

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

TUESDAY, JUNE 28, 2022

SESSION OF 2022 206TH OF THE GENERAL ASSEMBLY

No. 29

**SENATE**

TUESDAY, June 28, 2022

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

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

**PRAYER**

The Chaplain, Reverend MATT DRUMHELLER, of Pine Street Presbyterian Church, Harrisburg, offered the following prayer:

Let us pray.

Divine Creator, we gather in Your presence this day, aware of Your sovereignty over all things. We offer thanks for this nation and this Commonwealth in which we live, and move, and have our being. For the hard-won rights and responsibilities that we treasure, we offer You thanks. Please look with compassion on the whole human family. Take away any arrogance and hatred that infects our hearts. Take away our desire for power and replace it with a desire to see Your will done. Unite us in bonds of love, and through our struggle and confusion, work to accomplish Your purpose on this Earth. You rule the ways of all peoples; bless those who hold office in the government of Pennsylvania, that they may do their work in a spirit of wisdom, compassion, and justice. Help them use their authority to serve faithfully and promote the general welfare. So move every human heart that the barriers which divide us may crumble, suspicions disappear, and hatred cease. Turn the hearts of those gathered here to the rights of all the people of this Commonwealth, especially those who face persecution, injustice, and intolerance. By Your will, and with our divisions healed, may we create justice and peace. Amen.

The PRESIDING OFFICER. The Chair thanks Reverend Drumheller, who is the guest today of Senator DiSanto.

**PLEDGE OF ALLEGIANCE**

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

**COMMUNICATION FROM THE GOVERNOR**

**RECALL COMMUNICATION  
REFERRED TO COMMITTEE**

The PRESIDING OFFICER 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:

SHERIFF, CARBON COUNTY

June 24, 2022

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 7, 2022, of Thomas J. Yablonski, Jr., 3115 Wayland Road, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as Sheriff, in and for the County of Carbon, to serve until the first Monday of January 2024, vice Anthony Harvilla, resigned.

TOM WOLF  
Governor

**HOUSE MESSAGES**

**SENATE BILLS RETURNED WITH AMENDMENTS**

The Clerk of the House of Representatives returned to the Senate **SB 477**, **SB 563**, **SB 849**, **SB 1047** and **SB 1236**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

**HOUSE CONCURS IN SENATE BILLS**

The Clerk of the House of Representatives returned to the Senate **SB 861** and **SB 1186** with the information the House has passed the same without amendments.

**HOUSE CONCURS IN SENATE AMENDMENTS  
TO HOUSE BILL**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 723**.

**BILLS INTRODUCED AND REFERRED**

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

June 23, 2022

Senators MASTRIANO, ARGALL, LANGERHOLC, SCAVELLO, MENSCH, VOGEL, HUTCHINSON, DUSH and STEFANO presented to the Chair **SB 1295**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in criminal homicide, providing for the offense of fentanyl delivery resulting in death.

Which was committed to the Committee on JUDICIARY, June 23, 2022.

Senators MASTRIANO, MENSCH and PITTMAN presented to the Chair **SB 1297**, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, providing for ARPA property tax and rent rebate one-time supplemental rebate; and making an appropriation.

Which was committed to the Committee on FINANCE, June 23, 2022.

June 24, 2022

Senators BROOKS, COSTA, PITTMAN, SCAVELLO, J. WARD, HUTCHINSON, MASTRIANO and STEFANO presented to the Chair **SB 1298**, 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 games of chance, providing for online raffles by fire companies.

Which was committed to the Committee on COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT, June 24, 2022.

Senator LANGERHOLC presented to the Chair **SB 1299**, entitled:

An Act designating a bridge, identified as Bridge Key 8536, carrying Locust Street (Pennsylvania Route 869) over Topper Run, located in Adams Township, Cambria County, as the Corporal William T. Costlow, Sr., Memorial Bridge.

Which was committed to the Committee on TRANSPORTATION, June 24, 2022.

Senators SANTARSIERO, SAVAL, FONTANA, KEARNEY, COMITTA, HUGHES, KANE, CAPPELLETTI, HAYWOOD, COLLETT, TARTAGLIONE, MUTH, SCHWANK, STREET, A. WILLIAMS, COSTA and DILLON presented to the Chair **SB 1300**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in firearms and other dangerous articles, providing for assault weapons and large capacity magazines; and establishing the Firearms and Ammunition Buyback Program and the Pennsylvania State Police Buyback Fund.

Which was committed to the Committee on JUDICIARY, June 24, 2022.

June 27, 2022

Senators BARTOLOTTA, COLLETT, KANE, STREET, FONTANA, CAPPELLETTI, KEARNEY, HUGHES, SCHWANK and HAYWOOD presented to the Chair **SB 1296**,

entitled:

An Act amending Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, in medical services, repealing provisions relating to the Medical Services Program and providing for copays and fees prohibited; and abrogating regulations.

Which was committed to the Committee on JUDICIARY, June 27, 2022.

June 28, 2022

Senator HUTCHINSON presented to the Chair **SB 1301**, entitled:

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, for sales and use tax exemption, for eligibility requirements and for revocation of certification.

Which was committed to the Committee on FINANCE, June 28, 2022.

## RESOLUTIONS INTRODUCED AND REFERRED

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

June 23, 2022

Senator HUGHES presented to the Chair **SR 320**, entitled:

A Resolution recognizing the month of June 2022 as "Black Music Appreciation Month" in Pennsylvania.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, June 23, 2022.

June 24, 2022

Senators COMITTA, YAW, KEARNEY, CAPPELLETTI, BARTOLOTTA, HUGHES, FONTANA, BREWSTER, SCHWANK, BAKER, YUDICHAK, COSTA, LAUGHLIN, KANE and STEFANO presented to the Chair **SR 319**, entitled:

A Resolution recognizing June 23, 2022, as the 40th anniversary of the Wild Resources Conservation Program in Pennsylvania.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, June 24, 2022.

## 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 23, 2022

**HB 2372** -- Committee on Transportation.

**HB 2648** -- Committee on Labor and Industry.

**HB 2649** -- Committee on Intergovernmental Operations.

June 24, 2022

**HB 2010** -- Committee on Finance.

June 28, 2022

**HB 2679** -- Committee on Consumer Protection and Professional Licensure.

## GENERAL COMMUNICATION

### REPORT OF THE LEGISLATIVE BUDGET AND FINANCE COMMITTEE

#### LIMITATIONS ON LIABILITY UNDER PENNSYLVANIA'S SOVEREIGN GOVERNMENT IMMUNITY LAWS

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

COMMONWEALTH OF PENNSYLVANIA  
Legislative Budget and Finance Committee  
Room 400, Finance Building  
613 North Street  
Harrisburg, Pennsylvania 17128

June 22, 2022

To the General Assembly  
Commonwealth of Pennsylvania  
Harrisburg, PA 17120

The Pennsylvania Legislative Budget and Finance Committee (LBFC) released a report on Wednesday, June 22, 2022.

Senate Resolution 2021-146 directs the Pennsylvania Legislative Budget and Finance Committee (LBFC) to conduct a study and prepare a report and recommendations concerning the limitations on Commonwealth and local government liability established in Act 1978-152 and Act 1978-330, respectively. We found that although the damage caps have not been changed since 1978, they sufficiently provide relief for over 99 percent of claims against the Commonwealth and local government entities. However, for plaintiffs who have been catastrophically injured by governmental entities subject to the caps, the caps are inadequate and have devastating health and financial consequences. We recommend that the General Assembly consider developing new liability caps for economic damages to cover catastrophic claims. The caps should reflect the same purchasing power as the *[sic]* 1978 caps in today's dollars and should be adjusted for inflation going forward. The report includes several other recommendations.

The PRESIDING OFFICER. This report will be filed in the Library.

### BILLS REPORTED FROM COMMITTEES

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

**SB 488 (Pr. No. 1826)** (Amended)

An Act amending the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law, in State-related institutions, further providing for reporting, for contents of report and for copies and posting and providing for contracts.

**SB 1130 (Pr. No. 1827)** (Amended)

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, in open meetings, further providing for definitions, for minutes of meetings, public records and recording of meetings, for public notice, for public participation and for use of equipment during meetings.

**HB 2115 (Pr. No. 2454)**

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 departmental administrative boards, commissions and offices and for advisory boards and commissions; in organization of departmental administrative boards and commissions and of advisory boards and commissions, repealing provisions relating to State Art Commission and further providing for advisory boards and commissions; and, in powers and duties of the Department of Public Welfare and its departmental administrative and advisory boards and commissions, repealing provisions relating to powers and duties of the State Board of Public Welfare and further providing for the powers and duties of advisory committees.

**HB 2219 (Pr. No. 3314)** (Amended)

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, in temporary regulatory flexibility authority, further providing for COVID-19 regulatory flexibility authority; and making an editorial change.

**HB 2485 (Pr. No. 3163)**

An Act amending the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law, in State contract information, further providing for submission and retention of contracts.

Senator LANGERHOLC, from the Committee on Transportation, reported the following bills:

**SB 167 (Pr. No. 1830)** (Amended)

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

**SB 1123 (Pr. No. 1463)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in other required equipment, further providing for visual signals on authorized vehicles.

**SB 1249 (Pr. No. 1831)** (Amended)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in registration of vehicles, providing for pollinator conservation registration plate; and, in fees, further providing for payments to special funds and establishing the Pollinator Habitat Program Fund.

**SB 1299 (Pr. No. 1818)**

An Act designating a bridge, identified as Bridge Key 8536, carrying Locust Street (Pennsylvania Route 869) over Topper Run, located in Adams Township, Cambria County, as the Corporal William T. Costlow, Sr., Memorial Bridge.

**HB 1486 (Pr. No. 3315) (Amended)**

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

**HB 2526 (Pr. No. 3316) (Amended)**

A Supplement to the act of December 8, 1982 (P.L.848, No.235), entitled "An act providing for the adoption of capital projects related to the repair, rehabilitation or replacement of highway bridges to be financed from current revenue or by the incurring of debt and capital projects related to highway and safety improvement projects to be financed from current revenue of the Motor License Fund," itemizing additional State and local bridge projects; and providing for the highway capital budget project itemization for the fiscal year 2022-2023 to be financed from current revenue or by the incurring of debt.

**LEGISLATIVE LEAVES**

The PRESIDING OFFICER. The Chair recognizes the gentleman from Montgomery, Senator Mensch.

Senator MENSCH. Mr. President, I request temporary Capitol leaves for Senator Browne, Senator Corman, Senator Brooks, and Senator Kim Ward, and legislative leaves for Senator Aument, Senator Regan, and Senator Tomlinson.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Allegheny, Senator Costa.

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

The PRESIDING OFFICER. Senator Mensch requests temporary Capitol leaves for Senator Browne, Senator Corman, Senator Brooks, and Senator Kim Ward, and legislative leaves for Senator Aument, Senator Regan, and Senator Tomlinson.

Senator Costa requests a legislative leave for Senator Anthony Williams.

Without objection, the leaves will be granted.

**LEAVE OF ABSENCE**

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

**JOURNAL APPROVED**

The PRESIDING OFFICER. The Journal of the Session of April 6, 2022, is now in print.

The Clerk proceeded to read the Journal of the Session of April 6, 2022.

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

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

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

YEA-49

Argall	Dillon	Laughlin	Schwank
Aument	DiSanto	Martin	Stefano
Baker	Dush	Mastriano	Street
Bartolotta	Flynn	Mensch	Tartaglione
Boscola	Fontana	Muth	Tomlinson

Brewster	Gebhard	Phillips-Hill	Vogel
Brooks	Haywood	Pittman	Ward, Judy
Browne	Hughes	Regan	Ward, Kim
Cappelletti	Hutchinson	Robinson	Williams, Anthony H.
Collett	Kane	Santarsiero	Williams, Lindsey
Comitta	Kearney	Saval	Yaw
Corman	Langerholc	Scavello	Yudichak
Costa			

NAY-0

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

The PRESIDING OFFICER. The Journal is approved.

**GUEST OF SENATOR JAY COSTA  
PRESENTED TO THE SENATE**

The PRESIDING OFFICER. The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Mr. President, I am proud today to introduce a young woman who is interning with us in the Senate Democratic Caucus here in the Capitol building this summer. Grace Miller, who is a lifelong Pennsylvania resident, is working with our communications staff as well as our policy and research staff office here in Harrisburg. A 2021 graduate of Mechanicsburg Area Senior High School, Grace is a rising sophomore at the University of Aberdeen in Aberdeen, Scotland. She is pursuing a Scottish master of arts degree in politics and international relations and hopes to work in some level of government in the future. In addition to her studies, Grace belongs to a number of organizations, including her university's Politics and International Relations Society; Centre Stage, where she enjoys performing independent, student-written plays and also plans on directing a show next summer; and the University of Aberdeen's Choral Society, where she also works on opera pieces. When Grace is not working here in the Senate with all of us, she is keeping busy at a second job that she maintains this summer, working for a local bakery called Talking Breads. Grace tells me that she enjoys her time in Scotland--who would not--but she also is happy to be back home here in Pennsylvania for the next couple of months as there is nowhere else that she can go and get a Sheetz breakfast sandwich. Please join me, Mr. President, and I would ask my colleagues to join me, in giving Grace our usual warm Senate welcome.

Thank you, Mr. President.

The PRESIDING OFFICER. Would the guest of Senator Costa please rise so that the Senate may give you its usual warm welcome.

(Applause.)

**GUESTS OF SENATOR KATIE J. MUTH  
PRESENTED TO THE SENATE**

The PRESIDING OFFICER. The Chair recognizes the gentlewoman from Montgomery, Senator Muth.

Senator MUTH. Mr. President, I rise today to introduce a very special group of guests from the 44th Senatorial District, the State champion Spring-Ford Area Rams Softball Team. The Spring-Ford Rams won the PIAA Class 6A State championship at Penn State University's Beard Field by defeating Seneca Valley 5-0 in the championship game. Mr. President, Spring-Ford School District has had so many amazing players and teams come through

their softball program over the years. This program has won 12 Pioneer Athletic Conference championships, 2 District I titles, and made 7 trips to the State tournament prior to this season. But, until a few weeks ago, no softball team from Spring-Ford had ever won the title of State champion. Led by head coach Tim Hughes and assistant coaches Shawn Corropolese, Mallory Greene, and Rebecca Faust, Spring-Ford battled through injuries and ups and downs all season long. But, their hard work, persistence, and teamwork paid off, paving the pathway to the State championship. The Spring-Ford team here in the gallery today includes Karissa, Jules, Lexi, Ali, Maddie, Ellie, Morgan, Gracie, Nova, Riley, Nicole, Caitlin, Sammi, Jessica, Ava, and Autumn. I ask my Senate colleagues to join me in congratulating this amazing team of brilliant, bright, strong women, and also recognizing their coaches, the parents who supported them along the way, and athletic director Mickey McDaniel for such an amazing accomplishment.

Thank you, Mr. President.

The PRESIDING OFFICER. Would the State champions please rise and be recognized by the Senate.

(Applause.)

#### **GUEST OF SENATOR JOHN M. DiSANTO PRESENTED TO THE SENATE**

The PRESIDING OFFICER. The Chair recognizes the gentleman from Dauphin, Senator DiSanto.

Senator DiSANTO. Mr. President, it is my pleasure to introduce today's guest Chaplain, Matt Drumheller. Matt came to Pine Street Presbyterian in Harrisburg at the beginning of 2022 as an interim pastor. He recently moved to Lancaster, Pennsylvania, with his wife, Claire, the associate pastor at First Presbyterian Church in Lancaster. They are constituents of Senator Martin. He grew up in southwest Virginia, earned a bachelor of science from Virginia Tech and a Master of Divinity from Union Presbyterian Seminary. Matt became a pastor because he loves talking about faith with people of all walks of life. While Matt loves to read and watch movies with Claire, he spends as much time possible outdoors running, biking, kayaking, and hiking. They also have two dogs, Liesl and Lupe. Please join me in welcoming Pastor Matt Drumheller to the Senate today.

The PRESIDING OFFICER. Let us welcome the guest Chaplain, Reverend Drumheller, to the Senate.

(Applause.)

#### **LEGISLATIVE LEAVE CANCELLED**

The PRESIDING OFFICER. Senator Corman has returned, and his temporary Capitol leave is cancelled.

#### **GUESTS OF SENATOR CAMERA C. BARTOLOTTA PRESENTED TO THE SENATE**

The PRESIDING OFFICER. The Chair recognizes the gentlewoman from Washington, Senator Bartolotta.

Senator BARTOLOTTA. Mr. President, we have a very special group of guests joining us today from the 46th Senatorial District, the Clancy family, who are seated in the gallery: mom and dad, Brett and Marissa; and their delightful children, Owen, Declan, and Maeve. Mr. Clancy and Owen recently stopped by

my Washington County district office to introduce themselves on Take Your Child to Work Day. I was so impressed with Owen--and I would like to add that he is only 11 years old--and his desire to learn about government. A trip to the State Capitol seemed appropriate. I am happy to have him and the Clancy family shadow me for the day.

Owen attends Trinity West Elementary School in Washington County and is enrolled in their gifted program. Outside of school, Owen is active in soccer and plays for the Claysville Highlander U12 touring team. He enjoys participating in Cub Scout activities and was instrumental in helping to organize a fundraiser for the Washington Area Humane Society. Owen has many dreams for his future, but for now, he has his heart set on being a marine biologist or zoologist. However, this could change due to his interest in politics. In Owen's own words, his greatest strength is his intelligence, and his greatest weakness is fear of failure. Thank you for those words of wisdom today, Owen, and thank you for visiting us at the Capitol. Mr. President, I ask my colleagues to join me in offering a very warm Senate welcome to Owen and the Clancy family.

