

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

THURSDAY, JUNE 10, 2021

SESSION OF 2021 205th OF THE GENERAL ASSEMBLY

No. 32

**SENATE**

THURSDAY, June 10, 2021

The Senate met at 9 a.m., Eastern Daylight Saving Time.

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

**PRAYER**

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

Let us pray.

In his letter to the Ephesians, Saint Paul tells us to draw our strength from the Lord and from His mighty power. To put on the armor of God and to stand fast with our feet shod in readiness for the gospel of peace, and in all circumstances to hold our faith as a shield.

What powerful and majestic words for us to reflect upon today. What particularly struck me when preparing today's invocation is that we are asked to put on our shoes of peace. Maybe there is someone we need to build a bridge with here or on the home front. These words tell us to take that step, to take a walk in peace. So, Lord, today we ask You to help us to draw our strength from You so that we can walk in peace. Amen.

**PLEDGE OF ALLEGIANCE**

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

**LEGISLATIVE LEAVES**

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

Senator K. WARD. Mr. President, I request a legislative leave for Senator Tomlinson.

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

Senator COSTA. Mr. President, I request legislative leaves for Senator Comitta and Senator Collett.

The PRESIDENT pro tempore. Senator Kim Ward requests a legislative leave for Senator Tomlinson.

Senator Costa requests legislative leaves for Senator Comitta and Senator Collett.

Without objection, the leaves will be granted.

**CALENDAR**

**SECOND CONSIDERATION CALENDAR**

**SB 236 CALLED UP OUT OF ORDER**

**SB 236 (Pr. No. 205)** -- Without objection, the bill was called up out of order, from page 3 of the Second Consideration Calendar, by Senator K. WARD, as a Special Order of Business.

**BILL ON SECOND CONSIDERATION**

**SB 236 (Pr. No. 205)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 4, 1996 (P.L.911, No.147), known as the Telemarketer Registration Act, further providing for definitions, for unlawful acts and penalties and for unwanted telephone solicitation calls prohibited.

On the question,

Will the Senate agree to the bill on second consideration?

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

**YEA-50**

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

**NAY-0**

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

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

**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 a meeting of the Committee on Appropriations to be held here on the floor and via Zoom.

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

## CONSIDERATION OF CALENDAR RESUMED

### THIRD CONSIDERATION CALENDAR

#### BILLS OVER IN ORDER

**SB 78, HB 101, SB 113, HB 125, SB 137, SB 423 and SB 457** -- Without objection, the bills were passed over in their order at the request of Senator K. WARD.

#### BILL LAID ON THE TABLE

**SB 461 (Pr. No. 469)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in Pennsylvania Emergency Management Agency, further providing for organization.

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

### SB 461 TAKEN FROM THE TABLE

Senator K. WARD. Mr. President, I move that Senate Bill No. 461, Printer's No. 469, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

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

#### BILLS OVER IN ORDER

**SB 524, SB 561, SB 563 and SB 588** -- Without objection, the bills were passed over in their order at the request of Senator K. WARD.

## SECOND CONSIDERATION CALENDAR RESUMED

#### BILLS OVER IN ORDER

**SB 194, SB 242, SB 305, SB 312, SB 368, SB 397, SB 398, HB 416, SB 431, SB 435, SB 455 and SB 463** -- Without objection, the bills were passed over in their order at the request of Senator K. WARD.

#### BILL LAID ON THE TABLE

**SB 480 (Pr. No. 505)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 8 (Boroughs and Incorporated Towns) of the Pennsylvania Consolidated Statutes, in associations and organizations, further providing for associations and organizations for mayors; in elections of officers, further providing for eligibility; in powers, duties and rights of appointed officers and employees, further providing for appointments and incompatible offices and for police serving under cooperative agreement or contract; in corporate powers, further providing for specific powers; in taxation and finance, further providing for investment of funds; providing for solid waste collection and disposition; and, in ordinances, further providing for ordinances and resolutions and for publication.

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

### SB 480 TAKEN FROM THE TABLE

Senator K. WARD. Mr. President, I move that Senate Bill No. 480, Printer's No. 505, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

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

#### BILLS OVER IN ORDER

**SB 519, SB 562, SB 578, SB 597, SB 617, SB 668, SB 673, SB 675, SB 689, SB 703, SB 704, SB 725, SB 733, SB 734, SB 737 and HB 951** -- Without objection, the bills were passed over in their order at the request of Senator K. WARD.

## HOUSE CONCURRENT RESOLUTION No. 106, AMENDED

Senator K. WARD, without objection, called up from page 8 of the Calendar, **House Concurrent Resolution No. 106**, entitled:

A Concurrent Resolution terminating the March 6, 2020, proclamation of disaster emergency, as amended and renewed, issued under the hand and seal of the Governor, Thomas Westerman Wolf.

On the question,

Will the Senate concur in the resolution?

Senator K. WARD offered the following amendment No. A1584:

Amend Resolution, page 2, line 7, by inserting after "provides":  
, as amended,

Amend Resolution, page 2, lines 22 and 23, by striking out "section 20 of Article IV of the Constitution of Pennsylvania" and inserting:  
its authority

On the question,

Will the Senate agree to the amendment?

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

Senator K. WARD. Mr. President, this is a technical amendment clarifying the language in the resolution.

And the question recurring,

Will the Senate agree to the amendment?

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

YEA-30

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

NAY-20

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

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

Without objection, the resolution, as amended, was passed over in its order at the request of Senator K. WARD.

**LEGISLATIVE LEAVE**

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

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

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

**BILLS REPORTED FROM COMMITTEE**

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

**HB 649 (Pr. No. 1026) (Rereported)**

An Act providing for access to congregate care facilities for essential caregivers, for additional safety requirements for residents of congregate care facilities, for suspension of access for essential caregivers and for costs associated with safety measures related to essential caregivers.

**HB 854 (Pr. No. 1752) (Rereported)**

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for COVID-19 record retention and for temporary regulatory flexibility authority.

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

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**HB 854 (Pr. No. 1752)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for COVID-19 record retention and for temporary regulatory flexibility authority.

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

On the question,  
Shall the bill pass finally?

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

Senator CAPPELLETTI. Mr. President, I ask if somebody will stand for interrogation on the bill.

The PRESIDENT pro tempore. Senator Kim Ward, will you stand for interrogation?

Senator K. WARD. Yes, Mr. President.

The PRESIDENT pro tempore. Please proceed.

Senator CAPPELLETTI. Mr. President, I have concerns, as I look at the Federal language regarding SNAP benefits. It indicates that we need the Department of Health and Human Services Secretary and an issuance of an emergency disaster declaration by the State based on an outbreak of COVID-19 in order to continue with the additional benefits we have been receiving. I have concerns that this bill will strip us of those additional benefits.

Senator K. WARD. Mr. President, Michigan has not been under a state of emergency since last April and they have continued to collect their SNAP benefits. Other States that have just recently ended their state of emergency-- we are not able to find out exactly where they are with this--but I am confident that they are pursuing, and I am hoping, and probably confident, that the administration will pursue whatever avenue, for example, Michigan took; and, at the very worst, we will collect those benefits until the end of August.

Senator CAPPELLETTI. Mr. President, additionally, just wondering if it would be possible to get the additional information and links to see where we are finding that information on Michigan and their ending of the disaster declaration, as well as their continued receipt of SNAP benefits.

