

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, SEPTEMBER 8, 2020

SESSION OF 2020 204TH OF THE GENERAL ASSEMBLY

No. 38

SENATE

TUESDAY, September 8, 2020

The Senate met at 3 p.m., Eastern Daylight Saving Time.

The PRESIDING OFFICER (Senator John R. Gordner) in the Chair.

PRAYER

The following prayer was offered by Hon. DONETTA M. D'INNOCENZO, Chief Clerk of the Senate.

Let us pray.

Father, we bow our heads and come before You this day as Your humble servants. As Your word guides us in Philippians 2:3, Let us do nothing out of selfish ambition or vain conceit. Rather, in humility, we value others above ourselves, not looking to our own interests but each to the interests of the others. In this spirit, we ask that You guide the words of our mouths and the meditations of our hearts that they may be acceptable in Your sight, O Lord our strength and our Redeemer. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited by those assembled.)

COMMUNICATION FROM THE GOVERNOR

NOMINATION REFERRED TO COMMITTEE

The PRESIDING OFFICER laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows and referred to the Committee on Rules and Executive Nominations:

MEMBER OF THE STATE REGISTRATION BOARD
FOR PROFESSIONAL ENGINEERS, LAND
SURVEYORS AND GEOLOGISTS

September 8, 2020

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas J. Yablonski, Jr., 1408 Rose Lane, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Registration Board for Professional Engineers, Land Surveyors and Geologists, to serve for a term of six years, and until the successor is appointed and

qualified, but not longer than six months beyond that period, vice Theodore Tesler, Harrisburg, whose term expired.

TOM WOLF
Governor

BILLS INTRODUCED AND REFERRED

The PRESIDING OFFICER laid before the Senate the following Senate Bills numbered, entitled, and referred as follows, which were read by the Clerk:

September 8, 2020

Senators STEFANO, MENSCH, BROWNE, J. WARD, PITTMAN, MASTRIANO, PHILLIPS-HILL, MARTIN, YUDICHAK and DiSANTO presented to the Chair **SB 1282**, entitled:

An Act amending the act of March 3, 1978 (P.L.6, No.3), known as the Steel Products Procurement Act, further providing for unidentified steel.

Which was committed to the Committee on STATE GOVERNMENT, September 8, 2020.

Senators FONTANA, SCHWANK, MUTH, BROWNE, BREWSTER, KEARNEY, TARTAGLIONE and COSTA presented to the Chair **SB 1284**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, in general provisions relating to insurance companies, associations and exchanges, providing for use of genetic information for insurance purposes.

Which was committed to the Committee on BANKING AND INSURANCE, September 8, 2020.

Senators FONTANA, FARNESE, SANTARSIERO, TARTAGLIONE, BREWSTER and COSTA presented to the Chair **SB 1285**, entitled:

An Act providing for legionnaires' disease prevention and reporting and imposing duties on the Department of Environmental Protection and the Department of Health.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, September 8, 2020.

Senators LANGERHOLC, DINNIMAN, PHILLIPS-HILL, ARGALL, GORDNER, PITTMAN, MENSCH, J. WARD, DiSANTO, AUMENT, KEARNEY, KILLION, MARTIN, STEFANO, MASTRIANO and ARNOLD presented to the Chair **SB 1286**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in preliminary provisions, providing for mandate waiver program.

Which was committed to the Committee on EDUCATION, September 8, 2020.

Senators HAYWOOD, MUTH, TARTAGLIONE and A. WILLIAMS presented to the Chair **SB 1287**, entitled:

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

Which was committed to the Committee on JUDICIARY, September 8, 2020.

Senators BARTOLOTTA, J. WARD, TARTAGLIONE and IOVINO presented to the Chair **SB 1288**, entitled:

An Act prohibiting enforcement of covenants not to compete in broadcast employment agreements.

Which was committed to the Committee on LABOR AND INDUSTRY, September 8, 2020.

Senators SCAVELLO, ARNOLD, BARTOLOTTA, MASTRIANO, J. WARD, ARGALL, GORDNER and REGAN presented to the Chair **SB 1289**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in preliminary provisions, providing for interscholastic athletics during disaster emergency.

Which was committed to the Committee on EDUCATION, September 8, 2020.

Senators HAYWOOD, HUGHES, MUTH, FARNESE, FONTANA, KEARNEY, STREET, L. WILLIAMS, COSTA, DINNIMAN and IOVINO presented to the Chair **SB 1290**, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, in emergency COVID-19 response, further providing for definitions relating to Pennsylvania Housing Finance Agency and for mortgage and rental assistance program.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, September 8, 2020.

Senators FARNESE, SANTARSIERO, BLAKE, FONTANA, A. WILLIAMS, COLLETT, HUGHES, BREWSTER, DINNIMAN, COSTA and TARTAGLIONE presented to the Chair **SB 1292**, entitled:

An Act providing for prohibitions on financial institutions during a declaration by the Governor of a disaster emergency.

Which was committed to the Committee on BANKING AND INSURANCE, September 8, 2020.

Senator KILLION presented to the Chair **SB 1307**, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, in emergency COVID-19 response, providing for appropriations from the account, for Pennsylvania Infrastructure Investment Authority, for Low-Income Energy Assistance Residential Utility Payment Program and for the Pennsylvania Public Utility Commission.

Which was committed to the Committee on APPROPRIATIONS, September 8, 2020.

Senator MARTIN presented to the Chair **SB 1309**, entitled:

An Act authorizing the Department of Transportation, with the approval of the Governor, to grant and convey to High Properties, LP, a certain tract of unimproved land situate in Manheim Township, Lancaster County.

Which was committed to the Committee on STATE GOVERNMENT, September 8, 2020.

Senators J. WARD, PHILLIPS-HILL, BROOKS, PITTMAN, HUTCHINSON, YAW, L. WILLIAMS, STEFANO, COLLETT, IOVINO and BREWSTER presented to the Chair **SB 1314**, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, in emergency COVID-19 response, providing for appropriations from the account and for Nonprofit Economic Emergency Delivery System Grants Program.

Which was committed to the Committee on APPROPRIATIONS, September 8, 2020.

RESOLUTION INTRODUCED AND REFERRED

The PRESIDING OFFICER laid before the Senate the following Senate Resolution numbered, entitled, and referred as follows, which was read by the Clerk:

September 8, 2020

Senators MUTH, FARNESE, KEARNEY, COLLETT, FONTANA, COSTA, HUGHES, BREWSTER, BROWNE, SANTARSIERO, TARTAGLIONE and IOVINO presented to the Chair **SR 359**, entitled:

A Resolution designating the month of November 2020 as "Military Sexual Assault Survivors Month" in Pennsylvania.

Which was committed to the Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, September 8, 2020.

BILLS REPORTED FROM COMMITTEES

Senator STEFANO, from the Committee on Law and Justice, reported the following bill:

HB 2513 (Pr. No. 4340) (Amended)

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for establishment operation.

Senator MARTIN, from the Committee on Local Government, reported the following bills:

SB 1164 (Pr. No. 1712)

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, in coroner, further providing for coroner's investigation.

HB 885 (Pr. No. 4075)

An Act amending the act of December 20, 1967 (P.L.869, No.385), known as the Public Works Contractors' Bond Law of 1967, further providing for duty of prime contractor to provide financial security in certain contracts involving public works and public improvements.

HB 908 (Pr. No. 1029)

An Act amending the act of January 19, 1968 (1967 P.L.992, No.442), entitled "An act authorizing the Commonwealth of Pennsylvania

nia and the local government units thereof to preserve, acquire or hold land for open space uses,"further providing for local taxing options.

HB 1408 (Pr. No. 1727)

An Act repealing the act of July 30, 1959 (P.L.585, No.192), entitled "An act permitting the completion of baseball games in cities of the first, second, second class A, and third class, and townships of the first class, notwithstanding provisions to the contrary."

HB 1582 (Pr. No. 2577)

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, in auditors and accountants, further providing for appointment of accountant and providing for appointment of independent auditor and abolishment of office of elected auditor.

