

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

SUNDAY, JUNE 4, 2017

SESSION OF 2017 201ST OF THE GENERAL ASSEMBLY

No. 28

**SENATE**

SUNDAY, June 4, 2017

The Senate met at 7 p.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor Mike Stack) in the Chair.

**PRAYER AND PLEDGE DISPENSED WITH**

The PRESIDENT. Without objection, we will dispense with the prayer and the Pledge of Allegiance for today's Session.

**GENERAL COMMUNICATION**

**RECALL OF REGULAR SESSION**

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

SENATE OF PENNSYLVANIA

June 1, 2017

TO: President and All Members of the Senate  
FROM: Senator JOE SCARNATI  
President Pro Tempore  
RE: Recall to Session  
Sunday, June 4, 2017, 7:00 p.m.

Consistent with the recess motion made on May 24, 2017, the Senate is recalled for session on Sunday, June 4, 2017, at 7:00 p.m., for the purpose of an Appropriations Committee meeting.

In addition, we anticipate that session on Wednesday, June 7, 2017, will be non-voting. Committee meetings will still take place as scheduled.

**COMMUNICATIONS FROM THE GOVERNOR**

**NOMINATIONS REFERRED TO COMMITTEE**

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

MEMBER OF THE STATE BOARD OF VEHICLE  
MANUFACTURERS, DEALERS AND SALESPERSONS

May 25, 2017

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, Steve Fretz, 20 Quarry Road, Perkasio 18944, Bucks County, Tenth Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four years, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Daniel Saltzgeber, Hanover, whose term expired.

TOM WOLF  
Governor

JUDGE, COURT OF COMMON PLEAS,  
ERIE COUNTY

May 31, 2017

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, Mary K. Topper, Esquire, 922 North 3rd Street, Apartment 311, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for appointment as Judge, Court of Common Pleas, Erie County, to serve until the first Monday of January 2020, vice the Honorable Robert A. Sambroak, Jr., deceased.

TOM WOLF  
Governor

JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

May 31, 2017

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, Mary K. Topper, Esquire, 922 North 3rd Street, Apartment 311, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for appointment as Judge, Court of Common Pleas, Philadelphia County, to serve until the first Monday of January 2020, vice the Honorable Paul P. Panepinto, resigned.

TOM WOLF  
Governor

**CORRECTION TO NOMINATION  
REFERRED TO COMMITTEE**

The PRESIDENT 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:

BRIGADIER GENERAL, PENNSYLVANIA  
ARMY NATIONAL GUARD

May 25, 2017

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

Please note that the letter dated May 10, 2017, for the nomination of Colonel Michael J. Regan, Jr., 2551 Raccoon Court, Gilbertsville 19528, Montgomery County, Twenty-fourth *[sic]* Senatorial District, for appointment as Brigadier General, LINE, with assignment as member of the Pennsylvania National Guard Headquarters Staff, Pennsylvania Air National Guard, to serve until terminated, vice vacant position, should be corrected to read:

Colonel Michael J. Regan, Jr., 2551 Raccoon Court, Gilbertsville 19525, Montgomery County, Twenty-fourth *[sic]* Senatorial District, for appointment as Brigadier General, LINE, with assignment as member of the Pennsylvania National Guard Headquarters Staff, Pennsylvania Air National Guard, to serve until terminated, vice vacant position.

TOM WOLF  
Governor

**BILLS INTRODUCED AND REFERRED**

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

May 26, 2017

Senators McILHINNEY, BLAKE, RAFFERTY, KILLION and COSTA presented to the Chair **SB 730**, 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 parent educational information regarding eating disorders.

Which was committed to the Committee on EDUCATION, May 26, 2017.

June 1, 2017

Senators BREWSTER, EICHELBERGER, BLAKE, WARD, SCHWANK and WAGNER presented to the Chair **SB 731**, entitled:

An Act amending the act of September 30, 1983 (P.L.160, No.39), known as the Public Official Compensation Law, further providing for members of the General Assembly.

Which was committed to the Committee on STATE GOVERNMENT, June 1, 2017.

