

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, MAY 14, 2019

SESSION OF 2019

203D OF THE GENERAL ASSEMBLY

No. 35

HOUSE OF REPRESENTATIVES

The House convened at 11 a.m., e.d.t.

**THE SPEAKER (MIKE TURZAI)
PRESIDING**

PRAYER

HON. RYAN WARNER, member of the House of Representatives, offered the following prayer:

Let us pray:

All-knowing and powerful Creator, we thank You for this new day. We thank You for the rebirth of nature that comes each time this year. You have graced us with a plentiful land, full of magnificent creatures and plentiful harvests. This Commonwealth has been blessed with great bounty. For this we give You honor and praise.

Today, convert the minds of my colleagues within this august body that our minds and hearts may be open to Your will. We pray that we will use the unique gifts You have bestowed upon each of us to make this country and Commonwealth as great as You wish us to be.

Lord, please watch over our first responders and those in our military as they serve to protect us. Watch over our constituents. Allow us to be attentive in hearing their needs. Watch over our families as You watch over us.

Lord, bring us closer together. Grant us the ability to understand our differences. Guide us in our cooperation with each other as we carry out the business of all Pennsylvanians. We ask these things in Your good and gracious name. 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, May 13, 2019, will be postponed until printed.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 672, PN 1813 (Amended) By Rep. DiGIROLAMO

An Act amending the act of February 13, 1970 (P.L.19, No.10), entitled "An act enabling certain minors to consent to medical, dental and health services, declaring consent unnecessary under certain circumstances," further providing for mental health treatment and for release of medical records.

HUMAN SERVICES.

HB 783, PN 1815 (Amended) By Rep. RAPP

An Act establishing the Infant CPR and Choking Education and Prevention Program; and providing for educational and instructional materials, for duties of department, for criminal or civil liability and for regulations.

HEALTH.

HB 1005, PN 1341 By Rep. RAPP

An Act amending the act of October 27, 2014 (P.L.2911, No.191), known as the Achieving Better Care by Monitoring All Prescriptions Program (ABC-MAP) Act, further providing for purpose, for definitions, for powers and duties of board, for establishment of program and for requirements for dispensers and pharmacies; providing for requirements for first responders; and further providing for access to prescription information.

HEALTH.

HB 1052, PN 1215 By Rep. DiGIROLAMO

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, in powers and duties of the Department of Drug and Alcohol Programs, further providing for powers and duties.

HUMAN SERVICES.

HB 1188, PN 1385 By Rep. GILLESPIE

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in hunting and furtaking, further providing for unlawful devices and methods.

GAME AND FISHERIES.

HB 1214, PN 1816 (Amended) By Rep. RAPP

An Act amending the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, providing for pain management clinics; and imposing penalties.

HEALTH.

HB 1380, PN 1671 By Rep. GILLESPIE

An Act amending Titles 30 (Fish) and 34 (Game) of the Pennsylvania Consolidated Statutes, in fishing licenses, providing for active duty military fishing reciprocity and for disabled veteran annual fishing license reciprocity; and, in hunting and furtaking licenses, providing for active duty military hunting reciprocity and for disabled veteran annual hunting license reciprocity.

GAME AND FISHERIES.

RESOLUTIONS REPORTED FROM COMMITTEES

HR 193, PN 1814 (Amended) By Rep. DiGIROLAMO

A Resolution directing the Joint State Government Commission to conduct a study on the mental health care provider shortage in this Commonwealth and to issue a report.

HUMAN SERVICES.

HR 268, PN 1817 (Amended) By Rep. RAPP

A Resolution directing the Joint State Government Commission to study the impact of this Commonwealth's current behavioral health needs and behavioral health care system capacity on hospital emergency departments and patient health.

HEALTH.

The SPEAKER. There is a request for rereferral reported from the Health Committee. We will return to the request for rereferral once we see what the nature of the bill is and why it is going to a new committee.

All members, please report to the House floor.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1453 By Representatives KEEFER, PICKETT, WARNER, B. MILLER, KAUFFMAN, SAMUELSON, BROWN, IRVIN, GROVE, MILLARD, ZIMMERMAN, DeLUCA, MOUL, GILLEN, SCHEMEL, JONES, PASHINSKI, RYAN, TOPPER, GLEIM and HELM

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in entertainment production tax credit, further providing for carryover, carryback and assignment of credit.

Referred to Committee on FINANCE, May 14, 2019.

No. 1454 By Representatives KEEFER, IRVIN, BERNSTINE, KAUFFMAN, JONES, ZIMMERMAN, LAWRENCE, GILLEN, KNOWLES, SCHEMEL, RYAN, MALONEY and KLUNK

A Joint Resolution proposing integrated amendments to the Constitution of the Commonwealth of Pennsylvania, abolishing the office of Lieutenant Governor.

Referred to Committee on STATE GOVERNMENT, May 14, 2019.

No. 1456 By Representatives HOHENSTEIN, BRIGGS, CALTAGIRONE, BARRAR, DAVIDSON, A. DAVIS, DRISCOLL, JOHNSON-HARRELL, KENYATTA, KINSEY, McCLINTON, McNEILL, SCHLOSSBERG, SCHWEYER and ZABEL

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in falsification and intimidation, further providing for the offense of unsworn falsification to authorities; and, in firearms and other dangerous articles, further providing for persons not to possess, use, manufacture, control, sell or transfer firearms, for licenses and for sale or transfer of firearms.

Referred to Committee on JUDICIARY, May 14, 2019.

The SPEAKER. We are in receipt, as I said, of HB 397. It is sponsored by Representative Kurt Masser. That was assigned by the Speaker to the Health Committee. There has been a request to rerefer to the Aging and Older Adult Services. It is clear that it could be in either committee. It is a bill that could have been done in Health, but they have asked to rerefer it to Aging and Older Adult Services.

BILL REPORTED AND REREFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES

HB 397, PN 1514 By Rep. RAPP

An Act amending the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, adding provisions relating to patient care monitoring.

Reported from Committee on HEALTH with request that it be rereferred to Committee on AGING AND OLDER ADULT SERVICES.

The SPEAKER. Without objection, the bill will be so rereferred.

Members, my understanding is the Urban Affairs Committee is still meeting, so we cannot take any votes until they are back on the floor. But we do have some visitors to introduce.

Representative Malagari, do you want to introduce your guests or would you want – yes, I recognize you on unanimous consent, if you would like. Take your time. Yes.

GUESTS INTRODUCED

The SPEAKER. In the gallery, we are so glad to welcome fifth and sixth grade students from the Edgar Fahs Smith STEAM Academy, which is part of the School District of the City of York. These students participated in Representative Carol Hill-Evans' community service essay contest and her community service

science fair. Please stand. We are so honored to have you. There they are, right up there. Thank you so much for being with us today.

Representative Ed Gainey is recognized on unanimous consent. I would ask everybody to please take their seats. He is going to be introducing some guests that have traveled some distance to be with us today. So all members, please be seated and let us close the doors of the House. He is going to be introducing his guests.

Oh, I am sorry, Representative. Thank you, sir.

So, members, please take your seats.

Sergeants at Arms, if you could ask members to please take their seats, particularly in the back, because you are blocking our guests.

STATEMENT BY MR. GAINEY

The SPEAKER. Representative Gainey, you may proceed, sir. Mr. GAINEY. Thank you, Mr. Speaker.

First of all, I just want to honor the House of Soul, who is back there. They are a group in Pittsburgh that does a lot of things in the community. In regards to their group, they sing and they do a lot of volunteer work, but they also do a lot of things that just bring people together. They are one of the best groups we have out of Pittsburgh, and it was in April – but we could not do it in April – but as April being Jazz Month, I wanted to make sure that we honored the House of Soul at the State Capitol. So if you could stand up, that would be great.

And I also want to bring up a group that does a lot with them. It is called the Historically Black Colleges and Universities. They do a lot to get young individuals into African-American colleges. You know, we have two in the great Commonwealth of Pennsylvania, in Cheyney and Lincoln, but they get kids from the Pittsburgh public schools, private schools, charter schools, and everywhere else to go to historically black colleges and universities. Please give them a warm welcome as they stand up. Please stand.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, Representative Gainey.

GUESTS INTRODUCED

The SPEAKER. To the left of the Speaker, will Jonathon Myles Harris please stand. Where is Jonathon? He is up in the gallery. Jonathon, how are you? Come down at the break. A senior at Lafayette College, interning with Representative Bob Freeman in his district office. We are so honored to have you, Jonathon. Great college. Thanks for being here today.

Representative Millard has some outstanding guests with us today. Representative David Millard brings us today the Columbia-Montour Vo-Tech students and staff. Will you please stand. Thank you so much. It is so great to have you here today. We are really honored.

And to the left of the rostrum, James Magniski – will you please stand, James – who is a junior at Garnet Valley High School and is the guest of Representative Stephen Barrar. Thanks so much for being with us today.

LEGISLATIVE REFERENCE BUREAU 110TH ANNIVERSARY

The SPEAKER. We have a special guest – and at this time I invite the majority leader and the minority leader for some remarks. They will be presenting a citation. We are going to hand this down to the majority leader. We have a citation today on the 110th anniversary of the Legislative Reference Bureau.

So at this time I am going to have Kelly – if you will take this down to the majority leader, and I will say some remarks after both Majority Leader Bryan Cutler and Minority Leader Frank Dermody give their remarks with respect to the outstanding work conducted by the Legislative Reference Bureau, 110th anniversary.

Vince, if you will come up to the rostrum. Vince is the Director. Vince DeLiberato is the Director of LRB, and understand that we all vote for Vince with the Senate on swearing-in day to run the Legislative Reference Bureau. It actually requires a vote of the House and the Senate.

REMARKS BY MAJORITY LEADER

The SPEAKER. So I turn it over to the majority leader, Bryan Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, I recently had the opportunity to attend the celebration that Vince and his colleagues put on here in the Capitol, and I think we, as members, always recognize how important the job they do is. One of the very first places I was invited to as a new member was to go up and meet the drafting attorneys and, specifically, Vince up in LRB when I was there, and while oftentimes in our jobs our staff, unfortunately, gets blamed for all of the things that people disagree with us on and then we get thanked for all of the good things that they do, I would offer to you that the LRB is exactly the same. They are the ones who flawlessly keep things in order. They are the ones who ensure that bills and amendments are drafted in a timely manner, oftentimes under very tight deadlines, and we certainly appreciate the efforts that they undertake on our behalf, as well as welcome them here to the chamber in terms of celebrating their 110th anniversary. It is a unique body that operates up there in a bipartisan way, and it is one that always carries out their duties with professionalism and a thoroughness that I think could be replicated all throughout government.

So, Vince, welcome and thank you for the great job that you do in leading.

REMARKS BY MINORITY LEADER

The SPEAKER. And the minority leader, Frank Dermody, with respect to the 110th anniversary of the Legislative Reference Bureau.

Mr. DERMODY. Thank you, Mr. Speaker.

And, Mr. Speaker, I would like to join with the majority leader in congratulating Vince and the LRB just for the great work they have done all these years. We cannot tell you how much we appreciate it, how well you work with our staff and helping our staff and teaching our staff, drafting legislation and making them more effective.

So thank you once again. Congratulations to the LRB and Vince. Thank you.

REMARKS BY SPEAKER

The SPEAKER. Members, as you may know, and to the public that is watching, the Legislative Reference Bureau is the backbone of the legislative process. Initiated by statute, it is a bipartisan bureau that drafts the bills that members of the House and the Senate wish to introduce. That is also amendments. Last session over 4,000 bills were introduced and 1600 resolutions – that is for the House and the Senate – and as you know, when our work is done for the day, theirs often continues. There are 14 drafting attorneys, 75 employees.

In addition to Vince, Stephanie F. Latimore, the Assistant Director, please stand; Robert W. Zech, the former Director – Bob, thank you so much for being here; James L. Walsh, the former Assistant Director – Jim, great to have you here, thank you so much; and Gary Hoffman, the original Director of the Pennsylvania Code and Bulletin Section. Thank you so much, each of you, for being here today. If there are any other staff or former staff members with LRB here today, would you please stand. Is the whole team back there? What a great – thank you so much for being with us here today. We are really honored.

And at this time we are going to just do a short photo here, and then at the break we will take it with the entire team, and the majority leader and the minority leader will be there as well. Thank you.

The Sergeants at Arms will open the doors of the House.

What we are going to do is we do have some resolutions to vote on and the master roll, but Urban Affairs is not yet back. So if the vice chair for the Appropriations would want to make an announcement and then we can also do caucus announcements. We can come back and vote.

Oh, wait a minute. I have Representative Malagari. I apologize. Representative Malagari – I saw you at the beginning – has some very special guests with him.

STATEMENT BY MR. MALAGARI

The SPEAKER. Representative, the floor is yours.

Mr. MALAGARI. Thank you, Mr. Speaker.

The SPEAKER. Members, if you could, please, give your undivided attention. He has some very important guests, and they have traveled some distance to be with us.

Mr. MALAGARI. Thank you, Mr. Speaker.

Mr. Speaker, located to the left of the rostrum I am pleased to welcome not one of my constituents at all, actually. One of them happens to be my mother, Irene Malagari. In addition to that, she has her friends here: Cathy Zarcone, Marybeth Young, Gail Schnaeder, and Gwen Thorn. They are all retired public school teachers from the Perkiomen Valley School District. If they could all stand and be recognized, that would be fantastic. They are represented in this chamber by Representative Melissa Shusterman, Representative Joe Webster, and Representative Liz Hanbidge.

I really do appreciate them making the trek out here to Harrisburg to see this beautiful building and to see our work in action here.

So, Mr. Speaker, thank you so much for the time. I really do appreciate it.

The SPEAKER. Thank you, Representative.

GUESTS INTRODUCED

The SPEAKER. Representative Natalie Mihalek has from Upper St. Clair High School – my wife graduated from there many years ago; she is a pediatrician and she loved that high school – Women in History and Literature; Women in History and Literature. Could those guests of Representative Natalie Mihalek please stand up. Oh, great to have you. Thank you so much. An honor. We will take a photo at the break – if you can stay – we will have you come up for a photo at the break.

At this time I am calling up Representative Tarah Toohil and Representative Karen Boback to the rostrum, and they have some guests that are going to come up to the rostrum with them, or if there is a big group, we will have them go to the well of the House. Let me see how many there are. Oh, yes, they can come up to the rostrum. Just come straight down the aisle and come right up with Representatives Tarah Toohil and Karen Boback.

STATEMENT BY MS. TOOHL

The SPEAKER. Representative Tarah Toohil.

Ms. TOOHL. Thank you, Mr. Speaker.

Today we have foster care awareness, the resolution for Foster Care Awareness Month in Pennsylvania, HR 335. We are extremely excited to welcome our guests from the City of Brotherly Love. They are here today in the Capitol. Welcome to your State Capitol. And this group of youth, they are youth advocates from the Juvenile Law Center in Philadelphia, and the project that they are engaged in is called Youth Fostering Change. It is an advocacy program for youth who are currently or formerly involved in the child welfare system.

Today we had a hearing with Chairwoman Boback of the Children and Youth Committee, and we had incredibly moving testimony. A lot of it was very distressing about what we need to be doing in Pennsylvania and what we can do better, and it is very appropriate that today we are celebrating and raising awareness for foster care awareness.

So behind us, as our guests, we have the current youth advocates – if you could raise your hands – we have Anthony Simpson, Anthony; we have Alexis Andino; Lakeema Jones; Johnathan Hamilton; and with them from the Juvenile Law Center are Marcia Hopkins and Katy Otto. We also have with us stakeholders and individuals that are very invested in changing the foster care system. They are up in the gallery. We have Teri Henning with the PA Council for Children, Youth and Families – if you could give a wave; Garry Krentz was here with the Resource Family Association; Sarah Wasch with the Field Center; Rick Azarro with Diakon and SWAN (Statewide Adoption and Permanency Network); Jenny Pokempner from the Juvenile Law Center; Rachel Miller with PA Partnerships for Children; and Dawn Holden Woods from Turning Points for Children in Philadelphia.

Right now in Pennsylvania we have 25,441 children that are in foster care. They have about an average time of 13 months where they are in the system, on average, but many languish in the system for years and years, never achieving permanency. We have an estimated 8,000 transition-age youth, and it is estimated that there are 392 youth in Pennsylvania right now who are getting training or college education; only 392 of our foster youth.

So without further ado, Chairwoman Boback from the Children and Youth Committee.

STATEMENT BY MS. BOBACK

The SPEAKER. Representative Karen Boback.
Ms. BOBACK. Thank you, Mr. Speaker.

I join all of you in recognizing "Foster Care Month" and taking on the challenge of strengthening and supporting the foster care system in Pennsylvania.

This morning the House Children and Youth Committee held a hearing on older youth permanency. "Permanency" is just another term for family. It means reunification or finding family through adoption, guardianship, or kinship care. Older youth in foster care are often a forgotten population. This hearing demonstrated how important it is that we do place special focus on them, because they are facing challenges that none of our children should ever face. Almost half are growing up in group care rather than families, and roughly half age out of the system without ever achieving permanency in a family. These young people have great potential, but without support of family and the skills and resources they need, they are facing outcomes like homelessness and reliance on public assistance.

In this morning's hearing, young adults who have been through the system told the committee, in no uncertain terms, that they want family, they need family, and the support that most people have growing up, as a matter of course, that is what they want, that is what they deserve. And I ask you to look forward to legislation that will, hopefully, help address the needs of these forgotten children.

Thank you for your support.

The SPEAKER. Thank you.

Members, we are now going to proceed to the master roll. I have other members who have guests here, so we are going to try to get everybody in by noon.

LEAVES OF ABSENCE

The SPEAKER. The majority whip requests leaves of absence for Representative Stan SAYLOR of York County for the day – although he will be here later today but for now – and Representative Tommy SANKEY of Clearfield County for the day. Without objection, those will be granted.

The minority whip requests a leave of absence for Representative Scott CONKLIN of Centre County for the day. Without objection, that will be granted.

MASTER ROLL CALL

The SPEAKER. Members, please proceed to vote on the master roll.

The following roll call was recorded:

PRESENT—197

Barrar	Fitzgerald	Lawrence	Readshaw
Benninghoff	Flynn	Lee	Reese
Bernstine	Frankel	Lewis	Rigby
Bizzarro	Freeman	Longietti	Roae
Boback	Fritz	Mackenzie	Roebuck

Borowicz	Gabler	Madden	Rothman
Boyle	Gainey	Mako	Rozzi
Bradford	Galloway	Malagari	Ryan
Briggs	Gaydos	Maloney	Sainato
Brooks	Gillen	Markosek	Samuelson
Brown	Gillespie	Marshall	Sanchez
Bullock	Gleim	Masser	Sappety
Burgos	Goodman	Matzie	Schemel
Burns	Gregory	McCarter	Schlossberg
Caltagirone	Greiner	McNeill	Schmitt
Carroll	Grove	Mehaffie	Schroeder
Causler	Hahn	Mentzer	Schweyer
Cephas	Hanbidge	Merski	Shusterman
Ciresi	Harkins	Metcalfe	Simmons
Comitta	Harrell	Metzgar	Sims
Cook	Harris	Mihalek	Snyder
Cox	Heffley	Millard	Solomon
Culver	Helm	Miller, B.	Sonney
Cutler	Hennessey	Miller, D.	Staats
Daley	Hershey	Mizgorski	Stephens
Davidson	Hickernell	Moul	Struzzi
Davis, A.	Hohenstein	Mullery	Sturla
Davis, T.	Howard	Mullins	Thomas
Dawkins	Innamorato	Murt	Tobash
Day	Irvin	Neilson	Toepel
Deasy	Isaacson	Nelson	Toohil
DeLissio	James	Nesbit	Topper
Delloso	Jones	O'Mara	Ullman
Delozier	Jozwiak	O'Neal	Vitali
DeLuca	Kail	Oberlander	Walsh
Dermody	Kaufer	Ortitay	Warner
Diamond	Kauffman	Otten	Warren
DiGirolamo	Keefer	Owlett	Webster
Donatucci	Keller, F.	Pashinski	Wentling
Dowling	Keller, M.K.	Peifer	Wheatley
Driscoll	Kenyatta	Petrarca	Wheeland
Dunbar	Kim	Pickett	White
Dush	Kinsey	Polinchock	Williams
Ecker	Kirkland	Puskaric	Youngblood
Emrick	Klunk	Pyle	Zabel
Evans	Knowles	Quinn	Zimmerman
Everett	Kortz	Rabb	
Farry	Kosierowski	Rader	Turzai,
Fee	Krueger	Rapp	Speaker
Fiedler	Kulik	Ravenstahl	

ADDITIONS—0

NOT VOTING—0

EXCUSED—5

Conklin	McClinton	Sankey	Saylor
Cruz			

LEAVES ADDED—6

Bradford	Harrell	Nesbit	Rozzi
Donatucci	Kim		

LEAVES CANCELED—1

Saylor

The SPEAKER. One hundred and ninety-seven members having voted on the master roll, a quorum is present.

I invite at this time, the majority leader has guests with him, to my left, on HR 230. We have so many guests here today. It is really exciting and it is the people's place. Always excitement in the House chamber to our guests; across the Capitol, not as much activity.

So if you will close the doors of the House, the Sergeants at Arms.

Members, I am going to ask you to please take a seat.

Following the majority leader, Representative Culver will be next. So, Representative Culver, if you could come to the front. Representative Comitta, you will follow Representative Culver, and Representative Toepel will follow Representative Comitta.

STATEMENT BY MR. CUTLER

The SPEAKER. At this time I turn it over to the majority leader, and I am going to ask everybody to please be seated.

Mr. CUTLER. Thank you, Mr. Speaker.

First, I would like to thank Lisa and Randy Walker, as well as Annette Miller, who are seated to the left of the Speaker, for being here today advocating on behalf of ALS Awareness in Pennsylvania Day, or better known as Lou Gehrig's disease.

Many of you know my own personal story with respect to the disease, having lost both parents when myself and my sister were very young. ALS, or amyotrophic lateral sclerosis, commonly referred to as Lou Gehrig's disease, is a progressive, fatal neurodegenerative disease. It attacks nerve cells and pathways in the brain and spinal cord and, ultimately, results in the loss of voluntary muscle control, paralysis, and death. The average life expectancy for people with ALS is 2 to 5 years from the time of diagnosis, which I would point out is a significant increase from the time of my parents' diagnosis in the nineties, when the average life expectancy was about 18 to 24 months.

Every day, on average, 15 people are diagnosed with ALS, more than 5,600 people each year, and as many as 30,000 Americans are currently living with ALS. Many of you know from my own personal story, having cared for our parents in our home, what an impact that was on my sister and me as we grew up, and the overwhelming support of the community, friends, family, and neighbors certainly played a part in me ultimately running for office.

But, Mr. Speaker, there is actually a greater concern that we should all be worried about as policymakers, and that is the following statistic: Military veterans are at a 50 percent greater risk of developing ALS, more so than those in the average population having not served in the military. The reason we should be concerned about that as policymakers is because, as a State, we were the State with the largest contingent of deployed National Guard troops during the War on Terror. There is no known cause of the disease, cure, or means of prevention, and as we continue to work on all of those, it is important that we provide the infrastructure and the support for patients and their families who are suffering from this disease and going about such in a way that is consistent with good public policy and good patient care.

So I want to thank everyone for their affirmative vote on HR 230, as well as for the advocates to my left and the ones who join us here each and every year in the Capitol to advocate on behalf of this disease, because I know when you make time for them in our busy schedules, I personally feel like you make time for me and the legacy of my parents, so I thank you.

The SPEAKER. Hey, thank you so much for being here today with the majority leader. It is an honor. We will take a photo with the majority leader and his guests, right there in the corner. Thank you. Bryan, the leader, they are going to take some photos. Thank you so much for being here today.

STATEMENT BY MS. CULVER

The SPEAKER. Representative Lynda Culver is recognized to speak on HR 238.

If any members need to get on or off the floor, please open the doors and let them on.

Ms. CULVER. Thank you, Mr. Speaker.

Today we observe National Women's Lung Health Week. The American Lung Association is uniting women and their loved ones across the country to stand together against lung cancer during Turquoise Takeover 2019. Lung cancer is the number one cancer killer of women and men in the United States, and every 5 minutes a woman in the United States is diagnosed with lung cancer. The rate of women being diagnosed with lung cancer has increased 87 percent over the last 41 years. Lung cancer will account for close to one in four female cancer deaths in the United States this year. Despite these facts, only 3 percent of women cite lung cancer as a top-of-the-mind health concern. On LUNG FORCE'S fifth anniversary, we are celebrating 5 years of the lifesaving impact, while also raising awareness of the work that must still be done together to defeat lung cancer. More must be done to raise awareness and fund the research needed to defeat lung cancer once and for all, and by working together and raising this awareness, we can pursue better treatment methods and new early detection methods that will ultimately save lives.

I am proud to stand with the American Lung Association's LUNG FORCE Initiative to help change these statistics.

With us today from the Pennsylvania American Lung Association are Sarah Lauwer and Erica Saylor – do you guys want to stand? – and a patient advocate, Jessica Darrenkamp, who currently herself is fighting her own battle with lung cancer. Jessica, thank you for being here with us today and for your bravery.

Mr. Speaker, I would like to thank every member who wore turquoise today in support of the National Women's Lung Health Week and for participating in the Turquoise Takeover 2019. I invite all of our turquoise warriors for a photo in the well of the House at the first break.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, Representative Culver, and to the guests, thank you so much for being here. If you have an opportunity during the break, we will take a photo, if you have that opportunity.

STATEMENT BY MRS. COMITTA

The SPEAKER. Representative Carolyn Comitta is recognized to speak on HR 221.