Thank you, Mr. President.

The PRESIDING OFFICER. Would the Clancy family please rise to be welcomed by the Senate, thank you.

(Applause.)

#### **GUEST OF SENATOR SCOTT F. MARTIN PRESENTED TO THE SENATE**

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lancaster, Senator Martin.

Senator MARTIN. Mr. President, I rise today to introduce Andrew Lemon, who has had the opportunity to intern in my district office since early May. As we all can attest, our district offices are vital in ensuring meaningful assistance for our constituents. Since coming on board, Andrew has been critical in helping to speed up the processes, all while getting a taste for State government and constituent services. Drew is a 2020 graduate of Manheim Township High School, where he was co-captain of the mock trial and debate teams, competed with the swim team, and served as class officer in his student government.

He is currently studying at Gettysburg College, where he is pursuing degrees in economics and public policy and serves as vice president of his class. Drew later hopes to pursue a law degree and obtain a master's in business administration. He hopes to combine his joint interests and ultimately find work at the cross section of law, business, and government. While he is not in school or working, Drew enjoys traveling with his family and spending time on the course as an avid golfer. I am truly appreciative of the help Drew has provided my office and am impressed by his work ethic. I have no doubt he will be successful in his future pursuits. I now ask my colleagues to rise and join me by not only welcoming Andrew Lemon to the Senate Chamber, but to also extend to him good wishes as today is his 21st birthday.

Thank you, Mr. President.

The PRESIDING OFFICER. Would the guest of Senator Martin please rise to be recognized by the Senate.

(Applause.)

### **GUEST OF SENATOR STEVEN J. SANTARSIERO PRESENTED TO THE SENATE**

The PRESIDING OFFICER. The Chair recognizes the gentleman from Bucks, Senator Santarsiero.

Senator SANTARSIERO. Mr. President, I rise today to recognize Molly Sanders, who recently completed a legal internship in my office with the Senate Democratic Committee on Judiciary. Molly is a Philadelphia native and grew up in the Roxborough section of the city. In 2020, Molly graduated magna cum laude from Temple University, where she majored in history and minored in sociology. Molly just completed her first year at Widener University Commonwealth School of Law. She is active in several law student organizations at Widener, including the Widener Commonwealth women's caucus, and is a founding member of the Widener Commonwealth Democratic association and serves as the association's secretary. As part of her internship, Molly has conducted comparative research on how various States handle mental illness within their court systems--an issue that, obviously, is very important here in Pennsylvania as well, and something which I believe this body should be examining in detail.

Mr. President, I ask that we give Molly a warm Senate welcome and join me in wishing her the best of luck on her final 2 years of law school and all of her future endeavors.

The PRESIDING OFFICER. Would the guest of Senator Santarsiero please rise so the Senate may give you its usual warm welcome.

(Applause.)

### **LEGISLATIVE LEAVE CANCELLED**

The PRESIDING OFFICER. Senator Brooks has returned, and her temporary Capitol leave is cancelled.

### **GUEST OF SENATOR CHRISTINE M. TARTAGLIONE PRESENTED TO THE SENATE**

The PRESIDING OFFICER. The Chair recognizes the gentlewoman from Philadelphia, Senator Tartaglione.

Senator TARTAGLIONE. Mr. President, I rise today to introduce Olivia Martinez. Olivia has been with my office for more than 2 years, rising from an intern to constituent services representative in my Allegheny Avenue office. Olivia's dedication and passion for helping others has made her an integral part of my team, and I am thankful she decided to remain with us after her internship. As a proud Temple alum, Olivia is a shining example of what public service is all about. Olivia will be leaving Senate service in August to travel to Italy, teach English in Spain, and eventually pursue a master's degree. Unfortunately, due to the pandemic, Olivia was not able to be introduced in the Senate, and then this Session being canceled yesterday, we had to postpone yet again on Olivia. But good things come to all those who wait, so I ask my Senate colleagues to join me in giving Olivia a warm Senate welcome.

The PRESIDING OFFICER. Would the guest of Senator Tartaglione please rise so the Senate may give you its usual warm welcome.

(Applause.)

### **LEGISLATIVE LEAVE CANCELLED**

The PRESIDING OFFICER. Senator Kim Ward has returned, and her temporary Capitol leave is cancelled.

### **GUEST OF SENATOR JUDY SCHWANK PRESENTED TO THE SENATE**

The PRESIDING OFFICER. The Chair recognizes the gentlewoman from Berks, Senator Schwank.

Senator SCHWANK. Mr. President, a fine crop of interns we have here today. If you listen to all of their qualifications, it is pretty amazing--more faith in the youth than ever. I am also here today to introduce an intern in my office, who I am very proud of as well. Sophia Harris is a sophomore who will be attending Cornell University this fall. She will be working towards receiving her degree in policy analysis management at the Brooks School of Public Policy. During her freshman year, which she spent at the University of Delaware, she was a member of the university's national, silver medal-winning, intercollegiate figure skating team. She has been a dedicated, nationally competitive figure skater for over 10 years. In addition to this, Sophia was a participant in the University of Delaware Democrats, through which she was able to assist in campaign events and more. Furthermore, she cofounded All Ears, a campus organization dedicated to deaf and hard of hearing advocacy. A hard of hearing student herself, she has prided herself on working to provide a space for students to learn more about deaf and hard of hearing culture in a co-curricular way. She hopes to attend law school and eventually enter into a career of legal advocacy, specifically, with regards to healthcare policy, and I have no doubt she will accomplish it. Mr. President, would you ask my colleagues to join me in welcoming Sophia to our Senate today?

The PRESIDING OFFICER. Would the guest of Senator Schwank please rise so the Senate may give you its usual warm welcome.

(Applause.)

### **GUESTS OF SENATOR CAROLYN T. COMITTA PRESENTED TO THE SENATE**

The PRESIDING OFFICER. The Chair recognizes the gentlewoman from Chester, Senator Comitta.

Senator COMITTA. Mr. President, I rise today to welcome Kristian Williamson, who will be serving as a summer intern in my West Chester district office, and with him today is his mother, Karol Smith-Williamson. Kristian is a rising junior at Villanova University, where he is double majoring in political science and communications. He is also a Saint Thomas of Villanova Scholar and a member of the Center for Student Success and Achievement and the Black Student Union. Last summer, Kristian served as an intern in State Representative Dan Williams' Thorndale district office. This summer, we are very happy to have Kristian join our team. With his education and dedication, there is no doubt that Kristian is well on his way to a very successful career. Through an event in the district, I reconnected with Karol, who was a student of mine in the gifted program of the Octorara Area School District, and at that time, I had the pleasure of meeting her son, Kristian. Will you please join me in extending a warm welcome to Kristian Williamson. Welcome to the Pennsylvania Senate.

The PRESIDING OFFICER. Would the guests of Senator Comitta please rise so the Senate may give you its usual warm welcome.

(Applause.)

### **SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. Permission has been granted for the Committee on Consumer Protection and Professional Licensure to meet today off the floor in the Rules Committee Conference Room to consider House Bill No. 2679.

### **RECESS**

The PRESIDING OFFICER. The Chair recognizes the gentleman from Montgomery, Senator Mensch.

Senator MENSCH. Mr. President, I request a recess for purposes of off-the-floor meetings of the Committee on Urban Affairs and Housing and the Committee on Judiciary, followed by a Republican caucus to be held in the Majority Caucus Room.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Mr. President, at the conclusion of the meetings, Senate Democrats will meet in the rear of the Chamber for a caucus as well.

The PRESIDING OFFICER. For purposes of meetings of the Committee on Urban Affairs and Housing and the Committee on Judiciary to be held in the Rules room, followed by Republican and Democratic caucuses to be held in their respective caucus rooms, without objection, the Senate stands in recess.

### **AFTER RECESS**

**The PRESIDENT pro tempore (Senator Jacob D. Corman III) in the Chair.**

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

### **LEGISLATIVE LEAVES CANCELLED**

The PRESIDENT pro tempore. Senator Aument, Senator Tomlinson, and Senator Browne have returned, and their respective leaves are cancelled.

### **LEGISLATIVE LEAVE**

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

Senator K. WARD. Mr. President, I request a temporary Capitol leave for Senator Martin.

The PRESIDENT pro tempore. Senator Kim Ward requests a temporary Capitol leave for Senator Martin. Without objection, the leave will be granted.

### **RECESS**

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

Senator K. WARD. Mr. President, I request a recess of the Senate for purposes of meetings of the Committee on Appropriations, the Committee on Rules and Executive Nominations, and

the Committee on Consumer Protection and Professional Licensure.

The PRESIDENT pro tempore. For purposes of off-the-floor meetings of the Committee on Appropriations and the Committee on Rules and Executive Nominations to be held here on the floor, followed by a meeting of the Committee on Consumer Protection and Professional Licensure to be held in the Rules room, without objection, the Senate stands in recess.

### **AFTER RECESS**

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

### **LEGISLATIVE LEAVE CANCELLED**

The PRESIDENT pro tempore. Senator Martin has returned, and his temporary Capitol leave is cancelled.

### **CALENDAR**

#### **THIRD CONSIDERATION CALENDAR**

#### **BILL LAID ON THE TABLE**

**SB 1 (Pr. No. 911)** -- 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 preliminary provisions, providing for advertising and for mandate waiver program; in pupils and attendance, providing for transfer of attendance records to another school entity or nonpublic school; in terms and courses of study, further providing for agreements with institutions of higher education; in opportunities for educational excellence, further providing for definitions and for concurrent enrollment agreements; in charter schools, further providing for definitions, for powers of charter schools, for charter school requirements and for powers of board of trustees, providing for duties of administrators, further providing for establishment of charter school, for contents of application, for term and form of charter, for State Charter School Appeal Board, for facilities, for enrollment, for school staff and for funding for charter schools, providing for fee prohibition, further providing for tort liability, for causes for nonrenewal or termination, for multiple charter school organizations, for provisions applicable to charter schools, for powers and duties of department, for cyber charter school requirements and prohibitions, for establishment of cyber charter school and for State Charter School Appeal Board review, providing for payments to cyber charter schools and further providing for applicability of other provisions of this act and of other acts and regulations; and, in educational tax credits, further providing for definitions, for qualification and application by organizations, for application by business firms, for tax credits, for limitations and for opportunity scholarships.

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

#### **SB 1 TAKEN FROM THE TABLE**

Senator K. WARD. Mr. President, I move that Senate Bill No. 1, Printer's No. 911, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

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

## BILLS OVER IN ORDER

**SB 137 and SB 145**-- Without objection, the bills were passed over in their order at the request of Senator K. WARD.

## BILL AMENDED

**HB 331 (Pr. No. 306)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

## DiSANTO AMENDMENT A5137 ADOPTED

Senator DiSANTO offered the following amendment No. A5137:

Amend Bill, page 1, lines 1 and 2, by striking out all of said lines and inserting:

Amending Title 12 (Commerce and Trade) of the Pennsylvania Consolidated Statutes, providing for legitimate cannabis-related business and Incentive-based Savings Program.

Amend Bill, page 1, lines 5 through 18; pages 2 through 5, lines 1 through 30; page 6, lines 1 and 2; by striking out all of said lines on said pages and inserting:

Section 1. The General Assembly finds and declares as follows:

(1) The headwinds to the economy on a national and State level are significant.

(2) The financial stability of the citizens of this Commonwealth is challenged.

(3) It is important to authorize and provide a regulatory framework for financial institutions to conduct savings promotion programs to encourage robust saving habits and improve financial literacy.

(4) The framework under paragraph (3) should include financial services for legitimate cannabis-related businesses.

Section 2. Title 12 of the Pennsylvania Consolidated Statutes is amended by adding chapters to read:

## CHAPTER 55

## LEGITIMATE CANNABIS-RELATED BUSINESS

Sec.

5501. Scope of chapter.

5502. Definitions.

5503. Services to legitimate cannabis-related businesses.

5504. Protections for financial institutions, insurers, legitimate cannabis-related businesses and business associates.

5505. Access to information.

5506. Required disclosures.

5507. Regulations and statements of policy.

§ 5501. Scope of chapter.

This chapter relates to legitimate cannabis-related businesses.

§ 5502. Definitions.

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

"Business associate." A person that is a customer or supplier of goods or services to or for the benefit of a legitimate cannabis-related business or an officer or director, owner, operator, shareholder, member, employee, agent or financial backer of a legitimate cannabis-related business.

"Cannabis." Any substance defined as "marihuana" by section 102 of the Controlled Substances Act (Public Law 91-513, 84 Stat. 1236) or section 2 of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act. The term shall include hemp.

"Cannabis product." A product that contains cannabis, a cannabis extract or a cannabis concentrate, including, but not limited to, edible products, beverages, topicals, ointments, oils, tinctures, capsules, pills, suppositories, inhaled products, a hemp-derived cannabinoid product or a medical marijuana product as defined in section 103 of the act of April 17, 2016 (P.L.84, No.16), known as the Medical Marijuana Act.

"Depository institution." As follows:

(1) a depository institution as defined in section 3(c) of the Federal Deposit Insurance Act (64 Stat. 873, 12 U.S.C. § 1811 et seq.);

(2) a Federal credit union as defined in section 101 of the Federal Credit Union Act (48 Stat. 1216, 12 U.S.C. § 1751 et seq.); or

(3) a State credit union as defined in section 101 of the Federal Credit Union Act.

"Federal financial regulatory agency." The term includes the Federal Reserve System, the United States Treasury, the Comptroller of the Currency, the National Credit Union Administration, the Federal Deposit Insurance Corporation, the Securities and Exchange Commission and the Consumer Financial Protection Bureau.

"Financial institution." A depository institution, trust company, licensee, a person subject to the jurisdiction of a Federal financial regulatory agency or a person subject to the jurisdiction of the Department of Banking and Securities under the act of December 5, 1972 (P.L.1280, No.284), known as the Pennsylvania Securities Act of 1972.

"Financial service."

(1) The term includes a financial product or service:

(i) as defined by section 1002 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111-203, 12 U.S.C. § 5301 et seq.), regardless of whether the customer receiving the product or service is a consumer or a commercial entity; or

(ii) permitted to be provided under the authority of:

(A) a national bank or a financial subsidiary under 12 U.S.C. §§ 24 (42 Stat. 767), 24a (113 Stat. 1373) and 92a (76 Stat. 668);

(B) a Federal credit union under the Federal Credit Union Act;

(C) an incorporated institution under the act of November 30, 1965 (P.L.847, No.356), known as the Banking Code of 1965;

(D) a credit union under 17 Pa.C.S. (relating to credit unions);

(E) a person registered, or exempt from registration, to offer or sell any security, or to act as a broker, dealer, transfer agency, clearing agency or investment company under the Investment Company Act of 1940 (54 Stat. 789, 15 U.S.C. § 80a-1 et seq.);

(F) a person registered, or exempt from registration, to:

(I) offer or sell any security, under the Securities Act of 1933 (48 Stat. 74, 15 U.S.C. § 77a et seq.);

(II) act as an exchange, a broker, dealer, transfer agent or clearing agent under the Securities Exchange Act of 1934 (48 Stat. 881, 15 U.S.C. § 78a et seq.);

(III) act as an investment adviser under the Investment Advisers Act of 1940 (54 Stat. 847, 15 U.S.C. § 80b-1 et seq.); or

(IV) act as an investment company under the Investment Company Act of 1940; or

(G) a person acting as a broker-dealer, agent, investment adviser or investment adviser representative in this Commonwealth under the Pennsylvania Securities Act of 1972.

(2) The term includes a service, whether performed directly or indirectly, authorizing, processing, clearing, settling, billing, transferring for deposit, transmitting, delivering, instructing to be delivered, reconciling, collecting or otherwise effectuating or facilitating the payments of funds, where funds payments or funds are made or transferred by any means, including by the use of credit cards, debit cards or other access devices, accounts, original or substitute checks or electronic funds transfers.

"Hemp." As defined under section 297A of the Agricultural Marketing Act of 1946 (132 Stat. 4908, 7 U.S.C. § 1639o).



"Insurance service." A service authorized to be provided by an insurer in this Commonwealth.

"Insurer." An entity or person authorized by the Insurance Department to transact the business of insurance in this Commonwealth or designated as an eligible surplus lines insurer as defined in section 1602 of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921. The term includes a person licensed by the Insurance Department to sell, solicit or negotiate insurance, and that person's officers, directors, agents and employees.

"Legitimate cannabis-related business." A person that participates in any business or organized activity that involves handling cannabis or a cannabis product, including cultivating, producing, manufacturing, selling, transporting, displaying, dispensing, distributing or purchasing cannabis or a cannabis product in compliance with Federal law, the laws of this Commonwealth or a law established by another state.

"Licensee." A person defined as a licensee by section 2 of the act of May 15, 1933 (P.L.565, No.111), known as the Department of Banking and Securities Code.

"State." Any state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa or the United States Virgin Islands or any federally recognized Indian tribe as defined by the Secretary of the Interior under section 104(a) of the Federally Recognized Indian Tribe List Act of 1994 (Public Law 103-454, 25 U.S.C. § 479a-1).

"Trust company." The term includes:

(1) a national bank authorized to exercise trust powers as authorized by 12 U.S.C. § 92a;

(2) a trust company as defined by section 102 of the Banking Code of 1965; or

(3) an interstate bank as defined in section 102 of the Banking Code of 1965 authorized to exercise the powers of a trust company in this Commonwealth.

§ 5503. Services to legitimate cannabis-related businesses.

