

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

<b>OPEN PA SCHOOLS, et al.,</b>	:
	: <b>No. 504 MD 2020</b>
	:
<b>Petitioners</b>	: <b>Electronically Filed Document</b>
	:
<b>v.</b>	:
	:
<b>DEPARTMENT OF EDUCATION OF</b>	:
<b>THE COMMONWEALTH OF</b>	:
<b>PENNSYLVANIA, et al.,</b>	:
<b>Respondents</b>	:

**BRIEF IN SUPPORT OF PRELIMINARY OBJECTIONS BY  
RESPONDENTS DEPARTMENT OF EDUCATION OF THE  
COMMONWEALTH OF PENNSYLVANIA AND PEDRO A RIVERA,  
SECRETARY OF EDUCATION**

**Respectfully submitted,  
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**Date: November 13, 2020**

**Counsel for Department of Education  
of the Commonwealth of Pennsylvania  
and Pedro A. Rivera, Secretary of  
Education**

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Respondents Department of Education of the Commonwealth of Pennsylvania (“PDE”) and Pedro A. Rivera, in his official capacity as Secretary of Education (“Secretary Rivera” and, together with PDE, the “PDE Respondents”), hereby submit this brief in support of their Preliminary Objections dated October 13, 2020 (the “Preliminary Objections”).

### **STATEMENT OF JURISDICTION**

This Court has original jurisdiction over the Petition with respect to the PDE Respondents under 42 Pa.C.S. § 761(a)(1).

### **STATEMENT OF THE SCOPE AND STANDARD OF REVIEW**

“In ruling on preliminary objections,” the Court should “accept as true all well-pleaded material allegations in the petition for review and any reasonable inferences that [it] may draw from the averments.” *Highley v. Dep’t of Transportation*, 195 A.3d 1078, 1082 (Pa. Cmwlth. 2018). “The Court however is not bound by legal conclusions, unwarranted inferences from facts, argumentative allegations, or expressions of opinion encompassed in the petition for review.” *Id.* The Court should sustain preliminary objections when “the law makes clear that the petitioner[s] cannot succeed on [their] claim[s].” *Id.* at 1083.

### **STATEMENT OF QUESTIONS INVOLVED**

- I. Should the Preliminary Objections be sustained when Petitioners have failed to state a claim upon which relief may be granted?

Suggested answer: yes.

## STATEMENT OF THE CASE

### **A. The 2019-2020 School Year**

In early 2020, the United States—including Pennsylvania—was struck by the global pandemic known as COVID-19. In March 2020, in response to COVID-19, the General Assembly passed legislation that added Section 1501.8 to the School Code. *See* 24 P.S. § 15-1501.8. Section 1501.8 waived the requirement that all “school entities” must remain open for 180 days for the 2019-20 school year. 24 P.S. § 15-1501.8(b)(1). Section 1501.8 also allowed the Secretary of Education to “[o]rder the closure of all school entities” during the COVID-19 pandemic and to “[i]ncrease the number of flexible instructional days” permitted under 24 P.S. § 15-1506. 24 P.S. § 15-1501.8(b)(2)(i)-(ii). Secretary Rivera acted under this authority to order the closure of school entities and increase the number of flexible instruction days during the 2019-20 school year. The 2019-20 school year is not at issue in this case.

### **B. The 2020-2021 School Year**

Petitioners challenge the legality of certain guidance issued by PDE for the 2020-21 school year. *See* Petition ¶¶ 19-20. In particular, the Days/Hours Guidance issued by PDE provided local school districts with information about “how to provide students with a minimum of 180 days of instruction” under the conditions caused by the COVID-19 pandemic. Preliminary Objections of the

PDE Respondents Ex. B.<sup>1</sup> The Instructional Model Guidance provided “recommendations . . . for use when making decisions related to the instructional models used during the 2020-21 school year.” *Id.* at Ex. C.<sup>2</sup> This guidance discussed when it would be appropriate, under the conditions created by COVID-19, for schools to use a remote learning model, in whole or in part. In a “Full Remote Learning Model,” “all students engage in all learning remotely.” *Id.*

Petitioners bring this action seeking declaratory judgment that PDE’s Days/Hours Guidance and Instructional Model Guidance violate the requirements of § 1501 of the School Code.

### **SUMMARY OF ARGUMENT**

Section 1501 provides: “All public kindergartens, elementary and secondary schools shall be kept open each school year for at least one hundred eighty (180) days of instruction for pupils.” 24. P.S. § 15-1501. Petitioners assert that the words “kept open” in § 1501 mean “in person instruction” and that PDE’s guidance discussing when schools may provide fully remote instruction violates

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<sup>1</sup> The Days/Hours Guidance is also publicly available at <https://www.education.pa.gov/Schools/safeschools/emergencyplanning/COVID-19/SchoolReopeningGuidance/ReopeningPreKto12/Pages/InstructionalHours.aspx>.

<sup>2</sup> The Instructional Model Guidance is also publicly available at <https://www.education.pa.gov/Schools/safeschools/emergencyplanning/COVID-19/SchoolReopeningGuidance/ReopeningPreKto12/Pages/DeterminingInstructionalModels.aspx>.

the requirements of § 1501. Petitioners are wrong and the Preliminary Objections should be sustained for the following reasons.

*First*, the plain language of § 1501 is clear that the words “kept open” do not mean “in person instruction.” To the contrary, the last sentence of the statute states: “Twenty days of actual teaching shall constitute a school month.” 24. P.S. § 15-1501 (emphasis added). Thus, by its terms, § 1501 is clear that the words “kept open” mean “actual teaching;” they do not mean “in person instruction.” Petitioners’ claim fails for this reason alone.

*Second*, Petitioners have failed to demonstrate that PDE’s interpretation of § 1501 – which “is entitled to great weight” – is “clearly erroneous.” *Commonwealth, Pa. Liquor Control Bd. v. Burrell Sys. Inc.*, 508 A.2d 1308, 1309 (Pa. Cmwlth. 1986). “When statutory language is not explicit, legislative intent may be ascertained through administrative interpretation.” *Id.* Thus, even if the language of § 1501 were ambiguous, Petitioners must defer to PDE’s interpretation of § 1501 as a matter of law. Petitioners’ claim fails for this separate reason as well.

## ARGUMENT

### **I. SECTION 1501 OF THE PUBLIC SCHOOL CODE DOES NOT REQUIRE IN PERSON INSTRUCTION**

Section 1501 of the Public School Code provides: “All public kindergartens, elementary and secondary schools shall be kept open each school year for at least one hundred eighty (180) days of instruction for pupils.” 24. P.S. § 15-1501. Petitioners assert that the words “kept open” in § 1501 mean “in person instruction.” Pet. Mem. at 1. Thus, according to Petitioners, if a school district decides to provide instruction remotely pursuant to the guidance issued by PDE then the school is not “kept open” within the meaning of § 1501. Petitioners are wrong because (i) the plain language of § 1501 is clear that the words “kept open” do not mean “in person instruction;” (ii) Petitioners improperly attempt to insert the words “in person instruction” into § 1501 when the legislature omitted these same words from the statute; (iii) Petitioners have failed to demonstrate that PDE’s interpretation of § 1501 is clearly erroneous; and (iv) the other provisions of the School Code cited by Petitioners are inapposite.

For these reasons, Petitioners’ claim fails and the Preliminary Objections should be sustained.

**A. The Plain Language Of § 1501 Shows That The Words “Kept Open” Do Not Mean “In Person Instruction”**

1. The words “kept open” in § 1501 mean “actual teaching.”

“The object of statutory construction is to ascertain and effectuate legislative intent.” *Commonwealth v. McClintic*, 909 A.2d 1241, 1245 (Pa. 2006) (citing 1 Pa.C.S. § 1921(a)). “In pursuing that end, we are mindful that the statute’s plain language generally provides the best indication of legislative intent.” *Id.* Section 1501 is titled “Minimum number of days; school month,” and the last sentence of the statute states: “Twenty days of actual teaching shall constitute a school month.” 24. P.S. § 15-1501 (emphasis added). Thus, by its terms, § 1501 is clear that the words “kept open” mean “actual teaching;” they do not mean “in person instruction.” *See* 1 Pa.C.S. § 1921(a) (“Every statute shall be construed, if possible, to give effect to all its provisions.”).

Petitioners’ claim fails because the Petition does not contain any allegations demonstrating that fully remote instruction is not “actual teaching” within the meaning of § 1501. That is because fully remote instruction is actual teaching. Teachers are delivering lessons, recording attendance, assigning homework, quizzes and exams, and determining student grades based on a curriculum. The Petition does not make a single allegation to the contrary and Petitioners’ claim fails for this reason alone.

2. Petitioners improperly insert the words “In Person Instruction” into § 1501.

Instead of interpreting § 1501 according to its plain language, Petitioners improperly attempt to change its plain language by inserting words not found in the statute. In particular, Petitioners insert the words “in person instruction” when “the legislature failed to supply” these same words “into [the] statute.” *Girgis v. Bd. of Physical Therapy*, 859 A.2d 852, 854 (Pa. Cmwlth. 2004). “[A]lthough one is admonished to listen attentively to what a statute says; one must also listen attentively to what it does not say.” *Kmonk–Sullivan v. State Farm Mut. Auto. Ins. Co.*, 788 A.2d 955, 962 (Pa. 2001) (quotation marks and alterations omitted). “[I]t is a canon of statutory construction that a court has no power to insert a word into a statute if the legislature has failed to supply it.” *Vlasic Farms, Inc. v. Pa. Labor Rels. Bd.*, 734 A.2d 487, 491 (Pa. Cmwlth. 1999), *aff’d*, 777 A.2d 80 (Pa. 2001) (quoting *Garcia v. Community Legal Services Corp.*, 524 A.2d 980, 984 (Pa. Super. Ct. 1987)).

Here, Petitioners’ interpretation of § 1501 is precisely what the Pennsylvania courts have repeatedly held is improper. The words “in person instruction” are conspicuously absent from § 1501. Petitioners’ attempt to insert these words into § 1501 when the General Assembly omitted them is precluded by controlling precedent and should be rejected.

**B. Petitioners Fail To Demonstrate That PDE’s Interpretation Of § 1501 Is Clearly Erroneous**

Moreover, even if the language of § 1501 were ambiguous, Petitioners’ claim still fails. “When statutory language is not explicit, legislative intent may be ascertained through administrative interpretation.” *Pa. Liquor Control Bd.*, 508 A.2d at 1309 (citing 1 Pa.C.S. § 1921(c)(8)). “The construction given a statute by those charged with its execution and application is entitled to great weight and should be disregarded or overturned only for cogent reasons and if such construction is clearly erroneous.” *Id.* “Where the statutory scheme is as technically complex” as school operations during a deadly pandemic, “a reviewing court must be even more chary to substitute discretion for the expertise of the administrative agency.” *Tool Sales & Serv. Co. v. Commonwealth*, 637 A.2d 607, 613 (Pa. 1993) (internal quotation omitted).

Here, Petitioners offer no reason at all – let alone “cogent reasons” – for why the words “kept open” in § 1501 can only mean “in person instruction.” The General Assembly could have stated that § 1501 requires “in person instruction” but did not do so. In addition, PDE’s interpretation of § 1501 is entirely consistent with other applicable regulations. 22 Pa. Code § 11.2, which is titled “School day,” provides: “Instruction time for students shall be time in the school day devoted to instruction and instructional activities provided as an integral part of the school program under the direction of certified school employees.” (emphasis

added). Remote learning under the direction of a certified school employee falls within the definition of 22 Pa. Code § 11.2 and qualifies as a school day. PDE’s interpretation of § 1501 of the School Code fully comports with § 11.2. PDE’s interpretation is also reflected in the establishment of various remote or virtual instruction models well before the outbreak of COVID-19.<sup>3</sup>

Accordingly, Petitioners must defer to PDE’s interpretation of § 1501 as a matter of law and Petitioners’ claim fails for this separate reason as well.

**C. The Other Sections Of The School Code Cited By Petitioners Are Inapposite**

Petitioners ignore the plain language of § 1501 and instead cite to §§ 1506 and 1501.8 in support of their claim. *See* Petition ¶¶ 10-18. Petitioners’ reliance on these other provisions of the Public School Code is misplaced.

Section 1506 provides individual schools that submit an application to PDE the option of offering up to five “flexible instruction days” per year in order to meet the requirements of § 1501 “in the event of a school closure.” Legislative Journal - Senate, 203rd of the General Assembly, 341 (2019) (Statement of Kristin Phillips-Hill) (emphasis added) (attached hereto as Exhibit A). Section 1506 does

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<sup>3</sup> Section 1615 (i)(2) of the School Code recognizes the widespread practice of online learning. The section created a study commission of a virtual high school and charged the commission with “meeting with current operators of Internet-based educational programs operating within this Commonwealth, including those operated by school districts, intermediate units and blended school programs.” 24 P.S. § 16-1615.

not apply in this case because schools providing fully remote instruction are offering “actual teaching” and are not closed. As described above, Petitioners fail to allege a single fact showing that remote instruction is not actual teaching. Indeed, the entire purpose of the guidance Petitioners seek to challenge in this case is to allow schools to stay open and provide actual instruction in order to avoid a mass closure with no instruction like that which occurred during the last months of the 2019-20 school year.

Moreover, § 1506 does not function as a limitation on the discretion afforded to the governing boards of schools to adopt remote learning programs. Thus, even if the present circumstances were to implicate § 1506, the use of “flexible instruction days” under § 1506 is but one option available for schools to provide instruction to students. *See id.* (“I must note that this is not a mandate for public schools, but just another option to meet students’ educational needs.”). A school’s governing board may also develop a remote learning program as another available option. *See* 24 P.S. § 16-1615. There is nothing in § 1506 that limits that discretion.

Petitioners also cite to § 1501.8, which applies only to the 2019-20 school year. In § 1501.8, the General Assembly waived the 180 day instructional requirement for the 2019-20 school year and permitted Secretary Rivera to “order the closure of all school entities until the threat to health and safety caused by the

pandemic of 2020 has ended,” which the administration did on April 9, 2020. 24 P.S. § 1501.8. But the 2019-20 school year is not at issue in this case. Instead, Petitioners are challenging PDE’s guidance for schools that are now open and offering remote instruction for the 2020-21 school year. Section 1501.8 does not address the propriety of remote instruction for the 2020-21 school year in any way whatsoever and is therefore inapposite.

### CONCLUSION

For the foregoing reasons, these Preliminary Objections should be sustained and the Petition should be dismissed.

