

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

TUESDAY, OCTOBER 3, 2017

SESSION OF 2017 201ST OF THE GENERAL ASSEMBLY

No. 55

**SENATE**

TUESDAY, October 3, 2017

The Senate met at 1 p.m., Eastern Daylight Saving Time.

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

**PRAYER**

The Chaplain, Reverend JAMES W. SMITH III, Managing Chaplain of the Country Meadows Hershey Campus, Hershey, offered the following prayer:

First of all, I want to say how thankful I am for the opportunity to be here today. I do apologize in advance if the fragrant odor of chocolate has accompanied me to this podium. I live and work in Hershey, Pennsylvania. Country Meadows is my church in Hershey, it was started by former Governor George Leader, who served the Commonwealth between 1956 and 1960. A little point of trivia, Governor Leader's family grew by one while he was in the Governor's mansion. His was the last child born to a sitting Governor in the Commonwealth.

Would you join me as we pray.

Almighty and always present God, we arrive in Your presence today with humble hearts and seeking spirit. We ask that You would encase the words that will soon fill this room with wisdom and clarity. We ask that You would enlighten minds and inspire ideas that will create the foundation for meaningful endeavors that will enhance the quality of the lives of our fellow Pennsylvanians, and, above all, we ask that You would embark alongside the journey of debate and deliberation which will occur today in this historic and sacred place, that decisions made may be carved out of a discourse composed of both compromise and consistency. As this day closes and the sound of the gavel echoes throughout this venerable venue, may the words recorded in the Holy Book be heard in the hearts of all who have served here this day, well done thou good and faithful servant. Amen.

The PRESIDENT. The Chair thanks Pastor Smith, who is the guest today of Senator Folmer. Pastor, I also think Governor Leader was a big Phillies fan, as I recall, making him one of my favorite former governors.

**PLEDGE OF ALLEGIANCE**

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

**BILL INTRODUCED AND REFERRED**

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

October 3, 2017

Senators DINNIMAN, RAFFERTY, ARGALL, HUTCHINSON and COSTA presented to the Chair **SB 917**, entitled:

An Act amending the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, in recycling and waste reduction, further providing for Commonwealth recycling and waste reduction.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 3, 2017.

**RESOLUTION INTRODUCED AND REFERRED**

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

October 3, 2017

Senators RAFFERTY, HUTCHINSON, AUMENT, FOLMER, KILLION, MENSCH, REGAN, BARTOLOTTA, VULAKOVICH and WARD presented to the Chair **SR 209**, entitled:

A Resolution directing the Joint State Government Commission to conduct a thorough and comprehensive analysis of the potential consolidation of interstate operations at the Department of Transportation and the Pennsylvania Turnpike Commission.

Which was committed to the Committee on TRANSPORTATION, October 3, 2017.

**BILLS REPORTED FROM COMMITTEE**

Senator GREENLEAF, from the Committee on Judiciary, reported the following bills:

**SB 499 (Pr. No. 499)**

An Act amending Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, in county correctional institutions, further providing for board meetings.

**SB 844 (Pr. No. 1133)**

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in child custody, further providing for standing for any form of physical custody or legal custody.

**HB 203 (Pr. No. 2519) (Amended)**

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, in dispositions independent of letters, family exemption, probate of wills and grant of letters, further providing for payments to family and funeral directors; and, in powers of appointment, further providing for exercise of powers of appointment.

**HB 352 (Pr. No. 364)**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in limitation of time, providing for ten year limitation, for mesne profits and for reimbursement and further providing for twenty-one year limitation.

**HB 1139 (Pr. No. 2520) (Amended)**

An Act amending Titles 18 (Crimes and Offenses) and 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in offenses against the family, further providing for newborn protection; in child protective services, further providing for taking child into protective custody; and, in newborn protection, further providing for definitions and for health care providers accepting newborns, providing for emergency services providers accepting newborns and for incubators for newborns and further providing for reporting acceptance of newborns, for immunity and for duties of department.

**LEGISLATIVE LEAVES**

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

Senator CORMAN. Mr. President, I request legislative leaves for Senator DiSanto and Senator White.

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

Senator COSTA. Mr. President, I request a legislative leave for Senator Leach.

The PRESIDENT. Senator Corman requests legislative leaves for Senator DiSanto and Senator White.

