

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

TUESDAY, MAY 26, 2020

SESSION OF 2020 204TH OF THE GENERAL ASSEMBLY

No. 22

SENATE

TUESDAY, May 26, 2020

The Senate met at 7:13 p.m., Eastern Daylight Saving Time.

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

PRAYER

The following prayer was offered by Hon. MEGAN MARTIN, Secretary of the Senate:

Let us pray.

Heavenly Father, yesterday was Memorial Day, so it is only fitting that we take a moment tonight to thank You for our veterans, past and present, some of whom are present at this Session, and to remember their service and devotion to our great nation. I say it all the time to my children, we are blessed with so much which has been given to us by the sacrifice of so many. Lord, we pray that You continue to watch over and be with our veterans and their families wherever they may go. Let us demonstrate this day, and all days, through our words and our actions, that we are truly grateful for our blessings that have been won by their sacrifice. Amen.

PLEDGE OF ALLEGIANCE

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

GENERAL COMMUNICATION

RECALL OF REGULAR SESSION

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

SENATE OF PENNSYLVANIA

May 25, 2020

TO: President and All Members of the Senate
FROM: Senator JOE SCARNATI
President Pro Tempore
RE: Recall to Session
Tuesday, May 26, 2020, 7:00 p.m.

Consistent with the recess motion made on May 18, 2020, the Senate is recalled for voting session on Tuesday, May 26, 2020, at 7:00 p.m.

COMMUNICATIONS FROM THE GOVERNOR

**RECALL COMMUNICATIONS
REFERRED TO COMMITTEE**

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

MEMBER OF THE STATE BOARD OF CHIROPRACTIC

May 21, 2020

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 12, 2020, of Kenneth Pennell, 951 Northridge Drive, Mars 16046, Butler County, Twenty-first Senatorial District, for appointment as a member of the State Board of Chiropractic, to serve for a term of four years, and until the successor is appointed and qualified, but not longer than six months beyond that period, vice George Khoury, Bridgeville, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

TOM WOLF
Governor

**MEMBER OF THE ARCHITECTS
LICENSURE BOARD**

May 26, 2020

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 12, 2020, of Jennifer Bee, 4978 Lakewood Road, Gibsonia 15044, Allegheny County, Thirty-eighth Senatorial District, for appointment as a member of the Architects Licensure Board, to serve for a term of four years, and until the successor is appointed and qualified, but not longer than six months beyond that period, vice John Hill, Allentown, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

TOM WOLF
Governor

MEMBER OF THE STATE BOARD OF PHARMACY

May 26, 2020

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 6, 2020, of Moriah Hathaway, 1009 Roman Knoll Court, Harrisburg 17109, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Pharmacy, to serve for a term of six years, and until the successor is appointed and qualified, but not longer than six months beyond that period, vice Mark Zilner, Indiana, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

TOM WOLF
Governor

NOMINATIONS REFERRED TO COMMITTEE

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

MEMBER OF THE STATE BOARD
OF FUNERAL DIRECTORS

May 21, 2020

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, Milian Rodriguez, 3827 J Street, Philadelphia 19124, Philadelphia County, Second Senatorial District, for reappointment as a member of the State Board of Funeral Directors, to serve for a term of five years, and until the successor is appointed and qualified, but not longer than six months beyond that period.

TOM WOLF
Governor

MEMBER OF THE PENNSYLVANIA
LIQUOR CONTROL BOARD

May 21, 2020

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, Tim Holden, 31 Pearl Street, Saint Clair 17970, Schuylkill County, Twenty-ninth Senatorial District, for reappointment as a member of the Pennsylvania Liquor Control Board, to serve until May 21, 2024, and until the successor is appointed and qualified, but not longer than six months beyond that period.

TOM WOLF
Governor

MEMBER OF THE STATE BOARD OF MEDICINE

May 21, 2020

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, Walter Eisenhower, 83 Pansey Drive, Jersey Shore 17740, Lycoming County, Twenty-third Senatorial District, for appointment as a member of the State Board of Medicine, to serve for a term of four years, and until the successor is appointed and qualified, but not longer than six months beyond that period, vice John Mitchell, Newtown Square, whose term expired.

