

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, APRIL 6, 2021

SESSION OF 2021

205TH OF THE GENERAL ASSEMBLY

No. 21

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (BRYAN CUTLER) PRESIDING

PRAYER

HON. JOANNA E. McCLINTON, member of the House of Representatives, offered the following prayer:

Thank you, Mr. Speaker.

Let us pray:

This is the day the Lord has made; we are rejoicing and we are glad in it.

Father, we thank You for waking us up this morning, starting us on our way, bringing us to work for the people across the Commonwealth of Pennsylvania. It is such an honor and a privilege to start this workday in Your presence, reminded, O God, that who are we that You are mindful of us or that You even consider us. You have made us lower than the angels, yet out of the mouths of children is praise perfected. Father, we humble ourselves this morning, recognizing that we need You.

We are grateful for the season that we are in, so many celebrations across multiple faiths. Lord, we pray for our Muslim brothers and sisters as they are ready to prepare for fasting. As they fast and as they pray, we pray for change in this world, in this country, in the communities across the Commonwealth. Lord, we thank You for the Passover that was just celebrated by our Jewish brothers and sisters, for the miracles that You performed for the children of Israel. God, we thank You for us who celebrated Easter just a couple days ago.

We are grateful to know that Your love conquers all, even our simple state and even death. We come to You this morning with hope in the midst of tragedy, in the midst of trauma, in the midst of pain of our neighbors. God, we bring their concerns to You, and as we are here at work, we do not point the fingers at each other but we say, Lord, if You can use anything, use us, God, to resolve these issues, to rise to the occasion, to be strong leaders committed to the people who sent us here who are so desperately in need of our help. Lord, let our agendas reflect those people. Let our priorities push those people out of problems into pathways forward.

God, we thank You because You told us in Your Word if we need wisdom, we can ask; if we are weak, You will make us strong; and if we need direction, You would provide it.

So we ask all these blessings in Jesus' 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 Monday, April 5, 2021, will be postponed until printed.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 763, PN 749

By Rep. HENNESSEY

An Act amending the act of June 1, 1945 (P.L.1242, No.428), known as the State Highway Law, in construction, improvement, maintenance and repair of State highways, providing for native vegetation along highways.

TRANSPORTATION.

HB 765, PN 1152 (Amended)

By Rep. HENNESSEY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in powers of department and local authorities, further providing for specific powers of department and local authorities.

TRANSPORTATION.

HB 1101, PN 1132

By Rep. HENNESSEY

An Act designating a portion of Pennsylvania Route 981 from the intersection with Pennsylvania Route 819 to the intersection with State Route 2021 in Mount Pleasant Township, Westmoreland County, as the Honorable Mike Reese Memorial Highway.

TRANSPORTATION.

SB 70, PN 228

By Rep. HENNESSEY

An Act designating a bridge, identified as Bridge Key 8556, carrying SR 1008 (Eckenrode Mill Road) over Chest Creek, located in East Carroll Township, Cambria County, as the Kenneth John Ivory Memorial Bridge.

TRANSPORTATION.

SB 120, PN 91

By Rep. HENNESSEY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in size, weight and load, further providing for conditions of permits and security for damages.

TRANSPORTATION.

SUBCOMMITTEE APPOINTMENTS

The SPEAKER. The Speaker submits the following supplemental list of subcommittee appointments for the House standing committees for the 2021-2022 legislative session for the record.

The following list was submitted:

Committee on Judiciary
Subcommittee on Courts

Paul Schemel, Majority Chair
Joseph Hohenstein, Minority Chair
Todd Stephens
Andrew Lewis
Josh Kail
Mike Zabel

Committee on Judiciary
Subcommittee on Crime and Corrections

Barry Jozwiak, Majority Chair
Jason Dawkins, Minority Chair
Matt Dowling
Jim Rigby
Tim Bonner
Summer Lee

Committee on Judiciary
Subcommittee on Family Law

Kate Klunk, Majority Chair
Liz Hanbidge, Minority Chair
Johnathan Hershey
Torren Ecker
Natalie Mihalek
Emily Kinkead

HOUSE BILLS INTRODUCED AND REFERRED

No. 1104 By Representatives DAVANZO, JAMES, LEWIS DELROSSO, MILLARD, E. NELSON, SILVIS and NEILSON

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, in adoption and enforcement by municipalities, further providing for administration and enforcement.

Referred to Committee on LABOR AND INDUSTRY, April 6, 2021.

No. 1106 By Representatives WHEELAND, McNEILL, HILL-EVANS, CIRESI, RYAN, GALLOWAY and MOUL

An Act amending the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act, in State funds formula, further providing for certification and calculation of minimum and maximum modifiers; and, in senior citizens property tax and rent rebate assistance, further providing for property tax and rent rebate, for funds for payment of claims and for claim forms and rules and regulations.

Referred to Committee on FINANCE, April 6, 2021.

No. 1107 By Representatives WHEELAND, BERNSTINE, RIGBY, LONGIETTI, JAMES, SCHMITT, BURGOS, ROTHMAN, KAUFFMAN, T. DAVIS, HOWARD, KINSEY, COX, PICKETT, RYAN, MILLARD, HAMM, BOROWICZ, PEIFER, ROWE, STRUZZI, JOZWIAK, SAINATO and NEILSON

An Act designating the Faxon Interchange of Interstate 180 at Northway Road in Loysock Township, Lycoming County, as the Sgts. Thomas Woodruff, Sr., and Hamilton Woodruff Memorial Interchange.

Referred to Committee on TRANSPORTATION, April 6, 2021.

No. 1108 By Representatives NEILSON, ECKER, KULIK, KINSEY, McNEILL, WARNER, MARKOSEK, SANCHEZ, GUENST, HILL-EVANS, HANBIDGE, DELLOSO, STURLA, HOWARD, T. DAVIS, PASHINSKI, ZIMMERMAN, BURGOS, GILLESPIE, DRISCOLL, HOHENSTEIN and CONKLIN

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, in fishing licenses, further providing for exemptions from license requirements.

Referred to Committee on GAME AND FISHERIES, April 6, 2021.

No. 1109 By Representatives NEILSON, LONGIETTI, KULIK, HELM, KEEFER, HARKINS, DRISCOLL, ROWE, ZIMMERMAN and GLEIM

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, in turnpike, providing for toll road conversions.

Referred to Committee on TRANSPORTATION, April 6, 2021.

No. 1110 By Representatives NEILSON, ZABEL, T. DAVIS, SANCHEZ, McNEILL, KINSEY, N. NELSON, DRISCOLL, CIRESI, MERSKI, SCHWEYER, HOHENSTEIN, DELLOSO, ISAACSON, WARREN and KINKEAD

An Act providing for licensure of electrical contractors, electricians and apprentice electricians; establishing the State Board of Electrical Licensure; providing for powers and duties of the board; establishing fees, fines and penalties; and making an appropriation.

Referred to Committee on PROFESSIONAL LICENSURE, April 6, 2021.

No. 1112 By Representatives NEILSON, FREEMAN, SCHLOSSBERG, SANCHEZ, MADDEN, D. WILLIAMS, McNEILL, STEPHENS, DRISCOLL, PEIFER, ZIMMERMAN, O'MARA and BRIGGS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in high schools, further providing for courses of study.

Referred to Committee on EDUCATION, April 6, 2021.

No. 1113 By Representatives NEILSON, HELM, CONKLIN, SANCHEZ and HARKINS

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in riot, disorderly conduct and related offenses, further providing for gambling devices, gambling, etc.

Referred to Committee on GAMING OVERSIGHT, April 6, 2021.

LEAVES OF ABSENCE

The SPEAKER. Turning to leaves of absence.

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

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—201

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

Farry	Krajewski	Puskaric	Zimmerman
Fee	Krueger	Quinn	
Fiedler	Kulik	Rabb	Cutler,
Fitzgerald	Labs	Rader	Speaker
Flood	Lawrence	Rapp	

ADDITIONS—0

NOT VOTING—0

EXCUSED—0

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

The House will please come to order. Members, please take your seats.

As is our tradition for outgoing members, we give them an opportunity for some brief remarks. At this time I will ask Representative Jeff Pyle to make his way to the well of the House for those comments.

I will ask that you move any conversations off the back of the House.

FAREWELL ADDRESS BY MR. PYLE

The SPEAKER. Representative Pyle is a former social studies teacher and mayor for Ford City. Jeff was elected to represent the 60th Legislative District in 2004. He served the residents of Armstrong, Indiana, and Butler Counties faithfully for more than 16 years. He chaired the House Liquor Committee for the past two legislative sessions. He previously chaired the House Gaming Oversight Committee and served on the Appropriations, Environmental Resources and Energy, Judiciary, and Transportation Committees. Jeff is a staunch supporter of the right to bear arms and fossil fuels, and he led the Second Amendment Caucus and the Coal Caucus for a decade. While in office he authored seven State laws. An ardent supporter of the 60th District's many volunteer fire halls and entrepreneurs, Jeff was named the 2010 Legislator of the Year by the Western Pennsylvania Firemen's Association and a Guardian of Small Business for his 100-percent voting record on behalf of small business owners. Jeff and his wife, Michele, have two daughters, Katherine and Lauren.

As Jeff is making his way down, I would like to speak very briefly about the opportunity that I had to share an office with him my first three terms. I first met him immediately prior to swearing-in day and on caucus election day, and he informed me that we would be sharing an office together. And I quickly learned that while he and I came from different sides of the State, we had an awful lot in common. We became great friends. And the thing that I learned to appreciate the most about Representative Pyle was his big heart, because when one of our own colleagues experienced a tragedy in his own family, Jeff immediately kicked in and set up a fundraiser to raise money for cancer research. And he did that for 2 consecutive years, bringing members of this chamber in a bipartisan way together and working with outside supporters to raise those funds.

Jeff was always a gentleman, he was an amazing legislator, and more importantly, I have been honored to call him my friend.

Mr. PYLE. This is what I look like, if you remember.

I promised Speaker Cutler there would be no profanity.

This place has a lot of memories. But it is probably best, it is probably best if I— Excuse me. These drugs they have me on — and I will get to it here in a second — directly affect my emotional control, so bear with me. You cannot really tell the story of this place without the phrase "honorable gentlemen." Let us try to live up to it.

There are a lot of people I want to thank, which is the basis of my speech. First and foremost, my good friend, Bryan Cutler. With Cutler we learned how to bowl in our offices. And I understand Marci Mustello and Jim Struzzi, they are now the proud residents of 147 East Wing. We took all the good ideas out of there, so you guys are kind of on your own. Sam Smith used to come over and visit, and I would go, "Sam, how come you never check into my office first? You always go to see Cutler." And he would go, "You're the fun one. He's the smart one." Sam Smith is one of those people I want to recognize, along with — and for you old guys, you will remember this — Sam Smith, Ray Bunt, Mario Civera, Rick Geist, and Ron Raymond, who were my teachers.

I want to recognize my classmates, Curt Sonney; Kathy Rapp; Rob Kauffman, who until I met, until I met Josh Kail I thought I would never know somebody that had more children than Rob Kauffman. And then came Kail. What are you up to now, Kail, like 11 or 12? Seven. Your wife is a much nicer person than you, Kail. Mark Keller, Glen Grell, Tom Quigley, and Brian Ellis.

I also want to say thanks to Sue Cornell and Karen Beyer, who never failed to make me laugh. Cutler, I mentioned, do not let your head get big. Dave Thomas; Tony Aliano; Kerry Benninghoff; and Stan Saylor, who is one of my guiding lights.

My staff: Erica Godsey, who retired recently, but she was the queen of the office and kept me out of trouble most times. My Ford City staff: Abby Major, whom I hope you will be hearing a lot more of soon; Marcia Fox; Marissa DeLorenzo; and Zach Reigh, who served honorably through this pandemic, and when I started having my health problems, they really stood up. They were me.

I see Dan Moul sitting here today. When I was in the hospital, Danny Moul came to see me. Seth Grove. Johnny Maher, for you old guys, the big dog was — he was an original.

I want to throw a shout-out to my retired Senator, Don White, who was my guidance, and his replacement, my dear friend, Joe Pittman. Joe and I are putting up a college in Ford City, and I could not have done it without him. I am all right.

And I definitely want to thank the hospital and health-care workers and ambulance drivers and EMTs (emergency medical technicians) — most of whom I know personally now — and the staff at Armstrong County Memorial.

Jesica Walker filled in very admirably over the last 3 months, which, again, it is not easy working for me.

I want to throw a shout-out to Frank Farry, who was my roommate. And if you ever have a possum stuck between the floors of your house and you cannot get it out, call Frank. When we lived with Ellis on Grand Street, we kept hearing this noise between the floors. And I said, "Frank, I swear to God that's an animal." And he went, "No way." So we climb up on the roof of this three-story townhouse and Frank goes, "Yeah, I see it." And I go, "Do you want me to get a gun?" And he is like, "No, man. That's probably not a good idea." I was like, "You're wrong, Frank. One bullet, the whole thing's over." So we managed to get

down off that roof and found out that the weed killer we were spraying on the weeds running on the electric line into our office was actually serving as a highway for these possums. So Frank and I get this wicked weed killer and pump it up and start hosing down everything in sight. And little did we know, our neighbors had ornamental razor ferns out on their porch that day, and they got a pretty good dose too.

I want to throw my respect out to Dan Deasy, the Democrat chairman of Liquor, who was an absolute pleasure to work with and who unfortunately is not here because he is in his basement dealing with COVID. I spoke to him last night.

I also want to yell out to my friends, Paulie Costa and Marc Gergely and some of the other Democrat — see, I told you, I could get it in there, Isaacson — I do have Democrat friends.

As we started with, "honorable gentlemen" is the phrase they use for us. Try to live up to it.

And I will close with something my grandfather taught me a long time ago: You make a living by what you have; you make a life by what you give. And I am sorry for this mess I am right now, but after 16 years you kind of get used to the place. It has been an honor. I will be one of those geeks that watches PCN (Pennsylvania Cable Network) every day and makes fun of people.

Donna Oberlander, whom I could not have asked for finer to share a county with.

I want to thank Jeff Coleman for getting my start. He came to me one day and he says, "Pyle, I want you to take my place." And at the time I was teaching social studies. And I said, "Are you okay?" And he said, "Yeah, come down to the office." And that is when this whole plan was hatched. And we went out and we banged on 14,000 doors, walked through parts of Indiana that still have not seen sunshine, and we got it done. And that is what it takes.

Be who you told them you are. All right? Do not ever give up your principles. Thank you and may your God go with you.

The SPEAKER. Thank you, Jeff. I will be down briefly to present a ceremonial gavel to you in the well of the House.

GUESTS INTRODUCED

The SPEAKER. Representative Pyle already mentioned, we do have two former members to the left of the Speaker: Representative Sue Cornell, who represented the 152d Legislative District. She was elected in a special election in March of 2004 and served until 2006. And Representative Karen Beyer, who represented the 131st Legislative District. She was also elected in a special election in July of 2005 and served with us until 2010.

Representative Pyle also mentioned Erica Godsey, who is a former Republican Caucus employee.

And I just ask that they stand and be welcomed.

COMMEMORATIVE GAVEL PRESENTED

(Commemorative gavel was presented.)

Mr. PYLE. I just told Cutler, I remember when Beyer was Republican.

But I neglected to mention my bestie here, Curt Sonney, and Mark Keller, who retired not long ago. So if you see those guys, give them a punch in the arm and tell them Pyle said hey.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. Turning to committee announcements, the Chair recognizes the gentleman, Representative Saylor, for an Appropriations Committee announcement.

Mr. SAYLOR. Thank you, Mr. Speaker.

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

The SPEAKER. The Chair thanks the gentleman.

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

HUMAN SERVICES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Representative Farry, for a committee announcement.

Mr. FARRY. Thank you, Mr. Speaker.

The Human Services Committee will meet in G-50 Irvis immediately at the break.

The SPEAKER. The Chair thanks the gentleman.

The Human Services Committee will meet immediately at the break in G-50 Irvis.

REPUBLICAN CAUCUS

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

Mr. DUNBAR. Thank you, Mr. Speaker.

Republicans will caucus at 12 o'clock in the majority caucus room as well as virtually. We will be prepared to be back on the floor at 1:30. So Republicans caucus at 12 o'clock and back on the floor at 1:30. Thank you.

The SPEAKER. The Chair thanks the gentleman.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the gentleman, Representative Dan Miller, for a caucus announcement.

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

Democrats will caucus virtually at 12 o'clock.

The SPEAKER. The Chair thanks the gentleman.

RECESS

The SPEAKER. This House will stand in recess until 1:30, unless sooner recalled by the Speaker.

RECESS EXTENDED

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

AFTER RECESS

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

BILLS REREPORTED FROM COMMITTEE**HB 184, PN 964**

By Rep. SAYLOR

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

APPROPRIATIONS.

HB 464, PN 1013

By Rep. SAYLOR

An Act amending the act of December 19, 1990 (P.L.1234, No.204), known as the Family Caregiver Support Act, further providing for title of act, for intent, for definitions, for primary caregiver support program, for reimbursements, for entitlement not created and for enforcement.

APPROPRIATIONS.

HB 521, PN 1143

By Rep. SAYLOR

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions; in licensing of drivers, further providing for the offense of driving while operating privilege is suspended or revoked; and, in driving after imbibing alcohol or utilizing drugs, further providing for prior offenses, for Accelerated Rehabilitative Disposition, for drug and alcohol assessments and for mandatory sentencing and providing for substance monitoring program.

APPROPRIATIONS.

HB 523, PN 1021

By Rep. SAYLOR

An Act amending the act of June 13, 1836 (P.L.551, No.169), referred to as the General Road Law, further providing for repair of private roads and providing for definitions.

APPROPRIATIONS.

HB 605, PN 1142

By Rep. SAYLOR

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in arbitration, providing for compulsory arbitration of COVID-19 actions; and, in particular rights and immunities, providing for COVID-19-related liability.

APPROPRIATIONS.

HB 607, PN 570

By Rep. SAYLOR

An Act amending the act of June 25, 1931 (P.L.1352, No.332), referred to as the Delaware River Joint Toll Bridge Compact, providing for veto power by the Governor over certain actions; further providing for audits; and providing the Governor of each state with power to ratify or veto certain actions taken by commissioners.

APPROPRIATIONS.

HB 754, PN 1141

By Rep. SAYLOR

An Act amending the act of May 1, 1984 (P.L.206, No.43), known as the Pennsylvania Safe Drinking Water Act, further providing for definitions.

APPROPRIATIONS.

HB 755, PN 914

By Rep. SAYLOR

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

APPROPRIATIONS.

**BILLS REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED****HB 220, PN 187**

By Rep. FARRY

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, in powers and duties of the Department of Drug and Alcohol Programs, further providing for powers and duties.

HUMAN SERVICES.

HB 741, PN 1153 (Amended)

By Rep. FARRY

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, in powers and duties of the Department of Drug and Alcohol Programs, providing for notification of emergency contact.

HUMAN SERVICES.

HB 944, PN 951

By Rep. FARRY

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, in powers and duties of the Department of Drug and Alcohol Programs, further providing for powers and duties.

