

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, MAY 5, 2020

SESSION OF 2020

204TH OF THE GENERAL ASSEMBLY

No. 26

### HOUSE OF REPRESENTATIVES

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

**THE SPEAKER (MIKE TURZAI)  
PRESIDING**

#### PRAYER

The SPEAKER. I have asked Representative Hohenstein, in his faith tradition, the same as the Founder of the Commonwealth of Pennsylvania, William Penn, to lead us today in our prayer service before we go to the Pledge of Allegiance.

Representative Hohenstein.

HON. JOSEPH C. HOHENSTEIN, member of the House of Representatives, offered the following prayer:

Thank you, Mr. Speaker, and in truth, I have to say that I did not know, necessarily, why I needed to lead. We do not lead prayers in the Quaker tradition, and so this will be our silence again. We will break, rather than with handshakes as normal, through some other way of acknowledging people as we break.

I would like folks, as we settle into silence, to think not of how the silence is empty, but how it is full, and what we can take from it and from our creator to make ourselves better people as we move forward into our lives and our work. So let us settle into silence.

#### 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 4, 2020, will be postponed until printed.

#### BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

**HB 777, PN 3631**

By Rep. MARSHALL

An Act amending the act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act, in club licensees, further providing for report and for distribution of proceeds.

GAMING OVERSIGHT.

#### RESOLUTION REPORTED FROM COMMITTEE

**HR 855, PN 3706**

By Rep. MARSHALL

A Resolution designating the month of March 2020 as "Problem Gambling Awareness Month" in Pennsylvania and recognizing the month of March 2020 as "National Problem Gambling Awareness Month."

GAMING OVERSIGHT.

#### HOUSE BILL INTRODUCED AND REFERRED

**No. 2484** By Representative WHITE

An Act amending Titles 15 (Corporations and Unincorporated Associations) and 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, establishing financial restrictions related to the COVID-19 emergency: in financial matters of domestic nonprofit corporations, further providing for investment of trust funds; and in principal and income, further providing for charitable trusts.

Referred to Committee on FINANCE, May 5, 2020.

#### TOURISM AND RECREATIONAL DEVELOPMENT COMMITTEE MEETING

The SPEAKER. Representative David Millard, chair of the Tourism and Recreational Development Committee, is recognized.

Mr. MILLARD. Thank you, Mr. Speaker.

The House Tourism and Recreational Development Committee will meet immediately at the break in 60 East Wing to consider SB 863, HR 687, HR 688, and HR 804. That is the House Tourism Committee, immediately in the East Wing, 60 East Wing, at the break.

Thank you, Mr. Speaker.

The SPEAKER. The House Tourism and Recreational Development Committee will meet immediately at the break in 60 East Wing.

Any other committee announcements, because then we are going to with the caucus announcements?

**REPUBLICAN CAUCUS**

The SPEAKER. The Chair calls upon the majority caucus chair, Marcy Toepel, for a Republican caucus announcement.

Mrs. TOEPEL. Thank you, Mr. Speaker.

Republicans will caucus virtually at 11:45. We would be prepared to return to the floor at 12:15. Thank you.

**DEMOCRATIC CAUCUS**

The SPEAKER. The minority leader, Frank Dermody, for a Democratic caucus announcement.

Mr. DERMODY. The Democrats will also caucus at 11:45.

The SPEAKER. Thank you.

**APPROPRIATIONS COMMITTEE MEETING**

The SPEAKER. The majority Appropriations chair, Representative Stan Saylor of York County, is recognized.

Mr. SAYLOR. Thank you, Mr. Speaker.

The Appropriations Committee will meet at 11:17 in the majority caucus room.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, sir.

So, members, the Appropriations Committee is meeting in the majority caucus room here shortly. Obviously, you can vote by being in the meeting or remotely or by proxy.

**RECESS**

The SPEAKER. At this time the House will stand in recess until 12:15. We will return to the floor at 12:15.

**RECESS EXTENDED**

The time of recess was extended until 12:30 p.m.; further extended until 1 p.m.; further extended until 1:15 p.m.

**AFTER RECESS**

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

**BILLS REREPORTED FROM COMMITTEE**

**HB 2045, PN 2872**

By Rep. SAYLOR

An Act authorizing the Department of Conservation and Natural Resources, with the approval of the Governor, to grant and convey to Ohiopyle Borough, Fayette County, certain lands situate in Ohiopyle Borough, Fayette County, in exchange for Ohiopyle Borough granting and conveying certain lands to the Commonwealth of Pennsylvania to be added to those existing lands at Ohiopyle State Park.

**APPROPRIATIONS.**

**HB 2065, PN 3663**

By Rep. SAYLOR

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, in public-private transportation partnerships, further providing for definitions and for duties of board.

**APPROPRIATIONS.**

**HB 2433, PN 3665**

By Rep. SAYLOR

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for emergency COVID-19 provisions.

**APPROPRIATIONS.**

**HB 2463, PN 3713 (Amended)**

By Rep. SAYLOR

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for access to public records during disaster declaration.

**APPROPRIATIONS.****BILLS REPORTED FROM COMMITTEES,  
CONSIDERED FIRST TIME, AND TABLED**

**HB 99, PN 100**

By Rep. METCALFE

An Act imposing a duty on the Department of Environmental Protection to maintain a system for applicants to track the status of certain permit applications; and providing for permit notifications.

**ENVIRONMENTAL RESOURCES AND ENERGY.**

**HB 2004, PN 3714 (Amended)**

By Rep. METCALFE

An Act amending the act of July 2, 1993 (P.L.359, No.50), known as the Keystone Recreation, Park and Conservation Fund Act, further providing for definitions, for Keystone Recreation, Park and Conservation Fund, for duties, responsibilities and limitations on agencies, for allocation from fund and for waivers; and making related repeals.

**ENVIRONMENTAL RESOURCES AND ENERGY.**

**SB 863, PN 1660**

By Rep. MILLARD

An Act amending Title 48 (Lodging and Housing) of the Pennsylvania Consolidated Statutes, in hotels, further providing for definitions, for hotelkeepers, for notice to boarders to lock rooms, for lien, warrant, sale and right of redemption, for liability for property loss or damage, for special arrangements for safe deposit of valuables, for duty of guest, for other liability, for exemption from levy or sale, for baggage, for baggage sale requirements, and for sale proceeds, providing for abandoned property and further providing for tourist camp heater safety.

