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SESSION OF 2023 207TH OF THE GENERAL ASSEMBLY

No. 1

SENATE

TUESDAY, January 3, 2023

The Interim PRESIDENT pro tempore. This being the constitutional day and hour for the convening of this 207th Regular Session of the General Assembly, the Senate will please come to order.

The Interim PRESIDENT pro tempore (Senator Kim L. Ward) called the Senate to order at 12 m., Eastern Standard Time.

STATEMENT BY THE INTERIM PRESIDENT PRO TEMPORE

The Interim PRESIDENT pro tempore. Senators and guests will please take their seats. For the safety of the Senators and guests, and in compliance with the wishes of the State Fire Commissioner, the Chair requests that those visitors without a seat please leave the Chamber in order to keep all exits clear. The Sergeant-at-Arms is hereby ordered to see to it that there are no standees.

PRAYER

The Chaplain, the Very Reverend JOSHUA R. BROMMER, Pastor and Rector of Cathedral Parish of Saint Patrick, Harrisburg, offered the following prayer:

Let us pray.

Almighty God, Father of all mercies and giver of all gifts, as we enter this new year, hear our prayers. Through the power of Your divine providence, renew Your blessing upon the Members of this Senate and upon all who undertake the work of service to the people of this great Commonwealth. Guide their minds with holy wisdom to discern what best serves the well-being of all the people under their care. Direct their lives with genuine humility to set aside personal ambition as they take up the cause of true justice and cooperative leadership. Govern their hearts with sincere charity to advocate courageously for those who struggle on life's way and whose voices are stifled by prejudice and disregard. May the work undertaken today, and in this year to come, ennoble the citizens of this Commonwealth. Safeguard the dignity and serve the common good of all persons and honor the memory of our forebears as they strive to preserve the blessings of civil and religious liberty for the benefit of future generations to come. In His most holy name we pray. Amen.

The Interim PRESIDENT pro tempore. The Chair thanks Father Brommer, who is the guest today of Senator DiSanto.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited by those assembled, led by the gentleman from Franklin, Senator MASTRIANO.)

ANNOUNCEMENT BY THE INTERIM PRESIDENT PRO TEMPORE

The Interim PRESIDENT pro tempore. Before proceeding any further, the Chair would like to announce that permission has been granted for photographers from each Caucus to take photographs during today's Session. The Chair also advises the Members that *PennLive* has been granted permission to take still photographs during today's ceremony. Further, the Chair would like to request the cooperation of the news photographers and others who would like to take pictures or videotape so that during each of the actual ceremonies there will be no picture taking. Those Senators who are sworn in are asked to please, at the conclusion of the administration of the oath of office, stay at the bar for a few minutes for the convenience of any person who would desire to take pictures. The rest of us will be at ease for those few minutes.

PRESENTATION OF ELECTION RETURNS

The Interim PRESIDENT pro tempore. The Chair recognizes the Sergeant-at-Arms.

The SERGEANT-AT-ARMS. Madam President, I have the honor to present the Deputy Secretary of Regulatory Programs of the PA Department of State, [K.] Kalonji Johnson.

Deputy Secretary JOHNSON. Madam President, on behalf of the Secretary of the Commonwealth, I have the honor to present the returns and statement of compliance for the offices of Governor, Lieutenant Governor, and Senator in the General Assembly for the election held on November 8, 2022.

ELECTION RETURNS OF SENATORS

The Interim PRESIDENT pro tempore. The returns of the Senators will be read by the Clerk.

The Clerk read the election returns as follows:

	SECOND SENATORIAL DISTRICT	
Philadelphia	Christine M. Tartaglione (D)	36,494
	FOURTH SENATORIAL DISTRICT	
Montgomery	Arthur L. Haywood III (D)	101,845
	Todd Johnson (R)	17,975
	SIXTH SENATORIAL DISTRICT	
Bucks	Frank A. Farry (R)	67,395
	Ann Marie Mitchell (D)	57,218
	Brandon Bentrin (L)	1,961

Philadelphia	EIGHTH SENATORIAL DISTRICT Anthony Hardy Williams (D) John Vincent Hayes III (R)	70,557 10,911
Bucks	TENTH SENATORIAL DISTRICT Steven J. Santarsiero (D) Matthew McCullough (R)	77,773 54,988
Montgomery	TWELFTH SENATORIAL DISTRICT Maria Collett (D) Robert Davies (R)	77,532 52,033
Lehigh	FOURTEENTH SENATORIAL DISTRICT Nicholas P. Miller (D) Dean Browning (R)	46,444 40,360
Lehigh	SIXTEENTH SENATORIAL DISTRICT Jarrett Charles Coleman (R) Mark E. Pinsley (D)	68,344 57,845
Northampton	EIGHTEENTH SENATORIAL DISTRICT Lisa M. Boscola (D) John Jules Merhotte, Jr. (R)	61,429 42,828
Luzerne	TWENTIETH SENATORIAL DISTRICT Elisabeth J. Baker (R) Jaclyn E. Baker (D)	76,446 36,419
Lackawanna	TWENTY-SECOND SENATORIAL DISTRICT Martin B. Flynn (D) Thomas Bassett (R)	54,127 35,480
Montgomery	TWENTY-FOURTH SENATORIAL DISTRICT Tracy E. Pennycuik (R) Jill Dennin (D)	62,893 58,053
Delaware	TWENTY-SIXTH SENATORIAL DISTRICT Timothy P. Kearney (D) Frank Agovino (R)	66,404 44,195
York	TWENTY-EIGHTH SENATORIAL DISTRICT Kristin Lee Phillips-Hill (R) Judith A. McCormick Higgins (D)	75,419 37,316
Blair	THIRTIETH SENATORIAL DISTRICT Judith F. Ward (R) Carol Evon Taylor (D)	76,863 24,049
Fayette	THIRTY-SECOND SENATORIAL DISTRICT Patrick J. Stefano (R) Sydney C. Vegoda Hovis (D)	76,852 25,477
Cumberland	THIRTY-FOURTH SENATORIAL DISTRICT William Gregory Rothman (R) James H. Massey, Jr. (D)	74,238 42,598
Lancaster	THIRTY-SIXTH SENATORIAL DISTRICT Ryan P. Aument (R)	91,710
Allegheny	THIRTY-EIGHTH SENATORIAL DISTRICT Lindsey M. Williams (D) Lori A. Mizgorski (R)	70,854 56,139
Monroe	FORTIETH SENATORIAL DISTRICT Rosemary Maula Brown (R) Jennifer Anne Shukaitis (D)	53,795 43,557
Allegheny	FORTY-SECOND SENATORIAL DISTRICT Wayne D. Fontana (D)	85,905

Montgomery	FORTY-FOURTH SENATORIAL DISTRICT Katie J. Muth (D) Jessica B. Florio (R)	70,790 56,343
Washington	FORTY-SIXTH SENATORIAL DISTRICT Camera Bartolotta (R)	78,289
Lebanon	FORTY-EIGHTH SENATORIAL DISTRICT Christopher M. Gebhard (R) Calvin Craig Clements (D)	74,127 34,264
Mercer	FIFTIETH SENATORIAL DISTRICT Michele Brooks (R) Rianna S. Czech (D)	76,000 30,522

*Party Designation - (D) Democrat, (R) Republican (L) Libertarian

Whereupon, the following named persons were declared duly elected Senators in the General Assembly of the Commonwealth of Pennsylvania:

Second District—Christine M. Tartaglione
 Fourth District—Arthur L. Haywood III
 Sixth District—Frank A. Farry
 Eighth District—Anthony Hardy Williams
 Tenth District—Steven J. Santarsiero
 Twelfth District—Maria Collett
 Fourteenth District—Nicholas P. Miller
 Sixteenth District—Jarrett Charles Coleman
 Eighteenth District—Lisa M. Boscola
 Twentieth District—Elisabeth J. Baker
 Twenty-second District—Martin B. Flynn
 Twenty-fourth District—Tracy E. Pennycuik
 Twenty-sixth District—Timothy P. Kearney
 Twenty-eighth District—Kristin Lee Phillips-Hill
 Thirtieth District—Judith F. Ward
 Thirty-second District—Patrick J. Stefano
 Thirty-fourth District—William Gregory Rothman
 Thirty-sixth District—Ryan P. Aument
 Thirty-eighth District—Lindsey M. Williams
 Fortieth District—Rosemary Maula Brown
 Forty-second District—Wayne D. Fontana
 Forty-fourth District—Katie J. Muth
 Forty-sixth District—Camera Bartolotta
 Forty-eighth District—Christopher M. Gebhard
 Fiftieth District—Michele Brooks

STATEMENT BY THE INTERIM PRESIDENT PRO TEMPORE

The Interim PRESIDENT pro tempore. For the record, the Chair has been informed by the Acting Secretary of the Commonwealth that all of the Senators-elect have filed in her office the accounts and affidavits as required by election laws.

ADMINISTRATION OF OATH OF OFFICE TO REPUBLICAN SENATORS-ELECT

The Interim PRESIDENT pro tempore. The next order of business will be the administration of the oath of office to the elected and re-elected Republican Senators. It is a distinct honor and privilege to have with us today the Honorable Sallie Updyke Mundy, Justice of the Supreme Court of Pennsylvania. Justice

Mundy has kindly consented to come here today to administer the oath of office to our Republican Senators-elect and Officers in accordance with Article VI, Section 3, of the Constitution of Pennsylvania. We will now proceed to the administration of the oath of office to the Republican Senators-elect by Justice Mundy.

Will the Republican Senators-elect present themselves in front of the rostrum with your Bibles.

Will everyone please rise.

I have the honor of presenting Justice Mundy, who will now administer the oath of office to the Republican Senators-elect. Justice Mundy.

Justice MUNDY. Place your left hand on your Bible and raise your right hand and repeat after me:

I, [state your name], do solemnly swear or affirm that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity, so help me God.

Congratulations.

[Applause.]

The Interim PRESIDENT pro tempore. Please be seated while photographs are being taken. The Senate will be at ease.

[The Senate was at ease.]

ADMINISTRATION OF OATH OF OFFICE TO DEMOCRATIC SENATORS-ELECT

The Interim PRESIDENT pro tempore. The next order of business will be the administration of the oath of office to the elected and re-elected Democratic Senators. It is an honor and a privilege to have with us the Honorable Michele A. Varricchio, Judge of the Court of Common Pleas of Lehigh County. Judge Varricchio has kindly consented to be here today to administer the oath of office to our Democratic Senators-elect in accordance with Article VI, Section 3, of the Constitution of Pennsylvania.

Will all the Democratic Senators-elect present themselves in front of the rostrum with your Bibles.

Will everyone please rise.

I have the honor of presenting Judge Varricchio, who will administer the oath of office to the Democratic Senators-elect. Judge Varricchio.

Judge VARRICCHIO. Thank you. I am humbled, as it is an honor to be here. So, I ask the Senators-elect to please place your left hand on the Bible and raise your right hand and repeat after me:

I, [state your name], do solemnly swear or affirm that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity.

That, I do swear. Thank you.

[Applause.]

The Interim PRESIDENT pro tempore. Please be seated while photographs are being taken. The Senate will be at ease.

[The Senate was at ease.]

STATEMENT BY THE INTERIM PRESIDENT PRO TEMPORE

The Interim PRESIDENT pro tempore. The Chair wishes to announce that the oath of office was administered in the Senate Chamber to the Senator-elect from the 18th Senatorial District, Senator Lisa Boscola, while the Senate was at ease. The oath was

administered by the Honorable Michele A. Varricchio, Judge of the Court of Common Pleas of Lehigh County.

QUORUM PRESENT

The Interim PRESIDENT pro tempore. The Clerk will now call the roll to determine if a quorum is present. Will the Senators please answer "present" when your name is called.

The Clerk called the roll, and the following Senators were present:

First District—Nikil Saval
 Second District—Christine M. Tartaglione
 Third District—Sharif T. Street
 Fourth District—Arthur L. Haywood III
 Fifth District—Jimmy Dillon
 Sixth District—Frank A. Farry
 Seventh District—Vincent J. Hughes
 Eighth District—Anthony Hardy Williams
 Ninth District—John I. Kane
 Tenth District—Steven J. Santarsiero
 Twelfth District—Maria Collett
 Thirteenth District—Scott F. Martin
 Fourteenth District—Nicholas P. Miller
 Fifteenth District—John M. DiSanto
 Sixteenth District—Jarrett Charles Coleman
 Seventeenth District—Amanda M. Cappelletti
 Eighteenth District—Lisa M. Boscola
 Nineteenth District—Carolyn T. Comitta
 Twentieth District—Elisabeth J. Baker
 Twenty-first District—Scott E. Hutchinson
 Twenty-second District—Martin B. Flynn
 Twenty-third District—Gene Yaw
 Twenty-fourth District—Tracy E. Pennycuik
 Twenty-fifth District—Cris Dush
 Twenty-sixth District—Timothy P. Kearney
 Twenty-eighth District—Kristin Lee Phillips-Hill
 Twenty-ninth District—David G. Argall
 Thirtieth District—Judith F. Ward
 Thirty-first District—Michael R. Regan
 Thirty-second District—Patrick J. Stefano
 Thirty-third District—Douglas V. Mastriano
 Thirty-fourth District—William Gregory Rothman
 Thirty-fifth District—Wayne Langerholc, Jr.
 Thirty-sixth District—Ryan P. Aument
 Thirty-seventh District—Devlin Robinson
 Thirty-eighth District—Lindsey M. Williams
 Thirty-ninth District—Kim L. Ward
 Fortieth District—Rosemary Brown
 Forty-first District—Joe Pittman
 Forty-second District—Wayne D. Fontana
 Forty-third District—Jay Costa
 Forty-fourth District—Katie J. Muth
 Forty-fifth District—James R. Brewster
 Forty-sixth District—Camera C. Bartolotta
 Forty-seventh District—Elder A. Vogel, Jr.
 Forty-eighth District—Christopher M. Gebhard
 Forty-ninth District—Daniel J. Laughlin
 Fiftieth District—Michele Brooks

The Interim PRESIDENT pro tempore. Forty-eight Senators having answered to their names, a quorum is present.

The PRESIDING OFFICER (Senator Gene Yaw) in the Chair.

STATEMENT BY THE PRESIDING OFFICER

The PRESIDING OFFICER. Before taking up the next order of business dealing with the election of the President pro tempore and several Officers of the Senate, the Chair would like to continue the practice started several Sessions ago, that if there is only one candidate for each of the offices, the Chair will dispense with the calling of the roll and ask for a voice vote on the nomination. Is there any objection? The Chair hears none.

ELECTION OF PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The next order of business before the Senate will be the election of a President pro tempore of the Senate for the 2023 Session. This is in accordance with Article II, Section 9, of the Constitution of Pennsylvania.

The Chair now opens the floor for nominations and recognizes the gentlewoman from York, Senator Phillips-Hill.

Senator PHILLIPS-HILL. Mr. President, it is a great day for the Members of this Chamber who are here with their family and friends to make official the electoral victories from this past November. Congratulations to each of you on your hard-fought victories that brought you here to this point today. Mr. President, the electoral victories by everyone on the ballot this past November were not easy. They required countless hours of phone calls, literature drops, events, and so much more. Think back to that time spent away from family, no vacations, missed birthdays, and more. But why did we do it? Why did we all run for public office? We are all here to do what is in the best interest of our respective districts and constituents and to leave our Commonwealth in a better place than we found it. I think if you surveyed the 25 Members of this Chamber who ran last year, and for that matter, all 49 of us who are elected here today, that is the common theme. And the voters, for the 22nd consecutive cycle, returned a Majority of Republicans to this Chamber. And while we ran as Republicans or Democrats, today, here in this Chamber, we are all Pennsylvanians first.

In order to successfully put Pennsylvania first and achieve the greatest good for the people of our Commonwealth, it will take strong leadership, steady guidance, a thoughtful approach, and someone with a proven track record of delivering results. I will be the first to admit that the last 2 1/2 years, they have been very challenging. As legislators, we have been met with some of the most difficult obstacles no one of us could have predicted. Yet, we were resilient and met those challenges by positioning Pennsylvania to be on a better, stronger path for the future prosperity. We governed through those challenging times, and it took a special kind of leadership to do that. That type of leadership was displayed by the floor leader, the gentlewoman from Westmoreland County, time and time again. Despite our partisan disagreements, I would venture to guess that more bills were passed with either unanimous support or near unanimous support over the last 2 years than bills on strictly party-line votes. Just look through the papers and TV stories and look at some of the new laws that are going into effect this month due to bills that we passed last

Session. Republican bills, Democratic bills, all with strong support from this Chamber, and it was her unique approach that moved this Chamber from transactional to transformational for the greater good of the people of this Commonwealth. It was under her leadership that temporary emergency regulations during the pandemic made for our healthcare sector were finally made permanent. She fought to fund our essential services and State government while ensuring fiscal responsibility to build up a Rainy Day Fund within our budget to protect the people of this Commonwealth from future economic uncertainty. And she fought hardest to give the people the ultimate say in how they want to be governed during challenging times. Despite divided government, with a Republican General Assembly and a Democratic Governor, our last budget was completed in early July, which is no small feat. We agree more than the press wants to lead our constituents to believe, and that is because of common sense, compromise, and collegiality that are the hallmarks of this body's governance.

In order for the Senate to remain transformational and govern effectively to achieve the common good for the people of Pennsylvania, I can think of no one better to lead this body than my dear friend from Westmoreland County, someone who has been known for shattering the glass ceiling a time or two in the Senate of Pennsylvania. And so, it is my distinct honor to place into nomination the name of Kim Ward for the office of President pro tempore.

Thank you, Mr. President.

[Applause.]

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

Senator COSTA. Mr. President, I rise today to second the nomination of our colleague and my friend, Senator Kim Ward, the gentlewoman from Westmoreland County, as our President pro tempore of the Senate of Pennsylvania. Mr. President, over the course of the years, I have had the pleasure of getting to know Senator Ward in a variety of capacities, both back in the district in Westmoreland, in western Pennsylvania, but also here on the Senate floor in working closely with her on many matters. I have come to enjoy the good working and professional relationship that we shared, and I know that Senator Ward and I have developed, over the years, one that I think will continue to move forward. She is a passionate, dedicated legislator who cares deeply, deeply for this Chamber and for every Member of it, regardless of their party. Mr. President, as we know, the roll of the President pro tem is not to be the leader of the Republican or Democratic Caucus, but rather the leader of the entire Chamber, and to be responsive and responsible for the administrative aspects of this body. This is a very special place and a very special body, our Pennsylvania Senate. We are a deliberative body, not a hasty one. We are a diverse body representing every corner of Pennsylvania and every ZIP Code of this great Commonwealth, and we are a body of respect and decorum for every colleague and every staff person who we employ. I fully entrust, I fully entrust Senator Ward to put the priorities of the Senate, as a body, over partisan politics and to rule fairly, justly, and honorably. She has always been responsive to concerns raised by my colleagues on the Democratic side, as well as mine on our behalf. Things that I brought to her attention, she addressed very quickly and promptly, and I believe that she will continue to treat everyone equitably,

regardless of their party. She and I share a great respect for the long history of the Pennsylvania Senate, our Constitution, and the people who call Pennsylvania home. I believe that she will do this job admirably, and she will continue to fight to protect the Senate as an institution; and she will serve this body and our Members well.

It is my honor, Mr. President, to second the historic nomination today of my good friend, Senator Kim Ward, and look forward to working alongside her as these Sessions continue.

Thank you, Mr. President.

[Applause.]

