

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

TUESDAY, FEBRUARY 5, 2019

SESSION OF 2019 203RD OF THE GENERAL ASSEMBLY

No. 8

SENATE

TUESDAY, February 8, 2019

The Senate met at 11 a.m., Eastern Standard Time.

The PRESIDENT (Lieutenant Governor John K. Fetterman) in the Chair.

PRAYER

The Chaplain, Reverend MICHAEL P. REID II, of St. Vincent de Paul Catholic Church, Hanover, offered the following prayer:

Almighty and eternal God, God of power and might, wisdom and justice, through Your authority is rightly administered, laws are enacted, and judgment is decreed. O Lord, You bless all persons who delight in Your law. Happy are the people You instruct by Your law. Your law, O Lord, is perfect, refreshing our souls. Prompt our souls with longing for Your law at all times. Your decrees, O Lord, are trustworthy, giving us wisdom. Inform our minds to know what is conformable with Your decrees. Your precepts, O Lord, are right, rejoicing our hearts. Incline our hearts to Your precepts and away from unjust gain. Your commands, O Lord, are clear, enlightening our eyes. Open our eyes that we may perceive the wisdom of Your commands. Your statutes, O Lord, are true, all of them just. Guide our footsteps to walk resolutely with great respect for Your statutes.

Bless all inhabitants of our Commonwealth, O Lord, in the knowledge of Your holy law and sanctify them in its observance. Let the light of Your divine wisdom, O Lord, direct the deliberations of the Senate of the Commonwealth of Pennsylvania and shine forth in all of the proceedings and laws framed for our rule in government. May these, our State Senators, work to preserve peace, promote concord throughout the Commonwealth, and continue to bring us the blessings of liberty and equality. Show us all the path to life, O Lord, fullness of joys in your presence and the delights at Your right hand forever, that the words of our mouths and the thoughts of our hearts find favor before You, O Lord, our rock and redeemer, who are Lord and God forever and ever. Amen.

The PRESIDENT. The Chair thanks Father Reid, who is the guest today of Senator Alloway.

PLEDGE OF ALLEGIANCE

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

COMMUNICATION FROM THE GOVERNOR

NOMINATION REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows and referred to the Committee on Rules and Executive Nominations:

**MEMBER OF THE STATE BOARD
OF FUNERAL DIRECTORS**

February 5, 2019

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Scott Custead (Public Member), 117 Lily Pearl Drive, Hollidaysburg 16648, Blair County, Thirtieth Senatorial District, for reappointment as a member of the State Board of Funeral Directors, to serve for a term of five years, and until his successor is appointed and qualified, but not longer than six months beyond that period.

TOM WOLF
Governor

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:

February 5, 2019

Senators REGAN, LANGERHOLC, BREWSTER, TARTAGLIONE, PHILLIPS-HILL, SABATINA, BROOKS, FOLMER, MARTIN, ARGALL, STEFANO, MENSCH, DiSANTO, KILLION, J. WARD, BROWNE, HUTCHINSON, WHITE, YUDICHAK, DINNIMAN and BLAKE presented to the Chair **SB 8**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in other offenses, further providing for drug trafficking sentencing and penalties.

Which was committed to the Committee on JUDICIARY, February 5, 2019.

Senators KILLION, DINNIMAN, ALLOWAY, ARGALL, BARTOLOTTA, BOSCOLA, BREWSTER, COLLETT, COSTA, FARNESE, FONTANA, KEARNEY, LANGERHOLC, LAUGHLIN, LEACH, MUTH, PHILLIPS-

HILL, SABATINA, SANTARSIERO, STEFANO, STREET, TARTAGLIONE, K. WARD, WHITE, YUDICHAK, HAYWOOD, L. WILLIAMS and SCAVELLO presented to the Chair **SB 44**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for transfer and sale of animals.

Which was committed to the Committee on JUDICIARY, February 5, 2019.

Senators BLAKE, FOLMER, DiSANTO, SCHWANK, COSTA, BOSCOLA and BROWNE presented to the Chair **SB 204**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in indebtedness and borrowing, further providing for definitions, for classification and authority to issue bonds and notes, for cost of project and for exclusion of other self-liquidating debt to determine net nonelectoral debt or net lease rental debt; in incurring debt and issuing bonds and notes, providing for preliminary filings with the department prior to the issuance of certain debt, further providing for ordinance authorizing issuance of bonds or notes or instruments evidencing lease rental debt, for small borrowing for capital purposes, for debt statement and for submission to department; in miscellaneous provisions, further providing for fees for filing, for certificate of approval of transcript, for effect of failure of timely action by department and for records of department and providing for duties of participants in transactions relating to incurring debt and issuing bonds and notes.

Which was committed to the Committee on LOCAL GOVERNMENT, February 5, 2019.

Senators BLAKE, FOLMER, DiSANTO, SCHWANK, COSTA, BOSCOLA and BROWNE presented to the Chair **SB 205**, entitled:

An Act amending Titles 53 (Municipalities Generally) and 65 (Public Officers) of the Pennsylvania Consolidated Statutes, in municipal authorities, further providing for money of authority and for competition in award of contracts; and, in ethics standards and financial disclosure, further providing for investigations by commission.

Which was committed to the Committee on LOCAL GOVERNMENT, February 5, 2019.

Senators FOLMER, BLAKE, DiSANTO, SCHWANK, COSTA, BOSCOLA and BROWNE presented to the Chair **SB 206**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in indebtedness and borrowing, regarding general provisions, further providing for definitions; in miscellaneous provisions regarding interest rate risk and interest cost management, further providing for qualified interest rate management agreements, providing for application of subchapter, for qualified interest rate management agreements, further providing for financial reporting, providing for interest rate risk and interest cost management in first class cities and counties; and making editorial changes.

Which was committed to the Committee on LOCAL GOVERNMENT, February 5, 2019.

Senators DiSANTO, BLAKE, FOLMER, SCHWANK, COSTA, BOSCOLA and BROWNE presented to the Chair **SB 207**, entitled:

An Act amending the act of December 20, 1967 (P.L.869, No.385), known as the Public Works Contractors' Bond Law of 1967, further providing for duty of prime contractor to provide financial security in certain contracts involving public works and public improvements.

Which was committed to the Committee on LOCAL GOVERNMENT, February 5, 2019.

Senators BLAKE, FOLMER, DiSANTO, SCHWANK, COSTA, K. WARD, YUDICHAK and BROWNE presented to the Chair **SB 208**, entitled:

An Act amending the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, in Office of Attorney General, further providing for criminal prosecutions.

Which was committed to the Committee on JUDICIARY, February 5, 2019.

Senators DiSANTO, BLAKE, FOLMER, SCHWANK, COSTA, K. WARD, YUDICHAK and BROWNE presented to the Chair **SB 209**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in limitation of time, further providing for other offenses.

Which was committed to the Committee on JUDICIARY, February 5, 2019.

Senators FOLMER, BLAKE, DiSANTO, SCHWANK, COSTA, K. WARD, YUDICHAK and BROWNE presented to the Chair **SB 210**, entitled:

An Act amending Title 11 (Cities) of the Pennsylvania Consolidated Statutes, in contracts, further providing for contracts or purchases not requiring advertising or bidding.

Which was committed to the Committee on LOCAL GOVERNMENT, February 5, 2019.

Senators HUGHES, BREWSTER, TARTAGLIONE, SANTARSIERO, KEARNEY, BROWNE, MUTH and HAYWOOD presented to the Chair **SB 218**, entitled:

An Act amending the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, in preliminary provisions, further providing for definitions; in crime victims, further providing for rights, for responsibilities of victims of crime under basic bill of rights, for responsibilities of State and local law enforcement agencies and for responsibilities of prosecutor's office; in administration, further providing for office, for powers and duties of victim advocate and for powers and duties of Office of Victims' Services; in compensation, further providing for persons eligible for compensation, for filing of claims for compensation, for minimum allowable claim, for determination of claims, for emergency awards, for awards and for confidentiality of records; in services, further providing for eligibility of victims; in financial matters, further providing for costs; and, in enforcement, further providing for subrogation.

Which was committed to the Committee on JUDICIARY, February 5, 2019.

Senators HUGHES, FONTANA, BREWSTER, SCHWANK, COSTA, FARNESE, HAYWOOD and BROWNE presented to the Chair **SB 219**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, establishing the Health-Related Industries Educational Scholarship Program and the Health-Related Industries Educational Scholarship Program Fund.

Which was committed to the Committee on EDUCATION, February 5, 2019.

Senators HUGHES, LEACH, FARNESE, TARTAGLIONE, SABATINA, BREWSTER, FONTANA, COSTA, SCAVELLO, SCHWANK, L. WILLIAMS, BROWNE and HAYWOOD presented to the Chair **SB 220**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in personal income tax, further providing for special tax provisions for poverty.

Which was committed to the Committee on FINANCE, February 5, 2019.

