

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, MARCH 15, 2021

SESSION OF 2021

205TH OF THE GENERAL ASSEMBLY

No. 14

HOUSE OF REPRESENTATIVES

The House convened at 12 m., e.d.t.

**THE SPEAKER (BRYAN CUTLER)
PRESIDING**

PRAYER

HON. MATTHEW D. DOWLING, member of the House of Representatives, offered the following prayer:

My friends and colleagues, please bow your heads and pray with me as your individual faith background allows:

Abba, Father, Creator, this week we commemorate 1 year of pandemic conditions and we look to You as a community, a Commonwealth, a country, and a world in the midst of mourning and in need of hope. Today we would be remiss if we did not mourn for the nearly 25,000 Pennsylvanians that have died from COVID-19; the 532,000 Americans, or the 2.65 million of Your children that have passed worldwide.

But, Father God, You have shown us, Your loyal followers, hope with nearly 68 million recoveries. Please continue to show Your people Your love, mercy, and give them hope. Hope for the sick and dying. Hope for the families of those that have been plagued. Hope for the first responders. Hope for the doctors. Hope for the nurses. Hope for the biologists working on cures. Hope for the parents. Hope for the children. Hope for the teachers. Hope for all Your people.

Lord God, in my lifetime Your blessings have been abundant, and I know they did not stop 1 year ago, they did not stop today, and Your blessings upon us will prevail tomorrow, for You are the God of hope. As we gather in these hallowed halls, electronically, and under this miraculous dome work together, please send us the wisdom to do Your will and to extend Your hope to Your people. In the legislation we review, we ask that You grant us the virtues of unity and understanding. Bless our actions, our families, and our work.

We pray these things in Your blessed and everlasting name. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited by members and visitors.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Thursday, March 11, 2021, will be postponed until printed.

BILL REPORTED AND REREFERRED TO COMMITTEE ON HEALTH

HB 649, PN 605

By Rep. DAY

An Act providing for access to long-term care facilities for essential caregivers, for additional safety requirements for residents of long-term care facilities, for suspension of access for essential caregivers and for personal protective equipment for essential caregivers.

Reported from Committee on AGING AND OLDER ADULT SERVICES with request that it be rereferred to Committee on HEALTH.

The SPEAKER. Without objection, the bill will be so rereferred.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 76 By Representatives SHUSTERMAN, GALLOWAY, HOWARD, HILL-EVANS, BOBACK, SANCHEZ, ZABEL, ISAACSON, KENYATTA, SAMUELSON, FREEMAN, SCHLOSSBERG, GUENST, McNEILL, RYAN, LONGIETTI, KINSEY, BURNS, BROOKS, O'MARA, NEILSON, MERSKI, WEBSTER, HOHENSTEIN, COX, DRISCOLL, SAINATO, ROZZI, SCHLEGEL CULVER, MADDEN, HEFFLEY, DALEY, R. BROWN, T. DAVIS, M. MACKENZIE and PASHINSKI

A Resolution designating March 21, 2021, as "Rosie the Riveter Day" in Pennsylvania and honoring the service and contributions of the millions of women who entered the workforce during World War II.

Referred to Committee on LABOR AND INDUSTRY, March 15, 2021.

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 15 By Representatives RABB, BENHAM, GUZMAN, HILL-EVANS, INNAMORATO, KINKEAD, KRAJEWSKI, LEE, OTTEN, WEBSTER, N. NELSON, HOHENSTEIN, GALLOWAY, ZABEL, FIEDLER, GUENST, SANCHEZ, DALEY, D. WILLIAMS, A. DAVIS, SCHLOSSBERG, CIRESI, SCHWEYER, ROZZI, DELLOSO, MALAGARI, WARREN, SIMS, BULLOCK, McCLINTON, MADDEN, HOWARD and ISAACSON

An Act amending the act of January 17, 1968 (P.L.11, No.5), known as The Minimum Wage Act of 1968, further providing for definitions and for minimum wages; providing for gratuities; further providing for enforcement and rules and regulations, for penalties and for civil actions; repealing provisions relating to preemption; and providing for taxpayer savings and reinvestment.

Referred to Committee on LABOR AND INDUSTRY, March 15, 2021.

No. 873 By Representatives RABB, INNAMORATO, HILL-EVANS, KRAJEWSKI, WEBSTER, MADDEN, KEEFER, DELLOSO, ROWE, LEWIS and KINKEAD

An Act authorizing the Commonwealth of Pennsylvania to join the Phase Out Corporate Giveaways Interstate Compact; providing for the form of the compact; and imposing additional powers and duties on the Governor.

Referred to Committee on COMMERCE, March 15, 2021.

No. 880 By Representatives ORTITAY, KINSEY, MOUL, ZIMMERMAN and WARREN

An Act amending the act of July 5, 2012 (P.L.990, No.110), known as the Towing and Towing Storage Facility Standards Act, further providing for standards for tow truck operators and towing storage facilities.

Referred to Committee on TRANSPORTATION, March 12, 2021.

No. 882 By Representatives GAYDOS, POLINCHOCK, HILL-EVANS, JAMES, SAYLOR, MOUL, ZIMMERMAN, HERSHEY, CIRESI, MILLARD and THOMAS

An Act amending the act of November 21, 2016 (P.L.1318, No.169), known as the Pharmacy Audit Integrity and Transparency Act, in pharmacy benefit manager cost transparency requirements, providing for sharing of cost, benefit and coverage data required.

Referred to Committee on INSURANCE, March 12, 2021.

No. 883 By Representatives SONNEY, CIRESI, JOZWIAK, MILLARD, MOUL, PICKETT, PYLE, WHEELAND 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 school finances, further providing for per capita taxes.

Referred to Committee on FINANCE, March 15, 2021.

No. 884 By Representatives SONNEY, CIRESI, JOZWIAK, MILLARD, MOUL, PICKETT, PYLE, WHEELAND and ZIMMERMAN

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, in local taxes, further providing for limitations on rates of specific taxes.

Referred to Committee on FINANCE, March 15, 2021.

No. 886 By Representatives SONNEY, CIRESI, JOZWIAK, MILLARD, MOUL, PICKETT, PYLE, WHEELAND and ZIMMERMAN

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, in fiscal affairs, further providing for tax levies.

Referred to Committee on FINANCE, March 15, 2021.

No. 887 By Representatives SONNEY, CIRESI, JOZWIAK, MILLARD, MOUL, PICKETT, PYLE, WHEELAND and ZIMMERMAN

An Act amending Title 11 (Cities) of the Pennsylvania Consolidated Statutes, in taxation, further providing for tax levies.

Referred to Committee on FINANCE, March 15, 2021.

No. 888 By Representatives MULLINS, HILL-EVANS, SCHLOSSBERG, FREEMAN, SANCHEZ, MADDEN, BRADFORD, KENYATTA, HOWARD, GALLOWAY, WARREN, DRISCOLL and SCHWEYER

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code, in public assistance, further providing for meeting special needs and work supports and incentives.

Referred to Committee on HEALTH, March 15, 2021.

No. 889 By Representatives B. MILLER, FREEMAN, SAMUELSON, HILL-EVANS, HOHENSTEIN, ROWE, CIRESI, ZIMMERMAN, WHEELAND and NEILSON

An Act amending the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law, further providing for examinations and certificates.

Referred to Committee on PROFESSIONAL LICENSURE, March 15, 2021.

No. 890 By Representatives HOHENSTEIN, BOBACK, CIRESI, DEASY, DRISCOLL, HILL-EVANS, HOWARD, ISAACSON, NEILSON, O'MARA, SANCHEZ, SHUSTERMAN, SIMS and WEBSTER

An Act establishing generator requirements for long-term care nursing facilities, assisted living residences, nursing homes, personal care homes and hospices; providing for powers and duties of the Department of Health and other State agencies; and imposing penalties.

Referred to Committee on HEALTH, March 15, 2021.

No. 891 By Representatives BIZZARRO, SANCHEZ, GUENST, NEILSON, HOHENSTEIN, KENYATTA, ROZZI, WEBSTER, O'MARA and ISAACSON

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in nuisances, providing for the offense of late removal of campaign signage on public property.

Referred to Committee on JUDICIARY, March 15, 2021.

No. 892 By Representatives ISAACSON, CIRESI, FREEMAN, HILL-EVANS, HOHENSTEIN, LEE, O'MARA, SANCHEZ, SCHLOSSBERG, SCHWEYER, SIMS and WEBSTER

An Act amending the act of June 3, 1937 (P.L.1333, No.320), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," providing for employee voter leave.

Referred to Committee on LABOR AND INDUSTRY, March 15, 2021.

No. 893 By Representatives HANBIDGE, SANCHEZ, SCHWEYER, HILL-EVANS, MATZIE, ISAACSON, SCHLOSSBERG, HOHENSTEIN, KENYATTA, WEBSTER, MALAGARI, KINSEY, O'MARA, HOWARD, DELLOSO and WARREN

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in preparation for and conduct of primaries and elections, further providing for assistance in voting.

Referred to Committee on STATE GOVERNMENT, March 15, 2021.

No. 894 By Representatives SOLOMON, GROVE, SANCHEZ, SAPPEY, ISAACSON, CIRESI and HOHENSTEIN

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in party organization, further providing for who shall be declared elected members of national or State committee and party offices; in preparation for and conduct of primaries and elections, further providing for manner of applying to vote, persons entitled to vote, voter's certificates, entries to be made in district register, numbered lists of voters and challenges; and, in returns of primaries and elections, further providing for manner of computing irregular ballots.

Referred to Committee on STATE GOVERNMENT, March 15, 2021.

No. 895 By Representatives GAINNEY, HILL-EVANS, SANCHEZ, MADDEN, BURGOS, HOHENSTEIN, KINKEAD, FRANKEL, GALLOWAY, SCHWEYER, SIMS, DELLOSO, WARREN and ISAACSON

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in voting by qualified mail-in electors, further providing for qualified mail-in electors, repealing provisions related to applications for official mail-in ballots, to date of application for mail-in ballot and to approval of application for mail-in ballot and further providing for delivering or mailing ballots, for voting by mail-in electors and for public records.

Referred to Committee on STATE GOVERNMENT, March 15, 2021.

No. 896 By Representatives FLYNN, HELM, CIRESI, ISAACSON, KENYATTA, McNEILL, NEILSON, PARKER, ROZZI, SANCHEZ and SCHLOSSBERG

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in rates and distribution systems, further providing for price upon resale of public utility services.

Referred to Committee on CONSUMER AFFAIRS, March 15, 2021.

No. 897 By Representatives HANBIDGE, SANCHEZ, KINSEY, KENYATTA, HOHENSTEIN, FREEMAN, DALEY, CIRESI, INNAMORATO, HOWARD, WEBSTER, MALAGARI and KINKEAD

An Act amending the act of November 24, 1976 (P.L.1176, No.261), known as the Manufactured Home Community Rights Act, providing for rent increases.

Referred to Committee on URBAN AFFAIRS, March 15, 2021.

No. 898 By Representatives HANBIDGE, BURGOS, SANCHEZ, SAPPEY, SCHLOSSBERG, McNEILL, PASHINSKI and HOWARD

An Act amending the act of December 22, 1983 (P.L.327, No.85), known as the Auctioneer Licensing and Trading Assistant Registration Act, providing for horses sold at auction.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, March 15, 2021.