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

Senator LANGERHOLC. Mr. President, it is with great respect and admiration that I rise to second the nomination of Senator Kim Ward as President pro tempore. We all often get asked, why do we come here? We all come from different corners of this Commonwealth to make a difference and to represent our constituents. Kim has truly made a difference on multiple levels. Kim is a friend; a colleague; and to all in this Chamber, a true leader. She has blazed many new frontiers, from being the first female Majority Leader, now the first female President pro tempore. She has earned the respect of this hallowed Chamber through hard work and diplomacy. She will no doubt serve this Chamber well as President pro tempore. And as a mother and as a grandmother, she has and will continue to inspire so many females who are so very proud of her. And as a father of three daughters, I know that she has inspired them as well.

Again, Mr. President, I rise with unwavering [sic] hesitation to second the nomination of Senator Kim Ward as President pro tempore. Thank you.

[Applause.]

NOMINATIONS CLOSED

The PRESIDING OFFICER. Are there any other nominations or seconds? If not, the Chair will now declare the nominations for President pro tempore closed.

The candidate for the office of the President pro tempore is the Honorable Kim Ward of Westmoreland County. All those in favor of the Honorable Kim Ward for President pro tempore will please signify by saying "aye"; those opposed, "nay."

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

The PRESIDING OFFICER. The Chair declares Senator Kim Ward unanimously elected President pro tempore of the Senate.

[Applause.]

COMMITTEE APPOINTED TO ESCORT PRESIDENT PRO TEMPORE-ELECT TO THE ROSTRUM

The PRESIDING OFFICER. The Chair takes pleasure in appointing the following committee to escort the President pro tempore-elect to the rostrum for the administration of the oath of office: the gentleman from Beaver County, Senator Vogel; the gentleman from Allegheny County, Senator Robinson; and the gentleman from Lehigh County, Senator Miller. The committee will proceed to the performance of their duty.

[Whereupon, the President pro tempore-elect was escorted to the rostrum of the Senate, accompanied by her grandchildren, Josie and Tommy.]

ADMINISTRATION OF OATH OF OFFICE TO PRESIDENT PRO TEMPORE-ELECT

The PRESIDING OFFICER. The oath of office will now be administered to Senator Kim Ward by the Honorable Harry F. Smail, Jr., Judge of the Court of Common Pleas of Westmoreland County.

Please rise. Judge Smail.

Judge SMAIL. On behalf of the judiciary, thank you for having us. Please place your left hand on your Bible and raise your right hand and repeat after me.

I, Kim Ward, do solemnly swear or affirm that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity, so help me God.

Congratulations.

[Applause.]

The PRESIDING OFFICER. Please be seated. The Senate will now be at ease for photographs.

[The Senate was at ease.]

REMARKS BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Senate will come to order. Members and guests will please take their seats. It is now an honor and a privilege to present your President pro tempore, the Honorable Kim Ward of Westmoreland County.

The PRESIDENT pro tempore (Senator Kim L. Ward) in the Chair.

The PRESIDENT pro tempore. I will begin with a few thank you's. Thank you to Pennsylvania Supreme Court Justice Sallie Updyke Mundy for administering the oath of office for the Republican Senators. Thank you to Lehigh County Court of Common Pleas Judge Michele Varricchio for administering the oath of office for the Democratic Senators. And thank you, Westmoreland County Court of Pleas Judge Harry Smail, for administering the oath of office to me. Thank you, Harry, it has been a long--we go way back. Thank you, Senator Costa, Senator Phillips-Hill, and Senator Langerholc for the kind remarks, and thank you to the escort committee and all of our hardworking Senate staff, who organized the swearing-in event today. I know you spent countless hours, and you have done a terrific job.

Welcome to the many guests on the floor and in the gallery who are with us. I have a couple of special people who I have actually worked for here today, and they are former Governor Mark Schweiker and former U.S. Senator Rick Santorum. It is so nice to see you both. I can say that I got my start, both in politics and official business, with both of you. We also have former Lieutenant Governor Jim Cawley, State Treasurer Stacy Garrity, and two of my former colleagues, former State Senator Tommy Tomlinson and Senator Bob Mensch. I also am honored to have with us today the actual, real Lieutenant Governor in a couple of weeks, Austin Davis; thank you for being here today. You are not getting your office yet. [Laughter.] Just forget it. I want to

acknowledge and thank my family for their support. My mom, Joanna, is sitting here today. She is one strong lady. She has taught me to never give up when things get rocky because there is always a way to fix something and a path to get to where you need to be.

As the first woman to serve as the Senate President pro tem, it is a privilege to oversee this body at a time when we have more women serving than at any other time in our institution's history: eight Republican, eight Democrat. And sitting in the Chamber today are 49 Senators who care about the people they represent. All of us arrived here because we had a passion for an issue or saw something we believed was an injustice, and in our hearts, it grabbed us, and we felt a duty to do something about it. For me, this journey began with healthcare, when I was working in the respiratory therapy department at Vanderbilt University hospital. All of us here ran because we care how government touches our communities; how decisions affect families, businesses, jobs; and how public policy impacts education, taxes, utilities, and I could go on and on. And here with the continued split government, we do not and will not always agree on every bill that comes up. However, we all know it is vital that we work together to help the people who sent us here. To work for them. Pennsylvanians want us to get things done, and we have already proven, even with a split government, that we can get big things done.

Last year, we proved we can successfully come together and accomplish ambitious things. Together we reduced the State's corporate net income tax; we increased basic education and EITC funding by record levels. We created the Pennsylvania EDGE tax credit program to embrace potential new energy sources and spark economic growth and jobs in every part of this State. We focused on the plight of families in their emergence from the pandemic into a potential inflationary economy. We created a child-care tax credit to help working families, a Whole-Home Repair[s] Program to help struggling homeowners keep their home safe, and a landmark healthcare prior authorization change that helps all Pennsylvanians with better access to critical healthcare procedures. All of this big movement was done in a bipartisan manner and driven by the desire to make the positive changes we all sought to accomplish when we chose to run for these seats.

As we look forward, I am hopeful that we can, together, put Pennsylvania on the greatest path to prosperity possible. We can do that by tapping into our State's energy abundance. We can fuel our State's economy; create and maintain good, family-sustaining jobs; and create energy independence, not only for our Commonwealth, but for our nation. We have vast opportunity here, should we take the direction of unleashing that potential. In addition to what we are sitting on, our natural resources, there are so many other types of energy: solar, wind, nuclear, and there is room for all of these resources to be part of moving Pennsylvania forward, at top speed, to lead the nation. And as all you know, one of my emphases is on earlier detection of breast cancer and greater access to BRCA gene tests for women. I appreciate with all my heart the support all of you have given me through my ordeal. And now, trying to improve access for all women for earlier detection, I really appreciate all of your support. So, thank you so, so, much.

We are not all the same party or ideology, but we are all here for one basic reason: to make change for the betterment of the people we represent. And we are blessed to have been given the

opportunity to do that. Our opportunity, as my esteemed colleague, Senator Phillips-Hill, said: we have the opportunity to leave things better than when we got here. To all of my esteemed colleagues in this distinguished body, last Session we put a focus on government overreach and infringement on our authority, and I give you my word, I will fight for the constitutional authority of this Senate. I am grateful and honored for your support as I move into the role of Senate pro tempore. Thank you, thank you all so very much.

[Applause.]

GUESTS OF SENATOR JAY COSTA PRESENTED TO THE SENATE

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

Senator COSTA. Madam President, we are here, who have joined us today, three members from the Pennsylvania Public Utility Commission: chairwoman Gladys Brown Dutrieuille and commissioner vice chair Steve DeFrank, both former Senate staffers we are very proud of, as well as commissioner Katie Zerfuss, who have joined us today. In addition, you have already mentioned Lieutenant Governor-elect Austin Davis from Allegheny County. We are also joined by Judge Paul Cozza, Court of Common Pleas of Allegheny County, and one of our former colleagues is here somewhere, Senator John Wozniak has joined us as well. I would ask that my colleagues give us a warm Senate welcome to each of our guests.

Thank you, Madam President.

The PRESIDENT pro tempore. Would the guests of Senator Costa please rise to be welcomed by the Senate.

[Applause.]

GUEST OF SENATOR JOHN M. DiSANTO PRESENTED TO THE SENATE

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

Senator DiSANTO. Madam President, I rise today to introduce our Chaplain for today's opening ceremony, Father Joshua Brommer. Father Brommer, a native of Lancaster County, is a priest in the Diocese of Harrisburg, educated in seminaries in Ohio and Italy, and fluent in Spanish and Italian. He earned his theological degrees from the Pontifical Gregorian University in Rome. Since ordination in 2007, he has served as parochial vicar in Gettysburg, Hershey, and Mechanicsburg, and as a priest secretary to the bishop, and as a pastor in New Freedom. He currently serves as the rector and pastor of the Cathedral Parish of Saint Patrick in Harrisburg and the diocesan director of the Office for Divine Worship. Madam President, please join me in giving Father Brommer a warm Senate welcome.

The PRESIDENT pro tempore. Would the guest of Senator DiSanto please rise to be welcomed by the Senate.

[Applause.]

ELECTION OF SECRETARY OF THE SENATE

The PRESIDENT pro tempore. The next order of business before the Senate is the election of a Secretary of the Senate.

The Chair recognizes the gentleman from York, Senator Regan.

Senator REGAN. Madam President, congratulations. Today is an exciting day for so many in this Chamber, as we get underway with the '23-'24 legislative Session and we witness the swearing-in of new Members, as well as those re-elected this past fall. But for all of us to start the work of the people in this new Session, we must address a very important piece of business, and that is the nomination of the Senate Secretary and Parliamentarian. In November, we said farewell to our previous Secretary and Parliamentarian, Megan Martin, and today, it gives me great pleasure to nominate another resident of the 31st Senatorial District to succeed her in that role, Mr. Michael Gerdes. A graduate of Trinity High School in Camp Hill and the Georgetown University Law Center, Mike has been serving the people of Pennsylvania since 2002, first in the Department of State's Bureau of Professional and Occupational Affairs and then as the Deputy Attorney General and Senior Deputy Attorney General in the Bureau of Consumer Protection. Mike has been employed by the Senate since 2015 and has served as counsel to the Majority Leader for both Senator Jake Corman and Senator Kim Ward. In this role, he has been advising the Majority Leader on the rules of the Senate and parliamentary procedure during Session, which makes him a natural choice for this position.

Not only does Mike have the experience and knowledge to serve as our Secretary, but he also has proven himself to me and other Members to have a demeanor, professionalism needed to do this job. He is on point and calm under pressure, and quite simply, he is extremely helpful and diligent when a Member seeks guidance or explanation of an issue. I imagine he brings those same qualities to his life outside this building. He and his lovely wife, Kelly, have been married for 18 years, and together they are raising two daughters: Sarah, who is 16, and Amanda, who is 13. And we are honored to have Kelly, Amanda, and Sarah here with us today.

Madam President, it is with absolute confidence in the excellent job that he will undoubtedly do that I nominate Mr. Michael Gerdes to be our next Senate Secretary and Parliamentarian, and I hope my colleagues will join me in unanimous support of this nomination of an exceptional human being.

Thank you, Madam President.

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

Senator TARTAGLIONE. Madam President, that has a nice ring to it, does it not? Madam President, it is my pleasure and honor to rise today and second the nomination of Michael Gerdes as Secretary of the Senate. It is an exciting time for Pennsylvanians and for Pennsylvania. Twenty-five communities from across Pennsylvania came together and chose a leader to serve them in the Pennsylvania Senate, and 25 Members were just sworn in, some for the first time, some having done it multiple times before. As I had my hand on my Bible earlier, I could not help but be optimistic. We are entering into a legislative Session with unlimited potential, a possibility to help drive our Commonwealth forward. One of the ways we are able to continue our Commonwealth's exciting progress is by naming and choosing a Senate Secretary and Parliamentarian. The job of Secretary of the Senate is crucial in ensuring Pennsylvania is led in a non-partisan and fair manner, and I am honored to nominate Mr. Gerdes and am

sure that he will serve not just Members well, but all Pennsylvanians well in his role.

As Secretary, Mr. Gerdes will be responsible for managing the legislative functions of the Senate in a fair and unbiased manner. Mr. Gerdes will advise and assist our incoming Lieutenant Governor as he presides over the Senate Session and provide advice to Members and staff regarding Senate rules, precedents, and practices. Mr. Gerdes is a career public servant and will bring decades of experience and passion to the position of Secretary of the Senate. I do not need to read his resume into the official record, but I want all Pennsylvanians watching today to know that we are in good hands with Mr. Gerdes. Mr. Gerdes' experience as a career public servant will serve him well as he continues his career in service to our Commonwealth. I look forward to getting to serve with you and thank you for your willingness to serve the people of Pennsylvania.

For those reasons, Madam President, I second the nomination of Michael Gerdes as Secretary of the Senate of Pennsylvania.

NOMINATIONS CLOSED

The PRESIDENT pro tempore. Are there any other nominations or seconds? If not, the Chair will now declare the nominations for Secretary of the Senate closed.

The candidate for the office of the Secretary of the Senate is Michael Gerdes of Cumberland County. All those in favor of Michael Gerdes for the office of Secretary will please say "aye"; those opposed, "nay."

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

The PRESIDENT pro tempore. The Chair declares Michael Gerdes unanimously elected Secretary of the Senate.

[Applause.]

ELECTION OF CHIEF CLERK OF THE SENATE

The PRESIDENT pro tempore. The next order of business before the Senate is the election of the Chief Clerk of the Senate.

The Chair recognizes the gentlewoman from Blair, Senator Judy Ward.

Senator J. WARD. Madam President, I would like to also offer my congratulations to you as well. I would like to place in nomination the name of Donetta D'Innocenzo for the position of Chief Clerk of the Pennsylvania Senate. Donetta has been our Chief Clerk in the Senate since 2015 and has done an exceptional job. The Chief Clerk of the Senate is the CFO of this esteemed body. Some might call her the CF "no" [laughter], but she is our watchdog, and she is a responsible steward of taxpayer dollars. She is a hard worker, impartial, and unbiased. She has served with fairness and professionalism, following procedures and policies that have been set in place for the Senate. I have, on occasion, been unhappy with decisions the Chief Clerk's office has made, but those are policies that are strongly adhered to no matter what party you belong to. Donetta is a smart and strong woman with a personality that is absolutely delightful. She makes you understand why she can or cannot do something, even if the answer is "no." In her free time, Donetta loves spending time with her husband, Jim; traveling; and most especially, being a grandma.

Madam President, I am honored to ask for an affirmative vote for Donetta D'Innocenzo for the Chief Clerk of the Senate of Pennsylvania.

Thank you, Madam President.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Delaware, Senator Kearney.

Senator KEARNEY. Madam President, I rise to second the nomination of Donetta D'Innocenzo for the position of Chief Clerk of the Senate, and I echo the comments made by my friend and colleague, Senator Judy Ward. Donetta has been instrumental in managing the office of Chief Clerk and making it the office it is today. Her staff, as all offices know well when it comes to submitting expenses, ensures that they are up to the quality that they need to be. I was honored to second her nomination when I first came into office, and I know that Donetta will only continue her success over the next Session as Chief Clerk.

I am pleased to second her nomination.

NOMINATIONS CLOSED

The PRESIDENT pro tempore. Are there any other nominations or seconds? If not, the Chair will now declare the nominations for Chief Clerk of the Senate closed.

The candidate for the office of Chief Clerk of the Senate is Donetta D'Innocenzo of Cumberland County. All those in favor of Donetta D'Innocenzo for the office of Chief Clerk will please say "aye"; those opposed, "nay."

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

The PRESIDENT pro tempore. The Chair declares Donetta D'Innocenzo unanimously elected Chief Clerk of the Senate.

[Applause.]

OATH OF OFFICE ADMINISTERED TO THE SECRETARY-ELECT AND THE CHIEF CLERK-ELECT

The PRESIDENT pro tempore. The Secretary-elect and the Chief Clerk-elect will approach the bar of the Senate in order that the oath of office may be administered.

Once again, I want to call on Justice Mundy to administer the oath of office to our newly elected officers.

Please rise. Justice Mundy.

Justice MUNDY. Place your left hand on your Bible and raise your right hand and repeat after me:

I, [Michael Gerdes and Donetta D'Innocenzo], do solemnly swear or affirm that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity, so help me God.

Congratulations.

[Applause.]

The PRESIDENT pro tempore. The Senate will be at ease for a brief time. If guests would like to leave the Chamber, you are free to go.

[The Senate was at ease.]

SENATE RESOLUTIONS

SENATE RESOLUTION No. 1 ADOPTED

Senators PITTMAN and COSTA offered **Senate Resolution No. 1** and moved for its immediate adoption, which was read as follows:

In the Senate, January 3, 2023

RESOLVED, That the Ethical Conduct Rules of the Senate adopted during the 2023-2024 Regular Session be adopted for the government of the 207th and 208th Regular Session until amended, repealed or otherwise altered or changed.

A RESOLUTION

Adopting Ethical Conduct Rules of the Senate.

RESOLVED, That Ethical Conduct Rules of the Senate be adopted for the governing of the 207th and 208th Regular Session.
2023-2024

ETHICAL CONDUCT RULES OF THE SENATE

Rule 1. Preliminary provisions.

As used in these rules, the following words and phrases shall have the meanings given to them in this rule unless the context clearly indicates otherwise:

"Campaign activity." An activity on behalf of a political party, candidate, political committee or campaign, which is intended to advance the interests of a specific party, candidate, political committee or campaign for elective office, including any of the following:

- (1) Organizing a campaign meeting, campaign rally or other campaign event, including a fundraiser where campaign contributions are solicited or received.
- (2) Preparing or completing responses to candidate questionnaires that are intended solely for campaign use.
- (3) Preparing a campaign finance report.
- (4) Conducting background research on a candidate.
- (5) Preparing or conducting a campaign poll.
- (6) Preparing, circulating or filing a candidate nominating petition or papers.
- (7) Participating in, preparing, reviewing or filing a legal challenge to a nominating petition.
- (8) Preparing, distributing or mailing any campaign literature, campaign signs or other campaign material, including television and radio ads, website construction, e-mails, facsimiles and robocalls, on behalf of any candidate for elective office.
- (9) Managing a campaign for elective office.
- (10) Participating in, preparing, reviewing or filing any documents in any recount, challenge or contest of any election.
- (11) Posting campaign-related information on a website, including social media websites or other electronic media websites.

"Campaign contribution." A monetary or in-kind contribution made to an electoral candidate campaign.

"Candidate." As defined in section 1621 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code.

"Cash gift."

- (1) Any of the following:
 - (i) United States or foreign currency.
 - (ii) A money order.
 - (iii) A check.
 - (iv) A prepaid debit or credit card.
 - (v) A gift card or certificate.
- (2) The term does not include:
 - (i) An expenditure or other transaction subject to reporting under Article XVI the Pennsylvania Election Code.
 - (ii) A commercial loan made in the ordinary course of business.

(iii) A transaction involving reasonable consideration of equal or greater value.

(iv) A cash gift from a parent, sibling, spouse, child, stepchild, stepparent, stepsibling, grandparent, grandchild, parent-in-law, sibling-in-law or other close relative when the circumstances make it clear that the motivation for the action was a personal or family relationship.

(v) A cash gift available to the public or offered to members of a group or class in which membership is not related to being a Senator or Senate employee.

(vi) An award or prize given to competitors in any contest or event open to the public, including random drawings.

"Commercial loan made in the ordinary course of business." A loan from a bank or other financial institution on terms generally available to the public.

"De minimis." An economic consequence which has an insignificant effect.

"Lobbyist." Any individual, firm, association, corporation, partnership, business trust or other entity that is registered as a lobbyist under 65 Pa.C.S. Ch. 13A (relating to lobbying disclosure).

"Newsletter." A printed document more than one page in length that addresses more than one subject and is printed in quantities of 25,000 copies or more.

