

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, NOVEMBER 29, 2022

SESSION OF 2022 206TH OF THE GENERAL ASSEMBLY

No. 45

SENATE

TUESDAY, November 29, 2022

The Senate met at 2:15 p.m., Eastern Standard Time.

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

PRAYER

The Chaplain, Mr. TONY LEPORE, Chief of Staff for the Democratic Leader, offered the following prayer:

Let us pray.

As we bow our heads in this historic Chamber, let us remember the many who have come through these doors. For hundreds of years, men and women have served as elected leaders and staff in this Senate. We pray that we live up to the best of their legacies, learn from their missteps, and make this institution better each and every day that we step on this floor. We pray that we acknowledge the opportunity to do the work that improves the lives of people across the State in years to come. We pray that those people know how hard each and every one of you in this Chamber work every single day in the spirit of public service. We hope that these sacrifices that you make to be here are accepted and appreciated and valued by those closest to you as well as those Pennsylvanians you may never ever meet. Each one of us answered a call to serve a cause bigger than our individual selves. Finally, we pray that you never lose faith in the causes that brought you here in the optimism that the work you do in these halls makes a difference in this world. In the name of the Almighty. Amen.

The PRESIDENT pro tempore. The Chair thanks Mr. Lepore, who is the guest today of Senator Costa.

PLEDGE OF ALLEGIANCE

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

GENERAL COMMUNICATION

RECALL OF REGULAR SESSION

The PRESIDENT pro tempore laid before the Senate the following communication, which was read by the Clerk as follows:

SENATE OF PENNSYLVANIA

November 23, 2022

TO: President and All Members of the Senate

FROM: Senator JAKE CORMAN
President Pro Tempore

RE: Recall to Session
Tuesday, November 29, 2022

Consistent with the recess motion made on November 15, 2022, the Senate is recalled for session, Tuesday, November 29, 2022, at 2 P.M. The purpose of the recall is to receive Articles of Impeachment from the House of Representatives followed by a voting session.

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS REFERRED TO COMMITTEE

The PRESIDENT pro tempore laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows and referred to the Committee on Rules and Executive Nominations:

MEMBER OF THE BOARD OF TRUSTEES OF THE UNIVERSITY OF PITTSBURGH OF THE COMMONWEALTH SYSTEM OF HIGHER EDUCATION

November 18, 2022

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John Verbanac, 2330 South Ridge Drive, Hidden Valley 15502, Somerset County, Thirty-second Senatorial District, for appointment as a member of the Board of Trustees of the University of Pittsburgh of the Commonwealth System of Higher Education, to serve until October 5, 2025, and until the successor is appointed and qualified, vice Sy Holzer, Pittsburgh, whose term expired.

Tom Wolf
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF WEST CHESTER UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

November 18, 2022

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Tara Chupka, 325 Jackson Street, Philadelphia 19148, Philadelphia County, First Senatorial District, for appointment as a member of the Council of Trustees of West Chester University of Pennsylvania of the State System of Higher Education, to serve until October 17, 2024, and until the successor is appointed and qualified, vice Christopher Lewis, Philadelphia, resigned.

Tom Wolf
Governor

MEMBER OF THE STATE TRANSPORTATION COMMISSION

November 28, 2022

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Elise Claire Schell, 1500 North Sixth Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Transportation Commission, to serve until October 23, 2025, and until the successor is appointed and qualified, but not longer than six months beyond that period, vice Chad Amond, Greensburg, resigned.

Tom Wolf
Governor

CORRECTION TO NOMINATION REFERRED TO COMMITTEE

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

MEMBER OF THE BOARD OF TRUSTEES OF THE UNIVERSITY OF PITTSBURGH OF THE COMMONWEALTH SYSTEM OF HIGHER EDUCATION

November 28, 2022

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

Please note that the letter dated November 18, 2022, for the nomination of John Verbanac, 2330 South Ridge Drive, Hidden Valley 15502, Somerset County, Thirty-second Senatorial District, for appointment as a member of the Board of Trustees of the University of Pittsburgh of the Commonwealth System of Higher Education, to serve until October 5, 2025, and until the successor is appointed and qualified, vice Sy Holzer, Pittsburgh, whose term expired, should be corrected to read:

John Verbanac, 2330 South Ridge Drive, P.O. Box 4084, Hidden Valley 15502, Somerset County, Thirty-second Senatorial District, for appointment as a member of the Board of Trustees of the University of Pittsburgh of the Commonwealth System of Higher Education, to serve until October 5, 2025, and until the successor is appointed and qualified, vice Sy Holzer, Pittsburgh, whose term expired.

GENERAL COMMUNICATION STATE ETHICS COMMISSION RULINGS

The PRESIDENT pro tempore laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA
State Ethics Commission
Finance Building
613 North Street, Room 309
Harrisburg, PA 17120-0400

TO: Director or Administrator
FROM: Mary Fox, Executive Director
State Ethics Commission
DATE: October 17, 2022
RE: Distribution of State Ethics Commission Rulings

On June 26, 1989, the revised Public Official and Employee Ethics Law was enacted which re-authorized the State Ethics Commission. The State Ethics Commission is responsible for issuing various types of rulings on matters within its mandated jurisdiction. Pursuant to the law, the Commission is mandated to forward, quarterly, a copy of every Opinion, Advice of Counsel, and Order issued to one law library in each county, one public library in each county, the State Library, the State Senate Library, each authority appointing a Commission member, the Pennsylvania Association of County Commissioners, the Pennsylvania Association of Boroughs, the Pennsylvania State Association of Township Supervisors, the Pennsylvania State Association of Township Commissioners, the Pennsylvania State School Boards Association, and the Pennsylvania League of Cities. Your agency is either specifically identified in the above requirement or has been selected as a library to which this mailing will be made pursuant to the above authority. As such, enclosed please find decisions of the State Ethics Commission from July 1, 2022, to September 30, 2022. Due to budgetary restraints, a CD containing said rulings will replace paper copies that were previously sent.

For your information, the Commission generally issues these types of decisions as follows:

Commission Opinions - Opinions are advisory rulings issued by the State Ethics Commission regarding the duties and responsibilities of public officials and employees under the Public Official and Employee Ethics Law. Opinions are catalogued by year of issuance followed by the sequential number of the opinion during that year. As such, opinions relating to 2022 will begin with the number 22-001 and proceed there from as decisions are rendered.

Advice of Counsel - The Commission's Chief Counsel is authorized to issue similar advisory letters. Such letters are issued generally when there is prior precedent for counsel to rely upon in issuing a decision or when the provisions of the State Ethics Act directly provide the answer to the question posed. Advice of Counsel letters are numbered with the year and a 500 series number that progresses in order therefrom as rulings are issued. If more than 100 such letters are issued, a 600 series number will then be used.

