

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, MAY 27, 2020

SESSION OF 2020

204TH OF THE GENERAL ASSEMBLY

No. 34

### HOUSE OF REPRESENTATIVES

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

**THE SPEAKER (MIKE TURZAI)  
PRESIDING**

#### PRAYER

HON. MIKE TURZAI, Speaker of the House of Representatives, offered the following prayer:

The following is a prayer given at Washington's National Cathedral. This was at a national service commemorating Memorial Day. It was given on May 28, 2017, by the Right Reverend Carl Wright, Bishop Suffragan of the Armed Forces and Federal Ministries, and it was taken directly from the Vietnam Veterans of America Book of Prayers and Services.

This past Monday, May 25, 2020, was, of course, Memorial Day. We were not in session. This is entitled "A Prayer for the Armed Forces":

Lord God of hosts, whose power and authority is from everlasting to everlasting: keep under Your protecting care the Armed Forces of the United States of America and all who serve therein. Grant that they may be a sure defense and a safeguard for the people of the United States, providing security for all who come and go in peaceful and lawful pursuits. Support them wherever duty takes them, on land or sea or in the air, and grant that they may fulfill their high calling as defenders of justice and freedom.

In times of peace, keep them from evil; in times of danger, grant them fortitude; and in times of conflict, give them the gift of Your presence. May our men and women in the Armed Forces stand firm as they guard our goodly heritage, that the gifts of freedom and liberty, justice and peace, may be transmitted from one generation to the next.

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 Tuesday, May 26, 2020, will be postponed until printed.

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

**HB 1270, PN 3859** (Amended) By Rep. BOBACK

An Act amending the act of December 19, 1990 (P.L.1372, No.212), known as the Early Intervention Services System Act, further providing for title of the act; in general provisions, further providing for legislative findings for early intervention, for definitions, for State interagency agreement, for other duties of State agencies and for council; in Statewide system for provision of early intervention services, further providing for requirements, for program regulations and standards, for administration by Department of Public Welfare, for administration by Department of Education and for child identification, assessment and tracking system; in miscellaneous provisions, further providing for effective date; and making editorial changes.

#### CHILDREN AND YOUTH.

**HB 1867, PN 3860** (Amended) By Rep. BOBACK

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in offenses against the family, providing for the offense of unregulated transfer of custody of a child.

#### CHILDREN AND YOUTH.

**HB 2503, PN 3861** (Amended) By Rep. BOBACK

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in child protective services, further providing for employees having contact with children and adoptive and foster parents.

#### CHILDREN AND YOUTH.

**HB 2536, PN 3813** By Rep. MOUL

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in incurring debt and issuing bonds and notes, providing for emergency tax anticipation notes.

#### LOCAL GOVERNMENT.

**HB 2548, PN 3832** By Rep. MOUL

An Act amending the act of July 10, 1987 (P.L.246, No.47), known as the Municipalities Financial Recovery Act, in municipal financial distress, providing for emergency plan extension.

#### LOCAL GOVERNMENT.

**HB 2552, PN 3836** By Rep. BOBACK

An Act providing for temporary services to aging-out individuals through county agencies; and imposing duties on county agencies and the Department of Human Services.

## CHILDREN AND YOUTH.

**BILLS REREPORTED FROM COMMITTEE****HB 2369, PN 3857** (Amended) By Rep. PEIFER

An Act amending the act of June 29, 1996 (P.L.434, No.67), known as the Job Enhancement Act, in Community Development Bank Grant and Loan Program, further providing for definitions and providing for COVID-19 grant and loan programs.

## FINANCE.

**HB 2386, PN 3858** (Amended) By Rep. PEIFER

An Act providing for business interruption insurance assistance and for powers and duties of the Department of Community and Economic Development.

## FINANCE.

**RESOLUTIONS REPORTED FROM COMMITTEE****HR 702, PN 3220** By Rep. BOBACK

A Resolution designating the month of October 2020 as "Halloween Safety Month" in Pennsylvania.

## CHILDREN AND YOUTH.

**HR 704, PN 3222** By Rep. BOBACK

A Resolution recognizing November 1, 2020, as "National Family Literacy Day" in Pennsylvania.

## CHILDREN AND YOUTH.

**HR 748, PN 3319** By Rep. BOBACK

A Resolution designating November 19, 2020, as "Children's Grief Awareness Day" in Pennsylvania.

## CHILDREN AND YOUTH.

**HR 781, PN 3390** By Rep. BOBACK

A Resolution designating April 21, 2020, as "Court Appointed Special Advocates Day" in Pennsylvania.

## CHILDREN AND YOUTH.

**HR 782, PN 3391** By Rep. BOBACK

A Resolution designating the month of March 2020 as "Youth Art Month" in Pennsylvania.

