

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

MONDAY, JUNE 14, 2021

SESSION OF 2021 205th OF THE GENERAL ASSEMBLY

No. 33

SENATE

MONDAY, June 14, 2021

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

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

PRAYER

The Chaplain, Reverend ALISON KURLAND, of St. Paul Evangelical Lutheran Church, Spring Grove, offered the following prayer:

Let us pray.

God of all nations, we are gathered here in this place responding to Your call to serve our neighbor. Encourage us to make choices that are in the best interest of all people. As you vote and have conversations this day, help us to see Your face in the face of others and heed Your call to love others as You have first loved us. Encourage us to listen to hear more than we speak. Guide our words and actions to be filled with kindness, compassion, and mercy. God of justice, we humbly come before You today asking You to heal our country, reminding us of our common thread, the title American. A title which allows us to see each other as family and lean on each other in times of need. Bring us unity and restore our nation to its greatest potential, a nation full of love, acceptance, prosperity, and a place of hope, the hope of a better tomorrow. In Your holy name we pray. Amen.

The PRESIDENT. The Chair thanks Pastor Kurland, who is the guest today of Senator Phillips-Hill.

PLEDGE OF ALLEGIANCE

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

COMMUNICATIONS 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 STATE BOARD OF
CERTIFIED REAL ESTATE APPRAISERS

June 11, 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 25, 2021, of Thomas J. Yablonski, Jr., 1408 Rose Lane, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Certified Real Estate Appraisers, to serve for a term of two years, and until the successor is appointed and qualified, but not longer than six months beyond that period, vice new position created by Act 87 of 2020.

TOM WOLF
Governor

NOMINATIONS REFERRED TO COMMITTEE

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

[data missing] BANKING
AND SECURITIES COMMISSION

June 11, 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, James Biery, 3 Gunpowder Road, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Banking and Securities Commission, to serve at the pleasure of the Governor, vice Vincent Gastgeb, Bethel Park, whose term expired and whose last day was April 23, 2021.

TOM WOLF
Governor

[data missing] BANKING
AND SECURITIES COMMISSION

June 11, 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, Mary Zenner, 3723 French Street, Erie 16504, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Banking and Securities Commission, to serve

at the pleasure of the Governor, vice James Biery, Mechanicsburg, whose term expired and whose last day was April 23, 2021.

TOM WOLF
Governor

MEMBER OF THE MILK MARKETING BOARD

June 11, 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 Barley, 801 Walnut Hill Road, Millersville 17751, Lancaster County, Thirteenth Senatorial District, for reappointment as a member of the Milk Marketing Board, to serve until May 1, 2027, and until the successor is appointed and qualified.

TOM WOLF
Governor

MEMBER OF THE STATE BOARD OF
CERTIFIED REAL ESTATE APPRAISERS

June 11, 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, Randy Waggoner, 5245 Wertzville Road, Enola 17025, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Certified Real Estate Appraisers, to serve for a term of two years, and until the successor is appointed and qualified, but not longer than six months beyond that period, vice new position created by Act 87 of 2020.

TOM WOLF
Governor

MEMBER OF THE STATE TAX
EQUALIZATION BOARD

June 11, 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, Gary S. Baker, P.O. Box 54, 1041 Mountainview Drive, Lehman 18627, Luzerne County, Twentieth Senatorial District, for appointment as a member of the State Tax Equalization Board, to serve until November 14, 2021, and until the successor is appointed and qualified, vice Daniel Gudyish, West Hazleton, deceased.

TOM WOLF
Governor

MEMBER OF THE STATE TAX
EQUALIZATION BOARD

June 11, 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, Brittany Mercadante, 51 West Pettebone Street, Forty Fort 18704, Luzerne County, Twentieth Senatorial District, for appointment as a member of the State Tax Equalization Board, to serve for a term of four years, and until the successor is appointed and qualified, vice Anthony Pinizzotto, Johnstown, deceased.

TOM WOLF
Governor

MEMBER OF THE STATE
TRANSPORTATION COMMISSION

June 11, 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, Betsy Phillips, 3607 North Fourth Street, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Transportation Commission, to serve for a term of six years, and until the successor is appointed and qualified, but not longer than six months beyond that period, vice Sharon Knoll, Fairview, whose term expired.

TOM WOLF
Governor

MEMBER OF THE STATE
TRANSPORTATION COMMISSION

June 11, 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, Elise Claire Schell, 1500 North Sixth Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Transportation Commission, to serve for a term of six years, and until the successor is appointed and qualified, but not longer than six months beyond that period, vice George Khoury, Lemont, whose term expired.

TOM WOLF
Governor

BILLS INTRODUCED AND REFERRED

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

June 11, 2021

Senators J. WARD, MASTRIANO, ARGALL, BARTOLOTTA, MARTIN, YAW, HUTCHINSON, PHILLIPS-HILL, STEFANO, MENSCH, PITTMAN, BAKER, AUMENT, SCAVELLO, GEBHARD and REGAN presented to the Chair **SB 735**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for qualifications of electors.

Which was committed to the Committee on STATE GOVERNMENT, June 11, 2021.

Senators LAUGHLIN, PHILLIPS-HILL, MUTH, STEFANO, COSTA, MASTRIANO, SCHWANK, BREWSTER and AUMENT presented to the Chair **SB 751**, entitled:

An Act amending the act of October 25, 2012 (P.L.1618, No.197), known as the National Human Trafficking Resource Center Hotline Notification Act, further providing for required posting.

Which was committed to the Committee on LABOR AND INDUSTRY, June 11, 2021.

Senators PHILLIPS-HILL, ARGALL, MARTIN, J. WARD and SCAVELLO presented to the Chair **SB 753**, entitled:

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, in emergency provisions related to COVID-19, providing for daily application reporting.

Which was committed to the Committee on LABOR AND INDUSTRY, June 11, 2021.

Senators YAW and VOGEL presented to the Chair **SB 756**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in fireworks, further providing for definitions, for use of display fireworks, for sales locations and for fees, granting of licenses and inspections, repealing provisions relating to temporary structures and providing for short-term structures.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, June 11, 2021.

Senators YAW, J. WARD, FONTANA, LAUGHLIN, PITTMAN, MENSCH and SCHWANK presented to the Chair **SB 758**, entitled:

An Act amending the act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act, in preliminary provisions, further providing for definitions; in games of chance, further providing for prize limits, providing for pull-tab deal and further providing for regulations of department; and, in tavern gaming, further providing for definitions, for licenses, for application, for approval, for enforcement and for prohibitions.

Which was committed to the Committee on COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT, June 11, 2021.

Senator PITTMAN presented to the Chair **SB 759**, entitled:

An Act designating a bridge, identified as Bridge Key 19033, on that portion of northbound State Route 119 over State Route 286 in White Township, Indiana County, as the Specialist Five Timothy Rice Memorial Bridge.

Which was committed to the Committee on TRANSPORTATION, June 11, 2021.

Senators MARTIN, K. WARD, J. WARD, AUMENT, STEFANO, YAW, MENSCH, PITTMAN, MASTRIANO, REGAN, PHILLIPS-HILL and ARGALL presented to the Chair **SB 760**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, in administrative organization, further providing for gubernatorial appointments, for terms of office and for deputies.

Which was committed to the Committee on STATE GOVERNMENT, June 11, 2021.

Senators ARGALL, SAVAL, STREET, FONTANA, COSTA, HAYWOOD, YUDICHAK, HUGHES and BREWSTER presented to the Chair **SB 763**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in Pennsylvania Housing Tax Credit, further providing for Pennsylvania Housing Tax Credit and for annual report.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, June 11, 2021.

June 14, 2021

Senators ARGALL, BARTOLOTTA, YUDICHAK, VOGEL, STEFANO, PITTMAN, J. WARD, AUMENT and BROOKS presented to the Chair **SB 764**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, in powers and duties of the Department of State and its departmental administrative board, providing for legislative process training; and imposing duties on the Legislative Reference Bureau.

Which was committed to the Committee on STATE GOVERNMENT, June 14, 2021.

RESOLUTIONS INTRODUCED AND REFERRED

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

June 11, 2021

Senators MASTRIANO, FONTANA, ARGALL, GORDNER, J. WARD, STREET, MARTIN, BARTOLOTTA, PITTMAN, SCAVELLO, PHILLIPS-HILL, YUDICHAK, STEFANO and BROWNE presented to the Chair **SR 133**, entitled:

A Resolution recognizing June 14, 2021, as "National Flag Day" in Pennsylvania.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, June 11, 2021.

Senators STEFANO, BROWNE, MENSCH, BARTOLOTTA, FONTANA, MUTH, SCHWANK, KEARNEY, COMMITTA, HUTCHINSON, MARTIN, BAKER, K. WARD and TARTAGLIONE presented to the Chair **SR 134**, entitled:

A Resolution designating June 15, 2021, as "Court Appointed Special Advocates Day" in Pennsylvania.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, June 11, 2021.

June 14, 2021

Senators MASTRIANO, AUMENT, BROWNE, BROOKS, PHILLIPS-HILL, YAW, FONTANA, ARGALL, MARTIN,

YUDICHAK, STEFANO, BARTOLOTTA, PITTMAN, J. WARD and MENSCH presented to the Chair **SR 135**, entitled:
A Resolution recognizing the 246th Anniversary of the founding of the United States Army.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, June 14, 2021.

