

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

FRIDAY, FEBRUARY 5, 2021

SESSION OF 2021

205TH OF THE GENERAL ASSEMBLY

No. 11

HOUSE OF REPRESENTATIVES

The House convened at 9:30 a.m., e.s.t.

**THE SPEAKER (BRYAN CUTLER)
PRESIDING**

PRAYER

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

Thank you, Mr. Speaker.

As I have done in times past, as the lone Representative of the Religious Society of Friends (Quakers) – which is William Penn's religion, and William Penn was our founder – I would like to lead us all in silent worship for a couple of minutes. And the way that we will do this is everybody sit down, and we, in the Quaker faith, listen for the light of God and listen in silence to what God tells us. So we will sit for 2 minutes and we will end in the traditional way of Friends, with a handshake – and do not worry, both the Speaker and I have sanitized.

So let us sit down and settle in, and if you want to be guided by anything – for me today, I am thinking of the loss that we have seen over the past year; for some of us, very personal losses – and think of the people who have been lost in your life and think of how their lives reflected God's grace.

(Whereupon, a moment of silence was observed.)

The SPEAKER. That will conclude the prayer.

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, February 4, 2021, will be postponed until printed.

HOUSE BILLS INTRODUCED AND REFERRED

No. 412 By Representatives GLEIM, RYAN, PICKETT, JAMES, MOUL, ECKER, HILL-EVANS, ROWE, KAUFFMAN, KEEFER, FREEMAN, B. MILLER, R. BROWN, ZIMMERMAN and SAYLOR

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in professional employes, providing for day-to-day substitutes; and, in certification of teachers, further providing for substitute teaching permit for prospective teachers and for program of continuing professional education.

Referred to Committee on EDUCATION, February 4, 2021.

No. 413 By Representatives ZABEL, GUENST, FRANKEL, McNEILL, SCHLOSSBERG, SANCHEZ, BURGOS, SHUSTERMAN, SIMS, HOHENSTEIN, HANBIDGE, OTTEN, ISAACSON, WEBSTER, SCHWEYER, D. WILLIAMS and McCLINTON

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in firearms and other dangerous articles, providing for a limit on handgun purchases; and establishing the Violence Prevention Account.

Referred to Committee on JUDICIARY, February 4, 2021.

No. 414 By Representatives ZABEL, STURLA, SANCHEZ, GUENST, KINSEY, HANBIDGE, O'MARA, FREEMAN, CIRESI, WEBSTER, SCHWEYER, HOHENSTEIN, ISAACSON, D. WILLIAMS, KIRKLAND, DRISCOLL, WARREN, SIMS and FRANKEL

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in firearms and other dangerous articles, providing for the offense of undetectable firearms.

Referred to Committee on JUDICIARY, February 4, 2021.

No. 415 By Representatives ZABEL, ISAACSON, KINSEY, GALLOWAY, SANCHEZ, T. DAVIS, HOHENSTEIN, BURGOS, HILL-EVANS, CIRESI, SCHWEYER, ROZZI, HOWARD, DALEY, D. WILLIAMS, SCHLOSSBERG, FREEMAN, PASHINSKI, DELLOSO, GUENST, WARREN, O'MARA, LEE and INNAMORATO

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in protection from abuse, further providing for definitions and for commencement of proceedings.

Referred to Committee on JUDICIARY, February 4, 2021.

No. 416 By Representatives QUINN, PICKETT, BROOKS, THOMAS, HOWARD and WARREN

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 seizure recognition and related first aid training.

Referred to Committee on EDUCATION, February 4, 2021.

No. 417 By Representatives HICKERNELL, CAUSER, DIAMOND, FEE, GLEIM, GREINER, GROVE, JAMES, JOZWIAK, KAUFFMAN, KEEFER, KNOWLES, MALONEY, MENTZER, METCALFE, MILLARD, B. MILLER, MOUL, PICKETT, ROWE, RYAN, STAATS and ZIMMERMAN

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in reimbursements by Commonwealth and between school districts, prohibiting supplemental funding to school districts.

Referred to Committee on EDUCATION, February 4, 2021.

No. 418 By Representatives HICKERNELL, COX, FEE, GREINER, GROVE, KAUFFMAN, KNOWLES, MALONEY, MILLARD, B. MILLER, MOUL, ROWE, RYAN, STAATS and ZIMMERMAN

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in professional employees, repealing provisions relating to prohibited religious garb, insignia, etc., and penalty.

Referred to Committee on EDUCATION, February 4, 2021.

No. 419 By Representatives HICKERNELL, R. BROWN, FEE, JOZWIAK, MENTZER, MILLARD, B. MILLER, MOUL, PICKETT, RYAN, SAYLOR and ZIMMERMAN

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in reimbursements by Commonwealth and between school districts, establishing the Emergency Basic Education Subsidy Fund; and making an appropriation for the purpose of emergency basic education funding.

Referred to Committee on EDUCATION, February 4, 2021.

No. 421 By Representatives HICKERNELL, GLEIM, KAUFFMAN, MENTZER, MILLARD, MOUL and ZIMMERMAN

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, in liability and compensation, further providing for schedule of compensation; and, in Uninsured Employers Guaranty Fund, further providing for claims.

Referred to Committee on LABOR AND INDUSTRY, February 4, 2021.

LEAVES OF ABSENCE

The SPEAKER. Turning to leaves of absence. Are there any leaves?

The Chair recognizes the majority whip, who indicates that there are none. The Chair thanks the lady.

The Chair recognizes the Democratic whip, who indicates that there are no leaves.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—202

Armanini	Flynn	Lee	Rapp
Benham	Frankel	Lewis	Rigby
Benninghoff	Freeman	Longietti	Roae
Bernstine	Fritz	Mackenzie, M.	Rothman
Bizzarro	Gainey	Mackenzie, R.	Rowe
Boback	Galloway	Madden	Rozzi
Bonner	Gaydos	Mako	Ryan
Borowicz	Gillen	Malagari	Sainato
Boyle	Gillespie	Maloney	Samuelson
Bradford	Gleim	Markosek	Sanchez
Briggs	Gregory	Marshall	Sankey
Brooks	Greiner	Masser	Sappay
Brown, A.	Grove	Matzie	Saylor
Brown, R.	Guenst	McClinton	Schemel
Bullock	Guzman	McNeill	Schlossberg
Burgos	Hamm	Mehaffie	Schmitt
Burns	Hanbidge	Mentzer	Schroeder
Carroll	Harkins	Mercuri	Schweyer
Causer	Harris	Merski	Shusterman
Cephas	Heffley	Metcalfe	Silvis
Ciresi	Helm	Metzgar	Sims
Conklin	Hennessey	Mihalek	Smith
Cook	Herrin	Millard	Snyder
Cox	Hershey	Miller, B.	Solomon
Cruz	Hickernell	Miller, D.	Sonney
Culver	Hohenstein	Mizgorski	Staats
Daley	Howard	Moul	Stambaugh
Davanzo	Innamorato	Mullery	Stephens
Davidson	Irvin	Mullins	Struzzi
Davis, A.	Isaacson	Mustello	Sturla
Davis, T.	James	Neilson	Thomas
Dawkins	Jones	Nelson, E.	Tomlinson
Day	Jozwiak	Nelson, N.	Toohil
Deasy	Kail	O'Mara	Topper
DeLissio	Kaufner	O'Neal	Twardzik
Delloso	Kauffman	Oberlander	Vitali
Delozier	Keefer	Ortitay	Warner
DelRosso	Kenyatta	Otten	Warren
DeLuca	Kerwin	Owlett	Webster
Diamond	Kim	Parker	Wentling
Dowling	Kinhead	Pashinski	Wheatley
Driscoll	Kinsey	Peifer	Wheeland
Dunbar	Kirkland	Pennycuick	White
Ecker	Klunk	Pickett	Williams, C.
Emrick	Knowles	Pisciottano	Williams, D.
Evans	Kosierowski	Polinchock	Young
Farry	Krajewski	Puskaric	Zabel
Fee	Krueger	Pyle	Zimmerman
Fiedler	Kulik	Quinn	
Fitzgerald	Labs	Rabb	Cutler,
Flood	Lawrence	Rader	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—0

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

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. At this time the Chair recognizes the gentleman, Representative Saylor, for a committee announcement.

Mr. SAYLOR. Mr. Speaker, the Appropriations Committee will meet immediately in the majority caucus room, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The House will be at ease while the Appropriations Committee meets.

The House will come to order.

BILLS REREPORTED FROM COMMITTEE

HB 101, PN 71

By Rep. SAYLOR

An Act providing for limited civil liability for agritourism activity providers, for notice of limited civil liability and for acknowledgment of limited civil liability.

APPROPRIATIONS.

HB 110, PN 78

By Rep. SAYLOR

An Act amending the act of October 21, 1988 (P.L.1036, No.116), known as the Hardwoods Development Council Act, further providing for Hardwoods Development Council.

APPROPRIATIONS.

HB 187, PN 155

By Rep. SAYLOR

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

APPROPRIATIONS.

HB 326, PN 388

By Rep. SAYLOR

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, in the Governor as Commander-in-Chief, further providing for active duty for emergency.

APPROPRIATIONS.

SB 2, PN 86

By Rep. SAYLOR

A Joint Resolution proposing separate and distinct amendments to the Constitution of Pennsylvania, in declaration of rights, providing for prohibition against denial or abridgment of equality of rights because of race and ethnicity; in legislation, further providing for action on concurrent orders and resolutions; and, in the executive, providing for disaster emergency declaration and management.

APPROPRIATIONS.

CALENDAR

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 109, PN 144**, 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, further providing for declaration of policy and providing for nontaxability of certain income; in emergency COVID-19 response, establishing the Hospitality Industry Recovery Program, providing for emergency education relief to nonpublic schools and for emergency education relief to educational entities and repealing provisions relating to Pennsylvania Housing Finance Agency; establishing the Rental and Utility Assistance Grant Program; in additional special funds and restricted accounts, providing for Workers' Compensation Security Fund transfer to COVID-19 Response Restricted Account; in 2020-2021 Restrictions on Appropriations for Funds and Accounts, further providing for fund transfers; and making appropriations.

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?

As we head to debate, the Chair wants to remind the members that this is a budget-related bill, after conferring with the leaders, so there will be a time limit for all of the members who speak on this bill, which will be displayed on the voting board.

The question is, shall the bill pass finally?

On that question, the Chair recognizes the majority leader.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

This has been a long-awaited bill to get to the members. I would ask the members to give a strong consideration, as we look to try to provide additional relief through this COVID pandemic. A lot of the money that is going to be issued through SB 109 will help our hospitality industry in their recovery program. As we know, they have been one of the hardest hit industries and are in great need.

In addition to that, there is some additional funding for some nonpublic schools to also provide them the opportunity to continue to be educating our children, whether it be remote or in person. There are some additional dollars that are going to be provided to the CTCs (career and technology centers) and some other organizations, specifically schools that are designed to help those with blindness, those who may have hearing challenges, as they have no less challenges than the other educational institutions.