Senator K. WARD. Mr. President, we will make sure we get to the gentlewoman everything that we have. As we continue to move forward getting more information, we will continue to stay in touch with the gentlewoman.

Senator CAPPELLETTI. Mr. President, thank you.

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

Senator L. WILLIAMS. Mr. President, in a few minutes we will be passing House Resolution No. 106 on Senate Supplemental Calendar No. 2 so that Republicans can say they ended the emergency declaration, but right now we are passing House Bill No. 854. The same party that campaigned on taking away the Governor's power in an emergency is now legislating that he does have the power to keep so much of the regulatory changes that have helped people and saved lives. Republicans stood on this floor campaigning for the constitutional amendment to pass; but once it did, they had no plan on how to actually govern with the powers they desired. While we may be giving the Governor the authority to keep in place all the waivers, there is literally no

guarantee that we will not lose billions of dollars in Federal funding because we do not have an active emergency declaration. I guess the people of Pennsylvania will just have to keep their fingers crossed and pray.

Thank you, Mr. President.

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

Senator MUTH. Mr. President, I rise to echo the concerns of my colleagues regarding the clarity of what we are about to do. House Bill No. 854 certainly, in its intent, or so we are told, is to ensure some of the waiver programs and resources are protected for all of our constituents. The COVID-19 pandemic is still something we are battling. We have not yet reached a full vaccination rate that will ensure some level of security relative to spread and community spread, and many people in Pennsylvania are still very much struggling for their ability to survive and thrive. So, in the absence of having true clarity, jamming this through, not having information shared with all Members that shows us that legally this can be done, I am incredibly concerned that following this vote, and in the months to come, we are going to find out that a lot of things are not covered and that many of our constituents are left without the resources that they need to survive. We are all doing fine here. We get to be fed and have food on the table and get a paycheck, and many of our constituents are not in that same place.

To not have clarity that is fully laid out, fully shows legally that we are able to do this extension of waiver programs and who it would impact, which programs, and how long they would go on for, what is the deadline for each. It is unorganized, it is messy, haste makes waste, and we certainly have the resources here with all the staff combined to make sure that we have sound bill analyses and analyses of what we are trying to do and, unfortunately, that information is not in front of us. So, I think moving forward, I know we are in uncharted territory here with the COVID-19 pandemic, but we need to be sound in our decision-making that we are not leaving our constituents out in the dark just because we want to rush something through and assume that we are still going to get Federal resources that are much-needed for our State.

Thank you, Mr. President.

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

Senator CAPPELLETTI. Mr. President, I stand to echo the sentiments of my colleagues and concerns with House Bill No. 854 and the ending of a disaster declaration and putting things into law that are tantamount to a disaster declaration but are not. I am concerned about a lot of the issues that may arise, as my colleague mentioned, what those resources are. While I appreciate that the Leader is willing to share all of the information that they receive in terms of other States that have ended the disaster declaration and what the implications have been for them, I do have serious concerns that we do not know yet what we are doing and what those implications are. Who could be hurt and harmed really concerns me. As a public health professional, there is no guarantee that we are through this pandemic by any stretch of the imagination. We already have several mutations of this virus and, again, no guarantee that the vaccine--that I can only assume that all of us in here without masks on have received--is going to be effective against any new mutation that may transgress against us.

So what happens after that? Where do we go if we have this virus rear its ugly head in 2021 or 2022 and we have stripped away all of these powers? I have very real concerns of what this does and where we go from here. I urge my colleagues to vote "no" because we need an emergency declaration in place to allow us to move swiftly and deftly to handle any public health pandemic that we could be facing, and most likely will face, in the future. Thank you.

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

Senator SCAVELLO. Mr. President, I am hearing these comments about what we are attempting to do here, what we are going to do, and I had to look back. I have been at this microphone on two different occasions last year when we lost all those people who should still be here, those seniors at our nursing homes. Not once did anyone join up and realize what was going on. We find out about decisions made the day that he is announcing closings and whatever else he was doing. There was no communication between the emperor and us. Well, that is over now.

#### POINT OF ORDER

Senator COSTA. Mr. President point of order, please.

The PRESIDENT pro tempore. Will the gentleman cease? State your point of reference.

Senator COSTA. Mr. President, a reference, I presume, to the Governor as "his emperor" is totally inappropriate in remarks during this particular piece of legislation. This legislation reflects and deals with the issue of maintaining and continuing the manner in which we are operating the waivers to guidelines and not necessarily with respect to the Governor's position and, more importantly, the Governor's reference as "His Excellency" or "the Emperor."

Thank you, Mr. President.

The PRESIDENT pro tempore. Would the gentleman please refer to the Governor with the respect the position is due.

Senator SCAVELLO. Mr. President, certainly. Well, we are facing here, and I believe it is the right thing to do because it has us talking to the Governor and him not making the decisions on his own. The voters of the Commonwealth have made the decision clear that they want to see us work together and not to be at each other's throats, basically, where we are not agreeing with some of the things that are happening. I think this opens up that door. I think you have got to give this an opportunity to work and, frankly, there is a lot of work that went into this. I give my Leaders much credit for the product that is in front of us, and, personally, this is the right thing to do, and I believe in the future we will have better results. I know I am going to be off here, but I am going to say something. When the Governor asks--we were 46th with vaccine distribution and all of a sudden we are in the top 10. Why? Because he asked the legislature to join in. He invited two Republicans and two Democrats to sit on that panel. Because we are the boots on the ground. We see it on a regular basis. This is the same opportunity here.

Now, no one wants to hurt anyone, and I heard about SNAP programs. Nobody wants to hurt anyone, but I will tell you the truth. I would love to see somebody stand up and complain about the fact that people should be going back to work so that we might have extra money to help those folks. They should be getting off the unemployment lines and put them back to work. It is

not healthy. We are paying people more money to stay home rather than go fill a job. Maybe there is an opportunity, a huge opportunity, to help the people that really need it.

Thank you, Mr. President.

#### LEGISLATIVE LEAVES CANCELLED

The PRESIDENT pro tempore. Senator Comitta and Senator Collett have returned, and their legislative leaves are cancelled.

And the question recurring,  
Shall the bill pass finally?

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

Senator COSTA. Mr. President, very briefly in response to some of the comments that were made. The reference that no one did anything to help seniors and the like is totally inappropriate and out of line. Members of this Caucus, I will tell you, and I know the other side as well, argued and had the same conversations with the administration trying to address some of the shortcomings that occurred with whether it be what took place in the nursing home community or the work issue with respect to non-life-sustaining businesses and the like. So I want to put that on the record. The reference about folks going back to work, and I remind you one of the waivers that we are dealing with does not impact, as I believe to be the case, the work search requirement. So the bottom line is, there are many reasons why people are not working. Certainly I would say that maybe one of the minor reasons is that they are making more money by staying home on unemployment. But the fact of the matter is, there are many other issues like lack of childcare; or the places where they are going back to work at, the wages are so poor that it does not make sense and there are no benefits; and more importantly, there are not appropriate levels of PPE and safety protocols in place in those places. That is why. Those are some of the factors with respect to why people are not going back to work. Granted, they will provide additional revenue. I stand in support of this measure because I believe that extending these waivers, granting the administration the authority to continue the waivers as they have been defined under Title 35, is important to the people of Pennsylvania. Doing so through the end of September makes total sense. As we ease out of the pandemic, as we ease out of the declaration for the next several months, this is an appropriate step and I will support it. But I want to be clear that there are other reasons that folks are going to express concern, as we heard on the Senate floor today, that what may not be captured in these waivers needs to be continued, to have a conversation about, and work together to ensure that we and the administration take the appropriate steps to preserve some of these things that may not be captured in that universe of waivers that are applicable there.

