

Sent via email: RA-STRegulatoryCounsel@pa.gov

November 20, 2020

Judith Pachter Schulder, Esquire
Counsel, State Board of Nursing

Ann Michele Coughlin, DNP, MBA, RN, Chair

Kristin Malady, BSN, RN, Vice Chair

Office of General Counsel
Pennsylvania Department of State
2601 North Third Street
Harrisburg, PA 17110

RE: Comment | Proposed Act 53 of 2020 List of Crimes
Board of Nursing

Dear Counsel Schulder, Madame Chair Coughlin, Madame Vice Chair
Malady and Members of the Board of Nursing:

The below organizations are writing this letter of comment in opposition to the most recent list of crimes as proposed by the Board of Nursing pursuant to Act 53 of 2020 (codified at 63 Pa.C.S. § 31117). While we recognize the need for each board under the Bureau of Professional and Occupational Affairs to prepare a list of crimes that directly relate to the professions for which a board oversees, we collectively do not believe the list of crimes as proposed by the Board of Nursing is equitable nor are many of the crimes listed *directly* related to the practice of the profession. The proposed Board of Nursing list in its current form will adversely impact prospective and current licensees under the purview of the Board of Nursing, which was not the intent of Senate Bill 637, now known as Act 53 of 2020.

Senator DiSanto noted that the intent of Senate Bill 637 was to “create a fair, modern set of rules” in evaluating criminal records as they relate to professional licensure. The intent was to provide more clarity and ensure that arbitrary decisions were not made by any board when an individual has a criminal record and applies for a license or when a licensee is subject to a suspension or revocation as a result of a particular criminal



conviction. To that end, Act 53 of 2020 clearly states that the crimes identified by a Board must *directly relate to the profession*.¹

Moreover, Senator DiSanto stated his memo that the purpose of Senate Bill 637 was to:

...amend the Criminal History Record Information Act (CHRIA) to require that boards only withhold a license for convictions which are *directly related* to the *practice of the occupation*, and that the boards consider the nature of the offense, the amount of time that has passed since conviction, evidence of the applicant's fitness to practice the occupation, and other relevant factors prior to withholding a license (emphasis added).

At the prior board meeting on October 23, 2020, it was discussed by the Board of Nursing that the proposed list at that time helps the Board to make clearer decisions and that "character" plays a role for a person with a conviction. The members of the board who spoke at that meeting believed that the list was not only fair, but made it easier for the board to make its decisions when an applicant or licensee applies or has a license and a criminal conviction is at issue.

Again, we stress to this Board that the intent of Act 53 of 2020 was *not* to make the Board's decision easier to withhold a license or to unfairly punish an existing licensee due to a criminal record that does not *directly relate* to the profession. Rather, the intent of Act 53 of 2020 was to eliminate arbitrariness and provide greater access for an individual to obtain or retain a professional license when a criminal record is at issue which does not directly relate to the profession.

Senator Schwank in prepared remarks noted that Senate Bill 637 was a "first step in changing their lives for the better" and "toward employment."² Senator Schwank also noted that the current system created automatic disqualifications with original punishment carrying beyond the intended sentence. Yet, the proposed list of crimes by the Board of Nursing *also creates* an "automatic disqualification" to licensure or preserving licensure, which was not the intent of Act 53 of 2020, especially when the crime is *not* directly related to the profession.

¹ § 3117. List of criminal offenses.

- (a) Duty of commissioner.--After consultation with the licensing boards, licensing commissions and representatives of the business community with knowledge of the respective professions, the commissioner shall have the power and duty to publish a schedule of criminal convictions that may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit for each occupation or profession under the respective practice acts. The following shall apply:

- (1) The schedule shall indicate which offenses are those that the licensing board or licensing commission *deems as directly relating to the occupation, trade or profession*.

63 Pa.C.S. § 31117(a)(1)(emphasis added).

² Senate Journal, November 21, 2019 at p. 1125.

We recognize that there is a balancing act that must be done to protect the public while considering the privilege of a licensee to practice the profession. However, we have a procedure in place for that process. The prosecution should continue to have the burden to establish that a crime relates to the profession. **Only in limited circumstances**, when it is determined that a **crime is directly related to the profession**, should the burden shift to the applicant and licensee and create a rebuttable presumption that it does as outlined in Act 53 of 2020 with the applicant or licensee required to prove that it doesn't.

The Bureau of Professional and Occupational Affairs has under its purview both business and healthcare boards. We appeal to the Board of Nursing that there should be similar crimes listed for licensees under the Board of Nursing as that for the Board of Medicine and the Board of Osteopathic Medicine. How can the Board of Nursing justify listing 162 crimes that allegedly related to the profession on its first draft and 174 crimes on its second draft when the Board of Medicine has 62 crimes listed and the Board of Osteopathic Medicine has 62 crimes listed on their first drafts and 63 crimes listed on their combined draft list of crimes? How are these professions not similar in nature where similar crimes should be listed that relate to the profession? How can the Board of Nursing justify more than double the crimes listed, as compared to the medical boards, that allegedly directly relate to the profession?

As this Board is aware, if the Board takes an overreaching approach to listing crimes that are *not directly* related to the profession, it will ultimately be challenged in the Commonwealth Court by a savvy applicant or licensee. Should the Commonwealth Court reverse this Board, which it has done in the past related to criminal records of an applicant or licensee, it is not only a loss for the applicant or licensee for the time, expense and emotional toll to fight the decision of the Board, but for the Board in all future cases with similar crimes.

We ask this Board to consider the final comments by Senator DiSanto before Senate Bill 637 became law when determining the final list of crimes that will be determined to create a rebuttable presumption that such crimes relate to the practice of the profession. Senator DiSanto said on the Senator Floor as follows:

Today, we take a major step forward in overhauling our State's restrictive occupational licensure laws that deny many qualified residents the right to work because of an old or irrelevant criminal record. State licensing boards and commissions must now give applicants individualized consideration and review one's demonstrated rehabilitation and fitness for the job. Licensing entities will no longer be able to deny job licenses for vague and broad terms, such as moral turpitude, and must consider if an offense is directly related to the profession.³

Hence, the general concern of the undersigned organizations is that by providing an incredibly long list of crimes, which in many instances, have no relationship to the practice of the profession, will provide incredible havoc in the evaluation process of the issuance, suspension or revocation of license to practice the profession.

³ Senate Journal, June 24, 2020, at p. 662.

The undersigned organizations are open to discussion on the proposed list of crimes as prepared by the Board of Nursing. We further ask that a subcommittee be created, which includes stakeholders and board members, so that any final list that will be used pursuant to Act 53 of 2020 has true collaboration of what crimes should be listed that *directly relate* to the profession. In addition, PA-ACNM, PCNP and PSNA have prepared a suggested list of crimes that is more in line with the Medical and Osteopathic Boards draft list of crimes, with some exceptions noted in orange and the attached explanation.

Thank you.

Respectfully,

Pennsylvania Affiliate of the American College of Nurse-Midwives (PA-ACNM)

Pennsylvania Association of Nurse Anesthetists

Pennsylvania Coalition of Nurse Practitioners

Pennsylvania State Nurses Association

List of Crimes Side-by-Side

Crimes		BON	MD/DO	PCNP/PSNA/ PA-ACNM
(a) Violent Crimes under § 3113 of Act 53				
18 Pa.C.S. § 901(a)	Criminal attempt to commit any of the offenses listed in (a)-(d)	x	x (qualifier)	
18 Pa. C.S. § 902(a)	Criminal solicitation to commit any of the offenses listed in (a)-(d) below.	x	x (qualifier)	
18 Pa. C.S. § 903(a)	Criminal conspiracy to commit any of the offenses listed in (a)-(d) below.	x	x (qualifier)	
18 Pa. C.S. § 2501	Criminal homicide	x		
18 Pa. C.S. § 2502	Murder	x	x	x
18 Pa. C.S. § 2503	Voluntary manslaughter	x	x	x
18 Pa. C.S. § 2506	Drug delivery resulting in death	x	x (a) only	x (a) only
18 Pa. C.S. § 2507	Criminal homicide of law enforcement officer	x	x (c) (d) only	x (a) only
18 Pa. C.S. § 2603	Criminal homicide of unborn child	x		
18 Pa. C.S. § 2604	Murder of unborn child	x	x (c) only	x (a) only
18 Pa. C.S. § 2605	Voluntary manslaughter of unborn child	x		
18 Pa. C.S. § 2606	Aggravated assault of unborn child	x	x	x
18 Pa. C.S. § 2701	Simple assault	x		
18 Pa. C.S. § 2702	Aggravated assault	x	x (a)(1),(2) only	x (a)(1), (2), (5) only
18 Pa. C.S. § 2702.1	Assault of law enforcement officer	x	x	x
18 Pa. C.S. § 2706(a)(1)	Terroristic threats	x		
18 Pa. C.S. § 2707.1	Discharge of firearm into an occupied structure	x		
18 Pa. C.S. § 2709	Harassment	x		
18 Pa. C.S. § 2716(b)	Weapons of mass destruction	x	x	x
18 Pa. C.S. § 2717(b)	Terrorism	x	x	x
18 Pa. C.S. § 2718	Strangulation	x		
18 Pa. C.S. § 2901	Kidnapping	x	x	

18 Pa. C.S. § 2901(a.1)	Kidnapping of a minor	x	x	
18 Pa. C.S. § 2909	Concealment of whereabouts of a child	x		
18 Pa. C.S. § 3301(a) and (a)(1)	Arson and related offenses	x	x (a), (a.1) only	x (a), (a.1) only
18 Pa.C.S. § 3311(b)(3)	Ecoterrorism	x	x	
18 Pa. C.S. § 3502(a)(1)	Burglary	x	x	x
18 Pa. C.S. § 3701(a)(1)(i), (ii) and (iii)	Robbery	x	x	x (a)(1)(i) only
18 Pa. C.S. § 3702	Robbery of motor vehicle	x	x	
(b) The following is a list of sexual offenses under § 3113(d) of Act 53				
18 Pa. C.S. § 2910	Luring a child into a motor vehicle or structure	x	x	
18 Pa.C.S. § 3002	Trafficking in individuals		x	x
18 Pa. C.S. § 3011	Trafficking in individuals if the offense involved sexual servitude	x	x	x
18 Pa. C.S. § 3012.	Involuntary servitude if the offense involved sexual servitude	x		
18 Pa. C.S. § 3013(a)	Patronizing a victim of sexual servitude if the offense involved sexual servitude.	x		
18 Pa. C.S. § 3022(a)	Professional licenses if the offense involved sexual servitude	x		
18 Pa. C.S. § 3121	Rape	x	x	x
18 Pa. C.S. § 3122.1	Statutory sexual assault	x		
18 Pa. C.S. § 3123	Involuntary deviate sexual intercourse	x	x	x
18 Pa. C.S. § 3124.1	Sexual assault	x	x	x
18 Pa. C.S. § 3124.2	Institutional sexual assault	x	x	x
18 Pa. C.S. § 3124.3	Sexual assault by sports official, volunteer or employee of nonprofit association.	x	x	x
18 Pa. C.S. § 3125	Aggravated indecent assault	x	x	x
18 Pa. C.S. § 3126	Indecent assault	x		
18 Pa. C.S. § 3129	Sexual intercourse with animal	x		
18 Pa. C.S. § 3130	Conduct relating to sex offenders	x		
18 Pa. C.S. § 3131	Unlawful dissemination of intimate image	x		
18 Pa. C.S. § 3132	Female mutilation	x		
18 Pa. C.S. § 3133	Sexual extortion	x		

18 Pa. C.S. § 4302	Incest	x	x	
18 Pa. C.S. § 4304(a)(1)	Endangering welfare of children if the offense involved sexual contact with the victim.	x	x	
18 Pa. C.S. § 5901	Open lewdness if the offense involved a minor under 18 years of age.	x	x	
18 Pa. C.S. § 5902(b) or (b.1)	Prostitution and related offenses	x	x	
18 Pa. C.S. § 5903	Obscene and other sexual materials and performances if the offense involved a minor under 18 years of age	x	x	
18 Pa. C.S. § 6301(a)(1)(i)	Corruption of minors if the offense involved sexual contact with the victim.	x	x	
18 Pa. C.S. § 6301(a)(1)(ii)	Corruption of minors	x	x	
18 Pa. C.S. § 6312	Sexual abuse of children	x	x	x
18 Pa. C.S. § 6318	Unlawful contact with minor	x	x	
18 Pa. C.S. § 6320	Sexual exploitation of children	x	x	x
18 Pa. C.S. § 7507.1	Invasion of privacy	x	x	
(c) The following is a list of drug trafficking offenses under Section 3113(f) of Act 53				
	(a) The following acts and the causing thereof within the Commonwealth are hereby prohibited:			
35 Pa. C.S. § 780-113(a)(14)	The administration, dispensing, delivery, gift or prescription of any controlled substance by any practitioner or professional assistant under the practitioner's direction and supervision unless done (i) in good faith in the course of his professional practice; (ii) within the scope of the patient relationship; (iii) in accordance with treatment principles accepted by a responsible segment of the medical profession	x		
35 Pa. C.S. § 780-113(a)(30)	Except as authorized by this act, the manufacture, delivery, or possession with intent to manufacture or deliver, a controlled substance by a person not registered under this act, or a practitioner not registered or licensed by the appropriate State board, or knowingly creating, delivering or possessing with intent to deliver, a counterfeit controlled substance.	x		

35 Pa. C.S. § 780-113(a)(37)	The possession by any person, other than a registrant, of more than thirty doses labeled as a dispensed prescription or more than three trade packages of any anabolic steroids listed in section 4(3)(vii).	x		
(d) In addition to the offenses listed in (a) and (b) above, the following is a list of offenses that directly relate to the practice of nursing and dietetics-nutrition				
Title 18 Pa. C.S. Criminal Code				
18 Pa. C.S. § 2504	Involuntary manslaughter if the conduct is reckless or negligent	x		
18 Pa. C.S. § 2505	Causing or aiding suicide	x		
18 Pa. C.S. § 2710	Ethnic intimidation	x	x	
18 Pa. C.S. § 2713	Neglect of care-dependent person	x	x	x
18 Pa. C.S. § 2713.1	Abuse of care-dependent person	x	x	x
18 Pa. C.S. § 2715	Threat to use weapon of mass destruction	x		
18 Pa. C.S. § 2902	Unlawful restraint	x		
18 Pa. C.S. § 2903	False imprisonment	x		
18 Pa.C.S. § 2905	Interfer with Custody of Committed Person		x	
18 Pa.C.S. §§ 3011-3016	related to Human Trafficking		x	3011 and 3013 only
*18 Pa. C.S. § 3211	Abortion on unborn child of 24 or more weeks gestational age	x	x	
*18 Pa. C.S. § 3212	Infanticide	x	x	x
18 Pa.C.S. § 3213	Prohibited Acts	x		
*18 Pa. C.S. § 3216	Fetal experimentation	x	x	x
18 Pa. C.S. § 3302	Causing or risking catastrophe if involving releasing poison gas	x		
18 Pa. C.S. § 3304(a)(1) and (2)	Criminal mischief	x		
18 Pa. C.S. § 3701(a)(1)(i), (ii) and (iii)	Robbery	x		
18 Pa. C.S. § 3921	Theft by unlawful taking or disposition	x		
18 Pa. C.S. § 3922	Theft by deception	x		
18 Pa. C.S. § 3923	Theft by extortion	x		
18 Pa. C.S. § 3924	Theft of property lost, mislaid, or delivered by mistake	x		

18 Pa. C.S. § 3925	Receiving stolen property	x		
*18 Pa. C.S. § 3926	Theft of services	x		
18 Pa. C.S. § 3927	Theft by failure to make required disposition of funds received	x		
18 Pa. C.S. § 3929	Retail theft	x		
18 Pa. C.S. § 3929.2	Unlawful possession of retail or library theft instruments	x		
18 Pa. C.S. § 3929.3	Organized retail theft	x		
18 Pa. C.S. § 3930	Theft of trade secrets	x		
18 Pa. C.S. § 3931	Theft of unpublished dramas and musical compositions	x		
18 Pa. C.S. § 3932	Theft of leased property	x		
18 Pa. C.S. § 3934	Theft from a motor vehicle	x		
18 Pa. C.S. § 3935.1	Theft of secondary metal	x		
18 Pa. C.S. § 4101	Forgery	x		
18 Pa. C.S. § 4103	Fraudulent destruction, removal or concealment of recordable instruments.	x		
18 Pa. C.S. § 4104	Tampering with records or identification	x		
18 Pa. C.S. § 4105	Bad checks	x		
18 Pa. C.S. § 4106	Access device fraud	x		
18 Pa. C.S. § 4109	Rigging publicly exhibited contest	x		
18 Pa. C.S. § 4110	Defrauding secured creditors	x		
18 Pa. C.S. § 4111	Fraud in insolvency	x		
18 Pa. C.S. § 4112	Receiving deposits in a failing financial institution	x		
18 Pa. C.S. § 4113	Misapplication of entrusted property and property of government or financial institutions	x		
18 Pa. C.S. § 4114	Securing execution of documents by deception	x		
18 Pa. C.S. § 4115	Falsely impersonating persons privately employed	x		
18 Pa. C.S. § 4117	Insurance fraud	x		
18 Pa. C.S. § 4120	Identity theft	x		
18 Pa. C.S. § 4121	Possession and use of unlawful devices	x		
18 Pa. C.S. § 4303	Concealing death of child	x	x	
18 Pa. C.S. § 4304	Endangering welfare of children	x	x	
18 Pa. C.S. § 4305	Dealing with Infant Children	x	x	x
18 Pa. C.S. § 4902	Perjury	x		

18 Pa. C.S. § 4903	False swearing	x		
18 Pa. C.S. § 4904	Unsworn falsification to authorities	x		
*18 Pa. C.S. § 4905	False alarms to agencies of public safety	x		
18 Pa. C.S. § 4906	False reports to law enforcement authorities	x		
18 Pa. C.S. § 4906.1	False reports of child abuse	x		
18 Pa. C.S. § 4909	Witness or informant taking bribe	x		
18 Pa. C.S. § 4910	Tampering with or fabricating physical evidence	x		
18 Pa. C.S. § 4911	Tampering with public records or information	x	x	x
18 Pa. C.S. § 4913	Impersonating a notary public or a holder of a professional or occupational license	x		
18 Pa. C.S. § 4914	False identification to law enforcement authorities	x		
18 Pa. C.S. § 4952	Intimidation of witnesses or victims	x		
18 Pa. C.S. § 4953	Retaliation against witness, victim or party	x		
18 Pa. C.S. § 4953.1	Retaliation against prosecutor or judicial official	x		
18 Pa. C.S. § 4958	Intimidation, retaliation or obstruction in child abuse cases	x	x	
18 Pa. C.S. § 5105(a)(3) and (5)	Hindering apprehension or prosecution	x		
18 Pa. C.S. § 5106	Failure to report injuries by firearm or criminal act	x		
18 Pa. C.S. § 5112	Obstructing emergency services	x		
18 Pa. C.S. § 5123	Contraband	x		
18 Pa. C.S. § 6301	Corruption of minors	x		
18 Pa. C.S. § 7313	Buying or exchanging Federal Supplemental Nutrition Assistance Program (SNAP) benefit coupons, stamps, authorization cards or access devices	x		
18 Pa. C.S. § 7314	Fraudulent traffic in Supplemental Nutrition Assistance Program (SNAP) benefits	x		
18 Pa. C.S. § 7508.2	Operation of methamphetamine laboratory	x		
18 Pa. C.S. § 7509	Furnishing drug-free urine	x		
18 Pa. C.S. § 7611	Unlawful use of computer and other computer crimes	x		
18 Pa. C.S. § 7613	Computer theft	x		
18 Pa. C.S. § 7615(a)(3)	Computer trespass	x		

Title 23				
23 Pa.C.S. § 6319	Failure to Report or Refer Suspected Child Abuse		x	x
23 Pa.C.S. § 6346	Willful Failure to Cooperate with the Department or a County Agency in Investigation of Child Abuse		x	
Title 35 P.S. Health and Safety				
Chapter 6. The Controlled Substance, Drug, Device and Cosmetic Act	(a) The following acts and the causing thereof within the Commonwealth are hereby prohibited:			
35 Pa.C.S. 780-113(a)				
113(a)(1)	The manufacture, sale or delivery, holding, offering for sale, or possession of any controlled substance, other drug, device or cosmetic that is adulterated or misbranded	x		
113(a)(2)	The adulteration or misbranding of any controlled substance, other drug, device or cosmetic	x		
113(a)(5)	The adulteration, mutilation, destruction, obliteration or removal of the whole or any part of the labeling of, or the doing of any other act with respect to a controlled substance, other drug, device or cosmetic, if such act is done while such substance or article is held for sale and results in such substance or article being adulterated or misbranded	x		
113(a)(6)	Forging, counterfeiting, simulating or falsely representing, or without proper authority using any mark, stamp, tag, label or other identification symbol authorized or required by regulation promulgated under the provisions of this act.	x		
113(a)(12)	The acquisition or obtaining of possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge	x		

113(a)(13)	The sale, dispensing, distribution, prescription or gift by any practitioner otherwise authorized by law so to do of any controlled substance to any person known to such practitioner to be or whom such practitioner has reason to know is a drug dependent person, unless said drug is prescribed, administered, dispensed or given, for the cure or treatment of some malady other than drug dependency, except that the council, in accordance with Federal narcotic and food and drug laws, shall allocate the responsibility for approving and designating certain clinics, and shall provide or allocate the responsibility for providing regulations for such clinics at which controlled substances, including but not limited to methadone, may be prescribed, administered or dispensed for the treatment of drug dependency. This clause shall not prohibit any practitioner from prescribing, distributing or dispensing any controlled substance for a period of time not to exceed fourteen days pending confirmed admission of the patient to a hospital or rehabilitation center.	x		
113(a)(14)	The administration, dispensing, delivery, gift or prescription of any controlled substance by any practitioner or professional assistant under the practitioner's direction and supervision unless done (i) in good faith in the course of his professional practice; (ii) within the scope of the patient relationship; (iii) in accordance with treatment principles accepted by a responsible segment of the medical profession.	x		
113(a)(16)	Knowingly or intentionally possessing a controlled or counterfeit substance by a person not registered under this act, or a practitioner not registered or licensed by the appropriate State board, unless the substance was obtained directly from, or pursuant to, a valid prescription order or order of a practitioner, or except as otherwise authorized by this act.	x		
113(a)(17)	The wilful dispensing of a controlled substance by a practitioner otherwise authorized by law so to do without affixing to the container in which the drug is sold or dispensed a label bearing the name and address of the practitioner, the date dispensed, the name of the patient and the directions for the use of the drug by the patient.	x		

113(a)(19)	The intentional purchase or knowing receipt in commerce by any person of any controlled substance, other drug or device from any person not authorized by law to sell, distribute, dispense or otherwise deal in such controlled substance, other drug or device.	x		
113(a)(21)	The refusal or failure to make, keep or furnish any record, notification, order form, statement, invoice or information required under this act.	x		
113(a)(25)	The manufacture of a controlled substance by a registrant who knows or who has reason to know, the manufacturing is not authorized by his registration, or who knowingly distributes a controlled substance not authorized by his registration to another registrant or other authorized person.	x		
113(a)(26)	The knowing distribution by a registrant of a controlled substance classified in Schedules I or II, except pursuant to an order form as required by this act.	x		
113(a)(27)	The use in the course of the manufacture or distribution of a controlled substance of a registration number which is fictitious, revoked, suspended, or issued to another person.	x		
113(a)(28)	The furnishing of false or fraudulent material information in, or omission of any material information from any application, report, or other document required to be kept or filed under this act, or any record required to be kept by this act.	x		
113(a)(30)	Except as authorized by this act, the manufacture, delivery, or possession with intent to manufacture or deliver, a controlled substance by a person not registered under this act, or a practitioner not registered or licensed by the appropriate State board, or knowingly creating, delivering or possessing with intent to deliver, a counterfeit controlled substance.	x		
113(a)(31)	Notwithstanding other subsections of this section, (i) the possession of a small amount of marihuana only for personal use; (ii) the possession of a small amount of marihuana with the intent to distribute it but not to sell it; or (iii) the distribution of a small amount of marihuana but not for sale.	x		

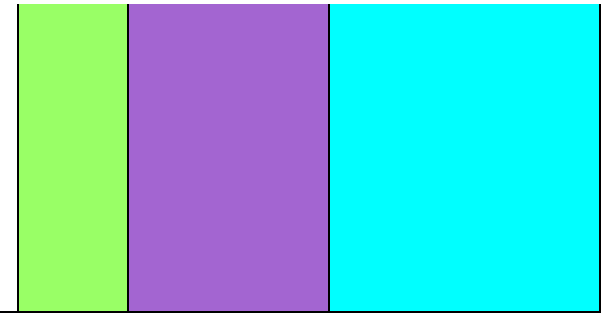
For purposes of this subsection, thirty (30) grams of marihuana or eight (8) grams of hashish shall be considered a small amount of marihuana.				
113(a)(32)	The use of, or possession with intent to use, drug paraphernalia for the purpose of planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packing, repacking, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of this act.	x		
113(a)(33)	The delivery of, possession with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it would be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this act.	x		
113(a)(35)	(i) Except as otherwise provided by law, manufacturing, processing, packaging, distributing, possessing 1 with intent to distribute or selling a noncontrolled substance that has a stimulant or depressant effect on humans, other than a prescription drug, which, or the label or container of which, substantially resembles a specific controlled substance. In determining whether there has been a violation of this subclause, the following factors shall be considered:	x		
	(A) Whether the noncontrolled substance in its overall finished dosage appearance is substantially similar in size, shape, color and markings or lack thereof to a specific controlled substance.			
	(B) Whether the noncontrolled substance in its finished dosage form is packaged in a container which, or the labeling of which, bears markings or printed material substantially similar to that accompanying or containing a specific controlled substance.			

	(ii) Except as otherwise provided by law, no person shall knowingly distribute or sell a noncontrolled substance upon the express or implied representation that the substance is a controlled substance. In determining whether there has been a violation of this subclause, the following factors shall be considered:			
	(A) Whether the noncontrolled substance in its overall finished dosage appearance is substantially similar in size, shape, color and markings or lack thereof to a specific controlled substance.			
	(B) Whether the noncontrolled substance in its finished dosage form is packaged in a container which, or the labeling of which, bears markings or printed material substantially similar to that accompanying or containing a specific controlled substance.			
	(C) Whether the noncontrolled substance is packaged in a manner ordinarily used for the illegal delivery of a controlled substance.			
	(D) Whether the consideration tendered in exchange for the noncontrolled substance substantially exceeds the reasonable value of the substance, considering the actual chemical composition of the substance and, where applicable, the price at which over-the-counter substances of like chemical composition sell.			
	(E) Whether the consideration tendered in exchange for the noncontrolled substance approximates or exceeds the price at which the substance would sell upon illegal delivery were it actually the specific controlled substance it physically resembles.			
	(iii) Except as otherwise provided by law, no person shall knowingly distribute or sell a noncontrolled substance upon the express representation that the recipient, in turn, will be able to distribute or sell the substance as a controlled substance.			