We would ask our members to be supportive of this bill, help us get this money driven out to the constituents of Pennsylvania, get Pennsylvania back on our feet as we move hard to economic recovery and drive out these tax dollars back to our constituents in our communities.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Davis, on final passage.

Mr. DAVIS. Thank you, Mr. Speaker.

Today is an important day and this is an important vote. Passing this bill is a step toward meeting the desperate needs of our communities and creating a lifeline for our neighbors, businesses, and workers. We need to make rent and utility relief available for our families, we need to help struggling businesses and workers, and we need to make sure our schools have the tools they need to teach and reopen safely.

This bill is a start of that lifeline: \$560 million dollars for rent and utility relief, \$145 million dollars for grants for small businesses. More than that, this vote is a sign of what we can do if we put our differences aside and work together. We do not need to spend another year attacking each other, and the people of our State simply cannot afford it. Instead of pointing fingers, we need to work together to get things done, like passing this bill. Even with a vaccine, the pandemic will not end soon. The suffering and the needs of our neighbors will not end tomorrow or next week. We still have more work to do, and we cannot wait until June or July to get it done.

A unanimous "yes" vote on this bill will send an important message to the people of Pennsylvania that we are listening, that we are working to help them together, and I urge you all – all of my colleagues – to vote "yes" on SB 109.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The question is, shall the bill pass finally?

On that question, the Chair recognizes Leader McClinton.

Ms. McCLINTON. Thank you, Mr. Speaker.

There are a few things that are going to help us get out of this pandemic. The first thing we have to do is follow the doctors' orders. That means we have got to put our masks on our face, we have to keep 6 feet away from the people we do not live with, and when it is possible, we have got to stay at home, and as soon as the supply is available, we are going to get vaccinated. But most importantly, the people who have been hit the hardest, the folks who need support need to get money in their pockets, and I am so very excited that SB 109 will provide the financial relief for renters, for people who own restaurants, for people who own facilities that have been shut down during this pandemic, so that all of us can have an opportunity to make it out of it alive.

That being said, SB 109 helps to accomplish the rebuilding of the foundation of our economy across the Commonwealth. Whether we are in rural Pennsylvania or urban Pennsylvania, our service and hospitality industries have taken the hardest hit – more than any other industry – given this pandemic.

I wish we were here to talk about giving them a raise in the minimum wage, but we are not here for that right now, Mr. Speaker. I wish we were here to talk about finally having one fair wage for tipped workers, but we are not here for that either, Mr. Speaker. We are here not to talk about finally being able to give them paid sick leave, but we have got more work to do and more legislative days coming up—

Mr. BENNINGHOFF. Mr. Speaker?

The SPEAKER. The lady will suspend.

For what purpose does the gentleman rise?

Mr. BENNINGHOFF. I respect the gentledady's ability to creatively talk about what we are not talking about, but it would be more important to stay focused on what we are to talk about, and that is the specifics in SB 109. Thank you.

The SPEAKER. The gentleman's request is noted.

As general information to the members, the leaders typically do have a little more leeway than the members on the underlying issues surrounding the bills. But I would encourage the gentledady to stay as closely confined to the bills as well, with the acknowledgement that whatever issues you may bring up, the other leader will have the ability to respond. So the quicker we can get through this debate, the quicker the relief can get out to the individuals.

So the Chair thanks the lady, and you are in order.

Ms. McCLINTON. Thank you, Mr. Speaker.

And I will look for a response from the majority leader. I will look for the time where we raise the minimum wage. I look forward to the time when we increase the tip wage workers. But what we can do this morning is provide rental assistance for folks who have been struggling for too long. What are we spending? We are spending \$600 million from the Federal government in emergency rental assistance to every county across the Commonwealth, because you cannot ask someone to quarantine and to stay at home if they do not have a roof over their head, Mr. Speaker. We cannot ask them to quarantine.

We are also sending money to schools that can train our community members for the high-tech, high-wage jobs of today so that when our students graduate, they can spend money building a life and not in debt to student loans. We are sending \$14 million to community colleges, \$5 million to State System universities, \$20 million for vocational education and job training, \$8 million for students with special needs, and this is real help for the real people who have spent the last year fighting to survive.

This is the money that will help our economies triple up and help us all to bounce back. As we follow the doctors' orders for a little bit longer, I look forward to sitting down with my colleagues and making sure we do all the above that we did not yet accomplish in SB 109.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Representative Saylor, on final passage.

Mr. SAYLOR. Thank you, Mr. Speaker.

SB 109 is a good bill. Not only have we as Republicans allocated dollars for our businesses in this bill, but we also did – without the support of the other side – provide them with tax forgiveness for their PPP (Paycheck Protection Program) loans that they were granted.

You know, the minority leader today talks about what we need to do. What we needed to do was, in a bipartisan way, follow the data that was out there for this past year and that our restaurants – who this Governor bankrupted and put employees on the unemployment line – would not need a lot of this money, nor the more money that we are going to have to provide to them.

Many States in this country were open and did not experience the things that this Commonwealth has experienced over the past year. Look, COVID-19 is real. We do need to wear masks. We

do need to make sure we follow what the CDC (Centers for Disease Control and Prevention) says, but that is not, that is not what this Governor did. That is not what this Governor did. He ruined the lives of many men and women throughout this Commonwealth. Women who had businesses and startups who now do not have a business at all; employees who no longer have jobs. So if we want to brag about this bill – it is a good bill for sure, and it needs unanimous support – but what we really need for bipartisanship is to follow CDC guidelines and get our businesses back and operating and not play some silly political game, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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. 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.

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—202

Armanini	Flynn	Lee	Rapp
Benham	Frankel	Lewis	Rigby
Benninghoff	Freeman	Longietti	Roae
Bernstine	Fritz	Mackenzie, M.	Rothman
Bizzarro	Gainey	Mackenzie, R.	Rowe
Boback	Galloway	Madden	Rozzi
Bonner	Gaydos	Mako	Ryan
Borowicz	Gillen	Malagari	Sainato
Boyle	Gillespie	Maloney	Samuelson
Bradford	Gleim	Markosek	Sanchez
Briggs	Gregory	Marshall	Sankey
Brooks	Greiner	Masser	Sappey
Brown, A.	Grove	Matzie	Saylor
Brown, R.	Guenst	McClinton	Schemel
Bullock	Guzman	McNeill	Schlossberg
Burgos	Hamm	Mehaffie	Schmitt
Burns	Hanbidge	Mentzer	Schroeder
Carroll	Harkins	Mercuri	Schweyer
Causar	Harris	Merski	Shusterman
Cephas	Heffley	Metcalfe	Silvis
Ciresi	Helm	Metzgar	Sims
Conklin	Hennessey	Mihalek	Smith
Cook	Herrin	Millard	Snyder
Cox	Hershey	Miller, B.	Solomon
Cruz	Hickernell	Miller, D.	Sonney
Culver	Hohenstein	Mizgorski	Staats
Daley	Howard	Moul	Stambaugh
Davanzo	Innamorato	Mullery	Stephens
Davidson	Irvin	Mullins	Struzzi
Davis, A.	Isaacson	Mustello	Sturla
Davis, T.	James	Neilson	Thomas
Dawkins	Jones	Nelson, E.	Tomlinson
Day	Jozwiak	Nelson, N.	Toohil
Deasy	Kail	O'Mara	Topper
DeLissio	Kaufers	O'Neal	Twardzik

Delloso	Kauffman	Oberlander	Vitali
Delozier	Keefe	Ortity	Warner
DelRosso	Kenyatta	Otten	Warren
DeLuca	Kerwin	Owlett	Webster
Diamond	Kim	Parker	Wentling
Dowling	Kinhead	Pashinski	Wheatley
Driscoll	Kinsey	Peifer	Whealand
Dunbar	Kirkland	Pennycuick	White
Ecker	Klunk	Pickett	Williams, C.
Emrick	Knowles	Pisciottano	Williams, D.
Evans	Kosierowski	Polinchock	Young
Farry	Krajewski	Puskaric	Zabel
Fee	Krueger	Pyle	Zimmerman
Fiedler	Kulik	Quinn	
Fitzgerald	Labs	Rabb	Cutler,
Flood	Lawrence	Rader	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—0

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.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. For what purpose does the gentleman, Representative Matzie, rise?

Mr. MATZIE. Thank you, Mr. Speaker.

To submit comments on the record on the passage of SB 109.

The SPEAKER. The Chair thanks the gentleman.

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

It is an understatement to say that the Rental and Utility Assistance Program we are creating with SB 109 is necessary. Helping our struggling constituents is absolutely critical. But I regret to say that this legislation does not go far enough to ensure this vital funding reaches all those in need. In my view as the Democratic chair of the Consumer Affairs Committee, this legislative body needs to focus much more on the crisis facing utility customers in this State. SB 109 does not go far enough to ensure the funds reach people quickly. It does not go far enough to provide help to all utility customers. And it does not go far enough to ensure the funds will provide immediate relief to consumers – our constituents.

SB 109 does not apply to landline telephone customers, does not specifically ensure municipal utility or rural electric customers will receive assistance – or at least a proportionate amount – and does not apply to customers who own their home. Additionally, the bill does not permit the customer to determine how the funding is applied to their utility debt. As written, the bill indicates the funding will be applied to the customer's overall balance. Please understand, the problem facing customers is not an increasing balance, it is not being able to pay their bills monthly. Requiring a utility to use the funds to cover a customer's next three monthly bills is relief to the customer and the company. Putting the funds on the overall balance is relief only to the company.

At the rate we are going, utility customers in Pennsylvania – our constituents – will never pay off their debt. It is imperative that this legislative body work with the Public Utility Commission, advocates, and utility companies to find a real solution to this serious problem.

SUPPLEMENTAL CALENDAR A

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 101, PN 71**, entitled:

An Act providing for limited civil liability for agritourism activity providers, for notice of limited civil liability and for acknowledgment of limited civil liability.

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 that question, the Chair recognizes the gentlewoman, Representative Gleim, on final passage.

Mrs. GLEIM. Thank you, Mr. Speaker.

HB 101 amends Title 42 of the PA Consolidated Statutes and allows for limited civil liability for agritourism activities on farms in Pennsylvania. This bill was brought before the House in November of 2020 and passed in a bipartisan manner.

Mr. Speaker, there is widespread support for this bill, as it is pro-economic growth and community development. It is crucial that farmers be allowed to diversify their businesses, now more than ever, and this bill removes the barriers to that end. There is no known opposition to this bill, and I ask for an affirmative vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

The Chair now recognizes the gentleman, Representative Zabel, on final passage.

Mr. ZABEL. Thank you, Mr. Speaker.

