

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

TUESDAY, JANUARY 26, 2021

SESSION OF 2021 205th OF THE GENERAL ASSEMBLY

No. 5

**SENATE**

TUESDAY, January 26, 2021

The Senate met at 1 p.m., Eastern Standard Time.

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

**PRAYER**

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

Let us pray.

The book of Proverbs tells us, the memory of the righteous is a blessing. That those who honor God leave behind a memorable legacy, and that those who live on recall the many blessings that accompanied their lives. During today's Session, we will be celebrating the lives of two public servants of this Commonwealth who have left behind memorable legacies. Help us, Lord, to honor them and their memories and all the blessings they have brought to this great Commonwealth. All this we ask in Your name. Amen.

**PLEDGE OF ALLEGIANCE**

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

**GENERAL COMMUNICATION**

**WRIT OF ELECTION**

COMMONWEALTH OF PENNSYLVANIA ) SS:

To The Honorable Kathy Boockvar  
Secretary of the Commonwealth of Pennsylvania  
To the Board of Elections of Dauphin, Lebanon and York Counties

**GREETING**

WHEREAS, A vacancy exists in the Office of State Senator in the Commonwealth of Pennsylvania for the Forty-eighth Senatorial District, composed of part of Dauphin County consisting of the townships of Conewago, Londonderry, Lower Swatara and Swatara and the boroughs of Highspire, Middletown, Paxtang, Royaltown and Steelton, by reason of the death of Senator David J. Arnold, Jr., Senator from the said Senatorial District, on the seventeenth day of January, two thousand twenty-one; and

WHEREAS, A vacancy exists in the Office of State Senator in the Commonwealth of Pennsylvania for the Forty-eighth Senatorial District, composed of all of Lebanon County, by reason of the death of Senator David J. Arnold, Jr., Senator from the said Senatorial District, on the seventeenth day of January, two thousand twenty-one; and

WHEREAS, A vacancy exists in the Office of State Senator in the Commonwealth of Pennsylvania for the Forty-eighth Senatorial District,

composed of part of York County consisting of the townships of Conewago, East Manchester, Newberry and Springettsbury and the boroughs of Goldsboro, Lewisberry, Manchester, Mount Wolf and York Haven, by reason of the death of Senator David J. Arnold, Jr., Senator from the said Senatorial District, on the seventeenth day of January, two thousand twenty-one.

NOW THEREFORE, I, John K. Fetterman, President of the Senate of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and Acts of Assembly in such case made and provided, do hereby command you: that you cause a Special Election to be held to fill said vacancy, said election to be held on the eighteenth day of May A.D., two thousand twenty-one, to choose a person to represent said Forty-eighth Senatorial District in the Senate of Pennsylvania for the remainder of the term expiring on the thirtieth day of November A.D., two thousand twenty-two, and that you give due and public notice of said election throughout the Forty-eighth Senatorial District in the form and manner directed by law.

Given under my hand and the seal of the Senate of Pennsylvania, at Harrisburg, Pennsylvania, this twenty-fifth day of January, two thousand twenty-one.

JOHN K. FETTERMAN  
President, Senate of Pennsylvania

MEGAN MARTIN  
Secretary, Senate of Pennsylvania

**BILLS INTRODUCED AND REFERRED**

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

January 26, 2021

Senators SCAVELLO, J. WARD, GORDNER and MENSCH presented to the Chair **SB 116**, entitled:

An Act amending Title 37 (Historical and Museums) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions; in powers and duties of Pennsylvania Historical and Museum Commission, further providing for specific powers and duties, for personal property and for documents and providing for Commonwealth archival records, for local government archival records and for access to older public records; and, in historic properties, further providing for title to historic property and for powers over certain historic property.

Which was committed to the Committee on STATE GOVERNMENT, January 26, 2021

Senators HUTCHINSON, MARTIN, J. WARD and STEFANO presented to the Chair **SB 117**, entitled:

An Act amending Title 11 (Cities) of the Pennsylvania Consolidated Statutes, in elected officers and elections, further providing for nominations and elections.

Which was committed to the Committee on STATE GOVERNMENT, January 26, 2021.

Senators K. WARD, PHILLIPS-HILL, MARTIN, BARTOLOTTA, STEFANO, J. WARD, TARTAGLIONE, MENSCH, PITTMAN, REGAN and VOGEL presented to the Chair **SB 118**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in sentencing, further providing for sexual offenses and tier system.

Which was committed to the Committee on JUDICIARY, January 26, 2021.

Senator TOMLINSON presented to the Chair **SB 120**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in size, weight and load, further providing for conditions of permits and security for damages.

Which was committed to the Committee on TRANSPORTATION, January 26, 2021.

Senators BROOKS, ARGALL, MARTIN, J. WARD, HUTCHINSON, SCAVELLO, REGAN, K. WARD, PITTMAN, STEFANO, MASTRIANO, AUMENT and KANE presented to the Chair **SB 122**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in consolidated county assessment, further providing for exemptions from taxation.

Which was committed to the Committee on FINANCE, January 26, 2021.

Senators FONTANA, STREET, MUTH, BLAKE, SCHWANK, BREWSTER, CAPPELLETTI and COSTA presented to the Chair **SB 124**, entitled:

An Act amending the act of June 13, 2008 (P.L.182, No.27), known as the Clean Indoor Air Act, further providing for definitions and for prohibition.

Which was committed to the Committee on HEALTH AND HUMAN SERVICES, January 26, 2021.

Senators FONTANA, SCHWANK, BREWSTER, MUTH and CAPPELLETTI presented to the Chair **SB 125**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, in general provisions relating to insurance companies, associations and exchanges, providing for use of genetic information for insurance purposes.

Which was committed to the Committee on BANKING AND INSURANCE, January 26, 2021.

Senators BROOKS, ARGALL, MARTIN, STEFANO, PHILLIPS-HILL, HUTCHINSON, J. WARD, GORDNER, K. WARD, PITTMAN, MASTRIANO and AUMENT presented to the Chair **SB 126**, entitled:

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

Which was committed to the Committee on INTERGOVERNMENTAL OPERATIONS, January 26, 2021.

Senators FONTANA, STREET, MUTH, KEARNEY, HUGHES, SANTARSIERO, COSTA, HAYWOOD and BOSCOLA presented to the Chair **SB 127**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in general provisions relating to government and administration, providing for law enforcement review boards.

Which was committed to the Committee on LAW AND JUSTICE, January 26, 2021.

Senators FONTANA, SANTARSIERO, BREWSTER, COSTA, HAYWOOD, MUTH and KANE presented to the Chair **SB 128**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, providing for voting by all-mail; and, in penalties, further providing for violations of provisions relating to absentee and mail-in ballots.

Which was committed to the Committee on STATE GOVERNMENT, January 26, 2021.

Senators FONTANA, KEARNEY, HUGHES, SANTARSIERO, MUTH, TARTAGLIONE, SCHWANK, BREWSTER, COSTA, HAYWOOD and KANE presented to the Chair **SB 130**, entitled:

An Act providing standards for carbon monoxide alarms in schools; and imposing penalties.

Which was committed to the Committee on EDUCATION, January 26, 2021.

Senators FONTANA, KEARNEY, HUGHES, SANTARSIERO, MUTH, TARTAGLIONE, BREWSTER, COSTA, HAYWOOD and KANE presented to the Chair **SB 131**, entitled:

An Act providing standards for carbon monoxide alarms in certain lodging establishments; and imposing penalties.

Which was committed to the Committee on COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT, January 26, 2021.

Senators FONTANA, KEARNEY, HUGHES, SANTARSIERO, MUTH, TARTAGLIONE, BREWSTER and COSTA presented to the Chair **SB 132**, entitled:

An Act providing standards for carbon monoxide alarms in dormitories; and imposing penalties.

Which was committed to the Committee on EDUCATION, January 26, 2021.

## RESOLUTIONS INTRODUCED AND REFERRED

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

January 26, 2021

Senators BOSCOLA, FONTANA, HUGHES, BROWNE, KEARNEY, STREET, MARTIN, SCAVELLO, KANE, YUDICHAK, PITTMAN, STEFANO and HAYWOOD presented to the Chair **SR 16**, entitled:

A Resolution recognizing the month of January 2021 as "National Blood Donor Month" in Pennsylvania.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, January 26, 2021.

Senators BROWNE, J. WARD, LANGERHOLC, MARTIN, BARTOLOTTA, HUGHES, PHILLIPS-HILL, FONTANA, KEARNEY, MENSCH, PITTMAN, COSTA, YUDICHAK, BAKER, KANE, YAW and STEFANO presented to the Chair **SR 19**, entitled:

A Resolution designating February 11, 2021, as "PA 2-1-1 Day" in Pennsylvania.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, January 26, 2021.

### APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDENT. The President pro tempore has made the following appointments:

Senator Maria Collett as a member of the Legislative Audit Advisory Commission.

Senator Scott E. Hutchinson as a member of the Local Government Commission.

Senator Wayne Langerholc, Jr., as a member of the State Transportation Advisory Committee.

Senator Scott F. Martin as a member of the Adult and Family Literacy Education Interagency Coordinating Council, as a member of the Education Commission of the States, to serve in his stead as a member of the Pennsylvania Higher Education Facilities Authority, and to serve in his stead as a member of the State Public School Building Authority.

Mr. Vahan Gureghian as a member of the Board of Trustees of the University of Pennsylvania.

Mr. Brian Rich as a member of the Board of the Commonwealth Financing Authority.

### LEGISLATIVE LEAVE

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

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

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

### LEAVE OF ABSENCE

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

### SENATE RESOLUTIONS ADOPTED

Senators CORMAN, K. WARD, ARGALL, AUMENT, BAKER, BARTOLOTTA, BROOKS, BROWNE, COLLETT, COSTA, FONTANA, GORDNER, HUGHES, HUTCHINSON, KANE, KEARNEY, LANGERHOLC, MARTIN, MENSCH, PHILLIPS-HILL, PITTMAN, REGAN, ROBINSON, SANTARSIERO, SCAVELLO, STEFANO, STREET,

TOMLINSON, VOGEL, J. WARD, YAW and YUDICHAK, by unanimous consent, offered **Senate Resolution No. 17**, entitled:

A Resolution honoring the life and achievements of former Pennsylvania Governor and United States Attorney General Richard "Dick" Lewis Thornburgh.

WHEREAS, Richard "Dick" Lewis Thornburgh passed away December 31, 2020, at 88 years of age; and

WHEREAS, Mr. Thornburgh was born in Pittsburgh, Allegheny County, on July 16, 1932, the son of Charles G. and Alice Sanborn Thornburgh; and

WHEREAS, Mr. Thornburgh attended Pittsburgh area schools, Yale University, where he earned a degree in engineering in 1954, and the University of Pittsburgh, where he earned a law degree with honors; and

WHEREAS, Mr. Thornburgh holds 31 honorary degrees from various colleges and universities; and

WHEREAS, In 1958, Mr. Thornburgh became a member of the Pennsylvania Bar and worked in a private law practice for several years; and

WHEREAS, Mr. Thornburgh served as a delegate to Pennsylvania's constitutional convention in 1967-1968; and

WHEREAS, In 1969, the Nixon Administration appointed Mr. Thornburgh as the United States attorney for the Western District of Pennsylvania, where he earned a reputation as an anti-racketeering prosecutor and enforcer of the Federal Organized Crime Control Act; and

WHEREAS, Mr. Thornburgh held this post until 1975 when President Gerald R. Ford appointed him assistant attorney general for the Justice Department's Criminal Division, which he held until 1977, when he returned to private practice; and

WHEREAS, In 1979, Mr. Thornburgh began his term as Governor of Pennsylvania, a position he held until 1987; and

WHEREAS, During his tenure as Governor, Mr. Thornburgh achieved numerous accomplishments and improved our Commonwealth on a variety of issues, including a stronger economy and the creation of thousands of new jobs in the service and technology job sectors; and

WHEREAS, Mr. Thornburgh launched the Ben Franklin Partnership, an alliance among government, private industry and research universities to foster high-tech enterprises, which for nearly four decades has been successfully energizing the innovation and entrepreneurial ecosystem across our Commonwealth; and

WHEREAS, Mr. Thornburgh is credited with creating a Small Business Action Center, increasing funding for the Pennsylvania Industrial Development Authority, implementing a customized job training program, a new travel and tourism initiative and spending \$20 billion for improvements in infrastructure; and

WHEREAS, The Thornburgh administration's fiscal policies resulted in balanced budgets, cuts to personal and corporate income taxes, creation of a "rainy day" fund and reductions to the Commonwealth's long-term indebtedness resulting in better credit ratings; and

WHEREAS, Mr. Thornburgh is also credited with consolidating State-owned universities into an independent State System of Higher Education and creating several "Governor's Schools" for exceptional high school students; and

WHEREAS, In March 1979, Mr. Thornburgh's defining moment came just two months into office when he was confronted with the worst nuclear accident in American history; and

WHEREAS, In later years, Mr. Thornburgh was praised for handling the 10-day crisis by many, including recognition by the Republican Governors Association; and

WHEREAS, Following Mr. Thornburgh's tenure as Governor, he taught at Harvard University and served as Director of the Institute of Politics from 1987 to 1988, served as United States Attorney General from 1988 to 1991 under Presidents Ronald W. Reagan and George H. W. Bush, until President George H. W. Bush appointed him Under-Secretary-General of the United Nations, where he served from 1992 to 1993; and

WHEREAS, As United States Attorney General, Mr. Thornburgh played a proactive role in the strengthening and enforcement of the Americans with Disabilities Act and against racial, religious and ethnic hate crimes; and

WHEREAS, Following Mr. Thornburgh's role as Attorney General and Under-Secretary-General of the United Nations, he returned to private practice and served as an advisor and counselor to government affairs clients with respect to matters concerning Federal, State and local governments as well as international organizations; and

WHEREAS, Mr. Thornburgh was married to the former Virginia (Ginny) Judson and has four sons; Peter, David, John and William, six grandchildren and four great-grandchildren; therefore be it

RESOLVED, That the Senate honor the life and achievements of former Pennsylvania Governor and United States Attorney General Richard "Dick" Lewis Thornburgh.

On the question,  
Will the Senate adopt the resolution?

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

The PRESIDENT pro tempore. Mr. President, I was, I believe, 14 years old when Governor Thornburgh ran for Governor the first time. At that point, it was really the first Governor's race I ever followed. It was an open seat, so there were a lot of candidates on both sides, like six to eight candidates on both the Republican and Democratic sides. He emerged from the Republican side, as did the great Pete Flaherty from Pittsburgh on the Democratic side, and had a very robust race and he proved to be the winner. He was a great Governor. He was somebody who had young children at the time. I remember the first big story was they put a basketball hoop up at the Governor's residence for his children to use when they were there and made it a home. Instead of a museum kind of place, it was a home for their family. He always took that kind of approach.

It is hard to remember Governor Thornburgh without thinking about his wife, Ginny, who I had an opportunity to meet on a few occasions. She was maybe the most positive, upbeat person I have ever met. You always left the conversation with her smiling. That was just the personality she had, and, unfortunately, she preceded him in passing, but they were a great first couple of the Commonwealth of Pennsylvania.

I will not go back through all of the things he did that were read by the Clerk, but, clearly, one of his life's works was people with disabilities. He and his wife spent a tremendous career, both in the private and public sectors, fighting for those individuals who had disabilities, intellectual disabilities, as they had a child of their own who had those challenges, and that was really a lot of their life's work.

But I really got to know him a little bit later as, obviously, I was too young when he was first Governor. I got a chance to see him speak when he came to State College for a big chamber dinner. I was so riveted, I can remember, by his remarks that I was like: I wish I thought that way. I wish I had that clarity, that balance. I always tried to take the opportunity, anytime I saw him anywhere or--he wrote op-ed pieces--to listen and read what he had to say. He had such great experiences through his life and all of the services that he did. Maybe the most interesting thing is what he taught us later, after he retired from public life and went on to speaking tours. He taught at Harvard, and he was obviously a person in demand for his intellectual ability to really grasp the issues. We do not have a lot of Governors in the history of Pennsylvania, so when we lose one it is important that we take a moment.

