

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, NOVEMBER 17, 2020

SESSION OF 2020 204TH OF THE GENERAL ASSEMBLY

No. 49

SENATE

TUESDAY, November 17, 2020

The Senate met at 1 p.m., Eastern Standard 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.

I found a beautiful prayer which I am sharing with and offering to all of you today. Heavenly Father, touch the people around us. Keep them happy and safe, give them love, compassion, and care. Bless them all with good health, peace in mind, and kindness in their hearts. Amen.

PLEDGE OF ALLEGIANCE

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

BILL INTRODUCED AND REFERRED

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

November 16, 2020

Senators LAUGHLIN, YUDICHAK, MENSCH, SANTARSIERO, ARGALL, SCHWANK, AUMENT, VOGEL, BAKER, SCAVELLO, PHILLIPS-HILL, DiSANTO, COLLETT, DINNIMAN, A. WILLIAMS, BOSCOLA, J. WARD, STREET and L. WILLIAMS presented to the Chair **SB 1370**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, in preliminary provisions, further providing for definitions; in licenses and regulations, liquor, alcohol and malt and brewed beverages, further providing for malt and brewed beverages manufacturers' distributors' and importing distributors' licenses, for unlawful acts relative to liquor, alcohol and liquor licensees and for unlawful acts relative to malt or brewed beverages and licensees.

Which was committed to the Committee on LAW AND JUSTICE, November 16, 2020.

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 Hutchinson, and legislative leaves for Senator Scarnati, Senator Killion, and Senator Arnold.

The PRESIDENT. Senator Corman requests a temporary Capitol leave for Senator Hutchinson, and legislative leaves for Senator Scarnati, Senator Killion, and Senator Arnold. Without objection, the leaves will be granted.

LEAVES OF ABSENCE

Senator COSTA asked and obtained leaves of absence for Senator HAYWOOD and Senator LEACH, for today's Session, for personal reasons.

JOURNAL APPROVED

The PRESIDENT. The Journal of the Session of September 3, 2020, is now in print.

The Clerk proceeded to read the Journal of the Session of September 3, 2020.

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

On the question,

Will the Senate agree to the motion?

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

YEA-48

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

NAY-0

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

The PRESIDENT. The Journal is approved.

RECESS

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

Senator CORMAN. Mr. President, I request a recess of the Senate for the purpose of a Republican caucus to be held immediately in the Majority Caucus Room.

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

Senator COSTA. Mr. President, the Senate Democrats will caucus as well.

The PRESIDENT. For purposes of Republican and Democratic caucuses to be held in their respective caucus rooms, without objection, the Senate stands in recess.

AFTER RECESS

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

LEGISLATIVE LEAVE CANCELLED

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

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 off-the-floor meetings to be held here on the floor of the Senate, starting with the Committee on Rules and Executive Nominations, followed by the Committee on Transportation.

The PRESIDENT. For purposes of off-the-floor meetings of the Committee on Rules and Executive Nominations, followed by the Committee on Transportation, without objection, the Senate stands in recess.

AFTER RECESS

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

CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 790 (Pr. No. 1446) -- The Senate proceeded to consideration of the bill, entitled:

An Act relating to conventional wells and the development of oil, gas and coal; imposing powers and duties on the Department of Environmental Protection; providing for preliminary provisions, for general requirements, for enforcement and remedies, for related funds and for miscellaneous provisions; and making an appropriation.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 790?

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 to Senate Bill No. 790.

On the question,

Will the Senate agree to the motion?

POINT OF ORDER

The PRESIDENT. The Chair recognizes the gentlewoman from Westmoreland, Senator Kim Ward.

Senator K. WARD. Mr. President, I request a ruling from the Chair pursuant to Senate Rule 20 as to whether I have a conflict of interest to Senate Bill No. 790. My son is a contracted representative of the Pennsylvania Grade Crude Oil Coalition, whose members may or may not be affected by this legislation. Based on these facts, am I permitted to vote? Thank you.

The PRESIDENT. The Chair thanks the gentlewoman for her inquiry about a conflict of interest. In the factual situation just given, the Chair would rule that there is no conflict of interest and, in accordance with Senate Rule 20(c)(2), the Senator must vote on Senate Bill No. 790. The Chair does not find that any votes the Senator may cast are particularly personal or privately benefit or affect your son alone. She must vote. Her son is a member of a class who may or may not be affected by the actions.

