

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, MAY 19, 2020

SESSION OF 2020

204TH OF THE GENERAL ASSEMBLY

No. 31

### HOUSE OF REPRESENTATIVES

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

#### THE SPEAKER (MIKE TURZAI) PRESIDING

#### PRAYER

The SPEAKER. The prayer today will be offered by Chairman Tom Murt. Tom is the chair of the Human Services Committee. He is retiring after – how many terms in office, Tom? Seven terms. So he has served his constituents in Montgomery County and Philadelphia County quite, quite ably, really quite devotedly really, for seven terms.

And, Tom, you served our country in which armed service? In the United States Army during the first Iraq War, correct? Oh, in the second Iraq War. And what years were your years of service? So you were in Iraq itself 2003-2004. And how long were you in the United States Army? You were 20 years. A 20-year veteran of the United States Army.

Before we pray, we should give him a round of applause.

Tom, God bless you.

He is going to be giving our prayer today. So Chairman Tom Murt is going to be delivering our prayer for the day.

HON. THOMAS P. MURT, member of the House of Representatives, offered the following prayer:

Thank you, Mr. Speaker.

May is Mental Health Awareness Month, and the Feast Day of Saint Dymphna, patron saint of people with mental illnesses, falls on May 15. The story of Saint Dymphna is an inspiring story about how communities can support our brothers and sisters who struggle with mental illness. Saint Dymphna advocated for those who suffered from mental illness and treated them with kindness, compassion, and understanding.

As we know during this time of pandemic, there is an increase in anxiety over the future of our Commonwealth and our nation. Mental health is and should be a key concern for all of us as we deal with the unknown. We can learn from the life and the work of Saint Dymphna that communities of faith can be instrumental in helping one another.

Please join me in prayer:

This is a prayer in honor of Saint Dymphna.

Lord, our God, You graciously chose Saint Dymphna as patroness of those afflicted with mental and nervous disorders. She is thus an inspiration and a symbol of charity to the thousands who ask her in her intercession. Please grant, Lord, through the prayers of this pure, youthful martyr, relief and consolation to all suffering such trials, and especially those for whom we now pray.

We beg You, Lord, to hear the prayers of Saint Dymphna on our behalf. Grant all those for whom we pray patience in their sufferings and resignation to Your divine will. Please fill them with hope and grant them the relief and cure they so much desire. We ask this through Christ our Lord, who suffered agony in the garden. 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 18, 2020, will be postponed until printed.

The saint in Catholic tradition that our good friend, Chairman Tom Murt, referenced in his prayer, for the record, is Saint Dymphna, spelled D – as in David – D-y-m-p-h-n-a. According to history and tradition, this saint lived in seventh century Ireland and died in what is today the country of Belgium.

Chairman Murt, thank you for that gracious prayer.

#### ANNOUNCEMENT BY SPEAKER

The SPEAKER. Again, those members in particular that are not running again for reelection and this is their last term obviously, each of you will have an opportunity to give final remarks, but over these next weeks, if you wish to offer a prepared prayer of any faith tradition, please approach myself as Speaker or Kelly Fedeli. We would start off with those particular members.

As you know, given the Governor's order, we cannot bring in religious of any faith or background into the Capitol, just as we cannot invite any guests into the Capitol. Only members and staff under the Governor's order are permitted in the Pennsylvania Capitol at this time.

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

**HB 110, PN 3792** (Amended) By Rep. PEIFER

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, in Independent Fiscal Office, further providing for revenue estimates.

FINANCE.

**HB 1647, PN 3793** (Amended) By Rep. PEIFER

An Act amending the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law, further providing for effect of failure to receive tax notice.

FINANCE.

**HB 2452, PN 3791** (Amended) By Rep. KELLER

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, providing for small business grant program, imposing duties on the Department of Community and Economic Development and making an appropriation.

COMMERCE.

**HB 2460, PN 3794** (Amended) By Rep. PEIFER

An Act amending the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law, further providing for interim assessment, duplicate and warrant, for discounts, penalties and notice, and for collectors required to be in attendance.

FINANCE.

**HB 2491, PN 3722** By Rep. KELLER

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.

COMMERCE.

**HB 2497, PN 3795** (Amended) By Rep. PEIFER

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in personal income tax, further providing for classes of income.

FINANCE.

**SB 309, PN 286** By Rep. HELM

An Act providing for the establishment of first-time home buyer savings accounts for first-time home buyers in this Commonwealth.

URBAN AFFAIRS.

**RESOLUTIONS REPORTED  
FROM COMMITTEE**

**HR 703, PN 3221** By Rep. HELM

A Resolution designating the week of October 4 through 10, 2020, as "Love Your Avenue Week" in Pennsylvania.

URBAN AFFAIRS.

**HR 776, PN 3385** By Rep. HELM

A Resolution designating the week of May 3 through 9, 2020, as "Affordable Housing Week" in Pennsylvania.

URBAN AFFAIRS.

**HR 777, PN 3386** By Rep. HELM

A Resolution recognizing the month of April 2020 as "Fair Housing Month" in Pennsylvania.

URBAN AFFAIRS.

**HR 823, PN 3481** By Rep. HELM

A Resolution recognizing and honoring the work and service of Brian A. Hudson as the executive director and chief executive officer of the Pennsylvania Housing Finance Agency.

URBAN AFFAIRS.

**COMMUNICATION FROM  
UNIVERSITY OF PITTSBURGH**

The SPEAKER. The Speaker acknowledges receipt of the University of Pittsburgh's Federal Form 990 for the year-ended June 30, 2019.

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

**HOUSE RESOLUTIONS  
INTRODUCED AND REFERRED**

**No. 876** By Representatives EMRICK, BROWN, CAUSER, HEFFLEY, LONGIETTI, YOUNGBLOOD, KNOWLES, MACKENZIE, KORTZ, BURNS, SONNEY, HOWARD, SCHWEYER, HILL-EVANS, JOZWIAK, MILLARD, DeLUCA, NEILSON and GAINNEY

A Resolution recognizing the month of May 2020 as "Preeclampsia Awareness Month" in Pennsylvania.

Referred to Committee on HEALTH, May 19, 2020.

**No. 877** By Representatives FARRY, RAVENSTAHL, JONES, JAMES, SCHLEGEL CULVER, SCHMITT, MILLARD, MURT, GREINER, RYAN, YOUNGBLOOD, LONGIETTI, MACKENZIE, BIZZARRO, BROWN, COX, GAINNEY, KORTZ, HILL-EVANS, SCHWEYER, STAATS, OTTEN, ROZZI, TOMLINSON, DELLOSO, NEILSON, DONATUCCI, READSHAW and BROOKS

A Resolution recognizing the month of May 2020 as "Melanoma and Skin Cancer Detection and Prevention Month" in Pennsylvania.

Referred to Committee on HEALTH, May 19, 2020.

**No. 878** By Representatives DERMODY, HOHENSTEIN, DRISCOLL, SCHWEYER, SOLOMON, MARKOSEK, BIZZARRO, HANBIDGE, KINSEY, GALLOWAY, STURLA, DELLOSO, SCHLOSSBERG, HARRIS, ULLMAN, YOUNGBLOOD, HOWARD, HILL-EVANS, McNEILL, BRADFORD, WEBSTER, DeLUCA, ROZZI, SANCHEZ,

KORTZ, WARREN, WILLIAMS, GREEN, FRANKEL, CIRESI, MADDEN, GAINEY, MERSKI, NEILSON, DONATUCCI, MALAGARI and McCLINTON

A Resolution establishing a Task Force on Emergency Remote Voting.

Referred to Committee on RULES, May 19, 2020.

**No. 879** By Representatives DIAMOND, MILLARD, RYAN, GREGORY, BOROWICZ, JAMES, DUSH, CAUSER, MUSTELLO, COOK, DAVANZO, KEEFER, BERNSTINE, SANKEY, PYLE, IRVIN, METCALFE, ROAE, ZIMMERMAN, BARRAR, MENTZER, DOWLING, WARNER and MOUL

A Resolution urging the immediate removal or resignation of Secretary of Health Dr. Rachel Levine.

Referred to Committee on HEALTH, May 19, 2020.

### HOUSE BILLS INTRODUCED AND REFERRED

**No. 2527** By Representatives BROOKS, THOMAS, HILL-EVANS, NEILSON, T. DAVIS and JOZWIAK

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in county boards of elections, further providing for powers and duties of county boards.

Referred to Committee on STATE GOVERNMENT, May 19, 2020.

**No. 2528** By Representatives TOOHIL, SCHLEGEL CULVER, MOUL, MURT, MILLARD, SIMMONS, YOUNGBLOOD, STRUZZI, TOMLINSON, DeLUCA, GAYDOS, ROZZI and JOZWIAK

An Act providing for extension of waiver provisions for pediatric services.

Referred to Committee on HEALTH, May 19, 2020.

**No. 2529** By Representative ECKER

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 AGRICULTURE AND RURAL AFFAIRS, May 19, 2020.

**No. 2530** By Representatives OWLETT, NELSON, O'NEAL, BROOKS, JOZWIAK, EVERETT, MALONEY, RAPP, ROTHMAN, GLEIM, REESE, TOOHIL, KLUNK, CAUSER, GAYDOS, SAYLOR, MASSER, B. MILLER, SCHMITT, FRITZ, BERNSTINE, SANKEY, RYAN, DAVANZO, KNOWLES, KAUFFMAN, JAMES, DIAMOND, PICKETT, ZIMMERMAN, SCHLEGEL CULVER, HERSHEY, STAATS, BOROWICZ and KEEFER

An Act amending the act of December 9, 2002 (P.L.1701, No.214), known as the Religious Freedom Protection Act, further providing for free exercise of religion protection.

Referred to Committee on STATE GOVERNMENT, May 19, 2020.

**No. 2531** By Representative THOMAS

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for report on telemedicine benefits during COVID-19 pandemic.

Referred to Committee on HEALTH, May 19, 2020.

**No. 2532** By Representatives RABB, BURGOS, GALLOWAY, SHUSTERMAN, YOUNGBLOOD, DELLOSO, KINSEY, DeLUCA, BRIGGS, HILL-EVANS, HOHENSTEIN, SCHWEYER, NEILSON, ROZZI, GAINEY, T. DAVIS, McCARTER and WARREN

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in voting by qualified absentee electors, further providing for canvassing of official absentee ballots and mail-in ballots.

Referred to Committee on STATE GOVERNMENT, May 19, 2020.

**No. 2533** By Representatives BROOKS, MIHALEK, BERNSTINE, JOZWIAK, GAYDOS and MILLARD

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 19, 2020.

**No. 2534** By Representatives DeLUCA, McNEILL, MILLARD, YOUNGBLOOD, MERSKI, GALLOWAY, HANBIDGE, HILL-EVANS, HOWARD, HARRIS, KORTZ, TOMLINSON, DELLOSO, GAINEY, READSHAW and KINSEY

An Act providing for the disclosure of communicable diseases in certain facilities during disaster emergencies.

Referred to Committee on HEALTH, May 19, 2020.

The SPEAKER. We are ready for announcements.

### HUMAN SERVICES COMMITTEE MEETING

The SPEAKER. Chairman Tom Murt, chair of the Human Services Committee, is recognized for a committee announcement.

Mr. MURT. Thank you, Mr. Speaker.

Mr. Speaker, I would ask the members of the Human Services Committee to please report to B-31 immediately at the break for a brief voting meeting. Please be prompt. That is B-31, immediately upon the break.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, sir.

The Human Services Committee will meet immediately at the break in B-31.

**APPROPRIATIONS COMMITTEE MEETING**

The SPEAKER. Chairman Stan Saylor, our Appropriations Committee chair, majority Appropriations Committee chair, for an Appropriations Committee announcement.

Mr. SAYLOR. Thank you, Mr. Speaker.

The Appropriations Committee will meet immediately at the recess in the majority caucus room.

The SPEAKER. Thank you, Mr. Chair.

The Appropriations Committee will meet immediately at the recess in the majority caucus room.

Before I call on the caucus chairs, any other committee chairs?

**REPUBLICAN CAUCUS**

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

Mrs. TOEPEL. Thank you, Mr. Speaker.

Republicans will caucus virtually at 12 o'clock. We would be prepared to return to the floor at 1 o'clock. Thank you.

The SPEAKER. Thank you, Madam Chair.

**DEMOCRATIC CAUCUS**

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

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, the Democrats will caucus at noon also. Democrats will caucus at noon.

The SPEAKER. Thank you, Leader Dermody.

**RECESS**

The SPEAKER. Members, the House will stand in recess until 1 p.m., until 1 p.m. Thank you.

**RECESS EXTENDED**

The time of recess was extended until 1:15 p.m.; further extended until 1:30 p.m.; further extended until 1:45 p.m.

**AFTER RECESS**

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

**BILLS REREPORTED FROM COMMITTEE****HB 2440, PN 3776**

By Rep. SAYLOR

An Act providing for the designation of shooting ranges, sportsman clubs, hunting facilities and business relating to the sale and production of firearms and ammunition as life-sustaining.

APPROPRIATIONS.

**HB 2502, PN 3774**

By Rep. SAYLOR

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 State and its departmental administrative board, providing for report on implementation of 2020 general primary election.

APPROPRIATIONS.

**HB 2505, PN 3775**

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 COVID-19 record retention.

APPROPRIATIONS.

**HB 2506, PN 3777**

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 establishment outdoor space operation.

APPROPRIATIONS.

**HB 2513, PN 3778**

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 establishment indoor space operation.

APPROPRIATIONS.

**BILLS REPORTED FROM COMMITTEE,  
CONSIDERED FIRST TIME, AND TABLED****HB 1363, PN 3796 (Amended)**

By Rep. MURT

An Act establishing a bill of rights for individuals with intellectual disabilities or autism; and conferring powers and duties on the Department of Human Services.

HUMAN SERVICES.

**HB 2187, PN 3797 (Amended)**

By Rep. MURT

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code, in children and youth, providing for Statewide children's mental health ombudsman.

HUMAN SERVICES.

**HB 2331, PN 3436**

By Rep. MURT

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code, in mental health: departmental powers and duties, commissioner of mental health, interstate compact, reciprocal agreements, research foundation, providing for mental health care services clearinghouse; and making an editorial change.

HUMAN SERVICES.

**RESOLUTIONS REPORTED  
FROM COMMITTEE**

**HR 754, PN 3325**

By Rep. MURT

A Resolution designating April 16, 2020, as "4p-/Wolf-Hirschhorn Syndrome Awareness Day" in Pennsylvania.

HUMAN SERVICES.

**HR 775, PN 3384**

By Rep. MURT

A Resolution recognizing the month of April 2020 as "National Primary Immunodeficiency Awareness Month" in Pennsylvania.

HUMAN SERVICES.

**HR 779, PN 3388**

By Rep. MURT

A Resolution designating the month of May 2020 as "Mental Health Awareness in the Black Community Month" in Pennsylvania.

HUMAN SERVICES.

**HR 789, PN 3398**

By Rep. MURT

A Resolution recognizing the month of March 2020 as "Intellectual Disability Awareness Month" in Pennsylvania.

HUMAN SERVICES.

**HR 811, PN 3469**

By Rep. MURT

A Resolution designating the week of July 19 through 25, 2020, as "ADA Week" in Pennsylvania.

HUMAN SERVICES.

**HR 816, PN 3474**

By Rep. MURT

A Resolution recognizing the month of April 2020 as "Counseling Awareness Month" in Pennsylvania.

HUMAN SERVICES.

**HR 831, PN 3489**

By Rep. MURT

A Resolution recognizing the Women's Center & Shelter of Greater Pittsburgh and its renovated facility which provides a safe and accessible environment for residents and clients.

HUMAN SERVICES.

