

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

FRIDAY, FEBRUARY 24, 2023

FIRST SPECIAL SESSION OF 2023-2024

No. 9

### HOUSE OF REPRESENTATIVES

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

#### THE SPEAKER (MARK ROZZI) PRESIDING

#### PRAYER

HON. JEANNE McNEILL, member of the House of Representatives, offered the following prayer:

Thank you, Mr. Speaker.

Dear Lord, every day in someone's life is a new day, a fresh start; closing a door or opening a door. New beginnings or closure. And many times our votes here in this chamber can make any one of those things happen for some, many, or all.

As we gather today to begin our work in this, the people's House, may we all be open to Your compassion, Your grace, and Your humility. Anoint our hearts and guide our minds so that when we are confused, conflicted, or discouraged, we might become energized and guided. May the work we do be infused with Your greatest power, the gift of peace.

Lord, we ask that You help us to fully understand each other, valuing and understanding different points of view, so that we may all work together for the collective good of the Commonwealth.

We thank You, Lord, for strengthening the bonds between us today and every day. May You forever guide our hearts as we make decisions. Lord, we ask that You fill us with Your patience and lead us through our triumphs and missteps.

We pray this in Your name. Amen.

#### PLEDGE OF ALLEGIANCE

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

#### FILMING PERMISSION

The SPEAKER. The Chair grants permission to Tobias Deml and Tessa Byford from Prodigium Pictures to film from the press gallery today for the duration of the day.

### GUESTS INTRODUCED

The SPEAKER. The Chair wants to recognize some special guests that we have on the floor today. Shaun Dougherty, national board president of Survivors Network of those Abused by Priests, welcome to the House; and Mike McDonald, the national communications director for SNAP, the Survivors Network of those Abused by Priests. Welcome to the House, Michael.

We also have with us Jill Ruck, on behalf of Professor Marci Hamilton, the chief operating officer of CHILD USA. Welcome to the House.

And also, we have a longtime executive assistant who was with Representative Mike McGeehan and then came on to my staff and has been working this issue for about 18 years to try to help survivors get justice. We have Pam Oddo with us today. Welcome to the floor of the House, Pam.

And our last special guest today, I just wanted to introduce my better half. She puts up with the tyrant of one at the household. So, Lisa, thank you for coming up here and supporting me today.

### RESIGNATION OF MEMBER

The SPEAKER. The Speaker acknowledges receipt of a letter of resignation from Lynda Schlegel Culver, State Representative of the 108th Legislative District, effective February 28, 2023.

The following communication was read:

House of Representatives  
Commonwealth of Pennsylvania  
Harrisburg

February 22, 2023

Chief Clerk's Office  
Pennsylvania House of Representatives  
Attn: Angela Candori  
129 Main Capitol  
Harrisburg, PA 17120

Dear Ms. Candori,

Please accept this formal letter of resignation as Pennsylvania State Representative of the 108<sup>th</sup> Legislative District effective Tuesday, February 28, 2023.

It has been an honor and a privilege to serve in the Pennsylvania House of Representatives, and I have appreciated the opportunity to represent my constituents and the citizens of this great Commonwealth. My service in the General Assembly has been a rewarding experience

working alongside my fellow colleagues in the shared purpose of creating a strong, effective state government to benefit and improve the quality of life for all Pennsylvanians.

I am honored to have been a part of this distinguished institution. Thank you for your leadership and your continued efforts to represent and lead our Commonwealth.

Sincerely,  
Lynda Schlegel Culver  
Pennsylvania House of Representatives  
108<sup>th</sup> Legislative District

### FAREWELL ADDRESS BY MS. CULVER

The SPEAKER. The House will come to order. Members will take your seats. We are about to invite one of our colleagues to the rostrum to give farewell remarks.

The Chair invites our good friend, the gentlelady from the 108th District, Representative Lynda Schlegel Culver, to the rostrum to give farewell remarks, as she will soon make her way across the building to the Pennsylvania Senate.

Ms. CULVER. I said you are making it hard for me to start.

Thank you, Mr. Speaker. Good morning.

As many of you know, Monday will be my last day in the House of Representatives. It will be my last day on this floor, and today is probably the last time I will be able to speak to all of you. It comes with mixed emotions. I am excited for the new opportunity in the Senate, but saddened to leave many of you. I am also saddened to leave the energy, the chaos, and the action of this House floor – I am told it is a little different on the other side of the hall. So if you see me sitting up in the gallery, I am craving a little bit of that madness.

It really hits you, though, when you stand here and look at all of you collectively. You guys look so impressive from this angle, and you get to see this every day.

So the House of Representatives has been a great home for me for the last 36 years. I know some of you probably do not believe that. I have been in service to the House of Representatives for 36 years. I started my tenure as a summer intern and quickly realized this was it for me. I can marry the two things that I loved the most: helping people and government. And for me, I felt like I was home. I would have been satisfied for the rest of my life to work in a district office.

I later took a full-time job with Representative Merle Phillips, whom I worked with for over 21 years. Every speech I give, I put in this binder, and it is because he and I – oh, he gave this to me when he retired – he and I wrote all of his speeches together, and it reminds me of the lessons he has taught me, and I know I would not be standing here today without him.

I was blessed to be mentored by some really good people: Representative Merle Phillips, Russ Fairchild, Bob Allen – many of you probably do not even remember them anymore – Senators Ed Helfrick and John Gordner, and staff Steve Pancoe and David Comes, who worked here in Harrisburg. They each took an interest in developing the skills that I had, and even found some that I did not even know I had. They made sure I understood how government works, to have respect for this great institution, and made sure that every decision I made was made with the people of the 108th District and this Commonwealth in mind.

If you knew them – and some of you still do – you know they were not always easy on me. They told me when I was wrong and made me correct my own mistakes, which I believe has strengthened how I handle things.

They also taught me, along with my parents, what it means to be in service to others. There are some very important lessons my parents taught us. There were three that they said to us our entire lives. The first thing is, you are going to work hard. You are going to earn your own way. And you are going to treat people like you want to be treated. And my mother always put a little caveat in there: but they are not always going to treat you like you want to be treated. But she insisted we treated them like we wanted to be treated. I have been extremely blessed to have my family's support over these last 12 years. They have always been there for me, offering love and understanding, and I am extremely grateful for them.

To my husband and son, who sacrificed the most, we somehow managed to make it work – and anybody in here who has small children and you are a woman knows – we had very untraditional meal times, either extremely early or extremely late; probably more clutter around the house than most people, and not as clean as I would have liked, but we managed. Anyone who sits by me on the floor knows around 5 o'clock every night, I get a call from my husband and son asking me, "What's for supper?" So I always had to make sure I had that taken care of. But that is the stuff that keeps us grounded and keeps us normal.

My husband has been extremely supportive, even when he did not feel like it. I hope he realizes how much I appreciate him and I could not have done any of this without his encouragement, his honesty, and his analytical mind.

My son is well-adjusted, and for any mom who does this job, it is so important that you know you did it right for your children. He has recently graduated from Commonwealth University of Pennsylvania – early, without debt, and with honors – and I am thankful he was able to have that opportunity at one of our very own State universities. He is very interested in government, history, and politics. But there are two things he will tell you. The first thing, he would be okay if he would never, ever have to go to another fair, festival, or parade for the rest of his life. And the second thing he said: "I will never run for public office." I always say, "We'll see."

I would be remiss, though, if I did not thank my sister. My sister is my hero for being so selfless and giving me the gift of life. I am certain that without her strength, her determination, and her kidney, I would not be here today, let alone moving on to the Senate. It truly is a miracle. And anyone who donates a kidney is a hero. Jim Rigby, thank you for being one of those heroes.

I can tell you from experience that sitting in a dialysis chair for hours and watching your bodily fluids leave and reenter your body or witnessing other people struggle for years with dialysis is painful to watch. Watching them suffer with little hope is heart-wrenching. It makes you want to do something. I am hoping I can count on each of you to work with me to advance legislation this session to make it easier for people to donate kidneys to help and improve and save the lives of thousands of people.