**TOURISM AND RECREATIONAL DEVELOPMENT.**

**SB 1030, PN 1489**

By Rep. METCALFE

An Act amending the act of January 24, 1966 (1965 P.L.1535, No.537), known as the Pennsylvania Sewage Facilities Act, further providing for official plans.

**ENVIRONMENTAL RESOURCES AND ENERGY.**

**RESOLUTIONS REPORTED  
FROM COMMITTEE**

**HR 687, PN 3199** By Rep. MILLARD

A Resolution designating May 20, 2020, as "Jimmy Stewart Day" in Pennsylvania.

TOURISM AND RECREATIONAL DEVELOPMENT.

**HR 688, PN 3200** By Rep. MILLARD

A Resolution honoring the 25th anniversary of the Jimmy Stewart Museum.

TOURISM AND RECREATIONAL DEVELOPMENT.

**HR 804, PN 3429** By Rep. MILLARD

A Resolution designating May 8, 2020, as "Explore York County Tourism Day" in Pennsylvania.

TOURISM AND RECREATIONAL DEVELOPMENT.

**COMMUNICATION FROM  
INDEPENDENT FISCAL OFFICE**

The SPEAKER. The Speaker acknowledges receipt of a letter from the Independent Fiscal Office regarding SB 997, PN 1465, and amendment 04725. Thank you.

(Copy of communication is on file with the Journal clerk.)

The SPEAKER. Members, please report to the House floor. Second consideration bills without amendments.

We will hold off on the seconds right now. There were no amendments, but we have to do the master roll yet.

**LEAVES OF ABSENCE**

The SPEAKER. There are no leaves. The only person on leave is military leave. Representative Zach MAKO from Lehigh County is on military leave serving his country.

**MASTER ROLL CALL**

The SPEAKER. All members, please report to the floor. We are about to take the master roll. Please begin to vote on the master roll.

(Members proceeded to vote.)

The SPEAKER. The majority whip, please.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

The electronic voting board does accurately reflect the vote of the majority party. Thank you.

The SPEAKER. The minority whip.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The following roll call was recorded:

**PRESENT—202**

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

**ADDITIONS—0**

**NOT VOTING—0**

**EXCUSED—1**

Mako

The SPEAKER. We have 202 members voting on the master roll. We have a quorum.

**ANNOUNCEMENT BY SPEAKER**

The SPEAKER. Members, I had announced all of our staff members that have been coming in day in and day out. Laura Wagner manages the calendar. Laura, will you please stand. Individuals in our broadcasting booth that you do not see: Dave Arendt, who is the supervisor; Pete AuFiero; Tim Portzline; and Ryan Shorb. Could you please give them a round of applause. Thank you for making our work transparent to the citizens of Pennsylvania each and every day.

**CALENDAR**

**BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 703, PN 3670**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in school directors, providing for publication of e-mail addresses for school directors; and, in charter schools, providing for publication of e-mail addresses for board of trustees and further providing for applicability of other provisions of this act and of other acts and regulations.

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 2173, PN 3203**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in the State System of Higher Education, further providing for purposes and general powers, for rental fees and other charges and for annual report and providing for student records.

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 2459, PN 3653**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for emergency COVID-19 provisions.

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

The SPEAKER. I believe there is a late-filed amendment. It is a late-filed amendment. Representative Otten, you will have to move to suspend.

Amendment 05485; withdrawn. There are no other amendments.

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

\* \* \*

The House proceeded to second consideration of **HB 2319, PN 3664**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in registration of vehicles, further providing for return of registration plate, for person with disability plate and placard and for special plates for recipients of Purple Heart; and, in rules of the road in general, further providing for additional parking regulations.

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 881, PN 1434**, entitled:

An Act amending the act of June 18, 1982 (P.L.549, No.159), entitled "An act providing for the administration of certain Commonwealth farmland within the Department of Agriculture," further providing for agricultural land conservation assistance grant program.

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.)

The SPEAKER. The majority whip.  
Mr. BENNINGHOFF. Thank you, Mr. Speaker.

The electronic voting board is correct reflecting the vote of the majority party. Thank you.

The SPEAKER. The minority whip.  
Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The following roll call was recorded:

YEAS—202

Barrar	Fee	Lawrence	Reese
Benninghoff	Fiedler	Lee	Rigby
Bernstine	Fitzgerald	Lewis	Roae
Bizzarro	Flynn	Longietti	Roebuck
Boback	Frankel	Mackenzie	Rothman
Bonner	Freeman	Madden	Rowe
Borowicz	Fritz	Malagari	Rozzi

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

NAYS-0

NOT VOTING-0

EXCUSED-1

Mako

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.

**SUPPLEMENTAL CALENDAR A**

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 2045, PN 2872**, entitled:

An Act authorizing the Department of Conservation and Natural Resources, with the approval of the Governor, to grant and convey to Ohiopyle Borough, Fayette County, certain lands situate in Ohiopyle Borough, Fayette County, in exchange for Ohiopyle Borough granting and conveying certain lands to the Commonwealth of Pennsylvania to

be added to those existing lands at Ohiopyle State Park.

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.)

The SPEAKER. The majority whip.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

The electronic voting board does accurately reflect the vote of the majority party. Thank you very much.

The SPEAKER. The minority whip.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. Thank you.

The following roll call was recorded:

YEAS-202

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

Donatucci	Kenyatta	Pickett	Wheatley
Dowling	Kim	Polinchock	Wheeland
Driscoll	Kinsey	Puskaric	White
Dunbar	Kirkland	Pyle	Williams
Dush	Klunk	Quinn	Youngblood
Ecker	Knowles	Rabb	Zabel
Emrick	Kortz	Rader	Zimmerman
Evans	Kosierowski	Rapp	
Everett	Krueger	Ravenstahl	Turzai,
Farry	Kulik	Readshaw	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-1

Mako

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 2065, PN 3663**, entitled:

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, in public-private transportation partnerships, further providing for definitions and for duties of board.

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.)

The SPEAKER. The majority whip.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

The electronic voting board does accurately reflect the vote of the majority party.