**HR 847, PN 3575**

By Rep. MURT

A Resolution designating the week of May 3 through 9, 2020, as "Higher Education Mental Health Awareness Week" in Pennsylvania.

HUMAN SERVICES.

**HR 858, PN 3707**

By Rep. MURT

A Resolution designating the month of May 2020 as "Mental Health Awareness Month" in Pennsylvania.

HUMAN SERVICES.

The SPEAKER. We are now prepared to take the master roll. I am going to wait. I do have to wait for the minority whip to be on the floor. I do have the majority whip on the floor. We will begin to take the master roll once the minority whip has joined us.

Members, as you know, are voting from the floor; they are also voting from their Capitol offices. They, under the permanent rules, have to make an appearance on the floor but then can be voted by proxy by a colleague. And then other members are voting, under our temporary rule, from their homes or district offices remotely and they do so through the majority whip and the minority whip.

**LEAVES OF ABSENCE**

The SPEAKER. There are no requests for leaves of absence; no requests for leaves.

The only member who is on leave of the 203 members is Representative Zach MAKO of Lehigh County, who is on military leave serving our country.

**MASTER ROLL CALL**

The SPEAKER. And we are going to begin to take the master roll. We are going to begin to take the master roll. Members, please proceed to vote.

(Members proceeded to vote.)

The SPEAKER. Some committee announcements from our chairs will happen as soon as we complete the master roll.

And the majority whip.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

The electronic voting board is correct. Thank you.

The SPEAKER. And the minority whip.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. Thank you, sirs. To both the majority whip and the minority whip, thank you.

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
Causar	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
Dellosa	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

ADDITIONS—0

NOT VOTING—0

EXCUSED—1

Mako

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

### FINANCE COMMITTEE MEETING

The SPEAKER. Chairman Mike Peifer; Chairman Mike Peifer. Mike Peifer is the chair of the Finance Committee, and, Representative Peifer, you may proceed. Our chairman, please proceed.

Mr. PEIFER. Thank you, Mr. Speaker.

Tomorrow, tomorrow the Finance Committee will have a voting meeting at the call of the Chair in the Ryan Office Building, 205, to consider HBs 2422 and 2484, as well as any other business before the committee. But that is tomorrow, call of the Chair.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, Mr. Chair.

The Finance Committee will meet tomorrow at the call of the Chair in 205 Ryan Office Building.

## CALENDAR

### BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 2477, PN 3690**, entitled:

An Act amending the act of July 10, 1981 (P.L.234, No.76), known as the Donated Food Limited Liability Act, further providing for donor immunity.

On the question,

Will the House agree to the bill on second consideration?

Mr. CAUSER offered the following amendment No. **A05780**:

Amend Bill, page 1, line 8, by striking out "4(b)" and inserting  
4

Amend Bill, page 1, line 12, by striking out all of said line and inserting

(a) General rule.—Notwithstanding any other provision of law, any person who, in good faith, donates food [to a charitable or religious organization] for ultimate free distribution to needy individuals, shall not be subject to criminal or civil liability arising from the condition of such food, if the donor reasonably inspects the food at the time of donation and finds the food fit for human consumption. The immunity provided by this subsection shall not extend to donors where damages result from the negligence, recklessness or intentional misconduct of the donor, or if the donor has, or should have had, actual or constructive knowledge that the food is tainted, contaminated or harmful to the health or well-being of the ultimate recipient.

Amend Bill, page 1, line 17, by inserting after "appearance,"  
age.

Amend Bill, page 1, line 17, by inserting a bracket before "or"

Amend Bill, page 1, line 17, by inserting after "or"

1,

Amend Bill, page 1, line 17, by inserting after "surplus"  
or labeled date code recommended by the manufacturer

Amend Bill, page 2, lines 1 through 16, by striking out "The following shall apply:" in line 1 and all of lines 2 through 16

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, Representative Martin Causer.

Mr. CAUSER. Thank you, Mr. Speaker.

Mr. Speaker, I ask for support for amendment 5780. This makes technical changes to the bill, including providing for food donor immunity for food donated regardless of whether it is a charitable or religious organization involved. It includes immunity for donating food past the labeled date code. It removes language related to violations of law that occur after a food donation and specific phrasing related to the conduct. I think the amendment makes the bill better, and I ask for support for the amendment.

Thank you, Mr. Speaker.

The SPEAKER. Does anybody else wish to speak on the amendment?

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

(Members proceeded to vote.)

The SPEAKER. The majority whip.  
Mr. BENNINGHOFF. Thank you, Mr. Speaker.  
The electronic voting board is correct for the majority party.  
The SPEAKER. Thank you.  
And 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
Causar	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 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?  
Bill as amended was agreed to.

The SPEAKER. The bill as amended will be reprinted.

\* \* \*

The House proceeded to second consideration of **HB 2517, PN 3758**, 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?  
Bill was agreed to.

\* \* \*

The House proceeded to second consideration of **SB 351, PN 341**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in assault, further providing for the offense of aggravated assault.

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

Mr. **SCHWEYER** offered the following amendment No. **A05784**:

Amend Bill, page 1, lines 6 through 8, by striking out all of said lines and inserting

Section 1. Section 2702(c)(36) and (d) of Title 18 of the Pennsylvania Consolidated Statutes are amended and subsection (c) is amended by adding a paragraph to read:

Amend Bill, page 1, by inserting between lines 13 and 14

\* \* \*

(36) A public utility or public transportation employee or an employee of an electric cooperative.

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

The SPEAKER. On the amendment, the Chair recognizes Representative Pete Schweyer. Please proceed, sir.

Mr. SCHWEYER. Thank you, Mr. Speaker.

I rise today to ask for support for amendment 5784 to SB 351. In practice, Mr. Speaker, this is nearly identical to language that this legislation, this House, had passed in a previous session, sir. What this would do is correct an oversight that would include mass transit public transportation employees to the list of those folks who are protected under the aggravated assault statute. So when we think about police officers and firefighters, Mr. Speaker, meter maids, public-sector workers across our spectrum who are given this added protection because of the danger of their employee, we should be extending that very protection to our transit workers.

Mr. Speaker, imagine if you will driving a 35-foot bus with 50 passengers on it in the middle of a small town, like what happened in Representative Mako's district – I know he is not here today, but this happened in Representative Mako's district just a few years ago – and have that bus driver be assaulted by an unruly passenger, which happened in that. Not only was the driver at risk, Mr. Speaker, but every passenger on that 35-foot bus was placed at risk, as was every person driving along that small town's roads. Everybody was put at grave risk as a direct result of this unruly passenger, yet that driver was not afforded the same protections as every other public-sector worker.

The SPEAKER. Hey, sir, if you will please suspend.

Mr. SCHWEYER. Yes, sir.

The SPEAKER. And it is my apology.

Members, Representative Schweyer is entitled to be heard.

You may proceed, sir.

Mr. SCHWEYER. Thank you, Mr. Speaker, as always.

Mr. Speaker, our transit workers are in every county in the Commonwealth of Pennsylvania. This is not a Philadelphia or a Pittsburgh issue; this is not an Allentown or a Bethlehem issue. Every one of our counties has a transit authority. Every one of our counties has transit workers who are going out and doing their very best to move people to doctors' appointments, to go shopping when our stores are legally open, to go to work. In a little area like the Lehigh Valley we have over 4 million transit rides a year.

Mr. Speaker, again, amendment 5784 has been supported by the Pennsylvania Public Transportation Association and in years past has been supported by this very legislative body. Mr. Speaker, I ask for affirmative vote for this amendment.

The SPEAKER. Does anybody else wish to speak on the amendment?

Representative Austin Henry – Austin Davis. I apologize. Austin Henry is my neighbor, Austin.

Mr. DAVIS. Thank you, Mr. Speaker.

The SPEAKER. Representative Austin Davis, Allegheny County, on the amendment, sir.

Mr. DAVIS. Thank you, Mr. Speaker.

I rise to support Representative Schweyer's amendment. I serve on the Port Authority Board of Allegheny County, and quite frankly, my father is a bus driver, and I think it is important that we protect these people who are truly essential lifesaving workers not just serving people in our communities but serving as a lifeline to our economy. So I rise to support the gentleman's amendment and urge the members to support it.

The SPEAKER. Representative Rob Kauffman, the chair of the Judiciary Committee, on the amendment.

Mr. KAUFFMAN. Thank you, Mr. Speaker.

As chair of the House Judiciary Committee, yesterday was the first time I heard of this issue. This issue has not been brought to me as chair of the standing committee with oversight.

This particular legislation dealing with health-care workers has been in the works for many years and it has been unsuccessful. And in consultation with the prime sponsor in the Senate and health-care worker stakeholder groups, it has been requested that this bill move in the speediest fashion to the Governor's desk because in this current health-care crisis it is only appropriate that we address this issue for health-care workers. This is a conversation that can be brought to me another day as chairman of the House Judiciary Committee.

Again, this is the first time that it has been brought to me as an amendment to this bill. So I would appreciate for all health-care workers in Pennsylvania that this bill not be further amended and that we get this to the Governor's desk for protection immediately.

Thank you, Mr. Speaker.

The SPEAKER. Does anybody else wish to speak on the amendment?

On the question recurring,

Will the House agree to the amendment?

(Members proceeded to vote.)

The SPEAKER. And the majority whip.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

The electronic voting board is correct for 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—95

Bizzarro	DeLuca	Kirkland	Ravenstahl
Boyle	Dermody	Kortz	Readshaw
Bradford	Donatucci	Kosierowski	Rigby
Briggs	Driscoll	Krueger	Roebuck
Brown	Evans	Kulik	Rozzi
Bullock	Fiedler	Lee	Sainato
Burgos	Fitzgerald	Longietti	Samuelson
Burns	Flynn	Mackenzie	Sanchez
Caltagirone	Frankel	Madden	Sappay
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	Mullery	Ullman
Davis, A.	Hohenstein	Mullins	Warren
Davis, T.	Howard	Neilson	Webster
Dawkins	Innamorato	O'Mara	Wheatley
Day	Isaacson	Otten	Williams
Deasy	Kenyatta	Pashinski	Youngblood
DeLissio	Kim	Petrarca	Zabel
Delloso	Kinsey	Quinn	



NAYS—107

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

NOT VOTING—0

EXCUSED—1

Mako

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

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 2510, PN 3735**, entitled:

An Act providing for regional response health collaborations to promote health in facilities by supporting COVID-19 readiness and response and improving the quality of infection prevention.

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

Mr. **CUTLER** (for Mr. **TURZAI**) offered the following amendment No. **A05766**:

Amend Bill, page 1, line 16, by striking out all of said line  
Amend Bill, page 2, by inserting between lines 3 and 4  
"Department." The Department of Human Services of the Commonwealth.

Amend Bill, page 2, line 29, by striking out "authority" and inserting

department

Amend Bill, page 3, line 2, by striking out "authority" and inserting

department  
Amend Bill, page 3, line 6, by striking out "authority" and inserting

department, in consultation with the Secretary of Health,  
Amend Bill, page 3, line 10, by striking out "authority" and inserting

department  
Amend Bill, page 3, line 11, by striking out "authority" and inserting

department  
Amend Bill, page 3, line 13, by striking out "care"  
Amend Bill, page 4, line 10, by striking out "authority" and inserting

department

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

The SPEAKER. On the amendment, the majority leader.

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is being offered because it would keep the Regional Response Health Collaborative Act intact but also retains the health collaborators throughout the State and the \$500 million CARES (Coronavirus Aid, Relief, and Economic Security) Act appropriation. It does change the means through which it would be administered by removing the CFA, the Commonwealth Financing Authority's involvement, and replacing it with the Department of Human Services. The department would contract with the collaborators in consultation with the Secretary of Health, and this also includes the previous technical amendment contained in amendment 5620.

I would ask the members' support.

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

(Members proceeded to vote.)

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

The electronic voting board is correct.

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
Causar	Greiner	Merski	Schroeder

Cephas	Grove	Metcalf	Schweyer
Cresi	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

NAYS—0

NOT VOTING—0

EXCUSED—1

Mako

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?

Mr. **CUTLER** (for Mr. **TURZAI**) offered the following amendment No. **A05630**:

Amend Bill, page 1, line 3, by striking out the period after "prevention" and inserting  
; and making emergency appropriations for human services.

Amend Bill, page 5, by inserting between lines 9 and 10 Section 6. Emergency appropriations for human services.

(a) Construction with General Appropriation Act of 2019.—All appropriations contained in this section shall be in addition to any appropriation under the act of June 28, 2019 (P.L. , No.1A), known as the General Appropriation Act of 2019.

(b) Appropriations to Department of Human Services.—Notwithstanding any other provision of law, the following amounts are appropriated to the Department of Human Services for the 2019-2020 fiscal year:

The following Federal amounts are appropriated to supplement the sum appropriated for "Medical Assistance - Long-Term Care":

(1) "COVID - Medical Assistance -

Long-Term Care."

Federal appropriation ..... 449,000,000

The following Federal amounts are appropriated to supplement the sum appropriated for "Medical Assistance - Long-Term Care - Managed Care":

(1) "COVID - Medical Assistance - Long-Term Care - Managed Care."

Federal appropriation ..... 8,000,000

The following Federal amounts are appropriated to supplement the sum appropriated for "Community HealthChoices":

(1) "COVID - Community HealthChoices."

Federal appropriation ..... 50,000,000

The following Federal amounts are appropriated to supplement the sum appropriated for intellectual disabilities - community waiver program:

(1) "COVID - Community ID Waiver Program."

Federal appropriation ..... 259,280,000

The following Federal amounts are appropriated to supplement the sum appropriated for the sum appropriated for services to persons with autism spectrum disorders:

(1) "COVID - Autism Intervention Services."

Federal appropriation ..... 720,000

Amend Bill, page 5, line 10, by striking out "6" and inserting

7

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair calls upon the majority leader on the amendment.

Mr. **CUTLER**. Thank you, Mr. Speaker.

Mr. Speaker, very briefly, this amendment combines several of the appropriations contained in other amendments and other bills. For the benefit of the members, it includes \$449 million to the COVID medical assistance long-term care; \$8 million to COVID medical assistance long-term care – managed care; \$50 million to the COVID Community HealthChoices; \$259,280,000 to the COVID Community ID Waiver Program; and \$720,000 to the COVID autism intervention services. I would urge the members' support.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, Leader.

On the question recurring,

Will the House agree to the amendment?

(Members proceeded to vote.)

The SPEAKER. And the majority whip.

Mr. **BENNINGHOFF**. Thank you, Mr. Speaker.

The electronic voting board is accurate for 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
Causar	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
Deloso	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

NAYS—0

NOT VOTING—0

EXCUSED—1

Mako

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?

The SPEAKER. The Speaker withdraws other amendments that he has filed.

And Representative Bradford, the Democratic Appropriations chair, has two amendments. Sir, are those withdrawn? Withdrawn.

There are no other amendments.

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.

\* \* \*

The House proceeded to second consideration of **HB 2056, PN 2969**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in assault, further providing for the offense of aggravated assault.

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

The SPEAKER. There are a number of amendments on this bill.

The first is Representative Briggs' 05460. Is Representative Briggs withdrawing that? Okay. Representative Briggs withdraws that.

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

Mr. **D. MILLER** offered the following amendment No. **A05431**:

Amend Bill, page 1, line 16, by striking out "or intellectual disability;" and inserting

an intellectual disability or an autism spectrum disorder;

Amend Bill, page 2, by inserting between lines 7 and 8 "Autism spectrum disorder." As defined in 42 Pa.C.S. § 5992 (relating to definitions), regardless of the age of the individual.

