

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

TUESDAY, JANUARY 2, 2018

SESSION OF 2018 202ND OF THE GENERAL ASSEMBLY

No. 1

SENATE

TUESDAY, January 2, 2018

The Senate met at 12 m., Eastern Standard Time.

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

The PRESIDENT. This being the day and hour fixed by the Constitution for the convening of the 202nd Regular Session of the General Assembly, the Senate will now come to order.

PRAYER

The Chaplain, Reverend DR. JACK M. HORNER, of Trinity Evangelical Lutheran Church, Camp Hill, offered the following prayer:

Let us pray.

Holy God, You have brought us to a new year. It comes to us with great promise and potential and we, Your faithful servants of the Commonwealth of Pennsylvania, ask for Your assistance and support. Help us to serve with diligence, to seek justice for our people, to strive for peace among colleagues and neighbors, to care for our constituents and citizens, to improve our common life in communities, to remove divisions among peoples, to seek common purpose, and to improve our State. We thank You for everything You have provided us to accomplish our duties. We ask for Your wisdom as we discern policy and consider laws. Inspire us with a spirit of compassion and responsibility. Give us generous and grateful hearts for the people with whom we work and the people we serve. Dedicate all that this year may be to You, O Lord, that our Commonwealth and all its peoples may prosper and thrive. To You belong all honor and glory, power and might. Amen.

The PRESIDENT. The Chair thanks Reverend Horner, who is the guest today of Senator Regan.

PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENT BY THE PRESIDENT

The PRESIDENT. Pursuant to Senate Rule 21, I am giving the Senators notice that photographers from the Senate Republican Caucus have been granted permission to take still photographs on the floor of the Senate during the election of our President pro tempore.

ELECTION OF PRESIDENT PRO TEMPORE

The PRESIDENT. The next order of business will be the election of the President pro tempore as required by Article II, Section 9, of the Constitution of the Commonwealth of Pennsylvania, which states, in part, that the Senate shall, at the beginning and end of each Regular Session, elect one of its Members President pro tempore.

Before taking up the nominations for the office of President pro tempore, the Chair would like to again suggest that, if there is no objection, in the event that there is only one candidate for the office, the Chair will dispense with the calling of the roll and ask for a voice vote on the nomination. The Chair hears no objection.

The Chair will now accept nominations for the office of President pro tempore.

The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, the Pennsylvania Constitution requires the Senate convene in Session on the first Tuesday of the New Year. Today, as we begin the midterm of the legislative Session, we are here for another important requirement, which is to swear in our President pro tempore for the upcoming Session. As Majority Leader of this body, I am honored and privileged to once again nominate Senator Joe Scarnati to serve in that position.

Joe's humor and congeniality are well known, but it is his confidence that has allowed us and the Senate to stand tall and tackle difficult issues under his tenure. If there is one word that I most often use to describe Senator Scarnati, it is trust. His colleagues trust him to make the right choices and shoot straight with them, and he has not let us down. In his years as President pro tempore, Joe has been a steadfast force and evenhanded in leading the Senate with professionalism, confidence, and optimism, and, Mr. President, that is contagious. He understands the process, the policies, the ins and outs of State government, but more importantly, he understands people, how to get them to work together, how to motivate them, and how to work together to confront tough challenges with cooperation and common-sense.

As a guiding hand of leadership that has helped us through many difficult budgeting years, nationally recognized pension reform, and countless job-creation efforts, one of our nation's greatest leaders, General Dwight D. Eisenhower, put it best when he said, and I quote, "The supreme quality for leadership is unquestionably integrity. Without it, no real success is possible, no matter whether it is on a section gang, a football field, in an army, or in an office." Joe Scarnati is a leader in every sense of

the word, and we and all Pennsylvanians are fortunate to benefit from his principle, guidance, and his commitment to public service.

Mr. President, I am proud to once again nominate Joe Scarnati to serve as President pro tempore of the State Senate.

Thank you, Mr. President.

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

Senator COSTA. Mr. President, I rise today to second the nomination of my friend and colleague, the distinguished Senator from Jefferson County, Senator Joe Scarnati, for President pro tempore of the Pennsylvania Senate. Mr. President and Members, I have had the privilege of serving alongside Senator Scarnati since he was first seated in 2001. I can say that I have always known him to be a conscientious and talented statesman. When working with Senator Scarnati, I am often reminded of the phrase, let us not seek the Republican answer, nor the Democratic answer, but rather the right answer. That is always what Senator Scarnati has done in this Chamber. And particularly at a time of hyper-partisanship at the national level, and for the most part, many other levels, he has guided our Chamber, the Pennsylvania Senate, to accomplishments that can only be made possible by two parties working together. Under his leadership, we passed bipartisan reforms to our pension system that will reduce risk and reduce our unfunded liability. Together, we created a fair funding formula for our public schools to make sure that they had the resources that they needed to meet the needs of our students. Under his leadership, he allowed two Members--nonleadership Members, a Democrat and a Republican--to work together to craft a significant piece of legislation, legislation that legalized medical marijuana for our patients who have long been suffering without access to proper treatment. Together, we have been directing resources and creating programs to combat the opioid addiction crisis that is plaguing every single corner of this Commonwealth.