The SPEAKER. And the minority whip.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The following roll call was recorded:

YEAS-202

Barrar	Fee	Lawrence	Reese
Benninghoff	Fiedler	Lee	Rigby
Bernstine	Fitzgerald	Lewis	Roae
Bizzarro	Flynn	Longietti	Roebuck

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

NAYS-0

NOT VOTING-0

EXCUSED-1

Mako

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 2433, PN 3665**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for emergency COVID-19 provisions.

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 Mike Carroll is recognized.

Mr. CARROLL. Thank you, Mr. Speaker.

Mr. Speaker, each of these bills is related to the various segments of the economy being opened. As they have come before the chamber, I have asked myself two simple questions: Is this bill life-sustaining and is this economic activity life-sustaining? Or can it be done in a way that does not increase the risk of disease spread? To be fair, I have supported some of these bills and I have opposed others.

In the bill before us of messenger and agent services, who provide primarily third-party PennDOT services, I come down on the side that these services are not life-sustaining. PennDOT credentials that have expired or will expire have all been extended and there is simply no need to worry about renewing a vehicle registration at this moment in time. And for those that feel compelled to do so, they can do it online.

Mr. Speaker, considering this singular bill and the others that have preceded it which have opened segments of the economy, I believe much of what this chamber has engaged in amounts to message sending far more than legislating with a goal of enacting real policy change. I offer today, Mr. Speaker, the perspective that the message being sent by the House and these messages preceding this one have not been fruitful.

As we are now in the first week of May, I think it is time we consider sending different messages to the Governor, the administration, and to the Senate. A message that conveys the House is willing to have a sincere dialogue and cooperate in an effort to try to get through this pandemic. A message that we are sensitive to the fact that roughly 50,000 of our fellow Pennsylvanians have been infected. A message that we abhor the fact that over 3,000 of our fellow Pennsylvanians have died as a result of this infection. A message that we are forever grateful for the extraordinary work of health-care professionals, emergency responders, and so many others. A message that a resumption of targeted economic activity can and should be considered as this crisis unfolds.

Let us send those messages today, Mr. Speaker. I am hopeful these messages will offer a far greater prospect for successful policy change that is being sought by this bill than the passage of another singular economic segment being opened by itself.

Mr. Speaker, our fellow citizens, the ones who are demanding respectful, sincere legislating, really do need us to do so, and for that reason, Mr. Speaker, I oppose this bill. Thank you.

The SPEAKER. Representative Daryl Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, the previous speaker talked about what kind of message should be sent. I think this bill, that would allow and require waivers to be extended for messenger services to be opened, sends a message that we have been attempting to send in bill after bill after bill to this Governor and his Secretary, that the economy has to be allowed to reopen for men and women and for their families to be able to put bread on the table, Mr. Speaker.

Mr. Speaker, there is a large percentage of our population that is still receiving paychecks, and most of those are government workers, Mr. Speaker, like the previous speaker who is still getting his paycheck. The message that this Governor has not been able to grasp is that there are a lot of people suffering across this State.

We just had a call to my office today from a gentleman who dipped in his 401(k) to be able to pay his mortgage, and now as a result of that shows too much income to get help with putting food on the table that he still needs money for, Mr. Speaker, along with the fines and penalties that he will have from dipping into the 401(k) that was supposed to be for his retirement years. Well, it is good that he had a source to go to to pay his mortgage, because not everybody does. And I would presume that there are many people working in some of these messenger services that are in that position where they do not have a resource to dip into to pay for their mortgages or pay for their rent or pay for their kids to have a new pair of shoes that they might be growing out of or pay to just put bread on the table.

Mr. Speaker, the damage that is being done to this economy and to the people that are working normally within this economy is beyond measure. We are not going to fully know the consequences of the damage that has been done for months and years to come, Mr. Speaker.

Mr. Speaker, I think that the Governor should receive a very clear message as a result of this vote today, as he should have from vote after vote after vote that we have made the last several weeks, is that one man and his Secretary were never intended by the Constitution or our laws or the people who are the government to be able to shut down the marketplace that people have to make transactions in to be able to eat and to be able to keep a roof over their head, Mr. Speaker.

Mr. Speaker, I ask for an affirmative vote for this bill, and I think that we need to go much further to put this Governor back on his heels, not to let him know that we are going to cooperate with the dictates that he has been issuing that are creating more harm than the virus itself, Mr. Speaker, to the people of this State.

Thank you, Mr. Speaker.

The SPEAKER. Representative Matt Bradford.

Mr. BRADFORD. Thank you, Mr. Speaker.

I just wanted to follow up a little bit on what the good gentleman said. I know he speaks with great passion and I know he recognizes the tremendous suffering, economic-wise, going on in our Commonwealth, but with all of these bills to reopen, whether they were symbolic or sending a message or political or whatever purpose one would project upon them, I recognize that there is one discussion that is so badly missed.

The other day, and the good gentleman from Lancaster raised the issue about testing, and God knows this side of the aisle has talked about contact tracing. I realize that many are speaking from tremendous passion, and we have obviously countered with an argument that we need to not match that passion with a talk about science, but we need to ratchet the conversation appropriately. I worry very much that we have had conversations for 5, 6, 7 weeks now about reopening segments of the economy, regions of the economy, the whole Commonwealth's economy without a single discussion about contact tracing and testing.

Now, I am glad that this body has joined the bandwagon, but what I worry about deeply is when you divorce those very necessary conversations to the plight of realtors or messengers or car dealers, you spread the same kind of fear and you sow the same kinds of divisions.

The gentleman mentions the inequalities in the waiver process. I think people also need to talk about the inequalities that are rife within society. One of my colleagues the other day reminded me. We talk about reopening whole segments of the economy but never talk about those segments of the economy that rely on things like child care. They have to be part of the discussion. You have to talk about worker protections, and they were not part of the discussion. This singular discussion, just the focus of the economic impact, will not misplace, is not holistic or not comprehensive, and it fails to recognize the challenges across our Commonwealth – not sector by sector in our economy, but a population that is feeling such pain, the suffering, not just economic, but the loss in human life and dignity.

The fact that we stand here today more reliant on service workers who are underpaid, underprotected, who worry about how they are going to take care of their children, whom we do not give hazard pay, and yet we put these bills forward totally oblivious to the pain to those folks. I worry that we continue to have these – and again, I will give the gentleman the opportunity to say "symbolic bills." Let us move beyond symbolism and talk about the real pain and the real inequality and the real challenges to Pennsylvanians right now today.