Orders - Commission orders are issued at the end of an investigation and are determinations as to whether or not there has been a violation of the State Ethics Act. Commission orders are categorized numerically from the date of the first order in 1979. That is, the first Order issued was Order No. 1. All orders proceed there from.

It is recommended that Opinions, Advices of Counsel and Orders be maintained separately (in numerical order) so as to afford better retrievability.

The enclosed items are being forwarded for retention, cataloging and for the purpose of being publicly available for review by citizens of the Commonwealth of Pennsylvania who may have an interest therein. Additional mailings will be made on a quarterly basis henceforth. If you have any questions in relation to your receipt of these documents and future distribution, please contact me at 717-783-1610 or 800-932-0936. For your information, all Commission rulings are available on-line at www.ethics.pa.gov.

The PRESIDENT pro tempore. This report will be filed in the Library.

**REVIEW AND ADVISORY COUNCIL
ADMINISTRATION ACCOUNT ANNUAL
REPORT FOR STATE FISCAL YEAR 2021-2022**

The PRESIDENT pro tempore laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA
Department of Labor and Industry
651 Boas Street
Harrisburg, Pennsylvania 17120

November 22, 2022

To the General Assembly
Commonwealth of Pennsylvania
Harrisburg, PA 17120

RE: Act 36 Annual Report

On behalf of Secretary Berrier, I am providing the *Review and Advisory Council Administration Account--Annual Report for State Fiscal Year 2021-2022* as required by Act 36 of 2017.

The PRESIDENT pro tempore. This report will be filed in the Library.

LEGISLATIVE LEAVES

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

Senator K. WARD. Mr. President, I request legislative leaves for Senator Browne and Senator DiSanto.

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

Senator COSTA. Mr. President, I request legislative leaves for Senator Brewster, Senator Comitta, and Senator Anthony Williams.

The PRESIDENT pro tempore. Senator Kim Ward requests legislative leaves for Senator Browne and Senator DiSanto.

Senator Costa requests legislative leaves for Senator Brewster, Senator Comitta, and Senator Anthony Williams.

Without objection, the leaves will be granted.

JOURNAL APPROVED

The PRESIDENT pro tempore. The Journal of the Session of October 17, 2022, is now in print.

The Clerk proceeded to read the Journal of the Session of October 17, 2022.

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

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

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

YEA-50

Argall	Dillon	Laughlin	Schwank
Aument	DiSanto	Martin	Stefano
Baker	Dush	Mastriano	Street

Bartolotta	Flynn	Mensch	Tartaglione
Boscola	Fontana	Muth	Tomlinson
Brewster	Gebhard	Phillips-Hill	Vogel
Brooks	Gordner	Pittman	Ward, Judy
Browne	Haywood	Regan	Ward, Kim
Cappelletti	Hughes	Robinson	Williams, Anthony H.
Collett	Hutchinson	Santarsiero	Williams, Lindsey
Comitta	Kane	Saval	Yaw
Corman	Kearney	Scavello	Yudichak
Costa	Langerholc		

NAY-0

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

The PRESIDENT pro tempore. The Journal is approved.

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

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

Senator STREET. Mr. President, I rise to introduce a gentleman and his wife who are very close to me. He is here on the occasion of the passing of his father, our former colleague, Senator T. Milton Street. I know later in the program the Senate will be acknowledging my uncle's life and legacy, so I will save further remarks for that time. But I do want to acknowledge a young man who grew up in this building and who grew up with me, Milton Street, Jr., and his wife, Tara.

The PRESIDENT pro tempore. Will the guests of Senator Street please rise so the Senate can give you our usual warm welcome.

[Applause.]

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 Republican caucus.

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

AFTER RECESS

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

**SPECIAL ORDER OF BUSINESS
MEMORIAL SERVICE FOR FORMER
SENATOR T. MILTON STREET, SR.**

SENATE RESOLUTION ADOPTED

Senator STREET, by unanimous consent, offered **Senate Resolution No. 389**, entitled:

A RESOLUTION

Honoring the life and achievements of the Honorable T. Milton Street, Sr., and expressing condolences on his passing.

WHEREAS, The Honorable T. Milton Street, Sr., a former member of the Senate of Pennsylvania who represented the 3rd Senatorial District, passed away on November 28, 2022; and

WHEREAS, Thomas Milton Street, Sr., better known as T. Milton Street, Sr., was born April 25, 1939, in Norristown and attended Conshohocken High School, where his passion for sports and learning fueled the start of his work and drive throughout the rest of his life; and

WHEREAS, Senator Street attended Oakwood University (then Oakwood College) in Huntsville, Alabama, and then returned to Philadelphia and became a youth leader and organizer in the Ebenezer SDA Church; and

WHEREAS, Senator Street's unselfish efforts on behalf of the Ebenezer SDA Church led to his passion for the community and the people of the City of Philadelphia; and

WHEREAS, Senator Street's untiring pursuit for economic equality led to his election to the House of Representatives, in which he served from 1979 to 1980, and to his election to the Senate in 1980, where he served until 1984; and

WHEREAS, While in the Senate, Senator Street became chair of the Urban Affairs and Housing Committee, vice chair of the Community and Economic Development Committee and served as a member of the Finance Committee and the Law and Justice Committee; and

WHEREAS, Senator Street made political power accessible to small businesses, people of color, the homeless and working families that had long been deprived of housing and equal opportunities; and

WHEREAS, Senator Street fought to break down barriers and visualized ways that government could work for everyday people by enacting change through policy regardless of political affiliation; and

WHEREAS, As a legislator, Senator Street's public policies were decades before their time, advocating for socioeconomic causes, including gaming, funding seniors through the lottery and the legalization of cannabis; and

WHEREAS, After serving in the Senate, Senator Street remained a fighter for the poor and dreamed of ending the violence that plagues the City of Philadelphia; and

WHEREAS, Senator Street was married to the late Zella Stacey Fordham and they had three children, Rene Street Toppin, T. Milton Street, Jr., and Kevin LaMar Street; therefore be it

RESOLVED, That the Senate honor the life and achievements of the Honorable T. Milton Street, Sr., and express heartfelt condolences to his family.

On the question,

Will the Senate adopt the resolution?

