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No. 62

SENATE

WEDNESDAY, October 25, 2017

The Senate met at 11:30 a.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Reverend DR. DAN K. WILLIAMS, Senior Pastor of New Life in Christ Fellowship, Coatesville, offered the following prayer:

Let us pray.

God our Father, we honor You today and say thank You for moments like this. It reminds us of Your good graces. We pray, God, for the men and women who make up this body, not only for their role as legislators, but we think of them as fathers, as mothers, as husbands, and as wives. We pray, God, for their strength, and we pray as well for their wisdom. We ask today that the decisions made in this place might serve to mend brokenness, heal the wounded, and help those who are unable to help themselves. We pray, God, that the decisions here would impact those who struggle with addictions of every sort, that somehow they might find the freedom in You. Recognize, Lord, our frailty and thank You because Your strength is made perfect in our weakness. So, guide and guard. These things we ask in the matchless name of our Christ. Amen.

The PRESIDENT. The Chair thanks Reverend Dr. Williams, who is the guest today of Senator Dinniman.

PLEDGE OF ALLEGIANCE

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

**GUESTS OF SENATOR JAY COSTA
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Costa, with an unfortunate announcement. No, a very exciting moment.

Senator COSTA. Mr. President, as a special order of business, I take a moment to introduce some guests who are here today joining us, and they brought along with them a piece of metal that I think is pretty significant, certainly to the city of Pittsburgh and the western Pennsylvania region, but also our Commonwealth as well. We are honored today to have with us the COO

of the Pittsburgh Penguins, Travis Williams, who is joined by a couple of other folks: Greg Fajt, a former Member of the House of Representatives and a former Governor's chief of staff for a period of time; as well as Kevin Kinross from the Carey Group who is hosting us today; as well as Mike Bolt. Mike is the Stanley Cup guy, the keeper of the cup with the white gloves. I thank him for his patience today.

My hope is that everyone had an opportunity to be photographed with the Stanley Cup, either in our office earlier today or on the Senate floor in the last half hour or so. I thank each of these gentlemen for allowing us to share in the excitement of the Stanley Cup victory of the Pittsburgh Penguins, but also for spending some time with us here today. We really appreciate it. So Travis, on behalf of Senate Democratic and Republican colleagues and all of our staff and folks, we thank you and David Morehouse, president; Mr. Burkle, and Mr. Lemieux for allowing us to have the Stanley Cup here today to take some photographs. Thank you for being here as well.

The PRESIDENT. The Chair also thanks the gentlemen for bringing the cup here. It really has been a special moment and we greatly appreciate it. It is a unique opportunity.

Senator COSTA. Mr. President, I ask my colleagues to join me in giving our usual warm Senate welcome to our guests here today.

The PRESIDENT. Let us welcome our folks with the Stanley Cup. Thank you so much.

(Applause.)

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

Senator CORMAN. Mr. President, very briefly, I thank my colleagues from Allegheny County. I challenged them a few months ago that if they had any pull in the city of Pittsburgh, they could get the Stanley Cup here for all of us to enjoy. I thank Senator Fontana and Senator Costa for doing that. Again, our congratulations to the Pittsburgh Penguins. I am an avid Penguins fan, and it was an exciting run. It was very kind of them to share that with us today.

Mr. President, thank you again.

The PRESIDENT. The Chair thanks the gentleman for his remarks and for that challenge. I remember it distinctly. That is how you bring out the best in Senator Costa, you challenge him and that is how we got the Stanley Cup here.

Senator CORMAN. Mr. President, actually, I think it was because you brought Villanova here. So, if you could do it, he could do it.

The PRESIDENT. Absolutely. We will try to do that again sometime.

HOUSE MESSAGES**HOUSE CONCURS IN SENATE AMENDMENTS
TO HOUSE BILLS**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 674** and **HB 790**.

**HOUSE CONCURS IN SENATE AMENDMENTS
TO HOUSE AMENDMENTS TO HOUSE BILL
BY FURTHER AMENDING SENATE AMENDMENTS**

The Clerk of the House of Representatives informed the Senate that the House has concurred in Senate amendments to House amendments to Senate amendments to **HB 785**, by further amending Senate amendments.

The PRESIDENT. Pursuant to Senate Rule 13(c)(2)(i), this bill will be referred to the Committee on Rules and Executive Nominations.

BILLS SIGNED

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

HB 674 and **HB 790**.

BILLS REPORTED FROM COMMITTEE

Senator RAFFERTY, from the Committee on Transportation, reported the following bills:

SB 894 (Pr. No. 1294) (Amended)

An Act designating a portion of State Route 2005 in Saxonburg Borough, Butler County, as the Chief Gregory B. Adams Way; designating a bridge on that portion of Pennsylvania Route 271 over US Route 22, Jackson Township, Cambria County, as the Trooper Gary Fisher Memorial Bridge; designating a bridge on that portion of Pennsylvania Route 53 over US Route 22, Cresson Township, Cambria County, as the Corporal Robert J. Sherwood, Jr., Memorial Bridge; designating a bridge on Segment 80 of State Route 2015, along Overbridge Street and over Railroad Street, Lilly Borough, Cambria County, as the Paul E. Sweeney Memorial Bridge; designating a bridge on that portion of Avenue A over the Allegheny River, Coudersport Borough, Potter County, as the Commander Philip F. "Jet" Palmatier, Jr., Memorial Bridge; designating a bridge on that portion of Sunnyside Road over the Oswayo Creek, Shinglehouse Borough, Potter County, as the PVT Malon Stanley Memorial Bridge; designating a portion of State Route 1001 in Greene Township, Franklin County, as the Lance Corporal Michael L. Freeman, Jr., Memorial Highway; designating a bridge on that portion of State Route 533 over Muddy Run, Southampton Township, Franklin County, as the Private First Class Dana Edward Diehl Memorial Bridge; and designating a bridge on that portion of State Route 1004 over the Conococheague Creek, Greene Township, Franklin County, as the Private Charles W. "Bill" Roher Memorial Bridge.

HB 1294 (Pr. No. 2647) (Amended)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in registration of vehicles, further providing for special plates for recipients of Purple Heart and providing for special plates for recipients of Legion of Merit; and, in lighting equipment, further providing for use and display of illuminated signs.

HB 1602 (Pr. No. 2648) (Amended)

An Act designating a bridge on that portion of State Route 1008 over the Codorus Creek in East Manchester Township and Hellam Township, York County, as the SPC Martin Wilson Kondor Memorial Bridge; designating a bridge to be constructed on that portion of State Route 119 over the Pine Run Creek, Rayne Township, Indiana County, as the PFC Frank Enzer Weiss United States Marine Corps Bridge; designating the bridge on State Route 125 before Ridge Road in Pitman, Schuylkill County, as the Abner Yoder Memorial Bridge; designating a portion of State Route 562 in Berks County as the General Carl A. Spaatz Memorial Highway; and designating portions of Interstate Route 176 in New Morgan Borough, Caernarvon Township, Robeson Township and Cumru Township, Berks County, as the Vietnam War Veterans Memorial Highway, the Persian Gulf War Veterans Memorial Highway and the Iraq and Afghanistan War Veterans Memorial Highway.

HB 1608 (Pr. No. 2126)

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.

HB 1778 (Pr. No. 2405)

An Act designating a bridge on that portion of State Route 1005, also known as Castor Avenue, over the Frankford Creek in the City of Philadelphia, Philadelphia County, as the Officer Gary Frank Skerski Memorial Bridge.

RESOLUTION REPORTED FROM COMMITTEE

Senator RAFFERTY, from the Committee on Transportation, reported the following resolution:

SR 209 (Pr. No. 1222)

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.

The PRESIDENT. The resolution will be placed on the Calendar.

LEGISLATIVE LEAVES

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

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

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

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

The PRESIDENT. Senator Corman requests a legislative leave for Senator Wagner.

Senator Costa requests a legislative leave for Senator Tartaglione.

Without objection, the leaves will be granted.

LEAVE OF ABSENCE

Senator CORMAN asked and obtained a leave of absence for Senator GREENLEAF, for today's Session, for personal reasons.

SENATE CONCURRENT RESOLUTION

WEEKLY RECESS

Senator CORMAN offered the following resolution, which was read as follows:

In the Senate, October 25, 2017

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene on Monday, November 13, 2017, unless sooner recalled by the President Pro Tempore; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses this week, it reconvene on Monday, November 13, 2017, unless sooner recalled by the Speaker of the House of Representatives.

On the question,
Will the Senate adopt the resolution?

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

YEA-49

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

NAY-0

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

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

**GUESTS OF SENATOR JUDY SCHWANK
PRESENTED TO THE SENATE**

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

Senator SCHWANK. Mr. President, I have the distinct honor of introducing a group of school superintendents from Berks County. They are part of the Superintendents' Study Council, a group of superintendents who make that extra effort to learn more about State government and to learn more about how to be really effective advocates for their students and, of course, their leaders and their communities as well. They are under the auspices of the Berks County Intermediate Unit, and I am very pleased that they have provided the leadership to bring them here today. They have been meeting with different legislators, and I hope had a very fruitful day.

I am going to list their names, Mr. President. With us today are Dr. Melissa Woodard, Assistant Superintendent from Boyertown Area School District; Mr. Andrew Potteiger, Superintendent from Brandywine Heights Area School District; Dr. Randall Grove, Superintendent from Conrad Weiser Area School District; Dr. Robert Phillips, Superintendent from Exeter Township School District; Dr. Greg Miller, Superintendent representing the Fleetwood Area School District; Dr. Steve Gerhard, Superintendent from Governor Mifflin School District; Dr. Richard Mextorf, Superintendent from Hamburg Area School District; Dr. George Fiore, Superintendent from Kutztown Area School District; Dr. Joseph Macharola, Superintendent from Muhlenberg School District; Dr. Khalid Mumin, Superintendent from Reading School District; Dr. Cindy Merzejewski, Superintendent from Schuylkill Valley School District; Dr. Richard Schultz, Superintendent from Tulpehocken Area School District; Dr. Robert Pleis, Superintendent from Twin Valley School District; Dr. Richard Faidley, Superintendent from Wilson School District; and Mr. Robert Scoboria, Superintendent from Wyomissing Area School District. Representing the Berks County Intermediate Unit are the effervescent Dr. Jill Hackman, executive director; Mr. Carl Blessing, assistant to the executive director; and Mr. Dan Richards, director of the office of professional development and curriculum.