Senators YAW, BROWNE, LANGERHOLC, VOGEL, J. WARD, FONTANA, LAUGHLIN, STREET, ARGALL, MARTIN, BARTOLOTTA, COMITTA, SCAVELLO, PHILLIPS-HILL, MASTRIANO, ROBINSON, COSTA, STEFANO, HUTCHINSON, SCHWANK and PITTMAN presented to the Chair **SR 136**, entitled:

A Resolution recognizing August 19, 2021, as "Aviation Day" in Pennsylvania.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, June 14, 2021.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

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

June 11, 2021

HB 118 and **764** -- Committee on Health and Human Services.

HB 142 -- Committee on Agriculture and Rural Affairs.

HB 164, 941, 995, 1057 and **1421** -- Committee on Veterans Affairs and Emergency Preparedness.

HB 940 -- Committee on Judiciary.

HOUSE RESOLUTION FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following resolution for concurrence, which was referred to the committee indicated:

June 11, 2021

HR 96 -- Committee on Veterans Affairs and Emergency Preparedness.

BILLS REPORTED FROM COMMITTEE

Senator HUTCHINSON, from the Committee on Finance, reported the following bills:

SB 347 (Pr. No. 350)

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

SB 447 (Pr. No. 448)

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in corporate net income tax, further providing for imposition of tax.

SB 586 (Pr. No. 634)

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in historic preservation incentive tax credit, further providing for definitions.

HB 952 (Pr. No. 1310)

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in computer data center equipment incentive program, further providing for definitions and for review of application, providing for applicability and for sales and use tax exemption program; imposing duties on the Department of Revenue; and making editorial changes.

LEAVE OF ABSENCE

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

SENATE CONCURRENT RESOLUTION

WEEKLY RECESS

Senator K. WARD offered the following resolution, which was read as follows:

In the Senate June 14, 2021

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene the week of Monday, June 21, 2021, unless sooner recalled by the President Pro Tempore; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses this week, it reconvene the week of Monday, June 21, 2021, unless sooner recalled by the Speaker of the House of Representatives.

On the question,
Will the Senate adopt the resolution?

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

YEA-49

Argall	DiSanto	Martin	Schwank
Aument	Dush	Mastriano	Stefano
Baker	Flynn	Mensch	Street
Bartolotta	Fontana	Muth	Tartaglione
Boscola	Gebhard	Phillips-Hill	Tomlinson
Brewster	Gordner	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
Costa			

NAY-0

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

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

GUEST OF SENATOR SCOTT F. MARTIN PRESENTED TO THE SENATE

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

Senator MARTIN. Mr. President, I rise today to introduce Adam Thompson, who is shadowing me in the Senate. Adam is a 2019 graduate of Manheim Township High School and is currently enrolled at George Washington University studying political science. Adam's mother, Susan, is a teacher at the Janus School in Mt. Joy, Pennsylvania; and his father, Mark, works at Stir Foods in Hempfield. As a former biology major, Adam is interested in agriculture and solving problems, so this summer he decided to work as a research assistant at Penn State Berks to study how to control the spotted lanternfly. Mr. President, I ask my colleagues to join me in giving our traditional warm welcome to Adam Thompson.

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

(Applause.)

GUESTS OF SENATOR NIKIL SAVAL PRESENTED TO THE SENATE

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

Senator SAVAL. Mr. President, it is my great pleasure and honor to introduce my family: my parents-in-law, Gregory and Kathy Garrison; my wife, Shannon Garrison, who is a planner at the Philadelphia Historical Commission; and my two children, Mayukh and Ishaan Saval. Mayukh is 2 months old--some people have already been introduced to him on Zoom--and my toddler, Ishaan Saval. Greg and Kathy are visiting us from Montana. This is their first time in the State Capitol. Please join me in welcoming my family to the State Capitol.

The PRESIDENT. Would the guests of Senator Saval please rise to be welcomed by the Senate.

(Applause.)

GUESTS OF SENATOR KRISTIN PHILLIPS-HILL PRESENTED TO THE SENATE

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

Senator PHILLIPS-HILL. Mr. President, I rise to welcome today's guest Chaplain, Pastor Alison Bowlan-Kurland of St. Paul Evangelical Lutheran Church located in Spring Grove. Pastor Bowlan-Kurland made the church's history by becoming its first female pastor in 2018. St. Paul strives to be a place of welcome, and they do that by hosting events like their community block party and family fun nights. The church also practices servant ministry by having their youth congregation help at local York County food banks, like Harvest of Hope Food Pantry. Guests of Pastor Bowlan-Kurland today are her husband, Michael Kurland, and her mom, Christy Poston. Thank you, Pastor Bowlan-Kurland, for providing the Senate with a very thoughtful

prayer. Would my colleagues please join me in giving Pastor Alison Bowlan-Kurland and her guests a warm Senate welcome.

The PRESIDENT. Would the guests of Senator Phillips-Hill please rise to be welcomed by the Senate.

(Applause.)

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 the purpose of a Republican caucus to be held in the Majority Caucus Room and via Zoom.

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

Senator COSTA. Mr. President, Senate Democrats will meet in the rear of the Chamber and via Zoom for a caucus as well.

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

AFTER RECESS

**The PRESIDING OFFICER (Senator Elder A. Vogel, Jr.)
in the Chair.**

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

LEAVE CANCELLED

The PRESIDING OFFICER. Senator Haywood has returned, and his personal leave is cancelled.

RECESS

The PRESIDING OFFICER. The Chair recognizes the gentleman from Columbia, Senator Gordner.

Senator GORDNER. Mr. President, I request a recess of the Senate for the purpose of a meeting of the Committee on Appropriations to be held here on the floor and via Zoom.

The PRESIDING OFFICER. For the purpose of a meeting of the Committee on Appropriations to be held here on the Senate floor and via Zoom, without objection, the Senate stands in recess.

AFTER RECESS

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

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

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL LAID ON THE TABLE

SB 78 (Pr. No. 65) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in child custody, further providing for definitions, for award of custody, for factors to consider when awarding custody, for consideration of criminal conviction, for guardian ad litem for child, for counsel for child and for award of counsel fees, costs and expenses; and, in Administrative Office of Pennsylvania Courts, providing for child abuse and domestic abuse education and training program for judges and court personnel.

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

SB 78 TAKEN FROM THE TABLE

Senator GORDNER. Mr. President, I move that Senate Bill No. 78, Printer's No. 65, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.
The PRESIDENT. The bill will be placed on the Calendar.

BILLS OVER IN ORDER

HB 101, SB 113 and HB 125 -- Without objection, the bills were passed over in their order at the request of Senator GORDNER.

BILL LAID ON THE TABLE

SB 137 (Pr. No. 110) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in budget and finance, establishing the Drug Recognition Expert Training Fund.

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

SB 137 TAKEN FROM THE TABLE

Senator GORDNER. Mr. President, I move that Senate Bill No. 137, Printer's No. 110, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.
The PRESIDENT. The bill will be placed on the Calendar.

BILL OVER IN ORDER

SB 236 -- Without objection, the bill was passed over in its order at the request of Senator GORDNER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 423 (Pr. No. 854) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, in membership, credited service, classes of service, and eligibility for benefits relating to retirement for State employees and officers, further providing for mandatory and optional member-

ship in the system and participation in the plan; and, in benefits, further providing for termination of annuities.

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

On the question,
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

BILLS OVER IN ORDER

SB 457 and SB 461 -- Without objection, the bills were passed over in their order at the request of Senator GORDNER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 524 (Pr. No. 599) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in home rule and optional plan government, further providing for submission of question for election of government study commission and for limitation on enactment of ordinance or filing of petition.

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

KEARNEY AMENDMENT A1489 OFFERED

Senator KEARNEY offered the following amendment No. A1489:

Amend Bill, page 1, lines 3 and 4, by striking out "submission of question for election of government study commission and for"
Amend Bill, page 1, lines 8 through 20, by striking out all of said lines and inserting:

Section 1. Section 2927(a) of Title 53 of the Pennsylvania Consolidated Statutes is amended to read:

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

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

Senator KEARNEY. Mr. President, amendment No. A1489 would maintain the current statute that allows Home Rule and optional forms of government study referenda to be considered in primaries in addition to general elections. As Minority chair of the Committee on Local Government, I have talked to local government leaders across the Commonwealth, and one of the most common principles I hear, across our very diverse State, is that local governments want more flexibility, more tools in the toolbox, to fix problems that arise. Taking away primary referenda would take away an important tool for self-governance. Please consider, most municipalities consider adopting a Home Rule Charter or optional form of government when they are in difficult financial situations. Many municipalities have been able to reform their government, create efficiencies, and get on more stable financial footing because of the flexibility of Home Rule. This bill addresses the first step a municipality takes in considering a Home Rule or optional form of government, asking municipal electors if a commission to study whether adopting a Home Rule Charter is even in their best interest. No one is making any hasty decisions in this process, and public participation is mandated in the statute. I am offering this amendment because I think we should not make it even harder to get this study commission step done. There are already many steps and obstacles in the process.

Mr. President, I respectfully ask my colleagues to consider: if primaries are good enough for voters to consider significant constitutional amendments, as we just did a few weeks ago, are they not good enough for municipalities to consider studying another form of local government? I believe they are. That being said, Mr. President, I commend the author of this bill on the rest of the legislation. I, too, believe that there should be some time and space between the Home Rule Charter or optional form of government study commission referenda. Repetitive ballot questions election after election are unnecessary and against the spirit of the current statute. I respectfully ask my colleagues for a "yes" vote on this amendment.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Lycoming, Senator Yaw.

