

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, MAY 2, 2023

SESSION OF 2023

207TH OF THE GENERAL ASSEMBLY

No. 17

### HOUSE OF REPRESENTATIVES

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

#### THE SPEAKER (JOANNA E. McCLINTON) PRESIDING

#### PRAYER

HON. JORDAN A. HARRIS, member of the House of Representatives, offered the following prayer:

Let us pray:

"God of our weary years, God of our silent tears, Thou who has brought us thus far on the way; Thou who has by Thy might, Led us into the light, Keep us forever in the path, we pray."

Father, we come to You this morning as humbly as we know how with our first declaration of this morning being thank You. Thank You for waking us all up this morning with the articulation of our limbs. Thank You for the traveling mercies that You have provided for all of us to get here today. And thank You, Father, for the opportunity that You have given us to serve Your people, Father, for we know that in the good book of Matthew, the 25th chapter, You acclaim that what we do for the least of these, we do unto You.

Father, as we go forward with this day, let the work that we do be guided by Your wisdom. Let the votes that we take be guided by Your wisdom. And let those votes also remain and remind us of the courage that we must need to be just, and that we provide justice in this building today for all of Your children.

Now, Father, we will be so grateful to give Your name praise for all of the good things that You will do and continue to do for us. And, Father, as we close, we ask that the words of our mouths and the meditation of our hearts, that they be acceptable in Your sight. O Lord, my strength and my redeemer. 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, May 1, 2023, will be postponed until printed.

### GUESTS INTRODUCED

The SPEAKER. Members, if I could have your attention. We have some very special guests who are with us in the House today.

So very excited that to the left of the Speaker's rostrum, our colleague, Representative Merski, has some special guests here today. We welcome to the floor of the House Stacey Randall and her son, Liam. Stacey Randall works with the Epilepsy Association of Western and Central Pennsylvania. She is here to raise awareness of the impact of epilepsy. Liam has had intractable epilepsy since his birth and is living in a wheelchair. We are so very grateful for your advocacy and for your being on the floor of the House today. Please stand so we can welcome you.

Our colleague, Representative D'Orsie, has Wendy Vehar here. Wendy is shadowing Representative D'Orsie. She is actively involved in her community. She is interested in politics at the Federal, State, and local levels. Wendy, please stand so we can welcome you.

Our colleague, Representative Grimm-Krupa, brings Brianna Hensh. Brianna is the 2022 Bituminous Coal Queen. She is here with her parents today, Greg and Denise Hensh, and two members of the Bituminous Coal Committee. They are touring the Capitol today. Would these guests please stand, and congratulations, Brianna.

Representative Tina Davis brings to the House today Valerie Hamilton. Valerie Hamilton is the first Black woman to own and operate a pre-K and a day care that has achieved the designation of 4 Keystone STARS (Standards, Training/Professional Development, Assistance, Resources, and Supports) in Bristol Township. Please stand, and welcome, Valerie.

Representative Sheryl Delozier is bringing three young people here who are serving today on the floor of the House as guest pages. Today we have Colson Endres, who attends the West Shore Christian Academy; Dylan Renne, who attends Trinity High School; and Hope Geisel, who also attends Trinity High School. Welcome.

Going to the gallery, Representatives Kutz and Delozier have brought to us today the Mechanicsburg High School Field Hockey Team members and their coaches. These champions won the PIAA Class AA State Championship. Please stand up, Mechanicsburg. Congratulations.

Also in the gallery, our colleagues, Representatives Pickett, Cabell, and Hamm, bring students and staff from the Keystone Job Corps in Drums, Pennsylvania, and the Red Rock Job Corps in Lopez, Pennsylvania. Job Corps students, please stand. Welcome.

Our colleagues, Representatives Gallagher and White, have brought to us the St. Hubert JV (junior varsity) Gold Cheerleading Team, who competed at the National High School Cheerleading Championships at ESPN's Wide World of Sports Complex in Orlando, Florida. They finished in first place, earning national champions honors. Please stand up, St. Hubert. Congratulations.

Now, I know we do not have favorites, but I saved this group for last. I am so grateful to our colleagues, Representatives Cephias, Curry, and Mayes, who have brought members from 29 chapters all across the Commonwealth of the largest service organization for African-American women. Please stand, Delta Sigma Theta Sorority, Inc. Welcome to the floor of the House. We are so glad to have you and your leadership.

**BILL REPORTED FROM COMMITTEE,  
CONSIDERED FIRST TIME, AND TABLED**

**HB 664, PN 1094** (Amended) By Rep. BULLOCK

An Act establishing the Women, Infants and Children State Advisory Board.

CHILDREN AND YOUTH.

**RESOLUTION REPORTED  
FROM COMMITTEE**

**HR 91, PN 1043** By Rep. BULLOCK

A Resolution designating the week of May 7 through 13, 2023, as "Jewish Day Schools Week" in Pennsylvania and expressing appreciation and gratitude to Jewish day schools across this Commonwealth.

CHILDREN AND YOUTH.

**LEAVES OF ABSENCE**

The SPEAKER. Are there requests for leaves of absence?

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

The Chair recognizes the minority whip, who indicates there are none.

**MASTER ROLL CALL**

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

The following roll call was recorded:

PRESENT—201

Abney	Flick	Krupa	Rapp
Adams	Flood	Kulik	Rigby
Armanini	Frankel	Kutz	Roae
Banta	Freeman	Kuzma	Rossi
Barton	Friel	Labs	Rowe
Bellmon	Fritz	Lawrence	Rozzi
Benham	Gallagher	Leadbeter	Ryncavage
Benninghoff	Galloway	Mackenzie, M.	Salisbury
Bernstine	Gaydos	Mackenzie, R.	Samuelson
Bizzarro	Gergely	Madden	Sanchez

Bonner	Gillen	Madsen	Sappey
Borowicz	Giral	Major	Schemel
Borowski	Gleim	Mako	Scheuren
Boyle	Green	Malagari	Schlegel
Bradford	Gregory	Maloney	Schlossberg
Brennan	Greiner	Marcell	Schmitt
Briggs	Grove	Markosek	Schweyer
Brown, A.	Guenst	Marshall	Scialabba
Brown, M.	Guzman	Matzie	Scott
Bullock	Haddock	Mayes	Shusterman
Burgos	Hamm	McAndrew	Siegel
Burns	Hanbidge	McNeill	Smith
C Freytiz	Harkins	Mehaffie	Smith-Wade-El
Cabell	Harris	Mentzer	Solomon
Causer	Heffley	Mercuri	Staats
Cephias	Hogan	Merski	Stambaugh
Cerrato	Hohenstein	Metzgar	Steele
Ciresi	Howard	Mihalek	Stehr
Conklin	Innamorato	Miller, B.	Struzzi
Cook	Irvin	Miller, D.	Sturla
Cooper	Isaacson	Moul	Takac
Curry	James	Mullins	Tomlinson
Cutler	Jones, M.	Munroe	Topper
D'Orsie	Jones, T.	Mustello	Twardzik
Daley	Jozwiak	Neilson	Venkat
Davanzo	Kail	Nelson, E.	Vitali
Davis	Kaufner	Nelson, N.	Warner
Dawkins	Kauffman	O'Mara	Warren
Deasy	Kazeem	O'Neal	Watro
Delloso	Keefer	Oberlander	Waxman
Delozier	Kenyatta	Ortitay	Webster
Diamond	Kephart	Otten	Wentling
Donahue	Kerwin	Owlett	White
Dunbar	Khan	Parker	Williams, C.
Ecker	Kim	Pashinski	Williams, D.
Emrick	Kinhead	Pickett	Young
Evans	Kinsey	Pielli	Zimmerman
Fee	Klunk	Pisciotano	
Fiedler	Kosierowski	Probst	McClinton,
Fink	Krajewski	Rabb	Speaker
Fleming	Krueger	Rader	

ADDITIONS—0

NOT VOTING—0

EXCUSED—0

LEAVES ADDED—1

Emrick

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

**DEMOCRATIC CAUCUS**

The SPEAKER. The Chair recognizes the majority caucus chair, Representative Schlossberg, for a caucus announcement.

Mr. SCHLOSSBERG. Thank you, Madam Speaker.

House Democrats will caucus at 12:15. We will be prepared to return to the floor at 1:15— Or 12:45 and 1:15. I will be over here.

The SPEAKER. Can the chair please state the caucus announcement so it is clear on the record.

Mr. SCHLOSSBERG. I am happy to. I apologize, Madam Speaker.

House Democrats will caucus at 12:15. We will be prepared to return to the floor at 12:45.

**REPUBLICAN CAUCUS**

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

Mr. DUNBAR. Thank you, Madam Speaker.

Republicans will caucus at 11:45; that is 11:45, Republicans will caucus.

Thank you, Madam Speaker.

The SPEAKER. The Chair thanks the gentleman.

**ANNOUNCEMENT BY MR. LAWRENCE**

The SPEAKER. The Chair recognizes Representative Lawrence.

Mr. LAWRENCE. Thank you, Madam Speaker.

Colleagues, I would like to remind you of the opportunity to meet with the Pennsylvania Chiropractic Association on their action day. They are hosting lunch right outside the back of the House here on the Lieutenant Governor's balcony. I would encourage you to stop by and speak with them about current issues facing chiropractors in the Commonwealth.

Thank you, Madam Speaker.

The SPEAKER. The Chair thanks the gentleman.

**APPROPRIATIONS COMMITTEE MEETING**

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

Mr. MULLINS. Thank you, Madam Speaker.

The Appropriations Committee will meet in the majority caucus room at 11:40; Appropriations, majority caucus room, 11:40. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Appropriations Committee will meet in the majority caucus room at 11:40.

**ANNOUNCEMENT BY SPEAKER**

The SPEAKER. The Chair is in receipt of information. Today is Representative Brennan's birthday. Happy birthday, and we are glad to see you at work celebrating.

The House will stand in recess until 1 o'clock— For what purpose does the gentleman rise?

**ANNOUNCEMENT BY MR. CIRESI**

Mr. CIRESI. Thank you, Madam Speaker. To announce a lunch.

The SPEAKER. You may proceed.

Mr. CIRESI. Thank you. So I want to invite all of you, on behalf of the Italian Caucus, to 60 East Wing for a lunch following around 12 o'clock. Make sure you are all there. We want higher numbers than the Irish Caucus.

Thank you very much, Madam Speaker.

**RECESS**

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

**AFTER RECESS**

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

**HOUSE RESOLUTIONS  
INTRODUCED AND REFERRED**

**No. 96** By Representatives MATZIE, VENKAT, SCHLOSSBERG, McNEILL, BRENNAN, SANCHEZ, MADDEN, KINSEY, KHAN, FREEMAN, HILL-EVANS, PISCIOTTANO, HADDOCK, NEILSON and PARKER

A Resolution recognizing May 2, 2023, as "World Asthma Day" in Pennsylvania.

Referred to Committee on HEALTH, May 2, 2023.

**No. 97** By Representatives MATZIE, MARSHALL, CIRESI, BRENNAN, SANCHEZ, SCHLOSSBERG, MADDEN, KINSEY, KHAN, MARCELL, SCHMITT, FREEMAN, HILL-EVANS, PISCIOTTANO, NEILSON and FLEMING

A Resolution recognizing May 13, 2023, as "National Train Day" in Pennsylvania.

Referred to Committee on TRANSPORTATION, May 2, 2023.

**No. 98** By Representatives SHUSTERMAN, SIEGEL, SANCHEZ, KINSEY, MADDEN, SCHLOSSBERG, KENYATTA, KHAN, STRUZZI and NEILSON

A Concurrent Resolution designating the week of March 12 through 18, 2023, as "AmeriCorps Week" in Pennsylvania and expressing appreciation for AmeriCorps members and AmeriCorps Seniors volunteers across this Commonwealth.

Referred to Committee on LABOR AND INDUSTRY, May 2, 2023.

**No. 99** By Representatives SCHEMEL, BARTON, BONNER, CIRESI, GILLEN, IRVIN, KAUFFMAN, KINSEY, R. MACKENZIE, PICKETT and NEILSON

A Resolution recognizing the week of May 7 through 13, 2023, as "National Hospital Week" in Pennsylvania.

Referred to Committee on HEALTH, May 2, 2023.

**HOUSE BILLS  
INTRODUCED AND REFERRED**

**No. 611** By Representative HARRIS

An Act to provide appropriations from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2023, to June 30, 2024, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2023; to provide appropriations from special funds and accounts to the Executive and Judicial Departments for the fiscal year July 1, 2023, to June 30, 2024, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2023; to provide for the appropriation of Federal funds to the Executive and Judicial Departments for the fiscal

year July 1, 2023, to June 30, 2024, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2023; and to provide for the additional appropriation of Federal and State funds to the Executive and Legislative Departments for the fiscal year July 1, 2022, to June 30, 2023, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2022.

Referred to Committee on APPROPRIATIONS, May 2, 2023.

**No. 612** By Representative HARRIS

An Act providing for funding for State-related universities for the fiscal year beginning July 1, 2023, and ending June 30, 2024, for costs basis, for frequency of payments and for recordkeeping requirements; imposing a duty on the Auditor General; providing for financial statements and for the Agricultural College Land Scrip Fund; and making appropriations.

Referred to Committee on APPROPRIATIONS, May 2, 2023.

**No. 613** By Representative HARRIS

An Act making appropriations to the Trustees of the University of Pennsylvania.

Referred to Committee on APPROPRIATIONS, May 2, 2023.

**No. 614** By Representative HARRIS

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

Referred to Committee on APPROPRIATIONS, May 2, 2023.

**No. 615** By Representative HARRIS

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Community and Economic Development to provide for the expenses of administering the Workers' Compensation Act, The Pennsylvania Occupational Disease Act and the Office of Small Business Advocate for the fiscal year July 1, 2023, to June 30, 2024, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2023.

Referred to Committee on APPROPRIATIONS, May 2, 2023.

**No. 616** By Representative HARRIS

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Community and Economic Development.

Referred to Committee on APPROPRIATIONS, May 2, 2023.

**No. 617** By Representative HARRIS

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate in the Office of Attorney General.

Referred to Committee on APPROPRIATIONS, May 2, 2023.

**No. 618** By Representative HARRIS

An Act making appropriations from the Public School Employees' Retirement Fund and from the PSERS Defined Contribution Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 2023, to June 30, 2024, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2023.

Referred to Committee on APPROPRIATIONS, May 2, 2023.

**No. 619** By Representative HARRIS

An Act making appropriations from the State Employees' Retirement Fund and from the SERS Defined Contribution Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 2023, to June 30, 2024, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2023.

Referred to Committee on APPROPRIATIONS, May 2, 2023.

**No. 620** By Representative HARRIS

An Act making appropriations from the Philadelphia Taxicab and Limousine Regulatory Fund and the Philadelphia Taxicab Medallion Fund to the Philadelphia Parking Authority for the fiscal year July 1, 2023, to June 30, 2024.

Referred to Committee on APPROPRIATIONS, May 2, 2023.

**No. 621** By Representative HARRIS

An Act making appropriations from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission for the fiscal year July 1, 2023, to June 30, 2024.

Referred to Committee on APPROPRIATIONS, May 2, 2023.

**No. 622** By Representative HARRIS

An Act making appropriations from the restricted revenue accounts within the State Gaming Fund and from the restricted revenue accounts within the Fantasy Contest Fund and Video Gaming Fund to the Attorney General, the Department of Revenue, the Pennsylvania State Police and the Pennsylvania Gaming Control Board for the fiscal year beginning July 1, 2023, to June 30, 2024, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2023.

Referred to Committee on APPROPRIATIONS, May 2, 2023.

**No. 623** By Representative HARRIS

An Act providing for the capital budget for fiscal year 2023-2024.

Referred to Committee on APPROPRIATIONS, May 2, 2023.

**No. 624** By Representative HARRIS

An Act providing for the capital budget for fiscal year 2023-2024; itemizing public improvement projects, furniture and equipment projects, transportation assistance, redevelopment assistance projects, flood control projects and Pennsylvania Fish and Boat Commission projects leased or assisted by the Department of General Services and other State agencies, together with their estimated financial costs;

authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed, acquired or assisted by the Department of General Services and other State agencies; authorizing the use of current revenue for the purpose of financing the projects to be constructed, acquired or assisted by the Department of General Services and other State agencies stating the estimated useful life of the projects; and making appropriations.

Referred to Committee on APPROPRIATIONS, May 2, 2023.

**No. 1068** By Representatives METZGAR, STAATS, STRUZZI and ZIMMERMAN

An Act amending Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, in general administration relating to correctional institutions, providing for inmate transfer to restricted unit.

Referred to Committee on JUDICIARY, May 2, 2023.

**No. 1069** By Representatives METZGAR, STAATS, STRUZZI and ZIMMERMAN

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

Referred to Committee on JUDICIARY, May 2, 2023.

**No. 1070** By Representatives METZGAR, STAATS, STRUZZI and ZIMMERMAN

An Act amending Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, in miscellaneous provisions relating to inmate confinement, providing for inmate account restriction.

Referred to Committee on JUDICIARY, May 2, 2023.

**No. 1071** By Representatives METZGAR, STAATS, STRUZZI and ZIMMERMAN

An Act amending Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, in general administration relating to correctional institutions, providing for guard and magazine capacity requirement.

Referred to Committee on JUDICIARY, May 2, 2023.

**No. 1072** By Representatives TAKAC, HILL-EVANS, SAMUELSON, NEILSON and HADDOCK

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, providing for use of government property and for government vehicles.

Referred to Committee on STATE GOVERNMENT, May 2, 2023.

**No. 1073** By Representatives TAKAC, MADDEN, GIRAL, HILL-EVANS, KINSEY, NEILSON, SANCHEZ, WARREN, SHUSTERMAN, WAXMAN, SMITH-WADE-EL, MADSEN, DELLOSO, ROZZI, KINKEAD, KHAN, BOROWSKI, GUENST and MAYES

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, in preliminary provisions, further providing for definitions.

Referred to Committee on LABOR AND INDUSTRY, May 2, 2023.

**No. 1074** By Representatives CURRY, KAZEEM, YOUNG, D. WILLIAMS, T. DAVIS, KRUEGER, MADDEN, GUENST, BOROWSKI, SANCHEZ, PARKER, KHAN, HILL-EVANS, SMITH-WADE-EL, O'MARA, SHUSTERMAN, DONAHUE and FLEMING

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in health care cost containment, providing for full financial disclosure by hospitals and freestanding ambulatory service facilities.

Referred to Committee on HEALTH, May 2, 2023.

**No. 1075** By Representatives CURRY, D. MILLER, KINSEY, SANCHEZ, GUENST, HILL-EVANS, SCHLOSSBERG, KENYATTA, HOHENSTEIN, PARKER, MADDEN, FIEDLER, FLEMING, KINKEAD, KIM, KRAJEWSKI, FREEMAN, N. NELSON, KHAN, YOUNG, SHUSTERMAN, O'MARA, BULLOCK and BOROWSKI

An Act amending the act of July 2, 1996 (P.L.514, No.85), known as the Health Security Act, further providing for definitions and for postpartum coverage standards; providing for provisions relating to involuntary discharge; and imposing duties on the Department of Human Services.

Referred to Committee on HEALTH, May 2, 2023.

**No. 1076** By Representatives YOUNG, MADDEN, PROBST, PARKER, KINSEY, HILL-EVANS, CIRESI, SANCHEZ, CONKLIN, OTTEN, GUENST, CEPHAS, KHAN and FLEMING

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 school building closure requirements.

Referred to Committee on EDUCATION, May 2, 2023.

**No. 1077** By Representatives MATZIE, MARSHALL, BOROWSKI, PISCIOTTANO, MADDEN, HILL-EVANS, TAKAC, SANCHEZ, HADDOCK, FIEDLER, NEILSON and MALAGARI

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in responsible utility customer protection, further providing for declaration of policy and for definitions, repealing provisions relating to cash deposits and household information requirements, providing for security deposits, further providing for payment arrangements, for termination of utility service, for reconnection of service, for late payment charge waiver, for complaints filed with commission and for public utility duties, repealing provisions relating to reporting of delinquent customers, further providing for reporting of recipients of public assistance and for liens by city natural gas distribution operations, providing for reporting to commission and further providing for nonapplicability and for expiration.

Referred to Committee on CONSUMER PROTECTION, TECHNOLOGY AND UTILITIES, May 2, 2023.

**No. 1078** By Representatives DELLOSO, MADDEN, N. NELSON, SANCHEZ, JOZWIAK, CIRESI, D. WILLIAMS, PARKER, CONKLIN and HADDOCK

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in other offenses, providing for the offense of failure to report death.

Referred to Committee on JUDICIARY, May 2, 2023.

**No. 1079** By Representatives DELLOSO, SANCHEZ, MADDEN, BURGOS, SALISBURY, PIELLI, SCHLOSSBERG, HILL-EVANS, McNEILL, RABB, KENYATTA, KHAN, D. WILLIAMS, HOHENSTEIN, CERRATO, OTTEN and KINSEY

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

Referred to Committee on LABOR AND INDUSTRY, May 2, 2023.

**No. 1080** By Representatives DELLOSO, HOHENSTEIN, ISAACSON, PROBST, WAXMAN, SCHLOSSBERG, MADDEN, D. WILLIAMS, SANCHEZ, HILL-EVANS, McNEILL, SALISBURY, HOWARD, BURGOS, CERRATO, INNAMORATO, NEILSON, CIRESI, GUZMAN, PIELLI and KHAN

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, providing for adult use cannabis; imposing certain gross receipts tax and excise tax; and making repeals.

Referred to Committee on HEALTH, May 2, 2023.

**No. 1081** By Representatives SHUSTERMAN, SCHLOSSBERG, VENKAT, SAPPEY, HANBIDGE, BURGOS, MADDEN, FREEMAN, SANCHEZ, KINKEAD, GUENST, WARREN, SAMUELSON, KHAN, CEPEDA-FREYTI, BOROWSKI, DELLOSO, PARKER, STURLA, OTTEN, HOWARD, MALAGARI, KINSEY, FIEDLER, ISAACSON, PROBST, SCHWEYER, KIM, HOHENSTEIN and VITALI

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

Referred to Committee on JUDICIARY, May 2, 2023.

**No. 1082** By Representatives SHUSTERMAN, SMITH-WADE-EL, HILL-EVANS, MADDEN, GIRAL, McNEILL, SANCHEZ, BURGOS, PARKER, D. WILLIAMS, CONKLIN, KRAJEWSKI, GREEN and CEPEDA-FREYTI

An Act establishing the Adult-use Cannabis Program; providing for farmer-grower permits; and imposing duties on the Department of Health.

Referred to Committee on HEALTH, May 2, 2023.

**No. 1083** By Representatives SHUSTERMAN, SMITH-WADE-EL, MADDEN, KINSEY, SANCHEZ, PROBST, HILL-EVANS, OTTEN, D. WILLIAMS, KAZEEM, ZIMMERMAN, GREEN, CEPEDA-FREYTI and KHAN

An Act amending the act of April 17, 2016 (P.L.84, No.16), known as the Medical Marijuana Act, adding and amending provisions relating to farmer-growers by, in preliminary provisions, further providing for definitions; in program, further providing for program established and for unlawful use of medical marijuana; in medical marijuana organizations, further providing for medical marijuana organizations, for permits, for granting of permit, for application and issuance, for fees and other requirements and for limitations on permits; in medical marijuana controls, further providing for electronic tracking, providing for farmer-growers and further providing for storage and transportation; in tax on medical marijuana, further providing for tax on medical marijuana; in academic clinical research centers and clinical registrants, further providing for clinical registrants; and, in miscellaneous provisions, further providing for zoning.

Referred to Committee on HEALTH, May 2, 2023.

**No. 1084** By Representatives HILL-EVANS, SANCHEZ, FREEMAN, ROZZI, KHAN, FLICK, MADDEN, HOWARD, WARREN, GUENST, D. WILLIAMS, CIRESI, NEILSON and PARKER

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in school health services, providing for school access to bronchodilators.

Referred to Committee on EDUCATION, May 2, 2023.

**No. 1086** By Representatives TAKAC, HOHENSTEIN, PROBST, SANCHEZ, HILL-EVANS, CIRESI, MADDEN, McNEILL, SOLOMON, GILLEN, KHAN, CERRATO, HADDOCK, GUENST, DELLOSO, O'MARA, D. WILLIAMS, SHUSTERMAN, HANBIDGE, SCHWEYER, KINSEY and FLEMING

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, in Department of Military Affairs, further providing for veterans registry; and making an editorial change.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, May 2, 2023.