"Official action." An administrative action or legislative action, as those terms are defined in 65 Pa.C.S. § 13A03 (relating to definitions).

"Official Senate contact lists." Any list containing individuals, companies or vendors, including names, addresses, telephone numbers or e-mail addresses that are procured, compiled, maintained or produced with Senate funds.

"Own time." A Senate employee's time that is distinct from Senate work time and includes all leave.

"Principal." Any individual, association, corporation, partnership, business trust or other entity that is registered as a principal under 65 Pa.C.S. Ch. 13A.

"Senate employee." A person employed by the Senate, including the Chief Clerk and the Secretary of the Senate.

"Senate employee in a supervisory position." A Senate employee who has a general supervisory role within: a caucus; an individual Senator's office; or a Senate services office.

"Senate office." All Senate offices and Senate conference or meeting rooms located in the Capitol complex or any similar space contained within a district office.

"Senate resources." Senate-owned or Senate-leased equipment including telephones, computer hardware or software, copiers, scanners, fax machines, file cabinets or other office furniture, cell phones, personal digital assistants or similar electronic devices and office supplies.

"Senate work time." Publicly paid work time consisting in the aggregate of 75 hours every two weeks for full-time employees and a lesser amount of publicly paid hours every two weeks for part-time employees.

"Senator." A person elected to serve in the Pennsylvania Senate from each of the fifty Senatorial districts.

Rule 2. Practice.

(a) Work time.--No campaign activity may be conducted by a Senate employee on Senate work time. The following shall apply:

(1) Senate employees are permitted to engage in campaign activities on their own time, as volunteers or for pay.

(2) Senate employees may work irregular hours often depending upon the time the Senate is in session. As a result, a staffer's own time can occur during what may be considered "normal" business hours.

(3) Sick leave, family and medical leave, work-related disability leave, parental leave, short-term disability leave, civil leave or military leave cannot be requested by a Senate employee to perform campaign activities.

(4) No Senate employee may be allowed any amount of Senate work time for time spent doing campaign activities.

(5) Senate employees, with the permission of their employing Senator, may reduce their Senate hours with a commensurate reduction in pay (and benefits, as required) to perform campaign activities. These arrangements must be memorialized in writing and filed with the Chief Clerk.

(6) Any Senate employee who has reduced his or her Senate hours to perform campaign activities shall keep a daily written log outlining Senate hours and related work responsibilities.

(b) Office and resources.--No campaign activity may be conducted by a Senator or a Senate employee in a Senate office or with Senate resources.

(1) De minimis campaign activities may be unavoidable for a Senator or Senate employee in the course of their official duties. Examples include the following:

(i) In responding to inquiries from the public, a Senator or a Senate employee may need to address questions that relate to a Senator's or other candidate's campaign for elective office or a related legislative record.

(ii) Scheduling assistance and information from the Senator or a Senate employee may be provided to ensure that no conflict occurs among the Senator's campaign schedule, official schedule and personal schedule.

(iii) Engaging in political conversation in the natural course of personal communication.

(2) Unsolicited campaign-related communication on a personally owned cell phone, personal digital assistant or similar electronic device may occur on a de minimis basis in a Senate office but may not interfere with Senate work time.

(3) A Senator's official Senate website, social media website or other electronic media website shall not contain a link to a campaign website for any candidate. A Senator's campaign website shall not contain a link to his or her official Senate website. A Senate employee who is on Senate work time and using Senate resources may post legislative materials, media advisories, news releases and announcements on a social media website or other electronic media website, which is not a campaign website for any candidate, even if campaign-related information also exists on such a website. A Senate employee who is on his or her own time and using personal resources may post material involving or referring to campaign activity on a social media website or other electronic media website.

(c) Contributions.--The solicitation or receipt of campaign contributions on Senate work time or with Senate resources is prohibited.

(1) Solicitation or receipt of campaign contributions in a Senate office or with Senate resources is prohibited at any and all times.

(2) If an unsolicited contribution is sent to a Senate office through the mail or in an unidentifiable form, the employee who receives it shall turn it over to the campaign within no more than seven days and immediately notify the donor that campaign contributions should not be received at a Senate office.

(3) No Senate employee may serve as an officer on a campaign committee or a campaign finance committee on behalf of any Senator, Senate candidate or Senate caucus.

(4) A Senate employee may help plan and may provide assistance at a campaign event on his or her own time.

(d) Employees.--No Senate employee may be required to perform any campaign activity or make any campaign contribution.

(1) No Senator, no Senate employee acting on the Senator's behalf and no Senate employee in a supervisory position may require a Senate employee to perform any campaign activity on Senate work time or on the employee's own time as a condition of employment.

(2) No Senator, no Senate employee acting on the Senator's behalf and no Senate employee in a supervisory position may require any Senate employee to make a campaign contribution as a condition of employment.

(3) A Senate employee who agrees or offers to participate in any campaign activity on his or her own time or who makes a

campaign contribution may not do so in consideration of receiving any additional Senate compensation or employee benefit in the form of a salary adjustment, bonus, compensatory time off, continued employment or any other similar benefit.

(4) A Senate employee who declines to participate in a campaign activity or to make a campaign contribution shall not be sanctioned for that refusal.

(e) Newsletters.--No Senate-funded newsletter may be printed or distributed within 60 days of the primary or general election at which any Senate member is a candidate for the office of Senate or any other elective office.

(1) This subsection shall apply to newsletters printed by the Senate or by an outside vendor paid for with public funds.

(2) The Chief Clerk of the Senate may not authorize the reimbursement or payment of any money expended for print, distribution or postage incurred after the 60-day deadline.

(3) Senators who are candidates for the office of the Senate or any other elective office shall submit to the Secretary of the Senate a final proof copy of any newsletters no less than 90 days prior to the next occurring primary or general election.

(f) Official Senate contact lists.--Official Senate contact lists shall be used solely for legislative purposes.

(1) Official Senate contact lists shall not be provided to any candidate, political party, political committee, campaign or campaign committee or used for any campaign purpose.

(2) Senate time and resources shall not be used to create, store or maintain any list that identifies the listed individuals as campaign volunteers or contributors to any candidate, political party, political committee, campaign or campaign committee.

(3) No list may be developed by a Senator or a Senate employee using Senate time and resources for the purpose of monitoring or tracking campaign activity or campaign contributions of any Senate employee.

(4) Official Senate contact lists may be purchased at fair market value from a private source with Senate funds if the lists are used solely for legislative purposes. An official Senate contact list that is so acquired may not be used or redirected in the same or a modified form for campaign purposes.

(g) Non-work-related tasks.--No Senate employee may be required to perform any non-work-related task.

(1) No Senator, no Senate employee acting on the Senator's behalf and no Senate employee in a supervisory position may require a Senate employee to perform tasks unrelated to the Senate employee's official duties as a condition of employment.

(2) An employee who agrees or offers to perform a task unrelated to that person's official duties on his or her own time may not do so in consideration of receiving any additional State Senate compensation or employee benefit in the form of a salary adjustment, bonus, compensatory time off, continued employment or any other public benefit.

(3) An employee who refuses to perform a task unrelated to that person's official duties cannot be sanctioned for that refusal.

(h) Cash gifts.--No Senator or Senate employee shall accept or solicit a cash gift from any of the following:

(1) A lobbyist or principal.

(2) A person that is seeking official action from the Senator or Senate employee.

Rule 3. Enforcement.

(a) Standardized process.--There shall be a standardized process for reporting any alleged violation of these rules.

(1) A Senator or an employee who becomes aware of a violation of these rules should report the violation to any of the following:

(i) A Senator.

(ii) The President Pro Tempore, or an appropriate designee.

(iii) The Majority Leader of the Senate, or an appropriate designee.

(iv) The Minority Leader of the Senate, or an appropriate designee.

(v) The employee's supervisor.

(vi) The Secretary of the Senate.

(2) A verbal report by an employee is acceptable but must be followed up with a written statement that includes the date, time and place, names of possible witnesses and the nature of the ethical conduct violation. The written statement must be signed by the employee.

(3) Upon receipt of the written statement pursuant to paragraph (2), the person to whom the violation is reported as provided in paragraph (1) shall forward a copy of the written statement within five business days to the Secretary of the Senate or the Chief Clerk if the alleged violation involves the Secretary of the Senate or a person in the Secretary of the Senate's Office.

(4) A report of a possible violation of these rules must be filed within one year of the alleged conduct.

(b) Inquiry.--An inquiry and review of all properly submitted reports regarding an alleged violation of these rules shall be conducted.

(1) The Secretary of the Senate shall conduct a preliminary inquiry of any written statement forwarded under subsection (a)(3). The subject of the report shall be notified within five business days by the Secretary of the Senate that a written statement has been forwarded to the Secretary's office under subsection (a)(3). The Secretary of the Senate shall also notify the President Pro Tempore, the Majority Leader and the Minority Leader within five business days that a written statement has been forwarded to the Secretary's office under subsection (a)(3). The Secretary of the Senate shall have 14 business days from the date of those notifications to complete a preliminary inquiry and determine whether there is more than a de minimis violation of these rules and whether there is a satisfactory basis for the initiation of a formal investigation and shall report that recommendation to the President Pro Tempore, the Majority Leader and the Minority Leader. If the Secretary of the Senate or a person in the Secretary of the Senate's office is the subject of an alleged violation, the responsibilities under this subsection shall be performed by the Chief Clerk of the Senate.

(2) After receiving a recommendation from the Secretary of the Senate under paragraph (1) that a formal investigation is warranted, if the subject is a Senator, the President Pro Tempore, the Majority Leader and the Minority Leader shall proceed to refer the report to the Senate Committee on Ethics for an investigation by that committee in accordance with Rule 34 of the Rules of the Senate of Pennsylvania. The provisions of Rule 34 of the Rules of the Senate of Pennsylvania shall exclusively govern and apply in their entirety to any further proceeding involving a Senator under this rule.

(3) After receiving a recommendation from the Secretary of the Senate under paragraph (1) that a formal investigation is warranted, if the subject is a Senate employee, the President Pro Tempore, the Majority Leader and the Minority Leader shall proceed to obtain the services of an independent third party to conduct a formal investigation. Upon completion of the investigation, a report shall be prepared containing findings of fact and a conclusion as to whether a violation of these rules has occurred.

(4) After reviewing the findings of fact and the conclusion contained in the report prepared pursuant to paragraph (3) regarding a Senate employee, the President Pro Tempore, the Majority Leader and the Minority Leader shall issue a final determination by unanimous vote regarding all of the following:

(i) Whether a violation of these rules by a Senate employee has occurred.

(ii) Whether a sanction regarding that violation by a Senate employee is warranted.

(iii) If a sanction is deemed warranted, the type of sanction that should be imposed.

(iv) When and how the sanction should be imposed.

(5) During the course of an investigation of a Senate employee by the independent third party designated pursuant to paragraph (3), the subject shall have the opportunity to be heard, to present evidence, to cross-examine witnesses and to be represented by counsel.

(6) Prior to the issuance of a final determination under paragraph (4), the subject shall have an opportunity to submit a written presentation prepared by either the subject or the subject's counsel.

(7) All proceedings under this rule shall be confidential unless otherwise waived in writing by the subject of the proceeding.

(8) If the President Pro Tempore, the Majority Leader or the Minority Leader is the subject of a report, is a witness or if for any reason is unavailable, the duties of the member shall be performed by the Senate Whip of the respective caucus.

(9) Retaliation against any Senate employee who files a written statement in good faith under subsection (a)(3) or who testifies in good faith regarding an alleged violation of these rules is prohibited.

(c) Disciplinary action.--A violation of these rules may subject a Senate employee to disciplinary action that, depending on the circumstances of the violation, may include any of the following:

- (1) A warning.
- (2) A written reprimand.
- (3) A permanent disciplinary action noted in the personnel record.

- (4) Restitution for damages.
- (5) Suspension of employment.
- (6) Termination of employment.

(d) Sanction.--A violation of these rules may subject a Senator to sanction by the full Senate and, depending on the circumstances of the violation, may include any of the following:

- (1) A warning.
- (2) A written reprimand.
- (3) Restitution for damages.
- (4) Any other sanction provided for under the Rules of the Senate of Pennsylvania or the Constitution of Pennsylvania.

Rule 4. Filing of financial interest statement.

(a) Compliance.--Compliance with the financial interest statement requirements and all other requirements under the Public Official and Employee Ethics Act, 65 Pa.C.S. Ch. 11 (relating to ethics standards and financial disclosure), shall be mandatory for all Senators and Senate employees who meet the criteria set forth in subsection (d) or (e).

(b) Time.--Financial interest statements covering the previous calendar year must be filed by May 1 of each year for every Senator and those Senate employees who make purchasing decisions or other official decisions or provide input that can influence a purchase or official decision.

(c) Location.--Senators, the Secretary of the Senate and the Chief Clerk must file their financial interest statements with the Secretary of the Senate, the Ethics Commission and any governmental agency, authority, board or commission on which they serve. Affected Senate employees must file their financial interest statements with the Secretary of the Senate.

(d) Required filing for official nonministerial action.--Filing a financial interest statement shall be required for employees who are responsible for taking or recommending official nonministerial action concerning any of the following:

- (1) Contracting or procurement.
- (2) Administering or monitoring grants or subsidies.
- (3) Planning or zoning.
- (4) Inspecting, licensing, regulating or auditing any person.
- (5) Any other activity where the official or recommended official action has an economic impact of more than a de minimis nature on the interests of any person. For most employees on a Senator's staff or in a caucus office, this category would be most applicable,

since recommending "official action" to a Senator as part of job responsibilities triggers the duty to file a financial interest statement. Official action would relate to a Senator's lawmaking duties especially as that relates to legislation and confirmations.

(e) Required filing for recommendations.--A financial interest statement must be filed if a Senate employee's responsibility includes making a recommendation to a Senator as to any of the following:

- (1) Advice regarding how to vote on the Floor or in Committee.
- (2) The potential consideration of bills, resolutions, amendments to bills or resolutions or nominations in Committee.
- (3) The drafting and preparation of legislation or resolutions, and any amendments to bills or resolutions, including advice on decisions regarding bill or resolution sponsorships.

(f) Applicability.--The requirement to file a financial interest statement shall apply to executive directors, counsels or any Senate employee responsible for a Committee and to Senate chiefs of staff. Executive, administrative and legislative assistants may be subject to the filing requirements depending on the nature and scope of the individual's employment responsibilities.

(g) Personal point of view.--A Senate employee who does nothing more than occasionally share a personal point of view with a Senator is not required to file a financial interest statement. In most cases, a Senate employee with job responsibilities not directly related to the actual lawmaking process, such as correspondence or scheduling, does not need to file a financial interest statement.

(h) District office.--A Senate employee assigned to a district office shall be subject to the same filing requirements as a Harrisburg-based Senate employee depending on the nature of that individual's employment responsibilities.

Rule 5. Training.

To assure compliance with these rules and other laws related to ethical behavior by Senators and Senate employees, appropriate training measures shall be implemented by the Senate. Training shall be provided annually for all Senators and Senate employees on various topics, which shall include, but are not limited to, all of the following:

- (1) These rules.
- (2) The Public Official and Employee Ethics Act, 65 Pa.C.S. Ch. 11 (relating to ethics standards and financial disclosure).
- (3) 65 Pa.C.S. Ch. 13A (relating to lobbying disclosure).

Rule 6. Rules.

(a) Force and effect.--These Rules shall be in full force and effect until altered, changed, amended or repealed as provided in subsection (c).

(b) Voting for altering, changing or amending rules.--The consent of a majority of the Senators elected shall be necessary to alter, change or amend these Rules.

(c) Alteration, change or amendment of rules by resolution.--All alterations, changes or amendments to Senate Rules shall be by resolution which shall not be considered unless first referred to and reported from the Rules Committee.

On the question,
Will the Senate adopt the resolution?

The yeas and nays were required by Senators PITTMAN and COSTA and were as follows, viz:

YEA-47

Argall	Costa	Kearney	Santarsiero
Aument	Dillon	Langerholc	Saval
Baker	DiSanto	Laughlin	Schwank
Bartolotta	Dush	Martin	Stefano
Boscola	Farry	Mastriano	Street
Brewster	Flynn	Miller	Tartagliano
Brooks	Fontana	Pennycuik	Vogel

Brown	Gebhard	Phillips-Hill	Ward, Judy
Cappelletti	Haywood	Pittman	Ward, Kim
Coleman	Hughes	Regan	Williams, Anthony H.
Collett	Hutchinson	Robinson	Yaw
Comitta	Kane	Rothman	

NAY-2

Muth 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.

SENATE RESOLUTION No. 2, ADOPTED

Senators PITTMAN and COSTA offered **Senate Resolution No. 2** and moved for its immediate adoption, which was read as follows:

In the Senate, January 3, 2023

RESOLVED, That the Financial Operating Rules of the Senate adopted during the 2023-2024 Regular Session be adopted for the government of the 207th and 208th Regular Session until amended, repealed or otherwise altered or changed.

A RESOLUTION

Adopting Financial Operating Rules of the Senate.

RESOLVED, That Financial Operating Rules of the Senate be adopted for the governing of the 207th and 208th Regular Session.

2023-2024

FINANCIAL OPERATING RULES OF THE SENATE

Rule 1. Personnel.

(a) Central office.--The office of the Chief Clerk of the Senate shall serve as the central office of the Senate for all personnel and payroll matters.

(b) Employees of the Senate.--

(1) Personnel files.--Before any individual is placed on any payroll of the Senate, there must be in the office of the Chief Clerk a payroll file containing:

- (i) Full name of employee.
- (ii) Full address.
- (iii) Date of employment or job transfer.
- (iv) Actual functional job title or description to include general hours of work, general job responsibilities and primary work location.
- (v) The name of the Senator or Officer responsible for monitoring the employee's performance.
- (vi) Notification of appointment signed by the authorizing Senator or Officer including a delineation of the account from which the employee is to be paid.
- (vii) The current compensation level with signature approval of the authorizing Senator or Officer. Overtime payments may be authorized only in emergency maintenance and security situations with the signature approvals of the Senator or Officer responsible for monitoring performance, the authorizing Senator or Officer and the President Pro Tempore.
- (viii) All information necessary for tax withholding and benefit eligibility.
- (ix) Employment Eligibility Verification Form.

(2) Maintenance.--It is the responsibility of the Chief Clerk to develop procedures necessary to maintain this payroll file information on a current basis. All payroll changes shall be reflected by the next appropriate payroll period providing said change is received in the office of the Chief Clerk prior to processing of the payroll.

(3) Reclassification of employees.--Any reclassification of employees under the Senate of Pennsylvania Pay Management Plan shall be submitted by the Senator or Officer authorizing such reclassification to the Senate Committee on Management Operations for approval or disapproval. The Senate Committee on Management Operations is authorized to establish a bipartisan subcommittee to consider and approve or disapprove all such requests subject to an appeal by the Senator or Officer for consideration of the reclassification by the Senate Committee on Management Operations.

(c) Contract for services.--

(1) Service contracts.--For any person retained on a contractual basis by any Officer or Senator to provide services, the following documents shall be filed with the office of the Chief Clerk:

- (i) A copy of the contract signed by the authorizing Senator or Officer including:
 - (A) Full name, address and Federal tax identification number of the contractor.
 - (B) Duration of the contract.
 - (C) Maximum cost of the contract and terms of payment.
 - (D) Clear, detailed description of the type of service to be performed or product to be delivered.
- (ii) The name of the Senator or Officer responsible for monitoring the contractor's performance.
- (iii) Additional information as required by policies of the Senate Committee on Management Operations.

(2) Limitation on contracts.--Except as authorized by policies of the Senate Committee on Management Operations, no contract may extend beyond the expiration of the term of office of the Senator.