No. 899 By Representatives HANBIDGE, SANCHEZ, MADDEN, HOWARD, LONGIETTI, KENYATTA, McNEILL, GUENST, ROZZI, MALAGARI, GALLOWAY, BURGOS, SAPPEY and CONKLIN

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, in Agriculture Rapid Response Disaster Readiness Account, further providing for eligible disaster funding and for Agriculture Rapid Response Disaster Readiness Account.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, March 15, 2021.

No. 904 By Representatives BOROWICZ, STRUZZI, SCHMITT, HAMM, COOK, KNOWLES, FEE, METCALFE, GREINER, OWLETT, ROTHMAN, TOPPER, JONES, SMITH, HICKERNELL, KAUFFMAN, DIAMOND, BERNSTINE,

DUNBAR, PICKETT, MOUL, B. MILLER, RAPP, GLEIM, RYAN, ROWE, COX, ZIMMERMAN, MALONEY, KEEFER, MERCURI, WHEELAND, GILLEN, HERSHEY and KERWIN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in abortion, further providing for legislative intent, providing for fetal heartbeat examination, further providing for medical consultation and judgment, for abortion on unborn child of 24 or more weeks gestational age and for reporting.

Referred to Committee on HEALTH, March 15, 2021.

No. 905 By Representatives BRIGGS, MADDEN, SANCHEZ, SCHWEYER, FREEMAN, DeLUCA, KINKEAD and CONKLIN

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, providing for candidate disclosure of Federal income tax returns.

Referred to Committee on STATE GOVERNMENT, March 15, 2021.

No. 906 By Representatives BRIGGS, HANBIDGE, SANCHEZ, FREEMAN, HILL-EVANS, KENYATTA, ISAACSON, SCHWEYER, HOWARD, WEBSTER, KINKEAD, WARREN and SHUSTERMAN

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in terms and courses of study, providing for media literacy education.

Referred to Committee on EDUCATION, March 15, 2021.

No. 907 By Representatives SHUSTERMAN, HILL-EVANS, LONGIETTI, SANCHEZ, D. WILLIAMS, PISCIOTTANO, NEILSON, ISAACSON, McNEILL, ROZZI, FREEMAN, CIRESI, MADDEN, DALEY, HOWARD and KINSEY

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in certification of teachers, further providing for continuing professional development; establishing the Access to Advanced Placement Courses for Students Program; and imposing duties on the department and on school entities.

Referred to Committee on EDUCATION, March 15, 2021.

No. 908 By Representatives SHUSTERMAN, HILL-EVANS, WEBSTER, N. NELSON and HOWARD

An Act amending the act of January 19, 1967 (1968 P.L.992, No.442), entitled "An act authorizing the Commonwealth of Pennsylvania and the local government units thereof to preserve, acquire or hold land for open space uses," further providing for local taxing options.

Referred to Committee on LOCAL GOVERNMENT, March 15, 2021.

No. 909 By Representatives SHUSTERMAN, BENHAM, STURLA, ROZZI, HERRIN, SANCHEZ, DEASY, T. DAVIS, HILL-EVANS, D. WILLIAMS, BOBACK, SCHWEYER, GUENST, SCHLOSSBERG, WEBSTER, GALLOWAY,

MADDEN, INNAMORATO, DELLOSO, WARREN, CONKLIN, FREEMAN, McNEILL, KINKEAD, BURGOS, N. NELSON, HOWARD, KRUEGER and ZABEL

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in pupils and attendance, providing for extended special education enrollment due to COVID-19 and for optional year of education due to COVID-19.

Referred to Committee on EDUCATION, March 15, 2021.

No. 910 By Representatives R. MACKENZIE, GILLEN, R. BROWN, CIRESI, COX, SCHLEGEL CULVER, DEASY, GALLOWAY, HAMM, HOHENSTEIN, ISAACSON, KINSEY, LONGIETTI, MARKOSEK, NEILSON, ROTHMAN, RYAN, SMITH and WEBSTER

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, in taxation and finance, further providing for exemptions and special provisions.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, March 15, 2021.

No. 912 By Representatives MENTZER, BURGOS, RYAN, HILL-EVANS, MILLARD, ZIMMERMAN, NEILSON, LAWRENCE, GILLESPIE, HARKINS, PEIFER, DAVIDSON, HELM, THOMAS, SCHLEGEL CULVER and KINKEAD

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, providing for provision and supervision of anesthesia care.

Referred to Committee on PROFESSIONAL LICENSURE, March 15, 2021.

No. 913 By Representatives MALONEY, BURGOS, DAVANZO, HENNESSEY, MOUL, WHEELAND and ZIMMERMAN

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in hunting and furtaking, providing for harvesting of certain antlered deer by senior license holders.

Referred to Committee on GAME AND FISHERIES, March 15, 2021.

No. 914 By Representatives HEFFLEY, STAMBAUGH, RYAN, MILLARD, B. MILLER and WHEELAND

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in falsification and intimidation, further providing for the offense of impersonating a public servant; and, in other required equipment, further providing for visual and audible signals on emergency vehicles.

Referred to Committee on JUDICIARY, March 15, 2021.

No. 915 By Representatives HEFFLEY, ROTHMAN, RYAN, MILLARD, B. MILLER, R. BROWN, MOUL, SAYLOR and WHEELAND

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in forgery and fraudulent practices, providing for the offense of benefit transfer device fraud.

Referred to Committee on JUDICIARY, March 15, 2021.

No. 916 By Representatives ZABEL, PASHINSKI, HILL-EVANS, FREEMAN, SCHLOSSBERG, SANCHEZ, T. DAVIS, BURGOS, SHUSTERMAN, HOHENSTEIN, ISAACSON, WEBSTER, GALLOWAY, D. WILLIAMS, DELLOSO, O'MARA, N. NELSON, LEWIS DELROSSO, STURLA and HOWARD

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, in casualty insurance, providing for coverage for nonopioid pain management care.

Referred to Committee on INSURANCE, March 15, 2021.

No. 917 By Representatives ZABEL, SANCHEZ, ISAACSON, D. WILLIAMS, FRANKEL, SCHLOSSBERG, SIMS, KINKEAD and WARREN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in inchoate crimes, providing for disguised firearms.

Referred to Committee on JUDICIARY, March 15, 2021.

No. 918 By Representatives JOZWIAK, HILL-EVANS, MILLARD, BERNSTINE, B. MILLER, RIGBY and WHEELAND

An Act amending Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, in miscellaneous provisions, further providing for contraband prohibited.

Referred to Committee on JUDICIARY, March 15, 2021.

COMMUNICATION FROM GOVERNMENT OVERSIGHT COMMITTEE

The SPEAKER. The Speaker is in receipt of a letter that says:

House of Representatives
Commonwealth of Pennsylvania

March 4, 2021

Honorable Bryan Cutler
The Speaker
Pennsylvania House of Representatives
139 Main Capitol Building
P.O. Box 202100
Harrisburg, PA 17120-2100

Dear Mr. Speaker,

The purpose of this letter is to inform you that the House Government Oversight Committee met today, on Thursday, March 4, 2021, to reconstitute the Committee and adopt the Committee Rules.

The Committee Rules were adopted unanimously, and I look forward to serving the Caucus in my role as Chairwoman of the Government Oversight Committee.

Respectfully,
Chairwoman Tarah Toohil

REFERRAL PURSUANT TO RULE 45(A) TO GOVERNMENT OVERSIGHT COMMITTEE

The SPEAKER. Pursuant to House rule 45(a), the Speaker has made a referral to the Government Oversight Committee.

LEAVES OF ABSENCE

The SPEAKER. Are there requests for leaves of absence?

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

The Chair now recognizes the minority whip, who also indicates that there are none. The Chair thanks the gentleman.

MASTER ROLL CALL

The SPEAKER. Without objection, we will now be moving to the master roll call. 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 | Sappery |
| 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 | Kaufer | O'Neal | Twardzik |
| Deloso | 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 being present, a quorum is present.

The House will please come to order. Members, please take your seats. We are about to take up a condolence resolution. Members, please take your seats. Move any conversations off the House floor. Members, please take your seats. Sergeants at Arms, please clear the aisles and close the doors of the House. We are about to take up a condolence resolution.

UNCONTESTED CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mr. ROTHMAN called up **HR 27, PN 278**, entitled:

A Resolution honoring the life and legacy of the former two-term Governor of Pennsylvania, Richard "Dick" Thornburgh, who passed away December 31, 2020, at 88 years of age.

On the question,
Will the House adopt the resolution?

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

Mr. ROTHMAN. Thank you, Mr. Speaker.

The year 2020 ended with the passing of a political icon in our Commonwealth. On December 31 Gov. and Gen. Richard "Dick" Thornburgh left his beloved family and beloved home in the Laurel Valley to no doubt continue following the evidence and promoting the rule of law in heaven.

Born and raised 7 miles west of the city of Pittsburgh, he was the third generation in his family to receive an engineering degree from Yale University. However, he took a law course in college and decided that that would be his calling. After attending the University of Pittsburgh Law School, he began practicing law. In 1960 his wife was killed in a tragic car accident.

He ran for Congress in 1966, and his campaign manager was John Heinz. He was a delegate to the 1968 Constitutional Convention, and was appointed U.S. Attorney for the Western District in 1969, where he served until 1975. He was then called to Washington to run the Criminal Division at the Justice Department as the Assistant U.S. Attorney from 1975 to 1977.

In 1978 he won a six-way Republican primary, including defeating Arlen Specter, who would then someday become Senator Specter. He was elected Governor of Pennsylvania the first election at a margin of 53 to 47, and exit polls found that he had won 58 percent of the African-American vote and nearly 40 percent of private union members.

His political philosophy was preference for limited role of government, fiscal responsibility, and policies that encouraged economic growth and job creation. As Governor, he approached the political decisions as a trained engineer would, but only a couple months into his administration, a nuclear accident at Three Mile Island, just down the road in Middletown, would put Harrisburg and Governor Thornburgh on the worldwide map. His coolheaded and steady-handed leadership avoided a panic that could have been worse than the accident. He was called an authentic hero for his calm and confident leadership.

As Governor, he eliminated a budget deficit by implementing a hiring freeze that improved government efficiency and left office with a substantial surplus. During his tenure as Governor, 500,000 new jobs were created and over 50,000 new businesses. He was overwhelmingly reelected in 1982 – and it should be noted that in both his 1978 and 1982 elections, this Republican was endorsed by national civil rights leader and won a majority of votes from the minority communities.

In 1986 President Ronald Reagan appointed him to his career capstone as United States Attorney General. President George H.W. Bush would also reappoint him as Attorney General, being the only person to serve in back-to-back administrations, and one of only a handful to serve as Attorney General in two different administrations, and a total of four different Presidents he would serve at the Justice Department. And his protégé, William Barr, would later become the most recent Attorney General. After serving as Attorney General and an unsuccessful run for the United States Senate, he served his nation again at the United Nations in New York.

I got to know Governor Thornburgh personally because his youngest son, Bill, would become one of my best friends in high school and college while he was living here in Harrisburg. During those years in office, our State had a slogan with, as the Governor would point out, questionable grammar: "You've Got a Friend in Pennsylvania." The Thornburghs helped send this message to the nation that we were a friendly Commonwealth and all were welcome. His wife, Ginny, Mrs. Thornburgh, remains one of the most positive, upbeat, kind, encouraging, and sweet people I have ever met – even when Billy and I came home from college with our ears pierced.

General Thornburgh loved baseball and his Pittsburgh Pirates. He knew rare and impressive statistics about players. You could never beat him at trivia in baseball. He believed public service was the highest calling and justice was best blind to race or physical ability. He championed the 1990 Americans with Disabilities Act that provided physical access to all.

