

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

WEDNESDAY, JULY 15, 2020

SESSION OF 2020 204TH OF THE GENERAL ASSEMBLY

No. 35

**SENATE**

WEDNESDAY, July 15, 2020

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

The PRESIDING OFFICER (Senator Jake Corman) in the Chair.

**PRAYER**

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

Let us pray.

"The Lord is my strength and my shield; my heart trusts in Him, and I am helped." These words from Psalm 28 give us strength in every decision we need to make and every challenge we face. We ask, Heavenly Father, let no task overtake us and no burden overcome us. Restore our courage and our faith in You. Give us strength for today and wisdom and direction in all that we do. All this we ask in Your name. Amen.

**PLEDGE OF ALLEGIANCE**

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

**COMMUNICATION FROM THE  
PRESIDENT PRO TEMPORE**

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

SENATE OF PENNSYLVANIA

July 15, 2020

To the Honorable Members of the Senate:

Pursuant to Senate Rule 5, this is to advise that I have appointed the Honorable Jacob Corman, Majority Leader of the Senate, to preside over session today, Wednesday, July 15, 2020. As the Presiding Officer today, Senator Corman is authorized to sign all bills and resolutions today, July 15, 2020.

Sincerely,

JOE SCARNATI  
President Pro Tempore

**HOUSE MESSAGES**

**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 732, HB 1437, HB 1459 and HB 2484.**

**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 836.**

**COMMUNICATION FROM THE GOVERNOR**

**NOMINATION REFERRED TO COMMITTEE**

The PRESIDING OFFICER laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows and referred to the Committee on Rules and Executive Nominations:

MEMBER OF THE PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

July 15, 2020

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas J. Yablonski, Jr., 1408 Rose Lane, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Pennsylvania Public Utility Commission, to serve until April 1, 2025, and until the successor is appointed and qualified, but not longer than six months beyond that period, vice Andrew Place, Waynesburg, resigned.

TOM WOLF  
Governor

**APPOINTMENT BY THE  
MAJORITY LEADER**

The PRESIDING OFFICER. The Chair wishes to announce the Majority Leader has made the following appointment:

Mr. Michael T. Baker as a member of the Small Business Compliance Advisory Committee.

**BILLS SIGNED**

The PRESIDING OFFICER (Senator Jake Corman) in the presence of the Senate signed the following bills:

**SB 836, HB 672, HB 732, HB 1437, HB 1459 and HB 2484.**

**BILL REPORTED FROM COMMITTEE**

Senator BROOKS, from the Committee on Health and Human Services, reported the following bill:

**SB 1189 (Pr. No. 1855) (Amended)**

An Act amending the act of April 23, 1956 (1955 P.L.1510, No.500), known as the Disease Prevention and Control Law of 1955, further providing for definitions and for control measures.

**LEGISLATIVE LEAVES**

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

Senator GORDNER. Mr. President, I request a temporary Capitol leave for Senator Browne, and a legislative leave for Senator Scarnati.

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

Senator SANTARSIERO. Mr. President, I request legislative leaves for Senator Haywood and Senator Anthony Williams.

The PRESIDING OFFICER. Senator Gordner requests a temporary Capitol leave for Senator Browne, and a legislative leave for Senator Scarnati.

Senator Santarsiero requests legislative leaves for Senator Haywood and Senator Anthony Williams.

Without objection, the leaves will be granted.

**JOURNAL APPROVED**

The PRESIDING OFFICER. The Journal of the Session of May 28, 2020, is now in print.

The Clerk proceeded to read the Journal of the Session of May 28, 2020.

Senator GORDNER. 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 GORDNER 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 PRESIDING OFFICER. The Journal is approved.

**RECESS**

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

Senator GORDNER. Mr. President, I request a recess of the Senate for purposes of an off-the-floor meeting of the Committee on Consumer Protection and Professional Licensure to be held here on the Senate floor by ZOOM, followed by a Republican caucus to be held by ZOOM.

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

Senator SANTARSIERO. Mr. President, Senate Democrats will caucus by ZOOM after the committee meeting.

The PRESIDING OFFICER. For purposes of an off-the-floor meeting of the Committee on Consumer Protection and Professional Licensure, followed by Republican and Democratic caucuses to be held by ZOOM, without objection, the Senate stands in recess.

**AFTER RECESS**

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

**LEGISLATIVE LEAVES**

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

Senator GORDNER. Mr. President, I request legislative leaves for Senator Martin, Senator Stefano, and Senator Judy Ward.

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

Senator SANTARSIERO. Mr. President, I request a legislative leave for Senator Leach.

The PRESIDING OFFICER. Senator Gordner requests legislative leaves for Senator Martin, Senator Stefano, and Senator Judy Ward.

Senator Santarsiero requests a legislative leave for Senator Leach.

Without objection, the leaves will be granted.

**RECESS**

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

Senator GORDNER. Mr. President, I request a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held on the Senate floor via ZOOM.

The PRESIDING OFFICER. For the purpose of a meeting of the Committee on Rules and Executive Nominations to be held on the Senate floor via ZOOM, without objection, the Senate stands in recess.

**AFTER RECESS**

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

**LEGISLATIVE LEAVES CANCELLED**

The PRESIDING OFFICER. Senator Anthony Williams and Senator Judy Ward have returned, and their legislative leaves are cancelled.

## CALENDAR

## THIRD CONSIDERATION CALENDAR

## HB 196 CALLED UP OUT OF ORDER

**HB 196 (Pr. No. 168)** -- Without objection, the bill was called up out of order, from page 1 of the Third Consideration Calendar, by Senator GORDNER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**HB 196 (Pr. No. 168)** -- The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing integrated amendments to the Constitution of the Commonwealth of Pennsylvania, organizing the Judiciary into representative districts and further providing for residency requirements.

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

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

Senator HUGHES. Mr. President, I will not be asking for my amendment to be considered on this day at this time.

## LEGISLATIVE LEAVE CANCELLED

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

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

On the question,  
Shall the bill pass finally?

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

Senator SANTARSIERO. Mr. President, "demos" and "kratos" are two Greek words meaning people and rule, where we get our word "democracy." The people rule in a democracy. The Founders of this country were concerned about what they called the tyranny of the majority. They were afraid that majoritarian rule could lead, ultimately, to trampling the rights of the minority. So the government they set up was set up, in part, to address that issue. But ironically, Mr. President, as we stand here in the first couple of decades of the 21st century, the problem we face is not a tyranny of the majority, the problem we face is a tyranny of the minority. We see it at the Federal level, where the antiquated electoral college system has produced two Presidents in the last two decades who were elected without even a plurality of the popular vote. We see it in the United States Senate, where the filibuster makes it very difficult for even a majority to get legislation passed, legislation that has wide support across the country. Of course, we see it in the United States

House of Representatives, and, indeed, in this legislature, when it comes to the pernicious effects of gerrymandering.

Here in Pennsylvania, using current statistics, about 48 percent of all voters are registered Democratic, only 38 percent Republican, and yet, under the old congressional district maps that were approved by this legislature and agreed to by former Governor Corbett back in 2011, of the 18 members of our congressional delegation, only 5 were Democrats, and in this legislature, of course, there are lopsided majorities for the Republican Party. Again, the work, primarily, of gerrymandering when you consider the registration among voters in this State. If you look at those offices that are elected on a statewide basis, however, Mr. President, the Governor, for example, the Attorney General, the Auditor General, the Treasurer, where there are no district lines, no artificial lines drawn by politicians, each of the current holders of those offices happen to be Democrats, and I would suggest that is no coincidence. Among our two U.S. Senators, who are also elected on a statewide basis without having to worry about the effects of gerrymandering, one is a Democrat and one is a Republican.

Now, I understand that when looking at our State Supreme Court, which currently has a majority of Democrats, it might frustrate some, because that is the makeup of the court. Of course, right now, Mr. President, under our Constitution here in Pennsylvania, the members of the Pennsylvania Supreme Court are elected on a statewide basis without regard to any gerrymandering. They reflect, in fact, the will of the people. Demos kratos, the people rule. They are unfettered by arbitrary lines that are more often than not designed to affect a specific result.

Mr. President, if we are looking to undertake reform in this State, we should be moving away from a process that is intended, at the end of the day, to frustrate the will of the majority. Gerrymandering is decried not just here in Pennsylvania but throughout the United States, and rightfully so, because the examples I just gave you of our experience here in Pennsylvania is not unique. Those examples exist throughout the 50 States. So, why is it that we are here today considering an amendment to our State Constitution that would not only impose artificial lines on the elections of our judiciary, but would have those lines designed by the State legislature? We are not even attempting to put this power in the hands of a nonpartisan commission of citizens. No, we will not do that, we are going to reserve that right for ourselves.

Mr. President, this proposal compounds the problems with our democracy that we see in all of these other areas of elected offices here in the 21st century. It moves us backward, not forward. It does so in the face of what the majority wants. It advances the tyranny of the minority, a minority that frustrates the will of the people of this Commonwealth. Time and time again, polls show that a vast majority of Pennsylvanians want reasonable gun violence prevention measures. Time and time again, polls show that a vast majority of the people of Pennsylvania want equal rights for all people: gay, straight, black, white, it does not matter. Time and time again, a majority of the people in this State of Pennsylvania, according to the polls, show that they want us to take bold action on climate change. Time and time again, the polls show that the people of Pennsylvania, a vast majority of them, want us to raise the minimum wage and make sure working families are being paid in a way that will enable them to realize the American dream. Yet, because of gaming the system of

drawing artificial lines to produce a result, the tyranny of the minority prevents those things from happening. Now we are on the precipice of expanding that tyranny beyond the confines of our legislature and to our judiciary as well.

Mr. President, here in these first two decades of the 21st century, we are confronted with problems that, if left unaddressed, will become increasingly difficult to solve. Our best chance of solving those problems does not lie with a path that takes us backwards and further removes the power of the people to be heard and their will to be enacted into law and upheld in law. This is not a time to retrench. This is not a time to go backwards. It is not a time to further introduce politics into the system by which we elect men and women to some of the highest offices in our Commonwealth. We should vote "no" on House Bill No. 196. We should make sure we are doing everything we can to allow the majority of Pennsylvanians to have their voices heard and to say no to cynical attempts to game our system. It is 2020. It is time that we rise up and say enough is enough. *Demos kratos*, the people rule. They need to be given that opportunity. I ask for a negative vote.

Thank you, Mr. President.

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

Senator SCAVELLO. Mr. President, when I hear the word "gerrymander" and I see this bill, this constitutional change gives the citizens of Pennsylvania that decision. They are going to look at this, and they are going to make the decision. Today, we are moving it forward for them to make that decision. I do not understand why people should be against something that allows the citizens of the Commonwealth to make a decision, not us. It is going in front of them. If you look at the way the seven sections have been broken down, I think it is one of the fairest things. If you want to see gerrymandering, look at what the Supreme Court gave us, that \$500-a-night man who came here from California. I have situations where residents of mine who live on one side of the street are in the same municipality as the gentleman from across the street, go to the same voting booth, and vote for different Congressmen. So, just think of those situations. Nothing will ever be perfect, but we paid somebody \$500 an hour to put that map together, then he took off to California, and we did not even have an opportunity to question him on how he came up with that. With this, the citizens are going to make the decision. We are opening up the door for the citizens to make the decision. By the way, this has been introduced in the last two Sessions, I believe. So this is nothing new. It has been introduced before, we just did not get it to the finish line. We are getting it to the citizens of the Commonwealth to make a decision.

Thank you, Mr. President.

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

Senator MUTH. Mr. President, I rise today in opposition of House Bill No. 196. I spoke on this in committee earlier. It undermines our democracy. It leaves the people of Pennsylvania underrepresented in our judicial system. Many organizations have also spoken out against this. Framing the legislation as a means for the people to decide through a ballot question is really a bad argument. It is a bad argument because the people are not going to be reflected of representation in our courts should this pass. I am not sure if the people of Pennsylvania have had the

opportunity to truly understand the lack of campaign finance reform in this State to understand why gerrymandering exists.

The Pennsylvania Bar Association is opposed to House Bill No. 196 because it disenfranchises voters in our Commonwealth by limiting their vote to one member of each appellate court. This takes away the right of every voter who currently votes for all of the appellate judges. The Philadelphia Bar Association is also opposed to House Bill No. 196 because this bill infringes on the independence of the judiciary by elevating the importance of the political views, rather than the qualifications of appellate court judicial candidates, and by making sitting appellate judges beholden to the legislative branch for their positions, as the legislature is responsible for redrawing the boundaries of the proposed 31 judicial districts after every census. This completely flies in the face of the balance of powers outlined in our Constitution. Speaking from experience, having run for State Senate in a very gerrymandered district, I am very fortunate to even be standing here today considering the lines.

The Pennsylvania Association for Justice similarly opposes House Bill No. 196 because the bill elects appellate court judges in districts drawn by the legislature, a partisan body, forcing judges to favor local politics over the rule of law. Furthermore, Pennsylvanians for Modern Courts are opposed because they believe that by placing judicial candidates in the same position as legislators is having them present positions on issues and securing funding from people who support those issues. This proposed process is incredibly damaging to the integrity of the judiciary. Additionally, all of these organizations oppose this legislation because it limits the ability of the voters to select from a statewide pool of candidates.

Finally, I have to admit I am appalled that we are focusing our time and energy on this legislation and not other legislation that addresses the upcoming November election. Reforms including allowing election officials to pre-canvas mail-in and absentee ballots in a realistic timeframe; extending deadlines for the return of mail-in and absentee ballots, like we do for military voters overseas; providing uniform regulations pertaining to secure ballot drop boxes; sending all Pennsylvania voters a mail-in ballot application, or an actual ballot; making sure our poll workers are secure and safe, especially during a pandemic; requiring all counties to finalize and publicize their polling locations one month before the actual election; and providing funding to our counties to operate elections fairly so that every single vote of a Pennsylvanian counts.

I understand that we are going to be holding a meeting of the Committee on State Government to discuss some of this reform that is much needed in our Commonwealth, but today we could have passed legislation. We could have moved faster. We could have moved one step forward to securing our elections and making sure every single one of our constituents, every single Pennsylvanian, has a vote and their voice is heard.

Mr. President, I urge a "no" vote. Thank you.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Franklin, Senator Mastriano.

Senator MASTRIANO. Mr. President, it is an honor and pleasure to address you and my colleagues on this historic vote. As I gaze upon the wall here, I see President Abraham Lincoln on 19 November 1863 giving his famous address, which he thought would not be long remembered, but the key distinction here re-

lated to our discussion today is all about a government of the people, by the people, and for the people. How do we have such a government that represents the voices, concerns, fears, and priorities of people across our diverse, large, 67-county Commonwealth? How do we do this? It was a struggle our Founding Fathers had back in 1775; 1776; and, of course, the Constitutional Convention, which I am looking at depicted on the other side, in 1787 in Philadelphia. They came up with the idea of a constitutional republic with three co-equal, but separate, branches and a unique system of insuring the voices of all the people in Pennsylvania and across the fruited plain would be heard in the form of an electoral college. How do you insure that not only a small segment of the country or the State has a voice in a large, diverse, prosperous, and complex society of so many different peoples, but they are all our people?

So, I believe firmly that this legislation before us, House Bill No. 196, addresses a great disservice to the people and the citizens of this Commonwealth. It enables a system that allows and represents all their voices and not just a portion of a geographic area of our great Commonwealth. This is not a time to cast aside the great thinking of those who have gone before us, this is a time to think forward. How do we insure that we safeguard the freedoms, voices, concerns, and cares of all the people in Pennsylvania, whether in Philadelphia, Erie, Clarion, or Franklin County, across this entire broad, beautiful State with 13 million people with diverse ideals and goals, but a common vision for a State and government that is indeed of the people, by the people, and for the people?

With that, I ask my colleagues for an affirmative vote on House Bill No. 196.

Thank you, Mr. President.

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

Senator HUGHES. Mr. President, you did not think the mute button was going to get in front of me, did you? I hope not. So, I have heard Members wax philosophically about this matter. I have heard colleagues speak Latin about this matter. I am impressed by all of it, but maybe I am impressed more so by the naked, pure politics and the pure political power grab that is happening with this issue. This is raw politics at its best, or maybe at its worst. I think we need to understand that for what it is and call it for what it is. What we have here is judicial gerrymandering. I want to be clear, in this pure, political power grab, what we have here is judicial gerrymandering. Common Cause opposes it, as Senator Muth indicated earlier, the Committee of Seventy opposes it, the Pennsylvania Bar Association opposes it, the Philadelphia Bar Association opposes it, the Pennsylvania Association for Justice opposes it, and the Pennsylvania Department of State opposes it, but I am saving the key one for last, Mr. President, because this is judicial gerrymandering, the Fair Districts organization opposes this issue. Fair Districts opposes this issue because it is judicial gerrymandering. That is what it is. You do not like how the people of Pennsylvania are expressing themselves through the base form of democracy, which is the right to vote, the power of the vote, and you do not like how folks are expressing themselves through their democracy, so let us take a court that has statewide responsibilities over statewide issues and draw it up into communities, into districts, to gerrymander those districts so that you can achieve whatever measure you are trying to achieve in a different way. Judicial gerrymandering.

That is what this is. It is a pure political power grab; nothing more, nothing less.