Senators HUGHES, FONTANA, BREWSTER, YUDICHAK, SANTARSIERO, COSTA, FARNESE, TARTAGLIONE, KEARNEY, SCHWANK, BLAKE, MUTH, BROWNE and HAYWOOD presented to the Chair **SB 221**, entitled:

An Act establishing the Lead Remediation and Abatement Superfund; and providing for powers and duties of the Commonwealth Financing Authority.

Which was committed to the Committee on COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT, February 5, 2019.

Senator WHITE presented to the Chair **SB 227**, entitled:

An Act designating a bridge on that portion of Pennsylvania Route 56 over the Conemaugh River, Indiana County, as the Spc. Beverly S. Clark Memorial Bridge.

Which was committed to the Committee on TRANSPORTATION, February 5, 2019.

Senator WHITE presented to the Chair **SB 228**, entitled:

An Act designating a bridge on that portion of Pennsylvania Route 553, bridge ID 32055302000620, over Dutch Run in Pine Township, Indiana County, as the Private Chancy Franklin Davis Memorial Bridge.

Which was committed to the Committee on TRANSPORTATION, February 5, 2019.

Senator WHITE presented to the Chair **SB 229**, entitled:

An Act designating a bridge on that portion of Pennsylvania Route 403 over Dixon Run, Clymer Borough, Indiana County, as the PFC Martin J. Popson Memorial Bridge.

Which was committed to the Committee on TRANSPORTATION, February 5, 2019.

Senator WHITE presented to the Chair **SB 231**, entitled:

An Act designating a bridge on that portion of U.S. Route 422 over Yellow Creek, Cherryhill Township, Indiana County, as the PFC Ralph E. Dias Memorial Bridge.

Which was committed to the Committee on TRANSPORTATION, February 5, 2019.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

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

Senator John DiSanto as a member of the State Employees' Retirement Board.

BILLS REPORTED FROM COMMITTEES

Senator FOLMER, from the Committee on State Government, reported the following bills:

SB 133 (Pr. No. 110)

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for Lieutenant Governor.

SB 190 (Pr. No. 145)

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Jeffrey C. Walker, certain lands situate in Somerset Township, Somerset County.

Senator K. WARD, from the Committee on Transportation, reported the following bills:

SB 43 (Pr. No. 20)

An Act designating a portion of U.S. Route 30 in Hempfield Township, Southwest Greensburg Borough, the City of Greensburg, and South Greensburg Borough, Westmoreland County, as the J. Edward "Hutch" Hutchinson Memorial Bypass.

SB 62 (Pr. No. 194) (Amended)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in registration of vehicles, further providing for veteran plates and placard.

SB 117 (Pr. No. 85)

An Act designating a bridge on that portion of State Route 3016 (Bedford Street) over Solomon Run in the City of Johnstown, Cambria County, as the Seaman Apprentice Kenneth D. Scaife Memorial Bridge.

JOURNAL APPROVED

The PRESIDENT. The Journal of the Session of January 1, 2019, is now in print.

The Clerk proceeded to read the Journal of the Session of January 1, 2019.

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-49

Alloway	Dinniman	Leach	Tartaglione
Argall	DiSanto	Martin	Tomlinson
Aument	Farnese	Mensch	Vogel
Baker	Folmer	Muth	Ward, Judy
Bartolotta	Fontana	Phillips-Hill	Ward, Kim
Blake	Gordner	Regan	White
Boscola	Haywood	Sabatina	Williams, Anthony H
Brewster	Hughes	Santarsiero	Williams, Lindsey

Brooks	Hutchinson	Scarnati	Yaw
Browne	Kearney	Scavello	Yudichak
Collett	Killion	Schwank	
Corman	Langerholc	Stefano	
Costa	Laughlin	Street	

NAY-0

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

The PRESIDENT. The Journal is approved.

GUEST OF SENATOR JAY COSTA PRESENTED TO THE SENATE

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

Senator COSTA. Mr. President, I rise this morning to introduce a young man who has joined my district staff office in Pittsburgh, Martell Covington. Martell has been with us for a few months now as a legislative aide, as I mentioned, in my Forest Hills office. Many in the community know him well for many years through his community service work. He was born and raised in Pittsburgh. After graduating from Pittsburgh Central Catholic High School, he attended Howard University. He later joined the Community Empowerment Association, which provides youth workforce and family services in the Pittsburgh east side and McKeesport area as well. While he was working at the Community Empowerment Association, he was honored by *Pittsburgh* magazine with their 40 Under 40 award, a prestigious award that goes to those men and women in the Pittsburgh region under 40 who make significant contributions to their community. Outside the office, Martell has volunteered for a number of groups, serves as a mentor for a number of young men, coordinates programs, as well as coaching our youth sports in the region.

Mr. President, I ask my colleagues to join me in welcoming Martell Covington not only to the Senate of Pennsylvania, but, more importantly, to our district staff, and thank him for the work he is doing in our community.

Thank you, Mr. President.

The PRESIDENT. Would the guest of Senator Costa please rise so that we may give you our usual warm welcome.

(Applause.)

SPECIAL ORDER OF BUSINESS LINCOLN DAY ADDRESS

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

Senator CORMAN. Mr. President, as a special order of business, as is tradition in our Caucus around Abraham Lincoln's birthday in February--Abraham Lincoln, the 16th President of the United States and founder of the Republican Party--and since we are out of Session after today until March, that a new Member of the Senate Republican Caucus deliver a Lincoln Day speech here on the floor of the Senate. This year we have asked Senator Judy Ward from Blair County, who represents Blair, Huntingdon, Fulton, Cumberland, and Franklin Counties, to give that speech, and I ask the Senate to recognize Senator Ward at this time.

The PRESIDENT. The Chair recognizes the gentlewoman from Blair, Senator J. Ward.

Senator J. WARD. Mr. President, it is my great honor to rise and pay tribute to one of our nation's greatest leaders, Abraham Lincoln. By now, we all know the story of how Lincoln's strength and resolve helped steer our nation through its darkest hour, bringing these United States back from the brink of destruction. It is easy to forget what he risked in the name of freedom and equality. When faced with the dissolution of our great nation and the continuation of slavery, Lincoln stood strong on the principle that we are one nation made up of citizens who all should have the same rights and same freedoms with no exceptions, and he did so at great personal cost. He knew that if his principle stand was not successful, history would certainly hold him responsible for the collapse of the nation.

Many credit Lincoln as the father of today's Republican Party; however, the ideals for which he fought clearly transcend party lines. In his heart, Lincoln was a champion of the common man. It is a lesson he learned very early in life, long before he ever dreamed of setting foot in the White House. Before being elected President, Lincoln was a practicing attorney. On one occasion, a client came to Lincoln and said that another man owed him money. The client wanted to sue the man for \$2.50, even though he knew the man did not have any money to pay. So Lincoln, who always fought for fairness, tried to convince his client that suing the poor man was not the right thing to do. The man insisted, however, so this is what Lincoln did: he charged the client \$10 in legal fees and gave half to the poor man, who then paid his \$2.50 debt, and he still had another \$2.50 left over. That was Lincoln, the statesman. Another time one of Lincoln's neighbors was horrified to hear two of Lincoln's young sons crying and hollering in the street and rushed out to see what the problem was. There in the street the man found Lincoln standing with his sons, who were sobbing uncontrollably. The man said, what is the matter with your boys, Mr. Lincoln? Lincoln just said with a sigh, just what is the matter with the world; I have got three walnuts and each of them want two. It is a cute story, but it helps illustrate that fairness was paramount to Lincoln, even though fairness was not always easy to come by, particularly when he wanted to help people. Such is the burden of a true statesman, a man of the people.

Our challenges are much different today than those that Lincoln faced, but we can still learn from the way he faced adversity and worked to bring consensus and, most importantly, governed with decency and courage. He did not accept what was easy. He made a stand for what was just. He did not quietly accept things as they are. He fought to make things better. He did not advocate for the rights of some, he struggled for the rights of all. When any of us disagree with a policy position, we must move beyond simple opposition and show a different and better way forward. We cannot simply serve as roadblocks. Instead, we must explore new pathways that will lead us to where we need to go. What Lincoln taught us is that we can work together without compromising who we are or the values we hold dear. I am hopeful that as we tackle the issues before us, we can remember the lessons of Lincoln and put them to good use in this Chamber.

Thank you, Mr. President.

(Applause.)

COMMITTEE APPOINTED TO ESCORT THE GOVERNOR TO THE HALL OF THE HOUSE

The PRESIDENT. The time has come in our order of business to assemble in the Hall of the House of Representatives for a Joint Session.

The President pro tempore has appointed the following Senators to act as a committee on the part of the Senate to escort the Governor to the Joint Session: the gentleman from Delaware County, Senator Killion, Chair; the gentlewoman from York County, Senator Phillips-Hill; and the gentlewoman from Allegheny County, Senator Lindsey Williams. The committee will leave immediately to discharge its duties.

SENATE PROCEEDS TO HOUSE TO HEAR GOVERNOR'S MESSAGE

The PRESIDENT. The Members of the Senate will please form a line in the center aisle immediately behind the Sergeant-at-Arms in order that we may proceed to the Joint Session.

RECESS

The PRESIDENT. The Chair now declares a recess of the Senate.

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 Centre, Senator Corman.