## CHILDREN AND YOUTH.

**HR 784, PN 3393** By Rep. BOBACK

A Resolution recognizing the week of April 11 through 17, 2020, as "Week of the Young Child" in Pennsylvania.

## CHILDREN AND YOUTH.

**HR 793, PN 3403**

By Rep. BOBACK

A Resolution designating October 5, 2020, as "Anti-bullying Awareness Day" in Pennsylvania in support of those working hard to raise awareness of bullying and prevent its occurrence.

## CHILDREN AND YOUTH.

**HR 822, PN 3480**

By Rep. BOBACK

A Resolution designating the month of April 2020 as "Child Abuse Prevention Month" in Pennsylvania.

## CHILDREN AND YOUTH.

**HR 881, PN 3820**

By Rep. BOBACK

A Resolution recognizing the month of May 2020 as "Foster Care Month" in Pennsylvania.

## CHILDREN AND YOUTH.

**HR 886, PN 3825**

By Rep. BOBACK

A Resolution recognizing May 25, 2020, as "National Missing Children's Day" in Pennsylvania.

## CHILDREN AND YOUTH.

**HR 887, PN 3826**

By Rep. BOBACK

A Resolution designating the week of June 1 through 5, 2020, as "Child Welfare Professionals Appreciation Week" in Pennsylvania.

## CHILDREN AND YOUTH.

**HR 888, PN 3827**

By Rep. BOBACK

A Resolution designating the week of June 8 through 12, 2020, as "Child Welfare Service Providers Appreciation Week" in Pennsylvania.

## CHILDREN AND YOUTH.

**HISTORY OF MEMORIAL DAY****REMARKS BY SPEAKER**

The SPEAKER. In 1868 Commander in Chief John A. Logan of the Grand Army of the Republic, an organization of former soldiers and sailors, issued what was called General Order No. 11, designating May 30 as "Memorial Day." He declared it to be "for the purpose of strewing with flowers or otherwise decorating the graves of comrades who died in defense of their country during the late rebellion, and whose bodies now lie in almost every city, village, and hamlet churchyard in the land."

The first national celebration of Memorial Day, which was originally known as Decoration Day, took place – this is Memorial Day – took place on May 30, 1968, at Arlington National Cemetery, and the national observance of Memorial Day still takes place there today, with the placing of a wreath on the Tomb of the Unknown Soldier and the decoration of each grave with a small American flag.

On May 11, 1950, Congress issued a joint resolution requesting that the President proclaim a "prayer for peace" on each Memorial Day. In 1971 Congress declared Memorial Day a Federal holiday to be held on the last Monday of every May.

On this Memorial Day weekend, which we just had, we remember the fallen and honor all who have served our country, as we unite in prayer for permanent peace.

At this time we will take committee announcements. Any committee announcements?

### HEALTH COMMITTEE MEETING

The SPEAKER. Chairwoman Kathy Rapp, the chair of the Health Committee, has a committee announcement.

Ms. RAPP. Thank you, Mr. Speaker.

The Health Committee will meet immediately at the break in 205 Ryan Building to consider HB 2488, HB 2528, and SB 934. That is immediately at the break, 205 Ryan Building, Health Committee voting meeting.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, Madam Chair.

The Health Committee will meet immediately at the break in 205 Ryan Building.

### APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The majority Appropriations chair, Stan Saylor, is recognized for a committee announcement.

Mr. SAYLOR. Thank you, Mr. Speaker.

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

Thank you, Mr. Speaker.

The SPEAKER. Thank you.

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

### REPUBLICAN CAUCUS

The SPEAKER. The majority caucus chair, Marcy Toepel, is recognized for a Republican caucus announcement.

Mrs. TOEPEL. Thank you, Mr. Speaker.

Republicans will caucus at 12 o'clock, virtually. 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. The minority leader, Frank Dermody, is recognized for a Democratic caucus announcement.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, the Democrats will caucus at noon. The Democrats will caucus at noon. Thank you.

The SPEAKER. Thank you.

### RECESS

The SPEAKER. The House will stand in recess until 1 p.m. The House will stand in recess until 1 p.m.

### RECESS EXTENDED

The time of recess was extended until 1:15 p.m.; further extended until 1:45 p.m.; further extended until 2:15 p.m.; further extended until 2:30 p.m.; further extended until 2:45 p.m.; further extended until 3 p.m.; further extended until 3:15 p.m.

### AFTER RECESS

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

### BILLS REREPORTED FROM COMMITTEE

#### HB 110, PN 3792

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 Independent Fiscal Office, further providing for revenue estimates.