Senator YAW. Mr. President, the underlying bill here was proposed, or the incentive to do it came from the Eastern Pennsylvania Election Personnel Association and the Western Pennsylvania Election Personnel Association. It was to prevent problems which have occurred in some Home Rule Charter or some Home Rule jurisdictions where it is possible to have a Home Rule question on three consecutive elections--meaning a primary, a general election, and the following year primary. These election personnel thought that was extremely confusing to voters and that it should be changed. Actually, the way the law reads right now is: you have to go through all these Sessions, have them voted down, and then it is 4 years that it kicks in when another proposal can be considered. The election officials said

clearly what it does is create all kinds of confusion and that their recommendation that I put in the bill is that after a vote, there is a 4-year time period before the next vote can be considered as far as changing the charter. That made it more realistic, it seems like, and more deliberate as far as being considered. Also, the recommendation was that the bill designate that these votes occur in a general election and not just in a primary, like I initially said could happen with primary-general-primary issues. So what the amendment does is it eliminates that general election requirement, among other things, and in speaking with the primary beneficiaries of this bill, I ask for a negative vote on the amendment.

LEGISLATIVE LEAVES

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

Senator GORDNER. Mr. President, I request a temporary Capitol leave for Senator Aument, and a legislative leave for Senator Tomlinson.

The PRESIDENT. Senator Gordner requests a temporary Capitol leave for Senator Aument, and a legislative leave for Senator Tomlinson. Without objection, the leaves will be granted.

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

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

YEA-21

Boscola	Flynn	Kearney	Schwank
Brewster	Fontana	Muth	Street
Cappelletti	Haywood	Sabatina	Tartaglione
Collett	Hughes	Santarsiero	Williams, Anthony H.
Comitta	Kane	Saval	Williams, Lindsey
Costa			

NAY-29

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

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

YEA-34

Argall	Corman	Martin	Scavello
Aument	DiSanto	Mastriano	Stefano
Baker	Dush	Mensch	Tomlinson
Bartolotta	Fontana	Phillips-Hill	Vogel
Boscola	Gebhard	Pittman	Ward, Judy
Brewster	Hutchinson	Regan	Ward, Kim
Brooks	Kane	Robinson	Yaw
Browne	Langerholc	Santarsiero	Yudichak
Collett	Laughlin		

NAY-16

Cappelletti	Gordner	Muth	Street
Comitta	Haywood	Sabatina	Tartaglione
Costa	Hughes	Saval	Williams, Anthony H.
Flynn	Kearney	Schwank	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.

BILL LAID ON THE TABLE

SB 561 (Pr. No. 593) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey certain lands, buildings and improvements situate in the City of Pittsburgh, Allegheny County, through a competitive solicitation for proposals process.

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

SB 561 TAKEN FROM THE TABLE

Senator GORDNER. Mr. President, I move that Senate Bill No. 561, Printer's No. 593, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.
The PRESIDENT. The bill will be placed on the Calendar.

BILLS OVER IN ORDER

SB 563, SB 588 and HB 649 -- Without objection, the bills were passed over in their order at the request of Senator GORDNER.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 194, SB 242, SB 305, SB 312 and SB 368 -- Without objection, the bills were passed over in their order at the request of Senator GORDNER.

BILLS ON SECOND CONSIDERATION AND REREFERRED

SB 397 (Pr. No. 870) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, further providing for definitions, for State Board of Osteopathic Medicine, for practice of osteopathic medicine and surgery without license prohibited and for licenses, exemptions, nonresident practitioners, graduate students, biennial registration and continuing medical education; and abrogating regulations.

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

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

SB 398 (Pr. No. 871) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, further providing for definitions, for State Board of Medicine and for physician assistants; and abrogating regulations.

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

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

BILL OVER IN ORDER AND LAID ON THE TABLE

HB 416 (Pr. No. 1494) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in school health services, providing for seizure recognition and related first aid training.

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

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

BILLS OVER IN ORDER

SB 431, SB 435, SB 455, SB 463, SB 480, SB 519, SB 562, SB 578, SB 597 and SB 617 -- Without objection, the bills were passed over in their order at the request of Senator GORDNER.

BILLS ON SECOND CONSIDERATION AND REREFERRED

SB 668 (Pr. No. 756) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, in pharmaceutical assistance for the elderly, further providing for the Pharmaceutical Assistance Contract for the Elderly Needs Enhancement Tier, for powers of the department and for coordination of benefits.

Considered the second time and agreed to,

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

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

SB 673 (Pr. No. 742) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, in auditors and accountants, further providing for surcharge by auditors; and, in township manager, further providing for township manager and appointment, removal, powers and duties and compensation and bond.

Considered the second time and agreed to,

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

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

SB 675 (Pr. No. 746) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 11 (Cities) of the Pennsylvania Consolidated Statutes, in city administrator, further providing for appointment of city administrator, for employment agreement, for residency and elective city office and for powers and duties; and, in accounts and finances, further providing for powers and duties of chief fiscal officer.

Considered the second time and agreed to,

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

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

BILLS OVER IN ORDER

SB 689, SB 703, SB 704, SB 725, SB 733, SB 734, SB 737 and HB 951 -- Without objection, the bills were passed over in their order at the request of Senator GORDNER.

BILLS REPORTED FROM COMMITTEE

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

SB 119 (Pr. No. 125) (Rereported)

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.

SB 241 (Pr. No. 200) (Rereported)

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, in fishing licenses, further providing for exemptions from license requirements.

SB 319 (Pr. No. 327) (Rereported)

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, in liability and compensation, further providing for compensable injuries, subrogation and proration.

SB 324 (Pr. No. 850) (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 assisting students experiencing education instability.

SB 439 (Pr. No. 457) (Rereported)

An Act amending the act of April 8, 1982 (P.L.310, No.87), referred to as the Recorder of Deeds Fee Law, further providing for county demolition funds.

SB 478 (Pr. No. 503) (Rereported)

An Act amending the act of October 27, 1979 (P.L.241, No.78), entitled "An act authorizing political subdivisions, municipality authorities and transportation authorities to enter into contracts for the purchase of goods and the sale of real and personal property where no bids are received," further providing for title of the act; adding a short title; and providing for contracts for services.

SB 503 (Pr. No. 527) (Rereported)

An Act amending the act of June 28, 1935 (P.L.477, No.193), referred to as the Enforcement Officer Disability Benefits Law, further providing for disability benefits and for definitions.

SB 533 (Pr. No. 511) (Rereported)

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in Commonwealth services, prohibiting certain regulatory action during disaster emergencies.

HB 664 (Pr. No. 1047) (Rereported)

An Act amending Titles 53 (Municipalities Generally) and 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, in preemptions, providing for businesses operated by minors; and, in general provisions relating to planned communities, providing for businesses operated by minors.

HB 765 (Pr. No. 1420) (Rereported)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in powers of department and local authorities, further providing for specific powers of department and local authorities.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

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 diox-

ide emissions by imposing a revenue-generating tax or fee on carbon dioxide emissions.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from Indiana, Senator Pittman.

Senator PITTMAN. Mr. President, a vote in favor of Senate Bill No. 119 is a vote for government that works, a vote for schools that teach, and a vote for jobs that pay. Twenty-one months ago, our Governor issued an executive order in an attempt to unilaterally join our Commonwealth into what is known as the Regional Greenhouse Gas Initiative, or RGGI. RGGI is a multi-State consortium that seeks to impose a tax on the emitting of carbon from power plants. This carbon tax, by the Governor's own admission, is nearly \$550 million. That is a bill that every consumer of electricity in this Commonwealth will pay. Mr. President, I cannot think of a more regressive tax than to tax the people of the Commonwealth in their use of electricity. What is more, Mr. President, the Governor is attempting to impose this tax unilaterally and therefore, I believe, ultimately, illegally. If Pennsylvania joins the RGGI scheme under this circumstance, we will be the only State in RGGI that joined without the consent of the General Assembly. Mr. President, what this legislation does is ensure that if we do join the RGGI scheme, that we, the General Assembly, will have a voice in this process, just like every other State that joined it. So, Mr. President, Senate Bill No. 119 is about openness, transparency, and giving a voice to this body in this process. Mr. President, that is what it means to have a government that works.

Let us talk about schools that teach, Mr. President. Every carbon-emitting power plant in this Commonwealth pays property taxes. In the case of the district that I represent, approximately \$5 million of property taxes are paid by carbon-emitting power plants. Under the RGGI scheme, those power plants run the risk of premature retirement and will cost the school districts that I represent millions of dollars in funding. Mr. President, the students I represent have just as much right to a full and equal education as every other student in this Commonwealth. Just because they come from a community that emits carbon for the purposes of producing electricity does not mean that they should be punished. Mr. President, this legislation ensures that the students I represent and the students who have a carbon-emitting power plant in their communities across this Commonwealth have a voice in this process.