Thank you, Mr. President.

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

Senator A.H. WILLIAMS. Mr. President, I ask for interrogation of the Majority Leader.

Senator K. WARD. Mr. President, okay.

The PRESIDENT pro tempore. The Majority Leader has agreed to interrogation. Please proceed.

Senator A.H. WILLIAMS. Mr. President, based upon the information that is being discussed and some facts being revealed, if we discover that the SNAP process in Michigan is not possible to be duplicated in Pennsylvania and that, in fact, it is the only State that does it and that many Pennsylvanians, regardless of region or political affiliation, are being hurt, is there an ability to return, from the Majority side, to address this problem and amend what we have done?

Senator K. WARD. Mr. President, Senator Williams, as I stated earlier, we are right now looking at Michigan and that they have been able to collect those SNAP benefits. We will find out how these other States are handling it because they have just ended theirs recently, so we do not have any record from them. We are happy to work with you and work with the administration moving forward to do what we need to do to make sure that any money that we are able to collect for that funding that we do so.

Senator A.H. WILLIAMS. So let me try to get as specific as possible. We are moving legislation--

The PRESIDENT pro tempore. I would ask all Members to remember that during interrogation all comments are referred to the Chair. Please proceed, Senator Williams.

Senator A.H. WILLIAMS. Mr. President, the question is--given that we are moving legislation today without an answer is troubling, but, that aside--the question is: if we discover that Pennsylvania does not comport with Michigan or any other State and that, indeed, SNAP or other Federally funded programs are affected negatively on behalf of Pennsylvania, will we be coming back to amend this resolution to fix that problem?

Senator K. WARD. Mr. President, we are on House Bill No. 854 and not House Resolution No. 106 right now. But in answer to that, I do not know how we amend that, if they are saying that we must be under a state of emergency. I do not seriously see a way that we can amend something unless we go back under a state of emergency. So we will move forward the best we are able to do using every avenue to make sure that we are continuing to collect these benefits and, as I said earlier, the very worst-case scenario is we collect them until the end of August.

Senator A.H. WILLIAMS. Mr. President, that concludes my interrogation.

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

Senator A.H. WILLIAMS. Mr. President, given that the record is reflective of two specific areas of concern, one, that this decision to move forward without understanding the consequences to millions of Pennsylvanians who depend upon these programs is certainly troubling. But regardless of your party affiliation, it is clear that many Pennsylvanians, where they live--rural, urban, and sub-suburban--are dependant upon these programs and we are proceeding, for lack of a better term, an experiment, if you will, at the cost of individuals who may be adversely affected. Literally not being able to eat and their children literally not being able to eat. That, to me, is scary. Further, based upon the comments that I am hearing, the best that we can do is allow for those benefits to continue through August, but after that there is no plan. The only comment I heard that reflects the condition is one that the people who are receiving the benefits, including those who are receiving unemployment benefits, should find a different lifestyle. That they should stop eating off the largesse of the government and return to work because, clearly, they are

not making the right decision. That, unfortunately, smacks in the face of facts, not political rhetoric.

We sit in the middle of the after-effects of a pandemic where the wealthy have recorded extraordinary numbers of their growing wealth while many other folks--middle-class and working-class folks--are struggling; and because someone logically says we have not decided to increase the wages in Pennsylvania significantly, across the country significantly, amongst the working class, while the wealth is shared significantly, those who are rich, it is not shared amongst the working class. That is not my opinion, that has been documented by every analytical research group in America because of the pandemic. Regardless of their perspective--conservative, moderate, or progressive. That is a fact. To suggest that someone should return to work, get off SNAP, and return to a lifestyle that is consistent with stepping on the backs of people, is repulsive. To suggest that someone should go back to work because they are getting paid more from unemployment than they would be if they work would suggest to some of us that we need to look at the wage structure in this country, not the fact that unemployment pays them more. That logic just does not compute with the majority of Pennsylvanians, whether you are Democrat or Republican, Black, White, Latino, Asian, urban, rural, or suburban. It does not compute with the compassion or consideration coming out of a pandemic. So today we are sitting on the precipice of a grand experiment and our acknowledgment is to suggest that people need to buckle up their shoestrings and just move forward. I find it to be extremely egregious and offensive to most Pennsylvanians. I would hope that those of logical minds, regardless of whether you are Democrat or Republican, would take into consideration what we are doing by doing these vast sweeping experiments in the name of politics and political rhetoric.

Thank you, Mr. President.

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

Senator HAYWOOD. Mr. President, I would like to further comment on the topic that my colleague raised, as well as what Senator Anthony Williams just raised in terms of unemployment compensation and extension or failure to extend that. What we know is that folks are not going to jobs that are unattractive--unattractive jobs--and these are many folks who used to work in some of these same jobs with the same employers. Do not want to go back to what? Unattractive jobs. Let me explain why these jobs are unattractive. First, \$2.83 an hour makes a job unattractive for Pennsylvanians. That is what we have as the minimum wage for those who are in these tip-wage jobs at restaurants and others. I think that is the easy thing to understand, I hope. Second, \$7.25 an hour, that is an unattractive job. As is \$8.25, \$9.25, \$10.25, all unattractive jobs that people do not want. Folks are having challenges getting child care. Folks do not want to be in an environment where there is spread of COVID-19 and individuals are unmasked that they have to address. Individuals do not want to return to jobs where sexual harassment was prevalent. These are all basic reasons why jobs are unattractive in some sectors and people do not want them and are not returning to them. They are rejecting the exploitation.

Thank you, Mr. President.

And the question recurring,  
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

LEGISLATIVE LEAVES

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

Senator COSTA. Mr. President, I request legislative leaves for Senator Comitta and Senator Muth.

The PRESIDENT pro tempore. Senator Costa requests legislative leaves for Senator Comitta and Senator Muth. Without objection, the leaves will be granted.

SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR No. 2

HOUSE CONCURRENT RESOLUTION  
No. 106, ADOPTED

Senator K. WARD, without objection, called up from page 1 of Supplemental Calendar No. 2, **House Concurrent Resolution No. 106**, entitled:

A Concurrent Resolution terminating the March 6, 2020, proclamation of disaster emergency, as amended and renewed, issued under the hand and seal of the Governor, Thomas Westerman Wolf.

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

On the question,  
Will the Senate concur in the resolution?

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

Senator K. WARD. Mr. President, I move that the Senate do concur in House Concurrent Resolution No. 106.