He came in at a very difficult time in the 1970s with a lot of problems. He appointed Centre County's own Tom Larson as

Secretary of Transportation. You might remember, PennDOT in the 1970s was a bastion for patronage and really problematic. We were known for our potholes, and the two of them really led the charge to change PennDOT where I think now we have had tremendous Secretaries and it is really one of the leading agencies in State government as opposed to what it was back in the 1970s before he got there. So there are a lot of things you can remember the Governor for, but I think remember him as a family man who loved his wife and children and left a great role model for all of us who serve in public life to follow.

Thank you, Mr. President.

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

Senator COSTA. Mr. President, I, too, rise to provide remarks with respect to Governor Dick Thornburgh. I will submit the bulk of my remarks for the record, but I have a couple of things I would like to share as we all were saddened when we woke up and learned of his passing several weeks ago. Like the President pro tempore, I grew up in the city of Pittsburgh in a neighborhood where Governor Thornburgh lived and first became aware of who he was when he was running for Governor, and also Pete Flaherty, who was the Democratic nominee, who also lived in pretty much the same neighborhood. So as you can imagine during that process, having lived in that neighborhood, a lot of what went on in that particular race is something I fondly remember as well. When Dick Thornburgh went away to Yale University for his degree, he came back to the University of Pittsburgh to do his law studies. For many decades after that, he continued to serve the city of Pittsburgh, certainly, in Allegheny County, but also the University of Pittsburgh, with great distinction.

I had the pleasure of getting to know Governor Thornburgh in that role when he was a Board of Trustee member at the University of Pittsburgh, as I was and continue to be. Some of the most cherished times we had together would be during a meeting, having a chance to sit next to him at a board meeting, or even afterwards, or in other types of settings at the university, just the ability to have a conversation and chat about things in government, and he always had a keen interest in knowing: So what is going on in the Senate? What are you guys working on? It was always wonderful for me to have the opportunity to be able to explain to him what we were doing. It was remarkable to me, and I was blessed to be able to do that.

He had a variety of interests. We certainly learned and heard about Governor Thornburgh's role that he played in governance and the different stages of his career, whether it was as a U.S. Attorney for the Western District, initially, or serving as Governor in dealing with Three Mile Island, having that thrust upon his work in the first couple months of his tenure. He was clearly, through all the different positions that he had, in my view, somebody who you could look to for strength and providing a steady hand. As was mentioned by the President pro tempore, he was someone who was thoughtful and oftentimes mesmerizing in terms of when you listened to him and had him speak and talk with you. He was one of those individuals who was able to do that.

His work at the University of Pittsburgh was recognized and they later established at the Institute of Politics the Dick Thornburgh Forum for Law and Public Policy in 2007, with the goal of enhancing the accountability and integrity of governmental institutions at the local, State, national, and international lev-

els. That forum prepared Pitt students, at the time, with studies in multiple disciplines for their future work by facilitating lecture series, that were very interesting; providing for grants for organizations who were facilitating and creating those types of programming as well; and, certainly, fellowships each year. In many ways, that was who Dick Thornburgh was, promoting accountability and integrity in so many different ways, and, again, as I mentioned, it was a pleasure to be able to do that.

Certainly in his life, he had to deal with severe adversity, as was mentioned, having lost his wife, and his son being severely injured in that particular accident that occurred. But he took that, along with his second wife, Ginny Thornburgh, to lead an effort with the Americans with Disabilities Act, the work that he had done in that space, and all the work for many years that he did with the disability community, making certain that individuals with disabilities had the dignity, activities, and support they needed to be able to live fruitful lives as best as possible. So he worked to be able to do that, and all through this time maintained his calm demeanor. Someone who really held himself and held his staff—regardless of what level he was working at or with whom he was working—always held that we needed to hold ourselves to a standard and be accountable to the people we represented. I thought that was always something I admired as I got to know him, as I mentioned, years later, in that regard.

You know, at the end of the day, Dick Thornburgh was one of those individuals who not only dedicated his life to our city, our county, our State, our country, but as I mentioned, he dedicated it to other folks as well. That is what we should remember. But he also talked about his commitment to listening to folks, and listening to both sides of the issues was one of the things I clearly remember in conversations along those lines; listening and being thoughtfully engaged and trying to reach solutions that were not partisan but rather simply solutions that were good for Pennsylvanians in general, for everyone involved. That is one of the lessons I hope that, collectively, we can learn from Governor Dick Thornburgh's life.

He was a model Governor. I think he was a model leader for the times that we lived in and for this Commonwealth and this nation as well. So as we continue our work here in this legislature, collectively serving the people of Pennsylvania—we do that every day—I hope we can continue to strive to embody the ideals and attitudes of Governor Dick Thornburgh.

Thank you, Mr. President. I will offer my remarks for the record, the body of them. Thank you.

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

*(The following prepared remarks were made part of the record at the request of the gentleman from Allegheny, Senator COSTA:)*

Mr. President, I was saddened to learn, recently, that our former Governor Dick Thornburgh had passed away.

We had grown up near each other in the Point Breeze neighborhood of Pittsburgh. While Dick went on to Yale for his undergraduate degree, he returned to our home city to attend the University of Pittsburgh Law School. We would later serve together on the Board of Trustees for the University of Pittsburgh. I always enjoyed sitting next to him in those meetings and valued his insights to matters of the board and, more broadly, on Pennsylvania politics. Thornburgh had a vested interest in his alma mater and making sure the next generation was well prepared to take on the many challenges of both governing and working to make

a more equitable and safe society for us all. The Dick Thornburgh Forum for Law and Public Policy at the University of Pittsburgh was established in 2007 with the goal of enhancing the accountability and integrity of governmental institutions at the local, State, national, and international levels. The Forum prepares Pitt students in multiple disciplines for their future work by facilitating numerous lecture series, grants, and fellowships every year.

Thornburgh also served his home city and home State as U.S. Attorney for Western Pennsylvania from 1969 to 1975. He prosecuted drug traffickers, organized crime figures, and other corruption during his tenure.

Once elected Governor, Thornburgh handled crises during his tenure as leader of this Commonwealth with the strength and stability we all needed—particularly during the Three Mile Island crisis. He averted a disastrous situation by preventing people from panicking as the nuclear meltdown situation unfolded. The 1979 crisis—just 71 days into his tenure as Governor—would set the tone for his two terms as Governor of our Commonwealth. Governor Thornburgh served Pennsylvania and its citizens with integrity and honor. He worked tirelessly to restore people's faith in our institutions. He always maintained his calm demeanor. He held himself, his staff, and all those in State government accountable to the high standards that the institutions they served in deserved.

After his service to Pennsylvania in elected office, Governor Thornburgh took his talents to the Federal level, serving as the U.S. Attorney General under Presidents Ronald Reagan and George H. W. Bush from 1988 until 1991. He maintained his levelheaded approach nationwide—tackling crime and using his unique skill set to keep our country safe. He focused on ethics, securities fraud, and the drug trade that continues to affect our country in different and evolving ways.

It was not just at the State and Federal level that Dick Thornburgh sought to keep people and institutions accountable and fiscally responsible. After his time in State and Federal government, Thornburgh went on to tackle bureaucratic excess and corruption at the United Nations. He was also instrumental in the corporate world, holding news agencies accountable. In 2002, the United States Justice Department asked Thornburgh to help investigate WorldCom for mismanagement, irregularities, and fraud. In every venture he set out on, Dick Thornburgh conducted himself with integrity and acute attention to detail. He prided himself on his ability to right a ship when it was taking on water, as he liked to say.

Throughout his life, Thornburgh was also a dedicated ally to the disabled community, marshalling the Americans with Disabilities Act into fruition. After the car crash that killed his first wife and left one of his sons with severe brain damage, Thornburgh and his second wife spent their lives fighting for the rights and dignities of those in the disabled community.

Dick Thornburgh's dedication to his family, to his country, and to the idea that we should use our skills to make this world a bit better than how we found it, are an inspiration to me. I am sure that many others in this Chamber can say the same. The commitment to listening to both sides, thoughtfully, and reaching solutions that were not partisan, but simply good for Pennsylvanians, is another lesson that we should all cherish.

He was a model Governor and leader for this Commonwealth and this nation. As we all continue the work and legacy of serving the people of Pennsylvania every day, I hope that we can strive to embody the ideals and attitude of Governor Dick Thornburgh. He will live on in these halls, he will live on in our work, and he will live on as a testament to the leadership that Pennsylvania deserves.

Thank you, Mr. President.

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

Senator STREET. Mr. President, I rise to join my colleagues in recognizing the work of Governor Thornburgh. As Senator Corman pointed out, a lot of us were a little young when Governor Thornburgh served. However, during part of his tenure as Governor, my uncle served in the Senate seat that I now hold. During that time, he and Governor Thornburgh did not agree on everything, but they were able to set aside their differences and

work together. In many of those instances, worked to bring resources that renovated playgrounds and community centers, helped people in low-income housing communities, and helped expand access to opportunities for some of Pennsylvania's most vulnerable people.

Governor Thornburgh's legacy is a legacy of being able to pull people together, to get things done, and certainly a legacy that, in times like this, we really could use the memory of. So, we want to celebrate the life that he lived, and in many respects there are aspects of his career that certainly can serve as a role model for those of us who are engaged in public service today. So I fondly remember both the disputes that he and my uncle had and the resolutions that, in the end, tended to benefit the people of Pennsylvania more than anything else.

Thank you, Mr. President. I yield.

The PRESIDENT. Before we take the roll-call vote on the condolence resolution, will the Members please rise for a moment of silence.

(Whereupon, the Senate en bloc stood in a moment of silence in solemn respect to the memory of former Governor RICHARD THORNBURGH.)

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

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

YEA-48

Argall	Corman	Laughlin	Scavello
Aument	Costa	Martin	Schwank
Baker	DiSanto	Mastriano	Stefano
Bartolotta	Dush	Mensch	Street
Blake	Fontana	Muth	Tartaglione
Boscola	Gordner	Phillips-Hill	Vogel
Brewster	Haywood	Pittman	Ward, Judy
Brooks	Hughes	Regan	Ward, Kim
Browne	Hutchinson	Robinson	Williams, Anthony H.
Cappelletti	Kane	Sabatina	Williams, Lindsey
Collett	Kearney	Santarsiero	Yaw
Comitta	Langerholc	Saval	Yudichak

NAY-0

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

The PRESIDENT. The resolution was adopted.

Senators K. WARD, CORMAN, BROWNE, SCHWANK, J. WARD, SANTARSIERO, KEARNEY, PITTMAN, LANGERHOLC, BARTOLOTTA, BROOKS, ARGALL, KANE, PHILLIPS-HILL, FONTANA, COLLETT, MENSCH, AUMENT, ROBINSON, MARTIN, HUGHES, STREET, YAW, REGAN, STEFANO, VOGEL, BAKER, GORDNER, TOMLINSON, SCAVELLO, YUDICHAK, HUTCHINSON, COSTA and DUSH, by unanimous consent, offered **Senate Resolution No. 18**, entitled:

A Resolution honoring the life and achievements of Representative Michael "Mike" Reese.

WHEREAS, Representative Michael "Mike" Reese, who served as a State Representative of the 59th district, passed away January 2, 2021, at 42 years of age; and

WHEREAS, Mr. Reese was born in Mount Pleasant Township, Westmoreland County, on March 7, 1978; and

WHEREAS, After graduating from Mount Pleasant Area Junior-Senior High School, he attended Duquesne University and graduated with a bachelor's degree in secondary education with a concentration in history; and

WHEREAS, In 2004, he earned a master's degree in business administration from Seton Hill University; and

WHEREAS, Prior to his successful bid to become a State Representative, he used his strong education and business background and worked in admissions at the University of Pittsburgh at Greensburg and was a teacher and counselor at Pressley Ridge School, a nonprofit organization that offers services to children and families facing difficult circumstances; and

WHEREAS, Mr. Reese also worked as an adjunct faculty member at Westmoreland County Community College, chief of staff for Westmoreland County commissioners Terry Marolt and Phil Light, and was assistant director of financial administration for Westmoreland County; and

WHEREAS, Mr. Reese was first elected to the Pennsylvania House of Representatives in 2008, taking office in the 2009-2010 session; and

WHEREAS, Mr. Reese had numerous accomplishments and worked tirelessly on behalf of his constituents; and

WHEREAS, Mr. Reese was selected by his Republican colleagues in the Pennsylvania House of Representatives to serve as caucus secretary in the 2019-2020 session and was recently elected to serve as caucus chairman in the 2020-2021 session; and

WHEREAS, Mr. Reese was a model legislator and his spirit, knowledge and presence will be missed; and

WHEREAS, Mr. Reese is survived by his wife Angela and three children: Addison, Claire and Michael Eric; therefore be it

RESOLVED, That the Senate honor the life and achievements of Representative Michael "Mike" Reese.

On the question,  
Will the Senate adopt the resolution?

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

Senator K. WARD. Mr. President, the resolution sounds very factual, and it was, but Mike Reese was much bigger than just those facts of what he did. He was a family man from the beginning, from the get-go. There was nothing more important to him. He was a friend, and he did a great job in his role as a State Representative. But he never--he was not a politician, never even thought about running for the State House. When the position opened, he had first said no, until I went to his mother. The next day he walked into my office and said, you went to my mother, I am going to run. That tells a little bit about who he was.

He was a family man. They have a big family, a close family, and that family--and Mike was one of the leaders of that family--is important to our community, respected in our community, and involved in our community. He will be missed for such a long time. He has three beautiful children: Addison, Michael, and Claire; his beautiful wife, Angela; and his mom, Joan. I know a lot of his family, but those folks right there were like the crux of what I got to see and got to share with Mike the most. He loved them all. He talked about his travels, and everything was always about his family.

I used to tease him because he was so good at what he did, and the community loved him so much, that he worked all the time. Unlike some of us who are at every single event, we have to go to it, they loved Mike. I would tease him and say, Mike, are you getting off your porch today? He would laugh. He went out and worked that community, and they just adored him because he produced for them. He listened to them. He would sit in his

office and call everybody who called him. Mike would make a phone call. He would talk to them. He was a terrific legislator with a terrific future.

He was a coach to his son, he was strong in his convictions, and he never, ever backed down. One of the things that was so important to him as a legislator was education. He worked on that continuously year after year. We have really lost someone who was very focused on that issue that is important to many of us in Pennsylvania. So, as I said earlier in the month, Mike was bigger than life, he was a big soul, and he leaves a big hole. We will miss him, and I loved him. Thank you.

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

Senator COSTA. Mr. President, I rise on behalf of my colleagues on this side of the aisle to also join the Majority Leader in comments with respect to Representative Mike Reese and provide our continued sympathies to the Majority Leader in her relationship and also to the Reese family for their tremendous loss. As some folks in this room have a lot of relatives who live in the Westmoreland County area, the Reese name is a prominent name in that community, having other family members who served in government there. But Representative Mike Reese was someone who I had the opportunity to watch, for the most part, from afar, but knew of the work he had done in a variety of areas. It was clear, over the course of the past several years, in particular, that he was a very well-respected voice. Certainly in the community he represented, but also in the Westmoreland County area, and in the House of Representatives for the work he has done in the last year or so advancing and raising the concerns that so many people have with respect to how we are dealing with this pandemic. It was really important work, and he made a strong effort in that regard.

But his skills as a father and a husband, I think, is something we cannot lose sight of, as was indicated by Senator Kim Ward. The work that he did with his family members in the community I think is something that oftentimes we lose sight of. Being able to balance the interests as an elected official, particularly one who works in Harrisburg, and to be able to deal with the challenges and chores that the family has, with respect to being engaged in their lives, how critically important that was, and I think that is a true testament to the person that Mike was.