(a) Authorization to provide financial services.--A financial institution authorized to engage in business in this Commonwealth may provide financial services to or for the benefit of a legitimate cannabis-related business and the business associates of a legitimate cannabis-related business subject to:

(1) the laws and regulations applicable to the provision of financial services to other customers of the financial institution;

(2) any applicable consumer protection laws of this Commonwealth;

(3) any additional requirements applicable to the institution established for the provision of services to a legitimate cannabis-related business or its business associates by a Federal financial regulatory agency, the Department of Banking and Securities or a financial regulatory agency of the state under which the institution is organized; and

(4) the extent the institution is providing services to a legitimate cannabis-related business or its business associates in another jurisdiction, any additional requirements applicable to the institution established for the provision of the services by a financial regulatory agency of that jurisdiction.

(b) Authorization to provide insurance services.--An insurer may provide insurance services to or for the benefit of a legitimate cannabis-related business and the business associates of a legitimate cannabis-related business subject to:

(1) the laws and regulations applicable to the provision of insurance services to other customers of the insurer;

(2) any applicable consumer protection laws of this Commonwealth;

(3) any additional requirements applicable to the insurer established for the provision of services to a legitimate cannabis-related business or its business associates by the Insurance Department; and

(4) the extent the insurer is providing services to a legitimate cannabis-related business or its business associates in another jurisdiction, any additional requirements applicable to the insurer established for the provision of the services by an insurance regulatory agency of that jurisdiction.

(c) No requirement to provide services.--Nothing in this chapter shall require a depository institution, an entity performing a financial service for or in association with a financial institution or an insurer to

provide financial or insurance services to a legitimate cannabis-related business or the business associates of a legitimate cannabis-related business or to any other business.

§ 5504. Protections for financial institutions, insurers, legitimate cannabis-related businesses and business associates.

(a) Actions of government agencies.--No agency or political subdivision of this Commonwealth may:

(1) prohibit, penalize or otherwise discourage a financial institution or insurer from providing financial or insurance services to a legitimate cannabis-related business or the business associates of a legitimate cannabis-related business;

(2) recommend, incentivize or encourage a financial institution or insurer not to offer financial or insurance services to an account holder, or downgrade or cancel services provided to the account holder, solely because the account holder is a legitimate cannabis-related business or a business associate of a legitimate cannabis-related business;

(3) take adverse or corrective supervisory action on a loan made to a legitimate cannabis-related business or a business associate of a legitimate cannabis-related business solely because the loan has been made to a legitimate cannabis-related business or a business associate of a legitimate cannabis-related business;

(4) prohibit or penalize a financial institution or insurer performing financial or insurance services in association with another financial institution or insurer from providing financial or insurance services to a legitimate cannabis-related business or a business associate of a legitimate cannabis-related business; or

(5) subject the legal interest of a financial institution in the collateral for a loan or another financial service provided to a legitimate cannabis-related business or the business associates of a legitimate cannabis-related business to civil or criminal forfeiture under any laws of this Commonwealth or initiate or participate in proceedings for the civil or criminal forfeiture of a legal interest under Federal law or under the laws of another state.

(b) Enforcement authority.--Nothing in this act shall prevent the Department of Banking and Securities, the Insurance Department or the Attorney General, in a manner consistent with the requirements of section 506 of the act of May 15, 1933 (P.L.565, No.111), known as the Department of Banking and Securities Code, from undertaking an enforcement action for compliance with the requirements of section 5503(a) or (b) (relating to services to legitimate cannabis-related businesses) in a manner consistent with subsection (a).

(c) Criminal prosecution and civil claims.--Subject to subsection (h), no financial institution or insurer, or the directors, officers, employees, agents, owners, shareholders or members of a financial institution or insurer, shall be subject to a criminal prosecution, sanction or claim for damages or any equitable remedy, solely because the institution or insurer is providing financial or insurance services to or for the benefit of a legitimate cannabis-related business or the business associates of a legitimate cannabis-related business.

(d) Proceeds of legitimate cannabis-related business activities.--The proceeds of any transaction involving the activities of a legitimate cannabis-related business may not be considered proceeds from an unlawful activity, solely because the transaction involves the proceeds from a legitimate cannabis-related business or a business associate of a legitimate cannabis-related business.

(e) Rights and privileges.--No legitimate cannabis-related business, or a business associate of a legitimate cannabis-related business, shall be denied any right or privilege by a State agency solely because of the business's or business associate's lawful participation in the medical marijuana program established under the act of April 17, 2016 (P.L.84, No.16), known as the Medical Marijuana Act.

(f) Limited immunity.--If a legitimate cannabis-related business fails to provide the notice required under section 5506(a) (relating to required disclosures) to a financial institution or insurer, the financial institution or insurer shall not be deemed in violation of this chapter solely because the financial institution or insurer was not notified and continued to provide services beyond the date at which such services should or could have been terminated as a result of the suspension or revocation of the permit, registration or certification.

(g) Exclusion.--This chapter shall not apply to the cultivation, production, manufacture, sale, transportation, display, dispensing, distribution or purchase of cannabis for recreational use within this

Commonwealth in a manner contrary to the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or any actions in violation of the Medical Marijuana Act except as otherwise provided by this chapter.

(h) Requirements.--The protections provided by this section to a financial institution or insurer and to the directors, officers, employees, agents, owners, shareholders or members of the institution or insurer are subject to the institution's or insurer's material compliance with the requirements of section 5503(a) and (b) and reasonable due diligence to determine that a legitimate cannabis-related business or a business associate of a legitimate cannabis-related business is in compliance with the laws of this Commonwealth and the laws of other states in which the cannabis-related business is located, or with any applicable Federal laws, which provide authorization for the operation of a legitimate cannabis-related business.

§ 5505. Access to information.

(a) Voluntary disclosures.--Section 1307 of the act of April 17, 2016 (P.L.84, No.16), known as the Medical Marijuana Act, shall not prohibit the voluntary disclosure of any records or other information by a legitimate cannabis-related business, or a business associate to a financial institution or insurer, as necessary to obtain financial or insurance services to the extent not prohibited by and consistent with any applicable requirements of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191, 110 Stat. 1936) privacy regulation as promulgated by the United States Department of Health and Human Services under 45 CFR Pts. 160 (relating to general administrative requirements), 162 (relating to administrative requirements) and 164 (relating to security and privacy) and 16 CFR Pt. 313 (relating to privacy of consumer financial information).

(b) Restrictions on use of records.--A financial institution, or insurer receiving access to information under subsection (a), the distribution of which would otherwise be prohibited, may only use the information as necessary to satisfy due diligence obligations required to provide financial or insurance services to persons participating in the medical marijuana program established under the Medical Marijuana Act and may not disclose the information records to other persons except for information:

(1) required for the filing of suspicious activity reports with the United States Department of the Treasury or the investigation of related reports;

(2) requested by the institution's primary regulator, the Federal Deposit Insurance Corporation or the National Credit Union Administration for the purposes of conducting an examination of the institution;

(3) as necessary to respond to court orders or subpoenas after providing the person authorizing the release of the records and the institution's primary regulator the opportunity to object to the order or subpoena; or

(4) as authorized by a person who is the subject to the confidential information.

§ 5506. Required disclosures.

(a) Notification by legitimate cannabis-related business.--If a legitimate cannabis-related business obtains financial or insurance services from a financial institution or insurer doing business in this Commonwealth, the business shall, within five business days, provide notice to the financial institution or insurer if a cannabis-related permit, registration or certification held by the business or its affiliates under Federal law, the laws of this Commonwealth or a law established by another state is suspended or revoked.

(b) Penalty.--If a legitimate cannabis-related business fails to give the notice required under subsection (a) to a financial institution or insurer, the business or business associate may be assessed a civil penalty up to \$500 per day, not to exceed \$25,000, until the notice is provided. The Department of Banking and Securities shall have authorization to assess civil penalties for failure to give notice under this section to a financial institution, and the Insurance Department shall have authorization to assess civil penalties for failure to give the notice under this section to an insurer.

§ 5507. Regulations and statements of policy.

The Department of Banking and Securities and the Insurance Department may adopt statements of policy or regulations to implement this chapter and to provide guidance to financial institutions and insurers providing financial or insurance services to legitimate cannabis-related

businesses and business associates of a legitimate cannabis-related business.

#### CHAPTER 57

#### INCENTIVE-BASED SAVINGS PROGRAM

Sec.

5701. Legislative intent.

5702. Definitions.

5703. Savings promotion program.

5704. Compliance with Federal regulations.

5705. Qualified financial program.

5706. Terms and conditions.

5707. Maintenance of books and records.

§ 5701. Legislative intent.

The intent of this chapter is to authorize and provide a regulatory framework for financial institutions to conduct savings promotion programs to encourage robust saving habits and improve financial literacy.

§ 5702. Definitions.  
The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Eligible financial institution." Any of the following:

(1) an insured credit union; or

(2) an insured depository institution.

"Eligible individual." An individual who:

(1) is at least 18 years of age;

(2) is a member or customer of the eligible financial institution conducting the savings promotion program; and

(3) maintains a qualified account with the eligible financial institution conducting the savings promotion program.

"Insured credit union." As defined in section 101 of the Federal Credit Union Act (48 Stat. 1216, 12 U.S.C. § 1752).

"Insured depository institution." As defined in section 3 of the Federal Deposit Insurance Act (64 Stat. 873, 12 U.S.C. § 1813).

"Prudential regulator." As defined in section 1002 of the Consumer Financial Protection Act of 2010 (Public Law 111-203 124 Stat. 1955, 12 U.S.C. § 5481).

"Qualified account." A savings account, time deposit or savings program offered to an eligible individual by an eligible financial institution pursuant to a savings promotion program. The term includes a share account and an account where the eligible individual has an interest individually or jointly with another eligible individual.

"Qualified financial program." A program offered by an eligible financial institution under section 5705 (relating to qualified financial program).

"Savings promotion program." A contest in which the sole consideration required for a chance of winning designated prizes is obtained by the deposit of a specified amount of money in a qualified account or other savings program of which each ticket or entry has an equal chance of being drawn.

§ 5703. Savings promotion program.

(a) Authorization.--Notwithstanding any prohibitions on lotteries or gambling provided by the laws of this Commonwealth, including 18 Pa.C.S. §§ 5512 (relating to lotteries, etc.), 5513 (relating to gambling devices, gambling, etc.) and 5514 (relating to pool selling and bookmaking), an eligible financial institution may conduct a savings promotion program and any activity conducted in connection with the savings promotion program, including, but not limited to:

(1) the deposit of a minimum specified amount of money in a qualified account for a minimum length of time;

(2) the participation in a qualified financial program offered by the eligible financial institution;

(3) the transmission of any advertisement, list of prizes or other information concerning the savings promotion program;

(4) the offering, facilitation and acceptance of deposits, withdrawals or other transactions in connection with the savings promotion program;

(5) the transmission of any information relating to the savings promotion program, including account balance and transaction information;

(6) the deposit or transmission of prizes awarded in the savings promotion program as well as notification or publication of the deposit or transmission; and

(7) the establishment and operation of qualified financial programs.

(b) Limitation.--An eligible financial institution may not conduct a savings promotion program in a way that jeopardizes the eligible financial institution's safety and soundness or misleads an eligible individual or the public.

(c) Third-party participants.--An eligible financial institution may offer a savings promotion program in conjunction with a third-party participant that provides administrative support, funding or other service.  
§ 5704. Compliance with Federal regulations.

An eligible financial institution may offer a savings promotion program only to the extent permitted by Federal law, including any regulations promulgated by the institution's appropriate prudential regulator.  
§ 5705. Qualified financial program.

A qualified financial program offered under section 5703(a)(2) (relating to savings promotion program) must include programs to encourage an eligible individual to do at least one of the following:

- (1) Deposit or transfer money into a qualified account on a recurring or automatic basis.
- (2) Refinance or consolidate existing debt to obtain a lower interest rate.
- (3) Pay off or reduce outstanding balances to lower the eligible individual's total debt ratio or revolving debt ratio.
- (4) Prepare a budget or a debt-reduction plan.
- (5) Attend financial literacy seminars or counseling sessions sponsored by the eligible financial institution that are offered free of charge.
- (6) Use free online financial education, budgeting or debt-reduction tools.

§ 5706. Terms and conditions.

(a) Disclosure.--An eligible financial institution conducting a savings promotion program shall disclose to the public and each participant the terms and conditions of the savings promotion program. The terms and conditions shall be posted in a location where entries may be submitted and shall be included in printed materials or electronic media promoting the savings promotion program.

(b) Content.--Terms and conditions for a savings promotion program shall include language specifying that:

- (1) No other action, purchase or other consideration is necessary for an entry in the savings promotion program.
- (2) No action or purchase of goods or services improves the odds of winning.
- (3) Each entry has the same odds of winning the savings promotion program.
- (4) The odds of winning the savings promotion program will be determined based on the number of entries received.
- (5) The winner is responsible for all applicable Federal, State and local taxes.
- (6) Participation in a qualified financial program is offered to any qualified individual participating in the savings promotion program.
- (7) Participation in a savings promotion program presents no financial risk to an eligible individual.

§ 5707. Maintenance of books and records.

An eligible financial institution that conducts a savings promotion program under this chapter shall maintain books and records relating to the conduct of the savings promotion program sufficient to facilitate an audit of the savings promotion program. The financial institution shall keep a record of the names of winners of all savings promotion programs, which shall be available for inspection by the financial institution's customers.

Section 3. The addition of 12 Pa.C.S. §§ 5503 and 5504 shall apply to the provision of financial or insurance services to a legitimate cannabis-related business or a business associate of a legitimate cannabis-related business on or after the effective date of this section.

Section 4. This act shall take effect as follows:

- (1) The addition of 12 Pa.C.S. Ch. 57 shall take effect in 60 days.
- (2) The remainder of this act shall take effect immediately.

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

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Dauphin, Senator DiSanto.

Senator DiSANTO. Mr. President, my amendment converts the freestanding, Incentive-based Savings Program Act into a new chapter in Title 12. The amendment also adds a chapter providing for safe cannabis banking, as authored by myself and Senator Street. This measure passed the Chamber in April with strong, bipartisan support. The amendment reflects changes the House Committee on Commerce adopted to emphasize that the protections for the banks and insurers do not apply for the servicing of recreational cannabis businesses within this Commonwealth. The amendment also includes language sought by the District Attorneys Association and Attorney General's office to make clear this chapter's legal protections do not preclude prosecution for any other crimes committed while servicing the legal cannabis industry. Thank you, and I ask for an affirmative vote.

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

Senator STREET. Mr. President, I rise to also ask for an affirmative vote on the amendment. Cannabis banking and protections around it are incredibly important to the growth of the industry. They also provide a number of public safety provisions. As people, ultimately, we want to discourage folks from having to ride around with money in trucks and putting it in safe houses that they should--the cannabis industry would be much better if people could bank in a normal way. Not only that, if you want to open up access to the industry, ultimately to small businesspeople, diverse businesses, and even small farmers, they need to be able to access traditional financial markets. For those reasons and more--understanding that there still will need to be additional Federal action in the future--this positions Pennsylvania's small businesses, diverse communities, and many others to be able to fully participate in the cannabis industry and allows for a more rational treatment of banking in that regard.

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

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

YEA-47

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

NAY-2

Brooks                      Hutchinson

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 K. WARD.

BILLS OVER IN ORDER

SB 358, SB 457 and SB 676 -- Without objection, the bills were passed over in their order at the request of Senator K. WARD.

BILL OVER IN ORDER AND LAID ON THE TABLE

SB 745 (Pr. No. 862) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law, in procedure, further providing for exceptions for public records.

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

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

BILLS OVER IN ORDER

SB 775 and SB 871 -- Without objection, the bills were passed over in their order at the request of Senator K. WARD.

BILL LAID ON THE TABLE

SB 956 (Pr. No. 1286) -- The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of Pennsylvania, providing that there is no right to abortion or funding for an abortion.

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

SB 956 TAKEN FROM THE TABLE

Senator K. WARD. Mr. President, I move that Senate Bill No. 956, Printer's No. 1286, be taken from the table and placed on the Calendar.

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

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

YEA-28

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

NAY-21

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

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

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

BILLS OVER IN ORDER

HB 972, SB 993, HB 996, SB 1032, SB 1147, HB 1614 and HB 1660 -- Without objection, the bills were passed over in their order at the request of Senator K. WARD.

BILL AMENDED AND REREFERRED

HB 1867 (Pr. No. 3278) -- 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, providing for Purple Star School Program.

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

STEFANO AMENDMENT A5182 AGREED TO

Senator STEFANO offered the following amendment No. A5182:

- Amend Bill, page 4, line 28, by inserting after "DISTRICT": school in a school district.
- Amend Bill, page 4, line 29, by inserting after "SCHOOL" where it occurs the first time: , cyber charter school, an intermediate unit
- Amend Bill, page 4, line 29, by inserting after "OR": an
- Amend Bill, page 6, line 25, by inserting after "SCHOOL": or nonpublic school

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

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Fayette, Senator Stefano.

Senator STEFANO. Mr. President, this is a technical amendment addressing the definition of a public school and ensuring that partnerships can occur between public and nonpublic schools. I ask for an affirmative vote. Thank you.

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

It was agreed to.

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1868 (Pr. No. 2652) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 63 (Professions and Occupations (State Licensed)) of the Pennsylvania Consolidated Statutes, providing for military and veterans' licensure.

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

On the question, Shall the bill pass finally?