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

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

Senator L. WILLIAMS. Mr. President, House Resolution No. 106 started as a narrow ending of the emergency declaration. However, partisan politics turned it into a full repeal before it came over from the House. At about 10 p.m. last night, we voted in the Committee on Veterans Affairs and Emergency Preparedness to end the emergency declaration. Everyone knows the emergency is not over, but we ran the resolution anyway. We also ran the resolution even though the election results for the constitutional amendment are not yet certified. Last night, I asked what was the legal authority to end the declaration with the resolution because the results were not certified. I was told that they could act on approval of voters. It did not matter that the results were not certified. This is an absolutely ridiculous answer, especially since the House and Senate Republicans have been litigating the results of the 2020 election since November in the courts and court of public opinion, falsely stating that there was widespread election fraud with no proof. We have Members of this Chamber traveling to Arizona to learn how to do an audit of the results here in Pennsylvania. Yet, today, they are going to vote on something that is based on election results that have not yet even been certified. This is a dangerous precedent. What are they going to do next time? What happens if the next constitutional amendment is a closer vote and they do not want to wait to count military and absentee ballots because it might change the outcome? Will they take legislative action before all the votes are even counted? Will they vote to seat a Senator based on election results that are not certified? By passing this resolution before election results are certified, we are taking a very big step down the road of those things happening next. That should concern every Pennsylvanian.

When this House Resolution is passed, it will be a legal nullity because the results of the election are not certified. This House Resolution is an act of political theater that could jeopardize billions of dollars in Federal funding. All this vote today proves is that Republicans are hypocrites and sore losers.

Thank you, Mr. President.

#### POINT OF ORDER

Senator K. WARD. Point of order, Mr. President.

The PRESIDENT pro tempore. State your point of order.

The Chair would ask all speakers to treat all Members of this body with respect. Those comments were not respectful and we would ask you to refrain from those types of comments in the future.

The Chair recognizes the gentlewoman from Montgomery, Senator Cappelletti.

Senator CAPPELLETTI. Mr. President, today I rise to ensure my colleagues and the public understand that we do not truly know the real-world implications of passing this resolution. If the General Assembly-- and, specifically, the other side of the aisle--passes this resolution, there is a good chance that we will actively harm those we took an oath to protect. During this historic pandemic, a time when we should be negotiating a budget and planning for economic recovery, we are bringing to the floor measures that may very well strip away needed funds and flexibility from the Federal government and the programs and relief that are sorely needed by so many across Pennsylvania. This is

a reckless gamble that could devastate the Commonwealth's public health, stunt our economic recovery, and literally cost Pennsylvanians their lives; because we are still in a pandemic, and that is not a risk I am willing to take.

The Majority is jamming through a resolution without giving the public the opportunity to digest and understand the implications of this bill. There are a lot of questions about the impacts that have been left unanswered. Housing-related waivers: so many people are just getting back on their feet after what was likely the most difficult year of their lives; many needed help sorting out their arrears, and this resolution takes away any safe haven help for all of our constituents. Licensure portability for medical and professionals: the retired practitioners who jumped in at the start of the pandemic to help can no longer provide medical services; this not only hurts our already overburdened frontline workers, but puts us in an incredibly precarious position for when the virus mutates again. There is no guarantee that the vaccine--which, as I have mentioned, I can only hope we have all gotten--will be effective against new mutations. What happens when the virus rears its ugly head again and we are caught flat-footed? It will be worse than 2020.

Thanks to this resolution and constitutional amendments, Federal funding to pay for assistance from the National Guard, either our taxpayers front the bill for this costly aid or we will just stop receiving it. Food for families: I mentioned earlier today I have concerns about the emergency SNAP benefits being taken away from us, and ending our disaster declaration will hurt more than 560,000 households across Pennsylvania that have used SNAP benefits to put food on the table this past year. If this resolution passes, you could literally be taking food out of the mouths of babies, out of the mouths of children. So much for pro-life.

The other side can argue about whatever they want, I do not really care to listen. You can bicker over your unhappiness with the Governor, but his actions this past year have saved more lives than you ever have. Because what I do care about is the public, the public health, and the safety of my constituents and this Commonwealth. Ending this disaster declaration will cost us the lives of Pennsylvanians from every district and corner of this Commonwealth, red or blue. It will strip away resources from people and families across the State who need it most. I want to ask for what, but let us be honest here. This is a move to gain political points for the next election cycle. It is not legislating with the health and safety of Pennsylvanians as the priority, which is what we should be doing. This is sad, disgraceful, and embarrassing as a born-and-raised Pennsylvanian. Passing this resolution could cost us lives, and I hope that the deaths of those Pennsylvanians will haunt those who vote "yes" for this resolution for the rest of their lives.

Thank you.

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

Senator SCHWANK. Mr. President, while I am going to speak on House Resolution No. 106 and my opposition to it, first I want to provide a little bit of context about the issue of the SNAP benefits and what that means to the Commonwealth. First of all, I think we need to know that this was provided, these extra funds, were provided under the Family First Coronavirus Response Act; and as a result of that, on April 1, the Federal Secretary of Agriculture added \$1 billion more per month in additional

food assistance. This food assistance was targeted to households receiving less than \$95 a month. Those are the lowest-income people, the lowest rung on those who are qualifying for SNAP. I think it was important to have a bit of context about this and who will or could potentially be hurt by walking away from this program. In Pennsylvania alone, that meant \$47 million per month extra in terms of SNAP dollars going to those low-income families. For me it just seems, not having the clarity, we need to know for certain if we can continue this program. To vote for this now just seems so short-sighted to me. I am very concerned about that.

When Pennsylvanians went to vote on Tuesday, May 18, things were very different. Indoor capacities were at 50 percent and outdoor capacity was at 75 percent. The Wolf Administration announced that on Memorial Day all COVID-19 restrictions would be lifted with the exception of the mask mandate, and even that would be lifted when 70 percent of Pennsylvanians are fully vaccinated or, I believe, when we reach the end of June. So here we are on June 10, all but one of the COVID-19 restrictions are gone, the voters have spoken, no doubt about that. But what we are doing here today, I think, is so short-sighted. We may be ending program benefits, emergency dollars that are coming into the Commonwealth, without any real understanding of what that impact will be. It just seems so pointless. We are so close to the finish line. Just yesterday there were only 496 additional positive cases of COVID-19. The race is not over, but the finish line is close. At least we are hoping that it is. I think we can work together to actually reach that finish line, but voting for this, I simply do not think, one, it even honors what people wanted in terms of ending the emergency declarations. I do not think their intent was for us to walk away from the help that so many Pennsylvanians still need. So, considering not only the ambiguity that is involved with passing this but also the very real possibility that people will be hurt by it, I urge my colleagues to vote "no" on House Resolution No. 106.

Thank you, Mr. President.

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

Senator GORDNER. Mr. President, my first comments are going to be sort of introductory and laying the foundation for where I am going. When I was elected to the House back in 1992 and was sworn in 1993, I purposely got to know some of the Members from the Philadelphia delegation, just to learn a little bit more about their backgrounds and their districts. One thing that I learned really quickly in the House was that all of us got elected the same way. We all got elected in the House by 60-some thousand constituents and we all came to Harrisburg, to the House, to represent those of our constituents. So while my constituents were different than a lot of the folks from Philadelphia, those Representatives were representing their districts and I was representing mine. When we understood that, we were able to work together. When I came over to the Senate in 2003, I did the same thing. We have got a unique place here where we are able to gather together with Members from the other party and get to know--as we talked about with Senator Brewster and others, I am sorry, the Senator from Allegheny--about families and about their districts.

When I served as chair of the Committee on Labor and Industry, I served with a fellow Senator from Philadelphia, and, again, she gets elected and we all get elected the same way by the same

number of people. We all win the majority and we are here to represent our constituents. But some Senators' constituents may be different than mine. The constituents of the 1st Senatorial District may be different than the citizens of the 27th Senatorial District and different than the citizens of the 50th Senatorial District.