**Respectfully submitted,  
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**Date: November 13, 2020**

**Counsel for Department of Education  
of the Commonwealth of Pennsylvania  
and Pedro A. Rivera, Secretary of  
Education**

**CERTIFICATE OF COMPLIANCE**

I, Alexander T. Korn, Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

*s/ Alexander T. Korn*  
**ALEXANDER T. KORN**

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 **Respondents** :

**CERTIFICATE OF SERVICE**

I, Alexander T. Korn, Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on November 13, 2020, I caused to be served a true and correct copy of the foregoing document titled BRIEF IN SUPPORT OF PRELIMINARY OBJECTIONS BY RESPONDENTS DEPARTMENT OF EDUCATION OF THE COMMONWEALTH OF PENNSYLVANIA AND PEDRO A RIVERA, SECRETARY OF EDUCATION to the following:

**VIA PACFILE**

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*s/ Alexander T. Korn*

**Alexander T. Korn**

Deputy Attorney General

# EXHIBIT A

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

TUESDAY, APRIL 30, 2019

SESSION OF 2019 203RD OF THE GENERAL ASSEMBLY

No. 20

**SENATE**

TUESDAY, April 30, 2019

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

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

**PRAYER**

The Chaplain, Reverend JOSH BLAKESLEY, of Love in Action United Church of Christ, Hatboro, offered the following prayer:

Friends, let us be in a spirit of solidarity and togetherness.

All-loving God of many cultures and languages, inclusive God of many gender identifications and expressions, God of many religions and spiritual traditions, God of many loves and expressions of love, divine and inclusive one of justice and of peace, we ask that we would reflect Your desire for humanity, that everyone has the right to happiness, to life, to liberty, to safety, that all of us across a wide spectrum would be embraced as we are and included in our respective communities as equally important and valued. We pray as a community of diverse people. Help us to reflect this diversity in the ways we govern, in our decisions, and in the ways we treat one another. May those in leadership in this Senate reflect the inclusivity of who we are. May they be a voice for the voiceless, champions of equality, embracers of justice, compassion for those in need: our children, the elderly, the poor, those who are hungry, those with no homes, those who are ill in body, mind, or spirit, the strangers and immigrants in our midst, those who live on the margins, those who are alone, those who mourn, those who are forgotten. May it be so. Amen.

The PRESIDENT. The Chair thanks Reverend Blakesley, who is the guest today of Senator Collett.

**PLEDGE OF ALLEGIANCE**

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

**BILLS INTRODUCED AND REFERRED**

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

April 30, 2019

Senators A. WILLIAMS, BREWSTER and AUMENT presented to the Chair **SB 476**, entitled:

An Act establishing the Pennsylvania Advisory Commission on Greater Father Family Involvement within the Department of Human Services and providing for its powers and duties.

Which was committed to the Committee on HEALTH AND HUMAN SERVICES, April 30, 2019.

Senators MENSCH, KILLION, BOSCOLA, BROWNE, COSTA, YUDICHAK, FARNESE, SANTARSIERO, BREWSTER, FONTANA, STREET, BLAKE, COLLETT, LEACH and ARGALL presented to the Chair **SB 596**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in restructuring of electric utility industry, providing for transportation fueling infrastructure development.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, April 30, 2019.

Senators SABATINA, FONTANA, BREWSTER, HUGHES, TARTAGLIONE, SANTARSIERO, YUDICHAK, COSTA, COLLETT, SCHWANK, K. WARD, FARNESE, J. WARD and HAYWOOD presented to the Chair **SB 597**, entitled:

An Act amending the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act, in senior citizens property tax and rent rebate assistance, further providing for definitions.

Which was committed to the Committee on FINANCE, April 30, 2019.

Senators SABATINA, FONTANA, HUGHES, SANTARSIERO, COSTA, COLLETT, BLAKE, YUDICHAK, HAYWOOD and TARTAGLIONE presented to the Chair **SB 598**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in firearms and other dangerous articles, further providing for definitions, for persons not to possess, use, manufacture, control, sell or transfer firearms, for sale or transfer of firearms and for Pennsylvania State Police.

Which was committed to the Committee on JUDICIARY, April 30, 2019.

Senators SABATINA, FARNESE, BREWSTER, AUMENT, YUDICHAK and TARTAGLIONE presented to the Chair **SB 599**, entitled:

An Act amending the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act, in vehicles, further providing for grounds for disciplinary proceedings and for off-premise sales, shows, exhibitions or rallies on Sundays.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, April 30, 2019.

Senators SABATINA, LANGERHOLC, FOLMER, BARTOLOTTA, FONTANA, MENSCH, HUGHES, COSTA, KILLION, BLAKE, J. WARD, REGAN, BROWNE, HAYWOOD and BREWSTER presented to the Chair **SB 601**, entitled:

An Act amending the act of December 18, 2001 (P.L.949, No.114), known as the Workforce Development Act, in preliminary provisions, providing for preference for training programs.

Which was committed to the Committee on LABOR AND INDUSTRY, April 30, 2019.

Senators A. WILLIAMS and LEACH presented to the Chair **SB 602**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in ballots, further providing for form of ballots, printing ballots, stubs and numbers; in voting machines, further providing for form of ballot labels on voting machines; and, in electronic voting systems, further providing for forms.

Which was committed to the Committee on STATE GOVERNMENT, April 30, 2019.

Senators A. WILLIAMS, MENSCH, SANTARSIERO, FARNESE, AUMENT, DINNIMAN, SCHWANK, COSTA, J. WARD, TARTAGLIONE and BLAKE presented to the Chair **SB 603**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in trade and commerce, providing for the offense of misrepresentation of animal as guide, signal or service dog or other aid animal.

Which was committed to the Committee on JUDICIARY, April 30, 2019.

Senators ARGALL, BLAKE, FOLMER, AUMENT and J. WARD presented to the Chair **SB 604**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, establishing the Public School Employees' Benefit Board and providing for its powers and duties; requiring a school employee health benefits evaluation; providing for a health benefits program for public school employees; and establishing the Public School Employees' Benefit Trust Fund.

Which was committed to the Committee on EDUCATION, April 30, 2019.

Senators LEACH, FARNESE, TARTAGLIONE, BREWSTER, SANTARSIERO, DINNIMAN and HUGHES presented to the Chair **SB 605**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in riot, disorderly conduct and related offenses, prohibiting the purchase, sale, offer for sale or possession with intent to sell covered animal parts or products; and imposing penalties.

Which was committed to the Committee on JUDICIARY, April 30, 2019.

Senators SCAVELLO, MARTIN, BROWNE, MENSCH, BARTOLOTTA, BREWSTER, AUMENT, BLAKE, YUDICHAK, SCHWANK, COSTA, HAYWOOD, BAKER, FARNESE, SANTARSIERO, MUTH, KEARNEY, DINNIMAN, L. WILLIAMS, KILLION and STEFANO presented to the Chair **SB 607**, entitled:

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

Which was committed to the Committee on TRANSPORTATION, April 30, 2019.

Senators BROOKS, BROWNE, ARGALL, AUMENT, DiSANTO, FOLMER, HUTCHINSON, MARTIN, PHILLIPS-HILL, STEFANO, VOGEL, J. WARD and K. WARD presented to the Chair **SB 609**, entitled:

An Act amending the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, further providing for definitions and for existing regulations.

Which was committed to the Committee on INTERGOVERNMENTAL OPERATIONS, April 30, 2019.

Senator MENSCH presented to the Chair **SB 613**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, in administrative organization, repealing provisions relating to employees with access to Federal tax information and providing for criminal history background checks of employees and contractors with access to Federal tax information.

Which was committed to the Committee on FINANCE, April 30, 2019.

## HOUSE MESSAGE

### HOUSE BILL FOR CONCURRENCE

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

April 30, 2019

**HB 1051** -- Committee on Aging and Youth.

### BILLS REPORTED FROM COMMITTEES

Senator VOGEL, from the Committee on Agriculture and Rural Affairs, reported the following bills:

**SB 583 (Pr. No. 642)**

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, further providing for definitions and for purchase of agricultural conservation easements.

**SB 585 (Pr. No. 653)**

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, in general provisions, establishing the Pennsylvania Dairy Future Commission and providing for its powers and duties.

Senator LAUGHLIN, from the Committee on Game and Fisheries, reported the following bills:

**SB 485 (Pr. No. 514)**

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in hunting and furtaking licenses, further providing for authorized license-issuing agents.

**HB 808 (Pr. No. 901)**

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, in Pennsylvania Fish and Boat Commission, providing for power to set fees; in fiscal affairs, further providing for collection fee for uncollectible checks; in fishing licenses, further providing for non-resident and tourist licenses, for one-day resident fishing license, for license, permit and issuing agent fees and for license and permit packaging options; in special licenses and permits, further providing for net permits, for boat and net licenses for boundary lakes, for permits for protection and management of particular fish, for permits for the use of explosives, for Lake Erie fishing permits and for fishing guide and charter boat permits; in regulated fishing lakes, further providing for licenses and for fees; in dams, bar racks and migration devices, further providing for obstructing migration of fish; in preliminary provisions, further providing for fees; and, in registration and titling of boats, further providing for issuing agents, for fees and for notice for boats and related equipment.

Senator MARTIN, from the Committee on Local Government, reported the following bills:

**SB 531 (Pr. No. 566)**

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in general provisions, providing for findings regarding firearms and ammunition; and, in preemptions, providing for regulation of firearms and ammunition.

**HB 510 (Pr. No. 885)**

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in intergovernmental cooperation, further providing for ordinance, for content of ordinance, for joint purchases with private educational establishments, for required review of specified agreements and for effect of joint cooperation agreements.

**HB 511 (Pr. No. 497)**

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, in corporate powers, further providing for intergovernmental cooperation.

**HB 512 (Pr. No. 498)**

An Act amending Title 11 (Cities) of the Pennsylvania Consolidated Statutes, in corporate powers, further providing for municipal authorities and cooperation with other political subdivisions.

**HB 547 (Pr. No. 886)**

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, in corporate powers, further providing for ordinances and resolutions; and, in finance and taxation, further providing for tax levies and for tax rates to be expressed in dollars and cents.

**HB 548 (Pr. No. 887)**

An Act amending Titles 8 (Boroughs and Incorporated Towns) and 11 (Cities) of the Pennsylvania Consolidated Statutes, in mayor, further providing for president or vice president of council to act as mayor; in taxation and finance, further providing for tax levy and for tax ordinance; in ordinances, further providing for ordinances and resolutions, for enactment, approval and veto, for recording, advertising and proof and for codification of ordinances; in council, further providing for ordinances and resolutions, for journal of proceedings, recording and withholding of vote, for records of ordinances maintained by city clerk and for time ordinances go into effect; and, in taxation, further providing for tax levies.

Senator K. WARD, from the Committee on Transportation, reported the following bills:

**SB 45 (Pr. No. 21)**

An Act amending the act of May 21, 1937 (P.L.774, No.211), referred to as the Pennsylvania Turnpike Commission Act, further providing for emergency vehicles.

**SB 588 (Pr. No. 646)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in size, weight and load, further providing for permit for movement during course of manufacture; and, in powers of department and local authorities, further providing for power of Governor during emergency.

**SB 593 (Pr. No. 678) (Amended)**

An Act designating a bridge, identified as Bridge Key 15986, on that portion of Interstate 79 northbound over West 16th Street in the City of Erie, Erie County, as the Thomas J. Kennedy, Jr., Memorial Bridge; and designating a bridge on that portion of State Route 4011 over Pine Creek, Hegins Township, Schuylkill County, as the A. Donald Buffington Memorial Bridge.

Senator REGAN, from the Committee on Veterans Affairs and Emergency Preparedness, reported the following bill:

**SB 589 (Pr. No. 677) (Amended)**

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, in military educational programs, further providing for definitions, for eligibility, for grants, for amount of grants, for limitations, for recoupment of grant payments, for regulations, for administration and for Educational Assistance Program Fund and providing for a military family education program; and making editorial changes.

**LEGISLATIVE LEAVES**

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

Senator CORMAN. Mr. President, I request a temporary Capitol leave for Senator Folmer, and a legislative leave for Senator Langerholc.

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

Senator COSTA. Mr. President, I request temporary Capitol leaves for Senator Brewster and Senator A.H. Williams.

The PRESIDENT. Senator Corman requests a temporary Capitol leave for Senator Folmer, and a legislative leave for Senator Langerholc.

Senator Costa requests temporary Capitol leaves for Senator Brewster and Senator A.H. Williams.

Without objection, the leaves will be granted.

**JOURNAL APPROVED**

The PRESIDENT. The Journal of the Session of February 4, 2019, is now in print.

The Clerk proceeded to read the Journal of the Session of February 4, 2019.

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

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

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

**YEA-48**

Argall	Dinniman	Langerholc	Schwank
Aument	DiSanto	Laughlin	Stefano
Baker	Farnese	Leach	Street
Bartolotta	Folmer	Martin	Tartaglione
Blake	Fontana	Mensch	Tomlinson
Boscola	Gordner	Muth	Vogel
Brewster	Haywood	Phillips-Hill	Ward, Judy
Brooks	Hughes	Regan	Ward, Kim
Browne	Hutchinson	Sabatina	Williams, Anthony H
Collett	Iovino	Santarsiero	Williams, Lindsey
Corman	Kearney	Scarnati	Yaw
Costa	Killion	Scavello	Yudichak

**NAY-0**

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

The PRESIDENT. The Journal is approved.

**GUESTS OF THE PRESIDENT PRO TEMPORE PRESENTED TO THE SENATE**

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

The PRESIDENT pro tempore. Mr. President, today I am very pleased to recognize the Legislative Reference Bureau's 110th anniversary. The bureau, which is often referred to as LRB, assists the legislature by drafting, publishing, and distributing legislative materials. Joining us on the Senate floor is the bureau director and four other outstanding staff members from LRB. Please welcome Vince DeLiberato, Barb Lane, Stephanie Latimore, Duane Searle, and Mike Pavlick. We also recognize others from LRB who are seated in the gallery today.

The Legislative Reference Bureau was formed in 1909 by the trustees of the Pennsylvania State Library. Throughout its history, LRB has developed a strong reputation for the highest quality of service. Their attention to detail and their willingness to assist Members with drafting thousands of bills and amendments each Session allows the Senate to function more effectively and efficiently. We are proud to honor LRB for their 110th anniversary, and we are certainly grateful for all of their hard work. On a personal note, these are some of the finest people who are in State government. I ask the Senate to join me in welcoming the staff from LRB.

The PRESIDENT. Would the guests of Senator Scarnati please rise so that we may welcome you to the Pennsylvania Senate.

(Applause.)