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

YEA-49

Table with 4 columns of names: Argall, Aument, Baker, Bartolotta, Boscola, Brewster, Brooks, Browne, Cappelletti, Collett, Comitta, Corman, Costa; Dillon, DiSanto, Dush, Flynn, Fontana, Gebhard, Haywood, Hughes, Hutchinson, Kane, Kearney, Langerholc; Laughlin, Martin, Mastriano, Mensch, Muth, Phillips-Hill, Pittman, Regan, Robinson, Santarsiero, Saval, Scavello; Schwank, Stefano, Street, Tartaglione, Tomlinson, Vogel, Ward, Judy, Ward, Kim, Williams, Anthony H., Williams, Lindsey, Yaw, Yudichak

NAY-0

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

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

BILL OVER IN ORDER

HB 2419 -- Without objection, the bill was passed over in its order at the request of Senator K. WARD.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2420 (Pr. No. 2831) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 11, 1889 (P.L.188, No.210), entitled "A further supplement to an act, entitled 'An act to establish a board of wardens for the Port of Philadelphia, and for the regulation of pilots and pilotage, and for other purposes,' approved March twenty-ninth, one thousand eight hundred and three, and for regulating the rates of pilotage and number of pilots," further providing for rates of pilotage and computation, for pilotage fees and unit charge and for charges for services.

Considered the third time and agreed to,

On the question, Shall the bill pass finally?

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

YEA-49

Table with 4 columns of names: Argall, Aument, Baker, Bartolotta, Boscola, Brewster, Brooks, Browne, Cappelletti, Collett, Comitta, Corman, Costa; Dillon, DiSanto, Dush, Flynn, Fontana, Gebhard, Haywood, Hughes, Hutchinson, Kane, Kearney, Langerholc; Laughlin, Martin, Mastriano, Mensch, Muth, Phillips-Hill, Pittman, Regan, Robinson, Santarsiero, Saval, Scavello; Schwank, Stefano, Street, Tartaglione, Tomlinson, Vogel, Ward, Judy, Ward, Kim, Williams, Anthony H., Williams, Lindsey, Yaw, Yudichak

NAY-0

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

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

BILL AMENDED AND REREFERRED

HB 2464 (Pr. No. 2978) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, in crime victims, providing for legal standing.

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

BARTOLOTTA AMENDMENT A5207 AGREED TO

Senator BARTOLOTTA offered the following amendment No. A5207:

Amend Bill, page 1, lines 6 and 7, by striking out "in crime victims," and inserting: in preliminary provisions, further providing for definitions; in crime victims, further providing for rights, for responsibilities of victims of crime under basic bill of rights, for responsibilities of State and local law enforcement agencies, for responsibilities of prosecutor's office, for responsibilities of department, local correctional facilities and board and for responsibilities of juvenile probation office and Amend Bill, page 1, line 7, by striking out the period after "standing" and inserting: ; in administration, further providing for office, for powers and duties of victim advocate and for powers and duties of Office of Victims' Services; in compensation, further providing for persons eligible for compensation, providing for counseling services for victims of sexual abuse and further providing for filing of claims for compensation, for minimum allowable claim, for determination of claims, for emergency awards, for awards and for confidentiality of records; in services, further providing for eligibility of victims; in financial matters, further providing for costs and for costs for offender supervision programs; in enforcement, further providing for subrogation and for revictimization relief; transferring money from the Crime

Victim's Compensation Fund; providing for applicability; and making a related repeal.

Amend Bill, page 1, lines 10 through 12, by striking out all of said lines and inserting:

Section 1. The definitions of "board," "crime," "intervenor," "local law enforcement agency," "loss of earnings," "out-of-pocket loss," "personal injury crime" and "victim advocate" in section 103 of the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, are amended and the section is amended by adding definitions to read: Section 103. Definitions.

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

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"Board." The Pennsylvania [Board of Probation and] Parole Board.  
 "Campus police." As defined in section 302 of the act of November 29, 2004 (P.L.1383, No.180), known as the Uniform Crime Reporting Act.

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"Counseling services." A mental health therapy performed by or under the supervision of a mental health care provider.

"Crime." An act which was committed:

(1) In this Commonwealth by a person, including a juvenile, without regard to legal exemption or defense which would constitute a crime under the following:

(i) The act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

(ii) 18 Pa.C.S. (relating to crimes and offenses).

30 Pa.C.S. § 5502 (relating to operating watercraft under influence of alcohol or controlled substance).

30 Pa.C.S. § 5502.1 (relating to homicide by watercraft while operating under influence).

30 Pa.C.S. § 5502.2 (relating to homicide by watercraft).

30 Pa.C.S. § 5502.3 (relating to aggravated assault by watercraft while operating under influence).

30 Pa.C.S. § 5502.4 (relating to aggravated assault by watercraft).

The former 75 Pa.C.S. § 3731 (relating to driving under influence of alcohol or controlled substance).

75 Pa.C.S. § 3732 (relating to homicide by vehicle).

75 Pa.C.S. § 3732.1 (relating to aggravated assault by vehicle).

75 Pa.C.S. § 3733 (relating to fleeing or attempting to elude police officer).

75 Pa.C.S. § 3734 (relating to driving without lights to avoid identification or arrest).

75 Pa.C.S. § 3735 (relating to homicide by vehicle while driving under influence).

75 Pa.C.S. § 3735.1 (relating to aggravated assault by vehicle while driving under the influence).

75 Pa.C.S. § 3742 (relating to accidents involving death or personal injury).

75 Pa.C.S. § 3742.1 (relating to accidents involving death or personal injury while not properly licensed) if the nature and circumstances of the offense committed are substantially similar to an offense under 75 Pa.C.S. § 3742.

75 Pa.C.S. Ch. 38 (relating to driving after imbibing alcohol or utilizing drugs).

(iii) The laws of the United States.

(2) Against a resident of this Commonwealth which would be a crime under paragraph (1) but for its occurrence in a location other than this Commonwealth.

(3) Against a resident of this Commonwealth which is an act of international terrorism.

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"Financial support." Includes the loss of court-ordered child or spousal support payments if the victim is deprived of money as a direct result of a crime.

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"Intervenor." An individual, including a law enforcement officer who is injured in the performance of the individual's duties, who goes to the aid of another and suffers physical or mental injury or death as a

direct result of acting not recklessly to prevent the commission of a crime, to lawfully apprehend a person reasonably suspected of having committed such crime or to aid the victim of such crime.

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"Law enforcement officer." A peace officer as defined in 18 Pa.C.S. § 501 (relating to definitions).

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"Local law enforcement agency." A police department of a city, borough, incorporated town or township or campus police.

"Loss of earnings." [Includes] An economic loss resulting from an injury or death to a victim of a crime or an intervenor that has not been and will not be reimbursed from any other source. The term includes the loss of the cash equivalent of one month's worth of Social Security, railroad retirement, pension plan, retirement plan, disability, veteran's retirement, [court-ordered child support or court-ordered spousal] loss of support payments if the payments are the primary source of the victim's income or other similar benefit, and the victim or intervenor is deprived of money as a direct result of a crime.

"Loss of support." The loss of verifiable financial support the direct victim would have contributed to surviving dependents that is lost due to the death of the direct victim as a direct result of a crime.

"Mental health care provider." Any of the following:

(1) A psychiatrist.

(2) An individual licensed under the act of March 23, 1972 (P.L.136, No.52), known as the Professional Psychologists Practice Act.

(3) A licensed professional counselor as defined in section 3 of the act of July 9, 1987 (P.L.220, No.39), known as the Social Workers, Marriage and Family Therapists and Professional Counselors Act.

(4) A licensed social worker as defined in section 3 of the Social Workers, Marriage and Family Therapists and Professional Counselors Act.

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"Out-of-pocket loss." The term includes the following losses which shall be reimbursed at a rate set by the Office of Victims' Services:

(1) expenses for unreimbursed and unreimbursable expenses or indebtedness incurred for medical care, nonmedical remedial care and treatment as approved by the Office of Victims' Services or other services;

(2) expenses for counseling, prosthetic devices, wheelchairs, canes, walkers, hearing aids, eyeglasses or other corrective lenses or dental devices reasonably necessary as a result of the crime upon which the claim is based and for which the claimant either has paid or is liable;

(3) expenses related to the reasonable and necessary costs of cleaning the crime scene of a private residence or privately owned motor vehicle. "Cleaning" means to remove or attempt to remove stains or blood caused by the crime or other dirt or debris caused by the processing of the crime scene;

(4) expenses resulting from the temporary or permanent relocation of a direct victim and individuals residing in the household of the direct victim due to the incident forming the basis of the victim's claim when there is an immediate need to protect the safety and health of the victim and individuals residing in the household, as verified by a medical provider, human services provider or law enforcement;

(5) expenses for physical examinations and materials used to obtain evidence; or

(6) other reasonable expenses which are deemed necessary as a direct result of the criminal incident.

Except as otherwise provided, the term does not include property damage or pain and suffering.

"Personal injury crime." An act, attempt [or threat], solicitation or conspiracy to commit an act which would constitute a misdemeanor or felony under the following:

18 Pa.C.S. Ch. 25 (relating to criminal homicide).

18 Pa.C.S. Ch. 27 (relating to assault).

18 Pa.C.S. § 2803 (relating to aggravated hazing).

18 Pa.C.S. Ch. 29 (relating to kidnapping).

18 Pa.C.S. Ch. 30 (relating to human trafficking).

18 Pa.C.S. Ch. 31 (relating to sexual offenses).

18 Pa.C.S. § 3301 (relating to arson and related offenses).

18 Pa.C.S. Ch. 37 (relating to robbery).

18 Pa.C.S. Ch. 49 Subch. B (relating to victim and witness intimidation).

18 Pa.C.S. § 6312 (relating to sexual abuse of children).

18 Pa.C.S. § 6318 (relating to unlawful contact with minor).

18 Pa.C.S. § 6320 (relating to sexual exploitation of children).

30 Pa.C.S. § 5502.1 (relating to homicide by watercraft while operating under influence).

30 Pa.C.S. § 5502.2 (relating to homicide by watercraft).

30 Pa.C.S. § 5502.3 (relating to aggravated assault by watercraft while operating under influence).

30 Pa.C.S. § 5502.4 (relating to aggravated assault by watercraft).

The former 75 Pa.C.S. § 3731 (relating to driving under influence of alcohol or controlled substance) in cases involving bodily injury.

75 Pa.C.S. § 3732 (relating to homicide by vehicle).

75 Pa.C.S. § 3732.1 (relating to aggravated assault by vehicle).

75 Pa.C.S. § 3735 (relating to homicide by vehicle while driving under influence).

75 Pa.C.S. § 3735.1 (relating to aggravated assault by vehicle while driving under the influence).

[75 Pa.C.S. § 3742 (relating to accidents involving death or personal injury).]

75 Pa.C.S. Ch. 38 (relating to driving after imbibing alcohol or utilizing drugs) in cases involving bodily injury.

The term includes violations of any protective order issued [as a result of an act related to domestic violence.] under 23 Pa.C.S. Ch. 61 (relating to protection from abuse) or 42 Pa.C.S. Ch. 62A (relating to protection of victims of sexual violence or intimidation) or a similar protective order issued outside this Commonwealth. The term includes a crime of violence as defined in 42 Pa.C.S. § 9714(g) (relating to sentences for second and subsequent offenses).

"Personal injury rights crime." A personal injury crime or an act, attempt, solicitation or conspiracy to commit an act which would constitute a misdemeanor or felony under the following:

18 Pa.C.S. § 2802 (relating to hazing), if graded as a misdemeanor of the third degree.

18 Pa.C.S. § 5131 (relating to recruiting criminal gang members).

75 Pa.C.S. § 3733 (relating to fleeing or attempting to elude police officer).

75 Pa.C.S. § 3734 (relating to driving without lights to avoid identification or arrest).

75 Pa.C.S. § 3742 (relating to accidents involving death or personal injury).

75 Pa.C.S. § 3742.1 (relating to accidents involving death or personal injury while not properly licensed) if the nature and circumstance of the offense committed are substantially similar to an offense under 75 Pa.C.S. § 3742.

\*\*\*

"Sexual abuse." Conduct which occurs in this Commonwealth and would constitute an offense under any of the following provisions of 18 Pa.C.S. (relating to crimes and offenses):

Section 3011(a)(1) or (2) and (b) (relating to trafficking in individuals).

Section 3012 (relating to involuntary servitude) as it relates to sexual servitude.

Section 3121 (relating to rape).

Section 3122.1 (relating to statutory sexual assault).

Section 3123 (relating to involuntary deviate sexual intercourse).

Section 3124.1 (relating to sexual assault).

Section 3124.2 (relating to institutional sexual assault).

Section 3125 (relating to aggravated indecent assault).

Section 3126 (relating to indecent assault).

Section 3127 (relating to indecent exposure).

Section 3133 (relating to sexual extortion).

Section 4302 (relating to incest).

Section 6312 (relating to sexual abuse of children).

Section 6320 (relating to sexual exploitation of children).

\*\*\*

"Victim advocate." The victim advocate in the Office of Victim Advocate within the [Pennsylvania Board of Probation and Parole] department.

Section 2. Section 201(4), (5.2), (7), (8), (8.1), (9), (11) and (13) of the act are amended and the section is amended by adding a paragraph to read:

Section 201. Rights.

Victims of crime have the following rights:

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(1.1) If eligible to apply, to be notified of the Address Confidentiality Program under 23 Pa.C.S. Ch. 67 (relating to domestic and sexual violence victim address confidentiality).

\*\*\*

(4) In cases involving a personal injury rights crime or burglary, to submit prior comment to the prosecutor's office or juvenile probation office, as appropriate to the circumstances of the case, on the potential reduction or dropping of any charge or changing of a plea in a criminal or delinquency proceeding, or, diversion of any case, including an informal adjustment or consent decree.

\*\*\*

(5.2) Upon request of the victim of a personal injury rights crime, to have the opportunity to submit written comment or present oral testimony at a disposition review hearing, which comment or testimony shall be considered by the court when reviewing the disposition of the juvenile.

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(7) In personal injury rights crimes where the adult is sentenced to a State correctional facility, to be:

(i) given the opportunity to provide prior comment on and to receive State postsentencing release decisions, including work release, furlough, parole, pardon or community treatment center placement;

(ii) provided immediate notice of an escape of the adult and of subsequent apprehension; and

(iii) given the opportunity to receive notice of and to provide prior comment on a recommendation sought by the Department of Corrections that the offender participate in a motivational boot camp pursuant to the Motivational Boot Camp Act.

(8) In personal injury rights crimes where the adult is sentenced to a local correctional facility, to:

(i) receive notice of the date of the release of the adult, including work release, furlough, parole, release from a boot camp or community treatment center placement; and

(ii) be provided with immediate notice of an escape of the adult and of subsequent apprehension.

(8.1) If, upon the request of the victim of a personal injury rights crime committed by a juvenile, the juvenile is ordered to residential placement, a shelter facility or a detention center, to:

(i) Receive prior notice of the date of the release of the juvenile, including temporary leave or home pass.

(ii) Be provided with:

(A) immediate notice of an escape of the juvenile, including failure to return from temporary leave or home pass; and

(B) immediate notice of reappearance of the juvenile.

(iii) Be provided with notice of transfer of a juvenile who has been adjudicated delinquent from a placement facility that is contrary to a previous court order or placement plan approved at a disposition review hearing and to have the opportunity to express a written objection prior to the release or transfer of the juvenile.

(9) If the adult is subject to an order under 23 Pa.C.S. Ch. 61 (relating to protection from abuse) or 42 Pa.C.S. Ch. 62A (relating to protection of victims of sexual violence or intimidation) and is committed to a local correctional facility for a violation of the order or for a personal injury rights crime against a victim protected by the order, to receive immediate notice of the release of the adult on bail.

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(11) To have assistance in the preparation of, submission of and follow-up on financial assistance claims to the [bureau] Office of Victims' Services.

\* \* \*

(13) Upon the request of the victim of a personal injury rights crime, to be notified of the termination of the courts' jurisdiction.

Section 3. Sections 211, 212(b), (c), (e) and (f), 213(a), (b), (d), (e), (f) and (g), 214(a), (b) and (f) and 216(b) and (d) of the act are amended to read:

Section 211. Responsibilities of victims of crime under basic bill of rights.

[A] Except as provided for victims enrolled in the Address Confidentiality Program under 23 Pa.C.S. Ch. 67 (relating to domestic and sexual violence victim address confidentiality), a victim shall provide a valid address and telephone number and any other required information to all agencies responsible for providing information and notice to the victim. The victim shall be responsible for providing timely notice of any changes in the status of the information. The information provided shall not be disclosed to any person other than a law enforcement agency, corrections agency or prosecutor's office without the prior written consent of the victim.

Section 212. Responsibilities of State and local law enforcement agencies.

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(b) Notice.--

(1) [Law enforcement agencies shall within 48 hours of reporting give notice to the direct victim or, if appropriate, a member of the direct victim's family of the availability of crime victims' compensation. The notice required under this subsection shall be in writing and in a manner and form developed by the Office of Victims' Services.] The law enforcement agency responding to or investigating an incident shall provide basic information on the rights and services available for crime victims and the availability of crime victims' compensation to the direct victim or, if appropriate, a member of the direct victim's family. The information shall be provided when the agency has first contact with the direct victim or, if appropriate, a member of the direct victim's family or as soon as reasonably possible. The information required under this subsection shall be in a written notice in a manner or form developed by the Office of Victims' Services.

(2) [Law enforcement agencies shall provide basic information on the rights and services available for crime victims. The information shall be in writing and shall be provided to the victim within 24 hours of the law enforcement agency's first contact with the victim in a manner and form to be developed by the Office of Victims' Services.] Law enforcement agencies shall be responsible for ensuring that officers provide the notification required under paragraph (1).