HB 1647 (Pr. No. 3879)

An Act amending the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law, further providing for effect of failure to receive tax notice.

HB 2044 (Pr. No. 2871)

An Act repealing the act of May 16, 1919 (P.L. 193, No. 120), entitled "An act to provide for the licensing and regulation of public dance halls and ball rooms, and for the regulation, supervision of public dances and balls in cities of the first, second, and third classes."

HB 2536 (Pr. No. 4341) (Amended)

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in incurring debt and issuing bonds and notes, providing for emergency tax anticipation notes.

LEGISLATIVE LEAVES

The PRESIDING OFFICER. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, I request legislative leaves for Senator Scarnati, Senator Tomlinson, and Senator Yudichak.

The PRESIDING OFFICER. Senator Corman requests legislative leaves for Senator Scarnati, Senator Tomlinson, and Senator Yudichak. Without objection, the leaves will be granted.

JOURNAL APPROVED

The PRESIDING OFFICER. The Journal of the Session of June 8, 2020, is now in print.

The Clerk proceeded to read the Journal of the Session of June 8, 2020.

Senator CORMAN. Mr. President, I move that further reading of the Journal be dispensed with and that the Journal be approved.

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

The yeas and nays were required by Senator CORMAN and were as follows, viz:

YEA-50

Argall	Dinniman	Leach	Stefano
Arnold	DiSanto	Martin	Street
Aument	Farnese	Mastriano	Tartaglione
Baker	Fontana	Mensch	Tomlinson
Bartolotta	Gordner	Muth	Vogel
Blake	Haywood	Phillips-Hill	Ward, Judy
Boscola	Hughes	Pittman	Ward, Kim
Brewster	Hutchinson	Regan	Williams, Anthony H.
Brooks	Iovino	Sabatina	Williams, Lindsey
Browne	Kearney	Santarsiero	Yaw
Collett	Killion	Scarnati	Yudichak
Corman	Langerholc	Scavello	
Costa	Laughlin	Schwank	

NAY-0

A majority of the Senators having voted "aye," the question was determined in the affirmative.

The PRESIDING OFFICER. The Journal is approved.

SB 530 AND SB 679 TAKEN FROM THE TABLE

Senator CORMAN. Mr. President, I move that Senate Bill No. 530, Printer's No. 1331, and Senate Bill No. 679, Printer's No. 1395, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

The PRESIDING OFFICER. The bills will be placed on the Calendar.

CALENDAR

SECOND CONSIDERATION CALENDAR

BILLS OUT OF ORDER

Without objection, the following bills on today's Calendar were called out of order by Senator CORMAN, as Special Orders of Business.

BILLS ON SECOND CONSIDERATION AND REREFERRED

HB 2025 (Pr. No. 3907) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of Environmental Protection to conduct a public comment process on and submit to the General Assembly a measure or action intended to abate, control or limit carbon dioxide emissions by imposing a revenue-generating tax or fee on carbon dioxide emissions.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

Upon motion of Senator CORMAN, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

HB 2787 (Pr. No. 4334) -- The Senate proceeded to consideration of the bill, entitled:

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 precautions against spread of COVID-19; and, in terms and courses of study, providing for sports and extracurricular activities during COVID-19 pandemic.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

Upon motion of Senator CORMAN, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

RECESS

The PRESIDING OFFICER. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, I request a recess of the Senate for the purpose of a Republican caucus to be held in the Majority Caucus Room.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Mr. President, Senate Democrats will meet via ZOOM in our caucus room.

The PRESIDING OFFICER. For purposes of Republican and Democratic caucuses, without objection, the Senate stands in recess.

AFTER RECESS

The **PRESIDENT pro tempore (Senator Joseph B. Scarnati III) in the Chair.**

The **PRESIDENT pro tempore.** The time of recess having expired, the Senate will come to order.

LEGISLATIVE LEAVES CANCELLED

The **PRESIDENT pro tempore.** Senator Tomlinson and Senator Scarnati have returned, and their legislative leaves are cancelled.

RECESS

The **PRESIDENT pro tempore.** The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, I request a recess of the Senate for purposes of off-the-floor meetings to be held here on the Senate floor, starting with the Committee on Appropriations, followed by the Committee on State Government.

The **PRESIDENT pro tempore.** For purposes of off-the-floor meetings of the Committee on Appropriations, followed by the Committee on State Government, without objection, the Senate stands in recess.

AFTER RECESS

The **PRESIDENT pro tempore,** The time of recess having expired, the Senate will come to order.

CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 85, SB 107, HB 355 and SB 565 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL LAID ON THE TABLE

SB 606 (Pr. No. 791) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for expedited partner therapy and for liability.

Upon motion of Senator CORMAN, and agreed to by voice vote, the bill was laid on the table.

SB 606 TAKEN FROM THE TABLE

Senator CORMAN. Mr. President, I move that Senate Bill No. 606, Printer's No. 791, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

The **PRESIDENT pro tempore.** The bill will be placed on the Calendar.

BILL OVER IN ORDER

HB 716 -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

BILL LAID ON THE TABLE

SB 763 (Pr. No. 973) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 27, 1966 (1st Sp.Sess., P.L.31, No.1), known as The Bituminous Mine Subsidence and Land Conservation Act, further providing for compilation and analysis of data.

Upon motion of Senator CORMAN, and agreed to by voice vote, the bill was laid on the table.

SB 763 TAKEN FROM THE TABLE

Senator CORMAN. Mr. President, I move that Senate Bill No. 763, Printer's No. 973, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

The **PRESIDENT pro tempore.** The bill will be placed on the Calendar.

BILL OVER IN ORDER

SB 764 -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

BILL AMENDED

SB 869 (Pr. No. 1758) -- The Senate proceeded to consideration of the bill, 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 moment of silence on September 11 anniversary.

On the question,

Will the Senate agree to the bill on third consideration?

PHILLIPS-HILL AMENDMENT A7084

Senator PHILLIPS-HILL offered the following amendment No. A7084:

Amend Bill, page 2, lines 5 and 6, by striking out "and MODEL curriculum" in line 5 and all of line 6 and inserting:

(c) The Department of Education shall establish a model curriculum for instruction in the events and significance of September 11, 2001, no later than twelve (12) months after the effective date of this section. The model curriculum shall include, but not be limited to, all of the following topics where appropriate:

(1) The historical context of terrorism.
(2) The terrorist attacks on the World Trade Center, the Pentagon and United Airlines Flight 93 which crashed in Shanksville, Pennsylvania.

(3) American recovery and response to the attacks.
(4) Global challenges and consequences in a post-September 11 world.

(d) The Department of Education shall make available on the department's publicly accessible Internet website curriculum materials and other available resources regarding the events and significance of September 11, 2001, for voluntary use by school entities.

Amend Bill, page 2, line 7, by striking out "(c)" and inserting:

(e)
 Amend Bill, page 2, line 8, by striking out "guidelines" and inserting:

curriculum

Amend Bill, page 2, by inserting between lines 11 and 12:

(f) Nothing in subsections (c) and (d) shall be construed to require a school entity or nonpublic school to implement, adopt or use the curriculum, materials and other resources made available by the department under this section.

Amend Bill, page 2, line 16, by striking out "(D)" and inserting:

(g)

On the question,

Will the Senate agree to the amendment?

The PRESIDENT pro tempore. The Chair recognizes the gentlewoman from York, Senator Phillips-Hill.

Senator PHILLIPS-HILL. Mr. President, this amendment would add upon the good work of Senate Bill No. 869 by requiring the Department of Education to develop a model curriculum to assist school entities in providing instruction about the events of September 11, 2001. It is fitting that we consider this bill and amendment during the week of the 19th anniversary of 9/11. The Department of Education would be required to make the model curriculum available on its publicly accessible Website for school entities to voluntarily utilize. This would not put any unfunded mandates on schools to use these materials or require them to use it. Rather, this bill would simply encourage instruction by insuring that these materials are made available to schools who wish to utilize them.

