

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

TUESDAY, JANUARY 30, 2018

SESSION OF 2018 202ND OF THE GENERAL ASSEMBLY

No. 6

SENATE

TUESDAY, January 30, 2018

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

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

PRAYER

The Chaplain, Reverend NELSON QUINONES, Pastor of St. John's Lutheran Church, Fogelsville, offered the following prayer:

Most gracious God, in this season of epiphany, shine Your brightness on us once again. Lead us to see the spirit of Your light of justice, mercy, and truth. Let us see the light of Your justice and exercise Your justice in the lives of the people You have called to serve. Let us see the light in the lives of servicemen and women who are home and abroad giving their lives to protect us and this country. Let us see the light in the courage of families who mourn the death of a father, a mother, a son, or a daughter because of their loved one's sacrifice for us. Shed Your light of peace on these families who have lost part of their lives.

Let us see the light of Your mercy on the laws we ink on paper that that written word become good news of relief to the immigrant, to the poor, and to the sick. Let us see the light of Your mercy upon us with the air we breathe, upon the land we take our nourishments from, and from the water we drink from. Let us cherish and respect the abundant blessing of Mother Nature. Let us see Your truth that we are made in Your image and that spark of Your image shines within each one of us. Help us to see Your image in each other, and in doing so, we as the leaders of this nation can see the wisdom of Your light. Most merciful God, may we see Your spirit of justice, mercy, and truth shine in our lives as You have revealed through the One who came to serve. Amen.

The PRESIDENT. The Chair thanks Pastor Quinones, who is the guest today of Senator Browne.

PLEDGE OF ALLEGIANCE

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

GENERAL COMMUNICATIONS

**ANNUAL REPORT ON THE STATUS OF
THE CATASTROPHIC LOSS BENEFITS
CONTINUATION FUND**

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

COMMONWEALTH OF PENNSYLVANIA
Office of the Insurance Commissioner
1326 Strawberry Square
Harrisburg, PA 17120

TO: The General Assembly
Commonwealth of Pennsylvania

FROM: JESSICA K. ALTMAN, Acting Commissioner
Pennsylvania Insurance Department

RANDY ALBRIGHT, Secretary
Governor's Office of the Budget

DATE: January 22, 2018

Pursuant to Act 24 of 1989, the Department is pleased to present the annual report of the status of the Catastrophic Loss Benefits Continuation Fund of the Insurance Department of the Commonwealth of Pennsylvania.

Should any questions arise regarding these statistics, members should feel free to contact Deputy Insurance Commissioner Laura Slaymaker, or our legislative office at 717.783.2005.

The PRESIDENT. This report will be filed in the Library.

**KEYSTONE INNOVATION ZONE TAX CREDIT
AND TAX CREDIT SALE 2017-18 ANNUAL REPORT**

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

COMMONWEALTH OF PENNSYLVANIA
Department of Community & Economic Development
Suite 1102, Commerce Building
400 North Street, 4th Floor
Harrisburg, Pennsylvania 17120-0225

January 30, 2018

To the General Assembly
Commonwealth of Pennsylvania
Harrisburg, PA 17120

RE: 2017-18 ANNUAL REPORT

Enclosed herewith is the 2017-18 Annual Legislative Report on the Keystone Innovation Zone (KIZ) Tax Credit and Tax Credit Sale programs.

The PRESIDENT. This report will be filed in the Library.

BILLS REPORTED FROM COMMITTEES

Senator WHITE, from the Committee on Banking and Insurance, reported the following bills:

SB 780 (Pr. No. 1448) (Amended)

An Act providing for telemedicine and for insurance coverage.

SB 1031 (Pr. No. 1449) (Amended)

An Act amending the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, in examinations, further providing for purpose and providing for scheduling conference, for budget estimate and revisions, for billing invoices and for annual examination and analysis report.

Senator YAW, from the Committee on Environmental Resources and Energy, reported the following bills:

HB 1341 (Pr. No. 2065)

An Act amending the act of July 7, 2008 (P.L.654, No.55), known as the Bituminous Coal Mine Safety Act, in emergency medical personnel, further providing for definitions, for emergency medical personnel, for regulations, for continuing training, for certification and for liability.

HB 1486 (Pr. No. 1893)

An Act amending the act of October 4, 1978 (P.L.864, No.167), known as the Storm Water Management Act, further providing for definitions and for effect of watershed storm water plans.

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

SB 1011 (Pr. No. 1402)

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

RESOLUTIONS REPORTED FROM COMMITTEE

Senator YAW, from the Committee on Environmental Resources and Energy, reported the following resolutions:

SR 104 (Pr. No. 796)

A Resolution urging the Governor to end the moratorium on new nonsurface disturbance natural gas drilling leases involving Commonwealth State forest land.

SR 226 (Pr. No. 1275)

A Resolution directing the Legislative Budget and Finance Committee to conduct an independent performance evaluation of certain Statewide environmental permitting programs administered by the Department of Environmental Protection.

The PRESIDENT. The resolutions 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 temporary Capitol leave for Senator Reschenthaler, and legislative leaves for Senator Greenleaf and Senator McIlhinney.

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

Senator COSTA. Mr. President, I request a temporary Capitol leave for Senator Farnese.

The PRESIDENT. Senator Corman requests a temporary Capitol leave for Senator Reschenthaler, and legislative leaves for Senator Greenleaf and Senator McIlhinney.

Senator Costa requests a temporary Capitol leave for Senator Farnese.

Without objection, the leaves will be granted.

JOURNAL APPROVED

The PRESIDENT. The Journal of the Session of December 12, 2017, is now in print.

The Clerk proceeded to read the Journal of the Session of December 12, 2017.

Senator CORMAN. Mr. President, I move that further reading of the Journal be dispensed with and that the Journal be approved.

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

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

YEA-50

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

NAY-0

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

The PRESIDENT. The Journal is approved.

GUEST OF THE PRESIDENT PRO TEMPORE PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Jefferson, Senator Scarnati.

The PRESIDENT pro tempore. Mr. President, I am very pleased to introduce my guest today, Connor Fitzwater, who is seated in the gallery. Connor is job-shadowing me here today in

Harrisburg as part of a school project. He is the son of Tim and Lisa Fitzwater of DuBois. Connor is a senior at DuBois Area High School. He is interested in politics, robotics, and rock digging. So, Mr. President, I ask that my colleagues give Connor a warm welcome.

The PRESIDENT. Would the guest of Senator Scarnati, Connor Fitzwater from DuBois, where I visited, please rise so that we may welcome you to the Pennsylvania Senate. Connor, good to have you, buddy.

(Applause.)

GUESTS OF SENATOR PATRICK M. BROWNE PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Lehigh, Senator Browne.

Senator BROWNE. Mr. President, I take this opportunity to thank our guest Chaplain, Pastor Quinones. He is the pastor of St. John's Lutheran Church in Fogelsville and has been there since 2013. He has also acted as senior pastor at Christ Lutheran Church in Easton. He is here today with his wife, Jessica, and his 14-year-old son, Nicolas. I ask that we give them a warm thank you and welcome.

The PRESIDENT. Would the guests of Senator Browne, Pastor Quinones and his family, please rise so that we may welcome you all here to the Pennsylvania Senate. Thank you for your prayers.

(Applause.)

GUESTS 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 some very special guests today. Across the State there was a contest sponsored by our Governor to encourage young students in high school to register those students who would be 18 years old by the election in 2017. And the winner of that contest, the Governor's gold award goes to Conestoga High School, which is represented by myself and part of it by Senator McGarrigle as well. These students registered 85 percent of those high school colleagues in their school who were eligible to vote. They are continuing their work in the 2018 election, and they also plan to do the second stage, which is to make sure that those 85 percent come out to vote in an election. They have also been in contact with other high schools, and we see the beginning of a movement across Pennsylvania that will encourage an increasing number of high school students to vote in elections. This is taking what we teach in government and our civics class and putting it into real action in their communities and with their peers.