Senator CORMAN. Mr. President, I request temporary Capitol leaves for Senator Brooks, Senator Stefano, and Senator Martin, and a legislative leave for Senator White.

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

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Permission has been granted for the Senate Committee on Game and Fisheries to meet today off the floor to consider Senate Bill No. 147.

CALENDAR

THIRD CONSIDERATION CALENDAR

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 26 (Pr. No. 5) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the release of Project 70 restrictions on certain lands owned by the Borough of Topton, Berks County, in exchange for the imposition of Project 70 restrictions on other lands to be acquired by the Borough of Topton, Berks County.

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-49

Alloway	Dinniman	Leach	Tartaglione
Argall	DiSanto	Martin	Tomlinson
Aument	Farnese	Mensch	Vogel
Baker	Folmer	Muth	Ward, Judy
Bartolotta	Fontana	Phillips-Hill	Ward, Kim
Blake	Gordner	Regan	White
Boscola	Haywood	Sabatina	Williams, Anthony H
Brewster	Hughes	Santarsiero	Williams, Lindsey
Brooks	Hutchinson	Scarnati	Yaw
Browne	Kearney	Scavello	Yudichak
Collett	Killion	Schwank	
Corman	Langerholc	Stefano	
Costa	Laughlin	Street	

NAY-0

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

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

SB 130 (Pr. No. 92) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to release a use restriction and reversionary interest affecting certain real property situate partly in the Township of Mahoning and partly in the Borough of Danville, County of Montour.

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-49

Alloway	Dinniman	Leach	Tartaglione
Argall	DiSanto	Martin	Tomlinson
Aument	Farnese	Mensch	Vogel
Baker	Folmer	Muth	Ward, Judy
Bartolotta	Fontana	Phillips-Hill	Ward, Kim
Blake	Gordner	Regan	White
Boscola	Haywood	Sabatina	Williams, Anthony H
Brewster	Hughes	Santarsiero	Williams, Lindsey
Brooks	Hutchinson	Scarnati	Yaw
Browne	Kearney	Scavello	Yudichak
Collett	Killion	Schwank	
Corman	Langerholc	Stefano	
Costa	Laughlin	Street	

NAY-0

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

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

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION

SB 49 (Pr. No. 95) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in particular rights and immunities, providing for civil immunity of person rescuing minor from motor vehicle.

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

BILL ON SECOND CONSIDERATION AND REREFERRED

SB 85 (Pr. No. 63) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 7, 1982 (P.L.784, No.225), known as the Dog Law, in licenses, tags and kennels, further providing for transfer of dog licenses or tags and other licensing requirements and for service dogs and dogs used by municipal or State Police departments.

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

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

BILLS OVER IN ORDER

SB 86 and **SB 127** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILLS ON SECOND CONSIDERATION AND REREFERRED

SB 128 (Pr. No. 91) -- The Senate proceeded to consideration of the bill, entitled:

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

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

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

SB 145 (Pr. No. 119) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, further providing for purchase of agricultural conservation easements.

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

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

SENATE RESOLUTION No. 20, ADOPTED

Senator CORMAN, without objection, called up from page 2 of the Calendar, **Senate Resolution No. 20**, entitled:

A Resolution directing the Legislative Budget and Finance Committee to conduct a study of the impact of venue for medical professional liability actions on access to medical care and maintenance of health care systems in this Commonwealth and requesting that the Pennsylvania Supreme Court delay action on the proposed amendment to Pa.R.C.P. No. 1006.

On the question,
Will the Senate adopt the resolution?

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

Senator BAKER. Mr. President, the intent of this resolution is very simple. We are asking the Supreme Court to press the pause button and delay its proposed rule change on medical malpractice venue until the appropriate analysis can be conducted. There was a great deal of confusion and consternation when this proposal came to light. For nearly every Pennsylvanian, there was not a hint of crisis or sense of urgency to justify the sudden move to turn back the clock. Naturally, questions and concerns abound. How does the equilibrium on litigation and insurance rates achieved over the past decade and a half constitute a problem requiring revision? How does the prospect of increased litigation and rising insurance costs in any way improve the provision of healthcare or encourage capable and committed people to pursue careers in medicine and stay in Pennsylvania? When we face so many significant challenges in healthcare, why would we act to destabilize the situation for no apparent reason?

Those who were involved in State government during the late 1990s and 2000s will never forget the severe trauma the medical malpractice insurance crisis caused for healthcare and our economy. Practitioners, squeezed by soaring costs, closed their practices and relocated, which aggravated problems of access in rural areas and neighborhoods in urban areas alike. The resultant emotional protests and vigorous reform campaigns are seared in our memories as well. Those who were in charge at the time listened, studied, negotiated, passed legislation, approved rules, and decided in the best interests of Pennsylvania, our citizens, and our communities. Curtailing venue shopping and requiring certificates of merit were effective remedies that involved constructive participation and action by all three branches of State government. These were well considered and thoroughly vetted reforms. To the surprise of critics, they worked as they were designed to.

Does the rule change currently proposed carry the promise of improved healthcare? One of the painful lessons since the medical malpractice crisis is that practitioners who depart and facilities that close rarely return to service or operation. People in my area who must now travel an hour for maternity care are familiar

with that consequence. We hear frequently from constituents insisting on the desperate need for greater transparency and accountability across State government. This proposed rule by the court fails both tests: being developed without notice, and unveiled with neither an anecdotal or substantial case being made for necessity. Look at the lengthy list of organizations supporting the current system. Contrast them to the relative few who are applauding change.

This, of course, is not a referendum, but the overwhelming weight of opinion being expressed should matter a great deal. We have all received a provocative letter of opposition to my resolution from a major player in this debate. They have resurrected their grievances and their animosity toward those who hold a different opinion and essentially view the courtroom as the paramount place for decisionmaking. This is a useful reminder of what the debate will look like if this rule is implemented. If there were laws to be changed, where has this group been with pushing legislation? If the studies they seek needed to be conducted, what have they been waiting for to commission them legislatively or to undertake them on their own right?

The likely answer is they feared they could not prevail in the public marketplace of ideas. What we appear to have is only speculative reasoning that the drop in lawsuits and the decisions currently made by local judges and juries are somehow proving disadvantageous to our patients. What we do know is alarming: unrestrained litigation imposes substantial costs in the forms of defensive medicine and unnecessary testing, in addition to the premium increases medical professionals are forced to pay.

The other day a prominent trial lawyer asserted, quote, "there should not be special rules for healthcare providers," end quote. To the contrary, the unique characteristics of healthcare, the size of the sector, and the risks of reducing both quality and access for patients warrant different rules. I certainly respect the role of advisory committees that provide input to our court. But given the serious consequences for healthcare in our economy, we cannot accept the dictate of a change of this magnitude that may have been devised by only a majority of a committee of 14, no matter how accomplished, learned, skilled, and thoughtful they undoubtedly are.

Nothing in our action here transgresses on the separation of powers. There is nothing wrong with an aggressive assertion of the sense of the Senate or of an independent review of the core question by a reputable committee. For those worried that this resolution might be too restrictive in its focus, the language is intentionally broad, should other factors prove relevant to the study. While the proposed rule is subject to another few weeks of comment, that is not sufficient guarantee that an informed investigation and examination will take place. That is why this resolution is simply asking for the court to take a pause, to suspend it in the public interest, to allow time for a full and thorough examination of the implications of this rule and the potential costs and consequences.

So, Mr. President, I stand before you seeking a "yes" vote on Senate Resolution No. 20. Thank you.

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

Senator HAYWOOD. Mr. President, the concerns underlying the resolution have a significant level of merit. I am also concerned that there will not be disruption in our medical system. Even though I was not here back in 2000, we certainly do not

want to repeat what I learned about what happened at that time. In the balance that has been spoken of, the equilibrium between the providers and the patients, is a delicate one, one we have to be careful to monitor. This is why it appears to me that we have a review process that is currently underway by the Civil Procedural Rules Committee. That committee is tasked with looking at the proposed rule, and they are taking comments from the public until the end of this month. It seems to me that it is premature to go ahead with a proposal to have the Legislative Budget and Finance Committee undertake any kind of study before the Civil Procedural Rules Committee completes their work. There is no indication to me that this committee will not be thorough, that they will not take into account all of the many factors that we would take into account, given their role in the judicial system.

In my office, we are sending a letter to this committee to let them know of some of the concerns we have with the assumption, in appreciation that they will take these concerns into account. I encourage all members of the public, as well as this body and the House, to do the same by the 22nd of this month. If the Civil Procedural Rules Committee somehow, in our opinion, fails to take all the comments into account, that might be the time to look at taking some action. But until they have taken action, I believe we should give them full opportunity to do the work that they have been assigned to do and have some confidence that they will get that work done in a way that honors us all.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Bucks, Senator Santarsiero.

Senator SANTARSIERO. Mr. President, I think we need to start with the recognition that it is the purview of the Pennsylvania Supreme Court to decide, at the end of the day, what the Rules of Civil Procedure in this State will be. If this Senate or the General Assembly wishes to pass a resolution saying that it opposes any proposed change in the rule, it is certainly free to do that, but if it is the intent, at the end of the day, of the General Assembly to pass a resolution urging a comprehensive study, then my fear is that Senate Resolution No. 20 falls far short of that mark.

