

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

WEDNESDAY, MAY 27, 2020

SESSION OF 2020 204TH OF THE GENERAL ASSEMBLY

No. 23

SENATE

WEDNESDAY, May 27, 2020

The Senate met at 1 p.m., Eastern Daylight Saving Time.

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

PRAYER

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

Let us pray.

Heavenly Father, thank You for this day of health and strength. Thank You for giving us a measure of faith. Thank You for the gift of Your word, which is a light to our paths and helps us to grow in You. Help us to listen as You speak Your truth to our hearts. In Your name we pray. Amen.

PLEDGE OF ALLEGIANCE

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

BILLS SIGNED

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

SB 275 and **SB 863**.

BILLS REPORTED FROM COMMITTEES

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

SB 1074 (Pr. No. 1559)

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, in fishing licenses, further providing for form and expiration of licenses.

HB 1003 (Pr. No. 3134)

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, in dams, bar racks and migration devices, further providing for marking of dams.

HB 1185 (Pr. No. 3862) (Amended)

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, in property and waters, further providing for the offense of

damage to property; in protection of property and waters, further providing for the offense of littering; in fishing licenses, further providing for form and expiration of licenses; in preliminary provisions relating to boats and boating, further providing for boating education; and, in operation of boats, further providing for the offense of operating watercraft under influence of alcohol or controlled substance and providing for the offense of aggravated assault by watercraft.

HB 1188 (Pr. No. 1385)

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in hunting and furtaking, further providing for unlawful devices and methods.

HB 1584 (Pr. No. 2032)

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, in Pennsylvania Fish and Boat Commission, repealing provisions relating to waterways patrolmen and employees.

Senator MASTRIANO, from the Committee on Intergovernmental Operations, reported the following bills:

SB 5 (Pr. No. 121)

An Act amending the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, further providing for definitions, for proposed regulations and procedures for review and for final-form regulations and final-omitted regulations and procedures for review; and providing for concurrent resolution required for economically significant regulations.

SB 609 (Pr. No. 676)

An Act amending the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, further providing for definitions and for existing regulations.

SB 1034 (Pr. No. 1718) (Amended)

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, providing for grant oversight.

LEGISLATIVE LEAVE

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

Senator HAYWOOD. Mr. President, I request a legislative leave for Senator Dinniman.

The PRESIDENT pro tempore. Senator Haywood requests a legislative leave for Senator Dinniman. Without objection, the leave will be granted.

CALENDAR

SENATE RESOLUTION No. 310, ADOPTED

Senator CORMAN, without objection, called up from page 14 of the Calendar, Senate Resolution No. 310, entitled:

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.

On the question, Will the Senate adopt the resolution?

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

YEA-50

Table with 4 columns of names: Argall, Arnold, Aument, Baker, Bartolotta, Blake, Boscola, Brewster, Brooks, Browne, Collett, Corman, Costa, Dinniman, DiSanto, Farnese, Fontana, Gordner, Haywood, Hughes, Hutchinson, Iovino, Kearney, Killion, Langerholc, Laughlin, Leach, Martin, Mastriano, Mensch, Muth, Phillips-Hill, Pittman, Regan, Sabatina, Santarsiero, Scarnati, Scavello, Schwank, Stefano, Street, Tartaglione, Tomlinson, Vogel, Ward, Judy, Ward, Kim, Williams, Anthony H., Williams, Lindsey, Yaw, Yudichak

NAY-0

A majority of the Senators having voted "aye," the question was determined in the affirmative. The PRESIDENT pro tempore. The resolution is adopted.

RECESS

The PRESIDENT pro tempore. 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 Senate floor, beginning with the Committee on Rules and Executive Nominations, followed by the Committee on Health and Human Services.

The PRESIDENT pro tempore. For purposes of meetings of the Committee on Rules and Executive Nominations, followed by the Committee on Health and Human Services, to be held here on the Senate floor, without objection, the Senate stands in recess.

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR

BILL OVER IN ORDER

HB 64 -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

LEGISLATIVE LEAVE

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

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

The PRESIDENT pro tempore. Senator Corman requests a legislative leave for Senator Baker. Without objection, the leave will be granted.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 102 (Pr. No. 101) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in hunting and furtaking licenses, further providing for eligibility for license.

Considered the third time and agreed to,

On the question, Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-50

Table with 4 columns of names: Argall, Arnold, Aument, Baker, Bartolotta, Blake, Boscola, Brewster, Brooks, Browne, Collett, Corman, Costa, Dinniman, DiSanto, Farnese, Fontana, Gordner, Haywood, Hughes, Hutchinson, Iovino, Kearney, Killion, Langerholc, Laughlin, Leach, Martin, Mastriano, Mensch, Muth, Phillips-Hill, Pittman, Regan, Sabatina, Santarsiero, Scarnati, Scavello, Schwank, Stefano, Street, Tartaglione, Tomlinson, Vogel, Ward, Judy, Ward, Kim, Williams, Anthony H., Williams, Lindsey, Yaw, Yudichak

NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS OVER IN ORDER

SB 107, SB 276, SB 331 and HB 355 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 377 (Pr. No. 1401) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in enforcement, further providing for jurisdiction and penalties; and, in game or wildlife protection, further providing for the offense of unlawful taking and possession of protected birds and for endangered or threatened species.

Considered the third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The PRESIDENT pro tempore. The Chair recognizes the gentlewoman from Northampton, Senator Boscola.

Senator BOSCOLA. Mr. President, I have offered this legislation for a few sessions now, and it is about protecting the bald eagle, one of our national symbols, and actually, the official national bird. It is an animal adorned on seals, buildings, monuments, and State flags, such as ours. What the bill does, specifically, is it sets a penalty of \$2,000 if you harm or kill a bald eagle or golden eagle in Pennsylvania, and it increases the grading for penalties, but it does not infringe on the Federal Bald and Golden Eagle Protection Act. Now, both of these birds are majestic and have fought their way back from being on the endangered species list, and while I am happy for that, they need to remain protected. So, by passing this bill today, we can, as a State, show our passion and pride for these amazing animals and insure their continued growth in the wilds of our Commonwealth. I thank Senator Laughlin because he worked in a bipartisan fashion with me on this issue, and we compromised on the fines. I also appreciate the support of my good friend and colleague, Senator Brewster.

Thank you, Mr. President.

And the question recurring,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

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

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

BILLS OVER IN ORDER

HB 422, SB 494, SB 530 and SB 532 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 594 (Pr. No. 1390) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, in health and safety, further providing for certification of safety committee.

Considered the third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Cambria, Senator Langerholc.

Senator LANGERHOLC. Mr. President, current workers' compensation law allows for a 5-percent discount on an employer's premium if they establish a certified safety committee which deals with hazard detection and accident prevention. What Senate Bill No. 594 does is it would include, in that charge, that the safety committee provide information regarding the risks associated with opioid painkiller use. This would be in addition to the current requirements of the safety committee to provide for hazard detection and accident prevention. This is just one more tool as we continue to combat our opioid abuse problem here in the Commonwealth, and I ask for an affirmative vote. Thank you.

And the question recurring,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

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

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

BILLS OVER IN ORDER

SB 606, SB 679, SB 693, HB 716, SB 763 and SB 798 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL AMENDED

SB 915 (Pr. No. 1437) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, repealing provisions relating to fertilizer; providing for fertilizer; in soil and plant amendment, further providing for disposition of funds; in seed, further providing for disposition of funds; establishing the Agronomic Regulatory Account within the General Fund; imposing duties on the Department of Agriculture; and making conforming amendments.

On the question,
Will the Senate agree to the bill on third consideration?
Senator YAW offered the following amendment No. A5245:

Amend Bill, page 50, by inserting between lines 16 and 17:
(c) Construction.--Nothing in this section shall be construed to prohibit the lawful use of fertilizer in blasting as regulated by the Department of Environmental Protection.

On the question,
Will the Senate agree to the amendment?
It was agreed to.
Without objection, the bill, as amended, was passed over in its order at the request of Senator CORMAN.