Amend Bill, page 2, lines 9 through 25, by striking out all of said lines and inserting

"Intellectual disability." Regardless of the age of the individual, significantly subaverage general intellectual functioning of an individual that is accompanied by significant limitations in adaptive functioning in at least two of the following skill areas:

- (1) Communication.
- (2) Self-care.
- (3) Home living.
- (4) Social and interpersonal.
- (5) Use of community resources.
- (6) Self-direction.
- (7) Functional academic.
- (8) Work.
- (9) Health and safety.

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

The SPEAKER. On the amendment, the Chair recognizes Representative Dan Miller.

Mr. D. MILLER. Thank you, Mr. Speaker.

Mr. Speaker, amendment 5431 does a couple—

The SPEAKER. Please suspend.

Members, please give Representative Miller the opportunity to be heard on his amendment. Thank you.

Mr. D. MILLER. Thank you, Mr. Speaker, for the courtesy.

Amendment 5431 does a clear distinction, Mr. Speaker, in relation to the definitions for "intellectual disability" and for "autism." So under the original draft, the "intellectual disability" definition makes no distinction to the differences embedded in autism and how, for example, it is quite clear that a person could have autism and not have an intellectual disability. Those are two distinctly different diagnoses.

This amendment, I believe, is in line, I think, with the maker's intent for the bill by making sure that autism stays in it, as I think was his intent, but also treats it differently as it is known. And so I would be asking for people who recognize the difference between intellectual disability and autism to support this amendment.

The SPEAKER. Representative Jim Struzzi, the sponsor of the bill.

Mr. STRUZZI. Thank you, Mr. Speaker.

And I do want to thank the Representative for introducing amendment A05431. In speaking with our local district attorney and some others, I do believe this does strengthen the bill, so I would encourage a "yes" vote on amendment A05431. Thank you.

The SPEAKER. Thank you, Representative.

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

(Members proceeded to vote.)

The SPEAKER. Majority Whip.  
Mr. BENNINGHOFF. Thank you, Mr. Speaker.  
The electronic voting board is accurate for 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	Longiotti	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	Sapprey
Burgos	Gleim	McClinton	Saylor
Burns	Goodman	McNeill	Schemel
Caltagirone	Green	Mehaffie	Schlossberg
Carroll	Gregory	Mentzer	Schmitt
Causar	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 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?

Mr. D. MILLER offered the following amendment No. A05430:

Amend Bill, page 1, lines 15 and 16, by striking out "with a physical" in line 15 and all of line 16 and inserting who the offender knew or should have known has a physical disability, an intellectual disability or an autism spectrum disorder;

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

The SPEAKER. Representative Dan Miller is recognized on the amendment.

Mr. D. MILLER. Thank you, Mr. Speaker.

And I want to again thank the good gentleman for his comments and his support for the previous amendment in recognizing the distinction between intellectual disabilities and autism. I definitely thank the maker for his willingness to be supportive of that amendment.

Mr. Speaker, in essence, what this amendment does is it corrects what I think to be a flaw in the bill, and in essence, what it does is it puts in a mens rea requirement in relation to knowing that somebody had an intellectual disability or autism. Obviously in this State we do have strict liability crimes. There are some examples, even some serious charges to which we find strict liability to be the right way to go. The issue with this bill here is this expands into someone knowing that somebody has an intellectual disability or autism in order for them to get the felony. So right now we have misdemeanor charges. The boost to this will be to kick it up to a felony, and the idea is, as currently written, that you would somehow, in order to avoid, know, make a decision about the act that this is underlying, that you somehow knew that the person had an intellectual disability or autism. In actuality, I correct myself; it is irrelevant whether you knew it or not. So it is just to say that you take that risk because it is strict liability.

Now, some would say with an intellectual disability it is possible that you can have a physical characteristic that would help someone identify that reality. And clearly what I believe to be the intent of this bill is the good maker is trying to take a look at some of the heinous acts that sometimes involve a person with an intellectual disability or a person with autism. No doubt those acts exist and no doubt when they are purposely pointed out that we tend to consider them to be more egregious than the typical.

Now, some of us would say that that sounds like a hate crime. I believe that this is kind of what it is. We are trying to say – well, this is a hate crime bill – we are trying to say that if you focus – and again I will come back to it – but if you happen to assault somebody with an intellectual disability or an autism disability, that we are going to punish you differently because of that. But this is a blind hate crime bill. We do not care if you knew or did not know. As written, you just roll the dice.

Now, again, in intellectual disability it is possible that you might pick up a distinction for many of the intellectual disabilities. However, for autism I challenge somebody to get to the microphone today and tell me that you will be able to identify just in physicality whether or not someone is on the autism spectrum, because I could assure you that that overwhelmingly is not the case. And while you may be able to identify with some degree of familiarity somebody who develops some type of stimming that may be reflective of somebody with autism, you overwhelmingly will not know.

There is a reason why we made the distinction in the previous amendment. We recognize that there is a distinction between an intellectual disability and autism. But yet we are sitting here now saying that we want to give a felony because either – well, because basically I think that the knowledge requirement is irrelevant. Again, obviously you can argue that position, and perhaps that is the good maker's intent.

But I would argue that we follow what the majority of the Supreme Court have always said that you must be mindful in relation to the more serious offenses that this legislative body creates; that if you create felony charges with it, overwhelmingly the way to go is not strict liability, it is to create a mens rea. That is what this amendment does, is it says that you knew or should have known that the person had intellectual disability or autism. So it even allows it to not even say that you had to know in order to get the felony but that you should have known. I find this to be still a low-level mens rea to meet for a felony charge. I believe it is respective of the diagnostic differences between the two diagnoses and I believe that it is the way to go for us when we

come to felony enhanced charges that we attach a mens rea requirement to those actions in order to get the enhanced penalties.

I would ask for an affirmative vote on this amendment. Thank you.

The SPEAKER. Representative Jim Struzzi, on the amendment.

Mr. STRUZZI. Thank you, Mr. Speaker.

The intent of this legislation is to deter these types of crimes. Again, in speaking with our local district attorney, he pointed out to me the difficulty in proving whether one knew or did not know before the assault occurred if someone had a disability. This amendment will dilute the intent of this bill in deterring these crimes. Therefore, I would ask for a "no" vote on this amendment. Thank you.

The SPEAKER. Representative Miller, for the second time.

Mr. D. MILLER. Again I thank the gentleman for his comments.

Let me ask you this: What would your vote be if instead of it saying autism, that it said LGBT? If this amendment had said instead or in addition to the blind felony enhancement for an ID (intellectual disability), the blind felony enhancement for the autism, that it had a blind felony enhancement based on an LGBT for the person who was the victim? Would you be voting the same then? My belief is most would not, because we would come up and we would hear person after person say, well, how did they know? Autism in particular is not that dissimilar in relation to the lack of a physical characteristic for you to make that determination.

So I wanted to raise that as a point, recognizing that the LGBT issues that we have offered on this side in relation to hate crimes carries with it knowledge requirements for that but yet here, while again I appreciate the good gentleman's thoughts in relation to heinous crimes that have an impact on those in particular to which he is concerned about, I just find it difficult to say in the world of felony charges that get attached that there should be no mens rea requirement for you to get the enhanced penalty charges.

Thank you for the second time, Mr. Speaker.

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

(Members proceeded to vote.)

The SPEAKER. Majority Whip.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

The electronic voting board is correct. Thank you.

The SPEAKER. Minority Whip.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. Thank you, sirs.

The following roll call was recorded:

YEAS—96

Bizzarro	Donatucci	Kosierowski	Rabb
Boyle	Driscoll	Krueger	Ravenstahl
Bradford	Evans	Kulik	Readshaw
Briggs	Fiedler	Lee	Roebuck
Bullock	Fitzgerald	Longietti	Rozzi
Burgos	Flynn	Madden	Sainato
Burns	Frankel	Malagari	Samuelson

Caltagirone	Freeman	Markosek	Sanchez
Carroll	Gainey	Matzie	Sappey
Cephas	Galloway	McCarter	Schlossberg
Ciresi	Goodman	McClinton	Schweyer
Comitta	Green	McNeill	Shusterman
Conklin	Hanbidge	Mehaffie	Sims
Cruz	Harkins	Merski	Snyder
Daley	Harris	Miller, D.	Solomon
Davidson	Hohenstein	Mullery	Sturla
Davis, A.	Howard	Mullins	Ullman
Davis, T.	Innamorato	Murt	Vitali
Dawkins	Isaacson	Neilson	Warren
Deasy	Kenyatta	O'Mara	Webster
DeLissio	Kim	Otten	Wheatley
Delloso	Kinsey	Pashinski	Williams
DeLuca	Kirkland	Petrarca	Youngblood
Dermody	Kortz	Quinn	Zabel

## NAYS—106

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

## NOT VOTING—0

## EXCUSED—1

Mako

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

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.

\* \* \*

The House proceeded to second consideration of **HB 2171, PN 3671**, 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 establishment of the State System of Higher Education and its institutions, for board of governors, for the chancellor, for powers and duties of the board of governors, for councils of trustees, for powers and duties of councils of trustees and for power and duties of institution presidents.

On the question,

Will the House agree to the bill on second consideration?

Mr. **SONNEY** offered the following amendment No. **A05438**:

Amend Bill, page 2, line 9, by striking out "subsection (a.1)" and inserting

subsections (a.1), (a.2), (a.3), (a.4) and (a.5)

Amend Bill, page 2, lines 13 and 14, by striking out ", affiliate, dissolve or close" and inserting

or affiliate

Amend Bill, page 2, line 15, by striking out the comma after "transfer" and inserting

or

Amend Bill, page 2, line 15, by striking out ", dissolution or closure"

Amend Bill, page 2, line 19, by inserting after "CHANCELLOR" , in consultation with the board,

Amend Bill, page 2, line 20, by striking out "THE" and inserting any impacted

Amend Bill, page 2, line 22, by striking out "ISSUE" and inserting

develop

Amend Bill, page 2, line 24, by inserting after "REPORT"

and recommendations

Amend Bill, page 3, lines 14 through 16, by striking out all of lines 14 and 15 and "DAYS AFTER RECEIPT OF THE CHANCELLOR'S REPORT" in line 16 and inserting

(7) The financial impact on the surrounding community of the institution or college if action is taken by the board to exercise the board's powers under section 2006-A(a)(13.2).

(a.2) Upon receipt of the report and recommendation, the board shall develop a proposed implementation plan. The proposed implementation plan shall include the following information:

(1) Description of the proposal to exercise powers under section 2006-A(a)(13.2).

(2) Rationale, goals and objectives of the proposal to exercise powers under section 2006-A(a)(13.2).

(3) Method for evaluating achievement of goals and objectives.

(4) Relation of the proposal to the mission and strategic plan of the institution or college and system as a whole.

(5) Impacts on academic programs, nonacademic units and accreditation.

(6) Impacts on student, faculty and staff.

(7) Impacts on the community.

(8) Impacts on shared governance.

(9) Before and after organizational charts for all impacted institutions or colleges.

(10) Information included in the chancellor's report and recommendation under subsection (a.1).

(11) Timeline for implementation plan.

(a.3) Within fourteen (14) days after issuance of the proposed implementation plan

Amend Bill, page 3, line 18, by striking out "REPORT AND RECOMMENDATIONS" and inserting

proposed implementation plan

Amend Bill, page 3, line 28, by striking out "REPORT AND RECOMMENDATIONS" and inserting

proposed implementation plan

Amend Bill, page 3, lines 29 and 30, by striking out "SIXTY (60)" and inserting

ninety (90)

Amend Bill, page 4, lines 1 through 10, by striking out all of said lines and inserting

(a.4) The board shall consult with stakeholders, including faculty, staff, students and administrators, and hold at least two (2) public hearings as part of the public comment period under subsection (a.3)(2). After the public comment period and before any action may be taken pursuant to section 2006-A(a)(13.2), the board shall consider comments made by stakeholders during the public comment period and present a final implementation plan at a public meeting subject to the approval by a majority of the board. If the board votes to approve the implementation plan, the board shall, within fourteen (14) days, transmit a copy of the final implementation plan to the following:

Amend Bill, page 4, by inserting between lines 18 and 19

(a.5) The timeline for implementation to be completed as described in the final implementation plan shall be no earlier than 12 (twelve) months from the date of the issuance of the proposed implementation plan.

Amend Bill, page 7, lines 17 and 18, by striking out ", affiliate, dissolve or close" and inserting

or affiliate

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair calls upon Chairman Curt Sonney.

Mr. SONNEY. Thank you, Mr. Speaker.

Mr. Speaker, this amendment further refines the process of the Board of Governors that would need to undertake to make the changes to the system. The changes include consideration of the financial impact on the surrounding community; detailed information that is required to be in the board's proposed implementation plan, including a description of the proposal, the rationale, the goals, the objectives, methods for evaluating success, relation to the mission, and the strategic plan of the system, and impacts on students, faculty, and staff. It also adds extra time for the public comment period from 60 days to 90 days; consultation with the stakeholders, including faculty, staff, students, and administrators, would happen during that public comment period. It requires two public hearings. One year must pass between the issuance of a proposal of an implementation plan and the implementation of the plan itself. So again, it puts a 1-year time period in between proposal and implementation. Elimination of the board power to close and dissolve an institution – again, this eliminates the power of the board to dissolve an institution. That power would remain with the General Assembly.

These additional safeguards will ensure additional input from the stakeholders and the community, and I ask for the members' support.

Thank you, Mr. Speaker.

The SPEAKER. Representative Brad Roae.

Representative Sonney, so— Okay. The amendment that we have offered here that we still have being offered is actually being pulled.

Sir, Rick, please, the clerk, please read a summary of the amendment for everybody again.

Is that the correct amendment, sir?

Mr. SONNEY. It is correct.

The SPEAKER. It is correct. Okay.

So on this amendment, the Chair calls upon the chair of the Consumer Affairs Committee, Representative Brad Roae, on the amendment, sir.

Mr. ROAE. Thank you, Mr. Speaker.

I want to note for the record, I am also a member of the Board of Governors – that is a 20-member board – and in my opinion, Mr. Speaker, the gentleman from Erie County has a really good bill that would really help the system, would really help the board, keep the system successful. And just to be brief here, I am opposing all of the amendments. I think the bill as written is a very good piece of legislation. I will be opposing all of the amendments. But in the interest of saving time, I am not going to stand up and speak on each one. But I urge the members to support the underlying bill, but not the amendments. Thank you.

The SPEAKER. Does anybody else wish to be recognized?

On the question recurring,

Will the House agree to the amendment?

(Members proceeded to vote.)