	(iv) In any criminal prosecution brought under this clause, it shall not be a defense that the defendant believed the noncontrolled substance actually to be a controlled substance.			
	(v) The provisions of this clause shall not be applicable to:			
	(A) Law enforcement officers acting in the course and legitimate scope of their employment.			
	(B) Persons who manufacture, process, package, distribute or sell noncontrolled substances to licensed medical practitioners for use as placebos in the course of professional practice or research or for use in FDA approved investigational new drug trials.			
	(C) Licensed medical practitioners, pharmacists and other persons authorized to dispense or administer controlled substances and acting in the legitimate performance of their professional license pursuant to subclause (v)(B).			
	(D) A noncontrolled substance that was initially introduced into commerce prior to the initial introduction into commerce of the controlled substance which it is alleged to imitate.			
113(a)(36)	The knowing or intentional manufacture, distribution, possession with intent to distribute, or possession of a designer drug. Nothing in this section shall be construed to apply to a person who manufactures or distributes a substance in conformance with the provisions of an approved new drug application or an exemption for investigational use within the meaning of section 505 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. § 355). For purposes of this section, no new drug shall be introduced or delivered for introduction except upon approval of an application pursuant to section 505 of the Federal Food, Drug and Cosmetic Act.	x		
113(a)(37)	The possession by any person, other than a registrant, of more than thirty doses labeled as a dispensed prescription or more than three trade packages of any anabolic steroids listed in section 4(3)(vii).	x		

Chapter 64. Medical Marijuana Act				
35 P.S. § 10231.1302	Criminal diversion of medical marijuana	x		
35 P.S. § 10231.1306	Adulteration of medical marijuana	x		
Title 62 P.S. Poor Persons and Public Welfare				
62 P.S. § 1407	Provider prohibited acts; criminal penalties and civil remedies	x	x	
Title 63 P.S. Professions and Occupations (State Licensed)				
63 P.S. § 223(a)	Punishment for Violations. (Professional Nursing Law)	x		
63 P.S. § 224(a)	Refusal, Suspension or Revocation of Licenses. (Professional Nursing Law)	x		
63 P.S. § 390-8(13)	Procuring a drug. (Pharmacy Act)	x	x	x
63 P.S. § 665	Penalties. (Practical Nurse Law)	x		
63 P.S. § 666(a)	Refusal, Suspension or Revocation of Licenses; Grounds. (Practical Nurse Law)	x		
63 P.S. § 271.3	Practicing osteopathic medicine & surgery without a license		x	
Title 75 P.S. Vehicle				
75 Pa. C.S.A. § 3735	Homicide by vehicle while driving under influence			
75 Pa. C.S.A. § 3735.1	Aggravated assault by vehicle while driving under the influence	x		
75 Pa. C.S.A. § 3744	Duty to give information and render aid	x		
75 Pa. C.S.A. § 3802	Driving under influence of alcohol or controlled substance	x		
75 Pa. C.S.A. § 7112	False report of theft or conversion of vehicle	x		
75 Pa. C.S.A. § 7121	False report of theft or conversion of vehicle	x		
75 Pa. C.S.A. § 7122	Altered, forged or counterfeit documents and plates	x		
Pa. C.S.A. § 7124	Fraudulent use or removal of registration plate	x		
		x		

(e) In addition to the specific offenses referenced in (a)-(d), the lists also includes any of these offenses under the laws of this Commonwealth in effect at the time of the commission of that offense or under the laws of another jurisdiction.



Additional Comment by PA-ACNM, PCNP and PSNA on Side-by-Side List of Crimes

PA-ACNM, PCNP and PSNA support the revised* list of the Medical and Osteopathic Boards unless otherwise noted in the attached chart as highlighted in orange. PA-ACNM, PCNP and PSNA do not believe the list of crimes as provided by the Board of Nursing reflects the intent of Act 53 of 2020.

PA-ACNM, PCNP and PSNA recognize there are a number of crimes that are serious in grading or conduct. However, that does not mean such crimes are directly related to the practice of the profession. In addition, there are other crimes such as “endangering the welfare of children” or “corruption of minors,” which could be a result of a multitude of behavior or a plea deal that has nothing to do with the practice of the profession. This applies to many other crimes as well. As a result, PA-ACNM, PCNP and PSNA believe that the burden should remain on the prosecution to prove that the conviction of such crimes relates to the profession.

Moreover, as it relates to 18 Pa.C.S. § 3211, the statute refers to an exception applying to a physician with no reference to other health care practitioners who may be present for the abortion. There is concern for the liability of other health care practitioners who may also be present and assisting the physician. As a result, PA-ACNM, PCNP and PSNA believe that the burden should be on the prosecution to prove that a conviction of a crime under 18 Pa.C.S. § 3211 relates to the profession.

Finally, domestic issues such as divorce and custody have resulted in charges being filed in a criminal setting. At times, the criminal charges are used as a tactic or leverage. Again, PA-ACNM, PCNP and PSNA believe the burden in such instances should remain with the prosecution to prove that a conviction of such crime relates to the practice of the profession.

NOTE: *In the event the Medical and Osteopathic Boards revise their proposed list of crimes, PA-ACNM, PCNP and PSNA reserve the right to revise their list as well.

Senate of Pennsylvania

Session of 2019 - 2020 Regular Session

MEMORANDUM

Posted: April 3, 2019 09:36 AM
From: [Senator John DiSanto](#) and [Sen. Judith L. Schwank](#)
To: All Senate members
Subject: Occupational Licensure Reform

In the near future, we will introduce legislation to create a fair, modern set of rules for consideration of criminal records in occupational licensure, which will remove unnecessary barriers to employment and entrepreneurship.

Our legislation will require occupational licensure boards and commissions to apply one common set of rules when considering whether to deny, suspend, or revoke a license on the basis of a criminal conviction. It will amend the Criminal History Record Information Act (CHRIA) to require that boards only withhold a license for convictions which are directly related to the practice of the occupation, and that the boards consider the nature of the offense, the amount of time that has passed since conviction, evidence of the applicant's fitness to practice the occupation, and other relevant factors prior to withholding a license.

Over thirty occupational fields require a government license or registration in Pennsylvania and under current law, many people who have paid their debts to society after incarceration are hindered from reentering the workforce when boards deny licenses due to convictions unconnected to the practice of their desired profession. This wastes taxpayer dollars as state correctional institutions regularly train inmates in professional skills only for the person to be subsequently denied a license to practice.

Our legislation will also require that boards publish regulations to explain how the new CHRIA rules will be applied in the context of a particular profession and provide that interested persons can request pre-application notice of whether their criminal history records pose a potential barrier to licensure. This will ensure that boards use criminal records in a fair and consistent way, and that individuals considering a training program have a fair opportunity to learn in advance what types of criminal history can be expected to pose a barrier to licensure.

Please join us in co-sponsoring this important legislation.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

THURSDAY, NOVEMBER 21, 2019

SESSION OF 2019 203RD OF THE GENERAL ASSEMBLY

No. 51

SENATE

THURSDAY, November 21, 2019

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

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

PRAYER

The Chaplain, Colonel PETER R. SNIFFIN, Senior Chaplain of the U.S. Army War College, Carlisle, offered the following prayer:

Let us pray.

Almighty God, what a blessing it is for us to pray here in the statehouse of the Commonwealth of Pennsylvania, the State where our wise Founders placed their signatures and their futures upon the fact that You are our Creator, and that You have endowed us with the unalienable rights of life, liberty, and the pursuit of happiness. Remind us daily that we do not possess these rights simply because we declare them, but only because You have bestowed them upon us. So in that light, may we be humble and grateful children and citizens, and may You remind us to both cherish and protect the rights that You have endowed us with.

I pray for these dedicated elected servants of the almost 13 million residents of this State of Pennsylvania. This State is huge both in acres and in numbers, and the responsibilities of these select few are equally large and heavy. May Your grace be upon the Members of this Chamber and those who serve alongside them. Focus their hearts and minds on whatever is true, honorable, just, pure, lovely, and commendable. If anything is excellent and worthy of praise, may they pursue it for the blessing of this great State, and may they always love their neighbors as they would themselves. Be also with our President, with Governor Wolf, with Lieutenant Governor Fetterman, and with the House. Give them all wisdom and resilience for all their worthy tasks. God bless Pennsylvania, God bless the United States. In Your most holy name, I pray. Amen.

The PRESIDENT. The Chair thanks Colonel Sniffin, who is the guest today of both Senator Mastriano and Senator Judy Ward.

PLEDGE OF ALLEGIANCE

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

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

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

November 21, 2019

HB 419 and 1220 -- Committee on Health and Human Services.

HB 1061 -- Committee on Consumer Protection and Professional Licensure.

HB 1457 -- Committee on Banking and Insurance.

HB 1665 and 1907 -- Committee on Transportation.

BILL REPORTED FROM COMMITTEE

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

SB 773 (Pr. No. 1408) (Amended)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions; in licensing of drivers, further providing for ignition interlock limited license; in driving after imbibing alcohol or utilizing drugs, further providing for grading, for penalties, for ignition interlock and for mandatory sentencing; and providing for a study of driving under the influence courts.

LEGISLATIVE LEAVES

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

Senator CORMAN. Mr. President, I request temporary Capitol leaves for Senator Brooks and Senator Stefano, and legislative leaves for Senator Argall, Senator Bartolotta, and Senator Judy Ward.

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

Senator COSTA. Mr. President, I request a temporary Capitol leave for Senator Hughes, and legislative leaves for Senator Leach and Senator Schwank.

The PRESIDENT. Senator Corman requests temporary Capitol leaves for Senator Brooks and Senator Stefano, and legislative leaves for Senator Argall, Senator Bartolotta, and Senator Judy Ward.

Senator Costa requests a temporary Capitol leave for Senator Hughes, and legislative leaves for Senator Leach and Senator Schwank.

Without objection, the leaves will be granted.

JOURNAL APPROVED

The PRESIDENT. The Journal of the Session of October 21, 2019, is now in print.

The Clerk proceeded to read the Journal of the Session of October 21, 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-49

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

NAY-0

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

The PRESIDENT. The Journal is approved.

LEGISLATIVE LEAVE CANCELLED

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

**GUESTS OF SENATOR DOUGLAS MASTRIANO
AND SENATOR JUDY WARD
PRESENTED TO THE SENATE**

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

Senator MASTRIANO. Mr. President, on behalf of Senator Judy Ward, I recognize and thank our Chaplain this morning, Colonel Pete Sniffin, United States Army. He is a fourth-generation U.S. Army officer, and incidentally, his great-great-grandfather was a Member of the House here in Harrisburg from the Honesdale/Carbondale area, a great legacy there. He is currently the director of ethical development on the faculty of the U.S. Army War College in Carlisle, Pennsylvania. Prior to this, he was the commandant of the U.S. Army Chaplain School in South Carolina. From 2011 to 2012, Chaplain Sniffin oversaw religious support for all American personnel in all of Afghanistan, and he is in his 35th year as a member of the United States Army, and his 29th year on active duty. More importantly, he is celebrating his 26th wedding anniversary with his beloved

wife, Rose Marie, who is also here with us. They have two daughters, Olivia, who is in her second year at HACC, and Amelia, who is in her freshman year at Wheaton College. Please join me in welcoming them.

The PRESIDENT. Would the guests of Senator Mastriano and Senator Judy Ward please rise to be welcomed by the Senate.

(Applause.)

The PRESIDENT. Thank you for your service.

**GUEST OF SENATOR SHARIF T. STREET
PRESENTED TO THE SENATE**

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

Senator STREET. Mr. President, I rise today to introduce an outstanding young person who has a bright future. She is smart, hardworking, and a self-starter. Driven by intellectual curiosity, for the past several months she has been interning in my office here in the Capitol as part of the Temple Capitol semester program. Taylor Volpe is a graduating political science major at Temple University, which is in my district. Taylor is originally from Dingmans Ferry, northeast Pennsylvania, which is in the district of my colleague, Senator Baker. Prior to the semester, Taylor took part in a study-abroad program in Rome, where she was able to immerse herself in Italian culture and history. When she is not dedicating herself to work, she enjoys reading and cooking. Taylor is graduating next month with a B.A. and looks forward to her future and a bright journey in public service.

Please join me in welcoming a bright young lady with a great future who sought to dedicate some of her time to work with us in the Senate, my intern, Taylor Volpe.

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

(Applause.)

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 begin immediately in the Majority Caucus Room.

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

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

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

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Stefano, Senator Hughes, and Senator Judy Ward have returned, and their respective leaves are cancelled.

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL OVER IN ORDER

SB 94 -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 97 (Pr. No. 2890) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in minors, further providing for the offense of sale of tobacco and for the offense of use of tobacco in schools; and, in preemptions relating to municipalities, further providing for tobacco.

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

On the question,
Shall the bill pass finally?

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

YEA-48

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

NAY-1

Hughes

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

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

BILLS OVER IN ORDER

SB 174, HB 305, HB 330, HB 355, HB 375, SB 485, SB 491 and SB 492 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 637 (Pr. No. 1392) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in criminal history record information, further providing for use of records by licensing agencies; and making related appeals.

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

On the question,
Shall the bill pass finally?

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

Senator COSTA. Mr. President, on behalf of Senator Schwank, I submit the following remarks for the record.

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

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

Mr. President, I express my ardent support for Senate Bill No. 637, which I cosponsored with my colleague, Senator DiSanto, and to encourage my colleagues to do the same. I measure the worthiness of any legislation by its potential to enact positive change for my constituents. Senate Bill No. 637 fits that bill. I do not know if there is a population within our Commonwealth who is as determined to make meaningful changes to their lives as the adult defendants, inmates, and returning citizens this legislation will help. So, it is not just positive change happening here--this legislation will truly lift these constituents. It can be the first step in changing their lives for the better.

My district in Berks County is lucky to have an organization called Berks Connections/Pretrial Services. They are a community-based organization to help returning citizens and their families. I spoke to one of their executive directors, who pressed the importance of removing barriers for this population. Finding a job is one of the most important factors in a person's successful re-entry to their community, to their lives, to their families.

A 2016 study by Arizona State University's Center for the Study of Economic Liberty found that States with the highest occupational licensing burdens saw their recidivism rates rise 9 percent over a 3-year period. In contrast, States with minimal licensing saw recidivism rates decline by 2.5 percent. The way our system currently works with automatic disqualifications, the original punishment often carries well beyond the intended sentence. That is not right.

This legislation will help them to make that first big step toward employment, and the rest of their lives. This is why I am voting in favor of Senate Bill No. 637.

Thank you, Mr. President.

And the question recurring,
Shall the bill pass finally?

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

YEA-49

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

NAY-0

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

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

BILLS OVER IN ORDER

HB 684, SB 693 and SB 850 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL LAID ON THE TABLE

SB 895 (Pr. No. 1251) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Centre County Industrial Development Corporation, certain lands situate in Benner Township, Centre County.

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

BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 917 (Pr. No. 1055) -- The Senate proceeded to consideration of the bill, entitled:

An Act repealing the act of May 17, 1929 (P.L.1805, No.598), entitled "An act authorizing municipalities other than townships to acquire by gift, devise, or bequest, lands, chattels, securities and funds for the establishment and maintenance of a hospital; to appoint trustees of such property and funds, subject to the approval of the orphans' court; to operate and maintain such hospital through and by means of such trustees; and to expend municipal funds to aid in the establishment and maintenance of such hospital."

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-48

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

NAY-1

Muth

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

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

HB 956 (Pr. No. 2191) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, in State lottery, further providing for powers and duties of secretary.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-49

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

NAY-0

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

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

BILL OVER IN ORDER

HB 1045 -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 1203 (Pr. No. 2937) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in municipal authorities, further providing for money of authority.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

Senator K. WARD. Mr. President, I rise to thank Representative Ryan and Senator Martin for their work on this bill. This bill will give boards, at any level, who appoint municipal authority board members some say in what happens. As of right now, you have these boards providing a very, very vital utility and folks have nowhere to go. There is nowhere that the buck actually stops. I think this bill, as worked on together with the House and with the municipal authority organizations, is a good balance, and actually, I do not think we should stop here. I think, moving forward, we should look further at when these boards and authorities are appointed by local governments, then that is it. There is nowhere the buck stops. I think we need to look maybe even further as we go down the road into bringing more accountability back to those who make the appointments.

Thank you very much, and I ask for an affirmative vote.

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Blake.

Senator BLAKE. Mr. President, I want to make a very quick comment, and I appreciate the remarks of the previous speaker. Part of the LGUDA pack, the Local Government Unit Debt Act, includes a bill that would require municipal authorities that are established for a particular purpose to guarantee that any moneys that they collect be used for that purpose. That is not currently in State law, so I want to echo the remarks of my friend and colleague, Senator Kim Ward, because we do need to look a little bit closer at the accountability of these municipal authorities.

Thank you very much.

And the question recurring,
Shall the bill pass finally?

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

YEA-49

Argall	DiSanto	Martin	Street
Aument	Farnese	Mastriano	Tartaglione
Baker	Fontana	Mensch	Tomlinson
Bartolotta	Gordner	Muth	Vogel
Blake	Haywood	Phillips-Hill	Ward, Judy
Boscola	Hughes	Pittman	Ward, Kim
Brewster	Hutchinson	Regan	Williams, Anthony H.

Brooks	Iovino	Sabatina	Williams, Lindsey
Browne	Kearney	Santarsiero	Yaw
Collett	Killion	Scarnati	Yudichak
Corman	Langerhole	Scavello	
Costa	Laughlin	Schwank	
Dinniman	Leach	Stefano	

NAY-0

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

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

HB 1542 (Pr. No. 2889) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, in preliminary provisions, further providing for definitions; and, in licenses and regulations relating to liquor, alcohol and malt and brewed beverages, further providing for special occasion permits and for wine and spirits auction permits.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEA-49

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

NAY-0

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

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

HB 1772 (Pr. No. 2821) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in burglary and other criminal intrusion, further providing for the offense of criminal trespass.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-49

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

NAY-0

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

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

HB 1896 (Pr. No. 2883) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to release a use restriction and reversionary interest affecting certain real property situate in the Township of East Vincent, Chester County, to facilitate the grant and conveyance of the real property from the Owen J. Roberts School District to Pennsylvania American Water Company; authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Centre County Industrial Development Corporation, certain lands situate in Benner Township, Centre County; and authorizing the Department of General Services, with the approval of West Chester University of Pennsylvania of the State System of Higher Education and the Governor, to grant and convey to Aqua Pennsylvania, Inc., or its assigns, an existing water tower and permanent utility easement from lands of the Commonwealth of Pennsylvania at West Chester University of Pennsylvania situate in the Borough of West Chester, County of Chester, for the purpose of public water distribution.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEA-49

Argall	DiSanto	Martin	Street
Aument	Farnese	Mastriano	Tartaglione
Baker	Fontana	Mensch	Tomlinson

Bartolotta	Gordner	Muth	Vogel
Blake	Haywood	Phillips-Hill	Ward, Judy
Boscola	Hughes	Pittman	Ward, Kim
Brewster	Hutchinson	Regan	Williams, Anthony H.
Brooks	Iovino	Sabatina	Williams, Lindsey
Browne	Kearney	Santarsiero	Yaw
Collett	Killion	Scarnati	Yudichak
Corman	Langerhole	Scavello	
Costa	Laughlin	Schwank	
Dinniman	Leach	Stefano	

NAY-0

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

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

HB 1982 (Pr. No. 2895) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, in preliminary provisions, further providing for definitions; in membership, credited service, classes of service, and eligibility for benefits, further providing for credited State service; in contributions, further providing for shared-risk member contributions and shared-gain adjustments to regular member contributions, for contributions to the system by the Commonwealth and other employers and for actuarial cost method and providing for advance payment of accrued liability contributions; in administration, funds, accounts and general provisions, further providing for administrative duties of the board, for duties of heads of departments and for State accumulation account; providing for obligations of the board, for exercise of legislative power and for liability.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-49

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

NAY-0

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

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

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

HB 102, SB 132, SB 258, SB 276, SB 284, SB 329, SB 368 and SB 377 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON SECOND CONSIDERATION
AND REREFERRED

SB 417 (Pr. No. 436) -- 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 party organization, further providing for who shall be declared elected members of national or State committee and party offices; and, in returns of primaries and elections, further providing for manner of computing irregular ballots.

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

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

BILL OVER IN ORDER

HB 422 -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

BILL ON SECOND CONSIDERATION

HB 427 (Pr. No. 2901) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for health insurance coverage requirements for stage four, advanced metastatic cancer.

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

BILL OVER IN ORDER

HB 476 -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

BILL LAID ON THE TABLE

SB 531 (Pr. No. 566) -- The Senate proceeded to consideration of the bill, entitled:

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.

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

SB 531 TAKEN FROM THE TABLE

Senator CORMAN. Mr. President, I move that Senate Bill No. 531, Printer's No. 566, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

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

BILL OVER IN ORDER

HB 584 -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

BILL ON SECOND CONSIDERATION
AND REREFERRED

SB 594 (Pr. No. 1390) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, in health and safety, further providing for certification of safety committee.

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

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

BILL ON SECOND CONSIDERATION

SB 595 (Pr. No. 1396) -- The Senate proceeded to consideration of the bill, entitled:

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

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

BILLS OVER IN ORDER

SB 606, HB 617, HB 630, SB 647, SB 726, SB 727, SB 766 and SB 784 -- Without objection, the bills were passed over in their order at the request of Senator GORDNER.

BILL ON SECOND CONSIDERATION,
AMENDED AND REREFERRED

SB 798 (Pr. No. 1290) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 7, 1982 (P.L.784, No.225), known as the Dog Law, in short title and definitions, further providing for definitions; and, in dangerous dogs, further providing for court proceedings, certificate of registration and disposition and for requirements.

On the question,
Will the Senate agree to the bill on second consideration?
Senator KILLION offered the following amendment No. A3715:

Amend Bill, page 1, line 15, by striking out "and,"
Amend Bill, page 1, line 17, by inserting after "requirements":
; and making an editorial change
Amend Bill, page 5, line 1, by striking out "Section 503-A" and inserting:
Sections
Amend Bill, page 5, line 1, by inserting after "503-A(B)":
and 507-A(f)(1)
Amend Bill, page 5, line 1, by striking out "is" and inserting:
are
Amend Bill, page 5, by inserting between lines 13 and 14:
Section 507-A. Construction of article.
* * *

(f) Procedure in certain cities.--In cities of the first class, second class and second class A, the following procedure shall apply:

(1) A person who has been attacked by a dog, or anyone on behalf of such person, or a person whose domestic animal, dog or cat has been killed or injured without provocation while the attacking dog was off the owner's property or a police officer or an animal control officer employed by or under contract with the city may make a complaint before a magisterial district judge, charging the owner or keeper of such a dog with harboring a dangerous dog. The magisterial district judge shall make a report of the determination under section [502-A(a)] 502-A(a.2) to the police or an animal control officer employed by or under contract with the city and to the Bureau of Dog Law Enforcement. The Bureau of Dog Law Enforcement shall give notice of this determination to the respective city treasurer.
* * *

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

On the question,
Will the Senate agree to the bill on second consideration, as amended?
It was agreed to.
Ordered, To be printed on the Calendar for third consideration.
Upon motion of Senator GORDNER, and agreed to by voice vote, the bill, as amended, was rereferred to the Committee on Appropriations.

BILLS OVER IN ORDER

SB 809 and SB 810 -- Without objection, the bills were passed over in their order at the request of Senator GORDNER.

BILL ON SECOND CONSIDERATION AND REREFERRED

SB 922 (Pr. No. 1309) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the 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 924, SB 952, SB 954, SB 957, HB 1035, HB 1036, HB 1050 and HB 1058 -- Without objection, the bills were passed over in their order at the request of Senator GORDNER.

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 1100 (Pr. No. 1593) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for energy and fertilizer manufacturing tax credit.

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

HB 1174, HB 1180, HB 1325, HB 1379, HB 1405, HB 1522 and HB 1662 -- Without objection, the bills were passed over in their order at the request of Senator GORDNER.

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 Killion, and a legislative leave for Senator Scarnati.

The PRESIDENT. Senator Corman requests a temporary Capitol leave for Senator Killion, and a legislative leave for Senator Scarnati. Without objection, the leaves will be granted.

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 an off-the-floor meeting of the Committee on Rules and Executive Nominations to be held in the Rules room immediately in the rear of the Chamber.

The PRESIDENT. For the purpose of an off-the-floor meeting of the Committee on Rules and Executive Nominations to be held in the Rules room in the rear of the Chamber, without objection, the Senate stands in recess.

AFTER RECESS

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

LEGISLATIVE LEAVES

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

Senator COSTA. Mr. President, I request a temporary Capitol leave for Senator Haywood, and a legislative leave for Senator Farnese.

The PRESIDENT. Senator Costa requests a temporary Capitol leave for Senator Haywood, and a legislative leave for Senator Farnese. Without objection, the leaves will be granted.

HOUSE MESSAGE

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 473**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Permission has been granted for the Committee on Rules and Executive Nominations to meet today off the floor to consider Senate Bill No. 473 in the Rules room.

BILLS REPORTED FROM COMMITTEE

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

SB 572 (Pr. No. 1400) (Rereported) (*Concurrence*)

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in public safety, providing for opioid treatment agreements.

HB 49 (Pr. No. 2893) (Rereported) (*Concurrence*)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in school security, further providing for definitions, for school police officers, for training, for powers and duties, for school resource officers and for school security guards; in high schools, further providing for courses of study; in miscellaneous provisions relating to institutions of higher education, further providing for Public Higher Education Funding Commission; and, in fostering independence through education, further providing for fostering independence waiver program.

LEGISLATIVE LEAVE

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

Senator CORMAN. Mr. President, I request a temporary Capitol leave for Senator Browne.

The PRESIDENT. Senator Corman requests a temporary Capitol leave for Senator Browne. Without objection, the leave will be granted.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

SENATE CONCURS IN HOUSE AMENDMENTS TO SENATE AMENDMENTS

HB 49 (Pr. No. 2893) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in school security, further providing for definitions, for school police officers, for training, for powers and duties, for school resource officers and for school security guards; in high schools, further providing for courses of study; in miscellaneous provisions relating to institutions of higher education, further providing for Public Higher Education Funding Commission; and, in fostering independence through education, further providing for fostering independence waiver program.

On the question,

Will the Senate concur in the amendments made by the House to Senate amendments to House Bill No. 49?

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

Senator CORMAN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 49.

On the question,

Will the Senate agree to the motion?

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

Senator COSTA. Mr. President, very briefly, I intend to support House Bill No. 49. As many of our colleagues on this side of the aisle in the past have been in opposition to this particular bill, and similarly when we raised concerns about previous versions of addressing school police officers in our school districts, this legislation does a couple of things that I think are very important. To Members who recognize, and I am sure they do, but to reiterate, first and foremost, it restores arrest powers to school police officers, something that we have learned through the process of learning what we did months ago needed to be changed, it needed to be fixed, and this legislation serves as that. It also requires that any new school security officer who is hired must go through the NASRO training, which is important to a number of our Members along those lines, as opposed to being hired and then possibly getting the training over a course of time. Those individuals who were hired previously, who are currently working, would have a limited period of time to be able to go and get that training, and that is really important.

Ideally, we would have liked to have seen more firearms training with respect to the school security officers. We know that the current training that is there pales in comparison to what is done with regard to individuals who go through Act 120, the Municipal Police Officer Education Training Act, training. We believe the amount of firearms and weapons training in their curriculum is an appropriate amount that should have been applied to these individuals, particularly since they will be carrying weapons.

That being said, Mr. President, we did try to offer amendments on this floor and were not successful. It does not mean we will not continue to try to address this issue as we go forward with regard to security and the concerns that we have about weapons in our school districts and in our classroom buildings. So for those reasons, the positive nature of this measure, the two I have mentioned, and the third one certainly dealing with the financial literacy part, providing one credit to financial literacy as part of the curriculum as well, I think is something very important for us to be able to do so. For those three reasons I am going to support it, but we are going to continue to advocate for more training for our school officers and our security officers who are in our classrooms and our buildings.

Thank you, Mr. President.

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

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

YEA-35

Argall	Costa	Martin	Schwank
Aument	Dinniman	Mastriano	Stefano
Baker	DiSanto	Mensch	Tomlinson
Bartolotta	Fontana	Phillips-Hill	Vogel
Boscola	Gordner	Pittman	Ward, Judy
Brewster	Hutchinson	Regan	Ward, Kim
Brooks	Killion	Sabatina	Yaw
Browne	Langerholc	Scarnati	Yudichak
Corman	Laughlin	Scavello	

NAY-14

Blake	Hughes	Muth	Williams, Anthony H.
Collett	Iovino	Santarsiero	Williams, Lindsey
Farnese	Kearney	Street	
Haywood	Leach	Tartaglione	

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

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

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 572 (Pr. No. 1400) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in public safety, providing for opioid treatment agreements.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 572?

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

Senator CORMAN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 572.

