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TUESDAY, JANUARY 23, 2018

SESSION OF 2018 202ND OF THE GENERAL ASSEMBLY

No. 3

SENATE

TUESDAY, January 23, 2018

The Senate met at 1 p.m., Eastern Standard Time.

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

PRAYER

The Chaplain, Rabbi LAWRENCE TROSTER, of Keshet Israel Congregation, West Chester, offered the following prayer:

Thank you for inviting me.

O God and God of our ancestors, grant to our country and our State the will and wherewithal to fulfill its calling to justice, liberty, and equity. May each of us fulfill our responsibilities of citizenship with care, generosity, and gratitude, ever conscious of the extraordinary blessing of freedom, ever mindful of our duties to one another. Bless those who volunteer to labor on behalf of us all. May they find the strength and courage to complete their task and to fulfill their dreams. May our judges, elected officials, and all who hold public office exercise their responsibilities with wisdom, fairness, and justice for all. Fill them with love, kindness, and bless them that they may walk with integrity on the paths of peace and righteousness. May they do their work

(Translated from Hebrew:)

for the sake of heaven, for the ultimate goodness of the people of Pennsylvania.

Creator and protector of all, watch over our Armed Forces and all of those entrusted with our safety as they daily put their lives at risk to protect us and our freedoms. Be with them in times of danger. Give them courage to act with honor and dignity as well as insight to do what is right in Your eyes. Fill us all with the gifts of love and courage that we may create a world that reflects Your glory. May we respond to the charge of the prophet Micah, for what does the Lord demand of you but to act justly, to love kindness, and to walk humbly with your God. May the One who brings peace on high bring peace and prosperity to our world and keep us in safety. Let us say, amen.

The PRESIDENT. The Chair thanks Rabbi Troster, who is the guest today of Senator Dinniman.

PLEDGE OF ALLEGIANCE

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

BILLS REPORTED FROM COMMITTEE

Senator WARD, from the Committee on Labor and Industry, reported the following bills:

SB 963 (Pr. No. 1352)

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

HB 1001 (Pr. No. 2587)

An Act regulating home inspectors; establishing the Home Inspection Licensing Board; providing for licensure and practice, for disciplinary action, for remedies and for penalties; making an appropriation; and repealing provisions relating to home inspections.

LEGISLATIVE LEAVES

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

Senator CORMAN. Mr. President, I request legislative leaves for Senator Greenleaf and Senator Alloway.

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

Senator COSTA. Mr. President, I request legislative leaves for Senator Brewster and Senator Leach.

The PRESIDENT. Senator Corman requests legislative leaves for Senator Greenleaf and Senator Alloway.

Senator Costa requests legislative leaves for Senator Brewster and Senator Leach.

Without objection, the leaves will be granted.

JOURNAL APPROVED

The PRESIDENT. The Journal of the Session of November 13, 2017, is now in print.

The Clerk proceeded to read the Journal of the Session of November 13, 2017.

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

Alloway	DiSanto	Leach	Street
Argall	Eichelberger	Martin	Tartaglione
Aument	Farnese	McGarrigle	Tomlinson
Baker	Folmer	McIlhinney	Vogel
Bartolotta	Fontana	Mensch	Vulakovich

Blake	Gordner	Rafferty	Wagner
Boscola	Greenleaf	Regan	Ward
Brewster	Haywood	Reschenthaler	White
Brooks	Hughes	Sabatina	Williams
Browne	Hutchinson	Scarnati	Yaw
Corman	Killion	Scavello	Yudichak
Costa	Langerholc	Schwank	
Dinniman	Laughlin	Stefano	

NAY-0

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

The PRESIDENT. The Journal is approved.

**GUESTS OF SENATOR KIM L. WARD
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentlewoman from Westmoreland, Senator Ward.

Senator WARD. Mr. President, I am so proud to rise today to welcome some young constituents who have won a State championship in soccer. The Norwin High School Girls' Soccer Team, the Lady Knights, are here today in the gallery. The team won the 2017 PIAA State Class AAAA Girls' Soccer Championship under the leadership of head coach Lauren Karcher and assistant coaches Leslie Kaminski and Samantha Fairbanks. The Knights captured the State title by defeating Neshaminy High School by a score of 1-0, the lone goal coming from a corner kick by Alyssa Victor and put in the net by Danni Iannuzzo. According to the coach, the defense, as a whole, really came and played their game that day. They played the game of their lives. I am so happy to have them here and to also recognize the whole team because this team as a whole worked together, fought together, and reached their goal. They did a terrific job and we are so proud of them out in the district. We also have a goalie, Samantha Wexell. She finished the playoffs with four shutouts. That is unbelievable. Natalie Durmis saved some games as a defender and put the team in place to win this State championship. I am so proud and happy to have them here. I am asking for a warm, enthusiastic welcome for these Lady Knight champions.