**SENATE CITATION**

Senator SCARNATI laid before the Senate the following citation:

In the Senate, April 23, 2019

WHEREAS, The Senate of Pennsylvania takes great pride in recognizing those organizations which, through adherence to the highest standards of service, contribute in a meaningful way toward a better and more productive society; and

WHEREAS, The Legislative Reference Bureau is being honored upon the momentous occasion of its one hundred tenth anniversary; and

WHEREAS, Formed in 1909 by Trustees of the Pennsylvania State Library, the Legislative Reference Bureau drafts, publishes and distributes legislative materials. Reconstituted as an independent legislative service agency in 1923, the bureau further prepares legislation and publishes and maintains official repositories for session laws, legislative histories, administrative regulations and other Commonwealth documents. While shifting public interests, policymaking practices, technologies and resources have reshaped the range and daily operations of the Legislative Reference Bureau, it continues to readily serve this Commonwealth with neutrality, confidentiality and integrity. The Legislative Reference Bureau has developed a strong reputation for the highest quality of service throughout its history. By steady adherence to its statutorily defined principles of fairness, accountability and discernment, it has become a leader in the community and a model that is worthy of emulation. Over the years, those in leadership positions, as well as its staff members, have contributed in a tremendous way to its growth and development.

NOW THEREFORE, the Senate of the Commonwealth of Pennsylvania congratulates the Legislative Reference Bureau upon its richly deserved recognition; extends warmest wishes for a future replete with ever-increasing success;

AND DIRECTS that a copy of this document, sponsored by Senator Joe Scarnati, be transmitted to the Legislative Reference Bureau.

**GUESTS OF SENATOR JAKE CORMAN PRESENTED TO THE SENATE**

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

Senator CORMAN. Mr. President, in my time in the Senate, I have had the opportunity to introduce a lot of successful teams, State champions, over the years, but this might be my all-time favorite. I am honored to be joined here by the members of the State champion Unified Bocce Ball Team from the Bald Eagle Area High School. 2019 was the inaugural season for the sport at the high school, and as this team of extraordinary young people set out for the State championships in Hershey, Pennsylvania, their goal was simply to make it out of the 12-team pool play. Before they knew it, they had won it all, defeating Columbia by a score of 6-4 after getting through a very tough Lancaster County team, which at one point they were trailing 4-0.

For my colleagues who are not familiar with Unified Bocce Ball Team, it is a winter sports program run through the PIAA in conjunction with Special Olympics. Students with or without special needs participate in competitive bocce ball matches together. The sport has been popular in western and eastern parts of the State for several years but now has begun to gain popularity in central Pennsylvania as well. It is so popular, Bald Eagle Area High School actually fielded two teams this year and played against each other in the regional championship. The Gold team, the one who won the State championship, included Chelsea Butterworth, Alyssa Packer, Nick Zink, Josh Zink, Fay Shaheen, Emily Gardner, Jordan Bonsell, and Bridget Esenwine. All of the athletes worked hard all season with the help of coach Erica Milliron. It is important to know that this team not only brought unity to the bocce ball court, but they also brought a sense of unity to the entire school as their games were packed in the student section with rousing fans in support of this great team.

Mr. President, please welcome the Unified Bocce Ball Team from Bald Eagle Area High School and give them our usual warm welcome.

The PRESIDENT. Would the State champs please rise to be welcomed by the Pennsylvania Senate.

(Applause.)

### **GUESTS OF SENATOR JAY COSTA PRESENTED TO THE SENATE**

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

Senator COSTA. Mr. President, today I had the pleasure of having two very impressive young women shadow me from the Women and Girls Foundation annual visit to Harrisburg from the GirlGov program. Jasmine DeBruce is a 9th-grade student at Shadyside Academy, and India Krug is an 11th-grade student at Indiana Senior High School. I had the pleasure of meeting both of these young ladies and a number of the members of the Pittsburgh GirlGov cohort a few weeks ago and I was honored to have them join me today in Harrisburg. Jasmine and India serve on the racial justice committee of GirlGov, and that group has been involved in a number of significant and incredible initiatives. I can tell you that our discussions were very lively, which were centered around many of those topics when I met with them. In addition to the discussions we have had, the group has held bake sales to illustrate the wage gap on the National Equal Pay Day, where they charged men \$1 and women were charged 75 cents for baked goods.

They also organized the first International Day of the Girl celebration in 2013, and they have petitioned Pittsburgh City Council to approve a paid sick day ordinance. They have also started several comprehensive sex education campaigns in many of the school districts that I have mentioned. They have also organized important rallies and walkouts for the March for Our Lives, not only in Washington, D.C., but for the city of Pittsburgh. I cannot wait to see what the accomplishments of these young ladies will be as they move forward, both in their educational capacity but also as productive members of our society.

I ask my colleagues to please join me in welcoming Jasmine and India to the Senate of Pennsylvania.

Thank you, Mr. President.

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

(Applause.)

### **GUEST OF SENATOR THOMAS H. KILLION PRESENTED TO THE SENATE**

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

Senator KILLION. Mr. President, I also rise this afternoon to introduce a young lady who is shadowing me today as part of the Women and Girls Foundation 10th Annual GirlGov Legislator Shadowing Day. These high school students are shadowing Senate Members, and I had the privilege of being shadowed by junior high school student Camryn Kwiatkoski, who is just a wonderful young lady. She had insightful questions and actually sat in a couple meetings and helped me out in those meetings, and I really appreciate that. This program provides an opportunity for young women to explore a career in government service, help to

form their future professional decisions and career aspirations, and both involve these young women in the political process as well as to allow them to communicate to the legislators on the issues affecting them and their peers.

Mr. President, I ask that we extend our traditional warm welcome to my guest, Camryn Kwiatkoski.

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

(Applause.)

### **GUEST OF SENATOR KIM L. WARD PRESENTED TO THE SENATE**

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

Senator K. WARD. Mr. President, I rise to recognize a young constituent who is here today shadowing me, also as part of the GirlGov program. Julia Collins is a student from Ligonier. She was interested in participating in GirlGov because she believes her intelligent ideas, eloquence, and leadership skills would contribute to this organization. She has stated that she wants to make a change for women in her community and impact the young girls near her in such a way that inspires confidence and leadership in them, and to harness their creativity, strength, and inner beauty for the good of others. She wants her future daughters to grow up in a world free of racial stereotypes, body shaming, and gender roles, and wants to be part of creating that change. Julia has volunteered at the Bethlen homes and at Rachel's Kindness Club, and she enjoys the community theater. She is indeed a leader. I spent some time with her today, and after speaking with her, she is indeed a leader, and I look forward to her future.

I am pleased to have Julia with us here today, and I ask that we extend a warm welcome to this wonderful young lady.

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

(Applause.)

### **GUEST OF SENATOR LAWRENCE FARNESE PRESENTED TO THE SENATE**

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

Senator FARNESE. Mr. President, I also rise today to introduce a guest who is part of the GirlGov program. Her name is Annika Ramani. We welcome her to the Pennsylvania Senate today. She is shadowing me for the day to learn about how the State Senate and the legislative branch works. She attended several constituent meetings with me, and also some committee meetings as well. Annika is a sophomore at The Ellis School in the Shadyside neighborhood in Pittsburgh. She is also a constituent of Senator Costa. Mr. President, in the future she hopes to study law. I enjoyed getting to know Annika, and I know she will have a bright future in Pennsylvania. One of the other things we had an opportunity to talk about are some of the things that she is interested in: policy, politics, and engagement. I think about opening up voting early on for younger people, Mr. President, Annika and people like her, and a lot of the young people we see here today are a great example and reason to do it.

Thank you, Mr. President. Could we give Annika our warm welcome.

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

(Applause.)

### **GUESTS OF SENATOR ARTHUR L. HAYWOOD PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Montgomery, Senator Haywood.

Senator HAYWOOD. Mr. President, I, as well, ask for the attention of the Senate for two GirlGov shadowers. They are tremendous young women. First is Daryl Jean Smith. She is an 11th grader at Penn Hills High. The second is Jazmire Yeyo. She is with the racial justice committee at City Charter High. These young women are accompanying me to committee meetings, to an enormous rally that was in the Rotunda, as well as to a life sciences meeting in my office. They both have tremendous inquisitive minds, and I think that this is something that we have to encourage with our young people.

I ask for the Senate to provide a warm welcome to these two young women.

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

(Applause.)

### **GUESTS OF SENATOR PATRICK J. STEFANO PRESENTED TO THE SENATE**

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

Senator STEFANO. Mr. President, today I welcome to the Senate a young lady who is shadowing me today through the GirlGov program. Hattie Lindy is a junior at Frazier High School. She is also a constituent of mine from Newell. I first met Hattie when I judged an American Legion oratory contest, at which she demonstrated her impressive speaking skills and her passion for our country and our form of government.

Today Hattie joined me at the hearing of the Committee on State Government on election reforms, met the Governor as he greeted the Coal Queen, met with advocates from the railroad industry, and attended a meeting of the Committee on Transportation. I have enjoyed having Hattie today in Harrisburg, and I look forward to the rest of the day with her.

Please join me in welcoming her to the Senate. Thank you, Mr. President.

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

(Applause.)

### **SPECIAL ORDER OF BUSINESS 2018 BITUMINOUS COAL QUEEN PRESENTED TO THE SENATE**

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

Senator STEFANO. Mr. President, today I am thrilled to welcome 2018 Bituminous Coal Queen Holly Lesko. She is the daughter of Donna and Scott Lesko of Smithfield. Holly is a senior at Albert Gallatin High School in Uniontown. This fall she will be attending Point Park University in Pittsburgh. She was one of the few students to be accepted into their elite conserva-

tory program, and her chosen major is a bachelor of fine arts in dance. Her future goals are to become a New York City Rockette and eventually open her own dance studio. Holly's family has been involved in the coal industry for many generations. Her great-grandfather and uncle both dedicated their entire lives at the York Run Mine, and her grandfather was a truck driver who hauled coal for various companies throughout Pennsylvania. During her reign as Coal Queen, Holly has learned just how vital coal is to our economy and the benefits it has brought to our region.

Please give Holly and her family a warm Senate welcome.

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

(Applause.)

The PRESIDENT. Please take the rostrum.

Ms. LESKO. Thank you, Senator Stefano, and good afternoon, ladies and gentlemen. I stand before you humble and grateful for my journey as being the current Pennsylvania Bituminous Coal Queen.

A quote by Erin Hanson that depicts how I have felt through my journey as Coal Queen as well as my life as a dancer is: "What if I fall? Oh, but my darling, what if you fly?" I used to be afraid while competing against other people in dance. At times I felt as if I was not good enough or that I may falter on stage in front of everyone. What I have grown to learn is to never let the fear of what you love most hold you back. If I would have held back from auditioning to be Coal Queen, I would not be the person who I am today. Being Coal Queen has allowed for me to grow both mentally and personally. During my reign, I have had the opportunity to meet many coal miners and their families in our area. Several family members of mine belong to the coal mining industry as well, and they each shared the same love, dedication, and compassion during their careers. This industry creates a vast amount of jobs that truly affects the small towns of which we are a part. Coal mining is a legacy that is passed on through generations that instills a sense of pride and brotherhood.

My reign as Coal Queen has allowed for me to see more in depth just how important coal mining is and how we must keep this industry thriving in order to benefit infrastructure not only locally, but nationally. As the world we live in today continues to be more focused on going green and protecting our environment, clean coal technology is one key focal point to invest in. According to estimates from the International Energy Agency, roughly 41 percent of the world's electricity comes from coal-fired power plants. However, moving forward, cleaner coal technologies will be needed in order to keep emissions down and combat climate changes. Politicians, private sector, international organizations, environmentalists, and civil societies must collaborate in the future with respect to technology and environmental protection.

At this time, I extend my sincerest thanks to Senator Pat Stefano; Representative Pam Snyder; the Senate of Pennsylvania; the King Coal Association, especially Lisa Allison, for making all the events of this past year possible; my parents, Scott and Donna Lesko, and my brother, Tyler, for their unconditional love, support, and guidance. Thank you.

(Applause.)

### **GUESTS OF SENATOR PATRICK J. STEFANO PRESENTED TO THE SENATE**

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

Senator STEFANO. Mr. President, today I am very excited to introduce a champion amongst us. We have the Berlin Brothersvalley School Girls' Basketball Team. They accomplished a feat 80 years in the making. With a 41-32 defeat of Lourdes Regional in the PIAA Class A championship, the Lady Mountaineers captured the first State title in school history on March 22 at the Giant Center in Hershey. Berlin's title run marked the first girls' basketball State championship in Somerset County and also marked the first State champion out of District 5 in girls' basketball since 1995.

I remember getting back from a lunch meeting at my Connellsville office, and I heard my chief of staff hooting and hollering about something. So I walked out into his office and watched the State title game. We sat there and watched as the girls led wire-to-wire going on the impressive run at the start of the game and never looking back. I can tell you, Mr. President, in the days that followed, I was in the greater Berlin area a few times, and the pride shown by the community for what this team accomplished was palpable. Basketball is the ultimate team sport, but earlier this week several individuals from this impressive team were named by the Pennsylvania Sports Writers for their outstanding years. Kiera Booth was named Class A All-State Girls' Basketball Team Player of the Year, and Rachel Prosser was named Coach of the Year. Meanwhile, Zoie Smith was named to the All-State Second Team.

The team is here with their head coach, Rachel Prosser, along with the assistant coaches, Mrs. Casey Montgomery and Mr. Mike Harbaugh. Please join me in congratulating them with a large, warm Senate welcome.

The PRESIDENT. Would the guests of Senator Stefano, the State champs, please rise to be welcomed by the Senate.

(Applause.)

### **GUESTS OF SENATOR MARIA COLLETT PRESENTED TO THE SENATE**

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

Senator COLLETT. Mr. President, I extend thanks to my constituent, Pastor Josh Blakesley of the Love in Action United Church of Christ in Hatboro, Montgomery County, for serving as guest Chaplain today and offering the opening prayer for Session. The work that Pastor Blakesley and Love in Action do in my district truly reflects the inclusive love that Jesus teaches. Their mission promises to welcome and accept into full life and ministry persons of every race, age, economic situation, ability, sexual orientation, gender identity, and gender expression and assures that all loves are equal before God. The Love in Action Church performs community outreach that is invaluable to the people of my district and beyond, and I remain in awe of the good work they do every day in the name of their faith.

Pastor Blakesley is joined by his congregants, and my constituents, Dean Roberts, Pam Roberts, and Jennifer Petro. Please join me in giving them a warm Senate welcome.

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

(Applause.)

