

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, OCTOBER 31, 1995

FIRST SPECIAL SESSION OF 1995

No. 67

HOUSE OF REPRESENTATIVES

The House convened at 11:05 a.m., e.s.t.

**THE SPEAKER PRO TEMPORE
(JOE CONTI) PRESIDING**

PRAYER

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

REV. FEDERICO A. BREITTO, pastor of St. Ignatius Church, Philadelphia, Pennsylvania, guest Chaplain and guest of the gentleman from Philadelphia, Mr. Dorsey, offered the following prayer:

Let us pray:

Blessed are You, Lord, God of all creation, whose goodness fills our hearts with joy. Blessed are You, who has brought us together this day to work in harmony and peace.

Almighty God, these legislators assembled here today are about the business of leading, helping, and guiding the people of this State. Touch their hearts and minds so that the decisions they make will benefit all the people of this State. Give them the courage and strength to speak out for what is just and right.

Father, You guide and govern everything with order and love. Bless the Speaker of the House. Look upon the members of this House of Representatives and fill them with the spirit of Your wisdom. May they always act in accordance with Your will and their decisions be for the peace and well-being of all.

Accept the prayers we offer for our Nation and the State of Pennsylvania. By the wisdom of our leaders and integrity of our citizens, may harmony and justice be secured.

May God strengthen you and bring your work to completion. May hope accompany your journey through the days to come. May God's abiding peace be with you all the days of your life. Amen.

**PLEDGE OF ALLEGIANCE
DISPENSED WITH**

The **SPEAKER** pro tempore, Without objection, the Pledge of Allegiance will be dispensed with.

JOURNAL APPROVAL POSTPONED

The **SPEAKER** pro tempore, Without objection, the approval of the Journal of Monday, October 30, 1995, will be postponed until printed. The Chair hears no objection.

RULES COMMITTEE MEETING

The **SPEAKER** pro tempore, The Chair recognizes the majority leader, who calls an immediate meeting of the Rules Committee.

LEAVES OF ABSENCE

The **SPEAKER** pro tempore, The Chair recognizes the majority whip, who indicates that there are no leaves of absence today.

The Chair recognizes the gentleman, Mr. Coy, for Democratic leaves.

Mr. COY: Thank you, Mr. Speaker.

We would like to request leaves of absence for today's session for the gentleman from Westmoreland, Mr. MIHALICIK; the gentlemen from Allegheny, Mr. MICHONIC; and Mr. PISITTO; the gentleman from Mercer, Mr. GRUITZA; the gentleman from Butler, Mr. TRAVAGLIO; and the gentleman from Philadelphia, Mr. WILLIAMS.

The **SPEAKER** pro tempore, Without objection, the leaves of absence are granted.

MASTER ROLL CALL

The **SPEAKER** pro tempore, The Chair is about to take the master roll. All members will proceed to vote.

The following roll call was recorded:

PRESENT—196

Adolph	Durlan	Lloyd	Sather
Allen	Egolf	Lusk	Saylor
Arzuff	Fams	Lynd	Schneider
Ausimong	Faischild	Manland	Schuler
Baker	Felt	Major	Sermento
Bard	Fargo	Mandoline	Seamans
Barley	Farmer	Markoski	Sarafini
Bonire	Feece	Metzke	Shaner
Burke/Jones	Fichter	Masarik	Shigob
Belardi	Fleagle	Masarik	Smith, G.
Beltram	FPG	McCall	Smith, S. H.
Bonobis	Gamble	McCashear	Snyder, D. W.
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Bonobis	Gamble	McCashear	Snyder, D. W.
Bishop	Gannon	McGill	Staback

Blum	Geist	Mello	Stairs
Rosenfeld	George	Merry	Steinhorn
Hoyes	Gigliotti	Micozzle	Steel
Brown	Gildeck	Miller	Stern
Browne	Godshall	Mundy	Stetler
Bunt	Gordner	Nailor	Stieh
Butkovitz	Gruppo	Nicket	Stirtmutter
Buxton	Tabay	Nye	Sturla
Callaghan	Halaska	O'Brien	Sura
Cappabianca	Harris	Olasz	Tangredi
Cann	Harhart	Oliver	Taylor, E. Z.
Carone	Hass	Parzel	Taylor, J.
Cawley	Hennessey	Pasci	Thomas
Chadwick	Herman	Potenza	Tighe
Civara	Hershey	Perrone	Trelo
Clark	Hess	Petit	Trich
Clymer	Horsey	Phillips	True
Cohen, L. I.	Hutchinson	Pleonta	Tull
Cohen, M.	Idkin	Platts	Vance
Colabella	Jadlowiec	Platts	Van Horn
Colarizzo	James	Preston	Yoon
Conri	Jansin	Ramos	Vinelli
Conetti	Josaphis	Raymond	Wesko
Corpora	Kaiser	Readshaw	Washington
Corrigan	Keller	Reber	Waugh
Cowell	Kenny	Reinard	Wagon
Cray	King	Reiser	Wozniak
Curt	Kirkland	Roberts	Wright, D. R.
Daly	Krebs	Robinson	Wright, M. N.
DeLuca	Kukovich	Roebuck	Yewic
Dempsey	Lacrosta	Rohrer	Youngblood
Dent	Laughlin	Romey	Zimmerman
Demody	Lavloss	Rubley	Zug
DeWeese	Lederer	Rudy	
DiGirolamo	Leh	Sainato	Ryan,
Donatucci	Lescovitz	Santoni	Speaker
Druck	Lovdanaky		

ADDITIONS—0

NOT VOTING—0

ENCLOSED 6

Gruen	Mihalich	Travaglio	Williams
Mihalovic	Prisala		

LEAVES ADDED 2

Nye

Roebuck

BILLS ON CONCURRENCE REPORTED FROM RULES COMMITTEE

HB 130, PN 203 By Rep. PERZEL.

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for voluntary manslaughter.

RULES.

SB 23, PN 171 By Rep. PERZEL.

An Act amending the act of August 6, 1941 (P. L. 861, No. 323), entitled, as amended, "Pennsylvania Board of Probation and Parole Law," further providing for investigations and recommendations to the Board of Pardons and for powers and duties of the Pennsylvania Board of Probation and Parole; and making an appropriation.

RULES.

RECESS

The SPEAKER pro tempore. The special session of the House stands in recess until the call of the Chair.

AFTER RECESS

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

THE SPEAKER (MATTHEW J. RYAN) PRESIDING

The SPEAKER. The Chair thanks the gentleman, Mr. Conti, for presiding.

ANNOUNCEMENT BY MR. SCHRODER

The SPEAKER. The Chair recognizes the gentleman, Mr. Schroder of Chester County.

Mr. SCHRODER. Thank you, Mr. Speaker. Mr. Speaker, this announcement is somewhat delayed, but with Representative Zug's announcement yesterday and Representative Barley's announcement last night, I did not want to have the thunder stolen from me totally.

So I wanted to announce to the House the birth of our first child, Mark Curtis Schroder, on October 11, and I know many of you knew of the problems that he had. I can report that he is doing very well, and on behalf of my wife, Deanna, I would just like to thank everyone in the chamber for your many kind words of support and your thoughts and prayers over what was a very difficult time. Thank you.