BILLS OVER IN ORDER

SB 927, SB 932, SB 952, SB 957, SB 958, SB 968, SB 969 and SB 995 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL AMENDED

HB 1036 (Pr. No. 1208) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 8 (Boroughs and Incorporated Towns) of the Pennsylvania Consolidated Statutes, in elections of officers, further providing for decrease in number of members of council.

On the question,
Will the Senate agree to the bill on third consideration?
Senator CORMAN offered the following amendment No. A5952:

Amend Bill, page 1, line 2, by inserting after "Statutes," in creation and alteration, further providing for definitions and for judicial adjustment;
Amend Bill, page 1, line 4, by striking out the period after "council" and inserting:
; and, in manufacture and supply of electricity, further providing for specific powers.
Amend Bill, page 1, lines 7 and 8, by striking out all of said lines and inserting:
Section 1. The definition of "township" in section 200 of Title 8 of

the Pennsylvania Consolidated Statutes is amended to read:
§ 200. Definitions.

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

"Township." A township of the first or second class or any home rule township.

Section 2. Sections 214(a), 818 and 24A03(a)(1) of Title 8 are amended to read:

§ 214. Judicial adjustment.

(a) Petition.--If the governing bodies of the township and the borough cannot make an amicable adjustment and apportionment of the property and indebtedness within six months after the government of the newly incorporated borough is established, the supervisors or commissioners of the township or the council of the borough may present a petition to the court of common pleas requesting a judicial adjustment.

Amend Bill, page 2, by inserting between lines 14 and 15:
§ 24A03. Specific powers.

(a) Specific powers enumerated.--In addition to exercising its general powers under section 24A02 (relating to general powers), a borough, through its governing body, shall have the following powers:

(1) To contract for the purchase, sale, exchange, interchange, wheeling, pooling or transmission of electric power and energy or for the right to the capacity of electric power, inside and outside of this Commonwealth, to and from any public or private power entities, private power companies, other boroughs and electric cooperative corporations. The sale of electric power to a borough for resale inside the limits of the borough and the sale of electric power by a borough inside the limits of the borough shall be exempt from the tax imposed under section 1101 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

Section 3. The amendment of 8 Pa.C.S. § 24A03(a)(1) shall apply as follows:

(1) To gross receipts after December 31, 2016.

(2) To sales to or by a municipal power agency or any borough owned or operated utility established on or before the effective date of this section.

Amend Bill, page 2, line 15, by striking out "2" and inserting:
4

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

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Delaware, Senator Kearney.

Senator KEARNEY. Mr. President, I respectfully ask my colleagues for a "no" vote on this amendment. The amendment would allow communities within first class townships to break off from their local governments and start their own boroughs. Currently, boroughs can only be formed out of second class townships, although there is a special procedure for forming them out of third class cities.

Nine years ago, the Local Government Commission completed a comprehensive revision and codification of the Borough Code and specifically did not include first class townships in the borough formation process. When you think about the evolution of our municipalities, you often see that dense communities formed in large, rural, second class townships, and it makes sense to allow these dense centers to form their own local governments in a borough. In these situations, the communities, the infrastructure, and the needs for local governance differ significantly enough to warrant the creation of new municipalities. However, as many of us know, first class townships are a form of municipal government that are typically found in urban rings of our cities. In urban counties and collar counties, like my own,

it is a complicated jigsaw puzzle of boroughs, townships, cities, and home rule municipalities, all packed next to one another. Within these developed areas, there are no major differences that call for having separate local governments as there were when boroughs were formed out of second class townships in centuries past. So when the legislature revised the Borough Code 9 years ago, forming boroughs out of first class townships was not on the table.

In metropolitan areas, there are already an inordinate number of municipalities, fragmenting our region into hundreds of jurisdictions. Allegheny County alone has 128 municipalities, and the Philadelphia five-county region includes 238. What is the cost of all this fragmentation? At a high level, it is extremely redundant and costs taxpayers extra in duplicative administrative and other municipal costs, at a time when too many municipalities are falling into fiscal distress when there are too many unfunded mandates passed down to them. Municipalities have to compete for our resources, development, and residents. Our focus should be on helping local governments to work together and cooperate with one another, not break apart.

Furthering municipal fragmentation, as this amendment would allow for, would increase socioeconomic fracturing of our communities. I, for one, do not want to see what we have seen in other States, where wealthy neighborhoods form their own municipalities because they do not want to pay for or be in a community with less affluent neighbors on the other side of the tracks. I fear that with more fragmenting, we will see more towns entering Act 47. Allowing that is not responsible or equitable public policy.

Finally, I add, as a member of the Local Government Commission, that members of the commission worked together to insure that all commission-backed legislation is bipartisan and based on consensus. We all backed this bill unanimously up to this point, and it would be better not to put an unrelated substantive amendment into a commission bill unless we really have to. Why not move this amendment as its own bill so that we can properly debate its merits. This is certainly not the time for a sensitive matter. So, again, Mr. President, I respectfully ask my colleagues for a "no" vote.

Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Philadelphia, Senator Anthony Williams.

Senator A.H. WILLIAMS. Mr. President, I ask the gentleman offering the amendment to stand for a brief period of interrogation.

The PRESIDENT pro tempore. Senator Anthony Williams is inquiring if the maker of the amendment will stand for interrogation. The gentleman indicates he will stand for interrogation.

Senator Anthony Williams, you may proceed.

Senator A.H. WILLIAMS. Mr. President, mine is less decisive. The question for Members such as myself who represent these areas that show working class versus—I would only describe as "have" versus "have not"—draw some concern regarding the amendment. I am not sure if it is warranted or not, so, the simple question is, what does this amendment do and why are we offering it now?

Senator CORMAN. Mr. President, I think the amendment tries to put everyone on the same playing field, no matter what size township you may be. If you want to go through a process locally and legally, you can separate from a township and create

a borough. Again, it is afforded, as mentioned by the previous speaker, by a second class township. The first class townships have not had this ability, and this would put everyone on the same playing field.

Senator A.H. WILLIAMS. Mr. President, in his opinion, would the possibility, not intentionally, but would the possibility occur that there could be a divide based upon economic classes within those areas, as was described by my colleague?

Senator CORMAN. Mr. President, I do not believe that is a possibility. I mean, again, all these would be local decisions based on local community activism. So that would all be driven by the local citizens.

Senator A.H. WILLIAMS. Thank you, Mr. President.

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

Senator CORMAN. Mr. President, briefly, I would ask for an affirmative vote. Again, all we are attempting to do is put everyone on the same playing field. Certainly, I concur with a previous speaker's concerns about the many municipalities we have in this Commonwealth. I think a constitutional convention is probably the best way to address that issue. I know communities have looked at trying to combine municipalities and have not been normally successful at the ballot box. But, again, this is just an attempt to put everyone on the same playing field. I believe there are about 1,400 second class townships, there are only 93 first class townships, so 1,400 already have this ability, and we are only giving it to another 93. Again, I think very few would actually take this option, so I ask for an affirmative vote. Thank you.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. Senator Dinniman has returned, and his legislative leave is cancelled.

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

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

YEA-29

Argall	DiSanto	Mensch	Vogel
Arnold	Gordner	Phillips-Hill	Ward, Judy
Aument	Hutchinson	Pittman	Ward, Kim
Baker	Killion	Regan	Yaw
Bartolotta	Langerhole	Scarnati	Yudichak
Brooks	Laughlin	Scavello	
Browne	Martin	Stefano	
Corman	Mastriano	Tomlinson	

NAY-21

Blake	Farnese	Leach	Tartaglione
Boscola	Fontana	Muth	Williams, Anthony H.
Brewster	Haywood	Sabatina	Williams, Lindsey
Collett	Hughes	Santarsiero	
Costa	Iovino	Schwank	
Dinniman	Kearney	Street	

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

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

BILL LAID ON THE TABLE

HB 1045 (Pr. No. 1186) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, in Commonwealth Financing Authority, further providing for board.