There are so many people here in this building and on this floor today that are part of the team that makes this institution so great. Our smart and capable research team who walks us through legislation from start to finish no matter how complicated or how long it takes, and sometimes it takes years. Thank you for always

taking my calls and providing me with whatever last-minute requests I may have had. Our legal team who keeps in constant motion, thank you for your patience and reading all the lengthy legal briefs and putting them into language we can all understand; I have a feeling it could be another busy year for you. Our communications department, especially Scott Little – if you do not mind standing up; thank you – for sharing your creativity and taking the many, many edits I make on a daily basis without complaint. I am lucky to have you share your talents with me and the rest of this body. Thank you for being part of the team. House Security and Capitol Police, who protect us day in and day out, frankly, and they sit through long, long hours of debate on the floor and they never waiver. Thank you for always being here for us.

So for everyone who is sitting right in front of me, I know we could not do everything we do without you. But if I am being honest, I still do not exactly know what each of you do. I just call it the magic of the floor because I know that you keep us going. So thank you for what you do.

It is important that I thank my second family, my Harrisburg and district staff. Dawn Becher is here with me today. Dawn will be the one chasing me down the hall or walking me to a meeting to make sure I get the work done. She works even when she is supposed to be off, and she makes sure I always stay on task. She makes me a better legislator. Thank you for sharing your kind and considerate heart with me. To Jeannine Markowski, who worked with me for over 30 years and went from a leadership position to working with an incoming freshman. I could not have done it without her. To my district staff – Jeff Cole, Cheryl Delsite, Laura Williams, Melissa Corbin, JoBeth Herbster, and Evelyn Derk – thank you for taking care of me and the constituents of the 108th Legislative District with your heart, your patience, and your genuine kindness.

Now, I know when I said all those names, my Republican colleagues, I know what you are thinking: How did she get so much staff? No, they were not all full-time, and that is what you call creative staffing while keeping fiscal policies in mind. I just want to clear that up.

I have made some really incredible friends here, many of whom have moved on from public service. Marcia Hahn, Marcy Toepel, Becky Corbin, Kurt Masser, Todd Stephens, Joe Hackett, John Maher, Mark Mustio, Stan Saylor, Dave Hickernell, and so many more people have made such an impact on my life and changed the way I think about things or approach things. I am thankful to them.

To the people of the 108th Legislative District, thank you for allowing me to be your voice, for trusting me, and for having the confidence in me to represent you. When you do what you love, it does not feel like work, and I thank my constituents for being such an inspiration to me every day for the last 30 years.

If you have not noticed, we are in a time of transition here on the floor, and we need to do it with grace, dignity, and respect for this great institution, but most importantly, with the people of this Commonwealth first and foremost in our minds.

I would be remiss if I did not mention how odd it seems not to see Clancy Myer standing up here for hours on end sharing his wisdom and his guidance with us, even in the most challenging of times. I have never seen a floor photo without him in it – and remember, I have been here 36 years – so you have got a couple years on you to get all those photos in. He was a great example of how we should each carry ourselves and what this institution is all about. I want to thank Clancy for his service.

Being elected to office does not make us special; it does, however, demand great responsibility from each of us. Remember, we are one of 65,000 people in our own districts. Our vote carries the same weight as each one of our constituents. Do not be afraid to cross the aisle either way; you might be surprised at the friendships you can create and the things you can get done and how much we actually have in common.

There are a few things I think I should point out to all of you before I leave, especially since we have so many freshmen. Jim Marshall, he watches the board like a hawk, and he knows if you did not push your button and he will make sure that you do it. Milk is brain food, just ask John Lawrence. If you hear a jet plane flying over your house, wave, because it is probably Zach Mako. I know it is at my house. Joe Emrick, he can tackle you to the ground with precision and accuracy. Greg Vitali, I am pretty sure you know the answer to your own question. Aaron Kaufer, he does know everything that goes on, he just may not tell you, but rest assured, he knows. Rob Kauffman, his face shows absolutely everything he is thinking. So if you ever get bored on the floor, just take a peek over at Rob. Ed Neilson, for some reason, always has a supply of candy in his jacket. I am not sure what that is all about, but thank you for sharing. And last, yes, Jesse Topper is Superman. He has the suit and he can really fly, and I have witnessed it.

To my dear, sweet friend, Rosemary Brown, I would never have made 12 years without you – or at least it would not have been as fun. Thank you for your friendship and keeping me sane. I never planned on running as a State Representative or as a State Senator, but here I am. Rosemary said that she knew when she left that God would not separate us, and she was right. But it is my dear, sweet friend who dubbed me with the nickname of "Floor Mom," or as anybody remembers, Mary Poppins. I suppose I earned it, and I am already getting complaints about who is going to get the snacks and how are they going to get their Peppermint Patties or where is my charger? Well, has Mary Poppins ever disappointed anyone? So, Jack Rader, Mindy Fee, and Ann Flood, open up your desks. I have left you a care package. And do not panic, because I have also taken care of Doyle Heffley. He now has his own floor survival kit, so when he asks you for something, tell him to open up his desk.

To my friends, colleagues, and the new members of the House, I have not had the opportunity to get to know some of you yet. I still feel the need to take care of you. So our pages are now going to pass out a little care package for you as well, and all the staff on the floor. I have a feeling you are going to be spending long, long hours on the floor and you may actually need this. And there are Snickers bars in there, and if you have ever seen the commercial, Snickers bars make us nice. So if you are ever feeling not quite yourself, you just eat that Snickers bar.

I have been in service to the House of Representatives since 1987 in one capacity or another. I believe in this institution, I respect this institution, and I know together we have the capacity to do good. During my time here, I learned countless skills, I have met fantastic people, and made memories that will last me a lifetime. Working with all of you has been an incredible honor. I have enjoyed every minute of my time here, and I wish this body tremendous succeed as you move forward.

Mr. Speaker, thank you, and God bless.

The SPEAKER. The Chair would like to thank the gentlelady for being truly a good person and being an example to all of us that we can fight for the issues that we believe in and still be unwaveringly kind to each other.

**COMMEMORATIVE GAVEL PRESENTED**

The SPEAKER. As a token of the House's appreciation of your service, I am pleased to present you with a ceremonial gavel.

The House will be at ease.

The House will come to order.

**JOURNAL APPROVAL POSTPONED**

The SPEAKER. Without objection, the approval of the Journal of Thursday, February 23, 2023, will be postponed until printed.

**LEAVES OF ABSENCE**

The SPEAKER. Are there any requests for leaves of absence?

The Chair recognizes the majority whip, who indicates there are no leaves of absence.

The Chair recognizes the minority whip, who indicates there are two leaves of absence: Valerie GAYDOS from Allegheny County, and Brad ROAE from Crawford County. Without objection, the leaves of absence are granted.

**MASTER ROLL CALL**

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

The following roll call was recorded:

**PRESENT—201**

Abney	Fleming	Krupa	Rader
Adams	Flick	Kulik	Rapp
Armanini	Flood	Kutz	Rigby
Banta	Frankel	Kuzma	Rossi
Barton	Freeman	Labs	Rowe
Bellmon	Friel	Lawrence	Ryncavage
Benham	Fritz	Leadbeter	Salisbury
Benninghoff	Gallagher	Mackenzie, M.	Samuelson
Bernstine	Galloway	Mackenzie, R.	Sanchez
Bizzarro	Gergely	Madden	Sappey
Bonner	Gillen	Madsen	Schemel
Borowicz	Giral	Major	Scheuren
Borowski	Gleim	Mako	Schlegel
Boyle	Green	Malagari	Schlossberg
Bradford	Gregory	Maloney	Schmitt
Brennan	Greiner	Marcell	Schweyer
Briggs	Grove	Markosek	Scialabba
Brown, A.	Guenst	Marshall	Scott
Brown, M.	Guzman	Matzie	Shusterman
Bullock	Haddock	Mayes	Siegel
Burgos	Hamm	McAndrew	Smith
Burns	Hanbidge	McClinton	Smith-Wade-El
C Freytiz	Harkins	McNeill	Solomon
Cabell	Harris	Mehaffie	Staats
Causer	Heffley	Mentzer	Stambaugh
Cephas	Hogan	Mercuri	Steele
Cerrato	Hohenstein	Merski	Stehr
Ciresi	Howard	Metzgar	Struzzi
Conklin	Innamorato	Mihalek	Sturla
Cook	Irvin	Miller, B.	Takac
Cooper	Isaacson	Miller, D.	Tomlinson
Culver	James	Moul	Topper
Curry	Jones, M.	Mullins	Twardzik
Cutler	Jones, T.	Munroe	Venkat