The SPEAKER. The Chair thanks the gentleman.

SUPPLEMENTAL CALENDAR A

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 130, PN 203**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for voluntary manslaughter.

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

Blum	Geist	Mello	Stairs
Rosenfeld	George	Merry	Steinhorn
Hoyes	Gigliotti	Micozzle	Steel
Brown	Gildeck	Miller	Stern
Browne	Godshall	Mundy	Stetler
Bunt	Gordner	Nailor	Stieh
Butkovitz	Gruppo	Nicket	Stirtmutter
Buxton	Tabay	Nye	Sturla
Callaghan	Halaska	O'Brien	Sura
Cappabianca	Harris	Olasz	Tangredi
Cann	Harhart	Oliver	Taylor, E. Z.
Carone	Hass	Parzel	Taylor, J.
Cawley	Hennessey	Pasci	Thomas
Chadwick	Herman	Potenza	Tighe
Civara	Hershey	Perrone	Trelo
Clark	Hess	Petit	Trich
Clymer	Horsey	Phillips	True
Cohen, L. I.	Hutchinson	Pleonta	Tull
Cohen, M.	Idkin	Platts	Vance
Colabella	Jadlowiec	Platts	Van Horn
Colarizzo	James	Preston	Yoon
Conri	Jansin	Ramos	Vinelli
Conetti	Josaphis	Raymond	Wesko
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Corrigan	Keller	Reber	Waugh
Cowell	Kenny	Reinard	Wagon
Cray	King	Reiser	Wozniak
Curt	Kirkland	Roberts	Wright, D. R.
Daly	Krebs	Robinson	Wright, M. N.
DeLuca	Kukovich	Roebuck	Yewic
Dempsey	Lacrosta	Rohrer	Youngblood
Dent	Laughlin	Romey	Zimmerman
Demody	Lavloss	Rubley	Zug
DeWeese	Lederer	Rudy	
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Colafella	Jadlowiec	Platta	Van Horn
Colafello	James	Preston	Veon
Conli	Jarolin	Ramos	Vitali
Conzil	Josephs	Raymond	Walke
Corpora	Kaiser	Readshaw	Washington
Corrigan	Keller	Rubar	Waugh
Cowell	Kenny	Reinold	Wogan
Cory	King	Rieger	Wozniak
Cury	Kirkland	Roberts	Wright, D. R.
Dale	Krebs	Robinson	Wright, M. N.
DeLuca	Kukovich	Roebuck	Yewale
Dempsy	Lacirona	Robner	Youngblood
Dion	Laughlin	Rooney	Zimmerman
Dermody	Lawless	Rubley	Zug
DeWeese	Lederer	Rudy	
D'Ghirolamo	Leh	Salmato	Ryan, Speaker
Dominec	Lesovitz	Santoni	
Druse	Lewdansky		

NAYS 0

NOT VOTING 0

EXCUSED—6

Grutza	Milich	Travaglio	Williams
Michlevic	Pisella		

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.

CALENDAR

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of SB 72, PN 163, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentencing for first degree murder.

On the question.

Will the House agree to the bill on third consideration?

The SPEAKER. The gentleman, Mr. Sturla, is marked as intending to offer a series of amendments. It is the understanding of the Chair that the gentleman is withdrawing the amendments. Is that correct?

Mr. STURLA. Yes, Mr. Speaker.

If I could just for a moment explain why.

The SPEAKER. That is better than offering them. You may go ahead.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, as was explained yesterday when there was debate on closing the special session, really, we can do as much in regular session and there will be as much attention paid to crime in regular session as there will be in special session, or so we were told yesterday.

I therefore, since I have been starting to get some cooperation on looking at a dedicated funding source for local

police departments, I will withdraw these amendments at this point in time with the understanding that we will continue to pursue this issue, and if those negotiations break off at some point in time, I will be back to offering the amendments again.

So thank you very much.

On the question recurring.

Will the House agree to the bill on third consideration?

Bill 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 194

Adolph	Durham	Floyd	Sarner
Allen	Egolf	Loegek	Saylor
Argall	Fairchild	Lynch	Schroeder
Armstrong	Falt	Minibond	Schuler
Baker	Fargo	Malen	Serimanti
Band	Farver	Maoderino	Seaman
Barley	Feese	Markoski	Serfina
Dautato	Fisher	Marsico	Shaner
DeBko-Jones	Flangle	Mastaro	Sheehan
Richard	Fluck	Maysenik	Smith, B.
Bellair	Gamble	McGill	Smith, S. H.
Birmelin	Garnoni	McGrath	Snyder, D. W.
Bishop	Geist	McGill	Spreck
Hlaim	George	Mehta	Stairs
Boswin	Griffith	Meyers	Stechman
Boyes	Grudek	Micoczic	Stell
Brown	Godshall	Muller	Stem
Browne	Gordner	Nimdy	Stetler
Burt	Grupp	Saffler	Strick
Burkowitz	Haley	Nickel	Strammatter
Buxton	Haluska	Nyce	Sturla
Callagrine	Hanna	O'Brien	Surra
Cappabone	Harhart	Olase	Tangretti
Capp	Hass	Oliver	Taylor, E. Z.
Carone	Hercules	Parrot	Taylor, J.
Clawley	Herman	Peski	Thomas
Cladwick	Hershey	Patterson	Tighe
Cleary	Hess	Perone	Tullo
Clymer	Horsy	Pettit	Turo
Cohen, J. J.	Hutchinson	Phillips	True
Cohen, M.	Iklin	Piccola	Tull
Colafella	Jadlowiec	Pitts	Vance
Colafello	James	Platte	Van Horn
Comi	Jarolin	Preston	Veron
Connell	Josephs	Ramos	Vitali
Corpora	Kaiser	Raymond	Walke
Corrigan	Keller	Readshaw	Washington
Cowell	Kenny	Recher	Waugh
Coy	King	Reiser	Wogan
Dale	Kirkland	Rieger	Wozniak
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DeLuca	Kukovich	Robinson	Wright, M. N.
Dempsy	Lacirona	Roebuck	Yewale
Dion	Laughlin	Robner	Youngblood
Dermody	Lawless	Rooney	Zimmerman
DeWeese	Lederer	Rubley	Zug
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NAYS 0

NOT VOTING 0

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Michlevic	Pisella		

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D'Ghirolamo	Leh	Salmato	Ryan, Speaker
Dominec	Lesovitz	Santoni	
Druse	Lewdansky		

NAYS-1

Cury

NOT VOTING-1

Evans

EXCUSED-6

Cruzza
Michele

Mihalich
Pivella

Travaglio

Williams

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

VOTE CORRECTION

The SPEAKER. It is my recollection that the gentleman from Fayette, Mr. Roberts, wishes to correct a vote in special session. The gentleman is recognized.

Mr. ROBERTS. Thank you, Mr. Speaker. For amendment 5563 to SB 81 on October 30, my switch malfunctioned and I was shown as voting in the affirmative. I would like to be shown as voting in the negative.

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

Mr. ROBERTS. Thank you, Mr. Speaker.

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:

HB 130, PN 203

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for voluntary manslaughter.

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

VOTE CORRECTION

The SPEAKER. The Chair recognizes the lady from Philadelphia County, Ms. Bishop. For what purpose does the lady rise?