Many of us, as I mentioned previously, had the opportunity, when we did the charity softball games and raised money for the community, Central Pennsylvania Food Bank, and the like, and dealing with that issue, he was somebody who shined in that space as well, but also was someone who was there as a leader in terms of how we handled ourselves through that process. So, I stand and say thank you for your service. Unfortunately, we lost you way too soon, and the sympathies of our Caucus go to the Reese family.

Thank you, Mr. President.

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

Senator A.H. WILLIAMS. Mr. President, to the Majority Leader, who is dealing with the grief of her lost friend, not political ally, to the many colleagues who served with him and knew him quite well, I certainly convey my personal condolences. The reason why I decided I wanted to speak was because I have a few friends in the House, and one of them in particular does not get

the opportunity to speak, but she leads the House Democrats, Representative Joanna McClinton. She left a few words that she asked me to elaborate upon. She said that he was warm, genuine, hardworking, and a major family man. But, most significantly, what she said to me was that he was respected on both sides of the aisle. I want to say, in the times in which we live, times in which we work, times in which we legislate, it should never divide us as Pennsylvanians or human beings. This gentleman, who I knew, but I do not suggest by any means I knew him as well as some of you who have worked with him, left an imprint early in his life about how he conducted himself, regardless of the political status, whether you were a Democrat or Republican, urban, suburban, or rural, black, white, Latino, or Asian, you mattered. While he may not agree with your perspective, he respected your position. For that, we are all better off for his service. Certainly to his wife and his children, we convey our love, our condolences, and our heartfelt grief goes along with it.

Thank you, Mr. President.

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

Senator SCAVELLO. Mr. President, I rise in memory of Mike. His office was in the East Wing with mine for about 6 years when I served over in the House. He was one of those quiet gentlemen. He would always say hello, and if anybody needed anything, any type of help, he was right there for them. He was one of those caring people. I would say, especially in the East Wing, there was no one more respected than he was. It was obvious, through his election to Leadership over in the House, that it went throughout our Caucus and, from what I am hearing, the same showed on the other side of the aisle. My prayers go out to the family. He is one of those people we are going to remember for a long time. He made an imprint in his short period of time here in our Commonwealth and right here in Harrisburg.

Thank you, Mr. President.

(Whereupon, the Senate en bloc stood in a moment of silence in solemn respect to the memory of Hon. MICHAEL REESE.)

And the question recurring,

Will the Senate adopt the resolution?

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

## CALENDAR

### THIRD CONSIDERATION CALENDAR

#### BILL REREFERRED

**SB 2 (Pr. No. 86)** -- 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.

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

**SECOND CONSIDERATION CALENDAR**

**BILL ON SECOND CONSIDERATION  
AND REREFERRED**

**SB 8 (Pr. No. 22)** -- The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for courts to be open and suits against the Commonwealth.

Considered the second time and agreed to,

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

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

**BILLS OUT OF ORDER**

Without objection, the following bills on today's Calendar were called out of order by Senator K. WARD, as Special Orders of Business.

**BILLS ON SECOND CONSIDERATION  
AND REREFERRED**

**SB 87 (Pr. No. 64)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses), 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in minors, further providing for the offense of sexual abuse of children; in child protective services, providing for task force on child pornography; and, in sentencing, further providing for sentencing for offenses involving sexual abuse of children.

Considered the second time and agreed to,

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

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

**SB 109 (Pr. No. 74)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, in emergency COVID-19 response, repealing provisions relating to Pennsylvania Housing Finance Agency.

Considered the second time and agreed to,

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

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

**RECESS**

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

Senator K. WARD. Mr. President, I request a recess of the Senate for the purpose of a Republican caucus to be held in the Majority Caucus Room and via Zoom.

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

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

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

**AFTER RECESS**

**The PRESIDENT pro tempore (Senator Jacob D. Corman III) in the Chair.**

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

**RECESS**

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

Senator K. WARD. Mr. President, I request a recess of the Senate for the purpose of an off-the-floor meeting of the Committee on Appropriations to be held here on the floor and via Zoom.

The PRESIDENT pro tempore. For the purpose of an off-the-floor meeting of the Committee on Appropriations to be held here on the floor and via Zoom, without objection, the Senate stands in recess.

**AFTER RECESS**

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

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

**LEGISLATIVE LEAVE CANCELLED**

The PRESIDENT. Senator Schwank has returned, and her legislative leave is cancelled.

**CONSIDERATION OF CALENDAR RESUMED  
SECOND CONSIDERATION CALENDAR RESUMED**

**BILL OVER IN ORDER**

**SB 78** -- Without objection, the bill was passed over in its order at the request of Senator K. WARD.

**BILL ON SECOND CONSIDERATION**

**SB 81 (Pr. No. 59)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in depositions and witnesses, further providing for expert testimony in certain criminal proceedings.

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

#### BILLS OVER IN ORDER

**SB 84, SB 85 and SB 86** -- Without objection, the bills were passed over in their order at the request of Senator K. WARD.

**The PRESIDENT pro tempore (Senator Jacob D. Corman III) in the Chair.**

#### BILLS REPORTED FROM COMMITTEE

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

##### **SB 2 (Pr. No. 86)** (Rereported)

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.

##### **SB 8 (Pr. No. 22)** (Rereported)

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for courts to be open and suits against the Commonwealth.

##### **SB 87 (Pr. No. 64)** (Rereported)

An Act amending Titles 18 (Crimes and Offenses), 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in minors, further providing for the offense of sexual abuse of children; in child protective services, providing for task force on child pornography; and, in sentencing, further providing for sentencing for offenses involving sexual abuse of children.

##### **SB 109 (Pr. No. 102)** (Amended) (Rereported)

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, in emergency COVID-19 response, establishing the Hospitality Industry Recovery Program, providing for emergency education relief to nonpublic schools and for emergency education relief to area career and technical schools, intermediate units and other educational entities and repealing provisions relating to Pennsylvania Housing Finance Agency; establishing the Rental and Utility Assistance Grant Program; in additional special funds and restricted accounts, providing for Workers' Compensation Security Fund transfer to COVID-19 Response Restricted Account; in 2020-2021 Restrictions on Appropriations for Funds and Accounts, further providing for fund transfers; and making appropriations.

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

##### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 2 (Pr. No. 86)** -- 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 agree to the bill on third consideration?

#### BOSCOLA AMENDMENT A0199 OFFERED

Senator BOSCOLA offered the following amendment No. A0199:

Amend Bill, page 3, lines 18 and 19, by striking out "secretary of the commonwealth" and inserting:

Secretary of the Commonwealth

Amend Bill, page 3, line 29, by striking out "primary, general or"

Amend Bill, page 4, line 7, by striking out "primary, general or"

Amend Bill, page 4, line 15, by striking out "primary, general or"

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

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

Senator BOSCOLA. Mr. President, I offer this amendment for the purpose of changing these questions and how they would appear on the ballot in voter referendum form. I would like to see these questions appear in the November 2021 general election instead of the primary. Our municipal primary elections are amongst the lowest turnout elections in Pennsylvania and we need to insure that more voices are heard on these two important issues. This has been done before in this Chamber without requiring the process to start over. In 2016, a constitutional amendment was moved from a primary election to a general election after it had passed two Sessions by concurrent resolution. That was dealing with the mandatory retirement of judges.

The reason, or one of the reasons, for moving the question set forth in Senate Resolution No. 321 in 2016 still holds true today: only people registered in one of the two political parties can participate in primary elections. So our Independent voters, of which there are over 1 million registered Independent voters, are unlikely to participate in this primary election if this question is on the ballot, even if they are allowed. Perhaps more so than the question of mandatory retirement of judges, this issue is a statewide matter of importance to all citizens of the Commonwealth. I would love the Independents to have that opportunity to vote on this.

Finally, a little more time from the intensity of the pandemic will provide voters a little more time to consider what makes sense. We all know the importance of constitutional amendments. Let us get this done right, for the right reasons, and do it by passing this amendment and giving the voters a little more time to digest. I would like an affirmative vote.

Thank you, Mr. President.

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

Senator K. WARD. Mr. President, I would like to make one point that Independent voters can vote in a primary election. This amendment is the amendment that moves the date later in the year for this constitutional amendment, and I am asking for a "no" vote. Thank you.

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

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

YEA-17

Blake	Fontana	Kearney	Schwank
Boscola	Haywood	Muth	Street
Brewster	Hughes	Sabatina	Tartaglione
Comitta	Kane	Santarsiero	Williams, Anthony H.
Costa			

NAY-31

Argall	Corman	Mastriano	Stefano
Aument	DiSanto	Mensch	Vogel
Baker	Dush	Phillips-Hill	Ward, Judy
Bartolotta	Gordner	Pittman	Ward, Kim
Brooks	Hutchinson	Regan	Williams, Lindsey
Browne	Langerholc	Robinson	Yaw
Cappelletti	Laughlin	Saval	Yudichak
Collett	Martin	Scavello	

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?

BOSCOLA AMENDMENT A0186 OFFERED

Senator BOSCOLA offered the following amendment No. A0186:

Amend Bill, page 1, prior passage line, by striking out "J.R. 2020-4" and inserting:

NONE

Amend Bill, page 1, line 6, by striking out "and,"

Amend Bill, page 1, line 7, by striking out the period after "management" and inserting:

; and, in taxation and finance, further providing for expiration of authority to levy and collect real property taxes on homesteads and farmsteads.

Amend Bill, page 3, by inserting between lines 8 and 9:

(3) That Article VIII be amended by adding a section to read:

§ 18. Expiration of authority to levy or collect real property taxes on homesteads and farmsteads.

(a) No school district may levy a real property tax on a homestead or farmstead after June 30, 2026. This subsection shall not prohibit a school district from collecting a tax levied prior to June 30, 2026.

(b) The Legislature shall, by general law, provide annually each school district with maintenance and support in an amount at least equal to the real property tax collected by the school district on homesteads and farmsteads during the fiscal year ending June 30, 2026, less the annual debt service legally obligated to be paid by the school district during the fiscal year ending June 30, 2026. The maintenance and support of school districts may include, but need not be limited to:

(1) A State tax on each separate sale at retail of tangible personal property or services in this Commonwealth.

(2) A State tax on the receipt of income by every resident individual, estate or trust.

(3) A local tax on the receipt of income by every resident individual, estate or trust.

(4) A local tax on earned income and net profits.

(c) Under no circumstances may the General Assembly provide, by general, local or special law, for a real property tax on a homestead or farmstead.

(d) Except for taxes imposed under subsection (b)(3) and (4), all

proceeds from other taxes imposed under subsection (b), shall be deposited into a separate fund in the State Treasury, to be known as the Stabilization of Education Fund, and shall be used for the purpose of the maintenance and support of school districts required under subsection (a). The money in the fund may not be diverted by transfer or otherwise to any other purpose.

Amend Bill, page 4, by inserting after line 19:

(3) Submit the proposed constitutional amendment under section 1(3) of this resolution to the qualified electors of this Commonwealth as a separate ballot question at the first primary, general or municipal election which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania and which occurs at least three months after the proposed constitutional amendment is passed by the General Assembly.

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

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

Senator BOSCOLA. Mr. President, I have been working on elimination of property taxes for the last 20 years now, and even during this pandemic, this is still the number one issue. I do not know about other areas of the State, but in the Lehigh Valley, there is not a place I go where somebody does not say: Please, would you help me lower my property taxes? It needs to be a constitutional amendment. What my amendment would do is exclude farmsteads and homesteads from paying property taxes to the Commonwealth by the year 2026. Year after year, this number one issue keeps coming up from my constituents to lower property taxes. So, this amendment will address the priority concern by eliminating property taxes for homesteads and farmsteads. This is an important opportunity to answer the demands from my constituents. It is time that we address the issue of property taxes, and I urge my colleagues for an affirmative vote. Thank you.

BOSCOLA AMENDMENT A0186 TABLED

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

Senator K. WARD. Mr. President, I appreciate my colleague across the aisle on this issue. It is a big one that we do hear about all the time, but it is an important and complicated issue, and I do not believe it belongs in this constitutional amendment. So, Mr. President, I move that the amendment be laid upon the table.

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

The yeas and nays were required by Senator K. WARD and were as follows, viz:

YEA-30

Argall	DiSanto	Mastriano	Scavello
Aument	Dush	Mensch	Stefano
Baker	Gordner	Muth	Vogel
Bartolotta	Haywood	Phillips-Hill	Ward, Judy
Brooks	Hutchinson	Pittman	Ward, Kim
Browne	Langerholc	Regan	Yaw
Cappelletti	Laughlin	Robinson	Yudichak
Corman	Martin		

## NAY-18

Blake	Costa	Sabatina	Street
Boscola	Fontana	Santarsiero	Tartaglione
Brewster	Hughes	Saval	Williams, Anthony H.
Collett	Kane	Schwank	Williams, Lindsey
Comitta	Kearney		

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

The PRESIDENT pro tempore. Amendment A0186 will be laid on the table.

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

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

On the question,  
Shall the bill pass finally?

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

Senator COLLETT. Mr. President, I rise today to express my profound disappointment that our Majority leaders are moving forward with Senate Bill No. 2 at this fevered pace to get questions about ending emergency declarations on the April ballot. The almost cruel irony here is that we will undoubtedly still be dealing with the COVID-19 emergency on the date of that election. My colleague, the Senator from Westmoreland County, and her colleagues in the Majority insist that the constitutional amendment ballot questions proposed by this bill are needed in order to give the legislature a say, but that is not what these proposals would do. Rather, these two amendments would insure that the legislature, the branch least equipped by design to act swiftly, has the final and only say in upholding emergency declarations. Not just this one, but any future ones, regardless of the nature of the emergency, the population impacted, or the balance of power. In reality, they are not thinking about the future at all. They are not worried about a potential chemical or cyber attack that could limit the ability of a legislative quorum to gather. They are not worried about natural disasters or the toll this will take on the longstanding disaster declaration for the opioid crisis, which is the reason naloxone is so much more accessible now. All they are thinking about is making a power grab today so that they can pander to a base that mistakenly thinks that ending the emergency declaration in the midst of an ongoing public health crisis is the key to economic recovery.

On March 6, 2020, Governor Wolf declared a state of emergency with respect to the COVID-19 crisis in Pennsylvania. Over the next few months, as the virus spread, the death toll rose, the Federal government floundered, our kids suffered, our elderly loved ones felt isolated, and our small businesses closed, the Majority in this legislature sought time and time again to end the shutdown, handcuff the administration, specifically the Department of Health, and just let the virus run its course. I can only assume that they callously thought: if people die, people die. They wasted time in this very Chamber, time that could have been dedicated to delivering much-needed relief to families, seniors, hospitals, and local businesses. Time that could have

been spent discussing how to increase revenue by closing corporate loopholes or legalizing recreational marijuana so we were not staring down quite so big of a deficit today.

In June, the Majority introduced Senate Bill No. 1166, this bill's precursor, attempting to change the Constitution to tip the balance of decisionmaking in ending emergency declarations in their favor. In July, with the vaccine still merely 6 months away, with enforcement policies failing, and with the Federal government less helpful than ever, the Majority in this legislature pushed through a vote on Senate Bill No. 1166, teeing up the situation we are in now. Now, in our first substantive week back in Session--when COVID-19 cases are still rising and Pennsylvania deaths have topped 20,000, small businesses continue to suffer, unemployment is still at record highs, and vaccine distribution is slow and in need of more oversight--I almost cannot believe that this is still what we are talking about.

I know there are folks out there who believe that ending the disaster declaration is the key to repairing our economy and returning to, quote, unquote, "normal." I am sorry to be the one to tell you, but your Representatives are not being honest with you about that. Let us be clear here, no other State legislature has done this, regardless of party, regardless of size. Forty-nine States have active emergency declarations in place to this day. Why? Because we are still in the midst of an active emergency, and these emergency declarations have immeasurable, ongoing benefits to all of us.

