

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, JULY 15, 2003

SESSION OF 2003

187TH OF THE GENERAL ASSEMBLY

No. 62

HOUSE OF REPRESENTATIVES

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

**THE SPEAKER (JOHN M. PERZEL)
PRESIDING**

PRAYER

REV. JULIANN V. WHIPPLE, Chaplain of the House of Representatives, offered the following prayer:

Let us pray:

God of all ages, You call us to serve You in Your world, and then You wait, and You call and wait and wait and call again. We hear You sometimes, or we hear in part, and in even lesser part we heed. You truly live and move and have being, Lord, or do You? You are our strength, our ever-present help in times of trouble, or are You? One day we believe; the next we do not. We are truly fickle creatures. Did You mean for that to be part of our design?

Each of us one, we are yet many, and in the inner recesses, so much, so much of us is at war with the rest of us that often there is no peace for any of us, no peace and little power, for half of us head north and the other south; we never move beyond the act of heading. Sometimes we get tired of the energy it takes to be continually on the move in service, and we begin to coast and coast and ever slower coast until one day we discover that we have wholly ceased to move.

We pray for the energy to keep our hopes high, our spirits light, our vision clear to serve You, our families, and this Commonwealth in a way that would be in keeping with the oaths we have pledged toward each. We do not want to stop; we want to march. We want to dare and do. So we come to You and ask that You will do for us what we have tried to do for ourselves and done perhaps in part but in much larger part have simply left undone.

Flood us with the love of goodness. Make us better than we want to be, braver than we dare to be, kinder than we have the heart to be, stronger than we have the strength to be, and to You all the glory and to You all the praise. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited by members and visitors.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, July 14, 2003, will be postponed until printed.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. S. SMITH. Mr. Speaker, I move that the following bill be taken off the table: SB 850.

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

BILL 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 850, PN 1088.

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader. Mr. S. SMITH. Mr. Speaker, I move that SB 850 be recommitted to the Appropriations Committee.

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

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 168, PN 2159**, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for the authorization of excise tax, for the authorization of the hotel tax and for hotel room rental tax.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HB 168, PN 2159, 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. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HB 168, PN 2159, be removed from the table.

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

* * *

The House proceeded to third consideration of **HB 1533, PN 1996**, entitled:

An Act amending the act of June 22, 2000 (P.L.307, No.28), known as the Hotel Room Rental Tax Act, further providing for distribution of collected hotel room rental tax; and providing for an annual report.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HB 1533, PN 1996, 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. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HB 1533, PN 1996, be removed from the table.

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

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND
RECOMMITTED TO COMMITTEE ON RULES****HB 1517, PN 1913**

By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for special plates for recipients of Purple Heart.

TRANSPORTATION.

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED****SB 461, PN 492**

By Rep. GEIST

An Act designating the access drive of the State regional correctional facility in Findley Township, Mercer County, as Walters Drive.

TRANSPORTATION.

RULES COMMITTEE MEETING

The SPEAKER. The majority leader calls for an immediate meeting of the Rules Committee.

BILL REREPORTED FROM COMMITTEE**HB 489, PN 583**

By Rep. S. SMITH

An Act amending the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, further providing for purposes, for definitions, for powers of the Department of Health, for administration and for licensure; providing for compliance with staffing plans and recordkeeping, for work assignment policies and for public disclosure of staffing requirements; further providing for license standards, reliance on accrediting agencies and Federal Government, for medical assistance payments and for civil penalties; and providing for private cause of action, for grants and loan programs for nurse recruitment.

RULES.

**BILLS ON CONCURRENCE
REPORTED FROM COMMITTEE****HB 782, PN 2384**

By Rep. S. SMITH

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for definitions, for enforcement, for marketing, for sales by Pennsylvania Liquor Stores, for sales by liquor licensees and restrictions, for retail dispenser's restrictions on purchases and sales, for unlawful acts relative to liquor, alcohol and liquor licensees, for unlawful acts relative to liquor, malt and brewed beverages and licensees, for rights of municipalities preserved and for limited wineries.

RULES.

SB 44, PN 1082

By Rep. S. SMITH

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Millennium Neighborhood Church, Inc., certain lands situate in Susquehanna Township, Dauphin County; and authorizing and directing the Department of General Services, with the approval of the Governor, to transfer jurisdiction and control from the Department of General Services to the Department of Conservation and Natural Resources, of certain lands situate in the City of Philadelphia, Philadelphia County; and authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the Philadelphia Authority for Industrial Development a tract of land situate in the City of Philadelphia, Philadelphia County.

RULES.

SB 387, PN 1076

By Rep. S. SMITH

An Act reenacting and amending the act of July 8, 1986 (P.L.408, No.89), known as the Health Care Cost Containment Act, further providing for the Health Care Cost Containment Council, for powers and duties of the council, for data submission and collection, for data dissemination, for mandated health benefits, for access to council data, for enforcement and penalty and for expiration.

RULES.

BILL 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:

HB 489, PN 583.

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that HB 489 be recommitted to the Aging and Older Adult Services Committee.

On the question,

Will the House agree to the motion?

Motion was agreed to.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip, who moves for leaves of absence for the gentlelady from Berks, Mrs. MILLER; the gentleman from Lancaster, Mr. DENLINGER; the gentleman from Philadelphia, Mr. KENNEY; and the gentlelady from Montgomery, Ms. BARD. Without objection, those leaves will be granted.

The Chair recognizes the minority whip, who moves for leaves of absence for the gentleman from Washington, Mr. LESCOVITZ, for the week, and the gentleman from Northampton, Mr. ROONEY. Without objection, those leaves will be granted.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take the master roll. The members will proceed to vote.

The following roll call was recorded:

PRESENT—196

| | | | |
|-------------|------------|------------|---------------|
| Adolph | Evans, J. | Lynch | Santoni |
| Allen | Fabrizio | Mackereth | Sather |
| Argall | Fairchild | Maher | Saylor |
| Armstrong | Feese | Maitland | Scavello |
| Baker | Fichter | Major | Schroder |
| Baldwin | Fleagle | Manderino | Scrimenti |
| Barrar | Flick | Mann | Semmel |
| Bastian | Forcier | Markosek | Shaner |
| Bebko-Jones | Frankel | Marsico | Smith, B. |
| Belardi | Freeman | McCall | Smith, S. H. |
| Belfanti | Gabig | McGeehan | Solobay |
| Benninghoff | Gannon | McGill | Staback |
| Biancucci | Geist | McIlhattan | Stairs |
| Birmelin | George | McIlhinney | Steil |
| Bishop | Gergely | McNaughton | Stern |
| Blaum | Gillespie | Melio | Stetler |
| Boyd | Gingrich | Metcalfe | Stevenson, R. |
| Browne | Godshall | Micozzie | Stevenson, T. |
| Bunt | Goodman | Miller, R. | Sturla |
| Butkovitz | Gordner | Mundy | Surra |
| Buxton | Grucela | Mustio | Tangretti |
| Caltagirone | Gruitza | Myers | Taylor, E. Z. |
| Cappelli | Habay | Nailor | Taylor, J. |
| Casorio | Haluska | Nickol | Thomas |
| Causer | Hanna | O'Brien | Tigue |
| Cawley | Harhai | Oliver | Travaglio |
| Civera | Harhart | O'Neill | True |
| Clymer | Harper | Pallone | Turzai |
| Cohen | Harris | Payne | Vance |
| Coleman | Hasay | Petrarca | Veon |
| Cornell | Hennessey | Petri | Vitali |
| Corrigan | Herman | Petrone | Walko |
| Costa | Hershey | Phillips | Wansacz |
| Coy | Hess | Pickett | Washington |
| Crahalla | Hickernell | Pistella | Waters |
| Creighton | Horsely | Preston | Watson |
| Cruz | Hutchinson | Raymond | Weber |
| Curry | James | Readshaw | Wheatley |
| Daily | Josephs | Reed | Williams |
| Daley | Keller | Reichley | Wilt |
| Dally | Killion | Rieger | Wojnaroski |
| DeLuca | Kirkland | Roberts | Wright |
| Dermody | Kotik | Roebuck | Yewcic |
| DeWeese | LaGrotta | Rohrer | Youngblood |
| DiGirolamo | Laughlin | Ross | Yudichak |
| Diven | Leach | Rubley | Zug |
| Donatucci | Lederer | Ruffing | |
| Eachus | Leh | Sainato | |
| Egolf | Levdansky | Samuelson | Perzel, |
| Evans, D. | Lewis | | Speaker |

ADDITIONS—0

NOT VOTING—0

EXCUSED—6

| | | | |
|-----------|-----------|------------|--------|
| Bard | Kenney | Miller, S. | Rooney |
| Denlinger | Lescovitz | | |

LEAVES ADDED—2

| | |
|--------|--------|
| Argall | McCall |
|--------|--------|

LEAVES CANCELED—2

| | |
|------|-----------|
| Bard | Denlinger |
|------|-----------|

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence on the floor of the House of Representative Denlinger. The clerk will add his name to the master roll.

GUEST INTRODUCED

The SPEAKER. The Chair welcomes to the hall of the House Dennis G. Solensky, executive director of the Erie Metropolitan Transit Authority, who is here today as the guest of Representative Thomas Scrimenti. The gentleman is to the left of the Speaker. Would Dennis please rise and be recognized. Welcome, Dennis.

RESOLUTIONS PURSUANT TO RULE 35

Mrs. TAYLOR called up **HR 358, PN 2409**, entitled:

A Resolution recognizing the month of September 2003 as "College Savings Month."

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

| | | | |
|-------------|------------|------------|---------------|
| Adolph | Evans, D. | Lewis | Santoni |
| Allen | Evans, J. | Lynch | Sather |
| Argall | Fabrizio | Mackereth | Saylor |
| Armstrong | Fairchild | Maher | Scavello |
| Baker | Feese | Maitland | Schroder |
| Baldwin | Fichter | Major | Scrimenti |
| Barrar | Fleagle | Manderino | Semmel |
| Bastian | Flick | Mann | Shaner |
| Bebko-Jones | Forcier | Markosek | Smith, B. |
| Belardi | Frankel | Marsico | Smith, S. H. |
| Belfanti | Freeman | McCall | Solobay |
| Benninghoff | Gabig | McGeehan | Staback |
| Biancucci | Gannon | McGill | Stairs |
| Birmelin | Geist | McIlhattan | Steil |
| Bishop | George | McIlhinney | Stern |
| Blaum | Gergely | McNaughton | Stetler |
| Boyd | Gillespie | Melio | Stevenson, R. |
| Browne | Gingrich | Metcalfe | Stevenson, T. |
| Bunt | Godshall | Micozzie | Sturla |
| Butkovitz | Goodman | Miller, R. | Surra |
| Buxton | Gordner | Mundy | Tangretti |
| Caltagirone | Grucela | Mustio | Taylor, E. Z. |
| Cappelli | Gruitza | Myers | Taylor, J. |
| Casorio | Habay | Nailor | Thomas |
| Causer | Haluska | Nickol | Tigue |
| Cawley | Hanna | O'Brien | Travaglio |
| Civera | Harhai | Oliver | True |
| Clymer | Harhart | O'Neill | Turzai |
| Cohen | Harper | Pallone | Vance |
| Coleman | Harris | Payne | Veon |
| Cornell | Hasay | Petrarca | Vitali |
| Corrigan | Hennessey | Petri | Walko |
| Costa | Herman | Petrone | Wansacz |
| Coy | Hershey | Phillips | Washington |
| Crahalla | Hess | Pickett | Waters |
| Creighton | Hickernell | Pistella | Watson |
| Cruz | Horsy | Preston | Weber |
| Curry | Hutchinson | Raymond | Wheatley |
| Dailey | James | Readshaw | Williams |
| Daley | Josephs | Reed | Wilt |
| Dally | Keller | Reichley | Wojnaroski |

| | | | |
|------------|-----------|-----------|------------|
| DeLuca | Killion | Rieger | Wright |
| Denlinger | Kirkland | Roberts | Yewcic |
| Dermody | Kotik | Roebuck | Youngblood |
| DeWeese | LaGrotta | Rohrer | Yudichak |
| DiGirolamo | Laughlin | Ross | Zug |
| Diven | Leach | Rubley | |
| Donatucci | Lederer | Ruffing | |
| Eachus | Leh | Sainato | Perzel, |
| Egolf | Levdansky | Samuelson | Speaker |

NAYS—0

NOT VOTING—0

EXCUSED—5

| | | | |
|--------|-----------|------------|--------|
| Bard | Lescovitz | Miller, S. | Rooney |
| Kenney | | | |

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

* * *

Mr. McILHINNEY called up **HR 359, PN 2410**, entitled:

A Resolution recognizing, applauding and saluting the Community College of Philadelphia, the Bucks County Community College, the Delaware County Community College, the Camden County College and Drexel University for forming the Collegiate Consortium for Workforce and Economic Development.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

| | | | |
|-------------|-----------|------------|---------------|
| Adolph | Evans, D. | Lewis | Santoni |
| Allen | Evans, J. | Lynch | Sather |
| Argall | Fabrizio | Mackereth | Saylor |
| Armstrong | Fairchild | Maher | Scavello |
| Baker | Feese | Maitland | Schroder |
| Baldwin | Fichter | Major | Scrimenti |
| Barrar | Fleagle | Manderino | Semmel |
| Bastian | Flick | Mann | Shaner |
| Bebko-Jones | Forcier | Markosek | Smith, B. |
| Belardi | Frankel | Marsico | Smith, S. H. |
| Belfanti | Freeman | McCall | Solobay |
| Benninghoff | Gabig | McGeehan | Staback |
| Biancucci | Gannon | McGill | Stairs |
| Birmelin | Geist | McIlhattan | Steil |
| Bishop | George | McIlhinney | Stern |
| Blaum | Gergely | McNaughton | Stetler |
| Boyd | Gillespie | Melio | Stevenson, R. |
| Browne | Gingrich | Metcalfe | Stevenson, T. |
| Bunt | Godshall | Micozzie | Sturla |
| Butkovitz | Goodman | Miller, R. | Surra |
| Buxton | Gordner | Mundy | Tangretti |
| Caltagirone | Grucela | Mustio | Taylor, E. Z. |
| Cappelli | Gruitza | Myers | Taylor, J. |
| Casorio | Habay | Nailor | Thomas |
| Causer | Haluska | Nickol | Tigue |
| Cawley | Hanna | O'Brien | Travaglio |
| Civera | Harhai | Oliver | True |
| Clymer | Harhart | O'Neill | Turzai |
| Cohen | Harper | Pallone | Vance |
| Coleman | Harris | Payne | Veon |

| | | | |
|------------|------------|-----------|------------|
| Cornell | Hasay | Petrarca | Vitali |
| Corrigan | Hennessey | Petri | Walko |
| Costa | Herman | Petrone | Wansacz |
| Coy | Hershey | Phillips | Washington |
| Crahalla | Hess | Pickett | Waters |
| Creighton | Hickernell | Pistella | Watson |
| Cruz | Horsey | Preston | Weber |
| Curry | Hutchinson | Raymond | Wheatley |
| Dailey | James | Readshaw | Williams |
| Daley | Josephs | Reed | Wilt |
| Dally | Keller | Reichley | Wojnaroski |
| DeLuca | Killion | Rieger | Wright |
| Denlinger | Kirkland | Roberts | Yewcic |
| Dermody | Kotik | Roebuck | Youngblood |
| DeWeese | LaGrotta | Rohrer | Yudichak |
| DiGirolamo | Laughlin | Ross | Zug |
| Diven | Leach | Rubley | |
| Donatucci | Lederer | Ruffing | |
| Eachus | Leh | Sainato | Perzel, |
| Egolf | Levdansky | Samuelson | Speaker |

NAYS—0

NOT VOTING—0

EXCUSED—5

| | | | |
|--------|-----------|------------|--------|
| Bard | Lescovitz | Miller, S. | Rooney |
| Kenney | | | |

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

GUESTS INTRODUCED

The SPEAKER. The Chair welcomes to the hall of the House Sfc. Catherine Judy from Middletown. She is with the PA National Guard, 28th Personnel Services Battalion, Fort Indiantown Gap, PA. She has been in the military for 23 years and recently returned from serving in Iraq. She is accompanied by her daughter, Mallory Judy, and her sisters, Kim Little and Jeannie Dougherty, who is the secretary to State Representative David Steil. They are the guests of Representative John Payne and are located to the left of the Speaker. Would those guests please rise.

INTERGOVERNMENTAL AFFAIRS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Leh, for the purpose of an announcement.

Mr. LEH. Thank you, Mr. Speaker.

I would like to rise to announce a meeting of the Intergovernmental Affairs Committee immediately at the call of the break in the rear of the House.

The SPEAKER. The Chair thanks the gentleman.

Mr. LEH. Thank you, Mr. Speaker.

The SPEAKER. There will be a meeting of the Intergovernmental Affairs Committee in the rear of the House at the recess.

LABOR RELATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. Allen, for the purposes of a committee announcement.

Mr. ALLEN. Thank you, Mr. Speaker.

The Labor Relations Committee will meet for a meeting in the back of the House immediately at the recess.

Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

At the recess there will be a meeting of the Labor Relations Committee in the rear of the House.

LOCAL GOVERNMENT COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Centre, Mr. Herman, for the purpose of an announcement.

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

Likewise, the House Local Government Committee will meet for a meeting at the call of the recess immediately at the rear of the House, and that will be at the entrance to the Post Office on the Democrat side.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

There will be a meeting of the Local Government Committee in the rear of the House at the recess.

JUDICIARY COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. O'Brien.

Mr. O'BRIEN. Thank you, Mr. Speaker.

There will be a meeting of the Judiciary Committee at the call of the recess in room 39, East Wing. Thank you.

The SPEAKER. The Chair thanks the gentleman.

There will be a meeting of the Judiciary Committee in room 39, East Wing, at the recess.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. Argall.