#### APPROPRIATIONS.

#### HB 777, PN 3631

By Rep. SAYLOR

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

#### APPROPRIATIONS.

#### HB 2172, PN 3808

By Rep. SAYLOR

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 purposes and general powers, for project contracts, for method of disposition and consideration by the General Assembly and for campus police powers and duties.

#### APPROPRIATIONS.

#### HB 2342, PN 3447

By Rep. SAYLOR

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in depositions and witnesses, further providing for admissibility of certain statements.

#### APPROPRIATIONS.

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

#### HB 2488, PN 3864 (Amended)

By Rep. RAPP

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.

#### HEALTH.

#### HB 2528, PN 3780

By Rep. RAPP

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

#### HEALTH.

**SB 934, PN 1720 (Amended)**

By Rep. RAPP

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code, in departmental powers and duties as to licensing, further providing for right to enter and inspect.

**HEALTH.**

The SPEAKER. Members, at the present time we are – I think we have the— The majority whip is on the floor. We do not have the minority whip on the floor. We are going to wait here until about 4:15. We will then take up the master roll. We will not be able to verify the master roll without the majority whip and minority whip on the floor, so we are going to wait here until about 4:15 and we will begin to take the master roll.

For the record, the temporary rule makes it clear, everybody can vote remotely if you are not in the Capitol. It has to be verified by the respective whips and/or the whips' designees. So the majority whip can designate somebody or the minority whip can designate somebody. The majority whip or the minority whip, in this instance, you know, himself – the majority whip himself, the minority whip – do not need to personally be present if they have a designee on the House floor. But the minority whip has to name that designee, the majority whip has to name that designee, my understanding is just by letting the Parliamentarian and the Chief Clerk know.

Members, we are going to be at ease until 5 p.m. We are going to be at ease until 5 p.m. So we will see all of you here back at 5 p.m., or you can just stay on the floor, if you would like, or you can go back to your office.

Members can vote by proxy from their Capitol office. You can vote remotely from your district office or your home or as long as you work through your respective whips.

We are at ease until 5 p.m.

The House will come to order.

**LEAVES OF ABSENCE**

The SPEAKER. There are no leaves of absence other than Representative Zach MAKO, who is on a military leave of absence.

**MASTER ROLL CALL**

The SPEAKER. Members, we are about to take the master roll. Please proceed to vote.

(Members proceeded to vote.)

The SPEAKER. Members, a quorum requires 102 members, 102 members.

Members, let me just give you a status update. Look, we have the master roll open. Under the temporary rule, for those that want to vote remotely, which on the master roll is inputted through the whips, the rule does require that the majority whip has to verify his votes that are voting remotely and the minority whip has to verify his caucus' votes remotely.

That is not true. They do not have to verify those members that are on the floor, and they do not actually have to verify those that are voting in their Capitol office by proxy because that is a permanent rule; that is not a temporary rule. So those that are voting by proxy in the Capitol can be counted. Those who are voting on the floor are obviously counted, and those that vote remotely that are verified by the whip are counted.

Now, the master roll requires, for a quorum, 102 votes. I certainly do not want to, given the issues in front of us – particularly as we are working on budget-related issues – I do not want to rule that we have a quorum without a verification from the minority whip. The minority whip can designate somebody, but my understanding, the Parliamentarian is correct, if I am correct, correct me and tell me if I am wrong, that only the minority whip can designate, and then for the majority whip, only the majority whip can designate. So right now we are really waiting on – so that we can be fair, particularly to those who are voting remotely and want to vote remotely on the Democratic side, we are awaiting the minority whip or the minority whip's designee.

Now, how would I know that somebody is the designee of the minority whip? I am not sure that it is explicitly in the rules, but my own understanding would be this: The minority whip would have to notify the Chief Clerk and the Parliamentarian, both who are officers of this chamber, voted on by both sides. The Chief Clerk and the Parliamentarian are officers of both sides of the chamber as a whole. So we would have to have the minority whip call the Chief Clerk and the Parliamentarian or see them to tell us who that designee would be.

I do not, as the Speaker, want to close the master roll without affording the minority whip the opportunity to verify his remote voters or for his designee to verify her or his remote caucus voters, so we are going to keep it open, the master roll, until 6:30. At 6:30 I will have to – we just cannot just be here and not move forward – I will have to take those steps. I do not want to take those steps. What we need is either the minority whip to verify his remote voters and/or send us a designee to verify his caucus' remote voters under the temporary rule.

Also, I just want to make this clear: again, any member that is here would definitely be counted. Your votes do not need to be verified. Any member that is in the Capitol that is voting by proxy – and it does not need to be done through the leaders. The rule does not require that vote to be done through the leaders. You can do that through your colleague. Any colleague has to just give you the proxy and you can vote them, if they are in the Capitol, under the permanent rule.