There are economic challenges – we recognize it – but the conversation needs to be broader, and recognizing that we have a challenge that involves contact tracing and testing and those who want to reopen the economy with no interest in the math or the science or the data do not talk about.

I hope that today's political process vote will be the last on these reopenings. We have seen the process begin in northwest and north-central Pennsylvania, and we are heartened by the progress that our Governor and his experts realize that we can make by doing this in a thoughtful way. But a political process, again, that would have us trump what we want as opposed to what science says we need is not a process worth having at this time with so much suffering in our Commonwealth.

Thank you, Mr. Speaker.

The SPEAKER. Representative Greg Rothman.

Mr. ROTHMAN. Mr. Speaker, addressing the good gentleman of Montgomery County, the acting minority leader. In his comments on this and every bill in the last and many weeks, he keeps talking about the science. Every single one of these bills represents the CDC (Centers for Disease Control and Prevention), references the CDC – those are the nation's scientists. Every single one of them represents and references those scientific requirements. So yes, I understand it is whack-a-mole, as the good gentleman from Montgomery County said. I understand we are coming here and asking the Governor to please consider the 1.7 million people—

### POINT OF ORDER

The SPEAKER. Representative Bradford, do you have a point or order? Just – you know how to do it.

Mr. BRADFORD. Point of order.

The SPEAKER. Yes, sir, you may state it.

Mr. BRADFORD. If the gentleman is going to disparage me or anyone else in this building and undermine somebody's position in this caucus or any other, he should do so carefully, because when we question each other's integrity or their position

or their— It is so far afield, sir. I do not question your occupation, your financial interests. I do not question one of those things—

Mr. CUTLER. Point of order, Mr. Speaker.

Mr. ROTHMAN. But you have. You have over—

The SPEAKER. Please suspend. Both individuals, please suspend. Please suspend.

### POINT OF ORDER

The SPEAKER. The majority leader, point of order, sir.

Mr. CUTLER. Thank you, Mr. Speaker.

I do not believe the good gentleman was doing as was implied. In fact, I believe the good gentleman throughout this week and each of the lasts has been in fact yielded floor time. I think that is an accurate description of past actions, and, Mr. Speaker, I think in terms of personal attacks that the good gentleman has indicated may have been levied, I agree that all personal attacks are wrong, and I ask for consistent rulings from the Chair and certainly appreciate the position that the Speaker is in.

Thank you, Mr. Speaker.

The SPEAKER. Referring to Mason's Manual of Legislative Procedure – at this time, actually, the leaders and the Appropriations chair, if you will please approach the rostrum. Thank you.

Frank, if you and Bryan, both the Democratic and Republican leaders, and the Appropriations chairs, the Democratic chair and the Republican chair. Representative Saylor, if you could come up as well.

(Conference held at Speaker's podium.)

The SPEAKER. Representative Rothman.

Mr. ROTHMAN. I apologize if I offended anybody in those remarks. I was under the impression, mistakenly, that that was what the gentleman from Montgomery County, that was his role since he has been taking these speeches, but I just—

The SPEAKER. Listen, we are going to stop – let me finish, please – we are going to stop.

Mr. ROTHMAN. I apologize.

The SPEAKER. Okay. He is the Democratic Appropriations chair, and when anybody addresses another person, you will address them as Representative, or if they have a title like I do, you will address them as their title. And we will show respect to each and every person, and that means you pick out the places where you file amendments and you talk on the facts in front of you and that you are going to treat each other with dignity and respect. Both sides of the aisle want to get to a solution, I think, as to where we are headed in this State with the COVID crisis and with the economic crisis; 1.7 million people have filed for unemployment compensation claims and another 130,000 have filed for pandemic unemployment assistance, not to mention those that have been afflicted with the COVID. Legislative bodies speak through legislation.

Now, at this point, we will finish the discussion on this bill and take a vote. Please be on the substance – every single person here – and we can all quit lecturing each other through this as well. I am giving room for discussion, but as it gets brought on one side, it gets brought on the other side. Let us discuss the bill in front of us.

Who would like to speak on the bill?

Representative Carroll, for the second time.

Mr. CARROLL. Mr. Speaker, thank you.

Mr. Speaker, I think it is Einstein who is credited with the phrase that insanity is doing the same thing over and over and expecting a different result. Mr. Speaker, we have done this over and over—

The SPEAKER. On the bill, please.

Mr. CARROLL. As I said, Mr. Speaker, I have voted for these and I have voted against some.

The SPEAKER. On the bill.

Mr. DERMODY. Mr. Speaker, I—

The SPEAKER. Not on a series of bills, on the bill. You may proceed on the bill.

Mr. CARROLL. So, Mr. Speaker, on this bill, because of the nature of the economic activity, the renewal of PennDOT applications that do not need to be renewed, there is no reason, no good reason to risk additional infections and additional deaths to renew a vehicle registration. There is no good reason – none.

The SPEAKER. Does anybody else wish to speak on the bill? The Democratic leader, Frank Dermody, will be followed by the majority leader, Bryan Cutler.

Leader Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, I had not planned on speaking today on this particular piece of legislation. I have spoken on many pieces of legislation, as we all know, all these individual bills opening up our economy.

Our Appropriations chairman was speaking on the bill, on the substance of the bill, and why it was so important for testing in the Commonwealth in order for us to open up this Commonwealth to business. That is what he was speaking about. That is appropriate. No matter what he does, no matter what function, he is our Appropriations chairman doing his job, and I will do my job.

Now, look, evidence-based public health restrictions have put this Commonwealth in a better place than a lot of other places, but you have heard the number of deaths, you have heard the number of cases. This is no time to let up. It has worked because Pennsylvanians have stood up, they have sacrificed, they have stayed home, and we are in a better place than a lot of other places, but we could let up and have a catastrophe right here.

Now, you have a bill today that is totally unnecessary. Several counties are open and the messengers are working. PennDOT is not processing any applications or any forms. They are not open. So is it necessary? Is it life-essential to open up messengers in the Commonwealth? No, it is not. As have several of the issues we have had to deal with over these last several days, what we have done with the mitigation efforts of our citizens has, in many instances, controlled this outbreak, but it is far from over.

So our responsibility, one, is to protect the public health, and I will stand with our Appropriations chairman, our leadership, our whip, and we will fight every day to do that. We want to open up the economy. We need to put people to work, but the Department of Labor and Industry has 1.6 million applicants. Yes, they are overworked, but they are struggling and they are trying every day and they will make sure and we will make sure those who are unemployed and entitled to those reimbursements, entitled to their unemployment compensation will get it.