So, Mr. President, it is my pleasure to present to you the winner of the Governor's award on student voter registration, Conestoga High School and their new voters effort. It is also my pleasure, Mr. President, that the leader of that effort is our Page today, Jahnavi Rao, and I ask that you welcome the class and welcome our Page, the leader of the new student movement.

Thank you, Mr. President.

The PRESIDENT. Would the guests of Senator Dinniman, the young leaders from Conestoga High School and Page Jahnavi

Rao, please rise so that we may welcome and salute you for your great work. It was great to spend time with you in my office.

(Applause.)

The PRESIDENT. Keep up the good work.

CALENDAR

SECOND CONSIDERATION CALENDAR

SB 1034 CALLED UP OUT OF ORDER

SB 1034 (Pr. No. 1441) -- Without objection, the bill was called up out of order, from page 7 of the Second Consideration Calendar, by Senator CORMAN, as a Special Order of Business.

BILL ON SECOND CONSIDERATION AND REREFERRED

SB 1034 (Pr. No. 1441) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 22, 2011 (P.L.598, No.131), known as the Congressional Redistricting Act of 2011, in establishment of congressional districts, repealing provisions relating to congressional districts.

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.

HB 1653 CALLED UP OUT OF ORDER

HB 1653 (Pr. No. 2214) -- Without objection, the bill was called up out of order, from page 7 of the Second Consideration Calendar, by Senator CORMAN, as a Special Order of Business.

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 1653 (Pr. No. 2214) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of January 25, 1966 (1965 P.L.1546, No.541), referred to as the Higher Education Scholarship Law, further providing for eligibility for State scholarship.

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.

RECESS

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

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

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

Senator COSTA. Mr. President, I request Senate Democrats join me in the Senate Democratic caucus room for a caucus.

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

AFTER RECESS

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

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Reschenthaler and Senator Farnese have returned, and their temporary Capitol leaves are cancelled.

RECESS

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

Senator GORDNER. Mr. President, I request a recess of the Senate for purposes of three off-the-floor meetings in the Rules room in the rear of the Chamber, first, the Committee on Appropriations, followed by the Committee on Labor and Industry, then followed by the Committee on Local Government.

The PRESIDENT. For purposes of three off-the-floor meetings starting with the Committee on Appropriations, followed by the Committee on Labor and Industry, and then followed by the Committee on Local Government, without objection, the Senate stands in recess.

AFTER RECESS

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

LEGISLATIVE LEAVES

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

Senator GORDNER. Mr. President, I request temporary Capitol leaves for Senator Argall and Senator White, and a legislative leave for Senator Martin.

The PRESIDENT. Senator Gordner requests temporary Capitol leaves for Senator Argall and Senator White, and a legislative leave for Senator Martin. Without objection, the leaves will be granted.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR

BILL OVER IN ORDER

SB 21 -- Without objection, the bill was passed over in its order at the request of Senator GORDNER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 234 (Pr. No. 1443) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 12 (Commerce and Trade) of the Pennsylvania Consolidated Statutes, authorizing assessments for energy improvements in districts designated by municipalities.

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 Lackawanna, Senator Blake.

Senator BLAKE. Mr. President, before we move forward to a vote on the floor of the Senate on Senate Bill No. 234, I think it is important for me to give some thanks where it belongs in regard to this bill. My first thanks goes to Senator Reschenthaler from Allegheny County, who has been actively involved, along with his staff and my staff, engaging stakeholders with respect to Senate Bill No. 234 and the Property Assessed Clean Energy initiative proposed by this bill. I would also like to extend thanks to Senator Scavello, from the Committee on Community, Economic and Recreational Development. Senator Scavello also got involved in dealing with stakeholder input, trying to broker good language for a good bill, and I have gratitude for his work. I thank Senator Browne for moving the bill through the Committee on Appropriations, and I thank the floor Leader, Senator Corman, for moving this bill today.

I also need to extend thanks to the folks who have been involved in the development of this bill, including Dan Reisteter and the Pennsylvania Bankers Association. We have had environmental and renewable energy advocacy groups from across the Commonwealth who have been actively involved, and we had an awful lot of help from the National Electrical Contractors Association in the development of this bill.

For the Members' purposes, PACE, Property Assessed Clean Energy, is a financing mechanism that enables low-cost, long-term funding for energy efficiency, renewable energy, and water conservation upgrades to commercial, industrial, and agricultural property. The upfront capital is paid back in the form of an assessment on real property. PACE can pay for new heating and cooling systems, lighting improvements, solar panels, water pumps, and insulation. It is an economic developmental tool that enhances property value, employment opportunity, lowers the cost of doing business, and expands the use of energy-saving technologies.

Municipalities have an option to participate in PACE districts. It is a "may" provision, not a "must" provision, and it does not add costs to the taxpayers as it involves private financing. Thirty-three other States and Washington, D.C., are successfully doing commercial PACE. I am glad to seek the support of the Senate in adding Pennsylvania to that list of participation among States.

Thank you, Mr. President, and I look for an affirmative vote on Senate Bill No. 234.

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

Senator RESCHENTHALER. Mr. President, this legislation establishes Pennsylvania's own Property Assessed Clean Energy, otherwise known as PACE. PACE is a voluntary program that

has been established in over 30 States across the country, from Alabama to California and a diverse list of States everywhere in between. I want to thank Senator Blake and Senator Scavello for working together with me on this bipartisan, commonsense piece of legislation. Both were a tremendous help and this bill would not be positioned for passage if it were not for my two colleagues.

This is a commonsense program that overcomes many of the challenges that stand in the way of energy efficiency, and it does not cost taxpayers a dime. I look forward to continue working with Senator Blake and the many organizations that support this program as we work to get this through the finish line and on the Governor's desk. Through programs such as this, with widespread and bipartisan support, we can improve our communities across the Commonwealth. I am excited to see the positive impact PACE will have on our environment and on our business across the State.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator DiSanto.

Senator DiSANTO. Mr. President, I rise in opposition to the bill, although the point of the bill, energy efficiency, I do support, but I believe the way we are going about this is incorrect. I do not believe it is appropriate to use government as a conduit for private financing to private enterprise. This bill will provide municipalities a dangerous area to enter in. I believe that although it is saying that there will be no costs to taxpayers, there will be costs in administration of the bills, and so on. In addition to that, many utilities offer many rebate programs to achieve these type of items.

Lastly, I think that the financing is available privately to the building owners. In Pennsylvania, it is customary for tenants to pay the energy costs in the buildings and building owners work with tenants to improve their energy delivery systems and provide financing from private banks to do that. They then, in turn, through common area maintenance, what is commonly known as CAM, is charged back to the tenants, but because the tenants pay the utility costs, they reap the benefits of this. And lastly, what concerns me the most is that in this legislation the government would then become the primary lienholder, and then the underlying first lienholder, the bank institution that loaned the money for the building, would be put in a second position through no fault of their own, and I think that is unfair when the government steps in and pushes a primary lienholder to the second position. The last thing I believe is that by passing this money through a conduit, it may require these jobs to become prevailing wage, which does not make any sense to me because it would just drive up the costs for no benefit to the tenants.

So, respectfully, I ask for a "no" vote on this, and I would appreciate it. Thank you.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Argall has returned, and his temporary Capitol leave is cancelled.