Senators BREWSTER, EICHELBERGER, BLAKE, WARD, YUDICHAK, FOLMER, LANGERHOLC and WAGNER presented to the Chair **SB 732**, entitled:

An Act prohibiting certain per diem payments to members of the General Assembly.

Which was committed to the Committee on STATE GOVERNMENT, June 1, 2017.

Senators BREWSTER, EICHELBERGER, BLAKE, WARD, FOLMER, LANGERHOLC and WAGNER presented to the Chair **SB 733**, entitled:

An Act prohibiting the lease or conveyance of motor vehicles by the General Assembly.

Which was committed to the Committee on STATE GOVERNMENT, June 1, 2017.

Senators BREWSTER, BLAKE and WARD presented to the Chair **SB 734**, entitled:

An Act prohibiting certain gifts to members of the General Assembly.

Which was committed to the Committee on STATE GOVERNMENT, June 1, 2017.

Senators BREWSTER, FONTANA, ARGALL, RAFFERTY, WARD, BARTOLOTTA, COSTA and STEFANO presented to the Chair **SB 735**, entitled:

An Act amending the act of July 7, 1947 (P.L.1368, No.542), known as the Real Estate Tax Sale Law, further providing for the title of the act; and, in sale of property, providing for optional county demolition and rehabilitation fund.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, June 1, 2017.

Senators MARTIN, BLAKE, COSTA, MENSCH, RAFFERTY and BREWSTER presented to the Chair **SB 736**, entitled:

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

Which was committed to the Committee on LOCAL GOVERNMENT, June 1, 2017.

June 2, 2017

Senators VOGEL, McGARRIGLE, YAW, BARTOLOTTA, COSTA, VULAKOVICH, MARTIN, MENSCH, RAFFERTY, BAKER, WARD and YUDICHAK presented to the Chair **SB 737**, entitled:

An Act amending the act of November 6, 1987 (P.L.381, No.79), known as the Older Adults Protective Services Act, in criminal history for employees, further providing for provisional employees for limited periods.

Which was committed to the Committee on AGING AND YOUTH, June 2, 2017.

Senators SCHWANK, COSTA, BLAKE, BREWSTER, VULAKOVICH and HUGHES presented to the Chair **SB 738**, entitled:

An Act amending the act of December 7, 1982 (P.L.784, No.225), known as the Dog Law, in licenses, tags and kennels, further providing for issuance of dog licenses, compensation, proof required, deposit of funds, records, license sales, rules and regulations, failure to comply, unlawful acts and penalty, for application for dog licenses, fees and penalties and for tags furnished to county treasurers and other agents and lost tags; and, in enforcement and penalties, further providing for disposition of fines and penalties.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, June 2, 2017.

June 4, 2017

Senators GREENLEAF, LEACH, HUGHES, COSTA, RAFFERTY, FARNESE, YUDICHAK, STREET and RESCHENTHALER presented to the Chair **SB 741**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in Administrative Office of Pennsylvania Courts, further providing for senior judge operational support grants; in facilities and supplies, further providing for deposits into account and for surcharge; and repealing provisions relating to expiration of chapter.

Which was committed to the Committee on JUDICIARY, June 4, 2017.

## RESOLUTIONS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Resolutions numbered, entitled, and referred as follows, which were read by the Clerk:

June 4, 2017

Senators EICHELBERGER, MARTIN, ARGALL, VOGEL, BARTOLOTTA, BROWNE, WAGNER and WHITE presented to the Chair **SR 133**, entitled:

A Concurrent Resolution petitioning the Congress of the United States to call a Constitutional Convention limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the Federal Government, limit the power and jurisdiction of the Federal Government and limit the terms of office for its officials and for members of Congress.

Which was committed to the Committee on STATE GOVERNMENT, June 4, 2017.

Senators EICHELBERGER, MARTIN, RAFFERTY and WAGNER presented to the Chair **SR 134**, entitled:

A Concurrent Resolution petitioning the Congress of the United States to call a convention of states limited to proposing a regulation freedom amendment to the Constitution of the United States.