Mr. ARGALL. Thank you, Mr. Speaker.

The House Appropriations Committee will meet at 1:30; 1:30 in room 245.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

There will be a meeting of the Appropriations Committee at 1:30 in room 245.

REPUBLICAN CAUCUS

The SPEAKER. Does the gentlelady, Mrs. Taylor, wish to announce a caucus?

Mrs. TAYLOR. Thank you, Mr. Speaker.

The SPEAKER. Thank you, Mrs. Taylor.

Mrs. TAYLOR. There will be a Republican caucus immediately following the recess for about 2 hours.

The SPEAKER. The Chair thanks the gentlelady.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the gentleman, Mr. Stetler, for the purpose of an announcement.

Mr. STETLER. Thank you, Mr. Speaker.

The House Democrats will reconvene their caucus at the call of the Chair.

The SPEAKER. The Chair thanks the gentleman.

RECESS

The SPEAKER. This House will stand in recess until 3:30.

RECESS EXTENDED

The time of recess was extended until 4 p.m.

AFTER RECESS

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

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

SB 164, PN 1099 (Amended) By Rep. O'BRIEN

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for criminal victim aid good Samaritan civil immunity.

JUDICIARY.

SB 779, PN 970 By Rep. ARGALL

An Act making an appropriation from a restricted revenue account within the General Fund to the State Farm Products Show Fund.

APPROPRIATIONS.

BILLS REREPORTED FROM COMMITTEE

HB 565, PN 667 By Rep. ARGALL

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the safety zone for hunters using bows and arrows or crossbows.

APPROPRIATIONS.

HB 1549, PN 1956 By Rep. ARGALL

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, providing for the designation of the Governor Robert P. Casey Highway as a scenic byway.

APPROPRIATIONS.

HB 1718, PN 2236

By Rep. ARGALL

An Act amending the act of June 26, 2001 (P.L.755, No.77), known as the Tobacco Settlement Act, imposing limitations on supersedeas bond requirements.

APPROPRIATIONS.

HB 1733, PN 2421 (Amended)

By Rep. ARGALL

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, recodifying provisions on the Pennsylvania Convention Center Authority; further providing for definitions and for expansion funding; providing for the unified show labor workforce; further providing for bond powers and for jurisdiction of the Pennsylvania Supreme Court; codifying and amending provisions imposing a tax for general public school purposes in school districts of the first class A on salaries, wages, commissions and other compensation earned by residents thereof, and on the net profits earned from businesses, professions or other activities conducted by residents thereof; providing for its levy and collection; requiring the filing of declarations and returns and the giving of information by employers and by those subject to the tax; imposing on employers the duty of collecting the tax at source; conferring and imposing powers and duties on boards of public education and school treasurers in such districts; providing for the administration and enforcement; imposing penalties; and making repeals.

APPROPRIATIONS.

HB 1785, PN 2304

By Rep. ARGALL

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for the prohibition on certain political activity and for the governing body of the authorities; and providing local choice for fluoridation of public water.

APPROPRIATIONS.

SB 92, PN 91

By Rep. ARGALL

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for six months limitations and for deficiency judgments.

APPROPRIATIONS.

SB 100, PN 1075

By Rep. ARGALL

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for per capita taxes; providing for the imposition and collection of an earned income and net profits tax or personal income tax by school districts after approval by the electors; providing for applicability of referendum exceptions; and further providing for the mandate waiver program.

APPROPRIATIONS.

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND
RECOMMITTED TO COMMITTEE ON RULES**

HB 445, PN 523

By Rep. ALLEN

An Act providing for the licensure of individuals providing sign language interpreting and transliterating services to individuals who are deaf or hard of hearing; and imposing duties on the Office for the Deaf and Hard of Hearing in the Department of Labor and Industry.

LABOR RELATIONS.

**BILLS REPORTED AND REREFERRED
TO COMMITTEE ON
LOCAL GOVERNMENT**

HB 1825, PN 2371

By Rep. LEH

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, providing for a temporary development moratorium.

INTERGOVERNMENTAL AFFAIRS.

HB 1840, PN 2408

By Rep. LEH

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further providing for contiguous municipalities.

INTERGOVERNMENTAL AFFAIRS.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair returns to leaves of absence and notes the presence of the gentlelady from Montgomery, Ms. Bard, and her name will be added to the master roll.

GUESTS INTRODUCED

The SPEAKER. We have in the gallery today, as guests of Representative Baldwin, Sarah Beaver, Zach Bennett, Kurt Duschl, Brandon Conrad, and Susie Baldwin, Roy's daughter. I would like those guests – they are in the gallery – will they please stand and be recognized by the members.

SUPPLEMENTAL CALENDAR B

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1718, PN 2236**, entitled:

An Act amending the act of June 26, 2001 (P.L.755, No.77), known as the Tobacco Settlement Act, imposing limitations on supersedeas bond requirements.

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

Mr. **GEORGE** offered the following amendment No. **A2998**:

Amend Title, page 1, line 14, by removing the period after “requirements” and inserting

; and requiring the Department of Labor and Industry to make certain report to General Assembly.

Amend Sec. 1, page 1, line 18, by striking out “a section” and inserting

sections

Amend Sec. 1, page 2, by inserting between lines 17 and 18 Section 2704. Report to General Assembly.

The Department of Labor and Industry shall study and report back to the General Assembly within six months the necessity to help citizens of this Commonwealth who would have been eligible for a Federal occupation-related disability program such as Coal Worker's Pneumoconiosis (Black Lung), but for the fact that they smoke a tobacco product.

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

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. George, for an explanation.

Mr. **GEORGE**. Mr. Speaker, this amendment simply requires the Department of Labor and Industry to study the need that exists to help citizens of this Commonwealth who would have been eligible for a Federal occupation-related disability program such as coal worker's, miner's pneumoconiosis – that is the black lung – except for the fact that they smoke a tobacco product, and I think we ought to study this, and I would urge an affirmative vote.

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

The following roll call was recorded:

YEAS—180

| | | | |
|-------------|-----------|------------|---------------|
| Adolph | Eachus | Laughlin | Santoni |
| Allen | Egolf | Leach | Sather |
| Argall | Evans, D. | Lederer | Saylor |
| Armstrong | Evans, J. | Leh | Scavello |
| Baker | Fabrizio | Levdansky | Schroder |
| Baldwin | Fairchild | Lynch | Scrimenti |
| Bard | Feese | Maher | Semmel |
| Barrar | Fichter | Manderino | Shaner |
| Bastian | Fleagle | Mann | Smith, B. |
| Bebko-Jones | Flick | Markosek | Smith, S. H. |
| Belardi | Forcier | Marsico | Solobay |
| Belfanti | Frankel | McCall | Staback |
| Benninghoff | Freeman | McGeehan | Stairs |
| Bianucci | Gabig | McGill | Steil |
| Birmelin | Gannon | McIlhattan | Stetler |
| Bishop | Geist | McIlhinney | Stevenson, R. |
| Blaum | George | McNaughton | Stevenson, T. |
| Browne | Gergely | Melio | Sturla |
| Bunt | Gillespie | Micozzie | Surra |
| Butkovitz | Gingrich | Mundy | Tangretti |
| Buxton | Godshall | Mustio | Taylor, E. Z. |
| Caltagirone | Goodman | Myers | Taylor, J. |
| Cappelli | Gordner | Nailor | Thomas |
| Casorio | Grucela | O'Brien | Tigue |
| Causar | Gruitza | Oliver | Travaglio |
| Cawley | Habay | O'Neill | Veon |
| Civera | Haluska | Pallone | Vitali |
| Clymer | Hanna | Payne | Walko |

| | | | |
|------------|------------|-----------|-------------|
| Cohen | Harhai | Petrarca | Wansacz |
| Cornell | Harhart | Petri | Washington |
| Corrigan | Harper | Petrone | Waters |
| Costa | Harris | Phillips | Watson |
| Coy | Hasay | Pickett | Weber |
| Crahalla | Hennessey | Pistella | Wheatley |
| Cruz | Herman | Preston | Williams |
| Curry | Hershey | Raymond | Wilt |
| Dailey | Hess | Readshaw | Wojnarowski |
| Daley | Horsey | Reichley | Wright |
| Dally | Hutchinson | Rieger | Yewcic |
| DeLuca | James | Roberts | Youngblood |
| Denlinger | Josephs | Roebuck | Yudichak |
| Dermody | Keller | Rubley | Zug |
| DeWeese | Killion | Ruffing | |
| DiGirolamo | Kirkland | Sainato | |
| Diven | Kotik | Samuelson | Perzel, |
| Donatucci | LaGrotta | | Speaker |

NAYS—18

| | | | |
|------------|------------|--------|--------|
| Boyd | Mackereth | Nickol | Stern |
| Coleman | Maitland | Reed | True |
| Creighton | Major | Rohrer | Turzai |
| Hickernell | Metcalfe | Ross | Vance |
| Lewis | Miller, R. | | |

NOT VOTING—0

EXCUSED—4

| | | | |
|--------|-----------|------------|--------|
| Kenney | Lescovitz | Miller, S. | Rooney |
|--------|-----------|------------|--------|

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

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

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

The following roll call was recorded:

YEAS—198

| | | | |
|-------------|-----------|------------|--------------|
| Adolph | Egolf | Levdansky | Samuelson |
| Allen | Evans, D. | Lewis | Santoni |
| Argall | Evans, J. | Lynch | Sather |
| Armstrong | Fabrizio | Mackereth | Saylor |
| Baker | Fairchild | Maher | Scavello |
| Baldwin | Feese | Maitland | Schroder |
| Bard | Fichter | Major | Scrimenti |
| Barrar | Fleagle | Manderino | Semmel |
| Bastian | Flick | Mann | Shaner |
| Bebko-Jones | Forcier | Markosek | Smith, B. |
| Belardi | Frankel | Marsico | Smith, S. H. |
| Belfanti | Freeman | McCall | Solobay |
| Benninghoff | Gabig | McGeehan | Staback |
| Bianucci | Gannon | McGill | Stairs |
| Birmelin | Geist | McIlhattan | Steil |
| Bishop | George | McIlhinney | Stern |
| Blaum | Gergely | McNaughton | Stetler |

| | | | |
|-------------|------------|------------|---------------|
| Boyd | Gillespie | Melio | Stevenson, R. |
| Browne | Gingrich | Metcalfe | Stevenson, T. |
| Bunt | Godshall | Micozzie | Sturla |
| Butkovitz | Goodman | Miller, R. | Surra |
| Buxton | Gordner | Mundy | Tangretti |
| Caltagirone | Grucela | Mustio | Taylor, E. Z. |
| Cappelli | Gruitza | Myers | Taylor, J. |
| Casorio | Habay | Nailor | Thomas |
| Causer | Haluska | Nickol | Tigue |
| Cawley | Hanna | O'Brien | Travaglio |
| Civera | Harhai | Oliver | True |
| Clymer | Harhart | O'Neill | Turzai |
| Cohen | Harper | Pallone | Vance |
| Coleman | Harris | Payne | Veon |
| Cornell | Hasay | Petrarca | Vitali |
| Corrigan | Hennessey | Petri | Walko |
| Costa | Herman | Petrone | Wansacz |
| Coy | Hershey | Phillips | Washington |
| Crahalla | Hess | Pickett | Waters |
| Creighton | Hickernell | Pistella | Watson |
| Cruz | Horsey | Preston | Weber |
| Curry | Hutchinson | Raymond | Wheatley |
| Dailey | James | Readshaw | Williams |
| Daley | Josephs | Reed | Wilt |
| Dally | Keller | Reichley | Wojnarowski |
| DeLuca | Killion | Rieger | Wright |
| Denlinger | Kirkland | Roberts | Yewcic |
| Dermody | Kotik | Roebuck | Youngblood |
| DeWeese | LaGrotta | Rohrer | Yudichak |
| DiGirolamo | Laughlin | Ross | Zug |
| Diven | Leach | Rubley | |
| Donatucci | Lederer | Ruffing | Perzel, |
| Eachus | Leh | Sainato | Speaker |

NAYS—0

NOT VOTING—0

EXCUSED—4

| | | | |
|--------|-----------|------------|--------|
| Kenney | Lescovitz | Miller, S. | Rooney |
|--------|-----------|------------|--------|

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

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

* * *

The House proceeded to third consideration of **SB 92, PN 91**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for six months limitations and for deficiency judgments.

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

Mr. **MILLER** offered the following amendment No. **A2926**:

Amend Title, page 1, line 3, by removing the period after "judgments" and inserting ; codifying judicial provisions of the act of April 6, 1951 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951; further providing for hearings; and making repeals.

Amend Bill, page 2, by inserting between lines 6 and 7 Section 2. Title 42 is amended by adding a chapter to read:

CHAPTER 64
LANDLORD AND TENANT

Sec.

6401. Notice to quit.

6402. Summons and service.

6403. Hearing; judgment; writ of possession; payment of rent by tenant.

6404. Return of writ of possession.

6405. Remedy to recover possession by ejectment preserved.

6406. Appeal by tenant.

§ 6401. Notice to quit.

(a) Requirement.—

(1) Except as set forth in paragraph (2), a landlord desirous of repossessing real property from a tenant must notify the tenant in writing to remove from the real property at the expiration of the time specified in the notice under the following circumstances:

- (i) Upon the termination of a term of the tenant.
- (ii) Upon forfeiture of the lease for breach of its conditions.
- (iii) Upon the failure of the tenant, upon demand, to satisfy rent reserved and due.

(2) This subsection does not apply to real property which is a mobile home space as defined in section 2 of the act of November 24, 1976 (P.L.1176, No.261), known as the Mobile Home Park Rights Act.

(b) Contents.—

(1) Except as provided in subsection (c) or (e), in case of the expiration of a term or of a forfeiture for breach of the conditions of a lease, the notice must specify that the tenant remove within:

- (i) fifteen days from the date of service if the lease is for one year or less or for an indeterminate time; or
- (ii) thirty days from the date of service if the lease is for more than one year.

(2) If the tenant fails, upon demand, to satisfy rent reserved and due, the notice must specify that the tenant remove within ten days from the date of service of the notice.

(c) Mobile home parks.—

(1) Except as set forth in subsection (e), in case of the expiration of a term or of a forfeiture for breach of the conditions of the lease involving a tenant of a mobile home park as defined in section 2 of the Mobile Home Park Rights Act, the notice must specify that the tenant remove within:

- (i) thirty days from the date of service if the lease is for less than one year or for an indeterminate time; or
- (ii) three months from the date of service if the lease is for one year or more.

(2) Except as set forth in subsection (e), in case of failure of the tenant, upon demand, to satisfy rent reserved and due, the notice:

- (i) if given after March 31 and before September 1, must specify that the tenant remove within 15 days from the date of the service; and
- (ii) if given after August 31 and before April 1, must specify that the tenant remove within 30 days from the date of the service.

(3) The owner of a mobile home park is not entitled to recovery of the mobile home space upon the termination of a lease with a resident regardless of the term of the lease if the resident:

- (i) is complying with the rules of the mobile home park;
- (ii) is paying the rent due; and
- (iii) desires to continue living in the mobile home park.

(4) The following are the only bases for the recovery of a mobile home space by an owner of a mobile home park:

(i) A resident is legally evicted under section 3 of the Mobile Home Park Rights Act.

(ii) The owner and resident mutually agree in writing to the termination of a lease.

(iii) At the expiration of a lease, the resident determines that the resident no longer desires to reside in the park and so notifies the owner in writing.

(d) Illegal drugs.—In case of termination due to the provisions of section 505-A of the act of April 6, 1951 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951, the notice must specify that the tenant remove within ten days from the date of service.

(e) Waiver and agreement.—Notice under this section may be for a lesser time or may be waived by the tenant if the lease so provides.

(f) Service.—Notice under this section must be served:

- (1) personally on the tenant;
- (2) by leaving the notice at the principal building upon the premises; or
- (3) by conspicuous posting on the leased premises.

§ 6402. Summons and service.

(a) Issuance.—Upon filing of the complaint, the district justice shall issue a summons which:

- (1) recites substantially the complaint;
- (2) is directed to a writ server, constable or sheriff; and
- (3) commands the officer under paragraph (2) to summon the tenant to appear before the district justice to answer the complaint on a date not less than seven nor more than ten days from the date of the summons.

(b) Service.—The summons must be served:

- (1) personally on the tenant;
- (2) by mail; or
- (3) by conspicuous posting on the leased premises.

§ 6403. Hearing; judgment; writ of possession; payment of rent by tenant.

(a) Hearing and judgment.—On the appropriate day and time, the district justice shall proceed to hear the case. If the complaint is sufficiently proven, the district justice shall enter judgment against the tenant:

- (1) that the real property be delivered to the landlord;
- (2) for any damages for the unjust detention of the demised premises; and
- (3) for rent which remains due and unpaid.

(b) Writ of possession.—The landlord may request the issuance of a writ of possession on the next business day after the rendition of the judgment. The district justice shall issue a writ of possession directed to the writ server, constable or sheriff commanding the officer to deliver actual possession of the real property to the landlord and to levy the costs and amount of judgment for damages and rent on the tenant in the same manner as judgments and costs are levied and collected on writs of execution. This writ shall be served no later than 48 hours after the request was filed by the landlord and executed on the 11th day following service upon the tenant. The writ of possession must be served on the tenant by:

- (1) personal service; or
- (2) conspicuous posting on the leased premises.

(c) Payment of rent.—At any time before the end of the tenth day following the rendition of the judgment, the tenant may, in a case for the recovery of possession solely because of failure to pay rent due, void the writ of possession by paying to the writ server, constable or sheriff all of the following:

- (1) The rent actually in arrears.
- (2) The officer's costs. A tenant may comply with this paragraph by reimbursing the landlord for paying the officer's costs.