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

HB 1045 TAKEN FROM THE TABLE

Senator CORMAN. Mr. President, I move that House Bill No. 1045, Printer's No. 1186, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

BILL AMENDED

HB 1048 (Pr. No. 3721) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, in licenses and regulations for liquor, alcohol and malt and brewed beverages, further providing for renewal of licenses and temporary provisions for licensees in armed service.

On the question,

Will the Senate agree to the bill on third consideration?

Senator CORMAN offered the following amendment No. A5958:

Amend Bill, page 2, line 10, by inserting after "FOR": issuance, transfer or extension of hotel, restaurant and club liquor licenses, for sale of malt or brewed beverages by liquor licensees, for wine expanded permits, for malt and brewed beverages manufacturers', distributors' and importing distributors' licenses, for malt and brewed beverages retail licenses, for retail dispensers' restrictions on purchases and sales and for

Amend Bill, page 2, lines 25 and 26, by striking out all of said lines and inserting:

Section 1. Sections 404(a) and 407(a) of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, are amended to read:

Section 404. Issuance, Transfer or Extension of Hotel, Restaurant and Club Liquor Licenses.--(a) Upon receipt of the application and the proper fees, and upon being satisfied of the truth of the statements in the application that the applicant and management company or companies, if any, are the only persons in any manner pecuniarily interested in the business so asked to be licensed and that no other person will be in any manner pecuniarily interested therein during the continuance of the license, except as hereinafter permitted, and that the applicant is a person of good repute, that the premises applied for meet all the requirements of this act and the regulations of the board, that the applicant seeks a license for a hotel, restaurant or club, as defined in this act, and that the issuance of such license is not prohibited by any of the provisions of this act, the board shall, in the case of a hotel or restaurant, grant and issue to the applicant a liquor license, and in the case of a club may, in its discretion, issue or refuse a license: Provided, however, That in the case of any new license or the transfer of any license to a new location or the extension of an existing license to cover an additional area the board may, in its discretion, grant or refuse such new license, transfer or extension if such place proposed to be licensed is within three hundred feet of any church, hospital, charitable institution, school,

or public playground, or if such new license, transfer or extension is applied for a place which is within two hundred feet of any other premises which is licensed by the board: And provided further, That the board's authority to refuse to grant a license because of its proximity to a church, hospital, charitable institution, public playground or other licensed premises shall not be applicable to license applications submitted for public venues or performing arts facilities: And provided further, That the board shall refuse any application for a new license, the transfer of any license to a new location or the extension of an existing license to cover an additional area if, in the board's opinion, such new license, transfer or extension would be detrimental to the welfare, health, peace and morals of the inhabitants of the neighborhood within a radius of five hundred feet of the place proposed to be licensed: And provided further, That the board shall have the discretion to refuse a license to any person or to any corporation, partnership or association if such person, or any officer or director of such corporation, or any member or partner of such partnership or association shall have been convicted or found guilty of a felony within a period of five years immediately preceding the date of application for the said license. [The board shall not license the area where liquid fuels or oil is sold. No sales of liquid fuels or oil may be made from a licensee's licensed premises. A licensed premises may not have an interior connection with a location that sells liquid fuels or oil unless it first receives permission from the board for the interior connection. The approval shall be required regardless of whether the licensee or another party is the entity selling the liquid fuels or oil.] The board may enter into an agreement with the applicant concerning additional restrictions on the license in question. If the board and the applicant enter into such an agreement, such agreement shall be binding on the applicant. Failure by the applicant to adhere to the agreement will be sufficient cause to form the basis for a citation under section 471 and for the nonrenewal of the license under section 470. If the board enters into an agreement with an applicant concerning additional restrictions, those restrictions shall be binding on subsequent holders of the license until the license is transferred to a new location or until the board enters into a subsequent agreement removing those restrictions. If the application in question involves a location previously licensed by the board, then any restrictions imposed by the board on the previous license at that location shall be binding on the applicant unless the board enters into a new agreement rescinding those restrictions. The board may, in its discretion, refuse an application for an economic development license under section 461(b.1) or an application for an intermunicipal transfer of a license if the board receives a protest from the governing body of the receiving municipality. The receiving municipality of an intermunicipal transfer or an economic development license under section 461(b.1) may file a protest against the transfer of a license into its municipality, and the receiving municipality shall have standing in a hearing to present testimony in support of or against the issuance or transfer of a license. Upon any opening in any quota, an application for a new license shall only be filed with the board for a period of six months following said opening.

* * *

Section 407. Sale of Malt or Brewed Beverages by Liquor Licensees.--(a) (1) Every liquor license issued to a hotel, restaurant, club, or a railroad, pullman or steamship company under this subdivision (A) for the sale of liquor shall authorize the licensee to sell malt or brewed beverages at the same places but subject to the same restrictions and penalties as apply to sales of liquor, except that licensees other than clubs may sell malt or brewed beverages for consumption off the premises where sold in quantities of not more than one hundred ninety-two fluid ounces in a single sale to one person. The sales may be made in either open or closed containers. Provided, however, That a municipality may adopt an ordinance restricting open containers in public places. No licensee under this subdivision (A) shall at the same time be the holder of any other class of license, except a retail dispenser's license authorizing the sale of malt or brewed beverages only. Sales of malt or brewed beverages must occur on the licensed premises.

(2) If a restaurant liquor license holder has an interior connection to another business that it operates, the restaurant liquor license holder may use one or more of the registers in the other business to sell malt or brewed beverages for off-premises consumption under the following conditions:

(i) the building is eleven thousand (11,000) square feet or less;

(ii) the registers are located in the same building as the licensed premises;

(iii) the registers comply with the signage, staffing, training, carding, scanning and prohibition on the sharing of data provisions of section 415(a)(8) and (9); and

(iv) the board has been provided notice of compliance with this paragraph by the restaurant liquor license holder, including square footage of the building and the location of the specific registers to be used prior to their use.

(3) The registers used under paragraph (2) shall be deemed to be licensed areas but no formal application beyond notice to the board shall be required. The registers may be used by the other business.

* * *

Section 2. Section 415(a)(9) of the act is amended and the subsection is amended by adding paragraphs to read:

Section 415. Wine Expanded Permits.--(a) * * *

(9) A sale of wine by a wine expanded permit holder shall be made through a register, which malt or brewed beverages and restaurant foods sales are made on the licensed premises, which is well designated with signage, which is staffed at all times when patrons are on the licensed premises[, which is staffed]. The actual sale shall be conducted by a sales clerk who is at least eighteen years of age and has been trained under section 471.1 and which utilizes a transaction scan device for the sale as set forth in paragraph (8). The sale of wine may not occur at a point of sale where the customer scans the customer's own purchases. Sales of wine must occur on the licensed premises.

(10) If a wine expanded permit holder has an interior connection to another business that it operates, the wine expanded permit holder may use one or more of the registers in the other business to sell wine for off-premises consumption under the following conditions:

(i) the building is eleven thousand (11,000) square feet or less;

(ii) the registers are located in the same building as the licensed premises;

(iii) the registers comply with the signage, staffing, training, carding, scanning and prohibition on the sharing of data provisions of paragraphs (8) and (9); and

(iv) the board has been provided notice of compliance with this paragraph by the wine expanded permit holder, including square footage of the building and the location of the specific registers to be used prior to their use.

(11) The registers used under paragraph (10) shall be deemed to be licensed areas but no formal application beyond notice to the board shall be required. The registers may be used by the other business.

