

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

WEDNESDAY, MAY 6, 2020

SESSION OF 2020 204TH OF THE GENERAL ASSEMBLY

No. 17

SENATE

WEDNESDAY, May 6, 2020

The Senate met at 12:33 p.m., Eastern Daylight Saving Time.

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

PRAYER AND PLEDGE DISPENSED WITH

The PRESIDENT pro tempore. Without objection, we will dispense with the prayer and the Pledge of Allegiance for today's Session.

**COMMUNICATION FROM THE
PRESIDENT PRO TEMPORE**

RECALL OF REGULAR SESSION

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

SENATE OF PENNSYLVANIA

May 5, 2020

TO: President and All Members of the Senate
FROM: Senator JOE SCARNATI
President Pro Tempore
RE: Recall to Session
Wednesday, May 6, 2020, 12:30 p.m.

Consistent with the recess motion made on April 29, 2020, the Senate is recalled for session on Wednesday, May 6, 2020, at 12:30 p.m., for the purpose of signing bills.

COMMUNICATION FROM THE GOVERNOR

SENATE BILL RETURNED WITHOUT APPROVAL

The PRESIDENT pro tempore laid before the Senate the following veto communication in writing from His Excellency, the Governor of the Commonwealth, advising that the following Senate Bill had been returned without approval:

SB 857, entitled:

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, providing for telemedicine, authorizing the regulation of telemedicine by professional licensing boards and providing for insurance coverage of telemedicine.

The Clerk read the veto message as follows:

COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR
HARRISBURG

April 29, 2020

TO THE HONORABLE SENATE OF THE
COMMONWEALTH OF PENNSYLVANIA

Pursuant to Article IV, Section 15 of the Pennsylvania Constitution, I am returning herewith, without my approval, Senate Bill 857, Printer's Number 1388.

I recognize the importance of telemedicine and support actions to expand telemedicine access and use across the Commonwealth. Telemedicine is a valuable option in the delivery of health care services, especially during these trying times. However, it is crucially important to ensure this access is equitable and does not restrict medical treatment and services.

Physicians and their patients must be able to make choices about medical procedures based on best practices and standards of care, and telemedicine can be an important and accessible way to assist in making those choices. I supported a prior printer's number of the bill, but as amended in the House of Representatives, this legislation arbitrarily restricts the use of telemedicine for certain doctor-patient interactions. As amended, this bill interferes with women's health care and the crucial decision-making between patients and their physicians.

Furthermore, this legislation does not address the current need for telemedicine services during this COVID-19 emergency, when in-person interactions of so many kinds are inadvisable. My administration supported the inclusion of language to require health insurers to reimburse health care providers for the provision of needed telemedicine health care services during this health emergency, at the same rate as if they had been provided in person. Instead, this bill only requires the coverage and payment of telemedicine services to begin no sooner than 6 months after the effective date of the bill.

Given the potential for widespread transmission of COVID-19 across Pennsylvania, my administration has been taking a number of steps to ensure that patients in need of vital health care services are receiving them in a timely, safe, and appropriate manner. These steps expand and promote telehealth for physical health, behavioral health, and substance use disorder services and expand the use of telemedicine in the Medical Assistance Program and the Children's Health Insurance Program (CHIP).

For the reasons set forth above, I must withhold my signature from Senate Bill 857, Printer's Number 1388.

Sincerely,

TOM WOLF
Governor

The PRESIDENT pro tempore. The bill and veto message will be laid on the table.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 67**, with the information the House has passed the same without amendments.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 360**.

HOUSE BILLS FOR CONCURRENCE

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

May 6, 2020

HB 327 -- Committee on Law and Justice.

HB 2376 -- Committee on Veterans Affairs and Emergency Preparedness.

HB 2388, 2400, 2412 and 2429 -- Committee on Community Economic and Recreational Development.

BILLS INTRODUCED AND REFERRED

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

April 30, 2020

Senators PHILLIPS-HILL, MARTIN, MENSCH, STEFANO, BARTOLOTTA, BREWSTER, ARNOLD, BAKER, GORDNER, VOGEL, DINNIMAN, SCAVELLO, PITTMAN, MASTRIANO and REGAN presented to the Chair **SB 1112**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in alternative form of regulation of telecommunications services, further providing for additional powers and duties of commission.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, April 30, 2020.

Senators PITTMAN, BROOKS, STREET, PHILLIPS-HILL, BARTOLOTTA, SCHWANK, HUTCHINSON, BLAKE, MENSCH, J. WARD, SCARNATI, LAUGHLIN, YAW, SCAVELLO, STEFANO, AUMENT, BAKER and BROWNE presented to the Chair **SB 1118**, entitled:

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, providing for broadband services.

Which was committed to the Committee on COMMUNICATIONS AND TECHNOLOGY, April 30, 2020.

Senators IOVINO, FARNESE, TARTAGLIONE, MUTH, ARGALL, STREET, COSTA, SCHWANK and FONTANA presented to the Chair **SB 1127**, entitled:

An Act relating to property and business interruption insurance coverage for COVID-19 Pandemic-related Losses.