Time after time, Senator Scarnati chose to pursue the right answer and the right path for Pennsylvania. As we move into 2018, Mr. President, we will need the same kind of leadership again this year. We face a continued fiscal and budget crisis that needs to be addressed that has left no room for further cuts. We need to continue to provide and grow the services we provide to our vulnerable population, our children, and our elderly. We need to make sure that our schools continue to be funded adequately from early learning programs, our pre-K programs, K to 12, community colleges, higher education, and technical schools, across the board. We need to make repairs and continue to make replacements to our highways and our roadways across this Commonwealth. It was under Senator Scarnati's leadership that this Chamber took the lead along with so many others, Senator Rafferty and others, to make certain that we put together the appropriate transportation funding plan that is insuring that we create jobs across this Commonwealth and also making certain that we have safe highways, roads, and bridges. Addressing all of these needs, Mr. President, requires leadership, leadership that cares more about doing what is right than about doing what is the partisan position. I know we will not always agree as we move forward, there is no doubt about that. In fact,

I expect that we may disagree very strongly at times, but in the end, I trust Senator Scarnati to lead us in the pursuit of the right answers for Pennsylvania.

For this reason, Mr. President, and many others I am not able to articulate today, it gives me great pleasure and it is my distinct honor to second Senator Scarnati's nomination for President pro tempore of the Pennsylvania Senate.

Thank you, Mr. President.

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

Senator MARTIN. Mr. President, I rise today to proudly second the nomination of my colleague, Senator Joseph Scarnati, for President pro tempore of the Senate. I have known Senator Scarnati prior to my time here in the Pennsylvania Senate, and he has always been a man of integrity, leadership, and principle. A quote from General Douglas MacArthur, "A true leader has the confidence to stand alone, the courage to make tough decisions, and the compassion to listen to the needs of others. He does not set out to be a leader, but becomes one by the equality of his actions and the integrity of his intent." I think of these words from General MacArthur knowing that we will face numerous challenges in the coming year, and Senator Scarnati will undoubtedly lead the Senate with integrity. It is a unique task balancing the various agendas and priorities of this body and building consensus amongst our diverse legislature and this Commonwealth, and Senator Scarnati has demonstrated his ability to do so with fairness for the past 10 years.

Mr. President, it is an honor to second the nomination of my friend, Senator Joe Scarnati.

Thank you, Mr. President.

The PRESIDENT. Are there any other Senators who wish to second the nomination?

The Chair recognizes the gentleman from Chester, Senator Dinniman.

Senator DINNIMAN. Mr. President, I would like to do so. What I especially appreciate about Senator Scarnati is he is concerned about the Senate as an institution. We have a government of checks and balances, and that is what our Founding Fathers, based on the philosophy of Montesquieu, brought about. Joe understands the importance of checks and balances and the importance of this institution in its role. I thank him for that, and it is indeed a pleasure and a privilege for me to second that nomination.

NOMINATIONS CLOSED

The PRESIDENT. Are there any other nominations?

The Chair hears none and declares that the nominations are closed. The candidate for the office of President pro tempore is the Honorable Joseph B. Scarnati III of Jefferson County.

All those in favor of Senator Scarnati for the office of President pro tempore will please say "aye"; those opposed, "no."

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

The PRESIDENT. The Chair takes pleasure in again declaring Senator Joe Scarnati unanimously elected President pro tempore of the Senate of Pennsylvania.

(Applause.)

**COMMITTEE APPOINTED TO ESCORT
PRESIDENT PRO TEMPORE-ELECT
TO THE ROSTRUM**

The PRESIDENT. At this time, the Chair appoints as a committee to escort the President pro tempore-elect, Senator Joe Scarnati, to the rostrum: the gentleman from Erie, Senator Laughlin; the gentleman from Cambria, Senator Langerholc; and the gentlewoman from Berks, Senator Schwank. The committee will proceed to escort Senator Scarnati to the rostrum.

(Whereupon, the President pro tempore-elect was escorted to the rostrum of the Senate.)

**ADMINISTRATION OF OATH OF OFFICE
TO PRESIDENT PRO TEMPORE-ELECT**

The PRESIDENT. We are honored to have with us the Honorable Thomas Saylor, Chief Justice of the Pennsylvania Supreme Court, to administer the oath of office.

Members and guests will all rise.

Justice Saylor, please take over.