### **GUEST OF SENATOR RYAN AUMENT PRESENTED TO THE SENATE**

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

Senator AUMENT. Mr. President, it is my pleasure to introduce my guest for the day, Corey Kendig, a junior at Donegal High School in Lancaster County. Corey proudly participates in a wide variety of extracurricular activities at Donegal, including JV baseball, marching band, debate club, math honors society, and more. He is currently enrolled in AP civics and government and was recently chosen as a member of the prestigious National Honor Society. Between his school work and extracurricular activities, Corey enjoys attending mission trips and volunteering with local nonprofits as a way to give back to the community. After high school, Corey is hoping to attend the Naval Academy to major in engineering with a minor in political science. Corey is excited to be in Harrisburg today to see what a typical day here at our State Capitol is like. Please join me in welcoming Corey to the Pennsylvania Senate.

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

(Applause.)

### **GUESTS OF SENATOR MICHELE BROOKS PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentlewoman from Mercer, Senator Brooks.

Senator BROOKS. Mr. President, I am very happy to be joined today by three outstanding students from the 50th Senatorial District who are serving as guest Pages in both the House and the Senate. All three are eighth graders at St. Michael School in Greenville, Mercer County, which is about 5 hours from the State Capitol. They are all class officers at Saint Michael's and are destined to become leaders later in life.

Serrenah Peterson is class president, a swimmer, soccer player, and cheerleader; Hayden Bates is class treasurer, an altar server, and a member of the school band and track team; and Katherine Cooper is class vice president and a member of the band, soccer team, and musical. In addition to their school work and outside activities, all three make time to volunteer at St. Paul's Senior Living Community. Today they are accompanied by chaperone Amy Hooks, and it is wonderful to have these impressive young students here with me in the Capitol as they get an inside look at State government.

Please join me in giving these three first-class 14-year-olds and their chaperone a very warm Senate welcome.

Thank you, Mr. President.

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

(Applause.)

### GUEST OF SENATOR ELISABETH J. BAKER PRESENTED TO THE SENATE

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

Senator BAKER. Mr. President, I rise today to introduce Caroline Williams, who has been job shadowing me and is serving as a guest Page here on the Senate floor. Caroline is a constituent of Senator Scavello, and she lives in Kunkletown in Monroe County. The reason she is here with me, I had the distinct pleasure of meeting her last year at the Northeastern Pennsylvania Women's Empowerment Conference. She expressed an interest in public service and community affairs. She said, is it ever possible for someone to come visit to see and experience a day in the life of a Senator?

She is employed as a supervisor with UPS in the processing improvement department, and she is an adjunct professor at Luzerne County Community College, where she assists first-year experiences for incoming freshmen students. She is originally from New York City. She has a B.S. in international criminal justice from St. John's University. She attended Columbia University Teachers College and pursued a master's degree in education. When she relocated to Pennsylvania, she transferred to Drexel where she completed a master's degree in education.

She is an impressive woman and it has been a delight and privilege to give her the inside glimpse of what public service is like. It is my hope that one day she will pursue her passion and look to serve in another capacity. So please join me in welcoming Caroline Williams to the Pennsylvania Senate. We offer our warm congratulations and very best wishes.

Thank you, Mr. President.

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

(Applause.)

### SPECIAL ORDER OF BUSINESS SENATE RESOLUTION ADOPTED

Senators KILLION, KEARNEY, FONTANA, DINNIMAN, FARNESE, BROWNE, BOSCOLA, ARGALL, MARTIN, SANTARSIERO, J. WARD, TARTAGLIONE, BARTOLOTTA, MENSCH, HUGHES, BLAKE, BREWSTER, SCHWANK and AUMENT, by unanimous consent, offered **Senate Resolution No. 90**, entitled:

A Resolution designating the month of May 2019 as "Bike Month," the week of May 13 through 19, 2019, as "Bike to Work Week" and May 17, 2019, as "Bike to Work Day" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator KILLION. Mr. President, it is my pleasure this afternoon to offer this resolution recognizing May as "Bike Month," May 13 through May 19 as "Bike to Work Week," and May 17 as "Bike to Work Day" in Pennsylvania. Established in 1956 and sponsored by the League of American Bicyclists, Bike Month is celebrated nationwide and it highlights the many benefits of bicycling. Enjoyed by Pennsylvanians of all ages, riding for trans-

portation, recreation, fitness, and sport are part of a healthy lifestyle. Further, companies and other organizations that participate in Bike to Work Week and Bike to Work Day events help build morale and encourage employees to try this healthy, economical, and environmentally friendly method of transportation.

### GUESTS OF SENATOR THOMAS H. KILLION PRESENTED TO THE SENATE

Senator KILLION. Mr. President, joining me in the gallery today are members of the Bicycle Coalition of Greater Philadelphia, which include the organization's executive director, Sarah Clark Stewart. Mr. President, I ask that we extend our traditional warm wishes to our guests in the gallery.

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

(Applause.)

And the question recurring,  
Will the Senate adopt the resolution?

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

### LEGISLATIVE LEAVE CANCELLED

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

### RECESS

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

Senator CORMAN. Mr. President, I request a recess of the Senate for the purpose of a Republican caucus to be held immediately in the Majority Caucus Room.

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

Senator COSTA. Mr. President, I request that Senate Democrats meet in the rear of the Chamber immediately for a caucus.

The PRESIDENT. 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 Elisabeth J. Baker) in the Chair.**

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

### LEGISLATIVE LEAVES CANCELLED

The PRESIDING OFFICER. Senator Anthony Williams and Senator Langerholc have returned, and their respective leaves are cancelled.

### LEGISLATIVE LEAVE

The PRESIDING OFFICER. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Madam President, I request a temporary Capitol leave for Senator Argall.

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

### RECESS

The PRESIDING OFFICER. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Madam President, I request a recess of the Senate for the purpose of an off-the-floor meeting of the Committee on Rules and Executive Nominations to be held immediately in the Rules room.

The PRESIDING OFFICER. For the purpose of an off-the-floor meeting of the Committee on Rules and Executive Nominations, without objection, the Senate stands in recess.

### AFTER RECESS

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

### LEGISLATIVE LEAVES

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

Senator GORDNER. Madam President, I request a temporary Capitol leave for Senator Kim Ward, and a legislative leave for Senator DiSanto.

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

Senator COSTA. Madam President, I request a temporary Capitol leave for Senator Haywood.

The PRESIDING OFFICER. Senator Gordner requests a temporary Capitol leave for Senator Kim Ward, and a legislative leave for Senator DiSanto.

Senator Costa requests a temporary Capitol leave for Senator Haywood.

Without objection, the leaves will be granted.

### CALENDAR

#### THIRD CONSIDERATION CALENDAR

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 48 (Pr. No. 584)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 25 (Elections) of the Pennsylvania Consolidated Statutes, in conduct of elections, providing for voting systems.

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

#### HUGHES AMENDMENT A0952 OFFERED

Senator HUGHES offered the following amendment No. A0952:

Amend Bill, page 1, by inserting between lines 13 and 14:  
D. Voting System Procurement Funding  
Amend Bill, page 2, by inserting between lines 4 and 5:

"Account." The Voting System Procurement Account established under section 3134 (relating to Voting System Procurement Account).

"Associated allowable expenditures." As follows:

(1) The following costs associated with a voting system:

(i) Servers and software.

(ii) Delivery, installation, configuration and testing.

(iii) Warranties and software licenses purchased at the time of initial acquisition with a term of at least five years.

(2) The term does not include:

(i) Costs associated with training.

(ii) Additional costs associated with operating, servicing, maintaining or insuring a voting system.

"Authority." The Pennsylvania Economic Development Financing Authority.

"Department." The Department of State of this Commonwealth.

Amend Bill, page 2, by inserting between lines 8 and 9:

"Financing law." The act of August 23, 1967 (P.L.251, No.102), known as the Economic Development Financing Law.

Amend Bill, page 2, by inserting between lines 13 and 14:

"Voting systems." Voting machines and associated allowable expenditures.

Amend Bill, page 2, line 17, by striking out "this subchapter" and inserting:

subsection (b)

Amend Bill, page 2, line 18, by striking out "Plan" and inserting:

Notice requirement

Amend Bill, page 2, lines 20 through 22, by striking out "submit a written plan to the President" in line 20, all of line 21 and "Representatives" in line 22 and inserting:

provide written notice to the commission

Amend Bill, page 2, line 22, by striking out "180" and inserting:

30

Amend Bill, page 2, lines 22 and 23, by striking out "effective date of replacement, containing each of" and inserting:

disapproval or decertification, the written notice shall contain

Amend Bill, page 2, line 24, by inserting after "The":

name or other description of the voting apparatuses being disapproved or decertified and the

Amend Bill, page 2, lines 25 through 28, by striking out all of lines 25 through 27 and "(3)" in line 28 and: inserting

(2)

Amend Bill, page 2, line 29, by striking out the period after "apparatuses" and inserting:

including a summary of the input received and recommendations, if any, received from the commission under subsection (c)(1).

Amend Bill, page 2, line 30, by striking out "(4)" and inserting:

(3)

Amend Bill, page 2, line 30, by striking out "replacement." and inserting:

the disapproval or decertification and the date of the municipal or general election in which replacement voting apparatuses must be used.

Amend Bill, page 3, lines 2 and 3, by striking out "receipt of the written plan under subsection (b) by" and inserting:

the effective date of this section.

Amend Bill, page 3, lines 4 and 5, by striking out ", a commission shall be established" and inserting:

shall establish a Voting System Decertification Commission

Amend Bill, page 3, line 7, by striking out "Review the written plan." and inserting:

Consult with and make recommendations to the department relating to the department's voting system decertification plan, if a plan is available.

Amend Bill, page 3, lines 9 and 10, by striking out all of said lines and inserting:

issue of voting system decertification and voting system security in this Commonwealth.

Amend Bill, page 3, lines 27 through 30; page 4, lines 1 through 4; by striking out all of lines 27 through 30 on page 3, all of lines 1 through 3 and "(C) (D)" in line 4 on page 4 and inserting:

(A) A summary of the activities conducted by the commission under subparagraphs (i) and (ii).

(B)

Amend Bill, page 4, line 5, by inserting after "necessary":

to ensure voting system security  
Amend Bill, page 4, lines 8 through 12, by striking out all of said lines

Amend Bill, page 4, line 21, by striking out "(III)" and inserting:

(i)  
Amend Bill, page 4, line 24, by striking out "OR THEIR DESIGNEES"

Amend Bill, page 4, line 25, by striking out "(IV)" and inserting:

(ii)  
Amend Bill, page 4, line 30; page 5, line 1; by striking out "OR" in line 30 on page 4 and "THEIR DESIGNEES" in line 1 on page 5

Amend Bill, page 5, lines 2 and 3, by striking out all of said lines and inserting:

(3) The President Pro Tempore of the Senate shall set a date, time and place for the organizational meeting of the commission, which shall be no later than 10 days after the commission has been appointed. At the organizational meeting, the members of the commission shall elect co-chairs who may not be members of the same political party. The members also may elect a vice chair and other officers.

Amend Bill, page 5, lines 8 and 9, by striking out "IN COOPERATION WITH THE DEPARTMENT"

Amend Bill, page 5, by inserting between lines 14 and 15:

(d) Construction.--Nothing under this section shall be construed to interfere with the Secretary of the Commonwealth's authority to revoke the approval of a voting machine that, upon reexamination, can no longer be safely used by electors at elections as provided under section 1106(c) of the Election Code.

Amend Bill, page 5, by inserting between lines 20 and 21:

#### SUBCHAPTER D

#### VOTING SYSTEM PROCUREMENT FUNDING

Sec.

3131. Declaration of policy.

3132. Powers of authority.

3133. Bond issuance.

3134. Voting System Procurement Account.

3135. County voting system grant program.

§ 3131. Declaration of policy.

The General Assembly finds and declares as follows:

(1) In January 2019, the Blue Ribbon Commission on Pennsylvania's Election Security issued a comprehensive report, which included recommendations, on the issue of election security and the Commonwealth's voting systems.

(2) The commission found that "the bulk of Pennsylvania's voting machines are vulnerable to hacking and manipulation" and "[t]his vulnerability stems from many counties' use of insecure electronic voting systems that are susceptible to manipulation and offer no paper record - and therefore no way of verifying the tabulation of votes when the veracity of election results is questioned."

(3) The commission concluded that the paperless machines posed a "clear and present danger" and that "replacing the systems with those that employ voter-marked paper ballots should be the most pressing priority for Pennsylvania officials to secure the Commonwealth's elections."

(4) The commission made the following recommendations:

(i) Counties using direct recording electronic systems should replace them with systems using voter-marked paper ballots, either by hand or by machine, before 2020 and preferably for the November 2019 election, as directed by the department.

(ii) The department should decertify direct recording electronic voting systems following December 31, 2019, if not sooner.

(iii) The department should not certify and counties should not procure direct recording electronic machines, not even with voter-verifiable paper audit trails, but instead systems that tabulate voter-marked paper ballots, which are retained for recounts and audits.

(iv) The Governor, General Assembly and counties should explore creating financing mechanisms, such as bond issuance, to assist counties with procuring more secure electronic voting systems with voter-marked paper records.

(5) As noted by the Blue Ribbon Commission on Pennsylvania's Election Security, "Pennsylvanians, including public officials, must recognize that election security infrastructure requires regular investments and upgrades. Our elections - and Pennsylvanians' faith in them - are not free."

(6) The department and counties have begun the process of

updating our voting infrastructure. As noted by the Blue Ribbon Commission on Pennsylvania's Election Security, "[t]he cost of procuring new voting machine systems is not trivial for counties." Nor should the counties' procurement of new voting machine systems be an unfunded mandate.

(7) Ensuring that this Commonwealth's elections are secure is an issue of Statewide concern, and it is in the best interests of this Commonwealth to provide funding for counties to procure new voting machines in the manner authorized under this subchapter so that each resident can have faith in the security of the Commonwealth's election infrastructure.

§ 3132. Powers of authority.

In addition to its authority to issue bonds under the financing law, the authority may issue bonds for purposes of providing financing to counties that purchase voting systems.

§ 3133. Bond issuance.

(a) Debt and liability.--

(1) Bonds issued under this subchapter shall not be a debt or liability of the Commonwealth and shall not create or constitute any indebtedness, liability or obligation of the Commonwealth.

(2) Bond obligations shall be payable solely from revenues or money pledged or available for repayment as authorized under this subchapter.

(3) Each bond must contain on its face a statement that:

(i) The authority is obligated to pay the principal of or interest on the bonds only from the revenues or funds pledged or available for repayment as authorized under this subchapter.

(ii) Neither the Commonwealth nor any county is obligated to pay the principal of or interest on the bonds.

(iii) The full faith and credit of the Commonwealth or of any county is not pledged to the payment of the principal of or the interest on the bonds.