TOM WOLF
Governor

MEMBER OF THE ARCHITECTS
LICENSURE BOARD

May 26, 2020

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, William J. Bates, 57 Marlin Drive West, Pittsburgh 15216, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the Architects Licensure Board, to serve for a term of four years, and until the successor is appointed and qualified, but not longer than six months beyond that period, vice John Hill, Allentown, whose term expired.

TOM WOLF
Governor

MEMBER OF THE STATE BOARD OF PHARMACY

May 26, 2020

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, John R. Slagle, 12308 Route 208, Shipperville 16254, Clarion County, Twenty-first Senatorial District, for appointment as a member of the State Board of Pharmacy, to serve for a term of six years, and until the successor is appointed and qualified, but not longer than six months beyond that period, vice Mark Zilner, Indiana, whose term expired.

TOM WOLF
Governor

**CORRECTIONS TO NOMINATIONS
REFERRED TO COMMITTEE**

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

MEMBER OF THE STATE BOARD OF COSMETOLOGY

May 21, 2020

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

Please note that the letter dated May 12, 2020, for the nomination of Elisa Gonzalez, 7222 Guyer Avenue, Philadelphia 19153, Philadelphia County, Eighth Senatorial District, for reappointment as a member of the State Board of Cosmetology, to serve for a term of three years, and until the successor is appointed and qualified, but not longer than six months beyond that period, should be corrected to read:

Elisa Brown, 7222 Guyer Avenue, Philadelphia 19153, Philadelphia County, Eighth Senatorial District, for reappointment as a member of the State Board of Cosmetology, to serve for a term of three years, and until the successor is appointed and qualified, but not longer than six months beyond that period.

MEMBER OF THE STATE BOARD OF OPTOMETRY

May 21, 2020

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

Please note that the letter dated May 12, 2020, for the nomination of Denise Wilcox, 3990 South Mallard Lane, Doylestown 18902, Bucks County, Tenth Senatorial District, for appointment as a member of the State Board of Optometry, to serve until February 5, 2022, and until the successor is appointed and qualified, but not longer than six months beyond that period, vice Davis Haire, Meshoppen, resigned, should be corrected to read:

Denise Wilcox, 3990 South Mallard Lane, Doylestown 18902, Bucks County, Tenth Senatorial District, for appointment as a member of the State Board of Optometry, to serve until May 22, 2021, and until the successor is appointed and qualified, but not longer than six months beyond that period, vice Gerald Olson, Monroeville, resigned.

SENATE BILL RETURNED WITHOUT APPROVAL

The PRESIDING OFFICER 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 327, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for COVID-19 emergency statutory and regulatory suspensions and waivers reporting requirements, for COVID-19 debt cost reduction review and for COVID-19 Cost and Recovery Task Force; in powers and duties of the Department of General Services and its departmental administrative and advisory boards and commissions, providing for report of State facilities owned or leased; providing for emergency regulatory tolling and for COVID-19 county emergency mitigation plan for businesses; and making an appropriation.

The Clerk read the veto message as follows:

COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR
HARRISBURG

May 19, 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 327, Printer's Number 1700.

We are facing extraordinary challenges as we confront the COVID-19 pandemic. During the last two months, life as we have known it in the Commonwealth has changed dramatically. We have made difficult but necessary sacrifices which have included shuttering schools and non-life sustaining businesses as we shelter in place. These sacrifices have been effective in flattening the curve, preventing our healthcare system from being overwhelmed by a surge of COVID-19 cases, and saving lives.

Because of the success of these early mitigation efforts, we are now focused on a plan to reopen Pennsylvania while prioritizing the health and welfare of its citizens. Our reopening plan uses a combination of factors, including statistical metrics developed in collaboration with Carnegie Mellon University, to evaluate when and to what extent our communities can safely reopen while guarding against a COVID-19 resurgence. We have developed a data-driven, color-coded system that transitions counties from the most restrictive red phase to the intermediate yellow phase (limited reopening) and ultimately to the least restrictive green phase. As part of our ongoing progress towards reopening, thirty-seven of the Commonwealth's sixty-seven counties have moved from the red to the yellow phase. We will continue to monitor and assess the data, county by county, to maximize our economic recovery while minimizing public health risks.