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-42

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

NAY-8

Aument	Eichelberger	Hutchinson	Mensch
DiSanto	Folmer	Martin	Wagner

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.

HB 359 (Pr. No. 2922) -- The Senate proceeded to consideration of the bill, entitled:

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

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 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.

SB 611 (Pr. No. 1432) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 8, 1978 (P.L.752, No.140), known as the Public Employee Pension Forfeiture Act, further providing for definitions, for disqualification and forfeiture of benefits and for restitution for monetary loss; and repealing a retroactivity provision.

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	Reschenthaler	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 653, HB 653, SB 792 and SB 796 -- Without objection, the bills were passed over in their order at the request of Senator GORDNER.

BILLS AMENDED

SB 799 (Pr. No. 1258) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Pennsylvania Clean Water Procurement Program; providing for powers and duties of the State Conservation Commission; and establishing the Watershed Improvement Fund.

On the question,
Will the Senate agree to the bill on third consideration?
Senator KILLION offered the following amendment No. A5637:

Amend Bill, page 1, lines 1 through 3, by striking out all of said lines and inserting:
Amending Title 27 (Environmental Resources) of the Pennsylvania Consolidated Statutes, in environmental stewardship and watershed

protection, further providing for legislative findings, for the Environmental Stewardship Fund and for agencies; establishing the Pennsylvania Clean Water Procurement Program and the Watershed Innovation and Improvement Fund.

Amend Bill, page 1, lines 6 through 18; pages 2 through 6, lines 1 through 30; page 7, lines 1 through 6; by striking out all of said lines on said pages and inserting:

Section 1. Section 6102 of Title 27 of the Pennsylvania Consolidated Statutes is amended to read:

§ 6102. Legislative findings.

The General Assembly hereby determines, declares and finds as follows:

(1) Ninety-six percent of the water-quality-impaired watersheds in this Commonwealth are polluted because of nonpoint sources of pollution such as past mining activities, urban and agricultural runoff, atmospheric deposition, on-lot sewage systems and earthmoving.

(2) The Commonwealth continues to have unmet needs in the area of water and sewer infrastructure. New and improved water sources, treatment and distribution systems are necessary for public drinking water supplies.

(3) The Commonwealth owns approximately 2.4 million acres of State park and State forest lands and many of these lands suffer from past environmental problems, including unreclaimed mines, acid mine drainage and abandoned oil and gas wells.

(4) Open space, greenways, recreational trails, river corridors, fish and wildlife habitats, parks and recreation areas and scenic environments protect the environment, conserve natural resources and add value to communities.

(5) State programs and State funding should provide maximum flexibility for elected county and municipal governmental officials to identify, prioritize and address local environmental concerns, including odor abatement problems at sewage treatment plants.]

(1) As stated in section 27 of Article I of the Constitution of Pennsylvania:

The people have a right to clean air, pure water and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.

(2) The Commonwealth has an obligation to provide greater investments to conserve land and water resources, restore damaged waterways and land and to create prosperous and sustainable communities.

(3) Clean water is vital:
(i) to the continued economic growth of this Commonwealth;
(ii) to support tourism, agriculture, industry, power generation and recreation;
(iii) for drinking water supplies; and
(iv) to protect public health and aquatic life.

(4) This Commonwealth has over 19,000 miles of streams and rivers that do not meet Federal and State water quality standards to protect aquatic life and provide swimmable rivers and drinkable water supplies.

(5) Nonpoint sources of pollution continue to have a negative impact on this Commonwealth's environment.

(6) This Commonwealth continues to have water and sewer infrastructure needs. New and improved water sources, treatment and distribution systems are necessary for public drinking water supplies.

(7) As noted in the Commonwealth's award-winning 2014-2019 Pennsylvania Statewide Comprehensive Outdoor Recreation Plan, our 5,600 local parks and recreation areas are the most frequently visited recreational assets in this Commonwealth, and most need additional funding to address aging infrastructure, deferred maintenance and capacity to carry out programs and services.

(8) The Commonwealth owns approximately 2.5 million acres of State park and State forest lands. Our State park system has estimated many of these parks have environmental projects and infrastructure and deferred maintenance needs, such as dams, roads, bridges, water and wastewater treatment facilities, buildings and boat launches.

(9) Conservation of public and private forest lands is a cost-effective method for protecting water quality. Forest lands function as a reserve of clean water for this Commonwealth, including municipalities that rely on public water supplies drawn from water resources on

public and private forested properties. Forest lands act as groundwater recharge areas, protect surface water quality, reduce soil erosion, enhance fish and wildlife habitats and provide opportunities for fishing, boating, hunting and trapping.

(10) Abandoned mines remain across 189,000 acres in 43 counties and are the cause of more than 5,500 miles of biologically compromised streams.

(11) More than 2,000 working farms remain on county waiting lists to be preserved for continued agricultural use.

(12) Open space, greenways, recreational trails, river corridors, fish and wildlife habitats, parks and recreation areas and scenic areas protect the environment, conserve natural resources and add quality of life value that attracts jobs, are essential to Pennsylvania's outdoor recreation and tourism industries and improve public health.

(13) Investments in urban parks, trails, greenways, riverfronts, green infrastructure and other natural assets are increasingly understood to be advantageous to local economies, attracting and retaining residents and providing opportunities to creatively address significant challenges such as storm water and flooding.

(14) State programs and State funding should provide opportunity and flexibility for elected county and municipal government officials and authorized organizations to identify, prioritize and address local environmental concerns.

Section 2. Section 6104(d)(6) of Title 27 is amended and the subsection is amended by adding a paragraph to read:

§ 6104. Fund.

(d) Allocation.-- The money appropriated in subsection (c) shall be allocated annually as follows:

(6) For fiscal year 2007-2008 [and each year thereafter] through 2016-2017, moneys in the fund shall be allocated in accordance with paragraph (2).

(7) For fiscal year 2017-2018 and each fiscal year thereafter, moneys in the fund shall be allocated as follows:

(i) Twenty-eight and nine-tenths percent to the Department of Conservation and Natural Resources, which shall use the allocation as follows:

(A) At least 50% for grants for projects of which the recipient is a county or other municipality, council of governments, conservation district or authorized organization.

(B) At least 10% for land trust projects.

(C) At least 4.5% for the Heritage Areas Program.

(D) For fiscal year 2017-2018 through 2022-2023, at least 30% for projects and programs located within the watershed of the Susquehanna River and its tributaries.

(ii) Thirty-eight and two-tenths percent to the Department of Environmental Protection which for fiscal year 2017-2018 through 2022-2023, shall use at least 40% of the allocation for projects and programs within the watershed of the Susquehanna River and its tributaries.

(iii) Nineteen and seven-tenths percent to the Department of Agriculture, which shall use the allocation as follows:

(A) At least 12% for grants to authorized organizations to preserve farmland.

(B) For fiscal year 2017-2018 through 2022-2023, at least 40% for projects and programs located within the watershed of the Susquehanna River and its tributaries.

(iv) Four and six-tenths percent to the authority which for fiscal years 2017-2018 through 2022-2023, shall use at least 40% of the allocation for projects and programs located within the watershed of the Susquehanna River and its tributaries.

(v) Three and six-tenths percent to the Department of Community and Economic Development.

(vi) Two and six-tenths percent to the Pennsylvania Fish and Boat Commission.

(vii) One and three-tenths percent to the Pennsylvania Game Commission.

(viii) One and one-tenth percent to the Pennsylvania Historical and Museum Commission.

Section 3. Section 6105 of Title 27 is amended to read:

§ 6105. Agencies.