Mr. President, I join my colleagues Senator Rafferty, Senator Argall, and Senator Mensch in welcoming these wonderful superintendents to the Senate today. I ask my colleagues to join me in welcoming them here to the Pennsylvania Senate.

The PRESIDENT. Would the guests of Senator Schwank, the great superintendents, please rise so that we may welcome you to the Pennsylvania Senate. Thank you for your great work.

(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, I have the privilege of introducing our pastor today. Dr. Williams is pastor of New Life In Christ Fellowship, the largest African American church in the Coatesville area. Dr. Williams is very active in the community and has done many wonderful things to bring people together in our community. Dr. Williams and his wife were both my students at West Chester University for a number of courses, including courses that I taught in African American history for many years. One of the interesting things about those courses is this was in the 1970s and 1980s so students walked into the classroom saying, what is that white dude doing up there teaching black history? But this was a time and period where both white and black people did not know much in the 1970s and 1980s about local black history, about the wonderful black history in the Commonwealth. Danny has taken and taught that knowledge and has become a leader in the community.

Finally, one of the wonderful things about being a professor is that when one of your students actually begins to teach you, and I have learned a great deal from Dr. Williams, so in education when it is successful it goes in a circle. We in turn teach young people and they in turn begin to teach us. That is the won-

derful thing about our education system when it works, and in the case of Danny and his wife, it worked wonderfully well.

Thank you, Mr. President. I ask us to give Dr. Williams a good welcome here.

The PRESIDENT. Will the guest of Senator Dinniman, today's pastor of the Senate, Dr. Williams, please rise so we may welcome you and thank you once again for your good works.

(Applause.)

GUESTS OF SENATOR JAY COSTA PRESENTED TO THE SENATE

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

Senator COSTA. Mr. President, each year, as my colleagues know, we are joined by students from the Western Pennsylvania School for the Deaf. Today again, we are joined by students and their leaders, Dr. Steven Farmer and Matt Campion, who is a former staff member of our Senate Chamber here. They brought a number of students here. WPSD is a nonprofit, tuition-free school with educational services that are complete with significant extracurricular activities and their students range from birth to grade 12.

There are two students here from our district today, the 43rd Senatorial District, Elsie Olwal and Noah Weiner. Elsie is a fifth-grader, and she loves her school. She also has great respect and fondness for her teacher, Mary. She loves to play outside and go to Dave and Busters. When she finishes school, Elsie said she would like to be a teacher's aide. Noah is a sixth-grader and a Boy Scout. He loves his school as well because of his teachers, and he particularly likes his art classes.

Mr. President, I would like the Members to join me and other colleagues who have students here today--I know that Senator Brewster, Senator Stefano, and Senator Hutchinson have students here who you will hear from momentarily--as the host of where WPSD resides, as well as up in the northeast part of the Commonwealth where they operate another facility there. They are outstanding community partners and I cannot say enough about the work that they do, certainly with the students, the education they provide, the extracurricular activities they provide, but they are tremendous community partners. Oftentimes they are working in the community to bring neighborhoods and communities together on important issues that are outside the realm of the educational environment, but also in other things as well. I am very, very honored to be able to welcome certainly Elsie, Dr. Steven Farmer, and Noah here today and ask my colleagues to join me in giving our regular warm welcome in the manner that we are accustomed to, and that is by waving our hands. May we give our guests a warm welcome.

The PRESIDENT. We are going to welcome our guests from WPSD. We are so happy to have you here.

("Jazz hands" sign language applause.)

The PRESIDENT. We are also going to have other Senators acknowledge their guests, but we know we have Elsie and Noah now. Will Elsie and Noah please rise. We will say hello to them and then we will recognize other students. Great to see you guys.

("Jazz hands" sign language applause.)

GUEST OF SENATOR DONALD C. WHITE PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Indiana, Senator White.

Senator WHITE. Mr. President, I have the pleasure today of introducing--my colleague and friend, Senator Costa, did a good job describing the great asset that we have in western Pennsylvania, the school for the deaf--but I am here with a district constituent. His name is Jared Price. He is a student at Western Pennsylvania School for the Deaf, and he is from Murrysville, Pennsylvania. Jared is 12 years old and he is in the fifth grade. He likes to write, play basketball, and is a big fan of *Harry Potter* and *Spider Man* movies. So, may we please extend a warm welcome to Jared Price, who is visiting today with his classmates from our great western Pennsylvania school.

The PRESIDENT. Would the guest of Senator White, Jared, please rise. We are happy to have you here too. Great to see you, Jared.

("Jazz hands" sign language applause.)

GUEST OF SENATOR SCOTT E. HUTCHINSON PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Venango, Senator Hutchinson.

Senator HUTCHINSON. Mr. President, I too welcome all of the students from the Western Pennsylvania School for the Deaf. It is always one of the highlights of the year when the students come up and see us and visit with us, and hopefully learn a few things about State government. I am also pleased to have the opportunity to introduce one of my constituents, Kierra Oyler, who is one of the classmates at the Western Pennsylvania School for the Deaf. Kierra is a sixth-grader and she loves the Western Pennsylvania School for the Deaf because of the new learning opportunities that are offered to her each and every day. Kierra is already a talented artist, she enjoys horseback riding, climbing trees, shopping, and baking. Her favorite subject is social studies, and she dreams of one day becoming a zookeeper. Please join me in welcoming Kierra to the Pennsylvania Senate.

The PRESIDENT. Will the guest of Senator Hutchinson, Kierra, please rise so we may welcome you too.

("Jazz hands" sign language applause.)

The PRESIDENT. How about all the folks from WPSD please rise so we can collectively welcome you all. Thank you so much for being with us.

("Jazz hands" sign language applause.)

GUESTS OF SENATOR JAMES R. BREWSTER PRESENTED TO THE SENATE

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

Senator BREWSTER. Mr. President, I too have a student from the 45th Senatorial District, Walker Remis. Walker tells us he loves to play soccer and basketball. He is very proud of his teachers and all of the learning tools they have at Western Pennsylvania School for the Deaf. He is also interested, when he graduates, in building homes. I think that is a great desire for him

and we welcome him and all of his schoolmates here today. We are very proud to have you. I ask for a warm welcome for Walker and his classmates.

Thank you, Mr. President.

The PRESIDENT. Will Walker please rise so that we can give you a special welcome too.

("Jazz hands" sign language applause.)

The PRESIDENT. Once again, we are happy to have you. Stop by the Lieutenant Governor's Office if you get a chance, and we are always happy to have you.

("Jazz hands" sign language 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 begin at 12:30 p.m., in the Majority Caucus Room.

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

Senator FONTANA. Mr. President, Democrats will also caucus at 12:30 p.m.

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

AFTER RECESS

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

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

LEGISLATIVE LEAVES CANCELLED

The PRESIDING OFFICER. Senator Wagner and Senator Tartaglione have returned, and their legislative leaves are cancelled.

LEGISLATIVE LEAVE

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

Senator CORMAN. Mr. President, I request a temporary Capitol leave for Senator Killion.

The PRESIDING OFFICER. Senator Corman requests a temporary Capitol leave for Senator Killion. Without objection, the leave will be granted.

LEAVE CHANGED

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

Senator CORMAN. Mr. President, I request that Senator Greenleaf's leave be changed from a personal leave to a legislative leave.

The PRESIDING OFFICER. Senator Corman requests that Senator Greenleaf's leave be changed from a personal leave to a legislative leave. Without objection, the leave will be changed.

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 purposes of a series of off-the-floor committee meetings to be held in the Rules room in the rear of the Chamber, starting with the Committee on Appropriations, followed by the Committee on Aging and Youth, followed by the Committee on Rules and Executive Nominations.

The PRESIDING OFFICER. For purposes of several off-the-floor Committee meetings, starting with the Committee on Appropriations, then the Committee on Aging and Youth, and then the Committee on Rules and Executive Nominations, without objection, the Senate stands in recess.

AFTER RECESS

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

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 651**, with the information the House has passed the same without amendments.

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 785**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDING OFFICER. Pursuant to Senate Rule 13(c)(2)(i), the bill will be referred to the Committee on Rules and Executive Nominations.

LEGISLATIVE LEAVE CANCELLED

The PRESIDING OFFICER. Senator Killion has returned, and his temporary Capitol leave is cancelled.

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 Scarnati.

The PRESIDING OFFICER. Senator Corman requests a legislative leave for Senator Scarnati. Without objection, the leave 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 Senate for the purpose of an off-the-floor meeting of the Committee on Rules and Executive Nominations to be held in the Rules room in the rear of the Chamber.

The PRESIDING OFFICER. For the purpose of an off-the-floor meeting of the Committee on Rules and Executive Nominations, without objection, the Senate stands in recess.

AFTER RECESS

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

CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS TO SENATE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS TO SENATE AMENDMENTS

HB 178 (Pr. No. 2609) -- 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 preliminary provisions, further providing for Keystone Exams and providing for Every Student Succeeds Act State Plan Review; in school directors, providing for school director training programs; in school district financial recovery, further providing for additional criteria and providing for financial administrator in financial watch school district; in grounds and buildings, further providing for limitation on new applications for Department of Education approval of public school building projects; in district superintendents and assistant district superintendents, further providing for reports, for manner of election or approval and for term and salary of assistants; in professional employees, further providing for causes for suspension, for persons to be suspended and for appeals to superintendent of public instruction; in certification of teachers, further providing for granting provisional college certificates and for evaluation of applications for certification; in pupils and attendance, further providing for nonprofit school food program; in drug and alcohol recovery high school pilot program, further providing for establishment of drug and alcohol recovery high school pilot program, for scope of program and selection of students, for establishment and payment of tuition, for term of drug and alcohol recovery high school pilot program and for reporting; in terms and courses of study, further providing for fire and emergency evacuation drills, for alcohol, chemical and tobacco abuse program and for agriculture education and providing for Commission for Agricultural Education Excellence; in charter schools, providing for multiple charter school organizations; in community colleges, further providing for financial program and reimbursement of payments and repealing provisions relating to annual report; in rural regional college for underserved counties, further providing for establishment; in educational tax credits, further providing for limitations; in transfers of credits between institutions of higher education, further providing for definitions, for duties of public institutions of higher education and for Transfer and Articulation Oversight Committee; in funding for public libraries, providing for State aid for fiscal year 2017-2018; in reimbursements by Commonwealth and between school districts, further providing for definitions, for student-weighted basic education funding, for payments to intermediate units, for assistance to school districts declared to be in financial recovery status or identified for financial watch status and for Ready-to-Learn Block Grant; in State Board of Education, further providing for powers and duties of the board; further providing for the applicability of Act 2016-138; and making editorial changes.

