

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

WEDNESDAY, MAY 12, 2021

SESSION OF 2021 205th OF THE GENERAL ASSEMBLY

No. 25

**SENATE**

WEDNESDAY, May 12, 2021

The Senate met at 11 a.m., Eastern Daylight Saving Time.

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

**PRAYER**

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

Let us pray.

I recently read a quote that said, you can tell a bully from a leader by how they treat people who disagree with them.

Heavenly Father, our prayer today is that You help us to be leaders. Help us to listen to the diverse views around us so that we can think more critically, come and work together, and make better decisions so that we can improve the lives of the people we serve. For as we read in the book of Psalms, "Behold, how good and how pleasant it is for brethren to dwell together in unity!" All this we ask in Your name. Amen.

**PLEDGE OF ALLEGIANCE**

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

**COMMUNICATION FROM THE GOVERNOR**

**RECALL COMMUNICATION  
REFERRED TO COMMITTEE**

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

**MEMBER OF THE PENNSYLVANIA  
PUBLIC UTILITY COMMISSION**

May 12, 2021

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 December 7, 2020, of Hayley Book, 70 Warrington Way, Wellsville 17365, York County, Thirty-first Senatorial District, for appointment as a member of the Pennsylvania Public Utility Commission, to serve until April 1, 2025, and until the successor is appointed and qualified, but not

longer than six months beyond that period, vice Andrew Place, Waynesburg, resigned.

TOM WOLF  
Governor

**LEGISLATIVE LEAVE**

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

Senator K. WARD. Mr. President, I request a legislative leave for Senator Regan.

The PRESIDENT. Senator Kim Ward requests a legislative leave for Senator Regan. Without objection, the leave will be granted.

**JOURNALS APPROVED**

The PRESIDENT. The Journals of the Sessions of February 3, 2021, and February 5, 2021, are now in print.

The Clerk proceeded to read the Journals of the Sessions of February 3, 2021, and February 5, 2021.

Senator K. WARD. Mr. President, I move that further reading of the Journals be dispensed with and that the Journals be approved.

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

The yeas and nays were required by Senator K. WARD and were as follows, viz:

YEA-48

Argall	Costa	Martin	Schwank
Aument	DiSanto	Mastriano	Stefano
Baker	Dush	Mensch	Street
Bartolotta	Fontana	Muth	Tartaglione
Boscola	Gordner	Phillips-Hill	Tomlinson
Brewster	Haywood	Pittman	Vogel
Brooks	Hughes	Regan	Ward, Judy
Browne	Hutchinson	Robinson	Ward, Kim
Cappelletti	Kane	Sabatina	Williams, Anthony H.
Collett	Kearney	Santarsiero	Williams, Lindsey
Comitta	Langerholc	Saval	Yaw
Corman	Laughlin	Scavello	Yudichak

NAY-0

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

The PRESIDENT. The Journals are approved.

RECESS

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

Senator K. WARD. Mr. President, I request a recess of the Senate for purposes of two off-the-floor committee meetings to be held here on the floor and via Zoom, beginning with the Committee on Appropriations, followed by the Committee on Rules and Executive Nominations. Before the committee meetings, I would ask the Members of the Republican Caucus to gather around the podium for a brief discussion.

The PRESIDENT. For purposes of a brief meeting of the Senate Republicans at the Leader's podium followed by two off-the-floor committee meetings to be held here on the floor and via Zoom, beginning with the Committee on Appropriations, followed by the Committee on Rules and Executive Nominations, 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 78, SB 82, HB 101 and SB 113 -- Without objection, the bills were passed over in their order at the request of Senator K. WARD.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 115 (Pr. No. 473) -- The Senate proceeded to consideration of the bill, entitled:

An Act making the Commonwealth of Pennsylvania a party to the Nurse Licensure Compact; and providing for the form of the compact.

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

COLLETT AMENDMENT A0961 OFFERED

Senator COLLETT offered the following amendment No. A0961:

Amend Bill, page 30, by inserting between lines 4 and 5: Section 5. Nursing staff report.

(a) General rule.--A hospital shall compile a daily report on each patient care unit and shift containing the following information:

- (1) The number of each of the following types of staff per four-hour time period providing direct patient care: (i) Registered nurses. (ii) Licensed practical nurses. (iii) Certified nursing assistants. (iv) Unlicensed personnel. (2) The relative number of patients to each of the following types of staff: (i) Registered nurses. (ii) Licensed practical nurses.

- (iii) Certified nursing assistants. (iv) Unlicensed personnel. (3) The current direct care nurse staffing schedule and assignment roster. (4) The availability, by number of hours on the shift, that a unit clerk or unit secretary is available exclusively for the specified patient care unit. (5) Whether patients requiring scheduled or emergency respiratory treatments have had treatments that were administered by a respiratory therapist or the direct care nursing staff of the unit. (6) Percentage of temporary or agency nurses who are employed by an outside entity included in the shift staff. (7) The methods used by the hospital for determining and adjusting staffing levels. (8) The registered nurse, licensed practical nurse and certified nursing assistant turnover rate for the previous month. (9) The number and types of complaints under the act of June 10, 2009 (P.L.1, No.1), known as the Preventable Serious Adverse Events Act, filed with the hospital concerning patient care for the previous month.

(b) Reporting method.--The reports required under subsection (a) shall be compiled as follows:

- (1) For each patient care unit, a hospital shall count the number of patients and direct care nursing staff based on hours worked for each category of direct care nursing staff, excluding other licensed health care professionals, one hour before the end of each shift. (2) For each emergency department, a hospital shall count the number of patients registered during the four-hour shift and the number of direct care nursing staff based on hours worked for each category of direct care nursing staff, excluding other licensed health care professionals, one hour before the end of each shift. (3) For each postanesthesia care unit, a hospital shall count the number of patients that were in the postanesthesia care unit during the shift and the number of direct care nursing staff, based on hours worked for each category of direct care nursing staff, excluding other licensed health care professionals, one hour before the end of each shift. (4) For each mother and baby unit, a hospital shall report direct care nursing staff hours under the obstetrics unit, not the newborn nursery. A mother and baby should each be reported as a separate patient. (5) For each psychiatric and behavioral unit, licensed mental health counselors, activity therapists and recreational therapists providing direct patient care shall be considered as licensed practical nurses. Staffing hours for unlicensed mental health technicians or other unlicensed personnel will be included as unlicensed personnel hours. (6) Graduate nurses who participate in an internship program shall not be included in determining the relative number of patients to direct care nursing staff, except orientee or graduate nurse hours shall be included when the graduate nurse has completed the designated time-defined orientation and reaches the point where the graduate nurse is considered part of the staff matrix, the graduate nurse's work hours are charged to the unit and the graduate nurse is replaced if the nurse calls in sick. (7) When a direct care nurse works beyond the nurse's shift into the next shift, the actual hours should be included in the daily posting forms for all shifts that the nurse worked. (8) Hospital management and support staff who do not provide direct patient care may not be included in the daily reporting forms. (9) Sitters, including registered nurses acting as sitters, will be considered unlicensed assistant personnel only if they provide other direct patient care in addition to observation. Sitters providing only companion service may not be included in the actual hours worked for unlicensed assistant personnel. (10) When overflow beds are used for patients, the patients shall be included in the daily report of the patient care unit where the patient is receiving care. (11) The staff relative number reporting shall be to one decimal point. If a hospital patient care unit does not have a direct care nursing staff for a particular category, a zero should be entered on the report for that staff category.

## Section 6. Report posting.

(a) General rule.--A hospital shall post the report required under section 5 as follows:

- (1) The report, with respect to each shift, shall be posted no later than one hour after the beginning of the next shift.
- (2) The report shall be prominently displayed in a location visible to the public on the patient unit.
- (3) The report shall be easily readable in its posted form.

(b) Submission to department.--A hospital shall submit the reports required under section 5 for the previous month to the Department of Health of the Commonwealth no later than the 15th day of each month.

(c) Retention of records.--Reports and records required to be compiled under section 5(a) shall be retained by the hospital for a period of five years and be posted on the hospital's publicly accessible Internet website.

(d) Divisions and subsidiaries.--If a hospital is a division or subsidiary of another entity that owns or operates another hospital or related organizations, the reports under section 5 shall be for the specific division or subsidiary and not for another entity.

## Section 7. Whistleblower protection.

(a) General rule.--A hospital shall not discriminate, retaliate, intimidate, threaten or punish an employee with respect to compensation or the terms, conditions or privileges of employment when the employee in good faith, individually or in conjunction with another person, does any of the following:

- (1) Discloses to a nursing staff supervisor or manager, private accreditation organization, nurse's collective bargaining agent or regulatory agency, an activity, policy or practice of a hospital that violates this act or other law or rule or that the employee believes poses a risk to the health, safety or welfare of a patient or the public.
- (2) Initiates, cooperates or otherwise participates in an investigation or proceeding brought by a regulatory agency or private accreditation body concerning matters covered by this act or a law or rule that the employee reasonably believes poses a risk to the health, safety or welfare of a patient or the public.
- (3) Objects or refuses to participate in an activity, policy or practice of a hospital that violates this act or a law or rule the department or a reasonable person would believe poses a risk to the health, safety and welfare of a patient or the public.
- (4) Participates in a committee or peer review process or files a report of complaint that discusses allegations of unsafe, dangerous or potentially dangerous care within a hospital.

(b) Employee good faith.--An employee is presumed to act in good faith if the employee reasonably believes the following:

- (1) The information reported or disclosed is true.
- (2) A staffing violation has occurred or may occur.

(c) Notice to hospital.--

(1) The protection under subsection (a) shall not apply to an employee unless the employee gives written notice to a direct nursing supervisor or direct nursing manager of the activity, policy, practice or violation that the employee believes poses a risk to the health of a patient or the public and provides the manager a reasonable opportunity to correct the problem.

(2) The direct nursing supervisor or direct nursing manager shall respond in writing to the employee within seven days to acknowledge that the notice was received. The direct nursing supervisor or direct nursing manager shall provide written notice of an action taken within a reasonable time of receiving the employee's notice.

(d) Forms.--The Department of Health of the Commonwealth shall develop standardized reporting forms to be used in all hospitals for reporting under this section.