The PRESIDENT. Would the guests of Senator Ward, the Norwin High School Lady Knights soccer champions, please rise so that we may give you a warm, enthusiastic welcome and congratulations.

(Applause.)

**GUEST OF SENATOR ANDREW E. DINNIMAN
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Chester, Senator Dinniman.

Senator DINNIMAN. Mr. President, it is my pleasure to introduce Rabbi Troster to you. Rabbi Troster was born in Canada, is a graduate of the Jewish Theological Seminary in New York, and is pastor, yes, and is rabbi, but a rabbi and pastor do the same thing, they take care of their constituents and help us in our relationship with God. Rabbi Troster is the rabbi at Keshet Israel Congregation, which is the largest synagogue in Chester County, and a county where the Jewish community is growing significantly and is probably the fastest-growing and youngest Jewish community right now between New York and Washington. The rabbi is also an expert in terms of theology of the environment,

of our obligation of people of faith in terms of preserving and maintaining the house that God has created here for all of us to live in. He has helped us all understand people of all faiths' traditions in my county and understand the importance of the environment, God's house, as we go about our daily life.

So, Mr. President, I ask that we give a warm welcome, at your instruction, to Rabbi Troster of Keshet Israel Congregation, West Chester, Pennsylvania.

The PRESIDENT. Would the guest of Senator Dinniman, Rabbi Troster, please rise so that we may thank you for your lovely prayer today and welcome you to the Pennsylvania Senate.

(Applause.)

**GUEST OF SENATOR GUY RESCHENTHALER
PRESENTED TO THE SENATE**

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

Senator RESCHENTHALER. Mr. President, it is my pleasure to welcome a constituent of mine from the South Hills of Pittsburgh to the Pennsylvania State Senate today, and she is Katharine Eagan Kelleman. Katharine is here today as the new chief executive officer of the Port Authority of Allegheny County. She was previously the CEO of the Hillsborough Area Regional Transit Authority and has worked in the MTA of Baltimore, Dallas Area Rapid Transit, and the City of San Angelo. Katharine has the experience and knowledge to lead the Port Authority forward and bring a fresh approach to transit in the region. She is an established leader in her field, and I look forward to working with her to continue improving and modernizing transit in our region for years to come.

So, Mr. President and colleagues, please join me in giving my honored guest a warm welcome.

The PRESIDENT. Would the guest of Senator Reschenthaler, Katharine Kelleman, the new head of the Allegheny County Port Authority, please rise so that we may welcome you to the Pennsylvania Senate.

(Applause.)

The PRESIDENT. I guess Chuck Kolling got you in here. I see him sitting next to you. So, thank you for being with us.

RECESS

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

Senator COSTA. Mr. President, I ask Senate Democrats to report to our caucus room at the rear of the Chamber.

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

AFTER RECESS

The PRESIDING OFFICER (Senator John C. Rafferty, Jr.) in the Chair.

The PRESIDING OFFICER. The time of recess having expired, the Senate will come to order.

LEGISLATIVE LEAVES

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

Senator CORMAN. Mr. President, I request a temporary Capitol leave for Senator Yaw, and a legislative leave for Senator White.

The PRESIDING OFFICER. Senator Corman requests a temporary Capitol leave for Senator Yaw, and a legislative leave for Senator White. Without objection, the leaves will be granted.

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 an off-the-floor meeting of the Committee on Local Government to be held in the Rules room immediately.

The PRESIDING OFFICER. For the purpose of a meeting of the Committee on Local Government, without objection, the Senate stands in recess.

AFTER RECESS

The PRESIDING OFFICER. The time of recess having expired, the Senate will come to order.

LEGISLATIVE LEAVE

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

Senator CORMAN. Mr. President, I request a legislative leave for Senator Martin.

The PRESIDING OFFICER. Senator Corman requests a legislative leave for Senator Martin. Without objection, the leave will be granted.

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL AMENDED

SB 52 (Pr. No. 33) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for the National Guard Youth Challenge Program.

On the question,

Will the Senate agree to the bill on third consideration?

Senator VULAKOVICH offered the following amendment No. A3391:

Amend Bill, page 2, lines 10 through 14, by striking out "Any institution of higher" in line 10 and all of lines 11 through 14 and inserting:

Any of the following:

(1) A community college operating under Article XIX-A of

the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

(2) A university within the State System of Higher Education under Article XX-A of the Public School Code of 1949.

(3) A State-related institution as defined in section 1502-A of the Public School Code of 1949.

(4) Thaddeus Stevens College of Technology.

(5) Any accredited private or independent college or university.

Amend Bill, page 2, line 28, by inserting before "Consistent":

(a) General rule.--The department shall develop program guidelines in consultation with the Department of Education.