On the question,

Will the Senate concur in the amendments made by the House to Senate amendments to House Bill No. 178?

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

Senator CORMAN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 178.

On the question,

Will the Senate agree to the motion?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Chester, Senator Dinniman.

Senator DINNIMAN. Mr. President, this is the Education Code. I simply want to state my support of the Education Code and of the amendments as well. What we have to clearly understand is I know there is some opposition to the Education Code that has been expressed in relationship to the furloughing of teachers and the effectiveness of evaluations. The truth of the matter is this, every single Member who sits here knows that the parents know, the other students know, and the other teachers know who the ineffective teachers are in a school. We need to take care of that matter. You only go through third grade once. You only take geometry once, and I think this School Code has a fair and effective way when it comes to the laying off of teachers. It says it is based on two evaluations. Now, I know that some of my friends at PSEA and others complain about the evaluation process, but Senator Eichelberger and I worked months after months with both the superintendents and with the teacher unions. We suggested all types of new evaluation procedures, and we do need to have a more effective evaluation process, but to use the evaluation process and say that it is ineffective and that is why this system will not work with two negative evaluations is not getting to the main point.

The main point is we do need more effective evaluations. In fact, Senator Eichelberger and I offered a series of ways to do new evaluations. We said, why not have teachers evaluate each other? That was rejected. We said, what about third parties doing evaluations? That was rejected. We brought up the concept that was done in the Pittsburgh School District in the collective bargaining agreement that students would have a say in evaluations. That was rejected. Ultimately, PSSA, the superintendents, and PSEA have supported the examination program. As long as they support the program, they are going to have an evaluation system that is based on the scores in that program. I oppose this testing. I do not think that should be the basis of evaluation.

All I am saying, Mr. President, is that I think the Education Code is good. I stand to support it, and the one area where people have spoken against it, I think that we need to come to terms with the fact that we have to have an effective evaluation system, and we cannot allow teachers who are ineffective to continue year after year after year. This program now, as you know, you can be evaluated ineffectively one year, and you still remain, but if it is the second year, then action can be taken. By the way, the Education Code does not say that teachers who have been there for a while will simply be relieved or furloughed. It first starts with teachers who are new, then goes to older teachers. It was designed to be a fair and equitable system with the main goal of trying to keep the very best teachers in the classroom with the students.

Mr. President, my final comment is this: I understand and respect the concept of seniority. When it comes to, say, the building trades and you have to do layoffs, seniority is a rule and should continue to be the rule. But when you are dealing with the education of young people, when there is only one opportunity that they are going to have to learn at that grade or in that subject, then seniority needs to be balanced off through an effective system of evaluation. I know that I stand, and I believe Senator

Eichelberger also stands as co-chair of the Committee on Education, to meet and work with the teachers, with the superintendents, with all to create that effective system of evaluation, but we cannot reject the Education Code because there is no effective system in the first place. We have tried to change, we need to that to help us create the change. Seniority, yes, but not seniority when it comes to the teaching of young people in this Commonwealth.

Thank you, Mr. President, for allowing me to make my remarks in support of the Education Code.

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

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

Senator COSTA. Mr. President, I rise to indicate my reluctant support for this particular School Code. While there are provisions that many have raised objections to, and in part I agree with, at the end of the day it is part of a universe of legislation that we are trying to bring closure to as it relates to our budget conversation here. The School Code, for the most part, pretty regularly has been part of our overall budget discussion, and as I indicated in a previous meeting of the Committee on Rules and Executive Nominations, or one of the previous meetings we had regarding this particular piece of legislation, we are fortunate to be in a position to be part of the conversation to put together and assemble a Fiscal Code, an Administrative Code, and now a School Code. While there are some things I object to, there are a number of items that are very positive in that regard.

Mr. President, I am oftentimes reminded by my colleague, the Majority Leader, that given the positions that we hold, we do not have the benefit of selecting off of a menu which ones we like and which ones we do not like, so for that reason I will be casting an affirmative vote. Thank you.

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

Senator HAYWOOD. Mr. President, I want to share that a vote against the School Code is not a vote against the effective evaluation of teachers. There is nothing in the School Code related to the effective evaluation of teachers. The mischaracterization of this vote, as an opposition vote being in any way related to the effective evaluation of teachers, I firmly reject. I will not be voting for the School Code, but it is not related, in any way, to the effective evaluation of teachers, and neither is the School Code.

Thank you, Mr. President.

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

Senator BREWSTER. Mr. President, I respect the comments of my colleagues, but on behalf of 200,000 public schoolteachers, I think it would be inappropriate for me to sit here and listen to the dialogue about the effectiveness of performance appraisals. It is almost absurd to think that we would, under the guise of saving money in local school districts, suggest that if we do performance appraisals and we lay off folks because of their income at the time, and maybe they are a 25-year employee, that we would base that on some performance appraisal that is based on what I consider to be a flawed testing system. So, if you are a 25-year or 30-year teacher who happens to teach in a district

where funding may not be up to the standard it should be, equipment and tools may be substandard, and therefore the test scores in that particular building may be lower than some other more affluent community, and we suddenly think that is the teacher's fault. It is not our fault. It is nobody in this room's fault, is it? It happens to be that one teacher's fault, the stuff of what she or he has to teach young people.

Frankly, I think it is a little disingenuous, and I think embarrassing, to always refer that we are doing this for the children. This is not all about the children. This is about continuing to lean on public education, continuing to lean on the teachers' union, continuing to blame everything that is going wrong in education on teachers who did nothing more but go to school, get educated to go out and be a teacher. Now we make new rules. We change the rules. Frankly, while I would admit with my colleague, Senator Costa, there are many things in the School Code that are good, there is no question, but the teacher evaluation is patently unfair. Let the school districts that have their own school boards elected by the people, who pick their superintendent, decide how they want to evaluate their teachers. There are local tax dollars that go into those school districts. They should have some right and some say in that decision.

Secondly, I briefly bring up there is still language in the bill with regard to charter schools. Let me be clear with a disclaimer, I am not against charter schools, but the proliferation of charter schools in an unbridled environment, no matter what we say in this room, the rules are not fair. We have tried many times in the past 2 years to pass legislation to make it a level playing field so that parents really do have a choice. The choice is not fair. The criteria is not fair. We continue to let that happen. In a meeting of the Committee on Education we had 14 amendments, all of which failed. So, we can tell the public and the viewers of this event today that two Members of the Committee on Education came forward with 14 charter school amendments and all of them failed. Can we be that dumb? Can we--and I was one of the two--could I be that uneducated on the process that not one of those amendments passed? That is not even reasonable.

So I ask my colleagues, so that we do not go on all night here on this issue, we are going to get the charter school/public school situation corrected some day and you will have the choice and both of them will move on to bigger and better things. But that has not happened yet, and until we see that in our School Code, I am a "no" vote. I say this in closing, as we do what we are doing, you are going to see tax increases. For the viewers who are watching this event today, your school taxes are going to go up if we vote "yes" and pass the School Code.

Thank you, Mr. President.

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

Senator DINNIMAN. Mr. President, actually I agree very much with the point my friend and colleague from McKeesport made. The point is this: if any Member of this body or anyone listening has had their child in a class for the whole year with a teacher who might be there year after year and that child is not learning or the person is burned out and is not teaching with enthusiasm and effectiveness, then we need to put in place a good evaluation system. We do not have it. You are quite right. But to say that we cannot do what we are doing in the School Code because the evaluation system is bad, then all I am saying to the teachers and the superintendents is join with Senator

Eichelberger and I, join with the House Committee on Education, and join with Senator Aument, who has worked on the School Code, join together with us so we can create an effective means of evaluation. By the way, we did offer, Senator Eichelberger and I, in our negotiations with PSEA and PSSA, we offered to send everything back to the local school district, as my fine colleague Senator Brewster mentioned. We thought that would be the answer.

Mr. President, all we are trying to do is this--I think the School Code is fine. I knew that people were going to vote against it because of this issue. All I am trying to say is, seniority has its role, and certainly it has its role in the trades, and I support it 120 percent. When it comes to education, if we have put in place, as a priority this year, a good, effective, and fair system of evaluation, then what we are doing in the School Code will not harm any teacher and will do a lot of good for a lot of students. That is all I am trying to say in my support of the bill. I also share in my colleague Senator Brewster's comments. He and I did present 14 amendments on the charter schools and not one of them has really been given fair consideration, and I certainly will join with my colleague so that we eventually have an effective and fair playing field for all types of education so choice can be made but made in a way that is fair for everyone.

Thank you, Mr. President.

And the question recurring,
Will the Senate agree to the motion?

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

YEA-35

Alloway	Dinniman	Martin	Tomlinson
Argall	DiSanto	McGarrigle	Vogel
Aument	Eichelberger	McIlhinney	Vulakovich
Baker	Folmer	Mensch	Wagner
Bartolotta	Gordner	Rafferty	Ward
Brooks	Hutchinson	Regan	White
Browne	Killion	Resenthaler	Williams
Corman	Langerholc	Scarnati	Yaw
Costa	Laughlin	Stefano	

NAY-15

Blake	Fontana	Leach	Street
Boscola	Greenleaf	Sabatina	Tartaglione
Brewster	Haywood	Scavello	Yudichak
Farnese	Hughes	Schwank	

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 46 (Pr. No. 1033) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in personal income tax, providing for contributions for pediatric cancer research.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

Senator RAFFERTY. Mr. President, I, along with my friends and colleagues Senator Schwank, Senator Argall, and Senator Mensch, have kept an eye on this bill for our good friend, Representative Caltagirone. This has been a passion of Tom's for the past couple of Sessions. This is for the pediatric cancer research State income tax form checkoff. Mr. President, only one new drug in 20 years has been approved for pediatric cancer. The average age of death of a child with pediatric cancer is 8. For the families dealing with pediatric cancer, we cannot comprehend the suffering and pain, both physical and emotional, they and their children must endure. But I want them to know today that we heard you, we care, and you are not forgotten. By this bill today, in a simple matter of being able to check off a box, additional funds will go into research to fight this dreaded disease.

Mr. President, once again, I commend Representative Caltagirone, who has been at the forefront on this issue, and I ask my colleagues to give an affirmative vote to House Bill No. 46.

