

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, SEPTEMBER 28, 2021

SESSION OF 2021

205TH OF THE GENERAL ASSEMBLY

No. 49

### HOUSE OF REPRESENTATIVES

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

#### THE SPEAKER (BRYAN CUTLER) PRESIDING

#### PRAYER

HON. ROBERT W. MERCURI, member of the House of Representatives, offered the following prayer:

Thank you, Mr. Speaker.

Good morning. Today as we bow in humble prayer for our Commonwealth, I would like to share a piece of American history as inspiration, the final verse of "The Star-Spangled Banner," or the "Defence of Fort McHenry," a poem by Francis Scott Key, 1814. It reads:

O thus be it ever when freemen shall stand  
Between their lov'd homes and the war's desolation!  
Blest with vict'ry and peace may the heav'n rescued land  
Praise the power that hath made and preserv'd us a nation!  
Then conquer we must, when our cause it is just,  
And this be our motto – "In God is our trust,"  
And the star-spangled banner in triumph shall wave  
O'er the land of the free and the home of the brave.

God, we thank You for our unique place in history as the land of the free and the home of the brave. As we navigate today's challenges, help us remember this proud legacy of courage and trust in Your provision for our families and our land. We ask Your continued blessing as we encounter today's challenges with new resolve and new unity. In Your precious name we pray. 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, September 27, 2021, will be postponed until printed.

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

**HB 291, PN 257**

By Rep. DAY

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, in pharmaceutical assistance for the elderly, further providing for determination of eligibility.

AGING AND OLDER ADULT SERVICES.

**HB 1260, PN 2192 (Amended)**

By Rep. DAY

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, in Pharmaceutical Assistance for the Elderly, further providing for the pharmaceutical assistance contract for the elderly needs enhancement tier, for board, for powers of the department and for coordination of benefits.

AGING AND OLDER ADULT SERVICES.

**HB 1795, PN 2190 (Amended)**

By Rep. R. BROWN

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, in general provisions relating to condominiums, further providing for definitions; in management of the condominium, further providing for executive board members and officers, for bylaws and for meetings; in protection of purchasers, further providing for effect of violations on rights of action; in general provisions relating to cooperatives, further providing for definitions; in creation, alteration and termination of cooperatives, further providing for master associations; in management of cooperatives, further providing for bylaws and for meetings; in protection of cooperative interest purchasers, further providing for effect of violations on rights of action; in general provisions relating to planned communities, further providing for definitions; in creation, alteration and termination of planned communities, further providing for master associations; in management of planned community, further providing for bylaws and for meetings; and, in protection of purchasers, further providing for effect of violations on rights of action.

URBAN AFFAIRS.

**HB 1839, PN 2085**

By Rep. R. BROWN

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in general provisions relating to area government and intergovernmental cooperation, further providing for definitions and providing for agreements with community associations.

URBAN AFFAIRS.

**HB 1840, PN 2191** (Amended) By Rep. R. BROWN

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, in protection of purchasers, further providing for public offering statement and general provisions and for resales of units; in protection of cooperative interest purchasers, further providing for public offering statement and general provisions and for resales of cooperative interests; and, in protection of purchasers, further providing for public offering statement and general provisions and for resales of units.

URBAN AFFAIRS.

**SB 323, PN 301** By Rep. DAY

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, in pharmaceutical assistance for the elderly, further providing for determination of eligibility.

AGING AND OLDER ADULT SERVICES.

**SB 668, PN 756** By Rep. DAY

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, in pharmaceutical assistance for the elderly, further providing for the Pharmaceutical Assistance Contract for the Elderly Needs Enhancement Tier, for powers of the department and for coordination of benefits.

AGING AND OLDER ADULT SERVICES.

### RESOLUTION REPORTED FROM COMMITTEE

**HR 69, PN 733** By Rep. R. BROWN

A Resolution directing the Joint State Government Commission to conduct a study on the impact of common interest ownership communities on local governments and the Commonwealth, the challenges facing residents and governing bodies of common interest ownership communities and opportunities for the Commonwealth to assist local governments and common interest ownership communities to deliver adequate services to their residents at an affordable cost.

URBAN AFFAIRS.

### HOUSE RESOLUTIONS INTRODUCED AND REFERRED

**No. 144** By Representatives RABB, STURLA, HILL-EVANS, ROZZI, FREEMAN, KINSEY, SCHLOSSBERG, SAMUELSON, MENTZER, McNEILL, SANCHEZ, SAPPEY and INNAMORATO

A Concurrent Resolution commemorating the 170th anniversary of the Christiana Resistance and the brave individuals who stood up for their freedoms and the freedoms of their neighbors on September 11, 1851.

Referred to Committee on STATE GOVERNMENT, September 28, 2021.

**No. 145** By Representatives GUZMAN, BURGOS, HANBIDGE, SANCHEZ, ROZZI, KINSEY, HOWARD, HILL-EVANS, CONKLIN, VITALI, SCHLOSSBERG, SAPPEY, HEFFLEY, T. DAVIS, GUENST, MENTZER, R. BROWN,

DELLOSO, MILLARD, McNEILL, O'MARA, BURNS, KIM, N. NELSON, NEILSON, MALAGARI, WEBSTER, HERRIN, FRANKEL, HENNESSEY, INNAMORATO, A. DAVIS, JOZWIAK, D. WILLIAMS, SHUSTERMAN, SCHLEGEL CULVER, LEE, HOHENSTEIN, LEWIS, PASHINSKI, DeLUCA, KINKEAD, CIRESI and SAYLOR

A Concurrent Resolution designating September 15 through October 15, 2021, as "Hispanic Heritage Month" in Pennsylvania.

Referred to Committee on STATE GOVERNMENT, September 28, 2021.

### HOUSE BILLS INTRODUCED AND REFERRED

**No. 1917** By Representatives KIM, FRANKEL, KINSEY, SCHLOSSBERG, ISAACSON, HILL-EVANS, FREEMAN, DELLOSO, McCLINTON, HOHENSTEIN, SANCHEZ, HOWARD, MALAGARI, INNAMORATO, HANBIDGE, SAMUELSON, SHUSTERMAN, T. DAVIS, O'MARA and HARKINS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in terms and courses of study, providing for Asian-American and Pacific Islander history instruction.

Referred to Committee on EDUCATION, September 27, 2021.

**No. 1918** By Representatives SNYDER, DELLOSO, McNEILL, JAMES, BROOKS, HANBIDGE and SHUSTERMAN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in financial responsibility, further providing for definitions.

Referred to Committee on INSURANCE, September 27, 2021.

**No. 1919** By Representatives SNYDER, PASHINSKI, LONGIETTI, JAMES, STAMBAUGH, KENYATTA, HARKINS, GUENST, SCHLOSSBERG, BERNSTINE, DELLOSO, ZIMMERMAN, MALAGARI and PISCIOTTANO

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, providing for extensive amendments to the very small meat processor Federal inspection reimbursement grant program.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, September 27, 2021.

**No. 1920** By Representatives GAINNEY, A. DAVIS, FREEMAN, SANCHEZ and CIRESI

An Act amending the act of July 11, 1990 (P.L.465, No.113), known as the Tax Increment Financing Act, further providing for definitions, for creation of tax increment districts and approval of project plans and for financing of project costs.

Referred to Committee on FINANCE, September 28, 2021.

**No. 1921** By Representatives STRUZZI, PICKETT, RYAN, HILL-EVANS, CIRESI, BURGOS and JOZWIAK

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in personal income tax, further providing for refund or credit of overpayment and for restrictions on refunds.

Referred to Committee on FINANCE, September 28, 2021.

**No. 1922** By Representatives CARROLL, HENNESSEY, SCHMITT, SCHLOSSBERG, DELLOSO, McNEILL, PEIFER, BOBACK, JAMES, HOHENSTEIN, SANCHEZ, KIM, SMITH, GILLEN, NEILSON, MALAGARI, HARKINS, WEBSTER, MULLINS, KOSIEROWSKI, MENTZER, R. BROWN and CIRESI

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in registration of vehicles, further providing for suspension of registration upon unpaid tolls.

Referred to Committee on TRANSPORTATION, September 28, 2021.

**No. 1923** By Representatives KENYATTA, RABB, HILL-EVANS, SANCHEZ, OTTEN, SHUSTERMAN, FRANKEL, ROZZI, LEE, GAINEY, MADDEN, BULLOCK, KRAJEWSKI and SCHWEYER

An Act amending Title 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, in preliminary provisions, providing for limitations on excess property procurement by local law enforcement agencies.

Referred to Committee on JUDICIARY, September 28, 2021.

**No. 1924** By Representative GAYDOS

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, in real property, providing for common interest communities.

Referred to Committee on URBAN AFFAIRS, September 28, 2021.

**No. 1925** By Representatives HERRIN, PENNYCUICK, DELLOSO, HILL-EVANS, MILLARD, SANCHEZ, CIRESI, D. WILLIAMS, SHUSTERMAN, R. BROWN, O'MARA, McNEILL, SCHLEGEL CULVER, NEILSON, BROOKS, ECKER, T. DAVIS, HOHENSTEIN and KEEFER

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, in source selection and contract formation, further providing for debarment or suspension.

Referred to Committee on STATE GOVERNMENT, September 28, 2021.

### SENATE BILLS FOR CONCURRENCE

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

### SB 153, PN 127

Referred to Committee on TRANSPORTATION, September 28, 2021.

### SB 636, PN 755

Referred to Committee on STATE GOVERNMENT, September 28, 2021.