Senator Costa requests a legislative leave for Senator Leach.

Without objection, the leaves will be granted.

**JOURNAL APPROVED**

The PRESIDENT. The Journal of the Session of June 29, 2017, is now in print.

The Clerk proceeded to read the Journal of the Session of June 29, 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	Resenthaler	White
Brooks	Hughes	Sabatina	Williams
Browne	Hutchinson	Scarnati	Yaw
Corman	Killion	Scavello	Yudichak
Costa	Langerholz	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.

**GUEST OF SENATOR MICHAEL J. FOLMER  
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Folmer.

Senator FOLMER. Mr. President, I rise to introduce our guest Chaplain of the Senate, Reverend James W. Smith III of Palmyra, Pennsylvania, which is in the heart of the 48th Senatorial District. Reverend Smith is currently the Managing Chaplain at Country Meadows Hershey Campus and the retired Managing Chaplain of the State Correctional Institution of Camp Hill. Reverend Smith has been ordained for 35 years and has served two parishes, two prisons, and two retirement centers. He and his wife, Sandra, have five children, and he is also the twin brother of Senator Aument's father-in-law. Reverend Smith is an avid Penn State fan and reminds everyone who may not be that they are presently 5-0 this season.

Please join me in a warm Senate welcome for Reverend James Smith III.

The PRESIDENT. Would the Senate please welcome Senator Folmer's guest, our guest Chaplain, Reverend Smith, who is standing, with a warm Senate welcome.

(Applause.)

**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, Senate Democrats will meet in the rear of the Chamber.

The PRESIDENT. For purposes of Republican and Democratic caucuses to be held in their respective caucus rooms, without objection, the Senate stands in recess.

**AFTER RECESS**

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

CALENDAR

THIRD CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 168, SB 251, HB 285, HB 409, SB 503, SB 504 and SB 552 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 564 (Pr. No. 610) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for installation of protective fencing on certain State-owned bridges and for powers and duties of the Department of Transportation.

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 listing names of senators who voted 'YEA'.

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.

BILLS OVER IN ORDER

SB 663, SB 728, SB 781, SB 888, HB 1287 and HB 1490 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION

HB 103 (Pr. No. 81) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a bridge on that portion of State Route 980 over the Chartiers Creek in Canonsburg Borough, Washington County, as the Officer Scott L. Bashioum Memorial Bridge.

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

BILLS OVER IN ORDER

SB 145, SB 297, HB 407, SB 435, SB 472, SB 542 and HB 561 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILLS ON SECOND CONSIDERATION AND REREFERRED

SB 625 (Pr. No. 702) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1970 (P.L.128, No.49), entitled "An act granting to the Governor of the Commonwealth the sole authority for regulating the display of the flag of the United States from any public ground or building and from any ground or building of certain other institutions," further providing for display of flag.

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.

SB 742 (Pr. No. 1162) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 29, 2006 (P.L.1471, No.165), known as the Sexual Assault Testing and Evidence Collection Act, further providing for rights of sexual assault victims.

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.

BILL OVER IN ORDER

SB 753 -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

BILL ON SECOND CONSIDERATION AND REREFERRED

SB 822 (Pr. No. 1046) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1970 (P.L.128, No.49), entitled "An act granting to the Governor of the Commonwealth the sole authority for regulating the display of the flag of the United

States from any public ground or building and from any ground or building of certain other institutions," further providing for the display of the official POW/MIA flag on Commonwealth grounds or buildings.

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 826, SB 827, SB 837, SB 854, SB 883, SB 887, HB 1288, HB 1420 and HB 1421** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

#### BILL ON SECOND CONSIDERATION AND RECOMMITTED

**HB 1547 (Pr. No. 2517)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, in licenses and regulations and liquor, alcohol and malt and brewed beverages, providing for suspension for inspection deficiencies.

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 recommitted to the Committee on Law and Justice.

#### UNFINISHED BUSINESS SENATE RESOLUTIONS ADOPTED

Senator ARGALL, by unanimous consent, offered **Senate Resolution No. 212**, entitled:

A Resolution recognizing the month of October 2017 as "Chiropractic Conservative Care First Health Month" in Pennsylvania.

Which was read, considered, and adopted by voice vote.