Ms. BISHOP. To correct the record, Mr. Speaker.

The SPEAKER. In special session.

Ms. BISHOP. Special session.

The SPEAKER. The lady is recognized.

Ms. BISHOP. To correct the record on October 30, SB 81, I wish to be recorded in the affirmative.

The SPEAKER. The remarks of the lady will be spread upon the record. Thank you.

Does the Republican or Democratic floor leader have any further business at this time in special session? Are there — now listen carefully — are there any corrections in special session?

VOTE CORRECTIONS

The SPEAKER. The lady, Ms. Bishop, is recognized. Ms. BISHOP. Mr. Speaker, on SB 81, that was not the affirmative on October 30. I wish to be recorded in the negative. Thank you.

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

Are there any further corrections to the special session?

The gentleman, Mr. Scrimanti.

Mr. SCRIMANTI. Thank you, Mr. Speaker.

On SB 81, voted on October 30 of 1995, amendment No. 5558, I was voted in the affirmative, and I would like the record to reflect my opposition to that amendment. Thank you.

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

Examining closely your work, because now is the time to correct the special session. Pretty soon it is going to disappear.

RECESS

The SPEAKER. Does the Democratic floor leader, the Republican floor leader have any further business in special session at this time?

Hearing none, the Chair declares it to be in recess to the call of the Chair.

AFTER RECESS

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

LEAVES OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and recognizes the majority whip, who requests that the gentleman from Northampton, Mr. NYCE, be added to the leaves of absence. The Chair hears no objection. Leave is granted.

The Chair recognizes the gentleman, Mr. Itkin, who requests that the gentleman, Mr. ROTBUCK, be added to the leaves of absence. The Chair hears no objection. Leave is granted.

FILMING PERMISSION

The SPEAKER. The Chair gives notice that permission has been granted to the distinguished AP photographer, Paul Vadis, to take still photographs on the floor of the House during the special session.

The cautious photographers of course have the run of the floor, as usual.

NAYS-1

Cury

NOT VOTING-1

Evans

EXCUSED-6

Cruzza
Michele

Mihalich
Pivella

Travaglio

Williams

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

VOTE CORRECTION

The SPEAKER. It is my recollection that the gentleman from Fayette, Mr. Roberts, wishes to correct a vote in special session. The gentleman is recognized.

Mr. ROBERTS. Thank you, Mr. Speaker. For amendment 5563 to SB 81 on October 30, my switch malfunctioned and I was shown as voting in the affirmative. I would like to be shown as voting in the negative.

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

Mr. ROBERTS. Thank you, Mr. Speaker.

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:

HB 130, PN 203

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for voluntary manslaughter.

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

VOTE CORRECTION

The SPEAKER. The Chair recognizes the lady from Philadelphia County, Ms. Bishop. For what purpose does the lady rise?

Ms. BISHOP. To correct the record, Mr. Speaker.

The SPEAKER. In special session.

Ms. BISHOP. Special session.

The SPEAKER. The lady is recognized.

Ms. BISHOP. To correct the record on October 30, SB 81, I wish to be recorded in the affirmative.

The SPEAKER. The remarks of the lady will be spread upon the record. Thank you.

Does the Republican or Democratic floor leader have any further business at this time in special session? Are there — now listen carefully — are there any corrections in special session?

VOTE CORRECTIONS

The SPEAKER. The lady, Ms. Bishop, is recognized. Ms. BISHOP. Mr. Speaker, on SB 81, that was not the affirmative on October 30. I wish to be recorded in the negative. Thank you.

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

Are there any further corrections to the special session?

The gentleman, Mr. Scrimanti.

Mr. SCRIMANTI. Thank you, Mr. Speaker.

On SB 81, voted on October 30 of 1995, amendment No. 5558, I was voted in the affirmative, and I would like the record to reflect my opposition to that amendment. Thank you.

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

Examining closely your work, because now is the time to correct the special session. Pretty soon it is going to disappear.

RECESS

The SPEAKER. Does the Democratic floor leader, the Republican floor leader have any further business in special session at this time?

Hearing none, the Chair declares it to be in recess to the call of the Chair.

AFTER RECESS

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

LEAVES OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and recognizes the majority whip, who requests that the gentleman from Northampton, Mr. NYCE, be added to the leaves of absence. The Chair hears no objection. Leave is granted.

The Chair recognizes the gentleman, Mr. Itkin, who requests that the gentleman, Mr. ROTBUCK, be added to the leaves of absence. The Chair hears no objection. Leave is granted.

FILMING PERMISSION

The SPEAKER. The Chair gives notice that permission has been granted to the distinguished AP photographer, Paul Vadis, to take still photographs on the floor of the House during the special session.

The cautious photographers of course have the run of the floor, as usual.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned HB 115, PN 206, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Perzel, who asks for an immediate meeting of the Committee on Rules at the majority leader's desk.

BILL ON CONCURRENCE REPORTED FROM RULES COMMITTEE

HB 115, PN 206 By Rep. PERZEL.

An Act amending the act of August 6, 1941 (P.L.861, No.323), referred to as the Pennsylvania Board of Probation and Parole Law, providing for powers of parole and probation officers relating to searches.

RULES.

RULES SUSPENDED

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

Mr. PERZEL. Mr. Speaker, I move that the rules of the House be suspended to allow for the immediate consideration of HB 115, PN 206, on concurrence in Senate amendments.

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

The following roll call was recorded:

YEAS—169

- Adolph, Allen, Arzuff, Atkinson, Baker, Barel, Binley, Bontiro, Debko Jones, Edwards, Reifanti, Birmalin, Blaum, Susola, Hayes, Brown, Browne, Dunt, Butkowitz, Dunton, Caraguzova, Cappabianca, Bruce, Durham, Epalt, Evans, Fairchild, Falt, Farga, Farmer, Fease, Fichter, Fleagle, Flick, Gamble, Gannon, Geist, George, Giglietti, Gladeck, Godshall, Gardner, Grappo, Habay, Lynch, Mainland, Major, Markosek, Marsico, Masland, Mosemik, McCull, McCreghan, McGill, Nichols, Merry, Miozzie, Miller, Mundy, Naitor, Niekot, O'Brien, Olasz, Oliver, Perzel, Pessel, Santoni, Sather, Saylor, Schroeder, Schuler, Serfass, Summel, Serafini, Shoner, Sheehan, Smith, B., Smith, S. H., Sinder, D. W., Strabek, Stairs, Stern, Stuch, Strimoser, Surra, Tappert, Taylor, E. Z., Tector, J., Hanna, Ikin, Kirkland, Krebs, Levjanski, Lloyd, Manderino, Steel, Stetler, James, Joseph, Travaglio, Williams