## Section 8. Quarterly reports.

(a) General rule.--The Department of Health of the Commonwealth shall produce a quarterly report for each hospital that shows the average direct care nurse staffing levels for each unit for a three-month period as follows:

- (1) Relative number of patients to staff for each type of patient care unit.
- (2) Turnover rate for direct care nursing staff.
- (3) Percentage of contractual direct care nursing staff utilized.
- (4) Daily numbers of direct care nursing staff and patients in the emergency department.

(5) Daily number of nonregistered nurse health care practitioners.

(b) Posting.--The quarterly reports produced under subsection (a) shall be made available to the public on the same publicly accessible Internet website as the quality control measures reporting for health care facilities. The Department of Health of the Commonwealth shall post quarterly reports January 31, April 30, July 31 and October 31 of each year. The data in the quarterly reports must cover a period ending not earlier than one month prior to submission of the report.

## Section 9. Monitoring.

The Department of Health of the Commonwealth shall be responsible for monitoring the reports from all hospitals in this Commonwealth for variances between periods and to compare the reports to the reported quality control measures to determine if there are correlations or deficiencies in the quality control measures.

## Section 10. Compliance by hospitals.

The Department of Health of the Commonwealth shall be responsible for ensuring compliance with this act as a condition of licensure under the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, and shall enforce compliance in accordance with the provisions of the Health Care Facilities Act.

Amend Bill, page 30, line 5, by striking out "5" and inserting:

11

On the question,

Will the Senate agree to the amendment?

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

Senator COLLETT. Mr. President, this amendment, as I stated in the Committee on Consumer Protection and Professional Licensure, will add a layer of protection to Pennsylvania's nurses and accountability to providers across the Commonwealth by ensuring that temporary staffing solutions are indeed being implemented in a temporary capacity.

Mr. President, as you and my colleagues in this Chamber know, I am proud to be a nurse. When I began my nursing career, I was a nurse at a level one trauma center in Texas, a State that is a member of the Nurse Licensure Compact. As my family pursued opportunities here in Pennsylvania, I quickly learned how difficult it can be to transfer a nursing license in order to provide care in our Commonwealth. I knew then that if Pennsylvania had participated in the Nurse Licensure Compact that I may have been able to find a job more quickly and settle into making Pennsylvania my home. That is why, when I came to the Senate, I quickly signed on to last Session's Senate Bill No. 655, legislation drafted to help nurses like me who were determined to make a long-term commitment to Pennsylvania and to our communities. This pandemic has made clear that there can be unforeseen crises which need flexibility and swift responses, both from government and our healthcare systems. In the early days of COVID-19, we all saw the stories of brave nurses who rushed to hotspot areas of the country - volunteering their skills, training, and education, and risking their lives to help bring the situation under control. That is what nurses do. They see a problem and step up to solve it, and I think we, as a legislature, can and should continue this important conversation about how we maximize someone's ability to utilize their medical training under our licensing laws here in the Commonwealth, because access to quality patient care should be at the forefront of our minds now more than ever.

That said, Mr. President, when a problem comes our way, we have to look at the data to inform our next steps, and that is what is causing me to rethink the potential risks of Senate Bill No. 115

to the profession I so love. The data shows that as States become members of the Nurse Licensure Compact, use of temporary nursing staff increases across health systems, putting profits over patients, masking critical staffing shortfalls, affecting the career stability of the Commonwealth's nurses, and ultimately putting patient safety in jeopardy. Temporary nursing staff should truly be utilized for crisis situations to support, not supplant, the regular staff. Would any of us here who are parents want to see our children have a constant rotation of substitute teachers rather than someone who is dedicated to their child's class and knows who they are, how they learn, what they need to progress, and who knows the school facility and how to access its critical resources? How could we support legislation which does the same thing to our patients, children, or our family and friends who will visit a hospital at some point in their lives? This pandemic has shown us just how crucial nurses have been to keeping our communities safe and healthy. It is at exactly this moment that we should be having a conversation about legislation which would support patient health and safety like my bill, the Patient Safety Act. But without it, and without the adoption of this amendment, I no longer feel that I can support Senate Bill No. 115 in its current form.

Mr. President, it is for these reasons that we need to adopt this amendment. It is not unreasonable to ensure that this bill--which will increase the use of temporary nursing staff across our Commonwealth--also holds providers accountable for over-reliance on temporary staff. I urge an affirmative vote.

Thank you, Mr. President.

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

Senator BOSCOLA. Mr. President, I rise as the prime sponsor of this bill to respectfully ask for a "no" vote on this amendment. While there is merit to what my colleague is saying, it does not fit into this bill. There is no correlation whatsoever. When you join a compact -- compact legislation means it has to be similar legislation, the same type of wording. There is no correlation according to the National Council of State Boards of Nursing who oversees compacts. If this language that my colleague is talking about gets in this bill, what she essentially does is kill the Nurse Licensure Compact. It will not happen. So I ask for a "no" vote.

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

Senator K. WARD. Mr. President, I am also asking for a "no" vote on the amendment. Thank you.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Regan has returned, and his legislative leave is cancelled.

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

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

YEA-18

Brewster	Fontana	Sabatina	Street
Cappelletti	Hughes	Santarsiero	Tartaglione

Collett	Kane	Saval	Williams, Anthony H.
Comitta	Kearney	Schwank	Williams, Lindsey
Costa	Muth		

NAY-30

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

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?  
It was agreed to.

On the question,  
Shall the bill pass finally?

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

Senator BOSCOLA. Mr. President, I rise to offer remarks on this bill and, really, to highlight why it is so important. Nursing is a highly regarded and demanding profession. Ask any doctor or any administrator of a large hospital or nursing home, who is the glue holding this all together? If they are honest, they will tell you it is the nurses.

We are at a critical crossroads with regard to this occupation and, frankly, its future growth and sustainability in this Commonwealth. This bill helps enhance a nurse license here in Pennsylvania. Today, a license issued in Pennsylvania is limited in the State. With this bill, the nurses will be able to continue to pursue opportunities where it is best for them and not be held hostage by antiquated licensure regulations. This bill empowers the nurse, plain and simple. Joining the compact will allow Pennsylvania nurses to earn a living where there is demand. As a Senator of a county that borders New Jersey--so just 1 minute away, you can go into New Jersey--a New Jersey nurse is able to practice in 1 of 34 other States because New Jersey is in the compact. Mr. President, of the 35 States in this compact, 4 are neighboring States - Delaware, New Jersey, Maryland, and West Virginia. Another 3 States--not including Pennsylvania--are in the process of joining the compact; leaving Pennsylvania--if this bill does not pass--as only 1 of 12 States not in the compact. It makes no sense.

Mr. President, a specific group of nurses will greatly benefit from Pennsylvania entering the compact, and they are military spouses. One of the largest occupations among active duty military spouses is nursing. Entering this compact provides easier transitioning for our active duty families, many of whom must move quickly and frequently. Licensure portability, particularly for military families, is crucial to enable the spouse to continue in their vocation, and joining the compact will cut down on the red tape in the process of relocating. This bill also helps everyday Pennsylvania residents. Today, there is a demand for nurses, and that demand is not anticipated to subside anywhere in the near future. Nurses play a critical role in our everyday lives;

obviously in places like hospitals, nursing homes, and doctors' offices, but also less thought-of places like hospice and direct care in homes, schools, and camps. These are valuable and needed jobs in the nursing world and would benefit from Pennsylvania being a compact State. So, Mr. President, the nursing compact is essential to this Commonwealth.

Now, I know that some have recently come out opposed to the bill. Last Session this bill passed this Chamber unanimously, and while I do not anticipate a similar result this time, I did want to address some of those concerns. My office held stakeholder meetings to better understand their concerns, and I do not want to minimize those concerns at all. However, they are unrelated to Pennsylvania joining a compact State; just totally unrelated. Everyone realizes that compact States must have the same language, and that is the idea behind compacts. The opponents are frustrated with how some hospitals and health systems staff nurses. These are valid concerns and should be addressed through legislation, on its own, and in committee. This bill is not the vehicle to address those issues, and they know it.

Mr. President, the bill before us today is not just about hospitals and health systems. This bill is reflective of nurses who serve in positions far broader than hospital settings, and that is my issue with the opposition as they are only looking at the hospital side of the equation. This bill does have support from hospitals and health systems. Yes, it does. But it also carries the support of the Healthcare Association, nursing homes, skilled nursing facilities, the Pennsylvania State Nurses Association, the Pennsylvania Home Healthcare Association, nurses providing hospice and direct care needs to patients in their homes, and the Cancer Association, because they struggle to get pediatric nurses here in Pennsylvania. Pennsylvania already boasts a large number of nursing schools and a high rate of graduates. Collectively, our State is among the best schools and the highest graduation rates in this country for nurses. I have said this before in my remarks, think about this scenario: you are a younger adult and graduating from one of our nursing schools and getting ready to take your nursing exam, the NCLEX. You take it in Pennsylvania, and if you pass and apply to the board, you are licensed in one State. Or, do you cross over to New Jersey, West Virginia, or Maryland and take it there, and if you pass, you are good to go in 35 other States--and, hopefully, it will be 36.

Finally, Mr. President, I would like to touch on the coronavirus pandemic for a minute. Last year during the pandemic, the Department of State authorized emergency waivers to permit licensed medical professionals in other States to come here to fill our staffing needs; that was particularly during the early surge stages. The State Board of Nursing had 1,600 registered nurses they either had to bring back out of retirement or bring in from other States to help serve our population--the people in the hospital beds and ICUs--but also to take over the responsibility for other medical care of those nurses who were shifted around to the direct response for the surge in various hospitals. So the need for the compact is important and critical to this Commonwealth. Yes, for pandemics and disasters, but critical in the long run for our State's residents. It is critical to maintain the growing demand of nurses now and in the long term.

Finally, Mr. President, today is International Nurses Day, a day celebrating the profession and contribution that nurses have made and continue to make to our society. May 12 is celebrated

this way in honor and memory of Florence Nightingale, born on this day 201 years ago. She was a female social pioneer, a constant and ardent supporter of reforms, and known historically as an icon for her role in the founding of modern nursing. It is coincidental, but truly fitting, that today this body considers this bill and takes the next steps forward, looking toward our nursing profession and helping modernize this profession, as it should be. So I urge your support, a "yes" vote, on Senate Bill No. 115.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentlewoman from Washington, Senator Bartolotta.