(d) Affidavit.—After the tenth day following rendition of judgment but prior to executing on a writ for possession which was entered solely because of a failure to pay rent, the landlord must file

with the court an affidavit that the tenant has not paid the judgment amount plus costs and has not petitioned for an appeal of the judgment.

(e) Concurrent time periods.—The time period under subsection (b) shall run concurrently with the time period for appeal under section 6406(b) (relating to appeal by tenant). The later time period governs.

§ 6404. Return of writ of possession.

The writ server, constable or sheriff shall make return of the writ of possession to the district justice of the peace within ten days after receiving the writ. The return must show:

- (1) the date, time, place and manner of service of the writ;
- (2) if the writ was satisfied by the payment of rent due or in arrears and costs by or on behalf of the tenant, the amount of that payment and its distribution;
- (3) the time and date of any forcible entry and ejection or that no entry for the purpose of ejection has been made; and
- (4) the officer's costs paid under section 6403(c)(2) (relating to hearing; judgment; writ of possession; payment of rent by tenant).

§ 6405. Remedy to recover possession by ejection preserved.

Nothing contained in this chapter shall be construed as abolishing the right of any landlord to recover possession of real property from a tenant by action of ejection or to institute an amicable action of ejection to recover possession of real property by confessing judgment in accordance with the terms of any written contract or agreement.

§ 6406. Appeal by tenant.

(a) Escrow.—

(1) A tenant that files an appeal to a court of common pleas of a judgment of a district justice involving an action under the act of April 6, 1951 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951, for the recovery of possession of real property or for rent due must:

(i) deposit with the prothonotary a sum equal to the amount of rent due as determined by the district justice; and

(ii) pay in cash any rent which becomes due during the proceedings in the court of common pleas within ten days after the date each payment becomes due.

(2) The sum representing the rent due or in question shall be placed in a special escrow account by the prothonotary.

(3) The prothonotary shall only dispose of these funds by order of court.

(b) Appeal.—

(1) A party must appeal to the court of common pleas within the following time periods:

(i) Except as set forth in subparagraph (ii)(B), within ten days after the rendition of judgment by the district justice in the case of a residential lease.

(ii) Within 30 days after a judgment by the district justice in the case of a:

(A) nonresidential lease; or

(B) residential lease involving a victim of domestic violence.

(2) An appeal by a tenant shall operate as a supersedeas only in the following cases:

(i) The tenant:

(A) pays in cash or bond the amount of any judgment rendered by the lower court; and

(B) pays in cash into an account with the prothonotary any rent which becomes due during the proceedings in the court of common pleas within ten days after the date each payment becomes due.

(ii) The tenant is a victim of domestic violence and pays in cash into an account with the prothonotary any rent which becomes due during the proceedings in

the court of common pleas within ten days after the date each payment is due.

(iii) With respect to an appeal by an indigent tenant from a judgment of the lower court involving the recovery of possession of residential real property in which the tenant simultaneously files a petition and supporting affidavit to proceed in forma pauperis in the appeal pursuant to Pa.R.C.P. No. 240 (relating to in forma pauperis), the filing of such an appeal, petition and supporting affidavit shall operate as a supersedeas until the common pleas court renders a decision on the petition pursuant to Pa.R.C.P. No. 240(c)(3) provided that the indigent tenant complies with the following:

(A) If the rent has been paid in the month in which the appeal is taken, the appellant shall be required to pay into escrow with the prothonotary the monthly rent as it becomes due under the lease for the months subsequent to the filing of the appeal.

(B) If the rent has not been paid in the month in which the appeal is taken, the appellant shall pay:

(I) at the time of the filing of the appeal, a sum of money equal to one-third of the monthly rent;

(II) an additional deposit of two-thirds of the monthly rent within 20 days of the date of the appeal; and

(III) additional deposits of one month's rent each successive 30-day period after the filing of the appeal. The amount of the monthly rent shall be determined by the judge of the court from which the appeal is taken.

(C) If the court of common pleas determines, upon written motion, that the averments within the tenant's affidavit do not establish that the tenant meets the terms and conditions above, the court may terminate the supersedeas.

(D) The tenant shall be required to pay into escrow with the prothonotary the ongoing rent as required under clause (B) in order to continue to maintain the supersedeas on appeal.

(iv) In the event the petition to proceed in forma pauperis is denied under subparagraph (iii), the supersedeas shall terminate immediately. In the event the petition is granted, the supersedeas shall continue in effect until the entry of the order of the court of common pleas, at which point the supersedeas shall terminate. The filing of an attorney's praecipe pursuant to Pa.R.C.P. No. 240(d) shall not trigger the creation of a supersedeas under the provisions of this subsection.

(3) Except as otherwise provided in paragraph (2)(iii), the supersedeas shall be summarily terminated if the tenant does not comply with paragraph (2).

(c) Release of escrow.—

(1) Upon application by the landlord, the court shall release appropriate sums from the escrow account on a continuing basis while the appeal is pending to compensate the landlord for the tenant's actual possession and use of the premises during the pendency of the appeal.

(2) Upon application by the tenant, the court shall release appropriate sums from the escrow account on a continuing basis while the appeal is pending to directly compensate providers of habitable services which the landlord is required to provide under law or under the lease.

(d) Definition.—As used in this section, the term “victim of domestic violence” means an individual who:

(1) has obtained a protection from abuse order against another individual; or

(2) provides other suitable evidence as directed by the court.

Amend Sec. 2, page 2, line 7, by striking out “2” and inserting

3

Amend Bill, page 8, by inserting between lines 10 and 11

Section 4. Sections 501, 502, 503, 504, 511 and 513 of the act of April 6, 1951 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951, are repealed.

Section 5. The addition of 42 Pa.C.S. Ch. 64 is a codification of sections 501, 502, 503, 504, 511 and 513 of the act of April 6, 1951 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951. The following apply:

(1) The following provisions shall apply to actions commenced on or after the effective date of this section:

(i) The addition of 42 Pa.C.S. Ch. 64.

(ii) Section 3 of this act.

(2) Actions pending on the effective date of this section shall be completed under the former sections 501, 502, 503, 504, 511 and 513 of The Landlord and Tenant Act of 1951.

(3) Except as set forth in paragraph (4), any difference in language between 42 Pa.C.S. Ch. 64 and sections 501, 502, 503, 504, 511 and 513 of The Landlord and Tenant Act of 1951 is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of sections 501, 502, 503, 504, 511 and 513 of The Landlord and Tenant Act of 1951.

(4) Paragraph (3) does not apply to the addition of 42 Pa.C.S. § 6403(b), (c), (d) and (e).

Amend Sec. 3, page 8, line 11, by striking out all of said line and inserting

Section 6. This act shall take effect as follows:

(1) This section shall take effect immediately.

(2) The following provisions shall take effect in 60 days:

(i) The amendment of 42 Pa.C.S. § 5522(b).

(ii) The amendment or addition of 42 Pa.C.S. § 8103(a), (b), (c)(3) and (5), (e), (f.1), (f.2) and (g).

(2) The remainder of this act shall take effect in 120 days.

On the question,

Will the House agree to the amendment?

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

Mr. MILLER. Thank you, Mr. Speaker.

A2926 to SB 92 clarifies that the 11 days to vacate a property runs concurrent to the 10 days appeal window. I became convinced of the merit in clarifying the law when a constituent of mine told me the extent of the damage that occurred in his rental property when the tenant no longer had a vested interest in that property, that being the 11 days the judicial system extended to the tenant after the tenant either lost an appeal or chose not to file an appeal. Since I became the sponsor of this legislation, I have heard numerous similar stories from across the Commonwealth.

This legislation will help to minimize damage to residential rental property, but beyond the benefit to the landlord, it is a consumer protection piece. We all know that the common argument that tenants do not pay property tax is a bogus argument. The landlord passes operating costs such as

property taxes, maintenance, and insurance on to the tenant as part of the rent.

Mr. Speaker, when rental property is vandalized, the repair costs are passed on in the form of higher rents. It could be argued that this type of loss is insured, but there is no such thing as a free ride, and the use of insurance to pay for vandalism to property results in higher insurance premiums and higher rental costs.

Two specific consumer protection pieces are included in this legislation. The first is the requirement that a landlord must submit an affidavit prior to final eviction stating that the tenant has not filed an appeal nor has the rent been paid.

I would also like to thank Representative Browne for his work on the second tenant protection piece. Language for a tenant’s supersedeas affidavit has been written into this bill to make it easier for indigent tenants to file an appeal.

With inclusion of the Browne language and the requirement of filing an affidavit prior to eviction, this bill truly meets the goal of protecting all tenants by protecting tenant rights while protecting rental property integrity from vandalism that eventually hurts all tenants.

Mr. Speaker, I ask for an affirmative vote on A2926 to SB 92. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lehigh, Mr. Browne.

Mr. BROWNE. Thank you, Mr. Speaker.

I rise in support of the Miller amendment.

I have always understood the intention of Representative Miller and what he was trying to accomplish in regards to this amendment in making sure that individuals who are in a landlord-tenant agreement have a vested interest in the property that they are living in and not allowing extensions for those who may do things to that property that are not in the best interest of themselves and the community and the landlord.

As I heard from many tenant groups in my district – I am sure other members did as well – I was concerned, given the fact that unemployment is very high right now and many people are not able to meet their current bills, that someone was not put in an undue difficult situation because of that shortened timeframe, is not a danger to the property but just cannot meet the rent obligation because of their fiscal circumstances.

So I was very pleased that Representative Miller was willing to accommodate these concerns by allowing those, similar to a rule that occurs in Philadelphia right now, that cannot meet their ongoing obligations and can satisfy a petition of in pauperis – meaning they do not have the resource to pay the rent – to have a supersedeas to the payment of the bond requirement and have an additional period of time where they can come up with the resources and meet their obligations. I know in the marketplace this is the way landlords have an agreement with their tenants now, that for those individuals who are tenants or just having some difficulty, a large majority of landlords are able to work with that tenant to make sure they have the time to meet their rental obligations and to stay in the apartment.

So I am very pleased that Representative Miller was willing to accommodate this. I think this makes it a fair and more reasonable measure for all the citizens of Pennsylvania, and I ask for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentlelady from Philadelphia, Ms. Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to amendment 2926 to this Senate bill. I do not believe that the 30-day supersedeas softens this bill in any way to take away what has very onerous provisions that tip the balance of the scales here away from consumers and renters substantially in favor of landlords, and I join the position of the Pennsylvania Coalition Against Domestic Violence, the AARP, Community Legal Services, and others that oppose this legislation.

We have made substantial changes in Pennsylvania over the last years to make the landlord-tenant process a fair process, and from all indications that I can tell, it has been working very well. We had already in the past reduced eviction times. We had already in the past reduced appeal times. We had already in the past required 3 months' rent in order to obtain an appeal and stay in the property during the appeal process, the only place in civil law anywhere in Pennsylvania that such a requirement is made. We had already – it went into effect this year – given landlords the right to garnish wages for uncollected rent. We had already given landlords the ability to garnish wages for damages to the property. We have given many, many protections to landlords in our law.

What we are doing today, what we are being asked to do today, is in effect, whether they are single parents or families with young children or elderly or disabled, any Pennsylvania renter struggling to make ends meet, we are basically giving them an 11-day eviction period. I ask you how you can get your family together and totally moved into a new place in 11 days. Even the most financially well-off with every option in the world would find it hard to do that, but we are asking that that be the law of the land in Pennsylvania. I think that that goes way too far. I think that the scales are fairly balanced. I think that we have gone very far in Pennsylvania, particularly with the wage garnishment provisions, which I personally did not support, but they are now there to give landlords every remedy short of a debtor's prison, and now I think we are just being asked to go too far.

I would urge you to look at this very closely, to vote “no” on the Miller amendment to give fair and reasonable rights to the citizens of Pennsylvania when it comes to having affordable and decent housing, and most in particular to those residents who are often the victims. You know, everyone wants to talk about the unscrupulous tenants, but this tips the scales very unfairly when you have an unscrupulous landlord. What happens in the case where you have a landlord that is not making the repairs? What happens in the case where you have a landlord, as were cases that happened in my city, that was not paying the tax bill, was not paying the water bill, was not paying the utility bills, and a whole apartment building is now without utilities? Where is the remedy for them? Well, the remedy for them under this is 11 days and get out. No ability to take that to court unless they have a lot of money to post for an appeal, no ability to escrow that money in any reasonable sense so that they could protect their rights to safe, livable, and affordable housing.

This is really just going too far. We have given plenty of remedies. The garnishment procedure has kicked in this year, and so there is really no reasonable excuse to say that you cannot recover, and I really ask members to see this as what it is

– it is an unfair injustice totally tipping the scales way too far – and just say no to this amendment.

The SPEAKER. The Chair recognizes the gentlelady from Lehigh, Miss Mann.

Miss MANN. Thank you, Mr. Speaker.

I rise to support Representative Miller's amendment and for several reasons, and I think it is important that we take a look at this issue overall.

I can tell you that in the city of Allentown, I have talked with so many people who are landlords, and the stories that they tell me and the conditions in which I have witnessed tenants leaving properties are completely unacceptable. What we are attempting to do is to provide landlords with an opportunity to protect their property from people who have no intention of ever making payment and also are more interested in damaging the property than anything else.

I think, particularly with the changes that have been made to this amendment, there are additional protections to protect those people who very truly are in need and are facing difficult financial times. Particularly with the economy the way it is, that is not all that uncommon, but I do not think that we should overlook the bigger picture.

I think it is also important to explain to people that by reducing this period of time by 11 days, we are not telling people that they will be evicted within a 10-day period. I would challenge anybody, anybody in this room, to find a landlord who successfully evicted a tenant in 10 days, because it just does not happen.

I just want to take a moment and give you just a synopsis of how this process would work just to prove my point. Generally speaking, a tenant will pay rent on the 1st of the month. They will have a 5-day grace period. If the landlord does not receive rent, they will send a notice of overdue rent. Generally speaking, a landlord will wait another several days before sending a second notice. If nothing happens, they have to send a notice to quit, which gives the tenant an additional 10 days. At that point the landlord will file a complaint and take the tenant formally to court and a hearing will be held, and the quickest it will be held is within 7 to 10 days, and in Philadelphia County that is up to 21 days. So by the time we are talking about an actual eviction – and again this is a textbook scenario, not one that customarily happens – there is a great deal of time that has gone by, in most cases 30 days or more. So we are not talking about evicting people in 10 days.

And finally, let me say that if you talk to people who are landlords, they are going to tell you that their goal is to have a paying tenant in their building, in their property. They do not make any money if the building is empty, if that unit is empty. Their goal is to ensure that there is revenue generated from their property. Their goal is to keep people in those housing units, not to evict them. What we are trying to do is make it fair and level the playing field when we have problematic tenants. This amendment does that.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate the architect of this amendment?

The SPEAKER. The gentleman indicates that he is willing to stand for interrogation. Mr. Thomas is in order and may proceed.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, as you know, on several occasions I have raised particular questions with respect to accelerated eviction. One of the questions that I have raised runs to this whole issue of HUD (Department of Housing and Urban Development)-202 or project-based developments which have been constructed for seniors and for the disabled.

In Pennsylvania, I say once again that Pennsylvania is number two in the country in its elderly population. There is also a growing population of people who are physically disabled, and thank God for the Federal government, because the Federal government through the HUD-202 program has allowed for these project-based developments that have been specifically designed for either people with special needs or our elderly.

And one of the questions that I have continuously raised about the application of your amendment to people who are in a very sensitive situation, and I raise it again, how does your amendment apply to elderly and people who are physically disabled in HUD-202 project-based developments?

Mr. MILLER. This amendment treats them no differently than anyone else. However, I believe that if they are in this housing, that they have subsidized payments for their rent, but the latter point to be made or another point to be made, that the consumer protection provision in this piece where there is actually a method for them to claim that they are indigent, they cannot pay the bills, and that it gives them an extended period of time I believe addresses that.

Mr. THOMAS. So, Mr. Speaker, you are saying that your amendment would apply to them also and that there are really no special provisions in your amendment for the elderly and for the physically disabled who are faced with financial circumstances through no fault of their own. So that Ms. Johnson, who is 89 years old, living in a project-based development, who is not really getting any increases in her fixed income, faced with health-related issues greater than ones that you and I face, and is paying out an excessive amount of money for her prescriptions, you are saying that if she is faced with a situation through no fault of her own and faces eviction, that your amendment has no problem with throwing her in the street in 11 days.

Mr. MILLER. Mr. Speaker, current law does not differentiate between senior citizens and the disabled. This bill in no way is intended to hurt them in any way whatsoever. Those people will actually, those people who are truly in need, whether they be senior citizens, disabled people, or someone that is just down on their luck, will truly benefit by the clause in this and the provision that they can go to the courts and say that they are indigent and get an extension of time.

So I do not see this as being anything that hurts them any more than their situation currently would be, a tough situation to deal with under current law.

Mr. THOMAS. So, Mr. Speaker, your amendment, I guess, would exist in direct contravention of the older adult authorization law of the discount programs for senior citizens and a number of other programs. Your amendment would not take in consideration these special circumstances, but let me move on.

I understand from a legal analysis that since the 1700s, for over 200 years, Pennsylvanians have had one last chance to raise the money and to pay all back rent, costs, and be able to stay in their property. So in other words, for over 200 years there has been a standard in Pennsylvania that has afforded tenants the opportunity to pay their back rent, pay court costs, and be able to remain in their premises. It is my understanding that your amendment either eliminates that or frustrates the very application of that longstanding principle in Pennsylvania landlord-tenant law. Is that correct, Mr. Speaker?

Mr. MILLER. No, Mr. Speaker. This legislation maintains the pay-and-stay provision in the law, and it actually gives an opportunity, if they file with the courts, to be able to stay longer if they can prove that they are indigent.

Mr. THOMAS. Mr. Speaker, could you direct me to where in your amendment is the pay-and-stay opportunity which has existed in Pennsylvania for the last 200 years?