Mrs. COMITTA. Thank you, Mr. Speaker.

And thank you for the opportunity to recognize some terrific students who are dedicating themselves to defending the free press and students' right to free speech. Their work and dedication inspired me to introduce HR 221, which declares 2019 the "Year of the Student Journalist." These student journalists demonstrate what a passion for news looks like through their drive to get answers and to keep their peers and communities informed. The year 2019 is a special year for student journalists, as it marks the 50th anniversary of the 1969 United States Supreme Court ruling in *Tinker v. Des Moines Independent Community School District*. Thanks to this monumental case, it was declared that students cannot be stripped

of their rights to free speech and to free press during the school day. This is a value that student journalists everywhere strive to uphold and maintain every day, and I applaud them for their unwavering efforts.

Today I welcome three student journalists from my Chester County district who are here with us in the back of the House chamber. I am going to introduce these three young journalists to you. The first is Emily Farrell. Emily, will you stand up in the back. Emily is an eighth grade student from Saints Simon and Jude School in West Chester, and she is here today with her mother, Christy. Emily has a passion for storytelling. Perhaps the most fitting journalistic quality about Emily is that she is not afraid to challenge the status quo. Young writers like Emily bring hope to professions like journalism. With her drive, creativity, and intellect, Emily will make exceptional strides as a changemaker of this generation.

Next, we have Katie Onderdonk. Katie, will you stand up. Katie is an eighth grade student at Saints Peter and Paul School in West Chester, and she is here with her mother, Colleen, and father, Patrick. Katie enjoys writing editorials for her school newspaper, the Crusader Chronicles, and voicing her opinions on trending topics, as well as writing for her school's literary magazine and being involved with the TV studio and student council. Welcome, Katie.

Our next guest is Samantha Walsh – Samantha, please stand – a third-year student at West Chester University. She is here with her boyfriend, Christoforos Sarris, and her mother, Tracy Boyd. Samantha is studying English and special education and is highly active in West Chester University's writing scene. She currently serves as the editor in chief of the Quad Student News Service, after previously being the assistant news editor. She is also the vice president of the Creative Writing Club, an associate editor for Daedalus Literary Magazine and the Literati Magazine, and is the assistant editor in chief of Ramifications, West Chester University's undergraduate research journal.

Unfortunately, one student could not be with us today. Her name is Emma Southern. Emma is an 11th grade student at Bayard Rustin High School in West Chester. Showing a passion for writing and journalism, Emma joined her elementary school's newspaper in fourth grade. In middle school, she joined her school's student-run newspaper to write informational articles about world news events. Emma took it upon herself to write and publish her own magazine, which included editorials, creative writing essays, reviews, games, and current events. She was able to finish two 16-page editions and published it for the entire school. In high school, Emma writes for her school newspaper, the literary magazine, and student council. This upcoming summer, between her junior and senior years of high school, Emma will attend a creative writing camp at Gettysburg College that is geared towards young writers who wish to improve their abilities in different fields of writing.

Again, thank you for allowing me to introduce these bright and enthusiastic student journalists. Their dedication to a free press and journalistic integrity preserves and protects the constitutional rights of students throughout the Commonwealth. I am honored to have them join us in the House chamber today. Again, Emily Farrell, Katie Onderdonk, Samantha Walsh, and Emma Southern, who is not with us today. Please join me in congratulating and welcoming these student journalists.

STATEMENT BY MRS. TOEPEL

The SPEAKER. Representative Marcy Toepel is recognized to speak on HR 277.

Mrs. TOEPEL. Thank you, Mr. Speaker.

Today Representative Mackenzie and I are proud to highlight the 40th anniversary of the Taiwan Relations Act. The landmark legislation has helped the United States sustain a beneficial relationship that advances our mutual security and commercial interests. We share the treasured values of commitment to human rights, freedom, and democracy. For more than 60 years, Taiwan has worked to establish itself as a successful model of democracy and has proven to be a beacon of democracy in Asia and across the world.

In 2005, Pennsylvania established a trade and investment office in Taiwan. Since that time, we have exported hundreds of millions of dollars' worth of local products, including chemicals, electronics, and machinery, making Taiwan one of the largest foreign markets for our State.

In celebration of our relationship with Taiwan, which continues to become stronger, I would like to welcome Taiwan Ambassador Lily Hsu. Ms. Hsu has a rich political career spanning more than 30 years and is now serving as the head of the United Nations Affairs Task Force in New York.

Also joining us, in the rear of the House, are Haowei Wei, Deputy Consul, and Jacqueline Kuan, Director of the Taiwan Consulate General.

Thank you for supporting HR 277, recognizing both the symbiotic relationship we have built with Taiwan and the ambassadors who are here with me today.

Thank you, Mr. Speaker.

The SPEAKER. Thank you very much, Representative Toepel, and, Ambassador, welcome. Thank you so much for being with us today. We are so honored by your presence. Our best to everybody in Taiwan.

GUESTS INTRODUCED

The SPEAKER. In the rear of the House, we are pleased to welcome members of Representative Mullery's Youth Advisory Council. This group is comprised of students from seven high schools in Representative Mullery's legislative district: Wyoming Valley West, Greater Nanticoke, Hanover, Crestwood, Hazleton, MMI Prep Academy, and Holy Redeemer. As I call out your name, please stand and we will hold our applause to the end: George Strish; Connor Olenginski; Genevieve Gorham; Jillian Snook; William Green; Hunter Blasko; Daniel Schuler; a very special guest, the daughter of Representative Mullery, Lauren Mullery; Kaitlyn Ritsick; Collin Brown; Gabe Jenceleski; Isabella Kropiewnicki; Katherine Lewandowski; Ella Urosevich. Thank you so much for being with us today. We are so honored.

And a special guest from Valley Christian School, Representative Kinsey has his daughter with us today, Myla Kinsey – where is she? – oh, yes; there we go. Hey, great to see you there. Thank you so much. Thank you.

STATEMENT BY MR. KINSEY

The SPEAKER. Representative Kinsey, on unanimous consent.

Mr. KINSEY. Thank you, Mr. Speaker.

Mr. Speaker, on behalf of Representative Sanchez and Representative Tom Murt, we would like to welcome Valley Christian School here to the Capitol. Valley Christian School is a small Christian academy which is nested in Representative Tom Murt's district. Mr. Speaker, it is a school – and I am not sure how many kids are there – but it is a small school where children are there to learn, and I want to stress that, because these individuals who are here today have ambitions, Mr. Speaker, and they could be the next State Rep, they could be the next Speaker of the House, they could be the next Governor, and so they are here today to see how we, as State leaders, legislate for the Commonwealth of Pennsylvania.

And if I may, Mr. Speaker, I just want to do a quick introduction. We have with us Jade Greenaway – Jade, if you could just stand up; okay – also we have Anna-Victoria Gbemiye-Etta; we also have Lydia Mansor; Christian Mazza; Michael Varghese; Abby White; Paris Williams-Ricketts; my daughter, Myla. They are accompanied by Mrs. Marino, who is a fifth grade teacher. So please join me in welcoming Valley Christian School to the Capitol.

Thank you, Mr. Speaker.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. There is an announcement: At 12 p.m., in the East Wing Rotunda, there will be a press conference on Foster Care Awareness Month, with a focus on fostering successful transitions for older youth in foster care. All members are invited, and light refreshments will be served afterwards.

We have committee announcements. We are going to do the vote on the uncontested House calendar when we come back. We do have committee announcements.

ENVIRONMENTAL RESOURCES AND ENERGY COMMITTEE MEETING

The SPEAKER. Chairman Metcalfe, of Environmental Resources and Energy, for a committee announcement, sir.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, the House Environmental Resources and Energy Committee will be holding a voting meeting immediately at the break today in room 205 of the Ryan Office Building to consider a letter that we are proposing the committee consider to send to IRRC (Independent Regulatory Review Commission), related to the Environmental Quality Board's proposed regulations to increase NPDES (National Pollutant Discharge Elimination System) and WQM (water quality management) water fees, as well as any other business that might come before the committee, Mr. Speaker.

Mr. Speaker, there are some huge fees that are being increased across the State, new fees that are being created, but fees are being doubled, tripled, and even more. So it is important business that the committee is going to take up today, and I would

appreciate the members making their way over to 205 Ryan Office Building at the break to consider this letter that we are proposing to send to IRRC related to these proposed regulatory changes that are going to have a dramatic impact on everyone who is sitting here's constituency.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, Mr. Chair.

The House Environmental Resources and Energy Committee will be holding a voting meeting immediately at the break today in room 205 of the Ryan Office Building.

TOURISM AND RECREATIONAL DEVELOPMENT COMMITTEE MEETING

The SPEAKER. Representative David Millard, of the Tourism Committee, for a Tourism Committee announcement.

Mr. MILLARD. Thank you, Mr. Speaker.

The House Tourism and Recreational Development Committee will meet immediately at the break in B-31 Main Capitol. We will be considering two bills, HB 787 and HB 448, and any other business that comes before the committee.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, sir.

The House Tourism and Recreational Development Committee will meet immediately at the break in B-31 Main Capitol.

JUDICIARY COMMITTEE MEETING

The SPEAKER. Representative Rob Kauffman, the chair of the Judiciary Committee, rises for a committee meeting announcement.

Mr. KAUFFMAN. Thank you, Mr. Speaker.

The House Judiciary Committee will be meeting immediately at the break in G-50 Irvis Office Building. Judiciary Committee, immediately at the break, G-50 Irvis Office Building.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, Mr. Chair.

The House Judiciary Committee will be meeting immediately at the break in G-50 Irvis Office Building.

STATE GOVERNMENT COMMITTEE MEETING

The SPEAKER. Chairman Garth Everett, of the State Government Committee, for a State Government Committee announcement.

Mr. EVERETT. Thank you, Mr. Speaker.

There will be an immediate meeting of the House State Government Committee in 60 East Wing to consider HB 1379, HB 1405, and SB 190, and any other business that comes before the committee. That is an immediate meeting in room 60, East Wing. Thank you.

The SPEAKER. Thank you, Mr. Chair.

There will be an immediate meeting of the House State Government Committee in 60 East Wing.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 71, PN 75

By Rep. HELM

An Act amending the act of April 6, 1951 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951, in recovery of possession, further providing for hearing, judgment, writ of possession and payment of rent by tenant.

URBAN AFFAIRS.

HB 122, PN 1012

By Rep. HELM

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, in home inspections, further providing for home inspection reports.

URBAN AFFAIRS.

HB 342, PN 1818 (Amended)

By Rep. HELM

An Act amending the act of December 1, 2004 (P.L.1766, No.227), entitled "An act authorizing cities of the first class that have adopted a home rule charter to enforce ordinances, rules and regulations prohibiting dumping or disposal of waste, trash or debris," further providing for enforcement of trash laws.

URBAN AFFAIRS.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. Representative George Dunbar, the vice chair of the Appropriations Committee, is recognized for a committee announcement.

Mr. DUNBAR. Thank you, Mr. Speaker.

There will be an immediate meeting of the House Appropriations Committee at the break in the majority caucus room. Thank you.

The SPEAKER. Thank you, Mr. Vice Chair.

There will be an immediate meeting of the House Appropriations Committee at the break in the majority caucus room.

REPUBLICAN CAUCUS

The SPEAKER. At this time the majority caucus chair, Representative Marcy Toepel, is recognized for a majority caucus meeting.

Mrs. TOEPEL. Thank you, Mr. Speaker.

Republicans will caucus at 1 o'clock. We would be prepared to return to the floor at 2 o'clock. Thank you.

DEMOCRATIC CAUCUS

The SPEAKER. Representative Frank Dermody is recognized for a Democratic caucus meeting.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, the Democrats will caucus at 1 o'clock. We will caucus at 1 p.m.

RECESS

The SPEAKER. Members, the House will stand in recess until 2 p.m. The caucus meetings are at 1 p.m.; 2 p.m. on the floor and 1 p.m. for each of the respective caucus meetings.

RECESS EXTENDED

The time of recess was extended until 2:30 p.m.; further extended until 2:45 p.m.; further extended until 3 p.m.

AFTER RECESS

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

LEAVE OF ABSENCE CANCELED

The SPEAKER. Representative Stan Saylor, the majority appropriations chair, is on the House floor.

BILLS REREPORTED FROM COMMITTEE

HB 375, PN 348

By Rep. SAYLOR

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, in pharmaceutical assistance for the elderly, further providing for definitions.

APPROPRIATIONS.

HB 633, PN 1806

By Rep. SAYLOR

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in primary and election expenses, further providing for reporting by candidate and political committees and other persons, for late contributions and independent expenditures, for oath of compliance, perjury, disqualification from office and commercial use and for place of filing, providing for manner of filing and for inability to file reports or statements electronically by deadline and further providing for late filing fee and certificate of filing, for powers and duties of the supervisor, for additional powers and duties of the Secretary of the Commonwealth and for reports by business entities and publication by Secretary of the Commonwealth.

APPROPRIATIONS.

HB 1335, PN 1571

By Rep. SAYLOR

An Act repealing in part the act of June 13, 1836 (P.L.551, No.169), entitled "An act relating to roads, highways and bridges."

APPROPRIATIONS.

SB 441, PN 439

By Rep. SAYLOR

An Act designating the bridge carrying State Route 2087 over the East Branch Codorus Creek in York County as the Sgt. Christopher M. Wrinkle and Tosca Memorial Bridge.

APPROPRIATIONS.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 360, PN 331 By Rep. KAUFFMAN

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in marriage license, further providing for restrictions on issuance of license.

JUDICIARY.

HB 365, PN 335 By Rep. KAUFFMAN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in burglary and other criminal intrusion, providing for arrest or removal of persons from residential property.

JUDICIARY.

HB 448, PN 433 By Rep. MILLARD

An Act amending the act of June 12, 2018 (P.L.136, No.28), known as the Pennsylvania Commission for the United States Semiquincentennial Act, further providing for composition.

TOURISM AND RECREATIONAL DEVELOPMENT.

HB 787, PN 1834 (Amended) By Rep. MILLARD

An Act amending Title 48 (Lodging and Housing) of the Pennsylvania Consolidated Statutes, in lodging, providing for hosting platforms.

TOURISM AND RECREATIONAL DEVELOPMENT.

HB 1379, PN 1670 By Rep. EVERETT

An Act repealing the act of June 22, 1935 (P.L.446, No.187), referred to as the Sunday Polo Act.

STATE GOVERNMENT.

HB 1402, PN 1835 (Amended) By Rep. KAUFFMAN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in sexual offenses, providing for the offense of sexual extortion.

JUDICIARY.

HB 1405, PN 1725 By Rep. EVERETT

An Act repealing the act of June 22, 1935 (P.L.449, No.188), referred to as the Sunday Tennis Act.

STATE GOVERNMENT.

SB 190, PN 145 By Rep. EVERETT

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Jeffrey C. Walker, certain lands situate in Somerset Township, Somerset County.

STATE GOVERNMENT.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The majority Appropriations chair is recognized for an Appropriations Committee meeting announcement.

Mr. SAYLOR. Thank you, Mr. Speaker.

The Appropriations Committee will meet immediately in the majority caucus room. Again, the Appropriations Committee will meet immediately in the majority caucus room.

The SPEAKER. At this time the House will stand at ease while the Appropriations Committee meets in the majority caucus room.

LEAVE OF ABSENCE

The SPEAKER. Representative NESBIT has requested to be placed on leave. Without objection, that will be granted.

Representative Roebuck and Representative Dunbar both have resolutions upon which they would like to speak. We are at ease, but I am going to ask Representatives Roebuck – well, actually, Representative Dunbar is on the Appropriations Committee; I apologize.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 336 By Representatives SCHLOSSBERG, BERNSTINE, CALTAGIRONE, CIRESI, DeLUCA, DiGIROLAMO, DONATUCCI, FRANKEL, FREEMAN, HARKINS, KENYATTA, KINSEY, KIRKLAND, LONGIETTI, MADDEN, MALAGARI, MARKOSEK, McCLINTON, McNEILL, MERSKI, MILLARD, O'MARA, PASHINSKI, READSHAW, SAINATO, SOLOMON, STURLA, ULLMAN, WARREN and YOUNGBLOOD

A Concurrent Resolution urging the President of the United States and the Secretary of the United States Department of Veterans Affairs to expeditiously address insufficient awareness of emergency mental health care services offered to veterans with an other-than-honorable administrative discharge.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, May 14, 2019.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1452 By Representatives KEEFER, MALONEY, WARNER, KAUFFMAN, BARRAR, MILLARD, HERSHEY, RYAN, BERNSTINE, IRVIN, B. MILLER, ZIMMERMAN, CIRESI, MOUL, GILLEN, GREINER, RADER, SCHEMEL, GABLER, RAPP, FRITZ, JONES, GAYDOS, KNOWLES, NELSON and HELM

An Act providing for zero-based budgeting.

Referred to Committee on APPROPRIATIONS, May 14, 2019.

No. 1457 By Representatives SCHROEDER, CALTAGIRONE, SCHLEGEL CULVER, LONGIETTI, McCLINTON, McNEILL, SCHWEYER, TOPPER, PICKETT and GILLEN

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, in casualty insurance, further providing for mastectomy and breast cancer reconstruction.

Referred to Committee on INSURANCE, May 14, 2019.

No. 1459 By Representatives SCHLOSSBERG, FARRY, BARRAR, SAINATO, CALTAGIRONE, CIRESI, FREEMAN, HARKINS, HILL-EVANS, KIRKLAND, KULIK, MADDEN, McCLINTON, NEILSON, O'MARA, READSHAW, SAPPEY, SOLOMON, THOMAS, YOUNGBLOOD, OTTEN, DeLUCA, GALLOWAY, HANBIDGE and HOWARD

An Act amending Titles 35 (Health and Safety) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for emergency responder mental wellness and stress management; establishing the Statewide Critical Incident Stress Management Program; providing for duties of the Secretary of Health and the Department of Health; in emergency medical services system, further providing for support of emergency medical services; in operation of vehicles general provisions, further providing for EMS costs; and, in driving after imbibing alcohol or utilizing drugs, further providing for Accelerated Rehabilitative Disposition.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, May 14, 2019.

No. 1460 By Representatives SCHLOSSBERG, CALTAGIRONE, CIRESI, FREEMAN, HILL-EVANS, KENYATTA, KINSEY, KIRKLAND, MADDEN, MALAGARI, MARKOSEK, McCLINTON, READSHAW, SCHWEYER, SOLOMON, YOUNGBLOOD, WHEATLEY and HANBIDGE

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, in military educational programs, further providing for limitations; in veterans' preference, further providing for soldier defined; in veterans' pensions and benefits, further providing for blind veteran's pension and for amputee and paralyzed veteran's pension; in educational gratuity program, further providing for definitions; and, in disabled veterans' real estate tax exemption, further providing for exemption.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, May 14, 2019.

No. 1461 By Representatives FEE, GREINER, MILLARD, RYAN, HICKERNELL, B. MILLER, SNYDER, JOZWIAK, KLUNK, PYLE, OBERLANDER, MENTZER, ZIMMERMAN, SOLOMON and MOUL

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, in Office of State Inspector General, further providing for criminal charges.

Referred to Committee on HEALTH, May 14, 2019.

No. 1462 By Representatives MACKENZIE, EVERETT, GROVE, KNOWLES, MILLARD, SCHMITT and STAATS

An Act amending the act of April 13, 1887 (P.L.21, No.18), entitled "An act for the establishment of a uniform standard of time throughout

the Commonwealth," observing daylight saving time year-around if authorized by the Congress of the United States.

Referred to Committee on STATE GOVERNMENT, May 14, 2019.

No. 1463 By Representatives MIZGORSKI, RYAN, COX, HAHN, READSHAW, MACKENZIE, GROVE, KAUFFMAN, CALTAGIRONE, MENTZER, MILLARD, CIRESI, SCHMITT, OBERLANDER, SAYLOR, KINSEY, HILL-EVANS, SAINATO and GILLEN

An Act amending Title 38 (Holidays and Observances) of the Pennsylvania Consolidated Statutes, providing for special observances.

Referred to Committee on STATE GOVERNMENT, May 14, 2019.

No. 1465 By Representatives GROVE, RYAN, BERNSTINE, GAYDOS, MOUL and KEEFER

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, in powers and duties of the Department of the Auditor General, providing for legislative audits.

Referred to Committee on STATE GOVERNMENT, May 14, 2019.

No. 1467 By Representatives SCHMITT, MILLARD, PICKETT, KEEFER, KAUFFMAN, ZIMMERMAN, MOUL and GLEIM

An Act amending the act of June 1, 1956 (1955 P.L.1944, No.655), referred to as the Liquid Fuels Tax Municipal Allocation Law, further providing for appropriated money.

Referred to Committee on TRANSPORTATION, May 14, 2019.

No. 1468 By Representatives EVERETT, MURT, RYAN, JOZWIAK and MOUL

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in hunting and furtaking, further providing for hunting on Sunday prohibited; and abrogating regulations.

Referred to Committee on GAME AND FISHERIES, May 14, 2019.

The SPEAKER. Members, we are going to come back to order. Please take your seats. The Appropriations Committee is still meeting, but we are going to conduct some business.

Representative Roebuck is invited to speak on HR 264. So I am going to ask everybody to please take their seats. Please take your seats. The Sergeants at Arms are going to close the doors of the House. I know there are meetings in the back. If you have to converse, please take it off the House floor. We are not going to be voting at this time, so you can go into the anterooms. But everybody on the side, I have to ask you to please take a seat. Everybody on my left side, on my right side, if you can please take your seats, staff and members. Those in the back: if you can, if you are having a conversation, please just step off the House floor.

Sergeants at Arms, if you could go on both sides and just ask members to please be seated. Members, in the back, please be seated. Staff in the back, please take a seat. If you have to continue the conversation, if you could just take it off the House floor, please. Please, there are some chairs in the back; if you could sit down in a chair, that would be great.

STATEMENT BY MR. ROEBUCK

The SPEAKER. Representative Roebuck, you may proceed, sir, on HR 264.

Mr. ROEBUCK. Thank you, Mr. Speaker.

HR 264 proclaims May 29, 2019, "College Savings Day." This is an effort to focus upon the program of student debt, which is the second highest consumer level of debt, higher than credit card debt, higher than auto loan debt, second only to mortgage debt. Our college graduates continue to be burdened with heavy debt. Figures for 2017 show that the average student graduates with \$35,000 in debt.

PA 529, the College Savings Program, helps individuals reduce the need for borrowing. It encourages saving for higher education. The 529 Guaranteed Savings Plan and the 529 Investment Plan also address those issues.

By designating May 29, 2019, as "College Savings Day," it is my hope that we will increase public understanding and appreciation of the value of saving for higher education.

I thank my colleagues for their support of this resolution, and I trust that the knowledge of the resolution will be disseminated in a way that more students will take advantage of the benefits it provides.

Thank you, Mr. Speaker.

BILLS REREPORTED FROM COMMITTEE

HB 321, PN 1404

By Rep. SAYLOR

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in abortion, further providing for definitions and for medical consultation and judgment.

APPROPRIATIONS.

HB 827, PN 928

By Rep. SAYLOR

An Act designating certain activity by the Delaware River Basin Commission as the exercise of the power of eminent domain that entitles the owners of the property in question to appropriate and just compensation.

APPROPRIATIONS.

The SPEAKER. I see that members of the Appropriations Committee are on the House floor. The Sergeants at Arms will open the doors of the House.

We are going to turn to the uncontested House calendar. The clerk is going to read each of the House resolutions on the uncontested House calendar, identify the prime sponsor, and read you a summary of each of those.

We do these, members, so that everybody understands – it is on your screen, but we also read them individually. We started this as Speaker so that everybody is well aware of what we are voting on with respect to the uncontested House resolutions.

UNCONTESTED CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mrs. COMITTA called up **HR 221, PN 1380**, entitled:

A Resolution designating calendar year 2019 as the "Year of the Student Journalist" in Pennsylvania.

* * *

Mr. CUTLER called up **HR 230, PN 1397**, entitled:

A Resolution designating the month of May 2019 as "Amyotrophic Lateral Sclerosis Awareness Month" in Pennsylvania.

* * *

Ms. CULVER called up **HR 238, PN 1439**, entitled:

A Resolution recognizing the week of May 12 through 18, 2019, as "National Women's Lung Health Week" in Pennsylvania and encouraging all residents of this Commonwealth to learn more about the detection and treatment of lung cancer.

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Mr. ROEBUCK called up **HR 264, PN 1807**, entitled:

A Resolution designating May 29, 2019, as "College Savings Day" in Pennsylvania.

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Mrs. TOEPEL called up **HR 277, PN 1615**, entitled:

A Resolution commemorating the 40th Anniversary of the enactment of the Taiwan Relations Act and enhancing the friendship and bilateral relationship between the Commonwealth of Pennsylvania and Taiwan.

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Mr. SCHLOSSBERG called up **HR 279, PN 1617**, entitled:

A Resolution designating May 14, 2019, as "Israel Independence Day" in Pennsylvania.

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Mr. MURT called up **HR 290, PN 1625**, entitled:

A Resolution designating the month of May 2019 as "Military Service-Related Post-Traumatic Stress Injury Awareness Month" in Pennsylvania.

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Mr. MURT called up **HR 292, PN 1627**, entitled:

A Resolution designating the month of May 2019 as "Yoga Awareness Month" in Pennsylvania.

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Ms. RAPP called up **HR 319, PN 1760**, entitled:

A Resolution designating May 14, 2019, as "Apraxia Awareness Day" in Pennsylvania.

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Ms. BOBACK called up **HR 324, PN 1764**, entitled:

A Resolution designating the month of May 2019 as "Healthy Babies Month" in Pennsylvania.