**No. 1087** By Representatives TAKAC, BURGOS, MADDEN, McNEILL, HILL-EVANS, PROBST, KINSEY, FREEMAN, NEILSON, SANCHEZ, WARREN, BOROWSKI, GIRAL, KINKEAD and FLEMING

An Act amending the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law, further providing for definitions, for unlawful acts or practices and exclusions and for private actions.

Referred to Committee on CONSUMER PROTECTION, TECHNOLOGY AND UTILITIES, May 2, 2023.

**No. 1089** By Representatives DELOZIER, ARMANINI, BURGOS, CIRESI, CONKLIN, JAMES, JOZWIAK and PICKETT

An Act amending the act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act, providing for social card games and tournaments.

Referred to Committee on GAME AND FISHERIES, May 2, 2023.

**No. 1090** By Representatives RYNCAVAGE, MAJOR, HEFFLEY, IRVIN and WATRO

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, in special powers and duties of counties, providing for property maintenance code.

Referred to Committee on HOUSING AND COMMUNITY DEVELOPMENT, May 2, 2023.

**No. 1091** By Representatives D. WILLIAMS, GREGORY, PISCIOTTANO, MADDEN, PIELLI, FREEMAN, SANCHEZ, HILL-EVANS, CEPEDA-FREYTIZ, SAMUELSON, GUENST, HADDOCK, PROBST, DELLOSO, HOWARD, FLEMING, MAYES, BOROWSKI, MALAGARI, C. WILLIAMS, KAZEEM and CERRATO

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, in veterans' pensions and benefits, further providing for blind veteran's pension and for amputee and paralyzed veteran's pension.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, May 2, 2023.

### SENATE BILLS FOR CONCURRENCE

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

#### **SB 165, PN 634**

Referred to Committee on JUDICIARY, May 2, 2023.

#### **SB 239, PN 205**

Referred to Committee on LABOR AND INDUSTRY, May 2, 2023.

### 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,  
May 1, 2023

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, May 8, 2023, 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 May 8, 2023, it reconvene the week of Monday, June 5, 2023, 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, May 22, 2023, 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 May 22, 2023, it reconvene the week of Monday, June 5, 2023, 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.

### ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair is in receipt of information that today is also Representative Greiner's birthday. Happy birthday to our colleague. Good to see you at work also on your birthday.

### BILLS REREPORTED FROM COMMITTEE

#### **HB 38, PN 27**

By Rep. HARRIS

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, in licenses and regulations and liquor, alcohol and malt and brewed beverages, further providing for applications for hotel, restaurant and club liquor licenses and for application for distributors', importing distributors' and retail dispensers' licenses.

#### APPROPRIATIONS.

#### **HB 100, PN 1093**

By Rep. HARRIS

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 cross-age tutoring program.

#### APPROPRIATIONS.

#### **HB 157, PN 1030**

By Rep. HARRIS

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, in Pennsylvania Preferred Trademark, further providing for definitions, for Pennsylvania Preferred trademark, for licensee qualification, for duties and authority of department, for trademark license agreement, application and licensure process, for costs, for Pennsylvania Preferred Trademark Licensing Fund, for injunctive relief, for rules and regulations and for purpose, repealing provisions relating to definitions and further providing for qualified veterans and qualified veteran business entities.

#### APPROPRIATIONS.

#### **HB 198, PN 156**

By Rep. HARRIS

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, in distilleries, wineries, bonded warehouses, bailees for hire and transporters for hire, establishing the Pennsylvania Distilled Spirits Industry Promotion Board.

#### APPROPRIATIONS.

**HB 299, PN 962**

By Rep. HARRIS

An Act providing for workplace health and safety standards for public employees; providing for powers and duties of the Secretary of Labor and Industry; establishing the Pennsylvania Occupational Safety and Health Review Board; providing for workplace inspections; and imposing penalties.

APPROPRIATIONS.

**HB 413, PN 381**

By Rep. HARRIS

An Act amending the act of October 13, 2010 (P.L.506, No.72), known as the Construction Workplace Misclassification Act, further providing for independent contractors.

APPROPRIATIONS.

**HB 688, PN 1036**

By Rep. HARRIS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, establishing the PA Teacher Pipeline Scholarship Program; and imposing duties on the Pennsylvania Higher Education Assistance Agency and certain institutions of higher education.

APPROPRIATIONS.

**HB 760, PN 963**

By Rep. HARRIS

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, in liability and compensation, further providing for compensation payable in periodical installments.

APPROPRIATIONS.

**HB 930, PN 964**

By Rep. HARRIS

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

APPROPRIATIONS.

**BILL REREPORTED FROM COMMITTEE****HB 300, PN 1135 (Amended)**

By Rep. HARRIS

An Act amending the act of October 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human Relations Act, further providing for the title of the act, for findings and declaration of policy, for right to freedom from discrimination in employment, housing and public accommodation, for definitions, for unlawful discriminatory practices and for prohibition of certain real estate practices; providing for protection of religious exercise; and further providing for powers and duties of commission and for construction and exclusiveness of remedy.

APPROPRIATIONS.

The SPEAKER. Will the House agree to the report?

**OBJECTION TO COMMITTEE REPORT**

The SPEAKER. On that question, the Chair recognizes the minority leader, Representative Cutler.

Mr. CUTLER. Thank you, Madam Speaker.

Madam Speaker, I would like to begin my comments by thanking you and the majority leader for holding this until this morning when the members would actually be here.

Late last evening HB 300 was amended, as I know that both caucuses have reviewed. One provision was to remove the education curriculum; the other attempted to improve the religious protections in the bill, which I will get to in the substantive debate.

However, Madam Speaker, I must object to the reporting of this bill under rule 19(a). Subsection 3 clearly says that "The Appropriations Committee shall be limited in its consideration—"

The SPEAKER. The gentleman will suspend.

I would like to put the motion before the House, and then the gentleman can certainly speak on the motion.

Mr. CUTLER. Thank you, Madam Speaker.

The SPEAKER. For the information of the members, the minority leader objects to the report of the Committee on Appropriations containing HB 300.

Pursuant to the provisions of section 676 of Mason's Manual, the House must decide whether a committee report is properly reported. Members are reminded that the only question – excuse me, that they are only permitted to speak once on questions of order.

On the question,

Shall the House accept the report of the Appropriations Committee?

The SPEAKER. On the question, the Chair now recognizes the minority leader.

Mr. CUTLER. Thank you, Madam Speaker.

Madam Speaker, under rule 19(a), "The Appropriations Committee shall be limited in its consideration of any such bill which has received second consideration to the fiscal aspects of the bill and shall not consider the substantive merits of the bill...."

Madam Speaker, for the rules to matter, they must be followed. For discussions on pulling amendments or negotiating amendments here on the floor – which we do quite often – this vote will absolutely matter.

For those unfamiliar with the process, we will attempt to amend bills here on the floor prior to moving them to Appropriations for their fiscal review. The reason that this is important is because under that consideration, here on the floor is the only opportunity that members will get to regularly amend a bill. Of course, we could do it by suspending the rules; however, I do not believe that we are in a case where that would be supported at this time.

I know that we will hear this has happened before, and while that is partially true, I believe that many of those examples actually do deal with Appropriations bills, which 19(b) covers. That is allowed. But I must respectfully object to this report because we were promised something different during the debate on the rules, and it is not the standard that we should strive towards.

The proper way to do this would be to move the bill back to second consideration and consider that here before this body so that all 201 members that we currently have could be an active



participant in that discussion, not just the 22 members that are the majority of the Appropriations Committee.

For those reasons, Madam Speaker, I must object to this report on process grounds, and would urge the members to follow the procedure that has been outlined in our rules. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair acknowledges the majority leader, Representative Bradford, on the motion.

Mr. BRADFORD. Thank you, Madam Speaker.

The gentleman raises an objection, as is his right, and I understand that when sometimes you have engaged in a behavior repeatedly, one caucus may not recognize it when it is done by the other. I have a list here of, give or take, 20-some times in the last session that this practice was done. I do not mean to embarrass, but hypocrisy needs to be pointed out.

There is important legislation in front of us, and yes, Appropriations amended last night. That is the same process that went down on June 25, 2021, SB 381, amendment 2151, offered by then Representative Heffley, seconded by Greiner, to establish name, image, and likeness in intercollegiate athletics. Now, again, I do not think it is worth anyone's time and there is important business to be done in front of us. I look forward to having a discussion with the good minority leader about how we can proceed in the future if we want to be helpful and make this as fluid a process as possible, but to stand up and object and act as though this is anything other than common practice by the majority party is not fair. It strikes one as hypocritical, and I would ask that we move on and get to the underlying bill in front of us.

Thank you, Madam Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair acknowledges the maker of the motion for the second time, the minority leader, Representative Cutler.

Mr. CUTLER. Thank you very much, Madam Speaker.

Respectfully, to the good gentleman's point, I believe that the name, image, and likeness piece – and the date that was quoted was June 25, so that would have been in or around the budget time – 19(b) does allow for that, as outlined. I do not know if that was a Fiscal Code or an Education Code, both of which are budget vehicles that are appropriately limited to the 5-minutes debate that are contained also in our rules.

I am more concerned about the process, and I want this point to be crystal clear. If we will continue to use past sins by both sides to justify current actions— Madam Speaker?

The SPEAKER. The Chair requests the gentleman to repeat his inquiry.

Mr. CUTLER. No, no, Madam Speaker, I was simply seeking order. And to answer whoever shouted out inappropriately on the floor am I serious, the answer is yes, because here is why. Those rules are very important. Those rules outline budget bills and the process that we follow, and this is what I am serious about. If we cannot have a good discussion on amendments and work as leaders to pull the amendments off, we, collectively as a body, should fully expect every member here to file an amendment and never pull it. That will be the outgrowth of this activity.

I know that we talked about process when it was time to adopt the rules. I did not support the rules, but this is in the rules that were voted on that many of the same people that will support this report in fact supported.

So yes, I am serious about the process that this will lead to. If we want to be stuck in a quagmire here on the floor with amendments that are never pulled, then perhaps you should support this report. I do not, because I do believe that there is a better way.

The SPEAKER. The Chair thanks the gentleman.

### PARLIAMENTARY INQUIRY

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

Mr. HEFFLEY. Parliamentary inquiry.

The SPEAKER. The gentleman is in order and may state his parliamentary inquiry.

Mr. HEFFLEY. Madam Speaker, is it customary on the House floor to maintain decorum when debating that we would not use names?

Now, I am not opposing what was said, but in order to elevate our debate, I think it is important. When I bring school groups down here, I always point out how we elevate debate, and if the leader from Montgomery County could just keep that debate elevated and not use names, I think it would be appreciated by the entire House.

Thank you, Madam Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Shall the House accept the report of the Appropriations Committee?

The following roll call was recorded:

#### YEAS—101

Abney	Fiedler	Kosierowski	Rozzi
Bellmon	Fleming	Krajewski	Salisbury
Benham	Frankel	Krueger	Samuelson
Bizzarro	Freeman	Kulik	Sanchez
Borowski	Friel	Madden	Sappery
Boyle	Gallagher	Madsen	Schlossberg
Bradford	Galloway	Malagari	Schweyer
Brennan	Gergely	Markosek	Scott
Briggs	Giral	Matzie	Shusterman
Brown, A.	Green	Mayes	Siegel
Bullock	Guenst	McAndrew	Smith-Wade-El
Burgos	Guzman	McNeill	Solomon
Burns	Haddock	Merski	Steele
C Freytiz	Hanbidge	Miller, D.	Sturla
Cephas	Harkins	Mullins	Takac
Cerrato	Harris	Munroe	Venkat
Ciresi	Hohenstein	Neilson	Vitali
Conklin	Howard	Nelson, N.	Warren
Curry	Innamorato	O'Mara	Waxman
Daley	Isaacson	Otten	Webster
Davis	Kazeem	Parker	Williams, D.
Dawkins	Kenyatta	Pashinski	Young
Deasy	Khan	Pielli	
Delloso	Kim	Pisciottano	McClinton,
Donahue	Kinhead	Probst	Speaker
Evans	Kinsey	Rabb	

#### NAYS—100

Adams	Fritz	Labs	Rapp
Armanini	Gaydos	Lawrence	Rigby
Banta	Gillen	Leadbeter	Roae
Barton	Gleim	Mackenzie, M.	Rossi

Benninghoff	Gregory	Mackenzie, R.	Rowe
Bernstine	Greiner	Major	Ryncavage
Bonner	Grove	Mako	Schemel
Borowicz	Hamm	Maloney	Scheuren
Brown, M.	Heffley	Marcell	Schlegel
Cabell	Hogan	Marshall	Schmitt
Causar	Irvin	Mehaffie	Scialabba
Cook	James	Mentzer	Smith
Cooper	Jones, M.	Mercuri	Staats
Cutler	Jones, T.	Metzgar	Stambaugh
D'Orsie	Jozwiak	Mihalek	Stehr
Davanzo	Kail	Miller, B.	Struzzi
Delozier	Kaufer	Moul	Tomlinson
Diamond	Kauffman	Mustello	Topper
Dunbar	Keefer	Nelson, E.	Twardzik
Ecker	Kephart	O'Neal	Warner
Emrick	Kerwin	Oberlander	Watro
Fee	Klunk	Ortitay	Wentling
Fink	Krupa	Owlett	White
Flick	Kutz	Pickett	Williams, C.
Flood	Kuzma	Rader	Zimmerman

NOT VOTING—0

EXCUSED—0

The majority having voted in the affirmative, the question was determined in the affirmative and the report of the Appropriations Committee was accepted by the House.

**CALENDAR**

**RESOLUTION**

Mrs. ISAACSON called up **HR 84, PN 1018**, entitled:

A Resolution designating the month of April 2023 as "Community College Month" in Pennsylvania in recognition of the important role that community colleges play in the education system and economy of this Commonwealth.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—201

Abney	Flick	Krupa	Rapp
Adams	Flood	Kulik	Rigby
Armanini	Frankel	Kutz	Roae
Banta	Freeman	Kuzma	Rossi
Barton	Friel	Labs	Rowe
Bellmon	Fritz	Lawrence	Rozzi
Benham	Gallagher	Leadbeter	Ryncavage
Benninghoff	Galloway	Mackenzie, M.	Salisbury
Bernstine	Gaydos	Mackenzie, R.	Samuelson
Bizzarro	Gergely	Madden	Sanchez
Bonner	Gillen	Madsen	Sappety
Borowicz	Giral	Major	Schemel
Borowski	Gleim	Mako	Scheuren
Boyle	Green	Malagari	Schlegel
Bradford	Gregory	Maloney	Schlossberg
Brennan	Greiner	Marcell	Schmitt
Briggs	Grove	Markosek	Schweyer
Brown, A.	Guenst	Marshall	Scialabba
Brown, M.	Guzman	Matzie	Scott
Bullock	Haddock	Mayer	Shusterman
Burgos	Hamm	McAndrew	Siegel
Burns	Hanbidge	McNeill	Smith

C Freytiz	Harkins	Mehaffie	Smith-Wade-El
Cabell	Harris	Mentzer	Solomon
Causar	Heffley	Mercuri	Staats
Cephas	Hogan	Merski	Stambaugh
Cerrato	Hohenstein	Metzgar	Steele
Ciresi	Howard	Mihalek	Stehr
Conklin	Innamorato	Miller, B.	Struzzi
Cook	Irvin	Miller, D.	Sturla
Cooper	Isaacson	Moul	Takac
Curry	James	Mullins	Tomlinson
Cutler	Jones, M.	Munroe	Topper
D'Orsie	Jones, T.	Mustello	Twardzik
Daley	Jozwiak	Neilson	Venkat
Davanzo	Kail	Nelson, E.	Vitali
Davis	Kaufer	Nelson, N.	Warner
Dawkins	Kauffman	O'Mara	Warren
Deasy	Kazeem	O'Neal	Watro
Delloso	Keefer	Oberlander	Waxman
Delozier	Kenyatta	Ortitay	Webster
Diamond	Kephart	Otten	Wentling
Donahue	Kerwin	Owlett	White
Dunbar	Khan	Parker	Williams, C.
Ecker	Kim	Pashinski	Williams, D.
Emrick	Kinhead	Pickett	Young
Evans	Kinsey	Pielli	Zimmerman
Fee	Klunk	Pisciottano	
Fiedler	Kosierowski	Probst	McClinton,
Fink	Krajewski	Rabb	Speaker
Fleming	Krueger	Rader	

NAYS—0

NOT VOTING—0

EXCUSED—0

The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

**BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 156, PN 1029**, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, in fertilizer, further providing for definitions and for application of fertilizer to turf.

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 829, PN 1039**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, in licenses and regulations and liquor, alcohol and malt and brewed beverages, further providing for interlocking business prohibited and for unlawful acts relative to liquor, malt and brewed beverages and licensees.

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

\* \* \*

## BILL PASSED OVER

The SPEAKER. The Chair recognizes the majority leader, who calls up HB 178, PN 1031, on page 1— The House will be over that bill.

\* \* \*

The House proceeded to second consideration of **HB 363, PN 1032**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for the exclusion of veterans' benefit payments from income for Commonwealth programs.

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

Mr. **LAWRENCE** offered the following amendment No. **A00352**:

Amend Bill, page 1, line 4, by inserting after "STATUTES," in disabled veterans' real estate tax exemption, further providing for duty of commission by removing a rebuttable presumption; and Amend Bill, page 2, lines 12 and 13, by striking out all of said lines and inserting

Section 1. Section 8904(1) of Title 51 of the Pennsylvania Consolidated Statutes is amended to read:  
§ 8904. Duty of commission.

The commission shall:

(1) Fix uniform and equitable standards for determining the need for exemption from the payment of real estate taxes granted by this act. [In fixing such uniform and equitable standards, the commission shall apply a rebuttable presumption that an applicant with annual income of \$75,000 or less has a need for the exemption. Beginning on January 1, 2009, and every two years thereafter, the commission shall adjust the annual income level qualifying for the rebuttable presumption of need by an amount equal to the change in the Consumer Price Index in the preceding two years. The commission shall publish the adjusted annual income level qualifying for the rebuttable presumption of need as a notice in the Pennsylvania Bulletin.]

\* \* \*

Section 2. Title 51 is amended by adding a chapter to read:  
Amend Bill, page 3, line 14, 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 Representative Lawrence.

Mr. **LAWRENCE**. Thank you, Madam Speaker.

Madam Speaker, Article VIII, section 2, of the Pennsylvania Constitution provides a special tax abatement for severely disabled veterans. This section reads, "Citizens and residents of this Commonwealth, who served in any war or armed conflict in which the United States was engaged and were honorably discharged or released under honorable circumstances from... such service, shall be exempt from the payment of all real property taxes upon the residence occupied by the said citizens and residents of this Commonwealth imposed by the Commonwealth...or any of its political subdivisions if, as a result of military service, they are blind, paraplegic or double or quadruple amputees or have a service-connected disability

declared by the United States Veterans Administration or its successor to be a total or 100 %...disability, and if the State Veterans' Commission determines that such persons are in need of the tax exemptions granted herein...."

Madam Speaker, a number of years ago, the Senate inserted arbitrary limits on this constitutional tax abatement for disabled war veterans. I have heard from 100-percent-disabled veterans in my community that believe these limits should be removed, and I agree. In fact, I would argue that such legislative limits are in fact unconstitutional. The Constitution clearly states that the State Veterans' Commission determines how this should be handled, not the legislature.

My amendment would return the decisionmaking on this issue back to its rightful constitutional location, the State Veterans Commission. To be clear, a "yes" vote on this amendment is a "yes" vote to ensure 100 percent disabled war veterans have the opportunity to receive a constitutionally promised property tax elimination.

I encourage an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

On that question, the Chair recognizes Representative Samuelson.

Mr. **SAMUELSON**. Thank you, Madam Speaker.

I appreciate the gentleman from Chester County offering this amendment. It is a one-page amendment, and you have it in front of you, and what the amendment seeks to do is take out protections for veterans. The law in Title 51 currently has a protection that veterans up to \$75,000 are presumed to qualify for this program and can apply. The law currently also has a cost-of-living adjustment for veterans so that that amount will be adjusted every year; in fact, currently it is over \$108,000. So if you look at the amendment that is before us, it takes out those protections. It takes out the income guideline of \$75,000, and it also takes out the cost of living. Under this provision, this amendment, removing those protections from veterans, many veterans could lose this benefit if the veterans commission adopts a lower number.

This bill in chief without this amendment has already passed this House unanimously last session when it was prime-sponsored by Representative Boback. The language has already passed the State Senate. The bill in chief actually allows veterans to qualify for all State programs and not have their disability payments count.

So we have got agreement on the language of the bill in chief. This amendment I believe takes away those protections, takes away the ability of veterans to be guaranteed that they have a rebuttable presumption, as you can read in the language of the Lawrence amendment.

Thank you, Madam Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes Representative Lawrence.

Mr. **LAWRENCE**. Thank you, Madam Speaker, and I appreciate the remarks from the good chairman.

With great respect, the suggestion that this is somehow removing a protection for veterans is incorrect. The State Veterans Commission – which, as I mentioned, is constitutionally mandated to provide guidance on this provision of the Constitution – who is that? Well, the State Veterans Commission is made up of the Adjutant General, 14 representatives of veterans organizations from across the Commonwealth, and 4 additional members appointed by the Governor, all of whom must be war

veterans themselves. So you have 19 people on this commission, all of whom have seen action in service to this country. And with respect, the suggestion that they are somehow going to short veterans from this constitutional opportunity to property tax elimination for their primary-only residence I think is – again, with respect – incorrect.

The fact of the matter is that this language that this amendment seeks to remove in the law is limiting the application of a constitutional provision for 100-percent-disabled war veterans. If you make a dollar more, if your household makes a dollar more than this limit, you get nothing.

Now, if you have served this country, you certainly deserve the respect of everyone in this room; no one would argue that. But we are not talking about veterans. We are talking about 100-percent-disabled veterans. We are talking about quadruple amputees, right? If a quadruple amputee's household makes more than \$108,000, in my book, they should still get the property tax abatement as outlined in the Constitution.

So again, this would remove it from the legislature and instead would put this in the hands of the very capable Pennsylvania State Veterans Commission, which is precisely where the Constitution says it should be.

I would encourage an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

On that question, the Chair recognizes Representative Samuelson.

Mr. SAMUELSON. Thank you, Madam Speaker.

And the gentleman said that his amendment is not really removing a lot of things. If you look at the bill, the amendment, everything between line 13 and line 23 is being removed. So the law in Pennsylvania, Title 51, currently has those guarantees for veterans that up to \$75,000 – now \$108,000, because there is that guarantee of a COLA (cost-of-living adjustment) that is provided for in State law – those protections for veterans. This amendment would remove that, and I urge a "no" vote.

