

Legislative Journal

TUESDAY, MAY 29, 1984

SESSION OF 1984

168TH OF THE GENERAL ASSEMBLY

No. 38

HOUSE OF REPRESENTATIVES

The House convened at 1 p.m., e.d.t.

THE SPEAKER PRO TEMPORE (LESTER K. FRYER) IN THE CHAIR

PRAYER

REV. DR. DAVID R. HOOVER, chaplain of the House of Representatives, from McConnellsburg, Pennsylvania, offered the following prayer:

O God, in this Memorial season we come before Thee in remembrance of all those who have taken up the cudgel to preserve the land of the free and the home of the brave. We especially remember those who have made the supreme sacrifice to share the freedom we enjoy. We dare not forget the memory of all those who have lived before us and laid well the foundation stones for this land of liberty.

Gracious Father, enable us to bear the mantle of responsibility which falls to our lot, and challenge us to carry forward with the resolution that this government of the people, by the people, and for the people shall not perish from the earth. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Tuesday, May 22, 1984, will be postponed until printed. The Chair hears no objection.

COMMUNICATION FROM SPEAKER

SPEAKER PRO TEMPORE APPOINTED

The SPEAKER pro tempore. The Chair acknowledges receipt of the following communication, which the clerk will read.

The following communication was read:

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

Pursuant to House Rule 1, this is to advise that I have appointed the Honorable Lester K. Fryer as Speaker Pro Tempore for Tuesday, May 29 and Wednesday, May 30, 1984.

K. Leroy Irvis

HOUSE BILLS INTRODUCED AND REFERRED

No. 2195 By Representative BELFANTI

An Act designating a section of Route 225 in Northumberland County as the "Corporal David William Witmer Memorial Highway."

Referred to Committee on TRANSPORTATION, May 29, 1984.

No. 2196 By Representatives COLE, DAVIES, COWELL, PRESTON, E. Z. TAYLOR, HALUSKA, SALOOM, STAIRS, VAN HORNE, MARKOSEK, RUDY, SERAFINI, G. M. SNYDER, BOOK, JACKSON, BELARDI, PRATT and COY

An Act establishing a Chesapeake Bay Pollution Abatement Fund to be administered by the State Conservation Commission; and providing for the powers and duties of the commission with respect to the fund.

Referred to Committee on FEDERAL-STATE RELATIONS, May 29, 1984.

No. 2197 By Representatives STEVENS, LUCYK, TIGUE, WOGAN, HALUSKA, OLASZ, KOSINSKI, GODSHALL, MACKOWSKI, NOYE, BUNT, PUNT, HERMAN, E. Z. TAYLOR, SIRIANNI, JOHNSON, FARGO, BALDWIN, TELEK, BOWSER, HERSHEY, BURD, GEIST, MERRY, McINTYRE and FREIND

An Act requiring the Commissioner of the Pennsylvania State Police to hire and promote persons without regard to race, religion, sexual gender or imposed "quota systems."

Referred to Committee on STATE GOVERNMENT, May 29, 1984.

No. 2198 By Representatives STEVENS, COLAFELLA, WOGAN, LUCYK, OLASZ, DeLUCA, PETRARCA, HALUSKA, SALVATORE, BATTISTO, PERZEL, BOWSER, GEIST, LASHINGER, MERRY, JOHNSON, SIRIANNI and E. Z. TAYLOR

An Act amending the "Civil Service Act," approved August 5, 1941 (P. L. 752, No. 286), further limiting questions which may be asked on civil service applications and examinations.

Referred to Committee on STATE GOVERNMENT,  
May 29, 1984.

**No. 2199** By Representatives COHEN, BURNS,  
STEWART, FREEMAN, PISTELLA,  
HARPER, DeLUCA, COWELL,  
RICHARDSON, DEAL, LINTON,  
FATTAH, WIGGINS, CARN, MILLER,  
OLIVER, DeWEESE, BELFANTI and  
R. C. WRIGHT

An Act amending the "Pennsylvania Human Relations Act," approved October 27, 1955 (P. L. 744, No. 222), further providing for educational programs.

Referred to Committee on LABOR RELATIONS,  
May 29, 1984.

**No. 2200** By Representatives COLAFELLA,  
F. E. TAYLOR, TRELLO, COHEN,  
ALDERETTE, DOMBROWSKI and  
LESCOVITZ

An Act providing for professional athletic teams and certain representatives; providing that teams with profits remain within the Commonwealth; and providing exemptions.

Referred to Committee on BUSINESS AND COM-  
MERCE, May 29, 1984.

**No. 2201** By Representatives TELEK, GRUPPO,  
HALUSKA, McVERRY, CIMINI,  
BOWSER, BELFANTI, MERRY,  
AFFLERBACH, ANGSTADT, DAWIDA,  
J. L. WRIGHT, PHILLIPS, MRKONIC,  
LUCYK, PRATT, E. Z. TAYLOR, BOOK,  
SEMMEL, BURD, PRESTON,  
COLAFELLA, ARTY, DeLUCA,  
MICOZZIE, FISCHER, SALVATORE,  
CIVERA, JOHNSON, OLASZ and DEAL

An Act providing that members of the General Assembly may administer the oath of office for elected officers of political subdivisions in their districts.

Referred to Committee on STATE GOVERNMENT,  
May 29, 1984.

**No. 2202** By Representatives TELEK, GRUPPO,  
HALUSKA, LUCYK, CIMINI, BOWSER,  
BELFANTI, MERRY, ANGSTADT,  
BOYES, McHALE, DAWIDA,  
J. L. WRIGHT, PHILLIPS, MRKONIC,  
HERMAN, PISTELLA, PRATT, BOOK,  
SEMMEL, PRESTON, WOGAN,  
COLAFELLA, McVERRY, LINTON,  
RYBAK, ARTY, COSLETT, DeLUCA,  
MICOZZIE, BALDWIN, FISCHER,  
SALVATORE, CIVERA, JOHNSON,  
OLASZ and DEAL

An Act amending "The Notary Public Law," approved August 21, 1953 (P. L. 1323, No. 373), authorizing members of the House of Representatives to endorse applications for the appointment of notaries public.

Referred to Committee on STATE GOVERNMENT,  
May 29, 1984.

**No. 2203** By Representatives ITKIN, DORR,  
SEVENTY, KUKOVICH, TIGUE,  
HALUSKA, WARGO, HUTCHINSON,  
GEIST, PISTELLA, WILSON, COHEN,  
STEWART, SEMMEL, BELARDI,  
DAWIDA, MERRY, OLASZ, MAIALE,  
DeLUCA, PETRARCA, NOYE, SERAFINI,  
CLYMER, BURD, POTT and PETRONE

An Act amending the "Medical Practice Act of 1974," approved July 20, 1974 (P. L. 551, No. 190), further providing for the definitions of foreign medical college and clinical clerk; further establishing standards for medical training; and making an appropriation.

Referred to Committee on PROFESSIONAL LICEN-  
SURE, May 29, 1984.

**No. 2204** By Representatives IRVIS, OLIVER, ITKIN,  
PIEVSKY, COHEN, LINTON, FATTAH,  
PRESTON, HARPER, CARN,  
D. R. WRIGHT, J. L. WRIGHT,  
KUKOVICH, BURD, ALDERETTE,  
HALUSKA, BLAUM, NAHILL,  
PISTELLA, STEWART, BELFANTI,  
BURNS, GALLAGHER, DeWEESE,  
KOWALYSHYN, HAGARTY, POTT,  
SALVATORE, FREEMAN, WAMBACH,  
LASHINGER, BATTISTO, JOHNSON,  
MORRIS, McINTYRE, D. W. SNYDER,  
BUNT, ANGSTADT, PERZEL,  
COLAFELLA, SAURMAN, PRESTON,  
DeLUCA, TRUMAN and LEVIN

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), establishing a system of information for the Pennsylvania State Police regarding crimes resulting from intergroup tensions.

Referred to Committee on STATE GOVERNMENT,  
May 29, 1984.

**No. 2205** By Representatives IRVIS, OLIVER, ITKIN,  
PIEVSKY, COHEN, LINTON, FATTAH,  
PRESTON, HARPER, CARN,  
D. R. WRIGHT, J. L. WRIGHT,  
KUKOVICH, BURD, ALDERETTE,  
HALUSKA, BLAUM, NAHILL,  
PISTELLA, STEWART, BELFANTI,  
BURNS, GALLAGHER, DeWEESE,  
KOWALYSHYN, HAGARTY, POTT,  
SALVATORE, FREEMAN, WAMBACH,  
LASHINGER, BATTISTO, JOHNSON,  
MORRIS, McINTYRE, D. W. SNYDER,  
BUNT, ANGSTADT, PERZEL,  
COLAFELLA, SAURMAN, PRESTON,  
DeLUCA, TRUMAN and LEVIN

An Act amending the act of July 18, 1935 (P. L. 1314, No. 411 1/2), entitled, as amended "An act authorizing the utilization of the Pennsylvania State Police Academy for training persons to act as policemen in the political subdivisions of the Commonwealth; prescribing the qualifications for admission of such persons to school; providing for the payment of certain costs by such students; conferring certain powers upon the Pennsylvania State Police; and making an appropriation," and including training for response to ethnic tension situations.

Referred to Committee on STATE GOVERNMENT, May 29, 1984.

**No. 2206** By Representatives PUNT, BOWSER, COY, ANGSTADT, SALVATORE, REBER, WOGAN, HERMAN, FISCHER, PRATT, KASUNIC, DeLUCA, KOSINSKI and DEAL

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for special registration plates for senior citizens.

Referred to Committee on TRANSPORTATION, May 29, 1984.

**No. 2207** By Representatives MAIALE, ITKIN, PRATT, KUKOVICH, McINTYRE, KOSINSKI, RYBAK, PETRARCA and MICHLOVIC

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, extending the limitation period for personal injury and certain other actions in relation to minors.

Referred to Committee on JUDICIARY, May 29, 1984.

**No. 2208** By Representatives STEVENS, BLAUM, TIGUE, COSLETT, HASAY and JAROLIN

An Act amending the "Wage Payment and Collection Law," approved July 14, 1961 (P. L. 637, No. 329), including public school entities; and providing for enforcement.

Referred to Committee on LABOR RELATIONS, May 29, 1984.

**No. 2209** By Representatives WESTON, SALVATORE, WOGAN, O'BRIEN and PERZEL

An Act relating to the public school system in cities of the first class; creating a new school district to be operated and managed pursuant to the provisions of the home rule charter of the city of the first class; creating an appointed independent Commission on Public Education responsible for the management of the school district within the framework of such charter; providing for a superintendent appointed by the commission subject to the mayor's approval; preserving certain laws with respect to the indebtedness of the district, tax levies, personnel policies, employees' retirement rights and collective bargaining; and making certain repeals under certain terms and conditions.

Referred to Committee on EDUCATION, May 29, 1984.

**No. 2210** By Representatives WESTON, SALVATORE, J. L. WRIGHT, KOSINSKI, CLYMER and PERZEL

An Act relating to the public school system in cities of the first class; creating a new school district to be operated and managed pursuant to the provisions of the home rule charter of the city of the first class; creating an appointed independent Commission on Public Education responsible for the management of the school district within the framework of the home rule charter; providing for a superintendent appointed by the commission, subject to the mayor's approval; preserving certain laws with respect to the indebtedness of the district, tax levies, personnel policies, employees' retirement rights and collective bargaining; and making certain repeals under certain terms and conditions.

Referred to Committee on EDUCATION, May 29, 1984.

### SENATE BILL FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following bill for concurrence:

**SB 1190, PN 1936**

Referred to Committee on JUDICIARY, May 29, 1984.

### COMMUNICATIONS FROM GOVERNOR

#### BILLS SIGNED BY GOVERNOR

The Secretary to the Governor presented the following communications from His Excellency, the Governor:

APPROVAL OF HBs Nos. 58, 226 and 1395.

Commonwealth of Pennsylvania  
Governor's Office  
Harrisburg

May 24, 1984

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

I have the honor to inform you that I have this day approved and signed House Bill 58, Printer's No. 2544, entitled "AN ACT creating the Pennsylvania Adoption Cooperative Exchange; prescribing responsibilities; requiring certain agencies to cooperate with the exchange; and providing for regulations and staff."

Dick Thornburgh  
Governor

Commonwealth of Pennsylvania  
Governor's Office  
Harrisburg

May 24, 1984

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

I have the honor to inform you that I have this day approved and signed House Bill 226, Printer's No. 2909, entitled "AN ACT amending the act of August 24, 1951 (P. L. 1304, No. 315), entitled, as amended, 'An act to improve local health administration throughout the Commonwealth by authorizing the creation, establishment and administration of single-county or joint-county departments of health in all counties; exempting certain municipalities from the jurisdiction of single-county or joint-county departments of health; permitting the dissolution of departments or boards of health in certain municipalities; authorizing State grants to counties which establish departments of health and to certain municipalities if they meet prescribed requirements; conferring powers and duties upon the State Department of Health in connection with the creation, establish-

ment and administration of single-county or joint-county departments of health and administration of the health laws in parts of certain municipalities not subject to the jurisdiction of single-county or joint-county departments of health, and the administration of State grants; and repealing an act which confers health powers upon counties of the first class,' further providing for State grants to county departments of health and to certain municipalities.'

Dick Thornburgh  
Governor

Commonwealth of Pennsylvania  
Governor's Office  
Harrisburg

May 24, 1984

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

I have the honor to inform you that I have this day approved and signed House Bill 1395, Printer's No. 2865, entitled "AN ACT amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for the designation of waterways patrolmen."

Dick Thornburgh  
Governor

### SENATE MESSAGE

#### SENATE INSISTS ON AMENDMENTS NONCONCURRED IN BY HOUSE

The clerk of the Senate, being introduced, informed that the Senate has insisted upon its amendments nonconcurring in by the House of Representatives to **HB 1887, PN 2866**, and has appointed Senators RHOADES, WILT and ANDREZESKI a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two Houses in relation to said bill.

### SENATE MESSAGE

#### HOUSE BILL CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 2039, PN 2768**, with information that the Senate has passed the same without amendment.

### BILLS REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that the following bills be removed from the tabled calendar and placed on the active calendar:

HB 1317;  
HB 1916;  
HB 2136;  
SB 1285; and  
SB 1357.

On the question,  
Will the House agree to the motion?  
Motion was agreed to.

### LEAVES OF ABSENCE GRANTED

The SPEAKER pro tempore. Are there any requests for leaves of absence?

The Chair recognizes the majority whip.

Mr. O'DONNELL. Mr. Speaker, I request leaves for the gentleman from Lehigh, Mr. ZWIKL, for today; the gentleman from Allegheny, Mr. IRVIS, for the week; and the gentleman from Philadelphia, Mr. RICHARDSON, for today. Thank you.

The SPEAKER pro tempore. Without objection, leaves of absence are granted. The Chair hears no objection.

The Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

I request a leave for the gentleman from Allegheny, Mr. MARMION, for the week.

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

### BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

#### HB 819, PN 3049 (Amended)

By Rep. TRELLO

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further defining farming; further providing for the taxation on the sale of horses in certain circumstances; and exempting feed for horses.

#### FINANCE.

#### HB 1901, PN 3051 (Amended)

By Rep. KOWALYSHYN

An Act requiring health care insurers to provide coverage for alcohol abuse and dependency.

#### INSURANCE.

#### HB 1946, PN 3052 (Amended)

By Rep. GALLAGHER

An Act amending "The Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), providing for the voluntary fingerprinting of certain school children.

#### EDUCATION.

#### HB 2120, PN 2880

By Rep. GALLAGHER

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), regulating dental hygiene services.

#### EDUCATION.

#### HB 2158, PN 3053 (Amended)

By Rep. GALLAGHER

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for meetings of intermediate unit boards of directors.

EDUCATION.

SB 658, PN 2035 (Amended)

By Rep. GALLAGHER

An Act amending the act of June 14, 1961 (P. L. 324, No. 188), entitled "The Library Code," further providing for municipality powers to make appropriations and impose taxes to fund libraries.

EDUCATION.

BILL REPORTED AND REREFERRED TO COMMITTEE ON FINANCE

HB 857, PN 3050 (Amended)

By Rep. TRELLO

An Act mandating actuarial funding standards for all municipal pension systems; establishing a recovery program for municipal pension systems determined to be financially distressed; and making a repeal.

FINANCE.

MASTER ROLL CALL RECORDED

The SPEAKER pro tempore. The Chair is about to take the master roll call for today. Members will proceed to vote.

The following roll call was recorded:

PRESENT—198

Afflerbach	Evans	Linton	Rieger
Alderette	Fargo	Livengood	Robbins
Angstadt	Fattah	Lloyd	Rudy
Armstrong	Fee	Lucyk	Ryan
Arty	Fischer	McCall	Rybak
Baldwin	Flick	McClatchy	Saloom
Barber	Foster, W. W.	McHale	Salvatore
Battisto	Foster, Jr., A.	McIntyre	Saurman
Belardi	Freeman	McMonagle	Scheetz
Belfanti	Freind	McVerry	Schuler
Blaum	Fryer	Mackowski	Semmel
Book	Gallagher	Madigan	Serafini
Bowser	Gallen	Maiale	Seventy
Boyes	Gamble	Manderino	Showers
Brandt	Gannon	Manmiller	Sirianni
Broujos	Geist	Markosek	Smith, B.
Bunt	George	Mayernik	Smith, L. E.
Burd	Gladeck	Merry	Snyder, D. W.
Burns	Godshall	Michlovic	Snyder, G. M.
Caltagirone	Greenwood	Micozzie	Spencer
Cappabianca	Grieco	Miller	Spitz
Carn	Gruitza	Miscevich	Stairs
Cawley	Gruppo	Moehlmann	Steighner
Cessar	Hagarty	Morris	Stevens
Cimini	Haluska	Mowery	Stewart
Civera	Harper	Mrkonie	Stuban
Clark	Hasay	Murphy	Sweet
Clymer	Hayes	Nahill	Swift
Cohen	Herman	Noye	Taylor, E. Z.
Colafella	Hershey	O'Brien	Taylor, F. E.
Cole	Hoeffel	O'Donnell	Telek
Cordisco	Honaman	Olasz	Tigue
Cornell	Hutchinson	Oliver	Trello
Coslett	Itkin	Perzel	Truman
Cowell	Jackson	Peterson	Van Horne
Coy	Jarolin	Petrarca	Vroon
Deluca	Johnson	Petrone	Wachob
DeVerter	Kasunie	Phillips	Wambach
DeWeese	Kennedy	Piccola	Wargo
Daley	Klingaman	Pievsky	Wass
Davies	Kosinski	Pistella	Weston

Dawida	Kowalyszyn	Pitts	Wiggins
Deal	Kukovich	Pott	Williams
Dietz	Lashingner	Pratt	Wilson
Dininni	Laughlin	Preston	Wogan
Dombrowski	Lehr	Punt	Wozniak
Donatucci	Lescovitz	Rappaport	Wright, D. R.
Dorr	Letterman	Reber	Wright, J. L.
Duffy	Levi	Reinard	Wright, R. C.
Durham	Levin		

ADDITIONS—0

NOT VOTING—0

EXCUSED—4

Marmion	Zwilk
Richardson	
	Irvis,
	Speaker

WELCOME

The SPEAKER pro tempore. The Chair is pleased to welcome students from the Nativity Grade School in Pittsburgh. They are the guests of Representative Tom Murphy of Allegheny County.

BILL AGREED TO ON SECOND CONSIDERATION

The following bill, having been called up, was considered for the second time and agreed to, and ordered transcribed for third consideration:

SB 1357, PN 2016.

CALENDAR

BILLS AGREED TO ON SECOND CONSIDERATION

The following bills, having been called up, were considered for the second time and agreed to, and ordered transcribed for third consideration:

SB 928, PN 2028; HB 1566, PN 3031; SB 1139, PN 1706; HB 403, PN 453; HB 729, PN 2913; HB 1580, PN 2615; and HB 1256, PN 3024.

\* \* \*

The House proceeded to second consideration of HB 1987, PN 3005, entitled:

An Act to provide for the establishment of a Commonwealth Commission on the Bicentennial of the United States Constitution; and making an appropriation.

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

BILL RECOMMENDED

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 1987, PN 3005, be recommitted to the Committee on Appropriations for a fiscal note.

On the question,  
Will the House agree to the motion?  
Motion was agreed to.

### BILLS AGREED TO ON SECOND CONSIDERATION CONTINUED

The following bill, having been called up, was considered for the second time and agreed to, and ordered transcribed for third consideration:

**SB 709, PN 2027.**

\* \* \*

The House proceeded to second consideration of **SB 1152, PN 2012**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Public Welfare, to sell and convey 1.268 acres of land situate in Penn Township, Snyder County, Pennsylvania.

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

### BILL RECOMMITTED

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that SB 1152, PN 2012, be recommitted to the Committee on Appropriations for a fiscal note.

On the question,  
Will the House agree to the motion?  
Motion was agreed to.

### BILLS AGREED TO ON SECOND CONSIDERATION CONTINUED

The following bill, having been called up, was considered for the second time and agreed to, and ordered transcribed for third consideration:

**HB 588, PN 3023.**

### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 781, PN 1518**, entitled:

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), entitled, as reenacted and amended, "The Pennsylvania Workmen's Compensation Act," further defining "municipality" for certain purposes relating to volunteer fire companies, volunteer ambulance corps and volunteer rescue and lifesaving squads; and adding a definition.

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

### BILL TABLED

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that SB 781, PN 1518, be placed on the table.

On the question,  
Will the House agree to the motion?  
Motion was agreed to.

### BILL REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that SB 781, PN 1518, be removed from the tabled calendar and placed on the active calendar.

On the question,  
Will the House agree to the motion?  
Motion was agreed to.

### DEMOCRATIC CAUCUS

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, there are several bills on today's calendar that will be voted on tomorrow that have not been caucused on, so it will be necessary for both parties to hold a caucus today for the bills that will be voted tomorrow. In addition, there is at least one piece of legislation that we would like to run this afternoon that the Republicans have not completed their caucus on and must caucus on before we vote today.

So rather than break for two caucuses today, Mr. Speaker, I am suggesting and moving that we recess now for the purposes of caucuses for the Democrats and the Republicans. In the caucus the Democrats will cover the bills that will be voted tomorrow, and we are asking the Republicans to caucus on those bills that will be run tomorrow as indicated by the leader's staff and, in addition, the additional item on today's calendar that must be caucused on by the Republicans.

So that we can get all that done, Mr. Speaker, I think we ought to be able to cover that within about 1 hour, so if we would return to the floor by 2:30, we will complete today's session and be ready for tomorrow's session.

The SPEAKER pro tempore. The Chair thanks the gentleman.

### REPUBLICAN CAUCUS

The SPEAKER pro tempore. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I concur in the remarks of the gentleman, Mr. Manderino. I expect that we can conclude our caucus in approximately 1 hour. I would ask that our members attend so that they may be brought up to date by the members of our caucus who attended a meeting today at Representative O'Donnell's office together with members of Mayor Goode's staff and members of the Chamber of Commerce. I would expect that a number of us will make a recommendation to the Republican Caucus to support the Philadelphia business tax package, and I think it should be explained to our members why we are taking this changed attitude today. For that reason, I would appreciate that our members do attend the caucus.

The SPEAKER pro tempore. The Chair thanks the gentleman.

### REPORT OF COMMITTEE OF CONFERENCE PRESENTED

Mr. LETTERMAN presented the Report of the Committee of Conference on **HB 1887, PN 3054**.

### RECESS

The SPEAKER pro tempore. The Chair will note to the members that the majority and minority leaders have agreed to a caucus of the Democratic and Republican delegations. This caucus is to last until 2:30, and we will report to the floor of the House at 2:30.

Without objection, at this time the Chair declares that this House will be in recess until the hour of 2:30 p.m.

### RECESS EXTENDED

The time of recess was extended until 3 p.m.

### AFTER RECESS

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

### WELCOMES

The SPEAKER pro tempore. The Chair is pleased to welcome the fifth grade classes from Tracy School, Palmer Township, Northampton County, and teachers and parents. They are the guests of Representative Len Gruppo.

The Chair is also pleased to announce today, as guests of Representative Frank Coslett of Luzerne County, 31 fourth grade students from the United Hebrew Institute, Third Avenue, Kingston, Pennsylvania, with their tour group representative, Ms. Bonnie Ogin.

### CALENDAR RESUMED REPORT OF COMMITTEE OF CONFERENCE CONSIDERED

Mr. WILLIAMS called up for consideration the following Report of the Committee of Conference on **HB 1004, PN 3017**, entitled:

An Act to provide revenue for cities of the first class by authorizing and imposing a tax on persons engaging in certain businesses, professions, occupations, trades, vocations and commercial activities therein; providing for its levy and collection at the option of cities of the first class; conferring and imposing powers and duties on cities of the first class and the collector of city taxes in such cities; and prescribing penalties.

On the question recurring,

Will the House adopt the report of the committee of conference?

The SPEAKER pro tempore. The Chair recognizes the minority leader.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, last week when HB 1004's conference report was brought to the floor, I took the microphone and asked the members to vote in the negative. The reasons I assigned at that time were valid then and are valid today, and if you recall, I at that time suggested that the members of our caucus were not familiar with the contents of this bill. We had not been consulted with respect to it; we had no input into the bill. We were very concerned that particularly those of us from the surrounding counties - that is, the counties surrounding Philadelphia - would be or could be adversely affected by it.

At that time I asked for a "no" vote so that we would have an opportunity to return to our various districts, check with our constituents who worked in the city of Philadelphia or who owned businesses in the city of Philadelphia, and give us an opportunity to hear from these people who are members of the Chamber of Commerce of the Greater Philadelphia Area and who have the most to gain or the most to lose from the adoption of this conference report.