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-28

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

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 inform the House of Representatives accordingly.

LEGISLATIVE LEAVE

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

Senator CORMAN. Mr. President, I request a legislative leave for Senator Yudichak.

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

RECESS

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

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

The PRESIDENT. For the purpose of an off-the-floor meeting of the Committee on Rules and Executive Nominations to be held in the Rules room, without objection, the Senate stands in recess.

AFTER RECESS

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

BILL REPORTED FROM COMMITTEE

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

SB 473 (Pr. No. 1407) (Rereported) (Concurrence)

An Act amending Titles 18 (Crimes and Offenses) and 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in minors, further providing for the offense of sale of tobacco and for the offense of use of tobacco in schools; and, in preemptions relating to municipalities, further providing for tobacco.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 2

SENATE CONCURS IN HOUSE AMENDMENTS

SB 473 (Pr. No. 1407) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in minors, further providing for the offense of sale of tobacco and for the offense of use of tobacco in schools; and, in preemptions relating to municipalities, further providing for tobacco.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 473?

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

Senator CORMAN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 473.

On the question,

Will the Senate agree to the motion?

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

Senator A.H. WILLIAMS. Mr. President, I ask for brief interrogation of the maker of the bill. Thank you.

The question I have is those of us in Philadelphia County are concerned about provisions in the bill that may preempt our ability to draft legislation dealing with vaping. Currently, as we speak, many of us in this country are concerned about the context in which this is occurring, unregulated, and the rights of others. There are those at city council in Philadelphia who want to pass legislation that would affect that. Their concern has been expressed to Members of the General Assembly, specifically from Philadelphia County, that this may preclude their ability to do that. So my question simply is for the record, would this bill preclude their ability to do that?

Senator SCAVELLO. Mr. President, after reviewing the bill and reviewing House Bill No. 97, which we voted on earlier and has already been concurred by the House, this bill does not change anything. It is the same that was in House Bill No. 97.

Senator A.H. WILLIAMS. Thank you, Mr. President. That ends my period of interrogation. If appropriate, I would like to make some comments.

The PRESIDENT. Proceed.

Senator A.H. WILLIAMS. Mr. President, I appreciate the gentleman's research and candor. For those of us who voted earlier on House Bill No. 97, I think there was a full understanding of the consequence of that. I am sure most of us in this Chamber probably are being illuminated for the first time with regard to this issue of vaping and what we are doing. I frankly think it is going to be a growing issue, as it is across the nation, and Pennsylvania will not be removed from that. I would imagine if we are not allowing our municipalities to regulate this in a much more formal, comprehensive way, specifically to those who are

of a minor generation, specifically to those who are being affected by flavors and menthols, if not now, we will have to address this. So I ask the gentleman for his assistance going forward so we can correct this. I am certainly not going to try to upend the process, because I think we are trying to do something that is good and to narrow the band of people who would be involved in tobacco, but clearly vaping is presenting us with a challenge that we did not expect. So those Members who want to be consistent, I encourage them to be consistent with their prior votes. For those who want to be inconsistent, like me, I am probably going to be inconsistent and vote "no," but I look forward to us working in a bipartisan way to deal with this issue of vaping as we go forward.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Monroe, Senator Scavello.

Senator SCAVELLO. Mr. President, I will be a glad to work with the gentleman. Thank you.

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

Senator STREET. Mr. President, I rise to applaud the sentiment of the maker of the bill for wanting to take on the challenge of vaping. We understand that youth vaping is a problem in all parts of the Commonwealth, the city of Philadelphia alike, but not just in the city. Children, whether they be in the Poconos, Pittsburgh, Erie, any of our communities, rural or urban, do not need to be engaging in this practice. So to the extent that today we have acted to reduce and restrict the opportunities for young people to vape, I think we have done the right thing. To the extent that there may be other provisions we need to do, I welcome and thank the gentleman's spirit in moving forward to address those issues as they arise.

And the question recurring,

Will the Senate agree to the motion?

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

YEA-44

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

NAY-5

DiSanto	Leach	Mastriano	Pittman
Hughes			

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

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

BILL ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bill was as follows:

SB 773.

And said bill 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

THURSDAY, DECEMBER 12, 2019

10:00 A.M.	INTERGOVERNMENTAL OPERATIONS (public hearing on regulatory reform, red tape reduction and transparency)	1000 Potato Roll Lane Chambersburg
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WEDNESDAY, DECEMBER 18, 2019

11:00 A.M.	JUDICIARY (public hearing to consider the following judicial nominees: Bruce R. Beemer, Esq., - Court of Common Pleas, Allegheny County; Cateria McCabe, Esq., - Court of Common Pleas, Philadelphia County; John R. Padova, Jr., Esq., - Court of Common Pleas, Philadelphia County; Daniel Sulman, Esq., - Court of Common Pleas, Philadelphia County; and J. Andrew Crompton, Esq., - Commonwealth Court of Pennsylvania)	Hrg. Rm. 1 North Off.
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PETITIONS AND REMONSTRANCES

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

Senator PHILLIPS-HILL. Mr. President, I rise today to echo the comments that we have heard from my friend and colleague from Monroe County. I applaud the Senator for his commitment to address the critical issue of school property taxes. When he showed us the newspaper pages of sheriff's sales going on in just his district, it really puts the problem into perspective. These are not pages of paper, these are not addresses of properties, no, these are livelihoods ripped away due to the blatant unfairness of the current school property tax system. We do not know the circumstances of each home being taken by the government, whether it is a foreclosure or a default on a mortgage, but it is troubling when a home is completely paid off but can still be confiscated because that family could no longer afford their school property tax bill.

While I was not here in the Senate 4 years ago, I know a little bit about this issue's history over here. This Saturday, the 23rd of November, will mark the fourth anniversary that this Chamber last voted on a plan to eliminate school property taxes. Four years is a long time. Far too long for the homeowners who were

thrown out on the street with no votes in the Senate. We took key votes on a lot of issues this past week and did a lot of good for the people of Pennsylvania, but no matter what this Chamber does, the number one issue in many of our districts is school property tax elimination. Whether it is by phone, email meeting, comment on Facebook or Instagram, or just dropping in for a meeting in our local offices, the people who I am honored to represent want to see this issue addressed by the General Assembly. I also commend my colleagues who have offered a variety of proposals to address this issue both in the House and the Senate. The issues are laid out. We have plans ranging from completely eliminating school property taxes for every property owner, to eliminating school property taxes for homesteads and farmsteads, to only eliminating them for senior citizens. Over these next few months, I encourage my colleagues to please conduct surveys and ask where their constituents are on this key issue. Maybe it is not a big deal in your district. Maybe it is. But see where they stand on the variety of plans that are out there.

I recently conducted a survey which asked community residents in the 28th Senatorial District which option, if any, they prefer to address property taxes. I included several bills that have been introduced in the Senate, including Senate Bill No. 76, Senate Bill No. 805, Senate Bill No. 821, Senate Bill No. 923, and House Bill No. 13. Time and time again, the people say they do not want to reduce or freeze property taxes. They want to see across-the-board elimination of school property taxes. Seventy-six percent of the responses favored the complete elimination of school property tax in some form or fashion. In my district, the results are clear: school property taxes have to go.

Mr. President, we have heard the debates, we have seen the reports from the Independent Fiscal Office. No issue has been more thoroughly vetted in the General Assembly than school property taxes. I stand with my colleague from Monroe County and encourage that this Chamber stand up and take action on the legislation. Let us come back next year and address this issue, because the consequences of further delay will be catastrophic for all of the individuals and families who face the prospect of seeing their own address listed among the sheriff's sales in the newspaper.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Franklin, Senator Mastroiano.

Senator MASTRIANO. Mr. President, it is an honor to remember the 30th anniversary of the end of the Cold War, as personified by the fall of the Iron Curtain in November 1989. The Cold War began out of the ashes of the Second World War and quickly escalated into a bipolar, global struggle between the freedom-loving nations of the west, led by the United States of America, against those bound by an oppressive socialistic system bent on crushing freedom, led by the Union of Soviet Socialist Republics in Moscow. Sir Winston Churchill's speech in 1946 captured the essence of this emerging global struggle, saying: *(Reading)*

From Stettin to Baltic to Trieste in the Adriatic, an iron curtain has descended across the continent. Behind that line lie all the capitals of the ancient states of central and eastern Europe. Warsaw, Berlin, Prague, Vienna, Budapest, Belgrade, Bucharest, and Sofia, all these famous cities and the populations around them lie in what I must call the Soviet sphere, and all are subject, not only to Soviet influence, but very high control from Moscow.

A Cold War indeed swept across the European continent and much of the world. It was an all-stakes struggle with the threat of nuclear annihilation threatening the world. The struggle expanded into confrontations and proxy wars in nearly every continent on the face of the Earth.

The first clash between the East and West was the Soviet-ordered Berlin blockade of West Berlin. This was an attempt by Moscow to test the resolve of the West to see if the United States, France, and Great Britain, who were responsible for the security of West Berlin, would stand by their ally. Thankfully, we did, and West Berlin was saved with a massive airlift in 1948. The increasing hostility demonstrated by Moscow with its massive Red Army poised as a threat along the Iron Curtain and the borders of West Germany and eastern Europe triggered the creation of the North Atlantic Treaty Organization, where 12 nations, led by the United States, codified their commitment to each other in European security. The confrontation between the East and the West and these divergent political systems resulted in war in Korea, Southeast Asia, and across Latin America and Africa.

Meanwhile, life in the East under the soviet socialists was oppressive, dark, and literally like living in a black and white photograph. The Union of Soviet Socialist Republics controlled everything, especially the economy. Because of this, commodities and food were rare, people would have to wait in long breadlines, and even the basic essentials of life were lacking. This deprivation was compounded by a system of government that denied its citizens all freedoms. Churches were razed to the ground or turned into storage buildings, while believers were arrested and sent to labor camps. Freedom of thought, expression, and press were all suppressed, only ideas and views perpetuated by the political ruling class were tolerated. Life behind the Iron Curtain under the soviet socialists was horrible. I bore out my own experiences there in East Berlin, having been detained by the Volkspolizei for taking a picture in Friedrichstrasse as a teenager while serving as an exchange student.

What Ronald Reagan rightly called the evil empire began to collapse from the inside, with a growing underground church movement and a rising opposition within the nations controlled by Moscow seeking independence and the freedom of religion, freedom of speech, and freedom of the press. Although the fall of the Berlin Wall on 9 November 1989 does not necessarily mark the end of the Cold War, it certainly was one of the pivotal moments symbolizing the collapse of the corrupt soviet system. The commitment, sacrifice, and service of our Armed Forces during the entire Cold War period gave western Europe the longest period of peace in 1,500 years. Countless millions of Europeans were spared certain death in Europe and generations did not know the suffering of their forefathers thanks to the commitment, dedication, and duty of the United States Armed Forces. The vigilance and sacrifice of our Cold War warriors served as a beacon of light to those freedom-loving nations and gave hope to those languishing in the East.

I had the honor of leading my own platoon on missions along West Germany's Cold War borders of Czechoslovakia and East Germany with the 2nd Armored Cavalry Regiment. My men knew that we were literally serving along the freedom frontier, keeping their families and nations safe from an oppressive and intolerant political system bent on imposing its will on everyone under its control. Brutal in its approach, unmerciful to any per-

ceived as a threat, the suffering of these people was unimaginable. The opening of the Iron Curtain in November 1989 was a turbulent time in the history of the world, and especially Europe. The outcome was uncertain. My regiment was on standby watching to see how the East German and Czechoslovakian governments would respond to the collapse of their system. By God's blessing, the soviet socialists collapsed under the weight of their own corrupt ideas and countless millions were set free from the edicts of tyrants.

In the end, the Cold War ended, and I was honored to be among the first Americans to welcome the easterners to the West and freedom in one of the most memorable events of my life. The sacrifice and commitment of America's Armed Forces deterred soviet socialists' aggression, prevented a third world war, and delivered countless millions from the ravages of an oppressive political ideology. Former Prime Minister of Britain, Margaret Thatcher, said in August 1990, "today we are coming to realize that an epoch in history is over. For more than 40 years that Iron Curtain remained in place. Few of us expected to see it lifted in our lifetime. Yet, with great suddenness, the impossible has happened. The Cold War is over." The enticements of overregulation and government control in people's lives is insidious and only results in failed political systems, as seen in the ash heap of history, where the decayed ruins of nations and empires rests as a testimony to us.

The peaceful end of the Cold War was only due to the commitment, sacrifice, and vigilance of the United States and the men and women from across this State and nation who served on freedom's frontier in the far-flung corners of the Earth, especially in Europe. American men and women serving with our NATO allies stood in the gap against an evil empire, and, at great sacrifice, averted a third war for such a time as this. As the apostle Paul wrote in 2 Timothy 4:7, our service men and women can likewise say of their faithfulness, "I have fought the good fight, I have finished the race, I have kept the faith." May we never forget the sacrifice and the price of freedom, and indeed, the price of freedom is eternal vigilance.

Please join me in remembering and honoring our Cold War veterans in this glorious month, 30 years at the end of the fall of the Berlin Wall. Thank you.

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

Senator TARTAGLIONE. Mr. President, today marks 4,883 days since the Pennsylvania legislature last raised the minimum wage. That is more than 13 years, and it is far too long, but there is some good news for Pennsylvania's low-wage workers today. Legislation is now before the House that would raise the floor by more than 30 percent over the next 3 years. The reasons to support Senate Bill No. 79 are many. First, Pennsylvanians want a higher minimum wage. In March, a Franklin & Marshall poll found that 7 in 10 Pennsylvanians favor the idea of a \$12 minimum wage. More recently, another poll by State Innovation Exchange produced similar results. Senate Bill No. 79 would not put Pennsylvania's minimum wage on the path to \$12, but the legislation is an important step in the right direction.

Another reason to support Senate Bill No. 79 is that minimum wage is a statewide issue. Workers in every corner of every county in Pennsylvania stand to benefit. In fact, the folks who would benefit most work in many of the most rural regions of the Commonwealth, such as our northern tier counties, our laurel

highland counties, and our anthracite region counties. Many small business owners are understandably cautious about raising the minimum wage, but Senate Bill No. 79 could benefit them, too. Workers are also consumers. When they make more money, they will spend more money at the local businesses they patronize. With each ensuing year, a growing number of States are raising their minimum wages. A higher minimum wage has been successful elsewhere, and it can succeed in Pennsylvania.

Mr. President, I urge our colleagues in the House to support Senate Bill No. 79 and to deliver the bill to the Governor for his signature.

Thank you, Mr. President.

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

Senator COSTA. Mr. President, I rise today to provide some comments about the work that we have done this week. Some folks may say that it was a productive week for us here in the Senate. While we did address a number of major issues, major pieces of legislation that have eluded us for a number of years, I see missed opportunities. While I am certainly proud of the work that my colleague, who we just heard from, Senator Tartaglione, the advocacy that she provided on the issue of minimum wage that she just spoke about, her work along those lines has been relentless and something we know she has done for a number of years.

On the issue of dealing with the statute of limitations changes that have been made and discussed here during the course of this week, I also want to recognize the work of my colleagues, Senator Kearney, Senator Muth, and Senator Farnese, for their efforts and the passion that they demonstrated on this Senate floor and the commitment they made to making things right and better for those victims of sexual abuse. Mr. President, as I mentioned, while Senator Tartaglione just spoke moments ago on this issue for working people, and her voice has been very strong, and while she recognized that we may be going to \$9.50, that is not a done deal yet; the House has not indicated its willingness to accept those changes to the minimum wage law. We hope that they do, but we will not know that for several weeks.

We missed the mark, Mr. President. We could have done more and gone further. What has taken place with this particular piece of legislation, we cannot lose sight of. That is, 385,000 Pennsylvanians earning between \$7.25 and \$9.50 an hour will be getting a raise over the course of the next 24 months. Sixty-one percent of those individuals are women, 27 percent are people of color, 89 percent are adults, 37 percent are over the age of 40, 24 percent are parents, and 55 percent work full time. So, certainly a modest raise over the course of the next 2 years is something that would be helpful, but, Mr. President, we are not done. We will continue to fight to do more. We pledge to continue to fight until the minimum wage in Pennsylvania is at least \$12, working its way to \$15. We pledge to continue to fight so the minimum wage in Pennsylvania has a built-in cost of living adjustment so it keeps pace with the expenses that families are left to deal with in this Commonwealth. We pledge to continue to fight until local municipal communities have the ability to adjust the minimum wage to fit the needs of their local communities and the individuals who work and live there. We pledge to continue to fight until we have one fair wage where we have eliminated the tipped minimum wage. We will continue to fight until we have strengthened penalties for employers who violate minimum wage laws, and

work to address employer misclassification and wage theft. Those are promises to the people of Pennsylvania that we will continue to discuss as we go forward, and when we return here in the next legislative Sessions.

Mr. President, another issue that we have addressed this week, a series of issues along those lines, the recommendations from the grand jury report. As those measures move forward with the support of nearly everyone in this Chamber, it is important to recognize that we, again, missed opportunities to be able to help the people of Pennsylvania, the victims of Pennsylvania, in an immediate nature. We were able to make progress on eliminating the statute of limitations for child sexual abuse. We clarified penalties for not reporting child abuse, and we also addressed and banned nondisclosure agreements, but, as I mentioned, we could have gone further. Mr. President, we had the opportunity, at least three times, to provide for a statutory 2-year window, and we failed to be able to provide that. Instead, we ended up doing a constitutional amendment that, at best, is going to provide little hope to folks; at worst, may be justice denied for a significant number of years.

Mr. President, it is important to recognize that the constitutional amendment process is not one that is easy. It is one that takes several Sessions, as folks know, and many times on issues that have bipartisan support to address, oftentimes do not get to the finish line. I can easily point to the issue with respect to redistricting in this Commonwealth, which we have been trying for decades to address to create a fair and independent commission. We have passed in Chambers constitutional amendments that never made their way to the second leg, and never made their way to the voters. We have instances where we are still waiting to have a second leg of legislation to be done to be able to provide the second part of constitutional amendments. More specifically, when we addressed the issue of property tax reform a number of years ago, we have not yet completed that process. There are a number of others as it relates to what people believe us wanting to do, what the public wants us to do. Shrinking the size of the legislature has passed on a couple of occasions here but has never made its way to the final leg and onto the voters to address.

So, the suggestion that the constitutional amendment process is the best way to get to that end is something that I do not believe is appropriate. When you look at even some of the other constitutional amendments that did make their way to the ballot, in some instances, it was 10 years with the videotaping of witnesses that Senator Greenleaf and others worked on. I remember working on it when I was on the Committee on Judiciary. Those are examples of the lengthy process that justice could be denied to individuals. Our belief, as our Members demonstrated by voting unanimously to support the 2-year statutory window to allow claims to move forward, we believe is the best course of action. We recognize that other folks on the other side of the aisle believe that there may be constitutional questions that would arise from that, but at the end of the day, what we would have put into place was legislation that would allow victims the opportunity to be able to immediately face their accuser and do what needs to be done along those lines. Instead, we are proceeding down a path that allows questions as to whether or not we will ultimately be in a position to be able to do that, and even if we do it, the length of time--we are talking about multiple years before that comes to closure. My colleague, Senator Haywood, provided the

best opportunity. He indicated we should proceed down both paths. Let us do a legislative statute, but let us also look to do a constitutional amendment.

When we come back here in January 2021, we are likely to have the composition of this General Assembly to be quite different. As we know, every time we come back, there are 35 or 40 new Members between both buildings and both sides of the aisle. We simply do not know what the composition of the new Members will feel with respect to moving forward on a constitutional amendment, as evidenced by the fact that there are a number that we have not completed. So, I believe in many instances we missed opportunities to be able to address something that I think is inappropriate, but it is also when we come back to have these conversations. There are more issues that we need to talk about which we think are going to be important. Issues including substance abuse and how we continue to deal along those lines. Dealing with the issue of gun reform legislation that needs to be brought to this floor and needs to be brought to this General Assembly for conclusion. Looking at nondiscrimination and environmental protections, all of those are major issues that we have failed to act on in this part of the Session, but we need to make certain that we begin to talk about them as we go forward.

So, going forward, Mr. President, I tried to lay out to my colleagues here what our vision is for what we want to be able to do moving forward and how I believe, personally, that we missed opportunities. We did move forward but we missed opportunities, and there are other opportunities that we need to grab and continue to discuss as we go forward. I appreciate the work that all of my colleagues have done, particularly our staff folks who have worked very hard to move these measures as they did but, at the end of the day, we have more work to do. We are ready, willing, and able to continue that work.

Thank you, Mr. President.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate **SB 314** and **SB 317**, with the information the House has passed the same without amendments.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE AMENDMENTS TO SENATE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to House amendments to **SB 733**.

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 857**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 17**, **HB 97**, **HB 227**, **HB 962**, **HB 1171**, **HB 1203**, **HB 1402**, **HB 1547** and **HB 1896**.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor John K. Fetterman) in the presence of the Senate signed the following bills:

SB 314, **SB 317**, **SB 473**, **SB 572**, **SB 733**, **HB 17**, **HB 49**, **HB 97**, **HB 227**, **HB 321**, **HB 917**, **HB 956**, **HB 962**, **HB 963**, **HB 1051**, **HB 1171**, **HB 1203**, **HB 1402**, **HB 1547**, **HB 1772**, **HB 1896** and **HB 1982**.

RECESS

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

Senator CORMAN. Mr. President, I move that the Senate do now recess to the call of the President pro tempore.

The PRESIDENT. Without objection, the Senate is in recess until the call of the President pro tempore.

AFTER RECESS

The PRESIDENT pro tempore (Senator Joseph B. Scarnati III) in the Chair.

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

RECESS

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

Senator CORMAN. Mr. President, I move that the Senate do now recess until Wednesday, December 18, 2019, at 1:04 p.m., Eastern Standard Time.

The motion was agreed to by voice vote.

The Senate recessed at 10:59 p.m., Eastern Standard Time.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

WEDNESDAY, JUNE 24, 2020

SESSION OF 2020 204TH OF THE GENERAL ASSEMBLY

No. 30

SENATE

WEDNESDAY, June 24, 2020

The Senate met at 11 a.m., Eastern Daylight Saving Time.

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

PRAYER

The following prayer was offered by Hon. MEGAN MARTIN, Secretary of the Senate:

Let us pray.

Heavenly Father, lift us up for Your blessings today. We pray You will anoint us with strength, grace us with patience and wisdom, and fill us with serenity. We ask this in Your name. Amen.

PLEDGE OF ALLEGIANCE

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

LEGISLATIVE LEAVE

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

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

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

JOURNAL APPROVED

The PRESIDENT. The Journal of the Session of May 12, 2020, is now in print.

The Clerk proceeded to read the Journal of the Session of May 12, 2020.

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-50

Argall	Dinniman	Leach	Stefano
Arnold	DiSanto	Martin	Street
Aument	Farnese	Mastriano	Tartaglione

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

NAY-0

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

The PRESIDENT. The Journal is approved.

RECESS

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

Senator CORMAN. Mr. President, I request a recess of the Senate for purposes of an off-the-floor meeting of the Committee on Judiciary to be held on the Senate floor, followed by a Republican caucus to be held via ZOOM.

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

Senator COSTA. Mr. President, at the conclusion of the meeting of the Committee on Judiciary, Senate Democrats will caucus as well. Thank you.

The PRESIDENT. For purposes of a meeting of the Committee on Judiciary, followed by Republican and Democratic caucuses, without objection, the Senate stands in recess.

AFTER RECESS

The PRESIDENT pro tempore (Senator Joseph B. Scarnati III) in the Chair.

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

RECESS

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

Senator CORMAN. Mr. President, I request a recess of the Senate for the purpose of an off-the-floor meeting of the Committee on Appropriations to be held on the floor of the Senate.

The PRESIDENT pro tempore. For the purpose of an off-the-floor meeting of the Committee on Appropriations, without objection, the Senate stands in recess.

AFTER RECESS

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

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

BILLS REPORTED FROM COMMITTEE

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

SB 273 (Pr. No. 224) (Rereported)

An Act amending the act of May 21, 2013 (P.L.32, No.10), known as the Community-Based Health Care Act, in health care assistance, further providing for Community-Based Health Care Program.

SB 459 (Pr. No. 1817) (Rereported)

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in employees, providing for use of force recordkeeping and reporting for law enforcement agencies.

SB 1205 (Pr. No. 1818) (Rereported)

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in employees, providing for use of force and deadly force model policy for law enforcement agencies.

HB 732 (Pr. No. 960) (Rereported)

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

HB 943 (Pr. No. 3655) (Rereported)

An Act providing for consumer prescription drug pricing disclosure and pharmacy freedom to communicate.

HB 2171 (Pr. No. 4016) (Rereported)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in the State System of Higher Education, further providing for definitions, for establishment of the State System of Higher Education and its institutions, for purposes and general powers, for project contracts, for board of governors, for the chancellor, for powers and duties of the board of governors, for councils of trustees, for powers and duties of councils of trustees and for power and duties of institution presidents, for rental fees and other charges, for annual report and for campus police powers and duties and providing for student records.

HB 2487 (Pr. No. 3772) (Rereported)

An Act amending the act of September 30, 1983 (P.L.160, No.39), known as the Public Official Compensation Law, further providing for judicial salaries, for compensation of Governor and Lieutenant Governor, State Treasurer, Auditor General, Attorney General, Commissioners of the Pennsylvania Public Utility Commission and heads of departments and for members of the General Assembly; providing for cost-of-living adjustment hiatus; and making a repeal.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 3****BILL AMENDED**

HB 2171 (Pr. No. 4016) -- 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 the State System of Higher Education, further providing for definitions, for establishment of the State System of Higher Education and its institutions, for purposes and general powers, for project contracts, for board of governors, for the chancellor, for powers and duties of the board of governors, for councils of trustees, for powers and duties of councils of trustees and for power and duties of institution presidents, for rental fees and other charges, for annual report and for campus police powers and duties and providing for student records.

On the question,

Will the Senate agree to the bill on third consideration?

Senator **BROWNE** offered the following amendment No. A6449:

Amend Bill, page 20, lines 15 and 16, by striking out "FOR ANY FINAL IMPLEMENTATION PLAN APPROVED BY" in line 15 and all of line 16 and inserting:

Upon development of a proposed implementation plan under subsection (a.3), the

Amend Bill, page 20, line 26, by inserting after "TOWARD":
developing and

Amend Bill, page 21, line 4, by inserting after "PLAN":
is either rejected by the board or

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 **CORMAN**.

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 via ZOOM.

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

Senator **COSTA**. Mr. President, Senate Democrats will meet immediately for caucus as well.

The **PRESIDENT**. For purposes of Republican and Democratic caucuses, without objection, the Senate stands in recess.

AFTER RECESS

The **PRESIDENT pro tempore** (Senator **Joseph B. Scarnati III**) in the Chair.

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

LEGISLATIVE LEAVES

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

Senator CORMAN. Mr. President, I request a legislative leave for Senator Vogel.

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

Senator FARNESE. Mr. President, I request a legislative leave for Senator Haywood.

The PRESIDENT pro tempore. Senator Corman requests a legislative leave for Senator Vogel.

Senator Farnese requests a legislative leave for Senator Haywood.

Without objection, the leaves will be granted.

CALENDAR

THIRD CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 85, SB 107 and HB 355 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL AMENDED

HB 364 (Pr. No. 4017) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in rules of the road in general, further providing for enforcement of failure to stop for school bus with flashing red lights; and, in other required equipment, further providing for visual signals on authorized vehicles.

On the question,

Will the Senate agree to the bill on third consideration?

Senator BARTOLOTTA offered the following amendment No. A6431:

Amend Bill, page 8, lines 20 through 30; page 9, lines 1 through 30; page 10, lines 1 through 7; by striking out all of said lines on said pages and inserting:

(1) The following shall apply to notice of violation:

(i) In the case of a violation involving a vehicle registered under the laws of this Commonwealth, the notice of violation must be mailed within 30 days after the commission of the violation or within 30 days after the discovery of the identity of the registered owner, whichever is later, and not thereafter to the address of the registered owner as listed in the records of the department.