Thank you, Mr. President.

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

Senator SCHWANK. Mr. President, I strongly affirm Senator Rafferty's words. Representative Caltagirone has been singlemindedly devoted to this issue for many years, and I think certainly all of us can understand when a family is touched by something like this how devastating it can be, particularly for those who are most vulnerable and the youngest among us. I truly appreciate his effort on this. This gives every Pennsylvanian the opportunity to very easily make a donation to help fund research on pediatric cancer so that we can end this plague among us. All of us can have that opportunity, and I want to thank Representative Caltagirone for continuing to work on this effort, and I am hopeful we will make this happen, and you soon will be letting us know that this will be signed by the Governor. Thank you.

And the question recurring,
Shall the bill pass finally?

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

YEA-50

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.

BILLS OVER IN ORDER

SB 52, SB 113 and HB 165 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL OVER IN ORDER AND LAID ON THE TABLE

SB 168 (Pr. No. 140) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for notice and disclosure of proposed collective bargaining agreements and related documents and for open records.

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

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

BILLS OVER IN ORDER

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

BILLS OVER IN ORDER AND LAID ON THE TABLE

SB 503 (Pr. No. 500) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, in open meetings, further providing for executive sessions.

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

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

SB 504 (Pr. No. 753) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law, in procedure, further providing for exceptions for public records.

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

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

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 625 (Pr. No. 1288) -- 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 third time and agreed to,

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

On the question,

Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentlewoman from Mercer, Senator Brooks.

Senator BROOKS. Mr. President, I submit comments for the record on this legislation.

The PRESIDENT. Without objection, the remarks will be spread upon the record.

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

Mr. President, the black and white POW/MIA flag is a constant reminder of the thousands of U.S. soldiers, Marines, airmen and women, and sailors held captive in foreign lands over the years. The flag's silhouette of a man next to a guarded watchtower and a strand of barbed wire fence bears the words, "You are not forgotten." It is a message that echoes how much we cherish not only the veterans of Vietnam but every conflict.

Under a federal law passed more than two decades ago, the POW/MIA flag is to be flown on six national holidays above the White House, the U.S. Capitol, and major military installations. Many other government buildings voluntarily fly it all year. It is the only flag permitted to fly alongside the American flag at the White House and it flies to this day over the U.S. Capitol.

With my legislation, it is my hope that Pennsylvania will fly this symbolic banner at our State-owned roadside rest stops and welcome centers as well to show that we still are committed to the sentiment, "You are not forgotten." I am humbled by the opportunity to offer this proposal. With my legislation, the POW/MIA flag will fly over our 12 welcome centers and 35 rest areas owned and maintained by PennDOT along our Commonwealth highways. The flags that would fly above our open roads, forests, and fields would serve as a solemn reminder of the Pennsylvanians still listed as missing in action, who include 90 service members, according to the National League of POW/MIA families.

Nationwide, the Pentagon considers approximately 1,600 Americans to be Prisoners of War or Missing in Action from the Vietnam Conflict, which ended some 40 years ago. It is heartbreaking to know that so many families are still waiting for their loved ones to come home. According to the U.S. Department of Veterans Affairs, since World War I, more than 142,000 Americans, including 85 women, have been captured and interred as POWs. Not included in this figure are nearly 93,000 Americans who were lost and never recovered.

The black and white POW/MIA flag, a companion to our beloved red, white, and blue, is emblematic of the importance of bringing every man and woman home from war and paying tribute to their service and sacrifice. When our citizens and tourists travel our highways, this flag will fly as a silent reminder of all those American heroes that Pennsylvania has not forgotten.

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

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 676 (Pr. No. 1289) -- The Senate proceeded to consideration of the bill, entitled:

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 injuries outside this Commonwealth; in procedure, further providing for the Workmen's Compensation Administration Fund; and, in the Uninsured Employers Guaranty Fund, further providing for definitions, for fund, for claims, for claim petition, for department and for assessments and transfers and providing for uninsured employer obligations and for administrative penalties and stop-work orders.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEA-50

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.

BILLS OVER IN ORDER

SB 775 and **SB 781** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

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 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 present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

SB 844, **SB 877** and **SB 878** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 935 (Pr. No. 1280) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, in Pennsylvania Fish and Boat Commission, further providing for executive director.

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-34

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

NAY-16

Blake	Dinniman	Hughes	Street
Boscola	Farnese	Leach	Tartaglione
Brewster	Fontana	Sabatina	Williams
Costa	Haywood	Schwank	Yudichak

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

HB 1139 -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1388 (Pr. No. 2633) -- 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 comprehensive health care for uninsured children, further providing for children's health care and for expiration.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

Senator STREET. Mr. President, I rise to oppose the adoption of this bill today. I do so because as I pointed out on numerous occasions, the passage of this bill in its current form could need-

lessly put Pennsylvania's funding for CHIP in jeopardy because this bill in its current form violates the Federal law as articulated in 45 Code of Federal Regulations 92.207(b)(4). Section 4, which interprets the Affordable Care Act, specifically states that, having any implement of "...a categorical coverage exclusion or limitation for all health services related to gender transition" is a violation of the prohibitions on discrimination on the basis of sex. That is Federal law and could put in jeopardy the funding for over 176,000 children in CHIP.

Moreover, this provision is plain wrong because it singles out a particular group of young people for discrimination and we should not be discriminating against trans children. So, although this bill is better than the prior version of it, it is still not what we should be doing, and we should revert to the version that the House gave us and move forward and send the Governor a clean bill.

Today I urge a "no" vote on this bill.

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

Senator FARNESE. Mr. President, I will be brief, I know I have spoken on this bill several times and I hope by now my position is clear, but I do want to make a few comments before the final vote. I realize the numbers are what they are and we are not going to change minds, but maybe when we leave here and maybe at some point we can change people's hearts a little bit.

The amendment that was adopted on the floor yesterday may have been softened by the discriminatory blow, but the text of the bill continues to single out transgender children and denies services that may be medically necessary. Unfortunately, that is still a fact that remains with this legislation. There is no real issue that this tainted bill is attempting to solve, and that is something I really cannot get my arms around. What are we trying to solve here? There is really nothing that has ever been raised as a prevailing issue or problem that we need to address. So what we are doing here, at the end of the day, is really codifying the sentiment that some people in this building do not understand that the transgender community is not treated the same as everyone else, that the transgender community and those children are treated differently than everybody else, and that we, for better or for worse, accept that. I mean, that really is the issue here. There is not a problem we are solving with this. We are making a statement. I was once told here that we take positions, we advocate, and at the end of the day what we say to the people who we represent, what we say to the Commonwealth, that is our view, that is our statement that we are sending back, because we represent the people who send us here.

I think when we look at what we are doing here, and I understand that this is a very difficult vote for folks, because on the one hand it is the reauthorization of one of the most accredited and favored legislative programs that Pennsylvania has ever passed. It is looked at from around the country as a model, and the people should support this bill for that reason. They should support that bill for that reason. I would like that to come, that advice to come from someone in a higher position in this building than me. I would like somebody else to make that statement and tell us what to do. But I am just a State Senator here in the General Assembly. That is for another department to come out and give us guidance. So, for me there really is no real issue. I know what I am going to do.

This has been a very healthy debate over the last few weeks on an important issue, not only because of the reauthorization of CHIP, but because of the other social implications that this raises. I have the utmost respect for my colleagues who have stood on their principles on both sides of this issue. I believe when people make a vote in this building and in this room, at least I know from this room, they do it from what they believe in. When they propose legislation, they do it because it is what they think is right for the people they represent, and that is all that can be asked of us. At times we disagree, and, Mr. President, this is one of them. Thank you.

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

Senator HUGHES. Mr. President, I think it is important, once again, and I do not think we can state it enough, I do not think we can emphasize it enough, I do not think we need to underplay this issue, I think we need to call it for what it is. The amendment that was added to this bill is discriminatory on its face. It denies coverage to a very specific and pointed community, the transgender community. It is focused, it denies service, it denies coverage, and it is discriminatory. I dare say it is discriminatory at the State level, and I am pretty confident, based on the reports from my colleagues, that it is discriminatory on the Federal level as it violates several Federal civil rights laws.

Mr. President, we do not need to be in the business of passing discriminatory legislation. Now, I know that may be consistent with the reality coming from 1600 Pennsylvania Avenue, condoning discriminatory practices, denying services to people based on who they are. I know that is what is coming out of that office, but we do not need to be in a business of replicating that kind of negative behavior. That is the worst of us, not the best of us.

So, Mr. President, I urge a "no" vote on this matter because of that very simple fact. This legislation is discriminatory, it allows for discriminatory practices, denies people services based on who they are, and is below who we are as a Commonwealth. In addition to that, Mr. President, in many respects it destroys what is historically the first CHIP program in the nation. In 1992, this body drove the passage of the CHIP bill here in Pennsylvania. The CHIP program, the Children's Health Insurance Program, the first of its kind in the nation. We were visionary, we worked across both sides of the aisle, we pulled ourselves together, and we drove a piece of legislation all way home. It became a law of the land and was the first in the nation. It was the law that other States modeled their activities after. It was the law that the Federal government modeled its CHIP program after. Many former colleagues have gone on to higher positions based on the work that they have done on that one single message. In many respects, it moved the ball forward on the broader conversation providing health insurance to all American citizens. We did that. Something to be proud of.

Now, in a very unstable healthcare marketplace, a very unstable healthcare marketplace, the only people who have some level of stability in the health insurance they have are government employees. I might add, Members of Congress, Members of this body. In a very unstable healthcare marketplace, by not bringing this measure all the way home to the Governor, which he can sign within 24 hours if we remove this provision, he could sign this into law, we only add to the instability of the healthcare marketplace. We will create more disruption in the broader

healthcare marketplace and clearly jeopardize hundreds of thousands of children with respect to the health insurance that they currently receive through the CHIP Program. So, Mr. President, we are denying services to people because of who they are. That is discriminatory. We are denying hundreds of thousands of children in Pennsylvania their healthcare coverage. That is immoral. That is wrong. Mr. President, by passage of this legislation, we are creating more instability in the health insurance marketplace. That is not the best of us. Mr. President, for those three measures alone, this matter deserves a negative vote, and I urge one to be cast by all Members of this body.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Lancaster, Senator Martin.