We reach our shared goal by taking a measured and integrated approach to reopening businesses, building upon the progress we have made. This bill authorizes the exact opposite, a disjointed patchwork approach under which each county would make critical decisions that have Commonwealth-wide effects. Rather than fracturing into counties, we must continue to work together, as Pennsylvanians, to keep each other safe.

This bill also inexplicably prohibits Commonwealth agencies from performing an essential governmental operation, the promulgation of regulations, until ninety days after the disaster emergency declaration is terminated unless the legislature grants permission for a regulation to advance. This prohibition is a legislative infringement on executive rule-making authority and violates the separation of powers which is critical to the proper functioning of our democracy.

For the reasons set forth above, I must withhold my signature from Senate Bill 327, Printer's Number 1700.

Sincerely,

TOM WOLF
Governor

The PRESIDING OFFICER. The bill and veto message will be laid on the table.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate **SB 275** and **SB 863**, with the information the House has passed the same without amendments.

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 21, 2020

HB 2459 -- Committee on Community, Economic and Recreational Development.

May 25, 2020

HB 703 and **2173** -- Committee on Education.
HB 1769 -- Committee on Banking and Insurance.
HB 1827, 2016 and **2056** -- Committee on Judiciary.
HB 2319 -- Committee on Transportation.
HB 2419 -- Committee on Veterans Affairs and Emergency Preparedness.
HB 2455 -- Committee on Health and Human Services.

HB 2463, 2502 and 2505 -- Committee on State Government.
HB 2510 -- Committee on Appropriations.
HB 2517 -- Committee on Community, Economic and Recreational Development.

May 26, 2020

HB 2506 and 2513 -- Committee on Law and Justice.

BILLS INTRODUCED AND REFERRED

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

May 21, 2020

Senators A. WILLIAMS, SCHWANK, FARNESE, FONTANA, TARTAGLIONE, BREWSTER and COSTA presented to the Chair **SB 1152**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code, in public assistance, providing for pregnancy-related and postpartum medical assistance.

Which was committed to the Committee on HEALTH AND HUMAN SERVICES, May 21, 2020.

Senators A. WILLIAMS, STREET, COSTA and KEARNEY presented to the Chair **SB 1153**, 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 classes of income.

Which was committed to the Committee on FINANCE, May 21, 2020.

Senators MENSCH, MASTRIANO, PHILLIPS-HILL, LANGERHOLC, ARGALL, BAKER, BARTOLOTTA, DiSANTO, REGAN, SCAVELLO, J. WARD, ARNOLD, BOSCOLA, SCHWANK, PITTMAN and STEFANO presented to the Chair **SB 1154**, 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, May 21, 2020.

Senators ARNOLD, MENSCH, HUTCHINSON, LANGERHOLC, J. WARD and STEFANO presented to the Chair **SB 1157**, 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, May 21, 2020.

May 25, 2020

Senators BROOKS, ARGALL, ARNOLD, BAKER, KILLION, PHILLIPS-HILL and SCAVELLO presented to the Chair **SB 1140**, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in COVID-19 disaster emergency, providing for personal protective equipment for polling place workers.

Which was committed to the Committee on HEALTH AND HUMAN SERVICES, May 25, 2020.

Senator BOSCOLA presented to the Chair **SB 1162**, entitled:

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, in contributions from employers and employees, further providing for relief from charges.

Which was committed to the Committee on LABOR AND INDUSTRY, May 25, 2020.

Senators BROOKS, MENSCH, ARGALL, ARNOLD, BAKER, HUTCHINSON, PHILLIPS-HILL, REGAN, STEFANO and YAW presented to the Chair **SB 1163**, entitled:

An Act authorizing counties and municipalities to distribute emergency funds to fire companies during the COVID-19 pandemic; and providing for distribution and receipt of funds.

Which was committed to the Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, May 25, 2020.

