

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

WEDNESDAY, MARCH 1, 2023

SESSION OF 2023 207TH OF THE GENERAL ASSEMBLY

No. 11

SENATE

WEDNESDAY, March 1, 2023

The Senate met at 11:30 a.m., Eastern Standard Time.

The PRESIDENT (Lieutenant Governor Austin A. Davis) in the Chair.

PRAYER

The Chaplain, Rabbi YOSSI KAPLAN, of Chabad Lubavitch of Chester County, Devon, offered the following prayer:

Thank you, Senator Comitta, for this honor.

Almighty God, Master of the universe, the Members of this esteemed body, the Pennsylvania State Senate, convene here today to fulfill one of the seven commandments which You issued to Noah and his family after the great flood: the commandment that all societies be governed by just laws. As stated in the Book of Genesis and its sacred commentaries, You issued at that time the following seven laws: to worship You and You alone; not to blaspheme Your holy name; not to commit murder; not to commit adultery; not to lie, steal, or cheat; not to be cruel to any living creature; and that a society be governed by just laws based on the recognition and acknowledgment of You, O God, as a sovereign ruler of all humankind and all nations. Grant, almighty God, that the Members of this Senate constantly realize that by enacting just laws and regulations, they are doing Your will. Almighty God, I beseech You today to bless the Senate, the Commonwealth of Pennsylvania, and the entire nation. Let the Members of this Senate be cognizant that their gathering here today fulfills a sacred purpose. Let us pray in the words of King David, Psalm 90, 17: "And may the pleasantness of the Lord our God be upon us, and the work of our hands." Amen.

The PRESIDENT. The Chair thanks Rabbi Kaplan, who is the guest today of Senator Comitta.

PLEDGE OF ALLEGIANCE

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

COMMUNICATIONS FROM THE GOVERNOR

**CORRECTIONS TO NOMINATIONS
REFERRED TO COMMITTEE**

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the

Commonwealth, which were read as follows and referred to the Committee on Rules and Executive Nominations:

**MEMBER OF THE APPALACHIAN STATES
LOW-LEVEL RADIOACTIVE WASTE COMMISSION**

March 1, 2023

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

Please note that the letter dated January 26, 2023, for the nomination of Richard Negrin, 990 North Lake Shore Drive, Chicago, Illinois, 60611, for appointment as a member of the Appalachian States Low-Level Radioactive Waste Commission, to serve at the pleasure of the Governor, vice E. Christopher Abruzzo, Hershey, resigned, should be corrected to read:

Richard Negrin, 423 Walnut Street, Apartment C2, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Appalachian States Low-Level Radioactive Waste Commission, to serve at the pleasure of the Governor, vice E. Christopher Abruzzo, Hershey, resigned.

SECRETARY OF BANKING AND SECURITIES

March 1, 2023

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

Please note that the letter dated January 17, 2023, for the nomination of Sarah Hammer, 310 Brentford Road, Haverford 19041, Montgomery County, Seventeenth Senatorial District, for appointment as Secretary of Banking and Securities, to serve until January 19, 2027, and until the successor is appointed and qualified, vice Richard Vague, Philadelphia, resigned, should be corrected to read:

Sarah Hammer Williams, 310 Brentford Road, Haverford 19041, Montgomery County, Seventeenth Senatorial District, for appointment as Secretary of Banking and Securities, to serve until January 19, 2027, and until the successor is appointed and qualified, vice Richard Vague, Philadelphia, resigned.

SECRETARY OF ENVIRONMENTAL PROTECTION

March 1, 2023

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

Please note that the letter dated January 17, 2023, for the nomination of Richard Negrin, 990 North Lake Shore Drive, Chicago, Illinois, 60611, for appointment as Secretary of Environmental Protection, to serve until January 19, 2027, and until the successor is appointed and qualified, vice Patrick McDonnell, Harrisburg, resigned, should be corrected to read:

Richard Negrin, 423 Walnut Street, Apartment C2, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, for appointment as Secretary of Environmental Protection, to serve until January 19,

2027, and until the successor is appointed and qualified, vice Patrick McDonnell, Harrisburg, resigned.

BILLS REPORTED FROM COMMITTEES

Senator MASTRIANO, from the Committee on Veterans Affairs and Emergency Preparedness, reported the following bills:

SB 162 (Pr. No. 43)

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, in military educational programs relating to medical officer or health officer incentive program, further providing for definitions, for establishment of program, for program stipend, for additional incentives, for recoupment of incentive payments and for adjustment of stipend amounts; and making editorial changes.