Amend Bill, page 3, line 7, by inserting after "hygiene.":

The department shall post the program guidelines on the home page of the department's publicly accessible Internet website and shall provide the guidelines to the Department of Education.

(b) Duties of Department of Education.--The Department of Education shall post the program guidelines on the home page of the department's publicly accessible Internet website and shall annually distribute the guidelines and relevant program information to all school entities.

Amend Bill, page 7, lines 3 through 11, by striking out all of said lines and inserting:

The department shall undergo an annual audit of the program. The audit shall be conducted by a qualified independent certified public accountant under generally accepted audit standards of the Governmental Accounting Standards Board. The audit shall be submitted to the following:

(1) The chairperson and minority chairperson of the Education Committee of the Senate.

(2) The chairperson and minority chairperson of the Veterans Affairs and Emergency Preparedness Committee of the Senate.

(3) The chairperson and minority chairperson of the Education Committee of the House of Representatives.

(4) The chairperson and minority chairperson of the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives.

On the question,

Will the Senate agree to the amendment?

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

Senator VULAKOVICH. Mr. President, amendment No. A3391 to Senate Bill No. 52 is an amendment that is technical in nature, and I ask for an affirmative vote. Thank you.

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.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 373 (Pr. No. 1287) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, in uniform health insurance claim form, further providing for forms for health insurance claims.

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 PRESIDING OFFICER. The Chair recognizes the gentleman from Philadelphia, Senator Street.

Senator STREET. Mr. President, thank you for recognizing me to speak on this bill. We all respect the work that folks in our medical community do, and we all want people to have access to choice in selecting medical professionals. That being said, we have debated protecting consumers and protecting -- an important part of access to healthcare is the price of healthcare. The methodology that this Commonwealth and, quite frankly, the United States of America has chosen for protecting healthcare prices is having more people in insurance networks and having those insurance companies and those networks negotiate on behalf of groups of people in ways that individuals could not do themselves.

This bill would erode our capacity to do that. It is opposed by the Insurance Federation and most of the major insurance carriers, including Independence Blue Cross and Highmark. I do not know if any insurance company actually supports it, and there is a reason for that. These folks do not always act in unison. But an insurer, a provider, is incentivized to be a part of a network because being part of it gives you access to those customers and the ability to receive money for servicing those folks. If this bill were to pass, providers who have negotiated with insurance companies that are part of a network would be limited to being paid what the network price is, but dental providers who have not would not be limited. So, over time we would create an actual fiscal incentive for people, for dentists, to opt out of insurance networks altogether. Ultimately, then people would not be able to get access to dentists through insurance networks because there would be a strong incentive for dentists to opt out of the networks.

For those reasons, I urge a "no" vote. Moreover, Mr. President, I will point out that because there is balanced billing on this, a person could receive dental services and not know what they are being charged, not know what their insurance company is paying, and then be sent a bill in the mail for services that have been rendered at some previous time. It would be up to that person to figure out, one, what the insurance company paid; two, that they paid; and then would have to dispute that. In the process of that being disputed, that could be leveraged on people's credit and other things. I do not think we should be eroding insurance markets. This could contribute to higher costs for dental services and ultimately an erosion of our ability to have access to care because of extenuating costs.

For those reasons and more, I urge all Members to vote "no" on this bill until such time as we can find a more reasonable way that does not erode our ability to have affordable insurance markets in the Commonwealth.

The PRESIDING OFFICER. The Chair recognizes the gentlewoman from Berks, Senator Schwank.

Senator SCHWANK. Mr. President, to follow along the line of my colleague, Senator Street, I, too, share his concerns about this particular legislation. Frankly, I wish we would have had more time to consider it. I was surprised when I looked at my Calendar today and saw it on there, because yesterday in the Committee on Appropriations, we did talk about the fact that-- we had some questions and there might be an opportunity for

more answers to that, but unfortunately, it does not look like that is the case. So, here we are.

I would like to remind the Members, they probably would not remember, that Senator White, Senator Costa, and I have introduced legislation in regard to resolving the balanced billing issue on insurance here in Pennsylvania. Balanced billing, sometimes called extra billing, is the practice of a healthcare provider billing a patient for the difference between what the patient's health insurance chooses to reimburse and what the provider chooses to charge. Now, as I look at the legislation, it said that at the point of service that the dentist is not allowed to balanced bill, but that does not necessarily take care of that after the service has been performed. While I do understand that there are a number of States that also have this same kind of provision in place, they also, for the most part, do have some kind of protection against balanced billing.

We know that this legislation is not supported by the insurers, most definitely. It is supported by the Dental Association, and I very much appreciate their perspective on it, but nobody is talking about the consumer. What is the best thing for a consumer in this case? I do not think this legislation is there yet in terms of what will be the best for a consumer. I am fearful that after a period of time we are not going to change the number of dentists necessarily that are out there serving the public, but what we will change are possibly the prices that they will be charging for customary services that all of us would like to have in terms of dental care. I also remind you that there are certainly a lot of people who are not covered by dental insurance, per se.