September 11, 2001, was a day when our country coalesced bravely in the face of terrorism and the loss of 2,977 American lives, including many first responders. It is undoubtedly one of the most defining moments of contemporary American and world history. You would be surprised to know that Pennsylvania State academic standards for history, civics, and government do not make any mention of this life- and country-defining date, or of the terrorist attacks whatsoever. Given the continuing impact of 9/11 on the lives of all Americans and on subsequent world events, I believe it is of the utmost importance that our students grow up with an adequate understanding of this time in our history.

I respectfully ask my colleagues to join me in casting an affirmative vote for this amendment, because we must never forget.

Thank you, Mr. President.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third consideration, as amended?

IOVINO AMENDMENT A6790

Senator IOVINO offered the following amendment No. A6790:

Amend Bill, page 1, line 6, by striking out the period after "anniversary" and inserting:

and for moment of silence on December 7, Pearl Harbor Day.

Amend Bill, page 1, lines 9 through 11, by striking out all of said lines and inserting:

Section 1. The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended by adding sections to read:

Amend Bill, page 2, by inserting between lines 19 and 20:

Section 1556. Moment of silence on December 7, Pearl Harbor Day.--(a) Beginning with school year 2021-2022 and any subsequent school year when Pearl Harbor Day occurs on a school day, each school entity shall conduct a moment of silence during instructional hours for students and faculty to observe the anniversary of Pearl Harbor Day as a remembrance of the 3,546 military service persons who lost their lives or were wounded by the Japanese attack on Pearl Harbor on December 7, 1941.

(b) Beginning with the 2021-2022 school year, the Department of Education shall make available to all school entities voluntary in-service training programs based upon the moment of silence provided for under subsection (a) and model curriculum guidelines.

(c) The Department of Education shall provide the model guidelines, voluntary in-service training and any other materials developed in accordance with this section to any nonpublic school within this Commonwealth upon receiving a request from the nonpublic school.

(d) For purposes of this section, the term "school entity" shall mean a school district, charter school, regional charter school, cyber charter school, intermediate unit or career and technical school.

On the question,

Will the Senate agree to the amendment?

The PRESIDENT pro tempore. The Chair recognizes the gentlewoman from Allegheny, Senator Iovino.

Senator IOVINO. Mr. President, I wholeheartedly support Senate Bill No. 869, and I offer this amendment in the same spirit of remembrance of victims of attacks on American soil by adding a moment of silence in our schools, in addition to the September 11 remembrance, to observe the 1941 attack on Pearl Harbor. We are all familiar, as they are seared into the American conscience, with the words of President Franklin Roosevelt when he described that fateful day in beautiful Oahu, Hawaii, saying, "December 7, 1941--a date which will live in infamy--the United States of America was suddenly and deliberately attacked by naval and air forces of the Empire of Japan." Over the course of 1 hour and 5 minutes of the surprise attack, 2,403 U.S. personnel, including civilians, lost their lives, making it the second deadliest

attack on American soil only to 9/11. An additional 1,178 people were wounded. Eighty-six aircraft and three ships were destroyed, including the *USS Arizona*, which to this day lies on the sea floor with its crew on board as a memorial to those who perished.

Like September 11, the historic implications of the attack on Pearl Harbor cannot be overstated. It was the seminal moment that woke the sleeping giant and began America's direct involvement in World War II, leading to the fall of Germany's Third Reich, the surrender of the Japanese empire, the triumph of democracy, a new world order, and the return home of the greatest generation. Also, much like September 11, it is critical that Pennsylvania students not only understand the historic significance of the Pearl Harbor attack, but they, and all of us, take time to remember those who lost their lives so that we never forget.

My very last duty station in the Navy was at Naval Network Warfare Command. It is cyber warfare. It is on Nebraska Avenue in Washington, D.C., but in December of 1941, on that site was Naval Communication Station Washington. On that day, a third class radioman with his headset on took a message, and in that office space hanging on the wall is one of the most powerful pieces of Navy memorabilia that I have ever seen, and it is a yellow-lined piece of paper with pencil written on it. What you can just tell in the scrawl - the irregularity, the urgency of the writing that is on that piece of paper, because that third class radioman would have heard this over his headset, written it down, and then gotten it up to higher authority. Scrawled on that piece of paper it says, "AIR RAID ON PEARL HARBOR. THIS IS NOT A DRILL."

I ask for the immediate adoption of amendment No. A6790 to Senate Bill No. 869.

Thank you, Mr. President.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator CORMAN.

BILLS OVER IN ORDER

SB 881, HB 941 and HB 942 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL AMENDED AND LAID ON THE TABLE

SB 968 (Pr. No. 1480) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, in judicial boards and commissions, further providing for definitions and for publication of guidelines for sentencing, resentencing and parole, risk assessment instrument and recommitment ranges following revocation; in depositions and witnesses, further providing for confidential communications involving law enforcement officers and for confidential communications to peer support members; in juvenile matters, further providing for inspection of court files and records; in particular rights and immunities, further providing for immunity of State parole officers and for immunity of program administrators and

supervisors; in post-trial matters, further providing for postconviction DNA testing; in sentencing, further providing for mandatory period of probation for certain sexual offenders, for disposition of persons found guilty but mentally ill, for information required upon commitment and subsequent disposition, for judicial power to release inmates, for transfer of inmates in need of medical treatment, for applicability, for registry, for initial registration, for duty to inform, for enforcement, for assessments, for administration, for global positioning system technology, for immunity for good faith conduct, for Pennsylvania State Police, for duties of probation and parole officials, for board, for annual performance audit, for applicability, for registration procedures and applicability, for assessments, for administration, for global positioning system technology, for immunity for good faith conduct, for duties of Pennsylvania State Police, for duties of Pennsylvania Board of Probation and Parole, for board and for annual performance audit; in other criminal provisions, further providing for supervisory relationship to offenders; in preliminary provisions, further providing for definitions; in general administration, providing for powers of peace officers; in community corrections centers and community corrections facilities, further providing for definitions, for department, for offenders who may be housed, for authority of Commonwealth employees, for authority of chairman and for escape and providing for certain offenders residing in group-based homes and for reporting; in Pennsylvania Board of Probation and Parole, further providing for definitions, for operation of parole system generally, for Pennsylvania Parole Board, for board chairperson, for board action, for meetings and for offices, repealing provisions relating to district directors, to district office employees, to disciplinary action and to certain offenders residing in group-based homes, further providing for general powers of board and for specific powers of board involving parolees, repealing provisions relating to probation services, further providing for sentencing court to transmit records to board, for general criteria for parole by court, for right of access to inmates, for parole power, for violation of terms of parole, for parole procedure, for victim statements, testimony and participation in hearing, for general rules and special regulations and for early parole of inmates subject to Federal removal order and repealing provisions relating to definitions, to status as peace officers and to supervisory relationship to offenders; providing for supervision of offenders and for agents; in county probation officers' firearm education and training, further providing for definitions; in Interstate Compacts, further providing for Interstate Compact for the Supervision of Adult Offenders application fee, for deputization and for supervision of persons paroled by other states; conferring powers and imposing duties on the Department of Corrections; providing for the transfer of functions, powers and duties of the Pennsylvania Board of Probation and Parole and for appropriations for the Office of Victim Advocate; making related repeals; and making editorial changes.

On the question,

Will the Senate agree to the bill on third consideration?

Senator BROWNE offered the following amendment No. A7038:

Amend Bill, page 1, line 22, by inserting after "assessments," for verification by sexual offenders and Pennsylvania State Police,

Amend Bill, page 1, line 26, by inserting after "applicability," for registration,

Amend Bill, page 2, line 31, by inserting after "states," providing for Board of Pardons;

Amend Bill, page 2, line 35, by inserting after "Advocate," making related repeals;

Amend Bill, page 14, line 6, by inserting after "(g)," 9799.25(f)(4),

Amend Bill, page 21, by inserting between lines 29 and 30: § 9799.25. Verification by sexual offenders and Pennsylvania State Police.