(3) Contract review.--All contracts for services shall be submitted to the Chief Clerk for review and approval regarding conformity with applicable laws, rules and policies adopted by the Senate Committee on Management Operations.

(4) Payment.--Payments under contract shall be made in accordance with provisions of the contract provided that a voucher for such payment is received in the office of the Chief Clerk before the applicable processing deadline. Contractor performance shall be reviewed by the monitoring individual designated pursuant to paragraph (1)(ii), who under conditions of satisfactory performance and conformity to the contract shall approve the voucher prior to processing.

(d) Authorized accounts.--Salaries, wages and related benefits shall be paid from accounts so authorized by the General Appropriation Act. The authorized accounts may pay expenses related to contracts for services.

Rule 2. Travel allowances and reimbursements.

(a) Senator travel.--Travel allowances or reimbursements may be paid to a Senator who is engaged in travel in the performance of legislative duties. Except as provided in subsection (c), Senators are not authorized to lease vehicles on a long-term basis and no payments will be made with respect to long-term lease vehicle expenses incurred by Senators. Travel payments may be claimed in connection with the following:

- (1) Mileage between home district and Harrisburg for attendance at a session of the Senate.
- (2) Round trip travel between home district and Harrisburg for other legislative activities.
- (3) All travel in the Commonwealth for legislative business.
- (4) All travel to attend committee meetings, hearings, conferences and seminars.

(b) Employee travel.--Travel reimbursement may be paid to employees engaged in travel while away from their primary workplace provided that the travel is necessary for the performance of official business. Except as provided in subsection (c), employees are not authorized to lease vehicles on a long-term basis, and no payments will be made with respect to long-term lease vehicle expenses incurred by employees.

When away from the Harrisburg area and from their workplace, employees may, subject to approval of the supervising Senator or officer, rent cars on a short-term basis for a period not in excess of that needed to carry out official business.

(c) Rental of vehicle or conveyance.--

(1) Short-term rental of vehicle or conveyance.--A Senator whose Senate-provided leased vehicle is unavailable may be reimbursed the actual legislative percentage expenses for a short-term rental. A Senator or employee who rents a vehicle or conveyance on a short-term basis, other than a Senator's temporary replacement of a Senate-provided leased vehicle, may be reimbursed only on an actual cost basis for the legislative percentage of rental payments and expenses of operation.

(2) Long-term vehicle rental by Chief Clerk.--The Chief Clerk is authorized to enter into a master lease agreement with the Department of General Services for the long-term lease of automobiles to be used by Senators and in the operation of the Senate. The actual expenses of the lease and operation shall be paid by the Senate's Incidental Expense Account.

(d) Allowable transportation expenses.--

(1) Common or chartered carrier.--A Senator or employee may be reimbursed for reasonable actual costs of carriage when traveling by common or chartered carrier, including expenses for parking, taxis, limousines and tolls. Claims for payment based on miles traveled cannot be paid.

(2) Personal vehicle or conveyance.--A Senator or employee who uses a personal vehicle may be reimbursed on such mileage basis as may be established by the Senate Committee on Management Operations. Reimbursement for use of other noncommercial vehicles or noncommercial aircraft shall be made on such basis as may be established by the Senate Committee on Management Operations.

(3) Out-of-State travel.--

(i) Nonmember Officers of the Senate and their employees may claim expenses for travel outside the Commonwealth, provided that such travel is approved in the manner described in Rule 11. All claims for Senators' and employees' travel outside the Commonwealth shall be filed with the Office of the Chief Clerk in the manner described in Rule 11.

(ii) Senators and their employees may claim ordinary and necessary expenses for travel outside the Commonwealth provided that the travel is necessary to attend a conference, seminar or meeting regularly or specially scheduled by an organization which conference, seminar or meeting has a legislative purpose. Senators and their employees shall submit a copy of a registration and agenda, in addition to any other documentation required by these rules.

(iii) Senators may also claim ordinary and necessary expenses for travel outside the Commonwealth when the travel has a legislative purpose, but is not for attending a conference, seminar or meeting, provided the purpose is approved by the Senate Committee on Management Operations, and provided further that approval is not required for legislative business in Washington, DC.

(4) No duplication.--If a Senator or employee is entitled to reimbursement from more than one source for legislative business performed on behalf of more than one committee or group, payment shall be received from only one source.

(e) Documentation.--

(1) Expense voucher.--All requests for travel payments must be made on an expense voucher showing:

(i) Dates of travel.

(ii) Legislative purpose of travel described in reasonable specificity. Claims for out-of-State travel shall also include such information as may be required under subsection (d)(3).

(iii) The number of miles traveled when claiming reimbursement on a mileage basis. Such mileage claims also should reflect an itinerary including point of origin, furthest destination, and intermediate points and the legislative purpose of the trips.

(2) Receipts.--Receipts must be submitted to support the cost associated with claims for:

(i) Travel by common or chartered carrier.

(ii) Leased vehicle or conveyance operation. Receipts for gasoline and maintenance shall include the license number of the vehicle and the location of the purchase.

(iii) Parking, limousine, toll charges and other miscellaneous incidental items when any of these items exceeds \$25.

(f) Authorized accounts.--Travel payments can be made from any of the following accounts. Long-term vehicle or conveyance rental payments may be made from all accounts except paragraph (5). Authorized accounts are:

(1) Appropriations Committee Accounts.

(2) Senators' Legislative Accountable Expense Accounts.

(3) Incidental Expense Account.

(4) Caucus Operations Accounts.

(5) Committee and Contingent Expenses Accounts.

(6) Computer Services Accounts.

Rule 3. Meals and lodging.

(a) General.--A Senator may receive payments attributable to ordinary and necessary expenses for meals, lodging and incidental items provided that the Senator is engaged in the performance of legislative duties. Depending on the nature and location of the activity, as explained below, payments may be made in one of the following forms: per diem allowance or reimbursement for actual costs incurred.

(b) Per diem allowance.--

(1) A per diem allowance is an allowance for meals and lodging expenses incurred in the course of a Senator's duties. It is paid in lieu of reimbursement for actual expenses in accordance with Internal Revenue Service regulations. A Senator is entitled to receive a full or partial per diem allowance for each day the Senator is in the performance of legislative duties while in the Harrisburg area (defined as within Dauphin County or otherwise within a 10-mile radius of the Capitol) or elsewhere in the Commonwealth but away from home. Specific legislative duties include attendance at sessions of the Senate, attendance at official committee meetings and participation in all other activities necessary or appropriate to the carrying out of the responsibilities of the Senator. Payment of a per diem allowance is authorized only when the legislative duties performed by the Senator occur more than 50 miles from the Senator's residence.

(2) Types of per diem allowance.--

(i) A full per diem allowance not to exceed such amount as may be established by the Senate Committee on Management Operations may be claimed as an allowance for meals and lodging and is in lieu of reimbursement for actual expenses.

(ii) When the per diem entitlement derives from the performance in the Harrisburg area of the specified legislative duties set forth in paragraph (1), a Senator may receive a partial per diem allowance in accordance with policy established by the Senate Committee on Management Operations for meals and incidentals.

(c) Actual costs.--A Senator may claim actual costs for lodging, meals and other incidental items incurred in the performance of legislative duties in lieu of a per diem allowance. Expense claims for costs of lodging, meals and other incidental expenses incurred in the performance of legislative duties outside of the Commonwealth may be reimbursed on an actual expense basis or through a per diem allowance.

(d) Employees' travel.--If an employee is engaged in travel away from the normally assigned place of work necessary for the performance of official business, the employee may be reimbursed for ordinary and

necessary actual expenses for lodging, meals and other incidental items. For rules regarding out-of-State travel, see Rule 11.

(e) Payment from one source.--If a Senator is entitled to a meal and lodging claim from more than one source for legislative business performed on behalf of more than one committee or group, payments shall be received from only one source.

(f) Review.--All authorized and approved meals and lodging claims shall be reviewed for inadvertent duplication by the Office of the Chief Clerk prior to processing and payment.

(g) Recordkeeping.--Where a per diem allowance or reimbursement is paid by a legislative service agency cofunded between both Houses of the General Assembly, a copy of the approved claim shall be furnished to the Office of the Chief Clerk.

(h) Documentation.--

(1) Per diem allowance.--For payment of a per diem allowance, a Senator must submit a voucher showing the date, the legislative activity in which the Senator was engaged on that date, the location of the activity and an affirmative statement that the Senator incurred overnight lodging expense.

(2) Actual expenses of a Senator or an employee.--For payment of actual expenses, a Senator or employee must submit a voucher showing the date, amount, place and the legislative activity in which the Senator or employee was engaged and must submit a vendor or credit card receipt or invoice for each item exceeding \$10. Tips for meals may not exceed 20% of the value of the meal.

(i) Authorized accounts.--

(1) Payments shall be made from the Incidental Expense Account for authorized per diem allowances only for sessions of the Senate during which a Senator is recorded as present on any roll call vote.

(2) Payment may be made from the following accounts for other authorized per diem, meal and lodging claims:

- (i) Appropriations Committee Accounts.
- (ii) Senators' Legislative Accountable Expense Accounts.
- (iii) Incidental Expense Account.
- (iv) Caucus Operations Accounts.
- (v) Committee and Contingent Expenses Accounts.
- (vi) Computer Services Accounts for actual expenses only.

Rule 4. Equipment and furnishing control and inventory.

(a) Purchases, improvements and renovations.--The Office of the Chief Clerk shall act as the sole agent for improvements or renovations to Senate facilities at the Capitol Complex and for the purchase, rental, control and inventory of durable equipment, furniture and furnishings with a useful life of one year or more and a cost greater than the limit established by the Senate Committee on Management Operations for utilization in both the Capitol and District Offices. Nonrecoverable items including, but not limited to, carpeting, draperies and air conditioners for use in and improvements or renovations to district office facilities shall be purchased pursuant to standards developed by the Senate Committee on Management Operations.

(b) Approval of purchase or rental.--All requests for the purchase or rental of such equipment, furniture and furnishings must be reviewed and approved by the Chief Clerk.

(c) Senate inventory.--All approved requests shall be processed by the Office of the Chief Clerk, which shall maintain a full and current inventory of all durable equipment, furniture and furnishings secured on behalf of a Senator, Officer or employee of the Senate.

(d) Pricing and service.--The Chief Clerk shall take all necessary and reasonable steps to ensure that the purchase or rental of durable equipment, furniture and furnishings with a useful life of one year or more and a cost greater than the limit established by the Senate Committee on Management Operations shall be transacted at the lowest available price for the quality, compatibility, availability and service of the items being purchased or leased.

(e) Documentation required.--Required documentation shall include:

- (1) Request for purchase or rental showing:
 - (i) Date of request.
 - (ii) Item requested.
 - (iii) By whom request made.
 - (iv) Purpose.
 - (v) Signature approvals.
 - (vi) Record of subsection (d) actions taken.
- (2) Vendor's invoice or receipt detailing:
 - (i) Date of purchase or rental.
 - (ii) Vendor's identity.
 - (iii) Description of item purchased or rented.
 - (iv) Length of rental contract when applicable.
 - (v) Cost and payment terms of the purchase or rental.
- (f) Authorized accounts.--Authorized accounts shall include:
 - (1) Legislative and Printing Expense Account.
 - (2) Computer Services Accounts.
 - (3) Senators' Legislative Accountable Expense Accounts.
 - (4) Chief Clerk Employees' Salary and Expense Account.

Rule 5. District office expenses.

(a) Authorized expenses.--Expenses authorized shall include:

(1) Aggregate office rental in accordance with policies as may be established by the Senate Committee on Management Operations. No Senator, nor a member of the Senator's immediate family, may have a financial interest in a district office. For purposes of this paragraph, a financial interest shall not include ownership in a publicly traded investment vehicle, including a corporation, mutual fund, REIT or limited liability partnership in which the Senator or a member of the Senator's immediate family is not a managing partner. Prior to entering into a district office lease agreement, the Chief Clerk shall obtain and maintain a written verification from the Senator that neither the Senator nor a member of the Senator's immediate family has a financial interest in the property. This Rule shall not prohibit a district office from being located in a building in which a Senator or a member of the Senator's immediate family has a financial interest if rent, utilities or any expenses that may inure to the benefit of the property or landlord are not paid for by the Senate.

- (2) Insurance.
- (3) Printing services.
- (4) Telephone and data services.
- (5) Postage and mailing services.
- (6) Publications and subscriptions.
- (7) Nondurable supplies.
- (8) Senator, employee and visitor parking.
- (9) Janitorial maintenance and cleaning services.
- (10) Utility services.
- (11) Other items authorized for expenses as defined in the General Appropriations Act and policies of the Senate Committee on Management Operations.

(b) Documentation required.--A copy of the district office lease indicating the amount and payment terms shall be maintained in the Office of the Chief Clerk. Vouchers shall appropriately document expenses and legislative purpose for each expenditure. Receipts or invoices shall be included for all expenditures in excess of \$25 per occurrence.

(c) Authorized accounts.--Accounts authorized include:

- (1) Senators' Legislative Accountable Expense Accounts.
- (2) Chief Clerk Employees' Salary and Expense Account.
- (3) Legislative and Printing Expense Account.
- (4) Computer Services Accounts.
- (5) Caucus Operations Accounts.
- (6) Postage and Communication Expense Account of the Chief Clerk.

Rule 6. Capitol office expenses.

(a) Types of expenses authorized.--Expenses authorized shall include:

- (1) Utility services.
- (2) Insurance.

- (3) Printing services.
- (4) Telephone and data services.
- (5) Postage and communication.
- (6) Publications and subscriptions.
- (7) Nondurable supplies.
- (8) Employee parking.
- (9) Janitorial maintenance and cleaning services.
- (10) Other items authorized for expenses as defined in the General Appropriations Act and policies of the Senate Committee on Management Operations.

(b) Documentation required.--Documentation required shall include vouchers appropriately documenting expenses and legislative purpose for each expenditure. Receipts or invoices shall be included for all expenditures in excess of \$25 per occurrence.

- (c) Authorized accounts.--Accounts authorized include:
- (1) Legislative Printing and Expense Account.
 - (2) Postage and Communication Expense Account of the Chief Clerk.
 - (3) Senators' Legislative Accountable Expense Accounts.
 - (4) Appropriations Committee Accounts.
 - (5) Caucus Operations Accounts.
 - (6) Committee and Contingent Expenses Accounts.
 - (7) Incidental Expense Account.
 - (8) Computer Services Accounts.

Rule 7. Official expenses.

(a) General.--While engaged in the performance of legislative duties, a Senator, Officer or employee expressly authorized by a Senator may claim actual expenses as set forth below.

(b) Participation in conferences and seminars.--Expenses, such as registration fees, incurred in participating in legislative conferences and seminars may be claimed. Related travel expenses incurred are discussed in Rule 2. Related meals and lodging expenses incurred are discussed in Rule 3.

(c) Conducting meetings.--Expenses attributable to conducting legislative meetings or performing official duties may be claimed. Such expenses may include:

- (1) Food and refreshment which are ordinary to the performance of a Senator's legislative duties, and for which there is a legislative purpose. In general, these expenses will be incurred during, immediately preceding or immediately following a substantial and bona fide legislative business discussion.
- (2) Meeting room rental.
- (3) Incidental items.

(d) Documentation.--

(1) Participation in conferences and seminars.--Vouchers shall show the amount, date, place and legislative purpose. An agenda, and a registration form or other receipts, must be attached.

(2) Meeting expenses.--Vouchers of meeting expenses shall include documentation regarding the amount, date, place and legislative purpose. If a meeting expense is claimed by a Senator or employee, the portion of the voucher amount attributable to that Senator or employee shall be indicated. A receipt or invoice shall be attached to the voucher.

(3) Official duty expenses.--Vouchers shall show or reference to records which show the amount, date, place, legislative purpose and if claimed by a Senator or employee, the portion of the expense amount attributable to the Senator or employee. Restaurant, hotel or credit card receipt or invoices must be attached.

(4) Claims by Senate employees.--Vouchers involving any official expenses claimed by Senate employees shall reflect formal authorization by the supervising Senator or Officer.

(e) Authorized accounts.--Payments shall be made from the following accounts:

- (1) Appropriations Committee Accounts.
- (2) Incidental Expense Account.
- (3) Caucus Operations Accounts.

- (4) Committee and Contingent Expenses Accounts.
- (5) Senators' Legislative Accountable Expenses Accounts.
- (6) Computer Services Accounts.

Rule 8. Special expenses.

(a) Authorized expenses.--Expenses authorized include:

(1) Flowers, baskets of fruit or other appropriate items or memorial contributions to designated charities not to exceed the amount established by the Senate Committee on Management Operations. Recipients are limited to instances of death or serious illness for Senators, Officers, employees or their immediate families, or former Senators or their immediate families, or deceased retired Senate employees, or dignitaries including both incumbent or former elected or appointed officials or their immediate families.

(2) Rental of common carrier and other expenditures inherent thereto for attendance at funerals of a Senator or members of a Senator's immediate family, former Senators, dignitaries, or Officers.

(b) Documentation required.--Required documentation shall be submitted by a member of leadership or nonmember officer and shall include a receipt or vendor invoice showing: recipient, instance, description of items delivered, date delivered and cost.

(c) Authorized accounts.--Payment shall be made only from the Incidental Expense Account.

Rule 9. Miscellaneous expenses of standing and special committees.

(a) Committee proceedings.--Rental of meeting rooms and hearing facilities and payments to qualified court reporters or stenographers to record the proceedings authorized by the chairman of a standing or special committee of the Senate, including the cost of transcripts. Witnesses served with a subpoena to testify before such proceedings shall be paid witness fees and travel expenses as provided by Section 5903 of the Judicial Code.

(b) Printing and mailing.--Committee printing and mailing costs for mailings relating to legislative business.

(c) Publications and subscriptions.--Publications and subscriptions.

(d) Documentation required.--Vouchers or vendor receipts or invoices stating vendor's name, services or amount of postage, date, place, and total amount due or paid. Postage purchases shall require a receipt from the Postmaster.

(e) Authorized accounts.--Accounts authorized include:

- (1) Appropriations Committee Accounts.
- (2) Caucus Operations Accounts.
- (3) Committee and Contingent Expenses Accounts.

Rule 10. Senate Committee on Management Operations.

(a) Duties.--In addition to duties imposed by law or otherwise by these rules, the duties of the Senate Committee on Management Operations shall be:

(1) To arbitrate a decision of the Chief Clerk of the Senate relating to these Rules, in the event that a Senator, Officer or employee shall disagree with a decision of the Chief Clerk of the Senate.

(2) To make a final decision in case of a dispute on a question of legislative intent or legislative purpose regarding an expenditure.

(3) To make a continuing review of these Rules as to expenditures and the reporting of expenditures, and, from time to time, to make such recommendations as are appropriate.

(4) To adopt clarifications to these Rules through interim policy determinations.

(b) Records.--A record of the committee's decisions shall be maintained. The Chief Clerk shall be responsible for maintaining such records.

Rule 11. Out-of-State travel.

(a) Request for approval.--No nonmember Officer of the Senate or any employee of any nonmember Officer shall be reimbursed nor shall any of his or her expenses be paid for any travel outside the Commonwealth unless such travel has been approved by the Executive Committee or a majority of the membership of the Senate Committee on Management Operations. All requests for such approval shall be made to the Chief Clerk, and shall include information relating to the destination, the

estimated cost of such travel, the number of days involved, and the relationship that the travel has to the duties of the Officer or employee making the request. In the case of an employee, the request shall also be approved by the Officer.

(b) Time limit for filing.--A copy of any request for reimbursement or for the payment of any expenses relating to out-of-State travel by a Senator or employee assigned to a Senator shall be filed with the Office of the Chief Clerk within 30 days of such travel. Copies of these requests shall be made available for public inspection in the Office of the Chief Clerk in accordance with the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

Rule 12. List of employees and document access.