The Supreme Court has statewide judicial responsibility, statewide legal responsibilities, and rules on matters that affect the entire Commonwealth of Pennsylvania, all 12 million people. So, therefore, the 12 million people should have the right and responsibility to choose who their Supreme Court Justices are, all of them. Now, some have complained that, well, it is only the people in Philadelphia and Allegheny Counties who are getting elected. It is only folks from the two largest counties in the Commonwealth of Pennsylvania who are getting elected. Do not blame those individuals who are seeking to run for office just because they live or reside in Philadelphia or Allegheny Counties. Remember, there are 67 counties in Pennsylvania, and that means the folks who live in those other 65 counties voted for those folks from Philadelphia or Allegheny Counties. They did not just get the votes from Philadelphia or Allegheny Counties, they got the votes from all of the counties. But be that as it may, if you are from Philadelphia or Allegheny Counties, are you not also a citizen of the Commonwealth of Pennsylvania? Are you not equal to everyone else? Are you not? You are equal to someone from Adams County, Franklin County, Westmoreland County--every vote is supposed to be equal so we all get together and cast our votes for who represents us on the State Supreme Court, and then those who win have that responsibility. But, no, what House Bill No. 196 does is gerrymanders the oldest Supreme Court in the nation. That is what it does. It gerrymanders the oldest Supreme Court in the nation because those who are in charge in the House and the Senate right now feel that they can restructure the oldest Supreme Court in the nation to get some results they think that they want through a gerrymandered process. Gerrymandering the Pennsylvania Supreme Court.

Now, we have had, all across the country, and I will run down some of the States across the country where the lower statewide courts have districts. All right, the court of appeals in Arkansas is broken up into several communities. The court of appeals in Kentucky is broken down into several communities. In Michigan, the same thing with the court of appeals. In Mississippi, of all States, there is a court of appeals broken down into several districts. Ohio, our neighboring State to the west, and Texas has a court of criminal appeals. Washington, Wisconsin, and there are some more, but that is at the lower level of responsibility, not at the Supreme Court. Political power grab at its highest, is all that this is. Judicial gerrymandering at its worst, where we can consider options on how to redo and rework how we draw districts in Pennsylvania at the congressional level, at the legislative level, now you are introducing a system that creates gerrymandering for the highest court in the State, the oldest Supreme Court in the nation. Judicial gerrymandering, a pure political power grab. It really is very interesting.

I guarantee you that every one of my colleagues in this Chamber, and every one of my colleagues in the House, has said unequivocally that, you know, folks, you need to get out and vote in judicial elections. It is not just even-year elections that are important. They are important. Electing a President, Governor, Congresspeople, legislators, State House Members, State Senators, Attorneys General, Auditors General, U.S. Senators, Treasurers, all of those are important and those elections occur in even years. But I guarantee you every one of my colleagues, and every one of my House Member colleagues, have said publicly

over the years that we also need to encourage folks to come out and vote in the odd-number-year elections, in the judicial election cycles. In those odd years where sometimes there is a falloff in the vote. Sometimes there is a tendency to not vote at the higher level when the President, Governor, or U.S. Senator is on the ballot. Sometimes in those odd years there is some falloff, and we have all said those are important elections, you must get involved. Well, guess what? We carried that message, we spoke that truth to the people of the Commonwealth of Pennsylvania, and they listened to us. They started voting at higher levels, and when they started voting in higher levels, they started electing more folks, and it just so happens that those individuals, in most recent years, who have been elected to the State Supreme Court have been from Philadelphia and Allegheny Counties. Maybe the other communities should listen to their elected officials more and vote at a higher level.

But now we want to punish people for voting at the higher level and take away that responsibility. This is not about some philosophical Abraham Lincoln, or Ben Franklin, or any of the pictures on the wall of the Capitol building. This is not about any of the fine art that is on the wall of our Chamber, the House Chamber, or anything like that. This is about politics. It is a pure political power grab, and folks should not interpret it as anything other than that. Judicial gerrymandering. You do not like the fact that people are winning elections, so you want to change the circumstances, change the rules in the middle of the game. These are the rules, this is how we are playing, this is how we are participating, and this is how we are carrying out our democracy. Oh, I am losing, so we want to change the rules. You know, God forbid, it is like the Steelers--sorry, Senator Costa, but I had to go here--losing the football game after the end of the third quarter and then, you know, the coach wants to change the rules for the fourth quarter. Different rules in the fourth quarter to advantage the Steelers. They would never do that. Or the Phillies winning after eight innings, okay, and then somebody changes the rules in the ninth inning to advantage the Yankees--sorry, Senator Santarsiero, or the Mets, Senator Santarsiero. You understand what I am saying, it is like the 76ers beating the Boston Celtics after three quarters and then Red Auerbach coming back in to change the rules for the fourth quarter to win the game at that point. Come on. We are better than that.

Do not change how we elect the Justices for the oldest Supreme Court in the nation just to suit your political end and harm those who have chosen to participate in the political process and the electoral process and get their folks elected. Judicial gerrymandering. That is what this is. A pure political power grab. That is what this is. It has got to be called for what it is, it has got to be shown for what it is, and we have to vote like it, and vote this measure down. Folks, get them engaged, have them listen, have them vote. We sent that message out. We got folks to get involved in judicial elections, they elected people to represent the interests of all of the people of the Commonwealth of Pennsylvania on the State Supreme Court, and that is how it goes. Now you want to change the rules. Pure political power grab, folks. Judicial gerrymandering. This is the worst of us, not the best of us.

Thank you, Mr. President.

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

Senator J. WARD. Mr. President, I have listened to my colleagues on the other side of the aisle talk about this piece of leg-

islation, saying over and over that this is judicial gerrymandering. That is absolutely offensive. Nothing could be further from the truth. This is about fairness; fairness for rural parts of the State to get a fair shake to deal with their issues on a fair basis with judges who understand their rural issues. I represent a rural part of the Commonwealth which never gets a fair shake when it comes to appellate courts. They deal with judges from Philadelphia and Allegheny Counties, and their voices are never heard. Again, this is about fairness. My constituents deserve fairness. I am a "yes" on House Bill No. 196.

Thank you, Mr. President.

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

Senator BOSCOLA. Mr. President, about an hour ago, in the meeting of the Committee on Rules and Executive Nominations, I voted for a constitutional amendment that deals with emergency declarations and the balance of power between the Governor and legislature. There was also a provision in there, a constitutional amendment on prohibiting discrimination on race and ethnicity. Those are pretty substantive-type questions. Then I said, on record, that I am confident the voters would be able to decide this. Well, when it comes to House Bill No. 196, it is a little different because what you are asking the voters to decide is if they would create separate judicial districts, right? But they will not know what those districts look like until the legislature draws them, which it is going to be gerrymandered. I have no faith that it will not happen. I have seen and witnessed this for 24 years. When the legislature gets the pen, that is what they do, right? So I am looking at this and I go, it would be so much better if the voters had to decide and they actually saw those judicial boundaries. Then maybe I could be supportive of that. But there is no way, based on a hope and a prayer, that the legislature is going to do this right and not gerrymander. That is just false. I cannot support this. I wish they could see the maps prior, maybe that is something I can support, but I am always suspicious, especially since they cannot see those maps, they do not really know what they are voting on except for what I would say is just the procedure. So for those reasons, I am voting "no" on this constitutional amendment.

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

Senator COSTA. Mr. President, I, too, rise to join my colleagues in extreme opposition to House Bill No. 196. This, in my view, and in the view of many, particularly the organizations that my colleagues have already expressed who are not supporting this measure and who are very much opposed to it, reasonable groups that we oftentimes look at to help us make determinations about what is in the best interests of the people of the Commonwealth, particularly those organizations that work in this space and practice and those individuals and the many men and women who practice, for example, in the area of law who tell us that this is not in the best interest of administering law across this Commonwealth, administering justice across this Commonwealth. All those organizations who are opposed to it, I stand with them as well. This, in my view, is another creation of a more nefarious breed of the gerrymandering that has been described by virtue of the drawing of these regional maps to appoint judges at the appellate level, as well as our Supreme Court Justices. I will be very blunt. My colleagues have talked about this already. This is

purely a political maneuver to be able to take control of our court system and our appellate courts.

There is no question in my mind that this is the wrong thing for us to do in Pennsylvania, and I want to distinguish what we do in Pennsylvania, in our Commonwealth, and across our country as elected legislators. Our job is to be representatives of the people we represent. That is the legislative branch of government, it was designed to be the representative of the people who we represent from our districts and be the representative for them in the Commonwealth in our General Assembly. That is not the role of our court system. That is not how the folks who were original Founding Fathers who wrote our original Constitution, and in 1968 reiterated that point, that that is who we should be, three separate and distinct branches of government. The legislative branch, which is the representative government of the people we represent, and the judiciary, which is to interpret the things that we do and to keep checks and balances over each of the other two branches. It was not to be able to create a legislative judicial system. That is not what we should be doing, and that is what is inappropriate here.

My colleagues, I believe my colleague from Monroe County, talked about what needs to be done and the offensive nature of gerrymandering and looked to the Constitution and giving the people the opportunity to make those decisions. We did that. We have a process in Pennsylvania that allows for the drawing of legislative lines through the Reapportionment Commission, and, by the way, as the only person in this Chamber who served on that commission, who fought throughout that process, the gerrymandering that took place in the State House and Senate races throughout that process, appealed to our court--and mind you, a Republican court that was fair and balanced--that came back and said, you know what, the Republican-controlled gerrymandered redistricting commission made a mistake, they did it wrong, it was for partisan advantage, and they threw it out. That tells you the independence of the judiciary right there, Mr. President. But what is most important is the legislature and the Constitution says that this legislation would require that we create a law that creates the districts. That is no different than what we do already through the redistricting process. We know the history, particularly of our colleagues on the other side of the aisle, with respect to gerrymandering and redistricting lines. We saw what happened in 2011 with respect to districts for the legislature and the Senate. But we also know what happened in 2011 with our congressional redistricting and what took place there. Maps that came from Washington, D.C., that were rammed through the General Assembly, onto Governor Corbett's desk, were passed and later found to be unconstitutional, which was the right decision.

What we are recognizing and trying to do now is to put that same process in place by having the legislature draw lines for our appellate courts. That is inherently wrong. It is inappropriate. If there is anything that we should be doing, it should not be doing what is being discussed here. The people have lost faith in how we do things in Harrisburg, whether it be issues related to campaign finance reform, issues regarding some of the other constitutional amendments we talked about, or the fair redistricting proposal that my colleague, Senator Boscola, has put forth. They have lost faith and they are asking us to make changes, to create independence, separation from the legislature as it relates to drawing any kind of lines. We cannot even get legislation to

address that, which is the most fundamental, basic question that people are asking us, provide fairness in who we have representing us. We should not be electing people to tell us who we should be representing, we should be allowing the people of Pennsylvania, and the way that they do it in a statewide manner to address these issues across the Commonwealth. There is a strong history of Republican gerrymandering, and it is continuing today.

My colleague, Senator Hughes, is exactly right, let us call this for what it is: this is a pure political grab by my colleagues on the other side of the aisle because they are not happy with the outcome of many of these races over the course of the years, and, more importantly, not happy with the decisions that the Supreme Court, in particular, has been making. These decisions they made are wise, thoughtful, and premised on the law. That is what we need to remember here. It is not as if they are coming up and making decisions out of nowhere. They are bound by the precedent they need to act upon and they are not trying to do things along those lines. My colleague from Monroe County talked about the congressional district and the legislation along those lines. It was precisely the process, as I mentioned, and more importantly, the same people are advocating to do it some more with the judicial districts, and they are the ones who made that case end up in the Supreme Court of Pennsylvania. If it had been a fair process, a thoughtful process, a process that had independence associated with it and the people felt comfortable and had a trust level with that, it would have been a different outcome and it would not have been before the Supreme Court at all. To go back to the same process, to do it to the courts, to me is totally inappropriate. This is nothing more than a new breed of gerrymandering that we cannot accept and something that should not be done. I really implore my colleagues not to support this.

What I am concerned about is once we get through this process--and you are going to have the votes to pass this, I understand that--but at the end of the day, if this does become something we need to do, it comes right back to the legislature to draw those lines. I have a tremendous number of questions that are not answered, as Senator Boscola mentioned, not knowing what these districts are going to look like. Who is going to decide which would be the first district in the Commonwealth that would need to be implemented? It is going to be the legislature. If it is a Republican-controlled legislature, as it is now, is it going to be a Democratic seat? Is it going to be someone from Allegheny County who may have to run against one another, or will it be someone from Philadelphia County? Who is making those decisions that are fair and appropriate to decide when the districts are going to be merged or blended from a statewide district, who is going to be the first district, and who decides that? We in the legislature, the controlling party in the legislature. As I go back and look at some of the things we have done in the past, I have no confidence, given what we know now and the nature of the legislative body today, we will be able to do that in a fair and impartial manner. We have not done it before. Our courts have told us that, our Federal courts have told us that across our country, and, to me, that is inappropriate for us to go forward. I ask my colleagues to reject House Bill No. 196 going forward.

Thank you, Mr. President.

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

Senator AUMENT. Mr. President, I rise today in support of House Bill No. 196, a joint resolution proposing an amendment to the Pennsylvania Constitution, empowering the people to authorize the creation of judicial districts, insuring every resident of this Commonwealth receive fair and equal representation in all branches of their government. Specifically, the bill establishes regional districts from which the Supreme Court Justices, 15 Superior Court judges, and the 9 Commonwealth Court judges would be elected. This is a deviation from our current system that provides, according to Article V, Sections 2, 3, and 4 of the Pennsylvania Constitution, that Supreme Court Justices, Superior Court judges, and Commonwealth Court judges are elected statewide. The judicial districts would be drawn following the redistricting principles found in our State Constitution requiring populations, as equal as possible in each district, with compact and contiguous geographic boundaries, and it would comport with the Federal Voting Rights Act of 1965. No county, city, incorporated town, borough, township, or ward shall be divided unless absolutely necessary. The districts would also be consistent with any future constitutional changes approved by the voters to reform redistricting, such as the effort to establish an independent Citizens' Redistricting Commission. Just as other district maps that are reapportioned regularly, regional judicial districts would be realigned every 10 years, and, importantly, candidates for appellate seats would be required to reside in the district they would represent on the court for at least 1 year. The bill does not change the way cases are assigned at the appellate level, it does not set up regional courts, nor does it impact the minor judiciary. If the voters ultimately approve the amendment, the General Assembly would establish, by law, a transition to an appellate court judiciary elected from judicial districts. During the initial transition, each judge or Justice would serve the remainder of their existing term. When that term expires, they would be required to seek election in a judicial district instead of being retained. After the initial transition, judges and Justices would use the same retention system as is currently utilized.

I have been, and continue to be, supportive of efforts to reform our State government so it best serves the people of this Commonwealth. Considering all that we have been through these last few months, I am even more convinced that we must do all we can to insure that the voices of the people of this Commonwealth are heard and the people have full confidence in our system of government and in our institutions. This is even more essential during a time of crisis. Today, we have an opportunity to assure the residents of this Commonwealth that they are being heard. Throughout this crisis, the legislature has spoken, the Governor has spoken, and the courts have weighed in. Now it is time to hear from the people. We have an opportunity to strengthen the people's confidence in our system of government here today. Along with the other constitutional amendment that we are taking up here today, I believe judicial districts are an essential reform, insuring fairness and proportionate representation, leveling the playing field, and accounting for the voice of each and every Pennsylvanian.

Based on the data, the current complement of Pennsylvania's appellate courts clearly indicates that the current makeup of our State appellate courts is severely disproportionate. More than half of all the members of Pennsylvania's Superior Court and Commonwealth Court are from only 2 of the Commonwealth's 67 counties, which represent only 21 percent of the State's popu-

lation. Four of the seven Supreme Court Justices are from Allegheny or Philadelphia Counties. Taken together, only 15 of Pennsylvania's 67 counties are home to an appellate court judge. With very little deviation, this has been the case for the last 50 years. I would submit that we must do more, far more, to insure greater geographic diversity and fairness. Pennsylvania would not be alone. Other States have taken similar steps to preserve these very same principles in their judicial election or selection process. The Federal U.S. Court of Appeals and the U.S. District Courts operate under a regional system. We must do more, far more, to empower the residents of this Commonwealth to make choices rather than powerful special interests.

I am not surprised at all that powerful special interests have lined up in opposition to this effort. Though I would ask them, what are they afraid of? Do they fear the residents of this Commonwealth? Why not permit the people to decide? Many of these very same powerful special interests have business before the courts and, therefore, a vested interest in the outcome of these elections and the current makeup of the court. They have invested millions upon millions of dollars to determine who is chosen to serve on our State appellate courts. Judicial districts empower people and serve as a badly needed counterbalance to the power of special interests.

A regional judicial district model dramatically increases the likelihood that voters will recognize, that they will know, that they will have an opportunity to interact with and question candidates for the Pennsylvania Supreme Court, Superior Court, and Commonwealth Court. This reform insures that voters are better positioned to make a more informed decision at the ballot box rather than relying on a statewide mailer or a 30-second TV ad, purchased with special interest dollars, to tell voters about largely unknown statewide candidates.

I have heard many express support for a merit selection process. So, I think it is important to note that legislation introduced and debated previously in this General Assembly to accomplish that goal also recognizes the need for regional and geographic diversity in the selection of judges based on judicial districts. The language from the merit selection bill introduced and debated in the Pennsylvania House just last Session specifically calls for the appointing authorities to, quote, "consider that the courts should reflect the geographic diversity of this Commonwealth." The experiences and perspectives of residents in Lancaster County differ from those experienced by residents in Erie, McKean, Susquehanna, and, certainly, Allegheny and Philadelphia Counties. These differences, the diversity of our great Commonwealth, should be reflected by the court as judges look through the lens of their personal experiences, judicial philosophy, and world view to fairly interpret and apply the law. In the end, it is the people of this State who will decide what system should be used to elect our judges. I have faith in the people to get it right and make the best choice for Pennsylvania.