I think in 2020 a lot of us heard some common themes from our constituents. I bet one of them was the unemployment compensation system. I can tell you, in my 28 years, I never heard more from constituents than I did in 2020, and they were very frustrated with the unemployment compensation system. So I bet that was something that we heard throughout most of our districts. Yet, there were other issues that I heard from my constituents that I am sure folks from other Senatorial Districts of different political parties may have heard differently. But we are all here to represent our district and our constituents. We have in our rules that we cannot question the motives of why people vote a certain way, and that is the way it should be, because we are here voting and we are hopefully voting on behalf of our constituents. In regard to this specific matter, I represent parts of five counties and my four full counties--Columbia, Montour, Northumberland, Snyder--voted 2 to 1 in favor of the two constitutional amendments that we are dealing with here, 2 to 1. What I have heard from my constituents since then is that they want the emergency terminated. In fact, our Governor, a number of weeks ago, the Monday of Memorial Day weekend, basically took away all of the restrictions other than the mask mandate, and that is going to be going away in a couple weeks as well. So if you look at all of the restrictions that were put on over the past 13 months, they are basically all gone, and my constituents who voted 2 to 1 on Election Day now are asking me, as their representative here in Harrisburg, to end the emergency. So, for the previous speakers that spoke, I am representing what my folks are saying.

I go back to January and February when you could not get a vaccine. I, like probably all of you, were hearing from constituents, where do we get a vaccine? Then March, April, and May came along, and anyone and everyone who wanted a vaccine--and I am one, my wife is one, my son, my daughter, my 89-year old dad--all got the vaccine. So we all did that. The 2 weeks have gone past the second one and, again, the Governor ended, on Monday of Memorial Day, the restrictions that we have been under for the past 13 months. So this is the culmination, and I know I and other people on this side of the aisle are representing our districts, and I am sure folks on the other side of the aisle are representing their districts with their votes. But let us respect the institution, let us respect each Member's responsibility to their constituents. I am voting on behalf of my constituents who have asked me to support House Resolution No. 106 and to end this emergency.

Thank you, Mr. President.

#### LEGISLATIVE LEAVES CANCELLED

The PRESIDENT pro tempore. Senator Comitta and Senator Muth have returned, and their legislative leaves are cancelled.

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

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

Senator DUSH. Mr. President, I rise today in support of House Resolution No. 106, as we have amended it, as well as the bills that are going along in support of it. We, for the last 17 months, have been going through a situation where the government has overstepped its constitutional authorities, taken away the Article I, Section 1 rights of people to acquire property, both as employers and employees. We have had restrictions put on that have caused the people of the Commonwealth to come together and say, through the resolutions that were adopted and the constitutional amendments which were adopted on May 18, the people decided that we have the ability to withdraw this emergency amendment.

We have given the Governor the latitude, for example, with bringing the licensing department back in to start working on the waivers that were put in place--he has had over 21 days, over 3 weeks--and yet the people are not back in those offices taking care of those waivers. We are still going to, with the legislation that we just passed earlier, give him until September 30. We are going out of our way, again, as we have done working with our constituents, passing legislation that the Governor has vetoed repeatedly and then turned around and come back because the people have spoken so strongly. The people have spoken. One of my counties, it is 4 to 1, over 80 percent. The other seven, it is over 70 percent. My constituents have spoken loudly. They want this over. We were even receiving a little bit of grief for allowing it to go on as long as we did. The Supreme Court, to address another question that was raised earlier, has already determined that with constitutional amendments, they take effect the day the people have spoken. In other words, May 18. Yet, again, we have allowed the Governor to proceed for another 21 days, more than 21 days.

So today, we are answering the call of our people, the people of the Commonwealth, who voted for this in spite of a poorly worded amendment, they saw through and made their voices heard. God bless them. I thank my constituents and the people of the Commonwealth who have restored the checks and balances to the government.

Thank you, Mr. President.

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

Senator MUTH. Mr. President, I rise in opposition of House Resolution No. 106. As I spoke last evening on the floor during the meeting of the Committee on Veterans Affairs and Emergency Preparedness, I have immense concerns of prematurely cutting off our access to resources that are desperately needed in our Commonwealth. Further, there were no hearings, formal reports, studies, or legal documents showing exactly what would be impacted relative to the Federal programs and waivers that currently are being proposed to be added into House Bill No. 854 to supplement the end of this emergency declaration. Not having that expert feedback and public feedback leaves immense room for errors, errors in our planning and errors in our ability to financially plan for how our Commonwealth is going to move forward. It also leaves immense room for us to have budget woes later on where we thought we had X amount of dollars and later on we find out something was not covered and we have to put our own State dollars into a program or into some new program which is more money to recreate to help our constituents. Our

ability to allocate resources, should another outbreak occur, still remains unknown. We have no plan in place that says, should an outbreak happen again, what we will do better.

We have no plan for recovery. We spent a lot of time, both Chambers of this building, talking about how to end this declaration, but not at any time have I heard--no plan presented on how we are going to proceed moving forward. To assume that back to normal because your declaration is over is simply false. It is impossible. Our economy has changed, the people who live in the State have changed, the number of people who live in the State has changed, and our unemployment rate has changed. How do we account for all of that? Simply ending something while we are still fighting it, we are stripping away resources that are still very much needed.

To the point of respecting one another and who we represent, I would like to make a note that there are things we are always going to get emotionally charged about, passionate about, upset about. Yes, I represent the 44th Senatorial District, parts of three counties--one of the most gerrymandered in the State of Pennsylvania--and I have a very unique constituency. I have Amish, rural areas, and part of one of the wealthiest counties in the State in my district. I live in a blue-collar borough in Montgomery County, and that has been the experience of a lifetime to learn from them on their array of needs, circumstances, and situations. So when I cast a vote, yes, I take feedback from my constituency, but another job of mine as a Senator is to educate my constituency on facts and ideas and engage in dialogue with them. So, that has been an immense success in my office having those conversations with constituents so that they get the real information on why things are the way they are. So when I cast my vote, I think about how it impacts every single person in this Commonwealth. That may not be a big deal to those who do not understand or have to live under the circumstances of being in the Minority party, but it certainly is something I take serious, enough to think about how this impacts your constituents who I do not represent.

So I think our constituents may differ in some circumstances, but I think there are some basic things that they all need and value. Like access to food, clean water to drink, shelter so that they are not homeless or without housing, the ability to seek healthcare when needed, the ability to obtain income. All of these things--not just obtain income, obtain financial security--are in limbo for many of our constituents.

So to not have a plan with all the resources we have coming in right now is beyond troubling. I would say there is concern across the whole State, in all 67 counties, that there is not this plan. More time is being spent talking about ending declarations, election audits, and all of these things, and there is no talk of a plan. What is this body going to say when we are asked why we did not have a plan to react if this or something else similar happens again, or why we did not have a plan to move forward and put Pennsylvania at the forefront of being one of the best economies and best places to live?

Let us get it together. Let us get a plan. Let us work together on this, because that is how you respect the institution, that is how you respect your constituents, and that is how we uphold our oath of office as Senators, as public officials serving the public, the Commonwealth of Pennsylvania.

Thank you, Mr. President.