**POINT OF ORDER**

The SPEAKER. Madam Chair, on a point of order.

Ms. RAPP. Point of order, parliamentary procedure, Mr. Speaker; I am not sure which.

The SPEAKER. Yes.

Ms. RAPP. Can we not, the members here, can we not take a vote to proceed?

The SPEAKER. What we can do, as I stated, we could close the master roll right now, but I am going to wait until 6:30. I am going to wait until 6:30, because what we need is just, we need the minority whip or the minority whip's designee to verify the Democratic Caucus' remote voters.



### POINT OF ORDER

The SPEAKER. Chairman Greg Vitali is recognized, on a point of order as well.

Mr. VITALI. Thank you, Mr. Speaker.

It is a question and—

The SPEAKER. Yes, please proceed.

Mr. VITALI. —and again, thank you for your willingness to move forward with the people's business.

My button indicates I voted "yes," but I actually did not. I did not vote on the master roll.

The SPEAKER. You know what? That is a very good point.

Mr. VITALI. So I am trying to understand, and then the follow-up point—

The SPEAKER. That is a fair point. Let me just check with our staff on that, because the way it has typically been done, sir — and I just have to talk to the staff on this — for certain votes, the input is already provided. But you are right, you are here; you would actually have to vote yourself because you are on the floor. It is a fair point. So let me just get back to an answer for you.

Mr. VITALI. Thank you.

The SPEAKER. Representative Vitali, the way that — since the temporary rule, this has just been the practice, okay, this has just been the practice and we do not, obviously, have to follow the practice. On the master roll votes, when both the leaders and the whips — it is actually submitted by the whips — when both of the whips submit to the clerks, you know, our roll-call clerks, Al Hunt and Lori Hoffman, when they submit the master roll leaves, the practice has been, since the implementation of the temporary rule, that on that vote, everybody is agreed, as a matter of practice, that all the names get entered based on what is submitted by the Democratic whip and by the Republican whip in terms of leaves. That is just what we have been doing on the master roll only — on the master roll only.

On the other votes, what has been happening is, the whips come up and say, these are the votes on this particular bill or amendment, these are the votes on this particular bill or amendment, and then they get inputted.

But your point is fair. We will not do that here; we will not do that here.

Mr. VITALI. Right.

So in other words, for me to be recorded as a "yes" on the master roll call, I will actually have to press my button.

The SPEAKER. Yes.

Mr. VITALI. Thank you.

The SPEAKER. We will make sure of that.

Mr. VITALI. Thank you.

The SPEAKER. And your point is a very good point, by the way. Thank you.

I also want to do one other point of clarification. Just because a member is in the Capitol — I do want to make this clear, because I think I have to make this clear — just because a member is in the Capitol but has made a decision not to be on the floor, that member who is in the Capitol but who is not on the floor, that is that member's decision to utilize a proxy with a colleague. We do not automatically count that member in the master roll just because they are in the Capitol if they are not on the floor. They actually have to make the decision to give somebody their proxy to be voted. So I do not want it to be misunderstood that because

a member is in the Capitol that the Speaker and the Parliamentarian and the roll-call clerks are just going to say, "Well, they are here, so somebody has to vote them proxy." That is not our understanding as to how the permanent rule works. The permanent rule works that you are allowed to use a proxy if you are in the Capitol and you want to use the proxy.

So as I said, there are three ways of voting: those who are on the floor; those who are in the Capitol and want to use the proxy under the permanent rule; and those who want to vote remotely, give direction to his or her whip for his or her caucus; and then those votes are given to the roll-call clerks. But they do have to be verified by the whips on the floor. They do.

### VOTE STRICKEN

The SPEAKER. At this time we are going to just strike this vote because the point of what Representative Vitali, Chairman Vitali, raised so that you will actually have to vote, the standard practice we have been using for the master roll will not be used. Folks would actually have to vote themselves.

As I said, we will wait until 6:30 so there is ample notice to our colleagues in the Democratic Caucus. I have asked staff to make sure that — senior staff for the Republican majority caucus to talk to senior staff for the Democratic minority caucus.

We are going to do some housekeeping, however. These will not require votes, but we are going to do some housekeeping. So we are going to proceed with some housekeeping while we are here on the floor and we are in session.

### SENATE MESSAGE

#### AMENDED HOUSE BILLS RETURNED FOR CONCURRENCE AND REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, returned **HB 1036**, **PN 3856**, and **HB 1048**, **PN 3863**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

### SENATE MESSAGE

#### HOUSE BILL CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 102**, **PN 101**, with information that the Senate has passed the same without amendment.