During the intervening days, Mr. Speaker, we have heard from our constituents who, speaking for myself, have advised me that they would like to see this conference committee report adopted. We have heard from the city of Philadelphia in the person of its representatives and telephonically from Mayor Goode. We have also, Mr. Speaker, addressed other issues really that were not necessarily pertinent to HB 1004 but rather were pertinent to the welfare as we see it of our constituents in the suburbs in connection with the Philadelphia wage tax and all that that subject means.

Mayor Goode, in a telephone conversation with me and others on a conference call, assured me and others that the city of Philadelphia was most interested in immediately addressing the subject of the wage tax, modifying it, improving it, reforming it, trying to do something with it so that it would be more bearable to live with if you are a wage earner living in Philadelphia, and certainly more bearable to live with if you are a resident of one of the suburban communities. At

that time, Mr. Speaker, the mayor invited us to invite him and/or his administration to meet in connection with these very issues.

This morning at 10 o'clock, Mr. Dick Gilmore, the finance director, I believe is his title, of the city of Philadelphia, met here in Harrisburg with five of our members and one Republican member of the Senate. As a result of that meeting, it has been reported to me that these Republican members are recommending to our caucus that we vote in the affirmative on this particular conference committee report. Like those members, I, too, join in that and ask that the members of our caucus vote in the affirmative on HB 1004. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Evans.

Mr. EVANS. Mr. Speaker, I rise to express that on this side of the aisle, as well as coleader of the Philadelphia delegation, that the discussions that the minority leader has expressed have been ones out of total commitment and cooperation; that in the short time that Mayor Goode has been mayor, he has expressed an idea of cooperation with the surrounding four counties around the city of Philadelphia. During that time, Mayor Goode has been in Harrisburg at least twice, he has met with the various caucuses, and in those meetings he has expressed privately as well as publicly that he is committed to the idea of some form of tax reform in the city of Philadelphia as well as outside the city of Philadelphia. I know that the minority leader as well as the minority chairman of Appropriations and Representative Freind and others clearly know that this particular mayor has stated that he will be totally accessible to that process.

In addition to that, the mayor has expressed very strongly that he would be interested in anything necessary in terms of weekly meetings, monthly meetings, around the issue of the wage tax, and he has expressed for the first time—and I think this House is hearing it—that he would like to come up with some type of solution that is equitable on both sides and that clearly individuals who represent those suburban counties clearly understand that there has to be a fair and an equal resolution to this particular tax problem.

In addition, this issue will not affect the State budgetary process, because the mayor has stated rather clearly that he is not interested in being an obstacle to this process up here in Harrisburg, and I say to you, as coleader of the delegation, that the Philadelphia delegation is also very much willing to work with the suburban legislators as well as any other legislators to try to come up with some form of answer.

Again, I would like to thank all of the members who have been a part of this effort and hope that we can get strong support on this particular issue. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Salvatore.

Mr. SALVATORE. Thank you, Mr. Speaker.

Mr. Speaker, as chairman of the Philadelphia delegation, last week we voted "yes"; this week we would like to reaffirm our vote and ask our colleagues if they would join in. We also met with the mayor and representatives of the Chamber of Commerce, and we were assured that whatever problems the suburbanites have, and anybody else from the rest of the State has, that they will cooperate with us fully. This is a Philadelphia problem; it is not a State problem; and I would just like to ask my colleagues to join in and vote "yes" on this particular piece of legislation.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Micozzie.

Mr. MICOZZIE. Thank you, Mr. Speaker.

I rise in opposition to the conference report. I, too, have heard from my constituents, both as an Upper Darby councilman and a State Representative for the last 13 years. Each time Philadelphia has a problem, they come to the statehouse asking for relief. In the last 6 years, I believe it is three times. This is the third time they have come to the statehouse requesting our assistance, and each time we try to hold hostage the wage tax in Philadelphia. Until such time when there is positive and active movement on resolving the long problem of the wage tax, I will continue to vote "no."

I live in a township and represent a district which, probably combined, has more people working in Philadelphia than the entire five-county area. So I ask to send another message back to Philadelphia with a resounding "no" until they sit down and seriously negotiate a settlement of the wage tax. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Rappaport.

Mr. RAPPAPORT. Mr. Speaker, would the minority leader consent to interrogation, please?

The SPEAKER pro tempore. The gentleman indicates he will, and the gentleman, Mr. Rappaport, is in order and may proceed.

Mr. RAPPAPORT. Thank you, Mr. Speaker.

I believe the gentleman stated that he only received information about this bill during the latter part of last week, and I would like to ask the gentleman if I heard him correctly.

Mr. RYAN. Yes, Mr. Speaker, you heard me correctly. Maybe I said it incorrectly, however. What day did we run this bill last week? Could you advise me? Was it Tuesday?

Mr. RAPPAPORT. I believe it was Tuesday; yes.

Mr. RYAN. I believe the first information I had on the bill was shortly before it was reported out of the conference committee, at which time it was not in print. If you recall, Mr. Speaker, at the time we came to the floor to consider the conference committee report, the final decision of the conferees had never been put in print. Now, I have since been advised, Mr. Speaker, that as long ago as last summer there were drafts circulating with respect to what the Chamber of Commerce in the city of Philadelphia would like to see by way of a reform



business package. I am also advised that up until the time of the conference committee, there were still changes being made. I had so little information, Mr. Speaker, that I had to get the analysis from your side of the aisle to take into caucus so that our people could get some information with respect to that bill.

That has since changed. We have our own analysis; we have our own information. For the first time in my recollection, we invited a special-interest representative into our caucus, and we did that on two occasions, inviting Mr. DiBona in from the Chamber of Commerce, because of his peculiar knowledge in this area. We asked him into our caucus to explain it, because we did not have adequate information. Now, I am not suggesting that no member of our caucus had insight into it. I am saying that as a caucus we had no information.

Mr. RAPPAPORT. Then, Mr. Speaker, would it be accurate to say that any statements purporting to say that the minority leader had information on this bill and was informed on this bill prior to last Tuesday were inaccurate?

Mr. RYAN. Give or take a couple of days, yes. It may be that we had some information late Friday that this was coming up, but we had nothing in writing, and I did not have a copy of the bill. I am looking for a member of my staff. My staff advises me that we had no information as of the beginning of last week.

Mr. RAPPAPORT. Mr. Speaker, then it would be fair to say that any statements that the minority leader was in favor of this legislation were not accurate prior to, say, Monday of last week?

Mr. RYAN. Oh, I think that is accurate; yes.

Mr. RAPPAPORT. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the majority whip.

Mr. O'DONNELL. Mr. Speaker, I just want to underscore several points. One is that in addition to the legislative exercise, the political exercise on this bill has been extremely useful. There was a concern expressed, first of all, about whether the School District of Philadelphia would be left short because of the change in the taxing power that we are granting under this bill, if we do. The answer to that question is "no." There is an ironclad commitment from the city of Philadelphia and from this legislative delegation to the school district that they will suffer no income loss whatsoever, and therefore, they have no opportunity to raise that issue in this forum or any other. As a matter of fact, the ordinance that is presently before the Philadelphia City Council contains within it the necessary transfer of funds to make sure that that happens.

Second, as we have indicated before and committed in the political exercise as of today, this in no way impedes the timely passage of a budget in this House.

Third, on the subject of the wage tax, there have been for some time serious but admittedly not extensive conversations on this subject. There is an agreement that those discussions be both broadened and intensified to the point of an open-ended commitment on the part of the city of Philadelphia in

the form of its leadership legislatively and the mayor himself, that in the cooperative spirit which Representative Evans articulated, the city is prepared to meet as soon as next week and continuing on a weekly basis with a view toward resolving the wage tax problem within this legislative session.

The final issue that was raised was whether or not this bill constitutes an increase in taxes or an increase in the councilmanic discretion. It is neither. This bill grants no new powers to the city council of Philadelphia but substantially changes the base on which they may tax, changing from a 90-percent reliance on a gross tax to a reliance on a tax base which will be mixed between gross and net. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Mr. Speaker, may I have probably several questions of interrogation and address them, I guess, to either one of the three spokesmen in support of the bill who spoke about it prior?

The SPEAKER pro tempore. I believe the gentleman, Mr. O'Donnell, has agreed to a period of interrogation. The gentleman, Mr. Davies, is in order and may proceed.

Mr. DAVIES. Thank you, Mr. Speaker.

The questions of interrogation are necessary, because in all of these negotiations, of course, I have had no calls from Mayor Goode or any information from the chamber, even though I did solicit that information in the last caucus, and I do not think I had it explained to me at that time that I could understand it. Again, I could not even extract a promise from one of my Philadelphia colleagues in a prior discussion of this as far as the cost of this.

As I understand it, is it true, Mr. Speaker, that it is a \$65-million turnaround in who is going to be paying the taxes? Is that essentially what the essence of the bill addresses?

Mr. O'DONNELL. A \$65-million turnaround?

Mr. DAVIES. Yes, as to who formerly paid the tax or who was going to be asked to pay the tax under the city council's provision as to who is now going to be paying the tax under the provisions of this conference report.

Mr. O'DONNELL. The tax burden overall will be approximately the same, in the nature of about \$105 million. The people who are currently paying the tax will be the ones who continue to pay the tax. There is no change in the people who pay the tax except that the tax will now cover regulated industries to a limited extent that it did not cover before. So we have one limited class of new taxpayers. The old taxpayers are the same taxpayers, but they are paying on a somewhat different basis.

The reliance in the past was on two taxes, one of which was on gross, regardless of whether you made any profit. The other tax was on net, and the net portion was levied by the school district, and it was a very small part of the overall revenue, approximately 10 percent. Ninety percent of the revenue was generated by the gross tax. It was felt generally that this was inequitable, because people who had a lot of gross receipts but did not have any profit were subjected to the tax. Now what has happened is that the anticipation is that

we will receive about 50 percent of the revenue from the net side and 50 percent from the gross side, but in fact the same people are paying the tax.

Mr. DAVIES. All right. Now, one of the former speakers—and I know you cannot speak for him—spoke about equity to both sides. The both sides, I understand, that he was addressing are the Philadelphia taxpayers and the Philadelphia community and some of the regulated industries, as you spoke to, that the shift on burden will be on the profit as opposed to the gross, and the suburban legislators whom you have negotiated with. Are those the two sides that he was addressing?

Mr. O'DONNELL. Mr. Speaker, within the four corners of this bill, that issue was not addressed.

Mr. DAVIES. All right then, Mr. Speaker, in trying to get an understanding or a handle on it, I asked one of the members from Philadelphia if I could have some kind of guarantee from, let us say, Philadelphia, or something that I can go back and speak to as far as the concerns of my constituency. Is there any guarantee or any concern that the services charged by a Philadelphia law firm or the medical services of the great medical institutions and medical community of the city of Philadelphia will not go up to replace the change of the structure of the tax so that essentially the burden somehow or other will indirectly be placed upon those of my constituency who use those services in Philadelphia and are not going to be paying additional costs for those services to cover the essentials of this tax program? In other words, that shift of burden in no way is going to be passed on to the other consumers of those services and goods and products of that city throughout the Commonwealth, the far reaches of the Commonwealth of Pennsylvania? I think one of your members had alluded to the nonsuburban starts at Boyertown and beyond. I am talking about those people of the Commonwealth, that they are not going to be paying additional amounts of money and thus provide the essentials for that tax base.

Mr. O'DONNELL. The short answer is "no." The longer answer is that we can offer you a guarantee as to the behavior of ourselves and the people we represent in terms of the government of Philadelphia; we can offer you no guarantee in terms of the behavior of the private parties within Philadelphia and whether or not they would raise their rates. I can tell you, as a practical matter, that the various hypothetical cases that have been run out do not require any kind of raise in prices within Philadelphia.

Mr. DAVIES. All right, Mr. Speaker, if you cannot commit yourself as to what those individuals are going to say, you would be supportive of some sort of price fixing of those particular services in the future so that I could in some way or other guarantee by legislation that other than the normal inflationary trends, my constituency and other constituencies of this Commonwealth are not going to be paying the burden of that shift in taxation?

Mr. O'DONNELL. Mr. Speaker, I personally am committed to doing something about health care cost containment, and I can offer you that commitment. Beyond that, I am just not sure, Mr. Speaker.

Mr. DAVIES. Thank you, Mr. Speaker.

I now understand the equity of both sides, and it looks as if I have not been included in both sides as far as the equity. Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Mifflin, Mr. DeVerter.

Mr. DeVERTER. Thank you, Mr. Speaker.

Mr. Speaker, I rise today to express my concern with regard to HB 1004, the conference report, as it relates to resolving the problems again of the City of Brotherly Love, and I hold no animosity toward that city.

Although a rural legislator, we have on numerous occasions made attempts in this House to resolve a long-standing problem as it relates to many of our school districts in our local municipalities. There are those of you who have helped to try to address that problem, and once again we are being asked to come here today and resolve Philadelphia's deficits, apparently, that they are accruing while not really addressing the problems that we have in central Pennsylvania. I have a great deal of difficulty in supporting HB 1004, and I will not do so until such time as there is a move to resolve the Sterling Wage Act that is placed on residents outside the city of Philadelphia and those suburban counties.

I realize I will not change one single vote in this House today, but I just want to place the point and the thought in the members' minds that I think it would have been far more propitious of us to have put together a package that would have relieved the city's problem, relieved the suburban legislators' problem as it relates to the Sterling Wage Act, and at the same time move forward on a local tax reform package. We are not prone to do that, and quite frankly, I do not know what kind of other "arrangements" are being made relative to that issue, but if it were known, I think it probably would not be difficult for every member to put a green light on the board if, in fact, we knew there was going to be some kind of relief for those of us who have fought to try to get local tax reform in our areas so that we would not continue to rely on nuisance taxes and very heavy real estate taxes.

Mr. Speaker, I realize, as everyone in this House today realizes, that the votes are not going to be changed by any discussion on this floor, but I would certainly hope that those members who have concern for their local municipalities, their school districts, and others within their legislative districts would give long and hard thought to what we are about to do and whether or not we are going to correct the other inequities that exist across this Commonwealth and its citizens. Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Bucks, Mr. Wilson.

Mr. WILSON. Mr. Speaker, I am in an unusual situation today—very different for me, very unusual—and that is to get up and suggest that we support something that the city of

Philadelphia wants. But I am convinced and have been convinced that the only way that this legislature, as long as I am here, can see any inkling of any kind of tax reform is by cooperation, and cooperation with all the membership of this House and, of course, the Senate. Compromises and give-and-take, no winners, no losers, is what we need.

There is no way that we can move from any committee in this House during this session any sort of wage tax reform, Philadelphia wage tax reform, tax reform issue that I know of, unless the Committee on Finance, which is loaded with people from Philadelphia, agrees to it; unless the people in this House, by and large, across the aisle agree to it.

I see this vote as a vote that I cannot lose by voting in favor of this bill. I do not think there is any risk whatsoever. I have nothing to lose and everything to gain, because I am not going to get any wage tax differential without the agreement of the other party, without the agreement of the other side of the aisle, without cooperation, and without a genuine interest in that tax reform.

The Sterling Act has been talked about for years. We now have an administration in Philadelphia that says it is willing—and I am convinced that they are—to work on a compromise. I have the word of the leaders of the other side of the aisle that we will deal with the Sterling Act by November 30, and I believe that we have to deal with other phases of tax reform by that time in concert with that.

I would urge this House to give a resounding vote of support to this measure and let us get on with tax reform, and I know we are going to do it within this session. Thank you.

On the question recurring,

Will the House adopt the report of the committee of conference?

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

YEAS—180

Afflerbach	Fargo	Lloyd	Rudy
Alderette	Fattah	Lucyk	Ryan
Angstadt	Fee	McCall	Rybak
Armstrong	Fischer	McClatchy	Saloom
Arty	Flick	McHale	Salvatore
Baldwin	Foster, W. W.	McIntyre	Saurman
Barber	Foster, Jr., A.	McMonagle	Scheetz
Battisto	Freeman	McVerry	Schuler
Belardi	Freind	Mackowski	Semmel
Belfanti	Gallagher	Madigan	Serafini
Blaum	Gallen	Maiale	Seventy
Book	Gamble	Manderino	Showers
Bowser	Gannon	Manmiller	Sirianni
Boyes	George	Markosek	Smith, B.
Brandt	Gladeck	Mayernik	Smith, L. E.
Broujos	Godshall	Merry	Snyder, D. W.
Bunt	Greenwood	Michlovic	Spencer
Burd	Grieco	Miller	Spitz
Burns	Gruitza	Miscevich	Stairs
Caltagirone	Gruppo	Moehlmann	Steighner
Cappabianca	Hagarty	Morris	Stevens
Carn	Haluska	Mowery	Stewart
Cawley	Harper	Murphy	Suban
Cessar	Hershey	Nahill	Sweet
Cimini	Hoeffel	Noye	Swift
Clark	Honaman	O'Brien	Taylor, E. Z.
Clymer	Hutchinson	O'Donnell	Taylor, F. E.
Cohen	Itkin	Olasz	Telek

Colafella	Jackson	Oliver	Tigue
Cole	Jarolin	Perzel	Trello
Cornell	Kasunic	Petrarca	Truman
Coslett	Kennedy	Petrone	Van Horne
Cowell	Klingaman	Piccola	Wachob
Coy	Kosinski	Pievsky	Wambach
Deluca	Kowalshyn	Pistella	Wargo
DeWeese	Kukovich	Pitts	Wass
Daley	Lashingier	Pott	Weston
Dawida	Laughlin	Pratt	Wiggins
Deal	Lehr	Preston	Williams
Dininni	Lescovitz	Punt	Wilson
Dombrowski	Letterman	Rappaport	Wogan
Donatucci	Levi	Reber	Wozniak
Dorr	Levin	Reinard	Wright, D. R.
Durham	Linton	Rieger	Wright, J. L.
Evans	Livengood	Robbins	Wright, R. C.

NAYS—17

Civera	Duffy	Hays	Mrkonic
Cordisco	Fryer	Herman	Phillips
DeVerter	Geist	Johnson	Snyder, G. M.
Davies	Hasay	Micozzie	Vroon
Dietz			

NOT VOTING—1

Peterson

EXCUSED—4

Marmion	Zwinkl
Richardson	Irvis, Speaker

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the committee of conference was adopted.

Ordered, That the clerk inform the Senate accordingly.

WELCOME

The SPEAKER pro tempore. The Chair welcomes the fifth grade of the Mahanoy City Catholic School and their teacher, Mr. Paul Coombes. They are the guests of Representative Lucyk.

HOUSE CONCURRENT REGULATORY REVIEW RESOLUTION

The SPEAKER pro tempore. The Chair rescinds its announcement that House Concurrent Regulatory Review Resolution 3 will go over for today. The Chair rescinds that action.

Mr. BARBER called up HCRRR 3, entitled:

In the House, May 9, 1984.

Disapproving the Department of Public Welfare's regulations on copayments for medical assistance recipients.

On the question,  
Will the House adopt the resolution?

The SPEAKER pro tempore. The Chair recognizes the minority leader.

Mr. RYAN. It was my understanding that this resolution was marked over for the day.

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, the gentleman is right. When the majority leader made up the schedule for the day, we would not know that we would be in caucus today before we have a chance to vote. The Republicans had caucused on this resolution last week. The Democrats had not caucused on it. We did caucus on it, and we have put it on the voting schedule for today.

The SPEAKER pro tempore. The Chair recognizes the minority leader.

Mr. RYAN. We would ask that it be held over until tomorrow, Mr. Speaker.

Mr. MANDERINO. Mr. Speaker, my troops are here today, and Mr. Ryan knows it. I would like it run today.

The SPEAKER pro tempore. The Chair has already rescinded its announcement that House Concurrent Regulatory Review Resolution 3 would be passed over today. The resolution is now before the House for its consideration.

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I will withdraw my request that it be held over for the day if the Chair would be courteous enough to put it back a half an hour so that we can get some materials on the floor in connection with this particular resolution. I do not think that is an unreasonable request.

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, it is not an unusual request. I would request that all members of the Assembly who are sitting in the hall right now remain sitting in the hall until Mr. Ryan gets his materials so we can all vote on this particular resolution before we leave today. So, Mr. Speaker, we will take it up in a half an hour or so in whatever order we are on in the calendar at that time.

#### RESOLUTION PASSED OVER TEMPORARILY

The SPEAKER pro tempore. The Chair will take up the matter at that time. The resolution is gone over temporarily.

#### BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1293, PN 2469**, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing requirements for attendance at religious schools; and making editorial changes.

On the question recurring,

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

(Amendment A0435, offered by Mr. Deal on May 22, 1984, was withdrawn.)

Mr. DEAL offered the following amendments No. A2334:

Amend Title, page 1, line 5, by inserting after "thereto," "prohibiting certain discriminating practices;

Amend Bill, page 1, by inserting between lines 9 and 10

Section 1. The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended by adding a section to read:

Section 1332.1. Discriminatory Practices Prohibited.—

(a) Any nonpublic school shall:

(1) Not refuse to enroll any student because of race or color.

(2) Provide due process hearings for the expulsion of any student.

(b) Any violation of this section by a nonpublic school shall result in a forfeiture of any State assistance.

(c) The provisions of this section shall be enforced by the Pennsylvania Human Relations Commission.

Amend Sec. 1, page 1, line 10, by striking out "1" and inserting

2

Amend Sec. 1, page 1, lines 10 and 11, by striking out "of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949"

Amend Sec. 2, page 5, line 8, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Deal.

Mr. DEAL. Mr. Speaker, what my amendment does is somewhat make sure that the young people who are in school, should there be an opportunity to remove them, that there would be some established due process for their removal.

Also, Mr. Speaker, my amendment would make sure that while we say there should be no discrimination in regard to race or color, we felt that there ought to be some provision that puts someone in a responsible position. Therefore, I included a provision to make sure that this section could be enforced by the Human Relations Commission.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Freind.

Mr. FREIND. Thank you, Mr. Speaker.

I rise to oppose this amendment, and there are several sections to this amendment. The first is a prohibition against refusing to enroll any student because of race or color. There is no problem with that. We already have it in the bill because of the adoption unanimously of the Kukovich amendment.

The second requires due process hearings for the expulsion of any student, and I oppose that for two reasons. Number one, due process is not defined. There is no definition of what constitutes due process. The only thing we would accomplish in adopting this language, we would make a lot of lawyers rich and we would dump it right into the laps of the court. In specific State regulations, the due process steps are set up for expulsions in the public school system. Beyond that, Mr. Speaker, it would be excessive entanglement. I do not believe that the Commonwealth of Pennsylvania should be regulating how the nonpublic school students should be disciplined. Keep in mind we have never done that before, and this would be a dramatic change in the law.

The third part says that any violation by a nonpublic school would result in a forfeiture of State assistance. And again, you have the constitutional problem that it is not the nonpublic schools that receive State assistance; it is the students who go to the nonpublic schools who receive the State assistance. So you would have a constitutional problem there.

The fourth thing says that these provisions shall be enforced by the Pennsylvania Human Relations Commission. As a matter of fact, the Pennsylvania Human Relations Commission right now, pursuant to the Fair Educational Opportunities Act, oversees any violations of enrollment on the basis of race or color.

So therefore, two of the sections have both philosophical and constitutional problems. The other two sections are already handled in this bill and in existing law. For these reasons I would ask the members to reject this amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Deal.

Mr. DEAL. Mr. Speaker, I would hope that the House would support my amendment.

Mr. Speaker, I still maintain that we in the legislature have some responsibility to make sure that the safety and welfare of all of the students in our Commonwealth are protected. Mr. Speaker, I do believe and I think my comrade understands what due process means. He understands it because it has been a way of life here in our American judicial system. He understands very clearly that we want to make sure that under the guise of disciplinary action, schools may not discriminate against any individuals under the guise of disciplinary action. Therefore, we tend to believe that there should be some due process and an established due process so that people may protect themselves for maybe those schools that might want to use disciplinary action as a form of discrimination.

Mr. Speaker, the reason we put in the amendment that those schools— And I am not quite clear how my comrade has determined where the money goes to parochial or nonpublic schools. I do not recall a particular parent getting a check, so apparently it does go to an institution. We want to make sure, Mr. Speaker, that those institutions that would discriminate against young people who are trying to seek an education because of their race or color, that those schools could not enjoy the benefits of those taxes that are paid by people here in the Commonwealth, and that is why we inserted that section.

Mr. Speaker, I still believe that we ought to be very clear on the role of the Human Relations Commission, and I would ask my colleagues to support the amendment. I believe that my entire amendment is constitutional. When there were some questions raised on sections of my previously proposed amendment in reference to creed, though I disagreed with the question of creed, I still was willing to withdraw it with the hope that we would not have an all-out battle here on the floor for the protection of our young people who may find themselves going to Christian or parochial schools.

Mr. Speaker, this amendment is done in good faith with the hope of protecting all of the young people here in the Commonwealth of Pennsylvania, and I would hope that you would support this amendment and adopt it. That is all, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from York, Mr. Foster.

Mr. A. C. FOSTER. Thank you, Mr. Speaker.

This amendment, like many that we have defeated on this bill, says in effect that, yes, you may be a private school if you are willing to submit to all of the same regulations and rules of the Commonwealth that are promulgated for the public schools. That is the very purpose for this bill, to make the distinction between private schools and public schools, and I would strongly urge the defeat of the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Mr. Speaker, in support of the amendment, I would just say the opposite than my good colleague, who expressed his concern—

Mr. DEAL. Mr. Speaker?

The SPEAKER pro tempore. For what purpose does the gentleman from Philadelphia, Mr. Deal, interrupt?

Mr. DEAL. Mr. Speaker, I like to hear my colleague's voice so well and I am having difficulty hearing him now. I was just wondering if the Chair would assist us in a little decorum.

The SPEAKER pro tempore. The gentleman is absolutely correct. It is extremely noisy.

Would the members take their seats. Certainly a fellow member is entitled to this courtesy.

The gentleman, Mr. Davies, is in order and may proceed.

Mr. DAVIES. Thank you, Mr. Speaker.