It has been described as a resolution that would support and ultimately institute an informed investigation and an appropriate analysis of the issue at hand. I rise to oppose the resolution because I do not believe that it accomplishes either of those aims. Narrowly looking at only one aspect of this issue, that is to say the venue rule, and even in doing that, not doing it as comprehensively as should be done, will not ultimately produce the results that would actually inform even this body or the Civil Procedural Rules Committee or the Pennsylvania Supreme Court in a truly comprehensive way to enable them to make an informed and the best decision possible. This resolution and this investigation is being designed in a way that leaves out a number of factors that impact this issue, not the least of which is what the requirement of a certificate of merit has had on the disposition of medical malpractice cases and the jury awards that have been given in those cases. Nor, for that matter, does this investigation encompass significant changes in the industry over the last 15 years and how those changes have impacted these issues as well.

So, Mr. President, I urge my colleagues to vote "no" on Senate Resolution No. 20 for the very reason that it does not accomplish the goals that it purportedly is set out to do. Thank you.

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

Senator STREET. Mr. President, I rise to encourage Members of this body to participate in the process set forth by the Civil Procedural Rules Committee for comment, and to remind us of the importance of the separation of powers and the process that exists, the well-defined process whereby legislators can participate and comment, as can all members of the public, in the rulemaking process by the courts. As a member of the Bar, I remind us that it is imperative that the courts be able to exercise a fair amount of independence in setting forth rules. We have the ability to do a number of things around how tort laws and other laws and medical malpractice laws move forward in terms of the substantive nature, but procedural rules have always been the province of the courts. They are the province of the courts because the courts are to maintain rules that allow people to engage in debate in a fair and reasonable manner.

Moreover, I join other colleagues in pointing out that our assumption that there will be a rule change is premature. The courts have simply engaged in a process that we now suggest that they be engaged in. They are doing the appropriate due diligence to determine whether a rule change is merited. We, as legislators, to the extent that we have concerns, and many have been echoed here, should participate in the rulemaking process by making substantive comments to the courts that would be reviewed by the Civil Procedural Rules Committee that the Supreme Court has impaneled. Then, after the court has gone through their due diligence and rulemaking process, it is appropriate to see if, in the provinces that we control, we should take legislative action.

So, because I believe this to be a potential encroachment on separation of powers, and moreover, because we have other avenues to avail ourselves of to address the substantive issues that have been raised, I urge a "no" vote on this resolution.

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

Senator GORDNER. Mr. President, I rise in support of the resolution introduced by Senator Baker. What a difference 16 or 17 years makes. For those of us who were around, and Senator Baker was part of the Ridge and Schweiker administration at that time, but a couple of us here were in the Senate or in the House, I was in the House, I remember the chaos that was going on in our great Commonwealth at that time. I remember the hundred-plus medical professionals in white coats coming to this Rotunda and saying, unless something changes, we are closing our practices and we are moving out of State. For those folks who are concerned about maternity care, that was one of the areas that was most directly hit, was people closing down their OB-GYN practices because the medical malpractice rates in those practice areas were so high.

Pennsylvania was known at that time as the State with the worst medical malpractice atmosphere in the entire country. California had lower rates than the national average. Our rates were 33 percent higher than the national average at that time. We heard from doctors, we heard from hospitals, we heard from rural hospitals and city and urban ones, we heard from speciality professionals, we heard from folks of all sorts who said, this is a huge crisis that needs to be addressed. What I was proud of at that time was that Democrats and Republicans back in 2001 and 2002 rose up and attacked the issue at that time. We passed at

least two major pieces of legislation, sent them to the Governor, and the Governor signed them. One in particular was Act 127 of 2002. Let me just read a section of Act 127 of 2002, it says *(Reading:)*

§ 5101.1. Venue in medical professional liability actions.

(B) General rule.--Notwithstanding any other provision to the contrary, a medical professional liability action may be brought against a health care provider for a medical professional liability claim only in the county in which the cause of action arose.

So in Act 127 of 2002, we had a specific venue provision that said that the action can only be brought in the county in which the cause of action arose. That act passed the Senate--and I am pausing for dramatic effect--unanimously. Unanimously. Unanimously. Every Democratic Senator, and you had on the Democratic side Members of your Leadership who were cosponsors of this bill. Cosponsors of the bill. When it passed, the noise was so loud that in the Senate we passed it unanimously. That was bipartisanship. That was an answer to a crisis.

Now, after that the Supreme Court stepped in and they took care of it through a rule, and thank goodness, because for 17 years it has not been an issue. It has not been a problem that I am aware of. We have not had 100, 200 doctors out in the main Rotunda complaining about this issue. But, by God, if the Supreme Court is able to do, through a committee process, what they are talking about, who is going to be responsible? It is not going to be me. I do not want to go back there.

So what this resolution does is it asks for one of our entities, the Legislative Budget and Finance Committee, to do a study. A study. How can you be against a study? A study to look into what happened, where it was, what the current status is, and give us back some information. Transparency. Because you know what? Meetings or hearings of the Legislative Budget and Finance Committee are open to the public. You know what? Right-to-Know. Our records and stuff are available to Right-to-Know. You know whose records are not? The court's. Anyone over there talking about transparency? The Supreme Court can say no to Right-to-Know. Pretty amazing, is it not? If you want to know who is making public comments to this small committee, they do not have to tell us because they are not subject to the Right-to-Know. So I do not know about you, but I would rather have us involved in the process, I would rather have us involved in the study, I would rather have transparency in the public, in the media that is hopefully listening right now, a part of it as compared to a dozen or so folks who do not have to abide by those same transparency concerns.

For those reasons, I think all of us, much like we did back in 2002, should be in support of this study to get the information and the facts and then make a decision later once we have all that provided through an open and transparent process.

Thank you, Mr. President.

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

Senator LEACH. Mr. President, I, too, agree that the idea of studying issues is a good idea. I participated in a number of studies over the years as a Member and as someone who has sponsored legislation bringing studies forward. However, studies are interesting things. You have to craft a study in such a way that it is not designed to get a certain result, and my objection to this

resolution goes beyond sort of the specifics of whether or not venue has been helpful or not helpful in resolving the medical malpractice crisis. I am not taking a position on that today, but I am here to say that there are major flaws with the resolution in terms of how it designs the study.

So, the history of the Senate is that these studies are pretty strictly limited to what it is within the four corners of the document that authorizes the study. Here, the relevant portions, after all the whereas clauses, can be found on page 6, lines 18 through 28. And they basically allow us to study the availability of medical care, the availability of hospital services, the availability of liability insurance, and the prompt determination of and fair compensation for injuries. But, if you only study those things, you will not get a sense--you might get a sense of an improvement in the climate generally, but you will not get a sense of whether the change in the venue rules are responsible for that improvement in the climate.

There are a number of things that are specifically excluded from this study. Number one, the effect of medical malpractice cases on certificates of merit. Certificates of merit, during the bill that was discussed previously, were a big part of the discussion back then. I was here, I remember that. What has been the effect of certificates of merit in terms of making the medical malpractice climate more tenable for physicians and hospitals? Number two, an analysis comparing the number of medical malpractice case filings with the number of defense verdicts on a county-by-county basis. In other words, are there a lot more defense verdicts now? Has that ratio changed? Could that have impacted the availability of insurance? Number three, changes in hospital economic models over the last 15 years, including the consolidation of hospital systems, which, again, has happened at a pretty rapid pace. What has that meant in terms of the fairness of bringing someone from one county into another county in terms of our venue rules generally? Should we look at that? It seems like we should look at that. Number four, an analysis comparing the number of medical errors with the number of medical malpractice claims. Has that ratio changed in the last 14 or 15 years? If we studied those as well, we would have a reasonable assessment of whether or not, and to what extent, venue was responsible for whatever improvement there was in the medical malpractice climate. The way the study is crafted in Senate Resolution No. 20, it seems to only study one small part of the issue, which could be construed as seeking a specific result. The study also does not mention that the Supreme Court has struck down previous attempts to interfere with what they consider to be their proprietary right to govern the Rules of Civil Procedure in their courtrooms.

So, I think we should go back to the drawing board and craft a more comprehensive study that will really give us the answers we need as we craft policy going forward. And this is important not just for this issue, but for all of the studies in the future. In order for our studies to mean anything, they have to have credibility. Recently, I was one of the four Senators involved in the death penalty study, and I am opposed to the death penalty, but I would have also opposed a resolution that only studied the effect of the death penalty on the families of people on death row. That probably would not give us a very comprehensive look at how effective the death penalty was. I wanted a comprehensive study, and we got one, and it is a well-respected study all across the country, and I suggest we do the same thing here: go back to

the drawing board, come up with a study that makes sense and then find out the information that will really help us craft good public policy. Thank you.