(c) Application.--[The written notification provided for in subsection (b)(1) shall be accompanied by one copy of the application form for crime victims' compensation. Application forms shall be supplied by the Office of Victims' Services to law enforcement agencies. A record of the date of notification shall be maintained by the law enforcement agency.] The Office of Victims' Services shall [maintain a mailing list of all local law enforcement agencies] make the written information under subsection (b)(1) available on the office's publicly accessible Internet website and provide law enforcement agencies [with forms by which they can order additional claim forms] printed notices and claim forms for crime victims' compensation. The Office of Victims' Services shall also provide updates to law enforcement agencies on changes which affect their responsibilities under this act.

(e) [Forms.--The form developed by the Office of Victims' Services shall be attached to the police report and shall include a victim checkoff signifying that the information has been provided to the crime victim.] Confirmation.--The law enforcement agency responding to or investigating an incident shall indicate on the police report that the information required under subsection (b) was provided to the direct victim or, if appropriate, a member of the direct victim's family.

(f) Notice in personal injury rights crimes.--

(1) In personal injury rights crimes, the law enforcement agency shall make reasonable efforts to notify the victim of the arrest of the suspect and of the filing or forwarding of a complaint relating to the crime as soon as possible. Unless the victim cannot be located, notice of the arrest shall be provided not more than 24 hours after the preliminary arraignment. In cases alleging delinquency, notice of the filing or forwarding of a complaint shall be

provided not more than 24 hours after the complaint has been filed or forwarded to the juvenile probation office or district attorney.

(2) In personal injury rights crimes, a law enforcement agency, sheriff, deputy sheriff or constable shall notify the victim of an inmate's escape from the custody of the law enforcement agency, sheriff, deputy sheriff or constable.

\* \* \*

Section 213. Responsibilities of prosecutor's office.

(a) Forms.--The prosecutor's office shall provide the victim of a personal injury rights crime with all forms developed pursuant to sections 214 and 215 with the exception of cases brought by the Attorney General, whereupon the victim advocate shall provide all necessary forms.

(b) Pleading.--In a personal injury rights crime or burglary, the prosecutor's office shall provide notice of and offer the opportunity to submit prior comment on the potential reduction or dropping of any charge or changing of a plea, a diversion of any case, including informal adjustment and consent decree, unless such notice is provided by the juvenile probation office.

\* \* \*

(d) Release.--[In a personal injury crime, the prosecutor's office shall provide notice of the opportunity to submit input into State correctional release decisions, to receive notice of any release of an adult from a State or local correctional facility and to receive notice of the commitment to a mental health institution from a State or local correctional institution.] The following shall apply:

(1) In a personal injury rights crime, the prosecutor's office shall provide the victim advocate with victim information on all personal injury cases when the offender is sentenced to an institution operated by the department so the victim advocate may provide notice to the victim of:

(i) the opportunity to submit input into State correctional release decisions;

(ii) any release of an adult offender from a State correctional institution; and

(iii) the commitment of the offender to a mental health institution from a State correctional institution.

(2) In a personal injury rights crime, the prosecutor's office shall provide notice of any release of an adult from a local correctional institution and provide notice of the commitment to a mental health institution from a local correctional institution.

(3) Except as otherwise provided by law, in no case may the victim advocate waive the confidentiality of a victim.

(e) Disposition.--In a personal injury rights crime, if the prosecutor's office has advance notice of dispositional proceeding, the prosecutor shall make reasonable efforts to notify a victim of the time and place of the proceeding.

(f) Notice.--The prosecutor's office shall provide all of the following to the victim:

(1) Upon request of the victim, notice of the disposition and sentence of an adult, including sentence modifications.

(2) Upon request in a personal injury rights crime, reasonable attempts to notify the victim as soon as possible when the adult is released from incarceration at sentencing.

(3) If the prosecutor's office is prosecuting a personal injury rights crime, notice prior to the entry of a consent decree.

(4) Prior notice of delinquency adjudication hearings unless such hearings are scheduled by the juvenile probation office.

(5) Notification of hearings related to the transfer of a juvenile to and from criminal proceedings.

(6) Upon request in a personal injury rights crime, notice of the filing, hearing or disposition of appeals.

(7) Notice of the details of the final disposition of their case consistent with 42 Pa.C.S. § 6336(f) (relating to conduct of hearings) unless provided by the juvenile probation office.

(g) Assistance.--The prosecutor's office shall provide assistance to the victim in all of the following:

(1) Preparation of statements under section 201(5).

(2) Preparation of, submission of and follow-up on financial assistance claims filed with the [bureau] Office of Victims' Services.

(3) Notification to the victim advocate on behalf of the victim for personal injury rights crimes if the offender is sentenced to a State correctional institution.

\* \* \*



Section 214. Responsibilities of department, local correctional facilities and board.

(a) Forms.--The [department and the] board shall develop standardized forms regarding victim notification. The form shall include the address where the form is to be sent. The department shall develop a [standardized] standard form which may be used by local correctional facilities. In the case of counties with victim-witness coordinators, the local correctional facility shall perform its responsibilities under this section in cooperation with the county's victim-witness coordinator.

(b) Notice.--If the [department and board have] office has received notice of a victim's desire to have input under section 201(7), the appropriate agency shall notify the victim sufficiently in advance of a pending release decision to extend an opportunity for prior comment. The local correctional facility's notice to the victim under section 201(9) shall occur immediately.

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(f) Records.--Records maintained by the department, the local correctional facility [and], the board and the office pertaining to victims shall be kept separate. Current address, telephone number and any other personal information of the victim and family members shall be deemed confidential.

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Section 216. Responsibilities of juvenile probation office.

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(b) Additional notice in cases involving a personal injury rights crime or burglary.--In cases involving a personal injury rights crime or burglary, the juvenile probation office shall provide notice and the opportunity to provide prior comment on the potential reduction or dropping of a charge or diversion of any case, including informal adjustment and consent decree, unless such notice and opportunity is provided by the prosecutor's office. Upon request, the victim shall also receive notification of a review of disposition hearing.

\*\*\*

(d) Postdisposition notice.--Upon the request of the victim of a personal injury rights crime, the juvenile probation office shall:

(1) Provide prior notice to the victim when an adjudicated delinquent ordered into residential placement or official detention will be granted temporary leave or home pass or release.

(2) Notify the victim of a proposed release or transfer of an adjudicated delinquent from placement that is contrary to a previous court order or placement plan approved at a disposition review hearing and shall extend the victim the opportunity to provide a written objection prior to the release or transfer of the juvenile from placement.

(3) Notify the victim immediately of a juvenile's escape from official detention or failure to return from temporary leave or home pass and of the juvenile's subsequent apprehension.

(4) Notify the victim of the termination of the juvenile court jurisdiction.

(5) Provide the opportunity to submit written comment and of their right to provide oral testimony at a disposition review hearing.

Section 4. Chapter 2 of the act is amended by adding a subchapter to read:

Amend Bill, page 2, line 18, by striking out all of said line and inserting:

Section 5. Section 301(a) and (c) of the act are amended and the section is amended by adding a subsection to read:

Section 301. Office.

(a) Establishment.--There is established within the [board] department the Office of Victim Advocate to represent the interests of crime victims before the board or department. The office shall operate under the direction of the victim advocate as provided in this section. The office shall function independently of the department regarding all of the office's decision-making functions, including other powers and duties specified in law.

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(c) Service and employees.--The victim advocate shall:

(1) operate from [the central office of the board] office space provided by the department with such clerical, technical and professional staff as may be available within the budget of the [board] department. The compensation of employees of the office shall be set by the Executive Board. Legal counsel for the office shall be

appointed in accordance with the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

(2) The home address of an employee of the office shall not be considered a public record under the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law. Financial records and aggregated data, of and relating to the office, as defined in the Right-to-Know Law, shall remain subject to the Right-to-Know Law, provided that no record or data identifying an individual victim may be released.

(d) Disclosure and confidentiality.--

(1) Each record pertaining to the victim in the possession of or maintained by the office, including information regarding a victim's current contact information and any other information or record relating to the victim, shall be private, confidential and privileged and the property of the office and shall not be subject to access under the Right-to-Know Law. A record of the office may not be subject to subpoena or discovery, introduced into evidence in a judicial or administrative proceeding or released to the inmate, parolee or probationer.

(2) Unless a victim waives the privilege in a signed writing prior to testimony or disclosure, an employee of the office may not be competent nor permitted to testify or to otherwise disclose confidential communications made to or by the employee of the office. The privilege shall terminate upon the death of the victim. Neither the employee of the office nor the victim shall waive the privilege of confidential communications by reporting facts of physical or sexual assault under 23 Pa.C.S. Ch. 63 (relating to child protective services), a Federal or State mandatory reporting statute or a local mandatory reporting ordinance.

Section 6. Section 302(5) of the act is amended and the section is amended by adding paragraphs to read:

Section 302. Powers and duties of victim advocate.

The victim advocate has the following powers and duties:

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(5) [To act as a liaison with the victim notification program director in the department to coordinate victim notification and services for the department and the board. The victim advocate is authorized to] To address the interests of all victims before the board, department or hearing examiner concerning any issues determined appropriate by the victim advocate.

(6) To ensure that eligible victims are informed of the Address Confidentiality Program under 23 Pa.C.S. Ch. 67 (relating to domestic and sexual violence victim address confidentiality).

(7) To advocate for the interests of crime victims generally, including the victims of crimes committed by juveniles.

Section 7. Section 312(3) of the act is amended to read:

Section 312. Powers and duties of Office of Victims' Services.

The Office of Victims' Services, subject to approval of the commission, has the following powers and duties:

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(3) [To adopt, promulgate, amend and rescind suitable rules and regulations to carry out the provisions and purposes of Chapter 7. These regulations shall provide for the approval of attorney fees for representation before the Office of Victims' Services, a hearing examiner or before the Commonwealth Court upon judicial review under section 705. Awards of the attorney fees shall be in addition to awards made to direct victims. Awards of attorney fees shall in no case exceed 15% of the award to the direct victim or victims. It shall be unlawful for an attorney to contract for or receive any sum larger than the amount allowed. Regulations under this paragraph shall include policies, procedures and standards of review regarding claims for compensation; approval or denial of claims, including contributory conduct by direct victims; verification of information and documents; prioritization of review; and all other matters related to the processing.] To adopt, promulgate, amend and rescind suitable regulations to carry out the provisions and purposes of Chapter 7. The regulations shall provide for the following:

(i) The approval of attorney fees for representation before the Office of Victims' Services, a hearing examiner or before Commonwealth Court upon judicial review under section 705. Awards of the attorney fees shall be in addition to awards made to direct victims or claimants. Awards of attorney fees may not exceed 15% of the award to the direct victim or claimants. It

shall be unlawful for an attorney to contract for or receive a sum larger than the amount allowed under this subparagraph.

(ii) Policies, procedures and standards of review regarding claims for compensation.

(iii) Approval or denial of claims, including contributory conduct by direct victims.

(iv) Verification of information and documents.

(v) Prioritization of review.

(vi) All other matters related to the processing of claims.

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Section 8. Section 701(a) of the act is amended by adding paragraphs to read:

Section 701. Persons eligible for compensation.

(a) General rule.--Except as otherwise provided in this act, the following persons shall be eligible for compensation:

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(7) Hospitals or other licensed health care providers under section 707(h).

(8) A person eligible for counseling under this chapter.

\*\*\*

Section 9. The act is amended by adding a section to read:

Section 701.1. Counseling services for victims of sexual abuse.

(a) Eligibility.--The Office of Victims' Services shall provide funding for counseling services related to sexual abuse for an individual who is a direct victim of sexual abuse. Payment shall be made directly to the health care provider that provides the services from funding provided for the implementation of this section.

(b) Nonapplicability.--Eligibility shall not be affected by an adverse determination under section 702(b) or 707(a)(3) or (4). Notwithstanding any other provision of this act, a claimant shall not be required to produce evidence other than a verified or sworn statement to be eligible under subsection (a).

(c) Value of services.--The total value of services under subsection (a) shall not exceed:

(1) Five thousand dollars if the individual was, at the time of the abuse, 18 years of age or older.

(2) Ten thousand dollars if the individual was, at the time of the abuse, under 18 years of age.

Section 10. Sections 702(a) introductory paragraph, (b), (b.1) and (c), 703, 704(b)(1) and (e) and 706(a)(1) and (b) of the act are amended to read:

Section 702. Filing of claims for compensation.

(a) General rule.--Except as otherwise provided in this act, a claim for compensation may be filed by an individual eligible for compensation as provided in section 701 or 701.1, or as follows:

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(b) Time.--

(1) Except as set forth in paragraph (2), a claim must be filed not later than [two] five years after the discovery of the occurrence of the crime upon which the claim is based or not later than [two] five years after the death of the direct victim or intervenor as a result of the crime or the discovery and identification of the body of a murder victim.

(2) Exceptions shall be as follows:

(i.1) Claims for counseling services related to sexual abuse under section 701.1.

(ii) If a direct victim is under 18 years of age at the time of the occurrence of the crime and the alleged offender is the direct victim's parent or a person responsible for the direct victim's welfare, an individual residing in the same home as the direct victim or a paramour of the direct victim's parent, all of the following shall apply:

(A) The limitation period under this subsection is tolled until the direct victim reaches 21 years of age.

(B) The limitation period shall run until the later of:

(I) the end of the limitation period for the offense as set forth in 42 Pa.C.S. Ch. 55 Subch. C (relating to criminal proceedings); or

(II) the end of the limitation period under paragraph (1).

(ii.1) If a direct victim is under 18 years of age at the time of the occurrence of the crime and the direct victim is seeking

reimbursement for counseling services only, all of the following shall apply:

(A) The limitation period under this subsection is tolled until the direct victim reaches 21 years of age.

(B) The limitation period shall run until the later of:

(I) the end of the limitation period for the offense as set forth in 42 Pa.C.S. Ch. 55 Subch. C; or

(II) the end of the limitation period under paragraph (1).

(iii) The Office of Victims' Services may find good cause to accept a claim beyond the limitation period under paragraph (1) if one of the following circumstances existed at the time of the occurrence of the crime or the discovery of the occurrence of the crime:

(A) The direct victim, intervenor or claimant was mentally or physically incapacitated.

(B) The victim was a minor.

(C) There was a fear of retaliation.

(D) The occurrence of the crime was not readily apparent.

(E) Other circumstances when good cause is shown by the claimant.

(b.1) Returned claims.--If a claim has been filed but subsequently returned to the claimant for correction or for additional verification or information, the date the claim was first received by the [bureau] Office of Victims' Services shall be the permanent filing date for purposes of subsection (b). The correction or additional verification or information must be filed within a period of time established by the Office of Victims' Services.

(c) Manner.--Claims must be filed with the [bureau] Office of Victims' Services in person, by mail or by any electronic means authorized by the Office of Victims' Services.

Section 703. Minimum allowable claim.

(a) General rule.--Except as set forth in subsection (b), no award shall be made on a claim unless the claimant has incurred an aggregate minimum out-of-pocket loss, loss of earnings or loss of support of [\$100] \$50.

(b) Exception.--Subsection (a) shall not apply if the direct victim or claimant was 60 years of age or older at the time the crime occurred.

Section 704. Determination of claims.

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(b) Review.--

(1) The Office of Victims' Services shall review the claim and all supporting documents and investigate the validity of the claim. The investigation shall include an examination of police, court and official records and reports concerning the crime and may include an examination of medical and hospital reports relating to the injury upon which the claim is based. The Office of Victims' Services may not request or review counseling notes of mental health service providers. The Office of Victims' Services shall request an assessment from the mental health service provider as to the extent the service provided is needed as a direct result of the crime.

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(e) Records.--The Office of Victims' Services shall maintain complete records and histories on all claims filed, supplemental awards paid to claimants, claims status and third-party entitlements and recoveries in accordance with the commission's established records retention schedule.

Section 706. Emergency awards.

(a) Authorization.--Notwithstanding the provisions of sections 704 and 707, if it appears to the Office of Victims' Services that the claim is one with respect to which an award probably will be made and that undue hardship will result to the claimant if immediate payment is not made, the Office of Victims' Services may make an emergency award to the claimant pending a final decision in the case. The following shall apply:

(1) The total amount of the emergency award shall not exceed [\$1,500 per claim or at] a rate set by the Office of Victims' Services.

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(b) Reconsideration.--The Office of Victims' Services may reconsider an emergency award at any time prior to the final decision in the case and increase previous orders for emergency compensation up to the overall limit of [\$1,500 per claim or at] a rate set by the Office of Victims' Services.

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Section 11. Section 707(a)(3) and (4), (a.1), (b)(1), (2), (4) and (4.1), (f)(1) and (3) and (g) of the act are amended, subsection (f) is amended by adding a paragraph and the section is amended by adding a subsection to read:

Section 707. Awards.

(a) Requirements.--No award shall be made unless it is determined by a preponderance of the evidence that:

\*\*\*

(3) The crime was promptly reported to the proper authorities. [In no case may an award be made if the record shows that the report was made more than 72 hours after the occurrence of the crime unless:

(i) the victim is under 18 years of age at the time of the occurrence of the crime and the alleged offender is the victim's parent or a person responsible for the victim's welfare, an individual residing in the same home as the victim or a paramour of the victim's parent; or

(ii) the Office of Victims' Services finds the delay to have been justified, consistent with bureau regulations.]