My concern is somewhat different than that expressed by the last speaker in opposition to it. This is not a simple rule of regulation. Freedom is never absolute, nor can it be absolute. So all that Mr. Deal's amendment is asking for is that essentially, if you are going to take that person's freedom of choice to whatever private or church school it is away from him, you are going to give him a guarantee of a process that, if it is going to be denied to the individual, the denial is going to be within whatever rules and regulations that the rest of the schools have to abide by. And essentially they are saying the same thing. We give those guarantees in the private sector right now, as far as certain aspects of education are concerned. There is not any practice of religion or education that is absolutely free, and all the gentleman is asking for is that those two particular categories are guaranteed that simple due process that we give to everybody in every other aspect of Pennsylvania law and United States law. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Bucks, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to the Deal amendment. Representative Freind put it quite accurately when he said that this amendment would create excessive entanglement, and those of us who have served in the House realize that the bureaucracies that are created and which would be created under this bill do exactly that. I think that, indeed, what we want to do is to maintain the integrity of our private, religious schools. Therefore, I would ask that the members oppose the Deal amendment. Thank you.

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

The following roll call was recorded:

YEAS—47

Afflerbach	Dawida	Lescovitz	Preston
Alderette	Deal	Levin	Smith, B.
Barber	Dombrowski	Linton	Tigue
Battisto	Evans	McHale	Truman
Caltagirone	Fattah	Maiale	Van Horne
Carn	Fischer	Manderino	Wambach
Clark	Freeman	Michlovic	Wargo
Cohen	Harper	Miscevich	Wiggins
Colafella	Hutchinson	Murphy	Williams
DeWeese	Itkin	Oliver	Wozniak
Daley	Kukovich	Pievsky	Wright, R. C.
Davies	Laughlin	Pott	

NAYS—150

Angstadt	Foster, W. W.	Lucyk	Robbins
Armstrong	Foster, Jr., A.	McCall	Rudy
Arty	Freind	McClatchy	Ryan
Baldwin	Fryer	McIntyre	Rybak
Belardi	Gallagher	McMonagle	Saloom
Belfanti	Gallen	McVerry	Salvatore
Blaum	Gamble	Mackowski	Saurman
Book	Gannon	Madigan	Scheetz
Bowser	Geist	Manmiller	Schuler
Boyes	George	Markosek	Semmel
Brandt	Gladeck	Mayernik	Serafini
Broujos	Godshall	Merry	Seventy
Bunt	Greenwood	Micozzie	Showers
Burd	Grieco	Miller	Sirianni
Burns	Gruitza	Moehlmann	Smith, L. E.
Cappabianca	Gruppo	Morris	Snyder, D. W.
Cawley	Hagarty	Mowery	Snyder, G. M.
Cessar	Haluska	Mrkonic	Spencer
Cimini	Hasay	Nahill	Spitz
Civera	Hayes	Noye	Stairs
Clymer	Herman	O'Brien	Steighner
Cole	Hershey	O'Donnell	Stevens
Cordisco	Hoeffel	Olasz	Stewart
Cornell	Honaman	Perzel	Stuban
Coslett	Jackson	Peterson	Swift
Cowell	Jarolin	Petrarca	Taylor, E. Z.
Coy	Johnson	Petrone	Taylor, F. E.
DeLuca	Kasunic	Phillips	Telek
DeVerter	Kennedy	Piccola	Trello
Dietz	Klingaman	Pistella	Vroon
Dininni	Kosinski	Pitts	Wachob
Donatucci	Kowalshyn	Pratt	Wass
Dorr	Lashinger	Punt	Weston
Duffy	Lehr	Rappaport	Wilson
Durham	Letterman	Reber	Wogan
Fargo	Levi	Reinard	Wright, D. R.

Fee  
Flick

Livengood  
Lloyd

Rieger

Wright, J. L.

NOT VOTING—1

Sweet

EXCUSED—4

Marmion  
Richardson

Zwinkl

Irvis,  
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?

Mr. DAVIES offered the following amendments No. A2353:

Amend Sec. 1 (Sec. 1327), page 1, line 14, by inserting after "[Every]"

(a)

Amend Sec. 1 (Sec. 1327), page 5, by inserting between lines 7 and 8

(b) For the purposes of this section, "bona fide church or other religious body" shall not include a church or other religious body which includes in its ceremonies or doctrine any of the following practices: polygamy; marriage of persons of the same sex; violence or terrorism; sexual acts between or among nonmarried persons; sacrifice of human life; human blood-letting; child abuse; use of snakes; or the use of any controlled substance, unless the controlled substance is used as part of the traditional ceremonies and observances of the religious practices of native American Indians.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Thank you, Mr. Speaker.

This essentially speaks to the very issue that I was concerned about when we first addressed the question in committee, and that is, we specify that a bona fide church or religious group— I have stated it in the negative sense as to those that would not be recognized as bona fide if they practice any of the following, and that does not mean embrace maybe in some way conceptually but says that they practice, and that is the practice of polygamy, marriage of persons of the same sex, the practice of violence or terrorism as part of that ceremony or belief, sexual acts between or among unmarried persons, the sacrifice of human life or human bloodletting, child abuse, and the use of snakes or controlled substances. The use of snakes or controlled substances is exempt if it is part of a current or past traditional ceremony in the observation of religious practices of the American Indian, and I think that would take care of the constitutional exceptions necessary there. This essentially then tries to avoid those potential cults or those particular individuals who would embrace this as part of their founding of their religious beliefs.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Freind.

Mr. FREIND. Thank you, Mr. Speaker.  
I rise to oppose this amendment.

#### AMENDMENTS WITHDRAWN

Mr. DAVIES. Mr. Speaker, excuse me. I hate to interrupt. If I might, a point of parliamentary clarification.

The SPEAKER pro tempore. The gentleman will state his point of parliamentary inquiry.

Mr. DAVIES. I in error stated the wrong amendment. I gave the clerk the wrong amendment, and I will have to back-track and ask your indulgence that I withdraw that particular amendment and submit one of similar structure.

The SPEAKER pro tempore. Is the gentleman withdrawing amendment A2353?

Mr. DAVIES. Yes, Mr. Speaker. It should have been distributed; I am submitting A2448, which should have been the last to be distributed.

The SPEAKER pro tempore. It is the Chair's understanding that that amendment has been distributed. Is that correct? Do the members have that amendment? The members indicate that they do. Therefore, the gentleman, Mr. Davies, is recognized for the following amendment.

On the question recurring,

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

Mr. DAVIES offered the following amendments No. A2448:

Amend Sec. 1 (Sec. 1327), page 1, line 14, by inserting after "[Every]"

(a)

Amend Sec. 1 (Sec. 1327), page 5, by inserting between lines 7 and 8

(b) For the purposes of this section, "bona fide church or other religious body" shall not include a church or other religious body which includes in its ceremonies or doctrine any of the following practices: polygamy; marriage of persons of the same sex; violence or terrorism; sexual acts between or among nonmarried persons; sacrifice of human life; human blood-letting; child abuse; or the use of snakes, the use of any controlled substance, or the use of both, unless the use is restricted to part of the traditional ceremonies and observances of the religious practices of native American Indians.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Thank you, Mr. Speaker.

I erred again in the amendment that I submitted. The amendment had to be corrected because of a constitutional question about the practice of the native American Indian and the matter of the utilization of reptiles in their ceremonies. So that is the only essential difference between either of the two amendments that had been circulated. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Delaware, Mr. Freind.

Mr. FREIND. Thank you, Mr. Speaker.

I rise to oppose this amendment. We specifically discussed this concept of whether or not it was wise to attempt to define what is or is not a bona fide church or religious body in committee and decided to overwhelmingly reject it. There are a number of problems. Number one, no governmental entity has ever attempted to define this. We have never defined it in State law. In fact, it is not defined in Federal law. When there is a challenge, it is taken on a case-by-case basis. We have in the Congressional Record of the United States Senate the criteria which are utilized by the Internal Revenue Service, and they use a combination of 14 criteria which they take on a case-by-case basis. An attempt by any legislative body to say what is or is not a bona fide church or religion runs the almost absolute certainty of being stricken as unconstitutional.

Now, I should point out there are a number of provisions in the Davies amendment, most of the practices of which, I guess, we are opposed to. I am confused about snakes, but most of the things, I guess, we are opposed to. But the danger that you run, Mr. Speaker, in addition to the constitutional danger, is when you specifically by law eliminate a number of practices, you give rise to the legal argument that by exclusion you are permitting other practices which this legislature has never intended.

The wisest thing for us to do, Mr. Speaker, is to keep the law on this as it has always been on the State and Federal levels. Do not attempt to define what constitutes a church or a bona fide religion. Leave that up when there is a challenge on a case-by-case basis. This would seriously jeopardize the bill on a constitutional attack, and for that reason I ask my colleagues to reject it. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Davies.

Mr. DAVIES. Mr. Speaker, in deference to the concern that the former speaker spoke about, the full employment for those in the field of law, I would suggest that he is suggesting the same thing by his tact on this particular issue that we do take it on a case-by-case basis, because that would probably keep it in the very lucrative parameters that it now finds itself, and I cannot fault him for that concern. However, as far as the United States Senate and its concern about those parameters which they address themselves to, I would even go further and say that there are additional restraints by rule and regulation of the IRS and other concerns about those that have been established in the matter of the concern about the practices of the one-man church to escape those particular tax benefits, and we have not been able to establish that.

#### AMENDMENTS WITHDRAWN

Mr. DAVIES. Essentially, one of my colleagues just drew my attention to an imperfection in the suggested amendment that does raise a question of constitutionality with my good conscience, and since I cannot offer something that does raise that question, I will withdraw the amendment and attempt to find the proper amendatory language at a later time which

does address itself to these particular issues that would essentially raise the question of giving permissiveness to established cults which well could endanger the health and welfare of individuals and the like. At his request, I will withdraw it until that consideration has been taken care of. So I will withdraw the amendment at this time.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. Davies has withdrawn his amendment A2448.

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?

The Chair recognizes the gentleman from Philadelphia, Mr. Deal, on final passage.

Mr. DEAL. Mr. Speaker, I assure you I will not be long on this issue, but, Mr. Speaker, I would not want to stand here and not record my vote, and very vocally so, against this bill.

Mr. Speaker, it may not appear to some people what is happening here, but those of you who believe that public education is a precious commodity here in the State of Pennsylvania, you are making a terrible mistake with some of the bills which we are passing, which are attempting to make it so that it will be foolhardy for people to send their young people to a public school system.

Mr. Speaker, I think there is something terribly wrong with a legislative body when they would vote out \$51 million a year to parochial and nonpublic schools and then say that you should not pass some legislation to make sure that that money is protected, taxpayers' funds. I think it is wrong to do that. I recognize that many of the legislators here come from Christian belts, come from areas where I guess it would be almost impossible for you to vote any other way. I feel sorry for anyone who comes to this hall and is held hostage so that they would have to vote for things that would be contrary in keeping with our standards here in Pennsylvania. I feel sorry for those who would have to cast their vote that way.

Mr. Speaker, as long as schools in this Commonwealth, whether they be parochial or any other kind of private school, receive funds from the taxpayers—

The SPEAKER pro tempore. The gentleman will yield.

### POINT OF ORDER

The SPEAKER pro tempore. For what purpose does the gentleman from Berks, Mr. Gallen, rise?

Mr. GALLEN. A point of order, Mr. Speaker.

It seems to me that the gentleman's remarks have demeaned members of this House in that he is ascribing motivations to the way that he supposes they are going to vote, and I think that is wrong. I think he should stick to the issue and not tell us why we are voting some way.

The SPEAKER pro tempore. Can the gentleman cite the rule?

The Chair thanks the gentleman.

The gentleman, Mr. Deal, is in order and may proceed.

Mr. DEAL. Mr. Speaker, though I felt that I was in order, I would hope that my colleagues here were not misinterpreting my statements, for it is not my intention to demean. It is not my intention to belittle or do anything that would take away from your ability to do your job. But I do believe, as a member of this House in an effort to show the importance of why I offer opposition, I hope you would understand that, and it was done with love, Christianity, brotherhood, and sisterhood.

Mr. Speaker, as I close my remarks, I would just hope that those of you who really believe in supporting public education would vote against this bill, those of you who sit in this hall and believe that you have a responsibility to all of the children in the Commonwealth of Pennsylvania, and those of you who believe when you sit in charge in this legislative body and you have an opportunity to dispense funds from the treasury of this Commonwealth that you recognize you have a responsibility to make sure that those funds are protected.

I think, Mr. Speaker, when we look at this bill and a previous bill, it is continuing to erode the possibilities of the legislative body or any governmental agency having any say about the funds that we contribute. I remind you that we do give \$51 million from the budget - \$7 million for transportation; \$7 million for books—unlike the public school system, unlike the public school system which cannot get books, the parochial schools can go back each time and get their \$7 million—\$32 million for our health aids, nurses, and what have you; and \$3.5 million for incidental aids, and you tell me that we should not have some say? Well, I say to you, I cannot join in support of any resolution or any law that takes away my ability to make sure that all of the people in this Commonwealth who entrust the funds of this Commonwealth in our care, I cannot abdicate that responsibility and I will not shirk my responsibility to protect all of the young people who will be going to school in this Commonwealth regardless of the school they go to.

Mr. Speaker, I spoke of due process when I was trying to amend this bill, because discrimination and racism does exist in our society. I wanted to make sure that if you did pass the bill, there would be some way of protecting the rights of all of our young people. But, unfortunately, it seems that we have forgotten our responsibility to protect the least of us, to protect those people who cannot protect themselves, and that ought to be part of our responsibility here today. But I read in this resolution, we do not care about those; we only care about the few whom we are concerned about. I say to you, that is wrong, Mr. Speaker. That is totally wrong. More of us is expected than that. We ought to be dutybound with a commitment and a moral obligation to make sure that if there is one dime spent appropriated from this House, we make sure that those funds are protected and we make sure that those who are to receive those funds are protected. I do not see this



in this bill, and I would hope that all of you would join me in defeating HB 1293. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,  
Shall the bill pass finally?

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

YEAS—172

Alderette	Fischer	Lloyd	Reinard
Armstrong	Flick	Lucyk	Rieger
Arty	Foster, W. W.	McCall	Robbins
Baldwin	Foster, Jr., A.	McClatchy	Rudy
Belardi	Freind	McHale	Ryan
Belfanti	Fryer	McIntyre	Rybak
Blaum	Gallagher	McMonagle	Saloom
Book	Gallen	McVerry	Salvatore
Bowser	Gamble	Mackowski	Saurman
Boyes	Gannon	Madigan	Scheetz
Brandt	Geist	Maiale	Schuler
Broujos	George	Manderino	Semmel
Bunt	Gladeck	Manmiller	Serafini
Burd	Godshall	Markosek	Seventy
Burns	Greenwood	Mayernik	Showers
Caltagirone	Grieco	Merry	Sirianni
Cappabianca	Gruitza	Michlovic	Smith, B.
Cawley	Gruppo	Micozzie	Snyder, D. W.
Cessar	Hagarty	Miller	Snyder, G. M.
Cimini	Haluska	Miscevich	Spencer
Civera	Hasay	Moehlmann	Spitz
Clymer	Hayes	Morris	Stairs
Colafella	Herman	Mowery	Steighner
Cole	Hershey	Mrkonic	Stevens
Cordisco	Hoeffel	Murphy	Stewart
Cornell	Honaman	Nahill	Stuban
Coslett	Hutchinson	Noye	Sweet
Cowell	Jackson	O'Brien	Swift
Coy	Jarolin	O'Donnell	Taylor, E. Z.
Deluca	Johnson	Olasz	Taylor, F. E.
DeVerter	Kasunic	Perzel	Telek
Daley	Kennedy	Peterson	Trello
Davies	Klingaman	Petrarca	Van Horne
Dawida	Kosinski	Petrone	Vroon
Dietz	Kowalyshyn	Phillips	Wachob
Dininni	Kukovich	Piccola	Wambach
Dombrowski	Lashinger	Pievsky	Wass
Donatucci	Laughlin	Pistella	Weston
Dorr	Lehr	Pitts	Wilson
Duffy	Lescovitz	Pott	Wogan
Durham	Letterman	Pratt	Wozniak
Fargo	Levi	Punt	Wright, D. R.
Fee	Livengood	Reber	Wright, J. L.

NAYS—24

Afflerbach	Cohen	Itkin	Smith, L. E.
Angstadt	Deal	Levin	Tigue
Barber	Evans	Linton	Truman
Battisto	Fattah	Oliver	Wiggins
Carn	Freeman	Preston	Williams
Clark	Harper	Rappaport	Wright, R. C.

NOT VOTING—2

DeWeese	Wargo
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EXCUSED—4

Marmion	Zwikl
Richardson	Irvis, Speaker

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the clerk present the same to the Senate for concurrence.

CONSIDERATION OF HCRRR 3 RESUMED

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

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, the resolution as written on the calendar is written in the negative, and it is written in such a manner to disapprove. It is a concurrent resolution disapproving of regulations, and, Mr. Speaker, I suggest and I move that we vote in the affirmative disapproving. It is an affirmative vote disapproving the regulations.

The SPEAKER pro tempore. The majority leader has stated that an affirmative vote will indicate disapproval of the regulations and requests an affirmative vote.

The Chair recognizes the gentleman from Montgomery, Mr. McClatchy.

Mr. McCLATCHY. Mr. Speaker, I would ask for a negative vote, a negative vote on this resolution, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Westmoreland, Mr. Kukovich.

Mr. KUKOVICH. Mr. Speaker, I am asking for an affirmative vote on the resolution, and I will very briefly explain to the members why.

Back earlier this year the Department of Welfare came out with a list of regulations which would have set up what is called a copayment plan for inpatient/outpatient services. That basically includes, except for certain specific exemptions, that for every type of medical treatment from prescription drug use to outpatient care physician visits, inpatient care, there would have to be an amount of money paid from 50 cents per various prescription drug to a certain amount per visit depending on the amount of cost.

Since that time, the IRRC, the Independent Regulatory Review Commission, voted down those regulations. The Senate Health and Welfare Committee voted it down. The House Health and Welfare Committee with bipartisan support voted it down. Since then there have been some slight changes in those regulations. This time the IRRC approved it. However, our chamber was never informed of what those changes are.

I think there is a serious procedural problem which flies in the face of what this chamber did last session when we set up the Independent Regulatory Review Commission. In essence, a loophole is being used to try to bypass our authority. We spoke, I believe almost unanimously, when we voted for the power to begin to review executive branch regulations. We have a chance today to again say that we want to make sure

that we do not abdicate that procedural power, that we want to have our chance to say what is right or wrong about these regulations.

Now, these regulations set up the most comprehensive system of copayment plans in the United States. Twenty-one States have no such plan at all, including most of those around us - New York, New Jersey, Ohio, Massachusetts, et cetera. Of those States that do have some type of copayment plan, none—I repeat, none—are as comprehensive as these currently being promulgated.

Now, there are a number of problems with that apart from the procedural issue of whether our ability is being usurped. Those issues are that every study we have seen, particularly from large States that have tried at least on a demonstration basis some type of copay, has shown that if we are concerned about the taxpayers, these regulations are simply not cost effective in the long run; and secondly, especially the poor, and in our State over 50 percent of the people affected would be those on SSI (supplemental security income), that what happens is a lot of necessary health care costs are not delivered to these individuals. They simply do not have the resources under a copayment plan to go visit that doctor or maybe buy that prescription drug when they need it. As a result, their illnesses become even graver, and as a result of that, they have to go into the hospital for inpatient services which are more expensive and, in States such as California, have meant a greater cost to the taxpayer.

What we are asking you to do, Mr. Speaker, when we ask this chamber to vote "yes" on this resolution against the regulations, is to do two things, and that is to make the humane choice and not try to put some sort of alleged cost savings on the backs of the handicapped and the poor in this State; and secondly, to do the best thing in the interest of the taxpayers of this State in the long run.

Just this week we have received mail not only from the steelworkers and the AFL-CIO but the Lutheran Coalition on Public Policy and groups such as the Pennsylvania Mental Health Association and the Association for Retarded Citizens, who also would have their clientele impacted on very negatively.

Mr. Speaker, for all of those reasons we would ask you for an affirmative vote on the resolution.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. McClatchy.

Mr. McCLATCHY. Mr. Speaker, as I said before, I think this is a very important issue for the House, and it is one I think we all should listen to. Those of us who support the defeat of this resolution, those of us who support copay, are being pictured as heartless and inhumane, only worrying about the shortsighted effect of maybe some cost cutting in our budget process, and I say to you, it is exactly the opposite.

On first blush when I heard about copays, I said, well, maybe those who comment about the poor people on welfare not having to pay a little bit, it is not really fair to somebody on a restricted welfare benefit to come up with any money at all. And then I read the list of the exemptions, and I will

repeat them to you slowly, and before I read them off, I say to you that almost no one is covered; almost no one is covered by the copay. Those who really are covered are the ones who frivolously go to a hospital emergency department for a minor illness that they should not be going there for in the first place.

Let me read this list of people who are exempted: all recipients under 18 years of age; all services furnished to pregnant women; all family planning services and supplies, which we argue about so much in this great hall of the House; all recipients in nursing homes or medical institutions, the intermediate care facilities for the mentally retarded, who are required to spend down most of their income on their care; all recipients who are members of HMO's (health maintenance organizations); all services provided by an HIO (health insurance organization); all services provided by home health agencies; medications for treatment of cancer, diabetes, epilepsy, heart disease including hypertension, and psychosis; medication dispensed by a physician, allergies and immunizations; psychiatric partial hospitalization services; all services provided in emergency situations—if you have an emergency, no copay; you will be covered automatically—all laboratory services; the professional components of diagnostic radiology, nuclear medicine, radiation therapy, and medical diagnostic services; services provided by a funeral director; rental durable medical equipment; medical examinations when required by the Department of Welfare; early periodic screening diagnosis and treatment; and, in addition, Mr. Speaker, no one who has run out of money or cannot afford it will have to pay a copay - nobody. Copays only on prescription drugs and over-the-counter medications; no copay on equipment, braces, and so forth. But again, if you do not have any money in your welfare check, if you run out of money, no copay and you will still get the services.

I say this is a very minimal program to save us \$10 million in this present, coming budget - \$10 million. It will affect almost no poor person from any kind of care he wants. I think it is a beginning to try to reform the system in a slight manner. All of us today pay copay for various programs and almost any kind of health care we have, and with all these protections for the poor and the needy, I think it is a humane beginning to put some kind of reform back in the system. You know, we cry about how much money we pay for our health care costs here in Pennsylvania. Our medical assistance system is extremely expensive. Either we try to correct that slightly, a little bit, or we are going to turn around and raise taxes, and I do not think anybody wants to do that. Today if you vote "no," I think you are voting humanely to put a little reform into this system. I do not think this is going to hurt anyone. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Does the gentleman from Westmoreland, Mr. Kukovich, care to be recognized?

Mr. KUKOVICH. Yes, Mr. Speaker. Just a response, simply.

Again, as I mentioned in my initial remarks, the aged and the blind and the disabled will be hurt under this regulation if we do not pass the resolution. They use over 50 percent of the medical assistance in this State. It is also unfair to talk about cost containment and not talk about where the money actually goes. We all know that it is not the poor people who are causing this great burst in medical cost inflation. This thing is not only not cost effective in the long run, but there is absolutely no supporting data that there is overutilization by the poor, and that is the whole premise for trying to do this. There is no supporting data that has been supplied to us ever on that issue. The poor, those who are blind or disabled, have no control over the amount or the kind of medical care they receive. Now, if you think that is a fair medical cost-containment program, then something is wrong.

And, Mr. Speaker, you can favor copay and still be against the type of copay that this Department of Welfare is trying to promulgate. I personally think that in some areas copay might be a decent form of cost containment, and there are many members here who will be voting for this resolution and against the regulations, even though they feel that there are some types of copay that might be workable. What I am saying is we cannot get to those workable, viable solutions unless we vote "yes" on this resolution.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

Will the gentleman, Mr. McClatchy, stand for brief interrogation?

The SPEAKER pro tempore. The gentleman indicates he will. The gentleman, Mr. Preston, is in order and may proceed.

Mr. PRESTON. Thank you.

Mr. Speaker, can you tell me, if I vote "no" for this, how will that affect the person in my district who is in a wheelchair?

Mr. McCLATCHY. It depends on what category they are in. If they are not on welfare, it will not affect them at all. If they are on welfare and cannot afford the wheelchair, it will not affect them at all. If they have enough resources to pay for that wheelchair, they will pay a small copay for the cost of it. Again, it only amounts to, I think, if they pay any more than \$90, any 6 months, that is all refunded and they do not have to pay any more, if their resources are used up to that amount.

Mr. PRESTON. Can you tell me, from the list that you read, if the blind are on that list?

Mr. McCLATCHY. If the blind cannot afford to pay, they will not pay anything.

Mr. PRESTON. But are they on the list that you read off?

Mr. McCLATCHY. No, they are not on the list I read off. They receive, I think, about \$300 a month on SSI.

Mr. PRESTON. So therefore, the blind and some of the people who are crippled and handicapped are not on the list that you read off. Right? Yes or no?

Mr. McCLATCHY. No; they are not on the list unless they cannot afford to pay.

Mr. PRESTON. Thank you, Mr. Speaker.

May I make a brief statement?

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

Mr. PRESTON. It would behoove the members, because I do not think that I want to vote against those people who are blind or those people who are handicapped in a lot of different ways, and I think it behooves us to sit down in a common manner and not be fooled by a bunch of rhetoric. Let us look at the realities of it all, and let us vote for this resolution so that we can get on with our work and the people who need the help that we are voting here to provide for can be taken care of. Thank you very much, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Venango, Mr. Peterson.

Mr. PETERSON. Thank you, Mr. Speaker.

