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LEGISLATIVE JOURNAL

WEDNESDAY, SEPTEMBER 23, 2020

SESSION OF 2020

204TH OF THE GENERAL ASSEMBLY

No. 55

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (BRYAN CUTLER) PRESIDING

PRAYER

HON. JOHN A. LAWRENCE, member of the House of Representatives, offered the following prayer:

Let us pray:

God, we come before You humbly to ask for Your divine wisdom and guidance as we consider the matters before the House this day.

We are reminded this afternoon of the brevity of life with the passing of Justice Ginsburg. I ask that You would comfort her family and friends in their hour of grief, as You are the great comforter. Help us, Father, in our own lives to see those who are grieving, lonely, hurting, or suffering, that they might be encouraged and strengthened.

I ask that You would use each one here this day in service to the people of this Commonwealth. And I pray all of this in the name of Jesus. 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 Thursday, September 17, 2020, will be postponed until printed.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2874 By Representatives WARNER, BERNSTINE, DAVANZO, DOWLING, GROVE, HEFFLEY, JONES, KAUFFMAN, KEEFER, MACKENZIE, MILLARD, MOUL, NELSON, RYAN, SAYLOR, SCHMITT and ZIMMERMAN

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in preemptions, providing for exceptions to governmental immunity, preemption and cooperation.

Referred to Committee on JUDICIARY, September 18, 2020.

No. 2876 By Representative GROVE

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code, in general powers and duties of the Department of Human Services, further providing for State participation in cooperative Federal programs; in public assistance, further providing for income for the community spouse, for medical assistance payments for institutional care, for medical assistance payments for home health care, for other medical assistance payments and for medical assistance benefit packages and coverage, copayments, premiums and rates; providing for the Office of Independent Medical Assistance Director; and making an editorial change.

Referred to Committee on HEALTH, September 23, 2020.

No. 2877 By Representative GROVE

An Act providing for direct primary care, medical service agreements and insurance, for medical service agreement requirements, for use of health savings accounts or flexible spending accounts and for use of other health care practitioners.

Referred to Committee on HEALTH, September 23, 2020.

No. 2878 By Representative GROVE

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for miscellaneous provisions and for recovery audits.

Referred to Committee on STATE GOVERNMENT, September 23, 2020.

No. 2879 By Representative GROVE

An Act amending the act of May 26, 1947 (P.L.318, No.140), known as the CPA Law, providing for local government accounting.

Referred to Committee on PROFESSIONAL LICENSURE, September 18, 2020.

No. 2880 By Representative GROVE

An Act repealing the act of June 9, 1936 (Sp.Sess.1, P.L. 13, No. 4), entitled "An act imposing an emergency State tax on liquor, as herein defined, sold by the Pennsylvania Liquor Control Board; providing for the collection and payment of such tax; and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board."

Referred to Committee on LIQUOR CONTROL, September 18, 2020

No. 2881 By Representatives BROWN, RYAN, BOBACK, MOUL, HEFFLEY, DeLUCA, FRITZ, MURT, TOOHIL and EMRICK

An Act amending the act of November 26, 1978 (P.L.1375, No.325), known as the Dam Safety and Encroachments Act, further providing for duties of owners.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, September 23, 2020.

No. 2882 By Representatives ISAACSON, GALLOWAY, HOHENSTEIN, HILL-EVANS, CALTAGIRONE, DELLOSO, DRISCOLL, GREEN, HOWARD, MADDEN, McCARTER, SANCHEZ, SIMS and YOUNGBLOOD

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in miscellaneous provisions relating to institutions of higher education, providing for payment of salary in cases of leave due to COVID-19.

Referred to Committee on EDUCATION, September 18, 2020.

No. 2883 By Representatives MATZIE, DeLUCA, KULIK, INNAMORATO, BURGOS, GALLOWAY, FREEMAN, ROZZI, YOUNGBLOOD, ZABEL, DELLOSO, SIMS, MADDEN and SCHLOSSBERG

An Act establishing the Targeted Outbreak Detection (TOD) System; and imposing duties on the Department of Environmental Protection and the Department of Health.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, September 23, 2020.

No. 2884 By Representatives MILLARD, COOK, KNOWLES, ROWE, KULIK, PEIFER, CAUSER, POLINCHOCK, MACKENZIE, SCHMITT, METCALFE, JAMES, DUNBAR, ROTHMAN, GLEIM, PICKETT, EVERETT, WHEELAND, STAATS, SAYLOR, MENTZER, BERNSTINE, KORTZ and KEEFER

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in COVID-19 disaster emergency, providing for certain restrictions prohibited.

Referred to Committee on LIQUOR CONTROL, September 23, 2020.

No. 2885 By Representatives MOUL, RYAN, PICKETT, HILL-EVANS, SCHMITT, BROWN and MILLARD

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in consolidated county assessment, further providing for regulations and training of boards.

Referred to Committee on LOCAL GOVERNMENT, September 23, 2020.

No. 2887 By Representatives HOWARD, DELLOSO, WILLIAMS, ROZZI, MADDEN, McCARTER, SANCHEZ, HILL-EVANS, CIRESI, McCLINTON, GREEN, NEILSON and HARKINS

An Act providing for a meal or rest period for employees after working a specified number of hours.

Referred to Committee on LABOR AND INDUSTRY, September 23, 2020.

No. 2888 By Representatives HOWARD, ZABEL, KINSEY, HOHENSTEIN, KULIK, WILLIAMS, WEBSTER, BURGOS, HILL-EVANS, READSHAW, McNEILL, INNAMORATO, SCHLOSSBERG, KRUEGER, THOMAS, DELLOSO, CIRESI and T. DAVIS

An Act amending Titles 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in protection from abuse, further providing for relief; and, in protection of victims of sexual violence or intimidation, further providing for relief.

Referred to Committee on JUDICIARY, September 23, 2020.

No. 2889 By Representatives HOWARD, McNEILL, ULLMAN, DELLOSO and READSHAW

An Act prohibiting certain employee name tags; and providing for penalties.

Referred to Committee on LABOR AND INDUSTRY, September 23, 2020.

SENATE BILLS FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following bills for concurrence:

SB 764, PN 1761

Referred to Committee on CONSUMER AFFAIRS, September 23, 2020.

SB 881, PN 1238

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, September 23, 2020.

SB 1190, PN 1935

Referred to Committee on STATE GOVERNMENT, September 23, 2020.

SB 1280, PN 1907

Referred to Committee on STATE GOVERNMENT, September 23, 2020.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE AND REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, returned **HB 2513, PN 4340**, 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 2487, PN 3772**, with information that the Senate has passed the same without amendment.

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 2487, PN 3772

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

SB 902, PN 1315

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, in district attorney, assistants and detectives, further providing for filling of vacancies.

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

COMMUNICATION FROM GOVERNOR**VETO OF HOUSE BILL**

The Speaker laid before the House a communication in writing from the office of His Excellency, the Governor of the Commonwealth, advising that the following House bill had been vetoed by the Governor:

HB 2787, PN 4334.

Said bill having been returned with the following message:

Commonwealth of Pennsylvania
Office of the Governor
Harrisburg

September 21, 2020

**TO THE HONORABLE HOUSE OF REPRESENTATIVES
OF THE COMMONWEALTH OF PENNSYLVANIA**

Pursuant to Article IV, Section 15 of the Pennsylvania Constitution, I am returning herewith, without my approval, House Bill 2787, Printer's Number 4334.

