

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

MONDAY, JULY 13, 2020

SESSION OF 2020 204TH OF THE GENERAL ASSEMBLY

No. 33

**SENATE**

MONDAY, July 13, 2020

The Senate met at 1:12 p.m., Eastern Daylight Saving Time.

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

**PRAYER**

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

Let us pray.

Today, I pray for our nation and I pray for all of you. Saint Paul, in his letter to the Ephesians, tells us: "I urge you to live in a manner worthy of the call you have received, with all humility and gentleness, with patience, bearing with one another through love, striving to preserve the unity of the spirit through the bond of peace."

Heavenly Father, in these times of turbulence and strife, unite our nation. Help us to lead by example, to live with humility and gentleness each day, to be patient, to listen to one another, and to find common ground. Help us to celebrate our similarities more than emphasize our differences. Guide our leaders with Your wisdom in all of this. Give us courage to overcome our fears and help us to build a future of peace for our children. All this in Your name, we pray. Amen.

**PLEDGE OF ALLEGIANCE**

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

**GENERAL COMMUNICATIONS**

**RECALL OF REGULAR SESSION**

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

SENATE OF PENNSYLVANIA

July 10, 2020

TO: President and All Members of the Senate

FROM: Senator JOE SCARNATI  
President Pro Tempore

RE: Recall to Session  
Monday, July 13, 2020, 1:00 p.m.

Consistent with the recess motion made on June 30, 2020, the Senate is recalled for voting session on Monday, July 13, 2020, at 1:00 p.m.

**A REPORT ON PENNSYLVANIA ILEC  
BROADBAND DEPLOYMENT MANDATE**

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

COMMONWEALTH OF PENNSYLVANIA  
Legislative Budget and Finance Committee  
613 North Street  
400A Finance Building  
P.O. Box 8737  
Harrisburg, PA 17105-8737

June 30, 2020

To the General Assembly  
Commonwealth of Pennsylvania  
Harrisburg, PA 17120

**RE: A REPORT ON PENNSYLVANIA ILEC BROADBAND DEPLOYMENT MANDATE**

Senate Resolution 2019-48 (SR 2019-48) directed the Legislative Budget and Finance Committee (LBFC) to conduct a review and issue a report of its findings regarding incumbent local exchange carriers' (ILEC) compliance with the broadband highspeed Internet Service deployment mandate under Chapter 30, alternative form of regulation of telecommunication services, of the Pennsylvania Public Utility Code.

Additional reports can be found on the LBFC website at <http://lbfc.legis.state.pa.us/>.

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

**A STUDY IN RESPONSE TO ACT 2019-20:  
NON-ECONOMIC IMPACTS OF SINGLE-USE  
CONTAINER BANS/FEES**

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

COMMONWEALTH OF PENNSYLVANIA  
Legislative Budget and Finance Committee  
613 North Street  
400A Finance Building  
P.O. Box 8737  
Harrisburg, PA 17105-8737

June 30, 2020

To the General Assembly  
Commonwealth of Pennsylvania  
Harrisburg, PA 17120

**RE: A STUDY IN RESPONSE TO ACT 2019-20: NON-ECONOMIC IMPACTS OF SINGLE-USE CONTAINER BANS/FEES**

Act 2019-20 preempted municipalities from enacting bans on single-use plastics through July 1, 2020, and required the Legislative Budget and Finance Committee to evaluate the "environmental impact

and any impact upon residents of this Commonwealth from any regulation impacting single-use plastics, reusable plastics, auxiliary containers, wrappings, or polystyrene containers." The Independent Fiscal Office, a legislative service agency, was similarly charged under the Act to evaluate the "economic impacts" of the aforementioned products.

Additional reports can be found on the LBFC website at <http://lbfc.legis.state.pa.us/>.

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

**2020 SERVICE AND INFRASTRUCTURE IMPROVEMENT FUND (SIIF) ANNUAL REPORT**

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

COMMONWEALTH OF PENNSYLVANIA  
Department of Labor & Industry  
651 Boas Street, Room 1700  
Harrisburg, PA 17121-0750

July 10, 2020

The Honorable Megan Martin  
Secretary of the Senate  
Pennsylvania State Senate  
462 Main Capitol Building  
Harrisburg, Pennsylvania 17120

The Honorable Dave Reddecliff  
Chief Clerk  
Pennsylvania House of Representatives  
129 Main Capitol Building  
Harrisburg, Pennsylvania 17120

Dear Members of the General Assembly:  
Attached is the 2020 Service and Infrastructure Improvement Fund (SIIF) Annual Report as required by Act 60 of 2017.  
Should you have any question on the specific areas detailed in the report, please do not hesitate to contact the Department.

Sincerely,  
  
JERRY OLEKSIAK  
Secretary of Labor & Industry

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

**COMMUNICATIONS FROM THE GOVERNOR**

**RECALL COMMUNICATIONS REFERRED TO COMMITTEE**

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

MEMBER OF THE PENNSYLVANIA  
ELECTION LAW ADVISORY BOARD

July 6, 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 June

25, 2020, of Anne Gingrich Cornick, Esquire (Congressional District 11), 2311 Briarcliff Road, Harrisburg 17104, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Election Law Advisory Board, to serve at the pleasure of the Governor, vice new position created by Act 12 of 2020.

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

TOM WOLF  
Governor

MEMBER OF THE PENNSYLVANIA  
ELECTION LAW ADVISORY BOARD

July 10, 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 June 25, 2020, of Marisa G.Z. Lehr, Esquire (Congressional District 9), 8 Nicholson Court, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Pennsylvania Election Law Advisory Board, to serve at the pleasure of the Governor, vice new position created by Act 12 of 2020.

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

TOM WOLF  
Governor

MEMBER OF THE PENNSYLVANIA  
ELECTION LAW ADVISORY BOARD

July 10, 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 June 25, 2020, of Thomas J. Yablonski, Jr. (Congressional District 5), 1408 Rose Lane, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Pennsylvania Election Law Advisory Board, to serve at the pleasure of the Governor, vice new position created by Act 12 of 2020.

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

TOM WOLF  
Governor

**NOMINATIONS REFERRED TO COMMITTEE**

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

MEMBER OF THE PENNSYLVANIA  
ELECTION LAW ADVISORY BOARD

July 6, 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, Randall Wenger (Congressional District 11), 414 Southview Drive, Lititz 17543, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the Pennsylvania Election Law Advisory Board, to serve at the pleasure of the Governor, vice new position created by Act 12 of 2020.

TOM WOLF  
Governor

MEMBER OF THE PENNSYLVANIA  
ELECTION LAW ADVISORY BOARD

July 10, 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, Christina Iacono (Congressional District 5), 31 Oakland Road, West Chester 19382, Chester County, Ninth Senatorial District, for appointment as a member of the Pennsylvania Election Law Advisory Board, to serve at the pleasure of the Governor, vice new position created by Act 12 of 2020.

TOM WOLF  
Governor

MEMBER OF THE PENNSYLVANIA  
ELECTION LAW ADVISORY BOARD

July 10, 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, James M. Smith (Congressional District 9), 511 Calabria Drive, Blandon 19510, Berks County, Twenty-ninth Senatorial District, for appointment as a member of the Pennsylvania Election Law Advisory Board, to serve at the pleasure of the Governor, vice new position created by Act 12 of 2020.

TOM WOLF  
Governor

MEMBER OF THE PENNSYLVANIA  
LABOR RELATIONS BOARD

July 13, 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, Albert Mezzaroba, 2305 Township Road, Quakertown 18951, Bucks County, Twenty-fourth Senatorial District, for reappointment as a member of the Pennsylvania Labor Relations Board, to serve until June 2, 2025, and until the successor is appointed and qualified.

TOM WOLF  
Governor

**HOUSE MESSAGES**

**SENATE BILL RETURNED WITH AMENDMENTS**

The Clerk of the House of Representatives returned to the Senate **SB 836**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule 13(c)(2)(i), the bill will be referred to the Committee on Rules and Executive Nominations.

**HOUSE CONCURS IN SENATE AMENDMENTS  
TO HOUSE BILLS**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 256**, **HB 632**, **HB 943** and **HB 2455**.

**HOUSE CONCURS IN SENATE BILLS**

The Clerk of the House of Representatives returned to the Senate **SB 320** and **SB 927**, with the information the House has passed the same without amendments.

**HOUSE BILLS FOR CONCURRENCE**

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

July 1, 2020

**HB 2503** -- Committee on Health and Human Services.

July 13, 2020

**HB 885** and **1582** -- Committee on Local Government.

**HB 1311**, **1808** and **2025** -- Committee on Environmental Resources and Energy.

**HB 1995** -- Committee on State Government.

**HB 2149** -- Committee on Agriculture and Rural Affairs.

**HB 2296** -- Committee on Transportation.

**HB 2350** and **2540** -- Committee on Health and Human Services.

**BILLS INTRODUCED AND REFERRED**

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

July 10, 2020

Senators HUGHES, COLLETT, MUTH, FONTANA, FARNESE, COSTA, SCHWANK, KEARNEY and IOVINO presented to the Chair **SB 1197**, entitled:

An Act amending Title 46 (Legislature) of the Pennsylvania Consolidated Statutes, providing for racial impact statements in consideration of legislation.

Which was committed to the Committee on STATE GOVERNMENT, July 10, 2020.

Senators A. WILLIAMS, MUTH, SANTARSIERO, FONTANA, HAYWOOD, FARNESE, HUGHES, STREET, COSTA, KEARNEY and BOSCOLA presented to the Chair **SB 1202**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in general provisions relating to area government and intergovernmental cooperation, providing for civilian police oversight boards.

Which was committed to the Committee on LAW AND JUSTICE, July 10, 2020.

Senators BARTOLOTTA, FARNESE, LEACH, REGAN, STREET, ARGALL, BOSCOLA, SCHWANK, STEFANO, BLAKE, PITTMAN and MUTH presented to the Chair **SB 1206**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in commercial drivers, further providing for definitions; and, in driving after imbibing alcohol or utilizing drugs, further providing for driving under influence of alcohol or controlled substance and for authorized use not a defense.

Which was committed to the Committee on TRANSPORTATION, July 10, 2020.

Senators FONTANA, L. WILLIAMS, MUTH, COSTA, HAYWOOD, STREET, KEARNEY, FARNESE, SANTARSIERO, HUGHES and BOSCOLA presented to the Chair **SB 1208**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in general provisions relating to government and administration, providing for law enforcement review boards.

Which was committed to the Committee on LAW AND JUSTICE, July 10, 2020.

Senators PITTMAN, MENSCH, PHILLIPS-HILL, ARGALL, STEFANO and MARTIN presented to the Chair **SB 1224**, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in emergency medical services system, further providing for support of emergency medical services.

Which was committed to the Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, July 10, 2020.

Senators LEACH, BOSCOLA and TARTAGLIONE presented to the Chair **SB 1225**, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, providing for end of life options, for duties of attending physicians, for duties of consulting physicians and for insurance or annuity policies; imposing duties on the Department of Health; providing for immunities; and imposing penalties.

Which was committed to the Committee on JUDICIARY, July 10, 2020.

Senators TARTAGLIONE, COSTA, FONTANA, MUTH, SANTARSIERO and HUGHES presented to the Chair **SB 1226**, entitled:

A Supplement to the act of June 28, 2019 (P.L.839, No.1A), 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, 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; to provide appropriations from special funds and accounts to

the Executive and Judicial Departments for the fiscal year July 1, 2019, to June 30, 2020, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2019; to provide for the appropriation of Federal funds to the Executive and Judicial Departments for the fiscal year July 1, 2019, to June 30, 2020, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2019; and to provide for the additional appropriation of Federal and State funds to the Executive and Judicial Departments for the fiscal year July 1, 2018, to June 30, 2019, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2018," adding Federal appropriations to the Executive Department of the Commonwealth for the fiscal year July 1, 2019, to June 30, 2020.

Which was committed to the Committee on APPROPRIATIONS, July 10, 2020.

July 12, 2020

Senator STREET presented to the Chair **SB 1235**, entitled:

An Act authorizing the Department of General Services, with the concurrence of the Department of Environmental Protection, to lease to L-A Battery, QOZ, LLC land within the bed of the Delaware River within the City of Philadelphia.

Which was committed to the Committee on STATE GOVERNMENT, July 12, 2020.

July 13, 2020

Senators SCHWANK, STREET, COLLETT, TARTAGLIONE, MUTH, DINNIMAN, IOVINO, A. WILLIAMS, BLAKE and HUGHES presented to the Chair **SB 1227**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, repealing provisions relating to fireworks.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, July 13, 2020.