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

Senator COSTA. Mr. President, I, too, rise and ask our colleagues to vote "no" on this resolution. Mr. President, it was stated there are a handful of us or so who were here back at the time that this conversation took place with respect to the medical malpractice crisis that we dealt with in Pennsylvania, and I think that what is important to recognize is that probably, most significantly, it was a comprehensive approach to what we needed to do. I had the privilege at that time of serving as the Democratic chair of the Committee on Judiciary where these measures came through, and working very closely with Senator Greenleaf through that time and during those years in 2001 and 2002 and ultimately 2003. We were able to craft a comprehensive approach to address that crisis, and I do not think there is any question that there has been success along those lines in a comprehensive way. When you start to look at some of the things that we were able to do, some mentioned the certificates of merit. That certainly was a major part of that conversation at that point in time when we passed legislation along those lines. But there are a number of other things that we did, Mr. President, that I would like to highlight in the comprehensive nature that we were able to do along those lines.

We did things along the lines of creating the Patient Safety Authority, responsible for collecting and evaluating data committed by medical facilities and errors committed along those lines. We also did changes to the collateral source rule. We made specific findings by the juries regarding economic and noneconomic damages as a requirement. We reduced verdicts to present value to predict requiring certain periodic payments. We dealt with expert witnesses regarding the same. There are a number of things we did in the insurance reform area. We made changes to the medical insurance situation when we reduced it from \$1.2 million down to \$1 million. We sent tens of millions of dollars from the auto CAT Fund to help subsidize some of the high-risk specialties that we talked about, as was mentioned earlier. And certainly, the Supreme Court dealt with the issue, after we discussed, relating to venue and also certificate of merit. We also did things along the lines at a later point in time with joint and several liability.

Collectively, all of these things had an important impact on the medical malpractice crisis at that time and have continued through the years. So at that point in time, as was mentioned earlier, we had a shortage of doctors, particularly in the speciality areas. We addressed that. That is no longer necessarily the case. We had situations where we were not having insurance companies write insurance for the medical profession here in Pennsylvania. That has changed. They are now doing that. The nature of the defense verdicts and the like have increased, and the certificates of merit have significantly reduced the number of claims that have been filed in our courts across this Commonwealth. All of those things have been part of this conversation. What we are not talking about today is making a change to the venue rule, as it seems to have been alluded to. We are not looking to make a change to the venue rule. What we are talking about is making certain that if we are going to proceed down the path that we are going to put together a study by the Legislative Budget and Fi-

nance Committee, that we do an appropriate study, one that is not geared or designed to provide a predictable outcome to be able to support a particular position. What we want to be able to do, as was mentioned by my colleagues, is to have a comprehensive approach to how we are going to examine this issue, because you cannot look at this issue with just only one aspect of it. It is the comprehensive approach that we have taken. It is the comprehensive impact on the civil justice system here that we have to take a look at and talk about.

So to suggest that we are looking to make a change to the venue rule here, and citing--and quite frankly, I am proud of the fact that the time when I was a chair of the Committee on Judiciary, we were able to bring a 50-0 vote on many of these issues, because we worked hard to find the right balance, and what we have in place is the right balance. And if we are going to examine that conversation, let us take the time to do it in a more comprehensive way, taking into consideration all the things that we did in addition to that, the aspect as it relates to healthcare, as was talked about by my colleague. The whole nature of how we deliver healthcare in this Commonwealth has changed. It has a significant impact on many of the things that we have talked about in terms of how we are able to provide care.

So at the end of the day, we, too, want a study, we do want a study, but we want a study that is going to be comprehensive and it is going to provide the right information that we need to provide to the Civil Procedural Rules Committee to make the decision that they need to make as they send it to the Supreme Court. At the end of the day, it is not our call, but at the end of the day what we can do is put together a study that is going to allow for a review that is appropriate, comprehensive, and one that is not geared for a designed outcome. That is what our concern is, that is what my concern is, and that is why I ask my colleagues to vote "no" on this particular resolution.

Thank you, Mr. President.

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

Senator FARNESE. Mr. President, real quickly to wrap this up. In listening to the comments from my colleagues across the aisle in support of the resolution, there were two themes that seem to run through their comments. The first is that this is a very important issue, it is a very timely issue, it is critical, so we need to take a pause. We need to hit the pause button and slow things down a little bit so we can get a better idea and examine the issue. Another theme from one of the speakers is that in 16 years, there have been a lot of changes. We have had different crises in the medical malpractice industry and the medical industry. Again, we need to take a step back and look at this because we want to make sure that we are providing the best possible services and the best possible care to Pennsylvanians. Pretty good ideas.

It is never a bad idea, Mr. President, to take a step back. Heck, I know we have tried to do that many times. A few years ago when they tried to ram through a pro-gun bill for the NRA, this Caucus said, let us take a step back and pause. We do not need to expand gun rights right now because we have a gun crisis, a homicide crisis in Pennsylvania with illegal guns. Pause did not win the day. A few years ago under a previous administration, the attack was on women's access to medical care facilities. There were bills to turn abortion clinics and medical access into full-blown surgical care units. We said take a step back. The

issue of access to medical care is too important to just run through and ram down our throats. The Majority did not see fit at that time to take a pause. Are you going to tell me, Mr. President, obviously, that this issue of venue is so critically important that this, not healthcare for women, not in the face of an epidemic of gun violence, that this is where we take the pause? This is where we take a step back and say, you know what, this is what we need to do?

Time and time, Mr. President, not only in this Chamber, but in our Committee on Judiciary, there has been a position in this Chamber, and whether or not I agree with it, it was the position that when it comes to the separation of powers, and specifically the purview of the courts, the legislature has absolutely no business in sticking its head in and telling them where to go. It does not matter if the issue is gun violence, it does not matter if the issue is access to healthcare for women, it does not matter, except, when the Majority feels that it is convenient to do so. And really, is that not what we have here? When we boil it all down, is this not really what we are talking about?

Because the end result here, Mr. President, is really the potential for more delay, and at the end of the day, preventing people with serious injuries to seek redress in our courts, to have their day in court, to have their opportunity to be heard in a timely fashion, not to just wait for another study and another report, when, Mr. President, the rule that has already been proposed is quite fair, because the two-pronged piece of this proposed rule not only takes into consideration where the malpractice may have occurred, but it also allows for a discussion by the trial court as to convenience. A trial court can issue discovery, she can ask for testimony, they can do whatever they please to ferret out that issue, because, Mr. President, for years, even before 2003 and after, that is how it was done. Defendants have always challenged venue, and they will continue to challenge venue, whether we do a study here or not, but what will happen is the possibility for seriously injured people to not have access to the courts and to seek redress, and that, Mr. President, should be unacceptable.

So, yes, Mr. President, I know a lot has changed in 16 years, and sometimes it seems like it does not really change much at all. Thank you very much.

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

Senator CORMAN. Mr. President, just a few comments. I know I am getting old when we start talking about things that happened over a decade ago, and I was one of the few who were here at that point in time. I see a few others smiling who were here as well. I do remember it well. It was at the end of my first term and it was really the first major battle that we had. When you are dealing with tort issues, you are dealing with medical malpractice issues, you are dealing with issues that involve two good causes. You are talking about people on one side who are victims of possible negligence, malpractice, and you are also talking about the healthiness of our healthcare system. So, you are butting two very important interests together and trying to find common ground so people can seek just compensation if they are a victim of negligence, but at the same time not bankrupt our healthcare institutions and our healthcare practitioners. I do remember this was one of those very volatile times. I can remember within our own Caucus the battles and the arguments that we had, and it was a tough issue to get through. I also remember, quite frankly, standing on the steps of the Capitol and

watching a lot of those white coat doctors walking by and saying, we just cannot practice here in Pennsylvania anymore, and dropping their coats in a symbolic exit of the Commonwealth of Pennsylvania, which hurts us all. Whether you are from suburban, urban, or rural Pennsylvania, if you do not have access to healthcare, that hurts us all. When healthcare costs go up, education costs go up, government costs go up, business costs go up. Every cost goes up when the cost of healthcare rises.

So, as we plodded through the issue at the time, at the people's house, the Senate and the House, the legislative branch, with the executive branch, worked through it in a difficult fashion but came up with some of those solutions that were mentioned earlier. When we passed Act 127 of 2002 dealing with venue, it was challenged in the courts. Commonwealth Court overturned that decision. At the same time, we also created the Interbranch Commission on Venue consisting of the legislative branch, the executive branch, and the judicial branch working together on some of these issues. So, as that case dealing with venue left Commonwealth Court and was waiting to be heard in the Supreme Court, the interbranch commission recommended, and it was taken up by the Civil Procedural Rules Committee of the courts, to review this. Not in a vacuum, they did not just decide on their own to look at venue, they decided that this was obviously a very important issue to the Commonwealth of Pennsylvania and we need to take up this issue as well.