Senators MENSCH, GREENLEAF, BROOKS, BREWSTER, MARTIN, SCAVELLO, DINNIMAN, FARNESE, FONTANA, BARTOLOTTA, SABATINA, LANGERHOLC, RAFFERTY, KILLION, BROWNE, BAKER, WHITE, COSTA, McILHINNEY, WAGNER and HUGHES, by unanimous consent, offered **Senate Resolution No. 213**, entitled:

A Resolution designating October 13, 2017, as "Metastatic Breast Cancer Awareness Day" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Montgomery, Senator Mensch.

Senator MENSCH. Mr. President, today I rise to designate October 13, 2017, as "Metastatic Breast Cancer Awareness Day" in Pennsylvania. Metastatic breast cancer, also called stage 4 or advanced breast cancer, is the most advanced stage of breast cancers. It can spread to other organs in the body, most often the bones, lungs, liver, and brain. Much of the discussion in Pennsylvania today around breast cancer focuses on early detection and routine diagnosis, where we have seen tremendous progress in the last 30 years. However, the story for the advanced disease is quite different. Metastatic breast cancer patients continue to face many challenges, such as the emotional and physical demands of continual treatment. Currently, no cure exists for metastatic breast cancer, and those with metastatic breast cancer will continue treatment indefinitely with a goal of extending the best quality of life possible.

Nationally, about 252,710 women and 2,470 men will be diagnosed with invasive breast cancer in 2017. In Pennsylvania, it is expected that 11,300 women and 111 men will be diagnosed with breast cancer in 2017. Metastatic breast cancer cuts short the lives of too many people in Pennsylvania, leaving a lasting effect on their families. It is important for us to recognize the personal and social burdens of metastatic breast cancer, the needs of the patient, and promising research efforts in the development of more effective treatments.

Therefore, Mr. President, I ask the Members to support this resolution to raise awareness and show support for our family members, neighbors, friends, and colleagues affected by metastatic breast cancer.

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

The motion was agreed to by voice vote.

The bills were as follows:

**SB 499, SB 844, HB 203, HB 352 and HB 1139.**

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, OCTOBER 4, 2017

Off the Floor

LAW AND JUSTICE (to consider House  
Bill No. 1547)

Rules Cmte.  
Conf. Rm.

TUESDAY, OCTOBER 17, 2017

9:30 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (to consider Senate Bill No. 799; and Senate Resolution No. 168)	Room 8E-B East Wing
10:00 A.M.	AGING AND YOUTH and HEALTH AND HUMAN SERVICES (joint public hearing on providing an update on the Lyme Disease Task Force Report) <b>CANCELLED</b>	Hrg. Rm. 1 North Off.

WEDNESDAY, OCTOBER 18, 2017

9:00 A.M.	AGRICULTURE AND RURAL AFFAIRS (H) and AGRICULTURE AND RURAL AFFAIRS (S) (joint informational meeting to discuss the Spotted Lanternfly, a non-native species with the potential to greatly impact the grape, tree fruit, plant nursery, hops and logging industries; quarantines have been established in Berks, Bucks, Chester, Lehigh, Montgomery and Northampton Counties and there is growing concern regarding its spread)	Hrg. Rm. 1 North Off.
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THURSDAY, OCTOBER 19, 2017

9:00 A.M.	COMMUNICATIONS AND TECHNOLOGY (S), VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (S) and VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (H) (joint public hearing on FirstNet, the nationwide broadband network for public safety)	Hrg. Rm. 1 North Off.
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TUESDAY, OCTOBER 24, 2017

9:30 A.M.	AGING AND YOUTH and HEALTH AND HUMAN SERVICES (joint public hearing providing an update on the Lyme Disease Task Force report)	Senate Maj. Caucus Rm.
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**PETITIONS AND REMONSTRANCES**

The PRESIDENT. The Chair recognizes the gentlewoman from Philadelphia, Senator Tartaglione.

Senator TARTAGLIONE. Mr. President, today Senator Street, Senator Schwank, and I introduced Senate Resolution No. 211, which urges the President and Congress to make emergency financial resources available to assist Puerto Rico and its residents to recover from the devastating effects of Hurricanes Irma and Maria. The island, according to Puerto Rican Emergency Management officials, was destroyed due to damaging rain and winds in excess of 155 miles per hour that were present when Hurricane Maria made landfall in the early morning hours of September 20. We have all seen the horrific images of the devastation. Puerto Rico's inadequate infrastructure, as a result of its debt crisis, has left the island with no electricity, little cell phone coverage, limited medical and emergency services, and little access to clean water and food.