He is survived by his beloved wife, Ginny; four sons, David, John, Peter, and Bill; eight grandchildren; and five great-grandchildren.

Governor Thornburgh was my first political role model. He remains the standard for public service to which we should all aspire. He loved all things Pennsylvania, the law, and baseball. I am grateful to have known him and for his kindness, and grateful for his service to our nation and our Commonwealth.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

(Members proceeded to vote.)

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

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, the Democratic whip, 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 | Longiotti | 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 | 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 | Kinthead | Pashinski | Wheatley |
| Driscoll | Kinsey | Peifer | Wheeland |
| Dunbar | Kirkland | Pennyquick | 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 having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

CONDOLENCE RESOLUTION

The SPEAKER. We will now continue on to the condolence resolution for the death of a former Governor. Members, please remain seated.

The clerk will read the resolution.

The following resolution was read:

COMMONWEALTH OF PENNSYLVANIA
THE HOUSE OF REPRESENTATIVES

CONDOLENCE RESOLUTION

WHEREAS, The House of Representatives of Pennsylvania wishes to honor the memory of the Honorable Richard Lewis Thornburgh, a former Governor of this Commonwealth who passed away at the age of eighty-eight on December 31, 2020; and

WHEREAS, Born in Pittsburgh on July 16, 1932, Mr. Thornburgh was a graduate of Yale University and the University of Pittsburgh School of Law. He began his career in the private sector as a business attorney, and he served as a United States Attorney for the Western District of Pennsylvania from 1969 to 1975. The Assistant United States Attorney General in charge of the Criminal Division from 1975 to 1977, Mr. Thornburgh created the Public Integrity Section and argued cases before the United States and Pennsylvania Supreme Courts. Elected Governor of Pennsylvania in 1978 and reelected in 1982, he provided leadership during the response to the incident at Three Mile Island and established the Economic Development Committee of the Cabinet, the Office of Small Business in the Department of Commerce and the Small Business Action Center. Appointed as the United States Attorney General in 1988, he held the position until 1991 and was instrumental to the 1990 passage of the Americans with Disabilities Act. Mr. Thornburgh later served as Under-Secretary General at the United Nations, and he retired as counsel from the firm of K & L Gates, LLP; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania proclaim with enduring sorrow the passing of the Honorable Richard Lewis Thornburgh; and extend heartfelt condolences to his wife, Ginny Judson; sons, John, David, Peter and William; six grandchildren; and five great-grandchildren; and be it further

RESOLVED, That a copy of this resolution, sponsored by Representatives Bryan Cutler, Kerry A. Benninghoff, Joanna McClinton and Dan K. Williams on January 14, 2021, be transmitted to Ginny Judson.

Kerry A. Benninghoff, Sponsor
Joanna McClinton, Sponsor
Dan K. Williams, Sponsor
Bryan Cutler, Speaker of the House
ATTEST:
David Reddecliff, Chief Clerk of the House

On the question,
Will the House adopt the resolution?

The SPEAKER. Those in favor of the resolution will please rise and remaining standing as a mark of respect for Governor Thornburgh. Guests will also please rise.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of the Honorable Richard Lewis Thornburgh.)

The SPEAKER. The resolution has been unanimously adopted.

Members may take their seats.

REMARKS BY SPEAKER

The SPEAKER. Governor Thornburgh was a great man and a strong leader whom I had the pleasure of meeting many years ago during my first term. I had spent some time at a policy conference, where he was the featured speaker one evening. And I believe his public accomplishments were often the result of personal values that guided his decisions and priorities. Reflecting on Representative Rothman's remarks, we see an individual committed to the values of family, faith, and public service. Throughout his tenure, Governor Thornburgh demonstrated a strong work ethic, a commitment to fiscal discipline, and respect for those he served. He was also a man who always sought the truth.

It has been said that his commitment to public service emerged following the death of his first wife, Virginia Thornburgh, in a car accident in 1960. His youngest son, Peter, aged 4 months, was also seriously injured in that accident. "The accident changed my entire outlook," Thornburgh would later write. "...it was a very stark reminder to me that you have a very finite time on this Earth to live and to do what is most positive and productive."

Governor Thornburgh certainly lived up to his own admonition by serving faithfully under five United States Presidents and becoming the only Republican to complete two consecutive terms as Pennsylvania Governor.

On behalf of the entire House of Representatives, I want to extend sincere condolences to his beloved wife, Ginny; sons, John, Peter, Bill, and David, who is with us here today. Would you please rise and be recognized.

David is currently the president and CEO (chief executive officer) of the Committee of Seventy, based in Philadelphia. He previously served as the head of the University of Pennsylvania's Fels Institute of Government, and as executive director of the Economy League of Greater Philadelphia. Our heart goes out to you and your family, and the State mourns the passing of a great leader. Thank you for being here with us today.

The gentleman, Representative Miller, rises for recognition. The Chair thanks the gentleman. Waives off. I thought you were seeking recognition next to the microphone there.

The Sergeants at Arms will please open the doors of the House.

RECOGNITION OF STAFF

The SPEAKER. The Speaker would like to take this opportunity to recognize some key individuals, who as the members know and many in the public know, this will be the first full session day by which we are using remote participation. That did not simply happen on its own. It took the hard work of many individuals, whom I would like to recognize.

In the Broadcasting world: David Arendt, the director; Tim Portzline; Pete AuFiero; and Ryan Shorb. In the Legislative Data Processing world: Brent McClintock, the director; Kye Kwon; Shane Bordner; Mike Fox; Cole Cuomo; and Joe Seibert.

On behalf of the chamber, we would like to thank you for your efforts to ensure a smoother transition to full remote participation.

JUDICIARY COMMITTEE MEETING

The SPEAKER. Moving to committee announcements, the Chair recognizes the gentleman, Representative Kauffman, for a committee announcement.

Mr. KAUFFMAN. Thank you, Mr. Speaker.

I wanted to announce a House Judiciary Committee meeting immediately at the break in G-50 Irvis Office Building. We will be considering HB 881, SB 84, SB 85, SB 86, SB 87, and any other business that comes before the committee; in G-50 Irvis Office Building at the break.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Judiciary Committee will meet at the break in G-50 Irvis Office Building.

REPUBLICAN CAUCUS

The SPEAKER. Moving to caucus announcements, the Chair recognizes the gentleman, Representative Dunbar, for a caucus announcement.

Mr. DUNBAR. Thank you, Mr. Speaker.

Republicans will caucus at 1 o'clock in the majority caucus room. We also will be available virtually. That is 1 o'clock, majority caucus room. We will be prepared to be back on the floor at 2 o'clock.

The SPEAKER. The Chair thanks the gentleman.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the gentleman, Representative Dan Miller.

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

Democrats will caucus virtually at 1 o'clock.

The SPEAKER. The Chair thanks the gentleman.

RECESS

The SPEAKER. This House will stand in recess until 2 p.m., unless sooner recalled by the Speaker.

RECESS EXTENDED

The time of recess was extended until 2:30 p.m.

AFTER RECESS

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

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

HB 183, PN 151 By Rep. MOUL

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

AGRICULTURE AND RURAL AFFAIRS.

HB 192, PN 161 By Rep. HICKERNELL

An Act amending the act of October 26, 2016 (P.L.891, No.112), known as the Interstate Medical Licensure Compact Act, providing for criminal background checks for expedited licensure applicants.

PROFESSIONAL LICENSURE.

HB 245, PN 213 By Rep. HICKERNELL

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, further providing for license without restriction.

PROFESSIONAL LICENSURE.

HB 325, PN 299 By Rep. HICKERNELL

An Act amending Title 63 (Professions and Occupations (State Licensed)) of the Pennsylvania Consolidated Statutes, in powers and duties, further providing for civil penalties.

PROFESSIONAL LICENSURE.

HB 755, PN 914 (Amended) By Rep. MOUL

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, in food protection, further providing for rules and regulations.

AGRICULTURE AND RURAL AFFAIRS.

HB 881, PN 866 By Rep. KAUFFMAN

A Joint Resolution proposing an emergency amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for courts to be open and suits against the Commonwealth.

JUDICIARY.

SB 84, PN 66 By Rep. KAUFFMAN

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

JUDICIARY.

SB 85, PN 141 By Rep. KAUFFMAN

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, in district attorney, assistants and detectives, further providing for filling of vacancies.

JUDICIARY.

SB 86, PN 68

By Rep. KAUFFMAN

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in general provisions relating to home rule and optional plan government, further providing for limitation on municipal powers.

JUDICIARY.

SB 87, PN 64

By Rep. KAUFFMAN

An Act amending Titles 18 (Crimes and Offenses), 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in minors, further providing for the offense of sexual abuse of children; in child protective services, providing for task force on child pornography; and, in sentencing, further providing for sentencing for offenses involving sexual abuse of children.

JUDICIARY.

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 838 By Representatives D. MILLER, McNEILL, FREEMAN, HILL-EVANS, CONKLIN, MADDEN, ZABEL, SANCHEZ, SAMUELSON, A. DAVIS, GALLOWAY, SCHLOSSBERG, HOWARD, CIRESI and SIMS

An Act amending Title 58 (Oil and Gas) of the Pennsylvania Consolidated Statutes, in development, further providing for hydraulic fracturing chemical disclosure requirements.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, March 15, 2021.

No. 867 By Representatives WENTLING, BULLOCK, SCHROEDER, WARREN, COOK, FREEMAN, OWLETT, LONGIETTI, GAYDOS, HILL-EVANS, STRUZZI, DALEY, CAUSER, VITALI, BOBACK, GALLOWAY, JAMES, HOWARD, SONNEY, SAPPEY, MOUL and SCHMITT

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, in general budget implementation, repealing provisions relating to Joint Legislative Air and Water Pollution Control and Conservation Committee; and making a related repeal.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, March 15, 2021.

No. 920 By Representatives DELOZIER, ORTITAY, LEWIS, BOBACK, DAVANZO, HAMM, HEFFLEY, HELM, KEEFER, OBERLANDER, ROWE, RYAN, SMITH, WHEELAND and ZIMMERMAN

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, in public-private transportation partnerships, further providing for duties of board, providing for legislative oversight and further providing for selection of development entities, for public-private transportation partnership agreement and for Public-Private Transportation Account.

Referred to Committee on TRANSPORTATION, March 15, 2021.

No. 921 By Representatives DAVANZO, BERNSTINE, BROOKS, COOK, SCHLEGEL CULVER, DUNBAR, HAMM, KAUFFMAN, KEEFER, MILLARD, RAPP, ROWE, RYAN, SAYLOR, SCHMITT, SMITH, SNYDER, STAMBAUGH, STRUZZI, WARNER and ZIMMERMAN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in general principles of justification, further providing for use of force in self-protection.

Referred to Committee on JUDICIARY, March 15, 2021.

No. 922 By Representatives DAVANZO, DUNBAR, KAUFFMAN, KEEFER, MOUL and ROTHMAN

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 compensable injuries, subrogation and proration.

Referred to Committee on LABOR AND INDUSTRY, March 15, 2021.

No. 923 By Representatives BOYLE, LEE, GALLOWAY, HOHENSTEIN, ISAACSON, SANCHEZ, ZABEL, HANBIDGE, HILL-EVANS, CIRESI, SCHLOSSBERG, DeLUCA, D. WILLIAMS, SIMS, NEILSON, O'MARA, DALEY, WEBSTER, WARREN, KINSEY, BRADFORD, BRIGGS, GAINEY and McCLINTON

An Act amending the act of January 17, 1968 (P.L.11, No.5), known as The Minimum Wage Act of 1968, further providing for minimum wages; and repealing provisions relating to preemption.