In the meantime, we are going to stand up for the public health and public safety. In the meantime, we are going to work with evidence-based public health restrictions that have been proven to work and will help protect the public, and we will open this economy in a way that is measured, that is thoughtful, that is done

with science, that is done with testing, because that is the only way. It is the only way we can go to the public with a straight face as public servants, as protectors of their health, and we have a job to do here; yes, we do. You can smile and laugh, but our job is to help protect the public, and there are dangers out there. There is a virus out there that has no treatment, no cure, no vaccine, and we want to be reckless, act with reckless abandon without taking into consideration all of those factors. That is why we stand up here every single day we are here and stand up and say, we cannot do it this way. We need to do it in a measured way and a way that takes in the science and the data. Let me say, we will continue to do that and we will continue to fight what we think is right and we will be united to do that.

This bill is another mistake. We should vote "no."

Thank you, Mr. Speaker.

The SPEAKER. Thank you, Leader.

And the majority leader, Bryan Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, I certainly appreciate the good gentleman's passion and the passion of all the prior speakers, but there were a couple of questions that I think need answered that were raised by different members. The question is, why this bill? Why today? Why this process? I think it is very clear, Mr. Speaker. Oftentimes as we have debates here on any bill, there are three things you can argue. You can argue the policy, you can argue the process, or you can argue the politics. And at varying times, we may do some or all three.

Mr. Speaker, today I think what we are hearing is a process argument and a question about the policy, but the policy I think is quite clear. The good gentleman has previously said that PennDOT is not open; that is factually incorrect. There are continued and limited operations related to essential functions such as apportioned plates and restorations and some other limited areas.

Mr. Speaker, this bill would further support some of those efforts which is why, why only this bill and not everybody? Mr. Speaker, this body previously passed a bill that would have evenly applied to everybody. So the reason for this process, because this is how, if you look back on my legislative history here, I will vote for what I think is right, and if that does not get a majority – or in this case, the Governor's signature – then you go back to the drawing board and you try to find those issues where you do have some commonality. That is called compromise.

Mr. Speaker, this bill and many of the other bills who the prior speakers have all indicated that they have voted for at different times and different places, we have all compromised at one point or another to advance these issues. Mr. Speaker, we heard the definition of insanity is doing the same thing over and over again, but I would offer these bills are very different; the approach is the same, and I would offer that the approach is working.

Mr. Speaker, if you look at a timeline of our calendar and lay it against the actions of the Governor, I think it is very, very clear who is having the impact on our policies: auto sales, which is directly related to the underlying nature of this bill. On March 27, we as the Republican Caucus had urged the Governor to allow automobile sales. Why? Why, because we had all heard individual stories of essential workers who were unable to purchase cars or they were forced to go with some of the online giants that had operations in other States and jumped through a variety of paperwork gymnastics in order to purchase a car to continue to go to work. March 27.

April 7 the bill was introduced. April 20, and for those unfamiliar with our legislative process, it takes 4 days to move through our legislative calendar. The 21st was the day for the final vote on that bill, which means it had started 4 days sooner. Mr. Speaker, between the first day of the bill moving and the last day of a final vote, which I believe had bipartisan support, the Governor acted.

Mr. Speaker, I have a list of items replete with other actions by the Governor: Elective surgeries; we sent a letter on the 21st of April, and he responded on the 27th by opening up limited elective surgeries. Mr. Speaker, we worked in a bipartisan way on medical supplies, passing the bill on the 25th, and he announced \$50 million worth of supplies. Mr. Speaker, mental health, which we initiated on April 27, was unanimously passed yesterday by every member here – 202 votes – while at the same time the Governor announced his initiatives on mental health.

Mr. Speaker, we did pass the mitigation plan, which was born out of bipartisanship, made up of members off all three branches and members of both parties, on April 14. Immediately prior to the veto, he announced his own plan, and there was movement.

Mr. Speaker, specific to construction, the Speaker's own bill, March 27 we put out the cosponsorship memo, April 21 we passed small businesses, vehicle dealers, and construction, and on the 22d the Governor announced he would get back to business by opening up on May 8, which was then soon moved back to May 1. And I appreciate the Governor's reliance and movement, but I also appreciate that each and every member here dutifully considered all of the facts prior to voting on that. And, Mr. Speaker, while there are some who wish to spin this as one party versus the other, the truth is, these bills had bipartisan support, which is what makes that tale so difficult to spin.

Mr. Speaker, I can go on and on and talk about the actions related to the list, but let us get into the data and the science, because I think it is important. Some numbers that matter: 1.7 million people on unemployment. Mr. Speaker, too often here we turn this into a discussion about businesses wanting to be open when it is about the people who work in those businesses; that is what this is about. This is about individuals who want to and can safely reopen.

The Governor's own waiver process confirms that that is possible. We may disagree on the mechanics of the waiver process, but nonetheless, it existed. We worked through it, and we have moved beyond it to a gradual reopening, which I think is important. Mr. Speaker, we have heard about protecting the workers, and I agree, but the good gentleman, the minority Appropriations chair in fact pulled a worker protection amendment and prevented a vote on this very bill. He did that at a minimum of three or four times this week after we had agreed to one previously. So I understand it is good to make the argument that somehow people do not care about workers, when the truth of the matter is, the very center of this discussion is always about the workers. It is the people who work in their own small businesses. It is the people and the families that they hire and support.

Mr. Speaker, we have asked about the data. Let us go back to the beginning days of the pandemic. What were we told? A couple things. One, we need to make sure that we do not overwhelm the health-care system and make sure that our health-care resources are in place to adequately care for those who might come down with the virus, and two, we want to flatten the curve. Mr. Speaker, we reached the peak of new cases on April 9; over 1900 cases, contrasted with today 862. We agree that the

quarantine was an appropriate short-term measure in flattening that curve, and if you look at the new cases day over day, that has happened.

Mr. Speaker, other data that I think is equally important, at least in Lancaster County: nearly 80 percent of our cases are in long-term care facilities. Looking at many of the counties that themselves suffer from very high rates, that is the same. I referenced an op-ed in the New York Times by a doctor from CHOP (Children's Hospital of Philadelphia) that the data is currently showing, and I think it is a reasonable hypothesis that that is part of the scientific process. I think it is reasonable to expect that population density has a disparate impact on individuals who ultimately come down with the virus. Look at our most populous areas here in the Commonwealth; that data is bearing that out.