We have been confronting extraordinary challenges with the COVID-19 pandemic. As we continue the fight against COVID-19, we need to continue to prioritize the health and welfare of Pennsylvanians and minimize public health risks. However, this bill does nothing to promote public health or ensure that our children have a safe learning

environment. As we reopen our schools, we need to continue to be vigilant and take precautions to keep ourselves, our communities, and our children healthy. These mitigation efforts not only help keep our children, teachers, and staff healthy, they also help keep our schools open.

This bill is entirely unnecessary. While I recommended against holding school sports before January 2021, it was a recommendation and neither an order nor a mandate. Local school governing bodies have maintained the authority to decide how extracurricular activities, including school sports, proceed at the local level. Furthermore, to the extent COVID-19 cases may rise and spread during the fall and through the upcoming cold and flu season, the Department of Health must maintain the critical authority to limit exposure to COVID-19. Minimizing this exposure is paramount.

This bill also has constitutional infirmities as it attempts to take away executive authority during the 2020-2021 school year. Instead of unnecessary legislation, we need to focus on providing schools the tools and resources they need to be successful in educating our children and we need to help people impacted by the pandemic with legislation such as funding for small businesses and child care, and paid sick leave for employees.

For the reasons set forth above, I must withhold my signature from House Bill 2787, Printer's Number 4334.

Sincerely,
Tom Wolf
Governor

LEAVES OF ABSENCE

The SPEAKER. Moving to leaves of absence. Are there requests for leaves of absence?

The Chair recognizes Majority Whip Oberlander. Seeing none.

The Chair now recognizes Minority Whip Harris, who requests that Representative Mark ROZZI from Berks County be placed on leave for the day. Without objection, the leave of absence is granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—201

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

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—1

Rozzi

The SPEAKER. Two hundred and one members having voted on the master roll, a quorum is present.

The Chair recognizes Representative Toepel for a caucus announcement.

RULES COMMITTEE MEETING

The SPEAKER. Actually, the Chair will first recognize the gentleman, Representative Benninghoff, for a Rules Committee announcement.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

There will be an immediate Rules meeting in the Appropriations Committee – pardon me – the majority caucus room immediately following session's adjournment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Mr. BENNINGHOFF. Recess, not adjournment. As soon as we break here, we will go down and have that meeting of Rules in the majority caucus room. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Rules Committee will meet immediately in the majority caucus room.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the gentlewoman, Representative Toepel, for a caucus announcement.

Mrs. TOEPEL. Thank you, Mr. Speaker.

Republicans will caucus virtually and in person at 1:30. We would be prepared to return to the floor at 2 o'clock. Thank you.

The SPEAKER. The Chair thanks the lady.

ANNOUNCEMENT BY MS. McCLINTON

The SPEAKER. The Chair recognizes the gentlewoman, Representative McClinton, for a caucus announcement.

Ms. McCLINTON. Thank you, Mr. Speaker.

House Democrats, we will not be caucusing. House Democrats, we will not be caucusing this afternoon.

The SPEAKER. The Chair thanks the lady.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. For the information of the members, upon our return at 2 o'clock, there will be a photographer who has asked permission to take still photographs on the floor. That permission will be again announced and granted at that time, but we wanted to give that information to the members as soon as we learned about it.

RECESS

The SPEAKER. With that, this House will be in recess until 2 p.m., unless sooner recalled by the Speaker.

AFTER RECESS

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

FILMING PERMISSION

The SPEAKER. The Speaker gives permission to Mark Pines from PennLive and Patriot-News to take still photography of House floor proceedings for the next 15 minutes.

**BILL ON CONCURRENCE
REPORTED FROM COMMITTEE****HB 2513, PN 4340**

By Rep. BENNINGHOFF

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

RULES.

SUPPLEMENTAL CALENDAR A

BILL VETOED BY GOVERNOR

The House proceeded to consideration of the veto message on **HB 2787, PN 4334**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in school health services, providing for precautions against spread of COVID-19; and, in terms and courses of study, providing for sports and extracurricular activities during the COVID-19 pandemic.

On the question,

Shall the bill become law, the objections of the Governor to the contrary notwithstanding?

The SPEAKER. On that question, the Chair recognizes the gentleman, Representative Reese.

Mr. REESE. Thank you, Mr. Speaker, and good afternoon.

For the benefit of all my colleagues on both sides of the aisle, I want to take just a moment to summarize HB 2787 and explain why today's vote is an effort to establish policy that makes sense for all of our communities back home. HB 2787 would keep decisions about school sports and extracurricular activities, along with how to allow spectators to attend safely, in the hands of our locally elected officials.

Mr. Speaker, this bill does not propose to simply open the entrance to every athletic stadium, every gymnasium, and every auditorium as though COVID-19 never existed. As a matter of fact, this legislation mirrors the guidance from the administration that empowered local school leaders earlier this summer to decide for themselves how best to return to in-person instruction in their districts. Therefore, I believe it makes sense to apply that same logic to sports and activities and the attendance of spectators.

Mr. Speaker, school board members are locally elected officials. We know who they are. They live right down the street from us and we see them in our grocery stores. They know the communities they serve and the people who they were elected by. Empowering these officials who are trusted with just about every other aspect of our children's development and safety is logical. And let us be very clear on this point, these local leaders are just as invested in keeping their communities safe and healthy as any one of us here in Harrisburg.

You know, it is unfortunate because some of the rhetoric out there seems to paint a picture that safety and normalcy are somehow mutually exclusive concepts and that we cannot possibly have both, that somehow allowing loved ones to attend school activities cannot possibly be done safely. So let us think about this. Let us think about what this means. Under the order, we would limit high school football games to just 250 people that are being played in a stadium that can hold seven or eight thousand people. Or how about this? Limiting a girls volleyball game, played in a gymnasium that, in some cases, across our Commonwealth holds seven, eight hundred people, to just 25 people. Now, that gymnasium has the same footprint as some of our big-box stores that we are very comfortable putting seven, eight hundred people in, but we cannot have more than 25 people in that gymnasium with those girls who are competing in volleyball.

As a matter of fact, let us think about this. So when you talk about the players, when you talk about the coaches, when you talk about the athletic trainers, the scorekeepers, and the refs, you

are not only not putting anybody in the stands – no mom, no dad, no grandma – heck, you cannot even have all the girls in the stadium. You actually have to leave them out in a hallway waiting to be substituted in or, in some cases, I have heard in parking lots. Now, those girls when they return back to their home school, they are going to ride the bus together. It does not make sense. It is not logical.

So, Mr. Speaker, a vote today to override the veto of HB 2787 is a vote to restore common sense, and I respectfully urge all of my colleagues to join me in doing the same. Thank you, sir.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentlewoman, Representative Kulik.

Mrs. KULIK. Mr. Speaker, last week at a high school game in my district a student athlete suffered a broken arm in two places. That child's parents were not in the stadium. Mr. Speaker, I have practiced family law for over 20 years. We hold parents responsible for the well-being of their children. I wholeheartedly believe that parents have the inherent right to be where their children are. Thank you.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Representative Davanzo.

Mr. DAVANZO. Thank you, Mr. Speaker.