Ending Governor Wolf's disaster declaration would end the additional \$300 in Federal unemployment benefits for more than 358,000 currently unemployed Pennsylvanians. It would end USDA waivers that have been funding extra efforts to get meals to tens of thousands of kids who desperately need them. It would end local governments' ability to have remote meetings. It would end agencies', like DHS', ability to require additional staff and enforce social distancing at facilities that care for individuals with intellectual and other disabilities. It would end the suspension of the Federal procurement code, meaning the speed and cost of our emergency purchase orders could be de-prioritized vis-à-vis other States. Emergency rules that have allowed military, out-of-State, and retired healthcare personnel to assist at hospitals, clinics, and long-term care facilities would be eliminated. FEMA's reimbursement of costs related to emergency protective measures would be in jeopardy, and the list goes on. To be clear, these costs would not end and the need would not end. The only thing that would end would be Pennsylvania's ability to receive Federal relief, meaning these resources would no longer be available and the costs would fall to taxpayers.

We are finally in a position where we can see the light at the end of the tunnel. Again, I can see no reason why my colleagues, the Leader from Centre County and the Leader from Westmoreland County, are pushing Senate Bill No. 2 forward now with all the progress we have made and as vaccines are beginning to roll out, but while cases and hospitalizations are still surging and more contagious variants of the virus are spreading. No other legislature has done this. Why? Because it is not in the best interests of the people of their States. It is shutting the door on guaranteed relief that continues to keep Pennsylvanians from drowning, all to try and win political points.

I will be a "no" vote on this, and I encourage my colleagues to vote "no" as well. If this bill passes and these questions make it to the ballot, I say to Pennsylvanians, I hope you vote in your

own best interests and not the best interests of the Majority party Members in this Chamber, Members who have failed to vote in your best interests at every opportunity.

Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Columbia, Senator Gordner.

Senator GORDNER. Mr. President, I am going to give a whole different view than the previous speaker just gave. I do not know about you, but I think a lot of us have not been happy with what the Governor did in regard to nursing homes. Do you remember when this kicked in last March and April? Do you know what the first focus of the Department of Health should have been? It should have been on our elderly residents in nursing homes. I think if the legislature would have been involved, we would have made sure there was a spotlight, a laser light, shining to make sure there was immediate help to those vulnerable folks in nursing homes and for the caregivers in those nursing home settings. We did not see that with the Department of Health, and despite yelling and screaming--and from the industry yelling and screaming--this administration did not pay attention to that and, as a result, there were thousands of deaths at those nursing homes. If the legislature, if the people who were hearing from those families on a daily basis through our district offices would have been at the table and at that 21-day period had said, you know what, Governor? We will extend the 21 days, but we need to pay attention to our nursing homes. We have to pay attention to the elderly. We have to pay attention to those vulnerable people who your Department of Health is not paying attention to. That is what would have happened after 21 days if the legislature would have been involved, previous speaker.

I do not know if you were thrilled, if you got any calls when the Governor announced at 5 o'clock on a Thursday that small businesses were going to be closing that evening at midnight, giving hours' notice. I am looking around at my fellow Senators, how many hundreds, if not thousands, of contacts did we get in that next 24-hour period? If we would have had a say after 21 days, we would have made sure something like that was not going to happen again. You know, the Chamber of Commerce--Gene Barr is a reasonable guy--he has been asking for that for almost a year, just allow us to have a voice at the table, not 3 or 4 hours' notice that businesses are closing down.

Did you think the waiver program by DCED was a good program? I am looking around at my fellow Senators. You had to have received thousands of calls from constituents in regard to the waiver program that DCED did. Even the Auditor General, after doing a review--and he never finished it, I do not think--said there were lots of mistakes made during that and it needed a whole different approach. If the legislature was involved each time you needed to extend that emergency order, we would have made sure that there were things being done. Restaurants, again, even the most recent decision in December, even after all of this, restaurants had ordered their food for the weekend and the Governor said, you know what? You are shutting down in a day and a half, after you have ordered the food. What are restaurants supposed to do, the small businesses, the families? I have restaurants that have been in multiple family generations. Why is it fair to them? If we had a seat at the table, we could say, Governor, you can close, but let us give them 4 or 5 days' notice so they are not ordering food for the weekend.

Hey, if you want to be proud of the 35th out of 50-State position we are in with regard to vaccinations, then be proud. But, you know, or even thankfully, we are hearing some bipartisan criticism of the administration in regard to the vaccines. It is embarrassing to look at--and I will get into trouble with this--but West Virginia was leading all the States with, I think, 80 to 85 percent in regard to vaccinations getting to people. We are 35th. We are under 35 percent of the available vaccinations going to folks who need them. If you, as fellow Senators, think that is great, it is not. We need to be at the table. We need to be there. Would we extend the emergency orders? Yes. I have no doubt that we would. But we would make sure that those constituents who we are hearing from--we are the folks and the House Members who are close to the people. They contact us. I have been in the Senate for 17 years. I have never received as many constituent contacts in the last 11 months as I have in all my years put together. Those constituents have opinions. They have had problems.

If you think the unemployment comp system is great, if you think the Department of Labor and Industry has done a bang-up job, then yeah, vote "no." Say: Governor, L&I, awesome, you have done great. When we were in June and you had tens of thousands, I guess maybe 100,000 folks, who had not received responses, who needed an unemployment comp check. Again, our district office people, our Harrisburg office people, they have done a yeoman's job, Democratic and Republican, House and Senate. The calls that they have been taking and help they have been trying to do. If you think that has been good, then yeah, vote against this, but I do not think so. If we had a seat at the table, we would say, yes, Governor, we want to extend the order, but do you know what? We need to do a better job in making sure that we are helping our citizens, we are helping those who are unemployed, and we are helping the elderly and personal care centers and nursing homes.

Do you know what? Again, here is what the neat thing is about this constitutional amendment on these two issues. It allows the people to decide. People who are affected. People who have had to deal with this. You know, we have continued to get our salary, we have continued to have our offices, all of those sorts of things. But all of the hundreds of thousands, the millions, of people in Pennsylvania who have been affected, we are going to give them a voice. I would rather give them a voice in May than in November or next year, whatever. Let us give them a voice while they are still involved. I hope things are getting better. I think things are getting better, but there are a lot of issues out there. If you are happy with how everything has gone over the last 10 or 11 months, congratulations, vote "no." But I am going to vote with my constituents on this and give them a vote, and I think we should absolutely, positively, for those reasons, support this amendment.

Thank you, Mr. President.

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

Senator KANE. Mr. President, it was a great speech. Mr. President, I spoke about this bill in our committee meeting on Friday, but I think it is important to bring it up again, because the issues that I brought up have not been addressed at all. I know my colleagues are going to speak about the content of this bill, but I want to talk about how the Majority intends for this body to

operate. Before I go into this, I also want to say that I wholeheartedly support the portion of this bill on racial discrimination, and I wish the Majority had chosen to run these two separately instead of trying to lump them together. One week ago, casting a vote on this bill was not on our radar because we had yet to even have a committee meeting scheduled for this bill. The Majority scheduled an emergency committee meeting just so they could rush this bill to a vote. This is a proposed constitutional amendment, and they are trying to pass it without a single hearing, without a single piece of expert testimony, in 5 days with a weekend in the middle. Normally, this process would take weeks.

Look, I am not a lawyer. In fact, I am a plumber. I am sure everything the Majority did here followed proper parliamentary procedures, but that is not what matters. I ran for office because I heard time and time again from working families that they did not feel like government was working for them, and what are we doing here? We are in the middle of the worst pandemic we have ever seen. We have folks who cannot pay rent and cannot feed their families. Let me repeat this: we have folks who cannot pay rent and cannot feed their families. We have not raised the minimum wage in 12 years. Our constituents are demanding we do our jobs and help them, but this is what we choose to fast track. This is what we are going to try to get done in 5 days. I come from the house of labor. The men and women from my union might not know a lot about procedures for how things work out here, but they know when something feels wrong, and this whole process has felt wrong from the beginning, which was only about 140 hours ago. The Majority cannot claim to represent the people when they are not even giving their constituents time to consider this bill. This is shameful, this is deceitful, and this is just plain wrong. I voted "no" in committee, and I am going to vote "no" again.

Thank you, Mr. President.

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

Senator DiSANTO. Mr. President, I speak in favor of this amendment, and I am asking all my colleagues on the floor to put aside all the political hyperbole and social media nonsense surrounding this constitutional amendment. It is my intent, with my fellow cosponsors, that hopefully Pennsylvania will not be subjected to an abject failure in leadership in the future. That is the purpose of this amendment. It is my hope that the esteemed business schools of Pennsylvania will take a look at this in the future and do a casework on the leadership failures in the executive branch across the board. This is a classic case of surrounding yourself with people with no management experience--especially with a pandemic, which was totally unexpected--cutting yourself off from the press, not communicating to the people of this Commonwealth what is being done and what needs to be done in order to protect our citizens. It is also the absolute wrong way to manage a crisis when you will not take any input from the stakeholders within the problem you are trying to solve. There are many competent people willing to help if they were permitted to help in this Commonwealth, not for political gain, but to help the citizens of this Commonwealth. But our executive has chosen to isolate himself, not take any input from the legislature, from the business community, from the medical community, and/or from the citizens of this Commonwealth.

So, I am requesting an affirmative vote on this amendment to protect our citizens from the failure of leadership by the executive in the future. Thank you.

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

Senator BOSCOLA. Mr. President, I feel I have to get up and say a few words just based on a whole different perspective, because I am going to be supporting Senate Bill No. 2 for several reasons. First, it includes in our Constitution an explicit prohibition on the discrimination of individuals based on race. What I would have loved to see was prohibition language that went further to include other groups that are routinely discriminated against, but we can maybe hope for that in the future.

Second, it changes the way in which Pennsylvania manages major emergencies and disaster proclamations. I really feel that the people of Pennsylvania have lived and breathed this pandemic for almost a year now, and I think it is fair to put this issue before them. We have seen our democracy strained, our influence as a legislative body limited, and it is fair to ask the people if they believe the powers between the branches are out of balance and whether it should be permanently addressed in our Constitution. At no time in recent history have we seen our actual civil liberties be so restricted by the stroke of a pen, without debate, without a vote. Businesses were shut down, we were ordered to shelter in place, limit our travel, not visit our families, and that is just among some of the things.

So, regardless of how you feel about the decisions the Governor made, this is not what this is about. I think we need to step back, reflect on whether the Emergency Management Services Act, as interpreted by the Pennsylvania Supreme Court in *Wolf v. Scarnati*, is consistent with what the legislature intended in 1978. Like my colleague said, I am not a lawyer, but the plain reading of that act seemed to set up a balanced approach between the executive branch and the legislative branch when it came to handling our emergencies. The power to proclaim the emergency starts with the Governor and can last up to 90 days unless he renews it. The act included the ability for the General Assembly to cancel an emergency declaration upon the passing of a concurrent resolution where the statute says: Thereupon, the Governor shall issue an executive order ending the declaration. The Supreme Court ruled, in a divided court, that the concurrent resolution was required to be presented to the Governor for a potential veto. That decision tilted the power in favor of the executive, away from the General Assembly, in a manner in which I am not certain was the idea of the act when originally passed. To help put it in perspective, overall it would take less votes to impeach an official in Pennsylvania than pass a veto-proof concurrent resolution.

While not agreeing, personally--I have not agreed with everything that the Governor has done in response to this pandemic--but what I do believe is that he has always acted in what he believes was in Pennsylvania's best interest. So my affirmative vote reflects my belief that the people of Pennsylvania should have a say in how the powers of government should be divided amongst the branches during major emergencies. To be quite honest, the arguments that Pennsylvania needs its current structure ignore the reality that all States use vastly different structures to respond to crises like this. Few States empower the Governor greater than Pennsylvania does. Many States have more balance, and some States appear to have vastly more power

in their legislative bodies. Personally, I believe the burden of leadership in these situations should be shared.

Perhaps, above all other points, we must remember that this vote does not end the current emergency declaration. This vote only places the question on the ballot so the people can weigh in. As an advocate for direct ballot initiatives, having introduced a bill and going so far as to offer it as an amendment last Session, I believe Pennsylvanians should have more say, not less, when it comes to these important issues. When it comes time to vote, myself going into that ballot, I am not sure how I am going to vote. Is 21 days too short? Is the power limiting the Governor's power to deal with the run-of-the-mill emergencies like snowstorms and floods and more significant emergencies like COVID-19 and opioid crisis? Then there are other voters--and I look at this, too--who do believe that the current balance of power is not healthy and needs to be revisited.

Wherever you stand, I think we can agree that the voters of Pennsylvania will never have a better appreciation of the effectiveness of the government during an emergency declaration and whether the General Assembly needs more say than what they have right now. Pennsylvanians may look at this amendment and say the system worked and protected Pennsylvanians, so no need to change it. Others will say Pennsylvanians deserve a choice. Others will say differently. We are going to see, when this occurs on the ballot. But I am so happy that they are going to be able to weigh in, because like I said earlier, they lived and breathed it, and I want to know how they feel.

Thank you, Mr. President.

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

Senator MARTIN. Mr. President, first off, I rise to support Senate Bill No. 2 and thank the gentleman from Dauphin County and the gentlewoman from Westmoreland County for working on this bill together. Just like last summer when we addressed the original bill, I am a little astonished that I have to remind the public exactly how Pennsylvania's emergency management system works. So when I hear people tout about the Governor's ability to respond efficiently and effectively to snowstorms, floods, or other long-term disasters, I want to remind people, as someone who has overseen emergency management for over 8 years, that they are not the front line.

Historically, in every emergency that has occurred here across the Commonwealth and this great nation, including long-term emergencies like the meltdown at Three Mile Island, county governments, your county emergency responders, are historically your first-line responders. Whether here in Pennsylvania, whether it is down in the Gulf Coast for Hurricane Katrina, historically, the State and Federal governments are in a supportive backup role to provide money and to move resources and equipment. For anyone to imply that that would be handled differently is sheer ignorance to how it really works. You have first responders in counties across this Commonwealth who train on an annual basis for long-term radioactive emergencies--not only with other counties all across the State, but with counties in other States. Why is that? I would ask all my colleagues and the people of this great Commonwealth, what is it like to experience statewide implementation of an emergency plan? How did the State's statewide nursing home plan work out? Currently, all of us, how is the statewide vaccination program working out? How did that waiver process implemented statewide work out?

Do you know when things got better in my county--and my county has more long-term care facilities than any other in the Commonwealth? It started working out better for them when the county finally had enough and started doing their own thing and providing resources and PPE. Do you know when the vaccination is going to work out best? Right now, as we speak, my county is putting together a mass vaccination plan with four health systems working arm in arm collaboratively to set up a mass vaccination site. Guess who is not cooperating with us? It is no laughing matter. There is a reason why local governments responding is so critical and important. Just as important as the reason to have the backup power of the Governor through PEMA and FEMA to support those local efforts.

But when you think about Senate Bill No. 2 and what we are trying to do, I want to start off with three words for you all that are the most important words in emergency management: communication, collaboration, and transparency. The hallmarks to responding to a tornado, hurricane, nuclear meltdown, or even a pandemic. So when you think about those three words, I want you to think about all the things over the last year in terms of communication, collaboration, and transparency. Have we met those benchmarks? Absolutely not. What this bill absolutely does is add accountability to insure that the communication, collaboration, and transparency goals, which should be forthright in any emergency, are met. That is not to say that it is all going to be ended right away. It is to insure that it will be done correctly. To insure that if someone is resisting releasing data, show us the science. The general public absolutely deserves to have that information. We should never have scenarios under the collaboration where you are giving power to part-time elected school board members to come up with health and safety plans, yet you set aside your full-time commissioners and emergency managers and say, you cannot implement a plan. A place where people can come with a complaint where they say: wow, schools can come up with systems to feed thousands of students safely and make sure they socially distance in a school district, but Mr. Restaurant Owner, you cannot be trusted so much.