(f) Residents in group-based homes.--

(4) As used in this subsection, the term "group-based home" has the meaning given to it in 61 Pa.C.S. § [6124(c)] 5007(c)(relating to certain offenders residing in group-based

homes).

Amend Bill, page 24, line 20, by inserting after "(3),":
9799.55(d)(4),

Amend Bill, page 28, by inserting between lines 9 and 10:
§ 9799.55. Registration.

(d) Residents in group-based homes.--

(4) As used in this subsection, the term "group-based home" has the meaning given to it in 61 Pa.C.S. § [6124(c)] 5007(c) (relating to certain offenders residing in group-based homes).

Amend Bill, page 34, line 30, by inserting after "public":

electronically on the Attorney General's publicly accessible Internet website

Amend Bill, page 37, line 3, by striking out "and interests"

Amend Bill, page 37, line 6, by striking out the period after "escaped" and inserting:

within the immediate area of a State correctional facility or mode of transport. For the purposes of this section, the immediate area of a State correctional facility or mode of transport shall encompass the curtilage up to and including one-half of one mile.

Amend Bill, page 41, line 28, by inserting after "(2)":

All hearings shall be conducted in compliance with 65 Pa.C.S. Ch. 7 (relating to open meetings).

Amend Bill, page 41, line 29, by striking out "provide public notice of" and inserting:

announce

Amend Bill, page 42, line 2, by striking out "notice" and inserting:
announcement

Amend Bill, page 42, line 3, by inserting after "location":

, date

Amend Bill, page 42, lines 5 through 7, by striking out "Nothing in this paragraph" in line 5 and all of lines 6 and 7

Amend Bill, page 76, line 26, by inserting a bracket before "board"

Amend Bill, page 76, line 26, by inserting after "board":

] department

Amend Bill, page 114, by inserting between lines 17 and 18:

Section 26.1. Title 61 is amended by adding a chapter to read:

CHAPTER 73

BOARD OF PARDONS

Sec.

7301. Board of Pardons.

§ 7301. Board of Pardons.

(a) Establishment.--The Board of Pardons is established for the purposes of:

(1) hearing applications for the remission of fines and forfeitures;

(2) granting of reprieves, commutations of sentence and pardons, except in cases of impeachment; and

(3) making recommendations in writing to the Governor thereon, in the manner provided under and subject to section 9 of Article IV of the Constitution of Pennsylvania.

(b) Composition.--The Board of Pardons shall consist of the following members:

(1) The Lieutenant Governor, who shall be chairperson.

(2) The Attorney General.

(3) Three members appointed by the Governor as provided under section 9 of Article IV of the Constitution of Pennsylvania.

(b.1) Terms.--Members shall serve a term of six years.

(c) Quorum.--Three members of the board shall constitute a quorum.

(d) Granting of hearings.--Hearings relating to the granting of reprieves, commutations of sentences and pardons for prisoners serving life sentences or sentences for crimes of violence may only be granted upon approval by a vote of a majority of the members of the Board of Pardons.

(e) Applicants under sentence of death.--In cases involving applicants under sentence of death, the application shall be filed within 10 days of the Governor's issuance of a warrant specifying a week for execution.

(f) Notice to victims.--The following apply:

(1) The Board of Pardons shall provide notice to victims or next of kin, including victims who are registered with the Department of Corrections, the Office of Victim Advocate, the Pennsylva-

nia Parole Board, the Board of Pardons and those whose whereabouts are otherwise known.

(2) Individuals notified under this subsection shall be given the opportunity to offer prior comment on any application which has been granted by the Board of Pardons pertaining to the individual's case, which may be oral or written, and shall be considered by the Board of Pardons as to the advisability of any pardon or related release and any conditions of release.

(3) The Board of Pardons shall provide notice to victims or next of kin of the date, time and place of a hearing pertaining to their case.

(g) Hearings.--Each member of the Board of Pardons shall interview an applicant in instances where the Board of Pardons chooses to have an application submitted by the following:

(1) an inmate serving a life sentence or a sentence of death; or

(2) an inmate serving a sentence for murder of the third degree, voluntary manslaughter, attempt to commit murder of the third degree or attempt to commit voluntary manslaughter.

(h) Rules and regulations.--The Board of Pardons shall adopt rules and regulations governing actions of the board and all hearings and recommendations shall be subject to the rules and regulations.

(i) Recordkeeping.--The Board of Pardons shall keep records of all actions, which shall, at all times, be open for public inspection.

(j) Offices.--Upon request, the Department of Corrections shall make available facilities, administrative support and other assistance to the board. The Secretary of the Board of Pardons shall employ staff as necessary to carry out the board's duties under this chapter.

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

"Crime of violence." As defined in 42 Pa.C.S. § 9714(g) (relating to sentences for second and subsequent offenses).

Amend Bill, page 115, by inserting between lines 3 and 4:

(ii) Personnel transferred under this section who on the effective date of this section hold civil service employment status shall retain such status and protections afforded under 71 Pa.C.S. Pt. III (relating to civil service reform) while they remain in their current position.

Amend Bill, page 115, line 4, by striking out "(ii)" and inserting:

(iii)

Amend Bill, page 115, lines 26 and 27, by striking out all of said lines and inserting:

Section 29. The Appropriation for the Pennsylvania Parole Board and the Board of Pardons must each be in a separate line item under the Department of Corrections.

Section 29.1. Repeals are as follows:

(1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate the addition of 61 Pa.C.S. Ch. 73.

(2) Sections 403 and 909 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, are repealed.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Upon motion of Senator CORMAN, and agreed to by voice vote, the bill, as amended, was laid on the table.

SB 968 TAKEN FROM THE TABLE

Senator CORMAN. Mr. President, I move that Senate Bill No. 968, Printer's No. 1938, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

BILL AMENDED AND LAID ON THE TABLE

SB 969 (Pr. No. 1463) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, in preliminary provisions, further providing for definitions; in crime victims, further providing for responsibilities of department, local correctional facilities and board; in administration, further providing for office and for powers and duties of victim advocate and providing for confidentiality of records; and, in financial matters, further providing for costs for offender supervision programs.

On the question,

Will the Senate agree to the bill on third consideration?

Senator PITTMAN offered the following amendment No. A4789:

Amend Bill, page 4, line 1, by inserting a bracket before "a"

Amend Bill, page 4, line 2, by inserting after "acceptable":

I be a member of the bar of this Commonwealth

On the question,

Will the Senate agree to the amendment?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Mr. President, notwithstanding the support of my colleague, Senator Street, I rise and ask for a negative vote on this particular amendment. Mr. President, as I see it, this is an amendment that is designed specifically to remove or prevent the current victim advocate from continuing to serve as the victim advocate for Pennsylvania. Mr. President, the requirement that the victim advocate must be an attorney is not one that is necessary, particularly given the role and responsibilities of a victim advocate in Pennsylvania. In fact, I think only one State in this country requires a victim advocate be an attorney. A victim advocate is someone who is supposed to be the advocate for victims. It does not require a law degree. A victim advocate is someone who is supposed to understand the legal process and the legislative process, but does not necessarily need to be a lawyer. If that were the case, everyone in this room would have to be a lawyer to understand the legislative process, or the legal process, for that matter, because we are interpreting laws and making laws as we go forward.

Mr. President, what is inappropriate to me is that it is well known that there are some concerns about the victim advocate and, to be blunt, I know some folks in this Chamber are not particularly fond of the work that has been done or the voice that the victim advocate has spoken about. But this woman has been a victim's advocate, understanding the concerns and needs of the victims across this Commonwealth. While she may not have done the work 100-percent properly in terms of how people deem that work to be done, she is someone who has been compassionate. She is a woman who understands the process. A person, a woman, who we are now trying to prevent from serving in this role going forward.