Mr. President, let us talk about jobs that pay. This legislation is supported by the AFL-CIO, the Pennsylvania building trades, the electrical workers, the boilermakers, the laborers, the carpenters, the plumbers, the pipefitters, the steamfitters, the mine workers, and the list goes on and on. Why do they support this legislation? Because they recognize that this carbon tax is a direct threat to the livelihoods of the working families who they represent. Mr. President, this legislation also gives them a voice in this process. Now, as this debate continues, I know I will hear a few reasons as to why we should enter into this carbon tax compact; one is, well, you know, your power plants are going to close anyway. So if we enact this tax and they close early, that

will be okay because we will have all this money to fix your communities. Do you realize what an insult that is to the people who work in our energy sector? That would be like me saying, well, you know, Governor Wolf, your term is going to expire in 18 months so maybe you should just quit now. We will reeducate you, we will retrain you, we will make sure that you hopefully have an opportunity to continue to feed your family. Sounds pretty ludicrous, does it not? Well, that is exactly what the people in our energy sector are being told by our very own government. Do not worry about it, if we put you out of work sooner than later, no big deal. You will get over it. That is not a message that our own government should be sending to the people who work to keep our lights on.

Mr. President, I will hear that we need to reduce carbon emissions, and that may well be true. But if you look at the facts and follow the science, what you will find is, by DEP's own admission, over 90 percent of the carbon emissions they claim will be reduced because of RGGI are made up in other parts of this country. Because, you see, Mr. President, we are part of a multi-State grid. We do not necessarily buy our power from Pennsylvania. We will buy it from West Virginia or Ohio. If you look right now, there is an 1800-megawatt natural gas plant being built right across the line in the State of Ohio, and it will not be subject to the carbon tax. Mr. President, ask the members of the building trades union what is going on in West Virginia and Ohio. They are building carbon-emitting power plants. They are repurposing carbon-emitting power plants because they know full well as we retire ours they will simply pick up the slack.

Mr. President, we have reduced emissions in this Commonwealth. We have reduced emissions in this nation. Do you know how we have done it? We have done it by bringing natural gas to the marketplace, by producing coal more cheaply now than ever, by putting emission controls on power plants, and by rebuilding waste coal power plants that clean up acid mine drainage and boney piles. Do you know who we have done it with? We have done it with our workforce, our labor force. So rather than putting an anvil over their heads that threatens their livelihoods, we should be holding them on a pedestal for the rest of the world to show them that we have the solution right here in our Commonwealth. If you want to fix the problem, go to China. That is where the problem is. But if you want to know where the solution is, look right here. Look at our working families. That, Mr. President, is where the solution is.

I will hear, too, that we are going to impose this carbon tax and we are going to generate hundreds of millions of dollars to fix communities. Do you know what is ironic about that? We only generate the revenue if we continue to emit carbon. If carbon is not emitted, we have no revenue. This makes no sense, Mr. President. It is why we must have an open and transparent process such as what is described in Senate Bill No. 119.

Finally, Mr. President, be careful of the promises you hear. When this regulation came out, the Governor's Office said, do not worry, we will protect waste coal plants. Well, guess what, you better look at the final regulation because it does not. The final regulation further exposes waste coal plants to carbon emission taxes, further risking their shutdown, and losing our opportunity to clean up streams, to get rid of boney piles, and to improve our overall environment. Mr. President, RGGI is a scam, and Senate Bill No. 119 is how we expose this scam. It is time to expose the scam. It is time to support government that works,

schools that teach, and jobs that pay. It is time to support Senate Bill No. 119.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentlewoman from Chester, Senator Comitta.

Senator COMMITTA. Mr. President, I rise in opposition to Senate Bill No. 119. I will be voting "no" because of the inevitability of climate change and the urgent need for us to act now to respond to it. We are living through a climate crisis. It is happening before our very eyes. To continue to deny it is to deny the very factors that threaten our health, our economy, our infrastructure, and nearly every facet of our daily lives. Temperatures are rising, our communities are being impacted by severe weather and flooding, and air pollution is threatening the health of people with respiratory issues like asthma. Meanwhile, major corporations and business groups are embracing the shift to clean energy to boost their bottom lines and practice responsible corporate citizenship. Coal-fired power plants are already closing due to market factors completely unrelated to RGGI. Instead of trying to deny the realities and dangers of the climate crisis, my colleagues and I have been working for months and years to address it, and RGGI is one of the best tools to do so. This morning we introduced the Regional Greenhouse Gas Initiative (RGGI) Investments Act, legislation that reflects the administration's proposed RGGI funding program. This legislation, Senate Bill No. 15 in the Senate and House Bill No. 1565 introduced by Representative Herrin in the House, makes targeted investments to support environmental justice communities, workers affected by energy transition, and Pennsylvania's growing clean energy commercial and industrial sectors. The bill is the product of extensive meetings with key stakeholders across the Commonwealth, including environmental advocacy, environmental justice, renewable energy, labor groups, and impacted communities. It is the key piece of the puzzle in ensuring that the hundreds of millions of dollars in proceeds that will be raised annually through RGGI are invested in assisting workers and transitioning to clean energy jobs, promoting clean energy and energy efficiency programs, cutting greenhouse gas emissions, and supporting the health and well-being of Pennsylvanians and families in environmental justice communities. With the final rulemaking expected to go before the Environmental Quality Board this summer, we are moving to join RGGI in Pennsylvania. I respectfully invite my colleagues to move forward with us in supporting RGGI and Senate Bill No. 15, the RGGI Investments Act. Regardless of our political differences, I think we can all agree that we are living through an era of rapid and unprecedented change. The climate crisis is happening whether or not we respond to it. A shift to clean energy is happening with or without the Commonwealth on board. I believe we have a duty, indeed, a responsibility to act now. If we do not, Pennsylvania businesses, workers, families, and our children and grandchildren risk being left behind.

Fifty years ago we made a promise. Fifty years ago Pennsylvania voters, Republicans and Democrats, overwhelmingly ratified Article I, Section 27 of our State Constitution known as the Environmental Rights Amendment. It reads:

The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and aesthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of

these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.

So today we have a choice to take a step forward to keep that promise to all the people of Pennsylvania, or to deny what is happening around us and potentially, seriously jeopardize the future of generations to come. I believe the choice is clear. I ask you to join me in voting "no."

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Lycoming, Senator Yaw.

Senator YAW. Mr. President, I rise in support of Senate Bill No. 119. I think that the RGGI program as proposed, at best, I would consider it to be a superficial program as it is proposed without any consideration of the real impact. What it does is it targets one small part of an emissions problem, or emissions here in Pennsylvania. Our emissions in Pennsylvania have a better record as far as reduction than all the RGGI States that we are being proposed to join. Pennsylvania benefits from low-cost energy. We are an energy exporter; we are an energy generator. If you add whatever number it is that RGGI is supposed to generate so that we can put it in other programs, the last number we have heard was \$600 million. Who is going to pay that? Obviously, the energy generators in Pennsylvania are going to pay it, which makes a big difference in the price that we can produce our energy for, and it also then obviously affects the industries that use that energy. If we cannot keep those industries here in Pennsylvania and the production that they contribute, where are they going to go? They are going to go where the energy is the cheapest. So they are either going to go to another State or they are going to go to a foreign country. For those of you who listened to the presentation by Dr. Scott Tinker that the Committee on Environmental Resources and Energy did about 2 months ago, his assessment is: you need energy to produce an economy; and once you have an economy, then you can worry about the environment. We need low-cost energy to produce a viable economy here; and his comment was, in the next 30 to 50 years, the growth areas in the world are going to be Africa, India, and China. What is the major source of energy in those areas of the world? It is coal. So what we are going to do is, we are going to--for eloquently stated about the cost of jobs here in Pennsylvania, what it is going to do to the unions and everyone else, and I am looking at the manufacturing, the actual cost--so we are going to take those businesses, close them in Pennsylvania because we cannot produce the energy, and we are going to send those jobs to foreign countries where we have no control whatsoever over the pollution requirements that are in place in those countries. So, in effect, what we are going to do is we are going to send those jobs that the energy production that would have occurred here in Pennsylvania under really strict controls, and we are going to send them to a foreign country where there are very few controls. So, in my opinion, if you look at RGGI the way it is proposed right now, it is going to increase pollution. If we are worried about the global impact, then that is what we need to do. We need to take a look at the big picture as to what is going on. By taking jobs from Pennsylvania, sending them to unknown places that have very little pollution controls or environmental controls, we are, in fact, increasing pollution.

One other prospect that I look at with RGGI, too, is the way it is organized: there are allowances. That is where the money

comes from, the sale of allowances. We are looking at this, and I read an article recently that really misstated that Pennsylvania determines what the allowances are. That is not exactly true. The allowances are determined by the RGGI group. So, once again, we are going to get involved in an organization, or whatever it is going to be called, with a group of people or group of States that really do not want Pennsylvania energy, they do not want us to build pipelines, they do not want to use our gas, but yet they are going to have a say in what our allowances are and actually how our energy is produced here in Pennsylvania. So I agree with the prime sponsor of this bill. We need this bill to get the legislature involved and look at the big picture as to exactly what is happening with Pennsylvania and Pennsylvania energy production.

Thank you, Mr. President.