Under the leadership of Chief Justice Cappy, through their committee process, they instituted the new rule dealing with venue which was similar to the statute that was passed, and, quite frankly, was overturned in Commonwealth Court and would have probably been sustained in the Supreme Court, and we would have been right back here with this very volatile issue still trying to deal with it. But because the judicial branch understood what the legislative and executive branches were going through and worked side by side with us, they instituted this new rule which we, at least, think had a significant part of alleviating the pressure of medical malpractice. That is how it was done. Now, my history might be a little off here and there, but for the most part I think that is an accurate reflection of the times. It was an example of how the three branches of government can work together to accomplish great things. I was proud that it ultimately ended up in that situation. You know, the court got to maintain its independence as far as us not interfering in their procedural rules, but yet we got the same outcome.

Now fast-forward to today, and word has come forward that this issue is being brought up again within the Civil Procedural Rules Committee of the court system. It is certainly a valid concern for them to bring up, talk about, and have a committee structured to investigate. It is absolutely a valid thing for them to be doing. Our question is, we want to be involved. This was such an important issue, such a big issue, we would like to be part of that process as we were with the courts back in the early 2000s. So, what we have asked in this resolution is let us begin the process through a study. Now, it has been suggested that it is a separation of powers issue. The resolution is a request for them to slow down. It is not a mandate, it is not a statute, you have to slow down, it is a request, a respectful request. So, I do not think there is any violation of separation of powers when you are requesting another branch to do something. They can say, aw, the heck with you, we are going ahead anyway, and there is nothing

we can do about it. We are requesting them to take a step back and allow us to join in the process.

It has been talked about that the study is not quite comprehensive enough. Introduce more resolutions to make it more comprehensive. We will take them up. We want to pass this one today, we think it is important to get it out there, but if you want the study to be more comprehensive, we are all in. We think the decision should be a comprehensive decision. We think it goes far enough, but if it does not, we are more than happy to expand it. Certainly, it can be done in separate resolutions and the Legislative Budget and Finance Committee can combine them together. I am sure they have the ability to do that.

So finally, Mr. President, to me it comes down to this: what does it hurt? The worst-case scenario of this study is that it produces zero results of any interest to the Civil Procedural Rules Committee of the court. We will take our time, we are not dealing with a crisis today as we were dealing with a crisis 16 years ago. Everything seems to be okay right now, but it is still appropriate to review. So, if we hit the pause button, go through the study, maybe expand the study, as was suggested, take the time and the worst-case scenario is that it produces nothing helpful. Okay, then nothing hurt, nothing harmed, nothing ventured, nothing gained, we move on. But, think of the other side of this. What if it does produce information that is helpful to this process and it prevents a rash decision being made that could put us back in the same situation we were in 16 years ago? And whether you are a Republican, a Democrat, rural, suburban, urban Pennsylvanian, none of us wants that.

So, I think the decision is clear, that this is something we need to be part of. We want to join our other branch of government to be part of this. We are not trying to take it over. We want to join them as we did 16 years ago to produce something great like we did in the past. I think the precedent is there to make this happen, and I think it is something we should follow again, and I encourage an affirmative vote.

Thank you, Mr. President.

LEGISLATIVE LEAVE CANCELLED

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

LEGISLATIVE LEAVE

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

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

The PRESIDENT. Senator Corman requests a temporary Capitol leave for Senator Aument. Without objection, the leave will be granted.

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

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

YEA-32

Alloway	Corman	Laughlin	Schwank
Argall	Dinniman	Martin	Stefano
Aument	DiSanto	Mensch	Tomlinson

Baker	Folmer	Phillips-Hill	Vogel
Bartolotta	Gordner	Regan	Ward, Judy
Boscola	Hutchinson	Santarsiero	Ward, Kim
Brooks	Killion	Scarnati	White
Browne	Langerholc	Scavello	Yaw

NAY-17

Blake	Fontana	Muth	Williams, Lindsey
Brewster	Haywood	Sabatina	Yudichak
Collett	Hughes	Street	
Costa	Kearney	Tartaglione	
Farnese	Leach	Williams, Anthony H	

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

The PRESIDENT. The resolution is adopted.

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 an off-the-floor meeting of the Committee on Game and Fisheries to be held in the Rules room in the rear of the Chamber.

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

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED

RECONSIDERATION OF SR 20

SR 20 (Pr. No. 155) -- Senator COSTA. Mr. President, I move that the Senate do now reconsider the vote by which Senate Resolution No. 20, Printer's No. 155, was adopted.

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

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

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

YEA-31

Alloway	Corman	Laughlin	Stefano
Argall	Dinniman	Martin	Tomlinson
Aument	DiSanto	Mensch	Vogel
Baker	Folmer	Phillips-Hill	Ward, Judy
Bartolotta	Gordner	Regan	Ward, Kim
Boscola	Hutchinson	Scarnati	White
Brooks	Killion	Scavello	Yaw
Browne	Langerholc	Schwank	

NAY-18

Blake	Fontana	Muth	Williams, Anthony H
Brewster	Haywood	Sabatina	Williams, Lindsey
Collett	Hughes	Santarsiero	Yudichak
Costa	Kearney	Street	
Farnese	Leach	Tartaglione	

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

The PRESIDENT. The resolution is adopted.

REMARKS ON SENATE RESOLUTION No. 20

The PRESIDENT. The Chair recognizes the gentleman from Bucks, Senator Santarsiero.

Senator SANTARSIERO. Mr. President, I thank the Chair for correcting the record. I did vote "no" when the resolution came before the Chamber a short while ago. Sometimes errors happen and that is understandable, but I do appreciate that the record was corrected. Thank you.

UNFINISHED BUSINESS
BILL REPORTED FROM COMMITTEE

Senator LAUGHLIN, from the Committee on Game and Fisheries, reported the following bill:

SB 147 (Pr. No. 195) (Amended)

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in Pennsylvania Game Commission, further providing for accountability; and, in hunting and furtaking, further providing for hunting on Sunday prohibited, providing for hunting on Sunday and further providing for trespass on private property while hunting.

SENATE RESOLUTION ADOPTED

Senators BLAKE, BARTOLOTTA, DINNIMAN, FONTANA, MARTIN, SANTARSIERO, BREWSTER, FARNESE, STREET, SCAVELLO, COSTA, HUGHES, AUMENT, J. WARD, BROWNE, BOSCOLA, TARTAGLIONE, YUDICHAK and HAYWOOD, by unanimous consent, offered **Senate Resolution No. 29**, entitled:

A Resolution designating the month of February 2019 as "Turner Syndrome Awareness Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Blake.

Senator BLAKE. Mr. President, I am proud to once again introduce this resolution designating February as "Turner Syndrome Awareness Month." I have a young constituent of mine back home, Carly Joy Bozym, and her mom, who have educated me on this disorder, and it is really Carly who inspires me to offer this resolution every year. Turner Syndrome is a noninheritable chromosomal disorder that affects 1 in 2,500 live female births. Earlier diagnosis can help girls and women get a complete cardiac screening to facilitate prevention or remediation of growth failure, hearing problems, and learning difficulties. Individuals with Turner Syndrome have an increased risk of a nonverbal learning disorder that can cause problems in math, visual/spatial skills, executive function skills, and job retention. A disproportionately small amount of funding is available for Turner Syndrome research, unfortunately, Mr. President. I offer this resolution every year to elevate awareness in the hope that additional research can be done, because with the help of

medical specialists and a good social support system, a woman with Turner Syndrome can live a very, very happy and healthy life. I hope this resolution, again, will continue to raise awareness. I do this on behalf of Carly Joy back in the 22nd Senatorial District.

Thank you, Mr. President.

And the question recurring,

Will the Senate adopt the resolution?

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

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Stefano and Senator Brooks have returned, and their temporary Capitol leaves are cancelled.

SENATE RESOLUTION ADOPTED

Senators SCHWANK, MARTIN, DINNIMAN, FONTANA, J. WARD, BREWSTER, BARTOLOTTA, VOGEL, ARGALL, FOLMER, YUDICHAK, COSTA, HUGHES, TARTAGLIONE and HAYWOOD by unanimous consent, offered **Senate Resolution No. 30**, entitled:

A Resolution recognizing the week of March 8 through 14, 2019, as "National Catholic Sisters Week" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator SCHWANK. Mr. President, "National Catholic Sisters Week" originated in 2014 as an official component of National Women's History Month. This is a week to raise awareness of the impact of women religious and to connect them with other contemporary women through events throughout the nation annually during the week of March 8 through 14.

Since 14 Ursuline nuns arrived in New Orleans from France in 1727 and opened today what is the oldest continually operating school for girls in the United States, our Catholic sisters have played a core role in both the education and spiritual education of communities not only in this Commonwealth but around this country.

Catholic sisters have influenced American religion, education, nursing, and social work by founding and serving schools, hospitals, and similar institutions. Catholic sisters have founded post-secondary institutions that have opened the door of opportunity for tens of thousands of Pennsylvania women, and for all students actually, to receive an education. In my own district, Mr. President, Alvernia University was started by the Bernardine Sisters. They continue today to serve a huge role at the university and in our community. They sponsor an educational center, and I have worked with them personally on several initiatives particularly related to seniors in our community.

Sisters continue with humor and heart to serve the poor and marginalized and to work for social justice in building our communities through service. They have done great work not only in our communities and our Commonwealth but in our nation. It is appropriate, I think, Mr. President, to honor them during that

week. I note that if Members are interested in signing on to the resolution, there is still an opportunity to add your signature to support our Catholic sisters. Thank you.