Mr. Speaker, my family and I love to go to our local farms. We have done it to pick out a Christmas tree, to go on hayrides, and to pick apples. I support our local farms as a patron and as a legislator. I believe we should be doing everything we can as a legislative body to help our farms and every other business that is struggling to keep its head above water during this pandemic. But I also believe our farms should be subject to the same safety standards as every other business – the same safety standards.

What is on the table today, what we are thinking about voting on, is something that cuts a consumer protection; that is what it does, and I cannot abide that. I want to help this industry and I recognize – actually, I commend the maker of the bill for her efforts to address some of those safety concerns, but the fact of the matter is, it is our legal history, longer than the country itself, that when you open up your land and have people onto it, you assume an obligation to conduct yourself in a reasonable and safe manner. This bill takes away that "reasonable" requirement. You can be unreasonable in your safety measures, you just cannot be grossly unreasonable. That is going to put Pennsylvanians in danger; there is no other way around it. I will not make that sacrifice.

The net beneficial effect of this bill will be slightly lower liability insurance premiums for farms. That is all this bill does. They will still have to get liability insurance, it will just make the premiums a little bit cheaper. So our compromise for slightly lower insurance premiums is more Pennsylvanians are at a greater risk of danger.

I cannot vote for that, and I encourage everyone who cares about consumer protections to vote "no" as well. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Owlett, on final passage.

Mr. OWLETT. Thank you, Mr. Speaker.

And thank you, Representative, for your leadership on HB 101.

Mr. Speaker, I remember the debate here on the floor this past spring when we were talking about where our food comes from here in the Commonwealth, and I remember a member standing up and saying that it comes from the local Costco. No, Mr. Speaker, it comes from the hardworking farmers all across this Commonwealth and country. Our farmers put countless hours in in support of our local economy and literally put food on our tables. However, there are so many things that we can do to continue to support them, and we can continue to learn where our food truly comes from, and it is hard for me to understand that, as I grew up on a dairy farm. Mr. Speaker, that is where agritourism is so important. In a world where we throw so much away and waste does not really seem to bother us anymore, now more than ever we need to get people out on our farms in a safe way to see exactly where their food comes from and to meet the hardworking men and women that make it possible.

Mr. Speaker, agritourism is a way for these farmers to generate some extra income for their farms, so for a farmer that wants to deliver and to diversify into agritourism, they need this bill. For the farmer in my district that has a corn maze – just like all of us love to go to corn mazes, right, and just like the farm that I grew up on. We had a corn maze – they need this bill. Who does not love a good corn maze in the fall? For the farmer that wants to do the field trips to educate the next generation on exactly where their food comes from, they need this bill. We need this bill, Mr. Speaker, so that the next generation, when they are asked where their food comes from, they do not say it comes from the local supermarket. For the farmer that is holding on by a shoestring, hoping that we come through on this bill and finally give them an opportunity to develop a plan to keep their farm, they need this bill.

This is a good bill. It needs to be done today. It is common sense, it is for our farmers, it is for the next generation, and it is for the future of agriculture. Please support HB 101.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Moul, on final passage.

Mr. MOUL. Thank you, Mr. Speaker.

I will do this very, very briefly.

On HB 101 yesterday, I spoke to a member of the Trial Lawyers Association. They are neutral on the bill. They do not have an opposition to it. And as the chairman of Agriculture and Rural Affairs, this bill came out of committee unanimously, so they are unanimous on both sides of the aisle. There is no reason to not vote for this. Please vote "yes" on HB 101.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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. 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—142

Armanini	Gleim	Maloney	Roae
Benham	Gregory	Markosek	Rothman
Benninghoff	Greiner	Marshall	Rowe
Bernstine	Grove	Masser	Ryan
Boback	Guenst	Matzie	Sainato
Bonner	Hamm	Mehaffie	Sankey
Borowicz	Hanbidge	Mentzer	Sappey
Brooks	Heffley	Mercuri	Saylor
Brown, R.	Helm	Metcalfe	Schemel
Burgos	Hennessey	Metzgar	Schmitt
Burns	Herrin	Mihalek	Schroeder
Carroll	Hershey	Millard	Silvis
Causar	Hickernell	Miller, B.	Smith
Ciresi	Howard	Mizgorski	Snyder
Conklin	Irvin	Moul	Solomon
Cook	James	Mullins	Sonney
Cox	Jones	Mustello	Staats
Culver	Jozwiak	Nelson, E.	Stambaugh
Davanzo	Kail	O'Mara	Stephens
Day	Kaufner	O'Neal	Struzzi
DeLissio	Kauffman	Oberlander	Thomas
Delozier	Keefer	Ortitay	Tomlinson
DelRosso	Kerwin	Otten	Toohil
Diamond	Klunk	Owlett	Topper
Dowling	Knowles	Pashinski	Twardzik
Dunbar	Kosierowski	Peifer	Warner
Ecker	Krueger	Pennycuick	Webster
Emrick	Labs	Pickett	Wentling
Farry	Lawrence	Pisciottano	Wheeland
Fee	Lewis	Polinchock	White
Flood	Longietti	Puskaric	Williams, C.
Flynn	Mackenzie, M.	Pyle	Williams, D.
Fritz	Mackenzie, R.	Quinn	Zimmerman
Gaydos	Madden	Rader	
Gillen	Mako	Rapp	Cutler,
Gillespie	Malagari	Rigby	Speaker

NAYS—60

Bizzarro	DeLuca	Kenyatta	Parker
Boyle	Driscoll	Kim	Rabb
Bradford	Evans	Kinthead	Rozzi
Briggs	Fiedler	Kinsey	Samuelson
Brown, A.	Fitzgerald	Kirkland	Sanchez
Bullock	Frankel	Krajewski	Schlossberg
Cephas	Freeman	Kulik	Schweyer
Cruz	Gainey	Lee	Shusterman
Daley	Galloway	McClinton	Sims
Davidson	Guzman	McNeill	Sturla
Davis, A.	Harkins	Merski	Vitali
Davis, T.	Harris	Miller, D.	Warren

Dawkins	Hohenstein	Mullery	Wheatley
Deasy	Innamorato	Neilson	Young
Delloso	Isaacson	Nelson, N.	Zabel

NOT VOTING—0

EXCUSED—0

The majority required by the Constitution having voted in the
 affirmative, the question was determined in the affirmative and
 the bill passed finally.

Ordered, That the clerk present the same to the Senate for
 concurrence.

* * *

The House proceeded to third consideration of **HB 110**,
PN 78, entitled:

An Act amending the act of October 21, 1988 (P.L.1036, No.116),
 known as the Hardwoods Development Council Act, further providing
 for Hardwoods Development Council.

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

(Bill analysis was read.)

The SPEAKER. This bill has been considered on three
 different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

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

(Members proceeded to vote.)

The SPEAKER. 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—202

Armanini	Flynn	Lee	Rapp
Benham	Frankel	Lewis	Rigby
Benninghoff	Freeman	Longietti	Roae
Bernstine	Fritz	Mackenzie, M.	Rothman
Bizzarro	Gainey	Mackenzie, R.	Rowe
Boback	Galloway	Madden	Rozzi
Bonner	Gaydos	Mako	Ryan
Borowicz	Gillen	Malagari	Sainato
Boyle	Gillespie	Maloney	Samuelson
Bradford	Gleim	Markosek	Sanchez
Briggs	Gregory	Marshall	Sankey
Brooks	Greiner	Masser	Sappey
Brown, A.	Grove	Matzie	Saylor
Brown, R.	Guenst	McClinton	Schemel

Bullock	Guzman	McNeill	Schlossberg
Burgos	Hamm	Mehaffie	Schmitt
Burns	Hanbidge	Mentzer	Schroeder
Carroll	Harkins	Mercuri	Schweyer
Causer	Harris	Merski	Shusterman
Cephas	Heffley	Metcalfe	Silvis
Ciresi	Helm	Metzgar	Sims
Conklin	Hennessey	Mihalek	Smith
Cook	Herrin	Millard	Snyder
Cox	Hershey	Miller, B.	Solomon
Cruz	Hickernell	Miller, D.	Sonney
Culver	Hohenstein	Mizgorski	Staats
Daley	Howard	Moul	Stambaugh
Davanzo	Innamorato	Mullery	Stephens
Davidson	Irvin	Mullins	Struzzi
Davis, A.	Isaacson	Mustello	Sturla
Davis, T.	James	Neilson	Thomas
Dawkins	Jones	Nelson, E.	Tomlinson
Day	Jozwiak	Nelson, N.	Toohil
Deasy	Kail	O'Mara	Topper
DeLissio	Kaufer	O'Neal	Twardzik
Delloso	Kauffman	Oberlander	Vitali
Delozier	Keefer	Ortitay	Warner
DelRosso	Kenyatta	Otten	Warren
DeLuca	Kerwin	Owlett	Webster
Diamond	Kim	Parker	Wentling
Dowling	Kinkead	Pashinski	Wheatley
Driscoll	Kinsey	Peifer	Wheeland
Dunbar	Kirkland	Pennycuick	White
Ecker	Klunk	Pickett	Williams, C.
Emrick	Knowles	Pisciottano	Williams, D.
Evans	Kosierowski	Polinchock	Young
Farry	Krajewski	Puskaric	Zabel
Fee	Krueger	Pyle	Zimmerman
Fiedler	Kulik	Quinn	
Fitzgerald	Labs	Rabb	Cutler,
Flood	Lawrence	Rader	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

* * *

The House proceeded to third consideration of **HB 187, PN 155**, entitled:

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

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

(Bill analysis was read.)

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.
The question is, shall the bill pass finally?

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

(Members proceeded to vote.)