So, without getting a better perspective on who would be covered by this and who would not, I urge my colleagues to reject this bill right now. Let us go back to the drawing board. Thank you.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Blair, Senator Eichelberger.

Senator EICHELBERGER. Mr. President, as sponsor of this bill, I have worked with the Dental Association closely over the last couple of years in understanding their concerns, working with their members, and trying to understand the complexities of how this works. As somebody with an insurance background myself, I am generally arguing on behalf of the industry, but in this case, I see that the consumers are faced with some difficult situations. Particularly, in this day and age when we see health insurance carriers and carriers that participate in dental plans changing hands, ownership groups, different things are happening around the workplace where we have people who, perhaps, have had a dentist for a long period of time where they work, the company changes health insurance carriers and that dentist that they know and trust now suddenly is not in the network with their new insurance carrier. So, there are some consumer protections here to allow them to maintain their relationship with their dentist, and they may do it at a slightly higher price, but that is their decision to make. They will know upfront what they are getting into. They will have a form that will be provided to them, they will know where they are with costs, and they will make decisions whether they want to stay with that dentist or move on.

There are 27 States that do this kind of thing with payments directly to the dentist. It has worked well in the other States. There have been some studies done, as was done in Florida, showing that the networks that are in those States are maintained and often even grow larger and attract more dentists into the

networks because there are advantages for the dentists to be in networks. If the dentist does not want to be in that network, that is fine, but the ones who are in it have the benefit of being recommended, have the benefit of doing less paperwork, and there are a lot of advantages for them to stay in a network or join a network. So, I do not see the argument that the networks will falter or deteriorate over a period of time. That has not been shown in the other States where this has been a success.

So, if we can help the dentists who are out there, certainly in rural areas we have dentists who are few and far between in my district and others around the State, and if we can protect the consumers and, of course, in the bill we have a program set up with the Legislative Budget and Finance Committee that will report back to the Senate and House in a 3-year period and track any impact on consumers and any impact on the networks that the insurance companies have. So, we will know if there is any harm done to those two groups.

I encourage people to help out the consumers, help out the dentists, and vote "yes" on this bill. I thank you for the time today.

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

Senator COSTA. Mr. President, very briefly, I appreciate the comments of the previous speaker with respect to the impact of this piece of legislation. While I certainly agree, as my reading of the legislation, it helps the dentist, as he professed, but I do not necessarily agree with his contention that it is going to be beneficial to our consumers. Mr. President, I think my two colleagues, one from Berks and one from Philadelphia County, articulated the impact, for example on the network provisions, and I do think he only referenced one State that has taken a look at the impact of the networks, and, as mentioned, there are many others. We do not know that. That was one of the intentions of trying to slow down this process yesterday in the meeting of the Committee on Appropriations when Members on both sides of the aisle raised some concerns and some questions about what the impact of this bill is going to be on consumers, on networks, and the like. We did not get the benefit of having that conversation about providing information or seeking out additional information to be able to do that, because we were all under the impression that we would not be running this bill today or even this week, but rather we would have the opportunity to have some conversations.

That being said, Mr. President, if the gentleman believes that the Legislative Budget and Finance Committee report is going to be important, we should do that through this process. I presume the bill is going to pass here. I do not know what is going to happen in the House or whether the Governor will sign it, but I think the more appropriate measure to really determine whether or not it is impactful on networks and on consumers is to put a sunset provision in the legislation as opposed to waiting to see what the Legislative Budget and Finance Committee finds. If we sincerely believe that we are going to be in a position to not impact consumers and not impact the networks, then it would be beneficial to have a sunset provision that allows us the opportunity to measure that, and look at that, and then resolve the sunset issue by removing it at a later date in time. That is not a part of this bill.

Also, Mr. President, what I do not see in this bill is what I will call a formulary with respect to the costs associated with that. I recognize that there is a provision that allows for the use of a

form to sign off on permitting the direct billing to take place, or the balanced billing to take place, but there is nothing that talks about the costs associated with the differential that would be necessary along those lines. The number of times that I have gone to a dentist, unfortunately, I have not had the position of looking around or checking to see what the rates might be, because if I am having a tooth extracted, or having to deal with a root canal, or something along those lines, those are not necessarily things we want to be able to do.

But at the end of the day, there is nothing in this legislation that really requires that there be a formulary, a brochure, something obligating the dentist to be able to say to the consumer when they walk in the door after they sign this form that if you are going to do X, Y, and Z service, this is what the balanced billing might be. Here is what your insurance company is going to pay, here is what is going to be left for you to be able to pay. There is nothing along those lines, and I think what is important there is it adds the transparency with the consumer at that point in time when we are changing the way in which we are going to conduct this.