Finally, over the last 2 days, and I have heard it again here today just a few minutes ago, I have heard Members on the other side of the aisle deride this effort as a power grab. If it is a power grab, it is a power grab by the people of this Commonwealth. Let us empower the residents of Pennsylvania to make their own decisions about how this Commonwealth is governed. Let us stand with the people over special interests. I urge a vote in support of House Bill No. 196.

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

Senator COSTA. Mr. President, very briefly, let me be clear, it is not the people of Pennsylvania who we are concerned about, it is the people in our own Chamber. It is the people in the House of Representatives on the Republican side who have crafted gerrymandered legislation and gerrymandered reapportionment commission activities that relate to what has happened and our courts have found to be inappropriate. That is who we are concerned about. That is where the gerrymandering and the nefarious activity come into play. Let me go back to the comment that was made about the powerful special interests. Common Cause, who is opposed to this, is not a powerful special interest. Its interest is to what is to be done right, a reform organization. Committee of Seventy is not a powerful special interest, as was implied. Fair Districts of Pennsylvania, who so many of our Pennsylvania residents have joined in working for fair redistricting at the legislative level, is not a powerful special interest. Nor is ACLU, and the laundry list of so many other folks who have come out and said this is the wrong thing to do for Pennsylvania. To put those folks in that category is inappropriate, wrong, and disingenuous.

But more importantly, Mr. President, my colleague just spoke about the language that came out of our Constitution and would be applied to this process as we go forward. Districts need to be compact and contiguous and cannot break boundaries unless absolutely necessary. All of this language was required to be followed by this General Assembly when we did the congressional maps and when we did the redistricting maps through the reapportionment commission for the State House and Senate. Folks disregarded all of that and the courts told us that. That is what the people are concerned about. That is where they lose the faith and trust. I have faith that the people of Pennsylvania will make a decision on what they deem to be appropriate. It is not them I am afraid of or worried about; it is the folks on the other side of the aisle whose remarks today talked about the reason why we are here today. We were not here 10 years ago when we had a Republican court. Nobody was worried about the decisions that were made, presumably because they were favorable decisions. Now they are mad because they struck down a congressional map that was gerrymandered from Washington, D.C., and because they struck down language, rightfully so, that addressed the concurrent resolution process and trying to evade the Governor's power or strip the Governor of his ability to be able to manage this pandemic crisis. It is those decisions now that they are upset about. They want us to be able to change the way the game is played, as my colleague from Philadelphia talked about, change the rules in the middle of the game.

Let us be real and honest with ourselves. We had no problem in 2010, 2011, and 2012 when a Republican court did the redistricting. We did not change it then, but now we are going to change it because we are not happy with the decisions, based upon the comments I heard from my colleagues on the other side of the aisle on this floor today. To reiterate my point, this is something we should not be doing. I implore my colleagues to not support this and vote in the negative on House Bill No. 196. Thank you, Mr. President.

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

Senator MUTH. Mr. President, I think it is really important for the people of Pennsylvania to have clarity and truth, and I am speaking again so I can emphasize some of those important points. As Senator Costa just said, how we are defining special interests, especially in this Chamber, in this building, we need to be very truthful. The entities that support this are not special interests. I can say, with 100-percent certainty, I am the single Senator in this Chamber that has not taken a dollar of money from special interests. Every dollar raised for me to get elected was by people, by humans, not organizations that invest their dollars in elected officials to pass their agenda in the State and Federal government. We are not talking about campaign finance reform today. We are not talking about measures to increase transparency and expand representation.

If we are going to talk about severely disproportionate representation, you might want to look at this Chamber. There are four people of color in it. There are 13 women. That is not reflective of our State, of our demographics. Gerrymandered lines have made Pennsylvania into what it is today. Lack of a minimum wage increase, all of this, full funding for schools, the environment, every single decision has been impacted by gerrymandering. So if you want to look at what gerrymandering does, it is sitting right in front of us. As I said before, it is amazing I am standing here, beating those odds. But I think we had better give a little bit of credit to the people of Pennsylvania. You may have duped them before, but when you talk to your electorate about the issues, about the truth, about how things work in this Chamber, well, good grief, someone like me ends up standing here, which I am sure shocked a lot of you on Election Day in 2018.

So when we talk about gerrymandering, when we talk about special interests, you had better make sure the connection is clear and not stand up here and say this is for the people. It is not.

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-26

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

NAY-24

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

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.

### LEGISLATIVE LEAVE

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

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

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

### CONSIDERATION OF CALENDAR RESUMED

#### THIRD CONSIDERATION CALENDAR RESUMED

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 14 (Pr. No. 1834)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 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.

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 am pleased to speak today in support of Senate Bill No. 14, which, I believe, is a solid example of collaboration that will serve the public interest and reform Pennsylvania's probation system in a meaningful and constructive way. It is bipartisan in its development and advancement, and I would like to take a moment to acknowledge the work of Senator Bartolotta and Senator Anthony Williams, who elevated the need for changes to our current system. In June of 2019, the Committee on Judiciary held 2 days of hearings, receiving input from individuals who were part of the system and individuals who wanted to see change in the system. We had more than two dozen panelists, including judges, district attorneys, colleagues, county probation and parole officials, numerous advocates, community organizations, and individuals who were interested in protecting the rights of victims. Senator Bartolotta and Senator Anthony Williams have championed this issue and cause for a number of years, I believe, probably more than 2 years. While both had an original vision for system changes, wanting them to go further than what is contained in this bill, further in scope and further in direction, to their credit, both recognized that doing nothing or keeping the status quo was not a viable option. To their credit, together they agreed to forge a consensus. Since that time, my staff, Mike Cortez and I, worked with their staff, with Senator Farnese, who is the Democratic chair of the Committee on Judiciary, and Sarah Speed of his office, to make changes to that original bill so it could garner the support from the diverse stakeholders who were interested in addressing a problem within the system.

This final product we are about to vote on significantly benefited from all of that input and all of the time and collaboration. It represents a fair balance of important interests and rights. It will work to reduce costs, make the system more effective, and help to restore and rebuild lives. The Committee on Appropriations believes we will save close to \$6 million through this important initiative, and when you catalog the fact that 80 percent of individuals under supervision are done so at the county level, our counties are set to save additional resources. The bill has many very critical elements, such as mandatory review conferences, incentives for good behavior, accountability for individuals on parole, and a graduated and proportional sanction for technical violations.

I want to take a moment to thank my colleagues - Senator Bartolotta, Senator Anthony Williams, Senator Farnese - all the staff members, and all the stakeholder groups around the Commonwealth who are interested in reforming probation and parole in Pennsylvania. While some do not believe it goes far enough, I believe it is a very positive step in the right direction, and I want to take a moment to acknowledge the good work, the hard effort, and the collaboration that resulted in this important bill before us today. So I am here to urge an affirmative vote on Senate Bill No. 14.

Thank you, Mr. President.

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

Senator A.H. WILLIAMS. Mr. President, I am not at full voice, full throttle, or full energy today, and I, frankly, was not sure whether I was going to be able to participate. I am not only moved because it is a bill I have been engaged with for such a long period of time, but because, for those who do not know, those who are watching and listening, those who may be protesting, those who are demanding change in our country much more immediately, those who do believe in the ultimate dream, this represents that moment. I want those of you who do not work in this building to understand what it took to get to this moment. Be very clear that there is a process of respect on the floor, we are not supposed to call out individual names, but I cannot avoid that. Senator Corman and Senator Costa, as Leaders in their respective Caucuses, had challenges to get this bill moved, and I want to publicly thank those men for helping me move this bill forward. I thank the Members of my Caucus who had reservations about its lack of perfection for allowing us to express, in a moment, something that will mean so much to so many people.

I understand that, for some, the bill does not go as far as we expected, liked, or needed it to go. What I want those who are watching us to understand is, doing nothing would have been a tragedy. It would have been an indictment upon why we come to Harrisburg, and that is to simply say, if I do not get my way, if I do not get 100 percent of what I want, I go off and stomp in the corner.

I saw a letter that suggested that this bill was making the system worse. I will tell you that I was greatly insulted by that letter, and I will tell you why. I am used to people critiquing my work and me critiquing others' work, but I do not take the responsibility of telling rural Pennsylvania, suburban Pennsylvania, someone who has a condition that I am not familiar with, that I know more about it than you do. So, to my friends who passed that letter around, I want to be very clear, that is an insult. Not to me, but to countless folks who live in my neighborhood who are just

seeking some incremental change so they can go to work and not be harassed by their parole officer or threatened because they have to go to a doctor's appointment or because the time the parole officer tells them they have to come in conflicts with their boss. All these things are very practical and real in their lives.

So, I thank my Members on the Democratic side for working with us today to get us to this point. To my colleagues on the other side, this is not a bill simply about urban Pennsylvania. Unfortunately, there are far too many of us who know a generation who have been affected by the opioid, meth, and crack epidemic, and that is rural, suburban, and urban Pennsylvania. Because of that, they have a record, they have been put on parole, and they have been there for a number of years. This is the beginning of restoring some portion of their lives in ways they would hope us to do.

Lastly, let me do what I obviously have to do. To my colleague, Senator Bartolotta, thank you for allowing me to participate and partner in this process. You did not have to. But, most significantly, to Senator Baker, who negotiated this process, took the time to invite me to her office via ZOOM, to have a conversation about how far this bill had gone. While there are certainly those of us in the city who have a perspective, she took the time to explain to me about two judges in particular--I will not name the names--who were in opposition to this bill, unalterably, at the very beginning. Needless to say, they were not from the suburbs or the city. But she had worked with them and explained to them the impact upon all Pennsylvanians. She took her time on a bill that is not her bill, frankly, on an issue that may not drive votes for her in her constituency, but is about the Commonwealth of Pennsylvania. It is about humanity, fairness, and inclusion. So, for me, I had to muster up some strength today to thank her, thank all of you who have taken the time to support this measure to get it to the House, because I will tell you, of all the things I have worked on, this will mean something the moment the Governor signs it. This will have an impact upon individuals' lives. So for that, I am extremely grateful and most appreciative of all the work you all have done in supporting Senate Bill No. 14.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair thanks the Senator, and the Chair hopes the Senator feels better real soon.

The Chair recognizes the gentleman from Philadelphia, Senator Farnese.

Senator FARNESE. Mr. President, I thank my colleagues here today who have worked together to find a path that we can take forward to make our penal system less punitive and our justice system more just. I join in the remarks from previous speakers and thank the efforts of Senator Bartolotta and Senator Anthony Williams who have been leading this bipartisan effort to implement new ideas to make Pennsylvania a leader in criminal justice reform.

I also want to thank Sarah Speed, from my office, and Mike Cortez, from Senator Baker's office, whose talent and hard work allowed us to put these ideas onto paper in a way that we can be confident that the Senate will support it. We have worked with the Justice Action Network and REFORM Alliance, the Pennsylvania Association of Criminal Defense Lawyers, Families Against Mandatory Minimums, and all the advocacy groups that have come forward together today to make this happen and make this a reality.

This legislation, Mr. President, represents another milestone in what I truly hope will be a persistent and perpetual effort to bluntly reevaluate the work of our predecessors and boldly make changes when justice and humanity require it. This bill curbs the power of judges to criminalize minor infractions that keep people on a punishment treadmill: impossible to escape, and impractical to enforce. For those who stay out of trouble, who seek employment, who are willing to learn and earn, and who are creating new pathways to opportunity, in doing so we are saving money, lives, and dignity.

I agree with a number of the speakers who said this much more eloquently than I can, that tomorrow someone will say that this is not enough, that there is more to do, and, frankly, I agree with them. But today, at this moment, I am proud of the ability of my colleagues and their staff to work together on behalf of Pennsylvanians whose potential is too often wasted, whose humanity is too often ignored, and whose freedom is too often denied. I ask my colleagues today for their support.

Let me finally say and wrap this up--again, to the Majority chair, Senator Baker--this is yet another opportunity that you have brought both sides of this Chamber together over critically important issues that before did not get an opportunity to be heard. You referenced those days last June when we sat here in the Capitol, and we have done it time and time again. This committee, Senator, because of your leadership, has done it time and time again. So, I thank the Majority chair for her leadership and for her willingness, as Senator Anthony Williams put it so eloquently, to sit down and have a conversation, to hear other sides, be willing to work together and compromise, and to bring people together, because that is what I have seen. I have served my entire time on the Committee on Judiciary since joining the Senate, but in my time as the Minority chair, it has been a real honor to watch true leadership. So I include Senator Baker, as our Minority Whip, Senator Anthony Williams, did in his comments, and thank her for her leadership and for her willingness to always allow issues of such great importance to be heard in her committee.

Thank you, Mr. President.

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

Senator STREET. Mr. President, I rise to support this historic legislation and point out how important it is to so many folks. I also commend my colleagues, Senator Anthony Williams and Senator Bartolotta, for their work in this space, and committee chairs, Majority and Minority, for their work in shepherding this legislation through.

Yes, there are some in the activist community who want to see more, and we have work to do, but there are significant things that this bill will accomplish. Like Senator Anthony Williams, I represent many families who will be impacted. I want to point out that this legislation will create a system of earned credit incentivizing people on probation to earn time off their supervision sentence by completing activities to reduce recidivism and increase success. It will implement a system of graduated sanctions, limits on punishment for technical violations, something people have been talking about for quite a while. It reduces discretionary criteria to prevent reincarceration and supervision extensions based solely on highly subjective and arbitrary considerations. It limits or eliminates vague and counterproductive restrictions in standard probation conditions like the prohibition

against associating with others on probation, something that is difficult to do in many communities, to decrease the number of unnecessary technical violations and, moreover, it standardizes due process protections for probation revocations and the imposition of technical violation sanctions, increasing essential transparency and equity.

I read and delineate this because there are too many who have suggested that nothing is being accomplished here today. There are significant, concrete advances for criminal justice reform. I thank all those who worked on this legislation, and I am honored to get a chance to vote for it and have worked on it. Again, I thank my colleagues, Senator Anthony Williams and Senator Bartolotta, for their work and urge a "yes" vote on this important legislation that will provide relief to many things.

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

Senator BARTOLOTTA. Mr. President, as a member of the board of the Pennsylvania Prison Society and as co-chair of the newly formed criminal justice reform caucus with my colleague, Senator Haywood, my focus has very much been on true criminal justice reform. Criminal justice reform is about making life better for the people of this Commonwealth, and that means providing more opportunities, safer neighborhoods, and responsibility using taxpayer dollars on evidence-based practices that work. That is why I rise today in support of Senate Bill No. 14, legislation that achieves these goals by addressing shortcomings in our probation system.

Probation is supposed to be a pathway out of the criminal justice system. Instead, Pennsylvania is adding more and more people to community supervision and keeping them stuck there. The system has frequently become a probation-to-prison revolving door that is not making our neighborhoods safer but separating individuals from their jobs, schools, communities, and families. When Senator Anthony Williams and I set out to address issues in our probation system over a year and a half ago, we knew it was not going to be easy.

This bill represents the collective work of a number of stakeholders, and while it does not include everything we originally envisioned, as many have said before, it certainly does provide historic changes to the system at a time when we desperately need it. Under the current probation system, technical violations which are not actual crimes, such as being late for an appointment, traveling out of State, or being unable to pay fines and restitution, can lead to excessive extensions of probation or prison time that far exceed the original sentence handed down at trial. This approach has proven both ineffective at making our neighborhoods safer and very expensive for our taxpayers.

Last year, the nonpartisan Council of State Governments issued a report indicating that Pennsylvania spends \$100 million each year to incarcerate offenders who commit technical violations of probation and parole. If a probationer makes a mistake and violates probation terms in some minor, technical way, the solution is not simply more confinement. The solution is better guidance with incentives to succeed. By matching the punishment to their offense and rewarding good behavior, this legislation moves us towards our ultimate goal of rehabilitating offenders and restoring communities.

Senate Bill No. 14 also creates a mandatory probation review conference after 3 years for misdemeanor convictions, and after 5 years for felony convictions, with a presumption that probation

will be terminated unless the individual does not qualify. It provides for the review conference to occur earlier based on good conduct of defendants and on the achievement of education, employment, and other goals.

I especially thank Senator Anthony Williams for his unwavering commitment to meaningful probation reform and his partnership on this legislation. I also acknowledge the efforts of Senator Baker, chair of the Senate Committee on Judiciary, for her leadership and work with a number of stakeholders that was instrumental in helping to move this legislation out of committee in a form that will hopefully make its way to the Governor's desk this year.

Probation is supposed to be a pathway out of the criminal justice system. It is time that Pennsylvania joins the 30 other States that have responsibly addressed probation sentences to insure minor violations do not become a probation-to-prison revolving door. Let us help elevate people with real reform. Let us restore families, put people back in our workforce and on our tax base, back to their communities and their churches, back to higher education, to recovery, and to a purposeful life. I urge my colleagues to cast an affirmative vote on Senate Bill No. 14.

Thank you, Mr. President.

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

Senator ARNOLD. Mr. President, I am going to be very brief with my comments, and I will start off by indicating that I am, in fact, in support of this legislation. But I do want to be clear that when I hear things like "this is the first step," or "this is just getting the ball started to more change," that is not, in my mind, even remotely why I support this legislation. This, in my mind, is closer to the final step than being a first step.