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

Senator A.H. WILLIAMS. Mr. President, I was affected by two of my colleagues who have both spoken about the institution, both have spoken quite effectively about representing a complex constituency, and also valuing their responsibility in this institution. So I appreciate them both coming from different sides of the aisle but having commonality with regard to that. I can only share that many of you view me as a Philadelphia legislator, and the truth is that half of my district is in Delaware County and half of my district is in Philadelphia, literally. The reality is that they are very different worlds. Tax policy, educational experience, employment, and certainly crushing poverty are very different in those communities. I have worked over the years to attempt to be trusted in both communities. I live in Philadelphia, and of course when I went to Delaware County, many of the Delaware County folks just assumed that I was going to be the, quote, unquote, Philadelphia legislator. Of course, the moment I began to sort of fight for Delaware County issues, the people from Philadelphia felt that I was deserting them. So I can only acknowledge that, for those of us who are in these circumstances, be you Democrat or Republican, we are all challenged on a daily basis.

Actually, my colleague, the previous speaker, sort of stole a part of what I wanted to mention. It is indeed our responsibility to listen to our constituents and do their work when we come here, but it is also our responsibility to listen carefully to what they say, educate and inform, and sometimes lead. Yes, there were people in my district who clearly were frustrated by the emergency declaration and wanted that to end literally 2 weeks after it started. It was my responsibility to listen to them and to field all the complaints that we had with regard to unemployment, the process, the pandemic, the grants, et cetera, go down the line. But also understanding that in this space, as a legislator, not the Governor, but as a legislator, my responsibility was to lead. Gather the facts and then, even in the face of some of my constituents screaming at me--because they were losing their homes, they were losing their jobs, they were losing all that they gathered under this pandemic--still lead and explain to them the preservation of you is also the preservation of the community and the Commonwealth and that means some difficult choices we have to make, none of them good. So all of us, I am sure, have felt that.

But be very clear, those folks who voted for the removal of these orders were not and are not desirous of a child not being fed. If you educated and informed our constituents, be they Democrat or Republican, that we have the chance of losing Federal dollars for resources for those who are still struggling with the pandemic, there would not be a person who I can name in a Delaware or Philadelphia County who would say do it. They are clear about what they wanted to be removed, and those issues have been removed. Now we are doing something beyond that pale. This is the space in which leadership is required. It is uncomfortable, it is not popular, but, guess what, it is right. At some point in time, we have to do what is right. This is not right. Be they Democrat or Republican, all of us have said on the record that the issues that our constituents complained about and felt most strongly about have been removed.

So why are we heading down this path? I am not going to interject my political analysis or evaluate someone else's mo-

tives, but it cannot stand on the merits of today. The facts just do not support that. So I hope that both my colleagues who have different political affiliations who indicated through their demeanor and comments, their appropriate previous position, that we need to be concerned about what our constituents are saying, listening to them, and providing leadership in this space.

Thank you, Mr. President.

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

Senator COSTA. Mr. President, I will briefly provide a few remarks and submit the balance for the record. Very briefly, I rise in opposition to Senate Resolution No. 106 for a couple reasons, one of which is I think it is premature based upon the situation we find ourselves in, in this Commonwealth, as we continue to move forward in addressing the pandemic. The second reason is, it is also premature in a sense that this resolution, in our view, does not comply with the law with regard to when the application of the constitutional amendments, which did pass, is effective. To me, it is not effective until the certification of the election, and at that point in time is when we should begin this process to end the declaration. That all being said Mr. President, I will submit remarks along those lines.

My closing comment is that I believe we are in a better place than we were Wednesday morning when we learned Tuesday evening that the House had moved to adopt Senate Resolution No. 106 as we knew it then--without the ability to have the level of waivers that are in place. At the end of the day, what we have done is basically created a compromise, in my view, where for those folks who wanted to see an end to the declaration--to honor what our residents of the Commonwealth have stated, ending the declaration--we will be able to say that that was the case. But there are many of us in this Chamber in particular to help craft language--and I thank the folks for being able to participate in that process to be able to craft a solution--that continues to protect the people of Pennsylvania as was reflected in House Bill No. 854. The continuation of the waivers and the commitment to work together to be able to address those potential ones that may not be covered by those waivers but the commitment to work to resolve those should the people of Pennsylvania be harmed. So they always say compromise means it is painful on both sides. I suspect that is what the case is today, but when you look at House Resolution No. 106 and House Bill No. 854, I think they achieve the goals that each of us set out to achieve through this process. I will submit the balance of my remarks for the record.

Thank you, Mr. President.

The PRESIDENT pro tempore. 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 would like to submit remarks for the record today on House Resolution No. 106, and concerns I have about its constitutionality.

The process that House Resolution No. 106 uses to end a disaster declaration is one provided for in a constitutional amendment that passed in May's primary election. I do not argue against the results of the election, but at this point they are still unofficial. The results have not been certified statewide and, therefore, a statewide constitutional amendment is not officially decided. The margin is not in question, but the process is.

We are voting on a resolution that is not yet legally possible. This resolution process, right now under current statutory and case law, requires it to be presented to the Governor for his approval. Republicans took that path last summer to end the emergency declaration, and our appellate courts declared that it had to be presented to the Governor and he did not approve. Legally, nothing has changed since then because the vote on the amendment has not been certified and, therefore, is not effective yet.

Here are the requirements for constitutional amendment adoption: first passage: pass both houses and be advertised for 90 days prior to General Election. Second passage: identical language must pass both houses and be advertised for 90 days prior to Primary, General or Municipal Election. Post-election procedures: county boards to certify election results is in section 1404(f) of the Election Code. Unofficial returns to the Secretary by 5th Tuesday after the election. Five days following the computation of returns--provided there are no recount or recanvass petitions --the county board then certifies the returns subject to any appeals or recounts. Certification of this constitutional amendment by the Secretary of State scheduled to occur Friday, June 11, 2021. After certification, the Governor is required to issue the proclamation as to whether the electorate passed any proposed constitutional amendment on the ballot, per 1 Pa.C.S. § 903.

1 Pa.C.S. § 903 provides that after certification of the results of the ballot question, the Governor shall issue a proclamation as to whether a majority of the electorate passed the proposed amendment.

Pennsylvania Supreme Court precedent affirms these points and that a constitutional amendment becomes effective to the date of adoption once the election is finally certified. The constitutional amendment is not legally effective, and I am concerned about the timeline we are now operating under. I disagreed with the constitutional amendment and voted against it on this floor twice and on my private ballot. I will vote against this resolution.

We should not be ending a disaster declaration and threatening resources and regulatory flexibility before the disaster is over; but perhaps just as importantly, I do not even believe that it is legal for us to proceed down this path at this time. We should wait until the results are certified, the constitutional amendment is legally effective, and then debate the merits. This is premature and I believe sets a precedent that is out of step with our Constitution.

Vote on the constitutional amendment must be certified to become effective.

There are two steps that must be completed in order to determine the effective date of a constitutional amendment. Those are the certification of ballot question results and the Governor's subsequent proclamation. The General Assembly cannot exercise the powers granted under the new amendments until the vote is certified and, as such, acting through House Resolution No. 106 before the vote is certified is a legal nullity. The General Assembly does not have such authority until the vote is certified and final.