Senator BARTOLOTTA. Mr. President, I will be brief, but I would like to stand and support my colleague's efforts on Senate Bill No. 115 for all of the reasons she stated but, in particular, because we are constantly chasing incredible resources out of Pennsylvania. Let us not let nurses be on that very long list. As my colleague stated, there are 35 States that allow for a nurse compact. Why are we encouraging these incredible minds--these wonderful servants of our healthcare--to go elsewhere to get a license? We need them here. We need all of these wonderful people right here to serve the needs of our citizens and provide great healthcare for them. When the shutdowns started on March 13, 2020--we went for 7 weeks of a complete shutdown--that meant no elective procedures, and lifesaving diagnostic tests went undone for so many citizens. Hundreds of thousands of people went for almost 2 months ignoring some grave symptoms of life-altering diseases and illnesses. We are going to be seeing a wave, a tsunami, of medical need in Pennsylvania like we have never seen before - mental health issues, undiagnosed breast cancer, prostate cancer, colon cancer, diabetes, heart disease, strokes. The list goes on and on. We need to unleash an army of our wonderful nurses so that they can provide the much-needed, excellent healthcare that we know they can.

This parallels the need for my legislation, the Nurse Practitioner Bill. We need to keep our nurses in Pennsylvania. So I support Senate Bill No. 115 with my colleague and I encourage my colleagues to vote "yes" as well.

Thank you, Mr. President.

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

Senator KANE. Mr. President, I rise in opposition to Senate Bill No. 115. Pennsylvania nurses have been on the frontlines of this pandemic, and I am so grateful for the nurses who have been working tirelessly to keep our communities safe and to the nurses who supported me when I was in treatment. I rise in opposition to this bill because of our nurses and because of the concerns I have heard from my constituents and from representatives from two of Pennsylvania's largest nursing unions. This bill would enable health systems to more easily replace their full-time staff positions with short-term, out-of-State agency nurses. Hospitals are increasingly using subcontracted nurses as a cost-cutting strategy. That means fewer jobs for Pennsylvania nurses, increased staff turnover, and lower patient care quality as veteran nurses leave the bedside to be replaced with cheaper agency nurses.

Now, I want to be perfectly clear. Our hospitals are understaffed, and we need to be doing more to support our nurses. That is why I have supported legislation to create safe staff-to-patient ratios to give our nurses the time and resources to provide quality care to patients. Our nurses deserve job secu-

...rity, good wages, and support from their hospital systems, not the fear that they will be replaced by out-of-State agency nurses just so hospitals can cut costs. I urge a "no" vote on Senate Bill No. 115. Thank you.

And the question recurring,  
Shall the bill pass finally?

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

YEA-32

Argall	Costa	Martin	Schwank
Aument	DiSanto	Mastriano	Stefano
Baker	Dush	Mensch	Tomlinson
Bartolotta	Gordner	Phillips-Hill	Vogel
Boscola	Haywood	Pittman	Ward, Judy
Brewster	Hutchinson	Regan	Ward, Kim
Browne	Langerholc	Robinson	Yaw
Corman	Laughlin	Scavello	Yudichak

NAY-16

Brooks	Fontana	Muth	Street
Cappelletti	Hughes	Sabatina	Tartaglione
Collett	Kane	Santarsiero	Williams, Anthony H.
Comitta	Kearney	Saval	Williams, Lindsey

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

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

BILLS OVER IN ORDER

**SB 137, SB 341, SB 403 and SB 426** -- Without objection, the bills were passed over in their order at the request of Senator K. WARD.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 432 (Pr. No. 617)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 15, 1933 (P.L.565, No.111), known as the Department of Banking and Securities Code, in banking and securities, further providing for fund.

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. Senator Laughlin 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 gentleman from Erie, Senator LAUGHLIN:)*

Mr. President, my legislation, Senate Bill No. 432, simply transforms the current State Banking Fund into a trust fund. Currently, State-chartered banks and credit unions in Pennsylvania pay biannual assessments to the Department of Banking and Securities. These funds are intended to be used for the administration of the department, for the regulation and oversight of the banking industry in Pennsylvania, and to establish a reserve for the department to be accredited as a financial regulatory agency.

It is important to note that these assessments are in addition to the State and local taxes that these banks and credit unions pay. Even though the uses of the fund's resources are clearly defined, a total of more than \$42 million was taken from the Banking Fund in 2018 and 2019 to augment the State General Fund budget and the budgets of the Departments of Conservation and Natural Resources and Environmental Protection. Such transfers threaten the State Charter. In today's climate, we need to ensure our banking industry thrives.

I ask my colleagues for an affirmative vote.

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	Martin	Schwank
Aument	DiSanto	Mastriano	Stefano
Baker	Dush	Mensch	Street
Bartolotta	Fontana	Muth	Tartaglione
Boscola	Gordner	Phillips-Hill	Tomlinson
Brewster	Haywood	Pittman	Vogel
Brooks	Hughes	Regan	Ward, Judy
Browne	Hutchinson	Robinson	Ward, Kim
Cappelletti	Kane	Sabatina	Williams, Anthony H.
Collett	Kearney	Santarsiero	Williams, Lindsey
Comitta	Langerholc	Saval	Yaw
Corman	Laughlin	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.

BILL OVER IN ORDER

**SB 442** -- Without objection, the bill was passed over in its order at the request of Senator K. WARD.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 445 (Pr. No. 636)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in registration of vehicles, providing for contributions for breast cancer research.

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 gentleman from Montgomery, Senator Mensch.

Senator MENSCH. Mr. President, in the United States, one in eight women will develop breast cancer in their lifetime, and we all know someone who this has affected. Some in the Chamber, in our home lives, in our families, and in our districts. While medical progress and research has improved the prognosis for so many diagnosed with breast cancer, unfortunately, roughly 42,000 women nationwide and an estimated 2,000 in Pennsylvania will die from the disease this year.

Luckily for the Commonwealth, the Pennsylvania Breast Cancer Coalition has been a guiding light for finding a cure for breast cancer since 1993. The coalition is led by the steadfast and inspirational Pat Halpin-Murphy, who is here today with members of her team in the gallery. Give us a wave, Pat. There you go.

(Applause.)

Over the years, the coalition has spent over 1,500 hours on patient advocacy, and that includes being instrumental in getting important legislation passed related to cancer screenings and insurance coverage for these procedures. Most importantly, over the years, they have contributed over \$4.3 million to breast cancer researchers in the Commonwealth through their own research grants. This bill, Senate Bill No. 445, helps the coalition in this endeavor by giving Pennsylvanians renewing their vehicle registration or driver's license an option to donate \$5 to the Pennsylvania Breast Cancer Coalition. The funds collected by the donation will be used for research grants to further foster innovation and development of the eventual cure.

Mr. President, you will notice today that many of my colleagues and staff are wearing pink as a show of support for all those who have been affected by breast cancer. I hope one day we can be here to celebrate the finding of a cure for breast cancer, and I have no doubt that the passage of this bill will help make that day come that much sooner. I appreciate the consideration of Senate Bill No. 445 and would appreciate an affirmative vote.

Thank you, Mr. President.

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

Senator K. WARD. Mr. President, thank you very much and thank you, Senator Mensch. This is your third bill helping women with breast cancer and you know you are truly a champion of women with this disease. We know that 12 out of 100 women get breast cancer. That is a lot of women. That is a lot of our mothers, sisters, friends, and cousins. With that many women contracting this, this is vitally important. I want to state, once again today, how important it is for women to get their mammograms and to get an ultrasound or MRI if you have fibrous breasts; both of those were thanks to Senator Mensch's bills. So, thank you very much, and I want to say thank you to the Breast Cancer Coalition up there, thank you for the flowers today, and thank you for all the work you do on behalf of breast cancer. Thank you.

Thank you, Mr. President.

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

The PRESIDENT pro tempore. Mr. President, just briefly, as the brother of a survivor of breast cancer, I want to add my voice to this. But I also would be remiss if I did not mention that our

Majority Leader went public this week with her battles dealing with breast cancer, and I think I can speak for the entire institution and say, we are with you.

(Applause.)

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	Martin	Schwank
Aument	DiSanto	Mastriano	Stefano
Baker	Dush	Mensch	Street
Bartolotta	Fontana	Muth	Tartaglione
Boscola	Gordner	Phillips-Hill	Tomlinson
Brewster	Haywood	Pittman	Vogel
Brooks	Hughes	Regan	Ward, Judy
Browne	Hutchinson	Robinson	Ward, Kim
Cappelletti	Kane	Sabatina	Williams, Anthony H.
Collett	Kearney	Santarsiero	Williams, Lindsey
Comitta	Langerholc	Saval	Yaw
Corman	Laughlin	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.

(Applause.)

LEGISLATIVE LEAVE

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

Senator K. WARD. Mr. President, I request a legislative leave for Senator Judy Ward.

The PRESIDENT. Senator Kim Ward requests a legislative leave for Senator Judy Ward. Without objection, the leave will be granted.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

SB 457 and SB 521 -- Without objection, the bills were passed over in their order at the request of Senator K. WARD.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 73, HB 104 and HB 108 -- Without objection, the bills were passed over in their order at the request of Senator K. WARD.

BILL ON SECOND CONSIDERATION AND REREFERRED

SB 119 (Pr. No. 125) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of Environmental Protection to conduct a public comment process on and submit to the General Assembly a measure or action intended to abate, control or limit carbon dioxide emissions by imposing a revenue-generating tax or fee on carbon dioxide emissions.

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

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

#### BILLS OVER IN ORDER

**SB 168, HB 230, SB 236, SB 237 and SB 241** -- Without objection, the bills were passed over in their order at the request of Senator K. WARD.

#### BILL ON SECOND CONSIDERATION AND REREFERRED

**SB 279 (Pr. No. 735)** -- 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 sales and use tax, further providing for exclusions from tax.