HUMAN SERVICES.

HB 1012, PN 1051

By Rep. FARRY

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 medical assistance payments for institutional care.

HUMAN SERVICES.

**BILLS REPORTED AND REREFERRED TO
COMMITTEE ON HEALTH****HB 293, PN 259**

By Rep. FARRY

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code, in public assistance, providing for compensable services and items; and abrogating a related regulation.

Reported from Committee on HUMAN SERVICES with request that it be rereferred to Committee on HEALTH.

HB 1098, PN 1130

By Rep. FARRY

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 Assistance Recipient Identification Program and for administration of assistance and related functions.

Reported from Committee on HUMAN SERVICES with request that it be rereferred to Committee on HEALTH.

The SPEAKER. Without objection, those bills will be so rereferred.

CALENDAR**BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 148, PN 113**, entitled:

An Act designating a bridge, identified as Bridge Key 25488, carrying State Route 1011 over the Mix Creek, Eldred Township, McKean County, as the Sgt. Neil K. Dorrior 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 149, PN 114**, entitled:

An Act designating a bridge, identified as Bridge Key 39504, carrying Pennsylvania Route 3004 over the Allegheny River, Roulette Township, Potter County, as the SSG Gerrith Kibbe 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 925, PN 920**, entitled:

An Act designating a bridge, identified as Bridge Key 12275, carrying State Route 1002 over the West Branch of the Susquehanna River, Castanea Township, Clinton County, as the Petty Officer Stephen "Turbo" Toboz, Jr., 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 39, PN 1043**, entitled:

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

On the question,

Will the House agree to the bill on second consideration?

Mr. **BRADFORD** offered the following amendment No. **A00653**:

Amend Bill, page 2, line 6, by inserting after "expenditures"
not otherwise subject to Federal, State or independent
audit

Amend Bill, page 2, line 8, by striking out "\$50,000,000" and inserting

\$20,000,000

Amend Bill, page 2, line 11, by striking out "shall" and inserting may

Amend Bill, page 2, line 11, by inserting after "auditor" or engage the Auditor General

Amend Bill, page 3, line 24, by striking out "or" and inserting of

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.

I stand to offer amendment A0653. I realize the gentleman has a desire, obviously, to see that adequate auditing take places of important programs. This amendment, while simple in nature, just makes sure that we do not create an additional redundant level of auditing. Many programs, obviously – and I think the gentleman would concede – have Federal audits and State audits that are already in place. This would just say that we would not layer another level of government needlessly where sufficient auditing already exists. I believe this amendment is common sense in that it actually prevents duplication of effort. I think it is something that we could avoid the cliché of filing more TPS reports, if that is all right with the gentleman? And so I think this is an amendment worthwhile and actually will serve the gentleman's goals without needlessly creating duplication in government. Thank you.

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

Mr. GROVE. Thank you, Mr. Speaker.

First, I must applaud the maker of the amendment for his use of TPS reports; excellent, excellent choice of movie fun.

I do stand in opposition to the amendment. The underlying bill creates a recovery audit program, which is used by a multitude of States to recover improperly paid taxpayer dollars. Under this legislation, there would be no recovery of improperly paid taxpayer dollars, resulting in taxpayers' dollars fraudulently or wastefully being spent on items that may not have been purchased.

Further, Mr. Speaker, recovery audits also find areas where there have been, unfortunately, underpayments, where entities are owed money and not properly paid. Currently our auditing practices in the Commonwealth do not account for recovery audits. They are shown to show specifically like the single audit required by the Federal government shows where there might be some cost savings, but there is no audit required under Pennsylvania law that requires the use of recovery audits, actually recovery of payments that have been made improperly.

This legislation is model legislation modeled after numerous States that have this. It is good legislation. It is about accountability. And, Mr. Speaker, the more lack of internal controls we have in the Commonwealth, the more ability for fraud to happen. Not only will this recover dollars, but it will help us find areas where internal controls may not operate subpar of what we want and we are able to close those moving forward. The goal of this is to have zero improper payments. We should be efficiently utilizing State government tax dollars, so unfortunately, this amendment renders the underlying bill

useless, will not have any recoveries, and it will be status quo here in Pennsylvania moving forward.

I do appreciate my colleague bringing the amendment to our attention. I greatly appreciate it. But we are going to have to be a "no" today.

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
Delloso	Kinhead	Parker	Zabel
DeLuca	Kinsey		

NAYS—111

Armanini	Gregory	Masser	Rowe
Benninghoff	Greiner	Mehaffie	Ryan
Bernstine	Grove	Mentzer	Sankey
Boback	Hamm	Mercuri	Saylor
Bonner	Heffley	Metcalfe	Schemel
Borowicz	Helm	Metzgar	Schmitt
Brooks	Hennessey	Mihalek	Schroeder
Brown, R.	Hershey	Millard	Silvis
Causer	Hickernell	Miller, B.	Smith
Cook	Irvin	Mizgorski	Sonney
Cox	James	Moul	Staats
Culver	Jones	Mustello	Stambaugh
Davanzo	Jozwiak	Nelson, E.	Stephens
Day	Kail	O'Neal	Struzzi
Delozier	Kaufer	Oberlander	Thomas

DelRosso	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	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			

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 House proceeded to second consideration of **HB 120, PN 87**, entitled:

An Act establishing the Keystone Solvency Operating Study Commission and providing for its powers and duties and for a report.

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

Mr. **RYAN** offered the following amendment No. **A00128**:

Amend Bill, page 5, line 12, by striking out "six" and inserting 12

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

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

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

Based upon feedback that we received last session and due to the continued imposition of COVID-19, we thought giving an additional 6 months would be very helpful, and I would ask for an affirmative 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—201

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

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 854, PN 838**, entitled:

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

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

Mr. **MERCURI** offered the following amendment No. **A00641**:

Amend Bill, page 4, by inserting between lines 2 and 3 Section 2103-E. Construction.

Nothing in this article shall be construed to reduce the retention period of any Commonwealth record as provided by law or prevent the transfer of records to the State Archives for permanent retention.

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

The SPEAKER. The Chair has been informed that the gentleman, Representative Mercuri, will be offering the amendment.

The question is, will the House agree to the amendment?

On that question, the Chair recognizes the gentleman, Representative Mercuri.

Mr. MERCURI. Thank you, Mr. Speaker.

My amendment, A0641, to HB 854, which is a good bill that will ensure record retention for records related to the COVID-19 crisis, will help ensure that the new law does not change any existing retention periods of any Commonwealth record under the law or prevent the transfer of records to State Archives for retention. This amendment will prevent unintended consequences to existing retention standards from this law. 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 gentleman, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

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

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady.

The following roll call was recorded:

YEAS—201

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

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?

Mrs. DAVIS offered the following amendment No. **A00647**:

Amend Bill, page 4, by inserting between lines 2 and 3
Section 2103-E. Retention of records related to COVID-19 by the
General Assembly.

A caucus or chamber of the General Assembly that was party to litigation in Federal or State court related to COVID-19, the order or actions of an executive agency in response to COVID-19 shall preserve all records pertaining to litigation in possession of the caucus or chamber of the General Assembly for a period of 10 years after the order is terminated by executive order, proclamation or operation of law, including records created concerning the cost of litigation. All contracts entered into and costs and expenses incurred due to any litigation covered under this section shall be published on the General Assembly's publicly accessible Internet website. Information published under this section shall be updated monthly.

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

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

Mrs. DAVIS. Thank you, Mr. Speaker.

Amendment 647 requires the General Assembly to preserve documents pertaining to their litigation of COVID-19-related matters and to post contracts, costs, and expenses related to COVID-19 litigation on its Web site for the public to review.

The last year has been full of some of the most important decisions made in the history of our Commonwealth. Whether you agree with the decisions or not, we cannot deny the importance of what has happened to all Pennsylvanians during this pandemic.

If it is important enough to require the executive branch to save all COVID-19-related documents as if it were preparing for a lawsuit, then the General Assembly ought to, at a minimum, preserve the documents in its possession that were created as it prepared to fight over public health and safety matters. My amendment would ensure our documents are preserved. It would increase transparency by ensuring those contracts and costs are disclosed on the General Assembly's Web site. Thank you.

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

Mr. ECKER. Thank you, Mr. Speaker.

And while I appreciate the good woman's interest here in providing transparency and openness to what we are doing in this body, the point of this bill, the underlying point of this bill is dealing with the COVID crisis and how it was handled by the executive branch, of which we know most of those decisions were being made by the executive branch, and to get a peer into those and to get a behind-the-scenes look to preserve these records moving forward. So while I appreciate the maker of the amendment, the maker of the amendment's intention here, that is not really the intention of the underlying bill, and I would be happy to work with the maker to develop a comprehensive look at record retention as it pertains to this body and this chamber.

So I would ask the members oppose 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 gentleman, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

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

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady.

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—111

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

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 as amended?

The SPEAKER. It is the Chair's understanding that the gentleman, Representative Webster, has withdrawn amendment 661. The Chair thanks the gentleman.

On the question recurring,

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

Bill as amended was agreed to.

The SPEAKER. The bill as amended will be reprinted.

* * *

The House proceeded to second consideration of **HB 766, PN 752**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in corporate net income tax, further providing for reports and payment of tax and for extension of time to file reports.

On the question,

Will the House agree to the bill on second consideration?

Mr. **GREINER** offered the following amendment No. **A00659**:

Amend Bill, page 1, line 10, by inserting after "penalties," in personal income tax, providing for COVID-19 emergency finance and tax provision; and

Amend Bill, page 1, lines 15 through 17, by striking out all of said lines and inserting

Section 1. The act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, is amended by adding a section to read:

Section 330.2. COVID-19 Emergency Finance and Tax Provision.—(a) The General Assembly finds and declares that there are circumstances under which it is impossible to effectively comply with law relating to State finance or State tax and during such circumstances, it is necessary for Commonwealth agencies to exercise temporary powers and duties provided under this section.

(b) (1) This subsection provides temporary authority to the department to deal with State taxation during the state of disaster emergency announced by the Governor's March 6, 2020, proclamation of disaster emergency, and any renewal of the state of disaster emergency.

(2) The department shall disregard the period after April 14, 2021, and before May 17, 2021, in the calculation of interest, a penalty or an addition to tax for failure to meet an extended deadline under section 330.

(3) This subsection shall expire May 31, 2021.

(c) (1) This subsection provides temporary authority to the Department of Community and Economic Development to deal with local taxation during the state of disaster emergency announced by the Governor's March 6, 2020, proclamation of disaster emergency, and any renewal of the state of disaster emergency.

(2) During the state of disaster emergency under paragraph (1), the Department of Community and Economic Development shall coordinate with the governing bodies and local agencies of political

subdivisions to do all of the following:

(i) Extend filing and payment deadlines for local taxes under Chapter 5 of the act of December 31, 1965, known as the Local Tax Enabling Act, and related statutory provisions, ordinances and resolutions so that the deadlines coincide with the filing deadline for a tax return and payment of section 330.

(ii) Disregard the period after April 14, 2021, and before May 17, 2021, in the calculation of interest, a penalty or an addition to tax for failure to meet an extended deadline under subparagraph (i)

(3) This subsection shall expire May 31, 2021.

Section 2. Sections 403(a)(1) and (e) and 405 of the act are amended to read:

Amend Bill, page 3, line 12, by striking out "2" and inserting
3

Amend Bill, page 3, line 15, by striking out "3" and inserting
4

On the question,

Will the House agree to the amendment?

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

Mr. DUNBAR. Thank you, Mr. Speaker.

Very simply, this amendment empowers the DCED (Department of Community and Economic Development) and Department of Revenue to work with their local tax jurisdictions to extend the filing deadline to May 17. Right now the Federal deadline is May 17. It will be a lot easier for preparers as well as those individuals that prepare their own tax returns if we can have a uniform date across the Commonwealth. So this bill provides temporary authority to DCED to work with these local tax jurisdictions, and I would appreciate 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—201

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

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

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?

AMENDMENT WITHDRAWN

The SPEAKER. It is the Chair's understanding that the gentleman, Representative Bradford, has withdrawn amendment 642. The Chair thanks the gentleman.

On the question recurring,

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

Mr. **BOYLE** offered the following amendment No. **A00654**:

Amend Bill, page 1, line 11, by inserting after "for" where it occurs the first time definitions, for imposition of tax, for

Amend Bill, page 1, line 11, by striking out "and" where it occurs the second time and inserting a comma

Amend Bill, page 1, line 12, by striking out the period after "reports" and inserting

and for consolidated reports; and, in general provisions, further providing for underpayment of estimated tax.

Amend Bill, page 1, lines 15 through 17, by striking out all of said lines and inserting

Section 1. Section 401(3)1(a), (b), (t) and (5) of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, are amended, (3)2(a)(9)(A) is amended by adding a unit, (3)1 and (3)4 are amended by adding phrases and the section is amended by adding clauses to read:

Section 401. Definitions.—The following words, terms, and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

* * *

(3) "Taxable income." 1. (a) In case the entire business of the corporation is transacted within this Commonwealth, for any taxable year which begins on or after January 1, 1971, taxable income for the calendar year or fiscal year as returned to and ascertained by the Federal Government before special deductions provided for in sections 241, 242, 243, 244, 245, 246, 247, 248, 249 and 250 of the Internal Revenue Code of 1986 (26 U.S.C. §§ 241, 242, 243, 244, 245, 246, 247, 248, 249 and 250), or in the case of a corporation participating in the filing of consolidated returns to the Federal Government or that is not required to file a return with the Federal Government, the taxable income which would have been returned to and ascertained by the Federal Government before special deductions provided for in sections 241, 242, 243, 244, 245, 246, 247, 248, 249 and 250 of the Internal Revenue Code of 1986 (26 U.S.C. §§ 241, 242, 243, 244, 245, 246, 247, 248, 249 and 250) if separate returns had been made to the Federal Government for the current and prior taxable years, subject, however, to any correction thereof, for fraud, evasion, or error as finally ascertained by the Federal Government.

(b) Additional deductions shall be allowed from taxable income on account of any dividends received from any other corporation but only to the extent that such dividends are included in taxable income as returned to and ascertained by the Federal Government. For tax years beginning on or after January 1, 1991, additional deductions shall only be allowed for amounts included, under section 78 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 78), in taxable income returned to and ascertained by the Federal Government and for the amount of any dividends received from a foreign corporation included in taxable income to the extent such dividends would be deductible in arriving at Federal taxable income if received from a domestic corporation. For taxable years beginning after December 31, 2021, the additional deduction with respect to dividends shall not be allowed for dividends between members of a unitary group.

* * *

(p.1) For taxable years after December 31, 2021, in the case of a corporation that is a member of a unitary business, the term "taxable income" shall mean the combined unitary income of the unitary business, as determined on a water's-edge basis.

* * *

(t) (1) Except as provided in paragraph (2), (3) or (4) for taxable years beginning after December 31, 2014, and in addition to any authority the department has on the effective date of this paragraph to deny a deduction related to a fraudulent or sham transaction, no deduction shall be allowed for an intangible expense or cost, or an interest expense or cost, paid, accrued or incurred directly or indirectly in connection with one or more transactions with an affiliated entity. In calculating taxable income under this paragraph, when the taxpayer is engaged in one or more transactions with an affiliated entity that was subject to tax in this Commonwealth or another state or possession of the United States on a tax base that included the intangible expense or cost, or the interest expense or cost, paid, accrued or incurred by the

taxpayer, the taxpayer shall receive a credit against tax due in this Commonwealth in an amount equal to the apportionment factor of the taxpayer in this Commonwealth multiplied by the greater of the following:

(A) the tax liability of the affiliated entity with respect to the portion of its income representing the intangible expense or cost, or the interest expense or cost, paid, accrued or incurred by the taxpayer; or

(B) the tax liability that would have been paid by the affiliated entity under subparagraph (A) if that tax liability had not been offset by a credit.

The credit issued under this paragraph shall not exceed the taxpayer's liability in this Commonwealth attributable to the net income taxed as a result of the adjustment required by this paragraph.

(2) The adjustment required by paragraph (1) shall not apply to a transaction that did not have as [the] a principal purpose the avoidance of tax due under this article and was done at arm's length rates and terms.

(3) The adjustment required by paragraph (1) shall not apply to a transaction between a taxpayer and an affiliated entity domiciled in a foreign nation which has in force a comprehensive income tax treaty with the United States providing for the allocation of all categories of income subject to taxation, or the withholding of tax, on royalties, licenses, fees and interest for the prevention of double taxation of the respective nations' residents and the sharing of information.

(4) The adjustment required by paragraph (1) shall not apply to a transaction where an affiliated entity directly or indirectly paid, accrued or incurred a payment to a person who is not an affiliated entity, if the payment is paid, accrued or incurred on the intangible expense or cost, or interest expense or cost, and is equal to or less than the taxpayer's proportional share of the transaction. The taxpayer's proportional share shall be based on relative sales, assets, liabilities or another reasonable method.

(5) The adjustment required under paragraph (1) shall not apply to a transaction between the taxpayer and an affiliated entity, where the taxpayer and the affiliated entity file a combined annual report in this State.

2. In case the entire business of any corporation, other than a corporation engaged in doing business as a regulated investment company as defined by the Internal Revenue Code of 1986, is not transacted within this Commonwealth, the tax imposed by this article shall be based upon such portion of the taxable income of such corporation for the fiscal or calendar year, as defined in subclause 1 hereof, and may be determined as follows:

(a) Division of Income.

* * *

(9) (A) Except as provided in subparagraph (B):

* * *

(vi) (a) For taxable years beginning after December 31, 2021, all business income of a unitary business shall be apportioned to this State by multiplying the income by the member's sales factor, the numerator of which shall be the member's total sales in this State, and the denominator of which shall be the combined total sales of all members of the unitary business everywhere. In computing the sales of each member for purposes of apportionment, the following sales are excluded from the numerator and denominator:

(I) sales from transactions between or among members of the unitary business that are deferred under 26 CFR 1.1502-13 (relating to intercompany transactions) for Federal taxable income purposes; and

(II) the sales of each member that are excluded from the unitary business pursuant to the definition of water's-edge basis.

(b) The Pennsylvania sales of each nontaxable member shall be determined based upon the apportionment rules applicable to the member and shall be aggregated. Each taxable member of the group shall include in its sales factor numerator a portion of the aggregate Pennsylvania sales of nontaxable members based on a ratio, the numerator of which is the taxable member's Pennsylvania sales and the denominator of which is the aggregate Pennsylvania sales of all the taxable members of the group.

(c) Nonbusiness income of each member of a unitary business shall be allocated as provided in paragraphs (5) through (8) of phrase (a) of subclause 2 of this definition. A member of the unitary business is subject to tax on its apportioned share of all business income of the unitary business, plus its nonbusiness income or loss allocated to this State, minus the member's net loss deduction.