* * *

Section 3. Sections 431(b), 432(d), 442(a) and 470(a) of the act are amended to read:

Section 431. Malt and Brewed Beverages Manufacturers', Distributors' and Importing Distributors' Licenses.--* * *

(b) The board shall issue to any reputable person who applies therefor, and pays the license fee hereinafter prescribed, a distributor's or importing distributor's license for the place which such person desires to maintain for the sale of malt or brewed beverages, not for consumption on the premises where sold, and in quantities of not less than a case or original containers containing one hundred twenty-eight ounces or more which may be sold separately as prepared for the market by the manufacturer at the place of manufacture. In addition, a distributor license holder may sell malt or brewed beverages in any amount to a person not licensed by the board for off-premises consumption. The sales shall not be required to be in the package configuration designated by the manufacturer and may be sold in refillable growlers. The board shall have the discretion to refuse a license to any person or to any corporation, partnership or association if such person, or any officer or director of such corporation, or any member or partner of such partnership or association shall have been convicted or found guilty of a felony within a period of five years immediately preceding the date of application for the said license: And provided further, That, in the case of any new license or the transfer of any license to a new location, the board may, in its discretion, grant or refuse such new license or transfer if such place proposed to be licensed is within three hundred feet of any church, hospital, charitable institution, school or public playground, or if such new license or transfer is applied for a place which is within two hundred feet of any other premises which is licensed by the board: And provided further, That the board shall refuse any application for a new license or the transfer of any license to a new location if, in the board's opinion, such new license or transfer would be detrimental to the welfare, health, peace and morals of the inhabitants of the neighborhood

within a radius of five hundred feet of the place proposed to be licensed. [The board shall not license the area where liquid fuels or oil is sold. No sales of liquid fuels or oil may be made from a licensee's licensed premises. A licensed premises may not have an interior connection with a location that sells liquid fuels or oil unless it first receives permission from the board for the interior connection. The approval shall be required regardless of whether the licensee or another party is the entity selling the liquid fuels or oil.] The board may enter into an agreement with the applicant concerning additional restrictions on the license in question. If the board and the applicant enter into such an agreement, such agreement shall be binding on the applicant. Failure by the applicant to adhere to the agreement will be sufficient cause to form the basis for a citation under section 471 and for the nonrenewal of the license under section 470. If the board enters into an agreement with an applicant concerning additional restrictions, those restrictions shall be binding on subsequent holders of the license until the license is transferred to a new location or until the board enters into a subsequent agreement removing those restrictions. If the application in question involves a location previously licensed by the board, then any restrictions imposed by the board on the previous license at that location shall be binding on the applicant unless the board enters into a new agreement rescinding those restrictions. The board shall require notice to be posted on the property or premises upon which the licensee or proposed licensee will engage in sales of malt or brewed beverages. This notice shall be similar to the notice required of hotel, restaurant and club liquor licensees.

Except as hereinafter provided, such license shall authorize the holder thereof to sell or deliver malt or brewed beverages in quantities above specified anywhere within the Commonwealth of Pennsylvania, which, in the case of distributors, have been purchased only from persons licensed under this act as manufacturers or importing distributors, and in the case of importing distributors, have been purchased from manufacturers or persons outside this Commonwealth engaged in the legal sale of malt or brewed beverages or from manufacturers or importing distributors licensed under this article. In the case of an importing distributor, the holder of such a license shall be authorized to store and repack malt or brewed beverages owned by a manufacturer at a segregated portion of a warehouse or other storage facility authorized by section 441(d) and operated by the importing distributor within its appointed territory and deliver such beverages to another importing distributor who has been granted distribution rights by the manufacturer as provided herein. The importing distributor shall be permitted to receive a fee from the manufacturer for any related storage, repackaging or delivery services. In the case of a bailee for hire hired by a manufacturer, the holder of such a permit shall be authorized: to receive, store and repack malt or brewed beverages produced by that manufacturer for sale by that manufacturer to importing distributors to whom that manufacturer has given distribution rights pursuant to this subsection or to purchasers outside this Commonwealth for delivery outside this Commonwealth; or to ship to that manufacturer's storage facilities outside this Commonwealth. The bailee for hire shall be permitted to receive a fee from the manufacturer for any related storage, repackaging or delivery services. The bailee for hire shall, as required in Article V of this act, keep complete and accurate records of all transactions, inventory, receipts and shipments and make all records and the licensed areas available for inspection by the board and for the Pennsylvania State Police, Bureau of Liquor Control Enforcement, during normal business hours.

Each out of State manufacturer of malt or brewed beverages whose products are sold and delivered in this Commonwealth shall give distributing rights for such products in designated geographical areas to specific importing distributors, and such importing distributor shall not sell or deliver malt or brewed beverages manufactured by the out of State manufacturer to any person issued a license under the provisions of this act whose licensed premises are not located within the geographical area for which he has been given distributing rights by such manufacturer. In addition, the holder of a distributor license may not sell or deliver malt or brewed beverages to any licensee whose licensed premises is located within the designated geographical area granted to an importing distributor other than the importing distributor that sold the malt or brewed beverages to the distributor. If the licensee purchasing the malt or brewed beverages from the distributor license holder holds multiple licenses or operates at more than one location, then the malt or brewed beverages may not be consumed or sold at licensed premises located within the designated geographical area granted to an importing

distributor other than the importing distributor that sold the malt or brewed beverages to the distributor. Should a licensee accept the delivery of malt or brewed beverages or transfer malt or brewed beverages in violation of this section, said licensee shall be subject to a suspension of his license for at least thirty days: Provided, That the importing distributor holding such distributing rights for such product shall not sell or deliver the same to another importing distributor without first having entered into a written agreement with the said secondary importing distributor setting forth the terms and conditions under which such products are to be resold within the territory granted to the primary importing distributor by the manufacturer.

When a Pennsylvania manufacturer of malt or brewed beverages licensed under this article names or constitutes a distributor or importing distributor as the primary or original supplier of his product, he shall also designate the specific geographical area for which the said distributor or importing distributor is given distributing rights, and such distributor or importing distributor shall not sell or deliver the products of such manufacturer to any person issued a license under the provisions of this act whose licensed premises are not located within the geographical area for which distributing rights have been given to the distributor and importing distributor by the said manufacturer. In addition, the holder of a distributor license may not sell or deliver malt or brewed beverages to a licensee whose licensed premises is located within the designated geographical area granted to an importing distributor other than the importing distributor that sold the malt or brewed beverages to the distributor. If the licensee purchasing the malt or brewed beverages from the distributor license holder holds multiple licenses or operates at more than one location, the malt or brewed beverages may not be consumed or sold at licensed premises located within the designated geographical area granted to an importing distributor other than the importing distributor that sold the malt or brewed beverages to the distributor. If a licensee accepts the delivery of malt or brewed beverages or transfers malt or brewed beverages in violation of this section, the licensee shall be subject to suspension of his license for at least thirty days: Provided, That the importing distributor holding such distributing rights for such product shall not sell or deliver the same to another importing distributor without first having entered into a written agreement with the said secondary importing distributor setting forth the terms and conditions under which such products are to be resold within the territory granted to the primary importing distributor by the manufacturer. Nothing herein contained shall be construed to prevent any manufacturer from authorizing the importing distributor holding the distributing rights for a designated geographical area from selling the products of such manufacturer to another importing distributor also holding distributing rights from the same manufacturer for another geographical area, providing such authority be contained in writing and a copy thereof be given to each of the importing distributors so affected.