Mr. Speaker, I will be voting in favor of overriding the Governor's veto on HB 2787 for the simple reason I stand with my constituents back in the 58th District. So a parent can drop their son or daughter student athlete off at a sporting event but they are not allowed to attend. They have to sit in their car and watch the game on a YouTube channel even though there are hundreds if not thousands of available seats at the high school stadium or gymnasium, even after following CDC (Centers for Disease Control and Prevention) guidelines. And then after the game, that same student gets picked up by their family and they go back into the same house. This just makes no sense.

This body has been told numerous times we must follow the science and data. When we have asked for the science and data when it comes to restrictions on our high school sports by Dr. Levine, she simply stated there is no granular data on these restrictions.

Mr. Speaker, in just a few hours the headlines are either going to read "The House Override Attempt Was Defeated" or "Governor Wolf's Veto Will Stay." But let us be very clear, a "no" vote today is a defeat on our high school athletes, our soccer moms, our hockey moms, our football moms, and our band parents. These parents and grandparents do not get out in the rain on an October night because they have to, they do it because they want to. They have an unconditional love for their children and grandchildren. In these uncertain and challenging times, these parents and grandparents deserve to enjoy the times of their children.

I will be voting for the Mount Pleasant, Southmoreland, Jeannette, Hempfield, Belle Vernon, Monessen, and the Yough students and their families, and I urge my colleagues to do the same. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Zabel.

Mr. ZABEL. Thank you, Mr. Speaker.

Mr. Speaker, when I received notice yesterday at 4 p.m. that we were convening session, I was actually pretty optimistic. I thought maybe we had struck a deal on election reform that would allow us to pre-canvass ballots. That is something that has broad bipartisan support. I was optimistic. I thought maybe we had come together to put a package through that would get to our

small businesses and help them as soon as we possibly could. Instead, here we are on a bill, here is what Pennsylvanians are getting from its legislature: a debate on whether we can get more people into the bleachers at a high school football game. That is hard to believe, and it is a sad reflection of our priorities in this legislature.

When we first considered this bill, Mr. Speaker, I was genuinely sympathetic to it. I believe some of those numbers do need to be revised. I think the capacity for indoor youth sports does need to be revised, and I urge the administration to revisit that. But the hard fact is that capacity limits have saved lives in Pennsylvania – thousands – and it is not time to do away with them. To quote our late Justice Ruth Bader Ginsburg, that would be like throwing your umbrella away in a downpour because you are not getting wet.

I want to keep our student athletes and our families safe. And at a time when Pennsylvanians, so many of them, are in need or sick or scared or all three, they deserve more from their legislature than a frivolous debate about bleachers at a football game. This is a frivolous use of legislative resources, and I cannot in good conscience support it. I encourage all of my colleagues who believe that Pennsylvanians deserve better from their elected officials to do the same.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman, Representative Nelson.

Mr. NELSON. Thank you, Mr. Speaker.

I had really not planned to speak at all today until the frivolous use comment was used as an effort to block parents. Mr. Speaker, in this chamber a lot of times there is anger, there is emotion, and there are expressions that are stated, but let us not forget, Mr. Speaker, the intentional 10-day delay and all those people who do not have 10 days to be able to watch a sport. To say it is frivolous to deny a parent, a grandparent the ability to be able to attend and watch their child, it is outrageous, Mr. Speaker.

I rise today for Eddie. Today is Everyone's 4 Eddie day in my district, a parent who has been blocked from seeing sports, who will not get to see a sport game for too much longer, and that is not frivolous. This vote is important. And if anyone votes or flips their vote for political gain, they need to remember those people who do not have 10 days, Mr. Speaker; those people who still as a result of this action will not get to see their child, their grandchild, or the people that they love ever play again.

I support the override, Mr. Speaker, and every other member of this House should do so as well. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Kortz.

Mr. KORTZ. Thank you, Mr. Speaker.

Mr. Speaker, HB 2787 is a measure that is putting it back into local control. It is going to allow the school boards to make the decision because they are in the best position to know the capacities of their gymnasiums, auditoriums, stadiums. They know how many people they can put safely in those seats following CDC guidelines. Okay? They are in the best position. This 250 number is a bogus number.

Let us do the right thing. As I have mentioned before, let us not take away from the high school experience of these children along with their families. Please vote "yes."

The SPEAKER. The Chair thanks the gentleman.

REMARKS SUBMITTED FOR THE RECORD

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

Mr. Speaker, other than the sponsor of the bill, I am the only other member of 203 House members and 50 Senators here whose language is included in this bill. Mr. Speaker, when I proposed this language, I was asked about using the CDC for advice. Mr. Speaker, there is language about school plans using information from the CDC in this bill. But, Mr. Speaker, there is not language about the CDC in my amendment.

Mr. Speaker, figuring out when people who have the COVID infection can transmit the virus and stopping that transmission is the most important thing that public health experts and government agencies can do to stop the sickness and the deaths. Let me repeat that, Mr. Speaker – figuring out when people who have the COVID infection can transmit the virus and stopping that transmission is the most important thing that public health experts and government agencies can do to stop the sickness and the deaths.

Mr. Speaker, without the language of my amendment in front of me, I was asked by the sponsor of the bill when we considered it on second consideration whether we can use the CDC to help figure out when people can transmit the virus to implement my language and I said yes because State agencies in Pennsylvania can use this Federal resource like the CDC as it has done probably hundreds of times. But since that speech, Mr. Speaker, I have learned of multiple attempts to manipulate CDC and other Coronavirus Task Force members to make our schools unsafe.

Mr. Speaker, there were political people who have zero background in medicine and who were trying to force government experts like Dr. Fauci to say that students do not need to wear masks in classrooms, that students in schools do not need to be tested for COVID. Mr. Speaker, someone in the Federal government hijacked the CDC Web site and put in unsound guidance that if you were potentially exposed to COVID, you should not get a test. So if at the highest levels of the Federal government there are deliberate attempts that would make our schools unsafe, we really need to be really careful here.

So let us look at what happened when we first considered the bill: Mr. Speaker, my colleagues tried to put in language that schools had to require masks for spectators and others and it was voted down on an almost party-line vote. Mr. Speaker, my colleagues tried to put in language that school boards had to use doctors to review these plans and it was voted down. Mr. Speaker, based on Georgia State Representative Beth Moore, who opened up a safe school whistleblower e-mail account in Georgia and has received hundreds and hundreds of reports if not thousands of reports, I wanted to add student athlete, parent, official, and staff whistleblower protections and I was rebuffed.

Mr. Speaker, before my amendment was added in, this bill was so weak that a public or private school could actually allow COVID-positive athletes, performers, teachers, students, parents, and staff onto the field, into the gym, and on the stage. But, Mr. Speaker, without adequate testing, we do not know who is COVID-positive or not. Every member of this chamber agreed we should not have COVID-positive people in schools no matter what local control of schools is, and yet a bare majority voted down the real, scientific ways to stop transmission if a COVID-positive person does not have symptoms and is not tested.

So here are examples of what this bill allows that were not discussed the first time we debated it: You are voting, you are voting to allow a public or private school in your neighborhood – and if it is a private school, then its leadership was not elected by their community – to have an indoor choir concert or an indoor choir practice without wearing masks for hundreds of people to attend when we know, Mr. Speaker, that when 61 members of a choir met to practice in Washington State in March, 1 had COVID without symptoms, more than 75 percent of the people in that room got COVID and innocent people died.