D'Orsie	Jozwiak	Mustello	Vitali
Daley	Kail	Neilson	Warner
Davanzo	Kaufer	Nelson, E.	Warren
Davis	Kauffman	Nelson, N.	Watro
Dawkins	Kazeem	O'Mara	Waxman
Deasy	Keefer	O'Neal	Webster
Delloso	Kenyatta	Oberlander	Wentling
Delozier	Kephart	Ortitay	White
Diamond	Kerwin	Otten	Williams, C.
Donahue	Khan	Owlett	Williams, D.
Dunbar	Kim	Parker	Young
Ecker	Kinthead	Pashinski	Zabel
Emrick	Kinsey	Pickett	Zimmerman
Evans	Klunk	Pielli	
Fee	Kosierowski	Pisciottano	Rozzi,
Fiedler	Krajewski	Probst	Speaker
Fink	Krueger	Rabb	

ADDITIONS—0

NOT VOTING—0

EXCUSED—2

Gaydos                      Roae

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

**CALENDAR**

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1, PN 6**, entitled:

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

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

(Bill analysis was read.)

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

On that question, the Chair recognizes the gentleman from Blair and Huntingdon Counties, Representative Jim Gregory.

Mr. GREGORY. Thank you, Mr. Speaker.

Good morning, Mr. Speaker. The path to passage of legislation in this Commonwealth is long, it can be arduous; it should not be made to feel impossible. Two years ago the call from Governor Wolf telling me the arduous path to a constitutional amendment would have to start again made it feel impossible for passage. Today's vote is still only another step to finality for victims, with Senate passage the final hurdle. We can leave here today, though, knowing that the caucuses in this body voted their conscience. We can pass this constitutional amendment for an historic third time today – historic because it has never been necessary before – and we will not judge our colleagues who will vote against this today, as they are voting



their conscience as well. But what we do here today will give the voters of Pennsylvania a chance to vote their conscience, whether they are parishioners of a church, a Boy Scout or a Girl Scout, a mother or a father, or a taxpayer of a school district. I believe this Commonwealth is a Commonwealth of conscience.

I speak today for the victims who have waited for this day. They are also waiting for a day in the future when the people of Pennsylvania will be given their voice at the ballot box to speak for victims.

As this will hopefully mark the final time that I will speak on this issue on this floor, I would not be able to look back and know that I did this job by not acknowledging some important people who have guided me as a legislator to fulfill my promise to my constituents back home to come here and see this legislation through. I want to thank George Foster. I want to thank George Foster for uncovering the Altoona-Johnstown Diocese records that led to the 37th grand jury presentment. I want to thank the many victims in my district here in the Commonwealth and across the country the past 4 years for sharing your stories of abuse with me. I want to thank Speaker Mark Rozzi for his steadfast commitment for getting this done. Thank you, Mr. Speaker.

Finally, an apology to the victims. It is too early for many of them to be here, but I will look at the victim advocates who are here today, and I want to tell you that I am sorry and that I pray that you will have what you need to heal. It should not have taken this long.

So I ask my colleagues today, please give the voters of your district a chance to speak for victims. Please, with your vote today, make Pennsylvania a Commonwealth of conscience. Please vote "yes" with me today on HB 1.

Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes Representative Lawrence from Chester County.

Mr. LAWRENCE. Thank you, Mr. Speaker.

Mr. Speaker, today will be the fourth time that I will vote "yes" on this proposal. Individuals who sexually violate children and the institutions that enabled them must be held to account. And I have great respect both for the gentleman from Blair and for the gentleman from Berks for leading on this issue, one that has been in the shadows for far too long.

Mr. Speaker, I do have grave concerns, though, that all of today's efforts will be for naught due to procedural bungling. This is an important point, Mr. Speaker. We have heard that the gentleman from Hollidaysburg had been added as a cosponsor to this bill in error. The reality is, the gentleman was listed as the prime sponsor of the bill. The bill before the chamber today was filed in his name without his knowledge or consent, and that should concern every person in this room. It is more than just concerning; it has the potential to spoil to entire effort. The bill before us today is, at this point, fruit of a poisoned tree.

There is abundant precedent for this concern. The constitutional amendment before us has already been derailed by procedural bungling once that was outside this chamber, but now it is this chamber that is the source of the issue. Why would this chamber invite, through sloppy procedure, a legal challenge that will certainly be filed by anyone accused of victimizing a child under the provisions of this legislation?

We know that the courts will not hesitate to step in and invalidate it. They did just that 4 short years ago on a constitutional amendment to protect victims. This chamber moved a constitutional amendment to enshrine victims' rights – the people of Pennsylvania voted to approve this constitutional amendment – and the Supreme Court stepped in and overruled the will of this General Assembly and the voters of Pennsylvania on what? Procedural grounds.

Now we stand on the precipice of moving another amendment to enable victims to seek justice – an amendment of great importance, but the door is now wide open for a legal challenge on procedure that threatens to invalidate it all again – all due to improper procedural actions taken by somebody in this building filing a bill in the name of a member without that member's knowledge or consent. It is shocking, and I, for one, would like to know who is responsible. Today should be that individual's last day of employment in this institution.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from York County, Representative Grove.

Mr. GROVE. Thank you, Mr. Speaker.

Today we are faced with a moral dilemma. HB 1 puts the members of this House into a very precarious position. Our caucus, throughout this process, has always put the victims first and fought to craft legislation through the appropriate process in a way that was above reproach. Unfortunately, we have been led today to a point where this is no longer the case.

We cannot forget nor excuse the actions of the prior administration and their Department of State. Had they simply followed a long-established statutory process of advertising constitutional amendments, this entire process would not have been needed. Victims would already be able to achieve justice.

This entire special session has lacked transparency from day one. On Tuesday, February 21, streaming video of the voting meeting of the Committee To Provide Justice To Otherwise Barred Victims Of Childhood Sexual Abuse—

The SPEAKER. The gentleman is out of order. Please suspend.

Mr. GROVE. Parliamentary inquiry?

The SPEAKER. The gentleman will stick to HB 1.

## POINTS OF ORDER

Mr. CUTLER. Point of order, Mr. Speaker?

The SPEAKER. The gentleman is in order and is recognized.

Mr. CUTLER. Thank you, Mr. Speaker.

How is the history of the bill not pertinent to the debate of the bill?

The SPEAKER. The gentleman is talking about prior passage of legislation. It has nothing to do with this legislation of HB 1.

Mr. CUTLER. Point of order, Mr. Speaker?

The SPEAKER. The gentleman is recognized.

Mr. CUTLER. You referenced prior passage; however, the board clearly states final passage, but I am inquiring as to the difference, because would that not be an integral part of the history and the origination of the bill?

The SPEAKER. The gentleman was talking about last passage of last session of the constitutional amendment, not the passage of this bill right now, and the actions of the administration.

Mr. CUTLER. Point of order, Mr. Speaker.

While the gentleman had raised that—

The SPEAKER. The gentleman is recognized.

Mr. CUTLER. While the good gentleman raised that, I believe that if the Speaker would review the record, he would see that he was referencing the committee meeting that not only he, but I and several of the other members of the House were participating in. That was his point of historical reference.

The SPEAKER. The Representative from York County is in order.

Mr. GROVE. Thank you, Mr. Speaker.

I will restart that, that statement. On Tuesday, February 21, streaming video of the voting meeting of the Committee To Provide Justice To Otherwise Barred Victims Of Childhood Sexual Abuse was not available online to the public. Because the voting meeting was announced moments before it started, any victim of childhood sexual abuse who did not happen to be in the State Capitol Building at the time was unable to view the proceedings designed to bring them justice. There was no meeting of the committee to actually provide and vote on a fiscal note for the bill. There was no adoption of the rules for the Committee To Provide Justice To Otherwise Barred Victims Of Childhood Sexual Abuse, nor was there a motion to adopt the rules of the House for the committee. The process has been alarmingly undemocratic.