### SB 673, PN 742

Referred to Committee on LOCAL GOVERNMENT, September 28, 2021.

### SB 738, PN 867

Referred to Committee on STATE GOVERNMENT, September 28, 2021.

### SB 764, PN 889

Referred to Committee on STATE GOVERNMENT, September 28, 2021.

### SB 795, PN 950

Referred to Committee on STATE GOVERNMENT, September 28, 2021.

### SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 523, PN 1822**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

### SENATE MESSAGE

RECESS RESOLUTION  
FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following extract from the Journal of the Senate, which was read as follows:

In the Senate,  
September 27, 2021

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene the week of Monday, October 18, 2021, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Senate recesses the week of October 18, 2021, it reconvene the week of Monday, October 25, 2021, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses this week, it reconvene the week of Monday, October 4, 2021, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses the week of October 4, 2021, it reconvene the week of Monday, October 25, 2021, unless sooner recalled by the Speaker of the House of Representatives.

Ordered, That the clerk present the same to the House of Representatives for its concurrence.

On the question,  
Will the House concur in the resolution of the Senate?  
Resolution was concurred in.  
Ordered, That the clerk inform the Senate accordingly.

LEAVES OF ABSENCE

The SPEAKER. Are there requests for leaves of absence?  
The Chair recognizes the majority whip, who indicates that there are none. The Chair thanks the lady.  
The Chair recognizes the Democratic whip, who indicates that there are none. The Chair thanks the gentleman.

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—200

Table with 4 columns of names: Armanini, Benham, Benninghoff, Bernstine, Bizzarro, Boback, Bonner, Borowicz, Bradford, Briggs, Brooks, Brown, A., Brown, R., Bullock, Burgos, Burns, Carroll, Causer, Cephas, Ciresi, Conklin, Cook, Cox, Cruz, Culver, Daley, Davanzo, Fritz, Gainey, Galloway, Gaydos, Gillen, Gillespie, Gleim, Gregory, Greiner, Grove, Guenst, Guzman, Hamm, Hanbidge, Harkins, Harris, Heffley, Helm, Hennessey, Herrin, Hershey, Hickernell, Hohenstein, Howard, Innamorato, Irvin, Isaacson, Mackenzie, M., Mackenzie, R., Madden, Major, Mako, Malagari, Maloney, Markosek, Marshall, Matzie, McClinton, McNeill, Mehaffie, Mentzer, Mercuri, Merski, Metcalfe, Metzgar, Mihalek, Millard, Miller, B., Miller, D., Mizgorski, Moul, Mullery, Mullins, Roae, Rossi, Rothman, Rowe, Rozzi, Ryan, Sainato, Samuelson, Sanchez, Sankey, Sappey, Saylor, Schemel, Schlossberg, Schmitt, Schroeder, Schweyer, Shusterman, Silvis, Sims, Smith, Snyder, Solomon, Sonney, Staats, Stambaugh, Stephens

Table with 4 columns of names: Davis, A., Davis, T., Dawkins, Day, Deasy, DeLissio, Delloso, Delozier, DelRosso, DeLuca, Diamond, Dowling, Driscoll, Dunbar, Ecker, Emrick, Evans, Farry, Fee, Fiedler, Fitzgerald, Flood, Frankel, Freeman, James, Jones, Jozwiak, Kail, Kaufer, Kauffman, Keefer, Kenyatta, Kerwin, Kim, Kinkead, Kinsey, Kirkland, Klunk, Knowles, Kosierowski, Krajewski, Krueger, Kulik, Labs, Lawrence, Lee, Lewis, Longiatti, Mustello, Neilson, Nelson, E., Nelson, N., O'Mara, O'Neal, Oberlander, Orbitay, Otten, Owlett, Parker, Pashinski, Peifer, Pennycuick, Pickett, Pisciotano, Polinchock, Puskaric, Quinn, Rabb, Rader, Rapp, Rigby, Struzzi, Sturla, Thomas, Tomlinson, Toohil, Topper, Twardzik, Vitali, Warner, Warren, Webster, Wentling, Wheatley, Wheeland, White, Williams, C., Williams, D., Young, Zabel, Zimmerman, Cutler, Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—1

Boyle

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

GUESTS INTRODUCED

The SPEAKER. Turning to guests. The Chair is pleased to recognize, located in the gallery, Skylar Shultz, who is shadowing Representative Borowicz for the day. Skylar is a freshman at Penn State's Altoona campus majoring in secondary history education. Please rise and be welcomed.

Also located in the gallery, the Chair is pleased to welcome Michael Midzak, who is interning in Representative Hohenstein's district office. Welcome.

Located to the left of the rostrum, the Chair is pleased to welcome Trenton Howard, a United States Marine who just completed the Crucible. The Crucible is a 54-hour training exercise that tests recruits on knowledge, skills, and values taught throughout Marine training. Those who complete the final challenge are awarded their Eagle, Globe, and Anchor, symbolizing their transformation from recruits to Marines. Lance Corporal Howard is here today with his parents, who are seated to the left, and additional family members and friends, who are seated in the gallery. They are the guests of Representative Rothman. Welcome, and thank you for your service.

Turning to committee announcements.

The Chair recognizes the gentleman, Representative Saylor, for an Appropriations Committee announcement. The gentleman waives off.

**RULES COMMITTEE MEETING**

The SPEAKER. The Chair recognizes the majority leader for a committee announcement.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

We will have a Rules Committee meeting in the majority caucus room immediately upon retirement from the floor, floor suspension. Thank you.

The SPEAKER. The Chair thanks the gentleman.

There will be a Rules Committee meeting in the majority caucus room immediately upon retirement from the floor.

**APPROPRIATIONS COMMITTEE MEETING**

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

Mr. SAYLOR. Thank you, Mr. Speaker.

The Appropriations Committee will meet in the majority caucus room at 11:20, immediately following the Rules Committee meeting.

The SPEAKER. The Chair thanks the gentleman.

The Appropriations Committee will meet in the majority caucus room at 11:20, immediately following the Rules Committee meeting.

**JUDICIARY COMMITTEE MEETING**

The SPEAKER. The Chair recognizes the gentleman, Representative Kauffman, for a Judiciary Committee announcement.

Mr. KAUFFMAN. Thank you, Mr. Speaker.

There will be an immediate meeting of the House Judiciary Committee in Irvis 515; immediate meeting of Judiciary in Irvis, room 515.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

There will be an immediate meeting of the House Judiciary Committee in Irvis 515.

**REPUBLICAN CAUCUS**

The SPEAKER. Seeing no further committee announcements, 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. We will be prepared to be back on the floor at 1 o'clock; that is 12 o'clock in the majority caucus room.

Thank you, Mr. Speaker.

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 hybrid at 12 o'clock; hybrid, 12 o'clock.

The SPEAKER. The Chair thanks the gentleman.

**TRANSPORTATION COMMITTEE MEETING**

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

Mr. HENNESSEY. Thank you, Mr. Speaker.

Just a heads-up for Transportation Committee members. We will have a call-of-the-Chair meeting tomorrow to consider SB 859, which extends the time that temporary regulations imposed by the Department of Transportation will stay in effect while they deal with permanent regulations with regards to school bus cameras. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Transportation Committee will meet tomorrow at the call of the Chair.

**RECESS**

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

**RECESS EXTENDED**

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

**AFTER RECESS**

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

**LEAVE OF ABSENCE**

The SPEAKER. The Chair recognizes the majority whip, who indicates that the gentleman, Representative KAUFER, wishes to be placed on leave. Without objection, the leave will be so granted.

**HOUSE BILLS  
INTRODUCED AND REFERRED**

**No. 1926** By Representatives HOWARD, FREEMAN, HILL-EVANS, N. NELSON, SCHLOSSBERG, SANCHEZ, D. WILLIAMS, MADDEN, DELLOSO, CIRESI, MALAGARI, WARREN and O'MARA

An Act establishing the Social Worker Educational Enrollment and Training Program; and providing for authorization of internship positions, for award of internship positions and for funding of program; and making an appropriation.

Referred to Committee on PROFESSIONAL LICENSURE, September 28, 2021.

**No. 1927** By Representatives BENHAM, HILL-EVANS, SANCHEZ, N. NELSON, MADDEN, A. DAVIS, FREEMAN, CRUZ, T. DAVIS, SIMS, PISCIOTTANO, SCHLOSSBERG, KRAJEWSKI, GUENST, INNAMORATO, KINSEY, HOHENSTEIN, HOWARD and LEE

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in public safety, providing for crisis standards of care.



Referred to Committee on HEALTH, September 28, 2021.

**No. 1928** By Representatives DAY, T. DAVIS, DeLUCA, GUENST, HILL-EVANS, KINSEY, LEWIS DELROSSO, ROTHMAN and ZABEL

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, in incapacitated persons, further providing for petition and hearing and independent evaluation.

Referred to Committee on AGING AND OLDER ADULT SERVICES, September 28, 2021.

**No. 1929** By Representatives CAUSER, HERSHEY, IRVIN, KERWIN, MENTZER, METCALFE, MILLARD, ROTHMAN, ROWE, SMITH, WHEELAND and ZIMMERMAN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in inchoate crimes, further providing for prohibited offensive weapons.

Referred to Committee on JUDICIARY, September 28, 2021.

### **BILLS REREPORTED FROM COMMITTEE**

**HB 1120, PN 1168** By Rep. SAYLOR

An Act designating the bridge, identified as Bridge Key 3937, carrying Pennsylvania Route 26 over Bloody Run in Everett Borough, Bedford County, as the PFC James E. Williams Memorial Bridge.