### SENATE MESSAGE

#### HOUSE CONCURRENT REGULATORY REVIEW RESOLUTION CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in **House Concurrent Regulatory Review Resolution No. 1**.

### BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

#### HB 102, PN 101

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

#### SB 275, PN 694

An Act amending Titles 18 (Crimes and Offenses), 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in assault, further providing for the offense of stalking; in wiretapping and electronic surveillance, further providing for definitions; in child custody, further providing for consideration of criminal conviction; in domestic and sexual violence victim address confidentiality, further providing for penalties; and, in sentencing, further providing for sentences for second and subsequent offenses.

#### SB 863, PN 1660

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

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

### HOUSE CONCURRENT REGULATORY REVIEW RESOLUTION SIGNED BY SPEAKER

House Concurrent Regulatory Review Resolution numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

#### House Concurrent Regulatory Review Resolution No. 1

Disapproving the Department of Labor and Industry regulation (#12-106) on the minimum wage. (D09523)

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

### ANNOUNCEMENT BY SPEAKER

The SPEAKER. Members, let me just restate, we will be taking the master roll at 6:30 p.m.

There are three ways to vote under the rules: present on the floor; by proxy, if you so desire and you are in the Capitol. Any colleague can vote for you. Just because you are in the Capitol does not mean that you have to vote by proxy, but you may, through a colleague, and that is under the permanent rules. And

then also by remote voting. But for remote voting to count, it has to be verified by your caucus' whip or that whip's designee. Thank you.

### STATEMENT BY MR. GROVE

The SPEAKER. Point of order, sir?

Representative Seth Grove.

Mr. GROVE. Unanimous consent, Mr. Speaker.

The SPEAKER. Yes, sir. You may proceed.

Mr. GROVE. Thank you, Mr. Speaker.

Since we have time to kill, a resolution of mine passed out of the State Government Committee a few months ago, and it had one negative vote, Mr. Speaker. So it is not going to be running on the House floor, but I actually found my speech for that awesome resolution, Mr. Speaker, and since we have some time to kill—

We have an objection, Mr. Speaker, but—

The SPEAKER. Are you going to withdraw the objection, sir? No?

Mr. GROVE. You will withdraw it? All right.

So, Mr. Speaker, it was HR 146, and at the time, and I still think it is a salient conversation to have on the House floor, so the speech goes as follows, Mr. Speaker.

I want to thank the Jewish Federation of Pittsburgh and the Jewish Federation of Philadelphia in helping my office put together this resolution. Mr. Speaker, this resolution addresses an important issue we are facing which is the growth of anti-Semitism and increased support for the movement to boycott, divest, and sanction our ally, Israel.

Last week the American Jewish Committee released a poll in which 31 percent of all respondents said they avoid carrying any objects which would identify them as Jewish. Another 25 percent of the respondents said they avoid certain events and places because they were afraid for their safety. Why? Because the number of hate crimes perpetuated against the Jewish community in the United States has been increasing at an alarming rate.

The Anti-Defamation League reported the number of anti-Semitic incidents has doubled since 2015. This is an attack not only to our Jewish community, but also the founding principles of our Commonwealth. William Penn, who himself was persecuted against because of his faith, founded our State on the ideals that people of all religions should be allowed to freely, and without fear, practice the religion of their choosing. The disturbing increase in hate crimes against those who are Jewish comes at a time when the Boycott, Divestment, Sanctions movement has garnered greater acceptance in American politics and society. This movement, commonly referred to as BDS, is designed to destroy Israel's economy and destabilize the world's only safe haven for the Jewish people.

While those who would support BDS, whether it be universities such as Rutgers, Michigan, and the University of Chicago, support BDS because they claim the nation of Israel is an apartheid State, the truth, however, is that the BDS movement is anti-Semitic. Leaders from both sides of the aisle here in Harrisburg and Washington, DC, have recognized this movement as anti-Semitic. This includes the Speaker of the House, Nancy Pelosi, who labeled BDS as not only anti-Semitic, but as anti-American earlier this year.

Because BDS is anti-Semitic and seeks to harm important American allies in the Middle East and destabilize the world's only Jewish State, the General Assembly, unfortunately, will not be able to pass HR 146, but we did pass Act 163 of 2016 with only 10 "no" votes. Act 163 prevents State agencies from entering into purchasing contracts with a company which supports the BDS movement. Unfortunately, in the years following the bipartisan passage of Act 163, anti-Semitism has only increased, and it is why I ask for your support of HR 146 as a message to the Jewish residents living in Pennsylvania who oppose anti-Semitism in all its vile forms.

Thank you for the time, Mr. Speaker, and maybe someday we can get HR 146 moving through this chamber. Thank you, Mr. Speaker.