(4) The direct victim, intervenor or claimant has fully cooperated with all law enforcement agencies and the Office of Victims' Services, unless the Office of Victims' Services finds the noncompliance to have been justified consistent with the Office of Victims' Services regulations. The Office of Victims' Services shall ensure that the regulations relating to cooperation with all law enforcement agencies of a direct victim, intervenor or claimant comply with all applicable Federal laws and regulations.

(a.1) Protection from abuse.--A claimant who satisfies the eligibility requirements of subsection (a)(1), (2) and (4) may satisfy the eligibility requirement under subsection (a)(3) for reporting a crime to the proper authorities by commencing an action brought in accordance with 23 Pa.C.S. Ch. 61 (relating to protection from abuse) and as provided for in the Pennsylvania Rules of Civil Procedure. In no case may an award be made if the record shows that the petition was:

(1) Withdrawn, unless the Office of [Victim] Victims' Services finds the withdrawal to have been justified, consistent with regulations of the Office of [Victim] Victims' Services.

(2) [Filed more than 72 hours after the occurrence of the criminal conduct leading to the commencement of the action, unless:

(i) the victim is under 18 years of age at the time of the occurrence of the criminal conduct and the alleged offender is the victim's parent or a person responsible for the victim's welfare, an individual residing in the same home as the victim or a paramour of the victim's parent; or

(ii) the Office of Victim Services finds the delay to have been justified, consistent with regulations of the Office of Victims' Services.] (Reserved).

(a.2) Sexual violence and intimidation orders.--A claimant who satisfies the eligibility requirements of subsection (a)(1), (2) and (4) may satisfy the eligibility requirement under subsection (a)(3) for reporting a crime to the proper authorities by commencing an action brought in accordance with 42 Pa.C.S. Ch. 62A (relating to protection of victims of sexual violence or intimidation) and as provided for in the Pennsylvania Rules of Civil Procedure. An award may not be made if the record shows that the petition was withdrawn, except if the Office of Victims' Services finds the withdrawal to have been justified, consistent with regulations of the Office of Victims' Services.

(b) Amount.--

(1) Any award made under this chapter shall be contingent upon funds being available and be in an amount not exceeding out-of-pocket loss, together with loss of past, present or future earnings or support resulting from such injury. In no case shall the total amount of an award exceed \$35,000 except for payment of the following:

(i) counseling, the maximum amount of which shall be in accordance with paragraph (4.1);

(ii) forensic rape examination and medications directly related to the sexual assault or rape, the amount of which shall not exceed \$1,000; or

(iii) reasonable and necessary costs of cleaning the crime scene of a private residence or privately owned motor vehicle, the amount of which shall not exceed \$500.

(2) An award made for loss of earnings or loss of support shall, unless reduced pursuant to other provisions of this chapter, be in an amount equal to the actual loss sustained. The following shall apply:

(i) No such award shall exceed the average weekly wage for all persons covered by the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, in this Commonwealth as determined annually by the Department of Labor and Industry for each week of lost earnings or support.

(ii) Except as set forth in subparagraph (iii), the aggregate award for the loss shall not exceed \$15,000.

(iii) In the case of death of a direct victim or intervenor, the aggregate award shall not exceed \$20,000.

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(4) An award for counseling performed by or under the supervision of a psychiatrist, psychologist, licensed professional counselor or licensed social worker and reimbursement of associated transportation costs, subject to the provisions of paragraph (4.1), may be made to:

(i) a direct victim;

(ii) an individual responsible for the direct victim's welfare;

(iii) an intervenor or individual who is physically present at the crime scene and witnesses a violent crime;

(iv) in the case of a homicide, an individual who discovers the body;

(v) anyone related to the direct victim within the second degree of consanguinity or affinity;

(vi) anyone maintaining a common-law relationship with the direct victim;

(vii) anyone residing in the same household with the direct victim; or

(viii) anyone engaged to be married to the direct victim.

(4.1) In the case of an award made pursuant to paragraph (4), the following shall apply:

(i) The amount of an award under paragraph (4)(i) shall not exceed \$5,000 where the direct victim is an adult and shall not exceed \$10,000 where the direct victim is a minor. A minor who is a direct victim of a sexual offense may request that the minor's primary insurance carrier not be billed for counseling services if the policy is held or administered by either the alleged perpetrator of the crime against the direct victim or an individual responsible for the minor's welfare that is not supportive of counseling services.

(ii) The amount of an award under paragraph (4)(ii), (v), (vi), (vii) or (viii) shall not exceed \$2,500 except in the case of a homicide whereby the amount of this award shall not exceed \$5,000.

(iii) The amount of an award under paragraph (4)(iii) or (iv) shall not exceed \$1,500.

\*\*\*

(f) Direct victim responsibility.--

(1) Except as set forth in paragraphs (2) [and], (3) and (4), in determining the amount of an award, the Office of Victims' Services shall determine whether the direct victim or intervenor, because of conduct, contributed to the infliction of the injury. The Office of Victims' Services [shall] may reduce the amount or deny the claim altogether in accordance with the determination.

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(3) If the crime involved is a homicide, the conduct of the direct victim shall not be considered for claims by eligible claimants for counseling[,] and funeral expenses.

(4) The conduct of the direct victim or intervenor shall not be considered for claims by eligible claimants for counseling.

(g) Intervenor responsibility.--In determining the amount of an award to an intervenor, the Office of Victims' Services [may] shall consider whether the intervenor, because of conduct, contributed to the infliction of the injury. The Office of Victims' Services [shall] may reduce the amount or deny the claim altogether in accordance with the determination.

\*\*\*

Section 12. Sections 709(a), 901, 1101(b), 1102(a), (b), (c), (d) and (e)(1), 1301(b) and 1304(a) and (b) of the act are amended to read:

## Section 709. Confidentiality of records.

(a) General rule.--All reports, records or other information obtained or produced by the [bureau] Office of Victims' Services during the processing or investigation of a claim shall be confidential and privileged, shall not be subject to subpoena or discovery, shall be used for no purpose other than the processing of a claim and, except as otherwise provided by law or as provided in this section, shall not be introduced into evidence in any judicial or administrative proceeding.

\* \* \*

## Section 901. Eligibility of victims.

A victim has the rights and is eligible for the services under sections 201 and 902 only if the victim reported the crime to law enforcement authorities without unreasonable delay after [its] the occurrence of the crime or the discovery of the occurrence of the crime, unless the victim had a reasonable excuse not to do so.

## Section 1101. Costs.

\* \* \*

## (b) Disposition.--

(1) There is established a special nonlapsing fund, known as the Crime Victim's Compensation Fund. This fund shall be used by the Office of Victims' Services for payment to claimants and technical assistance. Thirty-five dollars of the costs imposed under subsection (a)(1) and (2) plus 30% of the costs imposed under subsection (a)(1) which exceed \$60 shall be paid into this fund. All costs imposed under subsection (a)(3) shall be paid into this fund.

(2) There is established a special nonlapsing fund, known as the Victim Witness Services Fund. This fund shall be used by the commission for victim-witness services and technical assistance in nonvictim compensation-related areas in accordance with this section. Twenty-five dollars of the costs imposed under subsection (a)(1) and (2) plus 70% of the costs imposed under subsection (a)(1) and (2) which exceed \$60 shall be paid into this fund.]

(3) The Crime Victim Services and Compensation Fund is established as a special nonlapsing fund. The fund shall be used by the Office of Victims' Services for payment to claimants, victim-witness services and technical assistance.

(4) Costs imposed under subsection (a) shall be paid into the Crime Victim Services and Compensation Fund except that 70% of any costs which exceed \$60 shall be paid into a local victim services fund, established and administered by the county treasurer of each county. The county treasurer shall disperse money from a local victim services fund at the discretion of the county district attorney. The money in the local victim services fund shall be used only for victim services. Each county treasurer shall by August 31 of each year provide the commission with an annual statement which fully reflects all collections deposited into and expenditures from the local victim services fund for the preceding fiscal year. The commission, as advised by the Victim Services Advisory Committee, shall develop guidelines for the administration of the local victim services funds.

\* \* \*

## Section 1102. Costs for offender supervision programs.

(a) County fund.--The county treasurer of each county shall establish and administer a [county offender supervision fund] County Supervision Fee Restricted Receipts Account consisting of the fees collected under this section. The county treasurer shall disperse money from this [fund] account only at the discretion of the president judge of the court of common pleas. The money in this [fund] account shall be used to pay the salaries and employee benefits of all probation and parole personnel employed by the county probation and parole department and the training and operational expenses of that department. Money from this [fund] account shall be used to supplement Federal, State or county appropriations for the county adult probation and parole department. The president judge shall by August 31 provide the [board] commission with an annual statement [which] that fully reflects all collections deposited into and expenditures from the [offender supervision fund] County Supervision Fee Restricted Receipts Account for the preceding fiscal year. The commission may randomly audit and monitor account recipients to ensure the appropriate use of funds and compliance with the provisions of this section. The [board] commission shall promulgate regulations to provide for the permanent administration of this program, as advised by the County Adult Probation and Parole Advisory Committee.

(b) State fund.--There is established a State Offender Supervision Fund to be administered by the [board] department and comprised of the

supervision fees collected [by the board] under [this section] subsection (d). The money in this fund shall be used to supplement the Federal or State funds appropriated for the improvement of [adult probation services] State parole supervision.

(c) Court.--The court shall impose as a condition of supervision a monthly supervision fee of at least \$25 on any offender placed on probation, parole, accelerated rehabilitative disposition, probation without verdict or intermediate punishment unless the court finds that the fee should be reduced, waived or deferred based on the offender's present inability to pay. [Of the fee collected, 50%] All of the fees shall be deposited into the County [Offender Supervision Fund] Supervision Fee Restricted Receipts Account established in each county pursuant to this section[, and the remaining 50% shall be deposited into the State Offender Supervision Fund established pursuant to this section]. In the discretion of the Auditor General, but no less than once every three years, the Auditor General shall conduct an audit of the account.

(d) Board.--The board shall impose as a condition of supervision a monthly supervision fee of at least \$25 on any offender under the [board's] department's supervision unless the board finds that such fee should be reduced, waived or deferred based on the offender's present inability to pay. All fees collected shall be deposited into the State Offender Supervision Fund [established under subsection (b)].

## (e) Continuation.--

(1) For offenders under supervision of a county probation department or the board as of [August 14, 1991] the day prior to the effective date of this section or under the supervision of the department, the fee shall automatically become a part of the supervision conditions as if the court or board had imposed it unless the court or board makes a finding that the offender is presently unable to pay.

\* \* \*

## Section 1301. Subrogation.

\* \* \*

(b) Excess.--If an amount greater than that paid under Chapter 7 is recovered and collected in such an action, the Commonwealth shall pay the balance to the claimant. The Attorney General shall enforce any subrogation. A claimant who fails to notify the Office of Victims' Services of the receipt of funds from any other claim or award arising out of the crime shall forfeit and pay to the Commonwealth an amount equal to all awards paid by the [bureau] Office of Victims' Services to the claimant or on the claimant's behalf.

## Section 1304. Revictimization relief.

(a) Action.--In addition to any other right of action and any other remedy provided by law, a victim of a personal injury rights crime may bring a civil action against an offender in any court of competent jurisdiction to obtain injunctive and other appropriate relief, including reasonable attorney fees and other costs associated with the litigation, for conduct which perpetuates the continuing effect of the crime on the victim.

(b) Redress on behalf of victim.--The district attorney of the county in which a personal injury rights crime took place or the Attorney General, after consulting with the district attorney, may institute a civil action against an offender for injunctive or other appropriate relief for conduct which perpetuates the continuing effect of the crime on the victim.

\* \* \*

Section 13. All money in the Crime Victim's Compensation Fund and the Victim Witness Services Fund shall be transferred to the Crime Victim Services and Compensation Fund.

## Section 14. Repeals are as follows:

(1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate the addition of section 701.1 of the act.

(2) 42 Pa.C.S. § 9730.3 is repealed.

Section 15. The remainder of the sum transferred from the General Fund to the Crime Victim's Compensation Fund under section 8.2 of the act of November 26, 2019 (P.L.641, No.87), is transferred to the Crime Victim Services and Compensation Fund for the purpose of implementing this act.

Section 16. The amendment or addition of sections 103, 201(1.1), (4), (5.2), (7), (8), (8.1), (9), (11) and (13), 211, 212(b), (c), (e) and (f), 213(a), (b), (d), (e), (f) and (g), 214(a), (b) and (f), 216(b) and (d), 301(a) and (c), 302(5), (6) and (7), 312(3), 701(a)(7) and (8), 701.1, 702(a) introductory paragraph, (b), (b.1) and (c), 703, 704(b)(1) and (e), 706(a)(1) and (b), 707(a)(3) and (4), (a.1), (a.2), (b)(1), (2), (4) and (4.1), (f)(1), (3)

and (4) and (g), 709(a), 901, 1101(b), 1102(a), (b), (c), (d) and (e)(1), 1301(b) and 1304(a) and (b) of the act shall apply to claims where the crime occurred after the effective date of this section, except for claims for counseling services relating to sexual abuse under section 701.1 of the act.

Section 17. This act shall take effect as follows:

(1) The following shall take effect immediately:

(i) Section 13 of this act.

(ii) The amendment of section 1101(b) of the act.

(iii) This section.

(2) The amendment or addition of sections 103, 231, 232, 233, 312(3), 701(a)(7) and (8), 701.1, 702(a) introductory paragraph, (b), (b.1) and (c), 703, 704(b)(1) and (e), 706(a)(1) and (b), 707(a)(3) and (4), (a.1), (a.2), (b)(1), (2), (4) and (4.1), (f)(1), (3) and (4) and (g), 709(a), 901, 1102(a), (b), (c), (d) and (e)(1), 1301(b) and 1304(a) and (b) of the act shall take effect in 60 days.

(3) The remainder of this act shall take effect in 270 days.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

## SECOND CONSIDERATION CALENDAR

### PREFERRED APPROPRIATION BILLS ON SECOND CONSIDERATION

**HB 2653 (Pr. No. 3287)** -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

Considered the second time and agreed to,

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

**HB 2654 (Pr. No. 3211)** -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Community and Economic Development to provide for the expenses of administering the Workers' Compensation Act, The Pennsylvania Occupational Disease Act and the Office of Small Business Advocate for the fiscal year July 1, 2022, to June 30, 2023, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2022.

Considered the second time and agreed to,

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

**HB 2655 (Pr. No. 3212)** -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Community and Economic Development.

Considered the second time and agreed to,

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

**HB 2656 (Pr. No. 3213)** -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate in the Office of Attorney General.

Considered the second time and agreed to,

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

**HB 2657 (Pr. No. 3214)** -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Public School Employees' Retirement Fund and from the PSERS Defined Contribution Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 2022, to June 30, 2023, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2022.

Considered the second time and agreed to,

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

**HB 2658 (Pr. No. 3215)** -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the State Employees' Retirement Fund and from the SERS Defined Contribution Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 2022, to June 30, 2023, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2022.

Considered the second time and agreed to,

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

**HB 2659 (Pr. No. 3216)** -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Philadelphia Taxicab and Limousine Regulatory Fund and the Philadelphia Taxicab Medallion Fund to the Philadelphia Parking Authority for the fiscal year July 1, 2022, to June 30, 2023.

Considered the second time and agreed to,

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

**HB 2661 (Pr. No. 3217)** -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission for the fiscal year July 1, 2022, to June 30, 2023.

Considered the second time and agreed to,

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

**HB 2662 (Pr. No. 3218)** -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the restricted revenue accounts within the State Gaming Fund and from the restricted revenue accounts within the Fantasy Contest Fund and Video Gaming Fund to the Attorney General, the Department of Revenue, the Pennsylvania State Police and the Pennsylvania Gaming Control Board for the fiscal year beginning

July 1, 2022, to June 30, 2023, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2022.

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

BILL ON SECOND CONSIDERATION

**HB 118 (Pr. No. 2521)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the final disposition of fetal remains; and imposing penalties.

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

MOTION TO TABLE HB 118

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

Senator CAPPELLETTI. Mr. President, I make a motion to table House Bill No. 118.

The PRESIDENT pro tempore. Senator Cappelletti makes a motion to table House Bill No. 118. This motion is nondebatable.

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

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

YEA-21

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

NAY-28

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

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

BILLS OVER IN ORDER

**SB 152, HB 223 and SB 297** -- Without objection, the bills were passed over in their order at the request of Senator K. WARD.

BILL ON SECOND CONSIDERATION AND REREFERRED

**HB 385 (Pr. No. 3034)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

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

LEGISLATIVE LEAVE

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

Senator K. WARD. Mr. President, I request a temporary Capitol leave for Senator Baker.

The PRESIDENT pro tempore. Senator Kim Ward requests a temporary Capitol leave for Senator Baker. Without objection, the leave will be granted.

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

**HB 397 and SB 485** -- Without objection, the bills were passed over in their order at the request of Senator K. WARD.

BILL ON SECOND CONSIDERATION AND REREFERRED

**SB 511 (Pr. No. 1804)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of September 27, 1961 (P.L.1700, No.699), known as the Pharmacy Act, further providing for authority to administer injectable medications, biologicals and immunizations; and abrogating inconsistent regulations.

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

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

BILL OVER IN ORDER

**SB 527** -- Without objection, the bill was passed over in its order at the request of Senator K. WARD.

BILL ON SECOND CONSIDERATION AND REREFERRED

**SB 548 (Pr. No. 1805)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 40 (Insurance) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for peer-to-peer car sharing; and, in financial responsibility, providing for group insurance for peer-to-peer car sharing programs.