Thank you, Madam Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS–100

Adams	Fritz	Labs	Rapp
Armanini	Gaydos	Lawrence	Rigby
Banta	Gillen	Leadbeter	Roae
Barton	Gleim	Mackenzie, M.	Rossi
Benninghoff	Gregory	Mackenzie, R.	Rowe
Bernstine	Greiner	Major	Ryncavage
Bonner	Grove	Mako	Schemel
Borowicz	Hamm	Maloney	Scheuren
Brown, M.	Heffley	Marcell	Schlegel
Cabell	Hogan	Marshall	Schmitt
Causar	Irvin	Mehaffie	Scialabba
Cook	James	Mentzer	Smith
Cooper	Jones, M.	Mercuri	Staats
Cutler	Jones, T.	Metzgar	Stambaugh
D'Orsie	Jozwiak	Mihalek	Stehr
Davanzo	Kail	Miller, B.	Struzzi
Delozier	Kaufer	Moul	Tomlinson
Diamond	Kauffman	Mustello	Topper
Dunbar	Keefer	Nelson, E.	Twardzik

Ecker	Kephart	O'Neal	Warner
Emrick	Kerwin	Oberlander	Watro
Fee	Klunk	Ortitay	Wentling
Fink	Krupa	Owlett	White
Flick	Kutz	Pickett	Williams, C.
Flood	Kuzma	Rader	Zimmerman

NAYS–101

Abney	Fiedler	Kosierowski	Rozzi
Bellmon	Fleming	Krajewski	Salisbury
Benham	Frankel	Krueger	Samuelson
Bizzarro	Freeman	Kulik	Sanchez
Borowski	Friel	Madden	Sappey
Boyle	Gallagher	Madsen	Schlossberg
Bradford	Galloway	Malagari	Schweyer
Brennan	Gergely	Markosek	Scott
Briggs	Giral	Matzie	Shusterman
Brown, A.	Green	Mayes	Siegel
Bullock	Guenst	McAndrew	Smith-Wade-El
Burgos	Guzman	McNeill	Solomon
Burns	Haddock	Merski	Steele
C Freytiz	Hanbidge	Miller, D.	Sturla
Cephas	Harkins	Mullins	Takac
Cerrato	Harris	Munroe	Venkat
Ciresi	Hohenstein	Neilson	Vitali
Conklin	Howard	Nelson, N.	Warren
Curry	Innamorato	O'Mara	Waxman
Daley	Isaacson	Otten	Webster
Davis	Kazeem	Parker	Williams, D.
Dawkins	Kenyatta	Pashinski	Young
Deasy	Khan	Pielli	
Delloso	Kim	Pisciottano	McClinton,
Donahue	Kinhead	Probst	Speaker
Evans	Kinsey	Rabb	

NOT VOTING–0

EXCUSED–0

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

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

\* \* \*

The House proceeded to second consideration of **HB 950, PN 937**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for workers' rights.

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

AMENDMENTS RULED OUT OF ORDER

The SPEAKER. The Chair rules the following amendments out of order for violating House rule 27: amendment 00389, amendment 00395, amendment 00398, amendment 00405.

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

Mr. **DAWKINS** offered the following amendment  
No. **A00408**:

Amend Bill, page 2, line 18, by striking out "primary,"

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

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

Mr. **DAWKINS**. Well, thank you, Madam Speaker.

We have a lot of work in front of us, so I would just ask folks if they would support this amendment, A00408.

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

The following roll call was recorded:

**YEAS—101**

Abney	Fiedler	Kosierowski	Rozzi
Bellmon	Fleming	Krajewski	Salisbury
Benham	Frankel	Krueger	Samuelson
Bizzarro	Freeman	Kulik	Sanchez
Borowski	Friel	Madden	Sappey
Boyle	Gallagher	Madsen	Schlossberg
Bradford	Galloway	Malagari	Schweyer
Brennan	Gergely	Markosek	Scott
Briggs	Giral	Matzie	Shusterman
Brown, A.	Green	Mayes	Siegel
Bullock	Guenst	McAndrew	Smith-Wade-El
Burgos	Guzman	McNeill	Solomon
Burns	Haddock	Merski	Steele
C Freytiz	Hanbidge	Miller, D.	Sturla
Cephas	Harkins	Mullins	Takac
Cerrato	Harris	Munroe	Venkat
Ciresi	Hohenstein	Neilson	Vitali
Conklin	Howard	Nelson, N.	Warren
Curry	Innamorato	O'Mara	Waxman
Daley	Isaacson	Otten	Webster
Davis	Kazeem	Parker	Williams, D.
Dawkins	Kenyatta	Pashinski	Young
Deasy	Khan	Pielli	
Delloso	Kim	Pisciottano	McClinton,
Donahue	Kinthead	Probst	Speaker
Evans	Kinsey	Rabb	

**NAYS—100**

Adams	Fritz	Labs	Rapp
Armanini	Gaydos	Lawrence	Rigby
Banta	Gillen	Leadbeter	Roae
Barton	Gleim	Mackenzie, M.	Rossi
Benninghoff	Gregory	Mackenzie, R.	Rowe
Bernstine	Greiner	Major	Ryncavage
Bonner	Grove	Mako	Schemel
Borowicz	Hamm	Maloney	Scheuren
Brown, M.	Heffley	Marcell	Schlegel
Cabell	Hogan	Marshall	Schmitt
Causar	Irvin	Mehaffie	Scialabba
Cook	James	Mentzer	Smith
Cooper	Jones, M.	Mercuri	Staats
Cutler	Jones, T.	Metzgar	Stambaugh
D'Orsie	Jozwiak	Mihalek	Stehr
Davanzo	Kail	Miller, B.	Struzzi
Delozier	Kaufer	Moul	Tomlinson
Diamond	Kauffman	Mustello	Topper

Dunbar	Keefer	Nelson, E.	Twardzik
Ecker	Kephart	O'Neal	Warner
Emrick	Kerwin	Oberlander	Watro
Fee	Klunk	Ortitay	Wentling
Fink	Krupa	Owlett	White
Flick	Kutz	Pickett	Williams, C.
Flood	Kuzma	Rader	Zimmerman

NOT VOTING—0

EXCUSED—0

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

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

**RULING OF CHAIR APPEALED**

The **SPEAKER**. For what purpose does the gentleman, Mr. Bernstine, rise?

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

Madam Speaker, I would like to appeal the ruling of the Chair that amendment 00405 violates rule 27.

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

The gentleman, Representative Bernstine, appeals the decision of the chair that amendment A00405 violates House rule 27. House rule 27 provides "No bill shall be amended so as to change its original purpose." The original purpose of HB 950 is to provide for workers' rights. Amendment 00405 strikes all language related to that purpose and replaces it with language regarding the spending of State funds.

On the question,  
Shall the decision of the Chair stand as the judgment of the House?

The **SPEAKER**. On that question, the Chair recognizes the maker of the motion.

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

Madam Speaker, amendment 00405 actually specifically deals with workers' rights that we have here in the Commonwealth of Pennsylvania, and that is because Pennsylvanians pay \$5,970 per person in State and local taxes, which equates to 10.4 percent of residents' total income. This is a direct attack, the spending in Pennsylvania is a direct attack on workers in the Commonwealth of Pennsylvania. That is why this should not – that is why we are not in violation of rule 27 and we should be standing up for workers that are sending so much of their money to Harrisburg that State spending has increased by 84 percent between the 2000-2001 budget and the 2020-2021 budget. While inflation is only at 50 percent, our jobs have shrunk by 3 percent and population has increased by 4 percent.

I would encourage the members to please support this overruling of the Chair.

The **SPEAKER**. Those in favor of sustaining the Chair's decision will vote "aye"—

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman rise?

Mr. CUTLER. Madam Speaker, I apologize. I could not get to the microphone quickly enough.

I actually had a parliamentary inquiry on your ruling.

The SPEAKER. The gentleman will state his parliamentary inquiry, but we are in the middle of a motion.

Mr. CUTLER. Understood, but it concerns the reason that the amendment was ruled out of order, Madam Speaker.

It is my understanding that rule 20 is the issue of single subject, which would apply to joint resolutions, I believe, in the new version of the rules, but I believe you quoted rule 27, which is original purpose. It is my understanding, Madam Speaker, and I am asking for the interpretation of the Chair that the prior case law actually only applies rule 27 to bills, not joint resolutions that are constitutional amendments.

The SPEAKER. The prior case law applies to the Constitution prohibition, not the prohibition provided for in our House rules.

Mr. CUTLER. Thank you, Madam Speaker.

I guess my parliamentary inquiry would be, then, is that rule 20 or rule 27? Just for the sake of clarity for the members.

The SPEAKER. 27.

Mr. CUTLER. Thank you, Madam Speaker.

On the question recurring,

Shall the decision of the Chair stand as the judgment of the House?

The following roll call was recorded:

YEAS—101

Table listing names of members who voted 'YEAS' (101 total). Includes names like Abney, Bellmon, Benham, Bizzarro, Borowski, Boyle, Bradford, Brennan, Briggs, Brown, A., Bullock, Burgos, Burns, C Freytiz, Cephas, Cerrato, Ciresi, Conklin, Curry, Daley, Davis, Dawkins, Deasy, Dellosa, Donahue, Evans, Fiedler, Fleming, Frankel, Freeman, Friel, Gallagher, Galloway, Gergely, Giral, Green, Guenst, Guzman, Haddock, Hanbidge, Harkins, Harris, Hohenstein, Howard, Innamorato, Isaacson, Kazeem, Kenyatta, Khan, Kim, Kinkead, Kinsey, Kosierowski, Krajewski, Krueger, Kulik, Madden, Madsen, Malagari, Markosek, Matzie, Mayes, McAndrew, McNeill, Merski, Miller, D., Mullins, Munroe, Neilson, Nelson, N., O'Mara, Otten, Parker, Pashinski, Pielli, Pisciotano, Probst, Rabb, Rozzi, Salisbury, Samuelson, Sanchez, Sappay, Schlossberg, Schweyer, Scott, Shusterman, Siegel, Smith-Wade-El, Solomon, Steele, Sturla, Takac, Venkat, Vitali, Warren, Waxman, Webster, Williams, D., Young.

NAYS—100

Table listing names of members who voted 'NAYS' (100 total). Includes names like Adams, Armanini, Banta, Barton, Benninghoff, Bernstine, Bonner, Fritz, Gaydos, Gillen, Gleim, Gregory, Greiner, Grove, Labs, Lawrence, Leadbeter, Mackenzie, M., Mackenzie, R., Major, Mako, Rapp, Rigby, Roae, Rossi, Rowe, Ryncavage, Schemel.

Table listing names of members who were present but did not vote. Includes names like Borowicz, Brown, M., Cabell, Causer, Cook, Cooper, Cutler, D'Orsie, Davanzo, Delozier, Diamond, Dunbar, Ecker, Emrick, Fee, Fink, Flick, Flood, Hamm, Heffley, Hogan, Irvin, James, Jones, M., Jones, T., Jozwiak, Kail, Kaufer, Kauffman, Keefer, Kephart, Kerwin, Klunk, Krupa, Kutz, Kuzma, Maloney, Marcell, Marshall, Mehaffie, Mentzer, Mercuri, Metzgar, Mihalek, Miller, B., Moul, Mustello, Nelson, E., O'Neal, Oberlander, Ortity, Owlett, Pickett, Rader, Scheuren, Schlegel, Schmitt, Scialabba, Smith, Staats, Stambaugh, Stehr, Struzzi, Tomlinson, Topper, Twardzik, Warner, Watro, Wentling, White, Williams, C., Zimmerman.

NOT VOTING—0

EXCUSED—0

Less than a majority of the members elected to the House having voted in the negative, the decision of the Chair stood as the judgment of the House.

On the question recurring,

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

Ms. KLUNK offered the following amendment No. A00370:

Amend Bill, page 1, line 9, by inserting before "Employees"

(a)

Amend Bill, page 1, lines 11 through 16; page 2, lines 1 through 4; by striking out all of said lines on said pages and inserting

choosing.

(b) A public employee shall not be required to pay fees to an employee organization or union, of which the employee is not a member, unless the employee affirmatively consents to the fees.

On the question,

Will the House agree to the amendment?

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

Ms. KLUNK. Thank you, Madam Speaker.

Today I rise to offer amendment 00370. The amendment would amend the bill, removing all language except for "...the fundamental right to organize and to bargain...through representatives of their own choosing..." and adds language prohibiting public employees from being required to pay fees to a union organization that they are not a member of, unless the employee consents to pay those fees.

This amendment reflects the Janus decision and the holding that states that fair share fees are unconstitutional. The First Amendment of the Constitution is violated when money is taken from a nonconsenting employee for a public sector union, and the bill before us today does not take that into consideration. This amendment fixes that problem.

Additionally, this amendment removes problematic language in the bill before us. The bill before us provides language stating "No law shall be passed..." This limits the legislature and may affect hundreds of laws that are currently on the books.

Additionally, the bill before us today states, quote, economic well-being and working conditions. That particular section of this bill is overly broad, undefined, and there is no indication of the impact that it may have on union agreements here in the Commonwealth.

#### AMENDMENT WITHDRAWN

Ms. KLUNK. I have grave concerns about this bill and would certainly like to offer this amendment before us today, but it is very clear that these amendments are on party-line votes, so I will be withdrawing this amendment today. Thank you.

The SPEAKER. The Chair thanks the gentlelady.

On the question recurring,

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

Mr. MACKENZIE offered the following amendment No. **A00387**:

Amend Bill, page 1, line 9, by inserting before "Employees"

(a)

Amend Bill, page 2, by inserting between lines 4 and 5

(b) A public employee shall not be required to pay fees to an employee organization or union, of which the employee is not a member, unless the employee affirmatively consents to the fees.

On the question,

Will the House agree to the amendment?

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

Mr. MACKENZIE. Thank you, Madam Speaker.

This amendment was also offered in committee, and what it would do is put into this proposed constitutional amendment the language from the U.S. Supreme Court's *Janus* decision. And what that did was it said that public sector employees who choose not to be a member of the union do not have to pay fair share fees. That is a worker's right to make that choice. It is a worker's right not to pay dues to an organization that they do not want to be a member of, and that was constitutionally determined. Without a protection like this, this whole amendment is unconstitutional, according to the U.S. Supreme Court. We tried to put that amendment in in committee and it was defeated. We could try to put it in here on the floor; it will get defeated again. But as we move forward without that protection in place, this whole amendment is unconstitutional.

We take and hold an oath to the U.S. Constitution and the State Constitution, so without including this amendment, we are violating that oath. People that vote for this are violating that oath. That is very clear.

#### AMENDMENT WITHDRAWN

Mr. MACKENZIE. So I will withdraw this amendment because it makes it all the more clear that we have to vote down this bill on final passage.

So, Madam Speaker, I will withdraw this and leave the unconstitutional bill, 950, in place so that we can vote it down for constitutional purposes. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

Mr. ROWE offered the following amendment No. **A00388**:

Amend Bill, page 1, line 9, by inserting before "Employees"

(a)

Amend Bill, page 2, by inserting between lines 4 and 5

(b) Organized employees shall have the right to discontinue representation by a labor organization or change representatives by election of the members. The General Assembly shall provide by law for regular elections of organized employees, at intervals of no more than seven years, to consider whether the employees will discontinue representation or change representatives.

On the question,

Will the House agree to the amendment?

#### MOTION TO RECOMMIT

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

Mr. ROWE. Thank you, Madam Speaker.

Madam Speaker, before getting to my amendment, I would like to make a motion.

The SPEAKER. The gentleman is in order and may state his motion.

Mr. ROWE. Thank you, Madam Speaker.

I move to recommit HB 950 to the House Labor and Industry Committee.

The SPEAKER. The gentleman, Representative Rowe, makes a motion to recommit HB 950 to the Labor and Industry Committee.

On the question,

Will the House agree to the motion?

The SPEAKER. On that question, the Chair recognizes the maker of the motion, Representative Rowe.

Mr. ROWE. Thank you, Madam Speaker.

Madam Speaker, I would like to refer to the rules as the basis for this motion. Madam Speaker, rule 21 states very clearly that "No joint resolution proposing an amendment to the Constitution of Pennsylvania shall be given second reading on the calendar until it has been the subject of a public hearing as provided under Rule 50."

Madam Speaker, rule 50 very clearly states that "All public hearings shall be open to the public and reasonable opportunity to be heard shall be afforded to all interested parties who have requested...appearance before the committee...." Unfortunately, Madam Speaker, the hearing that we had on this bill, there was 59 minutes of testimony in favor, with 1 minute – 65 seconds, to be precise – of testimony opposed to the bill.

Madam Speaker, I believe this very clearly violates the spirit of the rules, which I am sure is not the intent of the majority caucus. So I would ask for a favorable vote on the motion.

The SPEAKER. The Chair thanks the gentleman.

On the motion, the Chair recognizes Representative Dawkins.

Mr. DAWKINS. Thank you, Madam Chair.

Madam Speaker, this is again another attempt to delay protections for our workers—

### POINT OF ORDER

The SPEAKER. For what purpose does the gentleman rise?

Mr. CUTLER. Madam Speaker, respectfully, I believe it is not appropriate to question the reasons for a motion. I believe the gentleman raised a legitimate motion in terms of time-sharing. To accuse him of simply wanting to delay the bill is inappropriate and I think that the debate should be constrained by our rules.

The SPEAKER. The gentleman's point of order is well taken. The Chair thanks the gentleman.

Representative, you may proceed.

Mr. DAWKINS. Thank you, Madam Speaker.

Unlike all the other constitutional amendments we have had in the previous sessions, we actually did hold a hearing and we did not cut off debate for our members on the other side to ask questions. As we all know, we are booked to capacity when it comes to availability in our meeting rooms. We had 1 hour to meet on this hearing. We had two panels in this public hearing. We allowed every member on that committee to ask their questions. It is not my fault that my colleagues decided to ask a ton of questions to the president of AFL-CIO. Maybe if you curtailed some of those questions, we could have had more time for all the testifiers. I will note that the last two speakers had to summarize their testimony. They did not take any questions. It was one from – and your words, not mine – pro support of this particular motion, and one that was against.

We believe in fairness. We believe of listening to the other side, which is why we had a public hearing.

So with that, Madam Speaker, I oppose the motion.

The SPEAKER. On the motion, the Chair recognizes Representative Mackenzie.

Mr. MACKENZIE. Thank you, Madam Speaker.

Well, what you are going to hear are two opposing opinions about how that hearing was run. The previous speaker has his opinion, and I am going to share mine.

The opinion that I hold is that that hearing was a slanted hearing. There were four members invited from the pro side, as was stated. They spoke for 59 minutes, and we had ample time to ask questions and debate those issues. I repeatedly mentioned to the previous speaker, the majority chairman, about we want to make sure we have enough time for the second panel. I asked that, you know, on the side while the other testifiers were going. He acknowledged that request. But ultimately, as you heard, we had 65 seconds for somebody that was opposing the legislation, and there was no time for questions. That is factually inaccurate. I asked to jump in with questions. The gavel was rapped and we adjourned. People can watch the tape. That is not an opinion; that is a matter of fact.

So to say that this was a hearing that was fair and ample time was provided is inaccurate, in my opinion, and so I would support this motion to recommit this bill to the Labor and Industry Committee so that we can adhere to the spirit of the rules and we can have ample debate.

So with that, I will conclude just by saying that when you hear somebody say that this is a matter of fact, we have a tape. You can watch it. You can make that decision for yourself.

Let us vote to recommit to the committee so that we can have ample discussion. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Is the minority leader still seeking recognition?

Mr. CUTLER. Thank you, Madam Speaker.

I was conferring with the majority leader briefly.

Madam Speaker, I recognize that there is a disagreement of opinions on this. However, I think in the spirit of the new rule that says that we would have a hearing, it would not be that difficult to continue the hearing. I think that it is appropriate to finish that hearing and hear from both testifiers, both – and I will use the prime sponsor's words – pro and con, or pro and anti, regarding that in an effort to abide by those rules and have a more complete hearing. That is part of the process. Not having this discussion in committee ensures that we have it here on the floor. Let us be honest. That is actually what the majority leader and I were discussing was how do we make the floor run more smoothly? The answer to that is to utilize the committee rooms. We can certainly have committees on days that are not scheduled. We can certainly have more scheduled days. But that has not, thus far, been the direction that this body has chosen.

So for those reasons I support the good gentleman's motion, and let us have a thorough hearing on the bill, because we could get to the constitutional issues that the good gentleman from the Lehigh Valley outlined. We could get to the issues that the gentleman is about to raise, I believe, in his two amendments. I think that is the way to utilize the floor time efficiently. That was certainly my goal when I had the opportunity and the blessings to run the calendar, and I think that that is an appropriate use of committee time.

Thank you, Madam Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the majority leader.

Mr. BRADFORD. Thank you, Madam Speaker.

Just to summarize, what I believe we have heard is the good minority leader, whose caucus unanimously voted against the reforms, who additionally voted against the reforms, who on many times put forward constitutional amendments without any hearing, is now upset because in the reform hearing which took place, the minority party spent most of their time beating up one of the witnesses as opposed to supporting a witness they found more credible.

Now, we can argue about how hearings get run, but let us look at what the real reform is. This majority put together a reform, others decided to make a mockery of it and use the hearing for a different purpose, but everyone got heard, and that is light-years different than what took place in the days gone by.

Thank you, Madam Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair acknowledges the maker of the motion, Representative Rowe.

Mr. ROWE. Thank you very much.

Madam Speaker, brief parliamentary inquiry on rule 21.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. ROWE. Do logistical hurdles such as the availability of a conference room trump our requirements of the House rules?

The SPEAKER. That is not a parliamentary inquiry, but the answer is no.

Mr. ROWE. Thank you, Madam Speaker.

On the motion?

The SPEAKER. You may proceed.

Mr. ROWE. Thank you, Madam Speaker.

Madam Speaker, I believe that the intentions of the majority caucus were good when they adopted this rules package, this requirement for hearings on constitutional amendments, with the



intent being to hear all sides, to consider the issues, the root causes and needs that these constitutional amendments will address. So, Madam Speaker, I believe that the good gentleman when he stated it was an attempt to delay, when we need to move something quickly along, I think is in direct contrast to what the majority attempted to accomplish when they required this in the rules.

Let us reflect, Madam Speaker, that the reason we are being told not to consider this motion, to oppose this motion, by the good gentleman, the chairman of the Labor and Industry Committee, we are told that the reason we did not have enough time was because there were too many questions. There are too many questions. If there are so many questions about this proposed amendment that we cannot seem to fit them all into a single hearing, maybe then we should be reconsidering passage without having a proper hearing.

So, Madam Speaker, I would ask that we abide by not just the letter of the House rules, but the spirit of the House rules – have a proper hearing, allow all sides to be heard, as the rules require.

Vote "yes" on this motion and let us get those questions answered. Thank you, Madam Speaker.

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

The following roll call was recorded:

YEAS—100

Adams	Fritz	Labs	Rapp
Armanini	Gaydos	Lawrence	Rigby
Banta	Gillen	Leadbeter	Roae
Barton	Gleim	Mackenzie, M.	Rossi
Benninghoff	Gregory	Mackenzie, R.	Rowe
Bernstine	Greiner	Major	Ryncavage
Bonner	Grove	Mako	Schemel
Borowicz	Hamm	Maloney	Scheuren
Brown, M.	Heffley	Marcell	Schlegel
Cabell	Hogan	Marshall	Schmitt
Causar	Irvin	Mehaffie	Scialabba
Cook	James	Mentzer	Smith
Cooper	Jones, M.	Mercuri	Staats
Cutler	Jones, T.	Metzgar	Stambaugh
D'Orsie	Jozwiak	Mihalek	Stehr
Davanzo	Kail	Miller, B.	Struzzi
Delozier	Kaufer	Moul	Tomlinson
Diamond	Kauffman	Mustello	Topper
Dunbar	Keefer	Nelson, E.	Twardzik
Ecker	Kephart	O'Neal	Warner
Emrick	Kerwin	Oberlander	Watro
Fee	Klunk	Ortitay	Wentling
Fink	Krupa	Owlett	White
Flick	Kutz	Pickett	Williams, C.
Flood	Kuzma	Rader	Zimmerman

NAYS—101

Abney	Fiedler	Kosierowski	Rozzi
Bellmon	Fleming	Krajewski	Salisbury
Benham	Frankel	Krueger	Samuelson
Bizzarro	Freeman	Kulik	Sanchez
Borowski	Friel	Madden	Sappey
Boyle	Gallagher	Madsen	Schlossberg
Bradford	Galloway	Malagari	Schweyer
Brennan	Gergely	Markosek	Scott
Briggs	Giral	Matzie	Shusterman
Brown, A.	Green	Mayes	Siegel
Bullock	Guenst	McAndrew	Smith-Wade-El
Burgos	Guzman	McNeill	Solomon
Burns	Haddock	Merski	Steele

C Freytiz	Hanbidge	Miller, D.	Sturla
Cephas	Harkins	Mullins	Takac
Cerrato	Harris	Munroe	Venkat
Ciresi	Hohenstein	Neilson	Vitali
Conklin	Howard	Nelson, N.	Warren
Curry	Innamorato	O'Mara	Waxman
Daley	Isaacson	Otten	Webster
Davis	Kazeem	Parker	Williams, D.
Dawkins	Kenyatta	Pashinski	Young
Deasy	Khan	Pielli	
Delloso	Kim	Pisciottano	McClinton,
Donahue	Kinkead	Probst	Speaker
Evans	Kinsey	Rabb	

NOT VOTING—0

EXCUSED—0

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

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

The SPEAKER. On that question, amendment A00388, the Chair recognizes Representative Rowe.