SB 446 (Pr. No. 369)

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, in Pennsylvania National Guard, providing for vaccine exemption.

SB 447 (Pr. No. 370)

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, in Department of Military Affairs, establishing the PA VETConnect Program.

Senator ARGALL, from the Committee on Education, reported the following bills:

SB 232 (Pr. No. 146)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in school health services, further providing for health services.

SB 297 (Pr. No. 247)

An Act authorizing the provision or sale of Pennsylvania milk in Pennsylvania schools.

RESOLUTION REPORTED FROM COMMITTEE

Senator ARGALL, from the Committee on Education, reported the following resolution:

SR 48 (Pr. No. 368)

A Resolution urging the United States Department of Agriculture to include 2% and whole milk in the Nutrition Standards for the National School Lunch and Breakfast Programs and as a Smart Snacks option and urging the United States Department of Health and Human Services to recommend to the Dietary Guidelines Advisory Committee to modify the milk standard to include 2% and whole milk.

The resolution will be placed on the Calendar.

LEGISLATIVE LEAVES

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

Senator PITTMAN. Mr. President, I request a temporary Capitol leave for Senator Bartolotta, and a legislative leave for Senator DiSanto.

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

Senator COSTA. Mr. President, I request legislative leaves for Senator Cappelletti and Senator Anthony Williams.

The PRESIDENT. Senator Pittman requests a temporary Capitol leave for Senator Bartolotta, and a legislative leave for Senator DiSanto.

Senator Costa requests legislative leaves for Senator Cappelletti and Senator Anthony Williams.

Without objection, the leaves will be granted.

LEAVE OF ABSENCE

Senator PITTMAN asked and obtained a leave of absence for Senator J. WARD, for today's Session, for personal reasons.

JOURNAL APPROVED

The PRESIDENT. The Journal of the Session of January 6, 2023, is now in print.

The Clerk proceeded to read the Journal of the Session of January 6, 2023.

Senator PITTMAN. 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 PITTMAN and were as follows, viz:

YEA-49

Argall	Culver	Kearney	Rothman
Aument	Dillon	Langerholc	Santarsiero
Baker	DiSanto	Laughlin	Saval
Bartolotta	Dush	Martin	Schwank
Boscola	Farry	Mastriano	Stefano
Brewster	Flynn	Miller	Street
Brooks	Fontana	Muth	Tartaglione
Brown	Gebhard	Pennycuick	Vogel
Cappelletti	Haywood	Phillips-Hill	Ward, Kim
Coleman	Hughes	Pittman	Williams, Anthony H.
Collett	Hutchinson	Regan	Williams, Lindsey
Comitta	Kane	Robinson	Yaw
Costa			

NAY-0

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

The PRESIDENT. The Journal is approved.

CALENDAR

SECOND CONSIDERATION CALENDAR

SB 8 CALLED UP OUT OF ORDER

SB 8 (Pr. No. 290) -- Without objection, the bill was called up out of order, from page 1 of the Second Consideration Calendar, by Senator PITTMAN, as a Special Order of Business.

BILL ON SECOND CONSIDERATION
AND REREFERRED

SB 8 (Pr. No. 290) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, in casualty insurance, further providing for coverage for mammographic examinations and diagnostic breast imaging and providing for coverage for BRCA-related genetic counseling and genetic testing.

Considered the second time and agreed to,

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

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

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

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

Senator COMITTA. Mr. President, I rise today to welcome Rabbi Yossi Kaplan of Chabad Lubavitch, Chester County, and his guest, Mr. Mark Spool. Rabbi Kaplan offered today's Senate prayer. He is a leader in both Chester County's Jewish community and its interfaith community where members of all faiths work together to promote peace, tolerance, understanding, and religious freedom. As you may know, over the weekend, reports circulated that several hate groups were attempting to plan a day of anti-Semitism and hate, but that did not happen. It did not happen because people across the nation stood up to the threats, and when we stand against hate, we stand up for peace, for freedom, and for opportunity for all. And whenever there have been threats or instances of hate-based intimidation or violence against any of our communities in Chester County, Rabbi Kaplan and the Jewish community have stood together with us. He and his wife, Tickey, came to Chester County and Pennsylvania about 20 years ago to start a Chabad Center for Jewish life. They have raised their family here, and we appreciate all their contributions to the community. Rabbi Kaplan, thank you for your work and for delivering a beautiful prayer at the start of Senate Session today. Please join me in welcoming Rabbi Yossi Kaplan to the Pennsylvania Senate.