Mr. MILLER. Mr. Speaker, I am advised that that is a civil justice rule. That is not addressed in this statute.

Mr. THOMAS. But when you look at the statutory construction of your amendment, your amendment seems to repeal if not eliminate that longstanding practice in Pennsylvania law, and the only way that I think that we can clarify that it does not remove that longstanding practice is for you to direct us to that section of your amendment which adheres or maintains that longstanding principle.

Mr. MILLER. Mr. Speaker, we cannot legislatively repeal that provision.

Mr. THOMAS. Well, Mr. Speaker, I did not say that your amendment in fact repeals that longstanding principle. What I am saying and from what I understand, that because of the accelerated eviction provisions in your amendment and because of the absence of protections in your amendment, that in an effect it removes or eliminates that longstanding principle.

Is there an opportunity, and I guess – let me put the question this way: Is there an opportunity and would you direct me to that section of your amendment where every tenant has the right or maintains the right to be able to pay back rent and remain in the premises?

Mr. MILLER. Mr. Speaker, on page 3 of the amendment, line 38, it says, “At any time before the end of the tenth day following the rendition of the judgment, the tenant may, in a case for the recovery of possession solely because of failure to pay rent due, void the writ of possession by paying to the writ server, constable or sheriff all of the following:” and it goes on to say, “...The rent actually in arrears.... The officer’s costs.” Does that answer the question, Mr. Speaker?

Mr. THOMAS. Yes.

Mr. Speaker, I am looking at that section of your amendment, and that is the section which deals with payment of rent, and it says that “At any time before the end of the tenth day...”; “At any time before the end of the tenth day following the rendition of the judgment....” In other words, Mr. Speaker, the civil process has attached and removed any opportunity to pay back rent and remain in the premises if the tenant does not do it within those 10 days. And so in effect, Mr. Speaker, this provision does frustrate that longstanding principle in Pennsylvania law, unless you can direct me to another section of your amendment.

Mr. MILLER. Under Rules of Civil Procedure, rule 518, “SATISFACTION OF ORDER BY PAYMENT OF RENT AND COSTS,” says that “At any time before actual delivery of the real property is made in execution of the order for possession, the defendant may, in a case for the recovery of possession solely because of failure to pay rent, satisfy the order for possession by paying to the executing officer the rent actually in arrears and the costs of the proceedings.”

Mr. THOMAS. But, Mr. Speaker, I am very familiar with that, but what I am directing you to is that by you specifically providing a 10th-day run period, a 10th-day run date, that what you have in effect done is blocked the tenant or precluded the tenant from being able to pay his or her rent and remain in the premises, and that in effect does in fact frustrate if not create all kinds of problems with respect to that longstanding principle.

Mr. Speaker, I know that there are probably other people that want to speak, so let me close out, let me thank the speaker for answering my questions, and let me conclude my comments.

Mr. Speaker, we must reject amendment 2926 and we must reject this amendment for the following reasons: Number one, it frustrates if not eliminates a longstanding principle of Pennsylvania landlord-tenant law and of civil procedure which allows a tenant to remain in his or her premises upon the payment of back rent and whatever other cost is associated with rental obligations.

Number two, this amendment fails to take in consideration a very sensitive and a very significant population of our community, Mr. Speaker. Mr. Speaker, we are second to the State of Florida in our elderly population. Mr. Speaker, we probably have equal if not a greater population of people who are physically disabled than any other place along the northeastern corridor, and, Mr. Speaker, it is a fact that housing is not as accessible and affordable in Pennsylvania for the elderly, for special-need populations as it is in many other States. And so to that end, Mr. Speaker, this amendment stands to be very troubling, stands to be very troubling and serves as a barrier to the elderly and people with physical disabilities being able to access and maintain decent and affordable housing.

Number three, Mr. Speaker, this amendment must be rejected out of hand because it represents bad public policy. There is no need, there is no pervasive need to escalate eviction within the Commonwealth of Pennsylvania.

Mr. Speaker, as the previous speaker stated, we have gone farther than any other State along the northeastern corridor and in this country; we have gone farther than any other State in our landlord-tenant changes, in our landlord-tenant laws. If this amendment passes, we will have one of the most regressive, not progressive but regressive, landlord-tenant laws in the United States.

For those three reasons, Mr. Speaker, and against those facts, amendment 2926 must be rejected. And I say to the architect of the amendment, yes, your intent is praiseworthy, but the effect of your intent is going to put a lot of decent and honest people in the streets, and that is not why we are here; that is not what we need to be about.

So, Mr. Speaker, I ask my colleagues from both sides of the aisle to vote “no” on the Miller amendment. Thank you.

LEAVE OF ABSENCE

Mr. COY. Mr. Speaker? Mr. Speaker?

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

Mr. COY. Return to the point of order of leaves of absence.

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

Mr. COY. Place the gentleman, Mr. McCALL, on leave for the balance of today’s session.

The SPEAKER. The Chair thanks the gentleman.

Without objection, Mr. McCall will be placed on leave.

CONSIDERATION OF SB 92 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

I would also like to interrogate the maker of the amendment.

The SPEAKER. The gentleman, Mr. Miller, indicates that he will stand for interrogation.

Mr. SAMUELSON. The gentleman from York County earlier gave an overview of the amendment which would shorten the timeframe in eviction proceedings, but he indicated that there would be an exception with the passage of a subsequent amendment, an exception where, if somebody was in tough financial straits or indigent, they could prove to a court that they would be exempt from the provisions of the Miller amendment.

My question is, in what percentage of the cases would the Miller amendment apply and in what percentage of the cases would somebody be able to have an exception, have extra time if they had a very difficult financial situation? Approximately what percentage of the overall cases would fall into the indigent category that he talked about as providing a safeguard?

Mr. MILLER. Mr. Speaker, I do not have people’s financial statements to make that kind of assessment. What this does, though, is it allows people that believe they might fall into that situation, where they cannot pay the rent and they can prove to the justice system that they cannot pay the rent, to file to have an extended period of time, but as far as knowing the number of people, I have no way of knowing that number.

Mr. SAMUELSON. Okay.

Perhaps I could ask it a different way in terms of a rough dollar figure. Here in Pennsylvania, as the gentleman knows, we have the property tax and rent rebate program which provides rent rebates to citizens at lower incomes. In fact, 3 years ago we raised the income limits for this by allowing citizens, allowing senior citizens to deduct half of their Social Security, so that today a citizen, a senior citizen with an income of \$15,000 after they subtract half of their Social Security, could get 2 percent of their rent back in the form of a rebate. At lower incomes they could even get a higher percentage of a rent rebate to help pay the bills. The lowest mark on the chart that we use in our district offices is a citizen with an income below \$5,499 after subtracting 50 percent of Social Security would be eligible for a rebate of up to 20 percent of the rent paid in the previous year.

So my question is, all of those citizens that I am talking about below \$5,499, below \$15,000, who are eligible for part of a rent rebate from the State, would those same citizens be eligible for the exemption that the gentleman from York talked about? Would a citizen with about a \$5,000 income be indigent?

What about the citizen at \$10,000? What about the citizen at \$15,000?

Mr. MILLER. This is on a case-by-case basis, and every renter would have an opportunity to file with the court and plead their case to be considered indigent so that they cannot pay their rent and have that applied to them, but it would be on a case-by-case basis. I do not have figures to prejudge where those cutoffs would be.

Mr. SAMUELSON. Okay. Thank you.

On the bill?

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

Mr. SAMUELSON. On the amendment, my concern would be that we can speak with certainty about which citizens of Pennsylvania qualify for a rent rebate under the State's very successful property tax and rent rebate program. If somebody walks into my district office or your district office or any legislative office across the State of Pennsylvania, you can find that information about the rent rebate. You can sit down, go over the numbers, and see if you qualify for a rent rebate.

Here we are voting on a provision that would shorten the timeframe in the cases that would go to eviction. There is a safeguard proposed, a safety net, if you will, but we are not sure today. We do not have the figures for what percentage of low-income citizens would be covered by this safety net. We do not even know what approximate income levels would be used in that determination in our court system in Pennsylvania. Are we talking about the citizens at \$5,000 or \$6,000 of income or are we talking about \$12,000 or \$15,000? We have no way to evaluate here on the House floor the impact of this amendment in terms of what citizens would be protected by the safety net. So I wanted to raise those concerns.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentlelady from Philadelphia, Ms. Manderino, for the second time.

Ms. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, some of the comments that have happened during the debate talked about the process and how the process timing works and whether or not it is fair as it exists now. I am not a landlord, so I went back to the Legislative Journal of November 26 of last year when we last debated this issue, and the amendment which is offered today is substantially the same. If you will indulge me, I want to read a portion of that transcript from one of our former colleagues when he asked us to vote against it, and we did defeat it that night, because our former colleague, Tom Armstrong, is and was a landlord at the time, and he, from his personal experience, spelled out for us the streamlined process that exists currently since we had made the changes in the law, and this was actually even before we passed the wage garnishment portion that now exists. But this is the timeframe according to someone who is in the business, and I quote, "The district magistrate has 7 to 10...." Actually, let me go a sentence before to the actual rent is due, "If someone does not pay" their "rent for 5 and 7 days after it is due...you give them an eviction notice...but you give them an eviction notice that they need to have everything caught up within the next 5 to 7 days or you will then take them to the district magistrate. They do not meet that timeframe, so you take them to the district magistrate and you file. The district magistrate has 7 to 10 days to file for a hearing.... After you file, he has, the district magistrate, has...7 to 11 days to file for a hearing. Now, the

hearing takes place and he rules in your" – meaning the landlord's – "favor to give you possession of the apartment. You then have 10 to 11 days to come back in and to file for the constable to be able to then serve notice that he is going to be back in another 10 days to evict you. That is where that 20 days comes in. It does not come in from when they did not pay.... So it is" a little "longer..., but I will tell you that the process..." the way it used to be "was too long, and we dealt with that situation a couple of years ago, and I, for one, appreciated the resolving of that situation back then."

Still quoting, "The system now is dependable; it is consistent; it is fair. There are people who have unfortunate situations where they lose a job; they run into all kinds of health problems; they cannot make that payment happen, and then they have to try to find an apartment, another place to move, and to give them 10 days to try to find that apartment, that other place to move to, I do not find" that "to be fair," quite "honestly. You do need to let them have at least...20 days from when the justice rules to give them that opportunity to find another place.

"I think the system as it stands now is very, very fair. I am able to conduct my business in a much fairer fashion," close quote.

I think those are very honest words about a process that is working and that does not need to be further changed. It is fair to the landlords; it is fair to the tenants. Let us not change that system. Vote "no" on the Miller amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

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

Mr. LEACH. Thank you, Mr. Speaker.

I just want to amplify something that another Representative said earlier when he asked, I believe during interrogation, whether or not there was a definition of "indigent" in the statute or in the rule, and I believe the answer to that was that there is no specific definition but it is a case-by-case analysis.

Now, I did a little pro bono work, not as much as I should have, but I did some pro bono work when I was practicing law, and I filed a number of IFP (in forma pauperis) petitions on behalf of clients and I saw other clients, other litigants, file them, and they were not only difficult to get but the standards of an IFP varied from judge to judge. Some judges were more – I do not know what word you want to use – compassionate or generous but certainly more willing to grant IFPs, in forma pauperis petitions, than others. Others almost always routinely denied them, and the problem this leads to is that if there are no actual standards, it depends on what judge you are lucky enough to get as someone who is seeking an IFP and thus exempted or covered by the protections in this amendment.

The result will be that two people who have the same income will be treated differently. One person will be given the IFP petition and be granted the supersedeas and someone else will be denied the IFP petition and granted the supersedeas even though they make the same income or even less income than the person who was granted it. It makes sense that there are variations from case to case, because it is very difficult for judges to look at the circumstances, the entirety of the circumstances of a family and determine what they can afford and what they cannot. I understand that, but that is why I think standards are important. In this situation we are going to have people— Tenants will have no way of knowing whether they

are eligible for this protection and whether they are facing, you know, X number of days or Y number of days; they have no way of knowing that in advance.

There is no protection to prevent two people with the identical financial situation from being treated differently, and I think there has got to be a better way, something that at least, if you are going to do this, creates some standards that people know, you know, whether they are covered ahead of time. The whole point of the law is to teach people ahead of time what their rights are going to be and what their obligations are going to be, and this does not do that.

So I would ask for a “no” vote based on that until we can find a system that is more transparent, that is more fair, and that is less dependent on the individual judges selected. We are a nation and a State of laws, not of men and women, and we should let people know in the statute what their protections are.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks gentleman.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence, and the majority whip requests a leave of absence for the gentleman from Schuylkill, Mr. ARGALL. Without objection, that leave will be granted.

CONSIDERATION OF SB 92 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

I rise in opposition to this amendment.

First, I think we should look at the process that we are going by here. We are taking the Landlord and Tenant Act, which is a statute enacted in 1951, which many attorneys and nonattorneys refer to in their practice if they do this kind of work, and we are taking that Landlord and Tenant Act and we are moving it from the Landlord and Tenant Act to a Title 42. It has been doing very well where it is for about the past 50 years, and all of a sudden by an amendment to an unrelated bill, we are being asked to take that entire act and move it into a Title 42. So that is the first reason I think that this bill is a bad piece of legislation, through the process.

Now, what does the amendment do? In less than 11 days from the eviction order, the tenant must find enough money to pay 3 months’ rent or the full amount of the judgment if he does not file an affidavit in forma pauperis – we can talk about that a little bit later – he has to file an appeal to the common pleas court with the money; he must find a place to live; and he must move, all within 11 days.

Now, we have done a lot with respect to the Landlord and Tenant Act over the past couple years. In 1996 we moved the appeal period from 30 days to 10 days. In 2002 we changed the law so that a paycheck can be attached to pay for the rent; a paycheck can be attached for any property damage. We have heard a little bit about that in some of the debate. That is the only private civil action where we permit the attachment or garnishment of wages, and it is the only private civil action where we have taken the appeal period from a district justice and reduced it from 30 days, which you get in every other case, to 10 days.

Now, the district court, of course, is not a court of record, but let us look at the timeline that is set out in this bill. The court, on request of the landlord, must issue the writ of possession the next business day after the judgment. Then the writ of possession must be served within 48 hours, and then the writ shall be executed on the 11th day after service. Now, the tenant must pay the rent before the end of the 10th day following the judgment, and interestingly enough, he can only pay the rent to the writ server, the constable, or the sheriff.

Now, there seems to be a little safety catch here, and that is, 10 days after the judgment, the landlord must certify that the tenant has not filed an appeal or that the tenant has paid the rent, but looking a little bit further in the bill, we see that those folks who are to collect the rent are not the landlord; it is the sheriff, the constable, or the writ server. How would the landlord even know if the tenant has paid the rent to one of those folks if by law he cannot receive the rent at that point? How is the landlord going to know whether or not the tenant paid the rent, because if you look a little bit further, the return of service does not have to be for 10 days after the issuance of the writ. So the writ does not have to be returned to the judge until after the landlord is supposed to certify that the rent has not been paid, and quite frankly, the landlord does not even know at that point, because he cannot accept the rent because the law says you can only pay the sheriff, the writ server, or the constable.

Most importantly what this bill does is it takes something that we have been doing for several years, since 1996, which has worked very well – 10 days to file an appeal from the original 30 days and the 30 days that we give everybody else today down to 10 and then 10 days to get your writ of possession. What we are saying – and this is the critical part of this bill – we are saying that those times are going to run concurrently. So there no longer is time to find another place to live, time to get the money to pay the rent, time to make some other arrangements. Now you only have 10 days, 11 perhaps, to file your appeal and get out of the property.

And filing the appeal is not an easy process. Most of the folks who are in this predicament are not going to know that you have to go to the common pleas court, that you have to file papers that you have to get from the district justice, that you have to pay a fee, and if you are not a pauper, you are going to have to put up a substantial amount of money at the appellate court, at the common pleas court, in order to perfect your appeal, and that even if you are a pauper, you still have to pay a substantial amount of money in, because under the rule that is cited and as this particular statute, that affidavit has to be filed by an attorney.

Now, Mr. Speaker, a newspaper, the Pocono Record, which is no friend of the deadbeats, said that this is a punitive law. It helps out the landlords at the expense of those who may be down on their luck. Those that are down on their luck are going to be punished if we pass this amendment here today.

This is a bad amendment. It takes a law that everyone has been able to live with, that works, and turns it from something that works, something that we can live with, something that accomplishes a goal. And remember another important point. If the landlord has a lease with that tenant and that lease provides for a judgment for possession, the landlord can get immediate possession under the terms of that lease. The landlord can file an immediate judgment against that tenant under the terms of the lease. So we are talking about a situation where the landlord

has his own remedies under his own lease, and then we are going to put into law, taking this 20 days, 21 days which now currently exists and which has been very satisfactory, we are going to reduce it down to 10 days, as if 10 days was going to make a world of difference to either the landlord or to the tenant.

Now, maybe to the tenant it is going to make a world of difference, because he or she may have a family to move. If it is a single mom – a single mom – she has got to get her kids together, she has got to find another place to live, try to raise the money to pay the rent, try to put a stop to these proceedings, and all within 10 days. It is almost, in fact it is, an impossible task. It is an impossible task for somebody who has the resources, but it is a much more impossible task, if there can be a grading of “impossible,” for somebody who is down on their luck, does not have the resources, maybe does not have the skills or maybe does not have the education or the knowledge to know what this process is about, because now you are in the legal process, to go up to the common pleas court and file the appeal; may not even know that you can file an affidavit of in forma pauperis if you do not have the money, may not even know that, and nobody is going to advise them because our clerks of courts are prohibited from giving legal advice. So they are pretty much going to be on their own.