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

Senator KEARNEY. Mr. President, I rise today in opposition to Senate Bill No. 119. Plain and simple, Senate Bill No. 119 is a climate denial bill and it takes Pennsylvania dangerously backwards on both the environmental and the jobs roads. We have been working on a process for 2 long, exhaustive years to enter into the Regional Greenhouse Gas Initiative. We have had extensive public comments and numerous votes to move forward from our initial bipartisan advisory commissions. There is wide support from various organizations and constituents throughout the Commonwealth. I personally have gotten hundreds of emails and calls in support of RGGI and asking me for a "no" vote on this bill. Rather than work to move the Commonwealth forward to create new jobs and support growing industries, my colleagues across the aisle have decided to support an industry that the marketplace is already doing away with. An industry that pollutes the air we breathe and the water we drink. Right now we have an opportunity to make an investment in our Commonwealth and fulfill our constitutional obligation to provide our residents with the right to clean air, pure water, and to the preservation of the natural, scenic, historic, and aesthetic value of the environment. RGGI will allow us to create new jobs and assist individuals whose jobs are displaced by funding workforce development, providing additional unemployment compensation, and supplementing tax revenue for local school districts impacted by fossil fuel plant closures. Senate Bill No. 119 is based on a false claim that RGGI will cost the Commonwealth jobs. Instead, RGGI supports the transition to a cleaner energy, both through market forces and through investments in clean energy and environmental projects. RGGI participation will add nearly \$2 billion to the gross State product and a net increase of nearly 30,000 jobs right here in Pennsylvania.

Another one of my colleague's talking points is that RGGI will increase electricity rates for individuals. Again, this is simply wrong. In PGM's most recent capacity auction, consumers saved over \$4 billion in electricity rates. Plus, we can and should invest proceeds, increasing our energy efficiency, which will benefit all ratepayers and provide supplemental assistance to our residents with the most need. I cannot sit idly by while others seek to end the process that has gotten more consideration than even many of the bills we are voting on today, that has gotten more public input than any of the bills we are voting on today, and that has more support than any of the bills we are voting on today. For these reasons, I ask my colleagues not to put a pre-

ture stop to this process and urge a "no" vote on Senate Bill No. 119.

Thank you, Mr. President.

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

Senator SAVAL. Mr. President, I rise, once again, in opposition to Senate Bill No. 119 offered by my colleague and friend from Indiana County. Senate Bill No. 119, as we discussed, overturns a process; but given the tenor of the comments today, we might be forgiven for thinking that it does much more than that as well. First, I want to dispute the notion that this is a carbon tax. This may seem like a semantic question, but it is a misstatement. A tax is a percentage that is unchanging that is delivered by the legislature. This is a price on carbon, a market base model, in which the price of carbon changes based on that market. The point of that is that the price of that carbon is actually quite high right now, and we expect that, under the current price, the proceeds would deliver upwards of \$600 million to our State. So I just want to remark on the amount of effort that has been put into a process that will frustrate and precede a process to deliver \$600 million to our State; and I want to highlight the fact that my colleague, Senator Comitta, has proposed a framework for investing those proceeds that will deliver jobs, proceeds to environmental justice communities, and more. I can see that it does not directly intervene in that process or prevent it entirely from happening. We still could enter this inter-State compact, but observers of this assembly would be forgiven for suspecting that this body, which has, of late, resisted even the paltriest gestures and making investments in clean energy, they might be likely to suspect that this same assembly would be likely to resist even this attempt to limit our greenhouse gas emissions, deliver proceeds, and create jobs in our already growing clean energy sector.

Finally, I must put this effort in context. Pennsylvania contributes fully 1 percent of global greenhouse gas emissions. One percent. The outsized contribution of our Commonwealth to conditions that are harming future generations, our ability to conduct agriculture, our ability to stay stably housed, and our ability to maintain our water and food supplies is in no way proportional to our population. As many of you saw, my two children were in the gallery today. One is 2 1/2 years old and the other is only 2 months old. This entire effort does nothing to address the fact that they will face a future in which floods, hurricanes, droughts, rising sea levels, and other disasters overwhelm them and our planet. Thirty years from now, absent any efforts of mitigation--in which they will be in their 30s, slightly younger than me--they will face a state in which average temperatures rise by 6 degrees, an unprecedented number. Absent any efforts at mitigation, they will face a future that is catastrophic at best. They face, just as your children face, the results of your actions today. Whether or not you have children, I ask those of you who plan to support this bill, you have future generations to whom you bear responsibility. Generations who may indeed ask you, while you are still alive, why you took the actions that you did. It would not be out of the question for future generations who see you actively frustrating even modest efforts to reduce our State's enormous contribution to global greenhouse gas emissions, actively frustrating to sustain the most vulnerable members of our Commonwealth, it would not be out of line for them to feel that you held their future in contempt. I ask for a negative vote.

The PRESIDENT. The Chair recognizes the gentlewoman from Allegheny, Senator Lindsey Williams.

Senator L. WILLIAMS. Mr. President, I support the premise of RGGI, which is to reduce our carbon footprint. Climate change is real, it is a result of human activity, and it is a serious threat to the future of our planet. One of the things that makes the vote on Senate Bill No. 119 difficult is that my Senate district includes the Cheswick power plant, a coal-fired power plant that directly employs approximately 60 workers during normal operations and hundreds more during a maintenance outage. Many of those workers live in my district. I have talked to them. They have shown me around the plant. The Cheswick power plant also supports a large number of jobs within the community indirectly from suppliers to restaurants in the neighborhood. While it is debated whether RGGI will be what closes coal-fired power plants, the risk right now, especially in a still-recovering economy, is too high for me to gamble on the livelihoods of the workers and families who I have met and know at the Cheswick power plant. That risk is the same for other coal-fired plants around the Commonwealth.

However, we need to stop politicizing these workers' lives and develop a plan to help them if their plant does indeed close. I will vote "yes" on Senate Bill No. 119 to protect those workers, but we need to do much more to address climate change in Pennsylvania. We do not have to choose between good jobs and a clean environment.

Thank you, Mr. President.

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

Senator CAPPELLETTI. Mr. President, today I rise in opposition of Senate Bill No. 119. The bill is a transparent effort to undermine a popular proposal supported by the majority of Pennsylvanians. According to a Yale study, the Regional Greenhouse Gas Initiative, also known as RGGI, a bill to regulate carbon emissions, is supported by 75 percent of Pennsylvanians and 70 percent in every county of Pennsylvania, at least. Rather than respecting public opinion or being swayed by science that spells out the gravity of climate change, my colleagues on the other side of the aisle have chosen to pursue a blatant attempt to overturn a transparent, public, and fair regulatory process and hold us back from addressing the existential threat of climate change.

Opponents of Pennsylvania joining RGGI are attempting to argue that the Governor, the Environmental Quality Board, and the Department of Environmental Protection do not have the authority to implement RGGI or any other cap-and-investment program. Having lost this argument, opponents of RGGI have introduced bills to strip the administration of the ability to act swiftly and decisively to address the threat posed by human contributions to global warming. This bill is a thinly veiled attempt to seize authority from the administration so the legislature may continue to do nothing to regulate the continued release of dangerous levels of carbon dioxide into the atmosphere.

Preventing Pennsylvania from joining RGGI will set back our efforts to address climate change by years while doing nothing to provide for long-term or short-term benefits to the citizens of our Commonwealth. Additionally, there has been a deliberate misinformation campaign against joining RGGI by actors who deny or refuse the reality that is climate change. This willful ignorance and spread of misinformation and disinformation serves no good purpose. Rather, the narrative sustains and pro-

TECTS the coal, oil, and gas industries from accountability. Senate Bill No. 119 is part of the broader conservative agenda to keep the fossil fuel industry around for longer than it should be. We need to act now and transition our energy consumption to something that will last in the long-term. Coal, oil, and gas are finite resources. They will end one way or another. The most recent climate impact assessment report says Pennsylvania will become 5.9 degrees warmer by mid-century if we do not start mitigating greenhouse gases now. The best thing we can do is to prepare for a greener, cleaner energy infrastructure that will last. We need to act in a way that brings communities and industries to the table to ensure that they have the driving voice in how their communities change instead of sitting back and waiting until the jobs are gone and people are struggling, because our communities will lose their jobs. Political games, like the one being played with Senate Bill No. 119, will destroy our environment and our futures and, at its core, it will hurt the integrity of the Pennsylvania democratic process. Senate Bill No. 119 would alter regulatory authority in an undemocratic and harmful way rather than acknowledging that this power is already in the hands of one of our most democratically elected officials, the Governor, elected by all voting Pennsylvanians. This bill intends to move the regulatory authority to the legislature where one single Senator—who represents roughly 250,000 Pennsylvanians—could derail our entire State's efforts to address the climate crisis if they happen to chair the committee to which the authorizing legislation is referred. Moving in this direction will hurt us in the long term and lock us out of progress our neighboring States are already making towards addressing climate change.

I support Pennsylvania joining RGGI. My constituents support joining RGGI as a first step toward a greener and more sustainable future. I will continue to support RGGI and moving our Commonwealth to that greener, more sustainable future and to oppose Senate Bill No. 119 and any other attempts that hurt our environment and undermine our democracy. I believe that all of my colleagues, no matter their party affiliation, should do the same because that is what is right for Pennsylvanians, and it is what Pennsylvanians have said is right for them.

Thank you, Mr. President.