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

[Applause.]

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

Senator COMITTA. Mr. President, I rise today to welcome two student choirs from my Chester County district. The Downingtown Middle School Choir, directed by Hannah Knauss, and the Downingtown West High School Choir, directed by Matt McCloskey. Senator Muth and I are honored to represent the students of the Downingtown Area School District, and they are joining us today as part of Pennsylvania Music Education Advocacy Day and Music in the Schools Month. The Pennsylvania Music Educators Association is a statewide nonprofit organization dedicated to promoting the musical development of all Pennsylvanians. Dating back to 1933, the organization began as a small group of band directors. Today, it is made up of 3,600

members engaged in music instruction at all levels, from pre-school through college and university, as well as those in the music products industry.

I invited the choirs to join us in celebrating and promoting the important contributions of music education for all students and communities. They may be visiting your office to discuss the benefits of music and arts education as a vital part of the learning experience. And you will have an opportunity to see them perform shortly in the main Rotunda. Lastly, I am a proud Downingtown High School alum and a product of music education in our public schools. As someone who benefited from playing the soubaphone in the high school band, appearing in the annual musical, playing the violin in the school orchestra, and singing in the school choir, I know just how hard our students and teachers work and how much joy is brought to all. And I also know just how important these music programs are.

Thank you to all of our music educators from across the Commonwealth. Please join me in welcoming the Downingtown Middle School Choir, directed by Hannah Knauss, and the Downingtown West High School Choir, directed by Matt McCloskey. Welcome to the Pennsylvania Senate.

The PRESIDENT. Would the guests of Senator Comitta please rise and be welcomed by the Senate.

[Applause.]

**GUESTS OF SENATOR SCOTT F. MARTIN
PRESENTED TO THE SENATE**

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

Senator MARTIN. Mr. President, I rise today to recognize and congratulate a great group of guests who we have in the gallery today, representatives of the Lancaster Barnstormers baseball team. This past fall, the Barnstormers swept through the High Point Rockers of North Carolina to win the Atlantic League Professional Baseball Championship, ultimately winning their team's third title in their 18-year history. The championship win capped off an incredible 3-month run by the team that started their first half of the season in fourth place. But battling back, the team ultimately went 44-21 in the second half, making them the North Division second-half winners, and ultimately, with their win over the Southern Maryland Blue Crabs, the North Division winners overall.

Mr. President, I want to thank the Barnstormers for their positive presence they have had in the Lancaster community. Their final run and ultimate championship not only set a positive example for so many young athletes in the area, but it united a community. With thousands of fans pouring into the stadium to cheer on their hometown team, I know this championship will be remembered for years to come. I ask that my colleagues join me in welcoming the representatives of the Lancaster Barnstormers and some of their family members who have joined them today.

Thank you, Mr. President.

The PRESIDENT. Would the guests of Senator Martin please rise and be welcomed by the Senate.

[Applause.]

GUESTS OF SENATOR KRISTIN PHILLIPS-HILL PRESENTED TO THE SENATE

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

Senator PHILLIPS-HILL. Mr. President, I rise to introduce an extraordinary woman who is seated here on the floor today: the 2022 National Elite Ms. Agriculture USA, Tabitha Rogers, of York County, Pennsylvania. Established in 2018, Miss Agriculture USA is a national nonprofit organization that builds confidence, promotes self-esteem, develops public speaking skills, shapes strong leaders, provides networking opportunities, and most importantly, celebrates agriculture. Representing York County, Tabitha truly knows the importance of farming in Pennsylvania. Her roots in agriculture stretch back to generations before her. Tabitha's family has operated a small commercial sheep farm for 102 years. Her children, who are here with us today, will be the fifth generation to live on the family farm. That is incredible.

During her reign as National Elite Ms. Agriculture USA, Tabitha has attended numerous events, such as the National Future Farmers of America Convention in Indianapolis, and the Pennsylvania Farm Bureau's annual meeting in Hershey. As National Elite Ms. Agriculture USA, Tabitha has been a wonderful role model to all people across Pennsylvania with the work that she has been able to accomplish. Tabitha will continue to advocate and promote the importance of agriculture in the Commonwealth and across the United States of America long after her reign ends. Seated with Tabitha today is her family: her husband, Bobby; their son, Connor; and their daughters, Macie and BrookeAnna. Would my colleagues please join me in welcoming our distinguished guest, the 2022 National Elite Ms. Agriculture USA, Tabitha Rogers, and her family to the Senate.