The SPEAKER. 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—202

Armanini	Flynn	Lee	Rapp
Benham	Frankel	Lewis	Rigby
Benninghoff	Freeman	Longietti	Roae
Bernstine	Fritz	Mackenzie, M.	Rothman
Bizzarro	Gainey	Mackenzie, R.	Rowe
Boback	Galloway	Madden	Rozzi
Bonner	Gaydos	Mako	Ryan
Borowicz	Gillen	Malagari	Sainato
Boyle	Gillespie	Maloney	Samuelson
Bradford	Gleim	Markosek	Sanchez
Briggs	Gregory	Marshall	Sankey
Brooks	Greiner	Masser	Sappey
Brown, A.	Grove	Matzie	Saylor
Brown, R.	Guenst	McClinton	Schemel
Bullock	Guzman	McNeill	Schlossberg
Burgos	Hamm	Mehaffie	Schmitt
Burns	Hanbidge	Mentzer	Schroeder
Carroll	Harkins	Mercuri	Schweyer
Causer	Harris	Merski	Shusterman
Cephas	Heffley	Metcalfe	Silvis
Ciresi	Helm	Metzgar	Sims
Conklin	Hennessey	Mihalek	Smith
Cook	Herrin	Millard	Snyder
Cox	Hershey	Miller, B.	Solomon
Cruz	Hickernell	Miller, D.	Sonney
Culver	Hohenstein	Mizgorski	Staats
Daley	Howard	Moul	Stambaugh
Davanzo	Innamorato	Mullery	Stephens
Davidson	Irvin	Mullins	Struzzi
Davis, A.	Isaacson	Mustello	Sturla
Davis, T.	James	Neilson	Thomas
Dawkins	Jones	Nelson, E.	Tomlinson
Day	Jozwiak	Nelson, N.	Toohil
Deasy	Kail	O'Mara	Topper
DeLissio	Kaufer	O'Neal	Twardzik
Delloso	Kauffman	Oberlander	Vitali
Delozier	Keefer	Ortitay	Warner
DelRosso	Kenyatta	Otten	Warren
DeLuca	Kerwin	Owlett	Webster
Diamond	Kim	Parker	Wentling
Dowling	Kinkead	Pashinski	Wheatley
Driscoll	Kinsey	Peifer	Wheeland
Dunbar	Kirkland	Pennycuick	White
Ecker	Klunk	Pickett	Williams, C.
Emrick	Knowles	Pisciottano	Williams, D.
Evans	Kosierowski	Polinchock	Young
Farry	Krajewski	Puskaric	Zabel
Fee	Krueger	Pyle	Zimmerman
Fiedler	Kulik	Quinn	
Fitzgerald	Labs	Rabb	Cutler,
Flood	Lawrence	Rader	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

* * *

The House proceeded to third consideration of **SB 2, PN 86**, entitled:

A Joint Resolution proposing separate and distinct amendments to the Constitution of Pennsylvania, in declaration of rights, providing for prohibition against denial or abridgment of equality of rights because of race and ethnicity; in legislation, further providing for action on concurrent orders and resolutions; and, in the executive, providing for disaster emergency declaration and management.

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 that question, the Chair recognizes the majority leader.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

We have had a lot of discussion on this issue the last couple sessions. It is important to our constituents and it is important to our members to be limiting, in the future, disaster declarations to 21 days called by a Governor – a Governor – that the General Assembly also has a voice in this – the voice elected also by the people – so that if it is to be extended beyond that, that you and I would have a voice in that and put this into the Constitution.

I would ask the members to wholeheartedly support this as we round out the rest of today. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Grove, on final passage.

Mr. GROVE. Thank you, Mr. Speaker.

SB 2 has been oftentimes framed as partisan bickering, Mr. Speaker, but I think we should be aware of what is happening in our sister States all across the United States, Mr. Speaker. This is not about partisanship; it is about our Constitution. It is about checks and balances that have been enshrined since the founding of our State and our country.

Just today, Mr. Speaker, I pulled some headlines of what is happening in our other States. Idaho, the State of Idaho. Completely Republican majority legislature with a Republican Governor. "Governor's emergency powers targeted again. Idaho House introduces a third bill after similar measures failed this session."

Nevada looks "...to limit governor's emergency powers."

"Debate about Walz emergency powers continues in MN...."

"New Mexico latest legislature to question emergency powers."

Gov. Greg Abbott of Texas – Republican Governor, Republican-controlled legislature – "Gov. Greg Abbott open to reforming his emergency powers after months of criticism from both parties." That is leadership, Mr. Speaker.

Kentucky: "Beshear fires back at...rollback of his emergency powers."

"N.H. Lawmakers Discuss Curbing Emergency Powers of State Health Department."

New York: "State lawmakers push to rescind Gov. Cuomo's emergency powers."

"...Maryland Delegate Wants to Limit Hogan's Emergency Powers," Mr. Speaker. Democrat-controlled legislature, Republican Governor.

Arizona – Republican legislature, Republican Governor – "Lawmakers push emergency powers curbs."

"Bill tweaking governor's emergency powers heads to SC House." Republican legislature, Republican Governor.

"Bill would limit Montana governor's emergency powers during extended crisis."

"House...Leader Submits Bill To Curb Governor's Emergency Powers," in Maine.

The State of Washington. Quote, "Some Democrats also back limits on governors' emergency powers. Washington state Rep. Steve Kirby is co-sponsoring two bills: one that would restrict the governor's emergency orders to 30 days, unless the legislature votes to extend them, and another that would similarly restrict the state health...emergency orders.

"Kirby said he signed on because Democratic Gov. Jay Inslee has made decisions without much consultation with lawmakers, such as shutting down businesses – which has resulted in layoffs and economic strain. 'I've been getting emails, every day, for months, from people who are downright desperate,' Kirby said, 'and it just frustrates me to no end that I haven't been able to do anything about it.'

"Kirby said he's not committed to voting for either bill and doubts they'll even make it to a vote. But, he said, he hopes his co-sponsorship will encourage fellow Democrats to air their concerns about emergency orders."

"Missouri lawmakers cracking down on local emergency powers used to crack down on businesses."

Indiana – Republican legislature, Republican Governor – "Legislators debate whether to limit governor's emergency powers."

"Most TN lawmakers want a say about a future governor's emergency powers."

Mr. Speaker, this is not unique for this State. This is about us, the legislative branch. This is about retaining our power within our constitutional boundaries. We have been operating, we have been operating this entire pandemic. We adjusted our rules to allow that to happen. We are doing it under those rules today. We are a deliberative body. We can work hand in hand with the Governor to work on pandemic relief. We just did it with SB 109. We are capable of doing it.

Many have said that oh, we are going to sweep away, we are just going to sweep away power by doing this. Let us look at other States and their restrictions.

Florida: duration of Governor's authority is 60 days. Can be renewed by the Governor. Legislature can terminate it. Not once has the Florida General Assembly terminated the Governor's emergency powers. Why? Because they worked in conjunction together to improve the lives of their residents.

Indiana: 30 days. Renewed by the Governor. Legislature can terminate it by joint resolution. Indiana has not rescinded the emergency powers of their Governor.

Kansas: 15 days. Requires legislative approval to extend. Kansas has extended it, because they work together with the Governor.

New York: 6 months. Renewed by Governor. The legislature can terminate by concurrent resolution. They have not.

South Carolina: 15 days. Must receive consent of the legislature to extend the automatic expiration. They have not.

Texas: 30 days. Legislature may terminate by law.

West Virginia: 30 days. Legislature can terminate by joint resolution.

Those States have not done it because they have been able to work together in a bipartisan fashion.

Mr. Speaker, under our emergency pandemic, what do we know? We know we are under, actually under two orders. We know that we are under one for a couple years for opioids. Under the current pandemic – emergency declaration of COVID-19 pandemic – opioid deaths have increased. People are struggling with mental health, and it is not getting better. Businesses have been shut down. They do not exist anymore under this order. There is no continuity for any business to stay open.

Checks and balances, Mr. Speaker. This should be a unanimous vote from this General Assembly to send a message that we will not curtail our powers and erode them anymore. If this would be a Republican Governor – under Governor Corbett, this would be a unanimous vote, without a doubt. We need to get past the partisanship and view this as a legislative versus executive branch, because that is exactly what this is.

POINT OF ORDER

Ms. McCLINTON. Mr. Speaker, point of order.

Mr. GROVE. Every other State—

The SPEAKER. The gentleman will please suspend.

For what purpose does the lady rise?

Ms. McCLINTON. This member is questioning the motives of our members, Mr. Speaker, by saying if it was a Republican Governor, it would be a unanimous vote.

The SPEAKER. Leader McClinton is correct.

As a general reminder, I would simply remind all members not to question the motives or the reasons to support or oppose any piece of legislation in the chamber.

The gentleman is in order and may proceed.

Mr. GROVE. Thank you, Mr. Speaker.

I apologize to the minority leader.

I hope we can have a bipartisan vote on this. I hope my colleagues view this as it is, a check and balance within our power as a legislative branch. I look forward to working with every member of this chamber to – when this passes, hopefully, the voters will have a say and they will approve these measures. I look forward to working with my colleagues in this entire body, across the chamber, and in the empty Governor's Office back here, to ensure that we have—

POINT OF ORDER

Ms. McCLINTON. Point of order, Mr. Speaker.

The SPEAKER. For what purpose does the leader rise?

Ms. McCLINTON. This member is disparaging another member of government in the middle of this pandemic by referencing which offices are occupied and which offices may not be.

Last I checked, the entire Capitol is closed for this pandemic and people across this Commonwealth are working remotely.

The SPEAKER. The lady will suspend, please. I am consulting with the Parliamentarian. Your point of order has been raised and we will address it.

The Speaker did not hear anything inappropriate regarding disparaging other members, because you both are correct, in terms of the Capitol being closed and which offices may or may not be open. I do not believe that that questions motives, but it is a good time to remind members that, just as we cannot question or disparage members here inside and their motives, nor can we regarding other branches of government. We had quoted Mason's Manual previously, and I would be happy to distribute that to any members who would like to see that cite, but I would encourage the gentleman to continue the debate on final passage.

Mr. GROVE. Will do.

Mr. Speaker—

Ms. McCLINTON. Mr. Speaker?

Mr. GROVE. —I will rephrase: to my neighbor from Mount Wolf.

The SPEAKER. The gentleman will please suspend.

POINT OF ORDER

The SPEAKER. For what purpose does the lady rise?

Ms. McCLINTON. A point of order. He is trying to bring the Governor's Office into disrepute by saying which offices are occupied, which offices are not occupied; who is working in person and who is working remotely.

The SPEAKER. Your point of order has been noted; however, I do not believe he is disparaging the Governor regarding which manner of work he chooses to utilize, just as we do not with our own members. So I do not think it is a personal disparagement.

Ms. McCLINTON. I just heard him say the office—

The SPEAKER. The lady will please suspend. She is not in order.

The Chair is explaining the point of order that was previously raised.

The issue that was raised and the rule that is quoted is one of personal disparagement, and I believe the gentleman has rightfully stayed on factual basis in regards to work matters.

The gentleman is in order and may proceed.

Mr. GROVE. Mr. Speaker, I will rephrase. I will rephrase.

The Governor actually lives in the town next to me, so I will say, the Governor who is my neighbor in the next town over, from where he has based his operations out of, Mount Wolf, Pennsylvania. It is a great place.

We have seen 25 percent of jobs compared to last year – only California has more restrictions on businesses, travel, individual restrictions. Reservations from OpenTable show restaurants on the platform in Pittsburgh are down 75 percent from year ago. By contrast, Florida has experienced a 30-percent to 50-percent reservation decrease. Indoor dining in Philadelphia has been

prohibited until January 16. CNN's Back-to-Normal Index ranks Pennsylvania the 8th worst in economic recovery, with only California, New York, Minnesota, New Mexico, Oregon, Massachusetts, and Illinois experiencing more COVID restrictions. State jobs report estimates payroll jobs are down \$459,000 from January 2020, and it puts Pennsylvania 46th in recovering payroll jobs.