(a) The Department of Conservation and Natural Resources.--

(1) The Department of Conservation and Natural Resources shall utilize money it receives from the fund for the following purposes:

(i) To rehabilitate, repair and develop State park and State forest lands and facilities and the acquisition of [interior] lands [within] for State parks and State forests.

(ii) To provide grants to a county or other municipality, council of governments, conservation districts and authorized organizations for the purpose of planning, education, acquisition, development, rehabilitation and repair of greenways, recreational trails, including connections between trails, open space, natural areas, river corridors and access to riverfronts, watersheds, community [and heritage] parks and recreation facilities; community conservation and beautification projects; forest conservation[;], including conservation of forested riparian buffers; heritage areas; and other conservation and recreation purposes. Grants under this paragraph may not be used by an authorized organization for land acquisition unless the authorized organization obtains the approval of all counties in which the land is situated. Grant moneys may also be used for the acquisition of farmland for the purposes set forth in this paragraph.

(iii) To provide grants to a county or other municipality and authorized organizations for the purpose of research, planning, inventories and technical assistance intended to protect and conserve the biological diversity of this Commonwealth.

(iv) To support forest conservation easements, including funding for a working forest conservation easement initiative to preserve the availability of privately owned forest land for sustainable, commercial timbering and other forest-dependent economic uses.

(v) To provide funding to the Wild Resource Conservation Fund for the conservation of nongame wildlife and native wild flora and their habitats, to conduct and support research to preserve this Commonwealth's biodiversity and to educate the public on the value of conserving these species and their habitats.

(vi) To provide funding for the Heritage Areas Program established under Article XVI-J of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code.

(2) The Department of Conservation and Natural Resources may require matching funds as a condition of the award of a grant under this subsection.

(b) The Department of Environmental Protection.--

(1) The Department of Environmental Protection shall utilize money it receives from the fund for the following purposes:

(i) To implement acid mine drainage abatement and cleanup efforts and abandoned mine land cleanup efforts and plug abandoned and orphan oil and gas wells.

(ii) To provide funding for technical assistance and financial incentives to facilitate reining.

(iii) To provide grants to a county or other municipality, council of governments, county conservation districts, watershed organizations and other authorized organizations for acid mine drainage abatement and cleanup, mine and mine land cleanup efforts and well plugging.

(iv) To provide grants and technical assistance to a county or other municipality, council of governments, county conservation districts, watershed organizations and other authorized organizations to plan and implement local watershed-based conservation efforts.

(v) To improve water-quality-impaired watersheds, including those polluted by past mining activities, agricultural and urban runoff, atmospheric deposition, on-lot sewage systems and earthmoving activities.

(vii) For watershed protection.

(viii) For the reduction of nonpoint source pollution and protection of local drinking water supplies through grants to watershed organizations and other authorized organizations, the creation of forested and other vegetative stream buffers and watershed restoration efforts, including, but not limited to, reducing runoff from agriculture, construction, waste disposal and abandoned mine and mine land sites.

(ix) For grants to characterize, remediate or eliminate environmental hazards at abandoned industrial properties or brownfields and to promote economic development by facilitating the return of these properties to productive use.

(x) For nonstructural floodplain management and mitigation measures to minimize flood damage, reclaim and restore the quality of floodplains, remove obstacles and improve the natural functions of stream channels.

(xi) For grants to municipalities and municipal authorities to design and build projects and implement best management practices, with an emphasis on green infrastructure, in order to implement municipal separate storm sewer system plans or which count toward the reductions identified in the Pennsylvania integrated water quality monitoring and assessment report, implement total maximum daily load plans or the Chesapeake Bay total maximum daily load requirements.

(xii) For the Pennsylvania Energy Harvest Program for the purpose of providing grants to owner of farms and small businesses for renewable energy systems, including, but not limited to, solar, wind and methane digester technologies.

(xiii) For funding to participating county conservation districts to assist the owners of farms and other properties in protecting local water quality and improving the soil, water and air through the installation and maintenance of best maintenance practices.

(2) County conservation districts may further distribute grants received under this section to watershed organizations and other authorized organizations to assist in the implementation of this chapter.

(3) The Department of Environmental Protection may require matching funds as a condition of the award of a grant under this subsection.

(4) For the period commencing with the effective date of this chapter and ending June 30, 2004, the Department of Environmental Protection may utilize up to 10% of the money allocated annually to it under section 6104(d) (relating to fund) to provide grants for safe drinking water projects and wastewater treatment projects. Grants under this paragraph shall be made for the same purposes and shall be subject to the same limitations as grants authorized in section 6110.

(c) Department of Agriculture.--Funds allocated to the Department of Agriculture under this chapter shall be [deposited in the] used for the following purposes:

(1) For counties to preserve farmland through the Agricultural Conservation Easement Purchase Fund [and are] subject to the provisions of the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law.

(2) For grants to authorized organizations to preserve farmland through the acquisition of conservation easements conforming with section 170(h) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 170(h)).

(3) For disbursement to the State Conservation Commission for the cost of tax credits for eligible agricultural operations that implement the best management practices and meet the requirements of the Resource Enhancement and Protection Tax Credit under Article XVII-E of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

(4) To provide funding and technical assistance, in cooperation with the State Conservation Commission, to assist the owners of farms and other properties in protecting local water quality and in improving the quality of the soil, water and air through the installation and maintenance of best management practices. Fifty percent of the funding distributed under this paragraph shall be provided to participating county conservation districts.

(5) To encourage new farmers and assure the viability of preserved farms by creating financial incentives and enhancing access to farmland and capital through a low-interest loan program administered by the Department of Agriculture.

(d) The authority.--The authority shall utilize money it receives from the fund to provide financial assistance in the form of grants and matching grants for storm water, water and sewer infrastructure projects, including construction or rehabilitation of collection and conveyance systems. The authority shall develop criteria to be used to award grants under this subsection. The criteria and proposed changes thereto shall be submitted to the Environmental Resources and Energy Committee of the Senate and the Environmental Resources and Energy Committee of the House of Representatives for review and comment. The committees shall have 60 days to submit comments to the authority. Criteria shall be reviewed by the authority and the committees at least once every three years.

(d.1) Department of Community and Economic Development.--

(1) The Department of Community and Economic Development shall utilize money it receives from the fund for the following purposes:

(i) For grants to fund grassroots community and regional plan-

ning efforts that support wise land use decisions by balancing development needs with conservation, recreation and preservation needs.

(ii) For grants to support the greening of urban communities, including, but not limited to, bicycle and pedestrian trails, greenways, downtown parks, community gardens, retrofits of significant community buildings for energy efficiency and reuse, streetscape improvements and renewable energy projects. Grants must have a demonstrable environmental or conservation benefit. The Department of Community and Economic Development shall consult with the Department of Environmental Protection and the Department of Conservation and Natural Resources on recommendations of projects to be funded.

(iii) For the Elm Street Program created by the act of February 9, 2004 (P.L.61, No.7), known as the Elm Street Program Act.

(iv) For the Main Street Program created by the act of April 23, 2002 (P.L.298, No.39), known as the Main Street Act.

(2) The Department of Community and Economic Development may require matching funds as a condition of the award of a grant under this subsection.

(d.2) Pennsylvania Fish and Boat Commission.--Funds allocated to the Pennsylvania Fish and Boat Commission under this chapter shall be used for the following purposes:

(1) For improvements to public access areas owned by the commission or grants to municipalities or organizations for the purpose of improving public access to the waters of this Commonwealth.

(2) For maintenance and rehabilitation of dams located at lakes owned by the commission, including the installation of habitat enhancements and improved public access.

(3) For upgrades and improvements to State fish hatcheries to maintain and improve water quality and reduce operating costs.