I have spent my entire career on one side of the fence or the other with regard to law enforcement. What I mean by that is, I spent 18 years as a prosecutor, 14 years as the elected DA, and I also spent 4 years doing criminal defense work. So I have both perspectives on this matter, and I understand them both. While I understand the best out of all of this, the protection of our society and our citizens trumps the individual desires of people who do not want to go to jail or do not want to be on probation. So, I support this legislation, not as a first step, but as an important piece of reform that is now completed.

Everybody who is on probation or even incarcerated, I absolutely am in favor of them having an opportunity, under the appropriate circumstances, for a second chance, a third chance, or maybe even a fourth chance. But those things have to be earned by all of us. All of us in life have to earn our second chances, not be handed a second chance. There are a lot of people who want to hand out second chances to people who have broken the laws and committed criminal offenses. If they earn it, great, give it to them, but it should not be handed to them. That is why I want to make sure, from my perspective at least, that while I support this, it is with the understanding that the people earn their second chance, not get it handed to them.

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.

BILLS OVER IN ORDER

**SB 85, SB 107, HB 355, SB 530, SB 565, SB 606, HB 617, SB 679, HB 716, SB 763, SB 764, SB 869 and SB 881** -- Without objection, the bills were passed over in their order at the request of Senator GORDNER.

BILL AMENDED

**SB 932 (Pr. No. 1833)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, providing for fireworks; in volunteer firefighters, further providing for definitions.

On the question,  
Will the Senate agree to the bill on third consideration?  
Senator MUTH offered the following amendment No. A6714:

Amend Bill, page 1, by inserting between lines 16 and 17:  
5904. Additional restriction on consumer fireworks.

Amend Bill, page 3, by inserting between lines 20 and 21:  
§ 5904. Additional restriction on consumer fireworks.

Notwithstanding any provision of law and in addition to the prohibitions under section 2404 (b) of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, a person may not intentionally ignite or discharge consumer fireworks within 150 feet of a railroad train or motor carrier vehicle hauling combustible liquid or flammable liquid as those terms are defined in the act of February 11, 1998 (P.L.58, No.15), known as the Combustible and Flammable Liquids Act.

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

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

Senator MUTH. Mr. President, I am grateful that the Senate is considering this reasonable measure to adjust our fireworks law for the safety and well-being of our constituents. The law currently is missing a vital aspect that would make fireworks not be able to be set off near something flammable or combustible,

such as a freight train or transit of any sort of flammable, combustible substance, natural gas liquids, and the like. My proposed amendment would address this by prohibiting someone from intentionally igniting or discharging consumer fireworks within 150 feet of a pipeline--actually, it excludes that--just trains and vehicles transporting combustible and flammable liquids. I live in the borough of Royersford, and there is a freight line that goes right behind my neighborhood, and I discovered this Fourth of July that we had issues with people setting off fireworks on train tracks, which is obviously incredibly dangerous. The dangers in our Commonwealth are real, and we need to make sure our constituents are better informed about them, as well as protect our first responders from responding to such disastrous emergencies. I urge a "yes" vote.

Thank you, Mr. President.

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

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

BILLS OVER IN ORDER

**HB 941, HB 942, SB 968, SB 969, SB 1039, HB 1050 and SB 1118** -- Without objection, the bills were passed over in their order at the request of Senator GORDNER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 1216 (Pr. No. 1784)** -- 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 certification of teachers, providing for special provisions applicable to 2020-2021 school year.

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

SCHWANK AMENDMENT A6716 OFFERED

Senator SCHWANK offered the following amendment No. A6716:

Amend Bill, page 1, line 5, by inserting after "thereto,"":  
in professional employees, further providing for qualifications; and,  
Amend Bill, page 1, line 5, by inserting after "teachers,"":  
further providing for State certificates and  
Amend Bill, page 1, lines 10 through 12, by striking out all of said lines and inserting:

Section 1. Sections 1109 (a) and 1202 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, are amended to read:

Section 1109. Qualifications.--(a) Every teacher employed to teach in the public schools of this Commonwealth must be a person of good moral character, must be at least eighteen years of age, and must be a citizen of the United States: Provided, That citizenship may be waived:

(1) in the case of exchange teachers not permanently employed, and teachers employed for the purpose of teaching foreign languages, including special teachers who speak the idiomatic or colloquial lan-

guage of immigrants residing in the school district, and employed for the purpose of easing the transition period of such immigrants[.]; or  
 (2) if the individual holds a valid immigrant visa, work visa or a valid employment authorization document which allows the individual to work in the United States.

\*\*\*

Section 1202. State Certificates.--State certificates shall be issued as herein provided. Each such certificate shall set forth the branches which its holder is entitled to teach. No teacher shall teach, in any public school, any branch which he has not been properly certificated to teach.

A certificate to teach shall not be granted or issued to any person not a citizen of the United States, except in the case of exchange teachers not permanently employed and teachers employed for the purpose of teaching foreign languages[.

In the case of a resident foreign national holding an immigrant visa who has declared, in writing, to the Department of Public Instruction the intention of becoming a citizen of the United States, such person shall be eligible for a provisional college certificate.] or an individual who holds a valid immigrant visa, work visa or a valid employment authorization document which allows the individual to work in the United States.

Section 2. The act is amended by adding a section to read:  
 Amend Bill, page 3, line 18, by striking out "2" and inserting:  
 3

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

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

Senator SCHWANK. Mr. President, I rise to explain what this amendment is about and tell you of my interest in it. First, what it will do is add individuals with a valid immigrant visa, work visa, or employment authorization to work in our country to the exception from the citizenship requirement for teachers. Second, it removes language limiting individuals with a valid immigrant visa, work visa, or employment authorization to eligibility for provisional college certificates and adds these individuals under the exception from the citizenship requirement for receipt of a teaching certificate.

That is the technical part of it, Mr. President, but I will talk about why I think this is important for communities throughout the Commonwealth. I applaud the maker of the bill, Senator Langerholc, for his work on trying to fix the issues that we are facing in having enough teachers to staff our classrooms. I have been aware of this issue for some time, but it became very real to me when I met a young woman in my district who wanted to become a teacher at an elementary school in the city of Reading--actually, at a school that she graduated from, Lauer's Park School, one of the really poorest schools in the heart of our city. She went to college, studied, paid for her education by working multiple jobs, graduated, but then she was turned away. Why? Because she is a Dreamer. She grew up in our community from the age of 5, but she was not born here. There are others like her who dream of educating the next generation but find doors slammed in their face because of things they had no control over. When you are a kid, you go where your parents go. You do not question it, you do not have a say in it. Pennsylvania is already facing teacher shortages. How can we possibly turn away quality employees simply based on where they were born? We will lose something. We have lost something when this happens. In the city of Reading, those effects will be devastating.

I hope you understand how important it is for kids to be taught by teachers like them. The city of Reading has a large Latino population. Many families speak Spanish at home. Being taught by someone like this wonderful young woman I met last year could be incredibly inspiring. Here is someone who went to college, who looks like you and speaks like you. We need teachers like her in our communities. We need to acknowledge that they are part of our communities and help them start their careers in education, not stop them from it. My amendment will guarantee that anyone who is able to work in our country can also apply for a teaching certificate. That is anyone who holds a valid immigrant visa, work visa, or a valid employment authorization document. We worked with the Department of Education on this language, so, certainly, they are aware of my desire to make this happen. I hope my colleagues will recognize the significance of this amendment and vote in its favor. Thank you.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Cambria, Senator Langerholc.

Senator LANGERHOLC. Mr. President, I understand the passion and concern of my colleague, the Senator from Berks County. The bill encompassed within Senate Bill No. 1216 deals with temporary certifications, and I preface that, temporary certifications to existing teachers, students, graduate students, and paraprofessionals. There is an end date to this legislation; the end date to the temporary legislation being June of 2021. The amendment that has just been offered deals with qualifications of teachers and is a permanent change to the statute. Now, I understand that this substance is encompassed within legislation that is currently in the committee, and I would be happy to take a look at that and discuss that as a standalone bill, as it is, within the Committee on Education. I just feel at this time that this amendment is not germane to the bill before this honorable body, and I would therefore ask for a "no" vote on the amendment.

Thank you, Mr. President.

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

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

YEA-23

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

NAY-27

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

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

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

On the question,  
Shall the bill pass finally?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Cambria, Senator Langerholc.

Senator LANGERHOLC. Mr. President, COVID-19 has disrupted every facet of our lives. We have been left scrambling for answers and trying to deal with the hand that we have been dealt. As chair of the Committee on Education, I was approached regarding an issue many of our teachers and prospective teachers have faced with respect to certification requirements. This pandemic has made it extremely difficult, if not impossible, to comply with mandated certifications. Many testing facilities have been closed, schools are not in session, and teachers and prospective teachers have no way to fulfill their requirements. Therefore, this bill will assist them by permitting the Pennsylvania Department of Education to issue a temporary certificate to individuals who have completed all of their teacher preparation requirements, except their final assessment; issue an exceptional case permit for current educators who are unable to take their assessment to move from an Instructional I certificate to an Instructional II certificate; issue a temporary certificate, under limited circumstances, for individuals who are seeking to add on a certification; waiving requirements for undergraduate sophomores to take the basic skills exam; and extending the deadline for paraprofessionals to satisfy staff development requirements. This bill will help our teachers and our education, and I ask for an affirmative vote.

Thank you, Mr. President.

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

Senator DINNIMAN. Mr. President, I rise also to urge an affirmative vote on this bill. What we have to understand, all of us in the Senate, is that we are now in the most difficult moment in time in the history of education in this Commonwealth and in this nation. We do not know what is going to happen come fall. We do not know whether we will be teaching in school, online, or some combination of both. What we do know is that COVID-19 is spiking again here in the Commonwealth, and we have to do everything we can so we do not face an untenable situation when schools open. This will provide our schools with appropriate teacher certifications and changes, if necessary. In fact, in my own opinion, Mr. President, I think that schoolteachers should get hazard pay if they are teaching within the schools themselves. I think what we have to understand also, Mr. President, is that not knowing what is going to take place in the schools means we might well lose a whole generation of students who are not doing well with online learning.

So today, Mr. President, as we propose this to assist our teachers, I also urge that we start to look at how we can make school work when it opens, how we can not only make it work for those in school, but also work in terms of online learning. In that regard, Mr. President, I have worked hand-in-hand with the Majority chair, and we will soon be presenting a package of legislation to assure that those students who are not succeeding with online learning do succeed.

Finally, Mr. President, we need to note that this affects not only teachers in our public schools, but it affects all teachers, because the vast majority of teachers, whether they be in charter schools, religious schools, parochial schools, Jewish day schools, or other such schools, are also certified by the Commonwealth.

Finally, Mr. President, as we pass this and help our teachers and as we look forward to making sure our students learn in online learning, which is so different and takes special skills to teach, let us also say that the education wars between the charters, the publics, the brick and mortar publics and charters, all of that has to end. We need to seek out and welcome the advice of the cyber charters, which have been teaching online for a long time. We need to reach out and accept the advice of the homeschoolers who can explain to parents how they can help their young people within the schools themselves.

So, in summation, Mr. President, as we approve this bill, let us also understand we still have much to do in terms of making sure that online learning works and that students and teachers are safe for that portion of schooling that takes place in the school itself. Finally, in this period of crisis, to say to all in education, let us work together. Let us share the skills that each of us have. Let us welcome each other into the conversation, and that includes the cyber charters, that includes the homeschoolers. Let us do this together so we can make sure, in this most critical moment, in my judgment, in the history of education in this Commonwealth, that we are united together in making sure every child has a chance to be educated and we do not lose a generation of students.

Thank you, Mr. President.

LEGISLATIVE LEAVE CANCELLED

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

LEGISLATIVE LEAVE

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

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

The PRESIDING OFFICER. Senator Santarsiero requests a legislative leave for Senator Anthony Williams. Without objection, the leave will be granted.

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 1235 (Pr. No. 1853)** -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the concurrence of the Department of Environmental Protection, to lease to L-A Battery, QOZ, LLC land within the bed of the Delaware River within the City of Philadelphia.

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?

POINT OF ORDER

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

Senator FARNESE. Mr. President, I rise to seek a ruling under Senate Rule 20. I am an employee of the law firm that represents L-A Battery QOZ, LLC, which is the lessee in Senate Bill No. 1235. Am I permitted to vote on Senate Bill No. 1235?

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair thanks the gentleman for his inquiry about a conflict of interest. In the factual situation just given, it would be the opinion and the ruling of the Chair that you should, and in accordance with Senate Rule 20, must vote on this bill. Based on the facts that you have explained, the Chair does not find that any votes you cast would be particularly personal to you or privately affect you alone, or that you would derive a direct pecuniary interest from such a vote. You are an employee of a firm, not a partner. Moreover, you are not an attorney representing the lessee. You are in a class of Senators who are also attorneys employed at law firms. Therefore, it would be the ruling of the Chair that the gentleman be required to vote on this bill.

And the question recurring,  
Shall the bill pass finally?

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

YEA-46

Argall	Dinniman	Leach	Stefano
Arnold	DiSanto	Martin	Street
Aument	Farnese	Mastriano	Tartaglione
Bartolotta	Fontana	Mensch	Tomlinson
Blake	Gordner	Muth	Vogel

Boscola	Haywood	Pittman	Ward, Kim
Brewster	Hughes	Regan	Williams, Anthony H.
Brooks	Iovino	Sabatina	Williams, Lindsey
Browne	Kearney	Santarsiero	Yaw
Collett	Killion	Scarnati	Yudichak
Corman	Langerholc	Scavello	
Costa	Laughlin	Schwank	

NAY-4

Baker	Hutchinson	Phillips-Hill	Ward, Judy
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A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

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

BILLS OVER IN ORDER

**HB 1325, HB 1538, HB 1796 and HB 2438** -- Without objection, the bills were passed over in their order at the request of Senator GORDNER.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**HB 2463 (Pr. No. 3713)** -- 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 access to public records during disaster declaration.

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

MUTH AMENDMENT A6688 OFFERED

Senator MUTH offered the following amendment No. A6688:

Amend Bill, page 2, lines 8 through 10, by striking out all of said lines and inserting:

"Agency." As defined under section 102 of the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

Amend Bill, page 2, lines 15 through 24, by striking out "the act of February 14, 2008 (P.L.6, No.3)," in line 15 and all of lines 16 through 24 and inserting:

the Right-to-Know Law.  
"Record." As defined under section 102 of the Right-to-Know Law.

Amend Bill, page 2, line 26, by striking out "a Commonwealth" and inserting:

an  
Amend Bill, page 2, line 30; page 3, line 1; by striking out "a" in line 30 on page 2 and "Commonwealth" in line 1 on page 3 and inserting:

an  
Amend Bill, page 3, line 2, by striking out "Commonwealth"  
Amend Bill, page 3, line 4, by striking out "Commonwealth" where it occurs the first time

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

An  
Amend Bill, page 3, line 5, by striking out "a Commonwealth" and inserting:

an  
Amend Bill, page 3, line 10, by striking out "COMMONWEALTH"

Amend Bill, page 3, line 12, by striking out "Commonwealth"  
 Amend Bill, page 3, line 14, by striking out "a Commonwealth"  
 and inserting:  
an  
 Amend Bill, page 3, line 15, by striking out "Commonwealth"  
 Amend Bill, page 3, line 17, by striking out "Commonwealth"  
 Amend Bill, page 3, line 18, by striking out "Commonwealth"  
 Amend Bill, page 3, lines 18 and 19, by striking out "A Common-  
wealth" and inserting:  
An  
 Amend Bill, page 3, line 22, by striking out "a Commonwealth"  
 and inserting:  
an  
 Amend Bill, page 3, line 25, by striking out "Commonwealth"  
 Amend Bill, page 3, line 30, by striking out "a Commonwealth"  
 and inserting:  
an  
 Amend Bill, page 4, lines 6 and 7, by striking out "a Common-  
wealth" and inserting:  
an  
 Amend Bill, page 4, line 10, by striking out "A Commonwealth"  
 and inserting:  
An  
 Amend Bill, page 4, line 19, by striking out "a Commonwealth"  
 and inserting:  
an  
 Amend Bill, page 4, line 20, by striking out "Commonwealth"  
 Amend Bill, page 4, line 22, by striking out "a Commonwealth"  
 and inserting:  
an  
 Amend Bill, page 4, line 23, by striking out "Commonwealth"  
 Amend Bill, page 4, line 24, by striking out "Commonwealth"  
 Amend Bill, page 4, line 25, by striking out "Commonwealth"  
 Amend Bill, page 4, line 28, by striking out "a Commonwealth"  
 and inserting:  
an  
 Amend Bill, page 4, line 29, by striking out "Commonwealth"  
 Amend Bill, page 4, line 30, by striking out "Commonwealth"  
 Amend Bill, page 5, line 15, by striking out "A COMMON-  
WEALTH" and inserting:  
an

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

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

Senator MUTH. Mr. President, I applaud the maker of this bill. It is one of the bills that, actually, is timely in this pandemic, and we need to insure that our governing processes, including the operations of our various departments of the State, are transparent and accessible even during a pandemic. However, the bill in its original form does not include local and municipal government entities. In my conversations with the Pennsylvania School Boards Association, The Pennsylvania Municipal League, and the Pennsylvania Association of Township Supervisors, they said all of their entities were able to continue Right-to-Know requests even, if at times, with a reasonable delay such as cleaning an office before entry during the COVID-19 pandemic. From my understanding, expanding this bill to include all agencies under the Right-to-Know Law would not change what is already being done by these entities locally. It would rather insure that it is clarified in a statute along with the Commonwealth agencies. We need to insure fair and accessible Right-to-Know processes at all levels of our government, and I urge a "yes" vote.