The SPEAKER. Majority Whip.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

The electronic voting board is accurate for 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—175

Barrar	Everett	Kulik	Readshaw
Benninghoff	Farry	Lawrence	Reese
Bernstine	Fee	Lee	Rigby
Bizzarro	Fiedler	Longietti	Roebuck
Boback	Fitzgerald	Mackenzie	Rozzi
Bonner	Flynn	Madden	Sainato
Boyle	Frankel	Malagari	Samuelson
Bradford	Freeman	Maloney	Sanchez
Briggs	Fritz	Markosek	Sankey
Brooks	Gabler	Marshall	Sappay
Brown	Gainey	Masser	Saylor
Bullock	Galloway	Matzie	Schlossberg
Burgos	Gaydos	McCarter	Schmitt
Burns	Gillen	McClinton	Schroeder
Caltagirone	Gillespie	McNeill	Schweyer
Carroll	Gleim	Mehaffie	Shusterman
Causar	Goodman	Mentzer	Simmons
Cephas	Green	Merski	Sims
Ciresi	Gregory	Metzgar	Snyder
Comitta	Greiner	Mihalek	Solomon
Conklin	Hahn	Millard	Sonney
Cook	Hanbidge	Miller, D.	Staats
Cox	Harkins	Mizgorski	Stephens
Cruz	Harris	Mullery	Struzzi
Culver	Heffley	Mullins	Sturla
Cutler	Helm	Murt	Thomas
Daley	Hennessey	Mustello	Tobash
Davanzo	Hershey	Neilson	Toepel
Davidson	Hickernell	Nelson	Tomlinson

Davis, A.	Hohenstein	O'Mara	Toohil
Davis, T.	Howard	Oberlander	Topper
Dawkins	Innamorato	Ortitay	Ullman
Day	Irvin	Otten	Vitali
Deasy	Isaacson	Owlett	Warren
DeLissio	James	Pashinski	Webster
Delloso	Jozwiak	Peifer	Wheatley
DeLuca	Kail	Petrarca	Wheeland
Dermody	Kenyatta	Pickett	White
Donatucci	Kim	Polinchock	Williams
Dowling	Kinsey	Puskaric	Youngblood
Driscoll	Kirkland	Pyle	Zabel
Dunbar	Kortz	Quinn	
Dush	Kosierowski	Rabb	Turzai,
Emrick	Krueger	Ravenstahl	Speaker
Evans			

## NAYS—27

Borowicz	Kauffman	Miller, B.	Rowe
Delozier	Keefer	Moul	Ryan
Diamond	Keller	O'Neal	Schemel
Ecker	Klunk	Rader	Warner
Grove	Knowles	Rapp	Wentling
Jones	Lewis	Roae	Zimmerman
Kaufer	Metcalfe	Rothman	

## NOT VOTING—0

## EXCUSED—1

Mako

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?

Mrs. **ISAACSON** offered the following amendment No. **A05394**:

Amend Bill, page 8, line 1, by striking out "(2),"

Amend Bill, page 12, lines 7 through 11, by striking out all of said lines

On the question,

Will the House agree to the amendment?

The **SPEAKER**. Representative Mary Isaacson is recognized on the amendment.

Mrs. **ISAACSON**. Thank you, Mr. Speaker.

My amendment, A05394, would require a university president's consultation with council, faculty, and students on campus policies, including instructional programs. I believe this is an agreed-to amendment.

The **SPEAKER**. Thank you, Representative Isaacson.

And Chairman Curt Sonney, who is the prime sponsor of the bill.

Mr. **SONNEY**. Thank you, Mr. Speaker.

This is an agreed-to amendment, and I would ask for the members' support.

On the question recurring,

Will the House agree to the amendment?

(Members proceeded to vote.)

The **SPEAKER**. And the majority whip.

Mr. **BENNINGHOFF**. Thank you, Mr. Speaker.

The electronic voting board is correct for the majority party.

The **SPEAKER**. And the minority whip.

Mr. **HARRIS**. Thank you, Mr. Speaker.

The electronic board is accurate.

The **SPEAKER**. Thank you, sirs.

The following roll call was recorded:

## YEAS—175

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

## NAYS—27

Borowicz	Kaufer	Moul	Rothman
Davanzo	Keefer	Nelson	Rowe
Diamond	Knowles	O'Neal	Ryan
Emrick	Lewis	Rader	Schemel
Grove	Maloney	Rapp	Warner
Hershey	Masser	Reese	Wentling
Jones	Metcalfe	Roae	

## NOT VOTING—0



EXCUSED—1

Mako

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. **KELLER** offered the following amendment No. **A05785**:

Amend Bill, page 2, line 21, by striking out "AND" and inserting a comma

Amend Bill, page 2, line 22, by inserting after "METRICS" , impacts on affiliated entities and similar organizations and any donor restrictions on the use of non-State-appropriated funds

Amend Bill, page 7, line 20, by striking out the period after "collaborations" and inserting , provided that nothing under this paragraph shall empower the board to require institutions to share services or participate in collaborations in violation of donor restrictions on the use of non-State-appropriated funds.

On the question,

Will the House agree to the amendment?

**MOTION TO SUSPEND RULES**

The SPEAKER. Representative Mark Keller, the chair of the Commerce Committee, stands at this time, I believe, to make a motion to suspend. Representative Keller, please proceed.

Mr. **KELLER**. Yes, Mr. Speaker, I would ask the members to vote in favor of suspending the rules so that we could offer this amendment. What this amendment really does is tells – the bill itself addresses the fact of foundations. It identifies the money that comes from foundations, that if it is a part of a closure somewhere, that that foundation money has to stay with the foundation and not go with that. Where it stands is to point out a fact – and I will use this as an example – number one is, if I donate money to a foundation for a specific issue, whether it be nursing or sciences or whatever and that would happen to close at the college that that foundation was at, what would happen then is the money would have to stay with the foundation and not go to the other college or wherever it may go. It was designated for that specific college through that foundation.

That is what the amendment does, and I would ask for a suspension of the rules. Thank you.

On the question,

Will the House agree to the motion?

The SPEAKER. Representative Sonney, the chair of the Education Committee, on the motion to suspend, sir.

Mr. **SONNEY**. Thank you, Mr. Speaker.

Mr. Speaker, I would ask that the members reject the motion to suspend. You know, foundations are not even mentioned in Act 188 today. Foundations are not mentioned in the underlying bill. And quite frankly, they are not an affiliation of the university. They are a separate, freestanding 501(c)(3). It is my

understanding that years ago they were an affiliation of each one of those universities, but that separated and ended a number of years ago and they are a stand-alone entity with their own board that governs what they do and whom they give their money to, and there is nothing in this bill that changes that.

So I would ask that we do not suspend the rules. Thank you.

The SPEAKER. The minority leader, Frank Dermody, on the motion, sir.

Mr. **DERMODY**. Thank you, Mr. Speaker.

Mr. Speaker, I also would urge the members to oppose the motion to suspend the rules.

On the question recurring,

Will the House agree to the motion?

(Members proceeded to vote.)

The SPEAKER. And the majority whip.

Mr. **BENNINGHOFF**. Thank you, Mr. Speaker.

The electronic voting board is correct.

The SPEAKER. And the minority whip.

Mr. **HARRIS**. Thank you, Mr. Speaker.

The electronic board is accurate.

The following roll call was recorded:

YEAS—65

Borowicz	Hennessey	Mehaffie	Rowe
Brown	Hershey	Metcalfe	Ryan
Burgos	Irvin	Miller, B.	Sankey
Ciresi	Jozwiak	Moul	Saylor
Conklin	Kauffman	Murt	Schemel
Cox	Keefer	Mustello	Schmitt
Culver	Keller	Neilson	Simmons
Day	Kenyatta	Nelson	Solomon
Delozier	Klunk	O'Neal	Stephens
Diamond	Knowles	Owlett	Tobash
Driscoll	Kortz	Quinn	Warner
Ecker	Kulik	Rader	Wentling
Everett	Lewis	Rapp	Zimmerman
Fritz	Mackenzie	Readshaw	
Grove	Maloney	Reese	Turzai,
Heffley	Markosek	Rigby	Speaker
Helm	Masser	Rothman	

NAYS—137

Barrar	Emrick	Kinsey	Rabb
Benninghoff	Evans	Kirkland	Ravenstahl
Bernstine	Farry	Kosierowski	Roae
Bizzarro	Fee	Krueger	Roebuck
Boback	Fiedler	Lawrence	Rozzi
Bonner	Fitzgerald	Lee	Sainato
Boyle	Flynn	Longietti	Samuelson
Bradford	Frankel	Madden	Sanchez
Briggs	Freeman	Malagari	Sappey
Brooks	Gabler	Marshall	Schlossberg
Bullock	Gainey	Matzie	Schroeder
Burns	Galloway	McCarter	Schweyer
Caltagirone	Gaydos	McClinton	Shusterman
Carroll	Gillen	McNeill	Sims
Causer	Gillespie	Mentzer	Snyder
Cephas	Gleim	Merski	Sonney
Comitta	Goodman	Metzgar	Staats
Cook	Green	Mihalek	Struzzi
Cruz	Gregory	Millard	Sturla
Cutler	Greiner	Miller, D.	Thomas
Daley	Hahn	Mizgorski	Toepel
Davanzo	Hanbidge	Mullery	Tomlinson

Davidson	Harkins	Mullins	Toohil
Davis, A.	Harris	O'Mara	Topper
Davis, T.	Hickernell	Oberlander	Ullman
Dawkins	Hohenstein	Ortitay	Vitali
Deasy	Howard	Otten	Warren
DeLissio	Innamorato	Pashinski	Webster
Delloso	Isaacson	Peifer	Wheatley
DeLuca	James	Petrarca	Wheeland
Dermody	Jones	Pickett	White
Donatucci	Kail	Polinchock	Williams
Dowling	Kaufer	Puskaric	Youngblood
Dunbar	Kim	Pyle	Zabel
Dush			

NOT VOTING—0

EXCUSED—1

Mako

Less than a majority of the members required by the rules 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 bill on second consideration as amended?

The SPEAKER. From what the Parliamentarian and I can see from what has been submitted, there are no other amendments on HB 2171. Please let me know if I am mistaken.

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.

\* \* \*

The House proceeded to second consideration of **HB 2016, PN 2830**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in assault, providing for the offense of harassment of law enforcement officer; and imposing penalties.

On the question,

Will the House agree to the bill on second consideration?

The SPEAKER. Okay. So on the amendments, we have quite a few amendments.

Representative Dan Miller, you have six amendments filed. Are you withdrawing any of those? If not, that is fine; just let me know what you are withdrawing. Yeah, if you can say on the mike, that would be great.

Mr. D. MILLER. Yes, Mr. Speaker; amendments 5429 and 5446.

The SPEAKER. You may proceed, sir. Go ahead.

Mr. D. MILLER. Also, I understand amendment 5458 under Representative Briggs would like to be withdrawn.

The SPEAKER. So the ones that are withdrawn are amendments 5446, 5429. Am I right about that? Did I say those correctly?

Okay. The amendments that are withdrawn are 5429, 5446, and then Representative Briggs' 5458. Correct, sir? Okay.

On the question recurring,

Will the House agree to the bill on second consideration?

Mr. **D. MILLER** offered the following amendment No. **A05428**:

Amend Bill, page 2, by inserting between lines 8 and 9

(c) Exception.—Saliva expelled unintentionally through the exercise of constitutionally protected speech shall not be prohibited, unless the person knew, had reason to know, should have known or believed the saliva to have been obtained from an individual, including the person charged under this section, infected by a communicable disease, including, but not limited to, human immunodeficiency virus (HIV) or hepatitis B.

Amend Bill, page 2, line 9, by striking out "(c)" and inserting

(d)

On the question,

Will the House agree to the amendment?

The SPEAKER. Did anybody else wish to speak on the amendment?

Oh, Representative Dan Miller, on the amendment. My apologies, sir.

Mr. D. MILLER. Thank you, Mr. Speaker.

Mr. Speaker, obviously, I think that there are a variety of ways that this bill is designed to help. One of the things that concerns me, though, is the expansion of this in a way that could be seen as a way to infringe upon someone's free speech. And what I am concerned about, in particular, is the ability for someone to be perhaps outside, perhaps talking about the desire to open up the State more, and having a law enforcement officer there and in the course of conduct of speech having any saliva from that normal course of conversation be in some way exuded in a way that would contact the officer and then trigger the felony charge perhaps or at least a charge.

So what I think we should do is be sure that if you are having a typical conversation or exercising your right to free speech, that any possible saliva that could be exchanged in that conversation should not trigger what could be at least a misdemeanor and could be a felony charge. So I believe that by purposely putting in this language, a way that would be sure that freedom of speech is protected, is not in a way shunned, I think is the right way to go for this bill. So this amendment here would be sure to protect those free speech efforts and the accidental saliva that perhaps could come out amongst constitutionally protected heeded speech if needed. So that is the point of the amendment, and I would ask for an affirmative vote.

The SPEAKER. And Representative Lou Schmitt, the prime sponsor of the bill, on the amendment.

Mr. SCHMITT. Thank you, Mr. Speaker.

Mr. Speaker, this bill does nothing to infringe upon free speech. In fact, it provides that a person is only guilty of harassment of a law enforcement officer if the person intentionally or knowingly causes or attempts to cause a law enforcement officer to come into contact with bodily fluids.

This is not a situation where someone is speaking to someone and inadvertently saliva may go into the officer's face or onto his body. This is a situation where somebody intentionally and knowingly spits in the face of the law enforcement officer, and

that, Mr. Speaker, should be a crime. It is not a crime as of this point. There is a loophole in Pennsylvania law that this is not a crime. This is not a felony. It is not a misdemeanor. It is at most a summary offense. So somebody has to intentionally and knowingly spit in the face of a law enforcement officer in order to be convicted of this crime, and that intent has to be proven beyond a reasonable doubt. And so this is not going to infringe on free speech. And you do not get a pass to spit in a police officer's face because you are demonstrating.

I urge everybody to vote "no" against this amendment.

The SPEAKER. The majority leader, on the— Oh, no; I apologize.

Representative Frank Ryan, on the amendment.

Mr. RYAN. I have to lower the mike significantly, Mr. Speaker.

If I can ask a "no" vote on the amendment and a "yes" for the underlying bill. This has got a personal issue with me. My wife was assaulted about a year ago where someone spit in her face and it went in her mouth. The person did it and there was absolutely nothing we could do. We had to go to the Lebanon City Schools; we went to the police department to see what could happen. But my wife had to go through a yearlong treatment protocol to make certain that the incident was properly treated. As her husband, finding out you are completely powerless while that is going on is absolutely objectionable. I will tell you as a father and as a husband it is my responsibility to protect my family.

This is well beyond free speech. This is about providing protections to law enforcement. And you can definitely tell something is different from someone speaking versus someone deliberately spitting at another human being. Let us treat that as the crime it should be. Please defeat the amendment, and I ask you for an affirmative vote on the bill.

Thank you, Mr. Speaker.

The SPEAKER. Representative Dan Miller, for the second time.

Mr. D. MILLER. Thank you, Mr. Speaker.

Mr. Speaker, I admit I get a bit confused perhaps with some of the logic. We are told that it does not cover it but you do not get a pass for it. It does not cover it but you do not get a pass for it. Those were the words of the good gentleman, and I admit that it may sound like a good line but it kind of highlights the point of my amendment, that I think that it is not worded as tightly as perhaps the good gentleman intended or at least part of his argument intended.

The other gentleman was good to talk about the difference between spitting and speaking. I would agree there is a difference between spitting and speaking. That is exactly why my amendment was drafted, was to make that distinction and to be sure that the intent was clear and would not be seen as anyway to chill speech.

It does not cover it but you do not get a pass for it. I would ask that this amendment here would be sure to say that while we would protect – and some had voted for the bill – we would protect, look to protect people from these types of incidents, we also want to be sure to draw a distinction between the intent.

And I would also note, by the way, that somebody had referenced knowing. Let us assume that in the course of conversation some saliva comes out. The person says, "Look, you're spitting. Calm it down." You therefore are knowing that you did it. The person apologizes, wipes his mouth, and then continues and then does it again. You knew, but does that count?

So that you were talking and not intending to spit, but you knew that in your speech pattern you did.

So again I would just ask for the distinction to be clear in a way that does not emphasize or does not chill any type of speech at all. Let us draw the distinction between speaking and spitting by passing this amendment.

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

(Members proceeded to vote.)

The SPEAKER. Majority Whip.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

The electronic voting board for the majority party is correct.