POINT OF ORDER

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

Senator COSTA. Mr. President, I, too, have a similar situation where my son is affiliated with a firm that works in this space. I am asking, would the same ruling apply to me as well?

The PRESIDENT. The Chair agrees.

And the question recurring,

Will the Senate agree to the motion?

The PRESIDENT. The Chair recognizes the gentleman from Chester, Senator Dinniman.

Senator DINNIMAN. Mr. President, I want to say a few words on Senate Bill No. 790 that we are considering. The issue of the extensive use of plastics is very real. Many of us do not believe, based on the articles and research we have read, that this bill is a viable solution to the problems of global warming and a sustainable environment. I understand the economic development portions of Senate Bill No. 790, but I believe that we need a sustainable environment and green jobs. What makes this bill a little more onerous for many of us here in the southeast is that many of us have had communities in our districts that have wanted to end the single use of plastic bags and have been stymied by the hold the legislature put on local community legislation in this regard for the last 2 years.

In the end, it is my belief, and the reason I would vote against this bill, is that a sustainable environment is the way in which we can prevent global warming and its catastrophic effects, and that such a sustainable environment is a very fundamental part of our State Constitution in Article I, Section 27. What we have sometimes failed to do, at least in my years in the legislature, is we have failed to understand the importance of Article I, Section 27. Understand, this part of the Constitution states the fundamental rights of the people of Pennsylvania, and it goes back all the way to the Revolution when the right of not having to quarter troops

in one's house, the issue of habeas corpus, and other fundamental principles were a part of this. In our 1968 Constitution, two parts were added. One in terms of a sustainable environment, and number two, in terms of the rights of women. When we did this in 1968, we were in the very leadership of this nation on those two fundamental rights. What has saddened me, in terms of Article I, Section 27, is that we have not really made an effort to make a reality of a sustainable environment.

So, Mr. President, I rise in opposition to Senate Bill No. 790, and I urge us to respect the Constitution of Pennsylvania as these various issues come before us. Thank you for giving me this time to speak.

Thank you, Mr. President.

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

Senator SANTARSIERO. Mr. President, let me amplify the comments of my friend, the gentleman from Chester County. Article I, Section 27, of the Pennsylvania State Constitution, as I think we all know, guarantees each and every citizen of our State the right to clean air, pure water, and the preservation of our natural resources. We are fortunate to be one of just a handful, I think three States, in fact, across the country, that have such a provision in their Constitutions. The State Supreme Court, in recent rulings over the last few years, has breathed new life into that provision after it, unfortunately, remained dormant for many years. In one of those decisions, the State Supreme Court talked about the duty of this legislature to actually pass legislation that gives effect to what has come to be known as the Environmental Rights Amendment to the State Constitution, Article I, Section 27.

I rise today in opposition to Senate Bill No. 790 because I believe it is inconsistent with the Environmental Rights Amendment and, specifically, Mr. President, when it comes to protecting drinking water supplies--obviously one of the fundamental prongs of the Environmental Rights Amendment and certainly something that is fundamental to our well-being as people living in this Commonwealth--Senate Bill No. 790 would delete the current requirement to provide replacement source water if there is contamination from a well. Obviously, for people living in areas where there could be well contamination, that is a major problem. It, obviously, would undermine the ability for them to have access to pure water. Again, a fundamental right under our State Constitution. In a similar way, it lowers clean water standards in the areas where the well drilling activity takes place, again, in contravention to Article I, Section 27.

Another aspect of the bill that is, I think, problematic from an environmental standpoint has to do with the issue of financial assurance. That, in a nutshell, deals with when there is contamination, making sure there is some financial instrument or person who will be, ultimately, financially able to pay the cleanup costs for that contamination. This is a recurring theme that we see in hazardous waste litigation. It is one of the reasons why, as a legislature, we need to support HSCA and make sure the Hazardous Sites Cleanup fund has enough money in it to deal with those hazardous sites; but it has an issue here, too, because Senate Bill No. 790, as currently drafted, would cap those financial assurance requirements so that bonding requirements or requirements for lines of credit, that type of thing, would be capped. Therefore, it is very likely, I think, in many of these situations where you have contamination coming from a well that there would not be

enough money available to deal with that contamination. If that is the case, then, ultimately, it is the people of Pennsylvania who will be left with the bill.

