

Clymer	Hershey	Olasz	Trich
Cohen	Hess	Oliver	Tulli
Colafella	Hughes	Perzel	Uliana
Colaizzo	Itkin	Pesci	Van Horne
Cole	Jadlowiec	Petrarca	Vance
Cornell	James	Petrone	Veon
Corrigan	Jarolin	Phillips	Vroon
Cowell	Johnson	Piccola	Wambach
Coy	Josephs	Pistella	Williams
DeLuca	Kaiser	Pitts	Wilson
DeWeese	Kasunic	Preston	Wogan
Daley	Kenney	Raymond	Wozniak
Davies	King	Reinard	Wright, D. R.
Dempsey	Kosinski	Richardson	Wright, M. N.
Dent	Krebs	Ritter	

NAYS—0

NOT VOTING—2

Reber	Rieger
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EXCUSED—4

Freind	Noye
Mrkonic	O'Donnell, Speaker

The question was determined in the affirmative, and the amendments were agreed to.

On the question,
Will the House adopt the resolution as amended?

The following roll call was recorded:

YEAS—194

Acosta	Donatucci	LaGrotta	Robinson
Adolph	Durham	Langtry	Roebuck
Allen	Evans	Laughlin	Rudy
Anderson	Fairchild	Lawless	Ryan
Angstadt	Fajt	Lee	Saloom
Argall	Fargo	Leh	Saurman
Armstrong	Farmer	Lescovitz	Scheetz
Arnold	Fee	Levdansky	Schuler
Barley	Fleagle	Linton	Scrimenti
Battisto	Flick	Lloyd	Semmel
Belardi	Foster	Lucyk	Serafini
Belfanti	Freeman	McCall	Smith, B.
Billow	Gallen	McGeehan	Smith, S. H.
Birmelin	Gamble	McHale	Snyder, D. W.
Black	Gannon	McHugh	Snyder, G.
Blaum	Geist	McNally	Staback
Bowley	George	Maiale	Stairs
Boyes	Gerlach	Markosek	Steelman
Broujos	Gigliotti	Marsico	Steighner
Brown	Gladeck	Mayernik	Stetler
Bunt	Godshall	Melio	Stish
Bush	Gruppo	Merry	Strittmatter
Butkovitz	Hagarty	Michlovic	Suban
Caltagirone	Haluska	Micozzie	Sturla
Cappabianca	Hanna	Mihalich	Surra
Carlson	Harley	Mundy	Tangretti
Carn	Harper	Murphy	Taylor, E. Z.
Carone	Hasay	Nahill	Taylor, F.
Cawley	Hayden	Nailor	Taylor, J.
Cessar	Hayes	Nickol	Telek
Chadwick	Heckler	Nyce	Thomas
Civera	Herman	O'Brien	Tigue
Clark	Hershey	Olasz	Tomlinson
Clymer	Hess	Oliver	Trello
Cohen	Hughes	Perzel	Trich
Colafella	Itkin	Pesci	Tulli
Colaizzo	Jadlowiec	Petrarca	Uliana
Cole	James	Petrone	Van Horne
Cornell	Jarolin	Phillips	Vance
Corrigan	Johnson	Piccola	Veon

Cowell	Josephs	Pistella	Vroon
Coy	Kaiser	Pitts	Wambach
DeLuca	Kasunic	Preston	Williams
DeWeese	Kenney	Raymond	Wilson
Daley	King	Reinard	Wogan
Davies	Kosinski	Richardson	Wozniak
Dempsey	Krebs	Rieger	Wright, D. R.
Dent	Kruszewski	Ritter	Wright, M. N.
Dermody	Kukovich		

NAYS—0

NOT VOTING—3

Bishop	Gruitza	Reber
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EXCUSED—4

Freind	Noye
Mrkonic	O'Donnell, Speaker

The question was determined in the affirmative, and the resolution as amended was adopted.

VOTE CORRECTIONS

The SPEAKER pro tempore. For what purpose does the lady, Mrs. Laughlin, rise?

Mrs. LAUGHLIN. Mr. Speaker, I want to correct the record.

The SPEAKER pro tempore. The gentlelady is in order and may proceed.

Mrs. LAUGHLIN. My switch malfunctioned on HR 353, and I want to be voted in the affirmative. Thank you.

The SPEAKER pro tempore. The remarks of the gentlelady will be spread upon the record.

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

Mr. HANNA. Mr. Speaker, to correct the record.

The SPEAKER pro tempore. The gentleman is in order and may proceed.

Mr. HANNA. On HR 350 I was not recorded. I wish to be recorded in the affirmative.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **SB 1000, PN 2222**, entitled:

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

On the question,

Will the House agree to the bill on third consideration?

Mr. BROUJOS offered the following amendments No. A2905:

Amend Sec. 1 (Sec. 18), page 3, line 7, by striking out the bracket after "Governor"

Amend Sec. 1 (Sec. 18), page 3, by inserting between lines 7 and 8

(b) The members shall serve for terms of four years, provided that a member, rather than his successor, shall continue to participate in any hearing in progress at the end of his term. A vacancy on the board shall be filled by the respective appointing authority for the balance of the term. The respective appointing authority may remove a member only for cause. No member shall serve more than four consecutive years; he may be reappointed after a lapse of one year. Annually the members of the board shall elect a chairman. The board shall act only with the concurrence of a majority of its members.

(c) A member shall not hold office in a political party or political organization. Members, other than judges, shall be compensated for their services as the Supreme Court shall prescribe. All members shall be reimbursed for expenses necessarily incurred in the discharge of their official duties.

(d) Under the procedure prescribed herein, any justice or judge may be suspended, removed from office or otherwise disciplined for violation of section 17 of this article, misconduct in office, neglect of duty, failure to perform his duties, or conduct which prejudices the proper administration of justice or brings the judicial office into disrepute, and may be retired for disability seriously interfering with the performance of his duties.

(e) The board shall keep informed as to matters relating to grounds for suspension, removal, discipline, or compulsory retirement of justices or judges. It shall receive complaints or reports, formal or informal, from any source pertaining to such matters, and shall make such preliminary investigations as it deems necessary.

(f) The board, after such investigation, may order a hearing concerning the suspension, removal, discipline or compulsory retirement of a justice or judge. The board's orders for attendance of or testimony by witnesses or for the production of documents at any hearing or investigation shall be enforceable by contempt proceedings.

(g) If, after hearing, the board finds good cause therefor, it shall recommend to the Supreme Court the suspension, removal, discipline or compulsory retirement of the justice or judge.

(h) The Supreme Court shall review the record of the board's proceedings on the law and facts and may permit the introduction of additional evidence. It shall order suspension, removal, discipline or compulsory retirement, or wholly reject the recommendation, as it finds just and proper. Upon an order for compulsory retirement, the justice or judge shall be retired with the same rights and privileges were he retired under section 16 of this article. Upon an order for suspension or removal, the justice or judge shall be suspended or removed from office, and his salary shall cease from the date of such order. All papers filed with and proceedings before the board shall be confidential but upon being filed by the board in the Supreme Court, the record shall lose its confidential character. The filing of papers with and the giving of testimony before the board shall be privileged.

(i) No justice or judge shall participate as a member of the board or of the Supreme Court in any proceeding involving his suspension, removal, discipline or compulsory retirement.

(j) The Supreme Court shall prescribe rules of procedure under this section.

(k) The Supreme Court shall prescribe rules of procedure for the suspension, removal, discipline and compulsory retirement of justices of the peace.

(l) A justice, judge or justice of the peace convicted of misbehavior in office by a court, disbarred as a member of the bar of the Supreme Court or removed under this section 18 shall forfeit automatically his judicial office and thereafter be ineligible for judicial office.

(m) A justice or judge who shall file for nomination for or election to any public office other than a judicial office shall forfeit automatically his judicial office.

(n) This section is in addition to and not in substitution for the provisions for impeachment for misbehavior in office contained in Article VI. No justice, judge or justice of the peace against whom impeachment proceedings are pending in the Senate shall exercise any of the duties of his office until he has been acquitted.]

Amend Sec. 1 (Sec. 18), page 14, line 12, by striking out "A" and inserting

an independent board within the judicial branch,
known as the

Amend Sec. 1 (Sec. 18), page 14, line 17, by striking out "DISTRICT JUSTICE" and inserting
justice of the peace

Amend Sec. 1 (Sec. 18), page 14, lines 20 through 27, by striking out all of said lines and inserting

(2) The judge from either the Superior Court or the Commonwealth Court, the justice of the peace, one non-judge member of the bar of the Supreme Court and three non-lawyer electors shall be appointed to the board by the Supreme Court. The judge from the courts of common pleas, two non-judge members of the bar of the Supreme Court and three non-lawyer electors shall be appointed to the board by the Governor.

Amend Sec. 1 (Sec. 18), page 15, line 5, by striking out "DISTRICT JUSTICE" and inserting
justice of the peace

Amend Sec. 1 (Sec. 18), page 15, line 28, by inserting after "LAW,"

exercise supervisory and administrative authority
over all board staff and board functions,

Amend Sec. 1 (Sec. 18), page 16, line 2, by inserting after "MADE"
by the board

Amend Sec. 1 (Sec. 18), page 16, line 2, by inserting after "REQUEST"
submitted

Amend Sec. 1 (Sec. 18), page 16, line 12, by striking out "DISTRICT JUSTICE" and inserting
justice of the peace

Amend Sec. 1 (Sec. 18), page 16, line 19, by striking out "DISTRICT JUSTICE" and inserting
justice of the peace

Amend Sec. 1 (Sec. 18), page 17, line 16, by striking out "DISTRICT JUSTICE" and inserting
justice of the peace

Amend Sec. 1 (Sec. 18), page 17, line 29, by striking out "SEVEN" and inserting
eight

Amend Sec. 1 (Sec. 18), page 18, line 2, by striking out "LAW-TRAINED DISTRICT JUSTICE; ONE MEMBER" and inserting

justice of the peace; two non-judge members

Amend Sec. 1 (Sec. 18), page 18, lines 3 through 11, by striking out "THE JUDGES" in line 3, all of lines 4 through 11 and inserting

Two judges, the justice of the peace and one non-lawyer elector shall be appointed to the court by the Supreme Court. One judge, the two non-judge members of the bar of the Supreme Court and one non-lawyer elector shall be appointed to the court by the Governor.