Senators SCAVELLO, ARGALL, YUDICHAK, PHILLIPS-HILL, BROOKS, BLAKE and PITTMAN presented to the Chair **SB 1228**, entitled:

An Act amending the act of October 10, 1975 (P.L.383, No.110), known as the Physical Therapy Practice Act, further providing for definitions, for powers and duties of board, for continuing education, for practice of physical therapy and for physical therapist assistant, education and examination, scope of duties and certification.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, July 13, 2020.

Senators LAUGHLIN, TARTAGLIONE, PITTMAN, MENSCH, HUTCHINSON, AUMENT and HUGHES presented to the Chair **SB 1229**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, in general provisions relating to insurance companies, associations and exchanges, further providing for service contract exclusion.

Which was committed to the Committee on BANKING AND INSURANCE, July 13, 2020.

Senators J. WARD, AUMENT, PHILLIPS-HILL, MARTIN, STEFANO, BARTOLOTTA and ARGALL presented to the Chair **SB 1230**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, establishing the Back on Track Education Scholarship Account Program; and imposing duties on the Department of Education and the State Treasurer.

Which was committed to the Committee on EDUCATION, July 13, 2020.

Senators KEARNEY, HUGHES, SANTARSIERO, STREET, BARTOLOTTA, FONTANA, FARNESE, TARTAGLIONE, MUTH, COSTA, A. WILLIAMS, IOVINO and L. WILLIAMS presented to the Chair **SB 1233**, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, in emergency COVID-19 response, providing for COVID-19 nonprofit assistance grants.

Which was committed to the Committee on APPROPRIATIONS, July 13, 2020.

**RESOLUTIONS INTRODUCED AND REFERRED**

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

July 13, 2020

Senators HAYWOOD, TARTAGLIONE, FONTANA, ARGALL, MUTH, COLLETT, DINNIMAN, COSTA, A. WILLIAMS and KEARNEY presented to the Chair **SR 344**, entitled:

A Resolution directing the Legislative Budget and Finance Committee to conduct a study and issue a report on benefits cliffs in this Commonwealth.

Which was committed to the Committee on HEALTH AND HUMAN SERVICES, July 13, 2020.

Senators YUDICHAK, KILLION, BROWNE, DINNIMAN, ARGALL, FARNESE, MENSCH, BREWSTER, PITTMAN, SCAVELLO, TARTAGLIONE and STEFANO presented to the Chair **SR 345**, entitled:

A Resolution designating the week of July 27 through 31, 2020, as "Construction Opioids Awareness Week" in Pennsylvania.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, July 13, 2020.

Senators KILLION, ARGALL, BROWNE, IOVINO, LANGERHOLC, MENSCH, PHILLIPS-HILL, J. WARD, YAW, GORDNER, PITTMAN, DINNIMAN, MARTIN, STEFANO, MASTRIANO and TARTAGLIONE presented to the Chair **SR 346**, entitled:

A Resolution designating July 25, 2020, August 22, 2020, September 26, 2020, October 24, 2020, and December 19, 2020, as "Small Business Days" in Pennsylvania.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, July 13, 2020.

Senators CORMAN and COSTA presented to the Chair **SR 347**, entitled:

A Resolution extending the temporary emergency Rules of the Senate.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, July 13, 2020.

**APPOINTMENT BY THE PRESIDENT PRO TEMPORE**

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

Mr. David K. Cuff to the governing body of the Philadelphia Regional Port Authority.

**LEGISLATIVE LEAVE**

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

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

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

**LEAVE OF ABSENCE**

Senator COSTA asked and obtained a leave of absence for Senator DINNIMAN, for today's Session, for personal reasons.

**JOURNAL APPROVED**

The PRESIDENT. The Journal of the Session of May 26, 2020, is now in print.

The Clerk proceeded to read the Journal of the Session of May 26, 2020.

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

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

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

**YEA-49**

Argall	DiSanto	Martin	Street
Arnold	Farnese	Mastriano	Tartaglione
Aument	Fontana	Mensch	Tomlinson
Baker	Gordner	Muth	Vogel
Bartolotta	Haywood	Phillips-Hill	Ward, Judy
Blake	Hughes	Pittman	Ward, Kim
Boscola	Hutchinson	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-0**

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

The PRESIDENT. The Journal is approved.

**GUEST OF SENATOR MICHELE BROOKS PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentlewoman from Mercer, Senator Brooks.

Senator BROOKS. Mr. President, I would like to take a moment to share some news that is bittersweet for me. Today is the last day in the Senate for Janelle Lynch, who has served as executive director for the Senate Committee on Health and Human Services for the past 17 months. Janelle will be returning to her roots in the State House of Representatives to become the legislative director for the new Majority Leader, Representative Benninghoff. It is a wonderful promotion for Janelle and a wise move by Representative Benninghoff, but a great loss for the Senate. For the past year, Janelle has devoted her vast knowledge of the most intricate State government programs and policies to helping her fellow Pennsylvanians in need. She is a talented drafter, a skilled negotiator, and a bright light. Her wisdom and experience will be sorely missed. As she leaves the Senate behind, I hope all of you will join me in thanking and congratulating Janelle and wishing her every success in her new endeavor.

Thank you, Mr. President.

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

Senator CORMAN. Mr. President, if I could just second the comments from the Senator from Mercer County. As a former chair of the Committee on Health and Human Services, I can tell you there is no more difficult and complex committee for an executive director to oversee. The issues are wide and difficult, and it is really important, as a new Member when you take over a committee like that, to have someone with expertise. So it is a tremendous loss for the Senate that Janelle goes across the building to our friends in the House, where I know we will not get along anymore and we will argue over everything from now on as we negotiate different bills to go through the House. But we could not have gotten through the last couple of years without Janelle. You will be missed. We will see you a lot, but it is a loss for the Senate. We wish you nothing but the best. Just remember, the Senate is always right. The Senate is always right. If you live by those rules, and you will be just fine in the House.

Thank you very much, Mr. President.

(Applause.)

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

Senator HAYWOOD. Mr. President, I further concur, even though we may not have a second or third round of applause, and I very much appreciate your openness, clarity, and thoughtfulness in your role as the executive director of the Committee on Health and Human Services. Clarissa, as well, sends her best regards to you. I hope to continue to work with you, and, as has been said before, send all the wisdom from here over there. Thanks so much.

The PRESIDENT. Would the guest of Senator Brooks please rise to be welcomed by the Senate.

(Applause.)

## RECESS

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

Senator CORMAN. Mr. President, I request a recess of the Senate for purposes of a series 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 State Government, and followed by a Senate Republican caucus to be held via ZOOM.

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

Senator COSTA. Mr. President, at the conclusion of the committee meetings, Senate Democrats will also caucus via ZOOM.

The PRESIDENT. For purposes of off-the-floor committee meetings beginning with the Committee on Rules and Executive Nominations, followed by the Committee on State Government, to be followed by Senate Republican and Democratic caucuses to be held via ZOOM, without objection, the Senate stands in recess.

## AFTER RECESS

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

## CALENDAR

### THIRD CONSIDERATION CALENDAR

#### BILLS OVER IN ORDER

**SB 85, SB 107, HB 355, SB 530, SB 565, HB 584, SB 606, HB 617, SB 679 and HB 716** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

#### BILL AMENDED

**HB 732 (Pr. No. 960)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in realty transfer tax, further providing for excluded transactions.

On the question,

Will the Senate agree to the bill on third consideration?

#### YUDICHAK AMENDMENT A6669

Senator YUDICHAK offered the following amendment No. A6669:

Amend Bill, page 1, line 11, by striking out the period after "transactions" and inserting:  
; and providing for local resource manufacturing tax credit and for a penalty.

Amend Bill, page 2, by inserting between lines 8 and 9:

Section 1.1. The act is amended by adding an article to read:

#### ARTICLE XVII-L

##### LOCAL RESOURCE MANUFACTURING TAX CREDIT

Section 1701-L. Scope of article.

This article establishes a local resource manufacturing tax credit.

Section 1702-L. Definitions.

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

"Company." A corporation, partnership, limited liability company, limited liability partnership, business trust, affiliate, unincorporated joint venture or other business entity doing business in this Commonwealth.

"Department." The Department of Revenue of the Commonwealth.

"Downstream company." The term includes a company that pur-

chases chemical products or chemical compounds manufactured or processed by a qualified taxpayer.

"Dry natural gas." Natural gas in which there are no appreciable natural gas liquids recoverable by separation at the wellhead.

"Fertilizer." A chemical product derived from petrochemicals which is added to soil or land to increase fertility.

"Natural gas." As defined in 58 Pa.C.S. § 2301 (relating to definitions).

"Natural gas liquids." As defined in 58 Pa.C.S. § 2301.

"New job." A full-time equivalent job created during the construction of the project facility and paying the prevailing minimum wage and benefit rates for each craft or classification as determined by the Department of Labor and Industry under the Prevailing Wage Act.

"Pass-through entity." Any of the following:

(1) A partnership as defined in section 301(n.0).

(2) A Pennsylvania S corporation as defined in section

301(n.1).

(3) An unincorporated entity subject to section 307.21.

"Permanent job." A full-time equivalent job created to support the ongoing operation of the project facility.

"Petrochemical." Chemical products obtained from refining and processing natural gas. The term does not include liquefaction or other processing of natural gas for the purpose of transport.

"Prevailing Wage Act." The act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act.

"Project facility." A facility located in this Commonwealth which manufactures petrochemicals or fertilizers using dry natural gas and which required a capital investment of at least \$400,000,000 to construct and place into service.

"Qualified tax liability." The liability for taxes imposed under Articles III, IV, VII, VIII, IX, XI and XV. The term does not include tax withheld under section 316.1.

"Qualified taxpayer." A company that satisfies all of the following:

(1) Purchases and uses dry natural gas produced in this Commonwealth in the manufacture of petrochemicals or fertilizers at a project facility in this Commonwealth that has been placed in service on or after the effective date of this section.

(2) Has made a capital investment of at least \$400,000,000 in order to construct the project facility and place the project facility into service in this Commonwealth.

(3) Has created a minimum aggregate total of 800 new jobs and permanent jobs.

(4) Has made good faith efforts to recruit and employ, and to encourage any contractors or subcontractors to recruit and employ, workers from the local labor market for employment during the construction of the project facility.

(5) Has demonstrated that the new jobs created at the project facility or for work covered by section 1713-L are paid at least the prevailing minimum wage and benefit rates for each craft or classification as determined by the Department of Labor and Industry.

"Tax credit." The local resource manufacturing tax credit provided under this article.

"Unit." One thousand cubic feet of natural gas at a temperature of 60 degrees Fahrenheit and an absolute pressure of 14.73 pounds per square inch, in accordance with American Gas Association standards and according to Boyle's law for the measurement of gas under varying pressures with deviations therefrom as follows:

(1) The average absolute atmospheric pressure shall be assumed to be 14.4 pounds to the square inch, notwithstanding the actual elevation or location of point of delivery above sea level or variations in the atmospheric pressure.

(2) The temperature of the gas passing the meters shall be determined by the continuous use of a recording thermometer in stalled so that the thermometer may properly record the temperature of the gas flowing through the meters. The arithmetic average of the temperature recorded each 24-hour day shall be used in computing gas volumes. If a recording thermometer is not installed, or if installed and not operating properly, an average flowing temperature of 60 degrees Fahrenheit shall be used in computing gas volume.

(3) The specific gravity of the gas shall be determined by tests made by the use of an Edwards or Acme gravity balance annually or at intervals as are found necessary in practice. Specific gravity shall be used in computing gas volumes.

(4) The deviation of the natural gas from Boyle's law shall be determined by tests annually or at other shorter intervals as are found necessary in practice. The apparatus and the method to be used in making the tests shall be in accordance with recommendations of the National Bureau of Standards of the Department of Commerce or Report No. 3 of the Gas Measurement Committee of the American Gas Association on the effective date of this section. The results of the tests shall be used in computing the volume of gas delivered.

"Upstream company." The term includes a company that is engaged in the exploration, development, production, processing, refining or transportation of dry natural gas in this Commonwealth.

Section 1703-L. Eligibility.

In order to be eligible to receive a tax credit, a company shall demonstrate the following:

(1) The company meets the requirements of a qualified taxpayer.

(2) The use of carbon capture and sequestration technology, or similar technologies, at the project facility to the extent it is cost effective and feasible at the discretion of the qualified taxpayer.

(3) Confirmation that the company has filed all required State tax reports and returns for all applicable taxable years and paid any balance of State tax due as determined by assessment or determination by the department and not under timely appeal.

Section 1704-L. Application and approval of tax credit.