Last, Mr. President, I want to focus on the reporting of brine spills, because this is an issue that has really plagued many areas of the State where we have had both conventional and unconventional drilling. This bill, once again, would limit the ability of the State to address those issues. It would create a much higher threshold for having to report those types of spills, which means we could have environmental degradation without any action to deal with it. So for those reasons, Mr. President, I rise in opposition to Senate Bill No. 790, and I respectfully request my colleagues join me in voting "no." Thank you.

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

Senator MUTH. Mr. President, I rise today in strong opposition to Senate Bill No. 790, due to the disastrous impacts this legislation would have on our Commonwealth's environment. As it stands, Senate Bill No. 790 would allow the petrochemical industry to go unchecked. The unchecked ability to pollute the waterways and drinking water resources of our State. This legislation would significantly roll back the protections for our shared water supplies, placing at risk the vital drinking water for hundreds of thousands of Pennsylvanians. Pennsylvania already has some of the weakest regulations for protecting our drinking water. Removing even the limited protections on our drinking water quality strikes me as counterproductive and, really, it is an outright attack on both public and environmental health.

Specifically, in section 308 of the bill, the legislation would allow well operators who disrupt or contaminate drinking water to provide a replacement supply of water that does not meet the Pennsylvania Safe Drinking Water Act standards. As the NRDC and other environmental stakeholders observed, current law requires that replacement water supplies meet the Safe Drinking Water Act standards or better, but this bill only requires the replacement of the contaminated water. As it stands now, residents and businesses have to test their water supply before any possible contamination by the fossil fuel industry, oil and gas industry, or any operator comes into their community. They foot the bill to test their own water prior to these entities entering their backyards, wells, and water supplies. This bill literally gives the industry the legal path to pollute Pennsylvania and dodge current requirements.

Senate Bill No. 790 also limits financial assurance measures by creating an artificially low ceiling on bonding requirements. This increases the risk of further remediation costs that would ultimately be paid for by the taxpayer. We need to hold industries accountable for the damage they cause if they choose to operate irresponsibly and not clean up after themselves in our Commonwealth. We cannot allow legislation like Senate Bill No. 790 to fail and harm our constituents who are already dealing with legacy pollution and contamination that has gone on for decades. As outlined by the Environmental Defense Fund and the Pennsylvania Environmental Council, this legislation fails to account for or guard against the increasing frequency of conventional wells being transferred en masse to undercapitalized entities.

This is a growing issue in our State. Last year, tens of thousands of wells were transferred without full accounting of what the financial and environmental risks might be to the Common-

wealth in the event of bankruptcy or other default. The Pennsylvania Department of Environmental Protection should be provided with the authority to review and the right to deny a proposed well transfer based on permit compliance and the adequacy of financial assurance and corporate solvency. Senate Bill No. 790 significantly increases the threshold that drilling corporations would be allowed to spill into our public waterways, reducing the reported volume of a brine spill from 5 gallons to a threshold of 210 gallons.

Further, Senate Bill No. 790 would exempt reporting requirements for oil spills of less than 84 gallons. As our Department of Environmental Protection highlights, if approved, this bill would allow corporations to spill more than a bathtub's worth of oil without any regulatory oversight. This is simply unacceptable. Setting aside the fact that, under current law, an industry is permitted to pollute any volume of hazardous material without reporting, this change would drastically reduce our public awareness of environmental contamination events and limit the authority of our enforcement agency to protect our environmental quality and our shared drinking water resources.

It is clear that Senate Bill No. 790 was specifically crafted by industry partners to remove regulatory enforcement protections and operate without regulatory oversight, transparency, or accountability. I cannot, in good conscience, understand why this legislative body would consider a bill that reduces protections on drinking water and water standards, relaxes well integrity, or lowers plugging and remediation standards. Our constituents in all 67 counties of this Commonwealth depend on clean and safe drinking water each and every day. It defies logic that we, as public servants, elected to serve the people, would act to place this constitutionally protected right at risk upon the request of corporate interests. I encourage a "no" vote, Mr. President. Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Venango, Senator Hutchinson.