Mr. President, if, in fact, this body does not think she should continue to serve in this capacity, then we will have that opportunity, because I understand her name is before this Senate for approval. By the consent of this Senate, she will be able to serve or not serve going forward. This should not be an opportunity for folks in this Chamber, and I am not going to be complicit in a scheme that is going to remove a woman who has been serving as a victim advocate, fighting alongside, shoulder to shoulder, with so many of our victims in this Commonwealth.

Now, granted, there is more that needs to be done with respect to understanding and possibly broadening the scope of that advocacy. We had a very serious and significant caucus discussion earlier today where we talked about that and the role this woman should continue to play. But let us not change the law to prevent her from being able to serve. This is a woman who, as I said, is someone who has been a strong victim advocate, and while some folks may not like what she has been talking about, it is important that her voice be heard, because she speaks for the victims, and that is what this Caucus and this Chamber should be about. That is why I am asking for a negative vote, so we do prevent this woman from being removed from her position going forward. Let us take the vote on the victim advocate so this woman can be able to serve in that capacity and continue to fight for women and other folks who are abused by sexual violence and other types of victims.

Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Philadelphia, Senator Street.

Senator STREET. Mr. President, thank you for this opportunity to speak. You know, the role of the victim advocate is diverse in Pennsylvania. I serve on the Sentencing Commission, by appointment of this Chamber, and the victim advocate frequently gives opinions about how we are going to advance sentencing guidelines and issues. The victim advocate frequently intervenes in probation and parole hearings. The victim advocate takes positions on a number of legal issues. To speak, with all due respect to my Leader, for whom I have a great deal of respect, the current occupant of the Office of Victim Advocate does not always speak for victims.

I represent a district that has seen a considerable amount of crime, gun violence victims, and the victim advocate has been virtually invisible in my district. She has not--the rallies and vigils we have for children who are shot, over 300 people shot in Philadelphia this year alone. I have spoken at the funerals of children, and the victim advocate has not shown up. The victim advocate has even gone so far as to minimize, in her comments, a group like Mothers in Charge, the entire membership of which are mothers who are the parents of slain children.

This victim advocate, at a hearing on legislation that I was advancing, made comments that there were no people who were victims who supported both victims and criminal justice reform. In fact, the sponsor in the House, Representative Dawkins, has a brother who was slain and murdered, and he has a brother who is doing life without parole. The issues that the victim advocate speaks to are complex, and the types of victims in Pennsylvania are diverse. Now, she has spoken up for sexual assault victims, and I commend that, but she has not spoken up for victims of gun violence. She has not spoken up for inner city victims of crime. She has not spoken up for the many victims in the district I represent. Moreover, she does not demonstrate a clear understanding of the complex legal issues that go into the decisionmaking process that impacts victims. The fact is, people can be dual victimized in communities when we do not advance criminal justice reform. It is a fact that the communities that contain the greatest number of victims are most often the same communities where you have the greatest number of people incarcerated.

You see, the complexity of these issues would be better served by a person who has looked at these issues. No, a lawyer

is not the only person that does it, but lawyers are more likely to have taken a more fine-tuned approach to looking at these issues, and certainly the issues that the victim advocate frequently opines are legal. So, I have talked with Senator Pittman, and he and I agree that this legislation advances the qualifications for the victim advocate, and, moreover, it will give us a chance to have a fresh look at the role of this advocate in our Commonwealth's jurisprudence. So, Mr. President, I ask for an affirmative vote on the amendment, and I thank the maker of the amendment.

The PRESIDENT pro tempore. The Chair recognizes the gentlewoman from Montgomery, Senator Muth.

Senator MUTH. Mr. President, I will be brief. If we are going to question someone's ability to fulfill this role, it would have been a better idea to do it during her reconfirmation hearing so we could discuss the issues and concerns that maybe some of our Members have with the current victim advocate. To create legislative changes out of spite or for the sake that this person may, in fact, have really revealed a lot of truth about some of the things that have happened in this General Assembly, and then to purposely not bring her up again for her reconfirmation, delay it, is a targeted effort. So, that means someone who brings forth matters of truth can be targeted and removed, and what happens to her can happen to anyone.

So, I would assume that everyone in this room can have a debate about things the victim advocate should improve on, and Senator Street has valid points that should be addressed during a reconfirmation hearing. I am not sure of the thought process that drove this to be a thing today on our Calendar. So, if we want to have a conversation about the current victim advocate and what they may or may not be doing, that is for a reconfirmation hearing. If we want to change the requirements of the position completely because there is ill will towards the current victim advocate, that is a targeted effort. That is simply unacceptable.

So, I hope we are able to agree that picking someone and changing the role they are currently fulfilling so they can no longer legally fulfill it would not be something this body would do, and we would instead have a reconfirmation hearing and discuss those concerns with that individual then.

Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Montgomery, Senator Haywood.

Senator HAYWOOD. Mr. President, as some of you may know, I have been a lawyer for over 30 years. It is my view that a lawyer has no particular advantage in the role of victim advocate. In fact, I met some spectacular individuals who would be tremendous victim advocates based upon their experience as victims, based upon their experience in the justice system, and based upon their passion for the role. So, as an over 30-year experienced lawyer, I see nothing in my experience, or those who have had similar legal training, that makes them especially qualified for this role. For those reasons, and the desire to make sure that people of all experiences, all capabilities, have an opportunity to provide leadership in this position, I will be voting "no," and I encourage others to do the same.

Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, just briefly, let me concur with some of the previous speakers. We do have a nominee before us, the current holder of the position of victim advocate. I do not think we should take her performance into this discussion at all. That is time for a confirmation hearing. But, I think this is the exact time to discuss the qualities of that job that we want. Before we either renominate someone or nominate somebody new, this is the time to look at the position of the victim advocate and whether we should change it to make them more effective at the job they have.

So, I think the maker of the amendment, in a bipartisan effort with the Senator from Indiana and the Senator from Philadelphia, through a hearing process, were talking about this issue and came to the realization that because of the sensitivity of the issues they are dealing with, the victims, a lot of times, come before the courts, obviously. They are victims of crimes, victims of abuse, and often they end up in court and often they end up giving legal advice. So, that is really the discussion before us. It is not the performance of the current holder of the position. That is for another day, and I would agree with a previous speaker on that. The question is, is this now going to be vacant? What qualifications do we want for this position? That is really the discussion for this amendment. What are the qualifications for this position? I am not usually one who sides with attorneys, as those of you know me, but I certainly understand the value of having a legal mind helping these victims who are going through very difficult times, not only dealing with the abuse they are going through, but also in trying to get through the maze of the court system. So, I would encourage a positive vote.

Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair recognizes, for the second time, the gentleman from Allegheny, Senator Costa.

Senator COSTA. Mr. President, very briefly, you, I, and the Majority Leader have been in this Chamber for probably two decades or more. This is the first time, Mr. President, that I have seen where we are attempting to change the qualifications of an individual who is currently serving in a position. But, more importantly, who has served before and is someone who has been nominated to be reconfirmed. We are changing the rules by which the reconfirmation would take place in the middle of this confirmation. Forgetting about the particular person involved here and about the victim advocate role, it is the steps that this body is taking to change the role of someone to disqualify them from continuing to serve. This is the first time that I can recall, in my years here, that we have tried to do this. We are doing it to this woman because we do not necessarily believe--some of us in this Chamber, I should say--are doing it to this woman because we are not particularly fond of the work that has been done, as my colleagues have talked about. There is no particular skill as a lawyer that I think I could bring, or any other lawyer could bring, that the individuals who are charged with the responsibility of being the victim advocate could bring to that role and responsibility. I ask for a negative vote.

The PRESIDENT pro tempore. The Chair recognizes, for the second time, the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, it is not exactly the same, but I think it is close, this body voted to reduce the size of the legislature. When we reduce the size of the legislature, we will have to do it through a reapportionment process, which would

take elected officials who are elected by the people and they would lose their jobs. They would lose their position because we looked at it long term, that reducing the size of the legislature was a positive. So, even though it would impact some people currently serving, the long-term impact was better.