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

[Applause.]

GUESTS OF SENATOR GENE YAW PRESENTED TO THE SENATE

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

Senator YAW. Mr. President, it is my honor to introduce to you today two special guests in the Senate gallery. Matt Wise serves as my district director. Prior to joining my staff, Matt worked as a field rep for former Majority Leader and President pro tempore Jake Corman for more than 10 years. Previously, Matt served as an assistant director of student activities and assistant manager for student employment at Lock Haven University. A constituent of Senator Dush, Matt lives in Mill Hall with his wife, Chrissy.

Also in the gallery is my intern, Olivia Wilson. Originally from Huntingdon, she is the daughter of Mark Wilson and Wendy Dick of Huntingdon County and is a constituent of Senator Judy Ward. Olivia is currently completing an internship in my Williamsport district office and is a student at Lycoming College, where she is a senior political science major. Very active on campus, she serves as campus student Senate community chair, the vice president of Phi Kappa Phi Honor Society, and is a member of the college choir. Prior to coming to my office, Olivia completed the Pennsylvania House Legislative Fellowship last

summer, interning for the House Committee on State Government. After graduation, she hopes to work in the Capitol as a policy and research analyst. I would ask that we give Matt and Olivia the Senate's usually warm welcome.

The PRESIDENT. Would the guests of Senator Yaw please rise and be welcomed by the Senate.

[Applause.]

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Bartolotta has returned, and her temporary Capitol leave is cancelled.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. The meeting of the Committee on Transportation, which will occur off the floor during Session, has been moved from Room 461 in the Main Capitol to the Rules room at the rear of the Chamber.

RECESS

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

Senator PITTMAN. Mr. President, I request a recess of the Senate for purposes of meetings of the Committee on Appropriations, to be followed by the Committee on Rules and Executive Nominations, to be followed by the Committee on Transportation. All of the meetings will be held immediately in the rear of the Chamber in the Rules room.

The PRESIDENT. For purposes of a series of off-the-floor committee meetings to be held in the Rules room immediately, beginning with the Committee on Appropriations, followed by the Committee on Rules and Executive Nominations, followed by the Committee on Transportation, without objection, the Senate stands in recess.

AFTER RECESS

The PRESIDING OFFICER (Senator Ryan P. Aument) in the Chair.

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

LEGISLATIVE LEAVE

The PRESIDING OFFICER. The Chair recognizes the gentleman from Indiana, Senator Pittman.

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

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

Senator COSTA. Mr. President, no leaves.

The PRESIDING OFFICER. Senator Pittman requests a temporary Capitol leave for Senator Baker. Without objection, the leave will be granted.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 254 (Pr. No. 217) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for suspension of the Pennsylvania Heavy-Duty Diesel Emissions Control Program and for expiration of suspension.

Considered the third time and agreed to,

On the question, Shall the bill pass finally?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lycoming, Senator Yaw.

Senator YAW. Mr. President, Senate Bill No. 254 creates a freestanding act which will be known as the Heavy-Duty Diesel Emissions Control Program Suspension Procedures Act. The Pennsylvania Department of Environmental Protection adopted rules concerning diesel engine emissions from California, and they were issued by the California Air Resources Board. Those rules, even though they were adopted, were suspended in 2021 and not further enforced here in Pennsylvania. They are subject to be reviewed in 2023--in July of 2023--and we also understand that EPA is rewriting these rules to be in effect in 2027. So, the purpose of this act is to prevent the stop-start which diesel engine manufacturers have been exposed to as a result of this. And what will happen is the suspension will be permanent through the year of 2026, and for model year 2027, the rules will be reinstated or the new EPA rules will be implemented to cover diesel engine emissions in Pennsylvania. I ask for an affirmative vote.

And the question recurring, Shall the bill pass finally?

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

YEA-29

Table with 4 columns of names: Argall, Aument, Baker, Bartolotta, Boscola, Brooks, Brown, Coleman, Culver, DiSanto, Dush, Farry, Flynn, Gebhard, Hutchinson, Langerholc, Laughlin, Martin, Mastriano, Pennycuick, Phillips-Hill, Pittman, Regan, Robinson, Rothman, Stefano, Vogel, Ward, Kim, Yaw.