Considered the second time and agreed to,

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

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

#### BILL OVER IN ORDER

**SB 692** -- Without objection, the bill was passed over in its order at the request of Senator K. WARD.

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

**SB 718 (Pr. No. 818)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 13, 1988 (P.L.530, No.94), known as the Environmental Hearing Board Act, further providing for Environmental Hearing Board.

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

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

#### BILLS OVER IN ORDER

**SB 749, HB 803** and **SB 895** -- Without objection, the bills were passed over in their order at the request of Senator K. WARD.

#### BILL ON SECOND CONSIDERATION AND REREFERRED

**HB 940 (Pr. No. 3285)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses), 35 (Health and Safety), 42 (Judiciary and Judiciary Procedure) and 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in burglary and other criminal intrusion, further providing for definitions, for the offense of burglary and for the offense of criminal trespass; in cruelty to animals, further providing for police animals; in emergency medical services system, providing for injured police animals; in immunities generally, further providing for emergency response provider and bystander good Samaritan civil immunity; and, in employees, providing for canine training standards for police officers.

Considered the second time and agreed to,

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

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

#### BILL RECOMMENDED

**SB 965 (Pr. No. 1354)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions; in certificate of title and security interests, further providing for content and effect of certificate of title; in rules of the road in general, further providing for platooning; in miscellaneous provisions, further providing for accidents involving death or personal injury, for accidents involving damage to attended vehicle or property, for duty to give information and render aid, for accidents involving damage to unattended vehicle or property and for immediate notice of accident to police department; in equipment standards, further providing for promulgation of vehicle equipment standards; in inspection of vehicles, further providing for requirement for periodic inspection of vehicles; in size, weight and load, further providing for width of vehicles; and, in highly automated vehicles, further providing for definitions, providing for construction, further providing for Highly Automated Vehicle Advisory Committee and providing for operation of highly automated vehicles without a highly automated vehicle driver, for operation of highly automated vehicles with a highly automated motor vehicle driver, for operation of highly automated motor carrier vehicles, for operation of highly automated transportation network service, for licensing and registration, for insurance, for control and for regulations.

Upon motion of Senator K. WARD, and agreed to by voice vote, the bill was recommitted to the Committee on Transportation.

#### BILLS OVER IN ORDER

**SB 1018** and **HB 1103** -- Without objection, the bills were passed over in their order at the request of Senator K. WARD.

#### BILL ON SECOND CONSIDERATION AND REREFERRED

**SB 1127 (Pr. No. 1684)** -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the second time and agreed to,

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

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

#### BILLS OVER IN ORDER

**SB 1135, SB 1160, SB 1161** and **SB 1180** -- Without objection, the bills were passed over in their order at the request of Senator K. WARD.

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

**SB 1182 (Pr. No. 1568)** -- The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for the selection of the chairman of the Legislative Reapportionment Commission.

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

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

## BILLS OVER IN ORDER

**HB 1186 and SB 1205** -- Without objection, the bills were passed over in their order at the request of Senator K. WARD.

## BILL OVER IN ORDER AND LAID ON THE TABLE

**SB 1209 (Pr. No. 1621)** -- The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, prohibiting the Legislative Reapportionment Commission from adjusting the population data for the Commonwealth as determined by the Federal decennial census for any group quarters population.

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

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

## BILLS OVER IN ORDER

**SB 1226, SB 1227, SB 1228, SB 1229, SB 1251, SB 1265, SB 1281, SB 1282 and SB 1286** -- Without objection, the bills were passed over in their order at the request of Senator K. WARD.

BILLS ON SECOND CONSIDERATION  
AND REREFERRED

**SB 1287 (Pr. No. 1814)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 3, 1933 (P.L.242, No.86), referred to as the Cosmetology Law, providing for floor space.

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

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

**SB 1289 (Pr. No. 1803)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 7, 1982 (P.L.784, No.225), known as the Dog Law, in short title and definitions, further providing for definitions; in licenses, tags and kennels, further providing for issuance of dog licenses, compensation, proof required, deposit of funds, records, license sales, rules and regulations, failure to comply, unlawful acts and penalty, for applications for dog licenses, fees and penalties, for kennels, providing for fee increases, further providing for requirements for kennels, for revocation or refusal of kennel licenses, for dogs temporarily in the Commonwealth and for health certificates for importation; in dangerous dogs, further providing for court proceedings, certificate of registration and disposition, for requirements, for public safety and penalties and for construction of article; in injury to dogs, further providing for selling, bartering or trading dogs; and, in enforcement and penalties, further providing for enforcement and penalties.

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

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

**HB 1342 (Pr. No. 1440)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in inheritance tax, further providing for transfers not subject to tax.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.  
Upon motion of Senator K. WARD, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

## BILL OVER IN ORDER

**HB 1500** -- Without objection, the bill was passed over in its order at the request of Senator K. WARD.

BILLS ON SECOND CONSIDERATION  
AND REREFERRED

**HB 1561 (Pr. No. 2317)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 9, 1976 (P.L.817, No.143), known as the Mental Health Procedures Act, in general provisions, further providing for definitions and for confidentiality of records.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.  
Upon motion of Senator K. WARD, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

**HB 1563 (Pr. No. 2318)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 14, 1972 (P.L.221, No.63), known as the Pennsylvania Drug and Alcohol Abuse Control Act, further providing for definitions and for confidentiality of records.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.  
Upon motion of Senator K. WARD, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

## BILL OVER IN ORDER

**HB 1594** -- Without objection, the bill was passed over in its order at the request of Senator K. WARD.

BILL ON SECOND CONSIDERATION  
AND REREFERRED

**HB 1866 (Pr. No. 3064)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 67 (Public Welfare) of the Pennsylvania Consolidated Statutes, in juvenile matters, further providing for disposition of dependent child; in human services generally, reorganizing provisions relating to adoption



opportunities and to family finding and kinship care; and making editorial changes.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.  
Upon motion of Senator K. WARD, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

#### BILLS OVER IN ORDER

**HB 1947, HB 2075, HB 2116 and HB 2148** -- Without objection, the bills were passed over in their order at the request of Senator K. WARD.

#### BILL ON SECOND CONSIDERATION

**HB 2157 (Pr. No. 3277)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, providing for fireworks; and making a related repeal.

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

#### BILLS OVER IN ORDER

**HB 2214, HB 2265, HB 2271 and HB 2447** -- Without objection, the bills were passed over in their order at the request of Senator K. WARD.

#### BILL ON SECOND CONSIDERATION AND REREFERRED

**HB 2604 (Pr. No. 3255)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, in licensing of health care facilities, further providing for photo identification tag regulations.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.  
Upon motion of Senator K. WARD, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

#### BILLS REPORTED FROM COMMITTEES

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

##### **SB 225 (Pr. No. 1809)** (Rereported)

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, in quality health care accountability and protection, further providing for definitions, for responsibilities of managed care plans, for financial incentives prohibition, for medical gag clause prohibition, for emergency services, for continuity of care, providing for medication assisted treatment, further providing for procedures, for confidentiality, for required disclosure, providing for medical policy and clinical review criteria adopted by insurer, MCO or contractor, further providing for internal complaint process, for appeal of

complaint, for complaint resolution, for certification, for operational standards, providing for step therapy considerations, for prior authorization review and for provider portal, further providing for internal grievances process, for records, for external grievance process, for prompt payment of claims, for health care provider and managed care plan, for departmental powers and duties, for penalties and sanctions, for compliance with National Accrediting Standards; and making editorial changes.

##### **SB 1152 (Pr. No. 1795)** (Rereported)

An Act establishing the Overdose Mapping System; providing for implementation and for use; and conferring powers and imposing duties on the Pennsylvania State Police.

##### **SB 1201 (Pr. No. 1769)** (Rereported)

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, in casualty insurance, providing for coverage for refill of prescription eye drops.

##### **SB 1277 (Pr. No. 1738)** (Rereported)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in terms and courses of study, providing for parental notification relating to instructional materials and books containing sexually explicit content.

##### **SB 1278 (Pr. No. 1739)** (Rereported)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for student well-being.

##### **HB 129 (Pr. No. 2718)** (Rereported)

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 determination of compensation, appeals, reviews and procedure, further providing for rules of procedure and for place of hearing.

##### **HB 146 (Pr. No. 915)** (Rereported)

An Act amending Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, in Pennsylvania Board of Probation and Parole, further providing for parole power.

##### **HB 1598 (Pr. No. 2140)** (Rereported)

An Act amending the act of October 4, 1978 (P.L.851, No.166), known as the Flood Plain Management Act, replacing references to the Department of Community Affairs with the Pennsylvania Emergency Management Agency; in miscellaneous and appropriations, repealing provisions related to appropriations; making a related repeal; and making editorial changes.

##### **HB 1665 (Pr. No. 2733)** (Rereported)

An Act amending the act of July 9, 1970 (P.L.484, No.164), entitled "An act relating to indemnification agreements between architects, engineers or surveyors and owners, contractors, subcontractors or suppliers," further providing for title of act and providing for indemnification agreements relating to snow removal or ice control services.

##### **HB 1780 (Pr. No. 3274)** (Rereported)

An Act amending the act of July 6, 1989 (P.L.169, No.32), known as the Storage Tank and Spill Prevention Act, in general provisions, further providing for definitions and for advisory committee; and, in financial provisions, further providing for Underground Storage Tank

Indemnification Board, for powers and duties of Underground Storage Tank Indemnification Board, for Underground Storage Tank Environmental Cleanup Program and for Underground Storage Tank Pollution Prevention Program.

**HB 2039 (Pr. No. 3323)** (Amended) (Rereported)

An Act amending the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, in crime victims, further providing for rights.

**HB 2097 (Pr. No. 3248)** (Rereported)

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

**HB 2412 (Pr. No. 2973)** (Rereported)

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, in the Governor as Commander-in-Chief, providing for use of Pennsylvania National Guard for special State duty; and making a related repeal.

Senator K. WARD, from the Committee on Rules and Executive Nominations, reported the following bills:

**SB 477 (Pr. No. 1783)** (Rereported) (*Concurrence*)

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in alteration of territory or corporate entity and dissolution, providing for municipal boundary change; in consolidated county assessment, further providing for definitions, for changes in assessed valuation and for abstracts of building and demolition permits to be forwarded to the county assessment office; and making related repeals.

**SB 563 (Pr. No. 1588)** (Rereported) (*Concurrence*)

An Act amending the act of April 27, 1927 (P.L.465, No.299), referred to as the Fire and Panic Act, further providing for standards for Class VI buildings.

**SB 1236 (Pr. No. 1777)** (Rereported) (*Concurrence*)

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, providing for extensive amendments to the very small meat processor Federal inspection reimbursement grant program; in agriculture and youth development, further providing for definitions and for grants; in Commonwealth Specialty Crop Block Grant Program, further providing for Commonwealth Specialty Crop Block Grant Fund; in Urban Agricultural Infrastructure Grant Program, further providing for legislative intent, for definitions, for grant program and for distribution of grant money; and, in Farm-to-School Program, further providing for findings and declarations, for grant program and for applications and review of applications.

**LEGISLATIVE LEAVE**

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

Senator K. WARD. Mr. President, I request a temporary Capitol leave for Senator Tomlinson.

The PRESIDENT pro tempore. Senator Kim Ward requests a temporary Capitol leave for Senator Tomlinson. Without objection, the leave will be granted.

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

BILLS AMENDED

**SB 1152 (Pr. No. 1795)** -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Overdose Mapping System; providing for implementation and for use; and conferring powers and imposing duties on the Pennsylvania State Police.

On the question,

Will the Senate agree to the bill on third consideration?

STEFANO AMENDMENT A5177 AGREED TO

Senator STEFANO offered the following amendment No. A5177:

Amend Bill, page 1, lines 17 and 18; page 2, lines 1 through 4; by striking out all of said lines on said pages and inserting:

"Emergency medical services provider" or "EMS provider." As defined in 35 Pa.C.S. § 8103 (relating to definitions).

Amend Bill, page 2, lines 12 through 21, by striking out all of said lines and inserting:

"Law enforcement officer." A police officer certified under 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training).

"Local leader." Any of the following:

(1) The chief executive officer of a municipality.

(2) The governing body of a municipality.

(3) The chief law enforcement officer of a municipality.

"Municipality." As defined in 1 Pa.C.S. § 1991 (relating to definitions).

Amend Bill, page 2, line 25, by striking out "individual" and inserting:

an EMS provider

Amend Bill, page 4, line 18, by striking out "individuals" and inserting:

EMS providers

Amend Bill, page 4, line 25, by striking out "individual" and inserting:

EMS provider

Amend Bill, page 4, line 26, by striking out "individual" and inserting:

EMS provider

Amend Bill, page 5, line 10, by striking out "individuals" and inserting:

law enforcement officer or EMS provider

Amend Bill, page 6, line 8, by striking out "individual" and inserting:

an EMS provider

Amend Bill, page 6, line 14, by striking out "individuals" and inserting:

EMS providers

On the question,

Will the Senate agree to the amendment?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Fayette, Senator Stefano.

Senator STEFANO. Mr. President, this is a technical amendment clarifying the definition of EMS provider and who is a local leader. I ask for an affirmative vote. Thank you.

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

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

**SB 1277 (Pr. No. 1738)** -- 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 terms and courses of study, providing for parental notification relating to instructional materials and books containing sexually explicit content.

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

**BOSCOLA AMENDMENT A5183 ADOPTED**

Senator BOSCOLA offered the following amendment No. A5183:

Amend Bill, page 3, lines 7 through 9, by striking out "As defined in 18 Pa.C.S. § 5903(e)(3)" in line 7 and all of lines 8 and 9 and inserting: Acts of masturbation, sexual intercourse, sexual bestiality or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if the person is a female, breast.

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

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

**YEA-49**

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

**NAY-0**

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 K. WARD.

**BILL OVER IN ORDER**

**SB 1278** -- Without objection, the bill was passed over in its order at the request of Senator K. WARD.

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**HB 1780 (Pr. No. 3274)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 6, 1989 (P.L.169, No.32), known as the Storage Tank and Spill Prevention Act, in general provisions, further providing for definitions and for advisory committee; and, in financial provisions, further providing for Underground Storage Tank Indemnification Board, for powers and duties of Underground Storage Tank Indemnification Board, for Underground Storage Tank Environmental Cleanup Program and for Underground Storage Tank Pollution Prevention Program.

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

On the question,  
Shall the bill pass finally?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Erie, Senator Laughlin.

Senator LAUGHLIN. Mr. President, in 2019, I introduced this legislation after a devastating fire that occurred in Erie, Pennsylvania, claiming the lives of 5 young children. Senate Bill No. 563 amends the Fire and Panic Act to require family childcare homes within 12 months or the expiration of their current license, whichever is longer, to have interconnected or electronically connected smoke detection--

The PRESIDENT pro tempore. Will the gentleman hold please?

Senator LAUGHLIN. Wrong bill, sorry.

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-49**

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

**NAY-0**

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

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

[The PRESIDENT pro tempore. Senator Laughlin's remarks on House Bill No. 1780 will be stricken from the record.]

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

**SENATE CONCURS IN HOUSE AMENDMENTS**

**SB 563 (Pr. No. 1588)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 27, 1927 (P.L.465, No.299), referred to as the Fire and Panic Act, further providing for standards for Class VI buildings.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 563?

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

Senator K. WARD. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 563.

On the question,

Will the Senate agree to the motion?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Erie, Senator Laughlin.

(Laughter.)

Senator LAUGHLIN. Mr. President, this may sound a little familiar to some of you. So, I will start over here; that is all right. In 2019 I introduced this legislation after a devastating fire that occurred in Erie, claiming the lives of 5 young children. Senate Bill No. 563 amends the Fire and Panic Act to require family childcare homes within 12 months or the expiration of the current license, whichever is longer, to have interconnected or electronically connected smoke detection devices. The devices may be interconnected via hardwire, Bluetooth connectivity, or any other means that allow for communication between the devices, and it provides that a battery-operated interconnected smoke detector be powered by a non-replaceable lithium battery listed by Underwriters Laboratories that is warranted for a period of 10 years and is capable of sounding an alarm audible to all persons in the facility's indoor childcare space with all intervening doors closed. They must also have smoke detectors on each floor, including the basement. Senate Bill No. 563 passed the Senate unanimously in June of 2021 and was sent to the House. The House Committee on Labor and Industry offered an amendment which removed the 10-year non-replaceable battery requirement and simply states that the alarms must be approved at the time of installation by a nationally recognized testing laboratory recognized by OSHA. This bill is long overdue, and I ask my colleagues to support those amendments made by the House to Senate Bill No. 563. Thank you.

And the question recurring,

Will the Senate agree to the motion?

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

**YEA-49**

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

**NAY-0**

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

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

**SENATE CONCURS IN HOUSE AMENDMENTS**

**SB 1236 (Pr. No. 1777)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, providing for extensive amendments to the very small meat processor Federal inspection reimbursement grant program; in agriculture and youth development, further providing for definitions and for grants; in Commonwealth Specialty Crop Block Grant Program, further providing for Commonwealth Specialty Crop Block Grant Fund; in Urban Agricultural Infrastructure Grant Program, further providing for legislative intent, for definitions, for grant program and for distribution of grant money; and, in Farm-to-School Program, further providing for findings and declarations, for grant program and for applications and review of applications.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1236?

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

Senator K. WARD. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1236.

On the question,

Will the Senate agree to the motion?