(a) Rate.--The tax credit shall be equal to \$0.47 per unit of dry natural gas that is purchased and used in the manufacturing of petrochemicals or fertilizers at the project facility by a qualified taxpayer.

(b) Application.--

(1) A qualified taxpayer may apply to the department for a tax credit under this section.

(2) The application must be submitted to the department by March 1 for the tax credit claimed for dry natural gas purchased and used in manufacturing of petrochemicals or fertilizers by the qualified taxpayer at the project facility during the prior calendar year.

(3) The application must be on the form required by the department which shall include the following:

(i) information required by the department to document the amount of dry natural gas purchased and used in the manufacture of petrochemicals or fertilizers at the project facility;

(ii) information required by the department to verify that the applicant is a qualified taxpayer; and

(iii) any other information as the department deems appropriate.

(c) Review and approval.--

(1) The department shall review the applications and shall issue an approval or disapproval by May 1.

(2) Upon approval, the department shall issue a certificate stating the amount of tax credit granted for dry natural gas purchased and used in the manufacture of petrochemicals or fertilizers at the project facility in the prior calendar year.

(d) Availability of tax credits.--

(1) Each fiscal year, \$26,666,668 in tax credits shall be made available to the department in accordance with this article.

(2) No more than four qualified taxpayers shall receive a tax credit annually, for a maximum credit of \$6,666,667 each.

(3) The department, at its discretion, may issue unallocated credits to a qualified taxpayer, notwithstanding the maximum credit limit under paragraph (2).

Section 1705-L. Use of tax credits.

(a) Initial use.--Prior to sale or assignment of a tax credit under section 1707-L, a qualified taxpayer must first use a tax credit against the qualified tax liability incurred in the taxable year for which the tax credit was approved.

(b) Eligibility.--The tax credit may be applied against up to 20% of the qualified taxpayer's qualified tax liabilities incurred in the taxable year for which the tax credit was approved.

(c) Limit.--A qualified taxpayer that has been granted a tax credit under this article shall be ineligible for any other tax credit provided under this act.

Section 1706-L. Carryover, carryback and refund.

A tax credit cannot be carried back, carried forward or be used to obtain a refund.

Section 1707-L. Sale or assignment.

(a) Authorization.--If the qualified taxpayer holds a tax credit through the end of the calendar year in which the tax credit was granted, the qualified taxpayer may sell or assign a tax credit, in whole or in part, provided the sale is effective by the close of the following calendar year.

(b) Application.--

(1) To sell or assign a tax credit, a qualified taxpayer must file an application for the sale or assignment of the tax credit with the department. The application must be on a form required by the department.

(2) To approve an application, the department must receive:

(i) a finding from the department that the applicant has:

(A) filed all required State tax reports and returns for all applicable taxable years; and

(B) paid any balance of State tax due as determined by assessment or determination by the department and not under timely appeal; and

(ii) for a sale or assignment to a company that is not an upstream company or downstream company, a certification from the qualified taxpayer that the qualified taxpayer has offered to sell or assign the tax credit:

(A) exclusively to a downstream company for a period of 30 days following approval of the tax credit under section 1704-L (c); and

(B) to an upstream company or downstream company for a period of 30 days following expiration of the period under clause (A).

(c) Approval.--Upon approval by the department, a qualified taxpayer may sell or assign, in whole or in part, a tax credit.

Section 1708-L. Purchasers and assignees.

(a) Time.--The purchaser or assignee under section 1707-L must claim the tax credit in the calendar year in which the purchase or assignment is made.

(b) Amount.--The amount of the tax credit that a purchaser or assignee under section 1707-L may use against any one qualified tax liability may not exceed 50% of any of the qualified tax liabilities of the purchaser or assignee for the taxable year.

(c) Resale and assignment.--

(1) A purchaser under section 1707-L may not sell or assign the purchased tax credit.

(2) An assignee under section 1707-L may not sell or assign the assigned tax credit.

(d) Notice.--The purchaser or assignee under section 1707-L shall notify the department of the seller or assignor of the tax credit in compliance with procedures specified by the department.

Section 1709-L. Pass-through entity.

(a) Election.--If a pass-through entity has an unused tax credit, the pass-through entity may elect, in writing, according to procedures established by the department, to transfer all or a portion of the credit to shareholders, members or partners in proportion to the share of the entity's distributive income to which the shareholders, members or partners are entitled.

(b) Limitation.--The same unused tax credit under subsection (a) may not be claimed by:

(1) the pass-through entity; and

(2) a shareholder, member or partner of the pass-through entity.

(c) Amount.--The amount of the tax credit that a transferee under subsection (a) may use against any one qualified tax liability may not exceed 20% of any qualified tax liabilities for the taxable year.

(d) Time.--A transferee under subsection (a) must claim the tax credit in the calendar year in which the transfer is made.

(e) Sale and assignment.--A transferee under subsection (a) may not sell or assign the tax credit.

Section 1710-L. (Reserved).Section 1711-L. Administration.(a) Audits and assessments.--

(1) The department may audit a taxpayer awarded a tax credit to ascertain the validity of the amount awarded.

(2) The department may issue an assessment against a taxpayer for an improperly issued tax credit. The procedures, collection, enforcement and appeals of an assessment made under this section shall be governed by Article II.

(b) Guidelines and regulations.--The department shall develop written guidelines for the implementation of this article. The guidelines shall be in effect until the department promulgates regulations for the implementation of the provisions of this article.

Section 1712-L. Reports to General Assembly.

(a) Annual report.--No later than the year after which tax credits are first awarded under this article, and each October 1 thereafter, the department shall submit a report on the tax credit provided under this article to the chairperson and minority chairperson of the Appropriations Committee of the Senate, the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives, the chairperson and minority chairperson of the Finance Committee of the Senate and the chairperson and minority chairperson of the Finance Committee of the House of Representatives. The report must include the names of the qualified taxpayers utilizing the tax credit as of the date of the report and the amount of tax credits approved for, utilized by or sold or assigned by a qualified taxpayer.

(b) Reconciliation report.--On May 1 of the year which is 10 years after the year in which tax credits are first awarded under this article, the department shall submit to the Secretary of the Senate and the Chief Clerk of the House of Representatives a reconciliation report on the effectiveness of this article. The report shall include, to the extent possible, the following information for the preceding 10 years:

(1) The name and business address of all qualified taxpayers who have been granted tax credits under this article.

(2) The amount of tax credits granted to each qualified taxpayer.

(3) The total number of jobs created by the qualified taxpayer, upstream company and downstream company and any companies that provide goods, utilities or other services that support the business operations of the qualified taxpayer, upstream company and downstream company. This paragraph includes the average annual salary and hourly wage information.

(4) The amount of taxes paid under Article II by the qualified taxpayer, upstream company and downstream company and any companies that provide goods, utilities or other services that support the business operations of the qualified taxpayer, upstream company and downstream company.

(5) The amount of taxes withheld from employees or paid by members, partners or shareholders of the pass-through entities under Article III of the qualified taxpayer, upstream company and downstream company and any companies that provide goods, utilities or other services that support the business operations of the qualified taxpayer, upstream company and downstream company.

(6) The amount of taxes paid under Article IV by the qualified taxpayer, upstream company and downstream company and any companies that provide goods, utilities or other services that support the business operations of the qualified taxpayer, upstream company and downstream company.

(7) The amount of taxes paid under Article XI by the qualified taxpayer, upstream company and downstream company and any companies that provide goods, utilities or other services that support the business operations of the qualified taxpayer, upstream company and downstream company.

(8) The amount of any other State or local taxes paid by the qualified taxpayer, upstream company and downstream company and any companies that provide goods, utilities or other services that support the business operations of the qualified taxpayer, upstream company and downstream company.

(9) Any other information pertaining to the economic impact of this article on this Commonwealth.

(c) Reduction.--If the reconciliation report issued under subsection (b) reveals that the total amount of the tax credits granted under this article exceeds the total amount of tax revenue reported under subsection (b) (4), (5), (6), (7), (8) and (9), the report must include any recommendation for changes in the calculation of the credit.

(d) Publication.--The reports required by this section shall be a public record as defined under section 102 of the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law and shall be available electronically on the publicly accessible Internet website of the department. The reports required under this section may not contain "confidential proprietary information" as defined in section 102 of the Right-to-Know Law.

Section 1713-L. Prevailing wage.



(a) Application.--A project facility for which a tax credit is sought and awarded under this article is deemed to meet each of the minimum requirements necessary to apply the wage and benefit rates, and related certification of payroll records, required by the Prevailing Wage Act. A qualified taxpayer, or the qualified taxpayer's agent, and all contractors and subcontractors, of every tier, engaged to perform on the project facility must comply with all provisions and requirements of the Prevailing Wage Act for all new jobs and for all crafts or classifications performing construction, reconstruction, demolition, alteration and/or repair work, other than maintenance work, undertaken at the project facility during the initial construction and during any period in which tax credits are sought and awarded for the project facility.

(b) Compliance.--The Department of Labor and Industry shall enforce this section and shall apply the same administration and enforcement applicable to any project of construction, reconstruction, demolition, alteration and/or repair work, other than maintenance work, undertaken pursuant to the requirements of the Prevailing Wage Act to ensure compliance.

(c) Notification.--Prior to the solicitation of bids or proposals of any contract or subcontract covered under subsection (a), the qualified taxpayer, or the qualified taxpayer's agent, shall notify the Department of Labor and Industry of the solicitation and request the issuance of a wage and benefit rate determination for all crafts and classifications anticipated to perform at the project facility. Rate requests shall be in conformity with the procedures of the Prevailing Wage Act, and the Department of Labor and Industry shall issue rates upon request as required pursuant to this section and the provisions of the Prevailing Wage Act.

(d) Violation.--In addition to enforcement authorized under the Prevailing Wage Act and subsection (b), if, after notice and hearing, the Department of Labor and Industry determines that the qualified taxpayer intentionally failed to pay or intentionally caused another to fail to pay prevailing wage rates or benefit rates as set forth under section 11 (h) of the Prevailing Wage Act for work covered under subsection (a), or ratified any such intentional failure by any contractors or subcontractors of the qualified taxpayer, the qualified taxpayer shall be required to refund 10% of the amount of the tax credits awarded to the qualified taxpayer for the first fiscal year for which tax credits are awarded, in the case of initial construction, or the fiscal year in which the intentional noncompliance occurred as determined by the department.

(e) Appeal.--A finding of a violation under subsection (d) shall be appealable under section 2.2 (e) (1) of the Prevailing Wage Act and 34 Pa. Code § 213.3 (relating to appeals from determinations of the secretary). Any final determination by the appeals board under the Prevailing Wage Act may be appealed pursuant to 2 Pa.C.S. (relating to administrative law and procedure).

Section 1714-L. Applicability.

This article shall apply to the purchase of dry natural gas produced in this Commonwealth for the period beginning January 1, 2024, and ending December 31, 2049.

Section 1715-L. Expiration.

This article shall expire December 31, 2050.

Amend Bill, page 2, line 11, by striking out all of said line and inserting:

Section 3. This act shall take effect as follows:

- (1) The addition of Article XVII-L of the act shall take effect in 60 days.
- (2) The remainder of this act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

SANTARSIERO AMENDMENT A6677  
TO A6669 OFFERED

Senator SANTARSIERO offered the following amendment No. A6677 to amendment No. A6669:

Amend Amendments, page 1, line 33 (A06669), by striking out all of said line and inserting:

"New job." Any of the following:

- (1) A full-time equivalent job created during the

Amend Amendments, page 1, by inserting after line 37 (A06669):

(2) A permanent job.

Amend Amendments, page 2, line 32 (A06669), by striking out "and permanent jobs"

On the question,

Will the Senate agree to amendment No. 6677 to amendment No. 6669?

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

Senator SANTARSIERO. Mr. President, this amendment is quite simple and straightforward. The gentleman's underlying amendment that this would, in turn, amend, would create a new tax credit program that would involve a number of new requirements, including the application of our Prevailing Wage Act to construction jobs relating to the facilities in question, but only to those construction jobs. This amendment would modify the gentleman's proposal so it would now apply not just to the construction jobs, but to all jobs created at these new facilities, and permanent jobs as well. There seems to be no logic in limiting the scope to just the construction jobs. It should be expanded to all jobs that ultimately arise at these facilities which are created as a consequence of this tax credit. For that reason, Mr. President, I offer this amendment and ask for the Senate's approval.