Referred to Committee on LABOR AND INDUSTRY, March 15, 2021.

No. 924 By Representatives DAVANZO, BERNSTINE, BROOKS, DUNBAR, ECKER, JONES, PENNYCUICK, ROTHMAN, RYAN and STAMBAUGH

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

Referred to Committee on JUDICIARY, March 15, 2021.

CALENDAR

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 156, PN 121**, entitled:

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

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

* * *

The House proceeded to second consideration of **HB 26, PN 14**, entitled:

An Act designating a bridge, identified as Bridge Key 43976, on that portion of State Route 1010 over Chatham Run, Pine Creek Township, Clinton County, as the Tech. Corporal Lee R. Phillips Memorial Bridge.

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

* * *

The House proceeded to second consideration of **HB 124, PN 91**, entitled:

An Act designating a bridge, identified as Bridge Key 8680, carrying State Route 3055 over Stonycreek River in the City of Johnstown, Cambria County, as the City of Johnstown Firefighters Memorial Bridge.

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

* * *

The House proceeded to second consideration of **HB 125, PN 92**, entitled:

An Act designating a bridge, identified as Bridge Key 1951, carrying State Route 4017 on Wetzel Road, Shaler Township, Allegheny County, as the Commander William J. Schofield, III, Memorial Bridge.

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

* * *

The House proceeded to second consideration of **HB 153, PN 118**, entitled:

An Act designating a bridge, identified as Bridge Key 8461, on that portion of U.S. Route 219 over Pennsylvania Route 53, also known as Railroad Street, in Croyle Township, Cambria County, as the Janice Keen-Livingston First Responders' Memorial Bridge.

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

* * *

The House proceeded to second consideration of **HB 230, PN 385**, entitled:

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

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

Mr. **BRADFORD** offered the following amendment
No. **A00307**:

Amend Bill, page 2, line 4, by striking out "(1)"
Amend Bill, page 2, line 4, by inserting a bracket before "The"
Amend Bill, page 2, line 8, by striking out the bracket before
"\$10,000,000"

Amend Bill, page 2, lines 8 and 9, by striking out "]" ~~\$25,000,000~~
\$50,000,000"

Amend Bill, page 2, line 15, by inserting a bracket after "(a.1)."

Amend Bill, page 2, lines 16 through 30; page 3, line 1; by
striking out all of said lines on said pages and inserting

(1) The office shall prepare a revenue estimate of any change in law affecting revenues and receipts, including increases in regulatory fees, proposed or considered as part of the annual state budget that could have a fiscal impact in excess of \$50,000,000. If in the judgment of the office, the fiscal impact of the proposal is of sufficient size and scope to warrant an analysis and sufficient data, peer-reviewed research and evidence exists to support any assumptions of behavioral effects, the estimate may include the effects of potential behavioral responses of taxpayers, businesses and other persons to the proposed changes. If the estimate assumes any behavioral effects, the estimate shall include a statement identifying those assumptions. The information may be used to revise the revenue estimate under subsection (a.1).

(2) The office shall prepare, if requested by an officer listed in section 615-B(a), a revenue estimate of any change in law affecting revenues and receipts, including increases in regulatory fees, that may be expected to carry a fiscal impact in excess of \$50,000,000 in any fiscal year, proposed or considered as part of a bill or amendment in either house of the General Assembly. If in the judgment of the office, the fiscal impact of the proposal is of sufficient size and scope to warrant such an analysis and sufficient data, peer-reviewed research and evidence exists to support any assumptions of behavioral or macroeconomic effects, the estimate may include the effects of potential behavioral responses of taxpayers, businesses and other persons or any potential dynamic or macroeconomic impacts in response to the proposed changes. If the estimate assumes any behavioral, dynamic or macroeconomic effects, the estimate shall include a statement identifying those assumptions. The information may be used to revise the revenue estimate under subsection (a.1).

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

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

Mr. **BRADFORD**. Thank you, Mr. Speaker.

This amendment is pretty simple in nature. It merely says that if we are going to do this, and if the IFO (Independent Fiscal Office) is going to proceed, that the IFO should be able to certify that they believe they have the capacity – meaning sufficient data, peer-reviewed research, and evidence – to warrant a dynamic scoring. Again, it does not in any way undermine the bill; in fact, I believe it actually strengthens it in that it says when the IFO is going to weigh in, it is going to do so where it has got the appropriate backing to make such judgments.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and, on the amendment, recognizes the gentleman, Representative Ryan.

Mr. **RYAN**. Mr. Speaker, thank you so much.

And I thank my colleague so much, the Democrat Appropriations chair, for sponsoring the amendment.

I would ask for a "no" vote for a couple of reasons on this. First, conceptually, it is an excellent idea in many respects, but it goes well beyond the scope of what I think an Independent Fiscal Office should do, and it puts them way too much in the midst of compromising their degree of independence. The IFO's greatest strength has been the fact that they have been nonpartisan and an advocate for good, sound policy that they present to us to make the decision, as opposed to putting them in a policymaker or decisionmaker role. So I would respectfully ask for a "no" vote.

The SPEAKER. The Chair thanks the gentleman.

For the second time, the Chair recognizes Representative Bradford.

Mr. **BRADFORD**. And again, with all due respect to the gentleman, I do not think it really is an independence issue; if you read it, actually it is the determination of the IFO. We all respect the independence of the Independent Fiscal Office. I do not think the intent is to undermine independence. It is literally empowering them to decide whether they have, frankly, the horses and the knowledge base to do this. I think that is, you know, frankly, deferring that judgment to them. We are not having the legislature – frankly, I think if we do not adopt this amendment, the exact opposite is true, the legislature saying, "You shall come up with this judgment," recognizing that they will be the ones saying, "We're not really capable of making this judgment for you." So I think in reflection, you may find actually the IFO is more independent as opposed to the legislature forcing a study that they, by their own admission, may say, "Listen, we just don't believe we've got the ability to make a competent assessment."

The SPEAKER. The Chair thanks the gentleman.

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

(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—90

| | | | |
|-----------|------------|-------------|-------------|
| Benham | Driscoll | Kirkland | Pashinski |
| Bizzarro | Evans | Kosierowski | Pisciottano |
| Boyle | Fiedler | Krajewski | Rabb |
| Bradford | Fitzgerald | Krueger | Rozzi |
| Briggs | Flynn | Kulik | Sainato |
| Brown, A. | Frankel | Lee | Samuelson |
| Bullock | Freeman | Longietti | Sanchez |
| Burgos | Gainey | Madden | Sappey |

| | | | |
|-----------|------------|------------|--------------|
| Burns | Galloway | Malagari | Schlossberg |
| Carroll | Guenst | Markosek | Schweyer |
| Cephas | Guzman | Matzie | Shusterman |
| Ciresi | Hanbidge | McClinton | Sims |
| Conklin | Harkins | McNeill | Snyder |
| Cruz | Harris | Merski | Solomon |
| Daley | Herrin | Miller, D. | Sturla |
| Davidson | Hohenstein | Mullery | Vitali |
| Davis, A. | Howard | Mullins | Warren |
| Davis, T. | Innamorato | Neilson | Webster |
| Dawkins | Isaacson | Nelson, N. | Wheatley |
| Deasy | Kenyatta | O'Mara | Williams, D. |
| DeLissio | Kim | Otten | Young |
| Dellosa | Kinkead | Parker | Zabel |
| DeLuca | Kinsey | | |

NAYS—112

| | | | |
|-------------|---------------|------------|--------------|
| 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 |
| Causar | Hickernell | Mizgorski | Smith |
| Cook | Irvin | Moul | Sonney |
| Cox | James | Mustello | Staats |
| Culver | Jones | Nelson, E. | Stambaugh |
| Davanzo | Jozwiak | O'Neal | Stephens |
| Day | Kail | Oberlander | Struzzi |
| Delozier | Kaufer | Ortitay | Thomas |
| DelRosso | Kauffman | Owlett | Tomlinson |
| Diamond | Keefer | Peifer | Toohil |
| Dowling | Kerwin | Pennycuick | Topper |
| Dunbar | Klunk | Pickett | Twardzik |
| Ecker | Knowles | 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 | | |

NOT VOTING—0

EXCUSED—0

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

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

Mr. **BRADFORD** offered the following amendment No. **A00310**:

Amend Bill, page 1, line 21, by inserting after "providing" for duties of office and

Amend Bill, page 1, lines 25 through 27, by striking out all of said lines and inserting

Section 1. Section 604-B(a)(2) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, is amended to read:

Section 604-B. Duties of office.

(a) Mandatory.—The office shall:

* * *

(2) By November 15 of each year, provide an assessment of the State's current fiscal condition and a projection of what the fiscal condition will be during the next five years. The assessment shall take into account the state of the economy, demographics, revenues and expenditures. The assessment shall separately highlight for the General Assembly if trends indicate that the General Assembly has not appropriated sufficient funds to any State agency to pay for mandated costs the agency is required to pay under Federal or State law.

* * *

Section 2. Section 605-B(e) of the act, amended June 28, 2019 (P.L.101, No.15), is amended to read:
Amend Bill, page 3, line 7, by striking out "2" and inserting
3

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

The SPEAKER. On that question, the Chair recognizes the gentleman, Representative Bradford. But prior to that, the House will please come to order. Members, please take your seats.

Ms. McCLINTON. Mr. Speaker?

The SPEAKER. Members, please move any conversations off the back of the House. We are currently debating a bill that is of very important nature regarding the Commonwealth's finances, and I encourage members to take your seats. Sergeants at Arms, please clear the aisles. And, members, move any conversations off the back of the House.

POINT OF ORDER

The SPEAKER. For what purpose does the leader rise?

Ms. McCLINTON. Parliamentary inquiry, Mr. Speaker.

The SPEAKER. The leader is in order and may proceed.

Ms. McCLINTON. Mr. Speaker, according to the Bipartisan Management Committee, members of the Pennsylvania House are supposed to wear masks on the floor, and I have counted at least 15 members without masks on their face that do not appear to be having lunch or beverages. Just making sure it is still in force.

The SPEAKER. The lady will please suspend.

I encourage both leaders to confer with their members. I see the members correcting that action now. You are correct. Members also have the opportunity to vote remotely.

The Chair thanks the lady for bringing up that point of order.
Ms. McCLINTON. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Bradford, is now in order and may proceed on amendment 310.

Mr. BRADFORD. Thank you, Mr. Speaker.

This bill attempts to give the Commonwealth more clarity in terms of its 5-year financial prospects, and frankly, even beyond that by using a dynamic scoring model. If we are going to be more honest in our budgeting, one of the things we obviously have to do is not just look at the impact of future decisions, but frankly, look at current decisions. One of those things that I would point out most obviously, and I want to quote directly from this year's 5-year report where the IFO said about speaking about underfunding of entitlement line items. It said, "However, enrollment and long-term growth trends suggest supplemental funds may be needed in FY 2020-21 that would push up spending

levels in FY 2021-22." That seems like a pretty simple statement and does not seem to mean a lot, but it really reflects what is a growing trend in our budget, which is the habitual underfunding of entitlement line items, and the consequence of that is we get supplementals.