APPROPRIATIONS.

**HB 1121, PN 1169** By Rep. SAYLOR

An Act designating the bridge, identified as Bridge Key 45676, carrying Pennsylvania Route 26 over Yellow Creek in Hopewell Township, Bedford County, as the Colonel Joseph M. Stine Memorial Bridge.

APPROPRIATIONS.

**HB 1304, PN 1396** By Rep. SAYLOR

An Act designating a bridge, identified as Bridge Key 48382, on that portion of S.R. 4021 over the Stonycreek River, Hooversville Borough, Somerset County, as the Private First Class Howard Hahn Memorial Bridge.

APPROPRIATIONS.

**HB 1312, PN 1404** By Rep. SAYLOR

An Act designating the bridge, identified as Bridge Key 4142, carrying State Route 1001 over the Dunning Creek in the Borough of Bedford, Bedford County, as the CPL William Glen Imler Memorial Bridge.

APPROPRIATIONS.

**HB 1350, PN 1465** By Rep. SAYLOR

An Act amending Title 8 (Boroughs and Incorporated Towns) of the Pennsylvania Consolidated Statutes, in powers and duties of elected officials, further providing for surcharge by auditors; in powers, duties and rights of appointed officers and employees, further providing for borough manager created by ordinance and election, for powers and duties, for other offices not incompatible and for organization of

commission; and, in taxation and finance, further providing for preparation of budget.

APPROPRIATIONS.

**HB 1410, PN 1883** By Rep. SAYLOR

An Act establishing the Weigh Station Preclearance Program; and providing for criteria for preclearance system and devices and for data access.

APPROPRIATIONS.

**HB 1658, PN 1857** By Rep. SAYLOR

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, in public utility facilities, further providing for adjustment.

APPROPRIATIONS.

### **BILL ON CONCURRENCE REPORTED FROM COMMITTEE**

**HB 523, PN 1822** By Rep. BENNINGHOFF

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.

RULES.

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

**HB 1196, PN 2199** (Amended) By Rep. KAUFFMAN

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in matters affecting government units, providing for special standing in constitutional challenges.

JUDICIARY.

**HB 1332, PN 1430** By Rep. SONNEY

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

EDUCATION.

**HB 1564, PN 1696** By Rep. KAUFFMAN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in firearms and other dangerous articles, further providing for persons not to possess, use, manufacture, control, sell or transfer firearms.

JUDICIARY.

**HB 1642, PN 1832** By Rep. SONNEY

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in educational tax credits, further providing for definitions, for qualification and application by organizations, for application by business firms, for tax credits, for limitations and for opportunity scholarships.

## EDUCATION.

**HB 1685, PN 1904**

By Rep. SONNEY

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in pupils and attendance, providing for transfer of attendance records to another school entity or nonpublic school; in charter schools, further providing for definitions, for powers of charter schools, for charter school requirements, for powers of board of trustees, for establishment of charter school, for contents of application, for term and form of charter, providing for amendments and further providing for State Charter School Appeal Board, for facilities, for enrollment, for multiple charter school organizations, for cyber charter school requirements and prohibitions, for school district and intermediate unit responsibilities, for establishment of cyber charter school and for cyber charter school application; and, in reimbursements by Commonwealth and between school districts, further providing for Commonwealth reimbursements for charter schools and cyber charter schools.

## EDUCATION.

**HB 1736, PN 1967**

By Rep. KAUFFMAN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in other offenses, providing for prohibition against publishing or disseminating booking photographs for commercial use.

## JUDICIARY.

**HB 1836, PN 2080**

By Rep. KAUFFMAN

An Act amending Titles 18 (Crimes and Offenses) and 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in offenses against the family, providing for the offense of child torture; in firearms and other dangerous articles, further providing for persons not to possess, use, manufacture, control, sell or transfer firearms; and, in child custody, further providing for consideration of criminal conviction.

## JUDICIARY.

**HB 1892, PN 2148**

By Rep. SONNEY

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

## EDUCATION.

**SB 420, PN 1110 (Amended)**

By Rep. KAUFFMAN

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

## JUDICIARY.

**CALENDAR****BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 1378, PN 1489**, entitled:

An Act designating a portion of State Route 2040, also known as Lebanon Church Road, between Pennsylvania Route 885 in West Mifflin Borough and Pennsylvania Route 51 in Pleasant Hills Borough, Allegheny County, as the Richard D. Olasz Memorial Highway.

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 1385, PN 1499**, entitled:

An Act designating the entire length of State Route 4010 in North Branch Township, Wyoming County, as the Joyce Maureen Steele Memorial Highway.

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 1493, PN 1623**, entitled:

An Act designating a bridge, identified as Bridge Key 12165, carrying Pennsylvania Route 150 over the Bald Eagle Creek, in Bald Eagle Township, Clinton County, as the Colonel Henry Bossert 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 1224, PN 1289**, entitled:

An Act designating a portion of Pennsylvania Route 104, from the southern border of the Borough of Middleburg to the northern border of the Borough of Middleburg, Snyder County, as the Chief of Police Tony M. Jordan Memorial Highway.

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

The SPEAKER. The gentleman, Representative Rowe, has amendment 2086. The gentleman indicates he will withdraw it. The Chair thanks the gentleman.

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 520, PN 484**, entitled:

An Act amending the act of October 16, 1996 (P.L.712, No.127), known as the Charitable Gift Annuity Exemption Act, further providing for definitions.

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

The SPEAKER. The gentleman, Representative Ryan Mackenzie, has several amendments. It is the Chair's understanding the gentleman wishes to offer amendment 2172. The gentleman, Representative Mackenzie, offers amendment 2172.

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

Mr. **MACKENZIE** offered the following amendment No. **A02172**:

Amend Bill, page 1, line 4, by inserting after "definitions" and for exemption from regulation

Amend Bill, page 1, lines 17 and 18, by striking out "a commercial annuity company" and inserting an insurance company licensed, authorized or otherwise approved by the Insurance Department

Amend Bill, page 3, by inserting between lines 1 and 2

Section 2. Section 3 of the act is amended to read:  
Section 3. Exemption from regulation.

The laws of this Commonwealth regulating insurance, including, but not limited to, the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, and the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, shall not apply to the issuance by a qualified charity of a qualified charitable gift annuity. This section shall not apply to de-risking annuity contracts.

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

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

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

Mr. **MACKENZIE**. Thank you, Mr. Speaker.

This amendment has been agreed to by all the stakeholders who have been involved in the process, including the Department of Insurance,

and I would ask for an affirmative vote. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

(Members proceeded to vote.)

The SPEAKER. On that question, the Chair recognizes the 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—199

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Boyle                      Kaufer

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?



The SPEAKER. It is the Chair's understanding that the gentleman wishes to withdraw the remaining two amendments. 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 1534, PN 1879**, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, in dispositions independent of letters, family exemption, probate of wills and grant of letters, further providing for payments to family and funeral directors.

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

Mr. **KAUFFMAN** offered the following amendment No. **A02234**:

Amend Bill, page 1, line 5, by inserting after "directors" and for settlement of small estates on petition  
Amend Bill, page 1, line 10, by striking out "SECTION 3101(B) AND (E)(1)(II)" and inserting  
Sections 3101(b) and (e)(1)(ii) and 3102  
Amend Bill, page 2, line 11, by inserting a bracket before "\$10,000,"  
Amend Bill, page 2, line 11, by inserting after "\$10,000" ] \$20,000  
Amend Bill, page 3, by inserting between lines 10 and 11 § 3102. Settlement of small estates on petition.

When any person dies domiciled in the Commonwealth owning property (exclusive of real estate and of property payable under section 3101 (relating to payments to family and funeral directors), but including personal property claimed as the family exemption) of a gross value not exceeding \$50,000, the orphans' court division of the county wherein the decedent was domiciled at the time of his death, upon petition of any party in interest, in its discretion, with or without appraisal, and with such notice as the court shall direct, and whether or not letters have been issued or a will probated, may direct distribution of the property (including property not paid under section 3101) to the parties entitled thereto. For purposes of this section, real property, property payable under section 3101 and property not subject to administration as part of a probate estate shall not be counted toward the \$50,000 limitation specified in this section. The authority of the court to award distribution of personal property under this section shall not be restricted because of the decedent's ownership of real estate, regardless of its value. The decree of distribution so made shall constitute sufficient authority to all transfer agents, registrars and others dealing with the property of the estate to recognize the persons named therein as entitled to receive the property to be distributed without administration, and shall in all respects have the same effect as a decree of distribution after an accounting by a personal representative. Within one year after such a decree of distribution has been made, any party in interest may file a petition to revoke it because an improper distribution has been ordered. If the court shall find that an improper distribution has been ordered, it shall revoke the decree and shall direct restitution as equity and justice shall require.

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

#### AMENDMENT WITHDRAWN

The SPEAKER. It is the Chair's understanding that the gentleman, Representative Kauffman, will be withdrawing this amendment but wishes to briefly share an update on it. The gentleman is in order and may proceed.

Mr. **KAUFFMAN**. Thank you, Mr. Speaker.

In consultation with the Speaker's Office, I am going to withdraw this amendment and we are going to put this language in separate legislation. I have been working with a couple of members here in the Republican Caucus, and in consultation with your office, it seemed like the best path forward.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

It is also the Chair's understanding that the gentleman, Representative Ciresi, will be withdrawing amendments 1956 and 2408. The Chair thanks the gentleman.