You want fairness? If you want the hallmarks of any successful response to any type of emergency, and I can tell you this firsthand, even as a former county commissioner, when our emergency management coordinator had to make a decision, he had to come back to me, as the legislative body, within a certain period of time to justify why the decisions that were made, were made. It is part of the emergency declaration process. So if it is good enough for the local officials, who have more experience in dealing with responding to emergencies and saving lives than any other level of government, why is it not good enough to have the accountability here with the people's representatives? To have someone come in and present what is really going on, on the ground. Show us the data and the science behind it and why it is necessary to take certain actions, and to have the people's representatives say, you know what? You are correct. Or, if they refuse to do all those things that meet those benchmarks of collaboration, communication, and transparency, we have the ability to say enough is enough. That is the form of representative democracy we have been blessed with. That is the absolute key to successfully saving lives in Pennsylvania.

The beauty of it is, our own constituents of this Commonwealth will get to have a say on it if we pass this. I ask my colleagues to please support Senate Bill No. 2.

Thank you, Mr. President.

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

Senator SCAVELLO. Mr. President, I want to talk about something that I mentioned. I called the Governor's Office after an incident that happened in Italy and I spoke about it here on the Senate floor about 3 months into the COVID-19 pandemic. I had said, 400 seniors just passed in this little town in Italy, the average age was about 80 years old. I have to tell you, when I did say that on the Senate floor, I was very upset, and today I am still upset. It took 3 1/2 months--I made those comments on the floor, and the Department of Health was well aware of it as well--to protect the nursing homes, lock them down, test the employees going in. Instead of doing that, we did nothing at all. So, I stand up, and the week after I made those comments on the floor is the week that we really started to do the right thing. Instead of putting COVID-19 patients back in, we locked down the nursing homes, and, unfortunately, 4,000 seniors in the Commonwealth had already passed away. So that happened to be, by the way, the same time our Secretary of Health took her mom out of the nursing home, because she requested to be taken out, and put her into a plush hotel.

Now, I am going to tell you, you just do not do those things. When you are a dictator--and I have to tell you, I will never vote for an emergency declaration again--because I have to tell you, when you try to call the Governor's Office and have input, there were no opportunities at all.

I will give you another example. When we were getting a tremendous amount of people escaping from New York in my district into the rental homes, vacation homes, I know these homes with three bedrooms had as many as 16 vehicles outside. So, just imagine how many people were in those houses. My phones were ringing off the hook by my constituency: do something about it. Well, finally, we did. Finally, I got the Governor to say, you cannot do it. However, when it came down to the enforcement part of it, there was none whatsoever. He had the State Police stand down. There was nothing at all. Nothing in the newspapers outside of that first comment when he was asked during his meeting. Do you know, in every one of those houses--and the people in Monroe County and parts of Northampton County, Pike County, Wayne County, where all these vacation homes were, and probably into Carbon County and other places as well--they wanted to get out of New York City to come into our area. They thought it was a safe haven, but, unfortunately, they brought the problem with them, and you just do not put that amount of people into those houses. So that was okay, by the way. We did not do anything about that, but the poor bars and restaurants, they are closed. We closed them. Again, you try to explain that to his office and it was like talking to the wall. All of those businesses lost a tremendous--some of them will never come back, and that is unfortunate.

Again, I called the office on the roadwork. In front of my office there is about a 4-mile stretch, maybe about six or seven people with their equipment working on that road. And by the way, when you close everything down, there is no traffic. What a perfect opportunity to fix the roads across the Commonwealth, that was just an example. What a perfect opportunity. Guess what? Two months or so before he opened up that possibility, it was about 2 months, and here I am looking at these parked trucks, parked tractors, out there in the roadway to a job that was

just stopped short in its tracks. Again, we created a king. When you called--remember we voted for that. We gave him that authority, but then he just threw us out.

I am sorry, but if we do not pass this, I am going to tell you, future legislators will never give up that right again without a proviso, without something to stop it in 21 days and that is it. Then we can always look at it if it needs to be done, but at least it will keep the Governor--and ask, come back to us, not find out at the last minute. Look at these restaurants. They get their provisions in on a Wednesday for the weekend, Wednesday and Thursday. They are given less than 24 hours to close their door. Not only did you pull the rug out from under them, but all those provisions, especially the fresh vegetables and all, they are done. The last 3 weeks prior--you know, the 3 top weeks in my area are the 3 weeks prior to Christmas and New Years. One business had to return \$14 million--the indoor water park, by the way, Kalahari, with chlorine in the park, which is a disinfectant--had to return \$14 million. Not only did they have to return the \$14 million that we would get 6 percent of those dollars, at the same time there is another \$14 million or so spent within that business. That business, by the way, did the right thing. Do you know what he did? He paid his employees--even taking that bath--he paid his employees until January 4, hoping that the Governor would then relax and have them stay open.

I have two other water parks, with about the same number when you combine the two. Again, they deal with chlorine. I tried and begged with their offices, come down here, see what we are talking about here. You are putting these people out of work, and not only that, not only did you affect them, but you also affected every little business on that strip. All these restaurants took a hit. We closed them down. I am just sorry, I just cannot do--I see the hard work and money these men and women put into their businesses and with a strike of an order to say, sorry, we are not going to even give you that opportunity.

Please, this is an opportunity to really have an emergency declaration in the future, because I will tell you, I know there are quite a bit of us here who have doubts about giving another emergency declaration. I have to tell you - Republican or Democratic Governor - this is something I am talking into the future here. Do not think it is just to knock on one. We cannot let this happen again. We need to be very careful with the authority and how we grant it to governors. Thank you very much.

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

Senator TARTAGLIONE. Mr. President, I rise today to speak against Senate Bill No. 2. I will be voting "no" on the bill, and I urge my colleagues to do the same. As one of the longest-serving Members of the Senate, I am acutely aware of the General Assembly's functions and capabilities. I am also aware of its limitations and, indeed, its shortcomings. That said, I shudder to think that this legislation would place the onus on the Senate and House to make timely, and frankly, nonpolitical decisions during statewide emergencies with the well-being of 12.8 million Pennsylvanians hanging in the balance. I shudder to think that after seeing 800,000 Pennsylvanians test positive for COVID-19, and 20,000 of us died from this horrible pandemic, there are some lawmakers who reject basic and simple mitigation practices like wearing a mask. Now we are going to give them the power to determine whether we must extend or end a disaster emergency?

We must ask ourselves, why do some of the Members avoid wearing masks? What is their motivation? What would cause them to risk becoming infected and transmitting a deadly virus to our families, their staffs, our colleagues, their constituents, and their communities? I can think of only one reason: politics. It may be more politically expedient for some in this building to avoid and deny reality to pretend the virus does not exist or poses no real threat. But in emergency situations, the needs of the people of this Commonwealth cannot wait for the General Assembly to resolve our political differences, differences that have existed since long before I came to the Senate and no doubt will exist after I leave. I assure you, based on medical and scientific information we have, mask wearing and other mitigation practices reduce the spread of the virus. Likewise, the best way to manage the Commonwealth's response to any public emergency is through the experts and the career professionals who serve in our executive branch.

Therefore, I urge my colleagues to vote "no" on Senate Bill No. 2. Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Cambria, Senator Langerholc.

Senator LANGERHOLC. Mr. President, I rise today to support this legislation and ask for an affirmative vote. A lack of transparency, accountability, and bipartisanship have led us here. Since March of last year, the citizens of this Commonwealth have been held hostage by a Governor who has rebuffed cooperation in any capacity with this General Assembly. So, being left from the negotiating table, we tried another route. We passed legislation to help our small businesses, vetoed. Legislation to help our restaurants and bars, vetoed. Legislation to help our schools, vetoed. Our businesses are dying. Our bars and restaurants are dying. How many have closed their doors? How many will? My offices have fielded the calls, as I am sure every one of yours has, no matter what side of the aisle you are on. They ask us, what can we do? How can you help us? That begins to change a little today.

Pennsylvania has one of the largest time limits for the duration of a period of time for a disaster declaration. Ten States require less than 30 days. Sixteen States do not permit it to exceed 30 days. Only five States allow it to go more than 60 days. Pennsylvania allows for 90 days. One of the largest in the nation. Now, I cannot speak to the debate that took place in this Chamber many years ago, but I cannot imagine they would have agreed to such unfettered, unilateral authority to the administration. I am certain that their intent was to allow it to be rescinded by a resolution of a majority of this body.

So today we take up this task of restoring an appropriate balance of power, and we take up this task with all those constituents on our backs, all those who have looked to us to lead during this pandemic. Today, we make it unequivocally clear that our General Assembly is a coequal branch and that we do possess the requisite means to lead and legislate. We are not a monarchy, our voices matter, and the voices of the people who sent us here have been heard on this day. I ask for an affirmative vote.

Thank you, Mr. President.

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

Senator BARTOLOTTA. Mr. President, there is not a lot more to be said than has been said. But I want to bring the conversation back to what we are really talking about today, and that

is not to vote to completely eliminate a Governor's ability to declare an emergency declaration. We absolutely need that. We certainly need something to have a very quick, rapid response with the force of the different departments and plans behind that. However, what we witnessed this almost year has been a complete lack of--as was said before--communication, collaboration, and consideration. We have heard, right here on this floor just in the last hour or so, experts in a lot of different areas: people who have worked in emergency management situations and people who have been in the healthcare field. All of us in this Chamber bring to it and bring to our legislation everything that we have experienced in our professional lives, our personal lives, and that matters. That is why we are here. We have all been elected by quite a large number of Pennsylvanians. We are here to represent them.

One of the comments that was made was--I could not have said it better myself: Our constituents demand we do our jobs. Precisely. Our jobs are to represent them and be their voice in this Chamber when it comes to those things that affect their lives in Pennsylvania. Our voices, their voices, have been completely eliminated from the conversation since March 10. Silenced, as though nothing we have to say, none of our constituents, none of the people we represent, their voices do not matter. Everything is happening behind the black curtain. Nothing to see here. That is not how you govern. You govern by using the assets and resources that you have at your disposal, and using them wisely.

This amendment would allow for that. It is not unplugging the emergency declaration. It is opening the door to conversation, consideration, and collaboration, which is something that should have taken place from day one. From day one of this emergency declaration--the first one of many iterations--no one considered, no one brought in and brought to the table the Pennsylvania Chamber of Commerce, the Pennsylvania Manufacturers Association, the Real Estate Association, the Automotive Association, the Restaurant Association. Nothing. All of the decisions were made in a private chamber without any consideration or collaboration. That is not how you govern. You govern by bringing together those who can cooperate and collaborate.

The vaccine rollout, I know a lot has been said about that. I will just give you a few notes from my particular district, Washington County. I have individuals, one of my dear friends has Stage IV cancer right now. She does not leave her home. However, she relies on people to bring her food, she relies on hospice care, people coming in to take care of her. She does not know where these people have been. If she were to contract COVID-19, that would be the end of her. She cannot get a vaccine. She cannot find out where in the world she is supposed to get a vaccine. These numbers, these Web sites, whatever, it is nearly impossible for our constituents to understand. I want to remind people, Pennsylvania and Puerto Rico are the two United States entities that when the vaccines became available, we did not have a comprehensive plan. We are in our fourth iteration right now, and what are we doing? Smokers can get ahead of first responders now. How is--God bless those folks--but you know what? You have people who have been waiting and waiting for information. Communicate to them. One individual here, one of our colleagues, stated that the education system, I have meetings all of the time with my superintendents and constantly they were saying, who is going to tell us what to do? Where is the plan? We do not know how to progress with school buses,

with virtual, with live, with the cafeteria, none of those things. They kept begging for a plan because they were so afraid of doing something wrong. They did not want to do something wrong, but they were not being told how to do it right.

This amendment is going to allow for a door to be opened. Communication, collaboration, and consideration must occur for all of us to get through an emergency together, because right now we are spinning plates. There is so much confusion out there and if we had collaboration and we all put in our comments, our concerns, things that very likely never occurred to some of the folks in the chamber to consider, I can assure you that the vaccination rollout would have been much smoother. We would know to rely on our local agencies and authorities and get them into the mix, and I truly know this would have been a much simpler, more efficient way of protecting the people of Pennsylvania. That is what this amendment does. It opens the door. Let us collaborate. Let us be part of the conversation. It does not unplug the emergency declaration, it leads to a conversation. By all means, I think it is far past time that we have a seat at the table, we communicate, and we let our constituents have a voice. So, I urge my colleagues for an affirmative vote on the amendment.

Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair recognizes the gentlewoman from Berks, Senator Schwank.

Senator SCHWANK. Mr. President, based on what I am hearing, nobody in this Chamber is very happy with anything that has had to do with this pandemic, with the recovery, with the vaccination plan, and blame is flying all over the place. But I have to say, I just have to remind us, the fact is that we could have done things differently but we are building this plane as we are literally flying it. Who among us had any experience in dealing with a pandemic prior to this? None of us have. The devastating consequences of the shutdowns cannot be minimized. Our lives have been upended. Jobs and businesses have been lost. But we cannot forget that lives have been saved too. Nobody said anything about that. The trouble is, we cannot quantify that very well, can we? We do not know, necessarily, what every action will do in terms of saving those lives. We need to give everybody a little bit of slack here in how we have responded, including ourselves, in terms of how we have responded to dealing with this pandemic. You know, if you look around the country, other States are having the same conversations we are having. They are not happy either. There is a push and pull between governors and legislative bodies in terms of the response to the pandemic. Nobody is happy with the way it has proceeded. Some have done better than others, and the situation varies in every single State. It is true in this Commonwealth as well.

Now, I want to talk a little bit about my experience in county government, because I served as a county commissioner for 8 years. As my colleague from Lancaster County said, you know, we as county commissioners have often been the front line with, of course, our emergency responders in dealing with emergency situations, and that is how it should be. We are right there. Sometimes it is right in our own neighborhoods where the disasters are occurring. But we need State and Federal resources, and I have been on the end of waiting, you know, when we have had significant flooding events in my county, waiting for a response from the State or the Federal government, but always with the knowledge, generally, that the Federal government is the slowest to respond. I think we have seen that to be true in this pandemic as

well. Simply, the response has been abysmal. Hopefully, it will get better, but we are certainly not there yet. We know when disasters occur at the local level, whether it is a flood or a giant snowstorm, it could be something else, a chemical attack on a water system, or just a simple fact that power goes down because of a storm throughout a wide area, those are the types of situations that we cannot predict, that can come and happen, and we need a quick response.

By limiting the declaration to 21 days--and by the way, it was 30 days before it came back from the House--we are practically guaranteeing that emergency orders, even if they need to be renewed, will not be done in a timely manner. I just do not see how it can happen. Look, folks, if we were honest, and we were really concerned with assisting the people of this Commonwealth to survive and recover from the pandemic, why would we have siphoned off \$1.3 billion from the Federal CARES Act funds that was supposed to go to helping our constituents deal with the disaster, to help the restaurants and bars? Believe me, I wanted to do that too. But that opportunity, the legislature made that decision, we just did not have the opportunity to do that.

Just today, in the Committee on Appropriations, we voted to allow \$145 million in relief that the Governor put together for the hospitality industry. I am so glad to see that happen, but it took a long time in order to get the legislature to move. The politics that are involved in this, let us face it, this will be a Majority/Minority vote, and a lot of things often are. I worry about the future. I do not want us to respond in such a political way, certainly not going into the future. So, that is something I think we need to think about as well.

In terms of having a say, from personal experience, when I have reached out, whether it is to the Department of Health or to the Governor's Office in regards to issues or ideas that I had and concerns with the way that things were being done, somebody did respond to me. Did they always act on what I wanted? Not necessarily, but they did respond. I can imagine if the Majority had decided that they wanted to have a session with the Governor and his team and made that request, I bet they would have invited them to do that. I bet they would have even given you dinner at the Governor's mansion had you asked for it. But it is too easy for us to complain and say that nobody is listening to us. I just do not buy that, because I have had a different experience.