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

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

#### BILLS OVER IN ORDER

**SB 283, SB 286, SB 312, SB 351, HB 416, SB 435, SB 439, SB 441, SB 455, SB 461, SB 463, SB 480, SB 519, SB 559, SB 561, SB 562, SB 568, HB 854 and HB 951** -- Without objection, the bills were passed over in their order at the request of Senator K. WARD.

#### BILL REPORTED FROM COMMITTEE

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

**SB 664 (Pr. No. 753)** (Rereported)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in pupils and attendance, providing for extended special education enrollment due to COVID-19; and, in terms and courses of study, providing for optional year of education due to COVID-19.

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

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 664 (Pr. No. 753)** -- 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 pupils and attendance, providing for extended special education enrollment due to COVID-19; and, in terms and courses of study, providing for optional year of education due to COVID-19.

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 gentleman from Centre, Senator Corman.

The PRESIDENT pro tempore. Mr. President, Senate Bill No. 664 amends the Public School Code to allow parents the option to have their children repeat a grade level for the 2021-22 school year due to COVID-19. First, my bill would allow parents or guardians of 21-year-old special education students who are aging out of the system to be able to continue to attend for the 2021-22 school year. The Arc of Pennsylvania is fully supportive of this piece of legislation, and it would address this critical need after these students missed out on so much of the specialized education during the COVID-19 disruption, much of which is job training and life skills. Second, my bill would allow parents or guardians of students under the age of 18 the option to elect to have their children repeat a grade level to make up for the lost educational opportunities due to COVID-19.

This was an extraordinary year for all of us, Mr. President, and, really, the area of educating our children is probably the most important thing we do here at the State level. So, although normally these decisions are best made by the school district in consultation with the parents, I think this year's extraordinary year needs this type of response to allow the parents to ultimately make the final decision; because in many cases, students were being taught by their parents at home, and I do not know who would have a better understanding of what the education loss would be more than the parents. Ironically, in today's *Centre Daily Times*, my local paper, the headline was "Children, teens continue to struggle with the impact of pandemic," speaking not only about virtual learning which, in many cases, can be very successful, but also "being 'stuck' at home" and losing out on all that interaction with other children and other people in the community during the COVID-19 shutdowns.

So, Mr. President, we worked closely with the Department of Education during the last week on this legislation. One of the changes we made was to make sure parents make their decision by July 15 so the school district could be prepared for the upcoming school year. Also, upon the introduction of this bill, I began hearing from families and students of schools for the deaf and blind, so we were sure to include those students as well. The pandemic certainly altered the delivery of education and impacted students' ability to learn, but none more so than these children. The Pennsylvania charter schools for the deaf and blind fully support this legislation. So, Mr. President, I ask all my colleagues for an affirmative vote.

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	Martin	Schwank
Aument	DiSanto	Mastriano	Stefano
Baker	Dush	Mensch	Street
Bartolotta	Fontana	Muth	Tartaglione
Boscola	Gordner	Phillips-Hill	Tomlinson
Brewster	Haywood	Pittman	Vogel
Brooks	Hughes	Regan	Ward, Judy
Browne	Hutchinson	Robinson	Ward, Kim
Cappelletti	Kane	Sabatina	Williams, Anthony H.
Collett	Kearney	Santarsiero	Williams, Lindsey
Comitta	Langerholc	Saval	Yaw
Corman	Laughlin	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.

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

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

ADJUTANT GENERAL OF PENNSYLVANIA

April 27, 2021

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 March 2, 2021, of Major General Mark Schindler, 38 Tree Line Avenue, Fredericksburg 17026, Lebanon County, Forty-eighth Senatorial District, for appointment as Adjutant General of Pennsylvania, to serve until January 17, 2023, and until the successor is appointed and qualified, vice Adjutant General Anthony Carrelli, resigned.

TOM WOLF  
Governor

SECRETARY OF THE COMMONWEALTH

April 27, 2021

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 March 26, 2021, of Veronica Degraffenreid, 327 North Front Street, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, for appointment as Secretary of the Commonwealth, to serve at the pleasure of the Governor, vice Kathy Boockvar, Doylestown, resigned.

TOM WOLF  
Governor

SECRETARY OF EDUCATION

April 27, 2021

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 December 7, 2020, of Noe Ortega, 108 Merlin Drive, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, for appointment as Secretary of Education, to serve for a term of four years, and until the successor is appointed and qualified, vice Pedro Rivera, Lancaster, resigned.

TOM WOLF  
Governor

SECRETARY OF HEALTH

April 27, 2021

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 January 25, 2021, of Alison Beam, 232 North 25th Street, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as Secretary of Health, to serve until January 17, 2023, and until the successor is appointed and qualified, vice Dr. Rachel Levine, Middletown, resigned.

TOM WOLF  
Governor

SECRETARY OF HUMAN SERVICES

April 27, 2021

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 19, 2021, of Margaret Snead, 17 West Athens Avenue, Ardmore 19003, Montgomery County, Seventeenth Senatorial District, for appointment as Secretary of Human Services, to serve until January 17, 2023, and until the successor is appointed and qualified, vice Teresa Miller, Harrisburg, resigned.

TOM WOLF  
Governor

SECRETARY OF LABOR AND INDUSTRY

April 27, 2021

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 December 7, 2020, of Jennifer Berrier, 736 Reserve Way, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as Secretary of Labor and Industry, to serve until January 17, 2023, and until the successor is appointed and qualified, vice W. Gerard Oleksiak, Dresher, resigned.

TOM WOLF  
Governor

PHYSICIAN GENERAL

April 27, 2021

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 March 8, 2021, of Denise Johnson, M.D., 525 Sunset Drive, Meadville 16335, Crawford County, Fiftieth Senatorial District, for appointment as Physician General, to serve at the pleasure of the Governor, vice Rachel Levine, M.D., Middletown, resigned.

TOM WOLF  
Governor

MEMBER OF THE PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

May 12, 2021

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 December 7, 2020, of Hayley Book, 70 Warrington Way, Wellsville 17365, York County, Thirty-first Senatorial District, for appointment as a member of the Pennsylvania Public Utility Commission, to serve until April 1, 2025, and until the successor is appointed and qualified, but not longer than six months beyond that period, vice Andrew Place, Waynesburg, resigned.

TOM WOLF  
Governor

**NOMINATIONS RETURNED TO THE GOVERNOR**

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

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

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

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

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

MEMBER OF THE STATE BOARD OF ACCOUNTANCY

April 7, 2021

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, Sheri Risler, 130 Chinaberry Drive, Lafayette Hill 19444, Montgomery County, Seventh Senatorial District, for reappointment as a member of the State Board of Accountancy, to

serve for a term of four years, and until the successor is appointed and qualified, but not longer than six months beyond that period.

TOM WOLF  
Governor

MEMBER OF THE PENNSYLVANIA  
COUNCIL ON AGING

April 7, 2021

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, George Lenz, 601 Lenz Road, Indiana 15701, Indiana County, Forty-first Senatorial District, for appointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 2022, and until the successor is appointed and qualified, vice Daniel Drake, West Chester, resigned.

TOM WOLF  
Governor

MEMBER OF THE ARCHITECTS  
LICENSURE BOARD

April 20, 2021

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, Jerry Roller, 127 Fitzwaters Street, Philadelphia 19147, Philadelphia County, First Senatorial District, for reappointment as a member of the Architects Licensure Board, to serve for a term of four years, and until the successor is appointed and qualified, but not longer than six months beyond that period.

TOM WOLF  
Governor

MEMBER OF THE STATE BOARD OF COSMETOLOGY

April 7, 2021

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, Deborah Craft, 3767 Harbor Ridge Trail, Erie 16510, Erie County, Forty-ninth Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve for a term of three years, and until the successor is appointed and qualified, but not longer than six months beyond that period, vice Paul DeSabato, Pittsburgh, deceased.

TOM WOLF  
Governor

MEMBER OF THE STATE BOARD OF DENTISTRY

April 7, 2021

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, Barbara Lee Fowler (Public Member), 245 Conway Street, Carlisle 17013, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the State Board of Dentistry, to serve for a term of six years, and until the successor is

appointed and qualified, but not longer than six months beyond that period.

TOM WOLF  
Governor

MEMBER OF THE BOARD OF GOVERNORS OF  
THE STATE SYSTEM OF HIGHER EDUCATION

March 26, 2021

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, Robert Bogle, 40 Lincoln Avenue, Yeadon 19050, Delaware County, Eighth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2022, and until the successor is appointed and qualified, vice the Honorable Thomas Muller, Macungie, whose term expired.

TOM WOLF  
Governor

MEMBER OF THE PENNSYLVANIA  
HOUSING FINANCE AGENCY

February 24, 2021

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, Rasheedah Phillips, 3213 Turner Street, Philadelphia 19121, Philadelphia County, Third Senatorial District, for appointment as a member of the Pennsylvania Housing Finance Agency, to serve until July 20, 2025, and until the successor is appointed and qualified, vice Maria Coutts, Paupack, whose term expired.

TOM WOLF  
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF  
KUTZTOWN UNIVERSITY OF PENNSYLVANIA OF  
THE STATE SYSTEM OF HIGHER EDUCATION

December 7, 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, Kevin Harden, Jr., 6436 Emlen Street, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, for appointment as a member of the Council of Trustees of Kutztown University of Pennsylvania of the State System of Higher Education, to serve until October 25, 2022, and until the successor is appointed and qualified, vice Jolynn Haney, Colledgeville, resigned.

TOM WOLF  
Governor

MEMBER OF THE STATE BOARD  
OF MASSAGE THERAPY

April 7, 2021

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, Jennifer Keth, 312 Jim Town Road, Brookville 15825, Jefferson County, Twenty-fifth Senatorial District, for appointment as a member of the State Board of Massage Therapy, to serve until October 9, 2024, and until the successor is appointed and qualified, but not longer than six months beyond that period, vice Gloria Rosado, Reading, whose term expired.

TOM WOLF  
Governor

MEMBER OF THE STATE BOARD OF PODIATRY

April 9, 2021

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William Fetchik, 1600 Williamsburg Way, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Podiatry, to serve for a term of four years, and until the successor is appointed and qualified, but not longer than six months beyond that period, vice Ralph Schmeltz, Pittsburgh, whose term expired.