Which was committed to the Committee on BANKING AND INSURANCE, April 30, 2020.

Senators FONTANA, BREWSTER, FARNESE, SANTARSIERO, MUTH, COSTA, IOVINO, A. WILLIAMS, HAYWOOD, BOSCOLA and BLAKE presented to the Chair **SB 1129**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, providing for voting by all-mail; and, in penalties, further providing for violations of provisions relating to absentee and mail-in ballots.

Which was committed to the Committee on STATE GOVERNMENT, April 30, 2020.

Senators MASTRIANO, MARTIN and PHILLIPS-HILL presented to the Chair **SB 1130**, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, in boards and offices, providing for Commonwealth Office of Management and Budget.

Which was committed to the Committee on INTERGOVERNMENTAL OPERATIONS, April 30, 2020.

Senators MASTRIANO, MARTIN and PHILLIPS-HILL presented to the Chair **SB 1131**, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, in boards and offices, establishing the Department of Business, Tourism and Workforce Development and transferring specific powers and duties from the Department of Labor and Industry, the Department of Community and Economic Development and the Department of State to the Department of Business, Tourism and Workforce Development.

Which was committed to the Committee on INTERGOVERNMENTAL OPERATIONS, April 30, 2020.

Senators HUGHES, FONTANA, SANTARSIERO, COSTA, SCHWANK, MUTH, FARNESE and STREET presented to the Chair **SB 1132**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in limitation of time, providing for action in judicial emergency.

Which was committed to the Committee on JUDICIARY, April 30, 2020.

Senators MASTRIANO, GORDNER, PITTMAN and J. WARD presented to the Chair **SB 1133**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, in powers and duties in general, providing for information technology billing verification.

Which was committed to the Committee on STATE GOVERNMENT, April 30, 2020.

Senators MARTIN, AUMENT, VOGEL, PHILLIPS-HILL, GORDNER, MENSCH, YAW, BAKER, ARGALL, REGAN, LAUGHLIN, BARTOLOTTA, MASTRIANO, ARNOLD, BROOKS, J. WARD, PITTMAN, STEFANO, HUTCHINSON,

YUDICHAK, BOSCOLA, SCHWANK, COLLETT and DINNIMAN presented to the Chair **SB 1134**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for emergency COVID-19 provisions.

Which was committed to the Committee on COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT, April 30, 2020.

Senators BOSCOLA, PHILLIPS-HILL, FONTANA, MARTIN, SCAVELLO, SCHWANK, ARGALL, MENSCH, KILLION, BAKER, STEFANO, J. WARD, DINNIMAN, MASTRIANO, ARNOLD and REGAN presented to the Chair **SB 1135**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for emergency COVID-19 provisions.

Which was committed to the Committee on COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT, April 30, 2020.

Senators BROWNE, MENSCH, MARTIN, KILLION and STEFANO presented to the Chair **SB 1139**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in sentencing, further providing for payment of court costs, restitution and fines.

Which was committed to the Committee on JUDICIARY, April 30, 2020.

GENERAL COMMUNICATION

INTERGOVERNMENTAL COOPERATION AUTHORITY FOR HARRISBURG

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

The Intergovernmental Cooperation Authority
for Harrisburg
2205 Forest Hills Drive #10
Harrisburg, PA 17112

April 30, 2020

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| The Honorable Tom Wolf Governor Commonwealth of Pennsylvania | The Honorable Mike Turzai Speaker Pennsylvania House of Representatives |
| The Honorable Joe Scarnati President Pro Tempore Pennsylvania Senate | The Honorable Frank Dermody Minority Leader Pennsylvania House of Representatives |
| The Honorable Jay Costa Minority Leader Pennsylvania Senate | The Honorable Stan Saylor Chair House Appropriations Committee |
| The Honorable Patrick M. Browne Chair Senate Appropriations Committee | The Honorable Matthew D. Bradford Minority Chair House Appropriations Committee |
| The Honorable Vincent J. Hughes Minority Chair Senate Appropriations Committee | The Honorable Wanda R.D. Williams President Harrisburg City Council |
| The Honorable Eric R. Papenfuse Mayor and Chief Fiscal Officer City of Harrisburg | The Honorable Charles DeBrunner Controller City of Harrisburg |
| The Honorable Ben Allatt Vice President Harrisburg City Council | |

Re: Intergovernmental Cooperation Authority for Harrisburg, Annual Report to the Governor and General Assembly

Dear Governor, Legislative Leaders, and City Officials:

Please find enclosed the annual report to the Governor and General Assembly as required pursuant to the Intergovernmental Cooperation Authorities Act for Cities of the Third Class (Act of October 24, 2018, P.L. 751, No. 124). This report presents the appraisal of the progress of the City for Harrisburg ("City") by the Intergovernmental Cooperation Authority for Harrisburg ("Authority").

Over the past year, the Authority members have come together dedicated to serving Harrisburg and the community as a united and aligned body. Our talents and backgrounds are diverse and our experience runs deep allowing a broad base on which to draw to help the City. This report reflects the consensus of the voting members of the Board.