The SPEAKER. Minority Whip.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The following roll call was recorded:

YEAS—81

Bizzarro	Driscoll	Kinsey	Ravenstahl
Boyle	Evans	Kirkland	Readshaw
Bradford	Fiedler	Kortz	Roebuck
Briggs	Fitzgerald	Krueger	Rozzi
Bullock	Flynn	Kulik	Samuelson
Burgos	Frankel	Lee	Sanchez
Caltagirone	Freeman	Madden	Sappey
Cephas	Gainey	Markosek	Schlossberg
Comitta	Galloway	Matzie	Schweyer
Conklin	Goodman	McCarter	Shusterman
Cruz	Green	McClinton	Sims
Daley	Hanbidge	McNeill	Solomon
Davidson	Harkins	Merski	Sturla
Davis, A.	Harris	Miller, D.	Ullman
Davis, T.	Hohenstein	Mullins	Vitali
Dawkins	Howard	Murt	Warren
Deasy	Innamorato	Neilson	Webster
DeLissio	Isaacson	Otten	Wheatley
DeLuca	Kenyatta	Pashinski	Youngblood
Dermody	Kim	Rabb	Zabel
Donatucci			

NAYS—121

Barrar	Gaydos	Marshall	Rothman
Benninghoff	Gillen	Masser	Rowe
Bernstine	Gillespie	Mehaffie	Ryan
Boback	Gleim	Mentzer	Sainato
Bonner	Gregory	Metcalfe	Sankey
Borowicz	Greiner	Metzgar	Saylor
Brooks	Grove	Mihalek	Schemel
Brown	Hahn	Millard	Schmitt
Burns	Heffley	Miller, B.	Schroeder
Carroll	Helm	Mizgorski	Simmons
Causar	Hennessey	Moul	Snyder
Ciresi	Hershey	Mullery	Sonney
Cook	Hickernell	Mustello	Staats
Cox	Irvin	Nelson	Stephens
Culver	James	O'Mara	Struzzi
Cutler	Jones	O'Neal	Thomas
Davanzo	Jozwiak	Oberlander	Tobash
Day	Kail	Ortitay	Toepel
Delloso	Kaufner	Owlett	Tomlinson
Delozier	Kauffman	Peifer	Toohil
Diamond	Keefer	Petrarca	Topper
Dowling	Keller	Pickett	Warner
Dunbar	Klunk	Polinchock	Wentling
Dush	Knowles	Puskaric	Wheeland

Ecker	Kosierowski	Pyle	White
Emrick	Lawrence	Quinn	Williams
Everett	Lewis	Rader	Zimmerman
Farry	Longietti	Rapp	
Fee	Mackenzie	Reese	Turzai,
Fritz	Malagari	Rigby	Speaker
Gabler	Maloney	Roae	

NOT VOTING—0

EXCUSED—1

Mako

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

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

Mr. D. MILLER offered the following amendment No. A05579:

Amend Bill, page 1, line 15, by inserting after "officer" acting in the performance of duties.

Amend Bill, page 2, lines 9 through 12, by striking out all of said lines and inserting

(c) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Communicable disease." An illness that is:

(1) capable of being spread to a susceptible host through the direct or indirect transmission of an infectious agent or its toxic product by an infected person, animal or arthropod or through the inanimate environment; and

(2) listed under law as a disease that must be reported to the Department of Health if discovered by a health care provider, health care facility or clinical laboratory.

"Law enforcement officer." As the term "peace officer" is defined under section 501 (relating to definitions).

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

The SPEAKER. Representative Miller, on the amendment.

Mr. D. MILLER. Thank you, Mr. Speaker.

Mr. Speaker, in staying with the existing bill, this amendment here offers two changes: Number one is it says that the officer must be acting in performance of their duties. Number two is it offers a definition for "communicable disease." In reading the bill, I did not find a definition for it. Some of the concern that I had was regarding the breadth of what could be a communicable disease, again with the idea that this is how you get a felony in the State of Pennsylvania. So in particular with it, I would note that we talk about that we took a definition straight out of law in relation to a disease that must be reported to the Department of Health if discovered by a health-care provider, health-care facility, or clinical laboratory. We are trying to make a distinction between a disease like COVID-19 and the common cold, which obviously is communicable and depending on one's definition would fall under a felony enhancement for the bill.

So we would ask for a positive vote in order to be sure that the officer's work is done in line with their duties and that we have a definition for "communicable disease" that makes sense.

Thank you, Mr. Speaker.

The SPEAKER. Representative Lou Schmitt, the sponsor of the bill.

Mr. SCHMITT. Thank you, Mr. Speaker.

There is protection for corrections officers and there is protection for law enforcement officers under the law of Pennsylvania as long as you are within the context of a correctional facility or transporting a prisoner. There is already a statute on the books. It is under Title 18, section 2703.1. It is "aggravated harassment by prisoner." My bill tracks the "aggravated harassment by prisoner" by making the protection afforded to law enforcement 24 hours a day, whether they are on duty or not on duty, and that is in line with existing Pennsylvania law.

As far as what a communicable disease is, the bill makes specific reference to HIV (human immunodeficiency virus) and hepatitis B but it is a bill that says "including, but not limited to." As we know, a year ago none of us were talking about COVID-19. There may be diseases that come down the pike in the next year or two that we do not know about, that may or may not have to be reported, but if somebody has got them and they know they have got them and they spit in a law enforcement officer's face, then they deserve to go to jail and that is just where this bill will put them.

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

(Members proceeded to vote.)

The SPEAKER. And 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. Oh, take your time. Please take your time.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The following roll call was recorded:

YEAS—73

Bizzarro	Donatucci	Kenyatta	Roebuck
Boyle	Driscoll	Kim	Rozzi
Bradford	Evans	Kinsey	Samuelson
Briggs	Fiedler	Kirkland	Sanchez
Bullock	Fitzgerald	Krueger	Sappery
Burgos	Flynn	Lee	Schlossberg
Caltagirone	Frankel	Madden	Schweyer
Cephas	Freeman	Matzie	Shusterman
Comitta	Gainey	McCarter	Sims
Cruz	Galloway	McClinton	Solomon
Daley	Goodman	McNeill	Sturla
Davidson	Green	Miller, D.	Ullman
Davis, A.	Hanbidge	Mullins	Vitali
Davis, T.	Harris	Neilson	Warren
Dawkins	Hohenstein	Otten	Webster
Deasy	Howard	Pashinski	Wheatley
DeLissio	Innamorato	Rabb	Youngblood
DeLuca	Isaacson	Ravenstahl	Zabel
Dermody			

## NAYS—129

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

## NOT VOTING—0

## EXCUSED—1

Mako

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

On the question recurring,

Will the House agree to the bill on second consideration?

The SPEAKER. Representative Miller, I know you wanted to be recognized. You have two remaining amendments. Please proceed, sir.

Mr. D. MILLER. Thank you, Mr. Speaker.

Mr. Speaker, I will be withdrawing amendment 05581.

The SPEAKER. So amendment 05581 is withdrawn.

On the question recurring,

Will the House agree to the bill on second consideration?

Mr. **D. MILLER** offered the following amendment No. **A05582**:

Amend Bill, page 1, lines 2 through 4, by striking out "providing for the offense" in line 2 and all of lines 3 and 4 and inserting further providing for the offense of simple assault and for the offense of aggravated assault.

Amend Bill, page 1, lines 7 through 18; page 2, lines 1 through 12; by striking out all of said lines on said pages and inserting Section 1. Sections 2701 and 2702(a), (b) and (d) of Title 18 of

the Pennsylvania Consolidated Statutes are amended to read:

§ 2701. Simple assault.

(a) Offense defined.—Except as provided under section 2702 (relating to aggravated assault), a person is guilty of assault if he:

(1) attempts to cause or intentionally, knowingly or recklessly causes bodily injury to another;

(2) negligently causes bodily injury to another with a deadly weapon;

(3) attempts by physical menace to put another in fear of imminent serious bodily injury; [or]

(4) conceals or attempts to conceal a hypodermic needle on his person and intentionally or knowingly penetrates a law enforcement officer or an officer or an employee of a correctional institution, county jail or prison, detention facility or mental hospital during the course of an arrest or any search of the person[.] or

(5) intentionally or knowingly causes or attempts to cause another person to come into contact with blood, seminal fluid, saliva, urine or feces of an individual, by throwing, tossing, spitting or expelling the fluid or material, subject to the following:

(i) at the time of the offense, the person did not know, had no reason to know, should not have known or did not believe the fluid or material to have been obtained from an individual, including the person charged under this section, infected by a communicable disease, including, but not limited to, human immunodeficiency virus (HIV) or hepatitis B;

(ii) except as provided in sections 2703 (relating to assault by prisoner), 2703.1 (relating to aggravated harassment by prisoner) and 2704 (relating to assault by life prisoner); and

(iii) except that saliva expelled unintentionally through the exercise of constitutionally protected speech shall not be prohibited if the person did not know, had no reason to know, should not have known or did not believe the saliva to have been obtained from an individual, including the person charged under this section, infected by a communicable disease, including, but not limited to, human immunodeficiency virus (HIV) or hepatitis B.

(b) Grading.—[Simple] Except as provided in subsection (c), simple assault is a misdemeanor of the second degree unless committed:

(1) in a fight or scuffle entered into by mutual consent, in which case it is a misdemeanor of the third degree; or

(2) against a child under 12 years of age by a person 18 years of age or older, in which case it is a misdemeanor of the first degree.

(c) Grading for assault by bodily fluid.—Simple assault under subsection (a)(5) is a misdemeanor of the first degree.

(d) Definition.—As used in this section, the term "communicable disease" shall mean an illness that is:

(1) capable of being spread to a susceptible host through the direct or indirect transmission of an infectious agent or its toxic product by an infected person, animal or arthropod or through the inanimate environment; and

(2) listed under law as a disease that must be reported to the Department of Health if discovered by a health care provider, health care facility or clinical laboratory.

§ 2702. Aggravated assault.

(a) Offense defined.—A person is guilty of aggravated assault if he:

(1) attempts to cause serious bodily injury to another, or causes such injury intentionally, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life;

(2) attempts to cause or intentionally, knowingly or recklessly causes serious bodily injury to any of the officers,

agents, employees or other persons enumerated in subsection (c) or to an employee of an agency, company or other entity engaged in public transportation, while in the performance of duty;

(3) attempts to cause or intentionally or knowingly causes bodily injury to any of the officers, agents, employees or other persons enumerated in subsection (c), in the performance of duty;

(4) attempts to cause or intentionally or knowingly causes bodily injury to another with a deadly weapon;

(5) attempts to cause or intentionally or knowingly causes bodily injury to a teaching staff member, school board member or other employee, including a student employee, of any elementary or secondary publicly-funded educational institution, any elementary or secondary private school licensed by the Department of Education or any elementary or secondary parochial school while acting in the scope of his or her employment or because of his or her employment relationship to the school;

(6) attempts by physical menace to put any of the officers, agents, employees or other persons enumerated in subsection (c), while in the performance of duty, in fear of imminent serious bodily injury;

(7) uses tear or noxious gas as defined in section 2708(b) (relating to use of tear or noxious gas in labor disputes) or uses an electric or electronic incapacitation device against any officer, employee or other person enumerated in subsection (c) while acting in the scope of his employment;

(8) attempts to cause or intentionally, knowingly or recklessly causes bodily injury to a child less than six years of age, by a person 18 years of age or older; [or]

(9) attempts to cause or intentionally, knowingly or recklessly causes serious bodily injury to a child less than 13 years of age, by a person 18 years of age or older[.] or

(10) intentionally or knowingly causes or attempts to cause another person to come into contact with blood, seminal fluid, saliva, urine or feces of an individual, by throwing, tossing, spitting or expelling the fluid or material, subject to the following:

(i) at the time of the offense, the person knew, had reason to know, should have known or believed the fluid or material to have been obtained from an individual, including the person charged under this section, infected by a communicable disease, including, but not limited to, human immunodeficiency virus (HIV) or hepatitis B;

(ii) except as provided in sections 2703 (relating to assault by prisoner), 2703.1 (relating to aggravated harassment by prisoner) and 2704 (relating to assault by life prisoner); and

(iii) except that saliva expelled unintentionally through the exercise of constitutionally protected speech shall not be prohibited, unless the person knew, had reason to know, should have known or believed the saliva to have been obtained from an individual, including the person charged under this section, infected by a communicable disease, including, but not limited to, human immunodeficiency virus (HIV) or hepatitis B.

(b) Grading.—Aggravated assault under subsection (a)(1), (2) and (9) is a felony of the first degree. Aggravated assault under subsection (a)(3), (4), (5), (6), (7) and (8) is a felony of the second degree. Aggravated assault under subsection (a)(10) is a felony of the third degree.

\* \* \*

(d) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Communicable disease." An illness that is:

(1) capable of being spread to a susceptible host through the direct or indirect transmission of an infectious agent or its toxic product by an infected person, animal or arthropod or

through the inanimate environment; and

(2) listed under law as a disease that must be reported to the Department of Health if discovered by a health care provider, health care facility or clinical laboratory.

"Electric or electronic incapacitation device." A portable device which is designed or intended by the manufacturer to be used, offensively or defensively, to temporarily immobilize or incapacitate persons by means of electric pulse or current, including devices operated by means of carbon dioxide propellant. The term does not include cattle prods, electric fences or other electric devices when used in agricultural, animal husbandry or food production activities.

"Emergency medical services personnel." The term includes, but is not limited to, doctors, residents, interns, registered nurses, licensed practical nurses, nurse aides, ambulance attendants and operators, paramedics, emergency medical technicians and members of a hospital security force while working within the scope of their employment.

On the question,

Will the House agree to the amendment?

The SPEAKER. And Representative Dan Miller is going to speak on his amendment.

Mr. D. MILLER. Thank you, Mr. Speaker.

Mr. Speaker, there are elements of this that I have already discussed, but I do want to highlight two differences. Number one is that this bill applies to everyone. This would make it that no matter who you are, if any of the actions that were in the underlying bill, you would get the same protection, so that if someone, as recognized earlier, spits in your face or dumps any of the other items that are listed in this bill on you, every Pennsylvanian would have the same ability as far as protections from the law that a law enforcement officer would have. I would note that this also applies to every law enforcement officer. So when I say it applies to everyone, it is everyone, because I have a hard time going up to my constituents and saying, I am sorry, dumping some type of bodily fluid on somebody is a felony; on you, good luck.

The second difference that this does is I do believe that at times our august body spends a little bit too much time in creating new statutes of law. The Crimes Code, in particular, is one that I find to be infuriating in relation to the size of it, meaning that in the 47 years since I have been on this planet, the Crime Codes has astronomically increased. Now, some of that has made sense as we have found new aspects of law or new ways, perhaps drones or other technology to which was never envisioned.

What my amendment here does is it takes what I had previously discussed, applies it to everybody, and puts it into existing statute. It does not create any new sections of law. I emphasize this not because I recognize that some people may agree otherwise with the text, but I hope that this is something that we could attempt to try to do together, is to not create new laws every time some situation pops up and that we add pages and pages to the length of our code's text, regulations, and bills in a way that further challenges the public from understanding at all what we are talking about here in this hall.

So I would ask for an affirmative in applying these protections to every Pennsylvanian and doing so by only amending existing law instead of creating a new one.

Thank you, Mr. Speaker.

The SPEAKER. Representative Lou Schmitt, the prime sponsor of the bill.

Mr. SCHMITT. Thank you, Mr. Speaker.

As I said previously, there is already on the statute books a law that protects corrections officers and law enforcement in the context of correctional facilities or transport of prisoners. This bill would do the same for law enforcement outside those two contexts.

The General Assembly has already recognized that the unique position law enforcement finds them in compels protection in these situations and compels this body to do it. We have already done it in other situations; we have already done it in other contexts. We are only going to do it again in giving law enforcement protection in context outside the corrections facility and outside of transport. It recognizes the unique position of law enforcement. It recognizes the unique degrading effect that these sorts of offenses have on law enforcement.

Mr. Speaker, law enforcement wants this protection, law enforcement needs this protection, law enforcement deserves this protection, and I ask for a "no" vote on the amendment.