TOM WOLF  
Governor

MEMBER OF THE STATE BOARD OF PSYCHOLOGY

April 7, 2021

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, Katherine Bradley, 106 Tagg Lane, Gardners 17324, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the State Board of Psychology, to serve for a term of four years, and until the successor is appointed and qualified, but not longer than six months beyond that period.

TOM WOLF  
Governor

MEMBER OF THE STATE BOARD OF VEHICLE  
MANUFACTURERS, DEALERS AND SALESPERSONS

March 29, 2021

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, Dale Yingst, 333 West Orchard Drive, Palmyra 17078, Lebanon County, Forty-eighth Senatorial District, for reappointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four years, and until the successor is appointed and qualified, but not longer than six months beyond that period.

TOM WOLF  
Governor

**NOMINATIONS LAID ON THE TABLE**

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

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

**EXECUTIVE NOMINATIONS**

**EXECUTIVE SESSION**

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

Which was agreed to by voice vote.

**NOMINATIONS TAKEN FROM THE TABLE**

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

The Clerk read the nominations as follows:

**MEMBER OF THE STATE BOARD OF ACCOUNTANCY**

April 7, 2021

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, Sheri Risler, 130 Chinaberry Drive, Lafayette Hill 19444, Montgomery County, Seventh Senatorial District, for reappointment as a member of the State Board of Accountancy, to serve for a term of four years, and until the successor is appointed and qualified, but not longer than six months beyond that period.

TOM WOLF  
Governor

**MEMBER OF THE PENNSYLVANIA  
COUNCIL ON AGING**

April 7, 2021

To the Honorable, the Senate  
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In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, George Lenz, 601 Lenz Road, Indiana 15701, Indiana County, Forty-first Senatorial District, for appointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 2022, and until the successor is appointed and qualified, vice Daniel Drake, West Chester, resigned.

TOM WOLF  
Governor

**MEMBER OF THE ARCHITECTS  
LICENSURE BOARD**

April 20, 2021

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of the Commonwealth of Pennsylvania:

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TOM WOLF  
Governor

**MEMBER OF THE STATE BOARD OF COSMETOLOGY**

April 7, 2021

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of the Commonwealth of Pennsylvania:

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TOM WOLF  
Governor

**MEMBER OF THE STATE BOARD OF DENTISTRY**

April 7, 2021

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, Barbara Lee Fowler (Public Member), 245 Conway Street, Carlisle 17013, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the State Board of Dentistry, to serve for a term of six years, and until the successor is appointed and qualified, but not longer than six months beyond that period.

TOM WOLF  
Governor

**MEMBER OF THE BOARD OF GOVERNORS OF  
THE STATE SYSTEM OF HIGHER EDUCATION**

March 26, 2021

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, Robert Bogle, 40 Lincoln Avenue, Yeadon 19050, Delaware County, Eighth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2022, and until the successor is appointed and qualified, vice the Honorable Thomas Muller, Macungie, whose term expired.

TOM WOLF  
Governor

**MEMBER OF THE PENNSYLVANIA  
HOUSING FINANCE AGENCY**

February 24, 2021

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, Rasheedah Phillips, 3213 Turner Street, Philadelphia 19121, Philadelphia County, Third Senatorial District, for appointment as a member of the Pennsylvania Housing Finance Agency, to serve until July 20, 2025, and until the successor is appointed and qualified, vice Maria Coutts, Paupack, whose term expired.

TOM WOLF  
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF  
KUTZTOWN UNIVERSITY OF PENNSYLVANIA OF  
THE STATE SYSTEM OF HIGHER EDUCATION

December 7, 2020

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of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Kevin Harden, Jr., 6436 Emlen Street, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, for appointment as a member of the Council of Trustees of Kutztown University of Pennsylvania of the State System of Higher Education, to serve until October 25, 2022, and until the successor is appointed and qualified, vice Jolynn Haney, Colledgeville, resigned.

TOM WOLF  
Governor

MEMBER OF THE STATE BOARD  
OF MASSAGE THERAPY

April 7, 2021

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

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TOM WOLF  
Governor

MEMBER OF THE STATE BOARD OF PODIATRY

April 9, 2021

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TOM WOLF  
Governor

MEMBER OF THE STATE BOARD OF PSYCHOLOGY

April 7, 2021

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, Katherine Bradley, 106 Tagg Lane, Gardners 17324, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the State Board of Psychology, to serve for a term of four years, and until the successor is appointed and qualified, but not longer than six months beyond that period.

TOM WOLF  
Governor

MEMBER OF THE STATE BOARD OF VEHICLE  
MANUFACTURERS, DEALERS AND SALESPERSONS

March 29, 2021

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In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dale Yingst, 333 West Orchard Drive, Palmyra 17078, Lebanon County, Forty-eighth Senatorial District, for reappointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four years, and until the successor is appointed and qualified, but not longer than six months beyond that period.

TOM WOLF  
Governor

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

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

YEA-48

Argall	Costa	Martin	Schwank
Aument	DiSanto	Mastriano	Stefano
Baker	Dush	Mensch	Street
Bartolotta	Fontana	Muth	Tartaglione
Boscola	Gordner	Phillips-Hill	Tomlinson
Brewster	Haywood	Pittman	Vogel
Brooks	Hughes	Regan	Ward, Judy
Browne	Hutchinson	Robinson	Ward, Kim
Cappelletti	Kane	Sabatina	Williams, Anthony H.
Collett	Kearney	Santarsiero	Williams, Lindsey
Comitta	Langerhole	Saval	Yaw
Corman	Laughlin	Scavello	Yudichak

NAY-0

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

Ordered, That the Governor be informed accordingly.

**EXECUTIVE SESSION RISES**

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

The motion was agreed to by voice vote.

**UNFINISHED BUSINESS  
ANNOUNCEMENTS BY THE SECRETARY**

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

SENATE OF PENNSYLVANIA		
COMMITTEE MEETINGS		
<u>THURSDAY, MAY 20, 2021</u>		
11:00 A.M.	AGING AND YOUTH (public hearing on current status and needs of long-term care facilities one year after COVID-19)	Senate Chamber (LIVE STREAMED)
<u>MONDAY, MAY 24, 2021</u>		
11:00 A.M.	HEALTH AND HUMAN SERVICES (to consider Senate Bills No. 618, 620, 621 and 671)	Senate Chamber (LIVE STREAMED)
12:30 P.M.	GAME AND FISHERIES (to consider Senate Bill No. 431)	Senate Chamber (LIVE STREAMED)
12:45 P.M.	COMMUNICATIONS AND TECHNOLOGY (to consider Senate Bill No. 696)	Senate Chamber (LIVE STREAMED)
Off the Floor	APPROPRIATIONS (to consider Senate Bills No. 28, 126, 243, 520 and 533)	Senate Chamber (LIVE STREAMED)
Off the Floor	TRANSPORTATION (to consider House Bills No. 832 and 1101)	Senate Chamber (LIVE STREAMED)
<u>TUESDAY, MAY 25, 2021</u>		
9:30 A.M.	AGRICULTURE AND RURAL AFFAIRS and LOCAL GOVERNMENT (joint public hearing on local government ordinances for utility scale solar development in the Commonwealth)	Hrg. Rm. 1 North Off. (LIVE STREAMED)
10:00 A.M.	FINANCE (to consider Senate Bills No. 288, 681 and 682)	Senate Chamber (LIVE STREAMED)
11:30 A.M.	JUDICIARY (to consider Senate Bills No. 305, 516, 588, 703 and 704)	Hrg. Rm. 1 North Off.
11:30 A.M.	TRANSPORTATION (to consider Senate Bills No. 419, 532 and 615; and House Bill No. 125)	Senate Chamber (LIVE STREAMED)
12:30 P.M.	STATE GOVERNMENT (to consider the reappointment of Gregory Lane and the appointment of Maria Donatucci to the Pennsylvania Civil Service Commission)	Senate Chamber (LIVE STREAMED)
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider certain Executive Nominations)	Senate Chamber (LIVE STREAMED)
<u>WEDNESDAY, MAY 26, 2021</u>		
9:00 A.M.	STATE GOVERNMENT (public hearing on congressional redistricting)	Senate Chamber (LIVE STREAMED)

9:30 A.M.	LABOR AND INDUSTRY (to consider Senate Bills No. 567, 617 and 689; and House Bill No. 664)	Hrg. Rm. 1 North Off.
<u>THURSDAY, MAY 27, 2021</u>		
10:30 A.M.	COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT (public hearing on government barriers to manufacturing growth in Pennsylvania)	650 Ridge Rd. Pittsburgh
<u>THURSDAY, JUNE 17, 2021</u>		
9:30 A.M.	VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (S) and VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (H) (joint public hearing on Pennsylvania's veterans home care and COVID-19 mitigation protocols)	Room 515 Irvis Off.

**PERMISSION TO ADDRESS**

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

Senator K. WARD. Mr. President, while I have everybody in the room, I just want to say thank you so much for all the encouraging words and kind messages I have received from all of you since yesterday. Pink is a beautiful color, we look at it, it brings awareness to breast cancer, and I see a lot of pink in this room today, but there is nothing beautiful about breast cancer. So, thank you all very much for the support and for continuing to support funding for this very important issue that affects so many of us. So, thank you very much.

**PETITIONS AND REMONSTRANCES**

The PRESIDENT. The Chair recognizes the gentleman from Lancaster, Senator Martin.

Senator MARTIN. Mr. President, over the course of the last 15 months, I have risen before this body on many occasions, whether to make commentary or to talk about the bills that I helped author related to the constitutional amendments, related to the Governor's emergency powers, that the voters of this Commonwealth are going to have before them on May 18. I have also spoken often--as someone who has been involved in emergency management for over 8 years as a Lancaster County commissioner--and have talked about the bulwarks of a good response - communication, collaboration, and transparency. The hallmarks of a successful response in any type of emergency. When you combine that with the fact that, as the people's elected representatives in the General Assembly, whether in the Senate or the House, we hear from our constituents in response to the circumstances on the ground or within the framework of the orders that they are told that they have to abide by. When those orders, as part of a declaration, are considered to be unfair, not implemented properly, or things that fall through the cracks, it is the people's elected representatives who hear those outcries the most.