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

Senator STREET. Mr. President, I want to thank all the Members who granted unanimous consent for the immediate consideration of this resolution. I also want to thank Members, on behalf of myself and my family, for all of the expressions of condolence we have received from Members of this body, Members of the House, and people across the Commonwealth. My uncle loved public service, and he loved public advocacy. He was married to a cause and a movement, but as folks know, he served in both Chambers and both Caucuses over here and ultimately ended his career as an Independent, having served in the Republican and Democratic Caucuses. My uncle was, as the resolution points out, in many ways, ahead of his time. He proposed legalizing gambling years before it would happen. He proposed legalizing cannabis, and he was the first State legislator in America to do it. He fought for homeless, for people having housing. This Chamber recently passed Whole Home legislation, I am proud to have supported my colleague, Senator Saval, and others in--my uncle pushed for that and ultimately helped give the creation of the

city's basic systems repair program in Philadelphia, which was a junior version of Whole Home. He was not afraid to break with convention but was skilled in the use of the law. I remember his using the art of color of title, which is a concept in which you do not have actual title, but you can tie something up in court, when he went and broke into--we can now say he just broke into them because he is gone--he broke into houses that were abandoned in North Philadelphia and signed titles, Senator Street, and then challenged people to get them tied up in court. Many of those people stayed in those houses so long that they ultimately got them through adverse possession. He changed lives; he changed conventions. He helped professionalize the Pennsylvania General Assembly. At one point in time, rank and file Members did not have adequate staffing in either Caucus or either Chamber, and he pitched a tent on the lawn of the Pennsylvania Capitol arguing that there should be adequate staffing for each and every Member, regardless of whether you were the Speaker, because he was in the House at that time, or a junior Member, that everyone should have a decent office and staffing because all Members of both Caucuses in both Chambers, were elected by the public to make good.

He moved forward so many changes; he did it in his own way, calling attention to problems when he had concerns about homicide by standing and singing songs over coffins in the middle of Philadelphia City Hall. And in one of his most famous moments, when he and the then-sitting Mayor of Philadelphia, Frank Rizzo, he challenged him to a fistfight in the courtyard of City Hall, which Mayor Rizzo accepted. They both swore off police intervention, and as a Member of the General Assembly, stood in the courtyard of City Hall and had a fistfight with the mayor. My uncle was a big man who was about 6'2", probably about 230 at the time, but Mayor Rizzo was about 6'4", 240, so he was still the underdog in the fight. There was no knockout, they just got tired. [Laughter.] But my uncle did not believe in holding grudges, and before he and Mayor Rizzo passed away, they laughed about it and were able to sit and talk collegially. He understood that we should fight passionately for what we believe in but not hold grudges. That we should hold back in what we wanted to accomplish, but we also should not hold back forgiveness and moving forward. He is a special man who changed the way the General Assembly functioned, and in fact, changed politics in Pennsylvania. He is loved by our family and will be missed by many.

And finally, he told me several years ago when he was diagnosed with cancer, stage 4--my cousin, Milton, was here; his son was here, will witness it--he said: Sharif, I have been diagnosed with cancer, and they say it is in every bone of my body, it is in every cell, in every part of me, and I am going to die soon. He said: they are wrong about that one part about soon. He said: but one day I am going to die, and there will be cancer in my body and people are going to say cancer got Milton Street. He said: I want you to promise me that when that day comes, you remind people that that did not come. He says: because I am about to kick cancer's butt; and he did and lived with stage 4 cancer--supposed to die in weeks--for 5 years. During that time, he did 100-mile bike rides, he went to the mall, he saw grandchildren, he buried a whole bunch of people who thought they were going to bury him, and he lived a robust life. And he said: when people say about my death--he says, and we will all die--he said: Sharif remind them a man, any man, but particularly a Black man, born in the 1930s

was supposed to be dead a long time ago, and you know I like to gamble. But remember, I am playing with house money, and I am already a winner. Thank you.

[Applause.]

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

The PRESIDENT pro tempore. All those in favor of the resolution will please rise for a moment of silence. Staff and guests will please also rise.

[Whereupon, the Senate en bloc stood in a moment of silence in solemn respect to the memory of former Senator T. MILTON STREET, SR.]

The PRESIDENT pro tempore. With the demonstration of a moment of silence, the Chair declares the resolution unanimously adopted.

HOUSE MESSAGES

The Clerk of the House of Representatives being introduced, presented extracts from the Journal of the House, which were read by the Clerk as follows:

EXTRACT FROM HOUSE JOURNAL

The House has adopted Articles of Impeachment against Lawrence Samuel Krasner, District Attorney of Philadelphia, and has duly appointed Managers to conduct and prosecute said impeachment against District Attorney Krasner, and has directed the Managers to exhibit the Articles of Impeachment to the Senate, and to manage the trial thereof.

IMPEACHMENT MANAGERS APPOINTED

Pursuant to House Resolution No. 240, Printer's Number 3634, as adopted by the House of Representatives on November 16, 2022, the Speaker appoints the following Committee of three members to exhibit the same to the Senate on behalf of the House of Representatives to manage the trial thereof: Representative Timothy Bonner; Representative Craig Williams; Representative Jared Solomon.

CHAIRMAN OF IMPEACHMENT MANAGERS APPOINTED

Pursuant to House Resolution No. 240, the Speaker appoints Representative Craig Williams as chairman of the managers previously appointed to exhibit the Articles of Impeachment.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

MOTION NOTWITHSTANDING SENATE RULE 25

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

Senator K. WARD. Mr. President, I call up Supplemental Calendar No. 1 and move to consider Senate Resolution No. 386, notwithstanding the provisions of Senate Rule 25.

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-29

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

NAY-21

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

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

SENATE RESOLUTION No. 386, ADOPTED

Senator K. WARD called up and moved for immediate adoption **Senate Resolution No. 386**, entitled:

A RESOLUTION

Proposing special rules of practice and procedure in the Senate when sitting on impeachment trials.

RESOLVED, That the Senate of Pennsylvania adopt special rules as follows:

Rules of Practice and Procedure in the Senate When Sitting On Impeachment Trials

Section 1. Reception of managers.

(a) Subject to subsection (b), when the Senate receives notice from the House of Representatives that it has appointed managers to conduct and prosecute an impeachment against an individual and has directed the managers to carry articles of impeachment to the Senate, the Secretary of the Senate shall immediately inform the House of Representatives that the Senate is ready to receive the managers for the purpose of exhibiting such articles of impeachment, agreeably to such notice.

(b) If notice under subsection (a) is received when the Senate has adjourned for at least ten days, the President pro tempore shall immediately appoint a committee under section 10.

Section 2. Exhibition of articles of impeachment.

(a) When the managers are introduced at the bar of the Senate and signify that they are ready to exhibit articles of impeachment against an individual, the presiding officer shall direct the Sergeant at Arms to make a proclamation.

(b) The Sergeant at Arms shall, after making the proclamation, repeat the following words: "All persons are commanded to keep silence, on pain of imprisonment, while the House of Representatives is exhibiting to the Senate of Pennsylvania articles of impeachment against . . ."

(c) The articles of impeachment shall be exhibited.

(d) The presiding officer shall inform the managers that the Senate will take proper order on the subject of the impeachment and will give notice to the House of Representatives.