(b) Limitations on bond issuance.--

(1) The authority shall issue bonds for voting system reimbursements in an aggregate principal amount not to exceed \$150,000,000, unless the authority and the department determine this amount is insufficient to carry out the purposes of this subchapter. If the authority and the department determine the amount is insufficient to carry out the purposes of this subchapter, the authority shall adopt a resolution to petition the Secretary of the Budget to increase the maximum aggregate principal amount. If the Secretary of the Budget approves the petition, notice of the approval shall be sent to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.

(2) The authority may not issue bonds for voting system reimbursements, except refunding bonds, after June 30, 2020.

(3) The authority, in consultation with the department and the Office of the Budget, shall determine the principal amounts of taxable and tax-exempt bonds to be issued during a fiscal year.

(4) The maturity date of the bonds may not exceed 15 years.

(5) Notwithstanding any other provision of law, the authority, at the request of the department, may issue refunding bonds at any time while bonds issued for voting system reimbursements are outstanding if the final maturity of any series of bonds being refunded is not extended.

(6) Interest on bonds issued under this subchapter and refunding bonds authorized under this section shall be payable at a time as the authority shall determine in the resolution authorizing the bonds and shall be subject to the provisions of the financing law.

(7) The aggregate principal amount of bonds under this subsection shall not be subject to debt limitations on the authority under the financing law.

(c) Service agreement authorized.--

(1) The authority and the department may enter into an agreement or service agreement to effectuate this subchapter, including an agreement to secure bonds issued for voting system reimbursements, under which the department shall agree to pay service charges to the authority in each fiscal year that the bonds or refunding bonds are outstanding in amounts sufficient to timely pay in full the debt service and any other financing costs due on the bonds issued for voting system reimbursements.

(2) The department's payment of the service charges shall be subject to and dependent upon the appropriation of funds by the General Assembly to the department for payment of the service charges. The service agreement may be amended or supplemented by the authority

and the department in connection with the issuance of any series of bonds or refunding bonds authorized under this section.

(d) Review for form and legality.--For the purposes of issuing bonds under this article, the duties of the Attorney General under section 204 of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, relating to the issuance of bonds may be performed by the first deputy attorney general.

§ 3134. Voting System Procurement Account.

(a) Establishment.--The Voting System Procurement Account is established as a restricted account in the State Treasury.

(b) Deposit of bond proceeds.--The net proceeds of bonds, other than refunding bonds, exclusive of costs of issuance, reserves and any other financing charges, shall be transferred by the authority to the State Treasurer for deposit into the account. Money in the account shall be held solely for the purpose of awarding grants to counties under section 3135 (relating to county voting system grant program). The department shall requisition payments due to counties from the account. To pay for expenses related to the administration of the county voting system grant program, the department, with the approval of the Governor and the authority, may charge a fee against the proceeds deposited in the account.

§ 3135. County voting system grant program.

(a) Duties of department.--The department shall implement and administer a county voting system grant program for purposes of awarding grants to counties for costs incurred in procuring secure voting systems in accordance with this subchapter.

(b) Requirements.--The county voting system grant program developed by the department under subsection (a) shall meet the following requirements:

(1) Applications shall be submitted at the time and in the manner prescribed by the department.

(2) Each county shall submit an itemized list of costs incurred related to the procurement of voting systems with its application.

(3) Grants may be awarded to counties to fund the purchase of the voting systems or as reimbursement to counties who have previously incurred costs in procuring voting systems that have been approved by the department.

(4) Grants may only be awarded for costs associated with procuring voting systems that have been approved by the department.

(5) The maximum grant awarded to a county for each voting machine procured shall be the lesser of 100% of the cost of each voting machine or \$5,000.

(6) The department shall set the maximum grant for associated allowable expenditures which may not exceed 50% of costs incurred by the county for associated allowable expenditures.

(c) Report.--

(1) Within 30 days after the award of grants to each county, the department shall submit a report to the chair and minority chair of the following committees summarizing the department's activity under this subchapter:

(i) The State Government Committee of the Senate.

(ii) The Appropriations Committee of the Senate.

(iii) The State Government Committee of the House of Representatives.

(iv) The Appropriations Committee of the House of Representatives.

(2) The report shall include the following information:

(i) Total debt incurred by the authority in implementing this subchapter.

(ii) The debt service schedule for the bonds.

(iii) An itemized list of the counties that received grants, the total amount of each grant and the costs for which the grant was awarded.

On the question,

Will the Senate agree to the amendment?

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

Senator HUGHES. Madam President, needless to say, the issue of improving the quality and security of our voting systems here in the Commonwealth and, quite frankly, across the nation

is of paramount importance; should remain of paramount importance; should probably be the single thing that we get right here in this body, not just on this side of the building, but on the other side of the building, and, of course, in cooperation and partnership with the Governor's Office. It is clear as all of us are elected officials, elected by the constituents in our respective senatorial districts, that the sanctity, the importance of the vote and how that vote is counted and the accuracy, the security of that vote should be our foremost concern. To that end, we rise to offer this amendment which provides some, I think, important changes. It creates the voting system decertification commission within 10 days of the effective date of the act, authorizes the commission to consult with and make recommendations to the Department of State regarding voting machine decertification plans, and removes the 180-day notice provision to the General Assembly before the department certifies machines and replaces it with a 30-day notice to the commission. The reason for that, Madam President, is because of the fact that in the conversation about the current discussion of voting machine decertification and the current commission that is being discussed, there are less than 180 days between the May 21 election and the November 2019 municipal election, there are less than 175 days between the November 2019 municipal election and the April 2020 primary election date, and in 2020 there are 189 days between the primary and the general. So, consequently, that schedule that has been offered up in the current bill just does not work with the timing that exists for the need to deal with oversight, decertification, and analysis. It does remove the gubernatorial appointments to the commission because of focus providing legislative input to the department.

What this amendment does do, Madam President, is it responds to the issue that most of us have been confronted with by our local voting organizations in our respective counties back home. The analysis was over \$100 million, probably closer to \$125 million, that it would cost to replace all of our voting systems and come up with systems that have been pre-approved as clearly meeting the issues of security. Unfortunately, the cost of that obligation is not currently in place. The Governor's budget proposal, his proposal offers up a current-year \$15 million allocation to offset some of those costs. I think many of us feel, and we definitely know our county voting systems feel, that those dollars are insufficient, and they need more dollars to apply to the cost of the transition to new machines. So, in that case, responding to that cry, what this amendment does do is it authorizes the Pennsylvania Economic Development Finance Authority, PEDFA, to issue up to \$150 million in bonds to finance county purchases of election machines. And the debt service payments for those election machines is not to exceed 15 years. It creates a grant program to provide financing or reimbursements to counties that purchase or have already purchased election machines. As you know, Madam President, some of our counties have already gone down the path, taken on that responsibility on their own to replace their machines, and in that good effort on their part, this provision would allow this new funding to come in place to help offset some of their costs. It requires the department to submit a report to the Committees on State Government and the Committees on Appropriation regarding the amount that has been bonded, the grant awards made to counties, and what grants were used for.

What we are trying to do, Madam President, in the end, is reflect a concern around the issue of decertification, and we have heard that, we have listened to that, we have participated in committee meetings in that regard, but we are also trying to probably end the most important thing that we can do, the thing that has received the most outcry, Madam President, is respond to the costs of having to deal with replacing all these machines in Pennsylvania. The reason, again, the reason that we are having to replace all of these machines in Pennsylvania, is to make sure that every county in the Commonwealth of Pennsylvania has updated, secured voting systems that can protect our democracy. Let us be real clear here. We are in the business of protecting the sanctity of the vote. The most important part of this State Constitution, the most important part of the Federal Constitution, the reason why this nation exists, the reason why this Commonwealth exists, is to reflect the individual perspective through their vote that allows us to sit in this Chamber and debate issues of great importance. If that vote is not secure, if our systems do not protect, if there is a belief that there has been an intrusion in some fashion to our voting systems, we will have crossed, if you will, Madam President, the final rubicon, the final barrier of trust in government between when folks cast their vote and what they believe that their elected representatives were sent to this Chamber, or to Washington, D.C., or to local counties, local commissions, local school boards, and wherever they may be elected, to do. We will finally have crossed that final barrier where trust will be completely lost.

I suggest, Madam President, that we are at an important point in this nation's history. I suggest, Madam President, we are at an important point in this Commonwealth's history of doing all that we can to make sure that our voting systems are fully protected, are fully secure, and that we, Madam President, take on the responsibility as State Senators, as Members of the House of Representatives, and of course as the Governor's Office, of helping our local communities offset that cost. The issue of security of our election system, Madam President, in many respects really should have no cost. We must do all that we can to protect the sanctity, the security of the vote. It has been fought for, it has been died for. We must do what we can, and we believe this amendment goes a long way in recognizing concerns of the Majority, but also addressing what we are hearing from our county commissioners all across the Commonwealth of Pennsylvania, is for some additional assistance in funding this democracy.

Thank you, Madam President.

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

Senator GORDNER. Madam President, I ask that we vote "no" on this amendment and that we get to Senate Bill No. 48, pass it, and send it over to the House so that they can consider it in a timely fashion. Much as the previous speaker said—I would like to give a little history in regard to the bill and to this amendment. It was a year ago in February that Governor Wolf unveiled his Budget Address. During that Budget Address last year he did not mention this issue at all, and yet, within a week the Governor had indicated that his Secretary of the Commonwealth was going to decertify every voting machine in the Commonwealth and that they should be replaced for the 2020 election. That certainly sent murmurs, if not larger spasms, throughout the 67 counties as they were all of a sudden confronted with this issue of possibly replacing every voting machine in the Commonwealth.

Look, for decades there has been a provision that allows the Secretary of the Commonwealth to get rid of a machine if that machine is not functioning properly, and from time to time there has been a situation where a machine out in a county in a specific voting district has had to be replaced, and so to that extent the law has worked well. Never, never, whether it has been a Democratic Governor or a Republican Governor, has there been a circumstance where there has been a pronouncement made that every voting machine is going to be decertified, as was announced last February.

So, counties started to look at machines. There are at least, I think, 18 counties that said, you know what, we have paper trail machines and our machines are not connected to the Internet, so the two biggest issues that were announced by the Secretary of the Commonwealth we do not even have an issue with in our county with the current machines that we have. They have a paper trail and are not connected to the Internet. The Secretary of the Commonwealth said that in a timely fashion there would be a number of machines that would be approved that counties could look at, and yet, by November of this past year I think there was only one, and it was only shortly after that, November or December, that there were a total of, I believe, four machines that were approved, and then I think a fifth machine was approved earlier this year.

Which leads us to the 2019 issue. The 2019 issue is that it is an election year for county commissioners. Guess who makes the decisions in regard to voting machines? It is the county election board. Guess who cannot serve on the county election board in an election year when county commissioners are running for reelection? County commissioners. So those county commissioners who should be making the decisions are not able to make the decisions because in an election year they are not allowed to serve on the county election board, which is the entity that makes those decisions. That is the 2019 issue for a lot of counties now that machines are finally able to be presented to them to be approved.

Heading into the Budget Address in February, counties specifically expected Governor Wolf to include up to \$75 million for funding for these machines. In some announcements that the Governor made, and the Secretary made, they alluded to the fact that besides the \$14 million available from the Federal government, that the State should pony up around half. They were very disappointed when Governor Wolf presented his budget in February that provided \$15 million, with the promise in future years, 5 years, in fact, including the year in which the Governor is no longer going to be the Governor, that more money will come year, by year, by year, by year. And yet, what we heard during the hearing that the Committee on State Government had was that counties, if they wanted to finance, are going to have to pay 18 percent finance rate if they do it on a multiyear process.

So, this announcement, which had no legislative input, I think is wrong and uses this law in a wrong way. So what this bill does is provide for a bipartisan commission, it patterns it after bipartisan commissions that we have very successfully used over the last couple of years. The Basic Education Funding Commission, very successful result. The Special Education Funding Commission, very positive result. There has been a proposal to do a higher education funding commission patterned after this, so that is what this 11-person commission would do. Two Senate Democrats, two Senate Republicans, two House Democrats, two House

Republicans, three appointments by the Governor, including one of his appointments to be a county commissioner, not indicated whether it is a D or an R, so that is up to the Governor. What this commission would do then is to have a couple of public hearings, to look into the matter, and then to issue a report to the legislature which, again, has not been involved in this decisionmaking to decide whether there are legislative issues, what the cost is, who is going to pay for it, et cetera. I believe it is a very fair commission. It is not stacked one way or the other and it is patterned after ones that have already been successful.

What this amendment does, though, is make a number of changes which, basically, go contrary to what Senate Bill No. 48 was intended to do. Specifically, there is a provision that says, nothing--this is in the amendment--"Nothing under this section shall be construed to interfere with the Secretary of the Commonwealth's authority to revoke the approval of a voting machine that, upon reexamination, can no longer be safely used by the electors at elections." That specific provision basically says that despite what this bill would do, the Secretary of the Commonwealth could go on and get rid of every voting machine in the entire State. That is what it says. So, the heck with the commission. The heck with the 6-month study. It says that the Secretary could go ahead and do what the Secretary wanted to do anyway.

It also puts into finding as declaration of policy a non-legislative commission's report. There was this commission on election security that was made up of no Members of the legislature, no Democratic Members, no Republican Members, and it puts into this bill as declaration of policy the findings of this non-legislative commission. We do not want to do that because we had no input into this non-legislative commission's activity. Which is unlike what has happened in regard to the two commissions that I have already talked about. It also gets rid of the executive appointments, which is a bad idea. That also eliminates the county commissioner representative as well.

Finally, it contains this bond. This bond, which would go through PEDFA, which is not normally what PEDFA does in regard to noneconomic development type of bonding, so it would send it to PEDFA, so I am not sure if that is something that PEDFA should do. But what you should know is if they decide to bond this over 15 years, that is over \$50 million of interest payments that this legislature will be paying for, for years and years to come. That \$150 million bond will cost over \$200 million that we will be paying for, for quite some time.

For those reasons, that it waters down Senate Bill No. 48, that it provides for a costly bond that the Governor should have provided for in his budget, and that there are over a dozen counties that already have machines that produce a paper trail, that are not connected to the Internet, and instead, what the Secretary of Commonwealth is proposing is that our counties use machines that have been shown to be with issue in recent elections. Let me just finish by saying this, and I will be careful how I say it, but since the Governor made his announcement, we had primary elections, we had general elections, we had primary elections. That is all I am going to say, but I am going to say that we have had a number of elections since the Governor has made this pronouncement, and we will continue to have that. If there were true issues with all of those, then there should have been concerns by the Governor in regard to each of those elections.

For those reasons, I ask for a "no" vote on this amendment.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Philadelphia, Senator Hughes, for the second time.