- Cavley, Chadwick, Cicera, Clark, Clymer, Cohen, I. I., Cohen, M., Colatella, Colavozu, Conri, Cornell, Corrigan, Crowell, Coy, Daley, DeLuca, Dempsy, Derr, Dermody, DiGirolamo, Donatucci, Huhert, Hagan, Hennessy, Kermit, Hushby, Hess, Hutchinson, Jadlowiec, Jarolin, Karsa, Keller, Kenney, King, Kubovich, Latrone, Laughlin, Lawless, Ledner, Lett, Lescovitz, Lueyk, Petrara, Petrone, Petro, Phillips, Piccola, Pitts, Platts, Pishon, Rames, Raymond, Readshaw, Ruber, Reinsud, Steger, Roberts, Robinson, Rohrer, Rooney, Rubley, Rudy, Salmato, Tigge, Trello, Trieh, Truc, Tull, Vance, Van Horns, Veon, Vitati, Wozny, Wright, D. R., Wright, M. N., Youngblood, Zimmerman, Zuu, Ryan, Speaker

NAYS—20

- Carone, Conners, Cury, DeWese, Haloska, Hanna, Ikin, Kirkland, Krebs, Levjanski, Lloyd, Manderino, Steel, Stetler, James, Joseph, Travaglio, Williams

NOT VOTING—5

- Bishop, Carr, Horsey, James, Joseph

EXCUSED 8

- Crutza, Michlovic, Mihaleh, Nyce, Pistella, Ruckbok, Travaglio, Williams

A majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

SUPPLEMENTAL CALENDAR B

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to HB 115, PN 206, entitled:

An Act amending the act of August 6, 1941 (P.L.861, No.323), referred to as the Pennsylvania Board of Probation and Parole Law, providing for powers of parole and probation officers relating to searches.

On the question, Will the House concur in Senate amendments?

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned HB 115, PN 206, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Perzel, who asks for an immediate meeting of the Committee on Rules at the majority leader's desk.

BILL ON CONCURRENCE REPORTED FROM RULES COMMITTEE

HB 115, PN 206 By Rep. PERZEL.

An Act amending the act of August 6, 1941 (P.L.861, No.323), referred to as the Pennsylvania Board of Probation and Parole Law, providing for powers of parole and probation officers relating to searches.

RULES.

RULES SUSPENDED

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

Mr. PERZEL. Mr. Speaker, I move that the rules of the House be suspended to allow for the immediate consideration of HB 115, PN 206, on concurrence in Senate amendments.

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

The following roll call was recorded:

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- Cavley, Chadwick, Cicera, Clark, Clymer, Cohen, I. I., Cohen, M., Colatella, Colavozu, Conri, Cornell, Corrigan, Crowell, Coy, Daley, DeLuca, Dempsy, Derr, Dermody, DiGirolamo, Donatucci, Huhert, Hagan, Hennessy, Kermit, Hushby, Hess, Hutchinson, Jadlowiec, Jarolin, Karsa, Keller, Kenney, King, Kubovich, Latrone, Laughlin, Lawless, Ledner, Lett, Lescovitz, Lueyk, Petrara, Petrone, Petro, Phillips, Piccola, Pitts, Platts, Pishon, Rames, Raymond, Readshaw, Ruber, Reinsud, Steger, Roberts, Robinson, Rohrer, Rooney, Rubley, Rudy, Salmato, Tigge, Trello, Trieh, Truc, Tull, Vance, Van Horns, Veon, Vitati, Wozny, Wright, D. R., Wright, M. N., Youngblood, Zimmerman, Zuu, Ryan, Speaker

NAYS—20

- Carone, Conners, Cury, DeWese, Haloska, Hanna, Ikin, Kirkland, Krebs, Levjanski, Lloyd, Manderino, Steel, Stetler, James, Joseph, Travaglio, Williams

NOT VOTING—5

- Bishop, Carr, Horsey, James, Joseph

EXCUSED 8

- Crutza, Michlovic, Mihaleh, Nyce, Pistella, Ruckbok, Travaglio, Williams

A majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

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The House proceeded to consideration of concurrence in Senate amendments to HB 115, PN 206, entitled:

An Act amending the act of August 6, 1941 (P.L.861, No.323), referred to as the Pennsylvania Board of Probation and Parole Law, providing for powers of parole and probation officers relating to searches.

On the question, Will the House concur in Senate amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Wogan.

Mr. WOGAN. Well, Mr. Speaker, I guess since time is of the essence, I will briefly explain the salient portions of the changes that the Senate made in special session HB 115. This is the sixth day that this concept has been in front of us.

What the Senate did, it added language pertaining to ARD (accelerated rehabilitative disposition). We had had this bill over in the Senate Judiciary Committee not applying to any individuals on ARD. What the Senate did is it restored coverage to ARD for just sex offenders. Apparently, there are a couple of county probation departments which informed us that there are a couple of counties, of course, where sex offenders have somehow been placed on ARD. That was one change.

There were also some technical changes made, added with the words within the reach of the property that can be searched. That was done basically to protect probation and parole officers so that they would be able to search the subjects of their ministrations to protect themselves.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Lloyd, desires recognition. The gentleman may proceed.

Mr. LLOYD. Mr. Speaker, I would like to interrogate the sponsor of the bill.

The SPEAKER. You may proceed. The gentleman, Mr. Wogan, is prepared to answer.

Mr. LLOYD. Mr. Speaker, one issue which appears to be an amendment by the Senate, which I did not hear you explain, is on page 6, lines 22 through 24, and I think maybe that amendment helps to address a concern which I had about what happens if the defendant is not at his parents' house when the search occurs. But could you tell us what your understanding is of the effect of the amendment which the Senate inserted into the bill?

Mr. WOGAN. That change that you are referring to removes the word "offender's" and the words "an offender's" from the section dealing with the limited property searches. That was done.

I will give you a hypothetical of what that amendment was trying to help clear up. As an example, before searching a parolee, the parole officer may not be able to determine if the property in the possession of the offender is the offender's property. If the parole officer searched the parolee and found a wallet that belonged to someone else which contained drugs, the fruits of the parole officer's search could be lost on the technicality that the wallet was not actually the parolee's and therefore was not the offender's real property.

Mr. LLOYD. So in other words, this is not intended and would not have the effect of limiting the search for, for example, the defendant's bedroom or the rooms in the house in which the defendant had some of his property. This does not address that issue, or it is not intended to address that issue.

Mr. WOGAN. Well, primarily it does not, but I think secondarily it does, because if you look at the language, and I think you hit the nail almost right on the head, because the language was also added that the property has to either be in the possession or the control of the offender. So I think that is the language that you are looking for that would actually be the other side of the coin that, yes, the searches are limited in that respect, and I think it went a large part of the way toward addressing the concerns that you had when this bill last left the House.

Mr. LLOYD. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I believe in giving credit where credit is due, and although I am fundamentally opposed to the bill, especially as it relates to probation officers, I think with parole officers there might be an area where limited warrantless search and seizures might be applicable. But with respect to probation officers, which can be assigned independently in other cases, I do not think that they should have that authority, especially when we have not extended that authority to police officers.

However, I want to extend my personal thanks and appreciation to you, to the majority leader, to the architect of this bill for at least considering the amendments that I offered 3 weeks ago. That language has been inserted into the bill so that the bill is not as — I do not want to say oppressive, Mr. Speaker — but it is not as onerous as it was when it first came before the House. I appreciate that, and I think in the long run the citizens of the Commonwealth of Pennsylvania appreciate that. So thank you for giving consideration to those amendments that I had offered.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring.

Will the House concur in Senate amendments?