Two bills have been introduced this special session. These bills were either created through deceptive tactics – at best – but nonetheless, our good colleague from Blair County had no idea his name was on either of these bills we are discussing today. This opens the door for litigation and the potential for not having this amendment reach the voting public because of more process errors that should have been and could have been easily avoided. We have already seen in the past constitutional amendments like Marsy's Law, which was designed to help victims of crimes, face litigation efforts that derailed their path of a vote by the citizens of the Commonwealth. Through our actions today, we open ourselves up to the potential for litigation, delaying justice yet again.

These bills have already been declared dead by the Senate. There is one path, and one path only, to ensuring victims in this Commonwealth see the justice they so desperately deserve, and that is SB 1. Instead of continuing moving forward, we should dissolve this special session, return to regular session, and pass SB 1 to provide justice to the victims in Pennsylvania.

### POINT OF ORDER

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

The SPEAKER. The gentlelady will state her point of order.

Ms. McCLINTON. The gentleman is far afield. He is not on HB 1.

The SPEAKER. The gentlelady, your point of order is well taken.

The gentleman from York, we are on HB 1. Let us restrain your comments to that. I appreciate that.

Mr. GROVE. Thank you, Mr. Speaker.

I fear this week is about giving false hope to our victims and another flawed process jeopardizing the legality of these bills. Even PennLive stated, quote, "...if either..." of these bills "win House passage, the chance for justice that survivors would have sought for nearly two..." years "remains up in the air."

My heart breaks through this entire process. My heart breaks for the victims. I will be a "yes" on final passage for HB 1. We should not be here doing this. This should already have been on the ballot. And might I remind members, 80 percent of constitutional amendments that reach the voters are approved. Had incidents last session not occurred, this would already be fulfilled by the voters and victims could see that justice. But here again we are, and I am very worried about the potential litigation moving forward, Mr. Speaker. But I will be voting "yes," as I have the numerous times we have had this, because it is that important.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman from York County.

The Chair recognizes Representative Davanzo from Westmoreland County.

Mr. DAVANZO. Thank you, Mr. Speaker.

Mr. Speaker, I rise today in opposition of HB 1. In my 3 years here, this is probably the fourth time that we voted this bill. I have been a "no" I guess every time but the first time.

But I want to be clear: I support my good friend from Blair County here, but the issue that I have is that we are not holding the correct people accountable. Every criminal that committed these crimes needs to pay their debt to society, but this bill does not do that. This bill goes on the backs of the taxpayers, and that is not correct. That is not what we were here for today. We want justice for the criminals; let us get it, but let us do something that gets it there.

You know, our senior citizens that are barely making ends meet right now, what are we going to do to them? This has the potential to bankrupt our public school system, and we do not care. We just turn our heads – and I see guys over there shaking their heads yeah, but your vote is not going to reflect it in 10 minutes. I know it is not.

It is time to do the right thing. And like I said, I want to be clear, I want justice for the victims, but it has got to fall on the people that committed these crimes.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes Representative Bradford from Montgomery County.

Mr. BRADFORD. Thank you, Mr. Speaker.

I rise to actually thank the gentleman before me from Westmoreland. I thank him for his intellectual honesty. He has a real reason that he believes that he cannot support this. And while I do not concur in his conclusion, I recognize honesty, because what we have seen this morning is the whataboutism of those who are trying to rationalize a position that we know morally we cannot defend.

### POINT OF ORDER

Mr. CUTLER. Point of order, Mr. Speaker.

The SPEAKER. The gentleman will state his point of order.

Mr. CUTLER. Mr. Speaker, I believe the gentleman is referring to – I will use his word – the "whataboutism," which goes to the intent of two of the speakers who were attempting to address procedural issues previously. I think procedural and policy issues are valid points to raise, and both were very clear that they were speaking in favor of the passage and they wished

it had just simply been cleaner. I would simply ask the gentleman not to question members' motives.

The SPEAKER. The gentleman's point of order is not well taken, and the gentleman from Montgomery County may proceed.

Mr. BRADFORD. Whataboutism—

### POINT OF ORDER

Mr. CUTLER. Point of order, Mr. Speaker.

The SPEAKER. The gentleman will state his point of order.

Mr. CUTLER. Mr. Speaker, is it now the policy of the House to allow questioning members' motives as to why they are speaking for or against a bill?

The SPEAKER. No, and the gentleman from Montgomery County may proceed.

Mr. BRADFORD. Whataboutism is a popular tactic. It is used by those who cannot defend their position. You hear "fruit of the poisonous tree." I went to law school. I have some awareness of the term. It is laughable in this context. And that is not questioning motive, that is questioning, what are we doing here?

The long, sad story of how we got here has too many, too much blame to go around, but today is about justice. Our Speaker and the gentleman from Blair have spoken eloquently for more terms than we all care to have to recall, but justice requires us getting this done.

The architects of why this has been delayed know where that blame lies, but here we are, on this early Friday morning, in this special session, to deal with this matter.

There are those who have raised in favor of SB 1 – and I do not want to speak about SB 1, I want to speak about HB 1 – who want to talk about other constitutional priorities that they would prefer to pursue today. But this special session, called by our former Governor for the very narrow purpose of bringing justice to victims, is why we are here. And to try to make this about or to allow those – and I would note the Senator from Adams County who very clearly said about SB 1, that he will stand in the breach. If SB 1 is not passed, he will make sure that victims do not get justice unless he gets—

### POINT OF ORDER

Mr. CUTLER. Point of order, Mr. Speaker?

Mr. BRADFORD. —his constitutional demands.

The SPEAKER. The gentleman will suspend.

The gentleman from Lancaster County is recognized.

Mr. CUTLER. Mr. Speaker, I know that a prior point of order was raised regarding discussion of SB 1, and I believe rule 10 clearly states that a member desiring to address the House shall be confined to the question under consideration and avoid personal reflections. I would simply like the good gentleman to stay on point.

The SPEAKER. The Chair thanks the gentleman, and the gentleman from Montgomery County may proceed.

Mr. BRADFORD. Thank you, Mr. Speaker.

See, what the gentleman does not understand is that there are those – and again, I do not want to say bad-faith actors – but there are those who would, in the other chamber or outside this building, or sadly, in this building, who would construct obstacles to justice using rhetorical arguments that lack sincerity or intellectual vigor. They would engage—

### POINT OF ORDER

Mr. CUTLER. Point of order, Mr. Speaker?

The SPEAKER. The gentleman will state his point of order.

Mr. CUTLER. Mr. Speaker, the gentleman has repeatedly questioned the motives of members and how or why they are voting, even though they are voting in agreement with him. I would respectfully request that the admonition that was given to the gentleman from York County be evenly applied upon the membership.

The SPEAKER. The gentleman from York County, Leader, has opened up the door to SB 1, and he is actually referring to "they" and not actually referring to any particular person or member.

The gentleman from Montgomery County may proceed.

Mr. BRADFORD. Thank you again, Mr. Speaker.

In conclusion, we have a path to justice in front of us today; delayed, yes, but justice today. The objections raised are meritless. The need for justice is real. It is upon us. And I want to thank the brave individuals who join us today. I want to thank the gentleman from Blair and our Speaker who have spoken eloquently about the need to get this done. Let us engage in a good-faith discussion about getting this over the finish line to the voters and doing right by the victims.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman, and the Chair will recognize the Representative from Lebanon County, Representative Diamond.

Mr. DIAMOND. Thank you, Mr. Speaker.

I appreciate with great respect the passion and dedication of my good friend from Blair County and my good friend from Berks County on this issue. And I also greatly appreciate the gentleman from Blair County's respect of my opposition to this idea. We have had a lot of conversations about this, and I thank him for that.

This bill has come up – I cannot even count how many times this idea has come up for a vote on this House floor, and I have consistently voted against it, because while I share your passion and your outrage on behalf of victims, that is my emotional response to what has happened to them. But the law, Mr. Speaker, is not based on emotion and should never be based solely on emotion. The law is constructed using logic, reason, and a deliberative and democratic process.