The SPEAKER. Members, the clock on the back wall is not accurate. The time right now is 6:20, so we will have another 10 minutes.

### MASTER ROLL CALL

The SPEAKER. Members, we have reached 6:30 p.m. At this time we are taking the master roll. We are taking the master roll.

There are no leaves of absence presented by either the majority Republican whip or the minority Democratic whip.

Representative Zach Mako, for the Republican Caucus, is on military leave.

Members, please proceed to vote on the master roll. Thank you.

(Members proceeded to vote.)

The SPEAKER. Okay, now let us start with the majority whip. Obviously, members have voted who are on the floor; others who are in the Capitol have been able to vote by proxy, if they are designated to so vote; and then there are some members who still are remote-voting through the temporary rule and the whips.

So we will turn it over first to the majority whip on the remote voting.

Mr. BENNINGHOFF. Good evening, 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:

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

### ADDITIONS—0

### NOT VOTING—0

### EXCUSED—1

Mako

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

### CALENDAR

### BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 1122, PN 1699**, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in COVID-19 Disaster Emergency, providing for Emergency Appropriations for Institutional and Home-based Care; in volunteer firefighters, further providing for funds; and, in grants to fire companies and emergency medical services companies, providing for COVID-19 Crisis Fire Company and Emergency Medical Services Grant Program.

On the question,

Will the House agree to the bill on second consideration?

Bill was agreed to.

\* \* \*

The House proceeded to second consideration of **HB 2179, PN 3770**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code, in public assistance, further providing for responsibilities and obligations of department, applicants and recipients.

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

### BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 790, PN 1446**, entitled:

An Act relating to conventional wells and the development of oil, gas and coal; imposing powers and duties on the Department of Environmental Protection; providing for preliminary provisions, for general requirements, for enforcement and remedies, for related funds and for miscellaneous provisions; and making an appropriation.

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, the Chair recognizes the Democratic chair of the Energy and Environmental Resources Committee, Greg Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I rise in opposition to SB 790. I am told I need to give the short version of the opposition, so I will do this quickly. The administration opposes – it is not going to be that quick – for four reasons: one, the bill would roll back protection of water supplies; two, weaken protection of public resources; three, allow more spills to go unreported; four, avoids erosion and sediment permitting requirements.

Now, for those who like trout fishing more than the Governor, Trout Unlimited opposes this for water quality considerations; third, the Environmental Defense Fund and Pennsylvania Environmental Council oppose it, citing bonding and financial assurances which are lacking here; fourth, over 20 environmental groups oppose this in addition to them, citing risks to public health and the environment. Clean Water Action also opposes this, citing preemption to public ordinances, and actually, the Pennsylvania Land Surveyors oppose this, and the Pennsylvania Society of Professional Engineers oppose this because it removes the requirements of a competent engineer or surveyor. So I ask for a negative vote.

The SPEAKER. Representative Otten is recognized.

Ms. OTTEN. Thank you, Mr. Speaker.

No matter how you spin it, the oil and gas drilling industry is a dirty business. Legislation like SB 790 creates a framework for Pennsylvania to privatize profit and socialize costs, while tying the hands of local government to uphold their statutory duty to

protect the health, well-being, and safety of their communities. Oil and gas production are among the main culprits of air pollution, one of the world's biggest killers according to the United Nations. Over 17 million Americans now live within a mile of an active oil or gas well. This population includes over a million young children and a million elderly people, two groups with special vulnerabilities to air pollution and contaminated water. Rapidly emerging science points to the increasing dangers to health, including respiratory disease, cancer risk, and low birth rate and preterm birth, both of which are leading causes of infant death.

The SPEAKER. Please, please suspend. I apologize. I do apologize, Representative.

Members, the gentlelady is entitled to be heard. Please give our attention to any of our members that are speaking.

Representative, you may proceed.

Ms. OTTEN. Thank you, Mr. Speaker.

According to a July 2019 peer-reviewed study from researchers at the Colorado School of Public Health, mothers living near more intense oil and gas development activity have a 40- to 70-percent higher chance of having children with congenital heart defects, CHDs, compared to those living in areas of less intense activity. This is the most common birth defect in the country and a leading cause of death among infants with birth defects. Infants with CHD are less likely to thrive, more likely to have developmental problems, and more vulnerable to brain injury.

I am the aunt of a CHD warrior, and today I stand here to speak for the 1 in 100 little boys and girls, adult survivors, and their families who pay the ultimate price for rollback of protections that uphold our constitutional mandate under Article I, section 27, of the Pennsylvania Constitution: "The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment." Rolling back environmental protections that relax the amount of toxic drilling byproducts that need to be reported weakens standards for restoration of contaminated drinking water sources that do not meet the Pennsylvania safe drinking water standards act and prohibits municipal governments from enacting local ordinances that would protect residents and the environment from conventional drilling operations, and allows for drillers to be more profitable and for the public to pay the price with their health, safety, and well-being.