Senator HUTCHINSON. Mr. President, I rise in favor of Senate Bill No. 790, and I want to make sure my colleagues realize what we are actually voting on and not what has been described by the three previous speakers. I would guess that of all three, none of them have ever seen a conventional oil well in their careers. But, Mr. President, we are talking about making the law fit the size of the business. Back when Act 13 of 2012 was passed to address a new industry that was coming to Pennsylvania, called the Marcellus shale industry, the new regime to regulate this huge industry--much higher scale of operation, thousands of trucks, very high pressures of gas, millions of dollars to produce even a single well--a new regime to regulate that industry was necessary. Unfortunately, at the same time that Act 13 was being passed, the language in that bill also repealed the Conventional Oil and Gas Act, which had been on the books regulating this conventional industry, this 160-year-old industry in Pennsylvania. So by repealing that act, we were saying these small mom and pop, not corporations, the vast majority of the companies that are in the conventional oil and gas industry are mom and dad, and maybe a couple of sons, that tend a few wells and make some money on the side to be able to maybe supplement other income that their family has to keep bread on the table, and all of a sudden they were thrown into a new regulatory regime based on the big guys. You cannot fit a square peg in a round hole. You cannot regulate the small mom-and-pop operators with the same

regulations that govern a much larger, much different, industry, which is the Marcellus shale industry.

Since that time, three times the General Assembly has passed a bill telling DEP that there must be a separate regulatory regime. Unfortunately, because there is no law in place with language on which to base those new and separate regulations for the conventional industry, DEP has continued to come forward and say we are going to use the same regulations. We may call them something different but, essentially, it is the same, and it does not work, it does not fit. It is not appropriate. It will completely end this industry, which is struggling anyway. As a quick number, before Act 13, I believe there were 4,500 conventional oil and gas wells drilled per year in Pennsylvania in the years prior to Act 13. Since then, we are down to maybe 100. So, from 4,500 new wells to 100 conventional new wells. We have two refineries that completely depend upon the Pennsylvania-grade crude oil that these small mom and pop operators produce, and they are struggling to find enough crude to run those refineries and, in fact, keep the hundreds of jobs that surround those refineries.

So, what we are talking about here is a simple concept. We are going to have very strict negotiated regulations that will be more appropriate for the conventional oil and gas industry. This has been an ongoing discussion between DEP and folks who would be under that regulatory regime. Many compromises were made. This is not a perfect bill. I think, in many respects, it still is much too burdensome for these small operators. But in the end, we need to have something on which to base appropriate regulations. This General Assembly has said three times in the past that they should be separate. This gives a basis for those new separate regulations to be developed, and I ask my colleagues to support this commonsense, although very strict, but commonsense bill to allow for regulation of the conventional oil and gas industry, which is located, by the way, in the most pristine, clean, green, and environmentally best place in the entire State, the northern tier of Pennsylvania, where those who are against the industry like to go and take their vacations, fish, use our waterways, and drink our very clean water. All of those things where an industry has existed for 160 years. So, I ask my colleagues for support of this commonsense legislation. Thank you.

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

Senator COSTA. Mr. President, very briefly, there was a reference made with respect to the Members on this side of the aisle who spoke with regard to understanding what is being discussed here in this piece of legislation. Let me be clear, our Members clearly understand the specifics of what is taking place in Senate Bill No. 790 and, more specifically, understand the consequences of this legislation as they believe it would impact Pennsylvania. In the latter part, the previous speaker talked about and referred to the pristine, clean, green, parts of our Commonwealth. Mr. President, I would submit that is precisely the reason why we have to be thoughtful about the impact this particular industry has on our environment, and that is the basis on which our Members have spoken about and why many of them will be voting "no" on this particular piece of legislation, as has been done in the past by those Members who spoke and other Members as well.

Thank you, Mr. President.

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

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

YEA-29

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

NAY-19

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

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.