Senators J. WARD, REGAN, MASTRIANO, PHILLIPS-HILL, SANTARSIERO, MENSCH, BROOKS, YAW, ARNOLD, LANGERHOLC, ARGALL, BAKER, STEFANO, PITTMAN, K. WARD, AUMENT and DINNIMAN presented to the Chair **SB 1164**, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, in coroner, further providing for coroner's investigation.

Which was committed to the Committee on LOCAL GOVERNMENT, May 25, 2020.

Senators TOMLINSON, MENSCH and GORDNER presented to the Chair **SB 1165**, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, providing for countywide reopening plan for businesses.

Which was committed to the Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, May 25, 2020.

Senators BROOKS, HUTCHINSON, KILLION, J. WARD, COSTA, KEARNEY and SANTARSIERO presented to the Chair **SB 1167**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for National Guard service tax credit.

Which was committed to the Committee on FINANCE, May 25, 2020.

May 26, 2020

Senators YAW, MENSCH, MASTRIANO, GORDNER, LANGERHOLC, DiSANTO, ARNOLD, J. WARD and PITTMAN presented to the Chair **SB 1155**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for establishment outdoor space operation.

Which was committed to the Committee on LAW AND JUSTICE, May 26, 2020.

Senators YAW, MENSCH, MASTRIANO, GORDNER, LANGERHOLC, DiSANTO, ARNOLD, J. WARD and PITTMAN presented to the Chair **SB 1156**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for establishment indoor space operation.

Which was committed to the Committee on LAW AND JUSTICE, May 26, 2020.

RESOLUTION INTRODUCED AND REFERRED

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

May 25, 2020

Senators STREET, SANTARSIERO, BREWSTER, COSTA, LEACH, A. WILLIAMS, KEARNEY, MUTH and DINNIMAN presented to the Chair **SR 328**, entitled:

A Resolution urging the Department of Human Services to submit a request to the United States Department of Agriculture to participate in the Supplemental Nutrition Assistance Program Online Purchasing Pilot.

Which was committed to the Committee on HEALTH AND HUMAN SERVICES, May 25, 2020.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The President pro tempore, Senator Scarnati, has made the following appointment:

Mr. Luke Brubaker as a member of the State Agricultural Land Preservation Board.

BILLS REPORTED FROM COMMITTEE

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

HB 30 (Pr. No. 3853) (Amended)

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, in anatomical gifts, further providing for The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund contributions.

HB 1510 (Pr. No. 3854) (Amended)

An Act designating a portion of Pennsylvania Route 183 from Segment 0040/Offset 2555 to Segment 110/Offset 1180 in Berks County as the Trooper Wayne C. Ebert Memorial Highway; designating

a bridge on that portion of S.R. 2087 over Inners Creek near Lake Redman, York Township, York County, as the Corporal Michael Cohen Memorial Bridge; designating a portion of State Route 50 in Mount Pleasant Township, Washington County, as the Corporal Brady Clement Paul Memorial Highway; designating the Morgan Road Bridge over Interstate 79 in Cecil Township, Washington County, as the Wreathes Across America Bridge; designating the Interstate 70 Exit 17 in City of Washington, Washington County, as the Sergeant Russell Crupe, Jr., Memorial Exit; designating a bridge, identified by Bridge Key 7381, on that portion of North Main Street over the East Branch Perkiomen Creek, Sellersville Borough, Bucks County, as the Sellersville Veterans Memorial Bridge; designating a portion of Pennsylvania Route 39 in Dauphin County, from Dover Road to Forest Hills Drive, as the Officer Mark Gaspich Memorial Highway; designating a bridge, identified as Bridge Key 11414, on U.S. Route 219 in Brady Township, Clearfield County, as the Lance Corporal Robert Clyde Gontero Memorial Bridge; designating a bridge, identified by Bridge Key 46789, on that portion of State Route 3012 over Back Creek on the Border of Hamilton Township and St. Thomas Township, Franklin County, as the Sergeant Melvin G. Ehrhart Memorial Bridge; designating a bridge on that portion of State Route 8042 over U.S. Route 40, West Brownsville Borough, Washington County, as the SFC Thomas McDonough Memorial Bridge; designating the bridge, identified as Bridge Key 53827, on that portion of State Route 2003, also known as S. Porter Street, over the South Fork Tummle Creek in Waynesburg, Greene County, as the Sheriff Brian A. Tennant Memorial Bridge; designating the interchange of State Route 43, also known as the Mon-Fayette Expressway, with U.S. Route 40, known as Exit 22, in Redstone Township, Fayette County, as the PFC Joseph Frank Duda Memorial Interchange; and designating the interchange of U.S. Route 40 with State Route 4035, also known as Market Street and Spring Street, in Brownsville, Fayette County, as the Corporal Denny Ray Easter Memorial Interchange.