(ii) In the case of vehicles registered in jurisdictions other than this Commonwealth, the notice of violation must be mailed within 30 days after the discovery of the identity of the registered owner and not thereafter to the address of the registered owner as listed in the records of the official in the jurisdiction having charge of the registration of the vehicle.

(iii) A notice of violation under this section must be provided to an owner within 90 days of the commission of the offense.

(iv) The notice of violation shall have attached to it a copy of the recorded image showing the vehicle; the registration number and state of issuance of the vehicle registration; the date, time and place of the alleged violation; that the violation charged is under section 3345 and instructions for return of the notice of violation; and for how to request a hearing with the magisterial district judge for the purpose of contesting liability or notice.

Amend Bill, page 10, lines 21 through 30; page 11, lines 1 and 2; by striking out all of said lines on said pages and inserting:

(3) The following shall apply to contesting liability or notice:

(i) An owner to whom a notice of violation has been is-

sued may, within 30 days of the mailing of the notice, contest the liability alleged in the notice of violation by requesting a hearing with the magisterial district judge where the violation occurred and completing the payment of applicable civil filing fees.

(ii) The primary police department shall file the notice of violation and supporting documents with the magisterial district judge where the violation occurred and the court shall hear and decide the matter.

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 CORMAN.

BILLS OVER IN ORDER

SB 530, HB 584, SB 606, HB 617 and HB 632 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 655 (Pr. No. 1760) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Commonwealth of Pennsylvania to join the Nurse Licensure Compact; and providing for the form of the compact.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

The PRESIDENT pro tempore. The Chair recognizes the gentlewoman from Northampton, Senator Boscola.

Senator BOSCOLA. Mr. President, I rise to ask for support for this important legislation. In December of 2018, during a legislative conference, I sat on various panel discussions that highlighted the benefits to States and professionals of entering into the medical licensure compacts. It was clear that Pennsylvania was behind the curve and at a competitive disadvantage by not joining some of these compacts. Since that time, several pieces of compact legislation have moved through this Chamber, and some have even become law.

Senate Bill No. 655 calls for Pennsylvania to join the Nurse Licensure Compact. Entering into this compact, to me, is essential for allowing this Commonwealth to meet its current and future nursing demands. This compact will help nurses earn a living where the demand is, without being limited by antiquated licensure limitations. It reduces a barrier of entry and makes a nursing license in Pennsylvania more valuable to the licensee. There are 34 other States in this compact, including our neighboring States of Delaware, New Jersey, Maryland, and West Virginia. If you are going into the nursing world, would you prefer a license that regulated you to one State or a license that afforded you to consider multiple opportunities across several States?

Nursing is a profession that, frankly, this State cannot afford to keep the status quo. We cannot wait until there are not enough licensed medical providers, doctors, nurses, and therapists. We have a chance here in Pennsylvania to go into a more competitive advantage when it comes to nursing. We already boast a number of large, excellent nursing schools. Entering this compact makes it more likely that those graduates will stay here, and we have a chance to remove a bureaucratic barrier of filing paperwork, collecting all of the history and employment records, submitting them, waiting for the nursing board to review it, and then, if everything is satisfied, you get your Pennsylvania license, all while reducing fees for these nurses, thereby saving them some money as well.

The COVID-19 pandemic only served to highlight our State's need for nurses. The Department of State did emergency waivers to permit licensed medical professionals and other States to apply to come here and fill our own staffing needs. As of early June, 853 out-of-State nurse licenses were granted authority to work here, and another 768 retired licenses were reactivated during this pandemic.

Mr. President, I have long been an advocate for this profession since my early years serving here in the legislature. I am honored to serve alongside two of my colleagues in this body, one Democrat and one Republican, who serve as nurses. The need for the Commonwealth to become a member of this compact is critical. It is critical, yes, because of the pandemic and disasters, but it is critical in the long run for our State's residents. It is critical to maintain the growing demand for nurses now and in the long term, and it is critical to those individuals pursuing nursing as a profession.

So thank you, Mr. President, and I would appreciate the support of all of my colleagues.

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

Senator BAKER. Mr. President, I am pleased to rise in support of this nursing compact legislation, and I commend the maker of the bill for her work in this area. I raise one other added detail that many people do not realize. Pennsylvania and the Poconos of northeastern Pennsylvania serve as the summer camp capital of the world. Senator Scavello and I have long championed having reciprocity for our summer camps to recruit staff, including healthcare professionals, who come into our summer camps for a period of time during the summer. It has been highly frustrating for these camps to recruit and bring in these trained professionals because of our cumbersome process. So, an added benefit to having this compact, not only serving the nurses here in Pennsylvania, is the reciprocal agreement that will enable us to continue to serve as the summer camp capital of the world with licensed, highly trained professionals.

Thank you, Mr. President.

And the question recurring,
Shall the bill pass finally?

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

YEA-50

Argall	Dinniman	Leach	Stefano
Arnold	DiSanto	Martin	Street
Aument	Farnese	Mastriano	Tartaglione

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

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.

LEGISLATIVE LEAVE

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

Senator CORMAN. Mr. President, I request a legislative leave for Senator Laughlin.

The PRESIDENT pro tempore. Senator Corman requests a legislative leave for Senator Laughlin. Without objection, the leave will be granted.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

SB 679, HB 716, SB 763, SB 932, SB 968, SB 969, SB 987, HB 1045, HB 1050, SB 1193 and SB 1199 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1214 (Pr. No. 1783) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Department of Corrections and the Governor, to grant and convey to the Schuylkill County Municipal Authority an easement from lands of the Commonwealth of Pennsylvania at the State Correctional Institution Mahanoy situate in Mahanoy Township, County of Schuylkill, for the purpose of establishing, utilizing, and maintaining water wells and appurtenances thereto related to potable water production and distribution for the benefit of customers within the authority's service territory.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-50

Argall	Dinniman	Leach	Stefano
Arnold	DiSanto	Martin	Street
Aument	Farnese	Mastriano	Tartaglione

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

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.

BILL OVER IN ORDER

HB 1325 -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 1457 (Pr. No. 1825) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, in casualty insurance, further providing for mastectomy and breast cancer reconstruction.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

BILL OVER IN ORDER

HB 1538 -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 1597 (Pr. No. 4010) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating the highway interchange of U.S. Route 222 with Mohns Hill Road, Cumru Township, Berks County, as the Corporal Mahlon L. Fink Iwo Jima Memorial Highway Interchange; designating the portion of State Route 1015, also known as Knights Road, between State Route 63 and U.S. Route 13 in the City of Philadelphia as the Sergeant James O'Connor IV Memorial Highway; designating a bridge, identified as Bridge Key 57213, carrying State Route 1036 over Six Mile Run, Broad Top Township, Bedford County, as the Sergeant David Leon Barber Memorial Bridge; designating a bridge, identified as Bridge Key 52785, on that portion of State Route 4027 over Bald Eagle Creek, Snyder Township, Blair County, as the Cpl. Donald L. Westley Memorial Bridge; designating the bridge, identified as Bridge Key 48976, on that portion of Pennsylvania Route 669 that crosses the Casselman River at the west end of Ord Street, Salisbury Borough, Somerset County, as the Sergeant Stephen M. Minick Memorial Bridge; designating the bridge, identified as Bridge Key 31586, on that portion of State Route 2004 carrying Broadway Street over the Casselman River, in Summit Township, Somerset County, as the Airman Michael L. Menser Memorial Bridge; designating a bridge, identified as Bridge Key 15279, on that portion of State Route 2025, also known as Morton Avenue, over Stony Creek in Morton Borough, Delaware County, as the Captain Michael Malinowski, Sr., Memorial Bridge; designating a portion of State Route 2012 in Monroe County as the Reverend Dr. Bishop William Earl Lee Highway; designating the bridge on I-70 in Westmoreland County over the Youghiogheny River as the Matthew Smelser Memorial Bridge; designating the portion of County Line Road (SR 2038) between N. Warminster Road and Newtown Road in Bucks County as the Captain William J. Ahlum Memorial Highway; and designating the portion of County Line Road (SR 2038) between N. Warminster Road and Jacksonville Road in Bucks County, as the Specialist 4 Harold E. Cashman Memorial Highway.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

HB 1710 (Pr. No. 3855) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in registration of vehicles, providing for USA semiquincentennial registration plates.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEA-49

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

NAY-1

Hutchinson

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

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

BILLS OVER IN ORDER

HB 1796 and **HB 1860** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2018 (Pr. No. 2834) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the borough of Plymouth a permanent storm water drainage easement in Plymouth Borough, Luzerne County.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

BILL OVER IN ORDER

HB 2045 -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2418 (Pr. No. 4015) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, in organization of departmental administrative boards and commissions and of advisory boards and commissions, further providing for State Geospatial Coordinating Board; in independent fiscal office, further providing for additional duties; and providing for COVID-19 debt cost reduction review.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEA-50

Argall	Dinniman	Leach	Stefano
Arnold	DiSanto	Martin	Street
Aument	Farnese	Mastriano	Tartaglione

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

NAY-0

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

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

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 5, SB 42, HB 86, SB 119, SB 207, SB 251, SB 252, SB 253, SB 258, SB 284 and SB 395 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON SECOND CONSIDERATION
AND REREFERRED

HB 441 (Pr. No. 427) -- The Senate proceeded to consideration of the bill, entitled:

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.

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

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

BILL OVER IN ORDER

SB 531 -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

BILL ON SECOND CONSIDERATION
AND REREFERRED

SB 565 (Pr. No. 1512) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in rules of the road in general, further providing for additional parking regulations.

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

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

BILL OVER IN ORDER

SB 609 -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

BILL ON SECOND CONSIDERATION
AND REREFERRED

HB 672 (Pr. No. 2004) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 13, 1970 (P.L.19, No.10), entitled "An act enabling certain minors to consent to medical, dental and health services, declaring consent unnecessary under certain circumstances," further providing for mental health treatment and for release of medical records.

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

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

BILLS OVER IN ORDER

SB 809, SB 875, SB 881, SB 890, HB 1032, SB 1034, HB 1061, SB 1074, SB 1089, SB 1118 and SB 1180 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON SECOND CONSIDERATION
AND REREFERRED

SB 1182 (Pr. No. 1739) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 8, 1986 (P.L.437, No.92), known as the Pennsylvania Agricultural Fair Act, providing for COVID-19 Emergency Agricultural Fair Grant Program.

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

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

BILLS OVER IN ORDER

SB 1186 and SB 1187 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON SECOND CONSIDERATION,
AMENDED AND REREFERRED

SB 1195 (Pr. No. 1762) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, in Life and Health Insurance Guaranty Association, further providing for purpose, for definitions, for coverage and limitations, for creation of association, for board of directors, for powers and duties of association, for assessments, for plan of operation, for powers and duties of the commissioner, for prevention of insolvencies, for credits for assessments paid, for miscellaneous provisions, for examination of the association and annual report, for immunity, for stay of proceedings and reopening default judgments, for prohibited advertisement or Insurance Guaranty Association Act in insurance sales and for prospective application.

On the question,

Will the Senate agree to the bill on second consideration?

Senator SCAVELLO offered the following amendment No. A6432:

Amend Bill, page 1, line 11, by inserting after "laws,"":
in general provisions relating to insurance companies, associations and exchanges, further providing for Reinsurance Credits and providing for credit for reinsurance and reciprocal jurisdictions;

Amend Bill, page 1, lines 25 through 27, by striking out all of said lines and inserting:

Section 1. Section 319.1(a), (b) and (f) of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, are amended and the section is amended by adding subsections to read:

Section 319.1. Reinsurance Credits.--(a) Unless an unlicensed reinsurer is qualified or certified to accept reinsurance from insurers licensed in this Commonwealth, no credit shall be allowed as an admitted asset or as a reduction of liability relative to risks ceded by such licensed insurers. Qualified or certified reinsurers are those meeting the conditions for reinsurers specified by the commissioner, in his discretion, and included on a list of qualified or certified reinsurers published and periodically reviewed by said commissioner.]

(a.1) A domestic ceding insurer may take a credit for reinsurance as either an asset or reduction from liability on account of the reinsurance ceded if it meets the requirements specified in this section.

(a.2) The following types of reinsurance arrangements are permissible:

(1) Reinsurance ceded to an assuming insurer that is licensed to transact insurance or reinsurance in this Commonwealth in accordance with section 319(b).

(2) Reinsurance ceded to an insurer meeting the conditions specified by the commissioner, in the commissioner's discretion, and included on a list of qualified or certified reinsurers published and periodically reviewed by the commissioner including when the reinsurance is ceded to the following:

(i) An assuming foreign or alien insurer or group of incorporated alien insurers under common administration that has deemed to be a qualified reinsurer by the commissioner in accordance with the requirements of 31 Pa. Code Ch. 161 (relating to requirements for qualified and certified reinsurers).

(ii) An assuming insurer that has been certified by the commissioner as a reinsurer in this Commonwealth in accordance with the requirements of 31 Pa. Code Ch. 161, except that as of the effective date of this subsection, the following shall apply:

(A) Certified reinsurers not domiciled in the United States must submit the most recent audited financial statements, regulatory filings and actuarial opinions, as filed with the certified reinsurer's supervisor, with a translation into English, but shall not need to submit audited financial statements on a United States generally accepted accounting principles or international financial reporting standards basis.

(B) Upon the initial application for certification pursuant to 31 Pa. Code. Ch. 161, the commissioner shall consider audited financial statements for the last two years filed with the certified reinsurer's supervisor.

(3) Reinsurance ceded to an assuming insurer meeting the requirements of section 319.3.

(4) Reinsurance ceded to an assuming insurer that is domiciled in, or for a United States branch of an alien assuming insurer, is entered through a state that employs standards regarding credit for reinsurance substantially similar to those applicable under the law of this Common-

wealth and the assuming insurer or United States branch of an alien assuming insurer meets both of the following:

(i) Maintains a surplus as regards policyholders in an amount not less than \$20,000,000, except with regard to reinsurance ceded and assumed pursuant to pooling arrangements among insurers in the same holding company system.

(ii) Submits to the authority of the commissioner to examine its books and records.

(b) A reduction from liability for the reinsurance ceded by a domestic insurer to an assuming insurer [which is not a qualified or certified reinsurer in accordance with this section] not falling within one of the categories specified under subsection (a.2) shall be allowed in an amount not exceeding the liabilities carried by the ceding insurer and such reduction shall be in the amount of funds held by or on behalf of the ceding insurer, including funds held in trust for the ceding insurer, under a reinsurance contract with such assuming insurer as security for the payment of obligations thereunder, if such security is held in the United States subject to withdrawal solely by and under the exclusive control of the ceding insurer or, in the case of a trust, held in a qualified United States financial institution, as defined in subsection (g)(2). This security may be in the form of:

(1) Cash.

(2) Securities listed by a securities valuation office of a national association of insurance commissioners or any successor thereto, including those exempted from filing under the Purposes and Procedures Manual of the Securities Valuation Office of the National Association of Insurance Commissioners, and qualifying as admitted assets.

(3) (i) Clean, irrevocable, unconditional and evergreen letters of credit issued or confirmed by a qualified United States financial institution, as defined in subsection (g)(1), effective no later than the thirty-first day of December in respect of the year for which filing is being made and in the possession of the ceding insurer on or before the filing date of its annual statement.

(ii) Letters of credit meeting applicable standards of issuer acceptability as of the dates of their issuance or confirmation shall, notwithstanding the issuing or confirming institution's subsequent failure to meet applicable standards of issuer acceptability, continue to be acceptable as security until their expiration, extension, renewal, modification or amendment, whichever first occurs.

(4) Funds or letters of credit provided by a noninsurer parent corporation of the ceding insurer, in lieu of the funds to be withheld by the ceding insurer under a reinsurance contract with such assuming insurer as security for payment of obligations thereunder, if the following requirements are met:

(i) The funds or letters of credit are held subject to withdrawal by and under the control of the ceding insurer.

(ii) The type, amount and form of the funds or letters of credit receive the prior approval of the Insurance Commissioner.

(5) Any other form of security acceptable to the Insurance Commissioner.

(f) The following shall apply:

(1) Notwithstanding the provisions of this section, the Insurance Department may promulgate one or more regulations to limit, prohibit or authorize the credit which a domestic insurer may take as an admitted asset or as a reduction in liability with respect to reinsurance ceded on any financial statements filed with the Insurance Department.

(2) In addition to and notwithstanding the commissioner's regulatory authority under paragraph (1), the commissioner may promulgate regulations as provided under this paragraph.

(i) A regulation promulgated under this paragraph shall only apply to reinsurance relating to the following:

(A) Life insurance policies with guaranteed nonlevel gross premiums or guaranteed nonlevel benefits.

(B) Universal life insurance policies with provisions resulting in the ability of a policyholder to keep a policy in force over a secondary guarantee period.

(C) Variable annuities with guaranteed death or living benefits.

(D) Long-term care insurance policies.

(E) Other life and health insurance and annuity products related to credit for reinsurance.

(ii) A regulation promulgated under this paragraph may apply to treaties entered into after the effective date of this paragraph containing:

(A) policies issued after December 31, 2014;

(B) policies issued prior to January 1, 2015, if risk pertaining to the policies is ceded in connection with the treaty, in whole or in part, after December 31, 2014 ; or

(C) policies that meet the requirements of both clauses (A) and (B).

(iii) A regulation promulgated under this paragraph may not apply to cessions to an assuming insurer if the assuming insurer meets one of the following:

(A) Meets the requirements under section 319.3.

(B) Is certified in this Commonwealth.

(C) The commissioner has determined that the assuming insurer maintains at least \$250,000,000 (two hundred and fifty million dollars) in capital and surplus and is either of the following:

(I) licensed in at least 26 states; or

(II) licensed in at least ten states and licensed or accredited in a total of at least 35 states.

* * *

Section 1.1. The act is amended by adding a section to read:

Section 319.3. Credit For Reinsurance And Reciprocal Jurisdictions.—(a) The commissioner shall allow credit for reinsurance ceded by a domestic insurer to an assuming insurer that is licensed to write reinsurance by, and has its head office or is domiciled in, a reciprocal jurisdiction that meets the requirements of this section.

(b) (Reserved).

(c) Credit shall be allowed if reinsurance is ceded from an insurer domiciled in this Commonwealth to an assuming insurer meeting each of the following conditions:

(1) The assuming insurer must be licensed to transact reinsurance by and have its head office or be domiciled in a reciprocal jurisdiction.

(2) The assuming insurer must have and maintain on an ongoing basis minimum capital and surplus, or its equivalent, calculated on at least an annual basis as of the preceding December 31 or at the annual date otherwise statutorily reported to the reciprocal jurisdiction, and confirmed as provided under paragraph (7) according to the methodology of its domiciliary jurisdiction in the following amounts, which may be modified by the commissioner by regulation:

(i) at least \$250,000,000; or

(ii) if the assuming insurer is an association, including incorporated and individual unincorporated underwriters:

(A) minimum capital and surplus equivalents, net of liabilities, or own funds of the equivalent of at least \$250,000,000; and

(B) a central fund containing a balance of the equivalent of at least \$250,000,000.

(3) The assuming insurer must have and maintain, on an ongoing basis, a minimum solvency or capital ratio, as follows:

(i) if the assuming insurer has its head office or is domiciled in a reciprocal jurisdiction as provided under paragraph (1) of the definition of "reciprocal jurisdiction," the ratio specified in the applicable covered agreement;

(ii) if the assuming insurer is domiciled in a reciprocal jurisdiction under paragraph (2) of the definition of "reciprocal jurisdiction", a risk-based capital ratio of 300% of the authorized control level calculated in accordance with the formula developed by the National Association of Insurance Commissioners; or

(iii) if the assuming insurer is domiciled in a reciprocal jurisdiction under paragraph (3) of the definition of "reciprocal jurisdiction", after consultation with the reciprocal jurisdiction and considering any recommendations published through the National Association of Insurance Commissioners committee process, the solvency or capital ratio as the commissioner determines to be an effective measure of solvency.

(4) The assuming insurer must agree to and provide adequate assurance, by executing a form as prescribed by the commissioner, of its agreement to the following:

(i) The assuming insurer must agree to provide prompt written notice and explanation to the commissioner if it falls below the minimum requirements under paragraphs (2) and (3), or if any regulatory action is taken against it for serious noncompliance with law.

(ii) The assuming insurer must consent in writing to the jurisdiction of the courts of this Commonwealth and to the appointment of the commissioner as agent for service of process.

(A) The commissioner may require that the consent be provided and included in each reinsurance agreement under the commissioner's jurisdiction.

(B) Nothing under this paragraph shall limit or alter the capacity

of a party to a reinsurance agreement to agree to alternative dispute resolution mechanisms, except to the extent the agreements are unenforceable under applicable insolvency or delinquency laws.

(iii) The assuming insurer must consent in writing to pay each final judgment, wherever enforcement is sought, obtained by a ceding insurer, that have been declared unenforceable in the territory where the judgment was obtained.

(iv) Each reinsurance agreement must include a provision requiring the assuming insurer to provide security in an amount equal to one hundred percent (100%) of the assuming insurer's liabilities attributable to reinsurance ceded pursuant to the agreement if the assuming insurer resists enforcement of a final judgment that is enforceable under the law of the jurisdiction in which it was obtained or a properly enforceable arbitration award, whether obtained by the ceding insurer or by its legal successor on behalf of this estate, if applicable.

(v) The assuming insurer must:

(A) Confirm that it is not presently participating in a solvent scheme of arrangement, which involves this Commonwealth's ceding insurers.

(B) Agree to notify the ceding insurer and the commissioner if it enters into a solvent scheme of arrangement.

(C) Agree to provide security to the ceding insurer in an amount equal to 100% of the assuming insurer's liabilities to the ceding insurer if the assuming insurer enters into a solvent scheme of arrangement.

(D) Agree to provide security in a form consistent with all of the following:

(I) The provisions of section 319.1(a.2)(2) applicable to certified reinsurers.

(II) Section 319.1(b).

(III) 31 Pa.Code Ch. 163 (relating to requirements for funds held as security for the payment of obligations of unlicensed, unqualified reinsurers).

(E) For purposes of this subparagraph, the term "solvent scheme of arrangement" means a foreign or alien statutory or regulatory compromise procedure subject to requisite majority creditor approval and judicial sanction in the assuming insurer's home jurisdiction either to finally commute liabilities of duly noticed class members or creditors of a solvent debtor on a final basis, and which may be subject to jurisdictional recognition and enforcement of the arrangement by a governing authority outside the ceding insurer's home jurisdiction.

(vi) An assuming insurer shall agree in writing to meet the applicable information filing requirements of paragraph (5) of this subsection.

(5) An assuming insurer or its legal successor shall provide, if requested by the commissioner, on behalf of itself and any legal predecessors, the following documentation to the commissioner:

(i) for the two years preceding entry into the reinsurance agreement and on an annual basis thereafter, the assuming insurer's annual audited financial statements, in accordance with the law of the jurisdiction of its head office or domiciliary jurisdiction, as applicable, including the external audit report;

(ii) for the two years preceding entry into the reinsurance agreement, the solvency and financial condition report or actuarial opinion, if filed with the assuming insurer's supervisor;

(iii) prior to entry into the reinsurance agreement and not more often than semi-annually thereafter, an updated list of each disputed and overdue reinsurance claims outstanding for at least 90 days, regarding reinsurance assumed from ceding insurers domiciled in the United States; and

(iv) prior to entry into the reinsurance agreement and not more often than semi-annually thereafter, information regarding the assuming insurer's assumed reinsurance by ceding insurer, ceded reinsurance by the assuming insurer and reinsurance recoverable on paid and unpaid losses by the assuming insurer to allow for the evaluation of the criteria under paragraph (6).

(6) The assuming insurer must maintain a practice of prompt payment of claims under reinsurance agreements. The lack of prompt payment shall be evidenced by any of the following criteria:

(i) More than 15% of the reinsurance recoverables from the assuming insurer are overdue and in dispute as reported to the commissioner.

(ii) More than 15% of the assuming insurer's reinsurance recoverables on paid losses are at least 90 days overdue, are not in dispute and exceed \$100,000 for each ceding insurer or as otherwise specified in a covered agreement.

(iii) The aggregate amount of reinsurance recoverable on paid

losses which are not in dispute, but are overdue by at least 90 days, exceeds \$50,000,000 or as otherwise specified in a covered agreement.

(7) The assuming insurer's supervisor shall confirm, in writing, to the commissioner on an annual basis, as of the preceding December 31 or at the annual date otherwise statutorily reported to the reciprocal jurisdiction that the assuming insurer complies with the requirements under paragraphs (2) and (3).

(8) Nothing under this subsection shall preclude an assuming insurer from providing the commissioner with information on a voluntary basis.

(c.1) The department shall publish the prescribed form under subsection (c)(4) on the department's Internet website and shall submit the form to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.

(d) The commissioner shall timely create and publish a list of reciprocal jurisdictions on the department's Internet website and shall submit the list to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin. The following shall apply:

(1) A list of reciprocal jurisdictions is published through the National Association of Insurance Commissioners committee process. The commissioner shall include on the list any reciprocal jurisdiction that meets the requirements of subsection (k)(1) and (2).

(2) The commissioner shall consider any other reciprocal jurisdiction that is included on the list of reciprocal jurisdictions published through the National Association of Insurance Commissioners committee process.

(3) The commissioner may approve a jurisdiction that does not meet the requirements of subsection (k)(1) or (2) as provided by law, regulation or in accordance with criteria published through the National Association of Insurance Commissioners committee process.

(4) The commissioner may remove a jurisdiction from the list of reciprocal jurisdictions upon a determination that the jurisdiction no longer meets the requirements of this section or other law or regulation, or in accordance with a process published through the National Association of Insurance Commissioners committee process, except that the commissioner may not remove a reciprocal jurisdiction that meets the requirements of subsection (k)(1) or (2). Upon removal of a reciprocal jurisdiction from the list, credit for reinsurance ceded to an assuming insurer which has its home office or is domiciled in a jurisdiction shall be allowed only if allowed under section 319.1.

(e) The commissioner shall timely create and publish a list of assuming insurers that have satisfied the conditions under this section and to which cessions shall be granted credit. The following shall apply:

(1) The commissioner shall create the list in accordance with the following requirements:

(i) The commissioner may add an assuming insurer to the list if an National Association of Insurance Commissioners-accredited jurisdiction has added the assuming insurer to a list of the assuming insurers.

(ii) The commissioner may add an assuming insurer to the list if, upon initial eligibility, the assuming insurer submits the information to the commissioner as required under subsection (c)(4) and complies with any additional requirements the commissioner may impose by regulation, except to the extent that the additional requirements conflict with an applicable covered agreement.

(iii) If a National Association of Insurance Commissioners-accredited jurisdiction has determined that the conditions under subsection (c) have been met, the commissioner may defer to the jurisdiction's determination and add the assuming insurer to the list of assuming insurers to which cessions shall be granted credit in accordance with this subsection. The commissioner may accept financial documentation filed with another National Association of Insurance Commissioners-accredited jurisdiction or with the National Association of Insurance Commissioners in satisfaction of the requirements of subsection (c).

(iv) If requesting that the commissioner defer to another National Association of Insurance Commissioners-accredited jurisdiction's determination, the assuming insurer shall execute the form under subsection (c)(4) and provide additional information required by the commissioner. A state that has received such a request must notify other state insurance regulators through the National Association of Insurance Commissioners committee process and provide the relevant information with respect to the determination of eligibility.

(2) If the commissioner determines that an assuming insurer no longer meets one or more of the requirements under this section, the commissioner may revoke or suspend the eligibility of the assuming

insurer for recognition under this section.

(i) While an assuming insurer's eligibility is suspended, a reinsurance agreement issued, amended or renewed after the effective date of the suspension may not qualify for credit except to the extent that the assuming insurer's obligations under the contract are secured in accordance with section 319.1(b).