Mr. ROWE. Thank you, Madam Speaker.

As the language of this proposed amendment states, employees have access to representatives of their own choosing; however, Madam Speaker, in Pennsylvania, less than 1 percent of teachers have ever actually voted on those individuals that represent them. I would imagine that specifically the majority caucus is glad that the people of Pennsylvania have the opportunity to vote for their Representatives every other year; however, teachers in Pennsylvania, Madam Speaker, are not afforded that same luxury.

So, Madam Speaker, enhancing democracy, increasing accountability for union executives is the true path to protecting workers' rights. Madam Speaker, 88 percent of Pennsylvania voters believe that union leaders, executives, those representatives that this bill aims to empower, should have to periodically run for reelection so that their interests can be truly and accurately represented.

So, Madam Speaker, I would simply ask that we support this amendment for the purpose of making sure that this amendment, as written, does what it is intended to and truly gives the people of Pennsylvania the opportunity to elect their own representatives, just like they do for this body every 2 years.

Thank you, Madam Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—89

Adams	Flood	Kutz	Rader
Armanini	Fritz	Kuzma	Rapp
Banta	Gaydos	Lawrence	Rigby
Barton	Gillen	Leadbeter	Roae
Benninghoff	Gleim	Mackenzie, M.	Rossi
Bernstine	Gregory	Mackenzie, R.	Rowe

Bonner	Greiner	Major	Schemel
Borowicz	Grove	Mako	Scheuren
Brown, M.	Hamm	Maloney	Schlegel
Cabell	Heffley	Mentzer	Schmitt
Causer	Irvin	Mercuri	Scialabba
Cook	James	Metzgar	Smith
Cooper	Jones, M.	Mihalek	Staats
Cutler	Jones, T.	Miller, B.	Stambaugh
D'Orsie	Jozwiak	Moul	Stehr
Delozier	Kail	Mustello	Struzzi
Diamond	Kauffman	Nelson, E.	Topper
Dunbar	Keefer	O'Neal	Twardzik
Ecker	Kephart	Oberlander	Warner
Emrick	Kerwin	Oritay	Watro
Fee	Klunk	Owlett	Wentling
Fink	Krupa	Pickett	Zimmerman
Flick			

## NAYS—112

Abney	Frankel	Kulik	Ryncavage
Bellmon	Freeman	Labs	Salisbury
Benham	Friel	Madden	Samuelson
Bizzarro	Gallagher	Madsen	Sanchez
Borowski	Galloway	Malagari	Sappey
Boyle	Gergely	Marcell	Schlossberg
Bradford	Giral	Markosek	Schweyer
Brennan	Green	Marshall	Scott
Briggs	Guenst	Matzie	Shusterman
Brown, A.	Guzman	Mayes	Siegel
Bullock	Haddock	McAndrew	Smith-Wade-El
Burgos	Hanbidge	McNeill	Solomon
Burns	Harkins	Mehaffie	Steele
C Freytiz	Harris	Merski	Sturla
Cephas	Hogan	Miller, D.	Takac
Cerrato	Hohenstein	Mullins	Tomlinson
Ciresi	Howard	Munroe	Venkat
Conklin	Innamorato	Neilson	Vitali
Curry	Isaacson	Nelson, N.	Warren
Daley	Kaufer	O'Mara	Waxman
Davanzo	Kazeem	Otten	Webster
Davis	Kenyatta	Parker	White
Dawkins	Khan	Pashinski	Williams, C.
Deasy	Kim	Pielli	Williams, D.
Delloso	Kinkead	Pisciottano	Young
Donahue	Kinsey	Probst	
Evans	Kosierowski	Rabb	McClinton,
Fiedler	Krajewski	Rozzi	Speaker
Fleming	Krueger		

## NOT VOTING—0

## EXCUSED—0

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

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

Mr. **ROWE** offered the following amendment No. **A00402**:

Amend Bill, page 1, line 9, by inserting before "Employees"

(a)

Amend Bill, page 2, by inserting between lines 4 and 5

(b) Strikes by public employees shall not extend past five days.

This subsection shall be enforced as provided by law.

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

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

Mr. ROWE. Thank you, Madam Speaker.

Madam Speaker, I offered this amendment for one very important stakeholder group, a group of our constituents: our children. Madam Speaker, it is undeniable that school closures have had a negative impact on our students' education. During the COVID-19 era, we saw school closures advocated for by groups like the AFT (American Federation of Teachers) that forced students into a position where there were undeniable and empirically provable learning losses across the Commonwealth and the country. In fact, Madam Speaker, one such report even showed that for every week of school closure, learning losses were 1.5, or .05 deviation per month.

So, Madam Speaker, I offered this amendment for the exclusive reason of ensuring our students – our greatest asset, our children – will be protected from the partisanship that has detrimentally impacted their education in the past, to protect them from that in the future going forward.

## AMENDMENT WITHDRAWN

Mr. ROWE. However, Madam Speaker, noticing that we will not be entertaining debate on this motion, on this bill, that the hearing was highly abbreviated and these votes are mostly party-line, Madam Speaker, I will save us all some time and withdraw the amendment.

Thank you, Madam Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mrs. **KEEFER** offered the following amendment No. **A00403**:

Amend Bill, page 1, line 9, by inserting before "Employees"

(a)

Amend Bill, page 2, by inserting between lines 4 and 5

(b) Strikes by public employees are prohibited at any time. This subsection shall be enforced as provided by law.

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

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

Mrs. KEEFER. Thank you, Madam Speaker.

So this amendment would amend the bill to prohibit public employees to strike at any time. Pennsylvania leads the nation – is one of the leaders of the nation as far as teacher strikes go. Often our teacher strikes are caused because a contract fails to get negotiated between the school board and between the union and it lapses.

So currently we do have some limitations in Pennsylvania on public employees striking – such as our police, our fire – but there are none for teachers. So under this language, the limitations,

even the limitations that we have for police and fire, could be successfully challenged and actually overturned. That is why I think this would be a good amendment to the bill.

AMENDMENT WITHDRAWN

Mrs. KEEFER. But understanding that these bills are being voted on party lines, I withdraw the amendment. Thank you, Madam Speaker.

The SPEAKER. The Chair thanks the gentlelady.

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 will be at ease.

THE SPEAKER PRO TEMPORE  
(PATTY KIM) PRESIDING

The SPEAKER pro tempore. The House will come to order.

SUPPLEMENTAL CALENDAR B

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 38, PN 27**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, in licenses and regulations and liquor, alcohol and malt and brewed beverages, further providing for applications for hotel, restaurant and club liquor licenses and for application for distributors', importing distributors' and retail dispensers' licenses.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

(Bill analysis was read.)

The SPEAKER pro tempore. 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.

The following roll call was recorded:

YEAS—201

Abney	Flick	Krupa	Rapp
Adams	Flood	Kulik	Rigby
Armanini	Frankel	Kutz	Roae
Banta	Freeman	Kuzma	Rossi
Barton	Friel	Labs	Rowe
Bellmon	Fritz	Lawrence	Rozzi
Benham	Gallagher	Leadbeter	Ryncavage
Benninghoff	Galloway	Mackenzie, M.	Salisbury

Bernstine	Gaydos	Mackenzie, R.	Samuelson
Bizzarro	Gergely	Madden	Sanchez
Bonner	Gillen	Madsen	Sappety
Borowicz	Giral	Major	Schemel
Borowski	Gleim	Mako	Scheuren
Boyle	Green	Malagari	Schlegel
Bradford	Gregory	Maloney	Schlossberg
Brennan	Greiner	Marcell	Schmitt
Briggs	Grove	Markosek	Schweyer
Brown, A.	Guent	Marshall	Scialabba
Brown, M.	Guzman	Matzie	Scott
Bullock	Haddock	Mayes	Shusterman
Burgos	Hamm	McAndrew	Siegel
Burns	Hanbidge	McNeill	Smith
C Freytiz	Harkins	Mehaffie	Smith-Wade-El
Cabell	Harris	Mentzer	Solomon
Causar	Heffley	Mercuri	Staats
Cephas	Hogan	Merski	Stambaugh
Cerrato	Hohenstein	Metzgar	Steele
Ciresi	Howard	Mihalek	Stehr
Conklin	Innamorato	Miller, B.	Struzzi
Cook	Irvin	Miller, D.	Sturla
Cooper	Isaacson	Moul	Takac
Curry	James	Mullins	Tomlinson
Cutler	Jones, M.	Munroe	Topper
D'Orsie	Jones, T.	Mustello	Twardzik
Daley	Jozwiak	Neilson	Venkat
Davanzo	Kail	Nelson, E.	Vitali
Davis	Kaufner	Nelson, N.	Warner
Dawkins	Kauffman	O'Mara	Warren
Deasy	Kazeem	O'Neal	Watro
Delloso	Keefer	Oberlander	Waxman
Delozier	Kenyatta	Ortitay	Webster
Diamond	Kephart	Otten	Wentling
Donahue	Kerwin	Owlett	White
Dunbar	Khan	Parker	Williams, C.
Ecker	Kim	Pashinski	Williams, D.
Emrick	Kinhead	Pickett	Young
Evans	Kinsey	Pielli	Zimmerman
Fee	Klunk	Pisciottano	
Fiedler	Kosierowski	Probst	McClinton,
Fink	Krajewski	Rabb	Speaker
Fleming	Krueger	Rader	

NAYS—0

NOT VOTING—0

EXCUSED—0

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

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

\* \* \*

The House proceeded to third consideration of **HB 100, PN 1093**, 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 cross-age tutoring program.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

(Bill analysis was read.)

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

The Chair recognizes Representative Freeman, on the bill. Mr. FREEMAN. Thank you, Madam Speaker.

Madam Speaker, I rise to urge the House to vote in favor of HB 100. Tutoring is a time-honored and proven way to improve a student's academic performance. HB 100 would establish a cross-age tutoring program where high school juniors and seniors may volunteer to tutor lower grade students while being supervised by a teacher or a paraprofessional.

The bill would have the Department of Education establish guidelines for the program, such as qualifications, training, structure, the sessions of tutoring, and supervision. This would be available to all public school entities, but – and let me make this clear – it is not a mandate. The adoption of my amendment yesterday made that very clear. This is just to be made available to all public school entities. They have the option to use it if they choose to. And I should also note that the legislation also provides that public school entities are still allowed to produce their own cross-age tutoring programs if they so choose to.

The guidelines will make it easy for school entities to offer and administer cross-age tutoring. The administrative work will be done by the guidelines so they do not have to reinvent the wheel. It will be easy to apply if they choose to utilize it. Academic credits would be provided to juniors and seniors who tutor as an incentive for them to become tutors. Lower grade students would get the assistance they need with their studies to improve.

Younger students usually are more receptive to a teenager as a tutor. They look up to them, and so they will be more responsive to the tutoring lessons. This really builds on the success of the Big Brothers Big Sisters mentoring program, and it is something we can apply in this program. Tutoring improves academic performance of those who are receiving tutoring, but it also improves the academic performance of those who do the tutoring, as the juniors and seniors doing the tutoring take their studies more seriously to assist younger students to better provide for their instruction.

One additional benefit to this bill is that, as we all know, we are facing a severe teacher shortage here in Pennsylvania. It is my hope that if we get these tutors interested in the tutoring process, they may decide at some point to go on to become teachers in their own right. This could be a great recruiting tool in order to expand our availability of teachers here in the Commonwealth.

I urge the members to please vote "yes" on HB 100.

On the question recurring, Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—141

Abney	Fiedler	Kinsey	Rabb
Adams	Fleming	Kosierowski	Rigby
Bellmon	Flick	Krajewski	Rozzi
Benham	Frankel	Krueger	Ryncavage

Benninghoff	Freeman	Kulik	Salisbury
Bizzarro	Friel	Madden	Samuelson
Borowski	Gallagher	Madsen	Sanchez
Boyle	Galloway	Major	Sappey
Bradford	Gaydos	Malagari	Schlegel
Brennan	Gergely	Markosek	Schlossberg
Briggs	Gillen	Marshall	Schweyer
Brown, A.	Giral	Matzie	Scott
Bullock	Green	Mayes	Shusterman
Burgos	Gregory	McAndrew	Siegel
Burns	Grove	McNeill	Smith-Wade-El
C Freytiz	Guenst	Mehaffie	Solomon
Cabell	Guzman	Mentzer	Steele
Causar	Haddock	Mercuri	Struzzi
Cephas	Hanbidge	Merski	Sturla
Cerrato	Harkins	Mihalek	Takac
Ciresi	Harris	Miller, B.	Topper
Conklin	Heffley	Miller, D.	Twardzik
Cooper	Hogan	Mullins	Venkat
Curry	Hohenstein	Munroe	Vitali
Cutler	Howard	Neilson	Warren
Daley	Innamorato	Nelson, E.	Watro
Davanzo	Isaacson	Nelson, N.	Waxman
Davis	James	O'Mara	Webster
Dawkins	Jozwiak	O'Neal	White
Deasy	Kail	Ortitay	Williams, C.
Delloso	Kaufer	Otten	Williams, D.
Donahue	Kazeem	Parker	Young
Dunbar	Kenyatta	Pashinski	
Emrick	Khan	Pielli	McClinton,
Evans	Kim	Pisciottano	Speaker
Fee	Kinthead	Probst	

NAYS—60

Armanini	Gleim	Lawrence	Roae
Banta	Greiner	Leadbeter	Rossi
Barton	Hamm	Mackenzie, M.	Rowe
Bernstine	Irvin	Mackenzie, R.	Schemel
Bonner	Jones, M.	Mako	Scheuren
Borowicz	Jones, T.	Maloney	Schmitt
Brown, M.	Kauffman	Marcell	Scialabba
Cook	Keefer	Metzgar	Smith
D'Orsie	Kephart	Moul	Staats
Delozier	Kerwin	Mustello	Stambaugh
Diamond	Klunk	Oberlander	Stehr
Ecker	Krupa	Owlett	Tomlinson
Fink	Kutz	Pickett	Warner
Flood	Kuzma	Rader	Wentling
Fritz	Labs	Rapp	Zimmerman

NOT VOTING—0

EXCUSED—0

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

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

\* \* \*

The House proceeded to third consideration of **HB 157, PN 1030**, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, in Pennsylvania Preferred Trademark, further providing for definitions, for Pennsylvania Preferred trademark, for licensee qualification, for duties and authority of department, for trademark license agreement, application and licensure process, for

costs, for Pennsylvania Preferred Trademark Licensing Fund, for injunctive relief, for rules and regulations and for purpose, repealing provisions relating to definitions and further providing for qualified veterans and qualified veteran business entities.

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

(Bill analysis was read.)

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

The Chair recognizes Representative Pashinski.  
Mr. PASHINSKI. Thank you very much, Madam Speaker.

It is indeed a pleasure and an honor to bring this bill before you. We are so proud of Pennsylvania agriculture and we are so proud of the fact that we have a symbol, and that symbol is the check. That symbol is PA Preferred. And what does it mean? It means that in Pennsylvania, we grow the finest food anywhere, and that symbol of PA Preferred, it tells our citizens throughout Pennsylvania to buy PA Preferred because that supports our farmers, and those farmers produce \$132.5 billion worth of economic value to Pennsylvania.

And now we want to combine that with our Pennsylvania organics. Many of you may not realize that here in Pennsylvania, we are now the third leading State in the entire country in the sale of Pennsylvania organics. We are number one in the sale of mushroom organics, livestock and poultry organics, and today we have that opportunity to now create the new trademark for the organic business here in Pennsylvania.

I would appreciate your votes, but I could not have done it without the support and the dedication of the gentlelady from Monroe County. I appreciate all the support you have done. She houses Pocono Organics in the Poconos. If you have not visited that place, please do not hesitate. The food is delicious, the process is intriguing, and you may even have a chance to meet – yes, the Representative might be there.

I would appreciate your vote today. Thank you so very much.  
Thank you, Madam Speaker.  
The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—201

Abney	Flick	Krupa	Rapp
Adams	Flood	Kulik	Rigby
Armanini	Frankel	Kutz	Roae
Banta	Freeman	Kuzma	Rossi
Barton	Friel	Labs	Rowe
Bellmon	Fritz	Lawrence	Rozzi
Benham	Gallagher	Leadbeter	Ryncavage
Benninghoff	Galloway	Mackenzie, M.	Salisbury
Bernstine	Gaydos	Mackenzie, R.	Samuelson
Bizzarro	Gergely	Madden	Sanchez

Bonner	Gillen	Madsen	Sappey
Borowicz	Giral	Major	Schemel
Borowski	Gleim	Mako	Scheuren
Boyle	Green	Malagari	Schlegel
Bradford	Gregory	Maloney	Schlossberg
Brennan	Greiner	Marcell	Schmitt
Briggs	Grove	Markosek	Schweyer
Brown, A.	Guenst	Marshall	Scialabba
Brown, M.	Guzman	Matzie	Scott
Bullock	Haddock	Mayes	Shusterman
Burgos	Hamm	McAndrew	Siegel
Burns	Hanbidge	McNeill	Smith
C Freytiz	Harkins	Mehaffie	Smith-Wade-El
Cabell	Harris	Mentzer	Solomon
Causer	Heffley	Mercuri	Staats
Cephas	Hogan	Merski	Stambaugh
Cerrato	Hohenstein	Metzgar	Steele
Ciresi	Howard	Mihalek	Stehr
Conklin	Innamorato	Miller, B.	Struzzi
Cook	Irvin	Miller, D.	Sturla
Cooper	Isaacson	Moul	Takac
Curry	James	Mullins	Tomlinson
Cutler	Jones, M.	Munroe	Topper
D'Orsie	Jones, T.	Mustello	Twardzik
Daley	Jozwiak	Neilson	Venkat
Davanzo	Kail	Nelson, E.	Vitali
Davis	Kaufner	Nelson, N.	Warner
Dawkins	Kauffman	O'Mara	Warren
Deasy	Kazeem	O'Neal	Watro
Delloso	Keefer	Oberlander	Waxman
Delozier	Kenyatta	Ortitay	Webster
Diamond	Kephart	Otten	Wentling
Donahue	Kerwin	Owlett	White
Dunbar	Khan	Parker	Williams, C.
Ecker	Kim	Pashinski	Williams, D.
Emrick	Kinlead	Pickett	Young
Evans	Kinsey	Pielli	Zimmerman
Fee	Klunk	Pisciottano	
Fiedler	Kosierowski	Probst	McClinton,
Fink	Krajewski	Rabb	Speaker
Fleming	Krueger	Rader	

NAYS—0

NOT VOTING—0

EXCUSED—0

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

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

\* \* \*

The House proceeded to third consideration of **HB 198, PN 156**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, in distilleries, wineries, bonded warehouses, bailees for hire and transporters for hire, establishing the Pennsylvania Distilled Spirits Industry Promotion Board.

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

(Bill analysis was read.)

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

The Chair recognizes Representative Deasy. Mr. DEASY. Thank you, Madam Speaker.

Today I respectfully ask for an affirmative vote on HB 198. The Pennsylvania distilled industry is rapidly expanding and this program will help continue to move that industry forward, as we have done so in the past for the beer and wine industry.

So thank you very much, Madam Speaker. The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring, Shall the bill pass finally?

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

The following roll call was recorded:

YEAS-151

Table listing names of representatives who voted 'YEAS' in four columns: Abney, Adams, Armanini, Bellmon, Benham, Benninghoff, Bizzarro, Bonner, Borowski, Boyle, Bradford, Brennan, Briggs, Brown, A., Bullock, Burgos, Burns, C Freytiz, Cabell, Causer, Cephas, Cerrato, Ciresi, Conklin, Curry, Cutler, Daley, Davanzo, Davis, Dawkins, Deasy, Deloso, Delozier, Donahue, Dunbar, Emrick, Evans, Fee, Fiedler, Fleming, Flick, Flood, Frankel, Freeman, Friel, Fritz, Gallagher, Galloway, Gaydos, Gergely, Giral, Green, Gregory, Guent, Guzman, Haddock, Hanbidge, Harkins, Harris, Hogan, Hohenstein, Howard, Innamorato, Isaacson, Jozwiak, Kail, Kaufer, Kazeem, Kenyatta, Khan, Kim, Kinkead, Kinsey, Kosierowski, Krajewski, Krueger, Kulik, Kuzma, Labs, Mackenzie, M., Mackenzie, R., Madden, Madsen, Major, Mako, Malagari, Marcell, Markosek, Marshall, Matzie, Mayes, McAndrew, McNeill, Mehaffie, Mentzer, Merski, Metzgar, Miller, D., Mullins, Munroe, Mustello, Neilson, Nelson, E., Nelson, N., O'Mara, O'Neal, Oberlander, Ortitay, Otten, Parker, Pashinski, Pickett, Pielli, Pisciotano, Probst, Rabb, Rader, Rigby, Rozzi, Ryncavage, Salisbury, Samuelson, Sanchez, Sappey, Schlossberg, Schmitt, Schweyer, Scott, Shusterman, Siegel, Smith, Smith-Wade-El, Solomon, Staats, Steele, Struzzi, Sturla, Takac, Tomlinson, Topper, Venkat, Vitali, Warren, Watro, Waxman, Webster, White, Williams, C., Williams, D., Young, McClinton, Speaker

NAYS-50

Table listing names of representatives who voted 'NAYS' in four columns: Banta, Barton, Bernstine, Borowicz, Brown, M., Cook, Cooper, D'Orsie, Greiner, Grove, Hamm, Heffley, Irvin, James, Jones, M., Jones, T., Krupa, Kutz, Lawrence, Leadbeter, Maloney, Mercuri, Mihalek, Miller, B., Rossi, Rowe, Schemel, Scheuren, Schlegel, Scialabba, Stambaugh, Stehr

Table listing names of representatives who were absent in four columns: Diamond, Ecker, Fink, Gillen, Gleim, Kauffman, Keefer, Kephart, Kerwin, Klunk, Moul, Owlett, Rapp, Roae, Twardzik, Warner, Wentling, Zimmerman

NOT VOTING-0

EXCUSED-0

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

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

\* \* \*

The House proceeded to third consideration of HB 299, PN 962, entitled:

An Act providing for workplace health and safety standards for public employees; providing for powers and duties of the Secretary of Labor and Industry; establishing the Pennsylvania Occupational Safety and Health Review Board; providing for workplace inspections; and imposing penalties.

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

(Bill analysis was read.)

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

The Chair recognizes Representative Harkins. Mr. HARKINS. Thank you, Madam Speaker.

Jake Schwab is the impetus for this legislation. Jake was killed in an accident on November 4, 2014, at approximately 10:30 in the morning. Jake lived for a couple days, passing shortly after the fourth day, unfortunately. He was given the wrong equipment in the EMTA, Erie Metropolitan Transit Authority, bus station in Erie. The bus came down and crushed him. It was about a month later that I had learned of this unfortunate accident from another coworker of mine at UPS (United Parcel Service), and the following year I put in place this legislation. It has been 8 years that we have been working on this.

Jake's wife, Tiffany, has been a great, strong advocate for this with us, and it gets into many other issues. There have been many other people like Jake who, unfortunately, have met their demise in their workplace, from PennDOT to school districts that have boilers, boiler tenders explode on them; water authorities where people are digging in the ground and they do not use the proper sanctions that would keep the ground situated for them while they are working in these dugouts.

The Amalgamated Transit Union has been a strong supporter of this, as have all public-sector working unions, as well as the Mayor's Office of Philadelphia and a number of other union-related groups.

I would ask for a positive vote on this bill. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman. On that question, the Chair recognizes Representative Grove. Mr. GROVE. Thank you, Madam Speaker.

Today we take up HB 299, and I know the prime sponsor's heart is in the right place. He obviously cares deeply about his constituents and wants the best for them. I know we had a committee hearing quite a while ago, I think, on this bill, but unfortunately, I do want to bring up some financial constraints with this legislation.

According to the prime sponsor's press release issued January 13, 2023, there was a study issued by IUP (Indiana University of Pennsylvania) of which the administration actually is not releasing. According to the gentleman of the Department of Labor and Industry and other State agencies examined a 5-year period from fiscal year 2016-2017 to fiscal year 2020-2021 and estimated that the cost of adopting OSHA (Occupational Safety and Health Administration) standards for Commonwealth employees under the Governor's jurisdiction would be \$54.8 million at a baseline, and \$14.4 million for year 1.