So, again, this is not a reflection of the current individual. The question is, the position of victim advocate, what qualifications do we want to have for that position? Now that this term is up, we are not doing this in the middle of this person's term where they have to leave, this person's term has expired and it is now up for renomination. This is the exact time we should be looking at what the qualifications should be, so I would argue that this is the time.

Again, we should not look at--when you are making these decisions, you need to look at, this is a decision you are making that could last decades, not 6 months, not a year, this is going to have an impact for decades. So the current players are not relative in this discussion, just as when we voted to reduce the size of the legislature. When we voted for it--it did not ultimately pass the other Chamber--we were not looking at the current holders of those offices, we were looking at what was in the best interest of the Commonwealth, and having a smaller legislature was something that we thought was in the best interest, even though some of those individuals would be removed from office. Because long term, decades, having a smaller legislature we thought was better. So, again, whether you are for this or not, I understand that, but the question should be: what are the qualifications? This is the exact time because we have a period of time now, the current holder's term is up, it has been renominated. Before we hold the hearings and before we make a final vote on those qualifications, what are the qualifications we want? So, I think in this bipartisan amendment that was offered by the Senator from Indiana and the Senator from Philadelphia, this is the time we should be considering this very important role.

Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair recognizes, without objection, for a third time, the gentleman from Allegheny, Senator Costa.

Senator COSTA. Mr. President, I will be brief. I can respect the argument that is being made about reducing the size of the legislature, but there is a major difference here. We, at this point in time, are the arbiter of whether or not this person should be able to continue to serve or whether this person meets the qualifications. With respect to redesigning the size of the legislature, there are several steps that one must go through before that person is impacted. That person is not before the body as we speak. That is the distinction. With respect to reducing the size of the legislature, there are several steps. It has to pass the House and the Senate, as this amendment would, I grant you that. But beyond that, the people of Pennsylvania have to be able to go through that process. Then we have to go through the redistricting process, which would culminate a couple years later, and then at the end of the day, those persons may or may not be reelected. There is a major difference between the two.

Again, my recollection as it relates to nominees in this Commonwealth in the 20-plus years that I have been here, we have yet to prevent anyone from being qualified in the middle of the term in which they are serving, and, more importantly, for

which they have been nominated by our Governor and have gone through the process and were not able to get through the first process, were renominated and now tried to get through there with about 15 days left to be considered. Let this body determine her performance on the merits. Allow that to be the reason why this person would be able to continue to serve. A "yes" or "no" vote will determine that in this body. I ask for a negative vote on this amendment.

Thank you, Mr. President. I thank you for the opportunity to speak three times.

The PRESIDENT pro tempore. The Chair recognizes, for the second time, the gentlewoman from Montgomery, Senator Muth.

Senator MUTH. Mr. President, I want to put on the record that the current victim advocate is also a survivor of rape. So, I could not think of a better person to advocate for victims in that arena. She may not be versed in every single way that you can be victimized, but she certainly encompasses the empathy required to provide support for victims throughout the process of healing, whether that be through the judicial system, the criminal justice system, or just in general through their private life. She has been an advocate and a warrior for many of the victims who live or were victimized within our Senate districts. Several of the Senators here have had massive sexual abuse scandals in their districts. I, myself, just found out about the Devereux School in the 44th Senatorial District. Having someone who can be empathetic and fight for these victims is important.

I also think it is important to point out that no State employee can give legal advice. So, if we want to change the requirements for this position, certainly let us have that discussion, but there is no coincidence in the timing of this movement right now and the effort in this amendment. So, I want us to be aware of that, if we are going to make changes, that they are thoughtful, not targeted, and are going to help people, not do it because there has not been a thorough discussion. Which then, I repeat again, that we should have a reconfirmation hearing to have these discussions. Give people time. No one could even email you today to tell you that they oppose this amendment because it came out of the blue. I am sitting here getting text messages asking me why this is happening to someone who advocated for them, and I have no answer.

Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair recognizes, for the second time, the gentleman from Philadelphia, Senator Street.

Senator STREET. Mr. President, I will not belabor the point, but the point was talked about, the point about compassion was made. When people were shot and murdered in my district, there was no compassion shown by this victim advocate. When the gun violence continued to rage, there was no compassion. I think the qualifications of a lawyer are certainly relevant. I felt it was important because there are many types of victims, and all types of victims should be respected and shown compassion.

And the question recurring,

Will the Senate agree to the amendment?

The yeas and nays were required by Senator PITTMAN and were as follows, viz:

YEA-26

Argall
Arnold

Gordner
Hutchinson

Phillips-Hill
Pittman

Vogel
Ward, Judy

Aument	Langerholc	Scarnati	Ward, Kim
Brooks	Laughlin	Scavello	Yaw
Browne	Leach	Stefano	Yudichak
Corman	Mastriano	Street	
DiSanto	Mensch	Tomlinson	

NAY-24

Baker	Costa	Iovino	Sabatina
Bartolotta	Dinniman	Kearney	Santarsiero
Blake	Farnese	Killion	Schwank
Boscola	Fontana	Martin	Tartaglione
Brewster	Haywood	Muth	Williams, Anthony H.
Collett	Hughes	Regan	Williams, Lindsey

A majority of the Senators having voted "aye," the question was determined in the affirmative.

Upon motion of Senator CORMAN, the bill, as amended, was laid on the table.

SB 969 TAKEN FROM THE TABLE

Senator CORMAN. Mr. President, I move that Senate Bill No. 969, Printer's No. 1939, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 1039 (Pr. No. 1755) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 16 (Counties) of the Pennsylvania Consolidated Statutes, consolidating the act of August 9, 1955 (P.L.323, No.130), known as The County Code; and making a related repeal.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-50

Argall	Dinniman	Leach	Stefano
Arnold	DiSanto	Martin	Street
Aument	Farnese	Mastriano	Tartaglione
Baker	Fontana	Mensch	Tomlinson
Bartolotta	Gordner	Muth	Vogel
Blake	Haywood	Phillips-Hill	Ward, Judy
Boscola	Hughes	Pittman	Ward, Kim
Brewster	Hutchinson	Regan	Williams, Anthony H.
Brooks	Iovino	Sabatina	Williams, Lindsey
Browne	Kearney	Santarsiero	Yaw
Collett	Killion	Scarnati	Yudichak
Corman	Langerholc	Scavello	
Costa	Laughlin	Schwank	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER AND LAID ON THE TABLE

HB 1050 (Pr. No. 1779) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 15, 1982 (P.L.1266, No.287), entitled "An act conferring limited residency status on military personnel, their dependents and civilian personnel assigned to an active duty station in Pennsylvania," further providing for residency of students.

Without objection, the bill was passed over in its order at the request of Senator GORDNER.

Pursuant to Senate Rule 9, the bill was laid on the table.

BILL LAID ON THE TABLE

SB 1118 (Pr. No. 1801) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, providing for broadband services.

Upon motion of Senator GORDNER, and agreed to by voice vote, the bill was laid on the table.

SB 1118 TAKEN FROM THE TABLE

Senator GORDNER. Mr. President, I move that Senate Bill No. 1118, Printer's No. 1801, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

BILL LAID ON THE TABLE

HB 1325 (Pr. No. 1973) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in burglary and other criminal intrusion, further providing for the offense of criminal trespass.

Upon motion of Senator GORDNER, and agreed to by voice vote, the bill was laid on the table.

HB 1325 TAKEN FROM THE TABLE

Senator GORDNER. Mr. President, I move that House Bill No. 1325, Printer's No. 1973, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

BILLS OVER IN ORDER

HB 1538, HB 1796, HB 2438 and HB 2487 -- Without objection, the bills were passed over in their order at the request of Senator GORDNER.

SECOND CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

SB 207, SB 258, SB 284, SB 531, SB 809, SB 950 and SB 1034 -- Without objection, the bills were passed over in their order at the request of Senator GORDNER.