And the question recurring,

Will the Senate adopt the resolution?

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

HOUSE MESSAGE

SENATE CONCURRENT RESOLUTION RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate, Senate Concurrent Resolution entitled **Weekly Recess**, with the information that the House has adopted the same with amendment, in which the concurrence of the Senate is requested.

The resolution, as amended, was read by the Clerk as follows:

In the Senate, February 4, 2019

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene on Monday, March 18, 2019, unless sooner recalled by the President Pro Tempore; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses this week, it reconvene on Tuesday, February 19, 2019, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses the week of February 19, 2019, it reconvene on Monday, March 11, 2019, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses the week of March 11, 2019, it reconvene on Monday, March 18, 2019, unless sooner recalled by the Speaker of the House of Representatives.

SENATE CONCURS IN HOUSE AMENDMENTS TO SENATE CONCURRENT RESOLUTION

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

Senator CORMAN. Mr. President, I move that the Senate do concur in the amendment made by the House to the Senate Weekly Recess resolution.

The PRESIDENT. For the information of the Members, the House has amended the resolution to reflect that when the House recesses this week it will reconvene on Tuesday, February 19, 2019. All other provisions remain the same.

On the question,

Will the Senate agree to the motion?

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

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

BILLS ON FIRST CONSIDERATION

Senator CORMAN. 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 43, SB 62, SB 117, SB 133, SB 147 and SB 190.

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

MONDAY, FEBRUARY 11, 2019

1:00 P.M.	VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (H) and VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (S) (joint informational meeting with the PA War Veterans Council, State Veterans Commission, Office of State Fire Commissioner and the PA Civil Air Patrol regarding their programs and legislative initiatives)	Room G-50 Iris Off. Bldg.
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TUESDAY, FEBRUARY 19, 2019

10:00 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Revenue/Lottery)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Independent Fiscal Office)	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (Budget Hearing - Public Utility Commission)	Hrg. Rm. 1 North Off.

WEDNESDAY, FEBRUARY 20, 2019

10:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of State)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Pennsylvania Historical and Museum Commission) C A N C E L L E D	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Banking & Securities) C A N C E L L E D	Hrg. Rm. 1 North Off.

THURSDAY, FEBRUARY 21, 2019

10:00 A.M.	APPROPRIATIONS (Budget Hearing - PA State System of Higher Education)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - State Police/Homeland Security)	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (Budget Hearing - PA Emergency Management Agency/Fire Commissioner)	Hrg. Rm. 1 North Off.

MONDAY, FEBRUARY 25, 2019

10:00 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Labor & Industry)	Hrg. Rm. 1 North Off.
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1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of General Services)	Hrg. Rm. 1 North Off.
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3:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Transportation)	Hrg. Rm. 1 North Off.
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TUESDAY, FEBRUARY 26, 2019

10:00 A.M.	APPROPRIATIONS (Budget Hearing - State Related Universities)	Hrg. Rm. 1 North Off.
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1:00 P.M.	APPROPRIATIONS (Budget Hearing - Judiciary)	Hrg. Rm. 1 North Off.
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3:00 P.M.	APPROPRIATIONS (Budget Hearing - PA College of Technology)	Hrg. Rm. 1 North Off.
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4:00 P.M.	APPROPRIATIONS (Budget Hearing - Thaddeus Stevens College of Technology)	Hrg. Rm. 1 North Off.
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WEDNESDAY, FEBRUARY 27, 2019

10:00 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Health)	Hrg. Rm. 1 North Off.
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1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Human Services)	Hrg. Rm. 1 North Off.
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THURSDAY, FEBRUARY 28, 2019

10:00 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Corrections/Board of Probation and Parole)	Hrg. Rm. 1 North Off.
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1:00 P.M.	APPROPRIATIONS (Budget Hearing - PA Liquor Control Board)	Hrg. Rm. 1 North Off.
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3:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Environmental Protection)	Hrg. Rm. 1 North Off.
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4:00 P.M.	APPROPRIATIONS (Budget Hearing - JCJC/PCCD)	Hrg. Rm. 1 North Off.
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MONDAY, MARCH 4, 2019

10:00 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Drug & Alcohol)	Hrg. Rm. 1 North Off.
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1:00 P.M.	APPROPRIATIONS (Budget Hearing - Life Sciences Greenhouse/Life Sciences PA)	Hrg. Rm. 1 North Off.
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3:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Conservation & Natural Resources)	Hrg. Rm. 1 North Off.
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TUESDAY, MARCH 5, 2019

10:00 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Education)	Hrg. Rm. 1 North Off.
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3:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Aging)	Hrg. Rm. 1 North Off.
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WEDNESDAY, MARCH 6, 2019

10:00 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Military & Veterans Affairs)	Hrg. Rm. 1 North Off.
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1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Agriculture)	Hrg. Rm. 1 North Off.
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3:00 P.M.	APPROPRIATIONS (Budget Hearing - Ben Franklin Technology Partners)	Hrg. Rm. 1 North Off.
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THURSDAY, MARCH 7, 2019

10:00 A.M.	APPROPRIATIONS (Budget Hearing - PA Gaming Control Board)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Community & Economic Development)	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (Budget Hearing - Budget Secretary/Governor's Executive Office)	Hrg. Rm. 1 North Off.

MONDAY, MARCH 18, 2019

Off the Floor	APPROPRIATIONS (to consider Senate Bills No. 128, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247 and 248)	Rules Cmte. Conf. Rm.
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider certain Executive Nominations)	Rules Cmte. Conf. Rm.

TUESDAY, MARCH 19, 2019

10:30 A.M.	EDUCATION (to consider Senate Bills No. 89, 115, 144 and 440; and Senate Resolution No. 34)	Room 8E-A East Wing
11:00 A.M.	VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (to consider Senate Bills No. 139, 146, 298 and 439)	Room 8E-B East Wing
11:30 A.M.	STATE GOVERNMENT (to consider Senate Bills No. 178 and 372; and House Bill No. 18)	Hrg. Rm. 1 North Off.

WEDNESDAY, MARCH 20, 2019

9:00 A.M.	AGRICULTURE AND RURAL AFFAIRS (H) and AGRICULTURE AND RURAL AFFAIRS (S) (joint public hearing on PA Farm Bill Proposal)	Hrg. Rm. 1 North Off.
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MONDAY, MARCH 25, 2019

10:00 A.M.	VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (public hearing on the conversion of military credentials into professional certifications)	Room 8E-A East Wing
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TUESDAY, MARCH 26, 2019

10:00 A.M.	STATE GOVERNMENT (public hearing to discuss Senate Bill No. 48)	Room 8E-A East Wing
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PETITIONS AND REMONSTRANCES

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

Senator COSTA. Mr. President, earlier today we heard from Governor Wolf making his budget proposal in the range of \$34.1 billion. As we go forward, the Governor has put forth a number of initiatives in which we concur; more specifically, the investments that he wants to make in education, continued investments in education from early learning including our babies and toddlers, all the way up to our higher education communities, as well as making significant investments into workforce development and making certain that we continue to train those men and women in our Commonwealth and give them the opportunity to

have the skill sets necessary to allow them to be able to participate in the workforce and be able to design those types of programs along those lines to meet those needs. Mr. President, I also thought it was important to take this time before we go on break for our budget hearings over the course of the next several weeks, that I leave with the Members some ideas that I believe need to be talked about as we go forward in this budget and hope that Members on this floor today and others would look at addressing some of these things. There are a number of measures that I think we should talk about. Mr. President, as we go forward I will be fighting for and insuring voter rights and that voters have access along those lines, environmental investments in reducing greenhouse gas emissions and increasing our renewable energy output, and also looking at meaningful criminal justice reform.

Mr. President, on voting rights and access, we need to make it clear and easier to register to vote by providing same-day registration, automatic registration, or to allow a person to register anytime they interact with our State government. We also need to allow no excuse and no early voting, and we need to take the time to review to allow for those individuals who are registered as Independents the ability to vote in our primary elections. Mr. President, we also need to address our runaway campaign finance rules across this Commonwealth. We need to provide limitations involving donations to our PACs, increasing the transparency of dark money organizations that make their way in, and also relating to the issue of foreign influences in our election. We also need to provide more access to the ballot box and limit the corrosive influence of money that will help provide democracy. Mr. President, one of the things that has been very important to a number of folks in this Commonwealth relates to paper-verified ballots. We need to go down a path where we are looking to make the investments in our counties across the Commonwealth, provide them with the resources that are necessary to provide for ballot boxes that are providing voter-verified ballots, something that is very important. While the Governor acknowledges, and he recognized this in this budget with an allocation proposal of \$15 million, as we see, there is more that needs to be done across the counties. As a State Senate, we have an opportunity to talk about this issue to insure that other counties adopt programs along those lines that meet that requirement.