Under the legislation itself, it cites assumed administrative costs for the operating budget in the millions of dollars. That does not include the amount of infrastructure repair. I think just York County alone, Madam Speaker, our PennDOT shed does not meet OSHA standards. That will need replaced, and that is one. DCED (Department of Community and Economic Development) testified in front of the Appropriations Committee. They have hundreds of millions of dollars of deferred maintenance on their structures. Bringing them up to OSHA code increases those costs exponentially upon any new construction those entities are doing. I think about small boroughs who literally will not have the finances to actually do these required upgrades to their facilities. Madam Speaker, this is billions of property tax increases for school districts, for boroughs, for townships, for cities – many of which do not have the finances to actually complete the requirements under this act.

Madam Speaker, this legislation is financially irresponsible at this time. It is an impossibility for local governments to complete the work under this program. Madam Speaker, I look in the back of the budget book at the capital projects. PennDOT alone – for salt sheds, for county maintenance buildings – hundreds of millions of dollars at current costs. Adding these layers of new requirements will be billions of dollars to the cost of this Commonwealth – billions of dollars. That means massive tax increases at the State level and at the local level. It is unaffordable, Madam Speaker. We already have a \$2 billion structural deficit. The Governor is not proposing any tax increases to fund that. How will this be funded moving forward? Madam Speaker, it is an impossibility. It is an impossibility.

For these reasons I would ask my colleagues to not support HB 299. For the members, I have sent letters to the Department of Education and to the Budget Secretary to ask them what exactly the financial cost of upgrading our facilities, the impact the school districts, the impact of local governments for this bill, because we do not have a clear indication of total cost.

I think about my local mass transit agency. I think SEPTA (Southeastern Pennsylvania Transportation Authority) in the southeast, all of those facilities that are going to have to be upgraded, costing billions of dollars. This is unaffordable, Madam Speaker.

I urge my colleagues to vote "no" on HB 299 and we can come back with more sensible reforms to take care of my colleague's issues, because I know he is passionate about it. I know he cares

deeply about his constituents and I know his heart is in the right place on this bill, but unfortunately, Madam Speaker, we cannot afford it at this time. Thank you.

The SPEAKER pro tempore. The Chair thanks the Representative.

On the question, the Chair recognizes Representative Neilson. Mr. NEILSON. Thank you, Madam Speaker.

Madam Speaker, I rise in support of HB 299. Coming out of the construction industry, working in construction right out of high school, I know what safety standards are. I go in the buildings from the ground up, start putting these facilities together one block at a time, one block at a time, to make them safe so we can all go into those buildings.

Now, one of the previous speakers spoke about having safe buildings for the workers and the public to go into is too much money. So I ask anyone who does not support legislation like this, what is a life worth? What is a life worth? That is what you must consider, because I bet you if it was your brother, your father, your son, your daughter, your mother, or cousin who was killed on the job, you would think much differently about this legislation. So I ask you, prior to putting this vote up, please consider the families of our other Pennsylvanians who have to go in every day in unsafe working conditions.

Madam Speaker, thank you for recognizing me, and I would ask everybody to vote "yes." Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the Chair recognizes Representative Harris.

Mr. HARRIS. Thank you, Madam Speaker.

Madam Speaker, I rise, I heard the comments of my colleague on the other side of the aisle who serves with me as chairman of the Appropriations Committee. I heard his comments about the cost of this legislation. Now, I do not have the same story as the gentleman from Philadelphia County. I have never built a house on my own. I have never fixed electricity. I have never done plumbing. But thank God, I have many of them on speed dial. I can screw in a light bulb. But I had to rise because when we talk about the fiscal impact of this legislation, the truth is, there is an administrative cost, and then, yes, there is an unknown part to it. But do you know why there is an unknown part? Because we do not know how unsafe many of these environments are. Think about that. We are sending our friends and our family out to build Pennsylvania and we do not know how unsafe these environments are. So when you talk about not knowing the cost, if you vote against this, what you are saying is that you are okay with not knowing how unsafe the environment is.

Now, I submit to you that when you go home to your districts and you go to those union halls and you talk to those folks, I submit to you that in order for you to be able to look in their eye and tell them that you really support the work that they are doing to build Pennsylvania, you have to be in favor of their safety. These are folks that are going home to children, they are going home to partners, they are going out and they are going to their children's basketball games and softball games and cheerleading, and we cannot guarantee them that the environment that they work in is safe.

Madam Speaker, I can tell you that right here in this building, when the safety of this House was in question, we had emergency meetings to talk about the safety of this building. Madam Speaker, I can tell you that we shut off badge access to folks, we put in new security measures, we put in new security officers, we beefed up our security because when we came into the people's House, we wanted to be safe. And when you come to the people's

House and you do this work, you come in with an assumption that you are going to go home.

Well, I tell you that there are many of our folks who go out and do this work where they do not have that assumption, because many of these job sites are not safe for them. So yes, there is an unknown, but the unknown is because we cannot tell you how unsafe many of these sites are. So all we are suggesting today is that we rectify that. There is dignity in all work, but there should also be safety in all work. So you have to decide today – it is a real simple choice – are you on the side of safety or not? You have to decide if you can put the value of a person's life into dollars and cents or not.

Let me be clear on where I am going to be on this bill. I am voting for the safety of all of those folks that go out and build Pennsylvania. I am voting to make sure that they can get back home to their families, because their lives matter and we should be here to financially support them when necessary.

Let us vote "yes" on HB 299 and show them that we care about their safety.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the Chair recognizes Representative Mackenzie.

Mr. MACKENZIE. Well, thank you, Madam Speaker.

I will not try to compete with the good gentleman from Philadelphia and his oratory skills. I respect that. He does a good job when it comes to his passionate speaking abilities.

Will the maker of this legislation stand for interrogation?

The SPEAKER pro tempore. The gentleman indicates that he will, and the gentleman may proceed.

Mr. MACKENZIE. Thank you, Madam Speaker.

The data that I have here is from the Bureau of Labor Statistics from just earlier this year, January 19, 2023. It states that union membership in the public sector is 33 percent; 6 percent in the private sector. Those numbers are very similar for Pennsylvania as well. So in these public-sector workplaces, which are much more heavily unionized, abiding by collective-bargaining agreements, we are making a big regulatory change to increase safety, is the claim that this legislation, that is what it would do. Do you have data that shows that these heavily unionized workplaces are in fact less safe?

Mr. HARKINS. I believe so, yes, Madam Speaker. Just by the sheer number of people who have been injured and killed in the line of work in these public-sector positions.

Mr. MACKENZIE. So you are saying that the unionized workplaces are less safe than the private sector where there is not as much unionization?

Mr. HARKINS. Please do not try and incriminate the union in this.

Mr. MACKENZIE. I am not, that is – again, it is a fact.

The SPEAKER pro tempore. The House will come to order. The House will come to order.

Mr. MACKENZIE. Again, speaking to motives, he was saying that I was incriminating. I am not. I am saying that—

Mr. HARKINS. Yes, I believe you were.

Mr. MACKENZIE. —we have, again—

The SPEAKER pro tempore. The House will come to order.

## POINT OF ORDER

Mr. CUTLER. Point of order, Madam Speaker?

The SPEAKER pro tempore. The House will come to order.

For what purpose does Representative Cutler rise?

Mr. CUTLER. Thank you, Madam Speaker.

Madam Speaker, respectfully, I do think the gentleman's comments were going after motive with the use of the word "incrimination," but more importantly, the decorum of the House, I believe, would require members to respectfully engage in debate. I know that the transcriptionists have a difficult job in understanding members, particularly when they speak over each other. I believe the gentleman asked an appropriate question and deserves a response in due time.

The SPEAKER pro tempore. The gentleman's point is well taken, and the gentleman is entitled to be heard.

Please proceed, Representative Mackenzie.

Mr. MACKENZIE. Thank you.

Can you please provide us the exact data that you are referencing that shows a less safe work environment?

Mr. HARKINS. The bill is about safety, Madam Speaker. Just like I was told that I would get the numbers from the County Commissioners Association in March and it did not arrive until yesterday; no, I do not have it with me, but I will get it to you.

Mr. MACKENZIE. Okay. I am not even clear what data you are speaking about. I am not the County Commissioners Association. I am not a representative for them.

So the fact that we do not— So you do not have any data to present here on the floor that shows that the workplaces are less safe?

Mr. HARKINS. It is not about data. It is about safety—

The SPEAKER pro tempore. The question has been asked and answered.

Mr. MACKENZIE. Okay. Thank you, Madam Speaker. I will go to my next question.

You reference a cost of implementation in a press release that your office put out on January 13, 2023. You mention the cost to implement here in State government is \$54.8 million. Is that still a correct number that you believe—

Mr. HARKINS. Yes, I believe so, Madam Speaker.

Mr. MACKENZIE. Okay. Do we have any cost estimates – since one was presented for State government here – do we have any cost estimates for all of the other entities that would be affected by this legislation?

Mr. HARKINS. At this time we do not, but I think again you are overlooking, like I stated yesterday, that there is Federal money to implement this.

Mr. MACKENZIE. So, so you are saying that there would be no cost to entities to implement because there is Federal money available?

Mr. HARKINS. No, that is not what I am saying.

Mr. MACKENZIE. Okay. So what is the—

Mr. HARKINS. I am saying there is money that will be afforded to this from the Federal government to implement it.

Mr. MACKENZIE. Okay. But so we do not— Do you know the amount that would be outstanding that would be placed on the other entities impacted?



Mr. HARKINS. Well, I am not sure what that might be – and the good Representative from York got up and said that he has buildings out of compliance, and that kind of makes me a little edgy now, as how can those people go to work tomorrow and be safe?

Mr. MACKENZIE. Okay.

Mr. HARKINS. That is raising some red flags for me, so I am kind of worried about what is not coming forward. What do we not know from some of these areas that say they are giving us safe work environments but they are not?

Mr. MACKENZIE. Okay. And final question, Madam Speaker.

So currently the State government, local governments, nonprofit entities, they all have their own structures and compliance that they have to complete. It is not OSHA. We recognize that. It is a different structure. But are you familiar and can you speak to those, just generically, any of those structures and what they would have to comply with already?

Mr. HARKINS. That is not on the bill. That is not in the bill.

Mr. MACKENZIE. Well, it is because we are replacing what they currently do with OSHA. So are you familiar with what they currently do?

Mr. HARKINS. Yes, I am very well aware.

Mr. MACKENZIE. Can you please share what some of those safety measures would be that they already take?

Mr. HARKINS. It is whatever they would want to implement in their structure or what their work environment would be.

Mr. MACKENZIE. Okay. Thank you, Madam Speaker.

On the legislation, please?

The SPEAKER pro tempore. The gentleman is recognized on the bill.

Mr. MACKENZIE. So as we just heard, there is not data that shows that the public sector is less safe. We had an amendment in committee that would have authorized a study to actually find that data, and unfortunately, we do not have anything sufficient for this debate. But I would offer that the public sector, in terms of fatalities – I know that is just one metric – is actually more safe. And so the data that I am looking at is from, again, the Bureau of Labor Statistics for 2021, and it says that in Pennsylvania – this is Pennsylvania-specific data – the number of deaths in the public sector was 7; 7 too many, but that was 4 percent of the deaths in occupational instances in 2021. The public sector, though, represents 12.8 percent of our workforce here in Pennsylvania. So proportionately, public sector is actually experiencing less fatalities than the private sector.

And so as we look to make a change, we actually see, from the limited data that is available, that what is being done in the public sector is actually keeping those workers safer. And so we are about to throw that out. We are about to overrule that, override those safe working conditions and the structure that is already in place and put in place a new system that has a cost – it has been admitted that there is a cost, \$50-plus million, in State government, and unknown costs for all of the other entities – to do something that we do not know the outcome and will actually change the rules where we have more safety. I cannot seem to wrap my head around that line of thinking, but I will just now speak briefly on the bill overall.

Worker safety is something that is vital to all of us. It is critical to attracting a good workforce, to growing our families here in Pennsylvania, and something that we should all take very seriously. We want to make sure that each workplace is as safe as possible. And so when we look at the public sector today, we

have a workforce that is more significantly unionized than the private sector, they have less fatalities than the private sector as a percentage, but yet we are going throw that structure out and go with the unknown, untested, costly structure of public-sector OSHA.

Unfortunately, again, people lose their lives every year in Pennsylvania in the public sector and the private sector. We can put in place safe, reasonable regulations that will protect people, and that is what we should be doing. Unfortunately, we are never going to stop every injury. There are going to be accidents in all workplaces. But that is not what we are doing. We are putting in a one-size-fits-all approach without data to show that we are actually solving a problem, without actually knowing the cost of that implementation, and ultimately, we may go from a safe work environment for the public sector to something much worse.

This is not taking workers and their safety into account. It is not based on data. It is not based on any kind of logical thinking that we have done as a legislative body up until this point. And for all those reasons I would vote "no" on this legislation, because I respect our public-sector workers. I respect all the work that they do. We are keeping them safe every day. School districts across this Commonwealth, counties across this Commonwealth, our State government, they are all doing a great job of keeping our public-sector employees safe, and this legislation throws that all out the window.

Please vote "no" on this legislation. It is not fully thought out at this time and not fully ready for legislative consideration. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the Chair recognizes Representative Dawkins.

Mr. DAWKINS. Thank you, Madam Chair.

I just want to take a moment to just thank some folks who really helped us put together a package of bills to actually support our, our friends in labor to ensure that there are safety and protections. The majority whip was instrumental, the Representative from Allegheny County was instrumental in helping create an active working group amongst this entire State of our working-class folks to ensure that we get something moved. And I can tell you, this was one of their number one issues that they wanted for their membership. This was one of the number one issues we get e-mailed about in our office. This is why we have taken up this particular and important issue. The good gentleman already stated why a life matters.

I can assure you, unlike my colleague from Philadelphia who mentioned he was not one who built homes, I stand before you as someone who has built homes. I also have an OSHA 30 card in my possession. If this was a prerequisite to actually have an OSHA standing, we may have different opinions on what OSHA means in the safety of those folks. I can assure you, I learned how to swing a hammer at a very young age. My mother made sure that I got out the house and did something useful with these hands and not get into trouble.

We have to encourage the passage of this bill because it is important. Our friends in the labor movement are watching because they have been asking for these protections for many years, and we decided on our very first, very first public meeting on a voting calendar that we were going to push out a bipartisan piece of legislation, which we did. It is now time for us to finally stop delaying the change that we all need. We had many years to have studies done and there has never been one proposed study that has passed this House. So you cannot tell me today that we

now need the numbers when we had 12 years to get those numbers. Where are those numbers?

I could tell you right now, it is time to vote. I support HB 299, and please call the roll.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the Chair recognizes Representative Heffley.

Mr. HEFFLEY. Thank you, Madam Speaker.

Madam Speaker, some of the earlier speakers talked about workplace safety, and I would agree that I think every individual goes to work every day with the expectation they are going to come home from work. I think if you provide employees with the proper tools, they will do a good job for you. I think everybody wakes up in the morning and says they want to do a good job and they want to come home safe. And I think every employer feels the same way for their employees, to give them that opportunity to do a good job and come home safe.

Some of the earlier speakers made it sound like the Wild West, like there are no safety standards at all in these facilities when they are already governed by building codes, electrical codes. All these facilities have to be insured. Insurance companies are not going to insure something if they are not sure that they are going to be guaranteed that they are providing a safe environment because it increases the liability.

I think it is important we look at the cost. Obviously, you are not going to say we are going to put a cost on a human life. That would be ridiculous. But you look at the cost that is going to be incurred by the taxpayers if everything has to be brought up to OSHA standards – which OSHA standards are just OSHA standards, right? DOT (Department of Transportation) has standards. MSHA (Mine Safety and Health Administration) has standards. International mine safety standards are higher than OSHA standards. If we are really concerned, why do we not go with MSHA standards? Go through an MSHA audit sometime. That is interesting. How many people that are going to vote on this actually went through an OSHA audit or went through a safety audit and knows what is involved in that? What we are going to ask of our State agencies, who can do that right now?

But my concern is the cost that is going to be incurred by our nonprofits, by our food pantries operating out of the back of a church because they got a State grant are now going to be subject to OSHA standards. They do not have auditors there. They do not have compliance directors there to sit there and go through the days and the hours to fill out an MSDS (material safety data sheet) sheet for everything that might possibly be in that building. We are going to shut them down and they will not exist anymore.

We hear a lot about food insecurities. We hear about shelters for women, for homeless people. They receive State grants and they are going to be subject to OSHA. It is going to drive up the costs, but aside from that, it is going to drive these volunteers and these organizations out of business. We do not need OSHA bureaucrats coming in and auditing every volunteer or nonprofit organization that wants to help their community, and that is what you are doing. This is about empowering more bureaucrats, more layers of regulation. We do not need it. It is going to be costly, and it is going to hurt the Commonwealth.

I would ask for a negative vote on this final passage.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the Chair recognizes Representative Conklin.

Mr. CONKLIN. I have one quick question, Madam Speaker, if I could. Are there any other speakers after me?

The SPEAKER pro tempore. Yes.

Mr. CONKLIN. Okay. I will speak then. If there were not any, I was going to ask you for the vote.

You know, I love a good debate. I believe the voice of the individual, the one that represents their district are here. We are here to represent the 65, approximately, thousand people in each district, but each one of us comes from a different background.

You see, I come from a background where men have calluses, where women work hard. I come from a background where you put on work boots, not dress shoes. I come from a background where you work until your hands bleed, where my neighbors crawl through the mines. I come from a background where I have seen my friends die. Yes, I was there when I saw the very last word from a man was, he looked at his best friend next to him and said, "I'm going to die, brother," and that was the last breath before we pulled him out. I come from a background where another friend of mine was caved in and died in the hole where he lived because the proper technique was not put to keep the walls secure. I come from a world where I have got to listen to people who have never worked underground, who have never worked 50, 70 feet up in the air tell me how I should be safe. I come from a background where a little man with – a little guy with a company has a ladder break and OSHA makes sure those employees are safe. I come from a background where the union – I am a union carpenter, and we learn safety techniques and we only walk on the job site where there are harnesses to hold us there.

Yes, we all come from different backgrounds, and you can say whatever you want, but this is serious business. This is not for the accountant. You get the accountant and figure out what it is going to cost. You go polish your shoes at the local shoeshine. You go get your custom-made suit if you are listening. That is fine. But where I come from, we go to church on Sunday, work on Monday, and we try to be with our families on Saturdays, because when Friday night comes, we have to be there Saturday because we are the supporter of our family. Jake Schwab's widow does not, she does not get to go to church on Sunday anymore. Hell, she cannot – sorry. Heck, she cannot even marry – you can strike that word from the record – heck, she cannot even remarry without losing those benefits.

So you go ahead, you represent who you want to represent. You represent those individuals who are more concerned about profit than they are about lives. Those are your people. You go ahead, you make sure you take care of them.

But for me, Madam Speaker – and you can say whatever you want after I am done, anybody – but for me, the choice is quite clear today. I am going to represent the nurse, the man that has to work in the emergency room. I am going to represent that mechanic. I know who my friends are and I know my place. My place is with the mechanic who is under that bus. My place is with the construction worker that has to go up on the roof. My place is with the people that make this country what it is, not the man who shines his shoes. My place is with the man that shined that shoe. And I am going to vote for the workers of this municipality, I am going to vote for the workers of this State, and I do not give a darn about those pencil pushers that you all want to represent.

Vote "yes" to Jake Schwab's widow. Vote "yes" to this bill.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the Chair recognizes Representative Lawrence.

Mr. LAWRENCE. Thank you, Madam Speaker.

Madam Speaker, would the maker of the bill stand for interrogation?

The SPEAKER pro tempore. The gentleman declines.

Mr. LAWRENCE. The gentleman declines interrogation?

The SPEAKER pro tempore. That is correct.

Mr. LAWRENCE. On the bill, Madam Speaker?

The SPEAKER pro tempore. You may proceed.

Mr. LAWRENCE. Madam Speaker, my question for the gentleman was, this bill deals with employees' safety on the job in their workplace. So my question is, how is "workplace" handled? Is that a defined term in the bill? I do not see it in the bill. I would assume that it is where someone is working. That would be my assumption. My question is is that the Commonwealth, and certainly every political subdivision in this Commonwealth to which this bill applies, has thousands, perhaps tens of thousands of individuals working at home. So for individuals – we just went through budget hearings and we heard a number of State employees and a number of agencies are working at home. So my questions, which apparently will go unanswered and I do think are important to get on the record one way or the other, would be that how are these safety standards going to be applied to an individual who is working at home? And if an individual is at home and a kid leaves the toy on the floor or the bill talks about toxic substances – ammonia, bleach, gasoline; they are all toxic materials – how will this, how will this be handled? And I do not think this is far afield from the bill. I think it is directly relevant to the bill.

Madam Speaker, the bill in front of us requires— To be very clear, we are not talking about perhaps solely the city of the first class. We are talking about every city, borough, school district, municipal authority, and township in this State implementing a massive new regulatory regime in the next 60 days. We have townships in this State that have less than 100 residents, a total budget less than \$100,000, maybe one part-time employee. How are they possibly going to comply with the provisions of this legislation?

Madam Speaker, I can say this: I have never had a township official tell me we need to pass more laws in Harrisburg with more unfunded mandates. My volunteer fire companies are not begging for more paperwork. My libraries are not clamoring for more State oversight. In fact, it is the exact opposite. Our municipalities are drowning in unfunded mandates, many of which have come through this chamber: MS4 (municipal separate storm sewer system), stormwater, the list goes on and on. They are facing huge fiscal cliffs keeping volunteer EMS (emergency medical services) and fire companies from going under.

Make no mistake, this legislation that is before us is the largest unfunded mandate on townships to come through this chamber in quite some time. And not only is it a large unfunded mandate, it creates a new regulatory structure whereby municipalities will be subject to significant fines and even jail time. I refer to page 24 of the bill, lines 2 through 8. A person who makes a false statement under any provision of this bill is subject to 6 months in jail. I am not making this up; it is on line 7 of page 24.

Now, just yesterday I offered an amendment that would have required anyone being questioned under the provisions of this bill to be advised of their right to legal counsel, and that amendment was defeated. As a result, under the provisions of this bill as drafted, an employee of a small township could be questioned by a State official without legal counsel present, and based on that conversation could be convicted and sent to jail for 6 months.

Madam Speaker, I do not think anyone in this room is against workplace safety, but the bill as drafted is not the path forward. I am voting "no" today – "no" on regulatory bureaucracy, "no" on more unfunded mandates, "no" on a bill that could literally send municipal employees to jail for a conversation they had with a government investigator without legal counsel present.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On that question, the Chair recognizes Representative Samuelson.

Mr. SAMUELSON. Thank you, Madam Speaker.

One of the previous speakers, the minority chair of our Labor Committee from the Lehigh Valley, was asking for statistics on the need for public employee OSHA protections. As we all know, this week we commemorated Workers Memorial Day. In the Lehigh Valley, we were invited to a ceremony on Sunday afternoon. We have had this ceremony for 32 years. And the workers' memorial committee in the Lehigh Valley remembered and honored the memory of nearly 4,000 individuals who have died on the job over the decades. And public employees, private employees, and our workers' memorial committee have done some research and have identified nearly 4,000 people who have died on the job in the Lehigh Valley, including 9 just in the last 12 months; 9 more individuals added to that somber list.

Yesterday here in Harrisburg, on the Susquehanna River, we were invited to a ceremony, Workers' Memorial Day of Central Pennsylvania.

I heard the statement earlier that someone thought we do not need this law because there is 88 percent of the employers are public employers and only 12 percent are private employers. So we have had public— We have had private employees protected by OSHA at the Federal level, Occupational Safety and Health Administration, since the 1970s. There are 27 States that have also provided those protections to public employees, as the bill that is before us today would do. I do not understand the calculus that 88 percent of our workers deserve protection and 12 percent of our workers do not. That makes no sense to me.

We have a bill before us that would provide safety protections to our public employees – people who work for our Commonwealth; people who work for our cities; people who work for our townships, our schools, our transit authorities, as the gentleman from Erie talked about at the beginning of this presentation. Read the statement on page 2 of the bill: "It is a basic right of all employees to work in an environment that is free from hazards and risks to their safety." These protections should apply not only to private employees, employees of private industry, but these protections should apply to public employees.

I urge a "yes" vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the Chair recognizes Representative Gleim.