Mr. Speaker, we had to pass a bill today to get our National Guard engaged in vaccines. It is time this body reaffirms itself in this crisis. It is time we rebalance the powers and make sure the people's voices are heard during this. I do not even need to get into the utter lack of transparency in this pandemic, but I look forward to working with all my colleagues, the Senate, and the Governor's Office moving forward to address this pandemic in a reasonable fashion.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentlewoman, Representative Davidson, on final passage.

Mrs. DAVIDSON. Mr. Speaker, I was not going to speak on this bill. We have talked about why we believe the bill is unreasonable and why we believe the bill is unjust and why we believe the bill is deadly. But I could not sit idly by – although I left my speech in my office – to listen to some of the things that I have heard today. There is a running political joke, Mr. Speaker, that every member of Congress wants to be President, including the Senate. There is also a running joke that every legislator wants to be Governor. We have seen bill after bill, including this bill, SB 2, where the legislature seeks to be the Governor, where the legislature wants to take on the duties and the responsibilities of the executive branch. Also, we have seen constitutional amendments where the legislature – this Republican, gerrymandered legislature – wants to be the Supreme Court. This legislature wants to just run all through government and do every possible job at a time when Pennsylvanians are dying, Mr. Speaker. This gerrymandered Republican majority refuses to acknowledge that 400,000 people, over 400,000 people—

Mr. BENNINGHOFF. Mr. Speaker?

Mrs. DAVIDSON. —have died.

The SPEAKER. The lady will please suspend.

POINT OF ORDER

The SPEAKER. For what purpose does the gentleman rise?

Mr. BENNINGHOFF. I would again respectfully ask that we stay on SB 2, not be talking about legislative redistricting or any other type of associated act.

The SPEAKER. The gentleman is correct. The rules are very clear. This is regarding the underlying nature of SB 2 and the Executive powers contained therein.

I ask the gentlelady to confine her comments to that.

Mrs. DAVIDSON. I am talking about the snatching of Executive powers in many of these legislative bills, including SB 2. It is not the first and it will not be the last power grab by this Republican, gerrymandered Republican majority.

This bill does not deal with the fact that on day 22 of any emergency what will happen. Our esteemed minority leader spoke to us about the fact that there could be any number of disasters for which we will be woefully unprepared. All we are talking about in this season, in this political season of insurrection and government instability, in SB 2 is to seize power from one

branch of government to another, and that is exactly what is happening in other States, whether it is Republican or Democratic, some forms of government, some folks want to seize power from other forms of government, but the people are being ignored.

We can all talk about the statistics of how the economy is doing. The economy is failing because people are dying, Mr. Speaker. I do not want to say what is more obvious than the fact that people in Pennsylvania are dying. No, they cannot go to the restaurants. No, they cannot go shopping. They are dying. The fact that we cannot recognize that our economy is failing because we failed to do the things that are necessary to stem the tide of COVID. I know for many in this chamber, that is not a reality, because they live in an alternate reality. But people are still dying whether you choose to acknowledge it or not, and whether or not somebody can go to a supermarket or restaurant or retail store or hardware or baseball game is not as important as their life.

Mr. Speaker, this is ridiculous, and so is SB 2, and I urge a "no" vote.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Representative Hohenstein, on final passage of the bill.

Mr. HOHENSTEIN. Thank you, Mr. Speaker.

I want to talk a bit about separation of powers, because that is really what we are talking about. We have a form of government in the Commonwealth and in the United States that is based on balancing our three coequal forms of government. The current structure that we have does provide this body with the oversight that is being sought by this bill. We have the power to end emergency declarations with a supermajority vote, and the reason for that is, we, when we engage into executive functions like emergency declarations, need to move with a broader base of consensus in order to make certain that the quality of our decisions is as strong and as forceful as possible. This bill, in pushing it back down to a simple majority, will reduce the quality of our oversight over the executive functions of the Governor's Office.

I also think it is a bad idea in general for our body to engage in what is the executive function of the Governor's Office in an emergency situation, and the reason for that is, we, as a body, are not nimble. It takes months, sometimes years, for the type of legislation that is necessary to address or the types of actions that are necessary to address emergency situations to be put into force. An Executive needs to be able to make snap decisions and fast decisions. This bill, providing too much oversight from this body, keeps us from being able to do that.

And as an example, we, in other emergency situations as a body, have not actually met with the type of speed that this bill would anticipate. In World War II, which is undoubtedly an emergency situation, over 30,000 Pennsylvanians lost their lives in the conflict for those 4 years. By comparison, in less than a year of this pandemic, 20,000 Pennsylvanians have lost their lives. But in World War II, this body met – in looking at the historic records – about 2 to 3 weeks' worth of time over the course of 4 years. There were 2 years during the war in which this body never met at all. When we actually have emergency situations that will prevent us from coming together or coming together appropriately, this type of legislation will limit the necessary executive functions that our Governor is going to need to make the decisions quickly.

Justice Jackson, who was a Supreme Court Justice back at the time of World War II and oversaw a lot of the Nazi trials after the war, made a comment that when these types of actions are considered and were balancing the idea of liberty and self-determination with order, that that is actually a false choice, because if we begin to overemphasize personal liberty, we actually then grind the mechanisms and the machines that we need to have our society function, those are ground to a halt. And a lot has been said on these various bills, and this is – I will wrap up – about the idea of freedom, and I want to propose to people that freedom is not simply individual liberty. That is the first piece of it. But when we look at freedom for our society, it has to include the recognition that other people have freedoms, other people have the right to life, liberty, and the pursuit of happiness, and that when our personal freedoms collide, because some people believe that their freedoms are worth more than other people's freedoms, we have to stop and be accountable and then accept limitations, because our freedoms and other people's freedoms need to have balance. The current system we have, with an override power already invested in this body, gives us that proper balance.

This bill, SB 2, shifts the balance in a way that I think is dangerous, so I ask people for a "no" vote. Thank you.

The SPEAKER. The Chair thanks the gentleman and now recognizes the gentleman, Representative Diamond, on final passage.

While he is approaching the microphone, the Speaker needs to correct the record. I had inaccurately referenced Mason's Manual. It is actually Jefferson's Manual. I will read the relevant excerpts here for the benefits of the members.

Now, this particular cite refers to the President, but it would also refer to our own executive and judicial branches as well, and it says, "...it has been held in order in debate to refer to the President of the United States or his opinions, either with approval or criticism, provided that such reference be relevant to the subject under discussion and otherwise conformable to the Rules of the House. Under this standard the following references are in order: (1) a reference to the probable action of the President; (2) an adjuration to the President to keep his word.... (3) an accusation that the President 'frivolously vetoed' a bill. Although wide latitude is permitted in debate on a proposition to impeach the President, Members must abstain from language personally offensive;...Members must abstain from comparisons to the personal conduct of sitting Members of the House or Senate." And I think this is the crux of the rule: "Personal abuse, innuendo, or ridicule of the President" – or the Executive – "is not permitted."

The gentleman is in order and may proceed.

Mr. DIAMOND. Thank you, Mr. Speaker.

I rise in support of SB 2 today, because this does reestablish the checks and balances which are at the heart of our constitutional Republic. My good friend, the gentelady from Delaware County, alluded to the 22d day of an emergency and what might happen if SB 2 is passed. But I think we have to look back and see what did happen in those first 21 days. A disaster emergency was declared on March 6 of last year. On day 10 restaurants and bars were all shut down. On day 12 all businesses – non-life-sustaining businesses – were shut down. On day 13 a very questionable and data-free business waiver system was enacted – that we still do not know the answers to, by the way; who got a waiver, who did not, and why.

Now, quite frankly, as a member of this General Assembly, if I am in support of those programs, those decisions that are going to ruin people's lives and shut down their businesses, if I support that, I would love to stand up on this floor within the first 21 days and say I fully support shutting down businesses and putting people out of jobs. I want the General Assembly to have that right and not have to wait months and months and months and do it over a long period of time. Just stand up and be counted within the first 3 weeks. If you want to shut down businesses, you want to ruin people's lives, stand up and be counted. You should be voting for this bill.

Mr. Speaker, my good friend, the gentelady from Delaware County, also insinuated that the people are being ignored. Mr. Speaker, this is a constitutional amendment. It is the epitome of the democratic process, where the people have the final say.

Mr. Speaker, SB 2 is a great bill. It will give the people of our Commonwealth – our bosses – the chance to reform and alter their form of government, just like is promised by Article I, section 2, of that same Constitution. I urge an affirmative "yes" vote on SB 2.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes the gentleman, Representative Lawrence, on final passage.

Mr. LAWRENCE. Thank you, Mr. Speaker.

I would just like to submit comments for the record.

The SPEAKER. The Chair thanks the gentleman. The comments will be submitted for the record.

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

The bill in front of us today puts important issues in the public discourse to the citizens of Pennsylvania for their input. I would like to specifically address the proposed amendment regarding emergency declarations in Pennsylvania.

Mr. Speaker, we have many pressing issues facing this State, many very serious issues. They deserve our attention. A serious situation and an emergency are two different things. A serious medical condition might bring someone to a hospital emergency room, but no one stays in the emergency room for 3 years. An approaching storm would get folks into an emergency shelter, and a bad storm can lead to a long recovery, but no one stays in a tornado shelter for 3 years.

His Excellency, the Governor, has kept the State of Pennsylvania in a continual state of emergency for over 3 years – 3 years. For the last year, the citizens of Pennsylvania have been under multiple separate emergency declarations – as many as three at one time.

Section 7301 of the Emergency Services Code allows for the Governor to suspend any regulatory statute. It allows the Governor to commandeer private property. It gives the Governor sweeping authority over the National Guard. These powers may be necessary to respond to an imminent threat, but I ask – is it appropriate for any one elected official to be able to give him or herself these unfettered authorities indefinitely?

Now, we have heard a great deal of hand-wringing that somehow by passing this bill, a bill that gives the people of Pennsylvania the opportunity to have their say on this issue, is somehow going to directly lead to loss of billions of dollars in Federal funding and all sorts of other dire consequences. This is simply not correct.

Many other States already have provisions similar to those contemplated in the proposed constitutional amendment before us. None of those States have lost a dime in Federal funding. These supposed threats are simply hollow rhetoric.

Mr. Speaker, we have heard much in recent days about the strength of our democracy. I am a fan of democracy. The issue before the House today is one of democracy.

This is an important point. Today's vote is not a vote on whether we like or do not like this proposal. Our affirmative vote today on SB 2 moves these constitutional questions to the people of Pennsylvania for their say in a referendum vote. Today's vote is a vote for democracy.

Are we afraid of what the people of Pennsylvania will say on this issue? Are we unwilling to let the taxpayers and residents of this State have their voice heard on this issue?

I encourage an affirmative vote on SB 2.

The SPEAKER. The Chair now recognizes the gentleman, Representative Moul, on final passage.

Mr. MOUL. Thank you, Mr. Speaker.

I will try to be brief, but this one is going to be tough.