So, for those reasons and others as stated by my colleagues, I am personally going to vote "no" on this legislation.

Thank you, Mr. President.

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-35

Alloway	Dinniman	Leach	Stefano
Argall	DiSanto	Martin	Tomlinson
Aument	Eichelberger	McIlhinney	Vogel
Bartolotta	Folmer	Mensch	Vulakovich
Blake	Gordner	Rafferty	Wagner
Boscola	Greenleaf	Regan	Ward
Brooks	Hutchinson	Resenthaler	White
Browne	Langerholc	Scarnati	Yaw
Corman	Laughlin	Scavello	

NAY-15

Baker	Fontana	McGarrigle	Tartaglione
Brewster	Haywood	Sabatina	Williams
Costa	Hughes	Schwank	Yudichak
Farnese	Killion	Street	

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

SB 653 -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

BILL LAID ON THE TABLE

SB 775 (Pr. No. 1282) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for museum preservation and for grant program; imposing duties on the Pennsylvania Historical and Museum Commission; establishing the Pennsylvania Museum Preservation Fund; and making an appropriation.

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

SB 775 TAKEN FROM THE TABLE

Senator CORMAN. Mr. President, I move that Senate Bill No. 775, Printer's No. 1282, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

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

BILLS OVER IN ORDER

SB 792, SB 796 and SB 799 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 851 (Pr. No. 1150) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 7, 1947 (P.L.1368, No.542), known as the Real Estate Tax Sale Law, in short title and definitions, further providing for definitions; and, in sale of property, further providing for repurchase by owner and providing for limitation on trusteeship and for ownership interests and responsibilities of delinquent property owner.

Considered the third time and agreed to,

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

Table with 4 columns: Alloway, DiSanto, Leach, Street, Argall, Eichelberger, Martin, Tartaglione, Aument, Farnese, McGarrigle, Tomlinson, Baker, Folmer, McIlhinney, Vogel, Bartolotta, Fontana, Mensch, Vulakovich, Blake, Gordner, Rafferty, Wagner, Boscola, Greenleaf, Regan, Ward, Brewster, Haywood, Resenthaler, White, Brooks, Hughes, Sabatina, Williams, Browne, Hutchinson, Scarnati, Yaw, Corman, Killion, Scavello, Yudichak, Costa, Langerholc, Schwank, Dinniman, Laughlin, Stefano

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.

SB 978 (Pr. No. 1367) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the disposal of hospice or home health care patient medication.

Considered the third time and agreed to,

On the question, Shall the bill pass finally?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Luzerne, Senator Baker.

Senator BAKER. Mr. President, we have taken many steps over the past year or so to fight the opioid crisis here in Pennsylvania. This bill is another step in our efforts to combat this difficult and challenging epidemic in our communities. The bill was the byproduct of an issue brought to my attention by Wyoming County Coroner Tom Kukuchka. Tom was concerned about finding medication in a home after a hospice patient died, and what we discovered is that the hospice and homecare nurses were no longer permitted to destroy the medication when a patient they were caring for passed away. As a result of a 2014 DEA rulemaking, that became personal property and was no longer something that the nurse, the healthcare professional, could help the family take care of.

The DEA rule does permit States to override that, and that is exactly what this bill will do. It will give our homecare and hospice nurses and healthcare professionals the ability to help a family during that bereavement process. We know that properly prescribed drugs are given to many of these individuals, and one of the things we can do is take away the unused drugs from going into wrong hands. So, I want to thank my county Coroner Tom Kukuchka for his diligence and his personal advocacy. The association has joined in support, as well as the BAYADA nurses, and our Pennsylvania Homecare Association. So, this is just one more step in our efforts to help address the opioid crisis, and I urge an affirmative vote for Senate Bill No. 978.

Thank you, Mr. President.

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

Table with 4 columns: Alloway, DiSanto, Leach, Street, Argall, Eichelberger, Martin, Tartaglione, Aument, Farnese, McGarrigle, Tomlinson, Baker, Folmer, McIlhinney, Vogel, Bartolotta, Fontana, Mensch, Vulakovich, Blake, Gordner, Rafferty, Wagner, Boscola, Greenleaf, Regan, Ward, Brewster, Haywood, Resenthaler, White, Brooks, Hughes, Sabatina, Williams, Browne, Hutchinson, Scarnati, Yaw, Corman, Killion, Scavello, Yudichak, Costa, Langerholc, Schwank, Dinniman, Laughlin, Stefano

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 AMENDED

HB 1448 (Pr. No. 2109) -- 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, providing for higher education accountability and transparency.