(a) Publication and distribution.--

(1) The Chief Clerk shall publish quarterly a listing of all employees of the Senate and its Officers, Committee Chairmen, and Senators and all persons holding contracts for services with the Senate or any of its Officers, Committee Chairmen and Senators. The list for employees shall contain the full name of the employee, the job title of the employee, the compensation of the employee, and the name of the Senator or Officer for such employee. For persons holding contracts for services with the Senate, the list shall contain the name of the contractor, the address of the contractor, a statement of the nature of the duties of the contractor, and the fee of the contractor as well as the name of the Senator or Officer responsible for monitoring the performance of the contractor.

(2) The list shall be published by February 1, for the quarter ending December 31; by May 1, for the quarter ending March 31; by August 1, for the quarter ending June 30; and by November 1, for the quarter ending September 30. The list shall be available for public inspection in the Office of the Chief Clerk in accordance with the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

(b) Public inspection of vouchers and requisitions.--All vouchers and requisitions relating to all expenditures, expenses, disbursements and other obligations out of all appropriated funds of the Senate shall be available for public inspection in accordance with the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law. Payroll and contracts for services shall also be made available for public inspection in accordance with the Right-to-Know Law.

(c) Copies of records.--Copies of financial records maintained in the Office of the Chief Clerk shall be made available in accordance with the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

Rule 13. Personnel policies.

(a) Preparation of rules and regulations.--The Senate Committee on Management Operations created pursuant to Section 1.1 of Act No. 417 of 1967 is authorized to prepare and adopt rules and regulations for uniform personnel policies and procedures, job specification and pay plans including periodic increments for Senate Officers and employees.

(b) Approval of rules and regulations.--Each such rule or regulation or any amendment thereto shall be prepared in resolution form and shall be placed on the Senate calendar for final approval or disapproval. The committee may when approved by at least five Members of the committee including both Floor Leaders implement such rules and regulations pending final Senate consideration of them. Such resolution shall have the force and effect of law in accordance with its terms when it has been approved by the full Senate.

Rule 14. Operations Manual.

(a) Preparation and approval.--The Chief Clerk shall prepare an Operations Manual of all rules, regulations, policies and procedures which are promulgated by the Senate Committee on Management Operations.

(b) Distribution.--Upon approval, applicable sections of the Operations Manual shall be posted on the Chief Clerk's Intranet site for access by all Senators, Senate Officers and Senate employees.

(c) Maintenance and updating.--The Chief Clerk shall be responsible for maintaining and updating this manual as a result of revisions or

amendments promulgated by the Senate Committee on Management Operations.

Rule 15. Effect and duration.

(a) Current policies.--Policies of the Senate Committee on Management Operations in effect on the date of the adoption of these rules are hereby ratified and approved by the Senate.

(b) Applicability.--These rules provide guidance to Senators, Senate Officers and Senate employees in performing their duties in the Senate. The changes contained in these rules are to be applied prospectively and are not intended to reflect on the propriety of past rules or practices of the Senate or its Senators, Officers or employees.

(c) Rules.--These rules shall be in full force and effect until altered, changed, amended or repealed as provided in Rule 16.

Rule 16. Changes to rules.

The consent of a majority of the Senators elected shall be necessary to alter, change or amend these rules.

Rule 17. Procedure for changing rules.

All alterations, changes or amendments to these rules shall be by resolution which shall not be considered until first referred to and reported from the Committee on Rules and Executive Nominations.

On the question,
Will the Senate adopt the resolution?

The yeas and nays were required by Senators PITTMAN and COSTA and were as follows, viz:

YEA-47

Argall	Costa	Kearney	Santarsiero
Aument	Dillon	Langerholc	Saval
Baker	DiSanto	Laughlin	Schwank
Bartolotta	Dush	Martin	Stefano
Boscola	Farry	Mastriano	Street
Brewster	Flynn	Miller	Tartaglione
Brooks	Fontana	Pennycuick	Vogel
Brown	Gebhard	Phillips-Hill	Ward, Judy
Cappelletti	Haywood	Pittman	Ward, Kim
Coleman	Hughes	Regan	Williams, Anthony H.
Collett	Hutchinson	Robinson	Yaw
Comitta	Kane	Rothman	

NAY-2

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

The PRESIDENT pro tempore. The resolution is adopted.

SENATE RESOLUTION No. 3, ADOPTED

Senators PITTMAN and COSTA offered **Senate Resolution No. 3** and moved for its immediate adoption, which was read as follows:

In the Senate, January 3, 2023

RESOLVED, That the Rules of the Senate adopted during the 2023-2024 Regular Session be adopted for the government of the 207th and 208th Regular Session until amended, repealed or otherwise altered or changed.

A RESOLUTION

Adopting the Rules of the Senate for the 207th and 208th Regular Session.

RESOLVED, That the following be adopted as the Rules of the Senate for the governing of the 207th and 208th Regular Session.

2023-2024

RULES OF THE SENATE OF PENNSYLVANIA

Rule 1. Sessions.

(a) Regular and special.--The General Assembly shall be a continuing body during the term for which its Representatives are elected. It shall meet at twelve o'clock noon on the first Tuesday of January each year. Special sessions shall be called by the Governor on petition of a majority of the Members elected to each House or may be called by the Governor whenever in his opinion the public interest requires. (Const. Art. II, Sec. 4)

(b) Weekly.--The Senate shall convene its weekly sessions on Monday, unless the Senate shall otherwise direct.

Rule 2. President.

The Lieutenant Governor shall be President of the Senate. (Const. Art. IV, Sec. 4)

Rule 3. Duties of the President.

The President shall:

(1) Take the chair on every legislative day at the hour to which the Senate stands recessed, immediately call the Senators to order, and proceed with the Order of Business of the Senate.

(2) While in session have general direction of the Senate Chamber. It shall be the President's duty to preserve order and decorum, including ensuring all members and staff with privilege of the floor are properly attired pursuant to Senate Rule 10, and, in case of disturbance or disorderly conduct in the Chamber or galleries, may cause the same to be cleared. When in the President's opinion there arises a case of extreme disturbance or emergency the President shall, with the concurrence of the President Pro Tempore, the Majority Leader and the Minority Leader, recess the Senate. Such recess shall not extend beyond the limitation imposed by Article II, section 14 of the Constitution.

(3) During debate, prevent personal references or questions as to motive, and confine Senators, in debate, to the question.

(4) Decide, when two or more Senators arise, who shall be first to speak.

(5) In the presence of the Senate, within one legislative day after receipt or adoption, sign all bills and joint resolutions which have passed both Houses after their titles have been read.

(6) Sign resolutions, orders, writs, warrants and subpoenas issued by order of the Senate. The signature shall be attested by the Secretary-Parliamentarian of the Senate, or, if absent, by the Chief Clerk of the Senate; and the fact of signing shall be entered in the Journal on the next available session day.

(7) Decide all points of order, subject to appeal, giving, however, any Member called to order the right to extenuate or justify. Debate shall not be permitted unless there be an appeal from a decision of the President in which event the President shall submit the question to the whole Senate for decision. The President shall submit points of order involving the constitutionality of any matter to the Senate for decision. Questions of order submitted to the Senate may be debated.

Rule 4. President Pro Tempore.

(a) Election.--The Senate shall, at the beginning and close of each regular session and at such other times as may be necessary, elect one of its Members President Pro Tempore, who shall perform the duties of the Lieutenant Governor in any case of absence or disability of that officer, and whenever the office of Lieutenant Governor shall be vacant. (Const. Art. II, Sec. 9)

(b) Voting.--The vote of a majority of the Members voting shall be required to elect a President Pro Tempore. Except at the beginning and close of each regular session, the Senate shall only elect a President Pro Tempore when the office has become vacant and the vote of the majority of the Members elected shall be required to vacate the office of a seated President Pro Tempore.

Rule 5. Duties of President Pro Tempore.

(a) Mandatory.--The President Pro Tempore shall:

(1) Appoint the Chair, Vice Chair and members of the Standing Committees of the Senate as soon after the election of the President Pro Tempore as possible. Upon the resignation of the Chair of a standing committee, the President Pro Tempore may designate an acting Chair.

(2) Appoint members to special committees whenever authorized.

(3) Fill all vacancies occurring in standing and special committees.

(4) Refer to the appropriate standing committee every bill and joint resolution which may be introduced in the Senate or received from the House of Representatives.

(5) Appoint and have under the President Pro Tempore's direction such Senate employees as are authorized by law.

(6) Vote last on all questions when occupying the Chair.

(b) Discretionary.--The President Pro Tempore may name any Senator to preside in the absence of the President, or if both the President and President Pro Tempore are absent the Majority Leader, or the Majority Leader's designee, shall preside. The Majority Leader, during such time, shall be vested with all powers of the President. This authority shall not extend beyond a day's recess.

Rule 6. Duties of the Secretary-Parliamentarian.

(a) Election.--At the beginning of each regular session convening in an odd-numbered year and at other times as may be necessary, the Senate shall elect a Secretary-Parliamentarian of the Senate.

(b) General duties.--The Secretary-Parliamentarian of the Senate shall:

(1) Assist the presiding officer in conducting the business of the session.

(2) Act in the capacity of Parliamentarian.

(c) Specific duties.--The Secretary-Parliamentarian of the Senate shall, subject to the direction of the President Pro Tempore:

(1) Direct the following functions:

(i) Amending bills in the Senate.

(ii) Preparing and publishing the Senate Calendar.

(iii) Publication of the Senate History.

(iv) Numbering Senate bills as they are introduced and causing them to be distributed to the chair of the committee to which they are referred and receiving a receipt for the same.

(v) Printing of bills.

(vi) Maintain and update, as needed, the Legislative Data Processing Senate Virtual Session Desk application for use by members and staff.

(2) Keep a record of the Senate action on a bill on a special record sheet attached to the bill after it has been reported from committee.

(3) Keep a record of all leaves granted by the Senate by compiling the leave requests submitted by a member and transmitted to the Secretary-Parliamentarian by the respective Whips. These records shall be retained only for the duration of the two-year legislative session. Further, these records shall be available for public inspection upon request.

(4) Transmit all bills, joint resolutions, concurrent resolutions and other communications to the House of Representatives within one legislative day of final passage or adoption, and each shall be accompanied by a message stating the title to the measure being transmitted and requesting concurrence of the House, as required.

(5) Attest all writs, warrants and subpoenas issued by order of the Senate; certify as to the passage of Senate Bills and the approval of executive nominations.

(6) Supervise the Senate Library, assist Senators by making reference material available to them and perform any duties assigned to the Senate Librarian by any statute.

(7) Supervise the Chief Sergeant-at-Arms, the Senate Bill Room, the Senate Print Shop, the Official Reporter's Office and the Senate Page Service.

(8) Post each roll call vote taken in the Senate on the Internet website maintained by the Senate immediately, but in no case later than 24 hours after the vote. Each roll call vote shall be posted in a manner which clearly identifies the bill, resolution or other subject of the vote.

(9) Post the Legislative Journal of the Senate on the Internet website maintained by the Senate upon approval of the Journal or within 90 calendar days of each session day, whichever is earlier. The journal shall be the official record of the Senate upon Senate approval or posting of the Journal on the Internet website by the Secretary-Parliamentarian.

(10) Provide for the publication and dissemination of educational or informational literature pertaining to the Senate, the Commonwealth of Pennsylvania or the Government of the United States.

Rule 7. Duties of the Chief Clerk of the Senate.

(a) Election.--At the beginning of each regular session convening in an odd-numbered year and, whenever necessary, the Senate shall elect a Chief Clerk of the Senate.

(b) Duties.--The Chief Clerk shall be the chief fiscal officer of the Senate and shall perform those powers and duties prescribed by law, the Rules of the Senate and at the direction of the President Pro Tempore. In the absence of the Secretary-Parliamentarian, the Chief Clerk shall, subject to the direction of the President Pro Tempore, attest all writs, warrants and subpoenas issued by order of the Senate and shall certify as to the passage of Senate Bills and the approval of executive nominations.

Rule 8. Duties of the Chief Sergeant-at-Arms.

There shall be a Chief Sergeant-at-Arms who shall:

(1) Be constantly in attendance during the sessions of the Senate except when absent in discharging other duties.

(2) Appoint, have charge of and direct the work of the assistant sergeants-at-arms.

(3) Serve all subpoenas and warrants issued by the Senate or any duly authorized officer or committee.

(4) Maintain order, at the direction of the presiding officer, in the Senate Chamber and adjoining rooms.

(5) See that no person, except those authorized to do so, disturbs or interferes with the desk, or its contents, of any Senator or officer.

(6) Exclude from the Floor all persons not entitled to the privilege of the same.

(7) Have charge of all entrances to the Chamber during the sessions of the Senate and shall see that the doors are properly attended.

(8) Announce, upon recognition by the presiding officer, all important communications and committees.

(9) Escort the Senate to all Joint meetings with the mace.

(10) Escort the Senate to attend funeral services of members, former members of the Senate or other dignitaries with the mace.

Rule 9. Order of Business.

(a) General rule.--The Order of Business to be observed in taking up business shall be as follows:

- First Call to Order.
- Second Prayer by the Chaplain and Pledge of Allegiance.
- Third Reading of Communications.
- Fourth Receiving reports of committees.
- Fifth Asking of leaves of absence. No Senator shall absent himself without leave of the Senate, first obtained, unless prevented from attendance by sickness, or other sufficient cause.
- Sixth Approval of Journals of preceding session days.
- Seventh Offering of original resolutions.
- Eighth Introduction of Guests. As a special order of business, the Majority Leader, in consultation with the Minority Leader, may permit approved committee meetings to

be held in the Rules Room during the introduction of guests.

Ninth Consideration of the Calendar. Any bill or resolution on the Calendar not finally acted upon within 10 legislative days shall be removed from the Calendar and laid on the table, unless the Senate shall otherwise direct.

Tenth Consideration of Executive Nominations.

Eleventh Unfinished Business. Reports of Committees.

Twelfth First consideration of bills reported from committee, which, at this time, shall not be subject to amendment, debate or a vote thereon.

Thirteenth Announcements by the Secretary-Parliamentarian.

Fourteenth Introduction of Petitions and Remonstrances.

Fifteenth Recess.

(b) Special order of business.--Any subject may, by a vote of a majority of the Members present, be made a special order; and when the time so fixed for its consideration arrives, the presiding officer shall lay it before the Senate.

Rule 10. Order and decorum.

(a) Recognition.--Any Senator who desires to speak or deliver any matter to the Senate shall rise and respectfully address the presiding officer as "Mr. President" or "Madam President," and on being recognized, may address the Senate at a microphone located on the Floor of the Chamber.

(b) Avoiding personal references.--Any Senator addressing the Senate shall confine remarks to the question under debate, avoiding personal references or questions as to motive.

(c) Speaking out of order.--If any Senator transgresses the Rules of the Senate, in speaking or otherwise, the presiding officer may, or any Senator may through the presiding officer, call that Senator to order.

(d) Speaking more than twice.--No Senator shall speak more than twice on one question without leave of the Senate.

(e) Decorum.--When a Senator is speaking, no other person shall pass between the Senator and the presiding officer.

(f) Order and privilege.--No Senator speaking shall be interrupted except by a call to order, a question of privilege, a question of order or a call for the previous question, without the consent of the Senator speaking, and no Senator shall speak on a question after it is put to a vote.

(g) Questions of order.--The presiding officer shall decide all questions of order, subject to appeal by any member. No debate shall be allowed on questions of order, unless there is an appeal. A second point of order on the same general subject, but not the same point, is not in order while an appeal is pending, but when the first appeal is decided, laid on the table or otherwise disposed of, the second point of order is in order and is subject to appeal. While an appeal is pending, no other business is in order. It is within the discretion of the presiding officer as to whether to vacate the chair on an appeal.

(h) Question when interrupted.--A question regularly before the Senate can be interrupted only by a call for the previous question, for amendment, postponement, to lay on the table, commitment, recess or adjournment sine die.

(i) Use of tobacco products.--No tobacco products, including cigarettes, cigars, pipes and chewing tobacco, shall be used in the Senate Chamber or in Senate Committee Rooms.

(j) Cell phones.--In the Senate Chamber, cell phones and similar portable communication devices shall be set to silent mode and use of voice or video recording and broadcasting capabilities is prohibited.

(k) Proper attire.--Members and staff with privilege of the floor during Senate sessions shall not dress in a manner offensive to the decorum of the Senate but shall be dressed in professional attire, including a coat, tie and trousers or slacks for men, and appropriate dignified dress for women.

Rule 11. Motions.

(a) Putting a motion.--When a motion is made, it shall, before debate, be stated by the presiding officer. Every motion made to the Senate

and entertained by the presiding officer shall be entered in the Journal with the name of the Senator making it. A motion may be withdrawn by the Senator making it before amendment, postponement, an order to lay on the table or decision.

(b) Precedence of motions.--Motions shall take precedence in the following order:

- (1) Adjourn sine die.
- (2) Recess.
- (3) Previous question.
- (4) Recess temporarily within the same session day.
- (5) Questions of privilege of the Senate.
- (6) Orders of the day.
- (7) Lay on the table.
- (8) Limit, close or extend limit on debate.
- (9) Postpone.
- (10) Commit or recommit.
- (11) Amend.
- (12) Main motion.

(c) Non-debatable motions.--Non-debatable motions are:

- (1) Adjourn sine die.
- (2) Recess.
- (3) Recess temporarily within the same session day.
- (4) Previous question.
- (5) Lay on the table.
- (6) Orders of the day.
- (7) Limit, close or extend limit on debate.

(d) Motions which permit limited debate.--

(1) On the motion to postpone, the question of postponement is open to debate, but the main question is not.

(2) The motion to commit or recommit to committee is debatable as to the propriety of the reference, but the main question is not open to debate.

(3) The motion to amend is debatable on the amendments only and does not open the main question to debate.

(e) Seconding motions.--All motions, except for the previous question, which shall be seconded by not less than four Senators, may be made without a second.

(f) Recessing and convening.--

(1) A motion to recess shall always be in order, except, when on the call for the previous question, the main question shall have been ordered to be now put, or when a Member has the Floor, and shall be decided without debate.

(2) On a motion to recess, adopted and not having a reconvening time, the Senate will meet the following day at 10:00 a.m.

(3) The Senate shall not convene earlier than 8:00 a.m. unless the Senate adopts a motion that sets forth the need to convene earlier than 8:00 a.m.

(4) The Senate shall not recess later than 11:00 p.m. each session day unless the Senate adopts a motion that sets forth the need to recess later than 11:00 p.m.

(g) Motion for previous question.--Pending the consideration of any question before the Senate, a Senator may call for the previous question, and if seconded by four Senators, the President shall submit the question: "Shall the main question now be put?" If a majority vote is in favor of it, the main question shall be ordered, the effect of which shall cut off all further amendments and debate, and bring the Senate to a direct vote first upon the pending amendments and motions, if there be any, then upon the main proposition. The previous question may be ordered on any pending amendment or motion before the Senate.

(h) Motion to lay on table.--The motion to lay on the table is not debatable, and the effect of the adoption of this motion is to place on the table the pending question and everything adhering to it. Questions laid on the table remain there for the entire session unless taken up before the session closes.

(i) Motion to take from table.--A motion to take from the table, a bill or other subject, is in order under the same order of business in which the matter was tabled. It shall be decided without debate or amendment.

(j) Reconsideration.--

(1) When a question has once been made and carried in the affirmative or negative, it shall be in order to move the reconsideration thereof. When the Senate has been equally divided on a question, or a bill shall have failed to pass by reason of not having received the number of votes required by the Constitution, it shall be in order to move the reconsideration thereof.