HB 1710 (Pr. No. 3855) (Amended)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in registration of vehicles, providing for USA semiquincentennial registration plates.

LEGISLATIVE LEAVES

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

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

The PRESIDING OFFICER. The Chair recognizes the gentleman from Allegheny, Senator Costa.

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

The PRESIDING OFFICER. Senator Corman requests a legislative leave for Senator Scarnati.

Senator Costa requests a legislative leave for Senator Leach. Without objection, the leaves will be granted.

JOURNAL APPROVED

The PRESIDING OFFICER. The Journal of the Session of April 15, 2020, is now in print.

The Clerk proceeded to read the Journal of the Session of April 15, 2020.

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

On the question,

Will the Senate agree to the motion?

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

YEA-50

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

NAY-0

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

The PRESIDING OFFICER. The Journal is approved.

RECESS

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

Senator CORMAN. Mr. President, I request a recess of the Senate for purposes of off-the-floor committee meetings to be held here on the floor of the Senate, beginning with the Committee on Rules and Executive Nominations, followed by the Committee on Labor and Industry, and then followed by the Committee on Appropriations.

The PRESIDING OFFICER. Senator Corman requests a recess of the Senate for purposes of off-the-floor committee meetings to be held here on the Senate floor, beginning with the Committee on Rules and Executive Nominations, followed by the Committee on Labor and Industry, and then followed by the Committee on Appropriations, without objection, the Senate stands in recess.

AFTER RECESS

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

ANNOUNCEMENT BY THE PRESIDING OFFICER

The PRESIDING OFFICER. For the information of the Committee on Appropriations, the meeting will be starting in just a few minutes. We are waiting for two more bills to return from the House of Representatives that were approved. Once those bills are returned, we will start with the committee meeting immediately. So stay ready, but we are going to have to wait a few moments until those bills are retrieved from the House of Representatives. Thank you.

LEGISLATIVE LEAVE CANCELLED

The PRESIDING OFFICER. Senator Leach has returned, and his legislative leave is cancelled.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

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

May 26, 2020

HB 2387, 2441, 2442, 2443, 2444, 2445, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474 and 2475 -- Committee on Appropriations.

RECESS

The PRESIDING OFFICER. For the purpose of a meeting of the Committee on Appropriations, without objection, the Senate stands in recess.

AFTER RECESS

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

CALENDAR OVER IN ORDER

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

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

The motion was agreed to by voice vote.

**UNFINISHED BUSINESS
BILLS REPORTED FROM COMMITTEE**

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

SB 995 (Pr. No. 1460) (Rereported)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions.

SB 1076 (Pr. No. 1560) (Rereported)

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, in military leave of absence, further providing for military family relief assistance.

HB 2387 (Pr. No. 3837)

An Act to provide appropriations from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2020, to June 30, 2021, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2020; to provide appropriations from special funds and accounts to the Executive and Judicial Departments for the fiscal year July 1, 2020, to June 30, 2021, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2020; to provide for the appropriation of Federal funds to the Executive and Judicial Departments for the fiscal year July 1, 2020, to June 30, 2021, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2020; and to provide for the additional appropriation of Federal and

State funds to the Executive and Judicial Departments for the fiscal year July 1, 2019, to June 30, 2020, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2019.

HB 2441 (Pr. No. 3623)

A Supplement to the act of April 1, 1863 (P.L.213, No.227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure; and making an appropriation from a restricted account within the Agricultural College Land Scrip Fund.