(4) For grants to organizations that participate in the cooperative nursery program.

(5) For projects to improve fish and aquatic habitat, including, but not limited to, instream fish habitat, riparian buffers, fish passages and the removal of small dams.

(d.3) Pennsylvania Game Commission.--Funds allocated to the Pennsylvania Game Commission under this chapter shall be used for the following purposes:

(1) To rehabilitate water control structures on State game lands in order to improve wetland habitat for water fowl and other wildlife and to improve water quality.

(2) For improvements to facilities on State game lands, including, but not limited to, improved road access, enhanced access for persons with disabilities and older persons and the construction of two wildlife conservation education centers.

(d.4) Pennsylvania Historical and Museum Commission.--Funds allocated to the Pennsylvania Historical and Museum Commission under this chapter shall be used for a historic preservation project grant program for the planning and development of publicly accessible historic resources listed in or eligible for listing in the National Register of Historic Places. The grants shall support projects that identify, preserve, promote and protect historic and archaeological resources of this Commonwealth for both the benefit of the public and the revitalization of communities.

(e) Administrative expense limitation.--The departments, the commissions and the authority may not expend more than [2.5%] 5% of the moneys received from the fund on administrative expenses. The Department of Environmental Protection may not expend more than an aggregate of 2.5% of the moneys received from the fund and the moneys directed to the Hazardous Sites Cleanup Fund pursuant to section 6104(d)(4) and (5) on administrative expenses. Grant recipients that receive moneys from the fund for the purposes set forth in this section may not expend more than [5%] 7.5% of the moneys received from the fund on administrative expenses.

(f) Expenditure limitation.--

(1) No moneys made available through the fund shall be used for any purpose which, directly or indirectly, precludes access to or use of any forested land for the practice of sustainable forestry and commercial production of timber or other forest products.

(2) This subsection shall not apply to funds used [by the Department of Conservation and Natural Resources, counties or municipalities] for the purchase or improvement of park land to be used for public recreation.

(g) Regulations.--The departments, commissions and the authority may promulgate regulations necessary to carry out the purposes

of this chapter.

Section 4. Title 27 is amended by adding a chapter to read:
CHAPTER 67

PENNSYLVANIA CLEAN WATER PROCUREMENT PRO-
GRAM

Sec.

6701. Scope of chapter.

6702. Definitions.

6703. Pennsylvania Clean Water Procurement Program.

6704. Watershed Innovation and Improvement Fund.

6705. Regulations.

§ 6701. Scope of chapter.

This chapter relates to the Pennsylvania Clean Water Procurement Program.

§ 6702. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Authority." The Pennsylvania Infrastructure Investment Authority.

"BMP." Best Management Practices Manual.

Chesapeake Bay TMDL. The Chesapeake Bay Total Daily Maximum Load for Nitrogen, Phosphorus and Sediment, established by the United States Environmental Protection Agency on December 29, 2010.

"Commission." The State Conservation Commission.

"Department." The Department of Environmental Protection of the Commonwealth.

"Entity." An entity that generates and sells certified nutrient credits.

"Fund." The Watershed Innovation and Improvement Fund established under this chapter.

Modeled Best Management Practice Reductions. approved by the Chesapeake Bay Program Watershed Model and that incorporates an uncertainty factor of the Environmental Protection Agency.

"Nonpoint source pollution reduction benefits." Pollution reductions that can be directly measured and quantified, or modeled incorporating EPA uncertainty factors, including, but not limited to, nonpoint source phosphorous, nitrogen and sediment loads to surface water and groundwater resources and pathogens.

"Nutrient pollutant." Nitrogen or phosphorous.

"Program." The Pennsylvania Clean Water Procurement Program established under this chapter.

"Request for proposal" or "RFP." A request for proposal that defines contract terms, future delivery dates and technical specifications and is issued by the authority, in conjunction with the department, to procure verified TMDL nutrient credits from a load reduction activity that meets the requirements of any applicable offset program in force regarding the Chesapeake Bay.

"Sediment." Soils or other erodible materials transported by storm water as a product of erosion.

"TMDL." Total maximum daily load.

"Verified TMDL nutrient credit." A unit of nutrient pollutant load reduction.

"Water year." The 12-month period beginning October 1 of each calendar year.

§ 6703. Pennsylvania Clean Water Procurement Program.

(a) Establishment.--The Pennsylvania Clean Water Procurement Program is established and shall provide for the purchase of verified TMDL nutrient credits from nutrient credit generators through a competitive bidding process consistent with 62 Pa.C.S. Pt. I (relating to Commonwealth Procurement Code) and any other competitive process determined to be appropriate by the commission, in consultation with the department.

(b) Powers and duties.--The department shall administer the program and take any action necessary to effectuate the purposes of this chapter.

(c) Contracts with verified TMDL nutrient credit sellers.--

(1) The department shall, beginning with the water year in which this section takes effect and the following water years, publish a notice of the aggregate unmet Chesapeake Bay TMDL nutrient pollutant reduction requirements in the Pennsylvania Bulletin.

(2) Subject to the availability of funding to purchase credits, no later than 60 days following publication of the notice under paragraph (1), the authority shall issue, in consultation with the department,

a request for proposals from verified nutrient credit entities under 62 Pa.C.S. Pt. I for the supply of long-term verified TMDL nutrient credits for future delivery in order to fulfill the unmet Chesapeake Bay TMDL nutrient pollutant reduction requirement for those water years included in the notice.

(3) The RFP under paragraph (2) shall be for a minimum term of 10 years and shall allow sufficient time for the delivery of verified reductions of TMDL parameters consistent with the time frame necessary for the permitting and development of public or private credit generator facilities.

(4) Factors to be considered as part of the criteria for evaluation of responses received to the RFP and the weighted percentage to be applied to each factor shall be included by the commission in temporary regulations published under section 6705 (relating to regulations) and in final regulations and shall include:

(i) Environmental and recreational benefits to this Commonwealth and local communities resulting from the TMDL nutrient pollutant reduction activities, including verified and modeled green infrastructure benefits and other TMDL parameter reductions to the surface water and groundwater resources of this Commonwealth.

(ii) Additional criteria determined relevant by the commission and the department.

(5) The award granted for the RFP shall determine the adjusted cost of verified TMDL nutrient credits less the value of the local environmental benefit or green infrastructure reductions.

(6) Consistent with 62 Pa.C.S. Pt. I (relating to Commonwealth Procurement Code), Federal policy recommendations regarding the procurement of results in lieu of funding solutions and any applicable State statute, payments to entities may occur only after the department has verified the nutrient pollutant reductions. The verifications shall be performed monthly based upon required data submissions from nutrient credit generators certified by the department.

§ 6704. Watershed Innovation and Improvement Fund.

(a) Establishment.--The Watershed Innovation and Improvement Fund is established in the State Treasury.

(b) Source of funding.--The fund shall consist of appropriations made to the fund and interest earned on money of the fund.

(c) Use.--Money in the fund shall be used by the authority for the purchase of verified TMDL nutrient credits under section 6703 (relating to Pennsylvania Clean Water Procurement Program), provided that winning bids must offer 20% of total nutrient reduction allotment to be available for participation for 30 days by modeled BMPs to sell their credits into this pool and receive the winning bid price absent the need to participate in the bidding process.

§ 6705. Regulations.

The department may promulgate regulations to carry out the provisions of this chapter.

Section 5. 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 Delaware, Senator Killion.

Senator KILLION. Mr. President, this amendment would amend my language of Senate Bill No. 705, which is the Growing Greener III framework, into Senate Bill No. 799.

