman, Mr. Tangredi, for the second time on the issue.

Mr. TANGRETTI: Thank you, Mr. Speaker.

I felt it necessary to rise again in view of some of the comments that were made. I had no intention of doing that, but I thought it

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 aisle, 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 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 Municipal 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 him to say it in view of the fact that in response to, Mr. Speaker, Representative Smula's amendment last week, he suggested that more funds for local police departments would only enable them to run more speed traps. So I am happy to see that he is 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: Mr. Tangredi, please.

Mr. TANGRETTI: Sir?

The SPEAKER: The amendment is the amendment of your floor leader. Mr. DeWeese. If you do not understand what it says, ask him, but it is just to extend this session. We do not want to hear about MAC machines and the like.

Mr. TANGRETTI: 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 the issue. Please stay.

Mr. TANGRETTI: I beg to differ, Mr. Speaker; you should have stopped him.

The SPEAKER: Well, I was negligent in not stopping him then, but I am not negligent now. Stay on the amendment.

Mr. TANGRETTI: 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.

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 it end. Do not let our police departments down. We spent millions of dollars up to this point in the special session on crime, and not \$1 has put one policeman on the street to protect that woman at the MAC machine. I am sorry, Mr. Speaker.

The SPEAKER: On the question, the gentleman from Allegheny, Mr. DeLuca.

Mr. DeLUCA: Thank you, Mr. Speaker.

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 running 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 out 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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Mr. TANGRETTI: Thank you, Mr. Speaker.

I felt it necessary to rise again in view of some of the comments that were made. I had no intention of doing that, but I thought it

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 aisle, 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 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 Municipal 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 him to say it in view of the fact that in response to, Mr. Speaker, Representative Smula's amendment last week, he suggested that more funds for local police departments would only enable them to run more speed traps. So I am happy to see that he is 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: Mr. Tangredi, please.

Mr. TANGRETTI: Sir?

The SPEAKER: The amendment is the amendment of your floor leader. Mr. DeWeese. If you do not understand what it says, ask him, but it is just to extend this session. We do not want to hear about MAC machines and the like.

Mr. TANGRETTI: 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 the issue. Please stay.

Mr. TANGRETTI: I beg to differ, Mr. Speaker; you should have stopped him.

The SPEAKER: Well, I was negligent in not stopping him then, but I am not negligent now. Stay on the amendment.

Mr. TANGRETTI: 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.

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 it end. Do not let our police departments down. We spent millions of dollars up to this point in the special session on crime, and not \$1 has put one policeman on the street to protect that woman at the MAC machine. I am sorry, Mr. Speaker.

The SPEAKER: On the question, the gentleman from Allegheny, Mr. DeLuca.

Mr. DeLUCA: Thank you, Mr. Speaker.

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 running 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 out 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



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.

The SPEAKER. The Chair thanks the gentleman. On the question of the DeWeese amendment, the Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWELSL. Mr. Speaker, my concluding observation, quickly, would be that the amendment deals with time and time alone.

On the third day of Gettysburg, Mr. Speaker, after Federal troops had sustained heavy losses but nevertheless were able to thwart General Pickett and his Confederate battalions, they allowed the Confederate troops late in the night to slip down toward the Maryland border and on across the Potomac. They did not strike while the iron was hot. They did not elongate their maneuvers. They quit; they quit, and the duress of the conflict endured for another 2 years.

I really think that we are stopping at a strategically inopportune moment, Mr. Speaker. I think that the wide swath of parliamentary antidotes that Representative Langretti 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 gentleman, Mr. DeWeese, wants a moment or two of order, Mr. DeWEESE. Thank you very much, Mr. Speaker.

The gentleman from Philadelphia, Mr. Perzel, in his paeon to the legislature indicated that this had been a bipartisan effort. Three bills going to the Governor's desk from the Democratic ranks out of 35 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, a lot of work to do, and work that can be done, and I would respectfully request that this amendment be incorporated into the motion in order that we may allow the special session on crime to endure for another several months and we may put some more capstone bills on the already worthy endeavors that we have voted for and sent to Governor Ridge so far in the session.

I thank the Chair and the membership for their indulgence.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—92

Table with 4 columns of names: Battisto, DeWeese, LLOYD, Santoni, DeBello Jones, Donatucci, Loeck, Schimmenti, Belardi, Fajt, Manderson, Shames, Bellardi, Gamble, Markosow, Staback, Bishop, George, Mavrenik, Stechnino

Table with 4 columns of names: Blaura, Cigliotti, McCall, Stella, Buscola, Gardner, McGeehan, Surra, Burkovitz, Halaszka, Nello, Tangretti, Buston, Mundt, Nello, Thorne, Callagione, Hersey, Olasz, Figue, Cappabianca, Ikin, Oliver, Letho, Cain, James, Pasca, Trish, Caskey, Jarolin, Patrone, Van Horn, Cohen, M., Josephs, Prothro, Neon, Colafello, Kaiser, Kanes, Viardi, Colarzo, Keller, Readshaw, Walke, Corpora, Kinkaid, Rieger, Washington, Caswell, Kukavich, Rieger, Williams, Coy, LaGrada, Sobole, Williams, Curry, Laughlin, Robinson, Woosnik, Daley, Loderer, Romney, Wright, D. R., DeLuca, Lesovirz, Rudy, Yevovic, Dermody, Levlanaky, Saitano, Youngblood