Senator MARTIN. Mr. President, I rise today to ask my colleagues to support this bill. I sit back and I am listening to a lot of commentary talking about things being discriminatory and people not being served. I often wonder a lot of times where is the advocacy for those who are forgotten? Because I actually think this levels the playing field, and I am going to tell you a personal example. My son was born with a hemangioma on his head. In essence, his veins grew outside his skull. When he was born, he looked like a little unicorn. It took about 5 years for it to go back underneath his skin. He now has a permanent indentation in his head. It almost looks like someone took a baseball bat right there. He will never have fatty tissue that goes on. I deal with my son who struggles with it, how he looks, whether he is being bullied, and I think in order to change or do something to correct that, that is not covered by CHIP. That is not covered by private insurance. Or another young man who I worked with when I worked in juvenile corrections who had a severe nose deformity, no other health issues whatsoever. But you think he dealt with scars growing up, people picking on him? All the things that I hear as I stand here today, he could not get that change paid for by his insurance carrier. It is called being elective. He cannot get that paid for by CHIP.

So, when I hear talk about discrimination in these policies, this is actually leveling the playing field. And, Mr. President, all I hear is advocating for one group while ignoring other children and those who have needs that are not met that are considered to be elective. So, I applaud my colleagues on both sides of the aisle who worked to find a common ground and to balance this out, and I urge an affirmative vote on this bill. Thank you.

And the question recurring,
Shall the bill pass finally?

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

YEA-37

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

NAY-13

Brewster	Fontana	Leach	Street
Costa	Haywood	Sabatina	Tartaglione
Dinniman	Hughes	Schwank	Williams
Farnese			

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 with amendments in which concurrence of the House is requested.

BILL AMENDED

HB 1490 (Pr. No. 2163) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in rates and distribution systems, further providing for rates to be just and reasonable; and providing for water and sewer authorities in cities of the second class.

On the question,
Will the Senate agree to the bill on third consideration?

VULAKOVICH AMENDMENT A2815

Senator VULAKOVICH offered the following amendment No. A2815:

Amend Bill, page 3, line 5, by inserting after "class":
, except a joint authority established by a city of the second class and a county of the second class.

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

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

Senator VULAKOVICH. Mr. President, I offer this amendment, which simply clarifies that House Bill No. 1490 only applies to municipal water authorities established by a city of the second class, not water authorities established by a city and county of the second class. This insures that the Allegheny County Sanitary Authority, ALCOSAN, will not be affected by the bill, which is not our intent with this legislation. So, it is a technical amendment to clarify that another agency will not be affected by this.

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

And the question recurring,
Will the Senate agree to the amendment?
It was agreed to.

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

FONTANA AMENDMENT A3586

Senator FONTANA offered the following amendment No. A3586:

Amend Bill, page 3, line 21, by striking out "January" and inserting:

April

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

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

Senator FONTANA. Mr. President, this amendment simply changes the effective date for the Pennsylvania Utility Commission's jurisdiction over the Pittsburgh Water and Sewer Authority and changes it from January 1, 2018, to April 1, 2018. This was requested by the PUC.

Thank you, Mr. President.

And the question recurring,
Will the Senate agree to the amendment?
It was agreed to.

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

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 99, SB 179, SB 234, HB 352, SB 373, SB 384, SB 439 and SB 521 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON SECOND CONSIDERATION, AMENDED

SB 540 (Pr. No. 579) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in pupils and attendance, further providing for excuses from attending school.

On the question,
Will the Senate agree to the bill on second consideration?
Senator MENSCH offered the following amendment No. A4549:

Amend Bill, page 2, by inserting between lines 11 and 12:
(iv) A school district shall not be required to excuse a student from school under subparagraph (i) if the student's excused time would take place during the administration of a State assessment.

Amend Bill, page 2, by inserting between lines 18 and 19:
"State assessment." The Pennsylvania System of School Assessment test, Keystone Exam or another test established or approved by the State Board of Education or the General Assembly to meet the requirements of section 2603-B or 22 Pa. Code § 4.51 (relating to State assessment system) or required under the Every Student Succeeds Act (Public Law 114-95, 129 Stat. 1802) or its successor Federal statute.

On the question,
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.

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

BILL OVER IN ORDER AND LAID ON THE TABLE

HB 561 (Pr. No. 586) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in wiretapping and electronic surveillance, further providing for administrative subpoena.

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

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

BILLS OVER IN ORDER

SB 674, SB 798 and SB 817 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL LAID ON THE TABLE

SB 826 (Pr. No. 1036) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Department of Military and Veterans Affairs and the Governor, to grant and convey to Monroe County Municipal Waste Management Authority, or its successors or assigns, certain lands, buildings and improvements situate in Stroud Township, Monroe County.

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

SB 826 TAKEN FROM THE TABLE

Senator CORMAN. Mr. President, I move that Senate Bill No. 826, Printer's No. 1036, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

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

BILLS OVER IN ORDER

SB 837 and SB 851 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILLS OVER IN ORDER AND LAID ON THE TABLE

SB 854 (Pr. No. 1118) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in sentencing, further providing for sexual offenses and tier system.

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

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

SB 883 (Pr. No. 1164) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in criminal history record information, further providing for expungement.

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

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

BILLS OVER IN ORDER

SB 919 and HB 1019 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILLS OVER IN ORDER AND LAID ON THE TABLE

HB 1420 (Pr. No. 1784) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 19, 1990 (P.L.1200, No.202), known as the Solicitation of Funds for Charitable Purposes Act, further providing for registration of charitable organizations, financial reports, fees and failure to file.

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

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

HB 1421 (Pr. No. 1785) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 19, 1990 (P.L.1200, No.202), known as the Solicitation of Funds for Charitable Purposes Act, further providing for registration of charitable organizations, financial reports, fees and failure to file, for registration of professional fundraising counsel and contracts and for registration of professional solicitors, contract and disclosure requirements, bonds, records and books.

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

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

BILL ON SECOND CONSIDERATION
AND REREFERRED

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.

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.

**SENATE RESOLUTION No. 227,
AMENDED AND ADOPTED**

Senator CORMAN, without objection, called up from page 9 of the Calendar, **Senate Resolution No. 227**, entitled:

A Resolution urging the Federal Energy Regulatory Commission to swiftly consider the United States Department of Energy's proposed Grid Resiliency Pricing Rule and implement policies to ensure fuel-secure baseload electricity generation resources receive proper compensation for the positive attributes they provide our nation's and our Commonwealth's electric system.

On the question,
Will the Senate adopt the resolution?

Senator AUMENT offered the following amendment No. A4556:

Amend Resolution, page 1, before line 1, by striking out "CONCURRENT"

Amend Resolution, page 3, line 30, by striking out " (the House of Representatives concurring)"

Amend Resolution, page 4, line 1, by striking out "General Assembly" and inserting:

Senate

Amend Resolution, page 4, line 8, by striking out "General Assembly" and inserting:

Senate

Amend Resolution, page 4, line 17, by striking out "General Assembly" and inserting:

Senate

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

It was agreed to.

On the question,
Will the Senate adopt the resolution, as amended?

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

YEA-42

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

NAY-8

Bartolotta	Laughlin	Reschenthaler	Ward
DiSanto	Leach	Wagner	Yaw

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

The PRESIDENT. The resolution is adopted.

BILLS REPORTED FROM COMMITTEES

Senator CORMAN, from the Committee on Rules and Executive Nominations, reported the following bills:

SB 651 (Pr. No. 1284) (Rereported) (Concurrence)

An Act providing for the capital budget for fiscal year 2017-2018; itemizing public improvement projects, furniture and equipment pro-

jects, transportation assistance projects, redevelopment assistance, flood control projects, Keystone Recreation, Park and Conservation Fund projects, Environmental Stewardship Fund projects, State forestry bridge projects, park and forest management projects, State ATV/Snowmobile Fund projects, Pennsylvania Fish and Boat Commission projects, Oil and Gas Lease Fund projects and Motor License Fund projects to be constructed, acquired or assisted by the Department of General Services, the Department of Conservation and Natural Resources, the Department of Environmental Protection, the Department of Transportation or the Pennsylvania Fish and Boat Commission, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed, acquired or assisted by the Department of General Services, the Department of Environmental Protection, the Department of Transportation or the Pennsylvania Fish and Boat Commission; authorizing the use of current revenue for the purpose of financing the projects to be constructed, acquired or assisted by the Department of Conservation and Natural Resources or the Department of Transportation stating the estimated useful life of the projects; and making appropriations.

HB 542 (Pr. No. 2598) (Rereported) (Concurrence)

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in sales and use tax, further providing for definitions, for imposition of tax and for exclusions from tax, providing for marketplace providers and marketplace sellers and further providing for remote sales reports; in personal income tax, providing for the Pennsylvania ABLE Savings Program Tax Exemption, repealing provisions relating to contribution for Korea/Vietnam Memorial National Education Center, further providing for operational provisions, providing for definitions, further providing for requirement of withholding tax, providing for withholding tax requirement for non-employer payors, further providing for information statement, providing for information statement for non-employer payors and for information statement for payees, further providing for time for filing withholding returns, providing for time for filing payors' returns, further providing for payment of taxes withheld, providing for payment of taxes withheld for non-employer payors, further providing for liability for withheld taxes, providing for payor's liability for withheld taxes and for payor's failure to withhold, further providing for amount of withholding tax and for treatment of nonresident partners, members or shareholders, providing for withholding on income and for annual withholding statement and further providing for requirements concerning returns, notices, records and statements and for additions, penalties and fees; in corporate net income tax, further providing for definitions and providing for qualified manufacturing innovation and reinvestment deduction; in realty transfer tax, further providing for definitions and for exempt parties; providing for tax credit eligibility; in entertainment production tax credit, further providing for definitions and for credit for qualified film production expenses, providing for film production tax credit districts and establishing the Entertainment Economic Enhancement Program; in city revitalization and improvement zones, further providing for certifications, for restrictions and for transfer of property; in neighborhood improvement zones, providing for transfer of property; in keystone opportunity zones, keystone opportunity expansion zones and keystone opportunity improvement zones, further providing for additional keystone opportunity zones; in inheritance tax, further providing for timely mailing treated as timely filing and payment; in Public Transportation Assistance Fund, further providing for fund; providing for fireworks; in procedure and administration, further providing for petition for reassessment and for review by board; providing for tobacco master settlement payment revenue bonds and sale of revenue; making related repeals; and making editorial changes.