The gentleman, Representative Ciresi, also wishes to give an update on that amendment.

Mr. **CIRESI**. Thank you, Mr. Speaker.

I just wanted to say, we are pulling this amendment to work on a bill that will take care of some of the issues that we are seeing within our office of family members who do not have access to the moneys that are left after a loved one passed away. So we will be forthcoming with a bill that, hopefully, we can get bipartisan support. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Those two amendments were the last two.

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

#### BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 591, PN 560**, entitled:

An Act amending the act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law, in other pollutions and potential pollution, further providing for potential pollution.

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 Zimmerman, on final passage.

Mr. **ZIMMERMAN**. Thank you, Mr. Speaker.

This bill that I worked closely with Representative Miller on is really a bill that is going to be really good for small business and for our farmers, and some folks believe that it is detrimental

to the environment, which is not true. There are no shortcuts here, because an NPDES (National Pollutant Discharge Elimination System) permit was designed for larger projects, while a general permit is designed for smaller projects. So what this bill does, it moves the requirement for an NPDES permit from 1 acre to 5 acres, which is in alignment with all surrounding States. New York, Ohio, Maryland, and New Jersey all follow the EPA (Environmental Protection Agency) guidelines which is 5 acres or more for an NPDES permit.

And so this really is a good bill for small business and for our farmers, and I ask for a "yes" vote on it. Thank you, Mr. Speaker.

The SPEAKER. Members, please take your seats. Move any conversations to the rear of the House. Several members are indicating they are having difficulty hearing the debate.

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

Mr. VITALI. Thank you, Mr. Speaker.

I rise in opposition to HB 591 because it unnecessarily weakens Pennsylvania's Clean Streams Law. Mr. Speaker, this bill is opposed by many groups. The Department of Environmental Protection opposes. It says, "It would lead to more pollution in the waterways we rely on for our drinking water and recreation and could increase flooding." The DEP also says this legislation is unnecessary. "DEP recently developed streamlined permitting for small sites." DEP also stated it "...is not aware of any neighboring state that offers these waivers..." contained in the Zimmerman bill.

Mr. Speaker, this bill is also opposed by the Pennsylvania Association of Conservation Districts. They say, in their letter of opposition, "...conservation districts are concerned that environmental degradation will occur with the passage of HB 591." They raise the question, "What if the discharge is into a High Quality...or Exceptional Value stream?" They say, "We believe that..." the streamline process proposed by the DEP "will adequately address the financial concerns..." of small projects.

Additionally, Mr. Speaker, this bill is opposed by the Fish and Boat Commission – attention sportsmen. They say in their letter, signed by Julianne Carraghan, "...the general permit process that's now in place for smaller construction sites still provides a framework..." that is adequate for erosion and sediment control. "We would be currently opposed."

Mr. Speaker, this bill is also opposed by PennFuture. They say, "Pennsylvania currently has a strong Clean Streams Law, there is no excuse to go backward and we must protect the current law, not make special cases for this group or that group...."

Mr. Speaker, this is opposed by Clean Water Action. They say, "We don't think any operation regardless of size whose actions have the potential to disturb...a nearby waterway should be exempt from obtaining an NPDES permit that ensures they take the necessary precautions."

Finally, this bill is opposed by the Sierra Club.

Mr. Speaker, I ask for a "no" vote.

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

Ms. HERRIN. Thank you, Mr. Speaker.

I also rise to oppose this legislation. Near my district, as you may know, we have ongoing and ongoing drilling of the Mariner East pipeline, and we have had incident after incident and spill of highly toxic and chemical-laden drilling fluid into our

waterways, and subsequently, that goes into our drinking water. So this bill, even though the intent is to help small construction projects and is supported by the Home Builders, is written much too broadly. When these incidents occur around my district, the NPDES is the only – it is like the last bastion of regulation that we have to try to address these issues, and these are important issues to everyone who lives there.

So if we vote "yes" today, we are voting to allow something that is much broader than the original intent of this bill. So I ask my colleagues to vote "no" and go back and redefine this so it is specific to the intent and does not harm Pennsylvanians.

Thank you, Mr. Speaker.

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

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

I rise in support of HB 591, a bill that will raise the threshold of the National Pollutant Discharge Elimination System, NDPEs, permits from 1 acre to 5 acres. Mr. Speaker, this is a commonsense bill that will eliminate a duplicative review that unnecessarily adds to the cost and time of a project. Currently a family that wants to build a house or a small business owner that wants to expand his or her business involving a piece of land over 1 acre must file for and receive approval from DEP to show that the project will conform to the requirements of Act 167. This scenario is well and good except for the fact that a local municipality does a review and then sends this to DEP, who then conducts an identical review. If this review was maintained at the local level, the review would involve all the requirements of the municipality's stormwater ordinance as required by Act 167. Mr. Speaker, this duplicative review does not add any additional environmental protections, but simply adds additional cost and time to the project.

To illustrate this, a project at the local level will have engineering costs averaging \$10,000 and will take approximately 3 months to complete. Because of the duplicative legal requirement, the applicant's costs nearly doubles to \$18,000, and the time to receive the permit is quadrupled to at least 1 year while not adding any environmental gains. Furthermore, the EPA requires NPDES permits for earth disturbances of parcels greater than 5 acres. All the States surrounding Pennsylvania follow these Federal guidelines. Pennsylvania is the only State that requires an NPDES permit for an earth disturbance of more than 1 acre. The regulation is not only duplicative, it is excessive.

Mr. Speaker, our local governments, along with the county conservation districts, have been doing an excellent job in ensuring stormwater is properly managed for rate, volume, and quality. Many do not understand that the NPDES permit issued by DEP is turned over to the municipality and the conservation district for inspections and compliance. The DEP does not do any NPDES inspections, and even enforcement is nearly nonexistent.

People also need to understand that HB 591 will not impact MS4 municipalities whatsoever. There is much confusion in the nontechnical sector of what MS4 is. MS4 permit is just like a sewage treatment plan permit. MS4, simply stated, is a permit to discharge rainwater to the waters of this Commonwealth. That said, we understand now that rainwater does carry pollutants. The Best Management Practices, or BMPs, features that municipalities required to be built under their MS4 permit reduce the pollutants, and any new development going in today must construct BMPs to reduce the rate of runoff, volume of runoff, and quality of runoff, which is pollutant reduction.

So again, municipalities that have a stormwater ordinance, which is nearly every municipality in the Commonwealth – or for those that do not, they come under a countywide stormwater ordinance – everyone will see all the legally required BMPs with all new development as they do now. There will be absolutely no change to the BMP requirements if the threshold is raised from 1 acre to 5 acres. In fact, for the most part, municipalities will continue to regulate stormwater down to 500 to 1,000 square feet. Yes, that is correct: square feet. Some municipalities in this State regulate below 500 square feet. Doing away with the NPDES permit under 5 acres will not increase runoff pollution, rate, or volume at all. Rather, it will save time and money for those doing projects, and actually put DEP in a better position where they can take on enforcement matters when someone violates the Clean Streams Law.

On the last point that was raised by the one gentleman previous relating to High Quality or Exceptional Value streams, county conservation districts will still be reviewing erosion and sedimentation plans. Absolutely nothing will change with this requirement by the passage of HB 591. Most all local municipality stormwater ordinances already require review by the conservation district for areas of disturbance over 1 acre, but some were as low as 5,000 square feet. So again, municipalities that have a stormwater ordinance under a countywide Act 67 plan will continue this review. Again, by no means will raising the threshold for an NPDES permit allow wholesale runoff pollution to the waters of the Commonwealth. We are only asking what other States in our area already do through their own regulations.

Municipal officials want clean water. They are the ones issuing the local building, zoning, stormwater, and earth disturbance permits. They are the ones that hold the site financial guarantees for the proposed improvements to see that all is built and constructed according to the approved plans. They have been and will continue being successful in implementing the provisions of stormwater ordinances under Act 167.

And I would add, during the comments related to the pipeline review, that is far above 5 acres and is completely unaffected by the passage of this bill.

Mr. Speaker, this bill has the support of several organizations, including the PA Builders Association, PSATS (Pennsylvania State Association of Township Supervisors), NFIB (National Federation of Independent Business), ABC (Associated Builders and Contractors) Keystone, the Pennsylvania Farm Bureau, and the Lancaster County Conservation District. This is a commonsense bill that will be a boost to Pennsylvania. It will help the farmer building a milking parlor, a young couple building their dream home, help a small business owner to expand an existing operation or build a new small business. This will help the little guy, help our citizens, and make our government more efficient by ending the duplication of plan review, all while providing the same robust environmental controls that are now in effect.

Mr. Speaker, I ask the members for a "yes" vote on HB 591. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Seeing no one else seeking recognition, does the prime sponsor wish to be recognized a second time? The gentleman indicates he is not seeking recognition.