(d) The Secretary of Revenue has the authority to distribute, apportion or allocate gross income, deductions, credits or allowances between and among two or more corporations, persons, entities, members or unitary businesses, whether or not incorporated, whether or not organized in the United States and whether or not affiliated, if:

(I) the corporations, persons, entities, members or unitary businesses are owned or controlled directly or indirectly by the same interests within the meaning of section 482 of the Internal Revenue Code (26 U.S.C. § 482); and

(II) the Secretary of Revenue determines that the distribution, apportionment or allocation is necessary in order to reflect an arm's length standard within the meaning of 26 CFR 1.482-1 (relating to allocation of income and deductions among taxpayers) and to reflect clearly the income of those corporations, persons, entities, members or unitary businesses.

(e) The Secretary of Revenue shall apply the administrative and judicial interpretations of section 482 of the Internal Revenue Code (26 U.S.C. § 482) in administering this section.

(f) For taxable years beginning after December 31, 2021, any member of a unitary group that would otherwise apportion its business income under phrase (b), (c), (d) or (e) of subclause 2 of this definition shall determine its apportionment formula using a single sales fraction.

* * *

4. * * *

(h) Subject to the limitations of this subclause, any member of a unitary business that has unused net loss from taxable years that began prior to January 1, 2022, or that generates net losses while a member of a unitary business may only take the net loss deduction for taxable years beginning after December 31, 2021, to the extent of the member's share of combined unitary income after apportionment and the net losses may not be used by other members of the same unitary business.

(i) Any net loss realized for a taxable year, unused by a corporation which subsequently becomes a member of another unitary business, may only be used by that corporation.

* * *

(5) "Taxable year." [The taxable year which the corporation, or any consolidated group with which the corporation participates in the filing of consolidated returns, actually uses in reporting taxable income to the Federal Government. With regard to the tax imposed by Article IV of this act (relating to the Corporate Net Income Tax), the terms "annual year," "fiscal year," "annual or fiscal year," "tax year" and "tax period" shall be the same as the corporation's taxable year, as defined in this paragraph.]

1. Except as set forth in subclause 2, the taxable year which the corporation, or any consolidated group with which the corporation participates in the filing of consolidated returns, actually uses in reporting taxable income to the Federal Government, or which the corporation would have used in reporting taxable income to the Federal Government had it been required to report its taxable income to the Federal Government. With regard to the tax imposed by Article IV, the terms "annual year," "fiscal year," "annual or fiscal year," "tax year" and "tax period" shall be the same as the corporation's taxable year, as defined in this subclause or subclause 2.

2. All members of a unitary business shall have a common taxable year for purposes of computing tax due under this article. The taxable year for such purposes is the common taxable year adopted, in a manner prescribed by the department, by all members of the unitary business. The common taxable year must be used by all members of the unitary business in the year of adoption and all future years unless otherwise permitted by the department.

* * *

(11) "Tax haven." Means any of the following:

- (A) Andorra.
- (B) Anguilla.
- (C) Antigua and Barbuda.
- (D) Aruba.
- (E) The Bahamas.
- (F) Bahrain.
- (G) Barbados.
- (H) Belize.
- (I) Bermuda.
- (J) The British Virgin Islands.
- (K) The Cayman Islands.
- (L) The Cook Islands.
- (M) Cyprus.
- (N) Dominica.
- (O) Gibraltar.
- (P) Grenada.
- (Q) Guernsey-Sark-Alderney.
- (R) The Isle of Man.
- (S) Jersey.
- (T) Liberia.
- (U) Liechtenstein.
- (V) Luxembourg.
- (W) Malta.
- (X) The Marshall Islands.
- (Y) Mauritius.
- (Z) Monaco.
- (AA) Montserrat.
- (BB) Nauru.
- (CC) Netherlands Antilles.
- (DD) Niue.
- (EE) Panama.
- (FF) Samoa.
- (GG) San Marino.
- (HH) Seychelles.
- (II) St. Kitts and Nevis.
- (JJ) St. Lucia.
- (KK) St. Vincent and the Grenadines.
- (LL) Turks and Caicos Islands.
- (MM) Vanuatu.

(NN) A jurisdiction that is identified as a tax haven by the Organization for Economic Co-operation and Development.

(12) "Unitary business." A single economic enterprise that is made up of separate parts of a single corporation, of a commonly controlled group of corporations, or both, that are sufficiently interdependent, integrated and interrelated through their activities so as to provide a synergy and mutual benefit that produces a sharing or exchange of value among them and a flow of value to the separate parts. A unitary business includes all those parts and corporations that are included in a unitary business under the Constitution of the United States.

(13) "Water's-edge basis." A system of reporting that includes the income and apportionment factors of certain members of a unitary business, described as follows:

(A) Any member incorporated in the United States or formed under the laws of any state of the United States, the District of Columbia, any territory or possession of the United States or the Commonwealth of Puerto Rico.

(B) Any member, regardless of the place incorporated or formed, if at least twenty per cent of the member's sales factor is within the United States, and the following shall apply:

(i) For purposes of determining whether at least twenty per cent of a member's sales factor is within the United States, the calculation must be performed on a stand-alone basis. Sales shall be gross figures without eliminations for transactions with other members of any unitary business.

(ii) Whether sales are within the United States is based on the sales factor sourcing rules contained in section 401(3).

(C) Any member which is one of the following:

(i) A domestic international sales corporation as described in sections 991, 992, 993 and 994 of the Internal Revenue Code of 1986 (26 U.S.C. §§ 991, 992, 993 and 994).

(ii) A foreign sales corporation as described in former sections 921, 922, 923, 924, 925, 926 and 927 of the Internal Revenue Code of 1986 (26 U.S.C. §§ 921, 922, 923, 924, 925, 926 and 927).

(iii) An export trade corporation as described in sections 970 and 971 of the Internal Revenue Code of 1986 (26 U.S.C. §§ 970 and 971).

(D) Any member not described in subparagraph (A), (B) or (C) shall include the portion of the member's taxable income derived from or attributable to sources within the United States, as determined under the Internal Revenue Code of 1986 (26 U.S.C. § 1 et seq.) without regard to Federal treaties, and its apportionment factors related thereto.

(E) Any member that is a "controlled foreign corporation" as defined in section 957 of the Internal Revenue Code of 1986 (26 U.S.C. § 957), to the extent the income of that member is income defined in section 952 of the Internal Revenue Code of 1986 (26 U.S.C. § 952) as Subpart F income, not excluding lower-tier subsidiaries' distributions of such income which were previously taxed, determined without regard to Federal treaties, and the apportionment factors related to that income; any item of income received by a controlled foreign corporation and the apportionment factors related to such income shall be excluded if the corporation establishes to the satisfaction of the Secretary of Revenue that such income was subject to an effective rate of income tax imposed by a foreign country greater than ninety per cent of the maximum rate of tax specified in section 11 of the Internal Revenue Code of 1986 (26 U.S.C. § 11). The effective rate of income tax determination shall be based upon the methodology set forth under 26 CFR 1.954-1 (relating to foreign base company income).

(F) Any member that is incorporated in or is doing business in a tax haven. The income and apportionment factors of a member doing business in a tax haven shall be excluded if the member establishes to the satisfaction of the Secretary of Revenue that the member's income was subject to an effective rate of income tax imposed by a country greater than ninety per cent of the maximum rate of tax specified in section 11 of the Internal Revenue Code of 1986 (26 U.S.C. § 11).

(14) "Commonly controlled group." For a corporation, the corporation is a member of a group of two or more corporations and more than fifty per cent of the voting stock or controlling interest of each member of the group is directly or indirectly owned by a common owner or by common owners, either corporate or noncorporate, or by one or more of the member corporations of the group.

(15) "Combined unitary income." The aggregate taxable income or loss of all members of a unitary business, subject to apportionment, except:

(A) Income from an intercompany transaction between members of a unitary business shall be deferred in a manner similar to 26 CFR 1.1502-13 (relating to intercompany transactions) for Federal taxable income purposes.

(B) Dividends paid by one member of a unitary business to another.

(C) Income of the following members is not included in the determination of combined unitary income:

(i) any member subject to taxation under Article VII, VIII, IX or XV;

(ii) any member specified in the definition of "institution" in section 701.5 that would be subject to taxation under Article VII, were it doing business in this State, as defined in section 701.5;

(iii) any member commonly known as a title insurance company that would be subject to taxation under Article VIII, were it incorporated in this State;

(iv) any member specified as an insurance company, association or exchange in Article IX that would be subject to taxation under Article IX, were it transacting insurance business in this State;

(v) any member specified in the definition of "institution" in section 1501 that would be subject to taxation under Article XV, were it located, as defined in section 1501, in this State; or

(vi) any member that is a small corporation as defined in section 301(s.2), except to the extent of such small corporation's net recognized built-in gain to the extent of and as determined for Federal income tax purposes under section 1374(d)(2) of the Internal Revenue Code of 1986 (Public Law 99-5143, 26 U.S.C. § 1374(d)(2)).

(16) "Member." A corporation that is a member of a unitary business. The term does not include a corporation listed in clause (15)(C).

Section 2. Section 402(b) of the act is amended to read:

Section 402. Imposition of Tax.—* * *

(b) The annual rate of tax on corporate net income imposed by subsection (a) for taxable years beginning for the calendar year or fiscal year on or after the dates set forth shall be as follows:

Taxable Year	Tax Rate
January 1, 1995, [and each taxable year thereafter] through December 31, 2021	9.99%
<u>January 1, 2022, through December 31, 2022</u>	<u>8.99%</u>
<u>January 1, 2023, through December 31, 2023</u>	<u>8.29%</u>
<u>January 1, 2024, through December 31, 2024</u>	<u>7.49%</u>
<u>January 1, 2025, through December 31, 2025</u>	<u>6.99%</u>
<u>January 1, 2026, and each taxable year thereafter</u>	<u>5.99%</u>

* * *

Section 3. Section 403(a)(1) and (e) of the act are amended and the section is amended by adding subsections to read:

Amend Bill, page 2, by inserting between lines 15 and 16

(a.1) (1) Each corporation that is a member of a unitary business that consists of two or more corporations, unless excluded by the provisions of this article, shall file as part of a combined annual report. The member of the unitary business shall designate one member that is subject to tax under this article to file the combined annual report and to act as agent on behalf of all other members of the unitary business. Each corporation that is a member of a unitary business is liable for its tax liability under this article. The agent is also liable for the aggregate amount of the unitary business' tax liability pursuant to this article.

(2) The oath or affirmation of the designated member's president, vice president, treasurer, assistant treasurer or other authorized officer shall constitute the oath or affirmation of each corporation that is a member of that unitary business.

(3) The designated member shall transmit to the department upon a form prescribed by the department a combined annual report under oath or affirmation of the member's president, vice president, treasurer, assistant treasurer or other authorized officer.

(4) In addition to the information required in subsection (a), the combined annual report shall set forth:

(i) All members included in the unitary business.

(ii) All necessary data, both in the aggregate and for each member of the unitary business, that sets forth the determination of tax liability for each member of the unitary business.

(iii) Any other information that the department may require.

(a.2) A member of a unitary business of two or more corporations must determine the member's income and apportionment factors on a water's-edge basis.

* * *

Amend Bill, page 2, by inserting between lines 27 and 28

Section 4. Sections 404 and 405 of the act are amended to read:

Section 404. Consolidated Reports.—The department shall not

permit any corporation owning or controlling, directly or indirectly, any of the voting capital stock of another corporation or of other corporations, subject to the provisions of this article, to make a consolidated report[, showing the combined net income].

Amend Bill, page 3, lines 12 through 15, by striking out all of said lines and inserting

Section 5. Section 3003.3(d) of the act is amended and the section is amended by adding a subsection to read:

Section 3003.3. Underpayment of Estimated Tax.—* * *

(d) Notwithstanding the provisions of [the preceding subsections,] this section, other than as set forth in subsection (d.1), interest with respect to any underpayment of any installment of estimated tax shall not be imposed if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of such installment equals or exceeds the amount which would have been required to be paid on or before such date if the estimated tax were an amount equal to the tax computed at the rates applicable to the taxable year, including any minimum tax imposed, but otherwise on the basis of the facts shown on the report of the taxpayer for, and the law applicable to, the safe harbor base year, adjusted for any changes to sections 401, 601, 602 and 1101 enacted for the taxable year, if a report showing a liability for tax was filed by the taxpayer for the safe harbor base year. If the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of such installment does not equal or exceed the amount required to be paid per the preceding sentence, but such amount is paid after the date the installment was required to be paid, then the period of underpayment shall run from the date the installment was required to be paid to the date the amount required to be paid per the preceding sentence is paid. Provided, that if the total tax for the safe harbor base year exceeds the tax shown on such report by ten per cent or more, the total tax adjusted to reflect the current tax rate shall be used for purposes of this subsection. In the event that the total tax for the safe harbor base year exceeds the tax shown on the report by ten per cent or more, interest resulting from the utilization of such total tax in the application of the provisions of this subsection shall not be imposed if, within forty-five days of the mailing date of each assessment, payments are made such that the total amount of all payments of estimated tax equals or exceeds the amount which would have been required to be paid on or before such date if the estimated tax were an amount equal to the total tax adjusted to reflect the current tax rate. In any case in which the taxable year for which an underpayment of estimated tax may exist is a short taxable year, in determining the tax shown on the report or the total tax for the safe harbor base year, the tax will be reduced by multiplying it by the ratio of the number of installment payments made in the short taxable year to the number of installment payments required to be made for the full taxable year.

(d.1) With respect to any underpayment of an installment of estimated corporate net income tax for any tax year that begins in taxable year 2022 or 2023 by a corporation required to file a combined annual report pursuant to section 403(a.1)(1), interest shall not be imposed if the total amount of all payments of estimated corporate net income tax made on or before the last date prescribed for the payment of such installment equals or exceeds the amount which would have been required to be paid on or before such date if the estimated tax were an amount equal to the combined tax shown on the reports of all the members of the unitary business for the safe harbor base year computed at the rate applicable to the taxable year.

Section 6. This act shall apply as follows:

(1) The amendment of sections 401, 402, 403, 404 and 3003.3 of the act shall apply to taxable years beginning after December 31, 2021.

(2) The amendment or addition of sections 403(a)(1)(iii) and (e) and 405 of the act shall apply to taxable years beginning after December 31, 2020.

Section 7. This act shall take effect immediately.

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

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

Mr. BOYLE. Thank you, Mr. Speaker.

Fiscal conservatives have long contended that the corporate tax rate in Pennsylvania has stifled job growth and economic activity. My amendment would actually reduce the corporate tax rate in Pennsylvania by doing one simple thing. What it would have established is that mega, large multinationals could no longer move their profits out of Pennsylvania to other States like Delaware or internationally, the Cayman Islands, to avoid paying the proper level of tax on profits. That would actually allow for us to reduce the rate for all businesses in Pennsylvania. But at this time due to a technical correction needed on this amendment, I am going to withdraw.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman, and the amendment will be withdrawn.

On the question recurring,

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

Bill as amended was agreed to.

The SPEAKER. The bill as amended will be reprinted.

* * *

The House proceeded to second consideration of **HB 290, PN 1049**, entitled:

An Act amending the act of December 19, 1988 (P.L. 1262, No. 156), known as the Local Option Small Games of Chance Act, in miscellaneous provisions, providing for games of chance operations during COVID-19 disaster emergency.

On the question,

Will the House agree to the bill on second consideration?

Mr. ROZZI offered the following amendment No. **A00635**:

Amend Bill, page 3, by inserting between lines 25 and 26

(9) An eligible organization may not offer a single game of chance in which the prize exceeds \$4,000.

On the question,

Will the House agree to the amendment?

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

Mr. ROZZI. Thank you, Mr. Speaker.

All this amendment does is change the prize limit for a single game of chance from \$2,000 to \$4,000.

Thank you, Mr. Speaker.

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

Mr. WARNER. Thank you, Mr. Speaker.

I want to thank the gentleman. This is an agreed-to 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 gentleman, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

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

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady.

The following roll call was recorded:

YEAS—183

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

NAYS—18

Borowicz	Mackenzie, M.	Roae	Twardzik
Gaydos	Mackenzie, R.	Rowe	Zimmerman
Gillen	Mehaffie	Samuelson	

Lawrence Metcalfe Staats Cutler,
Lewis Rapp Stambaugh Speaker

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?

Mr. **ROZZI** offered the following amendment No. **A00637**:

Amend Bill, page 3, by inserting between lines 25 and 26
(9) An eligible organization may not award prizes that exceed \$50,000 in an operating week.

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

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

Mr. ROZZI. Thank you, Mr. Speaker.

Again, this amendment just changes the net prizes in the operating week from \$35,000 to \$50,000, and I appreciate your support.

Thank you, Mr. Speaker.

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

Mr. WARNER. Thank you, Mr. Speaker.

Again I want to thank the good gentleman from Berks County for his help with this amendment. It is an agreed-to amendment, and I ask for the members' support.

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—187

Armanini	Fiedler	Krajewski	Rabb
Benham	Fitzgerald	Krueger	Rader
Benninghoff	Flood	Kulik	Rigby
Bernstine	Flynn	Labs	Rothman
Bizzarro	Frankel	Lee	Rowe

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

NAYS—14

Borowicz	Lewis	Metcalfe	Zimmerman
Gaydos	Mackenzie, M.	Rapp	
Gillen	Mackenzie, R.	Roae	Cutler,
Lawrence	Mehaffie	Staats	Speaker

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

Mr. **DIAMOND** offered the following amendment No. **A00640**:

Amend Bill, page 2, line 27, by inserting after "SERVICE"
or a credit card or debit card
Amend Bill, page 2, lines 28 through 30, by striking out "AN ELIGIBLE ORGANIZATION" in line 28 and all of lines 29 and 30

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

AMENDMENT WITHDRAWN

The SPEAKER. The gentleman has indicated he is withdrawing that amendment. The Chair thanks the gentleman.

It is the Chair's understanding that amendments 633, 634, and 636 have also been withdrawn. The Chair thanks the gentleman.

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

Bill as amended was agreed to.

The SPEAKER. The bill as amended will be reprinted.

SUPPLEMENTAL CALENDAR A

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 464, PN 1013**, entitled:

An Act amending the act of December 19, 1990 (P.L. 1234, No.204), known as the Family Caregiver Support Act, further providing for title of act, for intent, for definitions, for primary caregiver support program, for reimbursements, for entitlement not created and for enforcement.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

On that question, the Chair recognizes the gentlewoman, Representative Boback.

Ms. BOBACK. Thank you, Mr. Speaker.

My bill maximizes the Family Caregiver Support Program's impact on caregivers caring for older adults, those with Alzheimer's disease or related disorders, adult children who are living with a disability, and grandparents raising grandchildren. HB 464 will allow caregivers in the Commonwealth to fully access the program benefits by streamlining the State and Federal law. It moves a \$300 aggregate per case that is currently left on the table – believe it or not, left on the table each year – to the pockets now, it will go, of the caregivers and their loved ones in the program.

This measure is supported by the Pennsylvania Department of Aging, the Association of Area Agencies on Aging, AARP, and the Alzheimer's Association. I ask you to please join me in voting "yes" on this very important piece of legislation. Thank you.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

On the question recurring,
Shall the bill pass finally?

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

(Members proceeded to vote.)