BILL ON SECOND CONSIDERATION
AND REREFERRED

HB 1069 (Pr. No. 2529) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, in open meetings, further providing for public notice and providing for notification of agency business required and exceptions.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

Upon motion of Senator GORDNER, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

BILL OVER IN ORDER

SB 1089 -- Without objection, the bill was passed over in its order at the request of Senator GORDNER.

BILL ON SECOND CONSIDERATION
AND REREFERRED

SB 1158 (Pr. No. 1820) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in Commonwealth services, further providing for general authority of Governor.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

Upon motion of Senator GORDNER, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

BILLS OVER IN ORDER

SB 1173, SB 1189, SB 1204, SB 1220 and HB 1737 -- Without objection, the bills were passed over in their order at the request of Senator GORDNER.

BILL ON SECOND CONSIDERATION
AND REREFERRED

HB 1780 (Pr. No. 4123) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in miscellaneous provisions, providing for exemption of records from access.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

Upon motion of Senator GORDNER, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

BILLS OVER IN ORDER

HB 1808, HB 1855 and HB 2293 -- Without objection, the bills were passed over in their order at the request of Senator GORDNER.

BILLS REPORTED FROM COMMITTEE

Senator BROWNE, from the Committee on Appropriations, reported the following bills:

SB 5 (Pr. No. 121) (Rereported)

An Act amending the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, further providing for definitions, for proposed regulations and procedures for review and for final-form regulations and final-omitted regulations and procedures for review; and providing for concurrent resolution required for economically significant regulations.

SB 253 (Pr. No. 571) (Rereported)

An Act providing for regulatory compliance.

SB 793 (Pr. No. 1765) (Rereported)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in commercial drivers, further providing for requirement for commercial driver's license; and, in size, weight and load, further providing for restrictions on use of highways and bridges and for conditions of permits and security for damages.

SB 835 (Pr. No. 1800) (Rereported)

An Act providing for funding of high-speed broadband service infrastructure deployment in unserved areas of this Commonwealth and for powers and duties of the Commonwealth Financing Authority; establishing the Unserved High-speed Broadband Funding Program Account; making an appropriation; and making a related repeal.

SB 1170 (Pr. No. 1769) (Rereported)

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

HB 1033 (Pr. No. 3906) (Rereported)

An Act amending the act of April 16, 1992 (P.L.155, No.28), known as the Assessors Certification Act, further providing for definitions and for duties of board; repealing provisions relating to qualifications; further providing for certification; providing for employees of political subdivisions; further providing for disciplinary and correction measures and for unlawful practice; repealing provisions relating to nonapplicability; and providing for assessors in counties of the first class.

HB 1439 (Pr. No. 3629) (Rereported)

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, in regulation of insurers and related persons generally, providing for mental health parity and access to addiction treatment.

HB 1584 (Pr. No. 2032) (Rereported)

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, in Pennsylvania Fish and Boat Commission, repealing provisions relating to waterways patrolmen and employees.

HB 1696 (Pr. No. 3630) (Rereported)

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, in health insurance coverage parity and nondiscrimination, further providing for definitions and for adoption of Federal acts and providing for annual attestation by insurers and for insurer analysis and disclosure information.

HB 1984 (Pr. No. 2789) (Rereported)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in proceedings prior to petition to adopt, further providing for petition for involuntary termination and providing for special provisions when child conceived as a result of rape or incest.

HB 2025 (Pr. No. 3907) (Rereported)

An Act authorizing the Department of Environmental Protection to conduct a public comment process on and submit to the General Assembly a measure or action intended to abate, control or limit carbon dioxide emissions by imposing a revenue-generating tax or fee on carbon dioxide emissions.

HB 2787 (Pr. No. 4334) (Rereported)

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 precautions against spread of COVID-19; and, in terms and courses of study, providing for sports and extracurricular activities during COVID-19 pandemic.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 1**

BILL AMENDED

SB 530 (Pr. No. 1331) -- The Senate proceeded to consideration of the bill, entitled:

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 students convicted or adjudicated delinquent of sexual assault; and, in safe schools, further providing for safe schools advocate in school districts of the first class.

On the question,

Will the Senate agree to the bill on third consideration?

Senator COLLETT offered the following amendment No. A7086:

Amend Bill, page 1, line 14, by striking out "AND,"

Amend Bill, page 1, line 15, by inserting after "CLASS":

; and, in educational tax credits, further providing for school participation in program

Amend Bill, page 6, line 29, by striking out "SECTION 510" and inserting:

sections 510 and 2134

Amend Bill, page 7, line 14, by inserting after "ACTIVITIES":
at the same time

Amend Bill, page 7, lines 16 and 17, by striking out "PARAGRAPH (1) SHALL NOT REQUIRE THE PUBLIC SCHOOL ENTITY" in line 16 and all of line 17 and inserting:

A public school entity may not take action under paragraph (1) if:

Amend Bill, page 7, line 23, by striking out "SHALL" and inserting:

may

Amend Bill, page 7, line 26, by striking out "WAS"

Amend Bill, page 7, line 27, by inserting after "(1)":

was

Amend Bill, page 8, line 17, by inserting after "DURING":

or after

Amend Bill, page 8, line 18, by inserting after "ASSAULT":

upon another student enrolled in the same public school entity

Amend Bill, page 8, line 18, by inserting after "THE":

public

Amend Bill, page 8, line 22, by striking out "A" where it occurs the second time and inserting:

or after the

Amend Bill, page 8, lines 26 and 27, by striking out "PROVIDED THAT THE ASSIGNMENT MAY NOT EXCEED THE PERIOD OF EXPULSION"

Amend Bill, page 9, line 1, by striking out "PUPIL" and inserting:

student

Amend Bill, page 9, by inserting between lines 16 and 17:

"Convicted" means a finding of guilty by a judge or a jury or the entry of a plea of guilty or nolo contendere for sexual assault whether or not judgment of sentence has been imposed.

Amend Bill, page 10, lines 8 and 9, by striking out all of said lines and inserting:

Section 2. Sections 1310-A(b)(2) and 2011-B(d)(1)(i) of the act are amended to read:

Amend Bill, page 10, by inserting between lines 18 and 19:

Section 2011-B. School participation in program.

(d) Participating public school criteria.--The following criteria apply to a participating public school:

(1) Except as otherwise provided in this article, a school district shall enroll students in a participating public school on a lottery basis from a pool of recipients who meet the application deadline set by the Department of Education until the participating public school fills the school's available seats. The pool may not include a recipient who:

(i) Has been expelled or is in the process of being expelled under section 1317.2 [or], 1318 or 1318.1 and applicable regulations of the State Board of Education.

On the question,

Will the Senate agree to the amendment?

The PRESIDENT pro tempore. The Chair recognizes the gentlewoman from Montgomery, Senator Collett.

Senator COLLETT. Mr. President, this amendment insures that our intent with Senate Bill No. 530 to protect survivors of sexual assault from perpetrators who attend the same school is

clear within the language of the bill. With Senate Bill No. 530, we have a real opportunity to protect survivors and provide our education system with the tools necessary to prevent revictimization.

I thank the maker of this bill and his staff for working with me to craft this amendment and developing this agreed-to language. I encourage all of my colleagues to cast an affirmative vote.

Thank you, Mr. President.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator GORDNER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 835 (Pr. No. 1800) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for funding of high-speed broadband service infrastructure deployment in unserved areas of this Commonwealth and for powers and duties of the Commonwealth Financing Authority; establishing the Unserved High-speed Broadband Funding Program Account; making an appropriation; and making a related repeal.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Cambria, Senator Langerholc.

Senator LANGERHOLC. Mr. President, I rise to ask for support for Senate Bill No. 835, which is the Unserved High-Speed Broadband Funding Pilot Program Act. Access to high-speed broadband services in unserved areas of our great Commonwealth will enhance economic development, education, healthcare, and emergency services. This pandemic has brought to light what many of us who represent rural districts have known for some time: access to broadband is essential to education, business, and safety. This bill will provide dedicated State funding to help those in rural areas by providing a grant program to provide broadband service to unserved areas by proven entities and requiring that 25 percent of the project costs come from their own funds. This legislation is supported by the Pennsylvania Farm Bureau, the Pennsylvania School Boards Association, the Pennsylvania Chamber, the Pennsylvania Grange, and the Pennsylvania Coalition Against Rape.