Pennsylvania ranks fourth nationwide in the number of Puerto Ricans living in the United States with a population of 366,000. One-third of the Commonwealth's Puerto Rican population resides in Philadelphia. Mr. President, what we have to remember is that the 3.5 million people in Puerto Rico are American citizens. They pay taxes. They serve in the military. We need to send the funding that they desperately need. They

should be treated just like the Hurricanes Harvey and Irma victims in Florida and Texas. They are U.S. citizens. We are urging that financial resources are swiftly made available to assist the residents of Puerto Rico to return to their normal, everyday lives. Please join us in this call for assistance.

Thank you, Mr. President.

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

Senator STREET. Mr. President, I rise to support my colleague, Senator Tartaglione, and join my colleague, Senator Schwank, in calling on the Federal government to take all reasonable actions with due speed to address the horrific situation in Puerto Rico. As Senator Tartaglione articulated, these are American citizens who are dependent upon our government to act. While it is noble when the United States provides foreign aid, this should not be confused with foreign aid. This is relief that we are calling on to be provided to our brothers and sisters who are American citizens, many of whom are having to gather water out of rivers, who have been without power for an unreasonable amount of time, who may have been injured and do not have access to medical care, and whose food supplies are completely unknown to us as to whether they have access to food. The devastation that was inflicted on 3.5 million people, 3.5 million American citizens in Puerto Rico, is unthinkable, and it is unconscionable that our Federal government has not acted with more due speed and committed greater resources to resolving this situation.

Just like any other American citizens, we go to bed at night confident that if tragedy befalls us, this government will come to our aid, that our fellow American citizens will be there for us. I am proud of all the people who have had personal and community-based programs who have reached out to be helpful, but the devastation of this magnitude can only be addressed by action by a coordinated, unified Federal government committing resources to make sure that those folks get the help that they need. America must, through its Federal government, provide the relief and get the help to all of the families in Puerto Rico who need it.

So, I urge my colleagues to support Senator Tartaglione's resolution, and I urge the Federal government to take all possible steps to resolve all of the human rights needs that have been inflicted by the hurricane in Puerto Rico.

The PRESIDENT. The Chair recognizes the gentlewoman from Berks, Senator Schwank.

Senator SCHWANK. Mr. President, I am proud to stand with my colleagues, Senator Tartaglione, whose leadership, of course, helped to bring this forward, and Senator Street. We are among the three counties, or two cities, actually, that probably have the largest proportion of citizens of Puerto Rican descent, individuals who have come to our Commonwealth, who have made a significant contribution to our economy and to our community in cultural diversity. I have received many phone calls from my constituents who are desperate to find out what has happened to their friends, relatives who are on the island of Puerto Rico, who are in desperate need themselves of the vital things that all of us have come to expect in life, that if it would happen here we would absolutely be frantic and furious that our Federal government has not responded as quickly as it should.

I will add this, Mr. President, that we will likely be facing individuals who will be coming to Pennsylvania, to our communities, from the island of Puerto Rico and that we need to anticipate their needs as they arrive here as well. I have written a letter to both the Secretary of Education as well as to the Acting Secretary of Health and Human Services, asking them to provide us with information about what resources we may be able to make available for individuals who likely will come to our communities with little but the clothing on their back. They may not have identification or birth certificates, those are things that they will necessarily need, but the basic items in life, food and shelter, and certainly, then, education are some things that we need to be thinking about and anticipating. So, the Federal government most certainly has the lion's share of the work to do here, but I would remind us that we also, as a Commonwealth, will have to step up to the plate, too. Thank you.

The PRESIDENT. The Chair agrees. We must be there for our American citizens, and Pennsylvania must play a leading role.

### **HOUSE MESSAGE**

#### **HOUSE BILL FOR CONCURRENCE**

The Clerk of the House of Representatives presented to the Senate the following bill for concurrence, which was referred to the committee indicated:

October 3, 2017

**HB 1739** -- Committee on Banking and Insurance.

### **RECESS**

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

Senator GORDNER. Mr. President, I move that the Senate do now recess until Wednesday, October 4, 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 3:38 p.m., Eastern Daylight Saving Time.