So I understand different areas will be impacted in different ways, and I understand that it must be a scientific and data-driven approach, but if we accept that premise, then we must also recognize that two of the places that need extra attention are long-term care facilities and prisons, areas that have high-density population.

Montgomery County themselves have undertaken the testing of all of the prisoners, and they are undergoing the nursing homes. Why? Because they are at a higher risk. But, Mr. Speaker, these two population bases, respectfully, can overwhelm the other cases that you have in a county disproportionately. The rural counties that have high prison populations, if they get a high number of case volumes, will be sunk, and for those us who have a high number of retirements communities, likewise. But these populations themselves can be more easily protected than the general population at large.

Mr. Speaker, I think we also have to look at the age demographics, because I think it is important. High-risk individuals should continue to shelter in place and take care of themselves. My grandmother is one of them. I have encouraged her to stay at home. I have encouraged and offered to go grocery shopping on her behalf, but at the end of the day, Mr. Speaker, she is an American and she can decide if she wants to assume that risk or not. And she safely distances, wears a mask as needed, but ultimately, it is her decision and not mine, even if I would choose a slightly different path to offer her.

Mr. Speaker, when you start looking at all of the data, the question is very simple to me. If we are going to look at the data, we need to look at all of it. We need to target our solutions to testing. The good gentleman mentioned contact tracing; that was included in HB 2455 that we passed yesterday, and in fact, it took an act of this legislature to get the Department of State to authorize the county to test their own first responders and do that contact tracing. So we passed that bill. It is currently in the Senate. And my understanding is that the Department of State has agreed that Chester County may go forward with that testing, which, by the way, was compliant, but not approved with the FDA (Food and Drug Administration) regs and their guidance, and they were spending their own money to do so.

Mr. Speaker, if we are going to talk about testing, if we are going to talk about worker protection, we need to talk about all of it. We need to talk about every facet and we need to make sure that at the end of the day, we balance it with all of the other considerations that we have. This belief that it is somehow a choice between public health and operating safely – the truth is, we are operating safely, socially distanced, we wear masks, and we undertake that guidance, and most importantly, Mr. Speaker,

we all make that choice on whether or not we want to come here or vote remotely or vote from our offices. That is a choice that we all have. Some of us choose to come here. Some of us by virtue of our responsibility must, and that is okay, but that is the same choice that I believe our constituents should have. And it is not a choice, as has often been portrayed, as every business must do this, but for those who want to and can safely do so. That is what this is about, Mr. Speaker. To imply that it is anything else or that it is wholesale chaos across the Commonwealth is simply not accurate.

What it is, Mr. Speaker, is the choice of the individual business owner on whether or not to do so. As we safely reopen, there are some who wish we would go slower, and there are some who wish we could go faster, but, Mr. Speaker, I think we need progress, and this bill is that. I respectfully ask for a "yes" vote, and I would prefer a wholesale solution, but absent that, we will keep working on behalf of the people.

Thank you, Mr. Speaker.

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.

(Members proceeded to vote.)

The SPEAKER. The majority whip.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

The board does accurately reflect a unanimous vote of the majority party.

The SPEAKER. And the minority whip.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The following roll call was recorded:

YEAS—112

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

NAYS—90

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

NOT VOTING—0

EXCUSED—1

Mako

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 SPEAKER. We have one more bill. It will be ready to vote at 2:30. We will stand at ease until 2:30 p.m., and then we will vote on HB 2463, PN 3713. That is on third consideration.

The House will come to order.

\* \* \*

The House proceeded to third consideration of **HB 2463, PN 3713**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for access to public records during disaster declaration.

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 Grove, you are recognized.  
Mr. GROVE. Thank you, Mr. Speaker.

As this bill was amended in Appropriations, I would like to suspend the rules to directly consider HB 2463.

The SPEAKER. No, we do not need a motion. We are at the hour of 2:30.

Mr. GROVE. Okay. Thank you, Mr. Speaker.

The SPEAKER. We can proceed with the vote.

Mr. GROVE. Will do. Thank you, Mr. Speaker.

To update the members, this legislation was amended in the House Appropriations Committee on a unanimous bipartisan vote. It updated the guidelines for Commonwealth agencies to open up to ensure they are complying with sections 902(a) and 902(b) of the Right-to-Know Law. It eliminated the requirement for reimbursement if a Commonwealth agency is ordered by the Commonwealth Court to answer a request for records. It ensures that the request for data complies with section 708 of the current Right-to-Know Law, Mr. Speaker, and finally, it clarifies section 2806-G, "Applicability." It clarifies the application section, as well as ensures that all current Right-to-Know requests filed since March 6 are reset to current date, Mr. Speaker.

Mr. Speaker, this is important legislation that reopens our Right-to-Know offices and ensures, provides we have robust data during emergency declarations so we have a full understanding of the scope of the emergency, as well as how the administration is moving forward with decisions. This legislation is critical in these times. Transparency should never be delayed, and it should be emphasized during times of emergency disaster, Mr. Speaker.

I appreciate the members' support, and hopefully, we can send a bipartisan vote recognizing that this chamber does support transparency and does support openness, Mr. Speaker. Thank you.

The SPEAKER. Thank you, sir.

Does anybody else wish to be recognized on the bill?

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.

(Members proceeded to vote.)

The SPEAKER. The majority whip.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

The electronic voting board does accurately reflect the vote of the majority party. Thank you very much.