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

**YEA-49**

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

Brooks	Haywood	Pittman	Ward, Judy
Browne	Hughes	Regan	Ward, Kim
Cappelletti	Hutchinson	Robinson	Williams, Anthony H.
Collett	Kane	Santarsiero	Williams, Lindsey
Comitta	Kearney	Saval	Yaw
Corman	Langerholc	Scavello	Yudichak
Costa			

NAY-0

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

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

**HB 220 TAKEN FROM THE TABLE**

Senator K. WARD. Mr. President, I move that House Bill No. 220, Printer's No. 187, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

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

**UNFINISHED BUSINESS  
BILLS REPORTED FROM COMMITTEES**

Senator TOMLINSON, from the Committee on Consumer Protection and Professional Licensure, reported the following bill:

**HB 2679 (Pr. No. 3252)**

An Act amending the act of September 27, 1961 (P.L.1700, No.699), known as the Pharmacy Act, further providing for authority to administer injectable medications, biologicals and immunizations; and abrogating inconsistent regulations.

Senator BAKER, from the Committee on Judiciary, reported the following bills:

**HB 975 (Pr. No. 3318) (Amended)**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in sexual offenses, further providing for the offense of institutional sexual assault.

**HB 2032 (Pr. No. 3148)**

An Act amending the act of November 29, 2006 (P.L.1471, No.165), known as the Sexual Assault Testing and Evidence Collection Act, further providing for sexual assault evidence collection program.

Senator PITTMAN, from the Committee on Urban Affairs and Housing, reported the following bill:

**HB 1935 (Pr. No. 2210)**

An Act amending the act of June 5, 1991 (P.L.9, No.6), known as the Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class, in general provisions, further providing for purpose and legislative intent, for legislative findings and for definitions; in Pennsylvania Intergovernmental Cooperation Authority, further providing for powers and duties, for term of existence of authority, for financial plan of an assisted city, for powers and duties of authority with respect to financial plans and for limitation on authority and on assisted cities to file

petition for relief under Federal bankruptcy law; in bonds and funds of authority, further providing for bonds, for final date for issuance of bonds and for city payment of authority bonds; in Pennsylvania Intergovernmental Cooperation Authority tax, further providing for duration of tax; in miscellaneous provisions, providing for applicability of other law; and making related repeals.

**BILLS ON FIRST CONSIDERATION**

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

The motion was agreed to by voice vote.

The bills were as follows:

**SB 167, SB 488, SB 1123, SB 1130, SB 1249, SB 1299, HB 975, HB 1486, HB 1935, HB 2032, HB 2115, HB 2219, HB 2485, HB 2526 and HB 2679.**

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

WEDNESDAY, JUNE 29, 2022

10:00 A.M.	JUDICIARY (confirmation hearing to consider the nominations of Theodore Johnson, Linda Rosenberg, and John Daneri to the Pennsylvania Parole Board)	Room 8E-A East Wing (LIVE STREAMED)
Off the Floor	APPROPRIATIONS (to consider Senate Bill No. 1203; and House Bills No. 773, 940, 1561, 1563, 1614, 1615, 1867, 1935, 1952, 2032, 2157, 2401 and 2526)	Senate Chamber (LIVE STREAMED)
Off the Floor	HEALTH AND HUMAN SERVICES (to consider Senate Bill No. 129)	Rules Cmte. Conf. Rm.
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bills No. 849 and 1047; and certain Executive Nominations)	Senate Chamber (LIVE STREAMED)

THURSDAY, JULY 7, 2022

10:00 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY and LABOR AND INDUSTRY (joint public hearing on Importance of Pennsylvania Waterways to Energy and Economic Development)	Point Park University Lawrence Rm. 201 Wood St. Pittsburgh
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**PETITIONS AND REMONSTRANCES**

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

Senator YAW. Mr. President, today I rise in partnership with my colleague, Senator Comitta, to recognize the 40th anniversary of the Wild Resource Conservation Program. With the passage of the Wild Resource Conservation Act on June 23, 1982, the Wild Resource Conservation Program was born. Since then, this one-

of-a-kind program, operated under the Pennsylvania Department of Conservation and Natural Resources, has worked across multiple agencies to manage the needs of rare plants and animals in Pennsylvania. The native species and wild resources of Pennsylvania are vital to our identity, our heritage, and our future as a Commonwealth. As a result of the work and the general support of Pennsylvania residents, the Wild Resource Conservation Program has covered a wide array of project topics, from crayfish biology to lichen diversity, from endangered plants to secretive marsh birds; and it has funded almost 300 projects since 1987. It has provided almost \$9 million in funding for projects.

In addition, the Wild Resource Conservation Program supports research and conservation efforts across the Commonwealth through a grant program that funds almost 10 projects annually, and it remains the only source of State funding for plant conservation in Pennsylvania. Mr. President, I again want to thank Senator Comitta for prime sponsoring this resolution and would ask my colleagues to join me in recognizing the 40th anniversary of the Pennsylvania Wild Resource Conservation Program. Thank you.

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

The PRESIDING OFFICER. The Chair recognizes the gentlewoman from Chester, Senator Comitta.

Senator COMMITTA. Mr. President, I rise today to mark the 40th anniversary of the Pennsylvania Wild Resource Conservation Program. On June 23, 1982, the legislature created this special fund and program to allow the public to contribute directly to the conservation and protection of our native species and wild resources. Since then, this one-of-a-kind program, operated under DCNR, has worked across multiple agencies to manage the needs of rare plants and animals in Pennsylvania. As a result of its work and the generous support of Pennsylvania residents, the Wild Resource Conservation Program has done the following: provided almost \$9 million in funding for nearly 300 projects; reported several notable success stories, including reintroducing the northern river otter and the osprey; located and identified rare species in all 67 counties of the Commonwealth and prevented many others from being eradicated. In addition, the Wild Resource Conservation Program remains the only source of State funding for plant conservation in Pennsylvania. Today, the Wild Resource Conservation Program continues to be a great way for Pennsylvania citizens to get involved in the conservation of their wild resources.

My colleague, Senator Yaw, chair of the Committee on Environmental Resources and Energy, and I have introduced Senate Resolution No. 319 to officially recognize this milestone anniversary. Please consider joining us in cosponsoring this resolution celebrating 40 years of Pennsylvanians' supporting efforts to preserve and enhance the Commonwealth's native species and wild resources. In addition, as we approach the budget deadline, I want to take a moment to underscore that protecting and preserving the environment is a bipartisan issue and an issue that is overwhelmingly supported by the vast majority of our Pennsylvania citizens. Did you know that 90 percent of voters believe that we should be putting funds toward land, water, and wildlife initiatives here in Pennsylvania? I hope we will be considering measures to expand

Growing Greener and enact the Clean Streams Fund: conserving our land, air, water, wildlife, and natural resources; our investments in our environment; and proven economic drivers for our agricultural, recreational, and tourism industries. It is our constitutional duty to maintain the people's right to clean air, pure water, and to the preservation of the natural, scenic, historic, and aesthetic values of the environment, and to conserve and maintain them for the benefit of all people, including generations yet to come. Please join Senator Yaw and me in cosponsoring and supporting Senate Resolution No. 319 to mark the 40th anniversary of the Pennsylvania Wildlife Conservation Program.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Chester, Senator Kane.

Senator KANE. Mr. President, I rise today with my friend and colleague, Senator Kearney, to talk about Senate Resolution No. 317, which recognizes August 31, 2022, as Overdose Awareness Day in Pennsylvania. Overdose Awareness Day is a world campaign to end overdoses, remember those we have lost due to overdoses, and to acknowledge the grief of family and friends who were left behind. We use this day to reach out to those who are struggling with drug addiction or who have been impacted by these truly tragic situations.

Last year, there were over 107,000 deaths from drug overdoses in the U.S., and Pennsylvania is sitting in the top 5 States for the most fatal overdoses. The numbers and anguish show that we need this day to help prevent the avoidable deaths that are happening throughout our Commonwealth. I want to take this time to invite anyone who wishes to reflect on the lives that we have lost due to overdoses, and those who wish to seek information and help, to attend the overdose vigil that is being hosted by myself and Senator Kearney at the Delaware County Courthouse on Wednesday, August 31, at 7 p.m. We will take this day to let our family, friends, and neighbors know that there is help, resources, and a lot of love out there, and we can help see them through this crisis that is plaguing our society. It is okay to ask for help. If you are struggling with addiction, please reach out to the Pennsylvania Get Help Now Hotline at 1-800-662-4357. And if you do not feel comfortable calling that hotline, please call me, xxx-xxx-xxxx. There was a time in my life when I had to reach out for help. It was more than worth it, and it ended up saving my life.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Delaware, Senator Kearney.

Senator KEARNEY. Mr. President, I rise today along with my friend and colleague, Senator Kane, to speak on Senate Resolution No. 317, that will mark August 31, 2022, as Overdose Awareness Day in Pennsylvania. It is far past time for our Commonwealth to shed light on an epidemic that continues to plague residents across the Commonwealth, which is what Senate Resolution No. 317 seeks to do in recognition of overdose awareness. Overdose awareness is about finding the understanding, compassion, and love for those who continue to struggle with drug addiction. It is about understanding the impact that overdoses have on families--mothers, fathers, brothers, sisters, and grandparents alike. Often, overdoses can bring a sense of shame to individuals and families, and this shame can cause us to push the issue aside. We cannot let that continue to happen. Drug addiction and

substance abuse do not impact one individual or one community, they impact us all.

On average, Pennsylvania will see nearly 15 overdoses a day in this year alone. That is why it is so important to bring awareness, to listen to individual stories, and to remind each other that we are not alone. Awareness brings about better understanding and leads to innovation and hope. One of the overdose prevention innovations I am hopeful about is House Bill No. 1393, which will legalize fentanyl test strips. House Republicans called this up last week, and it passed the House unanimously. I am hopeful that Senate Leadership will show support for families affected by overdoses by putting it up for a final vote before we break for summer recess. This legislature should continue to promote and move all options on the table to reduce overdoses and help people seek and get supportive, effective treatment. We are making progress, but until we lift up individual stories and cast aside the shame that comes to individuals struggling with substance abuse, we will continue to alienate and push away the issue. Bringing awareness is about bringing our sense of compassion, our understanding and love, to those who continue to struggle; to acknowledge the struggle; and continue the fight.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentlewoman from Philadelphia, Senator Tartaglione.

Senator TARTAGLIONE. Mr. President, I rise because today marks 5,833 days since the Pennsylvania legislature last passed an increase in our Commonwealth's minimum wage. Mr. President, as we continue to have serious conversations on how to best position our Commonwealth going forward regarding the Pennsylvania budget, I can tell you a surefire way to boost the economy and drive Pennsylvania forward. By putting Pennsylvania on a path to \$15 an hour, we would provide a raise for the 1.2 million Pennsylvanians who are earning under \$15 an hour. Raising those wages would put \$6 billion--that is billion with a "B"--back into the Pennsylvania economy. At a time when we are seeing runaway inflation and families making tough decisions like buying food or paying rent, we have the chance with my legislation, Senate Bill No. 12, to provide a much-needed raise to the 1.2 million Pennsylvanians who need it most. Just a few days shy of 16 years ago, we passed our last minimum wage increase. It is far past time to do it again. Let us pass Senate Bill No. 12 and lift up the workers and families who need it the most.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentlewoman from Montgomery, Senator Collett.

Senator COLLETT. Mr. President, today I rise to have a conversation with my fellow Pennsylvanians about guns and gun violence in light of last week's shocking Supreme Court decision that shot down a century-old New York law regulating and limiting the concealed carry firearm process utilized there and in five other States. With all of last week's outrageousness--from revelations that a Pennsylvania congressman colluded with a former President in an attempt to overturn a legitimate election, to the war on women's rights--it was easy to miss the U.S. Supreme Court decision of *New York Rifle and Pistol Association Inc. v. Bruen*. With several strokes of a pen, the court's Trump-appointed majority--cemented by appointees handpicked by a President who received less than a majority of the popular vote, and who have been confirmed by a Republican Senate that has not

represented a majority of the American people since 1996--has sent us a loud message about its intentions and its willingness to ignore facts and turn a blind eye to legal precedent to serve its political agenda.

I want to be crystal clear here, because this hypocrisy will be examined, researched, and probed for years to come. The court undermined States' rights on Thursday in *Bruen*, then hid behind them just one day later in the *Dobbs* decision, overturning *Roe*. The New York law struck down by *Bruen* provided that an applicant for a concealed carry permit must, quote, show a special need for self-protection distinguishable from that of the general community, end quote. New York passed this law in response to growing concerns from its citizens about the rise in gun crimes across their State; again, over 100 years ago. It is worth noting that States with this law have the lowest rate of gun violence in the entire country. Despite being limited in its jurisdiction to reviewing the specific law being challenged, the *Bruen* majority broadly attacks every regulation of, and limitation on, gun ownership and possession holding that, quote, when the Second Amendment's plain text covers an individual's conduct, the Constitution presumptively protects that conduct, end quote. *Bruen* blatantly disregards the 2008 precedent of *Heller*, in which conservative justice Antonin Scalia reminded the American people that, quote, the right secured by the Second Amendment is not unlimited. It is not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose, end quote. *Bruen* opens the door for challenges to nearly every existing gun regulation at the State and Federal level, including age restrictions, background check provisions, and assault weapons bans. Surely a high-powered automatic machine gun capable of firing more than 16 bullets a second--that is 1000 bullets in a single minute--is not what the founders imagined when the Bill of Rights was ratified in 1791.

But, make no mistake, neither this decision nor the resistance of the Majority of this body will stop me and my Democratic colleagues from fighting for gun safety and what the majority of Pennsylvanians want. We know that more than 94 percent of you want to block domestic abusers from access to guns. We know that 91 percent of you want to see background checks on every single gun sale. We know that 69 percent of you want us to close loopholes which allow criminals to get their hands on guns. We know all of this, and the fact of the matter is, so do they. I am just not sure they care. Pennsylvania's Republican-led General Assembly has consistently ignored every piece of common-sense gun legislation my colleagues and I have introduced. It has consistently introduced legislation like Senate Bill No. 565 to remove what few regulations we have, like our own concealed carry permit process. And it has consistently pivoted away from facts and figures to sweeping generalizations and insinuations about mental health and building security. Sadly, Pennsylvania's Republican-led General Assembly has not put its money where its mouth is. It has not taken steps to improve our mental health system. It has not moved legislation that would require more school counselors and psychologists like Senate Bill No. 791, or ban so-called conversion therapy, and it has not increased the mental health-based funding line item in over a decade. With this year's unprecedented surplus, I certainly hope they do so now.

The fact is that gun violence, including gun suicide, is a public health issue. Over half of American gun deaths in 2020 were the

result of suicide, and of those deaths, the victims were overwhelmingly male. The fact is that regulations focused on disrupting access to firearms in times of crisis reduce firearm suicides, yet despite these facts, the Majority has failed to move popular red flag legislation. As a trauma nurse, I have seen and treated victims of gun violence and, in particular, survivors of firearm suicide attempts. What I learned from these patients confirmed what we all already know: that most suicide attempts are impulsive acts, and that most decisions to attempt suicide are made within an hour of the attempt. Do not ignore the facts, Pennsylvania. The Republican Majority has not compromised. It has not addressed any of the underlying causes of gun violence. It has become more and more obstructionist and extreme, and its initiatives only seem to benefit the corporate interests that fund their campaigns. It is no coincidence that the *Bruen* plaintiff was the New York arm of the NRA.

As grim as the situation is, the fact is you have the power to turn things around. You have the power to elect people who will prioritize legislation that you want to see adopted, like the more than 80 bills my Democratic colleagues and I have introduced to improve our gun safety laws. Your vote is your power to tell your legislators whether you approve or disapprove of the job they are doing for you. Why do you think the Majority is so committed to making it harder for you to vote? They know you do not agree with them on this and on so many other issues. Gun violence is not okay, and it does not need to continue unchecked. Even though the issue of gun ownership is complex and deeply rooted in our culture, reducing and eliminating gun violence is not an insurmountable task. Just like your First Amendment right to free speech ends the minute you yell "fire" in a crowded theater and your Fifth Amendment right against self-incrimination ends when you leave the courtroom, your Second Amendment right is not unlimited. We must act. We must take a public health approach to ensuring our families and communities are safe. We must place a renewed emphasis on improving gun injury and violence research. We must listen to those in the trenches: law enforcement, educators, health professionals, community leaders, survivors, and other stakeholders. And we must, must work in a collaborative and bipartisan way. And if we do not, you have every right to vote us out, because the time for thoughts and prayers is over. The time for change and action is now. Thank you, Pennsylvania.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Monroe, Senator Scavello.

Senator SCAVELLO. Mr. President, I am going to be brief. You know, I agree with what I have heard from the other side of the aisle in regard to the drug problems that we have in our State and the overdose numbers. Even in my county, the numbers have grown tremendously in the last few years. So, I look and say, what is the problem? It is the fentanyl. And where is the fentanyl coming from? From China into Mexico. To all of you who spoke on the issue, unless we protect that border, you are going to stand up here next week, or the week after, and feel for the folks who have lost their lives. We need to protect the border. That is where that poison is coming from.

Thank you very much, Mr. President.

## HOUSE MESSAGES

### HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate **SB 155** and **SB 573** with the information the House has passed the same without amendments.

### BILLS SIGNED

The PRESIDING OFFICER. The Chair wishes to announce the following bills were signed by the President pro tempore (Senator Jacob D. Corman III) in the presence of the Senate:

**SB 155, SB 563, SB 573, SB 861, SB 1186, SB 1236 and HB 723.**

### RECESS

The PRESIDING OFFICER. The Chair recognizes the gentleman from Venango, Senator Hutchinson.

Senator HUTCHINSON. Mr. President, I move that the Senate do now recess until Wednesday, June 29, 2022, at 11 a.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 4:53 p.m., Eastern Daylight Saving Time.