Amend Sec. 1 (Sec. 18), page 18, line 21, by striking out "DISTRICT JUSTICE" and inserting
justice of the peace

Amend Sec. 1 (Sec. 18), page 18, line 22, by striking out "DISTRICT JUSTICE" and inserting
justice of the peace

Amend Sec. 1 (Sec. 18), page 18, line 23, by striking out "DISTRICT JUSTICE" and inserting
justice of the peace

Amend Sec. 1 (Sec. 18), page 19, line 24, by striking out "DISTRICT JUSTICE" and inserting

justice of the peace

Amend Sec. 1 (Sec. 18), page 19, line 26, by inserting after "FUNCTION."

Formal charges filed with the court shall be a matter of public record.

Amend Sec. 1 (Sec. 18), page 20, lines 11 and 12, by striking out "HEARINGS BEFORE THE COURT MAY BE CONDUCTED BY A MEMBER" in line 11 and all of line 12

Amend Sec. 1 (Sec. 18), page 20, line 20, by striking out "DISTRICT JUSTICE" and inserting

justice of the peace

Amend Sec. 1 (Sec. 18), page 20, line 22, by striking out "DISTRICT JUSTICE" and inserting

justice of the peace

Amend Sec. 1 (Sec. 18), page 21, line 7, by striking out "ABUSE OF DISCRETION" and inserting

whether the sanctions imposed were lawful

Amend Sec. 1 (Sec. 18), page 21, lines 11 through 15, by striking out "THE SUPREME COURT OR SPECIAL" in line 11 and all of lines 12 through 15

Amend Sec. 1 (Sec. 18), page 21, line 17, by striking out "DISTRICT JUSTICE" and inserting

justice of the peace

Amend Sec. 1 (Sec. 18), page 21, line 23, by striking out "DISTRICT JUSTICE" and inserting

justice of the peace

Amend Sec. 1 (Sec. 18), page 21, line 26, by striking out "DISTRICT JUSTICE" and inserting

justice of the peace

Amend Sec. 1 (Sec. 18), page 21, line 28, by striking out "DISTRICT JUSTICE" and inserting

justice of the peace

Amend Sec. 1 (Sec. 18), page 21, line 30, by striking out "DISTRICT JUSTICE" and inserting

justice of the peace

Amend Sec. 1 (Sec. 18), page 22, line 9, by striking out "DISTRICT JUSTICE" and inserting

justice of the peace

Amend Sec. 1 (Sec. 18), page 22, line 12, by striking out "DISTRICT JUSTICE" and inserting

justice of the peace

Amend Sec. 1 (Sec. 18), page 22, line 14, by striking out "OR JUDGE" and inserting

, judge or justice of the peace

Amend Sec. 1 (Sec. 18), page 22, line 16, by striking out "OR JUDGE" and inserting

, judge or justice of the peace

Amend Sec. 1 (Sec. 18), page 22, line 19, by striking out "DISTRICT JUSTICE" and inserting

justice of the peace

Amend Sec. 1 (Sec. 18), page 22, line 24, by striking out "DISTRICT JUSTICE" and inserting

justice of the peace

Amend Sec. 1 (Sec. 18), page 22, line 29, by striking out "DISTRICT JUSTICE" and inserting

justice of the peace

Amend Resolution, page 23, lines 26 through 30; page 24, lines 1 through 30; page 25, lines 1 through 11, by striking out all of said lines on said pages and inserting

(b) Of the members initially appointed to the Judicial Conduct Board: the judge appointed by the Supreme Court shall serve a four-year term; and the judge appointed by the Governor shall serve a three-year term. The justice of the peace initially appointed shall serve a two-year term. Of the three non-judge members of the bar of the Supreme Court initially appointed: the first appointed by the Governor shall serve a three-year term; the

next appointed by the Governor shall serve a two-year term; and the non-judge member of the bar of the Supreme Court appointed by the Supreme Court shall serve a one-year term. Of the six non-lawyer electors initially appointed: the first appointed by the Governor and the first appointed by the Supreme Court shall serve a four-year term; the next appointed by the Governor and the next appointed by the Supreme Court shall serve a three-year term; and the next appointed by the Governor and the next appointed by the Supreme Court shall serve a two-year term.

(c) Of the three judges initially appointed to the Court of Judicial Discipline: the first appointed by the Supreme Court shall serve a four-year term; the next appointed by the Supreme Court shall serve a three-year term; and the judge appointed by the Governor shall serve a two-year term. The justice of the peace initially appointed shall serve a one-year term. Of the non-judge members of the bar initially appointed: the first appointed shall serve a four-year term; and the next appointed shall serve a three-year term. Of the two non-lawyer electors initially appointed: the non-lawyer elector appointed by the Governor shall serve a three-year term, and the non-lawyer elector appointed by the Supreme Court shall serve a two-year term.

Amend Sec. 3, page 25, line 12, by striking out "3" and inserting

2

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On the amendment, the gentleman, Mr. Broujos.

Mr. BROUJOS. Mr. Speaker, this is an amendment that amends SB 1000 to provide for a number of changes to the judiciary bill.

We have had, since the founding of our Nation and before, three distinct departments of government - the legislative, the executive, and the judicial. There are checks and balances. We must not take lightly the history of our own State in dividing the functions of government among three separate departments, nor should we take lightly the lessons that our Founding Fathers gave us in the Federalist Papers prior to adoption of our Constitution.

Hamilton and Madison have pointed out very clearly that there are three distinct departments of government, but in their study of State governments and the Constitution, they point out that "...there is not a single instance"—and I am quoting—"in which the several departments of power have been kept absolutely separate and distinct." In fact, there are checks and balances that permit certain powers in different branches that are exerted over another branch. And the rule that they have recognized so eloquently is "...that the legislative, executive, and judiciary powers ought to be kept as separate from, and independent of, each other as the nature of a free government will admit; or as is consistent with that chain of connection that binds the whole fabric of the constitution in one indissoluble bond of unity and amity."

We have then the task of providing two salient principles of government in this amendment: first, the independence of the judiciary, and secondly, the accountability of the judiciary. There is no question of the need for accountability. I need not tell you of the problems of secret decisions and of the problems that have been associated with the Supreme Court and its disciplinary actions. If this amendment is adopted, there

would be no more secret decisions and the Supreme Court Justices could not decide a colleague's case.

When we look at the independence of departments of government, we find that the legislature passes laws, but it is accountable to the judiciary to insure that it complies with the Constitution. The executive administers the law, but it accounts to the legislature for the budgets that they enact, and they are accountable to the courts not to exceed legislative authority.

With respect to independence and accountability today, now, we hold the judiciary accountable to the people by election, to the Governor by appointment, and to the legislature by confirmation, and now to the Judicial Conduct Board and to the Court of Judicial Discipline.

This amendment provides that there is a Judicial Conduct Board, which investigates and makes findings, and once those findings are made, they are public. There are six members in this amendment appointed by the Supreme Court and six members appointed by the Governor, and that is without Senate confirmation.

The Court of Judicial Discipline, which makes the decisions based on the investigative report and the findings, in a sense indictments, consists of four persons appointed by the Supreme Court and four persons appointed by the Governor.

The essence of these amendments is compromise. You recall, in the founding of our Nation, that we had substantial compromises. We had, I think, was it a New Jersey plan and a Virginia plan? We had compromises up and down the board with respect to the powers of different branches of government and the checks and balances. This is a compromise.

Who is to prevail? Is the Governor and the executive branch by appointment of people? Is the Supreme Court by the appointment of persons to the Judicial Conduct Board and to the Court of Judicial Discipline? This is a compromise whereby there is an equal number, and they will make the decision.

We ask for your support. This amendment has the support of a number of separate independent groups that have sought judicial reform - the Bar Association and others - and they will be pointed out and elucidated by Representative Tom Caltagirone when he addresses this amendment. I ask for your support of this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentlelady from Montgomery County, Mrs. Hagarty.

Mrs. HAGARTY. Thank you, Mr. Speaker.

Mr. Speaker, the Broujos amendment looks like reform of our Judicial Inquiry and Review Board, but it is not reform. To give you some history that does not date back quite as far as that stated by Representative Broujos, I began this process. The reform process, to insure our citizenry that when judges violated judicial canons of ethics that discipline would occur, began in the early eighties. I introduced legislation then, and there have been 15 separate bills seeking to achieve reform of the Judicial Inquiry and Review Board. Six of those bills have passed this House, and one of those bills in fact passed the

House and the Senate and was struck down by the court. In each and every one of those proposals, a fundamental component of reform was there. The fundamental component of reform is that the appointments to this board may not be controlled by the Supreme Court.

I remind you of at least one case, which will give you a clear idea of what happens or what happened when we let our Supreme Court sanction its own, when we let our Supreme Court have to itself the role of disciplining judges, and I cite briefly the O'Kicki case.

Judge O'Kicki, in 1988, was charged with bribery and corruption. He bribed lawyers, among other things, for favorable decisions. The Supreme Court suspended him but with pay. In 1989 he was convicted of six counts of public corruption and sentenced to prison. The Supreme Court still did not terminate his pay or remove him from the bench. It took till 1991, when Attorney General Preate called upon Catherine Baker to stop issuing checks to O'Kicki and when he was a convicted felon at this time, for him to finally, 2 weeks after that, have the Supreme Court stop paying him. This is what happens when the Supreme Court controls the disciplinary boards.

You know, it is not so surprising, really, if you think about it. There are seven members of the Supreme Court. There are only a limited number of common pleas judges and appellate judges. Would we really be able to sanction each other's misconduct? I suspect not. It is human nature that friendships and bonds come first, and so what we are suggesting and what true reform has always suggested is that in order to insure the public that the judiciary is independent, that it makes its decisions fairly, there be a board that is capable of judging judges. The reason the Broujos amendment does not meet this goal is there are even-numbered boards. This amendment suggests an investigatory board and the judicatory board with even numbers.

First, I suggest it is a ridiculous proposition to have an even-numbered board. Secondly, you may ask what is unfair about even, and I suggest to you that we of all people know that you cannot pass a bill with an even-numbered vote; 98-98 does not pass an amendment, and if you are attempting to recommend discipline or discipline a judge, you are going to always need a court appointment to do anything, because an even number will not effect a result.