The very heart of this bill is statutes of limitations, which exist for a reason based on logic, because the obstacle to justice, Mr. Speaker, is the persistent march of time, where evidence stales, memories blur and fade, witness detail is lost. We have already addressed this in this General Assembly in 1984, in 2002, and in 2019 to address statutes of limitations. We extended statutes of limitations to age 55 for victims of childhood sexual abuse in civil cases, and totally abolished them in criminal cases – an extraordinary extension of statutes of limitations. But remember that that is also a recognition of the difference between civil cases and criminal cases.

This bill, HB 1, will not extend openings for claims on criminal cases where it is a unanimous decision based on evidence beyond a reasonable doubt, but in civil cases, which will be decided by the opinion of a divided jury maybe based on a mere preponderance of the evidence. Statutes of limitations are in the law for logical and reasonable reasons.

Now, let us talk about the deliberative process. We have not had a true deliberative process or a democratic process in this special session. We have limited floor comment by time. We have required a supermajority to approve even friendly amendments to this bill. And twice debate has been cut off on the mere rules for this special and extraordinary session. We have got a supercommittee that heard this bill and a superminority needed to actually make this bill happen. As I said the other day, this is a mere rubber stamp for what a previous legislature did. That is not the spirit of our constitutional amendment process. We pass it once, we have an intervening election, and then we deliberate once again in a democratic process.

This is an extraordinary and special session that was called because of an egregious error made by a previous administration. But let us be clear, this is not the same bill that they made that error on. There is an incredible addition to this bill, which is the wipeout of sovereign immunity. This will not cost any school district a dime. It will not cost the Commonwealth a dime. It will cost the taxpayers, and in fact, the taxpayers of tomorrow will be paying for the sins of yesterday's governmental administrations.

Mr. Speaker, this law, or amendment that we are looking to pass, does not follow logic, it does not follow reason, and it has not enjoyed a deliberate and democratic process, and I will be voting "no" with great respect to my friend from Blair County and my good friend from Berks County.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Adams County, Representative Ecker.

### PARLIAMENTARY INQUIRY

Mr. BERNSTINE. Parliamentary inquiry?

The SPEAKER. The gentleman may state his parliamentary inquiry.

Mr. BERNSTINE. Mr. Speaker, a question in regard to rule 64, and I wanted to know if this also dealt with constitutional amendments, where it talks about "Every member shall be present within the Hall of the House during its sittings, unless excused by the House or unavoidably prevented, and shall vote...against each question put," and then it is highlighted under this piece, where "unless he or she has a direct personal or pecuniary interest in the determination of the question or unless excused."

Is that applicable in this particular piece of legislation because it is a constitutional amendment that we are voting on?

The SPEAKER. It is.

Mr. BERNSTINE. Okay. Thank you.

The SPEAKER. The gentleman, Mr. Ecker, from Adams County may proceed.

Mr. ECKER. Thank you, Mr. Speaker.

So since we have opened the door to discuss SB 1, I think it is important that we talk about what could be happening today. We could be voting on SB 1 in regular session. We could be organized in regular session. We could be sending—

The SPEAKER. The gentleman is out of order and may suspend.

### POINT OF ORDER

Mr. CUTLER. Point of order, Mr. Speaker.

The SPEAKER. We are not talking about SB 1; we are talking about HB 1.

The gentleman from Lancaster County may proceed.

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman from Montgomery County was credited with the ability to respond once the door was opened. Those were your words. I am somewhat confused as to why that door no longer remains open. So why cannot the good gentleman continue to talk about SB 1?

The SPEAKER. The Chair recognizes your confusion, and the Chair is going to recognize the gentleman from Adams County, Representative Ecker.

Mr. CUTLER. Point of order, Mr. Speaker?

The SPEAKER. The gentleman may proceed.

Mr. CUTLER. Point of order, Mr. Speaker?

The SPEAKER. The gentleman may proceed.

### PARLIAMENTARY INQUIRY

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, respectfully, it is not a point of confusion; it is a point of inconsistent standards. What remedy would be available to us as members to ensure that the rules are applied evenly? Parliamentary inquiry, sir.

The SPEAKER. The gentleman is welcome to appeal the ruling of the Chair if he wishes.

Mr. CUTLER. Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Adams County is in order.

Mr. ECKER. Thank you, Mr. Speaker.

Mr. Speaker, we have an opportunity today to send this to the voters of Pennsylvania immediately. We have had that opportunity for the last 6 weeks. We have had this opportunity to champion this issue for some time, to correct a wrong that was made, not by this body, but by the former Governor and his administration.

And while we are in special session now and passing something which our sister chamber has made pretty clear that they are not going to consider in special session, here we are today, again, moving a piece of legislation, or an amendment, which is actually not going to help the victims. We have an opportunity to do that by passing other legislation today which has been committed by all leaders last session to be resolved, but instead, we are going to sit here in special session, pass a piece of legislation that is not going to help victims, and again not resolve this issue for the victims who are seeking that justice.

It is my hope that as we move in the next week into regular session, we can pass rules, we can take up things that are helpful to all Pennsylvanians, and pass legislation like this that is already sitting in regular session that can actually be acted upon.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman, and the Chair recognizes Representative Napoleon Nelson from Montgomery County.



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

We have heard an awful lot already about procedure in this chamber. We have heard an awful lot about what we have done, what we have done wrong. We remember this week the obstacles that have been placed in front of us by us, overcome by us, to try and move legislation. This is, I guess, the way the process is supposed to work.

But what we have to remember is what we are talking about, statutes of limitations, an extension because for so many victims of sexual assault, their statute of limitations window has long expired. We are not talking— We are talking about kids, but we are not talking about kids anymore. Sadly, what we are trying to do right now is recognize and provide the support oftentimes for grown men and women in our communities who have been denied justice for decades; some are in this chamber.

The late, great Martin Luther King said it is always the right time to do the right thing. This is not a Black History Month moment. This is not an AP (Advanced Placement) class. This is, to me, what the heck we do—I apologize—this is what we do on this floor. This is what we do in this building. It is always the right time to do the right thing.

If our actions in this week have for some reason imperiled this legislation, then we will bring it back and we will vote on it again. I will vote "aye" every time I have the opportunity to do the right thing for members of our community, members of this body. No matter how old or how young they are, if there are victims who are calling out to us to act on their behalf, to provide them justice, that seems to be the right time and that seems to be the right thing. If a court strikes this down, then we will bring it back up, we will pass it again, and we will provide justice to people who are seeking justice. That is our job.

I am a "yes" on this. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Recognizing no other speakers, the Chair is going to recognize the leader from Lancaster County, Representative Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, I know there has been a lot of talk about process and blame, but I would actually like to talk about credit for a little bit, because there has been one chamber that has consistently stood up for victims and it is this chamber. It is the House of Representatives. Mr. Speaker, that is important because we have consistently passed this constitutional amendment.

In fact, it was through a freshman meeting with the good gentleman from Blair that he reminded me of where he mentioned his number one issue was this, that he wanted to work on this issue. And because I had been here a couple terms longer than him, I knew the good gentleman from Berks was also working on this issue, and I said to the good gentleman from Blair, "Why don't you go sit down and have a meeting?"

Mr. Speaker, do I believe that it should have already been done? Absolutely. That is why we ran it each and every time before. I am proud of the efforts of this House. I am proud that while this debate was going on and some mistakes were made outside of this chamber that delayed the potential public vote of the adoption of the constitutional amendment that we made other changes in the interim. We extended the age for victims to come forward, and we worked on a multitude of other ideas and efforts. But, Mr. Speaker, it also saddens me that we are here once again having to pass it because of essentially a paperwork error and the failure to advertise.

I am confident that the voters will eventually get the chance to vote on this, and as the good gentleman from Blair said, people will vote their conscience. I feel no ill will towards individuals who oppose this on their beliefs, but I do believe that this is the preferred method of addressing this situation. It is why I have consistently supported a constitutional amendment approach. It is why I think ultimately we, not just as legislators, but we as voters, should have the ability to speak to this issue.

Mr. Speaker, it is important that it gets done right. I wish it had been done sooner, but we are here today to correct the errors of the past and advance this bill forward. I urge a "yes" vote.