THIRD CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 5 and HB 21 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 30 (Pr. No. 3853) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEA-48

Argall	Costa	Laughlin	Schwank
Arnold	Dinniman	Martin	Stefano
Aument	DiSanto	Mastriano	Street
Baker	Farnese	Mensch	Tartaglione
Bartolotta	Fontana	Muth	Tomlinson
Blake	Gordner	Phillips-Hill	Vogel

Boscola	Hughes	Pittman	Ward, Judy
Brewster	Hutchinson	Regan	Ward, Kim
Brooks	Iovino	Sabatina	Williams, Anthony H.
Brownne	Kearney	Santarsiero	Williams, Lindsey
Collett	Killion	Scarnati	Yaw
Corman	Langerholc	Scavello	Yudichak

NAY-0

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

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

BILLS OVER IN ORDER

SB 107, SB 253, HB 280, HB 355, SB 565, SB 606, HB 630, SB 658, SB 679, SB 763 and HB 763 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 792 (Pr. No. 2074) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 28, 1984 (P.L.150, No.28), known as the Automobile Lemon Law, further providing for definitions, for repair obligations, for manufacturer's duty for refund or replacement and for presumption of a reasonable number of attempts.

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 Mercer, Senator Brooks.

Senator BROOKS. Mr. President, currently, Pennsylvania has an automobile Lemon Law which protects car buyers by requiring manufacturers to repair any defect that significantly affects the use, value, or safety of the vehicle. However, similar protections are not currently offered to those who purchase motorcycles. This omission leaves motorcycle buyers with far less protection than car buyers. If they have the misfortune to buy a defective motorcycle, these owners must either pay out of pocket for the repairs or fix the problem themselves. Under Senate Bill No. 792, a defective motorcycle would be replaced or the cost of the purchase would be refunded if the motorcycle cannot be repaired after three attempts. Whether Pennsylvanians buy a vehicle with two wheels or four, we should be providing protections to all vehicle buyers, taking steps to insure that consumers are not liable for a manufacturing defect that may be lurking unseen after a purchase. In closing, I thank ABATE for their efforts with this legislation, as well as their commitment to motorcycle safety.

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-48

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

NAY-0

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

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

BILLS OVER IN ORDER

HB 942, SB 969, HB 1034, HB 1069, SB 1085, SB 1118, SB 1158, SB 1236 and HB 1325 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 1617 (Pr. No. 4572) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, in preliminary provisions, further providing for definitions; and, in general provisions applying to both liquor and malt and brewed beverages, further providing for interlocking business prohibited, for brand registration, for limiting number of retail licenses to be issued in each county and for unlawful acts relative to liquor, malt and brewed beverages and licensees.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEA-42

Argall	Costa	Laughlin	Street
Arnold	Dinniman	Martin	Tartaglione
Aument	DiSanto	Mastriano	Tomlinson
Baker	Fontana	Mensch	Vogel
Bartolotta	Gordner	Phillips-Hill	Ward, Judy

Blake	Hughes	Pittman	Ward, Kim
Brewster	Hutchinson	Regan	Williams, Lindsey
Brooks	Iovino	Santarsiero	Yaw
Browne	Kearney	Scarnati	Yudichak
Collett	Killion	Scavello	
Corman	Langerhole	Stefano	

NAY-6

Boscola	Muth	Schwank	Williams, Anthony H.
Farnese	Sabatina		

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.

BILLS OVER IN ORDER

HB 1747 and HB 1808 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 2065 (Pr. No. 4608) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, in public-private transportation partnerships, further providing for definitions, for duties of board, for requests and for sovereign immunity.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEA-44

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

NAY-4

Brooks	Gordner	Hutchinson	Phillips-Hill
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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.

BILLS OVER IN ORDER

HB 2101, HB 2176, HB 2191, HB 2233 and HB 2293 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL REREFERRED

HB 2440 (Pr. No. 3776) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the designation of shooting ranges, sportsman clubs, hunting facilities and business relating to the sale and production of firearms and ammunition as life-sustaining.

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

BILLS OVER IN ORDER

HB 2673 and HB 2674 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

HB 26, SB 258, SB 284, SB 531, HB 777, SB 809 and SB 833 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILLS ON SECOND CONSIDERATION AND REREFERRED

HB 858 (Pr. No. 4402) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing certain financial institutions to conduct savings promotion programs.