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

Senator HUTCHINSON. Mr. President, fellow Members of the Senate, here we go again. Before us we have a plan to spend money that we do not have. What we are doing is exactly what happened at the end of June when a spending bill was passed with no way to pay for it. In the aftermath of that, after taking several months to finally come up with a way to pay for that spending plan, I heard countless Members of the General Assembly come forward and say, we will never do that again. We are never going to pass something unless we know how to pay for it.

But that is exactly what is happening with this amendment. I ask my colleagues to join me in opposing this amendment before we figure out a way to pay for it.

Thank you, Mr. President.

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

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

YEA-46

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

NAY-4

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

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

SB 898 (Pr. No. 1200) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in size, weight and load, further providing for restrictions on use of highways and bridges.

On the question,
Will the Senate agree to the bill on third consideration?
Senator BROOKS offered the following amendment No. A5654:

Amend Bill, page 1, lines 11 through 18; page 2, lines 1 through 4; by striking out all of said lines on said pages and inserting:

(2.1) The following shall apply:

(i) Vehicles operated by municipalities and local authorities for road maintenance or construction shall be exempt from restrictions on the use of highways imposed under this subsection while maintaining or constructing municipal roads.

(ii) Vehicles operated by persons under contract with municipalities or local authorities for road maintenance shall be exempt from restrictions on the use of highways imposed under this subsection while maintaining municipal roads if authorized by the municipality or local authority. Any vehicle deemed exempt under this subparagraph shall, while maintaining municipal roads, carry written documentation signed by an official of the municipality or local authority that specifically identifies the vehicle as exempt.

On the question,
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 GORDNER.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 1015 (Pr. No. 1408) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for the definitions of "emergency service responder" and "emergency vehicle"; and, in other required equipment, further providing for visual and audible signals on emergency vehicles.

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.

SECOND CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

SB 55 and **HB 99** -- Without objection, the bills were passed over in their order at the request of Senator GORDNER.

BILL LAID ON THE TABLE

SB 263 (Pr. No. 245) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in voting by qualified absentee electors, further providing for applications for official absentee ballots.

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

SB 263 TAKEN FROM THE TABLE

Senator GORDNER. Mr. President, I move that Senate Bill No. 263, Printer's No. 245, 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 266, SB 313, SB 384, HB 444, SB 500, HB 595, SB 597, SB 637, SB 729, SB 748, SB 761, SB 762, SB 776, SB 919, SB 938, SB 950, SB 961 and SB 963 -- Without objection, the bills were passed over in their order at the request of Senator GORDNER.

BILLS LAID ON THE TABLE

SB 973 (Pr. No. 1358) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a bridge on that portion of State Route 2026 over the North Branch Blacklick Creek, Buffington Township, Indiana County, as the First Lieutenant Theodore P. Pytash Memorial Bridge.

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

SB 974 (Pr. No. 1359) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a bridge on that portion of State Route 286 over the South Branch Cush Creek River, Montgomery Township, Indiana County, as the Sgt. Edward John Parada Memorial Bridge.

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

BILLS OVER IN ORDER

SB 979, HB 1001, SB 1002, SB 1003, SB 1024 and HB 1304 -- Without objection, the bills were passed over in their order at the request of Senator GORDNER.

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 1305 (Pr. No. 1612) -- 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 high schools, providing for professional development related to secondary transition services.

Considered the second time and agreed to,

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

Upon motion of Senator GORDNER, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

SENATE RESOLUTION No. 32, ADOPTED

Senator GORDNER, without objection, called up from page 8 of the Calendar, **Senate Resolution No. 32**, entitled:

A Resolution directing the Joint State Government Commission to study the use and effects of youth courts in the education and juvenile justice systems, establish an advisory committee to conduct a thorough and comprehensive analysis of the benefits and effectiveness of youth courts and report to the Senate its findings and recommendations.

On the question,

Will the Senate adopt the resolution?

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

Senator FARNESE. Mr. President, I rise to briefly highlight the importance of this resolution and to thank my colleagues and the advocates for their support. For those who do not know, youth courts are student-run alternatives to juvenile justice and school disciplinary systems. Students are trained by lawyers, law students, college students, teachers, and others to hold hearings on low-level offenses. Youth courts use positive peer pressure to correct disruptive behavior while keeping at-risk youth in school and out of the formal juvenile justice system. In May 2016, the Senate Democratic Policy Committee held a hearing that observed a mock youth court presentation, and it was truly eye-opening. Middle-school-aged kids took on every role of the courtroom from bailiff to juror. They heard a case, they asked questions, they deliberated, and they came up with an appropriate solution. It was clear that they respected each other and, Mr. President, even more importantly, they respected the process.

Youth courts have been extremely helpful in the southeast region, but I believe they could be an effective tool across the Commonwealth. Currently, 10 out of 67 counties are using these programs. Beyond the social significance of these programs, there is a substantial economic benefit to utilizing youth courts, because they lower disciplinary costs and reduce juvenile crime and recidivism rates. This study will look at the role that youth courts can serve and should have in our schools and our juvenile justice system.

I want to thank all of the advocates across the State who have been working on this issue, especially Gregg Volz, who brought the issue of youth courts to my attention and has worked tirelessly to make them a success. I look forward to the findings and recommendations on this matter from the Joint State Government Commission.

Thank you, Mr. President.

And the question recurring,

Will the Senate agree to the motion?

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

SB 435 TAKEN FROM THE TABLE

Senator GORDNER. Mr. President, I move that Senate Bill No. 435, Printer's No. 612, 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.

**UNFINISHED BUSINESS
BILLS REPORTED FROM COMMITTEES**

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

SB 955 (Pr. No. 1450) (Amended) (Rereported)

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 firefighter and emergency service training.

SB 1034 (Pr. No. 1441) (Rereported)

An Act amending the act of December 22, 2011 (P.L.598, No.131), known as the Congressional Redistricting Act of 2011, in establishment of congressional districts, repealing provisions relating to congressional districts.

HB 1653 (Pr. No. 2214) (Rereported)

An Act amending the act of January 25, 1966 (1965 P.L.1546, No.541), referred to as the Higher Education Scholarship Law, further providing for eligibility for State scholarship.

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

HB 566 (Pr. No. 1928)

An Act amending the act of February 17, 1994 (P.L.73, No.7), known as the Contractor and Subcontractor Payment Act, further providing for application of act, for owner's payment obligations, for owner's withholding of payment for good faith claims, for contractor's and subcontractor's payment obligations, for errors in documentation, for retainage, for contractor's withholding of payment for good faith claims and for penalty and attorney fee.

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

SB 114 (Pr. No. 88)

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

SB 771 (Pr. No. 969)

An Act amending Titles 8 (Boroughs and Incorporated Towns) and 11 (Cities) of the Pennsylvania Consolidated Statutes, in powers and duties of elected officials, further providing for completion, filing and publication of auditor's report and financial statement; and, in accounts and finances, further providing for annual reports, publication, filing report with Department of Community and Economic Development and penalty.

SB 772 (Pr. No. 970)

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, in auditors, further providing for surcharges, auditors' report and publication of financial statements.

SB 773 (Pr. No. 971)

An Act amending the act of April 18, 1929 (P.L.612, No.253), entitled "An act for the election of the mayor, members of town council,

and auditors, in incorporated towns of the Commonwealth; regulating the manner of voting for such officers, and repealing inconsistent general, local and special laws," further providing for publication of audit report.

HB 104 (Pr. No. 2952) (Amended)

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in municipal authorities, further providing for money of authority and for transfer of existing facilities to authority and providing for sale or transfer of authority water or sewer infrastructure.