One has argued, and in the budget hearings that just passed it was argued that we know we intentionally underfund these entitlement line items, but the problem is, it leaves a false narrative in the public, which somehow that our problem here in the Commonwealth is that we are overspending in DHS, Department of Human Services. As we all know, if we underfund an entitlement that we know we are on the hook to make those payments and then act shocked on the back end that somehow that these, these expenditures were required, well, the very idea of having the IFO do dynamic scoring in order to have more transparency and a more accurate budget I think goes to the simple reality that this amendment says, hey, look, let us start with at least an even base. Let us recognize that if we are not being honest in our own budgeting right now, how can we then project forward?

Dynamic scoring may have its place in the Commonwealth, and I think many would argue, but honest baseline budgeting also has a place in the Commonwealth. This amendment would say, let us begin recognizing what the IFO, the Independent Fiscal Office, has already done in a very independent way, which is recognizing that this legislature has failed, frankly, in its very simple duty to propose a balanced budget at the beginning of the year. This amendment would get about the business of making clear to everyone what is a balanced budget.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman, Representative Ryan.

Mr. RYAN. Mr. Speaker, thank you.

And again, a very cogent argument in the case, and I truly concur in many cases that the budgeting process in the Commonwealth is problematic. In fact, I ran on an entire concept of that issue relative to the financial stability and the overall responsibility that we have to in fact have a governmental accounting standards board and a comprehensive annual financial report that appropriately reflects the financial condition of the Commonwealth.

The SPEAKER. The gentleman will please suspend.

Members, please take your seats; move any conversations off the back of the House.

Mr. RYAN. Mr. Speaker, can I infer from that that you thought my comment was really good? Sorry about that.

The SPEAKER. The gentleman will please suspend while the House comes to order.

Mr. RYAN. Yes, sir.

The SPEAKER. The gentleman is in order and may proceed.

Mr. RYAN. But as we continue and you look at the comprehensive annual financial report, I would just suggest that this bill is not the vehicle for this amendment. I would encourage you to look at a critical success factor bill that my dear friend and officemate in the Capitol has done on critical success factors, which actually replicates a great deal of this kind of information. But this specific bill and dynamic scoring is not the appropriate place for this.

And again, I would be more than happy to work with the gentleman on those types of issues and advancing the critical success factor bill and reforms in the entire budgeting process within the Commonwealth, and I respectfully ask for a "no" vote on this amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Representative Bradford, for the second time.

Mr. BRADFORD. Thank you.

And I just want to thank the good gentleman for his sincere concern about the Commonwealth's problematic budgeting, and I want to quote him directly; that is so very clear, but problematic budgeting does not self-resolve itself. We need to actually do something about it, and one of the arguments that we often hear on the floor is, "Now is not the right time" or "Now is not the right bill," and I think those who have been around for more than a minute know that that is really just legislative speak for, ugh, we do not want to open that can of worms because we do not want to get real about our budgeting.

This is an opportunity, with this amendment, to get real about our budgeting, to show what the true baseline of the structural deficit is here in the Commonwealth and recognize those challenges. Now, I realize there is never a good time to do something inconvenient like, you know, join a gym or go on a diet – things that many of us, including myself, like to avoid – but our Commonwealth has real fiscal challenges and we recognize that. And if we are not going to do that with this very simple amendment in this otherwise pretty innocuous bill, then when are we going to do it, I would say to the good gentleman from Lebanon? He is a committed fiscal conservative, and he recognizes our budget is structurally way, way out of balance.

Now, I would ask the gentleman, and we just went through literally weeks and weeks of budget hearings talking about cycle rolls where the Commonwealth habitually makes 11 payments instead of 12, or 3 quarterly payments instead of 4, and then rolls into the next year – this constant failure to balance its budget. It violates our constitutional requirement for a balanced budget, and then to do this legislative speak where we say, "Now is not the right time to open this simple bill" – come on. It is past time to get about balancing our budget in a fiscally responsible, and I would say, conservative way.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

(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—90

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

NAYS—112

| | | | |
|-------------|---------------|------------|--------------|
| 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 |
| Causar | Hickernell | Mizgorski | Smith |
| Cook | Irvin | Moul | Sonney |
| Cox | James | Mustello | Staats |
| Culver | Jones | Nelson, E. | Stambaugh |
| Davanzo | Jozwiak | O'Neal | Stephens |
| Day | Kail | Oberlander | Struzzi |
| Delozier | Kaufer | Ortitay | Thomas |
| DelRosso | Kauffman | Owlett | Tomlinson |
| Diamond | Keefer | Peifer | Toohil |
| Dowling | Kerwin | Pennycuik | Topper |
| Dunbar | Klunk | Pickett | Twardzik |
| Ecker | Knowles | 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 | | |

NOT VOTING—0

EXCUSED—0

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

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

Mr. N. NELSON offered the following amendment
No. A00308:

Amend Bill, page 3, by inserting between lines 5 and 6
(4) If an officer identified in section 615-B(a) requests a revenue estimate in accordance with paragraph (2) for a bill or amendment before a bill receives second consideration in the house of which the officer holds office, the bill may not receive further consideration until the office prepares the estimate and transmits the estimate to the officer and the appropriate house of the General Assembly.

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

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

Mr. N. NELSON. Thank you, Mr. Speaker.

I appreciate the opportunity to speak in favor of a bill that I hope can be amended to provide adequate and fair legislation to all of us. So I think Representative Ryan's bill on dynamic scoring is a noble request. It is a bill that I think has plenty of potential to help us, as a legislature, pass good, commonsense, fiscally appropriate legislation. What I do not want it to do is allow such good, commonsense, fiscally appropriate legislation to be ruined because we lack the information that we have requested.

My amendment simply says that if a member of the leadership teams or a member of the committee it heads requests the dynamic scoring of a bill, that we wait on not only voting on that bill on second passage, but we wait on, obviously, the amendment passage as well. What point is having a tool if we do not use it? We all understand and appreciate the difficulty in getting amendments passed out of this House, especially if they are provided after the second read.

So for that reason my bill simply suggests that we hold on the second passage of the bill until that dynamic scoring, that our leadership has requested, is able to be completed, and that our votes are able to be as best informed as possible.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair now recognizes the gentleman, Representative Ryan.

Mr. RYAN. First of all, I want to truly thank the member for his reaching out to me earlier and the discussion and your level of cooperation across the board, and I think that is a good testimony to how we all can work together in a bipartisan way.

I am going to respectfully ask for a "no" vote on this, and the reason why is, our process and our rules have the bill then go to the Appropriations department, for which the IFO assessment is done, at which point in time, the overall analysis would be done of a dynamic score, and anything outside of that would end up inadvertently getting in the way, one, of House rules, and number two – and I think much more importantly – could inadvertently create unnecessary delay on a process that has already been agreed to by the members, candidly, on our first day when we are sworn in.

So with that, I respectfully ask for a "no," but again, I do want to thank the gentleman for his cooperation, his willingness to work together, and I would be honored to work together with you on some other issues on this.

The SPEAKER. The Chair thanks the gentleman.

Representative Nelson, you are in order and are recognized for the second time on the amendment.

Mr. N. NELSON. Thank you.

And I do appreciate the opportunity to continue to work with the good Representative. My ask, though, is that if this bill were to gum up the works of the House, then what is the purpose of the tool itself? If what we are seeking for is more information and better tools to allow us all to not only inform ourselves and vote appropriately, but craft the appropriate legislation – the appropriate amendments – if that is what good governance looks like, then perhaps we should ensure that we execute that process prior to voting.

We all understand and appreciate the need to make sure that we have the information that we can explain to our constituents. We all understand the need of having the appropriate finances so that when we sit back and send these to the Appropriations Committee, that we have not committed ourselves to a budget commitment that we do not intend to fully support. However, if a bill is offered or an amendment is offered prior to our voting, the leadership has every right and expectation that if a dynamic scoring is requested, that they would file that dynamic scoring request at that time. It does not happen before the second amendment or the second vote, it happens— I am sorry. It does not happen after the second vote, it happens before the second vote. What we are used to, but Rep. Ryan is correct in stating, is that we will usually get that Appropriations scoring, static scoring, and sometimes the dynamic scoring, after we have passed that bill several times.

However, the process now should say, if this is a complex bill, if this is legislation that we think is not only important, but a legislative item that we think has far-reaching consequences, far-reaching implications to the small businesses in our community, if we think that this legislation is going to impact the jobs and potential job loss of members of our own communities, then I think it would be wise of us to wait until we have that information prior to voting.

It does not actually go against House rules to do so. What it perhaps would do is go against a schedule that says, we are going to request the dynamic scoring of a very complicated bill, then we are all going to vote on it, and then after we have all voted, we are going to get the answers that we already anticipated ahead of time. If that is the case, then by all means, please do continue to request a "no" vote. However, if we are concerned that what we are doing right now is providing us with information, if what we are doing today is providing ourselves with a tool to become better legislators, become the fiscal stewards for this Commonwealth that all of our members have sent us here or all of our constituents have sent us here to do, my argument is that we should then use the tools that we are today requesting and use those tools to craft the legislation instead of to wait and talk about the legislation at home. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Ryan, for the second time.

Mr. RYAN. Mr. Speaker, thank you, and again, for the gentleman's tremendous comment.

But I do want to emphasize, there are a number of other opportunities that members get a chance to vote on that bill. First, there is the Appropriations Committee, always, for which the final bill that will be coming up for third consideration can be done, for which amendments can be done, and there are also, during certain times of the year, the Rules Committee has the opportunity as well.

By doing it at any point prior to that is unnecessarily complicating something that has already been agreed to by us. So we are not looking at this from a procedural aspect, but other than the fact that the members of this body, of this distinguished body, have the opportunity to vote on it for final passage after which this dynamic score model would be done.

So, Mr. Speaker, again, I ask for a "no" vote on this amendment.

The SPEAKER. The Chair thanks the gentleman.

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

(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—90

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

NAYS—112

| | | | |
|-------------|------------|------------|-----------|
| 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 |
| Causar | Hickernell | Mizgorski | Smith |
| Cook | Irvin | Moul | Sonney |
| Cox | James | Mustello | Staats |
| Culver | Jones | Nelson, E. | Stambaugh |
| Davanzo | Jozwiak | O'Neal | Stephens |

| | | | |
|-----------|---------------|------------|--------------|
| Day | Kail | Oberlander | Struzzi |
| Delozier | Kaufer | Ortitay | Thomas |
| DelRosso | Kauffman | Owlett | Tomlinson |
| Diamond | Keefer | Peifer | Toohil |
| Dowling | Kerwin | Pennycuik | Topper |
| Dunbar | Klunk | Pickett | Twardzik |
| Ecker | Knowles | 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 | | |

NOT VOTING—0

EXCUSED—0

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

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

Mr. **BOYLE** offered the following amendment No. **A00317**:

Amend Bill, page 1, line 27, by inserting after "amended" where it occurs the second time

and the section is amended by adding a subsection

Amend Bill, page 3, by inserting between lines 6 and 7

(h) Identification of structural deficits.—If the office identifies a structural deficit in its five-year assessment of the State's current fiscal condition, the office shall provide estimates and recommendations of possible revenue sources that would be reasonably sufficient to correct the structural deficit. The office shall also provide estimates of long-term borrowing costs and potential credit rating downgrades associated with the continuation of a structural deficit.

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

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

Mr. **BOYLE**. Thank you, Mr. Speaker.

With every passing day, this State grows closer to fiscal crisis. Without action, we really do risk becoming Illinois, a State that for decades did not address its fiscal issues.