(2) Provided, however, that no motion for the reconsideration of any vote shall be in order after a bill, resolution, report, amendment or motion upon which the vote was taken shall have gone out of the possession of the Senate.

(3) Provided, further, that no motion for reconsideration shall be in order unless made on the same day on which the vote was taken, or within the next five days of voting session of the Senate thereafter.

(4) A motion to reconsider the same question a third time is not in order.

(5) When a bill, resolution, report, amendment, order, or communication, upon which a vote has been taken, shall have gone out of the possession of the Senate and been sent to the House of Representatives or to the Governor, the motion to reconsider shall not be in order until a resolution has been passed to request the House or Governor to return the same and the same shall have been returned to the possession of the Senate.

Rule 12. Bills.

(a) Passage of bills.--

(1) No law shall be passed except by bill, and no bill shall be so altered or amended, on its passage through either House, as to change its original purpose. (Const. Art. III, Sec. 1)

(2) No alteration or amendment shall be considered which is not appropriate and closely allied to the original purpose of the bill. If a bill has been amended after being reported by the Appropriations Committee and if the amendment may require the expenditure of Commonwealth funds or funds of a political subdivision or cause a loss of revenue to the Commonwealth or a political subdivision, the Appropriations Committee shall make a fiscal note reflecting the impact of the amendment available to the Senators.

(b) Reference and printing.--No bill shall be considered unless referred to a committee, printed for the use of the members and returned therefrom. (Const. Art. III, Sec. 2)

(c) Form of bills.--No bill shall be passed containing more than one subject, which shall be clearly expressed in its title, except a general appropriation bill or a bill codifying or compiling the law or a part thereof. (Const. Art. III, Sec. 3)

(d) Consideration of bills.--Every bill shall be considered on three different days in each House. All amendments made thereto shall be available pursuant to Rule 13(a)(2) for the use of the members before the final vote is taken on the bill. Upon written request addressed to the presiding officer of the Senate by at least 25% of the Members elected to the Senate, any bill shall be read at length in that House. No bill shall become a law, unless on its final passage the vote is taken by yeas and nays, the names of the persons voting for and against it are entered on the Journal, and a majority of the Members elected to each House is recorded thereon as voting in its favor. (Const. Art. III, Sec. 4)

(e) Local and special bills.--No local or special bill shall be passed unless notice of the intention to apply therefor shall have been published in the locality where the matter or the thing to be effected may be situated, which notice shall be at least 30 days prior to the introduction into the General Assembly of such bill and in the manner to be provided by law; the evidence of such notice having been published shall be exhibited in the General Assembly before such act shall be passed. (Const. Art. III, Sec. 7)

(f) Revenue bills.--All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other bills. (Const. Art. III, Sec. 10)

(g) Appropriation bills.--

(1) The general appropriation bill shall embrace nothing but appropriations for the executive, legislative and judicial departments of the Commonwealth, for the public debt and for public schools. All other appropriations shall be made by separate bills, each embracing but one subject. (Const. Art. III, Sec. 11)

(2) No appropriation shall be made for charitable, educational or benevolent purposes to any person or community nor to any denomination and sectarian institution, corporation or association: Provided, That appropriations may be made for pensions or gratuities for military service and to blind persons 21 years of age and upwards and for assistance to mothers having dependent children and to aged persons without adequate means of support and in the form of scholarship grants or loans for higher educational purposes to residents of the Commonwealth enrolled in institutions of higher learning, except that no scholarship, grants or loans for higher educational purposes shall be given to persons enrolled in a theological seminary or school of theology. (Const. Art. III, Sec. 29)

(h) Charitable and educational appropriations.--No appropriation shall be made to any charitable or educational institution not under the absolute control of the Commonwealth, other than normal schools established by law for the professional training of teachers for the public schools of the State, except by a vote of two-thirds of all the members elected to each House. (Const. Art. III, Sec. 30)

(i) Land transfer legislation.--

(1) No bills granting or conveying Commonwealth land or taking title thereto shall be reported by any committee of the Senate unless there has been filed with the Secretary-Parliamentarian and the Chair of the Reporting Committee, a memorandum from the Department of General Services indicating the use to which the property is presently employed, the full consideration for the transfer, if any, a departmental appraisal of the property, including its valuation and a list of recorded liens and encumbrances, if any, the use to which the property will be employed upon its transfer, the date by which the land is needed for its new use and the senatorial district or districts in which the land is located. The memorandum shall be filed within 60 days after a request is made for same and contain a statement by a responsible person in the Department of General Services indicating whether or not the departments involved favor the transfer which is the subject of the bill under consideration. The sponsor of the bill or the Chair of the Reporting Committee may request the memorandum from the Department of General Services.

(2) No amendment granting or conveying Commonwealth land or taking title thereto shall be considered by the Senate unless there has been filed with the Secretary-Parliamentarian and the Chair of the committee reporting the bill a memorandum from the Department of General Services indicating the use to which the property is presently employed, the full consideration for the transfer, if any, a departmental appraisal of the property, including its valuation and a list of recorded liens and encumbrances, if any, the use to which the property will be employed upon its transfer, the date by which the land is needed for its new use, the senatorial district or districts in which the land is located and a statement by a responsible person in the Department of General Services indicating whether or not the departments involved favor the transfer which is the subject of the amendment under consideration. The memorandum shall be filed within 60 days after a request is made. The sponsor of the amendment or the Chair of the Reporting Committee may request the memorandum from the Department of General Services.

(3) If a memorandum is not filed within 60 days after a request is made to the Department of General Services, the Senate or any committees of the Senate may consider bills or amendments

granting or conveying Commonwealth land or taking title thereto, notwithstanding paragraphs (1) and (2).

(j) Consideration during second regular session.--All bills, joint resolutions, resolutions, concurrent resolutions or other matters pending before the Senate upon the recess of a first regular session convening in an odd-numbered year shall maintain their status and be pending before a second regular session convening in an even-numbered year but not beyond adjournment sine die or November 30th of such year, whichever first occurs.

(k) Introduction.--All bills shall be introduced in quadruplicate or filed electronically with the Secretary-Parliamentarian's Office through a process determined by the Secretary-Parliamentarian. A sponsor may be added after a bill has been printed but the addition of sponsors shall not require that the bill be reprinted. All bills shall be examined by the Legislative Reference Bureau for correctness as to form and shall be imprinted with the stamp of the Bureau before being filed with the Secretary-Parliamentarian for introduction.

(l) Character of bills to be introduced.--No Member shall introduce, nor shall any committee report any bill for the action of the Senate, proposing to legislate upon any of the subjects prohibited by Article III, section 32 of the Constitution.

(m) Printing of amended bills.--

(1) All bills reported or re-reported from committee, if amended by the committee, and all bills on the Calendar, if amended by the Senate, shall be reprinted and a new printer's number assigned thereto before any action is taken thereon.

(2) No bill or joint resolution re-reported from committee as amended shall be voted upon on final passage until at least 10 hours have elapsed from the time of the committee report.

(n) First consideration.--Bills on first consideration shall not be subject to amendment, debate or a vote thereon.

(o) Second consideration.--Bills on second consideration may be subject to amendment, debate and a vote thereon.

(p) Third consideration and final passage.--

(1) The following apply:

(i) Bills on third consideration may be amended and are subject to debate. Bills on final passage may not be amended but are open to debate. The vote on final passage shall be taken by a roll call. The names of the Senators voting for and against shall be recorded, entered in the Journal and posted on the Internet website maintained by the Senate. No bill shall be declared passed unless a majority of all Senators elected to the Senate shall be recorded as voting for the same.

(ii) No bill which may require an expenditure of Commonwealth funds or funds of any political subdivision or cause a loss of revenue to the Commonwealth or any political subdivision shall be given third consideration on the Calendar until it has been referred to the Appropriations Committee and a fiscal note attached thereto.

(iii) In obtaining the information required by these Rules, the Appropriations Committee may utilize the services of the Budget Office and any other State agency as may be necessary.

(iv) No bills appropriating money for charitable or benevolent purposes shall be considered finally until after the general appropriation bill shall have been reported from committee.

(2) The following apply:

(i) It shall not be in order, by suspension of this Rule or otherwise, to consider a bill on final passage unless it is printed, together with amendments, if any, and made available to the Senators.

(ii) No bill or joint resolution amended on third consideration shall be voted on final passage until at least 10 hours have elapsed from the time of adoption of the amendment.

(q) Prefiling of bills, joint resolutions and resolutions.--Any Senator or Senator-elect may file, via paper or electronic format, bills, joint resolutions and resolutions with the Secretary-Parliamentarian of the Senate

commencing on December 15 of each even-numbered year. The Secretary-Parliamentarian of the Senate shall number the bills, joint resolutions and resolutions and shall have them available for distribution. Upon the naming of the committees of the Senate at the convening of a First Regular Session, the President Pro Tempore shall refer all prefiled measures to the proper committee within 14 calendar days.

(r) Normal filing of bills, joint resolutions and resolutions.--Senators may introduce bills, joint resolutions and resolutions by filing the same, via paper or electronic format, with the Secretary-Parliamentarian of the Senate. The Secretary-Parliamentarian of the Senate shall number the bills, joint resolutions and resolutions and shall notify the President Pro Tempore of the fact of such filing.

(s) Referral to committee by President Pro Tempore.--Every bill, joint resolution and resolution introduced by a Senator or received from the House of Representatives shall be referred by the President Pro Tempore to the appropriate committee within 14 calendar days. Upon referral, the Secretary-Parliamentarian of the Senate shall deliver the bills, joint resolutions and resolutions, via paper or electronic format, to the committees to which they have been referred. The Secretary-Parliamentarian of the Senate shall have the bills, joint resolutions and resolutions available for distribution.

Rule 13. Amendments.

(a) When in order.--

(1) Amendments shall be in order when a bill is reported or re-reported from committee, on second consideration and on third consideration. No amendments shall be received by the presiding officer or considered by the Senate which destroys the general sense of the original bill or is not appropriate and closely allied to the original purpose of the bill. Any Member, upon request, must be furnished a copy of a proposed amendment, this includes being available on the Senate Virtual Session Desk application or its successor applications, and be given a reasonable opportunity to consider same before being required to vote thereon.

(2) Amendments offered on the Floor shall be read by the Reading Clerk and stated by the presiding officer to the Senate before being acted upon. Amendments shall be presented with at least four typewritten copies obtained electronically through the Legislative Reference Bureau, which shall have the Sponsor identified. No amendment may be considered by the Senate until the Secretary-Parliamentarian of the Senate has posted the amendment on the Internet website maintained by the Senate.

(3) Amendments to bills or other main motions or questions before the Senate may be tabled. When an amendment proposed to any bill or other main motion or question before the Senate is laid on the table, it shall not carry with it or prejudice the bill, main motion or question. A motion to take an amendment from the table shall only be in order if the bill or other main motion or question remains before the Senate for decision. The motion to take an amendment from the table is not debatable and shall have the same precedence as the motion to amend.

(b) Amendments reconsidering; revert to prior print.--Amendments adopted or defeated may not be again considered without reconsidering the vote by which the amendments were adopted or defeated, unless a majority vote of the Senators present shall decide to revert to a prior printer's number. If such a motion is made to a bill on third consideration and carried it shall not be in order to vote on the final passage of the bill until a copy of the reverted printer's number is made available to the Senators, this includes being available on the Senate Virtual Session Desk application or its successor applications.

(c) Concurrence in House amendments.--

(1) The following apply:

(i) No amendments to bills by the House shall be concurred in by the Senate, except by the vote of a majority of the Members elected to the Senate taken by yeas and nays. (Const. Art. III, Sec. 5)

(ii) If a bill on concurrence contains an amendment which may require the expenditure of Commonwealth funds or funds of a political subdivision or cause a loss of revenue to the Commonwealth or a political subdivision, the bill may not be voted finally until a fiscal note reflecting the impact of the amendment is made available to the Senators.

(2) The following apply:

(i) Any bill or resolution containing House amendments which is returned to the Senate shall be referred to the Committee on Rules and Executive Nominations immediately upon the reading of the communication by the Reading Clerk. The consideration of any bill or resolution containing House amendments may include the amendment of House amendments only by the Committee on Rules and Executive Nominations. The vote on concurring in amendments by the House to bills or resolutions amended by the House shall not be taken until the bills or resolutions have been favorably reported, as committed or as amended, by the Committee on Rules and Executive Nominations and have been placed on the desks of the Senators, this includes being available on the Senate Virtual Session Desk application or its successor applications, and particularly referred to on their calendars.

(ii) Unless the Majority Leader and the Minority Leader shall agree otherwise, the offering of an amendment to House amendments in the Committee on Rules and Executive Nominations shall not be in order until at least one hour after the filing of a copy of the amendment as prepared by the Legislative Reference Bureau with the office of the Secretary-Parliamentarian. Upon the filing of such an amendment, the Secretary-Parliamentarian shall immediately time stamp the amendment and forward a time-stamped copy of the amendment to the offices of the Majority Leader and the Minority Leader. Except as provided in this subsection, it shall not be in order to suspend or otherwise waive the requirements of this subsection.

Rule 14. Committees.

(a) Standing committees.--

(1) There shall be the following permanent standing committees, the Chair, the Vice Chair and members thereof to be appointed by the President Pro Tempore as soon as possible after the election of the President Pro Tempore in sessions convening in odd-numbered years or such other times as may be necessary. The composition of each standing committee shall reasonably reflect the caucus composition of the Senate membership.

Aging and Youth - 10 members

Agriculture and Rural Affairs - 10 members

Appropriations - 21 members

Banking and Insurance - 13 members

Communications and Technology - 10 members

Community, Economic and Recreational Development - 13 members

Consumer Protection and Professional Licensure - 13 members

Education - 10 members

Environmental Resources and Energy -- 10 members

Finance -- 10 members

Game and Fisheries -- 10 members

Health and Human Services -- 10 members

Intergovernmental Operations -- 10 members

Judiciary - 13 members

Labor and Industry -- 10 members

Law and Justice -- 10 members

Local Government -- 10 members

Rules and Executive Nominations - 16 members

State Government -- 10 members

Transportation - 13 members

Urban Affairs and Housing -- 10 members

Veterans' Affairs and Emergency Preparedness -- 10 members

(2) Subcommittees. Each standing committee or the chair thereof may appoint, from time to time, a subcommittee to study or investigate a matter falling within the jurisdiction of the standing committee or to consider a bill or resolution referred to it. A subcommittee may hold public hearings only with the prior permission of its standing committee. Subcommittees shall be regulated by the Senate Rules of Procedure and shall be in existence for only that time necessary to complete their assignments and report to their standing committees.

(b) Members-ex-officio.--

(1) The President Pro Tempore shall be an ex-officio voting member of all standing committees and any subcommittees that may be established and shall not be included in the number of committee members herein provided. However, the President Pro Tempore shall not be an ex-officio Member of the Committee on Ethics and Official Conduct.

(2) The Majority Leader and the Minority Leader shall each be an ex-officio member of the Committee on Appropriations and shall not be included in the number of members of the committee provided herein.

(3) The Majority Leader shall serve as Chair of the Committee on Rules and Executive Nominations and the Minority Leader shall serve as the Minority Chair.

(4) During a roll call vote, ex-officio members shall be called immediately before calling the Chair of a committee or subcommittee, whose name shall be called last.

(c) Committees' function between sessions.--Standing committees shall exist and function both during and between sessions. Such power shall not extend beyond November 30th of any even-numbered year.

(d) Powers and responsibilities.--Standing committees are authorized:

(1) To maintain a continuous review of the work of the Commonwealth agencies concerned with their subject areas and the performance of the functions of government within each such subject area, and for this purpose to request reports from time to time, in such form as the standing committee shall designate, concerning the operation of any Commonwealth agency and presenting any proposal or recommendation such agency may have with regard to existing laws or proposed legislation in its subject area. The standing committee is authorized to require public officials and employees and private individuals to appear before the standing committee for the purpose of submitting information to it.

(2) In order to carry out its duties, each standing committee is empowered with the right and authority to inspect and investigate the books, records, papers, documents, data, operation and physical plant of any public agency in this Commonwealth.

(3) In order to carry out its duties, each standing committee or special committee appointed under Rule 5(a)(2) may issue subpoenas, subpoenas duces tecum and other necessary process to compel the attendance of witnesses and the production of any books, letters or other documentary evidence desired by the committee. The chair may administer oaths and affirmations in the manner prescribed by law to witnesses who shall appear before the committee to testify.

(e) Notice of meetings.--

(1) The following apply:

(i) The Chair of a committee or, in the absence of the Chair, the Vice Chair, with the approval of the Chair, shall provide each member of the committee with written notice of committee meetings, which may be done electronically. The notice of a meeting shall include the date, time and location of the meeting and the number of each bill, resolution or other matter which may be considered. During session, notice of meetings of standing committees shall be published daily. Notice shall be delivered by the Chair to the Secretary-Parliamentarian's office on a

form prescribed by the Secretary-Parliamentarian of the Senate by the end of the session on the day preceding its intended publication.

(ii) Whenever the Chair of any standing committee shall refuse to call a regular meeting, then a majority plus one of the members of the standing committee may vote to call a meeting by giving two days' written notice to the Secretary-Parliamentarian of the Senate, setting the time and place for such meeting. Such notice shall be read in the Senate and the same posted by the Secretary-Parliamentarian in the Senate. Thereafter, the meeting shall be held at the time and place specified in the notice. In addition, any such meeting shall comply with all provisions of 65 Pa.C.S. Ch. 7 (relating to open meetings) relative to notice of meetings.

(iii) When the majority plus one of the members of a standing committee believe that a certain bill or resolution in the possession of the standing committee should be considered and acted upon by such committee, they may request the Chair to include the same as part of the business of a committee meeting. Should the Chair refuse such request, the membership may require that such bill be considered by written motion made and approved by a majority plus one vote of the entire membership to which the committee is entitled.

(2) A committee meeting, or hearing for which notice has not been published as provided in paragraph (1), may be held during a session only if approval is granted by the Majority Leader and the Minority Leader and if notice of each bill, resolution or other matter to be considered is given during session.

(3) A committee meeting, or hearing for which notice has been published as provided in paragraph (1), may be rescheduled and held during a session in consultation with the Majority Leader and the Minority Leader and if notice of each bill, resolution or other matter to be considered is given during session.

(f) Bills recommitted.--Any bill or resolution reported by any standing committee without prior notice having been given as required by these Rules shall be recommitted to the committee reporting the same.

(g) Public meetings or hearings.--

(1) The following apply:

(i) The Chair of a standing committee may hold hearings open to the public and in doing so shall make a public announcement in writing prior to the date of the hearing of the date, time, location and subject matter of the hearing.

(ii) The Chair of a standing committee shall have the power to designate whether or not a meeting of the committee for the purpose of transacting committee business shall be open to the public or shall be held in executive session and therefore closed to the public, but no matters may be considered in executive session for which an open meeting is required under 65 Pa.C.S. Ch. 7 (relating to open meetings).

(2) All standing committees may have their hearings reported and transcribed if payment for such service is being made from committee funds. If payment is expected to be made from a source other than committee funds, approval must be first obtained from the President Pro Tempore.

(3) The meetings of the Senate standing and special committees may be livestreamed as determined by the committee chair, if held in a hearing room equipped for that purpose, and posted on the official Senate Internet website. The official Senate livestream and recordings of the livestream, video or audio, may be broadcasted and posted on the respective Senate caucus websites and social media platforms. The restrictions on video and audio feeds under Rule 23 apply to livestreamed and video recordings of standing and special committee meetings.

(h) Quorum of committee.--A committee is actually assembled only when a quorum constituting a majority of the members of that committee is present in person. A majority of the quorum of the whole committee

shall be required to report any bill, resolution or other matter to the Floor for action by the whole Senate.