(ii) If an assuming insurer's eligibility is revoked, a credit for reinsurance may not be granted after the effective date of the revocation with respect to any reinsurance agreements entered into by the assuming insurer, including reinsurance agreements entered into prior to the date of revocation, except to the extent that the assuming insurer's obligations under the contract are secured in a form acceptable to the commissioner in accordance with section 319.1(b).

(f) Before denying statement credit or imposing a requirement to post security under section 319.1(b)(2) or adopting an similar requirement that will have substantially the same regulatory impact on security, the commissioner shall:

(1) Communicate with the ceding insurer, the assuming insurer and the assuming insurer's supervisor that the assuming insurer no longer satisfies one of the conditions listed in subsection (c).

(2) Provide the assuming insurer with 30 days from the initial communication to submit a plan to remedy the defect and 90 days from the initial communication to remedy the defect except in exceptional circumstances in which a shorter period is necessary for policyholder and consumer protection.

(3) After the expiration of the period under paragraph (2), if the commissioner determines that no or insufficient action was taken by the assuming insurer, the commissioner may take any of the actions provided under this subsection.

(4) Provide a written explanation to the assuming insurer of any of the requirements under this subsection.

(g) If subject to a legal process of rehabilitation, liquidation or conservation, as applicable, the ceding insurer or its representative may seek and, if determined appropriate by the court in which the proceedings are pending, may obtain an order requiring that the assuming insurer post security for all outstanding ceded liabilities.

(h) Nothing under this subsection shall limit or alter the capacity of a party to a reinsurance agreement to agree on requirements for security or other terms in the reinsurance agreement, except as expressly prohibited under section 319 or other law or regulation.

(i) Credit may be taken under this section only for reinsurance agreements entered into, amended or renewed on or after the effective date of this section and only with respect to losses incurred and reserves reported on or after the later of the date on which the assuming insurer has met all eligibility requirements under subsection (a), and the effective date of the new reinsurance agreement, amendment or renewal. The following shall apply:

(1) This subsection shall not alter or impair a ceding insurer's right to take credit for reinsurance, to the extent that credit is not available under this subsection, as long as the reinsurance qualifies for credit under any other provision of section 319.1.

(2) Nothing under this subsection shall authorize an assuming insurer to withdraw or reduce the security provided under any reinsurance agreement except as permitted by the terms of the agreement.

(3) Nothing under this subsection shall limit or alter the capacity of a party to any reinsurance agreement to renegotiate the agreement.

(j) The commissioner may promulgate regulations to carry out the provisions of this section.

(k) For the purposes of this section, a "reciprocal jurisdiction" means a jurisdiction, as designated by the commissioner under subsection (d) that meets one of the following requirements:

(1) A non-United States jurisdiction that is subject to an in-force covered agreement with the United States, each within its legal authority or, for a covered agreement between the United States and European Union, is a member state of the European Union. For purposes of this paragraph, a "covered agreement" is an agreement entered into under 31 U.S.C. §§ 313 (relating to Federal Insurance Office) and 314 (relating to covered agreements) that is currently in effect or in a period of provisional application and addresses the elimination, under specified conditions, of collateral requirements as a condition for entering into any reinsurance agreement with a ceding insurer domiciled in this Commonwealth or for allowing the ceding insurer to recognize credit for reinsurance.

(2) A United States jurisdiction that meets the requirements for

accreditation under the National Association of Insurance Commissioners financial standards and accreditation program.

(3) A qualified jurisdiction, as determined by the commissioner under section 319.1(a.2)(2) which is not otherwise described under paragraph (1) or (2) and which the commissioner determines meets all of the following additional requirements:

(i) Provides that an insurer that has its head office or is domiciled in the qualified jurisdiction shall receive credit for reinsurance ceded to a United States-domiciled assuming insurer in the same manner as credit for reinsurance is received for reinsurance assumed by insurers domiciled in such qualified jurisdictions.

(ii) Does not require a United States-domiciled assuming insurer to establish or maintain a local presence as a condition for entering into a reinsurance agreement with any ceding insurer subject to regulation by the non-United States jurisdiction or as a condition to allow the ceding insurer to recognize credit for such reinsurance.

(iii) Recognizes the United States state regulatory approach to group supervision and group capital by provision of written confirmation by a competent regulatory authority, in the qualified jurisdiction, that insurers and insurance groups that are domiciled or maintain their headquarters in this Commonwealth or another jurisdiction accredited by the National Association of Insurance Commissioners shall be subject only to worldwide prudential insurance group supervision including worldwide group governance, solvency and capital and reporting, as applicable, by the commissioner or the commissioner of the domiciliary state and will not be subject to group supervision at the level of worldwide parent undertaking of the insurance or reinsurance group by the qualified jurisdiction.

(iv) Provides written confirmation by a competent regulatory authority in the qualified jurisdiction that information regarding insurers and their parent, subsidiary or affiliated entities, if applicable, shall be provided to the commissioner in accordance with a memorandum of understanding or similar document between the commissioner and such qualified jurisdiction, including, but not limited to, the international association of insurance supervisors multilateral memorandum of understanding or multilateral memoranda of understanding coordinated by the National Association of Insurance Commissioners.

Section 1.2. Sections 1701, 1702, 1703, 1704(a), 1705(a), 1706 and 1707 of the act are amended to read:

Amend Bill, page 6, by inserting between lines 22 and 23:

"Premium or income tax." The tax imposed under Article IV or IX of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

Amend Bill, page 11, line 26, by striking out "(1)" and inserting:

(a)

Amend Bill, page 11, line 28, by striking out "(2)" and inserting:

(b)

Amend Bill, page 36, line 19, by striking out "liquidation."

Amend Bill, page 36, line 21, by striking out the period after "liquidation" and inserting a semicolon

Amend Bill, page 50, line 16, by striking out the comma after "companies"]

Amend Bill, page 61, lines 18 through 27, by striking out all of said lines and inserting:

(1) The amendment or addition of sections 1701, 1702, 1703, 1704(a), 1705(a), 1706, 1707, 1708(c) introductory paragraph, (8) and (9) and (d), 1709, 1710, 1711, 1712, 1713, 1715, 1716, 1717 and 1718 of the act shall apply with respect to a member insurer:

(i) that on or after the effective date of this section is placed under an order of liquidation by a court of competent jurisdiction with a finding of insolvency; or

(ii) for which the association elects to exercise its power and duties under section 1706(a) on or after the effective date of this section.

(2) All matters relating to the insolvency or impairment of any member insurer placed under an order of liquidation by a court of competent jurisdiction with a finding of insolvency before the effective date of this section, or for which the association otherwise exercises its powers and duties under section 1706(a) or (b) before the effective date of this section, including past, present and future assessments and credits, shall be governed by the provisions of Article XVII in effect before the effective date of this section.

On the question,

Will the Senate agree to the amendment?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Monroe, Senator Scavello.

Senator SCAVELLO. Mr. President, the amendment addresses several technical changes to Senate Bill No. 1195 as well as a minor change requested by the Department of Revenue. The new, more substantial language being added to the bill with the amendment implements the NAIC credit for reinsurance model law, which would insure that Pennsylvania remains accredited under the NAIC. I ask the Members for a positive vote.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

It was agreed to.

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

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. Senator Muth has returned, and her legislative leave is cancelled.

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

SB 1220 and **HB 1437** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 1459 (Pr. No. 3945) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in general provisions relating to emergency management services, further providing for definitions; providing for emergency responder mental wellness and stress management; establishing the Statewide Critical Incident Stress Management Program; providing for duties of the Secretary of Health and the Department of Health; in miscellaneous provisions, further providing for immunity from civil liability; and, in emergency medical services system, further providing for support of emergency medical services.

Considered the second time and agreed to,

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

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

BILLS OVER IN ORDER

HB 1880, HB 2370, HB 2435 and HB 2438 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILLS ON SECOND CONSIDERATION
AND REREFERRED

HB 2455 (Pr. No. 4009) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for COVID-19 emergency testing plan and reporting.

Considered the second time and agreed to,

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

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

HB 2484 (Pr. No. 4008) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 15 (Corporations and Unincorporated Associations) and 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, establishing financial restrictions related to the COVID-19 emergency: in financial matters of domestic nonprofit corporations, further providing for investment of trust funds and providing for nonjudicial settlement agreement; and, in principal and income, further providing for charitable trusts.

Considered the second time and agreed to,

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

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

SENATE RESOLUTIONS ADOPTED

Senator CORMAN, without objection, called up from page 13 of the Calendar, **Senate Resolution No. 333**, entitled:

A Resolution designating the month of June 2020 as "Cancer Survivors Recognition Month" in Pennsylvania and honoring all cancer survivors for their strength and courage in the face of this devastating illness.

On the question,

Will the Senate adopt the resolution?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Lebanon, Senator Arnold.

Senator ARNOLD. Mr. President, I stand to introduce Senate Resolution No. 333. It is a resolution that designates the month of June 2020 as "Cancer Survivors Recognition Month" in Pennsylvania and honor all cancer survivors for their strength and courage in the face of this devastating illness. I thank all the cosponsors of this resolution. I can tell you, it means a lot to me personally, and I am certain it will mean a lot to everybody else in this Commonwealth who suffers from the affliction.

We all have friends and family who have been stricken by

cancer in one of its forms, and we all know it is a devastating disease. As is set forth in the resolution, it is a disease that will afflict about 1.8 million Americans this year. The latest statistics I could find have indicated that about 600,000 Americans lose their lives every year to cancer. Most people in here know that I have my own battle going on with a serious form of brain cancer, and about 15 years ago, one of my best friends died from the same form of cancer.

There are a lot of cancer survivors out there, and I consider them all heroes. I have my own specific heroes. Ashley Zimmerman, who, at the age of 3 months old, was found to have four tumors, neuroblastomas, and she is now 11 years old and is doing great, and I could not be more proud of that girl. My friend, Brittany Schmehl, from the Inspector General's Office--I got to know her real well professionally as a DA--has been in a battle with breast cancer for several years now, and she has also been a hero to me in the leadership she has displayed. Finally, a gentleman named Steve McCracken, who lives in Lebanon, reached out to me when he heard my story. Steve also has the exact same type of cancer I have, and he has been battling through that for the last 3 or 4 years, and he has been a great role model for me in the process. So, these are just three examples of survivors who I would suggest to everyone are really heroic in their behaviors.

I know we all have stories of friends and family who fall under these categories. There is no cure for most of the current survivors of cancer, but to all survivors, I say thank you. You give those of us who are afflicted the strength to keep fighting on ourselves. Some of us will win the battle; sadly, many of us will not. All are heroes the same to me, and I pray for all of you. I ask my colleagues to support this resolution and honor the thousands of Pennsylvanians who are fighting and surviving cancer right now.

Thank you, Mr. President.

(Applause.)

The PRESIDENT pro tempore. The Chair thanks the gentleman for the resolution and your courage.

The Chair recognizes the gentleman from Chester, Senator Dinniman.

Senator DINNIMAN. Mr. President, I stand up and declare Senator Arnold a hero. He is my hero, I am a cancer survivor, but first Senator Arnold. I also declare my wife a hero, who survived breast cancer twice. So there are people in our communities who, indeed, have taught us the value of life, the importance of respecting and honoring other individuals, and I want you to know, Senator Arnold, that you are a hero to so many because so many people have suffered from this disease. I want you to know that all of us, of every faith tradition that is represented in this Senate Chamber, pray for your health and wish you the very best of health. This resolution is very important because it signals to all those who are struggling with this horrendous disease that we are with them as a Commonwealth, with them as a people, and that we, today, honor each and every one of our survivors and especially give recognition to your wonderful work, Senator Arnold. Thank you so much.

And the question recurring,

Will the Senate adopt the resolution?

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

Senator CORMAN, without objection, called up from page 14 of the Calendar, **Senate Resolution No. 336**, entitled:

A Resolution observing June 19, 2020, as "Juneteenth National Freedom Day" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator STREET. Mr. President, I rise to ask for support for this resolution. This resolution honors, commemorates, and calls attention to the holiday Juneteenth. Juneteenth is a holiday that commemorates the day of June 19, 1865, 2 years after the 1863 Emancipation Proclamation when the last of the slaves in this country were freed in Galveston, Texas. It took 2 years after the Emancipation Proclamation for America to rid itself of the institution of slavery and the bonded people were released.

I thank this body for moving forward with making Juneteenth a State holiday last year and will point out that this resolution creates an opportunity for us to educate Pennsylvanians about the holiday and encourage people to study what has happened. Moreover, in this era when many people are talking about the vestiges of slavery and its impact on our society, how folks who are now demonstrating across this country are examining our history, this is an important step forward as Pennsylvania acknowledges a moment where America eliminated probably its original sin. One of the worst things that we ever had was the institution of slavery. So the opportunity for us to acknowledge and encourage people to educate themselves and celebrate Juneteenth is something I truly appreciate and am glad that the overwhelming majority of Members in this Chamber have supported this legislation.

I urge a "yes" vote and thank the Members for their overwhelming support for the acknowledgment and celebration of Juneteenth as a holiday.

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

Senator HUGHES. Mr. President, it cannot go unnoticed at this moment, as we are moving this resolution, the significant events that have occurred in the last several weeks that lead us to this moment. I fondly recall, as some of my colleagues I know will smile on this effort, former Senator Shirley Kitchen always driving this issue in years past. Senator Street has appropriately picked up that baton and continues to drive it forward, and I thank him for his effort based on her legacy, based on her history. That issue, the words of "legacy" and "history," Mr. President, is what allows and drives me to speak at this moment. The things that have occurred in the last couple of weeks, which culminated in rapid fire this last week in the recognition in my home city of Philadelphia of Juneteenth as a city holiday, and the recognition given by Governor Wolf of Juneteenth as a State holiday, obviously, is long overdue and totally appropriate.

I had the opportunity to speak to a number of lawyers recently, Mr. President, about the history of this nation. We spoke about various issues, and when we got around to the issue of education, they asked me what did I think about race and education in Pennsylvania? I said, please understand this, racism is built into the DNA of this nation. It is part of the original docu-

ments, it is part of the original fabric. Every time there has been movement forward, there has always been aggressive attempts and, unfortunately, successful attempts to move our country and our people back. We get to this moment now, Mr. President, where I think we may be at an inflection point. The inflection point, as we recognize Juneteenth and we recognize this resolution, is: will this State, will this nation, live up to the aspirations of the positive, wonderful, loving, inspirational aspirations that are in the lines of many of our original documents—maybe the thoughts and feelings of those who were a part of taking us to the course we are in on a positive set—or will we live down to that unfortunate history?

I see, with recent events, the best of us living up to what it is that we need to achieve, that we need to be, and recognizing the history. I know it is hard for some people to come to grips with this history, but what I see in our young people in every county in the Commonwealth of Pennsylvania, in every community across this nation, is so much hope, resilience, and commitment for us to be the best we can be. In the recognition that is embodied in this resolution, we are, in fact, living up to the aspirations of this nation. Hopefully, that will continue, Mr. President, and we will continue down this path in this process and turn away from the ugly part that is so much a part of this nation.

I thank the Senator for moving this resolution. I thank you for the opportunity to vote, again, in the affirmative on this. I urge a unanimous vote by this body and hope this is just the foundation of the continued progress necessary for us to be what it is that I believe all of us want us to be in this State and in this nation.

Thank you, Mr. President.

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

Senator DINNIMAN. Mr. President, it is important that some white guys stand up, too, to clearly state the importance of this resolution. I am a professor, and for over 30 years, I taught African American history at West Chester University. What I can say is, it is time for all of us to understand this history. We, white and black, are tied in a knot together, and we have to understand the history to untie that knot so that we can approach each other together as brothers and sisters and make sure that America reaches its highest potential.

When the Declaration of Independence was established, it was only for white men, but this country has work. There were already people here. Women who said, what about us? African Americans who said, what about us? Through the centuries, we have worked to try to make a reality of that Declaration of Independence, that all men are equal and have inherently, by God, certain inalienable rights, and that struggle continues. My colleague, Senator Hughes, was quite correct, progress has never been in a straight line when it came to race in America. It is like a set of stairs, you go forward and then it goes back. We have a unique opportunity at this moment in time to go forward.

It was 100 years ago at West Chester University where the great Frederick Douglass gave his last public address. In that address, he faced the problem of lynching and violence at that period of time. There is a statue, by the way, of Frederick Douglass on our campus to remind each of us, all students, whether they be the 3,000-some African American students, Latino students, international students, or white students, that our university is committed to diversity and change, just like this

Senate in passing this resolution has stated its commitment. We have an opportunity, and this resolution presents it, to make America the nation it was meant to be.

Let me end by saying that theologian Reinhold Niebuhr said, America, indeed, is the light on the hill for all to see. It will only remain that light on the hill if we make sure, in terms of equity and opportunity, that every American has a chance to succeed, we end racism, and we end sexism. We, as brothers and sisters together in America, need to keep that light burning bright so the whole world can see who we are. We are people who respect each other and it is this light and work that we make the Declaration of Independence a reality for all of us, that this nation can continue to influence the world and show what it means to be an American. Thank you.

And the question recurring,

Will the Senate adopt the resolution?

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

The PRESIDING OFFICER (Senator John R. Gordner) in the Chair.

LEGISLATIVE LEAVE

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

Senator CORMAN. Mr. President, I request a legislative leave for Senator Kim Ward.

The PRESIDING OFFICER. Senator Corman requests a legislative leave for Senator Kim Ward. Without objection, the leave will be granted.

HOUSE MESSAGES

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 595** and **SB 637**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

HOUSE BILLS FOR CONCURRENCE

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

June 24, 2020

HB 1841 and 1910 -- Committee on Law and Justice.

MOTION PURSUANT TO SENATE RULE 12

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

Senator CORMAN. Mr. President, as a special order of business, I call up Senate Supplemental Calendar No. 4, House Bill No. 364 and House Bill No. 2171, and move the Senate proceed

to consider House Bill No. 364 and House Bill No. 2171, notwithstanding the provisions of Senate Rule 12(m)(2).

On the question,

Will the Senate agree to the motion?

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 4

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 364 (Pr. No. 4023) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in rules of the road in general, further providing for enforcement of failure to stop for school bus with flashing red lights; and, in other required equipment, further providing for visual signals on authorized vehicles.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

HB 2171 (Pr. No. 4024) -- 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 the State System of Higher Education, further providing for definitions, for establishment of the State System of Higher Education and its institutions, for pur-

poses and general powers, for project contracts, for board of governors, for the chancellor, for powers and duties of the board of governors, for councils of trustees, for powers and duties of councils of trustees and for power and duties of institution presidents, for rental fees and other charges, for annual report and for campus police powers and duties and providing for student records.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Luzerne, Senator Baker.

Senator BAKER. Mr. President, I request an opportunity for brief interrogation of the Senate Republican representative to the PASSHE Board of Governors, if he is so willing to answer a couple of questions.

The PRESIDING OFFICER. Senator Baker has requested interrogation of Senator Martin.

Senator Martin, are you willing to be interrogated?

Senator MARTIN. Mr. President, I do.

The PRESIDING OFFICER. Senator Baker, you may proceed.

Senator BAKER. Mr. President, thank you to my colleague from Lancaster County. I really appreciate his service on the State system board. As a graduate of Shippensburg, I have long been a supporter of that institution and know that the proposed bill before us makes significant changes to our existing system. As part of the changes, I would like to ask, on the record, his understanding of what this impact would be to foundations and other interests that are outside of the purview of the university system, and what is the intent, perhaps, on the redesign process in reviewing and possibly reallocating funding in this redesign process? As Shippensburg has some of the highest alumni participation in their foundation, it is important for us to get on the record whether that impact will occur as a result of this redesign process.

Senator MARTIN. Mr. President, thank you to the gentleman from Luzerne County for a very appropriate question in this discussion, and rightfully should be a concern of any of the institutions that have individuals or organizations which are trying to raise private dollars or have things bequeathed or donated to them and what is the ability for the State system to potentially tap into those funds or to acquire them. I spoke with PASSHE, who confirmed they cannot and will not touch foundation money. A lot of that, when it comes to actual money, is looked at as being a legal contract. For instance, if someone made a donation to fund the men's track and field team and that school happens to eliminate that men's track and field team, even the institution cannot move that money and say, well, we are going to put it somewhere else without going back to the family or to the estate to seek permission.

Now, on the issue of property, that was in the version that came over from the House originally. I know that there is, I believe it is House Bill No. 2172 that deals with the disposal of property. When we were crafting this negotiated amendment together, we were looking at the disposal of property all in the same bill, and that is going to be a process moving forward, not

only when it comes to the foundation process, but also with how universities may dispose of property as well as the role of PASSHE and the role of the General Assembly in all of that. But it was made perfectly clear to me that money that is raised cannot be swiped away out of the accounts of those institutions by PASSHE.

Senator BAKER. Thank you, Mr. President. That concludes my interrogation.

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

Senator MARTIN. Mr. President, I rise today in support of House Bill No. 2171, and I would be remiss without saying I would like to thank the gentleman from Bucks County, who has been great in working on this effort with his team, as well as our education chairs, who have helped, and, of course, Senator Browne, of the Committee on Appropriations, with a very important amendment today.

I thought I would start off this discussion, if I may, just giving a little bit of history. In terms of Millersville University, it was established in 1855 as an institution for the training of qualified teachers and was originally known as the Lancaster County Normal School. It was renamed the Millersville State Normal School in 1859. Millersville has the distinction of being the first normal school in Pennsylvania in order to provide students with authentic classroom experiences on campus. The model school was created in the late 1890s. This school continued to provide pre-service teaching experiences for students until the late 1960s. After becoming Millersville State Teachers College in 1927, the college began offering baccalaureate degrees, and, with the change in emphasis from teacher training to liberal arts, the name was changed to Millersville State College in 1959, and in 1983, Millersville University, with the birth of the Pennsylvania State System of Higher Education.

The reason I go over that brief history, Mr. President, is to show that over the period of pretty much almost 170 years, there has been changing and evolving of higher education in the Commonwealth of Pennsylvania. Sometimes it is because of economic circumstances that are going on, sometimes it is because of the needs of the community in terms of what we need to train the future workforce the Commonwealth would need, but all along, we have always tried to do our best for what is the world's 43rd largest system of higher education, here in Pennsylvania.

That system takes great pride in meeting its core mission, and that mission is to provide a world-class education at an affordable price for our students. But here we are today, I believe about 37 years later, and there is a new set of challenges that the State System of Higher Education faces. I think everyone here is aware, with the recovery since the Great Recession up to this point, of where some of the shifting was in education. There was a lot of focus on technical education, and you also saw a decline in enrollment in the State system, and it is an issue that we are all very well aware of. When you add in the economic condition we are in today, because of the pandemic, and you couple that with the fact that the State System of Higher Education did the right thing in refunding tuition-related expenses like food services, housing, things that the students did not get to utilize, these actually cost the system a substantial amount of money. So, if they were already looking to be reformed, the current circumstances have really lent us an opportunity that we must find new ways of doing things to meet that core mission.

Working together with all the stakeholders, I believe we have devised a system that has accountability to the legislature, the Board of Governors, and also the member institutions. When we talk about finding creative ways of doing shared services or potential affiliations, a university can now, through its local council of trustees, be able to look at that and say, is this what is right for my students? Will this be more of a cost savings for our university, and how does it impact what our tuition rates are? That is something that is very important and many have been advocating for.

So, I stand here very proudly today, very thankful for all the hard work that went into devising this amendment by the entire Senate team and all of the stakeholders on the outside that lent theirs. I believe, truly, with a plan like this, with this limited opportunity for reform that we have, we will establish this State System of Higher Education and the 14-member institutions that serve proudly throughout the Commonwealth of Pennsylvania for another century of success in meeting their core mission.

Thank you, Mr. President.

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

Senator SCHWANK. Mr. President, I appreciate the opportunity to talk about this legislation. I have served as a member of the PASSHE Board of Governors I believe for 6 years, sometimes it feels longer than that, but it is a role that I have taken very seriously. I serve as the Democratic representative of the Senate to the Board of Governors, and I try not to miss a meeting. I know that my fellow members on the Board of Governors have that same commitment to the mission of the system.

A year and a half ago, we undertook a process that we called system redesign. This was pre-pandemic, before we even had any remote idea that something like this would hit us. We knew we were facing demographic changes in terms of the students, who typically are members who attend our State system schools. We knew there were other factors that were out there in terms of affordability and, you know, just the economic climate. We knew we had to get better at what we do, we had to get more efficient. In the process of the system redesign, it became very clear to me that part of what makes this work so well is that we truly are a system. We can work together, whether you are at Mansfield or Clarion, whether you are at Kutztown or Cheyney, we are all a part of the system, and we work together. If we put those resources together to benefit our students, we would exponentially make this system more valuable not only to the students who attend our universities, but to the entire Commonwealth of Pennsylvania. Because after all, that was part of the mission, to create an affordable, high-quality education that would serve the needs of the Commonwealth.

House Bill No. 2171 originated, of course, from the House. The ideas that were embodied in that actually came out of the system redesign process. I commend the Members of the House, particularly Representative Sonney, for carrying this forward and trying to accommodate what the system was trying to do, what the Board of Governors really wanted to see happen in the process. Since then, the bill has been amended. I look to my colleagues, both Senator Martin and Senator Tomlinson, and they have added some other aspects to this, which the Board of Governors agrees can be helpful in the system redesign process. So I am very pleased with that.

I do have some misgivings, though, that I have to talk about. One is the fact that there are many layers of reporting. If there is anything I have learned in my years in the Senate, it is that sometimes we use reports as a way to kind of delay action. If there is anything that needs to happen in this system, we need the ability to move quickly. We have to be fleet of foot, so to speak, because the issues that are hitting us are hitting us quickly. If we want the system to really fulfill its mission--and every faculty member, every member of the Board of Governors, all the staff and administrators, all have that goal in mind with the system redesign. So I am hopeful, as this bill has been amended, that we are not going to, in some way, retard some of the changes that we actually need to see in the system. It has to happen quickly, and it is important that it happens.

I will also remind you of one other thing. No matter what process we come up with, folks, one thing that we have to remember is, we have a financial commitment to this system. For many years, we have not lived up to our responsibility in terms of the funding for the system. One of the reasons we are in the situation that we are in now--and it has been building over many years, and certainly there have been factors that have compounded it--and as Senator Martin said, the pandemic was certainly a part of that as well, but we have a financial commitment. I remind each of my colleagues, you cannot walk away from this. We need to continue to think about that, how we have not been fulfilling our obligation to fund the system in a way--yes, we have constraints, I get that, but if we really believe in the system, this is something that we have to do.

You know, when we started the system in 1983, when it was created, I was not around as a legislator then; I do not know that anybody here necessarily was, it was a good idea. The idea was an affordable education for the students of the Commonwealth, and one that will help move this Commonwealth forward in terms of job creation and economic opportunity for all the people of the Commonwealth. It was a good idea then, and it is a good idea now. So, we will move forward, we will pass this legislation. I ask that we do not turn our attention away from this system that we created that needs our assistance as we go forward.

Thank you, Mr. President.

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

Senator TOMLINSON. Mr. President, I stand here as a member of the Board of Trustees of West Chester University, as a proud graduate of West Chester, but I do not want Senator Martin to think that I was a member of the original class of West Chester when it was a normal school. I was a member, though, of a class when it was a State teachers' college. Then it became a State university. So, we have gone through many, many years of evolution, times have changed, workloads have changed, careers have changed, and we have had to adapt to those changes. There is no question that demographics have changed in Pennsylvania, and we need to change with those times.

With the onset of the virus and the pandemic, many schools, not just State schools, State-related schools, or private schools, but everybody is talking about, how do we open up our school this year? When do we open up the semester? When do we close the semester? How many kids to a dorm? How many students will be in a classroom? So, there are a lot of questions going on, and we have a lot of concerns and we are dealing with them. But

so is every other higher education institution dealing with all those changes.

We are a very strong system. We are a great system. We are probably one of the greatest assets, I think, you can point to as a State. This State system is one of the best assets. You look around this room, and we have a lot of legislators who are graduates of the State system. We have a lot of people working on our staff who are graduates of the State system. We should be proud of that. They have given a lot, our graduates have given a lot back to this Commonwealth. In fact, I had teammates, roommates, and college friends of mine who have gone on and taught in the State system and taught in public education. When I think about the effect that those people had on our youngsters' lives, on our young people's lives, the way they helped mold them, form them, and put them in a right direction, I am very, very proud of what our system has done and the people I know who have graduated from the system and helped this State and this country out.