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Mr. WHEATLEY called up **HR 330, PN 1808**, entitled:

A Resolution recognizing May 13, 2019, as "World Falun Dafa Day" in Pennsylvania.

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Mr. DUNBAR called up **HR 334, PN 1800**, entitled:

A Resolution designating the month of May 2019 as "Cystic Fibrosis Awareness Month" in Pennsylvania.

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Ms. TOOHL called up **HR 335, PN 1801**, entitled:

A Resolution recognizing the month of May 2019 as "Foster Care Month" in Pennsylvania.

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Mr. READSHAW called up **HR 339, PN 1802**, entitled:

A Resolution recognizing the month of May 2019 as "Lupus Awareness Month" Pennsylvania.

On the question,
Will the House adopt the resolutions?

The following roll call was recorded:

YEAS—197

Barrar	Fitzgerald	Lawrence	Reese
Benninghoff	Flynn	Lee	Rigby
Bernstine	Frankel	Lewis	Roae
Bizzarro	Freeman	Longietti	Roebuck
Boback	Fritz	Mackenzie	Rothman
Borowicz	Gabler	Madden	Rozzi
Boyle	Gainey	Mako	Ryan
Bradford	Galloway	Malagari	Sainato
Briggs	Gaydos	Maloney	Samuelson
Brooks	Gillen	Markosek	Sanchez
Brown	Gillespie	Marshall	Sappery
Bullock	Gleim	Masser	Saylor
Burgos	Goodman	Matzie	Schemel
Burns	Gregory	McCarter	Schlossberg
Caltagirone	Greiner	McNeill	Schmitt
Carroll	Grove	Mehaffie	Schroeder
Causar	Hahn	Mentzer	Schweyer
Cephas	Hanbidge	Merski	Shusterman
Ciresi	Harkins	Metcalfe	Simmons
Comitta	Harrell	Metzgar	Sims
Cook	Harris	Mihalek	Snyder
Cox	Heffley	Millard	Solomon

Culver	Helm	Miller, B.	Sonney
Cutler	Hennessey	Miller, D.	Staats
Daley	Hershey	Mizgorski	Stephens
Davidson	Hickernell	Moul	Struzzi
Davis, A.	Hohenstein	Mullery	Sturla
Davis, T.	Howard	Mullins	Thomas
Dawkins	Innamorato	Murt	Tobash
Day	Irvin	Neilson	Toepel
Deasy	Isaacson	Nelson	Toohil
DeLissio	James	O'Mara	Topper
Delloso	Jones	O'Neal	Ullman
Delozier	Jozwiak	Oberlander	Vitali
DeLuca	Kail	Ortitay	Walsh
Dermody	Kaufert	Otten	Warner
Diamond	Kauffman	Owlett	Warren
DiGirolamo	Keefer	Pashinski	Westber
Donatucci	Keller, F.	Peifer	Wentling
Dowling	Keller, M.K.	Petrarca	Wheatley
Driscoll	Kenyatta	Pickett	Wheeland
Dunbar	Kim	Polinchock	White
Dush	Kinsey	Puskaric	Williams
Ecker	Kirkland	Pyle	Youngblood
Emrick	Klunk	Quinn	Zabel
Evans	Knowles	Rabb	Zimmerman
Everett	Kortz	Rader	
Farry	Kosierowski	Rapp	Turzai,
Fee	Krueger	Ravenstahl	Speaker
Fiedler	Kulik	Readshaw	

NAYS—0

NOT VOTING—0

EXCUSED—5

Conklin	McClinton	Nesbit	Sankey
Cruz			

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

CALENDAR

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1184, PN 1370**, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, in general budget implementation, providing for block grants and further providing for Pennsylvania Higher Education Assistance Agency.

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

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. Representative George Dunbar is recognized to submit remarks and may actually make remarks if you would like, Representative Dunbar, on HR 334, Cystic Fibrosis Awareness Month. Representative Dunbar.

Mr. DUNBAR. Thank you, Mr. Speaker.

I will be very brief. I just wanted to thank the members for their affirmative vote on HR 334 and submit my comments for the record. Thank you.

The SPEAKER. Thank you, sir. Yes, HR 334, Cystic Fibrosis Awareness Month, sponsored by Representative George Dunbar, was amongst those resolutions that were unanimously passed.

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

Thank you, Mr. Speaker.

First, I would like to thank every member of the House who joined with me in officially recognizing May 2019 as "Cystic Fibrosis Awareness Month" in Pennsylvania. I also wanted to thank those members who met with my wife and her colleagues last week while they were in the Capitol advocating for CF funding.

With that said, now I want everyone on the House floor to take a nice, big, deep breath. Now imagine going through your whole life without being able to take a deep breath like that. For those with cystic fibrosis, this is the ever-present reality of everyday living.

Cystic fibrosis (CF) is an inherited chronic disease that affects the lungs and digestive system of about 30,000 children and adults in the United States; 70,000 worldwide; and more than 1,500 individuals who live in the Commonwealth. A defective gene and its protein products cause the body to produce unusually thick, sticky mucus that: clogs the lungs and leads to life-threatening lung infections, and obstructs the pancreas and stops natural enzymes from helping the body break down and absorb food.

In the 1950s, few children with cystic fibrosis lived to attend elementary school. Today, advances in research, early diagnosis, and revolutionary medical treatments have further enhanced and extended life for children and adults with CF. There are currently 12 world-class treatment centers in Pennsylvania that specialize in the diagnosis of CF and the care of individuals with CF, including the Adult Cystic Fibrosis Clinic at Children's Hospital in Pittsburgh where my wife works. Due to the work at these centers, many people with the disease can now expect to live into their thirties, forties, and beyond; ages that were unheard of even two decades ago. Amazing progress is being made and new drug treatment plans are being worked on that will hopefully continue these advancements so that those with CF may also take the same deep breath we just did.

Again, thank you, Mr. Speaker and all of my House colleagues, for supporting the passage of HR 334.

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1277, PN 1485**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in facilities and supplies, further providing for deposits into account.

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

LEAVE OF ABSENCE

The SPEAKER. Representative ROZZI has requested to be placed on leave. Without objection, that will be granted.

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 102, PN 101**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in hunting and furtaking licenses, further providing for eligibility for license.

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

* * *

The House proceeded to second consideration of **HB 1172, PN 1781**, entitled:

An Act amending the act of July 2, 1993 (P.L.345, No.48), entitled "An act empowering the General Counsel or his designee to issue subpoenas for certain licensing board activities; providing for hearing examiners in the Bureau of Professional and Occupational Affairs; providing additional powers to the Commissioner of Professional and Occupational Affairs; and further providing for civil penalties and license suspension," providing for licensure by endorsement.

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 68, PN 1757**, entitled:

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, in contributions by employers and employees, further providing for relief from charges.

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

(Bill analysis was read.)

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.

(Members proceeded to vote.)

LEAVE OF ABSENCE

The SPEAKER. Representative DONATUCCI has requested to be placed on leave. Without objection, that will be granted.

CONSIDERATION OF HB 68 CONTINUED

On the question recurring,
Shall the bill pass finally?

The following roll call was recorded:

YEAS—193

Barrar	Flynn	Lawrence	Reese
Benninghoff	Frankel	Lee	Rigby
Bernstine	Freeman	Lewis	Roae
Bizzarro	Fritz	Longietti	Roebuck
Boback	Gabler	Mackenzie	Rothman
Borowicz	Gainey	Madden	Ryan
Boyle	Galloway	Mako	Sainato
Bradford	Gaydos	Malagari	Samuelson
Briggs	Gillen	Maloney	Sanchez
Brooks	Gillespie	Markosek	Sappey
Brown	Gleim	Marshall	Saylor
Bullock	Goodman	Masser	Schemel
Burgos	Gregory	Matzie	Schlossberg
Burns	Greiner	McCarter	Schmitt
Caltagirone	Grove	McNeill	Schroeder
Carroll	Hahn	Mehaffie	Schweyer
Causar	Hanbidge	Mentzer	Shusterman
Cephas	Harkins	Merski	Simmons
Ciresi	Harrell	Metcalfe	Sims
Comitta	Harris	Metzgar	Snyder
Cook	Heffley	Mihalek	Solomon
Cox	Helm	Millard	Sonney
Culver	Hennessey	Miller, B.	Staats
Cutler	Hershey	Mizgorski	Stephens
Daley	Hickernell	Moul	Struzzi
Davidson	Hohenstein	Mullery	Sturla
Davis, A.	Howard	Mullins	Thomas
Davis, T.	Innamorato	Murt	Tobash
Dawkins	Irvin	Neilson	Toepel
Day	Isaacson	Nelson	Toohil
Deasy	James	O'Mara	Topper
DeLissio	Jones	O'Neal	Ullman
Delozier	Jozwiak	Oberlander	Vitali
DeLuca	Kail	Ortitay	Walsh
Dermody	Kaufar	Otten	Warner
Diamond	Kauffman	Owlett	Warren
DiGirolamo	Keefer	Pashinski	Webster
Dowling	Keller, F.	Peifer	Wentling
Driscoll	Keller, M.K.	Petrarca	Wheatley
Dunbar	Kenyatta	Pickett	Wheeland
Dush	Kim	Polinchock	White
Ecker	Kinsey	Puskaric	Williams
Emrick	Kirkland	Pyle	Youngblood
Evans	Klunk	Quinn	Zabel
Everett	Knowles	Rabb	Zimmerman
Farry	Kortz	Rader	
Fee	Kosierowski	Rapp	Turzai,
Fiedler	Krueger	Ravenstahl	Speaker
Fitzgerald	Kulik	Readshaw	

NAYS—2

Delloso Miller, D.

NOT VOTING—0**EXCUSED—7**

Conklin Donatucci Nesbit Sankey
Cruz McClinton Rozzi

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.

STATEMENT BY MR. RYAN

The SPEAKER. Representative Frank Ryan, on unanimous consent.

Mr. RYAN. I want to thank the members for the very large, overwhelming majority on the vote. This bill is a real positive win for employees and employers who are interested in creating the no-layoff environment, which helps protect the worker and their families, and I thank you for the affirmative vote.

SUPPLEMENTAL CALENDAR A**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 633, PN 1806**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in primary and election expenses, further providing for reporting by candidate and political committees and other persons, for late contributions and independent expenditures, for oath of compliance, perjury, disqualification from office and commercial use and for place of filing, providing for manner of filing and for inability to file reports or statements electronically by deadline and further providing for late filing fee and certificate of filing, for powers and duties of the supervisor, for additional powers and duties of the Secretary of the Commonwealth and for reports by business entities and publication by Secretary of the Commonwealth.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

(Bill analysis was read.)

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?

Representative Mark Keller? Okay.

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—195

Barrar	Flynn	Lawrence	Readshaw
Benninghoff	Frankel	Lee	Reese
Bernstine	Freeman	Lewis	Rigby
Bizzarro	Fritz	Longietti	Roae
Boback	Gabler	Mackenzie	Roebuck
Borowicz	Gainey	Madden	Rothman

Boyle	Galloway	Mako	Ryan
Bradford	Gaydos	Malagari	Sainato
Briggs	Gillen	Maloney	Samuelson
Brooks	Gillespie	Markosek	Sanchez
Brown	Gleim	Marshall	Sapprey
Bullock	Goodman	Masser	Saylor
Burgos	Gregory	Matzie	Schemel
Burns	Greiner	McCarter	Schlossberg
Caltagirone	Grove	McNeill	Schmitt
Carroll	Hahn	Mehaffie	Schroeder
Causer	Hanbidge	Mentzer	Schweyer
Cephas	Harkins	Merski	Shusterman
Ciresi	Harrell	Metcalfe	Simmons
Comitta	Harris	Metzgar	Sims
Cook	Heffley	Mihalek	Snyder
Cox	Helm	Millard	Solomon
Culver	Hennessey	Miller, B.	Sonney
Cutler	Hershey	Miller, D.	Staats
Daley	Hickernell	Mizgorski	Stephens
Davidson	Hohenstein	Moul	Struzzi
Davis, A.	Howard	Mullery	Sturla
Davis, T.	Innamorato	Mullins	Thomas
Dawkins	Irvin	Murt	Tobash
Day	Isaacson	Neilson	Toepel
Deasy	James	Nelson	Toohil
DeLissio	Jones	O'Mara	Topper
Delloso	Jozwiak	O'Neal	Ullman
Delozier	Kail	Oberlander	Vitali
DeLuca	Kaufner	Ortitay	Walsh
Dermody	Kauffman	Otten	Warner
Diamond	Keefer	Owlett	Warren
DiGirolamo	Keller, F.	Pashinski	Webster
Dowling	Keller, M.K.	Peifer	Wentling
Driscoll	Kenyatta	Petrarca	Wheatley
Dunbar	Kim	Pickett	Wheeland
Dush	Kinsey	Polinchock	White
Ecker	Kirkland	Puskaric	Williams
Emrick	Klunk	Pyle	Youngblood
Evans	Knowles	Quinn	Zabel
Everett	Kortz	Rabb	Zimmerman
Farry	Kosierowski	Rader	
Fee	Krueger	Rapp	Turzai,
Fiedler	Kulik	Ravenstahl	Speaker
Fitzgerald			

NAYS-0

NOT VOTING-0

EXCUSED-7

Conklin	Donatucci	Nesbit	Sankey
Cruz	McClinton	Rozzi	

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 **HB 1335, PN 1571**, entitled:

An Act repealing in part the act of June 13, 1836 (P.L.551, No.169), entitled "An act relating to roads, highways and bridges."

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

(Bill analysis was read.)

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-195

Barrar	Flynn	Lawrence	Readshaw
Benninghoff	Frankel	Lee	Reese
Bernstine	Freeman	Lewis	Rigby
Bizzarro	Fritz	Longietti	Roac
Boback	Gabler	Mackenzie	Roebuck
Borowicz	Gainey	Madden	Rothman
Boyle	Galloway	Mako	Ryan
Bradford	Gaydos	Malagari	Sainato
Briggs	Gillen	Maloney	Samuelson
Brooks	Gillespie	Markosek	Sanchez
Brown	Gleim	Marshall	Sapprey
Bullock	Goodman	Masser	Saylor
Burgos	Gregory	Matzie	Schemel
Burns	Greiner	McCarter	Schlossberg
Caltagirone	Grove	McNeill	Schmitt
Carroll	Hahn	Mehaffie	Schroeder
Causer	Hanbidge	Mentzer	Schweyer
Cephas	Harkins	Merski	Shusterman
Ciresi	Harrell	Metcalfe	Simmons
Comitta	Harris	Metzgar	Sims
Cook	Heffley	Mihalek	Snyder
Cox	Helm	Millard	Solomon
Culver	Hennessey	Miller, B.	Sonney
Cutler	Hershey	Miller, D.	Staats
Daley	Hickernell	Mizgorski	Stephens
Davidson	Hohenstein	Moul	Struzzi
Davis, A.	Howard	Mullery	Sturla
Davis, T.	Innamorato	Mullins	Thomas
Dawkins	Irvin	Murt	Tobash
Day	Isaacson	Neilson	Toepel
Deasy	James	Nelson	Toohil
DeLissio	Jones	O'Mara	Topper
Delloso	Jozwiak	O'Neal	Ullman
Delozier	Kail	Oberlander	Vitali
DeLuca	Kaufner	Ortitay	Walsh
Dermody	Kauffman	Otten	Warner
Diamond	Keefer	Owlett	Warren
DiGirolamo	Keller, F.	Pashinski	Webster
Dowling	Keller, M.K.	Peifer	Wentling
Driscoll	Kenyatta	Petrarca	Wheatley
Dunbar	Kim	Pickett	Wheeland
Dush	Kinsey	Polinchock	White
Ecker	Kirkland	Puskaric	Williams
Emrick	Klunk	Pyle	Youngblood
Evans	Knowles	Quinn	Zabel
Everett	Kortz	Rabb	Zimmerman
Farry	Kosierowski	Rader	
Fee	Krueger	Rapp	Turzai,
Fiedler	Kulik	Ravenstahl	Speaker
Fitzgerald			

NAYS-0

NOT VOTING-0

EXCUSED-7

Conklin	Donatucci	Nesbit	Sankey
Cruz	McClinton	Rozzi	

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 441, PN 439**, entitled:

An Act designating the bridge carrying State Route 2087 over the East Branch Codorus Creek in York County as the Sgt. Christopher M. Wrinkle and Tosca Memorial Bridge.

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

(Bill analysis was read.)

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—195

Barrar	Flynn	Lawrence	Readshaw
Benninghoff	Frankel	Lee	Reese
Bernstine	Freeman	Lewis	Rigby
Bizzarro	Fritz	Longietti	Roae
Boback	Gabler	Mackenzie	Roebuck
Borowicz	Gainey	Madden	Rothman
Boyle	Galloway	Mako	Ryan
Bradford	Gaydos	Malagari	Sainato
Briggs	Gillen	Maloney	Samuelson
Brooks	Gillespie	Markosek	Sanchez
Brown	Gleim	Marshall	Sappey
Bullock	Goodman	Masser	Saylor
Burgos	Gregory	Matzie	Schemel
Burns	Greiner	McCarter	Schlossberg
Caltagirone	Grove	McNeill	Schmitt
Carroll	Hahn	Mehaffie	Schroeder
Causar	Hanbidge	Mentzer	Schweyer
Cephas	Harkins	Merski	Shusterman
Ciresi	Harrell	Metcalfe	Simmons
Comitta	Harris	Metzgar	Sims
Cook	Heffley	Mihalek	Snyder
Cox	Helm	Millard	Solomon
Culver	Hennessey	Miller, B.	Sonney
Cutler	Hershey	Miller, D.	Staats
Daley	Hickernell	Mizgorski	Stephens
Davidson	Hohenstein	Moul	Struzzi
Davis, A.	Howard	Mullery	Sturla
Davis, T.	Innamorato	Mullins	Thomas
Dawkins	Irvin	Murt	Tobash
Day	Isaacson	Neilson	Toepel
Deasy	James	Nelson	Toohil
DeLissio	Jones	O'Mara	Topper
Delloso	Jozwiak	O'Neal	Ullman
Delozier	Kail	Oberlander	Vitali
DeLuca	Kaufers	Ortitay	Walsh
Dermody	Kauffman	Otten	Warner
Diamond	Keefer	Owlett	Warren

DiGirolamo	Keller, F.	Pashinski	Webster
Dowling	Keller, M.K.	Peifer	Wentling
Driscoll	Kenyatta	Petrarca	Wheatley
Dunbar	Kim	Pickett	Wheeland
Dush	Kinsey	Polinchock	White
Ecker	Kirkland	Puskaric	Williams
Emrick	Klunk	Pyle	Youngblood
Evans	Knowles	Quinn	Zabel
Everett	Kortz	Rabb	Zimmerman
Farry	Kosierowski	Rader	
Fee	Krueger	Rapp	Turzai,
Fiedler	Kulik	Ravenstahl	Speaker
Fitzgerald			

NAYS—0

NOT VOTING—0

EXCUSED—7

Conklin	Donatucci	Nesbit	Sankey
Cruz	McClinton	Rozzi	

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 without amendment.

SUPPLEMENTAL CALENDAR B

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 321, PN 1404**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in abortion, further providing for definitions and for medical consultation and judgment.

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

(Bill analysis was read.)

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?

Right now I have these members submitted to me by the Democratic leaders: Representative Frankel, Representative Hanbidge, Representative Innamorato, Representative Shusterman, Representative Dan Miller, Representative Fiedler, Representative Ullman, Representative Daley, Representative Otten, Representative Madden, Representative DeLissio, Representative Krueger – I will mark that down – and Representative Isaacson. I am going to write these down so I just have everybody.

And my understanding is that, obviously, the prime sponsor, Representative Klunk; Representative Pickett; Representative Oberlander; Representative Kathy Rapp; Representative Keefer; Representative Schemel; Representative Bernstine.

And I realize others might rise. These were folks that had already submitted that they wanted to speak. Am I missing anybody else that has – Representative Diamond.

Obviously, the leaders have the opportunity to speak at the end, both the Democratic leader and the majority leader, and any of the other leaders.

Oh, I also see Representative Kauffman, Representative Zimmerman, Representative Grove, Representative Knowles.

So I am going to ask everybody to take their seats, and as everybody knows, I will go from each side, we will go back and forth. Representative Oberlander will be third. It will be Representative Kate Klunk, who is the prime sponsor; Representative Frankel, you will be second; then we will go to Representative Oberlander; and then I will just keep going back and forth with respect to the list. And Democratic staff and Republican staff will keep me alert if I am missing someone. Just come up and tell me.

So I am going to ask everybody to take their seats. This will be a long debate. I would ask everybody to please take their seats. Staff, I would ask you to please take your seats as well. All members, please take your seats. And you can sit in the seats up front too; that is perfectly fine. Members, please take your seats. All members, if you could, please come onto the House floor from the anterooms.

And we certainly appreciate if everybody could be respectful and civil. And we will begin— And everybody is entitled to be heard. Please take your seats. Sergeants at Arms, I am going to ask just because it is still noisy, if you could, please close the doors of the House. If a member wants to get back on the floor, certainly let she or he onto the floor, they will knock and please let them onto the floor.

Representative Kate Klunk, on HB 321.

Ms. KLUNK. Thank you, Mr. Speaker.

Today I rise in support of HB 321 because I believe we truly have a responsibility to stand up for those who do not have a voice, I believe we have a responsibility to stand up against the horrible practices of societal genetic engineering, and I believe we have a responsibility to stand up and say that a baby who has received a Down syndrome diagnosis in the womb has the right to life and should not be discriminated against because they have an extra chromosome.

Studies show that between 67 and 90 percent of babies that are believed to have Down syndrome or receive a Down syndrome diagnosis are aborted. Under Pennsylvania law, currently a woman can obtain an abortion prior to 24 weeks gestational age, or in layman's terms, 6 months. And they can do that for any reason except if the only reason is to select the sex or gender of a child. HB 321 would simply add Down syndrome as an additional reason why a woman could not obtain an abortion prior to 24 weeks. Additionally, HB 321 does not prohibit an abortion in cases of rape, incest, or the danger to the life of a mother.

In each of our daily lives we have seen individuals with Down syndrome live lives full of so much dignity, value, and love; and some of them are here today in the gallery. And they are why we are embracing these lovable human beings for the amazing individuals they really are and why we are fighting against policies that would erase them from existence.

A life of a child born with Down syndrome today is much, much different than a child born with Down syndrome decades ago. We now have early interventional programs and so many opportunities and support systems for families living with a Down syndrome diagnosis. Since fiscal year 2010-11 we have

seen an increase in over \$900 million for intellectual disability programs here in our Commonwealth. Is there more we can do? Absolutely. And I have asked our Appropriations chairman to consider increasing the funding this coming fiscal year for those with intellectual disabilities.

Now here in Pennsylvania, thanks to Chloe's Law, parents receiving a Down syndrome diagnosis receive information, resources, and support as they set out on that journey of parenthood. Children with Down syndrome are also adopted by loving families. I just met one yesterday. And there are many wait lists for loving families to adopt these incredibly special human beings among us.

People with Down syndrome have contributed so much, so much to our daily lives and our society as a whole, and they will all continue to do so when we finally recognize that each of their precious lives is worth living. Lives like Chloe, who just took to the field this weekend to play on her baseball team. With every single swing of that bat, she is showing us that she is a life worth living. Inspiring young men whom I have met like Hayden, who time after time shows off his amazing reading skills when the medical experts in literature said that he likely would never be able to read. With each book he reads, he shows us that he is a life worth living.

A swimmer of the English Channel and the first person living with Down syndrome to receive an honorary doctorate from a college or a university, Karen Gaffney. She shows us that with each stroke in that water, she is a life worth living. In Karen's remarks here at the Capitol last year, Karen explained, and I quote, "Those of us with Down syndrome and our families face a very difficult future. We face a possibility of wiping out all of the tremendous progress we have made. Just as we are making so much progress, a whole industry has grown up focused on prenatal screening – screening that would end our lives before we take our first breath." She goes on to say, "Now that you can test for Down syndrome before birth, there are many experts in the medical community that say this extra chromosome we carry around is not compatible with life. Not compatible with life?" she says. "After everything we have done, I would say we are more than compatible. We are what life is all about. Our lives are worth living and our lives are worth learning about," end quote.

Mr. Speaker, these lives are truly worth living. I could go on with hundreds of examples of friends living tremendous lives with Down syndrome across this Commonwealth and this country. Today I stand in support of the lives of those babies who are diagnosed with Down syndrome and against the practice of discriminating against them before they even take their first breath.

Today I ask my colleagues to vote "yes" on HB 321, to ensure that all babies diagnosed with Down syndrome here in Pennsylvania have a chance at life. Thank you.

CONSTITUTIONAL POINT OF ORDER

The SPEAKER. Representative Dan Frankel.

Mr. FRANKEL. Thank you, Mr. Speaker.

I rise today to say what everyone in this room already knows because this bill is not really about children with Down syndrome and families that are raising them or we would be talking about other issues. This bill, HB 321, is about one thing, and that is taking away options for women's health care. It is about banning abortion.

Mr. Speaker, I believe that this is clearly unconstitutional, and with that, I would like to make a motion, Mr. Speaker.

The SPEAKER. Yes; you may state the motion, sir.

Mr. FRANKEL. I make a motion that HB 321 is unconstitutional pursuant to the 14th Amendment to the United States.

The SPEAKER. Sir, do you wish to speak on that?

Mr. FRANKEL. Yes.

The SPEAKER. Okay. Let me just read this first and then we will call upon you.