I rise to urge a negative vote on this resolution. A statement was made a few moments ago by one of the former speakers that no neighboring States were involved in copay. I thought that remark ought to be corrected. The record I have shows that West Virginia has copay. I think that is a neighbor. The State of Virginia has copay. The State of Maryland has copay. The State of Michigan has had copay for 6 years. Illinois enacted it last year. North Carolina has had it since 1973. Those are all neighbors.

Why should we have copay? There are a lot of reasons why I think we should have copay on all kinds of medical services, because it helps to control overutilization. The average person's—this is a figure from the Welfare Department—the average person's costs would be \$12, and as was brought out by Representative McClatchy earlier, there are so many exceptions in the regulations as they are being presented now that very few people will have to pay. But I think at some point in time, I think it is wrong for this General Assembly to block the door for this process, because if we are at all concerned about the runaway costs, if we are concerned about having the adequate funds to take care of those who are ill and cannot pay, we have to have control, and I think a copay does make a person think before they go and utilize services that maybe they do not really need. I do not think anyone here would dispute the fact that people do utilize medical services that they really do not need, and we need to prohibit that. We need to save those funds for the people who really need them. I think this provision is very fair in the way it is implemented now, and I urge my colleagues to vote against this resolution.

The SPEAKER pro tempore. The Chair recognizes the gentleman from York, Mr. Foster.

Mr. A. C. FOSTER. Thank you, Mr. Speaker.

I am not prone to long speeches on the floor of this House, and I think I can express what I wish to say today in one sentence.

If copay was such a wonderful idea for the pharmaceutical assistance program, what is wrong with it now?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. Hoeffel.

Mr. HOEFFEL. Thank you, Mr. Speaker.

Mr. Speaker, the Republican supporters of the concept of copay have done their best during the debate today to minimize the impact of the copay proposal, to assure the House that we do not really have anything to worry about, it is not going to affect very many people, and so let us get this thing under way. But in the same breath, Mr. McClatchy said that copay, if instituted, would save \$10 million. Well, think about that. That is a lot of money, and the copay proposal is talking about saving 50 cents here and a dollar or two there, and to save \$10 million at that rate of copay, there are an awful lot of procedures for an awful lot of poor people that have to be covered. I think the attempts to minimize the impact of copay are missing the mark. Indeed, this will affect a great number of people in this Commonwealth. Fifty thousand blind people on SSI will be subjected to copay; 100,000 disabled people, I am sure some living in Mr. Preston's district, will be affected by copay; 127,000 people who are chronically needy will be subjected to copay. There are a great number of people subjected to it, and I think the attempts to minimize the impact and yet dangling the savings of \$10 million in front of us are not consistent at all.

Secondly, Mr. Speaker, there is a great deal of literature on this subject. Our staff has found six reports dating from 1975 to 1983, and I am sure there are more, but they found six studies that indicate the harmful effects of copayment on poor people. It does indeed result in reduced health care utilization. There are fewer prescriptions, granted. There are fewer medical procedures performed outpatient. There are fewer nonemergency services given in emergency rooms. But in State after State, there is an increase in inpatient hospital costs because people do not go to their doctors because they cannot afford to pay the copay; problems are allowed to go on too long; the medical problems grow and hospital inpatient stays are required, and that is the most expensive kind of medical care for the State to pay for.

I say, turn down the copayment concept. It will affect thousands and thousands of your constituents, and it will reduce their health care quality. Vote "yes" for this resolution. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes, for the second time, the gentleman from Venango, Mr. Peterson.

Mr. PETERSON. Thank you, Mr. Speaker.

The statement was just made that it was going to have a massive effect. The budget for this item is over \$1 billion, so we are going to have an effect of less than 1 percent. I just do not see that as a massive effect. All we are going to do is have a little bit of cost control, which is so badly needed in our system. One of our runaway items is medical assistance, and we need to make sure that we have necessary funds for those who need it and not for those who might overutilize it. I cannot see that anyone is going to not have their prescription

filled, because if they do not have the money, they get it filled anyway. They can go to the doctor; it costs \$1, but if they do not have the dollar, they get to go anyway.

So it is not refusing services; it is just putting on a little bit of control, which I think is needed, and I think as to the statement made that it is going to have a massive effect, it is going to have less than a 1-percent effect, and I do not think that is very massive.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Deal.

Mr. DEAL. Mr. Speaker, may I interrogate Representative Kukovich?

The SPEAKER pro tempore. Will the gentleman, Mr. Kukovich, consent to a period of interrogation? The gentleman indicates he will. The gentleman, Mr. Deal, is in order and may proceed.

Mr. DEAL. Mr. Speaker, if a person went to a pharmacist and could not pay their share of the copayment plan, what would happen to that individual request?

Mr. KUKOVICH. Mr. Speaker, it is a good question, because we get to the hub of this problem and we show how unenforceable and what a bureaucratic nightmare this is.

According to Federal regulations, that person could not be denied. Now, what happens in practice we cannot be too certain of. That is one of the reasons why some of the States have abandoned copayment and why none of the States have such a far-reaching comprehensive copayment program.

There is no doubt in my mind that we are going to have a huge problem with the chronically needy, who, as you know, will have virtually no money. What will happen if they need to get a prescription filled or go to a doctor and they do not have the money? A lot of that is going to be contingent upon the service provider. Again, the Federal regulation would say that they would still have to provide the service, but what happens in practice we have no way of knowing.

Mr. DEAL. Mr. Speaker, if a pharmacist cannot deny a person, then what happens to that share of the copay plan that was supposed to be paid by the person? Mr. Speaker, I am wondering, when the bill is paid, would the amount that was to be paid by the recipient be deducted from that which would be given to the pharmacist?

Mr. KUKOVICH. Mr. Speaker, what has happened in some other States, and what is projected to happen here if this would be implemented, is that that service provider would probably have to eat the cost.

Mr. DEAL. My last question, Mr. Speaker: Then if the recipient cannot pay, and the amount that the recipient was supposed to pay is deducted from the amount that is to be given by the government to the pharmacist and is less than what the pharmacist would have normally gotten if he had gotten the share of the copay, do you think that will discourage pharmacists from even participating in the program, thereby further denying services to the poor?

Mr. KUKOVICH. Once again, Mr. Speaker, an excellent question, and there is that possibility. However, to take it one step further, in your area in Philadelphia a survey had been

conducted among physicians, and I believe the results were that 60 percent would be very discouraged from even participating in such a program. So we would have a major problem with the medical providers.

Mr. DEAL. Mr. Speaker, thank you. I have been enlightened.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The question is, will the House adopt the resolution?

The Chair wishes to point out once again to the members that it is stated in a negative manner, and the Chair will repeat the resolution.

“Disapproving the Department of Public Welfare’s regulations on copayments for medical assistance recipients.”

The majority leader, Mr. Manderino, and others have urged an affirmative vote. Mr. McClatchy and others have urged a negative vote.

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—121

Table listing names of members who voted 'YEAS' in four columns: Afflerbach, Alderette, Angstadt, Baldwin, Barber, Battisto, Belardi, Belfanti, Blaum, Burns, Caltagirone, Cappabianca, Carn, Cawley, Civera, Clark, Cohen, Colafella, Cole, Cordisco, Coslett, Cowell, Deluca, DeWeese, Daley, Davies, Dawida, Deal, Dombrowski, Donatucci, Duffy, Durham, Evans, Fattah, Fee, Fischer, Freeman, Fryer, Gallagher, Gamble, George, Greenwood, Gruitza, Haluska, Harper, Hoeffel, Hutchinson, Itkin, Jarolin, Kasunic, Kosinski, Kowalshyn, Kukovich, Lashinger, Laughlin, Lescovitz, Letterman, Levin, Linton, Livengood, Lloyd, Lucy, McCall, McHale, McIntyre, McMonagle, Mackowski, Maiale, Manderino, Markosek, Mayernik, Michlovic, Micozzie, Miller, Misceovich, Morris, Mrkonic, Murphy, O'Brien, O'Donnell, Olasz, Oliver, Perzel, Petrarca, Petrone, Phillips, Pievsky, Pistella, Pratt, Preston, Rappaport, Rieger, Rudy, Rybak, Saloom, Salvatore, Seventy, Showers, Smith, B. Stairs, Steighner, Stewart, Stuban, Sweet, Taylor, F. E. Telek, Tigie, Trello, Truman, Van Horne, Wachob, Wambach, Wargo, Wass, Weston, Wiggins, Williams, Wogan, Wozniak, Wright, D. R., Wright, R. C.

NAYS—75

Table listing names of members who voted 'NAYS' in four columns: Armstrong, Arty, Book, Bowser, Boyes, Brandt, Broujos, Bunt, Burd, Cessar, Cimini, Clymer, Cornell, Foster, W. W., Foster, Jr., A., Freind, Gallen, Gannon, Gladeck, Godshall, Grieco, Gruppo, Hagarty, Hasay, Hayes, Herman, Lehr, Levi, McClatchy, McVerry, Madigan, Manmiller, Merry, Moehlmann, Mowery, Nahill, Noye, Peterson, Piccola, Ryan, Saurman, Scheetz, Schuler, Semmel, Scrafani, Sirianni, Smith, L. E., Snyder, D. W., Snyder, G. M., Spencer, Spitz, Stevens.

Table listing names of members who did not vote in four columns: Coy, DeVerter, Dietz, Dorr, Fargo, Flick, Hershey, Honaman, Jackson, Johnson, Kennedy, Klingaman, Pitts, Pott, Punt, Reber, Reinard, Robbins, Swift, Taylor, E. Z., Vroon, Wilson, Wright, J. L.

NOT VOTING—2

Dininni Geist

EXCUSED—4

Marmion Richardson Irvis, Speaker

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

Ordered, That the clerk present the same to the Senate for concurrence.

REMARKS ON VOTE

The SPEAKER pro tempore. For what purpose does the gentleman from Venango, Mr. Peterson, rise?

Mr. PETERSON. Mr. Speaker, on the Conference Report on HB 1004, I checked the record and I was not recorded. I would like to be recorded in the affirmative.

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

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 763, PN 3056 (Amended)

By Rep. CALTAGIRONE

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, adding provisions relating to the valuation and assessment of real property subject to local taxation; imposing duties on the Department of Community Affairs; requiring certification of chief assessors and assessors; creating an Assessment Review Board; prescribing penalties and making repeals.

URBAN AFFAIRS.

HB 1793, PN 2312

By Rep. CALTAGIRONE

An Act authorizing the Department of Community Affairs to make grants directly to approved neighborhood crime watch groups; establishing procedures for the application for and utilization of grant moneys; and making an appropriation.

URBAN AFFAIRS.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of HB 1579, PN 2978, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for additional judges in the sixth, seventh, ninth, tenth, fifteenth, seventeenth, nineteenth, twenty-third, twenty-fourth, thirty-first, thirty-second, forty-sixth, fifty-first and fifty-third judicial districts.

On the question,

Will the House agree to the bill on third consideration?

Mr. PISTELLA offered the following amendments No. A2191:

Amend Title, page 1, lines 2 and 3, by striking out "additional judges on the Commonwealth Court and for"

Amend Sec. 1, page 1, line 10, by striking out "Sections 561 and" and inserting

Section

Amend Sec. 1, page 1, line 11, by striking out "are" and inserting

is

Amend Sec. 1 (Sec. 561), page 1, lines 12 through 14, by striking out all of said lines

Amend Sec. 2, page 4, lines 10 and 11, by striking out all of said lines

Amend Sec. 3, page 4, line 12, by striking out "3" and inserting

2

On the question,

Will the House agree to the amendments?

## PARLIAMENTARY INQUIRY

### AMENDMENTS DIVIDED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Pistella.

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, I rise at this point for a parliamentary inquiry, please.

The SPEAKER pro tempore. The gentleman will state his point of parliamentary inquiry.

Mr. PISTELLA. I would like to know if this amendment is divisible. I would like to have the division appear in this portion, "Amend Sec. 2, page 4, lines 10 and 11...."

The SPEAKER pro tempore. Does the gentleman intend to begin with that point, amending section 2, page 4, lines 10 and 11?

Mr. PISTELLA. I could begin with that if you would like to, Mr. Speaker. I would like to withdraw that.

The SPEAKER pro tempore. Yes; that is divisible. In other words, the gentleman is proposing that he would eliminate "Amend Sec. 2, page 4, lines 10 and 11, by striking out all of said lines"?

Mr. PISTELLA. Yes, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman also care to have the other two lines removed?

Mr. PISTELLA. Yes, please.

The SPEAKER pro tempore. Okay. And the other two lines would read, "Amend Sec. 3, page 4, line 12, by striking out '3' and inserting 2". He wishes that also to be eliminated?

Mr. PISTELLA. Yes, sir.

On the question,

Will the House agree to the amendments as divided?

The SPEAKER pro tempore. The gentleman is in order.

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, the remaining portion of the amendment to be offered will do this: It will remove the two additional judges from the Commonwealth Court. I would appreciate the support of the members for this amendment. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Rappaport.

Mr. RAPPAPORT. Mr. Speaker, could I yield to the gentleman from Dauphin, Mr. Piccola, with your kind permission?

The SPEAKER pro tempore. The gentleman, Mr. Rappaport, is in order, and the gentleman, Mr. Piccola, is recognized.

Mr. PICCOLA. Thank you, Mr. Speaker.

The remaining portion of the Pistella amendment is virtually identical to the amendment that I had intended to offer and which I had advised the House that I had intended to offer on May 18, 1984, by a memorandum. I attached to that memorandum a message from Judge Craig, a member of the Commonwealth Court, who has indicated that the additional two judges, as proposed in HB 1579, to be added to the Commonwealth Court are not needed at this time. Judge Craig cites in his memorandum a number of reasons for that, the main ones of which are that the Commonwealth Court has virtually no backlog at the present time, and only since the first of the year have they been at their full complement of nine, having been at something less than that prior thereto but the recent election having finally brought them up to full complement.

Finally, Judge Craig makes the point that with the existence of several senior judges who are currently handling the trial work of the Commonwealth Court, they have been able to maintain a very current caseload and that most decisions of the Commonwealth Court are being rendered in a very timely fashion. For that reason, Mr. Speaker, I would ask the House to support the Pistella amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Rappaport.

Mr. RAPPAPORT. Mr. Speaker, I rise merely to inform the House that the two additional judges were requested by the President Judge, Judge Crumlish. The work of the Commonwealth Court is increasing every day. As the House knows, the court hears appeals from various administrative agencies, and every time the General Assembly meets we pass various laws changing administrative regulations, changing methods of procedure, and inevitably cases are filed, complaints are filed, and they wind up in the Commonwealth Court.

I would say to the House that while these judges may not be needed immediately, they may very well be needed in the very near future. However, I will not oppose this amendment, but I would just call to the attention of the House that we may have to add judges to this court within the very near future if we continue to pass bills providing employment for eager young lawyers. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—184

Afflerbach	Durham	Levi	Robbins
Alderette	Evans	Levin	Rudy
Angstadt	Fargo	Livengood	Rybak
Armstrong	Fattah	Lloyd	Saloom
Arty	Fee	Lucyk	Salvatore
Baldwin	Fischer	McCall	Saurman
Barber	Flick	McClatchy	Scheetz
Battisto	Foster, W. W.	McHale	Schuler
Belardi	Foster, Jr., A.	McIntyre	Semmel
Belfanti	Freeman	McMonagle	Serafini
Blaum	Freind	McVerry	Seventy
Book	Fryer	Mackowski	Showers
Bowser	Gallagher	Madigan	Sirianni
Boyes	Gallen	Maiale	Smith, B.
Brandt	Gamble	Manmiller	Smith, L. E.
Broujos	Geist	Markosek	Snyder, D. W.
Bunt	George	Mayernik	Snyder, G. M.
Burd	Gladeck	Merry	Spitz
Burns	Godshall	Michlovic	Stairs
Caltagirone	Greenwood	Miller	Steighner
Cappabianca	Grieco	Miscevich	Stevens
Cessar	Gruppo	Moehlmann	Stewart
Cimini	Hagarty	Morris	Suban
Civera	Haluska	Mowery	Sweet
Clark	Harper	Mrkonic	Swift
Clymer	Hasay	Murphy	Taylor, E. Z.
Cohen	Haycs	Nahill	Taylor, F. E.
Colafella	Herman	Noye	Telek
Cole	Hershey	O'Brien	Tigue
Cordisco	Hoeffel	Olasz	Trello
Cornell	Honaman	Oliver	Truman
Coslett	Hutchinson	Perzel	Van Horne
Cowell	Itkin	Peterson	Vroon
Coy	Jackson	Petrarca	Wachob
Deluca	Jarolin	Petrone	Wambach
DeVerter	Johnson	Phillips	Wargo
DeWeese	Kasunic	Piccola	Wass
Daley	Kennedy	Pistella	Weston
Davies	Klingaman	Pitts	Wiggins
Dawida	Kowalyshyn	Pott	Williams
Deal	Kukovich	Pratt	Wilson
Dietz	Lashingier	Preston	Wogan
Dininni	Laughlin	Punt	Wozniak
Donatucci	Lehr	Reber	Wright, D. R.
Dorr	Lescovitz	Reinard	Wright, J. L.
Duffy	Letterman	Rieger	Wright, R. C.

NAYS—12

Cawley	Gruitza	Micozzie	Rappaport
Dombrowski	Kosinski	O'Donnell	Ryan
Gannon	Manderino	Pievsky	Spencer

NOT VOTING—2

Carn	Linton
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EXCUSED—4

Marmion	Zwinkl
Richardson	Irvis, Speaker

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

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Rappaport.

Mr. RAPPAPORT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. RAPPAPORT. It is my understanding that the second part of the Pistella amendment has not been offered. Is that correct?

The SPEAKER pro tempore. That is correct.

Mr. RAPPAPORT. And will not be offered, I understand?

The SPEAKER pro tempore. That is correct.

Mr. RAPPAPORT. Thank you, Mr. Speaker.

On the question,

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

Mr. PRATT offered the following amendments No. A2154:

Amend Title, page 1, lines 6 and 7, by striking out “, fifty-first AND FIFTY-THIRD” and inserting  
and fifty-first

Amend Sec. 1 (Sec. 911), page 3, line 24, by striking out the bracket before “2”

Amend Sec. 1 (Sec. 911), page 3, line 24, by striking out “] 3”

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Lawrence, Mr. Pratt.

Mr. PRATT. Thank you, Mr. Speaker.

Last week, Mr. Speaker, I circulated amongst the members a memorandum which outlined my reasons for my amendment. This amendment, unlike most of the amendments to this bill, would delete the provision which provides for an additional judgeship, from two to three, for my home county, Lawrence County. Many of you may not have had the opportunity to read the contents of the memorandum, since it was quite lengthy. However, Mr. Speaker, I would like to review specifically some points in the memorandum which outline the reasons for the introduction of my amendment.

Mr. Speaker, it appears at this point in time that the issue of whether or not Lawrence County is included in HB 1579 is basically a political one, because whether or not an additional judge is needed for Lawrence County, based upon its merits, has already been decided, and that conclusion has been in the negative. The House Judiciary Committee reported this bill out without Lawrence County included in the bill. The State Court Administrator has studied and reviewed the procedures of the court of Lawrence County and the records, and it has concluded that indeed Lawrence County does not justify the addition of a third judge.

I, too, Mr. Speaker, have been studying this issue for over 6 months. I have reviewed the records of Lawrence County for the past 5 years in detail; I have talked to both judges; I have talked to members of the Lawrence County Bar, the county commissioners, and the State Court Administrator, Judge

Gafni, and his staff, and I, too, have concluded, Mr. Speaker, that there is no need for an additional judgeship in Lawrence County.

The State Court Administrator, Mr. Speaker, in March sent two staff personnel to Lawrence County, a staff with expertise in court procedures. They talked to the judges, reviewed the records; they talked to the D.A., the prothonotary, the public defender, and they came away, Mr. Speaker, concluding that there is no basis for a third judge in Lawrence County, and in fact, the problem in Lawrence County is with the president judge and his improper administration of the courts in that county.

Mr. Speaker, when the bill was reported out of the House Judiciary Committee, it went to the House Appropriations Committee, and that committee, in violation of rule 19(a)(3), inserted Lawrence County in the bill. As you know, that rule prohibits the change of any bill other than an appropriation bill in that committee in substance, but yet HB 1579 was indeed changed substantively in violation of that rule.

Further, Mr. Speaker, despite the fact that I am a resident of Lawrence County and I have practiced in the courts of Lawrence County and most of my legislative district is in Lawrence County, I was never consulted about the possibility of the addition of Lawrence County in HB 1579 after it was reported from the Judiciary Committee.

Mr. Speaker, as I mentioned, the State Court Administrator concluded that the problems which may exist in Lawrence County are the result of improper administrative procedures, the lack of supportive staff, and the lack of an independent, competent court administrator. Statistics show without a doubt that the cases pending, the caseloads in Lawrence County, are below the averages of two-judge counties and greatly below the averages of three-judge counties.

Mr. Speaker, I personally talked with Judge Gafni, the State Court Administrator, and he plans to assist Lawrence County in attempting to resolve the problem. He plans, Mr. Speaker, to schedule senior judges in the county to eliminate the backlog. Once that is completed, he plans to assign staff personnel who have expertise in court procedures to the county to implement proper court procedures.

Mr. Speaker, the addition of a third judge in Lawrence County will not solve the problem. In fact, Mr. Speaker, it will merely aggravate the problem, because the identical court procedures and conditions which exist presently will continue to exist whether or not we have a third judge in Lawrence County.

Mr. Speaker, I pledge to work with the State Court Administrator's Office and the judges in Lawrence County to attempt to resolve the problem. Mr. Speaker, if this amendment passes, I assure you that after a period of 12 to 18 months, I will reexamine the situation in Lawrence County, and if indeed a third judge is then justified, I personally will introduce legislation to add a third judge to Lawrence County.

Mr. Speaker, I conclude by asking this Assembly not to waste valuable tax dollars in adding a third judge to Lawrence

County which is not needed. Mr. Speaker, I ask you to reject the controlling factor as it presently exists on this issue, and that is political, base your vote on this amendment on the merits as to whether or not a third judge is justified in Lawrence County, and allow me the legislative courtesy of supporting my amendment to delete Lawrence County from HB 1579.

#### REMARKS SUBMITTED FOR THE RECORD

Mr. PRATT. Mr. Speaker, at this point I would like to offer additional remarks, which I would submit for the record with your approval.

The SPEAKER pro tempore. The gentleman is in order and may submit his remarks.

Mr. PRATT submitted the following remarks for the Legislative Journal:

As reported by the House Judiciary Committee, of which I am a member, HB 1579 would provide for 14 court of common pleas judgeships to the various counties and add two judges to the Commonwealth Court. Lawrence County was not included in the bill for two reasons: (a) The State Court Administrator, Judge Abraham J. Gafni, following a thorough study of Lawrence County's procedures and records, determined that a third judge for Lawrence County was not justified; and (b) I concurred with the State Court Administrator's findings following my own personal review and investigation. Thus, I could not support an additional judge for Lawrence County.

Nonetheless and despite my strenuous objections, the House Appropriations Committee, in violation of rule 19(a)(3), substantively amended the bill to include a provision for a third judge for Lawrence County.

I respectfully request that you extend legislative courtesy to me as a fellow House member who represents Lawrence County by supporting my amendment to remove Lawrence County from HB 1579. The following should also be considered:

1. As a resident of and practicing attorney in Lawrence County and having most of my legislative district in Lawrence County, I have, for the past 6 months, thoroughly investigated and reviewed the need for a third judge in the county. I have, in detail, reviewed court caseload statistics covering the past 5 years and discussed the issue with the president judge and the second judge, members of the Lawrence County Bar Association, the Lawrence County Commissioners and with the State Court Administrator and his staff. It was my conclusion that a third judge for Lawrence County was not justified. Various members of the Lawrence County Bar, as well as the county's second judge and a county commissioner, have expressed strong reservations of the actual necessity for an additional judge in the county.
2. Two staff members of the State Court Administrator's office, expertise in judicial systems, personally visited Lawrence County and reviewed the county's court procedures and caseload to determine whether or not an additional judgeship was needed. As a result of that review, Judge Gafni determined that an additional judge for Lawrence County was not necessary. I based this conclusion on two factors: (a) the caseload statistics were below those of other two-judge counties; and (b) that any atmosphere of case overload in Lawrence County was directly attributable to the absence of an effective caseload management system. In other words, Judge



Gafni concluded, as I have concluded, that any caseload problems in Lawrence County were in fact caused by the improper and inefficient administration of the court system by the president judge and the county court administrator.

3. The State Court Administrator, Judge Gafni, plans to offer assistance to Lawrence County in terms of senior judges to eradicate any case backlog and expert staff to propose and implement an efficient and improved administration. Providing another judge for Lawrence County will not solve any of that court's caseload management problems. Rather it will exasperate them since the State Court Administrator's Office will most probably discontinue its plans to assist Lawrence County with its court administration problems. Most probably, any problems presently being experienced by the Lawrence County court system will continue despite having an additional judge.
4. After HB 1579 was released from the House Judiciary Committee, I was never given the courtesy of being consulted regarding the possible attempt to add Lawrence County to the bill through the amendment process, even though I am a member of the House Judiciary and Appropriations Committees, represent a portion of Lawrence County and actually reside there and am a member of the Lawrence County Bar.
5. I was informed that, if a particular county's president judge and board of commissioners supported an additional judge, then the county was ultimately included in HB 1579, regardless of whether or not the State Court Administrator determined that the additional judgeship was necessary. It is interesting to note that only 5 of the 15 judgeships created by HB 1579 were recommended and supported by the State Court Administrator. The controlling factor, however, appears to be political in nature. Also, note that the cost for this "full employment for judges" bill is \$7 million additionally every year.

If my amendment succeeds and Lawrence County is not provided a third judge, as it should not, it is my intent to work with the State Court Administrator's Office and the present judges of Lawrence County to improve the operation of the Lawrence County court system, reevaluate the need for another judge in 12 to 18 months, and if justified at that time, to pursue the establishment of a third judge in Lawrence County through the legislative process.