None of us anticipated the coronavirus pandemic. More importantly, we do not know how long this will go on. We cannot predict what future natural or man-made disaster we will face either. Someone, and I emphasize "one," has to be in charge. The authority and responsibility rests in the executive branch. We have a role as a legislature. We will always have a role. We could respond through the budget, and we could respond through bills that direct funds to help restore some of the damage that has been done. Whether it is businesses that have been destroyed, schools that have been closed, or it is simply damage from a flood, we have the responsibility to do that. We can act and we can act now, even under the way the system works as it is. But this change to the Pennsylvania Constitution will hinder the ability of any governor to respond to emergency situations.

Governors will change, it will not always be this one. We will change. The faces will be different, but years from now the ability to respond to an emergency will be different if this passes. I get it, it will go before the voters and they will have a say in it. But we have the responsibility, this is the chance where you have

the opportunity to say, yes, I got elected to make decisions for my constituents, and I will do this now. I urge you not to vote for this ballot initiative. Thank you.

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

Senator DUSH. Mr. President, it is rather ironic that prior to 1978, for over 200 years, the Governor of the Commonwealth of Pennsylvania was never given the authority that he has taken and seized since the enactment of that piece of legislation that should have been declared wholly unconstitutional for the lack of a severability clause. When the Supreme Court took up the case of *Wolf v. Scarnati*, it was very plain, at the time that was presented, and it was explained, as Justice Dougherty had indicated, that in the language it was plain that the legislature would have never passed that piece of legislation, again, over 200 years into the existence of this Commonwealth, absent that ability for the legislature, on its own, to withdraw that emergency declaration. Further, the actions of the Governor since then. "We, the people of the Commonwealth of Pennsylvania, grateful to Almighty God for the blessings of civil and religious liberty, and humbly invoking His guidance, do ordain and establish this Constitution." That Constitution is the document that is owned by the people. That Constitution is the document under which the people say we are authorized to operate. That includes the legislature, the executive, and the judicial branches.

Article I, Section 1, the first of our Bill of Rights, reads that: "All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property...." I want to stop there, because that right, the first in our Constitution, was violated by this Governor repeatedly by several actions that he took over the last 10 months. He went on to violate other rights, but that first right in our Constitution to acquire property--if you cannot operate your business, you cannot acquire property. If you cannot go to work and work for your employer, you cannot acquire property. To put a punctuation mark to that, Article I, Section 25, Reservation of Powers in People: "To guard against transgressions of the high powers which we have delegated, we declare that everything--**everything**--in this article is excepted out of the general powers of government and shall forever remain inviolate." Mr. President, the people of this Commonwealth have never granted the authority to anyone in the legislative, the judicial, or the executive to violate the Article I rights of the people of the Commonwealth of Pennsylvania. Yet, we have seen it repeatedly happen over and over again by a Governor who refuses to relinquish power that he has seized in violation of the intent of the Emergency Declarations Act. He has no authority to be doing the things and taking away the rights of the people of the Commonwealth of Pennsylvania.

It has been argued here, the very first individual who spoke referred to the vaccine distribution, it is slow and in need of more oversight. Yet, the gentlewoman was in support of allowing the Governor to continue operating in the way that he is doing. The Governor has had no effective oversight. Over and over again, this legislature, both the House and the Senate, have come forward with alacrity, with speed and deliberateness, and have produced pieces of legislation to help restore the rights of the people of the Commonwealth of Pennsylvania. Again and again, the Governor has vetoed those pieces of legislation, but then, be-

cause of the response of the people who have been backing those of us who represent the people and know what our constituents are facing, he ends up signing off on a few of those. He allows them to become--well, he does not allow them to become law, he just makes an executive decision that, okay, we will go along with that.

When he was brought before Judge Stickman in the Western District, that force of government, that force against the people of the Commonwealth of Pennsylvania, when his administration was asked, did you provide something that has the force of law, as in a written description of what actually defines a life-sustaining business? This is just one element. They were asked, did you ever write that down in an email and send it to the people who are making the decisions? No. Did you do a policy memo? No. Did you write it down on a notepad for them? No. Did you put it on a Post-it note? No. These 20-something and 30-something people who are making those decisions who have the force, were given the force of law--they did not have the force of law, they were given the force of law--by the fear of our people against retaliatory measures by this Governor, they were unconstitutional and they were not defined. You cannot have the force of law if there is no definition. Yet, over and over again, they did that. They said paper mills were okay but you could not produce the lumber to produce the feedstock to make the paper. It was decisions like that that happened over and over again, and it was us that brought it to the Governor's Office. It was the Members of the legislature that brought it and effectuated some of the changes that allowed some of these businesses to stay open. It should not have been that way. It should have had people in on the discussion ahead of time.

The comment that was just made recently that, well, the Governor would have had you in if the Leadership asked. I have news for you, the Leadership in both Chambers asked. The House, when I was in it, the Leadership was asking. It happened in this Chamber, and denial, denial, denial. The Governor refused to have that discussion. That is a dictatorship. When people are living in fear of their government, that is a dictatorship. That is an authoritarian government. My colleague from Lancaster County, and being a first responder myself, I agree with him. You know, the people who train over and over again for all sorts of disasters, they know how to improvise, adapt, and overcome, even with something like a pandemic that has not been in our lifetimes. But I have news for some people, even in 1918 the Governor did not have the authority during the Spanish flu, which was a worse pandemic than the one that we are experiencing now, the Governor did not have that authority. That authority resides, as it should, with local government. But nowhere in the Commonwealth of Pennsylvania have we ever, and I mean we, the people of the Commonwealth of Pennsylvania, have never delegated the type of authority to the Governor or anyone else to violate their Article I rights, nor should we.

This is the reason why Senate Bill No. 2 needs to be brought before the people, because I am very confident that they recognize this and they want the legislature to have the ability, because they can reach out and touch us. They cannot reach out and touch the Governor. They can reach out and touch us when the government is overstepping their constitutional authority. I urge strongly, for the restoration of the rights of the people of the Commonwealth of Pennsylvania, a "yes" vote on Senate Bill No. 2.

Thank you, Mr. President.

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

Senator COMMITTA. Mr. President, I rise today to speak strongly against Senate Bill No. 2. As we have seen firsthand in a disaster, in a global pandemic, we need swift and decisive action. That action and those powers rest with the executive. Trying to limit that role by requiring the approval of the General Assembly is a recipe for trouble. Is the General Assembly equipped to quickly and effectively manage the many facets of an emergency response? I do not think so. As a former mayor, I understand firsthand how important it is to have a central command managing an emergency. The legislature of 253 Members is not designed or prepared to manage an emergency. An emergency requires central command management and the immediate coordination of experts in specific fields who are trained to protect the public in such emergencies. It is not feasible to manage a crisis by 253 Members of the General Assembly who most, if not all of whom, are not trained in emergency management.

Premature termination of the disaster emergency will have wide-ranging negative consequences for the Commonwealth, signaling that the pandemic is over while we continue to lose lives. According to the CDC, Pennsylvania ranks eighth in the nation for States with the highest COVID-19 cases in the country as of January 12, 2021. In fact, we are currently at a crucial phase in deploying the vaccine. How would terminating the emergency order or bringing the legislature into the mix help speed it up and save lives? It would not. In fact, it would also cost us Federal funding. The Commonwealth risks losing Federal reimbursement of any and all costs associated with the COVID-19 response following the Commonwealth's termination of the disaster emergency in Pennsylvania. The potential total loss is \$1.9 billion in Federal disaster funding. Further, Pennsylvania would be the only State without some type of emergency in place for COVID-19. In that case, our Commonwealth and its citizens would get zero Federal dollars to help protect the health of our citizens and to disseminate the vaccine. For all of these reasons, I will be voting "no" on Senate Bill No. 2, and I urge my colleagues to vote "no."

Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Montgomery, Senator Mensch.

Senator MENSCH. Mr. President, it is hard to imagine where to begin with everything I have heard this afternoon, but let me start by saying I rise to support Senate Bill No. 2. I think it is high time that the legislature begins to be allowed--does that make sense?--it is time for the legislature to be allowed to again assert its authority and responsibilities for advice and consent to the Governor. The Constitution that I have always looked at says there are three equal branches of government. I expect the legislature to be able to fulfill that responsibility. One of the ways that we can do that is by passing Senate Bill No. 2 and again becoming a partner with the Governor in consultation and consent about what is right to serve the 12.5 million people in Pennsylvania as we navigate our way through this pandemic. This is not an attempt to eliminate the ability for a Governor to make a declaration. Certainly, a snowstorm, a flood, a hurricane would still be well within that responsibility. But when it goes beyond 21 days and there is no consultation with the other branches of government, we get into a questionable area of authority. We now have,

as an earlier speaker said, we have created a king. Well, we have in many ways, because the Governor is now not talking to the legislature, and we are the contact to the people. You know, I am sure that the Governor's responsibilities are awesome. I am sure when he first learned of the situation, it was quite daunting. But those of us who have spent our lives managing in business and dealing with logistical issues understand that the best thing you can do at the time is surround yourself with the best people that you can find to help you with advice and consent. The Governor chose not to do that. We have already recounted so much of what has happened here in the State serially with the shutdown.

First, it was all businesses are now shutting down. I remember a conversation I had with a very large manufacturer in Berks County who called me and said, Senator, what can you do? I have to shut my business down today. I expect to get a waiver, but I just do not know if I am going to get one. As a very large manufacturing plant, he spent \$3.5 million. He shut down his plant. It took him 3 days to shut down the entire plant and all of the processes. Guess what happened on the fourth day? He was told he had a waiver. There was no discussion with the administration. There was no ability to get to the administration. We could not make our arguments heard at all. There was no reason for the Governor to even want to negotiate with us. After all, he knew he had this absolute authority that he assumed.

Next was the unemployment compensation issue. How many people have gone without money? We heard earlier that we have to address wage issues. Well, we have a wage issue. It is called unemployment compensation not being delivered to the people in this State. How many people have you, colleagues, heard from who have said, I need my unemployment compensation? I cannot get a phone call answered. I cannot get a question answered. I cannot get a response to an email or a letter. There was no advice and consent. There was no ability to have that communication. I want to add here, too, something that I have always taught and insisted with my staffs, with everyone who has ever worked for me in business or now here in government, there is nothing wrong in business that better communications cannot fix. That is what we have had here, a complete breakdown of communications, because there has been no need for the administration to have that communication. They have been completely happy making those arbitrary, unilateral decisions without advice, without consent, without the input from the 12.5 million people in the State. It is a shame.

It was mentioned earlier that we had long-term care facility issues. What population has been most devastated in this State by deaths from COVID-19? Long-term care in congregate settings. Eighty percent of the deaths have been right in that audience. Has there been advice and consent? Have we talked about it? Has the Secretary of Health called anybody here and said, hey, what do you think we ought to do? I can guarantee you not, at least on our side. We have gotten no responses to letters or phone calls. How is that helpful to the people of Pennsylvania? How is allowing this administration to have such complete arbitrary and unilateral control of the communication process, how is that helping anybody? It is not. It is prolonging the agony.

I walked into a hospital the other week, I would not be surprised if a lot of you have been in and out of a lot of hospitals lately, and I ran into a friend of mine who is an administrator with a hospital, a fairly new facility, and I asked him how it was going, and this is in the middle of COVID-19. He said, you

know, we are full. I said, oh, my God, is that because of COVID-19? He said, no, it is because of drug overdose, anxiety, and attempted suicide. These are the problems we created because this government would not communicate. We created those problems. We are accountable for those problems. It did not come from China, it came from Pennsylvania's administration.

I could go on; I am not going to. I am going to try to summarize and finish. I have heard a lot here today about the Majority wants this and the Minority is going to have to suffer that. I will tell you what majority I am listening to. It is the citizens of my district. I am listening to that majority saying, I want my life back. I want my freedom back. I want to be able to talk to somebody again. I want to be able to visit someone. I do not want these arbitrary constraints that have been—early on, we know that we were not even following CDC guidelines, and that is one of the things that our side of the aisle was saying. At least follow CDC guidelines, for goodness' sake. We could not even do that because there was no communication. So, why should we continue to extend the Governor's authority of a 90-day renewal of an emergency declaration when, instead, we can insert the legislature into the process to have discussions and negotiations and then be able to build a much better, much more effective plan?

I am going to close with a thought. I got into the city very late Sunday night and I walked into my room and turned on my TV and whoever had been in the room before had been watching the History Channel, and there was something on about Patton and World War II. Patton moved the Third Army across Europe in 8 days. Patton moved the Third Army, a couple hundred thousand people, across Europe in 8 days in combat, and we cannot figure out how to distribute a vaccine. That is almost criminal. Where are the people with logistic experience? Why is not this administration, why are not the departments seeking people who have experience in these areas? They should be. If we are able to effect Senate Bill No. 2, we will be able to insert the legislature into the process and insist that we have those kinds of negotiations, and we can insist on having those kinds of designs built into a future approach to a serious situation such as this pandemic.

Mr. President, I really urge everyone to vote for Senate Bill No. 2 and provide constitutional freedom back to the citizens of Pennsylvania. Thank you.

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

Senator STREET. Mr. President, I rise to oppose this bill. We have heard a lot. We have heard a lot from people who are suggesting that we in the General Assembly have not been consulted and have not had an opportunity to weigh in, when, in fact, we have. I, myself, have spoken and had to defend the Governor's ability to continue to move forward with the disaster declaration and the appropriate mitigations over and over again. So, the General Assembly has weighed in. The reality is the Majority is upset that it has to consult with the Minority in order to make a change and wants to be able to move forward, the same Majority that is running the Senate Chamber in which we have not definitively made it clear that people have to wear masks, even in the small space that we do control. We have not even been able to make sure that people have to wear masks on our Session days, after hundreds of thousands of Americans have died and thousands of Pennsylvanians have died. We still, on a Session day,

had to have a debate about whether people have to wear a mask. That is the efficiency of this body. We are still debating in 2021, after thousands of deaths, whether people should wear a mask. The General Assembly that had many Members who stood on this floor and did not recognize the need for social distancing now believes we should be making the decisions. The General Assembly that has consistently taken a very long time to debate almost anything believes we should be moving forward, stripping the Governor's ability to maintain and protect the lives of Pennsylvanians.

Why do we want to do this? I have heard Member after Member implore the financial losses that have come from mitigations, but very little talk about all the death that has come along. I have many friends who have lost parents and loved ones because of the death that has occurred with COVID-19. I remember in this body deliberating when I talked about the problems, challenges, and deaths that were happening, and they said, well, maybe that is just a problem for those of you in the east, but we do not have it everywhere else, so we do not need the mitigations. Now, death has come to every county. You know, this body is trying to relitigate history. It was the Governor's administration that recognized it was a real problem, and we have consistently been talking about economic losses. Yes, we need to take bold action, as many Members have, and many Members on this side of the aisle have proposed, in terms of making sure we advance mitigation efforts to help our businesses, because we have the power to restore people's money. But we took much of that money—and for the first time ever I voted against the budget—because we took the money that should have been going to restore businesses, fund programs to help people, fund housing mitigation, fund business programs, and fund all those restaurants, barber shops, and beauty salons and give them their revenue back, we decided to take that and balance the budget with it. We decided to take that and do that. But you know what we could not restore? We cannot restore lives that are lost. I cannot go to constituents who have lost their mother, and I have several of them, and I cannot say to them, I am going to give you some money and that is going to bring your mother back. I cannot go to someone and say, I am going to give you some money that is going to bring your father back, or your uncle, your aunt, your grandmother, or all of the people who have died. We cannot replace them with money.