And as the Pocono Record said, this is a punitive, a punitive proposal against those folks who can least afford something like of this nature. We are all living under a law now that works very well. We have strengthened it in the past – garnishment of paycheck for rent, garnishment of paycheck for damage, reducing the appeal period from 30 days to 10 days.

I ask for a “no” vote on this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Thomas, for the second time.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, very quickly, I would like to add a fourth reason as to why the Miller amendment must be rejected, and I think it has been articulated extremely well.

You know, we do not have a unified court system in the Commonwealth of Pennsylvania. We have standard rules of civil practice, but how those rules are applied can be different in all 69 counties – 67 counties; thank you. So, Mr. Speaker, access to Pennsylvania courts, especially the appellate courts, can be difficult if not impossible.

Also, the standards by which the question of accessibility is determined are usually more subjective than objective. If you have the money and you can secure qualified counsel, then your arguments are going to be heard as opposed to somebody who is doing bad and is not able to secure appropriate counsel to deal with a landlord-tenant issue. So, Mr. Speaker, it can be difficult if not impossible for tenants, whether they be indigent or whether they be on a fixed income or whether they be faced with special circumstances, in order to get the courts to provide relief, and so, Mr. Speaker, I think that that serves as a very tenuous, as a very tenuous and significant reason as to why the Miller amendment must be rejected.

And, Mr. Speaker, in closing, I just leave my colleagues with this last thought, and it is a thought that has been offered by the third President of the United States, the first Secretary of State, and the author of the Declaration of Independence, and I am

talking about the Honorable Thomas Jefferson. The Honorable Thomas Jefferson made it very clear that the care, the care of human life and happiness and not their destruction is the first and only legitimate object of good government – the care of human life and happiness and not their destruction is the first and only legitimate object of good government. Mr. Speaker, the Miller amendment is designed to help a few while it adversely affects many. It will serve to destroy the peace and happiness of hundreds if not thousands of Pennsylvanians in a way that it will be difficult if not impossible for them to seek relief or to get their lives straightened out. So to that end, Mr. Speaker, the Miller amendment flies in the face of our efforts to move government in a way that it benefits people rather than harms people.

So, Mr. Speaker, vote “no” on the Miller amendment, amendment 2926.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Dauphin, Mr. McNaughton.

Mr. McNAUGHTON. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Miller amendment, and unfortunately, former Representative Armstrong is no longer here, because he and I had a lengthy debate on how his analysis of what actually occurs as a landlord is not factually correct. What actually is factually correct is we have individuals who rent apartments or another structure who fail to pay their rent. That is factually correct. Month after month after month, they fail to pay their rent.

Now, why is it in the Commonwealth of Pennsylvania that those who fail to live up to contractual obligations somehow now are entitled to continue to violate contractual obligations, and we, we here in this House, must stand and defend their right not to live up to contractual obligations. I have a very difficult time with that thought process as a landlord. The last thing that I want to do as a landlord is evict someone or go to the court system to try to redress a situation of someone failing to pay rent. It costs me time; it costs me money; it costs me advertising; it costs me loss of space for rent. That is the last resolve. That is the last place I want to go to redress my issue.

But I must tell you, Mr. Speaker, time and time again, month after month after month, individuals fail to pay their rent, and we try to have the situation redressed. When that fails, eviction is the only recourse. Unfortunately, those who want us to rely on the current court system do not understand how many times the tenant is able to get an extension, an extension, an extension of a hearing date, extension of a date of eviction, extension on a date on when they are supposed to make redress or repayment – time and time again – and it is high time, Mr. Speaker, that we finally look out for those people who invest in this Commonwealth, who provide jobs, who provide infrastructure, who pay taxes, and who abide by the law. We need to stand up and finally address those people who are, frankly, being cheated, being cheated by individuals who do not want to live up to contractual obligations. That is the fact of the situation today in the Commonwealth of Pennsylvania.

This is a good amendment, it is needed, and it should be approved.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. TAYLOR. Thank you, Mr. Speaker.

Mr. Speaker, I would like to stand in support of the Miller amendment to this particular bill. As many of you know, the concept in this amendment is really HB 314, which was voted out of the House Urban Affairs Committee, and I will say not without vigorous debate and not without some “no” votes. But for anybody and with all due respect to the prior speakers, this bill, this amendment, has nothing to do with homelessness, has nothing to do with poverty. It has to do with one thing, and that is after this tenant exhausted all their remedies, they still have the right to be in the property under current law. They have no stake in that property, and more importantly, Mr. Speaker, they have no stake in the neighborhood that they are currently living.

Each and every day in my district office, we spend a good portion of that day calling landlords, asking landlords, who, by the way, are not always the greatest group, but asking them, why are their tenants allowed to stay in that property and wreak havoc on an entire block, an entire neighborhood? Invariably they say they went through the process; this is at the end of the process; they have no stake in anything; they are waiting for this particular period to end, and they are not good neighbors to anybody around them.

Mr. Speaker, this particular amendment seeks to remedy that period when a tenant has no stake in a property, in a neighborhood, and I ask for its passage.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentelady from Philadelphia, Ms. Washington.

Ms. WASHINGTON. Thank you, Mr. Speaker.

Mr. Speaker, I rise against the Miller amendment. Ten days to get out is simply too fast for tenants. We have heard mentioned already that the State landlord-tenant law has been revised to address legitimate complaints. Most of all, this is a heartless measure that is not necessary and will only penalize innocent victims who intend to pay their rent but for some reason cannot, and it does not matter if it is 10 days or 30 days if the intention is on harming a rental property. Everybody that lives in these rental apartments does not destroy them when they are delinquent in their rent, and does it not matter if a good person is decisively hurt and legally wronged? I say yes. I say that we support the people who have hard times and cannot pay their rent, the people that are victims of whatever vandalism we are talking about. Let us get some legislation to address that.

But I ask people to say “yes” to good tenants and “no” to the Miller amendment, and I ask my colleagues on both sides of the aisle to vote “no.”

The SPEAKER. The Chair thanks the gentelady.

The Chair recognizes the gentleman from Montgomery, Mr. Leach, for the second time.

Mr. LEACH. Thank you, Mr. Speaker.

One of the Representatives who spoke earlier, I believe it was Representative McNaughton, said, why do we have to spend our time trying to protect the rights of people who have breached a contract, people who have not paid their rent, and I thought I was done but it compelled me to get up a second time to say the reason we do that is because even good people get in trouble. The reason we do that is because people, often this apartment that they are being kicked out of is the last step between them and homelessness. We do this because there are children involved. For everyone here who says they are

profamily, there are children involved here. We do this because we have an obligation to make sure that people, to the extent possible, are not put out on the street, which is what makes this different than a normal contract to purchase ball bearings or something else that someone breached. This is their home we are talking about. These are families we are talking about. Pennsylvania is not a Dickens novel. We do not just put people out on the street if we have any alternative. And the notion that people are sitting around because they have got no stake in the property, thinking of ways of destroying it, they do not do that for the first 10 days but they then think of ways of destroying it afterwards, is just not the case.

Again, in all the cases I handled, people get in trouble. It can happen to you; it can happen to your family; it can happen to friends of yours, and to think that it can never happen to us, it can only happen to bad people, is just not realistic. And I urge you to vote “no” for this, because again, good people do get in trouble, and we have to find a way to have a compassionate balance here, and that is why we are taking our time trying to find ways to keep families out of the street.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lycoming, Mr. Cappelli.

Mr. CAPPELLI. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Miller amendment to SB 92, and I would like to say that I echo many of the thoughts that were expressed by the gentleman from Dauphin County and the chairman of the Urban Affairs Committee from Philadelphia County. As a former mayor of a third-class city, I have seen neighborhoods literally deteriorate one property at a time. Scofflaw tenants, men and women from larger cities who know the Landlord and Tenant Act and the Rules of Civil Procedure better than most lawyers, have made an industry of taking advantage of hardworking, in many cases blue-collar investment property owners, men and women whose only investment in life, that future asset to help put the son or daughter through college, is a rental property, and each week, each year, thousands of them across our State are forced to go through a very vexing and very costly and time-consuming process to get back their property, property that has been destroyed or significantly damaged.

Mr. Speaker, there was a reason a year ago that we amended Title 42 to include garnishment of wages for back rent. It is the very issue we are talking about here today. People should not legally be condoned in this State for taking money, whether it is under the terms of a lease contract or not, from another and be protected in this State. People who deliberately, deliberately violate the terms of a lease, people who deliberately and intentionally make no effort or have no desire whatsoever to ever hold that oral agreement or that contract, should not be protected by this General Assembly. The men and women who work and invest in those properties, who try their best through that investment to improve the overall quality of life in that neighborhood and who pay our salaries here, deserve protection.

I support this amendment, because I think the system is broken, and the thousands out there practicing law without a license, knowing they can go from property A to B to C three times in the same year and maybe have made 3 months' total rent payment in that 12-month period, is wrong, and we should not condone it.

Let us shorten up the period of time for a writ of possession. Let us send landlords a message that we care, let us send communities a message that we care, and let us pass the Miller amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Delaware, Mr. Gannon, for the second time.

Mr. GANNON. Thank you, Mr. Speaker.

Just one point that I think is very important. We have heard a lot of discourse and debate about the terms of the contract, the terms of the lease, have been broken. Well, if we look at the amendment and we look at section 6405, it says, "Nothing contained in this chapter shall be construed as abolishing the right of any landlord to recover possession of real property from a tenant by action of ejectment...in accordance with the terms of any written contract or agreement." We are specifically preserving for the landlord the right to eject under any terms that he or she sees fit by the terms of the agreement or lease.

So what are we here about? Are we here for those landlords who have not seen fit to enter into a written contract or lease with their tenants, preserving their rights, which we are guaranteeing them under this legislation, to include terms of ejectment, any terms they want? We are not saying it has to be 10 days; we are not saying it has to be 11 days or 20 days. Any terms that you want to put into that lease are preserved, but you have got to put it in the lease. So is that what we are here about? Those landlords that do not bother to get a lease, that do not think that is important? Just open the door and let those folks move in, and then you will deal with it later, and when you have to deal with it later, you come to the legislature to fix your problem? Is that what this is about? That is wrong. They can put any terms they want into that lease, and that is where this matter should be addressed, in the lease between those two parties, the landlord and the tenants, and if they want to have a shorter ejectment time, they can do it; they can put it in that lease. If they want to have it longer, they can do that, too.

I ask for a "no" vote.

The SPEAKER. The Chair recognizes the gentleman from Greene, Mr. DeWeese.

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

When I was first elected to the General Assembly in the 1970s, lobbyists from the United Mine Workers of America exhorted me that the landlord-tenant dilemma and garnishing of wages were preeminent in their pantheon of concerns. Twenty-eight summers later I still feel that landlord-tenant legislation is one of the most incontrovertibly fundamental democratic issues that exists. It came out of the 1930s, and even 70 years later, for Democrats, and only speaking to our caucus, for Democrats, for all the reasons that my colleagues have enunciated, this is a paramount vote.

The arresting of landlord-tenant or at least tenant rights and flexibilities by this amendment is wrong, and as Democrats – Democrats – especially those of us who identify with people who are poor, who collectively bargain, who represent unions, and people who have had a tough time, especially when we are experiencing the highest unemployment rate in recent years, a vote to negate this amendment is appropriate, and I would ask that the Miller amendment be defeated.

Thank you very much.

The SPEAKER. The Chair recognizes the gentleman, Mr. McNaughton, for the second time.

Mr. McNAUGHTON. Thank you, Mr. Speaker.

Mr. Speaker, I will be very brief, as the hour is getting late and I would like to roll this bill and this amendment into approval. But I need to respond to comments that were made concerning you can put anything you want to in a lease to evict someone. That may be correct, but you do not have any right to go into that property and evict that individual who is in that space. That is called self-help, and self-help is not permitted. You must still go through the process, and it is the process that is the problem.

The process needs to be fixed. This amendment is going to fix the problem, and I ask for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. MILLER. Thank you, Mr. Speaker.

You know, a lot was said that claimed that a person can be evicted in 10 days. If your rent is due on the 1st of the month, the landlord normally gives you a 5-day grace period to pay that rent. The landlord then sends you a notice that the rent is overdue, then he sends you a notice to quit the property if you still do not pay the rent, and he normally gives you 10 additional days to pay the rent. Then the landlord files a landlord-tenant complaint in the appropriate court. The hearing is held in 7 to 10 days – in Philadelphia it is 21 days, not 7 or 10 days – then you have your hearing. Assuming the landlord wins the hearing, the justice of the peace issues a judgment of possession. After the fifth day he issues an order of possession. That is to be delivered within 48 hours to the tenant, and after the order of possession is executed, you have the eleventh day before you must vacate the property.

Mr. Speaker, what we are asking for is not unreasonable. The whole intent of this bill is to make sure that we protect the rights of all renters, help keep their rents in line by not having to address the vandalism that occurs, as other speakers have said so well, when somebody no longer has a vested interest in that property.

Mr. Speaker, I would ask for a "yes" vote. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—120

| | | | |
|-------------|-----------|------------|---------------|
| Adolph | Fairchild | Lynch | Sather |
| Allen | Fichter | Mackereth | Saylor |
| Armstrong | Fleagle | Maher | Scavello |
| Baker | Flick | Maitland | Schroder |
| Baldwin | Forcier | Major | Semmel |
| Bard | Gabig | Mann | Shaner |
| Barrar | Geist | Marsico | Smith, B. |
| Bastian | Gergely | McGeehan | Smith, S. H. |
| Benninghoff | Gillespie | McGill | Solobay |
| Birmelin | Gingrich | McIlhinney | Staback |
| Blaum | Godshall | McNaughton | Steil |
| Boyd | Gordner | Metcalfe | Stern |
| Browne | Gruitza | Micozzie | Stevenson, R. |
| Bunt | Haluska | Miller, R. | Stevenson, T. |
| Butkovitz | Harhai | Mustio | Surra |
| Caltagirone | Harhart | Nailor | Taylor, E. Z. |
| Cappelli | Harper | Nickol | Taylor, J. |

| | | | |
|-----------|------------|----------|------------|
| Casorio | Harris | O'Brien | Tigue |
| Causar | Hasay | O'Neill | True |
| Civera | Hennessey | Payne | Turzai |
| Clymer | Herman | Petri | Walko |
| Cornell | Hershey | Phillips | Wansacz |
| Coy | Hess | Pickett | Weber |
| Crahalla | Hickernell | Raymond | Wilt |
| Creighton | Hutchinson | Readshaw | Wojnaroski |
| Dailey | Keller | Reichley | Wright |
| Dally | Killion | Rohrer | Zug |
| Denlinger | Kotik | Ross | |
| Diven | Lederer | Rubley | |
| Donatucci | Leh | Santoni | Perzel, |
| Egolf | Lewis | | Speaker |

NAYS-76

| | | | |
|-------------|-----------|------------|------------|
| Bebko-Jones | Evans, D. | Levdansky | Samuelson |
| Belardi | Evans, J. | Manderino | Scrimenti |
| Belfanti | Fabrizio | Markosek | Stairs |
| Bianucci | Feese | McIlhattan | Stetler |
| Bishop | Frankel | Melio | Sturla |
| Buxton | Freeman | Mundy | Tangretti |
| Cawley | Gannon | Myers | Thomas |
| Cohen | George | Oliver | Travaglio |
| Coleman | Goodman | Pallone | Vance |
| Corrigan | Grucela | Petrarca | Veon |
| Costa | Habay | Petrone | Vitali |
| Cruz | Hanna | Pistella | Washington |
| Curry | Horsey | Preston | Waters |
| Daley | James | Reed | Watson |
| DeLuca | Josephs | Rieger | Wheatley |
| Dermody | Kirkland | Roberts | Williams |
| DeWeese | LaGrotta | Roebuck | Yewcic |
| DiGirolo | Laughlin | Ruffing | Youngblood |
| Eachus | Leach | Sainato | Yudichak |

NOT VOTING-0

EXCUSED-6

| | | | |
|--------|-----------|------------|--------|
| Argall | Lescovitz | Miller, S. | Rooney |
| Kenney | McCall | | |

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

On the question,

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

Ms. JOSEPHS offered the following amendment No. A2945:

Amend Title, page 1, line 3, by removing the period after "judgments" and inserting

; and providing for sentences for offenses committed by public officials.

Amend Bill, page 8, by inserting between lines 10 and 11

Section 3. Title 42 is amended by adding a section to read:

§ 9719.1. Sentences for offenses committed by public officials.

(a) Mandatory sentence.—Any public official who is convicted in any court of this Commonwealth of any criminal offense graded as a felony shall be sentenced to a minimum sentence of at least two years of total confinement. Any public official who is convicted in any court of this Commonwealth of any criminal offense graded as a misdemeanor shall be sentenced to a minimum sentence of at least one year of total confinement.

(b) Proof at sentencing.—Provisions of this section shall not be an element of the crime and notice thereof to the defendant shall not be required prior to conviction, but reasonable notice of the Commonwealth's intention to proceed under this section shall be provided after conviction and before sentencing. The applicability of this section shall be determined at sentencing. The court shall consider evidence presented at trial and shall afford the Commonwealth and the defendant an opportunity to present necessary additional evidence and shall determine, by a preponderance of the evidence, if this section is applicable.

(c) Authority of court in sentencing.—There shall be no authority in any court to impose on an offender to which this section is applicable any lesser sentence than provided for in subsection (a) or to place such offender on probation or to suspend sentence. Nothing in this section shall prevent the sentencing court from imposing a sentence greater than that provided in this section. Sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory sentences provided in this section.

(d) Appeal by Commonwealth.—If a sentencing court refuses to apply this section where applicable, the Commonwealth shall have the right to appellate review of the action of the sentencing court. The appellate court shall vacate the sentence and remand the case to the sentencing court for imposition of a sentence in accordance with this section if it finds that the sentence was imposed in violation of this section.