Thank you, Mr. Speaker, not just for the opportunity to speak on final passage, if I may, but also for the work from both good gentlemen on this topic.

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—161

Abney	Flood	Kutz	Rapp
Adams	Frankel	Kuzma	Rigby
Banta	Freeman	Labs	Ryncavage
Bellmon	Friel	Lawrence	Salisbury
Benham	Fritz	Mackenzie, M.	Samuelson
Benninghoff	Gallagher	Mackenzie, R.	Sanchez
Bernstine	Galloway	Madden	Sappey
Bizzarro	Gergely	Madsen	Scheuren
Bonner	Gillen	Mako	Schlegel
Borowski	Giral	Malagari	Schlossberg
Boyle	Green	Maloney	Schmitt
Bradford	Gregory	Marcell	Schweyer
Brennan	Greiner	Markosek	Scialabba
Briggs	Grove	Marshall	Scott
Brown, A.	Guenst	Matzie	Shusterman
Bullock	Guzman	Mayes	Siegel
Burgos	Haddock	McAndrew	Smith-Wade-El
Burns	Hanbidge	McClinton	Solomon
C Freytiz	Harkins	McNeill	Steele
Cabell	Harris	Mehaffie	Struzzi
Causar	Heffley	Mentzer	Sturla
Cephas	Hogan	Merski	Takac
Cerrato	Hohenstein	Metzgar	Tomlinson
Ciresi	Howard	Mihalek	Topper
Conklin	Innamorato	Miller, B.	Venkat
Cook	Isaacson	Miller, D.	Vitali
Curry	Jozwiak	Mullins	Warner
Cutler	Kaufar	Munroe	Warren
Daley	Kazeem	Neilson	Watro
Davis	Kenyatta	Nelson, N.	Waxman
Dawkins	Kerwin	O'Mara	Webster
Deasy	Khan	Ortitay	Wentling
Delloso	Kim	Otten	White
Delozier	Kinthead	Owlett	Williams, C.
Donahue	Kinsey	Parker	Williams, D.
Emrick	Klunk	Pashinski	Young
Evans	Kosierowski	Pickett	Zabel
Fee	Krajewski	Pielli	
Fiedler	Krueger	Pisciottano	Rozzi,
Fleming	Krupa	Probst	Speaker
Flick	Kulik	Rabb	

## NAYS—40

Armanini	Ecker	Keefer	Rader
Barton	Fink	Kephart	Rossi
Borowicz	Gleim	Leadbeter	Rowe
Brown, M.	Hamm	Major	Schemel
Cooper	Irvin	Mercuri	Smith
Culver	James	Moul	Staats
D'Orsie	Jones, M.	Mustello	Stambaugh
Davanzo	Jones, T.	Nelson, E.	Stehr
Diamond	Kail	O'Neal	Twardzik
Dunbar	Kauffman	Oberlander	Zimmerman

## NOT VOTING—0

## EXCUSED—2

Gaydos                      Roae

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 PRO TEMPORE  
(ROBERT F. MATZIE) PRESIDING**

\* \* \*

The House proceeded to third consideration of **HB 2, PN 8**, entitled:

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

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?

On that question, the Chair recognizes Representative Rozzi.  
Mr. ROZZI. Thank you, Mr. Speaker.

We heard a lot today: members bringing up certain things about the public schools, Secretary of State. Let us not forget, first, I do not care if you were sexually assaulted as a child in the rectory or your public elementary school or in the shower by Jerry Sandusky or at your home or by a Jehovah's Witness. I do not care where you were sexually abused, we are going to deliver you justice. That is the bottom line.

And to say that we are going to bankrupt the public schools? Let me check my sheets. Was that something that the Catholic Conference or the Insurance Federation sent me? I do not know. Because the one thing you have to remember is victims still have to prove their case. If there is no evidence, you are not getting a

civil lawsuit settlement. You do not go into the public schools and they have thousands and thousands of pages of documents. If you are a Representative and you have a diocese in your district, maybe offer them a shredding event where they could have shredded their documents, thousands and thousands of pages. The victims have to prove their cases or you get nothing. So talking about we are bankrupting anybody, especially the public schools, is absolutely ridiculous.

Have victims waited too long? Absolutely. Did the Secretary of State make a huge blunder for victims by not advertising? I still call on the question if that was actually a mistake still. But let us not forget about it, the first time a grand jury report even talked about opening a window was 2005, 18 years ago, in the Philadelphia Archdiocese; and then 2011 in the 2011 grand jury Archdiocese of Philadelphia grand jury report; and then 2016 in the Altoona-Johnstown; and then the 40th statewide grand jury report in 2018. Victims have been waiting 18-plus years to sue their perpetrator and sue the institution if they aided and abetted these perpetrators.

My perpetrator was at 12 different parishes before he even came to my parochial school. And I remind everybody in this chamber, when you think about these children being sexually assaulted, being raped, that you put yourself in my position as a 13-year-old boy being raped in the shower, and do you think I knew what a statute of limitations was? And that my statute of limitations was 2 years? That is why we are giving these 2 years back to these victims, and they sure as hell deserve them.

So, yes, victims have waited, and they are the ones that have been struggling through this. Oh, well, here we are passing it again. The Senate is not going to take it up. Well, Jesus, if the Senate is not going to take it up, we might as well stop half the business we do in the House.

**POINT OF ORDER**

Mr. CUTLER. Point of order, Mr. Speaker?

The SPEAKER pro tempore. The gentleman will suspend.

The gentleman, the leader, will provide his point of order.

Mr. CUTLER. I certainly appreciate the gentleman's passion, but I believe that profanity is not permitted on the floor. I would simply encourage the gentleman to please be passionate about the issue, but within the confines.

The SPEAKER pro tempore. Thank you.

The gentleman will be reminded to avoid using language that may be perceived as being impertinent.

The gentleman may proceed. Thank you.

Mr. ROZZI. Thank you, Mr. Speaker.

Yeah, the struggles that we face here in the House are so difficult, where since I have taken office, I think I have had at least five victims either commit suicide or overdose, and we are the ones being burdened by going into special session. Let us do our job.

And the minority leader has been right. The House of Representatives, we have been doing our job, this body, Republicans and Democrats. We have been passing this bill out of here over – and I think my good friend from Blair County said, what, this is the fourth time now? Is this fifth? Fourth? I do not even know anymore because every time it goes over to the Senate, something else happens. We could have gotten this done in 2018 when the President pro tem of the Senate decided, on the

last day of session, that he was going to do nothing. That was before the Secretary of State.

At some point, this is going to get done. The House has been on the right side. What I am urging now with my bill, HB 2, is of course this dual path, with the constitutional amendment that could be placed on the ballot in November. HB 2 is a statutory bill. If the Senate, when they come in next week, decides that they want to do the right thing and they want to put this in the rearview mirror for victims, they could pass HB 2, and our Governor, Gov. Josh Shapiro, could actually sign this bill by the end of next week and deliver justice for victims for over 18 1/2 years.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The gentlelady, Representative Madden, is in order and is recognized.

Ms. MADDEN. Thank you, Mr. Speaker.

And I would like to say thank you from the bottom of my heart for you and for the gentleman from Blair County who came forward and told your stories and took up this fight nearly a decade ago. I have heard from my constituents around this topic. I listened to all of the testimony of the listening tour. There were friends of mine who told their stories of childhood rape in that listening tour, people who are dear friends of mine, people I respect greatly who came forward and told their stories with a glimmer of hope that they would get justice because of you and because of the gentleman from Blair County. You have afforded the opportunity for people to get justice without everybody coming out and telling their story.

I received a phone call yesterday from a constituent, her name is Jane. And she has, for over two decades, manned the abuse hotline for one of our organizations in Monroe County. And she wanted to say thank you to you, thank you to the gentleman from Blair County, and she wanted to thank me for my remarks earlier in the week, because she said, to your point, the number of people who call the hotline, the abuse hotline, who talk about being victims of childhood sexual abuse that have never received closure – if that is even a word that you could attach to this – or have never received justice or their day in court, were so glad that your fight is relentless and that there will be a window of opportunity for justice.