Senator HUGHES. Madam President, I think it is important to recognize at least one simple thing, if not more. Democracy delayed is democracy denied. We are here in this business, Madam President, of trying to get a secure election system with secure voting machines in place in every county in the Commonwealth of Pennsylvania. This Caucus does not just talk the talk, Madam President, this Caucus is walking the walk by putting up a vehicle, a way to get those machines paid for, which has been the principal and number one concern from our counties across the Commonwealth of Pennsylvania. We cannot afford it. Give us some additional help financially to put these new machines in place. I think we need to be clear about the current reality of our voting machines in our election systems in the Commonwealth of Pennsylvania.

This commission, which was convened as I was reminded of so appropriately earlier by Senator Costa, was convened by the University of Pittsburgh. This Blue Ribbon Commission on Pennsylvania's Election Security, which had some of the top security individuals from across the nation, made several statements about Pennsylvania's voting machines, and I quote, are vulnerable to hacking and manipulation. This vulnerability stems from many counties using insecure electronic voting systems that are susceptible to manipulation and offer no paper record and, therefore, no way of verifying the tabulation of votes when the veracity of election results is questioned. Paperless machines pose a clear and present danger. That is from the top experts, Madam President. Replacing the systems with those that employ voter-marked paper ballots should be the most pressing priority for Pennsylvania officials to secure the Commonwealth's elections. It went on to say a lot more. Democracy delayed is democracy denied. Only Delaware, Louisiana, Georgia, New Jersey, and South Carolina still use only DRE systems statewide as their primary voting systems, and Delaware and Louisiana are in the process of replacing those machines.

The basis of the bill that we are attempting to amend delays democracy even longer, makes it longer for us and longer for counties to adopt new machines in their systems. It delays it. It puts it off further and further down the line. The longer we put it off, the more susceptible we are to being hacked and manipulated. Now, let us not assume that is a problem that does not exist. That is a very real and present problem confronting our electoral system right now. We are very clear with 17 different authorities in the U.S., at the U.S. Federal level, several different investigative authorities, the FBI and everyone else, said that there were attempts in the 2016 elections to hack and invade the elections of this nation. Recently, the Special Counsel's report, Special Counsel Mueller's report, specifically addressed a county in Florida whose tabulation system was hacked. So, additionally, more individuals in recent times at the Federal level have come out and said that we are not only facing a threat just by Russia, but by other countries around the world to the sanctity and security of our election system.

It is clear that we do not have fully secure machines and fully secure systems in Pennsylvania. There is no doubt about that. We must move aggressively to get fully secure machines placed in every county. Again, what this amendment does, Madam President, is it responds to I think the State's responsibility, but it also responds to county commissioners from across the Common-

wealth saying, help us financially to put these new systems in place. Give us assistance financially, more than the \$15 million that has been offered up in the Governor's budget proposal. This proposal, this amendment, puts the money in place, says the funding is here for local counties to offset some of their expenses that they may have already incurred or may incur going forward.

So, Madam President, I think that we all need to be very clear about what it is that we are trying to do. We are not trying to delay democracy and the security of our democracy, we are trying to pay for it, put it in place, put new systems in place, provide counties the assistance that they need, and get us, if you will, Madam President, in the 21st century with respect to our election systems. Madam President, amendment No. A0952, this amendment that is in front of us right now, allows us to not deny democracy, allows us to put it in place immediately, allows us to have a secure system that we can all be confident in and prevents, Madam President, the delay that this bill under its current fashion, Senate Bill No. 48, only will do. It will delay secured election systems. This amendment puts that in place immediately and makes sure that we have the best, most secure election system, and that the State will step up and be willing to pay for it.

Thank you, Madam President.

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

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

YEA-22

Blake	Farnese	Leach	Tartaglione
Boscola	Fontana	Muth	Williams, Anthony H
Brewster	Haywood	Sabatina	Williams, Lindsey
Collett	Hughes	Santarsiero	Yudichak
Costa	Iovino	Schwank	
Dinniman	Kearney	Street	

NAY-26

Argall	DiSanto	Martin	Tomlinson
Aument	Folmer	Mensch	Vogel
Baker	Gordner	Phillips-Hill	Ward, Judy
Bartolotta	Hutchinson	Regan	Ward, Kim
Brooks	Killion	Scarnati	Yaw
Browne	Langerholc	Scavello	
Corman	Laughlin	Stefano	

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

And the question recurring,  
Will the Senate agree to the bill on third consideration?  
It was agreed to.

And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

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

YEA-27

Argall	DiSanto	Martin	Tomlinson
Aument	Folmer	Mensch	Vogel
Baker	Gordner	Phillips-Hill	Ward, Judy
Bartolotta	Hutchinson	Regan	Ward, Kim
Brooks	Killion	Scarnati	Yaw
Browne	Langerholc	Scavello	Yudichak
Corman	Laughlin	Stefano	

NAY-21

Blake	Farnese	Leach	Tartaglione
Boscola	Fontana	Muth	Williams, Anthony H
Brewster	Haywood	Sabatina	Williams, Lindsey
Collett	Hughes	Santarsiero	
Costa	Iovino	Schwank	
Dinniman	Kearney	Street	

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

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

LEGISLATIVE LEAVE

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

Senator GORDNER. Madam President, I request a legislative leave for Senator Regan.

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

SB 89, SB 109 and SB 145 -- Without objection, the bills were passed over in their order at the request of Senator GORDNER.

BILLS AMENDED

SB 146 (Pr. No. 426) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in Commonwealth services, providing for online training for firefighters.

On the question,  
Will the Senate agree to the bill on third consideration?  
Senator BROOKS offered the following amendment No. A0951:

Amend Bill, page 1, line 3, by inserting after "firefighters"; and making a related repeal  
Amend Bill, page 1, lines 9 through 16; page 2, lines 1 through 3; by striking out all of said lines on said pages and inserting:  
(a) Duty to establish guidelines.--The commissioner shall establish guidelines for developing, delivering and sustaining training programs for volunteer firefighters and career firefighters. The guidelines shall include, at a minimum, the following:  
Amend Bill, page 2, line 8, by inserting after "system":

or any other system approved by the commissioner

Amend Bill, page 2, by inserting between lines 16 and 17:

(c) Funding.--The commissioner shall use money in the Online Training Educator and Training Reimbursement Account established under section 2413(a)(2) of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, for the purpose of administering this section.

(f) Reporting.--By December 31 each year, the commissioner shall provide a written report detailing the use of the Online Training Educator and Training Reimbursement Account from the prior fiscal year to the chairperson and minority chairperson of the Agriculture and Rural Affairs Committee of the Senate, the chairperson and minority chairperson of the Veterans Affairs and Emergency Preparedness Committee of the Senate, the chairperson and minority chairperson of the Agriculture and Rural Affairs Committee of the House of Representatives and the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives.

Section 2. Repeals are as follows:

(1) The General Assembly finds that the repeals under paragraphs (2) and (3) are necessary to effectuate this act.

(2) Section 2413(a)(3) of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, is repealed.

(3) Section 2413(a)(2) of the Tax Reform Code of 1971 is repealed to the extent of any inconsistency with this act.

Amend Bill, page 2, line 17, by striking out "2" and inserting:

3

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

**SB 178 (Pr. No. 658)** -- 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 primary and election expenses, further providing for reporting by candidate and political committees and other persons, for late contributions and independent expenditures, for oath of compliance, perjury, disqualification from office and commercial use and for place of filing, providing for manner of filing and for inability to file reports or statements electronically by deadline and further providing for late filing fee and certificate of filing, for additional powers and duties of the Secretary of the Commonwealth and for reports by business entities and publication by Secretary of the Commonwealth.

On the question,

Will the Senate agree to the bill on third consideration?

Senator COSTA offered the following amendment No. A0941:

Amend Bill, page 1, line 15, by inserting after "use":  
, for residual funds

Amend Bill, page 3, line 19, by inserting after "(b)":  
, 1630

Amend Bill, page 5, by inserting between lines 2 and 3:  
Section 1630. Residual Funds.--

(a) In the event that a candidate or political committee terminates its financial activity as such, then the disbursement of any residual funds remaining in such an account shall be made in the following manner:

(1) any such funds may be used for any expenditure as defined by this article; [and]

(2) may be returned, pro rata, to the contributors by the candidate or treasurer of the political committee[. A final report must be made by the next January 31 in accordance with section 1627.]; or

(3) may be donated to a nonprofit organization.

(b) A final report must be made by the next January 31 in accor-

dance with section 1627.

(c) For purposes of this section:

(1) "Affiliated" means serving as an officer of, on the board of directors of, as a paid employee of or a contractor of a nonprofit organization.

(2) "Family member" means a spouse or child.

(3) "Nonprofit organization" means an organization that is qualified by the Internal Revenue Service as meeting the requirements of section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. 501(c)(3)) organized under the laws of this Commonwealth and is not affiliated with a candidate or the chairman or treasurer of a political committee, including a family member of the candidate, chairman or treasurer.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

#### BILLS OVER IN ORDER

**HB 275, SB 316 and SB 317** -- Without objection, the bills were passed over in their order at the request of Senator GORDNER.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 440 (Pr. No. 418)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in terms and courses of study, providing for flexible instructional days.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The PRESIDING OFFICER. The Chair recognizes the gentleman from York, Senator Phillips-Hill.

Senator PHILLIPS-HILL. Madam President, I rise today in support of Senate Bill No. 440, legislation I have sponsored that would pave the way for flexible instructional days in this Commonwealth. This legislation would codify a 3-year pilot program that the Department of Education implemented that is set to expire later this year. We have seen tremendous success of the program in the 12 districts across the State, including 4 from York County: Central York, Dallastown, Red Lion, and Southern York County School Districts. Yesterday I met with school directors and leaders from these school districts who expressed their strong support to see this program continue. Senate Bill No. 440 opens this option to all school districts to apply and utilize flexible instruction days.

I must note that this is not a mandate for public schools, but just another option to meet students' educational needs. This legislation will allow schools, if they so choose, to use up to 5 flexible instructional days a year in the event of a school closure. While we may think that this only applies to inclement weather, it is so much more than that. Schools can close for a variety of reasons, including mold problems, HVAC system problems, flu

outbreaks, even threats made against buildings. As we have seen recently, a manhunt in the Poconos where police searched for Eric Frein, who was convicted of killing a police officer, it paralyzed those school districts. This legislation would provide for the continuity of education for students during such circumstances.

I thank Senator Aument and Senator Dinniman, who chair our Senate Committee on Education, and Senator Browne and Senator Hughes of our Committee on Appropriations, for seeing the merits of this legislation. I respectfully ask my colleagues to join me in support of this critical tool for flexibility for school districts in our Commonwealth to meet the educational needs of our students.

Thank you, Madam President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Chester, Senator Dinniman.

Senator DINNIMAN. Will the maker of the bill stand for interrogation?

Senator PHILLIPS-HILL. Yes, Madam President.

The PRESIDING OFFICER. The gentlewoman agrees to the interrogation. The questions will be referred back through the Chair.

Senator DINNIMAN. Madam President, there was concern in this bill about what would happen in poor schools that do not have access to technology, including those in rural areas as well as in the cities. I know that we have gone through much discussion of this where the Department of Education was concerned, and I believe it has been resolved. Can the gentlewoman explain what the resolution is so that we do not favor simply students who are in wealthier districts who have access to technology and how we also are reaching out to the poorer school districts as well?

Thank you, Madam President, for allowing me to ask the question.

The PRESIDING OFFICER. Senator Phillips-Hill, would you like to comment on the question and remarks about the impact to poor school districts and those without technology access.

Senator PHILLIPS-HILL. Madam President, I appreciate the good gentleman from Chester County's questions and the opportunity to respond. We recognize that there are challenges for school districts that do not have access to high-speed Internet, that perhaps do not have the resources to access modern technology as readily as some other school districts. That is why we worked with the Department of Education to assure that there were alternative means that could be utilized for students in those school districts. We also worked with the Department of Education to assure that students with disabilities have their needs met as well as their individualized education plans.

Again, I would say, Madam President, that this is an option for school districts. This is not a mandate. If a school district decides that this does not meet their needs, if this is not a viable solution or tool for them, they do not need to opt into the program.

Thank you, Madam President.

Senator DINNIMAN. Madam President, thank you, and I appreciate the answer of the fine lady from York County. It was a concern, and I wanted to make sure that we clarified that concern here today. Thank you.

And the question recurring,  
Shall the bill pass finally?

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

YEA-48

Argall	Dinniman	Langerhole	Schwank
Aument	DiSanto	Laughlin	Stefano
Baker	Farnese	Leach	Street
Bartolotta	Folmer	Martin	Tartaglione
Blake	Fontana	Mensch	Tomlinson
Boscola	Gordner	Muth	Vogel
Brewster	Haywood	Phillips-Hill	Ward, Judy
Brooks	Hughes	Regan	Ward, Kim
Browne	Hutchinson	Sabatina	Williams, Anthony H
Collett	Iovino	Santarsiero	Williams, Lindsey
Corman	Kearney	Scarnati	Yaw
Costa	Killion	Scavello	Yudichak

NAY-0

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

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

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

**SB 22, SB 25, SB 123 and SB 131** -- Without objection, the bills were passed over in their order at the request of Senator GORDNER.

BILL ON SECOND CONSIDERATION AND REREFERRED

**SB 139 (Pr. No. 115)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 31, 2006 (P.L.1210, No.133), known as the Price Gouging Act, further providing for definitions, for price gouging prohibited and for investigation.

Considered the second time and agreed to,

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

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

BILLS OVER IN ORDER

**SB 149, SB 217, SB 337 and HB 384** -- Without objection, the bills were passed over in their order at the request of Senator GORDNER.

BILL ON SECOND CONSIDERATION AND REREFERRED

**SB 390 (Pr. No. 373)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code, in public assistance, further providing for nonemergency medical transportation services.

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

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

BILLS OVER IN ORDER

**SB 396, SB 397, SB 439 and SB 453** -- Without objection, the bills were passed over in their order at the request of Senator GORDNER.