The SPEAKER. Representative Miller, for the second time.

Mr. D. MILLER. So let us give it to them; let us give it to them. But I still do not understand why somebody who walks the street, who goes to work, who comes in and out of their church or synagogue, who walks their pet somehow is not worthy of that same protection. So why is it not that someone else who is not in law enforcement cannot get the same protection when it comes to being dumped with any type of bodily fluid? Why are we doing that? The answer is confusing. I mean, I am confused by it. There is nothing here that distinguishes between any type of law enforcement. It expands no matter who you are in law enforcement. All it says is that we are going to treat Pennsylvanians the same; that we are going to say, you know what, you dump a bucket of urine on somebody, it is a problem in the State of Pennsylvania no matter who you are, whether you have a job or whether you do not have a job. No matter what your job is, we still think that is wrong to do in Pennsylvania. Why is that bad?

Thank you, Mr. Speaker.

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

(Members proceeded to vote.)

The SPEAKER. The majority whip.  
Mr. BENNINGHOFF. Thank you, Mr. Speaker.  
The electronic voting board is accurate for the majority party.  
The SPEAKER. Minority Whip.  
Mr. HARRIS. Thank you, Mr. Speaker.  
The electronic board is accurate.  
The SPEAKER. Thank you, sirs.

The following roll call was recorded:

YEAS-93

Bizzarro	Donatucci	Kortz	Ravenstahl
Boyle	Driscoll	Kosierowski	Readshaw
Bradford	Evans	Krueger	Roebuck
Briggs	Fiedler	Kulik	Rozzi
Bullock	Fitzgerald	Lee	Sainato
Burgos	Flynn	Longietti	Samuelson
Burns	Frankel	Madden	Sanchez

Caltagirone	Freeman	Malagari	Sappey
Carroll	Gainey	Markosek	Schlossberg
Cephas	Galloway	Matzie	Schweyer
Ciresi	Goodman	McCarter	Shusterman
Comitta	Green	McClinton	Sims
Conklin	Hanbidge	McNeill	Snyder
Cruz	Harkins	Merski	Solomon
Daley	Harris	Miller, D.	Sturla
Davidson	Hohenstein	Mullery	Ullman
Davis, A.	Howard	Mullins	Vitali
Davis, T.	Innamorato	Neilson	Warren
Dawkins	Isaacson	O'Mara	Webster
Deasy	Kenyatta	Otten	Wheatley
DeLissio	Kim	Pashinski	Williams
Delloso	Kinsey	Petrarca	Youngblood
DeLuca	Kirkland	Rabb	Zabel
Dermody			

NAYS-109

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

NOT VOTING-0

EXCUSED-1

Mako

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

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

The SPEAKER. Representative Kenyatta, I think you are offering the amendment that was originally offered by Representative Briggs? Yes, sir. Okay.

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

Mr. KENYATTA offered the following amendment No. A05457:

Amend Bill, page 1, line 18, by striking out the period after "material" and inserting with intent to annoy, alarm, injure or cause severe emotional distress to the officer.

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

The SPEAKER. Representative Malcolm Kenyatta is recognized on the amendment. Sir.

Mr. KENYATTA. Thank you, Mr. Speaker.

I think I understand the intent of the maker of the bill and I think what he is trying to do is laudable. And what this amendment does is ensure that the intent of the perpetrator, the potential perpetrator, that that is also clarified in this bill. And so this just brings a little bit more clarity to this bill, ensuring that we understand the intent of the accused. And so with that, Mr. Speaker, I would ask for an affirmative vote to make that clarification.

The SPEAKER. Thank you, sir.

And, Representative Lou Schmitt, on the amendment.

Mr. SCHMITT. Thank you, Mr. Speaker.

Mr. Speaker, the bill is very clear: "...a person is guilty of harassment of law enforcement officer if the person intentionally or knowingly causes or attempts to cause a law enforcement officer to come into contact with blood, seminal fluid, saliva, urine or feces by throwing, tossing, spitting or expelling such fluid or material." It does not get much more specific than that, Mr. Speaker, and I urge a "no" vote on the amendment.

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

(Members proceeded to vote.)

The SPEAKER. Majority Whip.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

The electronic voting board is correct for the majority party.

The SPEAKER. Minority Whip.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The following roll call was recorded:

YEAS-71

Table with 4 columns of names: Bizzarro, Boyle, Bradford, Briggs, Bullock, Burgos, Caltagirone, Cephas, Comitita, Cruz, Daley, Davidson, Davis, T., Dawkins, Donatucci, Driscoll, Evans, Fiedler, Fitzgerald, Flynn, Frankel, Freeman, Gainey, Galloway, Goodman, Green, Hanbidge, Harris, Kenyatta, Kim, Kinsey, Kirkland, Krueger, Lee, Madden, Matzie, McCarter, McClinton, McNeill, Mullins, Neilson, Otten, Rozzi, Samuelson, Sanchez, Sappey, Schlossberg, Schweyer, Shusterman, Sims, Solomon, Sturla, Ullman, Vitali, Warren, Webster.

Table with 4 columns of names: Deasy, DeLissio, DeLuca, Dermody, Hohenstein, Howard, Innamorato, Isaacson, Pashinski, Rabb, Ravenstahl, Roebuck, Wheatley, Youngblood, Zabel.

NAYS-131

Table with 4 columns of names: Barrar, Benninghoff, Bernstine, Boback, Bonner, Borowicz, Brooks, Brown, Burns, Carroll, Causer, Ciresi, Conklin, Cook, Cox, Culver, Cutler, Davanzo, Davis, A., Day, Dellosa, Delozier, Diamond, Dowling, Dunbar, Dush, Ecker, Emrick, Everett, Farry, Fee, Fritz, Gabler, Gaydos, Gillen, Gillespie, Gleim, Gregory, Greiner, Grove, Hahn, Harkins, Heffley, Helm, Hennessey, Hershey, Hickernell, Irvin, James, Jones, Jozwiak, Kail, Kaufner, Kauffman, Keefer, Keller, Klunk, Knowles, Kortz, Kosierowski, Kulik, Lawrence, Lewis, Longietti, Mackenzie, Malagari, Maloney, Markosek, Marshall, Masser, Mehaffie, Mentzer, Merski, Metcalfe, Metzgar, Mihalek, Millard, Miller, B., Miller, D., Mizgorski, Moul, Mullery, Murt, Mustello, Nelson, O'Mara, O'Neal, Oberlander, Ortity, Owlett, Peifer, Petrarca, Pickett, Polinchock, Puskaric, Pyle, Quinn, Rader, Rapp, Readshaw, Reese, Rigby, Roac, Rothman, Rowe, Ryan, Sainato, Sankey, Saylor, Schemel, Schmitt, Schroeder, Simmons, Snyder, Sonney, Staats, Stephens, Struzzi, Thomas, Tobash, Toepel, Tomlinson, Toohil, Topper, Warner, Wentling, Wheeland, White, Williams, Zimmerman, Turzai, Speaker.

NOT VOTING-0

EXCUSED-1

Mako

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

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

The SPEAKER. I do not see any further amendments. Am I mistaken? I think there are no further amendments.

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

The SPEAKER. Okay. We are going to take some third consideration bills, and then we are going to come back to HB 2172 on second consideration.



**SUPPLEMENTAL CALENDAR A**

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 2502, PN 3774**, entitled:

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 State and its departmental administrative board, providing for report on implementation of 2020 general primary election.

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 Mihalek, on the bill? Come right up front. You can come right up front, Representative Mihalek.

Ms. MIHALEK. Thank you, Mr. Speaker.

In 2019 this chamber passed historic and sweeping changes to Pennsylvania's elections laws. On the heels of the June 2 primary, I offer HB 2502 in order to gather data quickly after the election so we are able to ensure a smooth implementation of Act 77. A free and fair election is a basic tenet of our nation, and we must ensure the integrity of our election here in the Commonwealth of Pennsylvania. This bill helps us to do so, and I urge my colleagues for an affirmative vote today. Thank you.

The **SPEAKER**. The majority leader, on HB 2502, PN 3774.

Mr. CUTLER. Thank you, Mr. Speaker.

I, too, want to urge an affirmative vote on this bill. After nearly 80 years we had significant updates to our voter laws, and I think it is equally important that we continue to monitor them as we go forward. That is why we have had several subsequent bills and changes to the original bill that we passed. This is simply the next step in that process and I urge support.

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**. Majority Whip.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

The electronic voting board is accurate for 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—201**

Barrar	Fiedler	Lee	Rigby
Benninghoff	Fitzgerald	Lewis	Roae
Bernstine	Flynn	Longietti	Roebuck
Bizzarro	Frankel	Mackenzie	Rothman
Boback	Freeman	Madden	Rowe
Bonner	Fritz	Malagari	Rozzi
Borowicz	Gabler	Maloney	Ryan
Boyle	Gainey	Markosek	Sainato
Bradford	Galloway	Marshall	Samuelson
Briggs	Gaydos	Masser	Sanchez
Brooks	Gillen	Matzie	Sankey
Brown	Gillespie	McCarter	Sappey
Bullock	Gleim	McClinton	Saylor
Burgos	Goodman	McNeill	Schemel
Burns	Green	Mehaffie	Schlossberg
Caltagirone	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	Ortity	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
Fee	Lawrence	Reese	

**NAYS—1**

Carroll

**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 2505, PN 3775**, entitled:

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

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 Torren Ecker is recognized.  
Members, please give the speakers your attention.  
Mr. ECKER. Thank you, Mr. Speaker.

This bill is about transparency. As we all know, this COVID-19 crisis has brought about a response unlike anything we have ever experienced in generations, quite honestly. Our government has reacted in ways that deserve review once this is all said and done. Transparency is key to government, especially during times of crisis. It is imperative that all of our records that have come about through this process are protected and retained so that future lawmakers and lawmakers here can review the administration's response to the crisis.

This legislation will not only allow us to review the State's response so that we can learn from it, but it will also provide a clear window into the government that the public deserves. HB 2505 would require the administration to retain records related to the COVID-19 crisis for 10 years after the end of the emergency. It would apply to the executive agencies and the contractors that they have engaged with. The extended retention period is designed to ensure ample time to assess what did work and what did not work in the State's response. Just like we all deal with challenges personally that come up unexpectedly, sometimes we stick the landing, other times we make mistakes that we need to learn from. This legislation will allow us to go back and look at things that we did right, look at things that we did wrong and improve upon those things.

I believe this is a bipartisan bill. This is a good-government bill, and I would ask for the members to support it. Thank you.

The SPEAKER. Representative Boyle.

Mr. BOYLE. Thank you, Mr. Speaker.

While I support this bill, I do want to inform members that the Wolf administration informs us that they are currently retaining these records. So I just wanted to make sure that that was clear to everyone.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, sir.

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 first. Majority Whip.  
Mr. BENNINGHOFF. Thank you, Mr. Speaker.  
The electronic voting board is correct for the majority party.  
The SPEAKER. And the minority whip, please.  
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	McCarte	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	Kaufe	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 2506, PN 3777**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for establishment outdoor space operation.

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 Boyle wishes to speak on the bill.

Mr. BOYLE. Thank you, Mr. Speaker.

Ultimately, I do not believe we in Harrisburg in the Pennsylvania House should be adopting our State mitigation plan. We had been well served by the Department of State. We should keep at it. And I would ask members to vote "no" on this bill. Thank you.

The SPEAKER. Representative Garth Everett, come on up to the front, please. Thank you, sir. Mr. Chair. Chairman Garth Everett.

Does anybody else wish to speak on the bill?

The leader does. So, Chairman Everett, both leaders want to speak on the bill as well. Chairman Everett, do you want to go first, please? Okay.

Chairman Everett, followed by Leader Dermody, followed by Majority Leader Cutler.

Mr. EVERETT. Thank you, Mr. Speaker.

This is a commonsense bill that applies to the areas of the State that are in the yellow or green. It simply allows for dining establishments to open following all CDC (Centers for Disease Control and Prevention) and State business opening procedures. It allows safe – this one is for outdoor seating only. And I think it is very safe in the next measures of the step we should take, and it is common sense. I would ask for a "yes" vote.

The SPEAKER. And the minority leader, Frank Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, we know that bars and restaurants are anxious to get started. We also know and I know that the administration is speaking with the Restaurant Association, working with the Restaurant Association in developing guidance so that they can open outdoor dining safely. Look, we have all seen what has happened in some other States that have opened. It is our responsibility to make sure that when we open a restaurant, when we do outdoor dining, that it is done responsibly, that it is done safely, and it is done with social distancing.

Other States that have opened have found it most difficult, most difficult to enforce social distancing. We need to give the Governor, we need to give him the ability and the administration the ability to negotiate a guidance that makes sense, that works for outdoor dining, that is going to be done shortly. Look, this also would tie the Governor's hands should there be a recurrence. The most important thing we can do to avoid a recurrence of this virus is to practice social distancing in a meaningful way. It has to be done to avoid the recurrence. We need to make sure that does not happen.

This bill is not needed at this time because I believe we will have guidance shortly that will make sense, that will open outdoor dining responsibly, and we should vote "no" on this bill to open it without the guidance from the Governor's Office and would tie his hands should there be a recurrence. He needs the ability to act quickly to make sure we can mitigate that as soon as possible.

Thank you, Mr. Speaker.

The SPEAKER. Majority Leader, before I call on you, Representative Masser, do you want to speak, sir? Representative Masser. Representative Masser is the majority caucus administrator, part of leadership.

You may proceed.

Mr. MASSER. I appreciate the prior members' comments, but we are running out of time. I have been waiting for guidance from the Governor's Office. The entire industry has been waiting for guidance from the Governor's Office. We needed that 2 weeks ago. The time is now. We need to vote this. Every day that goes by is more and more restaurants not opening. We need to vote "yes." I request an affirmative vote. Thank you.

The SPEAKER. And the majority leader, Bryan Cutler, on the bill.

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, I think the focus sometimes here in Harrisburg too often is on what is the legislature doing or what is the Governor doing or how do we collectively respond. The truth is, Mr. Speaker, this is all about consumers and residents. This is not just about restaurants, because this is about people and the activities they choose to engage in in those counties that may be yellow or green. The previous speaker rightly indicated there are counties in the yellow stage. And while we have been urged to continue negotiations, the truth is the standards are not yet there.

This bill encompasses the Department of Health, the CDC, and the national association standards. But at the end of the day, it will be we the people who decide if they want to go out or not, even if the restaurants were open. I happen to believe that as businesses are open, there will still be people who themselves decide that just because something is open does not mean that they will attend. It may be individuals who decide for health reasons, social reasons, out of concern for themselves or their loved ones, and that is absolutely acceptable.

But the one thing that I think that is unacceptable is to continue to not have standards and talk about talking and negotiating. This clearly outlines the standards, and if it is a negotiation, here is our best offer. 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.

(Members proceeded to vote.)

The SPEAKER. And the majority whip.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

The unanimous vote by the majority party on HB 2506 is correct.