Mrs. GLEIM. Thank you, Madam Speaker.

Will the maker of the bill stand for interrogation, please?

The SPEAKER pro tempore. The sponsor of the bill waives off.

Mrs. GLEIM. On the bill, Madam Speaker?

The SPEAKER pro tempore. You may proceed.

Mrs. GLEIM. I am not really sure that "charter schools" are included in the terminology in this bill under a public employer. In recent years we have used the term "school entity" in legislation to define these public schools so they all can be subject to the same legislation, and I am sure my colleagues on the Education Committee know this term "school entity." I am not so sure charter schools are actually included.

The definition of "public employer" is very similar to the language in Act 195 of 1970, the Public Employe Relations Act, which allowed most public employees to organize and bargain, yet an amendment to the School Code in 1997, section 1724-A, was necessary to authorize charter school staff to organize and bargain under Act 195. This is a clear discrepancy, Madam Speaker. I would just make a plea to my colleagues that this language get amended into this bill in some way so that all schools are included in this bill.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentlelady.

On the question, the Chair recognizes Representative Eric Nelson.

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

Apples and oranges; apples and oranges. Two very different worlds. And there is so much that we can agree on on this issue. Like my good friend and colleague from Philadelphia raised the point about construction worker safety. If we had dialogue on this bill, if we had a hearing, if we had a willingness to work together – construction is a high-hazard industry, and he raises a very valid point.

Another gentleman earlier in this debate said he did not give a damn about the paper pushers, but they are mandated in this bill as well.

We had a lot of interesting quotes. Another colleague said we do not know how unsafe things are so we should mandate this on everyone – because he is right: we do not know how safe or unsafe things are because there is no recordkeeping.

As a safety professional, if we want to get to the bottom of it and we look at fatalities and how workers are dying, the question of, is public sector or private sector better or worse – right? – IUP did a study. A gentleman earlier said there were no studies. It is just untrue. IUP did a study and testified before this body. In 2019, 101 workers died; 60 in private, 7 in local government, 12 in State government. And what was most shocking was 22 other fatalities nobody knows even where they worked because there is no data.

Madam Speaker, we are about to advance an enormous piece of legislation that will place government authority not just over your construction sites, but over your churches, over your schools, over your women's shelters. The language in this bill will put your pastor, your reverend, your imam, your cleric – whatever your organization is – submit them to the authority of Harrisburg, fines, and jail time.

This bill takes a very important concept and goes way over the line. We are supposed to actually pass legislation that works in this chamber, not advance something and kick it to the Senate and say, well, they will work it out. We have a responsibility to the paper pusher or the trench digger, and we have a responsibility to get it right. This bill increases government authority over everyone. Even the OSHA act is lined with exemptions. Giving Harrisburg the ability to shut down your nonprofit organization about what they feel is a safety hazard is massive overreach, and supporting massive overreach with no idea about cost or consequence is not responsible legislation.

I urge a "no" vote on this bill so we can get it right and actually make a difference for the workers of Pennsylvania.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the Chair recognizes Representative Rowe. The gentleman waives off.

On the question, the Chair recognizes Representative Ecker.

Mr. ECKER. Thank you, Madam Speaker.

Madam Speaker, a few minutes ago my colleague on my side of the aisle raised concerns whether charter schools were applicable to this particular piece of legislation. She argued that they are not, and I would agree with her. But even more concerning is whether or not the General Assembly is part of this bill. So in statutory construction, typically when we refer to the Commonwealth, which is what this bill does, it usually refers to the executive branch. When we refer to the Commonwealth in legislation, generally speaking, the Commonwealth refers to the executive branch. In fact, when a piece of legislation explicitly applies to the General Assembly, the General Assembly is generally acknowledged within that legislation.

Now, I would suspect that the makers of this legislation and the supporters of this legislation would want to cover all public entities including charter schools and including the General Assembly. In fact, I would think they would want to explicitly clarify those things. And we have heard the saying that, you know, what is good for thee is not good for thee. But in this case, I think it is important that we focus on good construction and make sure that we are properly drafting legislation that is before this body so that we are not missing folks.

So I would argue that this legislation does not clearly cover the General Assembly, it does not clearly cover charter schools, and that this bill is not ready for a vote today. But I assume we are going to move forward, we are going to vote on this today, and we are going to exempt ourselves out of this and we are going to exempt the General Assembly and its employees from protections. So I will be a "no" on this piece of legislation.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the Chair recognizes Representative Leadbeter.

Mr. LEADBETER. Thank you, Madam Speaker.

I rise to correct the record. The concerns raised by the good gentleman from York do not speak to whether we wish safe work environments for all Pennsylvania workers, but rather the mechanism for us to make these environments safe. If we do not know the cost of improving these facilities, how can we help these workers adequately? Who among us wishes to say to one worker, "Yes, we will fix your work environment to make it safe," but then say to the other, "Sorry, you need to wait." We simply ask for a mechanism to facilitate this for all workers in a manner that is fair and appropriate. Let us not pick and choose, because without understanding the cost and having a source of funds for these repairs, we will be doing just that, picking winners and picking losers.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the Chair recognizes Minority Leader Cutler.

Mr. CUTLER. Thank you, Madam Speaker. Always a good sign as debate is wrapping up, so I appreciate the recognition.

Madam Speaker, we have heard a lot of emotional pleas today. We have heard a lot of discussion about who works harder, what people do. To the gentleman from Centre County, you are welcome to come down to my farmette and join me any day splitting wood. I would love the competition, and more importantly, the help now that my kids are getting older.

But the truth is, Madam Speaker, everybody can be pro-worker, everybody can be pro-safe work environment, but the one issue that I wish to raise on this bill – and I do not believe

that it is intentional. I want to make that very, very clear because I think the prime sponsor, whom I was classmates with, his heart is in the right place in working through this issue. And we have had discussions about this issue in prior sessions. But the issue is actually one that is in our wheelhouse, and that is legislative drafting.

Madam Speaker, I am not going to go through the motion of making the motions, but I do want to raise this issue because I think it is important. HB 299 as drafted violates our State Constitution as being an unconstitutional delegation of legislative authority. That is important. Why is that important? Because we have had multiple other pieces of legislation overturned for that same reason. And when you dig into the meat of the bill, and the specific language begins on page 8, line 3, and it says, "The secretary shall, by regulation, adopt all occupational safety and health standards, amendments or changes adopted or recognized by the United States Secretary of Labor..." and then proceeds to cite the statute for OSHA.

Madam Speaker, we have tried this several times in other venues. And I would offer that this language, the plain language of the bill, clearly requires the Secretary of Labor to automatically, without discretion, adopt the OSHA standards. Now, we would argue, probably, that that is an efficient use of our time to use the most modern and updated versions as things move; however, our Supreme Court has spoken on that particular issue already and it was called the *Protz* case. In *Protz v. Workers' Comp. Appeal* in 2017, their holdings were as follows: Article II, section 1, vests, "The legislative power of this Commonwealth..." is "vested in a General Assembly, which shall consist of a Senate and a House...."

Our jurisprudence requires that the basic policy choices involved in legislative power actually be made by the legislature, as constitutionally mandated. So the natural outgrowth of that is, does nondelegation duty, that the General Assembly cannot delegate to any other governmental body or authority, automatic change this to make law? That is what this bill does. Ultimately, the Supreme Court – and I am quoting them – "...the non-delegation doctrine does not prevent the General Assembly from adopting as its own a particular set of standards which already are in existence...." Oftentimes we would cite that as, for example, a certain volume of regulations on a date and time certain. We have done it in the health world on medications. We have done it in the workers' comp world on the standards of treatment. But what we are prohibited to do, according to the Supreme Court, is simply automatically adopt all of the changes. What we could do is put a check in here where we would have to vote for it to approve it, or we could do it like we do the Building Code, where there is a board that is delegated the approval and the updating of those regulations. This bill does none of that.

Madam Speaker, for that reason this bill as drafted would require the adoption of all subsequent modifications sight unseen. The basic policy choices of Pennsylvania would be delegated to a Federal agency, and there is no criteria in the bill and no limits and no discretion given to the Secretary of Labor.

So, Madam Speaker, I understand the issue of workers safety. I understand the issue of protecting workers and having a safe environment. What I do not understand is why we would pass a bill that is so fatally flawed so that it will be challenged at some point in court, and we will lose based on the case law that has been clearly outlined by our Supreme Court.

Madam Speaker, for those reasons I will be a "no" on final passage. I would invite the gentleman to work on this issue further in a collaborative way so that we could actually fix this delegation issue, because that will be a fatal flaw. Everybody will complain about the lawyers who challenge it, but the truth is, they will be in good standing when they do, given the current status of our Supreme Court, the membership of which is only marginally different from the time that that decision was made in 2017.

These standards matter and they are missing from the bill. For that reason I will be a "no" and urge other members to also be a "no."

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the Chair recognizes Majority Leader Bradford.

Mr. BRADFORD. Thank you, Madam Speaker.

I believe we have heard basically three reasons why we should oppose HB 299 just outlined by the minority leader. It is an unconstitutional delegation; second, it costs too much to make these workplaces safe; and third, it is unnecessary to do these OSHA standards because these workplaces are already safe.

For many years we have heard many people talk about workplace safety. It would strike me that this is the first time we have ever had this legislation in front of us, because while some have now asked for more data and more reports and more study, we have done nothing year over year to address this issue. Today we have an opportunity to change that. Yes, there is some study in this bill, and yes, there is some administrative cost to set up OSHA standards. But in a bipartisan way, this chamber today can send over to the Senate a product that it can be proud of that is going to finally address this issue once and for all and deal with this problem of worker safety.

Some will hang their hat on a legalistic argument on why we cannot possibly send it to the Senate; some will do the bean counter route and say the cost per life just does not make it the right thing to do; and some will do the bury their head in the sand and do what we have done year after year and just say there is no problem so this legislation is unnecessary. What I propose is, we ignore those three buckets. What I propose we do is put up a lot of votes on that board for this important legislation in a bipartisan way and say the time to pass public-sector OSHA is now. In fact, it is past due.

Thank you, Madam Speaker. I ask for an affirmative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—116

Abney	Fleming	Krueger	Ryncavage
Bellmon	Frankel	Kulik	Salisbury
Benham	Freeman	Labs	Samuelson
Bizzarro	Friel	Madden	Sanchez
Borowski	Gallagher	Madsen	Sappery
Boyle	Galloway	Malagari	Schlossberg
Bradford	Gergely	Marcell	Schweyer
Brennan	Giral	Markosek	Scott
Briggs	Green	Marshall	Shusterman
Brown, A.	Guenst	Matzie	Siegel
Bullock	Guzman	Mayes	Smith-Wade-El

Burgos	Haddock	McAndrew	Solomon
Burns	Hanbidge	McNeill	Steele
C Freytiz	Harkins	Mehaffie	Sturla
Cabell	Harris	Merski	Takac
Cephas	Hogan	Miller, D.	Tomlinson
Cerrato	Hohenstein	Mullins	Venkat
Ciresi	Howard	Munroe	Vitali
Conklin	Innamorato	Neilson	Warren
Curry	Isaacson	Nelson, N.	Watro
Daley	Jozwiak	O'Mara	Waxman
Davanzo	Kaufer	Otten	Webster
Davis	Kazeem	Parker	White
Dawkins	Kenyatta	Pashinski	Williams, C.
Deasy	Khan	Pielli	Williams, D.
Delloso	Kim	Pisciottano	Young
Donahue	Kinkead	Probst	
Emrick	Kinsey	Rabb	McClinton,
Evans	Kosierowski	Rozzi	Speaker
Fiedler	Krajewski		

**NAYS—85**

Adams	Fritz	Kuzma	Rader
Armanini	Gaydos	Lawrence	Rapp
Banta	Gillen	Leadbeter	Rigby
Barton	Gleim	Mackenzie, M.	Roae
Benninghoff	Gregory	Mackenzie, R.	Rossi
Bernstine	Greiner	Major	Rowe
Bonner	Grove	Mako	Schemel
Borowicz	Hamm	Maloney	Scheuren
Brown, M.	Heffley	Mentzer	Schlegel
Causar	Irvin	Mercuri	Schmitt
Cook	James	Metzgar	Scialabba
Cooper	Jones, M.	Mihalek	Smith
Cutler	Jones, T.	Miller, B.	Staats
D'Orsie	Kail	Moul	Stambaugh
Delozier	Kauffman	Mustello	Stehr
Diamond	Keefer	Nelson, E.	Struzzi
Dunbar	Kephart	O'Neal	Topper
Ecker	Kerwin	Oberlander	Twardzik
Fee	Klunk	Oritay	Warner
Fink	Krupa	Owlett	Wentling
Flick	Kutz	Pickett	Zimmerman
Flood			

**NOT VOTING—0**

**EXCUSED—0**

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

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

**THE SPEAKER (JOANNA E. McCLINTON)  
PRESIDING**

The SPEAKER. For what purpose does the gentleman rise?

Mr. HARKINS. Unanimous consent, Madam Speaker.

The SPEAKER. The gentleman can apply to speak under rule 17 tomorrow.

Mr. HARKINS. Thank you, Madam Speaker.

I would just like to thank my colleagues—

The SPEAKER. The gentleman will suspend.

Mr. HARKINS. Tomorrow. I am sorry, Madam Speaker.

The SPEAKER. Just for the information of all the members, the House no longer has unanimous consent; however, the gentleman is welcome to speak tomorrow under rule 17.

Mr. HARKINS. Thank you, Madam Speaker.

The SPEAKER. Thank you.

**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 413, PN 381**, entitled:

An Act amending the act of October 13, 2010 (P.L.506, No.72), known as the Construction Workplace Misclassification Act, further providing for independent contractors.

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 maker of the bill, Representative Galloway.

Mr. GALLOWAY. Thank you, Madam Speaker.

I would like to submit my remarks for the record. Thank you.

The SPEAKER. The Chair thanks the gentleman.

(Remarks were not submitted.)

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

Mr. MACKENZIE. Thank you, Madam Speaker.

Will my good friend from Bucks County stand for interrogation?

Mr. GALLOWAY. Madam Speaker, I have heard, I have—

The SPEAKER. The gentleman will suspend.

Mr. GALLOWAY. No.

The SPEAKER. The gentleman declines.

Mr. MACKENZIE. Thank you, Madam Speaker.

On the bill?

The SPEAKER. On the bill, the gentleman may proceed.

Mr. MACKENZIE. Thank you, Madam Speaker.

HB 413 is another solution in search of a problem. And the reason I say that is, in my opinion, because when we created the joint task force on misclassification, they looked at the problem of worker misclassification for 2 years. This issue did not come up. It was not in their final recommendations.

In the Labor and Industry Committee hearing, I asked the question, in L&I's annual report on Act 72, there were 267 investigations in 2022 and 93 contractor violations. The question was, how many of those violations were related to a missing contract or something that this bill would fix? The answer was, they did not have that information, and the reason they did not have that information, to my knowledge, is because none of those violations were investigations related to something that would be fixed in this bill.

This is not a problem. It is not something that has come up in any L&I report that I have seen or a misclassification task force report or recommendation that I have ever seen. It is simply unnecessary. You are getting involved now in two individuals in the private sector creating a contract saying that they need to have additional information for that contract to be relevant and to be upheld.

It simply does not make any sense policy-wise, in my opinion, and so for those reasons I would ask for a "no" vote on this legislation.

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.

The following roll call was recorded:

YEAS—113

Abney	Fleming	Krueger	Rozzi
Bellmon	Frankel	Kulik	Ryncavage
Benham	Freeman	Labs	Salisbury
Bizzarro	Friel	Madden	Samuelson
Borowski	Gallagher	Madsen	Sanchez
Boyle	Galloway	Malagari	Sappey
Bradford	Gergely	Marcell	Schlossberg
Brennan	Giral	Markosek	Schweyer
Briggs	Green	Marshall	Scott
Brown, A.	Guenst	Matzie	Shusterman
Bullock	Guzman	Mayer	Siegel
Burgos	Haddock	McAndrew	Smith-Wade-El
Burns	Hanbidge	McNeill	Solomon
C Freytiz	Harkins	Mehaffie	Steele
Cephas	Harris	Merski	Sturla
Cerrato	Hogan	Miller, D.	Takac
Ciresi	Hohenstein	Mullins	Tomlinson
Conklin	Howard	Munroe	Venkat
Curry	Innamorato	Neilson	Vitali
Daley	Isaacson	Nelson, E.	Warren
Davanzo	Kaufner	Nelson, N.	Waxman
Davis	Kazeem	O'Mara	Webster
Dawkins	Kenyatta	Otten	White
Deasy	Khan	Parker	Williams, D.
Delloso	Kim	Pashinski	Young
Donahue	Kinkead	Pielli	
Emrick	Kinsey	Pisciottano	McClinton,
Evans	Kosierowski	Probst	Speaker
Fiedler	Krajewski	Rabb	

NAYS—88

Adams	Flood	Kutz	Rapp
Armanini	Fritz	Kuzma	Rigby
Banta	Gaydos	Lawrence	Roae
Barton	Gillen	Leadbeter	Rossi
Benninghoff	Gleim	Mackenzie, M.	Rowe
Bernstine	Gregory	Mackenzie, R.	Schemel
Bonner	Greiner	Major	Scheuren
Borowicz	Grove	Mako	Schlegel
Brown, M.	Hamm	Maloney	Schmitt
Cabell	Heffley	Mentzer	Scialabba
Causser	Irvin	Mercuri	Smith
Cook	James	Metzgar	Staats
Cooper	Jones, M.	Mihalek	Stambaugh
Cutler	Jones, T.	Miller, B.	Stehr
D'Orsie	Jozwiak	Moul	Struzzi
Delozier	Kail	Mustello	Topper
Diamond	Kauffman	O'Neal	Twardzik

Dunbar	Keefer	Oberlander	Warner
Ecker	Kephart	Ortitay	Watro
Fee	Kerwin	Owlett	Wentling
Fink	Klunk	Pickett	Williams, C.
Flick	Krupa	Rader	Zimmerman

NOT VOTING—0

EXCUSED—0

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

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

LEAVE OF ABSENCE

The SPEAKER. The Chair is in receipt of a request for leave for the gentleman from Northampton County. Representative EMRICK will be placed on leave. Without objection, the leave will be granted.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 688, PN 1036**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, establishing the PA Teacher Pipeline Scholarship Program; and imposing duties on the Pennsylvania Higher Education Assistance Agency and certain institutions of higher education.

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 Representative Rozzi. Mr. ROZZI. Thank you, Madam Speaker.

We find ourselves in a serious teacher shortage in Pennsylvania, and if we do not quickly find solutions, this crisis will only worsen when more teachers leave – and they are leaving. Educators are doing far more today than what is sustainable long-term without the necessary resources and assistance. We need to implement an educator accelerator to boost the employment pipeline in our Commonwealth. While our educators are among the most qualified and credentialed professionals, they are also the most burdened with loans stemming from higher education. And although Pennsylvania compensates its educators better than many surrounding States and ranks 10th highest in the nation, many of our graduates still move to other States after receiving their degrees. We need to establish stronger incentives to keep quality teachers in Pennsylvania.

HB 688, the PA Teacher Pipeline Scholarship Program, provides scholarships up to \$8,000 per year, for a maximum of \$32,000 over 4 years, to eligible students graduating from the Pennsylvania State System of Higher Education, State-related universities, independent colleges and universities, and community colleges. These graduates must work within the Commonwealth for a public school entity – which includes a school district, a career and technical school, intermediate unit, charter school, a regional charter school, or a cyber charter school – for a period of 1 year for each academic year that the eligible student received a scholarship grant.

This financial assistance to our future teachers will help us rebuild the educator pipeline. We can do this without increasing the burden on Pennsylvania taxpayers by using currently available dollars. One example of funds available are the funds sitting in the Rainy Day Fund. Well, for our teachers, it is pouring and our educators are drowning. They need our continued support to grow and truly transform the learning landscape. The rest of us – politicians, parents, employers – must also be willing to rethink our roles in supporting educators to do the essential job of educating our children. Our children's future depends on it.

I ask you to support HB 688 to invest in our teachers and to invest in our children.

Thank you, Madam Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—119

Abney	Friel	Madden	Salisbury
Bellmon	Gallagher	Madsen	Samuelson
Benham	Galloway	Malagari	Sanchez
Bizzarro	Gergely	Marcell	Sappey
Bonner	Gillen	Markosek	Schlegel
Borowski	Giral	Marshall	Schlossberg
Boyle	Green	Matzie	Schweyer
Bradford	Guenst	Mayes	Scott
Brennan	Guzman	McAndrew	Shusterman
Briggs	Haddock	McNeill	Siegel
Brown, A.	Hanbidge	Mehaffie	Smith-Wade-El
Bullock	Harkins	Mercuri	Solomon
Burgos	Harris	Merski	Steele
Burns	Hogan	Metzgar	Struzzi
C Freytiz	Hohenstein	Miller, D.	Sturla
Cephas	Howard	Mullins	Takac
Cerrato	Innamorato	Munroe	Tomlinson
Ciresi	Isaacson	Neilson	Topper
Conklin	Jozwiak	Nelson, E.	Venkat
Curry	Kazeem	Nelson, N.	Vitali
Daley	Kenyatta	O'Mara	Warren
Davis	Khan	Otten	Waxman
Dawkins	Kim	Parker	Webster
Deasy	Kinthead	Pashinski	White
Delloso	Kinsey	Pielli	Williams, C.
Donahue	Kosierowski	Pisciottano	Williams, D.
Evans	Krajewski	Probst	Young
Fiedler	Krueger	Rabb	
Fleming	Kulik	Rigby	McClinton,
Frankel	Labs	Rozzi	Speaker
Freeman			

NAYS—81

Adams	Flick	Klunk	Pickett
Armanini	Flood	Krupa	Rader
Banta	Fritz	Kutz	Rapp
Barton	Gaydos	Kuzma	Roae
Benninghoff	Gleim	Lawrence	Rossi
Bernstine	Gregory	Leadbeter	Rowe
Borowicz	Greiner	Mackenzie, M.	Ryncavage
Brown, M.	Grove	Mackenzie, R.	Schemel
Cabell	Hamm	Major	Scheuren
Causer	Heffley	Mako	Schmitt
Cook	Irvin	Maloney	Scialabba
Cooper	James	Mentzer	Smith
Cutler	Jones, M.	Mihalek	Staats
D'Orsie	Jones, T.	Miller, B.	Stambaugh
Davanzo	Kail	Moul	Stehr
Delozier	Kaufner	Mustello	Twardzik
Diamond	Kauffman	O'Neal	Warner
Dunbar	Keefer	Oberlander	Watro
Ecker	Kephart	Ortitay	Wentling
Fee	Kerwin	Owlett	Zimmerman
Fink			

NOT VOTING—0

EXCUSED—1

Emrick

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 760, PN 963**, entitled:

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, in liability and compensation, further providing for compensation payable in periodical installments.

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 Representative Pisciottano.

Mr. PISCIOTTANO. Thank you, Madam Speaker.

I rise in support of HB 760, my legislation that would allow workers' compensation benefits to be paid via direct deposit. HB 760 would make Pennsylvania's workers' compensation system more convenient and efficient by allowing claimants to receive their benefits through direct deposit. This simple change will help workers who are injured by ensuring their benefits are paid seamlessly without the fear of checks not being issued or getting lost in the mail.



Madam Speaker, it is 2023. It is past time we modernize the Commonwealth's workers' compensation system to match the way many of us receive our paychecks and other forms of payment. I urge the members to support HB 760, and I ask for a "yes" vote. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Agreeable to the provisions of the Constitution— The Chair recognizes Representative Mackenzie.

Mr. MACKENZIE. Thank you, Madam Speaker.

For the third time today we are passing legislation that is not actually solving a problem. It is important to note that individuals can already receive their workers' compensation in a direct deposit. That is something that is available to workers right now. What this bill does is that after a 1-year period, it makes it mandatory. The issue there is that oftentimes these cases are appealed. What happens if a payment is then made and needs to be clawed back? What happens if a deposit is made to a wrong account because it was something that the employer was choosing to do without, maybe, the consent and buy-in of the injured employee? Maybe they will never receive their money because once that payment is made to a wrong account, it is gone.