Thank you, Mr. President.

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

Senator GORDNER. Mr. President, I request a "no" vote on this amendment. I am pleased to say that we are not aware of any municipalities that were not able to keep their Right-to-Know offices open. I am pleased to say that the Senate kept their Right-to-Know office open. I am pleased to say that the House kept their Right-to-Know office open. We are not aware of any issues with local municipalities or counties, the Senate Chamber, or the House Chamber. We believe this amendment is unnecessary, and I ask for a negative vote.

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

Senator MUTH. Mr. President, I respond and say: you represent one district, and maybe as a collective Caucus you all have not had issues, but in the 44th Senatorial District, there have been several municipalities which have failed to respond to Right-to-Know requests. Upon making my inquiry into why this would happen, I also fumbled into another issue that hopefully we can address in the future, which is the lack of public access to all townships and municipalities relative to Websites and public information being available from meeting minutes. That is a conversation for another day, but, hopefully, that is also a conversation that ties into the lack of rural broadband access. So, I think as we move forward, one of the things I have noticed about this body is that we can find some common ground relative to transparency including this Right-to-Know issue, as I am a Democrat, and this is an effort to obviously help the administration to further their transparency during a COVID-19 pandemic. So, I hope we are able to understand that every district has different challenges and, while it may not have been an issue for a majority of districts, not having access to that information limits the public from being informed on what is happening in their township and what their tax dollars are being spent on.

Thank you, Mr. President.

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

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

YEA-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	

NAY-29

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

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

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

On the question,  
Shall the bill pass finally?

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

Senator PHILLIPS-HILL. Mr. President, I rise in strong support of House Bill No. 2463, legislation sponsored by my good friend and former colleague, the gentleman from York County, Representative Grove. Just yesterday, the Governor vetoed another attempt by the General Assembly to establish co-equal branches of government through this pandemic. Mr. President, the people of the 28th Senatorial District have continued to call my office asking me to explain the unilateral decisions handed down by the administration. In an instant, the Governor orders businesses to be shut down and can determine which counties must operate in more restrictive phases. In fact, he even kept one county in the yellow phase due to what was said to be politics. The guidelines to move into the yellow and green phases were never publicly released despite many of us, including myself, sending the Governor letters seeking transparency. The Governor has, for the last 4 months, issued rules and guidelines without consulting this body or our colleagues across the Rotunda. These important decisions and mandates are handed out at press conferences without vetting, with guidelines that are updated to further explain what they then mean. However, we do not have clarity.

But what is more troubling is that, in the midst of a pandemic, the Governor acts unilaterally under the cloak of darkness. Mr. President, transparency is a hallmark in good governments, and especially during this pandemic when we have seen businesses shut down, some granted waivers then rescinded, taxpayers threatened with fines and retribution, fines handed out, and more confusing guidelines issued at Thursday afternoon press conferences. Transparency is an absolute must.

Two weeks ago, Kim Carl, a small business owner from Stewartstown in York County, testified at a Senate Majority Policy Committee hearing. She noted that when an employee of her small business files a claim for unemployment, she is under strict deadlines to respond to the State in a timely fashion. But as soon as she files a claim for unemployment for herself, she does not get answers. Her frustration was loud, and it was clear. She closed down her business because she thought she was doing the right thing. But State agencies will not provide her with the answers that she needs during this time of great need. Her suggestion is we need oversight. However, this Governor is not responding to Right-to-Know requests, and this sets a very dangerous precedent.

Thankfully, we can send a commonsense measure to his desk to assure that decisions and edicts have some transparency. During an emergency, more, not less, transparency is needed to provide clarity and avoid confusion and chaos, and I respectfully ask my colleagues for an affirmative vote on House Bill No. 2463.

Thank you, Mr. President.

And the question recurring,  
Shall the bill pass finally?

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 2487** -- Without objection, the bill was passed over in its order at the request of Senator GORDNER.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

**SB 207, SB 258 and SB 284** -- Without objection, the bills were passed over in their order at the request of Senator GORDNER.

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 GORDNER, and agreed to by voice vote, the bill was laid on the table.

SB 531 TAKEN FROM THE TABLE

Senator GORDNER. 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 PRESIDING OFFICER. The bill will be placed on the Calendar.

BILLS OVER IN ORDER

**SB 809, HB 1032, SB 1034, HB 1061, HB 1069, SB 1089, SB 1158, SB 1186, SB 1187, SB 1204, SB 1220, HB 1780 and HB 1855** -- Without objection, the bills were passed over in their order at the request of Senator GORDNER.

BILL LAID ON THE TABLE

**HB 1880 (Pr. No. 2615)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

**SENATE RESOLUTION No. 347, ADOPTED**

Senator GORDNER, without objection, called up from page 9 of the Calendar, **Senate Resolution No. 347**, entitled:

A Resolution extending the temporary emergency Rules of the Senate.

WHEREAS, On March 18, 2020, the Senate adopted temporary emergency Rules of the Senate; and

WHEREAS, It is necessary to extend the operation of those rules; therefore be it

RESOLVED, That the final resolved clause of Senate Resolution No. 318, Printer's No. 1596 (2020), adopting temporary emergency Rules of the Senate, be amended to read:

RESOLVED, That this resolution shall expire [July 31] September 30, 2020, or 10 days following the expiration of the emergency declaration, whichever is earlier, unless otherwise further extended in accordance with the Rules of the Senate.

On the question,  
Will the Senate adopt the resolution?

The yeas and nays were required by Senator GORDNER 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 PRESIDING OFFICER. The resolution is adopted.

**BILL REPORTED FROM COMMITTEE**

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

**SB 1166 (Pr. No. 1835) (Rereported) (Concurrence)**

A Joint Resolution proposing separate and distinct amendments to the Constitution of Pennsylvania, in declaration of rights, providing for prohibition against denial or abridgment of equality of rights because

of race and ethnicity; in legislation, further providing for action on concurrent orders and resolutions; and, in the executive, providing for disaster emergency declaration and management.

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

SENATE CONCURS IN HOUSE AMENDMENTS

**SB 1166 (Pr. No. 1835)** -- The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing separate and distinct amendments to the Constitution of Pennsylvania, in declaration of rights, providing for prohibition against denial or abridgment of equality of rights because of race and ethnicity; in legislation, further providing for action on concurrent orders and resolutions; and, in the executive, providing for disaster emergency declaration and management.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1166?

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

Senator GORDNER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1166.

On the question,

Will the Senate agree to the motion?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Westmoreland, Senator Kim Ward.

Senator K. WARD. Mr. President, I rise today to ask for this Chamber's support, once again, for Senate Bill No. 1166 by concurring with the amendments inserted by the House of Representatives. The emergency powers the Governor of Pennsylvania, any Governor of any party, has as of right now, without a possible constitutional amendment change, will continue into the future, bypassing governments' three co-equal branches of government. It is one person with unilateral power during an extended state of emergency who erases the checks and balances of our government. There is no doubt the way our government in Pennsylvania is functioning right now has created a backslide of our representative Republic. From at-home orders, to school closings and business shutdowns, all of these decisions have been made unilaterally without legislative input. This has not just been for 1 day, it has not been for 1 week, it has not been for 1 month, but for 4 months as of now, and with the ability to keep it going indefinitely. This is today's Pennsylvania's government. A Governor, any Governor, unilaterally, is able to use the power granted to him or her in an emergency to subvert our democratic process through executive orders, overriding regulations, and spending tax dollars, all without legislative input and approval. So, during the emergency, this replaces our three co-equal branches of government, and this, Mr. President, is how democracy dies. This is not how it should be.

No Member of the General Assembly envisioned in 1978, when it approved the Governor's emergency powers in response to a flood event and the Three Mile Island disaster, that we would be sitting here today discussing the ability of one person

through executive orders to close down and severely restrict business operations, limit access to public education, prohibit certain important medical procedures, and keep people from their loved ones for more than 4 months with no end in sight, and no legislative approval. But standing here today, we do understand that. Today, we, in the Pennsylvania State Senate, can vote to give our constituents a voice as to how they want their government to function during a state of emergency, or we can vote against Senate Bill No. 1166 and, therefore, not give them a voice. This pandemic has been frustrating and challenging, to say the least, for every man, woman, and child affected by it, which has been pretty much everyone. As a legislator, it has been unbelievably frustrating for the majority of us in the General Assembly who have repeatedly stood up to express the concerns of our constituents and voting the will of those constituents, only to have those concerns and that will dismissed unilaterally by the Governor with a veto. People have lost their livelihoods, their ability to care for their loved ones, their future, their freedoms, and, sadly, for many people, they have lost loved ones, all under orders issued by the Governor or his administration through the existing absolute power they have.

In a crisis such as this, with no end in sight, this constitutional amendment will put more voices, through the elected representatives of the people, at the table and reign in that absolute power. The provisions of Senate Bill No. 1166 will not negate nor impede the role and responsibility of the Governor to lead Pennsylvania through times of emergency. A Governor will still be able to immediately call a state of emergency and manage it, but it will require legislative input for an extended state of emergency.

Voting in favor of Senate Bill No. 1166 is not a judgment on the policies and mandates instituted by the Governor and on what he has chosen to do and not chosen to do. It is not about whether any of us agree or disagree with what he has done. It is, instead, about the process of how our government functions during an emergency. It is, instead, insuring that the people we represent have a voice as to how they are governed during a state of emergency. The way things stand right now goes against the grain of our representative Republic, and it is actually scary when you get down to the nuts and bolts of the present law. Think about this: a Governor calls a state of emergency. During the said state of emergency, he or she can unilaterally override regulations, spend money, put mandates in place, but, yet, that Governor, the one with all of the centralized power, is the only person who can end the state of emergency. Scary, indeed.

Voting in favor of Senate Bill No. 1166 is simply allowing the people of Pennsylvania - the people, not you, not me, not the Members of the House of Representatives, not the Governor, not the Supreme Court, but the people we represent - we are asking them if they want one person, regardless of party, calling all of the shots indefinitely, or if they want to preserve the democratic foundation of checks and balances at all times from those who govern them. There is nothing negative, ever, about giving the people we represent a choice in how they are governed.

In closing, I offer my sincerest appreciation to Senator Hughes for his initiative and leadership in amending Senate Bill No. 1166 in order to establish racial and ethnic equality as one of Pennsylvania's fundamental principles. This will align our State Constitution with the United States Constitution. So, thank you. I also thank Members of the State House of Representatives for retaining this important provision within Senate Bill No. 1166.

What we are about to vote on today will create two monumental constitutional milestones for our Commonwealth. Our State Constitution was ratified in December of 1873 and went into effect January 1, 1874. For the first time in our Commonwealth's history, it would specifically include provisions on two issues greatly affecting Pennsylvanians right now, present time: an emergency declaration by the Governor, and race relations. I ask the Senate to vote in favor of Senate Bill No. 1166 today and begin to give Pennsylvania voters the ability to express their voices on both initiatives when they go to the polls next spring.

Thank you to my colleagues, the cosponsors, Senator Martin, Senator DiSanto, and Senator Killion, for their contributions in getting the amendment this far. Thank you to the staff, most notably my legislative director, Geri Sarfert, and the leadership teams in both Chambers for the work they did in getting this legislation to the floor. Thank you.

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

Senator STREET. Mr. President, I would just add, not to belabor the point, that the Members of this body do have a voice in this process. We can, in fact, override the Governor's veto. It requires collaboration from both sides of the aisle. By removing the Governor's veto power, what we are really doing is saying that the Majority can unilaterally end the stay-at-home order without collaboration from the Minority. I think some of our best legislation comes from collaboration, as we have seen earlier today. I, therefore, urge a "no" vote on this legislation.

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

Senator BARTOLOTTA. Mr. President, I rise today in support of Senate Bill No. 1166. From the very beginning of this pandemic, I have maintained that our goals should be to protect both lives and livelihoods. Many Members on both sides of the aisle supported mitigation in Pennsylvania when it began in March as our Commonwealth began to grapple with both understanding and responding to the pandemic. But now, the Governor's orders are destructively impacting businesses and the livelihoods of so many Pennsylvanians, and the damage grows more serious by the day. He is harming Pennsylvanians in a multitude of ways, not just businesses and financially, but academically by our schools not opening or even having a plan for their future; athletically because there are so many kids out there who had opportunities for scholarships through athletics to continue their higher education, their goals of possible scholarships for colleges and universities. The child abuse situation is skyrocketing because these activities are happening behind closed doors, through an extended, going into 5 months now, of a lockdown, the domestic violence, the mental health issues, and on and on and on.

While precautions are still needed to prevent the spread of COVID-19, it is clear that we must act now to restore the checks and balances for future emergency declarations to insure that they cannot be used to bypass State laws, spend money without authorization of the General Assembly, and ignore the will of the people, something that the Founders of our Commonwealth set out to prevent over 244 years ago. As a matter of fact, in 1788, James Madison declared that the accumulation of all powers - legislative, executive, and judiciary - in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny. That is why I stand here today in support of Senate Bill

No. 1166. This legislation is about restoring the balance of government and Pennsylvanians' trust in government. Such concentration of power and contraction of rights and liberties comes with the understanding it is to be temporary and limited. Emergency powers are designed to respond to a particular crisis and then be removed as soon as that emergency has been met or shortly thereafter. That is what this legislation would do. It insures that an emergency declaration expires after 21 days unless extended by a concurrent resolution of the General Assembly. It also prevents a Governor from issuing a new emergency declaration based upon the same facts. This means the Governor has no other choice but to negotiate and work in good faith with the General Assembly. That is the way Pennsylvanians expect their government to operate, not by declaring whatever edict suits the Governor's mood at any given moment.

As an amendment to the Pennsylvania Constitution, the bill must pass the Senate and the House of Representatives in two consecutive legislative Sessions and then, ultimately, be approved by the voters. This will give the people the final say in how they believe an emergency declaration should be handled. The voices of millions of Pennsylvanians have been muted for far too long during this crisis. This approach places the final decision in the hands of the people, for the people, by the people, as was intended from the very beginning of our government. I urge an affirmative vote on Senate Bill No. 1166.

Thank you very much, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Schuylkill, Senator Argall.

Senator ARGALL. Mr. President, I thank Senator Kim Ward for bringing this constitutional amendment to the floor. It is certainly an idea whose time has come. When we saw this last, it was approved overwhelmingly by every Republican Senator, our Independent Senator, and two-thirds of the Democrats on the floor, and I certainly hope that would be the case again. Likewise, it was approved by a pretty significant margin in the House of Representatives. The Minority Leader, Senator Costa, 8 years ago, gave us all one of these. It is a representation of one of the most famous paintings in the Capitol. It is something that the Governor walks by every day, and, as far as I know, it is the only representation of a king that you will find anywhere in this historic building. It commemorates the day that King Charles II signed the Charter of Pennsylvania in 1681 granting land in the New World to William Penn. I hope the Governor does not get the wrong idea. You would hope that William Penn would be his historical model, not Charles II.

No legislature in this State's history has ever intentionally given royal powers to any Governor - Republican, Democrat, Whig, or Know-Nothing. Under any consideration, we would never do such a thing, no matter what the State Supreme Court has said. So, I certainly hope we would be able to correct this inconsistency so that in the future, no Governor - Republican, Democrat, Independent - could make the same kind of mistakes. In the future, a Governor will need to come back to the House and the Senate rather than extend emergency powers month after month, week after week, year after year, who knows? I encourage the Governor, the next time he walks through his reception room, to take a look at this famous painting and remember that he is not supposed to be Tom the First.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Franklin, Senator Mastriano.

Senator MASTRIANO. Mr. President, I rise in support of Senate Bill No. 1166. I do not see it as a partisan issue. As a lifelong soldier wearing a uniform my entire adult life for 30 years in the U.S. Army, obviously, our oath is to protect and defend the Constitution of the United States, and when I took the oath here last year, the Pennsylvania Constitution as well. Our brilliant system of government here is based on three co-equal branches of government, and there are natural tensions between two, but a balance of powers, and that was something sadly lacking over the past 5 months when our Senate and House has not had oversight, or advice and consent, or much interaction with the executive branch at all, for that matter. It is not hyperbolic to say, as a historian, that our Governor has wielded more power in the past 5 months than any other Governor in almost the three centuries of Pennsylvania history. Picking winners and losers, the waiver process here, essential, nonessential, so many aspects of our lives were infringed upon, and so many of our basic freedoms were undermined, all in the name of safety. There is a carving right outside the steps here of Benjamin Franklin warning us that if we give up a little bit of basic freedoms for a little safety, we deserve neither. That seems to be the perilous path we are on.

This constitutional amendment, of course, is an endeavor to restore the natural right and powers of this branch where there is advice and consent, there is accountability, and not an emergency order that goes on in perpetuity without much dialogue. Achieving a two-thirds vote to override, of course, is a bit daunting. So, there has to be a better avenue of accountability for the people's voices to be heard, and we represent and speak for the people. We are closer to them. In that vein, this is a good, commonsense approach. It is not partisan. It makes sense to me that 3 weeks is ample time for an emergency. Obviously, in the construct of this great power given to the executive branch, it was within the mind of a catastrophic weather event, or some other unforeseen natural disaster, and to go on with a COVID-19 crisis that is dragging on and on, and the situation is having severe destruction and a significant effect on people's lives and livelihoods, it is time for us to have a greater say in this.