Section 3. Consideration.

(a) Upon presentation of articles of impeachment to the Senate, the Senate shall proceed to consider the articles.

- (b) Consideration shall begin:
 - (1) 1 p.m. on the day following presentation;
 - (2) if presentation is on a Sunday, at 1 p.m. on the Tuesday following presentation; or
 - (3) the time and day ordered by the Senate.

(c) After consideration begins, unless the Senate orders otherwise, the Senate shall continue in session every day except Sunday until final judgment is rendered and no further consideration is needed.

(d) Before consideration, the oath or affirmation shall be administered to the presiding officer and by the presiding officer to each Senator then present and to other Senators as they shall appear on the floor. A Senator has the duty to take the oath or make the affirmation. The oath or affirmation must be in the form set forth in section 25(c).

Section 4. Issuance of orders, etc.

The presiding officer may issue orders, writs and precepts authorized by these rules or by the Senate, and may make and enforce other rules and orders in the Senate Chamber as the Senate authorizes.

Section 5. Enforcement.

- (a) The Senate has the following powers:
 - (1) To compel the attendance of witnesses.
 - (2) To enforce obedience to its orders, mandates, writs, precepts and judgments.

(3) To preserve order and to punish in a summary way contempts of, and disobedience to, its authority, orders, mandates, writs, precepts or judgments.

(4) To issue lawful orders and rules which it deems essential or conducive to the ends of justice.

(b) The Sergeant at Arms, under the directions of the Senate, may employ aid and assistance necessary to execute and enforce the lawful orders, mandates, writs and precepts of the Senate.

Section 6. Preparation and form of proceedings.

- (a) The President pro tempore shall direct:
 - (1) necessary preparations in the Senate Chamber; and
 - (2) the form of proceedings.

(b) The presiding officer shall rule on all questions of evidence, including relevance, materiality and redundancy of evidence and incidental questions. Except as set forth in subsection (c), a ruling under this subsection shall stand as the judgment of the Senate.

(c) On a ruling under subsection (b), a vote may be taken as follows:

- (1) A Senator may request a formal vote on the ruling.
- (2) The presiding officer may submit the ruling for a vote.
- (3) Upon request under paragraph (1) or submission under paragraph (2), the vote shall be taken under the Rules of the Senate immediately. Debate is not permitted.

(4) The result of the vote shall stand as the judgment of the Senate.

Section 7. Writ of summons.

(a) Upon presentation of articles of impeachment and the organization for consideration under these rules, a writ of summons shall issue to the individual impeached.

(b) The writ must contain all of the following:

- (1) A recitation of the articles.
- (2) Notice to the individual to:
 - (i) appear, personally or by counsel, before the Senate at a specified time, on a specified date and at a specified location;
 - (ii) file an answer to the articles; and
 - (iii) stand to and abide the orders and judgments of the Senate on the articles.

(c) All of the following apply to service of the writ:

- (1) The officer or individual named in the precept of the writ shall execute service.
- (2) Service must be executed within the advance notice specified in the precept.
- (3) Service must be executed in one of the following manners:
 - (i) By delivery of an attested copy of the writ to the individual impeached.
 - (ii) If delivery under subparagraph (i) cannot conveniently be done, by leaving an attested copy of the writ in a conspicuous place at the last known place of residence or the usual place of business of the individual impeached.
 - (iii) If the Senate determines that compliance with subparagraphs (i) or (ii) is impracticable, in a manner the Senate deems just.

(d) Upon compliance with subsection (b)(2), the individual impeached may:

(1) Plead guilty. Upon entry of the plea, judgment shall be rendered.

(2) Plead not guilty. Upon entry of the plea, trial shall commence.

(e) Upon noncompliance with subsection (b)(2)(i) or (ii), a plea of not guilty shall be entered. Upon entry of the plea, trial shall commence. Section 8. Return of summons.

At 12:30 p.m. on the day appointed for the return of the summons against the individual impeached:

(1) The legislative and executive business of the Senate shall be suspended.

(2) The Secretary of the Senate shall administer an oath or affirmation to the returning officer in the following form:

I, _____, do solemnly swear or affirm that the return made by me upon the process issued on the day of _____, by the Senate of Pennsylvania, against _____, is truly made, and that I have performed such service as therein described: (So help me God).

(3) The oath or affirmation shall be entered on the record.

Section 9. Appearances.

The appearance or nonappearance of the individual impeached, either personally or by counsel shall be recorded on the record.

Section 10. Committee.

(a) In an impeachment trial, unless otherwise ordered by the Senate, the President pro tempore may appoint a committee of Senators, no more than half of whom must be members of the same political party. The President pro tempore shall be an ex officio member and may vote in case of a tie on any question before the committee.

(b) The functions of the committee are to receive evidence and take testimony at times and places determined by the committee. To discharge these functions, unless otherwise ordered by the Senate, the committee and its chairperson have the powers and duties conferred upon the Senate and the President pro tempore or the President of the Senate, respectively, under these rules.

(c) Upon appointment, the President pro tempore shall be responsible for setting the first meeting of the committee. Thereafter, the committee shall meet on such days as the committee chair may decide until the committee has determined that all relevant testimony and evidence has been presented.

(d) A ruling regarding the admissibility of evidence shall be made by the committee chair subject to a right of appeal to the committee. In an appeal, the committee shall vote on the admissibility of the contested evidence.

(e) Unless otherwise ordered by the Senate, these rules shall govern the procedure and practice of the committee so appointed.

(f) The committee shall report to the Senate in writing that it has completed receiving evidence and taking testimony, and the committee shall provide a summary of the evidence and testimony and a certified copy of the transcript of the proceedings and testimony had and given before such committee.

(g) The report under subsection (f) shall be received by the Senate and the evidence received and the testimony taken shall be considered, subject to the right of the Senate to determine competency, relevancy and materiality, as having been received and taken before the Senate.

(h) Nothing in this section shall prevent the Senate from sending for a witness and hearing the witness's testimony in open Senate. The Senate may receive additional evidence and testimony before making its final judgment on the articles of impeachment.

Section 11. Commencement of trial.

Unless otherwise ordered by the Senate, at 12:30 p.m. on the day appointed for the trial of an impeachment:

(1) the legislative and executive business of the Senate shall be suspended; and

(2) the Secretary of the Senate shall give notice to the House of Representatives that the Senate is ready to proceed upon the impeachment in the Senate Chamber.

Section 12. Time of trial.

Unless the Senate orders otherwise, trial of an impeachment shall begin each day at 12 noon. At that time, a proclamation shall be made; and the trial shall proceed. Adjournment of the trial does not operate as an adjournment of the Senate.

Section 13. Record.