The gentleman, Representative Dan Frankel, raises the point of order that HB 321, PN 1404, is unconstitutional. Under rule 4, the Speaker is required to submit this question affecting the constitutionality of a bill to the House for decision, which the Chair presently does.

Those voting "aye" will be voting to declare the bill to be constitutional; those voting "nay" will be voting to declare the bill to be unconstitutional.

On the question,

Will the House sustain the constitutionality of the bill?

The SPEAKER. On the issue of constitutionality, the Chair recognizes Representative Dan Frankel.

Mr. FRANKEL. Thank you, Mr. Speaker.

Mr. Speaker, the United States Supreme Court has been clear and consistent. Laws that ban abortion before fetus viability are unconstitutional. Anti-choice efforts to get around this fact with reason-based abortion bans have failed.

In 2017 a Federal court struck down Indiana's ban on abortion based on sex, race, national origin, or diagnosis, and the ruling reminded legislatures throughout the country that "the woman's right to choose to have an abortion pre-viability is categorical..." and that is a quote.

In Ohio last year a Federal court granted a preliminary injunction against a measure that was much like the bill we have before us today, criminalizing performing an abortion if it was sought because of a Down syndrome diagnosis based on the law being likely unconstitutional.

Thanks to repeated and varied efforts by the anti-choice lobby, we do not have to guess where this bill falls in the history of Supreme Court precedent. It begins with *Roe v. Wade*, which held that, quote, "...a woman's decision whether or not to terminate her pregnancy" is a component of the liberty protected by the due process clause of the 14th Amendment. The Court further clarified in *Planned Parenthood v. Casey* that prior to viability, women may choose whether to terminate or continue their pregnancy.

There has not been a single decision of the U.S. Supreme Court since *Roe* that has upheld a flat ban on previability abortions or the imposition of criminal liability on medical providers for performing them, not one single decision.

Now, we know that States do have the right to regulate abortion so long as those regulations do not impose an undue burden on the right to obtain an abortion up until a fetus is able to live outside the womb. *Casey* further defined that burden as the law with a purpose or an effect to place a substantial obstacle in the path of a woman seeking an abortion of a nonviable fetus. If this bill is successful, a woman could be refused an abortion regardless of viability because a health-care provider believes that her reason to seek an abortion runs afoul of State law. Is that not a substantial obstacle to the path of a woman?

We actually have an unusual level of clarity from the U.S. Supreme Court, reinforced by Federal courts in ensuing years, that tells us what we must do today. There is no doubt, no doubt that this bill is unconstitutional, and it would be a violation of our collective oaths of office to allow it to be overruled otherwise.

And now, Mr. Speaker, and now, we have clarity from our own institution. I asked the Legislative Reference Bureau earlier last month to rule whether HB 321, PN 1404, of 2019, unconstitutionally prohibits a woman from seeking an abortion prior to the unborn child reaching viability. I have that opinion here. The conclusion, and it is a lengthy decision with great detail, but the conclusion reached by the Legislative Reference Bureau – the esteemed Reference Bureau that we honored this morning for their many, many years of service to this institution – the conclusion, and I quote: "A state may not prohibit or unduly burden a woman's right to obtain an abortion prior to fetal viability. House Bill 321, Printer's No. 1404 (2019), unconstitutionally prohibits a woman from obtaining an abortion prior to an unborn child reaching viability."

Mr. Speaker, that is clarity, and I think we would be violating, again, our oaths of office if we did not vote to find HB 321 unconstitutional.

Thank you, Mr. Speaker.

The SPEAKER. Representative Dermody, do you wish to speak on the issue of constitutionality, sir?

Mr. DERMODY. I do.

The SPEAKER. Yes, you may proceed.

Mr. DERMODY. Thank you, Mr. Speaker.

As the gentleman from Allegheny just mentioned, we had a ceremony this morning celebrating the 110-year history of the Legislative Reference Bureau. They have 110 years of giving this legislature and the Commonwealth unbiased, nonpartisan advice and legal opinions that were respected and followed for those 110 years to help the people of the Commonwealth and the members of the legislature. We should not ignore sound advice. We should heed their advice. The Reference Bureau clearly in an unbiased opinion has said and has found that this bill is unconstitutional. That is because it is unconstitutional, and we should vote that it is unconstitutional.

Thank you, Mr. Speaker.

The SPEAKER. The majority leader, Bryan Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, regarding the gentleman's motion, I believe that you need to dig a little further into the case law that he wishes to cite. In regards to the LRB, I would offer that that is advisory because, for example, the same LRB is the LRB that drafted the bill and did not raise these concerns at the time of drafting.

Anytime that you have a debate, Mr. Speaker, and you have a series of case law before you, you can have a respectful difference of opinion. The good gentleman cited the abortion case law, which I know that we have recited at length here, but given the high number of new members, I think it might be appropriate to review all of it that is now before us.

Mr. Speaker, regarding the case law, the good gentleman is correct who has made the motion in that the balance test, as it is referred to, balances the compelling State interest versus the undue burden. He accurately articulated that the State may not unduly burden prior to fetal viability. However, when you look at the compelling State interest, I would offer that our existing Abortion Control Act currently has a prohibition on sex selection.

Respectfully, this was not challenged previously. It is also a genetic trait.

And in the other seminal case that went before the Supreme Court on abortion, *Planned Parenthood v. Casey*, that originated here, at that point, today, as it was then, this portion of the law was not challenged. And Pennsylvania is not alone in their prohibition to the use of abortion for purposes of gender selection. Seven other States have standing statutes – also not currently challenged – which allow prohibitions on abortion for public policy concerns regarding gender selection.

As it relates to Down syndrome, Mr. Speaker, six States have statutes which prohibit the use of abortion to terminate unborn children who are diagnosed with Down syndrome. Many of these six States go even further to include other protected disability classes. Drawing specific attention to North Dakota's statute with respect to Down syndrome, this statute was initially challenged at the district court level, but the abortion providers requested their objection to the Down syndrome ban be dismissed. As a result, for more than 6 years North Dakota has prohibited such abortions, without further challenge, when used to practice this kind of genetic selection.

Mr. Speaker, I would offer to those members who are reviewing the case law that it is important to recognize that Pennsylvania has a compelling State interest to prevent genetic selection of any kind, not just sex, but also Down syndrome. This bill is narrowly tailored, which is a fundamental part of the balance test, to address the compelling State interest. So for all of these reasons, the constitutionality of statutes that prohibit gender selection and the application of the balancing test in an appropriate manner where the State has a legitimate interest in preventing genetic selection, I think make it all very clear that this bill is in fact constitutional. I would urge opposition to the gentleman's motion and get to the underlying debate regarding the bill.

The SPEAKER. So those voting "aye" will be voting to declare the bill to be constitutional; those voting "nay" will be voting to declare the bill to be unconstitutional.

On the question recurring,

Will the House sustain the constitutionality of the bill?

The following roll call was recorded:

YEAS—115

Barrar	Gleim	Maloney	Reese
Benninghoff	Gregory	Markosek	Rigby
Bernstine	Greiner	Marshall	Roae
Boback	Grove	Masser	Rothman
Borowicz	Hahn	Matzie	Ryan
Brooks	Heffley	Mehaffie	Sainato
Brown	Helm	Mentzer	Samuelson
Burns	Hennessey	Metcalfe	Saylor
Causar	Hershey	Metzgar	Schemel
Cook	Hickernell	Mihalek	Schmitt
Cox	Irvin	Millard	Schroeder
Culver	James	Miller, B.	Simmons
Cutler	Jones	Mizgorski	Snyder
Day	Jozwiak	Moul	Sonney
Delozier	Kail	Murt	Staats
DeLuca	Kaufer	Nelson	Struzzi
Diamond	Kauffman	O'Neal	Tobash
DiGirolamo	Keefer	Oberlander	Toepel
Dowling	Keller, F.	Ortitay	Toohil
Dunbar	Keller, M.K.	Owlett	Topper
Dush	Klunk	Peifer	Walsh

Ecker	Knowles	Petrarca	Warner
Emrick	Kosierowski	Pickett	Wentling
Everett	Kulik	Puskaric	Wheeland
Fee	Lawrence	Pyle	White
Fritz	Lewis	Quinn	Zimmerman
Gabler	Longietti	Rader	
Gaydos	Mackenzie	Rapp	Turzai,
Gillen	Mako	Readshaw	Speaker
Gillespie			

NAYS—80

Bizzarro	Driscoll	Kim	Ravenstahl
Boyle	Evans	Kinsey	Roebuck
Bradford	Farry	Kirkland	Sanchez
Briggs	Fiedler	Kortz	Sappery
Bullock	Fitzgerald	Krueger	Schlossberg
Burgos	Flynn	Lee	Schweyer
Caltagirone	Frankel	Madden	Shusterman
Carroll	Freeman	Malagari	Sims
Cephas	Gainey	McCarter	Solomon
Ciresi	Galloway	McNeill	Stephens
Comitta	Goodman	Merski	Sturla
Daley	Hanbidge	Miller, D.	Thomas
Davidson	Harkins	Mullery	Ullman
Davis, A.	Harrell	Mullins	Vitali
Davis, T.	Harris	Neilson	Warren
Dawkins	Hohenstein	O'Mara	Webster
Deasy	Howard	Otten	Wheatley
DeLissio	Innamorato	Pashinski	Williams
Delloso	Isaacson	Polinchock	Youngblood
Dermody	Kenyatta	Rabb	Zabel

NOT VOTING—0

EXCUSED—7

Conklin	Donatucci	Nesbit	Sankey
Cruz	McClinton	Rozzi	

The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the bill was sustained.

On the question recurring,
Shall the bill pass finally?

The SPEAKER. Representative Dan Frankel, on the bill.
Mr. FRANKEL. Thank you, Mr. Speaker.

I must say it is disappointing that this body ignored its own Legislative Reference Bureau's very definitive opinion, which I am going to submit for the record in great detail.

But I rise today again to say what everyone in this room really already knows, this bill has nothing to do with Down syndrome. HB 321 is about one thing, and that is taking away options for women's health care. It is about banning abortion.

The anti-choice lobby knows full well that most Pennsylvania voters want abortion to remain safe and legal, so they have resorted to increasingly exotic ways to strip away women's rights to make their own health-care decisions. This bill is unpopular, it is unworkable, and I believe, and I think with plenty of justification, unconstitutional.

Women of Pennsylvania, HB 321 would insert this legislature into your doctor's office. And once all of us have bullied our way into your exam room, we will be deciding whether you are making decisions for the right reasons or the wrong reasons, and you are going to have a heck of a time getting us out of there. All

abortion bills are about second-guessing women's ability to make their own decisions. This one is no exception.

Under this bill, health-care providers could lose their license, pay thousands in fines, and get locked away based on what a woman is taking into consideration when she is making a decision for her family and her future. These are complex. Nobody is going to deny that they are complex and deeply personal decisions that families face, and this bill says that it is a crime to take some factors – sex of the fetus, a specific diagnosis – into consideration. But what is not clear is what that means. How much does this information need to be a factor before a doctor is charged with a felony? Does it have to be 95 percent of the reason? Fifty percent of the reason? Twenty-five percent? One percent? How does the patient prove that she did not take it into consideration at all?

What is next? Once we decide what is a right or a wrong reason to make a decision, should a pregnant woman be allowed by law to take into account her fears, the number of children she is caring for, her relationship, her mental health, her household income? Is there anything too private for this legislature to co-opt and decide for pregnant women? I would say to my colleagues, you are fooling nobody. You enact this legislation at your own peril. The people of this Commonwealth are sophisticated enough to see through this attack on women's bodily autonomy.

What is more, this bill is clearly unconstitutional. Federal courts have struck down this particular brand of abortion ban in two other States. Other previability abortion bans have consistently been reversed throughout the country. And the majority leader talked about North Dakota. North Dakota does not have any abortion providers. Mr. Speaker – exactly – so the response that we just heard is exactly what is motivated behind this piece of legislation. This is about banning abortion; make no mistake about it.

When the other side wants to be serious about supporting Pennsylvania's disabled population and the people who take care of them, I will be here, we will be here. We can talk about Medicaid and education and independent living programs and all the other ways that the State of Pennsylvania could be doing a better job of supporting families of all kinds. This bill is not what it pretends to be. So I am asking my colleagues to vote on what it is. HB 321 is an abortion ban. It is impossible to enforce, unconstitutional, and an affront to the voters who sent us here to improve their lives. Please vote "no" on HB 321.

The SPEAKER. Representative Donna Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

I stand in strong support of HB 321. Quite frankly, I am surprised that in this day and age we would believe that it is appropriate to kill an individual because they have an extra chromosome. It was not that long that we stood on this floor and we celebrated individuals with that extra chromosome. We saw the individuals right up here, near the rostrum. They were happy. They were smiling. We were excited to embrace them. And now we find that it is a problem that we want to terminate. Sixty-seven percent of babies who test positive for this extra chromosome are murdered in the womb.

I find it interesting that recently there was a study done, and I want to just share a couple of the statistics that were part of that. It was done in collaboration with Susan Levine, a medical assistant and a certified social worker, Family Resource Associates; Dana-Farber Cancer Institute; and it went to a number of households, a large number of households who have a child with Down syndrome. And I find that the information is

quite telling. Seventy-nine percent of parents or guardians felt their outlook on life was more positive because of their child with Down syndrome. Ninety-four percent of siblings age 9 and older expressed feelings of pride about their Down syndrome sibling. Eighty-eight percent said they felt they were better people because of their sibling with Down syndrome. Ninety-nine percent of people with Down syndrome said they were happy with their lives, 97 percent liked who they are, and 96 percent liked how they look. Would that not be a great day if that percentage of normal people felt the same way about themselves?

"As international discussion is mounting over the" – and this is a quote by the coauthor, Levine, "As international discussion is mounting over the new prenatal tests, family members have now had their say about life with Down syndrome. And, more importantly, the people with Down syndrome themselves have clearly stated that they consider their lives valuable." The overwhelming majority of people with Down syndrome are happy with their lives, they like who they are, they like how they look. The overwhelming majority love their families, including their brothers and sisters. They feel they can make friends easily. And the majority of people with Down syndrome feel that they help other people. Only a small percentage of people with Down syndrome felt sad about their lives. And I know that I personally find them to be quite a blessing, and we should stand up for their lives.

I ask for your affirmative vote on HB 321.

Thank you, Mr. Speaker.

The SPEAKER. Representative Hanbidge.

Ms. HANBIDGE. Thank you, Mr. Speaker.

Will the maker of the bill stand for short interrogation?

The SPEAKER. She has indicated she will so stand.

Ms. HANBIDGE. Thank you, Representative.

Would the criminal penalties apply to a woman seeking an abortion?

Ms. KLUNK. Mr. Speaker, in section 3204, section (d), "Penalty. –Any person who intentionally, knowingly or recklessly violates the provisions of this section commits a felony of the third degree, and any physician who violates the provisions of this section is guilty of 'unprofessional conduct' and his license for the practice of medicine and surgery shall be subject to suspension or revocation in accordance with procedures..." and continues on.

So this particular penalty goes to those medical providers.

Ms. HANBIDGE. Okay. If I may on the bill, Mr. Speaker?

The SPEAKER. On the bill, please.

Ms. HANBIDGE. Mr. Speaker, Title 18 of the Criminal Code, section 3218, the Abortion Act, prohibits a woman from being criminally charged for the following: performing or attempting to perform an abortion on herself. Nor can she be found guilty of complicity for having an abortion, nor can she be found guilty of an inchoate crime – attempting, conspiracy, solicitation, for example – related to having an abortion.

However, the section we are amending today has its own criminal penalty structure. It creates two separate penalties, one for "any person" and one for "any physician." It is clear in the legislation that someone other than a physician is intended to be punished, but the statute is not clear as to who the other person is. The punishment for "any person" is a third-degree felony. The punishment specifically for physicians makes the physician guilty of unprofessional conduct. Whether or not women can be criminally prosecuted under this section depends on who is meant by "any person." Adding in the prohibition on seeking abortion

because of a prenatal diagnosis of Down syndrome creates a specific intent crime.

The standards for section 3204(d) are "Any person who intentionally, knowingly or recklessly violates...." It goes to the specific reason that a woman is seeking the abortion, is the rationale for the crime, and it requires intent. This is not an inchoate crime. This is not a crime in which she is being charged merely for complicity.

The language does not speak to a prohibition on performing an abortion due to prenatal diagnosis of Down syndrome. It prohibits seeking an abortion due to the prenatal diagnosis of Down syndrome. Physicians perform abortions, women seek them. I do not know whether this lack of clarity is because the bill went through Health Committee rather than Judiciary, but I would submit that this bill is poorly written as to whether or not a woman is to be found guilty of such a crime.

Thank you, Mr. Speaker.

The SPEAKER. Representative Paul Schemel.

Mr. SCHEMEL. Thank you, Mr. Speaker.

Mr. Speaker, our country is a remarkably tolerant country, as is our Commonwealth. We tolerate a lot of behavior and activity that we might actually find unacceptable, and the laws protect that because the laws should not generally compel what we do.

However, the Supreme Court in the past has ruled that sometimes behavior that we otherwise tolerate, that we might find even abhorrent, can have a disparate impact upon a class of individuals. So as the seminal case of Heart of Dixie, the U.S. Supreme Court first found that there was a disparate impact on African-Americans who could effectively not travel across parts of our nation because motels would not allow them lodging. So in that case the Court found that there was a disparate impact on one particular class of individuals. It found that that form of discrimination was therefore collectively unacceptable.

Now, in the United States statistically between 60 and 80 percent of all children today diagnosed with Down syndrome are selected for abortion. About 90 percent of all regular abortions occur within the first few weeks of pregnancy. This would be what we would normally term the "conventional abortion" where a woman discovers that she is pregnant and did not expect to find herself pregnant and chooses to have an abortion. However, children that are diagnosed with the extra chromosome of Down syndrome, that is not discovered until testing much later in pregnancy. So these are women that statistically we can presume had chosen, they had made their choice, they had chosen to have a child, but now faced with the possibility of having a child with a disability, they have chosen that child for selective abortion. As I said, 60 to 80 percent of these lives are snuffed out.

Now, if we would not accept this for a lot of other genetic or other identifiers, if there were a genetic marker, and there may be, for individuals with LGBTQ and they were being selectively aborted at 60 to 80 percent, would we consider that acceptable? This is a class of people that cannot speak for themselves. We are here to speak for them. This is genetic engineering. It is something that we should not accept.

This bill is narrowly tailored. It does not criminalize women. No woman would find herself prosecuted or in jail. That is not the target of this legislation. But what it does target are those providers who prey upon women as they discover that their child has the extra chromosome that is Down syndrome and in that moment when they are struggling with how to deal with that news are immediately referred to an abortion. This would eliminate

that practice. This would eliminate the snuffing out of the lives of so many of these beautiful children.

Mr. Speaker, I encourage, I urge my colleagues to see the humanity, the human face of these most vulnerable children.

Thank you, Mr. Speaker.

The SPEAKER. Representative Innamorato.

Ms. INNAMORATO. Thank you, Mr. Speaker.

I rise in opposition to this bill. It is no secret that the members of this body have strongly held personal beliefs about pregnancy, family, and abortion. Many of us believe that safe, legal abortions should be available at the very least to victims of rape. Seeing that this bill amends Title 18, Crimes and Offenses act, to impose a third-class felony onto doctors who perform this medical procedure at the request of the patient and the criminal consequences imposed on the pregnant patient remains unclear in this bill, I believe it is important to bring up the shortcomings of the exemption section of HB 321.

First, a little background information. According to the National Crime Victims Survey conducted by the Justice Department, one in five women will be the victim of rape or attempted rape in her lifetime. Twenty percent of women. That is a truly staggering number. Of those victims of rape, the latest data from 2017 says that only 230 out of 1,000 rapes will be reported to police. So more than 75 percent of rapes go unreported. This is important context for my next point.

So if a woman reports a rape and there is no rape kit or police report to corroborate her story, finds out she is pregnant, accompanied by the knowledge that her fetus has Down syndrome in addition to other abnormalities, if she decides what is best for herself, her mental health and well-being, and her future is to move forward with an abortion, but since we have removed the word "solely" from the Abortion Control Act with this, she and her doctor may be subjected to criminal charges despite this pregnancy resulting from a rape.

So this poses the question, whose responsibility is it to prove that a man raped her? Does it fall on the woman to have to prove to her doctor that she is legally eligible to receive an abortion since the pregnancy resulted from a forced or coercive sexual encounter? The way the exemption works in existing law requires a woman to file a police report or to have her doctor certify under penalty of criminal sanctions that the woman is physically or psychologically incapable of making a police report. I think you can see the problem with this exemption.

The reality is, it is extremely messy. Perhaps a doctor would certify a woman was psychologically or physically unable to report her rape. But that puts doctors in a precarious position since they are the ones who would go to jail if someone challenges their word. We cannot simply in this chamber imagine all the nuanced, intimate decisions that a pregnant, especially a pregnant woman by rape must go through in order to come to the conclusion to seek an abortion, especially someone who experienced these traumas of sexual assault.

If you vote against this bill, you are not voting against your personal religious beliefs, you are voting against removing the liberty and autonomy of countless women to make the deeply personal decision that is best for herself, her family, and her future. I urge a "no" vote.

The SPEAKER. The majority leader, Bryan Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, we have heard several references to portions of the law that are alleged to be unclear and I think that it is worth reviewing the case law history yet again. The specific section that

the good lady just referenced was in fact overturned by *Blackwell v. Knoll* and struck a portion of the existing Abortion Control Act.

Furthermore, Mr. Speaker, I believe that the prime sponsor of the bill made it abundantly clear that the exceptions are in fact in law. And furthermore, just as they are currently expressed in the law, the same data would be collected in these cases just as in any other. So to continue to assert that somehow this is unclear or uncertain, I would simply remind all the members that the portion regarding the criminal charges has in fact been upheld by the United States Supreme Court. That has not changed.

Mr. Speaker, I would urge support of this bill and I will be speaking in further support later during the debate, but I thought that it was important to inject some clarity on the criminality portions of the bill that seem to be drawing an undue amount of attention, particularly given the inaccuracies that are being portrayed regarding it.

Thank you, Mr. Speaker.

The SPEAKER. Representative Shusterman.

Ms. SHUSTERMAN. Thank you, Mr. Speaker.

I rise today to speak against legislation HB 321 – legislation whose primary impact is to come between a woman, her family, and her doctor.

Just a few weeks ago we championed the relationship between a doctor and patient as sacred when talking about Lyme disease. And then again last week the majority passed legislation that would mandate how a doctor speaks to a female patient when she is learning that her baby will not live. I am unsure why there is change when it comes to women and their doctors. We seem to have two standards – one for regular patients and their doctors, and one for women and their doctors. I spoke against and voted against that legislation. Today, however, we have an even worse bill to deal with.

Simply put, this legislation, unsupported by any group representing people with disabilities, prohibits a woman from having an abortion if she even takes into consideration a diagnosis of Down syndrome. This is a blatant attempt to restrict the rights of women. This legislation does so without providing any additional help for families raising children with Down syndrome, or any assistance outside the delivery room. It is simply stating that the government knows best, the government knows better than a woman; that a woman cannot be trusted to make her own decisions that are best for her family, and most importantly, for herself. Many of my colleagues espouse less government, less regulation on a seemingly daily basis except when women's bodies are involved. The hypocrisy is stifling.

Two hundred and two men and women legislators are deciding what is best for 6 1/2 million women of Pennsylvania. If we truly cared about women and their children, we would increase funding to local community health centers, raise the minimum wage, and pump millions of dollars into child care and intellectual disability programs. But for some reason we cannot. For some reason there is a willingness to control instead of uplift.

Please vote "no" to – I will do that again – please vote "no" to preserve the sacred dialogue between a patient and her doctor. Vote "no" to preserve women's control over their own bodies. Vote "no" to the hypocrisy that we are creating right now in the government.

LEAVE OF ABSENCE

The SPEAKER. Representative JOHNSON-HARRELL has requested to be placed on leave. Without objection, that will be granted.

CONSIDERATION OF HB 321 CONTINUED

The SPEAKER. Representative Tina Pickett.

Ms. PICKETT. Thank you, Mr. Speaker.

I stand here today fully in support of HB 321. It is absolutely not our place to judge any person at any time, in any way, because they are different from us. Every child unborn or born has magnificent value.

Aside from a child's right to life, medical advances have given that child a greatly improved chance to live a full and productive life. In the early 1900s the life expectancy was to be less than 10 years. In 2018 that has increased to 60 years and beyond. I ask you, what other things might we wrongly decide are reasons for abortion?

Last session this legislative body passed this piece of legislation at 139 to 56. Today I pray that this vote, this vote count, will be even greater for these unborn children. Please vote "yes" for this bill today.

Thank you, Mr. Speaker.

The SPEAKER. Representative Dan Miller. Waives off.

Representative Fiedler.

Ms. FIEDLER. Thank you, Mr. Speaker.

I rise in support of families and the women of Pennsylvania. I rise in opposition to this bill.

I ask you to imagine a pregnant woman in her doctor's office sitting with her partner, reviewing test results. It is a small room with white walls. There is an emotional and very personal conversation. Now, imagine squeezing into that small doctor's office along the walls and between the woman and her doctor the 203 members of this legislative body. It is as ridiculous as it sounds, wedging ourselves into that emotional and personal decision, especially given that the courts have already firmly upheld that woman's right to make a decision.

Maybe she is a woman over age 35, so as part of her standard medical care, she has genetic testing done. If this legislation were to be enforced, it would incite fear and have a chilling effect on the very important relationship that exists between a pregnant woman and her doctor. Because if she has those test results in hand showing the sex and the genetic condition, how on earth could that woman possibly prove she did not take any of that information into account when making her decision? And how could she possibly feel comfortable asking her doctor important follow-up questions about those results if this legislation in fact was the lay of the land?