On the question of the exact effective date of a constitutional amendment, the issue is still being debated by parties before our appellate courts with regard to other constitutional amendments, but there is Pennsylvania Supreme Court precedent holding that it becomes effective upon approval by a majority of the electorate once the vote is certified provided there are no other explicit dates written into it or there is no need for future legislation to execute it.

First, the requirement for county boards to certify election results is in section 1404(f) of the Election Code. The returns are computed, recorded, and submitted as unofficial returns to the Secretary by the fifth (5th) Tuesday following the election. Five days following the computation of returns--provided there are no recount or recanvass petitions--the county board then certifies the returns subject to any appeals or recounts. Those results are then submitted to the Secretary of the Commonwealth.

Second, the Governor is then required to issue the proclamation as to whether the electorate passed or adopted the proposed constitutional amendment on the ballot, per 1 Pa.C.S. § 903. The General Assembly has required these steps for decades.

The officer of this Commonwealth to whom election returns are required by law to be certified shall, whenever a proposed amendment to the Constitution of Pennsylvania has been on the ballot at any election, certify the result of the election thereon to the Governor immediately upon receiving the official returns from all counties of the Commonwealth, and the Governor shall thereupon issue his proclamation indicating whether or not the proposed amendment has been adopted by a majority of the electors voting thereon. The proclamation shall be published in the next available volume of the Laws of Pennsylvania.

Finally, there is precedent from our State Supreme Court suggesting that the constitutional amendment becomes effective once passed by the majority of the electorate once the vote is certified and the Governor issues his proclamation as such. In that decision, the trial court found that the effective date is when the Governor issues the proclamation certifying the results. In *Commonwealth v. Tharp*, the Pennsylvania Supreme Court took up the issue of whether the November 3, 1998, amendment to the Pennsylvania Constitution, Article I, Section 6--right to trial by jury for Commonwealth --was constitutional. *Commonwealth v. Tharp*, 754 A.2d 1251.

The effective date was a secondary issue before the Court, which focused on whether the constitutional amendment was effective when the Commonwealth asserted its right to a jury trial in June 1999 - months after the vote on the amendment and certification of election results in the fall of 1998. The Court made a point to mention that the trial court ruled the Commonwealth's right to a jury trial under the new constitutional amendment became effective on December 3, 1998, when the Governor issued a proclamation certifying the election results. *Id.* at 1252. The Court did not overrule that holding of the trial court, but it found that the effective date was generally "November of 1998." *Id.* at 1255. It explained, "A constitutional amendment becomes effective upon approval by the electorate, unless some other date is fixed by the constitution or the amendment itself, and is 'self-executing when it can be given effect without the aid of legislation and when the language does not indicate an intent to require legislation.'" *Id.* at 1254 (internal citations omitted).

Nowhere in its opinion did the Court specify an exact date except to say the amendment was effective in "November of 1998," the results were certified, and the Governor issued his proclamation in December of 1998. In other words, the constitutional amendment became effective retroactive to the date of adoption by a majority vote of the electorate once the vote was certified and the Governor issued the proclamation.

Additionally, this issue is still being litigated in our appellate courts. As the Commonwealth Court stated recently in a footnote in a challenge to the Victims' Rights Amendment submitted to the electorate in 2019, the issue of the effective date was still being debated by the parties at the preliminary injunction stage of litigation. For reference, I have included the footnote below to demonstrate that parties continue to debate this issue, but it does not change the aforementioned precedent in *Tharp*.

1 Pa.C.S. § 903 provides that after certification of the results of the ballot question, the Governor shall issue a proclamation as to whether a majority of the electorate passed the proposed amendment. This section does not address the date upon which a proposed amendment becomes part of the Constitution. In the preliminary injunction proceeding, the parties disputed whether the Proposed Amendment would take effect automatically or whether it would require implementing legislation. This issue related solely to the question of whether passage of the Proposed Amendment in the absence of a preliminary injunction would result in immediate harm. As immediacy of harm is not an element required to obtain permanent injunctive relief, we do not address that issue here.

*League of Women Voters of Pennsylvania v. Boockvar*, 578 M.D. 2019, 2021 WL 62268, at \*13 n. 25 (Pennsylvania Commonwealth, January 7, 2021) (not reported).

Finally, acting on an uncertified constitutional amendment, the General Assembly lacks the authority to legislate by adopting a concurrent resolution without presentment to the Governor. Because the vote on Joint Resolution No. 1 of 2021 has not yet been certified by the Secretary of State and a proclamation issued by the Governor, the au-

thority granted by it is not effective. Accepting that a constitutional amendment is effective on adoption, the vote must still be certified pursuant to law and until then the powers conferred on the General Assembly are not yet perfected.

As such, adopting a concurrent resolution to terminate the emergency declaration issued on March 6, 2020, by Governor Wolf and all revisions and extensions thereto is invalid and unconstitutional under the current constitutional scheme without presentment to the Governor under Article III, Section 9. *Wolf v. Scarnati*, 233 A.3d 679 (2020).

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

Senator K. WARD. Mr. President, we certainly have a lot of passion in this Chamber on which direction we should have been going, but for all practical purposes, the State of emergency in our Commonwealth is over. Our businesses are open 100 percent; we have had less than 500 cases a day, on average, over the past 2 weeks. We were interested in keeping an official state of emergency for purposes of waivers and SNAP money, and I am happy that today we were able to address that, the waivers. Working with the administration and the House, we were able to protect those waivers until the end of September, while we try to back out of the situation we are in. We did not get in it all in 1 day, and we are not going to get out of it all in 1 day, but today we came up with a solution to address the most pressing needs. The healthcare waivers will protect our most vulnerable, our families, and our businesses. So I think on that we have come together, and we have ended up with a pretty good package here. The people of Pennsylvania wanted the emergency to be over, it is over. It was going to be over at some point and that over is today. So, thank you very much.

LEGISLATIVE LEAVE

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

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

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

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

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

YEA-30

Table with 4 columns of names: Argall, DiSanto, Mastriano, Stefano, Aument, Dush, Mensch, Tomlinson, Baker, Gebhard, Phillips-Hill, Vogel, Bartolotta, Gordner, Pittman, Ward, Judy, Boscola, Hutchinson, Regan, Ward, Kim, Brooks, Langerhole, Robinson, Yaw, Browne, Laughlin, Scavello, Yudichak, Corman, Martin.

NAY-20

Table with 4 columns of names: Brewster, Flynn, Kearney, Schwank, Cappelletti, Fontana, Muth, Street, Collett, Haywood, Sabatina, Tartaglione.

Table with 4 columns: Comitta Costa, Hughes Kane, Santarsiero Saval, Williams, Anthony H. Williams, Lindsey.

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

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

UNFINISHED BUSINESS ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

MONDAY, JUNE 14, 2021

Table with 3 columns: Time, Committee/Topic, Location. Includes meetings for COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT; VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS; FINANCE; SPECIAL COMMITTEE ON ELECTION INTEGRITY AND REFORM; and APPROPRIATIONS.

TUESDAY, JUNE 15, 2021

Table with 3 columns: Time, Committee/Topic, Location. Includes meetings for JUDICIARY; BANKING AND INSURANCE; AGRICULTURE AND RURAL AFFAIRS; and LOCAL GOVERNMENT.