Which was committed to the Committee on STATE GOVERNMENT, June 4, 2017.

## HOUSE MESSAGES

### HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

May 31, 2017

**HB 125, 174, 1013 and 1280** -- Committee on Banking and Insurance.

**HB 149 and 561** -- Committee on Judiciary.

**HB 296 and 673** -- Committee on Aging and Youth.

**HB 524, 679, 857 and 1305** -- Committee on Education.

**HB 599** -- Committee on State Government.

**HB 603** -- Committee on Transportation.

**HB 790** -- Committee on Agriculture and Rural Affairs.

**HB 824** -- Committee on Veterans Affairs and Emergency Preparedness.

**HB 1033 and 1176** -- Committee on Law and Justice.

June 1, 2017

**HB 1008** -- Committee on Judiciary.

## RESOLUTION FROM THE STATE OF MISSOURI

The PRESIDENT laid before the Senate the following Concurrent Resolution from the Missouri General Assembly, which was read by the Clerk as follows:

Relating to an application to Congress for the calling of an Article V convention of states to propose certain amendments to the United States Constitution which place limits on the federal government.

WHEREAS, the Founders of our Constitution empowered state legislators to be guardians of liberty against future abuses of power by the federal government; and

WHEREAS, the federal government has created a crushing national debt through improper and imprudent spending; and

WHEREAS, the federal government has invaded the legitimate rules of the states through the manipulative process of federal mandates, most of which are unfunded to a great extent; and

WHEREAS, the federal government has ceased to live under a proper interpretation of the Constitution of the United States; and

WHEREAS, it is the solemn duty of the states to protect the liberty of our people - particularly for the generations to come - to propose amendments to the United States Constitution through a convention of states under Article V to place clear restraints on these and related abuses of power:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-ninth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby apply to Congress, under the provisions of Article V of the United States Constitution, for the calling of a convention of the states limited to proposing amendments to the United States Constitution that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and members of Congress; and

BE IT FURTHER RESOLVED that the General Assembly adopts this application with the following understandings (as the term "understandings" is used within the context of "reservations, understandings, and declarations"):

(1) An application to Congress for an Article V convention confers no power on Congress other than to perform a ministerial function to "call" for a convention;

(2) This ministerial duty shall be performed by Congress only when Article V applications for substantially the same purpose are received from two-thirds of the legislatures of the several states;

(3) The power of Congress to "call" a convention solely consists of the authority to name a reasonable time and place for the initial meeting of the convention;

(4) Congress possesses no power whatsoever to name delegates to the convention, as this power remains exclusively within the authority of the legislatures of the several states;

(5) Congress possesses no power to set the number of delegates to be sent by any states;

(6) Congress possesses no power whatsoever to determine any rules for such convention;

(7) By definition, a Convention of States means that states vote on the basis of one state, one vote;

(8) A Convention of States convened pursuant to this application is limited to consideration of topics specified herein and no other;

(9) The General Assembly of Missouri may recall its delegates at any time for breach of their duties or violations of their instructions;

(10) Pursuant to the text of Article V, Congress may determine whether proposed amendments shall be ratified by the legislatures of the several states or by special state ratification conventions. The General Assembly of Missouri recommends that Congress specify its choice on ratification methodology contemporaneously with the call for the convention;

(11) Congress possesses no power whatsoever with regard to the Article V convention beyond the two powers acknowledged herein;

(12) Missouri places express reliance on prior legal and judicial determinations that Congress possesses no power under Article I relative to the Article V process, and that Congress must act only as expressly specified in Article V; and

BE IT FURTHER RESOLVED that this application shall expire five (5) years after the passage of this resolution; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the President and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, each member of the Missouri Congressional delegation, and the presiding officers of each of the legislative houses in the several states requesting their cooperation.

**Adriane D. Crouse, Secretary of the Senate, and D. Adam Crumbliss, Chief Clerk of the House**, do hereby certify that the aforementioned is a true and correct copy of Senate Concurrent Resolution No. 4, adopted by the Senate on April 13, 2017, and concurred in by the House on May 12, 2017.