Justice SAYLOR. Thank you very much. It is my privilege to administer the oath to the President pro tempore, and I would ask you to raise your right hand, Senator, place your left hand on the Bible, and repeat after me:

I, Joseph B. Scarnati, do solemnly swear that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity.

Congratulations.

(Applause.)

The PRESIDENT. The Chair wishes to thank Justice Saylor for taking the time from his busy schedule to administer the oath of office to the President pro tempore today.

Ladies and gentlemen, once again, it is now my pleasure and my privilege to present the Honorable Joe Scarnati, President pro tempore of this Senate.

(Whereupon, the gavel was presented to the President pro tempore.)

(Applause.)

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

REMARKS BY THE PRESIDENT PRO TEMPORE

The PRESIDENT pro tempore. I appreciate all of you coming here today to join me for this, but also my birthday bash. It does not get any better than this, everybody showing up. So, thank you for the great turnout here on a cold January morning.

I would like to thank Lieutenant Governor Stack, certainly Senator Corman, Senator Costa, and Senator Martin for their kind remarks, or whoever wrote them for them. They were very nice. Thank you, the escort committee and all of the Members of the Senate here.

Chief Justice Saylor, I want to thank you for taking time to be here with us today and take this opportunity to thank you for your service, and we appreciate all that you do for the Commonwealth. Thank you very much.

(Applause.)

I am very pleased and blessed to be joined today by my wife, Amy, and my daughter, Kelly. Thank you for coming out and celebrating with me today, I appreciate that.

(Applause.)

To each of the Members of the Senate here, I thank you for your continued support, friendship, and confidence in me as I continue to serve as President pro tempore of the Senate. I assure you that I will endeavor to always be a source of pride for this Chamber in all that I do.

It is customary this time of year that we all reflect on the past year - our wins, our losses, accomplishments, failures, and, most importantly, lessons learned. Many elected officials and others enjoy citing the litany of good things that they can take credit for in the past year. I will not share an extensive list of those accomplishments that this body was responsible for, but rather just briefly shift my focus to the future for just one minute. We do have so much that we can do this coming year. For better, or possibly worse in later years, the budget deficit is solved for this coming year. Our focus can and should shift to policy matters that have been left to languish due to these fiscal matters that have been unresolved, whether your issue is property tax reform --code word for elimination--tax code changes in Pennsylvania, accountability in budgeting, or the most important task that we could ever embark on is improving this economy and job climate here in Pennsylvania.

Let us together not spend our time blowing out each other's candles this New Year's, but rather in 2018 let us have our dialogue be a positive mode. Let us attack those policy issues. Let us join together and walk out of here proud at the end of 2018 of what our accomplishments are because the Senate can get it done. We have shown that we can get it done, and we have shown that we can lead in ways that other legislative bodies are left behind, and I trust each and every one of you have those leadership skills to move us forward in 2018 and not sideways or backwards, and I am here to work with all of you and look forward to working with each and every one this coming year. Thanks for listening, and God bless.

(Applause.)

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

STATEMENT BY THE PRESIDENT

The PRESIDENT. Thank you, Senator Scarnati, for all you do, and one thing I have always loved about being a Member of the Senate and serving as President of the Senate, and it is not to take anything away from our colleagues in the House of Representatives, but this body holds its Members' views in high esteem. Whether you agree or disagree, it is important that Members get a chance to express their beliefs. Senator Scarnati has the word that Senator Corman used, the congeniality and the ability to get people to work together and be able to at least get a chance to express their views and represent their districts, and I think that is what makes this Chamber so important and that is what makes Joe Scarnati's leadership so special.

GUEST OF SENATOR MICHAEL R. REGAN PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from York, Senator Regan.

Senator REGAN. Mr. President, I would like to extend a thank you to my constituent, Reverend Dr. Jack Horner, lead pastor of Trinity Lutheran Church in Camp Hill, for serving as guest Chaplain today and offering the opening prayer for a very special Session today. Please join me in giving him a warm Senate welcome. Thank you very much.

The PRESIDENT. Would our guest Chaplain please rise so that we may thank you. Reverend, you had a very nice prayer for us. We look forward to having you back again.

(Applause.)

BILLS INTRODUCED AND REFERRED

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

January 2, 2018

Senators STEFANO, MENSCH, BARTOLOTTA, WAGNER and RESCHENTHALER presented to the Chair **SB 666**, entitled:

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, in lobbying disclosure, further providing for definitions and for registration.

Which was committed to the Committee on STATE GOVERNMENT, January 2, 2018.

Senators KILLION, BLAKE, FOLMER, McGARRIGLE, REGAN, SCAVELLO and TOMLINSON presented to the Chair **SB 1004**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in taxicabs and limousines in first class cities, further providing for budget and assessments and providing for temporary regulations.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, January 2, 2018.