(e) Definition.—As used in this section, the term "public official" means any person elected by the public or elected or appointed by a governmental body or an appointed official in the executive, legislative or judicial branch of the Commonwealth or any political subdivision thereof, provided that it shall not include members of advisory boards that have no authority to expend public funds other than reimbursement for personal expense or to otherwise exercise the power of the Commonwealth or any political subdivision thereof.

Amend Sec. 3, page 8, line 11, by striking out "3" and inserting

4

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentlelady, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

Folks will probably want to listen to this, because it affects us very directly. This is a mandatory sentence which applies to public officials. If a public official – and that is defined in my amendment – commits a felony, he or she shall be sentenced to a minimum sentence of at least 2 years. A public official who commits a misdemeanor will be sentenced to a minimum sentence of at least 1 year.

We are very eager, willing, and in a very cavalier way we impose minimum mandatory sentences on our constituents. We force them to stand before a judge who has no discretion. We force them to be in a court of law when no individual circumstance can make any difference, and I do not know why we think we are better than the people of Pennsylvania who elect us and pay our salaries.

When we are talking about public officials, Mr. Speaker, we are talking about ourselves and about people who have the authority, because they have been elected or appointed, to expend State money. That is an awesome responsibility. I think we ought to take that responsibility seriously by subjecting ourselves to the same kind of punishment as we subject the ordinary citizen, the working-class guy or woman, when he or she commits a crime.

I expect there are going to be a lot of objections raised to this – germaneness, constitutional, political, financial, every one you can think of – but I remain committed to my first principle here, that we are not an aristocracy, we are not a privileged class, we are not any better than the people we represent, and if we think that they ought to be subjected to mandatory sentencing, I do not know how we can, with a straight face, in front of our constituents, exempt ourselves.

Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

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

Mr. DALEY. Thank you, Mr. Speaker.

Although I know the gentledady is well intended, and many of us would support this amendment, I raise the question that this matter needs a fiscal note, and I need to know if she has a fiscal note, and if not, would the amendment then be in order?

The SPEAKER. The Chair does not have a fiscal note. Did the gentledady from Philadelphia, Ms. Josephs, have a fiscal note done for this particular amendment?

Ms. JOSEPHS. Mr. Speaker, I have a receipt in which I asked for a fiscal note. It may be that because of the complexity of the budget that is being discussed this week and has been discussed, that the staff has not been able to produce one. I can certainly understand that, but I do not think that I should suffer or my amendment should suffer because we have a staff that could not produce what I have asked for and for which I have proof that I have asked, which I am holding in my hand.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentledady.

We will just temporarily be at ease.

Would the gentledady— Ms. Josephs? We are calling the Appropriations Committee now to see if they have a fiscal note. We will come back to you. I would just like to go to one of the other speakers while we are waiting to find out whether that is already on its way down or not.

CONSTITUTIONAL POINT OF ORDER

The SPEAKER. The Chair recognizes the gentledady from Montgomery, Ms. Weber.

Ms. WEBER. Thank you, Mr. Speaker.

I rise to address the point of constitutionality. Specifically, I am aware of certain rulings by the United States Supreme Court as it relates to certain mandatory penalties and exactly what the amendment is seeking to address.

So at this time I would make a motion to have amendment 2945 ruled unconstitutional.

The SPEAKER. The gentledady from Montgomery, Ms. Weber, raises the point of order that amendment No. A2945 is unconstitutional.

On the question,

Will the House sustain the constitutionality of the amendment?

The SPEAKER. The Speaker, under rule 4, is required to submit questions affecting the constitutionality of an amendment to the House for decision, which the Chair now does, and recognizes— Would the gentledady from Montgomery cite the section of the Constitution?

Ms. WEBER. Yes, Mr. Speaker. It is the United States Constitution, Amendments 14 and 6.

The SPEAKER. The lady has cited the 14th Amendment of the United States Constitution as her reason for asking that the amendment be upheld as unconstitutional.

POINT OF ORDER

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Horsey. For what reason does the gentleman rise?

Mr. HORSEY. Mr. Speaker, just as a point of order.

Can the gentledady be a little more specific in citing the numerical section and articulate the actual reading of the section? She articulated the section by number, and I am asking for the artic—

The SPEAKER. If the gentleman wishes to interrogate the gentledady from Montgomery, he is entitled to do so.

Mr. HORSEY. No—

The SPEAKER. Would the gentleman like to interrogate?

Mr. HORSEY. Mr. Speaker, I am raising a point of order in that she was not specific in her presentation raising a constitutional point of order. I just want it articulated.

The SPEAKER. She cited Amendment 14 of the United States Constitution.

Mr. HORSEY. Does that satisfy articulation? I mean, does that satisfy—

The SPEAKER. According to the Parliamentarian, it does, Mr. Horsey.

Mr. HORSEY. Oh. Okay.

The SPEAKER. Those voting “aye” will vote to declare the amend— The Chair rescinds.

The Chair recognizes the gentledady from Philadelphia, Ms. Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, regardless of how one feels about the substance of the amendment, I do want to make some comments on constitutionality, because I try very much to view my vote on constitutionality in the truest sense of the word and not as a political approach to the question but as a constitutional approach to the question, and I assume the motion, at least on the 14th Amendment, is an equal protection argument. I am trying to remember what the Sixth is; right to a fair trial, I guess. I guess I would make a couple of arguments.

Number one, we do mandatory sentences for lots of different classes, so the fair trial issue, if it is an issue under mandatory sentencing for anybody else, it should not make any difference here. With regard to equal protection, we are talking about a class of individuals, a class of individuals for whom there have been special laws made on other occasions. There are special laws with regard to abuse of public process. There are special laws with regard to abuse of your office. There are special laws with regard to how public officials should conduct campaigns. There are a lot of special laws that apply only to public officials.

And so, one, I do not personally think nor do I think constitutionally it meets the constitutional requirements or violates the constitutional requirements for equal protection, nor do I think it violates the right to a fair and speedy trial.

And so there, at least on the issue of constitutionality, I would argue that the gentelady's amendment is constitutional.

PARLIAMENTARY INQUIRY

Ms. MANDERINO. And a parliamentary inquiry.

The motion is made in the affirmative, so if I am arguing that the motion is constitutional, then I am asking members to vote "yes." Is that correct?

The SPEAKER. That is correct.

Ms. MANDERINO. Okay. Thank you, Mr. Speaker.

Then I do argue that the motion is constitutional and ask for a "yes" vote.

The SPEAKER. Does the gentleman, Mr. Leach, stand to be recognized?

Mr. LEACH. Thank you, Mr. Speaker.

I rise to agree with Representative Weber and disagree with Representative Manderino. I think this is a blatantly unconstitutional — oddly enough — I think this is a blatantly unconstitutional amendment. It is a denial of the 14th Amendment's equal protection clause.

We can set up different penalties for different professions constitutionally, but it must be related to the profession. So in other words, if they said that a person who took a bribe, who was an elected official of a certain level, got a higher penalty, that would be constitutional, but to say that a public official who is arrested while not in session for public drunkenness is treated differently than everyone else because of their profession does not meet, I believe, the rational basis test. We are only subjected to higher penalties for things that are related to our job, and to say that we are going to be treated differently in every kind of case, in every kind of misdemeanor, even if it is completely unrelated to our job, I think is blatantly unconstitutional, and I would urge a "yes" vote to Representative Weber's motion.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Daley.

Mr. DALEY. Thank you, Mr. Speaker.

I rise also to reiterate the last two speakers' comments on this issue. Number one, the 14th Amendment to the Constitution deals with the equal protection clause, and every member of this House, every public official in Pennsylvania that is watching this program this afternoon, needs to pay attention to this amendment, because if you are not paying attention to this amendment, what it is doing, it creates a special circumstance for being a public official. There is a different standard.

Number one, this would be unconstitutional if it was tested in court because of vagueness, and it is one of the criteria that is used by the Supreme Court when they determine the constitutionality of a particular law. Second is, if you get arrested outside this chamber for an unrelated matter dealing with the use of your office or in the color of your office or under the guise of your office, fundamentally what is going to happen is there will be a separate penalty that will be placed upon you because you are a public official. That in itself is a violation of the equal protection clause of the Constitution. It sets up a

special class of public officials. It is absolutely unrelated to the crime that you commit, and it is absolutely, unequivocally, in my understanding of constitutional law, unconstitutional because of the vagueness of the law itself, of this proposed amendment, and number two, it sets up a special class.

If you get charged as a public official with a crime as a public official, that is one thing, but when you get charged with a crime as a citizen and then as a public official they place another mandatory sentence upon you just because you were sworn in to office, just because you are a public official, has nothing to do with your job as a public official, that is a whole separate issue.

Now, I will give you a hypothetical. You may be arrested under a DUI (driving under the influence) misdemeanor, and that can happen. As a public official, if you are arrested under a DUI misdemeanor, the way I read this amendment, you will go to jail automatically for 1 year. It is a 1-year mandatory sentence, not only spending whatever you have to do under the misdemeanor DUI. It is unconstitutional. I do not think we should be in the business of passing unconstitutional laws, creating artificial standards, not only for ourselves but future public officials, and I think that is absurd. If we really want to do something to make a difference in terms of the way we do business here, David Levdansky has an ethics bill that they are working on and public disclosure of funding. We ought to go that way and start dealing with those issues.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Thomas. Mr. Thomas? The gentleman, Mr. Thomas, waives off.

The Chair recognizes the gentleman from Lehigh, Mr. Reichley. The gentleman also waives off.

The Chair recognizes the gentelady from Philadelphia, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

Could I have some reduction of the volume of the noise, Mr. Speaker?

The SPEAKER. The lady is entitled to be heard. Please, keep the noise levels down. She is entitled to be heard.

Ms. JOSEPHS. Thank you.

I am understanding some of these constitutional amendments; some of them are a little bit too complex, because I have not had the opportunity to study this as much as I would like to. I will admit that. But what strikes me the most, I suppose, is we do these mandatories and we do not raise these objections when it is not ourselves who are involved, and in the truest sense of equal protection, as is guaranteed us, without reference, really, to court cases or arcane arguments, in the truest sense of equal protection, we deserve no more and no less than the people whom we govern, and I ask for a "yes" on this motion.

This is in its basic, in the sense that citizens who already do not believe that we govern ourselves as well as we try to govern them, in that vein I ask for a "yes" vote. Yes, this is constitutional.

Thank you.

The SPEAKER. Those voting "aye" will vote to declare the amendment to be constitutional— The Chair rescinds that.

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

Mr. ROEBUCK. Thank you, Mr. Speaker.
I want to be clear on what the— If I might question the maker of the motion.

The SPEAKER. Ms. Weber, will you stand for interrogation? The gentledady indicates that she will.

Mr. ROEBUCK. Thank you, Mr. Speaker.

I want to be clear specifically on what you said the basis of your challenge is. Did I understand you to say the 14th Amendment, which section?

Ms. WEBER. Specifically, it is the 14th Amendment in its entirety and the 6th Amendment, which is the right to jury trial.

Mr. ROEBUCK. The Sixth Amendment separately.

Ms. WEBER. Sixth Amendment, yes.

Mr. ROEBUCK. It is not the sixth section of the 14th Amendment but the 6th Amendment and the 14th together.

Ms. WEBER. Correct.

Mr. ROEBUCK. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Casorio.

Mr. CASORIO. Thank you, Mr. Speaker.

On the amendment, please.

The SPEAKER. The gentleman is in order and may proceed. Oh, it is on the motion, Mr. Casorio, on constitutionality.

Mr. CASORIO. Let me just say on the motion of constitutionality, Mr. Speaker, that the 2-year felony imposition may be in line, so to speak, but I think where the gentledady crosses over the line is the 1-year mandatory sentence for summary offenses.

The constitutionality of this question is that if those of us in public life and here in the House, Mr. Speaker, some of us are charged and have been charged, not personally mind you, but charged with summary offenses of harassment, or if a particular candidate or a political faction does not necessarily agree with our views, sometimes there may be a situation where an individual will go to a local magistrate and say, Representative so-and-so was stalking me, is charged with harassment, is doing something that they believe to be a summary offense, and if that imposition of that summary crime, Mr. Speaker, were to go through to a magistrate, then I think the 1-year minimum mandatory sentence for crimes that are summary offenses would push this over the line of constitutionality, Mr. Speaker.

So I would argue that the motion of constitutionality should be defeated, and I urge a “no” vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Those voting “aye” vote to declare the amendment to be constitutional. Those voting “no” will vote to declare the amendment to be unconstitutional.

On the question recurring,

Will the House sustain the constitutionality of the amendment?

The following roll call was recorded:

YEAS—8

| | | | |
|--------|---------|----------|---------|
| DeLuca | James | Kirkland | Roebuck |
| Hanna | Josephs | Melio | Stetler |

NAYS—188

| | | | |
|-------------|------------|------------|---------------|
| Adolph | Egolf | Lynch | Sather |
| Allen | Evans, D. | Mackereth | Saylor |
| Armstrong | Evans, J. | Maher | Scavello |
| Baker | Fabrizio | Maitland | Schroder |
| Baldwin | Fairchild | Major | Scrimenti |
| Bard | Feese | Manderino | Semmel |
| Barrar | Fichter | Mann | Shaner |
| Bastian | Fleagle | Markosek | Smith, B. |
| Bebko-Jones | Flick | Marsico | Smith, S. H. |
| Belardi | Forcier | McGeehan | Solobay |
| Belfanti | Frankel | McGill | Staback |
| Benninghoff | Freeman | McIlhattan | Stairs |
| Bianucci | Gabig | McIlhinney | Steil |
| Birmelin | Gannon | McNaughton | Stern |
| Bishop | Geist | Metcalfe | Stevenson, R. |
| Blaum | George | Micozzie | Stevenson, T. |
| Boyd | Gergely | Miller, R. | Sturla |
| Browne | Gillespie | Mundy | Surra |
| Bunt | Gingrich | Mustio | Tangretti |
| Butkovitz | Godshall | Myers | Taylor, E. Z. |
| Buxton | Goodman | Nailor | Taylor, J. |
| Caltagirone | Gordner | Nickol | Thomas |
| Cappelli | Grucela | O’Brien | Tigue |
| Casorio | Gruitza | Oliver | Travaglio |
| Causer | Habay | O’Neill | True |
| Cawley | Haluska | Pallone | Turzai |
| Civera | Harhai | Payne | Vance |
| Clymer | Harhart | Petrarca | Veon |
| Cohen | Harper | Petri | Vitali |
| Coleman | Harris | Petrone | Walko |
| Cornell | Hasay | Phillips | Wansacz |
| Corrigan | Hennessey | Pickett | Washington |
| Costa | Herman | Pistella | Waters |
| Coy | Hershey | Preston | Watson |
| Crahalla | Hess | Raymond | Weber |
| Creighton | Hickernell | Readshaw | Wheatley |
| Cruz | Horsey | Reed | Williams |
| Curry | Hutchinson | Reichley | Wilt |
| Dailey | Keller | Rieger | Wojnaroski |
| Daley | Killion | Roberts | Wright |
| Dally | Kotik | Rohrer | Yewcic |
| Denlinger | LaGrotta | Ross | Youngblood |
| Dermody | Laughlin | Rublely | Yudichak |
| DeWeese | Leach | Ruffing | Zug |
| DiGirolamo | Lederer | Sainato | |
| Diven | Leh | Samuelson | |
| Donatucci | Levdansky | Santoni | Perzel, |
| Eachus | Lewis | | Speaker |

NOT VOTING—0

EXCUSED—6

| | | | |
|--------|-----------|------------|--------|
| Argall | Lescovitz | Miller, S. | Rooney |
| Kenney | McCall | | |

Less than the majority having voted in the affirmative, the question was determined in the negative and the constitutionality of the amendment was not sustained.

On the question recurring,

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

Mr. PALLONE offered the following amendment No. A2948:

Amend Title, page 1, line 3, by removing the period after "judgments" and inserting ; and further defining "primary jurisdiction."

Amend Bill, page 8, by inserting between lines 10 and 11 Section 3. Section 8951 of Title 42 is amended to read: § 8951. Definitions.

The following words and phrases when used in this subchapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Chief law enforcement officer." The head of a duly constituted municipal law enforcement agency which regularly provides primary police services to a political subdivision or, in the absence of any such municipal law enforcement agency, the commanding officer of the Pennsylvania State Police installation which regularly provides primary police services to the political subdivision.

"Municipal police officer." Any natural person who is properly employed by a municipality, including a home rule municipality, as a regular full-time or part-time police officer.

"Primary jurisdiction." The geographical area within the territorial limits of a municipality or any lawful combination of municipalities which employs a municipal police officer[.] and in the case of a county of the third class that has established a county park police force in accordance with the provisions of section 2511 of the act of August 9, 1955 (P.L.323, No.130), known as The County Code, the geographical area designated by ordinance of its board of county commissioners as the jurisdictional area for the county park police.

"Training law." The act of June 18, 1974 (P.L.359, No.120), referred to as the Municipal Police Education and Training Law.

Amend Sec. 3, page 8, line 11, by striking out "3" and inserting 4

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Pallone, for a brief explanation of the amendment.

Mr. PALLONE. Thank you, Mr. Speaker.

This particular amendment just gives the authority to the county commissioners of the third-class county code to create the jurisdictional limits for a county park police department, which will allow them to have regular police powers on county property, very similar to what we do with the Capitol Police right here in our complex.

Thank you, Mr. Speaker.

The SPEAKER. Those in favor of the amendment will vote "aye"; those opposed, "no." The members will proceed to vote. The Chair rescinds.

The Chair recognizes the majority leader, Representative Smith.

Mr. S. SMITH. Mr. Speaker, could I just ask for a moment's delay.

The SPEAKER. The House will be temporarily at ease.

(Conference held at Speaker's podium.)