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

Senator DUSH. Mr. President, there is nothing democratic about the RGGI initiative as set up by Governor Wolf. This is a unilateral decision, it is not democratic. In fact, it is not a republican-formed measure under the republic form of government guaranteed by the Constitution. In fact, predating our Constitution, going back to John Locke in his *Second Treatise*, Section 141, "Fourthly, The legislative cannot transfer the power of making laws to any other hands: for it being but a delegated power from the people, they who have it cannot pass it over to others." Mr. President, the authority to create anything that is a form of force that impacts the constituents of the Commonwealth of Pennsylvania must be enacted by the legislature. In fact, in the most often-cited book by the Supreme Court of the Commonwealth of Pennsylvania, *Commentaries on the Constitution of Pennsylvania*, by Thomas Raeburn White, it is important that the very outset of the discussion of a Constitution of a State, that consideration be given to the relative powers possessed by the State. When the Declaration of Independence severed the bonds that joined the American Colonies to the government of Great

Britain, the sovereignty formally exercised by the king and parliament descended upon the American people. Again, I will take a break here and say this: the Governor is not a king. He does not have sovereignty. I continue: as the ordinary governmental functions could not be exercised by the people, acting in their own authority, acting directly, it became necessary for them to establish governments to which they could delegate certain of their powers. Such governments were speedily created in the various States by means of written Constitutions enacted by the people through the conventions or otherwise. The people of the Commonwealth of Pennsylvania have only ever delegated the authority to write law--the things which as Frédéric Bastiat, in his book, *The Law*, and again in *The State*, and has been recognized by John Locke and others, James Madison as part of our Founders--the force of law can only be prescribed through the legislative process. So when you are enacting a piece of legislation that has an impact on the people, either forcing them to do something or not to do something, and that includes the providers of our electricity, one has to go to the legislature to make that happen.

Pennsylvania is involved in 31 different compacts with various States. Among them the Susquehanna River Basin Commission, the Delaware River Basin Commission, the Delaware Estuary, the Great Lakes, the Lake Erie, the Potomac River Basin, Ohio River, Chesapeake Bay, Saint Lawrence River, they are all environmental compacts. Every one of these things has been set up by the legislature. Mr. President, this goes way beyond the authority delegated to the Governor by the people. The first question that must be asked whenever a governmental body takes action is whether or not it has the authority. The authority is derived from the people. If one takes an action that is outside the authority, it is called an *ultra vires* act, beyond the powers. Governor Wolf's actions in setting up a compact that imposes taxes on the people of the Commonwealth of Pennsylvania, costs the people of the Commonwealth of Pennsylvania money, their jobs, their livelihoods; he has no authority. The authority has to come from the people. If he can show me anywhere in the Constitution of the Commonwealth of Pennsylvania where he has been given the authority to write law or to enter into compacts, I will be happy to yield, but that day will never come because the people of the Commonwealth of Pennsylvania, since 1791, have never delegated such authority to the Governor.

Thank you, Mr. President.

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

Senator MUTH. Mr. President, part of our jobs as public servants is to make sure that we get the record straight, to get the facts straight, to get the information out. We may have varying opinions on issues, we may not agree on everything, but what we are discussing today is a really complicated issue for one reason: workers are being exploited at the expense of this bill because there is no plan for Pennsylvania to move forward. Unfortunately, in the Minority, any plan that we have has little chance to advance because of the rules of the Senate and beyond, and RGGI is another unique example where this may divide some of our own Members. It is not because ideologically we do not agree that we all believe in climate change and want to combat the climate crisis, it is because people who have these coal-powered power plants in their districts do not have an alternative for their constituents because some of them have already been hung out to dry. Some of these entities have already packed up shop,

got out of Dodge, left their mess behind, left their workers with no retirement security, no financial security whatsoever. That has already happened in Pennsylvania. It happened with the timber industry, it happened early on with the coal industry when we were a major coal extractor. It is happening now with the gas and oil industry. These are all things that are happening. Pennsylvania has a legacy of a boom and bust, leave the people behind with the mess.

Here we are in the middle of the entire world trying to combat climate change as one of the top carbon emitters in the whole nation, and we cannot take a simple step forward to say there needs to be regulations in place to do our part. We have really great, smart plans in place. We have other States to look to, to do this, to push Pennsylvania forward, to make it have a foundation that is sustainable, not based on corporate bottom lines. Unfortunately, that is not the case. The cherry-picking of what we agree with Governor Wolf on, it is really starting to get on my nerves. I am not in agreement with Governor Wolf all of the time either, but I will say that any effort to stop the climate crisis, to combat the harms to public health, our environment, and set up workers for no more compromise, put food on the table, but go to work and be unsafe and get sick; it is not an either/or. Saying that this bill is a solution is wrong. It is not a solution. It stops our progress, it continues to make Pennsylvania one of the major polluters, and Pennsylvanians want to combat climate crisis. They are worried about it. Every single district--all counties have constituencies--the majority of Pennsylvanians believe that our priorities should be around combating the climate crisis. We can multi-task. That is doable. We can combat the climate crisis and we can put Pennsylvania on a path forward to clean jobs. It does not have to be an either/or. I do not want to take anybody's food off the table. Nobody here wants to do that, I assume. But I am also not into giving corporations big handouts and leaving Pennsylvanians behind with the mess. So until there is a proposal to move us forward, this tiny baby step of RGGI--this is low-hanging fruit in the battle for climate crisis. We cannot even agree on that?

Whether it is anyone's disgruntlement with the Governor and his authority, the DEP does have the authority to implement regulations regarding the environment and how they should protect it. Do I think the DEP always does a great job of that? No. But this was one effort to try, and the process was simple. There were over 15,000 public comments submitted throughout this process. Pennsylvanians want this. There are State legislators who sit in on part of the whole IRRC process through the environmental hearing board. Everyone had that opportunity to put in their input. We all could have sat at the table and had legislation to do this but we could not. So when you lead, sometimes not everyone is going to like you. So thank you, Governor Wolf, for leading in this moment, driving us forward to put one protection in place to try to get Pennsylvania out of the hole it has been in, the extraction industry, leaving us all behind, leaving our neighbors in our communities sick, leaving farmers to clean up the mess from acid mine drainage and coal runoff. All of this could be changed.

We have the opportunity of a lifetime right now with the amount of Federal dollars coming to the State to put forth a platform that makes Pennsylvania sustainable. That no longer is the either/or of either food on the table or we are packing up and getting out of Dodge, leaving you in the dust. It does not have to

be that way. Sadly, many Pennsylvanians really panic when they hear this because they have never known or been given a chance for anything better, ever. They are worth so much more than just a job. You should be able to go to work, provide for your family, thrive, and not have to sacrifice the health and well-being of you or the environment. These are not either/ors. Other parts of the world and this nation have figured this out. Pennsylvania is behind. We are behind schedule. So when you are behind schedule you multi-task. You work together. You do more than one thing at a time, urgently with facts and data and input from other people and entities that have succeeded. Not once have I heard anyone on the other side of the Chamber say, hey, what about the plan for Reimagine Appalachia that includes our neighboring States that are fighting the same extraction problem? Not once have I seen this plan to push us forward into a sustainable economy so hard-working Pennsylvanians have financial security. Instead, we are focused on this one thing, trying to make sure that there is one less thing that the State can put into a regulation and we are here talking about RGGI, again.

So I encourage everybody, instead of getting caught up on this one piece of this process, to come together and have these conversations and have a plan for it. This is not partisan. Floods, climate change, and extreme heat and weather impact wherever it feels like. Mother Nature does not pick which Senate district it happens in, and every single one of our constituents suffer from the way that Pennsylvania has been left behind by legacy pollution. Some of these corporate entities receive EITC tax credits to look like they really care about education but then go and plow a pipeline or a gas well right through communities contaminating water supplies. I have never heard anybody say a word about that. All of our uncapped wells that are abandoned, all the methane leaking out of them. You have the authority to pass all of these bills that could totally take care of this and yet nothing, and we are here talking about Senate Bill No. 119. So after this, you pass your bill, great. There is so much more work to do. Run the bills. Run the bills that clean up water, run the bills that plan jobs. Work with us to have a plan, not against us. If you are here to really serve the public, you are here to work together. If you are not, then you are not helping the people who are desperately relying on you.

When we talk about RGGI, it is essential for our Commonwealth to participate in order to meet our greenhouse gas reduction goals. If not, we are still one of the biggest polluters in the nation. It is not a ribbon I want to wear. When we talk about people having to vote for this because there is no alternative, I hope--because this bill does not have a bit of language in it that guarantees any worker in a coal plant financial security should that entity decide to close up shop because the market is going down, even without RGGI being in place--I hope, maybe on the Calendar tomorrow, we will see a bill that protects those workers and their pensions and retrains them to do the remediation after a plant closes, just like they did in New York. I do not see that amended into this bill. So you cannot say you are here to protect workers when you have not done anything to actually protect the workers in the language of the bill. Let us hope that is on the Calendar. You could do that. New York did it. I am sure we can get information from them on how to do the same collective bargaining agreement securing those workers' financial security, because that is not secure right now, Senate Bill No. 119 does not do that.

I encourage a "no" vote, and I encourage everybody to come back to the table, work together, and stop politicizing these workers who need us to put them in a position of security.

Thank you, Mr. President.

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

Senator BARTOLOTTA. Mr. President, I only have just a few things to say. As the chair of the Committee on Labor and Industry for the Senate of Pennsylvania, I feel it is my responsibility to speak up for all of these incredibly hardworking individuals who find a home in Pennsylvania and have lived, worked, and raised families right here with really good family-sustaining jobs, union jobs, trade union jobs. I just want to stress, again, the importance of opposition to RGGI and the organized labor opposed to RGGI, and I will name a few of them: Pennsylvania AFL-CIO; Pennsylvania Building and Construction Trades Council; a joint letter from International Brotherhood of Electrical Workers, International Brotherhood of Boilermakers, and the United Mine Workers; the Pittsburgh Regional Building Trades Council; the Philadelphia Building and Construction Trades Council; the Laborers' District Council of Western Pennsylvania; the International Brotherhood of Boilermakers Local 154; the International Union of Operating Engineers; the Northeast Pennsylvania Building and Construction Trades Council; and the International Brotherhood of Boilermakers Local 13.