And as you probably know from your years of advocacy, many people do not want a monetary settlement. Most people want their day in court. Most people want to say, yes, that person abused you and they are going to be convicted now. They want that opportunity. It is not just about money, and it is not about bankrupting this Commonwealth. That is why we have a Rainy Day Fund. We are not going to be defunding education. We already did that in 2010.

So I applaud you. I think this should have always been a straight-up bill, and I am happy to vote "yes." And I really encourage all of my colleagues to put their political partisanship aside, and our colleagues in the upper chamber who think this deserves to be on the same ballot with voter ID and complaint about regulations, they have got it wrong; we have got it right. They need to follow suit and they need to pass this bill.

Thank you, Mr. Speaker. Thank you for your advocacy.

The SPEAKER pro tempore. Before recognizing the leaders, is there anyone else wishing to speak on the topic?

The gentlelady from Allegheny County is recognized. Representative Mayes you may begin.

Rep. MAYES. An unjust law is no law at all, and justice delayed is justice denied. HB 2 is a pathway to justice for survivors. For all of my colleagues in this chamber, we all know

someone, we all love someone who has been a victim or been a survivor of childhood sexual abuse. The gentleman from Berks is a survivor. The gentleman from Blair is a survivor. I am a survivor. And there are other survivors in this room, given the statistic that one in four girls and one in six boys will experience childhood sexual abuse. That they will have this experience is unspeakable and a violation of our bodies, our hearts, our soul, and our mind.

We cannot say we stand with you but we will not do anything about it. As a victim, I could not even talk about what happened to me for a decade at the hands of someone that I knew, who was not a member of my family, but whom I trusted and whom I respected, and on some level, whom I loved. To this day I have not felt empowered to bring any legal claim, but I am lucky that I can do so up until the age of 55. Some survivors are not that lucky to have this opportunity to seek justice, and this is what leaves them victimized. If they can escape the pain, the hurt, the fear, the shame, and the trauma – for many, that is impossible to do – but if they can do it, if a victim or a survivor can be brave enough, if they can find the power in their lived experience to come forward, then we should make it possible for them to seek justice through legal remedy.

But I ask you, Mr. Speaker, what is the price of a victim's pain? There is no dollar amount that would undo the effects, the effects that we live every day, of childhood sexual abuse. So let us do what we all know is the right thing to do. Let us look survivors and victims in the face, and our family, among our friends, among our colleagues, among those that we serve, let us look ourselves in the mirror and do what is right.

So I thank you on your vote for HB 1, and I ask you all to vote "yes" on HB 2, not only for ourselves, for those of us who have survived, but for those who cannot speak, who cannot lift up their own voice. Let us do it for them. Let us do it for the victims who are experiencing this right now as we gather in this hallowed place. Let us do it for them and let us do this so that we do not have to have a conversation about how we bring remedy for victims and survivors because we will have done what has needed to be done to ensure that we eradicate childhood sexual abuse.

Thank you so much.

The SPEAKER pro tempore. The Speaker recognizes the gentleman from Lancaster County, Representative Brett Miller.

Mr. B. MILLER. Thank you. I want to start by thanking the gentleman for his efforts and the years of work on behalf of victims of childhood sex abuse, and despite my appreciation for the work that he and many others have undertaken to advocate for victims of child sex abuse, the bill before us I believe is deficient and will ultimately be struck down as unconstitutional.

Yesterday I had hoped to offer an amendment to fix the deficiency, but the change in precedence disallowed me from offering that amendment, which I believe would have fixed that by providing a constitutional provision in that amendment. As such, I can only offer my rationale here today as to why I believe the bill as currently written remains deficient.

As each of you knows, the underlying bill seeks to statutorily revive expired claims for victims of childhood sex abuse. However, this bill, as drafted, is in violation of Article I, section 11, of our Pennsylvania Constitution. Each of us here has the title sometimes applied to us as "lawmakers." While it is true that we debate and craft legislation through the medium of laws, we are not the supreme law of the land. The people of Pennsylvania are the supreme law of the land, as expressed through our State's most important document, the Pennsylvania Constitution. From



this singular document come all of our laws, and on this document do all of them depend and have their very existence.

I want to read Article I, section 11, which says, "All courts shall be open; and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administered without sale, denial or delay. Suits may be brought against the Commonwealth in such manner, in such courts and in such cases as the Legislature may by law direct." In summary, what Article I, section 11, says is that our Constitution provides a remedy for those who have been aggrieved under our law.

The phrase "due course of law" ensures that due process is provided to defendants as well as plaintiffs under the remedies clause of the Constitution. What this means is that the rights that are once given by the people of Pennsylvania are vested rights, and they cannot be taken away. This tenet of law is commonly known as the remedies clause. This provision is not a new provision. It has been a long-standing understood tenet of constitutional law for well over 150 years.

Discussion and debate on the issue of the remedies clause is also not new. The courts have considered this multiple times in the past and have deemed that the legislature cannot eliminate these fixed rights, to which I cite the following. In 1908 the Pennsylvania Supreme Court firmly established, in *Lewis v. Pennsylvania Railroad Company*, that the remedies clause provides, quote, a "vested right," unquote, to a defense which the legislature may not interfere with. The Superior Court later applied *Lewis* in two cases, *Overmiller* in 1960 and *Maycock* in 1984, to find that the remedies clause does not permit the legislature to revive time-barred claims. Cases subsequently decided by the Supreme Court have upheld this interpretation of the remedies clause.

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

While much more could be said on this topic, I simply add that I am submitting for the record a document prepared by Attorney Cary Silverman of Shook, Hardy & Bacon, LLP (limited liability partnership) for the PA Coalition for Civil Justice Reform, which contains a much more detailed analysis as to why reviving time-barred claims is unconstitutional. Suffice it to say, under Pennsylvania law, the running of the statute of limitations is an affirmative defense, and therefore, protected by the remedies clause from retroactive elimination through statute.

Each of us in this chamber recently raised our right hand and swore an oath to defend the Constitution, the document that enshrines the very voice and will of the people of Pennsylvania. This action we took is no small matter. The amendment, which I was denied the opportunity to offer, would have made the underlying intent of this bill active upon the passage of a constitutional amendment. I voted for the former bill, HB 1; however, because my amendment was not able to be offered to this bill, HB 2, which would have enabled me and all of us to uphold our oath to the Constitution to support, obey, and defend it, and simultaneously advance this issue via statute, I cannot

support this bill. The bill will, in my view, ultimately be struck down as unconstitutional, only further delaying final resolution to this matter. As such, again, I must urge a "no" vote.

### DOCUMENT SUBMITTED FOR THE RECORD

Mr. B. MILLER. And, Mr. Speaker, I will submit these comments that I referenced previously to the record. Thank you.

The SPEAKER pro tempore. The Speaker thanks the gentleman.

Mr. B. MILLER submitted a document for the Legislative Journal.

(For document, see Appendix.)

The SPEAKER pro tempore. I ask the members again if there is anyone else wishing to speak on the topic? Yes?

The Speaker recognizes the gentleman, Representative Bonner. You may proceed.

Mr. BONNER. Thank you, Mr. Speaker.

The General Assembly has the power to make legislation retroactive. I have litigated a case where that principle was reaffirmed by the court. The General Assembly should exercise this power when it comes to child molesters. HB 2 will accelerate the path to justice for victims of child abuse.

When the courts review whether a statute can be made retroactive, passed by the General Assembly, they look at four key factors. All four factors are present in the legislation that is being considered today.

The first factor that the court looks at is that the retroactivity of the statute of limitations must be limited to civil cases, not criminal cases. That is due to the ex post facto provision in the Constitution. This statute of limitations only affects civil cases, as required by the court. Secondly, the statute being considered must specifically state that it is being applied retroactive, and in this case the statute so specifies. Thirdly, the damages that are being sought retroactively against a particular person cannot be any different now than what they could have been 10 or 20 years ago, and that is consistent. We are not changing the damages. They are the same now as they were 10, 20, 30, 40, 50 years ago. Also, the retroactive statute must be viewed as procedural law, not substantive law. That is a very fine distinction, but I can tell you, the courts have consistently ruled that the statute of limitations deals with procedural law. So we meet all four tests of retroactivity as to this particular statute.