HB 2442 (Pr. No. 3624)

A Supplement to the act of July 28, 1966 (3rd Sp.Sess., P.L.87, No.3), known as the University of Pittsburgh--Commonwealth Act," making appropriations for carrying the same into effect; and providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

HB 2443 (Pr. No. 3625)

A Supplement to the act of November 30, 1965 (P.L.843, No.355), known as the Temple University-Commonwealth Act, making an appropriation for carrying the same into effect; providing for a basis for payments of such appropriation; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

HB 2444 (Pr. No. 3626)

A Supplement to the act of July 7, 1972 (P.L.743, No.176), entitled "An act providing for the establishment and operation of Lincoln University as an instrumentality of the Commonwealth to serve as a State-related institution in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the requiring Commonwealth; the President to make an annual report of the operations of Lincoln University;" making an appropriation for carrying the same into effect; providing for a basis for payments of the appropriation; providing for a method of accounting for the funds appropriated; and providing for certain fiscal information disclosure.

HB 2445 (Pr. No. 3627)

An Act making appropriations to the Trustees of the University of Pennsylvania.

HB 2467 (Pr. No. 3838)

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

HB 2468 (Pr. No. 3839)

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Community and Economic Development to provide for

the expenses of administering the Workers' Compensation Act, The Pennsylvania Occupational Disease Act and the Office of Small Business Advocate for the fiscal year July 1, 2020, to June 30, 2021, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2020.

HB 2469 (Pr. No. 3840)

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Community and Economic Development.

HB 2470 (Pr. No. 3841)

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate in the Office of Attorney General.

HB 2471 (Pr. No. 3842)

An Act making appropriations from the Public School Employees' Retirement Fund and from the PSERS Defined Contribution Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 2020, to June 30, 2021, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2020.

HB 2472 (Pr. No. 3843)

An Act making appropriations from the State Employees' Retirement Fund and from the SERS Defined Contribution Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 2020, to June 30, 2021, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2020.

HB 2473 (Pr. No. 3844)

An Act making appropriations from the Philadelphia Taxicab and Limousine Regulatory Fund and the Philadelphia Taxicab Medallion Fund to the Philadelphia Parking Authority for the fiscal year July 1, 2020, to June 30, 2021.

HB 2474 (Pr. No. 3845)

An Act making appropriations from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission for the fiscal year July 1, 2020, to June 30, 2021.

HB 2475 (Pr. No. 3846)

An Act making appropriations from the restricted revenue accounts within the State Gaming Fund and from the restricted revenue accounts within the Fantasy Contest Fund and Video Gaming Fund to the Attorney General, the Department of Revenue, the Pennsylvania State Police and the Pennsylvania Gaming Control Board for the fiscal year beginning July 1, 2020, to June 30, 2021, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2020.

HB 2510 (Pr. No. 3799)

An Act providing for regional response health collaborations to promote health in facilities by supporting COVID-19 readiness and response and improving the quality of infection prevention; and making emergency appropriations for human services.

RESOLUTIONS REPORTED FROM COMMITTEES

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

SR 310 (Pr. No. 1517)

A Resolution adopting a temporary rule of the Senate relating solely to amendments to the General Appropriation Bill and other appropriation bills for the fiscal year beginning July 1, 2020, including any amendments offered to or for supplemental appropriations for prior fiscal years.

The PRESIDING OFFICER. The resolution will be placed on the Calendar.

Senator BARTOLOTTA, from the Committee on Labor and Industry, reported the following resolution:

HOUSE CONCURRENT REGULATORY REVIEW RESOLUTION NO. 1 OF 2020

Disapproving the Department of Labor and Industry regulation (#12-106) on the minimum wage.

The PRESIDING OFFICER. The resolution will be placed on the Calendar.

BILLS ON FIRST CONSIDERATION

Senator MUTH. 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:

HB 30, HB 1510, HB 1710, HB 2387, HB 2441, HB 2442, HB 2443, HB 2444, HB 2445, HB 2467, HB 2468, HB 2469, HB 2470, HB 2471, HB 2472, HB 2473, HB 2474, HB 2475 and HB 2510.