So, we know we have to change things. We know that this bill, House Bill No. 2171, which I am proud to endorse and vote for, I know we have to make these changes, but everybody is making these changes. I thank Senator Langerholc and his staff, Gwenn Dando; Senator Martin and Cindy Urban; and Jen Smeltz from my office. I thank Vicki Wilken and Diane Acri for their help. They worked over the weekend and late at night to help get this legislation formed, to take these compromises and competing points of view and bring them into one cohesive bill. I thank all those people who worked so hard on this.

I do want to address one question again. It goes to transfer of properties and whether you can transfer a State property to a foundation, to a private entity. This bill, it is very clear in this law, the current law states, land transfers from universities to any other entity, like its foundation, has to go through a vote of the General Assembly. So, while there is concern about the foundation money and State properties, we still control that process. That does not change with this legislation.

I thank all the people involved in this. I think we are going to build a bigger, stronger, and better State system. We have evolved through many different forms. I thank everybody for their support of this. This is one of our best assets. We produce so many great young adults coming from this system, and I thank the General Assembly, particularly Senator Martin. I have to thank my friend, Senator Dinniman, who--although I was not a student of his, he was a professor at West Chester for many, many years--thank you, Senator Dinniman, for all your input, guidance, and help with all the different aspects that we have in here. So, thank you everybody for your contributions to this. Please support House Bill No. 2171.

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

Senator COSTA. Mr. President, may we go at ease for one moment please?

The PRESIDING OFFICER. The Senate is at ease.
(The Senate was at ease.)

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

Senator HUGHES. Mr. President, I appreciate the body's patience as we work through an issue as it relates to the matter; I appreciate the Leader's patience, and we will go forward. Mr. President, if it is possible, I would like to interrogate the chair-

man of the Committee on Education, Senator Langerholc, on the matter.

The PRESIDING OFFICER. Senator Langerholc, will you stand for interrogation?

Senator LANGERHOLC. Mr. President, I agree.

The PRESIDING OFFICER. Senator Hughes, you may proceed.

Senator HUGHES. Mr. President, Mr. Chairman, as you are aware, the State System of Higher Education, PASSHE, includes the oldest HBCU in the nation, Cheyney University. A question I have, Mr. President, Mr. Chairman, is: is the intent of this legislation to impact Cheyney University's HBCU status and the benefits that designation brings?

Senator LANGERHOLC. Mr. President, no.

Senator HUGHES. Mr. President, thank you, Mr. Chairman. The second question: is it the intent of this legislation to allow the Chancellor or the Board of Governors of the State System of Higher Education to take any actions related to Cheyney's HBCU status and the benefits that designation brings?

Senator LANGERHOLC. Mr. President, the answer to that is no, and specifically within the legislation, there is language which indicates that this subsection shall not be construed to include the power to close an institution.

Senator HUGHES. Mr. President, thank you, Mr. Chairman. Mr. President, I believe that ends my questions.

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

Senator DINNIMAN. Mr. President, first, I am glad we got a lot of questions out of the way, and I thank Senator Hughes for asking these questions. Cheyney University, a historically black university, is certainly very important to this Commonwealth. I serve on the board of Lincoln University and have learned the tremendous value. We also appreciate the great work of President Walton at Cheyney, who has really turned that institution around, and the desire of the alumni to keep a strong presence named Cheyney University.

We answered several other questions. If you remember, yesterday, labor had some questions. It was mostly about the land and the property. There were some misunderstandings there, and thanks to the good work of Senator Tomlinson, those questions were cleared up as well. In fact, I think what sums up the important aspect of our accomplishment is this: both APSCUF and AFSCME, who have employees in the State system, are affirmative. On the House bill, I believe, APSCUF was neutral. Now they are supportive. APSCUF is the union I am in. It is the union of faculty in the State system. To show that, I want to read you the letter that was sent to the Pennsylvania Senate yesterday from APSCUF, and it reads: *(Reading)*

On behalf of the over 5,000 faculty members and coaches APSCUF represents at Pennsylvania's fourteen state-owned universities,--**underlined in dark print it says**--we strongly urge you to support House Bill 2171 as amended. We greatly appreciate all of the hard work that senators and their staff members put in to engage stakeholders and to improve this amendment throughout the process....The new language allowing for local councils of trustees to review and vote by two-thirds on any integration of functions is an added layer of transparency that we support.

So, you know, lots of bills come out of the House and then we go about working to give it our perspective on the bills, do we

not? A lot of our bills get changed in the House, and that is why we have the process. If we get this bill out of here today, and we know the House is in Session now, they might not be in Session next week, we have the ability for them to vote on concurrence. So this process is not an unusual one, that each house adds something to the process. In fact, I believe it makes most of our bills better, do you not think so? That is the reason for it. So, hopefully, the bill will go back on concurrence and there will be a unanimous vote now that we have all the questions answered.

I also want to thank Senator Schwank. There is no question in my mind that Senator Schwank and Senator Martin, who are the Senate's representatives on the council of trustees, are deeply committed to making sure this is a good system. I know the work that both have done, and Senator Schwank and I have been engaged in many discussions on this issue, but she has always treated my perspective with great respect, and I thank her for that. As we work together, the one thing I can say that we can all agree on is this--in fact, Senator Schwank and Senator Martin have made this point--the point is this: we all want the State system to work. We are all united in trying to save the system. We might have some different points of view, but let us take that unity, get this bill, as amended, out of here today, over to the House, urging them--I have written to my delegation, I will tell you, and I hope you have written to your delegations in the House telling them the importance of this and let us act on it.

If I do not keep quiet, the House will adjourn and we will not get the bill through. So, thank you.

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

Senator HUGHES. Mr. President, again, I thank the Majority Leader for his patience as we worked through an issue a few moments ago and allowing me the opportunity to hold a brief interrogation of the chairman of the Committee on Education to clear up some things. I think we have gotten to a significant level of clarity that allows comfort to move forward.

I rise at this moment with a number of different perspectives. I will not belabor the body at this hour with the full perception, or the full level of emotions that I am feeling at this point. However, I will say that we have a long history, not just in my own tenure here in the Senate and in the House, having served on the Board of Governors of the State System of Higher Education for double-digit years, but prior, my father, James Hughes, worked with a number of individuals, being appointed by former Governor Dick Thornburgh to the first Board of Governors of the State System of Higher Education, serving with a person who some of you may remember, many of you may not because you are all so young, and it goes back a long time, a gentleman by the name of Fitz Dixon. I know that Senator Corman may be one of the few who recalls the name of Joe Loeper, and a few others, not too many, who my father happened to serve with on the original portions of the existence of the State System of Higher Education. These individuals helped pull the system together that has graduated hundreds of thousands of talented individuals, many of them served in this body, many of them worked for this Chamber, many of them made significant international contributions, and there is a great legacy and history.

Obviously, I have a particular bent towards all of the universities, 14 institutions, but a very specific bent, a focus, and a need to concentrate time and attention on Cheyney University, the nation's oldest HBCU, a treasure for this Commonwealth. The

institution has graduated significant individuals who have made extremely important accomplishments in the social, civic, and business worlds. One who comes to mind is a gentleman by the name of Ed Bradley, who was a long-time journalist and served for double-digit years doing high-quality investigative reporting on the TV show, the longest running television news show, *60 Minutes*.

So, it is in the spirit of this treasure that we have in Cheyney University that I took the moment to interrogate the chairman of the Committee on Education. I appreciate his responses to those questions, and we have laid, I think, on the record an appropriate foundation to make sure nothing in this legislation, or nothing that will come out of this legislation, will give the ability to thwart Cheyney University's status as an HBCU, a historically black college and university. This institution is an important treasure to the Commonwealth of Pennsylvania, to the nation, and it is something we need to make sure we protect, insure, and support. That designation is a Federal designation. We can check with Middle States accreditation and the U.S. Department of Education. Certain benefits that come from that designation wind up benefitting not only Cheyney University but the entire system and, of course, therein benefit all of the people of the Commonwealth of Pennsylvania.

So, this is an important moment for that institution. I was glad we were able to clarify some things. It is an important moment for that institution, but it is an important moment for the entire system. All 14 universities have persevered in all kinds of environments, some where there was generosity from the Commonwealth of Pennsylvania and some where the economic environment of the State of Pennsylvania caused there to be reductions in funding. The system and these 14 institutions have survived, thrived, and made important contributions, and we need to make sure that in 2020 we do not lose sight of that history, but also do not lose sight of the important contributions these universities have provided for all of the people of the Commonwealth of Pennsylvania, the nation, and the world.

Mr. President, House Bill No. 2171, given the conversations that we had earlier in this debate, I think is worthy of support, worthy of moving forward, and, hopefully, we can get that done posthaste.

Thank you, Mr. President.

LEGISLATIVE LEAVE

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

Senator CORMAN. Mr. President, I request a legislative leave for Senator Aument.

The PRESIDING OFFICER. Senator Corman requests a legislative leave for Senator Aument. Without objection, the leave will be granted.

POINT OF ORDER

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

Senator DINNIMAN. Mr. President, as a faculty member of West Chester University, can I vote on this matter?

The PRESIDING OFFICER. The Chair thanks the gentleman for his inquiry about a conflict of interest in regard to House Bill

No. 2171. The Chair would rule that there is no conflict of interest, and in accordance with Rule 20(c)(2), the Senator must vote on House Bill No. 2171 for two reasons. First, the Chair finds that the gentleman is a member of a class of individuals who may or may not be affected by any actions on House Bill No. 2171. Second, the Chair does not find that any votes the gentleman may cast would be particularly personal to Senator Dinniman or privately affect him alone, so you must vote on House Bill No. 2171.

Senator DINNIMAN. Thank you, Mr. President.

And the question recurring,
Shall the bill pass finally?

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

YEA-47

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

NAY-3

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

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

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Permission has been granted for the Committee on Law and Justice to meet off the floor to consider House Bill No. 1841 and House Bill No. 1910. This meeting will be live-streamed from the Chamber.

RECESS

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

Senator CORMAN. Mr. President, I request a recess of the Senate for purposes of off-the-floor meetings to be held here on the Senate floor starting with the Committee on Rules and Executive Nominations, followed by the Committee on Law and Justice.

The PRESIDING OFFICER. For purposes of off-the-floor meetings of the Committee on Rules and Executive Nominations, followed by the Committee on Law and Justice, without objection, the Senate stands in recess.

AFTER RECESS

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

BILLS REPORTED FROM COMMITTEE

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

SB 352 (Pr. No. 1607) (Rereported) (Concurrence)

An Act authorizing local taxing authorities to provide for tax exemption incentives for certain deteriorated industrial, commercial, business and residential property and for new construction in deteriorated areas of communities; providing for an exemption schedule; and establishing standards and qualifications.

SB 595 (Pr. No. 1722) (Rereported) (Concurrence)

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

SB 637 (Pr. No. 1815) (Rereported) (Concurrence)

An Act amending Titles 18 (Crimes and Offenses) and 63 (Professions and Occupations (State Licensed)) of the Pennsylvania Consolidated Statutes, in criminal history record information, further providing for use of records by licensing agencies; providing for preliminary provisions and for Bureau of Professional and Occupational Affairs; consolidating the provisions of Act 48 of 1993; and making a related repeal.

SB 934 (Pr. No. 1720) (Rereported) (Concurrence)

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code, in departmental powers and duties as to licensing, further providing for right to enter and inspect.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 595 (Pr. No. 1722) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 595?

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

Senator CORMAN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 595.

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

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

Senator MENSCH. Mr. President, this is the second of two bills that I have been working on for the last almost 10 years to deal with detection of women's breast cancer and better insurance coverage. If I can, I would like to make a few comments. Every woman deserves the best breast cancer screening available. Senate Bill No. 595 will require insurers to cover supplemental screenings of MRIs and ultrasounds for women who are at a high risk for breast cancer. Dense breasts complicates early detection of breast cancer. In fact, women who have extremely dense breast tissue are four to six times more likely to develop breast cancer. Breast density is a strong predictor of the failure of mammography screening to detect cancer, with a mammogram missing at least 40 percent of tumors in women with extremely dense breasts. Both cancer and density appear white on a mammogram, so detecting tumors is much more difficult in denser breasts without further screening.

The bill, as amended by the House, further clarifies the cost-sharing that is currently applicable in law and represents further collaboration between the stakeholders and our counterparts in the House of Representatives. I thank very much Chairman Pickett for working with my office to get this amendment completed. Most importantly, I thank the Pennsylvania Breast Cancer Coalition, which is led by Pat Halpin-Murphy. She has amassed several thousand volunteers into her coalition throughout the State of Pennsylvania, and their advocacy to so many of the legislative Members was very important in helping us get this bill to the finish line.

Mr. President, I request a very positive vote on concurrence of Senate Bill No. 595 today. Thank you.

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

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

YEA-50

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

NAY-0

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

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 637 (Pr. No. 1815) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 63 (Professions and Occupations (State Licensed)) of the Pennsylvania Consolidated Statutes, in criminal history record information, further providing for use of records by licensing agencies; providing for preliminary provisions and for Bureau of Professional and Occupational Affairs; consolidating the provisions of Act 48 of 1993; and making a related repeal.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 637?

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

Senator CORMAN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 637.

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

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

Senator DiSANTO. Mr. President, I rise to speak in favor of a concurrence vote on Senate Bill No. 637, as amended by the House. Today, we take a major step forward in overhauling our State's restrictive occupational licensure laws that deny many qualified residents the right to work because of an old or irrelevant criminal record. State licensing boards and commissions must now give applicants individualized consideration and review one's demonstrated rehabilitation and fitness for the job. Licensing entities will no longer be able to deny job licenses for vague and broad terms, such as moral turpitude, and must consider if an offense is directly related to the profession.

My legislation also requires licensing entities to develop clear and accessible guidelines for what crimes are directly job-related and will be applied in licensure decisions. The bill even allows for prospective applicants to petition for preliminary determinations so they do not waste time and money on training and education only to be later denied a job license. Senate Bill No. 637 provides much-needed balance, predictability, and transparency to a licensing process that has been a disservice to our entire Commonwealth and what its skilled workforce needs.

I thank my cosponsor, Senator Schwank, as well as Representative Delozier and Representative Harris, for making this proposal a bipartisan success. I ask for an affirmative vote. Thank you.

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

Senator SCHWANK. Mr. President, I, too, appreciate the opportunity to work with Senator DiSanto on this important legislation. This will be life-changing for so many people.

I had the opportunity, a few years ago, to visit the correctional institute at Muncy. It is one of the two women's correctional institutes in the Commonwealth, and I had the opportunity to watch a class where women were learning hairdressing skills. I

did not have the opportunity to talk with them, but they were so engaged in the work that they were doing. I thought to myself how this is so beneficial, that these women are learning a skill, they can go back to their communities, have a career, have the ability to support their families, and become productive members of society. I did not realize at the time how difficult that is because of the outdated, archaic way that we provide licenses to individuals in careers that require them.

So, this legislation, I think, will take some of that subjectivity that Senator DiSanto talked about out of this process, give people more of a chance to be able to work in the fields that they want to, and fulfill their life's goals. We talk a lot about criminal justice reform, and we have made great strides. We also, by this bill, in a very important way, are helping those individuals who are returning to society to be able to work in the careers that they wish to. But not just them, because the way the system works right now, this could happen to anybody, and you just do not have much of a chance to overcome this process.

By passing this legislation, we will be making a huge difference in people's lives. I am grateful for the opportunity to work on it, and I urge an affirmative vote. Thank you.

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

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

YEA-50

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

NAY-0

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

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 2

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 459 (Pr. No. 1817) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in employees, providing for use of force recordkeeping and reporting for law enforcement agencies.

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

On the question,
Shall the bill pass finally?

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

Senator COSTA. Mr. President, let me start by saying thank you to my colleagues for advancing Senate Bill No. 459 to this point on Supplemental Calendar No. 2. This measure, along with Senate Bill No. 1205, the remaining bill on Supplemental Calendar No. 2, is an important step forward for the residents of this Commonwealth, particularly as it relates to law enforcement reforms that we have talked about here. I thank the respective chairs of the Committee on Law and Justice and the Committee on Judiciary for the hearings that were held last week, the numerous hours of conversations with stakeholders in this space, and how important that was in helping us reach a place where we have the opportunity to begin the process of moving very important measures forward.

Senate Bill No. 459 is part of that, as well as Senate Bill No. 1205, and the two bills that came over earlier today from the House of Representatives that we will take up next week. Those measures, as well as many others we want to work on, are important to us as we go forward and continue the bipartisan, bicameral dialogue that needs to take place in this space.

Very quickly, Mr. President, what Senate Bill No. 459 does is, it creates use-of-force reporting and recordkeeping for law enforcement agencies that would require all law enforcement agencies in the Commonwealth to maintain a record of all the use-of-force activities by law enforcement officers in that municipality and in that jurisdiction. It would require that those use-of-force records and information be contained, summarized, and reported to our State Police Commissioner. The State Police Commissioner would then be required to provide a report that he would make to not only the General Assembly, the Committee on Judiciary and the Committee on Law and Justice in the Senate, and the Committee on Judiciary in the House, but also our Attorney General. The information that is part of the report that is made available to the State Police Commissioner would include things like the reasons for the use of the particular force; any injury that would have occurred, if any; property damage, if any; deaths, if any; and also such information including statute violations as it relates to the reason for that particular engagement that resulted in the use of force.

This is important information, Mr. President, as we go forward, as we understand what is taking place across our Commonwealth and what we see taking place around our country. Having a database and a reporting requirement with respect to the use of force will help alleviate some of the concerns we are hearing from people around the Commonwealth and, as I mentioned, throughout our country. I am very proud of the steps that Pennsylvania is beginning to take in this space, and I look forward to having a more continued dialogue on some of the other measures as we move forward the next couple of Session days. I ask my colleagues to join me in supporting Senate Bill No. 459.

Thank you, Mr. President.

And the question recurring,
Shall the bill pass finally?

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

YEA-50

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

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.

SB 1205 (Pr. No. 1818) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in employees, providing for use of force and deadly force model policy for law enforcement agencies.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

Senator STREET. Mr. President, I rise to thank Members for their support of this bill and moving it to a vote on the floor so quickly. I thank Members for their consideration of this legislation, because it addresses concerns that have been expressed by so many at this time. We watched, following the murder of George Floyd, citizens from all walks of life take to the streets to protest. We watched people express their concern, hurt, and outrage online, and people asked the question, how can this be legal and why is this possible?

I point out that Senate Bill No. 1205 would require a written use-of-force policy that is publicly available, and that use-of-force policy shall be explicitly called to prohibit the use of chokeholds, which are defined as a physical maneuver that restricts an individual's ability to breathe for the purposes of incapacitation. The policy must include protocols for recordkeeping that works in concert with Senator Costa's bill that we just adopted, so there is a mechanism for that information to be reported when the use of force is used. Moreover, it requires a use-

of-force policy to be administered vis-à-vis training for every officer of the Commonwealth. Once a year, the Municipal Police Officers' Education and Training Commission, known as MPOETC, will certify whether an agency's use-of-force policy is in effect.

Mr. President, I urge a positive vote on this legislation because it is legislation whose time has come. It is legislation whose time is really past due. It is legislation that will send a clear message that Pennsylvanians wish to have law enforcement responsibly use their use-of-force power. It will provide guidance to law enforcement officers and will send a message that the policy of chokeholds, which are already considered to be inappropriate by many good law enforcement officers, are certainly not something that we are going to permit anywhere in the Commonwealth of Pennsylvania. It, moreover, provides a process for law enforcement officers to be educated about these policies and for an agency to be responsible for keeping track of that information and making sure those policies are in place. I thank Members on both sides of the aisle who have risen to the occasion to support this legislation, and I urge an affirmative vote.

And the question recurring,
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

UNFINISHED BUSINESS BILLS REPORTED FROM COMMITTEES

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

SB 14 (Pr. No. 1819) (Amended)

An Act amending Titles 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in sentencing, further providing for conditions of probation and for modification or revocation of order of probation.

SB 1158 (Pr. No. 1820) (Amended)

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in Commonwealth services, further providing for general authority of Governor.

SB 1204 (Pr. No. 1785)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in proceedings prior to petition to adopt, further providing for petition for involuntary termination and providing for special provisions when child conceived as a result of rape or incest.

HB 256 (Pr. No. 4021) (Amended)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in assault, further providing for the offense of assault by prisoner; in sexual offenses, further providing for the offense of institutional sexual assault; and, in registration of sexual offenders, further providing for sexual offenses and tier system.

HB 1855 (Pr. No. 4022) (Amended)

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

HB 1984 (Pr. No. 2789)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in proceedings prior to petition to adopt, further providing for petition for involuntary termination and providing for special provisions when child conceived as a result of rape or incest.

Senator STEFANO, from the Committee on Law and Justice, reported the following bills:

HB 1841 (Pr. No. 4011)

An Act amending Title 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, providing for law enforcement background investigations, for duties of the Municipal Police Officers' Education and Training Commission, law enforcement agencies and employers and for immunity from liability and violations.

HB 1910 (Pr. No. 4012)

An Act amending Titles 42 (Judiciary and Judicial Procedure), 44 (Law and Justice) and 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in selection and retention of judicial officers, further providing for continuing education credit; in other officers, providing for mental health evaluations; and, in employees, further providing for powers and duties of commission.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bills were as follows:

SB 14, SB 1158, SB 1204, HB 256, HB 1841, HB 1855, HB 1910 and HB 1984.

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

THURSDAY, JUNE 25, 2020

10:00 A.M.	AGING AND YOUTH (public hearing for update on long-term care facilities and COVID-19)	Senate Chamber (LIVE STREAMED)
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MONDAY, JUNE 29, 2020

Off the Floor	APPROPRIATIONS (to consider Senate Bills No. 1045, 1182 and 1195; and House Bill No. 1459)	Senate Chamber (LIVE STREAMED)
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Off the Floor	HEALTH AND HUMAN SERVICES (to consider House Bills No. 941 and 942)	Senate Chamber (LIVE STREAMED)
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Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider certain Executive Nominations)	Senate Chamber (LIVE STREAMED)
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TUESDAY, JUNE 30, 2020

10:30 A.M.	JUDICIARY (public hearing to consider the following judicial nominees: Mark J. Moore, Esq., - Court of Common Pleas, Philadelphia County; and George R. Twardy, Esq., - Court of Common Pleas, Philadelphia County)	Senate Chamber (LIVE STREAMED)
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Off the Floor	BANKING AND INSURANCE (to consider House Bills No. 1439 and 1696)	Senate Chamber (LIVE STREAMED)
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PETITIONS AND REMONSTRANCES

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

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

Mr. President, today marks 5,099 days since the Pennsylvania legislature last raised the minimum wage. That is almost 14 years, and it is far too long.

On Monday, I shared with the Senate some specific examples of how, in the midst of a worldwide pandemic, many of the nation's corporate elite are continuing to collect huge personal windfalls, even after they laid off millions of American workers and as they rescind the modest pay increases they awarded to essential workers who have risked their own well-being to remain on the job. Some of these top-level executives are collecting multimillion-dollar bonuses, while leading their companies toward or into bankruptcy proceedings.

Today, I have a new example to share. The corporate tactics involved are a bit different than those I discussed earlier this week, but the theme and the intended outcome are very similar, and it is happening in our own backyard. The headline in *The Philadelphia Inquirer* summarizes it well: "Acme owner cuts wages, boosts payments to shareholders as it preps for \$1.5 billion IPO." The article is based on a June 18 filing by ACME's parent company, Albertsons Companies, Inc., with the Securities and Exchange Commission. Albertsons owns several supermarket chains across the country, totaling about 2,200 stores. With supermarket sales booming during the pandemic, the company hired an

extra 40,000 workers. In mid-March, the company raised frontline worker wages by \$2 an hour in recognition of the heightened job-related hazards that they faced then and continue to face. Just this month, the company boosted frontline worker pay by \$2 more.

Yet, in the SEC filing, Albertsons stated that it will soon rescind the \$4 pay increases and will soon sell off about one-sixth of the firm for \$1.5 billion via a public stock offering. Shares are projected to cost \$20 each. Seven years ago, the current investor group paid about \$100 million cash to buy the entire company. In addition, Albertsons stated it will begin distributing about \$228 million a year in dividends to shareholders. That is about half the company's total net profit for last year.

According to *The Inquirer*, the company's CEO, who collected about \$29 million in compensation last year and owns stock in the company worth about \$38 million, has said he wants to cut costs and boost profits by increasing online ordering and increasing the use of self-checkout lanes. In other words, he wants to cut jobs in stores.

Mr. President, this whole scenario is appalling to me. Supermarket workers often earn in the lowest tiers of the pay scale. Many of them are at or near minimum wage. Yet, in the midst of a public health emergency, when their communities, the Commonwealth, and the country needed them most, they stepped up and did what was asked of them. They placed themselves in harm's way to keep food on our tables.

The emergency has not ended. In fact, in many parts of the country, the pandemic continues to grow. Supermarket workers are no less heroic now than they were in mid-March, April, or May. It is downright disturbing that one of the nation's largest supermarket companies is planning to slash employee wages and eventually slash its workforce as its top executives and shareholders position themselves to rake in mountains of cash. Sadly, I suspect this type of maneuvering happens all the time on Wall Street and in corporate boardrooms. We should remember examples like this anytime someone argues that we cannot raise the minimum wage because employers cannot afford it.

Thank you, Mr. President.

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

Senator DINNIMAN. Mr. President, I will be brief today. Just as I said last week, every day I am going to urge this Senate to take up the matter of education and how we are losing a whole generation of students as a result of the closing of our schools. Please understand that many students could not be educated online because they lived in rural areas where there was no access to the Internet. Please understand that many students in poorer areas did not actually receive instruction until early May.

With the opening of schools, we need to be very concerned with students catching up on their lessons, and also, we need to understand what the tremendous cost is going to be, especially for rural and poorer school districts, to simply do what they have to do based on the guidance of the Department of Education. What are you going to do if you have to be 6 feet apart? Are you going to have two classes instead of one? All I am doing is, working with the Majority chair, I have prepared some bills to deal with this question, and I do not want education to be forgotten. I do not want us to assume that when we passed our 12-month budget it was all over and done with.

The second issue that is unresolved in terms of the COVID-19 virus is unemployment compensation. As I mentioned before, we believe in our district there are probably a thousand people who have not received checks since the middle of March. This is putting people in a situation in which they were initially frustrated and now are in actual desperation. How would you, or anyone in this body, like it if you did not receive a check? A lot of people cannot live, they do not have a lot of money and have used up their savings because of the failure of the Department of Labor and Industry in this process. We are now working on 300 cases

in our office of people who have not received those checks. Believe me, the stories they tell and what they say, it gets to your heart.

As I said before, look at one situation. This woman calls and says, I did everything right. I did just what the Governor told me to do. I stayed home, and now, by the way, my job is gone. I homeschooled my kids, even though I was not sure how to do it, because the schools closed. I wore my mask in public. Does the State not owe me something? I did what they said. When is the State going to keep its promise and send me my check? I cannot live anymore. What am I to do? They repossessed my car. How am I going to pay my rent when the eviction proceedings are over? And when you do not get the State check, you also do not get the Federal money as well. That has to be dealt with. The woman went on to say, and other callers have said, we are so desperate that the State has torn away our resilience, even our sense of hope. Let us solve that.

The third and final issue we really need to solve is what is happening in the nursing homes. Do you know that people still cannot visit their loved ones in nursing homes? In essence, the individuals are almost locked up. Do you know that Pennsylvania and the Department of Health are now talking about in July finally doing universal testing in nursing homes? Do you know the State right next to us, Maryland, started to do this at the end of March and April, and we are 3 months behind? One reason visitors and no one else can go in is because we have not done the testing, and we need to fulfill it, it is not right. The highest incidences of death have occurred in nursing homes. Should that not be where testing is done first? If there is a big fire and a little fire, do you not bring water to the bigger and more dangerous fire? That is exactly what we should do here.