The Secretary of the Senate shall record the proceedings in cases of impeachment as in the case of legislative proceedings, and the proceedings shall be reported in the same manner as the legislative proceedings of the Senate.

Section 14. Counsel.

Counsel for the parties shall be admitted to appear and be heard on impeachment. Counsel must be admitted to practice law by a court of record of this Commonwealth.

Section 15. Presentation of questions, etc.

A motion, objection, request or application, whether relating to the procedure of the Senate or relating immediately to the trial, including questions with respect to admission of evidence or other questions arising during the trial, made by the parties or their counsel shall be addressed to the presiding officer only. The presiding officer or a Senator may require a written submission and reading by the Secretary of the Senate.

Section 16. Witnesses.

Witnesses shall be examined by one individual on behalf of the party producing them, and then cross-examined by one individual on the opposing side.

Section 17. Senator as witness.

If a Senator is called as a witness before the full Senate, the Senator shall testify at the Senator's desk on the floor of the Senate.

Section 18. Actions by individual Senators.

(a) If a Senator wishes a question to be put to a witness, to a manager or to counsel of the individual impeached, or to offer a motion or order, except a motion to adjourn, it must be reduced to writing and shall be put by the presiding officer.

(b) The parties or their counsel may interpose objections to a witness answering a question propounded at the request of a Senator. The merits of the objection may be argued by the parties or their counsel. Ruling on the objection shall be made under section 6(b) and (c).

(c) It is not in order for a Senator to engage in colloquy under this section.

Section 19. Session to be open.

(a) Subject to subsection (b), when the Senate is sitting upon the trial of an impeachment, the doors of the Senate shall be kept open.

(b) The Senate may direct the doors to be closed while deliberating upon its decisions. A motion to close the doors may be acted upon without objection. If an objection is raised to the motion, the motion shall be voted on without debate by roll call vote, entered on the record.

Section 20. Argument time limits.

Unless the Senate otherwise orders, preliminary or interlocutory questions or a motion, or both, shall be argued for not exceeding one hour on each side.

Section 21. Presentation of case.

(a) The case for impeachment shall be opened by a statement of one manager or counsel for the managers.

(b) The case against impeachment shall be opened by a statement of the individual impeached or one counsel representing the individual.

(c) Unless otherwise ordered by the Senate upon application:

(1) The case against impeachment shall be closed by argument on the merits made by no more than two of the following:

(i) The individual impeached.

(ii) Counsel for the individual impeached.

(2) The case for impeachment shall be closed by argument on the merits made by no more than two individuals in the following categories:

(i) The managers.

(ii) Counsel for the managers.

Section 22. Voting on articles of impeachment.

(a) An article of impeachment is not divisible for the purpose of voting on the article during the trial.

(b) Once voting has commenced on an article of impeachment, voting shall be continued until voting has been completed on all articles of impeachment unless the Senate adjourns for a period not to exceed one day or adjourns sine die.

(c) On the final question whether the impeachment is sustained, the vote shall be taken on each article of impeachment separately.

(d) If impeachment upon an article is not sustained by the votes of two-thirds of the Senators present, a judgment of acquittal on that article shall be entered on the record.

(e) If impeachment upon an article is sustained by the votes of two-thirds of the Senators present, the Senate shall proceed to the consideration of other matters determined to be appropriate; and a judgment of conviction on that article shall be entered on the record. A certified copy of the judgment shall be transmitted to the Secretary of the Commonwealth.

(f) A motion to reconsider the vote by which an article of impeachment is sustained or not sustained is not in order.

(g) To put the question on each article of impeachment:

(1) the presiding officer shall state the question; and

(2) by roll call vote entered on the record, each Senator shall rise in place and answer guilty or not guilty.

Section 23. Votes on orders or decisions.

(a) An order or decision may be acted upon without objection.

(b) If an objection is raised to an order or decision, subject to subsection (c) and section 6(b) and (c), all of the following apply:

(1) Except as set forth in paragraph (2), the motion or decision shall be voted on without debate by roll call vote.

(2) A motion to adjourn may be decided without a roll call vote unless a roll call vote is demanded by one-fifth of the Senators present.

(3) The vote shall be entered on the record.

(c) When the doors of the Senate are closed for deliberation, all of the following apply to an objection to an order or decision:

(1) Subject to paragraph (2), all of the following apply:

(i) No Senator may speak more than once on one question.

(ii) No Senator may speak for more than ten minutes on a question.

(iii) No Senator may speak for more than 15 minutes on the final question. The 15 minutes allowed under this subparagraph is on the whole deliberation of the final question, and not on the final question on each individual article of impeachment.

(2) A time period under paragraph (1) may be altered if, upon motion and without debate, the Senate consents.

Section 24. Oath or affirmation of witnesses.

(a) A witness must be sworn in the following form:

I, _____, do swear (or affirm, as the case may be) that the evidence I shall give in the case now pending between the Commonwealth of Pennsylvania and _____, shall be the truth, the whole truth, and nothing but the truth: (So help me God).

(b) The oath shall be administered by the Secretary of the Senate or another authorized person.

Section 25. Forms.

(a) The following is the form of a subpoena to be issued on the application of a manager or of the individual impeached or the individual's counsel:

To _____, greeting:

You and each of you are hereby commanded to appear before the Senate of the Commonwealth of Pennsylvania, on the _____ day of _____, at the Senate Chamber in the city of Harrisburg, then and there to testify your knowledge in the cause which is before the Senate in which the House of Representatives have impeached.....

Fail not.

Witness _____, and (President or President pro tempore) of the Senate, at the city of Harrisburg, this day of _____, in the year of our Lord _____.

(President or President pro tempore of the Senate).

(b) The following is the form of direction for the service of a subpoena under subsection (a):

The Senate of the Commonwealth of Pennsylvania to

_____, greeting:

You are hereby commanded to serve and return the within subpoena according to law.

Dated at Harrisburg, this _____ day of _____, in the year of our Lord _____.

Secretary of the Senate.

(c) The following is the form of oath to be administered to the Senators and the President of the Senate sitting in the trial of impeachments:

I solemnly swear (or affirm, as the case may be) that in all things appertaining to the trial of the impeachment of _____, now pending, I will do impartial justice according to the Constitution and laws: (So help me God).

(d) The following is the form of summons to be issued and served upon the person impeached:

The Commonwealth of Pennsylvania, ss:
The Senate of Pennsylvania to , greeting:
Whereas the House of Representatives of the Commonwealth of Pennsylvania, did, on the day of , exhibit to the Senate articles of impeachment against you, the said , in the words following:

(insert articles here)

And demand that you, the said , should be put to answer the accusations as set forth in said articles, and that such proceedings, examinations, trials, and judgments might be thereupon had as are agreeable to law and justice.