We heard a few minutes ago, someone got up here and said people are dying. Yes, people are dying. But let me tell you one of the things that created the impetus to SB 2. Early on our Governor, along with the Governor of New York, Cuomo, and along with the Governor of New Jersey, Murphy, got together – I guess because they all followed the same playbook – and put COVID-sick seniors in nursing homes, which caused the premature death of thousands, thousands—

POINT OF ORDER

Ms. McCLINTON. Point of order, Mr. Speaker.

The SPEAKER. The gentleman will suspend.

For what purpose does the lady rise?

Ms. McCLINTON. This is not on the bill. This bill is about emergency declaration.

Mr. MOUL. Mr. Speaker—

The SPEAKER. The gentleman will suspend.

I am consulting with the Parliamentarian.

The Chair believes he was giving a brief introduction to the emergency powers, but I would encourage him to stay on the underlying subject of those emergency powers, which is contained in SB 2 on final passage, or the other two constitutional provisions.

POINT OF ORDER

Ms. McCLINTON. Mr. Speaker?

The SPEAKER. For what purpose does the lady rise?

Ms. McCLINTON. Point of order.

The implication that I heard—

The SPEAKER. You are in order and may proceed.

Ms. McCLINTON. The implication that I heard was that the Governor was involved with COVID-sick seniors in nursing homes and being responsible for their deaths.

The SPEAKER. It seems that the quotation of the rule was quite timely, because I believe he was only referencing the actual actions and orders of the Governor and the Health Secretary regarding nursing home admissions and not speaking to their motive for doing that.

Ms. McCLINTON. And, Mr. Speaker, I could be wrong, but—

The SPEAKER. The lady will please suspend.

He condemned the actions; did not ascribe motive.

Ms. McCLINTON. Mr. Speaker, it was not so much attributing actions or motive. Perhaps I am incorrect, but it sounded like he attributed deaths. That was the statement, who was responsible for deaths, and perhaps I am ill-informed, but I have not read that anywhere.

The SPEAKER. The leader has raised her point. It has been noted.

I would encourage the gentleman to please stay on the actual Executive powers and not ascribe motive or assign motive.

Mr. MOUL. Thank you, Mr. Speaker.

I guess I should say then that the actions that came from the Governor and his administration caused those deaths. Therefore, I am not going after why he made the decision to put those COVID-sick seniors in nursing homes. I am just stating the fact that by doing it, it caused the premature deaths of thousands, and now we find out in the past couple weeks that the number was actually wrong. It was reported as half correct. It is closer to 10,000 seniors that died because of that.

But let us move on, Mr. Speaker.

POINT OF ORDER

Mrs. DAVIDSON. Point of order.

The SPEAKER. The gentleman will please suspend.

For what purpose does Representative Davidson rise?

Mrs. DAVIDSON. Mr. Speaker, the gentleman has just accused the Governor of murder. The Governor in fact has not been charged with any such crime. He cannot attribute causality of death on the Governor's actions.

The SPEAKER. That very same point was addressed with the Democratic leader and has already been addressed.

The gentleman is encouraged to stay within the bounds of the Executive powers. However, he is not ascribing motive or determining criminality, as the lady did with the use of the word "murder."

The gentleman is in order and may proceed.

Mr. MOUL. Thank you, Mr. Speaker.

I will go down a different road as to why it is so important to pass SB 2, to put it on the ballot for the people to decide, and I am going to read once again – and this is a rerun to some of you – but to all you new members here in our great legislative body, you probably have not heard this. But in the *County of Butler v. Wolf*, the administration had ample opportunity to present experts and the scientific data in which it based its orders. Instead, it called on members of the pandemic work group to defend the administration's actions.

Here are some of the questions and answers contained in the testimony in this court case about the administration's response to the COVID-19 pandemic. This goes to why we need this bill. These are questions being posed by the people representing the county of Butler to the Governor's representatives that are at this legal suit.

How many scientists were on the Governor's team of advisors that came up with these Executive orders? Answer: None.

Keep in mind, right out of the transcripts of this hearing.

How many immunologists or epidemiologists were on the Governor's team of advisors that came up with these Executive orders? Answer: None.

How many health-care or medical professionals were on the Governor's team of advisors that came up with these Executive orders? Answer: None.

Of the hundreds if not thousands of meetings the Governor's teams of advisors testified that they had, how many meetings did the Governor attend? Answer: None.

I have got a choir here today.

Did the Governor's teams make a written record of any of these meetings? Answer: No.

Did the Governor's advisors—

POINT OF ORDER

Ms. McCLINTON. Mr. Speaker, point of order.

The SPEAKER. The gentleman will suspend.

For what purpose does the lady rise?

Mr. MOUL. I knew that was coming.

Ms. McCLINTON. This is not on the bill. The bill is on Executive orders. These are health orders issued by the Secretary of Health. They are very different. That is not what this bill is about.

The SPEAKER. The leader's point is noted; however, I believe the gentleman is referencing the legal case that specifically challenged the Executive orders that are actually contained in the underlying bill.

I will, however, take this time to request that the members please refrain from shouting from their seats, because that is not helpful to the underlying debate. More importantly, I do not wish to confuse the transcriptionists who are trying to transcribe everything that happens here.

The gentleman is in order and may proceed.

Mr. MOUL. Maybe I can just shorten this, because to tell you the truth, there is a whole litany on the Governor's orders, the administration's orders that led to this trial, to this hearing, *Butler v. Wolf*. There is no point in me going down – you got the idea. You understand why we need this is because what went on in the Governor's Office with his staff making these decisions – the staff that has never been elected; we do not know who they are. They certainly were not professionals making these decisions, because they admit it.

POINT OF ORDER

Ms. McCLINTON. Point of order, Mr. Speaker.

The SPEAKER. The gentleman will please suspend.

For what purpose does the lady rise on the point of order?

Ms. McCLINTON. The staff are not professionals? Where is that information validated, verified? As far as I am concerned, the head of the Department of Health is in fact a board-certified physician. That is a professional.

The SPEAKER. I believe the gentleman's reference was in general to staff and professional degrees of licensure, and therein, presumably, their expertise.

We were conferring regarding another comment earlier. So if the gentleman could please stay on the Executive powers, I would appreciate it.

Mr. MOUL. I will try to shorten this up again, and I am going to reread a question. When it comes to professionals, my school's administrator has a doctorate degree – does not make him a viral expert.

Question: How many epidemiologists or immunologists were on the Governor's team of advisors? Answer: None.

A child psychologist is not someone I stake my life on to come up with an answer as to how to fix a virus. I want someone that knows about viruses. I want a General Assembly that can say, sir, you are on the wrong path, and we are going to demand to be part of this solution. After all, we are the elected people, not those people behind closed doors that we never met that are coaching you, that do not have any of the education that it takes to be making these decisions regarding COVID-19.

When it comes to the science – and I could reread a lot of questions and answers from that transcript; I will not go down that road. You all got the point. You all got the point that there was no science followed here. Had we been in charge, we could have had the ability to say, you are going to hire these epidemiologists, these immunologists, and you are going to work with these professionals to come up with a good solution and follow science, instead of going by – flying by night or by the seat of your pants, whatever you want to call it, and making decisions that destroy some of our businesses' lives. When you destroy a business, you do not just destroy a business; you destroy the families that work there and that own that business, and those families are the families that put us here, and we are responsible to take care of them. We are responsible to take care of them. They elected us as a body. They did not elect those people that coached the Governor into making some of these decisions.

Thank you, Mr. Speaker. Please vote for SB 2.

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

Mr. TOPPER. Thank you, Mr. Speaker.

I think if we all take a step back and think about what this could be like going forward, as we let the people decide through this constitutional amendment whether this is how they want a state of emergency governed from here on, I think you would actually see that in a way, this protects the executive branch. When COVID-19 hit, none of us – not the Governor, not Dr. Levine, not anyone in this room – understood it or knew immediately how to deal with it. Anybody would have made mistakes. Any Governor – Republican, Democrat, anyone – would have made mistakes. That is why it is good to have collective thought. That is why it is good that the Founders set up a system for debate in multiple chambers, in committees so that the process can go through vetting when you create public policy. But even through that, this constitutional amendment still guarantees that 21 days, any administration would have the opportunity to move dynamically, to move resources where they needed to be, and to be involved in any declaration of emergency. And then at that point, as public policy is developed that will affect men and women in businesses and individuals in schools for years to come, that public policy would be decided in the way it was designed through our Constitution.

And, Mr. Speaker, as this body tried to implement public policy, I would like to close with this reminder: Every bill that was passed in terms of reopening this economy or in terms of returning local control was passed bipartisanship. Many members of the minority party voted "yes" on those bills. Let us not forget that. This is not about one party looking to create power. The minority party voted many times with large numbers in support of those bills because they were being responsive to their constituents who also deserve a voice in this chamber and in this government.

I urge a "yes" vote on SB 2. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentlewoman, Leader McClinton, on final passage.

Ms. McCLINTON. Thank you, Mr. Speaker.

And thank you to all of our colleagues who have spoken thus far on SB 2. It is almost like Groundhog Day again – we are looking at Punxsutawney Phil trying to figure out, in Jefferson County, how much more we will have of winter or when the spring will be upon us, because, if I am correct, just last week we of course talked about this very same issue, this very same constitutional amendment, and standing right here, but with a different suit on, I encouraged all of you not to vote for it. I told you that you should not vote for it because we cannot prematurely end an emergency declaration.

I have heard so many different comments wondering, who did the Governor rely upon in making emergency declaration orders? And who were the folks that were in different departments making decisions? But the truth of the matter is, among the 202 of us, there is only one health professional in this body, Mr. Speaker. Two hundred and two of us, and none of us have access to a Department of Health. Two hundred and two of us, and not one of us has the National Guard in our pocket on speed dial that they will be able to respond and we will be able to pay them. Two hundred and two of us, but none of us can call the State troopers out in an emergency. And these are all things that the Governor has the power and authority to do, because just like voters sent us here, an overwhelming number of Pennsylvania voters sent the Governor back to the office that is outside of this body.

And that being said, Mr. Speaker, we have to realize and be honest with ourselves: We already have the power to end an emergency declaration among us if we work in a bipartisan fashion. We have already got the power do that. I am not sure how many members are even aware of that. It only takes a vote of two-thirds of this body to end any one of these emergencies.

But here we are again waiting on Punxsutawney Phil to see about that shadow to let voters decide whether or not they should be able to get involved with ending this. And when voters make that decision, I wonder how many of us will listen to them or try to throw their votes out too.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Leader Benninghoff, on final passage of the bill.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

There has been a lot said; a lot I would like to rebut but I will not. We have tried some overrides, but we are not here to talk about that today. We are here to talk about SB 2, a constitutional amendment that would empower the very people, many of which have been put out of business or on the verge of it. But I would remind the members as they contemplate their vote that – and anyone else that might be listening – that the Governor of this Commonwealth, regardless of party, gets his authority by the Constitution. And who drafts the Constitution? Who has the ability to amend that Constitution? This legislative body.