This bill is about one thing: taking away power from the women of Pennsylvania. I would like to echo some of the comments made by my colleagues because I oppose this bill on behalf of every family that includes a person with Down syndrome, who fights for essential support and services that are in too short supply. If this bill was truly about supporting people with Down syndrome in this Commonwealth, I believe it would address the wait list that was already mentioned by my colleague, Representative Miller. It does not, which I believe shows the true intention of this bill.

If we actually wanted to support women, babies, and a strong society, there are things we could do. We would invest in lowering the maternal mortality rate, increasing services for postpartum depression, paid family leave, universal pre-K, Medicare for all, and raising the minimum wage. That is how we help Pennsylvania families. I truly look forward to those legislative conversations. But today on this bill, Mr. Speaker, I am a "no" because I oppose this legislature tearing away the rights of women in Pennsylvania.

Thank you, Mr. Speaker.

The SPEAKER. Representative Kathy Rapp.

Ms. RAPP. Thank you, Mr. Speaker.

As chairwoman of the bipartisan House Pro-Life Caucus and the House Health Committee, I find it absolutely tragic to review statistics that a high percentage of children diagnosed in utero with Down syndrome are aborted in the United States; it appears statistics that abortion is hardly rare for unborn children diagnosed with Down syndrome.

In Iceland, abortion supporters callously brag about eliminating children with Down syndrome, and mothers from around the world are being directly pressured or advised to make this decision by genetic counselors and the culture.

Final passage of HB 321 would bring an end to the implementation of this genocidal philosophy in Pennsylvania, which is unconscionably being advanced by Planned Parenthood, the world's largest abortion provider.

Under current Pennsylvania law, a woman can obtain an abortion prior to 24 weeks – which is 6 months of pregnancy – gestational age for basically any reason except if the woman's sole reason is to select the sex of the child. HB 321 would expand that exception to prohibit aborting a child due to a prenatal diagnosis that the unborn child has Down syndrome. The legislation contains no restrictions on a mother obtaining an abortion in cases of rape, incest, or personal endangerment.

Ironically, on almost any given session day, like today, State lawmakers recognize entire groups of people with disabilities, as we legitimately should. What should never be denied is the fact that people with Down syndrome and other disabilities have contributed much in our society and will continue to do so, when we finally recognize that each of their precious lives is worth living.

Today I stand for the people I know – for Chloe, for John, for Collin, for Karen, for Jonathan's nephew, for all of those who have visited the Capitol and our offices, those we have introduced on the House floor, for those we recognize on Down Syndrome Day with a unanimous vote. There is simply no justifiable or convenient excuse for aborting an unborn child diagnosed with Down syndrome. Please support this bill. Tell Pennsylvania citizens that we in the Pennsylvania House support life.

In Deuteronomy 30:19 it states, "This day I call the heavens and the earth as witnesses against you that I have set before you life and death, blessings and curses. Now choose life, so that you and your children may live."

Please support this bill. Thank you, Mr. Speaker.

The SPEAKER. Representative Ullman.

Ms. ULLMAN. Thank you, Mr. Speaker.

I am grateful that we live in enlightened times when, thanks to advances in social acceptance, people with Down syndrome are recognized as valued members of society. I am proud that advances in early intervention, education, medicine, and protection from disabilities discrimination have helped people

with Down syndrome to flourish in ways that were unheard of in previous generations.

One might think that disabilities rights groups such as National Down Syndrome Society would be the strongest proponents of this bill. They are not. Their focus is on advocating for improved services for affected families. The troubling absence of support from this group and other disabilities rights groups speaks volumes. These groups know that the best way to protect people with Down syndrome and their families is to provide real support and give them what they need, especially streamlined, integrated social and economic support systems for families so that people with Down syndrome can live full, healthy, and fulfilling lives.

The title of this bill is "Down syndrome protection legislation," but it is most certainly not about protecting citizens with Down syndrome and their families. This bill is about choice; specifically, depriving a select group of pregnant women of their constitutionally guaranteed right to choose what is best for themselves and their families, a choice that every other pregnant woman in Pennsylvania up to 24 weeks gestational age has. A woman with a fetal diagnosis of Down syndrome is not given the choice that other pregnant women have. She may have the responsibility of other children. She may be a child herself. She may have severe financial limitations. She may have an unstable relationship with her partner or she may have no partner. Her health – physical or mental – may be fragile. Regardless of her circumstances and what she knows is best for herself and her family, she is given no choice. If this bill is enacted, this pregnant woman with a fetal diagnosis of Down syndrome will be required by force of law to carry her pregnancy to term and to give birth.

Then, ironically, this woman will be given a choice. Although she may be completely unprepared and utterly unable to provide for the special needs that an infant with Down syndrome will require – this is from childhood through adulthood and to provide for this child's old age – she has a choice. She may choose to care for this child and join the line with other parents to get the services that her child will need to thrive. If she is unable to do so, perhaps because of the severity of the child's symptoms or because of the financial, emotional, or family limitations, she has two other options: she may entrust this infant to the uncertainties of adoption, or she may relinquish this infant to the manifestly flawed foster-care system. These are her only three choices given her if this bill becomes law.

There are those, like an esteemed colleague, who alleged that there is a waiting list for adoption of Down syndrome infants. This is partially true. Infants who have fewer physical and mental challenges are often readily placed for adoption. Those with greater physical and mental challenges – and there are many – however, face a far more uncertain possibility of successful adoption placement, and a child that does not find successful adoption placement will be placed into the foster-care system, where hardworking, devoted social workers will try to ensure that this child's special needs will be properly met.

And speaking of waiting lists, here is one. There are currently more than 13,000 individuals in the State of Pennsylvania who are waiting at somewhere along the service delivery line – and these are individuals with intellectual disabilities – waiting along the service line for the services they need to be able to thrive.

The Commonwealth of Pennsylvania should not be forcing women to make such a cruel choice about the care of a child with Down syndrome. Instead, the State should respect a woman's

ability to determine whether carrying this pregnancy to term is the best course for herself and for her family, and to devote instead its legislative efforts to writing strong, effective, and compassionate laws that will improve the services and supports that are given to women and families who are raising children with Down syndrome.

I urge all of my colleagues to give my remarks careful thought, and to vote "no" on this bill.

Thank you, Mr. Speaker.

The SPEAKER. Representative Dawn Keefer.

Mrs. KEEFER. Thank you, Mr. Speaker.

I rise in support of HB 321 and in defense of all those with Down syndrome. This bill is a strong message that all lives are valuable. As a mother who had a geriatric pregnancy, I was assailed with information regarding the high risks of an abnormal pregnancy, an abnormal birth, and/or an abnormal child. Abnormal? We refuse to define "normal" in any other circumstance when it is describing human beings, but not in this one.

I continuously hear the question, "What about women's rights?" which begs the question, "What about the rights of all the pre-born women?" Do the rights of these women count? Is it their rights that we are all advocating for? It is not. So let us be clear: opponents presenting this argument are advocating for the rights of only some women, not all.

This is a slippery slope. Technology is steadily advancing and we have the ability to obtain an ever-increasing scope of genetic characteristics, physical anomalies, and many other things in utero. So do we get to terminate for ADHD (attention deficit hyperactivity disorder)? Do we get to terminate for autism? Where do we stop? This bill stands against eugenics and the practice of ending young lives because they may not fit the description of a perfect child.

Mr. Speaker, I ask all members to stand with me in support of this bill. Thank you.

The SPEAKER. Representative Daley.

Ms. DALEY. Thank you, Mr. Speaker.

Today we are voting on final passage on HB 321, a bill that will not protect individuals with Down syndrome and their families. Let us be very clear about what HB 321 is all about. It is another unconstitutional attempt to ban safe, legal abortion in Pennsylvania.

We know that there is a deep divide in this House of Representatives when it comes to the topic of abortion. Our differences run deep and we may never be able to bridge the gap, but we do have a responsibility to acknowledge these differences. I believe that women have a fundamental right to make decisions about their own bodies. The United States Supreme Court acknowledged this right in the *Roe v. Wade* decision in 1973. *Roe v. Wade* also said that any State law that forbade abortion in order to protect a fetus within the first two trimesters of pregnancy, before the seventh month, was unconstitutional, and yet today we are talking about a ban on abortion in the first two trimesters – a fundamental right that a woman has to make her own decisions about her own body.

One of the many constituents in my district who have written and called me to vote "no" on HB 321 has a daughter with Down syndrome, complicated by coexisting conditions. He and his wife are good Catholics and elected to continue a pregnancy, despite a diagnosis of Down syndrome. He has told me repeatedly that he does not support bills like HB 321 because he understands that this bill is not about helping families like his, families affected by

disabilities, but rather using these children as a wedge to win a political battle.

So today I am asking you to think about your wife, your sister, your daughter, your niece, your fiancée, and what she would do if faced with this decision and how would you support her in whatever decision she would make. This bill is not about eugenics. It is not about dignity for a person with disability. It is about control – clear and simple – control of the State over a woman's ability to make a decision for herself and her family. I am asking you to recognize that women have rights, and certainly autonomy over their own body is a fundamental right. Please vote "no" on HB 321.

Thank you, Mr. Speaker.

The SPEAKER. Representative Sue Helm.

Ms. HELM. Thank you, Mr. Speaker.

I would like to talk a little bit about the intellectual disabilities funding for the fiscal year 2010-11 through 2018-19. In 2010-11 total State funding for intellectual disabilities was \$2.7 billion. In 2018-19 total State funding for intellectual disabilities was over \$4.1 billion. In the previous 8 years we have increased the funding for intellectual disabilities by over \$1.4 billion, or 51.4 percent. The 51.4 percent was applied to the following programs. The community waiver program – the community living waiver supports individuals with an intellectual disability, autism, or developmental disability to live more independently in their homes and communities through the provision of a variety of services that promote community living, employment, communication, self-direction, choice, and control. The community base program – home- and community-based services provides for supports and services beyond those covered by medical assistance, also referred to as the Medicaid program, that enable a person to remain in a community setting rather than being admitted to a long-term care facility. Currently the Department of Human Services administers 12 home- and community-based services programs. Also, the intermediate care facilities – intermediate care facilities are State or privately operated residential programs. These facilities emanated from Title XIX of the Social Security Act and are funded through medical assistance. Intermediate care facilities are supported by both Federal and State funds and are specifically designed to furnish health and rehabilitative services to persons with intellectual disabilities or related conditions.

Now I would like to talk about a personal story of my own. Forty-five years ago, my brother and his wife had their third child. Of course, when a baby comes into the family, you are thrilled. However, it was not long after the child was born, a little girl named Rona Sue – Susie, as we call her – we were told she had Down syndrome, and obviously at first, we were upset and we did not know that much about it. I remember reading a book by Roy Rogers and Dale Evans called "Angel Unaware," because they had a little girl born with Down syndrome, and that little girl did not live very long, and I think that is what we were more concerned about is how long we would have Susie. Well, that was 45 years ago, and there has not been a day that we were not happy and are not happy to have her in our family.

Also, when she was born, the hospital pretty much suggested that my brother and sister-in-law did not have any more children because they might have three more with Down syndrome. Well, they did not care about that. They went on to have three more children, normal, you know, grown today and have their own families. And then, you know, she went to school with the other kids. My brother did not send her to special school, which maybe

he should have, but 45 years ago you did not hear that much about special schools. But her five siblings have always taken her everywhere and she went with them, she learned from them.

My brother lives on a farm and he taught her to take care of chickens. So she knows to this day to go out and take care of her chickens, to get the eggs, and then there is a sign in front of their house, "Eggs for sale," and people come and buy her eggs. And, you know, even in the animal world sometimes the mothers do not want their children and recently – I have a niece that lives locally. Susie has now, for the last 15 years, lived in Maine, but I do make trips to Maine – but anyway, my niece here has a farm with goats and her one goat had three babies, and the third one, the mother did not want to deal with. So what do we do after Easter vacation? We took the goat from Harrisburg to Maine and now Susie is up there taking care of the goat.

So each child is important, each child is productive, and totally, I ask you to vote for this bill, 321. Thank you very much.

The SPEAKER. Representative Otten.

Ms. OTTEN. Thank you, Mr. Speaker.

Mr. Speaker, Down syndrome is a well-known genetic disorder that places affected individuals at risk for several co-occurring medical morbidities, the most common one being congenital heart defects. About 50 percent of all babies born with Down syndrome are also born with a congenital heart defect. Mr. Speaker, today I want to connect the dots on this with a personal story for anyone who has not experienced life as a family that receives a life-changing fetal diagnosis. The rest is something my sister asked me to share in her words to you:

"During my first pregnancy, I was naive. When offered a 12-week screening for birth defects, primarily Down syndrome, I accepted. Other pregnant friends would discuss this test and argue 'Would you terminate if the baby had Down syndrome?' and I would reply, 'Of course not.' 'Then why do the test?' At this point in my life I was excited, and it was just a chance to see my baby.

"Fast-forward 5 years. We had a perfectly healthy almost 5-year-old and had just experienced a devastating miscarriage after several years of struggling to conceive. This time the 12-week scan was my opportunity to make sure that our baby was okay. My 12-week scan was 4 days before my sister's wedding. I would be able to breathe a sigh of relief and go to the wedding and tell everyone our good news. Except that that scan was taking forever. The ultrasound tech was quiet. She had to bring in a second tech and then a doctor. They were having trouble finding my baby's right arm. After several hours, my husband and I looked at each other and said, 'No arm? Okay. We can do this. This will be fine.' The genetics doctor explained that missing limbs often mean there are other more serious issues and that we should have more tests immediately. We waited for weeks and weeks for results. I called and called. During these weeks, we were terrified. We researched, we cried, and we talked about what to do.

"My results finally came back around 20 weeks, and after an ultrasound, we found out that our son also had a rare heart defect, one kidney, complex airway issues, and a brain malformation. Our baby had a chance at life, but he might not make it to term. If he did make it to term, he may suffer greatly after being born with no chance at survival or quality of life – an absolutely impossible decision with no good answer. Never in my wildest dreams – or nightmares – did I think I would ever consider terminating a pregnancy. We make these decisions with the

weight of the world on our hearts and the help of a team of doctors, not lawmakers. With guidance and the support and assistance from that team of doctors, we were able to decide together to continue our pregnancy.

"Our son was born in really rough shape. He suffered greatly during his first year and a half. He lived in a CICU (cardiovascular intensive care unit) for the first 18 months of his life. We had another son at home and my husband and I would tag-team to maintain some sense of normalcy for our 5-year-old. There was nothing normal about our 5-year-old's life. He suffered greatly along with all of us. Instead of playing soccer on Saturdays, he spent his weekends bedside with his baby brother, whom we were desperately afraid we would lose. My husband and I slept to the sound of beeping monitors and code alarms for 18 months beside a hospital bed. We were both lucky to have jobs that we had been in for a long time and our employers were understanding and supportive; however, we shared those hospital waiting rooms and hallways with families and single young mothers who did not have the same good fortune that we were blessed with to help us endure this very difficult time of our family's life. The one that still haunts me today was the 14-year-old girl in the room next to us early on, whose C-section incision was infected, her baby was dying, and she had no one there to support her. Many, many times over we have been forced to make impossible decisions again and again that attempt to prolong our son's life or improve his quality of life.

"Throughout this journey, I have met many different families: families who have lost babies after tireless fights with congenital heart disease, their babies had never seen the outside of a hospital; moms and dads who have made the decision to have a baby and hold them while they pass away; and I also have met moms and dads who have received a diagnosis that their baby would never live outside the womb and have decided that they could not bear to watch that baby suffer and have decided to let that baby die peacefully inside of them. And I respect and honor each individual family and their choice and how they deal with these impossible situations. I have sat in the genetics office, I have pondered my baby's fate, I have watched my baby struggle for breath, I have watched his heart arrest in front of me and receive CPR (cardiopulmonary resuscitation). I have leaned on that relationship with doctors that we trust to guide us through this very difficult journey.

"What you are talking about today is Down syndrome and limiting the ability to terminate pregnancies with a diagnosis of Down syndrome. Many of us have friends and family with beautiful children and adult friends with Down syndrome that have great quality of life. What you have to consider is that a Down syndrome diagnosis may, and often does, come with an array of other diagnoses that may make that baby incompatible with life or be born only to suffer. In most cases, the diagnosis is not singular; it is just not that simple.

"Consider that a mother and father sitting in that genetics office are told that their unborn baby has no chance, but a roomful of lawmakers who did not understand the implications determined their fate for them. I am a tireless advocate and mother of a child with special needs. It's not all sunshine and roses. I adore my son and I am happy for my choices – the choices I have made – but each choice has been a choice. I urge a "no" vote on this legislation to protect the very critical relationship between expectant parents and their doctors who are faced with life-altering decisions that can never quite be captured on the

House floor. These situations are highly personal, highly complicated, and have far-reaching effects beyond one diagnosis. Please vote 'no' on this legislation."

The SPEAKER. Representative Tarah Toohil.

Ms. TOOHIIL. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of this legislation. As many of you know, I am an adoptive mother, and my youngest son was just here recently and I do look at him often and I think of his biological mother, because if she had not made the difficult decisions that she made, I would not have him in my life, and he may not even be alive. There are times that I look at him and I think about the difficulties in his biological mother's life, where she had seven children, seven babies, and she could have chosen abortion, and instead chose a very difficult path to place her children or lose her children into foster care and adoption. And I think that my family and the other families of my son – of his siblings, his biological siblings – I know that all of us feel great thanks to her and the choices that she did make, the positive choices.

And I did want to address that the National Down Syndrome Adoption Network has a registry of families who are ready and want to adopt a child with Down syndrome. Children with Down syndrome are the most sought-after children when it comes to disabled children. There is a waiting list for those children; there is a waiting list. And I urge a "yes" vote. Thank you.

The SPEAKER. Representative Madden.

Ms. MADDEN. Thank you, Mr. Speaker.

I rise in opposition to HB 321. In the *Roe v. Wade* decision of 1973, Supreme Court Justice Blackmun wrote in the majority opinion that women have a 14th Amendment right to privacy. This enables them to make deeply personal decisions about their reproductive health. Justice Blackmun further stated that patchwork State laws do not supersede Federal laws. Nevertheless, it has not stopped lawmakers from drafting unconstitutional anti-choice bills.

Today we are faced with another such bill to further restrict a woman's constitutional right to privacy and the freedom to make decisions for herself in consultation with her family and doctor. HB 321 takes this a step further by penalizing women and health-care providers by threatening them with criminal prosecution. Let us be clear: HB 321 is not about protecting babies with Down syndrome. If it was, why is it not supported by disability rights groups? For example, the National Down Syndrome Society does not actively support this bill. That is because organizations such as NDSS are focusing their efforts on ensuring women and families receive the most accurate, up-to-date information about Down syndrome prior to having a prenatal test and after a prenatal test or postnatal diagnosis.

In the Indiana decision, nearly 30 parents of children with Down syndrome contributed to an amicus brief. They agreed that allowing pregnant women the chance to make this choice for themselves, after careful and informed deliberation, contributes to the creation of a family environment in which children with disabilities are most likely to thrive. To the contrary, the brief continued, Down syndrome bans disrespect the equal dignity of persons with disabilities.

In closing, Mr. Speaker, I would like to express my disappointment in the continued legislative attack on women's reproductive rights. Women are not chattel. We are not the property of any legislative body and we possess the intelligence and the empathy to make deeply personal decisions without the interference of 203 lawmakers. If as lawmakers we wish to be

helpful to persons with disabilities, we should focus on introducing bills that ensure people with disabilities in our communities are treated equitably, free from discrimination, and that they and their families have access to the services and the resources they need to lead productive and meaningful lives.

Thank you, Mr. Speaker.

The SPEAKER. Representative Rob Kauffman.

Mr. KAUFFMAN. Thank you, Mr. Speaker.

I have been in this chamber now – this is my 15th year, and I have never risen to speak on the issue of life. Not that it is not important to me; often there were just others carrying the banner. But as I get older – and it is hard for me to think of myself as an older dad – but I am a dad of four and my kids are getting older, and as my kids got older – I love kid energy. There is nothing like having a kid around, either in the house or wherever you are, and so I started working in the church nursery. They always need hands in the church nursery.

And so in the last 6 months, I have made a new friend, and her name is Brooke. And just to share a little bit about Brooke, probably almost 2 years ago, her mom and her dad, they were expecting. They were excited about the baby on the way and they shared with us, their church family, what at the time was a scary and maybe even what they would have considered at that time a little bit of a devastating diagnosis of Down syndrome; also the other issues that could go along with it, possible heart defects and other abnormalities that the testing had shown. But as they decided to carry to term – it was March 25 of 2018, Brooke was born. She was born, and yes, Brooke had problems. I do not consider an extra chromosome as being one of them, but her digestive tract was terribly messed up. Of course, there are heart issues, but she was born in one of the best hospitals in the Commonwealth of Pennsylvania, Penn State Hershey Medical Center. And I believe her pancreas was wrapped around her intestines. Her digestive tract was not in order to where she could actually eat. But through a lot of great medical care, Brooke – she came through lots of surgeries, and now I have to tell you that every time I am in the nursery, I do not think anyone in the nursery would hesitate to say that Brooke is Rob's favorite. I go to the window and, you know, grab her out of her parent's arms, and on Sunday I said to my co-nursery worker, I said, "I think Brooke is my therapy." There is nothing like the smile of a little one, and if I daresay, a little one with Down syndrome, to truly brighten a room. I look at her, you know, and I was feeding her her bottle, and I look at her and there is nothing but perfection that I see. She is a perfect image of her creator.

I felt very strongly that it was incumbent upon me to get up and tell Brooke's story. Brooke cannot tell it, but she tells it with her eyes, she tells it with her smile, she tells it with – I tell you, there is nothing like the hugs of a little one. She is a joy to all around her. She is a joy to her family. I got to be at her first birthday on March 25, and we got to celebrate. She celebrated just like every other 1-year-old. She dug into that cake like you would not believe. Her mom, every time she posts on social media, she uses the hashtag #theluckyfew, because that is how families with someone with Down syndrome, that is how they feel. They truly feel like they are the lucky ones because these young ones were brought into our lives I think to teach us how to love better, because they love better. The love that they share is unconditional, and I cannot imagine what this world would be like if we had many, many, many more Brookes. I know I would certainly feel better about this world. And so the fact that we would select to terminate young ones simply because they have

an extra chromosome is beyond my comprehension, because they are truly some of the most beautiful people in this world.

So for Brooke today, I will stand and I will proudly support HB 321. I thank the sponsor for her championship of this critical issue.

Thank you, Mr. Speaker.

The SPEAKER. Representative Pam DeLissio.

Ms. DeLISSIO. Thank you, Mr. Speaker.

A couple of thoughts. This is an extremely personal discussion to have among 202 of my closest colleagues. So thank you for your attention this afternoon.

A couple of questions. I am not looking to interrogate anybody. I am curious where some of the statistics come from that say 60 percent of pregnancies are terminated that have a Down syndrome diagnosis. I was googling around a little bit and could find no such statistic, so I would be curious about that. We had somebody mention about the rights of women, indicating that there are women in fact who would never consider having the need to, nor would they consider terminating a pregnancy. That is all well and good, but there are other women, who for reasons that we may never understand because we are not in their shoes, have to reach that decision, and I do not think anybody does that lightly.

So it is about choice, and for me, it is not about my own personal beliefs. I come to this chamber and bring with me my professional experience and expertise, my personal experience and expertise, but I do not bring, nor feel compelled to legislate on any given day, my personal beliefs, because my personal beliefs are not the beliefs necessarily of any of my 60-some thousand constituents, and I need to respect their individual beliefs. And when we debate legislation such as this – and we have done it since my very first year in 2011 and I have had the same and consistent thoughts – I can assure you that I have listened quite closely over the years to try to see and understand if any of this information that you have shared with me has impacted me any differently.

I think our colleague from Chester County made the point very, very clearly and very strongly: that nobody who is in a particular situation should be making a decision for somebody else, because these decisions are extremely personal. They are extremely nuanced and they are extremely individualized, and I thank her for sharing that story so that we may better understand the realities that are out there.

And for the colleague who shared the amount of dollars that the State has in fact appropriated over time for our citizens who have intellectual disabilities, those are big numbers. Those numbers are in the billions year after year. But what is clear is, those dollars are insufficient to do the job that is needed to be done. If those dollars were sufficient, nobody would be talking about a waiting list with north of 10,000 people on that list, and some of those people, 3,000 or 4,000 of them are on an emergency waiting list and still cannot get service. So where we have chipped away at it in the last few years, serving an additional 1,000 people, we are adding about the same amount of people year after year. So it is a lot of money that we have spent, but the dollars have not been sufficient.

I also would like to read, since we have so many new members – north of 40 new members – that in 2014, as was mentioned, Chloe's act was passed – Chloe's Law, I should say. And the legislature – it was called the Down Syndrome Prenatal

Education Act, also known as Chloe's Law – that act endeavored to inform a woman and her family who had recently gotten a diagnosis of Down syndrome about the options, the resources, hotline numbers, support groups. It was meant to provide information so that a woman, and whoever else was involved in that decision, could make an informed decision. Here we are 5 years later and we are saying to that woman, and whoever also needs to make that decision with her, that regardless of how informed she is, we, the General Assembly, do not trust that she will make the correct decision. We in fact now are saying, unless you reach a particular outcome, unless you make a particular decision to continue the pregnancy, we do not agree with that decision, and that in fact we are about to make that decision for you.