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

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

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

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady.

The following roll call was recorded:

YEAS—201

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

NAYS—0

NOT VOTING—0

EXCUSED—0

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

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

* * *

The House proceeded to third consideration of **HB 755, PN 914**, entitled:

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

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

Mr. **STEPHENS** offered the following amendment No. **A00666**:

Amend Bill, page 2, line 15, by inserting after "paragraph."
The department shall have the same authority that the Department of Environmental Protection has under the Pennsylvania Safe Drinking Water Act to ensure that the water satisfies the requirements under this paragraph, including to require monitoring or corrective actions for unregulated contaminants, such as per- and polyfluoroalkyl substances.

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

AMENDMENT WITHDRAWN

The SPEAKER. Given that this bill is on third consideration, the gentleman will need to suspend the rules, and the Chair recognizes the gentleman, Representative Stephens.

Mr. STEPHENS. Thank you.

I will be withdrawing the amendment, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

On that question, the Chair recognizes the gentleman, Representative Day.

Mr. DAY. Thank you, Mr. Speaker.

Mr. Speaker, we have had quite a bit of discussion and negotiation about this. This bill is part of a two-bill package that changes Pennsylvania State law. And I am trying to cut down my comments here. I think we really worked through a lot of these issues in committee. I am hoping that the administration, whether it is DEP (Department of Environmental Protection) or the Department of Agriculture, continue to work together to bring safe drinking water to Pennsylvania, and in particular make it

more efficient, but just as much a regulatory environment to protect water, even including bottled water.

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

Mr. VITALI. Thank you, Mr. Speaker.

The arguments I make for this bill will be identical to the arguments I make for HB 754 because they are in fact a package and need to be passed together to effectuate the intent of the maker. And also the comments in opposition to this bill are made jointly with the comments in opposition to HB 754.

Mr. Speaker, I rise in opposition to this bill for a number of reasons. I would mention that the Department of Environmental Protection and the Department of Agriculture are in opposition to this. Quoting from the Department of Environmental Protection, "The bottom line is this legislation is unnecessary, unimplementable, and misleading." The department asserts that this bill and its counterpart will exempt bottled water facilities from stricter safe drinking water standards. It has the potential, according to the DEP, to cost Pennsylvania \$24 million in Federal funding. And it would, according to the DEP, make bottled water less safe.

DEP also wants to make clear that right now in Pennsylvania bottled water facilities are regulated either by the DEP or the Pennsylvania Department of Agriculture, but not both. Right now there is not a duplicative regulation of bottled water. Mr. Speaker, contrary to the assertion of proponents of this bill, the way DEP and the Department of Ag do this are done in other States, including Alaska, Arkansas, California, Connecticut, New York, Ohio, and Texas. So this is not unique to Pennsylvania.

Mr. Speaker, the Federal Environmental Protection Agency in a recent letter to Lisa Daniels of our safe drinking water program asserts the following; this is a letter that was written either today or yesterday by David McGuigan of the EPA, quote, "EPA is concerned that House Bill 754 and House Bill 755 may result in the Commonwealth's statute being no longer as stringent as the Federal Safe Drinking Water Act." And they also with regard to the issue of funding, I quote, "A loss of primacy" by the DEP "would also affect the Commonwealth's eligibility for Federal funding under both the Public Water System Supervision Program state assistance grant and the Drinking Water State Revolving Fund...." So there is a risk here of the loss of Federal funding.

Towards that end, this is what PENNVEST has said with regard to this bill, and they are referring to the EPA letter, quote – this is PENNVEST – "The letter suggests that such a reduction could potentially jeopardize Pennsylvania's primary enforcement responsibility and eligibility for federal funding through the EPA, most notably the Drinking Water State Revolving Fund." And this is PENNVEST: This fund "...has been a cornerstone of PENNVEST...." And again I am quoting: "The loss of..." these funds "...would forestall the ability of the local communities from access to..." these funds. And "As such," and again quoting, "PENNVEST respectfully requests a delay in advancing this legislation until EPA has had an opportunity to provide comment and input."

I will also note that "The Water Works Operators' Association of Pennsylvania" in a letter dated March 22, quote, "...opposes House Bills 754 and 755...." I am quoting from the letter, "Specifically, we are...concerned with...public health implications..." of the legislation. A little further down they

quote, "...we strongly believe that regulatory oversight should be under the DEP since it has the technical expertise to oversee the sources, sampling, monitoring, and treatment of drinking water for human consumption."

And finally, I will note that this legislation is also opposed by Clean Water Action, Conservation Voters of Pennsylvania, Sierra Club, PennEnvironment, and Clean Air Council. And they indicate that they will consider this as including it on a possible scorecard vote.

So for these reasons, frankly, I would request prior to a vote that the prime sponsor reconsider this so we can continue to work on a compromise solution to avoid this difficult and dangerous vote, but if the prime sponsor chooses not to do that, I would urge my colleagues to vote "no."

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and calls on the gentlewoman, Representative Kinhead, on final passage.

Ms. KINHEAD. Thank you, Mr. Speaker.

Similar to my colleague, my arguments against this bill are also the same as my arguments against its companion, HB 754.

I agree with the prime sponsor of this bill that there are opportunities to better streamline our water bottling process, especially by allowing the Department of Agriculture and the Department of Environmental Protection to each focus on what they have the best expertise and tools to do. For this reason I supported this legislation in committee, with the understanding that certain details of streamlining the bills were still being negotiated. Unfortunately, even with yesterday's amendment, HBs 754 and 755 do not accomplish the goals they set out to and instead could jeopardize the current standard of safety on which the bottled water industry and its consumers depend.

It is critical that the DEP maintain oversight of the water source, including treatment, monitoring, and surveillance. HB 755 would limit the DEP's jurisdiction under the Pennsylvania Safe Drinking Water Act in regards to bottled water for human consumption to just approval of the water source. It is impossible to separate out components of the source water approval without allowing DEP's licensed professionals to review and approve the source, treatment, and monitoring. DEP's expertise is something other States rely on when sourcing bottled water from Pennsylvania-based companies.

The Federal regulations require compliance with local and State regulations, which provides critical protection for the bottled water industry. While FDA (Food and Drug Administration) and PDA Food Safety Act include bottled water in the definition of "food," the recognition of and compliance with local and State regulations is important because bottled water is unique among foods.

Bottled water requires expertise in the source water as well as treatment and monitoring of the source water. The treatment and monitoring are critical. For other foods, such as milk, vegetables, juice, and so on, common pathogens are known and controlled with generally standardized food safety treatments. For water, contaminants could be pathogenic, radiological, or chemical in nature, and it is not a one-size-fits-all treatment. Treatment needs can change based on a weather event or a disturbance at the source, which is why monitoring and surveillance is key.

The Pennsylvania Department of Agriculture does not have the infrastructure, personnel, and database to take over the monitoring and surveillance of water sources, as the DEP already does. The cost to taxpayers would be in the millions of dollars to implement this type of program at the Department of Agriculture.

DEP has the infrastructure and expertise through its Safe Drinking Water Act program. It is not good government to build duplicative infrastructure at any other agency, especially when there is no funding mechanism to support the staff and IT (information technology) infrastructure to replicate DEP's program at the Department of Agriculture.

Water is also a unique food product in that it is something everyone needs to drink, at much higher daily quantities than other foods and food products that are part of a balanced diet. Therefore, even trace contaminants could lead to serious health risks if consumed over prolonged periods.

To address the industry's request that the Department of Agriculture be involved in the food safety aspects, such as sanitary conditions within bottling plants, the Department of Agriculture offered to take over the audits currently done by a third party for the large bottlers that DEP alone currently regulates. This would save industry some money and incorporate the Department of Agriculture into the process regardless of the size of the bottle while keeping the source water, treatment, and monitoring within the DEP's expertise.

As I indicated in committee, I would be happy to support an initiative to better align the bottled water industry regulation with each agency's expertise administratively, but these bills do not accomplish the goal and risk eroding the current protective standard of bottled water in Pennsylvania.

We cannot in good conscience move a program or elements of a regulatory program that the Department of Agriculture does not have the expertise to administer and that is less protective than the current program in place. Therefore, I ask all of my colleagues to vote "no" on this bill and HB 754. Thank you.

The SPEAKER. The Chair thanks the lady and recognizes the gentlewoman, Representative Krueger, on final passage.

Ms. KRUEGER. Thank you, Mr. Speaker.

I stand today before my colleagues to rise in opposition to HB 755 and the companion bill that will follow. This legislation is unnecessary, impossible to implement, and misleading. Fundamentally, it would make bottled water less safe here in Pennsylvania. The U.S. Environmental Protection Agency has already sent Pennsylvania a letter saying that if this bill passes, Pennsylvania's statute might no longer be as stringent as the Federal Safe Drinking Water Act. That concerns me. Ultimately, this legislation is not about improving oversight of bottled water, it is about reducing oversight of bottled water, and it could ultimately make our water less safe.

Right now over 90 percent of consumers choose bottled water for its perceived safety. I did; as a young mom who needed to use formula to feed my son, I chose bottled water because I believed it would be safer for him. Our existing regulations catch things that are wrong with our water. Since 2006 the DEP has had to issue at least 10 orders for recalls or embargoes, including for E. coli. Now I want our bottled water to be tested and caught for E. coli before moms use this bottled water to make formula for their babies that could make them sick, because young children are at highest risk for developing severe symptoms and complications.

Mr. Speaker, we have all seen what happened in Flint, Michigan, when the water was unsafe. I ask you to vote "no" on these bills today.

Thank you, Mr. Speaker.

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

Mr. PASHINSKI. Thank you very much, Mr. Speaker.

I rise today to encourage a "no" vote on HB 755 based on the fact of the safety rules of our Pennsylvania Safe Drinking Water Act. While this is a very complicated issue – and you have heard my colleagues mention several facts – it boils down to the fact that this is about safe drinking water for our citizens of Pennsylvania and the challenges that we face as an industrialized State, the cost associated with any of these unnecessary changes, and also for the fact that water, of course, does not contain any kind of liquid preservatives. Our Pennsylvania citizens expect and deserve safe water, whether it comes from a tap or from a bottle.

First and foremost, the Department of Agriculture, DEP, and our administration, and many others – qualified organizations – are all against this legislation because of the intricacies surrounding drinking water safety based on the science, engineering, and experts required in making sure that the public can consume safe drinking water from any Pennsylvania source.

Since Pennsylvanians derive their water from many streams and wells, testing does not occur at those sources alone, but also must continue to be monitored and treated from the source to the bottle. Water, unlike many other liquids that we enjoy, has no preservatives. Bottled water is not acidic like colas or juices, nor is bottled water pasteurized or refrigerated. Therefore, the monitoring and treatment must continue from the source to the bottle.

Pennsylvania has been an industrial State for more than a century, exposing dangerous elements to our water system from various forms of energy and other chemicals which require extra care and testing to protect the public by providing clean, safe drinking water. It is for these reasons that engineers, hydrologists, and experts who determine the safety of our drinking water in the Department of Environmental Protection have said that they believe that if these bills were to become law, it would be unethical to approve permits, and in many instances, it would be illegal. The fact of the matter is that while the half-gallon distinction may be unique to Pennsylvania, many States, including Alaska, Arkansas, California, Connecticut, Kentucky, New York, Ohio, and Texas, fill in the gaps of Food and Drug Administration food safety rules using their State Safe Drinking Water Act as does DEP in Pennsylvania. This includes source siting/design standards, treatment and design standards, routine monitoring and reporting, certified lab requirements, annual consumer reports, and other notification requirements. Those kinds of services, those kinds of activities, the Department of Ag does not have. The cost to provide that for the Department of Ag would be enormous. Again, Pennsylvania is an old industrial State with a long legacy of pollution, which makes these rules even more important to protect our citizens and provide them with safe drinking water.

Before I conclude, I want to sincerely thank Chairman Moul and his executive director, Golden, as well as Amber Benson from the bottled water companies; my staff; and our staff from DEP; the Department of Ag; and their attorneys and experts for their willingness to meet and engage in a comprehensive conversation to attempt to address the concerns in both HBs 754 and 755. A great deal of effort was placed in order to achieve an ending that was both legal and safe for the people of Pennsylvania.

Although progress was made, it was not enough to provide the confidence and security measures necessary to protect the public and provide safe, pure drinking water for all our citizens.

Department of Environmental Protection, Department of Ag, and the administration have offered to continue these discussions in an attempt to protect the safety of the public while providing more opportunities for the bottled water industry through the appropriate legislation, if needed, or changes to the regulations as required to make the process legal and safe.

I thank the maker of this bill for his patience as well. I thank everyone once again for their sincere attempts to reconcile this issue. I appreciate their efforts. But unfortunately, until these changes are made, I encourage a "no" vote along with all of those others in opposition which are the Water Works Operators' Association of Pennsylvania, PennFuture, Sierra Club, Conservation Voters of Pennsylvania, Clean Water Action, Clean Air Action Fund, and PennEnvironment.

Thank you very much, Mr. Speaker.

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

Mr. E. NELSON. Thank you, Mr. Speaker.

I rise today to support the fine work of the chairman who is putting forth this series of bills. After we have heard multiple speakers detract from the effort, the one thing we have not heard is the benefit of the bill itself because right now Pennsylvania employers who have high-quality Pennsylvania water are getting overregulated.

We have two separate branches of government with two separate rules and expectations that are inspecting these employers and holding them to a shifting degree of variable standards. The one thing that has not been brought up today is that not only is our water good and pure, but the people who are bottling that water are doing so with the best of intentions. The inference that our Pennsylvania employers would somehow produce a substandard product if there were not multiple layers of government over top of them, the inference that if these businesses did not pay additional taxes and fees and inspections, that for somehow they could not operate in a safe manner for our Pennsylvania citizens. Mr. Speaker, this is commonsense legislation.

This allows a pathway for our employers to not only do the right thing, but to have a single authority insuring they are doing the right thing. We are not trying to have lawlessness in the bottled water manufacturing industry. We are trying to have common sense. We are trying to say, let people work. Let our businesses invest and let them have a single set of standards so that we can be both business-friendly and water-friendly in Pennsylvania.

Mr. Speaker, I applaud all the work that has gone through multiple years and multiple sessions for the maker of this bill and I hope that all of us can get together and support it. Thank you.

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

Ms. HERRIN. Thank you, Mr. Speaker.

As someone who cares very deeply about the environment, I find it surprising that I am standing here today appealing to my colleagues to save the bottled water industry from itself. This bill could have serious consequences for all of our constituents who drink bottled water, for all of our local municipal water authorities and companies, and for the bottled water industry itself. There are two main reasons for this.

First, by shifting oversight from DEP to the Pennsylvania Department of Agriculture, it attempts to allow bottled water producers to sidestep quality control of the product they sell,

because the Pennsylvania Department of Environmental Protection is the only regulatory entity equipped to oversee quality assurance from source to bottle. This is critically important because water is not like other food products. It is not acidic, it has no preservatives, and it is a perfect storm for contamination. Since 1993, there have been more than 21,000 monitoring violations, and since 2006, the PA DEP issued orders for recalls or embargoes including E. coli contamination, algae, chemical residues, and high levels of nitrates – all in bottled water. DEP has protected this industry and kept consumers safe at the same time. So I ask my colleagues, are we not about protecting the consumer? Are we not about protecting all of our constituents? Are we not about protecting the industry?

Second, this legislation, if passed, will harm the bottled water industry itself for two important reasons. Number one, it poses a PR problem for them. And here is the rub: Why would consumers continue to pay a very high premium for bottled water that is not safe? We all know they buy it in part because they think it is cleaner, and we owe it to them to make sure it is not contaminated. I think it is pretty safe to say that this message will get out given the strong opposition environmental interests have to the bottled water industry to begin with. Number two, this bill will create a world of regulatory havoc that has potential to disrupt, and daresay even kill, the bottled water business. It throws into serious question whether it is even legally possible to issue new permits to bottling facilities or if existing DEP-issued permits would even be valid since DEP could no longer enforce them under this legislation. Because it would undermine requirements of the Federal Safe Drinking Water Act, this bill would also effectively require the Environmental Protection Agency to step in and issue permits alongside DEP at the source, and this would create additional havoc at our municipal water authorities and water companies in all of our districts. I ask my colleagues to consider how the bottled water industry will respond to this kind of regulatory and legal chaos. If they think they got it bad now, they "ain't seen nothing yet."

This legislation, if passed, along with the companion bill 754 will boomerang. It will hurt the consumer by making bottled water less safe. It will hurt the industry by making bottled water less safe by undermining consumer confidence in the product, because no consumer will pay so darn much money for water that is not at least as clean as their own tap water, and by throwing a legal wrench into every step of what is now a proven quality control process. It will cause paralyzing regulatory hurdles for our local water authorities.

At this moment we must do our jobs and protect our constituents' immediate health and safety, but if for no other reason than the practical ones and the reason that you want to support your bottled water manufacturers, I ask you to join me in opposing this bill.

Thank you, Mr. Speaker.

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

Mr. HEFFLEY. Thank you, Mr. Speaker.

Clean air and clean water are guaranteed in our Constitution. I see bottles of water everywhere. I drink bottled water. I do not want to put up a vote, and I would never put up a vote that is going to make my bottled water that I drink, that my wife drinks, that my daughters drink dirty. To actually say that we are trying to pass a bill to make bottled water unhealthy or somehow

dangerous to the public is ludicrous. This bill really deals with the size of the container, whether it be a half gallon or a gallon or 16 ounces.

I had the opportunity with the good gentleman from Lehigh County to actually tour the Niagara water bottling facility in Breinigsville, and I would suggest to any member that I heard speaking today that you really should go and visit with these manufacturers. They produce about a million bottles of water a day. The processes that they have in place to maintain that water to make sure it is clean and pure and to make sure there is no bacteria in it is at the highest level.

All we are saying is that it does not matter what size container the bottle comes in, we are going to have some uniformity in how its regulated. We have all heard the nightmare scenarios about how inefficient DEP is when it comes to permitting and regulations. This is simply going to put it under the Department of Ag, which is fully capable of handling the task. And also, the reference that DEP would not still have the ability to monitor the source water is incorrect. This bill does nothing and it does not take away DEP's ability to monitor the source water.

I know some of the employees that work at that Niagara plant, and I can tell you, they go to work every day wanting to produce clean, pure water for the public. They step up in times of natural disaster and donate water in areas of need. These are good employers, these are good jobs in the State of Pennsylvania, this is a good industry, and we should vote "yes" on HB 755. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Day, on final passage for the second time.

Mr. DAY. Thank you, Mr. Speaker.

Mr. Speaker, I rise today to say thank you to everyone in this chamber, especially my friends that have stood up. Each one of them that have stood up today have talked about that they want safe drinking water, everyone has, and what is before us today is our ability to set policy.