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

YEAS—173

Table listing names of members of the House of Representatives who voted 'Yeas' on the amendments, including Adelphi, Allen, Arzuff, Armstrong, Baker, Bard, Barley, Bastian, Benko Jones, Belardi, Bellandi, Binnetto, Blain, Bossola, Boyes, Brown, Browne, Bunn, Burckwitz, Burston, Callagrosso, Carone, Chavley, Chudzywick, Cicco, Clark, Clever, Cohen J. L., Cohen, M., Colabella, Colaluzze, Conti, Cornell, Corpeno, Corrigan, Crowl, Coy, Dalry, DeLong, Dampney, Donatucci, Drucic, Durham, Euell, Fairchild, Fair, Farjo, Farnier, Fesco, Fichter, Fleagle, Flick, Flynn, Gannon, Geary, George, Gliattoli, Glussek, Gotschall, Gordiner, Grupp, Habes, Hahnka, Hanna, Harhart, Healy, Hernandez, Herrman, Hershby, Hess, Hirschman, Hiron, Jadowiec, Jarolin, Jular, Keller, Kennedy, King, Krebs, Lachina, Lesnovitz, Lewdansk, Lueck, Lynch, Maitland, Major, Markosek, Marzico, Masland, Maybank, McCall, McCallahan, McCall, Melis, Merr, Mironzic, Miller, Mundy, Nailor, Nicket, O'Brien, Olan, Orzol, Paoletti, Peltz, Phillips, Piccola, Pitta, Platt, Preston, Raymond, Reedshaw, Reher, Reppard, Rieger, Roberts, Robinson, Rohrer, Roman, Sailer, Saylor, Schroeder, Schuler, Scrimanti, Semmel, Serafini, Sheddin, Smith, B., Smith, S. H., Snyder, D. W., Stasick, Strain, Steatman, Still, Stern, Stiller, Strick, Strimmatter, Surfa, Tangattu, Taylor, L. Z., Taylor, J., Tighe, Tesfay, Tich, True, Tully, Vance, Van Horne, Veon, Vito, Walke, Waugh, Weaver, Wezinski, Wright, D. R., Wright, M. R., Zimmig, Zing.

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Wogan.

Mr. WOGAN. Well, Mr. Speaker, I guess since time is of the essence, I will briefly explain the salient portions of the changes that the Senate made in special session HB 115. This is the sixth day that this concept has been in front of us.

What the Senate did, it added language pertaining to ARD (accelerated rehabilitative disposition). We had had this bill over in the Senate Judiciary Committee not applying to any individuals on ARD. What the Senate did is it restored coverage to ARD for just sex offenders. Apparently, there are a couple of county probation departments which informed us that there are a couple of counties, of course, where sex offenders have somehow been placed on ARD. That was one change.

There were also some technical changes made, added with the words within the reach of the property that can be searched. That was done basically to protect probation and parole officers so that they would be able to search the subjects of their ministrations to protect themselves.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Lloyd, desires recognition. The gentleman may proceed.

Mr. LLOYD. Mr. Speaker, I would like to interrogate the sponsor of the bill.

The SPEAKER. You may proceed. The gentleman, Mr. Wogan, is prepared to answer.

Mr. LLOYD. Mr. Speaker, one issue which appears to be an amendment by the Senate, which I did not hear you explain, is on page 6, lines 22 through 24, and I think maybe that amendment helps to address a concern which I had about what happens if the defendant is not at his parents' house when the search occurs. But could you tell us what your understanding is of the effect of the amendment which the Senate inserted into the bill?

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I will give you a hypothetical of what that amendment was trying to help clear up. As an example, before searching a parolee, the parole officer may not be able to determine if the property in the possession of the offender is the offender's property. If the parole officer searched the parolee and found a wallet that belonged to someone else which contained drugs, the fruits of the parole officer's search could be lost on the technicality that the wallet was not actually the parolee's and therefore was not the offender's real property.

Mr. LLOYD. So in other words, this is not intended and would not have the effect of limiting the search for, for example, the defendant's bedroom or the rooms in the house in which the defendant had some of his property. This does not address that issue, or it is not intended to address that issue.

Mr. WOGAN. Well, primarily it does not, but I think secondarily it does, because if you look at the language, and I think you hit the nail almost right on the head, because the language was also added that the property has to either be in the possession or the control of the offender. So I think that is the language that you are looking for that would actually be the other side of the coin that, yes, the searches are limited in that respect, and I think it went a large part of the way toward addressing the concerns that you had when this bill last left the House.

Mr. LLOYD. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I believe in giving credit where credit is due, and although I am fundamentally opposed to the bill, especially as it relates to probation officers, I think with parole officers there might be an area where limited warrantless search and seizures might be applicable. But with respect to probation officers, which can be assigned independently in other cases, I do not think that they should have that authority, especially when we have not extended that authority to police officers.

However, I want to extend my personal thanks and appreciation to you, to the majority leader, to the architect of this bill for at least considering the amendments that I offered 3 weeks ago. That language has been inserted into the bill so that the bill is not as — I do not want to say oppressive, Mr. Speaker — but it is not as onerous as it was when it first came before the House. I appreciate that, and I think in the long run the citizens of the Commonwealth of Pennsylvania appreciate that. So thank you for giving consideration to those amendments that I had offered.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring.

Will the House concur in Senate amendments?

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

YEAS—173

Table listing names of members of the House of Representatives who voted 'Yeas' on the amendments, including Adelphi, Allen, Arzuff, Armstrong, Baker, Bard, Barley, Bastian, Benko Jones, Belardi, Bellandi, Binnetto, Blain, Bossola, Boyes, Brown, Browne, Bunn, Burckwitz, Burston, Callagrosso, Carone, Chavley, Chudzywick, Cicco, Clark, Clever, Cohen J. L., Cohen, M., Colabella, Colaluzze, Conti, Cornell, Corpeno, Corrigan, Crowl, Coy, Dalry, DeLong, Dampney, Donatucci, Drucic, Durham, Euell, Fairchild, Fair, Farjo, Farnier, Fesco, Fichter, Fleagle, Flick, Flynn, Gannon, Geary, George, Gliattoli, Glussek, Gotschall, Gordiner, Grupp, Habes, Hahnka, Hanna, Harhart, Healy, Hernandez, Herrman, Hershby, Hess, Hirschman, Hiron, Jadowiec, Jarolin, Jular, Keller, Kennedy, King, Krebs, Lachina, Lesnovitz, Lewdansk, Lueck, Lynch, Maitland, Major, Markosek, Marzico, Masland, Maybank, McCall, McCallahan, McCall, Melis, Merr, Mironzic, Miller, Mundy, Nailor, Nicket, O'Brien, Olan, Orzol, Paoletti, Peltz, Phillips, Piccola, Pitta, Platt, Preston, Raymond, Reedshaw, Reher, Reppard, Rieger, Roberts, Robinson, Rohrer, Roman, Sailer, Saylor, Schroeder, Schuler, Scrimanti, Semmel, Serafini, Sheddin, Smith, B., Smith, S. H., Snyder, D. W., Stasick, Strain, Steatman, Still, Stern, Stiller, Strick, Strimmatter, Surfa, Tangattu, Taylor, L. Z., Taylor, J., Tighe, Tesfay, Tich, True, Tully, Vance, Van Horne, Veon, Vito, Walke, Waugh, Weaver, Wezinski, Wright, D. R., Wright, M. R., Zimmig, Zing.