The Authority has identified several potential strategies to promote growth and financial sustainability, many of which are explored in greater detail in the attached report. I am personally heartened by the incredible offers of support to help the City that have come from our partners such as Dauphin County, the Harrisburg Regional Chamber & CREDC, members of the legislature, DCED, and local nonprofit and civic entities, as well as members of the business community.

Key to engaging many of these partners is the development of a Community and Economic Development Plan (CED Plan). The City has no CED Plan. Such a Plan is central to the Intergovernmental Cooperation Agreement ("Agreement") that the Authority is trying to forge with the City to help it exit Act 47. Until this foundation is set, the City cannot begin to move forward with disciplined outward focused energy.

Development of a comprehensive plan is a paramount first step toward implementation of a CED Plan. While there was indication that a new version of a comprehensive plan would be ready for City Council review in January, it appears to be stalled while tied up in litigation with a consultant on the plan. The Authority encourages the City to move forward to develop and adopt its new plan as expeditiously as possible.

Forward movement on an Agreement with the City has been hampered by Mayor Papenfuse's refusal to have a negotiating session with all interested parties. The Authority insists on, and the Mayor objects to, the adoption of generally accepted accounting principles and the emphasis on inclusion of a CED component.

At the same time, the City must submit its annual revision of the Five-Year Financial Plan. The Authority granted the City an extension to October 31, 2020, due to the economic uncertainty of the pandemic. Authority members identified important reservations and areas of concern with the original plan which it has communicated to the City. We believe the Plan can be improved to provide achievable goals to guide City expenditures, draw attention to cost savings, and target revenue maximization. Moreover, now is the time to address longstanding and material weaknesses in the City's accounting and financial reporting practices that has earned it far too many material findings by the independent auditors.

Unfortunately, cooperation from the City has not been as forthcoming as we would like. As the year unfolded it became clear that the City leadership views the Authority's mission narrowly. That perspective manifests itself in a general dismissal of the Authority and its oversight responsibilities as outlined in the Act. The City expresses its narrow view of the Authority's role as solely to lobby the legislature for a permanent extension of the City's temporary authority to levy extraordinary taxes.

While none of us can project the short and long term impact of the COVID-19 pandemic on the City, the Authority is dedicated to moving forward fully supportive of and working in concert with the City. When we collectively reach the other side, the City must be ready to re-imagine itself in light of the social and economic disruptions the pandemic has caused and to quickly take advantage of federal and state stimulus opportunities. The remaining four years of its extraordinary taxing authority provide a base from which the City can emerge as a stronger and more resilient version of its former self.

Please feel free to reach out to me if you have any questions, suggestions or requests for changes in the future.

Sincerely,
AUDRY CARTER, Chair

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

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDENT pro tempore. The President pro tempore has made the following appointments:

Mr. Aji Abraham, Esquire, as a member of the Pennsylvania Health Insurance Exchange Authority.

Mr. Peter Varischetti as a Commonwealth Trustee of the University of Pittsburgh.

CALENDAR OVER IN ORDER

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Fayette, Senator Stefano.

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

The motion was agreed to by voice vote.

BILLS SIGNED

The PRESIDENT pro tempore (Senator Joseph B. Scarnati III) in the presence of the Senate signed the following bills:

SB 67 and **HB 360**.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

THURSDAY, MAY 7, 2020

10:30 A.M. AGING AND YOUTH and HEALTH AND HUMAN SERVICES (joint public hearing on nursing homes and the challenges during COVID-19) Senate Chamber (LIVE STREAMED)

MONDAY, MAY 11, 2020

11:00 A.M. EDUCATION (public hearing on Continuity of Education COVID-19) Senate Chamber (LIVE STREAMED)

Off the Floor APPROPRIATIONS (to consider Senate Bills No. 1128 and 1148) Senate Chamber (LIVE STREAMED)

Off the Floor COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT (to consider House Bills No. 2388, 2412, 2429 and 2433) Senate Chamber (LIVE STREAMED)

Off the Floor FINANCE (to consider Senate Bills No. 1041 and 1100; and House Bill No. 2408) Senate Chamber (LIVE STREAMED)

Off the Floor LAW AND JUSTICE (to consider House Bills No. 327 and 1048) Senate Chamber (LIVE STREAMED)

TUESDAY, MAY 12, 2020

11:00 A.M. TRANSPORTATION (public hearing to discuss COVID-19 impacts to Pennsylvania's transportation system; testifiers will include senior officials from PennDOT & the PA Turnpike) Senate Chamber (LIVE STREAMED)

RECESS

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Fayette, Senator Stefano.

Senator STEFANO. Mr. President, I move that the Senate do now recess to the call of the President pro tempore.

The motion was agreed to by voice vote.

The PRESIDENT pro tempore. The Senate stands in recess to the call of the President pro tempore.

AFTER RECESS

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

RECESS

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

Senator CORMAN. Mr. President, I move that the Senate do now recess until May 11, 2020, at 2:09 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 10:59 p.m., Eastern Daylight Saving Time.