On the question recurring,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair at this time recognizes the gentleman from Lawrence, Mr. Fee.

Mr. FEE. Thank you, Mr. Speaker.

Mr. Speaker, it is not very often that I rise to this microphone, especially to urge a negative vote for my colleague and legislator who shares my county with Representative Burd and myself, to ask that the membership oppose the Pratt amendment.

In 1920, Mr. Speaker, we in Lawrence County had 40 attorneys and two judges. Today, 64 years later, we still have two judges. In 1960 we had one part-time D.A. and one part-time assistant. Today we have one full-time D.A., two full-time assistants, and four part-time assistant district attorneys. In 1960 we had one domestic relations officer and one employee. Today in 1984 we have one domestic officer and 16 employees. In 1970 there were 67 members of the Lawrence County Bar Association. In January of 1984 there were 102.

The courts have used masters and visiting judges as much as the law allows. Lawyers have been appointed as masters to hear all phases of juvenile proceedings as well as proceedings in divorce cases to help with the court load. According to the State Court Administrator, the number of criminal cases filed in Lawrence County in 1980, 1981, and 1982 exceeded the average of criminal filings in three-judge counties. There were 283 more criminal cases filed in the year 1983 than there were in the year 1982. A third courtroom, a third chamber, a third jury room are already in place and being used every day by visiting judges in our new government center.

Mr. Speaker, Judge Joseph Del Sole, now of the Superior Court, who has many times been a visitor to Lawrence County and who has gained wide acclaim as a calendar control judge in Allegheny County, writes: "I had an opportunity to observe the facilities of your court along with the workload being handled at present by the two judges of your court.

"It is my firm belief that the 53rd Judicial District is in desperate need of an additional judge and such a request should be made to the legislature. The volume of litigation, civil, criminal, domestic, juvenile and related matters certainly justifies the need of an additional judge.

"There is no question in my mind," Judge Del Sole continues, "that the judicial workload in Lawrence County warrants an additional judge. Further, the facilities that your Court enjoys in Lawrence County are excellent and there is in existence a complete set of facilities for a third judge if one is authorized by the legislature.

"I believe it is unrealistic to assume that the need for a third judge can be adequately handled by visiting judges." And Mr. Pratt recommended that that is one of the things. Judge Del Sole has said that it is unrealistic. "...I have no hesitancy in recommending that the legislature...consider favorably an increase in the judicial manpower for Lawrence County...."

Mr. Speaker, the Lawrence County Bar Association on several occasions unanimously endorsed the idea of a third judge in Lawrence County. In 1982 I personally wrote to every attorney in Lawrence County in regard to a third judge. The response was over 85 percent, and not one attorney in Lawrence County said we did not need a new judge. Here is just part of one letter that an attorney wrote back to me: "You may not know that Lawrence County has more criminal cases than the average three-judge county in Pennsylvania. Obviously, we do not have three judges to dispose of that caseload, despite the fact that the legislature insists that the criminal cases be disposed of within 180 days. Although the criminal caseload has increased consistently since the 1920's, the number of judges has not changed. As a result of the criminal caseload and priority, it takes us approximately four months to get a hearing date on a miscellaneous matter and it has already been determined that there will be no civil cases" held in Lawrence County "during 1984.

"I resent the fact that Lawrence County is not treated as well as the majority of Pennsylvania and I suggest that you represent your area by supporting a third judge for Lawrence

County. I see no reason why Lawrence County should not receive the same service that the remainder of Pennsylvania receives. In the meantime, I will have to explain to my clients that their civil case will not be decided during 1984 and I will suggest to them that it probably will not be decided until the legislature decides to give Lawrence County a third judge."

Mr. Speaker, all of the county commissioners who served Lawrence County, who governed Lawrence County for the past 12 years unanimously support a third judge. Today the majority of Democratic and Republican members of the board of commissioners supports a third judge. Judge Barbieri, who was the State Court Administrator 2 years ago, supports a third judge for Lawrence County. Four of the five legislators who serve Lawrence County, namely Senator Shaffer, Senator Ross, Jim Burd, and myself, favor a third judge.

Mr. Speaker, our neighboring counties of Mercer, Beaver, and Butler have received additional judges in recent years. Is it not likely that the need that brought additional judges to those counties also exists in Lawrence County? Mr. Speaker, we in the legislature have increased the court work considerably with legislation such as the new drunk driving law, the new Divorce Code, the Protection From Abuse Act, and the mandatory sentencing act. Now I feel that we should give them the necessary judges to handle that workload. We desperately need a third judge in Lawrence County. I am asking all my colleagues to vote "no" on the Pratt amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes, for the second time on this question, the gentleman from Lawrence, Mr. Pratt.

Mr. PRATT. Mr. Speaker, to be as kind as I can, apparently my colleagues from Lawrence County have not read the recent statistics regarding the cases pending and the cases filed in Lawrence County. I attached with my memorandum, which I circulated last week, statistics which come from the State Court Administrator, which were extracted directly from the records of Lawrence County. Lawrence County has less the court load than other two-judge counties; less, Mr. Speaker, for the years 1981, 1982, and 1983.

Mr. Speaker, I think my colleague, Representative Fee, is being confused with certain statistics which were submitted by the Lawrence County court administrator. Those statistics, Mr. Speaker, were submitted in error mainly because the court administrator did not know how to submit those figures. After correcting the figures, Mr. Speaker, the number of cases drastically was reduced and it clearly illustrated that Lawrence County did not fall within the three-judge-county category.

Mr. Speaker, what my colleague fails to tell you is that not all of the county commissioners in the past have supported a third judge. That has been reported in the press, but that is erroneous. Currently, yes, one Democratic and one Republican county commissioners support a third judge, but, Mr. Speaker, I challenge any one of those gentlemen or any one of

my colleagues to show me where they have specifically examined the statistics in this case, that they have reviewed the records in conjunction with the State Court Administrator. They have not; I have, Mr. Speaker. And speaking of Judge Del Sole, Mr. Speaker, I am not going to question the motives behind the letter to the president judge of Lawrence County from Judge Del Sole, but I can assure you it was not entirely based on merit.

Further, Mr. Speaker, can you imagine being a lawyer in Lawrence County and receiving a letter asking, do you support a third judge, which you know is supported by the president judge? Would you dare publicly say no? Of course not. If it were up to the Lawrence County Bar in Lawrence County, they would have 10 judges. That is appropriate for judge shopping.

Mr. Speaker, the need for a third judge in Lawrence County just is not there. Mr. Speaker, all two-judge counties, all three-judge counties, all judges have gone through the growth that Representative Fee has outlined. Yes, we have more staff in the D.A.'s office; yes, we have more members in the public defender's office; yes, we have more cases because of certain legislation enacted by this General Assembly, but, Mr. Speaker, so have the other counties, and they are getting along just as well.

Mr. Speaker, if the proper administrative procedures were used in Lawrence County, we would not have a need for legislation establishing a third judgeship there. To give you an idea what is happening in Lawrence County, the D.A. controls the trial list of criminal matters - not the president judge, not the court administrator, but the district attorney. I think that is unheard of, Mr. Speaker. Furthermore, Mr. Speaker, the State Court Administrator found 160 defendants who were convicted over a 3-year period of time still awaiting sentence, Mr. Speaker. The reason: because the president judge has never requested supportive staff to initiate presentencing reports.

Mr. Speaker, I do not relish the opportunity to debate my colleague from Lawrence County on this matter, but I assure you that based upon the statistics, based upon the learned conclusions of the State Court Administrator's Office, there is no need for an additional judgeship in Lawrence County at this time, and I respectfully request your support of this amendment. Thank you.

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

The following roll call was recorded:

YEAS—19

Baldwin	Hoeffel	Merry	Tigue
Belardi	Livengood	Pistella	Van Horne
Belfanti	Lloyd	Pratt	Wass
Boyes	Lucyk	Steighner	Wright, D. R.
Greenwood	Markosek	Sweet	

NAYS—174

Afflerbach	Fargo	Levi	Reinard
Alderette	Fee	Levin	Rieger
Angstadt	Fischer	Linton	Robbins
Armstrong	Flick	McCall	Rudy
Arty	Foster, W. W.	McClatchy	Ryan

Battisto	Foster, Jr., A.	McHale	Rybak
Blaum	Freeman	McIntyre	Saloom
Book	Freind	McMonagle	Salvatore
Bowser	Fryer	McVerry	Saurman
Brandt	Gallagher	Mackowski	Scheetz
Broujos	Gallen	Madigan	Schuler
Bunt	Gamble	Maiale	Semmel
Burd	Gannon	Manderino	Serafini
Burns	Geist	Manmiller	Seventy
Caltagirone	George	Mayernik	Showers
Cawley	Gladeck	Michlovic	Sirianni
Cessar	Godshall	Micozzie	Smith, B.
Cimini	Grieco	Miller	Smith, L. E.
Civera	Gruitza	Miscevich	Snyder, D. W.
Clark	Gruppo	Moehlmann	Snyder, G. M.
Clymer	Hagarty	Morris	Spencer
Cohen	Haluska	Mowery	Spitz
Colafella	Harper	Mrkonic	Stairs
Cole	Hasay	Murphy	Stevens
Cordisco	Hayes	Nahill	Stewart
Cornell	Herman	Noye	Stuban
Coslett	Hershey	O'Brien	Swift
Cowell	Honaman	O'Donnell	Taylor, E. Z.
Coy	Hutchinson	Olasz	Taylor, F. E.
Deluca	Itkin	Oliver	Telek
DeVerter	Jackson	Perzel	Trello
DeWeese	Jarolin	Peterson	Truman
Daley	Johnson	Petrarca	Vroon
Davies	Kasunic	Petrone	Wachob
Dawida	Kennedy	Phillips	Wambach
Deal	Klingaman	Piccola	Wargo
Dietz	Kosinski	Pievsky	Weston
Dininni	Kowalshyn	Pitts	Williams
Dombrowski	Kukovich	Pott	Wilson
Donatucci	Lashingner	Preston	Wogan
Dorr	Laughlin	Punt	Wozniak
Duffy	Lehr	Rappaport	Wright, J. L.
Durham	Lescovitz	Reber	Wright, R. C.
Evans	Letterman		

NOT VOTING—5

Barber	Carn	Fattah	Wiggins
Cappabianca			

EXCUSED—4

Marmion	Zwikl
Richardson	
	Irvis, 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?

Mr. COY offered the following amendments No. A2241:

Amend Title, page 1, line 6, by inserting after "thirty-second,"

thirty-ninth,

Amend Sec. 1 (Sec. 911), page 3, line 10, by inserting brackets before and after "2" and inserting immediately thereafter

3

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Franklin, Mr. Coy.

Mr. COY. Thank you, Mr. Speaker.

This amendment provides for a third judge in the 39th Judicial District, which comprises the counties of Franklin and Fulton.

Presently in HB 1579 there is an inclusion for the increase in judges in two other fifth-class counties. Currently in the nine fifth-class counties of Pennsylvania, of which Franklin is one, five of the nine already have three judges. This bill would add two more, two other fifth-class counties, bringing the total to seven of nine fifth-class counties having three judges.

Franklin currently has a population which is somewhat higher than some of the counties that already have three judges. In addition, the 39th Judicial District in Pennsylvania comprises the county of Fulton with a population of 12,000. When you add it together, there is a definite need for a third judge.

Both judges in Franklin County currently support this amendment; the court administrator supports the amendment; the Franklin County Bar Association, through its president, John Sharpe, has written to me in support of the amendment. The statistics are very clear. Franklin County has a definite need for an additional judgeship. Both judges have been working, some of them evenings, to clear the caseload and have been able to keep the caseload at a backlog which is not too bad. But very frankly, in a letter to me one of the judges stated that he does not know how long he can keep up the pace to keep the backlog at the current level.

As I said, another problem that makes the increased number of judges necessary in Franklin County is the fact that the same judges have to serve Fulton County in this judicial district. The distance between Chambersburg and McConnellsburg, the county seats of Franklin and Fulton County respectively, makes it necessary for a judge to travel to McConnellsburg on several days. Inclement weather in the winter and because of the fact that this trip is made over a mountain makes it even more difficult to schedule judges and their participation in the legal affairs of both counties.

The request, I think, is a legitimate one from the bar association and from the two judges. I have sponsored the amendment. It has been cosponsored by Representative Punt, who I think will speak. I would ask for the support of the House of Representatives for this amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Franklin, Mr. Punt.

Mr. PUNT. Thank you, Mr. Speaker.

I had some remarks, I felt, to justify the need for a third judge in Franklin County, but with the hour and everything else we have to go, I will suspend those remarks and would ask for an affirmative vote.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Centre, Mr. Letterman.

Mr. LETTERMAN. Thank you, Mr. Speaker.

May I interrogate Mr. Rappaport, please?

The SPEAKER pro tempore. The gentleman, Mr. Rappaport, indicates he will stand for a period of interrogation. The gentleman, Mr. Letterman, is in order and may proceed.

Mr. LETTERMAN. Mr. Speaker, when a bill comes before your committee to add judges, is there anything else taken into consideration besides the Representative's request?

Mr. RAPPAPORT. Yes, Mr. Speaker. On this bill we generally requested input from the legislative delegations from that county on both sides of the aisle, the Senators from that county on both sides of the aisle, the county commissioners, and the Court Administrator. We went after the county commissioners because they have to raise the taxes to pay the bills, and I am sympathetic that we should not be adding tax burdens to other people whom other people have to raise taxes for. That is the procedure that we used.

Mr. LETTERMAN. That is funny, because I had one that I was not consulted on and I think a lot of other people. I just was trying to get at that I thought, Mr. Speaker, we might have to have other statistics, but you claim that that is all we have, just those requests. You really do not look at anything else except the legislator's or Senator's request, in other words.

Mr. RAPPAPORT. No. Mr. Speaker, the gentleman perhaps could not hear me. We not only ask for the feelings of the legislative delegations but the Court Administrator, the State Court Administrator, who develops statistical background on every judicial district, and the county commissioners and the president judge and other judges in each county.

Mr. LETTERMAN. Thank you.

The SPEAKER pro tempore. The Chair recognizes, for the second time on the issue, the gentleman, Mr. Coy.

Mr. COY. Mr. Speaker, I was not going to speak again, but I feel that I must.

The tax burden will be very limited to the taxpayers of Franklin County given the fact that we have recently expanded our courthouse facilities. There is a third courtroom; there is staff to handle an additional judge; and I do not believe that the tax burden will be increased because of this to the local taxpayers in Franklin County.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Rappaport.

Mr. RAPPAPORT. Could Mr. Coy answer a couple of questions for me?

The SPEAKER pro tempore. The gentleman indicates he will stand for a period of interrogation. The gentleman, Mr. Rappaport, is in order and may proceed.

Mr. RAPPAPORT. Mr. Speaker, as I read this amendment, it will add one judge to the two existing judges of the judicial district comprising Fulton and Franklin Counties. Is that correct?

Mr. COY. That is my amendment.

Mr. RAPPAPORT. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—179

Afflerbach	Duffy	Levin	Rieger
Alderette	Durham	Linton	Rudy
Angstadt	Evans	Lloyd	Ryan
Armstrong	Fattah	Lucyk	Rybak
Arty	Fee	McCall	Saloom
Baldwin	Fischer	McClatchy	Salvatore
Barber	Flick	McHale	Saurman
Battisto	Foster, W. W.	McIntyre	Scheetz
Belfanti	Foster, Jr., A.	McMonagle	Schuler
Blaum	Freeman	McVerry	Semmel
Book	Freind	Mackowski	Serafini
Bowser	Fryer	Madigan	Seventy
Brandt	Gallagher	Maiale	Showers
Broujos	Gallen	Manderino	Sirianni
Bunt	Gamble	Manmiller	Smith, B.
Burd	Gannon	Markosek	Smith, L. E.
Burns	Geist	Mayernik	Snyder, D. W.
Caltagirone	Gladeck	Michlovic	Snyder, G. M.
Cappabianca	Godshall	Micozzie	Spitz
Carn	Grieco	Miller	Stairs
Cessar	Gruppo	Miscevich	Steighner
Cimini	Hagarty	Moehlmann	Stevens
Civera	Haluska	Morris	Stewart
Clark	Harper	Mowery	Suban
Clymer	Hasay	Murphy	Sweet
Cohen	Hayes	Nahill	Taylor, E. Z.
Colafella	Hershey	Noye	Taylor, F. E.
Cole	Hoefel	O'Brien	Trello
Cordisco	Honaman	O'Donnell	Truman
Cornell	Hutchinson	Olasz	Van Horne
Coslett	Itkin	Oliver	Vroon
Cowell	Jarolin	Perzel	Wachob
Coy	Johnson	Peterson	Wambach
Deluca	Kasunic	Petrarca	Wargo
DeVerter	Kennedy	Petrone	Wass
DeWeese	Klingaman	Phillips	Weston
Daley	Kosinski	Piccola	Wiggins
Davies	Kowalyshyn	Pievsky	Williams
Dawida	Kukovich	Pistella	Wilson
Deal	Lashinger	Pitts	Wogan
Dietz	Laughlin	Pott	Wozniak
Dininni	Lehr	Punt	Wright, D. R.
Dombrowski	Lescovitz	Rappaport	Wright, J. L.
Donatucci	Letterman	Reber	Wright, R. C.
Dorr	Levi	Reinard	

NAYS—19

Belardi	Greenwood	Merry	Spencer
Boyes	Gruitza	Mrkonic	Swift
Cawley	Herman	Pratt	Telek
Fargo	Jackson	Preston	Tigue
George	Livengood	Robbins	

NOT VOTING—0

EXCUSED—4

Marmion	Zwikel
Richardson	
	Irvis, 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?

Mr. WACHOB offered the following amendments No. A2312:

Amend Title, page 1, line 7, by removing the period after "districts" and inserting

; and providing for additional compensation for assignment of district justices.

Amend Bill, page 4, by inserting between lines 9 and 10

Section 2. Section 4122 of Title 42 is amended to read:

§ 4122. Assignment of district justices.

(a) General rule.—Subject to general rules any district justice may be temporarily assigned to any other magisterial district or the Pittsburgh Magistrates Court or the Traffic Court of Philadelphia, and may there hear and determine any matter with like effect as if duly commissioned to sit in such other district or in such court.

(b) Senior district justices.—A senior district justice who shall not have been defeated for reelection or been suspended or removed from office may, with his consent, be assigned on temporary magisterial service pursuant to subsection (a). A senior district justice shall be paid a per diem salary at the same annual rate as is applicable in the district where he is temporarily assigned and shall receive expenses at the same per diem rate as other justices temporarily assigned.

(c) Additional compensation.—A district justice, assigned by the court of common pleas to perform additional part-time duties in a district other than the one in which he is elected, shall be entitled to receive additional compensation of \$20 per day for each day he performs assigned duties.

Amend Sec. 2, page 4, line 10, by striking out "2" and inserting

3

Amend Sec. 3, page 4, line 12, by striking out "3" and inserting

4

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Elk, Mr. Wachob.

Mr. WACHOB. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is offered by the lady from Centre, Mrs. Rudy, and myself, and what it seeks to do is not add additional judgeships but put some fairness and equality into the rural district justice compensation system, when you have a district justice who serves in another judicial district outside his own for a majority of the time that he is practicing. I believe that this is an amendment, Mr. Speaker, that should have been dealt with in the past in the District Justice Act when we raised salaries for legislators and members of the bench. I would hope for an affirmative vote by the members. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—185

Afflerbach	Evans	Letterman	Reinard
Alderette	Fargo	Levi	Rieger
Angstadt	Fattah	Levin	Rudy
Armstrong	Fee	Linton	Ryan
Arty	Fischer	Livengood	Rybak
Baldwin	Flick	Lucyk	Saloom
Barber	Foster, W. W.	McCall	Salvatore
Battisto	Foster, Jr., A.	McClatchy	Saurman

Belfanti	Freeman	McHale	Schuler
Blaum	Freind	McIntyre	Semmel
Book	Fryer	McMonagle	Serafini
Bowser	Gallagher	McVerry	Seventy
Brandt	Gallen	Mackowski	Showers
Broujos	Gamble	Madigan	Sirianni
Bunt	Gannon	Maiale	Smith, B.
Burd	Geist	Manderino	Smith, L. E.
Burns	Gladeck	Manmiller	Snyder, D. W.
Caltagirone	Godshall	Markosek	Snyder, G. M.
Cappabianca	Greenwood	Mayernik	Spencer
Carn	Grieco	Michlovic	Spitz
Cawley	Gruitza	Micozzie	Stairs
Cessar	Gruppo	Miller	Steighner
Cimini	Hagarty	Moehlmann	Stevens
Civera	Haluska	Morris	Stewart
Clark	Harper	Mowery	Stuban
Clymer	Hasay	Murphy	Sweet
Cohen	Hayes	Nahill	Swift
Colafella	Herman	Noye	Taylor, E. Z.
Cole	Hershey	O'Brien	Taylor, F. E.
Cordisco	Hoeffel	O'Donnell	Trello
Cornell	Honaman	Olasz	Truman
Coslett	Hutchinson	Oliver	Van Horne
Cowell	Itkin	Perzel	Vroon
Coy	Jackson	Peterson	Wachob
Deluca	Jarolin	Petrarca	Wambach
DeVerter	Johnson	Petrone	Wargo
DeWeese	Kasunic	Phillips	Wass
Davies	Kennedy	Piccola	Weston
Dawida	Klingaman	Pievsky	Wiggins
Deal	Kosinski	Pistella	Williams
Dietz	Kowalshyn	Pitts	Wilson
Dininni	Kukovich	Pott	Wogan
Dombrowski	Lashingner	Preston	Wozniak
Donatucci	Laughlin	Punt	Wright, D. R.
Dorr	Lehr	Rappaport	Wright, J. L.
Duffy	Lescovitz	Reber	Wright, R. C.
Durham			

NAYS—11

Belardi	Lloyd	Pratt	Telek
Boyes	Merry	Robbins	Tigue
George	Mrkonic	Scheetz	

NOT VOTING—2

Daley	Miscevich
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EXCUSED—4

Marmion	Zwikl
Richardson	
	Irvis,
	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?

Mr. CLARK offered the following amendments No. A2192:

Amend Title, page 1, line 4, by inserting after "the" fifth,

Amend Sec. 1 (Sec. 911), page 2, line 6, by inserting brackets before and after "39" and inserting immediately thereafter

45

On the question,

Will the House agree to the amendments?

**PARLIAMENTARY INQUIRY**

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Cowell. For what purpose does the gentleman rise?

Mr. COWELL. A point of parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his point of parliamentary inquiry.

Mr. COWELL. Mr. Speaker, has a fiscal note been prepared and distributed on this amendment?

The SPEAKER pro tempore. On the proposed Clark amendment?

Mr. COWELL. That is correct, sir.

The SPEAKER pro tempore. The Chair does not have in its possession that information. Possibly the gentleman, Mr. Clark, could answer that question.

Did the gentleman, Mr. Clark, hear the question raised by Mr. Cowell?

Mr. CLARK. Yes, I did, Mr. Speaker. I did not have a fiscal note prepared. I do not understand that I need to.

Mr. COWELL. Mr. Speaker, am I correct in understanding that the rules of the House, specifically rule 19(a), would require a fiscal note for an amendment that would add costs to the Commonwealth and/or political subdivisions?

Mr. CLARK. Mr. Speaker, I believe this would just add as much as the other judges we have put in for the other counties.

The SPEAKER pro tempore. The same undetermined amount.

The Chair recognizes the gentleman from Philadelphia, Mr. Rappaport.

Mr. RAPPAPORT. The chairman of the Appropriations Committee informs me that the cost is \$70,000 per judge, which is the salary of the judge, which is paid for by the State, plus approximately another \$70,000 for various ancillary court personnel, chambers, et cetera, per year.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Mr. Speaker, my question remains, do we have a formal fiscal note that has been prepared and distributed to the members of the House indicating the cost to the Commonwealth and, in this case, to Allegheny County? I think it is particularly important, since this amendment is being introduced over the objections of the county commissioners in Allegheny.

**RULES SUSPENDED**

Mr. CLARK. Mr. Speaker, if there is such a rule that requires the fiscal note, could I move to suspend that rule so that we do not stay here all night? We have other amendments for Allegheny County and I anticipate the same objections, so, if we could, to move things along. Absent that, I would ask that we hold the bill over.

The SPEAKER pro tempore. The gentleman is in order to make the motion that the rule be suspended which requires a fiscal note from the Appropriations Committee. That is the motion before the House.

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

The following roll call was recorded:

**YEAS—170**

Afflerbach	Evans	Lucyk	Rieger
Alderette	Fee	McCall	Robbins
Arty	Fischer	McClatchy	Ryan
Baldwin	Flick	McHale	Rybak
Barber	Foster, Jr., A.	McIntyre	Saloom
Battisto	Freind	McMonagle	Salvatore
Belardi	Fryer	McVerry	Saurman
Belfanti	Gallagher	Mackowski	Scheetz
Blaum	Gallen	Madigan	Schuler
Book	Gannon	Maiale	Semmel
Bowser	Geist	Manderino	Serafini
Boyes	George	Manmiller	Showers
Brandt	Gladeck	Markosek	Sirianni
Broujos	Godshall	Merry	Smith, B.
Bunt	Grieco	Micozzie	Snyder, D. W.
Burd	Gruitza	Miller	Snyder, G. M.
Burns	Gruppo	Miscevich	Spencer
Caltagirone	Hagarty	Morris	Spitz
Cappabianca	Haluska	Mowery	Stairs
Carn	Harper	Mrkonic	Steighner
Cawley	Hasay	Murphy	Stevens
Cessar	Hayes	Nahill	Stuban
Cimini	Hershey	Noye	Sweet
Civera	Hoeffel	O'Brien	Taylor, E. Z.
Clark	Honaman	O'Donnell	Taylor, F. E.
Clymer	Hutchinson	Olasz	Tigue
Colafella	Jarolin	Oliver	Trello
Cole	Johnson	Perzel	Truman
Cordisco	Kasunic	Peterson	Van Horne
Cornell	Kennedy	Petrarca	Vroon
Coslett	Klingaman	Petrone	Wachob
Coy	Kosinski	Phillips	Wambach
DeWeese	Kowalyshyn	Piccola	Wargo
Daley	Kukovich	Pievsky	Wass
Davies	Lashinger	Pistella	Weston
Deal	Laughlin	Pitts	Wiggins
Dietz	Lehr	Pott	Williams
Dininni	Lescovitz	Preston	Wilson
Dombrowski	Letterman	Punt	Wogan
Donatucci	Levi	Rappaport	Wright, D. R.
Dorr	Levin	Reber	Wright, J. L.
Duffy	Linton	Reinard	Wright, R. C.
Durham	Livengood		

**NAYS—27**

Angstadt	Fargo	Itkin	Rudy
Armstrong	Fattah	Jackson	Smith, L. E.
Cohen	Foster, W. W.	Lloyd	Stewart
Cowell	Freeman	Mayernik	Swift
Deluca	Gamble	Michlovic	Telek
DeVerter	Greenwood	Moehlmann	Wozniak
Dawida	Herman	Pratt	

**NOT VOTING—1**

Seventy

**EXCUSED—4**

Marmion	Zwinkl
Richardson	
	Irvis,
	Speaker

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

On the question recurring,

Will the House agree to the amendments?