The most disconcerting thing for me to watch is how there has not been much interaction with the executive branch over the preceding 5 months. I do not know how we can work together in a crisis. When I served in the United States Army, anytime we faced a crisis, it did not matter which nation you were from, or what your politics or religious views were, it was about getting the job done and working together to a common end, and in this vein, I do not see that happening. So, this restores the natural balance of power within our constitutional republic, and in that end, I encourage everyone's positive vote.

Thank you, Mr. President.

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

Senator HUGHES. Mr. President, first of all, let me say this. I appreciate the kind Senator's comments earlier with respect to my amendment. However, given how this matter has been corrupted so terribly, I am going to vote against Senate Bill No. 1166. We will raise this issue about equity in Pennsylvania constitutional protections more comprehensively at a later date. So that fact is that. But, the comments I am hearing from my colleagues with respect to should Governor Wolf have operated like the Governor of Florida? Is that what our colleagues would have

liked? We just had a four-caucus leadership call earlier this morning, I believe at 10 a.m. this morning, where the Governor informed us that because of science and data, that information tells us that the infections coming from Florida, Texas, and other, coincidentally, Republican-controlled States with Republican governors, are causing a surge here in Pennsylvania. Now, we already know that those governors do not appreciate science, do not appreciate data, do not rely on their major institutions, and, in fact, we already know those governors follow the President of the United States, who just today obliterated the CDC in terms of the data and information they are supposed to be providing to citizens all across the nation.

So, we are now getting impacted by these other States because those other governors, who happen to be Republican, I might add, have made crazy decisions that have put Pennsylvania citizens in jeopardy. Should we have had a legislative hearing on the matter before we had an executive action taken today to help stop the surge that is coming from these other States? Is that what the Members would have liked? Let us have a hearing on it. Let us have a roundtable conversation on the matter. Or should we have acted, as this Governor has acted, precipitously, to make sure we are protected? I might add, I guess my colleagues have overlooked this matter, Pennsylvania was rated as one of the three best States in the nation in terms of dealing with COVID-19 by the Centers for Disease Control, which now the President, or the gentleman occupying the White House, wants to put a muzzle on in terms of how they deal with their information, their facts, science, knowledge, data, and details. So, let us talk about if he caused child abuse? Are you really serious saying that? We are safer because of the actions of this Governor because he chose to listen to science, he chose to listen to data, and then, we are now impacted by these other States who chose not to listen to science, who chose not to pay attention to the data, who chose not to listen to the health experts within their particular States, and who chose to follow the dictates of the person occupying the White House at 1600 Pennsylvania Avenue, or better, 1600 Black Lives Matter Plaza, just to be accurate in terms, because that is the address.

So, let us be real clear about what it is that is going on here. You want to put all of this, all of these problems on this administration when the fact is that the State has had a better response to COVID-19 than the others. But in the meantime, you want to have public hearings, public conversation, and legislative back and forth with the House and the Senate, and we can go back here and back there, while there is a pandemic going on. At certain times, in certain situations, we must rely upon, and we have relied upon, this Governor to lead us through this, and the data indicates that Pennsylvania citizens are healthier because of that. The data also indicates that Pennsylvania is now in jeopardy because of the States that did not follow the data, the science, the information, but chose to follow the madness coming out of 1600 Pennsylvania Avenue that has put us all back in jeopardy. All of us are in jeopardy because of the madness coming from other places that chose not to follow science.

So, let us call it for what it is, but let us not make assumptions or make statements that we are in a worse situation because of the actions of this Governor. That, in fact, is false, it is a blatant lie on its face. But, again, you would not know that unless you listened to the data, unless you paid attention to the science. We had the head of the Children's Hospital policy lab explain to us

in great detail, both today in a four-caucus leadership meeting and publicly in front of the entire Commonwealth of Pennsylvania, why we must make these decisions, why we have made the decisions that we have made, and why we are healthier because of those decisions. Again, the Children's Hospital policy lab, CHOP, Children's Hospital of Philadelphia, is probably the number one children's hospital in the country, if not the world. They provide us with the place where all of you, when you have issues or problems with your children, or your nieces or nephews, or grandchildren, want to find out how you can get them services at the Children's Hospital. They gave us the data, they have been giving us the science, and have been utilizing the technology. They made Pennsylvania safer, and that is a fact. We are safer compared to Texas, Florida, and so many other States that just so happen to be Republican controlled and led and following the dictates of the person occupying the White House.

So, we have been doing good under Governor Wolf. Is it perfect? Absolutely not. I do not think there is anyone in this Chamber who could have done a better job, a perfect job, only because we have never had to deal with an issue like this before. Because we have never had to deal with an issue like this before, we have been led into this hell-hole problem by the person occupying the White House who has refused to follow the science, has refused to follow the data, has refused to follow the information and, I might add, has known longer that this pandemic was coming than any other country in the world, and, unfortunately, has the most deaths than any other country in the world. Governor Wolf is not perfect, but neither is anyone in this body. Let us be careful about the assertions that we make. The data indicates that Pennsylvania is safer because of Governor Wolf's action. Let us follow the course, requiring a "no" on Senate Bill No. 1166.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Cambria, Senator Langerholc.

Senator LANGERHOLC. Mr. President, I was not here in 1988 to debate the merits of the bill that led to this law in its current form, but it is quite hard for me to imagine that the legislative intent was to cede the powers of this great General Assembly and essentially tilt the balance of power away from an effective system of checks and balances. The law, as it is currently written and codified in statute, seems pretty clear, pretty self-explanatory. But we know how that was interpreted, and the sun did not shine on that interpretation. So, we find ourselves here today, out of necessity, to rein in unilateral power and limit the length of the power that is wielded. Clearly, unequivocally, and loudly, without question, establish the means to check that power and ensure that we do not return to the monarchy we fought so valiantly to separate from so many years ago. Quite simply, we would not be in the situation we are in now if we had this in place currently. If the people in our Commonwealth felt there was a collective voice guiding them that was representative of their ideals and interests, rather than dictatorial and demeaning, then perhaps our Commonwealth would not be as divided as it has become. Quite simply, we must pass this legislation so there is no doubt for the future generations that come after us of the legislative intent and that we do restore the checks and balances. I ask for an affirmative vote.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lehigh, Senator Browne.

Senator BROWNE. Mr. President, I rise in support, along with my colleagues, of this very important measure for the future balance of governance here in the Commonwealth. Obviously, the motivation and the impetus behind this has been our collective experience and interactions with the executive branch of the Commonwealth over the last several months. But as many of my colleagues have said, the question and the circumstances for us, in relation to the governing of this Commonwealth on behalf of its citizens, is a lot bigger than that. And the question is pretty fundamental: that is, right now, under law as interpreted by our Supreme Court, an executive of this Commonwealth, under an emergency power, can declare such an emergency and maintain unilateral authority over the decisionmaking of this government for at least his term. Obviously, that has come into play in regards to the differences of opinion as to how the chief executive of this Commonwealth has managed the current pandemic and some of the concerns we have had as to alternative approaches he could take.

But it has, unfortunately, gotten bigger than that. The use of this authority to go beyond what we believe is actually germane to the management of this crisis, and probably the best example happened just yesterday with Governor Wolf deciding, notwithstanding our collective actions to pass a bicameral, bipartisan act to distribute CARES money, the Federal general relief money that was given to us to take care of those impacts that are happening throughout our communities, to deny access of those dollars to one of our counties with no statutory authority to do it. Obviously, it was in reaction to actions by members of the local governing bodies that he was concerned about, but let us face it, who is going to be penalized by that? It is not the people who are representing the constituents in Lebanon County. It is the businesspeople, the charities, the unemployed, the people who need housing, and the people of Lebanon County who need rental assistance. That is who is going to be penalized by this. Regardless of what may be perceived to be the motivations for this, the administration has been very clear that they are trying to make their actions premised on science, as my colleague on the Committee on Appropriations had mentioned. There is no science to this. There is absolutely no science in relation to that decision. There is no reason to deny one of our counties their money based on differences of opinion on the actions of the governing here and the governing of that county. It makes me, as someone who is charged by this body along, with my Democratic colleagues, to try to work on the financial matters of this Commonwealth, ask what may happen in the future in regards to the additional decisions we have to make?

We need to act collectively with the House over the next several months to make appropriate decisions as it relates to additional money we have set aside from the Federal government to meet our needs and the impacts of the COVID-19 pandemic. We had stipulated in statute that this needed to be done through an Appropriations process, but since this current action was done counter to that law, with no authority to do it, we are really concerned that the Governor, under his opinions and his interpretations of his executive authority, will decide to take that money, regardless of our interests and our statutory actions, and distribute it the way he wants to. That is something that current actions by the Governor lead a lot of us to be concerned about. So, the reason for this approach today is a concern over the overall ability of the executive to do things beyond what is the management

of the crisis at hand. It is important, for this reason, to consider that as Members of this General Assembly in terms of our ability to manage our affairs on behalf of our constituents.

I want to take this opportunity, as we consider this measure today in providing more balance to this current conversation in supporting this initiative, to put the Governor on notice of our concern about the actions he will take independently that are counter to his statutory authority to do them. These are the bigger reasons why we are standing here today questioning the value and the future of this Commonwealth as it relates to managing an emergency by the chief executive. This bill is necessary, given our experiences with Governor Wolf, to provide more balance to our process. That is the reason why my colleagues in the Senate should vote in the affirmative.

Thank you very much.

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

Senator MUTH. Mr. President, I voted "no" on this the first time it was in this Chamber, and I am rising today, again, in opposition of Senate Bill No. 1166, legislation that does not give the people of our State more power but instead shifts the power dynamic within our Commonwealth to favor the party holding Majority power. Currently, the legislature already has the right to end any Governor's declaration of emergency with a two-thirds vote in each Chamber. The constitutional amendment--although directed at the Governor's power, as many are frustrated with some of his efforts, and I cannot exclude myself from that statement--in this legislation decreases the ability of the Minority party Members to represent their individual constituencies. If passed, Senate Bill No. 1166 would allow a simple majority vote, not a supermajority two-thirds vote, to overrule a Governor's emergency declaration. This means the constitutional power moves to the Majority party in power only, not the General Assembly as a collective whole.

The Constitution today already allows for us, as a body, to overrule the Governor with a supermajority vote, as mentioned by many of my colleagues. The current provisions of the supermajority requirement placed in the Constitution are right and just, and even more important in the event of a national disaster. Based on some of the comments and opinions over the past couple of months of many of my colleagues, some who undermine the severity of this pandemic and favor initiatives that would lead to further harm, and even death, and frame it as an argument of freedom. The definition of freedom does not include the right to harm other people. Our actions right now are so important to save lives. This constitutional amendment aims to take power away from the people who are representing constituencies in a time of an emergency.

I also want to mention the economic struggles that have been mentioned in this Chamber, the struggles of systems failing during this time, limitations of child abuse, domestic violence, education issues, going back to school, and going back to college. We had no safety net ahead of this pandemic. Historic underfunding of every program that helps humans has led us to this point now. Right now is the moment where the entire State is looking for us to work together to make decisions to save lives, not to harm people. I know that every single person in this room, despite our disagreements, cares about the people in their district. We now have to work together to care about every person in this Commonwealth, because this pandemic does not care

about county or State lines. What have we done to secure ourselves, after a failed Federal government, to move Pennsylvania forward in the absence of a cure or vaccine? What have we done? This bill is not the answer, and I urge a "no" vote.

Thank you, Mr. President.

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

Senator SCAVELLO. Mr. President, first of all, I stand here in support of Senate Bill No. 1166. Unfortunately, we have to go that route, but I have to respond to a couple of comments that were made about child abuse, domestic violence, and the comment made about historic underfunding. No matter what we did, what is happening during this pandemic, with the schools closed, you are not getting the reports to the police from the schools about child abuse, because it is the schools that do most of that reporting. With the schools closed, we are not getting it, and that is growing. Domestic violence is growing as well, and why? Because of economic issues in the household. The husband was not able to go to work or the wife was not able to go to work. I am on top of it because I get the numbers from my local police: increased drug abuse, increased alcoholism, increased terroristic threats. Let me ask you something, with all this happening, protests are okay?

The Governor, today, stood up and is now reducing restaurants to 25 percent. At 50 percent they were losing money, and now we are going to 25 percent in the restaurants? You might as well, Governor, have said you are closing them, because there is no way in the world that they can exist at 25 percent. So we are going to flip this back. Our unemployment is one of the highest in the country. Why do we not look at that rating? Why do we not check that out and see what is going on? The reason why we are doing this today is because we have a Governor who ran on transparency, and when we request information from him on how he handed those waivers out, he declares because of the emergency, we cannot get them. That is why we are doing this today. There was no reason in the world to do this, but what we are doing now, we are making sure these mistakes do not happen in the future.

Another comment was made about having the Majority, but you need two-thirds. You are right, you do need two-thirds, but very rarely does the party go against their Governor. I have been here since 2002, and it happened one time in the last month of Governor Rendell's term where we overrode his veto on an issue with education. That was it. So it does not happen every day.

Speakers are bringing up other States, and I do not know why, but let me tell you, I was in the hotbed because I have New York and New Jersey coming into Pennsylvania with their problems. Yes, Senator, they have Democratic governors. What was not mentioned was the problems in Delaware, they have a Democratic governor. This should not be a Republican or a Democratic issue. I am bringing it out because, guess what, we are all at fault here. My biggest problem right now is we are going to slip back, and our stores and businesses are hurting right now. They have taken the precautions, and now we are hitting the restaurants at 25 percent. You are closing them down. I do not know what science you are looking at. You want to look at the Republicans in the State of Florida? Take a look at what they were doing. They were reporting only the positives and not reporting the amount they were testing, and so those numbers were skewed. They came out with the information yesterday, it is half.

Look, Senate Bill No. 1166 did not have to happen, but guess what, Governor, because you think you are a king, we have to do it. We have to do it not for today, but for the future, because I do not care if it is a Republican Governor or a Democratic Governor in the future, we cannot have kings. We are not a monarchy.

Thank you, Mr. President.

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

Senator COSTA. Mr. President, I have a couple of things I rise to speak on. I want to first thank my colleagues on this side of the aisle who so eloquently and passionately talked about what exactly is wrong with respect to this particular piece of legislation. More importantly, the actions of our Governor and Secretary Levine. Previous speakers spoke about rectifying or correcting the mistakes that scored extremely well over the course of this pandemic process. A leader among States with respect to how we handled it and the things we did, and how they were the right things to do. So, I applaud the work that has been done by our Governor, and I do not view them as mistakes. I view them as thoughtful, methodical approaches to dealing with the pandemic that other States were not, quite frankly, able to do.

Now, more recently, we are experiencing an uptick in the number of cases. I suggest the previous speakers talk to their Leadership team as it relates to the conversation we had with our Leadership folks about what is coming down the road that we are all going to have to deal with, largely due to some of the decisions that were made with respect to the economic impact of our Commonwealth as it related to opening up businesses. Now, this has become an economic argument versus a health and safety argument, in my view. I think we have taken steps that were appropriate along those lines, and there are no questions that we need to do more going forward.

A previous speaker talked about the work of the Governor with regard to CARES resources. I think it is pretty clear that the Governor has been open minded with respect to how we spend the CARES money. In fact, we had a bipartisan conversation and legislation that allowed for that to take place when we drove out an excess of \$2.6 billion. If we do not drive out the remaining parts of that, that money would revert back to the county fund. All 67 counties would be able to enjoy the remainder of those resources. That was something the Governor willingly signed to allow that to occur. As we go forward, that conversation needs to continue, and we made an argument that we need to spend the remaining portions of those dollars. The sooner the better, quite frankly, as it relates to our schools, as our colleagues have talked about, and as it relates to helping individuals who are dealing with utility problems, shutoff concerns. Thankfully, the Governor extended the terminations and the evictions, and the like. Those are the conversations we have to have. Supporting our nonprofits and hospitals, as we have talked about, and certainly our small businesses, as we have tried to do, and we think we need to do more. So, we are trying to take steps in a cooperative way to be able to do that.

What we are doing here today, and I have heard a lot about the balance of power, we are destructing the balance of power in an incredible way. We are taking the power that has been lawfully vested in the Governor and the steps that he has taken--and more recently, the courts have agreed with him that he has been able to do so based upon law and our Constitution, what we are now doing is vesting it in the Majority parties of the General

Assembly at any point in time. That is what is happening with respect to the redistricting as it relates to the drawing of lines for our court systems. We are invading the judicial branch of government and saying to them that we in the legislature know what is best with regard to judicial districts, that is the way it should be done, and we are going to draw those lines. People have no faith with respect to how we draw lines or what we do as it relates to governance. Yet, we are going to step into the judiciary space and tell them what is best for them in terms of how people have access to the courts and how their cases are going to be heard through the appellate process and up to the Supreme Court. Now we are going to come back--(technical difficulties with ZOOM.)

The PRESIDING OFFICER. The Senate will be at ease.

Clearly, there were some technical problems with the feed for Senator Costa. I certainly do not like to interrupt a Member during his remarks, but it got to the point where we could no longer understand him. So we are in an effort to try to reengage.

On the bill, the Chair recognizes the gentleman from Columbia, Senator Gordner.