We already have a system, again, where both the employer and the employee can voluntarily participate in this, so it is not a necessary piece of legislation. And as I stated in committee, last session, in a bipartisan fashion, Representatives of this chamber were working on this legislation. They had gotten it to a point where there would be some exceptions allowed, there would be some more nuanced legislation offered, and here we are going back on those negotiations to a point that is preferable but actually not an improvement for injured workers.

And so just as we saw in the other legislation today, we have a choice. In HB 299 it was, do we think that public-sector employees are in an unsafe work environment? I said no. I said that I think our public-sector employees are actually safer at work, and therefore, we should not be overturning that system. In HB 413 we saw that the data again showed that there was no problem. In all of those investigations that Labor and Industry has done, they did not come up with any situations that would have been fixed by HB 413. Now in HB 760, we are taking something that is already available to workers and again making a change because we do not think that worker can voluntarily participate in a fashion that is suitable.

So for the third time today we are searching for a legislative solution without a clearly defined problem. I think it is bad legislating, and again I would ask for a "no" vote on HB 760.

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.

The following roll call was recorded:

YEAS—114

Abney	Frankel	Kulik	Ryncavage
Bellmon	Freeman	Labs	Salisbury
Benham	Friel	Madden	Samuelson
Bizzarro	Gallagher	Madsen	Sanchez
Borowski	Galloway	Malagari	Sappay

Boyle	Gergely	Marcell	Schlossberg
Bradford	Giral	Markosek	Schweyer
Brennan	Green	Marshall	Scott
Briggs	Guenst	Matzie	Shusterman
Brown, A.	Guzman	Mayes	Siegel
Bullock	Haddock	McAndrew	Smith-Wade-El
Burgos	Hanbidge	McNeill	Solomon
Burns	Harkins	Mehaffie	Steele
C Freytiz	Harris	Mercuri	Sturla
Cabell	Hogan	Merski	Takac
Cephas	Hohenstein	Miller, D.	Tomlinson
Cerrato	Howard	Mullins	Venkat
Ciresi	Innamorato	Munroe	Vitali
Conklin	Isaacson	Neilson	Warren
Curry	Kaufner	Nelson, N.	Watro
Daley	Kazeem	O'Mara	Waxman
Davis	Kenyatta	Otten	Webster
Dawkins	Khan	Parker	White
Deasy	Kim	Pashinski	Williams, C.
Delloso	Kinhead	Pielli	Williams, D.
Donahue	Kinsey	Pisciotto	Young
Evans	Kosierowski	Probst	
Fiedler	Krajewski	Rabb	McClinton,
Fleming	Krueger	Rozzi	Speaker

NAYS—86

Adams	Flood	Kutz	Rader
Armanini	Fritz	Kuzma	Rapp
Banta	Gaydos	Lawrence	Rigby
Barton	Gillen	Leadbeter	Roae
Benninghoff	Gleim	Mackenzie, M.	Rossi
Bernstine	Gregory	Mackenzie, R.	Rowe
Bonner	Greiner	Major	Schemel
Borowicz	Grove	Mako	Scheuren
Brown, M.	Hamm	Maloney	Schlegel
Causar	Heffley	Mentzer	Schmitt
Cook	Irvin	Metzgar	Scialabba
Cooper	James	Mihalek	Smith
Cutler	Jones, M.	Miller, B.	Staats
D'Orsie	Jones, T.	Moul	Stambaugh
Davanzo	Jozwiak	Mustello	Stehr
Delozier	Kail	Nelson, E.	Struzzi
Diamond	Kauffman	O'Neal	Topper
Dunbar	Keefer	Oberlander	Twardzik
Ecker	Kephart	Ortitay	Warner
Fee	Kerwin	Owlett	Wentling
Fink	Klunk	Pickett	Zimmerman
Flick	Krupa		

NOT VOTING—0

EXCUSED—1

Emrick

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 930, PN 964**, entitled:

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

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 maker of the bill, Representative Dawkins.

Mr. DAWKINS. Thank you, Madam Chair.

I want to start out by thanking my colleagues on both sides for the bipartisan votes that we have put up for the labor package bills that we presented today. We had four bills with spirited discussion on both sides, and it just shows you that when we come together and work for a common goal, we can actually do things together. So I applaud you for standing with workers. And as we conclude on HB 930, I obviously support this legislation, which would expand the scope and duration of workers' comp benefits for workers who are permanently disfigured due to workplace injury.

Under current law, disfigurement must occur on the worker's head, face, or neck, which is considered visible. In HB 930, this bill would expand this to apply to disfigurement that occurs anywhere on the worker's body. These injuries, regardless of the location, cause substantial physical and emotional pain and trauma to the injured worker.

Madam Speaker, HB 930 also extends the maximum benefit period from 275 weeks to 400 weeks and allows the injured worker to collect both benefits simultaneously. If a worker has been disfigured or scarred due to workplace injury, they should be eligible to receive compensation for that regardless of them being partially or totally disabled. A workplace injury is a workplace injury, and the injured workers are entitled to their entire reward for the trauma they have experienced.

Madam Speaker, I want to thank my cosponsor, the Representative from Bucks County, and I ask members to stand up for injured workers and all workers across this Commonwealth, and stand with labor once again. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes Representative Mackenzie.

Mr. MACKENZIE. Thank you, Madam Speaker.

Will the prime sponsor stand for interrogation? That was a yes?

The SPEAKER. The gentleman, Representative Dawkins, consents to interrogation.

Mr. MACKENZIE. Thank you, Madam Speaker.

So my first question is— These are terrible instances. I believe that somebody should be compensated when there is an injury like this. Then you have the very difficult challenge of assessing what type of benefits should be, an individual should be eligible for, and that is a very difficult decision to make. But we do have a structure here in Pennsylvania. We do have structures around the country where you lay out the number of weeks that an individual should be eligible for. So my question is, in the legislation, it is 400 weeks, or almost 8 years. How did we determine 400 weeks? Where did that come from?

Mr. DAWKINS. Thank you, Madam Speaker. The range of increasing from 275 to 400 is because each individual case is uniquely different and some folks require more time out of work.

Mr. MACKENZIE. Okay. So there is not a, there is not something that you can point to in another State that they have 400 weeks or any kind of precedent that you are using for that 400-week number?

Mr. DAWKINS. So the determination was always based on the legislature to determine what injuries would result in more time out of work that would normally be determined by the legislature.

Mr. MACKENZIE. Okay. This is not for time out of work, though; this is a benefit paid in addition to a healing period. So again, there is no – the highest thing that I can see on the current table is for loss of a leg is 410 weeks; loss of an arm, 410 weeks as a benefit paid. So again, where is a benefit paid of 400 weeks in any other State or anywhere else?

Mr. DAWKINS. So New York offers up to, I believe, 525 weeks.

Mr. MACKENZIE. Okay. So that is an acceptable answer, so thank you for that.

So on the bill, Madam Speaker?

The SPEAKER. On the bill.

Mr. MACKENZIE. Thank you, Madam Speaker.

So not only does this legislation expand the scope of the injury to beyond the head, neck, and face, which again, my personal opinion is that there is reason to be compensated for scarring somewhere else on the body beyond head, neck, and face. That is not the question. The question is, then, what amount is the appropriate amount of benefits that somebody could be eligible for up to a certain amount?

And in other States – I am glad the gentleman brought up New York of 520. That is the highest, to my knowledge, of any State in the entire country. When we look at other States that have similar benefits and a compensation for those injuries, our two other surrounding States that have a similar workers' comp structure are Delaware and Maryland, and they put the amount of benefits an individual is eligible for at 156 weeks and 150 weeks.

Here in Pennsylvania, in our structure, again, for the injuries that I had previously talked about – loss of limbs, very significant injuries; scarring is very significant as well – but things should be looked at in comparison and in relation to other things, and this 400 weeks is significantly out of line with the other types of injuries that we are looking at.

And so again I think there is a reasonable debate to be had about an injured worker with scarring, that they should receive compensation, but then the question is, how much? And that, that is a very difficult question to answer. But the proposed legislation is so out of line with other States in our area, it is so out of line with what is already offered here in Pennsylvania that, again, the example I would give is for the loss of a foot – very significant injury that a worker would experience. Let us compare that to the scarring that could occur on a foot because of a workplace injury or a surgery as a result of a workplace injury. The individual could now be compensated, under this proposed legislation, for up to 400 weeks of benefits for a scar on the foot, but they would only receive up to 250 weeks for the complete loss of a foot. It is just not relative and it is not comparable to what is being offered in these other instances.

And so for all those reasons I would ask and implore our colleagues on the other side of the aisle in the Labor and Industry Committee to actually discuss these issues with stakeholder groups, to actually have public hearings on the legislation. I think we can find common ground on a lot of issues, but that effort is not being made, in my opinion, and so we end up with legislation like this that, unfortunately, I believe is not going to actually be successful in getting through the entire legislative process, and therefore, we offer those injured workers no additional benefits, no compensation for those scars on the rest of their body. And so when we make unreasonable legislation that dies in our other chamber here in Pennsylvania, that is not actually helping workers.

So I just would say that we vote "no" on this legislation because it is not realistic, in my opinion; it is not something that will actually make it through the legislative process; and it is not something that will actually help our injured workers. So I look forward to continuing to work with everybody on these issues as we move forward, but this legislation is not there. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes Representative Brennan.

Mr. BRENNAN. Thank you, Madam Speaker.

I rise in support of this bill. I hear quite a lot about how this chamber supports the rights of working people and how we support working people. Today, with your vote, you can support the waitresses, the boilermakers, the pipe fitters, the people who have been horribly injured in accidents at work and have to go through life, their entire lives with those scars.

Our workers' comp system is a bargain. You know, our employees, our working people cannot sue their employer. The workers' comp system is the only thing that they have to be made whole after something horrible happens to them. And the specific loss provisions – I can tell you having represented a nurse who lost a leg, a 26-year-old guy who lost four fingers on his dominant hand – you are not going to put your life back together, and frankly, we should be increasing a number of these other provisions as well. But this is, this is our chance to be pro-labor. This is our chance to support those people, you know? And you know, we cannot compare our scarring provisions with New York or Delaware because in this case, we have a judge who is going to look at the language and also see unsightly appearance and they are going to be able to make determinations on a sliding scale of what is that worth. And so for the woman who spilled hot— For the, you know, for the, for the waitress who spilled hot grease all the way down her chest and would only get 2 or 3 weeks of disability and then carry those scars for her whole life, we have a chance to give her something closer to justice, and that is what this body should be doing. It should be giving justice to our working people.

So I would encourage you to vote in favor of this bill. It does more to protect our working people, and I hope you vote in favor of this bill. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes Representative Ecker.

Mr. ECKER. Madam Speaker, I would ask that the maker of the bill stand for brief interrogation.

The SPEAKER. The maker of the bill declines.

Mr. ECKER. All right. On the bill, Madam Speaker?

The SPEAKER. On the bill.

Mr. ECKER. Madam Speaker, since I cannot ask the questions, I will just kind of address some of the concerns here.

So one of the major concerns that I have, that I do not think has been answered even in the fiscal note, has been whether or not the, how SWIF (State Workers' Insurance Fund), is going to handle this. And in looking at some of the analysis with this, for those that may not be aware, the workers' compensation insurer of last resort is SWIF, which is managed by the Department of Labor. And it is my understanding that they have not weighed in on the fiscal impact that this bill will have on the Commonwealth of Pennsylvania.

And while my colleagues on the other side have raised concerns about providing care for those that are injured, I think it is also important to know what that fiscal impact is going to be on the Commonwealth. And SWIF writes lots of policies for some of our most risky situations. They also write a lot of policies for our volunteer fire companies. So I think it would be important for the people of Pennsylvania to understand what impact it is going to have on our local municipalities, what impact it is going to have on our volunteer fire companies.

Moreover, when pieces of legislation dealing with this come before us, the PA Compensation Rating Bureau usually does some type of input who does the actuarial work to come up with the actual loss values. It is my understanding that that contact has not been made and we do not know what the true actuarial cost will be. I was hoping to interrogate the good gentleman from Philadelphia to have those conversations, but unfortunately, we are not going to have that today. So for that reason I will be a "no" on this bill.

Thank you, Madam Speaker.

The SPEAKER. The Chair thanks the gentleman.

Agreeable to the provisions of the Constitution— The Chair recognizes Representative Gleim.

Mrs. GLEIM. Thank you, Madam Speaker.

I just would like to correct the record, if that is okay.

The SPEAKER. You may proceed.

Mrs. GLEIM. On the bill. The gentleman from Philly, Philadelphia said that the maximum was 525. I am reading exactly from the New York workers' comp bureau, under disfigurement, if you have an injury—

Mr. BRADFORD. Madam Speaker, this is not even close to correcting the record—

### POINT OF ORDER

The SPEAKER. For what purpose does the gentleman rise?

Mr. BRADFORD. I apologize. Parliamentary inquiry.

The lady is not even close to correcting the record.

### POINT OF ORDER

Mr. CUTLER. Point of order, Madam Speaker.

The SPEAKER. For what purpose does the gentleman rise?

Mr. CUTLER. I believe that the good lady was seeking to correct the factual record, not the voting record, and was simply reading from the context of the bill, which I do think is appropriate on final passage and consideration of the bill.

The SPEAKER. The gentlelady is speaking on the bill. You may proceed.

Mrs. GLEIM. Yes, Madam Speaker, on the bill. Under disfigurement, according to the New York workers' comp bureau, if you have an injury to your face, head, or neck and are permanently disfigured, you may be entitled to receive

\$20,000, depending upon the date and extent of your injury. This is to your face, head, or neck.

Thank you, Madam Speaker.

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.

The following roll call was recorded:

YEAS—112

Abney	Flick	Krajewski	Ryncavage
Bellmon	Frankel	Krueger	Salisbury
Benham	Freeman	Kulik	Samuelson
Bizzarro	Friel	Madden	Sanchez
Borowski	Gallagher	Madsen	Sappey
Boyle	Galloway	Malagari	Schlossberg
Bradford	Gergely	Markosek	Schweyer
Brennan	Giral	Marshall	Scott
Briggs	Green	Matzie	Shusterman
Brown, A.	Guenst	Mayes	Siegel
Bullock	Guzman	McAndrew	Smith-Wade-El
Burgos	Haddock	McNeill	Solomon
Burns	Hanbidge	Mehaffie	Steele
C Freytiz	Harkins	Merski	Sturla
Cabell	Harris	Miller, D.	Takac
Cephas	Hogan	Mullins	Tomlinson
Cerrato	Hohenstein	Munroe	Venkat
Ciresi	Howard	Neilson	Vitali
Conklin	Innamorato	Nelson, N.	Warren
Curry	Isaacson	O'Mara	Watro
Daley	Jozwiak	Otten	Waxman
Davis	Kaufner	Parker	Webster
Dawkins	Kazeem	Pashinski	White
Deasy	Kenyatta	Pielli	Williams, D.
Delloso	Khan	Pisciottano	Young
Donahue	Kim	Probst	
Evans	Kinhead	Rabb	McClinton,
Fiedler	Kinsey	Rozzi	Speaker
Fleming	Kosierowski		

NAYS—88

Adams	Fritz	Labs	Rader
Armanini	Gaydos	Lawrence	Rapp
Banta	Gillen	Leadbeter	Rigby
Barton	Gleim	Mackenzie, M.	Roae
Benninghoff	Gregory	Mackenzie, R.	Rossi
Bernstine	Greiner	Major	Rowe
Bonner	Grove	Mako	Schemel
Borowicz	Hamm	Maloney	Scheuren
Brown, M.	Heffley	Marcell	Schlegel
Causar	Irvin	Mentzer	Schmitt
Cook	James	Mercuri	Scialabba
Cooper	Jones, M.	Metzgar	Smith
Cutler	Jones, T.	Mihalek	Staats
D'Orsie	Kail	Miller, B.	Stambaugh
Davanzo	Kauffman	Moul	Stehr
Delozier	Keefer	Mustello	Struzzi
Diamond	Kephart	Nelson, E.	Topper
Dunbar	Kerwin	O'Neal	Twardzik
Ecker	Klunk	Oberlander	Warner
Fee	Krupa	Ortitay	Wentling
Fink	Kutz	Owlett	Williams, C.
Flood	Kuzma	Pickett	Zimmerman

NOT VOTING—0

EXCUSED—1

Emrick

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 300, PN 1135**, entitled:

An Act amending the act of October 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human Relations Act, further providing for the title of the act, for findings and declaration of policy, for right to freedom from discrimination in employment, housing and public accommodation, for definitions, for unlawful discriminatory practices and for prohibition of certain real estate practices; providing for protection of religious exercise; and further providing for powers and duties of commission and for construction and exclusiveness of remedy.

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 Representative Frankel.

Mr. FRANKEL. Thank you, Madam Speaker.  
Will the maker of the bill please stand for interrogation?  
The SPEAKER. The gentleman indicates that he will.

Mr. FRANKEL. Thank you, Madam Speaker.  
I have four questions. Are doctors or health-care professionals forced to provide gender reassignment surgery under this bill, and are doctors penalized for not providing that surgery under this bill?

Mr. KENYATTA. No.  
Mr. FRANKEL. Does this bill require men and women to use shared bathroom or locker facilities?  
Mr. KENYATTA. No, this bill does not.  
Mr. FRANKEL. Does this bill impact women in sports?  
Mr. KENYATTA. No, this bill does not. And oversight of sports in Pennsylvania is done by the PIAA.

Mr. FRANKEL. Does this bill force shelters or prisons to allow men and women to share space in the same facility?  
Mr. KENYATTA. No, this bill does not.  
Mr. FRANKEL. Madam Speaker, that concludes my interrogation. Thank you.

The SPEAKER. The Chair thanks the gentleman.  
The Chair recognizes the gentleman, Representative John Lawrence.

Mr. LAWRENCE. Thank you, Madam Speaker.  
Madam Speaker, we have an important piece of legislation in front of us, and I recognize there are some passionate views here on the House floor. My remarks will be brief.

The bill before us deals with the relationship between employers and employees. Now, decades ago, when this law originally came into formation, the authors recognized that a religious order or a church acting as an employer was different than a bank or a township acting as an employer. The underlying law recognizes that, for example, a Presbyterian church should not be compelled to hire a Lutheran pastor, or that a synagogue should not be compelled to hire a professing Christian as a rabbi.

In recognition of this fact, existing law has two definitions for the term "employer." The first is broad; the second is narrow. The term "employer" is first broadly defined as the Commonwealth, any political subdivision, and any person, and that broad definition includes private corporations. The second definition specifically addresses religious and sectarian employers. Examples in this more narrow category might include churches, mosques, Catholic schools, a religious order, and similar organizations.

The legislation before the House, HB 300, directly and specifically changes the definition of a religious organization acting as an employer. Now, I have heard over the course of this discussion on the legislation in recent days that some have suggested that the bill does not infringe on religious liberty, but the clear language of the bill on page 5, lines 7 and 8, absolutely infringes on well-established religious freedoms, directly singling out religious institutions acting as an employer. This is in direct contravention to the religious freedoms guaranteed in both the U.S. and Pennsylvania Constitutions, and to decades of U.S. Supreme Court rulings on this specific issue, including *Wisconsin v. Yoder* and *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC*.

I cannot in good conscience vote for legislation that clearly requires a church or a religious school to establish hiring practices outside the religious beliefs of that institution.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Representative Kaufer.

Mr. KAUFER. Thank you, Madam Speaker.

Let me just say that since my first day here in the legislature, I have been a cosponsor of the nondiscrimination bill that has been out there every year. Every year that I have been in this chamber, I have cosponsored that legislation and been one of the people who have stepped up to say, this is where I am.

Now, this bill goes beyond simple nondiscrimination, and the bill is not perfect, that is for sure – certainly, in my opinion. But as one of my mentors told me, do not let perfect be the enemy of good, and that is something I believe in. But the amendment that came in in the Appropriations Committee would strengthen religious protections. We took out clauses in regard to education mandates here in Pennsylvania. I thought it was interesting to see that we had the PA Chamber of Commerce put out an e-mail that says that they, quote, "...support the intent of this reform." It has been worked on for years. Senator Scott Wagner, at the time when he was a Senator, tried getting this done. I do not think many people in our chamber or in this building would consider Scott Wagner liberal by any means. I am certainly sure there are names that could be used, but "liberal" would not be one of them.

What I think we heard a lot about was what this bill does and does not do. Religious institutions and individuals would not be forced to engage in conduct that violates the tenets of their beliefs. No doctors or health-care professionals would be forced to provide gender confirmation surgery. Nothing in this bill would require LGBT issues to be taught in school. Bathrooms and locker rooms can still be segregated by sex. Men will not

enter women's bathrooms or locker rooms. Pennsylvania Interscholastic Athletic Association will continue to have power over gender inclusion in student sports. All of that was just reaffirmed by the sponsor of this legislation through a recent interrogation.

I do not think this is the final version of this bill that we are going to be seeing today. I think if and when we pass this this will go to the Senate. It will not be the same version that we will see, but I do think we need to advance the ball on this issue. I do think we need to better define, better protect, better clarify. Once again, perfect is the enemy of the good. Once again, there is no question that this is the final version of this bill. I am hoping that this will come back to this chamber so that finally, in my fifth term now, that we can address this issue once and for all and have nondiscrimination protections that we so desperately need and should have here in the Commonwealth of Pennsylvania.

I urge my colleagues to vote "yes." I will be a "yes," and I look forward to this bill passing here today. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentlelady, Representative Borowicz.

Mrs. BOROWICZ. Thank you, Madam Speaker.

I rise in strong opposition to HB 300, a so-called antidiscrimination bill that is actually the most extreme discrimination bill that has ever come to the Pennsylvania State House floor. Let me give you examples, despite what the maker of the bill has said. Your daughter plays sports? With this bill, by law, a biological man would be allowed to play against your daughter. You are a doctor? You would be required by law and forced to perform gender mutilation surgeries on children, which is child abuse. It is sick and evil.

You cannot change words to hide from what you are doing. You do not get to do evil and call it good. Women's shelters would be forced to house a biological male in an all-women's shelter. Imagine being a woman that is being abused by her husband and she goes to an all-women's shelter and she must eat with, sleep with, shower with a biological man. Girls would be forced to have a biological man in the bathroom with them. Imagine being out to eat with your family and your 8-year-old daughter wants to use the restroom by herself. She comes out of her stall and there is a biological man in a dress waiting for her as she comes out of the stall in the women's restroom.

Churches and religious schools could no longer consider doctrinal beliefs and religious convictions of human sexuality, marriage, and gender when hiring all of their employees. These are just a few of the harmful things this bill would do. We are all already equal under the law. This creates superior rights. What rights do you not have under the law right now? What this is about is force. It always was and it always has been under the disguise and deception of tolerance. This forces an agenda and a lifestyle on any and every person that disagrees with them.

The Bible tells us right from wrong. It is the fixed moral law that this nation and this Commonwealth was founded upon. Genesis 1:27 says, "So God created man in his own image, and in the image of God he created them; male and female he created them." Science confirms this. No man, no law, no legislation can change that.

I adamantly oppose HB 300. This is an outright violation of simply what is right. I ask my colleagues to stand with me. Vote "no." Vote to protect women. Vote to protect children. It is our duty.

Thank you so much, Madam Speaker.

The SPEAKER. The Chair thanks the gentlelady.  
The Chair recognizes Representative Craig Williams.  
Mr. C. WILLIAMS Thank you, Madam Speaker.

I hope you will indulge me for just one moment. My feelings on this bill stem in part from my service in combat, and I want to tell you about that for just a moment. In the early days of my service in the United States Marine Corps, I flew in the F-18. I was like Goose, I was in the back seat of an F-18. We were the first two-seat F-18 squadron in the Marine Corps, and because we were a brand-new platform, we were assigned a very special mission in the gulf war: 24 hours a day, we were to have two jets airborne over the country of Kuwait, constantly looking for targets, looking for troop movements, and informing the generals about battlefield movement so that they could be more informed about their plans going forward.

I will tell you, there is no feeling in the world like having your radar alert system letting you know that a ZSU-23 has just locked its radar on to you. For those of you who do not know, a Russian ZSU-23 is a four-barrel machine gun that shoots a 23 mm cannon shell at aircraft at the rate of 1,000 rounds per barrel, 4,000 rounds a minute. That will get your attention. And I will tell you that I would believe most people in that moment would be reconsidering their decisions in life, and I did not; I did not. I knew why I was there. I knew why all of my compatriots were there. We have other combat veterans in here, and I know that they knew what they were doing, and it was fighting for the freedom of the people of Kuwait. And you would say, why would you go all the way around the world to fight for someone else? And it is because I fundamentally believe in freedom. And for me, it has a very personal take on it.