Section 432. Malt and Brewed Beverages Retail Licenses.--* * *

(d) The board shall, in its discretion, grant or refuse any new license, the transfer of any license to a new location or the extension of an existing license to cover an additional area if such place proposed to be licensed is within three hundred feet of any church, hospital, charitable institution, school, or public playground, or if such new license, transfer or extension is applied for a place which is within two hundred feet of any other premises which is licensed by the board. The board shall refuse any application for a new license, the transfer of any license to a new location or the extension of an existing license to cover an additional area if, in the board's opinion, such new license, transfer or extension would be detrimental to the welfare, health, peace and morals of the inhabitants of the neighborhood within a radius of five hundred feet of the place to be licensed. The board may enter into an agreement with the applicant concerning additional restrictions on the license in question. If the board and the applicant enter into such an agreement, such agreement shall be binding on the applicant. Failure by the applicant to adhere to the agreement will be sufficient cause to form the basis for a citation under section 471 and for the nonrenewal of the license under section 470. If the board enters into an agreement with an applicant concerning additional restrictions, those restrictions shall be binding on subsequent holders of the license until the license is transferred to a new location or until the board enters into a subsequent agreement removing those restrictions. If the application in question involves a location previously licensed by the board, then any restrictions imposed by the board on the previous license at that location shall be binding on

the applicant unless the board enters into a new agreement rescinding those restrictions. [The board shall not license the area where liquid fuels or oil is sold. No sales of liquid fuels or oil may be made from a licensee's licensed premises. A licensed premises may not have an interior connection with a location that sells liquid fuels or oil unless it first receives permission from the board for the interior connection. The approval shall be required regardless of whether the licensee or another party is the entity selling the liquid fuels or oil: And provided further, That the] The board shall have the discretion to refuse a license to any person or to any corporation, partnership or association if such person, or any officer or director of such corporation, or any member or partner of such partnership or association shall have been convicted or found guilty of a felony within a period of five years immediately preceding the date of application for the said license. The board may, in its discretion, refuse an application for an economic development license under section 461(b.1) or an application for an intermunicipal transfer or a license if the board receives a protest from the governing body of the receiving municipality. The receiving municipality of an intermunicipal transfer or an economic development license under section 461(b.1) may file a protest against the approval for issuance of a license for economic development or an intermunicipal transfer of a license into its municipality, and such municipality shall have standing in a hearing to present testimony in support of or against the issuance or transfer of a license. Upon any opening in any quota, an application for a new license shall only be filed with the board for a period of six months following said opening.

Section 442. Retail Dispensers' Restrictions on Purchases and Sales.--(a) (1) (i) No retail dispenser shall purchase or receive any malt or brewed beverages except in original containers as prepared for the market by the manufacturer at the place of manufacture. The retail dispenser may thereafter break the bulk upon the licensed premises and sell or dispense the same for consumption on or off the premises so licensed. No retail dispenser may sell malt or brewed beverages for consumption off the premises in quantities in excess of one hundred ninety-two fluid ounces. Sales may be made in open or closed containers, Provided, however, That a municipality may adopt an ordinance restricting open containers in public places. No club licensee may sell any malt or brewed beverages for consumption off the premises where sold or to persons not members of the club. Sales of malt or brewed beverages must occur on the licensed premises.

(ii) If a retail dispenser license holder has an interior connection to another business that it operates, the retail dispenser license holder may use one or more of the registers in the other business to sell malt or brewed beverages for off-premises consumption under the following conditions:

(A) the building is eleven thousand (11,000) square feet or less;

(B) the registers are located in the same building as the licensed premises;

(C) the registers comply with the signage, staffing, training, carding, scanning and prohibition on the sharing of data provisions of section 415(a)(8) and (9); and

(D) the board has been provided notice of compliance with this subparagraph by the retail dispenser license holder, including square footage of the building and the location of the specific registers to be used prior to their use.

(iii) The registers used under subparagraph (ii) shall be deemed to be licensed areas but no formal application beyond notice to the board shall be required. The registers may be used by the other business.

Amend Bill, page 4, line 28, by striking out "2" and inserting:

4

On the question,

Will the Senate agree to the amendment?

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

YEA-34

Argall	Browne	Martin	Stefano
Arnold	Corman	Mastriano	Tomlinson
Aument	Dinniman	Mensch	Vogel

Baker	DiSanto	Phillips-Hill	Ward, Judy
Bartolotta	Gordner	Pittman	Ward, Kim
Blake	Hutchinson	Regan	Yaw
Boscola	Killion	Scarnati	Yudichak
Brewster	Langerholc	Scavello	
Brooks	Laughlin	Schwank	

NAY-16

Collett	Haywood	Leach	Street
Costa	Hughes	Muth	Tartaglione
Farnese	Iovino	Sabatina	Williams, Anthony H.
Fontana	Kearney	Santarsiero	Williams, Lindsey

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

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

BILLS OVER IN ORDER

HB 1050 and SB 1076 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL RECOMMITTED

HB 1210 (Pr. No. 1490) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, repealing provisions relating to report of racial and ethnic groupings, to study of public schools that provide Internet instruction, to corporate seal, to submission of plans, to disapproval of plans, to Department of Public Instruction to prepare plans, to establishment of reorganized school districts, to advance establishment, to special school watchmen-school districts in townships of the second class, to copies of school laws, to educational broadcasting, to residences for teachers and janitors, to heating stoves to be shielded, to ventilation and thermometer, to fireproof construction, to doors to open outward and fire escapes, etc., to completion of abandoned WPA projects in districts of the third and fourth class, to condition of grounds and shade trees, to summer schools, etc., to possession of telephone pagers prohibited, to nonprofit school food program, to antitruancy programs, to medical care for children under six with defective hearing, to report, to care and treatment of pupils, to local wellness policy, to foreign language academies, to monthly reports to school directors of the districts second, third and fourth class, to Read to Succeed Program, to department duties and powers, to schools or classes, supervisors, principals, instructors, etc., to estimate of expenses and reimbursements and appropriations, to teachers of evening schools, to duties of public institutions of higher education, to medical education loan assistance and to special study on the revenue impact of out-of-State tax credits.

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

BILLS OVER IN ORDER

HB 1379, HB 1405 and HB 1907 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

SECOND CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILLS
ON SECOND CONSIDERATION

HB 2387 (Pr. No. 3837) -- The Senate proceeded to consideration of the bill, entitled:

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.

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

HB 2467 (Pr. No. 3838) -- The Senate proceeded to consideration of the bill, entitled:

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.

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

HB 2468 (Pr. No. 3839) -- The Senate proceeded to consideration of the bill, entitled:

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.

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

HB 2469 (Pr. No. 3840) -- The Senate proceeded to consideration of the bill, entitled:

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.

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

HB 2470 (Pr. No. 3841) -- The Senate proceeded to consideration of the bill, entitled:

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.

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

HB 2471 (Pr. No. 3842) -- The Senate proceeded to consideration of the bill, entitled:

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.

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

HB 2472 (Pr. No. 3843) -- The Senate proceeded to consideration of the bill, entitled:

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.

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

HB 2473 (Pr. No. 3844) -- The Senate proceeded to consideration of the bill, entitled:

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.

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

HB 2474 (Pr. No. 3845) -- The Senate proceeded to consideration of the bill, entitled:

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.

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

HB 2475 (Pr. No. 3846) -- The Senate proceeded to consideration of the bill, entitled:

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.

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

NONPREFERRED APPROPRIATION BILLS ON SECOND CONSIDERATION

HB 2441 (Pr. No. 3623) -- The Senate proceeded to consideration of the bill, entitled:

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.

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

HB 2442 (Pr. No. 3624) -- The Senate proceeded to consideration of the bill, entitled:

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.

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

HB 2443 (Pr. No. 3625) -- The Senate proceeded to consideration of the bill, entitled:

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.

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

HB 2444 (Pr. No. 3626) -- The Senate proceeded to consideration of the bill, entitled:

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 Gen-

eral 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.

Considered the second time and agreed to,

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

HB 2445 (Pr. No. 3627) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

HB 30, SB 207, SB 258, SB 284 and SB 531 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL OVER IN ORDER AND LAID ON THE TABLE

SB 766 (Pr. No. 975) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 19, 1996 (P.L.1478, No.190), entitled "An act relating to the recycling and reuse of waste tires; providing for the proper disposal of waste tires and the cleanup of stockpiled tires; authorizing investment tax credits for utilizing waste tires; providing remediation grants for the cleanup of tire piles and for pollution prevention programs for small business and households; establishing the Small Business and Household Pollution Prevention Program and management standards for small business hazardous waste; providing for a household hazardous waste program and for grant programs; making appropriations; and making repeals," in Small Business and Household Pollution Prevention Program, further providing for grants for collection events.

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

Pursuant to Senate Rule 9, the bill was laid on the table.

BILLS OVER IN ORDER

SB 784 and SB 809 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL OVER IN ORDER AND LAID ON THE TABLE

SB 954 (Pr. No. 1371) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in registration of vehicles, further providing for display of registration plate.

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

Pursuant to Senate Rule 9, the bill was laid on the table.