Mr. Speaker, I cannot make that decision for any other woman. I refuse to make that decision for any other woman. I will be a "no" vote on HB 321.

The SPEAKER. Representative Lynda Culver.

Ms. CULVER. Thank you, Mr. Speaker.

I do not often speak on the House floor, but one of the things I am going to read to you today was in the – it was a full-page advertisement, actually, in the New York Times during the Democratic Convention in July 1992, when then Governor Robert P. Casey was not permitted to speak at the Democratic Convention. A little history, though. My mentor and my predecessor was very close with Governor Casey and had a lot of great respect for him, and this is a document that he had kept in our office and often referenced because of his great respect. So I am only going to read – not the whole thing, if anyone has seen it, or I would keep you here for about an hour – I am only going to read an excerpt from it, and the excerpt I am reading is "Without a Doubt, a Human Life."

"Those who approve of our current abortion regime sometimes claim that the child in the womb is simply an undifferentiated mass of tissue, an appendage to a woman's body. But modern embryology and fetology exploded such pseudoscience long before *Roe*. Today, the sonogram has given us a veritable window into the womb and has enabled us to observe, in detail, the complex life of the child prior to birth.

"From the beginning, each human embryo has its own unique genetic identity. Three and a half weeks after conception, its heart starts beating. At six weeks, brain activity can be detected. At the end of two months the limbs, fingers, and toes are complete. By three months, the baby is quite active, forming fists, bending arms, and curling toes. At four months, vocal cords, eye lashes, teeth buds, fingernails, and toenails are all present. By five months, the baby is sucking its thumb, punching, kicking, and going through the motions of crying. By six months, it responds to light and sound and can recognize its mother's voice."

And they end their letter to the New York Times by saying, "We can choose to reaffirm our respect for human life. We can choose to extend once again the mantle of protection to all members of the human family, including the unborn. We can choose to provide effective care of mothers and children." Signed by many others, but Robert P. Casey, Governor, Commonwealth of Pennsylvania; Hugh Carey, former Governor of the State of New York; and the founders of the Special Olympics, Eunice Kennedy Shriver and Sargent Shriver.

Mr. Speaker, there are no guarantees in life. We all are given special talents, we all have our own gifts, and we all make a mark on this world. But regardless of how much time we are given here

on this earth and what our challenges are or are not, we all deserve the moment in time, or whatever time is given to us, to make our mark in this world.

Thank you, Mr. Speaker.

The SPEAKER. Representative Krueger.

Ms. KRUEGER. Thank you, Mr. Speaker.

I join my colleagues to rise in opposition to this bill. Last week on the House floor we attempted to amend this bill to provide real support for families who have a child with Down syndrome. My colleague from Allegheny County attempted to delay the implementation of this bill until the Department of Human Services implements a Medicaid home- and community-based services waiver to serve all eligible individuals with Down syndrome. Right now there are over 13,000 people on the waiting list, and they are still waiting.

Then I attempted to amend it to provide prenatal and postnatal care for women carrying individuals with Down syndrome, but both of those amendments were ruled out of order and not permitted a vote on the floor. This proves that this bill is not about protecting people with intellectual disabilities or special needs or Down syndrome. If it was, those amendments would have been permitted a vote and passed to ensure that families with special needs kids have the resources they need. This bill is just another unconstitutional abortion ban from the same legislators who attempt to roll back the right to a safe, legal abortion every single legislative session.

A short while ago the Appropriations Committee voted on the fiscal note for this bill. The summary of the fiscal note that we voted on today reads that this bill will, quote, "...further provide for the prohibition of abortions under certain circumstances," end quote. The purpose of this bill is made clear in the fiscal note: to prohibit abortion.

This bill is an abortion ban, plain and simple. A ban is a ban is a ban. It is unconstitutional and I ask my colleagues to oppose this bill.

Thank you, Mr. Speaker.

The SPEAKER. Representative Russ Diamond.

Mr. DIAMOND. Thank you, Mr. Speaker.

I rise in favor of HB 321, and I wanted to share the story of my father's sister, my only aunt, Shirley Jean Diamond, who just weeks ago passed away at the ripe old age of 82.

Shirley suffered from mental and physical disabilities all her life and was cared for by my grandmother until she passed away. Because medical science was not as advanced back in 1936 when she was born, no one was ever really sure what exactly caused those disabilities, but it is quite likely that Down syndrome was one of her issues. Frankly, we never much cared to pinpoint any sort of real diagnosis; by the time I was born and throughout my life, she was simply Aunt Shirley.

Despite her disabilities, Shirley was an absolute blessing to our entire family. She taught us the meaning of unconditional love and unmitigated joy. Her love of laughter and all things good and innocent was unrivaled. In her earlier days she amassed boxes of View-Master slides that would be the envy of any collector today. When she could not do that anymore because of her physical limitations, she took to assessing greeting cards. And then when technology finally advanced, she returned to her love of beautiful pictures and began amassing yet another library on a portable tablet that I bought for her. The last 32 years of her life were spent as a resident of Cedar Haven, which originally was our county-owned nursing facility. During those years she enjoyed attending church and participating in activities to the best

of her ability. She absolutely loved parties and holidays and gifts and getting cards and being visited by family and friends. She was also a stickler for routine. If you messed with her routine, she would get very, very upset.

Shirley loved to sing. We would always sing with her when we visited. We sang the classics. We sang "Jesus Loves Me," "Jesus Loves the Little Children," and her all-time favorite – and now mine – "You Are My Sunshine." She sang with uninhibited glee and unabashed volume. She taught us the meaning of pure joy. In her last days she surprised me and my fiancée with joyful renditions of "She Loves You" by the Beatles, and "In the Jailhouse Now."

At my father's funeral in 2015, we were able to spring Shirley from the nursing home, with an attendant, so she could pay her respects. When my younger sister's turn came to speak at the service, Shirley was keenly attuned to her anxiety. She told her, as she got up to speak, "Be brave, Lisa." Shirley showed us what compassion and caring really were.

She reminded us that she prayed for us, and asked that we pray for her. Her favorite way of saying goodbye after a visit was to exclaim, "I love you, honey!" and of course, I always answered by saying, "I love you too, Shirley."

At 82, she lived much longer than anyone expected, but she peacefully left us in the wee hours of March 30 of this year into the loving arms of her Lord and savior, and she always talked about Jesus. She most certainly now is running, dancing, sitting on the beach, and doing all the other things she dreamed and talked about here on earth, in the company of her mother, her brother – my father – and all the friends and loved ones who arrived in heaven first to make it ready for her.

Mr. Speaker, those of us who have family members with special needs know exactly what a particular blessing it can be. Shirley Diamond was not just my aunt; she was one of my best teachers. But most importantly, Mr. Speaker, she was a human being. She was a person endowed by the creator with the infeasible right to life, just like all other human beings, born and unborn.

I ask, from the very core of my being, Mr. Speaker, for an affirmative vote on HB 321, to protect the lives of those like Shirley Diamond, who play such an important role in our society's overall well-being.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. Representative Bernstine, I understand you want to submit remarks for the record. Those will be accepted.

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

Mr. Speaker, the bill before us today is disability rights legislation.

Mr. Speaker, this bill is about protecting a specific class of people that is being targeted here in Pennsylvania and elsewhere around the world for extermination. It is abhorrent that countries like Iceland have celebrated "curing" Down syndrome, when their cure is nothing less than the murder of a specific class of people, a class of people identified in the womb by a prenatal test and then executed through abortion.

"Failing" a prenatal test should not equal a death sentence. Right now it is Down syndrome, but what if scientists develop a test to determine ADHD, depression, baldness, diabetes, cancer, or any other characteristic society deems to be undesirable? Do we abort those children too? This is nothing more than a disgusting form of genetic engineering.

Pennsylvania is already home to Chloe's Law – named after Chloe Kondrich, who has Down syndrome. The law provides resources and support to parents who learn that their unborn children may have Down syndrome.

Instead of selectively terminating pregnancies as a result of a Down syndrome diagnosis, we should be celebrating the lives of all children, including those with Down syndrome. People with Down syndrome are members of the community in which they live, and they, along with their families, share their gifts and make positive contributions in our society every day. The accomplishments and successes of adults with Down syndrome send a clear message of hope to children also living with Down syndrome.

Mr. Speaker, people diagnosed with a disability have a life worth living. Let us support the most vulnerable among us.

The SPEAKER. Representative Mary Isaacson.

Mrs. ISAACSON. Thank you, Mr. Speaker.

I rise in opposition to this bill. This bill is an attempt to deny access to abortion under the guise of disability justice, and I stand against that. Not only does this bill decrease Pennsylvania's access to critical reproductive health care, it does nothing to make Pennsylvania a better place for people with Down syndrome. In fact, there are over 13,000 individuals in Pennsylvania on a waiting list for intellectual and developmental disability services because special education is so underfunded. Medical professionals strongly oppose this bill, recognizing that these reason-ban bills represent interference with their ability to have an open, honest conversation between doctors and patients.

We as legislators need to stop trying to dictate our views and stay out of decisions that should be made between a woman, her family, and her doctor. Thank you.

The SPEAKER. My understanding is that all other members have waived off.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. Representative Frank Ryan wants to submit remarks for the record.

Representative Ryan, those will be accepted.

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

When I was in grade school, I walked to class with a classmate named Ann Sutton. Ann had Down syndrome. On the way to class one day in 1964 – I remember that day so well – some children were picking on her because of Down's. Ann looked at me with such compassion and told me that she understood if I did not want to walk with her anymore. Instead I told Ann that I considered her my dear friend and hoped she wanted to still walk with me because I was such a geekish kid. Ann taught me more that day than you can imagine. Her compassion and kindness led me to work most of my adult life with children with disabilities. She was a major factor in why I walked across the United States for children with disabilities in 2014. I am honored to call Ann my friend.

In 1928 Gerber baby foods conducted a nationwide contest to select the baby who would be the face of their infant food products. Drawn by artist Dorothy Hope Smith in 1928, the Gerber baby was modeled after Ann Turner Cook. Each year since 2012, Gerber has conducted a nationwide contest/search for an additional baby to feature. Last year, out of 140,000 submissions, Gerber chose a beautiful 2-year-old child named Lucas. Lucas has Down syndrome.

It is a good thing for Lucas that his parents did not live in a country such as Denmark or Iceland. Iceland began offering prenatal screening tests in 2000 that include looking for any deformity in the fetus. Since that test became available, close to 100 percent of women who received

a positive test for Down syndrome terminated their pregnancy. You see, according to the law in Iceland, abortions are permitted after 16 weeks solely if the fetus has a deformity, which includes Down syndrome.

Even being from the United States, Lucas is lucky to be alive. The United States has an estimated abortion rate of 67 percent to 85 percent for unborn children detected to have Down syndrome. Italy, Germany, France, Switzerland, England, and Belgium all have rates exceeding 90 percent. This is even more heart-wrenching when we know that many people born with Down syndrome can live full, healthy lives, with an average lifespan of around 60 years. According to the Centers for Disease Control and Prevention, 93 percent of American babies born with Down syndrome live to their first birthday, and 88 percent live to their twenties.

This is why I am a cosponsor of Representative Kate Klunk's (R-York) HB 321, legislation to protect vulnerable babies still in the womb from this sickening practice of moving our nation in the direction of abortion on demand for any reason at all, at any time during a pregnancy. Nothing in Klunk's bill would interfere with the existing ability of a woman to obtain an abortion in cases of rape, incest, or endangerment to the mother, which are contained in different sections of the Abortion Control Act, the current PA law.

Under current Pennsylvania law, an abortion can be performed prior to 24 weeks gestational age for any reason if a doctor deems it is necessary, except if the woman's sole reason is to select the sex of the child. Klunk's bill would simply expand this protection to prohibit aborting the child solely due to a prenatal diagnosis that the unborn baby has Down syndrome.

REMARKS SUBMITTED FOR THE RECORD

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

This legislation hits a personal note with me. The first person I thought of when I saw the cosponsorship memo was my cousin from Ridgefield, CT, who has Down syndrome. More than five decades ago, my first cousin had her seventh child, a girl. They named her Angel, as they viewed her as a gift from God.

So-called professionals insisted Angel should be placed in an institution, as her care would be unmanageable; however, her mom, dad, and six siblings insisted that this was their daughter/sister and she would be raised in their home.

When Angel started school, she insisted that she was not an angel and wanted to be called by her birth-given name, Grace. She continues to lead a very productive life and will be 53 on October 4.

Her 6 siblings, as well as her 12 nieces and nephews and 7 great-nieces and nephews refer to her as "Granny Grace." All family members say she is the glue of the family whom everyone rallies behind. Anyone who knows Grace will tell you she is the sweetest, kindest, most gentle, caring, and loving individual. The extra gene that my colleagues have been talking about might just be a love gene.

When I push that green button to vote on HB 321, I will be thinking of Granny Grace and all those special individuals like Grace who deserve to live.

The SPEAKER. Representative Mullery.

Mr. MULLERY. Thank you, Mr. Speaker.

Mr. Speaker, my concern with HB 321 is more practical. I am having difficulty foreseeing how a violation of this proposed law ever finds its way to a county district attorney's office or the Attorney General's Office. None of the 12 items listed in section 3214 of the Abortion Control Act reference the woman's reason for her desire to have an abortion. So I cannot see any instance where the mandatory reporting, under the Abortion Control Act, would lead to a potential prosecution. That to me then leaves the prospect of a referral coming from someone in the physician's

office. In Pennsylvania, health-care practitioners have a legal and ethical duty to keep medical information private. Physicians, nurses, hospitals, clinics, insurance carriers, and everyone involved in the delivery of health care are required by law and professional code to practice confidentiality. Confidentiality is a clear ethical obligation of health-care providers. According to the AMA (American Medical Association), a physician shall respect the rights of patients and shall safeguard confidences and privacy.

Confidentiality is an ethical and moral mandate of respect for human dignity and individual rights. My simple understanding of that is that the patient-physician privilege tells me that no one in the room would then make a referral to the D.A. or the AG. If that is the case, then who? I can only conclude there will be no referrals for prosecution, just as is the case with decisions alleged to be made based solely on the sex of the fetus.

So if the goal of this legislation is to reduce abortions in the Commonwealth, I find the bill disingenuous and I would urge a "no" vote.

Thank you, Mr. Speaker.

The SPEAKER. Are there any other members that wish to speak for the first time? I see that Representative Frankel wishes to speak for, essentially, the third time on the motion of constitutionality, then on the remarks, and now for the third time.

Representative Frankel, for the third time.

Mr. FRANKEL. Thank you, Mr. Speaker. I will not belabor it.

First of all, I do want – at this point, I think everybody in the chamber has at least by e-mail been sent a copy of the LRB's legal opinion, and I want to submit the entire document for the record. And just let me read the conclusion one more time. "A state may not prohibit or unduly burden a woman's right to obtain an abortion prior to fetal viability. House Bill 321, Printer's No. 1404 (2019), unconstitutionally prohibits a woman from obtaining an abortion prior to an unborn child reaching viability."

This is crystal clear. It is unambiguous.

So we all have strong opinions on this issue. This is not something that we as a legislature should be doing when it is clearly unconstitutional. Sticking ourselves in the middle of that relationship, a sacred relationship between a health-care provider and a patient, is not something we should be doing here. We have been doing it routinely over the course of my career here. This is a wrong approach and it flies in the face of the Constitution, and our own Legislative Reference Bureau agrees. This is unconstitutional.

Do your duty: vote "no." Thank you.

LEGAL OPINION SUBMITTED FOR THE RECORD

Mr. FRANKEL submitted a legal opinion for the Legislative Journal.

(For legal opinion, see Appendix.)

The SPEAKER. Does the prime sponsor wish to speak? No, waives off.

The majority leader.

The majority leader will be our final speaker on the bill.

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, I think it is important to review some important components of the debate that we had here today. Little did I think that I would be quoting former President Bill Clinton, but I think it is important. He once said that he wanted abortion to be "safe, legal, and rare." But unfortunately in today's debate, the word "rare" has been dropped and only focused on safe and legal.

Any time that we debate an emotional issue such as this, I think it is also important to revisit the facts. Mr. Speaker, I understand that this is a deeply personal issue for each and every person here and every constituent that we represent. I can share my own story and I will be happy to do so privately. When my wife and I chose not to pursue the testing, because for us it did not make a difference, but when we later visited the doctor's office and we were told that we may have lost our first child – which, thankfully, we did not – it was definitely the emotional roller coaster that some have decided here. We, thankfully, had a series of tests that showed that my now 16-year-old daughter was okay and would ultimately be born healthy.

Mr. Speaker, the facts of this debate – and I think that there are several that have been misinterpreted and misrepresented and I think it is important to correct the record. The reference was made to North Dakota abortion clinics; for the information of the members, those services are in fact provided by the Red River Women's care center.

Roe v. Wade, which was, I understand, the publicly recognized, legally binding opinion that is often recognized and referenced any time that there is a discussion about abortion. Simply selectively quoting from *Roe v. Wade* specific to the second trimester abortion requirements, those were later overturned by *Planned Parenthood v. Casey* and the *Carhart* decisions by the United States Supreme Court. While that was the first case, that is not the final and binding authority when you review the rest of the constitutional case law, and to inaccurately misrepresent selective quotes from that I think is a fundamental disservice.

There was also a reference regarding the criminality and the charges that were referenced. I will once again remind members that that specific provision has been previously upheld by that same Supreme Court.

Mr. Speaker, I do not want to confuse the issues of confidentiality, because I think it is important. Confidentiality is absolutely important between a patient and a doctor. However, our current Abortion Control Act – again, which has been constitutionally affirmed by the United States Supreme Court – already collects the information that the good gentleman was referencing.

And lastly, Mr. Speaker, for those who received the e-mail, as I did, regarding the LRB opinion, there are two points. One, I would encourage you to read the top of the opinion where they say that it is merely advisory, and quoting from the very top, "...does not issue...binding legal opinions."

Mr. Speaker, just as we can debate the meaning of different cases here today, what we cannot disagree with are the facts, the facts that have been outlined. And for those who are concerned that we have not done enough because amendments were ruled out of order, Mr. Speaker, I would simply point to the other legislative accomplishments that we have undertaken. Specific to education funding, which was referenced, it has been increased – special education funding, early intervention funding. In fact, Mr. Speaker, since 2010-11, these services, among many others

directed to this population, have increased by \$978 million. Additionally, Mr. Speaker, the gentleman from the Lehigh Valley area instituted a request for a maternal death study, which one of the prior speakers talked about. That study is currently being conducted.

We have worked in a bipartisan way to pass bills that ultimately became law, that increased opportunities for those with disabilities for employment and protections. We have supported changes to the foster-care and the adoptive-care areas. We passed a bill regarding perinatal care. And we have increased and strengthened the family-nurse partnerships in our budget that provide for maternal visits.

Mr. Speaker, I think when you look at all of those bills that were appropriately enacted, appropriately voted, to try to hang your legislative hat on an amendment that was ruled out of order is simply not accurate. We have worked in a bipartisan way to have other successes. I am confident that we will do so on other issues as well, even as we head into this budget cycle.

But, Mr. Speaker, for me and many of the constituents that I represent, this bill is about protecting those with Down syndrome. It is consistent with existing case law that already exists regarding sex selection, and, Mr. Speaker, it is about protecting innocent life. I urge a "yes" vote.

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—117

Barrar	Gillen	Longietti	Readshaw
Benninghoff	Gillespie	Mackenzie	Reese
Bernstine	Gleim	Mako	Rigby
Boback	Goodman	Maloney	Roae
Borowicz	Gregory	Markosek	Rothman
Brooks	Greiner	Marshall	Ryan
Brown	Grove	Masser	Sainato
Burns	Hahn	Matzie	Saylor
Causar	Heffley	Mehaffie	Schemel
Cook	Helm	Mentzer	Schmitt
Cox	Hennessey	Metcalfe	Schroeder
Culver	Hershey	Metzgar	Simmons
Cutler	Hickernell	Mihalek	Snyder
Day	Irvin	Millard	Sonney
Delozier	James	Miller, B.	Staats
DeLuca	Jones	Mizgorski	Struzzi
Diamond	Jozwiak	Moul	Tobash
DiGiroalamo	Kail	Murt	Toepel
Dowling	Kaufer	Nelson	Toohil
Driscoll	Kauffman	O'Neal	Topper
Dunbar	Keefer	Oberlander	Walsh
Dush	Keller, F.	Ortitay	Warner
Ecker	Keller, M.K.	Owlett	Wentling
Emrick	Klunk	Peifer	Wheeland
Everett	Knowles	Petrarca	White
Fee	Kortz	Pickett	Zimmerman
Fritz	Kosierowski	Puskaric	
Gabler	Kulik	Pyle	Turzai,
Galloway	Lawrence	Rader	Speaker
Gaydos	Lewis	Rapp	

NAYS—76

Bizzarro	Dermody	Kirkland	Samuelson
Boyle	Evans	Krueger	Sanchez
Bradford	Farry	Lee	Sappay
Briggs	Fiedler	Madden	Schlossberg
Bullock	Fitzgerald	Malagari	Schweyer
Burgos	Flynn	McCarter	Shusterman
Caltagirone	Frankel	McNeill	Sims
Carroll	Freeman	Merski	Solomon
Cephas	Gainey	Miller, D.	Stephens
Ciresi	Hanbidge	Mullery	Sturla
Comitta	Harkins	Mullins	Thomas
Daley	Harris	Neilson	Ullman
Davidson	Hohenstein	O'Mara	Vitali
Davis, A.	Howard	Otten	Warren
Davis, T.	Innamorato	Pashinski	Webster
Dawkins	Isaacson	Polinchock	Wheatley
Deasy	Kenyatta	Rabb	Williams
DeLissio	Kim	Ravenstahl	Youngblood
Delloso	Kinsey	Roebuck	Zabel

NOT VOTING—1

Quinn

EXCUSED—8

Conklin	Donatucci	McClinton	Rozzi
Cruz	Harrell	Nesbit	Sankey

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.

VOTE CORRECTION

The SPEAKER. Representative Quinn.
Mr. QUINN. Mr. Speaker, my button malfunctioned. I meant to be recorded in the affirmative.
The SPEAKER. Thank you.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 827, PN 928**, entitled:

An Act designating certain activity by the Delaware River Basin Commission as the exercise of the power of eminent domain that entitles the owners of the property in question to appropriate and just compensation.

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

(Bill analysis was read.)

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?

I have received from the Democratic leader that these individuals would like to speak on HB 827. They include – and I am just going to go in the order, and then if there are any from the other side, I will go back and forth as I do – Representative Malagari, Representative Fiedler, Representative Isaacson, Representative Freeman, Representative Ullman, Representative Krueger, and Representative Vitali. I know that we have Representative Fritz, in particular, and I will lead off with Representative Fritz as the prime sponsor of the bill.

The Chair calls upon Representative Jonathan Fritz, on HB 827.

Mr. FRITZ. Thank you, Mr. Speaker.

Mr. Speaker, since 2008 when the Delaware River Basin Commission opted to assert themselves in the regulatory process involving extraction of natural resources in Wayne County, since then my constituents – taxpaying, hardworking property owners – have been waiting for action, waiting for relief, waiting for acknowledgement. It has been that long, Mr. Speaker, that a political paralysis has plagued the Delaware River Basin Commission.

For 10 years my constituents were fed a false and misleading narrative. From 2008 until 2017, that false narrative was, we are working on it. We are working on draft regulations. Sit tight, stay tuned, draft regulations are forthcoming. And to that point, Mr. Speaker, we so often here in Harrisburg discuss the protracted timeline in getting permits approved. Well, imagine, just imagine waiting for a permit since 2008. After 10 years, you may develop a strong inclination that no permit is forthcoming. Residents in the Commonwealth of Pennsylvania assuredly deserve timely action from a government agency. A 10-year paralysis is simply unfathomable. My taxpaying residents deserve better than that.

But, Mr. Speaker, in 2017 the Delaware River Basin Commission brought forth a plan to formally prohibit development of natural gas in Wayne County and neighboring counties. Again with the message: sit tight, stay tuned, details forthcoming. That very holding pattern continues. It is now 2019. The ban, or moratorium, ongoing since 2008 has caused real harm, real harm to my constituents. The reality is such: a farmer in Wayne County can drive to his neighboring farmers property in Susquehanna County, the adjoining county, and see the prosperity and economic benefit that the neighbor farmer has been able to realize. Two neighbors, same terrain, same natural resource underfoot. One, one of them can extract and sell it; one cannot. This very reality, Mr. Speaker, has created winners and losers. It has rendered my constituents second-class citizens.

Furthermore, townships in neighboring Susquehanna County have been able to realize substantial, substantial financial benefit by way of Act 13 funds. Because of the moratorium and ban, my Wayne County townships are not able to realize any Act 13 moneys. That tax relief, that income that translates into better roads, upgraded infrastructure, new buildings, saw sheds, new machinery, etc., my Wayne County townships unfairly go without. What I have described for you, what residents in my district endure, is pure injustice.

Mr. Speaker, HB 827 is about property rights. Landowners that are impacted by a ban or moratorium deserve to be compensated in the same manner that any other landowner would be compensated if their property were taken. If the Delaware River Basin Commission is going to prevent a landowner from using his or her property, they must pay for that taking.

Mr. Speaker, I kindly urge to think about the precedent that will be set if we allow an agency to get away with this taking. What is next, a ban on bluestone harvesting? A ban on red shale removal? Think about the value of all the underfoot aggregates and resources. If we allow this precedent, the value, the benefit, along with those resources owned, owned by the property owner, are trapped, locked in the ground with no compensation to the landowner. That would be a travesty.

I respectfully urge a "yes" vote on HB 827. Thank you.