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—115

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

NAYS—84

Benham	Fiedler	Kosierowski	Pisciottano
Bizzarro	Fitzgerald	Krajewski	Quinn
Bradford	Frankel	Krueger	Rabb
Briggs	Freeman	Kulik	Rozzi
Brown, A.	Gainey	Lee	Samuelson
Bullock	Galloway	Madden	Sanchez
Burgos	Guenst	Malagari	Sappery
Carroll	Guzman	Markosek	Schlossberg
Cephas	Hanbidge	Matzie	Schweyer
Ciresi	Harkins	McClinton	Shusterman
Conklin	Harris	McNeill	Sims
Cruz	Herrin	Merski	Solomon
Daley	Hohenstein	Miller, D.	Sturla
Davis, A.	Howard	Mullery	Vitali

Davis, T.	Innamorato	Mullins	Warren
Dawkins	Isaacson	Neilson	Webster
Deasy	Kenyatta	Nelson, N.	Wheatley
DeLissio	Kim	O'Mara	Williams, C.
Delloso	Kinkead	Otten	Williams, D.
Driscoll	Kinsey	Parker	Young
Evans	Kirkland	Pashinski	Zabel

NOT VOTING—0

EXCUSED—2

Boyle Kaufer

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.

### SUPPLEMENTAL CALENDAR A

#### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1350, PN 1465**, entitled:

An Act amending Title 8 (Boroughs and Incorporated Towns) of the Pennsylvania Consolidated Statutes, in powers and duties of elected officials, further providing for surcharge by auditors; in powers, duties and rights of appointed officers and employees, further providing for borough manager created by ordinance and election, for powers and duties, for other offices not incompatible and for organization of commission; and, in taxation and finance, further providing for preparation of budget.

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 James, on final passage.

Mr. JAMES. Thank you, Mr. Speaker. Just a few comments.

HB 1350 is a Local Government Commission bill. It pertains to Borough Code, and its intent is to be consistent with the First Class Township Code, which we passed, Act 96 of 2020. It is supported by the Pennsylvania State Association of Boroughs, who, incidentally, asked for the changes. There is no known opposition. It essentially does two things. It addresses surcharges by auditors of elected or appointed officials of a borough, and it denies the ability for the other elected officials of the borough to, in essence, bill a member who through proper acts and not an error or possibly an error or omission resulting in a financial loss to the borough, the individual will not be personally responsible as long as he was acting in accordance with his duties. It does not have any effect on acts of fraud. It also authorizes borough councils in their duty to elect a borough manager, which now requires an actual person. It expands that to include limited

partnerships, partnerships, associations, or professional corporations, under the subject of service agreements. 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 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—196

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



Fee	Labs	Rader	Zimmerman
Fiedler	Lawrence	Rapp	
Fitzgerald	Lee	Rigby	Cutler,
Flood	Lewis	Roae	Speaker
Frankel	Longietti		

NAYS-3

Herrin	Nelson, E.	O'Neal
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NOT VOTING-0

EXCUSED-2

Boyle	Kaufer
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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 1120, PN 1168**, entitled:

An Act designating the bridge, identified as Bridge Key 3937, carrying Pennsylvania Route 26 over Bloody Run in Everett Borough, Bedford County, as the PFC James E. Williams Memorial Bridge.

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 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-199

Armanini	Fritz	Mackenzie, M.	Roae
Benham	Gainey	Mackenzie, R.	Rossi
Benninghoff	Galloway	Madden	Rothman
Bernstine	Gaydos	Major	Rowe
Bizzarro	Gillen	Mako	Rozzi

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

NAYS-0

NOT VOTING-0

EXCUSED-2

Boyle	Kaufer
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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 1121, PN 1169**, entitled:

An Act designating the bridge, identified as Bridge Key 45676, carrying Pennsylvania Route 26 over Yellow Creek in Hopewell Township, Bedford County, as the Colonel Joseph M. Stine Memorial Bridge.



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 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—199

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

Diamond	Kinsey	Parker	Webster
Dowling	Kirkland	Pashinski	Wentling
Driscoll	Klunk	Peifer	Wheatley
Dunbar	Knowles	Pennycuick	Wheeland
Ecker	Kosierowski	Pickett	White
Emrick	Krajewski	Pisciottano	Williams, C.
Evans	Krueger	Polinchock	Williams, D.
Farry	Kulik	Puskaric	Young
Fee	Labs	Quinn	Zabel
Fiedler	Lawrence	Rabb	Zimmerman
Fitzgerald	Lee	Rader	
Flood	Lewis	Rapp	Cutler,
Frankel	Longietti	Rigby	Speaker
Freeman			

NAYS—0

NOT VOTING—0

EXCUSED—2

Boyle                      Kaufer

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 1304, PN 1396**, entitled:

An Act designating a bridge, identified as Bridge Key 48382, on that portion of S.R. 4021 over the Stonycreek River, Hooversville Borough, Somerset County, as the Private First Class Howard Hahn Memorial Bridge.

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—199

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Boyle	Kaufer
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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 1312, PN 1404**, entitled:

An Act designating the bridge, identified as Bridge Key 4142, carrying State Route 1001 over the Dunning Creek in the Borough of Bedford, Bedford County, as the CPL William Glen Imler Memorial Bridge.

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—199

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

DeLissio	Keefer	O'Neal	Topper
Delloso	Kenyatta	Oberlander	Twardzik
Delozier	Kerwin	Ortitay	Vitali
DelRosso	Kim	Otten	Warner
DeLuca	Kinkead	Owlett	Warren
Diamond	Kinsey	Parker	Webster
Dowling	Kirkland	Pashinski	Wentling
Driscoll	Klunk	Peifer	Wheatley
Dunbar	Knowles	Pennycuick	Wheeland
Ecker	Kosierowski	Pickett	White
Emrick	Krajewski	Pisciottano	Williams, C.
Evans	Krueger	Polinchock	Williams, D.
Farry	Kulik	Puskaric	Young
Fee	Labs	Quinn	Zabel
Fiedler	Lawrence	Rabb	Zimmerman
Fitzgerald	Lee	Rader	
Flood	Lewis	Rapp	Cutler,
Frankel	Longietti	Rigby	Speaker
Freeman			

NAYS-0

NOT VOTING-0

EXCUSED-2

Boyle Kaufer

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 1410, PN 1883**, entitled:

An Act establishing the Weigh Station Preclearance Program; and providing for criteria for preclearance system and devices and for data access.

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 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-199

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

NAYS-0

NOT VOTING-0

EXCUSED-2

Boyle Kaufer

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 1658, PN 1857**, entitled:

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, in public utility facilities, further providing for adjustment.

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 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—199

Armanini	Fritz	Mackenzie, M.	Roae
Benham	Gainey	Mackenzie, R.	Rossi
Benninghoff	Galloway	Madden	Rothman
Bernstine	Gaydos	Major	Rowe
Bizzarro	Gillen	Mako	Rozzi
Boback	Gillespie	Malagari	Ryan
Bonner	Gleim	Maloney	Sainato
Borowicz	Gregory	Markosek	Samuelson
Bradford	Greiner	Marshall	Sanchez
Briggs	Grove	Masser	Sankey
Brooks	Guenst	Matzie	Sappey
Brown, A.	Guzman	McClinton	Saylor
Brown, R.	Hamm	McNeill	Schemel
Bullock	Hanbidge	Mehaffie	Schlossberg
Burgos	Harkins	Mentzer	Schmitt
Burns	Harris	Mercuri	Schroeder
Carroll	Heffley	Merski	Schweyer
Causer	Helm	Metcalfe	Shusterman
Cephas	Hennessey	Metzgar	Silvis
Ciresi	Herrin	Mihalek	Sims
Conklin	Hershey	Millard	Smith
Cook	Hickernell	Miller, B.	Snyder
Cox	Hohenstein	Miller, D.	Solomon
Cruz	Howard	Mizgorski	Sonney
Culver	Innamorato	Moul	Staats
Daley	Irvin	Mullery	Stambaugh
Davanzo	Isaacson	Mullins	Stephens
Davis, A.	James	Mustello	Struzzi
Davis, T.	Jones	Neilson	Sturla
Dawkins	Jozwiak	Nelson, E.	Thomas

Day	Kail	Nelson, N.	Tomlinson
Deasy	Kauffman	O'Mara	Toohil
DeLissio	Keefer	O'Neal	Topper
Delloso	Kenyatta	Oberlander	Twardzik
Delozier	Kerwin	Ortitay	Vitali
DelRosso	Kim	Otten	Warner
DeLuca	Kinhead	Owlett	Warren
Diamond	Kinsey	Parker	Webster
Dowling	Kirkland	Pashinski	Wentling
Driscoll	Klunk	Peifer	Wheatley
Dunbar	Knowles	Pennycuick	Whealand
Ecker	Kosierowski	Pickett	White
Emrick	Krajewski	Pisciottano	Williams, C.
Evans	Krueger	Polinchock	Williams, D.
Farry	Kulik	Puskaric	Young
Fee	Labs	Quinn	Zabel
Fiedler	Lawrence	Rabb	Zimmerman
Fitzgerald	Lee	Rader	
Flood	Lewis	Rapp	Cutler,
Frankel	Longietti	Rigby	Speaker
Freeman			

NAYS—0

NOT VOTING—0

EXCUSED—2

Boyle                      Kaufer

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.

**SUPPLEMENTAL CALENDAR B**

**BILL ON CONCURRENCE  
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 523, PN 1822**, 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 concur in Senate amendments?

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

The Chair now recognizes Representative Day for a brief description of Senate amendments.

Mr. DAY. Mr. Speaker, I rise to thank the many members of this House, including current and previous chairs and members of the committees that this bill has passed through, as well as many members of the Senate, including members and chairs of the Senate committee that it has passed through as well. This bill has addressed an issue that was of concern to Pennsylvanians, and I just appreciate everybody's help with this and I would appreciate an affirmative vote.