You know, so many times I get frustrated. Just this morning I talked to the leader about economic development, and I said, "Well, we should have that in the legislative branch," and he said, "No; that's the administration's job to do that." And I think, well, our job is policy. So the policy here are there are two departments that overlap, one with 5-gallon products, and right now Ag is responsible for all the other little bottled waters, and what we are a victim to sometimes is the people that we trust send us information and we trust them and we trust what they are saying. Their words like this, "may." Look for that as a code word. This may affect funding, and they are the people who decide whether we get the funding or not, but they cannot say it will, but they say it may affect funding, and they throw – to my understanding, that is another code phrase. That means the person has not done their homework. I use that on purpose to tell people this is where I am going, but I have not done my homework on that either and I have seen that in some of the correspondence on these bills.

Some of my friends and colleagues that work with me on other issues and work diligently got up and talk about the intricacies: What is the basis of this? The source water. That stays with DEP, and you know, after this process I question whether I made a mistake, and the science and the intricacies, my chairman had mentioned, you know, a lot of good points, but the intricacies, here is what it is. I could do this and I am not a scientist. You

sample water, you send it to a lab, and you read what it should be and what it is; then you say there is a problem or there is not a problem. That is what we have at the source water. We kept DEP where they are very good.

Now, taking a geologist and putting him in a food manufacturing facility or a drink manufacturing facility, we do not want to do that. You want DEP in the Sam Adams plant in my district where they use water, you want them in the Coca-Cola in my district – all these bottling plants. DEP would say yes.

Listen, these bills together, but this bill in particular that we are talking about, HB 755, makes it clear that we are the policymakers and we believe you can actually have better redundancy with two agencies in the process, but not overlapping. That is why I thought it was good. Maybe the industry would have said, we do not want them involved at all, but they did not say that to me. So these bills I think draw a perfect line of where the responsibilities should be.

I am trying to look over my notes here to make sure I hit some of the points that everybody said, but I think I have addressed everything that is there. PDA, the Department of Agriculture, already has oversight over the small-sized water bottles. This bill does not make any water any less safe in Pennsylvania.

Mr. Speaker, I am going to vote for HB 755 and I hope you will as well. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

(Members proceeded to vote.)

The SPEAKER. On that question, the Chair recognizes 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—120

Armanini	Gaydos	Mako	Rapp
Benninghoff	Gillen	Maloney	Rigby
Bernstine	Gillespie	Markosek	Roae
Bizzarro	Gleim	Marshall	Rothman
Boback	Gregory	Masser	Rowe
Bonner	Greiner	Matzie	Rozzi
Borowicz	Grove	McNeill	Ryan
Brooks	Guzman	Mehaffie	Sainato
Brown, R.	Hamm	Mentzer	Sankey
Burgos	Heffley	Mercuri	Saylor
Burns	Helm	Metcalfe	Schemel
Carroll	Hennessey	Metzgar	Schmitt
Causer	Hershey	Mihalek	Schweyer
Cook	Hickernell	Millard	Silvis
Cox	Irvin	Miller, B.	Smith
Culver	James	Mizgorski	Snyder
Davanzo	Jones	Moul	Sonney

Davis, T.	Jozwiak	Mustello	Stambaugh
Day	Kail	Neilson	Struzzi
Delozier	Kaufner	Nelson, E.	Toohil
DeRosso	Kauffman	O'Neal	Topper
DeLuca	Keefer	Oberlander	Twardzik
Diamond	Kerwin	Ortitay	Warner
Dowling	Klunk	Owlett	Wentling
Driscoll	Knowles	Parker	Wheeland
Dunbar	Kulik	Peifer	White
Ecker	Lawrence	Pickett	Zimmerman
Emrick	Lewis	Pisciottano	
Fee	Longietti	Puskaric	Cutler,
Flood	Mackenzie, M.	Rader	Speaker
Fritz	Mackenzie, R.		

NAYS—81

Benham	Flynn	Krajewski	Sanchez
Boyle	Frankel	Krueger	Sappery
Bradford	Freeman	Labs	Schlossberg
Briggs	Gainey	Lee	Schroeder
Brown, A.	Galloway	Madden	Shusterman
Bullock	Guenst	Malagari	Sims
Cephas	Hanbidge	McClinton	Solomon
Ciresi	Harkins	Merski	Staats
Conklin	Harris	Miller, D.	Stephens
Cruz	Herrin	Mullery	Sturla
Daley	Hohenstein	Mullins	Thomas
Davidson	Howard	Nelson, N.	Tomlinson
Davis, A.	Innamorato	O'Mara	Vitali
Dawkins	Isaacson	Otten	Warren
Deasy	Kenyatta	Pashinski	Webster
DeLissio	Kim	Pennycuik	Wheatley
Delloso	Kinhead	Polinchock	Williams, C.
Evans	Kinsey	Quinn	Williams, D.
Farry	Kirkland	Rabb	Young
Fiedler	Kosierowski	Samuelson	Zabel
Fitzgerald			

NOT VOTING—0

EXCUSED—0

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

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

* * *

The House proceeded to third consideration of **HB 754, PN 1141**, entitled:

An Act amending the act of May 1, 1984 (P.L.206, No.43), known as the Pennsylvania Safe Drinking Water Act, further providing for definitions.

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

(Bill analysis was read.)

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

On that question, the Chair recognizes the gentleman, Representative Day.

Mr. DAY. Thank you, Mr. Speaker.

Mr. Speaker, in the interest of time, this legislation is part of a two-bill package that we just discussed a lot of what was going on in the last piece of legislation, and in the interest of shortness of time, giving members a chance to speak their mind on this bill, I will reserve my comments for the end.

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

Mr. VITALI. Again, this is the same issue we just voted on and I would urge a "no" vote.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

(Members proceeded to vote.)

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

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

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

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman.

The following roll call was recorded:

YEAS—120

Armanini	Gaydos	Mako	Rapp
Benninghoff	Gillen	Maloney	Rigby
Bernstine	Gillespie	Markosek	Roae
Bizzarro	Gleim	Marshall	Rothman
Boback	Gregory	Masser	Rowe
Bonner	Greiner	Matzie	Rozzi
Borowicz	Grove	McNeill	Ryan
Brooks	Guzman	Mehaffie	Sainato
Brown, R.	Hamm	Mentzer	Sankey
Burgos	Heffley	Mercuri	Saylor
Burns	Helm	Metcalfe	Schemel
Carroll	Hennessey	Metzgar	Schmitt
Causser	Hershey	Mihalek	Schweyer
Cook	Hickernell	Millard	Silvis
Cox	Irvin	Miller, B.	Smith
Culver	James	Mizgorski	Snyder
Davanzo	Jones	Moul	Sonney
Davis, T.	Jozwiak	Mustello	Stambaugh
Day	Kail	Neilson	Struzzi
Delozier	Kaufer	Nelson, E.	Toohil
DelRosso	Kauffman	O'Neal	Topper
DeLuca	Keefer	Oberlander	Twardzik
Diamond	Kerwin	Ortitay	Warner
Dowling	Klunk	Owlett	Wentling
Driscoll	Knowles	Parker	Wheeland
Dunbar	Kulik	Peifer	White
Ecker	Lawrence	Pickett	Zimmerman
Emrick	Lewis	Pisciottano	
Fee	Longietti	Puskaric	Cutler,
Flood	Mackenzie, M.	Rader	Speaker
Fritz	Mackenzie, R.		

NAYS—81

Benham	Flynn	Krajewski	Sanchez
Boyle	Frankel	Krueger	Sappay
Bradford	Freeman	Labs	Schlossberg
Briggs	Gainey	Lee	Schroeder
Brown, A.	Galloway	Madden	Shusterman
Bullock	Guenst	Malagari	Sims
Cephas	Hanbidge	McClinton	Solomon
Ciresi	Harkins	Merski	Staats
Conklin	Harris	Miller, D.	Stephens
Cruz	Herrin	Mullery	Sturla
Daley	Hohenstein	Mullins	Thomas
Davidson	Howard	Nelson, N.	Tomlinson
Davis, A.	Innamorato	O'Mara	Vitali
Dawkins	Isaacson	Otten	Warren
Deasy	Kenyatta	Pashinski	Webster
DeLissio	Kim	Pennycuick	Wheatley
Delloso	Kinhead	Polinchock	Williams, C.
Evans	Kinsey	Quinn	Williams, D.
Farry	Kirkland	Rabb	Young
Fiedler	Kosierowski	Samuelson	Zabel
Fitzgerald			

NOT VOTING—0

EXCUSED—0

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

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

GUEST INTRODUCED

The SPEAKER. At this time the Speaker would like to welcome Mr. Shaun Dougherty, a guest of Jim Gregory. He is up in the gallery. Welcome to the hall of the House.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 605, PN 1142**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in arbitration, providing for compulsory arbitration of COVID-19 actions; and, in particular rights and immunities, providing for COVID-19-related liability.

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

(Bill analysis was read.)

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

The Chair recognizes the gentleman, Representative Bonner, on final passage.
Mr. BONNER. Thank you, Mr. Speaker.

We are all in this together – that was the cry across America, across Pennsylvania, and across this aisle when the pandemic first struck our nation. Except we have never been in this together

—not in this nation, not in this State, and not in this great chamber.

Despite our political and personal differences, our nation has pulled together to battle this devastating pandemic in our hospitals, in our nursing homes, in our medical laboratories, and in our factories.

This virus had no known treatment when it first struck our nation. We were attacking it on a trial-and-error-basis, with our best judgment, but with no guarantees. Some mistakes were likely made at all levels of our country — mistakes by our hospitals, mistakes by our nursing homes, and yes, mistakes by our political leaders.

But our political leaders enjoy immunity from lawsuits for their mistakes in judgment. Today the request is not for immunity from a lawsuit for our businesses, hospitals, and nursing homes as our political leaders possess, but only to have liability imposed upon those institutions when there is clear and convincing evidence that these heroic institutions and business leaders acted in a grossly negligent manner which caused harm to others.

Our request today is not breaking new legal ground. More than 15 States have passed legislation granting comparable protection. In fact, our Governor granted such legal protection to some doctors and to some nurses on May 6, but he denied this same protection to hospitals, nursing homes, other doctors and nurses, and businesses which manufactured medical equipment and supplies. Today we seek to give those same legal protections to those heroic servants and institutions and businesses who risk their lives and livelihoods for the protection of all of us.

Yesterday the good gentleman said that there have been few lawsuits and therefore the legislation is not needed. Hopefully, the good gentleman's optimism of few lawsuits will continue, but sometimes it only takes one verdict to set forth an avalanche of lawsuits. Frankly, I would not expect much litigation in the first year of the pandemic. The potential for it, however, will significantly increase as we go forward, and this legislation is meant to prohibit or prevent or limit those lawsuits.

We need to thank these servants, our hospitals, our nursing homes as we near the end of this battle, not with lawsuits where they sit in court for weeks, where liability is imposed upon their judgment by the slimmest evidence, by a preponderance of the evidence, which only requires a slight shifting of the scales of justice against them, and they can be found liable. This burden of proof is much too thin and much too easy to achieve. As mentioned, the Governor rejected this burden of proof for some doctors and lawyers — I wish — some doctors and nurses on May 6, and this is a concept that we need now to give to our hospitals and our nursing homes, our businesses and our manufacturers.

At the end of the day, at the end of this pandemic, our medical institutions, all of our doctors and nurses, they have all sacrificed and given us so much. They deserve not a lawsuit based upon the thinnest of evidence, but they deserve to be judged on the same standard that the Governor set in his Executive order of May 6 for other doctors and nurses, and they deserve our eternal thanks for the care and compassion they have given our families and our friends.

Let us end this fight against this horrendous enemy, not in a courtroom, angry, divided, bitter, blaming, and pointing fingers at one another, but let us end this fight the way we started this battle over a year ago — united, not divided. At the end, let us finally be in this together. Thank you.

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

Mr. MULLERY. Thank you, Mr. Speaker.

I also want to thank the gentleman from Mercer for referencing my comments yesterday and also for referencing that this is in fact immunity. He used that word a few times and he is right. I did not say lawsuits were rare, I said there were 0.0 of them, so I just wanted to correct the record there. But setting aside yesterday's immunity amendment, I struggle to understand the necessity of this bill without it.

Over the course of my legal career, I have arbitrated in about two dozen Pennsylvania counties. I am very familiar with the Pennsylvania county rules of civil procedure, and for the most part, this bill, again setting aside yesterday's immunity amendment, simply restates our county's rules of civil procedure related to compulsory arbitration. So if we look at the good gentleman's bill and if we look at subsections (b)(1) and (2) that talk about filing a certificate or affirmation of facts, we require that now, under penalty of perjury. If we look at subsection (c) where we talk about appointing arbitrators, every county rule of civil procedure has a section about appointing arbitrators. We also have expedited arbitration, which he references in subsection (d). In my home county of Luzerne, you get an arbitration within 45 days. In other counties, it is 30. Subection (e) talks about de novo appeals. That is standard.

The only nuance in this House bill is subsection (a) that mandates all COVID-related complaints be submitted to a three-member board of arbitrators. Essentially, what this bill does is removes the amount in controversy provision of all of our county rules of civil procedure. In my county it is \$50,000. What does that mean? It means if you file a claim in civil court and your damages do not amount to \$50,000. Let us say you had \$10,000 in medical bills, \$10,000 in lost wages, and you are making a claim for \$10,000 because of disruption of your life as a result of someone else's negligence, that goes to a board of arbitrators. If your damages are more than \$50,000, it goes to a civil court judge. So this change is pretty significant because it mandates that even those cases with the largest damages, with the most significant injuries, with the most complex legal issues, will now be decided by three lawyers in the county bar.

Now, if you are not a lawyer or you have never been forced to file an arbitration claim in county court, you may not have an idea of who those arbitrators are. Let me tell you because I have experience. The court administrator in our counties has a list of attorneys who have volunteered to hear arbitration cases. They are attorneys who are either fresh out of law school, partially retired, fully retired, out of work, or have their own practice that is so inactive that they have the ability to come at a moment's notice to be an arbiter. They get paid about \$150 to \$250 a day for their time on an arbitration panel, and the cases that they typically hear are cases that we would routinely refer to as "small claims cases" because county arbitration, compulsory arbitration at the county level, is a tool for judicial economy that is used by our county court administrators and our president judges to ensure that only the most serious cases, the cases that have the most damages, the cases that have the most complex legal issues are tried by our judges because they are busy.

Now, on the rare occasion that one of our constituents files a civil COVID-19 claim, and we know from my speech here yesterday that that is a very rare— I am not aware of one case,

but let us just call it rare. We will agree with the gentleman from Mercer. On the rare occasion that that happens, we are talking about constituents who have suffered serious illness, possibly death, the appropriate venue for that claim is before a county judge, not a tribunal of attorneys.

These are cases that will typically involve extensive lay witness testimony, they will involve competing medical expert testimony. The plaintiff will present his medical expert, the defense will present their medical expert, at least one each, and in all likelihood since we are dealing with high-damage claims, we are going to be looking at actuarial or economic damage experts as well. These are cases where the rules of procedure actually matter, where the rules of evidence actually matter because they do not in your typical arbitration case. And these are cases where you want a judge, a finder of fact, there from the minute that trial starts until it ends.

Yesterday I shared with you some e-mails that we received from stakeholders where they rightfully referred to the frontline heroes, the people who were bagging groceries when this pandemic started, the health-care professionals who were treating individuals suffering from COVID when they did not know how impactful this disease was, and all of the other frontline workers and they asked us to stand up for them.

You have the chance today to put your money where your mouth was yesterday. If you truly want to stand up for our frontline heroes, you do that by voting "no" on HB 605. All we are doing, if we pass this legislation today, is delaying justice for these frontline heroes – your constituents, my constituents, your neighbors' constituents – because regardless of what happens in this mandated arbitration case, it is getting appealed. So all you are doing by passing HB 605 is delaying their justice.

So I am asking you today to stand with these frontline heroes and join me in voting "no" on HB 605.

Thank you, Mr. Speaker.

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

Mr. HOHENSTEIN. Thank you, Mr. Speaker.

Mr. Speaker, this bill would force workers, residents, and patient victims and their families into a secret arbitration process for any COVID-19-related cases, and at a time where advocates and elected officials are calling for transparency in the handling of the pandemic and in our nursing homes, this legislation seeks to do just the opposite, protecting providers from any public accountability.

Now, there are nearly 13,000 residents and workers who have died in our nursing homes in Pennsylvania during the COVID-19 pandemic. That is the second highest death toll in the country. Yet month after month, bill after bill, we in the legislature continue to try to protect workers who failed – we are protecting the providers who are failing our older adults in Pennsylvania and they are putting our workers at risk.

We in the legislature are talking a good game. We hold hearings about the difficult times that the long-term nursing care industry faces because of the pandemic and because of stagnant funding, but now is the time that that provider network needs us to support and buttress their capacity to provide safe work spaces and a high level of care, but we have passed no bills to effectively address that crisis of care.

We applaud our frontline workers and we call them essential. In fact, we treat their safety as negotiable and their lives as disposable. We call them heroes, but we actually treat them like zeros. And again, we have passed zero bills to effectively address and secure their safety.

We mourn the lives of our older and most medically vulnerable family members. They have borne the brunt of the health risks during the COVID pandemic, but again, we have passed no bills to protect them.

We must protect and respect those who are at risk. HB 605 does neither. In spite of the rising death toll in Pennsylvania, this bill would allow health-care providers to not be held accountable for wrongdoing during the COVID-19 pandemic. How are we going to protect our residents, our patients, our people if there is no transparency and public accountability in the wrongdoing that is happening in the facilities?

At the beginning of the pandemic, many health-care providers were unprepared for COVID-19 through no fault of their own. However, after over a year of this crisis and hundreds of millions of dollars in State and Federal assistance, consumers, legislators, and health-care workers all should have the opportunity to hold the providers accountable. This, or any other crisis like it, is no excuse for legally permitting the conscious disregard for public safety.

We in the legislature need to be working with our bedside caregivers, our patients, and our providers to provide and develop long-term solutions to the systemic issues that face our health-care system and, in particular, the long-term nursing care industry. We cannot give providers another tool that will allow them to operate without public accountability. Our patients, our caregivers, our people deserve more. I ask my colleagues to vote "no" on HB 605.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

(Members proceeded to vote.)

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

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

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

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman.

The following roll call was recorded:

YEAS—107

Armanini	Gregory	Masser	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
Causer	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	Kauffman	Ortitay	Thomas
DelRosso	Keefer	Owlett	Tomlinson
Diamond	Kerwin	Peifer	Topper
Dowling	Klunk	Pennyquick	Twardzik
Dunbar	Knowles	Pickett	Warner
Ecker	Labs	Polinchock	Wentling
Emrick	Lawrence	Puskaric	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			

NAYS—94

Benham	Evans	Kirkland	Pashinski
Bizarro	Farry	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	Mehaffie	Solomon
Daley	Herrin	Merski	Sturla
Davidson	Hohenstein	Miller, D.	Toohil
Davis, A.	Howard	Mullery	Vitali
Davis, T.	Innamorato	Mullins	Warren
Dawkins	Isaacson	Neilson	Webster
Deasy	Kaufer	Nelson, N.	Wheatley
DeLissio	Kenyatta	O'Mara	Williams, D.
Deloso	Kim	Otten	Young
DeLuca	Kinkead	Parker	Zabel
Driscoll	Kinsey		

NOT VOTING—0

EXCUSED—0

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

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

* * *

The House proceeded to third consideration of **HB 521, PN 1143**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions; in licensing of drivers, further providing for the offense of driving while operating privilege is suspended or revoked; and, in driving after imbibing alcohol or utilizing drugs, further providing for

prior offenses, for Accelerated Rehabilitative Disposition, for drug and alcohol assessments and for mandatory sentencing and providing for substance monitoring program.