Dent Dermody DeWeese DiGirolano	Laughlin Lawless Lederer Leh	Rubley Rady Salinao Santoni	Ryan, Speaker
NAYS—20			
Bishop Cappabianca Cam Curry Evans	Honsey Harris Josephs Kirkland Kukovich	Loce Manderino Oliker Petraera Shaner	Suma Thomas Washington Yewick Youngblood
NOT VOTING 1			
Ramos			
EXCLUDED—8			
Gmurza Miehlovic	Mitslich Nye	Pistella Rocback	Passafium Williams

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

FILMING PERMISSION

The SPEAKER, The Chair has given permission to Charles Lewis of the Patriot to take still photographs during this period of the session and later on during the joint session.

**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 72, PN 163**; and **SB 81, PN 172**.

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:

HB 115, PN 206

An Act amending the act of August 6, 1941 (P.L. 861, No. 324), referred to as the Pennsylvania Board of Probation and Parole Law, providing for powers of parole and probation officers relating to searches.

SB 23, PN 171

An Act amending the act of August 6, 1941 (P. L. 861, No. 323), entitled, as amended, "Pennsylvania Board of Probation and Parole Law," further providing for investigations and recommendations to the Board of Pardons and for powers and duties of the Pennsylvania Board of Probation and Parole; and making an appropriation.

SB 72, PN 163
An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentencing for first degree murder.
SB 81, PN 172
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
SB 100, PN 167
An Act amending Title 43 (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
SB 109, PN 168
A Supplement to the act of July 6, 1995 (P. L. 269, No. 38), entitled "1995 Special Session Somerset Hospital Conversion Security Project Remediation Act," 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.

JOURNALS APPROVED

The SPEAKER, Without objection, all Journals not now in print will be approved. The Chair hears no objection.

**COMMUNICATION FROM GOVERNOR
REQUEST FOR JOINT SESSION**

The Speaker laid before the House the following communication in writing from the office of His Excellency, the Governor of the Commonwealth:

Commonwealth of Pennsylvania
Office of the Governor
Harrisburg

October 26, 1995

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

If it meets with the approval of the General Assembly, I would like to address the Members in Joint Session on Tuesday, October 31, 1995, at a time convenient to the General Assembly.

Thomas J. Ridge
Governor

Dent Dermody DeWeese DiGirolano	Laughlin Lawless Lederer Leh	Rubley Rady Salinao Santoni	Ryan, Speaker
NAYS—20			
Bishop Cappabianca Cam Curry Evans	Honsey Harris Josephs Kirkland Kukovich	Loce Manderino Oliker Petraera Shaner	Suma Thomas Washington Yewick Youngblood
NOT VOTING 1			
Ramos			
EXCLUDED—8			
Gmurza Miehlovic	Mitslich Nye	Pistella Rocback	Passafium Williams

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

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The SPEAKER, The Chair has given permission to Charles Lewis of the Patriot to take still photographs during this period of the session and later on during the joint session.

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HOUSE AMENDMENTS
CONCURRED IN BY SENATE**

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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:

HB 115, PN 206

An Act amending the act of August 6, 1941 (P.L. 861, No. 324), referred to as the Pennsylvania Board of Probation and Parole Law, providing for powers of parole and probation officers relating to searches.

SB 23, PN 171

An Act amending the act of August 6, 1941 (P. L. 861, No. 323), entitled, as amended, "Pennsylvania Board of Probation and Parole Law," further providing for investigations and recommendations to the Board of Pardons and for powers and duties of the Pennsylvania Board of Probation and Parole; and making an appropriation.

SB 72, PN 163
An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentencing for first degree murder.
SB 81, PN 172
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
SB 100, PN 167
An Act amending Title 43 (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
SB 109, PN 168
A Supplement to the act of July 6, 1995 (P. L. 269, No. 38), entitled "1995 Special Session Somerset Hospital Conversion Security Project Remediation Act," 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.

JOURNALS APPROVED

The SPEAKER, Without objection, all Journals not now in print will be approved. The Chair hears no objection.

**COMMUNICATION FROM GOVERNOR
REQUEST FOR JOINT SESSION**

The Speaker laid before the House the following communication in writing from the office of His Excellency, the Governor of the Commonwealth:

Commonwealth of Pennsylvania
Office of the Governor
Harrisburg

October 26, 1995

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

If it meets with the approval of the General Assembly, I would like to address the Members in Joint Session on Tuesday, October 31, 1995, at a time convenient to the General Assembly.

Thomas J. Ridge
Governor

**RESOLUTION
COMMITTEE TO ESCORT SENATE**

Mr. PERZEL offered the following resolution, which was read, considered, and adopted:

In the House of Representatives
October 31, 1995

RESOLVED, That the Speaker appoint a committee of three to escort the members and officers of the Senate to the Hall of the House for the purpose of attending a Joint Session of the General Assembly.

COMMITTEE APPOINTED

The **SPEAKER**, the Chair appoints as a committee to wait upon the Senate, the gentleman from Lehigh, Mr. Browne; the lady from Northampton, Mrs. Harhart; the gentleman from Allegheny, Mr. Tajjt.

The committee will proceed with the performance of its duties.

**COMMITTEE TO ESCORT
GOVERNOR APPOINTED**

The **SPEAKER**, Pursuant to the resolution previously adopted by the House, the Chair appoints as a committee to escort the Governor to the hall of the House, the gentleman from Philadelphia, Mr. Perzel; the gentleman from Dauphin County, Mr. Piccola; the gentleman from Berks County, Mr. Callagrone.

The committee will proceed with the performance of its duties.

The House will stand at ease awaiting the arrival of the Senate.

**REPORT OF COMMITTEE
ESCORTING SENATE**

The **SPEAKER**, The Senate is now entering the hall of the House. Members and guests will please rise.

The Chair recognizes the chairman of the committee escorting the Senate, Mr. Browne.

Mr. **BROWNE**, Mr. Speaker, your committee appointed to wait upon the Senate and escort them to the hall of the House has performed that duty and reports that the Senate is in attendance.

The **SPEAKER**, The committee is discharged with the thanks of the House.

The Chair requests the Lieutenant Governor, the Honorable Mark Schweiker, to preside over the proceedings of the joint session of the General Assembly.

The President pro tempore of the Senate, the Honorable Robert C. Jubelirer, is invited to be seated on the rostrum.

Members in the House and the Senate will now be seated. The Senators will please come forward.

The Chair is pleased to welcome the Lieutenant Governor to the rostrum and to present to him at this time the gavel to officiate at this joint session.

The members are invited to be seated.

**JOINT SESSION OF THE
GENERAL ASSEMBLY**

**THE LIEUTENANT GOVERNOR
(MARK SCHWEIKER) PRESIDING**

The **LIEUTENANT GOVERNOR**, This being the day and the time agreed upon by the Senate and the House of Representatives to hear an address by His Excellency, the Governor, the Honorable Tom Ridge, this joint session will please come to order.

The General Assembly will be at ease while it awaits the arrival of His Excellency, the Governor of the Commonwealth.