I believe in everyone's opportunity to be happy, and I believe very strongly that you get to determine what makes you happy. I believe very strongly that you get to believe who you love and how you want to live your life. That is not libertarian; that is freedom. That is what it means to be free. I did it for the people of Kuwait. I did it for the people of Japan when I deployed there to run intercepts and missions against North Korea. I believe it very much. The question then becomes, what happens when your happiness runs squarely into the face of someone else's? And that is where I am troubled.

I understand the interrogation that happened a little bit earlier about biological males being in women's sports. And I am using that terminology I hope respectfully, because I intend to be. In the opening sections of this bill – and it is true that nowhere in this bill does it make reference to biological men participating in women's sports; it does not – but it is a part of the Human Relations Act of Pennsylvania in this way. In the statement of purpose in Title 43, the Humans Relations Act, the statement of purpose is amended in this bill to create the new class that is under discussion here. "The practice or policy of discrimination against individuals or groups by reason of their race, color, familial status, religious creed, ancestry, age, sex, sexual orientation, gender identity or expression..." is built into paragraph 2 of this title, and then therefore applies to the entire act. And later in that it says, "The denial of equal employment, housing and public accommodation opportunities..." of public accommodation opportunity shall not be infringed. "Public accommodation" is then defined in the title as a whole list of things: "...gymnasiums...billiard and pool parlors, public libraries, kindergartens, primary and secondary schools, high schools, academies, colleges and universities, extension courses

and all educational institutions under the supervision of this Commonwealth..." And the courts have determined that Catholic colleges may fall into that exception as well. If their decision was nonsectarian, not involving their faith, it is a public accommodation under the Human Relations Act.

We create a new protected class that may not be denied a public accommodation, and I read you some of the list of what qualifies as a public accommodation, and it will apply to sports in our schools. Now, this argument that I understand that the Pennsylvania Interscholastic Athletic Association will have the discretion to legislate or regulate, if you will, whether or not female sports may be played by other individuals is incorrect as a matter of law, as a matter of law. "Person" is also defined in the act. A person "includes one or more individuals, partnerships, associations, organizations, corporations,..." and on and on, which includes PIAA. And no person may deny a public accommodation to a protected class, which we would be defining in this bill. It is specious to claim that this bill, while it does not expressly talk about biological men in women's sports, that it is not a part of what is already written in the Human Relations Act. It is there.

My daughter is a competitive soccer player. She plays in high school. She hopes to have a career. This is her passion. She loves soccer more than anything. It is her passion. I am not talking about displacing her from the team. I am talking about the fact of her competing against biological males and having her body broken for the rest of her life; her body broken for the rest of her life. And the question I have for you is, does she have a cause of action if her body is broken, or is she now in a subprotected class of a superprotected class because she has to be enlightened enough to accept that as a part of her new life? I do not accept that. And I want to be very clear: I want everybody in the Commonwealth to pursue their happiness in the way that they deem appropriate – until the moment it runs head on into the happiness and safety of my daughter and your daughter and a generation of daughters.

If it were not for this particular provision and the way that I know that I am correctly reading the Human Relations Act, I need you to know I would be a "yes." I would be a "yes." But today I stand up for our daughters and I am a "no."

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes Representative Gleim.

Mrs. GLEIM. Thank you, Madam Speaker.

I want to say that a person can love and disagree at the same time. In that spirit, I rise in strong opposition to HB 300. Everyone can agree that discrimination is wrong and everyone should have equal opportunities; however, this bill gives special protection outside of everyone else, which is not equal.

According to the language of this bill as it relates to public accommodations, and my colleague just explained the law very eloquently, schools will be open to discrimination charges if they allow biological men to compete in women's sports.

Madam Speaker, the expansion of Title IX under this administration defies public sentiment and American principles. This bill actually discriminates against women. Title IX was designed to stop discrimination and create equal athletic opportunities for women. This bill reverses that. Sports is about biology and not identity, and competition should be fair. Biological males will always inherently have a physical advantage over women, and both the House and Senate agreed and voted as such last session.

This bill, if passed, would perpetuate the discrimination going on right now in women's sports and impact both their physical safety and mental health. If this policy passes, it will threaten multiple constitutional civil liberties, an impact that will reverberate beyond the advancements of Title IX's original intent.

I urge my colleagues on both sides of the aisle who agree that women deserve their own category in sport, who agree that competition should be fair, and who agree that they want their daughters or sisters to have future opportunities in sport and be safe to vote "no" to this bill.

Thank you, Madam Speaker.

The SPEAKER. The Chair thanks the gentlelady.

The Chair recognizes Representative Davanzo.

Mr. DAVANZO. Thank you, Madam Speaker.

Madam Speaker, I rise today as a legislator. I rise for equal rights. But I rise as a father of a daughter that just loves sports. We heard what HB 300 does, and there is just no way, in good conscience, that I can just sit back and not speak here. There is no way that I can stand back. I stand with all of the parents who have daughters who have dreams to one day play college softball, to one day be a gymnast or an Olympic swimmer. Our daughters have rights and they deserve to be protected, and I am going to stand here today and protect them.

I oppose HB 300 and I encourage my colleagues to do the same. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes Representative Tim Bonner.

Mr. BONNER. Thank you, Madam Speaker.

In a landmark case decided in 2020, *Bostock v. Clayton County*, the United States Supreme Court issued a 6-to-3 opinion, written by conservative Justice Neil Gorsuch, that Title VII of the Civil Rights Act of 1964, which prohibits sex discrimination and that very term also, by implication – includes prohibiting discrimination based upon sexual orientation or gender identity. Since that decision, Federal and State courts across the nation have followed that decision. They have adopted the reasonings set forth in *Bostock* that any time a statute mentions sex discrimination, it also includes discrimination based upon sexual orientation or gender identity. So any statute containing language that says there shall be no sex discrimination also protects those under sexual orientation or gender identity.

President Biden, on his first day in office, issued an Executive order that there shall be no sex discrimination within any Federal agency enforcing or following the law, and that included, again, sexual orientation and gender identity. These court orders, then, and the President's order have now been recognized as the law of the land.

In addition to the Federal law which prohibits discrimination based upon sex, sexual orientation, or gender identity, Pennsylvania has a State statute that had been previously referenced called the Pennsylvania Human Relations Act of 1955. That act, as State law, also prohibits discrimination based upon sex, sexual orientation, or gender identity. The Pennsylvania Human Relations Commission has been following this law since 2018, 2 years before the United States Supreme Court issued its *Bostock* opinion. Pennsylvania, then, is governed by both Federal and State law that prohibits discrimination based upon sex, sexual orientation, or gender identity. That is now the law of the land not only across the United States, but specifically, in Pennsylvania. The law is now in place at both the Federal and State levels prohibiting such discrimination.

Interestingly, the Congress of the United States has not addressed this issue. They have felt the issue is too complex, thinking somewhat as we have as a General Assembly that this is a very difficult issue to challenge by statute. But what they have done is to allow the courts to set forth the standards on sexual discrimination, sexual orientation, and gender identity, and the courts have brought a balance to this issue, protecting religious freedom and at the same time enhancing and embracing the protection of those who have previously faced discrimination based on sex, sexual orientation, or sexual identity.

Additionally, the United States Supreme Court ruled in 2012, in the *Hosanna-Tabor* case, that there is a ministerial exception in the Constitution that allows a religious organization to hire any person who meets their religious doctrines, even though it may cause discrimination against other protected classes, so long as this person is in a position of leadership within the church. A church, then, a religious organization, can hire a priest, a minister, a youth director, a choir director, and leaders within the church who meet the religious doctrines of that congregation – even though discrimination may occur to people in other protected classes.

In this instance, the United States Supreme Court has said that religious liberty must prevail. So for example, a Catholic church can hire all male priests, all female nuns. A Black church can hire all Black ministers. A Korean church can hire all Korean ministers. The religious leaders, then, of a particular religious denomination have protection to hire people who believe in their religious doctrine, even though discrimination may occur within other protected classes. This is called the ministerial exception under the Constitution, as defined by the United States Supreme Court.

But they have gone one step further. They have also said that nonministerial positions within the church cannot hire people who will cause discrimination within other protected classes except – and this is a big exception – even nonministerial employees of the church can be required to sign a statement of faith saying that they will live and abide by the provisions and doctrines of the church. So even a janitor who would marry another man can be fired by the church if it violates religious doctrine. These religious protections are not set forth in Act 300. For example, under section 5.4, religious schools were initially included in the definition of a "religious entity," but they were subsequently removed, unless it fits in the category of a tax-exempt institution. Why were the religious schools removed from Act 300? I do not know. Particularly, because not all religious schools or religious camps are tax-exempt institutions. Section 5.4 of the act also sets out a different test for religions not identified by the United States Supreme Court, but now requiring an analysis of a substantial burden and a compelling interest. Does this apply to ministerial positions in the church? Does it apply to nonministerial positions within the church? The constitutional standards set by the U.S. Supreme Court? The act does not tell us that.

Is this act, then, trying to change existing constitutional law that even Congress has yielded to the United States Supreme Court, which has done an excellent job in balancing the interests of religious freedom and the rights of the LGBT community? It is wise, then, that we follow the lead of our court system to address the issues as they have been doing in this particular area. The goals, then, of HB 300 to protect an individual's sexual orientation and gender identity had been clearly protected with existing law at both the Federal level and the State level.

HB 300 adds nothing to the protections that both classifications enjoy under Federal and State law. I hope that you recognize these constitutional concerns, you give due respect to the United States Supreme Court and all courts that have been following their directive, and that we adopt an approach that supports the law of the land, protecting these groups under law. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes Representative Paul Schemel.

Mr. SCHEMEL. Thank you, Madam Chair. Thank you, Madam Speaker.

I am going to address specifically the impact of this proposed legislation on the medical practice. This legislation would jeopardize a physician or hospital's freedom to administer health care consistent with a physician's professional and ethical standards or hospital standards and directives of ethics. Section 3 of HB 300 provides a right to freedom from discrimination in any public accommodation. Public accommodation includes nearly all, not all, medical practices and hospitals.

To be clear, any person who presents in an emergency room in Pennsylvania will not be declined care. This is a specific requirement under Title 28, chapter 117, of the Pennsylvania Code. Nobody is denied care at a Pennsylvania hospital under current law even if you are gay or lesbian, transgender, or any other gender identity. If you have a broken arm or are suffering chest pains or just feel bad and you show up at a hospital, you will be treated no matter who you are or whom you love. That is the law already.

Outside of the emergency room, Pennsylvania's hospitals and doctors perform a wide variety of services. Some choose to offer special services to gender-dysphoric individuals including mastectomies, hysterectomies, and various plastic surgeries. These services are currently being offered at several hospitals across the State. Other physicians and hospitals do not offer these services. The reasons may vary, but they may be taking the lead of their counterparts in Sweden, Finland, France, and Great Britain, all of which are curtailing aspects of gender affirmations citing concerns over the long-term impact of these procedures.

There is a legitimate difference of opinion among doctors and among hospitals as to how best to treat gender-dysphoric patients. This difference of opinion includes radically different treatment methods. Because hospitals and physician practices are places of public accommodation, this legislation opens them to liability for the very reason that they are good, conscientious, and caring providers.

HB 300 would force these caring and conscientious providers to violate what they would consider to be the tenets of their Hippocratic oaths. And unless someone has convinced you that this cannot really happen, please consider the case of Mercy San Juan hospital in California, which was sued under California's equivalent to the Fairness Act because it would not perform a hysterectomy on Evan Minton, a biological female who identified as a man. The California Supreme Court upheld Evan Minton's action specifically citing the very language which is used in HB 300.

Even though Mercy San Juan hospital did not do gender reassignment procedures, because it did perform hysterectomies on women with uterine cancer, the court asserted that it clearly fit within the public accommodation requirement of the State's antidiscrimination law, language which is mirrored in HB 300. Mercy hospital did not hate and not want to serve Evan; on the

contrary, it was precisely the hospital's concern for the health of their patient that directed the hospital's approach.

This is not discrimination; it is a professional difference of opinion. Like California's law, HB 300 would employ the police power of the State to tie the hands of physicians in hospitals in Pennsylvania, and I urge a "no" vote on HB 300.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes Representative Eric Nelson.

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

Like my previous colleague, I, too, have been fortunate to serve in the Marine Corps and be deployed overseas. And I find it equally interesting that you come back, you know, when you serve in unpleasant places, and you see the consequences of people who are living without the freedoms that we enjoy, it really – it has an effect on you. Countries where people with different sexual orientation or gender identity would be killed, not just denied a service, but would be killed if they were found out.

Madam Speaker, I believe in equal rights for all, including individuals who have different orientations or lifestyles than my own. But I rise to oppose HB 300, coined the Fairness Act, because it is ironic that this bill named to promote equal rights and equal opportunity will in reality create just the opposite. We have seen consequences in other States that have passed ironically similar language to this, and it has been used to force business owners to express messages with which they disagree, messages which violate their personal rights or religious conscience.

We all understand that forced speech violates fundamental rights, and it is very, very different than rudely denying somebody's services because you have a disagreement with their lifestyle. That is just wrong. But in this bill, we have seen national consequences. The consequences of collusion between big government and crushing lawsuits.

Nationally, we have seen bakeries, weddings, even T-shirt shops like the one in Kentucky where a T-shirt printer was sued because he declined to print T-shirts for a gay pride parade because doing so would have violated his religious conscience. And his actions were defended by Kathy T. and Diane D., a lesbian couple, who also owned a T-shirt shop. They supported his religious conscience. Diane D. said, and I quote, "We feel this really isn't a gay or straight issue. This is a human issue...No one really should be forced to do something against what they believe in. It's as simple as that." She went on to explain that if their business was approached by the Westboro Baptist Church – right? – an aggressive, anti-gay organization, that that couple would not want to do business with that organization, and I respect and agree with their rights. Kathy and Diane should not have the ability to be forced to serve something that runs and works against what they believe.

Madam Speaker, we all should be equal under the law. And to quote a line from the great prayer that was said this morning, we are all children of God. In its current form, HB 300 will harm people of every religion or no religion, every gender identity or orientation, because by forcing lawful citizens to violate their personal principles or face a crushing lawsuit – that is not equal.

We can and must maintain a space for respectful disagreement in our robust and diverse society. For that reason I ask you all to please vote "no" on HB 300. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes Representative Scheuren.



Mrs. SCHEUREN. The religious liberty crisis for churches and religious schools in HB 300 is not solved by amendment 391 since it still gives a cause of action to sue these entities. By changing the definition of an "employer" in the PA Human Relations Act, this bill targets religious employers treating their hiring decisions as discriminatory simply for wanting to hire employees that agree with their religious philosophy.

Moreover, HB 300 takes the accomplishments and achievements for Title IX and women's sports in the wrong direction. For what seems like a lifetime we have been fighting for equality in women's sports, yet this bill allows for biological women to be put at a disadvantage. To form a protected class at the expense of two other groups, religious educators and women's sports, is simply unjust.

Furthermore, I stress to all of my colleagues that disagreement on this issue is not discrimination. I urge a "no" vote on this bill to avoid the optics of disparaging women's sports and to protect religious freedoms, which are at the heart of our nation's Constitution. Thank you.

The SPEAKER. The Chair thanks the gentlelady.

As is the custom of the House, the Chair is preparing to call on the maker of the bill and then the floor leaders. Are there any other members seeking recognition?

On that question, the Chair recognizes Representative Cutler.

Mr. CUTLER. Thank you, Madam Speaker.

Madam Speaker, thank you for the debate today. As many have said, I think there are several things that we can agree on, and that is, no one deserves to be discriminated against. As I often explain, and recently explained to our freshman members, you know, the differences that we express here on the floor rarely are an argument over what the issue is. This issue that the good gentleman seeks to address is one of discrimination. I think that is commendable and I agree that nobody should be discriminated against. But as I go on to tell the freshman members as we go through orientation, the issue and the debate usually surrounds on how best to solve a problem.

Discrimination in any form is one of the worst expressions of human nature, but disagreement is not discrimination. And when one attempt to end discrimination, when that would lead, potentially, to a new discrimination – that has been outlined very eloquently by several of the attorneys here this afternoon – would lead to new forms of ostracization, new forms of stigmatization, it really does not end discrimination at all.

One of my concerns that I have expressed repeatedly through the amendment process, and the last time we considered this bill, was the more time that we spend focusing on our differences and enshrining them in our laws simply highlights how we are in fact different, when we should be focusing on what we have in common. In this case, discrimination is wrong, but in an ironic twist, I actually do not think that HB 300 lands where it should in terms of being fair.

Madam Speaker, this bill, as outlined, would create the potential for a new form of religious discrimination. It would tell people of faith, especially religious employers, that their rights end where others' begin. As many of you know, the founding of the Commonwealth is rooted in religious tolerance and understanding that we may disagree on our central tenets of deeply held beliefs, but none of those beliefs should be sacrificed for another. Both can and should live in harmony in an ordered and civil society. Unfortunately, it is the opinion of many of the speakers today and myself that this legislation's first victim are the people of faith – institutions of faith and employers of faith.

Do not believe me, as was outlined, but I believe it bears repeating. Page 5, lines 6-12, the good gentleman's interrogation was accurate in terms of the bill. I recognize it was short and the gentleman from Allegheny County asked questions about the bill itself; those were all factually accurate. But as the good gentleman from Mercer County outlined, it is the references in the bill that pull in all the other parts. The gentlemen from Chester and Delaware Counties highlighted that as well.

"The term 'employer' " – on page 5, lines 6-12 – "with respect to discriminatory practices based on race, color, age, sex, sexual orientation, gender identity or expression, national origin or non-job related handicap or disability, includes" – and this is very important – "religious, fraternal, charitable and sectarian corporations and associations employing four or more persons within the Commonwealth."

That means that this would be broadly applied to all of those institutions. In fact, religion is the first restriction that is mentioned. Attempts to reference Pennsylvania's Religious Freedom Protection Act, which I referenced in my objection to the report on the underlying bill, actually failed to hit the mark.

In this legislation, I would offer that they are confusing, they are inconsistent, and frankly, lead to more questions about how this would be implemented or enforced, and those questions far outnumber any answers that are provided. More importantly, I do not believe this legislation is a true compromise. It does not find middle ground. In section 3 of the bill, the public accommodation, which was outlined by some of the prior speakers, would include the topic that was covered by several: the biological men to play in women's sports and the sharing of bathrooms and locker rooms and in schools, despite the way that the interrogation was answered before.

The plain language of the bill is very clear. For those of you who do not believe that this would occur, I would simply point you to the definition of "public accommodation" contained in the Pennsylvania Human Relations Act already, but factually accurate that it is not contained in the bill that is before us today. Madam Speaker, in section 4(1), "public accommodation" is defined, among other things, as "...public libraries, kindergartens, primary and secondary schools, high schools, academies, colleges and universities, extension courses and all educational institutions under the supervision of this Commonwealth...."

For those who were inquiring if doctors can be penalized for not performing gender-affirming care that conflicts with their religious, moral, or ethical beliefs, public accommodation protections in the Human Relations Act extend to "...drug stores, dispensaries, clinics, hospitals." So the good gentleman from Adams County appropriately outlined the concerns there and the way that this very similar language is being interpreted in California.

This bill is not merely about not discriminating against people in the housing and employment sectors, which some have seemed to indicate in the public or in, quite frankly, even in the reporting of the bill, because you have to go beyond the bill and actually look up the references to understand the areas that it would impact. Ultimately, this legislation might be good on the surface, but I would offer that it is bad policy that discriminates in simply a different way.

As has been said in committee, Federal, State, and local protections already exist to prevent discrimination based upon gender identity or expression. You do not have to take my word for it; even the Attorney General's Web site has an extensive list

of legal protections and ways those who believe they have been discriminated against can seek legal help. Again, nobody should be or deserves to be discriminated against.

But in closing, I do not think that we should set up a scenario where one person's rights are in direct conflict with another's without providing a solution on how best to resolve that conflict. In fact, I would leave you with this thought from our Charter of Liberties, drafted by our Founder, William Penn, from 1701. "...no people can be truly happy, though under the greatest enjoyment of civil liberties, if abridged of the freedom of their consciences as to their religious profession and worship...."

Madam Speaker, I understand the gentleman's intentions, but respectfully, I would ask that on this final vote that it be a "no," on this final passage, and we heed the Founder's words regarding the celebration of religious liberties. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes Representative Bradford.

Mr. BRADFORD. Thank you, Madam Speaker.

For 22 years this body has failed to pass a very simple protection: to protect everyone in our Commonwealth; the right not to be discriminated in employment, public accommodations, and housing. Twenty-two years ago the litany of reasons why we did not would have sounded much more like what we heard from the gentelady from Clinton County. Today we hear different reasons, but we still hear the same thing: it is not the right time or it is not the right vehicle. Today actually is the right time. Today we are going to be on the right side of history.

Thank you, Madam Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—102

Abney	Fleming	Kosierowski	Rozzi
Bellmon	Frankel	Krajewski	Ryncavage
Benham	Freeman	Krueger	Salisbury
Bizzarro	Friel	Kulik	Samuelson
Borowski	Gallagher	Madden	Sanchez
Boyle	Galloway	Madsen	Sappery
Bradford	Gergely	Malagari	Schlossberg
Brennan	Giral	Markosek	Schweyer
Briggs	Green	Matzie	Scott
Brown, A.	Guenst	Mayes	Shusterman
Bullock	Guzman	McAndrew	Siegel
Burgos	Haddock	McNeill	Smith-Wade-El
C Freytiz	Hanbidge	Merski	Solomon
Cephas	Harkins	Miller, D.	Steele
Cerrato	Harris	Mullins	Sturla
Ciresi	Hohenstein	Munroe	Takat
Conklin	Howard	Neilson	Venkat
Curry	Innamorato	Nelson, N.	Vitali
Daley	Isaacson	O'Mara	Warren
Davis	Kaufer	Otten	Waxman
Dawkins	Kazeem	Parker	Webster
Deasy	Kenyatta	Pashinski	Williams, D.
Delloso	Khan	Pielli	Young
Donahue	Kim	Pisciottano	
Evans	Kinthead	Probst	McClinton,
Fiedler	Kinsey	Rabb	Speaker

NAYS—98

Adams	Fritz	Lawrence	Rapp
Armanini	Gaydos	Leadbeter	Rigby
Banta	Gillen	Mackenzie, M.	Roae
Barton	Gleim	Mackenzie, R.	Rossi
Benninghoff	Gregory	Major	Rowe
Bernstine	Greiner	Mako	Schemel
Bonner	Grove	Maloney	Scheuren
Borowicz	Hamm	Marcell	Schlegel
Brown, M.	Heffley	Marshall	Schmitt
Burns	Hogan	Mehaffie	Scialabba
Cabell	Irvin	Mentzer	Smith
Causer	James	Mercuri	Staats
Cook	Jones, M.	Metzgar	Stambaugh
Cooper	Jones, T.	Mihalek	Stehr
Cutler	Jozwiak	Miller, B.	Struzzi
D'Orsie	Kail	Moul	Tomlinson
Davanzo	Kauffman	Mustello	Topper
Delozier	Keefer	Nelson, E.	Twardzik
Diamond	Kephart	O'Neal	Warner
Dunbar	Kerwin	Oberlander	Watro
Ecker	Klunk	Ortitay	Wentling
Fee	Krupa	Owlett	White
Fink	Kutz	Pickett	Williams, C.
Flick	Kuzma	Rader	Zimmerman
Flood	Labs		

NOT VOTING—0

EXCUSED—1

Emrick

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

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

The SPEAKER. The House will be at ease.

The House will come to order.  
There will be no further votes.

**BILLS REMOVED FROM TABLE**

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

- HB 338;
- HB 714;
- HB 731;
- HB 917;
- HB 953; and
- HB 1018.

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

**BILLS RECOMMITTED**

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

HB 156;  
HB 363;  
HB 829; and  
HB 950.

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 Chair is in receipt of a motion by the gentleman from Philadelphia County, Representative Kenyatta, that the House now adjourn until Wednesday, May 3, 2023, 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 5:18 p.m., e.d.t., the House adjourned.