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

(Bill analysis was read.)

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

On that question, the Chair recognizes the gentleman from Delaware County, Representative Vitali, on final passage.

Mr. VITALI. Thank you, Mr. Speaker.

I just wanted to make sure the members knew a couple of stakeholders' opposition to this bill. The ACLU (American Civil Liberties Union) opposes this bill. They say that this bill "...would create an invasive, continuous monitoring program..." which could occur "...with even a single DUI conviction and no prior offenses." They say, "It permits courts to impose surveillance not only as a condition of probation...but also pretrial...." They point out that this bill "...would entirely prohibit people – pretrial – from imbibing alcohol in any amount." And they point out that alcohol is a legal substance. They point out in this letter that this would impose an incredible burden of monitoring on the part of counties.

I would also like to point out that this is opposed by the Pennsylvania Association of Criminal Defense Lawyers.

Thank you, Mr. Speaker.

**THE SPEAKER PRO TEMPORE
(TINA PICKETT) PRESIDING**

The SPEAKER pro tempore. The Chair thanks the gentleman. The Chair recognizes Representative Bullock. Mrs. BULLOCK. Thank you, Madam Speaker.

Thank you for this opportunity. I wanted to stand today in opposition to HB 521. I and many members of the Pennsylvania Legislative Black Caucus are opposed to this bill in large part due to its changes to the accelerated rehabilitative diversion program, better known as ARD.

HB 521 defines admission to ARD as an admission of guilt and to then use that admission of guilt to count as a prior conviction and to trigger mandatory sentence enhancements for prior convictions. As we know, mandatory minimums and mandatory sentencing enhancements have disproportionately impacted communities of color, but let us also talk about what ARD does in our communities.

First, ARD is not often or is disproportionately offered to communities of color. White defendants are more likely to be offered ARD while Black defendants are not. ARD is not a conviction. The purpose or the acceptance of ARD, again, is to not have a conviction. It does not involve finding of facts, the admission of guilt, nor does it give a defendant the constitutional protections of a trial. It is designed to be a diversionary program that offers a defendant an opportunity to earn dismissal of those charges.

When a defendant accepts ARD, they are doing so for the purpose of preventing a conviction. So let us talk about this. Why would someone want to avoid a conviction? A conviction may cost them their jobs, may cost them housing or other access to basic necessities. They may decide to participate in ARD to avoid the time and costs associated with a trial, the cost of an attorney, the time they missed off of work or school.

Again, folks who accept ARD have not necessarily admitted to any guilt, but by passing HB 521, we will require individuals to admit to guilt just to participate in a program that the whole, sole purpose was to avoid a conviction or admission of guilt. I believe that this provision within HB 521 is unconstitutional, and to be honest, if we are about diversion programs, if we are about reform, and if we are about expungement, then let us be about it and not have a bill that basically circumvents and undermines the whole purpose of ARD.

And for these reasons I am asking for a "no" vote on HB 521. Thank you.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes Representative Dan Miller.

Mr. D. MILLER. Thank you.

I rise today against HB 521, and I definitely appreciate the good gentleman's efforts. I always know that he is very dutiful and thoughtful as to his perspective. In my opinion though, this is moving us in the wrong direction for what we should be doing as a State, and there is a variety of reasons for that.

The good lady before me spoke about ARD. Look, I have represented many clients in my day and had many shepherd through the ARD process. The number one reason why people fail at ARD is because they cannot afford to do it. The cost of the ARD program varies greatly throughout this State. Different district attorneys decide whatever would make up the cost, whatever would make up the aspects of the program, and then the person, in order to complete the program, has to finish the payment of that. But not only do they have to pay for the cost of the ARD, they would have to pay whatever fines or costs that could be attributed to it, and if, let us just say, that in the course of that DUI they hit a vehicle, they may find that they have to pay the premium for the insurance policy. Then they have to pay, in some courts, whatever loss the insurance companies say they have. The cost of ARD itself in this State has become problematic for many. Too many people fail ARD, and especially those who are represented by the public defender's office.

POINT OF ORDER

The SPEAKER pro tempore. The gentleman will suspend. For what purpose does the gentleman rise?

Mr. STEPHENS. To make a point of order, Madam Speaker.

The SPEAKER pro tempore. You are in order; proceed.

Mr. STEPHENS. Madam Speaker, the bill does not do anything and in no way impacts the costs associated with ARD, and I believe the gentleman is far afield from the underlying substance of the bill.

POINT OF ORDER

Ms. McCLINTON. Point of order, Madam Speaker.

The SPEAKER pro tempore. The lady is recognized.

Ms. McCLINTON. Thank you, Madam Speaker.

The gentleman is not stating a point of order.

Mr. STEPHENS. He is not speaking on the bill. The bill has nothing to do with the costs of ARD. There is nothing in the bill about the costs.

The SPEAKER pro tempore. The gentleman will suspend, please.

THE SPEAKER (BRYAN CUTLER) PRESIDING

The SPEAKER. The Chair appreciates the gentleman suspending.

Madam Leader, I believe the gentleman from Montgomery County was raising the point of order prior to being objected to himself because he specifically said far afield from the underlying content of the bill. I believe that is the direction he was going, which is a valid point of order, and I would caution the gentleman speaking on the bill to stay within the confines of the bill and the contents that are contained therein.

The gentleman is in order and you may proceed.

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

Obviously, we did have an amendment that related to cost aspects of ARD. That was passed yesterday. That is in there now. I do not think I made that up. The other aspect, though, of course is, what happens to those who fail ARD? The admission provision that is embedded in this will be sure those people do not have a right to trial. That is the whole point, or at least one of the few points that are in it.

You attach an admission provision to it, the idea is that when a poor person cannot keep up with a payment, then they are going to come back with a pretrial date and they are going to get it; instead of having to go to trial or have the right to trial, they are going to say, well, look, you already pled, and we are sorry that the cost of the program was prohibitive and we are sorry that 30 to 40 percent of the public defender clients who try to take ARD end up not being able to pay the cost, because in the State of Pennsylvania we criminalize you for being poor. That is what happens, that is what happens, and when you add that provision to it, you undercut their right to trial.

You do not need it. There is no reason to need it. It is just another kicker on the war against the right to trial in this State. What are we at? A 97- to 98-percent plea rate as it is. Every step that we do is to make it more or less likely that a defendant would have the right to go to trial. That is what this provision will do. It will make sure that those 30 to 40 percent, depending on your county and depending on your office, that those 30 to 40 percent who fail the ARD will not go to trial, their rights will already be gone.

It goes beyond that. Look, there is no doubt that the aspects of trying to get this to count as a second offense is not new. It is the underlying point of the court case that the district attorney's office, whichever was the party for it, had lost in the first place, right? So we all know that this is something that they do with it. They say, look, we care about maybe giving you a first-time offense with it, a first-time chance at beating this or getting the program done so you do not have a record, but if you do get it, we are going to be sure that we penalize you. We are going to be sure that we bump you up because in that 10 years of life, you only get one strike.

Now, look, let us keep in mind to the people who are getting this ARD in the first place, they are not the ones who have the worst of those accidents, they are not the ones in some States or

in some areas in certain counties if you have a blood alcohol level that is too high, you are going to have a problem getting a first one anyhow. So the reality of it is that the worst of the DUIs, they are not getting ARD in the first place, that is not happening. But those ARDs that come across, those are the ones that – we know people, unfortunately, here who have also struggled with this occasionally and made that mistake – that have gone through the ARD program. This one here makes sure that if you come up in 10 years and get that second strike, we have to be sure that we punish you with another – as if you got convicted of the first time. You did not get convicted of the first time. There is no conviction of the first time. It does not exist. That is, in essence, what the court said. That is, in essence, what this is, quote, unquote, "trying to fix." The district attorneys want to be sure that if you come up with a second one, that we have to somehow punish you as if you were convicted the first time. That is what it does. I believe this, on its face, is unconstitutional.

CONSTITUTIONAL POINT OF ORDER

Mr. D. MILLER. So, Mr. Speaker, I move that this bill in itself in looking to criminalize someone who was never convicted before runs afoul of the Constitution, and I move that we strike it as unconstitutional today.

The SPEAKER. Is the gentleman raising a constitutional point of order?

Mr. D. MILLER. I do.

The SPEAKER. The gentleman, Representative Miller, raises the point of order that HB 521, PN 1143, is unconstitutional. The Speaker, under rule 4, is required to submit questions affecting the constitutionality of a bill to the House for decision, which the Chair does.

On the question,

Will the House sustain the constitutionality of the bill?

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

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

I know that I made my point in the argument runup for it, so I will just surmise again with it, that look, at the heart of this point of this bill is that it will say that we have to hold someone convicted who was not convicted; that we have to count a nonconviction as a conviction. That is why that case was held unconstitutional, that is what is still the problem with this bill here today, and that is at the heart of my motion.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Stephens, on the motion of constitutionality.

Mr. STEPHENS. Mr. Speaker, could I ask the gentleman to let me know which provision of the Constitution he thinks this violates?

The SPEAKER. The gentleman indicates he will be interrogated, and you are in order to respond.

Mr. D. MILLER. My first concern with it is in the 14th Amendment of the U.S. Constitution.

Mr. STEPHENS. Could you help me understand how you feel that this violates the 14th Amendment of the Constitution?

Mr. D. MILLER. Obviously, from my point with it in relation to the due process, my belief is that you have an issue when you are trying to charge someone and hold them – I am sorry, trying

to convict someone who was not found guilty for it. So since you were not found guilty for it, then I do not understand how you can do it as if they were, so that is my explanation.

Mr. STEPHENS. Okay.

The SPEAKER. Has the gentleman concluded his interrogation?

Mr. STEPHENS. I have, Mr. Speaker.

The SPEAKER. You are in order and may speak on the motion of constitutionality.

Mr. STEPHENS. Mr. Speaker, this bill is clearly constitutional. What the gentleman is suggesting is that other than a jury trial, there is no mechanism for anyone to secure a conviction. That would indicate that no one could ever plead guilty because they have not taken advantage of their right to a jury trial, right?

The fact of the matter is, our criminal justice system allows defendants to waive rights all the time, and I will bet you in his prior work he represented folks who waived their rights. You can waive your right to a jury trial. You can waive your right to counsel. You can waive these constitutional rights as long as the judge finds, of course, that it was knowing and voluntary, that you did so of your own free will; certainly something that anyone going through ARD would be a party to.

So the ARD program is clearly constitutional, and it had operated constitutionally for many, many years until the court recently decided that the notice provision was inadequate; that a defendant needed to be apprised of the full scope of the deal that they were making, because keep in mind, ARD is a terrific opportunity for criminal defendants. It is a terrific opportunity. So they go into that opportunity and they, in essence, enter into a contract with the prosecutor's office and say, look, if you forgo the conviction, you forgo the costs of a trial, you forgo all those other issues, I will acknowledge, I will acknowledge that I did some things and I will acquiesce to your conditions. Maybe the conditions are, I am going to lose my driver's license for a period of time in certain cases. Maybe it is, I am going to submit to a drug and alcohol evaluation and any treatment that might be required. Maybe it is a condition that I am going to toe the line and avoid any further criminal behavior, and so that is a deal between the defendant, who is typically represented, and the prosecutor, again, knowing full well what the consequences are of the deal. That is all the court said in the case that we are looking to remedy here, is that a defendant needs to be made aware of the full consequences of not fulfilling their end of the bargain. If they break the deal, what is going to happen? And then, look, the defendant does not have to enter into ARD. They do not ever have to enter into ARD. That is their choice. It is a voluntary decision. They can go to trial.

When I was a prosecutor, if a defendant was speaking to me, either with their attorney or if they chose to move forward without one, I would tell them, look, if you are not guilty, then you should go to trial. Go to trial. Make the government prove their case. That is everyone's right in this country. We cannot take that away. You always have the right to go to trial. So the fact that we allow this diversionary program for ARD and we give people an opportunity to enter into an agreement where they spare the government the burden of having to move forward on a trial, but in exchange for that, they agree to certain conditions, that is a fundamental part of our criminal justice system. It certainly is constitutional. It is something that is engaged in every single day in prosecutors' offices all across this country, not just

this Commonwealth. There is no question that this program and this bill are constitutional.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Carroll, on the question of constitutionality.

Mr. CARROLL. Thank you, Mr. Speaker.

Mr. Speaker, I do have great respect for the gentleman from Allegheny County, but I rise today to offer that this, in fact, is constitutional. To echo and continue the argument made by the gentleman from Montgomery County, defendants also waive their right to testify in hearings and they also waive their right to take an appeal when they accept an agreement on a conviction for a lesser charge in certain cases.

Mr. Speaker, this bill is an effort to return our Commonwealth to a world where ARD was available to defendants. Absent this fix, Mr. Speaker, we face the prospect of having a Commonwealth that does not provide an opportunity for ARD, and the most common ARD arrangement in the counties is related to DUI offenses.

So, Mr. Speaker, for those that contemplate the unconstitutionality of this bill, contemplate the elimination of ARD, because that, in fact, is what would happen to defendants and they would all go to trial. They would all have to defend themselves from the underlying charge of a DUI, and, Mr. Speaker, I would offer that most people that take the ARD do so because it is in their interest and they are not doing the court a favor.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Those voting "aye" will vote to declare the bill to be constitutional; those voting "no" will vote to declare the bill to be unconstitutional.

On the question recurring,

Will the House sustain the constitutionality of the bill?

(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—138

Armanini	Gillen	Maloney	Rothman
Benninghoff	Gillespie	Markosek	Rowe
Bernstine	Gleim	Marshall	Ryan
Bizzarro	Gregory	Masser	Sainato
Boback	Greiner	Mehaffie	Samuelson
Bonner	Grove	Mentzer	Sankey
Borowicz	Guenst	Mercuri	Sappey
Brooks	Hamm	Metcalfe	Saylor
Brown, R.	Heffley	Metzgar	Schemel
Burns	Helm	Mihalek	Schlossberg
Carroll	Hennessey	Millard	Schmitt
Causar	Herrin	Miller, B.	Schroeder

Ciresi	Hershey	Mizgorski	Silvis
Cook	Hickernell	Moul	Smith
Cox	Irvin	Mullery	Snyder
Culver	James	Mullins	Sonney
Davanzo	Jones	Mustello	Staats
Davis, T.	Jozwiak	Neilson	Stambaugh
Day	Kail	Nelson, E.	Stephens
Delozier	Kaufner	O'Mara	Struzzi
DelRosso	Kauffman	O'Neal	Thomas
DeLuca	Keefer	Oberlander	Tomlinson
Diamond	Kerwin	Ortitay	Toohil
Dowling	Klunk	Owlett	Topper
Dunbar	Knowles	Pashinski	Twardzik
Ecker	Kosierowski	Peifer	Warner
Emrick	Kulik	Pennycuick	Warren
Farry	Labs	Pickett	Wentling
Fee	Lawrence	Polinchock	Wheeland
Flood	Lewis	Puskaric	White
Flynn	Longietti	Quinn	Williams, C.
Freeman	Mackenzie, M.	Rader	Zimmerman
Fritz	Mackenzie, R.	Rapp	
Galloway	Mako	Rigby	Cutler,
Gaydos	Malagari	Roae	Speaker

NAYS—63

Benham	Delloso	Kim	Pisciottano
Boyle	Driscoll	Kinkead	Rabb
Bradford	Evans	Kinsey	Rozzi
Briggs	Fiedler	Kirkland	Sanchez
Brown, A.	Fitzgerald	Krajewski	Schweyer
Bullock	Frankel	Krueger	Shusterman
Burgos	Gainey	Lee	Sims
Cephas	Guzman	Madden	Solomon
Conklin	Hanbidge	Matzie	Sturla
Cruz	Harkins	McClinton	Vitali
Daley	Harris	McNeill	Webster
Davidson	Hohenstein	Merski	Wheatley
Davis, A.	Howard	Miller, D.	Williams, D.
Dawkins	Innamorato	Nelson, N.	Young
Deasy	Isaacson	Otten	Zabel
DeLissio	Kenyatta	Parker	

NOT VOTING—0

EXCUSED—0

The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the bill was sustained.

On the question recurring,
Shall the bill pass finally?

The SPEAKER. The Chair now returns to Representative Dan Miller. Does he wish to continue speaking?

You are in order and may proceed.

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

So again, at the heart of this here, what no district attorney can tell you is that ARD, when it is completed, will be lifted as a conviction or found to be a conviction anywhere. It does not exist; it will not be there. But unfortunately, with this bill, if it passes, we will be counting that sort of legal fabrication to act as if it did.

We also talk about, what is the value of ARD in itself? What often seems to be referred is that only guilty people take ARD; only guilty people take ARD. It is kind of like only guilty people make a plea, but we know that is not the case. That is not accurate. Too many people will sit there and, no matter what colloquy you

read and no matter what conversation an attorney may have, will believe in what is their best interest to plea. Largely that is because of the addiction that we have as a body toward making punishments so severe that only the insane would go to trial. But to think that that is the case for everybody that goes to ARD, that is not the case, that is not true. That is not true.

We need ARD. There is no doubt it is a good program. There is no doubt of the benefits that can be done with it. But these ideas of trying to attach an admission provision are only because that is what the district attorney wants to do. There is no need to do it in law. Ninety-nine percent of the time with a DUI ARD, you are not going to even have a victim. It is just in relation to that one episode. If you had a victim that somehow suffered damage, in most counties they would not give it to you anyhow. That is just the reality of it.

We need the ARD program because it makes sure that we can limit license suspensions when somebody makes a mistake. We need the program because it makes sure somebody does not go on probation for a longer period of time than they need to.

To say that it does not benefit the State in some way is wrong. We all have the goal of trying to be sure that our criminal justice schematic is one that is tailored to our goals. It does not help us that we have so many people on probation, just like it does not help us as a system, it seems, when we say, "Hey, look, everybody needs to go to trial." There are resources that the Commonwealth has that they do not want to spend. To again say that is not the case is not reality. District attorneys will structure their cases, their time, their resources, their departments, their divisions, on what actually is going to go to trial. How can they structure something that would apply resources somewhere else? The ARD system saves the Commonwealth and the district attorney many things. To say that you need the admission provision for it makes no sense. There is no need to do it, except if you want to be sure that the person does not go to trial if they fail. And again, the majority of reasons why people fail, from the public defender's side, is because they cannot pay the costs of the program.

Look, I also believe that this bill has other problems. When it comes to this continuous monitoring device that now some States are latching onto, keep in mind that you want to strap to some person who has not been found guilty of something, you want to strap to them this consistent State monitoring device. This is a big difference from the breathalyzers that we would put on a car, when you go to use a vehicle to access that privilege; to put it up there does not infringe on the vast majority of your privacy. Here, we are going to either allow it to be a condition of your bail or in some other way strap it to you because the State needs to monitor somebody who has not been found guilty of the allegations.