Mr. Speaker, if you vote for HB 2787, you are allowing a public or private school to have a middle school drama group to have a musical production with an audience of 750 people without masks when theater and opera groups around the country and around the world are reporting outbreaks, in the last several days to the last few weeks from theater camps for kids to high school summer productions to world-known performers. Mr. Speaker, even healthy Broadway actors are not immune from this disease, and we should all remember the strong fight that Broadway actor Nick Cordero put up for weeks and months before passing. Mr. Speaker, why would you vote to allow an unlimited sized audience for in-person singing and acting events without even the simple requirements of masks?

This is not about a political philosophy or being against mandates. Every single one of you, from the most Libertarian to any member who might have said that you are against every single mandate on our schools, you all voted for my tough mandate on private and religious and public schools. So this is not some philosophical debate about local control, since when you voted for my amendment you already lost the battle of whether you trust local school boards or private schools.

But, Mr. Speaker, let us talk about what really is at stake. Let us talk about our fight against COVID in this chamber. It is a challenge every day for every person, every company, every school district, every legislative body to do their best to prevent other people in their job, in their family, in their school, and in their community from getting sick. On the other hand, we all want our jobs, our lives, and our kids' lives to go back to normal, to have school and sports and activities. This is not a 1-day battle. If you have no cases today in your school, in your job, or in your town, then you cannot simply delegate the responsibility to someone else to make tough decisions. The real threat of illness and death tomorrow or the next week from this pandemic is real, and it is real whether we live in densely populated areas or in small towns.

We cannot afford to take shortcuts, Mr. Speaker, but that is what we do when we do not follow the science to stop the spread of this disease. We know that people who have no symptoms or who are presymptomatic can spread it. If we do not follow the basic practices of social distancing, hand washing, and mask wearing, we will not beat the disease and our efforts to reopen the economy will actually make it less likely for schools, sports, activities, and job growth to be possible. Shortcuts to normal do not get you normal; they get you more sickness, more hospitalizations, more deaths. Mr. Speaker, examples of shortcuts leading to higher caseloads and deaths come from several States, like Florida or Texas or the top States today in positive cases per capita, South and North Dakota. These States provide no role models, but rather cautionary tales.

Every single member of this House voted for my amendment to say that they do not want teachers, they do not want support staff, they do not want students who can pass on COVID, whether they have symptoms or not, to be in a classroom, on a playing field, or in a concert. Mr. Speaker, every single member of this House voted yesterday to require every public school and every nonpublic school in this State to have publicly available rules that will be enforced to ensure that the requirements of this COVID ban are met and people exposed to COVID not be allowed in our schools without testing or quarantine.

Mr. Speaker, the bottom line in my amendment, in the debate on HB 2787, and basically our jobs as State legislators goes to the critical goal of keeping COVID out of our schools and our communities and stopping the spread in the only ways we know how. Mr. Speaker, the real question is not getting to that goal on the first day after passing HB 2787 or for the second day, or the first weekend or the first game, concert, or extracurricular activity. The goal has to be control of spread until we know the disease will not come back. Until that time, we need to follow the science and commonsense practices to lower transmission. If we do not, then in-classroom teaching and sports and activities will not last very long in many, many places. We know this is what will happen; it is what is already happening in dozens of schools, in dozens of sports teams.

So, Mr. Speaker, just minutes after we adopted my amendment saying we agree on an enforceable statewide rule of no COVID cases at school events or in our schools, we could not find a single member on the other side of the aisle to support a statewide rule of wearing a mask to watch these games or activities.

Mr. Speaker, if we do not have testing, if we do not have PPE, if we do not have institutions and governments and communities all advocating simple but concrete things like wearing masks, we cannot reduce the transmission of COVID today and keep it down tomorrow.

Despite the universal vote on my commonsense amendment, the rest of HB 2787 has generalities about plans and protocols and methods and limits. The only hard-and-fast rule in the entire bill that was mandated for every school was my amendment with the simple point of not allowing COVID cases in a classroom or a game. Outside of my language, for extracurricular activities there is not a single bright-line test, no universal guidelines, no standards to measure risk for attendees, no requirements to consult doctors or public health experts, or use science or public health guidelines in extracurricular activities. Without a uniform mask requirement, without a way to report unsafe conditions by teachers and students, athletes and parents, without whistleblower protections, HB 2787 is legislation simply letting school districts or private schools do what they want. It is just not ready for prime time, not a real response in a State of 12 million people.

Look, again, as I opened with, it is not a 1-day battle and voting for any bill that refuses to give clear uniform science-based rules for all of our communities, for all of our schools is a shortcut, a mistake. I regret that while one of my amendments was included in this bill, other amendments that would have significantly protected students and schools were rejected. I am glad we stopped one shortcut, but there are too many in this bill for us to override the Governor.

Please uphold the veto on HB 2787.

The SPEAKER. As a reminder to the members, we will now proceed to the prime sponsor of the bill and both leaders as we conclude debate, seeing no one else seeking recognition.

On that question, the Chair recognizes Representative Reese.

Mr. REESE. Thank you, Mr. Speaker.

You know, every so often a topic in this chamber transcends the politics that surround us. Mr. Speaker, I believe this to be one of those times. I most certainly do not make light of what is being asked of this chamber, specifically the choice that my friends across the aisle are being asked to make.

When asked by folks back home who do not fully understand the workings of this chamber, I often describe this place as like a full-contact sport with two teams. That is not a bad thing. That is not a bad thing at all. I firmly believe that competition and the debate of ideas in a civil manner is a very, very healthy thing for our society. That said, I do understand that the question before you may put you at odds with one of your teammates, and while I do believe that we should try to support our teammates whenever possible, we all know that our ultimate responsibility is to the folks that we have the honor to represent back home. So I am asking you now to consider the moms, the dads, the grandmas, the grandpaps, the brothers and sisters who just want to watch their loved one compete on that field of play or any other extracurricular activity.

Let us take this vote now and let us empower our locally elected officials to return families to the stands safely. Thank you all very much.

The SPEAKER. The Chair thanks the gentleman and turns to the Democratic leader, Representative Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, calling us back here with less than 24 hours' notice, informing us at 4 o'clock yesterday afternoon we had to be back here today for this bill is not about policy, not about policy at all. This is about just pure politics, and it is pure bad politics.

So what are we back here for? We are not talking about unemployment compensation and helping folks who are out of work and helping feed children. We are not talking about the hundreds of thousands of Pennsylvanians that have lost their health care. We are not talking about hazard pay. We are not talking about preventing evictions and foreclosures. No, we are here suggesting that the Governor should not be able to manage this crisis, that we should risk people's lives.

However, you know, people are going to football games, parents are attending football games right now, they are attending athletic events right now. And I believe the Governor will look at it using the data and using science, make decisions that determine whether or not we can do some progress with the percentage of capacity in various venues. But this is not about that at all. This is about politics. This is not about the safety of our children, not about the welfare of our student athletes, not about the welfare of all those children who are trying to get back to school.

So we need to sustain this veto and then we need to start doing the people's business here and start solving some of the issues that we face, that the people of Pennsylvania are facing who have already made the sacrifices. We need to make sure those sacrifices are not in vain, that this virus does not continue to grow because it is. Acting like it is going away or going to go away tomorrow is folly, and that is what we are trying to do here today. We need to let the experts and the science drive the reopening. That is what we need to be doing. That is dealing with policy. This is just pure politics. We need to sustain this veto, and then we need to move forward.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes Leader Benninghoff.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

I think it is just as clear today as it was on the 2d of September when 155 members of this chamber voted in support of this initiative, even the former speaker that just spoke, because they thought it was a good idea then and it is a good idea now.