ADRIANE D. CROUSE  
Secretary of the Senate

D. ADAM CRUMBLISS  
Chief Clerk of the House

The PRESIDENT. This resolution will be filed in the office of the Senate Secretary.

### BILL REPORTED FROM COMMITTEE

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

#### SB 1 (Pr. No. 902) (Amended) (Rereported)

An Act amending Titles 24 (Education), 51 (Military Affairs) and 71 (State Government) of the Pennsylvania Consolidated Statutes, extensively revising pension provisions as follows: In Title 24: for retirement for school employees, in the areas of preliminary provisions, of membership, contributions and benefits, of school employees' defined contribution plan and of administration and miscellaneous provisions; and for health insurance for retired school employees, in the area of preliminary provisions. In Title 51: for employment preferences and pensions, in the area of military leave of absence. In Title 71: for boards and offices, in the area of Independent Fiscal Office; and for retirement for State employees and officers, in the areas of preliminary provisions, of membership, credited service, classes of service and eligibility for benefits, of contributions, of benefits, of State employees' defined contribution plan and of administration, funds, accounts, general provisions. Providing, as to the revisions: for construction and administration, for applicability, for liability, for member statements and for suspension of provisions of the Public Employee Retirement Study Commission Act.

### LEGISLATIVE LEAVES

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

Senator CORMAN. Mr. President, I request legislative leaves for Senator Aument, Senator Bartolotta, Senator Gordner, Senator Regan, and Senator Stefano.

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

Senator COSTA. Mr. President, I request legislative leaves for Senator Boscola, Senator Dinniman, Senator Leach, Senator Williams, and Senator Yudichak.

The PRESIDENT. Senator Corman requests legislative leaves for Senator Aument, Senator Bartolotta, Senator Gordner, Senator Regan, and Senator Stefano.

Senator Costa requests legislative leaves for Senator Boscola, Senator Dinniman, Senator Leach, Senator Williams, and Senator Yudichak.

Without objection, the leaves will be granted.

### LEAVES OF ABSENCE

Senator CORMAN asked and obtained leaves of absence for Senator DiSANTO, Senator FOLMER, Senator McGARRIGLE, Senator McILHINNEY, Senator RAFFERTY, Senator TOMLINSON, and Senator WHITE, for today's Session, for personal reasons.

### CALENDAR

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

Senator CORMAN. Mr. President, I move that all bills and resolutions on today's Calendar go over in their order without prejudice as to day.

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-43

Alloway	Costa	Langerholc	Stefano
Argall	Dinniman	Laughlin	Street
Aument	Eichelberger	Leach	Tartaglione
Baker	Farnese	Martin	Vogel
Bartolotta	Fontana	Mensch	Vulakovich
Blake	Gordner	Regan	Wagner
Boscola	Greenleaf	Resenthaler	Ward
Brewster	Haywood	Sabatina	Williams
Brooks	Hughes	Scarnati	Yaw
Browne	Hutchinson	Scavello	Yudichak
Corman	Killion	Schwank	

#### NAY-0

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

The PRESIDENT. The motion is adopted. All bills and resolutions on today's Calendar will go over in their order without prejudice as to day.

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

#### BILL ON SECOND CONSIDERATION

**SB 1 (Pr. No. 902)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 24 (Education), 51 (Military Affairs) and 71 (State Government) of the Pennsylvania Consolidated Statutes, extensively revising pension provisions as follows: In Title 24: for retirement for school employees, in the areas of preliminary provisions, of membership, contributions and benefits, of school employees' defined contribution plan and of administration and miscellaneous provisions; and for health insurance for retired school employees, in the area of preliminary provisions. In Title 51: for employment preferences and pensions, in the area of military leave of absence. In Title 71: for boards and offices, in the area of Independent Fiscal Office; and for retirement for State employees and officers, in the areas of preliminary provisions, of membership, credited service, classes of service and eligibility for benefits, of contributions, of benefits, of State employees' defined con-

tribution plan and of administration, funds, accounts, general provisions. Providing, as to the revisions: for construction and administration, for applicability, for liability, for member statements and for suspension of provisions of the Public Employee Retirement Study Commission Act.