Look, I recognize that in this body there is a direction that the body takes in regards to criminal justice. This bill, to me, is but another step along the way to how we can end rights, criminalize people more, raise penalties, and often the case, as the only State in the Union that does not fund its public defender's office, how it can make sure that poor people suffer the most. There are actually court decisions that talk about how this indifference between the haves and the have-nots, the wealthy and the poor, the middle class and the poor, the working poor and the middle class, is something that is a cancer in the heart of our criminal justice system. At what point does this body take a bill like this and say that enough is enough, that we are not going to do that, that we are not going to treat somebody differently because they are poor? And yes, there is no doubt that these are decisions that

one makes, but as you constantly, constantly make any other decision the realm of the insane, what else do you leave them with, but the constant erosion of their Sixth Amendment right?

Thank you, Mr. Speaker.

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

Mr. CARROLL. Thank you, Mr. Speaker.

Mr. Speaker, as I said a moment ago, a world without HB 521 being enacted is a world without ARD in our Commonwealth. And, Mr. Speaker, we do not have to contemplate what that world looks like; we simply have to look to Mercer County, PA. In Mercer County, PA, as a result of this *Chichkin* Superior Court case, there is no ARD program available for defendants. The Mercer County district attorney has closed that as an option for defendants in a DUI case in Mercer County.

So what happens in some of the other counties? Well, in Lackawanna and Luzerne Counties in northeastern Pennsylvania, in order to enter into the ARD program as a result of this case, a defendant must sign a declaration and a stipulation of the facts related to the case in order to qualify for entry into the ARD program in Lackawanna or Luzerne Counties. Mr. Speaker, if we were to embrace the *Chichkin* decision as the law of the land, ARD goes away in Lackawanna and Luzerne Counties as it has already in Mercer County. Mr. Speaker, if the defendant truly believes they are not guilty of a DUI, take it to trial. Defendants, in fact, willingly enter the ARD program. There is no requirement or demand for them to enter into an ARD program. They happily accept the terms and consequences of an ARD, because they know that the penalties, especially the suspension of a driver's license among other penalties, are less severe as a result of their admittance into the ARD program.

Mr. Speaker, there have to be consequences for a second offense. A first offense and an ARD arrangement provides a level of relief to a defendant that, happily, for me, is available and I would like to continue its availability. But despite that ARD availability, a defendant who breaks the law with respect to drunk driving a second time, there has to be a more severe consequence for that action. And, Mr. Speaker, the arrangement that has existed in this Commonwealth for decades with respect to ARD availability is one that I am eager to see continue, because that availability of ARD is to the great benefit of many defendants as well as the Commonwealth, and so for that reason, Mr. Speaker, I ask for a "yes" vote on HB 521. Thank you.

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

Mr. ZABEL. Thank you, Mr. Speaker.

I support this bill as a matter of policy, and I share my colleague's concern about the loss of ARD as an option for people in counties, and that is a real concern, and I was prepared today to come up here and vote in favor of it. However, my colleague from Allegheny County raises a point that I had overlooked, which is simply constitutionality, and in particular, the *Alleyne* case, which is a Supreme Court case which our Superior Court was following, which says if you are going to enhance someone's criminal penalty based on some element, it has to be proven beyond a reasonable doubt, and that was the fatal flaw for ARD, as the *Chichkin* court was looking at it. I think it is fair, if someone goes through ARD and is convicted of DUI on a subsequent incident, to me it seems very fair they should be subject to the heightened penalties. I think that is a good piece of

policy. But I am bound by the Constitution and I do think this is a due process concern and I cannot support it for that reason. I may wish for this as a piece of policy, but the Constitution comes first, and so I encourage people to vote "no" for this bill because it is unconstitutional. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the prime sponsor, Representative Stephens, on final passage.

Mr. STEPHENS. Thank you, Mr. Speaker.

Just to remind the members what this bill is about. This bill is about using technology, technology that is available to us today that was not available to us before, to do a couple of things: By utilizing this technology, we can reduce our jail populations for our counties; we can reduce our costs to our taxpayers; and we can increase public safety by reducing recidivism with DUI. And you do not have to take my word for it because this is happening in Lancaster County and York County, many counties are using this technology – this substance-monitoring technology – to avoid incarcerating defendants so that it gives judges an additional option. If they are concerned about public safety because of a repeat DUI offender, they can say, "You know what? I'm going to put this device on you to make sure that you're not drinking, instead of just putting you in the county jail while you're awaiting your trial." This is an opportunity to do all those things: increase public safety, reduce recidivism, protect taxpayers, and reduce our jail population. That is what the core of this bill does; that is what the core of this bill does.

I appreciate the good gentleman from Luzerne and his comments about ARD and the importance of the notice requirement, restoring that fair bargaining between the prosecutor and the defendant so that our ARD program can continue to give people a second chance when they deserve it. If we do not do this, they will not have that opportunity.

The notion that this is an attack on poor people is completely off base and misguided for two reasons: First of all, the Rules of Criminal Procedure provide that no one will be subjected to adverse circumstances because of their economic condition; but most importantly because we adopted the good gentleman from Philadelphia on the other side of the aisle's amendment yesterday to ensure that, to ensure that we are protecting those who might not have the means.

So for all those reasons, Mr. Speaker, I would urge my colleagues to support this bill. Let us get it over to the Senate. Let us preserve and protect our ARD program. Let us go ahead and let our counties start, again, increasing public safety by reducing their prison population and reducing recidivism for repeat DUI offenders.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

(Members proceeded to vote.)

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

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

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

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady.

The following roll call was recorded:

YEAS—143

Armanini	Gillen	Maloney	Rowe
Benninghoff	Gillespie	Markosek	Ryan
Bernstine	Gleim	Marshall	Sainato
Bizzarro	Gregory	Masser	Samuelson
Boback	Greiner	Matzie	Sanchez
Bonner	Grove	Mehaffie	Sankey
Borowicz	Guenst	Mentzer	Sappery
Brooks	Hamm	Mercuri	Saylor
Brown, R.	Hanbidge	Metcalfe	Schemel
Burns	Heffley	Mihalek	Schlossberg
Carroll	Helm	Millard	Schmitt
Causer	Hennessey	Miller, B.	Schroeder
Ciresi	Herrin	Mizgorski	Shusterman
Conklin	Hershey	Moul	Silvis
Cook	Hickernell	Mullery	Smith
Cox	Irvin	Mullins	Snyder
Culver	James	Mustello	Sonney
Davanzo	Jones	Nelson, E.	Staats
Davis, T.	Jozwiak	O'Mara	Stambaugh
Day	Kail	O'Neal	Stephens
Delozier	Kaufman	Oberlander	Struzzi
DelRosso	Kauffman	Ortitay	Thomas
DeLuca	Keefer	Owlett	Tomlinson
Diamond	Kerwin	Pashinski	Toohil
Dowling	Klunk	Peifer	Topper
Driscoll	Knowles	Pennycuick	Twardzik
Dunbar	Kosierowski	Pickett	Warner
Ecker	Kulik	Pisciottano	Warren
Emrick	Labs	Polinchock	Wentling
Farry	Lawrence	Puskaric	Whealand
Fee	Lewis	Quinn	White
Flood	Longietti	Rader	Williams, C.
Flynn	Mackenzie, M.	Rapp	Zimmerman
Freeman	Mackenzie, R.	Rigby	
Fritz	Mako	Roae	Cutler,
Galloway	Malagari	Rothman	Speaker
Gaydos			

NAYS—58

Benham	Delloso	Kinhead	Otten
Boyle	Evans	Kinsey	Parker
Bradford	Fiedler	Kirkland	Rabb
Briggs	Fitzgerald	Krajewski	Rozzi
Brown, A.	Frankel	Krueger	Schweyer
Bullock	Gainey	Lee	Sims
Burgos	Guzman	Madden	Solomon
Cephas	Harkins	McClinton	Sturla
Cruz	Harris	McNeill	Vitali
Daley	Hohenstein	Merski	Webster
Davidson	Howard	Metzgar	Wheatley
Davis, A.	Innamorato	Miller, D.	Williams, D.
Dawkins	Isaacson	Neilson	Young
Deasy	Kenyatta	Nelson, N.	Zabel
DeLissio	Kim		

NOT VOTING—0

EXCUSED—0

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

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

* * *

The House proceeded to third consideration of **HB 523, PN 1021**, entitled:

An Act amending the act of June 13, 1836 (P.L.551, No.169), referred to as the General Road Law, further providing for repair of private roads and providing for definitions.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

(Members proceeded to vote.)

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

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

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

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman.

The following roll call was recorded:

YEAS—201

Armanini	Flynn	Lee	Rigby
Benham	Frankel	Lewis	Roae
Benninghoff	Freeman	Longietti	Rothman
Bernstine	Fritz	Mackenzie, M.	Rowe
Bizzarro	Gainey	Mackenzie, R.	Rozzi
Boback	Galloway	Madden	Ryan
Bonner	Gaydos	Mako	Sainato
Borowicz	Gillen	Malagari	Samuelson
Boyle	Gillespie	Maloney	Sanchez
Bradford	Gleim	Markosek	Sankey
Briggs	Gregory	Marshall	Sappey
Brooks	Greiner	Masser	Saylor
Brown, A.	Grove	Matzie	Schemel
Brown, R.	Guenst	McClinton	Schlossberg
Bullock	Guzman	McNeill	Schmitt
Burgos	Hamm	Mehaffie	Schroeder
Burns	Hanbidge	Mentzer	Schweyer
Carroll	Harkins	Mercuri	Shusterman
Causar	Harris	Merski	Silvis
Cephas	Heffley	Metcalfe	Sims
Ciresi	Helm	Metzgar	Smith
Conklin	Hennessey	Mihalek	Snyder
Cook	Herrin	Millard	Solomon
Cox	Hershey	Miller, B.	Sonney

Cruz	Hickernell	Miller, D.	Staats
Culver	Hohenstein	Mizgorski	Stambaugh
Daley	Howard	Moul	Stephens
Davanzo	Innamorato	Mullery	Struzzi
Davidson	Irvin	Mullins	Sturla
Davis, A.	Isaacson	Mustello	Thomas
Davis, T.	James	Neilson	Tomlinson
Dawkins	Jones	Nelson, E.	Toohil
Day	Jozwiak	Nelson, N.	Topper
Deasy	Kail	O'Mara	Twardzik
DeLissio	Kaufner	O'Neal	Vitali
Delloso	Kauffman	Oberlander	Warner
Delozier	Keefer	Ortitay	Warren
DelRosso	Kenyatta	Otten	Webster
DeLuca	Kerwin	Owlett	Wentling
Diamond	Kim	Parker	Wheatley
Dowling	Kinhead	Pashinski	Wheeland
Driscoll	Kinsey	Peifer	White
Dunbar	Kirkland	Pennycuick	Williams, C.
Ecker	Klunk	Pickett	Williams, D.
Emrick	Knowles	Pisciottano	Young
Evans	Kosierowski	Polinchock	Zabel
Farry	Krajewski	Puskaric	Zimmerman
Fee	Krueger	Quinn	
Fiedler	Kulik	Rabb	Cutler, Speaker
Fitzgerald	Labs	Rader	
Flood	Lawrence	Rapp	

NAYS—0

NOT VOTING—0

EXCUSED—0

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

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

CALENDAR CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 951, PN 959**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in matters affecting government units, further providing for exceptions to sovereign immunity and for exceptions to governmental immunity; and making a repeal.

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

Mrs. **KEEFER** offered the following amendment
No. **A00602**:

Amend Bill, page 1, lines 9 and 10, by striking out ", added November 26, 2019 (P.L.641, No.87)."

Amend Bill, page 1, line 10, by inserting after "amended" and the subsections are amended by adding paragraphs

Amend Bill, page 2, by inserting between lines 6 and 7

(11) Ordering or coercing abortion.—The following shall apply:

(i) A violation of 18 Pa.C.S. §§ 3206(g) (relating to parental consent) or 3215(f) (relating to publicly owned facilities; public officials and public funds).

(ii) This paragraph shall apply retroactively to a cause of action that arose prior to the effective date of this subparagraph.

Amend Bill, page 2, by inserting between lines 21 and 22
(10) Ordering or coercing abortion.—The following shall apply:

(i) A violation of 18 Pa.C.S. §§ 3206(g) (relating to parental consent) or 3215(f) (relating to publicly owned facilities; public officials and public funds).

(ii) This paragraph shall apply retroactively to a cause of action that arose prior to the effective date of this subparagraph.

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

AMENDMENT WITHDRAWN

The SPEAKER. The gentlewoman is indicating she will withdraw the amendment. The Chair thanks the lady.

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

Mr. **GREGORY** offered the following amendment
 No. **A00648**:

Amend Bill, page 1, lines 1 through 5, by striking out all of said lines and inserting
 Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in limitation of time, further providing for infancy, insanity or imprisonment; in matters affecting government units, further providing for exceptions to sovereign immunity and for exceptions to governmental immunity; and making a related repeal.

Amend Bill, page 1, lines 8 through 20; page 2, lines 1 through 30; by striking out all of said lines on said pages and inserting
 Section 1. Section 5533(b) of Title 42 of the Pennsylvania Consolidated Statutes is amended and the section is amended by adding subsections to read:

§ 5533. Infancy, insanity or imprisonment.

* * *

(b) Infancy.—

(1) [(i)] If an individual entitled to bring a civil action is an unemancipated minor at the time the cause of action accrues, the period of minority shall not be deemed a portion of the time period within which the action must be commenced. Such person shall have the same time for commencing an action after attaining majority as is allowed to others by the provisions of this subchapter.

[(ii) As used in this paragraph, the term "minor" shall mean any individual who has not yet attained 18 years of age.]

(2) (i) If an individual entitled to bring a civil action arising from sexual abuse is under 18 years of age at the time the cause of action accrues, the individual shall have a period of 37 years after attaining 18 years of age in which to commence an action for damages regardless of whether the individual files a criminal complaint regarding the sexual abuse.

(i.1) If an individual entitled to bring a civil action arising from sexual abuse is at least 18 and less than 24 years of age at the time the cause of action occurs, the individual shall have until attaining 30 years of age to commence an action for damages regardless of whether the individual files a criminal complaint regarding the sexual abuse.

[(ii) For the purposes of this paragraph, the term "sexual abuse" shall include, but not be limited to, the following sexual activities between an individual who is 23 years of age or younger and an adult, provided that the individual bringing the civil action engaged in such activities as a result of forcible compulsion or by threat of forcible compulsion which would prevent resistance by a person of reasonable resolution:

(A) sexual intercourse, which includes penetration, however slight, of any body part or object into the sex organ of another;

(B) deviate sexual intercourse, which includes sexual intercourse per os or per anus; and
 (C) indecent contact, which includes any touching of the sexual or other intimate parts of the person for the purpose of arousing or gratifying sexual desire in either person.

(iii) For purposes of this paragraph, "forcible compulsion" shall have the meaning given to it in 18 Pa.C.S. § 3101 (relating to definitions).]

(c) Temporary window to file claims.—Notwithstanding subsection (b) or any other provision of law to the contrary, for an individual entitled to bring a civil action arising from sexual abuse if the individual was under 18 years of age at the time the cause of action accrued, and if the limitation period for that cause of action has expired, the civil action is revived and the individual shall have an additional period of two years from the effective date of this subsection to commence an action.

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

"Forcible compulsion." As defined in 18 Pa.C.S. § 3101 (relating to definitions).

"Minor." An individual who has not yet attained 18 years of age.
"Sexual abuse." The term shall include, but not be limited to, the following sexual activities between an individual who is 23 years of age or younger and an adult, provided that the individual bringing the civil action engaged in such activities as a result of forcible compulsion or by threat of forcible compulsion which would prevent resistance by a person of reasonable resolution:

(1) sexual intercourse, which includes penetration, however slight, of any body part or object into the sex organ of another;

(2) deviate sexual intercourse, which includes sexual intercourse per os or per anus; and

(3) indecent contact, which includes any touching of the sexual or other intimate parts of the person for the purpose of arousing or gratifying sexual desire in either person.

Section 2. Sections 8522(b)(10) and 8542(b)(9) of Title 42 are amended to read:

§ 8522. Exceptions to sovereign immunity.

* * *

(b) Acts which may impose liability.—The following acts by a Commonwealth party may result in the imposition of liability on the Commonwealth and the defense of sovereign immunity shall not be raised to claims for damages caused by:

* * *

(10) Sexual abuse.—The following shall apply:

(i) Conduct which constitutes an offense enumerated under section 5551(7) (relating to no limitation applicable) if the injuries to the plaintiff were caused by actions or omissions of the Commonwealth party which constitute negligence.

(ii) This paragraph shall apply retroactively to a cause of action that arose prior to the effective date of this subparagraph and prospectively to a cause of action that arises after the effective date of this subparagraph.

§ 8542. Exceptions to governmental immunity.

* * *

(b) Acts which may impose liability.—The following acts by a local agency or any of its employees may result in the imposition of liability on a local agency:

* * *

(9) Sexual abuse.—The following shall apply:

(i) Conduct which constitutes an offense enumerated under section 5551(7) (relating to no limitation applicable) if the injuries to the plaintiff were caused by actions or omissions of the local agency which constitute negligence.

(ii) This paragraph shall apply retroactively to a cause of action that arose prior to the effective date of this subparagraph and prospectively to a cause of action that arises after the effective date of this subparagraph.

* * *

Section 3. This act shall apply as follows:

(1) The addition of 42 Pa.C.S. § 5533(c) shall apply to revive an action that was barred by an existing statute of limitations on the effective date of this section.

(2) The amendment of 42 Pa.C.S. §§ 8522 (b)(10) and 8542 (b)(9) shall apply retroactively to an action where the limitations period has not expired prior to the effective date of this section.

(3) The amendment of 42 Pa.C.S. §§ 8522(b)(10) and 8542 (b)(9) shall apply to an action subject to 42 Pa.C.S. § 5533(c) that was barred by an existing statute of limitations on the effective date of this section.

Section 4. Nothing in this act shall permit the application of the addition of 42 Pa.C.S. § 5533(c) to an action:

(1) that is subject to a final judgment which, on the effective date of this section, is not subject to appeal; or

(2) that, on the effective date of this section, has been nonjudicially resolved in its entirety by the parties, in a form which is enforceable.

Section 4.1. The Supreme Court of Pennsylvania shall have extraordinary jurisdiction to hear a challenge to or to render a declaratory judgment concerning the constitutionality of this act. The Supreme Court of Pennsylvania may take action as it deems appropriate, consistent with the Supreme Court retaining jurisdiction over the matter, to find facts or to expedite a final judgment in connection with the challenge or request for declaratory relief.

Section 5. Repeals are as follows:

(1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate the amendment of 42 Pa.C.S. §§ 8522(b)(10) and 8542(b)(9).