(i) Quorum of subcommittee.--A subcommittee is actually assembled only when a quorum constituting a majority of the members of that subcommittee is present in person. A majority of the quorum of the whole subcommittee shall be required to report any bill, resolution or other matter to the committee.

(j) Discharging committees.--

(1) No standing committee shall be discharged from consideration of any bill, resolution or other matter within 10 legislative days of its reference to committee without the unanimous consent of the Senate or after such 10-day period except by majority vote of all members elected to the Senate.

(2) Such discharge shall be by resolution which shall lie over one day for consideration upon introduction and which may be considered under the Order of Business of Resolutions on the Calendar.

(k) Amendments in committee.--Unless the Chair and Minority Chair of a committee agree otherwise, a committee shall not consider an amendment unless a copy of the amendment as prepared by the Legislative Reference Bureau has been emailed to the Chair and Minority Chair of the committee or uploaded and distributed to all committee members through the virtual desk no less than one hour prior to the commencement of the committee meeting.

Rule 15. Committee officers.

(a) Chair-ex-officio.--The Chair and Minority Chair of each standing committee shall be ex-officio members of each subcommittee that may be established as part of the standing committee, with the right to attend meetings of the subcommittee and vote on any matter before the subcommittee.

(b) Calling committee to order.--The Chair or, if authorized by the Chair, the Vice Chair, shall call the committee to order at the hour provided by these Rules. Upon the appearance of a quorum, the committee shall proceed with the order of business. Any member of the committee may question the existence of a quorum.

(c) Chair control of the committee room.--The Chair or, if authorized by the Chair, the Vice Chair, shall preserve order and decorum and shall have general control of the committee room. In case of a disturbance or disorderly conduct in the committee room, the Chair or, if authorized by the Chair, the Vice Chair, may cause the same to be cleared. The use of cell phones and similar portable communication devices within any Senate committee room by other than members of the Senate or their staffs is strictly prohibited.

(d) Chair's authority to sign documents and decide questions of order.--The Chair shall sign all notices, vouchers, subpoenas or reports required or permitted by these Rules. The Chair shall decide all questions of order relative to parliamentary procedure, subject to an appeal by any member of the committee.

(e) Vote of Chair, Vice Chair.--The Chair and Vice Chair shall vote on all matters before such committee; Provided, That the name of the Chair shall be called last.

(f) Performance of duties by Vice Chair.--Upon the death of the Chair, the Vice Chair shall perform the duties of the office until and unless the President Pro Tempore shall appoint a successor or designate an acting Chair. Upon and during disability, or incapacity of the Chair, the Vice Chair shall perform the Chair's duties.

(g) Chair's duty to report.--The Chair shall report any bill to the Floor of the Senate not later than the next occurring legislative day after the committee's vote to report it.

(h) Amendments.--Upon reporting the bill from committee, the Chair shall submit all amendments adopted in committee to the Secretary-Parliamentarian of the Senate for posting on the Internet website maintained by the Senate.

Rule 16. Committee members.

Members, attendance and voting shall be as follows:

(1) Every member of a committee shall be in attendance during each of its meetings, unless excused or necessarily prevented, and

shall vote on each question, except that a member desiring to be excused from voting in committee due to a direct, personal, private or pecuniary interest shall seek a ruling from the Chair pursuant to Rule 20(c).

(2) The Chair may excuse any Senator for just cause from attendance during the meetings of the committee for any stated period.

(3) Any member of a committee who is otherwise engaged in legislative duties may have the member's vote recorded on bills, resolutions or other matters pending before the committee by communicating in writing to the Chair the inability to attend and the manner in which the member desires to be voted on bills, resolutions or other matters pending before the committee.

Rule 17. Committee voting.

Taking the vote shall be as follows:

(1) The Chair shall announce the results of all votes to report a bill or resolution or a vote regarding an executive nomination. All votes shall be open to the public and shall be posted on the Internet website maintained by the Senate within 24 hours.

(2) In all cases where the committee vote shall be equally divided, the question falls.

Rule 18. Motions in committees.

All motions made in committee shall be governed and take the same precedence as those set forth in these Rules.

Rule 19. Conference Committees.

(a) Composition.--The President Pro Tempore shall appoint three Senators to comprise a Committee of Conference. Two shall be from the Majority Party and one from the Minority Party.

(b) Deliberations.--The deliberations of the committee shall be confined to the subject of difference between the two Houses, unless both Houses shall direct a free conference.

(c) Report of Conference Committee.--

(1) The report of a Committee of Conference shall be prepared in triplicate by the Legislative Reference Bureau and shall be signed by the members or a majority of the members of each committee comprising the Committee of Conference. Every report of a Committee of Conference shall be printed together with the bill as amended by the committee, shall be made available to the Senators, including being available on the Senate Virtual Session Desk application or its successor applications, and shall be particularly referred to on their calendars before action shall be taken on such report. No report of a Committee of Conference may be adopted by the Senate until at least 10 hours have elapsed from the time of adoption of the report by the Committee of Conference.

(2) A report of a Committee of Conference which requires the expenditure of Commonwealth funds or funds of a political subdivision or causes a loss of revenue to the Commonwealth or a political subdivision shall have a fiscal note attached before the report is finally adopted by the Senate.

(d) Adoption of Conference Committee report.--Reports of committees of conference shall be adopted only by the vote of a majority of the members elected to the Senate, taken by yeas and nays. (Const. Art. III, Sec. 5)

Rule 20. Voting.

(a) Senators must be present.--Every Senator shall be present within the Senate Chamber during the sessions of the Senate and shall be recorded as voting on each question stated from the Chair which requires a roll call vote unless the Senator is on leave, is duly excused or is unavoidably prevented from attending session. The refusal of any Senator to vote as provided by this Rule shall be deemed a contempt of the Senate.

(b) Voting required.--Except as may be otherwise provided by this Rule, no Senator shall be permitted to vote on any question unless the Senator is present in the Senate Chamber at the time the roll is being called, or prior to the announcement of the vote, unless the following applies:

(1) Capitol leave.--A Senator who is performing a legislative duty in the Harrisburg area, which is defined in the Financial

Operating Rules of the Senate as within Dauphin County or otherwise within a 10 mile radius of the Capitol, may, upon request during session, be granted a Capitol Leave by the Senate and may be voted by the Senator's respective Floor Leader. A specific reason for the Capitol Leave must be given in writing by the Senator. The Capitol Leave request shall be communicated to the Senator's respective Whip for transmission to the respective Floor Leader prior to the beginning of a roll call vote. All written Capitol Leave requests shall be transmitted by the respective Whips to the Secretary-Parliamentarian of the Senate for retention in accordance with Rule 6(c)(3) within 24 hours of the conclusion of the legislative day in which leave was requested. The respective Floor Leaders shall be copied on the transmission of Capitol Leave requests submitted to the Secretary-Parliamentarian of the Senate.

(2) Legislative leave.--A Senator who is performing a legislative duty outside of the Harrisburg area may, upon request during session, be granted a Legislative Leave by the Senate and may be voted by the Senator's respective Floor Leader. A specific reason for the Legislative Leave must be given in writing by the Senator. The Legislative Leave request shall be communicated to the Senator's respective Whip for transmission to the respective Floor Leader prior to the beginning of a roll call vote. All written Legislative Leave requests shall be transmitted by the respective Whips to the Secretary-Parliamentarian of the Senate for retention in accordance with Rule 6(c)(3) within 24 hours of the conclusion of the legislative day in which leave was requested. The respective Floor Leaders shall be copied on the transmission of Legislative Leave requests submitted to the Secretary-Parliamentarian of the Senate.

(3) Military leave.--A Senator who is on active duty or in training with a reserve component of the armed forces of the United States or the Pennsylvania National Guard or Air National Guard may be granted a military leave. A Senator requesting military leave shall submit a leave request to the Senator's respective Whips who shall transmit the request to the Secretary-Parliamentarian of the Senate on behalf of the Senator requesting leave within 24 hours of the conclusion of the legislative day in which leave was requested. The respective Floor Leaders shall be copied on the transmission of military leave requests submitted to the Secretary-Parliamentarian of the Senate.

(4) Personal leave.--A Senator who is absent for any purpose other than those set forth in these Rules may be granted a personal leave. A Senator on personal leave shall not be voted on any question before the Senate or on any question before any committee of the Senate. A Senator requesting personal leave shall submit a leave request to the Senator's respective Whips who shall transmit the request to the Secretary-Parliamentarian of the Senate on behalf of the Senator requesting leave within 24 hours of the conclusion of the legislative day in which leave was requested. The respective Floor Leaders shall be copied on the transmission of personal leave requests submitted to the Secretary-Parliamentarian of the Senate.

(c) Excused from voting.--

(1) A Senator desiring to be excused from voting due to a direct, personal, private or pecuniary interest in any question or bill proposed or pending before the Senate shall seek a ruling from the presiding officer.

(2) Senators who seek a ruling on whether they have a direct, personal, private or pecuniary interest in any question or bill proposed or pending before the Senate shall, after the Senator is recognized by the presiding officer, make a brief statement of the reasons for making the request and ask the presiding officer to decide whether or not the Senator must vote. The question shall be decided by the presiding officer without debate.

(d) Changing vote.--No Senator may vote or change a vote after the result is announced by the Chair. Before the announcement of the final result, however, a Senator may change a vote, or may vote, if previously absent from the Chamber. Should a Senator be erroneously recorded on

any vote, the Senator may at any time, with the permission of the Senate, make a statement to that effect which shall be entered in the Journal. Similarly, should the Senator be absent when a vote is taken on any question, the Senator may later, with the permission of the Senate, make a statement for entry upon the Journal, indicating how the Senator would have voted had the Senator been present when the roll was taken and the reasons therefor shall be submitted in writing or delivered orally not to exceed five minutes.

(e) Persons allowed at desk during roll call.--No Senator or other person, except the Majority or Minority Leader or other persons designated by them, shall be permitted at the Reading Clerk's desk during the recording, counting or verification of a roll call vote.

(f) Two-thirds vote.--When bills or other matters which require a two-thirds vote are under consideration, the concurrence of two-thirds of all the Senators elected shall not be requisite to decide any question or amendment short of the final question and, on any question short of the final one, a majority of Senators voting shall be sufficient to pass the same.

(g) Majority vote defined.--A majority of the Senators elected shall mean a majority of the Senators elected, living, sworn and seated.

(h) Majority vote.--When bills or other matters which require a vote of the majority of Senators elected are under consideration, the concurrence of a majority of all the Senators elected shall not be requisite to decide any question or amendment short of the final question; and, on any question short of a final one, a majority of Senators voting shall be sufficient to pass the same.

(i) Announcement of vote.--Upon completion of a roll call vote or a voice vote, the result shall be announced immediately unless the Majority or Minority Leader requests a delay.

(j) Explanation of vote.--Any Senator may, with the consent of the Senate, make an explanation of a vote on any question and have the explanation printed in the Journal.

(k) Tie vote.--In the case of a tie vote, the President of the Senate may cast a vote to break the tie as long as, by doing so, it does not violate any provisions of the Constitution of Pennsylvania. In the event that there is a tie vote on a question requiring a constitutional majority, the question falls.

(l) Verifying vote.--Any Senator may demand a verification of a vote immediately upon the completion of a roll call or after the announcement of the vote by the presiding officer. In verifying a vote, the Clerk shall first read the affirmative roll at which time any additions or corrections shall be made. Upon the completion and verification of the affirmative roll call, the Clerk shall proceed with the reading of the negative roll at which time any additions or corrections shall be made. Upon the completion and verification of the negative roll call, the roll call shall be declared verified. It shall not be in order for a Senator to change a vote after the verified roll call is announced. A demand for a verification shall not be in order when all Senators vote one way. The demand for a verification of a vote is not debatable.

(m) Voice vote.--Unless otherwise ordered, demanded or required, a voice vote may be taken. Any Senator who doubts the accuracy of a voice vote may demand a roll call vote. Such request must be made immediately upon the announcement of the vote by the presiding officer and shall not be in order after other business has intervened. The demand for a verification of a voice vote shall not be in order.

Rule 21. Correspondents.

(a) Admission to Senate Press Gallery.--Admission to the Senate Press Gallery shall be limited to members in good standing of the Pennsylvania Legislative Correspondents' Association and to other members of the press as determined by the President Pro Tempore. Seating shall be available on a first-come basis.

(b) Photographs in Senate Chamber.--

(1) Photographers may be authorized by the President Pro Tempore to take still photographs in the Senate.

(2) No still photographs shall be taken in the Senate during sessions without prior notice to the Senators. When possible, such

notice shall be given at the beginning of the session during which the still photographs are scheduled to be taken.

(c) Order and decorum of press.--

(1) Persons seated in the Senate Press Gallery shall be dressed appropriately and shall, at all times, refrain from loud talking or causing any disturbance which tends to interrupt the proceedings of the Senate.

(2) Persons seated in the Senate Press Gallery shall not walk onto the Floor of the Senate nor approach the rostrum or the Reading Clerk's desk during session or while being at ease.

Rule 22. Radio and television.

(a) Filming, videotaping, televising and broadcasting.--Filming, videotaping, televising or broadcasting of Senate sessions shall be permitted as provided in these Rules.

(b) Broadcasting session.--Nothing in this Rule shall be construed to prohibit any licensed radio station or television station from broadcasting a session from the Senate or any part thereof; Provided, That the signal originates from the Senate-operated audio-visual system which transmits Senate session activity to the offices in the Main Capitol and environs.

Rule 23. Video feed and audio feed.

(a) Responsibilities of the Chief Clerk of the Senate.--

(1) The Chief Clerk, in consultation with the Secretary-Parliamentarian of the Senate, shall provide a video feed and audio feed of Senate Floor activity.

(2) The Chief Clerk shall be responsible for the acquisition, installation and maintenance of equipment required to provide the video feed and audio feed, and for the continued development and operation of the feeds, including the hiring of the necessary personnel.

(3) All equipment required to produce the video feed and audio feed shall be operated by Senate personnel. Nothing in any contract entered into by the Office of the Chief Clerk regarding installation or maintenance of equipment shall permit any control over the video cameras and microphones in the Senate Chamber to be exercised by anyone but the appropriate Senate officers and employees.

(b) Sessions provided free of charge.--

(1) Continuous broadcast of Senate sessions shall be provided free of charge to any licensed television station, radio station or cable television outlet and shall further be available through the Senate's Internet website.

(2) The Senate Committee on Management Operations may authorize providing the video feed and audio feed free of charge to other entities.

(c) Funding.--Funding for the implementation and operation of the broadcasting system shall be provided through Senate appropriations.

(d) Scope of video and audio feeds.--

(1) The video feed and audio feed shall provide a complete, unedited record of what is said on the Floor of the Senate and shall be free from commentary.

(2) To the extent possible, only the presiding officer and the persons actually speaking shall be covered by the video cameras and microphones.

(3) During roll call votes and other votes, the video cameras shall be focused on the presiding officer or the appropriate clerks until the announcement of the vote tabulation by the presiding officer.

(4) During recesses of the Senate or when the Senate is at ease, the video feed and audio feed shall be turned off.

(5) During guest introductions, video feed of guests seated in the Senate Gallery or on the floor of the Senate is permissible.

(e) Restrictions on video and audio feeds.--

(1) The video feed and audio feed, and any television or radio coverage thereof, shall not be made available or used for political or campaign purposes, whether in paid political advertisements or

otherwise. Use of the video feed and audio feed shall be subject to all Federal and State laws relating to elections and campaign practices.

(2) The video feed and audio feed, and any television or radio coverage thereof, shall not be used in any commercial advertisement.

(3) Any live coverage of the Senate shall be without and presented without any commercial sponsorship, except when it is part of a bona fide news program or public affairs program.

(4) The President Pro Tempore or any other presiding officer shall be prohibited from ordering, without consent of the Senate, that any segment of a Floor session not be broadcast or recorded.

(5) Except as provided in this Rule, the President Pro Tempore, any other presiding officer and any Senator, officer or employee of the Senate shall be prohibited from editing any portion of the video feed and audio feed described in this Rule.

(6) Official Senate video feed of Senate session shall be broadcast on the official Senate Internet website by the Legislative Data Processing Committee. All caucuses may broadcast and post unedited session videos on their respective Senate caucus websites and social media platforms using the official Senate feed.

(7) A Senator may post an unedited video clip or audio clip of Senate session on his or her Senate social media platforms or provide an unedited video clip or audio clip of Senate session for any television broadcast as long as the video clip or audio clip exclusively features the Senator who is posting or providing the video clip or audio clip.

(f) Other recording prohibited.--

(1) Except as provided in this Rule, any recording, filming, videotaping, broadcasting or distribution of any session of the Senate, or any part thereof, in any form whatsoever is prohibited.

(2) Nothing in this Rule shall be construed to prohibit any licensed radio or television station or other licensed entity from broadcasting a session from the Senate or any part thereof; Provided, That the signal originates from the Senate-operated sound and video system which transmits Senate session activity to the offices in the Main Capitol and environs.

(g) Violations.--Any violation of this Rule shall be dealt with as directed by the Committee on Rules and Executive Nominations.

(h) Official record.--The video feed and audio feed provided by the Senate shall not constitute an official record of Senate actions. The official record of Senate actions shall be contained in the Journals prepared by the Secretary-Parliamentarian of the Senate and approved by the Senate or posted on the Senate Internet website pursuant to Rule 6(c)(9).

Rule 24. Who privileged to the Floor of the Senate.

(a) Admission during session.--With the exception of the Senate Gallery and Senate Press Gallery, no person shall be admitted within the Senate Chamber during Senate sessions, unless invited by the President Pro Tempore or the Majority Leader or Minority Leader. Prior to the start of each Senate session day, the Majority Leader and the Minority Leader shall provide notice to the President Pro Tempore listing the guests they have invited to the Floor of the Senate. During session, authorized staff with access to the Senate Chamber shall be limited and shall be restricted to the area immediately adjacent to the Majority Leader's and Minority Leader's desks. Advice to Senators during debate shall be allowed only when the Senator is using the microphones at the Majority Leader's and Minority Leader's desks.

(b) Rear entrance closed during session.--No person shall, during a session, be permitted to enter through the front or rear door of the Senate Chamber nor be present in the rooms immediately to the rear of the Senate Chamber except for Senators, officers and employees expressly authorized.

(c) Telephone facilities.--No person other than Senators, Senate Officers or their staff shall, at any time, be permitted to use the telephone facilities in or adjacent to the Senate Chamber.

Rule 25. Rules.

(a) Force and effect.--These Rules shall be in full force and effect until altered, changed, amended or repealed as provided in subsection (d).

(b) Dispensing with Rules.--The consent of a majority of the Senators elected shall be necessary to suspend any Rule.

(c) Voting for altering, changing or amending Rules.--The consent of a majority of the Senators elected shall be necessary to alter, change or amend these Rules.

(d) Alteration, change or amendment of Rules by resolution.--All alterations, changes or amendments to Senate Rules shall be by resolution which shall not be considered unless first referred to and reported from the Rules and Executive Nominations Committee.

Rule 26. Mason's Manual of Legislative Procedure to govern Senate.

The Rules of Parliamentary Practice comprised in Mason's Manual of Legislative Procedure shall govern the Senate in all cases to which they are applicable, and in which they are not inconsistent with the Standing Rules, Prior Decisions and Orders of the Senate.

Rule 27. Quorum.