REMARKS SUBMITTED FOR THE RECORD

Mr. DAY. With that, I am going to submit the remainder of my remarks for the record. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

My bill, HB 523, amends the General Road Law to provide basic maintenance for a private roadway in the absence of an agreement between homeowners. This would allow the homeowners to contribute to the maintenance of a private road, in its current state, when it is used to access their properties.

I want to thank everyone here for your unanimous support in April and for the continued support here today on concurrence as amended by the Senate. As amended in the Senate, everyone who uses the road to access their property would be on the line to pay for repairs. This bill also has the support from the Pennsylvania Association of Realtors and the Pennsylvania Association of Boroughs. Thank you again for the support on this bill.

On the question recurring,

Will the House concur in Senate amendments?

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

(Members proceeded to vote.)

The SPEAKER. On that question, the Chair recognizes the 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-199

Table listing names of members who voted 'Yeas' (199 total). Includes names like Armanini, Benham, Benninghoff, Bernstine, Bizzarro, Boback, Bonner, Borowicz, Bradford, Briggs, Brooks, Brown, A., Brown, R., Bullock, Burgos, Burns, Carroll, Causer, Cephas, Ciresi, Conklin, Cook, Cox, Cruz, Culver, Fritz, Gainey, Galloway, Gaydos, Gillen, Gillespie, Gleim, Gregory, Greiner, Grove, Guent, Guzman, Hamm, Hanbidge, Harkins, Harris, Heffley, Helm, Hennessey, Herrin, Hershey, Hickernell, Hohenstein, Howard, Innamorato, Mackenzie, M., Mackenzie, R., Madden, Major, Mako, Malagari, Maloney, Markosek, Marshall, Masser, Matzie, McClinton, McNeill, Mehaffie, Mentzer, Mercuri, Merski, Metcalfe, Metzgar, Mihalek, Millard, Miller, B., Miller, D., Mizgorski, Moul, Roae, Rossi, Rothman, Rowe, Rozzi, Ryan, Sainato, Samuelson, Sanchez, Sankey, Sappey, Saylor, Schemel, Schlossberg, Schmitt, Schroeder, Schwyer, Shusterman, Silvis, Sims, Smith, Snyder, Solomon, Sonney, Staats.

Table listing names of members who did not vote or were excused. Includes names like Daley, Davanzo, Davis, A., Davis, T., Dawkins, Day, Deasy, DeLissio, Delloso, Delozier, DelRosso, DeLuca, Diamond, Dowling, Driscoll, Dunbar, Ecker, Emrick, Evans, Farry, Fee, Fiedler, Fitzgerald, Flood, Frankel, Freeman, Irvin, Isaacson, James, Jones, Jozwiak, Kail, Kauffman, Keefer, Kenyatta, Kerwin, Kim, Kinhead, Kinsey, Kirkland, Klunk, Knowles, Kosierowski, Krajewski, Krueger, Kulik, Labs, Lawrence, Lee, Lewis, Longiatti, Mullery, Mullins, Mustello, Neilson, Nelson, E., Nelson, N., O'Mara, O'Neal, Oberlander, Ortitay, Otten, Owlett, Parker, Pashinski, Peifer, Pennycuick, Pickett, Pisciotano, Polinchock, Puskaric, Quinn, Rabb, Rader, Rapp, Rigby, Stambaugh, Stephens, Struzzi, Sturla, Thomas, Tomlinson, Toohil, Topper, Twardzik, Vitali, Warner, Warren, Webster, Wentling, Wheatley, Wheeland, White, Williams, C., Williams, D., Young, Zabel, Zimmerman, Cutler, Speaker.

NAYS-0

NOT VOTING-0

EXCUSED-2

Boyle Kaufer

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

Ordered, That the clerk inform the Senate accordingly.

BILL SIGNED BY SPEAKER

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

HB 523, PN 1822

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.

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

CALENDAR CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of HB 1254, PN 1328, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in terms and courses of study, providing for in-person instruction or tuition grant program required.

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



The SPEAKER. There are multiple amendments on the bill. For the information of the members, the following amendments were ruled out of order: A02315, A02316, A02317, and A02319.

In addition to that, amendment A02412 is also out of order, but was late-filed.

On the question recurring,

Will the House agree to the bill on second consideration?

Mr. **BRADFORD** offered the following amendment No. **A02314**:

Amend Bill, page 1, lines 15 through 17, by striking out "does not provide full-time" in line 15, all of line 16 and "person instruction in the district" in line 17 and inserting

meets all of the following criteria

Amend Bill, page 1, line 18, by striking out the period after "2012-B" and inserting

:

(1) The school district does not provide full-time in-person instruction or denies a resident student full-time in-person instruction in the district.

(2) The school district's actual spending is equal to or greater than the school district's adequacy target as determined by the Department of Education under section 2502.48(b) using the latest data available.

On the question,

Will the House agree to the amendment?

#### AMENDMENT WITHDRAWN

The SPEAKER. The gentleman indicates he is withdrawing the amendment. The Chair thanks the gentleman.

It is the Chair's understanding that amendment 2321 has also been withdrawn by the gentleman, Representative Sonney. Is that correct? The Chair thanks the gentleman.

It is also the Chair's understanding that amendment A02351 has been withdrawn. The Chair thanks the majority leader's confirmation. Thank you, sir.

On the question recurring,

Will the House agree to the bill on second consideration?

Mr. **SONNEY** offered the following amendment No. **A02375**:

Amend Bill, page 1, lines 1 through 7, by striking out all of said lines and inserting

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," adding provisions relating to COVID-19; and establishing the COVID-19 Tuition Grant Program Fund.

Amend Bill, page 1, lines 11 and 12, by striking out "a section" and inserting

Amend Bill, page 1, lines 13 through 20; page 2, lines 1 through 12; by striking out all of said lines on said pages and inserting

#### ARTICLE XIV-C

#### PROVISIONS RELATING TO COVID-19

#### Section 1401-C. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context

clearly indicates otherwise:

"COVID-19 health and safety policy." A measure for the prevention or control of the 2019 novel coronavirus, known as COVID-19, which applies within a public school or a nonpublic school.

"Department." The Department of Education of the Commonwealth.

"Local board or department of health." As defined in section 201(f) of the act of April 23, 1956 (1955 P.L.1510, No.500), known as the Disease Prevention and Control Law of 1955.

"Nonpublic school." A nonprofit school, other than a public school, within this Commonwealth, in which a resident of this Commonwealth may legally fulfill the compulsory school attendance requirements of this act and which meets the requirements of Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 241).

"Parent or legal guardian." An individual who:

(1) is a resident of this Commonwealth; and

(2) has control or charge of a qualified student and the legal right to direct the education of the qualified student.

"Public school." A school district, charter school, cyber charter school, regional charter school, intermediate unit or area career and technical school.

"Qualified student." A child of compulsory school age who resides in this Commonwealth and is currently enrolled in the child's school district of residence.

"Resident school district." The school district in which a qualified student resides.

Section 1402-C. COVID-19 tuition grants for 2021-2022 school year.

(a) General rule.—A one-time tuition grant program is established in the department for the 2021-2022 school year. The purpose of the program is to provide for the education of qualified students who apply to attend a public school other than the resident school district or a nonpublic school on a tuition-paying basis due to COVID-19 outbreaks or a COVID-19 health and safety policy imposed by the Commonwealth, a municipality, a local board or department of health or the resident school district.

(b) Grant program.—

(1) A parent or legal guardian of a qualified student may apply to the department beginning five business days after the effective date of this section, for a one-time grant for each qualified student of the parent to attend a public school other than the resident school district or a nonpublic school due to COVID-19 outbreaks or a COVID-19 health and safety policy imposed by the Commonwealth, a local board or department of health or the resident school district.

(2) The department may not limit the number of tuition grants available.

(3) The department shall notify a parent or legal guardian of an approved or denied application within five business days after receiving an application. If denied, the notification shall include an explanation of the denial, an opportunity to cure deficiencies and a deadline for resubmission.

(4) Grant amounts shall be as follows:

(i) The amount of a grant awarded to a qualified student who transfers to a public school shall be equal to the most recent tuition rate of the selected school district published on the department's publicly accessible Internet website. The tuition grant may not be in addition to a charter school, regional charter school or cyber charter school district tuition payment.

(ii) The amount of a grant awarded to a qualified student who transfers to a nonpublic school shall be equal to the tuition rate of the nonpublic school for the 2021-2022 school year or the most recent tuition rate of the resident school district published on the department's publicly accessible Internet website, whichever is less.

(iii) The amount of a grant shall be prorated based on the number of school days remaining in the

school year at the time of transfer.

(5) Grants shall be paid by the department from the COVID-19 Tuition Grant Program Fund. The selected school shall send written confirmation of enrollment of the qualified student to the department within five days of enrollment. The department shall issue a check payable to a parent or legal guardian of the qualified student which shall be sent directly to the selected school. The parent or legal guardian of the qualified student shall be required to endorse the check to the selected school. The school that accepts the tuition grant payment shall provide a receipt to the parent or legal guardian for the payment. A copy of the receipt shall be submitted by the parent or legal guardian to the department.

(6) In the event that the qualified student is no longer enrolled prior to the completion of the school term, the selected school shall send written notice to the resident school district within five business days of a qualified student withdrawing from the selected school and shall refund a prorated share of the tuition grant based on the number of school days remaining in the school year at the time of withdrawal.

(7) A parent or legal guardian of a qualified student may not use a grant to transfer to public school or nonpublic school more than once during the 2021-2022 school year.