The SPEAKER. The minority whip.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The following roll call was recorded:

YEAS—202

Barrar	Fee	Lawrence	Reese
Benninghoff	Fiedler	Lee	Rigby
Bernstine	Fitzgerald	Lewis	Roae
Bizzarro	Flynn	Longietti	Roebuck
Boback	Frankel	Mackenzie	Rothman
Bonner	Freeman	Madden	Rowe
Borowicz	Fritz	Malagari	Rozzi
Boyle	Gabler	Maloney	Ryan
Bradford	Gainey	Markosek	Sainato
Briggs	Galloway	Marshall	Samuelson
Brooks	Gaydos	Masser	Sanchez
Brown	Gillen	Matzie	Sankey

Bullock	Gillespie	McCarter	Sappey
Burgos	Gleim	McClinton	Saylor
Burns	Goodman	McNeill	Schemel
Caltagirone	Green	Mehaffie	Schlossberg
Carroll	Gregory	Mentzer	Schmitt
Causer	Greiner	Merski	Schroeder
Cephas	Grove	Metcalfe	Schweyer
Ciresi	Hahn	Metzgar	Shusterman
Comitta	Hanbidge	Mihalek	Simmons
Conklin	Harkins	Millard	Sims
Cook	Harris	Miller, B.	Snyder
Cox	Heffley	Miller, D.	Solomon
Cruz	Helm	Mizgorski	Sonney
Culver	Hennessey	Moul	Staats
Cutler	Hershey	Mullery	Stephens
Daley	Hickernell	Mullins	Struzzi
Davanzo	Hohenstein	Murt	Sturla
Davidson	Howard	Mustello	Thomas
Davis, A.	Innamorato	Neilson	Tobash
Davis, T.	Irvin	Nelson	Toepel
Dawkins	Isaacson	O'Mara	Tomlinson
Day	James	O'Neal	Toohil
Deasy	Jones	Oberlander	Topper
DeLissio	Jozwiak	Ortitay	Ullman
Delloso	Kail	Otten	Vitali
Delozier	Kaufner	Owlett	Warner
DeLuca	Kauffman	Pashinski	Warren
Dermody	Keefer	Peifer	Webster
Diamond	Keller	Petrarca	Wentling
Donatucci	Kenyatta	Pickett	Wheatley
Dowling	Kim	Polinchock	Wheeland
Driscoll	Kinsey	Puskaric	White
Dunbar	Kirkland	Pyle	Williams
Dush	Klunk	Quinn	Youngblood
Ecker	Knowles	Rabb	Zabel
Emrick	Kortz	Rader	Zimmerman
Evans	Kosierowski	Rapp	
Everett	Krueger	Ravenstahl	Turzai,
Farry	Kulik	Readshaw	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Mako

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.

**QUESTION OF PERSONAL PRIVILEGE**

The SPEAKER. Under rule 12, my understanding is, on a point of personal privilege, the majority caucus chair, Representative Marcy Toepel of Montgomery County, wishes to be recognized.

Mrs. TOEPEL. Thank you, Mr. Speaker.

I have been in the legislature for 10 years and never have I ever had my morality questioned. I am outraged at the statement made in a prepared press release by the Democratic leadership to describe my advocacy, as well as that of my colleague, Representative Mustello, for bills we authored as morally bankrupt.

The calls by my colleagues on the other side of the aisle for leadership and bipartisanship during this pandemic and how we emerge from it ring hollow when debate on reopening businesses and nonprofits devolves into highly offensive and uncalled-for personal attacks.

Make no mistake, my morality will be judged someday, but not by the leadership of the Democratic Caucus. Representative Mustello and I ask that they retract this outrageous statement.

Thank you, Mr. Speaker.

The SPEAKER. Either of the leaders can speak. Anybody else would have to ask for unanimous consent.

On unanimous consent, Representative Bradford.

Mr. BRADFORD. Thank you.

To the good lady from Montco, who for many years we had the privilege of sharing neighboring communities, I would never question your integrity, I would never question your morality, but I do question the wisdom of what has been going on in this building for several weeks now.

The SPEAKER. If a member objects, there is no unanimous consent. There is an objection.

The Democratic leader can proceed. You can raise a point of order.

### POINT OF ORDER

Mr. HARRIS. Point of order.

Mr. Speaker, respectfully, the gentlelady raised the issue with the Democratic leadership, so how can the gentleman not be allowed to respond?

The SPEAKER. The Democratic leader can respond.

Mr. HARRIS. But respectfully, Mr. Speaker, it was not made just against the Democratic leader.

The SPEAKER. The rules are that the Democratic leader and the majority leader can respond. Others can respond on unanimous consent. Under the rules under unanimous consent, if it is not unanimous, you cannot speak. The Democratic leader and the majority leader can speak. Those are the rules.

Mr. DERMODY. Mr. Speaker?

The SPEAKER. You may proceed, sir.

Mr. DERMODY. Rule 223 states that a public accusation "against a member is not a question of personal privilege as long as the..." accusation "if true, would not incapacitate that person from membership." Look, we never questioned any individual, but we sure did question a policy, and we questioned a policy of opening up the Commonwealth irresponsibly. In our view, that is what has been going on here. So there was never a question of anybody's personal integrity. There were no names mentioned; however, the policy that we discussed, "Furthermore, prioritizing dog groomers and zoos" – I am going to quote from the statement – "over the lives of millions of Pennsylvanians is incredibly irresponsible and morally bankrupt...." The policy, we believe – we did not question any individual member's integrity; however, however, we do believe that what has been going on here, this piecemeal approach to opening this economy, is a mistake, that it does not follow the CDC guidelines or a responsible way to protect the health and welfare of the Commonwealth and open up the Commonwealth for business in a responsible way. That is what was meant; that is what we did.

The SPEAKER. Thank you.

The majority leader, Representative Bryan Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, I stand with the gentlelady calling for a complete retraction of that statement, and it really comes from a basic understanding of the English language. Mr. Speaker, the exact quote, as was quoted by the leader from the release: "...prioritizing dog groomers and zoos over the lives of millions of Pennsylvanians is incredibly irresponsible and morally bankrupt."

Mr. Speaker, policies cannot be irresponsible themselves; it is the people implementing those policies, and they cannot be morally bankrupt. I think it is important to understand that "prioritizing" is a verb that applies back to the general sponsorship of the underlying bills. And rule 12 is quite clear, and I am glad that the quote has been read in its entirety for the benefit of all of Pennsylvania to hear, and it says, "Any member may by leave of the Speaker rise and explain a matter personal to the member, but the member shall not discuss a pending question in the explanation. Questions of personal privilege shall be limited to questions affecting the rights," and in this case, "reputation and conduct of members of the House in their respective capacity." Mr. Speaker, quite plainly and very clearly, the good lady was advocating for her constituents; none of us should ever apologize for that. And, Mr. Speaker, in doing so, we are engaging in conduct of the member on behalf of our constituents, and it directly reflects on the reputation.