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

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA
COMMITTEE MEETINGS
WEDNESDAY, MAY 27, 2020

11:00 A.M.	GAME AND FISHERIES (to consider Senate Bill No. 1074; and House Bills No. 1003, 1185, 1188 and 1584)	Senate Chamber (LIVE STREAMED)
11:30 A.M.	INTERGOVERNMENTAL OPERATIONS (to consider Senate Bills No. 5, 609 and 1034)	Senate Chamber (LIVE STREAMED)

Off the Floor	HEALTH AND HUMAN SERVICES (to consider Senate Bills No. 430 and 1140)	Senate Chamber (LIVE STREAMED)
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Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider certain Executive Nominations)	Senate Chamber (LIVE STREAMED)
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PETITIONS AND REMONSTRANCES

The PRESIDING OFFICER. The Chair recognizes that Senator Tartaglione has submitted remarks for the record. The remarks will be spread upon the record.

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

Mr. President, today marks 5,070 days since the Pennsylvania legislature last raised the minimum wage. That is more than 13 years and 10 months, and it is far too long.

As discouraging as that statistic may seem, millions of Pennsylvania's low-wage earners and their families have had some even more troubling numbers to digest in recent weeks. Since the start of the COVID-19 pandemic emergency on March 15, about 2 million Pennsylvanians have filed new unemployment claims, and the State's unemployment rate has soared to more than 15 percent, a rate more than 3 times as high as pre-pandemic levels. On a national scale, unemployment stood at 14.7 percent at the end of April, the highest rate by far since the Great Depression.

Among workers who have managed to hold on to their jobs during this downturn, many have been forced to accept reduced pay or reduced hours, and many others, due to their job responsibilities, have been forced into a terrible Catch-22: Shall they continue to work and potentially expose themselves and their families to a lethal illness, or shall they leave the job and risk their financial survival?

Meanwhile, the stock market keeps chugging along. This is certainly good news for the nation's biggest companies and its biggest investors, but it is of little solace to those who are out of work, those who have taken big pay cuts, and those who have lost loved ones in this pandemic. Not surprisingly, one of the hottest topics in the news media these days is how the stock market continues to climb after navigating a mere speed bump in mid-March. The Dow Jones and the S&P 500 each hit record highs on February 12, then lost more than 30 percent of their value during the ensuing 5 weeks. Yet, since March 23, the Dow and the S&P have each regained more than 30 percent of their value, even as the outlook for America's working people has changed very little. It is no wonder that the so-called "disconnect between Wall Street and Main Street" has been headline news for outlets ranging from *CNBC*, *MarketWatch*, and *Business Insider*, to *Fortune* and the *Wall Street Journal*.

One *Bloomberg* columnist, who also happens to be the chief economic advisor at Allianz, a Wharton professor, and the soon-to-be president of Queen's College at Cambridge, recently wrote: "Wall Street is coming off the best month for stocks in 33 years. The capital markets are wide open for most listed companies to issue bond financing. A relatively big part of the financial sector has been immune from the wave of large layoffs and bankruptcies the rest of corporate America is experiencing." Analysts say there may be numerous causes for this stock market surge, such as low interest rates--the Federal Reserve has lowered the prime rate by 1.5 percentage points since early March.

The surge has also coincided with the Federal government's adoption of stimulus-related tax law changes that overwhelmingly benefit millionaires and billionaires, as well as a small-business relief program that lent more than \$1 billion to public companies - even as many small, privately owned businesses were shut out of the low-cost financing. This same program also paid out more than \$10 billion in fees to banks. Most of America's and Pennsylvania's low-wage earners may not have finance degrees, but they very much understand the concept of "follow the money," just as they understand how the "rich get richer" on the backs of working people.

The aforementioned columnist summarized the state of affairs like this: "The longer this divergence exists, the greater the fuel on the fire of other divisions in America: rich versus poor, corporations versus individuals, current versus future generations, connected versus alienated."

Mr. President, today may not be the right time to pursue meaningful minimum wage reform with so many other pressing needs on our agenda, needs such as jobs, healthcare, worker safety, and the economy. Yet, I can assure you that the division and the disconnect between the working class and the wealthy, between Main Street and Wall Street, will continue to grow and to undermine our society if strong measures are not taken to recognize and reward the people whose labors make all prosperity possible. One day very soon it will be time to raise the minimum wage to a fair, family-sustaining wage. I and millions of Pennsylvania workers eagerly await that day.