On the environment, we face what I believe is a very significant crisis, Mr. President. Last Session I introduced Senate Bill No. 15, which I plan to reintroduce in the very near future. That legislation requires Pennsylvania to reduce its greenhouse gas emissions by 30 percent by 2025. Now that the Trump Administration has abandoned the Paris Climate Agreement and also the Clean Power Plan, States like Pennsylvania must step forward to fight climate change and to prevent damage that is going to occur that is going to be caused by catastrophic storms, irreversible environmental impacts, and also rising sea levels. Part of fighting climate change is investing in renewable energy and that particular sector. We must increase the percentage of our energy under the Alternative Energy Portfolio Standards that comes from the Tier 1 renewable energy resources. Mr. President, as we have a conversation in this Senate Chamber with respect to the nuclear conversations taking place and what we need to do along those lines, now is the time for us to inject into that discussion and it is imperative that we take steps to look into renewable energy, making that part of the solution as we go forward. Mr. President,

we also must continue to invest in the energy efficiency and conservation programs, often referred to as Act 129. The best way, the safest and easiest way to reduce greenhouse gas emissions is to allow them to never occur, and that is what Act 129 does. We have to make certain that we provide the benefits to our consumers and also recognize that they have already contributed to about \$6 billion in savings.

Lastly, Mr. President, we need to talk about our criminal justice system and criminal justice reform. We must take on sentencing reform and mandatory minimums. When I served on the Senate Committee on Judiciary, as I mentioned earlier today, the number one initiative of Senator Greenleaf and I during that time was to prevent any type of mandatory minimum as being part of any legislation that we moved forward. We were proud to be able to do that, but at the end of the day, these types of measures continue to come to us and they have become something that is problematic, and our courts have stricken those types of provisions. There is no need for us to be able to continue to go down that path. Also, Mr. President, Pennsylvania sentences are second in incarcerating people to life without parole, and we are one of only six States that deny parole to those sentenced to life in prison. We also need to take steps along those lines.

We also need to take a look at probation reform. As my colleagues talked about last week, most States limit the length of time someone can be kept on probation to 5 years or less. Pennsylvania does not. Pennsylvania is one of only eight States that does not impose a cap on the number of years a person can be placed on probation. We need to talk about making certain we limit probation to 5 years and we must reform how we handle, more specifically, technical parole violations. As a Member of the Committee on Judiciary, we made several attempts along those lines to address that, to no avail. We need to continue to talk about that. Lastly, Mr. President, nobody should be incarcerated simply because they are poor, but the widespread use of cash bail does just that. Keeping low-income people locked up while wealthier people can buy their way out of jail, with respect to bail, needs to change, and we need to have that conversation. We must significantly limit the use of cash bail and eliminate it entirely for low-level offenses.

Mr. President, we have a new Session that is upon us and we have new opportunities to be able to incorporate these policy decisions and discussions into our conversation about how we set forth our general appropriations bill and accompanying pieces of legislation that come along those lines. This is our opportunity to be able to do that, and I am asking my colleagues to try to make these issues that I just referenced priorities in this Chamber and also part of the conversation in the General Assembly. These are things that I intend to be working on as we move forward, and I encourage my colleagues to join me and many of my other colleagues along the lines of many of these issues.

Thank you, Mr. President.

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

Senator HUGHES. Mr. President, I just had to deal with some housekeeping matters here with Senator Costa's glasses. I wanted to make sure he saw them so he would not forget them.

Mr. President, I rise once again, today, to comment to some extent on today's proceedings with the Governor's Budget Address, but also, Mr. President, a comment on yesterday's dialogue around the issue that is impacting hundreds of thousands of

Pennsylvania's low-income and working individuals, and that is the minimum wage. I will be as succinct as I can. The Governor did not raise, during the course of today's conversation, the issue of minimum wage. However, in his budget documents they are referred to, and he has indicated in his budget documents that an increase in the minimum wage here in Pennsylvania would yield probably about \$119 million to \$120 million to the good for the State budget by paying people more, paying people at a wage above the Federal poverty level, which is where folks are paid at this moment, is good economic sense for those individuals and those families, but is also good economic sense for the Commonwealth as a whole, growing the State's economy from the bottom up, if you will, from those low-income and low-wage workers as those dollars filter throughout the economic reality of their communities. It drives the economic reality of all sectors of our communities, and, if you will, provides for growth exactly where it needs to occur - in the pockets of those individuals who have not had the opportunity to experience personal economic growth because they still work in low-income environments.

Although the Governor did not mention it today in his Budget Address, I felt that it was important that we lay it on the record here today, that it is an important part of this budget process, something that needs to get all the way home, does not need to be a missed agenda item as we get to a June 30 resolve of the State budget. But we also want to remind folks, as we talk in broad scales about the numbers in a \$34 billion State budget, Mr. President, we need to be mindful that, once again, these individuals we are speaking about are, in many cases, and I will just pick one class, the tip scale worker, the wait staff in restaurants, and especially the tip scale worker, that wait staff has not had an increase in the tip wage since 1996. Allow that to set in people's minds that we are talking roughly 23 years ago, that there has not been an increase in the tip scale wage. \$2.83 an hour, and just to remind folks, ask them to think about what life would be like for them at \$2.83 an hour. Even with the tips that folks receive, almost half of these individuals, and I could be wrong, but almost half of these individuals still depend upon some kind of public support by the Commonwealth of Pennsylvania or the Federal government to get through. They have not had an increase since 1996. Those are tip scale workers. Our policy is keeping these individuals living at a wage in poverty. That is not acceptable. That does not represent the best of us.

If you look at the overall workforce, Mr. President, I will remind folks, once again, that we have not had a wage increase since 2009, when the Federal government finally adopted a policy and a program that we as a legislature had adopted in 2006. So 2009-2019, a decade has passed, no change in income, no change in wage. This has got to be something that changes. We should put a face on that, however, Mr. President.

This Senate will be in recess until the middle of March. However, many of us will be here in the Capitol conducting budget hearings of the various departments of the Commonwealth of Pennsylvania examining their projected spend. So we will be here, we will be working. The legislature as a whole will not. But I ask folks as they travel around their respective communities to think about the individuals they are interacting with. Ask the question, either directly or ask the question internally, what is this person's income, what is this person's economic reality? Think about it. That security guard that you may be interacting with, likely a low-income worker. If you have family members

who require some extra level of care, maybe they are seniors and need a little extra help at home to take care of them, to take care of their circumstance, take care of their situation, that person is likely a low-wage worker. If you are dealing with children or grandchildren who may be in child care, more than likely that individual is a low-wage worker. If you are shopping and traveling around your neighborhood and traveling around your community, more than likely a significant percentage of those individuals you are engaging with are low-wage workers. They have not seen, structurally, in 10 years some kind of impact on their bottom line in their household, and, consequently, the divide between rich and poor has only grown, not shrunk.

So, these comments, Mr. President, and I will end up here, are only comments to ask all of us, as we go about our business over the next 30 days or so until we reconvene here in the Senate and our colleagues reconvene in the House, as we go about our business, ask ourselves the question of economic fairness, ask ourselves a question of economic decency, ask ourselves a question, the moral question, are we doing right by our brothers and sisters? Are we looking out for their best interests? And, in fact, it is in our own self-interest, are we looking out for ourselves by taking care of, by making sure that those low-wage workers in this Commonwealth of Pennsylvania are not working in a poverty situation but are, in fact, on their way to personal economic security, and hopefully, prayerfully, economic empowerment. Ask ourselves this question, Mr. President; ask ourselves this question.

Thank you, Mr. President.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

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

Senator Wayne Langerholc as a member of the Pennsylvania Commission on Crime and Delinquency, and as a member of the Pennsylvania Commission on Sentencing.

Senator Michael Regan to serve in his stead as a member of the Pennsylvania Emergency Management Council.

GENERAL COMMUNICATIONS

APPOINTMENTS TO COMMITTEE ON ETHICS AND OFFICIAL CONDUCT

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

SENATE OF PENNSYLVANIA

February 5, 2019

TO: The Honorable Megan Martin
Secretary of the Senate

FROM: Senator Joe Scarnati
President Pro Tempore

SUBJECT: Senate Committee on Ethics and Official Conduct

Pursuant to Senate Rule 34a, and in the case of the Minority members upon the recommendation of the Minority Leader, as President Pro Tempore of the Senate, I hereby appoint the following Senators to the Committee on Ethics and Official Conduct:

Senator Gene Yaw, Chairman
Senator Anthony Williams, Vice Chairman
Senator Camera Bartolotta
Senator John Blake
Senator John Gordner
Senator Christine Tartaglione

RESIGNATION OF MEMBER FROM STANDING COMMITTEE OF THE SENATE

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

SENATE OF PENNSYLVANIA

February 4, 2019

Senator Jay Costa
535 Main Capitol
Harrisburg, PA 17120

Dear Sen. Costa:

I am writing to respectfully request that I be removed as a member of the Senate Labor & Industry Committee effective immediately.

I thank you for your consideration of this matter. Should you have any questions about this request, please do not hesitate to contact me.

Sincerely,

JOHN T. YUDICHAK
14th Senatorial District

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, March 18, 2019, at 1 p.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 3:33 p.m., Eastern Standard Time.