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

Senator CORMAN. Mr. President, I ask for a negative vote. This is, obviously, a very carefully negotiated amendment to this piece of legislation that hopefully will be a role model for the future of the business community and labor community. Republicans, Democrats, even the Governor who initially vetoed this attempt, have, in good faith, negotiated this and got to a point where, through all of those careful negotiations, we have a product that we could all--at least the people who were involved--agree to, and as the gentleman knows, any sort of movement violates the agreement which we came to. I am very proud of the negotiations which took place. I think the trades and organized labor, as well as the business community, all gave in this process and did it in the best interest of jobs in Pennsylvania, particularly in the northeastern part of the State. So any movement now, unfortunately, well-intended or not, would certainly change the balance of those negotiations. So, for that reason, Mr. President, I ask for a negative vote.

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

Senator SANTARSIERO. Mr. President, to the Majority Leader's point, if, indeed, this is to become a role model for other projects throughout the State, all the more reason, it seems to me, we would want to make sure it covers not simply the jobs created in construction, but also the permanent jobs that would result at these plants. Certainly, expanding it in that way should have no negative impact on the interests of any of the parties who have come to the table to negotiate this legislation. It seems to me that if we think it makes sense to have prevailing wage for the construction workers, which we should, then it should make sense, and everyone should agree pretty readily, to make sure those requirements also pertain to the permanent jobs that are created at these plants.

Thank you, Mr. President.

## LEGISLATIVE LEAVES

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

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

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

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

The PRESIDENT. Senator Corman requests a temporary Capitol leave for Senator Aument.

Senator Costa requests a legislative leave for Senator Anthony Williams.

Without objection, the leaves will be granted.

And the question recurring,

Will the Senate agree to amendment No. 6677 to amendment No. 6669?

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

## YEA-20

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

## NAY-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	

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,

Will the Senate agree to amendment No. A6669?

## MUTH AMENDMENT A6687 TO A6669 OFFERED

Senator MUTH offered the following amendment No. A6687 to amendment No. A6669:

Amend Amendments, page 4, by inserting between lines 33 and 34:

(4) Confirmation that the company has satisfied the requirements set forth in section 1703.1-L.

Section 1703.1-L. Plan to reduce net greenhouse gas emissions.

(a) Plan.--When applying for any air permit for the project facility from the Department of Environmental Protection, a company shall submit a plan to the Department of Environmental Protection demonstrating how the facility and upstream companies supplying dry natural gas will reduce net greenhouse gas emissions to zero no later than the date that this article shall expire.

(b) Interim benchmark targets.--The plan required in subsection (a) shall include interim benchmark targets for net greenhouse gas emission reductions.

(c) Plan required.--The Department of Environmental Protection shall not approve an application for any air permit for a project facility seeking the tax credit under this section unless the air permit application materials include the plan required under subsection (a).

(d) Air permit renewal requirement.--If an air permit is approved for a project facility, for any subsequent renewal of an air permit, the Department of Environmental Protection may condition renewal on the company successfully complying with the interim benchmark targets for net greenhouse gas emission reduction included in the company's plan under subsection (b).

On the question,

Will the Senate agree to amendment No. 6687 to amendment No. 6669?

The PRESIDENT. The Chair recognizes the gentlewoman from Montgomery, Senator Muth.

Senator MUTH. Mr. President, this amendment creates a plan to reduce net greenhouse gas emissions by requiring each facility within the tax credit applying for any air permit to submit a plan to the Department of Environmental Protection that demonstrates how the facility and upstream companies supplying natural gas will reduce greenhouse gas emissions to 0 by 2050 with interim benchmark targets being outlined. DEP will not approve any applications for a facility seeking the tax credit unless they submit this plan. Renewal of the air permit will be evaluated if the company successfully complies with the interim benchmarks outlined in their plan. We should require all companies to be held accountable for the pollution they emit to gain a profit. We need to choose people over profit, especially during a pandemic that affects our constituency and their public health as well as their respiratory system. I encourage a "yes" vote on this amendment to hold companies accountable and protect people as well as our planet.

Thank you, Mr. President.

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

Senator CORMAN. Mr. President, with respect, I ask for a negative vote. I believe what the Member is looking to do is to put additional conditions on air permits, and the place to do that would be the Air Pollution Control Act. As I said earlier, again, this is a carefully negotiated bill. An amendment at this point in time, that I know the Governor, when he vetoed the original, House Bill No. 1100, talked about some environmental concerns, and he was certainly a key part of this negotiation to the point where we have gotten him comfortable, and he has agreed to sign it. So, I ask for a negative vote.

The PRESIDENT. The Chair recognizes, for the second time, the gentlewoman from Montgomery, Senator Muth.

Senator MUTH. Mr. President, I was not part of these negotiations, nor was the Commonwealth and the people of Pennsylvania. So, I think having open hearings about how this industry potentially will impact both the environmental health and public health of our entire Commonwealth, and despite the fact there is agreed-to language that is untouchable, it certainly does nothing to help Pennsylvania in the sense of a few jobs with a lot of harm.

Thank you, Mr. President.

And the question recurring,

Will the Senate agree to amendment No. 6687 to amendment No. 6669?

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

YEA-19

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

NAY-30

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

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,  
Will the Senate agree to amendment No. A6669?

MUTH AMENDMENT A6683 TO A6669 OFFERED

Senator MUTH offered the following amendment No. A6683 to amendment No. A6669:

Amend Amendments, page 3, line 30, by striking out "Eligibility" and inserting:

Environmental impact study and eligibility

Amend Amendments, page 3, line 31, by striking out "In" and inserting:

(a) Study.--Notwithstanding any other provision of this article or law, prior to the approval of a tax credit under this article, the Legislative Budget and Finance Committee shall conduct an environmental impact study and cost analysis on the production and use of fossil fuels in this Commonwealth, including the impact of the production and use of fossil fuels on the air quality, carbon emissions, water quality and public health in this Commonwealth.

(b) Publication.--The Legislative Budget and Finance Committee shall submit the findings of the environmental impact study and cost analysis to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.

(c) Criteria.--Following publication under subsection (b), in

On the question,  
Will the Senate agree to amendment No. 6683 to amendment No. 6669?

The PRESIDENT. The Chair recognizes the gentlewoman from Montgomery, Senator Muth.

Senator MUTH. Mr. President, this amendment would mandate that the Legislative Budget and Finance Committee conduct an environmental impact study and cost analysis on the production and use of fossil fuels in the Commonwealth before any tax credit can be issued. This would include the impact of the production and use of fossil fuels on our air quality, carbon emissions, water quality, and public health across our State. This type of analysis is especially important given the magnitude of tax expenditures and fossil fuel subsidies that benefit these industries as proposals like House Bill No. 732, as amended, would subsidize fossil fuel consumption.

An environmental impact study is essential for us, as legislators, to give us an honest and true evidence-based assessment of the likely human environmental health impact and about the risks to the ecological health that these types of facilities have, as well as our general understanding of these risks in our State. We need this report to know whether or not it is in our best financial interest and environmental interest to move forward with something that does not guarantee permanent Pennsylvania jobs. Further, considering the low market of the gas and oil industry at this time, making a decision without this analysis would be fiscally irresponsible. We need to know the impact of these facilities relative to our soil contamination, air pollution, water pollution, noise pollution, and overall public health. I encourage a "yes" vote for this commonsense and much-needed environmental impact study.

Thank you, Mr. President.

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

Senator CORMAN. Mr. President, respectfully, I ask for a negative vote.

LEGISLATIVE LEAVE CANCELLED

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

And the question recurring,  
Will the Senate agree to amendment No. 6683 to amendment No. 6669?

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

YEA-20

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

NAY-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	

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,  
Will the Senate agree to amendment No. A6669?

The PRESIDENT. The Chair recognizes the gentleman from Luzerne, Senator Yudichak.

Senator YUDICHAK. Mr. President, in 1953, the Korean War was over and my father, a U.S. Navy veteran, returned home to a struggling economy in northeastern Pennsylvania. Jobs in the

anthracite mines were nearly all gone, and manufacturing jobs were scarce. The economic decline was tough on families, and many communities suffered through the economic hardship for decades. A young waitress at a local diner took pity on the young man who had returned from war without a job. She introduced him to some of the construction men who ate at the diner every day. They were in town building the new Governor John S. Fine Bridge just outside of Nanticoke. My father was hired as a day laborer on that bridge project at a time when the Federal minimum wage was just 75 cents an hour. The Prevailing Wage Act would not be established until 1961 in Pennsylvania. While it was not a big paycheck, the job gave my father a start on a life-long career in the construction and mining trades, and that one construction job put enough money in my father's pocket to give him the courage to marry that beautiful and kind waitress who got him a job. The grateful son of Joe and Sally Yudichak stands before you today as the beneficiary of the economic opportunities my parents were able to secure in tough economic times.

Those tough economic times have come back around in northeastern Pennsylvania. In Luzerne County, our unemployment rate is over 16 percent, and our wages lag behind every other metropolitan region in Pennsylvania. The Local Resource Manufacturing Tax Credit is, at its essence, about giving this generation of Pennsylvania working families a shot at a good-paying job, a job that matters, a job that can change the trajectory of their lives just like that bridge project changed my father's life. Establishing the Local Resource Manufacturing Tax Credit will attract new industries and put thousands of construction trade workers on the job building the future of the Pennsylvania economy on the backbone of our energy and manufacturing sectors. Thanks to the advocacy of Pennsylvania's building trades unions, the 800 new construction jobs on each of these projects, for the first time in Pennsylvania history, will be guaranteed prevailing wages and benefits. If a qualified company does not comply with the Prevailing Wage Act, it does not receive the tax credit. It is that simple.

The Pennsylvania Manufacturers' Association's economic analysis of the legislation indicates that during the 30-month construction phase of the four plants allowed under this act, \$600 million in wages will be paid to worker, over 4,400 new jobs will be created, and over \$128 million in new local, State, and Federal tax revenue will be generated. In addition to the direct jobs created in the construction and manufacturing sectors, entire new industry clusters will develop around Pennsylvania's energy and manufacturing sectors that will empower regions, like northeastern Pennsylvania, to achieve a level of generational prosperity that they have never seen or experienced before. The Local Resource Manufacturing Tax Credit sets the stage for unprecedented economic growth across a wide swath of industries, because no other industry sector multiplies prosperity like the manufacturing sector.

The Local Resource Manufacturing Tax Credit evolved from the concepts of House Bill No. 1100, a bill vetoed by the Governor. The Governor was clear in his veto message: he liked the idea of a manufacturing tax credit, but we needed to work together to craft a stronger bill. Governor Wolf, as a candidate, said we need a governor who will invest in manufacturing to insure that Pennsylvania properly leverages the Marcellus Shale to create jobs. The Governor, with his support of the legislation, is living up to the promise of his vision: making Pennsylvania a

global leader in energy and manufacturing jobs. The Governor's negotiating team worked extremely well with our team here in the Senate, and I am very grateful to Katie Zerfuss, Adam Pankake, and Scott Sikorski for leading those negotiating teams. They are exceptionally dedicated and talented public servants. I should also note the work of my friend and colleague from Luzerne County, Representative Kaufer, the original sponsor of House Bill No. 1100, who has been my partner in the legislation from the beginning.

The compromise shaped by the Governor, the legislature, and our partners from labor and industry groups, will insure that the Local Resource Manufacturing Tax Credit will protect workers, taxpayers, and the economic future of Pennsylvania. Workers are protected with a guarantee that construction trade workers will be paid prevailing wages and benefits. Taxpayers will be protected by requiring companies to make a minimum investment of \$400 million per project. Taxpayers are further protected by limiting the tax credit to four projects and capping the total tax credits available to a qualified company to \$6.6 million per year. Remember, no tax credit is awarded until after construction of the plant is completed and manufacturing operations begin. So there is no fiscal impact to this year's State budget, or any State budget, until at least 2025. Pennsylvania's economic future will be protected with the creation of over 4,400 new jobs and the creation of an entirely new manufacturing sector, giving Pennsylvania's working families every opportunity to secure a brighter economic future for themselves and their communities.

Strip all the legislative language away and all the politics of this bill, and it comes back to a simple but powerful thought: the Local Resource Manufacturing Tax Credit will create new jobs, new industries, and it will empower Pennsylvania workers to change the trajectory of their lives and the fortunes of their communities through the dignity of a good-paying job and the many blessings that come from economic opportunity. I ask my colleagues for an affirmative vote on establishing the Local Resource Manufacturing Tax Credit in Pennsylvania.

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

Senator CORMAN. Mr. President, I ask the maker of the amendment to please stand for brief interrogation.

The PRESIDENT. Senator Yudichak, will you agree to questioning?

Senator YUDICHAK. Mr. President, yes.

The PRESIDENT. Senator Corman, you may proceed.