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

The following roll call was recorded:

YEAS-186

Table listing names of members who voted 'YEAS-186'. Includes names like Adolph, Allen, Armstrong, Baker, Baldwin, Bard, Barrar, Bastian, Bebko-Jones, Belardi, Belfanti, Benninghoff, Bianucci, Birmelin, Bishop, Blaum, Boyd, Browne, Bunt, Buxton, Caltagirone, Cappelli, Casorio, Causer, Cawley, Civera, Clymer, Cohen, Coleman, Cornell, Corrigan, Costa, Coy, Crahalla, Creighton, Curry, Dailey, Daley, Dally, DeLuca, Derlinger, Dermody, DeWeese, DiGirolamo, Diven, Donatucci, Eachus, Egolf, Evans, D., Evans, J., Fabrizio, Fairchild, Feese, Fichter, Fleagle, Flick, Forcier, Frankel, Freeman, Gabig, Gannon, Geist, George, Gergely, Gillespie, Gingrich, Godshall, Goodman, Gordner, Grucela, Gruitza, Habay, Haluska, Hanna, Harhai, Harhart, Harper, Harris, Hasay, Hennessey, Herman, Hershey, Hess, Hickernell, Hutchinson, Josephs, Killion, Kirkland, Kotik, LaGrotta, Laughlin, Leach, Leh, Levdansky, Lewis, Lynch, Mackereth, Maher, Maitland, Major, Manderino, Mann, Markosek, Marsico, McGill, McIlhattan, McIlhinney, McNaughton, Melio, Metcalfe, Micozzie, Miller, R., Mundy, Mustio, Nailor, Nickol, O'Brien, O'Neill, Pallone, Payne, Petrarca, Petri, Petrone, Phillips, Pickett, Pistella, Preston, Raymond, Readshaw, Reed, Reichley, Rieger, Roberts, Roebuck, Rohrer, Ross, Rubley, Ruffing, Sainato, Samuelson, Santoni, Sather, Saylor, Scavello, Schroder, Scrimenti, Semmel, Shaner, Smith, B., Smith, S. H., Solobay, Staback, Stairs, Steil, Stern, Stetler, Stevenson, R., Stevenson, T., Sturla, Surra, Tangretti, Taylor, E. Z., Taylor, J., Thomas, Tigue, Travaglio, True, Turzai, Vance, Veon, Vitali, Walko, Wansacz, Washington, Waters, Watson, Weber, Wheatley, Williams, Wilt, Wojnarowski, Wright, Yewcic, Yudichak, Zug, Perzel, Speaker.

NAYS-10

Table listing names of members who voted 'NAYS-10'. Includes names like Butkovitz, Cruz, Horsey, James, Keller, Lederer, McGeehan, Myers, Oliver, Youngblood.

NOT VOTING-0

EXCUSED-6

Table listing names of members who were 'EXCUSED-6'. Includes names like Argall, Kenney, Lescovitz, McCall, Miller, S., Rooney.

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

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

The SPEAKER. Is the gentlelady from Philadelphia, Ms. Manderino, going to suspend the rules to offer her amendment? The Chair recognizes the gentlelady from Philadelphia.

Ms. MANDERINO. Thank you, Mr. Speaker.

I will pass on a suspension of the rules to offer my amendment, which would have put a different time line in time for landlords and tenants, and just speak on final passage when appropriate.

On the question recurring,

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

Bill as amended was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

The Chair recognizes the gentlelady, Ms. Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

With the members' indulgence, before I speak about the landlord-tenant issue again, I just want to clear my conscience, because on the last amendment, motion for constitutionality, I misspoke, not reading the original Josephs amendment earlier, and ended up voting opposite of what my remarks were. And so I think later, speakers pointed out some flaws that I had not noticed in my argument on the amendment.

But with regard to final passage of SB 92, I would urge members to vote "no" on the legislation. I think that the amendment that we put in with regard to landlord-tenants is really an overreaching tipping of the scales, far beyond any fairness measures that our law should provide to all potential parties and all citizens. I think that the law as it had been amended was working very well, and the amendment that I chose not to suspend the rules for, because I think that it was very clear that I would not have won that, would have really put into process an alternative system that I think is much fairer to balance the scales between landlords and tenants.

But at this point I just think that this amendment, having gone into SB 92, makes SB 92 untenable, and I would ask those who agreed with and spoke against or voted against the landlord-tenant amendment that went in, I hope you will still stay a "no" on final passage of SB 92.

Thank you.

The SPEAKER. The Chair thanks the gentlelady.

The Chair recognizes the gentleman, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, the hour is getting late. We have to deal with education reform, we have to deal with economic stimulus, and we have to deal with property tax relief.

Now, Mr. Speaker, the amendment that went into SB 92 has been voted down three times. The Senate voted against this three times, this landlord-tenant provision. The Senate determined that this provision was cruel and unusual and too harsh. The House has entertained this same amendment and voted it down. Now, Mr. Speaker, to put this amendment in SB 92 destroys, destroys the efforts of the good Senators who crafted SB 92, and unless the architect of the amendment has assurances that the Senate is going to reverse its past practices

and now adopt this harsh amendment, then our exercise is in futility.

Mr. Speaker, this amendment has destroyed a good bill. Vote "no" on SB 92.

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Browne.

Mr. BROWNE. Thank you, Mr. Speaker.

Just very briefly in response to some of the comments made regarding the amendment that went into SB 92. There were comments made that in substance, we are moving the landlord-tenant law for those who are running into significant financial difficulties in the wrong direction. I disagree with that. I think that given the changes that were made with the Miller amendment, taking into account people's financial circumstances as dictated by the courts under an established rule, something that the courts have used for many years now, which is really important to point out because developing separate standards may give the court a reason not to provide for that relief and actually overturn what we did because of a rulemaking violation, we are making the law even fairer for people who have difficult financial circumstances.

The current rule is that if you cannot come up with 1 month's rent, 3 months' rent, the lesser of the two, you cannot file an appeal, and that is regardless of how much money you have. With the Miller amendment, if you are indigent and qualify for in pauperis status, there is a supersedeas on that appeal until the appeal is heard. So with this amendment we are being fair to people who because of the economy, because of circumstances that are out of their control, they cannot come up with the rent, and this is something that most landlords do now. We should make the law the same way. It is a fair amendment for our citizens, and I ask for an affirmative vote on SB 92.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—148

| | | | |
|-------------|-----------|------------|---------------|
| Adolph | Egolf | Leh | Sainato |
| Allen | Evans, D. | Levdansky | Santoni |
| Armstrong | Evans, J. | Lewis | Sather |
| Baker | Fairchild | Lynch | Saylor |
| Baldwin | Fichter | Mackereth | Scavello |
| Bard | Fleagle | Maher | Schroder |
| Barrar | Flick | Maitland | Semmel |
| Bastian | Forcier | Major | Shaner |
| Belardi | Frankel | Mann | Smith, B. |
| Belfanti | Gabig | Markosek | Smith, S. H. |
| Benninghoff | Geist | Marsico | Solobay |
| Bianucci | George | McGeehan | Staback |
| Birmelin | Gergely | McGill | Stairs |
| Blaum | Gillespie | McIlhatten | Steil |
| Boyd | Gingrich | McIlhinney | Stern |
| Browne | Godshall | McNaughton | Stevenson, R. |
| Bunt | Goodman | Metcalfe | Stevenson, T. |
| Butkovitz | Gordner | Micozzie | Surra |
| Caltagirone | Grucela | Miller, R. | Taylor, E. Z. |
| Cappelli | Gruitza | Mustio | Taylor, J. |
| Casorio | Haluska | Nailor | Tigue |
| Causer | Hanna | Nickol | Travaglio |
| Civera | Harhai | O'Brien | True |

| | | | |
|-----------|------------|----------|------------|
| Clymer | Harhart | O'Neill | Turzai |
| Cornell | Harper | Payne | Vance |
| Corrigan | Harris | Petrarca | Walko |
| Coy | Hasay | Petri | Wansacz |
| Crahalla | Hennessey | Phillips | Weber |
| Creighton | Herman | Pickett | Wilt |
| Cruz | Hershey | Raymond | Wojnaroski |
| Dailey | Hess | Readshaw | Wright |
| Daley | Hickernell | Reichley | Yewcic |
| Dally | Hutchinson | Roberts | Youngblood |
| DeLuca | Keller | Rohrer | Zug |
| Denlinger | Killion | Ross | |
| Diven | Kotik | Rubley | |
| Donatucci | LaGrotta | Ruffing | Perzel, |
| Eachus | Lederer | | Speaker |

NAYS—48

| | | | |
|-------------|-----------|-----------|------------|
| Bebko-Jones | Feese | Mundy | Stetler |
| Bishop | Freeman | Myers | Sturla |
| Buxton | Gannon | Oliver | Tangretti |
| Cawley | Habay | Pallone | Thomas |
| Cohen | Horse | Petrone | Veon |
| Coleman | James | Pistella | Vitali |
| Costa | Josephs | Preston | Washington |
| Curry | Kirkland | Reed | Waters |
| Dermody | Laughlin | Rieger | Watson |
| DeWeese | Leach | Roebuck | Wheatley |
| DiGirolamo | Manderino | Samuelson | Williams |
| Fabrizio | Melio | Scrimenti | Yudichak |

NOT VOTING—0

EXCUSED—6

| | | | |
|--------|-----------|------------|--------|
| Argall | Lescovitz | Miller, S. | Rooney |
| Kenney | McCall | | |

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

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

SUPPLEMENTAL CALENDAR A

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 782, PN 2384**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for definitions, for enforcement, for marketing, for sales by Pennsylvania Liquor Stores, for sales by liquor licensees and restrictions, for retail dispenser's restrictions on purchases and sales, for unlawful acts relative to liquor, alcohol and liquor licensees, for unlawful acts relative to liquor, malt and brewed beverages and licensees, for rights of municipalities preserved and for limited wineries.

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

The SPEAKER. It is moved by the gentleman, Mr. Raymond, that the House do concur in the amendments inserted by the Senate.

On that question, the Chair recognizes the gentleman from Delaware, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Is there someone willing to explain the amendments of the Senate?

The SPEAKER. The gentleman, Mr. Raymond, is standing for interrogation.

Mr. RAYMOND. Thank you, Mr. Speaker.

I will briefly explain the changes that the Senate put into HB 782.

The first thing they did was they removed the language that pertained to the prom issue, since we solved that in another bill.

Secondly, they put a provision in that allows the Johnstown Conference Center to qualify for a public venue license.

Thirdly, they put a provision in that authorizes the LCB (Liquor Control Board) to participate in and/or sponsor wine events for the purpose of educating consumers as to the wines available in Pennsylvania.

The fourth thing they put in was it permits tastings to be conducted by the board at the board headquarters or the regional offices and allows for the sale of liquor accessories and publications at State stores.

The fifth thing they did was they prohibit the giveaway of free or comp drinks by a thoroughbred or harness racing licensee that has obtained a slot machine license.

The sixth thing they did was that they did some technical amendments, some changes to the ability of municipalities to implement a local noise ordinance that supersedes the LCB's noise ordinance.

And the last thing they did was that they allowed the total number of days for all special-occasion permits at limited wineries in a calendar year to be increased from 20 to 40 days.

Mr. VITALI. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Samuelson.

Mr. SAMUELSON. To ask the gentleman, Mr. Raymond, a question.

The SPEAKER. The gentleman indicates that he is willing to stand for interrogation.

Mr. SAMUELSON. Thank you, Mr. Speaker.

One of the items you mentioned that the Senate had put in this bill was, any licensee that has obtained a license to conduct thoroughbred or harness racing and that has obtained a slot machine license, to give away free of charge or below cost any liquor or beer as a customary practice.

Now, currently in Pennsylvania there are no slot machine licenses. That is a debate the Senate has already had. This House has yet to have a debate on slot machines. How can this bill have that provision in there referring to slot machine licenses in Pennsylvania that do not yet exist and may not exist?

Mr. RAYMOND. Mr. Speaker, obviously, if that provision is in there and there are none, it has no meaning whatsoever.

Mr. SAMUELSON. I am sorry?

Mr. RAYMOND. Obviously, if there is nobody that has a slot machine license at a racetrack, then that provision in the bill has no meaning whatsoever.

Mr. SAMUELSON. Could the House then take that provision out until such time as we cross that bridge, and as I said, we have not had that debate yet.

Mr. RAYMOND. We would like this bill to go to the Governor. There are provisions in we want to get done and

signed into law now. This provision that is in there dealing with slots at tracks, no free drinks, has absolutely no meaning whatsoever. It is not good; it is not bad. It is just null and void. So leave it alone, and let us move on.

Mr. SAMUELSON. Last question: Does the language that the Senate put in here, does it provide any limit on how many free drinks could be given away or how much liquor or beer could be given away as a customary practice at an establishment that may at some point in the future have a slot machine license, according to the language of this amendment? Is there any limit on the amount of free liquor that we are talking about?

Mr. RAYMOND. What the bill says, with that amendment, is that they cannot give away free liquor. It does not say they can; it says they cannot give away free liquor. It prohibits any licensee who may have a track that eventually gets a slots license, that they cannot give away liquor. You were mistaken.

Mr. SAMUELSON. Yes. Thank you, Mr. Speaker.

I misunderstood the gentleman's original explanation. Then this prohibits that practice?

Mr. RAYMOND. That is correct.

Mr. SAMUELSON. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. HORSEY. Mr. Speaker, may I interrogate the gentleman on the House bill?

The SPEAKER. The gentleman, Mr. Raymond, indicates that he will stand for interrogation. The gentleman is in order.

Mr. HORSEY. Just one question.

Presently, Mr. Speaker, do horse tracks presently give away free drinks, for any reason?

Mr. RAYMOND. Mr. Speaker, in Pennsylvania there is no law that prohibits liquor licensees from giving away free drinks at this time.

Mr. HORSEY. Thank you, Mr. Speaker.

That is all I wanted to know. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Bucks, Mr. Corrigan. The gentleman waives off.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—170

| | | | |
|-------------|-----------|------------|---------------|
| Adolph | Evans, D. | Lynch | Santoni |
| Allen | Fabrizio | Mackereth | Sather |
| Armstrong | Fairchild | Maher | Saylor |
| Baldwin | Feese | Maitland | Scavello |
| Bard | Fichter | Major | Schroder |
| Barrar | Fleagle | Manderino | Semmel |
| Bastian | Flick | Mann | Shaner |
| Belardi | Frankel | Markosek | Smith, B. |
| Belfanti | Freeman | Marsico | Smith, S. H. |
| Benninghoff | Gabig | McGeehan | Staback |
| Birmelin | Gannon | McGill | Stairs |
| Bishop | Geist | McIlhattan | Steil |
| Blaum | George | McIlhinney | Stetler |
| Browne | Gergely | McNaughton | Stevenson, R. |
| Bunt | Gillespie | Metcalfe | Stevenson, T. |

| | | | |
|-------------|------------|------------|---------------|
| Butkovitz | Gingrich | Micozzie | Sturla |
| Buxton | Godshall | Miller, R. | Surra |
| Caltagirone | Goodman | Mundy | Tangretti |
| Cappelli | Gordner | Mustio | Taylor, E. Z. |
| Causer | Gruitza | Myers | Taylor, J. |
| Cawley | Habay | Nailor | Tigue |
| Civera | Hanna | Nickol | Travaglio |
| Clymer | Harhai | O'Brien | Turzai |
| Cohen | Harhart | Oliver | Vance |
| Coleman | Harper | O'Neill | Vitali |
| Cornell | Harris | Payne | Walko |
| Costa | Hasay | Petri | Wansacz |
| Coy | Hennessey | Petrone | Washington |
| Crahalla | Herman | Pickett | Waters |
| Creighton | Hershey | Pistella | Watson |
| Cruz | Hickernell | Preston | Weber |
| Curry | Horsey | Raymond | Wheatley |
| Dailey | Hutchinson | Readshaw | Williams |
| Daley | Josephs | Reed | Wilt |
| Dally | Keller | Reichley | Wojnarowski |
| DeLuca | Killion | Rieger | Wright |
| Denlinger | Kirkland | Roberts | Yewcic |
| Dermody | Kotik | Roebuck | Youngblood |
| DiGirolamo | Leach | Rohrer | Yudichak |
| Diven | Lederer | Ross | Zug |
| Donatucci | Leh | Rubley | |
| Eachus | Levdansky | Ruffing | Perzel, |
| Egolf | Lewis | Samuelson | Speaker |

NAYS—26

| | | | |
|-------------|-----------|----------|-----------|
| Baker | Evans, J. | Laughlin | Scrimenti |
| Bebko-Jones | Forcier | Melio | Solobay |
| Bianucci | Grucela | Pallone | Stern |
| Boyd | Haluska | Petrarca | Thomas |
| Casorio | Hess | Phillips | True |
| Corrigan | James | Sainato | Veon |
| DeWeese | LaGrotta | | |

NOT VOTING—0

EXCUSED—6

| | | | |
|--------|-----------|------------|--------|
| Argall | Lescovitz | Miller, S. | Rooney |
| Kenney | McCall | | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS
TO HOUSE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 387, PN 1076**, entitled:

An Act reenacting and amending the act of July 8, 1986 (P.L.408, No.89), known as the Health Care Cost Containment Act, further providing for the Health Care Cost Containment Council, for powers and duties of the council, for data submission and collection, for data dissemination, for mandated health benefits, for access to council data, for enforcement and penalty and for expiration.

On the question,

Will the House concur in Senate amendments to House amendments?