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

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

MEMBER OF THE STATE BOARD OF ACCOUNTANCY

April 11, 2019

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 20, 2018, of Elise Claire Schell (Public Member), 1506 Penn Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Accountancy, to serve for a term of four years, and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Lynell Scaff, Aliquippa, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

TOM WOLF  
Governor

MEMBER OF THE PENNSYLVANIA  
COUNCIL ON AGING

April 11, 2019

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 20, 2018, of Ashley Fehr, 115 Molleystown Road, Pine Grove 17963, Schuylkill County, Twenty-ninth Senatorial District, for appointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 2020, and until her successor is appointed and qualified, vice Dene Liott, Pottstown, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

TOM WOLF  
Governor

JUDGE, COURT OF COMMON PLEAS,  
ALLEGHENY COUNTY

April 11, 2019

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 20, 2018, of Marisa G.Z. Lehr, Esquire, 8 Nicholson Court, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, for appointment as Judge, Court of Common Pleas, Allegheny County, to serve until the first Monday of January 2020, vice the Honorable Ronald W. Folino, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

TOM WOLF  
Governor

JUDGE, COURT OF COMMON PLEAS,  
BUTLER COUNTY

April 11, 2019

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 20, 2018, of Anne Gingrich Cornick, Esquire, 2311 Briarcliff Road, Harrisburg 17104, Dauphin County, Fifteenth Senatorial District, for appointment as Judge, Court of Common Pleas, Butler County, to serve until the first Monday of January 2020, vice the Honorable Marilyn J. Horan, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

TOM WOLF  
Governor

JUDGE, COURT OF COMMON PLEAS,  
DELAWARE COUNTY

April 18, 2019

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 17, 2019, of Rodney R. Akers, Esquire, 4307 Dakota Street, Pittsburgh 15213, Allegheny County, Forty-second Senatorial District, for appointment as Judge, Court of Common Pleas, Delaware County, to serve until the first Monday of January 2020, vice the Honorable Chad F. Kenney, Media, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

TOM WOLF  
Governor

JUDGE, COURT OF COMMON PLEAS,  
LANCASTER COUNTY

April 11, 2019

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 20, 2018, of Anne Gingrich Cornick, Esquire, 2311 Briarcliff Road, Harrisburg 17104, Dauphin County, Fifteenth Senatorial District, for appointment as Judge, Court of Common Pleas, Lancaster County, to serve until the first Monday of January 2020, vice the Honorable Jay J. Hoberg, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

TOM WOLF  
Governor

MEMBER OF THE STATE BOARD  
OF MASSAGE THERAPY

April 11, 2019

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 20, 2018, of Elise Claire Schell, 1506 Penn Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Massage Therapy, to serve until October 9, 2019, and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Mary Meyers, Reading, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

TOM WOLF  
Governor

MEMBER OF THE STATE BOARD OF NURSING

April 11, 2019

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 10, 2018, of Ashley Fehr (Public Member), 115 Molleystown Road, Pine Grove 17963, Schuylkill County, Twenty-ninth Senatorial District, for appointment as a member of the State Board of Nursing, to serve until June 10, 2020, and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Robert Ames, Coaldale, deceased.

I respectfully request the return to me of the official message of nomination on the premises.

TOM WOLF  
Governor

MEMBER OF THE STATE BOARD  
OF OSTEOPATHIC MEDICINE

April 11, 2019

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 10, 2018, of Elise Claire Schell, 1506 Penn Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Osteopathic Medicine, to serve

for a term of four years, and until her successor is appointed and qualified, but not longer than six months beyond that period, vice David Palmer, Pittsburgh, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

TOM WOLF  
Governor

MEMBER OF THE STATE BOARD OF PHARMACY

April 11, 2019

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 4, 2018, of Ashley Fehr, 115 Molleystown Road, Pine Grove 17963, Schuylkill County, Twenty-ninth Senatorial District, for appointment as a member of the State Board of Pharmacy, to serve for a term of six years, and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Mark Zilner, Indiana, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

TOM WOLF  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF POLK CENTER

April 11, 2019

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 20, 2018, of Nathanael R. Brague, 1465 Hillcrest Court, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Board of Trustees of Polk Center, to serve until January 19, 2021, and until his successor is appointed and qualified, vice James Culbertson, Franklin, deceased.

I respectfully request the return to me of the official message of nomination on the premises.

TOM WOLF  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF POLK CENTER

April 11, 2019

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 20, 2018, of Ashley Fehr, 115 Molleystown Road, Pine Grove 17963, Schuylkill County, Twenty-ninth Senatorial District, for appointment as a member of the Board of Trustees of Polk Center, to serve until January 15, 2019, and until her successor is appointed and qualified, vice Jack Kyle, Franklin, deceased.

I respectfully request the return to me of the official message of nomination on the premises.

TOM WOLF  
Governor

MEMBER OF THE BOARD OF TRUSTEES OF POLK CENTER

April 11, 2019

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 20, 2018, of Stephen A. Latanishen, 115 North Street, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Board of Trustees of Polk Center, to serve until January 15, 2019, and until his successor is appointed and qualified, vice Jayne Romero, Titusville, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

TOM WOLF Governor

MEMBER OF THE ADVISORY COMMITTEE ON PROBATION

April 11, 2019

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 20, 2018, of Marisa G.Z. Lehr, Esquire, 8 Nicholson Court, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Advisory Committee on Probation, to serve [data missing] a term of four years, and until her successor is appointed and qualified, but not longer than ninety days beyond that period, vice Mark Wilson, Lancaster, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

TOM WOLF Governor

MEMBER OF THE STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS

April 18, 2019

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 17, 2019, of Stephen A. Latanishen, 115 North Street, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Registration Board for Professional Engineers, Land Surveyors and Geologists, to serve until March 27, 2023, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Elizabeth Catania, Woodlyn, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

TOM WOLF Governor

MEMBER OF THE STATE TRANSPORTATION COMMISSION

April 11, 2019

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 10, 2018, of Nathanael R. Brague, 1465 Hillcrest Court, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Transportation Commission, to serve for a term of six years, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Ronald Drnevich, Harrisburg, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

TOM WOLF Governor

MEMBER OF THE STATE TRANSPORTATION COMMISSION

April 11, 2019

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 10, 2018, of Anne Gingrich Cornick, Esquire, 2311 Briarcliff Road, Harrisburg 17104, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Transportation Commission, to serve for a term of six years, and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Cristina Cavalieri, Philadelphia, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

TOM WOLF Governor

MEMBER OF THE STATE TRANSPORTATION COMMISSION

April 11, 2019

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 10, 2018, of Stephen A. Latanishen, 115 North Street, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Transportation Commission, to serve for a term of six years, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Frank Paczewski, Dallas, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

TOM WOLF Governor

MEMBER OF THE STATE TRANSPORTATION COMMISSION

April 11, 2019

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 10, 2018, of Marisa G.Z. Lehr, Esquire, 8 Nicholson Court,

Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Transportation Commission, to serve for a term of six years, and until her successor is appointed and qualified, but not longer than six months beyond that period, vice James Kingsborough, Carlisle, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

TOM WOLF  
Governor

MEMBER OF THE STATE  
TRANSPORTATION COMMISSION

April 11, 2019

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 20, 2018, of Thomas J. Yablonski, Jr., 1408 Rose Lane, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Transportation Commission, to serve [data missing] a term of six years, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Edward Cernic, Sr., Johnstown, deceased.

I respectfully request the return to me of the official message of nomination on the premises.

TOM WOLF  
Governor

**NOMINATIONS RETURNED TO THE GOVERNOR**

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

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

The PRESIDING OFFICER. The nominations will be returned to the Governor.

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

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

ADJUTANT GENERAL OF PENNSYLVANIA

January 16, 2019

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, Major General Anthony Carrelli, 123 Hanover Avenue, North Wales 19454, Montgomery County, Twelfth Senatorial District, for reappointment as Adjutant General of Pennsylvania, to serve until January 17, 2023, and until his successor is appointed and qualified.

TOM WOLF  
Governor

SECRETARY OF AGRICULTURE

January 16, 2019

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, Russell Redding, 600 Cavalry Field Road, Gettysburg 17325, Adams County, Thirty-third Senatorial District, for reappointment as Secretary of Agriculture, to serve until January 17, 2023, and until his successor is appointed and qualified.

TOM WOLF  
Governor

SECRETARY OF CONSERVATION AND  
NATURAL RESOURCES

January 16, 2019

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, Cynthia Dunn, 271 Hillcrest Road, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for reappointment as Secretary of Conservation and Natural Resources, to serve until January 17, 2023, and until her successor is appointed and qualified.

TOM WOLF  
Governor

SECRETARY OF DRUG AND ALCOHOL PROGRAMS

January 16, 2019

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jennifer Smith, 129 Twin Creeks Drive, Jonestown 17038, Lebanon County, Forty-eighth Senatorial District, for reappointment as Secretary of Drug and Alcohol Programs, to serve until January 17, 2023, and until her successor is appointed and qualified.

TOM WOLF  
Governor

SECRETARY OF GENERAL SERVICES

January 16, 2019

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, Curt Topper, 603 Wallingford Road, Lititz 17543, Lancaster County, Thirteenth Senatorial District, for reappointment as Secretary of General Services, to serve until January 17, 2023, and until his successor is appointed and qualified.

TOM WOLF  
Governor

SECRETARY OF HEALTH

January 16, 2019

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, Dr. Rachel Levine, 118 Autumnwood Drive, Middletown 17057, Dauphin County, Forty-eighth Senatorial District, for reappointment as Secretary of Health, to serve until January 17, 2023, and until her successor is appointed and qualified.

TOM WOLF  
Governor

INSURANCE COMMISSIONER

January 16, 2019

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, Jessica Altman, 911 N. Second Street, Apt. 3, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for reappointment as Insurance Commissioner, to serve until January 17, 2023, and until her successor is appointed and qualified.

TOM WOLF  
Governor

MEMBER OF THE STATE PLANNING BOARD

January 18, 2019

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, Alexander Graziani, 514 Harrison Avenue, Greensburg 15601, Westmoreland County, Thirty-ninth Senatorial District, for reappointment as a member of the State Planning Board, to serve for a term of four years, and until his successor is appointed and qualified.

TOM WOLF  
Governor

SECRETARY OF REVENUE

January 16, 2019

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, C. Daniel Hassell, 4285 Beaufort Hunt Drive, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for reappointment as Secretary of Revenue, to serve until January 17, 2023, and until his successor is appointed and qualified.

TOM WOLF  
Governor

SECRETARY OF TRANSPORTATION

January 16, 2019

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, Leslie S. Richards, 2106 Basswood Drive, Lafayette Hill 19444, Montgomery County, Seventh Senatorial District, for reappointment as Secretary of Transportation, to serve until January 17, 2023, and until her successor is appointed and qualified.

TOM WOLF  
Governor

*NOMINATIONS LAID ON THE TABLE*

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

The PRESIDING OFFICER. The nominations will be laid on the table.

**EXECUTIVE NOMINATIONS**

*EXECUTIVE SESSION*

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

Which was agreed to by voice vote.

*NOMINATIONS TAKEN FROM THE TABLE*

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

The Clerk read the nominations as follows:

ADJUTANT GENERAL OF PENNSYLVANIA

January 16, 2019

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, Major General Anthony Carrelli, 123 Hanover Avenue, North Wales 19454, Montgomery County, Twelfth Senatorial District, for reappointment as Adjutant General of Pennsylvania, to serve until January 17, 2023, and until his successor is appointed and qualified.

TOM WOLF  
Governor

SECRETARY OF AGRICULTURE

January 16, 2019

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, Russell Redding, 600 Cavalry Field Road, Gettysburg 17325, Adams County, Thirty-third Senatorial District, for reappointment as Secretary of Agriculture, to serve until January 17, 2023, and until his successor is appointed and qualified.

TOM WOLF  
Governor

SECRETARY OF CONSERVATION AND NATURAL RESOURCES

January 16, 2019

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, Cynthia Dunn, 271 Hillcrest Road, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for reappointment as Secretary of Conservation and Natural Resources, to serve until January 17, 2023, and until her successor is appointed and qualified.

TOM WOLF Governor

SECRETARY OF DRUG AND ALCOHOL PROGRAMS

January 16, 2019

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jennifer Smith, 129 Twin Creeks Drive, Jonestown 17038, Lebanon County, Forty-eighth Senatorial District, for reappointment as Secretary of Drug and Alcohol Programs, to serve until January 17, 2023, and until her successor is appointed and qualified.

TOM WOLF Governor

SECRETARY OF GENERAL SERVICES

January 16, 2019

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, Curt Topper, 603 Wallingford Road, Lititz 17543, Lancaster County, Thirteenth Senatorial District, for reappointment as Secretary of General Services, to serve until January 17, 2023, and until his successor is appointed and qualified.

TOM WOLF Governor

SECRETARY OF HEALTH

January 16, 2019

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, Dr. Rachel Levine, 118 Autumnwood Drive, Middletown 17057, Dauphin County, Forty-eighth Senatorial District, for reappointment as Secretary of Health, to serve until January 17, 2023, and until her successor is appointed and qualified.

TOM WOLF Governor

INSURANCE COMMISSIONER

January 16, 2019

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, Jessica Altman, 911 N. Second Street, Apt. 3, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for reappointment as Insurance Commissioner, to serve until January 17, 2023, and until her successor is appointed and qualified.

TOM WOLF Governor

MEMBER OF THE STATE PLANNING BOARD

January 18, 2019

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, Alexander Graziani, 514 Harrison Avenue, Greensburg 15601, Westmoreland County, Thirty-ninth Senatorial District, for reappointment as a member of the State Planning Board, to serve for a term of four years, and until his successor is appointed and qualified.

TOM WOLF Governor

SECRETARY OF REVENUE

January 16, 2019

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, C. Daniel Hassell, 4285 Beaufort Hunt Drive, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for reappointment as Secretary of Revenue, to serve until January 17, 2023, and until his successor is appointed and qualified.

TOM WOLF Governor

SECRETARY OF TRANSPORTATION

January 16, 2019

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, Leslie S. Richards, 2106 Basswood Drive, Lafayette Hill 19444, Montgomery County, Seventh Senatorial District, for reappointment as Secretary of Transportation, to serve until January 17, 2023, and until her successor is appointed and qualified.

TOM WOLF Governor

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

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

YEA-48

Argall	Dinniman	Langerholc	Schwank
Aument	DiSanto	Laughlin	Stefano
Baker	Farnese	Leach	Street
Bartolotta	Folmer	Martin	Tartaglione

Blake	Fontana	Mensch	Tomlinson
Boscola	Gordner	Muth	Vogel
Brewster	Haywood	Phillips-Hill	Ward, Judy
Brooks	Hughes	Regan	Ward, Kim
Browne	Hutchinson	Sabatina	Williams, Anthony H
Collett	Iovino	Santarsiero	Williams, Lindsey
Corman	Kearney	Scarnati	Yaw
Costa	Killion	Scavello	Yudichak

NAY-0

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

Ordered, That the Governor be informed accordingly.

**EXECUTIVE SESSION RISES**

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

The motion was agreed to by voice vote.

**UNFINISHED BUSINESS  
RESOLUTION REPORTED FROM COMMITTEE**

Senator CORMAN, from the Committee on Rules and Executive Nominations, reported the following resolution:

**SR 31 (Pr. No. 213)**

A Resolution adopting a temporary rule of the Senate relating solely to amendments to the General Appropriation Bill and other appropriation bills for the fiscal year beginning July 1, 2019, including any amendments offered to or for supplemental appropriations for prior fiscal years.