Senator CORMAN. Mr. President, my question is, does this amendment change, alter, or go beyond anything currently in the Prevailing Wage Act regarding in-house versus contracted work for projects covered under this amendment?

Senator YUDICHAK. Mr. President, no, the amendment only reiterates existing requirements under the Prevailing Wage Act.

Senator CORMAN. Mr. President, that concludes my interrogation.

The PRESIDENT. The Chair recognizes the gentlewoman from Montgomery, Senator Muth.

Senator MUTH. Mr. President, I rise to interrogate the sponsor of this amendment for further detail and clarification. What will be the main substance, entity, or item that you describe being manufactured through this tax program?

The PRESIDENT. Senator Muth, you must yield the floor.

Senator Yudichak, will you agree to questioning?

Senator YUDICHAK. Mr. President, yes.

The PRESIDENT. Senator Muth, you may proceed.

Senator MUTH. Mr. President, my apologies. What will be the main entity or substance that you describe being incentivized for this manufacturing tax program?

Senator YUDICHAK. Mr. President, could you restate your question? Are you asking what will be manufactured?

Senator MUTH. Mr. President, yes, what will be manufactured? Give me some examples.

Senator YUDICHAK. Mr. President, primarily fertilizer for the agriculture industry here in Pennsylvania.

Senator MUTH. Mr. President, fertilizer?

Senator YUDICHAK. Mr. President, yes.

Senator MUTH. Mr. President, thank you. This fertilizer would be used in our Commonwealth and beyond, I assume?

Senator YUDICHAK. Mr. President, yes. As you know, agriculture is the number one industry in Pennsylvania and, I suspect, rather than getting our fertilizer from foreign countries, we are able to produce that here for Pennsylvania farmers.

Senator MUTH. Mr. President, sure, and that would obviously offset some costs for farmers, which I understand. Will this fertilizer be tested for any sort of harmful pesticides or chemicals that would go into the ground where people may not want to eat things that are grown from that ground?

Senator YUDICHAK. Mr. President, I am certain that our Department of Agriculture and Department of Environmental Protection will be stewards of the environment and make sure that does not happen.

Senator MUTH. Mr. President, so that plan has not yet been outlined on how to prevent people from having contaminated ground?

Senator YUDICHAK. Mr. President, we already have some fertilizer manufacturing, even though the industry is very small, so those rules and regulations are already in place.

Senator MUTH. Mr. President, as far as the public health component, has there been any public health impact study or risk assessment available for this proposal?

Senator YUDICHAK. Mr. President, this proposal has been vetted well over the last 12 to 24 months. It has gone through both Chambers of the General Assembly. I am not aware that a risk study or analysis has been done. There has been an economic analysis of the plan, but I am not aware of a risk analysis any more than any other new industry that we are trying to attract. For example, when we were trying to attract Amazon to Pennsylvania, I am not sure that a risk analysis was done on Amazon as a company and their location in Pennsylvania. We did everything we could to attract those jobs to Pennsylvania.

Senator MUTH. Mr. President, Amazon is a debate for another day. But the number of temporary jobs that would be created from this, can you restate that?

Senator YUDICHAK. Mr. President, as a requirement, a qualified company, to be eligible for the tax credit, would have to create a minimum of 800 full-time and permanent jobs.

Senator MUTH. Mr. President, that is per project?

Senator YUDICHAK. Mr. President, that is per project, and under the act we would have four eligible projects.

Senator MUTH. Mr. President, thank you. And the number of projected permanent jobs that would remain through regular operations per plant?

Senator YUDICHAK. Mr. President, our good friends at the Pennsylvania Manufacturers' Association estimates in the neighborhood of 150 permanent jobs per project.

Senator MUTH. Mr. President, thank you. You mentioned healthcare benefits in your discussion about prevailing wage. Does the healthcare benefits extend beyond when the actual employee is constructing or done working at the facility, since they are working around harmful contaminants that can cause cancer and other adverse health effects? Is there a contingency plan to protect the employees?

Senator YUDICHAK. Mr. President, the intent of the bill is to apply all provisions of the Prevailing Wage Act as it exists currently under law in Pennsylvania.

Senator MUTH. Mr. President, have you been in any discussions with any of these potential entities that would like to utilize this program that they plan to offer that for their employees?

Senator YUDICHAK. Mr. President, we have two developers who are interested in northcentral and northeastern Pennsylvania. They are folks who are willing to invest what will ultimately be billions of dollars in Pennsylvania, pay prevailing wage on the construction of these facilities, and they are willing to invest in the future not only of Pennsylvania, but of Pennsylvania workers.

Senator MUTH. Mr. President, so maybe the discussion further would be to request, if they are investing in the future of Pennsylvania, that they extend their healthcare policies to cover these individuals so if they do result in adverse health effects later on in their life, that their futures are also protected. My final question--and thank you for answering all of them thus far--you mentioned this tax credit will protect the taxpayers. Specifically, how will this tax credit program protect those who are paying taxes who live around these facilities who may have adverse consequences from construction, contaminated well sites, contaminated land, if mistakes are made? Is there a protection plan in place for taxpayers of our Commonwealth?

Senator YUDICHAK. Mr. President, I believe your question assumes that these companies, these developers, do not have the environment in their best interest, when that is incorrect. Many of these companies, one company is looking at a carbon capture technology to be a near net zero carbon manufacturing facility. It is exciting technology. That is part of my amendment. In fact, it is to encourage and incentivize the use of carbon capture technology where it is feasible. So we want to make these facilities as environmentally sound as possible. I do not believe it is mutually exclusive, that you have to be for the environment or for jobs. We can protect the environment and create jobs, and I believe this Local Resource Manufacturing Tax Credit does just that.

Senator MUTH. Mr. President, just to add to that, if you say these companies have in the best interest--I am a little shocked that we could not pass the amendment earlier to do the carbon capturing, but that is neither here nor there at this point. But if they are going to be operators in our State, as you are well aware, there has been a recent grand jury report, there have been years long of legacy pollution in Pennsylvania, whether it be from poor operators never cleaning up after themselves--we see the coal waste that is across our State. I am just being cognizant of the fact that we do not want to have another round of that, as our Commonwealth is still trying to clean up from previous industries, so I appreciate your answers to my questions. Thank you.

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

Senator FARNESE. Mr. President, would the maker of the amendment be willing to stand for brief interrogation?

The PRESIDENT. Senator Yudichak, will you submit to questioning?

Senator YUDICHAK. Mr. President, yes.

Senator FARNESE. Mr. President, under the legislation, it is my understanding that there is a cap of approximately \$6.7 million, or somewhere around there. Is it the legislative intent of the bill that if there are only two plants, that the excess tax credits can then be utilized only by those two plants if there are excess credits left over?

Senator YUDICHAK. Mr. President, language in the amendment would allow the Department of Revenue to make that determination of whether or not unallocated tax credits can be distributed to existing, qualified companies. That would be up to the Department of Revenue.

Senator FARNESE. Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Schuylkill, Senator Argall.

Senator ARGALL. Mr. President, many of us have been very impressed by the success of the cracker plant out in Beaver County, made possible through legislation first put forth by one of our own, Senator Vogel. It is now the largest construction site in North America, and it is creating thousands and thousands of new jobs. That is a model that we should hope to replicate elsewhere in Pennsylvania. I think that is why the original bill passed on such an overwhelming bipartisan vote. Here in the Senate, every single Republican voted for it, almost half the Democrats, as well as our only Independent, Senator Yudichak. In the House, the vote was similarly overwhelmingly supported, and I think that is also why so many of us were disappointed when the Governor vetoed House Bill No. 1100.

I really want to credit my neighbor, Senator Yudichak, for his willingness to work with Representative Kaufer, legislative staff, and the Governor's Office to seek a realistic compromise between business, labor, Republicans, and Democrats. The voters have opted for divided government in this State. They did not vote for dysfunctional government, although too often, I am afraid, we see too much of the dysfunction and not enough of the division. So I thank the Governor for his willingness to come to the table and seek a realistic—I guess the word is actually tripartisan with Senator Yudichak's help—a tripartisan compromise. I thank Senator Yudichak for never giving up, and I certainly encourage a positive vote.

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

Senator SANTARSIERO. Mr. President, would the maker of the amendment please stand for brief interrogation?

The PRESIDENT. Senator Yudichak, would you stand for interrogation?

Senator YUDICHAK. Yes, Mr. President.

Senator SANTARSIERO. Mr. President, the gentleman has spoken about 4,400 jobs, and I understand that under the bill, there would be a minimum of 800 jobs per facility, with a potential maximum of four facilities, which is 3,200 jobs. I am trying to understand where the other 1,200 jobs come from or what they relate to.

Senator YUDICHAK. Mr. President, as I mentioned, the Pennsylvania Manufacturers' Association did an economic analysis of this language, and in addition to the direct jobs, which would be a minimum of 800 at each of the four facilities, there are indirect jobs. There are jobs both upstream and downstream of this manufacturing facility. As I mentioned, it is a fact, the manufacturing sector multiplies prosperity better than any industry sector. For every dollar invested in manufacturing jobs, \$1.33 is created elsewhere in the economy. So these 4,400 jobs will go up and down the line. You have to understand, we are creating a new manufacturing industry, so there will be manufacturing jobs. There will also be natural gas jobs in terms of production and transportation of that natural gas. There will also be wholesale, retail, and life science jobs. There will be whole industry clusters that will be created when you have manufacturing facilities of this type that locate and invest over \$400 million in an individual site.

Senator SANTARSIERO. Mr. President, so just to be clear, the 1,200 additional jobs, beyond the 3,200, include jobs relating to manufacturing at those plants, correct?

Senator YUDICHAK. Mr. President, correct.

Senator SANTARSIERO. Mr. President, do we know what that number is, the manufacturing jobs at the plants?

Senator YUDICHAK. Mr. President, as I mentioned to a previous question, the PMA estimates about 150 manufacturing jobs will be at each facility.

Senator SANTARSIERO. Mr. President, each facility, okay. Beyond that would be these upstream and downstream jobs that you just described.

Thank you, Mr. President. On the amendment, I thank the gentleman.

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

Senator SANTARSIERO. Mr. President, I agree with the maker of the amendment when he said a short while ago there does not have to be a choice between jobs and the environment. He is absolutely right about that. But for reasons that continue to confound me, this Chamber and the Chamber on the other side of this building continue to put us in a position where we are choosing exactly that. Now, Mr. President, if you step back and you consider what this amendment does, just as its predecessor, House Bill No. 1100, did, it is giving a \$650 million tax credit to an industry that has yet to pay its fair share in taxes in this Commonwealth. This industry has avoided billions of dollars now, billions of dollars in taxes over the course of its existence here in Pennsylvania. Now we are on the threshold of giving them yet another windfall, a windfall in the amount of \$650 million. We are, what so many in this Chamber will often decry, picking winners and losers, and we are doing it, Mr. President, at a time when the fiscal stability of our Commonwealth, like so many other States across the Union, is in peril. We are facing a \$5.5 billion cliff come December 1. Before I hear that these tax credits will not kick into place for another few years, keep in mind that we do not know, in these uncertain times with a global pandemic, what the fiscal future of Pennsylvania or the United States will be. But yet, we are, once again, turning to our chosen favorite industry in this Commonwealth and giving them a huge windfall.

Now, we are told this is about jobs, Mr. President. We are told, first and foremost, it is about construction jobs, and, I dare

say, every one of my colleagues on this side of the aisle supports construction jobs and the organized trades. We have throughout our careers in public service. But if we really supported the trades throughout the Commonwealth of Pennsylvania, we would be putting money into programs like PlanCon, which would put members of the trades in every corner of Pennsylvania to work tomorrow rebuilding our schools and fixing our toxic schools, and at the same time, improving the educational experience of every child in Pennsylvania. Instead, we are giving \$650 million to an industry that has already experienced billions of dollars in tax windfalls.

Now, Mr. President, this does not have to be a choice between the economy and jobs and the environment. We could be investing in green jobs. We could be raising our renewable energy portfolio standards and actually creating jobs in the solar industry, for example, and providing tax credits for that and putting people to work in jobs that will be there for many years to come. Instead, Mr. President, we are giving yet another tax windfall to an industry that has yet to pay its fair share to the people of Pennsylvania.