On the question,
Will the Senate agree to the bill on third consideration?
Senator EICHELBERGER offered the following amendment No. A5162:

- Amend Bill, page 2, by inserting between lines 27 and 28:
(5) A college established under Article XIX-G.
- Amend Bill, page 2, line 28, by striking out "(5)" and inserting:
(6)
- Amend Bill, page 2, lines 28 and 29, by striking out "which is operated not for profit."
- Amend Bill, page 3, line 2, by striking out "is designated as a "college" or "university""
- Amend Bill, page 3, line 6, by striking out "(6)" and inserting:
(7)
- Amend Bill, page 3, by inserting between lines 8 and 9:
(8) A foreign corporation approved to operate an educational enterprise under 22 Pa. Code Ch. 36 (relating to foreign corporation standards).

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

The PRESIDING OFFICER. The Chair recognizes the gentleman from Blair, Senator Eichelberger.
Senator EICHELBERGER. Mr. President, this amendment cleans up some language that makes sure that the universities and colleges that are in the system or coming into the system will be included in the bill. It is an amendment that I think most people would agree to, so I ask for support of the Members and a positive vote. Thank you.

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.

BILL OVER IN ORDER

HB 1597 -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1608 (Pr. No. 2126) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating the bridge carrying U.S. Route 22 over the Juniata River, Norfolk Southern Corporation rail tracks and State Route 1010 (Penn Street) in Smithfield and Henderson Townships, Huntingdon County, as the Trooper Landon E. Weaver Memorial Bridge.

Considered the third time and agreed to,

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

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

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 return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

SECOND CONSIDERATION CALENDAR

BILL OVER IN ORDER

SB 55 -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 204 (Pr. No. 172) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 51 (Military Affairs) and 74 (Transportation) of the Pennsylvania Consolidated Statutes, in Department of Military Affairs, providing for Civil Air Patrol; and, in authority of Department of Transportation, further providing for authority of department.

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.

BILLS OVER IN ORDER

SB 263, SB 266 and SB 313 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON SECOND CONSIDERATION,
AMENDED AND REREFERRED

HB 359 (Pr. No. 2822) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in enforcement, further providing for powers and duties of enforcement officers and for suspension of privileges pending payment of penalties; in hunting and furtaking, further providing for killing game or wildlife by mistake; and, in hunting and furtaking licenses, further providing for period of revocation.

On the question,
Will the Senate agree to the bill on second consideration?
Senator STEFANO offered the following amendment No. A5351:

Amend Bill, page 2, line 21, by inserting after "PENALTIES":
mandated by a court of competent jurisdiction
Amend Bill, page 2, line 22, by striking out "UNDER THE PAYMENT PLAN" and inserting:
in accordance with the court's mandate

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

The PRESIDING OFFICER. The Chair recognizes the gentleman from Fayette, Senator Stefano.

Senator STEFANO. Mr. President, this amendment is completely technical in nature and makes minor and technical changes in Section 930 of the bill regarding suspension of privileges pending payment of penalties.

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 second consideration, as amended?

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

BILLS OVER IN ORDER

SB 384, SB 439, HB 444 and SB 500 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON SECOND CONSIDERATION
AND REREFERRED

SB 521 (Pr. No. 1040) -- 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 cardiopulmonary resuscitation and for cardiopulmonary resuscitation in schools.

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.

BILLS OVER IN ORDER

SB 597, SB 611, SB 623, SB 637, SB 729, SB 761, SB 762, SB 898, SB 919, SB 938, SB 955, SB 961, SB 973 and SB 974 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON SECOND CONSIDERATION

SB 977 (Pr. No. 1421) -- The Senate proceeded to consideration of the bill, entitled:

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, for final-form regulations and final-omitted regulations and procedures for review and for procedures for subsequent review of disapproved final-form or final-omitted regulations.

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

BILLS OVER IN ORDER

SB 979, SB 1003 and HB 1294 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

SENATE RESOLUTION No. 228, AMENDED

Senator CORMAN, without objection, called up from page 7 of the Calendar, **Senate Resolution No. 228**, entitled:

A Concurrent Resolution establishing a Global Education Task Force.

On the question,
Will the Senate adopt the resolution?
Senator EICHELBERGER offered the following amendment No. A5385:

Amend Resolution, page 2, lines 24 through 30; page 3, lines 1 through 30; page 4, lines 1 through 20; by striking out all of said lines on said pages and inserting:

- (6) the chairperson of the State Board of Education or a designee;
- (7) the Chancellor of the State System of Higher Education or a designee;
- (8) sixteen individuals appointed, four each, by the President pro tempore of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives and the Minority Leader of the

House of Representatives;
and be it further

RESOLVED, That the following organizations recommend individuals for appointment to the task force by the President pro tempore of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives and the Minority Leader of the House of Representatives:

(1) The Pennsylvania Council for International Education.
(2) The Pennsylvania School Boards Association.
(3) The Pennsylvania Association of Colleges and Teacher Educators.