The SPEAKER. It is moved by the gentleman, Mr. Smith, that the House concur in the amendments.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

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

The following roll call was recorded:

YEAS—196

| | | | |
|-------------|------------|------------|---------------|
| Adolph | Evans, D. | Lewis | Santoni |
| Allen | Evans, J. | Lynch | Sather |
| Armstrong | Fabrizio | Mackereth | Saylor |
| Baker | Fairchild | Maher | Scavello |
| Baldwin | Feese | Maitland | Schroder |
| Bard | Fichter | Major | Scrimenti |
| Barrar | Fleagle | Manderino | Semmel |
| Bastian | Flick | Mann | Shaner |
| Bebko-Jones | Forcier | Markosek | Smith, B. |
| Belardi | Frankel | Marsico | Smith, S. H. |
| Belfanti | Freeman | McGeehan | Solobay |
| Benninghoff | Gabig | McGill | Staback |
| Biancucci | Gannon | McIlhattan | Stairs |
| Birmelin | Geist | McIlhinney | Steil |
| Bishop | George | McNaughton | Stern |
| Blaum | Gergely | Melio | Stetler |
| Boyd | Gillespie | Metcalfe | Stevenson, R. |
| Browne | Gingrich | Micozzie | Stevenson, T. |
| Bunt | Godshall | Miller, R. | Sturla |
| Butkovitz | Goodman | Mundy | Surra |
| Buxton | Gordner | Mustio | Tangretti |
| Caltagirone | Grucela | Myers | Taylor, E. Z. |
| Cappelli | Gruitza | Nailor | Taylor, J. |
| Casorio | Habay | Nickol | Thomas |
| Causer | Haluska | O'Brien | Tigue |
| Cawley | Hanna | Oliver | Travaglio |
| Civera | Harhai | O'Neill | True |
| Clymer | Harhart | Pallone | Turzai |
| Cohen | Harper | Payne | Vance |
| Coleman | Harris | Petrarca | Veon |
| Cornell | Hasay | Petri | Vitali |
| Corrigan | Hennessey | Petrone | Walko |
| Costa | Herman | Phillips | Wansacz |
| Coy | Hershey | Pickett | Washington |
| Crahalla | Hess | Pistella | Waters |
| Creighton | Hickernell | Preston | Watson |
| Cruz | Horsey | Raymond | Weber |
| Curry | Hutchinson | Readshaw | Wheatley |
| Dailey | James | Reed | Williams |
| Daley | Josephs | Reichley | Wilt |
| Dally | Keller | Rieger | Wojnaroski |
| DeLuca | Killion | Roberts | Wright |
| Denlinger | Kirkland | Roebuck | Yewcic |
| Dermody | Kotik | Rohrer | Youngblood |
| DeWeese | LaGrotta | Ross | Yudichak |
| DiGirolamo | Laughlin | Rubley | Zug |
| Diven | Leach | Ruffing | |
| Donatucci | Lederer | Sainato | |
| Eachus | Leh | Samuelson | Perzel, |
| Egolf | Levdansky | | Speaker |

NAYS—0

NOT VOTING—0

EXCUSED—6

| | | | |
|--------|-----------|------------|--------|
| Argall | Lescovitz | Miller, S. | Rooney |
| Kenney | McCall | | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments to House amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

SUPPLEMENTAL CALENDAR B CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 565, PN 667**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the safety zone for hunters using bows and arrows or crossbows.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—191

| | | | |
|-------------|------------|------------|---------------|
| Adolph | Evans, J. | Levdansky | Sainato |
| Allen | Fabrizio | Lewis | Samuelson |
| Armstrong | Fairchild | Lynch | Santoni |
| Baker | Feese | Mackereth | Sather |
| Baldwin | Fichter | Maher | Saylor |
| Bard | Fleagle | Maitland | Scavello |
| Barrar | Flick | Major | Schroder |
| Bastian | Forcier | Manderino | Scrimenti |
| Bebko-Jones | Frankel | Mann | Semmel |
| Belardi | Freeman | Markosek | Shaner |
| Belfanti | Gabig | Marsico | Smith, B. |
| Benninghoff | Gannon | McGeehan | Smith, S. H. |
| Biancucci | Geist | McGill | Solobay |
| Birmelin | George | McIlhattan | Staback |
| Bishop | Gergely | McIlhinney | Stairs |
| Blaum | Gillespie | McNaughton | Stern |
| Boyd | Gingrich | Melio | Stetler |
| Browne | Godshall | Metcalfe | Stevenson, R. |
| Bunt | Goodman | Micozzie | Stevenson, T. |
| Butkovitz | Gordner | Miller, R. | Sturla |
| Buxton | Grucela | Mundy | Surra |
| Caltagirone | Gruitza | Mustio | Tangretti |
| Cappelli | Habay | Myers | Taylor, E. Z. |
| Casorio | Haluska | Nailor | Taylor, J. |
| Causer | Hanna | Nickol | Tigue |
| Civera | Harhai | O'Brien | Travaglio |
| Clymer | Harhart | Oliver | True |
| Cohen | Harper | O'Neill | Turzai |
| Coleman | Harris | Pallone | Veon |
| Cornell | Hasay | Payne | Vitali |
| Corrigan | Hennessey | Petrarca | Walko |
| Costa | Herman | Petri | Wansacz |
| Coy | Hershey | Petrone | Washington |
| Creighton | Hess | Phillips | Waters |
| Cruz | Hickernell | Pickett | Watson |
| Curry | Horsey | Pistella | Weber |
| Dailey | Hutchinson | Preston | Wheatley |
| Daley | James | Raymond | Williams |
| Dally | Josephs | Readshaw | Wilt |
| DeLuca | Keller | Reed | Wojnaroski |

| | | | |
|------------|----------|----------|------------|
| Denlinger | Killion | Reichley | Wright |
| Dermody | Kirkland | Rieger | Yewcic |
| DeWeese | Kotik | Roberts | Youngblood |
| DiGirolamo | LaGrotta | Roebuck | Yudichak |
| Diven | Laughlin | Rohrer | Zug |
| Donatucci | Leach | Ross | |
| Eachus | Lederer | Rubley | Perzel, |
| Egolf | Leh | Ruffing | Speaker |
| Evans, D. | | | |

NAYS—5

| | | | |
|----------|-------|--------|-------|
| Cawley | Steil | Thomas | Vance |
| Crahalla | | | |

NOT VOTING—0

EXCUSED—6

| | | | |
|--------|-----------|------------|--------|
| Argall | Lescovitz | Miller, S. | Rooney |
| Kenney | McCall | | |

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

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

CALENDAR CONTINUED

RESOLUTION

Mr. GANNON called up **HR 338, PN 2234**, entitled:

A Concurrent Resolution directing the Legislative Budget and Finance Committee to provide a comprehensive report to the General Assembly and the Governor on data collected and evaluated by national experts, with the support of the United States Department of Health and Human Services and facilitated by the Council of State Governments, of two county-based mental health diversion programs and one program that works with offenders with mental illnesses released from State prisons in this Commonwealth and to demonstrate the fiscal impact of these programs and the desirability, viability and appropriateness of encouraging similar program development, implementation and funding options throughout this Commonwealth.

On the question,
Will the House adopt the resolution?

Mr. GANNON offered the following amendment No. **A2955**:

Amend Sixth Whereas Clause, page 2, line 12, by striking out “at least” and inserting

between two and

Amend Seventh Whereas Clause, page 2, lines 15 through 19, by striking out the comma after “illnesses” in line 15, all of lines 16 through 18 and “exacerbates” in line 19 and inserting

and the difficulty of screening for and treating these individuals can weaken staff morale, jeopardize the proper operation of correction facilities and contribute to

Amend Eighth Whereas Clause, page 2, lines 24 and 25, by striking out “a patchwork of uncoordinated interventions or no” and inserting

an uncoordinated system of care or no effective

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

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

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, this is a technical amendment. It takes some recommendations from the Department of Corrections and incorporates them into the resolution, and I ask for a “yes” vote.

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

The following roll call was recorded:

YEAS—196

| | | | |
|-------------|------------|------------|---------------|
| Adolph | Evans, D. | Lewis | Santoni |
| Allen | Evans, J. | Lynch | Sather |
| Armstrong | Fabrizio | Mackereth | Saylor |
| Baker | Fairchild | Maher | Scavello |
| Baldwin | Feese | Maitland | Schroder |
| Bard | Fichter | Major | Scrimenti |
| Barrar | Fleagle | Manderino | Semmel |
| Bastian | Flick | Mann | Shaner |
| Bebko-Jones | Forcier | Markosek | Smith, B. |
| Belardi | Frankel | Marsico | Smith, S. H. |
| Belfanti | Freeman | McGeehan | Solobay |
| Benninghoff | Gabig | McGill | Staback |
| Biancucci | Gannon | McIlhattan | Stairs |
| Birmelin | Geist | McIlhinney | Steil |
| Bishop | George | McNaughton | Stern |
| Blaum | Gergely | Melio | Stetler |
| Boyd | Gillespie | Metcalfe | Stevenson, R. |
| Browne | Gingrich | Micozzie | Stevenson, T. |
| Bunt | Godshall | Miller, R. | Sturla |
| Butkovitz | Goodman | Mundy | Surra |
| Buxton | Gordner | Mustio | Tangretti |
| Caltagirone | Grucela | Myers | Taylor, E. Z. |
| Cappelli | Gruitza | Nailor | Taylor, J. |
| Casorio | Habay | Nickol | Thomas |
| Causer | Haluska | O’Brien | Tigue |
| Cawley | Hanna | Oliver | Travaglio |
| Civera | Harhai | O’Neill | True |
| Clymer | Harhart | Pallone | Turzai |
| Cohen | Harper | Payne | Vance |
| Coleman | Harris | Petrarca | Veon |
| Cornell | Hasay | Petri | Vitali |
| Corrigan | Hennessey | Petrone | Walko |
| Costa | Herman | Phillips | Wansacz |
| Coy | Hershey | Pickett | Washington |
| Crahalla | Hess | Pistella | Waters |
| Creighton | Hickernell | Preston | Watson |
| Cruz | Horsey | Raymond | Weber |
| Curry | Hutchinson | Readshaw | Wheatley |
| Dailey | James | Reed | Williams |
| Daley | Josephs | Reichley | Wilt |
| Dally | Keller | Rieger | Wojnaroski |
| DeLuca | Killion | Roberts | Wright |
| Denlinger | Kirkland | Roebuck | Yewcic |
| Dermody | Kotik | Rohrer | Youngblood |
| DeWeese | LaGrotta | Ross | Yudichak |
| DiGirolamo | Laughlin | Rubley | Zug |
| Diven | Leach | Ruffing | |
| Donatucci | Lederer | Sainato | |
| Eachus | Leh | Samuelson | Perzel, |
| Egolf | Levdansky | | Speaker |

NAYS—0

NOT VOTING—0

EXCUSED-6

Argall Lescovitz Miller, S. Rooney
 Kenney McCall

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

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

The following roll call was recorded:

YEAS-196

| | | | |
|-------------|------------|------------|---------------|
| Adolph | Evans, D. | Lewis | Santoni |
| Allen | Evans, J. | Lynch | Sather |
| Armstrong | Fabrizio | Mackereth | Saylor |
| Baker | Fairchild | Maher | Scavello |
| Baldwin | Feese | Maitland | Schroder |
| Bard | Fichter | Major | Scrimenti |
| Barrar | Fleagle | Manderino | Semmel |
| Bastian | Flick | Mann | Shaner |
| Bebko-Jones | Forcier | Markosek | Smith, B. |
| Belardi | Frankel | Marsico | Smith, S. H. |
| Belfanti | Freeman | McGeehan | Solobay |
| Benninghoff | Gabig | McGill | Staback |
| Biancucci | Gannon | McIlhattan | Stairs |
| Birmelin | Geist | McIlhinney | Steil |
| Bishop | George | McNaughton | Stern |
| Blaum | Gergely | Melio | Stetler |
| Boyd | Gillespie | Metcalfe | Stevenson, R. |
| Browne | Gingrich | Micozzie | Stevenson, T. |
| Bunt | Godshall | Miller, R. | Sturla |
| Butkovitz | Goodman | Mundy | Surra |
| Buxton | Gordner | Mustio | Tangretti |
| Caltagirone | Grucela | Myers | Taylor, E. Z. |
| Cappelli | Gruitza | Nailor | Taylor, J. |
| Casorio | Habay | Nickol | Thomas |
| Causer | Haluska | O'Brien | Tigue |
| Cawley | Hanna | Oliver | Travaglio |
| Civera | Harhai | O'Neill | True |
| Clymer | Harhart | Pallone | Turzai |
| Cohen | Harper | Payne | Vance |
| Coleman | Harris | Petrarca | Veon |
| Cornell | Hasay | Petri | Vitali |
| Corrigan | Hennessey | Petrone | Walko |
| Costa | Herman | Phillips | Wansacz |
| Coy | Hershey | Pickett | Washington |
| Crahalla | Hess | Pistella | Waters |
| Creighton | Hickernell | Preston | Watson |
| Cruz | Horsey | Raymond | Weber |
| Curry | Hutchinson | Readshaw | Wheatley |
| Dailey | James | Reed | Williams |
| Daley | Josephs | Reichley | Wilt |
| Dally | Keller | Rieger | Wojnaroski |
| DeLuca | Killion | Roberts | Wright |
| Denlinger | Kirkland | Roebuck | Yewcic |
| Dermody | Kotik | Rohrer | Youngblood |
| DeWeese | LaGrotta | Ross | Yudichak |
| DiGirolamo | Laughlin | Rubley | Zug |
| Diven | Leach | Ruffing | |
| Donatucci | Lederer | Sainato | |
| Eachus | Leh | Samuelson | Perzel, |
| Egolf | Levdansky | | Speaker |

NAYS-0

NOT VOTING-0

EXCUSED-6

Argall Lescovitz Miller, S. Rooney
 Kenney McCall

The majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the resolution as amended was adopted.

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

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I have a series of announcements.

Immediately upon the call of the recess, there will be informal discussions in the House Democratic caucus room. Tomorrow morning there will be informal discussions at 8:30 in the morning. We will have a formal discussion at 9 o'clock on the gaming and economic development.

Informal discussions now and at 8:30 tomorrow morning; formal discussions, 9 o'clock tomorrow morning.

The SPEAKER. The Chair thanks the gentleman.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the gentledady from Chester, Mrs. Taylor.

Mrs. TAYLOR. Mr. Speaker, there will be an informal meeting of the Republican Caucus at 8:30; there will be an informal caucus at 11:30; we are scheduled to be on the floor at 12:30.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentledady.

**BILL REPORTED FROM COMMITTEE,
 CONSIDERED FIRST TIME, AND
 RECOMMITTED TO COMMITTEE ON RULES**

HB 1854, PN 2415

By Rep. HERMAN

An Act amending the act of May 22, 1933 (P.L.853, No.155), known as The General County Assessment Law, further providing for valuation of property.

LOCAL GOVERNMENT.

The SPEAKER. There will be no further votes.

Mr. DeWEESE. Mr. Speaker?

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

Mr. DeWEESE. For the benefit of the House, could the gentledady from Chester please repeat the announcement? Some of our members were unable to monitor exactly what she said.

Mrs. TAYLOR. I will be happy to repeat that.

The SPEAKER. The Chair recognizes the gentledady.

Mrs. TAYLOR. Mr. Speaker, at 8:30 there will be an informal caucus; at 11:30 there will be an informal caucus; at 12:30 we will be on the floor of the House.

Mr. DeWEESE. Thank you very much.

Mr. Speaker?

The SPEAKER. We will be convening at 11 o'clock, for the information of the members.

The Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. You just answered my question. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

VOTE CORRECTIONS

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Cruz.

Mr. CRUZ. Mr. Speaker, correction.

On SB 92 I was voted in the affirmative, and for the record I want to be in the negative, please.

The SPEAKER. The gentleman's remarks will be spread across the record. The Chair thanks the gentleman.

The Chair recognizes the gentledady from Philadelphia, Ms. Youngblood.

Ms. YOUNGBLOOD. Mr. Speaker, on SB 92 my switch malfunctioned, and I was recorded in the affirmative. I would like to be recorded as a "no" vote.

The SPEAKER. The Chair thanks the gentledady.

QUESTION OF PERSONAL PRIVILEGE

Ms. YOUNGBLOOD. In addition, Mr. Speaker, could I have a point of personal privilege, please?

The SPEAKER. Would the members please be quiet. The gentledady has got a point of personal privilege she would like to make to the membership.

Ms. YOUNGBLOOD. Mr. Speaker, I stand here sad today to say that the constituents in the 198th Legislative District have been without any service, any staff, in that district for 385 days. The constituents have been totally disenfranchised, and I think that is a sad state of affairs. Thank you.

The SPEAKER. The Chair thanks the gentledady.

BILL SIGNED BY SPEAKER

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

HB 782, PN 2384

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for definitions, for enforcement, for marketing, for sales by Pennsylvania Liquor Stores, for sales by liquor licensees and restrictions, for retail dispenser's restrictions on purchases and sales, for unlawful acts relative to liquor, alcohol and liquor licensees, for unlawful acts relative to liquor, malt and brewed beverages and licensees, for rights of municipalities preserved and for limited wineries.

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

HOUSE BILLS INTRODUCED AND REFERRED

No. 1500 By Representatives WEBER, FLICK, ADOLPH, BARRAR, CIVERA, DAILEY, WATSON, WRIGHT, O'NEILL, PETRI and BUNT

An Act providing for priority of collection and for crediting of earned income and net profit taxes; and making repeals.

Referred to Committee on FINANCE, July 15, 2003.

No. 1860 By Representatives PALLONE, PETRARCA, TANGRETTI, CASORIO, CREIGHTON, RUFFING, SHANER, SOLOBAY and YOUNGBLOOD

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for police duties.

Referred to Committee on LOCAL GOVERNMENT, July 15, 2003.

No. 1861 By Representatives PALLONE, PETRARCA, TANGRETTI, CASORIO, CREIGHTON, RUFFING, SHANER, SOLOBAY and YOUNGBLOOD

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

Referred to Committee on JUDICIARY, July 15, 2003.

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, any remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

ADJOURNMENT

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Petri.

Mr. PETRI. Mr. Speaker, I move that this House do now adjourn until Wednesday, July 16, 2003, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 6:26 p.m., e.d.t., the House adjourned.