Many concerns have been understandably expressed that people will now come forward who have never come forward before and they are going to make a claim of sexual abuse as a minor without any prior complaints or corroboration. For those who believe that, I would suggest our courts are not so easily fooled. Corroboration of a victim's testimony will be required. Prior complaints by the victim, their medical and psychological records will be analyzed, and the institution's reaction to this particular person will also be deeply analyzed. I know this personally because I have prosecuted many criminal cases against child molesters.

Additionally, there are rules of evidence that protect an accused who has died. The dead man's rule prohibits certain evidence coming in to be heard by the jury if the accused person is dead and not able to defend him or herself.



Victims are understandably seeking compensation because that is what our system of justice awards in a lawsuit. Any victim, however, would quickly trade the money that they receive in a lawsuit if their innocence could be restored, if their childhood memories could be revived with good memories and not nightmares. If they could trust their spiritual advisers, their teachers, and their relatives, it would be an easy trade for a victim of child abuse.

There is a legal maxim tested over time. It says that "justice delayed is justice denied." We must give those people who have been denied or not had the opportunity to present their case in court an opportunity to have justice. That is what we are all about. That separates us from so many different countries across the world, because we provide justice in this nation.

I can tell you from personal experience in prosecuting, child molesters are like vampires. They just keep coming back to their victims time and time again. So many children, so much evil, so many nightmares. It is time for us, as legislators, to give the victims their day in court and allow the light of justice to shine in these dark halls and rooms where child predators have found sanctuary by the highest governing bodies for whom they have worked. Justice is what this bill is all about.

From you, our citizens of Pennsylvania can ask no more, and from you, justice can demand no less. Thank you.

The SPEAKER pro tempore. The Speaker, seeing no other members seeking recognition, will recognize the floor leaders, will recognize the minority leader, Representative Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, I recognize that this topic is one that is filled with passion. I recognize the passion of not just this prime sponsor, but the prime sponsor of the other issue. But unfortunately – and I have argued this before, and I recognize that I am in the microminority on this particular issue – I do not believe that passion should ever override constitutional requirements and procedure.

This bill I think would be appropriate if there were already a constitutional amendment in place because it would allow for that 2-year window and it would allow for that retroactive nature. But – and it has been referenced once by the gentleman from Lancaster and again by the previous speaker, but in different context – the idea of retroactive laws is something that should only be entertained at a minimal amount.

Since the Constitution has not yet been amended, I do worry that this will be tied up in litigation far into the future. And maybe those that support the bill will prevail and maybe those that oppose the bill will prevail. That will remain to be seen. The one thing that I think that we can be certain of is, the quickest way to find resolution to this matter would be to amend the Constitution. And as was mentioned in the prior debate, I personally believe we should have already been there. And it was not, as the prime sponsor pointed out, from a lack of effort by this chamber.

So, Mr. Speaker, I will be a "no" vote, as I have been previously on this statutory change, because I believe that this must first be corrected constitutionally in order to make it viable. But I would simply also remind the members that as we look for legislative solutions to some of our communal problems, I think you have to look at the root cause and recognize the fact that these individuals even exist is not a legislative solution that is needed, but a moral one.

So, Mr. Speaker, I appreciate the debate. I appreciate the passion by both the prime sponsors of this two-bill package. But I also believe that we should adhere to our principles, and

I commend the gentlemen that have worked on this because I recognize that this has been far too long of a journey for them that has unnecessarily been complicated by mistakes outside this chamber.

The SPEAKER pro tempore. The Speaker thanks the gentleman and recognizes the majority leader, Representative McClinton.

Ms. McCLINTON. Thank you, Mr. Speaker.

And thank you to all of our colleagues for standing up for victims. I am so very proud that the Pennsylvania House Democratic Caucus is proud to stand with the brave survivors of child sex abuse not just today, but every day. These survivors have been resilient in the face of persistent obstacles, and they have navigated the ups and downs of this legislation with grace and with strength. Our caucus is very proud that the first bills to pass out of this chamber in the 2023 and 2024 legislative session will be providing the justice that for so long has been delayed, and quite frankly, denied. Today, advancing these measures of justice for the victims, it means so very much in this moment in time.

To the gentleman who just spoke, from Mercer County, who laid out the legal arguments in such a clear and straightforward way as to why people need to have access to justice, to my colleague from Allegheny County who was brave to stand here in the face of the world and confront the trauma that occurred in her very own childhood; for that, I say thank you. To the gentleman from Blair County and the gentleman from Berks County, our Speaker, who have, day in and day out, had to deal with and confront the most horrific parts of your life, standing up and advocating for others, we thank you. And we are very, very proud to support this measure and will urge our colleagues and work with them across the building to get this bill to the Governor's desk as soon as possible. Thank you.

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—134

Abney	Flick	Labs	Ryncavage
Adams	Frankel	Lawrence	Salisbury
Bellmon	Freeman	Mackenzie, M.	Samuelson
Benham	Friel	Mackenzie, R.	Sanchez
Benninghoff	Gallagher	Madden	Sappery
Bizzarro	Galloway	Madsen	Scheuren
Bonner	Gergely	Malagari	Schlossberg
Borowski	Gillen	Maloney	Schmitt
Boyle	Giral	Marcell	Schweyer
Bradford	Green	Markosek	Scott
Brennan	Gregory	Marshall	Shusterman
Briggs	Guenst	Matzie	Siegel
Brown, A.	Guzman	Mayes	Smith-Wade-El
Bullock	Haddock	McAndrew	Solomon
Burgos	Hanbidge	McClinton	Steele
Burns	Harkins	McNeill	Struzzi
C Freytiz	Harris	Mehaffie	Sturla
Cabell	Hogan	Merski	Takac
Causar	Hohenstein	Miller, D.	Tomlinson
Cephas	Howard	Mullins	Venkat
Cerrato	Innamorato	Munroe	Vitali
Ciresi	Isaacson	Neilson	Warren
Conklin	Jozwiak	Nelson, N.	Watro

Curry	Kaufer	O'Mara	Waxman
Daley	Kazeem	Ortitay	Webster
Davis	Kenyatta	Otten	Wentling
Dawkins	Khan	Parker	White
Deasy	Kim	Pashinski	Williams, C.
Delloso	Kinthead	Pielli	Williams, D.
Donahue	Kinsey	Pisciottano	Young
Emrick	Kosierowski	Probst	Zabel
Evans	Krajewski	Rabb	
Fiedler	Krueger	Rapp	Rozzi,
Fleming	Kulik	Rigby	Speaker

NAYS—67

Armanini	Fink	Klunk	Owlett
Banta	Flood	Krupa	Pickett
Barton	Fritz	Kutz	Rader
Bernstine	Gleim	Kuzma	Rossi
Borowicz	Greiner	Leadbeter	Rowe
Brown, M.	Grove	Major	Schemel
Cook	Hamm	Mako	Schlegel
Cooper	Heffley	Mentzer	Scialabba
Culver	Irvin	Mercuri	Smith
Cutler	James	Metzgar	Staats
D'Orsie	Jones, M.	Mihalek	Stambaugh
Davanzo	Jones, T.	Miller, B.	Stehr
Delozier	Kail	Moul	Topper
Diamond	Kauffman	Mustello	Twardzik
Dunbar	Keefer	Nelson, E.	Warner
Ecker	Kephart	O'Neal	Zimmerman
Fee	Kerwin	Oberlander	

NOT VOTING—0

EXCUSED—2

Gaydos            Roae

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 pro tempore. The House will temporarily be at ease.

The House will come to order.

**THE SPEAKER (MARK ROZZI)  
PRESIDING**

**REMARKS BY SPEAKER**

The SPEAKER. The Chair would like to thank the members from both sides of the aisle. This has been a tumultuous time in the House, and that is okay and normal during times of transition, but despite our procedural bickering, at the end of the day, when it was time to be there for victims, the House once again came together in a bipartisan way.

From the bottom of my heart, I want to say thank you to everyone.

**ADJOURNMENT**

The SPEAKER. The Chair is in receipt of a motion made by the gentleman, Representative Malagari, that the House now adjourn until Monday, February 27, 2023, at 12 m., e.s.t., unless sooner recall by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 11:02 a.m., e.s.t., the House adjourned.