Senator GORDNER. Mr. President, I will take a few moments to summarize some of the beliefs and positions that we, on the Republican side, have. I am proud to be chair of the Capitol Preservation Committee and for us to be in this beautiful Chamber. As a history major, I know our first form of government in the United States was the Articles of Confederation. Those Articles of Confederation ended up being a disaster, partly because there was not a proper balance of power between the Federal government, local government, the executive, and the Assembly. I cannot see on the mural, but I believe in 1787 was when our Founding Fathers gathered then in Philadelphia to try to come up with a new document, and you had George Washington and senior statesman Ben Franklin gather to come up with that, and there were a number of compromises that occurred during that period. But, ultimately, the document that was produced was our Constitution, and in that Federal Constitution was the balance of power between the executive, legislative, and judicial branches. For 200-some years, that has worked well for the Federal government. I am proud to say that with the history of William Penn and the Constitution that was established--we have had several, the most recent in 1968 here in Pennsylvania--we also have those balances of power. So I look at this bill not as a partisan issue, but as an institution issue, as a House issue, as a Senate issue, as a legislative issue.

A number of us had the opportunity to serve with someone by the name of Matt Ryan. If you had an opportunity to serve with Matt Ryan in the House, you know he was all about the institution. I can remember back in the 1990s--I do not know where Senator Yudichak is, he is right here, but he remembers--at one point there was a battle involving rank-and-file Democratic Members. Matt Ryan stepped in to make sure that the institution was protected in regard to the committee process, the committee chair process, and he stepped in, again, to protect the institution of the House. Matt Ryan, from the day he arrived in my birth year of 1962 until the day he passed away, was strong about the institution and the balance of power. That is what we really need to be concerned about with regard to what is happening now with this constitutional amendment. I almost want to say that right now it is the executive branch, it is the judicial branch, and

somewhere down here is the legislative branch in regard to how this emergency has been dealt with since March.

We have a Governor that, frankly, has used emergency powers in regard to the heroin and opioid issue for over 2 years. I am not sure if you realize that. I think we are on the eighth or ninth emergency declaration as it relates to those emergencies. When do you think this Governor will decide that this emergency is over? At this point, it is solely when he determines in his own mind, without consultation, that it is over. So really, again, what this says is that we are back to being a co-equal branch with the executive, as our State Constitution has said we should be. That 21 days is now in this language, and think of all the emergencies over the years, whether it is a snow emergency, a flood emergency, again, those of us in Luzerne County and other places around the State have experienced those that last 3 days, 5 days, 7 days. Here, we are already in our second one and there is no one, I think, on this floor who thinks the Governor will not extend it once it reaches its end again. But, if this constitutional amendment was in place, it would be done in consultation with the branch of government that works directly with the people. Whether it is the House with 60-some thousand people or the Senate with 250,000 or 260,000 people. Think of all the emails and phone calls that we have received. Think of the tele-town halls that we have had. We have had thousands of folks who have been on those calls and who have expressed their thoughts and opinions. Think of the places in our districts that we have been to and have heard from: our businesses and residents and folks from nursing homes who have not been able to see their family members for months, other than maybe through a window. That is what this constitutional amendment is about. It is about balance of power, it is about restoring the rightful place of the Senate and the House in making the joint decision as to the emergency and continuation of our freedoms and our business operations throughout the State. For those reasons, I ask for an affirmative vote.

Thank you, Mr. President.

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

Senator COSTA. Mr. President, I hope folks can hear me better, and I apologize for the previous connection. Mr. President, I will be brief. I know that the length of the day has been long, but I do have a couple of concerns. I want to build upon this whole conversation about balance of power. I do not know to what degree folks heard my previous remarks, but I believe this is a disruption of the balance of power. The things we are doing today--the constitutional amendment that drives the decisionmaking with respect to whether it be how we create our district courts and appellate courts in Pennsylvania or how we deal with the continuation of an emergency declaration--rests with the Majority parties in the legislature. With regard to the judicial branch, we are invading the judicial branch. We are saying to them, we know what is best for you, with respect to how folks should be able to practice law and what people's rights would be and should be as it relates to what they are trying to do with respect to their cases and their access to our courts. That is not our responsibility to be able to say that to the courts, to say what is best for them.

I also think in this particular case, as was mentioned by my colleagues, it is important that we recognize that the efforts of

our Governor and Secretary of Health have been outstanding, in my view, and they have gone through very troubled and unprecedented times, as many of us on this floor have talked about. They have done it successfully and will continue to do it successfully as we move forward, in my view. But to strip them of their authority to be able to continue to do this and rely upon a legislature that already had the mechanism in place to be able to bring to an end this pandemic situation that we are dealing with right now, I think is unconscionable. At the end of the day, what I find most offensive is this implication that we made mistakes. We did not make mistakes, and the Governor did not make mistakes. He made decisions based upon what he knew and what they knew at a particular point in time and made them in the best interests of the people of the Commonwealth, and he was right. It was not a mistake.

With respect to the reporting of domestic violence and child abuse, I think it is horrific that folks are putting this at the feet of our Governor and find it unconscionable that people would say that, in my view. This gentleman and this lady have done what they could to be able to manage this crisis for us in Pennsylvania, and I find it unconscionable that folks could say that there is a rise or that the rise is attributable to their action. That is not the case, and let us be clear about that.

At the end of the day, this is not addressing and fixing the balance of power. This is not about that. It is about vesting the power in one party, one Majority group that is going to be leading these efforts. Let us call it what it is. Both constitutional amendments achieve the same thing. Folks are not happy with the decisionmaking, with the decisions of the courts, with the decisions that the Governor and Dr. Levine have made, and they want to change things. That is wrong. That is not how we should (inaudible) Pennsylvania. I find it reprehensible. That is where I am at. Thank you very much for your time.

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

Senator HUGHES. Mr. President, I was not prepared to speak again until the gentleman mentioned the name of Matt Ryan. I am taking the liberty to speak again, Mr. President, because I served with Matt Ryan as a House Member. He was a fine man, a good man. We differed, but he was a decent individual, from Delaware County. But there was another with whom I served who I want to make sure that Members are reminded of, a gentleman by the name of K. Leroy Irvis, the first African American Speaker of any General Assembly in the history of this nation. He was a renaissance man; an attorney, a writer, and one of the great political orators of our time. He arguably could be considered one of the greatest legislators in the history of the Commonwealth of Pennsylvania. I mention Speaker Irvis' name, from New York by way of Allegheny County--Pittsburgh, to be specific--and I will always call him Speaker Irvis because what he would not allow for is, as Senator Costa indicated earlier, the wild, crazy comments and allegations of child abuse, sexual abuse, and things of that nature to be attributed to our Governor, any Governor, no matter what the circumstance would be. Speaker Irvis would not allow for that.

In addition to his incredible accomplishments, and there are far too many to go into right here, he was about the decorum and how one presented himself or herself in this Chamber. At that time it was the House, we are now in the Senate. He would not allow for those kinds of comments. We do ourselves a disservice

if we allow the history books to reflect that we made those kinds of wild allegations about a Governor who clearly was operating in the best interests of the citizens of the Commonwealth of Pennsylvania; and the data, once again, the statistics, the numbers, indicate that Pennsylvania's health is far better off because of his leadership. Be mindful of Speaker Irvis, no matter whether you are a Democrat or a Republican, be mindful about these wild allegations that are made.

I think Senator Muth and Senator Street said it earlier, if we can differ on a policy, maybe it is around this issue of whether this is a simple majority, or two-thirds majority, that will be appropriate in this circumstance. That, I think, may be the core of the conversation here. But to go off the rails and make these wild allegations, when actually the truth is that Pennsylvania is healthier because of the leadership of Governor Wolf, it is not dealing with the surge that has occurred in Florida and Texas and other places which is now coming into the Commonwealth of Pennsylvania and putting us in a situation where we have to make the changes that were announced today. Because of that, we are better served by this Governor.

So, Mr. President, I served with Representative Ryan, who was the Majority Leader, and for a time served as Speaker. But I also served with K. Leroy Irvis, the Speaker who made sure that we handled ourselves in an appropriate fashion as we conducted ourselves in public debate. Governor Wolf is not the fault. Governor Wolf has made us healthier. We need to respect that, understand that, and speak clearly and honestly with our constituents as we go forward.

We are in a pandemic that we did not have to be in. The roots, reasons, and rationale that we are in this pandemic is because of failed decisions that have come out of 1600 Pennsylvania Avenue, or, rather, 1600 Black Lives Matter Plaza. Let us proceed with a "no" vote on Senate Bill No. 1166. Let us remember how we are supposed to conduct ourselves as we go forward.

Thank you, Mr. President.

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

Senator BAKER. Mr. President, I did not intend to speak today about this bill. I rose when it passed the Senate previously and spoke about my role in the Ridge and Schweiker administrations working with engaged and executive leadership during emergencies, and I believe this is an appropriate balance that we are striking. I totally support this legislation. But I rise today and speak because of the actions that were taken just a few short hours ago, and I speak and put into perspective: imagine running a resort in the Poconos and being given notice today at midnight that your operation will completely change and will be expected to meet certain expectations in terms of how you do business. When you think about following the science, as the Governor has said, the unilateral power of what has occurred today will have a devastating impact to the hospitality and tourism industry in the Pocono Mountains area of Pennsylvania that I represent.

I want to read to you an email I just received from the Kiesendahl family, who own and operate Woodloch Resort--a golf course, an all-inclusive resort--and their frustration in trying to operate and navigate. They played by all the rules throughout this entire process. They followed the guidance when the county was under yellow and they could not open. When the county got green, they were permitted to open. Picture a resort that is the largest employer in Pike County with 1,300 employees. They

represent the single-largest tax from the hotel tax and the sales and use tax. They are a huge contributor to this community. Given the minimal number of COVID-19 cases in their four-county region, they are questioning: how in the world can we be included in new restrictions that were announced today? They have all sacrificed and worked hard to bring the virus numbers under control and not to jeopardize those they serve--they are in the hospitality industry--not to jeopardize the livelihoods of the Pennsylvanians who are being held to a standard because the western part of Pennsylvania is having a spike. So where is the Governor's promise about providing more autonomy to counties and to regions? Here is a family resort, 63-year tradition of proud hospitality and excellence. They provide meals, indoor/outdoor activities, and nightly entertainment. The challenge for them is, how do they stay open under guidelines that were issued at 3:30 this afternoon? These restrictions are insurmountable. No notice and no time to prepare the guests who are staying at their resort.

So when we speak of unilateral authority, we need to put into perspective what that authority does, how it impacts real lives, and how it impacts real livelihoods who are working and doing the best that they can under the circumstances. So I rise to say, talk about all the kinds of people who are affected by the decisions made by one individual and his administration. We could put out of business a fifth-generation resort that is the epitome of excellence in hospitality, and travel and tourism. So, for me, this comes down to: who should be in charge, and how do I represent the interests of a business that I respect and admire that has done everything right and is now being given no notice and no time to prepare? What do you say to the people who have a wedding scheduled this weekend? Gee, sorry. Who is going to pay for all of that? How do we rectify it?

So, for me, this represents a real need for us to be the voices of the people who I represent, the resorts all across Pennsylvania who are impacted. So I urge an affirmative vote.

Thank you, Mr. President.

**LEGISLATIVE LEAVES**

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

Senator GORDNER. Mr. President, I request legislative leaves for Senator Arnold and Senator Yaw.

The PRESIDING OFFICER. Senator Gordner requests legislative leaves for Senator Arnold and Senator Yaw. Without objection, the leaves will be granted.

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

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

**YEA-33**

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

**NAY-17**

Blake	Haywood	Sabatina	Williams, Anthony H.
Collett	Hughes	Santarsiero	Williams, Lindsey
Costa	Iovino	Schwank	
Farnese	Kearney	Street	
Fontana	Muth	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.

**LEGISLATIVE LEAVE**

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

Senator SANTARSIERO. Mr. President, I request a legislative leave for Senator Brewster.

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

**MOTION PURSUANT TO SENATE RULE 12**

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

Senator GORDNER. Mr. President, as a special order of business, I call up Senate Supplemental Calendar No. 2 and move the Senate proceed to consider Senate Bill No. 932, 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. 2**

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 932 (Pr. No. 1856)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, providing for fireworks; in volunteer firefighters, further providing for definitions.

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 Berks, Senator Schwank.

Senator SCHWANK. Mr. President, I am disappointed, not necessarily in our late hour, but certainly on what we have ended up with in terms of how we are going to deal with the problem of high-powered fireworks in communities throughout the Com-

monwealth. Honestly, I think a lot of my colleagues should be disappointed as well, because when you really look at this in terms of giving communities the opportunity to deal with this problem by themselves, 2,500 communities will not have the opportunity to make the change. We are only really talking about 53 third class cities, Philadelphia, Pittsburgh, and 1 township--1 township, out of all the townships we have in the Commonwealth. Please do not tell me this was only a problem in those communities. The warlike booms of high-powered fireworks are not even the worst of it. I have heard from people who are even afraid of trying to sleep while they are going off. They are afraid unextinguished embers are going to set their roofs or their shrubbery on fire. Remember how dry it was 2 weeks ago before we had all the rain and the tropical storm during the Fourth of July, that total weekend? Think about it, those fears were not unfounded. It could have been a serious problem, and it was in many communities. If you have been paying any attention, you will have seen reports of serious injuries and property damage from high-powered fireworks in communities throughout the Commonwealth, not just in the past 2 weeks, but this has been going on ever since we made these fireworks available to every Pennsylvanian. Yes, we get some revenue from it, about \$7.4 million is what I understand the estimate to be, but is it worth it when you consider the cost to communities to try to prevent the problems, to try to follow-up on the 9-1-1 calls? I do not think so. I think we have given our communities a really raw deal when we passed this legislation to begin with. I had misgivings about it, but, unfortunately, it got slipped into a codes bill, and here we are today.

So we made the mistake, I think, in 2017, and it is one that our constituents are paying for, our first responders are paying for, and it is unacceptable. I am going to vote for this bill, because this is the best we can get. I do not think it goes far enough, however. I actually had introduced legislation last year when I first realized how bad this problem was to give all communities the control in terms of dealing with these high-powered Class C fireworks, but I have come to realize, and I do not think my community and the communities I serve are the worst in the entire Commonwealth, but that it is not enough. We have got to get them off the market, literally, to try to really prevent the problems that we have seen, serious injuries, even deaths. I do not know how we, as a body, can say that is acceptable, turn this over to the House and hope they will make it better. I am not sure if they will or if they will not.

You know, if you speak to any municipality, you will hear allowing communities to set their own rules on the use of these fireworks does not solve the problem, as I just said. If they are being sold in Pennsylvania and easily available, people are going to buy them, and they are going to set them off no matter what laws or ordinances the community will cover. That is just what it will be. As one township manager in my district put it, educating people will not change behavior. If they can legally purchase Class C fireworks and they believe they are entitled to display them, they are going to do it regardless of a municipality's ordinances.

The best way to prevent the horrific injuries, property damage, and soaring police, fire, and EMS costs is to repeal Article XXIV of Title 3 and revert back to the prior legislation before the changes were made in 2017. I realize that is dramatic. I realize that I do not have much of a hope, possibly, in making it

happen, but I had to stand up for the people who have complained to me and the people who have complained to you, too, quite frankly, about how we are not dealing with this. We really have failed many of the people in the Commonwealth today by not solving this problem. Our communities are demanding a better answer. This is not enough, but if this is the best we can do, I am hopeful that the House will consider a repeal.

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	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	Yudichak
Collett	Killion	Scarnati	
Corman	Langerholc	Scavello	
Costa	Laughlin	Schwank	

NAY-1

Yaw

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  
BILL REPORTED FROM COMMITTEE**

Senator TOMLINSON, from the Committee on Consumer Protection and Professional Licensure, reported the following bill:

**HB 2293 (Pr. No. 3847)**

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in services and facilities, providing for emergency response plans.

**BILLS ON FIRST CONSIDERATION**

Senator BARTOLOTTA. 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 1189 and HB 2293.**

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, JULY 23, 2020

10:00 A.M. STATE GOVERNMENT(public hearing on 2020 election issues) Senate Chamber (LIVE STREAMED)

WEDNESDAY, AUGUST 19, 2020

1:00 P.M. EDUCATION (S) and EDUCATION (H) (joint public hearing on safely reopening K-12 schools this fall, including Secretary Rivera from PDE and Secretary Levine from DOH) Senate Chamber (LIVE STREAMED)

MONDAY, AUGUST 24, 2020

11:30 A.M. VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (public hearing on Fire and EMS issues) Pike County Training Center 135 Pike County Blvd Lords Valley, PA

TUESDAY, AUGUST 25, 2020

1:00 P.M. ENVIRONMENTAL RESOURCES AND ENERGY (public hearing to examine the economic and employment impacts of Pennsylvania's participation in the Regional Greenhouse Gas Initiative (RGGI)) Boilermakers Lodge 154 1221 Banksville Rd. Pittsburgh, PA

THURSDAY, SEPTEMBER 3, 2020

11:30 A.M. ENVIRONMENTAL RESOURCES AND ENERGY (to consider Senate Bills No. 950 and 1173; and House Bills No. 1737, 1808 and 2025) Senate Chamber (LIVE STREAMED)

TUESDAY, SEPTEMBER 8, 2020

10:00 A.M. COMMUNICATIONS AND TECHNOLOGY (public hearing on Department of Health COVID-19 contact tracing mobile app oversight and review) Senate Chamber (LIVE STREAMED)

11:00 A.M. LAW AND JUSTICE (to consider House Bills No. 763 and 2513) Hrg. Rm. 1 North Off.