There has been a lot said about what is in SB 2 or what it may do, but I want to highlight a few things so that we are clear as we go to push the green button. This is about amending the Pennsylvania Constitution in relationship to disaster declarations and its management. As we know, section 20 provides that the Governor is authorized to declare a state of disaster in an emergency in responding to conditions of the Commonwealth.

Such a declaration is a disaster emergency, which may not last any longer than 21 days – not like the opioid one that has been going on for 4 years. This one, furthermore, would not be allowed to go on for more than 21 days unless extended in whole or in part by you and me, the General Assembly, and our friends in the sister chamber, in a bipartisan manner, I would suspect.

In addition, this does not happen without the passage of a concurrent resolution by the General Assembly expressly improving the next extension or a new emergency declaration. That is the balance that we are asking for here. It is the Constitution that gives the authority to the Governor, it is the legislature that has the ability to change the Constitution, and it is SB 2 that will allow you, elected by the majority of the people in your areas, to exercise their voice as a democratic republic, as freely elected legislators and not let these disaster declarations go on endlessly as we watch businesses fold, go under, and struggle.

If you look since the beginning of this pandemic, which is going on a year pretty soon, the General Assembly asked to be included in decisionmaking processes – not as experts, but as a coequal branch of government – because we care. We cared then, we care now, and we want to have a say. We are also the people that hear day in and day out from our unemployed friends, some of whom are still struggling almost 12 months later to get assistance through the unemployment office. That is unacceptable. Truly unacceptable; 12 months later and they still are not able to get financial help. These people are looking at losing their homes, if they have not already.

Additionally, I do not know if there is anyone in America that did not know a vaccine was coming; we have talked about it for months. We have known about it for 4 or 5 months that it was coming, and it is here, and yet Pennsylvania ranks almost 44th in the rollout of vaccine to give people the protection so they can get back to work, they can go to school, and get whatever "normal" means anymore in their lives. Is that so much for our people to ask? Well, you do not have much say in it, do you? We are still trying to get answers.

At the end of the day, SB 2 will give Pennsylvanians what they deserve, and they deserve to have a vote – just as they deserve to get their compensation through the unemployment office, to get their vaccine and to get their life back to normal. So stand with the people of Pennsylvania. Join us and vote "yes" on SB 2.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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. 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—116

Armanini	Gregory	Mehaffie	Rowe
Benninghoff	Greiner	Mentzer	Ryan
Bernstine	Grove	Mercuri	Sankey
Boback	Hamm	Metcalfe	Saylor
Bonner	Heffley	Metzgar	Schemel
Borowicz	Helm	Mihalek	Schmitt
Brooks	Hennessey	Millard	Schroeder
Brown, R.	Hershey	Miller, B.	Silvis
Burns	Hickernell	Mizgorski	Smith
Causser	Irvin	Moul	Snyder
Cook	James	Mullery	Sonney
Cox	Jones	Mustello	Staats
Culver	Jozwiak	Nelson, E.	Stambaugh
Davanzo	Kail	O'Neal	Stephens
Day	Kaufer	Oberlander	Struzzi
Delozier	Kauffman	Ortitay	Thomas
DelRosso	Keefer	Owlett	Tomlinson
Diamond	Kerwin	Peifer	Toohil
Dowling	Klunk	Pennycuick	Topper
Dunbar	Knowles	Pickett	Twardzik
Ecker	Kulik	Polinchock	Warner
Emrick	Labs	Puskaric	Wentling
Farry	Lawrence	Pyle	Wheeland
Fee	Lewis	Quinn	White
Flood	Mackenzie, M.	Rader	Williams, C.
Fritz	Mackenzie, R.	Rapp	Zimmerman
Gaydos	Mako	Rigby	
Gillen	Maloney	Roae	Cutler,
Gillespie	Marshall	Rothman	Speaker
Gleim	Masser		

NAYS—86

Benham	Driscoll	Kinsey	Pashinski
Bizzarro	Evans	Kirkland	Pisciottano
Boyle	Fiedler	Kosierowski	Rabb
Bradford	Fitzgerald	Krajewski	Rozzi
Briggs	Flynn	Krueger	Sainato
Brown, A.	Frankel	Lee	Samuelson
Bullock	Freeman	Longietti	Sanchez
Burgos	Gainey	Madden	Sappey
Carroll	Galloway	Malagari	Schlossberg
Cephas	Guenst	Markosek	Schweyer
Ciresi	Guzman	Matzie	Shusterman
Conklin	Hanbidge	McClinton	Sims
Cruz	Harkins	McNeill	Solomon
Daley	Harris	Merski	Sturla
Davidson	Herrin	Miller, D.	Vitali
Davis, A.	Hohenstein	Mullins	Warren
Davis, T.	Howard	Neilson	Webster
Dawkins	Innamorato	Nelson, N.	Wheatley
Deasy	Isaacson	O'Mara	Williams, D.
DeLissio	Kenyatta	Otten	Young
Delloso	Kim	Parker	Zabel
DeLuca	Kinkead		

NOT VOTING—0

EXCUSED—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

JOINT RESOLUTION SIGNED BY SPEAKER

The Speaker announced that the following bill has passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

SB 2, PN 86

A Joint Resolution proposing separate and distinct amendments to the Constitution of Pennsylvania, in declaration of rights, providing for prohibition against denial or abridgment of equality of rights because of race and ethnicity; in legislation, further providing for action on concurrent orders and resolutions; and, in the executive, providing for disaster emergency declaration and management.

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 326, PN 388**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, in the Governor as Commander-in-Chief, further providing for active duty for emergency.

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 that question, the Chair recognizes the gentleman, Chairman Sainato.

Mr. SAINATO. Thank you, Mr. Speaker.

I rise today to support this legislation. I think this is an example of when we all work together. This is the first major piece of legislation the Veterans Affairs and Emergency Preparedness Committee sent out of committee this term, and I do not think anything can be more important than trying to make the vaccines more accessible in Pennsylvania.

We have had a very rough stretch here the last 2 months with the rollout of the vaccines. Our pharmacies are doing a great job under the constraints that they have. But we have to look at this, Mr. Speaker, as why are we in the situation that we are? We are beholden to the Federal government. This week we got 160,000 doses of vaccine when we have 4 million eligible people. How did this happen? Um, that is a good question, and over the next few weeks there is going to be a lot of discussion and hearings about how we got ourselves into this situation.

By allowing our National Guard to set up in all 67 counties to assist in this operation, to work with our local pharmacies, to work with our local health-care providers, is critical. Each and every one of us is hearing from our seniors and those who are ill who cannot even get an appointment or cannot even get on a list to be able to get a vaccine. This is the number one issue in this State, to get our economy going, get our residents healthy, is to

get vaccines in the arms and do it as quickly as we can for those that are in need. That is why this legislation is important. But we cannot let people just think that once we pass this today, everything is good. This is about logistics and making sure that we have the infrastructure network in Pennsylvania to help get this done. This is something that should have been done a long time ago.

But to my colleague in Allegheny County and the Veterans Affairs and Emergency Preparedness Committee, I am proud of each and every one of you for what we have done this week to try to get this thing moving forward. There is nothing more important than getting the vaccine out there so we can get our businesses back to make people feel comfortable to go out again in our community. We cannot legislate behavior of people. Until they will feel comfortable, they are not going to be out there patronizing our small businesses; they are not going to be out doing their normal way of life. But we have to start and we have to do something that is going to help get this in the right direction. I think this is so important, and that is why I am very passionate about this issue.

We can argue over how we got where we are today – and over the next few weeks, you are going to have some very serious questions asked of how and why we went along with the CDC guidelines, which have put us in the situation we are in today in Pennsylvania with 4 million people on a list to get a vaccine and we are doing 160,000 vaccines a day. Those questions will have to be answered over the next few weeks. But to answer the question of today is, how can we get the logistics and the infrastructure set up and make it easier, make it easier for our residents to have a shot at getting this vaccine?

So I urge my colleagues to vote "yes" on this. Let us move this forward, let it become law, let our National Guard men and women help participate in this distribution system. We have the best Guard in the country. They are always there for us during times of crisis, and unfortunately, the last few years we have had an awful lot of crises in Pennsylvania and throughout our nation, so I thank each and every one of them for their service. And once again we need to call on our Guard and all those health-care professional heroes we have out there, from pharmacies to our hospitals to all those who are participating now working to get this vaccine out there.

So I encourage my colleagues to support this very important piece of legislation.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Gillen, on final passage.

Mr. GILLEN. I want to thank Minority Chairman Sainato, first of all; we have had a very long tradition in the Veterans Affairs and Emergency Preparedness Committee working on a bipartisan basis. I also want to thank members of the administration, support staff, and certainly, the prime sponsor of the bill, Representative O'Neal, for all of his hard work, and certainly, his background in the military has helped a great deal in the formation of this product. And on behalf of Representative Boback, who is the majority chairwoman of the House Veterans Affairs and Emergency Preparedness Committee, I want to echo her support and our support as the legislative team.

Our National Guard is a tremendous resource. It has been called on repeatedly in times of emergency. And this legislation simply codifies into law key elements that will enable our National Guard, and the agencies, also, that they support, to be

prepared with plans and operational tools that are going assist our much-needed State vaccination and pandemic response efforts. This is groundbreaking for Pennsylvania. But I hasten to add that guardsmen in other States are vaccinating, including the adjacent State of Maryland, and thousands of guardsmen have been deployed nationally to aid in the pandemic effort.

And so I would simply suggest that we should leave this chamber with a unanimous vote and move this bill to the Senate so that the citizens of the Commonwealth can have the help that they need in delivering lifesaving vaccine.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Schweyer, on final passage of the bill.

Mr. SCHWEYER. Thank you, Mr. Speaker.

I rise to support HB 326 as amended because I recognize something, and I recognize that throughout our diverse Commonwealth, there are different needs in different parts of the Commonwealth of Pennsylvania. But Lehigh County, Mr. Speaker, our National Guard unit is located at the intersection of 15th and Allen Streets in a dense part of the city of Allentown. About 4 blocks, as the crow flies, to the southwest of that National Guard site is a mass vaccination clinic in the city of Allentown, just 4 blocks. A few miles to the east, there is another one at the East Side Youth Center. A few miles further west from our National Guard unit, one of our local hospitals set up a vaccination clinic in the parking lot of Dorney Park.

Lehigh County is fortunate enough to have a number of locations set up. We have the public infrastructure to be able to support mass vaccination so long as we actually get the product to be able to put into the arms of our citizens. And so I support HB 326 not because I actually need this in Lehigh County; I support this because in counties, in rural counties and other areas throughout the Commonwealth of Pennsylvania that do not have that robust health-care network set up, they need it.