The SPEAKER. Representative Vitali has requested to go first, and the leader has asked, the Democratic leader has asked if we could accommodate that.

So, Representative Vitali, you will be the first on the opposition side. You may proceed.

Mr. VITALI. Thank you, Mr. Speaker.

I stand in opposition to HB 827. The clear intent of this bill is to allow fracking in the Delaware River Basin and that is simply a bad idea.

The Delaware River in 1968 was designated by President Johnson a "wild and scenic river," and parts of it have special protection waters, a high class of water. Moreover, this river provides drinking water to 15 million citizens of this country. It should be clear that the proposed ban of the Delaware River Basin Commission only applies to one drilling technique: hydrofracturing. It is not a ban, a proposed ban on anything more than that. And they are proposing that ban because hydrofracturing has some important risks to the river, damage to this water resource. Fracking industrializes communities. I visited many communities where fracking occurs. It turns pristine areas into construction sites. Mr. Speaker, this technique of fracturing also damages fragile ecosystems.

I must also say that not only with regard to my constituents, but the majority of people in the river basin oppose fracking in this river basin.

I also might add, with regard to the value of gas in the basin, it is speculative at best. In fact, there are portions of the six counties mentioned in this bill that are not in the river basin, not subject to these regs, and no drilling is occurring. Even though there is no prohibition, no drilling is occurring.

Mr. Speaker, this bill is opposed by numerous groups, and I will list some of them. The Wolf administration opposes it, and they point out that "...the prime sponsor estimates that this bill would cost, at a minimum, \$10 billion." So we are talking about a \$10 billion cost if this should find its way into law. And \$10 billion with a "b" – billion with a "b" – and Pennsylvania would be responsible for 25 percent of that.

This bill is also opposed by the Delaware River Basin Commission. They state in their May 7 letter, the bill "constitute an unconstitutional 'special law' under Article III, section 32 of the Pennsylvania Constitution," citing "...the bill improperly applies to just six Pennsylvania counties," not the State as a whole. The Delaware River Basin Commission also points out that this bill "violate the U.S. Constitution by, ostensibly, placing obligations on a federal-interstate compact agency established and empowered by the U.S. Congress, and thereby interfering with its mission." So the State of Pennsylvania unilaterally is attempting to interfere with a multistate and Federal compact.

This is also opposed by the Delaware River Basin Commission. It states that HB 827— I am sorry. This is opposed by the Delaware Riverkeeper Network in a letter dated May 6: "HB 827 would violate the separation of powers doctrine, as it is

the role of the courts, not the legislature, to determine whether a regulation constitutes a taking."

It is also opposed by PennFuture, who urges a "no" vote. According to their letter of May 3, "...HB 827 is detrimental in its overbreadth and suffers from numerous logical and legal..." attacks.

It is also opposed by the Sierra Club, Conservation Voters of Pennsylvania, PennEnvironment, and Clean Water Action, stating "...a bill that seeks to weaken the Delaware River Basin Commission's...sovereign authority to protect" the waters of "the Delaware River..."

For all these reasons I would urge my colleagues to vote "no" on this legislation. Thank you.

The SPEAKER. Representative Cris Dush.

Mr. DUSH. Thank you, Mr. Speaker.

I want to bring up a couple of things on the constitutionality of this. First of all, Article I, section 1, of the Pennsylvania Constitution states that "All men are born equally free and independent, and have certain inherent and inalienable rights..." Among these are of acquiring and possessing and protecting property.

Now, property owners include the people who own those mineral rights. Those people or their ancestors paid the Commonwealth of Pennsylvania, and as a result, the Commonwealth of Pennsylvania relinquished those rights to those property owners. That natural gas is the property of the people who own the rights. Article I, section 10, "...nor shall private property be taken or applied to public use, without authority of law and without just compensation being first made or secured."

Now, regardless of the Article III, section 32, provisions, first principle dictates the fact that Article I supersedes, and especially Article I, section 1. These people or their ancestors have paid for this. It is their property. When a government agency decides to come in and arbitrarily, arbitrarily decide that they are going to seize that property – even if they do not do it arbitrarily, if it is for a purpose – the Constitution demands that just compensation be made.

So going to the Article III, section 32, argument, I am only going to make one thing – you got me off track – the Delaware River Basin Commission only is exercising the force of government in those counties; that is why when a government arm only has jurisdiction over those certain positions, it is just like any political subdivision. This law has the ability just like a city of the first class. We have the constitutional authority and the responsibility to protect the Article I rights of the citizens.

Thank you, Mr. Speaker.

The SPEAKER. Representative Malagari.

Members, I know, even though this is not like the old late hours, but we are past, certainly, the beginning of the dinner hour, and I know folks are somewhat, you know, restless, but I would ask if everybody could please take their seats. Everybody is entitled to be heard. So I am going to ask all members to take their seats. If you do need to step off the House floor for your conversations, that is perfectly appropriate. We have about eight speakers on this legislation. I will certainly make it clear when we are taking the vote so that you can come back onto the House floor. But if you wish to have a conversation, please take it off the House floor. Everybody is entitled to be heard. Please take your seats or a seat near you. If you have a conversation, you will be fine. I will call when the vote is going to occur so you will

have time to get on the floor. Members in the back, please take the seats, or if you have to have the conversation, just please take the conversation off the floor. Staff, please, there are chairs in the back left-hand corner, my left-hand corner that you can sit in as well. Members, please take your seats.

Representative Malagari, you may proceed.

Mr. MALAGARI. Thank you, Mr. Speaker.

Mr. Speaker, I rise today in strong opposition to HB 827.

The Delaware River Basin Commission has helped provide clean drinking water to over 13 million people. When I heard this bill was running, I reached out to some of my friends that work in water authorities to see if they had any concerns. They unequivocally agreed that this bill would be a massive threat to water for our families and a massive threat to us for use every day.

Mr. Speaker, the way I see it, this bill gives the DRBC two choices: One, lift the moratorium of hydraulic fracking in the Delaware River Basin, or go bankrupt. In both scenarios, our drinking water and communities are put at risk, and we should not want any part of this.

For the 13 million people living in the Delaware River Basin and the 5 1/2 million Pennsylvanians living in the basin and the more than 60,000 people I represent in Montgomery County, I urge my colleagues to vote "no" and defeat this very dangerous bill.

I urge a "no" vote on HB 827. Thank you, Mr. Speaker.

The SPEAKER. Representative Fiedler.

Ms. FIEDLER. Thank you, Mr. Speaker.

I will keep my remarks brief, but I think that this is an important issue.

The DRBC's draft ban on fracking in the basin is in line with its mandate to protect water quality. This legislation would put our citizens' health at risk for the financial profit of a few. The Commonwealth's actions through the commission have been transformative for the region, resulting, as my colleagues have said, in a cleaner and more sustainable supply of water for over 13 million people, including 5 1/2 million Pennsylvanians. The regulations aim to ban one method of natural gas extraction which the commission has concluded poses too much of a risk to water quality within the basin. The quality of our water is not something we should take lightly.

I urge my colleagues to vote "no." Thank you, Mr. Speaker.

The SPEAKER. Representative Garth Everett.

Mr. EVERETT. Thank you, Mr. Speaker.

I rise in support of HB 827. The DRBC is a multistate commission, as you are aware, of Delaware, New Jersey, New York, and Pennsylvania. So what we have here are three States overriding the property rights of the citizens of Pennsylvania and robbing them of the opportunity to develop their land and usurping their property rights. That is all we are dealing with here. We are not dealing with fracking. We are not dealing with whether there is going to be fracking in the Delaware Basin. We are dealing with an unelected group of officials from other States making a political statement and thereby taking away the property rights of the citizens of Pennsylvania. This bill only seeks to restore and remunerate those citizens of Pennsylvania for those property rights that have been unfairly taken from them. That is all this bill is about.

And I urge that you keep that in mind, and take all this, that there is going to be fracking in the Delaware Basin – that is not what is going to happen. It is going to allow the citizens of

Pennsylvania to be remunerated for the rights that have been unfairly and unjustly – and maybe unconstitutionally – taken away from them.

Thank you, Mr. Speaker.

The SPEAKER. Representative Mary Isaacson.

Mrs. ISAACSON. Thank you, Mr. Speaker.

I rise in opposition to this bill. And I appreciate my colleague from the north trying to look out for the rights of his citizens, but the rights of my citizens are also affected, as I am the Representative for the central Delaware River waterfront in Philadelphia.

And with all the good work that the Delaware River Basin Commission does in making and ensuring our clean water, I have to disagree with the last speaker on his comments, because during our committee hearing process, it was stated that the effect of this bill was to hopefully get the moratorium on fracking lifted so that my colleague's constituents could enjoy the royalties of fracking in the lands that they own.

And unfortunately, if we do have this moratorium go through as it was said in committee by the maker of the bill, that this has a price tag of approximately \$13 billion, and the Commonwealth of Pennsylvania is on the hook for a quarter of that as one of the four States responsible for it. So I urge a "no" vote. Thank you.

The SPEAKER. Representative Bob Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, as the Democratic chairman of the House Local Government Committee, I am very concerned about the precedent that we would be setting if HB 827 were to be enacted into law, a precedent that could spill over into the police powers that are used by local governments on behalf of the better welfare of their community, and police powers that in a sense are affected by regulatory agencies such as the Delaware River Basin Commission. I am concerned that the precedent that would be set would undermine their abilities to carry out their mission pertaining to certain land use decisions that impact the public health, safety, and welfare.

Mr. Speaker, the General Assembly, through the Municipalities Planning Code, has given local governments in this State the power and authority to regulate land use through zoning ordinances and subdivision ordinances. And by their nature, these ordinances restrict uses and activities on people's property. If you were to live in a location that is zoned residential, it would be expected that there would be a long list in that zoning ordinance of what is permitted and what is prohibited in land use activities. You can build a house in a residential zone in accordance with that zoning requirement, but you would be prohibited from constructing a landfill or heavy industry that would not be compatible in that residential zone.

Property owners may not be entitled to what they would consider the highest and best use of their land under existing zoning, and yet the courts have established that zoning is constitutional as far back as 1926. In the Supreme Court case of *Euclid v. Ambler Realty*, they acknowledge that zoning is a valid use of police powers if the ordinance is not arbitrary or discriminatory and is related to a community's health, safety, and welfare. That is exactly what the DRBC is doing here, regulating land use to protect the health and safety of residents of the watershed and safeguarding our most valuable life-sustaining resource: drinkable water.

Mr. Speaker, if we start legislating that certain land use regulations are a taking that require compensation, we are heading down a very costly and dangerous path for local governments and those regulatory agencies such as the DRBC. With this legislation, we could very well bankrupt the DRBC, as one estimated cost is they might have to provide compensation of upwards of \$10 billion, and in the future, this could affect local governments and how they regulate land uses as well.

In one of the better-known U.S. Supreme Court cases on takings, *Tahoe-Sierra Preservation Council v. Tahoe Regional Planning Agency*, which was handed down in 2002, the Court found, and I quote, "Land-use regulations are ubiquitous and most of them impact property values in some tangential way—often in completely unanticipated ways. Treating them all as *per se* takings would transform government regulation into a luxury few governments..." would be able to "afford."

Republican President Theodore Roosevelt, Republican President Theodore Roosevelt once observed that every person holds their property, subject to the general right of the community, to regulate its use to whatever degree the public welfare may require. That comes from one of our most famous Republican Presidents.

The Delaware River Basin Commission is charged with protecting and overseeing our water supply, maintaining the quality of our water supply, and frankly, they have done an excellent job since their inception in the 1960s.

Takings should not be decided by an arbitrary piece of legislation. It should be decided by the courts. This legislation diverts from that very sound principle. Let us not undercut the ability of the DRBC to regulate and to protect the water supply that affects some 13 million people. Let us vote "no" on HB 827.

The SPEAKER. Representative Eric Nelson.

Mr. NELSON. Thank you, Mr. Speaker.

I rise in support of this bill, and I recognize it is a controversial issue. Imagine, Mr. Speaker, if the Delaware River Basin Commission mandated that all of the communities would participate in fracking. Imagine if an authority with half of the land in Pennsylvania, decisions were made by other States which impacted Pennsylvania citizens, and imagine that the Delaware River Basin and those governments wanted to participate in the hundreds of millions of dollars in impact fees that would be generated if the energy industry was allowed to flourish in this community. This hall would be outraged. The fact that a government entity would mandate choice of an individual property owner would not be well received; yet in this very situation, Mr. Speaker, a government entity is mandating that citizens are not allowed to use their land energy opportunity. In fact, out-of-State government decisionmakers are taking that opportunity away from Pennsylvanians.

What the fine Representative is trying to achieve is that a choice needs be made. If indeed the Delaware River Basin is going to take away the right of citizens to be able to make the choice on their own, then they should have to be compensated for it. If the gentleman who spoke earlier said, speculative at best, there may not be any gas there, then let the free market decide. If many in the community would not want to participate, then let the Pennsylvania citizens decide. But in no scenario should out-of-State authorities take away the opportunity of Pennsylvanians.

So, Mr. Speaker, I hope our colleagues can support a choice – either continue with the prohibition and not allow energy development and compensate those landowners, or allow individual landowners to make the decision for themselves. We all want good water, and fracking does not destroy water. So I implore my colleagues to support Representative Fritz and the motion he is making today, and I am with him on the bill.

Thank you, Mr. Speaker.

The SPEAKER. Representative Wendy Ullman.

Ms. ULLMAN. Thank you, Mr. Speaker.

Once again I would like to remind some of you that I represent the 143d District, which happens to have the longest border with the Delaware River of any of the districts. The woods, the river, the hills are very special to me personally and to my constituents, but I am not addressing this group from my personal perspective.

I rise to give voice to the outrage that my constituents and the concerned citizens all across the Commonwealth have about HB 827, which is a blatant attempt to strip the Delaware River Basin Commission of its mandated powers to protect the rights of citizens who are entitled to clean air and pure water pursuant to Article I, section 27, of the Pennsylvania Constitution.

Fiscal conservatives are outraged because it would force the commission, and thus taxpayers, to pay in excess of \$10 billion, at least according to the prime sponsor's estimate, or abandon its mission of protecting the water quality of the millions of Pennsylvanians who use the water resources of the basin for drinking water. The Commonwealth's share of this cost is estimated to be at minimum \$2.5 billion – all for the profit of the special interests of the gas industry.

Citizens of counties where fracking is already allowed are outraged because it would unfairly benefit property owners in just six counties because of bogus claims of financial damage by so-called takings of resources that are not actually taken and are of uncertain, and quite possibly little, worth.

Environmentalists are outraged because of the cavalier risk to an irreplaceable natural resource, the Delaware River, a place of incredible beauty which is home to abundant and diverse wildlife and is rich in opportunities for recreation and spiritual enjoyment.

Families are outraged because they know that their drinking water is in peril of reckless contamination unless the basin remains protected by the DRBC. Forty-three percent of Pennsylvanians live within the borders of the basin; 13.3 million people rely on the river for their drinking water, a large percentage of them Pennsylvanians.

And finally, Mr. Speaker, my granddaughter, Ruby, is outraged because, although she is only 5, she has seen bald eagles gliding over the river, seen an osprey snatch a fish from it, caught shad there with her grandpa, and waded in the shallows chasing minnows. Although Ruby is only 5, she knows that when something is really special, you must protect it from harm.

And thus, I urge all my colleagues, and most especially those whose constituents live in the river basin, to ensure that the DRBC retains its powers to protect this incredible resource, and vote "no" on HB 827. Thank you.

THE SPEAKER PRO TEMPORE (FRED KELLER) PRESIDING

The SPEAKER pro tempore. The Chair thanks the gentlelady. The Chair recognizes Representative Dan Moul.

Mr. MOUL. Thank you, Mr. Speaker.

If I may interrogate the maker for just one question, please?

The SPEAKER pro tempore. Will the gentleman stand for interrogation? Representative Fritz?

The gentleman indicates he will stand for interrogation.

Mr. MOUL. Thank you, Mr. Speaker.

I assume that you read the compact for the DRBC since you live there and you are the maker of the bill, correct?

Mr. FRITZ. I am familiar with the compact, yes.

Mr. MOUL. Is there anything in the compact that gives authority for the DRBC to pass a moratorium on drilling for natural gas?

Mr. FRITZ. It does not.

Mr. MOUL. It does not. Okay.

On the bill, Mr. Speaker?

The SPEAKER pro tempore. The gentleman is recognized on the bill.

Mr. MOUL. What I think is really sad in this situation is the fact that we even have to run a bill like this. But when it comes to water quality, which we have heard a lot of people speak about, if you talk to Fish and Boat Commission – now they handle also clean water in Pennsylvania – they will tell you that there has not even been one fish kill in Pennsylvania due to a spill of frack water, and the pollution from drilling has been immeasurable.

And let us take that to the next level. On these commissions, DRBC and SRBC (Susquehanna River Basin Commission), the representatives from the four entities involved are usually the Secretaries of the Department of Environment. Okay? Here it would be DEP (Department of Environmental Protection). The Secretaries all send what are called alternates because they do not have time to deal with this. So the same alternates not only sit on SRBC, Susquehanna, but they also sit on the DRBC. Now, it is just absolutely amazing to me that the same alternate can put out a statement in the SRBC that says drilling and fracking here is fine. We get along with the drillers just fine. They pay their fair share. Everything is good. There is no pollution. There is no evidence of any problems. But over in the DRBC, that same alternate will speak out of the other side of her mouth and say we have got to place a moratorium because this could damage the waterways, although there is absolutely no science behind this. You know something? We would not need this bill if they would just do their job and pull this moratorium.

Vote for this bill, please. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman. The Chair recognizes Representative Krueger.

Ms. KRUEGER. Thank you, Mr. Speaker.

I want to point out to my colleagues that HB 827 is a very expensive bill. In the committee debate on this bill, the maker of the bill, when asked what the cost would be, said the cost of HB 827 was \$10 billion. Mr. Speaker, \$10 billion. Our entire Commonwealth's budget ranges between \$32 billion and \$33 billion a year, and yet we are faced with a bill with a price tag of \$10 billion.

Now, the Delaware River Basin Commission is a multistate compact and all new costs impact all participants, which includes four States and the Federal government. If this bill passes and the maker of the bill is correct on the price tag, Pennsylvania taxpayers could be on the line for \$2.5 billion. Where does this come from? Well, in reading the fiscal note, it references section 12.3 of the compact, which would imply that the commission needs to issue debt to pay for any costs that the owner of a property might seek. And yet, Mr. Speaker, if we were to pass a bill that cost \$10 billion, there is no guarantee that the commission would indeed seek debt; in fact, this could be a new liability thrust on taxpayers that would be very, very expensive.

Mr. Speaker, I do not think we should be in the business of charging \$2.5 billion, which would be 25 percent of the cost which Pennsylvania is on the hook for. We should put people before profits. We should protect our drinking water. And we should oppose this bill today.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentlelady. The Chair recognizes Representative Peifer.

Mr. PEIFER. Thank you, Mr. Speaker.

You know, in this chamber, we often talk about fairness – fairness to all the citizens of Pennsylvania, just not a select few who would gain financially from this.

You know, it hurts me when I visit those farmers and I look at those beautiful rolling hills that filter out all that water and make it so clean, and we pour it into the southeast so everyone can drink that water, and then when you come here, there is a sense that all we are doing up there is trying to pay those select people money and there are only a few of them that protect this wonderful asset that we drink.

Mr. Speaker, the gentleman from Wayne County has tried very hard – someone who understands the business; his family is in the drilling business, in the water drilling business – the gentleman has tried very hard for 10 years to work with people in this Commonwealth and many of our departments as well as other States, trying to find out a way that we could work a solution to this challenge that we have.

The beautiful lands in the Northeast corridor clean the water for us. You know, we cannot just go and dredge like they do in Philadelphia. We cannot do that. It is okay to go dredge. Last year during the Fiscal Code, we went out and put piers out in the water. We cannot do that where we are from. We cannot get 22 miles from the corridor. The gentleman, all he is asking is saying, look, if we cannot drill and we cannot put buffers and we cannot for 10 years no matter what we do or try, why do we not monetize those people, those farmers who create a filter to create beautiful, clean, healthy water.

My friends from the southeast, it is very simple. It is a large price tag, but a price tag for what? The most important asset that we have, clean water. A few dollars here or there. A few dollars per every glass of water. We can collateralize that and turn it into a larger number very quickly.

So look, the gentleman is offering a plan after 10 years of trying. This plan is very simple. If we want clean water, we all have to pay for it. This is a reasonable plan and it does not just help a select few, it helps all Pennsylvanians.

Thank you, Mr. Speaker.

THE SPEAKER (MIKE TURZAI) PRESIDING

The SPEAKER. Okay. These are the members I still have on the list to speak, and the good gentleman, the Democratic leader, has asked for the Democratic Appropriations chair to be able to go at this time, but let me read the entire list.

So it will be Representative Bradford, and then I know Representative Kenyatta, Representative O'Mara, Representative Sturla, and Representative Ciresi, and then I believe Representative Dush for the second time, and of course, the prime sponsor.

LEAVE OF ABSENCE

The SPEAKER. Representative Patty KIM has requested to be placed on leave. Without objection, that will be granted.

CONSIDERATION OF HB 827 CONTINUED

The SPEAKER. So at this time, Representative Bradford.

Mr. BRADFORD. Thank you, Mr. Speaker.

I rise in opposition to HB 827.

Mr. Speaker, I know the gentleman previously said a few dollars here or there and we can protect the safe, clean drinking water of the 12 million individuals, many of them Pennsylvanians, that live in the basin. Well, I would argue that \$10 billion is not an insignificant sum of dollars, even in Harrisburg.

But let me just throw out one simple point that I think needs to be made. For some time we heard the argument that this bill was not about opening the Delaware River Basin to fracking, but if you listen to the debate as it has gone on – and I would tell you, it is pretty clear that we have had some assurances of how great fracking is and why we should bring it to the most populated, densely populated part of Pennsylvania – those assurances I would tell you are the tell. That what this is is not a very, not a very hard to tell; what they want to let you know is, they want to bring fracking to the Delaware River. They want to bring it to Bucks County and Chester County and Montgomery County and risk the drinking water of Philadelphia County and southeastern Pennsylvania. For those of us who have already seen what PFAS (polyfluoroalkyl substances) have done in Montgomery County, and we recognize the challenges that clean drinking water now present, this is a bill that we cannot afford, will push a policy that we cannot risk, and is simply bad public policy.

So I would just say, follow this degenerating debate and realize what this is really about. Let us protect southeastern Pennsylvania and vote against HB 827.

The SPEAKER. Representative Malcolm Kenyatta.

Mr. KENYATTA. Thank you, Mr. Speaker.

I rise to oppose HB 827. Passing this bill, Mr. Speaker, would be a mistake. It would be a big mistake. To enact this bill is to completely ignore every expert who has weighed in on this topic. We would be ignoring the fiscal experts that let us know that this would cost billions of dollars – billions with a "b." We would be ignoring the environmental experts who said, and I quote, that "fracking in the Delaware River Basin would pose a significant threat." And we would be ignoring legal experts who say that we

may be in violation of the Constitution, not to mention the fact that we would be ignoring our communities that are crying for us to do more to protect our air and our water.

And money aside, let us be very clear about who will pay for this. Our families will pay for this in terms of less access to clean water and clean air. Our farmers will pay for this in terms of worsening weather disasters. And more acutely, my generation will pay for this as they are calling out for elected officials to do more on climate change and not go backwards. We have a climate crisis, and passing this bill would be to completely ignore it.

I have had conversations with members on both sides of the aisle about wanting clean water, about wanting clean air. This would do the opposite. This bill is not environmentally prudent, it is not fiscally prudent, and it is legally dubious at best. We need less fracking in Pennsylvania, not more.

I ask my colleagues to oppose this bill.

BILL PASSED OVER

The SPEAKER. Members, the hour is late. We are going to go over the bill at this time.

But I do have just a couple of bills on second that do not have amendments.

CALENDAR CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 770, PN 843**, entitled:

An Act amending the act of September 27, 1961 (P.L.1700, No.699), known as the Pharmacy Act, further providing for definitions; and providing for pharmacy technician and pharmacy technician trainee registration, qualifications and supervision.

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

SUPPLEMENTAL CALENDAR A CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 375, PN 348**, entitled:

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, in pharmaceutical assistance for the elderly, further providing for definitions.

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

(Bill analysis was read.)