The SPEAKER pro tempore. The gentleman, Mr. Clark, will proceed.

Mr. CLARK. Thank you, Mr. Speaker.

This amendment is in conformance with a request from our president judge in Allegheny County to create six new judgeships to handle a backlog that is developing in the courts. We have some dissension in Allegheny County in that the commissioners do not want the new judges because they do not want to pay the costs of those judges and their staff and facilities. However, we are developing a backlog that will put us into a real problem.

We currently have four vacancies because some of our judges were elected to other courts, and what is happening is we are stealing judges from the civil division to handle criminal cases. In essence, what is happening is our civil division is developing a backlog, and generally people do not get excited about civil cases because they do not make headlines. We are not letting criminals go at this point, but our president judge envisions some problems in the future, and we are merely trying to address that problem somewhere down the line. Our commissioners have not agreed to create one judgeship, although some of them admit to a need for those judges, and what I am attempting to do here is get the legislature to agree to create some new judgeships so that we may be able to get the process moving so that our court does not languish in heavy backlogs.

This is identical to an amendment that was circulated by Representative McVerry, and I would ask for your support so that we can keep our court one of the finest in the Nation.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

First of all, Mr. Speaker, I think it is important that the members recognize the impact of this amendment. It would add to the number of judges to be added by this bill by an amount almost approaching 50 percent. It is a very significant change in terms of this bill that came out of the Judiciary Committee and subsequently the Appropriations Committee.

Earlier in this session I introduced a bill at the request of our president judge in Allegheny County, along with a number of my Allegheny County colleagues, that reflects the number in this amendment; that is, six new judges. I still believe in my own mind that we probably have a need for at least one new judge, and perhaps a larger number. Nonetheless, I am urging our colleagues to oppose this amendment and any similar amendment today for several reasons.

First of all, the county commissioners in Allegheny County, all three of them, unanimously have asked the members of this delegation and the members of this House of Representatives not, at this time, to add any judges to our court of common pleas. They cite as one of their major reasons the sit-

uation cited by Representative Clark, and that is the fact that we do have currently four vacancies for which nominations are now pending over in the Senate. Our county commissioners have argued that perhaps the filling of those vacancies will meet the need, any need that currently exists in the court, and they suggest that as a more appropriate first step.

Secondly and very significantly, the county commissioners cite the additional costs that would be incurred if we create six new judges. Our fiscal people in Allegheny County estimate that the actual cost to the county for each new judge that would be created would approximate \$1 million. In their judgment, the cost of this amendment to Allegheny County and Allegheny County taxpayers would be some \$6 million. That is in addition to the costs that would be incurred by the Commonwealth because of our additional obligation to reimburse the county for some of these costs.

Also, it is very significant in the eyes of our county commissioners that the Court Administrator on a statewide basis has not cited any need for additional judges in Allegheny County.

So in light of those reasons - the apparent lack of need in the eyes of our local county commissioners, the very significant costs that would be incurred on a statewide and on a local basis, and the absence of any citation of need on the part of the statewide Court Administrator - we would urge at this time that you not add these six judges or any new judges to this particular bill.

Mr. Speaker, I would indicate that sometimes it is difficult for those of us from Allegheny County to come before you and ask you to add something to a bill for Allegheny County where there will be statewide costs involved. Certainly, in your own judgment, we hope that you would not add statewide costs through this amendment to your taxpayers and our taxpayers all over this State in a situation where we are not asking for something and where, in fact, our county commissioners have specifically urged us not to approve this or any similar amendment.

Mr. Speaker, there is some talk about a backlog in Representative Clark's comments, but in fact what he said was, we are trying to deal with problems in the future. If in fact there are problems in the future that can be addressed by judges being added to the court of common pleas in Allegheny County, we will be prepared to deal with it at that time. I would report that our county commissioners have requested a study by the Pennsylvania Economy League to look at, from an objective point of view, whether or not additional judges are needed in our court. But at this time their judgment is that they are not needed and their judgment is they cannot be afforded. In light of that and in light of the absence of any comment by the Court Administrator, we would urge that this amendment be defeated.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. McVerry.

Mr. McVERRY. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the Clark amendment for the addition of six judges in Allegheny County, and I would like to offer a few comments in support of that. I, likewise, have circulated the same amendment.

The last time that there was an increase in the number of judges in Allegheny County was in 1973. In the last 10 or 11 years in Allegheny County, the filings in the civil division that require the attention of a judge have increased by nearly 61 percent. The filings in criminal division that go to trial have increased by 33 percent. The filings in the family division have increased by 30 percent. The filings in the orphan's court division have increased by 15 percent.

I say that by way of illustration, because since 1973 we have had approximately six judges retire in Allegheny County or reach the mandatory retirement age. Each of those judges over the past 8 to 11 years has continued in almost full-time service in a senior judge status relationship in the county, being paid by the county for their services. Those six judges, serving as senior status judges, brought our complement effectively to 45.

The studies made by the court of common pleas of Allegheny County to prove and warrant its need for additional judges are basically agreed to by the members of the Allegheny County delegation. However, the Allegheny County delegation is divisive today for the reason that the county commissioners do not want additional judges. They do not want additional judges not because the need is not there in the judiciary; they do not want additional judges because they do not want to pick up their share of the costs. I do not blame them for not wanting to pick up their share of the costs, but what I say is, the county commissioners are not the legislature. They are the executive branch of government. The judiciary has effectively established to this delegation, and to me in particular, the need for those additional judges. The judiciary has asked the legislature. We have an independent responsibility to respond to that request of the judiciary irrespective of the negative attitude that the county commissioners have taken.

I respect the county commissioners in Allegheny County. I think that they do a good job in the administration of the county. However, I also think that oftentimes the county commissioners tend not to address a problem when it needs to be addressed, witness the fact that a Federal court judge in Allegheny County is effectively running the Allegheny County jail because the county commissioners have turned their heads on an overcrowding problem in that county for the past 20 years. So now we are in construction of a new jail, and the Federal court judge is releasing prisoners from our jail on a daily basis because of the overcrowded conditions.

I submit to you that the judiciary is entitled to make their request of the legislative branch, and we have a responsibility to judge the request of the judicial branch independent and on its own merits. I request that you do that and support this request for additional judges.

I earlier spoke of the fact that we have had the services of six senior judges for the past 8 to 11 years. Those senior judges are now in an age category from 71 to 76 years old. They are really practically incapable of keeping up the caseload and workload that is necessary to keep Allegheny County as one of the highest recognized court systems for efficiency purposes in the United States.

We now have four vacancies on the court awaiting appointment, but the studies that were conducted by the court administrator's office in Allegheny County were conducted at a time when the court was at its full complement. There is no question that those four vacancies at this point in time create an additional hardship, and hopefully with the appointment process that is pending in the Senate, that will soon be corrected. But that will not correct the overall problem that Allegheny County faces, and that is, in order to maintain an efficient court system in a large metropolitan area, additional judges are necessary. I point out a comparison to you that the county of Allegheny is near in population to Philadelphia. Philadelphia has over 100 common pleas court judges, with a significant backlog there also, and Allegheny County functions at a level right now of 39 with four vacancies, or 35.

I submit to you that the facts are there. The county commissioners of Allegheny County cannot, will not, and do not refute those facts, and I request that you support the Clark amendment for additional judgeships in that county. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

Just briefly, I rise in opposition to the Clark amendment. Even with the statements that were made by the previous speaker, for an awful lot of the people it is not just the backlog, but the failure to be able to meet a \$300 bond sometimes is actually the problem. Not only that, the State is also part of the problem insofar as the overcrowding of the jails, because we are presently taking prisoners who should be in a State institution. But not only that, there is another problem that arises, that of cost efficiency and productivity. No one can answer not just the cost of \$1 million per additional courtroom, but no one is to say where we can even put six additional judges, because the space does not exist.

I would ask the members, are we going to sit down and vote so that we can increase for six more judges so the judges themselves can start taking a half a day? I do not think that we can do that in our right minds, and that is basically what we are going to do. There is no room for the judges, there has been no explanation as far as where we are going to be able to put them, and it is just not \$6 million additional to the county but also to the State of Pennsylvania we are looking at an additional cost of \$840,000 without justification.

Also, there is another factor that we are looking at. Presently we are waiting for four additional appointments. These vacancies have existed for close to the last 6 to 8 months. We feel that once these are filled, we will be able to hold and get rid of an awful lot of the backlog. So I think that the amendment is not needed at this time. I am willing to agree with Mr. Cowell that in the future we can look further to be able to justify possibly one or two judges, but six is beyond the means, and I ask for a negative vote on the Clark amendment. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Itkin.



Mr. ITKIN. Mr. Speaker, I rise in support of the positions of Representative Cowell and Representative Preston in opposing the Clark amendment. I do not want to stand before you now and reiterate the fine presentations they both made in support of the position of not having additional judges at this time.

I am urging you to let this bill pass at this time without any amendments for additional judges for Allegheny County to go into the bill. It may occur that in the other body this may change and judgeships might be added. I am suggesting that we will come back to you at that time with a better position as to what Allegheny County would like to have. But for now, my strong suggestion to the House is not to accept any judges at this time.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Trello.

Mr. TRELLO. Mr. Speaker, I would first like to say that Allegheny County has three of the finest county commissioners that any county could possibly have. I would also like to say that we have 39 of the finest judges that any county could hope to have. But the most important thing to me, Mr. Speaker, is the 57,000, 58,000 constituents whom I represent, and as of today, with all of the publicity that we have got in the Pittsburgh papers, I have yet to have one of my constituents in my district tell me that we need six more judges. I oppose the amendment.

The SPEAKER pro tempore. The Chair recognizes, for the second time, the gentleman from Allegheny, Mr. Clark.

Mr. CLARK. Mr. Speaker, very quickly, if I can.

I want to point out one provision in this bill that requires that the judges created in here be filled through the election. If we are to elect them next year and get the judges in, we have got to do it now. We cannot afford to wait until the county commissioners get around to it.

The study that was referred to earlier mentioning the cost of \$1 million a judge was not a very good study or a very accurate study. It was so admitted because the study was asked to be redone in light of the commissioners' consideration of filling vacancies. So I would appreciate an affirmative vote for this so that we can just get the thing moving.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—57

Alderette	Gallen	Manderino	Rappaport
Arty	Gannon	Michlovic	Reber
Book	Hagarty	Micozzie	Ryan
Brandt	Hershey	Mowery	Saloom
Burns	Honaman	Murphy	Salvatore
Cessar	Hutchinson	Nahill	Saurman
Clark	Kennedy	Noye	Smith, B.
Cornell	Kosinski	O'Donnell	Spencer
Deal	Lashingner	Olasz	Spitz
Donatucci	Laughlin	Perzel	Sweet
Dorr	McClatchy	Petrarca	Van Horne
Duffy	McIntyre	Pievsky	Vroon
Durham	McMonagle	Pitts	Wilson
Fee	McVerry	Pott	Wogan
Gallagher			

NAYS—139

Afflerbach	Dininni	Lescovitz	Rybak
Angstadt	Dombrowski	Letterman	Scheetz
Armstrong	Evans	Levi	Schuler
Baldwin	Fargo	Levin	Semmel
Barber	Fattah	Linton	Serafini
Battisto	Fischer	Livengood	Seventy
Belardi	Flick	Lloyd	Showers
Belfanti	Foster, W. W.	Lucyk	Sirianni
Blaum	Foster, Jr., A.	McCall	Smith, L. E.
Bowser	Freeman	McHale	Snyder, D. W.
Boyes	Freind	Mackowski	Snyder, G. M.
Broujos	Fryer	Madigan	Stairs
Bunt	Gamble	Manmiller	Steighner
Burd	Geist	Markosek	Stevens
Caltagirone	George	Mayernik	Stewart
Cappabianca	Gladeck	Merry	Stuban
Carn	Godshall	Miller	Swift
Cawley	Greenwood	Miscevich	Taylor, E. Z.
Cimini	Grieco	Moehlmann	Taylor, F. E.
Civera	Gruitza	Morris	Telek
Clymer	Gruppo	Mrkonic	Tigue
Cohen	Haluska	O'Brien	Trello
Colafella	Hasay	Oliver	Truman
Cole	Hayes	Peterson	Wachoo
Cordisco	Herman	Petrone	Wambach
Coslett	Hoeffel	Phillips	Wargo
Cowell	Itkin	Piccola	Wass
Coy	Jackson	Pistella	Weston
Deluca	Jarolin	Pratt	Wiggins
DeVerter	Johnson	Preston	Williams
DeWeese	Kasunic	Punt	Wozniak
Daley	Klingaman	Reinard	Wright, D. R.
Davies	Kowalshyn	Rieger	Wright, J. L.
Dawida	Kukovich	Robbins	Wright, R. C.
Diets	Lehr	Rudy	

NOT VOTING—2

Harper Maiale

EXCUSED—4

Marmion Zwinkl  
Richardson Irvis,  
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?

Mr. DIETZ offered the following amendments No. A2215:

Amend Title, page 1, line 2, by inserting after "Statutes," providing for dividing the thirty-ninth judicial district into two separate districts; and

Amend Sec. 1, page 1, line 10, by inserting after "561", 901

Amend Sec. 1, page 1, by inserting between lines 14 and 15 § 901. Judicial districts.

(a) General rule.—The Commonwealth is divided into 60 judicial districts, numbered and composed as follows:

First.—City and County of Philadelphia.

Second.—County of Lancaster.

Third.—County of Northampton.

Fourth.—County of Tioga.

Fifth.—County of Allegheny.

Sixth.—County of Erie.

Seventh.—County of Bucks.

Eighth.—County of Northumberland.

Ninth.—County of Cumberland.

Tenth.—County of Westmoreland.  
 Eleventh.—County of Luzerne.  
 Twelfth.—County of Dauphin.  
 Thirteenth.—County of Greene.  
 Fourteenth.—County of Fayette.  
 Fifteenth.—County of Chester.  
 Sixteenth.—County of Somerset.  
 Seventeenth.—Counties of Snyder and Union.  
 Eighteenth.—County of Clarion.  
 Nineteenth.—County of York.  
 Twentieth.—County of Huntingdon.  
 Twenty-first.—County of Schuylkill.  
 Twenty-second.—County of Wayne.  
 Twenty-third.—County of Berks.  
 Twenty-fourth.—County of Blair.  
 Twenty-fifth.—County of Clinton.  
 Twenty-sixth.—Counties of Columbia  
 and Montour.  
 Twenty-seventh.—County of Washington.  
 Twenty-eighth.—County of Venango.  
 Twenty-ninth.—County of Lycoming.  
 Thirtieth.—County of Crawford.  
 Thirty-first.—County of Lehigh.  
 Thirty-second.—County of Delaware.  
 Thirty-third.—County of Armstrong.  
 Thirty-fourth.—County of Susquehanna.  
 Thirty-fifth.—County of Mercer.  
 Thirty-sixth.—County of Beaver.  
 Thirty-seventh.—Counties of Forest  
 and Warren.  
 Thirty-eighth.—County of Montgomery.  
 Thirty-ninth.—[Counties] County of  
Franklin [and Fulton].  
 Fortieth.—County of Indiana.  
 Forty-first.—Counties of Juniata and Perry.  
 Forty-second.—County of Bradford.  
 Forty-third.—County of Monroe.  
 Forty-fourth.—Counties of Sullivan  
 and Wyoming.  
 Forty-fifth.—County of Lackawanna.  
 Forty-sixth.—County of Clearfield.  
 Forty-seventh.—County of Cambria.  
 Forty-eighth.—County of McKean.  
 Forty-ninth.—County of Centre.  
 Fiftieth.—County of Butler.  
 Fifty-first.—County of Adams.  
 Fifty-second.—County of Lebanon.  
 Fifty-third.—County of Lawrence.  
 Fifty-fourth.—County of Jefferson.  
 Fifty-fifth.—County of Potter.  
 Fifty-sixth.—County of Carbon.  
 Fifty-seventh.—County of Bedford.  
 Fifty-eighth.—County of Mifflin.  
 Fifty-ninth.—Counties of Cameron and Elk.  
 Sixtieth.—County of Pike.  
 Sixty-first.—County of Fulton.

(b) Change in number or boundaries.—Except as otherwise provided therein, any statute amending subsection (a) so as to change the number or boundaries of the judicial districts of this Commonwealth shall take effect 30 days after the entry of an order of the Supreme Court evidencing the advice and consent of the court to the amendment pursuant to section 11 of Article V of the Constitution of Pennsylvania.

Amend Sec. 1 (Sec. 911), page 4, by inserting between lines 1 and 2

Sixty-first 1  
 Amend Bill, page 4, by inserting between lines 9 and 10

Section 2. The provisions of this act, creating a new judicial district, shall take effect 30 days after the advice and consent of the Supreme Court of Pennsylvania is given by order of the court pursuant to section 11 of Article V of the Constitution of Pennsylvania.

Amend Sec. 2, page 4, line 10, by striking out “2” and inserting

3

Amend Sec. 3, page 4, line 12, by striking out “3” and inserting

4

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bedford, Mr. Dietz.

Mr. DIETZ. Thank you, Mr. Speaker.

Mr. Speaker, I am offering amendment 2215, which establishes a 61st Judicial District for the people of Fulton County.

Mr. Speaker, this very same amendment has passed the House of Representatives two times previously. I seek your support for its passage again today.

### POINT OF ORDER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Rappaport.

Mr. RAPPAPORT. Mr. Speaker, despite the friendship that I feel for the gentleman, I must rise to a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. RAPPAPORT. We have already adopted an amendment involving the judicial district of which Fulton County is a part. I would therefore suggest that this amendment is an amendment to an amendment, which, if I remember correctly, is not in order.

The SPEAKER pro tempore. There are further changes listed in the amendment; it is not only an amendment to an amendment.

Mr. RAPPAPORT. I would like to be recognized on the amendment itself, if the Speaker has ruled.

The SPEAKER pro tempore. The Speaker so ruled.

The Chair recognizes the renowned gentleman from Philadelphia, Mr. Rappaport.

Mr. RAPPAPORT. Mr. Speaker, and I say this again, that despite my friendship and admiration for the gentleman, I am forced to oppose his amendment.

The bill itself, in accordance with the Constitution of Pennsylvania, provides that no new judicial districts may be created by the General Assembly unless the Supreme Court of Pennsylvania agrees. The Supreme Court, through the State Court Administrator, has said to the committee that they will not approve a separate judicial district for Fulton County. The court has observed that the combined caseload of Franklin and Fulton Counties is characteristic of a two-judge judicial district, and therefore it would not be appropriate to create a separate judicial district, and the court went further and said, nor to add an additional judge to the district. But we have already added a judge to the district, making it three

judges. The Court Administrator's Office has made it very clear that Fulton County just is not large enough to justify a separate judge.

I might also say that it is not really good judicial practice to have one-judge districts, if you can avoid it. Admittedly, they do exist in Pennsylvania and they work well, but if that judge gets sick or has a conflict of interest, you have to go to the Supreme Court to assign another judge to sit specially. In a two-judge district you do not have that problem.

I might add that the same point is made by several newspapers in that area, that they just do not need a separate judicial district. I did not object when we created an additional judgeship, and hopefully that judgeship will go to Fulton County, as the county in that district that has nothing, but I would urge the House to vote against the amendment and not to create a separate judicial district in Fulton County. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes, for the second time on the question, the gentleman from Bedford, Mr. Dietz.

Mr. DIETZ. Thank you, Mr. Speaker.

As I have said, this amendment has passed the House of Representatives two times previously. Actually, Mr. Speaker, it is inconceivable that the people of Fulton County have not had their own judicial district for many years. Mr. Speaker, let us look constructively at sound logic and to why I say this.

Let us compare both Pike and Potter Counties with Fulton County. The criminal cases in Pike County in the last administrator's report showed 57 criminal cases; Potter County, 85; and Fulton County averaged 93.

Mr. Speaker, let us look at this amendment, A2215. Taking the years 1976 through 1981, the Honorable Merrill Kerlin, former member of the House and district attorney of Fulton County, checked and gave me the record on criminal, civil, juvenile, domestic relations, divorce, and orphan's court cases filed in that county. For an example, Mr. Speaker, Fulton County had 126 criminal cases filed in 1976; 107 cases in 1977; 91 cases in 1978; 67 cases in 1979; 77 cases in 1980; and 97 cases in 1981. Mr. Speaker, this is an average of 93 criminal cases per year, exceeding by far the 57 cases in Pike County, as contained in the 1982 Annual Report of the Administrative Office of the Pennsylvania Courts, also exceeding the 85 cases in Potter County - both counties, Mr. Speaker, having their own judicial district.

What makes it so unfair for the people of Fulton County, Mr. Speaker, is that they pay taxes like the people in all the other counties and must travel distances up to 50 miles for a hearing. That is not all, Mr. Speaker. It is 22 miles from McConnellsburg to Chambersburg, and if an attorney from McConnellsburg must accompany his or her client to Chambersburg for a hearing, he or she must charge the client for additional expenses and travel time. Now, Mr. Speaker, you must also understand the terrain between these two points, especially during the winter months. Unless you are familiar with Route 30 between those two points, you do not know

that for approximately 8 miles up and down the rugged Tuscarora Mountain it is extremely hazardous in the winter.

Mr. Speaker, I voted for Franklin County to have another judge, as the bill was amended by my colleague, Representative Coy, because each judge in Franklin County is now serving a population of 56,814 people. Mr. Speaker, the judges in Blair County are each only serving 45,540 people. Accordingly, Mr. Speaker, with an additional judgeship for Blair County, each judge would serve only 34,155 people. Each judge, with an additional judgeship in Franklin County, would be serving 37,876 people, without the population of Fulton County. If Fulton County would be included with Franklin County, each judge would be serving 42,215 people and would be required to travel 22 miles to serve the Fulton County population. That does not make sense to me, Mr. Speaker.

As you have done two times in the past, I ask that you cast a favorable vote for this amendment. This amendment is endorsed by the Fulton County Bar Association, the Fulton County Chamber of Commerce, the Fulton County commissioners, and other organizations and individuals. Should the volume of any court in the Commonwealth at any time not have a full caseload, judges can be assigned to other courts. In practicing law, I am certain the gentleman, Mr. Rappaport, does not have to regularly travel 50 miles for a hearing. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Franklin, Mr. Coy.

Mr. COY. Mr. Speaker, would the gentleman, Mr. Dietz, consent to interrogation?

The SPEAKER pro tempore. The gentleman indicates he will stand for a period of interrogation. The gentleman, Mr. Coy, is in order and may proceed.

Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, if this amendment is adopted, would it have any effect upon the previous amendment I offered for the 39th Judicial District?

Mr. DIETZ. I do not think so, Mr. Speaker, for the simple reason that without Fulton County, each judge in Franklin County would be serving a population of 37,876 people, as compared, for example, with Blair County where their judges would only be serving 34,155.

Mr. COY. Thank you, Mr. Speaker.

Then, Mr. Speaker, if this amendment were to pass, there would be three judges allocated, per my previous amendment, to the county of Franklin, the 39th Judicial District, and one judge to the Fulton County judicial district. Is that correct?

Mr. DIETZ. That is correct.

Mr. COY. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Indiana, Mr. Wass.

Mr. WASS. Mr. Speaker, may I interrogate the maker of the amendment, please?

The SPEAKER pro tempore. The gentleman indicates he will stand for a period of interrogation. The gentleman, Mr. Wass, is in order and may proceed.

Mr. WASS. Mr. Speaker, I stand in support of your amendment, but tell me, do you have a courthouse in Fulton County?

Mr. DIETZ. Yes, sir. Everything is ready to go for a judge.

Mr. WASS. So there would be no additional expenses?

Mr. DIETZ. There would be no additional expenses. The facility, the courthouse, is right there. And as a matter of fact, Mr. Speaker, at one time they did have their own judge.

Mr. WASS. Thank you very much, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Tioga, Mr. Spencer.

Mr. SPENCER. Just a brief question of the sponsor of the amendment.

The SPEAKER pro tempore. The gentleman, Mr. Dietz, has consented to interrogation.

Mr. SPENCER. Mr. Speaker, has the sponsor of the amendment made overtures to the Supreme Court or the Court Administrator as to whether or not they would approve such a new judicial district?

Mr. DIETZ. Actually not, Mr. Speaker, for the simple reason that it has to go through the legislative process, and at that time then the decision is made by the court as to whether or not they approve the action of the legislature.

Mr. SPENCER. Thank you.

I would like to point out to the members of the House that under title 2, the Judiciary Code, even though the House may pass this amendment, the Supreme Court could not concur in it and they could, in effect, not create the judicial district. Therefore, the members should be aware of that when they vote.