You, the said , are therefore hereby summoned to be and appear before the Senate of Pennsylvania, at their Chamber in the city of Harrisburg, on the day of , at o'clock , then and there to answer to the said articles of impeachment, and then and there to abide by, obey, and perform such orders, directions and judgments as the Senate of Pennsylvania shall make in the premises according to the Constitution and laws of Pennsylvania.

Hereof you are not to fail.

Witness , and (President or President pro tempore of the said Senate), at the city of Harrisburg, this day of , in the year of our Lord .

(President or President pro tempore of the Senate).

(e) The following is the form of precept to be indorsed on a writ of summons under subsection (d):

The Commonwealth of Pennsylvania, ss:

The Senate of Pennsylvania to , greeting:

You are hereby commanded to deliver to and leave with , if conveniently to be found, or if not, to leave at his usual place of abode, or at his usual place of business in some conspicuous place, a true and attested copy of the within writ of summons, together with a like copy of this precept; and in whichever way you perform the service, let it be done at least days before the appearance day mentioned in the said writ of summons.

Fail not, and made return of this writ of summons and precept, with your proceedings thereon indorsed, on or before the appearance day mentioned in the said writ of summons.

Witness , and (President or President pro tempore of the Senate), at the city of Harrisburg, this day of , in the year of our Lord .

(President or President pro tempore of the Senate).

(f) Unless otherwise ordered by the Senate, process shall be served by the Sergeant at Arms of the Senate.
Section 26. Other time periods.

If the Senate fails to sit for the consideration of articles of impeachment on the day or hour fixed, the Senate may, by an order adopted without debate, fix a day and hour for resuming consideration.

On the question,

Will the Senate adopt the resolution?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Indiana, Senator Pittman.

Senator PITTMAN. Mr. President, I offer Senate Resolution No. 386 and ask for its immediate consideration.

The PRESIDENT pro tempore. The Senate will be at ease.

[The Senate was at ease.]

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Indiana, Senator Pittman.

Senator PITTMAN. Mr. President, I ask to withdraw my motion on Senate Resolution No. 386, and I do ask to be recognized on the resolution.

The PRESIDENT pro tempore. Without objection, the request will be granted. The Chair recognizes Senator Pittman.

Senator PITTMAN. Mr. President, what we have before us is a resolution that begins a process, a process that we are required to undertake. Mr. President, all impeachments shall be tried by the Senate. Those are not my words; those are not the words of an opinion editorial piece; those are not the words of a State law; those are the words of the Commonwealth Constitution. A Constitution that we have all taken an oath to defend. Mr. President, we have been given notice that the House has passed Articles of Impeachment. We are obligated to receive those Articles of Impeachment. What we have in Senate Resolution No. 386, Mr. President, is the beginning of a process establishing rules for a procedure to have a trial to render judgment on Articles of Impeachment that have been sent to us. You will find, Mr. President, that the resolution and the rules embodied in the resolution mirror those of the last impeachment trial that was held in this Chamber in 1994. This resolution is designed to ensure consistency. It is designed to ensure due process. It is designed to ensure a speedy trial, and ultimately, it is designed to ensure that we fulfill our constitutional obligation to try the Articles of Impeachment that we have been given notice of. Therefore, Mr. President, I ask my colleagues to vote in favor of this mandatory process in support of this resolution.

Thank you, Mr. President.

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

Senator COSTA. Mr. President, prior to providing remarks, I would like to ask to interrogate the Leader regarding questions regarding the rules and proceedings that have been embodied in the resolution that was referenced by the previous speaker.

The PRESIDENT pro tempore. Senator Costa requests Senator Kim Ward stand for interrogation. Does Senator Kim Ward so grant?

Senator Kim Ward has indicated she will stand for interrogation. Again, remind both Senators that all questions and answers go to the Chair.

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

Senator COSTA. Mr. President, my question is that although not specified in the rules for the impeachment trial being considered today, will the proceedings conducted by the Senate include the following: pre-trial hearing, or pre-hearing or pre-trial discovery proceedings between the House Managers and the impeached civil officer, including the sharing of a witness list and documentary evidence to be used in the prosecution and defense of the Articles of Impeachment? That is the first question, Mr. President.

The PRESIDENT pro tempore. Senator Kim Ward.

Senator K. WARD. Nothing in the rules we adopt today preclude the future adoption by the Senate of additional procedural rules as the Senate and/or the committee proceeds through the impeachment process, which could include a process for pre-trial meetings or the handling of motions both before and during the trial. Those items have not historically been a part of the rules for the Senate when sitting in impeachment trials, either before this body or the U.S. Senate, allowing the Senate to address the particular circumstances of the matter before it—in the manner that best serves the needs of each individual trial. We certainly recognize that pre-trial conferences and motions have been a part of impeachment trials in the past before this body and would expect

that when we return in January and begin this process in earnest, those matters will be addressed.

The PRESIDENT pro tempore. Senator Costa.

Senator COSTA. The second question and then I will provide comment if I could. Will the proceedings conducted by the Senate include the following: a process whereby the Senate is authorized to consider and dispose of pre-trial motions regarding the Articles of Impeachment prior to the impeachment trial committee conducting hearings at which witness testimony and documentary evidence are received? Will we consider disposing of pre-trial motions prior to the committee convening and receiving testimony?

The PRESIDENT pro tempore. The Chair recognizes Senator Kim Ward.

Senator K. WARD. We recognize that pre-trial conferences and motions have been a part of impeachment trials in the past before this body and would expect that when we return in January and begin the process in earnest, those matters will be addressed at that time.

The PRESIDENT pro tempore. Does that conclude your interrogation, Senator Costa?

Senator COSTA. That concludes my interrogation. If I could just respond to--

The PRESIDENT pro tempore. Senator Costa now for remarks.

Senator COSTA. Thank you, on remarks this particular portion. Mr. President, I think what I heard was that this is something we would consider as we go forward. I would remind the Members that, as previously stated by the previous speaker, that this process was going to be one of which due process is afforded as well as an open and transparent process. In my mind, I think in our mind, collectively, on our side of the aisle, due process does include the notion that there will be clearly, and conclusively, there would be pre-trial conferences and pre-trial motions that would be entertained and considered and disposed of prior to opening up the whole testimony part of the trial that the committee would hear.

I encourage my colleagues when we come back in due course in January, that we insist that that be part of the due process that is afforded to this individual, the impeached civil officer who we are discussing. I think the nature of that work is important as it aligns to what we do in a criminal trial--any other type of trial--where pre-trial motions are disposed of, and suppression hearings across the Commonwealth or other types of hearings along those lines, where they determine the breadth of the evidence that will be presented. So, for those reasons I ask my colleagues to seriously consider making that part of the rules and procedures as we go forward. That will conclude my comments with respect to my interrogation. Mr. President, if I could then proceed to my remarks on the underlying or--excuse me--on the resolution if I could?