(8) If a parent or legal guardian decides to keep the qualified student enrolled in a selected public school or nonpublic school other than the resident school district beyond the 2021-2022 school year, the parent or legal guardian shall be responsible for future tuition payments.

(c) Education records.—The resident school district shall provide the selected school with a complete copy of the qualified student's records maintained by the resident school district upon request by the parent or guardian that the qualified student is transferring to the selected school.

(d) Transportation.—The resident school district of a student shall provide transportation to a qualified student who receives a tuition grant to attend a public school or nonpublic school in accordance with section 1361. The resident school district may apply to the department for reimbursement of the cost of providing transportation of the qualified student to the selected public school or nonpublic school. The reimbursement shall be paid from the COVID-19 Tuition Grant Program Fund.

(e) Duties of department.—The department shall:

(1) Establish an online application form and approval process.

(2) Verify the accuracy of application information.

(3) Confirm enrollment at the selected school by a qualified student who receives a tuition grant.

(4) Provide a transfer notification form for the parent or guardian to submit to the resident school district.

(5) Establish a process for the selected school to submit prorated refunds of tuition grants for qualified students who withdraw during the school year.

(6) Establish a process and guidelines to reimburse resident school districts for transportation costs under subsection (d).

(7) Establish guidelines for a resident qualified student to attend an area career and technical school through a tuition grant.

(8) Establish a process for public schools and nonpublic schools to participate in the tuition grant program and to accept tuition grant students.

(f) Nontaxable.—Grants awarded to qualified students under this section shall not:

(1) Be considered taxable income for purposes of a local taxing ordinance or for purposes of Article III of the Tax Reform Code of 1971.

(2) Constitute financial assistance or appropriations to the school attended by the qualified students.

(g) Construction.—Nothing in this section shall be construed to empower the Commonwealth or its agencies or officers to do any of the following:

(1) Regulate the education program of the selected school due to the admission of a qualified student who has received a tuition grant under this section.

(2) Expand the regulatory authority of the Commonwealth to impose additional regulation of nonpublic schools beyond that necessary to enforce the requirements of this section.

(h) COVID-19 Tuition Grant Program Fund.—

(1) The COVID-19 Tuition Grant Program Fund is established as a special fund in the State Treasury.

(2) Money in the fund is appropriated to the department on a continuing basis for the purposes of providing grants and transportation reimbursement under this section.

(3) The General Assembly may make appropriations to the fund from money available for the purposes of this article.

Amend Bill, page 2, line 13, by striking out "in 60 days" and inserting  
immediately

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman, Representative Sonney, on the amendment.

Mr. SONNEY. Thank you, Mr. Speaker.

I am sure, like many of the members, and I have heard time and time again from parents back in my district that they are frustrated with what is happening today in our schools, and they say over and over that, quite frankly, one size just does not fit all when it comes to the COVID-19 and the pandemic. Parents believe that they should have more control over their children's health, and I agree 100 percent. And so the amendments that I am offering today really have that in mind – putting the parents back in control.

So, Mr. Speaker, amendment A02375 would require that the Pennsylvania Department of Education create a one-time grant tuition program for the current school year for a student to attend another public school or nonpublic school due to a COVID-19 outbreak or COVID-19-related mandate. Mr. Speaker, I would ask all members for a "yes" vote. Thank you.

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

Mr. FRANKEL. Thank you, Mr. Speaker.

Here we go again. One element of this amendment allows a group of parents – and we have all seen them at some of these school board meetings – to opt out without any justification, just at their whim, of any of the mitigation – the mask mandate, in particular – and it renders that district's mask mandate, our mask mandate, meaningless. Because after all, your child's mask protects my child and vice versa. That is how it works. That is why it needs to be mandated.

While so many Pennsylvanians are eager to get our lives back on track, my colleagues across the aisle are attempting to throw a wrench in the works by blocking those very things that help us move forward. Pennsylvanians do not want their children in the ICU (intensive care unit); that goes without saying. But they also do not want them quarantined. Parents want their children where they should be, in school, so that they can go to work and bolster our economic recovery. But without masks, children will be home.

Take a look at what is going on in my community in Pittsburgh. We are out of ICU beds and pediatric ICU beds in Allegheny County. That is the public health crisis that we are dealing with today and that is what the Governor and the Department of Health and our Secretary are trying to mitigate.

In just my office, every single parent with children in school receives multiple pings daily notifying them of a COVID case in their children's school building. It is only because of the public health measures we have in place that every one of those pings does not shut down the school. Masks, social distancing, contact tracing, testing, and of course, widespread use of vaccines among those who are eligible are the tools that we have to ensure that our community does not shut down because of COVID-19. This is why these repeated attacks on science are also attacks on education and attacks on working parents. This is no way to discuss and debate public health issues, and I have said this before in our committee and I have said it on this House floor before: public health was never partisan. We did what we needed to do to protect our community, and here we have the responsibility, the sacred responsibility to protect our most vulnerable, our children, and that is going to take the mitigation efforts that the Secretary of Health and our Governor are trying to put forward today by mandating that all children and personnel in these schools wear masks.

### POINT OF ORDER

Mr. BENNINGHOFF. Mr. Speaker?

Mr. FRANKEL. I ask you—

The SPEAKER. The gentleman will please suspend. For what reason does the leader rise?

Mr. BENNINGHOFF. Point of order. This amendment, in my opinion, is not about masks, and he seems to be focusing predominantly on that.

Mr. FRANKEL. It provides for an opt-out—

The SPEAKER. The gentleman will please suspend. You are not recognized currently.

I believe the prime sponsor – or excuse me, the gentleman who was speaking from Allegheny County was wrapping up, based on the tone of the comments. The leader's point is heard; however, I think the gentleman did – it was the Speaker's belief that the gentleman did stay within the confines of the amendment and potential public policy impact. So it was my determination he was okay and wrapping up, so he may conclude.

Mr. FRANKEL. Thank you, Mr. Speaker.

Clearly, as it was discussed by the prime sponsor of the amendment – he did not discuss this aspect of it – but there is this opt-out provision within the language of this amendment. So with that, I ask my colleagues to vote "no" on this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Representative Longiotti, on the amendment.

Mr. LONGIETTI. Thank you, Mr. Speaker.

Mr. Speaker, I have been in this General Assembly for 15 years now and I have seen a lot of grant programs in that time. I have never – at least to my recollection – never seen an unlimited grant program. There are no parameters. There is no upper limit on this program.

And when you look at it, right now we know that there is a health and safety plan mandate from the Commonwealth. So under the language of this amendment, the grant program is

triggered, under the circumstances that exist on the ground today. And if just 10 percent of the students in this Commonwealth were to exercise that grant opportunity, at an average cost of \$12,000 a student, we are talking about \$2 billion; \$2 billion, and that is just 10 percent. We can certainly envision that that could happen.

Now, we know some things about public education funding in the Commonwealth. We all have a desire to appropriately fund our schools, and in fact we are under a constitutional mandate to provide for a thorough and efficient system of public education in the Commonwealth. We also know that amongst the 50 States, we provide amongst the lowest level of State support for public education, and here we are today – and I understand and I have great respect for the maker of the amendment – but here we are today talking about a grant program that is unlimited, that in most cases I believe would be directing that money to private schools, if students exercise this option. And if just 10 percent – we are talking about \$2 billion at a time when we are not properly funding our traditional public schools, as far as the General Assembly is concerned.

So this is a serious, serious amendment that we are talking about. It is a lot of money, potentially, involved. And I understand we are under – we are all trying to deal with the pandemic, extraordinarily difficult circumstances. I have a heart for every family that is out there. We all want in-person instruction. Our schools by and large right now are in-person and delivering that. But like I said, we are under a mandate in the Commonwealth. Whether we agree with it or disagree with it, those are the facts on the ground.

So are we going to spend that kind of money? Are we going to adopt this amendment and have an unlimited grant program? I think it is irresponsible. I think it is a bad decision if we make that decision, and I would urge a "no" vote and for every person to search their soul, because as people say, budgets are priorities; so are grant programs. It reflects our priorities. Where is our priority? Are we going to fund the public education system the way we should, or are we going to have an unlimited grant program that is going to take a lot of money out of the system?

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Seeing no one else seeking recognition, we will return to the prime sponsor of the amendment for the second time.

Mr. SONNEY. Thank you, Mr. Speaker.

Mr. Speaker, amendment 02375 does not deal at all with any mask mandates. It really and truly is just simply whether or not we are going to offer a grant tuition program. This is to empower the parents that are struggling with their choices. We know that we have choice in Pennsylvania, but those choices are limited. We all know that the choice today, primarily, other than our public schools is cyber education. Most of our brick-and-mortar charter schools are full and so our parents do not have those choices, and obviously, many of them feel that their student is trapped, that their child is trapped in a school that they do not want to be in. So this is simply a one-time – one time – offer for a 1-year tuition grant program to allow those parents to end some of their frustration and allow them the ability to have another choice.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The question is, will the House agree to the amendment? Those in favor of the amendment— Oh, I apologize. I was eager to get to the softball game.



For the information of the members, it is generally a long-standing courtesy here on the floor that we allow the prime sponsor of the amendment and the bill to go first. We then recognize all the other members in between before coming back to a second time, in what we essentially call wrap-up, where the prime sponsor gets to speak again immediately prior to the leaders speaking and concluding the debate immediately prior to the vote.

It is very important for members seeking recognition to be near a microphone and to make contact with the Speaker or their staff in order to be put on that list. I apologize for any confusion, but that is the way the House has operated for some time. There are limited exceptions to when that occurs.