12:00 P.M. JUDICIARY (public hearing to review the February 2020 report of the Legislative Budget and Finance Committee entitled "A Study of the Impact of Venue for Medical Professional Liability Actions") Hrg. Rm. 1 North Off. (LIVE STREAMED)

12:30 P.M. LOCAL GOVERNMENT (to consider Senate Bill No. 1164; and House Bills No. 885, 908, 1408, 1582, 1647, 2044 and 2536) Senate Chamber (LIVE STREAMED)

1:30 P.M. URBAN AFFAIRS AND HOUSING (public hearing on status of PHFA Mortgage and Rental Assistance Programs/Impact of Pandemic on Housing) Senate Chamber (LIVE STREAMED)

Off the Floor APPROPRIATIONS (to consider Senate Bills No. 5, 253, 793, 835 and 1170; and House Bills No. 1033, 1439, 1584, 1696, 1984, 2025 and 2787) Senate Chamber (LIVE STREAMED)

Off the Floor COMMUNICATIONS AND TECHNOLOGY (to consider Senate Bill No. 487; and House Bill No. 2348) **CANCELLED** Senate Chamber (LIVE STREAMED)

Off the Floor RULES AND EXECUTIVE NOMINATIONS (to consider Senate Resolution No. 353; and certain Executive Nominations) Senate Chamber (LIVE STREAMED)

Off the Floor STATE GOVERNMENT (to consider Senate Bills No. 1190, 1241 and 1280; and House Bill No. 2626) Senate Chamber (LIVE STREAMED)

WEDNESDAY, SEPTEMBER 9, 2020

9:00 A.M. ENVIRONMENTAL RESOURCES AND ENERGY (public hearing to discuss a proposed rulemaking: Water Quality Standards for Manganese and Implementation (#7-553)) Senate Chamber (LIVE STREAMED)

11:15 A.M. COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT (to consider House Bill No. 777) Senate Chamber (LIVE STREAMED)

11:30 A.M. STATE GOVERNMENT (to consider Senate Bill No. 1309; and House Bills No. 2353, 2354 and 2440) Hrg. Rm. 1 North Off.

12:30 P.M. COMMUNICATIONS AND TECHNOLOGY (to consider Senate Bill No. 487; and House Bill No. 2348) Senate Chamber (LIVE STREAMED)

TUESDAY, SEPTEMBER 22, 2020

9:00 A.M. AGRICULTURE AND RURAL AFFAIRS (informational meeting regarding mental health awareness in agriculture) Senate Chamber (LIVE STREAMED)

**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 5,120 days since the Pennsylvania legislature last raised the minimum wage. That is more than 14 years, and it is far too long.

Yesterday, the National Low Income Housing Coalition released its 32nd annual report on renters' incomes and the cost of rental housing in the United States. The report is called "Out of Reach: The High Cost of Housing." That ominous title becomes even more poignant when one considers how important sustainable housing is to our collective effort to stop the spread of COVID-19 and to recover from the pandemic. The authors of the report put it this way: "Few events in history highlight as clearly as the coronavirus pandemic that housing is healthcare. Governments and officials at all levels have told residents to stay home. Not everyone, unfortunately, is stably housed in a safe and adequate environment."

Citing data compiled by the Department of Housing and Urban Development earlier this year, the report states that even before the start of the pandemic, there were 211,000 people experiencing unsheltered homelessness in the U.S. and another 356,000 who were living in homeless shelters with little or no ability to self-isolate. As has been the case with COVID-19, homelessness impacts minority communities disproportionately. Black Americans account for about 13 percent of the nation's population, yet they account for 40 percent of the people experiencing homelessness. People identifying as Hispanic or Latino account for 18 percent of the population, but they are 22 percent of those experiencing homelessness. There is a clear correlation between minimum wage and being at risk for homelessness.

As of today, there are 29 States that have raised their minimum wage above the Federal minimum of \$7.25 an hour. As you know, Mr. President, Pennsylvania is not one of those States. In addition, the District of Columbia and 48 localities across the nation have also raised their minimum wages above the applicable minimums in their States. Yet, according to the NLIHC, there is not a single county in the country where a full-time minimum wage worker can afford an average two-bedroom rental. Furthermore, in 95 percent of U.S. counties, a full-time minimum wage worker cannot even afford an average single-bedroom rental. Those calculations are based on the commonly accepted budgeting principle that housing expenditure should account for no more than 30 percent of the household income. Based on that standard and an analysis of rental prices across the nation, a worker must earn \$23.96 per hour to be able to afford an average two-bedroom rental and \$19.56 for a single bedroom, the NLIHC said.

Unfortunately, the average U.S. renter's hourly wage is just \$18.22 per hour, and many job categories, such as grocery store clerks, commercial building cleaners, home health aides, and personal care aides make much less than that on average. These jobs are essential during a pandemic. By the NLIHC's calculations, the average minimum wage worker in the U.S. would have to work about 97 hours per week to afford a two-bedroom rental, or 79 hours per week for a single bedroom.

Mr. President, our Commonwealth is woefully behind the times with its \$7.25 per hour minimum wage. A significant raise is long overdue. My legislation, Senate Bill No. 12, would set Pennsylvania on a course for a \$15 minimum wage. It would promote housing security in the Commonwealth and would enhance the ability of low-wage earners to protect the health of their families and communities. I urge my General Assembly colleagues to advance and adopt Senate Bill No. 12 as soon as possible.

Thank you, Mr. President.

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

Senator DINNIMAN. Mr. President, I will be brief. The question is, will we be returning over the summer or not? I urge us to return, because this is the most difficult time in terms of education in this Commonwealth since the beginning of our Commonwealth. We have to make some decisions. We have to represent the people. We spoke here today of the necessity of having an amendment where the legislature would have a say. Well, you know, the Constitution of Pennsylvania is very clear. In fact, it is one of only four Constitutions in the 50 States that gives the final authority for education to the legislature. Not to the Governor, not to the Secretary of Education, and not to the State boards. So if we indeed are serious—and that was one reason why I voted for the amendment—that legislative input is vital, then what area is more important than education? It represents the majority of our expenditures. We spend more on education than any other area. Our voice needs to be heard in the deliberations that take place. So, I hope we will return this summer. As you know, the House has adjourned until September 15, and I hope they return as well.

If you listen to the question that parent after parent, teacher after teacher, school administrator after school administrator is

asking, will schools open, and under what conditions? Legislative input and guidance, if we are serious about it and if we mean the amendment that was just passed where we insisted on such guidance, is needed, and needed now. For example, if we are going to have education in schools, is it safe for students and teachers? Some school districts are saying we only need 3 feet apart, not 6 feet apart. How are we going to get them to school? The schools are opening in as close as 6 weeks. We still do not have answers on transportation. If it is going to be online, how will it be done online? Please understand that so many students are not learning online, and many of these students are the students who are most in need of learning and are falling further behind. You cannot assume when you give a Chromebook to a student who has never used that Chromebook before and whose parents might not be familiar with online capabilities that they are going to be successful. What are our plans for helping those students on a one-to-one basis? Those students who are not learning well online? In our rural schools, sometimes we think of poverty and difficulties as being in urban areas only. Let me tell you, it is right here in Chester County. If I look at the city of Coatesville, and I know it is in our rural areas, there is not even the capacity for online education.

So, there are so many other questions that have to be taken. Every day things seem to change. The Governor, today, brought out the fact that we are in an uptick in terms of this virus occurring in the Commonwealth. Will that continue until the end of this month and the beginning of school? Will schools need to be opened later? What will happen, for example, if there is an outbreak in one school, say, in the city of Scranton. Will that impact the schools in Mercer County, who are as far away as it would be to go down to Connecticut, if you were a long-lost traveler? In other words, that question needs to be answered, does it not? How can it be answered if we are not here to answer it? Should we use the Keystones and PSSA tests? We need to answer that question again. We cancelled them this year, and because we cancelled them, we have temporary teaching certificates. Should they be cancelled this year? How will that question be answered? In my judgment, why would you have them if you do not even know whether you are going to be open or not or if there is going to be some hybrid approach?

If you know full well the evidence—we talked about scientific evidence, let us look at education evidence for a change. The education evidence clearly shows that students are not learning online, and many of them are poorer students. The evidence clearly shows, for example, even in one of the wealthiest districts in my area, some of our best students simply cannot learn online because of the nature of how they go about the learning process because, in part, they are used to a structured educational system where their expectations are set each and every day. They are sort of dog paddling, swimming around trying to figure out how do I learn and how do I succeed in a system that is not as structured? What do we do in terms of parents? I can tell you, parents who have called my office who have said, listen, I have three kids, and I have one computer. But in my school district, the teachers are not allowing their lesson plans to be put online or their classrooms to be put online. We do not have the clear criteria of what online learning is. We do not make it clear that you cannot have online learning unless the lecture and all the lesson plans are online so people can access them at any time. Otherwise it fails, and if a parent wants to help a student, they can only

help a student if they are around, and many of them are working during the day as well.

So, the questions are endless. For example, if we want to continue with a couple of questions, where are the funds going to come from? Because clearly what is going to happen is that the surveys that school districts have sent home to parents indicate many parents do not plan to send their kids back to school because they are afraid of what might occur. Other parents will send their kids back to school because they have no choice, both of them work. They believe school is the best place for kids to learn. Think about that for a second. Will we not end up with every school district having to educate students in two forms - in class and online where online exists, and if not, at least in some other form in terms of rural areas? I mean, does anyone understand the cost of all of this? Even on bus transportation, if you abide by the CDC regulations, some parents will be able to take their kids to school, but many of our poorer parents, those who do not have two cars and one person is going to work, how are they going to take care of their kids?

You know, everyone loves their child, whether you are poor, rich, or somewhere in between, but we are creating a system that punishes people who are poor, who have difficulty learning online. We are creating a system where parents cannot take their kids to school. We are creating the possibilities of a system which is totally unfair in terms of education. You know, we have had a lot of discussion about frontline workers and hazard pay. Should teachers who have to go teach in school, should they get hazard pay? Is that a question that should be answered? In other words, what has frustrated me so much, my friends, is that we have been discussing all these issues, whether it be health, the need to give support to our transportation workers, the notion of what we are going to do with the elections with mail-in ballots and how we are going to arrange for all that, or jobs and helping small business owners, but we refuse to discuss in-depth our greatest responsibility: our constitutional obligation to educate the students of this Commonwealth. I am frustrated and disappointed that has not been accomplished. I urge us to come back this summer.

I have a great Majority chair working with me in Senator Langerholc. He and I are trying to put together, and have succeeded in a number of bills--where sometimes he is first, sometimes I am second; sometimes I am first, and he is second--but bipartisan bills in the same way we did probation. The bills will protect our students, protect our teachers, make sure we can deliver a high-quality education, and if we are online, make sure that education is correct. By the way, if you are online, what do you do with students with IEPs and those with intellectual difficulties? By the way, if you are online, what good does it do to a non-English speaker when the student and the parents cannot understand the English that is online? There are answers to these with apps and translations, but we need to be here.

So, in sum, what I am trying to say is this: if you ask the parents and grandparents of this Commonwealth what they think the most urgent problem is to them, it is whether to send their kids back to school or not. Whether my child is going to have the same educational opportunity whether he is rich or poor, whether he lives in the suburbs or in rural areas, and they want us to be here to help give that answer. If we are serious about the amendment that was just passed, and one reason I voted for it, then those of us who voted for that amendment, the four Democrats

and all of the Republicans, have an absolute obligation to demand that the Senate come back in Session to answer the questions on education before schools open at the end of August. If we did what the House does, September 15 is far too late. Schools have already begun. We need to answer these questions in the context of what is happening with the coronavirus on that period.

Finally, Mr. President, it is about time that the legislature, including the Senate, read the Constitution of Pennsylvania and understand that we have the responsibility for education. Not the Governor, not the State Board of Education, we do. It is clearly stated there. If that is what the Constitution says, and we talked about the Constitution today, how can we ever think of adjourning and not coming back before school starts, because the Constitution demands it of us. Remember, when they wrote that Constitution and did their revisions in 1968, and this is a clear statement that was made, we took an oath to that Constitution, and if we really want to have a say, then let us come back this summer, act on what we have to do, and let us make sure that we do not lose a generation of students who are going to have a hell of a time catching up; that we respect our teachers and help each and every one of them in terms of improving their skills in online learning. I can tell you, from my own experience, I have taught in a classroom, I have taught online, and I have taught in a hybrid approach. They are both fundamentally different, and you have to understand the differences and be trained in the differences if you are going to be successful. We have to have a program one-on-one with those students who are not succeeding.

So, my friends, let us abide by the Constitution, take our responsibility for education, give our input, and make sure that every student is treated equally and given an opportunity to be taught to the top of the curriculum. So be it, and I hope that we will support this effort and return this summer to deal with education.

Thank you, Mr. President.

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

Senator FARNESE. Mr. President, I appreciate the opportunity here today. I speak today to reflect on the events of the day, the events of the month, and on the actions that this Senate, this body, has taken since the pandemic created havoc across the Commonwealth and, quite frankly, across the nation.

If you remember, when we began these historic remote Sessions, we agreed that we would avoid the ongoing partisan debates and focus on the health and safety of our citizens, many of whom are struggling and many of whom, quite frankly, Mr. President, are dying. Today, we had debate that was filled, early on, with references to equality and giving each and every person in Pennsylvania the opportunity to be heard, the opportunity to be represented by judges across this Commonwealth who hear them, who reflect their values, and who speak for them. We did that today, Mr. President, within the context of basically refighting the 2015 judicial election because some folks on the other side of the aisle did not like the result. The bill that passed the Senate today, by the narrowest of margins, was poised to take us, or actually, was poised as an effort to create diversity of opinions on the courts by carving out districts for the least diverse counties in Pennsylvania. The majority sent a message about, really, what the word "diversity" means, because again, within the context of this debate, we heard over and over again today

about equality, about our voices being heard, and about fair representation. I think this bill, to me, says a lot about really where we are on diversity.

Diversity, I think, to many people in this Chamber means geography. We know better. I do not want to reargue this, but I do want to talk about what we mean when we use the word "diversity." When you look at the bill that passed today, what are the real chances that these judicial districts will produce a more diverse judiciary than statewide elections? Zero. All you need to do is look at the common pleas courts in those counties. Look at the district attorneys. Look at the jurors. What are the chances that today's actions will help create more black and brown appeals court judges? Zero. What are the chances, Mr. President, that today's actions will help produce more Asian, Latino, or Indigenous appeals court judges? The answer is the same, zero. What are the chances that today's actions will produce more gay, lesbian, or transgender appeals court judges? Zero. So, I guess diversity means different things to different people. To me, diversity means more representation from the people who have been marginalized since the day, nearly 400 years ago, this Commonwealth was born. To me, diversity means inclusion. To me, diversity means recognition in the eyes of the law that we are all equal.

Today, Member after Member in this Chamber, my colleagues on the other side, got up and talked about equality, equal representation, having their voices heard, while we still live in a State where discrimination is legal, where you can legally discriminate against someone, where you can legally put their voices out and carve them out of a conversation. We did not address that today. I did not hear those folks who I heard today talking about equality demanding that their voices and that of the people they represent have judges who listen to them. I did not hear them talk on the floor of the Senate about giving everybody in this Commonwealth the same chances of equality that their constituents have.

When we talk about those issues, when we talk about raising the minimum wage, when we talk about responsible gun laws, and we use as an example, Mr. President, the fact that these folks whom we represent have the right to have their voices heard. When we make those arguments, they fall on deaf ears. They are the same arguments that my colleagues on the other side of the aisle made so eloquently earlier this afternoon, because they are the same arguments that we make, that folks like myself on our side of the aisle make, when we talk about raising the minimum wage, or ending legalized discrimination, or having a conversation about responsible gun laws. But, unfortunately, Mr. President, the chances of having that conversation are the same as the chances of dramatic change in the judiciary based upon the law we passed earlier. Zero. Equality, diversity. We have these conversations in this building, in this Chamber, and we talk about diversity and about representation. Do not forget that you still live, represent, and work in a State that treats people differently just because of who they choose to love, and has no care in the world about continuing to do it. Each and every day millions of people in this Commonwealth, in this country, are screaming to be heard for their equality and for their rights. Today, we basically talked about refighting the 2015 judicial election that did not go well for some folks.

There is a real privilege, Mr. President, being on this floor, being in these spots. When you say at the beginning of Session

that those who have the privilege of the floor, I think about that every single time I hear it said. The privilege means the guts and the willingness to speak for those who do not have a say or who cannot speak for themselves. There are people each and every day for whom we have an opportunity to speak, and yet, we remain silent. So, when we talk again about diversity, inclusion, equality, fair representation, and about the issues that we talked about on that redistricting, gerrymandering bill that one of my colleagues so eloquently identified as a power grab, put the politics aside and talk about doing something for the good of the people across this Commonwealth. We can do that. We have done it before, and we can do it again.

Thank you, Mr. President.

### BILLS SIGNED

The PRESIDING OFFICER (Senator Jake Corman) in the presence of the Senate signed the following bills:

**SB 1166, HB 196 and HB 2463.**

### RECESS

The PRESIDING OFFICER. The Chair recognizes the gentleman from Venango, Senator Hutchinson.

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

The motion was agreed to by voice vote.

### AFTER RECESS

**The PRESIDING OFFICER (Senator Wayne Langerholc, Jr.) in the Chair.**

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

### RECESS

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

Senator YAW. Mr. President, I move that the Senate do now recess until Thursday, September 3, 2020, at 1:06 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 10:59 p.m., Eastern Daylight Saving Time.