I ask you, in opposing the Broujos amendment, to stick firm to all of the bill and everything that this House has stood for for the last 10 years in attempting to achieve meaningful reform, to assure to the public that the courts are not beyond the law. Thank you.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman from Dauphin, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

I, too, rise to oppose the Broujos amendment, and I think it is important, as the lady indicated and as the gentleman, Mr. Broujos, indicated, to keep a little bit of history in mind on this particular issue.

Going back to 1983 and since that time, this House of Representatives has voted in overwhelming numbers, on at least four or five occasions, to adopt a constitutional amendment to change the way we discipline judges in this Commonwealth. Now, we did not do that in a vacuum. We did that for a reason, and I am not going to get into the specifics of the reason. The lady, Mrs. Hagarty, touched on a few of them. But the bottom line is that Pennsylvania's judiciary is not of the highest repute, and one of the reasons is the method by which we discipline judges or, better put, the way we do not discipline judges who misbehave in office.

So back in 1983 and since that time, we have adopted judicial reform constitutional amendments on various occasions. There have been changes among them over the years, but the one thing that remained constant, until this bill, SB 1000, hit the House of Representatives Judiciary Committee, was that the judiciary, the Supreme Court, would not control the disciplinary bodies created under these measures. It was a given; it was a principle. The Beck Commission, which was formed to come up with a proposal on this, agreed with it. Everybody, including the majority leader of the House, who at the time was the chairman of the Judiciary Committee and a prime sponsor of judicial reform, said that what we had to do to restore faith in our judiciary was to have a disciplinary board and boards that were not controlled by the Supreme Court, that they were independent of the Supreme Court, and the reason is simple and it is obvious: Judges should not be disciplining judges. I have said it; Mrs. Hagarty has said it; the majority leader has said it many, many times in the past.

A few weeks ago the Senate of this Commonwealth passed SB 1000, and they agreed with that proposition. SB 1000 was sent to us in a pretty good form. The investigatory body and the judicial trial body were to be not controlled by the Supreme Court. The appointments were to be spread between the executive branch and the judicial branch, but they were to be controlled by those outside of the judiciary. That was never in dispute until it got to the House Judiciary Committee several weeks ago and we adopted an amendment which totally flip-flopped the issue as to who was going to control the disciplinary process, and what we did in SB 1000 in the Judiciary Committee was to put the control of that process back with the Supreme Court. They would control the appointments.

Now Mr. Broujos is attempting to modify that somewhat, and on the surface it might appear that he is making a step forward, but in reality he is not making any step forward at all. He is creating boards which are potentially deadlocked because half of them will be appointed by the Governor and half by the Supreme Court. There will be no Senate confirmation of any of these folks. Their budgets will be controlled by the Supreme Court, and nothing will be accomplished unless a majority of those boards takes affirmative action, and so long as those who are appointed by the court choose to refrain from taking action, no action will be taken, thus continuing the undermining of the confidence of the people of Pennsylvania in our judiciary and in the way that we discipline judges.

Now, I have heard the arguments that Mr. Broujos has given us concerning the separation of powers and the checks and balances, and I got them from the Pennsylvania Bar Association, too, and you should have all received the letter that I sent to the bar in response to those statements.

We are amending the Constitution. We can modify those checks and balances. We can add to them. We can detract from them. We will not be doing that here in the legislature because this vote, if it passes both chambers, will have to be done again in the next session, in identical form, and then it will have to go to the people of Pennsylvania to be confirmed. So there is a lot that goes into this, but there is nothing in the concept of separation of powers that says we cannot change the balances that exist in the Constitution. We have the power of impeachment in the Constitution, to impeach judges, but I suggest we do not use that power. We underutilize that power perhaps. It is really a power that has not been used to any extent in recent times.

What we are suggesting is that the separation of powers include a separate, independent judicial disciplinary body or bodies—there are two bodies in this case—to discipline our judges, independent of the judiciary that they are to oversee. In that method, in that manner, it will be free from any innuendo that action that should have been taken was not taken, that matters were hushed up or covered up or not proceeded upon. It will give the people of Pennsylvania confidence once again in their judiciary.

The Broujos amendment does not go far enough. There will be an amendment offered by Mrs. Hagarty and Mr. Blaum, if the Broujos amendment is successful or if it is not successful, which will place this bill back in the form that it was when it came from the Senate in the form of SB 1000.

I would urge that we oppose the Broujos amendment and, at the time that this amendment from Mrs. Hagarty and Mr. Blaum is offered, that we adopt that amendment. Send this bill back to the Senate so that we will have real judicial reform in this State, not something that we will tout as reform but which will be business as usual.

Thank you, Mr. Speaker. I urge defeat of the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Allegheny County, Mr. McNally.

Mr. McNALLY. Mr. Speaker, I rise in support of the Broujos amendment.

A number of statements have been made on the record that I think deserve to be refuted, and I think they are baseless and they are without foundation.

One of the statements made has been that this is not reform. Well, it is reform. It is reform compared to the current judicial disciplinary process that we have now. It is reform compared to the Hagarty amendments that we have seen and heard about over the last several months. It is reform compared to the current SB 1000. It is reform on any basis that you care to define reform.

A statement has also been made that somehow the Supreme Court is going to be able to control this judicial disciplinary

process with the Broujos amendment. Unfounded; unbelievable. The fact of the matter is that no one in this body, I have not heard anyone on this side of the aisle or the other side of the aisle say that the Ethics Commission is somehow controlled by the legislature, yet in fact the legislature appoints four out of seven members of that Ethics Commission. The fact that we are going to have an evenly divided judicial disciplinary process represented by appointees of the Supreme Court and the executive branch indicates to me that not only will this not be controlled by the Supreme Court, that in fact we are going to have a judicial disciplinary process that is fair, that is objective, and that is immune from political input, political influence. That is the kind of judicial disciplinary process that we need, that we want, that the people of Pennsylvania deserve, and that is the kind of judicial disciplinary process, I think, that is essential to restoring the credibility and the reputation of the judiciary of Pennsylvania.

I believe that the Broujos amendment is reform, it is something that deserves our support, and when I make the comparisons between the way that members of these boards are being appointed compared to the prior proposals that have been made, I am very satisfied that what we have before us is a very fine compromise; that it deserves our support; that we can be proud of it; that we can send it on to the people of Pennsylvania for a referendum.

And finally, let me say that it seems that people are enamored of the prospect of somehow giving more control of the judicial disciplinary process to the Governor or to the Senate, that somehow those institutions and those branches of government have somehow a stellar reputation that goes far beyond that of the judiciary or the Supreme Court. Mr. Speaker, I know that everyone in this chamber here today is old enough to remember some of the recent history of the Pennsylvania Senate and the executive branch of this State, and anyone who would feel more comfortable, more at ease, with placing the responsibility of judicial discipline with the Senate and the executive branch of Pennsylvania, I think, is crazy. I think they have a horrible record. It is at least as bad as that of the judicial branch of this State, and to somehow make the argument that we would be better off and that we would have a much better judicial disciplinary process in trusting it to the Senate and the executive branch, I think, is just insane.

The fact of the matter is that this is reform, it deserves our support, and that we ought to send it to the people of Pennsylvania for their support. Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Berks County, Mr. Caltagirone.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

As most of the members of the House are aware, a reform of the current judicial disciplinary system is badly needed. The current system operates almost entirely behind closed doors. Hearings are conducted in secret, and the public often gets no response at all concerning a complaint. The decisions are made almost entirely by judges and lawyers. The Supreme

Court controls a majority of the appointments to the judicial disciplinary system. Sometimes judges even make decisions affecting their own case.

There are reasons that I have strongly supported reform of the judicial discipline system. The current reform proposal was caught in a political battle between competing interests, with the primary issue being the question of who would control the disciplinary process.

It has been my intention from the start to provide a fair and open disciplinary system that is not under the direct control of any branch of government and that best serves the interests of the general public. That is why the House Judiciary Committee adopted my amendment to SB 1000, which substantially increased public access to the disciplinary process, streamlined the administrative practices of the disciplinary system, and provided for a more equal distribution of appointments to the disciplinary system by both the executive and judicial branches of government.

Under this amendment, appointments to the investigative board, known as the Judicial Conduct Board, are divided evenly between the Governor and the Supreme Court. This board was authorized to release evidence and information and make reports about the results of its investigations. A separate court, known as the Court of Judicial Discipline, was established to conduct public hearings in disciplinary cases. The Supreme Court was given four appointments to this special court, and the Governor was given three appointments. The Supreme Court would no longer play a direct role in the disciplinary proceedings involving judges and would play no role in any judicial proceeding involving a member of the Supreme Court.

Since the bill was reported from the Judiciary Committee, I have continued my efforts to reach a reasonable and responsible compromise on the specific issue of the appointments to the disciplinary system, and those efforts are reflected in the Broujos amendment. We have worked with Judge Beck, chairman of the Governor's Commission on Judicial Reform; Lynn Marks, executive director of the Pennsylvanians for Modern Courts; and representatives of the Philadelphia Bar Association, the Allegheny Bar Association, et cetera, et cetera, the Pennsylvania Bar Association, to develop the amendment that is here before you today. And I might add that these groups do in fact support this amendment. Let me repeat: These groups do in fact support this compromise amendment.

This amendment provides for equal numbers of appointments to the disciplinary system by both the Governor and the Supreme Court. Thus, no one branch of government would control the system. Disciplinary actions would require a consensus among the appointees to these bodies. I believe that this is appropriate, an appropriate action to take.

The opponents of this amendment are going to ask you to vote for a proposal which would place total control of the disciplinary system in the hands of the State Senate. The Senate will be required to approve every single appointment to both the Judicial Conduct Board and the Court of Judicial Disci-

pline. In addition, the judicial branch is almost totally removed from an appointive role in the judicial discipline system under their proposal.

I do not believe that this is appropriate in our constitutional system of government, any more than I believe that it would be appropriate for the judicial branch to take control of the Ethics Commission, while excluding members of the legislature. The present amendment for judicial discipline reform mirrors the approach that we have adopted for the State Ethics Commission, which provides for appointments among the executive branch and the legislative branch.

This approach also gives far more independence to the judicial discipline system than the systems currently in place in our neighboring States or in place in the Federal judiciary. This approach has been endorsed by a broad spectrum of groups and individuals who are seriously interested in a constructive reform of the disciplinary system.

I urge your vote for the Broujos amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Montgomery County, Mr. Saurman.