I will remind us that the General Assembly has not been efficient in acting swiftly. Yes, we have the ability to act if we can act in unison, we have the ability to end the disaster declaration. It simply takes, over the Governor's opposition, a two-thirds majority. But it requires the Members of this General Assembly to act in unison and one party cannot unilaterally end the disaster declaration. It requires that both parties work together if the General Assembly wishes to override the Governor, and that is the way it should be. Because if we are going to take an action so serious as to end a disaster declaration, it should not be along party lines, and the current rules allow us to do that. We should not—and, furthermore, let us understand this. This body that, to this day, does not appropriately enforce social distancing, does not appropriately enforce mask wearing, and is still debating the merits of this, does not need to have the responsibility of caring for the lives of Pennsylvanians.

I will leave us with this thought—you know, it is written in Scripture, and a lot of folks like to talk about Scripture—what

profiteth a man if he gain the whole world and lose his soul? Ask people how much profit, what is the value of the lives of their loved ones when they are gone? I have talked to people and stood at funerals, and there is no amount of money that will bring them back. You know, we in the General Assembly do have within our power to give people money. We should have done it with the last budget, and we still will have an opportunity to do it in the next budgetary process. We can make people whole by giving them money. We can give them money to restart businesses, give them money to restore the financial losses that they have lost. But if we allow people to die, they are never coming back. What profiteth any Pennsylvanian if you gain the whole world but have to bury a parent? Mr. President, I yield.

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

Senator PHILLIPS-HILL. Mr. President, I rise in strong support of Senate Bill No. 2. I know I am not alone in saying that our Senate offices have been inundated for the last 10 months: phone calls, emails, web contact forms, and Zoom meetings non-stop since March. Many of us in this Chamber have kept our offices open to help with constituent inquiries. Remember back to March when businesses were calling, asking about a waiver that would allow them to remain open? I have businesses in the same industry, competitors, where one got a waiver and the other did not. I had a local cabinet manufacturer forced to shut its doors in Red Lion, but yet another manufacturer, bearing the family name of the Governor, that was allowed to operate within the same county. What was their recourse? I had several locally owned garden centers that were shut down during their busiest season of the year, but corporate-owned, big-box home improvement stores could sell the exact same product without any limitations. What was their recourse? We had our State-owned liquor stores offering curbside pick up, but our locally owned retailers were never afforded that option until much later. What was their recourse? Our office has assisted more than 1,000 individuals with their unemployment compensation issues because they were laid off from work due to no fault of their own. To date, we still have many who are waiting to receive the unemployment that is owed to them by a system they pay into with each paycheck. What is their recourse? The State has prioritized smokers over teachers, police officers, and first responders to get the vaccine. What is their recourse?

From day one, the administration has operated under a go-it-alone approach without providing any indication of a willingness to work together with the duly-elected representatives of the people. We find out about the latest mandates and shutdowns during late-afternoon press conferences with pre-screened questions. When the Governor's offices were working remotely for many months, no one was answering those calls or responding to those emails. I, for one, had to send several letters to the administration seeking clarity to avoid confusion. Questions about why our hospital employees were being pulled over by State Police for violating the Governor's stay-at-home order early in the pandemic. Or seeking an answer to what happens under the Governor's travel restrictions if a Pennsylvania resident shops for groceries at a grocery store in Maryland in walking distance to their home. As the Senator for a district that borders Maryland, this is common practice for the people whom I am honored to represent. I have yet to receive a single reply.

People want to do the right thing, but the lack of clarity is very concerning, and that is because you have had one person with complete control. Let me be abundantly clear, the people who have been advising the executive branch on these decisions on what businesses are closed, what businesses are open, they do not sign the front of a paycheck, they sign the back of their check every 2 weeks, and they have never missed a paycheck.

The people I represent have continued to voice their frustration over all of the issues that I mentioned above, but there is no recourse, until now. Imagine my surprise when I read the Governor's statement opposing this measure, and I quote: "So, now they are attempting to amend the Constitution to get their way." Nothing could be further from the truth. We are giving the people of Pennsylvania the opportunity to weigh in on this process. The beauty of our Constitution is that it does not belong to the legislature. It does not belong to the Governor. It does not belong to the Supreme Court. It belongs to the people of Pennsylvania. Today, we are saying that the people get to have the ultimate say. The 10-month, unilateral actions that pushed COVID-19-positive patients back into nursing homes, created the second-most restrictive business shutdowns in the nation, and put over 2 million people out of work has created a lot of frustration. We can save lives and protect livelihoods. These are not mutually exclusive goals.

But today we are saying to the people, who are so very frustrated, you do have a voice, you do have a recourse. To those people who are supportive of the status quo and the Governor's efforts to date, you, too, get to weigh in. By passing Senate Bill No. 2, we are giving every Pennsylvania voter that voice. By placing the question to amend the Constitution on the ballot, everyone gets a say. The people of Pennsylvania will finally get a front row seat in providing a referendum, of sorts, as to how the administration and the Governor has handled this pandemic over the last 10 months and how future emergencies should be handled, either with or without the will of the duly-elected State Representatives and Senators of the General Assembly.

Should the Senate pass this bill today and the House follows suit, no threats from the Governor's administration can stop the people of Pennsylvania from exercising their constitutional right to amend their Constitution. Mr. President, I urge my colleagues to join me in casting an affirmative vote for Senate Bill No. 2.

Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair recognizes the gentlewoman from Allegheny, Senator Lindsey Williams.

Senator L. WILLIAMS. Mr. President, let us be clear. Nothing in this bill fixes years of not investing in public health. Nothing in this bill fixes that the Majority gutted the unemployment office. Nothing in this bill fixes that the Majority could have spent the remaining CARES money on helping people and small businesses and they chose not to. This is simply a power grab by the Majority party. This is an opportunity to beat up on the Governor. The Majority has the power of the purse. They control everything in this building. The Majority had the ability to spend billions of dollars to help people and they chose not to. They pretend to support small businesses, and they plugged a hole in the budget instead of helping them. The Governor took action to save lives, and the Majority could have saved the businesses they pretend to care about, but they left them hanging. I am a "no" vote, and I urge my colleagues to vote "no."

Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair recognizes the gentlewoman from Montgomery, Senator Muth.

Senator MUTH. Mr. President, tough act to follow from my colleague, Senator Lindsey Williams. I rise again today, Mr. President, to vote "no" on this bill. I would like to note that there are two main parts of this bill. One I completely support: a constitutional amendment which would give equal protection of rights under the law to people of all ethnicities and races explicitly. It is a shame that it is 2021 and this is not already established in our Constitution. It is clear that we, as a Commonwealth, have a lot to accomplish in the realm of racial justice and equity. This is a step in the right direction, but I would like to note that our right to clean air and water is also in our State Constitution, and, boy, has this General Assembly botched that one for decades.

However, the second provision of this bill, a provision on which I will vote "no" on the ballot as a voter, myself, and today here on the Senate floor, prohibits a governor from declaring a new state of emergency based upon the same or substantially similar facts and circumstances after the expiration of an emergency declaration unless the General Assembly passes a concurrent resolution approving the new emergency declaration. It also limits all emergency declarations to 21 days unless passed by a concurrent resolution of the General Assembly. This means, during a time of emergency that lasts longer than 30 days--like maybe the COVID-19 pandemic we are in the middle of right now--we, and the people, would need the General Assembly to take action swiftly and urgently in a timely manner. Unfortunately, the history of government shows that is not often the trend here.

May I remind everyone in this Chamber, it took the General Assembly over a month to pass legislation appropriating the initial Federal CARES funding we received last spring. Furthermore, we still have not passed legislation for mandating testing for vulnerable populations, nor have we passed legislation to create a workers' compensation presumption of COVID-19 for essential workers. The idea that 253 people can legislate and agree on critical and lifesaving decisions in mere hours or days to decide on how our Commonwealth should operate in an emergency is absurd. May I note that I am unaware of any infection control experts in this Chamber or in the House Chamber, anyone who is running logistics for a large effort rollout. Maybe there is experience we can provide for these things to create a stronger plan, but in no way is this body equipped to make decisions in any sort of urgent manner.

Additionally, the General Assembly is represented on the Pennsylvania Emergency Management Council, which convenes within 72 hours of any proclamation of a disaster emergency to vote in favor or in opposition to the proclamation. In addition, this council met last June to vote on the extension of the COVID-19 pandemic disaster proclamation. The Speaker of the House, the President pro tempore of the Senate, and the Minority Leaders from both Chambers all have a seat at the table, or a consented designee of their choice in their place.

I would also like to add that when we talk about not feeling heard or not having the opportunity to be heard by my colleagues on the other side of the aisle with the Governor, there is certainly some agreement there and frustration in the process, but to stand and say that you have no say at the table is utterly untrue. To say that the operating rules in this Senate, in this Chamber, created

by and voted on by the Majority party, cannot be changed to even implement a simple measure of fairness to give Minority Members the ability to represent their constituencies, I do not know, by maybe being able to call a hearing for a bill, maybe having some ability to see amendments in advance, having some ability in the Minority party to not have the entire legislative Calendar dictated by one party--and, coincidentally, in both Chambers right now. Let us be mindful when we are talking about not having a seat at the table. I certainly can relate to that feeling, and so can my constituents, who are desperate and needing help just like yours. So when they call my office, asking for help, and I am 2 years into this job, and I have to try to explain to someone the dramatic underfunding of any program that invests in humans and how we are desperately trying to help them, it is unacceptable.

This body has the ability to pass legislation. This Majority party has the ability to pass legislation as they see fit on the legislative Calendar. Where was the effort for rental and mortgage assistance months ago? Where was that effort? Where was the effort to protect frontline workers, not just put them back to work in unsafe conditions? Where was the effort, or, may I add, the selective outrage that seems to be on the other side of this Chamber today? You want to talk about nursing homes? I am still waiting for someone to discuss--as much as you love to criticize the Governor--the veterans who have died in my district by the use of a drug that was not approved for use outside of hospitals by the Federal administration. Not a peep. Selective outrage.

You want to call it like it is, call it all like it is. Do not fit your narrative. Do not talk to me, or anyone else, about CDC guidelines when I look around this Chamber right now of people who are elected to serve the public who cannot even wear a mask. That is absurd. It is an outright disrespect to every single person in this Chamber, including the staff of this Senate, that you are holier than thou, that your freedom guarantees you the right to harm others. It is a global pandemic that is respiratorily transmitted. You want science? There it is. Do not cherry-pick your science. I would also like to state that I am pretty sure that General Patton would consider Operation Warp Speed an utter failure.

So, yes, there is reason to be upset. There are reasons where we can look back and see what we would do better. But guess what? We are in the heat of the moment, this has not changed, people are still dying every day. Over 200 new deaths today alone in Pennsylvania. Maybe because it is not you or your family, you do not care. I care. I came here to care even if it is about your constituents, even if it is about people who did not vote for me in my own district. So we either work together instead of trying to give a mandate of food on the table and a paycheck versus the health and safety of your family. So do not make them decide. Be here at the table for a real collaboration. Save lives and livelihoods at the same time, multitask. People's lives depend on it.

Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Schuylkill, Senator Argall.

Senator ARGALL. Mr. President, day after day, week after week, month after month, 326 days. This bill is an idea whose time has come, and I thank our new Majority Leader for bringing this issue forward today. Many of us have pointed out this is, indeed, a constitutional amendment. It needed to be approved by the House and the Senate in one Session, then there is an inter-

vening election, and then it needs to be approved by the House and the Senate again. I believe that will begin today. Then, of course, the final step: a vote by the people. I am hearing objections. What are you afraid of? On July 14, this bill was approved by a bipartisan majority in the House. On July 15, on this floor in the Senate, it was approved by an almost two-thirds bipartisan majority. Now, much to my surprise, we have heard it alleged today that some people have not had enough time to study this issue. Really? Hours and hours of committee testimony in the House, in the Senate, on the impact of a unilateral shutdown of the State's economy. I chaired at least four committee hearings myself on this issue in the northeast, in the south central for Senator Martin, in the southeast at the request of Senator Mensch, out in the west at the request of Senator Bartolotta. Not enough time? This might be the most debated issue in decades here in the Senate. So whether you have been here for decades or if you are just here for a few weeks, there is no reason to delay this vote one more day, and there is every reason to vote to approve it and send it to the House.

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

Senator COSTA. Mr. President, just a couple of closing remarks. Let me say, I thank my colleagues on our side of the aisle who articulated this issue very well from our perspective and all the points that were raised. I echo what was discussed in many ways. I want to say a couple of things with respect to some of the comments that were made with respect to, for example, in one instance about individuals who are hospitalized. There was a statement made that, or implied, that the hospital was filled with not necessarily COVID-19 patients, but patients who were dealing with the opioid crisis, and dealing individually with that, as well as mental health issues, laying it at the feet of the Governor and Secretary Levine. I believe that was wholly inappropriate to suggest that issues with respect to the opioid crisis, and also with regard to mental health programming, has nothing to do with the efforts of Governor Wolf or Secretary Levine. In fact, to suggest that, I think, is inappropriate, as I mentioned, but illustrates some of the differences that we have with respect to what is being done in this Commonwealth. There is nobody who has worked better and harder on the opioid crisis than Governor Wolf, and the work that we have done in this body together to put into place measures to try to address that prior to the pandemic hitting us in Pennsylvania. I wanted to raise that issue.

You know, there has been a lot of criticism, over the last 4 hours, thrown at the administration, and at the end of the day, what I want to share with folks is that, in my perspective, if, in fact, this 21-day limitation was in place during the course of the past 10 months, almost 11 months, and we had to negotiate--and let us face it, that is what it would be, it would be a negotiation, in my view--to extend the emergency declaration, it would minimize, reduce, and undermine the ability for the Governor and Secretary Levine to manage the health crisis that we have here in Pennsylvania. But these are some of the things, based upon our track record, that this General Assembly, this body in particular, was concerned about. Concerned enough that they put into legislation that made its way through both Chambers and to the Governor's desk making sure that we had car dealerships working, making sure lawn and garden services were permitted to be open, realtors being able to show homes. These are some of the things, and sports attendance at youth sports events, I mentioned car

dealerships, and small businesses that would be allowed to be open in the height of the pandemic were the things that would have to be negotiated with the Governor and the Majority parties of the House and Senate in order to continue an emergency declaration. That is the type of stuff you are talking about.

Nobody said a word about the millions and millions of people who support what Governor Wolf and Secretary Levine have done. All we have heard consistently today were the criticisms from the folks who believe their folks have been harmed, and they are speaking on behalf of people who have been harmed. Nobody is talking about the millions of people who stand up and support what this Governor has done, and will continue to do, over the course of, at least until this legislation makes it way to the people of Pennsylvania. At the end of the day, what this will do, this will compromise, minimize, undermine any Secretary or any Governor's ability to manage a crisis such as this pandemic. When you have to negotiate a way to get things done, to get an emergency declaration to continue, when you have to give away things, it minimizes and reduces the ability to manage a crisis as we know it now. For that reason alone, I stand with all my colleagues who were so very articulate in their conversations. I want to say thank you for the opportunity to have this discussion. I ask for a "no" vote. Thank you.

The PRESIDENT pro tempore. The Chair recognizes the gentlewoman from Montgomery, Senator Cappelletti.

Senator CAPPELLETTI. Mr. President, I rise today to speak out against Senate Bill No. 2. I had not planned on speaking, but after hearing remarks today, I feel it is necessary. As I may be the only individual in this Chamber who has a public health degree, I feel it is my duty to speak up. When the pandemic first hit, we were all given the science of how to handle this matter, because science has been a buzzword that has been coming out from both sides today, and I would like to remind everyone, we have the science on what to do. You wear your masks, wash your hands often, and avoid crowds, and, in fact, you actually were told to avoid contact with people who were not in your immediate family and home as best as you could. Had each and every one of us followed the guidance that was set out, had we set that example for our constituents and enforced those mitigation efforts, maybe today would be different. Maybe we would not have to have a continuing emergency declaration.