BILLS OVER IN ORDER

SB 1123 and HB 1174 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON SECOND CONSIDERATION

HB 1510 (Pr. No. 3854) -- The Senate proceeded to consideration of the bill, entitled:

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 Tennmile 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.

Considered the second time and agreed to,

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

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 1710 (Pr. No. 3855) -- The Senate proceeded to consideration of the bill, entitled:

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

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.

BILL ON SECOND CONSIDERATION
AND RECOMMITTED

HB 2510 (Pr. No. 3799) -- The Senate proceeded to consideration of the bill, entitled:

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.

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 recommitted to the Committee on Appropriations.

**HOUSE CONCURRENT REGULATORY
REVIEW RESOLUTION No. 1, ADOPTED**

Senator CORMAN, without objection, called up from page 14 of the Calendar, **House Concurrent Regulatory Review Resolution No. 1**, entitled:

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

On the question,

Will the Senate concur in the resolution?

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

Senator CORMAN. Mr. President, I move that the Senate do concur in House Concurrent Regulatory Review Resolution No. 1.

On the question,

Will the Senate agree to the motion?

POINT OF ORDER

Senator COSTA. Mr. President, point of order.

The PRESIDENT pro tempore. Senator Costa raises a point of order. The gentleman may proceed.

Senator COSTA. Mr. President, consideration of House Concurrent Regulatory Review Resolution No. 1 is not in order due to the House of Representatives' failure to follow the Regulatory Review Act and act upon the resolution in a timely manner. Our Pennsylvania Regulatory Review Act provides that each standing committee of the legislature which has been assigned oversight of any agency that promulgated a regulation has 14 calendar days to report a concurrent resolution blocking the regulation from taking effect. Further, the Regulatory Review Act provides that both the Senate and the House, quote, "shall each have 30 calendar days or ten legislative days, whichever is longer, from the date on which the concurrent resolution has been reported, to adopt the concurrent resolution."

On January 31, 2020, IRRC approved the Department of Labor and Industry's change to the regulation by a 3-2 vote. Then, on February 5, the House Committee on Labor and Industry reported House Concurrent Regulatory Review Resolution No. 1 on a party-line vote. H.C.R.R.R. No. 1 appeared on the House Calendar for the first time on March 16, 2020. Finally, on April 21, 2020, the House adopted H.C.R.R.R. No. 1, which we are voting on today, on a party-line vote. Mr. President, according to the House's Web site, there were 11 Session days between March 21, when it first appeared on the Calendar, and April 21, thereby exceeding the 10 legislative days permitted by the Regulatory Review Act. In light of that, Mr. President, and, therefore, in our view, this resolution is out of order due to the untimely action of the House Majority to pass this regulation.

Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair rules from Mason's Manual under section 760, "It is not within the province of one house to question any procedural action or ruling taken by the other house." Therefore, your objection is out of order.

Senator COSTA. Mr. President, may I respond to your ruling?

The PRESIDENT pro tempore. You certainly may respond to my ruling.

Senator COSTA. Mr. President, I am not questioning the motives or the actions of the House in the sense of what they did. What we are drawing into question is the fact that as this measure is before us today, it does not comply with the Regulatory Review Act. It is on that basis that we are indicating that it is out of order. I recognize your ruling, but, for us, we want to make certain that it is contained on the record that we object to the movement or the advancement of this resolution at this point forward. So, I recognize and respect your ruling. I do not necessarily agree with it, but at the end of the day, we wanted to make sure this matter was contained on the record for other types of purposes possibly down the road.

Thank you, Mr. President.

And the question recurring,

Will the Senate agree to the motion?

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

Senator TARTAGLIONE. Mr. President, House Concurrent Regulatory Review Resolution No. 1 disapproves the Department of Labor and Industry's changes to Pennsylvania's overtime regulation; in particular, which workers qualify for overtime pay. Consideration of House Concurrent Regulatory Review Resolution No. 1 is 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 states that each standing committee of the legislature which has been assigned oversight of the agency that proffers regulations has 14 calendar days to report a concurrent resolution and blocking the regulation from taking effect.

Further, the Regulatory Review Act provides that both "the Senate and the House of Representatives shall each have 30 calendar days or ten legislative days, whichever is longer, from the date on which the concurrent resolution has been reported, to adopt the concurrent resolution." On January 31, 2020, the Independent Regulatory Review Commission approved the Department of Labor and Industry's changes to the regulations by a vote

of 3-2. Then, on February 5, the House Committee on Labor and Industry reported H.C.R.R.R. No. 1 on a party-line vote. H.C.R.R.R. No. 1 appeared on the House Calendar for the first time on March 16, 2020. Finally, on April 21, 2020, the House adopted H.C.R.R.R. No. 1 on a party-line vote.

On a point of order, the Speaker of the House ruled that non-voting days are not legislative days. But the House Web site lists 11 Session days between the day H.C.R.R.R. No. 1 first appeared on the House Calendar and the date it was voted by the House. However, the Speaker's math does not square with the date count for H.C.R.R.R. No. 1 on the House Calendar for April 21. On April 21, H.C.R.R.R. No. 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. If the 3 non-voting days are not legislative days, should not H.C.R.R.R. No. 1 have been on its eighth day on April 21?

So, even if we assume, for the sake of argument, that the Speaker's ruling is correct, the House math is not accurate. This just does not make sense. Therefore, Mr. President, I say again, the resolution is out of order due to untimely actions of the House Majority. As we know, the Majority has the power to do many things, but, in this case, the Majority does not have that luxury of ignoring the law. No matter how much the Majority tries to turn back the clock, wink at the calendar, avoid the Regulatory Review Act, and 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 is not in order. There was calendar malpractice in the House for sure. The Regulatory Review Act says that the Senate and House have 30 calendar days, or 10 legislative days, to act from the date the resolution was reported, whichever is longer. Deadlines to act in the House were missed. This is a resolution requiring legal action of both Chambers to nullify the regulation. That cannot happen here because the House failed to act properly. The Senate cannot arbitrarily skip over those facts. The resolution to disapprove is fatally flawed and is not in order.

I ask for a negative vote on the motion to adopt House Concurrent Regulatory Review Resolution No. 1.

Thank you, Mr. President.

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

Senator COSTA. Mr. President, I respectfully ask for a negative vote from my colleagues based upon the comments of my colleague, Senator Tartaglione, and the remarks that I made earlier.

Thank you, Mr. President.

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

Senator CORMAN. Mr. President, I ask for an affirmative vote on this adoption. Again, it is not for us to question procedures of the other Chamber. The long-time Parliamentarian ruled on this matter over there, and he ruled that it was in order, and so, obviously, as you cited Mason's Manual earlier in the point of order, it is not for us to question them, and I think the Parliamentarian over there has had a long career and is well-respected across the aisle. So, I would ask for an affirmative vote.

Thank you, Mr. President.

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

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

YEA-29

Argall	DiSanto	Mensch	Vogel
Arnold	Gordner	Phillips-Hill	Ward, Judy
Aument	Hutchinson	Pittman	Ward, Kim
Baker	Killion	Regan	Yaw
Bartolotta	Langerholc	Scarnati	Yudichak
Brooks	Laughlin	Scavello	
Browne	Martin	Stefano	
Corman	Mastriano	Tomlinson	

NAY-21

Blake	Farnese	Leach	Tartaglione
Boscola	Fontana	Muth	Williams, Anthony H.
Brewster	Haywood	Sabatina	Williams, Lindsey
Collett	Hughes	Santarsiero	
Costa	Iovino	Schwank	
Dinniman	Kearney	Street	

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

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

MOTION PURSUANT TO SENATE RULE 12

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

Senator GORDNER. Mr. President, as a special order of business, I call up Senate Supplemental Calendar No. 1, Senate Bill No. 915 and House Bill No. 1036, and move the Senate proceed to consider Senate Bill No. 915 and House Bill No. 1036, notwithstanding the provisions of Senate Rule 12(m)(2).