Mr. SAURMAN. Mr. Speaker, I think that now is probably as good a time as any to speak addressing this amendment, but the subject, of course, is general, and that subject is, where does the trust lie as far as the general public is concerned? With this particular amendment, that trust is being put into the hands, once again, of the courts and lawyers who watch the henhouse, the fox.

Mr. Speaker, my office is filled with people who have come before us with situations where they have pursued the legal process through the appeals court, through the existing Judiciary Review Board, and in every instance come up dry; so frustrated in fact that there are two cases of impeachment that currently have been brought by citizens before the judicial board of this House.

Mr. Speaker, I think that it is not unlikely to hear that the judges and the lawyers and the Bar Associations and so forth are in support of this recommendation, which attempts to keep the status quo which has not delivered for our people. There has to be an opportunity to get to those that are making these decisions, and if that decision finally rests with the Senate in terms of approval, at least there is an opportunity to vote on those Senators who either approve or disapprove. But the process that is being suggested takes it out of the hands of the public once again, offers no relief in a system that is supposed to be countered by balances and checks.

I suggest that if we need and want justice, we defeat this amendment and consider favorably that of the Hagarty-Piccola amendment.

One other thing, Mr. Speaker. I would like to just read from the Philadelphia Inquirer of September 14, 1991, to talk about the hens and the foxes watching the henhouse. In this case, former Luzerne County Judge Arthur Dalessandro pleaded guilty to two counts of attempted income tax evasion and was sentenced to a year in Federal prison. The court itself

said, "We hold that Dalessandro was not convicted of 'misbehavior in office' so as to require automatic forfeiture of office." Can you imagine that it is all right to evade taxes if you are a judge and that should not affect the fact that you can come back and run again and be put back into that office, judging other people, based upon that kind of a decision - that good-old-boy attitude, that fraternity influence.

Two Justices, however, dissented; one of them Nicholas Papadakos, who wrote in his dissent that the "present record before us is more than adequate" to permanently bar Dalessandro from judicial office.

But, Mr. Speaker, majority rules, two dissenters - balanced voting that it was all right. We need to look out to our interests in balancing the powers of the legislature, the citizenry, the administration, and the courts.

Please vote this amendment down. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Cumberland County, Mr. Broujos, for the second time.

Mr. BROUJOS. Mr. Speaker, the observations that have been made by opponents to this amendment deserve to be addressed. It is a very critical issue, and I appreciate the work that Representatives Hagarty and Piccola have done on this bill and in the past and in their current amendment. They speak from sincerity and they are concerned, and their concerns should be addressed.

This board is not controlled by judges, neither the initial board for judicial conduct or the Court of Judicial Discipline. The comments that have been made that this board has lost its independence and the public has no say or it is controlled by judges are incorrect. The Supreme Court can only appoint two judges and one district justice and one nonlawyer. The Governor appoints one judge, two lawyers, one nonlawyer. Judges do not predominate. Consequently, this is a compromise.

When we speak of balance, we must recognize what balance must achieve. Balance must avoid the intimidation of judges. We must not be caught up in the emotions of the moment and the headlines of the day that address the discrepancies and the improprieties of judges today. We should look in the long run and in the long term as to the impact that too strong an independent board would in fact wreck upon the separation of powers. We cannot risk the intimidation of judges. We cannot risk that there be charges brought and findings made and decisions rendered by a board and by a court over judges that are frivolous and that do not deserve to go to a judicial determination. We cannot take that risk. We must reduce the risk.

It is so here, as with so many matters in government, we look at tendencies. This amendment would have a tendency to move toward a more independent posture and to seek to achieve a balance between controlling the court and disciplining the court.

For example, there was a statement made that the budget would be under the court. That is not so. If you will look at the top of page 16, it says that the budget request of the board shall be made by the board, not by the Supreme Court, as a

separate item in the request submitted by the Supreme Court on behalf of the judicial branch to the General Assembly.

There is independence there. There is independence in the separate appointment of counsel. There is independence in the language in this amendment where the board exercises supervisory and administrative authority over all board staff and board functions. You do have the essential independence that achieves a control over the process that will insure discipline of courts and judges that deserve discipline.

There was a comment made that with respect to the pool of judges available, it is limited. Well, there are 350 judges in the courts of common pleas, and that is a very wide range.

With respect to the number, juries decide today; they are 12 in number. With respect to the number of equal persons appointed by the Governor and by the Supreme Court, let us look at what happens in most boards. First of all, it provides that a majority make a decision. How many are going to show up? How many are not going to be there? And if there is an impasse of a court of judicial determination, of judicial discipline, it is similar to an impasse that may occur in a jury, which is 12 in number, or five-sixths in civil cases.

There were statements made that this does not go far enough. This goes further than the existing situation. It certainly does not go as far as other people would like it to go, but let us look at what would happen if we had an amendment that said that the Governor appoints five and the Supreme Court appoints two. It would be unacceptable to many parts of our community. If it said that the Supreme Court appoints five or four and the Governor appoints three, that imbalance in appointments would not be acceptable. What we have here is a resolution of a disagreement, so we have four from the Supreme Court and four from the Governor.

Let us look at the Governor's appointment. He appoints one judge. That judge would not necessarily always be in favor of one position or another. It could even be a common pleas judge that might aspire to be a judge someday. Your nonlawyers on both cases are people that are not judges and would exercise independent judgment in the decisions that they render.

It is important that we recognize that this is a compromise. It seeks to resolve the disputes of the day concerning this issue. It is supported by the Pennsylvania Bar Association. It is supported by an independent group for judge reform, headed by Judge Beck. It is an attempt to get the process moving. We know, we know, that once we amend with this amendment, the amendment and the bill will go to the Senate for confirmation and we will have eventually a resolution of this problem.

Do not let the emotions of the moment, the headlines of the day, sway you to creating a system which will create in fact an imbalance in the discipline of our judiciary. We have to have faith in our judiciary while at the same time recognizing the need for discipline by a balanced board, investigated by a balanced board and decided by a court of judicial discipline which is balanced.

I ask for your support.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—124

Acosta	Daley	Laughlin	Richardson
Allen	Dermody	Lawless	Rieger
Anderson	Donatucci	Lescovitz	Ritter
Angstadt	Durham	Levdansky	Robinson
Battisto	Evans	Linton	Roebuck
Belardi	Fee	Lucyk	Saloom
Belfanti	Fleagle	McCall	Serafini
Billow	Freeman	McGeehan	Staback
Bishop	Gamble	McHale	Stairs
Blaum	Gannon	McHugh	Steelman
Bowley	George	McNally	Steighner
Boyes	Gigliotti	Maiale	Stetler
Broujos	Godshall	Markosek	Stish
Bunt	Gruitza	Mayernik	Strittmatter
Butkovitz	Gruppo	Melio	Stuban
Caltagirone	Haluska	Michlovic	Sturla
Cappabianca	Harper	Mihalich	Surra
Carn	Hayden	Mundy	Tangretti
Carone	Hughes	Nickol	Taylor, F.
Cawley	Itkin	Nyce	Taylor, J.
Civera	James	O'Brien	Thomas
Cohen	Jarolin	Olasz	Trello
Colaella	Josephs	Oliver	Trich
Colaizzo	Kaiser	Perzel	Uliana
Cole	Kasunic	Pesci	Van Horne
Cornell	Kenney	Petrarca	Veon
Corrigan	Kosinski	Petrone	Wambach
Cowell	Krebs	Pistella	Williams
Coy	Kruszewski	Preston	Wogan
DeLuca	Kukovich	Raymond	Wozniak
DeWeese	LaGrotta	Reber	Wright, D. R.

NAYS—72

Adolph	Fargo	Johnson	Saurman
Argall	Farmer	King	Scheetz
Armstrong	Flick	Langtry	Schuler
Arnold	Foster	Lee	Scrimenti
Barley	Gallen	Leh	Semmel
Birmelin	Geist	Lloyd	Smith, B.
Black	Gerlach	Marsico	Smith, S. H.
Brown	Gladeck	Merry	Snyder, D. W.
Bush	Hagarty	Micozzie	Snyder, G.
Carlson	Hanna	Murphy	Taylor, E. Z.
Cessar	Harley	Nahill	Telek
Chadwick	Hasay	Nailor	Tigue
Clark	Hayes	Phillips	Tomlinson
Davies	Heckler	Piccola	Tulli
Dempsey	Herman	Pitts	Vance
Dent	Hershey	Reinard	Vroon
Fairchild	Hess	Rudy	Wilson
Fajt	Jadlowiec	Ryan	Wright, M. N.

NOT VOTING—1

Clymer

EXCUSED—4

Freind
Mrkonic

Noye

O'Donnell,
Speaker

The question was determined in the affirmative, and the amendments were agreed to.

LEAVE OF ABSENCE

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Itkin, rise?

Mr. ITKIN. Mr. Speaker, I request that the Chair return to leaves of absence.

The SPEAKER pro tempore. Without objection.

Mr. ITKIN. I request that a leave of absence be granted to the lady from Centre, Mrs. RUDY, for the remainder of today.

The SPEAKER pro tempore. Without objection, the leave is granted. The Chair hears no objection.

CONSIDERATION OF SB 1000 CONTINUED

On the question,

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

Mr. HECKLER offered the following amendments No. A2944:

Amend Title, page 1, line 1, by striking out "AN AMENDMENT" and inserting
amendments

Amend Sec. 1, page 1, line 6, by striking out "AMENDMENT" and inserting
amendments

Amend Sec. 1, page 2, line 28, by striking out "section 18" and inserting
sections 16 and 18

Amend Sec. 1, page 2, by inserting between lines 28 and 29
§ 16. Compensation and retirement of justices, judges and justices of the peace.

(a) Justices, judges and justices of the peace shall be compensated by the Commonwealth as provided by law. Their compensation shall not be diminished during their terms of office, unless by law applying generally to all salaried officers of the Commonwealth.

(b) Justices, judges and justices of the peace shall be retired upon attaining the age of 70 years. Former and retired justices, judges and justices of the peace shall receive such compensation as shall be provided by law. [No compensation shall be paid to any justice, judge or justice of the peace who is suspended or removed from office under section 18 of this article or under Article VI.] Except as provided by law, no salary, retirement benefit or other compensation, present or deferred, shall be paid to any justice, judge or justice of the peace, who under section 18 or under Article VI, is suspended, removed or barred from holding judicial office for conviction of a felony or misconduct in office or conduct which prejudices the proper administration of justice or brings the judicial office into disrepute.