NAY-20

Table with 4 columns of names: Brewster, Cappelletti, Collett, Comitta, Costa, Dillon, Fontana, Haywood, Hughes, Kane, Kearney, Miller, Muth, Santarsiero, Saval, Schwank, Street, Tartaglione, Williams, Anthony H., Williams, Lindsey.

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

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

SECOND CONSIDERATION CALENDAR RESUMED

BILL LAID ON THE TABLE

SB 155 (Pr. No. 23) -- The Senate proceeded to consideration of the bill, entitled:

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

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

UNFINISHED BUSINESS BILLS REPORTED FROM COMMITTEES

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

SB 8 (Pr. No. 290) (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, further providing for coverage for mammographic examinations and diagnostic breast imaging and providing for coverage for BRCA-related genetic counseling and genetic testing.

SB 144 (Pr. No. 119) (Rereported)

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in Commonwealth services, providing for fire-fighting foam management.

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

SB 154 (Pr. No. 126)

An Act designating a bridge, identified as Bridge Key 8654, carrying State Route 3035 over the Little Conemaugh River in East Taylor Township, Cambria County, as the East Taylor Township Veterans Memorial Bridge; designating a bridge, identified as Bridge Key 43558, carrying U.S. Route 22 over a tributary of Hinckston Run in Jackson Township, Cambria County, as the Officer Matthew Krupa Memorial Bridge; and designating a bridge, identified as Bridge Key 55994, carrying State Route 4002 over California Run in Cambria Township, Cambria County, as the Senior Chief Stanley "Stush" Kubat, Jr., Memorial Bridge.

SB 191 (Pr. No. 89)

An Act amending the act of June 1, 1945 (P.L.1242, No.428), known as the State Highway Law, in rural State highway system and State highways in cities, boroughs and towns, further providing for improvement, reconstruction and maintenance.

SB 298 (Pr. No. 382) (Amended)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in equipment standards, further providing for unlawful activities; in other required equipment, further providing for restraint systems; and abrogating regulations.

SB 443 (Pr. No. 377)

An Act designating a bridge, identified as Bridge Key 46706, carrying State Route 4001, also known as Iverson Road, over Stevens Run in Blacklick Township, Cambria County, as the PVT Donald D. Marsh Memorial Bridge.

SB 453 (Pr. No. 378)

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in sentencing, further providing for sentence of total confinement; in licensing of drivers, further providing for driving while operating privilege is suspended or revoked and for ignition interlock limited license; and, in driving after imbibing alcohol or utilizing drugs, further providing for ignition interlock.

SB 459 (Pr. No. 383) (Amended)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in rules of the road in general, further providing for speed timing devices.

BILLS ON FIRST CONSIDERATION

Senator FARRY. 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 154, SB 162, SB 191, SB 232, SB 297, SB 298, SB 443, SB 446, SB 447, SB 453 and SB 459.

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

MONDAY, MARCH 6, 2023

- 11:30 A.M. LAW AND JUSTICE (nomination hearing on Major Christopher Paris as Commissioner of the Pennsylvania State Police; and to consider Senate Bills No. 203 and 429) Room 8E-B East Wing (LIVE STREAMED)
- 11:45 A.M. COMMUNICATIONS AND TECHNOLOGY (to consider Senate Bill No. 379) Room 8E-A East Wing (LIVE STREAMED)
- 12:00 P.M. JUDICIARY (nomination hearing of Michelle Henry as Pennsylvania Attorney General; and to consider Senate Bills No. 169, 170, 267 and 371) Room 8E-B East Wing (LIVE STREAMED)
- 12:00 P.M. LOCAL GOVERNMENT (to consider Senate Bill No. 143) Room 8E-A East Wing (LIVE STREAMED)

TUESDAY, MARCH 7, 2023

Off the Floor AGING AND YOUTH (to consider Senate Bills No. 137, 167 and 168) Rules Committee Conference Room

WEDNESDAY, MARCH 8, 2023

10:00 A.M. INTERGOVERNMENTAL OPERATIONS (to consider Senate Bills No. 188 and 190) Room 461 Main Capitol

10:00 A.M. LABOR AND INDUSTRY (to consider Senate Bills No. 226, 239 and 359) Room 8E-A East Wing (LIVE STREAMED)