This bill is one-sided. It contains protections for industry, but has failed to include protections for citizens. Today I ask my colleagues to stand up to protect expectant mothers, protect our children and our elderly, who are most vulnerable to the impacts of pollution, and vote "no" with me today on SB 790.

The SPEAKER. Representative Martin Causer.

Mr. CAUSER. Thank you, Mr. Speaker.

Mr. Speaker, I stand in support of SB 790. Mr. Speaker, we have worked on this legislation for the past 8 years. This legislation would create the Conventional Oil and Gas Wells Act in Pennsylvania, a specific statute to regulate the conventional oil and gas industry. The problem that we have had is, the industry is separate between conventional and unconventional – we know that – and they should have separate regulations. Now, here in this chamber we have gone through many, many different steps trying to have separate regulations for the two industries. Ever since we passed Act 13 in 2012, the conventional industry has been lumped in with the unconventional. They are totally



separate industries. We have done Fiscal Code amendments. We passed Act 52 of 2016. We, last session, passed my HB 2154, and now we have before us SB 790.

This is the product of extensive negotiation. This bill was negotiated with the Department of Environmental Protection, with industry, with the Governor's Office. Is there complete agreement on the bill? No, there is not, but it is a product of extensive negotiation. In addition, we created the Penn Grade Crude Development Advisory Council. It is something that we created, a board that we created in 2016 to assist with environmental regulations relating to the conventional industry. In fact, this bill was drafted with input from the board that we created.

Now, listening to the prior speakers, I am wondering if folks even realize what conventional operations are. If you come up into northwestern Pennsylvania, we would be happy to educate you on exactly what a conventional well is. In fact, if you come to the city of Bradford and you go through the drive-thru at McDonald's, you have to drive around a conventional well to get through the drive-thru. There is no contamination there. There is no problem there. These are small operations. These are wells that have been in northwestern Pennsylvania for over 160 years, and to hear people talk about them as dirty, as polluters, people that operate these wells as polluters – Mr. Speaker, they are energy producers. When you look around the chamber and look at the things you have: the water bottles, all the different products that are made from crude oil, makeup, you know, you can think of anything. We did not all ride in here on horses, I do not think. We used energy to get here. These are energy producers and they have been producing energy for over 160 years and they are not damaging the environment. I would welcome you, and I know other members from the northwest would welcome you to come to northwestern Pennsylvania and see these operations firsthand.

What we are doing with SB 790 is creating a framework, a statutory framework to have separate regulations for the conventional industry. Nobody is saying the industry should not be regulated – in fact, they have been regulated for years – but they should not be regulated the same as the unconventional industry. We can create, by enacting and by passing SB 790, we can create reasonable, responsible regulations for a very important industry in Pennsylvania, and I would ask for support for SB 790.

Thank you, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

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

(Members proceeded to vote.)

The SPEAKER. The majority whip.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

The electronic voting board is correct for the majority party on SB 790.

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—109

|             |            |            |           |
|-------------|------------|------------|-----------|
| Benninghoff | Fritz      | Maloney    | Reese     |
| Bernstine   | Gabler     | Marshall   | Rigby     |
| Bizzarro    | Gaydos     | Masser     | Roae      |
| Bonner      | Gleim      | Mehaffie   | Rothman   |
| Borowicz    | Gregory    | Mentzer    | Rowe      |
| Brooks      | Greiner    | Merski     | Ryan      |
| Brown       | Grove      | Metcalfe   | Sainato   |
| Burgos      | Hahn       | Metzgar    | Sankey    |
| Burns       | Harkins    | Mihalek    | Saylor    |
| Causser     | Heffley    | Millard    | Schemel   |
| Conklin     | Helm       | Miller, B. | Schmitt   |
| Cook        | Hershey    | Mizgorski  | Simmons   |
| Cox         | Hickernell | Moul       | Snyder    |
| Culver      | Irvin      | Mustello   | Sonney    |
| Cutler      | James      | Neilson    | Staats    |
| Davanzo     | Jones      | Nelson     | Struzzi   |
| Day         | Jozwiak    | O'Neal     | Tobash    |
| DeLozier    | Kail       | Oberlander | Toepel    |
| DeLuca      | Kauffman   | Ortitay    | Toohil    |
| Diamond     | Keefer     | Owlett     | Topper    |
| Dowling     | Keller     | Peifer     | Warner    |
| Driscoll    | Klunk      | Petrarca   | Wentling  |
| Dunbar      | Knowles    | Pickett    | Wheeland  |
| Dush        | Kortz      | Puskaric   | Zimmerman |
| Ecker       | Kulik      | Pyle       |           |
| Emrick      | Lewis      | Rader      | Turzai,   |
| Everett     | Longietti  | Rapp       | Speaker   |
| Fee         | Mackenzie  | Readshaw   |           |