My amendment is a small step, hopefully, in a longer process. And it is a longer process that if we do not get right, we will replicate Illinois, a State that has been absolutely hard-hit by job losses and economic recession.

So I would urge passage of this amendment. Thank you.

The **SPEAKER**. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman, Representative Ryan.

Mr. **RYAN**. Again, I want to thank the gentleman for offering the amendment.

I would ask for a "no" vote. Again, the concern here is that we want to keep the Independent Fiscal Office just what it is – independent. And additionally, I do want to make the comment that governmental accounting standards and budgetary processes

under governmental accounting standards are so much different than financial accounting standards or board statements, and that is not the subject of this bill. And I would actually ask that if the gentleman is interested in something like that later on in a different concept, I get it, but this is not the place for it.

The Independent Fiscal Office should be independent, and I would ask for a "no" vote.

The **SPEAKER**. The Chair thanks the gentleman.

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

(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—90

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

NAYS—112

| | | | |
|-------------|------------|------------|-----------|
| 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 |
| Causar | Hickernell | Mizgorski | Smith |
| Cook | Irvin | Moul | Sonney |
| Cox | James | Mustello | Staats |
| Culver | Jones | Nelson, E. | Stambaugh |
| Davanzo | Jozwiak | O'Neal | Stephens |
| Day | Kail | Oberlander | Struzzi |
| Delozier | Kaufer | Ortitay | Thomas |
| DelRosso | Kauffman | Owlett | Tomlinson |

| | | | |
|-----------|---------------|------------|--------------|
| Diamond | Keefer | Peifer | Toohil |
| Dowling | Kerwin | Pennycuik | Topper |
| Dunbar | Klunk | Pickett | Twardzik |
| Ecker | Knowles | 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 | | |

NOT VOTING—0

EXCUSED—0

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

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

The SPEAKER. Prior to moving to the next amendment, the Chair would like to take this opportunity to remind the members that with the adoption of the new rule, we do allow for full participation and debate from home; however, while doing so, those same rules to chamber decorum continue to apply.

And with that, the Chair now recognizes the gentleman, Representative Webster.

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

Mr. **WEBSTER** offered the following amendment
No. **A00320**:

Amend Bill, page 2, line 28, by inserting after "impacts"
, including the potential impacts upon different racial,
ethnic, economic or other groups in this Commonwealth and their
impact upon equitable revenue generation.

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

The SPEAKER. On that question, the Chair recognizes for the first time virtually a member, the gentleman, Representative Webster.

Mr. **WEBSTER**. Thank you, Mr. Speaker.

I am proud to be number one today. I do not usually get that opportunity.

This short amendment is designed to recognize that while dynamic scoring and lots of economic models exist to evaluate the economic component of a policy or an initiative, it does not always make clear, for instance, where the revenue comes from and who is impacted most, or where the revenue goes to and who it benefits the most.

So this amendment would stipulate that in addition to the economic modeling, it goes deeper into the potential impacts upon racial, ethnic, economic, or other groups in the Commonwealth.

Thank you, sir.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Ryan, on the amendment.

Mr. **RYAN**. First of all, I am honored to be able to do a historic first with an Air Force colonel and a Marine colonel in one spot. This is quite a thing. And to my colleague on the Democratic side who offered the amendment, I want thank him for this.

I am going to respectfully ask for a "no" vote on this for a number of reasons. One is, the value judgment issues on these types of things are really best left to the research departments of our respective caucuses, as opposed to something that would be put into the auspices of the Independent Fiscal Office. And I would ask that we say "no" to the amendment for that specific reason, but again thank the maker of the amendment for his wonderful opportunity to get together and talk. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

(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—90

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

NAYS—112

| | | | |
|-------------|---------|----------|---------|
| 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 |
| Causser | Hickernell | Mizgorski | Smith |
| Cook | Irvin | Moul | Sonney |
| Cox | James | Mustello | Staats |
| Culver | Jones | Nelson, E. | Stambaugh |
| Davanzo | Jozwiak | O'Neal | Stephens |
| Day | Kail | Oberlander | Struzzi |
| Delozier | Kaufer | Ortitay | Thomas |
| DelRosso | Kauffman | Owlett | Tomlinson |
| Diamond | Keefer | Peifer | Toohil |
| Dowling | Kerwin | Pennycuick | Topper |
| Dunbar | Klunk | Pickett | Twardzik |
| Ecker | Knowles | 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 | | |

NOT VOTING—0

EXCUSED—0

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

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

The SPEAKER. The Chair had amendment 349 offered by the gentlewoman, Representative Kim, which has been ruled out of order.

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

* * *

The House proceeded to second consideration of **HB 273, PN 244**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in realty transfer tax, correcting a scrivener's error relating to credits against tax.

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

The SPEAKER. The Chair is in receipt of two amendments, 314 and 322, both of which have been ruled out of order.

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

* * *

The House proceeded to second consideration of **HB 103, PN 73**, entitled:

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

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

The SPEAKER. The gentleman, Representative Briggs, has several amendments.

The Chair just wishes to clarify with the gentleman. It is the Chair's understanding that the gentleman intends to withdraw numbers 299 and 300, and offer 353 and 354?

It has been clarified that amendment 354 will also be withdrawn. So the gentleman wishes to offer amendment 353. Is that correct?

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

Mr. **BRIGGS** offered the following amendment No. **A00353**:

Amend Bill, page 1, line 15, by inserting after "officer"
while performing his or her duties as a law enforcement officer.

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

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

Mr. **BRIGGS**. Thank you, Mr. Speaker.

This is a pretty clear-cut suggestion regarding the underlying bill when it becomes the act of spitting at law enforcement. I think it should be known that they are actually law enforcement on duty. If, you know, they are not working or if they are undercover and the person does not know that they are law enforcement, I do not think the enhanced penalty should be in effect.

So with that, I was hoping that we could do a unanimous vote for amendment 353. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman, Representative Schmitt.

Mr. **SCHMITT**. Thank you very much, Mr. Speaker.

While I appreciate very much the chairman's efforts in this regard, I think that it would be doing disservice to law enforcement to adopt this amendment, because what would happen is, we are talking about local law enforcement, so a lot of times these officers live in the community, they travel through the community, they shop in the community, and if somebody wanted to get around this bill, all they would have to do would be to wait until a law enforcement officer was on her way to church or was off duty or was in a restaurant with her children and go up and spit in the law enforcement officer's face and it would defeat the entire purpose of this bill, which is to protect law enforcement.

So while I understand the concerns, I think that, especially with regard to local law enforcement, who are our friends and neighbors and often well-known to us, that it would put them in

danger of being assaulted, perhaps by somebody with a communicable disease, and it would not offer them the protection that they would have when they were on duty.

So I would urge a negative vote on the amendment.

The SPEAKER. The Chair recognizes the gentleman, Representative Briggs, for the second time.

Mr. BRIGGS. Thank you, Mr. Speaker.

I actually was not expecting opposition to this. I should have mentioned, it is very similar to the aggravated assault enhancement where it is law enforcement on duty.

I just do not see how this would work. You know, we all saw the insurrection in January with off-duty law enforcement participating in the insurrection. If that were to happen locally, I do not know why off-duty law enforcement would receive that enhanced sentencing.

So I think similarly, the aggravated assault measure should also be reserved for those law enforcement on duty. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Schmitt, also for the second time on the amendment.

Mr. SCHMITT. Thank you, Mr. Speaker.

Well, the enhancement under this bill would only be if somebody has a contagious disease, but again, these people live in our community. They are our neighbors, they are our friends, they come and go from the local police station, and all somebody would have to do in order to circumvent the protections under this bill would be to wait until the officer is off duty, and perhaps in the presence of their family, perhaps in the presence of other people, and spit in their face, and the most they could probably be charged with would be a summary offense.

So again I ask for a "no" vote on this amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

(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—90

| | | | |
|-----------|------------|-------------|-------------|
| Benham | Driscoll | Kirkland | Pashinski |
| Bizzarro | Evans | Kosierowski | Pisciottano |
| Boyle | Fiedler | Krajewski | Rabb |
| Bradford | Fitzgerald | Krueger | Rozzi |
| Briggs | Flynn | Kulik | Sainato |
| Brown, A. | Frankel | Lee | Samuelson |
| Bullock | Freeman | Longietti | Sanchez |
| Burgos | Gainey | Madden | Sappery |
| Burns | Galloway | Malagari | Schlossberg |

| | | | |
|-----------|------------|------------|--------------|
| Carroll | Guenst | Markosek | Schweyer |
| Cephas | Guzman | Matzie | Shusterman |
| Ciresi | Hanbidge | McClinton | Sims |
| Conklin | Harkins | McNeill | Snyder |
| Cruz | Harris | Merski | Solomon |
| Daley | Herrin | Miller, D. | Sturla |
| Davidson | Hohenstein | Mullery | Vitali |
| Davis, A. | Howard | Mullins | Warren |
| Davis, T. | Innamorato | Neilson | Webster |
| Dawkins | Isaacson | Nelson, N. | Wheatley |
| Deasy | Kenyatta | O'Mara | Williams, D. |
| DeLissio | Kim | Otten | Young |
| Delloso | Kinhead | Parker | Zabel |
| DeLuca | Kinsey | | |

NAYS—112

| | | | |
|-------------|---------------|------------|--------------|
| Armanini | Gregory | Mehaffie | Rowe |
| Benninghoff | Greiner | Mentzer | Ryan |
| Bernstine | Grove | Mercuri | Sankey |
| Boback | Hamm | Metcalf | Saylor |
| Bonner | Heffley | Metzgar | Schemel |
| Borowicz | Helm | Mihalek | Schmitt |
| Brooks | Hennessey | Millard | Schroeder |
| Brown, R. | Hershey | Miller, B. | Silvis |
| Causar | Hickernell | Mizgorski | Smith |
| Cook | Irvin | Moul | Sonney |
| Cox | James | Mustello | Staats |
| Culver | Jones | Nelson, E. | Stambaugh |
| Davanzo | Jozwiak | O'Neal | Stephens |
| Day | Kail | Oberlander | Struzzi |
| DeLozier | Kaufert | Ortitay | Thomas |
| DelRosso | Kauffman | Owlett | Tomlinson |
| Diamond | Keefer | Peifer | Toohil |
| Dowling | Kerwin | Pennycuick | Topper |
| Dunbar | Klunk | Pickett | Twardzik |
| Ecker | Knowles | 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 | | |

NOT VOTING—0

EXCUSED—0

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

On the question recurring,

Will the House agree to the bill on second consideration?

The SPEAKER. It is the Chair's understanding that the gentlewoman, Representative Shusterman, has withdrawn amendment 302 and will be offering amendment 355. Just seeking clarification on that prior to recognition. The Chair thanks the lady.

On the question recurring,

Will the House agree to the bill on second consideration?

Ms. **SHUSTERMAN** offered the following amendment No. **A00355**:

Amend Bill, page 1, line 17, by striking out the comma after "tossing" and inserting

or
Amend Bill, page 1, lines 17 and 18, by striking out "or expelling such fluid or material"

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

The **SPEAKER**. On that question, the Chair recognizes Representative Shusterman.

Ms. **SHUSTERMAN**. Thank you, Mr. Speaker.

Amendment 302 would strike the words "expelling such fluid or material" from this bill. I believe removing this language will clear up the gray area that would consider spit expelled during a verbal exchange between a police officer and a peaceful protestor punishable. Removing this wording will protect individuals who are peacefully protesting, and I am asking for a "yes" vote on this amendment to clear up the gray area. Thank you.