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 862 (Pr. No. 976) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Commonwealth of Pennsylvania to join the Physical Therapy Licensure Compact; and providing for the form of the compact.

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

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

BILLS OVER IN ORDER

SB 870, SB 871, SB 1034, HB 1220, HB 1224, SB 1226, SB 1229, SB 1242, SB 1251, SB 1307, SB 1314 and SB 1331 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 1342 (Pr. No. 4576) -- 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, further providing for health services and providing for vision screening and examinations.

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

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

BILL OVER IN ORDER

HB 1363 -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

BILL ON SECOND CONSIDERATION

HB 1408 (Pr. No. 1727) -- The Senate proceeded to consideration of the bill, entitled:

An Act repealing the act of July 30, 1959 (P.L.585, No.192), entitled "An act permitting the completion of baseball games in cities of the first, second, second class A, and third class, and townships of the first class, notwithstanding provisions to the contrary."

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

BILLS OVER IN ORDER

HB 1769, HB 1855 and HB 1947 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON SECOND CONSIDERATION

HB 2044 (Pr. No. 2871) -- The Senate proceeded to consideration of the bill, entitled:

An Act repealing the act of May 16, 1919 (P.L. 193, No. 120), entitled "An act to provide for the licensing and regulation of public dance halls and ball rooms, and for the regulation, supervision of public dances and balls in cities of the first, second, and third classes."

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

BILLS OVER IN ORDER

HB 2348 and **HB 2354** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

RECONSIDERATION OF HB 2065

HB 2065 (Pr. No. 4608) -- Senator CORMAN. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 2065, Printer's No. 4608, passed finally.

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

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-43

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

NAY-5

Brooks	Hutchinson	Mastriano	Phillips-Hill
Gordner			

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.

SENATE RESOLUTIONS ADOPTED

STATE SYSTEM OF HIGHER EDUCATION PROPERTY REQUEST No. 1 of 2020, RESOLUTION A, ADOPTED

Senator CORMAN, without objection, called up from page 12 of the Calendar, **State System of Higher Education Property Request No. 1 of 2020, Resolution A**, entitled:

Resolved, That State System of Higher Education Property Request No. 1 of 2020, transmitted by the State System of Higher Education under the Public School Code of 1949 to the General Assembly under date of August 14, 2020, and introduced September 3, 2020, which is incorporated herein by reference, be approved.

On the question,
Will the Senate adopt the resolution?

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

Senator CORMAN. Mr. President, I move that the Senate adopt State System of Higher Education Property Request No. 1 of 2020, Resolution A.

On the question,

Will the Senate agree to the motion to adopt State System of Higher Education Property Request No. 1 of 2020, Resolution A?

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

YEA-48

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

NAY-0

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

The PRESIDENT. The resolution is adopted.

STATE SYSTEM OF HIGHER EDUCATION PROPERTY REQUEST No. 2 of 2020, RESOLUTION A, ADOPTED

Senator CORMAN, without objection, called up from page 13 of the Calendar, **State System of Higher Education Property Request No. 2 of 2020, Resolution A**, entitled:

Resolved, That State System of Higher Education Property Request No. 2 of 2020, transmitted by the State System of Higher Education under the Public School Code of 1949 to the General Assembly under date of August 14, 2020, and introduced September 3, 2020, which is incorporated herein by reference, be approved.

On the question,

Will the Senate adopt the resolution?

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

Senator CORMAN. Mr. President, I move that the Senate adopt State System of Higher Education Property Request No. 2 of 2020, Resolution A.

On the question,

Will the Senate agree to the motion to adopt State System of Higher Education Property Request No. 2 of 2020, Resolution A?

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

YEA-48

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

NAY-0

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

The PRESIDENT. The resolution is adopted.