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—193

Barrar	Fitzgerald	Lee	Reese
Benninghoff	Flynn	Lewis	Rigby
Bernstine	Frankel	Longietti	Roae
Bizzarro	Freeman	Mackenzie	Roebuck
Boback	Fritz	Madden	Rothman
Borowicz	Gabler	Mako	Ryan
Boyle	Gainey	Malagari	Sainato
Bradford	Galloway	Maloney	Samuelson
Briggs	Gaydos	Markosek	Sanchez
Brooks	Gillen	Marshall	Sappay
Brown	Gillespie	Masser	Saylor
Bullock	Gleim	Matzie	Schemel
Burgos	Goodman	McCarter	Schlossberg
Burns	Gregory	McNeill	Schmitt
Caltagirone	Greiner	Mehaffie	Schroeder
Carroll	Grove	Mentzer	Schweyer
Causer	Hahn	Merski	Shusterman
Cephas	Hanbidge	Metcalfe	Simmons
Ciresi	Harkins	Metzgar	Sims
Comitta	Harris	Mihalek	Snyder
Cook	Heffley	Millard	Solomon
Cox	Helm	Miller, B.	Sonney
Culver	Hennessey	Miller, D.	Staats
Cutler	Hershey	Mizgorski	Stephens
Daley	Hickernell	Moul	Struzzi
Davidson	Hohenstein	Mullery	Sturla
Davis, A.	Howard	Mullins	Thomas
Davis, T.	Innamorato	Murt	Tobash
Dawkins	Irvin	Neilson	Toepel
Day	Isaacson	Nelson	Toohil
Deasy	James	O'Mara	Topper
DeLissio	Jones	O'Neal	Ullman
Delloso	Jozwiak	Oberlander	Vitali
Delozier	Kail	Ortitay	Walsh
DeLuca	Kaufert	Otten	Warner
Dermody	Kauffman	Owlett	Warren
Diamond	Keefer	Pashinski	Webster
DiGirolamo	Keller, F.	Peifer	Wentling
Dowling	Keller, M.K.	Petrarca	Wheatley
Driscoll	Kenyatta	Pickett	Wheeland
Dunbar	Kinsey	Polinchock	White
Dush	Kirkland	Puskaric	Williams
Ecker	Klunk	Pyle	Youngblood
Emrick	Knowles	Quinn	Zabel
Evans	Kortz	Rabb	Zimmerman
Everett	Kosierowski	Rader	
Farry	Krueger	Rapp	Turzai,
Fee	Kulik	Ravenstahl	Speaker
Fiedler	Lawrence	Readshaw	

NAYS—0

NOT VOTING—0

EXCUSED—9

Conklin	Harrell	McClinton	Rozzi
Cruz	Kim	Nesbit	Sankey
Donatucci			

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

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1037, PN 1179**, entitled:

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, in preliminary provisions, further providing for definitions and for application; and, in exemptions, applicability and penalties, further providing for penalties.

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

The SPEAKER. We are going begin with the first amendment, which is Representative Jim Cox's amendment. The amendment is 01387, and that is a redraft of 01363. So the amendment in front of us is 01387.

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

Mr. COX offered the following amendment No. **A01387**:

Amend Bill, page 5, by inserting between lines 8 and 9
(III) The design strength of each area in which the event is taking place within the structure meets the requirements in the ICC's International Existing Building Code and is able to support the maximum occupant load.

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

The SPEAKER. Representative Cox, on the— Withdrawn. That amendment is withdrawn. So amendment 01387 has been withdrawn. Okay. No. No. It has not been withdrawn. He just does not want to speak on it. So we are doing amendment 01387. We are doing 01387.

Representative John Lawrence, on the amendment, sir.

Mr. LAWRENCE. Thank you, Mr. Speaker.

I appreciate the gentleman's amendment and I am supportive of it and would encourage an affirmative vote.

Thank you, Mr. Speaker.

The SPEAKER. Representative Ed Neilson, on the amendment, sir.

Mr. NEILSON. While I do appreciate the chairman of Labor and Industry putting this amendment forward, since this bill, this legislation did not even go through our committee where we do make all the Life Safety Code changes, I appreciate the amendment, but it does not fix this terrible piece of legislation. Although the barns will now pass the weight test, we still have a life safety issue at hand. So I would urge a "no" vote for this amendment and this bill until we get it fixed, because it is a broken bill.

Thank you, Mr. Speaker.

The SPEAKER. Thank you.

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

The following roll call was recorded:

YEAS—106

Barrar	Gillespie	Mako	Roae
Benninghoff	Gleim	Maloney	Rothman
Bernstine	Gregory	Marshall	Ryan
Boback	Greiner	Masser	Sappay
Borowicz	Grove	Mehaffie	Saylor
Brooks	Hahn	Mentzer	Schemel
Brown	Hanbidge	Metcalfe	Schmitt
Causar	Heffley	Metzgar	Schroeder
Cook	Helm	Mihalek	Simmons
Cox	Hennessey	Millard	Snyder
Culver	Hershey	Miller, B.	Sonney
Cutler	Hickernell	Mizgorski	Staats
Day	Irvin	Moul	Stephens
Delozier	James	Nelson	Struzzi
Diamond	Jones	O'Neal	Thomas
Dowling	Jozwiak	Oberlander	Tobash
Dunbar	Kail	Ortitay	Toepel
Dush	Kaufner	Owlett	Toohil
Ecker	Kauffman	Peifer	Topper
Emrick	Keefer	Pickett	Walsh
Everett	Keller, F.	Polinchock	Warner
Farry	Keller, M.K.	Puskaric	Wentling
Fee	Klunk	Pyle	Wheeland
Fritz	Knowles	Rader	Zimmerman
Gabler	Lawrence	Rapp	
Gaydos	Lewis	Reese	Turzai,
Gillen	Mackenzie	Rigby	Speaker

NAYS—87

Bizzarro	DiGirolamo	Krueger	Ravenstahl
Boyle	Driscoll	Kulik	Readshaw
Bradford	Evans	Lee	Roebuck
Briggs	Fiedler	Longietti	Sainato
Bullock	Fitzgerald	Madden	Samuelson
Burgos	Flynn	Malagari	Sanchez
Burns	Frankel	Markosek	Schlossberg
Caltagirone	Freeman	Matzie	Schweyer
Carroll	Gainey	McCarter	Shusterman
Cephas	Galloway	McNeill	Sims
Ciresi	Goodman	Merski	Solomon
Comitta	Harkins	Miller, D.	Sturla
Daley	Harris	Mullery	Ullman
Davidson	Hohenstein	Mullins	Vitali
Davis, A.	Howard	Murt	Warren
Davis, T.	Innamorato	Neilson	Webster
Dawkins	Isaacson	O'Mara	Wheatley
Deasy	Kenyatta	Otten	White
DeLissio	Kinsey	Pashinski	Williams
Delloso	Kirkland	Petrarca	Youngblood
DeLuca	Kortz	Quinn	Zabel
Dermody	Kosierowski	Rabb	

NOT VOTING—0

EXCUSED—9

Conklin	Harrell	McClinton	Rozzi
Cruz	Kim	Nesbit	Sankey
Donatucci			

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 second consideration as amended?

Ms. HANBIDGE offered the following amendment
No. A01274:

Amend Bill, page 5, by inserting between lines 29 and 30
(E) The owner has taken reasonable and prudent measures to install barriers or prevent access to any feature of the historic agricultural building that presents an immediate risk of injury resulting from falling a distance of five feet or more.

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

The SPEAKER. Representative Hanbidge, on the amendment, please.

Ms. HANBIDGE. Thank you, Mr. Speaker.

This is an agreed-to amendment and I request an affirmative vote.

The SPEAKER. Representative Lawrence, on the amendment, please.

Mr. LAWRENCE. Thank you, Mr. Speaker.

I appreciate the lady from Montgomery bringing this issue to my attention. I would encourage an affirmative vote on amendment A1274.

The SPEAKER. Representative Ed Neilson, on the amendment, sir.

Mr. NEILSON. Here we go again, Mr. Speaker. Now, while we are going to prevent people from falling out of the lofts of barns, we still are not protecting the safety and integrity of the same. So I would urge a "no" vote and throw this bill back in the committee, on code committee, making— I mean, Agriculture has nothing to do with the safety of barns.

MOTION TO RECOMMIT

Mr. NEILSON. I will make the motion. Thank you, sir.

Is a motion in order, Mr. Speaker?

The SPEAKER. It is.

Mr. NEILSON. Mr. Speaker, I move we rerefer this bill to Labor and Industry where it belongs, where we discuss codes on a daily basis and we protect the lives of the people of Pennsylvania, and take it out of the hands of the farmers.

The SPEAKER. The motion has been stated. It is a motion to— We will return, obviously, to the amendment, but the motion does take precedence in order, so we have to take up the motion.

Just as an aside, the bill amends— this is the summary provided on the House calendar— the bill amends the code to exempt historic agricultural buildings.

So anyhow, the motion is in order.

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

The SPEAKER. Does anybody else other than the prime sponsor wish to speak on the motion?

Representative Neilson, you did speak on it, so you have to wait.

Mr. NEILSON. On the motion? No.

The SPEAKER. Yes. You will be able to speak a second time, but you have to wait.

PARLIAMENTARY INQUIRY

Mr. NEILSON. Parliamentary inquiry?

The SPEAKER. Yes, you may.

Mr. NEILSON. I am allowed to speak on the motion itself—

The SPEAKER. Yes.

Mr. NEILSON.—and the amendment, so I have only spoken on the amendment to date, and then I made a motion. I am allowed to speak on the motion if I—

The SPEAKER. You will definitely— I thought you did speak on the motion. I am going to stand by that. But I will call on you a second time after I call on anybody else who— No more. I have already addressed it, sir, and I said I will call you for the second time.

Representative Lawrence, on the motion, sir.

Mr. LAWRENCE. Thank you, Mr. Speaker.

Mr. Speaker, I certainly appreciate the passion of the gentleman, and I appreciate his passion. This bill was vetted through committee. It came out on a bipartisan basis. And I would encourage the members to vote against the motion to recommit.

The SPEAKER. Representative Martin Causer, on the motion.

Mr. CAUSER. Mr. Speaker, there is absolutely no reason, absolutely no reason to commit this bill to the Labor and Industry Committee. This bill clearly affects the agriculture industry. The Speaker properly sent the bill to the Agriculture and Rural Affairs Committee. The committee thoroughly considered the bill and all aspects of it, and the bill was reported from the committee.

Mr. Speaker, there is no reason to send this to Labor and Industry, so I think the gentleman's motion should be defeated. Thank you.

The SPEAKER. Representative Neilson, on the motion, sir.

Mr. NEILSON. Thank you, Mr. Speaker.

First, let me go on the record to say I have been attending the Farm Show since 2003— I have not missed a year yet— and I apologize if I offended any farmers, because that is not what I am talking about here. What I am talking about is life safety, and the reason I think we should do this is the same reason, Mr. Speaker, why the Senate version of this same bill was assigned to the Labor and Industry Committee. I believe it is a life safety. We are turning barns into commercial buildings and I think we really need to have a hard look of where this goes.

So I would ask for the members' support to refer this back to the Labor and Industry Committee, sir.

Thank you, Mr. Speaker.

The SPEAKER. Representative Bryan Cutler, the majority leader, on the motion.

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, while I appreciate the Democratic chair's strong interest in this, I would simply point out, in consultation with the Republican chairman of the same committee, it is not his interest to have the bill come back to the committee, and I rise in support of the Agriculture chairman, who has properly vetted the bill. Let us get to the underlying issues so we can move the bill through the legislative process, and I, too, agree that the gentleman's motion should be defeated.

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

The following roll call was recorded:

YEAS—86

Bizzarro	Driscoll	Krueger	Readshaw
Boyle	Evans	Kulik	Roebuck
Bradford	Fiedler	Lee	Sainato
Briggs	Fitzgerald	Longietti	Samuelson
Bullock	Flynn	Madden	Sanchez
Burgos	Frankel	Malagari	Sappey
Burns	Freeman	Markosek	Schlossberg
Caltagirone	Gainey	Matzie	Schweyer
Carroll	Galloway	McCarter	Shusterman
Cephas	Goodman	McNeill	Sims
Ciresi	Hanbidge	Merski	Snyder
Comitta	Harkins	Miller, D.	Solomon
Daley	Harris	Mullery	Sturla
Davidson	Hohenstein	Mullins	Ullman
Davis, A.	Howard	Neilson	Vitali
Davis, T.	Innamorato	O'Mara	Warren
Dawkins	Isaacson	Otten	Webster
Deasy	Kenyatta	Pashinski	Wheatley
DeLissio	Kinsey	Petrarca	Williams
Delloso	Kirkland	Rabb	Youngblood
DeLuca	Kortz	Ravenstahl	Zabel
Dermody	Kosierowski		

NAYS—107

Barrar	Gillespie	Maloney	Rigby
Benninghoff	Gleim	Marshall	Roae
Bernstine	Gregory	Masser	Rothman
Boback	Greiner	Mehaffie	Ryan
Borowicz	Grove	Mentzer	Saylor
Brooks	Hahn	Metcalfe	Schemel
Brown	Heffley	Metzgar	Schmitt
Causer	Helm	Mihalek	Schroeder
Cook	Hennessey	Millard	Simmons
Cox	Hershey	Miller, B.	Sonney
Culver	Hickernell	Mizgorski	Staats
Cutler	Irvin	Moul	Stephens
Day	James	Murt	Struzzi
Delozier	Jones	Nelson	Thomas
Diamond	Jozwiak	O'Neal	Tobash
DiGirolamo	Kail	Oberlander	Toepel
Dowling	Kaufner	Ortitay	Toohil
Dunbar	Kauffman	Owlett	Topper
Dush	Keefer	Peifer	Walsh
Ecker	Keller, F.	Pickett	Warner
Emrick	Keller, M.K.	Polinchock	Wentling
Everett	Klunk	Puskaric	Wheeland
Farry	Knowles	Pyle	White
Fee	Lawrence	Quinn	Zimmerman
Fritz	Lewis	Rader	
Gabler	Mackenzie	Rapp	Turzai,
Gaydos	Mako	Reese	Speaker
Gillen			

NOT VOTING—0

EXCUSED—9

Conklin	Harrell	McClinton	Rozzi
Cruz	Kim	Nesbit	Sankey
Donatucci			

Less than the majority having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

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

The following roll call was recorded:

YEAS—188

Barrar	Flynn	Lewis	Rigby
Benninghoff	Frankel	Longietti	Roae
Bernstine	Freeman	Mackenzie	Roebuck
Bizzarro	Fritz	Madden	Rothman
Boback	Gabler	Mako	Ryan
Borowicz	Gainey	Malagari	Sainato
Bradford	Galloway	Maloney	Samuelson
Briggs	Gaydos	Markosek	Sanchez
Brooks	Gillen	Marshall	Sappey
Brown	Gillespie	Masser	Saylor
Bullock	Gleim	Matzie	Schemel
Burgos	Goodman	McCarter	Schlossberg
Burns	Gregory	McNeill	Schmitt
Caltagirone	Greiner	Mehaffie	Schroeder
Carroll	Grove	Mentzer	Schweyer
Causer	Hahn	Merski	Shusterman
Cephas	Hanbidge	Metcalfe	Simmons
Ciresi	Harkins	Metzgar	Sims
Comitta	Harris	Mihalek	Snyder
Cook	Heffley	Millard	Solomon
Cox	Helm	Miller, B.	Sonney
Culver	Hennessey	Mizgorski	Staats
Cutler	Hershey	Moul	Stephens
Daley	Hickernell	Mullery	Struzzi
Davidson	Hohenstein	Mullins	Sturla
Davis, A.	Howard	Murt	Thomas
Davis, T.	Innamorato	Nelson	Tobash
Dawkins	Irvin	O'Mara	Toepel
Day	Isaacson	O'Neal	Toohil
Deasy	James	Oberlander	Topper
DeLissio	Jones	Ortitay	Ullman
Delozier	Jozwiak	Otten	Vitali
DeLuca	Kail	Owlett	Walsh
Dermody	Kaufner	Pashinski	Warner
Diamond	Kauffman	Peifer	Warren
DiGirolamo	Keefer	Petrarca	Webster
Dowling	Keller, F.	Pickett	Wentling
Driscoll	Keller, M.K.	Polinchock	Wheatley
Dunbar	Kinsey	Puskaric	Wheeland
Dush	Kirkland	Pyle	White
Ecker	Klunk	Quinn	Williams
Emrick	Knowles	Rabb	Youngblood
Evans	Kortz	Rader	Zabel
Everett	Kosierowski	Rapp	Zimmerman
Farry	Krueger	Ravenstahl	
Fee	Kulik	Readshaw	Turzai,
Fiedler	Lawrence	Reese	Speaker
Fitzgerald	Lee		

NAYS—5

Boyle	Kenyatta	Miller, D.	Neilson
Delloso			

NOT VOTING—0

EXCUSED—9

Conklin	Harrell	McClinton	Rozzi
Cruz	Kim	Nesbit	Sankey
Donatucci			

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 second consideration as amended?

Mr. **CARROLL** offered the following amendment No. **A01344**:

Amend Bill, page 1, line 8, by inserting after "for" exemptions and for
Amend Bill, page 2, line 10, by striking out "Sections 104(b) and 903 of the act are" and inserting
Section 104(b) of the act is
Amend Bill, page 6, by inserting between lines 3 and 4
Section 2. Section 901 of the act is amended by adding a subsection to read:
Section 901. Exemptions.

* * *

(j) Small aircraft hangars.—The following shall apply:

(1) Neither this act nor any adoption of the International Building Code by a Commonwealth agency, a political subdivision or a local agency shall apply to a structure that meets all of the following:

(i) Is not more than 12,000 square feet and comprises not more than ten individual aircraft hangars.

(ii) Is a pre-engineered and manufactured building commonly used to store small aircraft.

(iii) Does not have indoor plumbing and is not heated or air conditioned.

(2) This subsection shall not apply to inspections required pursuant to the ICC Electrical Code or its successor codes.

Section 3. Section 903 of the act is amended to read:

Amend Bill, page 6, line 18, by striking out "3" and inserting 4

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

The SPEAKER. Representative Carroll, on your amendment, sir.

Mr. **CARROLL**. Thank you, Mr. Speaker.

Mr. Speaker, the Aviation Council of the Commonwealth of Pennsylvania that represents airports across this Commonwealth has asked for an accommodation relative to hangars for small aircraft to allow for the enhanced construction of these facilities to advance the economic interest of our aviation industry. Consistent with the provision that is being carved out by the sponsor relative to barns, I would ask the chamber to consider the same carveout for hangars.

The SPEAKER. Representative John Lawrence, on the amendment.

Mr. **LAWRENCE**. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman's amendment before us, amendment A1344, exempts aircraft hangars comprising of 10 or fewer individual aircraft hangars and 12,000 square feet from the Building Code. I just learned of this issue yesterday and I am happy to work with the gentleman on the issue.

I must oppose it, Mr. Speaker, for several reasons. The clear subject of this bill relates to historic agricultural buildings and the amendment before us deals with aircraft hangars. Second, the underlying bill deals with historic structures. This amendment, by contrast, deals with new pre-engineered and manufactured buildings, which is a completely different type of building than contemplated in the underlying bill. Third, this bill amends section 104 of Act 45 of 1999, and the amendment proposes changes to a completely different section of the law, section 901.

Finally, Mr. Speaker, this amendment has not been vetted through the committee process, and I certainly would be happy to work with the gentleman.

So, Mr. Speaker, I would if I could, Mr. Speaker, like to make a motion.

The SPEAKER. Yes, sir, you may.

GERMANENESS QUESTIONED

Mr. **LAWRENCE**. Mr. Speaker, I make a motion that the amendment is not germane to the underlying legislation.

The SPEAKER. The gentleman from Chester County and Lancaster County, Representative John Lawrence, has raised the question of whether the amendment 01344 is germane. Under House rule 27, questions involving whether an amendment is germane to the subject shall be decided by this House.

On the question,
Will the House sustain the germaneness of the amendment?

The SPEAKER. On that question, the Chair recognizes Representative Mike Carroll on the issue of germaneness.

Those who believe the amendment is germane will be voting "aye"; those who believe the amendment is not germane will be voting "nay."

But, Representative Carroll, you are recognized on this question of germaneness.

Mr. **CARROLL**. Mr. Speaker, in the interest of brevity, I will simply offer that in my opinion, there is not a huge difference between a barn and a hangar. Honestly, I think we are amending the UCC code (Uniform Construction Code), and it is equivalent to a modest change within the same statute. So from my perspective, this is totally germane. If we are going to be this nuanced and this precise in the way that we legislate, we are going to have to run a whole slew of bills compared to what we normally do around here.

So I would offer that, in my perspective, Mr. Speaker, totally germane.

The SPEAKER. All those who believe that the amendment is germane will be voting "aye." If you believe that the amendment is not germane, you will be voting "nay."

On the question recurring,
Will the House sustain the germaneness of the amendment?

(Members proceeded to vote.)

LEAVE OF ABSENCE

The SPEAKER. Representative **BRADFORD** has requested to be placed on leave. Without objection, that will be granted.

CONSIDERATION OF HB 1037 CONTINUED

On the question recurring,
Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

YEAS—85

Bizzarro	Evans	Krueger	Readshaw
Boyle	Fiedler	Kulik	Roebuck
Briggs	Fitzgerald	Lee	Sainato
Bullock	Flynn	Longiatti	Samuelson
Burgos	Frankel	Madden	Sanchez
Burns	Freeman	Malagari	Sappey
Caltagirone	Gainey	Markosek	Schlossberg
Carroll	Galloway	Matzie	Schweyer
Cephas	Goodman	McCarter	Shusterman
Ciresi	Hanbidge	McNeill	Sims
Comitta	Harkins	Merski	Snyder
Daley	Harris	Miller, D.	Solomon
Davidson	Hohenstein	Mullery	Sturla
Davis, A.	Howard	Mullins	Ullman
Davis, T.	Innamorato	Neilson	Vitali
Dawkins	Isaacson	O'Mara	Warren
Deasy	Kenyatta	Otten	Webster
DeLissio	Kinsey	Pashinski	Wheatley
Deloso	Kirkland	Petrarca	Williams
DeLuca	Kortz	Rabb	Youngblood
Dermody	Kosierowski	Ravenstahl	Zabel
Driscoll			

NAYS—107

Barrar	Gillespie	Maloney	Rigby
Benninghoff	Gleim	Marshall	Roae
Bernstine	Gregory	Masser	Rothman
Boback	Greiner	Mehaffie	Ryan
Borowicz	Grove	Mentzer	Saylor
Brooks	Hahn	Metcalfe	Schemel
Brown	Heffley	Metzgar	Schmitt
Causser	Helm	Mihalek	Schroeder
Cook	Hennessey	Millard	Simmons
Cox	Hershey	Miller, B.	Sonney
Culver	Hickernell	Mizgorski	Staats
Cutler	Irvin	Moul	Stephens
Day	James	Murt	Struzzi
Delozier	Jones	Nelson	Thomas
Diamond	Jozwiak	O'Neal	Tobash
DiGirolamo	Kail	Oberlander	Toepel
Dowling	Kaufer	Ortitay	Toohil
Dunbar	Kauffman	Owlett	Topper
Dush	Keefer	Peifer	Walsh
Ecker	Keller, F.	Pickett	Warner
Emrick	Keller, M.K.	Polinchock	Wentling
Everett	Klunk	Puskaric	Wheeland
Farry	Knowles	Pyle	White
Fee	Lawrence	Quinn	Zimmerman
Fritz	Lewis	Rader	
Gabler	Mackenzie	Rapp	Turzai,
Gaydos	Mako	Reese	Speaker
Gillen			

NOT VOTING—0

EXCUSED—10

Bradford	Donatucci	McClinton	Rozzi
Conklin	Harrell	Nesbit	Sankey
Cruz	Kim		

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was declared not germane.

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

The SPEAKER. I do not see any other amendments to HB 1037, PN 1179. If I am mistaken, please tell me differently.

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

Bill as amended was agreed to.

The SPEAKER. The bill as amended will be reprinted.

ANNOUNCEMENT BY MR. MOUL

The SPEAKER. Representative Dan Moul is recognized on unanimous consent.

Mr. MOUL. Thank you, Mr. Speaker.

I just want to announce, for all those that were invited to the SRBC meeting this afternoon, obviously, it will be canceled. We will take it up in June.

Thank you, Mr. Speaker.

The SPEAKER. So there are no further votes.

BILLS RECOMMITTED

The SPEAKER. The majority leader moves that the following bills be recommitted to the Committee on Appropriations:

HB 102;
HB 770;
HB 1037;
HB 1172;
HB 1184; and
HB 1277.

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

BILLS REMOVED FROM TABLE

The SPEAKER. The majority leader moves that the following bills be removed from the tabled calendar and placed on the active calendar:

HB 269;
HB 630;
HB 732;
HB 869;
HB 1050;
HB 1283;
HB 1387;
HB 1388;
HB 1350;
HB 1351;

HB 1352;
 HB 1353;
 HB 1354;
 HB 1367;
 HB 1368;
 HB 1369;
 HB 1370;
 HB 1371;
 HB 1372;
 HB 1373;
 HB 1374; and
 HB 1375.

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

BILLS REMOVED FROM TABLE

The SPEAKER. The majority leader moves that the following bills be removed from the tabled calendar and placed on the active calendar:

HB 446;
 HB 828; and
 HB 829.

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

BILLS TABLED

The SPEAKER. The majority leader moves that the following bills be removed from the active calendar and placed on the tabled calendar:

HB 446;
 HB 828; and
 HB 829.

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

ANNOUNCEMENT BY MR. MILLARD

The SPEAKER. Representative David Millard is recognized on unanimous consent.

Mr. MILLARD. Thank you, Mr. Speaker.

For those members still here, I want to announce that tomorrow there will be a joint Tourism and Recreational Development Committee and Human Services Committee public hearing. That will be held at 9 a.m., G-50 Irvis Office Building.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, sir.

Representative Jerry Knowles had submitted remarks on HB 321. Those will be accepted into the record. Representative Jerry Knowles submitted remarks on HB 321.

AGING AND OLDER ADULT SERVICES COMMITTEE MEETING

The SPEAKER. Representative Tom Murt is recognized on unanimous consent.

Mr. MURT. Thank you, Mr. Speaker.

For the purpose of announcing a meeting tomorrow morning, Mr. Speaker, at 0930 hours, the Aging Committee will have a voting meeting in 205 Ryan Office Building. Thank you.

The SPEAKER. Chairman Tom Murt has indicated that there will be a meeting tomorrow of the Aging and Older Adult Services, a voting meeting, in 205 Ryan Office Building, and so members of that committee please take note of the committee announcement.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. Representative John Lawrence moves that the House be adjourned until Wednesday, May 15, 2019, 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 7:07 p.m., e.d.t., the House adjourned.