I remember early on--when our long-term care facility communities, which I have a lot of in the 13th Senatorial District, could not get responses from the Department of Health, could not obtain PPE, and could not get responses in terms of questioning some of the guidance that they were forced to operate under--they turned to us to try to make a difference, to change course, to

get them the critical supplies that they needed. When we all heard about the impact of stopping elective procedures in our communities across this Commonwealth--and when we talk about elective procedures, I say, tongue in cheek, we are not talking about mole removal, we are talking about kids who are not getting cancer treatments and diagnoses; grandfathers or fathers who were not able to get, in a timely fashion, an MRI to show that they had blockages in their chambers--leading to catastrophic results. When we heard the outcries of hospital emergency rooms which were receiving dental patients with their faces swollen and the emergency room saying, we do not know how to help you, go to your dentist, but the dentists were told they had to be closed; who did they turn to? I think everyone in this body realized that the implementation of the waiver program--having competitors be open while their other competitor was forced to be closed; or having the definition of "essential" meaning that our small mom and pop businesses across our communities, some of which have possibly permanently closed, while they are watching thousands of people travel great distances to go to big-box stores to shop--when faced with that type of unfairness, who do they turn to? Their elected representatives. When Pennsylvania was the only State in the country that closed real estate, effectively saying housing was non-essential, who did they turn to? When the media or the general public sought answers through right-to-know requests, through requesting science and the data, whether it is through contact tracing or whatnot, on many occasions--including in July of last summer when they did a blanket order of closures of a lot of our bars and restaurants across PA--who do they turn to? The list goes on and on, but they turn to their elected representatives. Not just for a venting session, but because they want to see something changed. They want to see something improved upon. They want to see that the decisions being made are rooted in science and data and not just on an article someone read somewhere else.

But through this course of time, and regardless of what some may believe to be the interpretation of law, the legislature has tried to do things about it--many times which were vetoed, sometimes ending up before the court, and the court saying, this reads something differently. So that has led us to what you are going to see on May 18 in terms of adding checks and balances officially back into the emergency declaration process. If you believe that the General Assembly--elected by the people, which is supposed to be a co-equal branch of government--if you believe that they are there to represent their constituents and to make a difference, then that is what a "yes" vote on May 18 will do. If you are happy with the status quo--with the fact that Pennsylvania has the longest emergency declaration process in the country at 90 days--if you find that to be satisfactory, then a "no" vote would keep the status quo. I am here today to tell you--as a lead sponsor of these constitutional amendments, along with our Leader, Senator Kim Ward, and Senator DiSanto, and given how they passed in the House and the Senate--that we believe that in working together, we can do better.

If there is no better example of how collaboration works--I will point to the most recent--and that was in the rollout of the vaccination process. There is no mistake about it, we were one of the worst States in the nation early on--46th, 49th in the country--in terms of implementing the vaccination program. I will give credit to the Governor. When he reached out and wanted to collaborate with the General Assembly and, hence,

collaborate with local officials--I can tell you, as someone who worked hand-in-hand with my local community pushing for a very long time to create a mass vaccination center that has, in a matter of weeks, vaccinated over 150,000 people--that is the type of collaboration that worked and jettisoned Pennsylvania from being one of the worst States of implementation to now in the top ten, and possibly in the top five. Collaboration works. In all my years as a county commissioner overseeing emergency management--responding to things related to tornados, blizzards, Tropical Storm Lee, Hurricane Irene, no matter what it might be--the hallmark, that communication, collaboration, and transparency around the table, all working together. These are the people who understand how it works. These are your frontline responders in every other type of emergency. It works. There is accountability. So now it is time for the voters to exercise their voices. If you believe in communication, collaboration, and transparency; if you believe in accountability; if you believe there is a better way to learn over the course of the last year on how to handle a long-term type of an emergency like this, the answer is simple. You believe in the status quo, it is a "no" vote. But if you believe in the items that I talked about here in terms of making our system better for the most efficient and effective responses possible, then I would encourage you to vote "yes" on each of those questions on May 18.

Thank you, Mr. President.

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 5,422 days since the Pennsylvania legislature last raised the minimum wage. That is almost 15 years, and it is far too long.

Mr. President, although we as a Commonwealth and as a nation have failed for entirely too long to provide a needed and deserved minimum wage raise to our lowest-paid workers, there is a silver lining to the dark cloud that hangs above us: at least people are talking about the issue. Even corporate CEOs are now speaking candidly and publicly on this very touchy subject within the business community. In fact, *The Wall Street Journal* recently published a large sampling of their recent remarks, and, frankly, their opinions are so wide-ranging it is difficult to find any real consensus among them. "...McDonald's will do just fine" with an increase in the minimum wage, even a significant one, the company's chief executive said, "...so long as it's done...in a staged way and in a way that is equitable for everybody..." The CFO of Waste Management offered similar remarks. "We've been a competitive wage payer as a company for many years." A higher minimum wage "...is something that we are ahead of in many respects because of where our wages have been historically." Some corporate leaders even went so far as to extol the virtues of a higher wage floor, including the CEO of Starbucks. "We know when we invest in our partners and put them in the position to do the best job they can...our customer connection scores go up and our traffic goes up and our sales go up." The CEO of Charter Communications agreed. "We've hired thousands of new employees into good jobs by bringing all of our work back to the U.S., and we committed to a minimum wage of \$20 per hour to provide the best service possible, which fuels our growth."

The JPMorgan Chase CEO framed minimum wage as an issue of equality and morality: "We believe that inequality is a real problem....40% of Americans make \$15 an hour or less....Fifty million don't have unemployment. And people at the lower end are dying quicker than they died before....society has to fix these problems." Yet, other corporate bosses continue to lean on defective logic and divisive scare

tactics to discourage support for raising the minimum wage. The CEO of Hilton Worldwide Holdings proposed the preposterous theory that raising the minimum wage will "slow the rehiring of people in the--**hospitality**--industry." I do not know what world he is living in, but it has become obvious to the rest of us that just the opposite is true. Many hospitality businesses are already having a hard time filling open jobs because the pay is too low. Other CEOs warned of price increases as labor costs rise, conveniently overlooking the fact that workers will have more money in their pockets and will have more buying power as consumers. The CEO who heads the parent company of Olive Garden restaurants argued that tipped workers "will be compensated less, not more" if the antiquated tipped minimum wage system is eliminated in favor of one fair wage. Actual research into the tipped minimum wage tells a different story. The Center for American Progress reports that one fair wage "will help alleviate poverty, sustainably grow the economy, and advance gender, racial, disability, and economic justice."

In summary, based on a thorough sampling of public comments by many of the nation's CEOs, it is quite difficult to make heads or tails of what the business community thinks of raising the minimum wage. Fortunately, we in the General Assembly have the benefit of knowing what voters think of the idea. Opinion polls consistently tell us that the overwhelming majority of Pennsylvanians want a higher minimum wage.

Mr. President, it is time that we serve the needs of our constituents on this issue. It is time that we advance and adopt my Senate Bill No. 12 to raise the minimum wage.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Beaver, Senator Vogel.

Senator VOGEL. Mr. President, I rise this afternoon to recognize the month of May 2021 as Mental Health Awareness Month in Pennsylvania. This coincides with the national designation of the same name initiated by the Mental Health America organization in 1949. Mental illness, like many diseases, is not discriminatory in terms of those who it impacts. Fifty percent of all lifetime mental illnesses begin by the age of 14 and 75 percent by age 24. Unfortunately, mental health has struggled to shrug off the unjustified stigma that has been placed upon it. It is my intention, through the introduction of this resolution, to take one more step toward shifting the topic of mental health away from that stigma and toward fostering a community where those conversations are not only commonplace, but also a healthy and productive discourse. As leaders of the community, we have the opportunity to lead by example and remind our community that this is not, and should not be, taboo. I circulated a cosponsorship memo this morning, and I encourage you to sign on and take this step with me as a further reminder to those living with mental illness that they are not alone.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentlewoman from Berks, Senator Schwank.

Senator SCHWANK. Mr. President, today I have the distinct pleasure of telling you about six students from Governor Mifflin School District, which is in my district, who recently won the Philadelphia Zoo's UNLESS Contest. It is a year-long, project-based contest that encourages students to create real solutions to environmental issues. Now in its ninth year, the Philadelphia Zoo estimates the contest has reached more than 16 million people through student conservation messaging. These six students from Governor Mifflin's Cumru Elementary fourth grade gifted class helped those efforts by educating their peers, community, and even me about the golden lion tamarin. The students are: Anthony Gruber, Avery Reaser, Jared Hopgood, Mason Hopkins,

Levi Oxenreider, Yahir Ramon; and we cannot forget their teacher, Mrs. Janemarie McKay.

Before learning of their project, I did not know what a golden lion tamarin was. I would have told you that it was some kind of lion. It is not. It is actually a small primate from South America. These students spent 4 months learning about golden lions and implementing a marketing strategy to teach others about the species and what we can do here in Pennsylvania to help protect them; things like conserving water and electricity or eating local. They even did some fundraising to support the project. Their work landed them the title of grand prize winners for the third through fifth grade age group, and I could not be prouder.

I had a chance to visit their classroom--not virtually, but actually be there--and it was so exciting to be among those students. It is good to be back. Please join me in congratulating these students and their teacher. Thank you.

(Applause.)

The PRESIDENT. The Chair recognizes the gentlewoman from York, Senator Phillips-Hill.

Senator PHILLIPS-HILL. Mr. President, over this past week, we have all seen a barrage of opinion pieces by cabinet members of the Wolf Administration working to scare Pennsylvanians into voting "no" on Tuesday, May 18. As if the wording was not enough of an effort to confuse voters into maintaining the status quo and not ensuring the checks and balances of coequal branches of government between this body and the executive branch. But one of those op-eds jumped out at me, and that was the one penned by the Secretary of the Department of Transportation.