The SPEAKER. And the minority whip, on the vote.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The following roll call was recorded:

YEAS—133

Barrar	Gaydos	Masser	Rothman
Benninghoff	Gillen	McNeill	Rowe
Bernstine	Gillespie	Mehaffie	Ryan
Bizzarro	Gleim	Mentzer	Sainato
Boback	Gregory	Merski	Sankey
Bonner	Greiner	Metcalfe	Sappery
Borowicz	Grove	Metzgar	Saylor
Brooks	Hahn	Mihalek	Schemel
Brown	Heffley	Millard	Schmitt
Burns	Helm	Miller, B.	Schroeder
Carroll	Hennessey	Mizgorski	Shusterman
Causar	Hershey	Moul	Simmons
Ciresi	Hickernell	Mullery	Snyder
Conklin	Irvin	Murt	Sonney
Cook	James	Mustello	Staats
Cox	Jones	Nelson	Stephens
Culver	Jozwiak	O'Mara	Struzzi
Cutler	Kail	O'Neal	Thomas
Davanzo	Kaufer	Oberlander	Tobash
Davis, T.	Kauffman	Ortitay	Toepel
Day	Keefer	Owlett	Tomlinson
Delozier	Keller	Peifer	Toohil
Diamond	Klunk	Petrarca	Topper
Dowling	Knowles	Pickett	Ullman
Dunbar	Kosierowski	Polinchock	Warner
Dush	Kulik	Puskaric	Wentling
Ecker	Lawrence	Pyle	Wheeland
Emrick	Lewis	Quinn	White
Evans	Longietti	Rader	Williams
Everett	Mackenzie	Rapp	Zimmerman
Farry	Malagari	Readshaw	
Fee	Maloney	Reese	Turzai,
Fritz	Markosek	Rigby	Speaker
Gabler	Marshall	Roae	

NAYS—69

Boyle	Donatucci	Isaacson	Rabb
Bradford	Driscoll	Kenyatta	Ravenstahl
Briggs	Fiedler	Kim	Roebuck
Bullock	Fitzgerald	Kinsey	Rozzi
Burgos	Flynn	Kirkland	Samuelson
Caltagirone	Frankel	Kortz	Sanchez
Cephas	Freeman	Krueger	Schlossberg
Comitta	Gainey	Lee	Schweyer
Cruz	Galloway	Madden	Sims
Daley	Goodman	Matzie	Solomon
Davidson	Green	McCarter	Sturla
Davis, A.	Hanbidge	McClinton	Vitali
Dawkins	Harkins	Miller, D.	Warren
Deasy	Harris	Mullins	Webster
DeLissio	Hohenstein	Neilson	Wheatley
Delloso	Howard	Otten	Youngblood
DeLuca	Innamorato	Pashinski	Zabel
Dermody			

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 2513, PN 3778**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for establishment indoor space operation.

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?

On the question, Representative Boyle.

Mr. BOYLE. Thank you, Mr. Speaker.

Make no mistake, these shutdown orders are working. Just today we had the lowest number of daily diagnosed cases of COVID-19 since early April. We had just 610 new diagnosed cases. We just had 147 cases in the city of Philadelphia. While that is entirely too high, it is a far distance from when in the city of Philadelphia we were reporting over 600 cases a day.

Furthermore, these shutdown orders have been proven to work from a recent study from Drexel University. Drexel University showed that we have saved 6200 lives with these shutdown orders and also prevented 57,000 hospitalizations.

So, Mr. Speaker, I believe we should stay to the course and we should reject this bill. Thank you.

The SPEAKER. And, Chairman Garth Everett, on the bill.

Mr. EVERETT. Thank you, Mr. Speaker.

And I agree with the minority chairman, the shutdown orders in Pennsylvania are working. We have 1.8 million unemployed workers in Pennsylvania. They are working great.

Hey, for the past 30 days we have seen a decline in the number of new cases every day. It zigzags up and down a little bit, but if you look at the curve, it is a downward curve for the last 30 days. We have flattened the curve. It is time to relax a bit and open up businesses.

And again I remind you, this bill and the previous one only apply to counties that do not have shutdown orders anymore. These are counties where the shutdown orders have been shifted to yellow and green. And again, this is to allow restaurants to open at 50 percent of their capacity following all CDC, DOH (Department of Health) guidance and they are encouraged to use National Restaurant Association reopening techniques.

This can be done in a safe manner. This should be done in a safe manner. Our constituents want to go back to their local restaurants. They can do it safely. Our restaurateurs can put their people back to work. I urge a "yes" vote.

Thank you, Mr. Speaker.

The SPEAKER. Representative Boyle, for the second time, sir.

Mr. BOYLE. Thank you, Mr. Speaker.

The majority chairman mentioned easing the requirements. I want to talk about some States that have actually gone in this direction that the Republican majority wants to go toward. In Texas they had 1800 new cases diagnosed just on Saturday. It was their single highest day during the pandemic. Arkansas, their new cases jumped 50 percent just this week. South Dakota, new cases jumped 134 percent this week. So I ask my Republican colleagues, reflect upon these numbers. This is what you want to bring Pennsylvania to. It is not right, it is wrong, and it defeats the entire purpose of what we are doing, which has proven to be successful.

When I spoke earlier, I spoke that there are just 610 new cases today. We are winning this battle against COVID-19.

The worst thing we can do is pass bills like this. And this bill specifically is very dangerous because you are talking about indoor structures. So I just want to share with you some data in regards to how COVID-19 spreads, from the Mayo Clinic. COVID-19 the virus can stay on metal for 5 days; on wood, it can stay 4 days; on plastic, 2 to 3 days; on stainless steel, 2 to 3 days; and on cardboard, it can stay 2 to 3 days.

So, Mr. Speaker, I think it is clear that we are winning, and let us not pass HB 2513, which would roll back the clock. Thank you.

The SPEAKER. Representative Malcolm Kenyatta, on the bill.

Mr. KENYATTA. Thank you, Mr. Speaker.

I was not even going to speak, but I think the suggestion that the purpose of the shutdown was to create unemployment in the Commonwealth is a bit offensive and wrong. But I also want to point out that this body overturning these constitutional shutdown orders of the Governor flies in the face of what the Supreme Court has ruled in a recent case before it in regards to this shutdown.

But let us also say something about, oh, we need to get back to restaurants, we need to get back to cutting hair, we need to get back to all these service-based jobs. What we are demanding right now and what folks are demanding is that they get to be served, that they get to go to a restaurant and sit down and be served by a service worker whom they refuse to pay a \$15 minimum wage—

### POINT OF ORDER

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

Mr. KENYATTA. Yes; Yes. Yes; you can boo, but it is true.

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

The SPEAKER. The majority leader is recognized on a point of order.

Mr. CUTLER. I certainly appreciate the gentleman's passion, but he is far afield of the underlying bill, and I would encourage him to stay focused.

The SPEAKER. Representative Kenyatta, you have already spoken on the record. Do you have more points to add?

Mr. KENYATTA. I do. I do, Mr. Speaker.

The SPEAKER. Okay. Please—

Mr. KENYATTA. Because at the end of the day—

The SPEAKER. Representative Kenyatta, please just on the bill. Thank you, sir.

Mr. KENYATTA. Mr. Speaker, on this bill because it is a bad bill, so I am more than happy to focus on it.

The folks whom you are demanding go back to work without ensuring that there is proper PPE (personal protective equipment), how is a small business owner right now going to even get the PPE necessary to ensure that their workers go back in a safe way? You are asking mom-and-pop shops, small restaurants to compete against health-care workers who need it to keep folks safe inside our health-care institutions. You are asking them to compete with States across the country who are seeing an increase in cases right now.

And so if everybody wants to talk about I need to go to a restaurant, we also need to be talking about the servers who are going to have to show up, and if we open up without a plan of keeping them safe, we are risking their families, we are risking families in my district. And so you might laugh and you might not care, but I care about the people I serve and I wish you guys would act like it.

The SPEAKER. Just for the record, in talking about the service employees, that is certainly relevant in discussion with respect to this particular discussion.

I would just ask everybody, on both sides, but in terms of openings, closings, or in between your remarks, let us not taunt or make it personal about the members themselves.

I have some other folks that want to speak. Representative Topper wishes to speak, and then I think both the Democratic leader and the majority leader both wish to speak as well.

So at this time the Chair calls upon Representative Jesse Topper, followed by the leaders.

Mr. TOPPER. Thank you, Mr. Speaker.

So one of the things I wanted to bring to the members' attention and I think this is where the legislature has felt the need to speak. So the Democratic chair of the State Government Committee had mentioned that the shutdown orders, the lockdown is working. But let us go back, Mr. Speaker, to the original intent – and this is why we are here today as a legislature speaking on behalf of our constituents and offering, as the majority leader said in his previous remarks, guidelines ourselves, because the original purpose was to make sure that during the peak surge of cases, which happened, I believe, it was on April 9, our hospital system was not overwhelmed. Mr. Speaker, we hit the metrics that were originally laid out as the reason for it. So when we say it is working, my question is, working toward what end?

There is none of us that are suggesting – we have talked about every medical professional that has said a lockdown does not eradicate a virus. So what are the new goalposts? The gentleman said it is working. Working toward what end? The only end that our constituents can see is the end of their businesses as they know it. That is the only thing that they can see and hold onto. They have no other metrics.

Mr. Speaker, we have heard that the administration does not know what metrics they will use to move from yellow to green. We still, even those counties that have moved to yellow are not quite sure what metrics were used to move to red to yellow. So there is a purpose, Mr. Speaker, to what we are trying to

accomplish here, and that is to establish – and look, I have heard that Jesse Topper does not have a medical degree, and that is true, Mr. Speaker. But in the 78th District I represent people with medical degrees. I have spoken to them; they have said the lockdown does not eradicate a virus. We must learn to move forward with the virus among us, and we can do that safely and we are offering ways in which we can do that. And that is the way that my constituents speak in this place, Mr. Speaker, is through me. My doctors have not been called by the Department of Health. My business owners have not been consulted. They have a voice in Harrisburg through me. All of our constituents have a voice through us. And the voice of the people should never be silenced.

Thank you, Mr. Speaker. I urge a "yes" vote on HB 2513.

The SPEAKER. And the Democratic leader, Frank Dermody. Mr. DERMODY. Thank you, Mr. Speaker.

And, Mr. Speaker, the gentleman from Philadelphia said it quite well. A lot of what we are doing here today and a lot of what this bill is about is what we should be about, and that is protecting our workers, making sure that they are safe. And as we have talked about several times on this floor, we all know that we are going to put them in competition with frontline, first responders, health-care workers, for protective equipment to open up a restaurant for indoor dining. It is a complicated issue.

I know that the administration and the Restaurant Association are talking about this, working on coming up with guidance to open safely for everybody involved – the workers and the customers. And it is much harder to maintain social distancing, maintain the safety, because, yeah, it is working, it has worked because Pennsylvanians behaved, sacrificed, and our numbers, the trends are doing very well right now. However, that could change momentarily, and it has been pointed out, it has changed in other States that have opened up. The last thing we need to do is be reckless with our decisions regarding the safety and health of our workers and our constituents who may go to the restaurants.

So look, we have an opportunity right now to make sure that we put in place the safeguards for them, working with the Restaurant Association, working with the administration developing that guidance and making sure people are protected, making sure the Governor has the tools and the wherewithal should there be a spike; should there be a resurgence of this virus, he can put an end to it like that. That is important. That is what this bill does not do.

This is much more difficult than saying let us open up and everybody go in a restaurant and a bar and be happy, because we cannot see it and it is there and we know it is there and it is spreading where they have done this recklessly. That is one thing we have avoided in this State. The Commonwealth has done a good job. We should stay the course. Let us work with the Restaurant Association, let the Governor and his staff and the Restaurant Association develop the guidelines that are responsible that will keep our workers safe, that will keep their patrons safe, and then continue to move forward through the month of June. I am looking at the month of June; if the trends continue, there might be a large part of this State that is green, and we can work with having inside, at least in areas where it is green, indoor dining in a safe, responsible way. This bill does not do that and we should vote "no."

Thank you, Mr. Speaker.

The SPEAKER. The Chair calls upon the majority leader, Bryan Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, I would welcome as we head to June to have some counties in green. The problem is, there has not been a plan that has been articulated. That has been the problem the entire time.

I appreciate the good gentleman's passion earlier regarding the workers. We share the desire to protect workers. That is why we voted multiple times for PPE for workers. We also were prepared to vote more times, but the gentleman's own party withdrew that amendment three times in one week, denying us the opportunity to vote for that.

Mr. Speaker, I think as we look – and the good gentleman from the midstate so eloquently said, we represent a broad variety of people in our districts and we are their voice. That is why we are here. And that is why earlier in the week I had shared that we can be from different areas and have different experiences and both be correct. But to imply motive or desires to hurt people is simply not only inaccurate, it violates the House rules.

Mr. Speaker, a couple of key points about this bill. Allowing the bill to pass and become law does not force a restaurant to open. It would still be voluntary. That is a key component of the underlying bill. And as I alluded previously, it will be up to us as patrons if we choose to attend. Those are two voluntary choices.

Now, as we head into the summer months, I think I speak for the majority of citizens that I am privileged to represent, they are frustrated with no plan, extremely frustrated and tired of hearing this was to flatten the curve. The curve peaked on April 9 with new cases, and the good gentleman, the chair of the State Government Committee, pointed out that we are on a downward trend. That is accurate. The opposite trend, which the Republican chair pointed out, is the exponential growth in unemployment claims. I cautioned from the very beginning, Mr. Speaker, that this should never be an either-or, it needed to be let us manage both. Let us manage the public safety. Let us manage the economic problems. And for the people that I talked to over the last 8 weeks, they are frustrated with not getting answers from unemployment. Prior to that they were frustrated with not getting answers on the waiver system that was dropped on them. And prior to that they were frustrated with the lack of sufficient notice to appropriately close down their businesses when it was announced that it needed to happen on a Friday afternoon.

So, Mr. Speaker, please indulge me and understand why people are frustrated, because the goalposts have been moved. The curve has been flattened since April 9, a downward trend. Anyone can look at that data. And it will appear lumpy, with certain spikes every 6 to 7 days as they reconcile and bring in old data, but nonetheless, the trend has been down since April 9.

Eight weeks, Mr. Speaker; 8 weeks. I had hoped that there would be a plan for restaurants by now, but absent that, here is our proposal, here is our offer. And perhaps, just like the real estate bill, we will finally see action once this reaches the Governor's desk. 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.

(Members proceeded to vote.)

The SPEAKER. And the majority whip.  
 Mr. BENNINGHOFF. Thank you, Mr. Speaker.  
 The electronic voting board is correct, a unanimous vote for small business by the majority party.  
 The SPEAKER. And the minority whip.  
 Mr. HARRIS. Thank you, Mr. Speaker.  
 The electronic board is accurate for safety.  
 The SPEAKER. Thank you, sirs.

The following roll call was recorded:

YEAS—117

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

NAYS—85

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

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.

CALENDAR CONTINUED

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 863, PN 1660**, entitled:

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, for sale proceeds, providing for abandoned property and further providing for tourist camp heater safety.

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

The SPEAKER. Representative Kenyatta, I have two amendments that you have filed, 05775 and 05776.

You are recognized. Yes, you are on, sir. No; no. Representative Kenyatta, can you just come up to the next mike. I do not know why that one is not working.

Mr. KENYATTA. Mr. Speaker, we have been here for a while, and so for my colleagues' benefit, I am going to pull both of these amendments. That is how I get a Republican applause. Thank you.

The SPEAKER. Thank you, sir.  
 Both amendments are withdrawn.

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 1827, PN 3696**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in criminal homicide, further providing for the offense of causing or aiding suicide.

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

Mr. KAUFFMAN offered the following amendment  
No. **A05449**:

Amend Bill, page 1, line 17, by inserting after "suicide"  
or was aided or solicited to commit suicide

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

The SPEAKER. So on the amendment, the Chair calls upon  
the prime sponsor of the bill, Representative Dawn Keefer.

Mrs. KEEFER. Thank you, Mr. Speaker.

This is an agreed-to amendment, and I would ask for  
everybody's affirmative vote.

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

(Members proceeded to vote.)

The SPEAKER. And the majority whip.

Mr. BENNINGHOFF. In harmony with my minority chair,  
unanimous vote by the majority party on this particular  
amendment.

Thank you, Mr. Speaker.

The SPEAKER. And the minority whip.

Mr. HARRIS. In the spirit of bipartisanship, there is a  
unanimous vote on behalf of the Democratic Party.