What I want to say, too, is that I am a private pilot. I know which way the weather goes. We rely on that. I live in the southwesternmost corner of Pennsylvania, in the arms of West Virginia. If RGGI continues, my district is the one whose air quality will suffer, because the wind blows from west to east. The coal-fired power plants in West Virginia and in Ohio are absolutely--they are doing the wave right now--hoping and praying to God that we have RGGI initiated right here in Pennsylvania because that is where all of our jobs are going, that is where all the energy is being produced. You know what? My southwestern corner of Pennsylvania is going to suffer the consequences of that. But right here in Pennsylvania, with our natural gas and our ability to generate some of the cleanest energy in America and export about 20 percent of that energy to fuel Pennsylvania--we are coming out of a pandemic where so many of our manufacturers and our industry have fled. They have left Pennsylvania for other States. Let us not do this to what is left, all right?

I would like for my little corner of the world to have the clean air that we enjoy right now because of the gas industry. We go into RGGI, my little corner of Pennsylvania, the cornerstone to the Keystone State, is going to suffer the expanded energy production of West Virginia and Ohio. So let us actually consider science. Let us follow the science about how the wind blows, about what happens when you stop producing cleaner energy in Pennsylvania and have it produced elsewhere without the incredible regulations that we have enjoyed in Pennsylvania.

Thank you, Mr. President.

LEGISLATIVE LEAVES

The President. The Chair recognizes the Senator from Columbia, Senator Gordner.

Senator GORDNER. Mr. President, I request a temporary Capitol leave for Senator Argall, and legislative leaves for Senator Kim Ward and Senator Martin.

The PRESIDENT. Senator Gordner requests a temporary Capitol leave for Senator Argall, and legislative leaves for Senator Kim Ward and Senator Martin. Without objection, the leaves will be granted.

And the question recurring,
Shall the bill pass finally?

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

Senator STREET. Mr. President, I rise to oppose this legislation and support the concept of RGGI. The reality is that RGGI is an effort by the Governor and climate advocates to work to make sure that we address our climate challenges. There are ways to preserve our energy industry. There are things that we can be working on. We should be encouraging our plants to use a combined--to adopt carbon capture technology, and I have worked on legislation in that regard--we should be encouraging our power plants to use a combination of biosolids to reduce the impact of it. We should be working on a number of ways to reduce the carbon impact of our power plants. If we were to do that, then, in fact, they would not be emitters, they would not be subject to it. The attempts by RGGI are attempts to incentivize our industry to do that.

There is a cost to our not modernizing. We talk about saving our power plants and our industries that are going to lose jobs. They do not have to lose jobs if the plants are modernized. They do not have to lose jobs if they can reduce their carbon footprint. This is where the industry is going. We need to be working to preserve those plants because we will preserve those jobs by having them modernized, by having them push forth and not be the last State using old technology. There is a famous line in a movie where Danny DeVito said: You know what company was the last company to produce buggy whips? The company that produced the best buggy whips. But the reality is that buggy whips still went out of business. What we need to be doing is modernizing our plants and moving forward in the methodology for energy production. We need to do it for its economic sense, but we also need to do it because we really do have to protect the future of our environment. We really do need to address the fact that climate change is real.

The story that Senator Saval told around future generations and how will they look at us is real. They will think about us, and what will they think of us? But it does not have to be an either/or, jobs or reduction. We can, in fact, do both. We can create jobs by employing new technologies. This is not the only thing. There are many things that this legislature should be taking up and figuring out how to modernize our plants, move us to the future, and protect Pennsylvania jobs. But legislation that will keep us in the past will only delay the inevitable. As opposed to trying to delay the inevitable, which are these antiquated plants going out of business, we need to be adopting legislation and figuring out how to modernize them for a cleaner, greener future.

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-35

Argall	Dush	Martin	Tartaglione
Aument	Flynn	Mastriano	Tomlinson
Baker	Fontana	Mensch	Vogel
Bartolotta	Gebhard	Phillips-Hill	Ward, Judy
Brewster	Gordner	Pittman	Ward, Kim
Brooks	Hutchinson	Regan	Williams, Lindsey
Browne	Kane	Robinson	Yaw
Corman	Langerhole	Scavello	Yudichak
DiSanto	Laughlin	Stefano	

NAY-15

Boscola	Costa	Muth	Schwank
Cappelletti	Haywood	Sabatina	Street
Collett	Hughes	Santarsiero	Williams, Anthony H.
Comitta	Kearney	Saval	

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.

SB 319 (Pr. No. 327) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, in liability and compensation, further providing for compensable injuries, subrogation and proration.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

Senator BARTOLOTTA. Mr. President, this bill simply restores the longstanding ability for employers and insurers to recoup future medical expenses paid to an employee for workplace injury when a settlement or award of damages is obtained against a third party for the same injury. This bill is in response to a 2018 Pennsylvania Supreme Court decision, *Whitmoyer*, which found that the phrase "installments of compensation" did not include future medical expenses because future medical expenses are not paid in installments. The bill strikes the phrase "installments of" to restore the original intent of the act and align Pennsylvania with every other State that allows subrogation of awards from third-party settlements. Forty-eight States, including Pennsylvania, allow for subrogation of workers' compensation. Forty-seven States allow indemnity and medical, including future medical.

As noted by the courts in prior rulings, the rationale for this right of subrogation is threefold: first, to prevent double recovery, or double dipping, for the same injury by the claimant; second, to ensure that the employer is not compelled to make compensation payments made necessary by the negligence of a third party; and third, to prevent a third party from escaping liability for their negligence. It is important to note that if the proceeds of a third-party settlement are depleted, the employer or insurer

resumes paying the full amount of the employee's workers' compensation indemnity benefits and medical costs in perpetuity. This bill is supported by the Insurance Federation, the Pennsylvania Chamber of Commerce, and others in the business community. I thank you for considering the bill and I ask for an affirmative vote.

Thank you, Mr. President.

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

Senator KANE. Mr. President, I would like to submit my remarks in opposition for the record.

The PRESIDENT. Without objection, the remarks will be spread upon the record.

(The following prepared remarks were made part of the record at the request of the gentleman from Chester, Senator KANE:)

Mr. President, I rise in opposition to Senate Bill No. 319, the Whitmoyer Remedy bill. If this bill passes, workers who sustained serious injuries on the job could be forced to hold their settlement money without spending it, out of fear that employers or insurers could come back at any time in the future to recoup the healthcare costs.

I spent 4 decades as a union plumber and a union leader. A serious injury in a physical job can completely end a person's ability to work. I have seen it. I know what it feels like to worry that an injury will mean that you cannot put food on the table, you cannot support your family, you do not know where your next rent check or mortgage payment is going to come from. I have seen members lose all the work they put into a decades-long career because of a single injury. I urge my colleagues to think about the real-life implications here. Imagine suffering a partial amputation, like Mr. Whitmoyer, losing your ability to work and then constantly fearing that your settlement money, maybe your only means of survival, could be taken back by an insurance company. Think about that. I urge a "no" vote.

Thank you, Mr. President.

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

Senator TARTAGLIONE. Mr. President, I rise today in opposition to Senate Bill No. 319 and ask my colleagues for a negative vote. While only striking two words from Section 319 of the Workers' Compensation Act, this legislation could significantly impact workers across the Commonwealth. By allowing insurance companies to go after money awarded to victims for pain and suffering on top of garnishing past and future wages, we are effectively stripping injured workers of their final economic lifeline. Let us remember that these are workers who have experienced the gravest of workplace injuries through no fault of their own and who may be physically and/or psychologically impacted by this workplace injury for the duration of their careers. As my colleague from Allegheny County pointed out in committee, the ambiguity around this legislation's language is concerning and could negatively impact workers across the Commonwealth during some of the most difficult and stressful times of their lives. Nothing has been done to the legislation to clear up this ambiguity. We must stand up for workers and reject this dangerous legislation. I urge my colleagues for a "no" 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-27

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

NAY-23

Boscola	Flynn	Muth	Tartaglione
Brewster	Fontana	Sabatina	Tomlinson
Cappelletti	Haywood	Santarsiero	Williams, Anthony H.
Collett	Hughes	Saval	Williams, Lindsey
Comitta	Kane	Schwank	Yudichak
Costa	Kearney	Street	

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

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

LEGISLATIVE LEAVE CANCELLED

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

BILL AMENDED

SB 533 (Pr. No. 511) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in Commonwealth services, prohibiting certain regulatory action during disaster emergencies.

On the question,

Will the Senate agree to the bill on third consideration?

Senator YAW offered the following amendment No. A1657:

Amend Bill, page 1, line 13, by inserting after "Governor":
that involves the Statewide closure of any government offices or businesses for a period of more than five days

On the question,

Will the Senate agree to the amendment?