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

Mr. **SCHMITT**. Thank you, Mr. Speaker.

Mr. Speaker, it is clear from this bill that there has to be intent to expel or spit or throw the bodily fluid onto the law enforcement officer. This is not a bill that somebody is going to be charged under if they are inadvertently speaking and saliva flies out of their mouth.

The prosecution, if a prosecution is brought under this bill, they would have to prove beyond a reasonable doubt that the act was intentional, so I think it is very clear that unintentional conduct, inadvertent conduct is not covered by this bill and would not be considered a crime under it.

The **SPEAKER**. The Chair thanks the gentleman and recognizes the gentlewoman, Representative Shusterman, for the second time on the amendment.

Ms. **SHUSTERMAN**. I want to clarify that if we get rid of the word "intent," then intent means they meant to expel. So "expelling such fluid or material" from this bill means that when you take that away, that you have to have an intention to either throw spit or expel spit. Thank you.

The **SPEAKER**. The Chair thanks the lady and recognizes the gentleman, Representative Schmitt, for the second time on the amendment.

Mr. **SCHMITT**. Thank you, Mr. Speaker.

I have to reiterate that intent is a fundamental element of this offense. It has to be proven beyond a reasonable doubt. It is very clear that an inadvertent spewing or throwing or discharge of fluid onto a law enforcement officer would not be covered under the subject matter of this proposed bill.

So I ask for a "no" vote on the amendment.

Thank you, Mr. Speaker.

The **SPEAKER**. The Chair thanks the gentleman.

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

(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—89

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

NAYS—113

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

NOT VOTING—0

EXCUSED—0

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

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

MOTION TO SUSPEND RULES

The SPEAKER. The Chair is also in receipt of two late-filed amendments which would require a suspension of the rules.

Submitted by the gentleman, Representative Kenyatta, who will seek a rules suspension on amendment 436 for the purposes of immediate consideration.

Mr. KENYATTA. Thank you, Mr. Speaker.

The HIV/AIDS (human immunodeficiency virus/acquired immunodeficiency syndrome) epidemic, Mr. Speaker, stole an entire generation of lives, and folks in the advocacy community and in the science community have worked very hard for years not only to find a cure, but to also end the deadly stigma that is attached to those who are HIV-positive.

I understand what the maker of the bill is trying to do, but, Mr. Speaker, the language that is in a portion of the bill is language that is deeply problematic, and that my amendment would seek to rectify, and I hope that we get an up-or-down vote on my amendment which would strip that language. Stigma related to folks who are HIV-positive is deadly. It is absolutely deadly.

As elected officials, we ought to be encouraging everybody to get tested frequently and to know their status, and criminalizing folks for being HIV-positive would be a dangerous, dangerous step in the opposite direction, and it would be an affront to a whole generation of folks who die cruelly from this disease.

The science on this, Mr. Speaker, is also crystal clear. After years and years of studying this, we know that there is zero, zero risk of HIV transmission, hepatitis B transmission from saliva – zero risk. Mr. Speaker, there is zero risk of transmission of HIV through urine or feces – zero risk. And while I am at it, folks who are undetectable can also not transmit HIV. We have to make sure that everything we do in this body is in line with the science, and other States are doing the right thing in this regard, Mr. Speaker. Georgia, Virginia, North Carolina, Iowa, Michigan—

POINT OF ORDER

Mr. BENNINGHOFF. Mr. Speaker? Respectfully.

The SPEAKER. The gentleman will suspend.

For what purpose does the gentleman, Leader Benninghoff, rise?

Mr. BENNINGHOFF. I believe we are talking about a suspension motion and not debating the amendment itself.

The SPEAKER. The leader is correct. I would simply ask the gentleman to constrain his comments to the purposes of suspension, which I believe you covered in the opening, and not the underlying amendment; the debate for the underlying amendment would be if and when the rules suspension by the majority of the body here is granted.

The gentleman is in order and may proceed. The Chair thanks the gentleman.

Mr. KENYATTA. Thank you, Mr. Speaker.

Taking out this part of this bill is critical. I, again, have a lot of respect for the maker of this bill. I genuinely do. And I hope that he would be open to ensuring that this bill gets cleaned up in a way that it ought to be cleaned up. We have an opportunity to do that right now. The underlying bill – if folks want to vote for the underlying bill, you will vote for the underlying bill, but we certainly should not move forward with a bill that includes language that is patently false and that could further stigmatize a community that we have not, over the years, done right by.

There are so many folks who are dead right now because of this stigma, and this bill, without these changes, would further enshrine that, and I would ask that everybody vote for suspension of the rules on this. If you want to vote for the underlying bill, vote for the underlying bill, but there is no reason we need the language that my amendment would seek to strip.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The SPEAKER. The Chair recognizes the gentleman, Representative Schmitt, on the motion to suspend the rules for consideration of amendment 436.

Mr. SCHMITT. Thank you, Mr. Speaker.

I very much appreciate the gentleman's sincere remarks, and I ask for a "no" vote on the motion.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

(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—89

| | | | |
|-----------|------------|-------------|-------------|
| Benham | Driscoll | Kinsey | Pashinski |
| Bizzarro | Evans | Kirkland | Pisciottano |
| Boyle | Fiedler | Kosierowski | Rabb |
| Bradford | Fitzgerald | Krajewski | Rozzi |
| Briggs | Flynn | Krueger | Sainato |
| Brown, A. | Frankel | Kulik | Samuelson |
| Bullock | Freeman | Lee | Sanchez |
| Burgos | Gainey | Longietti | Sappery |
| Burns | Galloway | Madden | Schlossberg |
| Carroll | Guenst | Malagari | Schweyer |
| Cephas | Guzman | Markosek | Shusterman |
| Ciresi | Hanbidge | Matzie | Sims |

| | | | |
|-----------|------------|------------|--------------|
| Conklin | Harkins | McClinton | Snyder |
| Cruz | Harris | McNeill | Solomon |
| Daley | Herrin | Merski | Sturla |
| Davidson | Hohenstein | Miller, D. | Vitali |
| Davis, A. | Howard | Mullins | Warren |
| Davis, T. | Innamorato | Neilson | Webster |
| Dawkins | Isaacson | Nelson, N. | Wheatley |
| Deasy | Kenyatta | O'Mara | Williams, D. |
| DeLissio | Kim | Otten | Young |
| Deloso | Kinthead | Parker | Zabel |
| DeLuca | | | |

NAYS—113

| | | | |
|-------------|---------------|------------|--------------|
| 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 |
| Causar | Hickernell | Mizgorski | Smith |
| Cook | Irvin | Moul | Sonney |
| Cox | James | Mullery | Staats |
| Culver | Jones | Mustello | Stambaugh |
| Davanzo | Jozwiak | Nelson, E. | Stephens |
| Day | Kail | O'Neal | Struzzi |
| Delozier | Kaufer | Oberlander | Thomas |
| DeRosso | Kauffman | Ortitay | Tomlinson |
| Diamond | Keefer | Owlett | Toohil |
| Dowling | Kerwin | Peifer | Topper |
| Dunbar | Klunk | Pennycuick | Twardzik |
| Ecker | Knowles | Pickett | Warner |
| Emrick | Labs | Polinchock | Wentling |
| Farry | Lawrence | Puskaric | Wheeland |
| Fee | Lewis | Pyle | White |
| Flood | Mackenzie, M. | Quinn | Williams, C. |
| Fritz | Mackenzie, R. | Rader | Zimmerman |
| Gaydos | Mako | Rapp | |
| Gillen | Maloney | Rigby | Cutler, |
| Gillespie | Marshall | Roae | Speaker |
| Gleim | Masser | Rothman | |

NOT VOTING—0

EXCUSED—0

Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

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

The SPEAKER. The gentleman, Representative Kenyatta, has indicated he will withdraw amendment 437, which was late-filed.

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

* * *

The House proceeded to second consideration of **HB 146, PN 112**, entitled:

An Act amending Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, in Pennsylvania Board of Probation and Parole, further providing for parole power.

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

Mr. **BERNSTINE** offered the following amendment
No. **A00230**:

Amend Bill, page 2, line 25, by striking out "5123" and inserting
5123(a), (a.2) or (c)
Amend Bill, page 3, lines 10 and 11, by striking out all of said lines

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

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

Mr. **BERNSTINE**. Thank you, Mr. Speaker.

Mr. Speaker, this amendment once again provides a technical change as it deals with the obstruction-of-justice defense. We took some of the input that we heard during the committee meeting from our folks on the other side of the aisle. We have implemented this and look forward to asking folks here today to please support this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

(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 | Sappery |
| 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 | Kaufner | O'Neal | Twardzik |
| Deloso | Kauffman | Oberlander | Vitali |
| Delozier | Keefer | Ortitay | Warner |
| DelRosso | Kenyatta | Otten | Warren |
| DeLuca | Kerwin | Owlett | Webster |
| Diamond | Kim | Parker | Wentling |
| Dowling | Kinthead | Pashinski | Wheatley |
| Driscoll | Kinsey | Peifer | Wheeland |
| Dunbar | Kirkland | Pennycuik | White |
| Ecker | Clunk | 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 having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question,

Will the House agree to the bill on second consideration as amended?

Bill as amended was agreed to.

The SPEAKER. The bill as amended will be reprinted.

* * *

The House proceeded to second consideration of **HB 163, PN 279**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in other offenses, further providing for the offense of invasion of privacy.

On the question,

Will the House agree to the bill on second consideration?

Mr. **KAUFFMAN** offered the following amendment No. **A00273**:

Amend Bill, page 3, line 14, by striking out the period after "twelve" and inserting or who is receiving transitional service training before attaining 21 years of age.

Amend Bill, page 3, line 18, by striking out the period after "twelve" and inserting or who is receiving transitional service training before attaining 21 years of age.

On the question,

Will the House agree to the amendment?

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

Mr. KAUFFMAN. Thank you, Mr. Speaker.

This amendment expands the definition of "student" to also include those individuals who are "receiving transitional service training before attaining 21 years of age." Transition programs are specifically developed to help prepare students with special needs for life after graduation from high school. Students are encouraged to begin the transition planning process by the age of 14. They are eligible for the program based on their individualized education program, with enrollment available exclusively through the student's home school district. Transition programs are designed for graduates aged 18 through 21.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Representative Staats, on the amendment.

Mr. STAATS. Thank you, Mr. Speaker.

This is an agreed-to amendment. I thank the good chairman and respectfully ask for an affirmative vote. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

(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 | 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 |
| 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 | Kaufer | O'Neal | Twardzik |
| Deloso | 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 | 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 having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

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

Bill as amended was agreed to.

The SPEAKER. The bill as amended will be reprinted.

* * *

The House proceeded to second consideration of **HB 185, PN 153**, entitled:

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

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

Ms. **KINKEAD** offered the following amendment No. **A00358**:

Amend Bill, page 1, lines 6 through 9, by striking out all of said lines and inserting

Section 1. Section 2702(b) of Title 18 of the Pennsylvania Consolidated Statutes is amended, subsection (a) is amended by adding a paragraph, subsection (d) is amended by adding definitions and the section is amended by adding a subsection to read:

Amend Bill, page 1, by inserting after line 18

(a.1) Affirmative defense.—It shall be an affirmative defense to the offense under subsection (a)(3.1) if the actor has a physical disability, an intellectual disability or an autism spectrum disorder.