But as I sit here now, throughout all of the remarks, I have seen many of my own colleagues across the aisle without masks on. That is where our problem truly lies in this State. We did not follow the science and we are not following it now, and it is incredibly disappointing and disheartening to me that that is where we are at. It leads me to seriously doubt whether we would still be under the much-needed emergency declaration, as some have indicated. In fact, on June 9, all Republicans voted to end the disaster declaration. In the time since then, 730,811 cases of COVID-19 have been found. That is 90 percent of all cases to date, and 14,650 deaths, or 71 percent of all COVID-19 deaths, since June 9. That hits me personally, because one of my best friends' dad just passed away from COVID-19.

This virus continues to mutate. It is more virulent, and stronger strains exist even here in this Commonwealth. I have news for each and every one of you. As a public health professional, this is not over. Without the disaster declaration, cases will increase exponentially from where we are today. Deaths will increase exponentially from where we are today. We absolutely

must continue to limit our contacts, avoid crowds, and wear masks. I say that again: Put your mask on. We must get vaccinated. This is where our focus should be at the moment, not on stripping the Governor of some power. Is there room for improvement? Absolutely. I think we all have had some type of frustration at some point through this with how this has been handled. Not all has been handled correctly. But this amendment does not properly address those issues, it does not provide improvement, and from a public health professional with a law degree, this amendment will actively harm our ability to handle the public health emergency we will continue to find ourselves in for an indeterminate amount of time.

For the good of the public health of this Commonwealth, I will be voting "no" on Senate Bill No. 2, and I encourage all of my colleagues to do so as well. Thank you.

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

Senator HUGHES. Mr. President, you know, listening for the last hour or so, I was not sure who my Republican colleagues were talking about. I thought they were talking about their hero, Donald Trump, okay, because, you know, communication? Governor Wolf and Secretary Levine have had more public conversations about the pandemic than Donald Trump, and they said that we were not getting any communication. I thought they were talking about Trump, because he stopped talking. In fact, he has not said anything since November 3 until, well, he is gone now, thank the Lord. All right. Collaboration? They talked about Governor Wolf, he was not collaborating? I thought they were talking about Donald Trump. You remember the failed--

#### POINT OF ORDER

Senator K. WARD. Mr. President, point of order. Donald Trump has nothing to do with this.

The PRESIDENT pro tempore. Will the gentleman yield.

Senator K. WARD. We need to stay on subject.

Senator HUGHES. I am on subject.

The PRESIDENT pro tempore. Will the gentleman--

Senator HUGHES. I am absolutely on subject.

The PRESIDENT pro tempore. Will the gentleman yield. A point of order has been raised.

Senator Kim Ward, your point of order?

Senator K. WARD. Mr. President, point of order. My colleague from across the aisle is talking about a former President, and it has nothing to do with this issue. We are talking about the legislature having input into the emergencies when the Governor calls a state of emergency. We are not talking about Donald Trump. You guys need to let this go, we hear about it all the time, and I am sure we will hear -- we used to hear about the Koch brothers. This is a point of order because it has nothing to do with our issue.

The PRESIDENT pro tempore. The Chair would ask the speaker to refer his comments to the piece of legislation that is before the body.

Senator HUGHES. Mr. President, I respect the institution, I respect the body, I respect the environment that we are operating in. I do not respect the untruths that have been said on this floor, and we need to be clear about the context that we have been involved in for the last year. Governor Wolf has had to make very hard decisions in an environment where he had essentially no

support from Mr. Trump. The ability to access PPE, the ability to get financial resources to the businesses that my colleagues are so concerned about was hampered by the former President. That is the environment that Governor Wolf has operated under. Governor Wolf tried, and we worked with the Governor to try to get financial resources--and we were successful--to small businesses in Pennsylvania, and we had to do that because the PPP funds available from the Trump administration, 83 percent of those funds went to the wealthiest corporations in the country and not to small businesses.

The difficulty in terms of accessing vaccines that we are working through right now with a new President and a new administration is because we do not have any vaccines. The reason why we do not have any vaccines is not Governor Wolf's problem, all right, although he is left to deal with it. The reason we do not have vaccines is because the previous President, Mr. Trump, did not order any vaccines. The only reason we have some light at the end of the tunnel is because today it was announced that President Biden is increasing the vaccine purchase to 10 million vaccines next week, which will be distributed across the nation. This has been a pandemic. A pandemic that did not have to be, an environment that we did not have to be in, and Governor Wolf has had to respond to the environment that we did not have to be in. The reason we are in this environment is because the previous President ignored it, ignored the playbook that was provided to him, ignored the science. It amazes me how the Majority is talking about the science now when they completely ignored the science that everyone was telling them they should pay attention to, including the former President, ignored the science. What is the result of that, that Governor Wolf has had to deal with? Death. Death all over the Commonwealth of Pennsylvania that did not have to be. That is the environment that Governor Wolf is operating in.

Medical health, he has had to make hard decisions because he was not getting any support from the previous President. You cannot forget that. You cannot lose the context of which we have all been operating under over the last 10 months. You cannot cherry-pick the facts. You cannot now call on science when you have ignored science. You cannot cry that we embrace our small businesses when you ignored help for those small businesses. You allowed the former President to seriously imbalance the financial support coming from Washington, D.C., and let that money go to the most profitable corporations in this country. Communication? Every day there are announcements, emails, press releases. Every day.

See, I would submit that the generic argument about how we look at creating states of emergency during serious crises, that is a worthy conversation to be had. It really is. How do we process that, look for it, examine it, what is the right time, you know, how does all of that play itself out? But sitting here for the last couple of hours and listening to the Majority just pick and choose its facts and strike out at Governor Wolf as if he is the cause of this crisis in Pennsylvania? Oh, no. You do not get to set that context, you do not get to forget the last 10 months of hell that the previous President caused that did not have to be. You do not get to forget that and put it on Governor Wolf and not leave it at the doorstep it needs to be left at. We put all of this stuff together on the fly, as one of my colleagues said--I think it was Senator Schwank. We were trying to create all of this as we were going along. But the other context is we had absolutely no

help from Washington, D.C., and the help that we got was incompetent, at best, and murderous at worst. That is the truth. The records of this fight, on this day, will not go down without, will not be written without that truth being told, without that truth being remembered, without that truth being chronicled.

The Majority Leader may not want me to talk about Donald Trump, and Lord knows I do not want to mention his name, the man who has been impeached two times, but the truth is the light. Do not cast aspersions on Governor Wolf, who was trying to make this thing work while we were dealing with incompetency in the White House that caused excessive deaths when he could have been helpful, the person who has said absolutely nothing on the issue of the pandemic since November 3, Donald Trump.

So I am urging a "no" vote. It would have been a credible conversation if it had not been bastardized by this attack on Governor Wolf and forgetting the larger context that we are in. And please, do not quote me on the United States Constitution. Do not sit up here and quote the United States Constitution on me when you conveniently forget the 14th Amendment, Section 3, the one about insurrectionists and not participating in insurrections, because if you participate in insurrection, you are supposed to be kicked out of office. That applies to Federal officials and it applies to State officials as well. That day is not done, either.

Mr. President, I urge a "no" vote. The record will be shown, the record will be clear, why we were in this situation for the last 10 months. We tried to make it happen, we tried to put all the pieces together, we are going to continue to try to put all the pieces together, and, fortunately, we have a new President and a new Federal administration that will follow the science, that will provide the resources to Pennsylvania so that we can do the things that we have to do to take care of the health of our people. The idea, the notion, of this constitutional change based on the facts and the issues laid out by the Majority on this day require a "no" vote.

Thank you, Mr. President.

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

Senator K. WARD. Mr. President, I had a lot of things prepared here, but I do not even think I can get there because I need to respond to so many things I have heard this afternoon. I just want to start with this: We need this because we need input. I am going to give you an example of why we need input, why we need to have a seat at this table. It was just December when we had a phone call, the President pro tempore and I were on a call with the Governor and the Secretary of Health, when they said, we are going to close restaurants. We are going to close restaurants for these 3 weeks. Senator Corman said, what data are you basing this on? We kept hearing follow the science, follow the science, follow the science, right, for 10 months. What are you basing this on? The Secretary said, well, I do not have the kind of data you are looking for, but we know it is a problem and I have some articles I will send you from around the country. That is what they closed our businesses with. Not data, and they said they did not have data. They closed them because, well, they just know they are a problem and we will send you some articles.

We need a seat at the table because we need that data. We are affecting people's lives, people who need to be part of our economy and can do so safely. We need to be involved with this because—and here is why—the former President was not responsible

for a failed computer system that was supposed to be updated years before leaving many Pennsylvanians without money, without food, without anything. They were not even able to pay their bills. Why? Because it was this administration's fault. We need to have input into these things. We did not close down businesses and pick winners and losers. The former President, he did not do that. That happened here. We need to have input into that. We need to have a seat at the table. We need to talk about these businesses. He did not neglect nursing homes either. He did not neglect those patients, all those thousands of patients who died because they were not addressed as they should have been at the beginning of this pandemic, when we know those are our weakest Pennsylvanians. None of that happened, and it was not the former President's fault that none of that happened.

So, I am going to give you a little timeline here. March 6, the Governor declared a state of emergency. Twelve days later, the Senate convened and unanimously adopted new virtual rules. The very first in the country. We did that pretty quick. Nineteen days after the Governor declared a state of emergency, we voted unanimously and sent four bills to the Governor's desk: the School Code, which allowed our schools to adapt; a UC bill, Federal UC changes to help people access unemployment—although we know that it was some 6 months later and they still had not done it; we drove out \$50 million in support for hospitals and frontline workers; and we moved the primary. We did that unanimously, and the Governor signed it. When you are saying that, oh, we have input; we do not. If you mean input asking a question and making a suggestion, yes. But it is not input when the door is slammed in your face every time and they take nothing to heed. When they put these restaurants at risk of never reopening. When they put people out of work.

I also want to address—like I hear over and over—we are going to lose Federal funds. This was a state of emergency called by the former President. We do not have to do anything. The funds are coming. They are not based on our Governor calling for a state of emergency. Nothing under Senate Bill No. 2 prohibits the Governor from declaring a state of emergency. We are all hearing all of this language that sounds like there will be no state of emergency and the legislature is in no way going to let it continue even if it need be. I think we are all much better than that. We represent people and we are all going to do the best we can for them. The Federal statutory authority for Federal disaster response activities, including funding assistance, does not require an emergency declaration by the Governor unless the State's law requires the Governor to do it. So when the President does it under the Stafford Act, we get the money. So, what we have been hearing all afternoon is not true.

I will now go into just 2 seconds of what I have prepared, because I am just fired up. So, I will try to read it in a calm way. (*Reading:*)

Unless—the executive, legislative, and judicial branches of government—be so far connected and blended as to give to each a constitutional control over the others, the degree of separation which the maxim requires, as essential to a free government, can never in practice be duly maintained. It is agreed on all sides, that the powers properly belonging to one of the departments ought not to be directly and completely administered by either of the other departments. It is equally evident, that none of them ought to possess, directly or indirectly, an overruling influence over the others, in the administration of their respected powers.

That is what James Madison wrote in the Federalist Papers, and I think it is right on point when it comes to what we are experiencing here.

We have a person, and it is not just about this Governor. I was on a Zoom call with the Arizona legislature the other day, they are all Republicans and the Governor is Republican, and they are looking to do this there because they are having the same issue. So the only person who calls the state of emergency and consolidates power is the only person who can end it? Sounds like a constitutional crisis to me. I think we are doing the right thing. We are putting this on the ballot. Our constituents will have months to look at this and they will make the decision. They will make it. Why would we not feel free to let that happen? What are we afraid of? If they vote to enact it, which I hope they do, and I will be working toward that, we will make this work better for all Pennsylvanians. We should never find ourselves in a position like this again. Last year was hard. It is still hard this year. We are finding things in laws that were made before we were born and we are just trying to fix it. We just want to do the right thing for the people we serve. Thank you.

LEGISLATIVE LEAVES

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

Senator K. WARD. Mr. President, I request temporary Capitol leaves for Senator Baker, Senator Browne, and Senator Gordner.

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

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

The PRESIDENT pro tempore. Senator Kim Ward requests temporary Capitol leaves for Senator Baker, Senator Browne, and Senator Gordner.

Senator Costa requests a legislative leave for Senator Anthony Williams.

Without objection, the leaves 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-28

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

NAY-20

Blake	Costa	Kearney	Schwank
Brewster	Fontana	Muth	Street
Cappelletti	Haywood	Sabatina	Tartaglione-
Collett	Hughes	Santarsiero	Williams, Anthony H.
Comitta	Kane	Saval	Williams, Lindsey

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

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

**The PRESIDING OFFICER (Senator Elder A. Vogel, Jr.) in the Chair.**

**UNFINISHED BUSINESS  
ANNOUNCEMENTS BY THE SECRETARY**

The following announcements were read by the Secretary of the Senate:

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, JANUARY 27, 2021

10:15 A.M.	TRANSPORTATION (to consider Senate Bills No. 49, 55 and 120)	Senate Chamber (LIVE STREAMED)
10:30 A.M.	STATE GOVERNMENT (to consider Senate Bills No. 106, 113 and 116)	Senate Chamber (LIVE STREAMED)

**PETITIONS AND REMONSTRANCES**

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

Senator TARTAGLIONE. Mr. President, today marks 5,316 days since the Pennsylvania legislature last raised the minimum wage. That is more than 14 years, and it is far too long.

Mr. President, on January 18, the Senate Democratic Policy Committee conducted a 3-hour hearing on raising the minimum wage. The committee chose to hold the event on the same day that our nation commemorates the life and achievements of Reverend Dr. Martin Luther King, Jr. We wanted to pay tribute to Dr. King on his day of service by advancing economic equality in Pennsylvania. As co-host of the hearing, I am pleased to report that we heard from all sides of the issue, including those who agree that our current minimum wage of \$7.25 an hour is woefully out of line with modern day economic reality, and those who do not agree. We heard from low-wage workers, and we heard from labor organizations that represent them. We heard from advocates who doggedly fight for workers' rights, and from think tanks who perform sophisticated research and analysis to grow our knowledge of the issue's many nuances. We heard from a millionaire entrepreneur who recognizes the power of the minimum wage to foster economic recovery and growth. We heard from leaders of business groups on both sides of the debate. Throughout this wealth of testimony, offered by a litany of esteemed experts, one prevailing theme came to the forefront time and time again. Most of our panelists agreed: raising the minimum wage is more than an economic issue, it is very much a moral issue.

Four months ago, the *New York Times* published an enlightening article under the ominous headline, the "United States is the richest country in the world, and it has the biggest wealth gap." The upshot of the piece was that despite a devastating pandemic,

despite political and social upheaval in our country, the U.S. continues to lead our world in the growth of financial assets thanks to tax cuts and booming stock markets. Yet, its distribution of wealth is more unequal than in any other country. Mr. President, this is a moral issue and an economic issue. Led by rich Americans, "the world's super rich are getting richer. The top 1 percent own 44 percent of financial assets, and the share is growing," the *Times* wrote. "The super rich do indeed seem to be moving further and further away from the rest of society." It is not happening by accident. It is happening as we allow employers to continue paying full-time, year-round workers poverty wages. There is not a city or a town in the country where \$15,000 a year is enough for anyone to live on, let alone raising a child or caring for a loved one with a disability. Yet, that is what we allow to happen with a \$7.25 minimum wage. Inequality grows as we see low-wage workers taking on two and three jobs and turning to taxpayer funded programs just to make ends meet. Inequality grows as we choke low-wage workers out of the opportunity to put money aside for education, career training, self-improvement, and upward mobility.

Mr. President, in a State renowned for its advanced industries and venerable institutions of higher learning, a Commonwealth where the abundance of natural resources is surpassed only by the bounty of natural beauty, our indifference to the needs of the financially vulnerable is unacceptable. The time to raise Pennsylvania's minimum wage is long overdue. I will soon be introducing Senate Bill No. 12 to achieve the goal that I respectfully urge my colleagues to support.

Thank you, Mr. President.

### RECESS

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

Senator K. WARD. Mr. President, I move that the Senate do now recess until Wednesday, January 27, 2021, at 11 a.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 7:18 p.m., Eastern Standard Time.