**REPORT OF COMMITTEE
ESCORTING GOVERNOR**

The **LIEUTENANT GOVERNOR**, The Governor is entering the hall of the House. Please rise.

The Chair recognizes the chairman of the committee to escort the Governor, the Senator from Montgomery County, Senator Greenleaf.

Mr. **GREENLEAF**, Mr. President, as chairman of the committee to escort the Governor, I wish to report that His Excellency, the Governor, is present and is prepared to address this joint session.

The **LIEUTENANT GOVERNOR**, Members of the General Assembly, I have the honor and the privilege of presenting His Excellency, the Governor, the Honorable Tom Ridge, who will now address the joint session.

**ADDRESS BY
GOV. THOMAS J. RIDGE**

The **GOVERNOR**, My fellow Pennsylvanians:

Just 5 days after taking office, I stood before you and asked you to launch a swift and sure attack against the crime and violence that has crept like a cancer into Pennsylvania's communities and neighborhoods.

I said then, and I say now - crime touches us all. It is the one issue that every day threatens the quality of our lives and endangers the security of our families and our communities. It has found its way into our schools, our places of work, and even our homes. For too long, crime was allowed to go unchecked - the criminal element unaccountable, and the desperate voices of victims unheard. No longer.

Ten months after we gavelled in this special session, Pennsylvania's citizens have witnessed an unprecedented, bipartisan attack against crime. We have responded to Pennsylvania's voices with 34 specific measures to deal with the many faces of crime.

We have finally and significantly elevated the rights of victims. We have established tougher penalties to take our most violent criminals off our streets. And we have reformed the juvenile justice system. Violent youthful offenders will be held accountable.

By any measure, this has been the most successful special session in the history of Pennsylvania. Seldom has our State witnessed this level of bipartisan cooperation. It is work that both Democrats and Republicans should be proud of. Now, to mention 2 or 3 or even 10 legislators would still neglect dozens.

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By any measure, this has been the most successful special session in the history of Pennsylvania. Seldom has our State witnessed this level of bipartisan cooperation. It is work that both Democrats and Republicans should be proud of. Now, to mention 2 or 3 or even 10 legislators would still neglect dozens.

So this afternoon, allow me to thank all of you. Today, all of Pennsylvania salutes you.

Now, as we close this session, let us remind ourselves, our work has not been about bills or statistics; it is about people, real people — our neighbors, our friends — fellow Pennsylvanians.

Last September, in a Montgomery County town, I met someone very special, someone who has touched my life; someone who was brave enough to speak out against the horrors of juvenile crime. And in speaking out, by herself, an entire State listened.

Jan T. Icenze gave up her last line of defense — her privacy — to give a face, a name, and a voice to the victims of crime and the challenges we face within Pennsylvania's juvenile justice system. By telling her story, by sharing the terror of her morning when a 16-year-old male broke into her home, Jan reminds us crime has a face and it has a name. Her story is a powerful testament to the need for accountability — and top-to-bottom reform — in the juvenile justice system. Jan, would you please stand and be recognized? We thank you for your courage. You inspire us all.

There may be nothing more tragic than a society that lives in fear of its own children. An astounding one in five violent crimes are committed by our youth. The juvenile arrest rate for aggravated assault is 125 percent higher today than a decade ago. The number of juveniles arrested for murder has jumped 200 percent since 1984.

Consider the 15-year-old Pittsburgh teenager — a career criminal, yet not old enough to drive. He is facing trial again for shooting a University of Pittsburgh student for beer money. The victim is now a quadriplegic. And on the other side of the State a 15-year-old student at a local high school stabbed a classmate. His classmate is dead.

Violent juvenile offenders will no longer be treated as kids. For decades, a well-intentioned notion guided the juvenile justice system — do not treat juveniles as criminals because they might become criminals. Tragically, some are, and now they will be treated as such. No longer will they be permitted to hide behind the cloak of secrecy. The light of accountability now shines into juvenile courts. We have torn down the barriers that insulate serious juvenile criminals from the communities they have attacked.

And in our neighborhoods and on our streets, I am confident the word will get out. Crime at any age now has consequences. Brazen, hardened criminals will be held accountable — even when they are juveniles. And now, if you commit an adult crime in Pennsylvania, you will do adult time in Pennsylvania.

And just as Jan's voice raised to new heights the need for juvenile justice reform, we also heard your message that victims have rights, too. Throughout this special session, we promised to keep victims first and foremost in our minds, and we have fulfilled our promise.

For the first time in our State's history, Pennsylvania's crime victims will have the voice they deserve. Through the office that you created, the Office of Victim Advocate, victims of crime now have the voice they need. The Senate's swift confirmation of Mary Achilles as Pennsylvania's first Victim Advocate will help insure that victims will not be victimized again by an indifferent system. Mary, would you please stand? We know that you will make certain that the interests of victims will always be special.

We have also expanded victim notification, strengthened victim restitution, and revamped our State's rape laws to insure the voice that says "no" means "no." We have even taken the first step to insure that the membership of the State Board of Pardons includes

a victim. The message is unmistakable. In Pennsylvania, the voice of victims will be heard.

And thanks to your efforts, Pennsylvania's most vulnerable citizens — our children — are better protected from the unspeakable victimization of little Megan Kanka. It was just over a year ago that this 7-year-old girl — a 7-year-old girl — was sexually assaulted and strangled by a convicted sex offender. Her death sparked a national outcry. Anger. Outrage. Frustration. We listened, and we responded with our own Megan's Law. So now those who are entrusted with the welfare of our children will be notified when a convicted sexual predator moves into their neighborhood. Kathy Lee Forrester raised her voice to make sure that Pennsylvania did not forget Megan or other children like her. She is here today to thank the legislature. Kathy Lee, please stand, and let us thank you.

The General Assembly has also done its part to protect children from the traumatic experience of the witness stand. With this constitutional amendment, little children who witness a crime or fall victim to a criminal act will be able to testify by means of videotape or closed-circuit TV.

One week from today, in November 7's election, a ballot question will ask for our citizens' final approval of this constitutional amendment, and I urge all Pennsylvanians to proclaim their support and vote a resounding "yes."

It has been imperative for the special session to focus on the rights of victims. It was equally imperative to restore the notions of accountability and consequences in our criminal justice system. So we have enacted a "three strikes" bill that insures that repeat offenders are out of circulation during their high crime years. We have increased maximum penalties for attempted and third-degree murder. And we have approved new prison construction. Soon, Pennsylvania will have nearly 2,600 new cells to add to the correctional system. We will put our prisoners to work with work gangs. We will quadruple the size of boot camps. And we will do what we must to stop the unacceptable levels of drug trafficking inside our correctional institutions.

Ladies and gentlemen, the rules have changed. We will not accept the drug culture's riptide in our prisons. Just last week, Graterford Prison was subject to the largest preemptive prison search ever conducted in our Nation.

And with the help of over 600 law enforcement officials, we have begun our work to remove the scourge of drugs from our prisons. At Graterford, we are making management changes. Aggressive drug testing and drug searches will become routine. Problem inmates have been and will be moved out. It is time to put an end to the drug economy in our prisons, and it is time to begin the process of drug rehabilitation.