12:00 P.M.	COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT (to consider Senate Bill No. 594)	Room 8E-A East Wing
12:30 P.M.	ENVIRONMENTAL RESOURCES AND ENERGY (to consider Senate Bills No. 284, 302 and 545)	Senate Chamber (LIVE STREAMED)
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider certain Executive Nominations)	Senate Chamber (LIVE STREAMED)

THURSDAY, JUNE 17, 2021

9:30 A.M.	VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (S) and VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (H) (joint public hearing on Pennsylvania's veterans home care and COVID-19 mitigation protocols)	Room 515 Irvis Office
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**PETITIONS AND REMONSTRANCES**

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

Senator KANE. Mr. President, I rise today to address an issue that is deeply important to 566,000 Pennsylvanians. It is an issue that has been present in this Commonwealth since 1789, and it is one that has touched my life and the lives of my family and friends.

It is time for this Chamber to recognize Delco Day. Delco Day is celebrated every year on June 10 in honor of Delco's area code, 610, to raise money for a local charity. The Delco Day celebration supports the HEADstrong Foundation founded by Nick Colleluori, who passed away from cancer at the age of 21. He was an outstanding lacrosse player for Ridley High School. This organization offers financial, residential, and emotional support to families affected by cancer. HEADstrong was founded in 2007, assisted over 19,000 patients and families, and raised over \$19.5 million, which is absolutely incredible. While Delco Day celebrations may look different this year, this resolution reflects the resilience and adaptability of our community in Delaware County. Delco Day is an example we can all learn from as a community coming together, despite the many things that divide us, to support each other and those in need.

Now, Delco Day is just one example of what makes me so proud to have raised my family in Delaware County. We also have Wawa which, Mr. President, I am sure you and this Chamber will agree, is better than Sheetz. We have the best farm in Pennsylvania, and some say the only farm in Delco, Swiss Farms. We have even inspired an HBO series of our county, which I can only assume is about hoagies, our beautiful creeks, how we say "water," and the best corner to hang on, Manoa Corner. I am inspired by the way our community has come together and adapted, and I cannot wait to celebrate Delco Day 6, the fifth one, as only Delco could. I would also like to give a shout out to the best podcast in Pennsylvania, Delco Live, for bringing Delco Day to my attention. Keep up the great work at promoting Delco Day and the HEADstrong Foundation.

Thank you, Mr. President. Delco rules.

The PRESIDENT pro tempore. Senator Tartaglione has submitted remarks for the record. Without objection, the remarks will be spread upon the record.

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

Mr. President, today marks 5,451 days since the Pennsylvania legislature last raised the minimum wage. That is almost 15 years, and it is far too long.

Mr. President, I suspect all of us in the General Assembly and many, if not most, of our constituents have been hearing and reading a lot about the alleged worker shortage recently. Now the U.S. Chamber of Commerce has added its two cents to the public discourse. On June 1, the Chamber launched a new workforce initiative called the "America Works" plan. I must say that I was strongly puzzled and dismayed by the false logic employed by the Chamber to promote it. That the Chamber--on behalf of its roughly 3 million member businesses and organizations--has once again blamed the perhaps sluggish recovery of the nation's employment rate on the people at the lowest end of the capitalist pecking order is the first red flag.

The Chamber chooses to call the issue a worker shortage, yet notes that there are more available workers in the U.S. than there are job openings. In fact, there are almost one and one-half workers for every job vacancy, according to Federal data. Please keep in mind, we are not talking about people who are of working age and who are able to work, yet have decided to drop out of the workforce. The ratio counts only those individuals who are still considered active members of the workforce.

Furthermore, we know that volume of unfilled jobs is significantly skewed toward those positions and industries that traditionally pay the lowest wages. Therefore, in truth, there is a worker surplus. Unfortunately, the current surplus does not seem to be enough for the Chamber's liking. In describing the phantom worker shortage as an urgent crisis, the Chamber lamented that over the last 20 years, the same ratio--available workers to unfilled jobs--has been 2.8 to 1. That colossal discrepancy may suit employers just fine as they leverage it to stonewall wage growth. But it is certainly not good for American workers or the American economy.

Mr. President, the real shortage is in jobs that pay fair, family-sustaining wages; jobs that protect the health and safety of workers; and jobs that provide the benefits that today's workers need and demand--benefits like health insurance, family and medical leave, pension programs, continuing education, and career advancement, along with access to child care and transportation. But rather than accept that reality--a reality that has been building since long before the so-called "worker shortage" and long before the pandemic--the Chamber is now trying to change the narrative.

They have seen the writing on the wall. They know the public overwhelmingly supports higher wages for those at the lowest end of the pay scale. They know the public is disgusted by the exorbitant salary increases enjoyed by the corporate elite and by the minuscule tax bills paid by countless corporations; if they pay anything at all. Employers recognize that the pandemic has fundamentally changed the mindset of America's low-wage workforce; that workers, by and large, will not stand for inadequate wages, poor workplace conditions, and non-existent benefits. Yet, rather than address those issues, the Chamber has instead endeavored to commandeer several key talking points from the left, while overlooking the elephant in the room.

The America Works plan says nothing about bolstering wages, benefits, or health and safety in the workplace. Instead, from a policy standpoint, the Chamber wants the government to relax immigration regulations for those coming to the U.S. to work. In fact, the Chamber wants to double the cap on employment-based visas. In other words, the Chamber proposes to expand the capability of unscrupulous employers to exploit foreign workers who--through no fault of their own--are often forced to accept hazardous jobs at substandard wages in their pursuit of the American dream. Such a move would directly undermine the ability of any and all low-wage workers to command fair, family-sustaining wages.

In addition, the Chamber wants the government to increase public spending on employer-led job education and training programs, thereby diverting taxpayer dollars into the hands of business owners. Further, the Chamber's plan calls on the government to expand access to childcare for working parents. On that point, at least, I am glad they are finally coming around to seeing things my way. As for employer-driven solutions, one of the Chamber's key proposals is to modernize and streamline job postings. Once again, I agree in principle. In fact, just last month in the Committee on Labor and Industry, I introduced an amendment that would have required all Pennsylvania employers to post their available positions on the CareerLink Website, thereby improving the uniformity of the State's job postings system. Unfortunately, my amendment was defeated in a party-line vote.

Mr. President, in promoting its new plan, the Chamber said it strives to drive solutions that make America more competitive. I am not sure how they define competitive. But in my book, competition is when you have a set of ground rules that are equal and fair to all parties. In this case, that means business versus business and business versus labor. Without those, competition is, at best, a foregone conclusion. If we really want to make America more competitive, we must create a level playing field for all involved, including but not limited to a fair wage floor that requires all employers to pay family-sustaining wages, not just those who choose to do so.

My minimum wage legislation, Senate Bill No. 12, would create that reasonable, fair wage floor and would level the playing field for employers and Pennsylvania's workforce.

Thank you, Mr. President.

## HOUSE MESSAGES

### HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **House Concurrent Resolution No. 106**.

### HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 854**.

## BILL SIGNED

The PRESIDENT pro tempore (Senator Jacob D. Corman III) in the presence of the Senate signed the following bill:

**HB 854.**

## RESOLUTION SIGNED

The PRESIDENT pro tempore (Senator Jacob D. Corman III) in the presence of the Senate signed the following resolution:

**HR 106.**

## RECESS

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

Senator K. WARD. Mr. President, I move that the Senate do now recess until Monday, June 14, 2021, at 1 p.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 12:45 p.m., Eastern Daylight Saving Time.