Mr. President, I talked a while ago, when I offered an amendment, about the importance of prevailing wage, and much has been said by the maker of the amendment about prevailing wage and how that made a difference in the lives of his family. I applaud his family, and I applaud the fact that they were able to live the American dream because of the Prevailing Wage Act. We, on this side of the aisle, all believe that the workers and the working families of Pennsylvania should be paid a livable wage for the work they do. While I know, despite the heroic efforts of the gentlewoman from Philadelphia, we will not be considering an increase in our minimum wage anytime soon, although we should, we should, at the very least, be making sure that if we are going to pass legislation like this, that every worker who is going to be affected should be protected by the terms of Pennsylvania's Prevailing Wage Act. But that is not what we are doing, as we found out just a short while ago. Instead, those 150 or so workers at each of these proposed plants are not going to be covered by the Prevailing Wage Act. They are not going to be guaranteed a livable wage. Instead, they are going to be left to the whims of the market, and I suppose the argument in support of that proposition is that market forces know best. Yet, once again, we are picking winners and losers, because if we really felt that market forces knew best, we would not think there is a need to give a tax credit to an industry that has yet to pay its fair share in the Commonwealth of Pennsylvania. But who is going to come up short in this transaction? The men and women who will be working at these plants, because no one is going to be looking out for them to make sure they are paid a liveable wage. Who is going to come up short in this transaction? All those upstream and downstream employees we heard about, because right now in this industry, this fracking industry that has gotten billions of dollars in tax windfalls in Pennsylvania because they have not been asked to pay their fair share, their workers are not being paid pursuant to the Prevailing Wage Act.

So, Mr. President, this is not so much about jobs and workers. This is more corporate welfare. This is more giving a handout to those who need it the least, at a time when we can afford it the least. This is not the policy we should be pursuing as a State. We should be pursuing policy that puts people to work at a fair wage, that gets our economy moving again, instead of yet another hand-

out. Mr. President, I do not understand how this legislature, or, for that matter, how the administration can think this is a good deal for the Commonwealth of Pennsylvania. It is not. For those reasons, I ask for a negative vote on this amendment. Thank you.

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

Senator BAKER. Mr. President, I rise to offer my support for the Local Resource Manufacturing Tax Credit and the amendment that has been introduced by Senator Yudichak, who has worked very closely with our Luzerne County colleague, Representative Kaufer; our GOP Caucus staff; and others. I believe the consensus amendment that has been described makes sense for Pennsylvania both economically and financially. We cannot identify many job sectors where Pennsylvania has such a clear advantage. How many times during a legislative debate do we reference our desire for good-paying jobs and positions for skilled workers? Here is a well-constructed way to tap into those assets and accomplish those goals. Contrary to the criticisms of those who dislike tax breaks, this is not a bailout, this is not some sweetheart deal, and it is not money misdirected. It is an effort to encourage greater use of a Pennsylvania resource to expand manufacturing capabilities, bolster employment, and fuel new processes and new products.

In our region and in the region I represent, we have an outstanding example of how a major facility and employer, Procter & Gamble, is using dry natural gas resources found on their property to power operations, cutting energy costs, shoring up their workforce, and increasing the competitiveness of their products. Beginning in the fall of 2010, P&G's Mehoopany plant set out a bold plan to save money and reduce CO<sub>2</sub> emissions. Today, they are off the electrical power grid and the plant is now a net exporter of electricity using 100 percent local natural gas from the ground under the plant. Using the tremendous example of P&G, Pennsylvania will now be better positioned, through this tax credit, to attract downstream users of dry natural gas that is abundant in the counties of northeastern Pennsylvania.

This bill offers the incentive and means for others to access such advantages. One area that could benefit greatly is our number one industry, as Senator Yudichak spoke about, agriculture. We are dependent upon other States for fertilizer. Dry natural gas can be transformed into products that will help and be key components to fertilizer. The tax credit may also attract new companies that want to be closer to the feedstock products that are going to be produced. We need to appreciate how much of a lifeline this represents for rural communities in many parts of our Commonwealth, places where travel and tourism are significant sectors that may not rebound for many years to come. Many are already behind in key factors such as broadband access, and they cannot afford to confront greater hurdles to realize recovery.

New avenues, such as this tax credit, must be open to small-pressed, hard-hit communities. We find our way into the new economy. We should be opening doors and testing ideas, and I would remind those who have suggested that the natural gas industry has not paid its fair share, we do have an impact tax. Because the benefits available through this bill are prospective and dependent on investments made, not just those promised, but those actually made, this program provides no impediment to the competing and the interests of our State budget or negotiating challenges of future budgets.

So as Wayne Gretzky, the most prolific scorer in NHL history, said, you never score on the shots you do not take. It is always possible to look for a better shot; meanwhile, the game gets away from you. In our current economic and financial predicaments, this is a shot very much worth taking, and I rise in support of the amendment.

Thank you, Mr. President.

LEGISLATIVE LEAVE

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

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

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

And the question recurring, Will the Senate agree to amendment No. A6669?

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

YEA-39

Table with 4 columns: Name, Name, Name, Name. Lists yeas for YEA-39 including Argall, Corman, Martin, Street, Arnold, DiSanto, Mastriano, Tartaglione, etc.

NAY-10

Table with 4 columns: Name, Name, Name, Name. Lists nays for NAY-10 including Collett, Haywood, Muth, Williams, Lindsey, Costa, Kearney, Santarsiero, Farnese, Leach, Schwank.

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

RECONSIDERATION OF A6669 TO HB 732

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

Senator COSTA. Mr. President, I move to reconsider the vote by which amendment No. A6669 to House Bill No. 732 was adopted.

The motion was agreed to by voice vote.

And the question recurring, Will the Senate agree to amendment No. A6669?

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

YEA-40

Table with 4 columns: Name, Name, Name, Name. Lists yeas for YEA-40 including Argall, Corman, Martin, Stefano, Arnold, DiSanto, Mastriano, Street, Aument, Fontana, Mensch, Tartaglione.

Table with 4 columns: Name, Name, Name, Name. Lists names including Baker, Gordner, Phillips-Hill, Tomlinson, Bartolotta, Hughes, Pittman, Vogel, etc.

NAY-9

Table with 4 columns: Name, Name, Name, Name. Lists names including Collett, Haywood, Leach, Santarsiero, Costa, Kearney, Muth, Williams, Lindsey, Farnese.

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

On the question, Will the Senate agree to the bill on third consideration, as amended?

SANTARSIERO AMENDMENT A6649 OFFERED

Senator SANTARSIERO offered the following amendment No. A6649:

Amend Bill, page 1, line 11, by inserting after "transactions"; and providing for construction tax credit requirements Amend Bill, page 2, by inserting between lines 8 and 9: Section 2. The act is amended by adding an article to read:

ARTICLE XVII-A.2

CONSTRUCTION TAX CREDIT REQUIREMENTS

Section 1701-A.2. Definitions.

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

"Construction tax credit." A tax credit authorized under any of the following:

- (1) Article XVII-D. (2) Article XVII-G. (3) Article XVIII-G. (4) Article XIX-C. (5) Article XIX-E. (6) Article XIX-F. (7) Article XXIX-D.

"Department." The Department of Revenue of the Commonwealth. Section 1702-A.2. Eligibility for credit.

(a) Eligibility.--In addition to any other requirements provided by a law of this Commonwealth, regulation or guideline, before a construction tax credit may be awarded to a taxpayer that has made a capital expenditure of more than \$25,000 to construct, reconstruct, demolish, alter or repair a facility, the department, in consultation with the Department of Labor and Industry, shall verify that the taxpayer has:

- (1) made good faith efforts to recruit and employ, and to encourage any contractors or subcontractors of the taxpayer to recruit and employ, workers from the local labor market for employment during the construction, reconstruction, demolition, alteration or repair of the facility phase; and (2) demonstrated that individuals employed by the taxpayer or any contractor or subcontractor of the taxpayer for the construction, reconstruction, demolition, alteration or repair of the facility have been paid the prevailing minimum wage rate for each craft or classification as determined by the Department of Labor and Industry under the act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act.

(b) New jobs.--A facility for which a construction tax credit is sought and awarded shall be deemed to meet each of the minimum requirements necessary to apply the wage and benefit rates and related certification of payroll records required by the Pennsylvania Prevailing Wage Act. A taxpayer or any contractor or subcontractor of the taxpayer engaged to perform on the facility shall comply with all provi-



sions and requirements of the Prevailing Wage Act for all new jobs and for each craft or classification performing construction, reconstruction, demolition, alteration or repair work, other than maintenance work, undertaken at the facility during the initial construction and during any period when construction tax credit is sought and awarded for the facility.

(c) Notification.--Before the solicitation of bids or proposals of any contract or subcontract for a facility for which a construction tax credit is sought, the taxpayer or the taxpayers shall notify the Department of Labor and Industry of the solicitation and request the issuance of a wage and benefit rate determination for each craft and classification anticipated to perform at the project facility. Rate requests shall be in conformity with the procedures of the Pennsylvania Prevailing Wage Act, and the Department of Labor and Industry shall issue rates upon request as required under this subsection and the provisions of the Pennsylvania Prevailing Wage Act.

Section 1703-A.2. Enforcement.

The Department of Labor and Industry shall enforce this article and shall apply the same administration and enforcement applicable to any construction, reconstruction, demolition, alteration or repair of a facility, other than maintenance work, undertaken in accordance with the Pennsylvania Prevailing Wage Act to ensure compliance.

Section 1704-A.2. Violations.

(a) Refund requirement.--In addition to enforcement authorized under the Pennsylvania Prevailing Wage Act and section 1703-A.2, if, after notice and hearing, the Department of Labor and Industry determines that a taxpayer intentionally failed to pay or intentionally caused another person to fail to pay the prevailing wage or benefit rates as specified under section 11 (h) of the Pennsylvania Prevailing Wage Act for the construction, reconstruction, demolition, alteration or repair of a facility for which a construction tax credit is awarded, or ratified the intentional failure by any contractors or subcontractors of the taxpayer, the taxpayer shall refund 10% of the amount of the construction tax credit as follows:

(1) in the case of initial construction, for the first fiscal year for which a tax credit is awarded; or

(2) for the fiscal year in which the intentional noncompliance occurred as determined by the Department of Labor and Industry.

(b) Appeals.--A finding of a violation under subsection (a) may be appealed under section 2.2 (e) (1) of the Pennsylvania Prevailing Wage Act and 34 Pa. Code § 213.3 (relating to appeals from determinations of the Secretary). Any final determination by the Secretary of Labor and Industry or the Appeals Board under the Pennsylvania Prevailing Wage Act may be appealed in accordance with 2 Pa.C.S. (relating to administrative law and procedure).

Amend Bill, page 2, line 9, by striking out "2" and inserting:

3

Amend Bill, page 2, line 11, by striking out "3" and inserting:

4

On the question,

Will the Senate agree to the amendment?

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

Senator SANTARSIERO. Mr. President, this amendment is straightforward. It would apply the Prevailing Wage Act to seven existing tax credit programs that we have here in the Commonwealth of Pennsylvania. Those programs are: the Entertainment Production Tax Credit; the Resource Manufacturing Tax Credit; the Manufacturing and Investment Tax Credit; the Keystone Special Development Zone program; the Mixed-Use Development Tax Credit; the Keystone Innovation Zone Tax Credit; and the Computer Data Center Equipment Incentive Program Tax Credit. Mr. President, I am glad to see there is a developing interest in and support of our Prevailing Wage Act here in Pennsylvania. It is, I hope, a sign of things to come and a bipartisan, bicameral willingness to have the Prevailing Wage Act apply to more and more parts of our economy, because that will, of

course, enable working families across Pennsylvania to realize the American dream as they are paid a fair living wage.

So I thought, under the circumstances, given the fact that this Chamber just passed a new tax credit program, as an amendment to an existing bill, that would apply the Prevailing Wage Act, at least to the construction jobs at issue, that we should expand what we are doing here today and have the Prevailing Wage Act apply to these tax credit programs as well and the construction jobs that relate to them. For that reason, Mr. President, I offer this amendment and ask for the Senate to vote in favor of it. Thank you.

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

Senator CORMAN. Mr. President, I respectfully ask for a negative vote.

And the question recurring,

Will the Senate agree to the amendment?

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

YEA-20

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

NAY-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	

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third consideration, as amended?

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 763, SB 764, SB 869, SB 932, SB 940, HB 941, SB 968 and SB 969** -- 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

**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.

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

**HB 1050, SB 1118, HB 1325, HB 1459, HB 1538, HB 1796, HB 2438 and HB 2487** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

#### SECOND CONSIDERATION CALENDAR

#### BILLS OVER IN ORDER

**SB 207, SB 258, SB 284, SB 531, SB 809 and HB 1032** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

#### BILL LAID ON THE TABLE

**SB 1034 (Pr. No. 1718)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

#### SB 1034 TAKEN FROM THE TABLE

Senator CORMAN. Mr. President, I move that Senate Bill No. 1034, Printer's No. 1718, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

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

#### BILL OVER IN ORDER

**HB 1061** -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

#### BILL OVER IN ORDER AND LAID ON THE TABLE

**SB 1074 (Pr. No. 1559)** -- The Senate proceeded to consideration of the bill, entitled:

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

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 1089, SB 1158, SB 1186, SB 1187, SB 1204 and SB 1220** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

#### BILL ON SECOND CONSIDERATION, AMENDED AND REREFERRED

**HB 1437 (Pr. No. 4007)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in rural jobs and investment tax credit, further providing for definitions, for rural growth funds, for business firms, for tax credit certificates, for claiming the tax credit and for revocation of tax credit certificates.