(2) Section 10(3)(ii) of the act of November 26, 2019 (P.L.641, No.87), is repealed insofar as the section applies to 42 Pa.C.S. §§ 8522(b)(10) and 8542(b)(9).

Section 6. This act shall take effect immediately.

On the question,

Will the House agree to the amendment?

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

Mr. GREGORY. Thank you very much, Mr. Speaker.

And thank you for recognizing our visitor in the gallery. Thank you for your service to our country, Shaun Dougherty, as well as being here as a face of the survivor community from the Altoona-Johnstown Diocese and the grand jury report. There are thousands of victims who are watching this very proceeding, as we speak, all around the country waiting to see what happens in Pennsylvania.

So, Mr. Speaker, I rise to offer amendment A00648 to HB 951. This amendment would be a gut-and-replace amendment to provide a 2-year window in which civil lawsuits alleging childhood sexual abuse may be filed in court despite any otherwise applicable statute of limitations defense.

You will recall that this matches the constitutional amendment that we have now passed numerous times in this chamber. The amendment also provides that the Pennsylvania Supreme Court has jurisdiction to hear any constitutional challenge to the bill. The amendment would also clean up the definitions in the underlying law and provide clarity in the technical sections on how this act is to be applied.

Finally, the material in the underlying bill is preserved in this amendment. In this amendment all of the public and private defendants are treated the same in order to ensure that all victims are treated equally.

I ask for an affirmative vote on this amendment, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. ROZZI. Thank you, Mr. Speaker.

I just want to thank my colleague and friend from Blair County for putting this amendment up. He is committed to helping all victims of sexual abuse move forward and get the justice that they deserve. So I just want to thank my colleague.

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 gentleman, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

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

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady.

The following roll call was recorded:

YEAS—148

Armanini	Evans	Kosierowski	Polinchock
Benham	Farry	Krajewski	Quinn
Benninghoff	Fee	Krueger	Rabb
Bizzarro	Fiedler	Kulik	Rapp
Boback	Fitzgerald	Labs	Rigby
Bonner	Flood	Lawrence	Rothman
Boyle	Flynn	Lee	Rozzi
Bradford	Frankel	Longietti	Sainato
Briggs	Freeman	Mackenzie, M.	Samuelson
Brooks	Fritz	Mackenzie, R.	Sanchez
Brown, A.	Gainey	Madden	Sankey
Brown, R.	Galloway	Malagari	Sappey
Bullock	Gillen	Markosek	Saylor

Burgos	Gillespie	Marshall	Schlossberg
Burns	Gregory	Masser	Schmitt
Carroll	Greiner	Matzie	Schroeder
Causar	Guenst	McClinton	Schweyer
Cephas	Guzman	McNeill	Shusterman
Ciresi	Hanbidge	Mehaffie	Sims
Conklin	Harkins	Mentzer	Smith
Cruz	Harris	Merski	Snyder
Culver	Helm	Metzgar	Solomon
Daley	Herrin	Millard	Sonney
Davidson	Hershey	Miller, D.	Stephens
Davis, A.	Hickernell	Mizgorski	Struzzi
Davis, T.	Hohenstein	Mullery	Sturla
Dawkins	Howard	Mullins	Thomas
Day	Innamorato	Neilson	Tomlinson
Deasy	Irvin	Nelson, N.	Warren
DeLissio	Isaacson	O'Mara	Webster
Deloso	Kail	Oberlander	Wentling
Delozier	Kaufer	Ortitay	Wheatley
DeLuca	Kenyatta	Otten	White
Dowling	Kim	Parker	Williams, C.
Driscoll	Kinthead	Pashinski	Williams, D.
Dunbar	Kinsey	Peifer	Young
Emrick	Kirkland	Pisciottano	Zabel

NAYS-53

Bernstine	James	Miller, B.	Silvis
Borowicz	Jones	Moul	Staats
Cook	Jozwiak	Mustello	Stambaugh
Cox	Kauffman	Nelson, E.	Toohil
Davanzo	Keefer	O'Neal	Topper
DelRosso	Kerwin	Owlett	Twardzik
Diamond	Klunk	Pennycuick	Vitali
Ecker	Knowles	Pickett	Warner
Gaydos	Lewis	Puskaric	Wheeland
Gleim	Mako	Rader	Zimmerman
Grove	Maloney	Roae	
Hamm	Mercuri	Rowe	Cutler,
Heffley	Metcalfe	Ryan	Speaker
Hennessey	Mihalek	Schemel	

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?

Mr. **ROWE** offered the following amendment No. **A00669**:

Amend Bill, page 4, by inserting between lines 21 and 22 (A00648)

Section 4.2 The provisions of this act are nonseverable. If any provision of this act or its application to any person or circumstance is held invalid, the remaining provisions or applications of this act are void.

On the question,

Will the House agree to the amendment?

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

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

Mr. Speaker, the basis of this amendment is really founded and established in years, hundreds of years of legal precedent, a

concept that is foundational to our justice system, and that is summarized in three very simple words, Mr. Speaker, that justice is blind. And we have been using the word "justice" a lot as we discuss this very important issue, and as such, Mr. Speaker, what my amendment does today is it prevents any future court from creating an aberration of the law, as we, the legislative body, has written it, by adding a nonseverability clause, which would prevent a court from carving out special exceptions, because, Mr. Speaker, as I said initially, justice is blind, and there should be none that are exempted from it.

So, Mr. Speaker, I would ask for an affirmative vote for my amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

(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-109

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
Causar	Hershey	Miller, B.	Smith
Cook	Hickernell	Mizgorski	Sonney
Cox	Irvin	Moul	Staats
Culver	James	Mustello	Stambaugh
Davanzo	Jones	Nelson, E.	Stephens
Day	Jozwiak	O'Neal	Struzzi
Delozier	Kail	Oberlander	Thomas
DelRosso	Kauffman	Ortitay	Tomlinson
Diamond	Keefer	Owlett	Topper
Dowling	Kerwin	Peifer	Twardzik
Dunbar	Klunk	Pennycuick	Warner
Ecker	Knowles	Pickett	Wentling
Emrick	Labs	Polinchock	Wheeland
Farry	Lawrence	Puskaric	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	

NAYS-92

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	Sappay
Burns	Galloway	Madden	Schlossberg

Carroll	Guent	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.	Toohil
Davis, A.	Howard	Mullery	Vitali
Davis, T.	Innamorato	Mullins	Warren
Dawkins	Isaacson	Neilson	Webster
Deasy	Kaufer	Nelson, N.	Wheatley
DeLissio	Kenyatta	O'Mara	Williams, D.
Delloso	Kim	Otten	Young
DeLuca	Kinthead	Parker	Zabel

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 recurring,

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

The SPEAKER. For the information of the members, amendment 657, offered by Representative Brett Miller, and amendment 658, being offered by Representative Jones, are now out of order, by virtue of the adoption of the Gregory amendment.

BILL PASSED OVER TEMPORARILY

The SPEAKER. The Chair has been notified that both Representatives Brett Miller and Jones have requested redrafts of the amendment to the Gregory amendment. We will temporarily go over the bill while those are being prepared.

For the information of the members, they are contacting the Legislative Reference Bureau to get an approximate time for preparation of those two amendments. So we will be temporarily at ease.

The House will please return to order.

CONSIDERATION OF HB 951 CONTINUED

The SPEAKER. The Chair has been informed that the gentleman, Representative Jones, will be withdrawing his amendment.

The Chair is in receipt of Representative Miller's amendment, amendment 670, which is the corrective reprint from 657, which the clerk will read.

On the question recurring,

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

Mr. B. MILLER offered the following amendment No. A00670:

Amend Bill, page 4, line 14 (A00648), by striking out "4.1" and inserting

5

Amend Bill, page 4, by inserting between lines 21 and 22 (A00648)

Section 6. The Secretary of the Commonwealth shall transmit notice of passage by the electorate of a constitutional amendment relating to the retroactive application of exceptions to sovereign immunity and governmental immunity in sexual abuse actions to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.

Amend Bill, page 4, line 22 (A00648), by striking out "5" and inserting

7

Amend Bill, page 4, line 29 (A00648), by striking out all of said line and inserting

Section 8. This act shall take effect as follows:

(1) Section 6 and this section shall take effect immediately.

(2) The remainder of this act shall take effect upon publication of the notice under section 6.

On the question,

Will the House agree to the amendment?

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

Mr. B. MILLER. Thank you, Mr. Speaker.

I appreciate this opportunity and the patience of the members here.

Mr. Speaker, I rise in support of amendment A00670 and humbly ask for your support in this amendment.

We are here today because of the egregious and absolute failure of the Secretary of State to file the proper paperwork to have this on the ballot, the May 18 ballot. All of us are still awaiting an explanation for what happened there, the investigation is ongoing, and I would respectfully ask the administration to please forward the results of that investigation to this body as soon as possible.

The underlying bill seeks to statutorily revive the expired claims, and in my view, this is a violation of Article I, section 11, of the Constitution, and I want to offer that this is not "merely" – and I use that word "merely" in quotes – not "merely" a law that passes a committee and then the House and then goes to the Senate committee and Senate floor and then to the Governor. As we know, there are many bills that are offered that never reach even that stage. To get a bill passed is a big deal. But we are not even talking about the law as a traditional sense. We are talking about the Constitution of Pennsylvania, the very voice of the people of Pennsylvania. And so Article I, section 11, says this: "All courts shall be open; and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administered without sale, denial or delay. Suits may be brought against the Commonwealth in such manner, in such courts and in such cases as the Legislature may by law direct."

So this Article I, section 11, of our Constitution provides for remedy, and this is a long-standing tenet of constitutional law that has been understood through the years, my understanding going back to 150 years ago that the remedies clause applies, and essentially what that is, is that the rights that are once given by the people of Pennsylvania are vested rights, and they cannot be taken away. This issue has been extensively analyzed for several years, and as I said – I mean, more than several years; over 150 years – my understanding of constitutional law on this point.

Additionally, court cases support the fact that the legislature cannot eliminate these fixed rights, and I would like to read several of these for you for the record: In 1908 the Pennsylvania Supreme Court firmly established in *Lewis v. Pennsylvania Railroad Company* that the remedies clause provides a "vested right" to a defense which the legislature may not interfere with. The Superior Court later applied *Lewis* in two cases: *Overmiller* in 1960 and *Maycock* in 1984, to find that the remedies clause does not permit the legislature to revive time-barred claims. Cases subsequently decided by the Supreme Court have upheld this interpretation of the remedies clause.

As recently as 2008, the Supreme Court stated in *Konidaris v. Portnoff Law Associates*, quote, "We have refused to apply retroactive legislation that reduces a defendant's defenses or 'exemptions from demands' based on the concept of a vested right," unquote. The Court determined that it could not take away "an affirmative defense against an accrued cause of action" because it is a vested right protected by the remedies clause. Under Pennsylvania law, the running of the statute of limitations is an affirmative defense and therefore protected by the remedies clause from retroactive elimination through statute.

Mr. Speaker, each of us in this chamber raised their right hand and swore an oath to defend the Constitution, the very voice of the people of Pennsylvania. That is, of course, no small matter. What my amendment will do, amendment A00670, will make the underlying tenet of the bill active upon the passage of a constitutional amendment. What we are doing is we are trying to advance the issues of the people and simultaneously defend the Constitution that we swore an oath to. By passing this amendment, we can advance this issue via statute – which is an important distinction between the constitutional bill that we passed previously – we can advance this issue in statute and simultaneously uphold the Constitution.

Mr. Speaker, I respectfully ask for an affirmative vote on A00670. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. ROZZI. Thank you, Mr. Speaker.

And I thank the good gentleman for his comments and the patience of the members.

My colleagues who supported Gregory's amendment, we have to stick together here and defeat this amendment. All this is doing is delaying justice to the survivors here in this Commonwealth who have waited 15-plus years to be able to go into a civil court of law here and find out the truth. We have to defeat this amendment. It does not belong in this bill. We already passed the constitutional amendment. Let us get this done, let us move forward, let us do the right thing for our survivors in this Commonwealth.

Mr. Speaker, again, those who already supported Gregory's amendment, let us stick together, let us get this done and move forward for the victims. Amen.

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

Mr. JONES. Thank you, Mr. Speaker.

I rise in support of the amendment. I want to commend my colleague from Lancaster County for the courage he has demonstrated in offering this amendment. I pulled my amendment as a courtesy to my colleagues and also because this is a much better amendment. I think, unfortunately, it is very

unfortunate how we got to this place, but we are here, and this is how bad policy gets done, when we start throwing away long-standing legal pillars, like statute of limitations in this case, innocent until proven guilty, right to a jury trial. We have a path forward here. It is unfortunate it is going to take a little longer to go the amendment route, the constitutional amendment. But again, this is how bad policy gets done when we do things for expediency or politically maybe it feels good. I do not doubt that it will help the victims near term, but again, that is how a lot of bad policy gets done. You do something that might solve one issue and set a terribly dangerous precedent to say that we are going to ignore statute of limitations and go back and open up civil lawsuits. I think it is just a terrible policy. I commend the gentleman from Lancaster, and I strongly support this amendment.

Thank you, Mr. Speaker.

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

Mr. GREGORY. Thank you very much, Mr. Speaker.

I rise to ask for a negative on the amendment. I respect the process and the wishes of those who have risen to speak about it. However, how did Jim Gregory get involved in this issue? I became involved because I watched the House of Representatives show leadership on this issue in 2018, when, by a count of 178 to 25, a package that included a 2-year window was sent to the Senate. It was sent back and the leader at that time, Dave Reed, indicated to the Senate that if you send it back without the 2-year, we are going to send it right back to you.

And so that is what got my attention to say if we are going to hit a wall on this issue, where we are proposing this amendment that would create another wall, what I have to do is rise and speak and say that this body, for the last 3 years, you have been the leaders on this issue. Victims are not calling your offices and sending e-mails. They know that you have done the work to vote to get this measure to them so that they have a chance at justice. People like those sitting up in our gallery today have a chance if we vote "no" and get this thing across today, because we have a chance to again show that we lead on this issue.

I applaud what this body has done before I got here and what I have done since I have been here: your support of HB 14 and your support of the Rozzi bills. We are here. I would ask for a negative vote on the amendment, and thanks for once again showing you have the opportunity to lead on this issue. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The question is, will the House agree to the amendment?

I apologize; I did not see the gentleman seeking recognition.

The gentleman, Representative Brett Miller, is in order and may speak for the second time, on the amendment.

Mr. B. MILLER. Thank you, Mr. Speaker.

And I want to also thank my good colleague for his tireless efforts and also the tireless efforts, I know how hard you have worked and I really appreciate it. This is not meant in any way to cast aspersion on each of you or for any of your work. So I do appreciate that and this opportunity to say a few words.

I would just offer that I believe in this amendment that we can advance both concepts: protecting the people and guarding and upholding our constitutional oath that we had taken. As I said previously, it is not a small matter when we raised our hands to uphold the Constitution and I read for you, and many of you know that constitutional section; Article I, section 11, clearly lays out a

remedy. And so in this regard, I believe the way to go forward is to advance both, and we can do that by passing this amendment, and so I respectfully ask for an affirmative vote of A00670. 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 gentleman, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman.

The Chair now recognizes the gentlewoman, Representative Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady.

The following roll call was recorded:

YEAS—64

Borowicz	Jones	Mihalek	Sankey
Cook	Jozwiak	Miller, B.	Saylor
Davanzo	Kauffman	Moul	Schemel
Day	Keefer	Mustello	Silvis
DelRosso	Kerwin	Nelson, E.	Staats
Diamond	Klunk	O'Neal	Stambaugh
Dowling	Knowles	Ortitay	Stephens
Ecker	Lawrence	Owlett	Topper
Emrick	Lewis	Pickett	Twardzik
Flood	Mackenzie, M.	Puskaric	Warner
Gaydos	Mackenzie, R.	Rader	Wentling
Gleim	Mako	Rapp	Wheeland
Grove	Maloney	Roae	Zimmerman
Hamm	Masser	Rothman	
Heffley	Mercuri	Rowe	Cutler,
Irvin	Metcalfe	Ryan	Speaker
James	Metzgar		

NAYS—137

Armanini	Dunbar	Kinthead	Pisciottano
Benham	Evans	Kinsey	Polinchock
Benninghoff	Farry	Kirkland	Quinn
Bernstine	Fee	Kosierowski	Rabb
Bizzarro	Fiedler	Krajewski	Rigby
Boback	Fitzgerald	Krueger	Rozzi
Bonner	Flynn	Kulik	Sainato
Boyle	Frankel	Labs	Samuelson
Bradford	Freeman	Lee	Sanchez
Briggs	Fritz	Longiatti	Sappery
Brooks	Gainey	Madden	Schlossberg
Brown, A.	Galloway	Malagari	Schmitt
Brown, R.	Gillen	Markosek	Schroeder
Bullock	Gillespie	Marshall	Schweyer
Burgos	Gregory	Matzie	Shusterman
Burns	Greiner	McClinton	Sims
Carroll	Guent	McNeill	Smith
Causar	Guzman	Mehaffie	Snyder
Cephas	Hanbidge	Mentzer	Solomon
Ciresi	Harkins	Merski	Sonney
Conklin	Harris	Millard	Struzzi
Cox	Helm	Miller, D.	Sturla
Cruz	Hennessey	Mizgorski	Thomas
Culver	Herrin	Mullery	Tomlinson
Daley	Hershey	Mullins	Toohil

Davidson	Hickernell	Neilson	Vitali
Davis, A.	Hohenstein	Nelson, N.	Warren
Davis, T.	Howard	O'Mara	Webster
Dawkins	Innamorato	Oberlander	Wheatley
Deasy	Isaacson	Otten	White
DeLissio	Kail	Parker	Williams, C.
Delloso	Kaufner	Pashinski	Williams, D.
Delozier	Kenyatta	Peifer	Young
DeLuca	Kim	Pennycuick	Zabel
Driscoll			

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 as amended?

The SPEAKER. The remaining amendments have either been withdrawn or ruled out of order.

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

The SPEAKER. The bill as amended will be reprinted.

For the information of the members, we will be doing some housekeeping. There will be no further votes this evening, and we will adjourn until 11 a.m. tomorrow, once we conclude housekeeping.

BILLS RECOMMENDED

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

- HB 39;
- HB 120;
- HB 148;
- HB 149;
- HB 290;
- HB 766;
- HB 854;
- HB 925; and
- HB 951.

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

BILLS REMOVED FROM TABLE

The SPEAKER. The majority leader moves that the following bills be removed from the tabled calendar and placed on the active calendar:

HB 48;
HB 423;
HB 430; and
HB 664.

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

BILLS REMOVED FROM TABLE

The SPEAKER. The majority leader moves that HB 70 and HB 162 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 TABLED

The SPEAKER. The majority leader moves that HB 70 and HB 162 be removed from the active calendar and placed on the tabled calendar.

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

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

ADJOURNMENT

The SPEAKER. The Speaker is in receipt of a motion that this House do now adjourn until Wednesday, April 7, 2021, at 11 a.m., e.d.t., made by Representative Schroeder.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 5:37 p.m., e.d.t., the House adjourned.