#### NAYS—93

|             |            |             |             |
|-------------|------------|-------------|-------------|
| Barrar      | Fiedler    | Kosierowski | Rozzi       |
| Boback      | Fitzgerald | Krueger     | Samuelson   |
| Boyle       | Flynn      | Lawrence    | Sanchez     |
| Bradford    | Frankel    | Lee         | Sapprey     |
| Briggs      | Freeman    | Madden      | Schlossberg |
| Bullock     | Gainey     | Malagari    | Schroeder   |
| Caltagirone | Galloway   | Markosek    | Schweyer    |
| Carroll     | Gillen     | Matzie      | Shusterman  |
| Cephas      | Gillespie  | McCarter    | Sims        |
| Ciresi      | Goodman    | McClinton   | Solomon     |
| Comitta     | Green      | McNeill     | Stephens    |
| Cruz        | Hanbidge   | Miller, D.  | Sturla      |
| Daley       | Harris     | Mullery     | Thomas      |
| Davidson    | Hennessey  | Mullins     | Tomlinson   |
| Davis, A.   | Hohenstein | Murt        | Ullman      |
| Davis, T.   | Howard     | O'Mara      | Vitali      |
| Dawkins     | Innamorato | Otten       | Warren      |
| Deasy       | Isaacson   | Pashinski   | Webster     |
| DeLissio    | Kaufer     | Polinchock  | Wheatley    |
| Delloso     | Kenyatta   | Quinn       | White       |
| Dermoddy    | Kim        | Rabb        | Williams    |
| Donatucci   | Kinsey     | Ravenstahl  | Youngblood  |
| Evans       | Kirkland   | Roebuck     | Zabel       |
| Farry       |            |             |             |

#### 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 return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

**APPROPRIATIONS COMMITTEE MEETING**

The SPEAKER. Chairman Stan Saylor is recognized for a committee announcement, for the Appropriations Committee.

Mr. SAYLOR. Thank you, Mr. Speaker.

The Appropriations Committee will meet at 7 o'clock this evening in the majority caucus room, and as well, the Appropriations Committee will meet tomorrow morning at 10:30 in the majority caucus room. So again, Mr. Speaker, tonight at 7 o'clock, we will have an Appropriations meeting in the majority caucus room, and tomorrow morning, Thursday, we will have a 10:30 meeting in the majority caucus room, Mr. Speaker. Thank you.

The SPEAKER. Okay. So there is an Appropriations Committee meeting at this time, at 7 p.m. And then tomorrow morning we will have a meeting in the majority caucus room at 10:30.

Members, there are no further votes on the House floor this evening; however, housekeeping.

**BILLS RECOMMITTED**

The SPEAKER. The majority leader moves that HB 2179 and SB 1122 be recommitted to the Committee on Appropriations.

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 1363;  
HB 2187;  
HB 2331; and  
HB 2484.

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

**BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 1633, PN 2185**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in child protective services, further providing for employees having contact with children; adoptive and foster parents.

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

**BILL TABLED**

The SPEAKER. The majority leader moves that HB 1633 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 1633 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.

\* \* \*

The House proceeded to second consideration of **HB 247, PN 999**, entitled:

An Act amending Title 58 (Oil and Gas) of the Pennsylvania Consolidated Statutes, in development, further providing for well permits.

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

**BILL TABLED**

The SPEAKER. The majority leader moves that HB 247 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 247 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 309, PN 3133**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code, in departmental powers and duties as to supervision, providing for Keystone STARS Program participants; and, in departmental powers and duties as to licensing, further providing for fees, providing for Keystone STARS Program participants and further providing for definition.

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

### **BILL TABLED**

The SPEAKER. The majority leader moves that HB 309 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 309 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.

The SPEAKER. Members, there are no further votes. We will be back on the floor at 11 a.m. tomorrow. The Appropriations Committee is meeting at 10:30 tomorrow, in addition to meeting right now at 7 p.m. I am going to just keep the desk open for a short while in case there is an item from the committee that I have to read over the desk. I may not need to, but I will be informing everybody shortly.

### **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 Tommy Sankey moves that the House be adjourned until tomorrow, Thursday, May 28, 2020, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,  
Will the House agree to the motion?  
Motion was agreed to, and at 6:55 p.m., e.d.t., the House adjourned.