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

Senator COSTA. Mr. President, I rise today and ask for a "no" vote on the rules of practice and procedures that are being discussed right now. A vote on this resolution is an attempt, in our view, in my view, to legitimize a process that we believe to be inappropriate and unconstitutional, given the November 30 end of our Session date. November 30 marks the end of the 2021

legislative Session, and our Constitution of this Commonwealth and the prior practice of this body are very, very clear that any business before the Senate that has not been finally completed prior to midnight on November 30--2022, in this case--ceases to exist. Many of us on this side of the aisle refuse to vote for a resolution that legitimizes the continuation of an unconstitutional process into the next Session. The courts of our Commonwealth have ruled in multiple cases that the General Assembly's uncompleted legislative business dies at the expiration of the second regular Session on November 30 in even-numbered years. The rules resolution you are attempting to adopt today will not be able to survive tomorrow's deadline. The conclusion that the rules resolution survives the expiration of the Session, sine die, violates our Constitution and establishes a terrible precedent for this Chamber, and for this body, and for this General Assembly.

Furthermore, Mr. President, the Articles of Impeachment were adopted by the House of Representatives by a simple resolution of the House. The conclusion that the package of impeachment resolutions which we will be dealing with the next 2 days, survive the expiration of the Session--sine die, again, as I mentioned--violates the Constitution and establishes a precedent that is unwarranted in this body. The resolutions lose all force and effect of law upon the expiration of Session, sine die, on November 30, 2020 [sic]. Mr. President, let us be clear: there is no impeachment exception to the Pennsylvania Constitution that pending matters carry forward and carry over from one General Assembly to the next. Now, Mr. President, if your legal theory holds true that the resolutions do survive November 30, there are Members in this body sitting here today who will not be returning in January to be part of the process that we are discussing here today, if there is such a process. They are here today to vote on rules for a trial they will not be present to adjudicate. I believe that, as well, is unconstitutional, inappropriate, and again, bad precedent for this Chamber and for this body.

Further, if your legal theory holds that the impeachment articles survive November 30 adjournment, why are we voting on rules resolutions today and not simply waiting to do the rules resolutions in the Session during which the trial will be held, which will be the next Session beginning January 3, when all of the Members who serve as jurors, including the new Members who will be coming into this body--one on this side and five on that side--will be present? And they will be able to vote on the resolutions that they will be subject to following through the course of a trial. Mr. President, with regard to the continuing body theory that has been espoused by others, the Senate of Pennsylvania, unlike the United States Senate, is not a continuing body. Not a continuing body during the period between sine die, which is December 1 and the constitutional day for convening a new General Assembly, in this case will be January 3, 2023. The United States Senate has at least a quorum of two-thirds of its members present, present who are elected, sworn, and seated between Sessions at that time. However, here in the Senate of Pennsylvania, we will be reduced to less than a quorum since no more than 25 elected Members--elected, seated, and sworn Members--will be in office on December 1, 2022. So, based on the clear constitutional language of Article II, Sections 2, 3, and 4, the undisputed conclusion that I make and my colleagues make is that the Articles of Impeachment, as well as the rules resolution we are discussing

here today, expire and cease to have any effect after November 30, 2022.

And finally, Mr. President, we cannot ignore that the current Majority in the House of Representatives that sent us this impeachment resolution was voted out and control of the Chamber has been flipped from Republican to Democrat. To proceed with this trial would undermine the voice of the people of this Commonwealth who voted just weeks ago to send new Representatives to the hall of power. In conclusion, Mr. President, to vote on the resolution for rules of practice and procedures today would be senseless as it will expire tomorrow at midnight, and I once again ask my colleagues for a "no" vote on this resolution. And, Mr. President, to support the messaging that I provided to you, I would like to support more specific details about the specific provisions in the Constitution that support the comments that I just made. I ask that they be introduced into the record.

Thank you, Mr. President.

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

(The following prepared document was made part of the record at the request of the gentleman from Allegheny, Senator COSTA.)

Issues re: Krasner Impeachment Trial.

- I. By operation of Article II, sections 3 and 4, any business before the Senate that is not concluded prior to midnight on November 30, 2022 cease to exist.
 - a. Based on caselaw from the Larsen Impeachment Trial, the courts of the commonwealth applied certain provisions of Article II to the proceedings in Article VI, section 5 (Trial of Impeachment).
 - b. The Articles of Impeachment were adopted by the House of Representatives by a resolution of the House. That resolution loses all force and effect of law upon the expiration of session sine die on Nov. 30, 2022.
 - c. The PA Constitution, statutory law, and case law all make clear that the business of the General Assembly, including Articles of Impeachment, terminates at the end of the General Assembly's second regular session.
 - d. Under the PA Constitution, the GA lasts--or is a "continuing body"--for two years. Pa. Const. Art. II, secs. 2, 4. That is because during the two years, the House and Senate are composed of the same Members and Senators.
 - e. During the two years, there is a first regular session and second regular session. The General Assembly's second regular session ended on Nov 30, 2020; after the election that happened on November 8. That means that the GA also ends on November 30. 101 Pa. Code § 7.21(a).
 - i. PA Supreme Court has ruled in multiple cases that GA uncompleted legislative business dies at the of the second regular session.
 - ii. No statutory or constitutional provision says that matters pending at the end of the GA's second regular session can remain pending for the next GA.
 - iii. There is no impeachment exception to this rule that pending matters do not carry over from one GA to the next.
- II. The Senate of Pennsylvania, unlike the United States Senate, is not a "continuing body" during the period between sine die on November 30, 2022 and the constitutional date for convening a "new" General Assembly on January 3, 2023.

- a. The US Senate has at least a quorum of members present who are elected, sworn and seated between sessions since approximately two-thirds of its members elected, seated and sworn at all times.
- b. The Senate of PA will be reduced to less than a quorum since no more than 25 elected, seated and sworn members on December 1, 2022.
- c. That number continues until the members elected on November 8, 2022 have:
 - i. Had their elections certified by county boards of elections and the Department of State.
 - ii. Filed campaign finance reports and financial interest statements.
 - iii. Have been issued a commission by the Department of State.
 - iv. Taken the oath of office in the Senate.