I echo what the Governor said about our public schools, that they should have the choice back home. He was not mandating on them whether or not to be open, whether to operate in person, whether to do a hybrid. Well, if the school districts, the school directors, and the superintendents are able to make those decisions and we trust them and the Governor's Office trusts them to do that, then why should we not let them have the same trust in all of the educational and interscholastic opportunities?

The vote is very simple, Mr. Speaker: We are either voting for the families, our local taxpayers, our children, and some of these students who seem to excel in these other extracurricular activities to have those opportunities and have the family members that support them do this in a very safe manner, which our school districts have already proven that they can do in our classroom setting, or you vote because you want to be political and support the Governor's veto. And, I think, the choice is very clear: One hundred and fifty-five of you voted for it in the spring – pardon me – yes, earlier, and now we are going to give you an

opportunity to do it again and show the public where you stand. Please join us and give us 203 votes on this veto override.

Thank you, Mr. Speaker.

The SPEAKER. Those in favor of the bill becoming law will vote "aye"; those in favor of sustaining the Governor's veto will vote "no."

On the question recurring,

Shall the bill become law, the objections of the Governor to the contrary notwithstanding?

(Members proceeded to vote.)

The SPEAKER. On that question, the Chair recognizes Representative Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Representative Harris.

The Chair recognizes the gentleman, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman.

The following roll call was recorded:

YEAS—130

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

NAYS—71

Boyle	Donatucci	Kenyatta	Samuelson
Bradford	Driscoll	Kim	Sanchez
Briggs	Evans	Kinsey	Sapprey
Bullock	Fiedler	Kirkland	Schlossberg

Burgos	Fitzgerald	Krueger	Schweyer
Caltagirone	Frankel	Lee	Shusterman
Cephas	Freeman	Madden	Sims
Comitta	Gainey	McCarter	Solomon
Cruz	Galloway	McClinton	Sturla
Daley	Goodman	McNeill	Ullman
Davidson	Green	Merski	Vitali
Davis, A.	Hanbidge	Miller, D.	Warren
Davis, T.	Harkins	Neilson	Webster
Dawkins	Harris	Otten	Wheatley
Deasy	Hohenstein	Pashinski	Williams
DeLissio	Howard	Rabb	Youngblood
DeLuca	Innamorato	Ravenstahl	Zabel
Dermody	Isacson	Roebuck	

NOT VOTING—0

EXCUSED—1

Rozzi

The SPEAKER. On the question of the bill becoming law, the objections of the Governor to the contrary notwithstanding, the "ayes" were 130; the "nays," 71. Two-thirds having not voted in the affirmative, the Governor's veto is sustained.

SUPPLEMENTAL CALENDAR B

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendment to **HB 2513, PN 4340**, 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 operation.

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

The SPEAKER. Moved by the gentleman, Representative Everett, that the House concur in the amendments inserted by the Senate.

The Chair recognizes the gentleman, Majority Leader Benninghoff, for a brief description of Senate amendments.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

As we know, this is an important bill for many of our restaurants and establishments across the Commonwealth. I heard earlier that members wanted to be here to have the opportunity to vote on pro-business issues. And the two amendments that were adopted in the Senate remove the definition of "designated county," outlining this provision and letting the version that was passed only by the House in the counties that are all in green phases at this point; add a definition of "COVID-19 disaster"; and allow for the restaurants to remove the food requirement to serve alcohol.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

It is the Chair's understanding that the amendment drafted by Representative Bradford has been withdrawn. The Chair thanks the gentleman.

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

The SPEAKER. On that question, the Chair recognizes Representative Sainato.

Mr. SAINATO. Thank you, Mr. Speaker.

I rise today in support of this legislation.

Mr. Speaker, our restaurant industry, our tavern industry, our private clubs, the VFWs (Veterans of Foreign Wars), they have been under attack for 6 months. Many can barely survive. This comes down to the people that play by the rules and those that do not play by the rules. And unfortunately, when it comes to the restaurant and the bar industry, they are treated differently. They are not treated with the respect that one of the largest employers in this State deserves.

From day one when the capacity was cut to 25 percent, many could not survive. They would not be able to survive at 25 percent. And we lost, we have lost restaurants in this State that have closed and they are not coming back, Mr. Speaker. In my district alone, we lost a restaurant after being in business for 18 1/2 years; Tuscany Square shut down a few weeks ago. There are many others that are on the verge of going out.

Mr. Speaker, the number one goal is safety – safety of the customers, safety of the workers. And the ones that play by the rules, Mr. Speaker, they are sanitizing, they are social distancing, they are requiring masks when you go into the facility, and we can live with that, Mr. Speaker. I am not saying you just open it wide up. Let them try to compete with 50 percent, follow the CDC guidelines, follow the safety procedures. That is what this is about, Mr. Speaker.

I do not want to see any more restaurants go under. I do not want to see any bars go under. You have private clubs that do not serve food. They have been shut down for months. Many were barely surviving before. I have an opportunity to go in my district, Mr. Speaker. I try to patronize local restaurants when I am home. I see what they are doing – they are sanitizing, the staff is doing what they are supposed to do. I do not want to see anyone else go out of business.

This is an important vote today. I voted for it a few months ago and it is more important now. The cold weather is coming, the outside dining is going to be ending soon. Let us give these people, hardworking men and women, many with families to support, at least give them a fighting chance to survive, Mr. Speaker. Let us give them a chance to survive and treat them with the same respect we treat the big corporations out there. It is always the mom-and-pops that always end up on the short end of the stick and it is wrong. They are the ones they go to for the Little Leagues and the baseball and the donations to help the community – those are your mom-and-pop restaurants and bars and social clubs and the VFWs.

Why do we not treat them with some respect? Let us show them some respect today. Support this bill and let it become law. I think they have had enough after 6 months of barely surviving. Mr. Speaker, let us support this bill. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Staats.

Mr. STAATS. Thank you, Mr. Speaker.

Mr. Speaker, according to the Pennsylvania Restaurant & Lodging Association, 68 percent of our bars and restaurants may not be here in 6 months if we remain on the current course.

As one who has worked many, many years in the restaurant industry, I cosponsored HB 2513 because I understand the enormous stress the Governor's COVID-19 mitigation requirements have placed on these small business owners and the fears they have about losing everything they have worked for. Collectively, they have been hit harder than any other small business and have suffered enormous job losses.

The owners I have spoken with, Mr. Speaker, have done a phenomenal job of operating safely and responsibly in this pandemic and vow to continue to do so. But even at 50 percent capacity, most restaurants are not profitable. At best, they can pay their bills and keep the lights on. HB 2513 relaxes indoor seating limits, allows for outdoor dining, eliminates a requirement that alcohol sales be accompanied by a meal, and affords those who work in this industry some measure of stability and certainty in what has been a perpetually changing landscape.

Mr. Speaker, a vote in favor of this legislation would go a long way toward preserving our local restaurants and taverns and putting our food and beverage workers back to work. I would urge my colleagues to concur on HB 2513.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Mullery.

Mr. MULLERY. Thank you, Mr. Speaker.

I rise in support of HB 2513. If we are to believe the reports that we are reading in the press, HB 2513 is set for the same state as HB 2787 was. So I will just ask this of my colleagues: If you are not going to vote to override the veto of HB 2513, save all of us and save the Speaker the worry of calling us back and vote "no" today.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Boyle.