The PRESIDING OFFICER. The resolution will be placed on the Calendar.

**SENATE RESOLUTIONS ADOPTED**

Senators SCAVELLO, BAKER, BROWNE, VOGEL, ARGALL, DINNIMAN, BARTOLOTTA, HUGHES, TARTAGLIONE, BLAKE, BREWSTER, FOLMER and MARTIN, by unanimous consent, offered **Senate Resolution No. 91**, entitled:

A Resolution designating April 30, 2019, as "Pocono Raceway Day" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

**GUESTS OF SENATOR MARIO M. SCAVELLO  
PRESENTED TO THE SENATE**

The PRESIDING OFFICER. The Chair recognizes the gentleman from Monroe, Senator Scavello.

Senator SCAVELLO. Madam President, prior to adopting the resolution, Nick Igdalsky and the Pocono Raceway family are in the gallery, and all of their employees are considered family, and if we may rise and give the family an applause, I would appreciate it.

The PRESIDING OFFICER. Would the guests of Senator Scavello, the Igdalsky family from Pocono Raceway and the

members of their team at Pocono and the Tricky Triangle please rise and let us give our usual warm Senate welcome.

(Applause.)

Senator SCAVELLO. Madam President, my resolution designates April 30, 2019, as "Pocono Raceway Day" in Pennsylvania. As many of you know, Pennsylvania has a long, rich history of motorsports of all types. The economy of this Commonwealth has benefitted from the long-time investments of a range of businesses that are involved in the production and engineering of many motorsport vehicles used in racing today. Pennsylvania is one of two States with the highest number of NASCAR fans, and approximately 20 chapters of the official NASCAR Members Club are located in this Commonwealth. Long Pond, a community in my district, is home to Pocono Raceway, a family-owned and operated racetrack serving thousands of stock car fans since 1968. Pocono Raceway is the host of one IndyCar event and two Monster Energy NASCAR Cup Series events annually. As of 2017, the economic impact resulting from the events at Pocono Raceway was \$257,500,000 and resulted in the creation of 2,750 jobs. Pocono Raceway generates over \$15 million in State tax revenue and puts another \$15 million into the local economy.

In addition to economic benefits for the Commonwealth, Pocono Raceway is the nation's first and only professional sports arena to operate an internal Department of Military Affairs whose mission is to honor and support military veterans and their families. Pocono Raceway has a longstanding commitment to recognizing the men and women in our nation's Armed Services by connecting the military to each aspect of the raceway experience. Men and women are honored in pre-race ceremonies, known as a Salute to the Armed Services, featuring deferred enlistment ceremonies, Gold Star Family memorial services, Army Golden Knights flyover, and Humvee driver introductions and escorts by service active duty military. Military branches are also encouraged to set up booths throughout the track, welcoming families and recruiting new service members. Through Pocono Raceway's One Team mission, thousands of military service members and their families are given free or reduced tickets to races each year.

Pocono Raceway supports the efforts of veterans organizations such as VFW lodges, Valor House, PA Wounded Warriors, Segs4Vets, VAREP, and Keystone Warriors. Pocono Raceway is a leading innovator in veterans philanthropy and service. The Mattioli family frequents bases across the country, learning and adapting its One Team mission to best service active military members. The Raceway's newest initiative in 2019 is the opening of the Pocono Organics, a premiere indoor organics facility in partnership with the Rodale Institute. Pocono Organics will house, train, and employ veterans reentering the workforce through Rodale's award-winning dirt therapy program, where veterans eventually return to serve their local communities through healthy and sustainable farming.

This year we recognize Pocono Raceway for its exemplary patriotic spirit encouraging all fans and guests to the track to recognize, honor, and salute our nation's heroes. I am honored to introduce this Senate resolution on the floor today in honor of the many contributions of the Pocono Raceway NASCAR fans and other stakeholders and, therefore, designating April 30, 2019, as Pocono Raceway Day in Pennsylvania.

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.

Senators YAW, J. WARD, MARTIN, DINNIMAN, BAKER, FONTANA, BREWSTER, BROWNE, KILLION, FOLMER, TARTAGLIONE, BLAKE, MENSCH, HUGHES, COSTA and SCHWANK, by unanimous consent, offered **Senate Resolution No. 92**, entitled:

A Resolution designating the week of May 5 through 11, 2019, as "Drinking Water Week" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator YAW. Madam President, it is my pleasure this afternoon to offer the following resolution recognizing the week of May 5 through May 11, 2019, as "Drinking Water Week" in Pennsylvania. Protecting our sources of drinking water, whether surface water or ground water, from contamination and overuse is the first step in insuring a safe water supply. The health of our State residents and our economy depends on a plentiful supply of water that is safe to drink. The dedicated professionals who treat and monitor the quality of our drinking water, as well as those who maintain our extensive water infrastructure, are critical to our health and safety. American Water Works established the National Drinking Water Week more than 40 years ago to call attention to water as a precious natural resource. Water conservation and water quality maintenance are essential to the Commonwealth and our nation. Many take for granted the instantaneous availability, 24 hours a day, of safe, reliable drinking water. I encourage all State residents to take part in safe drinking water events being held next week all across the State and to look at ways of conserving this precious resource within their homes and elsewhere. I ask for my colleagues to join me in designating the week of May 5 through May 11, 2019, as Drinking Water Week in Pennsylvania.

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.

Senators BROOKS, SCHWANK, DINNIMAN, FONTANA, VOGEL, BARTOLOTTA, ARGALL, FARNESE, J. WARD, PHILLIPS-HILL, BROWNE, K. WARD, MARTIN, BAKER, BREWSTER, KILLION, FOLMER, HUGHES and COSTA, by unanimous consent, offered **Senate Resolution No. 93**, entitled:

A Resolution designating the month of April 2019 as "Child Abuse Prevention Month" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

The PRESIDING OFFICER. The Chair recognizes the gentlewoman from Mercer, Senator Brooks.

Senator BROOKS. Madam President, I offer comments for the record.

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

*(The following prepared remarks were made part of the record at the request of the gentlewoman from Mercer, Senator BROOKS:)*

Madam President, this resolution recognizes April as "Child Abuse Prevention Month." Because we also marked National Crime Victims Week earlier this month, now is an appropriate time to remember our smallest and youngest victims of crime. The thousands of blue flags that lined the Capitol Plaza and State Street each represented a victim of child abuse. Sadly, a birthday cake in the Rotunda also commemorated the birthdays that will be missed by the 40 children who died as a result of abuse in 2017. The sheer number of those blue flags and missed birthdays illustrates the pervasiveness and heartbreak of child abuse.

For most of us, it is inconceivable that a parent or caregiver would harm an innocent child. Our children deserve to grow up in a loving home with a nurturing family or caregivers, feeling safe and secure. But in thousands of homes, abuse and neglect are occurring behind closed doors, vanquishing a child's sense of dignity and self-worth, threatening their safety and, in some cases, their very survival. Every Pennsylvanian should be aware of the signs of child abuse and take steps to safeguard children by reporting concerns and connecting families with the help they need. To report suspected abuse, please call ChildLine at 1-800-932-0313.

Many good-hearted people are working to stop child abuse. During this month, I would like to extend a very heartfelt thank you to foster and adoptive parents, child protective workers, churches, medical workers, community mentors, teachers, law enforcement officials, and all who work tirelessly every day to protect children who have been neglected, abused, or abandoned. Their work is truly a labor of love. And today and every day, we give thanks for these protectors and urge them to stay true to their mission, despite the pain they see.

Madam President, I ask my colleagues to support this resolution declaring April as Child Abuse Prevention Month as we renew our pledge to honor our commitment to protect every child, every day of the year.

And the question recurring,  
Will the Senate adopt the resolution?

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

Senators GORDNER, BARTOLOTTA, LANGERHOLC, DINNIMAN, BREWSTER, MARTIN, VOGEL, BROWNE, FOLMER, COSTA, PHILLIPS-HILL, ARGALL, YAW, BAKER, K. WARD, MENSCH, KILLION, HUTCHINSON, BLAKE, TARTAGLIONE, J. WARD, YUDICHAK and AUMENT, by unanimous consent, offered **Senate Resolution No. 94**, entitled:

A Resolution recognizing May 2, 2019, as "National Day of Prayer" in Pennsylvania and encouraging the celebration of religious freedom.

On the question,  
Will the Senate adopt the resolution?

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

Senator GORDNER. Madam President, "National Day of Prayer" is an annual observance held on the first Thursday of May, inviting people of all faiths to pray for the nation. Public prayer and national days of prayer have a longstanding and significant history in American tradition. In fact, the U.S. Supreme Court affirmed the right of State legislatures to open their Sessions with prayer in *Marsh v. Chambers* in 1983. The National Day of Prayer was created in 1952 by a joint resolution of Congress and signed into law by then-President Harry S. Truman. In 1988, the law was unanimously amended by both the House and Senate and signed into law by President Ronald Reagan on Thursday, May 5, 1988, designating the first Thursday of May as a day of national prayer. Every President since 1952 has signed a National Day of Prayer proclamation. "Love One Another" is the theme for this year's National Day of Prayer. The theme comes from the words in John 13:34, love one another, just as I have loved you.

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.

Senators VOGEL, AUMENT, BAKER, BLAKE, BREWSTER, BROWNE, COSTA, DINNIMAN, FOLMER, FONTANA, HUGHES, HUTCHINSON, KILLION, MENSCH, SCHWANK, TARTAGLIONE, J. WARD, K. WARD and YAW, by unanimous consent, offered **Senate Resolution No. 95**, entitled:

A Resolution designating April 30, 2019, as "Pennsylvania Health Care Information Technology Awareness Day."

On the question,

Will the Senate adopt the resolution?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Beaver, Senator Vogel.

Senator VOGEL. Madam President, I rise today to designate April 30, 2019, as "Pennsylvania Health Care Information Technology Awareness Day." The United States spends more than \$3 trillion on healthcare each year, representing 17.8 percent of our gross domestic product nationally. Spending on healthcare has increased 40 percent from just a decade ago. However, the healthcare industry invests only 5 percent of its revenue on information technology and information systems, versus 10.5 percent of other data-intensive industries.

My hope is that the Senate recognizes the importance of raising awareness for healthcare information technology and advancement of healthcare information exchanges to help improve the quality of care, save lives, and reduce health costs in Pennsylvania.

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.

Senator J. WARD, on behalf of Senators SCARNATI, J. WARD, BARTOLOTTA, BAKER, BROWNE, PHILLIPS-HILL, MARTIN, LANGERHOLC, FONTANA, BOSCOLA, COLLETT, STREET, DINNIMAN, FARNESE, MUTH, BREWSTER, KILLION, VOGEL, YAW, COSTA, HUGHES, MENSCH, FOLMER and AUMENT, by unanimous consent, offered **Senate Resolution No. 96**, entitled:

A Resolution designating the week of May 6 through 12, 2019, as "Nurses Week" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Blair, Senator J. Ward.

Senator J. WARD. Madam President, I am pleased to join with Senator Scarnati today in seeking adoption of a resolution recognizing May 6 through May 12 as "Nurses Week" in Pennsylvania. This annual observance is held in conjunction with Florence Nightingale's birthday, the founder of modern-day nursing. The goal of Nurses Week is to emphasize and celebrate the nursing profession and the critical role they play in healthcare. We are truly blessed in the Commonwealth with more than 217,000 registered nurses, making it the largest licensed healthcare profession in the State. Nurses are found in many different settings, whether in an emergency room, operating room, pediatrics, geriatrics, home care, and hospice. They are the pillar of medicine, supporting patients and helping physicians and other healthcare professionals. Having served as a nurse for over 20 years, I am very much aware of the important role nurses play in our healthcare system and providing quality care on a daily basis to residents across the State. I also recognize the Pennsylvania State Nursing Association and other statewide associations representing the interests of professional registered nurses. They are essential in advocating to improve the health of patients.

Therefore, I ask for adoption of this resolution to recognize the week of May 6 through 12, 2019, as Nurses Week in Pennsylvania as a way to recognize the heroic service of our nurses and the overall importance of quality nursing care. I wish to thank all nurses for their hard work. Please know that what you do every day is truly appreciated.

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.

Senators BOSCOLA, COSTA, HUGHES, FONTANA, SCHWANK, BROWNE, AUMENT, DINNIMAN, MUTH, TARTAGLIONE, YUDICHAK, BAKER, BARTOLOTTA, FOLMER, HUTCHINSON, MARTIN and J. WARD, by unanimous consent, offered **Senate Resolution No. 97**, entitled:

A Resolution designating the month of April 2019 as "Occupational Therapy Month" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

The PRESIDING OFFICER. The Chair recognizes the gentlewoman from Northampton, Senator Boscola.

Senator BOSCOLA. Madam President, occupational therapy practitioners maximize health, well-being, and the quality of life for all people, populations, and communities through effective solutions that facilitate participation in everyday living. Through the use of client-centered and evidence-based evaluation and intervention strategies, the services of occupational therapy practitioners are available to the citizens of Pennsylvania through hospitals, rehabilitation hospitals, home health agencies, schools, clinics, psychiatric facilities, substance abuse programs, and community-based service centers, as well as nursing homes. The health, wellness, and productivity of citizens of Pennsylvania depend on the effectiveness and the use of healthcare resources, including important services of occupational therapists and occupational therapy assistants.

Madam President, both the American Occupational Therapy Association and the Pennsylvania Occupational Therapy Association have declared the month of April 2019 to be known as "Occupational Therapy Month," and I ask my colleagues to join me in recognizing the achievements and contributions of these valued healthcare professionals.

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.

**BILLS ON FIRST CONSIDERATION**

Senator HUTCHINSON. 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 45, SB 485, SB 531, SB 583, SB 585, SB 588, SB 589, SB 593, HB 510, HB 511, HB 512, HB 547, HB 548 and HB 808.**

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, MAY 1, 2019

9:30 A.M.	JUDICIARY (to consider Senate Bills No. 275, 500, 501 and 502; and House Bill No. 279)	Room 461 Main Capitol
10:00 A.M.	FINANCE (to consider Senate Bills No. 478, 568 and 613)	Room 8E-A East Wing

10:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider Senate Bills No. 340, 341, 491, 492 and 543; and House Bill No. 318)	Room 461 Main Capitol
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1:00 P.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE and ENVIRONMENTAL RESOURCES AND ENERGY (joint public hearing on Alternative Energy Portfolio Standards (AEPS))	Hrg. Rm. 1 North Off.
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**RECESS**

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

Senator GORDNER. Madam President, I move that the Senate do now recess until Wednesday, May 1, 2019, 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 p.m., Eastern Daylight Saving Time.