But my request, Mr. Speaker, is that as I stand up here to support a bill that I believe will be passed unanimously or close to it, that my colleagues who have never been to an area like Allentown will support me and my constituents on the things that we need to be able to vaccinate the unique individuals that live in my district. The number of people that are receiving vaccines that are undereducated is significantly lower than those who have access to means. The number of people who are receiving vaccines who are native English speakers is significantly higher than those who struggle with English as a second language. The number of people that are being vaccinated that, again, have means is significantly higher than a lot of places in our urban core. There is no doubt, Mr. Speaker, that vaccines are being administered and being accepted and being asked for by people who do not look like me. In places like Allentown, the sheer number of people that are signing up who have the means, the understanding, the knowledge, and the basic tools to go onto a Web site and sign up for a vaccine is significantly lower, again, if you are a person with lower income, if you are a person of color, or if you are a person who does not speak English as a second language.

So my plea to my colleagues, Mr. Speaker, in both chambers and in the executive mansion, is that as we are looking to invest in your communities and help you all get the infrastructure that you absolutely need and your constituents absolutely deserve to be able to increase your vaccine numbers, that you do not take a blind eye, whether it is future funding from the Federal

government or future appropriations that we pass or future legislative action that this body takes, that you will also help me, people like me who represent places like Allentown and other urban core, make sure that vaccines get in the arms of absolutely everybody in the Commonwealth of Pennsylvania.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Owlett, on final passage of the bill.

Mr. OWLETT. Thank you, Mr. Speaker.

And I appreciate the minority chairman's notice that this is the number one issue right now. It is what we are all hearing about in our offices. And it came up in our hearing that we had in the Health Committee this week, which the chairwoman so graciously held, which was really wonderful. Two things I wanted to note that came up in that hearing: communications and logistics. Well, guess who is really great at communications and logistics? Our National Guard and our service men and women. We heard stories about vaccines showing up unannounced. We heard stories of vaccines showing up and not having a clue how many were coming. We can do better and we have to do better. And today we can plan for the future and we can include our National Guard in a meaningful way. There are other States that are light-years ahead of us, and guess what? They are utilizing their National Guard in a meaningful way.

So I rise in support of HB 326, and I praise the prime sponsor for his leadership on this and his service to our country, and please ask for an affirmative vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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. 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—202

Armanini	Flynn	Lee	Rapp
Benham	Frankel	Lewis	Rigby
Benninghoff	Freeman	Longietti	Roae
Bernstine	Fritz	Mackenzie, M.	Rothman
Bizzarro	Gainey	Mackenzie, R.	Rowe
Boback	Galloway	Madden	Rozzi
Bonner	Gaydos	Mako	Ryan
Borowicz	Gillen	Malagari	Sainato
Boyle	Gillespie	Maloney	Samuelson
Bradford	Gleim	Markosek	Sanchez
Briggs	Gregory	Marshall	Sankey
Brooks	Greiner	Masser	Sappey

Brown, A.	Grove	Matzie	Saylor
Brown, R.	Guenst	McClinton	Schemel
Bullock	Guzman	McNeill	Schlossberg
Burgos	Hamm	Mehaffie	Schmitt
Burns	Hanbidge	Mentzer	Schroeder
Carroll	Harkins	Mercuri	Schweyer
Causser	Harris	Merski	Shusterman
Cephas	Heffley	Metcalfe	Silvis
Ciresi	Helm	Metzgar	Sims
Conklin	Hennessey	Mihalek	Smith
Cook	Herrin	Millard	Snyder
Cox	Hershey	Miller, B.	Solomon
Cruz	Hickernell	Miller, D.	Sonney
Culver	Hohenstein	Mizgorski	Staats
Daley	Howard	Moul	Stambaugh
Davanzo	Innamorato	Mullery	Stephens
Davidson	Irvin	Mullins	Struzzi
Davis, A.	Isaacson	Mustello	Sturla
Davis, T.	James	Neilson	Thomas
Dawkins	Jones	Nelson, E.	Tomlinson
Day	Jozwiak	Nelson, N.	Toohil
Deasy	Kail	O'Mara	Topper
DeLissio	Kaufner	O'Neal	Twardzik
Delloso	Kauffman	Oberlander	Vitali
Delozier	Keefer	Ortitay	Warner
DelRosso	Kenyatta	Otten	Warren
DeLuca	Kerwin	Owlett	Webster
Diamond	Kim	Parker	Wentling
Dowling	Kinhead	Pashinski	Wheatley
Driscoll	Kinsey	Peifer	Wheeland
Dunbar	Kirkland	Pennycuick	White
Ecker	Klunk	Pickett	Williams, C.
Emrick	Knowles	Pisciottano	Williams, D.
Evans	Kosierowski	Polinchock	Young
Farry	Krajewski	Puskaric	Zabel
Fee	Krueger	Pyle	Zimmerman
Fiedler	Kulik	Quinn	
Fitzgerald	Labs	Rabb	Cutler,
Flood	Lawrence	Rader	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

The SPEAKER. For the information of the members, there will be no further votes; however, we will be keeping the desk open for housekeeping, as well as receipt of a bill for signature back from the Senate, SB 109.

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 26;
- HB 56;
- HB 57;
- HB 103;
- HB 124;
- HB 125;

HB 140;
 HB 146;
 HB 148;
 HB 149;
 HB 150;
 HB 151;
 HB 152;
 HB 153;
 HB 156;
 HB 163;
 HB 184;
 HB 185;
 HB 196;
 HB 230;
 HB 273;
 HB 359; and
 HB 385.

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

STATEMENT BY MR. RABB

The SPEAKER. At this time we will move to rule 17 speeches and recognize the gentleman, Representative Rabb, for his allotted time.

Mr. RABB. Thank you, Mr. Speaker.

Mr. Speaker, on behalf of the chair of the Pennsylvania Legislative Black Caucus, Representative Donna Bullock, its officers, and its members, I rise in support of the concurrent resolution to proclaim February 3 "Emancipation Day," while also recognizing that in this same moment, we must celebrate the importance of Black History Month.

History was indeed made on February 3, when 151 years ago, this body ratified the 13th Amendment, making our State one of the first among a threshold of three-quarters of States to do so before it would go on to pass in the U.S. Senate and House of Representatives in 1865. The 13th Amendment amended the U.S. Constitution to effectively abolish legal slavery in our country and indefinitely changed the lives of Black people, our national economy, and our society as a whole.

While Pennsylvania had enacted gradual slavery in 1780, the last enslaved Pennsylvanians to be freed was not until over 70 years later. The adoption of the 13th, 14th, and 15th Amendments, known as the Reconstruction Amendments, led to the expansion of civil rights for Black Americans by abolishing slavery, guaranteeing equal protection of the law, and extending the right to vote to Black men – a right that was stripped from free Black men, I hasten to note, by an 1838 constitutional amendment in our esteemed Commonwealth nearly 30 years prior. With Black people gaining more rights, we began to serve in elective office and elsewhere, and have continuously fought for equal treatment of every individual in America since gaining our collective freedom.

The Pennsylvania General Assembly was at its best when it summoned the moral courage and political will by ratifying the 13th Amendment. And 60 years later, Black historian Dr. Carter G. Woodson would go on to establish Negro History Week, which gained popularity over the years, evolving into what is now

widely known as Black History Month. Black History Month is now a part of mainstream American culture, having been embraced by schools, communities, institutions, and workplaces nationwide.

Black History Month has enduring relevance today because despite many pivotal advances in our society regarding race relations and historic achievements of individual Black people, the influence of systemic racism continues to widen disparities across many fronts. One of the widest disparities, however, is the knowledge gap between the people who know and fully appreciate the contributions of Americans of African descent to this country and this world, and those who are ignorant of those accomplishments, those who are willfully ignorant, or even worse, those who deny this reality – a denial through a dominant culture that too often is afraid of its past and is complicit in the continuation of the severe transgenerational effects of slavery and anti-Black racism, waves of inequity that have kept us all from rising to the lofty values we as a nation espouse every time we stand for the Pledge of Allegiance.

The toll of that inaction has been felt most harshly on Black families. And it is in this context that this year's theme for this monthlong celebration is "The Black Family: Representation, Identity, and Diversity." From family reunions to ancestry searches, the story of the Black family is the foundation of African-American life in a testament to our collective fortitude and determination to build resilient community and a bright future for our families as our creative and determinate beliefs allow.

This is indeed a fitting theme for where we are as a nation at present, and it is no less fitting that the Pennsylvania Legislative Black Caucus formally recognizes this as a legislative body and in a legislative body whose predecessor was established a century before the founding of our very nation, in a colony where slavery was the norm despite the reputation our State would earn as enshrined in its motto: "Virtue, Liberty, and Independence."

The Pennsylvania Legislative Black Caucus affirms that any celebration within this body of such an important annual tradition includes explicit reference to our responsibility as a coequal branch of State government to put forth policies that protect Black families, because at our worst, our State and nation, through its laws and practices have sought to marginalize, vilify, and even actively destroy Black families over generations, leading to the enduring racial disparities I spoke of before. However, at our best, we can commit to enacting laws and funding programs that seek to strengthen Black families, because in so doing, all families benefit from such care and intentionality.

There is a sad axiom that still holds much weight today: When America catches a cold, Blackfolk get the flu – an even more prescient saying amidst this pandemic. However, what we rarely say that is no less true is that when Blackfolk finally get our share – our fair share – America may realize its greatness.

In continuing the great legacy of pioneering Black legislators from K. Leroy Irvis, the first Black Speaker of the Pennsylvania House of Representatives, to modern-day trailblazers – Minority Whip Jordan Harris, and the first Black woman minority leader, Representative Joanna McClinton – I thank my colleagues who celebrate Black History Month as a way of honoring all of our history and for all who have cosponsored the resolution to proclaim February 3 as "Emancipation Day" in the Commonwealth of Pennsylvania.

Thank you, Mr. Speaker.

The SPEAKER. The House will be at ease while we await the Senate bill's return.

The House will come to order.

RECESS

The SPEAKER. This House will recess to the call of the Chair.

AFTER RECESS

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

SENATE MESSAGE

HOUSE AMENDMENTS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 109, PN 144**.

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:

SB 109, PN 144

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, further providing for declaration of policy and providing for nontaxability of certain income; in emergency COVID-19 response, establishing the Hospitality Industry Recovery Program, providing for emergency education relief to nonpublic schools and for emergency education relief to educational entities and repealing provisions relating to Pennsylvania Housing Finance Agency; establishing the Rental and Utility Assistance Grant Program; in additional special funds and restricted accounts, providing for Workers' Compensation Security Fund transfer to COVID-19 Response Restricted Account; in 2020-2021 Restrictions on Appropriations for Funds and Accounts, further providing for fund transfers; and making appropriations.

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

RESOLUTION PASSED OVER

The SPEAKER. Without objection, the remaining resolution on today's calendar will be passed over. The Chair hears no objection.

ADJOURNMENT

The SPEAKER. The Speaker is in receipt of a motion that this House do now adjourn, made by Representative Dunbar, until Monday, March 15, 2021, at 12 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 1:22 p.m., e.s.t., the House adjourned.