(4) The Pennsylvania Coalition of Public Charter Schools.
(5) The Pennsylvania Association of Career and Technical Administrators.

(6) The Offices of Elementary and Secondary Education and of Postsecondary and Adult Education in the Pennsylvania Department of Education.

(7) The Secretary of Agriculture;
and be it further

RESOLVED, That the individuals recommended for appointment to the President pro tempore of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives and the Minority Leader of the House of Representatives be actively involved in global education and represent one or more of the following interests:

(1) International businesses headquartered in this Commonwealth.

(2) The agricultural industries of this Commonwealth.
(3) Public schools, including cyber charter schools.
(4) Teachers and administrators in K-12 education.
(5) Educators and administrators in postsecondary and higher education.

(6) International education organizations with knowledge of the educational delivery mechanisms available.

(7) Pennsylvania school boards.
(8) Career and technical education entities.
(9) Students;

and be it further

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

UNFINISHED BUSINESS

BILLS REPORTED FROM COMMITTEE

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

SB 801 (Pr. No. 1012)

An Act amending Titles 8 (Boroughs and Incorporated Towns) and 11 (Cities) of the Pennsylvania Consolidated Statutes, in contracts, further providing for regulation of contracts; and, in contracts, further providing for contracts or purchases not requiring advertising or bidding.

SB 802 (Pr. No. 1013)

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, in contracts, further providing for general regulations concerning contracts.

SB 803 (Pr. No. 1014)

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, in contracts, further providing for letting contracts.

SB 804 (Pr. No. 1015)

An Act amending the act of May 27, 1953 (P.L.244, No.34), entitled "An act relating to and regulating the contracts of incorporated towns and providing penalties," further providing for regulation of contracts.

SB 947 (Pr. No. 1330)

An Act amending Titles 8 (Boroughs and Incorporated Towns) and 11 (Cities) of the Pennsylvania Consolidated Statutes, in corporate powers, further providing for personal property; and, in corporate powers, further providing for city property and affairs.

SB 948 (Pr. No. 1331)

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for suits and property.

SB 949 (Pr. No. 1332)

An Act amending the act of May 27, 1953 (P.L.244, No.34), entitled "An act relating to and regulating the contracts of incorporated towns and providing penalties," further providing for power to convey.

SB 950 (Pr. No. 1348)

An Act establishing a voluntary real estate sales verification form pilot program.

HB 99 (Pr. No. 424) (Amended) (Rereported)

An Act amending Title 8 (Boroughs and Incorporated Towns) of the Pennsylvania Consolidated Statutes, in contracts, further providing for regulation of contracts.

HB 1034 (Pr. No. 2157)

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in municipal authorities, further providing for money of authority.

SENATE RESOLUTION ADOPTED

Senators MENSCH, DINNIMAN, GREENLEAF, MARTIN, BLAKE, TARTAGLIONE, BARTOLOTTA, FONTANA, SABATINA, EICHELBERGER, ARGALL, BREWSTER, BROOKS, VULAKOVICH, HUGHES, RESCHENTHALER, BROWNE, BAKER, FARNESE, SCAVELLO, AUMENT, KILLION, WAGNER, FOLMER, WHITE, VOGEL, RAFFERTY, WARD, COSTA, YAW, SCHWANK and YUDICHAK, by unanimous consent, offered **Senate Resolution No. 259**, entitled:

A Resolution designating the week of January 1 through 7, 2018, as "First Responder Appreciation Week" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Montgomery, Senator Mensch.

Senator MENSCH. Mr. President, this resolution designates January 1 through 8, 2018, as "First Responder Appreciation Week" in Pennsylvania. Thousands of Pennsylvanians have benefitted from the brave and courageous service of first responders

across the Commonwealth. The police, fire, emergency medical services, and public health personnel, commonly known as first responders, work tirelessly and selflessly for the citizens of Pennsylvania regardless of their peril or the hazard to themselves. The men and women who bravely serve as first responders find themselves in the front lines of homeland defense and the war against terrorism. First responders are called upon to serve the citizens of Pennsylvania when natural disasters occur.

Fifty-five thousand registered emergency medical service workers, 75,000 firefighters, and over 45,000 police risk their lives every day to make our communities much safer. Fifty-five thousand registered emergency medical service workers respond to and treat many life-threatening emergencies such as traumatic injuries, strokes, and cardiac arrests. Seventy-five thousand firefighters, both volunteer and career varieties, provide critical fire prevention safety and education, fire suppression, automobile accident response, search and rescue, hazardous material response, and provide emergency medical services when needed at the scene. The 45,000 police officers protect our lives and our properties, prevent and detect crimes, and insure justice.