On the question,

Will the Senate agree to the bill on second consideration?

#### MARTIN AMENDMENT A6686

Senator MARTIN offered the following amendment No. A6686:

Amend Bill, page 1, line 10, by inserting after "penalties,"":  
in city revitalization and improvement zones, further providing for reports and for restrictions;

Amend Bill, page 2, lines 2 through 4, by striking out all of said lines and inserting:

Section 1. Section 1809-C (a) and (b) of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, are amended and subsection (c) is amended by adding a paragraph to read:

Section 1809-C. Reports.

(a) State zone report.--No later than June 15 following the baseline year and each year thereafter, or by August 31 for reports due in 2020, each qualified business shall file a report with the department in a form or manner required by the department which includes all of the following:

(1) Amount of each eligible tax which was paid to the Commonwealth by the qualified business in the prior calendar year.

(2) Amount of each eligible tax refund received from the Commonwealth in the prior calendar year by the qualified business.

(b) Local zone report.--No later than June 15 following the baseline year and for each year thereafter, or by August 31 for reports due in 2020, each qualified business shall file a report with the local taxing authority which includes all of the following:

(1) Amount of each eligible tax which was paid to the local taxing authority by the qualified business in the prior calendar year.

(2) Amount of each eligible tax refund received from the local taxing authority in the prior calendar year by the qualified business.

(c) Penalties.--

\*\*\*

(5) No penalty shall be imposed by the department or the local taxing authority for failure to file a timely and complete report under subsection (a) or (b) in 2019 or 2020.

Section 2. Section 1813-C(b) and (c)(1) of the act are amended and subsection (a) is amended by adding a paragraph to read:  
Section 1813-C. Restrictions.

(a) Utilization.--Money transferred under section 1812-C may only be utilized for the following:

\*\*\*

(1.2) Payment of grants and loans to qualifying businesses, political subdivisions and municipal authorities operating within the zone for business operating expenses, working capital, business loan payments to financial institutions, payroll to current employees as a means of retaining employees, establishment of loan guarantee accounts with financial institutions to guarantee short-term loan provided by the financial institutions to qualifying businesses negatively impacted by the proclamation of disaster emergency issued by the Governor on March 6, 2020, published at 50 Pa.B. 1644 (March 21, 2020), and any renewal of the State of disaster emergency. This paragraph shall expire June 30, 2021.

\*\*\*

(b) Prohibition.--

(1) Money transferred under section 1812-C may not be utilized for maintenance or repair of a facility.

(2) Paragraph (1) shall not apply for the period of April 1, 2020, through June 30, 2021.

(c) Excess money.--

(1) Except as set forth in paragraph (4), if the amount of money transferred to the fund under sections 1811-C (c) and 1812-Cn any one calendar year exceeds the money utilized, budgeted or appropriated by official resolution of the contracting authority under this section in that calendar year, the contracting authority shall submit by April 15 following the end of the calendar year [the excess money], any money not utilized, budgeted or appropriated by official resolution of the contracting authority to the State Treasurer for deposit into the General Fund.

\*\*\*

Section 3. The definition of "qualified tax liability" in section 1822-G of the act is amended to read:

Amend Bill, page 4, line 26, by striking out "2" where it occurs the first time and inserting:

4

Amend Bill, page 9, line 22, by striking out "2.1" and inserting:

5

Amend Bill, page 14, line 19, by striking out all of said line and inserting:

Section 6. The amendment of section 1813-C (b) and (c) (1) of the act shall apply retroactively to January 1, 2019.

Section 7. This act shall take effect as follows:

(1) The amendment of sections 1822-G, 1824-G(d)(2) and (f), 1828-G (c), 1829-G (b) (3), 1830-G and 1833-G (o) of the act shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.

On the question,  
Will the Senate agree to the amendment?  
It was agreed to.

On the question,  
Will the Senate agree to the bill on second consideration, as amended?

VOGEL AMENDMENT A6641

Senator VOGEL offered the following amendment No. A6641:

Amend Bill, page 9, line 22, by striking out "1828-G (c),"

Amend Bill, page 9, lines 25 through 29, by striking out all of said lines

Amend Bill, page 10, line 17, by striking out the bracket before "\$30,000,000"

Amend Bill, page 10, line 17, by striking out "]" \$60,000,000"

On the question,  
Will the Senate agree to the amendment?  
It was agreed to.

On the question,  
Will the Senate agree to the bill on second consideration, as amended?

It was 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, as amended, was rereferred to the Committee on Appropriations.

BILLS ON SECOND CONSIDERATION AND REREFERRED

**HB 1439 (Pr. No. 3629)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, in regulation of insurers and related persons generally, providing for mental health parity and access to addiction treatment.

Considered the second time and agreed to,

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

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

**HB 1696 (Pr. No. 3630)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, in health insurance coverage parity and nondiscrimination, further providing for definitions and for adoption of Federal acts and providing for annual attestation by insurers and for insurer analysis and disclosure information.

Considered the second time and agreed to,

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

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

BILLS OVER IN ORDER

**HB 1855** and **HB 1880** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILLS ON SECOND CONSIDERATION AND REREFERRED

**HB 1984 (Pr. No. 2789)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in proceedings prior to petition to adopt, further providing for petition for involuntary termination and providing for special provisions when child conceived as a result of rape or incest.

Considered the second time and agreed to,

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

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

**HB 2435 (Pr. No. 3674)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, providing for Food Establishment Personal Protective Equipment Reimbursement Grant Program.

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.

### LEGISLATIVE LEAVE

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

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

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

### BILL REPORTED FROM COMMITTEE

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

**SB 836 (Pr. No. 1844)** (Amended) (Rereported) (*Concurrence*)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in school health services, providing for sudden cardiac arrest and electrocardiogram testing; and making a repeal.

### MOTION PURSUANT TO SENATE RULE 12

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

Senator CORMAN. Mr. President, as a special order of business, I call up Senate Supplemental Calendar No. 1, Senate Bill No. 836 and House Bill No. 732, and move the Senate proceed to consider Senate Bill No. 836 and House Bill No. 732, 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

SENATE CONCURS IN HOUSE  
AMENDMENTS AS AMENDED

**SB 836 (Pr. No. 1844)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in school health services, providing for sudden cardiac arrest and electrocardiogram testing; and making a repeal.

On the question,  
Will the Senate concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 836?

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

Senator CORMAN. Mr. President, I move that the Senate do concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 836.

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

The PRESIDENT. The Chair recognizes the gentleman from York, Senator Regan.

Senator REGAN. Mr. President, I rise today in support of Senate Bill No. 836, also known as Peyton's Law, and would like to submit my remarks for the record.

The PRESIDENT. 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 gentleman from York, Senator REGAN:)*

Mr. President, I rise today in support of Senate Bill No. 836, known as Peyton's Law. First, I want to thank my colleagues in the Senate and the House for their unanimous support of this bill, and I respectfully ask for the same today as we concur in amendments made by the House.

Peyton's Law has been a top priority for me because it honors a young woman who was taken from us more than 6 years ago at the young age of 19. Her name is Peyton Walker, and she died from sudden cardiac arrest, also known as SCA. Peyton, of Mechanicsburg, was a graduate of Trinity High School in Camp Hill, and she was a sophomore at King's College in Wilkes-Barre when she died.

But from her tragic death has come a substantial amount of good for her community and fellow student athletes. It has been a pleasure to work with Peyton's mom, Julie Walker, on this legislation. She is a force to be reckoned with. Julie is the founder and executive director of The Peyton Walker Foundation and, together with her team, she has been leading the charge to raise awareness of SCA, conduct EKG testing on thousands of student athletes, and donate AEDs to schools and sports teams in our area. Julie was also instrumental in bringing Scott and Melody Stephens from Texas to Harrisburg this past fall when we first voted on Senate Bill No. 836. The Stephens lost their son, Cody, to SCA, which led them to advocate for Cody's Law, the inspiration for Peyton's Law, which Texas Governor Greg Abbott signed into law a year ago.

Unfortunately, the Walker and Stephens families are not alone in losing a loved one to sudden cardiac arrest. SCA is the leading killer of student athletes in the United States and the leading cause of death on school campuses. Recognizing these staggering statistics, I introduced this commonsense legislation aimed at educating every student athlete and their parents about EKG testing to detect underlying heart conditions that can lead to sudden cardiac arrest--prior to participation in school sports. By providing such lifesaving information, we are helping Peyton to save more and more lives from SCA.

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-49

Argall	DiSanto	Martin	Street
Arnold	Farnese	Mastriano	Tartaglione
Aument	Fontana	Mensch	Tomlinson
Baker	Gordner	Muth	Vogel

Bartolotta	Haywood	Phillips-Hill	Ward, Judy
Blake	Hughes	Pittman	Ward, Kim
Boscola	Hutchinson	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-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 inform the House of Representatives accordingly.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**HB 732 (Pr. No. 4118)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in realty transfer tax, further providing for excluded transactions; and providing for local resource manufacturing tax credit and for a penalty.

Considered the third time and agreed to,

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

On the question,  
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentlewoman from Montgomery, Senator Muth.

Senator MUTH. Mr. President, I rise to urge a "no" vote on House Bill No. 732 as amended. As amended, this bill provides an enormous subsidy for the petrochemical-related projects in Pennsylvania, expecting to give \$26 million in tax credits to these facilities per year. That is over \$650 million over the next 25 years. The latest CARES dollars for small business grants was not even half of that, with 32,000 applicants applying for small business aid. As the experts outlined, tax credits in House Bill No. 732, as amended, will amount to a massive net expenditure of Pennsylvania tax dollars and deprive our Commonwealth of funds that would otherwise be spent not just on clean energy but also on infrastructure, education, housing, public health, workforce development, general assistance, and funding programs that help humans. Specifically, the NRDC cited and explained: *(Reading)*

As the *Economist* recently reported, the new petrochemical capacity that's been financed over the last ten years [already] far exceeds current petrochemical demand. This means that additional petrochemical plants are unlikely to be profitable in the foreseeable future. And that means that most of the credits earned by petrochemical companies in Pennsylvania...will not be used to reduce those companies' (small or non-existent) tax liabilities; they will instead...be sold into the tax equity market to reduce the liabilities of other companies that do make profits. In other words, petrochemical plants that earn HB 732 tax credits are likely to be profitable only because of the credits, and the credits will deprive the Commonwealth of hundreds of millions of dollars of much-needed tax revenue.

We do not have room in our budget, especially during a pandemic, to make costly decisions that will not, in fact, help our bottom line.

In addition to being fiscally irresponsible, this bill, as amended, is putting in danger the lives and well-being of Pennsylvanians. Two weeks ago, Pennsylvania's Attorney General came out with a report that reaffirmed the legacy of pollution created by fracking and fracking-related activities. This includes chronic air and water pollution, climate pollution, and the legacy of plastic pollution that is plaguing the planet. This is also problematic in that it just furthers the fracking industry, the gas industry, and, inevitably, pipelines. As amended, and if it becomes law, we will only see more of the same. House Bill No. 732 does not directly relate to pipeline development, but at its heart, the bill incentivizes massive bailouts of gas and petrochemical infrastructure across Pennsylvania. This bill seeks to simply incentivize fossil fuel development at a time when we need exactly the opposite. The petrochemical industry is the single largest energy consumer in the world; therefore, subsidizing more petrochemical production would make it much harder for Pennsylvania to achieve its greenhouse gas emission reduction goals of 26 percent by 2025 and 80 percent by 2050 from 2005 levels. Each and every Pennsylvanian has a right to clean air and water, as outlined in our State Constitution. I take those rights very seriously and cannot fathom how House Bill No. 732, as amended, is compatible with either. For far too long, this Commonwealth has artificially propped up this dying industry that relies on finite materials and puts workers in unsafe and unhealthy environments.