THURSDAY, MARCH 9, 2023

1:00 P.M. TRANSPORTATION (public hearing to collect testimony on "Charging Electric Vehicles") Univ. of Pitt. Alumni Hall Room 121 4227 Fifth Avenue Pittsburgh

MONDAY, MARCH 13, 2023

1:00 P.M. COMMUNICATIONS AND TECHNOLOGY (public hearing on cyber security for cloud-based government applications) Room 8E-B East Wing

WEDNESDAY, MARCH 15, 2023

1:30 P.M. EDUCATION (public hearing on K-12 school budgeting and fund balances) Hearing Room 1 North Office

PETITIONS AND REMONSTRANCES

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

Senator L. WILLIAMS. Mr. President, I rise today, ahead of next week's budget address and one day before the 160th anniversary of the original Federal False Claims Act, to urge my colleagues here in the Senate to take up the Pennsylvania version of the False Claims Act as a part of this year's budget negotiations. My colleague, Senator Phillips-Hill, and I are introducing the Commonwealth Fraud Prevention Act again this Session because we know that this bipartisan bill is an incredibly important piece of legislation that will ensure accountability and protect taxpayer money. One of the key components of the Commonwealth Fraud Prevention Act is the protections and incentives that it gives to whistleblowers to come forward and report waste, fraud, and abuse of taxpayer dollars. Whistleblowers are key to identifying these kinds of losses, and they have always been.

The False Claims Act was enacted 160 years ago when soldiers in the Civil War were receiving rotten food, sickly mules, and defective weapons. When Congress investigated this rampant fraud, they discovered that whistleblowers who tried to come forward were threatened into silence. Fast forward to 2022, when the Association of Certified Fraud Examiners performed their bi-annual global fraud study, they found that about 42 percent of fraud is detected by tip, and over half of those tips come from employees. The association produces this report every 2 years, and their results are extremely consistent from report to report. Nearly half of all fraud is discovered by tip, by a whistleblower coming forward and making a report. But our modern-day whistleblowers have the same problem as their Civil War counterparts: being threatened into silence.

Coming forward and reporting waste, fraud, and abuse--especially when it is your workplace--is scary, even if someone is not explicitly threatening you. The fear of retaliation for reporting is real. I am a whistleblower myself, and I have worked closely with a number of Federal whistleblowers who have suffered tremendous personal and professional harm as a result of speaking truth to power. And in Pennsylvania, we do not have strong anti-retaliation provisions in our laws to protect these brave individuals. Instead, they stand to lose their jobs, their pensions, and their healthcare, all because they came forward to protect our tax dollars. Most people simply cannot afford to take that risk, but Pennsylvania cannot afford for those people to stay silent. Under the Commonwealth Fraud Prevention Act, whistleblowers would have strong anti-retaliation protections and incentives to report. In addition to providing us the critical information needed to investigate and pursue taxpayer dollars being lost to fraud, waste, and abuse, this legislation is fully compliant with the Federal False Claims Act. This allows Pennsylvania to recoup an additional 10 percent of any monies recovered under the law.

I would like to give you an example of how the Commonwealth Fraud Prevention Act could have been used recently if it had been enacted. In September 2021, the U.S. Department of Justice filed a lawsuit under the Federal False Claims Act against a UPMC surgeon based on a tip received from a former UPMC surgeon. This lawsuit alleged that the surgeon regularly performed as many as three complex surgical procedures at the same time, failed to participate in any of the, quote, key and critical portions of his surgeries, and forced his patients to endure hours of medically unnecessary anesthesia time as he moved between operating rooms and attended to other patients or matters. Just this week, the party settled the case with the surgeon, UPMC, and University of Pittsburgh Physicians, agreeing to pay \$8.5 million to the United States to resolve the claims against them: \$8.5 million. This is the perfect example of why Pennsylvania needs the Commonwealth Fraud Prevention Act. It took one brave individual to report these practices for the sake of patient safety. That report kickstarted a 2-year investigation that led to charges and an eventual recovery of \$8.5 million in taxpayer dollars.

Unfortunately, because Pennsylvania does not have a False Claims Act, we are not able to claim our full share in the recovery like this. Millions of taxpayer dollars that other States collect--like our neighbor, New York--are slipping through our fingers, all because Pennsylvania's legislature has not acted. I urge my colleagues to join me in supporting and passing the Commonwealth Fraud Prevention Act, a truly powerful tool for government accountability and transparency, that Pennsylvania needs before we pass another budget. Let us make sure that if tax dollars are not being spent as intended, we can discover it, we can recover those funds, and we can ensure it does not happen again.

Thank you, Mr. President.

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

Senator FARRY. Mr. President, I rise here today to recognize a young man, Rocco Salvatore Scarcelli, who was tragically killed in an automobile accident in my Senatorial District on February 7, 2023. He was 19 years old, and he was killed while driving to work. Rocco's life was memorialized by a condolence resolution that was presented to his family during his services. Our thoughts and prayers remain with his family and the tragic

death of this young man, and I am going to submit the remainder of these remarks for the record.

Thank you, Mr. President.

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

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

Mr. President, I rise here today to recognize a young man, Rocco Salvatore Scarcelli, who was killed in an automobile accident within the 6th Senatorial District on February 7, 2023, while driving to work. Rocco's life was memorialized by a condolence resolution by this Chamber. Our thoughts and prayers are with his family, and I submit these remarks for the record.

The Senate of Pennsylvania mourns the loss of Rocco Salvatore Scarcelli, who passed away at the age of 19, and is the son of Paul and Constance. Mr. Scarcelli was employed as an apprentice electrician with Trail Electric. An avid reader, he enjoyed playing video games and studying Greek mythology, as well as spending time with his pets, friends, family members, and girlfriend, Abby. An outstanding citizen who exemplified the finest virtues of American life, Mr. Scarcelli won the respect of his many family members, friends, neighbors, and acquaintances who came to know and admire him.

That the Senate of the Commonwealth of Pennsylvania note with great sadness the passing of Rocco, whose life greatly benefited all those who lived, served, and worked with him; and extend heartfelt condolences to his parents, Paul and Constance; brother, Paul; sisters, Antonia and Gianna; paternal grandmother, Rose Scarcelli; maternal grandparents, Michael and Loretta Horin; and many other family members, friends, and colleagues.

Thank you, Mr. President, for allowing me to speak and honor the legacy of Rocco Scarcelli.

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

Senator COSTA. Mr. President, I have remarks I would like to submit on behalf of Senator Tartaglione related to the minimum wage increase.

Thank you, Mr. President.

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

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

Mr. President, I rise because today marks 6,079 days since this Commonwealth's legislature last passed an increase in our Commonwealth's minimum wage. As we wrap up another Session week, I am optimistic about our chances of reversing more than a decade of inaction. Yesterday, we saw a historic step in our partner legislative Chamber across the hall. Joanna McClinton became the first woman to serve as the Speaker of the House, and I am optimistic her leadership in the House will usher in a new wave of support for legislation that has been blocked by the Majority party of this Chamber for far too long.

I know when I return to my district tonight and travel the neighborhoods I represent, one of the most common questions I inevitably will be asked is: why have we not we raised our minimum wage yet? And: how can they expect us to survive on just \$7.25 when the cost of living has skyrocketed since it was last increased? And it is heartbreaking, Mr. President, because I do not have good answers for them. The only answer I can seem to come up with is that this Chamber has lost its humanity. That there are Members who see minimum-wage and low-wage earners as just a number or statistic and not as a human. But I know they are people. People who are working 50, 60, 70 hours a week and still barely putting food on the table and a roof over their heads.

Mr. President, it should not be that way. No one who works a full-time job should be subject to poverty. We must do better. And we have the opportunity with a Democratic Governor and a Democratically controlled House to finally pass meaningful minimum wage reform. In the coming days, my legislation to put Pennsylvanians on the path to \$15 an hour will be reintroduced, and I am praying my colleagues, both here and on the other side of this building, will act to finally raise our minimum wage so that Pennsylvania's lowest earners will no longer be subjected to our current starvation-level wage.

Thank you, Mr. President.

BILL INTRODUCED AND REFERRED

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

March 1, 2023

Senators REGAN, TARTAGLIONE, BROOKS, PENNYCUICK, LANGERHOLC, BARTOLOTTA, STEFANO, ROBINSON, HUTCHINSON, BAKER, COSTA, MUTH and AUMENT presented to the Chair **SB 429**, entitled:

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

Which was committed to the Committee on LAW AND JUSTICE, March 1, 2023.

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 Monday, March 6, 2023, at 1 p.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 12:54 p.m., Eastern Standard Time.