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

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

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 1**

**BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 915 (Pr. No. 1717) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, repealing provisions relating to fertilizer; providing for fertilizer; in soil and plant amendment, further providing for disposition of funds; in seed, further providing for disposition of funds; establishing the Agronomic Regulatory Account within the General Fund; imposing duties on the Department of Agriculture; and making conforming amendments.

Considered the third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-49

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

NAY-1

Hutchinson

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

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

HB 1036 (Pr. No. 3856) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 8 (Boroughs and Incorporated Towns) of the Pennsylvania Consolidated Statutes, in creation and alteration, further providing for definitions and for judicial adjustment; in elections of officers, further providing for decrease in number of members of council; and, in manufacture and supply of electricity, further providing for specific powers.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-40

Argall	Collett	Langerholc	Scavello
Arnold	Corman	Laughlin	Schwank
Aument	Dinniman	Martin	Stefano
Baker	DiSanto	Mastriano	Tomlinson
Bartolotta	Fontana	Mensch	Vogel
Blake	Gordner	Phillips-Hill	Ward, Judy
Boscola	Haywood	Pittman	Ward, Kim
Brewster	Hutchinson	Regan	Williams, Lindsey
Brooks	Iovino	Santarsiero	Yaw
Browne	Killion	Scarnati	Yudichak

NAY-10

Costa	Kearney	Sabatina	Williams, Anthony H.
Farnese	Leach	Street	
Hughes	Muth	Tartaglione	

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

MOTION PURSUANT TO SENATE RULE 12

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

Senator GORDNER. Mr. President, as a special order of business, I call up Senate Supplemental Calendar No. 2, House Bill No. 1048, and move the Senate proceed to consider House Bill No. 1048, notwithstanding the provisions of Senate Rule 12(m)(2).

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

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

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 2**

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 1048 (Pr. No. 3863) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, in licenses and regulations for liquor, alcohol and malt and brewed beverages, further providing for issuance, transfer or extension of hotel, restaurant and club liquor licenses, for sale of malt or brewed beverages by liquor licensees, for wine expanded permits, for malt and brewed beverages manufacturers', distributors' and importing distributors' licenses, for malt and brewed beverages retail licenses, for retail dispensers' restrictions on purchases and sales and for renewal of licenses and temporary provisions for licensees in armed service.

Considered the third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-50

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

**COMMUNICATIONS FROM THE GOVERNOR
REPORTED FROM COMMITTEE ON RULES
AND EXECUTIVE NOMINATIONS**

Senator AUMENT, from the Committee on Rules and Executive Nominations, reported communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

**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 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 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 RETURNED TO THE GOVERNOR

Senator AUMENT. Mr. President, I request that the nominations just read by the Clerk be returned to His Excellency, the Governor.

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

The PRESIDENT pro tempore. The nominations will be returned to the Governor.

**REPORT FROM COMMITTEE ON RULES
AND EXECUTIVE NOMINATIONS**

Senator AUMENT, from the Committee on Rules and Executive Nominations, reported the following nominations made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

**MEMBER OF THE PENNSYLVANIA
COUNCIL ON AGING**

March 12, 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, Estella Hyde, 14176 South Townline Road, Linesville 16424, Crawford County, Fiftieth Senatorial District, for reappointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 2022, and until the successor is appointed and qualified.

TOM WOLF
Governor

SECRETARY OF TRANSPORTATION

December 6, 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, Yassmin Gramian, 1327 Pennsridge Court, Downingtown 19335, Chester County, Nineteenth Senatorial District, for appointment as Secretary of Transportation, to serve until January 17, 2023, and until the successor is appointed and qualified, vice Leslie S. Richards, Lafayette Hill, resigned.

TOM WOLF
Governor

NOMINATIONS LAID ON THE TABLE

Senator AUMENT. Mr. President, I request that the nominations just read by the Clerk be laid on the table.

The PRESIDENT pro tempore. The nominations will be laid on the table.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator AUMENT,
That the Senate do now resolve itself into Executive Session for the purpose of considering nominations made by the Governor.

Which was agreed to by voice vote.

NOMINATIONS TAKEN FROM THE TABLE

Senator AUMENT. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

MEMBER OF THE PENNSYLVANIA
COUNCIL ON AGING

March 12, 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, Estella Hyde, 14176 South Townline Road, Linesville 16424, Crawford County, Fiftieth Senatorial District, for reappointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 2022, and until the successor is appointed and qualified.

TOM WOLF
Governor

SECRETARY OF TRANSPORTATION

December 6, 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, Yassmin Gramian, 1327 Pennsridge Court, Downingtown 19335, Chester County, Nineteenth Senatorial District, for appointment as Secretary of Transportation, to serve until January 17, 2023, and until the successor is appointed and qualified, vice Leslie S. Richards, Lafayette Hill, resigned.

TOM WOLF
Governor

On the question,
Will the Senate advise and consent to the nominations?

The yeas and nays were required by Senator AUMENT 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 constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Senator AUMENT. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to by voice vote.

**UNFINISHED BUSINESS
BILL REPORTED FROM COMMITTEE**

Senator BROOKS, from the Committee on Health and Human Services, reported the following bill:

SB 430 (Pr. No. 1719) (Amended)

An Act providing standards for carbon monoxide alarms in child care facilities; and imposing penalties.

BILLS ON FIRST CONSIDERATION

Senator K. WARD. 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 5, SB 430, SB 609, SB 1034, SB 1074, HB 1003, HB 1185, HB 1188 and HB 1584.

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

THURSDAY, MAY 28, 2020

Off the Floor	APPROPRIATIONS (to consider Senate Bill No. 987; and House Bills No. 584, 1083, 1210 and 2510)	Senate Chamber (LIVE STREAMED)
---------------	--	--------------------------------

Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bills No. 166, 1027, 1108 and 1122; and certain Executive Nominations)	Senate Chamber (LIVE STREAMED)
---------------	--	--------------------------------

PETITIONS AND REMONSTRANCES

The PRESIDENT pro tempore. The Chair recognizes Senator Tartaglione has submitted remarks for the record. Without objection, 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 5,071 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.

Mr. President, it has also been 72 days since statewide COVID-19 mitigation efforts took effect in Pennsylvania. Fortunately, the difficult but necessary measures we have adopted are finally starting to yield results. It appears that each of the Commonwealth's 67 counties will have moved from "Red" status to "Yellow" by the end of next week, and some counties may be moving into "Green" status very soon. In my home county of Philadelphia, the Department of Health reported yesterday that the daily count of new positive COVID-19 cases dropped below 100 for the first time since late March. Again, this is good news--very long-awaited and eagerly awaited good news.

However, I hope all Pennsylvanians realize that our gradual reopening of businesses and public facilities, and our careful resumption of some social activities, do not represent a so-called return to normal. Despite the declining infection rates seen in Philadelphia and elsewhere in the Commonwealth, there is still a high risk of community transmission of the virus in many places and a high risk that many of those who contract the virus will develop severe and potentially fatal symptoms. As many of the millions of Pennsylvanians who have been laid off or furloughed due to the pandemic begin to return to their jobs, they too face new realities and new dilemmas with their lives and their livelihoods at stake. Many may decide that the risks simply are not worth taking.

For example, a new national poll conducted by *USA Today* found that almost two-thirds of teachers believe that schools are likely to reopen in the fall. About two-thirds of parents with school-age children also believe that. Yet, one in every five teachers surveyed said they are unlikely to return to school if their classrooms reopen in the fall. With about 3.2 million schoolteachers in the U.S., and more than 120,000 in Pennsylvania, the loss of so many teachers would have disastrous consequences for our quality of education and the state of our economy. In the same vein, Pennsylvania has been, and will continue to be, profoundly reliant on workers in a host of other employment sectors, including many that have traditionally been devalued, those workers who make at or near minimum wage. Workers in the service, retail, hospitality, childcare, and personal care industries, to name a few, will have some very hard choices to make as Pennsylvania reopens. Similarly, we, as legislators and as a Commonwealth, will have some critical decisions to make regarding how we protect those workers.