I think that the statement is inappropriate. I, too, wish to see it retracted. I offered earlier that sometimes when you cannot debate an issue of policy, you argue process, or in this case, politics. I prefer to stay on the topics of policy and advance them as we move forward, as once again we showed today the policy that we advance was bipartisan. I appreciate the support of members on both sides of the chamber, and I would ask that we continue to do so on behalf of all of our constituents. We can disagree on that policy, but we can also do it in a way that is becoming to our office.

Mr. Speaker, again, I join the good lady's call for a retraction of this statement. Thank you.

### REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. Representative John Lawrence, on unanimous consent.

Mr. LAWRENCE. Thank you, Mr. Speaker.

On a more plain vanilla note, I simply have some comments to submit for the record. Thank you.

The SPEAKER. You may so submit.

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

Mr. Speaker, I rise regarding HB 2455, which passed the House yesterday by a vote of 201-1.

Mr. Speaker, on page 3, lines 9-12, the bill defines the term "Policy" as "The Policy for Diagnostic Tests for Coronavirus Disease-2019 during the Public Health Emergency, docket number FDA-2020-D-0987, available on the publicly accessible Internet website of the Food and Drug Administration on March 16, 2020."

Mr. Speaker, since the FDA has issued several versions of this docket number, I want to be clear that, as the bill states, the version dated March 16, 2020, is the version to be utilized here.

For the record, the relevant language from the FDA Policy, Section (VI) (D) states:

"D. Commercial Manufacturer Development and Distribution and Laboratory Development and Use of Serology Tests Without an EUA.

The policy described in this subsection applies to developers of serology tests that identify antibodies (e.g., IgM, IgG) to SARS-CoV-2 from clinical specimens. This policy is limited to such testing in laboratories or by healthcare workers at the point-of-care. This policy does not apply to at home testing.

Considering that serology tests are less complex than molecular tests and are solely used to identify antibodies to the virus, FDA does not intend to object to the development and distribution by commercial manufacturers or development and use by laboratories of serology tests to identify antibodies to SARS-CoV-2, where the test has been validated, notification is provided to FDA, and information along the lines of the following is included in the test reports:

- This test has not been reviewed by the FDA.
- Negative results do not rule out SARS-CoV-2 infection, particularly in those who have been in contact with the virus. Follow-up testing with a molecular diagnostic should be considered to rule out infection in these individuals.
- Results from antibody testing should not be used as the sole basis to diagnose or exclude SARS-CoV-2 infection or to inform infection status.
- Positive results may be due to past or present infection with non-SARS-CoV-2 coronavirus strains, such as coronavirus HKU1, NL63, OC43, or 229E.

FDA recommends that developers planning to submit an EUA for serological testing as the sole basis to diagnose or inform infection status, include information along the lines of the statements above in their test reports until data is submitted and an EUA is authorized for additional uses."

I wanted to make sure this language was clearly included in the record.

Thank you, Mr. Speaker.

The SPEAKER. Housekeeping.

### BILLS RECOMMENDED

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

HB 703;  
HB 2173;  
HB 2319; and  
HB 2459.

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 1827;  
HB 2016;  
HB 2056;  
HB 2465;

HB 2467;  
HB 2468;  
HB 2469;  
HB 2470;  
HB 2471;  
HB 2472;  
HB 2473;  
HB 2474;  
HB 2475;  
SB 275; and  
SB 351.

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

### CALENDAR CONTINUED

#### RESOLUTION

Mr. CUTLER called up **HR 634, PN 3003**, entitled:

A Concurrent Resolution establishing the Task Force on Technical Probation Violations.

On the question,  
Will the House adopt the resolution?

#### RESOLUTION TABLED

The SPEAKER. The majority leader moves that HR 634 be removed from the active calendar and placed on the tabled calendar.

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

#### RESOLUTION REMOVED FROM TABLE

The SPEAKER. The majority leader moves that HR 634 be removed from the tabled calendar and placed on the active calendar.

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

### HOUSE BILLS INTRODUCED AND REFERRED

**No. 2487** By Representatives RYAN, STEPHENS, DIAMOND, MALONEY, LEWIS, KEEFER, ROAE, SCHLEGEL CULVER, O'NEAL, BARRAR, KAUFFMAN, JONES, MIZGORSKI, MARSHALL, GROVE, DUNBAR, BERNSTINE, MENTZER, DeLUCA, COOK, THOMAS, GLEIM, ROWE, KORTZ, HELM, OTTEN, HERSHEY, B. MILLER, BONNER, ORTITAY, MUSTELLO, MEHAFFIE, KAIL and MOUL

An Act amending the act of September 30, 1983 (P.L.160, No.39), known as the Public Official Compensation Law, further providing for judicial salaries, for compensation of Governor and Lieutenant Governor, State Treasurer, Auditor General, Attorney General, Commissioners of the Pennsylvania Public Utility Commission and heads of departments and for members of the General Assembly.

Referred to Committee on STATE GOVERNMENT, May 5, 2020.

**No. 2488** By Representatives ROTHMAN, MILLARD, MIZGORSKI, M. K. KELLER, ECKER, KAUFFMAN, PICKETT, BERNSTINE, KEEFER, OWLETT, JAMES, DeLUCA, WHEELAND, SAYLOR, GLEIM, ROWE, KORTZ, GAYDOS, MENTZER and STRUZZI

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for emergency COVID-19 provisions.

Referred to Committee on HEALTH, May 5, 2020.

**No. 2489** By Representatives MALONEY, BERNSTINE, CAUSER, SCHLEGEL CULVER, ECKER, GAYDOS, GLEIM, GROVE, KEEFER, KORTZ, MACKENZIE, MILLARD, ROWE, SCHMITT, TURZAI, STRUZZI, ORTITAY, MOUL and ZIMMERMAN

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for emergency COVID-19 provisions.

Referred to Committee on STATE GOVERNMENT, May 5, 2020.

**No. 2490** By Representatives DUSH, MILLARD, BARRAR, MACKENZIE, KEEFER, BERNSTINE, JAMES, MOUL and GROVE

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in Commonwealth services, providing for critical infrastructure during declaration of disaster emergency.

Referred to Committee on STATE GOVERNMENT, May 5, 2020.

### **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.

### **RECESS**

The SPEAKER. At this time the Speaker will be placing the House on a 12-hour call of the Chair. We are standing at a 12-hour call of the Chair. Thank you.