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

YEA-29

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

NAY-21

Boscola	Flynn	Kearney	Schwank
Brewster	Fontana	Muth	Street
Cappelletti	Haywood	Sabatina	Tartaglione
Collett	Hughes	Santarsiero	Williams, Anthony H.
Comitta	Kane	Saval	Williams, Lindsey
Costa			

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

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

**UNFINISHED BUSINESS
BILLS ON FIRST CONSIDERATION**

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

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

SB 347, SB 447, SB 586 and HB 952.

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

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA
COMMITTEE MEETINGS
TUESDAY, JUNE 15, 2021

10:00 A.M.	JUDICIARY (public hearing to consider the nomination of Suzanne V. Estrella to the position of Victim Advocate; to consider Senate Bills No. 708 and 726; and House Bill No. 156)	Room 8E-B East Wing
10:00 A.M.	STATE GOVERNMENT (to consider Senate Bills No. 735 and 764)	Senate Chamber (LIVE STREAMED)
10:30 A.M.	BANKING AND INSURANCE (to consider Senate Bill No. 731; and House Bills No. 331, 336 and 859)	Senate Chamber (LIVE STREAMED)
11:00 A.M.	AGRICULTURE AND RURAL AFFAIRS (public hearing to consider Kristi Kassimer for the Milk Marketing Board)	Hrg. Rm. 1 North Off. (LIVE STREAMED)
11:00 A.M.	LOCAL GOVERNMENT (to consider Senate Bills No. 208, 327 and 674; and House Bill No. 523)	Senate Chamber (LIVE STREAMED)
12:00 P.M.	COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT (to consider Senate Bill No. 594)	Room 8E-A East Wing

12:15 P.M.	LAW AND JUSTICE (to consider Senate Bill No. 314; and House Bills No. 1024 and 1154)	Room 8E-B East Wing
12:30 P.M.	ENVIRONMENTAL RESOURCES AND ENERGY (to consider Senate Bills No. 284, 302 and 545)	Senate Chamber (LIVE STREAMED)
Off the Floor	AGING AND YOUTH (to consider House Bill No. 253)	Senate Chamber (LIVE STREAMED)
Off the Floor	APPROPRIATIONS (to consider Senate Bills No. 1, 416 and 559)	Senate Chamber (LIVE STREAMED)
Off the Floor	EDUCATION (to consider Senate Bill No. 1)	Senate Chamber (LIVE STREAMED)
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Resolution No. 142; and certain Executive Nominations)	Senate Chamber (LIVE STREAMED)

WEDNESDAY, JUNE 16, 2021

9:30 A.M.	URBAN AFFAIRS AND HOUSING (to consider Senate Bills No. 574 and 763; and House Bills No. 264 and 827)	Senate Chamber (LIVE STREAMED)
10:00 A.M.	GAME AND FISHERIES (to consider Senate Bills No. 272, 318 and 607)	Senate Chamber (LIVE STREAMED)
10:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider Senate Bill No. 25)	Senate Chamber (LIVE STREAMED)
Off the Floor	COMMUNICATIONS AND TECHNOLOGY (to consider Senate Bill No. 769)	Senate Chamber (LIVE STREAMED)

THURSDAY, JUNE 17, 2021

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 Office
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PETITIONS AND REMONSTRANCES

The PRESIDENT. Senator Tartaglione has submitted remarks for the record. Without objection, the remarks will be spread upon the record.

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

Mr. President, today marks 5,455 days since the Pennsylvania legislature last raised the minimum wage. That is almost 15 years, and it is far too long.

Mr. President, a lot has been said lately--often with disparaging overtones--about the alleged worker shortage that has befallen our post-pandemic economy. These talking points often devolve into an indictment of displaced workers who are collecting hard-earned unemployment benefits, a safety net that they have worked years to secure and that is desperately needed in times such as we have experienced for the past 15 months. Plus, these benefits actually help businesses by putting more money into consumers' pockets and stimulating the economy.

We can probably point to many factors that are causing this misinformation. It is easy for employers to say that folks are choosing to sit at home and collect benefits rather than return to work. Furthermore, the real data simply does not support the notion that enhanced unemployment benefits are causing a worker shortage. Despite the pandemic, there are still more people in this country who are looking for work than there are unfilled jobs. Even the U.S. Chamber of Commerce knows this. In a recent report, the Chamber of Commerce quoted Department of Labor statistics showing that there are 1.4 available workers for every job opening. Let me repeat that: there are almost one and a half available workers for every single available job. It is crucial to note that this ratio does not account for those individuals who are of working age but are not actively seeking work. So, even without counting the people who have dropped out of the workforce, we still have more workers than jobs. Unfortunately, there do not seem to be enough suitable jobs for our surplus of workers. There are not enough jobs that pay the type of wages and benefits needed to reasonably sustain workers and their families.

Mr. President, this problem is evident in our chronically low workforce participation. When I say chronically, I mean that it is something we have been seeing for many years, since long before the coronavirus pandemic. In May, the nation's workforce participation was 61.6 percent. In other words, barely 6 in 10 Americans of working age, and who are capable of working, either had a job or were actively looking for one. In the late 1960s, as the participation of women in the workforce grew significantly, the rate surpassed 60 percent. It continued to climb for the next 30-plus years, peaking around 67 percent. Then it began a steady decline that continued for some 20 years, even though our unemployment rate was falling to a historic low.

Mr. President, I find it more than coincidental that our nation's minimum wage and Pennsylvania's minimum wage have been essentially frozen in time as our workforce participation rate has sunk to its lowest level of the modern era. The minimum wage has not been raised by a single cent in almost 15 years. That is the longest minimum wage workers have ever gone without a raise, dating back to the inception of the Fair Labor Standards Act. Mr. President, as the Commonwealth looks forward to life after the pandemic, I think we all want to see Pennsylvanians returning to work and businesses returning to full productivity. However, this will never be possible until people stop blaming workers for the shortage of jobs that pay fair, family-sustaining wages. It will never be possible until we mandate that all businesses pay wages that reflect today's real costs of living while rewarding the true value of the work that employees perform. My legislation, Senate Bill No. 12, would raise Pennsylvania's minimum wage to a fair, family-sustaining level. I urge my colleagues to advance and adopt Senate Bill No. 12.

Thank you, Mr. President.

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS REFERRED TO COMMITTEE

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

MEMBER OF THE STATE CHARTER SCHOOL APPEAL BOARD

June 14, 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 Faustman, 141 Cedarbrook Road, Ardmore 19103, Delaware County, Seventeenth 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

June 14, 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, the Honorable Tom Killion, 3 Laura Lynn Lane, Glen Mills 19342, Delaware County, Ninth 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

June 14, 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, 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

June 14, 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, 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, 2022, and until the successor is appointed and qualified, vice Jamie Bracey, Philadelphia, resigned.

TOM WOLF
Governor

MEMBER OF THE PENNSYLVANIA PAROLE BOARD

June 14, 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, Marcus Brown, 3829 Carriage House Drive, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Pennsylvania Parole Board, to serve for a term of six years, and until the successor is appointed and qualified, but not longer than ninety days beyond that period, vice Leslie Grey, Erie, resigned.

TOM WOLF
Governor

BILL INTRODUCED AND REFERRED

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

June 14, 2021

Senators MENSCH, ARGALL, BARTOLOTTA, MARTIN, PITTMAN, STEFANO, J. WARD, K. WARD, YAW and YUDICHAK presented to the Chair **SB 749**, entitled:

An Act amending the act of April 17, 2016 (P.L.84, No.16), known as the Medical Marijuana Act, in preliminary provisions, further providing for definitions; in patients, further providing for prohibitions; and, in miscellaneous provisions, further providing for insurers and for protections for patients and caregivers and providing for enforcement and civil actions.

Which was committed to the Committee on HEALTH AND HUMAN SERVICES, June 14, 2021.

RESOLUTIONS INTRODUCED AND REFERRED

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

June 14, 2021

Senators STREET, SCHWANK, HUGHES, KEARNEY, KANE, COLLETT, SANTARSIERO, COMITTA, PHILLIPS-HILL, FONTANA, ARGALL, MUTH, SAVAL, COSTA, SCAVELLO, HAYWOOD, YUDICHAK, CAPPELLETTI, STEFANO and TARTAGLIONE presented to the Chair **SR 138**, entitled:

A Resolution observing June 19, 2021, as "Juneteenth National Freedom Day" in Pennsylvania.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, June 14, 2021.

Senators VOGEL, BROWNE, LANGERHOLC, BROOKS, BARTOLOTTA, FONTANA, J. WARD, SCAVELLO, HUGHES, MARTIN, PHILLIPS-HILL, MUTH, GEBHARD, GORDNER, YUDICHAK, COSTA, STREET, PITTMAN, STEFANO, COMITTA, MENSCH and SCHWANK presented to the Chair **SR 141**, entitled:

A Resolution designating the month of June 2021 as "Dairy Month" in Pennsylvania.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, June 14, 2021.

Senators K. WARD and COSTA presented to the Chair **SR 142**, entitled:

A Resolution amending the Rules of the Senate, further providing for temporary emergency Rules of the Senate.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, June 14, 2021.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

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

June 14, 2021

HB 409 and **1420** -- Committee on Health and Human Services.

HB 993 -- Committee on Labor and Industry.

HB 1264 -- Committee on Veterans Affairs and Emergency Preparedness.

RECESS

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

Senator GORDNER. Mr. President, I move that the Senate do now recess until Tuesday, June 15, 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 5:55 p.m., Eastern Daylight Saving Time.