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—145

Afflerbach	Fattah	Levi	Rybak
Alderette	Fee	Linton	Saloom
Angstadt	Fischer	McClatchy	Salvatore
Armstrong	Flick	McHale	Saurman
Arty	Foster, W. W.	McIntyre	Scheetz
Battisto	Foster, Jr., A.	McVerry	Schuler
Book	Freeman	Mackowski	Semmel
Bowser	Freind	Madigan	Serafini
Boyes	Fryer	Manmiller	Seventy
Brandt	Gallen	Markosek	Sirianni
Bunt	Gannon	Mayernik	Smith, B.
Burd	Geist	Merry	Smith, L. E.
Burns	Gladeck	Micozzie	Snyder, D. W.
Caltagirone	Godshall	Miller	Snyder, G. M.
Cawley	Greenwood	Miscevich	Spencer
Cessar	Grieco	Moehlmann	Spitz
Cimini	Gruitza	Morris	Stairs
Civera	Gruppo	Mowery	Steighner
Clymer	Hagarty	Murphy	Stevens
Colafella	Haluska	Nahill	Stewart

Cole	Hasay	Noye	Swift
Cornell	Hayes	O'Brien	Taylor, E. Z.
Coslett	Herman	Olasz	Telek
Cowell	Hershey	Perzel	Trello
Coy	Honaman	Peterson	Truman
Deluca	Hutchinson	Petrone	Vroon
DeVerter	Jackson	Phillips	Wambach
Davies	Johnson	Piccola	Wargo
Deal	Kennedy	Pitts	Wass
Dietz	Klingaman	Pott	Weston
Dininni	Kosinski	Preston	Wiggins
Donatucci	Kowalshyn	Punt	Wilson
Dorr	Lashingier	Reber	Wogan
Duffy	Laughlin	Reinard	Wright, D. R.
Durham	Lehr	Robbins	Wright, J. L.
Evans	Lescovitz	Ryan	Wright, R. C.
Fargo			

NAYS—48

Baldwin	Gallagher	Lloyd	Rappaport
Belardi	Gamble	Lucyk	Rieger
Belfanti	George	McCall	Rudy
Blaum	Harper	McMonagle	Showers
Broujos	Hoefel	Manderino	Stuban
Cappabianca	Itkin	Michlovic	Sweet
Cohen	Jarolin	Mrkonic	Taylor, F. E.
Cordisco	Kasunic	O'Donnell	Tigue
DeWeese	Kukovich	Oliver	Van Horne
Daley	Letterman	Pievsky	Wachob
Dawida	Levin	Pistella	Williams
Dombrowski	Livengood	Pratt	Wozniak

NOT VOTING—5

Barber	Clark	Maiale	Petrarca
Carn			

EXCUSED—4

Marmion	Zwikl
Richardson	
	Irvis, Speaker

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

STATEMENT BY MR. KOSINSKI

The SPEAKER pro tempore. The Chair is in receipt of a request from the gentleman from Philadelphia, Representative Kosinski, who, under unanimous consent, wishes to address this House. The Chair hears no objection.

The Chair recognizes the gentleman.

Mr. KOSINSKI. Mr. Speaker, as a courtesy to my fellow House members, I am going to be introducing a concurrent resolution this evening calling for an investigation of the investment practices regarding the State Lottery Fund. If anyone would like to cosponsor the resolution, it is available at my desk. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

CONSIDERATION OF HB 1579 CONTINUED

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

Mr. MORRIS offered the following amendment No. A1877:

Amend Sec. 1 (Sec. 911), page 2, line 16, by striking out “8” and inserting

9

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Chester, Mr. Morris.

Mr. MORRIS. Thank you, Mr. Speaker.

This amendment would add an additional judge for Chester County over and above the additional judge provided for in the bill.

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

The following roll call was recorded:

YEAS—146

Afflerbach	Fee	McIntyre	Rieger
Alderette	Fischer	McMonagle	Rudy
Angstadt	Foster, W. W.	McVerry	Rybak
Arty	Foster, Jr., A.	Mackowski	Saloom
Baldwin	Freeman	Madigan	Salvatore
Battisto	Freind	Maiale	Saurman
Belfanti	Fryer	Manderino	Semmel
Blaum	Gallagher	Manmiller	Seventy
Book	Gallen	Markosek	Showers
Bowser	Gannon	Mayernik	Sirianni
Burd	Geist	Michlovic	Smith, B.
Burns	Godshall	Micozzie	Smith, L. E.
Caltagirone	Grieco	Miller	Snyder, D. W.
Cappabianca	Gruitza	Miscevich	Snyder, G. M.
Cessar	Gruppo	Morris	Spencer
Cimini	Hagarty	Mowery	Stairs
Civera	Haluska	Murphy	Steighner
Clark	Harper	Nahill	Stevens
Clymer	Hershey	Noye	Stewart
Cohen	Hutchinson	O'Brien	Stuban
Colafella	Itkin	O'Donnell	Sweet
Cole	Jarolin	Olasz	Taylor, E. Z.
Cordisco	Johnson	Oliver	Taylor, F. E.
Cornell	Kasunic	Perzel	Telek
Coslett	Kennedy	Petrarca	Trello
Cowell	Kowalyshyn	Petrone	Truman
Coy	Kukovich	Phillips	Vroon
Deluca	Lashinger	Piccola	Wachob
DeWeese	Laughlin	Pievsky	Wambach
Daley	Lehr	Pistella	Wargo
Davies	Lescovitz	Pott	Wass
Dietz	Letterman	Preston	Williams
Dininni	Lloyd	Punt	Wogan
Dombrowski	Lucyk	Rappaport	Wozniak
Donatucci	McCall	Reber	Wright, D. R.
Dorr	McClatchy	Reinard	Wright, J. L.
Duffy	McHale		

NAYS—50

Armstrong	Fargo	Klingaman	Robbins
Belardi	Fattah	Kosinski	Ryan
Boyes	Flick	Levi	Scheetz
Brandt	Gamble	Levin	Schuler
Broujos	George	Linton	Serafini
Bunt	Gladeck	Livengood	Spitz
Carn	Greenwood	Merry	Swift
Cawley	Hasay	Moehlmann	Tigue
DeVerter	Hayes	Mrkonic	Van Horne
Dawida	Herman	Peterson	Wiggins
Deal	Hoeffel	Pitts	Wilson
Durham	Honaman	Pratt	Wright, R. C.

Evans Jackson  
NOT VOTING—2

Barber Weston  
EXCUSED—4

Marmion Zwikl  
Richardson Irvis,  
Speaker

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

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

Mr. McVERRY offered the following amendments No. A2441:

Amend Title, page 1, line 4, by inserting after “the” fifth,  
Amend Sec. 1 (Sec. 911), page 2, line 6, by inserting brackets before and after “39” and inserting immediately thereafter

42

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Allegheny, Mr. McVerry.

Mr. McVERRY. Mr. Speaker, the House voiced its opinion on the request for six additional judgeships for Allegheny County. If at first you do not succeed, try, try again. If you cannot get a full loaf, try for half.

Amendment 2441 requests an additional three judgeships for Allegheny County to increase the complement from 39 to 42. There has been a demonstrated need by the court administrator's office in Allegheny County for these additional judges, warranting them and justifying their need.

An earlier speaker said to this body that the Supreme Court of Pennsylvania administrator's office has said that Allegheny County does not need additional judges. I would like to quote to you from a letter bearing the signature of Abraham Gafni, Court Administrator of Pennsylvania, sent to Representative Rappaport as chairman of the Judiciary Committee on November 14, 1983. It refers to additional judgeships being warranted in six judicial districts, all of which are included in this legislation. The letter goes on: “In addition, it is, of course, far more difficult to analyze the need for additional judgeships in very large counties. Based upon the information available to us, it would appear that Allegheny County may also have a need for additional assistance.” The Court Administrator's Office did not conduct a study of the need for judgeships in Allegheny County, because Allegheny County has its own court administrator's office that provides the statistical data to support the need for these additional judgeships.

We have six senior judges who will be on the bench a very limited period of time henceforth. We have four vacancies to be filled. With all of those judges, we have a backlog that is mounting tremendously on a daily basis. I request your

support of this amendment for three additional judgeships, because there is a demonstrable need in our county. I would appreciate your support.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, the previous speaker characterized this amendment quite accurately - try and try and try again, and hopefully this House will ultimately buy one of these amendments adding some judges, some of these unwanted judges, in Allegheny County.

Again, I would urge that we defeat this particular amendment. The arguments made earlier still hold. The Allegheny County commissioners unanimously oppose any additional judges at this time. They feel that they are not warranted, there has not been a clear signal from the Court Administrator on a statewide basis that they are needed, and certainly they will be very, very costly. In this case, three judges would cost approximately \$3 million to the taxpayers of Allegheny County and cost a couple of hundred thousand dollars to the taxpayers of this State, if they in fact are added at this time.

I would urge that we do with this amendment as we did with a previous amendment affecting Allegheny County, and that is, defeat it. As I indicated earlier, the county commissioners have commissioned a study from the Pennsylvania Economy League asking the league to make an objective study and to make objective conclusions and recommendations about the need for any additional judges. If the league does indicate the judges are necessary, this bill is going over to the Senate. There will be plenty of opportunity to add judges for Allegheny County at that particular point, but at this time there has not been demonstrated need, our county commissioners are opposed to them on the bases of lack of need and on great expense to the State as well as to local taxpayers. I urge defeat of the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Cessar.

Mr. CESSAR. Thank you, Mr. Speaker.

I rise to support the McVerry amendment. I just think that we in the General Assembly ought to be voting on this for the simple reason that the president judge of Allegheny County has indicated rather clearly that there is a need, and it just seems to me, Mr. Speaker, that the Pennsylvania Economy League does not have the expertise to be able to tell us, rather than the president judge of the courts of Allegheny County, that we need the three additional judges. Therefore, Mr. Speaker, I request that everybody support this. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Clark.

Mr. CLARK. Thank you, Mr. Speaker.

I just want to urge an affirmative vote on the McVerry amendment. Three judges may be a lot more acceptable to the General Assembly, and we have a need for additional judges. I would appreciate an affirmative vote.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, I rise to oppose the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—101

Alderette	Fee	Letterman	Reinard
Arty	Flick	McClatchy	Ryan
Belfanti	Foster, W. W.	McIntyre	Saloom
Book	Foster, Jr., A.	McMonagle	Salvatore
Brandt	Freind	McVerry	Saurman
Bunt	Fryer	Madigan	Semmel
Burd	Gallen	Manderino	Serafini
Burns	Gannon	Michlovic	Sirianni
Cessar	Gladeck	Micozzie	Smith, B.
Cimini	Godshall	Miscevich	Smith, L. E.
Civera	Greenwood	Moehlmann	Snyder, D. W.
Clark	Grieco	Morris	Snyder, G. M.
Clymer	Gruppo	Mowery	Spencer
Colafella	Hagarty	Murphy	Spitz
Cole	Hasay	Nahill	Steighner
Cornell	Hershey	Noye	Stevens
Coslett	Honaman	O'Brien	Sweet
Coy	Jackson	Olasz	Taylor, E. Z.
Daley	Jarolin	Perzel	Van Horne
Davies	Johnson	Petrarca	Vron
Dietz	Kennedy	Pitts	Wass
Dombrowski	Klingaman	Pott	Weston
Dorr	Lashingier	Punt	Wilson
Duffy	Lehr	Rappaport	Wogan
Durham	Lescovitz	Reber	Wright, R. C.
Fargo			

NAYS—96

Afflerbach	Evans	Livengood	Robbins
Angstadt	Fattah	Lloyd	Rudy
Armstrong	Fischer	Lucyk	Rybak
Baldwin	Freeman	McCall	Scheetz
Barber	Gallagher	McHale	Schuler
Battisto	Gamble	Mackowski	Seventy
Belardi	Geist	Maiale	Showers
Blaum	George	Manmiller	Stairs
Bowser	Gruitza	Markosek	Stewart
Boyes	Haluska	Mayernik	Stuban
Broujos	Harper	Merry	Swift
Caltagirone	Hayes	Miller	Taylor, F. E.
Cappabianca	Herman	Mrkonic	Telek
Cawley	Hoeffel	O'Donnell	Tigue
Cohen	Hutchinson	Oliver	Trello
Cordisco	Itkin	Peterson	Truman
Cowell	Kasunic	Petrone	Wachob
Deluca	Kosinski	Phillips	Wambach
DeVerter	Kowalyszyn	Piccola	Wargo
DeWeese	Kukovich	Pievsky	Wiggins
Dawida	Laughlin	Pistella	Williams
Deal	Levi	Pratt	Wozniak
Dininni	Levin	Preston	Wright, D. R.
Donatucci	Linton	Rieger	Wright, J. L.

NOT VOTING—1

Carn

EXCUSED—4

Marmion  
Richardson

Zwikl

Irvis,  
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?

Mr. BOYES offered the following amendments No. A2321:

Amend Title, page 1, line 4, by striking out "sixth,"

Amend Sec. 1 (Sec. 911), page 2, line 7, by striking out the bracket before and after "6"

Amend Sec. 1 (Sec. 911), page 2, line 7, by striking out "8"

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Erie, Mr. Boyes.

Mr. BOYES. Thank you, Mr. Speaker.

Mr. Speaker, I want to share with the members of the House the reasons I am making this request to delete the two additional judges for Erie County. I am offering this amendment because I believe there must be a better method for determining the need for additional judges for Erie County.

Mr. Speaker, I note with great interest the interrogation of the chairman of the Judiciary Committee at the request of Mr. Letterman earlier today. Keeping that in mind, I would like to point out to the members of the House that Erie County currently has six judges. The newly authorized sixth judgeship for Erie County was just filled in the fall of 1983. Now within 6 months of being with the newly authorized complement of six judges, HB 1579 is calling for the creation of two new judicial positions for Erie County.

When you quickly examine HB 1579 as reported to the floor, you will note that Erie County was the only county on your list that had for the calling and reporting of two additional judges. How the need for these two additional judges was decided remains the crux of the controversy with HB 1579. The president judge of Erie County, the local judicial officer who is most knowledgeable about the particular demands of the Erie County court, was not aware, was not aware, or involved in making this request for the two additional judgeships.

Mr. Speaker, I would like to read for the members a very brief, two-paragraph letter addressed to the Honorable Samuel Rappaport from the president judge of Erie County. This letter is dated May 9, 1984.

Dear Representative Rappaport:

A few weeks ago I learned through the news media that your Committee has recommended two new judgeships for Erie County. I had not been advised, nor was I aware, that your Committee was even considering this action.

I believe you should be aware that this Court is not in agreement with such a proposal at this time. If our case load continues to increase as it has in the past few years, I believe that one more additional judgeship for our County could be a necessity in three or so more years. At the present time, however, we see no need of any additional judge. I see no reason to burden the citizens of our County for the additional costs when such is not necessary.

Very truly yours,  
James B. Dwyer  
President Judge

Erie County

Mr. Speaker, I believe that every request for additional judges should be with the involvement, or the very least, the knowledge and consultation of the president judge of the county that is involved.

The question which recurs is, why two more judges rather than one? It is most difficult to reach a proper decision without a judicial study of the present court workload. Do we need two more judges? Some Erie County judges will say yes; some Erie County judges will say no. The bar association and the public defender will say more judges will be helpful. The Grange and taxpayers groups will say no additional judges. The county government, the majority of the county council members have communicated to the members of the General Assembly that they cannot afford two more judges.

The judicial swirl continues unabated in Erie County. In order to resolve this, I am requesting an affirmative vote on this amendment so that a proper resolution can be made of this question. The Erie County court administrators for both civil and criminal courts have not submitted a study of the court workload or made a recommendation based on the statistics related to the need. The president judge has asked the State Court Administrator's Office to conduct such a study, and your affirmative vote today will allow such a study to take place.

In order to absorb these two new judges as called for in HB 1579, it will be necessary to either increase the local tax burden or to cut back on existing county and judicial services or a combination of the two. I do not think that local taxes should be increased or local services decreased in order to pay for the cost of financing two judgeships where no substantiated need or case has been made at this time.

Mr. Speaker, I ask the members of the General Assembly to allow such a study to take place and a recommendation to come through the proper channels, through the court administrators at the local level and the State level, to make their recommendations to this General Assembly. I ask that you allow the courtesy of the president judge to be involved in the selection process. I ask for an affirmative vote on this amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Erie, Mr. Cappabianca.

Mr. CAPPABIANCA. Thank you, Mr. Speaker.

I reluctantly rise in opposition to my good friend, Karl Boyes' amendment, and ask, of course, for a negative vote on this particular amendment for various reasons, Mr. Speaker. For one, Erie County does presently have six county judges. Four of those six county judges find it necessary to communicate to this House that they find a need for two additional judges. The president judge, whom Mr. Boyes mentioned, in his letter to the House of Representatives and to the Erie delegation, did state that at this time it would not be necessary perhaps to have two judges, but he said within 2 or 3 years he found it necessary perhaps that the county could support two judges.

Let me go on, Mr. Speaker, to advise you that the reason there seems to be a furor in Erie County in regards to perhaps having two more judges is one of fiscal responsibility. When the information first came out to the public by way of the media, we were informed that in Erie County each judge costs approximately \$200,000. We were informed as recently as last Friday by the county finance director, Mr. Speaker, that these figures were in error. These figures were so far in error that we probably have the most cost-efficient court system of the 67 in the Commonwealth. It not only does not cost the taxpayers of Erie County \$200,000 per judge, but Mr. Jim Goodrich, the county finance director, goes on to state that the total cost for the six judges we presently have is \$87,304 per year, and mind you, less the \$70,000 per judge reimbursement that the Commonwealth sends to the county, which means that for six judges, we are paying only \$17,304 for a total of six judges.

Mr. Speaker, the county of Erie needs two additional judges. It needs them because the four sitting judges, four out of six, state we need it. The Erie County Bar Association overwhelmingly endorsed the two additional judges. The district attorney overwhelmingly endorses the two additional judges; the public defender overwhelmingly endorses the two additional judges. Mr. Speaker, just for the record, let me add that these statistics were given to me as recently as yesterday, that between October 1983 and up to May of 1984, Erie County, for example, had 533 pleas of guilty that were handled by the court, 501 ARD's (accelerated rehabilitative dispositions) which were handled by our court, 394 support cases which were handled by our six judges, 55 summary appeals, 21 trials without jury were heard, and this, Mr. Speaker, does not include data for court en banc appeals, entitlement hearings, and so forth.

Mr. Speaker, there is a necessity at the present time to have two more judges for Erie County. Let me point out that should the bill pass, we would not get those two additional judges until January of 1986. Mr. Speaker, I ask for a negative vote on the Boyes amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Erie, Mr. Dombrowski.

Mr. DOMBROWSKI. Thank you, Mr. Speaker.

When the maker of the amendment first spoke, he said that the public defender stated that we may need two additional judges when, in fact, he did say we do need two additional judges. Let me just quote a little bit of what the public defender had in the paper. His figures showed that the county spends about \$350,000 annually in salaries for nonsupport hearing officers, custody counselor, juvenile master, mental health/mental retardation masters, and for arbitration and viewer fees. Of that \$350,000 figure, the public defender said that approximately \$160,000 involves arbitration fees. In some cases the county must pick up the tab in an arbitration appeal at a cost of \$100 an hour. If we had a judge doing that work, it would cost \$35 an hour.

Mr. Speaker, in a related matter, another court source pointed to the need for additional judges by saying that a man currently on bond on armed robbery charges opted for a

nonjury trial. That trial, the source said, could not be scheduled until October 31 and November 1.

Mr. Speaker, it appears to me that the need is there for two additional judges, and I would ask for a negative vote on the Boyes amendment. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Crawford, Mr. Merry.

Mr. MERRY. I am one of the Erie County delegation. We have five members of the House serving in Erie County. The chairman of the Judiciary Committee indicated that one of the ways that he decided what to put in the amendment was to check with the delegation. Three of the delegation sitting on this side had no knowledge of the two, so we had to do our own research. Now remember, Mr. Speaker, a few short months ago we only had five in Erie County. Through the wisdom of the legislature, we decided to have six, and that sixth member was just recently put on there in September, and now all of a sudden we are being told that we need two more. Now, is this fair to State expenditures, for the State to spend the \$70,000 per judge to put two unnecessary judges? But are they necessary? Mr. Speaker, perhaps we do need two more judges, but we have not had a study in Erie County that would indicate that this is plausible. The people in my district say they do not want two more judges.

So, Mr. Speaker, I have to urge the members to support this amendment to reduce it back to the number that we have got now until a study can be made until we find out that it is necessary to have 1, 6, or 16 more. For right now, Mr. Speaker, we do not need more in Erie County. I urge the adoption of this amendment.

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—95

Angstadt	Foster, W. W.	McClatchy	Salvatore
Armstrong	Foster, Jr., A.	McVerry	Saurman
Arty	Freind	Mackowski	Scheetz
Book	Gallen	Madigan	Schuler
Bowser	Gannon	Manmiller	Semmel
Boyes	Geist	Merry	Serafini
Brandt	Gladeck	Micozzie	Sirianni
Bunt	Godshall	Miller	Smith, B.
Burd	Greenwood	Moehlmann	Smith, L. E.
Burns	Grieco	Mowery	Snyder, D. W.
Cessar	Gruppo	Nahill	Snyder, G. M.
Cimini	Hagarty	Noye	Spencer
Civera	Hasay	O'Brien	Spitz
Clymer	Hayes	Perzel	Stevens
Cornell	Herman	Peterson	Swift
Coslett	Hershey	Phillips	Taylor, E. Z.
DeVerter	Honaman	Piccola	Telek
Davies	Jackson	Pitts	Wass
Dietz	Johnson	Pott	Weston
Dininni	Kennedy	Pratt	Wilson
Dorr	Klingaman	Reber	Wogan
Durham	Lashinger	Reinard	Wright, J. L.
Fargo	Lehr	Robbins	Wright, R. C.
Flick	Levi	Ryan	



NAYS—102

Afflerbach	Donatucci	Linton	Punt
Alderette	Duffy	Livengood	Rappaport
Baldwin	Evans	Lloyd	Rieger
Barber	Fattah	Lucyk	Rudy
Battisto	Fee	McCall	Rybak
Belardi	Fischer	McHale	Saloom
Belfanti	Freeman	McIntyre	Seventy
Blaum	Fryer	McMonagle	Showers
Broujos	Gallagher	Maiale	Stairs
Caltagirone	Gamble	Manderino	Steighner
Cappabianca	George	Markosek	Stewart
Carn	Gruitza	Mayernik	Stuban
Cawley	Haluska	Michlovic	Sweet
Clark	Harper	Miscevich	Taylor, F. E.
Cohen	Hoeffel	Morris	Tigue
Colafella	Hutchinson	Mrkonic	Trello
Cole	Itkin	Murphy	Truman
Cordisco	Jarolin	O'Donnell	Van Horne
Cowell	Kasunic	Olasz	Wachob
Coy	Kosinski	Oliver	Wambach
Deluca	Kowalyshyn	Petrarca	Wargo
DeWeese	Kukovich	Petrone	Wiggins
Daley	Laughlin	Pievsy	Williams
Dawida	Lescovitz	Pistella	Wozniak
Deal	Letterman	Preston	Wright, D. R.
Dombrowski	Levin		

NOT VOTING—1

Vroon

EXCUSED—4

Marmion	Zwikl
Richardson	Irvis, 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?

Mr. BATTISTO offered the following amendments No. A2446:

Amend Title, page 1, line 6, by inserting after "thirty-second,"

forty-third,

Amend Sec. 1 (Sec. 911), page 3, line 14, by inserting brackets before and after "2" and inserting immediately thereafter

3

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Monroe, Mr. Battisto.

Mr. BATTISTO. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is being offered by Representatives Kowalyshyn, McCall, and myself. What it really does is adds one judgeship to the 43d Judicial District of Monroe County. Presently Monroe County has two judges for the record. However, besides the two judges, we have a third judge who is a retired president judge; he has been working without pay for the past 5 years. So in actuality—

The SPEAKER pro tempore. Would the gentleman prepare a proclamation so that gentleman can be honored?

Mr. BATTISTO. I am not requesting that. All I am requesting is that because we are the fastest growing county in the State and because of the tremendous influx of visitors, the caseload warrants three judges plus, really. But what we are really asking for is a third judge. The president judge who is retired is 80 years old. We do not expect him to work forever. Therefore, I respectfully request that we add a third judge. Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the lady from Susquehanna, Miss Sirianni.

Miss SIRIANNI. May I interrogate the maker of the amendment?

The SPEAKER pro tempore. The gentleman, Mr. Battisto, indicates he will stand for a period of interrogation, and the lady, Miss Sirianni, is in order and may proceed.

Miss SIRIANNI. Mr. Speaker, I would like to know the population of Monroe County.

Mr. BATTISTO. The population of Monroe County is 75,000, but that does not speak for itself. The population is 75,000, but we handle millions of visitors each year so that the caseload is not commensurate with the population. The caseload far exceeds the population.

Miss SIRIANNI. Mr. Speaker, most counties have a bigger caseload than that for two judges.

Mr. BATTISTO. Was that a question?

Miss SIRIANNI. No. It is a fact.

Mr. BATTISTO. Okay.

The SPEAKER pro tempore. The lady has completed her interrogation.

The gentleman, Mr. Battisto, may be recognized for the second time on the issue.

Mr. BATTISTO. One more statement. Mr. Speaker, the caseload of Monroe County exceeds the caseload of counties much bigger than itself. For example, at any given time we have a caseload that is actually congested as a result of the many visitors and tourists. I say, besides the 75,000 people, we have millions of people who visit the county each year, and that increases the caseload far beyond the actual 75,000 people. Thank you very much.