Yes, the rules have changed within our prison walls — particularly on death row.

Our State's feeble commitment to the death penalty exists no longer. Pennsylvania's Governor must now sign an execution warrant within 90 days after the record is received from the Supreme Court. As you know, before this law, I made such a timeframe my own, and in the name of justice and in the name of each victim, it is only right that future Governors do the same.

In these first 10 months, I have signed more death warrants than my predecessors have done in 10 years. This is not something I relish. This is a duty that carries a very heavy burden. But it is a part of the job that should, must, and will be done.

We are tough on crime because we have to be. But I believe — and I know you do as well — that there are even more people

So this afternoon, allow me to thank all of you. Today, all of Pennsylvania salutes you.

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We are tough on crime because we have to be. But I believe — and I know you do as well — that there are even more people

young people in Pennsylvania, who can and should be saved. Most young people will make the right choices if we give them a chance. Their choice and our chance to save them depends upon our willingness as a community to embrace new ideas and new partnerships in this effort.

A few weeks ago I met a young man named Jerome. He joins us here today. Jerome is 17 years old, and early on he found himself in trouble. He has been in and out of juvenile facilities since he was 13. Today, Jerome attends a special school for juvenile offenders. He lives with his grandmother. He plays football. He is hitting the books, studying hard. If you ask Jerome, he will tell you that he made a promise to himself to turn his life around. Jerome's goal: a high school diploma — and a better chance. And across our State there are a lot of young people like Jerome. Jerome, would you please stand? Young people like Jerome are worth saving, and young people like Jerome must be saved.

There are some who say this special session failed to deal with prevention. They are wrong. Prevention is at the core of all we have accomplished. Without the bedrock of accountability and consequences, the best of any prevention program would be lost. Ask any parent. Look at your own families. Parents can provide the nicest homes, the best education, the best environment, the best of everything, but if parents do not provide a clear definition of right and wrong, with consequences to match, their children will be lost. We must focus on family, education, and work. We must challenge ourselves as members of that broader community called Pennsylvania to work to make a difference.

Family. Education. Work. Community. If we are serious about crime prevention, then we must address all of these issues.

Think about it, just for a moment. Does anyone in this chamber — does anyone in this State — believe that the majority of our prison inmates had the benefit of a stable family, had the benefit of a good education or a good job?

Ladies and gentlemen, we cannot ignore the obvious. If we are going to fight the war on crime, we must fight the war on poverty. That means fundamental welfare reform to help our families, dramatic education reforms to help our children, and creative economic development strategies to help create good, steady jobs.

Welfare. Well-intentioned and well-funded programs have failed those they intended to help. Let us give people a reason to raise their voices not in anger but in hope. Next year Pennsylvania will embark on its own welfare reform.

We will put our resources into the real tools of self-sufficiency: job training, day care, literacy — and less simply into a monthly check that perpetuates more than it empowers. Remember, welfare reform is not about saving money alone; it is about saving people, and if we do the right thing, in the long run we will accomplish both.

Education. Consider the simple fact that 80 percent of those in our prisons today lack a high school diploma. Meaningful education reform that will give impoverished young people a real chance: it is as much about fighting crime as anything we have done in this special session, because there is no substitute for a quality education.

Family. In 35 years we have seen illegitimate births increase fourfold. Three times the number of our children now live in single-parent homes, and government has tried to replace traditional support structures — families and fathers. But government cannot love, and government cannot nurture.

Its programs and its resources are a poor substitute for the strength of a family and the character of a community's soul.

To be successful, preventive measures cannot be the priority of just elected officials or a few citizens. We — we — must engage the entire community. All of us must give some of ourselves to help the children we do not know, the neighborhoods we never visit, and the challenges that are not our own.

That is why a few weeks ago I signed the executive order which created an unprecedented community-based initiative to build bridges between us. Together we will attack the root causes: teen pregnancy; child abuse and neglect; drug and alcohol addiction; domestic violence; truancy; drugs and weapons in our schools and neighborhoods.

Led by one of the most qualified people I know — Pennsylvania's First Lady — the Community Partnership for Safe Children will seek out the best solutions Pennsylvanians have to offer. We will bring together community leaders and citizens; social services and clergy; business people, law enforcement, and juvenile justice agencies. Together — together — we will break down the barriers — bureaucracy by bureaucracy, neighborhood by neighborhood, block by block. Pennsylvania has solutions — community-based solutions — that need to be shared to reduce the violence by and against our children.

Ten months ago you and I listened to the voices of Pennsylvania, the voices crying out against crime and violence. We have heard the tragic stories of victims, the hateful threats of offenders, and the silent indifference of government. But now, victims are empowered, offenders are on notice, and State government is energized like never before. So today we bring to close this special session. We speak in one voice. It is a voice that commits us to continue the fight against crime, for the fight against crime never ends.

Thank you, and God bless you.

SINE DIE ADJOURNMENT

The LIEUTENANT GOVERNOR. The business for which the joint session has been assembled having been transacted and the Governor's address completed, the Chair now declares the First Special Session of the General Assembly adjourned sine die.

After the adjournment of the House, the following documents were received from the Governor and are herewith made a part of the House Journal:

COMMUNICATIONS FROM GOVERNOR

BILLS SIGNED BY GOVERNOR

APPROVAL OF HB'S 22, 103, 115, 126 and 130.

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Its programs and its resources are a poor substitute for the strength of a family and the character of a community's soul.

To be successful, preventive measures cannot be the priority of just elected officials or a few citizens. We — we — must engage the entire community. All of us must give some of ourselves to help the children we do not know, the neighborhoods we never visit, and the challenges that are not our own.

That is why a few weeks ago I signed the executive order which created an unprecedented community-based initiative to build bridges between us. Together we will attack the root causes: teen pregnancy; child abuse and neglect; drug and alcohol addiction; domestic violence; truancy; drugs and weapons in our schools and neighborhoods.

Led by one of the most qualified people I know — Pennsylvania's First Lady — the Community Partnership for Safe Children will seek out the best solutions Pennsylvanians have to offer. We will bring together community leaders and citizens; social services and clergy; business people, law enforcement, and juvenile justice agencies. Together — together — we will break down the barriers — bureaucracy by bureaucracy, neighborhood by neighborhood, block by block. Pennsylvania has solutions — community-based solutions — that need to be shared to reduce the violence by and against our children.

Ten months ago you and I listened to the voices of Pennsylvania, the voices crying out against crime and violence. We have heard the tragic stories of victims, the hateful threats of offenders, and the silent indifference of government. But now, victims are empowered, offenders are on notice, and State government is energized like never before. So today we bring to close this special session. We speak in one voice. It is a voice that commits us to continue the fight against crime, for the fight against crime never ends.

Thank you, and God bless you.

SINE DIE ADJOURNMENT

The LIEUTENANT GOVERNOR. The business for which the joint session has been assembled having been transacted and the Governor's address completed, the Chair now declares the First Special Session of the General Assembly adjourned sine die.

After the adjournment of the House, the following documents were received from the Governor and are herewith made a part of the House Journal:

COMMUNICATIONS FROM GOVERNOR

BILLS SIGNED BY GOVERNOR

APPROVAL OF HB'S 22, 103, 115, 126 and 130.