Mr. BOYLE. Thank you, Mr. Speaker.

This bill does not reflect the proven precedent of bars and restaurants being superspreaders of COVID-19. We have seen this occur both nationally and in our own State. In June, in Allegheny County, as the rest of the State was coming out of COVID-19, there was an outbreak in Allegheny County that was traced back to bars and restaurants on the South Side of Pittsburgh. The same thing happened in Miami. So a vote for this ultimately is a dangerous vote because it could lead to COVID-19 outbreaks.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Rabb.

Mr. RABB. Thank you, Mr. Speaker.

We hear a lot of talk about mom-and-pop establishments. We do not hear enough talk about the people who make those establishments thrive, which are the workers who currently get paid \$2.83 an hour. They are essential workers. They are the folks we all want to stay employed, \$2.83. We are not talking about hazard pay. We are not talking about wage theft. We are not talking about sexual harassment that so many women endure when they are working.

Mr. BENNINGHOFF. Mr. Speaker?

Mr. RABB. I will be relevant to this.

Mr. BENNINGHOFF. On the bill, please.

Mr. RABB. Highly relevant to the bill.

We want to increase the capacity of restaurants when we are moving indoors as it gets colder when the effects of COVID-19, which I believe is a real pandemic actually – it is real – will be

worse. What is that person going to do when the customer does not want to wear a mask? When they remove their mask to talk, to complain, to yell at the worker for something not being right, they are at risk. How do we help them? Where is the survival of the workers who do not have these options to say no because they are trying to feed their families? Where are the bailouts for the mom-and-pops and the employees who make them thrive? We have bailouts for everybody it seems except for the little guys and the people who make the little guys stay alive, which are our local employees, our neighbors.

I just saw this yesterday here in Harrisburg at one of the local establishments I support all the time and a customer came in without a mask and went right up to the face of the cashier and the cashier tried to do the right thing and say, "Do you have a mask, sir?" And he said, "No, I don't." Afterwards I thanked him for speaking up, but he could have put his own employment at risk because his employer could say, "Don't you berate my customers." We are putting those folks at risk, and it may not be a concern to many of us in this room, many of whom do not believe in social distancing or wearing masks. The cameras do not capture the fact that there are dozens of people here right now who are flagrantly ignoring CDC guidelines that they say are going to be adhered to by this new potential statute. So if we are not even doing it now, in this room—

POINT OF ORDER

Mr. BENNINGHOFF. Mr. Speaker, respectfully, I think we are talking—

The SPEAKER. For what purpose does the gentleman rise?

Mr. BENNINGHOFF. I think the bill has to do with restaurants and—

Mr. RABB. Restaurants.

Mr. BENNINGHOFF. —other types of facilities. We are not talking about the House of Representatives.

Mr. RABB. I think it is highly relevant—

The SPEAKER. If the gentleman will please suspend.

I believe the leader raises a relevant point with regards to staying on the underlying topic of the bill and the application to the limits prescribed therein for restaurants and other rules related to restaurants. I would urge the gentleman to succinctly wrap up his comments and keep them contained to the contents of the bill.

The Chair thanks the gentleman.

For what purpose does the gentleman, Representative Dermody, rise?

Mr. DERMODY. Mr. Speaker, I believe the bill requires compliance with CDC guidelines and I believe that is what the speaker from Philadelphia was referring to.

The SPEAKER. I understand the leader's comments, but the Chair has stated the points and would ask the gentleman to proceed within the confines as dictated by the rules.

Mr. RABB. Thank you, Mr. Speaker.

Do as I say, not as I do. That is what we are doing here. There is not a true respect for the CDC guidelines, which is relevant to this bill, and we are exposing workers who are getting paid \$2.83, and guess what? They are barely going to make a poverty wage with the tips that are not going to be coming in because smart people are staying away because they know that these places can cause great community spread, and as a result, we are requiring folks who do not have a lot of options to put themselves at risk and everyone they interact with, and that is a deeply inhumane

way of moving forward. If we believe in the survival of mom-and-pops and restaurants and our workers who allow these businesses to exist, let us bail them out.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Masser.

Mr. MASSER. Thank you, Mr. Speaker.

Bailouts, we do not want bailouts. We are getting to the point where we need them. What we want to do is run our businesses safely, safely like we always have been, like we have been doing through the pandemic and before the pandemic.

I stand here today to urge support for HB 2513. The hospitality industry is a huge industry in Pennsylvania, employing more than 500,000 people in our Commonwealth. We are a vital part of our communities. We have always been there to support Little Leagues; every raffle that is done, we are there; every athletic team, donating to everything, hosting community meetings. I could go on forever what this industry means to our towns and our cities. These are fire companies too, our VFWs and our legions who do so much for our veterans.

But the hospitality industry has been crippled by this administration. So far, it is estimated, 134,000 workers have lost their jobs, thousands of restaurants have shuttered their doors, never to reopen; \$2.83 an hour. Who in God's name thinks that is true? Talk to your restaurants and see what their payroll is. Talk to your restaurants and see what it costs to hire a cook today. Talk to your restaurants and talk to your waitresses and see what they are bringing home. It certainly is not \$2.83 an hour. Please talk to your restaurants.

We, as an industry, have worked tirelessly and spent thousands of dollars at each location to operate safely, as we always have. I have a restaurant that I could not imagine the amount of money they have spent on plexiglass barriers alone around the bar, between booths, between every table. I cannot imagine the amount of money they have spent. We spent money on PPE equipment (personal protective equipment) to protect our employees and our customers, physical barriers, and a whole lot more. We have always been about safety for our employees and our customers. We have been doing everything right, only to have the rug pulled out from under us by this administration.

I have always heard, when we are running a restaurant or a tavern bill in this House, from the members of this House: "I have not heard from a single restaurant or tavern in my district about this bill." Well, let me tell you one thing, they are listening now, they are paying attention now, and they are going to pay attention to this vote now. We have done all these things, only to be given arbitrary limits set at 25 percent capacity. Where does 25 percent come from? Why not 12 percent? Why not 32? Why not 49 percent? It makes no sense. We have not been given any data backing up these decisions. He said he was going to supply it; never did. It is unreal to me that as an industry we are begging, begging for 50 percent occupancy. Please name me another industry that can survive at 50 percent, let alone the arbitrary 25 percent.

What does the 11 p.m. cutoff mean? Why not 11:15? Why not 11:45? 12:55? Do the people who work late shifts and want to go out for dinner carry the virus? It is a very smart virus. It must know which ones to have carry it. Does the virus pick up steam at 11:15? Our industry can serve after 11, safely following guidelines that we always have. That is not part of this bill, but it should be. It is just another example of these arbitrary rules by our Governor.

Why the requirement for food with every alcohol sale? Does a burger save you from this virus? Our vets simply cannot stop by to sign the book and have a drink without having that magical burger? The Governor has referred to establishments that do not sell food as "dive bars." I am here to tell you I have a number of taverns in my area, clubs in my area that do not regularly serve food and they are anything but dive bars. I am not sure the Governor has ever been in a dive bar.

This industry can safely sell alcohol without food while following guidelines. We always have. What about the no bar service?