The SPEAKER pro tempore. The Chair observes that those visitors probably bring in untold sums of money into that area.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—109

Afflerbach	Donatucci	Linton	Preston
Alderette	Duffy	Lucyk	Rappaport
Baldwin	Evans	McCall	Reber
Battisto	Fattah	McHale	Rieger
Belardi	Fee	McIntyre	Rudy
Belfanti	Foster, W. W.	McMonagle	Rybak
Blaum	Freeman	McVerry	Saloom
Broujos	Gallagher	Mackowski	Saurman
Caltagirone	Gamble	Maiale	Semmel
Cappabianca	Gannon	Manderino	Showers
Carn	Geist	Markosek	Snyder, D. W.

Cawley	Godshall	Mayernik	Steighner
Clark	Gruppo	Michlovic	Stewart
Clymer	Haluska	Miller	Stuban
Cohen	Hershey	Miscevich	Sweet
Colafella	Hoefel	Morris	Taylor, E. Z.
Cole	Hutchinson	Mrkonic	Taylor, F. E.
Cordisco	Itkin	Murphy	Telek
Cowell	Jarolin	O'Donnell	Truman
Coy	Kasunic	Olasz	Van Horne
Deluca	Kosinski	Oliver	Wachob
DeWeese	Kowalyszyn	Petrarca	Wambach
Daley	Kukovich	Petrone	Wargo
Davies	Lashinger	Phillips	Wass
Dawida	Laughlin	Pievsky	Williams
Deal	Lescovitz	Pistella	Wilson
Dietz	Levin	Pott	Wright, D. R.
Dombrowski			

## NAYS—88

Angstadt	Flick	Livengood	Scheetz
Armstrong	Foster, Jr., A.	Lloyd	Schuler
Arty	Freind	McClatchy	Serafini
Barber	Fryer	Madigan	Seventy
Book	Gallen	Manmiller	Sirianni
Bowser	George	Merry	Smith, B.
Boyes	Gladeck	Micozzie	Smith, L. E.
Brandt	Greenwood	Mochlmann	Snyder, G. M.
Bunt	Grieco	Mowery	Spencer
Burd	Gruitza	Nahill	Spitz
Burns	Hagarty	Noye	Stairs
Cessar	Hasay	O'Brien	Stevens
Cimini	Hayes	Perzel	Swift
Civera	Herman	Peterson	Tigue
Cornell	Honaman	Piccola	Trello
Coslett	Jackson	Pitts	Vroon
DeVerter	Johnson	Pratt	Weston
Dininni	Kennedy	Punt	Wiggins
Dorr	Klingaman	Reinard	Wogan
Durham	Lehr	Robbins	Wozniak
Fargo	Letterman	Ryan	Wright, J. L.
Fischer	Levi	Salvatore	Wright, R. C.

## NOT VOTING—1

Harper

## EXCUSED—4

Marmion	Zwinkl
Richardson	
	Irvis,
	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?

## AMENDMENT A2441 RECONSIDERED

The SPEAKER pro tempore. The Chair has before it a motion for reconsideration. The gentleman from Allegheny, Mr. Cowell, and the gentleman from Allegheny, Mr. Itkin, do hereby move for reconsideration of the vote by which amendment 2441 to HB 1579 was passed on May 29, 1984.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

## YEAS—185

Afflerbach	Fargo	Levin	Rieger
Alderette	Fattah	Linton	Robbins
Angstadt	Fee	Livengood	Rudy
Armstrong	Fischer	Lloyd	Ryan
Arty	Flick	Lucyk	Rybak
Baldwin	Foster, W. W.	McCall	Saloom
Barber	Foster, Jr., A.	McClatchy	Saurman
Battisto	Freeman	McHale	Scheetz
Belardi	Freind	McIntyre	Schuler
Belfanti	Fryer	Mandonagle	Semmel
Blaum	Gallagher	Mackowski	Serafini
Book	Gamble	Madigan	Seventy
Bowser	Gannon	Maiale	Showers
Boyes	Geist	Manderino	Sirianni
Brandt	George	Manmiller	Smith, B.
Broujos	Godshall	Markosek	Snyder, D. W.
Burd	Greenwood	Mayernik	Snyder, G. M.
Burns	Grieco	Merry	Spencer
Caltagirone	Gruitza	Michlovic	Spitz
Cappabianca	Gruppo	Micozzie	Stairs
Cawley	Hagarty	Miller	Steighner
Cessar	Haluska	Miscevich	Stevens
Cimini	Harper	Moehlmann	Stewart
Civera	Hasay	Morris	Stuban
Clark	Hayes	Mowery	Sweet
Clymer	Herman	Mrkonic	Swift
Cohen	Hershey	Murphy	Taylor, E. Z.
Colafella	Hoefel	Nahill	Taylor, F. E.
Cole	Honaman	Noye	Telek
Cordisco	Hutchinson	O'Donnell	Tigue
Cornell	Itkin	Olasz	Trello
Coslett	Jackson	Oliver	Truman
Cowell	Jarolin	Peterson	Van Horne
Coy	Johnson	Petrarca	Vroon
Deluca	Kasunic	Petrone	Wachob
DeWeese	Kennedy	Phillips	Wambach
Daley	Klingaman	Piccola	Wargo
Davies	Kosinski	Pievsky	Wass
Dawida	Kowalyszyn	Pistella	Wiggins
Deal	Kukovich	Pitts	Williams
Dietz	Lashinger	Pott	Wilson
Dininni	Laughlin	Pratt	Wogan
Dombrowski	Lehr	Preston	Wozniak
Donatucci	Lescovitz	Punt	Wright, D. R.
Dorr	Letterman	Reber	Wright, J. L.
Duffy	Levi	Reinard	Wright, R. C.
Durham			

## NAYS—9

Bunt	McVerry	Perzel	Smith, L. E.
DeVerter	O'Brien	Salvatore	Weston
Gladeck			

## NOT VOTING—4

Carn	Evans	Gallen	Rappaport
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## EXCUSED—4

Marmion	Zwinkl
Richardson	
	Irvis,
	Speaker

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

On the question recurring,

Will the House agree to the amendments?

The clerk read the following amendments No. A2441:

Amend Title, page 1, line 4, by inserting after "the" fifth,

Amend Sec. 1 (Sec. 911), page 2, line 6, by inserting brackets before and after "39" and inserting immediately thereafter

42

On the question recurring,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. McVerry.

Mr. McVERRY. Mr. Speaker, I simply urge everyone to vote as they did on the last roll call on this amendment and support the additional judgeships. If additional studies are conducted successfully by the Economy League or any other body, those studies can be presented as this bill continues through the legislative process. I urge you to vote affirmatively for these additional judgeships in Allegheny County.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, this and a similar amendment were discussed earlier. We again would urge that this amendment be defeated, because it is opposed by the county commissioners of our area because of the substantial costs involved. I would remind you that we have suspended the rules, so we do not have a fiscal note so that we would even know the cost to particularly our local taxpayers.

I would urge the defeat of the amendment. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Cessar.

Mr. CESSAR. Thank you, Mr. Speaker.

I would urge the members to vote in the affirmative, as they did in the past, and let us pass the amendment and send it over to the Senate. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—112

Afflerbach	Flick	McVerry	Ryan
Alderette	Foster, W. W.	Mackowski	Rybak
Angstadt	Foster, Jr., A.	Madigan	Saloom
Arty	Freind	Manderino	Salvatore
Battisto	Gallen	Michlovic	Saurman
Blaum	Gannon	Micozzie	Semmel
Book	Geist	Miller	Serafini
Brandt	Gladeck	Moehlmann	Sirianni
Bunt	Godshall	Morris	Smith, B.
Burd	Greenwood	Mowery	Smith, L. E.
Burns	Grieco	Murphy	Snyder, D. W.
Cessar	Gruitza	Nahill	Snyder, G. M.
Cimini	Gruppo	Noye	Spencer
Civera	Hagarty	O'Brien	Spitz
Clark	Hayes	O'Donnell	Stairs
Clymer	Hershey	Olasz	Stevens
Cole	Honaman	Perzel	Sweet
Cornell	Jackson	Petrarca	Taylor, E. Z.
Coslett	Johnson	Phillips	Van Horne
Coy	Kennedy	Piccola	Vroon
DeWeese	Klingaman	Pievsky	Wachob
Davies	Kowalshyn	Pitts	Wargo
Dietz	Lashinger	Pott	Wass
Dorr	Lehr	Punt	Weston
Duffy	Lescovitz	Rappaport	Wilson
Durham	Levi	Reber	Wogan
Fee	McCall	Reinard	Wright, J. L.
Fischer	McClatchy	Rieger	Wright, R. C.

NAYS—82

Armstrong	Dombrowski	Levin	Robbins
Baldwin	Donatucci	Linton	Rudy
Barber	Evans	Livengood	Scheetz
Belardi	Fargo	Lloyd	Schuler
Belfanti	Fattah	Lucyk	Seventy
Bowser	Freeman	McHale	Showers
Boyes	Fryer	McIntyre	Steighner
Broujos	Gallagher	McMonagle	Stewart
Caltagirone	Gamble	Maiale	Stuban
Cappabianca	George	Manmiller	Swift
Carn	Haluska	Markosek	Taylor, F. E.
Cawley	Hasay	Mayernik	Telek
Cohen	Herman	Merry	Tigue
Colafella	Hoeffel	Mrkonic	Trello
Cordisco	Itkin	Oliver	Truman
Cowell	Jarolin	Peterson	Wambach
Deluca	Kasunic	Petrone	Wiggins
DeVerter	Kosinski	Pistella	Williams
Daley	Kukovich	Pratt	Wozniak
Dawida	Laughlin	Preston	Wright, D. R.
Deal	Letterman		

NOT VOTING—4

Dininni	Harper	Hutchinson	Miscevich
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EXCUSED—4

Marmion	Zwicl
Richardson	
	Irvis,
	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?

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?

The Chair recognizes the gentleman from Lawrence, Mr. Pratt.

Mr. PRATT. Mr. Speaker, thank you.

Mr. Speaker, I wonder if it is possible to interrogate someone who would give me some information on the fiscal impact of this legislation.

The SPEAKER pro tempore. The gentleman, possibly the chairman of the Appropriations Committee, is available, Mr. Pievsky of Philadelphia.

Mr. PRATT. Thank you, Mr. Speaker.

Mr. Speaker, could you possibly tell me, after the preceding amendments have been adopted, what the final fiscal impact may be if this legislation is enacted and signed by the Governor?

Mr. PIEVSKY. Not at this time, Mr. Speaker.

Mr. PRATT. Well, Mr. Speaker, if I could give you some assistance.

Mr. PIEVSKY. I was informed that there were about seven more judges added, and I believe if you multiply that by \$70,000, that will give you some answers. Mr. Speaker, they

also, I believe, did away with the Commonwealth Court judges, and I believe that that saved a little bit of money. You will have to deduct that from the balance.

The SPEAKER pro tempore. Does the gentleman have a pad and pencil?

Mr. PRATT. Come again, Mr. Speaker?

The SPEAKER pro tempore. The Chair was out of order.

The Chair recognizes the gentleman, Mr. Pratt.

Mr. PRATT. Mr. Speaker, as this bill came out of the Appropriations Committee with 15 new court of common pleas judges and 2 Commonwealth Court judges, the fiscal note was approximately \$7 million. We have deleted two Commonwealth Court judges and added seven court of common pleas judges. Mr. Speaker, I think that is more than a washout. We are probably talking about a bill, Mr. Speaker, that has a fiscal impact nearing \$8 million additional.

Mr. Speaker, I rise to ask those members who are interested to reject this bill which I call a bloated pig. It is bloated, Mr. Speaker, with the self-serving interests of the legal community. This bill should be called the full employment for judges bill and the heck with the taxpayers bill. We talk about legislation, Mr. Speaker, to terminate pinstripe patronage; Mr. Speaker, this is black-robe patronage.

It is amazing, Mr. Speaker, how we can sit here and adopt amendment upon amendment upon amendment to add judges to our courts throughout the Commonwealth effortlessly and without sensitivity, and yet, Mr. Speaker, the people of this Commonwealth go begging for food, for jobs, and for more help for our needy, and for our children, for education.

Mr. Speaker, I suggest that those who support this bill today may pay heavily for it in November. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

YEAS—137

Afflerbach	Durham	Lashingner	Preston
Alderette	Fee	Laughlin	Punt
Angstadt	Fischer	Lehr	Rappaport
Arty	Flick	Lescovitz	Reber
Baldwin	Foster, W. W.	Lucyk	Reinard
Battisto	Foster, Jr., A.	McCall	Rudy
Blaum	Freeman	McClatchy	Ryan
Book	Freind	McHale	Rybak
Brandt	Fryer	McMonagle	Salvatore
Broujos	Gallagher	McVerry	Semmel
Bunt	Gallen	Madigan	Serafini
Burd	Gamble	Maiale	Showers
Burns	Gannon	Manderino	Sirianni
Caltagirone	Geist	Markosek	Smith, B.
Cappabianca	Gladeck	Mayernik	Smith, L. E.
Carn	Greenwood	Michlovic	Snyder, D. W.
Cessar	Grieco	Micozzie	Snyder, G. M.
Civera	Gruppo	Miscevich	Spencer
Clark	Hagarty	Morris	Spitz
Clymer	Harper	Mowery	Steighner
Cohen	Hayes	Murphy	Stewart
Colafella	Hershey	Nahill	Sweet
Cole	Hoefel	Noye	Taylor, E. Z.

Cordisco	Honaman	O'Brien	Taylor, F. E.
Cornell	Hutchinson	O'Donnell	Van Horne
Cowell	Itkin	Olasz	Vroon
Coy	Jarolin	Perzel	Wachob
Deluca	Johnson	Petrarca	Wargo
Daley	Kasunic	Petrone	Wass
Davies	Kennedy	Phillips	Weston
Deal	Klingaman	Pievsky	Wogan
Dietz	Kosinski	Pistella	Wright, D. R.
Dombrowski	Kowalshyn	Pitts	Wright, J. L.
Dorr	Kukovich	Pott	Wright, R. C.
Duffy			

NAYS—57

Armstrong	Fattah	Mackowski	Seventy
Barber	George	Manmiller	Stairs
Belardi	Godshall	Merry	Stevens
Belfanti	Gruitza	Miller	Suban
Bowser	Haluska	Moehlmann	Swift
Boyes	Hasay	Mrkonic	Telek
Cawley	Herman	Peterson	Tigue
Cimini	Jackson	Piccola	Trello
Coslett	Letterman	Pratt	Truman
DeVerter	Levi	Robbins	Wambach
DeWeese	Levin	Saloom	Wiggins
Dawida	Linton	Saurman	Williams
Dininni	Livengood	Schetz	Wilson
Evans	Lloyd	Schuler	Wozniak
Fargo			

NOT VOTING—4

Donatucci	McIntyre	Oliver	Rieger
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EXCUSED—4

Marmion	Zwikl
Richardson	Irvis, Speaker

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the clerk present the same to the Senate for concurrence.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER pro tempore. The Chair recognizes the lady from Chester, Mrs. Taylor.

Mrs. TAYLOR. Mr. Speaker, the debate on HB 1293 was long, and I would like to submit my remarks for the record.

The SPEAKER pro tempore. The Chair thanks the lady.

Mrs. TAYLOR submitted the following remarks for the Legislative Journal:

I am sure that most, if not all, of you have become familiar with HB 1293 - either through letters, phone calls, or even personal visits from individuals asking for your support of, or opposition to, the bill.

As we are now faced with the decision of how to cast our votes, I feel that it is vitally important to quickly review the issue at hand, the same issue which we faced 2 months ago with another curriculum bill - HB 1181.

Who should determine curriculum in our schools - the State Board of Education or the State legislature?

Let us review the situation as it presently exists and the changes which would occur with enactment of HB 1293.

\* Presently, the State Board of Education mandates 180 days of school instruction in religious-affiliated schools, through regulation.

HB 1293 would require 180 days in law. (Page 3, lines 15 and 16)

\* Presently, the academic course listing requirements are established by the State Board of Education and contained in Chapter 5 of the regulations.

HB 1293 would establish course requirements, to include all courses in the new Chapter 5 regulations (effective 9/85), plus more, in law. (Page 3, line 20, through page 4, line 4)

\* The new Chapter 5 regulations do not establish minimum graduation requirements, for nonpublic schools.

HB 1293 would specify academic-based minimum graduation requirements, in law.

\* Presently, a family can be prosecuted for having the children attend a school not meeting the regulations.

HB 1293 would further provide for prosecution in the event of noncompliance with the law. (Page 3, line 10, and so forth)

\* Presently, parents are viewed as having the right and responsibility to choose where they want their children educated.

HB 1293 would place into law a policy statement indicating the parents' rights and responsibilities to choose. (Page 4, lines 23 through 26)

\* And, finally, past and present policies, regulations, and court actions have kept government removed from religious methodology areas.

HB 1293 would place Pennsylvania's historic position of "Hands out of Religious Matters" into law, by the statement found on page 4, lines 26 through 30, and page 5, line 1 of the bill:

"Nothing contained in this act shall empower the Commonwealth, any of its officers, agencies or subdivisions to approve the course content, faculty, staff or disciplinary requirements of any religious school referred to in this section without the consent of said school."

My colleagues, I submit to you that the arguments used by some in opposing this bill are unsubstantiated.

HB 1293 recognizes church/state separation

HB 1293 recognizes religious liberty

HB 1293 recognizes parental rights

On February 14, 1984, this General Assembly saw the wisdom in passing HB 1181 by an overwhelming vote of 171-26.

Both HB's 1181 and 1293 are designed to have the legislature, as the elected representatives of the people, make the policy regarding education in the Commonwealth.

My colleagues, I ask you to vote in favor of passage of HB 1293. Thank you for your kind attention.

## REMARKS SUBMITTED FOR THE RECORD

The SPEAKER pro tempore. The Chair recognizes the gentleman from Union, Mr. Showers.

Mr. SHOWERS. Mr. Speaker, I would like to submit my remarks on the occasion of the passage of HB 1579 for the record. Thank you.

The SPEAKER pro tempore. The gentleman's remarks will be spread upon the record. The Chair thanks the gentleman.

Mr. SHOWERS submitted the following remarks for the Legislative Journal:

Since the first Union County Court was held in Mifflinburg in February of 1814, that area of 647 square miles known as Union and later Snyder Counties has been served by one judge. In 1814, 15,000 residents inhabited the two counties; today, over 66,454 people call Union and Snyder Counties home. And today, one judge still serves these two counties.

Union and Snyder Counties are nearly equal in makeup, character, and population, but, while showing much in common, have also fostered distinctive business/commerce, industrial, and educational spheres. They are two highly prosperous and developed counties ready to leap into the 21st century. We must be certain, however, that our judicial branch of government is up to the new rigors and challenges which await. Presently, we can best address those challenges by support of HB 1579 and the creation of a second judgeship for the 17th Judicial District.

On June 10, 1983, at a press conference held at the Snyder County Courthouse in Middleburg, I announced my intentions to pursue the creation of a second judgeship for our district. While interest had been expressed by both the Snyder and Union County Bar Associations, it was not until my introduction of HB 1206 on June 14, 1983, creating a new judgeship, that the support of the then sitting Judge A. Thomas Wilson for a second judge was in place.

Since then, we have only garnered additional support from the State judiciary for a new judgeship. On May 4, 1983, I wrote the Pennsylvania Supreme Court Administrator Judge Abraham Gafni requesting his support of a second judgeship. On November 14, 1983, Judge Gafni announced his support for additional judges in six common pleas districts - Snyder and Union Counties were included.

Following the November 1983 retention election loss of Judge Wilson, Judge Greevy of Lycoming County presided over the court from January 3, 1984, until Judge James A. McClure was appointed and administered the oath on May 14, 1984. From this interim experience, Judge Greevy readily and heartily concurred in the need for the second judgeship. Judge McClure also endorsed the idea of an additional judgeship in his testimony at his confirmation hearing before the Senate Judiciary Committee.

An additional judge for the 17th District, HB 1206, was later this session incorporated in the legislation before us today, HB 1579, which creates numerous additional judgeships.

The need for this second judgeship is supported not only by the opinion of those directly working in the system but also by a statistical comparison of the 17th Judicial District with other two-county, one-judge districts. The 17th is the only district comprised of two similarly populated counties. Other districts all consist of one larger and dominant county and a second smaller county existing as an appendage to the larger. In such a situation, a commuting judge is better off than a judge who would have to spread his precious time between two similar workloads in two separate counties. In the case of Union and Snyder County, each county is entitled to its own judge and the reliability and due deliberate speed that an individual judge would bring to each county.

Other facts for the record show that of the six two-county, single-judge districts, the 17th ranks second in population. While the other districts all include one eighth-class county with a population ranging from 16,675 to 5,072, Union and Snyder Counties, both seventh-class counties, have populations of 32,870 and 33,584 respectively.

Both Union County and Snyder County alone are larger than Potter County - population 17,726 served by a single judge. Even with the additional judge HB 1579 would supply, other counties ranking by population would still be more heavily populated by judges.

I believe the citizens of Union and Snyder Counties deserve both a larger share of the judicial budget and the greater judicial attention that a second judge would bring. A second judge will

also allow the counties to continue to prosper from close ties and cooperation gained from joint programs. A two-judge district will also allow itself to become more specialized and expedient and will always supply a backup judge, if needed.

With these thoughts in mind, I ask you to vote for the future of Union and Snyder Counties by voting in favor of HB 1579.

**BILL ON FINAL PASSAGE POSTPONED**

The House proceeded to **SB 1045, PN 1754**, on final passage postponed, entitled:

An Act amending the act of February 11, 1976 (P. L. 14, No. 10), entitled "Pennsylvania Rural and Intercity Common Carrier Surface Transportation Assistance Act," granting additional power to the department to dispose of certain lands.

On the question recurring,  
Shall the bill pass finally?

**DECISION OF CHAIR RESCINDED**

The **SPEAKER** pro tempore. Without objection, the Chair rescinds its statement that SB 1045, PN 1754, has been agreed to for the third time. The Chair hears no objection.

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

Mr. **HUTCHINSON** offered the following amendments No. A1370:

Amend Sec. 1 (Sec. 7), page 2, lines 20 through 24, by striking out "THE SALE BY THE" in line 20 and all of lines 21 through 24

Amend Sec. 2, page 3, line 13, by striking out "This act shall take effect immediately." and inserting

Except for the provisions of section 7 which shall take effect immediately, this act shall take effect in 60 days.

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

The **SPEAKER** pro tempore. The Chair recognizes the gentleman from Westmoreland, Mr. Hutchinson.

Mr. **HUTCHINSON**. Mr. Speaker, what this amendment does is take out where it has to be put up for bid. A lot of work has been done on this for the railroads and it would be a shame. Hammermill Line wants the railroad to put it up for bid after all the work is done. They want this part taken out. Thank you very much.

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

The following roll call was recorded:

**YEAS—192**

Afflerbach	Evans	Levi	Robbins
Alderette	Fargo	Levin	Rudy
Angstadt	Fattah	Livengood	Ryan
Armstrong	Fee	Lloyd	Rybak
Arty	Fischer	Lucyk	Saloom
Baldwin	Flick	McCall	Salvatore
Barber	Foster, W. W.	McClatchy	Saurman
Battisto	Foster, Jr., A.	McHale	Scheetz
Belardi	Freeman	McMonagle	Schuler
Belfanti	Freind	McVerry	Semmel
Blaum	Fryer	Mackowski	Serafini
Bowser	Gallagher	Madigan	Seventy

Boyes	Gallen	Manderino	Showers
Brandt	Gamble	Manmiller	Sirianni
Broujos	Gannon	Markosek	Smith, B.
Bunt	Geist	Mayernik	Smith, L. E.
Burd	George	Merry	Snyder, D. W.
Burns	Gladeck	Michlovic	Snyder, G. M.
Caltagirone	Godshall	Micozzie	Spencer
Cappabianca	Greenwood	Miller	Spitz
Carn	Grieco	Miscevich	Stairs
Cawley	Gruitza	Moehlmann	Steighner
Cessar	Gruppo	Morris	Stevens
Cimini	Hagarty	Mowery	Stewart
Civera	Haluska	Mrkonic	Stuban
Clark	Harper	Murphy	Sweet
Clymer	Hasay	Nahill	Swift
Cohen	Hayes	Noye	Taylor, E. Z.
Colafella	Herman	O'Brien	Taylor, F. E.
Cole	Hershey	O'Donnell	Telek
Cordisco	Hoeffel	Olasz	Tigue
Cornell	Honaman	Oliver	Trello
Coslett	Hutchinson	Perzel	Truman
Cowell	Itkin	Peterson	Van Horne
Coy	Jackson	Petrarca	Vroon
Deluca	Jarolin	Petrone	Wachob
DeVerter	Johnson	Phillips	Wambach
DeWeese	Kasunic	Piccola	Wargo
Daley	Kennedy	Pievsky	Wass
Davies	Klingaman	Pistella	Weston
Dawida	Kosinski	Pitts	Wiggins
Deal	Kowalshyn	Pott	Williams
Dietz	Kukovich	Pratt	Wilson
Dininni	Lashingier	Preston	Wogan
Dombrowski	Laughlin	Punt	Wozniak
Dorr	Lehr	Rappaport	Wright, D. R.
Duffy	Lescovitz	Reber	Wright, J. L.
Durham	Letterman	Reinard	Wright, R. C.

**NAYS—0**

**NOT VOTING—6**

Book	Linton	Maiale	Rieger
Donatucci	McIntyre		

**EXCUSED—4**

Marmion	Zwinkl
Richardson	
	Irvis, Speaker

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

On the question,  
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—193**

Afflerbach	Fargo	Levin	Reinard
Alderette	Fattah	Linton	Robbins
Angstadt	Fee	Livengood	Rudy
Armstrong	Fischer	Lloyd	Ryan
Arty	Flick	Lucyk	Rybak
Baldwin	Foster, W. W.	McCall	Saloom
Barber	Foster, Jr., A.	McClatchy	Salvatore
Battisto	Freeman	McHale	Saurman