(c) A former or retired justice or judge may, with his consent, be assigned by the Supreme Court on temporary judicial service as may be prescribed by rule of the Supreme Court.

Amend Sec. 1 (Sec. 18), page 3, line 7, by striking out all of said line and inserting
the Governor.

(b) The members shall serve for terms of four years, provided that a member, rather than his successor, shall continue to participate in any hearing in progress at the end of his term. A vacancy on the board shall be filled by the respective appointing authority for the balance of the term. The respective appointing authority may remove a member only for cause. No member shall serve more than four consecutive years; he may be reappointed after a lapse of one year. Annually the members of the board

shall elect a chairman. The board shall act only with the concurrence of a majority of its members.

(c) A member shall not hold office in a political party or political organization. Members, other than judges, shall be compensated for their services as the Supreme Court shall prescribe. All members shall be reimbursed for expenses necessarily incurred in the discharge of their official duties.

(d) Under the procedure prescribed herein, any justice or judge may be suspended, removed from office or otherwise disciplined for violation of section 17 of this article, misconduct in office, neglect of duty, failure to perform his duties, or conduct which prejudices the proper administration of justice or brings the judicial office into disrepute, and may be retired for disability seriously interfering with the performance of his duties.

(e) The board shall keep informed as to matters relating to grounds for suspension, removal, discipline, or compulsory retirement of justices or judges. It shall receive complaints or reports, formal or informal, from any source pertaining to such matters, and shall make such preliminary investigations as it deems necessary.

(f) The board, after such investigation, may order a hearing concerning the suspension, removal, discipline or compulsory retirement of a justice or judge. The board's orders for attendance of or testimony by witnesses or for the production of documents at any hearing or investigation shall be enforceable by contempt proceedings.

(g) If, after hearing, the board finds good cause therefor, it shall recommend to the Supreme Court the suspension, removal, discipline or compulsory retirement of the justice or judge.

(h) The Supreme Court shall review the record of the board's proceedings on the law and facts and may permit the introduction of additional evidence. It shall order suspension, removal, discipline or compulsory retirement, or wholly reject the recommendation, as it finds just and proper. Upon an order for compulsory retirement, the justice or judge shall be retired with the same rights and privileges were he retired under section 16 of this article. Upon an order for suspension or removal, the justice or judge shall be suspended or removed from office, and his salary shall cease from the date of such order. All papers filed with and proceedings before the board shall be confidential but upon being filed by the board in the Supreme Court, the record shall lose its confidential character. The filing of papers with and the giving of testimony before the board shall be privileged.

(i) No justice or judge shall participate as a member of the board or of the Supreme Court in any proceeding involving his suspension, removal, discipline or compulsory retirement.

(j) The Supreme Court shall prescribe rules of procedure under this section.

(k) The Supreme Court shall prescribe rules of procedure for the suspension, removal, discipline and compulsory retirement of justices of the peace.

(l) A justice, judge or justice of the peace convicted of misbehavior in office by a court, disbarred as a member of the bar of the Supreme Court or removed under this section 18 shall forfeit automatically his judicial office and thereafter be ineligible for judicial office.

(m) A justice or judge who shall file for nomination for or election to any public office other than a judicial office shall forfeit automatically his judicial office.

(n) This section is in addition to and not in substitution for the provisions for impeachment for misbehavior in office contained in Article VI. No justice, judge or justice of the peace against whom impeachment proceedings are pending in the Senate shall exercise any of the duties of his office until he has been acquitted.]

Amend Sec. 3, page 25, lines 12 and 13, by striking out "this proposed constitutional amendment" and inserting

these proposed constitutional amendments
 Amend Sec. 3, page 25, line 19, by striking out "this proposed constitutional amendment" and inserting
 these proposed constitutional amendments
 Amend Sec. 3, page 25, line 20, by striking out "this proposed constitutional amendment" and inserting
 these proposed constitutional amendments
 Amend Sec. 3, page 25, lines 26 and 27, by striking out "this proposed constitutional amendment" and inserting
 these proposed constitutional amendments
 Amend Sec. 3, page 26, line 1, by striking out "amendment is" and inserting
 amendments are

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Heckler.

Mr. HECKLER. Thank you, Mr. Speaker.

Mr. Speaker, this amendment does not address the issue of the composition of the board, about which we will have more discussion shortly. This language addresses a specific problem which recently came to light in a decision authored by Justice Cappy of the Supreme Court in which the Supreme Court ruled that four judges of the court of common pleas who had been convicted of criminal offenses in Federal court in connection with the receipt of bribes, notwithstanding what I believe is already clear language in the Constitution, would be entitled to receive their pensions, despite those convictions and despite having been removed from their positions by the disciplinary process of the Supreme Court.

My amendment very simply mirrors the concerns, and I believe the legitimate concerns, which Justice Cappy expresses concerning imposition of what is a very severe sanction potentially for all misconduct on the bench, so we very carefully selected language which addresses only conviction of a felony and actual misconduct, as opposed to failure to perform the duty and various other things which could conceivably lead to a judge being removed from the bench but frankly would not warrant the sanction of loss of pension. I believe this language corrects the present difficulty that the court has had in interpreting the provisions of the Constitution which were pretty clear to those who wrote the Constitution.

Let me read to you very briefly from the dissent of Chief Justice Nix in the decision which set us off on the wrong path: "From the beginning of our civilization those who were favored to serve as judges were deemed to be members of society whose integrity could not be questioned and whose judgment was accepted as sound and above reproach. The grant of power to a judge recognizes that those who serve in that capacity, although sharing the failings of all humans, were individuals who were expected to withstand the temptations of life and, therefore, could properly judge others who possessed less resolve to meet that standard."

Justice Nix goes on to say: "I am constrained to conclude that the majority's result serves to compound the damage caused by the conduct it intends to sanction. The instant situation afforded the opportunity for this Court to re-enforce its previously expressed intention to maintain the integrity of the jurists of this Commonwealth."

Unfortunately, the Supreme Court as a whole did not rise to the call of Justice Nix.

I would urge that we seize the opportunity to reinforce our intention to maintain the integrity of jurists of this Commonwealth; to make it clear that those who commit felonies in office, those who abuse their office, should lose their pensions. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Berks County, Mr. Caltagirone.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

I will make it short for the members.

I urge your support for the Heckler amendment. I plan to vote for it, and I would ask that you would also vote for it. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—194

Acosta	Durham	LaGrotta	Ritter
Allen	Evans	Langtry	Robinson
Anderson	Fairchild	Laughlin	Roebuck
Angstadt	Fajt	Lawless	Ryan
Argall	Fargo	Lee	Saloom
Armstrong	Farmer	Leh	Saurman
Arnold	Fee	Lescovitz	Scheetz
Barley	Fleagle	Levdansky	Schuler
Battisto	Flick	Linton	Scrimenti
Belardi	Foster	Lloyd	Semmel
Belfanti	Freeman	Lucyk	Serafini
Birmelin	Gallen	McCall	Smith, B.
Bishop	Gamble	McGeehan	Smith, S. H.
Black	Gannon	McHale	Snyder, D. W.
Blaum	Geist	McHugh	Snyder, G.
Bowley	George	McNally	Staback
Boyes	Gerlach	Maiale	Stairs
Broujos	Gigliotti	Markosek	Steelman
Brown	Gladeck	Marsico	Steighner
Bunt	Godshall	Mayernik	Stetler
Bush	Gruitza	Melio	Stish
Butkovitz	Gruppo	Merry	Strittmatter
Caltagirone	Hagarty	Michlovic	Suban
Cappabianca	Haluska	Micozzie	Sturla
Carlson	Hanna	Mihalich	Surra
Carn	Harley	Mundy	Tangretti
Carone	Harper	Murphy	Taylor, E. Z.
Cawley	Hasay	Nahill	Taylor, F.
Cessar	Hayden	Nailor	Taylor, J.
Chadwick	Hayes	Nickol	Telek
Civera	Heckler	Nyce	Thomas
Clark	Herman	O'Brien	Tigue
Clymer	Hershey	Olasz	Tomlinson
Cohen	Hess	Oliver	Trello
Colafella	Hughes	Perzel	Trich
Colaizzo	Itkin	Pesci	Tulli
Cole	Jadlowiec	Petrarca	Uliana
Cornell	James	Petrone	Van Horne
Corrigan	Jarolin	Phillips	Vance
Cowell	Johnson	Piccola	Veon
Coy	Josephs	Pistella	Vroon
DeLuca	Kaiser	Pitts	Wambach
DeWeese	Kasunic	Preston	Williams
Daley	Kenney	Raymond	Wilson
Davies	King	Reber	Wogan
Dempsey	Kosinski	Reinard	Wozniak
Dent	Krebs	Richardson	Wright, D. R.
Dermody	Kruszewski	Rieger	Wright, M. N.
Donatucci	Kukovich		

NAYS—0

NOT VOTING—2

Adolph Billow

EXCUSED—5

Freind	Noye	O'Donnell,
Mrkonic	Rudy	Speaker

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

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

Mrs. HAGARTY offered the following amendments No. A2937:

Amend Sec. 1 (Sec. 18), page 2, line 42 (A2905), by striking out "within the judicial branch"

Amend Sec. 1 (Sec. 18), page 2, lines 44 through 50; page 3, lines 1 through 5 (A2905), by striking out all of said lines on said pages and inserting

Amend Sec. 1 (Sec. 18), page 14, lines 14 through 22, by striking out all of lines 14 through 21 and "MEMBERS ELECTED TO THE SENATE." in line 22 and inserting

(1) The board shall be composed of a total of 11 members as follows: two active judges of the court of common pleas appointed by the Supreme Court, one active judge of either the Superior or Commonwealth Court appointed by the Supreme Court, one active justice of the peace appointed by the Supreme Court, two non-judge members of the bar of the Supreme Court appointed by the Governor and five non-lawyer electors appointed by the Governor.

(2) All members of the board shall be appointed by the respective appointing authority, with the advice and consent of a majority of the members elected to the Senate.