Does the virus – again, it is a smart virus – does the virus again gain strength around the bar seating? The strength is so much more around the bar seating. Even a burger will not save you at the bar. Please show me the data and the science that has driven this rule. Please show me that. If certain establishments are causing problems, shut them down. Do not decimate an entire industry. We have run safe bar seating during this and before this. We always have. This industry needs our help. They need a "yes" vote on HB 2513. For many, their livelihoods depend on it. Their employees need your "yes" vote on HB 2513. Their livelihoods depend on it. Many have worked their entire lives building their businesses. This is their retirement. Please help your local restaurants, taverns, VFWs, legions, fire halls, and all of the restaurant industry, hospitality industry, by voting "yes" on HB 2513.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I have restaurants in my district that are struggling as well as everyone does. But the reality is, we cannot just willy-nilly go out there and say, "Let's open these things up for a free-for-all." There has been evidence that shows that there is a significant increase when people congregate in small areas that are closed.

Now, the previous speaker talked about these arbitrary limits. Well, we close bars under any circumstance at 2 in the morning. Why 2? Why not 2:15? Why not 3? Why not 3:30? Why not stay open all night, 24 hours a day? Let us just open all the bars up 24 hours a day. We make sure that the food is cooked to a certain temperature. Why do we bother to do that? Do not bother with that. Do not bother inspecting the restaurants. The restaurant owners will keep them clean. Just leave those arbitrary rules up to the owners. We have limits in terms of the number of capacity of people that are allowed in the bar. Why not just open it up? If you can cram a thousand people in there and they are sitting on each other's shoulders, go ahead; pack them in. Why bother? Not during COVID times, anytime, why not?

Well, because it makes sense not to do that. It makes sense for the public safety not to put too many people in those places anytime, whether there is COVID or not. It makes sense not to have those bars open after 2 o'clock whether there is COVID or not. It makes sense because we have determined that certain things work and other things lead to bad behavior. Other things lead to unwanted, undesirable results. What we are looking for is to be able to allow the Governor the flexibility to respond to outbreaks of COVID. That is all. Can we work with the Governor to push for flexibility on those rules? The Governor just flexed on those rules for restaurants. Is that too much to ask? I encourage a "no" vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and moves to the Democratic leader, Representative Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, once again we are in a situation where we ignore facts, science, and data when we talk about opening bars and restaurants. Now, look, the restaurants are open and most are now at 50 percent of capacity. It has taken awhile to get there and everybody in this room knows how hard it has been on our bars and restaurants. The hardships have been tremendous. Many, many are in financial trouble. However, we also have tremendous examples statewide of what happens when you open too soon and when you open recklessly.

In Allegheny County when they first went to 50 percent capacity a month and a half or so ago, the cases went from 8 a day to 250, 300 a day. Our Department of Health does contact tracing, and when they did their contact tracing, it all came back, 90 percent of it anyway, to bars and restaurants. Then they had to react and they had the ability to react quickly and they did react quickly, and our Department of Health locked it down because they had to because of the reckless conduct.

Now, we are back to opening slowly; 25 percent, now 50. You cannot take away the ability of the Department of Health in their local counties that they have or the State to react quickly to these issues. Look, we want to help our bars and restaurants and small businesses. We have a billion dollars of CARES (Coronavirus Aid, Relief, and Economic Security Act) money which we could use to help our bars and restaurants survive until we get to a point where there is a treatment for the disease, there is a vaccine for the disease. We need to allocate that. We need to have that. That money is sitting there. Let us use that to make sure that these bars and restaurants and small businesses keep their heads above water and in the meantime we keep our constituents safe. This bill is a bad idea because it just does not do that and it ignores the facts, the science, and the data.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Leader Benninghoff.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

A couple quick comments. I suspect most probably know where they are on this issue. I only have to pick up the phone and listen to many of my local hospitality industry individuals and many of the businesses that depend on them. We forget that this actually affects our local farmers who are not selling as much milk and cheese because restaurants are at such minimal capacity. A former speaker who happens to be a restaurant owner once said to me if you have 25 percent of your table space open for business, 75 percent of those tables are producing nothing.

This mandate came as a result of Allegheny County's investigation saying that they had what they feel was 90 percent of their cases subsequent to close quarters at a bar. Well, that was an Allegheny County issue, but we are putting the same mandate on Sullivan County and Pike County and Clinton County and other counties, some of which have had less than eight or nine COVID cases since its inception, and arbitrarily when you apply a certain number and not consider the square footages of that restaurant, the impact of those restrictions are paramount.

This is not just about being pro-business. This is about trying to keep Pennsylvania rolling. This is about people having the choice. And I would remind our members before you vote, there is not a mandate that you go in any restaurant, there is no mandate for you to go into any eating establishment or any place of hospitality; those are your choices. And I have seen over the last

6 months many of our restaurant operators and hospitality individuals very succinctly putting up different types of clear barriers, extensive washing, and adhering to the guidelines that they have been provided.

These are smart individuals. These are people who love serving others, whether serving food or whatever it is that they do because they care about their community, they care about what they do, and they are going to be the first person to make sure that things are in order and they are going to be the last person to want to jeopardize their own business, much less their livelihood, much less their friends and family. Many of these consumers that go to these eating establishments are considered friends. Many of us go to the same place often because we like that experience.

At the end of the day, this bill provides additional guidelines. We are still requiring them to follow the CDC guidelines, and it makes things more practical. If we want to do as one of our members on the other side of the aisle suggested, come to Harrisburg and do some pro-business bills and get Pennsylvania back on its feet, here is the first bill to do that. Let us get moving, let us support this, and I would ask my members on both sides of the aisle to join us in supporting HB 2513 on concurrence.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House concur in Senate amendments?

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

(Members proceeded to vote.)

The SPEAKER. On that question, the Chair recognizes the gentlewoman, Representative Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman.

The following roll call was recorded:

YEAS—145

Barrar	Galloway	Maloney	Rigby
Benninghoff	Gaydos	Markosek	Roae
Bernstine	Gillen	Marshall	Rothman
Bizzarro	Gillespie	Masser	Rowe
Boback	Gleim	Matzie	Ryan
Bonner	Gregory	McNeill	Sainato
Borowicz	Greiner	Mehaffie	Sankey
Brooks	Grove	Mentzer	Sappey
Brown	Hahn	Merski	Saylor
Burns	Harkins	Metcalfe	Schemel
Carroll	Heffley	Metzgar	Schmitt
Causar	Helm	Mihalek	Schroeder
Ciresi	Hennessey	Millard	Simmons
Conklin	Hershey	Miller, B.	Snyder
Cook	Hickernell	Mizgorski	Solomon
Cox	Irvin	Moul	Sonney
Culver	James	Mullery	Staats
Davanzo	Jones	Mullins	Stephens
Davis, T.	Jozwiak	Murt	Struzzi
Day	Kail	Mustello	Thomas
Deasy	Kaufer	Nelson	Tobash

Delloso	Kauffman	O'Mara	Toepel
Delozier	Keefer	O'Neal	Tomlinson
Diamond	Keller	Oberlander	Toohil
Dowling	Kim	Ortitay	Topper
Driscoll	Kirkland	Owlett	Ullman
Dunbar	Klunk	Peifer	Warner
Dush	Knowles	Petrarca	Wentling
Ecker	Kortz	Pickett	Wheatley
Emrick	Kosierowski	Polinchock	Wheeland
Evans	Kulik	Puskaric	White
Everett	Lawrence	Pyle	Zabel
Farry	Lewis	Quinn	Zimmerman
Fee	Longietti	Rader	
Flynn	Mackenzie	Rapp	Cutler,
Fritz	Mako	Readshaw	Speaker
Gabler	Malagari	Reese	

NAYS—56

Boyle	DeLuca	Innamorato	Ravenstahl
Bradford	Dermody	Isaacson	Roebuck
Briggs	Donatucci	Kenyatta	Samuelson
Bullock	Fiedler	Kinsey	Sanchez
Burgos	Fitzgerald	Krueger	Schlossberg
Caltagirone	Frankel	Lee	Schweyer
Cephas	Freeman	Madden	Shusterman
Comitta	Gainey	McCarter	Sims
Cruz	Goodman	McClinton	Sturla
Daley	Green	Miller, D.	Vitali
Davidson	Hanbidge	Neilson	Warren
Davis, A.	Harris	Otten	Webster
Dawkins	Hohenstein	Pashinski	Williams
DeLissio	Howard	Rabb	Youngblood

NOT VOTING—0

EXCUSED—1

Rozzi

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

Ordered, That the clerk inform the Senate accordingly.