All my remonstrance is--and I will continue to do this until my last day here, sometimes in writing--is say our obligation is not over for the COVID-19 virus and its results until we make sure every student receives an education, and a proper education, so we do not have a generation of lost students; until we make sure that each of those people who have not received a check and who are now desperate receive a check; and until we make sure that our universal testing program in our nursing homes takes place so that loved ones can again come and visit those who are there and our senior citizens are no longer, in essence, held prisoners within these nursing homes.

So, my friends, as we go about our business and as we get our paychecks, remember, there are so many people in this Commonwealth who are in need. I hope and pray that, together, we can take care of these individuals who are in need, educate the students, and make sure we give a priority to our senior citizens.

Thank you very much, Mr. President.

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

Senator FARNESE. Mr. President, it is good to be back in the Capitol today after a historic period of crisis and change in this Commonwealth and in this country. It would have been hard and difficult to imagine, the last time many of us stood in this Chamber, what would transpire over the next 3 months. Thousands of Pennsylvanians have died from a virus that challenged, to a troubling degree, our ability to come together to protect each other. By pitting self-interests against the public good, the coronavirus was a test of collective will unprecedented in my lifetime. With some notable exceptions, we passed this test. The vast majority

of Pennsylvanians were willing to take some simple steps of self-restraint to protect the most vulnerable among us, and we can be proud of that.

Against the backdrop of more than 123,000 deaths from this virus, it was the death of a single person in Minneapolis that propelled our nation and our Commonwealth toward a separate and equally profound reckoning of who we are, who we want to be, and what we are willing to do to get there. I am proud of my colleagues in this Chamber for their willingness to listen to the people in the streets who are challenging some of the basic fundamentals and assumptions about how a society, how a government, can assure its citizens peace, prosperity, and security. It is difficult to rethink the institutions built by our predecessors and reinforced by our own actions over the years. Our respect from this deliberative body and the men whose faces line the walls outside this Chamber have, too long, prevented us from considering how wrong they could be.

Over the past few years, we have come to admit that our historic reliance on incarceration as a public safety method is fundamentally flawed. This shift came slowly and it came only when we were willing to admit the errors of our forebearers and reconsider, fundamentally, how we think about the journey from arrest, to incarceration, to release. Today, we took a foundational shift to the day before the arrest. This will be even more difficult than the slow, halting steps we have taken at justice reform. It involves reassessing and reconsidering one of the most revered and, too often, inoculated institutions in our society.

I am grateful to my colleagues for their quick consideration of measures this week that are aimed at curbing the most notorious of police abuses. We must build upon this progress with a thorough and granular discussion of the role of law enforcement, the cost of law enforcement, and the consequences of relying on law enforcement to deal with every manner of social infraction. This will take patience and political courage, but we have a roadmap for us. We need to re-examine law enforcement in the way we have been able to re-examine incarceration. What do we expect from it? Are those expectations realistic? What resources are we willing to use, and are those resources aimed correctly? These questions follow in sequence, and the real question that faces this General Assembly is simply this: who are we? Who do we want to be? Are we willing to do what needs to be done to get there?

Thank you, Mr. President, for this opportunity.

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

Senator L. WILLIAMS. Mr. President, today we unanimously passed Senate Resolution No. 336, recognizing June 19, 2020, as "Juneteenth National Freedom Day" in Pennsylvania. On Friday, I attended a Juneteenth event outside of Allegheny General Hospital. One of the people who spoke was Toi Gentlicore. Toi is a nurse, and one of my constituents. She spoke passionately about the fight against racism and the fight for equality. Toi said, quote, these events can no longer hide in the cracks and crevasses of this great country. The truth to so many like me can no longer be avoidable to others. The unequal justice, unequal education, and unequal healthcare can no longer be statistics in a health journal only for the ones creating and benefitting from the inequalities to reap. I asked Toi if she would share her speech with me so that the Senate could also hear what she said. The following is an excerpt from her speech. *(Reading:)*

8-4-6. This number will remain in my head like so many others. The difference for many is that this number may represent the tragedy of the recent death of another black man that took the world by storm with protests demanding change that some may see as nothing more than a political stunt. For me, these numbers mean so much more.

8-4-6. More than 80 percent of the U.S. population is white, yet roughly 40 percent of the prison population is black, while those blacks see about six times harsher sentences. 8-4-6.

8-4-6. Whites made up 80 percent of COVID hospitalizations with access to healthcare in areas where 40 percent of the population was black, yet blacks accounted for 60 percent of COVID deaths; rates are much higher today. 8-4-6.

8-4-6. Around 80 percent of blacks will go into debt to achieve higher education, yet 40 percent will complete that higher degree. After graduating, the black female will make 60 percent of the income her white male counterpart makes. 8-4-6.

8-4-6. By eighth grade, black males will be four times more likely to receive disciplinary action in school than whites, who score 40 percent higher in standardized testing than blacks, and we are over 60 years past *Brown v. The Board of Education*. 8-4-6.

8-4-6. They represent the length of time his knee was on George Floyd's neck. The knees have been on all of our necks. Please get off our necks, for we cannot breathe.

The statistics that Toi spoke of represent people. Those statistics represent our neighbors. This body has the ability to change those numbers, and we must act. The future of our Commonwealth depends on us having difficult conversations about structural racism and working towards solutions that will finally address these inequities and change those numbers.

Thank you, Mr. President.

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

Senator CORMAN. Mr. President, briefly, I want to mention that 19 years ago, I made one of the smartest decisions in my life this week and one of the dumbest decisions in my life. Nineteen years ago, on June 22, I married my wife, which was clearly the smartest decision I ever made, but I got married in June, so for many of the 19 years I have been here on our anniversary instead of at home with my wife. So I wish my wife a happy anniversary, and again, I will make it up to you for missing it and not being able to spend it together.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair thanks the gentleman and wishes the Cormans a happy anniversary.

BILLS SIGNED

The PRESIDING OFFICER. The Chair wishes to announce the following bills were signed by the President (Lieutenant Governor John K. Fetterman) in the presence of the Senate:

HB 1003 and HB 1188.

RECESS

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

Senator CORMAN. Mr. President, I move that the Senate do now recess until Monday, June 29, 2020, at 1 p.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 4:42 p.m., Eastern Daylight Saving Time.

CRIMES CODE (18 PA.C.S.) AND PROFESSIONS AND OCCUPATIONS (63 PA.C.S.) - RECORDS BY LICENSING AGENCIES, PRELIMINARY PROVISIONS AND BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

Act of Jul. 1, 2020, P.L. 575, No. 53

Cl. 18

Session of 2020
No. 2020-53

SB 637

AN ACT

Amending Titles 18 (Crimes and Offenses) and 63 (Professions and Occupations (State Licensed)) of the Pennsylvania Consolidated Statutes, in criminal history record information, further providing for use of records by licensing agencies; providing for preliminary provisions and for Bureau of Professional and Occupational Affairs; consolidating the provisions of Act 48 of 1993; and making a related repeal.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 9124(a) and (b)(2) of Title 18 of the Pennsylvania Consolidated Statutes are amended and the section is amended by adding a subsection to read:

§ 9124. Use of records by licensing agencies.

(a) State agencies.--Except as provided by this chapter **and specifically subsection (a.1)**, a board, commission or department of the Commonwealth, when determining eligibility for licensing, certification, registration or permission to engage in a trade, profession or occupation, may consider convictions of the applicant of crimes but the convictions shall not preclude the issuance of a license, certificate, registration or permit.

(a.1) Application of other law.--The following provisions shall apply to a licensing board or licensing commission under the Bureau of Professional and Occupational Affairs in the Department of State with respect to refusing to issue or renew, suspending, revoking or limiting a license, certificate, registration or permit:

(1) 63 Pa.C.S. § 3112 (relating to restricted licenses for barbers and cosmetologists).

(2) 63 Pa.C.S. § 3112.1 (relating to restricted licenses for other occupations).

(3) 63 Pa.C.S. § 3113 (relating to consideration of criminal convictions).

(4) 63 Pa.C.S. § 3114 (relating to juvenile adjudications).

(5) 63 Pa.C.S. § 3115 (relating to preliminary determinations by licensing boards and licensing commissions).

(6) 63 Pa.C.S. § 3116 (relating to best practices guide).

(7) 63 Pa.C.S. § 3117 (relating to list of criminal offenses).

(b) Prohibited use of information.--The following information shall not be used in consideration of an application for a license, certificate, registration or permit:

* * *

(2) Convictions which have been annulled [or expunged.], **expunged or subject to limited access under sections 9122.1 (relating to petition for limited access) and 9122.2 (relating to clean slate limited access).**

* * *

Section 2. Title 63 is amended by adding parts to read:

PART I
PRELIMINARY PROVISIONS
(Reserved)

PART II
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

Chapter

31. Powers and Duties

CHAPTER 31
POWERS AND DUTIES

Sec.

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§ 3101. Scope of chapter.

This chapter relates to the powers and duties of the General Counsel, the Bureau of Professional and Occupational Affairs and licensing boards and licensing commissions.

§ 3102. Definitions.

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

"Bureau." The Bureau of Professional and Occupational Affairs in the Department of State.

"Commissioner." The commissioner of the bureau.

"Criminal conviction." Includes a finding of guilty, a plea of guilty or a plea of nolo contendere with respect to a criminal offense of this Commonwealth, or an equivalent crime under the laws of this Commonwealth in effect at the time of the commission of the criminal offense or an equivalent crime in another jurisdiction.

"Directly relates." The nature of the criminal conduct for which the person was convicted has a direct bearing on the fitness or ability to perform one or more of the duties or responsibilities necessarily related to the profession, trade or occupation for which the individual seeks licensure.

"Disciplinary matter." A matter subject to a licensing board's or licensing commission's jurisdiction in which the licensing board or licensing commission has the authority to refuse, suspend, revoke or limit a license, registration, certificate or permit or to impose a civil penalty or other discipline under an act.

"Expunge" or "expungement." Removal of a disciplinary record, accomplished by:

- (1) permanently sealing the affected record from public access;
- (2) deeming the proceedings to which the affected record refers as not having occurred; and

(3) except with respect to any subsequent application for expungement, affording the affected party the right to represent that no record exists regarding the subject matter of the affected record.

"Licensee." A person holding a license, registration, certificate or permit with a licensing board or licensing commission under the bureau.

"Licensing board." A departmental or administrative board under the bureau.

"Licensing commission." A departmental or administrative commission under the bureau.

"Right-to-Know Law." The act of February 14, 2008 (P.L. 6, No. 3), known as the Right-to-Know Law.

§ 3103. Investigatory subpoena power.

The General Counsel or a designee of the General Counsel shall have the power and duty to issue subpoenas upon application of an attorney responsible for representing the Commonwealth in disciplinary matters before a licensing board or licensing commission for the purpose of investigating alleged violations of the disciplinary provisions administered by a licensing board or licensing commission. The following apply:

(1) If disclosure is subject to a privilege provided by law, patient or client records may not be subpoenaed without the consent of the patient or client or without order of a court of competent jurisdiction showing that the records are reasonably necessary for the conduct of the investigation.

(2) The court may impose such limitation on the scope of the subpoena as may be necessary to prevent unnecessary intrusion into patient or client confidential information.

(3) The attorney responsible for representing the Commonwealth in disciplinary matters before a licensing board or licensing commission is authorized to apply to Commonwealth Court to enforce the subpoenas.

(4) Nothing in this section shall be construed to excuse a person from producing documents and records as requested by a licensing board or licensing commission under any other provision of law.

§ 3104. Reporting of sanctions and criminal proceedings.

(a) Duty.--A licensee, as a condition of licensure, certification, registration or holding a permit, shall provide written notice of the following to the appropriate licensing board or licensing commission within 30 days:

(1) A disciplinary action taken against the licensee by a licensing agency of another jurisdiction.

(2) A finding or verdict of guilt, an admission of guilt, a plea of nolo contendere, probation without verdict, a disposition in lieu of trial or an Accelerated Rehabilitative Disposition of a felony or misdemeanor offense.

(b) Sanctions.--A licensing board or licensing commission may take disciplinary action against a licensee who violates this section.

§ 3105. Hearing examiners.

(a) Appointment.--

(1) Notwithstanding any other provision of law, the commissioner, after consultation with the licensing boards and licensing commissions, shall appoint hearing examiners as may be necessary to conduct hearings in disciplinary matters before a licensing board or licensing commission.

(2) Each licensing board and licensing commission shall have the power to decide if a specific disciplinary matter or type of disciplinary matter is to be heard by the licensing board or licensing commission itself or by a hearing examiner appointed under this subsection.

(b) Regulations.--The commissioner, after consultation with the licensing boards and commissions, shall have the power to

promulgate regulations specifying the procedural rules to be followed by hearing examiners in the conduct of hearings in disciplinary matters before a licensing board or licensing commission. All proceedings shall be conducted in accordance with the provisions of 2 Pa.C.S. (relating to administrative law and procedure).

(c) Powers.--A hearing examiner shall have the power to:

(1) Conduct hearings in accordance with applicable statutes, rules and regulations.

(2) Issue subpoenas requiring the attendance and testimony of individuals or the production of pertinent records or other papers by persons who, in the opinion of the hearing examiner, have information relevant to any matters pending before the hearing examiner and to issue decisions.

(d) Time periods.--

(1) In all disciplinary matters before a licensing board or licensing commission, hearings shall commence within 90 days after the date on which an answer is filed.

(2) A continuance granted prior to the commencement of the hearing shall toll the 90-day requirement by the period of the continuance.

(3) A decision shall be rendered within 180 days after the record is closed.

(4) The licensing board or licensing commission shall render a final adjudication or decision on any exceptions to the decision of a hearing examiner or any applications for review within 90 days of the filing of the exceptions or applications, provided that a board or commission may delegate to a hearing examiner the authority to render a final adjudication or decision in such cases as deemed appropriate.

§ 3106. Suspension.

(a) Temporary suspension.--A licensing board or licensing commission may temporarily suspend a license, certificate, registration or permit under circumstances as determined by the licensing board or licensing commission to be an immediate and clear danger to public health and safety. The following apply:

(1) The licensing board or commission shall issue an order to that effect without a hearing, but upon due notice, to the licensee concerned at the licensee's last known address, which shall include a written statement of all allegations against the licensee.

(2) After issuing the order under paragraph (1), the licensing board or licensing commission shall commence formal action to suspend, revoke or restrict the license, certificate, registration or permit of the person concerned as otherwise provided for by law.

(3) All actions shall be taken promptly and without delay.

(b) Hearing.--Within 30 days following the issuance of an order of temporary suspension, the licensing board or licensing commission shall conduct or cause to be conducted a preliminary hearing to determine whether there is a prima facie case supporting the suspension. The following apply:

(1) The licensee whose license, certificate, registration or permit has been temporarily suspended may:

- (i) be present at the preliminary hearing;
- (ii) be represented by counsel;
- (iii) cross-examine witnesses;
- (iv) inspect physical evidence;
- (v) call witnesses;
- (vi) offer evidence and testimony; and
- (vii) make a record of the proceedings.

(2) If it is determined that there is not a prima facie case, the suspended license, certificate, registration or permit shall be immediately restored.

(3) The temporary suspension shall remain in effect until vacated by the licensing board or licensing commission, but in no event longer than 180 days.

(c) Restoration.--Restoration of a license, certificate, registration or permit shall be made as provided by law in the case of revocation or suspension of the license, certificate, registration or permit.

§ 3107. Additional powers for commissioner.

(a) Membership on boards and commissions.--In addition to the powers and duties imposed under law, the commissioner or a designee of the commissioner shall be a member of each of the licensing boards and licensing commissions except the State Board of Certified Real Estate Appraisers and the Navigation Commission for the Delaware River and its Navigable Tributaries.

(b) Designee of Secretary of the Commonwealth.--The commissioner or a designee of the commissioner may serve as the designee of the Secretary of the Commonwealth on the Navigation Commission for the Delaware River and its Navigable Tributaries.

§ 3108. Civil penalties.

(a) Authorization.--

(1) The commissioner, after consultation with the licensing boards and licensing commissions, shall have the power to adopt a schedule of civil penalties for operating without a current, registered, unsuspended and unrevoked license, registration, certificate or permit and for violating a provision of the licensing board's or licensing commission's respective acts or regulations relating to the conduct or operation of a business or facility licensed by the licensing boards and licensing commissions. The following apply:

(i) The schedule of penalties shall not be applicable to disciplinary matters under the jurisdiction of a licensing board or licensing commission unless that licensing board or licensing commission has approved the schedule.

(ii) The commissioner shall transmit notice of the adoption of the schedule of penalties, guidelines for the imposition of the schedule of penalties and procedures for appeal to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin. The commissioner shall, within two years of the publication of the notice, promulgate a regulation specifying the schedule of penalties, guidelines and procedures.

(iii) A penalty shall not exceed the sum of \$1,000 per violation.

(iv) Duly authorized agents of the bureau shall have the power and authority to issue citations and impose penalties for violations.

(v) A penalty imposed may be appealed to a hearing examiner or the licensing board or licensing commission pursuant to the regulations promulgated under section 3105(b) (relating to hearing examiners).

(vi) If the appeal is initially to a hearing examiner, the relevant licensing board or licensing commission shall render a decision on any exceptions to the decision of the hearing examiner or on any applications for review in accordance with section 3105(d).

(vii) All proceedings shall be conducted in accordance with the provisions of 2 Pa.C.S. (relating to administrative law and procedure).

(2) The commissioner shall expunge the disciplinary record of a licensee, registrant, certificate holder or permit holder if the imposition of discipline was for a violation involving failure to complete continuing education requirements or practicing for six months or less on a lapsed license, registration, certificate or permit, subject to the following:

(i) The licensee, registrant, certificate holder or permit holder must make written application to the commissioner for expungement not earlier than four years from the final disposition of the disciplinary record.

(ii) The disciplinary record must be the only disciplinary record that the licensee, registrant, certificate holder or permit holder has with either the commissioner or a licensing board or licensing commission under the commissioner's jurisdiction.

(iii) The licensee, registrant, certificate holder or permit holder must not be the subject of an active investigation related to professional or occupational conduct.

(iv) The licensee, registrant, certificate holder or permit holder must not be in a current disciplinary status, and any fees or fines assessed must be paid in full.

(v) The licensee, registrant, certificate holder or permit holder must not have had a disciplinary record previously expunged by the commissioner.

(vi) Disciplinary records involving imposition of discipline for violations other than those identified in this paragraph shall not be eligible for expungement.

(vii) The licensee, registrant, certificate holder or permit holder shall pay all costs associated with the expungement as established by the commissioner by regulation.

(3) Nothing in this subsection shall prohibit a licensing board or licensing commission from using previous discipline for any regulatory purpose or from releasing records of previous discipline upon request from law enforcement or other governmental body as permitted by law.

(b) Additional powers.--In addition to the disciplinary powers and duties of the licensing boards and licensing commissions within the bureau under their respective practice acts, licensing boards and licensing commissions shall have the power, respectively:

(1) To impose discipline, including, but not limited to, a civil penalty of up to \$10,000 per violation on a licensee or unlicensed person who violates a lawful disciplinary order of the licensing board.

(2) To impose discipline, including, but not limited to, a civil penalty of up to \$10,000 per violation on a licensee or unlicensed person who aids and abets the unlicensed practice of a profession, occupation or business.

(3) To levy a civil penalty of not more than \$10,000 per violation on a corporation, partnership, institution, association or sole proprietorship which aids and abets an individual in the unlicensed practice of a profession. This penalty shall not, however, be levied against a person solely as a consequence of that person being a patient or client of the unlicensed individual.

(4) To levy a civil penalty of not more than \$10,000 per violation on a licensee or unlicensed person who violates a provision of the applicable licensing act or licensing board regulation.

(5) To assess against the respondent determined to be in violation of the disciplinary provisions administered by a licensing board or licensing commission in a disciplinary proceeding pending before the licensing board or licensing commission for final determination, as part of the sanction, the costs of investigation underlying that disciplinary action. The cost of investigation shall not include those costs incurred by the licensing board or licensing commission after the filing of formal actions or disciplinary charges against the respondent.

(6) To collect all fees, costs, fines and penalties assessed as a result of a disciplinary proceeding before a licensing board or licensing commission.

(7) To deny, suspend or revoke a license, registration, certification or permit for failure to pay any penalty, fee, interest or cost assessed as a result of a disciplinary proceeding before a licensing board or licensing commission.

(c) Restrictions.--

(1) Decisions rendered by a licensing board or licensing commission on any exceptions to the decision of a hearing examiner or on an application for review in accordance with section 3105(d) to impose a civil penalty under this section shall require the same number of votes required for the licensing board or licensing commission to impose a civil penalty under any other act.

(2) Nothing in this section shall be construed to restrict the powers and duties under any other act of a licensing board or licensing commission in disciplinary matters, except that a licensing board or licensing commission may not impose a civil penalty under any other act for the same violation for which a civil penalty has been imposed under this section.

(d) Status of civil penalty.--A civil penalty, together with any associated fee, interest or cost, imposed under this section or imposed by a licensing board or licensing commission under another act shall be a judgment in favor of the bureau upon the person or the property of the person, whether real or personal, and including any after-acquired property, upon whom the civil penalty is imposed. The Attorney General shall be responsible for enforcing the judgments in courts of competent jurisdiction in accordance with 42 Pa.C.S. (relating to judiciary and judicial procedure).

(e) Entry of judgment.--Within 60 months of the final disposition of a disciplinary case, if an unpaid civil penalty, fee, interest and cost of a licensee total \$1,000 or more, the licensing board or licensing commission, or the respective agent of the licensing board or licensing commission, may transmit a copy of the final disposition to the prothonotary of the court of common pleas in the county where the licensee or property of the licensee upon whom the penalty, fee, interest and cost are imposed is located. The following apply:

(1) The prothonotary shall enter and docket the copy of the final disposition without requiring payment of costs as a condition precedent to the entry of the copy of the final disposition.

(2) The total of the penalty, fee, interest and cost shall be entered as a judgment upon the licensee regardless of whether the amount has been ordered to be paid in installments.

(f) Priority of lien.--A lien obtained under this section shall maintain its priority indefinitely, and no writ of revival need be filed.

(g) Execution.--A writ of execution may directly issue upon the lien without the issuance and prosecution to judgment of a writ of scire facias, provided that a notice of the filing and the effect of the lien be provided to the licensee not less than 10 days before the execution on the lien. Notice may be sent by registered mail to the last known address of the licensee.

(h) Exception to execution.--The lien shall have no effect upon any stock of goods, wares or merchandise regularly sold or leased in the ordinary course of business by the licensee against whom the lien has been entered, unless and until a writ of execution has been issued and a levy made upon the stock of goods, wares and merchandise.

(i) Satisfaction.--Once a judgment is paid in full to the licensing board or licensing commission, or the respective agent of the licensing board or licensing commission, the licensing

board or licensing commission, or the respective agent of the licensing board or licensing commission, shall, within 90 days, notify the prothonotary in writing of receipt of payment in full and request the judgment be noted as satisfied in full.

(j) Applicability.--This section shall apply only to disciplinary proceedings commenced on or after August 31, 1993.

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

"Unlicensed practice." Any of the following:

(1) Practicing a profession or occupation or operating a business for which a license, registration, certificate or permit is required without holding a valid, unexpired, unrevoked or unsuspended authority to do so.

(2) Representing to the public or a person, through offerings, advertisements or the use of a title, that the individual is qualified to practice a profession, occupation or business for which a license, registration, certificate or permit is required without holding a valid, unexpired, unrevoked or unsuspended authority to do so.

§ 3109. Confidentiality of records of licensure boards.

(a) General rule.--

(1) All records under section 708(b)(17) of the Right-to-Know Law relating to a noncriminal investigation, including prosecutorial memos and transcripts of depositions, undertaken by the Bureau of Enforcement and Investigation and the Prosecution Division of the Department of State, Office of Chief Counsel on behalf of the licensing boards within the Department of State or concerning a licensure-related complaint filed with the Department of State shall be confidential and privileged.

(2) No person who has investigated or has access to or custody of documents, materials or information that are confidential and privileged under this subsection shall be required to testify in a judicial or administrative proceeding unless directed to do so by a court of competent jurisdiction without the written consent of the licensing board that regulates the profession involved.

(3) This subsection shall not preclude or limit introduction of the contents of an investigative file or related witness testimony in a hearing or proceeding held before the licensing boards within the Department of State.

(4) This section shall not apply to letters to a licensee or other documents that disclose the final outcome of an investigation or to final adjudications or orders issued by the licensure board.

(b) Certain disclosure permitted.--

(1) Except as provided under subsection (a), this section shall not prevent disclosure of documents, materials or information pertaining to the status of a license, permit or certificate issued or prepared by the licensing boards or the sharing of information with law enforcement authorities or professional licensure regulatory boards in other jurisdictions or information relating to a public disciplinary proceeding or hearing.

(2) Any other disclosure of records under section 708(b)(17) of the Right-to-Know Law relating to a noncriminal investigation, including prosecutorial memos and transcripts of depositions by employees or agents of the Department of State, Office of Chief Counsel, Bureau of Professional and Occupational Affairs and the Bureau of Enforcement and Investigation may be made only in furtherance of an investigation or prosecution of alleged violations of applicable licensing statutes, codes or regulations.

(3) Violations of this subsection shall subject the employee or agent to administrative discipline, including discharge, suspension or other formal or appropriate disciplinary action.

(c) Confidentiality affidavits.--All employees and agents of the Department of State, Office of Chief Counsel, Bureau of Professional and Occupational Affairs and the Bureau of Enforcement and Investigation shall execute a confidentiality affidavit that provides that documents, materials or information under subsection (a), obtained by employees and agents of the Department of State, Office of Chief Counsel, Bureau of Professional and Occupational Affairs and the Bureau of Enforcement and Investigation shall be considered confidential and may be disclosed only as permitted under subsections (a) and (b).

(d) Waiver prohibited.--A licensing board or licensing commission may not require an applicant to waive any confidentiality provided for under this section as a condition for the approval of a license or any other action of the board.

§ 3110. Reports.

Licensing boards and licensing commissions shall submit annually to the Consumer Protection and Professional Licensure Committee of the Senate and to the Professional Licensure Committee of the House of Representatives a report containing the following:

- (1) Description of the types of complaints received.
- (2) Status of cases.
- (3) Total number of cases and type of disciplinary action taken.
- (4) Percentage of disciplinary actions in relation to the total number of licensees.
- (5) Number of closed cases.
- (6) Average number of days to close a case.
- (7) Number of revocations and suspensions.
- (8) Percentage of revocations and suspensions in relation to the total number of licensees.

§ 3111. Licensure by endorsement.

(a) General rule.--Notwithstanding any existing provisions related to licensure by endorsement or licensure by reciprocity in an applicable licensing statute, a licensing board or licensing commission shall issue a license, certificate, registration or permit to an applicant to allow practice in this Commonwealth if, upon application to the licensing board or licensing commission, the applicant satisfies all of the following conditions:

- (1) Holds a current license, certificate, registration or permit from another state, territory or country and the licensing board or licensing commission determines that state's, territory's or country's requirements are substantially equivalent to or exceed the requirements established in this Commonwealth.
- (2) Demonstrates competency in the profession or occupation through methods determined by the licensing board or licensing commission, including having completed continuing education or having experience in the profession or occupation for at least two of the five years preceding the date of the application under this section.
- (3) Has not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice that profession or occupation in this Commonwealth unless the licensing board or licensing commission determines, in its discretion, that the act should not be an impediment to the granting of a license, certificate, registration or permit to practice in this Commonwealth.
- (4) Is in good standing and has not been disciplined by the jurisdiction that issued the license, certificate,

registration or permit unless the licensing board or licensing commission determines, in its discretion, that the discipline should not be an impediment to the granting of a license, certificate, registration or permit to practice in this Commonwealth.

(5) Pays any fees established by the licensing board or licensing commission by regulation.