HB 785 (Pr. No. 2632) (Rereported) (Concurrence)

An Act amending the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, in capital facilities, further providing for bonds, issue of bonds and notes, maturity, interest and for appropriation for and limitation on redevelopment assistance capital projects; and providing for capital budgets.

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

SB 792 (Pr. No. 1004) (Rereported)

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, repealing provisions relating to fertilizer; providing for fertilizer; in soil and plant amendment, further providing for disposition of funds; and, in seed, further providing for disposition of funds.

SB 936 (Pr. No. 1281) (Rereported)

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 prescription drugs and the treatment of work-related injuries; and, in procedure, further providing for peer review.

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

**SENATE CONCURS IN HOUSE AMENDMENTS
TO SENATE AMENDMENTS**

HB 785 (Pr. No. 2632) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, in capital facilities, further providing for bonds, issue of bonds and notes, maturity, interest and for appropriation for and limitation on redevelopment assistance capital projects; and providing for capital budgets.

On the question,
Will the Senate concur in the amendments made by the House to Senate amendments to House Bill No. 785?

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

Senator CORMAN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 785.

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	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 inform the House of Representatives accordingly.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 651 (Pr. No. 1284) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the capital budget for fiscal year 2017-2018; itemizing public improvement projects, furniture and equipment projects, transportation assistance projects, redevelopment assistance, flood control projects, Keystone Recreation, Park and Conservation Fund projects, Environmental Stewardship Fund projects, State forestry bridge projects, park and forest management projects, State ATV/Snowmobile Fund projects, Pennsylvania Fish and Boat Commission projects, Oil and Gas Lease Fund projects and Motor License Fund projects to be constructed, acquired or assisted by the Department of General Services, the Department of Conservation and Natural Resources, the Department of Environmental Protection, the Department of Transportation or the Pennsylvania Fish and Boat Commission, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed, acquired or assisted by the Department of General Services, the Department of Environmental Protection, the Department of Transportation or the Pennsylvania Fish and Boat Commission; authorizing the use of current revenue for the purpose of financing the projects to be constructed, acquired or assisted by the Department of Conservation and Natural Resources or the Department of Transportation stating the estimated useful life of the projects; and making appropriations.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 651?

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

Senator CORMAN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 651.

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	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 inform the House of Representatives accordingly.

RECESS

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

Senator CORMAN. Mr. President, I request a brief recess of the Senate for the purpose of a Republican caucus to be held in the Rules room in the rear of the Chamber.

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

Senator COSTA. Mr. President, I request Senate Democrats to meet at our podium.

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

AFTER RECESS

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

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 2**

**SENATE CONCURS IN HOUSE AMENDMENTS
TO SENATE AMENDMENTS**

HB 542 (Pr. No. 2598) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in sales and use tax, further providing for definitions, for imposition of tax and for exclusions from tax, providing for marketplace providers and marketplace sellers and further providing for remote sales reports; in personal income tax, providing for the Pennsylvania ABLE Savings Program Tax Exemption, repealing provisions relating to contribution for Korea/Vietnam Memorial National Education Center, further providing for operational provisions, providing for definitions, further providing for requirement of withholding tax, providing for withholding tax requirement for non-employer payors, further providing for information statement, providing for information statement for non-employer payors and for information statement for payees, further providing for time for filing withholding returns, providing for time for filing payors' returns, further providing for payment of taxes withheld, providing for payment of taxes withheld for non-employer payors, further providing for liability for withheld taxes, providing for payor's liability for withheld taxes and for payor's failure to withhold, further providing for amount of withholding tax and for treatment of nonresident partners, members or shareholders, providing for withholding on income and for annual withholding statement and further providing for requirements concerning returns, notices, records and statements and for additions, penalties and fees; in corporate net income tax, further providing for definitions and providing for qualified manufacturing innovation and reinvestment deduction; in realty transfer tax, further providing for definitions and for exempt parties; providing for tax credit eligibility; in entertainment production tax credit, further providing for definitions and for credit for qualified film production expenses, providing for film production tax credit districts and establishing the Entertainment Economic Enhancement Program; in city revitalization and improvement zones, further providing for certifications, for restrictions and for transfer of property; in neighborhood improvement zones, providing for transfer of property; in keystone opportunity zones, keystone opportunity expansion zones and keystone opportunity improvement zones, further providing for additional keystone

opportunity zones; in inheritance tax, further providing for timely mailing treated as timely filing and payment; in Public Transportation Assistance Fund, further providing for fund; providing for fireworks; in procedure and administration, further providing for petition for reassessment and for review by board; providing for tobacco master settlement payment revenue bonds and sale of revenue; making related repeals; and making editorial changes.

On the question,

Will the Senate concur in the amendments made by the House to Senate amendments to House Bill No. 542?

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

Senator CORMAN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 542.

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-29

Alloway	Farnese	McIlhinney	Vogel
Argall	Folmer	Mensch	Vulakovich
Baker	Fontana	Regan	White
Boscola	Gordner	Scarnati	Williams
Brewster	Haywood	Scavello	Yaw
Browne	Hughes	Street	
Corman	Laughlin	Tartaglione	
Costa	Leach	Tomlinson	

NAY-21

Aument	Eichelberger	McGarrigle	Wagner
Bartolotta	Greenleaf	Rafferty	Ward
Blake	Hutchinson	Reschenthaler	Yudichak
Brooks	Killion	Sabatina	
Dinniman	Langerholc	Schwank	
DiSanto	Martin	Stefano	

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

THIRD CONSIDERATION CALENDAR

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 936 (Pr. No. 1281) -- The Senate proceeded to consideration of the bill, entitled:

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 prescription drugs and the treatment of work-related injuries; and, in procedure, further providing for peer review.

On the question,

Will the Senate agree to the bill on third consideration?

STREET AMENDMENT A4462 OFFERED

Senator STREET offered the following amendment No. A4462:

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

Amending the act of June 2, 1915 (P.L.736, No.338), entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties," in interpretation and definitions, further providing for definitions; and, in liability and compensation, further providing for schedule of compensation.

Amend Bill, page 1, lines 12 through 21; pages 2 through 7, lines 1 through 30; page 8, lines 1 through 13; by striking out all of said lines on said pages and inserting:

Section 1. Section 109 of the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, is amended by adding a definition to read:

Section 109. In addition to the definitions set forth in this article, the following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Preferred drug list" means the Department of Human Services Preferred Drug List.

Section 2. Section 306(c)(22) and (f.1)(3)(vi)(A) of the act amended, paragraph (3)(vi) is amended by adding provisions and paragraph (3) is amended by adding a subclause to read:

Section 306. The following schedule of compensation is hereby established:

(c) For all disability resulting from permanent injuries of the following classes, the compensation shall be exclusively as follows:

(22) For serious and permanent disfigurement of [the head, neck or face] exposed areas of the body, of such a character as to produce an unsightly appearance, and such as is not usually incident to the employment, sixty-six and two-thirds per centum of wages not to exceed [two hundred seventy-five weeks.] four hundred weeks. Disfigurement benefits paid to the injured worker shall be made separate and apart from total or partial disability. A claimant is not precluded from collecting both total or partial disability benefits and a disfigurement benefit simultaneously.

(f.1) ***

(3) ***

(vi) (A) [The] Except for provision (N), the reimbursement for drugs and professional pharmaceutical services shall be limited to one hundred ten per centum of the average wholesale price (AWP) of the product, calculated on a per unit basis, as of the date of dispensing.

(J) No treating health care provider shall prescribe an opioid to an injured employe unless the provider has ensured that the opioid is on the preferred drug list and the provider has:

(I) accessed the Pennsylvania Prescription Drug Monitoring Program to review the employe's controlled substance prescription medication history;

(II) consulted with the patient regarding all reasonable and available non-opioid treatment options; and

(III) informed the patient of the risks associated with the prescribed opioid.

(K) The department shall ensure that the preferred drug list is available through the department's publicly accessible Internet website for reference by physicians and the general public.

(L) The prescription of drugs that is consistent with or recommended by the preferred drug list shall be considered reasonable and necessary for the purposes of paragraph (6). Except in cases of medical necessity under provision (M), the prescription of drugs that is not consistent with or recommended by the preferred drug list shall not be

considered reasonable and necessary for the purposes of paragraph (6).

(M) The prescription of drugs that is not consistent with or recommended by the preferred drug list may only be considered reasonable and necessary for the purposes of paragraph (6) if the treating health care provider has submitted documentation of medical necessity to the insurer or self-insured employer at the time of the initial prescription. The documentation of medical necessity shall be on a form prescribed by the department.

(N) The reimbursement for any compounded medication used topically to treat pain or for pain management shall be limited to one hundred ten per centum of the actual cost.

(ix) Within eighteen (18) calendar months following the effective date of this subclause, the Pennsylvania Compensation Ratings Bureau shall calculate the savings achieved through the implementation of this subclause. For the calendar year immediately following this calculation, the amount of savings shall be used to provide an immediate reduction in rates, equal to the savings applicable to employers' workers' compensation policies.

Section 3. This act shall take effect in 60 days.

On the question,

Will the Senate agree to the amendment?

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

Senator STREET. Mr. President, I offer this amendment to bring some focus to this bill so that hopefully it can address one of our most poignant challenges that we are facing. My amendment would focus this bill to limit the overprescribing of opioids. Moreover, it would do a few other things. It will provide better medical care to injured workers and continue to pass on those savings to workers' compensation policyholders. The amendment would require that any opioid prescribed under a workers' compensation claim must be on the preferred drug list established by the Department of Human Services. It further requires the doctor to access and review the patient's prescription drug history through the Pennsylvania Prescription Drug Monitoring Program and provide appropriate consultation to the patient on the availability of non-opioid alternatives and the dangers of opioids. Moreover, compound medications such as those that have come under scrutiny recently in the *Philadelphia Inquirer* will have a price cap of 110 percent of actual costs. Historically, workers' injuries related to disfigurement have had coverage for reconstructive surgery limited to face and neck injuries. This amendment would expand that coverage to other commonly exposed areas of the body. Lastly, any savings experienced under the new legislation would be passed along to companies paying workers' compensation insurance.

Mr. President, I ask Members to adopt this amendment because it focuses the bill on addressing the opioid crisis and the overprescription of opioids. Moreover, it will insure that savings from this are passed on in the way of premium reductions for workers' compensation policyholders, which will benefit both the insurance market and our business community that has to purchase these policies.

With that, I thank the President for indulging me at this time, and I ask the Members for an affirmative vote.