Mr. President, I ask my colleagues for an affirmative vote today. Thank you.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-50

Argall	Dinniman	Leach	Stefano
Arnold	DiSanto	Martin	Street
Aument	Farnese	Mastriano	Tartaglione
Baker	Fontana	Mensch	Tomlinson
Bartolotta	Gordner	Muth	Vogel
Blake	Haywood	Phillips-Hill	Ward, Judy
Boscola	Hughes	Pittman	Ward, Kim
Brewster	Hutchinson	Regan	Williams, Anthony H.
Brooks	Iovino	Sabatina	Williams, Lindsey
Browne	Kearney	Santarsiero	Yaw
Collett	Killion	Scarnati	Yudichak
Corman	Langerholc	Scavello	
Costa	Laughlin	Schwank	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

UNFINISHED BUSINESS BILLS REPORTED FROM COMMITTEE

Senator DiSANTO, from the Committee on State Government, reported the following bills:

SB 1190 (Pr. No. 1935) (Amended)

An Act authorizing the Department of General Services, with the approval of the Department of Human Services and the Governor, to grant and convey to Bollinger Enterprises, Inc., certain lands situate in Conewango Township, Warren County.

SB 1241 (Pr. No. 1936) (Amended)

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, in powers and duties of the Department of General Services and its departmental administrative and advisory boards and commissions, providing for report of State facilities owned or leased.

SB 1280 (Pr. No. 1907)

An Act authorizing the Department of General Services, with the approval of the Department of Transportation and the Governor, to grant and convey to the Washington Health System, or its assignee, certain lands and improvements situate partially in the 6th Ward of the City of Washington and partially in South Strabane Township, Washington County; and making a repeal.

HB 2626 (Pr. No. 4335) (Rereported)

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in preliminary provisions, further providing for definitions; in Secretary of the Commonwealth, providing for reports on implementation of elections; in county boards of elections, further providing for powers and duties of county boards, for records and documents to be open to public inspection and proviso, for preservation of records and for watchers or attorneys at sessions of county board and candidates may be present; in district election officers, further providing for qualifications of election officers and for appointment of watchers; in voting by qualified absentee electors, further providing for applications for official absentee ballots, for date of application for absentee ballot, for official absentee voters ballots, for delivering or mailing ballots, for voting by absentee electors and for canvassing of official absentee ballots and mail-in ballots; in Statewide

Uniform Registry of Electors Advisory Board, providing for SURE requirements; in voting by qualified mail-in electors, further providing for applications for official mail-in ballots, for date of application for mail-in ballot, for official mail-in elector ballots, for delivering or mailing ballots and for voting by mail-in electors; in penalties, providing for an enhancement of penalties for certain violations; and making an editorial change.

BILLS ON FIRST CONSIDERATION

Senator SCAVELLO. Mr. President, I move that the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to by voice vote.

The bills were as follows:

SB 1164, SB 1190, SB 1241, SB 1280, HB 885, HB 908, HB 1408, HB 1582, HB 1647, HB 2044, HB 2513, HB 2536 and HB 2626.

And said bills having been considered for the first time,
Ordered, To be printed on the Calendar for second consideration.

ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, SEPTEMBER 9, 2020

9:00 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (public hearing to discuss a proposed rulemaking: Water Quality Standards for Manganese and Implementation (#7-553))	Senate Chamber (LIVE STREAMED)
10:00 A.M.	TRANSPORTATION (to consider Senate Bills No. 101, 845 and 1281)	Hrg. Rm. 1 North Off.
10:30 A.M.	JUDICIARY (to consider Senate Bills No. 833 and 1033; and House Bills No. 1747, 2175 and 2176)	Hrg. Rm. 1 North Off. (LIVE STREAMED)
11:15 A.M.	COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT (to consider House Bill No. 777)	Senate Chamber (LIVE STREAMED)
11:30 A.M.	COMMUNICATIONS AND TECHNOLOGY (to consider Senate Bill No. 487; and House Bill No. 2348)	Senate Chamber (LIVE STREAMED)
11:30 A.M.	STATE GOVERNMENT (to consider Senate Bill No. 1309; and House Bills No. 2353, 2354 and 2440)	Hrg. Rm. 1 North Off.
Off the Floor	APPROPRIATIONS (to consider Senate Bills No. 1226, 1307 and 1314; and House Bills No. 2513 and 2626)	Senate Chamber (LIVE STREAMED)

Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Resolution No. 353; and certain Executive Nominations)	Senate Chamber (LIVE STREAMED)
---------------	--	--------------------------------

TUESDAY, SEPTEMBER 22, 2020

9:00 A.M.	AGRICULTURE AND RURAL AFFAIRS (informational meeting regarding mental health awareness in agriculture)	Senate Chamber (LIVE STREAMED)
-----------	--	--------------------------------

PETITIONS AND REMONSTRANCES

The PRESIDENT pro tempore. Senator Tartaglione has submitted remarks for the record. Without objection, the remarks will be spread upon the record.

(The following prepared remarks were made part of the record at the request of the gentlewoman from Philadelphia, Senator TARTAGLIONE:)

Mr. President, today marks 5,175 days since the Pennsylvania legislature last raised the minimum wage. That is more than 14 years, and it is far too long.

As we return to the Senate for what promises to be a very busy fall amid the ongoing coronavirus pandemic, we have many critical issues to address before the conclusion of the 2019-20 Session. Raising the minimum wage should be at the top of the list. Many of my colleagues on the opposite side of the aisle will argue that now is no time to further burden employers during a public health crisis and the worst economic downturn our nation has experienced since the Great Depression. To that I say: we would not be in such dire economic circumstances had we adopted a decent minimum wage in the first place - had we given the working people of the Commonwealth the tools to endure and persevere through crises like those we are now experiencing.

Before the pandemic, the prevailing economic narrative was that we were living in a time of great prosperity, maybe even the best economy ever. But it certainly did not take long for that house of cards to topple. In truth, the economy may have been great for the wealthy, but it was not very good for the middle class or the working people of this country.

Last month, I heard some alarming statistics to that fact. Before the pandemic, more than half of Americans were living paycheck to paycheck. As a result, 40 percent of Americans did not have enough savings to pay for a \$400 emergency. Over 40 million workers were earning less than \$15 an hour, and 18 million families were spending at least half of their income on housing. Eighty-seven million Americans lacked health insurance or were underinsured. That figure has grown by millions during the pandemic, and is continuing to grow. The middle class was disappearing, and wealth disparity was growing. The rich were getting richer.

That trend has continued despite the pandemic. In the past 5 months alone, the nation's billionaires - about 500 of them - have seen their collective wealth grow by about \$800 billion. Contrast that with how working people are being treated in the current economy and how the leadership of the U.S. Senate refuses to even consider the Heroes Act, which would extend pandemic-related benefits to the unemployed, would provide another one-time stimulus payment to most Americans, would provide hazard pay to essential workers, and would provide mortgage and rental assistance to those at risk of losing their homes.

Mr. President, there is something really, really wrong with our national economy and, by extension, our Pennsylvania economy. The pandemic may have been the catalyst for the collapse, but it is not to blame. Our economic failures have been decades in the making. Now, amid this crisis, we have an opportunity to reestablish our economic foundation by rebuilding the middle class. A major part of that effort will be to adopt my Senate Bill No. 12 and raise Pennsylvania's minimum wage.

Thank you, Mr. President.

RECESS

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Columbia, Senator Gordner.

Senator GORDNER. Mr. President, I move that the Senate do now recess until Wednesday, September 9, 2020, at 1 p.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 7:18 p.m., Eastern Daylight Saving Time.