Now, many of you who are on the Committee on Appropriations may have remembered my line of questioning directed to Secretary Gramian over a local project in my district when she was before the Committee on Appropriations on April 21. York Countians are painfully well aware of the Mount Rose Interchange project along Interstate 83 at Exit 18. I asked Secretary Gramian, point blank, when will this project be done? She said it would be completed yesterday, May 11. Guess what? It is not anywhere near completion. We have another several months yet to go. I get it, we all have projects in our districts that are a few weeks behind, maybe a month or two behind, maybe even a year behind. Not this project. This project is 3 years behind schedule and millions of dollars over budget. I am sure you saw my cosponsor memo that went out yesterday to fix this problem moving forward to ensure that bad actors are not allowed to compete for contracts here in Pennsylvania.

Let me put it to you this way: if any of us were doing, say, a kitchen or bathroom remodel, building a deck at our homes, we would do our due diligence and research any contractor who we are seeking to hire. If you Google this contractor on the Mount Rose Interchange project, what you will find are stories of similar debacles in other States where the projects that they are in charge of are behind schedule and over budget. However, that is really not my point here today. My point is, one of the Secretary's excuses that she used for this project's ongoing delay was due to the coronavirus pandemic. I do not remember any of us taking a vote to shut down the highway construction industry. Nope, it was the unilateral decision by the Governor to shut down parts of our economy for the last 14 months. Make no mistake.



My district has an interesting vantage point as it borders Maryland. Our neighbors south of the Mason-Dixon line actually saw their highway construction projects accelerated. Here in Pennsylvania, our projects came to a screeching halt for almost 2 months. There are many angry and frustrated York Countians who have to drive that stretch of Interstate 83 only to see yet another day of an incomplete construction project. There can be a lot of blame to go around as to why it is 3 years behind schedule, but the irony is not lost on me that PennDOT wants to put blame on the Governor's unilateral shutdown for this delay when other States, including our neighbor to the south, could figure out a way to return workers to accelerate construction projects.

I find it really odd to read how the Secretary of PennDOT would tell people to vote against restoring checks and balances when her own administration has caused greater delay and even admitted it to us at our hearing last month. Here we are, a day after a project was supposed to be completed, according to the head of this agency. More frustrated York Countians who had to read how maintaining a Governor's unilateral powers--so he can do things like shut down the construction industry--was a good thing, according to the Secretary of Transportation. The people of York County know this could not be any further from the truth. They will not be fooled.

We have seen that collaboration, instead of one-person rule, works. I give a ton of credit to the work of the legislative vaccine task force which, ironically, was started a mere 4 days after the legislature approved the proposed constitutional amendment. The first time we heard about collaboration was after this body sent a loud message to the administration that we would finally give voters the voice. The good Senator from Lancaster County and the good Senator from Philadelphia County, they have done a yeoman's job to get our vaccine rollout from feeling like we were trying to track down the hottest toy at Christmas to now where it is almost as easy to get as the annual flu shot. The numbers do not lie. We went from 49th in the nation--and 1 of 2 States without an actual plan to distribute the vaccine when it was approved by the FDA--to being in the top 10. Collaboration works. We have seen it. The legislature has only helped, not hindered, the emergency response.

We have also seen that prolonged executive emergency powers without any input from the duly-elected legislative branch do not work. If you want proof, just drive down Interstate 83, look at Exit 18, and you will see a prime example of that. York Countians and every Pennsylvanian will have an opportunity to make their voices heard. They, and not the Governor, will get to decide whether to require collaboration--which works--or maintain the status quo--which has cost us lives and livelihoods. The choice is that simple, and the choice is theirs on Tuesday, May 18.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Monroe, Senator Scavello.

Senator SCAVELLO. Mr. President, I stand here to speak on behalf of many Pennsylvanians across the Commonwealth. Yesterday, the Governor announced that on May 17, the day before the primary election, that gathering maximum occupancy limits will be increased to 50 percent for indoor event gatherings and 75 percent for outdoor event gatherings. For small businesses and their workers, it is a little too late. As with students kept out of school for too long, the damage of the Governor's unilateral

actions has already been done. I will speak more on this issue in the coming weeks. Today, I will focus my comments on the May 18 Primary Election Day. Voters can prevent this damage from ever occurring again. They will decide on two ballot questions that will affect our local community, including our children's education and the survival of local and small businesses.

Mr. President, I stood here on this floor on two occasions telling the story of me contacting the Governor's Office and telling him to protect the nursing homes in Pennsylvania. It was after the third time that I spoke that something was finally done. I requested that they check the employees going in and lock it down to visitors. The third time when I spoke on the floor, I mentioned the numbers. We had over 4,000 deaths in our nursing homes that could have been avoided. It took another week before what I had asked for on March 8 of that year to really happen, when the Secretary of Health finally made that decision. If we had that opportunity, we would not be doing this right now. You know, we are out there on the front line, Mr. President. We hear from the people. We hear from the constituents. We see what is going on. We are not living up in an ivory tower. We are out there on the streets. Our offices were open during this period. However, every time we came and asked questions and asked for something to be done, we just did not get the response that we needed for our citizens.

In this primary election, the language on the ballot is very misleading. Instead of simply informing voters what the amendment would do, the Department of State included misleading language into the ballot question to scare off Pennsylvanians. The slanted and biased wording of these questions is an attempt to make voters think that the amendment is a threat to the ability of State agencies to respond to emergencies. Nothing could be further from the truth. The wording of the ballot questions has been a point of contention before, but never to this extent. The language not only includes scare tactics, but also outright falsehoods, including saying it removes an existing check and balance when it actually does the exact opposite. You heard from two of my colleagues earlier about what has happened since the Governor asked for help and picked people from the legislature--two from the Senate and two from the House--we went from 46th down to 5 in getting the vaccines out.

It does work when there is cooperation between the executive and the legislature. In reality, nothing in either of these amendments would prevent the Governor and State agencies from responding to emergency situations. Any Governor would declare a state of emergency to respond in days following any sort of catastrophe. However, these amendments would ensure that these powers would not be open-ended and the Governor is still accountable to the citizens of the Commonwealth. Voting "yes" on these amendments means protecting the lives and livelihoods of the people in your community, supporting local county control in the fight against COVID-19, and restoring a critical legislative check and balance on executive powers.

I would like to emphasize that limiting emergency powers is not a partisan issue. Although the debate about these amendments starts here under Governor Wolf's handling of the pandemic, the issue should not be decided purely on partisan lines. While the constitutional amendment would only apply to Governor Wolf for the next 18 months, as he is term-limited, it would apply to all future governors--regardless of party affiliation--and all future emergencies. The constitutional questions on the ballot

drew support from both parties. In addition, State government leaders in other parts of the country have expressed an interest in taking similar steps in their States. The approach of these measures mirrors the thinking of Democrats in the New York Senate who are now moving to limit the emergency powers of Governor Cuomo, and other States have followed suit. The New York Majority Leader, Andrea Stewart-Cousins--again, a Democrat--said it best in a *New York Times* article about a month ago. "I think everyone understands where we were back in March and where we are now. We certainly see the need for a quick response but also want to move toward a system of increased oversight and review. The public deserves to have checks and balances."

What a "yes" vote means on ballot question number one. *(Reading:)*

Shall the Pennsylvania Constitution be amended to change existing law and increase the power of the General Assembly to unilaterally terminate or extend a disaster emergency declaration—and the powers of Commonwealth agencies to address the disaster regardless of its severity pursuant to that declaration—through passing a concurrent resolution by simple majority, thereby removing the existing check and balance of presenting a resolution to the Governor for approval or disapproval?

A "yes" vote means a majority of State lawmakers, elected by the people, can vote to end emergency declarations and restrictions on our citizens. A "no" vote means a Governor can unilaterally continue emergency restrictions indefinitely even if a legislative majority votes to end them.

Ballot question number two. *(Reading:)*

Shall the Pennsylvania Constitution be amended to change existing law so that: a disaster emergency declaration will expire automatically after 21 days, regardless of the severity of the emergency, unless the General Assembly takes action to extend the disaster emergency; the Governor may not declare a new disaster emergency to respond to the dangers facing the Commonwealth unless the General Assembly passes a concurrent resolution; the General Assembly enacts new laws for disaster management?

A "yes" vote means emergency declarations are limited to 21 days unless the General Assembly, elected by the people, approves longer. A "no" vote means the Governor can unilaterally extend declarations, business closures, and restrictions indefinitely.

In closing, Mr. President, election eve relief from restrictions that plunge innocent Pennsylvanians into joblessness is no substitute for day-driven policy, collaboration, and checks and balances. All citizens should know that those are the concepts on the ballot this coming election.

Thank you, Mr. President.

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

Senator A.H. WILLIAMS. Mr. President, I was caught off guard today when it was announced in Session that one of our colleagues is involved in a fight against breast cancer. I missed the opportunity to make comments during the course of Session, so I saved it for Petitions and Remonstrances. I feel a little bit -- it is unfortunate because I would have preferred to be in front of all of our colleagues, not just a portion of them; but nonetheless, I hope she receives them in the spirit that they are intended, and they are sincere.

I am always reminded every day that you never know what someone else is going through. As we stand at these pulpits in the middle of debating the Governor's position, the Republicans' position, the Democrats' position, there is a person, a human being, going through some event in their life that may alter themselves, their family, or their circumstances. Today I was reminded again. The situation that our colleague finds herself in, I felt compelled to make comments for a few reasons. One, she mentioned the consequence of cancer, and I wanted her to know that there are some of us in this Chamber who certainly extend our perspective about it, but have been through it. So she joins the club. I want her to know that some of us have been in extreme situations. Stage 4, diagnosed as such, and I was one of those. Ten years later I am still annoying people with my perspectives, opinions, or actions. I will tell her that the power of positive thought and prayer is extraordinarily compelling. Understand that I am a Member of the Senate of Pennsylvania, as she is, and government has a role to play with regard to actions and bills that we passed today. But beyond that, the relationships and family, friends, and others are extraordinarily uplifting. I am fortunate, personally, for I have also been affected by this disease through extended family and friends, and some of the outcomes have been life-altering and life-sustaining, and others have not been as fortunate. Therefore, I do understand; the manner in which she has conducted herself has been extraordinary and revealing to another side that, frankly, I did not know about and probably many of us did not know about. But her dignity and grace today, to turn the attention, frankly, away from herself and to the others who are fighting this across Pennsylvania, and the powers and responsibilities that we have in that regard, was significant and certainly, I am sure, appreciated by many others who do not sit in the position that she does. But I am also sure that many of them appreciate that she told the public of her condition.