BILL SIGNED BY SPEAKER

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

HB 2513, PN 4340

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

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

The SPEAKER. For the information of the members, there will be no further votes.

**HOUSE BILL
INTRODUCED AND REFERRED**

No. 2886 By Representatives MOUL, RYAN, BROOKS and MILLARD

An Act amending the act of October 24, 1918 (P.L.751, No.124), known as the Intergovernmental Cooperation Authorities Act for Cities of the Third Class, in miscellaneous provisions, further providing for taxes and providing for expiration.

Referred to Committee on LOCAL GOVERNMENT, September 23, 2020.

SENATE BILLS FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following bills for concurrence:

SB 85, PN 2004

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, September 23, 2020.

SB 395, PN 1824

Referred to Committee on STATE GOVERNMENT, September 23, 2020.

SB 1189, PN 2007

Referred to Committee on HEALTH, September 23, 2020.

SB 1241, PN 1936

Referred to Committee on STATE GOVERNMENT, September 23, 2020.

SB 1281, PN 1943

Referred to Committee on TRANSPORTATION, September 23, 2020.

SB 1309, PN 1930

Referred to Committee on STATE GOVERNMENT, September 23, 2020.

RECONSIDERATION MOTION FILED

The SPEAKER. The Speaker is in receipt of the following motion to reconsider the vote by which the veto override for HB 2787, made by Representatives Topper and Reese, was defeated on the 23d day of September be reconsidered.

CALENDAR**BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 2431, PN 3672**, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, in emergency finance and tax provisions, providing for local taxation on real property, for reopening of 2019-2020 school district budgets and for charter school tuition rate for the 2020-2021 school year.

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

BILL TABLED

The SPEAKER. The majority leader moves that HB 2431 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 2431 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.

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The House proceeded to second consideration of **SB 607, PN 1384**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in rules of the road in general, further providing for speed timing devices.

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

BILL TABLED

The SPEAKER. The majority leader moves that SB 607 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 SB 607 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.

RESOLUTIONS

Mr. BENNINGHOFF called up **HR 610, PN 2844**, entitled:

A Resolution honoring the legacy of Cheyney University as the oldest historically black university in the United States and supporting its reaccreditation by the Middle States Commission on Higher Education.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The majority leader moves that HR 610 be removed from the active calendar and placed on the tabled calendar.

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

RESOLUTION REMOVED FROM TABLE

The SPEAKER. The majority leader moves that HR 610 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.

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Mr. BENNINGHOFF called up **HR 659, PN 3116**, entitled:

A Resolution recognizing and honoring the members of Zeta Phi Beta Sorority, Inc., for a century of commitment to social activism, academic excellence and civic engagement in this Commonwealth.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The majority leader moves that HR 659 be removed from the active calendar and placed on the tabled calendar.

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

RESOLUTION REMOVED FROM TABLE

The SPEAKER. The majority leader moves that HR 659 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.

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Mr. BENNINGHOFF called up **HR 679, PN 3178**, entitled:

A Resolution recognizing the week of January 26 through February 1, 2020, as "Catholic Schools Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The majority leader moves that HR 679 be removed from the active calendar and placed on the tabled calendar.

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

RESOLUTION REMOVED FROM TABLE

The SPEAKER. The majority leader moves that HR 679 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.

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Mr. BENNINGHOFF called up **HR 762, PN 3333**, entitled:

A Resolution recognizing the month of April 2020 as "National Poetry Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The majority leader moves that HR 762 be removed from the active calendar and placed on the tabled calendar.

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

RESOLUTION REMOVED FROM TABLE

The SPEAKER. The majority leader moves that HR 762 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.

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Mr. BENNINGHOFF called up **HR 769, PN 3373**, entitled:

A Resolution recognizing April 7, 2020, as "National Healthy Schools Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The majority leader moves that HR 769 be removed from the active calendar and placed on the tabled calendar.

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

RESOLUTION REMOVED FROM TABLE

The SPEAKER. The majority leader moves that HR 769 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.

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Mr. BENNINGHOFF called up **HR 770, PN 3374**, entitled:

A Resolution recognizing the month of April 2020 as "School Library Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The majority leader moves that HR 770 be removed from the active calendar and placed on the tabled calendar.

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

RESOLUTION REMOVED FROM TABLE

The SPEAKER. The majority leader moves that HR 770 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.

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Mr. BENNINGHOFF called up **HR 795, PN 3405**, entitled:

A Resolution congratulating The Pennsylvania State University IFC/Panhellenic Dance Marathon (THON) for raising more than \$11 million for the Four Diamonds Fund at Penn State Hershey Children's Hospital to help fight pediatric cancer.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The majority leader moves that HR 795 be removed from the active calendar and placed on the tabled calendar.

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

RESOLUTION REMOVED FROM TABLE

The SPEAKER. The majority leader moves that HR 795 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.

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Mr. BENNINGHOFF called up **HR 814, PN 3472**, entitled:

A Resolution recognizing April 12, 2020, as "D.E.A.R. Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The majority leader moves that HR 814 be removed from the active calendar and placed on the tabled calendar.

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

RESOLUTION REMOVED FROM TABLE

The SPEAKER. The majority leader moves that HR 814 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.

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Mr. BENNINGHOFF called up **HR 829, PN 3487**, entitled:

A Resolution designating the month of May 2020 as "Junior Achievement Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The majority leader moves that HR 829 be removed from the active calendar and placed on the tabled calendar.

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

RESOLUTION REMOVED FROM TABLE

The SPEAKER. The majority leader moves that HR 829 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.

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Mr. BENNINGHOFF called up **HR 853, PN 3641**, entitled:

A Resolution designating the week of May 3 through 9, 2020, as "Tardive Dyskinesia Awareness Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The majority leader moves that HR 853 be removed from the active calendar and placed on the tabled calendar.

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

RESOLUTION REMOVED FROM TABLE

The SPEAKER. The majority leader moves that HR 853 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.

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Mr. BENNINGHOFF called up **HR 863, PN 3736**, entitled:

A Resolution recognizing the 125th anniversary of the Pennsylvania School Boards Association.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The majority leader moves that HR 863 be removed from the active calendar and placed on the tabled calendar.

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

RESOLUTION REMOVED FROM TABLE

The SPEAKER. The majority leader moves that HR 863 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.

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. The Speaker is in receipt of a motion to adjourn by Representative Oberlander, that this House do now adjourn until Tuesday, September 29, 2020, at 1 p.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 3:09 p.m., e.d.t., the House adjourned.