Thank you, Mr. President.

Mr. President, the Senate Committee on Labor and Industry, today, considered House Concurrent Regulatory Review Resolution No. 1 (H.C.R.R.R. 1) which was not in order due to the House of Representatives' failure to follow the Regulatory Review Act and act upon this resolution in a timely manner.

Pennsylvania's Regulatory Review Act provides that each standing committee of the legislature, which has been assigned oversight of the agency that promulgated the regulations, has 14 calendar days to report a concurrent resolution blocking the regulation from taking effect. The Regulatory Review Act provides that both the Senate and the House "shall each have 30 calendar or ten legislative days, whichever is longer, from the date on which the concurrent resolution was reported, to adopt..." it. I shared the following timeline with the chairwoman of the Committee on Labor and Industry prior to the vote today.

On January 31, 2020, the Independent Regulatory Review Commission approved the Department of Labor and Industry's changes to the regulations by a 3-2 vote. On Feb. 5, 2020, the House Committee on Labor and Industry reported H.C.R.R.R. 1 on a party line vote. March 16, 2020, is the first day H.C.R.R.R. 1 appears on the House Calendar--the House was recessed between February 6 and March 15 for budget hearings and Presidents' Day holiday. On April 21, 2020, the House adopted H.C.R.R.R. 1 on a party-line vote.

On a point of order, Speaker Turzai ruled that non-voting days are not legislative days. Otherwise, the House Web site lists 11 Session days between the day H.C.R.R.R. 1 first appeared on the House Calendar and the date it was voted by the House. However, Speaker Turzai's math does not square with the day count for H.C.R.R.R. 1 on the House Calendar for April 21. On April 21, H.C.R.R.R. 1 was listed on day 9. But there were 11 Session days between March 16, when it first appeared on the Calendar, and April 21. Further, three were non-voting days. So should not H.C.R.R.R. 1 have been on its 8th day on April 21, if Speaker Turzai's interpretation is correct?

Mr. President, I say again, the resolution is out of order due to untimely acting upon it. The only way it could be in order is if we somehow turn the clock back and entertain a do-over. I have checked our Rules and the State Constitution, and I could not find a provision in either for do-overs. As we all know, having more than 26 votes gives the Majority the power to do many things, but in this case, the Majority does not have that luxury. No matter how much the Majority tries to turn back the clock, wink at the calendar, avoid the Regulatory Review Act, then justify unjustifiable actions of the House Republican Majority, there is no simple way to change the fact that the motion is not timely. That is a fact, and, as we know, facts are stubborn things. Simply put, the resolution to disapprove was not in order. There was calendar malpractice in the House for sure. The House committee reported the disapproval resolution, but the House failed to act within the prescribed time. The Regulatory Review Act says the Senate and House have 30 calendar or 10 legislative days to act from the date the resolution was reported. The House Committee on Labor and Industry adopted the disapproval resolution on February 5. This resolution first appeared on the House Calendar on March 16, 2020, but the House did not act until April 21, 11 Session days later, according to the House's Internet Web site.

There is a good calendar here at my home and it says that by the time the House acted on the resolution on April 21, it exceeded the number of legislative days until they created a new definition of a legis-

lative day. Now, they say, a legislative day does not include non-voting days, which will likely be a great surprise to lawyers who want to use process arguments to overturn statutes they do not like. What is worse, the House's math is inaccurate no matter how you start the count. A day is a day. The House missed the deadline to act.

The key to remember here is that there was a failure to act within the required statutory deadline; the 10-legislative day requirement was missed. Given these facts, again, remember that facts are stubborn things, what we are being asked today to do is approve a resolution that is not in order so that we can rectify legislative malpractice. The resolution to disapprove is fatally flawed and not in order. I ask for a negative vote on the motion to report House Concurrent Regulatory Review Resolution No. 1.

Thank you, Mr. President.

RECESS

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

Senator CORMAN. Mr. President, I move that the Senate do now recess until Wednesday, May 27, 2020, 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 9:02 p.m., Eastern Daylight Saving Time.