And the question recurring,

Will the Senate agree to the amendment?

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

YEA-20

Blake	Fontana	Leach	Schwank
Boscola	Greenleaf	McGarrigle	Street
Brewster	Haywood	Rafferty	Tartaglione
Costa	Hughes	Sabatina	Williams
Farnese	Killion	Scavello	Yudichak

NAY-30

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

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,
Will the Senate agree to the bill on third consideration?
It was agreed to.

On the question,
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from Indiana, Senator White.

Senator WHITE. Mr. President, everybody in this body has been hit pretty strongly in the last 2 weeks over this workers' compensation issue. It has been pretty intense, and the opponents of this bill have been wearing out track shoes running around this building trying to get commitments. I, first of all, want to clear up what this bill does not do. It does not make any certain referral practices or ownership structures illegal. That is not our place. That is not our job. That is the Supreme Court's job. It does not impose fees for prescription caps to the extent of those points about abuses that are addressed through a formulary and URAC certification. The formulary is not an absolute. Providers can question it before UROs, but they will have to have some evidence to justify outside the formulary. The URO is not absolute either. It can be appealed to workers' compensation judges and beyond. That is what it does not do.

What it does do is close a loophole that has been around for at least a decade that allows a very small component to abuse what is supposed to be one of the best workers' compensation programs we have, and who it hurts is our insurers, our injured workers, and our self-insured people across this Commonwealth. An injured worker, for example, never sees a bill. He has no idea what is paid. There are no copays, no deductibles, and this little sector has gotten out of hand. Why is it out of hand? We have members of the bar association, members of the medical association, and others involved in investing in these firms that have the ability to serve our injured workers and really have no guidelines at all. That does not happen with Medicaid, Medicare, and our seniors. It does not happen if you fall and get hurt at home. It is not on workers' compensation. It does not happen. There needs to be a formulary. There needs to be internal controls and bypass this loophole that has been around for so long.

Excessive prescription of pain meds, especially opioids in Pennsylvania--now there are people out there who will say that this bill will expand the use of opioids, which we all know is something we are confronted with each and every day. That is not the truth. Our job and the job of workers' compensation overall is to put workers back to work. That is it. That is their job. I do not think they want to get them all jacked up on opioids and leave and go back and operate a high-lift. That is not what we are supposed to do. Compound medications, pain creams that, it depends who you talk to, are prescribed and billed at very widely exorbitant costs, with these compounds often being of questionable value. Senate Bill No. 936 addresses these problems by making the system more consistent, more qualified, and that means two things.

On the front end, the bill provides for evidenced-based drug formulary selected by the Department of Labor and Industry after public comment. On the back end, URAC-certified UROs--they have to use certified UROs as required by all health insurers now--will provide a uniform high standard of measure for the appropriateness of treatment as opposed to the randomness that we currently see, and that includes our injured workers who currently experience it. The bill is equally important in that the formulary is chosen by the department, just as the UROs are not picked by the insurers. You get assigned to a URO, and we have to pay for it.

The supporters of this bill are statewide, the Chamber of Commerce, all business interests, insurance groups, hospitals, pharmacists, and, of course, our self-insured business owners across the State. I ask for a positive vote, and I appreciate all the dialogue and your patience with me through the last 2 weeks. Thank you very much.

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

Senator FARNESE. Mr. President, I want to make a few comments on this bill. I believe, as the prior speaker said, the bill is intended to control costs and abuses within the workers' compensation system, which I commend. I think, however, at this point we may be moving a little bit too quickly. One of my concerns is this would limit the options of doctors when prescribing medication to injured workers to drugs that are included on the formulary, but it is not clear how the formula would be developed or what factors would be considered. Now, I am not going to be supporting the bill at this time because, again, I do not believe that this is the appropriate solution. However, I do commend the Majority chair of the Committee on Banking and Insurance, as well as the Minority chair, Senator Street, for their work on this issue, bringing it up and, of course, the attempt at the amendment process.

That being said about this bill, I do believe there is an issue here and a serious one. This legislation was based on the uncovering, as the former speaker said, of a seemingly alleged unethical web of workers' compensation lawyers, doctors, and pharmacies. The Philadelphia press--let me preface this by saying that I can stand before you as someone who, in all sincerity, can say do not believe everything you read in the press. No matter how many times a question is asked over and over and over again, the truth is the truth, and the facts are the facts. However, news agencies within the city of Philadelphia have reported on a situation where a workers' compensation firm was recommending clients to doctors, and then the doctors were recommending those

clients to pharmacies. Now normally, Mr. President, that flow would not raise any red flags, but it does when the doctors and the lawyers involved in the relationship and also own the pharmacies that are being used, and that is exactly what the reporting showed.

Now as an attorney, I do find this troubling. According to the news sources, three partners of the firm and their CFO were majority owners of a mail order pharmacy in the suburbs of Philadelphia. The firm apparently sent clients to preferred doctors and the doctors turned around and sent their patients to this specific pharmacy to have prescriptions filled. The relationship was not disclosed to clients or patients, but rather, it appears the patients, the injured workers, were led to believe that using these pharmacies was in their best interest.

More problematically, it does not appear the relationship was revealed to the State. It does not appear that the relationship between all of these players was revealed to the Commonwealth when the pharmacy applied for licensure. That is a second fact that is of concern to me when looking at this. So, we pulled the application and took a look at that. When you look at the pharmacy's application, it states that no medical professionals had a proprietary interest in the pharmacy. However, the news sources revealed that may not have been true, and, in fact, up to six doctors may have had an interest. Now, if you are having trouble keeping up with this, and you probably are, you are not alone. What is very clear here is that, as the prior speaker said and what was correctly identified, there is a problem here. A very big one. One that I believe requires additional examination by multiple government entities.

Now, it does not serve the interest of the Commonwealth to rush to a quick solution today on this bill and, again, with all due respect, I am not going to be supporting the legislation at this time, but on the broader issue of the potential loophole in State law, I think we should have hearings on this issue. I think it should bring to light some of the facts that have been disclosed and give folks an opportunity to come forward and explain these relationships, because obviously there are loopholes in the State law right now that have allowed this type of relationship to exist and blossom, and for individuals, some of whom are attorneys who are held to a higher standard, to realize significant profits. I believe that we should be looking at this problem to find a solution. And, again, do not believe everything you read in the papers, but there is enough here for me, while I do not see the legislation before us as the solution, the maker of same has certainly hit upon something which is worthy of our consideration here today, Mr. President, and I hope, and I look forward to the possibility of working together with the Minority and Majority chairs, and possibly the chairs of the Committee on Consumer Protection as well, moving forward and prompting other governmental entities to get involved and begin examining these relationships.

Thank you, Mr. President.

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

Senator WILLIAMS. Mr. President, I, too, echo my concern as expressed by my colleague, Senator Farnese. While I cannot suggest I know the details in the manner that he has articulated today, to the general public they are not just loopholes, there are caverns of conflicts of interest as described in articles in the Philadelphia newspapers. While I would not suggest that, again, this legislation necessarily fixes that, I do think that we are certainly

in a space that it needs to be addressed. Those who are now looking at government in a scrutinous eye, skeptical eye, and, frankly, appropriately placed with questions about trust, this area seems to be replete and obvious with conflicts across the board.

So, I agree with my colleague, Senator Farnese. I hope that we would not stop at this moment, that it would not be sort of squashed around special interests, that Members would not be leveraged with the obvious, are you on one side versus the other? We need to shine some light on this very, very dark area that would trouble any consumer out there in this marketplace. So, I want to echo those comments and hope we are in agreement that we can go forward with hearings as was expressed. I certainly wish that we would have had an opportunity to delay this particular bill because I think, frankly, the opportunity to have hearings would sort of galvanize the support in ways that all of us would have felt comfortable with. The facts would speak for themselves. I do not have all of the facts today as we speak. I have newspaper articles and allegations on both sides, but that said, again, I hope we move forward in an affirmative way, in a public way, and a transparent way to sort of uncouple what appears to be unethical behavior.

Thank you, Mr. President.

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

Senator DINNIMAN. Mr. President, listen, there is a loophole, let us fill it, meaning let us close it, and that is what we are doing today. We should be positive about that. If there are other factors out there, that will come forth in the hearings and discussions, which we need to look at. Whenever you see a loophole and you know that people are utilizing a loophole--or it is there for people to utilize it, a better way of saying it--then close it, and that is exactly what the maker of the bill is trying to do. For further discussions, yes, I think that is what the Minority chair is suggesting, but let us today vote affirmatively and close this loophole and then we can take the next steps of looking at matters further.

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-34

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

NAY-16

Blake	Fontana	Leach	Street
Brewster	Greenleaf	McIlhinney	Tartaglione
Costa	Haywood	Sabatina	Williams
Farnese	Hughes	Schwank	Yudichak

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.

RECESS

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

Senator CORMAN. Mr. President, I request a recess of the Senate for a Republican caucus to be held immediately 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 for a caucus.

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

AFTER RECESS

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

LEGISLATIVE LEAVE

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

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

The PRESIDENT. Senator Corman requests a legislative leave for Senator DiSanto. Without objection, the leave will be granted.

LEAVE CHANGED

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

Senator CORMAN. Mr. President, I request that Senator Scarnati's leave be changed from a legislative leave to a personal leave.

The PRESIDENT. Senator Corman requests that Senator Scarnati's leave be changed from a legislative leave to a personal leave. Without objection, the leave will be changed.

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 meeting of the Committee on Rules and Executive Nominations to be held in the Rules room immediately.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room immediately, without objection, the Senate stands in recess.

AFTER RECESS

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

MOTION PURSUANT TO SENATE RULE 12

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

Senator CORMAN. Mr. President, as a special order of business, I call up Senate Supplemental Calendar No. 4, House Bill No. 1490, and move the Senate proceed to consider House Bill No. 1490, notwithstanding the provisions of Senate Rule 12(m)(2).

On the question,

Will the Senate agree to the motion?

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

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 4**

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 1490 (Pr. No. 2650) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in rates and distribution systems, further providing for rates to be just and reasonable; and providing for water and sewer authorities in cities of the second class.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEA-49

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

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 with amendments in which concurrence of the House is requested.

**UNFINISHED BUSINESS
BILLS REPORTED FROM COMMITTEES**

Senator BROOKS, from the Committee on Aging and Youth, reported the following bill:

HB 425 (Pr. No. 441)

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, in pharmaceutical assistance for the elderly, further providing for determination of eligibility.