Amend Sec. 1 (Sec. 18), page 14, lines 25 through 27, by striking out "THE" in line 25 and all of lines 26 and 27

Amend Sec. 1 (Sec. 18), page 15, line 1, by striking out "THREE OF THE SIX" and inserting

two of the four

Amend Sec. 1 (Sec. 18), page 15, line 3, by striking out "THREE OF THE SIX" and inserting

four of the seven

Amend Sec. 1 (Sec. 18), page 3, lines 13 through 18 (A2905), by striking out all of said lines and inserting

Amend Sec. 1 (Sec. 18), page 16, lines 2 through 4, by striking out "AS A SEPARATE ITEM IN THE REQUEST BY" in line 2 and all of lines 3 and 4 and inserting

by the board to the General Assembly as a separate line item.

Amend Sec. 1 (Sec. 18), page 3, lines 28 through 32; page 4, lines 1 through 9 (A2905), by striking out all of said lines on said pages and inserting

Amend Sec. 1 (Sec. 18), page 17, lines 29 and 30; page 18, lines 1 through 7, by striking out all of lines on said pages and inserting

(1) The Court of Judicial Discipline shall be composed of a total of seven members as follows: two active judges of the court of common pleas, one active judge of either the Superior or Commonwealth Court, one active justice of the peace, one non-judge member of the bar of the Supreme Court and two non-lawyer electors. One judge of the court of common pleas and the justice of the peace member shall be appointed by the Supreme Court. The remaining members of the Court of Judicial Discipline shall be appointed by the Governor. All members of the Court of Judicial Discipline shall be appointed with the advice and consent of a majority of the

Amend Resolution, page 6, lines 18 through 42; page 7, lines 1 through 5 (A2905), by striking out all of said lines on said pages and inserting

(b) Of the members initially appointed to the Judicial Conduct Board, the appellate court judge and the common pleas court judge first appointed shall serve four-year terms. The second common pleas court judge and the justice of the peace first appointed shall serve three-year terms. The non-judge member of the bar of the Supreme Court first appointed by the Governor shall serve a four-year term, and the second non-judge member shall serve a two-year term. Of the non-lawyer electors appointed by the Governor, the first two appointed shall serve four-year terms; the next one appointed shall serve a three-year term; and the final two appointed shall serve two-year terms.

(c) Of the members initially appointed to the Court of Judicial Discipline, the common pleas court judges and the appellate court judge shall serve four-year terms. The non-lawyer elector first appointed and the justice of the peace member shall serve three-year terms. The non-judge member of the bar of the Supreme Court and the second non-lawyer elector shall serve two-year terms.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On the question, the gentle-lady, Mrs. Hagarty.

Mrs. HAGARTY. Thank you.

Mr. Speaker, this amendment does two critical things to accomplish true judicial reform. The first is one that we did not discuss too much before, but it is very critical, and that is, it makes the board independent. The real concern with this is, without this amendment, this board functions as part of the judiciary and does not have an independent budget. We believe it is critical and that for this board to function, it must have an independent budget so that the judiciary cannot, if it is unhappy with the board, appropriate less money to it because it may want more money elsewhere. It should be independent. It is a board that is reviewing judicial misconduct. It is crucial that it be independent, and this amendment accomplishes that.

Secondly, this amendment restores the composition that was voted by the Senate 42 to 0. The Senate has passed this particular composition of appointments - judges, lawyers, laymen - to sit on these boards by a vote of 42 to 0. What is so critical about this composition is that the Supreme Court cannot control the appointments. On the other hand, it is very fair because it has very adequate representation and in fact a plurality of lawyers and judges at each portion. The Judicial Conduct Board, which is the board that does the initial investigation, has 11 members: 4 are judges; 2 are lawyers; 5 are lay people. But in fact, the Governor has more appointments than the court, and it has Senate confirmation, so it insures independence. The Court of Judicial Discipline, which is the adjudicatory board which actually hears the case after you find there is a case, has seven members: four are judges; one lawyer; two lay. Clearly, it cannot be suggested that somehow it is a violation of the separation of powers when both portions of the total system still have in fact a plurality of judges and lawyers, but the critical point and the critical point in reform has always been that the Supreme Court not control those appointments.

I urge you to vote "yes" so that we might finally accomplish restructuring and true reform. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Dauphin, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

I rise to support the Hagarty amendment.

This amendment, as the lady said, will place this bill back in the form that traditionally has been considered to be true judicial reform in this Commonwealth. It will place it in the form that this House overwhelmingly, by a vote of 197 to 2, passed a similar bill in the 1983-84 session. It will place it in a form in which we passed a similar piece of legislation in the 1985-86 session by a vote of 200 to 0 and later by a vote of 199 to 3 in that same session. Again, in the 1987-88 session, we adopted a similar proposal, a similar scheme for judicial reform, by a vote of 182 to 16. In the 1989-90 session, twice we adopted, by overwhelming majorities, a very similar scheme - one by a vote of 192 to 0 and another by a very similar vote which became Joint Resolution 1, which the Commonwealth Court struck for a technical reason.

It puts it in the form that SB 1000 was in when it came to us from the Senate, and since today we seem to be concerned about what the Governor and what the other bodies are going to do with our legislation, I would suggest that if we want to accomplish true judicial reform in this session, we adopt this amendment so that the Senate will more than likely concur, because I doubt if they are going to concur in this bill in the way it is right now, and if they nonconcur, there is not enough time to get a conference committee report out in order to get an advertisement so that this can be passed properly in this session. So I would suggest we adopt this amendment so that we assure that the Senate will concur in it and we will have the proper time for advertising.

I urge that we adopt the Hagarty amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Cumberland County, Mr. Broujos.

Mr. BROUJOS. Mr. Speaker, I wish to reiterate that Representative Hagarty's comment that there would be a budget problem and that the control of the budget would be in the judiciary is not correct. I am going to repeat, on top of page 16, you will see the language—I am reading it—"The budget request of the board shall be made" by the board "as a separate item...." This General Assembly will decide what the budget is, so there is independence with respect to the budget.

In addition, we pointed out that there is independence in the control of the personnel, there is independence in selection of counsel, there is independence in practically every area of activity. They exercise supervisory and administrative authority over all board staff and board functions.

Now, with respect to the Senate, we have deep respect for the judgment of the Senate and we know that the Senate has dealt with this matter for years, as has the House, but we are not going to be dictated to by the Senate. We have already made a decision in the adoption of the initial amendment that that is the direction in which we want to go.

I want to point out also that there was a criticism that there were too many judges in the first amendment that you adopted. In fact, there are no more judges in the first amendment than there are in this present one which is proposed. This amendment, the Hagarty amendment, has four judges just as the original amendment had four judges. So the charge that the judges have control is without merit.

We ask that you defeat this amendment, because it does not conform with the will of this House as clearly stated by your adoption in the first amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Berks County, Mr. Caltagirone.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

I would echo the comments of the previous speaker that respectfully the members that had just approved the Broujos amendment, if you adopt the Hagarty amendment, you will undo what you have just done.

I would respectfully ask you to defeat the Hagarty amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Luzerne County, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Hagarty amendment.

As every member knows, a constitutional amendment must pass two separate sessions of the General Assembly, and one thing that is necessary to be remembered here, the details and the very intricate details have been laid out by the lady, Mrs. Hagarty. The important thing to know is that this amendment is the version that passed the State Senate unanimously. This is the version which can be passed next session and be put on the ballot for the people of Pennsylvania.

So we ask for an affirmative vote.

The SPEAKER pro tempore. The gentleman from Allegheny, Mr. McNally.

Mr. McNALLY. Mr. Speaker, I urge the House to oppose and defeat the Hagarty amendment.

This is really a step backwards from the Broujos amendment, which we adopted a few moments ago, and while someone, a recent speaker, has indicated and recited the history in this House of prior judicial disciplinary schemes that we have adopted, what they are in effect urging us is to make the same mistake again. The fact of the matter is that we have a chance and an opportunity with the Broujos amendment that we adopted to have really a better, a more effective, and an improved system of judicial discipline.

What this Hagarty amendment supposes is really based upon some myth. You know, I remember coming here as a first-term legislator and the then majority leader, Mr. O'Donnell, indicated that from time to time in the debate on the House floor members would describe some mythical creatures and institutions, like the little guy and the "mom and pop" business, and this Hagarty amendment I think imagines some more mythical institutions, like the virtuous Governor and the evil Supreme Court and the august and noble Senate.

Those are myths. They do not exist. They are not really founded in reality, and to understand that, I think you only need look at some of the recent history of the Senate and the executive branch. And while I have the utmost confidence in the incumbent Governor, I only look to some of his predecessors and think what would happen with the Hagarty amendment if they were in control of this judicial disciplinary process, and I think we would all tremble at that thought. And I would only urge the members to consider, even now as we speak, some minor judiciary appointments are being held up in the Pennsylvania Senate. Why? Purely for political machinations, political reasons of members of that body.

I do not think that the Hagarty amendment really does justice to the judicial disciplinary process. I think that the key to reform in the judicial disciplinary process is balance, and balance was achieved in the Broujos amendment. We sacrifice balance with the Hagarty amendment.

I urge that the House defeat it, that we continue on the road to reform, that we give the people of Pennsylvania the opportunity to achieve some real independence for the judicial disciplinary process. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the amendment, the Chair recognizes, for the second time, the gentleman, Mr. Heckler.

Mr. HECKLER. I think it is the first time, but it is okay. It will be the first and last, Mr. Speaker, on this amendment.

The SPEAKER pro tempore. The Chair erred. The gentleman is recognized.

Mr. HECKLER. I want to just clarify two points. One, you have heard argument that the language already in the bill provides for independent control as to budgeting. That is simply not correct. The language in the bill is a step in the right direction. It says that this board is going to have a separate line item. However, under the present wording, which would be corrected by the Hagarty amendment, also corrected by an amendment which Representative McHale and I will offer separately if it is needed, the agency would be given the authority to expend that money. The language to which argument has been made before, "as a separate line item in the request by," merely means that there will be a separate line item. There is indeed no guarantee that that money would be expended, and it would be up to the Supreme Court, not those who are administering the disciplinary board, whether that money would be expended. So this is a matter of considerable concern.

Secondly, Mr. Speaker, this is a real clear, simple choice. Who is going to control this process? Is it going to be the Supreme Court or is it going to be an independent board with mixed constituency? We know what a disciplinary system under the control of the Supreme Court is like. We have that system now. It is entirely under the control of the Supreme Court, and I am just going to read briefly from an editorial from the Pittsburgh Post-Gazette to describe what that system has done in at least one case we all know about.