With that, I will now turn to the leaders, if they are seeking recognition. The Democratic leader waives off. The Chair thanks the lady and recognizes the gentleman, Leader Benninghoff, on the amendment.

Mr. BENNINGHOFF. Thank you, Mr. Speaker. Very briefly.

If you look out over the last year, one of the things that we learned, and many people began to enjoy, are choices and having options in our lives. Options suddenly on how food was delivered to our homes, prescription medicines could be delivered to our homes, curbside services to pick up wine, and a multitude of other changes that gave people choices in their life, and we adapted – one of the things that we are known for as Americans. Through difficult times, we learn to adapt. So why would we not want to continue to give people choices like that, and in return, I believe people want and like options, and most specifically, I think parents, parents of our children and our future leaders of the community also want those choices.

Mr. Speaker, the Sonney amendment, very specifically, guts and replaces and adds Article XIV-C to the Public School Code. It requires PDE (Pennsylvania Department of Education) to create a one-time tuition program for the current school year for a student to attend another public school or nonpublic school due to the COVID-19 outbreak and/or COVID-related mandate, or a policy issued by the Commonwealth, a municipality, a local board, a department of health, or the resident school. People putting edicts down on families without them having much say or choice in it ought to at least have an option of how they are going to be educating their children. The Sonney amendment, 02375, is that option, gives them that choice, and I would ask for a "yes" vote.

Thank you very much, 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—94

Armanini	Gillespie	Major	Rossi
Benninghoff	Gleim	Mako	Rothman
Bernstine	Gregory	Maloney	Rowe
Bonner	Greiner	Masser	Ryan
Borowicz	Grove	Mentzer	Sankey
Brooks	Hamm	Mercuri	Saylor
Causar	Heffley	Metcalfe	Schemel
Cook	Helm	Metzgar	Schmitt
Cox	Hennessey	Mihalek	Silvis
Culver	Hershey	Miller, B.	Smith
Davanzo	Hickernell	Moul	Sonney
Day	Irvin	Mustello	Staats
Delozier	James	Nelson, E.	Stambaugh
DelRosso	Jones	O'Neal	Struzzi
Diamond	Jozwiak	Oberlander	Topper
Dowling	Kail	Ortitay	Twardzik
Dunbar	Kauffman	Owlett	Warner
Ecker	Keefer	Pennycuick	Wentling
Emrick	Kerwin	Pickett	Wheeland
Fee	Klunk	Puskaric	White
Flood	Knowles	Rader	Zimmerman
Fritz	Lewis	Rapp	
Gaydos	Mackenzie, M.	Rigby	Cutler,
Gillen	Mackenzie, R.	Roae	Speaker

NAYS—105

Benham	Fitzgerald	Lee	Rabb
Bizzarro	Frankel	Longietti	Rozzi
Boback	Freeman	Madden	Sainato
Bradford	Gainey	Malagari	Samuelson
Briggs	Galloway	Markosek	Sanchez
Brown, A.	Guenst	Marshall	Sappay
Brown, R.	Guzman	Matzie	Schlossberg
Bullock	Hanbidge	McClinton	Schroeder
Burgos	Harkins	McNeill	Schweyer
Burns	Harris	Mehaffie	Shusterman
Carroll	Herrin	Merski	Sims
Cephas	Hohenstein	Millard	Snyder
Ciresi	Howard	Miller, D.	Solomon
Conklin	Innamorato	Mizgorski	Stephens
Cruz	Isaacson	Mullery	Sturla
Daley	Kenyatta	Mullins	Thomas
Davis, A.	Kim	Neilson	Tomlinson
Davis, T.	Kinhead	Nelson, N.	Toohil
Dawkins	Kinsey	O'Mara	Vitali
Deasy	Kirkland	Otten	Warren
DeLissio	Kosierowski	Parker	Webster
Delloso	Krajewski	Pashinski	Wheatley
DeLuca	Krueger	Peifer	Williams, C.
Driscoll	Kulik	Pisciottano	Williams, D.
Evans	Labs	Polinchock	Young
Farry	Lawrence	Quinn	Zabel
Fiedler			

NOT VOTING—0

EXCUSED—2

Boyle	Kaufer
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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?

**RECONSIDERATION MOTION FILED**

The SPEAKER. The Chair is receipt of two items: a motion to reconsider made by Representatives Benninghoff and Oberlander on amendment A02375 that was defeated on the 28th day of September to be reconsidered, as well as a written request for an electronic roll-call vote on the question of second consideration submitted by the gentleman, Representative Bradford, and Leader McClinton.

**BILL PASSED OVER**

The SPEAKER. HB 1254 will be over for the day.

**REPUBLICAN CAUCUS**

The SPEAKER. For what purpose does the gentleman, Leader Benninghoff, rise?

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

I rise to call an immediate caucus meeting upon adjournment.

**RECESS**

The SPEAKER. This House will stand in recess until 4 p.m., unless sooner recalled by the Speaker.

**AFTER RECESS**

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

**COMMITTEE MEETING POSTPONED**

The SPEAKER. The Speaker recognizes the gentleman, Representative Moul, for a committee announcement.

Mr. MOUL. Thank you, Mr. Speaker.

The Agriculture and Rural Affairs voting meeting for tomorrow morning has been postponed to a later date. More information will be forthcoming. Thank you.

The SPEAKER. The Chair thanks the gentleman.

**LOCAL GOVERNMENT  
COMMITTEE MEETING**

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

Mr. KNOWLES. Thank you, Mr. Speaker.

Mr. Speaker, the Local Government Committee will meet tomorrow morning at 10 in room 523 of the Irvis Building. Again, the Local Government Committee will meet tomorrow, 10 a.m., room 523 in the Irvis Office Building.

Thanks, Mr. Speaker.

The SPEAKER. The Chair thank the gentleman.

The Local Government Committee will meet tomorrow at 10 a.m. in room 523 of the Irvis Office Building.

**TRANSPORTATION COMMITTEE MEETING**

The SPEAKER. The Chair recognizes the gentleman, Representative Hennessey, also seeking recognition for a committee announcement.

Mr. HENNESSEY. Thank you, Mr. Speaker.

Just to repeat yesterday's announcement, the House Transportation Committee will hold a voting meeting at the call of the Chair tomorrow in room B-31 of the Main Capitol to consider SB 859, which would extend the temporary regulations PennDOT already has in place for an additional 2 years while permanent regulations are developed. Also, a reminder to our members of the Transportation Committee, our committee will meet on Thursday, September 30, at 9 a.m., in the majority caucus room of the Main Capitol to discuss PennDOT's Pathways initiative. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Transportation Committee will meet at the call of the Chair tomorrow in B-31 of the Main Capitol. The Transportation Committee will also meet on Thursday, September 30, at 9 a.m., in the majority caucus room.

**ANNOUNCEMENTS BY SPEAKER**

The SPEAKER. Now, for the information of the members, a couple of other general housekeeping announcements. One, there will be no further votes on the floor this evening; and two, we did receive an update from the organizers of the softball game to benefit the Central Pennsylvania Food Bank, the game is on. Harrisburg Senators covered the field earlier today, so hopefully everything will remain nice and dry and the weather will cooperate. See everyone at the field for the start of the game at 5:30.

Turning to housekeeping.

**BILLS RECOMMITTED**

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

HB 520;  
HB 1224;  
HB 1378;  
HB 1385;  
HB 1493; and  
HB 1534.

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 1218 and HB 1893 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.



**CALENDAR CONTINUED****BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 37, PN 1019**, 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 learners' permits and for examination of applicant for driver's license; in rules of the road in general, further providing for prohibiting text-based communications, providing for prohibiting use of interactive wireless communications devices and imposing penalties; and, in operation of vehicles miscellaneous provisions, further providing for the offense of homicide by vehicle and for the offense of aggravated assault by vehicle.

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

**BILL TABLED**

The SPEAKER. The majority leader moves that HB 37 be removed from the active calendar and placed on the tabled calendar.

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

**BILL REMOVED FROM TABLE**

The SPEAKER. The majority leader moves that HB 37 be removed from the tabled calendar and placed on the active calendar.

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

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The House proceeded to second consideration of **HB 929, PN 924**, entitled:

An Act designating a roundabout at Pennsylvania Route 34, Spring Road, Pennsylvania Route 850, Valley Road, and Pisgah State Road in Carroll Township, Perry County, as the Shane E. Troutman Memorial Roundabout.

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

**BILL TABLED**

The SPEAKER. The majority leader moves that HB 929 be removed from the active calendar and placed on the tabled calendar.

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

**BILL REMOVED FROM TABLE**

The SPEAKER. The majority leader moves that HB 929 be removed from the tabled calendar and placed on the active calendar.

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

**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 746, PN 731**, entitled:

An Act limiting assignment of State-owned vehicles.

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

**BILL TABLED**

The SPEAKER. The majority leader moves that HB 746 be removed from the active calendar and placed on the tabled calendar.

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

**BILL REMOVED FROM TABLE**

The SPEAKER. The majority leader moves that HB 746 be removed from the tabled calendar and placed on the active calendar.

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

**BILLS AND RESOLUTIONS PASSED OVER**

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

**ADJOURNMENT**

The SPEAKER. The Speaker is in receipt of a motion made by the gentleman, Representative Longietti, who moves that this House do now adjourn until Wednesday, September 29, 2021, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,  
Will the House agree to the motion?  
Motion was agreed to, and at 4:05 p.m., e.d.t., the House adjourned.