Senator CORMAN, from the Committee on Rules and Executive Nominations, reported the following bill:

HB 271 (Pr. No. 2652) (Amended) (Rereported) (Concurrence)

An act amending Titles 3 (Agriculture) and 4 (Amusements) of the Pennsylvania Consolidated Statutes, extensively revising gaming provisions as follows: in Title 3: for horse racing, in the area of race horse industry reform. In Title 4: for amusements generally, in the areas of fantasy contests, of lottery and of iLottery; for gaming, in the areas of general provisions, of Pennsylvania Gaming Control Board, of licenses, of table games, of interactive gaming, of revenues, of administration and enforcement and of miscellaneous provisions; and providing for video gaming. Providing, as to the revisions: for related repeals. Repealing a provision related to keno in the State Lottery Law.

SENATE RESOLUTIONS ADOPTED

Senator DINNIMAN, by unanimous consent, offered **Senate Resolution No. 233**, entitled:

A Resolution designating the month of October 2017 as "Sudden Cardiac Arrest Awareness Month" in Pennsylvania to increase awareness and prompt treatment of sudden cardiac arrest.

On the question,
Will the Senate adopt the resolution?

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

Senator DINNIMAN. Mr. President, one of the continuing problems for people of all ages is sudden cardiac arrest. My concern especially is to make sure that every school building in this Commonwealth has an AED. The life of every child is of value and if we could save lives, we should absolutely make every effort to do so. So, it is to bring awareness to sudden cardiac arrest. There have been several instances, including in my county, where the parents of students who died of sudden cardiac arrest have taken the leadership in making the public aware. I know in my county what we have done is to work to give EKGs to young people to see anyone who is at risk. We have a whole program of information about sudden cardiac arrest, and, Mr. President, if there are ways to save lives through education and through having the necessary resuscitation equipment available, we need to make sure that that is done.

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.

Senators VULAKOVICH, BREWSTER, BROWNE, DINNIMAN, FOLMER, FONTANA, GREENLEAF, KILLION, RAFFERTY, SABATINA, SCAVELLO, MENSCH, WHITE, COSTA, YUDICHAK, TARTAGLIONE and HUGHES, by unanimous consent, offered **Senate Resolution No. 234**, entitled:

A Resolution designating the month of October 2017 as "Dyslexia Awareness Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator VULAKOVICH. Mr. President, this resolution designates October 2017 as "Dyslexia Awareness Month" in Pennsylvania. Dyslexia is a language-based learning disability that affects as many as 15 percent of Americans, many of whom often go misdiagnosed or undetected for many years. Early detection of this learning disability is key so that students are able to learn in a way that works for them. Students with dyslexia often have a strong desire to learn, but their trouble with reading can lead them to feel they are not smart enough, which leads to poor grades and a lack of interest in school. However, dyslexia has nothing to do with a person's intelligence. In fact, many people with dyslexia possess above-average intelligence. It is my hope that this resolution provides awareness toward early detection and awareness of the capabilities of people with dyslexia.

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.

Senators BARTOLOTTA, BROOKS, DINNIMAN, FONTANA, SABATINA, GREENLEAF, BROWNE, BOSCOLA, AUMENT, BREWSTER, WAGNER, HUGHES, RAFFERTY, BAKER, MENSCH, KILLION, COSTA and YUDICHAK, by unanimous consent, offered **Senate Resolution No. 235**, entitled:

A Resolution recognizing the month of November 2017 as "Native American Heritage Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentlewoman from Washington, Senator Bartolotta.

Senator BARTOLOTTA. Mr. President, the history and culture of our great nation have been significantly influenced by Native Americans and indigenous people. Their contributions have enhanced the freedom, prosperity, and greatness of America today, which is why their customs and traditions are respected and celebrated as part of a rich legacy throughout our country. Official recognition of Native American Heritage Week began in 1976, and this was expanded by Congress and approved by the President in 1990, designating the month of November as national "Native American Heritage Month." As a descendant my-

self of the Cherokee Tribe and a member of the Choctaw Tribe of Oklahoma, I stand here today to recognize the month of November 2017 as Native American Heritage Month in our Commonwealth, urging all Pennsylvanians to acknowledge the contributions and accomplishments that Native Americans have had on this State and on our country's history and culture. I ask my colleagues to join me in support of this resolution.

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 SCHWANK. 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 894, HB 425, HB 1294, HB 1602, HB 1608 and HB 1778.

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

LEAVE CHANGED

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

Senator CORMAN. Mr. President, I request that Senator Scarnati's leave be changed from a personal leave to a legislative leave.

The PRESIDENT. Senator Corman requests that Senator Scarnati's leave be changed from a personal leave to a legislative leave. Without objection, the leave will be changed.

MOTION PURSUANT TO SENATE RULE 12

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

Senator CORMAN. Mr. President, as a special order of business, I call up Senate Supplemental Calendar No. 3, House Bill No. 271, and move the Senate proceed to consider House Bill No. 271, notwithstanding the provisions of Senate Rule 12(m)(2).

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

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

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 3**

**SENATE CONCURS IN HOUSE AMENDMENTS
TO SENATE AMENDMENTS AS AMENDED**

HB 271 (Pr. No. 2652) -- The Senate proceeded to consideration of the bill, entitled:

An act amending Titles 3 (Agriculture) and 4 (Amusements) of the Pennsylvania Consolidated Statutes, extensively revising gaming provisions as follows: in Title 3: for horse racing, in the area of race horse industry reform. In Title 4: for amusements generally, in the areas of fantasy contests, of lottery and of iLottery; for gaming, in the areas of general provisions, of Pennsylvania Gaming Control Board, of licensees, of table games, of interactive gaming, of revenues, of administration and enforcement and of miscellaneous provisions; and providing for video gaming. Providing, as to the revisions: for related repeals. Repealing a provision related to keno in the State Lottery Law.

On the question,

Will the Senate concur in the amendments made by the House to Senate amendments, as further amended by the Senate, to House Bill No. 271?

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

Senator CORMAN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate amendments, as further amended by the Senate, to House Bill No. 271.

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-31

Alloway	Farnese	Mensch	Vogel
Argall	Fontana	Regan	Vulakovich
Blake	Hughes	Reschenthaler	Ward
Boscola	Killion	Sabatina	White
Brewster	Langerhole	Scarnati	Williams
Browne	Laughlin	Stefano	Yaw
Corman	Leach	Street	Yudichak
Costa	McGarrigue	Tartaglione	

NAY-19

Aument	DiSanto	Haywood	Scavello
Baker	Eichelberger	Hutchinson	Schwank
Bartolotta	Folmer	Martin	Tomlinson
Brooks	Gordner	McIlhinney	Wagner
Dinniman	Greenleaf	Rafferty	

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

HOUSE MESSAGE

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 181**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule 13(c)(2)(i), the bill will be referred to the Committee on Rules and Executive Nominations.

**SPECIAL ORDER OF BUSINESS
ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. Permission has been granted for the Committee on Rules and Executive Nominations to meet tonight to consider Senate Bill No. 181 in the Rules room.

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 meeting of the Committee on Rules and Executive Nominations to be held in the Rules room in the rear of the Chamber.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room, without objection, the Senate stands in recess.

AFTER RECESS

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

BILL REPORTED FROM COMMITTEE

Senator CORMAN, from the Committee on Rules and Executive Nominations, reported the following bill:

SB 181 (Pr. No. 1086) (Rereported) (Concurrence)

An Act providing for performance-based budgeting and tax credit efficiency review; establishing the Performance-Based Budget Board and providing for its powers and duties; and conferring powers and imposing duties on the Independent Fiscal Office.

MOTION PURSUANT TO SENATE RULE 12

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

Senator CORMAN. Mr. President, as a special order of business, I call up Senate Supplemental Calendar No. 5, Senate Bill No. 181, and move the Senate proceed to consider Senate Bill No. 181, notwithstanding the provisions of Senate Rule 12(m)(2).

On the question,

Will the Senate agree to the motion?

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

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 5**

SENATE CONCURS IN HOUSE AMENDMENTS

SB 181 (Pr. No. 1086) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for performance-based budgeting and tax credit efficiency review; establishing the Performance-Based Budget Board and providing for its powers and duties; and conferring powers and imposing duties on the Independent Fiscal Office.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 181?

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

Senator CORMAN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 181.

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	Langerhole	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 inform the House of Representatives accordingly.

PETITIONS AND REMONSTRANCES

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

Senator RAFFERTY. Mr. President, after we conclude tonight's business we have a busy November coming forth, but I want to make sure that we take a moment to reflect on the men and women who are serving in our Armed Services and the men and women who have served in the Armed Services. Veterans Day is upon us, and even though the marketers like to use it as a day for sales for cars and mattresses, let us remember that Veterans Day is really a day for us to honor the men and women who have worn and continue to wear the uniform of the U.S. military. We are very proud of them, and we are thankful for their unselfishness in wearing the uniform of the U.S. military to make sure that we can enjoy the many liberties and freedoms of this great country.

So, I ask everyone, as we should every day but especially on November 11, that we take a moment to thank in our hearts and minds and, if possible, in person a veteran and veterans for what they have done for us and what they continue to do for us. May God keep them all in His care, Mr. President. Thank you.

The PRESIDENT. We all keep the veterans in our minds and in our hearts.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

MONDAY, OCTOBER 30, 2017

11:00 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (public hearing on lead exposure and mitigation)	John P. Cosgrove Center Pittston
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TUESDAY, NOVEMBER 14, 2017

10:00 A.M.	STATE GOVERNMENT (public hearing on Senate Bill No. 761)	Hrg. Rm. 1 North Off.
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HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate **SB 325**, **SB 326**, **SB 327**, **SB 328** and **SB 329**, with the information the House has passed the same without amendments.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 203**.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDENT. The Chair wishes to announce the President pro tempore has made the following appointment:

Mr. David Dunphy as a member of the Citizens' Advisory Council to the Department of Environmental Protection.

BILLS SIGNED

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

SB 181, **SB 325**, **SB 326**, **SB 327**, **SB 328**, **SB 329**, **SB 651**, **HB 46**, **HB 178**, **HB 203** and **HB 542**.

The PRESIDING OFFICER (Senator Patrick M. Browne) in the Chair.

RECESS

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

Senator CORMAN. Mr. President, I move that the Senate do now recess until Thursday, October 26, 2017, at 11:30 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 10:59 p.m., Eastern Daylight Saving Time.