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

Senator BAKER. Mr. President, I rise to support Senate Resolution No. 386, establishing the rules under which the Senate is to operate when an impeachment trial is conducted, including how the House managers are to be received, how notice is to be provided to the accused, and how witnesses and evidence are to be presented. The Pennsylvania Constitution in Article VI, Section 5, requires that in the event the House of Representatives sends over Articles of Impeachment, the Senate shall--not may, shall--take action, hence the reason we are assembled today. From the outset, we need to put clearly on the public record: to my knowledge, this is an undertaking that the Senate did not ask for, did not instigate, and did not collaborate in. The choices about charging and timing are purely the province of the House. And while the role of the State Senate in impeachment processes is set forth in the State Constitution, the manner in which we conduct the trial is left to the discretion of this body. As an institutional matter, the format and procedures must be adopted by the body as a whole. Any attempt at partisan imposition is a failure from the start and a violation of the constitutional intent and purpose. Our duty, our duty is to conduct a fair, impartial trial on the charges sent by the House of Representatives. We now have an obligation to fulfill. Because this is such a crucial matter of legal consequence, we, we must make every effort to assure that full due process is accorded. As jurors, we have the most serious responsibility. We cannot, we must not make any judgment before trial. We must listen to the case presented by the prosecution team from the House. We must grant the district attorney the proper opportunity to present his defense. Then we must render judgment in concert with the law, the merits, and our consciences.

The process we are setting forward in motion is modeled after the congressional rules of impeachment and reflects, as has been noted, the precedent set in 1993 when the Senate adopted impeachment rules that were ultimately utilized in the 1994 Commonwealth impeachment of State Supreme Court Justice Rolf Larsen. Top legal minds inside the Senate, in consultation with constitutional scholars from across the Commonwealth, developed the same process that rendered an outcome that was able to withstand appeals. The impeachment process is unlike any typical order of business the Senate engages in. This is a legal proceeding. It is of the utmost importance that notifications, examination of facts, and verdicts rendered take place in an orderly and efficient manner. As the chief of staff to then-Senator Charles

Lemmond--a member of the Larsen committee--I remember the lengthy proceedings that took place during the trial. Pains were taken to avoid any appearance of a rush to judgment. At the end, it was concluded that the Senate process met expectations for a high, a very high standard of conduct. We want to strive to achieve similar regard at the conclusion of our trial. So, we shall, with due deliberation, with due respect for precedent, and with due consideration of the true goal: acting in the public interest and in accord with the oath of office we all took.

Thank you, Mr. President.

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

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
Brooks	Hutchinson	Regan	Ward, Kim
Browne	Langerholc	Robinson	Yaw
Corman	Laughlin	Scavello	Yudichak
Dillon	Martin		

NAY-20

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

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

The PRESIDENT pro tempore. The resolution is adopted.

MOTION NOTWITHSTANDING SENATE RULE 29

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

Senator K. WARD. Mr. President, I call up Senate Supplemental Calendar No. 1 and move the Senate proceed to consider Senate Resolution No. 387, notwithstanding the provisions of Senate Rule 29.

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-29

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

NAY-21

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

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

SENATE RESOLUTION No. 387, ADOPTED

Senator K. WARD called up and moved for immediate adoption **Senate Resolution No. 387**, entitled:

A Resolution directing the House of Representatives to Exhibit the Articles of Impeachment.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Indiana, Senator Pittman.

Senator PITTMAN. Mr. President, consistent with the rules just adopted by this Chamber as it relates to the articles of impeachment, I rise and ask my colleagues to support Senate Resolution No. 387. This resolution directs that the House of Representatives and managers to exhibit articles of impeachment before the Senate on November 30, 2022, at 10:30 a.m., in this Senate Chamber. I ask my colleagues for an affirmative vote on this procedural matter.

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

Senator COSTA. Mr. President, I ask my colleagues for a negative vote on this resolution. As indicated in the previous debate about the previous resolution, many of the same reasons, I stand here and ask for a negative vote as this resolution, like the previous one, in our belief, does not survive the November 30, 2022, end of the Session time. More importantly, I think it is important that we recognize that we do not legitimize this process with either resolution and more importantly, legitimize asking the House Managers to come over from the House and implement and introduce into this Chamber, articles of impeachment, which will not survive November 30. And then ask that they be then considered as part of the next legislative Session. For those reasons, I again ask my colleagues for a negative vote and that we do not want to legitimize these types of things, because after November 30, they become void and not appropriate for us to consider at that point forward.

Thank you, Mr. President.

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

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
Brooks	Hutchinson	Regan	Ward, Kim
Browne	Langerholc	Robinson	Yaw
Corman	Laughlin	Scavello	Yudichak
Dillon	Martin		

NAY-20

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

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

The PRESIDENT pro tempore. The resolution is adopted.

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

CALENDAR OVER IN ORDER

Upon motion by Senator K. WARD, by unanimous consent, all of the bills on today's Calendar went over in their order.

Pursuant to Senate Rule 9, **SB 1135** was laid on the table.

UNFINISHED BUSINESS**ANNOUNCEMENTS BY THE SECRETARY**

The following announcement was read by the Secretary of the Senate:

SENATE OF PENNSYLVANIA
COMMITTEE MEETING

WEDNESDAY, NOVEMBER 30, 2022

Off the Floor RULES AND EXECUTIVE NOMINATIONS Rules Committee
(to consider certain Executive Nominations) Conference Room

PETITIONS AND REMONSTRANCES

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

Senator TARTAGLIONE. Mr. President, I rise because today marks 5,987 days since this Commonwealth's legislature last passed an increase in our minimum wage. And now, just 13 days away from 6,000 days, we are back in Harrisburg on the Senate floor. We have the opportunity to pass Senate Bill No. 12, which would finally put Pennsylvania on the path to \$15 and a livable minimum wage. We could ensure Pennsylvanians never have to make the choice between housing, food, or heating their home. We could ensure every Pennsylvanian who works a full-time job can make ends meet without having to work 60, 70, or 80 hours a week. Mr. President, our poverty-level minimum wage and our continued legislative inaction stands in stark contrast to the half of American States that will be raising their minimum wages as 2023 rolls around. In the new year, the minimum wage will increase in New Jersey from \$13 an hour to \$14.13. New York's will climb from \$13.20 to \$14.20 and will climb even higher in New York City, Nassau, Suffolk, and Westchester Counties. Ohio's from \$9.30 to \$10.10. Delaware from \$10.50 to \$11.75. But it is not just our neighbors who are seeing their wage grow in

the new year. Alaska's will rise to \$10.85 an hour. Florida, Nevada, and New Mexico will all have a \$12 minimum wage. We can do it, Mr. President. We can help Philadelphians ensure that they earn a livable, family-sustaining wage. It should not be controversial to say Pennsylvanians should earn a dignified wage or that \$7.25 is too low. That is why I am asking my Senate colleagues to help pass Senate Bill No. 12 so that we can finally put Pennsylvania and Pennsylvanians on a path to \$15.

Thank you, Mr. President.

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 Wednesday, November 30, 2022, at 10 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 4:20 p.m., Eastern Standard Time.