After years of secret deliberations, the state Judicial Inquiry and Review board finally filed its report on the Larsen affair last week. In an 8-1 decision—

The events occurred in 1986.

...why should allegations that were publicly reported four years ago (and were said to have occurred five and six years ago) take so long to investigate and dispose of? This counters any attempt at swift justice and even raises troubling questions about whether such a protracted process makes the board vulnerable to manipulation and special influence.

In addition, what is the public to make of the fact that the Judicial Inquiry and Review Board took a preliminary 5-4 vote (the four dissenters being judges) in September 1989 to remove Justice Larsen from the bench for his inappropriate conversations? What is the public to think now that it knows the majority crumbled and that the board decided in April 1990 to recommend instead just a two-month suspension without pay?

I am not quoting now. Subsequently, the recommendation, which went to the Supreme Court, was merely a reprimand. That is a system that is controlled by the Supreme Court. And you and I both know that we have seen various special interests, the trial lawyers in particular, swarming all over this Capitol over the last several days to try to beat down the Hagarty amendment and to try to promote what is presently in the bill. I suggest that we have a clear choice. Whom do you want to control this process?

I urge the adoption of the Hagarty amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—91

Argall	Durham	Jadlowiec	Roebuck
Armstrong	Fairchild	Johnson	Ryan
Arnold	Fajt	King	Saurman
Barley	Fargo	Krebs	Scheetz
Birmelin	Farmer	Langtry	Schuler
Black	Flick	Lee	Semmel
Blaum	Foster	Leh	Smith, B.
Bush	Freeman	Levdansky	Smith, S. H.
Carlson	Gallen	Lloyd	Snyder, D. W.
Carone	Geist	McHale	Snyder, G.
Cawley	Gerlach	Marsico	Steelman
Cessar	Gladeck	Merry	Strittmatter
Chadwick	Hagarty	Mundy	Tangretti
Civera	Hanna	Murphy	Taylor, E. Z.
Clark	Harley	Nahill	Telek
Clymer	Harper	Nailor	Tigue
Cornell	Hasay	Petrarca	Tomlinson
Coy	Hayden	Phillips	Tulli
DeLuca	Hayes	Piccola	Vance
Daley	Heckler	Pitts	Vroon
Davies	Herman	Preston	Wilson
Dempsey	Hershey	Reinard	Wright, M. N.
Dent	Hess	Robinson	

NAYS—105

Acosta	Donatucci	Lescovitz	Rieger
Adolph	Evans	Linton	Ritter
Allen	Fee	Lucyk	Saloom
Anderson	Fleagle	McCall	Scrimenti
Angstadt	Gamble	McGeehan	Serafini
Battisto	Gannon	McHugh	Staback

Belardi	George	McNally	Stairs
Belfanti	Gigliotti	Maiale	Steighner
Billow	Godshall	Markosek	Stetler
Bishop	Gruitza	Mayernik	Stish
Bowley	Gruppo	Melio	Stuban
Boyes	Haluska	Michlovic	Sturla
Broujos	Hughes	Micozzie	Surra
Brown	Itkin	Mihalich	Taylor, F.
Bunt	James	Nickol	Taylor, J.
Butkovitz	Jarolin	Nyce	Thomas
Caltagirone	Josephs	O'Brien	Trello
Cappabianca	Kaiser	Olasz	Trich
Carn	Kasunic	Oliver	Uliana
Cohen	Kenney	Perzel	Van Horne
Colafella	Kosinski	Pesci	Veon
Colaizzo	Kruszewski	Petrone	Wambach
Cole	Kukovich	Pistella	Williams
Corrigan	LaGrotta	Raymond	Wogan
Cowell	Laughlin	Reber	Wozniak
DeWeese	Lawless	Richardson	Wright, D. R.
Dermody			

NOT VOTING—0

EXCUSED—5

Freind	Noye	O'Donnell,
Mrkonic	Rudy	Speaker

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

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

Mrs. McHALE offered the following amendments No. A2939:

Amend Sec. 1 (Sec. 18), page 2, by inserting between lines 43 and 44 (A2905)

Amend Sec. 1 (Sec. 18), page 14, line 14, by striking out "12" and inserting

11

Amend Sec. 1 (Sec. 18), page 2, lines 49 and 50 (A2905); page 3, lines 1 through 5 (A2905), by striking out all of said lines on said pages and inserting

(2) The judge from either the Superior Court or the Commonwealth Court, the justice of the peace, one non-judge member of the bar of the Supreme Court and two non-lawyer electors shall be appointed to the board by the Supreme Court. The judge from the courts of common pleas, one non-judge member of the bar of the Supreme Court and four non-lawyer electors shall be appointed to the board by the Governor.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On the question, the gentlelady, Mrs. McHale.

Mrs. McHALE. Thank you, Mr. Speaker.

This amendment simply changes the composition of the Judicial Conduct Board, which is the investigatory board. What it does is reduce the number from 12 to 11, thereby eliminating the possibility of deadlock. It also changes the appointment process by granting the Supreme Court five appointments and the Governor six.

I would ask for support of this amendment. The investigatory board, the Judicial Conduct Board, that portion of the judicial review process under the current bill, the current

amendment, would still take place in a confidential manner and behind closed doors. For that reason, I think it is especially important that the investigatory part of this process be structured in this manner so that the interests of the people are well represented. Thank you.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman from Cumberland, Mr. Broujos.

Mr. BROUJOS. Mr. Speaker, I ask that this amendment be defeated. We have a very simple amendment in the original amendment passed. This amendment does not comport to that, and we would ask that it be defeated, because it really does not meet the same objective.

We ask for the defeat of the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Dauphin County, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

I rise in support of the McHale amendment.

The McHale amendment is better than the Broujos amendment, much better; not quite as good as the Hagarty amendment was, but it is a real step in the right direction, and it would represent real reform.

As the lady indicated, the private confidential process of the judicial discipline process is conducted by a board that would be dominated by the Governor. The public board, the judicial court, would be dominated by the Supreme Court. It is felt, as the lady indicated, that the public exposure will make the manipulation or the potential manipulation by the appointing authority, namely the court, less likely because the process will be out in the open.

I think this has the potential for being real reform, and I would strongly urge the House to adopt this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentlelady, Mrs. Hagarty.

Mrs. HAGARTY. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the McHale amendment.

I believe that Representative McHale is to be commended for coming forth with a reasonable proposition to solve this difficult problem. It is reasonable. It is not everything the prior proposals were, but I do think that it will insure responsible action. I say that because the board that judges the cases is an even number, but that board functions in an open process. The investigatory board though, which operates in secret until cause is found to proceed further, has only one additional appointment by the Governor. So the only difference between this and the Broujos amendment, which this House previously passed, is there is one additional appointment by the Governor on the investigatory board. You can support this and stick to the principle though that control should not be totally with the Supreme Court.

It is a good compromise. It is worthy of support, and I ask you to seriously consider it. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentlelady and recognizes the gentleman from Allegheny County, Mr. Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to this amendment.

We have just voted twice to maintain the balance that the Broujos amendment has created in judicial discipline. We have voted twice to maintain that balance. This amendment gives control to the executive; it gives control to the Governor of that board. That is not what we are trying to create here and that is not what we have just voted for twice. It is important to maintain the balance that the Broujos amendment creates.

I urge you to oppose this amendment and vote like you have just voted two previous times. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Caltagirone.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

Again, respectfully, I would ask the members of the House that had supported the Broujos amendment not to undo the compromise that we have so diligently worked at.

I would ask you to vote "no" on the McHale amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Broujos, for the second time.

Mr. BROUJOS. Mr. Speaker, I want to reiterate that the Supreme Court does not predominate the proposal, the amendment that you have adopted already. The Supreme Court does not predominate. The number of Supreme Court appointees is no greater than those proposed in the prior amendment which was defeated.

In addition, the speakers in favor of the McHale amendment have spoken of preserving confidentiality. Confidentiality is preserved when it is required during the investigative phase. However, the proceedings are made public after the Board of Judicial Conduct makes its findings and recommendations.

We ask you to defeat this amendment, because it destroys the balance that we have achieved, and we ask that the amendment be defeated.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentlelady, Mrs. McHale, for the second time.

Mrs. McHALE. Thank you, Mr. Speaker.

Just briefly, it is important to note that in a 12-member board, a vote by a Supreme Court appointee will always be required to make a decision. And I reiterate that in the importance of the investigatory part of this proceeding, which is conducted behind closed doors, I think the public interest is much better served by this amendment, which gives the Governor only one more appointee than the Supreme Court. I thank you.

The SPEAKER pro tempore. The Chair thanks the gentlelady.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—85

Argall	Farmer	King	Scheetz
Armstrong	Flick	Langtry	Schuler
Arnold	Foster	Lee	Semmel
Barley	Freeman	Leh	Smith, B.
Birmelin	Gallen	Levdansky	Smith, S. H.
Bishop	Geist	Lloyd	Snyder, D. W.
Black	Gerlach	McHale	Snyder, G.
Blaum	Gladeck	Marsico	Steelman
Bush	Hagarty	Merry	Strittmatter
Carlson	Hanna	Mundy	Sturla
Cawley	Harley	Murphy	Tangretti
Cessar	Harper	Nahill	Taylor, E. Z.
Chadwick	Hasay	Nailor	Telek
Clark	Hayden	Petrarca	Tigue
Clymer	Hayes	Phillips	Tomlinson
Davies	Heckler	Piccola	Tulli
Dempsey	Herman	Pitts	Vance
Dent	Hershey	Reinard	Vroon
Durham	Hess	Robinson	Wilson
Fairchild	Jadlowiec	Ryan	Wozniak
Fajt	Johnson	Saurman	Wright, M. N.
Fargo			

NAYS—110

Acosta	DeLuca	LaGrotta	Reber
Adolph	DeWeese	Laughlin	Richardson
Allen	Daley	Lawless	Rieger
Anderson	Dermody	Lescovitz	Ritter
Angstadt	Donatucci	Linton	Roebuck
Battisto	Evans	Lucyk	Saloom
Belardi	Fee	McCall	Scrimenti
Belfanti	Fleagle	McGeehan	Serafini
Billow	Gamble	McNally	Staback
Bowley	Gannon	Maiale	Stairs
Boyes	George	Markosek	Steighner
Broujos	Gigliotti	Mayernik	Stetler
Brown	Godshall	Melio	Stish
Bunt	Gruitza	Michlovic	Stuban
Butkovitz	Gruppo	Micozzie	Surra
Caltagirone	Haluska	Mihalich	Taylor, F.
Cappabianca	Hughes	Nickol	Taylor, J.
Carn	Itkin	Nyce	Thomas
Carone	James	O'Brien	Trello
Civera	Jarolin	Olasz	Trich
Cohen	Josephs	Oliver	Uliana
Colafella	Kaiser	Perzel	Van Horne
Colaizzo	Kasunic	Pesci	Veon
Cole	Kenney	Petrone	Wambach
Cornell	Kosinski	Pistella	Williams
Corrigan	Krebs	Preston	Wogan
Cowell	Kruszewski	Raymond	Wright, D. R.
Coy	Kukovich		

NOT VOTING—1

McHugh

EXCUSED—5

Freind	Noye	O'Donnell,
Mrkonic	Rudy	Speaker

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

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

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. Without objection, the bill will go over temporarily. The Chair is informed there are further amendments to the bill.