I can only pray that days when she feels empty and powerless with low energy that God will sustain her, her friends will uplift her, and we will support her, collectively, when she comes to the floor. But, most importantly, we want her to know that she will get through it and that we will support her in getting through that. I hope that she is returning to a gaggle of friends and family and they, too, I am sure, will wrap their arms around her. But nonetheless, there are a few of us who may not fall into that personal category; but nonetheless, we will pray just as intently, think just as positively, and support her, hopefully, just as effectively.

Thank you, Mr. President. God bless her.

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

Senator COSTA. Mr. President, the last couple of days we heard quite a bit about my colleagues on the other side of the aisle, their desire to have folks, in my estimation, mislead folks about what the impact of the two proposed constitutional amendments would have.

Mr. President, in my view, there is no question that these two proposals, given a "yes" vote, would hinder the Commonwealth's ability to quickly and comprehensively respond and effectively deal with disasters from emergencies that are taking place in this Commonwealth, particularly by limiting them to 21 days as set forth in the second constitutional proposed amendment. Mr. President, as I mentioned on this floor on Monday, these activities would result in pure partisan politics and injecting pure partisan politics by a Majority party into this process by which we are

administering and implementing a plan to deal with an emergency declaration. The response would be hamstrung by the lack of attention by the legislature, or purposefully having a lack of action, or the disaster itself when a disaster is severe enough to stop the legislature from meeting, which is entirely possible, which we took steps to address that by doing Zoom, for example.

The law already exists, as was mentioned. There was consistent reference to unilateral action by the Governor. The action is unilateral in the sense that the Governor can declare the first emergency declaration, but beyond that this legislative body, here, in the Senate and the House, has a means to be able to stop a declaration. They tried that. The courts upheld the Governor's authority to be able to do it and said that it needs to be done in a proper process, a proper way. Sent to the Governor for his decision as to whether he wants to extend it, end it by signing the legislation, or vetoing the legislation, which then allows for both parties, all Members of the General Assembly, to participate in the process by which to determine to support the Governor and his veto action at that point in time. All Members of the Senate and all Members of the House will have the ability to participate, not just the Majority party, that would pass a concurrent resolution without any input from our Democrats on this side of the aisle--in this particular case--or the Democrats on the House side, as well, and not presenting it to the Governor for his up or down consideration. That is what I mean by saying that we lose the necessary checks and balances that need to be part of this discussion.

Mr. President, there is a lot of talk about status quo. Let me say this, that if the emergency declaration was not in place--let us think about telemedicine. Telemedicine is permitted because we have the ability to manage this pandemic and waive some of the limitations that exist. Just think of how we would have addressed the pandemic without the Governor's ability to put into place telemedicine to be able to address the health needs of Pennsylvanians. But let us also talk about the nature of the limited immunity that is involved. Those are some of the things that are part of this conversation that folks simply do not want to talk about. By the way, let us think about the number of lives that this process has saved, the implementation of these timely orders by Secretary, at the time, Secretary Levine. Those are some of the things that we believe are extremely important, and when you want to talk about collaboration, let us talk about the collaboration that existed between the administration and our National Guard and our Pennsylvania Emergency Management Agency that worked together to support the work that needed to be done in the long-term care facilities, or the assistance they provided to our food banks, places of that nature. These were some of the things that were done through this emergency declaration process along those lines. Issues with respect to unemployment for Pennsylvanians and our local communities. We run the risk of losing Federal resources, reimbursements to help us assist our local communities and our Commonwealth as a whole. That is what was at stake and is at stake here now. All of these things, in a collective way, cry out for an opportunity to recognize that an affirmative vote, in my view, for this legislation will severely handicap the Governor's ability and the Secretary of Health's ability to manage a pandemic in having to come back to the legislature every 21 days to get continued approval to continue to manage a pandemic or an emergency declaration situation. It will be fraught with politics. It will be fraught with conditions at-

tached to every 21 days that must be met. Twenty-one days, if you want your 21-day extension, Governor, and you want to do telemedicine, you have to have these other conditions. You have to have these anti-choice provisions added to that. If you want to be able to continue your next 21-day management of an emergency declaration, Governor, you need to have these conditions. You need to make sure that we can go golfing when we want to, as was proposed by other folks, that we can make sure that we are able to do all these different things, that the nurseries would be able to be open and sell their goods. That is one of the conditions that we are going to look at. Beyond that, there will be other policy considerations that will be attached to the 21-day resolutions that would be outside the scope of this General Assembly to be able to impact because they could not get them done during the regular course of business.

Mr. President, I voted "no" because I believe that the process we have now is sufficient to be able to move this Commonwealth forward, but I would add, certainly, we need to do a better job in terms of communicating with one another, the administration, communicating with the General Assembly, to be able to work together to be able to implement a plan that is going to be successful. We now know Pennsylvania ranks in the top in the country with respect to vaccines, the number of vaccines distributed; and we have come a long way, particularly when we put together--as my colleagues on the other side of the aisle said on Monday--the vaccine task force, a shining example of the legislature and administration working to administer and deal with an implemented plan to deal with the, in our case, pandemic during this emergency declaration situation. That is the type of thing that we need to foster here in this General Assembly, communication, not limiting and not minimizing and reducing--and every time we do a new order we are reducing--the public safety and the health of this public by requiring certain conditions to be part of a continuing resolution that, at the end of the day, does nothing but minimize and reduce the Secretary of Health's ability and the Governor's ability to manage a pandemic. So, for all those reasons, I felt compelled today to speak in support of the administration's position along those lines, and my position as well. Thank you, sir.

## 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 STATE CHARTER SCHOOL APPEAL BOARD

May 12, 2021

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 27, 2021, of Nathan Barrett, 501 Stone Road, North Abington Township 18414, Lackawanna County, Twenty-second Senatorial Dis-

trict, for appointment as a member of the State Charter School Appeal Board, to serve until June 14, 2021, and until the successor is appointed and qualified, vice Jonathan Peri, Media, whose term expired and whose last day was April 23, 2021.

TOM WOLF  
Governor

MEMBER OF THE STATE CHARTER  
SCHOOL APPEAL BOARD

May 12, 2021

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 27, 2021, of Shanna Danielson, 170 Martel Circle, Dillsburg 17019, York County, Thirty-first Senatorial District, for appointment as a member of the State Charter School Appeal Board, to serve until June 14, 2021, and until the successor is appointed and qualified, vice Lee Ann Munger, Pittsburgh, whose term expired and whose last day was April 23, 2021.

TOM WOLF  
Governor

MEMBER OF THE STATE CHARTER  
SCHOOL APPEAL BOARD

May 12, 2021

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 27, 2021, of Ghadah Makoshi, 6448 Landview Road, Pittsburgh 15217, Allegheny County, Forty-third Senatorial District, for appointment as a member of the State Charter School Appeal Board, to serve until June 14, 2023, and until the successor is appointed and qualified, vice Scott Miller, Erie, whose term expired and whose last day was April 23, 2021.

TOM WOLF  
Governor

MEMBER OF THE STATE CHARTER  
SCHOOL APPEAL BOARD

May 12, 2021

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 27, 2021, of Stacey Marten, 438 West Lemon Street, Lancaster 17603, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the State Charter School Appeal Board, to serve until June 14, 2022, and until the successor is appointed and qualified, vice Julie Cook, Harleysville, whose term expired and whose last day was April 23, 2021.

TOM WOLF  
Governor

MEMBER OF THE STATE CHARTER  
SCHOOL APPEAL BOARD

May 12, 2021

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 27, 2021, of Jodi Schwartz, 586 Mockingbird Way, Warrington 18976, Bucks County, Twelfth Senatorial District, for appointment as a member of the State Charter School Appeal Board, to serve until June 14, 2023, and until the successor is appointed and qualified, vice Mitchell Yanyanin, New Brighton, whose term expired and whose last day was April 23, 2021.

TOM WOLF  
Governor

MEMBER OF THE BOARD OF CLAIMS

May 12, 2021

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 27, 2021, of Geroge [sic] Burrell, 440 South Broad Street, Unit 1002, Philadelphia 19146, Philadelphia County, First Senatorial District, for appointment as a member of the Board of Claims, to serve until November 15, 2026, and until the successor is appointed and qualified, vice Jeffrey F. Smith, Camp Hill, whose term expired and whose last day was April 23, 2021.

TOM WOLF  
Governor

MEMBER OF THE PENNSYLVANIA  
CONVENTION CENTER AUTHORITY

May 12, 2021

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 27, 2021, of James Snell, 1301 Bon Air Terrace, Havertown 19083, Delaware County, Seventeenth Senatorial District, for appointment as a member of the Pennsylvania Convention Center Authority, to serve until January 17, 2023, and until the successor is appointed and qualified, vice Robert Loughery, Perkasio, whose term expired and whose last day was April 23, 2021.

TOM WOLF  
Governor

MEMBER OF THE STATE BOARD OF EDUCATION

May 12, 2021

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 27, 2021, of Pedro Rivera, 1321 Quarry Lane, Lancaster 17603, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the State Board of Education, to serve until October 1, 2024, and until the successor is appointed and qualified, vice Nicole Carnicella, Bellefonte, whose term expired and whose last day was April 23, 2021.

TOM WOLF  
Governor

## SMALL BUSINESS ADVOCATE

May 12, 2021

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 30, 2021, of Iola Harper, 387 Lemonte Street, Philadelphia 19128, Philadelphia County, Seventh Senatorial District, for appointment as Small Business Advocate, to serve until the successor is appointed and qualified, vice the Honorable John R. Evans, Hummelstown, whose term expired and whose last day was April 23, 2021.

TOM WOLF  
Governor

**RECESS**

The PRESIDENT. The Chair recognizes the gentleman from Jefferson, Senator Dush.

Senator DUSH. Mr. President, I move that the Senate do now recess until Monday, May 24, 2021, 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 1:13 p.m., Eastern Daylight Saving Time.