HB 913 (Pr. No. 1944)

An Act amending Title 8 (Boroughs and Incorporated Towns) of the Pennsylvania Consolidated Statutes, adding provisions related to incorporated towns, and providing for storm water management plans and facilities.

HB 914 (Pr. No. 1945)

An Act amending Title 8 (Boroughs and Incorporated Towns) of the Pennsylvania Consolidated Statutes, in storm sewers and watercourses, further providing for authority of boroughs and for manner of financing work.

HB 915 (Pr. No. 1946)

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, providing for storm water management plans and facilities.

HB 916 (Pr. No. 1947)

An Act amending Title 11 (Cities) of the Pennsylvania Consolidated Statutes, in watercourses, flood protection projects and storm water systems, further providing for establishing and changing watercourses, flood protection projects and storm water systems and for assessment of benefits and liens.

HB 1364 (Pr. No. 2017)

An Act amending the act of October 27, 1979 (P.L.241, No.78), entitled "An act authorizing political subdivisions, municipality authorities and transportation authorities to enter into contracts for the purchase of goods and the sale of real and personal property where no bids are received," further providing for title of the act; adding a short title; and providing for contracts for services.

SENATE RESOLUTIONS ADOPTED

Senators TARTAGLIONE, BAKER, SABATINA, BROOKS, BROWNE, FONTANA, RESCHENTHALER, GREENLEAF, WARD, DINNIMAN, FARNESE, WHITE, KILLION, SCAVELLO, YUDICHAK, AUMENT, RAFFERTY, COSTA, FOLMER, VULAKOVICH, STREET and HUGHES, by unanimous consent, offered **Senate Resolution No. 265**, entitled:

A Resolution recognizing February 2, 2018, as "National Wear Red Day" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator TARTAGLIONE. Mr. President, women are often the primary caregivers in their families. They care for their spouses,

for their children, and for everyone else in their households, but many do not take the time to care for themselves. Women are typically the last to seek help if they are struck with a heart attack, and the first to suffer the ultimate consequence of death. Not only does heart disease claim the lives of more women than men each year, but it is also the deadliest of all diseases to afflict women. Senator Baker and I are hoping to change these odds as part of the American Heart Association's "Go Red for Women" campaign. We are again offering this resolution to ensure that women understand the risks of heart disease and are encouraging every woman in Pennsylvania to be more aware and proactive in maintaining their own cardiovascular health. Mr. President, we ask that our colleagues here in the Senate wear the red pins that we have placed on their desks in support of women's health so that we may continue our efforts to reach every mother, daughter, sister, and woman in the Commonwealth.

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

The PRESIDENT. The Chair recognizes the gentlewoman from Luzerne, Senator Baker.

Senator BAKER. Mr. President, I am honored to join with my friend and colleague, Senator Tartaglione, to sponsor this Senate "National Wear Red Day" resolution to raise awareness about heart disease and strokes in women. So, the first Friday in February each year is the day set aside nationally to bring attention to what Senator Tartaglione said, the number-one killer among women. In fact, one in three women die of heart disease or stroke each year. They are our mothers, our daughters, our sisters, our aunts. They are the people we love and care for. Since this crusade began some 15 years ago, tremendous strides have been made educating women to the symptoms and dangers of these health concerns. Some risk factors cannot be helped, like our family history, our age, but certainly others can be managed. It is important for women to know their numbers for cholesterol, blood pressure, blood sugar, and body mass index. The five silent heart attack symptoms everyone should know are: shortness of breath; pain in the upper back, jaw, or in one or both arms or neck; discomfort in the center of the chest; nausea or flu-like symptoms; and profuse sweating. Please do not ignore these crucial warning signs.

Please join us in spreading the message to save the hearts and lives of those we know and love. So, wear red, go red for women on February 2.

Thank you, Mr. President.

The PRESIDENT. We will follow our two lovely lady Senators in red.

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, BREWSTER, SCHWANK, GREENLEAF, DINNIMAN, BROWNE, EICHELBERGER, SABATINA, FONTANA, WARD, TARTAGLIONE, BAKER, MARTIN, SCAVELLO, FARNESE, FOLMER, YUDICHAK, KILLION, RAFFERTY, VULAKOVICH, AUMENT, COSTA, MENSCH and HUGHES, by unanimous consent, offered **Senate Resolution No. 266**, entitled:

A Resolution recognizing the month of January 2018 as "National Human Trafficking Awareness 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, human trafficking is a pervasive and worldwide problem that impacts nearly every community across our nation, including communities right here in this Commonwealth. It is a form of modern-day slavery in which human beings are controlled and exploited for profit. Perpetrators use force, fraud, drugs, or coercion to manipulate and establish control over individuals who are being trafficked for labor and sex every day. Many victims of human trafficking are subjected to psychological manipulation until they develop a loyalty to their traffickers. In other cases, victims may have children or loved ones whose lives are threatened if they do not comply with the traffickers' demands. Everyone is familiar with the drug-trafficking epidemic, but in instances of drug dealing, dealers must constantly procure their product. However, in sex trafficking, a victim is a never-ending supply of profit to the trafficker.

Human trafficking is one of the fastest-growing criminal enterprises in the world. According to the U.S. State Department, 600,000 to 800,000 people are trafficked across international borders every year, of which 80 percent are female and half are children. In 2017, 117 human trafficking cases were reported right here in Pennsylvania. During that time, approximately 4,460 cases were reported nationally, 3,186 of those were sex-trafficking, 689 were labor-trafficking, and 174 cases were a combination of the two. Last night I was able to bring to our State Capitol a private showing of the soon-to-be released feature film *Relentless*, which is based on true events of human trafficking. Mr. Lance Tracy, the writer and director of the film, came from Los Angeles, and Dawn Adams of Abolish Slavery flew in from Alaska to participate in this event. For more information on supporting antihuman trafficking, I urge my colleagues to visit www.abolishslavery.org.

Mr. President, thankfully, efforts are underway to dismantle trafficking networks and help survivors rebuild their lives. I applaud my colleagues, particularly in this Chamber, who have been working to draw awareness to this issue and are fighting to stop human trafficking, which is plaguing so many innocent victims. For these reasons, I stand here today to recognize the month of January 2018 as "National Human Trafficking Awareness Month," and I ask my colleagues to join me in support of this resolution.

The PRESIDENT. The Chair thanks the gentlewoman for her leadership on this issue. The Chair apologizes for not being able to make the film screening last night, but I will be onboard as a supporter as you move forward, Senator, and thank you for your efforts.

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 FARNESE. 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 114, SB 771, SB 772, SB 773, SB 780, SB 1011, SB 1031, HB 104, HB 566, HB 913, HB 914, HB 915, HB 916, HB 1341, HB 1364 and HB 1486.

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

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, JANUARY 31, 2018

10:00 A.M. FINANCE (to consider Senate Bills No. 370 and 952; and House Bill No. 291) Room 8E-A East Wing

10:00 A.M. TRANSPORTATION (to consider House Bills No. 26, 783, 1239, 1845, 1854 and 1926) Room 8E-B East Wing

Off the Floor AGRICULTURE AND RURAL AFFAIRS (to consider Senate Bill No. 816; and House Bills No. 1550 and 1917) Rules Cmte. Conf. Rm.

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

MONDAY, FEBRUARY 5, 2018

10:30 A.M. JUDICIARY (public hearing to consider the nominations of Maureen Barden and Anthony Moscato to the Board of Probation and Parole and the nomination of Harris Gubernick to the Board of Pardons; a public hearing regarding House Bill No. 1952; and a meeting to consider House Bill No. 1952) Hrg. Rm. 1 North Off.