NAYS—102

Table with 4 columns of names: Adolph, Fairchild, Lynch, Schroder, Allen, Fazio, Majors, Schuler, Argall, Hammer, Major, Samms, Armstrong, Fene, Riosio, Saraffini, Hake, Fichter, Mastrod, Sheehan, Dard, Fleagle, McCall, Smith, B., Barbey, Fick, Merry, Smith, S. H., Stronell, Cannon, Musozic, Snyder, D., Brown, Gert, Grier, Stairs, Brown, Gladeck, Nador, Stel, Bunn, Godshall, Niekol, Stern, Carone, Gruppo, Nyce, Strish, Chadwick, Harby, O'Delan, Strimmar, Civera, Harbar, Paezel, Taylor, B. Z., Clark, Husay, Perrin, Taylor, J., Glynz, Hennessy, Phillips, True, Cohen, I. I., Herman, Pleasta, Cull, Conti, Fishley, Plets, Vano, Cornell, Hess, Platts, Vaughn, Demsey, Hutchinson, Raymond, Wegan, Demsey, Jadowiec, Kaban, Wright, M. S., Dent, Kromy, Reinard, Zimmerman, Dittrolamo, King, Kohler, Zieg, Bruce, Krebs, Rubey, Ryan, Duhan, Lawless, Sarber, Speaker, Egolf, Leib, Sayler

NOT VOTING 0

EXCLUDED 8

Table with 4 columns of names: Corrigan, Gruliza, Mihalich, Reibuck, Evans, Michlovic, Pistello, Travallo

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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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.

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On the question recurring,

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Table with 4 columns of names: Blaura, Cigliotti, McCall, Stella, Buscola, Gardner, McGeehan, Surra, Burkovitz, Halaszka, Nello, Tangretti, Buston, Mundt, Nello, Thorne, Callagione, Hersey, Olasz, Figue, Cappabianca, Ikin, Oliver, Letho, Cain, James, Pasca, Trish, Caskey, Jarolin, Patrone, Van Horn, Cohen, M., Josephs, Prothro, Neon, Colafello, Kaiser, Kanes, Viardi, Colarzo, Keller, Readshaw, Walke, Corpora, Kinkaid, Rieger, Washington, Caswell, Kukavich, Rieger, Williams, Coy, LaGrada, Sobole, Williams, Curry, Laughlin, Robinson, Woosnik, Daley, Loderer, Romney, Wright, D. R., DeLuca, Lesovirz, Rudy, Yevovic, Dermody, Levlanaky, Saitano, Youngblood

NAYS—102

Table with 4 columns of names: Adolph, Fairchild, Lynch, Schroder, Allen, Fazio, Major, Schuler, Argall, Hammer, Major, Samms, Armstrong, Fene, Riosio, Saraffini, Hake, Fichter, Mastrod, Sheehan, Dard, Fleagle, McCall, Smith, B., Barbey, Fick, Merry, Smith, S. H., Stronell, Cannon, Musozic, Snyder, D., Brown, Gert, Grier, Stairs, Brown, Gladeck, Nador, Stel, Bunn, Godshall, Niekol, Stern, Carone, Gruppo, Nyce, Strish, Chadwick, Harby, O'Delan, Strimmar, Civera, Harbar, Paezel, Taylor, B. Z., Clark, Husay, Perrin, Taylor, J., Glynz, Hennessy, Phillips, True, Cohen, I. I., Herman, Pleasta, Cull, Conti, Fishley, Plets, Vaughn, Cornell, Hess, Platts, Wegan, Demsey, Jadowiec, Kaban, Wright, M. S., Dent, Kromy, Reinard, Zimmerman, Dittrolamo, King, Kohler, Zieg, Bruce, Krebs, Rubey, Ryan, Duhan, Lawless, Sarber, Speaker, Egolf, Leib, Sayler

NOT VOTING 0

EXCLUDED 8

Table with 4 columns of names: Corrigan, Gruliza, Mihalich, Reibuck, Evans, Michlovic, Pistello, Travallo

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:

YEAS 104

Adolph	Fargo	Lynch	Schroder
Allen	Farrar	Mailhand	Schuler
Angell	Fessa	Major	Semmel
Armstrong	Fichter	Martico	Serratol
Baker	Fiegle	Masland	Sherhan
Bad	Flick	McGill	Smith, B.
Barley	Gannon	Mery	Smith, S. H.
Barnston	Geier	Milowitz	Snyder, D. W.
Bayes	George	Niller	Stairs
Brown	Gladeck	Naiter	Stell
Browne	Goussall	Nicket	Stora
Burn	Gruppo	Nyca	Strich
Carson	Habsy	O'Hanran	Strommatter
Chaetwick	Harhart	Perzel	Taylor, E. Z.
Civera	Hassay	Pettit	Taylor, J.
Clark	Hennessy	Phillips	Tate
Clayner	Herrman	Piccola	Tullit
Cohen, I. J.	Hickney	Prus	Vinosa
Coof	Hess	Flares	Waugh
Cornell	Hutchinson	Raymond	Wogan
Dampsey	Jadlowiec	Reber	Wright, M. S.
Dani	Jarolin	Rehusd	Zimmerman
D'Amante	Kennedy	Ruber	Zuz
Druce	King	Ruhley	
Durham	Krebs	Sarber	Ryan
Egoff	Lawless	Saylor	Speaker
Fainholt	Leh		