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

AMENDMENT WITHDRAWN

The SPEAKER. The Representative indicates that that amendment has been withdrawn. It is the Chair's understanding that amendment 305 is also withdrawn and the Representative wishes to offer amendment 365.

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

Ms. **KINKEAD** offered the following amendment No. **A00365**:

Amend Bill, page 1, line 7, by inserting after "amended," the section is amended by adding a subsection,

Amend Bill, page 1, line 14, by inserting after "(3.1)" except as provided under subsection (c.1).

Amend Bill, page 2, by inserting between lines 5 and 6 (c.1) Exceptions.—Subsection (a)(3.1) shall not apply to an individual who has a physical disability, an intellectual disability or an autism spectrum disorder who attempts to cause or intentionally or knowingly causes bodily injury to another individual with a physical disability, an intellectual disability or an autism spectrum disorder.

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

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

Ms. KINKEAD. Thank you, Mr. Speaker.

Let me begin by saying that I deeply respect the intent of this legislation. The truth of the matter is that we do not do enough in our criminal justice system to protect people with disabilities. It is here that I believe that this legislation falls short and where in fact it risks causing more harm to the disability community than it prevents.

As a basic tenet of human nature, we gravitate towards those who are like us, who understand and even share our lived experiences, and for people living with disabilities, for most of our history and continuing right to today, this is a fact of life that many cannot change even if they wanted to. Kids and adults with disabilities are separated and segregated from society at large, and siloed off together for possibly their entire lives.

The other basic tenet of human nature that we have to consider when reviewing this legislation is conflict. Not all conflict between individuals is motivated by evil will, and not all physical harm caused in conflict is malicious. Imagine if you got into a fistfight with your sibling because they took your things without permission.

Under the law, this is a simple assault. Imagine if you were now open to being charged instead with aggravated assault because your sibling had a disability. Imagine if the reason the fight started is because you also have a disability that limited your ability to understand the consequences of your actions, that your immediate need to have your things returned overrode all other

considerations in that moment. Is this body prepared to send a person in that situation to prison for 10 to 20 years?

Many in this body have seen the movie "I Am Sam." It won best picture in 2002. And for those unfamiliar, it is a heartwarming story of a man named Sam, who has a significant intellectual disability, who finds himself raising a daughter with few supports other than the friends around him who are also members of the disability community. And Dakota Fanning plays his daughter, Lucy, who at age 4 is participating significantly in her own upbringing, as well as the care of Sam.

Now, imagine instead that Lucy has autism spectrum disorder, is nonverbal, and engages in self-harm behaviors when she is under stress. Sam, in an effort to keep her from harming herself, restrains Lucy, causing bruises on her arms and legs. We can certainly have a conversation about whether Sam is the appropriate guardian for Lucy or if he needs further support for her care; however, are we prepared to send him to prison for 10 to 20 years? Because a prosecutor in a case absolutely would.

This is the story of a man whose case I actually worked on as a defense attorney. He was charged with multiple felonies under the laws as they stand, and adding yet another one under this legislation would not make it any more likely that he would have the supports and resources he needed to care for his daughter. And Sam is not unique, because our system is not built to understand or accommodate people with disabilities. Currently three times as many people with disabilities and mental health conditions are housed in prisons than in State facilities, and the rate of disabilities among prisoners is three to four times the national average.

People with disabilities are stalked, arrested, and killed by police at far higher rates than the average population. An estimated one-third to one-half of officer-involved fatalities involve people with disabilities, including many instances where officers were called to assist the disabled individual but ended up shooting them. Our prisons are similarly inadequately prepared to provide medical care, support services, and accommodations for individuals with disabilities, and many inmates are held in solitary confinement not because of behavioral issues, but because it is an alternative to suitable housing.

Additionally, people with disabilities already face significant obstacles to employment, secure housing, and other aspects of economic security. Adding a criminal record, particularly an aggravated assault, proves an even greater challenge. Further aggravating this problem is the fact that reentry programs often do not have the necessary lodging and connections to community services.

Moreover, many residential homes, group homes, day programs, and other support services will not provide services to those with, in particular, violent criminal records. The average person who reviews applications does not have the kind of sophistication to understand what aggravated assault means in this particular context.

For this reason I am asking you to vote for this amendment to further provide protections for persons with disabilities, because we can and we should be doing the most good for the most people.

This amendment allows us to protect people with disabilities both from physical harm by those who look at people with disabilities as less than human, while also protecting people with disabilities from an overzealous criminal justice system that cannot accommodate them because it was not built to do so. Thank you.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Representative Struzzi, on the amendment.

Mr. STRUZZI. Thank you, Mr. Speaker.

I also want to thank the good lady for her passion and concern for people with mental and physical disabilities, which I also share, which is why I am proposing HB 185 again for the second time.

Let us be clear, this bill is about the victims. A victim in particular, Cody Overdorff, whom I have met personally, was brutally attacked on the Hoodlebug Trail in Indiana County knowingly and intentionally by a group of young men. The incident was videotaped because they thought it was funny, while Cody could not defend himself nor would he defend himself because of his disability.

I understand her concerns and I appreciate that, but it is my understanding that, you know, defendants with disabilities already allow special consideration under the laws, and furthermore, I think that this would basically create a get-out-of-jail-free card for some of these defendants. Again, I repeat, intentionally and knowingly causing harm to others, which is the case for Cody, which is why the law is named for him, "Cody's Law." And I can tell you that hundreds, hundreds of others have come to me after I introduced this law just thanking me for putting this out there because it will prevent crimes against people with disabilities.

But do not take my word for it. And I appreciate the good lady's efforts to work with me on this. She has spoken with me and I do respect that and I appreciate that, and so I did share with the Indiana County District Attorney the amendments that she is proposing – specifically in this case, A00365 – so do not take my word for it, take the words of the Indiana County District Attorney who worked directly on this case and many others. And this is what he wrote in an e-mail: "Many defendants have some sort of mental health issue, physical limitation, etc. It would lead to absurd results in that a defendant with a physical limitation who attacked someone with a limitation outlined in the law would not be subject to the enhanced law even though the defendant's limitation had nothing to do with it."

Basically, you are creating a loophole defense. They could say, "I attacked this person, but I also have a disability, so I should only be charged with a misdemeanor." And let me be clear again: This is not about requiring an aggravated assault charge; this is creating that option for the district attorney, for the judge. And in Cody's case, that was not available. These defendants, these young men, were only charged with misdemeanors because the law would not allow that escalation.

So that is what this bill is about, and my fear is that amendment A00365 will undermine the intent of the bill and minimize its deterring effect on future crimes. So I would urge you to vote "no" for amendment A00365. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the lady, Representative Kinkead, for the second time on the amendment.

Ms. KINKEAD. Thank you.

I appreciate my colleague's concerns about this. I believe that this amendment does not create the concerns that were raised. If an individual is, and as my example with Sam really brought forward, it does not prevent charging a person with a disability under any other statute, but because of the simple fact that this would create a simple assault of a conflict between roommates, potentially, in a group-home setting and put one or the other into

an aggravated assault where they have an aggravated assault on their record, it would potentially limit their ability to have support services, to access the services that would help them to advance their behavioral plan. And it also causes a real problem with the ability for group homes to provide services in an effective way, because you now would have a potential where roommates – if someone takes an item and then a simple assault occurs, it is now an aggravated assault. And the simple fact of the matter is that our criminal justice system does in fact take advantage of every opportunity to overcriminalize people with disabilities, and this bill has the potential to make that worse because there is no knowing requirement.

It is not a requirement of the bill that the person is motivated by the individual's disability and so you end up causing more harm to the disability community than you are advancing and protecting them. And so I would ask my colleagues to vote "yes" on this amendment so that we can protect people with disabilities from both sides.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Representative Struzzi, for the second time on the amendment.

Mr. STRUZZI. Thank you, Mr. Speaker.

I would reiterate again, this is designed to prevent intentional harm of people with disabilities. A prosecutor is not going to file aggravated assault charges against someone with a disability if they have not intentionally harmed someone else. This is about protecting the victims.

I understand and I respect your view on this and our differing opinions, but to me, this is about creating the opportunity to provide for victims that right now do not have that provision in the law, and to me, that is what is needed to make sure that there are not future victims, people with disabilities that cannot defend themselves like Cody, so that we are looking out for the people that cannot look out for themselves. And I again urge you, I urge you and I ask you steadfastly for a "no" vote on A00365. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

(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—88

| | | | |
|----------|------------|-------------|------------|
| Benham | Driscoll | Kinsey | Parker |
| Bizzarro | Evans | Kirkland | Pashinski |
| Boyle | Fiedler | Kosierowski | Piscottano |
| Bradford | Fitzgerald | Krajewski | Rabb |

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|-----------|--------|---------|--------|--------|---------|------|-------|----------|-----------|-----------|---------|-------|----------|---------|--------|-------|---------|---------|--------|----------|--------|--------|----------|---------|--------|--------|------------|--------|------------|----------|----------|-----|---------|---------|-------|-----|-----------|--------|----------|----------|--------|-----------|---------|--------|------------|---------|---------|---------|------------|--------|-------|-------|-----------|---------|--------|-------------|----------|------------|------|--------|---------|--------|--------|--------|---------|----------|--------------|-------|-------|
| Brown, A. | Burgos | Carroll | Cephas | Ciresi | Conklin | Cruz | Daley | Davidson | Davis, A. | Davis, T. | Dawkins | Deasy | DeLissio | Delloso | DeLuca | Flynn | Frankel | Freeman | Gainey | Galloway | Guenst | Guzman | Hanbidge | Harkins | Harris | Herrin | Hohenstein | Howard | Innamorato | Isaacson | Kenyatta | Kim | Kinkead | Krueger | Kulik | Lee | Longietti | Madden | Malagari | Markosek | Matzie | McClinton | McNeill | Merski | Miller, D. | Mullery | Mullins | Neilson | Nelson, N. | O'Mara | Otten | Rozzi | Samuelson | Sanchez | Sappey | Schlossberg | Schweyer | Shusterman | Sims | Snyder | Solomon | Sturla | Vitali | Warren | Webster | Wheatley | Williams, D. | Young | Zabel |
|-----------|--------|---------|--------|--------|---------|------|-------|----------|-----------|-----------|---------|-------|----------|---------|--------|-------|---------|---------|--------|----------|--------|--------|----------|---------|--------|--------|------------|--------|------------|----------|----------|-----|---------|---------|-------|-----|-----------|--------|----------|----------|--------|-----------|---------|--------|------------|---------|---------|---------|------------|--------|-------|-------|-----------|---------|--------|-------------|----------|------------|------|--------|---------|--------|--------|--------|---------|----------|--------------|-------|-------|

NAYS—114

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

NOT VOTING—0

EXCUSED—0

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

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

The SPEAKER. For the information of the members, there will be no further votes this afternoon, but we will be keeping the desk open to do a little bit of housekeeping.

BILLS RECOMMITTED

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

HB 26;
HB 103;
HB 124;
HB 125;
HB 146;
HB 153;
HB 156;
HB 163;
HB 185;
HB 230; and
HB 273.

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

BILL REMOVED FROM TABLE

The SPEAKER. The majority leader moves that HB 881 be removed from the tabled calendar and placed on the active calendar.

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

BILLS AND RESOLUTION PASSED OVER

The SPEAKER. Without objection, the remaining bills and 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 made by the gentlewoman, Representative Kosierowski, that this House do now adjourn until Tuesday, March 16, 2021, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 3:56 p.m., e.d.t., the House adjourned.