UNFINISHED BUSINESS BILL REPORTED FROM COMMITTEE

Senator KIM WARD, from the Committee on Transportation, reported the following bill:

HB 916 (Pr. No. 4612) (Amended)

An Act mending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions; in licensing of drivers, further providing for suspension of operating privilege, for the offense of driving while operating privilege is suspended or revoked and for ignition interlock limited license and providing for Relief from Administrative Suspension Program; and, in driving after imbibing alcohol or utilizing drugs, further providing for grading, for penalties, for ignition interlock, for prior offenses, for Accelerated Rehabilitative Disposition, for drug and alcohol assessments and for mandatory sentencing and providing for substance monitoring program. This act may be referred to as Deana's Law.

BILL ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bill was as follows:

HB 916.

And said bill having been considered for the first time,

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

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, NOVEMBER 18, 2020

Off the Floor	APPROPRIATIONS (to consider House Bills No. 862, 916, 1342, 1534 and 2440)	Senate Chamber (LIVE STREAMED)
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Off the Floor

RULES AND EXECUTIVE

NOMINATIONS (to consider Senate Bill No. 1216; Senate Resolutions No. 396 and 408; 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 5,245 days since the Pennsylvania legislature last raised the minimum wage. That is more than 14 years, and it is far too long.

Winston Churchill once said, "Courage is what it takes to stand up and speak; courage is also what it means to sit down and listen." In that spirit, I have always tried to listen at least as much as I speak when considering the issues that most affect the people of this Commonwealth. Today, after more than 14 years, the minimum wage is still one of those transcendent issues. So I try to listen closely to what people of all points of view and political perspectives are saying about the minimum wage, even those who may disagree with my views.

A few days ago, I saw a headline on the *Fox Business* Website that stated, "CFOs watch for a possible minimum wage hike under Biden: Companies may raise prices, cut workers' hours to offset rise in labor costs." This take on the minimum wage issue is not new or unique. I have heard similar warnings many times before. It is a message that usually comes from members of the business community, conservative-leaning economists, and their allies in government. But upon reading the underlying article, I was pleasantly surprised to hear what the CFOs really had to say--the less-than-alarming perspectives that were not reflected in the headline.

The CFO of Potbelly Corp., a Chicago-based chain of sandwich shops with about 470 locations, told *Fox* that his company would "respond to a higher federal minimum wage by improving its modeling of labor costs and raising efficiency during work shifts." No shocker there. In fact, I would expect all publicly traded companies like Potbelly to strive for optimum efficiency regardless of the minimum wage. A spokesperson for the same chain added that it would consider raising menu prices "over the long term," implying that higher prices would not be their first option. To that I ask, do not businesses always consider raising prices over the long term if the economy warrants it? Do they not owe that to their shareholders?

Fox further reported that officials from another large, publicly traded food service chain, Texas Roadhouse, said the company would not automatically raise prices following an increase in the minimum wage. Instead, it would also look toward efficiency improvements and sales growth strategies. The top financial officer for PoolCorp, a publicly-traded Louisiana company that bills itself as the world's largest distributor of swimming pool supplies, said the company would seek to automate processes like product orders and warehouse operations in the event of a minimum wage raise. Once again, I do not find that unusual at all. Many large companies are already making major investments in automation these days, and higher minimum wages are not the cause. They would be doing it regardless.

Finally, the CFO for Chipotle Mexican Grill told *Fox* that the chain does not expect to see a major increase in costs even if Congress adopts legislation for a \$15 minimum wage. In all likelihood, the increase will be gradual, he said. A senior economist for Moody's Analytics seemed to agree when he told *Fox*, "Even companies that have done no planning at all are still going to have time to phase it in and think about how to live with this moving forward." The same holds true for a minimum wage increase in Pennsylvania. For example, my current legislation, Senate Bill No. 12, would phase in a \$15 minimum wage over a period of 6 years.

Mr. President, Pennsylvania's low-wage workers have been learning how to live with stagnant wages and declining buying power for decades. I am sure employers and shareholders can figure out a way to

make family-sustaining wages the norm once again. I am also confident that despite the doom and gloom predictions that we often hear from opponents of a higher minimum wage, raising the minimum wage here in the Commonwealth will be viable and beneficial to all segments of our economy. I urge the General Assembly to advance and adopt a higher minimum wage as soon as possible.

Thank you, Mr. President.

BILL SIGNED

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

SB 790.

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 Wednesday, November 18, 2020, at 12 noon, Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 3:55 p.m., Eastern Standard Time.