(b) Provisional endorsement license.--A licensing board or licensing commission may issue a provisional license, certificate, registration or permit to an applicant for licensure by endorsement while the applicant is satisfying remaining requirements for the licensure by endorsement as determined by the licensing board or licensing commission. The holder of a provisional endorsement license issued under this subsection may practice until any of the following occurs:

(1) A license, certificate, registration or permit is denied by the licensing board or licensing commission under this section.

(2) The expiration of the provisional endorsement license as established by the licensing board or licensing commission by regulation.

(3) The holder of the provisional endorsement license fails to comply with the terms of the provisional license.

(c) Construction.--Nothing in this section is intended to supersede or replace existing statutory provisions relating to licensure by endorsement or licensure by reciprocity applicable to licensing boards and licensing commissions through their respective enabling statutes.

§ 3112. Restricted licenses for barbers and cosmetologists.

(a) Supplementary provisions.--Notwithstanding any provision of law to the contrary, as an alternative to refusing to issue or renew, suspending, revoking or limiting a license as a result of a finding that an applicant for a barber's license or a cosmetology license lacks the fitness to engage in the practice of barbering under the act of June 19, 1931 (P.L.589, No.202), referred to as the Barbers' License Law, or in the practice of cosmetology under the act of May 3, 1933 (P.L.242, No.86), referred to as the Cosmetology Law, due to a criminal conviction, or is otherwise ineligible for a license as a barber or cosmetologist as a result of a criminal conviction, the State Board of Barber Examiners or the State Board of Cosmetology may issue a restricted license for a term of not less than one year and not more than two years to an applicant for a license under the Barbers' License Law or the Cosmetology Law. The following apply:

(1) The State Board of Barber Examiners or the State Board of Cosmetology shall determine the period of time during which the respective applicant shall operate under a restricted license.

(2) The State Board of Barber Examiners or the State Board of Cosmetology shall notify the respective applicant of that period of time and the conditions placed on the restricted license under subsection (c).

(b) Demonstration of fitness.--Notwithstanding any other provision of law to the contrary and the individual's criminal convictions, an applicant for a restricted license may demonstrate fitness for issuance of a restricted license to practice barbering or cosmetology by introducing evidence of the following, as applicable:

(1) While incarcerated, the individual maintained a record of good behavior, including the successful completion of any required rehabilitative programming offered by a county correctional facility or the Department of Corrections.

(2) If incarcerated by a county correctional facility or the Department of Corrections and enrolled in a program regarding barbering or cosmetology, the individual has

successfully completed the requisite education or training requirements of the program.

(3) The individual has not been found to be in violation of probation or parole.

(4) The individual has demonstrated a commitment to living a law-abiding life, which may be established by a letter of recommendation from the individual's probation officer, parole officer or appropriate official within the county correctional facility or the Department of Corrections, or any other means, at the discretion of the State Board of Barber Examiners or the State Board of Cosmetology, as applicable.

(c) Conditions for restricted license.--The State Board of Barber Examiners or the State Board of Cosmetology shall impose conditions on a holder of a restricted license, including any of the following:

(1) Limiting the scope or location of the restricted license holder's practice.

(2) Requiring the restricted license holder to be reasonably supervised during business hours by a licensed manager-barber or a licensee designated in charge of the barber shop or a licensed cosmetology teacher or salon owner or designated person in charge of the salon, as applicable.

(3) Requiring the restricted license holder to notify the State Board of Barber Examiners or the State Board of Cosmetology, as applicable, in writing as soon as is practicable of a change in the supervisor specified under paragraph (2).

(4) Requiring the restricted license holder to abide by any other condition that the State Board of Barber Examiners or the State Board of Cosmetology, as applicable, deems appropriate.

(d) Revocation.--A restricted license shall be immediately revoked if any of the following occurs:

(1) The restricted license holder is convicted of an offense graded as a misdemeanor or felony in this Commonwealth or a similar or equivalent offense in another jurisdiction following the receipt of the restricted license.

(2) The restricted license holder fails to comply with any condition imposed by the State Board of Barber Examiners or the State Board of Cosmetology and specified under subsection (c).

(e) Compliance.--Within 30 days of the conclusion of the term of the restricted license, the supervising licensed manager-barber or a licensee designated in charge of the barber shop or a licensed cosmetology teacher or salon owner or designated person in charge of the salon, as appropriate, shall provide written notice to the State Board of Barber Examiners or the State Board of Cosmetology as to whether the restricted license holder complied with all conditions imposed under subsection (c). If the restricted license holder meets all of the other qualifications for licensure under the Barbers' License Law or the Cosmetology Law, the State Board of Barber Examiners or the State Board of Cosmetology shall issue a license to practice under the Barbers' License Law or the Cosmetology Law, as appropriate.

(f) Construction.--Nothing in this section shall be construed to restrict any of the other powers and duties of the State Board of Cosmetology or the State Board of Barber Examiners.

§ 3112.1. Restricted licenses for other occupations.

(a) Occupations other than barbering and cosmetology.--Notwithstanding any provision of law to the contrary, if a county correctional facility or the Department of Corrections offers training in the occupation, other than barbering and cosmetology, which requires the issuance of a license, certificate, registration or permit by the bureau in order to engage in that occupation, the applicable licensing board or licensing commission may issue a restricted license to an applicant as specified in

this section as an alternative to refusing to issue or renew, suspending, revoking or limiting a license as a result of a finding that the applicant for a license, certificate, registration or permit lacks the fitness to engage in the occupation due to a criminal conviction or is otherwise ineligible for licensure due to a criminal conviction. The following shall apply:

(1) The applicable licensing board or commission shall determine the period of time during which the applicant shall operate under a restricted license. The minimum period of time shall be one year. The maximum period of time shall be two years.

(2) The applicable licensing board or licensing commission shall notify the applicant of the time period under paragraph (1) and the conditions placed on the restricted license under subsection (c).

(b) Demonstration of fitness.--Notwithstanding any other provision of law to the contrary and the criminal conviction, an applicant for a restricted license may demonstrate fitness for issuance of a restricted license to practice by introducing evidence of the following:

(1) While incarcerated, the individual maintained a record of good behavior, including the successful completion of any required rehabilitative programming offered by a county correctional facility or the Department of Corrections.

(2) If incarcerated by a county correctional facility or the Department of Corrections and enrolled in a program regarding the occupation for which a restricted license is sought, the applicant successfully completed the requisite education or training requirements of the program.

(3) The applicant has not been found to be in violation of probation or parole.

(4) The applicant has demonstrated a commitment to living a law-abiding life, which may be established by a letter of recommendation from the applicant's probation officer, parole officer or appropriate official within the county correctional facility or the Department of Corrections, or by any other means, at the discretion of the licensing board or licensing commission, as applicable.

(c) Conditions.--The licensing board or licensing commission shall impose conditions on a holder of a restricted license, including:

(1) Limiting the scope or location of the restricted license holder's practice.

(2) Requiring the restricted license holder to be reasonably supervised during business hours by an individual licensed by the licensing board or licensing commission, as applicable.

(3) Requiring the restricted license holder to notify the licensing board or licensing commission, as applicable, in writing as soon as is practicable of a change in the supervisor under paragraph (2).

(4) Requiring the restricted license holder to abide by any other condition the licensing board or licensing commission, as applicable, deems appropriate.

(d) Revocation.--The restricted license shall be immediately revoked if any of the following occurs:

(1) The restricted license holder is convicted of an offense graded as a misdemeanor or felony in this Commonwealth or a similar or equivalent offense in another jurisdiction following the receipt of the restricted license.

(2) The restricted license holder fails to comply with any of the conditions imposed by the licensing board or licensing commission, as applicable, under subsection (c).

(e) Notice.--Within 30 days of the conclusion of the term of the restricted license, the licensee supervising the holder of the restricted license shall provide written notice to the licensing board or licensing commission, as appropriate, as to whether the restricted license holder complied with all conditions imposed by the licensing board or licensing commission under subsection (c). If the restricted license holder meets all of the other qualifications for licensure under the applicable practice act, the licensing board or licensing commission, as appropriate, shall issue a license to practice that occupation.

(f) Construction.--Nothing in this section shall be construed to restrict any of the other powers and duties of the licensing board or licensing commission, as applicable.

§ 3113. Consideration of criminal convictions.

(a) Applicability.--This section shall apply to licensing boards and licensing commissions notwithstanding the following:

(1) Any other statutory provision to the contrary regarding the consideration of good moral character, crimes of moral turpitude or ethical or honest practice with respect to disqualification of licensure due to criminal conviction.

(2) 18 Pa.C.S. § 9124(c) (relating to use of records by licensing agencies).

(3) Any other statutory provision that disqualifies an individual from holding a license, certificate, registration or permit due to the individual's criminal conviction.

(a.1) Consideration.--A licensing board or licensing commission may not consider the provisions specified under subsection (a) in determining whether an individual qualifies for a license, certificate, registration or permit but instead shall determine the individual's qualification for a license, certificate, registration or permit in accordance with the procedures specified under this section.

(b) Analysis of criminal convictions.--Except as provided in subsections (d), (e) and (f), a licensing board or a licensing commission shall engage in a two-stage analysis of the criminal convictions of the applicant. The following shall apply:

(1) The first stage of the analysis shall determine whether the criminal conviction directly relates to the occupation, trade or profession for which the individual seeks licensure by reviewing the schedule of offenses in section 3117 (relating to list of criminal offenses). If the offense is found on the list of offenses that are directly related to the occupation, trade or profession, the licensing board or licensing commission shall then determine whether licensure of the individual would pose a substantial risk to the health and safety of the individual's patients or clients or the public or a substantial risk of further criminal convictions by conducting the individualized assessment specified in subsection (c). There shall be a rebuttable presumption that licensure of the individual with a criminal conviction that directly relates to the occupation, trade or profession would pose a substantial risk to the health and safety of the individual's patients or clients or the public or a substantial risk of further criminal convictions. The individual may rebut the presumption by showing evidence of rehabilitation, as specified in the factors in subsection (c).

(2) If, after reviewing the schedule of offenses in section 3117, the criminal conviction is determined not to be directly related to the occupation, trade or profession, the licensing board or licensing commission shall proceed to the second stage of the analysis of the criminal conviction. During the second stage of the analysis, the licensing board or licensing commission shall determine whether, due to the nature of the criminal conviction, licensure of the individual would pose a substantial risk to the health and safety of the

individual's patients or clients or the public or a substantial risk of further criminal convictions. If so, the licensing board or licensing commission shall conduct the individualized assessment specified in subsection (c). The individual may rebut the determination by showing evidence of rehabilitation, as specified in the factors in subsection (c).

(c) Individualized assessment.--A licensing board or licensing commission shall conduct an individualized assessment of the individual with respect to criminal convictions and rehabilitation. The licensing board or licensing commission shall only consider the following factors in order to determine whether the individual meets the requirements for issuance of a license, certificate, registration or permit under subsection (b)(1) or (b)(2):

(1) Whether the criminal conduct for which the individual was convicted involved an act or threat of harm against the individual. For purposes of this paragraph, the term "harm" includes harm to the victim, the personal property of the victim or reputation of the victim.

(2) The facts and circumstances surrounding the criminal conviction.

(3) The number of criminal convictions.

(4) Increase in age or maturity of the individual since the date of the criminal conviction.

(5) The individual's criminal history or lack of criminal history after the date of conviction.

(6) Successful completion of education and training activities, including those in a county correctional facility or the Department of Corrections.

(7) References from employers or others, including personnel of the county correctional facility or the Department of Corrections.

(8) Progress in personal rehabilitation since the conviction.

(9) Whether the individual meets all other licensing qualifications of the applicable practice act, including any examination requirements.

(10) The individual's criminal history, or lack of criminal history, after the date of the criminal conviction while engaged in the same or similar profession or occupation.

(11) Any other factor deemed relevant to the licensing board or licensing commission regarding the fitness of the individual for licensure.

(d) Sexual offenses.--When determining eligibility for licensure as a health care practitioner, a licensing board or licensing commission may not issue a license, registration, certificate or permit or otherwise allow an individual to practice as a health care practitioner if the individual has been convicted of a sexual offense.

(e) Crimes of violence.--An individual convicted of a crime of violence as defined in 42 Pa.C.S. § 9714 (relating to sentences for second and subsequent offenses) may be granted a license, registration, certificate or permit by a licensing board or licensing commission if all of the following apply:

(1) If the individual was incarcerated, at least three years have elapsed since release from incarceration. The period of three years shall be tolled for a violation of parole.

(2) If the individual is serving a sentence other than a period of confinement in a State or county correctional facility, at least three years have elapsed since imposition of sentence.

(3) The individual has remained conviction-free during the periods specified in paragraph (1) or (2).

(4) The individual demonstrates significant rehabilitation since the criminal conviction.

(5) The licensing board or licensing commission determines, by using the factors in subsection (c), except for subsection (c) (8), that licensure of the individual does not pose a substantial risk to the health and safety of the individual's patients or clients or the public or a substantial risk of further criminal convictions.

(f) Drug trafficking.--Notwithstanding any provision of law to the contrary, the provisions of the respective practice acts relating to felony drug convictions under the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or a conviction for an offense under the laws of another jurisdiction which, if committed in this Commonwealth, would be a felony under the Controlled Substance, Drug, Device and Cosmetic Act, shall only apply to an individual who has been convicted of a drug trafficking offense. The licensing board or licensing commission may show, by a preponderance of the evidence, that the amount or weight of the controlled substance involved in a conviction meets the requirements for a drug trafficking offense.

(g) Construction.--Nothing in this section shall be construed to restrict any of the other powers and duties of a licensing board or licensing commission in disciplinary or licensure matters.

(h) Public information.--Except for name, address and other identifying information, a determination under this section shall be public information.

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

"Drug trafficking offense." A violation of section 13(a) (14), (30) or (37) of The Controlled Substance, Drug, Device and Cosmetic Act, if the controlled substance or a mixture containing it is:

(1) Marijuana, if the amount of marijuana involved is at least 50 pounds or at least 51 live plants.

(2) A narcotic drug classified in Schedule I or Schedule II under section 4 of The Controlled Substance, Drug, Device and Cosmetic Act, if the aggregate weight of the compound or mixture containing the substance involved is at least 100 grams.

(3) Any of the following, if the aggregate weight of the compound or mixture of the substance involved is at least 100 grams:

(i) Coca leaves.

(ii) A salt, compound, derivative or preparation of coca leaves.

(iii) A salt, compound, derivative or preparation which is chemically equivalent or identical with any of the substances under subparagraphs (i) and (ii).

(iv) A mixture containing any of the substances under subparagraphs (i) and (ii), except decocainized coca leaves or extracts of coca leaves which do not contain cocaine or ecgonine.

(4) Any of the following, if the aggregate weight of the compound or mixture of the substance involved is at least 100 grams:

(i) Methamphetamine.

(ii) Phencyclidine.

(iii) A salt, isomer or salt of an isomer of methamphetamine or phencyclidine.

(iv) A mixture containing:

(A) Methamphetamine or phencyclidine.

(B) A salt of methamphetamine or phencyclidine.

(C) An isomer of methamphetamine or phencyclidine.

(D) A salt of an isomer of methamphetamine or phencyclidine.

(5) Heroin or a mixture containing heroin, if the aggregate weight of the compound or mixture containing the heroin is 50 grams or greater.

(6) A mixture containing 3,4-methylenedioxyamphetamine (MDA); 3,4-methylenedioxymethamphetamine (MDMA); 5-methoxy-3,4-methylenedioxyamphetamine (MMDA); 3,4-methylenedioxy-N-ethylamphetamine; N-hydroxy-3,4-methylenedioxyamphetamine when the aggregate weight of the compound or mixture containing the substance involved is at least 1,000 tablets, capsules, caplets or other dosage units or 300 grams.

(7) Fentanyl or a mixture containing fentanyl, if the aggregate weight of the compound or mixture containing the fentanyl is 10 grams or more.

(8) Carfentanil or a mixture containing carfentanil, if the aggregate weight of the compound or mixture containing the carfentanil is one gram or more.

"Healing arts." The science and skill of diagnosis or treatment in any manner whatsoever of disease or any ailment of the human body.

"Health care practitioner." An individual who is authorized to practice some component of the healing arts by a license, certificate, registration or permit issued by a licensing board or licensing commission.

"Sexual offense." An act, conspiracy or solicitation to commit any of the following offenses or an equivalent crime in another jurisdiction:

(1) 18 Pa.C.S. § 2910 (relating to luring a child into a motor vehicle or structure).

(2) Any of the offenses enumerated in 18 Pa.C.S. Ch. 30 (relating to human trafficking) if the offense involved sexual servitude.

(3) Any of the offenses enumerated in 18 Pa.C.S. Ch. 31 (relating to sexual offenses).

(4) 18 Pa.C.S. § 4302 (relating to incest).

(5) 18 Pa.C.S. § 4304(a)(1) (relating to endangering welfare of children) if the offense involved sexual contact with the victim.

(6) 18 Pa.C.S. § 5901 (relating to open lewdness) if the offense involved a minor under 18 years of age.

(7) 18 Pa.C.S. § 5902(b) or (b.1) (relating to prostitution and related offenses).

(8) 18 Pa.C.S. § 5903 (relating to obscene and other sexual materials and performances) if the offense involved a minor under 18 years of age.

(9) 18 Pa.C.S. § 6301(a)(1)(i) (relating to corruption of minors) if the offense involved sexual contact with the victim.

(10) 18 Pa.C.S. § 6301(a)(1)(ii).

(11) 18 Pa.C.S. § 6312 (relating to sexual abuse of children).

(12) 18 Pa.C.S. § 6318 (relating to unlawful contact with minor).

(13) 18 Pa.C.S. § 6320 (relating to sexual exploitation of children).

(14) 18 Pa.C.S. § 7507.1 (relating to invasion of privacy).

§ 3114. Juvenile adjudications.

Notwithstanding any provision of law to the contrary, when determining whether an applicant is qualified to be issued a license, registration, certificate or permit, a licensing board or licensing commission may not consider the applicant's juvenile adjudications.

§ 3115. Preliminary determinations by licensing boards and licensing commissions.

An applicant with a criminal history who, based on a review of the best practices guide published under section 3116 (relating to best practices guide), is unable to determine whether the applicant's criminal record would preclude the issuance of a license, certificate, registration or permit may file a petition for preliminary review with the licensing board or licensing commission under the bureau seeking a preliminary decision on whether the applicant's criminal history would disqualify the applicant from receiving a license, certificate, registration or permit, subject to the following:

(1) If the petition is filed separately from a formal application for a license, certificate, registration or permit, the licensing board or licensing commission shall issue a preliminary decision within 45 days. The preliminary decision shall be limited to a declaration of whether a conviction on the petitioner's criminal history record falls within the set of convictions that the licensing board or licensing commission has previously determined may be directly related to the profession or occupation over which the licensing board or licensing commission has authority.

(2) If the licensing board or licensing commission determines that a conviction on the petitioner's criminal history record is directly related to the occupation, trade or profession, the notice of the preliminary decision shall inform the petitioner that the determination is not final or binding as to whether the petitioner qualifies for a license, certificate, registration or permit, and that the petitioner has the opportunity to present evidence of the factors specified in section 3113(c) (relating to consideration of criminal convictions) in connection with any subsequent formal application for a license, certificate, registration or permit. Where appropriate, the notice may also inform the petitioner that a sexual offense, crime of violence or drug trafficking offense may prevent licensure in accordance with section 3113(d), (e) and (f).

(3) The licensing board or licensing commission may charge a filing fee, which shall not exceed \$45, to be paid for each petition for preliminary review filed on or after January 1, 2022. The licensing board or licensing commission may establish by regulation reasonable fees which may not exceed an amount sufficient to reimburse the licensing board or licensing commission for the administrative costs associated with processing the petition for preliminary review. The licensing board or licensing commission shall make available forms for petitioners to request in forma pauperis status in connection with a petition. The licensing board or licensing commission may not unreasonably deny in forma pauperis status. A petitioner granted in forma pauperis status shall be permitted to file a petition and receive a preliminary decision without payment of the filing fee.

(4) The determination by the licensing board or licensing commission shall be binding, subject to:

(i) A review of criminal history record information submitted during the application process.

(ii) Section 3113.

§ 3116. Best practices guide.

(a) Development of guide.--Within 180 days of the effective date of this subsection, the Department of State shall, in collaboration with the licensing boards and licensing commissions, develop a guide of best practices for an applicant with a criminal conviction to use when seeking a license, certificate, registration or permit. The following apply:

(1) The guide shall be published in both English and Spanish.

(2) The guide shall include, at a minimum, a summary of the provisions of the following:

(i) Section 3112 (relating to restricted licenses for barbers and cosmetologists).

(ii) Section 3112.1 (relating to restricted licenses for other occupations).

(iii) Section 3113 (relating to consideration of criminal convictions).

(iv) Section 3114 (relating to juvenile adjudications).

(v) Section 3115 (relating to preliminary determinations by licensing boards and licensing commissions).

(vi) Section 3117 (relating to list of criminal offenses).

(b) Publication and distribution.--Within 180 days of the effective date of this subsection, the Department of State shall publish the guide under subsection (a) on its publicly accessible Internet website and shall provide a written copy upon request. The written copy of the guide shall be provided without cost to the person requesting the guide.

§ 3117. List of criminal offenses.

(a) Duty of commissioner.--After consultation with the licensing boards, licensing commissions and representatives of the business community with knowledge of the respective professions, the commissioner shall have the power and duty to publish a schedule of criminal convictions that may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit for each occupation or profession under the respective practice acts. The following shall apply:

(1) The schedule shall indicate which offenses are those that the licensing board or licensing commission deems as directly relating to the occupation, trade or profession.

(2) The schedule shall indicate the licensing board and licensing commission responsible for licensure of each occupation or profession.

(3) Within 180 days of the effective date of this subsection, the commissioner shall transmit notice of the completion of the schedule to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.

(4) Within two years of the publication under paragraph (3), the commissioner shall transmit notice of a regulation to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin. The regulation shall be subject to the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

(5) The commissioner shall submit a regulation to update the schedule of criminal convictions as often as the commissioner deems appropriate to reflect new statutory enactments of the General Assembly affecting the schedule.

(b) Public comment period.--Within 120 days of the publication of the schedule in the Pennsylvania Bulletin under subsection (a), the commissioner shall submit initial proposed regulations to the Independent Regulatory Review Commission under section 5 of the Regulatory Review Act.

(c) Dissemination.--Within 180 days of the effective date of this subsection, the schedule of offenses in subsection (a) shall be provided in writing to each applicant for a license, certificate, registration or permit issued by a licensing board or licensing commission as part of the application and shall be made part of the best practices guide under section 3116 (relating to best practices guide). The following shall apply:

(1) Within 180 days of the effective date of this subsection, the schedule shall be published on the publicly accessible Internet website of the Department of State.

(2) The schedule of criminal convictions shall be published in both English and Spanish.

(3) Notice that the list of criminal offenses will change based upon new enactments by the General Assembly shall be provided on the publicly accessible Internet website of the Department of State, in writing as part of the application and in the best practices guide.

(d) Application.--The schedule shall be used by the licensing boards and licensing commissions when:

(1) preparing preliminary determinations under section 3115 (relating to preliminary determinations by licensing boards and licensing commissions);

(2) determining which criminal convictions may result in discipline of a licensee; and

(3) determining whether a criminal conviction may result in refusing to issue a license, certificate, registration or permit under section 3113 (relating to consideration of criminal convictions).

§ 3118. Report to General Assembly.

(a) Report required.--Within two years after the effective date of this section and every four years thereafter, the Secretary of the Commonwealth shall issue a written report regarding the implementation and effectiveness of the following:

(i) Section 3112 (relating to restricted licenses for barbers and cosmetologists).

(ii) Section 3112.1 (relating to restricted licenses for other occupations).

(iii) Section 3113 (relating to consideration of criminal convictions).

(iv) Section 3114 (relating to juvenile adjudications).

(v) Section 3115 (relating to preliminary determinations by licensing boards and licensing commissions).

(vi) Section 3116 (relating to best practices guide).

(vii) Section 3117 (relating to list of criminal offenses).

(b) Submittal of report.--The report under subsection (a) shall be submitted to the following:

(1) The President pro tempore of the Senate.

(2) The chairperson and minority chairperson of the Consumer Protection and Professional Licensure Committee of the Senate.

(3) The chairperson and minority chairperson of the Judiciary Committee of the Senate.

(4) The Speaker of the House of Representatives.

(5) The chairperson and minority chairperson of the Professional Licensure Committee of the House of Representatives.

(6) The chairperson and minority chairperson of the Judiciary Committee of the House of Representatives.

(c) Contents of report.--The report under subsection (a) shall include the following:

(1) The number of applications for a license, certificate, registration or permit that each licensing board and licensing commission receives each year.

(2) The number of applicants with criminal convictions that submit applications to the State Board of Barber Examiners and the State Board of Cosmetology, including the following:

(i) The number of applicants that are issued a restricted license under section 3112.

(ii) The number of applicants that are denied a restricted license under section 3112 and the reasons for the denials.

(iii) The number of restricted license holders that are issued a license to practice under the act of June 19, 1931 (P.L.589, No.202), referred to as the Barbers' License Law, or the act of May 3, 1933 (P.L.242, No.86), referred to as the Cosmetology Law, following the restricted license term.

(iv) The number of restricted licenses that are revoked during the restricted license term under section 3112(d) and the reasons for the revocations.

(3) The number of applicants that are denied licenses, certificates, registrations and permits each year by the licensing boards and licensing commissions as a result of criminal convictions.

(4) Whether to amend any provision of this chapter.

(d) Public record.--The report under subsection (a) shall be a public record under the Right-to-Know Law.

Section 3. Repeals are as follows:

(1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate the addition of 63 Pa.C.S. Ch. 31.

(2) The act of July 2, 1993 (P.L.345, No.48), is repealed.

Section 4. The addition of 63 Pa.C.S. Ch. 31 is a continuation of the act of July 2, 1993 (P.L.345, No.48). The following apply:

(1) Except as otherwise provided in 63 Pa.C.S. Ch. 31, all activities initiated under the act of July 2, 1993 (P.L.345, No.48), shall continue and remain in full force and effect and may be completed under 63 Pa.C.S. Ch. 31. Orders, regulations, rules and decisions which were made under the act of July 2, 1993 (P.L.345, No.48), and which are in effect on the effective date of section 3 of this act shall remain in full force and effect until revoked, vacated or modified under 63 Pa.C.S. Ch. 31. Contracts, obligations and collective bargaining agreements entered into under the act of July 2, 1993 (P.L.345, No.48), are not affected nor impaired by the repeal of the act of July 2, 1993 (P.L.345, No.48).

(2) Except as set forth in paragraph (3), any difference in language between 63 Pa.C.S. Ch. 31 and the act of July 2, 1993 (P.L.345, No.48), is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of the act of July 2, 1993 (P.L.345, No.48).

(3) Paragraph (2) does not apply to the addition of the following provisions:

(i) The definition of "criminal conviction" in 63 Pa.C.S. § 3102.

(ii) 63 Pa.C.S. § 3112.

(iii) 63 Pa.C.S. § 3112.1.

(iv) 63 Pa.C.S. § 3113.

(v) 63 Pa.C.S. § 3114.

(vi) 63 Pa.C.S. § 3115.

(vii) 63 Pa.C.S. § 3116.

(viii) 63 Pa.C.S. § 3117.

(ix) 63 Pa.C.S. § 3118.

Section 5. The addition of 63 Pa.C.S. §§ 3112, 3112.1, 3113, 3114, 3115, 3116, 3117 and 3118 shall apply to official acts and matters, including disciplinary matters, related to the issuance of licenses, certificates, registrations or permits by licensing boards or licensing commissions beginning on or after 180 days after the effective date of this section.

Section 6. This act shall take effect as follows:

(1) The addition of 63 Pa.C.S. §§ 3112, 3112.1, 3113, 3114 and 3115 shall take effect in 180 days.

(2) The remainder of this act shall take effect immediately.

APPROVED--The 1st day of July, A.D. 2020.

TOM WOLF