Rather than passively allowing workers to become displaced, whether due to industry contractions or a pandemic, Pennsylvania should stand with our workforce and invest in targeted job development and workforce transitions to sustainable industries. This is not what this bill does. This bill, as the Senator from Bucks County said, picks a winner for Pennsylvania, an industry that pollutes and exploits from our planet and gives workers unsafe and unhealthy jobs. We are doing a disservice to our constituents and our constitutional obligations by moving this bill as amended. Instead of building out a temporary workforce opportunity that will not be sustainable for the community or the worker, we should be investing in a future that is pro-jobs and pro-planet. It is a shame that Pennsylvania is so far behind our neighboring States in renewable energy production and consumption that we are still not part of the RGGI, and that we have not committed Pennsylvania to be carbon neutral by 2050. Voting "yes" on this bill is a vote against our planet, our constituents' health, and Pennsylvania's future. Therefore, I must urge a "no" vote.

Thank you, Mr. President.

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

Senator CORMAN. Mr. President, just briefly, I guess I want to dispel the notion that somehow this tax credit is money we have in our treasury that we could be spending on other programs, worthy programs such as education, workforce development, healthcare, whatever you want, whatever your favorite program of the day is. That is not the truth. We do not have this money. This is not money that is coming out of our treasury and going to any particular entity to create these jobs. This is money that, once they have created these jobs and they have made these

investments, investments that are not there now, jobs that are not there now, that ultimately will create revenue in this Commonwealth, then they will get a tax break. Do you know what happens if we do not do this tax credit? These jobs are not created, these investments are not made, and the Commonwealth gets zero.

Now, if you do not think these types of plans work, let me take you on a little tour across the State. Let us go to the city of Allentown. I always bring up the city of Allentown because I consider myself the third Senator from the Lehigh Valley. We have, of course, our Committee on Appropriations chairman from Lehigh County and our Senator from Northampton County. My wife grew up in the city of Allentown. She grew up on Liberty Street, two blocks from Muhlenberg, and she has fond memories of growing up in the city of Allentown. Unfortunately, the city of Allentown, over the years, came under great depressionary and difficult times where a lot of the jobs left the city. It was not until our Committee on Appropriations chairman, and, I am sure, in conjunction with our Senator from Northampton County, developed something called a neighborhood improvement zone, a tax credit, to incentivize people to come back to the city of Allentown. What has happened? We have seen a renaissance that the city had not seen for decades. If you drive down Hamilton Street in the city of Allentown, you see growth, business, commercial property rented out, residential property rented out, and you see jobs in the city of Allentown. Before this, it was just PPL and nobody else. Now, you have all sorts of different jobs. Not only that, you see millions and millions of property taxes created for the school district. Now, did somebody get a tax break? Yes. If we did not do those neighborhood improvement zones, do you know what would have happened? Nothing. It would not have cost us a cent because no one would have built in the city of Allentown. Now, even though it still has its challenges, it is so much—I challenge anyone to tell me, a decade ago, to drive down Hamilton Street and say it was better 10 years ago than it is today. You cannot make that argument. It is a ridiculous argument.

Let us go to Beaver County. A community—and friends of mine on the other side of the aisle know this area far better than I—which struggled with the ending of the steel industry. Great towns along the Ohio, Allegheny, and Monongahela Rivers lost their steel industry and struggled to keep things alive until we got a tax credit for a new plant dealing with natural gas, of all things. What has happened there? As was mentioned before by the Senator from Schuylkill County, record investment, largest public project in the country, and jobs were created, manufacturing jobs, trades jobs. All this going on in a place that had not seen any growth in decades. What would have happened if we did not provide that tax incentive, that tax break for a wealthy company? Nothing would have happened. There would have been no jobs, no investment, and no money for the Commonwealth.

We are creating money for the Commonwealth here today. We are not spending money. We are creating revenue and we are creating wealth. I will bet you, in a decade from now, you go to these areas in the northeast and ask those upstream, downstream jobs, are they happy we did this? You go to those manufacturing companies which are employing those people, you ask them, are they happy we did this? I will bet it is unanimous, thank you, legislature. Thank you, in a bipartisan fashion with this Governor, to get this done. When you are looking for jobs to support

your family, you do not care about Republican or Democrat. You do not care about a tax incentive or anything, you care about do you have food on the table? When we put food on the table, we do not care how it got there; and these jobs are going to be good-paying jobs and have quality benefits. So we are not spending money, like somehow we are giving money to a company that we could be putting elsewhere. Because we do not have that money today, and we will not have it tomorrow if we do not do this.

This is an area that probably will not impact me, I represent central Pennsylvania. Now, maybe northern Clinton County might have some impact on Centre County, but we live in a Commonwealth, which means we care about all corners of the Commonwealth, and it is high time the northeast got a break. Northeastern Pennsylvania deserves this break. This is a break that is going to revitalize that area, much like it has in southwestern Pennsylvania. Let us put all our ideological beliefs behind and let us create these jobs so we can create those communities, create the wealth, and support our families at a time when it is really difficult out there. This is the exact time we should be doing something like this. I encourage an affirmative vote.

The PRESIDENT. The Chair recognizes, for the second time, the gentlewoman from Montgomery, Senator Muth.

Senator MUTH. Mr. President, after doing a little bit of math, I think it is fair to say that you would have to earn at least \$200,000 a year per permanent employee, or \$250,000 per year depending on the number of employees, to make back any of the income tax revenue that would be offset by this tax break. So this is, indeed, a handout to the petrochemical industry. This is lost revenue that could have been put into our Commonwealth's General Fund, put in to fund important programs. Other industries can help our economy, can help stabilize our State, not an industry that has been harmful, is still harmful, and arguably, the costs, since there has been zero public health analysis, zero analysis on the impact to the environment and that total cost. It is not just about putting food on the table. It is about creating good jobs that do not make workers in our communities sick or unsafe. It is not an either/or situation.

For decades, this State has had to make that decision, whether it is the little coal town of Helvetia where my grandmother grew up, that no longer exists. Areas in Pennsylvania have been completely ended by fossil fuel energy, gone, no cleanup either, mind you. Left for some of our farmers to clean up after it runs off onto their land, and they pay the bill. This is not a pathway forward for Pennsylvania that is sustainable, nor is it healthy, and we should not be in this room right now doing anything but helping the people of Pennsylvania, not harming them.

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-40

Argall	Corman	Martin	Stefano
Arnold	DiSanto	Mastriano	Street
Aument	Fontana	Mensch	Tartaglione
Baker	Gordner	Phillips-Hill	Tomlinson

Bartolotta	Hughes	Pittman	Vogel
Blake	Hutchinson	Regan	Ward, Judy
Boscola	Iovino	Sabatina	Ward, Kim
Brewster	Killion	Scarnati	Williams, Anthony H.
Brooks	Langerholc	Scavello	Yaw
Browne	Laughlin	Schwank	Yudichak

NAY-9

Collett	Haywood	Leach	Santarsiero
Costa	Kearney	Muth	Williams, Lindsey
Farnese			

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.

**UNFINISHED BUSINESS  
BILLS REPORTED FROM COMMITTEE**

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

**SB 1235 (Pr. No. 1853) (Amended)**

An Act authorizing the Department of General Services, with the concurrence of the Department of Environmental Protection, to lease to L-A Battery, QOZ, LLC land within the bed of the Delaware River within the City of Philadelphia.

**HB 196 (Pr. No. 168)**

A Joint Resolution proposing integrated amendments to the Constitution of the Commonwealth of Pennsylvania, organizing the Judiciary into representative districts and further providing for residency requirements.

**HB 1069 (Pr. No. 2529)**

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, in open meetings, further providing for public notice and providing for notification of agency business required and exceptions.

**HB 1780 (Pr. No. 4123) (Amended)**

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in miscellaneous provisions, providing for exemption of records from access.

**HB 2463 (Pr. No. 3713)**

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for access to public records during disaster declaration.

**BILLS ON FIRST CONSIDERATION**

Senator BARTOLOTTA. Mr. President, I move that the Senate do now proceed to consideration of all bills reported from committee for the first time at today's Session.

The motion was agreed to by voice vote.  
The bills were as follows:

**SB 1235, HB 196, HB 1069, HB 1780 and HB 2463.**

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

TUESDAY, JULY 14, 2020

11:30 A.M.	LOCAL GOVERNMENT (public hearing on House Bill No. 1563)	Senate Chamber (LIVE STREAMED)
Off the Floor	APPROPRIATIONS (to consider Senate Bills No. 14, 881, 1039 and 1216; and House Bills No. 196, 672, 942, 1437 and 2484)	Senate Chamber (LIVE STREAMED)
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bill No. 1166; Senate Resolution No. 347; and certain Executive Nominations)	Senate Chamber (LIVE STREAMED)

**PETITIONS AND REMONSTRANCES**

The PRESIDENT. 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 5,118 days since the Pennsylvania legislature last raised the minimum wage. That is more than 14 years, and it is far too long.

Mr. President, this is a very difficult time to advocate for a higher minimum wage due to the economic damage caused by the COVID-19 pandemic. Employers and employees alike are on edge. Many businesses are closed or severely curtailed. Many workers are jobless. Many others are trying to survive on reduced paychecks. We do not know what the future holds. Yet, ironically, today could be a very opportune time to discuss raising the minimum wage. Only now, in our greatest time of need, have we, as a society, grown to truly understand the invaluable necessity of the work performed by low-wage earners. Our recognition of the daily heroism of supermarket clerks, meat processing plant workers, take-out restaurant cashiers, delivery drivers, home healthcare workers, hospital orderlies, farm workers, and many other long-unheralded professions is at an all-time high.

Yet, any discussion about minimum wage cannot be isolated from a discussion about the state of the economy. So, let us talk about the economy for a moment. On Friday, the broadest New York Stock Exchange index, the S&P 500, closed at 3,185 points. It was up 33 points for the day. Buoyed by less-than-expected initial unemployment claims for the previous week, investors did not seem to mind the nation's record-setting COVID-19 relapse. This has been a trend since the earliest stages of the pandemic. The S&P hit its six-month low on March 23. Since then, the index has grown 42 percent and regained 83 percent of the value it had lost from its all-time peak in mid-February. In other words, as millions of working Pennsylvanians and Americans have been struggling to pay their mortgages, their rents, their prescription bills, and their grocery bills, big businesses seem to be humming along just

nicely on Wall Street--much to the relief of the richest 10 percent of Americans who collectively own 92 percent of the nation's publicly traded companies.

Unfortunately, in spite of the robust economy for the rich, the country's finances continue to spiral out of control. The national debt has risen about \$6.5 trillion since January 2017. As of last week, it stood at a record \$26.5 trillion. That is about \$6 trillion more than our gross domestic product and the highest it has ever been relative to the GDP, except for the immediate aftermath of the Second World War. Some folks would like us to believe it is all because of the coronavirus. Indeed, Congress has adopted, and the President has endorsed, four relief bills totaling about \$2.4 trillion in new spending. \$2.4 trillion is a large figure, to be sure. But I am confident most American families and small business owners expect and appreciate emergency relief. In fact, recent polling has shown that three out of four likely voters in swing States such as Florida, Michigan, Wisconsin, and Pennsylvania support continued relief payments.

Furthermore, Federal coronavirus relief spending does not tell half the story about the national debt. For that, we must look back to the GOP tax bill of 2017. The Congressional Budget Office projected that the legislation would increase the national debt by \$1.9 trillion, with nearly all of the impact coming in 2020 and 2021. In retrospect, it could be said that the GOP tax bill of 2017 has already surpassed the CBO's expectations. From December 22, 2017--the date the bill was signed into law--to March 16, 2020, the national debt rose by \$3 trillion. The House Budget Committee tells us that 2/3 of those tax cuts are benefiting the wealthiest 20 percent of Americans. These are the same folks who seem to be doing so well in the stock market.

Mr. President, I see a pattern here. The vast majority of Americans are suffering, our public finances are in shambles, yet, the wealthiest Americans continue to get richer and richer. This pattern cannot continue. If we, as a Commonwealth and as a country, are serious about recovering from the pandemic and rebuilding our economy, we must start with a strong foundation. We must get serious about rebuilding the middle class. One of the key components of a strong middle class is a minimum wage law that guarantees all workers fair, family-sustaining wages. My Senate Bill No. 12 would update Pennsylvania's minimum wage law to meet the demands of a strong middle class. I urge the General Assembly to advance and adopt Senate Bill No. 12.

Thank you, Mr. President.

### **BILLS SIGNED**

The PRESIDENT. (Lieutenant Governor John K. Fetterman) in the presence of the Senate signed the following bills:

**SB 320, SB 927, HB 256, HB 632, HB 943 and HB 2455.**

### **RECESS**

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

Senator CORMAN. Mr. President, I move that the Senate do now recess until Tuesday, July 14, 2020, at 1 p.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 6:10 p.m., Eastern Daylight Saving Time.