Although the nation's workforce participation rate has been declining for decades and was at a historic low even before the pandemic, most workers simply cannot afford to walk away from their jobs now. We know this because one in every eight Pennsylvanians were living in poverty while one in four struggled to pay for their basic needs before the pandemic. In this time of change, as we contemplate and develop solutions for our "new normal," it is those Pennsylvanians who we must give our greatest consideration - those in need and those who work for a living. We must adopt stronger workplace safety standards and more robust leave policies. We must raise the minimum wage to a level that enables all workers to sustain their families while rewarding them for their contributions to Pennsylvania's prosperity.

Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Philadelphia, Senator Anthony Williams.

Senator A.H. WILLIAMS. Mr. President, for those who are watching this on ZOOM, there is an image behind me. The image is of a man by the name of George Floyd. He died yesterday.

I normally would not be making comments like this in this forum, but because I am a part of government, I am proud to be a part of government, I am proud to be part of this country, there is a pretty consistent stain as a part of our legacy of the last 15 years, and that is the relationship between those who enforce the law and those who have to respect it. Maybe you will see an image of a man or a person of color. What I hope all of us can see is that it is a human being. There are those who will resolve themselves to whatever level of bias or prejudice they have themselves, and I am not talking to you today. I am talking to the majority of us who have good will in our hearts and desire the best for every person in our nation. There are those who will think that I am speaking about this simply because I am an African American male, or those who will think that because I am a Democrat, or those who will think that because I am an urban Senator, or because I have some leaning for these circumstances. The truth is, I am heartbroken. That is why I am speaking.

I am speaking to my friends who are not of color, but do not necessarily concern themselves with being a Democrat or a Republican in these spaces, and, frankly, are long past and should be past the point of, do you like cops or do you not like cops. This is not about that. There are many friends of mine who are law enforcement and they are black, white, Jewish, Polish, and Irish. I pray for them every day when I rise in the morning that they will return safely at home, as I do of anyone who is of good will in this country. But this pattern, and this incident in particular, where many of us witnessed another human being place his knee on top of another human being as he died. As those who witnessed this situation begged for some form of mercy, whether he broke a law or not, whether he should have been arrested, which, by the way, he is not charged and will not be charged, and those involved, fortunately, they will be charged.

While this person is at the intersection of this nation, understand a few things. The majority of those who are in law enforcement do not condone these actions, but there are far too many people who are in positions of law enforcement who do not respect the law and, therefore, take advantage of it, and the consequences are a stain on this nation. I do not worry about me, personally. To be very clear, I am very fortunate. I have a little tag on the back of my car. I can drive through my neighborhood, I can drive through my city, I can drive through most of Pennsylvania, and people will know who I am and what I do and allow me considerations that they will not allow of a normal person who is black, white, Latino, Irish, or Polish. But why should any of us who believe in this country - life, liberty, and the pursuit of happiness - allow for this pattern to continue? In such obvious terms that it is written in almost every newspaper in this country, I am tired of accepting this as if it is the norm. It is not.

My 6-year-old grandson is growing up in a country where I would like to brag to him and say to him, you can be anything you choose to be. The truth is that he will have limitations, he is of special needs. He is autistic. He will have challenges in his life, but those challenges should not present themselves in the form of the hue of his skin or his gender or, frankly, that he may be 6 foot, 5 inches tall and his movements may be abnormal to those who surround him as an adult. What he should be able to do, and his grandfather should go to his grave understanding that he will be embraced for his differences, he will be protected for his differences, and that whatever positive gifts he has, he will give them freely to a country that accepts him.

This death has drawn out of me some of the darkest spaces I have ever seen in my soul. I have many friends of a variety of backgrounds, and we are candid about the way we grew up and sometimes the limitations we had in our household, and, frankly, some of the things we heard from our parents or grandparents that were not particularly kind to men and women, people of different descents or orientations, and that is not just white or black, that is all folks. The first way we change is to admit we have that in us. The second thing is we have to take action. That man who died in a different State replicates a pattern we have seen nationally. I would hope that, before we see something like that happen in Pennsylvania, we would speak boldly and clearly to the fact that we will not tolerate, that we will not have to go through a question process that this gentleman, Mr. Floyd, will be indicted upon because they will talk about, well, he was either possibly intoxicated, or he was someplace he should not be, or he looked leery or intimidating. The fact is, he was strangled to death. Whatever he did, it did not require that restraint from those in law enforcement.

Those of us who hold public office and have public responsibilities to serve the public have to achieve and aspire to a higher level of understanding and compassion, and I have witnessed that. I witnessed that by officers who serve in parts of the community that they do not come from, who do not look like me. They stop and collect baseball gloves and mitts and all sorts of sports equipment for children who they know are in need. I know it is in our souls. I know it is in our capabilities, but I know just nodding about it and saying, oh, is it not terrible, that is not enough. You know, when I was a kid, John Kennedy was President of the United States and he gave a declaration to this nation. He said, we will land on the moon. Now, many of us, when he said that, would like to have believed that, but that was literally beyond our abilities to believe it to be true. We just could not see the capability of human beings being able to achieve, in our lifetime, for any human being to walk on the moon. Not only did we achieve it, we achieved it within my lifetime. Not only did we achieve it within my lifetime, we achieved it before I had gray hair, which has led to the greatest explosion of an economy any nation has ever seen in technology.

I would like to believe that before I leave this Earth, I can leave behind a legacy of fairness, inclusion, respect, diversity, and compassion for all human beings. You understand, when I say these words today, realize that I am not asking for a utopia. I sit on a floor where we are divided by the Democratic and Republican Parties. I have said things out of anger many, many times on this floor, but never in disrespect for one's humanity. Never in disrespect for one's perspective, even if I do not understand it or can comprehend it.

What occurred with George Floyd should never occur again, but it is going to require more than those who are touched by it or sensitized by it to move in strong, diligent, and unified manners. It will require Democrats, Republicans, white, black, Latino, Asian to say, anyone who is serving the public has a standard and requirement by which we protect the public. We cannot fall for the whim or the will of the winds to direct us because, let us be clear, without it, we will descend into not just political division but chaos within neighborhoods that we, frankly, will never, ever, be able to go through. I want to be clear, there is no wall around any of us. Those whose hearts are hardened by these circumstances that they see continually, that they believe we

allow, they are becoming insensitive to the murder that they see happen in front of their eyes, they will not be controlled or limited to a neighborhood or two. They may speak at a ballot box or they may speak at a riot, but they will be heard. It is those of us who claim to be leaders, who do not just require them to lay their passions or their anger down and out, without some resolve of us collectively, in that space, to do something about it.

It is everything in my being to come before you as composed, and I do not mean angry, but not cry as I did last night. From every fervor of my body and soul, I hope and I pray that when we present policies, legislation, and actions that speak to this kind of outrageous behavior, that we will act collectively, because I truly believe that the majority of us know that what happened is wrong and that there should be some consequence for what happened. I would hope that Pennsylvania would be a leader in that space.

Over the coming months and weeks, when we see this type of legislation coming forward, I would hope that, one, we would not quarrel and run from it. Study it, and if we have to make it better, let us do that. But let us collectively resolve that every human being in this country can be certain that we, who hold responsibility to serve them, will first protect them, promote them, and empower them to be as great as they choose to be; that the human kindness and experiment of this nation was founded upon will truly be self-evident to everyone who is an American.

I pray for the Floyd family, and I pray for those families who are part of those officers, because they are in the eye of the storm. I pray for us, as leaders, who have to lead our constituents, our neighbors, our friends, and those with whom we congregate, through this. It will be challenging. It will be hard. It will be, hopefully, honest. I thank you for those who listened. I thank you for those who will respond, but, most importantly, I thank my colleagues for the work that we have yet to complete and will be required to do.

Thank you, Mr. President.

RECESS

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

Senator GORDNER. Mr. President, I move that the Senate do now recess until Thursday, May 28, 2020, at 11 a.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 4:37 p.m., Eastern Daylight Saving Time.