Thank you, Mr. Speaker.

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
Causar	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

NAYS—0

NOT VOTING—0

EXCUSED—1

Mako

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?

Mr. **D. MILLER** offered the following amendment  
No. **A05448**:

Amend Bill, page 1, line 16, by inserting after "when"  
the offender

Amend Bill, page 1, line 16, by inserting after "offense"  
knew or should have known that

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

AMENDMENT WITHDRAWN

The SPEAKER. Representative Dan Miller, on the  
amendment.

Mr. D. MILLER. Thank you, Mr. Speaker.

On amendment 5448, I will withdraw that amendment.

The SPEAKER. Okay. So the amendment has been  
withdrawn.

Thank you, Representative Miller.

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

Mr. **D. MILLER** offered the following amendment  
No. **A05454**:

Amend Bill, page 1, line 16, by striking out all of said line and  
inserting

section when at the time of the offense:

(i) The person who

Amend Bill, page 2, by inserting between lines 1 and 2

(ii) The person who committed the offense knew



or should have known that the person who committed suicide was under 18 years of age or had an intellectual disability.

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

The SPEAKER. So on the amendment, Representative Dan Miller, on the amendment.

Mr. D. MILLER. Thank you, Mr. Speaker.

Mr. Speaker, I recognize that in a previous bill today we talked a lot, or I talked a lot regarding the importance of a mens rea in relation to enhanced penalties. I will not reiterate every aspect of it. I would note, obviously, that I really believe that when it comes to what seems to generally be a race in this State toward increased felonies and applicability of felonies instead of perhaps letting judges when necessary go even outside of guidelines to address things more tailored, you end up having these cases, these situations where it is like automatically across the board you are going to attach strict liability to more and more felony cases.

So I will not belabor the point. I would, though, kindly ask the maker perhaps, that there is an aspect here in this bill that is a little bit unaddressed, which is the distinction that we previously corrected in the other bill regarding the intellectual disability and autism language, perhaps that this is something that could be considered. But in relation to what the amendment does cover, I recognize that this body has already spoken on their concern with mens rea. I will offer nothing further to the matter and just ask for a "yes" vote.

The SPEAKER. And the prime sponsor of the bill, Representative Dawn Keefer, on the amendment.

Mrs. KEEFER. Thank you, Mr. Speaker.

This is actually a sentencing enhancement, so this is not an element of the actual crime. I am asking members to oppose this amendment. Thank you.

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

(Members proceeded to vote.)

The SPEAKER. The majority whip.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

The electronic voting board is correct. Thank you.

The SPEAKER. And the minority whip.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The following roll call was recorded:

YEAS—83

Bizzarro	Dermody	Kim	Readshaw
Boyle	Donatucci	Kinsey	Roebuck
Bradford	Driscoll	Kirkland	Rozzi
Briggs	Evans	Kortz	Samuelson
Bullock	Fiedler	Kosierowski	Sanchez
Burgos	Fitzgerald	Krueger	Sappey
Caltagirone	Flynn	Lee	Schlossberg
Cephas	Frankel	Madden	Schweyer
Ciresi	Freeman	Matzie	Shusterman
Comitta	Gainey	McCarter	Sims

Conklin	Galloway	McClinton	Solomon
Cruz	Goodman	McNeill	Sturla
Daley	Green	Merski	Ullman
Davidson	Hanbidge	Miller, D.	Vitali
Davis, A.	Harkins	Mullins	Warren
Davis, T.	Harris	Neilson	Webster
Dawkins	Hohenstein	O'Mara	Wheatley
Deasy	Howard	Otten	Williams
DeLissio	Innamorato	Pashinski	Youngblood
Delloso	Isaacson	Rabb	Zabel
DeLuca	Kenyatta	Ravenstahl	

NAYS—119

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

NOT VOTING—0

EXCUSED—1

Mako

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

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

The SPEAKER. Representative Jesse Topper has, I believe, a late-filed amendment, 05792. Could you please read a summary of that amendment? Or no. Okay. It is listed here on my sheet. No amendment.

Jesse Topper, thank you, sir. Representative Topper, thank you.

My understanding is, Representative Briggs' amendments have been withdrawn.

And there are no further amendments.

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.

## RESOLUTIONS

Mr. MACKENZIE called up **HR 649, PN 3278**, entitled:

A Resolution recognizing the week of February 3 through 7, 2020, as "Tax Identity Theft Awareness Week" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

(Members proceeded to vote.)

The SPEAKER. And the majority whip.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

The electronic voting board is correct for HR 649.

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
Causar	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

NAYS—0

NOT VOTING—0

EXCUSED—1

Mako

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

\* \* \*

Mr. MATZIE called up **HR 697, PN 3215**, entitled:

A Resolution designating the week of March 15 through 21, 2020, as "Sunshine Week" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

(Members proceeded to vote.)

The SPEAKER. And the majority whip. Yes, sir. Sorry.

Mr. BENNINGHOFF. That is all right. Thank you, Mr. Speaker.

The electronic voting board is correct, a unanimous vote on HR 697 by 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
Causar	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

NAYS-0

NOT VOTING-0

EXCUSED-1

Mako

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

\* \* \*

Ms. KLUNK called up **HR 713, PN 3250**, entitled:

A Resolution recognizing the week of March 8 through 15, 2020, as "AmeriCorps Week" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

(Members proceeded to vote.)

The SPEAKER. Majority Whip.  
Mr. BENNINGHOFF. Thank you, Mr. Speaker.  
The electronic voting board is correct for HR 713.  
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	Sappery
Burgos	Gleim	McClinton	Saylor
Burns	Goodman	McNeill	Schemel
Caltagirone	Green	Mehaffie	Schlossberg
Carroll	Gregory	Mentzer	Schmitt
Causer	Greiner	Merski	Schroeder
Cephas	Grove	Metcalfe	Shewyer
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

NAYS-0

NOT VOTING-0

EXCUSED-1

Mako

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

The SPEAKER. Members, please take your seats. We do have a few more votes, but we are going to take a moment to honor somebody here right now. Let us close the doors of the House.

And to the extent we have members here on the floor, if you could at a safe distance or whatever, I need everybody's attention, please. Please at this time, all members and staff.

### NORA WINKELMAN PRESENTED

The SPEAKER. We always take the time to honor long-serving, outstanding staff members who have served not only their respective caucuses, this chamber, but the citizens of Pennsylvania. We are going to be doing that right now.

The Chair calls upon the Democratic leader, Frank Dermody, to honor such a person.

And, Nora, would you mind coming up on the rostrum here as the good leader honors you?

And, Leader Dermody, the floor is yours, sir.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, today I want to take a moment to recognize and honor Nora Winkelman upon her retirement from the House of Representatives. Today is Nora's last day.

Nora has 11 years of distinguished service as chief counsel for the Democratic Caucus and a total of nearly 20 years of exemplary public service to the Commonwealth of Pennsylvania. Before joining the House staff, she was executive deputy general counsel for legislative affairs in the Governor's Office of General Counsel. Now Nora is ready to spend more time on the golf course. You have already been doing that.

Nora has been instrumental in the drafting of almost every major piece of legislation enacted over the last decade and a master at resolving complicated legal and policy issues. She has made a significant positive impact in the Democratic Caucus and she has the admiration and respect of our members and our staff for her dedication, passion, professionalism, tenacity, and hard work.

And, Nora, I just want to say thank you for everything. You have done a great job for us, for the caucus, and for our House of Representatives, and really for the Commonwealth. We are going to miss you. Thank you, Nora.

The SPEAKER. Nora Winkelman, Esq. As a member of leadership and as a member, we get to work with great staff on both sides of the aisle. I must tell you, in all my years of service, Nora Winkelman is one of the most, really most outstanding legal minds I have had the honor to work with and to hear from. She is top-of-the-line professional. We may have disagreed on public policy issues, but her assessment of very deep, very complicated legal issues with respect to this body and with respect to underlying policy, underlying legislation was amongst the very best. All of us turned and said to Nora on many occasions, "Nora, what are your thoughts?" Always prepared; always knew the underlying facts; always knew the law, knew the precedent.

Nora, you will be greatly missed by the Pennsylvania House of Representatives. Thank you for your outstanding service. We are going to have you back with family, you know, later when we get to that point. But I just cannot thank you enough for your service.

Leader, thank you for honoring her.

Everybody, just, really we are going to miss her.

I know I speak for the majority leader; for Rod Corey, our general counsel for our caucus, also an outstanding, outstanding attorney; Jim Mann, who is also here. I know we all think the exact same.

And with that, we are going to open the doors of the House. We are going to get back to our voting schedule.

### RESOLUTIONS

Ms. DONATUCCI called up **HR 714, PN 3251**, entitled:

A Resolution recognizing the month of February 2020 as "National Cancer Prevention Month" in Pennsylvania.

On the question,

Will the House adopt the resolution?

(Members proceeded to vote.)

The SPEAKER. And the majority whip.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

Again a unanimous vote by the majority party for HR 714.

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	Sappay
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	Ortity	Ullman

Delloso	Kail	Otten	Vitali
Delozier	Kaufar	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 having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

\* \* \*

Ms. DONATUCCI called up **HR 715, PN 3252**, entitled:

A Resolution recognizing the week of February 24 through March 1, 2020, as "Eating Disorders Awareness Week" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

(Members proceeded to vote.)

The SPEAKER. And the majority whip, sir.  
Mr. BENNINGHOFF. Thank you, Mr. Speaker.  
The electronic voting board is correct for HR 715.  
The SPEAKER. And the minority whip, sir.  
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
Causar	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	Kaufar	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 having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

\* \* \*

Ms. RAPP called up **HR 866, PN 3739**, entitled:

A Resolution recognizing the week of May 10 through May 16, 2020, as "National Hospital Week" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The SPEAKER. Representative Rapp, we are going to be doing that at the end of session. We are going to take any remarks. We only have one more after this and then I will call you.

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

(Members proceeded to vote.)

The SPEAKER. The majority whip.  
Mr. BENNINGHOFF. Thank you, Mr. Speaker.  
The electronic voting board is correct for 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
Causar	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
Deloso	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	
Farry	Kulik	Readshaw	Turzai, Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Mako

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

## STATEMENT BY MS. RAPP

The SPEAKER. The Chair calls upon the chair of the Health Committee, Representative Kathy Rapp, on unanimous consent on HR 866.

Ms. RAPP. Thank you, Mr. Speaker.

Last week, May 10 through 16, 2020, commemorated National Hospital Week. As the majority chair of the House Health Committee, I am proud to prime-sponsor a similar resolution which celebrates all Pennsylvania health-care workers as irreplaceable heroes within their communities.

Specialized hospital care is provided by 41 trauma centers, 7 burns centers, and 15 critical access hospitals that provide care for the most rural populations in this Commonwealth. In addition, Mr. Speaker, Pennsylvania is home to 7 medical degree-granting medical schools, 289 nursing programs, as well as numerous academic medical centers and teaching hospitals that train future health-care providers and invest in critical health research.

In 2020 as our hospitals are once again serving as our frontline defense in the Commonwealth's response to the COVID-19 pandemic, it is particularly interesting to note the unique origins of National Hospital Week. National Hospital Week dates back to 1921, in Chicago, as an event to rebuild public trust during the Spanish influenza outbreak. This annual celebration now serves as a reminder that hospitals are foundations in the communities that built them and serve people from all walks of life in every community.

Pennsylvania hospitals today are multidimensional organizations that partner with many other organizations to offer care with a focus on population health, prevention, and wellness. Not only do our hospitals play a vital role in delivering health-care services, they remain a critical element in Pennsylvania's economy. Whether it is acute inpatient care, outpatient, emergency, rehabilitation, behavioral health, and more, Pennsylvania hospitals serve a vital mission.

Thank you, Mr. Speaker, and to all of my House colleagues who supported the passage of HR 866 in recognition of the ever-expanding contributions of Pennsylvania hospitals and their courageous medical professionals.

Thank you, Mr. Speaker.

The SPEAKER. 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 1827;  
HB 2016;  
HB 2056;  
HB 2171;  
HB 2477;  
HB 2510;  
HB 2517;  
SB 351; and  
SB 863.

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 777;  
HB 1655;  
HB 2004;  
HB 2342;  
HB 2489;  
HB 2496;  
SB 320;  
SB 902; and  
SB 1030.

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

### **BILL ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 111, PN 1630**, entitled:

A Joint Resolution proposing integrated amendments to the Constitution of the Commonwealth of Pennsylvania, changing and adding provisions relating to selection of justices and judges.

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

### **BILL TABLED**

The SPEAKER. The majority leader moves that HB 111 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.

### **BILL REMOVED FROM TABLE**

The SPEAKER. The majority leader moves that HB 111 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.

### **BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1850, PN 2531**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in sentencing, further providing for sentences for offenses committed with firearms and for sentences for certain drug offenses committed with firearms.

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

### **BILL TABLED**

The SPEAKER. The majority leader moves that HB 1850 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.

### **BILL REMOVED FROM TABLE**

The SPEAKER. The majority leader moves that HB 1850 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.

### **BILL ON FINAL PASSAGE**

The House proceeded to consideration on final passage of **HB 1852, PN 2533**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in sentencing, further providing for sentences for second and subsequent offenses and providing for consecutive sentences for crimes of violence.

On the question recurring,  
Shall the bill pass finally?

### **BILL TABLED**

The SPEAKER. The majority leader moves that HB 1852 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.

**BILL REMOVED FROM TABLE**

The SPEAKER. The majority leader moves that HB 1852 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.

**REMARKS SUBMITTED FOR THE RECORD**

The SPEAKER. Representative Ryan Mackenzie has submitted floor remarks on HR 649, recognizing February 3 through 7 as "Tax Identity Theft Awareness Week" in the Commonwealth. This resolution passed unanimously. The remarks will be submitted and accepted for the record.

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

Thank you, Mr. Speaker.

I want to thank my fellow colleagues for their support of HR 649, recognizing February 3 through 7, 2020, as "Tax Identity Theft Awareness Week" in the Commonwealth.

Tax identity theft occurs when someone files a fraudulent tax return using another individual's personal information in order to obtain a tax refund. This type of theft can also occur when someone uses another individual's Social Security number to get a job. Pennsylvanians of all ages are at risk of tax identity theft.

Identity theft across all platforms is on the rise, and we need to remind the public to be vigilant and safeguard their identifying documents and make sure they have proper protections set up on their computers and mobile devices. Tax return theft is just one of the newer methods criminals are using to get our personal information for their benefit.

I want to thank those members who cosponsored this resolution and realize what a growing problem tax-related identity theft has become.

Thank you, Mr. Speaker.

**STATEMENT BY MR. D. MILLER**

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

Mr. D. MILLER. Thank you, Mr. Speaker.

Mr. Speaker, right before the outbreak, we held our annual Disability & Mental Health Summit, and I wanted to be sure to thank the dozens of members who came to Pittsburgh for the 2300 people who were in attendance to talk about disability and mental health this past March. In particular, I want to thank the good Republican Policy chairwoman, Representative Oberlander, for her help on that event, as well as my colleague, Representative Mihalek, as well, and our Senate colleagues, Senator Ward and Senator Iovino. Just thank you all for making it something special. There were a lot of good issues discussed in relation to the Americans with Disabilities Act, and I really appreciate having such a strong bipartisan support.

So again, thank you to not only Chairman Sturla but to Chairwoman Oberlander and to Representative Mihalek.

**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 Lee James of Venango County moves that the House be adjourned until Wednesday, May 20, 2020, at 11 a.m., e.d.t., unless sooner recalled by the Speaker. Thank you.

On the question,  
Will the House agree to the motion?  
Motion was agreed to, and at 4:45 p.m., e.d.t., the House adjourned.