Off the Floor APPROPRIATIONS (to consider House Bill No. 1952) Rules Cmte. Conf. Rm.

Off the Floor RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bills No. 354 and 894; and certain Executive Nominations) Rules Cmte. Conf. Rm.

PETITIONS AND REMONSTRANCES

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

Senator FARNESE. Mr. President, I rise again today to address the issue of net neutrality in the Commonwealth of Pennsylvania. Last week I sent a letter to Governor Wolf urging him

to sign an executive order that would incorporate the provision of my legislation that prohibits State agencies from awarding a contract, grant, or tax credit to providers refusing to offer free, open access to the Internet. Governors in Montana and New York have already taken this action, and I sincerely hope that our Governor soon follows suit. Coincidentally, I learned over the weekend that I believe the very same day that I sent that letter to the Governor, he gave an interview to a *Philadelphia Magazine* interviewer in which he said that he would begin to continue the discussions on net neutrality and consider an executive order, just like those governors in Montana and New York had already done.

Now, in the article, there was not the ability to give additional information or the details about why net neutrality is good for Pennsylvania, but hopefully I can expand on a few of those during my remarks. First, an executive order would be an important first step, but should not be the last. The change in Presidential administration serves as a sobering reminder that executive orders may only last as long as the administration may invoke them. That is why we need to move forward with legislation that would comprehensively protect and promote net neutrality in Pennsylvania. As I have mentioned, my bill, Senate Bill No. 1033, would do that.

State legislators are already making moves in this direction. Just yesterday, Mr. President, the Senate in California approved a bill that would force Internet service providers to adhere to net neutrality protections that the Federal Communications Commission removed last month. Even Burger King has joined the fight. For those who have not seen it, they put on an ad that explained to consumers the idea of fast and slow lanes of the Internet. In the commercial, a customer orders a Whopper and is given the choice of paying \$4.99 and getting a burger in 25 minutes, or paying \$25.99 and getting it right away. While preferred burger access might not be a reality, preferred Internet access certainly is.

So, I again urge the Governor to sign an executive order and protect net neutrality, to follow the recommendations and the urgings in my letter that I sent to him last week, to follow the idea that he put out in the media last Thursday in the *Philadelphia Magazine* article while the legislature works to enact Senate Bill No. 1033 as a comprehensive policy that insures equal access to the Internet for all Pennsylvanians.

Thank you, Mr. President.

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

Senator COSTA. Mr. President, I rise to talk a little about initiatives that the Senate Democratic Caucus advanced at a press conference earlier today. Mr. President, as we know over the course of the years, many of my colleagues in this Chamber have stood with us when we have talked about some of the important things that we want to see advanced as part of a 2018 budget conversation, but also policy considerations that are important to the Members on this side of the aisle and I am certain are important to Members on the other side of the aisle as well. Those are the areas that we think are important for us to have significant conversation about. They start certainly in the area of education and knowing that the Governor will soon be making his budget announcements, we have taken the steps to write to the Governor in the form of letters that are recommending certain subject matters and certain measures to be part of the conversation that

needs to take place, but also recognizing that there are initiatives outside of the budget process that are important to Senate Democrats. Mr. President, we have put together what we would call the 2018 Senate Democratic priorities that can be found at our Senate Democratic Web site www.pasenate.com, and those areas, Mr. President, are as follows.

Certainly, as I mentioned earlier, the role that education plays in our communities, with our children, and making certain that we make the appropriate investments in education. We have done a great job in that, quite frankly, the last 2 years restoring significant resources, but we have more work to do. My particular area that I think is the best money we have spent together relates to the early learning dollars that we spend and we have to continue to make investments in that area as well, but also in K to 12, special ed, Head Start, some other areas as well and certainly in higher education. Those are some of the things we have to do in the area of education.

Beyond that, we have to take steps to address jobs and our economy, and there are measures that we have put forth in terms of creating good paying jobs in our Commonwealth, addressing the issue of minimum wage, but also looking to how we deal with issues centered around growth in this Commonwealth and the investments that we need to make through various programs, and I want to be clear, programs that work. Programs that we invest in that produce and create jobs in this Commonwealth and retain jobs. Those programs that are not working, that are not being funded properly because folks are not accessing them, those are the ones that we need to tweak and take steps along those lines to address.

Another area is the area of healthcare. Certainly, we know we have a lot to continue to do in the area of opioids and preventing some of these opioid overdoses across this Commonwealth. Together, Mr. President, we have taken great steps to address some of those issues. I know with the leadership of Senator Yaw and so many others here, they have charted a course through this Chamber that allowed us to put measures in place that have been very effective and will continue to be effective, but I think we recognize that we have more that we can do.

The area of mandatory treatment is a conversation that we need to have in this General Assembly, but also looking at the pharmaceutical companies to be part of the solution, to be able to provide us with the resources that we need, as we have done in the past, as we have looked to the private sector to be part of the solution along the lines of specifically addressing healthcare. We did it with our Blues, we did it with other folks in the past, and we think it is time for the pharmaceutical companies to be part of the solution, to provide us with resources that allow us to be able to meet the need for our treatment centers. Beds, in this Commonwealth, are in very short supply and we need to take steps to try to address that. That is just a couple areas in healthcare.

Certainly, we are going to continue to fight to make certain that we maintain our Medicaid expansion program here in Pennsylvania. As you know, Members of this Chamber know, myself and other colleagues have stood at this podium many times before fighting and advocating for the Medicaid expansion program. We were fortunate when Governor Wolf came in and implemented that program that has now resulted in more than 700,000 folks receiving some modest level of healthcare, and I need to be clear, these are working individuals. These are men

and women in our communities who are working to make certain that they have the resources to be able to support the Medicaid expansion program. Let me be further clear, when you are talking about those 700,000 folks, one of the components of the Medicaid expansion program deals with behavioral health benefits that are available to folks. As we have discussed this whole conversation about opioid and heroin addiction and the consequences to that, we know that the Medicaid expansion program is allowing for about 125,000 folks to have access to various aspects of behavioral health treatment and benefits that need to be done there. Without the Medicaid expansion program, those folks would have no place to go. That is why we think it is imperative we take steps along those lines.

We also recognize that we need to talk about the environment, we need to talk about election law, changes to the election laws, and we also need to talk about how we deal with the issue that is very important to folks as relates to social and criminal justice reform in this Commonwealth. And certainly, Mr. President, it is important for us to talk about how we treat one another, certainly in the General Assembly, but across this Commonwealth. How we deal with many of the women's health issues that are important, certainly, to the Members of this Chamber and the Members of this General Assembly. There are a number of initiatives that my colleague, Senator Schwank from Berks County, laid out earlier today in the women's health caucus as a whole as a number of initiatives that are very, very important that we need to advance. If we are sincere about wanting to work with folks and being able to put everyone on par and do what needs to be done, we need to advance these measures. Folks can find out more information about our particular proposal, our initiatives for 2018, as I mentioned at the Senate Democratic Web site, and we encourage folks to take a look at it and provide us with some recommendations or changes or things you may think or folks may think need to be added to that conversation.

So, Mr. President, I am proud to be able to put together this document as our priorities going forward through the course of the remainder of this year, and we look forward to having input not only from folks from both sides of the aisle, but from the general public as well, asking them to go to that Web site and provide some recommendations to us. So, Mr. President, I thank all my colleagues for their patience to allow me to talk a little bit about our initiatives, and thank you and the gentleman from across the aisle along those lines as well. Thank you.

RECESS

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

Senator GORDNER. Mr. President, I move that the Senate do now recess until Wednesday, January 31, 2018, at 11 a.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 5:07 p.m., Eastern Standard Time.