Cowell Kukovich Reinard Wright, D. R.
DeLuca LaGrotta

NAYS—54

Arnold	Foster	Krebs	Scrimenti
Birmelin	Gannon	Langtry	Smith, B.
Brown	Geist	Lee	Smith, S. H.
Carone	George	Leh	Snyder, G.
Chadwick	Gerlach	Lloyd	Stairs
Clark	Hanna	Marsico	Surra
Clymer	Hayes	Nailor	Taylor, E. Z.
Coy	Heckler	Nickol	Tulli
Davies	Herman	Phillips	Vance
Fairchild	Hershey	Piccola	Vroon
Fargo	Hess	Pitts	Wambach
Farmer	Jadlowiec	Ryan	Wilson
Fleagle	Johnson	Scheetz	Wright, M. N.
Flick	Kaiser		

NOT VOTING—0

EXCUSED—5

Freind Noye O'Donnell,
Mrkonic Rudy Speaker

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.

CONSIDERATION OF SB 1000 CONTINUED

On the question recurring,

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

Mrs. McHALE offered the following amendments No. A2947:

Amend Sec. 1 (Sec. 18), page 3, lines 13 through 18 (A2905), by striking out all of said lines and inserting

Amend Sec. 1 (Sec. 18), page 16, lines 2 through 4, by striking out "AS A SEPARATE ITEM IN THE REQUEST BY" in line 2 and all of lines 3 and 4 and inserting

by the board to the General Assembly as a separate line item.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman from Bucks County, Mr. Heckler.

Mr. HECKLER. Thank you, Mr. Speaker.

Very briefly, we discussed this already in debate to some degree. It has been argued to you previously that the language in the bill already includes independent funding for this disciplinary board. The language offered by Representative McHale and I makes it crystal clear. We strike "as a separate item in the request by the Supreme Court" and make it a request "by the board to the General Assembly as a separate line item."

I sincerely hope if those who are supporting this, what we view as inadequate reform, are serious about having this board receive independent funding and not have the Supreme Court be able to turn off the cash and thereby control their activities, that they will join me in supporting this amendment. Thank you.

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

The following roll call was recorded:

YEAS—94

Argall	Farmer	Johnson	Robinson
Armstrong	Fleagle	King	Ryan
Arnold	Flick	Krebs	Saurman
Barley	Foster	Langtry	Scheetz
Battisto	Freeman	Lee	Schuler
Birmelin	Gallen	Leh	Semmel
Black	Geist	Levdansky	Smith, B.
Blaum	Gerlach	Lloyd	Smith, S. H.
Bowley	Gladeck	McHale	Snyder, D. W.
Bush	Godshall	Marsico	Snyder, G.
Carlson	Gruppo	Melio	Steelman
Carone	Hagarty	Merry	Strittmatter
Cawley	Haluska	Mundy	Sturla
Cessar	Hanna	Murphy	Tangretti
Chadwick	Harley	Nahill	Taylor, E. Z.
Clark	Harper	Nailor	Telek
Clymer	Hasay	Nickol	Tigue
Cowell	Hayden	Petrarca	Tomlinson
Davies	Hayes	Phillips	Tulli
Dempsey	Heckler	Piccola	Vance
Dent	Herman	Pitts	Vroon
Fairchild	Hershey	Reinard	Wilson
Fajt	Hess	Ritter	Wright, M. N.
Fargo	Jadlowiec		

NAYS—101

Acosta	DeWeese	Lawless	Rieger
Adolph	Daley	Lescovitz	Roebuck
Allen	Dermody	Linton	Saloom
Anderson	Donatucci	Lucyk	Scrimenti
Angstadt	Durham	McCall	Serafini
Belardi	Evans	McGeehan	Staback
Belfanti	Fee	McHugh	Stairs
Billow	Gamble	McNally	Steighner
Bishop	Gannon	Maiale	Stetler
Boyes	George	Markosek	Stish
Broujos	Gigliotti	Michlovic	Suban
Brown	Gruitza	Micozzie	Surra
Bunt	Hughes	Mihalich	Taylor, F.
Butkovitz	Itkin	Nyce	Taylor, J.
Caltagirone	James	O'Brien	Thomas
Cappabianca	Jarolin	Olasz	Trello
Carn	Josephs	Oliver	Trich
Civera	Kaiser	Perzel	Uliana
Cohen	Kasunic	Pesci	Van Horne
Colafella	Kenney	Petrone	Veon
Colaizzo	Kosinski	Pistella	Wambach
Cole	Kruszewski	Preston	Williams
Cornell	Kukovich	Raymond	Wogan
Corrigan	LaGrotta	Reber	Wozniak
Coy	Laughlin	Richardson	Wright, D. R.
DeLuca			

NOT VOTING—1

Mayernik

EXCUSED—5

Freind Noye O'Donnell,
Mrkonic Rudy Speaker

The question was determined in the negative, and the amendments were 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 pro tempore. 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—179

Acosta	Donatucci	LaGrotta	Ryan
Adolph	Durham	Laughlin	Saloom
Allen	Evans	Lawless	Saurman
Anderson	Fairchild	Lee	Scheetz
Angstadt	Fajt	Lescovitz	Schuler
Argall	Fargo	Levdansky	Scrimenti
Armstrong	Fee	Linton	Semmel
Arnold	Fleagle	Lloyd	Serafini
Barley	Flick	Lucyk	Smith, B.
Battisto	Foster	McCall	Smith, S. H.
Belardi	Freeman	McGeehan	Snyder, D. W.
Belfanti	Gallen	McHale	Snyder, G.
Billow	Gamble	McHugh	Staback
Birmelin	Gannon	McNally	Stairs
Bishop	Geist	Maiale	Steelman
Black	George	Markosek	Steighner
Blaum	Gerlach	Mayernik	Stetler
Bowley	Gigliotti	Melio	Stish
Boyes	Godshall	Merry	Strittmatter
Broujos	Gruitza	Michlovic	Stuban
Brown	Gruppo	Micozzie	Sturla
Bunt	Haluska	Mihalich	Surra
Butkovitz	Hanna	Mundy	Tangretti
Caltagirone	Harper	Murphy	Taylor, E. Z.
Cappabianca	Hasay	Nickol	Taylor, F.
Carn	Hayden	Nyce	Taylor, J.
Carone	Hayes	O'Brien	Telek
Cawley	Herman	Olasz	Thomas
Cessar	Hershey	Oliver	Tigue
Civera	Hess	Perzel	Tomlinson
Clymer	Hughes	Pesci	Trello
Cohen	Itkin	Petrarca	Trich
Colaella	Jadlowiec	Petrone	Uliana
Colaizzo	James	Phillips	Van Horne
Cole	Jarolin	Pistella	Vance
Cornell	Johnson	Pitts	Veon
Corrigan	Josephs	Preston	Vroon
Cowell	Kaiser	Raymond	Wambach
Coy	Kasunic	Reber	Williams
DeLuca	Kenney	Reinard	Wilson
DeWeese	King	Richardson	Wogan
Daley	Kosinski	Rieger	Wozniak
Davies	Krebs	Ritter	Wright, D. R.
Dent	Kruszewski	Robinson	Wright, M. N.
Dermody	Kukovich	Roebuck	

NAYS—17

Bush	Farmer	Heckler	Nahill
Carlson	Gladeck	Langtry	Nailor
Chadwick	Hagarty	Leh	Piccola
Clark	Harley	Marsico	Tulli

NOT VOTING—0

EXCUSED—5

Freind	Noye	O'Donnell,
Mrkonjic	Rudy	Speaker

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 CORRECTIONS

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Gamble, rise?

Mr. GAMBLE. Mr. Speaker, I was recorded incorrectly on HB 1828 on the Steelman amendment A1353. I voted "yes." I should have been voted "no."

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

For what purpose does the gentleman, Mr. Acosta, rise?

Mr. ACOSTA. Mr. Speaker, thank you.

On final passage of HB 2140, I want to be recorded "yes."

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

For what purpose does the gentleman, Mr. Clymer, rise?

Mr. CLYMER. Mr. Speaker, I would like to correct a vote.

The SPEAKER pro tempore. The gentleman is in order and may proceed.

Mr. CLYMER. Mr. Speaker, on amendment 2905 to SB 1000, had I been in my seat, I would have voted in the negative. I wish that to go on record.

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

LEAVE OF ABSENCE

The SPEAKER pro tempore. The gentleman, Mr. Hayes. For what purpose does the gentleman rise?

Mr. HAYES. Mr. Speaker, I apologize for interrupting, but if you would be so kind as to return for requests of leave, I would appreciate it.

The SPEAKER pro tempore. Without objection.

Mr. HAYES. The gentleman from Bucks County, Mr. REINARD, would request a leave for the remainder of today's session.

The SPEAKER pro tempore. Without objection, leave is granted. The Chair thanks the gentleman.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 2599, PN 3766**, entitled:

An Act amending the act of December 31, 1965 (P. L. 1257, No. 511), known as "The Local Tax Enabling Act," further providing for collection of taxes.

On the question,

Will the House agree to the bill on third consideration?

Mr. MARKOSEK offered the following amendment No. A2859: