

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

TUESDAY, SEPTEMBER 19, 2023

SESSION OF 2023 207TH OF THE GENERAL ASSEMBLY

No. 39

SENATE

TUESDAY, September 19, 2023

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

The PRESIDENT pro tempore (Senator Kim L. Ward) in the Chair.

PRAYER

The Chaplain, Reverend GLENN MILLER, of Saint James Episcopal Church, Lancaster, offered the following prayer:

Good afternoon. On behalf of President Thomas Burns of York College of Pennsylvania and the Board of Trustees and of the congregation of Saint James Episcopal in Lancaster, I bring you greetings and my gratitude today for your kind invitation to serve. My thanks particularly to my friend Senator Kristin Phillips-Hill for this invitation, as well as to my local Senator in Lancaster, Senator Martin. I was privileged to do this once before, about 25 years ago, when then-Senator Mike O'Pake, of blessed memory, extended the invitation to me. So, I would just like to make it clear I am a bipartisan Chaplain [laughter]. To my Jewish brothers and sisters who have just concluded Rosh Hashanah, and who will soon begin Yom Kippur, shalom to you. To my Muslim brothers and sisters, who will soon observe the Prophet Mohammad's birthday, assalamu alaikum. To those of you who are from my own Christian tradition, and to all of you gathered here from all backgrounds and faiths who have been called to the high honor of public service in this Chamber, the Lord be with you.

Let us pray.

God of the nations, as You gave wisdom to Moses to appoint elders among the Israelites, so You blessed our founders with the wisdom to create our order of government that has served us and Your people well. You have empowered our governors and our State legislatures to make laws and decrees for the common good. Pour out Your strength and wisdom as this Session of our Commonwealth Senate deliberations begins. Guide their decisions regardless of party or politics, that their work might reflect Your will for all the peoples of this State, that justice and mercy might roll down like streams of living water. Among the many voices which cry out to them each day, may they hear Your voice above all others, that they might deal with each other in a spirit of mutual respect and civility, and that they might govern Your people with grace, wisdom, charity, and fairness. Finally, we pray for all in this Chamber who may be suffering in any way--in body, mind, or spirit; those dealing with illness; those dealing with grief--that Your love and comfort might abide with them. To You, O Lord, the one God of many names, we pray. Amen.

The PRESIDENT pro tempore. The Chair thanks Reverend Miller, who is the guest today of Senator Phillips-Hill.

PLEDGE OF ALLEGIANCE

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

COMMUNICATIONS FROM THE GOVERNOR

**RECALL COMMUNICATIONS
REFERRED TO COMMITTEE**

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

MEMBER OF THE STATE EMPLOYEES' RETIREMENT BOARD

September 19, 2023

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 25, 2023, of Bob Mensch, 3494 Finland Road, Pennsburg 18073, Montgomery County, Twenty-fourth Senatorial District, for appointment as a member of the State Employees' Retirement Board, to serve for a term of four years, and until the successor is appointed and qualified, vice Glenn E. Becker, Exton, whose term expired.

JOSH SHAPIRO
Governor

MEMBER OF THE STATE EMPLOYEES' RETIREMENT BOARD

September 19, 2023

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 25, 2023, of Wendell Young IV, 2810 Oak Ridge Circle, Eagleville 19403, Montgomery County, Forty forth [sic] Senatorial District, for appointment as a member of the State Employees' Retirement Board, to serve for a term of four years, and until the successor is appointed and qualified, vice David R. Fillman, Hummelstown, whose term expired.

JOSH SHAPIRO
Governor

NOMINATIONS REFERRED TO COMMITTEE

The PRESIDENT pro tempore 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 INDUSTRIAL BOARD

September 19, 2023

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Elise Claire Schell, 1500 North Sixth Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Industrial Board, to serve until January 19, 2027, and until the successor is appointed and qualified, vice James Holzman, Harrisburg, resigned.

JOSH SHAPIRO
Governor

MEMBER OF THE STATE EMPLOYEES' RETIREMENT BOARD

September 19, 2023

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Donald Enders, Jr., 7074 Beaver Creek Road, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Employees' Retirement Board, to serve for a term of four years, and until the successor is appointed and qualified, vice Glenn E. Becker, Exton, whose term expired.

JOSH SHAPIRO
Governor

MEMBER OF THE STATE EMPLOYEES' RETIREMENT BOARD

September 19, 2023

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, J. David Henderson, 125 Dutch Creek Drive, Zelenople 16063, Butler County, Forty-seventh Senatorial District, for appointment as a member of the State Employees' Retirement Board, to serve for a term of four years, and until the successor is appointed and qualified, vice David R. Fillman, Hummelstown, whose term expired.

JOSH SHAPIRO
Governor

BILLS REPORTED FROM COMMITTEES

Senator JUDY WARD, from the Committee on Aging and Youth, reported the following bill:

HB 1058 (Pr. No. 1471)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in juvenile matters, further providing for definitions and for notice and hearing.

Senator PENNYCUICK, from the Committee on Communications and Technology, reported the following bills:

SB 22 (Pr. No. 1099) (Amended)

An Act amending Title 50 (Mental Health) of the Pennsylvania Consolidated Statutes, providing for protection of minors on social media; and imposing penalties.

SB 745 (Pr. No. 889)

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, in contracts for public works, providing for contracts for information technology commodities and services.

SB 824 (Pr. No. 1100) (Amended)

An Act amending the act of December 22, 2005 (P.L.474, No.94), known as the Breach of Personal Information Notification Act, further providing for definitions, for notification of the breach of the security of the system and for notification of consumer reporting agencies; and providing for credit reporting and monitoring.

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

SB 340 (Pr. No. 1101) (Amended)

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 online curriculum availability.

Senator BAKER, from the Committee on Judiciary, reported the following bill:

HB 689 (Pr. No. 1988) (Amended)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in criminal history record information, further providing for definitions, for general regulations, for expungement, for petition for limited access, for clean slate limited access, for exceptions, for effects of expunged records and records subject to limited access and for employer immunity from liability.

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

SB 210 (Pr. No. 84)

An Act amending the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law, in preliminary provisions, further providing for definitions; in procedure, further providing for written requests; and, in judicial review, further providing for fee limitations.

SB 399 (Pr. No. 1103) (Amended)

An Act providing for notice and disclosure of proposed collective bargaining agreements and related documents and for open records.

SB 723 (Pr. No. 810)

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, in ethics standards and financial disclosure, further providing for restricted activities.

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

SB 473 (Pr. No. 509)

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, in turnpike, providing for State intercept for unpaid tolls.

SB 597 (Pr. No. 592)

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, in sustainable mobility options, further providing for definitions, for fund, for application and approval process, for Federal funding, for coordination and consolidation, for operating program, for asset improvement program, for new initiatives program, for programs of Statewide significance and for program oversight and administration, providing for small purchase procedures and repealing provisions relating to evaluation of private investment opportunities.

SB 799 (Pr. No. 1102) (Amended)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in supplemental funding for municipal highway maintenance, further providing for supplemental funding for municipal highway maintenance.

SB 897 (Pr. No. 1095)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in licensing of drivers, further providing for schedule of convictions and points; in rules of the road in general, further providing for meeting or overtaking school bus; and imposing penalties.

SB 934 (Pr. No. 1079)

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, in repeals, further providing for general repeal.

LEGISLATIVE LEAVES

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

Senator PITTMAN. Madam President, I request a temporary Capitol leave for Senator Brooks, and a legislative leave for Senator Yaw.

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

Senator COSTA. Madam President, I request a temporary Capitol leave for Senator Kane, and a legislative leave for Senator Schwank.

The PRESIDENT pro tempore. Senator Pittman requests a temporary Capitol leave for Senator Brooks, and a legislative leave for Senator Yaw.

Senator Costa requests a temporary Capitol leave for Senator Kane, and a legislative leave for Senator Schwank.

Without objection, the leaves will be granted.

LEAVES OF ABSENCE

Senator COSTA asked and obtained leaves of absence for Senator BOSCOLA, Senator HUGHES, and Senator MUTH, for today's Session, for personal reasons.

JOURNAL APPROVED

The PRESIDENT pro tempore. The Journal of the Session of June 6, 2023, is now in print.

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

Senator AUMENT. Madam 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 AUMENT and were as follows, viz:

YEA-47

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

NAY-0

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

The PRESIDENT pro tempore. The Journal is approved.

CALENDAR

THIRD CONSIDERATION CALENDAR

SB 224 CALLED UP OUT OF ORDER

SB 224 (Pr. No. 1097) -- Without objection, the bill was called up out of order, from page 1 of the Third Consideration Calendar, by Senator PITTMAN, as a Special Order of Business.

BILL REREFERRED

SB 224 (Pr. No. 1097) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in dates of elections and primaries and special elections, further providing for general primary and candidates to be nominated and party officers to be elected; and, in nomination of candidates, further providing for manner of signing nomination petitions and time of circulating and for place and time of filing nomination petitions and filing fees.

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

**GUESTS OF SENATOR MARTY FLYNN
AND SENATOR JOHN M. DiSANTO
PRESENTED TO THE SENATE**

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

Senator DiSANTO. Madam President, I yield my time to Senator Flynn to precede my comments. Thank you.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Lackawanna, Senator Flynn.

Senator FLYNN. Madam President, today we come together to honor the exceptional career of Greg Sirb, who, after an illustrious 33-year journey, is set to retire as the executive director of the Pennsylvania State Athletic Commission, SAC. He is retiring on September 29. Greg's impact in the world of PA sports, particularly in boxing, is immeasurable. As the SAC's executive director since January 29 of 1990, he holds the distinction of being the nation's longest-serving State Athletic Commissioner, executive director.

A proud native of Sharon, Pennsylvania, Greg's journey began at Edinboro University, where he excelled as a two-time All-American wrestler and later earned a master's degree in public administration from Penn State University. His contribution to the sports world is monumental. Greg played a crucial role in amending the SAC's laws in 1992 and oversaw and sanctioned a multitude of events and served as the president of the Association of Boxing Commissions. His legislative efforts alongside Senator John McCain reshaped the landscape of professional boxing in the United States. Greg's dedication brought high-profile matches to Pennsylvania and impacted over 2,000 boxing and 1,100 MMA events, extending to his influence to 21 jurisdictions. His expertise transcended borders as he conducted seminars across the country.

In 2019, Greg received the James A. Farley Award for Honesty and Integrity in boxing from the Boxing Writers Association of America. And I can firsthand say that Greg Sirb is a man of the highest integrity, and the most dedication you could actually see in this sport--which is very challenging at times as I partook as both a professional boxer at one point in my career and as an amateur MMA fighter--Greg was a very, very disciplined and well-prepared director. And that might have led some of us to have certain feelings about Greg at the time, but in reality, he was just doing his job and was very, very good at it. So tonight, as we celebrate a legend whose legacy will endure long after his retirement, please join me in raising a warm Senate welcome to Greg Sirb as he embarks on his new chapter of life. Congratulations, Greg.

[Applause.]

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

Senator DiSANTO. Madam President, I rise today to recognize my constituent Mr. Greg Sirb, the executive director of the Pennsylvania State Athletic Commission, upon his retirement. Greg began his career with the commission on January 29, 1990. He is retiring after 34 years of service to the Commonwealth and the combat sports industry nationally. When Greg started with the commission, it was not very well run and in debt. At that time, Senator Bell was the chair of the Committee on Consumer Protection and Professional Licensure, and Greg convinced him to

loan the commission \$350,000 to get organized properly. That money was repaid to the State within 3 years at a ceremony on this very floor. Since then, the commission has returned millions of dollars to the Commonwealth. The latest example will be in April of 2024, when the WWE will present WrestleMania XL at Lincoln Financial Field--with already 91,000 tickets sold--generating more than \$1 million in ticket tax going to the Commonwealth. This may be the largest revenue-producing sporting event in the history of Pennsylvania. This event being held here in Pennsylvania is largely due to Greg Sirb's efforts. All this has been done since the beginning, as Greg has operated the commission with a full-time staff of two, including himself, and 47 part-time employees mostly employed on event days as inspectors, officials, and doctors.

I cannot speak enough to Greg's integrity and ethics that are displayed on a daily basis. In the years that I have known him, in the hundreds of fights that I have attended, I can say, unequivocally, that Greg has never sacrificed the integrity of the Commonwealth of Pennsylvania or himself, and his ethical backbone has never even been bent. Greg has regulated more than 2,000 boxing events and 1,100 MMA events. He was elected to the Pennsylvania Golden Gloves Hall of Fame in 2001.

Greg was also instrumental in creating the Professional Boxing [Safety] Act of 1996 with leadership from Senator John McCain and Congressman Bill Richards. This act was amended in 2001 by the Ali Act. These efforts have resulted in the Unified Rules of Boxing that are recognized by all 50 State commissions and all Tribal commissions, and this Act is still in effect today. The Act has made combat sports safer, empowered participants with stronger tools to negotiate with promoters, and has resulted in more accessible financial disclosures protecting participants' earnings. Greg was also instrumental, along with the national Association of Boxing Commissioners, to create a fund to support indigent former combat sports athletes. Unfortunately, this fund is not fully funded and is operated in a charitable manner funded by individual contributions resulting in payouts to a few fighters a year.

As a testament to Greg's recognized professionalism in the industry, in 2002 the State of Tennessee and the city of Nashville sanctioned a heavyweight title fight between Mike Tyson and Lennox Lewis. The Tennessee Commission was unable to coordinate the event properly, and Lennox Lewis was threatening to leave the bout. For those of you who may remember that fight, at the press conference a brawl broke out when Mike Tyson attacked Lennox Lewis and ended up biting his leg, and the WBC president, José Sulaimán, was knocked out. This press conference ended up being *The Ring* magazine Event of the Year for 2002. It was then that Greg was contacted by the promoters and sanctioning bodies of the event, and with the permission of the governors of Tennessee, Pennsylvania, and the mayor of Nashville, Greg flew in on a Thursday night, assumed control of the event, held the weigh-ins on Friday, supervised the fight on Saturday, and flew home on Sunday. This was one of the highest pay-per-view events ever recorded, and it never would have happened if not for Greg Sirb. But it is not an isolated instance. He has traveled around the country managing combat sport events for numerous outgunned commissions. Greg has been requested and subpoenaed to testify as an expert witness many times throughout the country based on his reputation, integrity, and knowledge of

combat sports. In addition to his professional work, the State Athletic Commission interacts with the PIAA and the NCAA as required and is currently involved in name, image, and likeness regulation development for high school athletes determining how best to protect everyone's interest.

Greg is joined here on the floor with his wife, Malorie; his son, Raleigh; and his daughter, Madison. We are also joined by Dauphin County Sheriff Nick Chimienti, a friend of Greg and a longtime boxing announcer who is now starting a career as a boxing official. We also have Bernard Bruni, who is a lifetime boxing official and coordinates the Pennsylvania Golden Glove action here, along with many guests in the gallery who are up here to come to wish Greg well. Now that he is retired, I am sure we are going to see Greg pop up someplace on a national platform. Madam President, please help me in welcoming Greg and his family, recognizing his retirement, and our usual Senate warm welcome.

The PRESIDENT pro tempore. Would the guests of Senator DiSanto and Senator Flynn please rise so the Senate can give you a warm Senate welcome.

[Applause.]

GUEST OF SENATOR KRISTIN PHILLIPS-HILL PRESENTED TO THE SENATE

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

Senator PHILLIPS-HILL. Madam President, I rise to introduce our guest Chaplain, Reverend Glenn Miller, priest associate from the Saint James Episcopal Church located in Lancaster. Now, as noted in his opening remarks before his prayer, this is not the first time that Reverend Miller has graced our Chamber. Over 25 years ago, Reverend Miller was invited to give the opening prayer by the late Senator Mike O'Pake. Ordained in 1986, Reverend Miller became licensed in the Episcopal Diocese of Central Pennsylvania in 2018, and he has served many roles, most notably as musician and priest in Pennsylvania, as well as Wisconsin and Virginia.

Reverend Miller retired from the ministry in 2019, and he currently serves as senior director of philanthropy at York College of Pennsylvania, where he works closely with community leaders and donors on advancing the goals of the college. Reverend Miller continues to provide support for his church and the greater York County community through the various boards and organizations that he lends his time, talent, and resources to. It has been my great pleasure to serve with him on the board of directors of the York County History Center and attend Rotary with him as well. Reverend Miller currently resides in York with his wife, Carol, where he works daily on strengthening the community. Would my colleagues please join me in welcoming Reverend Miller to the Senate of Pennsylvania.

The PRESIDENT pro tempore. Will the guest of Senator Phillips-Hill please rise and be welcomed by the Senate.

[Applause.]

GUEST OF SENATOR RYAN P. AUMENT PRESENTED TO THE SENATE

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Lancaster, Senator Aument.

Senator AUMENT. Madam President, it is my pleasure to introduce my guest, Mr. Eyad Gomaa. Eyad is a junior at Manheim Township High School in Lancaster County. He is on the first honor roll with a remarkable 4.2 GPA. For years, he has participated with Model United Nations, Mini-THON, and Key Club. He has been elected by his fellow students to represent the class of 2025 for 3 consecutive years as their class secretary. Eyad serves as a USSF certified soccer referee, officiating soccer games throughout Lancaster County. He also spent his time volunteering with Cyber Seniors to help them effectively use their technology devices. As you can tell, Eyad is busy, and I appreciate him taking the time to visit our State Capitol today and experience how State government works. Please join me in welcoming my guest, Eyad Gomaa, to the Pennsylvania Senate.

The PRESIDENT pro tempore. Will the guest of Senator Aument please rise and be welcomed by the Senate.

[Applause.]

SPECIAL ORDER OF BUSINESS MEETING PURSUANT TO SENATE RULE 9

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

Senator PITTMAN. Madam President, as a special order of business and pursuant to Senate Rule 9, the Committee on Appropriations will meet off the floor immediately in the Rules room during the introduction of guests.

The PRESIDENT pro tempore. Pursuant to Senate Rule 9, as a special order of business, the Committee on Appropriations will meet off the floor in the Rules room immediately while the Senate continues with the introduction of guests. The Senate will be at ease momentarily while the Members of the Committee on Appropriations report to the Rules room.

[The Senate was at ease.]

GUESTS OF SENATOR CAROLYN T. COMITTA PRESENTED TO THE SENATE

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

Senator COMITTA. Madam President, I rise today to welcome members of the Racial and Cultural Equity (RACE) Group of Pennsylvania. RACE is an organization from the 19th Senatorial District in Chester County and is the group behind the 20 Men Project, portraits of Black and brown men that are currently on display in the East Wing Rotunda. Joining us today from the RACE Group are the following: co-founders Christine Martey-Ochola and Susan Miner; the project lead and photographer for the 20 Men Project, Sandrien Mesman deBruijn; co-chair Janine Galen; and member Sandy Malamed; and also with us today is president of operations at Shift Capital and one of the men photographed, Ashton Simmons.

In the aftermath of the horrific murder of George Floyd, a small group of mothers who were concerned about racial equity in our community came together to form RACE. The group works to foster open dialogue and engagement among community members, law enforcement, elected officials, school leaders, teachers, healthcare workers, religious leaders, housing officials, and others. Their goal is to build trust, empathy, and awareness of the negative impacts of systemic racism and to work toward an inclusive, resilient community for all people. One of the

initiatives is the 20 Men Project, a collection of photographs and stories of Black men expressing their vibrant diversity through their careers, their talents, communities, and life experiences. The project aims to overcome negative stereotypes and depictions, re-introducing Black men and boys to the American public as regular folks, neighbors, friends, students, work colleagues, business owners, family men, and productive community members. By promoting and sharing positive images of Black men, the project aims to counter bias and recognize the important contributions they offer as part of our communities and our lives. The portraits are currently on display in the East Wing Rotunda through September. I encourage you to stop by and take some time to view them. We will be holding a reception this evening that all our legislative colleagues are welcome to attend. We like to say that a picture is worth 1,000 words, and these pictures, these portraits, are worth so much more because they are challenging stereotypes, changing perceptions, and bringing us together as a community. To the RACE Group and all those who were photographed for the 20 Men Project, thank you. Thank you for your dedication to bringing racial equity to our community and for sharing your stories and portraits. Please join me in welcoming the RACE Group to the Pennsylvania Senate.

The PRESIDING OFFICER (Senator David G. Argall) in the Chair.

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

[Applause.]

**GUESTS OF SENATOR
AMANDA M. CAPPELLETTI
PRESENTED TO THE SENATE**

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

Senator CAPPELLETTI. Mr. President, today I rise to welcome an accomplished and inspiring 17th Senatorial District constituent, Miss Pennsylvania's Teen 2023, Lizzie Shacklett. Lizzie, who is 15, is from Radnor, Pennsylvania. In addition to being crowned Miss Pennsylvania's Teen at the historic Appell Center for the Performing Arts in York, Pennsylvania, this past June, Lizzie is on the honor council at her school, is a competitive international Irish step dancer, a children's book author--which is a wonderful book encouraging reading that I have read to my little girl--and a founder of the nonprofit Literacy is Lit: Finding and Filling the [Literacy] Gap. Through Lizzie's community service initiatives, she has donated over 10,000 books to communities in schools in need. Her work stresses the importance of literacy and helping underserved communities get the resources they need to be successful. As I mentioned, Lizzie is the author of a children's book, and it is entitled "I Read Before Bed" and it furthers her mission to expand literacy and pass on her love of reading to young ones all across the Commonwealth and the country. This past August, Lizzie joined my office at our annual Kids' Fair in the Seventeenth at Elmwood Park Zoo in Norristown, and she gave out books while meeting young members of our community and promoting all of her literacy initiatives. In January 2024, Lizzie will bring her community service initiatives to a national stage when she represents Pennsylvania at Miss America's Teen

competition. She hopes to pursue a career as either a journalist or a lawyer one day. I know that I will be cheering Lizzie on in January, and I look forward to seeing all of her future accomplishments. Please join me in giving Lizzie a warm Senate welcome.

The PRESIDING OFFICER. Would the guest of Senator Cappelletti please rise to be welcomed by the Senate.

[Applause.]

The PRESIDING OFFICER. The Chair recognizes, for the second time, the gentlewoman from Montgomery, Senator Cappelletti.

Senator CAPPELLETTI. Mr. President, today I also rise to welcome Harry Gerard Bissinger III, also known as Buzz Bissinger. Buzz is the winner of the Pulitzer Prize, the Livingston Award, the American Bar Association Silver Gavel Award, and the National Headliners Award, among many others. He is the author of five nonfiction books, "Friday Night Lights"--which many of us know--"A Prayer for the City," "Three Nights in August," "Shooting Stars," and "Father's Day". Buzz has been a reporter for some of the nation's most prestigious newspapers, including Pennsylvania's own *Philadelphia Inquirer*. In fact, it was at the *Inquirer* in 1987 that he and two colleagues won a Pulitzer Prize for their investigative reporting for a six-part series on the Philadelphia court systems. He is also a magazine writer with published works in *Vanity Fair*, *The New York Times* magazine, *Time*, *The New Republic*, and *Sports Illustrated*, and he was a co-producer and writer for the ABC television drama, "NYPD Blue." Two of his works were made into the critically acclaimed films, "Friday Night Lights" and "Shattered Glass." "Friday Night Lights" also served as the inspiration for the television series of the same name. I was pleased to have Buzz join me earlier today to advocate against book bans and the rising censorship that has dangerous implications for our nation and our Commonwealth. Please join me in welcoming Buzz to the State Senate.

The PRESIDING OFFICER. Would the guest of Senator Cappelletti please rise to be welcomed by the Senate.

[Applause.]

**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, today I would like to take the opportunity to recognize the Washington Drug and Alcohol Commission staff and advocates who traveled to Harrisburg today from the 46th Senatorial District. Today is their annual legislative Recovery Day Advocacy [Recovery Advocacy Day] event that took place just this afternoon in the Main Rotunda. I would like to recognize the hard work of their director, Cheryl Andrews, and her staff and advocates: Breanne Pugh, Kristen Duncan, Brittanie Wudkwyck, Zeke McCelleis, Taylor Ricker, Briana Roman, Andrea Poduszlo, Joe Willhoft, Kaitlin Geho, and Chris McKenzie. Recovery Advocacy Day aims to raise awareness of substance use conditions, celebrates individuals in recovery, and acknowledges the work of prevention, treatment, and recovery support services. It is also a stark reminder that there is a way forward for people struggling with addiction issues. My constituents all have a story, whether it is the loss of a loved one or a path forward to recovery. Regardless, these are the

brave and courageous faces that have chosen a better path. Mr. President, please join me in extending a very warm Senate welcome to these individuals for not only being present today at the Capitol, but more importantly, for their courageous journey to recovery.

Thank you, Mr. President.

The PRESIDING OFFICER. Would the guests of Senator Bartolotta please rise to be welcomed by the Senate.

[Applause.]

GUEST OF SENATOR JUDY WARD PRESENTED TO THE SENATE

The PRESIDING OFFICER. The Chair recognizes the gentlewoman from Blair, Senator Judy Ward.

Senator J. WARD. Mr. President, I rise today to introduce my guest and newest member of team Ward, Andrea Moses. Andrea works out of my Hollidaysburg District Office and has already shown herself to be an incredible asset. While she is new to us, she is not new to the Senate. Along with her impressive experience in the private sector, Andrea brings her experience working for Senator Bob Jubelirer and Senator Tommy Tomlinson as a legislative assistant. This combination of private and public sector experience gives her a unique ability to understand how those two areas interact, and she has already served our constituents very well. As we all know, a day in our district offices can be a whirlwind of walk-ins, phone calls, and countless unexpected surprises. She effectively and efficiently handles all that comes her way and meets each constituent with a smile and willingness to help in any way she can. I could not be more excited to have Andrea on our team, and I ask the Senate to join me in giving Andrea a warm Senate welcome.

The PRESIDING OFFICER. Would the guest of Senator Judy Ward please rise to be welcomed by the Senate.

[Applause.]

GUESTS OF SENATOR STEVEN J. SANTARSIERO AND SENATOR FRANK FARRY PRESENTED TO THE SENATE

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

Senator SANTARSIERO. Mr. President, Senator Farry and I rise today to welcome our guests to the Chamber, the Nabbie family from Bucks County: Dr. Fizal Nabbie, Dr. Heeyoung Kim, and their son, Spencer Nabbie. Dr. Fizal Nabbie was born in Trinidad and Tobago and grew up in New York City. He has resided in Bucks County for the last 31 years. Dr. Nabbie has over 37 years of experience as a research scientist, developing novel medicines across several disciplines, twice being recognized by the American Association of Pharmaceutical Scientists for prestigious awards. Dr. Nabbie currently serves on the board of directors for the Network of Victim Assistance, or NOVA, in Bucks County, a comprehensive victim services organization that does impactful work across Bucks County, and which both Senator Farry and I have worked with many times over the years.

Dr. Heeyoung Kim was born in Seoul, South Korea, and has lived in Bucks County since 2009. She currently serves as Rider University's chief diversity officer and director of the Teaching

and Learning Center, driving campus conversations about advocating for a strong culture of reflective, inclusive, and evidence-based teaching. Dr. Kim is also an adjunct assistant professor in the Department of Information Systems and Supply Chain Management, where she teaches statistics and analytical courses in both online and face-to-face formats.

Spencer Nabbie is 6 years old and currently in first grade at the Goodnoe Elementary School in Newtown, where he is doing work and has received a math challenge award for completion of math work above his level. Spencer has an avid interest in being an astronaut and immerses himself in understanding more about the planets and solar system and has a particular fascination in Saturn and its moons--and I do not blame him about that, they are cool. Please join us in extending our customary warm Senate welcome to the Nabbie family.

The PRESIDING OFFICER. Would the guests of Senator Santarsiero and Senator Farry please rise to be welcomed by the Senate.

[Applause.]

GUESTS OF SENATOR JUDY WARD PRESENTED TO THE SENATE

The PRESIDING OFFICER. The Chair recognizes, for the second time, the gentlewoman from Blair, Senator Judy Ward.

Senator J. WARD. Mr. President, I rise again to introduce two constituents of mine, Art and Dina Zug. Art and Dina are in Harrisburg today with other members of the Pennsylvania State Grange in honor of the 150th anniversary of the Pennsylvania State Grange. Dina's family has a long history in the dairy industry, and the Grange has always been part of her life. Her father bought their family farm in 1958. As a child, she went to Grange meetings with her mother, participated in activities, and volunteered. Her husband, Art, moved to Juniata County in 1971, purchased a farm there, and soon after joined a local Grange. The two fittingly met at a Grange meeting, and after marrying in 1974, they purchased Dina's father's farm and settled there. They continued to be involved in the Grange and, in time, began going on trips to Washington, DC, to advocate and be a voice for the agricultural community.

Dina's service in the Grange is commendable, and in 2022, she was nominated for the Pennsylvania State Granger of the Year Award. During her time with the Walker Grange, she has served as a guest lecturer and banquet coordinator. She has also served as a Pennsylvania State Grange past Junior Grange committee member, the State Youth Director, the State Grange Secretary, and chair of the marketing sub-committee. Dina also represented the Pennsylvania State Grange on the Dairy Future Commission, which I also served on. To add to her accolades, she was the Juniata County Farmer of the Year and founder of the Dairy Feeder Club.

Today, Art and Dina operate Zugstead Farm, a 260-acre dairy farm in Juniata County with their family, and that is a PA Dairy Marketing Promotion farm. Art and Dina plan to pass the farm down to their children, and it is their hope that the Zugstead Farm will be thriving for generations to come. Thank you to Art and Dina for such strong advocacy to support our local agriculture community as well as our Commonwealth.

Thank you, Mr. President.

The PRESIDING OFFICER. Would the guests of Senator Judy Ward please rise to be welcomed by the Senate.

[Applause.]

GUESTS OF SENATOR MICHAEL R. REGAN PRESENTED TO THE SENATE

The PRESIDING OFFICER. The Chair recognizes the gentleman from York, Senator Regan.

Senator REGAN. Mr. President, I have the honor of introducing Anna May and Brad Nauss of Mechanicsburg, who are with us today in the gallery as part of the Pennsylvania State Grange's 150th anniversary celebration. Quite commendably, Anna May has been a member of the Grange for over 50 years. There is no surprise, then, that her husband, Brad, also joined in the Grange upon meeting Anna May and has himself held many local and county offices during his involvement. Anna May, who has been actively involved since she was 15 years old, has held offices at the State, county, and local levels. She is a past PA Grange officer and has been involved with the National Grange Foundation Board. Currently, she is the treasurer of the State Grange's History and Anniversary Committee. Carrying on the tradition that her father set, Anna May and Brad have made the Grange a family affair with their children being active members as well. Mr. President, I ask my colleagues to give a warm Senate welcome to Anna May and Brad Nauss of Mechanicsburg.

The PRESIDING OFFICER. Would the guests of Senator Regan please rise to be welcomed by the Senate.

[Applause.]

LEGISLATIVE LEAVE CANCELLED

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

GUESTS OF SENATOR CAROLYN T. COMITTA PRESENTED TO THE SENATE

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

Senator COMITTA. Mr. President, how wonderful that we have so many Grange members with us today. Welcome, everyone. And it is my pleasure to welcome two of my constituents who were recently recognized by the Pennsylvania State Grange and the National Grange for their leadership and their work on behalf of agricultural and rural communities. Gayle Reyburn, a member of Russellville Junior Grange in Oxford, Chester County, was named Pennsylvania Junior Grange Ambassador. She was selected to represent Pennsylvania's Junior Grange members at its camp over the summer. The selection process includes an essay, a test on Grange ritual and knowledge, a social mixer, an individual interview, an impromptu question, and general observations of the contestants during the camp.

And I also want to welcome Gail Switzer, a member of Goshen Grange #121 in Chester County. Gail was named Outstanding Young Patron by the National Grange. Gail was also a junior member and served as junior director of the Marion Grange #1853 in Berks County where she grew up. As Outstanding Young Patron, Gail has worked to motivate youth and young adult members into action in their communities, and she also serves on the Pennsylvania Grange Youth Committee. Gail now

lives in West Chester Borough with her daughter, Lena, who is here with her today--hello, Lena--and two dogs, Dallas and Sydney. She currently works at an approved private special education school as assistant director of educational services and is obtaining her doctorate in leadership in special education.

The Grange is the oldest agricultural and rural advocacy organization of its kind in the United States. It represents approximately 5,440 Pennsylvanians across the Commonwealth and about 140,000 members nationwide. These two young women are to be commended for their work on behalf of the Grange. Thank you, Gayle and Gail. Congratulations, and welcome to the Pennsylvania Senate.

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

[Applause.]

GUESTS OF SENATOR CHRISTOPHER M. GEBHARD PRESENTED TO THE SENATE

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lebanon, Senator Gebhard.

Senator GEBHARD. Mr. President, I rise today to recognize two of my constituents from Berks County who have joined us today. Desira Rickenbach was named 2023-24 Outstanding Young Patron for the Pennsylvania State Grange. She is a member of the Virginville Grange #1832 in Berks County. She currently works in retail and is married to her husband, Randy. And in addition, Rickenbach serves as Ceres of the Berks County Pomona Grange.

Lindsay Schroeder is also a member of the Virginville Grange in Berks County. She enjoys working with the Berks County Junior Grangers and the Pennsylvania Junior Grangers. She lives in Northampton with her boyfriend, Ben; her dogs, Whiskey and Hazel; and their cat. Lindsay works full time at a doggie daycare and has been taking photos since high school. She runs a photography business called Little Linds Photos. Besides photography, she loves nature, pasta, and adventures. Please help me give a warm Senate welcome to Desira and Lindsay.

The PRESIDENT pro tempore (Senator Kim L. Ward) in the Chair.

The PRESIDENT pro tempore. Will the guests of Senator Gebhard please rise for a warm Senate welcome.

[Applause.]

GUESTS OF SENATOR RYAN P. AUMENT PRESENTED TO THE SENATE

The PRESIDENT pro tempore. The Chair recognizes, for the second time, the gentleman from Lancaster, Senator Aument.

Senator AUMENT. Madam President, it is my pleasure to introduce my guests, Matt Espenshade and Shae Smith. They are here to celebrate the 150th anniversary of the Grange. Matt, who currently serves as the Grange's 26th Master, or president, initially became involved with the Grange nearly 30 years ago. In 1995, he joined the Elizabethtown Area Grange to get involved in the community. Through that involvement with the Grange's youth program, he met his wife at a State youth conference in Hershey. Since joining the Grange, Matt has been active on the

local, State, and national level. He has testified numerous times before State hearings, advocating for agricultural and rural issues. In 2019, this seventh-generation dairy farmer was recognized as the Pennsylvania Granger of the Year.

I am also honored to have the Grange's Youth Ambassador for 2023-2024, Shae Smith. Shae is a member of the Elizabethtown area Grange and was selected to represent the Grange's youth department at various events throughout Pennsylvania. She works at Masonic Village in Elizabethtown in the retirement living area and is working toward a bachelor's degree in nursing. Shae hopes to work as a labor and delivery nurse. Please join me in welcoming my guests, Matt Espenshade and Shae Smith, to the Pennsylvania Senate.

The PRESIDENT pro tempore. Will the guests of Senator Aument please rise for a warm Senate welcome.

[Applause.]

GUESTS OF SENATOR ELDER A. VOGEL PRESENTED TO THE SENATE

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

Senator VOGEL. Madam President, as you have heard from my colleagues before me, joining us this afternoon in the gallery are members of the Pennsylvania State Grange, which is celebrating its 150th anniversary. I would like to welcome and introduce a few of the Grange members who have not yet been introduced: Doug Bonsall, chair of the Grange 150th History Committee, who is a constituent of Senator DiSanto; and Phil Vonada, director of youth ambassadors, who is a constituent of Senator Yaw. I ask my colleagues to give them a warm Senate welcome.

Thank you, Madam President.

The PRESIDENT pro tempore. Will the guests of Senator Vogel please rise for a warm Senate welcome.

[Applause.]

SPECIAL ORDER OF BUSINESS SENATE RESOLUTION ADOPTED

Senators VOGEL, SCHWANK, CAPPELLETTI, BROOKS, MARTIN, MASTRIANO, ARGALL, PHILLIPS-HILL, MILLER, LAUGHLIN, CULVER, YAW, HUTCHINSON, BREWSTER, KANE and COMMITTA presented to the Chair **Senate Resolution No. 164**, entitled:

A Resolution designating September 18, 2023, as "State Grange Day" in Pennsylvania and celebrating the Pennsylvania State Grange on its 150th anniversary.

On the question,

Will the Senate adopt the resolution?

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

Senator VOGEL. Madam President, I ask my colleagues for an affirmative vote on this resolution, which recognizes the 150th anniversary of the Pennsylvania State Grange. The Grange is a fraternal family organization dedicated to the betterment of the American way of life through community service, education, advocacy, fellowship, and agricultural awareness. It is the oldest

agricultural and rural advocacy organization of its kind in the United States. The membership includes people of all ages, and they specifically have programs geared towards juniors, youth, and young adults. Initially, the Grange movement took root in Pennsylvania in 1871, with the organization of Eagle Grange #1 in Lycoming County. And on Sept 18, 1873, in Reading, PA, the Pennsylvania State Grange was born. A meeting was held to organize the Pennsylvania State Grange, and at that time, there were 25 local Granges in Pennsylvania. As of 2022, there are approximately 170 local Granges with nearly 5,700 members serving the communities of the Commonwealth. Since their inception, the Grange continues to dedicate itself to strengthening and supporting the various local Granges, inspiring and encouraging individual growth within its membership, and unifying their communities. Again, I ask my colleagues for an affirmative vote on this resolution and to join me in congratulating the Grange on this incredible milestone.

Thank you, Madam President.

And the question recurring,

Will the Senate adopt the resolution?

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

GUEST OF SENATOR DEVLIN ROBINSON PRESENTED TO THE SENATE

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Allegheny, Senator Robinson.

Senator ROBINSON. Madam President, I am honored to introduce my friend, an American hero, former prisoner of war, U.S. Army soldier, Private First Class Jessica Lynch to the Senate floor today. She was born in our neighboring State of West Virginia, and in the summer of 2000, at the age of 17, she and her family met with an Army recruiter while she was still in high school. She decided to enlist and serve the United States and earn some money for college in the process. On September 19, 2001, she entered basic training at Fort Jackson, South Carolina, to begin her Army career. She later completed advanced individual training for her military occupational specialty as a unit supply specialist in the Quartermaster Corps at Fort Lee, Virginia. Her unit was then deployed to Kuwait in February of 2003 with the 507th Maintenance Company, and then went north into Iraq on March 20.

On the morning of March 23, 2003, her unit was attacked on the banks of the Euphrates River in An Nasiriyah, Iraq. She was held captive by Iraqi forces, leaving her severely injured. She was initially listed as missing in action, but 11 other soldiers in the company were killed in the ambush and 5 others were taken prisoner. After some time in custody of the Iraqi regiment, where they did not feed her and did not provide water, she was taken to a hospital in Nasiriyah. Iraqi hospital staff said that they shielded her from the Iraqi military and government agents who were using the hospital as a base of military operations in direct violation of the Geneva Conventions. The Marines of Task Force Tarawa were tipped off to Jessica Lynch's whereabouts by an Iraqi civilian who told them that he had seen her being tortured and was injured, but there was still hope because she was still alive. Those Marines I served with fought door to door in the next 8 days to find evidence of her and the other POW's whereabouts.

On the morning of April 1, 2003, we were awoken to set up a cordon outside the hospital. As we provided a diversionary action, helicopters went into the hospital and Special Forces operation completed the first rescue mission of an American prisoner of war since World War II, bringing Private First Class Jessica Lynch the medical care that she needed. The emotional and physical scars she carries to this day are constant reminders of her difficult story, but that has not stopped her from continuing her education, becoming a mother and a teacher, starring in a film about her time in Iraq, and even writing a book, and caring for her 16-year-old daughter, Dakota. Jessica exemplifies what General James Mattis called post traumatic growth. She has dealt with adversity and overcame it with courage and strength. For her service in Iraq, she was awarded the Bronze Star, the Purple Heart, the Prisoner of War Medal, and many others. She is an inspiration to many, including me. Please give a warm Senate welcome to Private First Class Jessica Lynch.

The PRESIDENT pro tempore. Would the guest of Senator Robinson please rise and be welcomed.

[Applause.]

ANNOUNCEMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDENT pro tempore. Pursuant to Senate Rule 21(b), the Chair is giving the Senators notice that photographers from the Republican Caucus have been granted permission to take still photographs on the floor of the Senate during Session today, and also the Democratic Caucus if they wish.

Army prisoner of war Private First Class Jessica Lynch, it would be our honor if you would now address the Senate.

Ms. LYNCH. Hi, Senators. Thank you so much for having me. I have to first say thank you to all of the ones who were military, I know I met most of you earlier. So, thank you so much for your service to our country. There you are hiding over there. I was looking for you back over here to see--Senator Robinson, thank you so much, one, for being there during that day of my rescue as well as being there for my comrades, rescuing them. So, thank you so much. Truly, the ones who were there during my rescue, as well as my comrades, means everything to me, because without the support of these wonderful men who have risked their lives, we would not be able to be standing here and be able to address people like you, so, again, thank you so much for your support, your service. Thank you. [Applause.] And really quickly, because I know that I only have a few minutes, but I do want to say thank you so much for inviting me here. This is absolutely one of the most beautiful Capitols that I have been to. You should definitely be proud of this building, it is spectacular. Thank you, so, so, much for all of your love, your support, not only to myself, but to all of our military because that is what we need. We need that continued support so that we can bring all of our military home safely, because we are going to continue going through deployments whether we like it or not. So, yeah, definitely continue praying and supporting them until we are all home safely. Again, thank you so much for having me here today. It has been a true honor. Thank you, so much. And, again, Senator Robinson, thank you so much for your service and being there for my comrades. Thank you, guys.

[Applause.]

The PRESIDENT pro tempore. Thank you Private Lynch.

REQUEST FOR RECESS

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

Senator PITTMAN. Madam President, I request a recess of the Senate for the purpose of a Senate Republican caucus, which will be held in the Majority Caucus Room immediately.

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

Senator COSTA. Madam President, Senate Democrats will meet in the rear of the Chamber for a caucus as well.

LEGISLATIVE LEAVE CANCELLED

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

RECESS

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

AFTER RECESS

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

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

SPECIAL ORDER OF BUSINESS PERMISSION TO ADDRESS

The PRESIDING OFFICER. The Chair recognizes the gentleman from Philadelphia, Senator Street.

Senator STREET. Mr. President, I rise and would ask for Members' attention. I know not all Members realize, but president JoAnne Epps of Temple University has passed away within the last couple hours. She was doing what she always does, she was taking care of students and the Temple community. She was at a ceremony for the commemoration of the Blockson Collection, one of the finest collections of African American works of history in the world. It was an event like many others that she had conducted. President Epps was there doing what she does best. She had come out of retirement when the university was in crisis in order to save it, having already served, at that time, over 37 years at Temple, and in her seventies came out of retirement to try and save the institution.

I want to touch on a couple of things about her life, and then conclude because I know there are others who want to speak about her. I know I met President Epps 27 years ago, when I was a law student, ironically, at Penn, but I was hanging out at Temple chasing a girl who I did later on marry and have a couple of kids with. While that relationship did not work out, my relationship with President Epps has been unwavering. To name a few of the things, she served as the first Black woman to lead Temple University's campus, the first Black person to be the provost. She served in roles for over three decades. She served as the inaugural chair of Philadelphia's Police Oversight Forum [Board], formed in response to a Justice Department shooting about police. She

was a U.S. Attorney and a deputy city attorney in Los Angeles. Epps served Philadelphia in resolving the litigation, resolving stop-and-frisk procedures, and she was appointed to be the first chair of the police discipline board by my father, to serve on the Police Discipline Task Force [Task Force on Police Discipline] when we were going through those issues in the 90s. She served as a member of the Pennsylvania Judicial Independence Commission, the Philadelphia Bar Association's Commission [Committee] to Promote Fairness in the Judiciary, the Pennsylvania Commission for Justice Initiatives, the Advisory Council for the Pennsylvania Prison Society, Advisory Board for the Public [Interest] Law Center. She became an officer of the Women's Forum in 2010, and in 2013 became the forum's president. She also served as a member of the board of directors for the Committee of Seventy, a member of the Salvation Army of Greater Philadelphia. In 2012, Pennsylvania Governor Tom Corbett named Epps a Distinguished Daughter of Pennsylvania.

Her professional leadership and influence extended far beyond Temple and Philadelphia. A champion for women's rights within the profession, she served in numerous roles in the legal profession, including leadership roles in the American Bar Association, the National Association of Women Lawyers, the American Law Institute. In recognition of service, Epps was awarded a 2015 Spirit of Excellence Award by the American Bar Association, a 2015 [M.] Ashley Dickerson Award by the National Association of Women Lawyers, a 2014 Justice Sonia Sotomayor Diversity Award by the Philadelphia Bar Association. She is a three-time honoree of the Lawyers of Color Magazine as 1 of the 100 most influential Black lawyers in the country. In 2009, the Philadelphia Bar Association recognized Epps by honoring her with the Sandra Day O'Connor Award, conferred annually "on a woman attorney who has demonstrated superior legal talent, achieved significant legal accomplishments and has furthered the advancement of women in both the profession and the community."

She is from Cheltenham, graduated from the University of Connecticut [Trinity College] in Hartford and Yale Law School. But president Epps, all of that does not really capture who she was, because in the midst of doing all that, I met her as a student hanging out in the law school, and she would walk around the law school talking to students when she was the dean of the law school, when she was the president of the university, no matter how lofty her position got. For many of us, no matter what side of the aisle or what title we said--we have all achieved lofty titles where other people will look up to us--but President Epps serves as a role model for how those of us, who the Creator has afforded the opportunity to serve in positions of power and influence, how we should conduct ourselves as people. She was able to argue with people on issues and not fall out with people personally. She was able to work to bring consensus. She was able to continue to advance her values without chastising the values of people who differed with her. She was an example of not just what a person should be professionally, but the kind of person that each of us should be personally. She will be sorely missed by all of us. Thank you.

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

Senator TARTAGLIONE. Mr. President, it is with a heavy heart that I stand here today. President Epps' career and life

touched countless people both across Philadelphia and all across the world. I share in the Temple community's grief and do not want to imagine Temple without her. As Senator Street said, no matter what position she had at Temple, she walked that campus, she knew the kids' names, she knew their families. Nothing was too little for JoAnne. As a member of the Temple Board of Trustees, I am dedicated to ensuring her legacy as a Philadelphia and Temple University icon will never be forgotten. I am keeping JoAnne's family and loved ones in my prayers in this heartbreaking time. I ask that you keep her family in your prayers. Thank you.

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

Senator CAPPELLETTI. Mr. President, this moment does not feel real. You have heard my colleagues speak about the accomplishments of President Epps. But to me, she will always be Dean Epps, that person who they tell you--walking around the law school talking to students. She knew me by name. She knew exactly who I was. And as I have achieved this great career here that I have and the things that I have been doing, she knew all along, she followed, and she made sure that I knew that she was following along. She left the law school in 2016, the year before I graduated, and I will tell you, I was a little sad she was not there to be on stage to hand me my degree. But it was exciting for all of us who knew her at the law school to see her move on to provost and eventually acting president.

There are not going to be enough words to describe the profound sadness that I feel right now. I have not had a chance to go back to see her in person. I wanted to. I was hoping to do that this school year, as I am spending some time teaching a course at the law school, and I was looking forward to it, and unfortunately, I will not have the chance. But I am who I am today, and the things that I fight for, the people who helped to inform what I do because of Dean Epps, or President Epps, and the culture that she created at that law school to be able to argue the substance of an issue and still be friends, to be able to engage with individuals regardless of what your stature was within that school or the community. She was thoughtful, she was caring, and Pennsylvania, Temple, the world--better place for her having been here. She will be sorely missed.

Thank you, Mr. President.

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

Senator A.H. WILLIAMS. Mr. President, shocking is not a strong enough word; sadness is not a strong enough word; and pain is not a strong enough word to express the moment. But I do want to reflect upon her a little bit differently than some of my colleagues. I was fortunate enough that I was born into a family who knew President Epps as a person personally in our household and as a family. My father, who has passed on many years ago, had the privilege of working with her, certainly as dean of the law school when they were fighting to make her such, but also before that. To say she was an intellectual is a disservice to the term intellectual. She was not a snob; she was not above anyone; she was just smarter than most people. And with intellect, she was giving. That meant regardless of who you were, Black or White or whatever your background, or whether you were a Democrat or Republican, from Pennsylvania or not, without exception, she was a host to supporting you in whatever your journey was. She spent

a lot of time with my father working on issues of inclusion--which we now term as diversity--when African Americans were not allowed to do certain things in the city of Philadelphia.

She was a backbone for many of us who understood what it meant to be a woman, an African American woman, in a place and time where neither were necessarily welcomed to a law firm, to a school, to an institution. She not only exceeded those expectations, but she did it with dignity and grace. One of the major defining moments between her and my father was, both of them were passionate about what they thought to be just, but their approaches were dramatically different. My father, if you know him, if there is a doorway, he would literally say close the door so we can blow it up to go through it to prove a point. She, on the other hand, was, if the door is open, let us go through it and see what is on the other side. Certainly, there is a loss for her family; there is a loss for the university; but there is a loss for truth and justice in this country that is necessary and a voice for that, that is necessary right now. She was that, plus some. We love her; we miss her; we extend our condolences to her family. Hopefully, she is in a place where my dad is, and they can reconcile their differences about approaches to solving problems. God bless.

The PRESIDING OFFICER. The Chair thanks the Senators for those remarks.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

SB 125, SB 149 and SB 235 -- Without objection, the bills were passed over in their order at the request of Senator PITTMAN.

BILL OVER IN ORDER AND LAID ON THE TABLE

SB 246 (Pr. No. 735) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 30, 1974 (P.L.1072, No.347), referred to as the Governor and Lieutenant Governor Disability Procedure Law, further providing for incapacity of the Governor and Lieutenant Governor.

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

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

BILLS OVER IN ORDER

SB 282, SB 346, SB 371, HB 623, SB 749 and SB 754 -- Without objection, the bills were passed over in their order at the request of Senator PITTMAN.

BILL AMENDED

SB 773 (Pr. No. 860) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 17, 2016 (P.L.84, No.16), known as the Medical Marijuana Act, in preliminary provisions, further providing for definitions; and, in medical marijuana organizations, further

providing for limitations on permits and providing for additional dispensary permits authorized, for application and issuance of additional dispensary permits and for limitations on other additional permits or licenses.

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

GEBHARD AMENDMENT A2014 ADOPTED

Senator GEBHARD offered the following amendment No. A2014:

Amend Bill, page 1, line 13, by striking out "and,"

Amend Bill, page 1, line 18, by striking out the period after "licenses" and inserting:
; and, in academic clinical research centers and clinical registrants, further providing for definitions.

Amend Bill, page 4, lines 5 through 7, by striking out "have all the rights and privileges" in line 5, all of line 6 and "organizations under section 601(2)(c)" in line 7 and inserting:

carry the same rights, privileges and obligations as dispensary permits issued under this chapter.

(c) Dispensing and facility requirements.--The dispensary permits issued under this section shall be subject to the requirements in Chapter 8.

Amend Bill, page 4, line 8, by striking out "(c)" and inserting:

(d)

Amend Bill, page 4, line 13, by inserting after "Commonwealth":
Nothing in this section shall prohibit the department from taking action for a violation of section 618(a)(4).

Amend Bill, page 4, by inserting between lines 28 and 29:

(4) The department shall require an applicant for a dispensary permit authorized under section 617 to certify to the department in the application that the applicant will not enter into a merger, acquisition, change of control transaction or otherwise become associated with or materially the same as another medical marijuana organization, entity or person that holds a permit from the department for a duration of one year from the date on which the independent grower/processor receives an operational certificate from the department.

Amend Bill, page 5, line 3, by inserting after "permitting":
under this chapter

Amend Bill, page 6, line 8, by striking out "issue" and inserting:
make a determination on the issuance of

Amend Bill, page 6, lines 18 through 30; page 7, lines 1 and 2; by striking out all of said lines on said pages and inserting:

(c) Fees.--

(1) An independent grower/processor applying for:

(i) An initial application fee in the amount of \$5,000. The fee is nonrefundable.

(ii) A permit fee of \$30,000 for each location. The period of the permit shall be one year. An applicant shall submit the permit fee at the time of submission of the application. The fee shall be returned if the application is not granted.

(iii) A renewal fee for the permit as a dispensary in the amount of \$5,000. The fee shall be returned if the renewal is not granted and shall cover renewal for all locations. An application to renew a permit must be filed with the department not more than six months nor less than four months prior to expiration.

(iv) A fee of \$250 when amending the application to indicate relocation within this Commonwealth or the addition or deletion of approved activities by the medical marijuana organization.

(2) All fees under paragraph (1) shall be paid by certified check or money order.

(3) Fees payable under paragraph (1) shall be deposited into the fund.

Amend Bill, page 7, line 23, by striking out "review"

Amend Bill, page 7, lines 23 and 24, by striking out "(c)(1)" and inserting:

(c)(1)(i)

Amend Bill, page 7, by inserting between lines 27 and 28:

(e) Certification violation.--If an independent grower/processor enters into a merger, acquisition or other change of control transaction with another entity in violation of subsection (a)(4), the contract or agreement executed with the other entity for the merger, acquisition or other change of control transaction shall be void.

Amend Bill, page 8, by inserting between lines 5 and 6:

Section 4. Section 2001 of the act is amended by adding a definition to read:

Section 2001. 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:

* * *

"Accredited medical school." An institution located within this Commonwealth that is accredited by the Liaison Committee of Medical Education or the Commission on Osteopathic College Accreditation or has gained pre-accreditation or provisional accreditation so that the institution is authorized to enroll students and is affiliated with an accredited institution of higher education located within this Commonwealth.

* * *

Amend Bill, page 8, line 6, by striking out "4" and inserting:

5

Amend Bill, page 8, line 6, by striking out "60" and inserting:

120

On the question,

Will the Senate agree to the amendment?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lebanon, Senator Gebhard.

Senator GEBHARD. Mr. President, this amendment will make technical and substantive changes to Senate Bill No. 773. It creates a sale ban for a year after the grower/processor receives an operational certificate from the department; makes sure that the new vertically integrated entities are following all the regulations that the current dispensary must follow; lays out the fee structure so that it lines up with the structure of current entities that are vertically integrated, including a \$30,000 fee for each location, a \$5,000 renewal fee, a \$200 fee when amending the application to indicate relocation within the Commonwealth. It also provides that a violation states that if the organization violates the sale ban, the change of control transaction shall be voided. And, finally, it amends the definition of an accredited medical school.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Philadelphia, Senator Street.

Senator STREET. Mr. President, while I do support the provisions of this amendment and I am not going to be offering at this moment additional changes, I do want to note that I think while we are providing relief in this amendment, duly-needed relief for folks who are smaller business owners in the cannabis space, there are many patients who could really benefit from our--being able to offer them the opportunity to have homegrown. Now I know, after talking with Leaders on both sides, I have been advised that this is not the best time for that to happen. But I would urge my colleagues at some point to allow us to move forward with provisions for home grow. And with that, because there are so many patients who cannot afford to get the relief from cannabis medically because of the cost, and they need relief just like the people who Senator Gebhard, Senator Costa, and others want to help today. So, I urge a "yes" vote on the amendment and the bill, as amended, because it does resolve issues. I want to raise the issue that there are patients who need us to move forward with home grow.

Thank you, Mr. President.

POINT OF ORDER

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lebanon, Senator Gebhard.

Senator GEBHARD. Mr. President, I rise to see a ruling of the Chair pursuant to Senate Rule 20.

Mr. President, this bill will amend the Commonwealth's Medical Marijuana Program to provide additional permits to grower/processors to allow them to sell medical marijuana products directly to patients. As the program has evolved, the Department of Health has permitted some independent grower/processors to sell directly to patients while leaving other grower/processors without that ability. This bill would allow all independent grower/processors to sell directly to patients. One independent grower/processor who would be affected by this change in the law is a client of my private insurance firm, and we provide insurance services relating to their medical marijuana business that could be expanded by this change. It should be noted that while the grower/processor in my district will be affected by this change, the change within the law will affect all grower/processors in the Commonwealth equally. Am I excused from voting under these circumstances?

The PRESIDING OFFICER. Senator Gebhard requests a ruling of the Chair pursuant to Senate Rule 20(c), whether the Member may vote on this matter. The Senate will be at ease momentarily while the Chair considers this matter.

[The Senate was at ease.]

The Chair thanks the gentleman for his inquiry about the conflict of interest in the factual situation just given. The Chair would rule that there is no conflict of interest and that, in accordance with Senate Rule 20, the Senator must vote on [amendment No. A2014 to] Senate Bill No. 773 for the following reasons: first, the Chair finds that your firm's client is a member of a class of entities who may or may not be affected by any actions on [amendment No. A2014 to] Senate Bill No. 773. Second, the Chair finds that the Senator is also a member of a class of individuals who may or may not be affected by any actions on [amendment No. A2014 to] Senate Bill No. 773. Finally, the Chair does not find that any votes the Senator may cast would be particularly personal to Senator Gebhard or privately affect Senator Gebhard alone. Therefore, it is the ruling of the Chair that you must vote on [amendment No. A2014 to] Senate Bill No. 773.

LEAVE OF ABSENCE

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

And the question recurring,

Will the Senate agree to the amendment?

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

YEA-46

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

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.

The PRESIDENT pro tempore (Senator Kim L. Ward) in the Chair.

BILL OVER IN ORDER

HB 804 -- Without objection, the bill was passed over in its order at the request of Senator PITTMAN.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 843 (Pr. No. 963) -- 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 Interstate Teacher Mobility Compact.

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-46

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

NAY-0

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

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

HB 1209 (Pr. No. 1279) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 30, 2003 (P.L.441, No.64), known as the Tobacco Product Manufacturer Directory Act, in preliminary provisions, further providing for definitions; in tobacco product manufacturers directory, further providing for directory, for certification, for required information, for agent for service of process and for records and reporting and providing for nonparticipating manufacturer and importer joint and several liability and for surety bond requirements; and imposing duties on the Office of Attorney General.

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-46

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

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.

HB 1407 (Pr. No. 1572) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 22, 2000 (P.L.394, No.54), known as the Tobacco Settlement Agreement Act, further providing for definitions.

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-46

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

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.

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION, AMENDED AND REREFERRED

HB 27 (Pr. No. 1987) -- The Senate proceeded to the 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, further providing for special provisions applicable to limited school years; and, in certification of teachers, further providing for substitute teaching permit for prospective teachers, for locally issued temporary certification for substitute teachers and for permit for classroom monitors.

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

REGAN AMENDMENT A2052 ADOPTED

Senator REGAN offered the following amendment No. A2052:

Amend Bill, page 1, line 7, by striking out "and," and inserting: in intermediate units, further providing for school safety and security enhancements;

Amend Bill, page 1, line 10, by striking out the period after "monitors" and inserting:

; in safe schools, further providing for definitions and for Office for Safe Schools, repealing provisions relating to regulations and to reporting, further providing for policy relating to bullying and for maintenance of records, repealing provisions relating to safe schools advocate in school districts of the first class, to standing, to enforcement and to construction of article and other laws; in school safety and security, further providing for definitions and for School Safety and Security Committee, providing for duties of committee, further providing for School Safety and Security Grant Program, providing for Targeted School Safety Grants for Nonpublic Schools Program, for standardized protocols and for county safe schools' collaborative, further providing for school safety and security coordinator training and providing for reporting and memorandum of understanding, for safe schools advocate in school districts of the first class and for enforcement; in school security, further providing for definitions, for school police officers, for annual report and for school security guards; and making an editorial change.

Amend Bill, page 2, by inserting between lines 14 and 15: Section 2. The definition of "school safety and security enhancements" in section 923.3-A(b) and subsection (c) of the act are amended to read:

Section 923.3-A. School Safety and Security Enhancements.-* * * (b) Definitions. As used in this section: * * *

"School safety and security enhancements" means programs which are designed to address school safety and security and listed in section [1302-A(c)] 1306.1-B(i), which are secular and nonideological in nature.

(c) Program of School Safety and Security Enhancements. A program of school security enhancements shall be provided by an intermediate unit in which a nonpublic school is located, in accordance with standards developed by the [Secretary of Education in consultation with the Office of Safe Schools and the Pennsylvania Commission on Crime and Delinquency.] School Safety and Security Committee established under section 1302-B in consultation with the Department of Education. Through the program, an intermediate unit shall make application for school safety and security enhancements upon the request of a nonpublic school or combination of nonpublic schools located within the intermediate unit. School safety and security enhancements for which grants are received shall be provided for or contracted for directly by the intermediate unit or loaned by the intermediate unit to the nonpublic school. * * *

Amend Bill, page 2, line 15, by striking out "2" and inserting: 3

Amend Bill, page 3, line 19, by striking out "3" and inserting: 4

Amend Bill, page 5, line 5, by striking out "4" and inserting: 5

Amend Bill, page 7, line 4, by striking out "5" and inserting: 6

Amend Bill, page 9, line 2, by striking out all of said line and inserting:

Section 7. Article XIII-A heading and sections 1301-A and 1302-A of the act are amended to read:

ARTICLE XIII-A.

[SAFE SCHOOLS] Student Supports.

Section 1301-A. Definitions.--As used in this article,

"Chief school administrator" shall mean the superintendent of a public school district, superintendent of an area career and technical school, executive director of an intermediate unit or chief executive officer of a charter school.

["Office" shall mean the Office for Safe Schools within the Department of Education.]

"School entity" shall mean any public school district, intermediate unit, area career and technical school or charter school.

"School-based diversion programs" shall mean programs [that, in partnership with other stakeholders, divert youth out of the juvenile justice system.] and interventions designed to redirect youth who commit minor offenses in school from exclusionary disciplinary practices or formal processing in the juvenile justice system, while still holding the student accountable for the student's actions. These programs include, but are not limited to, youth aid panels [in which a panel of community members decide an appropriate resolution to hold the student accountable for the student's actions by, among other options, requiring the student to complete educational activities, community service, restitution and any other related program or service.], positive youth development programming, teen/youth courts, restorative justice interventions, truancy prevention and intervention programs, mentoring programs and intervention programs and educational practices to assist students with persistent disruptive and serious problem behaviors.

"School property" shall mean any public school grounds, any school-sponsored activity or any conveyance providing transportation to a school entity or school-sponsored activity.

"School-wide positive behavior support" means a school-wide, evidence-based [and data-driven approach to improving school behavior that seeks to reduce unnecessary student disciplinary actions and promote a climate of greater productivity, safety and learning] tiered framework for supporting students' behavioral, academic, social, emotional and mental health.

["Student with a disability" shall mean a student who meets the definition of "child with a disability" under the Individuals with Disabilities

Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.) or who meets the definition of a "handicapped person" under section 504 of the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 794) and its implementing regulations (34 C.F.R. § 104.3(j)). The term includes a student for whom an evaluation is pending under either the Individuals with Disabilities Education Act or Rehabilitation Act.]

"Weapon" shall include, but not be limited to, any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle and any other tool, instrument or implement capable of inflicting serious bodily injury.

Section 1302-A. [Office for Safe Schools] Student Supports.--(a) [There is hereby established in the Department of Education an Office for Safe Schools.] (Reserved).

(b) The [office] Department of Education shall have the power and duty to implement the following:

(1) [To coordinate antiviolence efforts between school, professional, parental, governmental, law enforcement and community organizations and associations.

(2) To collect, develop and disseminate information, policies, strategies and other information to assist in the development of programs to impact school violence.

(2.1) To direct all school entities to submit annual school violence statistics and reports to the office no later than July 31 of each year.

(3) To collect, develop and disseminate information, policies, strategies and other information to assist in the development of programs that support students, reduce unnecessary student disciplinary actions and promote an environment of greater productivity, safety and learning, including, but not limited to:

(i) School-wide positive behavior support that includes primary or universal, secondary and tertiary supports and interventions in school entities.

(ii) School-based diversion programs.

(iii) Classroom management.

(iv) Student discipline.

(v) Student codes of conduct.

(vi) Training to assess risk factors that increase the likelihood of problem behaviors among students.

(vii) Conflict resolution and dispute management.

(viii) Staff training programs in the use of positive behavior supports, de-escalation techniques, appropriate responses to student behavior that may require immediate intervention and trauma-informed treatment for mental health providers in schools.

(ix) Research-based violence prevention programs that address risk factors to reduce incidents of problem behaviors among students, including, but not limited to, mental health early intervention, self-care, bullying and suicide awareness and prevention.

(x) Risk assessment, safety-related, violence prevention curricula, including dating violence curricula, restorative justice strategies, mental health early intervention, self-care and suicide awareness and prevention curricula.

(xi) Evidence-based screenings for adverse childhood experiences that are proven to be determinants of physical, social and behavioral health and provide trauma-informed counseling services as necessary to students based upon the screening results.

(xii) Trauma-informed approaches that increase student and school employee access to quality trauma support services and behavioral health care.

(2) To provide direct training to school employees, parents, law enforcement officials and communities on effective measures to [prevent and combat school violence.

(4) maintain and improve learning environments for students and staff.

(3) To [advise] assist in collaboration and coordination with the School Safety and Security Committee established under section 1302-B school entities and nonpublic schools on the development of policies to be used regarding possession of weapons by any person, acts of violence and protocols for coordination with and reporting to law enforcement officials and the Department of Education.

[(4.1)] (4) To verify the existence of corrective action plans to reduce incidents of violence as required in the [No Child Left Behind Act of 2001 (Public Law 107-110, 115 Stat. 1425).] Every Student Succeeds Act (Public Law 114-95, 129 Stat. 1802).

(5) To develop in collaboration and coordination with the School Safety and Security Committee established under section 1302-B forms

to be used by school entities and police departments for reporting incidents involving acts of violence and possession of weapons on school property. The forms shall be reviewed on a biennial basis and revised when necessary.

[(6)] To verify that each school entity has a biennially updated and reexecuted memorandum of understanding with local law enforcement and has filed such memorandum with the office on a biennial basis.

(7) To publish and post on the Department of Education's Internet website a School Safety Annual Report no later than November 1 of each calendar year outlining all incidents required to be reported under section 1303-A and any school district that failed to submit a report under section 1303-A.

(8) To establish criteria, in consultation with the Pennsylvania State Police, for certifying approved vendors to provide school police officers to nonpublic schools for the purposes of awarding grants under subsection (c.1)(3).

(9) To publish and post on the Department of Education's publicly accessible Internet website a listing of all approved vendors under paragraph (8).]

(b.1) The [office] Department of Education shall process and tabulate the data on an annual basis to assist school administrators, the School Safety and Security Committee established under section 1302-B and law enforcement officials in their duties under this article.

[(c)] In addition to the powers and duties set forth under subsection (b), the office is authorized to make targeted grants to school entities, and to intermediate units on behalf of nonpublic schools, to fund programs which address school violence, including:

(1) Conflict resolution or dispute management, including restorative justice strategies.

(1.1) School-wide positive behavior support that includes primary or universal, secondary and tertiary supports and interventions in school entities.

(1.2) School-based diversion programs.

(2) Peer helpers programs.

(3) Risk assessment, safety-related, violence prevention curricula, including, but not limited to, dating violence curricula and restorative justice strategies.

(4) Classroom management.

(5) Student codes of conduct.

(6) Training to undertake a districtwide assessment of risk factors that increase the likelihood of problem behaviors among students.

(7) Development and implementation of research-based violence prevention programs that address risk factors to reduce incidents of problem behaviors among students including, but not limited to, bullying.

(8) Comprehensive, districtwide school safety, violence prevention, emergency preparedness and all-hazards plans, including revisions or updates to such plans and conducting emergency preparedness drills and related activities with local emergency responders.

(9) Security planning, purchase of security-related technology which may include metal detectors, protective lighting, surveillance equipment, special emergency communications equipment, electronic locksets, deadbolts and theft control devices and training in the use of security-related technology. Security planning and purchase of security-related technology shall be based on safety needs identified by the school entity's board of directors.

(10) Institution of student, staff and visitor identification systems, including criminal background check software.

(12) Provision of specialized staff and student training programs, including training for Student Assistance Program team members in elementary, middle and high schools in the referral of students at risk of violent behavior to appropriate community-based services, including mental health services.

(13) Alternative education programs provided for in Article XIX-C.

(14) Counseling services for students enrolled in alternative education programs.

(15) An Internet web-based system for the management of student discipline, including misconduct and criminal offenses.

(16) Staff training programs in the use of positive behavior supports, de-escalation techniques and appropriate responses to student behavior that may require immediate intervention.

(17) The implementation of Article XIII-E.

(c.1) (1) In addition to the powers and duties set forth under subsections (b) and (c), the office is authorized to make targeted grants to

school entities, municipalities, local law enforcement agencies and approved vendors to fund programs which address school violence by establishing or enhancing school security, including costs associated with the training and compensation of school resource officers and school police officers. Municipalities or local law enforcement agencies that receive grants under this subsection shall, with the prior consent of the governing board of the school entity or nonpublic school, assign school resource officers to carry out their official duties on the premises of the school entity or nonpublic school.

(2) Municipalities or local law enforcement agencies may not receive grant funds under this subsection for any purpose other than for costs associated with school resource officers and are not eligible for other grants provided to school entities under this section. In assigning school resource officers pursuant to this subsection, municipalities shall take into consideration the proportion of students enrolled in each school entity or nonpublic school.

(3) Nonpublic schools are authorized to apply to the office for grant funding under paragraph (1) to be used for the costs associated with obtaining the services of a school police officer from a list of approved vendors certified by the office. Grant awards for this purpose shall be awarded and paid directly to the approved vendor with which the nonpublic school contracts for services. Nonpublic schools may not apply for grant funding under this section for any purpose other than obtaining the services of a school police officer under this paragraph.

(d) The office shall have the following duties as to targeted grants:

(1) Targeted grants shall be allocated through a competitive grant review process established by the office. School entities must satisfy the requirements of this section and section 1303-A to be eligible for grants. The application for a targeted grant shall include:

(i) the purpose for which the targeted grant shall be utilized;

(ii) information indicating need for the targeted grant, including, but not limited to, school violence statistics;

(iii) an estimated budget;

(iv) methods for measuring outcomes; and

(v) any other criteria as the office may require.

(2) The office shall:

(i) Give priority in grant funding under subsection (c) to a school entity designated as a persistently dangerous school as defined in 22 Pa. Code § 403.2 (relating to definitions).

(ii) Give priority in grant funding under subsection (c) to school entities with the greatest need to establish safety and order.

(iii) To the greatest extent possible, ensure that grant funding is geographically dispersed to school entities and municipalities throughout this Commonwealth.

(iv) For school entities, municipalities, local law enforcement agencies and nonpublic schools that apply for funding for the training and compensation of school resource officers and school police officers under subsection (c.1), give priority to school entities, municipalities, local law enforcement agencies and nonpublic schools that utilize school resource officers or school police officers who have completed additional training recommended by the Department of Education relating to interaction with all children and adolescents within a school setting.

(v) For school entities or nonpublic schools that apply for funding for school police officers under subsection (c.1), give priority to school entities and nonpublic schools that utilize school police officers who satisfy all of the following:

(A) Are retired Federal agents or retired State, municipal or military police officers.

(B) Are independent contractors of the school entity or nonpublic school.

(C) Are compensated on an hourly basis and receive no other compensation or fringe benefits from the school entity or nonpublic school.

(D) Have completed such annual training as shall be required by the Municipal Police Officers' Education and Training Commission pursuant to 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training).

(E) Are in satisfaction of the requirements of section 111.

(F) In the case of a school entity, have been indemnified by the school entity pursuant to 42 Pa.C.S. § 8548 (relating to indemnity).

(G) Are utilized by a school entity or nonpublic school that has not employed a school police officer within the three years immediately preceding the effective date of this clause.

Nothing in this clause shall be construed to impact on grant decisions for school entities, municipalities or local law enforcement agencies that apply for funding for hiring of school resource officers pursuant to subsection (c.1).

(3) The office shall provide all targeted grant agreements to the Department of Education's comptroller for review and approval prior to awarding the grant. The school entity, municipality, local law enforcement agency or approved vendor shall provide the office with full and complete access to all records relating to the performance of the grant, and shall submit, at such time and in such form as may be prescribed, truthful and accurate information that the office may require. The office shall conduct a thorough annual evaluation of each program for which a grant under this section is made. The office shall seek repayment of funds if it determines that funds were not utilized for the original stated purpose.

(e) For any fiscal year prior to 2019-2020, the sum appropriated annually to the Department of Education for the purpose of making targeted grants under this section shall be allocated as follows:

(1) Twenty-five percent of the sum shall be allocated for grants under subsection (c).

(2) Seventy-five percent of the sum shall be allocated for grants under subsection (c.1).

(e.1) Any grant funding allocated under subsection (c.1) above the amount allocated in fiscal year 2017-2018 may be prioritized for nonpublic schools.

(e.2) Beginning in fiscal year 2019-2020, grants awarded under subsection (c.1) shall not exceed the amount awarded in fiscal year 2018-2019 under that subsection and no less than \$3,200,000 shall be awarded to intermediate units on behalf of nonpublic schools under subsection (c).

(f) As used in this section, "school entity" shall have the same meaning given to it under section 222(c.)]

Section 8. Sections 1302.1-A and 1303-A of the act are repealed:

[Section 1302.1-A. Regulations.--(a) Within one year of the effective date of this section, the State Board of Education shall promulgate final-omitted regulations pursuant to the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act," necessary to implement this article. The regulations shall include the following:

(1) A model memorandum of understanding between school entities and local police departments. The model memorandum of understanding shall be reviewed on a biennial basis and revised where necessary. The State Board of Education may revise the model memorandum of understanding by publishing a notice in the Pennsylvania Bulletin that contains the complete revised model memorandum of understanding. The revised model memorandum of understanding shall be incorporated into the Pennsylvania Code in place of the existing model memorandum of understanding.

(2) Protocol for the notification of the police department when an offense listed under section 1303-A(b)(4.1) occurs on school property, which shall include a requirement that the local police department be notified immediately when such an offense occurs.

(3) Protocol for the notification of the police department at the discretion of the chief school administrator regarding an offense listed under section 1303-A(b)(4.2) or any other offense that occurs on school property.

(4) Protocol for emergency and nonemergency response by the police department, which shall include a requirement that the school district shall supply the police department with a copy of the comprehensive disaster response and emergency preparedness plan as required by 35 Pa.C.S. § 7701(g) (relating to duties concerning disaster prevention).

(5) Procedures and protocols for the response and handling of students with a disability, including procedures related to student behavior as required by 22 Pa. Code §§ 14.104 (relating to special education plans) and 14.133 (relating to positive behavior support).

(b) (1) In promulgating the regulations required under subsection (a), the State Board of Education shall convene and consult with a Statewide advisory committee which shall include a police chief, juvenile public defender, school superintendent, school principal, district attorney, solicitor of a school district, special education supervisor, special education advocate and in-school probation officer and one designee from the Department of Education, the Pennsylvania Commission on Crime and Delinquency, the Municipal Police Officers' Education and Training Commission, the Juvenile Court Judges' Commission and the Pennsylvania State Police.

(2) Members of the committee shall be selected to be representative of the rural, suburban and urban school entities of this Commonwealth.

(3) The advisory committee shall be convened no later than sixty (60) days after the effective date of this section and shall meet regularly to fulfill the requirements of this section.

Section 1303-A. Reporting.--(a) The office shall conduct a one-time survey of all school entities to determine the number of incidents involving acts of violence on school property and all cases involving possession of a weapon by any person on school property which occurred within the last five (5) years. The survey shall be based on the best available information provided by school entities.

(b) Each chief school administrator shall report to the office by July 31 of each year all new incidents involving acts of violence, possession of a weapon or possession, use or sale of controlled substances as defined in the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," or possession, use or sale of alcohol or tobacco by any person on school property. The incidents to be reported to the office shall include all incidents involving conduct that constitutes a criminal offense listed under paragraphs (4.1) and (4.2). Reports on a form to be developed and provided by the office shall include:

(1) Age or grade of student.

(2) Name and address of school.

(3) Circumstances surrounding the incident, including, but not limited to, type of weapon, controlled substance, alcohol or tobacco, the date, time and location of the incident, if a person other than a student is involved in the incident and any relationship to the school entity.

(3.1) Race of student.

(3.2) Whether the student has an Individualized Education Plan under the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.), and if so, the type of disability.

(4) Sanction imposed by the school.

(4.1) A list of criminal offenses which shall, at a minimum, include:

(i) The following offenses under 18 Pa.C.S. (relating to crimes and offenses):

Section 908 (relating to prohibited offensive weapons).

Section 912 (relating to possession of weapon on school property).

Chapter 25 (relating to criminal homicide).

Section 2702 (relating to aggravated assault).

Section 2709.1 (relating to stalking).

Section 2901 (relating to kidnapping).

Section 2902 (relating to unlawful restraint).

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 3301 (relating to arson and related offenses).

Section 3307 (relating to institutional vandalism) when the penalty is a felony of the third degree.

Section 3502 (relating to burglary).

Section 3503(a) and (b)(1)(v) (relating to criminal trespass).

Section 5501 (relating to riot).

Section 6110.1 (relating to possession of firearm by minor).

(ii) The possession, use or sale of a controlled substance or drug paraphernalia as defined in "The Controlled Substance, Drug, Device and Cosmetic Act."

(iii) Attempts, solicitation or conspiracy to commit any of the offenses listed in subclauses (i) and (ii).

(iv) An offense for which registration is required under 42 Pa.C.S. § 9795.1 (relating to registration).

(4.2) The following offenses under 18 Pa.C.S., and any attempt, solicitation or conspiracy to commit any of these offenses:

Section 2701 (relating to simple assault).

Section 2705 (relating to recklessly endangering another person).

Section 2706 (relating to terroristic threats).

Section 2709 (relating to harassment).

Section 3127 (relating to indecent exposure).

Section 3307 (relating to institutional vandalism) when the penalty is a misdemeanor of the second degree.

Section 3503(b)(1)(i), (ii), (iii) and (iv), (b.1) and (b.2) (relating to criminal trespass).

Chapter 39 (relating to theft and related offenses).

Section 5502 (relating to failure of disorderly persons to disperse upon official order).

Section 5503 (relating to disorderly conduct).

Section 6305 (relating to sale of tobacco).

Section 6306.1 (relating to use of tobacco in schools prohibited).

Section 6308 (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages).

(5) Notification of law enforcement.

(6) Remedial programs involved.

(7) Parental involvement required.

(8) Arrests, convictions and adjudications, if known.

(b.1) Prior to submitting the report required under subsection (b), each chief school administrator and each police department having jurisdiction over school property of the school entity shall do all of the following:

(1) No later than thirty (30) days prior to the deadline for submitting the report to the office required under subsection (b), the chief school administrator shall submit the report to the police department with jurisdiction over the relevant school property. The police department shall review the report and compare the data regarding criminal offenses and notification of law enforcement to determine whether the report accurately reflects police incident data.

(2) No later than fifteen (15) days prior to the deadline for the chief school administrator to submit the report required under subsection (b), the police department shall notify the chief school administrator, in writing, whether the report accurately reflects police incident data. Where the police department determines that the report accurately reflects police incident data, the chief of police shall sign the report. Where the police department determines that the report does not accurately reflect police incident data, the police department shall indicate any discrepancies between the report and police incident data.

(3) Prior to submitting the report required under subsection (b), the chief school administrator and the police department shall attempt to resolve discrepancies between the report and police incident data. Where a discrepancy remains unresolved, the police department shall notify the chief school administrator and the office in writing.

(4) Where a police department fails to take action as required under paragraph (2) or (3), the chief school administrator shall submit the report required under subsection (b) and indicate that the police department failed to take action as required under paragraph (2) or (3).

(c) Each chief school administrator shall form an advisory committee composed of relevant school staff, including, but not limited to, principals, security personnel, school resource officers, guidance counselors and special education administrators, to assist in the development of a memorandum of understanding pursuant to this section. In consultation with the advisory committee, each chief school administrator shall enter into a memorandum of understanding with police departments having jurisdiction over school property of the school entity. Each chief school administrator shall submit a copy of the memorandum of understanding to the office by June 30, 2011, and biennially update and re-execute a memorandum of understanding with local law enforcement and file such memorandum with the office on a biennial basis. The memorandum of understanding shall be signed by the chief school administrator, the chief of police of the police department with jurisdiction over the relevant school property and principals of each school building of the school entity. The memorandum of understanding shall comply with the regulations promulgated by the State Board of Education under section 1302.1-A and shall also include:

(1) The procedure for police department review of the annual report required under subsection (b) prior to the chief school administrator filing the report required under subsection (b) with the office.

(2) A procedure for the resolution of school violence data discrepancies in the report prior to filing the report required under subsection (b) with the office.

(3) Additional matters pertaining to crime prevention agreed to between the chief school administrator and the police department.

(d) Pursuant to section 615 of the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1415(k)(6)), nothing in section 1302.1-A or this section shall be construed to prohibit a school entity from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial

authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

(e) (1) Notwithstanding any provision of law to the contrary, the Department of Education may initiate disciplinary action before the Professional Standards and Practices Commission pursuant to the act of December 12, 1973 (P.L.397, No.141), known as the "Professional Educator Discipline Act," against a chief school administrator or principal of a school entity who intentionally fails to submit the report as required under subsection (b) or enter into the memorandum of understanding with the police department with jurisdiction over the relevant school property, report an incident involving an act of violence, possession of a weapon or an offense listed under subsection (b)(4.1) that occurs on school property to a police department or submit a copy of the memorandum of understanding to the office as required under subsection (c) or who intentionally falsifies a report submitted as required under this section.

(2) In addition to any other disciplinary actions set forth in the "Professional Educator Discipline Act," a chief school administrator or principal of a school entity who intentionally fails to submit the report as required under subsection (b) or enter into the memorandum of understanding with the police department with jurisdiction over the relevant school property, report an incident involving an act of violence, possession of a weapon or an offense cited under subsection (b)(4.1) that occurs on school property to a police department or submit a copy of the memorandum of understanding to the office as required under subsection (c) or who intentionally falsifies a report submitted as required under this section shall be subject to prosecution for violation of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities). The following civil penalties may be imposed by the Professional Standards and Practices Commission for violations of this article:

- (i) for a first violation, \$2,500;
- (ii) for a second violation, \$3,500; or
- (iii) for a third or subsequent violation, \$5,000.

Any penalty imposed under this paragraph shall be paid to the Department of Education and used for the support of the office.]

Section 9. Sections 1303.1-A(c) and (d) and 1307-A of the act are amended to read:

Section 1303.1-A. Policy Relating to Bullying.--* * *

(c) Each school entity shall review its policy every three (3) years and annually provide the [office] Department of Education with a copy of its policy relating to bullying, including information related to the development and implementation of any bullying prevention, intervention and education programs. The information required under this subsection shall be attached to or made part of the annual report required under section [1303-A(b)] 1319-B(b).

(d) In its policy relating to bullying adopted or maintained under subsection (a), a school entity shall not be prohibited from defining bullying in such a way as to encompass acts that occur outside a school setting if those acts meet the requirements contained in subsection (e)(1), (3) and (4). If a school entity reports acts of bullying to the [office] Department of Education in accordance with section [1303-A(b)] 1319-B(b), it shall report all incidents that qualify as bullying under the entity's adopted definition of that term.

* * *

Section 1307-A. Maintenance of Records.--All school entities and private schools within this Commonwealth shall maintain updated records of all incidents of violence, incidents involving possession of a weapon and convictions or adjudications of delinquency for acts committed on school property by students enrolled therein on both a district-wide and school-by-school basis. Records maintained under this section shall be contained in a format developed by the Pennsylvania State Police in cooperation with the [office within ninety (90) days of the effective date of this section] Department of Education. A statistical summary of these records shall be made accessible to the public for examination by the public during regular business hours.

Section 10. Sections 1310-A, 1311-A, 1312-A and 1313-A of the act are repealed.

[Section 1310-A. Safe Schools Advocate in School Districts of the First Class.--(a) The Executive Director of the Pennsylvania Commission on Crime and Delinquency shall establish, within the commission, a safe schools advocate for each school district of the first class. The advocate shall not be subject to the act of August 5, 1941 (P.L.752, No.286),

known as the "Civil Service Act." The advocate shall establish and maintain an office within the school district.

(b) The safe schools advocate shall have the power and its duties shall be:

(1) To monitor the school district's compliance with this article, including:

(i) the school district's reporting to the office of incidents involving acts of violence, possession of a weapon or possession, use or sale of controlled substances as defined in the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," or possession, use or sale of alcohol or tobacco by any person on school property;

(ii) obtaining copies of the school district's reports to the office and reviewing and analyzing them;

(iii) the school district's compliance with the procedures set forth in the memorandum of understanding with the appropriate police department regarding incidents involving acts of violence and possession of weapons; and

(iv) obtaining documentation, on a weekly basis during those times when school is in session, of all written or verbal contacts by school district personnel with the appropriate police department consistent with the requirements of the memorandum of understanding.

(2) To monitor the school district's compliance with the mandatory expulsion requirements of sections 1317.2 and 1318.1.

(3) To receive inquiries from school staff and parents or guardians of students who are victims of acts of violence on school property.

(4) To establish a protocol, in consultation with the Juvenile Court Judges' Commission, to assure timely receipt by the school district of information regarding students who have been adjudicated delinquent pursuant to 42 Pa.C.S. § 6341(b.1) (relating to adjudication) and to monitor the school district's use of that information to ensure that victims of acts of violence by a student are protected.

(5) To establish a program to assure extensive and continuing public awareness of information regarding the role of the advocate on behalf of victims of acts of violence on school property, which may include the mailing of information to the parents or guardians of students in the school district or other forms of communication.

(6) To review and analyze Federal and State statutes which may be an impediment to school safety and the imposition of discipline for the commission of acts of violence on school property and to prepare, by April 30, 2001, and as necessary from time to time thereafter, reports making recommendations for changes to the statutes which would promote school safety and facilitate effective and expedient disciplinary action. The reports shall be submitted to the secretary and the Executive Director of the Pennsylvania Commission on Crime and Delinquency.

(7) To review and analyze court decisions applicable to the school district's disciplinary process and procedures, to make recommendations to the school district regarding any negative impact these decisions have upon the effective maintenance of school safety and to make recommendations relating to the existing provisions of consent decrees.

(8) To prepare an annual report regarding the activities of the advocate during the prior fiscal year and any recommendations for remedial legislation, regulations or school district administrative reforms, which shall be submitted to the school district superintendent, the secretary, the Executive Director of the Pennsylvania Commission on Crime and Delinquency, the chairperson of the Education Committee of the Senate and the chairperson of the Education Committee of the House of Representatives by August 15 of each year.

(9) To monitor infractions of the school district's code of conduct to identify students whose conduct would constitute an offense under 18 Pa.C.S. § 2701 (relating to simple assault).

(c) The safe schools advocate shall, on behalf of victims of acts of violence on school property, victims of conduct that would constitute an act of violence and victims of students who have committed two or more infractions as set forth in subsection (b)(9):

(1) provide assistance and advice, including information on support services provided by victim assistance offices of the appropriate district attorney and through local community-based victim service agencies;

(2) provide information to the parent or guardian of the student victim regarding the disciplinary process and any action ultimately taken against the student accused of committing the act of violence;

(3) in cases involving the possession or use of a weapon, advise the parent or guardian of the victim whether the school district properly exercised its duty under section 1317.2;

(4) in cases where the advocate has received a request by the parent or guardian of the victim, to attend formal disciplinary proceedings;

(5) with the consent of the parent or guardian of the victim, present information in the disciplinary proceeding, which may include oral or written presentations, including testimony by the victim or the parent or guardian of the victim, regarding the impact on the victim and the victim's family and the appropriate disciplinary action and which may include direct or cross-examination of witnesses;

(6) where the perpetrator of an act of violence is returning to school after placement under a consent decree, adjudication of delinquency or conviction of a criminal offense, assist the parent or guardian of the victim in providing input to the school district and the appropriate juvenile or criminal justice authority to ensure the victim's safety on school property;

(7) in cases where the district has failed to report the act of violence to the appropriate police department as required by the memorandum of understanding, to report such act of violence directly; and

(8) provide information and make recommendations to the office of the district attorney regarding the impact of the act of violence on the victim and the victim's family.

(d) Upon discovery of the commission of an act of violence upon a student, the school district of the first class shall immediately notify the victim's parent or guardian of the safe schools advocate. The form of this notice shall be developed by the advocate and provided to the school district. This form shall include the address and telephone number of the advocate and a brief description of the purposes and functions of the safe schools advocate. The principal of each school within the school district shall post a notice not less than 8 1/2 by 11 inches entitled "Safe Schools Advocate" at a prominent location within each school building, where such notices are usually posted. The form of this notice shall also be developed by the advocate and provided to the school district.

(e) It shall be the duty of each school administrator in a school district of the first class to cooperate with the safe schools advocate to implement this section and to provide the advocate, upon request, with all available information authorized by State law. In regard to individual cases of acts of violence, only information permitted to be shared under subsection (f) shall be disclosed.

(f) The advocate and all employees and agents of the safe schools advocate shall be subject to and bound by section 444 of the General Education Provisions Act (Public Law 90-247, 20 U.S.C. § 1232g) and 34 CFR Pt. 99 (relating to family educational rights and privacy).

(g) This section shall not apply to the extent that it would conflict with the requirements of the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.) or other applicable Federal statute or regulation.

(h) As used in this section:

"Act of violence" shall mean the possession of a weapon on school property or an offense, including the attempt, solicitation or conspiracy to commit the offense, under any of the following provisions of 18 Pa.C.S. (relating to crimes and offenses):

- (1) Section 2501 (relating to criminal homicide).
- (2) Section 2702 (relating to aggravated assault).
- (3) Section 3121 (relating to rape).
- (4) Section 3122.1 (relating to statutory sexual assault).
- (5) Section 3123 (relating to involuntary deviate sexual intercourse).
- (6) Section 3124.1 (relating to sexual assault).
- (7) Section 3125 (relating to aggravated indecent assault).
- (8) Section 3126 (relating to indecent assault).
- (9) Section 3301 (relating to arson and related offenses).
- (10) Section 3701 (relating to robbery).
- (11) Section 3702 (relating to robbery of motor vehicle).

"School district" shall mean school district of the first class.

(i) At least eighty per centum (80%) of all appropriations for the Office of Safe Schools Advocate in fiscal year 2006-2007 shall be expended by June 30, 2007, and the remaining balance of the appropriation shall be committed or encumbered by June 30, 2007.

Section 1311-A. Standing.--(a) If a student in a school district of the first class is a victim of an act of violence involving a weapon on school property and the student who possessed the weapon was not

expelled under section 1317.2, the parent or guardian of the victim shall have standing to institute a legal proceeding to obtain expulsion of the student.

(b) The Office of General Counsel shall have standing to bring an action on behalf of a victim or the parent or guardian of a victim of an act of violence in a school in a school district of the first class to modify, clarify or eliminate a consent decree that is related to discipline in the district if, in consultation with the advocate, the Office of General Counsel believes that the action is in the best interests of the students of the school district.

(c) (1) The Executive Director of the Pennsylvania Commission on Crime and Delinquency in consultation with the General Counsel may designate a portion of the funds provided for the safe schools advocate:

(i) For contracts for legal services to assist low-income parents or guardians of victims to obtain legal services for proceedings under subsection (a).

(ii) To challenge a consent decree under subsection (b) or to bring an action under sections 1310-A(c)(5) and 1312-A(a).

(2) The designation of attorneys to receive funds under this subsection shall be within the discretion of the Office of General Counsel after consultation with the safe schools advocate.

(3) Designated funds which are not expended under this subsection shall lapse to the General Fund.

(d) Legal proceedings under this section shall be conducted by an attorney designated by the Office of General Counsel in consultation with the safe schools advocate. The attorney must be a member of the bar in good standing.

(f) As used in this section, "low-income parent or guardian" shall mean a parent whose family income is no greater than two hundred fifty per centum (250%) of the Federal poverty level.

Section 1312-A. Enforcement.--(a) (1) If the school district of the first class fails to comply with requirements to provide information to the safe schools advocate under section 1310-A, the advocate shall provide documentation of the failure to the Secretary of Education and the Pennsylvania Commission on Crime and Delinquency.

(2) If the secretary determines that there is noncompliance, the secretary shall notify the advocate and the Office of General Counsel. The Office of General Counsel, in consultation with the safe schools advocate, shall designate an attorney to bring an action in a court of competent jurisdiction to enforce section 1310-A.

(3) If the secretary determines that the school district of the first class has complied with the requirements to provide information to the safe schools advocate under section 1310-A, the secretary shall convene a public hearing at which the safe schools advocate shall be permitted to testify regarding the alleged noncompliance.

(b) Legal proceedings under subsection (a) shall be conducted by an attorney designated by the Office of General Counsel in consultation with the safe schools advocate. The attorney must be a member of the bar in good standing.

Section 1313-A. Construction of Article and Other Laws.--Nothing in this article or any other provision of law shall be construed as granting a right of status for or participation by the safe schools advocate in a grievance or arbitration proceeding arising out of a collective bargaining agreement.]

Section 11. Section 1301-B of the act is amended by adding definitions to read:

Section 1301-B. Definitions.

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

"Chief school administrator." The superintendent of a public school district, superintendent of an area career and technical school, executive director of an intermediate unit or chief executive officer of a charter school.

"Department." The Department of Education of the Commonwealth.

"School property." As defined in section 1301-A.

"Student with a disability." A student who meets the definition of "child with a disability" under 20 U.S.C. Ch. 33 (relating to education of individuals with disabilities) or who meets the definition of a

"handicapped person" under 29 U.S.C. § 794 (relating to nondiscrimination under Federal grants and programs) and its implementing regulations (34 CFR 104.3(j)). The term includes a student for whom an evaluation is pending under either 20 U.S.C. Ch. 33 or 29 U.S.C. Ch. 16 (relating to vocational rehabilitation and other rehabilitative services).

"Weapon." The term shall include, but not be limited to, a knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle and other tool, instrument or implement capable of inflicting serious bodily injury.

Section 12. Section 1302-B(e) of the act, amended July 8, 2022 (P.L.620, No.55), is amended, subsection (b)(12) is amended by adding a subparagraph and the section is amended by adding a subsection to read:

Section 1302-B. School Safety and Security Committee.

(b) Composition.--The committee shall consist of a chairperson and the following members:

(12) The following members appointed by the Governor:

(xi) The Homeland Security Director of the Office of Homeland Security under 4 Pa. Code Ch. 6 Subch. LL (relating to Office of Homeland Security), who shall be a nonvoting member.

(e) Term.--Members appointed under subsection (b)(5), (6), (7), (8), (11) and (12) shall serve for a four-year term and may be appointed for no more than one additional consecutive term. The terms of those members who serve by virtue of the public office they hold shall be concurrent with their service in the office from which they derive their membership.

(j) Executive committee.--

(1) The committee shall establish an executive committee which shall meet, at a minimum, every two months to identify and review current and emerging school safety issues, including, but not limited to:

(i) data on issues and incidents reported through the Safe2Say Program;

(ii) information arising from county safe schools' collaborations under section 1310.1-B;

(iii) identification, prevention and mitigation of potential threats of targeted violence in educational settings;

(iv) utilization of best practices among school entities related to threat assessment, bystander intervention and reporting, crisis intervention and emergency preparedness and response; and

(v) other incidents and issues impacting school safety in this Commonwealth.

(2) The executive committee shall provide guidance and recommendations for consideration by the committee.

(3) The executive committee shall include, at a minimum, the chair of the committee and the members appointed under subsection (b)(2), (3), (4), (5), (6), (7) and (8).

(4) Meetings of the executive committee shall not be subject to the requirements of 65 Pa.C.S. Ch. 7 (relating to open meetings).

(5) The member appointed under subsection (b)(2) shall serve as chair of the executive committee.

(6) The executive committee may add other members of the committee as necessary.

Section 13. The act is amended by adding a section to read:

Section 1302.1-B. Duties of committee.

The committee shall advance practices to improve the safety and security of school entities within this Commonwealth, including developing policies and providing resources, training, guidance and assistance to schools and their partners. In addition to other duties given to the committee under this article, the committee shall have the following powers and duties:

(1) To establish, periodically review and, if necessary, update baseline criteria for physical security and behavioral health in coordination with the department for school entities in this Commonwealth.

(2) To coordinate antiviolence and school safety efforts between school, professional, parental, governmental, law enforcement and community organizations and associations.

(3) To collect, develop and disseminate information, policies, strategies and other information to assist in the development of programs to impact school and community violence and other school-safety-related issues.

(4) To provide training to school employees, school safety and security coordinators and communities on effective measures to prevent and combat school and community violence as well as school safety and security training under section 1310-B and coordinator training under section 1316-B.

(5) In collaboration and coordination with the department, to assist school entities and nonpublic schools on the development of policies to enhance safety and security, including policies addressing possession of weapons, acts of violence, protocols for coordination with law enforcement officials and reporting under section 1319-B.

(6) In collaboration and coordination with the department, to verify that each school entity has complied with reporting and memorandum of understanding requirements under section 1319-B.

(7) In collaboration and coordination with the department, to publish and post on the commission's publicly accessible Internet website a school safety annual report no later than November 1 of each calendar year outlining all incidents required to be reported under section 1319-B and school entities that failed to submit a report under section 1319-B.

(8) In collaboration and consultation with the Pennsylvania State Police, to establish criteria for certifying approved vendors to provide school police officers to nonpublic schools for the purpose of awarding grants under section 1306.1-B(k).

(9) To publish and post on the commission's publicly accessible Internet website a listing of approved vendors under paragraph (8).

(10) In consultation with the department, to develop, review and promulgate regulations under section 1306.2-B(b).

(11) To request data related to school safety and security collected by the department to fulfill the duties of the committee. The department shall provide requested data no later than 10 days after the request is made.

Section 14. Section 1306-B(j)(4) and (12), (k) and (l) of the act, amended July 8, 2022 (P.L.620, No.55), are amended, subsection (h) is amended by adding paragraphs and the section is amended by adding a subsection to read:

Section 1306-B. School Safety and Security Grant Program.

(h) School Safety and Security Fund.--

(10) For fiscal year 2023-2024, the committee shall commit funds relating to school safety and security and school mental health to school entities that receive a grant award under this section no later than March 31, 2024.

(11) For fiscal year 2024-2025 and each fiscal year thereafter, the committee shall commit funds relating to school safety and security and school mental health to school entities that receive a grant award under this section no later than December 31 of each calendar year in which funds are available.

(j) Specific purposes.--The committee shall provide grants to school entities for programs that address school mental health and safety and security, including:

(4) School-based diversion programs[,] as defined in section 1301-A, including costs associated with the hiring of qualified professional staff members to provide assistance and services related to the programs.

(12) Security planning and purchase of security-related technology, which may include metal detectors, protective lighting, specialty trained canines, surveillance equipment, special emergency communications equipment, automated external defibrillators, electronic locksets, deadbolts, trauma kits and theft control devices and training in the use of security-related technology. [Security planning

and purchase of security-related technology shall be based on safety needs identified by the school entity's board of school directors.]

* * *

(k) Coordination of grant distribution.--The [department] committee shall coordinate the distribution of grants under [Article XIII-A with the committee] section 1306.1-B to ensure the most effective use of resources.

(l) Audits.--

(1) The commission may randomly audit and monitor grant recipients to ensure the appropriate use of grant funds and compliance with [the provisions of] subsection (d).

(2) The Auditor General [shall] may not perform audits related to school safety and security assessments, survey instruments and grant applications.

(m) Procurement procedures.--An applicant shall be required to comply with all applicable State and local procurement requirements, policies and procedures when expending grant funds.

Section 15. The act is amended by adding sections to read:
Section 1306.1-B. Targeted School Safety Grants for Nonpublic Schools and School Entities Program.

(a) Reestablishment.--The Targeted School Safety Grants for Nonpublic Schools and School Entities Program is reestablished in the committee to make nonpublic schools and school entities within this Commonwealth safer places.

(b) Continuation.--The targeted grants issued in fiscal year 2022-2023 and in any previous fiscal year to school entities and to intermediate units on behalf of nonpublic schools through the department under Article XIII-A shall continue to be administered by the department. Targeted grants for fiscal year 2023-2024 and each year thereafter shall be awarded and administered by the committee.

(c) Functions generally.--The committee shall perform all functions related to the direct approval, disbursement and administration of grants under the program.

(d) Diversity.--The committee shall ensure that grant funding under the program is geographically dispersed throughout this Commonwealth.

(e) Supplement and not supplant.--

(1) Grant money allocated through the program shall be used to supplement and not supplant existing nonpublic school entity spending on school safety and security.

(2) Nothing in this section shall be construed to preclude a nonpublic school entity from making an application in a subsequent year for the same purpose and amount awarded in a prior year.

(f) Whole or partial awards.--The committee, in its discretion, may award, in whole or in part, a request made by a nonpublic school entity in its grant application based upon the merit of a specific item requested.

(g) Sustainability planning.--Sustainability planning is not a necessary component of an application under this section.

(h) Confidentiality.--Information submitted by a nonpublic school entity as part of the grant application, the disclosure of which would be reasonably likely to result in a substantial and demonstrable risk of physical harm or the personal security of students or staff, shall remain confidential and shall not be accessible for inspection and duplication under the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law. The committee may release aggregate data at its discretion.

(i) (Reserved).

(j) Uses.--Targeted grants to school entities and to intermediate units on behalf of nonpublic schools shall be used to fund programs that address school violence and school mental health. Eligible uses of the funds shall include any use under section 1306-B(j) and to fund programs that address school violence by establishing or enhancing school security, including costs associated with the training and compensation of school security personnel.

(k) Other grant recipients.--

(1) The committee may award targeted grants to municipalities, law enforcement agencies and approved vendors to fund programs that address school violence by establishing or enhancing school security, including costs associated with the training and compensation of school security personnel.

(2) A municipality or law enforcement agency that receives grants under this subsection shall, with the prior consent of the governing board of the school entity or nonpublic school, assign school resource officers to carry out their official duties on the premises of the school entity or nonpublic school. A municipality or law

enforcement agency may not receive grant money under this subsection for any purpose other than for costs associated with school resource officers and are not eligible for other grants provided to school entities under this section. In assigning school resource officers under this subsection, a municipality shall take into consideration the proportion of students enrolled in each school entity or nonpublic school.

(3) A nonpublic school may apply to the committee for grant funding under paragraph (1) to be used for the costs associated with obtaining the services of school security personnel from a list of approved vendors certified by the committee. A grant award for this purpose shall be awarded and paid directly to the approved vendor with which the nonpublic school contracts for services. A nonpublic school may not apply for grant funding under this subsection for any purpose other than obtaining the services of school security personnel under this paragraph.

(l) Other duties.--The committee shall have the following duties as to targeted grants:

(1) Targeted grants shall be allocated through a competitive grant review process established by the committee. A school entity must satisfy the requirements of this section. The application for a targeted grant shall include:

(i) the purpose for which the targeted grant will be utilized;

(ii) information indicating the need for the targeted grant, including, but not limited to, school violence statistics;

(iii) an estimated budget;

(iv) methods for measuring outcomes; and

(v) other criteria as the committee may require.

(2) The committee shall:

(i) Give priority in grant funding under subsection (c) to a school entity designated as a persistently dangerous school as defined in 22 Pa. Code § 403.2 (relating to definitions).

(ii) Give priority in grant funding under subsection (j) to school entities with the greatest need related to safety and order.

(iii) For municipalities, local law enforcement agencies and nonpublic schools that apply for funding for the training and compensation of school security personnel under subsection (j) or (k), give priority to municipalities, local law enforcement agencies and nonpublic schools that utilize school security personnel who have completed the training and qualifications required under Article XIII-C.

(iv) For school entities or nonpublic schools that apply for funding for school police officers under subsection (j) or (k), give priority to school entities and nonpublic schools that utilize school police officers who satisfy all of the following:

(A) Are retired Federal agents or retired State, municipal or military police officers.

(B) Are independent contractors of the school entity or nonpublic school.

(C) Are compensated on an hourly basis and receive no other compensation or fringe benefits from the school entity or nonpublic school.

(D) Have completed annual training as required by the Municipal Police Officers' Education and Training Commission under 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training).

(E) The requirements of section 111.

(F) In the case of a school entity, have been indemnified by the school entity under 42 Pa.C.S. § 8548 (relating to indemnity).

(G) Are utilized by a school entity or nonpublic school that has not employed a school police officer within the three years immediately preceding the effective date of this section. Nothing in this section shall be construed to impact grant decisions for school entities, municipalities or law enforcement agencies that apply for funding for hiring of school resource officers under subsection (j) or (k).

(3) For fiscal year 2023-2024 and each fiscal year thereafter, the combined amount of grants awarded to intermediate units on behalf of nonpublic schools under subsection (j) and grants awarded for costs associated with a nonpublic school obtaining the services of school security personnel under subsection (k) shall be no less than \$14,551,000.

(m) Audits.--

(1) The commission may randomly audit and monitor grant recipients to ensure the appropriate use of grant funds and compliance with the provisions of subsection (d).

(2) The Auditor General may not perform audits related to school safety and security assessments, survey instruments and grant applications.

(n) Procurement procedures.--An applicant shall be required to comply with all applicable State and local procurement requirements, policies and procedures when expending grant money.

(o) Transfer.--Within 90 days of the effective date of this section, from the amount appropriated to the Department of Education for the Safe School Initiative, the Department of Education shall transfer the sum of \$20,700,000 to the commission for distribution by the committee in accordance with this section.

(p) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Program." The Targeted School Safety Grants for Nonpublic Schools and School Entities Program reestablished in this section. Section 1306.2-B. Standardized protocols.

(a) Continuation of regulations.--A regulation adopted under section 1302.1-A and in effect as of the effective date of this section shall be enforced by the committee in collaboration and coordination with the department and the State Board of Education and shall continue to have the same force and effect until modified or revised under this section.

(b) Regulations.--No later than three years after the effective date of this section, the committee shall promulgate final-omitted regulations under the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, in consultation with the department, necessary to implement this article. The regulations shall include the following:

(1) A model memorandum of understanding between school entities and law enforcement. The model memorandum of understanding shall be reviewed at least once every three years and revised where necessary. The committee may revise the model memorandum of understanding by transmitting a notice to the Legislative Reference Bureau for publication in the next available issue of the Pennsylvania Bulletin that contains the complete revised model memorandum of understanding. The revised model memorandum of understanding shall be incorporated into the Pennsylvania Code and replace the existing model memorandum of understanding.

(2) A protocol for the notification of the law enforcement agency when an offense listed under section 1319-B(b)(7) occurs on school property. The protocol shall include a requirement that the school entity immediately notify the law enforcement agency when an offense occurs.

(3) A protocol for the notification of the law enforcement agency at the discretion of the chief school administrator regarding an offense listed under section 1319-B(b)(8) or other offense that occurs on school property.

(4) A protocol for emergency and nonemergency response by the law enforcement department. The protocol shall include a requirement that the school entity notify and supply the law enforcement agency with a copy of the comprehensive disaster response and emergency preparedness plan as required by 35 Pa.C.S. § 7701(g) (relating to duties concerning disaster prevention).

(5) Procedures and protocols if a student with a disability commits an incident listed under section 1319-B(b)(7) and (8), including procedures related to student behavior as required by 22 Pa. Code § 14.104 (relating to special education plans) and 14.133 (relating to positive behavior supports). Protocols may include, but need not be limited to, training in the use of positive behavior supports and de-escalation techniques for students with disabilities.

Section 1310.1-B. County safe schools' collaborative.

(a) Establishment.--A county, or multicounties acting jointly, may establish a safe schools' collaborative to distribute, promote and develop best practices applicable to emergency response involving school safety and security through an emergency preparedness planning approach. The collaborative shall provide assistance to school entities, law enforcement and emergency responders and shall meet at least quarterly to develop safe and secure schools. The collaborative shall identify and promote strategies, practices that align with those identified by the committee and programs that support safe schools for all students and staff and

recommend implementation as part of a countywide or multicounty safe schools' plan.

(b) Technical assistance.--The Pennsylvania Emergency Management Agency in collaboration with the Pennsylvania State Police and the Office of Homeland Security shall provide technical assistance to a county or several counties to establish a safe schools' collaborative under subsection (a) to provide school districts, emergency responders and all relevant school safety partners with quality information, resources, consultation and training services.

(c) Reports.--The Pennsylvania Emergency Management Agency in collaboration with the Pennsylvania State Police and the Office of Homeland Security shall report to the committee annually beginning September 1, 2024, and September 1 of each year thereafter, the number of counties that have requested technical assistance under subsection (b).

(d) Confidentiality of reports.--Reports to the committee under this section shall remain confidential and shall not be subject to inspection and duplication under the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

(e) Confidentiality of meetings.--Meetings of a county safe schools' collaborative are not subject to the requirements of 65 Pa.C.S. Ch. 7 (relating to open meetings).

Section 16. Section 1316-B(b) of the act, added July 8, 2022 (P.L.620, No.55), is amended to read:

Section 1316-B. School safety and security coordinator training.

(b) Required training.--

(1) The committee shall adopt the required training hours for the training developed under subsection (a). The committee may not require more than seven hours of training for the school safety and security coordinator annually. The training shall be in addition to other training requirements for school administrators.

(2) Employees required to undergo continuing professional education under section 1205.2 and 1205.5 shall receive credit toward their continuing professional education requirements.

Section 17. The act is amended by adding sections to read:
Section 1319-B. Reporting and memorandum of understanding.

(a) Data reporting and access.--In collaboration and coordination with the committee, the department shall collect information as required by this section. The committee may request information collected by the department under this section. The department shall provide the information requested no later than 10 days after the request date to the extent permitted by law.

(b) Reporting by chief school administrator.--A chief school administrator shall report to the department by July 31 of each year all new incidents involving acts of violence, possession of a weapon or possession, use or sale of controlled substances as defined in the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or possession, use or sale of alcohol or tobacco by any person on school property. The report shall include all incidents involving conduct that constitutes a criminal offense listed under subsection (b)(7) and (8). Reports, on a form to be developed and provided by the department, in collaboration and coordination with the committee, shall include:

(1) The age or grade of the students involved.

(2) The name and address of school.

(3) The circumstances surrounding the incident, including, but not limited to, the type of weapon, controlled substance, alcohol or tobacco, the date, time and location of the incident, if a person other than a student is involved in the incident and any relationship of the person to the school entity.