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

**ANNOUNCEMENTS BY THE SECRETARY**

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

SUNDAY, JUNE 4, 2017

7:00 P.M. APPROPRIATIONS (to consider Senate Bill No. 1) Rules Cmte. Conf. Rm.

MONDAY, JUNE 5, 2017

9:00 A.M. EDUCATION (public hearing on graduation requirements as tools for evaluation and accountability) Hrg. Rm. 1 North Off.

10:00 A.M. FINANCE (to consider Senate Bill No. 515; House Bills No. 453 and 1071; and a nomination recommendation for Acting Secretary Dan Hassell) Room 8E-A East Wing

Off the Floor APPROPRIATIONS (to consider Senate Bills No. 458, 561, 624, 630 and 646; and House Bill No. 202) Rules Cmte. Conf. Rm.

Off the Floor RULES AND EXECUTIVE NOMINATIONS (to consider certain Executive Nominations) Rules Cmte. Conf. Rm.

Off the Floor URBAN AFFAIRS AND HOUSING (to consider Senate Bill No. 446) Rules Cmte. Conf. Rm.

Off the Floor STATE GOVERNMENT (to consider Senate Bills No. 527 and 595) Rules Cmte. Conf. Rm.

TUESDAY, JUNE 6, 2017

10:00 A.M. LABOR AND INDUSTRY (to consider Senate Bill No. 183) Room 461 Main Capitol

11:00 A.M. STATE GOVERNMENT (public hearing on an overview of various election topics impacting Pennsylvania) Hrg. Rm. 1 North Off.

12:00 P.M. VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (public hearing on confirmations and a voting meeting for 10 military promotions: Brigadier General Anthony Carrelli, The Adjutant General - Nominated for Major General; Brigadier General Andrew Schafer, Army National Guard - Nominated for Major General; Colonel Mike Regan, Deputy Adjutant General, Air National Guard - Nominated for Brigadier General; Colonel Benjamin Cason, Air National Guard - Nominated for Brigadier General; Colonel Howard Eissler, Air National Guard - Nominated

for Brigadier General; Colonel Marc Ferraro, Army National Guard - Nominated for Brigadier General; Colonel Gregg Perez, Air National Guard - Nominated for Brigadier General; Colonel Stephen Radulski, Army National Guard - Nominated for Brigadier General; Colonel Carl Reese, Army National Guard - Nominated for Brigadier General; Colonel Mark Schindler, Army National Guard - Nominated for Brigadier General)

Off the Floor LOCAL GOVERNMENT (to consider Senate Bills No. 690, 691 and 693) Rules Cmte. Conf. Rm.

WEDNESDAY, JUNE 7, 2017

9:00 A.M. COMMUNICATIONS AND TECHNOLOGY, LAW AND JUSTICE and VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (joint public hearing on the Statewide Radio System) Hrg. Rm. 1 North Off.

1:00 P.M. APPROPRIATIONS Subcommittee on Infrastructure, Environment and Government Operation (public hearing on Governor's proposed municipal fee for State Police coverage) Hrg. Rm. 1 North Off.

WEDNESDAY, JUNE 14, 2017

9:00 A.M. HEALTH AND HUMAN SERVICES and VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (joint public hearing on the Department of Health: Hospital and Healthsystem Preparedness) Hrg. Rm. 1 North Off.

THURSDAY, JUNE 15, 2017

10:30 A.M. VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (public hearing on after assessment of the Eric Frein manhunt) Pike Co. Training Ctr., Lords Valley

**BILL SIGNED**

The PRESIDENT (Lieutenant Governor Mike Stack) in the presence of the Senate signed the following bill:

**HB 23.**

**RECESS**

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

Senator CORMAN. Mr. President, I move that the Senate do now recess until Monday, June 5, 2017, at 11 a.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 8:13 p.m., Eastern Daylight Saving Time.