Senators RESCHENTHALER, ARGALL, RAFFERTY, FONTANA, MARTIN, BARTOLOTTA, SABATINA, COSTA, YAW, STEFANO, SCHWANK, KILLION, BOSCOLA, VULAKOVICH, HUGHES, REGAN, McGARRIGLE, BAKER, WAGNER, FOLMER, BROWNE, DiSANTO, VOGEL, SCARNATI, WARD, CORMAN, BROOKS and WHITE presented to the Chair **SB 1011**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for rights of victims of crime.

Which was committed to the Committee on JUDICIARY, January 2, 2018.

Senators CORMAN, MARTIN, McGARRIGLE, EICHELBERGER, FONTANA, SCAVELLO, SABATINA, GREENLEAF, DiSANTO, HUTCHINSON, BAKER, COSTA, FOLMER, RAFFERTY, KILLION, LAUGHLIN,

RESCHENTHALER, MENSCH, VOGEL, BREWSTER, HUGHES, REGAN, VULAKOVICH, WARD, STEFANO and TARTAGLIONE presented to the Chair **SB 1012**, entitled:

An Act amending the act of December 4, 1996 (P.L.911, No.147), known as the Telemarketer Registration Act, further prohibiting unwanted telephone solicitation calls.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, January 2, 2018.

Senators GREENLEAF, ARGALL, RESCHENTHALER, McGARRIGLE, RAFFERTY, KILLION, COSTA, LEACH, BROWNE and STEFANO presented to the Chair **SB 1013**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in terms and courses of study, further providing for alcohol, chemical and tobacco abuse program.

Which was committed to the Committee on EDUCATION, January 2, 2018.

RESOLUTION INTRODUCED AND REFERRED

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

January 2, 2018

Senators GREENLEAF, RESCHENTHALER, RAFFERTY, SCHWANK and SCARNATI presented to the Chair **SR 249**, entitled:

A Resolution urging the President and the Congress of the United States to enact S. 1697 or H.R. 1164, legislation aimed at ending the Palestinian Authority's practice of providing monetary rewards to terrorists and their families who kill Americans and Israeli citizens.

Which was committed to the Committee on INTERGOVERNMENTAL OPERATIONS, January 2, 2018.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

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

January 2, 2018

HB 74 -- Committee on Consumer Protection and Professional Licensure.

HB 83 -- Committee on Appropriations.

HB 110 -- Committee on State Government.

HB 1124, 1821 and 1952 -- Committee on Judiciary.

HB 1460 -- Committee on Finance.

HB 1641 -- Committee on Labor and Industry.

HB 1677, 1829 and 1869 -- Committee on Health and Human Services.

HB 1866 and 1936 -- Committee on Transportation.

HOUSE RESOLUTION FOR CONCURRENCE

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

January 2, 2018

HR 522 -- Committee on Finance.

CALENDAR OVER IN ORDER

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

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

The motion was agreed to by voice vote.

UNFINISHED BUSINESS**SENATE RESOLUTION ADOPTED**

Senator STREET, by unanimous consent, offered **Senate Resolution No. 252**, entitled:

A Resolution designating the week of January 15 through 21, 2018, as "Dr. Martin Luther King, Jr., Holiday Week" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator STREET. Mr. President, I rise to offer this resolution designating "Martin Luther King, Jr., Holiday Week." As many know, Martin Luther King was one of the most important civic and civil rights leaders of modern times. He was a man of the cloth and a reverend, he was a civil rights leader speaking out not only for the rights of African Americans and minorities, but of all oppressed people, including women's rights and others. Dr. King, in fact, died fighting for the rights of workers on the Poor People's Campaign in Alabama. He not only cared for the rights of African Americans, as he is so famously remembered, but also for every man and woman to have a decent wage and a proper quality of life. He worked with anyone who was willing to work with him, including those who had contempt for him. And in a day when so many are looking to divide our country and divide the very fabric of our society, Dr. King stands as a shining remembrance of what we are at our best and how we are capable of coming together to do remarkable things.

So with that, I ask for support for this resolution so that we can declare to the people of Pennsylvania, and indeed throughout the country, that we, too, remember the finest hours of our country as we remember Dr. Martin Luther King.

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

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

ANNOUNCEMENT BY THE SECRETARY

The following announcement was read by the Secretary of the Senate:

SENATE OF PENNSYLVANIA

COMMITTEE MEETING

TUESDAY, JANUARY 2, 2018

1:00 P.M. EDUCATION (to consider the submission of comments with regard to Pennsylvania's state plan under the Every Student Succeeds Act, pursuant to Section 126 of the Public School Code) Room 461 Main Capitol

RECESS

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

Senator CORMAN. Mr. President, I move that the Senate do now recess until Monday, January 22, 2018, at 1 p.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.
The Senate recessed at 12:37 p.m., Eastern Standard Time.