(4) The race of the students involved.

(5) Whether the students have an Individualized Education Plan under 20 U.S.C. Ch.33 (relating to education for individuals with disabilities) and, if so, the type of disability.

(6) Any sanction imposed by the school.

(7) A list of criminal offenses which may, at a minimum, include:

(i) The following offenses under 18 Pa.C.S. (relating to crimes and offenses):

Section 908 (relating to prohibited offensive weapons).

Section 912 (relating to possession of weapon on school property).

Chapter 25 (relating to criminal homicide).
Section 2702 (relating to aggravated assault).
Section 2709.1 (relating to stalking).
Section 2901 (relating to kidnapping).
Section 2902 (relating to unlawful restraint).
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 3301 (relating to arson and related offenses).
Section 3307 (relating to institutional vandalism) when the offense is a felony of the third degree.
Section 3502 (relating to burglary).
Section 3503(a) and (b)(1)(v) (relating to criminal trespass).
Section 5501 (relating to riot).
Section 6110.1 (relating to possession of firearm by minor).
 (ii) The possession, use or sale of a controlled substance or drug paraphernalia as defined in The Controlled Substance, Drug, Device and Cosmetic Act.
 (iii) An attempt, solicitation or conspiracy to commit an offense listed in subclauses (i) and (ii).
 (iv) An offense for which registration is required under 42 Pa.C.S. § 9799.55 (relating to registration).
 (8) The following offenses under 18 Pa.C.S. and any attempt, solicitation or conspiracy to commit any of these offenses:
Section 2701 (relating to simple assault).
Section 2705 (relating to recklessly endangering another person).
Section 2706 (relating to terroristic threats).
Section 2709 (relating to harassment).
Section 3127 (relating to indecent exposure).
Section 3307 when the offense is a misdemeanor of the second degree.
Section 3503(b)(1)(i), (ii), (iii) and (iv), (b.1) and (b.2).
Chapter 39 (relating to theft and related offenses).
Section 5502 (relating to failure of disorderly persons to disperse upon official order).
Section 5503 (relating to disorderly conduct).
Section 6305 (relating to sale of tobacco products).
Section 6306.1 (relating to use of tobacco products in schools prohibited).
Section 6308 (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages).
 (9) Notification of law enforcement.
 (10) Remedial programs involved.
 (11) Parental involvement required.
 (12) Arrests, convictions and adjudications, if known.
 (c) Duties.--Prior to submitting the report required under subsection (b), each chief school administrator and each law enforcement agency having jurisdiction over school property of the school entity shall comply with the following:
 (1) No later than 30 days prior to the deadline for submitting the report to the department required under subsection (b), the chief school administrator shall submit the report to the law enforcement agency with jurisdiction over the relevant school property. The law enforcement agency shall review the report and compare the data regarding criminal offenses and notification of law enforcement to determine whether the report accurately reflects law enforcement incident data.
 (2) No later than 15 days prior to the deadline for the chief school administrator to submit the report required under subsection (b), the law enforcement agency shall notify the chief school administrator, in writing, whether the report accurately reflects law enforcement incident data. Where the law enforcement agency determines that the report accurately reflects law enforcement incident data, the chief of police shall sign the report. If the law enforcement agency determines that the report does not accurately reflect law enforcement incident data, the law enforcement agency shall indicate

any discrepancy between the report and law enforcement incident data.

(3) Prior to submitting the report required under subsection (b), the chief school administrator and the law enforcement agency shall attempt to resolve any discrepancy between the report and law enforcement incident data. If a discrepancy remains unresolved, the law enforcement agency shall notify the chief school administrator and the department in writing.

(4) If a law enforcement agency fails to take action as required under paragraph (2) or (3), the chief school administrator shall submit the report required under subsection (b) and indicate that the law enforcement agency failed to take action as required under paragraph (2) or (3), as applicable.

(d) Advisory committee.--A chief school administrator shall form an advisory committee composed of relevant school staff, including, but not limited to, principals, security personnel, school safety and security coordinator, emergency services personnel, school security personnel, guidance counselors and special education administrators to assist in the development of a memorandum of understanding under this section. In consultation with the advisory committee, the chief school administrator shall enter into a memorandum of understanding with law enforcement agencies having jurisdiction over school property of the school entity. The chief school administrator shall submit a copy of the memorandum of understanding to the department by June 30, 2024, and biennially update and re-execute a memorandum of understanding with law enforcement and file the memorandum with the department on a biennial basis. The memorandum of understanding shall be signed by the chief school administrator, the chief of police of the law enforcement agency with jurisdiction over the relevant school property and principals of each school building of the school entity. The memorandum of understanding shall comply with the regulations promulgated under section 1306.2-B and shall also include:

(1) A procedure for law enforcement agency review of the annual report required under subsection (b) prior to the chief school administrator filing the report with the department.

(2) A procedure for the resolution of a school violence data discrepancy in the report prior to filing the report required with the department.

(3) Additional matters pertaining to crime prevention agreed to between the chief school administrator and the law enforcement agency.

(e) Construction.--Pursuant to 20 U.S.C. § 1415(k)(6) (relating to procedural safeguards), nothing in section 1302.1-A or this section shall be construed to prohibit a school entity from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

(f) Noncompliance.--If a school entity or law enforcement agency fails to comply with the provisions of this section, the school entity or law enforcement agency may not be awarded any grant administered by the committee until such time as the school entity or law enforcement agency has complied with this section.

(g) Report to the General Assembly.--

(1) The committee shall review and make recommendations in a report to the General Assembly relating to the following:

(i) All required reporting under this section, including consideration of the criminal offenses under subsection (b)(7) and (8).

(ii) All required reporting under this article and Article XIII-C.

(2) The recommendations shall, at a minimum, include whether the appropriate amount of data is being collected and, if applicable, proposed elimination of any duplicative reporting requirements.

(3) The committee shall transmit notice of the reports under subparagraphs (1) and (2) to the department and the General Assembly. The committee shall transmit notice of the reports to the Legislative Reference Bureau for publication in the next available issue of the Pennsylvania Bulletin.

Section 1320-B. Safe schools advocate in school districts of the first class.

(a) Establishment.--The Executive Director of the commission shall establish, within the commission, a safe schools advocate for each school

district. The safe schools advocate shall not be subject to 71 Pa.C.S. Pt. III (relating to civil service reform). The advocate shall establish and maintain an office within the school district.

(b) Powers and duties.--The safe schools advocate shall have the power and its duties shall be:

(1) To monitor on an annual basis, the school district's compliance with this section and the memorandum of understanding with the appropriate local law enforcement agency by selecting, reviewing and analyzing a sample of the school district's reporting under section 1319-B.

(2) For the purposes of victim advocacy and to assist in the annual monitoring process under paragraph (1), to have direct access to the school district's internal document supporting the information required to be reported under section 1319-B.

(3) To monitor the school district's compliance with the mandatory expulsion requirements of sections 1317.2 and 1318.1.

(4) To receive inquiries from school staff and parents or guardians of students who are victims of conduct that constitutes a criminal offense on school property or to or from school.

(5) To establish a protocol, in consultation with the Juvenile Court Judges' Commission, to assure timely receipt by the school district of information regarding students who have been adjudicated delinquent under 42 Pa.C.S. § 6341(b.1) (relating to adjudication) and to monitor the school district's use of that information to ensure that victims are protected.

(6) To establish a program to assure extensive and continuing public awareness of information regarding the role of the advocate on behalf of victims of conduct that constitutes a criminal offense on school property or to or from school, which may include the mailing of information to the parents or guardians of students in the school district or other forms of communication.

(7) To prepare an annual report regarding the activities of the advocate during the prior fiscal year and any recommendation for remedial legislation, regulation or school district administrative reform, which shall be submitted to the school district superintendent, the secretary, the Executive Director of the commission, the chairperson of the Education Committee of the Senate and the chairperson of the Education Committee of the House of Representatives by August 15 of each year.

(c) Additional duties.--A safe schools advocate shall, on behalf of victims of conduct that constitutes a criminal offense on school property or victims of at least two infractions of the school district's code of conduct:

(1) Provide assistance and advice, including information on support services provided by victim assistance offices of the appropriate district attorney and through local community-based victim service agencies.

(2) Provide information to the parent or guardian of a student victim regarding the disciplinary process and any action ultimately taken against the student accused of committing the conduct that constitutes a criminal offense.

(3) If the possession or use of a weapon is involved, advise the parent or guardian of the victim whether the school district properly exercised its duty under section 1317.2.

(4) If the advocate has received a request by the parent or guardian of the victim, attend formal disciplinary proceedings.

(5) With the consent of the parent or guardian of the victim, participate and present information in the disciplinary proceeding, which may include:

(i) making oral or written presentations, including testimony by the victim or the parent or guardian of the victim, regarding the impact on the victim and the victim's family and the appropriate disciplinary action; and

(ii) conducting direct or cross-examination of witnesses.

(6) If the perpetrator of conduct that constitutes a criminal offense returns to school after placement under a consent decree, adjudication of delinquency or conviction of a criminal offense, assist the parent or guardian of the victim in providing input to the school district and the appropriate juvenile or criminal justice authority to ensure the victim's safety on school property.

(7) If a school district has failed to report to the appropriate law enforcement agency as required by the memorandum of understanding, report the act directly.

(8) Provide information to the office of the district attorney regarding the impact of the conduct that constitutes a criminal offense on the victim and the victim's family.

(d) Notification.--

(1) Upon discovery of the commission of conduct that constitutes a criminal offense upon a student, the school district shall immediately notify the safe schools advocate of the incident, including the details of the incident and all of the individuals involved, and immediately notify the victim, the victim's parent or legal guardian.

(2) The form of the notice to the victim or the victim's parent or legal guardian shall be developed by the advocate and provided to the school district and shall include the address and telephone number of the advocate and a brief description of the purposes and functions of the safe schools advocate.

(3) The principal of each school within the school district shall post a notice not less than 8 1/2" by 11" entitled "Safe Schools Advocate" at a prominent location within each school building, where notices are usually posted.

(4) The form of the notice shall also be developed by the safe schools advocate and provided to the school district.

(e) Cooperation.--School administrators in a school district shall cooperate with the safe schools advocate to implement this section and provide the advocate, upon request, with all available information authorized by State law.

(f) Applicable provisions.--The advocate and all employees and agents of the safe schools advocate shall be subject to and 20 U.S.C. § 1232g (relating to family educational and privacy rights) and 34 CFR Pt. 99 (relating to family educational rights and privacy).

(g) Limitation.--This section shall not apply to the extent that it would conflict with the requirements of 20 U.S.C. Ch. 33 (relating to education of individuals with disabilities) or other applicable Federal statute or regulation.

(h) Standing.--

(1) If a student in a school district is a victim of an act of violence involving a weapon on school district property and the student who possessed the weapon was not expelled under section 1317.2, the parent or guardian of the victim shall have standing to institute a legal proceeding to obtain expulsion of the student.

(2) The Office of General Counsel shall have standing to bring an action on behalf of a victim or the parent or guardian of a victim of an act of violence in a school in a school district to modify, clarify or eliminate a consent decree that is related to discipline in the school district if, in consultation with the advocate, the Office of General Counsel believes that the action is in the best interests of the students of the school district.

(3) The Executive Director of the commission, in consultation with the General Counsel, may designate a portion of the funds provided for the safe schools advocate:

(i) For contracts for legal services to assist low-income parents or guardians of victims to obtain legal services for proceedings under subsection (a).

(ii) To challenge a consent decree under subsection (b) or to bring an action under this act.

(4) The designation of attorneys to receive funds under this subsection shall be within the discretion of the Office of General Counsel after consultation with the safe schools advocate.

(5) Designated funds not expended under this subsection shall lapse to the General Fund.

(6) Legal proceedings under this section shall be conducted by an attorney designated by the Office of General Counsel in consultation with the safe schools advocate. The attorney must be a member of the bar in good standing.

(i) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Low-income parent or guardian." A parent whose family income is no greater than 250% of the Federal poverty level.

"School district." A school district of the first class.

"Victim." An individual against whom a crime has been committed or attempted and who, as a direct result of the criminal act or attempt, suffers physical or mental injury, death or the loss of earnings as those terms are defined under section 103 of the act of November 24, 1998

(P.L.882, No.111), known as the Crime Victims Act. The term may include an individual exercising self-defense when assaulted.
Section 1321-B. Enforcement.

(a) Procedure.--

(1) If a school district of the first class fails to comply with the requirement to provide information to the safe schools advocate under section 1320-B, the advocate shall provide documentation of the failure to the Secretary of Education and the commission.

(2) If the Secretary of Education determines that there is non-compliance, the secretary shall direct the school district of the first class to take corrective action. If the school district of the first class fails to take corrective action within 60 days, the secretary shall notify the advocate and the Office of General Counsel. The Office of General Counsel, in consultation with the safe schools advocate, shall designate an attorney to bring an action in a court of competent jurisdiction to obtain compliance.

(3) If the Secretary of Education determines that the school district of the first class has complied with the requirements to provide information to the safe schools advocate, the secretary shall convene a public hearing at which the safe schools advocate shall be permitted to testify regarding the alleged noncompliance.

(4) Legal proceedings under this subsection shall be conducted by an attorney designated by the Office of General Counsel in consultation with the safe schools advocate. The attorney must be a member of the bar in good standing.

(b) Construction of article and other laws.--Nothing in this article or any other provision of law shall be construed as granting a right of status for or participation by the safe schools advocate in a grievance or arbitration proceeding arising out of a collective bargaining agreement.

Section 18. The definition of "third-party vendor" in section 1301-C of the act is amended and the section is amended by adding a definition to read:

Section 1301-C. Definitions.

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

"Committee." The School Safety and Security Committee established under section 1302-B.

"Third-party vendor." A company or entity approved by [the Office for Safe Schools under section 1302-A(b)(8) or] the commission under section 1315-C(2) that provides school security services.

Section 19. Section 1302-C of the act is amended by adding a subsection to read:

Section 1302-C. School police officers.

(c) Reporting.--

(1) A school entity or nonpublic school that has applied to the court to appoint a person or persons to act as school police officers under subsection (a) on or after the effective date of this subsection shall, within 30 days of approval of the appointment from the court, submit a copy of the court's order to the committee.

(2) A school entity or nonpublic school that has previously applied to the court to appoint a person or persons to act as school police officers prior to the effective date of this subsection shall, within 120 days of the effective date of this paragraph, submit a copy of the court's order relating to the appointment of each school police officer to the committee.

(3) The provisions of section 1305-B(e) shall apply to any data provided to the committee under this subsection.

Section 20. Sections 1303-C and 1314-C(b)(3)(i)(C) of the act are amended to read:

Section 1303-C. Annual report.

A school entity or nonpublic school which employs or contracts for a school police officer shall report annually to the department, the committee and the commission the following information regarding school police officers receiving training as required under 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training):

(1) The identity of the school entity or nonpublic school and the number of school police officers employed or contracted by the school entity or nonpublic school.

(2) The municipalities comprising the school entity or in which the nonpublic school is located.

(3) The date and type of training provided to each school police officer.

Section 1314-C. School security guards.

(b) Training.--The following shall apply:

(3) An armed school security guard who is employed or contracted by a school entity or nonpublic school before September 2, 2019, shall have until February 28, 2020, to complete the instruction under paragraph (1) unless an extension is approved through the following process:

(i) The governing body of a school entity or nonpublic school may approve an extension of the deadline specified in this paragraph for armed school security guards to complete the required instruction due to a hardship in complying with the deadline. The deadline may be extended to no later than the beginning of the 2020-2021 school year. The following shall apply:

(C) The school entity or nonpublic school shall submit the approved hardship extension to [the Office of Safe Schools within] the department not later than 15 days from the date of approval. Any documentation submitted under this clause may not be subject to inspection and duplication under the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

Section 21. 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 York, Senator Regan.

Senator REGAN. Madam President, this amendment builds on the outstanding work we have done on school safety and security over the last several years. It transfers functions of the Office for Safe Schools from the Department of Education to the School Safety and Security Committee at PCCD. It improves data collection from schools related to school security personnel, specifically the number of each type of officers at each school building and the powers granted to those officers. It establishes an executive committee within the School Safety and Security Committee. It provides technical assistance for the creation of county school safety collaboratives, transfers funds and oversight of nonpublic school grants from PDE to the School Safety and Security Committee, and it adds the PA Homeland Security director to the School Safety and Security Committee.

Madam President, this amendment is a comprehensive effort to streamline State oversight of school safety matters, eliminate duplication and confusion for our schools, facilitate local collaboration, and encourage initiative by the School Safety and Security Committee, and I ask my colleagues for an affirmative vote.

Thank you, Madam President.

And the question recurring,

Will the Senate agree to the amendment?

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

YEA-46

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

NAY-0

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

On the question,
Will the Senate agree to the bill on second consideration, as amended?

COSTA AMENDMENT A2046 ADOPTED

Senator COSTA offered the following amendment No. A2046:

Amend Bill, page 1, line 7, by striking out "and,"
 Amend Bill, page 1, line 10, by striking out the period after "monitors" and inserting:
 ; and, in school safety and security, further providing for School Safety and Security Grant Program and providing for school mental health grants for 2023-2024 school year.
 Amend Bill, page 9, by inserting between lines 1 and 2:
 Section 6. Section 1306-B(i)(1) of the act is amended and subsection (h) is amended by adding a paragraph to read:
 Section 1306-B. School Safety and Security Grant Program.

(h) School Safety and Security Fund.--

(10) Notwithstanding any other provision of law, during the 2023-2024 fiscal year, money appropriated for COVID Relief - ARPA - School Mental Health Grants shall be transferred to the fund and shall be used as follows:

(i) Ninety percent shall be used for grants under section 1315.1-B.

(ii) Five percent shall be transferred to the department for training of school based mental health professionals and to establish pathways to certification for school based mental health professionals.

(iii) Five percent shall be transferred to the Pennsylvania Higher Education Assistance Agency for the program under section 1318-B.

(i) Community violence prevention programs.--
 (1) [Municipalities] Notwithstanding subsection (h)(7), the committee shall use money appropriated to the commission for violence intervention and prevention for grants and technical assistance to municipalities, district attorneys, institutions of higher education, community-based organizations and other entities approved by the committee [are the only eligible applicants] for programs under subsection (j)(22).

Section 7. The act is amended by adding a section to read:
 Section 1315.1-B. School mental health grants for 2023-2024 school year.

(a) Funding.--For the 2023-2024 school year, the amount of money allocated under section 1306-B(h)(10)(i) shall be used by the committee to award school mental health grants to school entities in accordance with this section.