NAYS 89

Ballisto	Danaher	Mandertso	Serimont
Bekko-Lones	Fait	Markosak	Shaner
Bellard	Gambie	Margenik	Stalnek
Bishop	Gigliotti	McCall	Steeleman
Blaum	Gordner	McGeehan	Stetler
Bosola	Hataska	Nelio	Sturla
Buckovitz	Hanna	Mundy	Surra
Buxton	Hurley	Olasz	Thozem
Calzagrone	Helm	Oliver	Thomas
Cappabianca	Janka	Peser	Tizue
Carr	Josipov	Patrona	Trotto
Casvley	Kalser	Petrone	Trich
Cohen, M.	Keller	Prekon	Van Home
Colafalbi	Kirkland	Ramus	Vern
Coladza	Kukovich	Reidshaw	Vitell
Corpora	Laciora	Rieger	Wales
Covall	Laughlin	Roberts	Washington
Coy	Luders	Robinson	Williams
Cuys	Lescoville	Roby	Wesarik
Daley	Lexlanosky	Rudy	Wright, D. R.
DeLuca	Lloyd	Sainato	Yewele
Dermody	Luzak	Santoni	Youngblood
DeWeese			

NOT VOTING—1

Retranni

EXCUSED 8

Conigan	Cruz	Mihalich	Reebuck
Evans	Michlovic	Pistella	Travaglio

The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

VOTE CORRECTIONS

The SPEAKER. For the purpose of correcting the record, the Chair recognizes the gentleman from Luzerne, Mr. Jarolin. 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 on that.

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.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

ADJOURNMENT

The SPEAKER. 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. Ikin have any further business in special session? Any announcements, Mr. DeWeese, in special session? Any business in special session?

Hearing none, the Chair recognizes the gentleman from Montgomery County, Mr. Lawless.

Mr. LAWLESS. Mr. Speaker, I move that Special Session No. 1 of 1995 do now adjourn until Tuesday, 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.

YEAS 104

Adolph	Fargo	Lynch	Schroder
Allen	Farrar	Mailhand	Schuler
Angell	Fessa	Major	Semmel
Armstrong	Fichter	Martico	Serratol
Baker	Fiegle	Masland	Sherhan
Bad	Flick	McGill	Smith, B.
Barley	Gannon	Mery	Smith, S. H.
Barnston	Geier	Milowitz	Snyder, D. W.
Bayes	George	Niller	Stairs
Brown	Gladeck	Naiter	Stell
Browne	Goussall	Nicket	Stora
Burn	Gruppo	Nyca	Strich
Carson	Habsy	O'Hanran	Strommatter
Chaetwick	Harhart	Perzel	Taylor, E. Z.
Civera	Hassay	Pettit	Taylor, J.
Clark	Hennessy	Phillips	Tate
Clayner	Herrman	Piccola	Tullit
Cohen, I. J.	Hickney	Prus	Vinosa
Coof	Hess	Flares	Waugh
Cornell	Hutchinson	Raymond	Wogan
Dampsey	Jadlowiec	Reber	Wright, M. S.
Dani	Jarolin	Rehusd	Zimmerman
D'Amante	Kennedy	Ruber	Zuz
Druce	King	Ruhley	
Durham	Krebs	Sarber	Ryan
Egoff	Lawless	Saylor	Speaker
Fainholt	Leh		

NAYS 89

Ballisto	Danaher	Mandertso	Serimont
Bekko-Lones	Fait	Markosak	Shaner
Bellard	Gambie	Margenik	Stalnek
Bishop	Gigliotti	McCall	Steeleman
Blaum	Gordner	McGeehan	Stetler
Bosola	Hataska	Nelio	Sturla
Buckovitz	Hanna	Mundy	Surra
Buxton	Hurley	Olasz	Thozem
Calzagrone	Helm	Oliver	Thomas
Cappabianca	Janka	Peser	Tizue
Carr	Josipov	Patrona	Trotto
Casvley	Kalser	Petrone	Trich
Cohen, M.	Keller	Prekon	Van Home
Colafalbi	Kirkland	Ramus	Vern
Coladza	Kukovich	Reidshaw	Vitell
Corpora	Laciora	Rieger	Wales
Covall	Laughlin	Roberts	Washington
Coy	Luders	Robinson	Williams
Cuys	Lescoville	Roby	Wesarik
Daley	Lexlanosky	Rudy	Wright, D. R.
DeLuca	Lloyd	Sainato	Yewele
Dermody	Luzak	Santoni	Youngblood
DeWeese			

NOT VOTING—1

Retranni

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