Mr. President, first responders make personal sacrifices in order to keep the Commonwealth safe and sometimes make the ultimate sacrifice in their line of duty to insure the well-being of the citizens of Pennsylvania. These men and women should be honored so we can show our continued respect, appreciation, and gratitude for those who carry out the critical role of protecting and insuring public safety for all of us.

Thank you, Mr. President.

And the question recurring,
Will the Senate adopt the resolution?

A voice vote having been taken, the question was determined in the affirmative.

BILLS ON FIRST CONSIDERATION

Senator BROOKS. 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 801, SB 802, SB 803, SB 804, SB 947, SB 948, SB 949, SB 950, SB 963, HB 1001 and HB 1034.

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, JANUARY 24, 2018

9:00 A.M.	VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (H) and VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (S) (joint public hearing on veterans issues)	Hrg. Rm. 1 North Off.
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Off the Floor	TRANSPORTATION (to consider Senate Bills No. 880, 1002, 1015 and 1024)	Rules Cmte. Conf. Rm.
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MONDAY, JANUARY 29, 2018

9:30 A.M.	VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (public hearing on Senate Bill No. 1019, Title 35/ Emergency Management Code Rewrite)	Room 8E-B East Wing
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TUESDAY, JANUARY 30, 2018

10:00 A.M.	COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT (public hearing to receive testimony on Senate Bill No. 721 (Reschenthaler and Farnese), amending Title 12 (Commerce and Trade) of the Pennsylvania Consolidated Statutes, in economic development programs, providing for tourism promotion, establishing the Tourism Promotion Fund and imposing duties on the Department of Community and Economic Development)	Room 8E-A East Wing
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10:00 A.M.	STATE GOVERNMENT (public hearing to discuss the recently released report issued by the Joint State Government Commission on "Voting Technology in Pennsylvania," written in response to SR 394 of 2015)	Hrg. Rm. 1 North Off.
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PETITIONS AND REMONSTRANCES

The PRESIDING OFFICER. The Chair recognizes the gentleman from Philadelphia, Senator Farnese.

Senator FARNESE. Mr. President, I rise today to highlight some legislation that I recently proposed which would insure statewide net neutrality. I am sure there are a lot of folks probably in this building and across the State not only wondering what net neutrality is, but specifically why are we even dealing with net neutrality at the State level. Well, for starters, in short, unless you are a giant Internet service provider, repealing net neutrality is very, very bad for you.

About a month ago, the Federal Communications Commission voted to dismantle regulations that insure net neutrality, which essentially requires Internet companies to provide equal access to the Internet. We have gotten used to, Mr. President, the concept of easy, free, unrestricted access to information on the Internet regardless of where it is coming from, but now, all of that could change. A repeal of net neutrality essentially means that Internet service providers can start charging companies like Google, Amazon, Netflix, Airbnb, Outlook, Facebook, and any other content providers if they want to gain information to their consumers. For an individual consumer that means instead of paying a flat fee for Internet, you could end up paying extra for access to certain content providers and only being able to see information that comes from providers that have paid for prior authorization. The Internet is already cost-prohibitive and hard to access for some, and repealing net neutrality will further deepen that divide.

It also kills consumer choice. This is a significant issue. Consumers should be able to use the Internet to access the lawful content of their choosing, not, Mr. President, what the providers have been paid to prioritize. From a State government perspective, it is also extremely problematic for several reasons. First, it

is bad for our schools. Colleges, universities, even K through 12 are increasingly using learning tools and programming, and more expensive, quote, "fast lanes" could cost these schools and ultimately the students and State a considerable lot more money. Second, it will hurt our economy because it will stifle innovation and business. Small businesses in particular will be disadvantaged because they will not be able to pay for the same access and services as their larger competitors. Finally, Mr. President, it is simply bad for democracy. Repealing net neutrality would allow Web sites to pay more money to prioritize their information, which means that political and social information could be skewed in favor of companies that can pay more instead of granting equal access to all information.

As you can see, net neutrality affects every aspect of our lives. In this day and age, we use the Internet for everything - social interactions, information gathering, banking, healthcare, listening to music, or simply watching TV. This issue is too important not to do something about it, which is why I have proposed legislation that would insure net neutrality for Pennsylvania. Simply, my bill would prohibit Internet service providers from limiting access to lawful content, engaging in pay prioritizing, or otherwise interfering with lawful content available to users. My bill would also contain a provision that would prohibit State agencies or political subdivisions to award a contract, grant, or tax credit to a provider that fails to comply with net neutrality.

Since the Federal government has failed to protect Pennsylvanians, it is our duty to do so. So, I hope my colleagues will join me in enacting statewide net neutrality protections.

Thank you, Mr. President.

RECESS

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lancaster, Senator Aument.

Senator AUMENT. Mr. President, I move that the Senate do now recess until Wednesday, January 24, 2018, at 11 a.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 4:16 p.m., Eastern Standard Time.