(b) Purpose of grants.--

(1) A school entity shall be eligible for school mental health grants to meet the level 1 baseline criteria for behavioral health and school climate criteria established by the committee.

(2) A school entity that has met the level 1 baseline criteria shall be eligible for school mental health grants for the purposes outlined in section 1306-B(j)(6), (10), (15), (17), (19), (20), (21), (23), (24), (25), (26), (27), (28), (29) and (30).

(c) Amount of grants.--The committee shall award school mental health grants in the following amounts to any school entity that submits an application:

(1) A school district shall receive \$100,000 plus an amount determined in paragraph (3).

(2) An intermediate unit, area career and technical school, charter school, regional charter school or cyber charter school shall receive \$70,000.

(3) An amount determined as follows:

(i) Multiply the 2021-2022 adjusted average daily membership for each school district by the difference between the amount allocated in subsection (a) and the sum of the amounts distributed under paragraphs (1) and (2).

(ii) Divide the product from subparagraph (i) by the 2021-2022 adjusted average daily membership for all school districts.

(d) Availability of applications.--The committee shall make an application for grants under this section available to school entities no later than 45 days after the effective date of this section. The application requirements shall be limited to the school entity's contact information, the specific purpose of the grant based upon the categories specified in subsection (b) with boxes on the application for the applicant to indicate the school entity's anticipated use and certification by the applicant that the funds will be used for the stated purpose.

(e) Effect of revenue received.--Grant money received under this section may not be included when calculating the amount to be paid under section 1725-A.

(f) Audit and monitoring.--The committee shall randomly audit and monitor grant recipients to ensure the appropriate use of grant funds and compliance with provisions of the grant program.

(g) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"School entity." A school district, area career and technical school, intermediate unit, charter school, regional charter school and cyber charter school.

Amend Bill, page 9, line 2, by striking out "6" and inserting:
8

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

Senator COSTA. Madam President, this amendment makes a technical correction to language relating to community violence prevention to match other provisions of law. Most importantly, this language does not appropriate any additional funds. This amendment also provides implementation language to release the previously appropriated \$100 million in K to 12 mental health funding. And from that \$100 million, \$5 million will be sent to PHEAA for the school-based mental health internship grant program; an additional \$5 million will be sent to PDE to be used to provide training of school mental health professionals; and the remaining money will be spent using the same formula as last year, which was \$100,000 per school district, \$70,000 for intermediate units, area career and technical schools, charter schools, and cyber charter schools, with the remaining funds being distributed based off of the average daily membership. I ask my colleagues to join me in supporting this amendment.

Thank you, Madam President.

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

Senator DUSH. Madam President, I just want to thank the Minority Leader for this amendment. I think our rural schools definitely need this assistance, and I am very grateful at the way it was rolled out that handles everybody equally. Thank you.

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

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

YEA-45

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

NAY-1

Coleman

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

And the question recurring,
Will the Senate agree to the bill on second consideration, as amended?

It was 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, as amended, was rereferred to the Committee on Appropriations.

BILLS OVER IN ORDER

SB 286, SB 365, SB 375, SB 739 and SB 831 -- Without objection, the bills were passed over in their order at the request of Senator PITTMAN.

BILLS REPORTED FROM COMMITTEE

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

SB 224 (Pr. No. 1097) (Rereported)

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in dates of elections and primaries and special elections, further providing for general primary and candidates to be nominated and party officers to be elected; and, in nomination of candidates, further providing for manner of signing nomination petitions and time of circulating and for place and time of filing nomination petitions and filing fees.

SB 654 (Pr. No. 698) (Rereported)

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

SB 815 (Pr. No. 917) (Rereported)

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 imposition of tax and for taxability of estates, trusts and their beneficiaries.

HB 797 (Pr. No. 2002) (Amended) (Rereported)

An Act amending the act of June 1, 1945 (P.L.1242, No.428), known as the State Highway Law, in construction, improvement, maintenance and repair of State highways, providing for native vegetation along highways.

HB 1171 (Pr. No. 1236) (Rereported)

An Act amending the act of February 11, 1998 (P.L.58, No.15), known as the Combustible and Flammable Liquids Act, further providing for regulations.

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

**BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 654 (Pr. No. 698) -- 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.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

Senator BARTOLOTTA. Madam President, I rise to offer remarks on Senate Bill No. 654. By far, most farmers or landowners with Marcellus interests have been on their properties in my district prior to the start of the development of that industry in 2008. Therefore, they do not know the full value of their gas interest, which would come with an appraisal during the sale process. An appraisal of gas values costs in the thousands of dollars and are far too expensive for most farmers or landowners. Investors who buy mineral rights have that appraised value of gas as a basis for the well depletion allowance provided here in Pennsylvania, while the small farmer and landowner does not. Because of this, the IRS, and States like West Virginia, allow a simple percentage depletion allowance that is accessible to everyone, paying personal income tax on 85 percent of royalties. Senate Bill No. 654 would make Pennsylvania tax law consistent with the IRS and provide this essential well depletion allowance to the average farmer and landowner who do not currently have that tax

advantage. I ask my colleagues for an affirmative vote to protect the many landowners across this Commonwealth.

Thank you, Madam President.

And the question recurring,
Shall the bill pass finally?

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

YEA-44

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

NAY-2

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

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

SB 815 (Pr. No. 917) -- 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 imposition of tax and for taxability of estates, trusts and their beneficiaries.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

The PRESIDENT pro tempore. The Chair recognizes the gentlewoman from Luzerne, Senator Baker.

Senator BAKER. Madam President, the legislation before us today will help to simplify irrevocable trust income tax process for both the Commonwealth and taxpayers. Currently, Pennsylvania is the only State that imposes income tax on irrevocable trusts but does not allow the grantor of the trust to pay State income tax on the trust income. Grantors sometimes wish to pay that income tax so that their beneficiaries do not have to. This option has been available at the Federal level for decades. The bill was developed with and is supported by the Joint State Government Commission's Advisory Committee on Decedents' Estates Laws. In addition to streamlining the process, the legislation will increase our competitiveness as a State, and encourage Pennsylvanians to establish trusts here instead of other States that already permit this action. This bill was passed unanimously in the Senate last Session but did not receive consideration in the

House. So, I would ask for an affirmative vote, and thank you, Madam President.

And the question recurring,
Shall the bill pass finally?

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

YEA-46

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

NAY-0

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

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

**UNFINISHED BUSINESS
BILLS ON FIRST CONSIDERATION**

Senator DUSH. Madam 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 22, SB 210, SB 340, SB 399, SB 473, SB 597, SB 723, SB 745, SB 799, SB 824, SB 897, SB 934, HB 689 and HB 1058.

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, SEPTEMBER 20, 2023

10:00 A.M.	GAME AND FISHERIES (public hearing on online sales of licenses for PA Game Commission)	Room 8E-B East Wing (LIVE STREAMED)
10:30 A.M.	VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (to consider Senate Bills No. 792 and 933)	Room 8E-A East Wing (LIVE STREAMED)

Off the Floor APPROPRIATIONS (to consider Senate Bill No. 851; and House Bill No. 27) Rules Committee Conference Room

Off the Floor RULES AND EXECUTIVE NOMINATIONS (to consider certain Executive Nominations) Rules Committee Conference Room

PETITIONS AND REMONSTRANCES

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Franklin, Senator Mastriano.

Senator MASTRIANO. Madam President, I rise to speak in support of Senate Resolution No. 150, recognizing September 15 as POW/MIA [Recognition] Day in Pennsylvania, an important occasion to mark. During the Vietnam War, more than 300,000 Americans were wounded in action, and more than 58,000 were killed in action. Sadly, many of those did not return. The United States listed about 1,350 Americans as prisoners of war or missing in action, and roughly 1,200 Americans reported killed in action and their bodies not recovered. Since the First World War, nearly 100,000 American service members have gone unaccounted for. During the 40th anniversary of D-Day, President Reagan stated, "We will always remember. We will always be proud. We will always be prepared, so that we will [so we may] always be free." And that is why we are here today, to remember. These heroes either lost their lives or were captured and held captive, and many of them are still missing and unaccounted for.

It took a number of years to get to this point here, but ever since 1979, POW/MIA [Recognition] Day has been held on the third Friday of each September. Over the years there has been an effort to memorialize this, either with the "one empty seat" campaign--spearheaded by the Rolling Thunder chapters--to place an empty seat representing a POW or MIA in public buildings, including one here in the Capitol in Harrisburg. Whether it is a Chair of Honor or POW/MIA flag, it is important that we remember. Today, we had Jessica Lynch here, Operation Iraqi Freedom prisoner of war, and the great effort was highlighted to rescue her and her colleagues and the torture and the pain and the abuse that these POWs go through, no matter how little or how long they stay.

One of my own friends, Louis Zamperini, who has long since passed, was a 1936 Olympian, racing in the 5,000 meters, setting a record at that time for the fastest last lap. In 1941, after the Japanese surprise attack at Pearl Harbor, he joined the United States Army Air Corps and ended up as a bombardier in B-24s, flying missions in the Pacific Theater of Operations. In 1943, while on a rescue mission, his B-24 crashed into the ocean, killing all except the pilot, Russell Phillips, and Francis McNamara, the tail gunner. Francis McNamara would die around day 35, but they spent 47 days in an open raft in the Pacific Ocean, floating towards Japanese-occupied territory in the Marshall Islands. And, of course, in that open raft, they fought off sharks, being strafed by Japanese bombers and aircraft, and storms, as well as thirst. On the 47th day, they were captured. And once the Japanese realized he was an American Olympian, they spent the next 2 1/2 years trying to break him to betray his country. His stories memorialized in several books: "Devil at my Heels" and the most famous one, "Unbroken," of which a movie was made. And in 2 1/2 years of torture, he remained unbroken and came back to America with honor, but suffering from PTSD, which led him to alcoholism. He only found himself set free after going to a Billy

Graham crusade in 1949 and accepting Jesus as the Lord and Savior.

So, this is why we highlight this day, to emphasize the sacrifice and commitment, the torture, the abuse that POWs go through, and to remember those whose remains and bodies were never recovered and brought back home, giving their family members closure. That is why it is important that we do the Chair of Honor or have out--as we do in the Capitol and around the State, thanks to action out of this body here--a POW/MIA flag flying on State property. But we always remember that their sacrifice was not in vain.

Thank you, Madam President.

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

Senator TARTAGLIONE. Madam President, I rise because today marks 6,281 days since our Commonwealth's legislature last passed an increase in our minimum wage. This is not just a matter of economic policy, Madam President. Raising our minimum wage is a matter of human dignity, addressing the relentless impact inflation has had on our low-wage earners and their families over the last 17 years. Inflation has been an ever-present specter in our economy, slowly eroding the purchasing power of Pennsylvanians. As the price of goods and services continues to rise, the value of a dollar diminishes, leaving hardworking Pennsylvanians struggling to make ends meet. It is a cycle that disproportionately affects our low-wage earners, pushing them further into poverty. The current minimum wage, when adjusted for inflation, has lost over 20 percent of its purchasing power, Madam President.

Imagine trying to support a family, pay rent, put food on the table, and cover healthcare costs, all while taking a 20 percent cut in pay. It is an impossible task for most, forcing many to rely on government assistance programs just to survive. But raising Pennsylvania's minimum wage is not just a matter of economic justice, Madam President. It is a way to ensure that those who work hard are rewarded fairly for their labor. Madam President, the heart of the thriving economy is its workforce. The workers who put the hours, the sweat, and the dedication day in and day out are the ones who help ensure our economy continues to grow, and we cannot continue to allow this Chamber to leave them behind. That is why I introduced Senate Bill No. 12, Madam President. I am sick and tired of going home to the Second Senatorial District and speaking with workers who are working two or three jobs and still failing to make ends meet. Senate Bill No. 12 would ensure workers are put on a path to \$15 an hour, a dignified wage they can survive on. Let us bring Senate Bill No. 12 out of committee, Madam President. Let us pass Senate Bill No. 12, Madam President. Let us ensure all Pennsylvanians earn a livable wage.

Thank you, Madam President.

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

Senator VOGEL. Madam President, September is Hunger Action Month. Today, we continue to see many Pennsylvanians face some form of food insecurity, especially as inflation rates continue to rise and the cost of goods and services increase. With a population of almost 13 million, 1 in 11 Pennsylvanians face hunger. That is 1,200,000 residents continuing to go hungry, with 325,000 of those being children. We are seeing more and more

families having to decide whether they are going to purchase food, pay their mortgage, pay for medication, or childcare, which most times feels like an impossible choice to make. Most of these families live in lower-income areas with limited access to a local grocery store and healthy food. Access to quality food is essential to live a sustainable, healthy lifestyle, and there is no reason for anyone to be in a predicament where they must choose between eating a meal or keeping their lights on. Limited or inadequate meals can also lead to a downward spiral of poor health, risks for chronic disease, and increased medical costs, which can overburden Pennsylvanians already struggling. As we continue to navigate through the current economic fluctuations, we must be steadfast in the fight to ensure all Pennsylvanians have access to adequate healthy food. One way we can do so is by supporting our local food banks. My Capitol and district offices continue to run a food donation drive for the month of September. If able, I encourage my colleagues to either donate nonperishable food items to our drive or to their area food banks and help make a difference to these families in need.

Thank you, Madam President.

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

Senator COMITTA. Madam President, in just a few moments you are going to hear from my friend and colleague Senator John Kane, and he is going to tell you a lot of details about the importance of the mushroom industry in Chester County, because we are celebrating Mushroom Month here in Pennsylvania.

Clearly, the mushroom industry is a tremendous part of our local economy, our culture, our heritage, and especially so in the southern part of Chester County. I want to point out how the industry gives back to the community. Earlier this month, we marked the 38th Annual Mushroom Festival in Kennett Square--that is in Senator Kane's district--and the 2-day festival has grown, or should we say mushroomed, from humble beginnings to become a nationally recognized event. With the help of many dedicated volunteers, it easily attracts about 100,000 visitors each year to enjoy the following: sample a variety of mushroom-centric foods; enjoy music, contests, and other entertainment; learn about the interesting process of mushroom growing; and check out local stores, boutiques, and restaurants in Kennett Square. Best of all, the festival's impacts last all year. The proceeds from the Mushroom Festival are used to provide grants to local non-profit organizations. To date, the Mushroom Festival has awarded more than \$1.1 million to local nonprofits and has supported research on the health benefits of mushrooms, which are many. So, I want to thank all of the board members and volunteers who make the Mushroom Festival such a success, especially festival coordinator Gail Ferranto. We had the opportunity to meet several of them at this year's kickoff event. So, if you could not to attend this year's Mushroom Festival in Kennett Square, I know Senator Kane and I hope to see you next year at the Mushroom Festival. Remember, it is always the weekend after Labor Day. Thank you and happy Mushroom Month in Pennsylvania.

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

Senator KANE. Madam Chair, thank you, Senator Comitta, in joining me in recognizing the mushroom industry. Madam President, today I rise in support of the resolution to recognize September 2023 as Mushroom Month in Pennsylvania. As someone

who, I will admit, did not like mushrooms, I can confidently say they are okay. Pennsylvania is home of the "Mushroom Capital of the World," and it is not hard to see why. Our State leads the nation in mushroom production with our 68 mushroom farms producing 63 percent of all U.S. white mushrooms, valued at a staggering \$554.4 million. That is no small potatoes, or should I say no small mushrooms [laughter]. I was afraid I might have to say too many mushroom jokes during these remarks, but I decided to be a "fungi" and just keep going, da dun dun. But it is not just about the economic impact of the mushroom industry. It is about the families who have been running these farms for generations, utilizing both conventional and organic agricultural practices, it is about the nearly 9,500 people employed by the mushroom farms in southeastern Pennsylvania who contributed an estimated \$2.7 billion to our local economy. And it is about the preservation of our agriculture customs and traditions, something that is so important to the identity of our great Commonwealth.

So, I urge my colleagues, my constituents, and all the families around our Commonwealth to join me in celebrating the achievements of the mushroom industry, which produces an abundant and profitable crop, recognized for superior quality. Let us recognize the importance of the mushroom industry to Pennsylvania's economy and encourage all residents to acknowledge its contributions. And let us do it all with a smile on our faces knowing that even if we did not like mushrooms before, like me, we can appreciate them now for all the good they do for our Commonwealth.

Thank you, Madam President.

The PRESIDENT pro tempore. The Chair recognizes, for a second time, the gentlewoman from Chester, Senator Comitta.

Senator COMITTA. Madam President, I rise today to recognize Emergency Preparedness Month in Pennsylvania. As you know, Chester County has received a lot of national attention in recent weeks. First, we experienced a unique emergency, an extensive search for a dangerous fugitive from the county prison. It was a major operation that impacted thousands of residents and large regions of the county. Fortunately, thanks to our law enforcement professionals, it ended safely in the successful apprehension of the fugitive, a convicted murderer. The day after the manhunt ended, a four-alarm fire struck the heart of Oxford Borough in the southern part of Chester County in my district. Downtown Oxford, which is in the midst of a successful community and economic revitalization effort, was severely impacted by the blaze. Thankfully, no injuries were reported, but dozens of businesses have been impacted, and nearly 100 individuals have been displaced from their homes. Officials are still assessing the extent of the damage, but we will work together to heal, recover, and rebuild.

As we mark Emergency Preparedness Month, I want to thank all of our emergency management officials and first responders for all of their good work. Thank you to the fire police and firefighters who responded to the blaze in Oxford. Firefighters from nearly 20 Chester County fire departments and agencies responded or provided mutual aid, as well as those from Lancaster, Delaware, Montgomery Counties, and Cecil and New Castle Counties in [Maryland and] Delaware. I would also like to thank all the law enforcement agencies--local, State, and Federal--that assisted in the search and capture of the fugitive, including the Chester County District Attorney's Office, the Chester County

Sheriff's Office, the Chester County detectives, the Pennsylvania State Police, the U.S. Marshals, the FBI, the U.S. Drug Enforcement Administration, U.S. Customs and Border Patrol, and others. Finally, as we mark Emergency Preparedness Month, I want to remind everyone that each of us has a role to play in preparing for emergencies. The best way you can help in an emergency is by being prepared and following the lead of emergency management officials. I encourage individuals and families to review the Pennsylvania Emergency Preparedness Guide and to take charge of your own emergency readiness. In the past few years, we have already learned a lot from living through floods, super storms, and the pandemic. But it is always important to continue to hope for the best but prepare for the worst. Thank you very much.

RECESS

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

Senator PITTMAN. Madam President, I move that the Senate do now recess until Wednesday, September 20, 2023, 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 5:06 p.m., Eastern Daylight Saving Time.