(a) Majority constitutes a quorum.--A majority of Senators elected shall constitute a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members. (Const. Art. II, Sec. 10)

(b) When less than a quorum is present.--When, upon a call, which may be demanded by not less than four Senators, it is found that less than a quorum is present, it shall be the duty of the presiding officer to order the doors of the Senate to be closed, and to direct the Reading Clerk to call the roll of the Senate and note the absentees after which the names of the absentees shall be again called. A Senator whose absence is not excused, or for whom an insufficient excuse is made, may by order of a majority of the Senators present be sent for and taken into custody by the Chief Sergeant-at-Arms, or assistant sergeants-at-arms appointed for the purpose. Any unexcused Senator shall be brought before the bar of the Senate, where the Senator, unless excused by a majority of the Senators present, shall be publicly reprimanded by the presiding officer for neglect of duty.

(c) When less than a quorum vote but are present.--When less than a quorum vote upon any subject under the consideration of the Senate, not less than four Senators may demand a call of the Senate, when it shall be the duty of the presiding officer to order the doors of the Senate to be closed and the roll of the Senators to be called. If it is ascertained that a quorum is present, either by answering to their names, or by their presence in the Senate, the presiding officer shall again order the yeas and nays; and, if any Senator present refuses to vote, the name or names of such Senator shall be entered on the Journal as "Present but not voting." Such refusal to vote shall be deemed a contempt; and, unless purged, the presiding officer shall direct the Chief Sergeant-at-Arms to bring the Senator before the bar of the Senate, where the Senator shall be publicly reprimanded by the presiding officer.

Rule 28. Executive nominations.

(a) Presentation and reference.--

(1) All nominations by the Governor or the Attorney General shall be submitted to the Secretary-Parliamentarian of the Senate. All nominees shall file the financial statements required pursuant to 65 Pa.C.S. Ch. 11 (relating to ethics standards and financial disclosure) with the Secretary-Parliamentarian of the Senate. Copies of the nominations and financial statements shall be furnished by the Secretary-Parliamentarian of the Senate to the Majority Caucus Secretary and Minority Caucus Secretary or their designees.

(2) Nominations shall, after being read, without a motion, be referred by the presiding officer to the Committee on Rules and Executive Nominations. After having been reported by the committee, the final question on every nomination shall be: "Will the Senate advise and consent to this nomination?"

(3) The Chair of the Committee on Rules and Executive Nominations shall designate an appropriate standing committee of the Senate to conduct a public hearing for nominees that have Statewide

jurisdiction and to which salaries are attached. The Committee on Rules and Executive Nominations shall refer those nominees to the designated committee for the purpose of holding a public hearing to scrutinize the qualifications of nominees and to report its recommendations. Public hearings may be held for nominees for any other office.

(b) Information concerning nominations.--All information, communication or remarks made by a Senator when acting upon nominations in committee, concerning the character or qualifications of the person nominated, may be kept confidential. If, however, charges shall be made against a person nominated, the committee may, in its discretion, notify the nominee, but the name of the person making such charges shall not be disclosed.

(c) Consideration.--When the consideration of executive nominations is reached in the order of business, a Senator may make a motion to go into executive session for the purpose of confirming the nominations which have been reported from committee; and on the motion being agreed to, the nomination or nominations shall be considered until finally disposed of, unless the same shall be postponed by a majority of the Senate.

(d) Executive session.--When in executive session, no communication shall be received from the Governor, unless it be relative to the nomination under consideration, nor from the House of Representatives, nor shall any other business be considered.

(e) Reconsideration.--When a nomination is confirmed or rejected by the Senate, any Senator may move for a reconsideration on the same day on which the vote was taken, or on either of the next two days of voting session of the Senate; but if a notification of the confirmation or rejection of a nomination shall have been sent to the Governor before the expiration of the time within which a motion to reconsider may be made, the motion to reconsider shall be accompanied by a motion to request the Governor to return such notification to the Senate. A motion to reconsider the vote on a nomination may be laid on the table without prejudice to the nomination.

Rule 29. Resolutions.

(a) Introduction.--All resolutions, Senate and concurrent, shall be introduced by presenting four copies of the Resolution, with the sponsor identified, to the presiding officer.

(b) Consideration.--The following resolutions, after being read, shall be referred to an appropriate committee without debate unless by unanimous consent the Senate shall otherwise direct and, if favorably reported by the committee, shall lie over one day for consideration, after which the resolutions may be called up under the appropriate order of business:

(1) All Senate concurrent resolutions and House concurrent resolutions, excepting resolutions in reference to adjournment sine die, recesses and resolutions recalling bills from the Governor, which shall be regarded as privileged.

(2) Resolutions containing calls for information from the heads of departments or to alter the Rules.

(3) Resolutions giving rise to debate, except those that relate to the disposition of matters immediately before the Senate, those that relate to the business of the day on which they were offered, and those that relate to adjournment sine die or a recess.

(c) Printing in Senate History.--

(1) (Reserved).

(2) All resolutions shall be adopted by a majority vote of the Senators present except as specifically provided for in these Rules.

(d) Joint Resolutions.--

(1) Joint resolutions shall be limited to constitutional amendments and shall be adopted by a vote of a majority of the Senators elected to the Senate.

(2) A joint resolution when passed by both Houses shall not be transmitted to the Governor for approval or disapproval but shall be filed in the Office of the Secretary of the Commonwealth in accordance with Article XI, section 1 of the Constitution of Pennsylvania.

Rule 29.1. Citations.

(a) Preparation.--A member making a request that a Senate Citation be issued to a particular person or on a specified occasion shall provide the Legislative Reference Bureau with the facts necessary for the preparation of the citation on a suitable form.

(b) Filing.--The citation request shall be filed with the Secretary-Parliamentarian of the Senate and automatically referred to the President Pro Tempore, who may approve and sign the citation on behalf of the Senate.

(c) Issuance.--One original citation shall be issued by the Secretary-Parliamentarian of the Senate.

Rule 30. General access to the Senate Floor prohibited.

The Secretary-Parliamentarian of the Senate shall cause the doors to the Senate Floor to be closed to all persons except those who are entitled to access pursuant to the Rules of the Senate. On days when the Senate is not in session, access to the Senate Floor by any person not connected with the Senate is prohibited. Other than the Senator, no person shall be permitted to occupy the seat of a Senator at any time.

Rule 31. Veto.

(a) Passing over veto.--When any bill is not approved by the Governor, he shall return it with his objection to the House in which such bill originated. Thereupon such House shall enter the objections upon their Journal and proceed to reconsider it. If, after such reconsideration, two-thirds of all the Members elected to that House shall agree to pass the bill, it shall be sent with the objections to the other House by which likewise it shall be reconsidered and, if approved by two-thirds of all the members elected to that House, it shall become a law. (Const. Art. IV, Sec. 15)

(b) Consideration during second regular session.--A bill vetoed in a first regular session and not finally acted upon may be brought up for consideration in a second regular session.

Rule 32. Division of a question.

Any Senator may call for a division of a question by the Senate if the question includes points so distinct and separate that, one of them being taken away, the other will stand as a complete proposition. The motion to strike out and insert is indivisible.

Rule 33. Coordination with other Senate Rules.

Any use of Senate resources or time shall be governed by the Financial Operating Rules and the Ethical Conduct Rules of the Senate.

Rule 34. Committee on Ethics.

(a) Composition.--In addition to the committees created by Rule 14, there shall be a Senate Committee on Ethics which shall be composed of six members appointed by the President Pro Tempore. Three members shall be of the Majority Party and three members shall be of the Minority Party. The Minority Party members will be appointed on the recommendation of the Minority Leader.

(b) Organization.--The Senate Committee on Ethics shall be organized as follows:

(1) The President Pro Tempore shall appoint one of the Majority Party members as Chair and, on the recommendation of the Minority Leader, one of the Minority Party members as Vice Chair. A quorum for this committee shall be four members, and the committee shall have such duties, powers, procedure and jurisdiction as are prescribed and authorized in this Rule.

(2) The chair shall provide each member of the committee with written notice of committee meetings, which may be done electronically, at least 24 hours in advance of the date, time and place of a meeting. Whenever the chair shall refuse to call a meeting, a majority of the committee may call a meeting by giving two days' written notice to the Majority Leader and the Minority Leader of the Senate setting forth the time and place for such meeting. A meeting commenced in this manner shall be held at the time and place specified in the notice.

(3) Except as provided in subsection (j), all meetings of the committee shall be open to the public and notice of such meetings

shall be given as generally provided in these Rules for the convening of committees.

(4) The committee may adopt rules of procedure for the orderly conduct of its affairs, investigations, hearings and meetings, which rules are not inconsistent with this Rule.

(c) Receipt of complaint.--The committee shall receive complaints against any Senator alleging unethical conduct in violation of a Senate Rule, statute or constitutional provision governing the ethical conduct of a Senator. Any complaint filed with the committee shall:

(1) be submitted in writing;

(2) be sworn or affirmed by the person filing the complaint; and

(3) detail the alleged unethical conduct in question and specify the Rule, statute or constitutional provision allegedly violated.

(d) Review of complaint.--Upon receipt of a complaint that conforms with all the requirements of this Rule, the Senate Committee on Ethics shall review the complaint and determine whether or not a preliminary investigation is warranted within 30 days of receiving the complaint. For good cause, a majority of the members of the committee may vote to grant an additional 30 days to complete the committee's review. A frivolous or de minimis complaint may be dismissed by a majority of the members of the committee, with prejudice. The chair shall notify the complainant and the subject Senator of the disposition of a dismissed complaint.

(e) Disposition of complaints.--If it is determined by a majority of the members of the Senate Committee on Ethics that an ethical conduct violation may have occurred, the Senator against whom the complaint has been brought shall be notified in writing and given a copy of the complaint. Within 15 days after receipt of the complaint, the Senator may file a written answer to the complaint with the committee. If no answer is filed, the complaint shall be deemed denied by the subject Senator. The lack of an answer shall not be deemed to be an admission or create an inference or presumption that the complaint is true. The lack of an answer shall not prohibit a majority of the members of the committee from either proceeding with a formal investigation or dismissing the complaint.

(f) Preliminary investigation.--The committee shall have 30 days from the date that receipt of the answer to the complaint is to be provided to complete its preliminary investigation. For good cause, a majority of the members of the committee may vote to grant an additional 30 days to complete the committee's review. The committee may employ an independent counsel to conduct a preliminary investigation. Upon conclusion of the preliminary investigation, by vote of a majority of the members of the committee, the committee shall determine whether to proceed with a formal investigation, which may include hearings. In the event that the committee vote is equally divided, the question falls. If the committee does not decide to proceed to a formal investigation, the Chair shall notify the complainant and the subject Senator of the disposition of the complaint and shall summarize the committee's rationale for its conclusion.

(g) Confidentiality.--Prior to the commencement of a formal investigation, the fact that a preliminary investigation is being conducted or is to be conducted shall be confidential information. If, however, the filing of a complaint or a preliminary investigation is made public by the complainant, the committee may publicly confirm the receipt of a complaint.

(h) Indictment.--When an indictment is returned against a member of the Senate, and the gravamen of the indictment is directly related to the ethical conduct of a Senator in violation of a Senate Rule, statute or constitutional provision governing the ethical conduct of a Senator, the Senate Committee on Ethics shall not initiate any new investigation and shall suspend any ongoing investigation initiated pursuant to this Rule until the subject matter of the indictment that relates to the Senator's alleged unethical conduct is resolved.

(i) Alternative procedure.--In addition to action on formal complaints as provided in subsection (c), a majority of the members of the Senate Committee on Ethics may initiate a preliminary investigation of suspected unethical conduct in violation of a Senate Rule, statute or constitutional provision governing the ethical conduct of a Senator. If it is

determined by a majority of the members of the committee that a violation may have occurred, the Senator in question shall be notified in writing of the alleged unethical conduct in question and the Rule, statute or constitutional provision allegedly violated. Within 15 days of the receipt of this information, the Senator may file a written answer with the committee. The lack of an answer shall not be deemed to be an admission or create an inference or presumption that the complaint is true. The lack of an answer shall not prohibit a majority of the members of the committee from either proceeding with a formal investigation or dismissing the complaint. The committee shall have 30 days from the date that receipt of the answer to the complaint is to be provided to complete its preliminary investigation. For good cause, a majority of the members of the committee may vote to grant an additional 30 days to complete the committee's review. Upon conclusion of the preliminary investigation, by vote of a majority of the members of the committee, the committee shall determine whether to proceed with a formal investigation, which may include hearings. In the event that the committee vote is equally divided, the question falls.

(j) Closed session.--The committee shall conduct its preliminary investigations, hearings and meetings related to a specific investigation or a specific Senator in closed session unless the Senator subject to investigation advises the committee in writing that the Senator wants such meetings or hearings to be held publicly. In the event that the Senator in question makes such a request, the committee shall furnish the Senator with a public meeting or hearing.

(k) Formal investigation.--In the event that the Senate Committee on Ethics shall elect to proceed with a formal investigation of alleged unethical conduct by a Senator, the committee may employ an independent counsel to conduct a formal investigation. The committee and any independent counsel employed by the committee shall comply with the following procedural requirements at all stages of the investigation:

(1) The Chair of the Senate Committee on Ethics may continue any hearing for reasonable cause. Upon the vote of a majority of the members of the committee, or upon the request of the Senator subject to investigation, the Chair shall issue subpoenas for the attendance and testimony of witnesses and the production of documentary evidence relating to any matter under formal investigation by the committee. The Chair of the committee may administer oaths or affirmations, examine and receive evidence, or rule on any objections raised during the course of a hearing.

(2) All testimony, documents, records, data, statements or information received by the committee in the course of any preliminary or formal investigation shall be private and confidential except in the case of public meetings or hearings or in a report to the Senate.

(3) All constitutional rights of any Senator under investigation shall be preserved, and the Senator shall be entitled to present evidence, cross-examine witnesses, face the accuser and be represented by counsel.

(4) An oath or affirmation shall be executed in writing before any member of the committee, any independent counsel employed by the committee to conduct a preliminary or formal investigation, or any employee of the Senate related to the investigation may have access to information that is confidential pursuant to the rules of the committee as follows:

"I do solemnly swear or affirm that I will not disclose, to any person or entity outside of the Senate Committee on Ethics, any information received in the course of my service with the committee, except as authorized by the committee or in accordance with the Rules of the Senate."

Copies of the executed oath or affirmation shall be provided to the Secretary-Parliamentarian of the Senate as part of the records of the Senate. Any Senator or other person who violates the confidentiality requirements of this subsection shall be removed immediately from the committee and replaced by another Senator, counsel or employee of the Senate appointed in like manner as the person's original appointment or selection.

(l) Report.--No report regarding unethical conduct by a Senator shall be made to the Senate unless a majority of the members of the Senate Committee on Ethics determines that a finding of unethical conduct in violation of a Senate Rule, statute or constitutional provision governing the ethical conduct of a Senator has occurred. No finding of unethical conduct by a Senator in violation of a Senate Rule, statute or constitutional provision governing the ethical conduct of a Senator adopted by the Senate Committee on Ethics shall be valid unless signed by at least a majority of the members of the committee. Any such report may include a minority report. A report adopted by the committee that contains findings of unethical conduct by a Senator in violation of a Senate Rule, statute or constitutional provision governing the ethical conduct of a Senator shall not be filed with the Secretary-Parliamentarian of the Senate or released to the public until at least seven days after a copy of the report is sent by certified mail to the Senator under investigation.

(m) Distribution of report.--After the expiration of the seven-day notice requirement contained in subsection (l), the Senate Committee on Ethics shall file its report with the Secretary-Parliamentarian of the Senate, who shall cause a copy of the report of the committee to be distributed to the members of the Senate. The report of the Senate Committee on Ethics shall be placed on the Senate Calendar and shall be acted upon by the Senate within 10 legislative days of the adoption of a temporary rule setting forth rules of procedure for the orderly disposition of the report by the full Senate. A vote by a majority of the members elected to the Senate shall be necessary to adopt each finding set forth in the Ethics Committee Report.

(n) Sanction.--Should the full Senate vote to adopt an unethical conduct finding against a Senator as set forth in the Ethics Committee Report, that Senator may be subject to sanction by the full Senate. A sanction may include any of the following depending on the circumstances of the violation:

- (1) a warning;
- (2) a written reprimand;
- (3) restitution for damages; or
- (4) any other sanction provided for pursuant to the Rules of the Senate or the Constitution of Pennsylvania.

(o) Advisory opinion.--The Senate Committee on Ethics, at the request of a Senator or officer who has an ethical question or concern regarding the Senate Rules individually or in conjunction with others, may issue an advisory opinion seeking to clarify the ethical requirements of the Senate Rules. These advisory opinions, with such deletions and changes as shall be necessary to protect the identity of the persons involved or seeking the advisory opinions, may be published and shall be distributed to all members, officers and employees of the Senate. No action regarding unethical conduct may be taken against a Senator, officer or employee who has relied on a written advisory opinion, whether directly addressed to that person or not, which is reasonably construed as being applicable to the conduct in question.

(p) Committee member under investigation.--In the event that a member of the Senate Committee on Ethics shall be under investigation, that Senator shall be temporarily replaced on the committee in a like manner to the Senator's original appointment.

(q) Costs and expenses.--Whenever the committee shall employ independent counsel to conduct a preliminary or formal investigation or shall incur other expenses pursuant to its duties pursuant to this Rule, payment of costs of such independent counsel or other expenses incurred by the committee pursuant to this Rule shall be paid by the Chief Clerk of the Senate upon submission of vouchers and necessary documentation. The vouchers shall be signed by both the Chair and Vice Chair of the committee. Included in such allowable expense items shall be travel and per diem for the members of the committee. The Chief Clerk shall pay such expenses out of funds appropriated to the Chief Clerk for incidental expenses.

Rule 35. Status of members indicted or convicted of a crime.

(a) Status generally.--When an indictment is returned against a member of the Senate, and the gravamen of the indictment is directly

related to the Senator's conduct as a committee chair, ranking minority committee member or in a position of leadership, the Senator shall be relieved of such committee chairmanship, ranking minority committee member status, or leadership position until the indictment is disposed of, but the member shall otherwise continue to function as a Senator, including voting, and shall continue to be paid.

(b) Restoration.--If, during the same legislative session, the indictment is quashed, or the court finds that the Senator is not guilty of the offense alleged, the Senator shall immediately be restored to the committee chairmanship, ranking minority committee member status, or leadership position retroactively from which that Senator was suspended.

(c) Resolution of expulsion.--Upon a finding or verdict of guilt by a judge or jury, a plea or admission of guilt or plea of nolo contendere of a crime by a member of the Senate, the gravamen of which relates to the member's conduct as a Senator, and upon imposition of sentence, the Secretary-Parliamentarian of the Senate shall prepare a resolution of expulsion under session, which shall appear on the Calendar on the next legislative session day following an imposition of sentence based upon a determination or admission of guilt or a plea of nolo contendere.

Rule 36. Status of officers or employees indicted or convicted of a crime.

(a) Suspension.--Whenever any officer or employee of the Senate is indicted or otherwise charged before a court of record with the commission of a felony or a misdemeanor, the gravamen of which relates to the officer's or employee's conduct or status as an officer or employee of the Commonwealth or the disposition of public funds, the officer or employee shall be suspended immediately without pay and benefits by the Chief Clerk of the Senate. After a finding or a verdict of guilt by a judge or jury, plea or admission of guilt, or plea of nolo contendere, and upon imposition of sentence, the employment shall be terminated.

(b) Termination of suspension.--If the indictment is quashed, or the court finds that the officer or employee is not guilty of the offense alleged, the suspension without pay shall be terminated, and the officer or employee shall receive compensation for the period of time during which the officer or employee was suspended, which compensation shall be reduced by the amount of any compensation the officer or employee earned from other employment during the period of suspension.

(c) Appeal.--If the officer or employee or the supervising Senator of such employee disagrees with the decision of the Chief Clerk of the Senate as to whether an indictment for particular conduct shall be a crime requiring suspension or dismissal, the officer or employee in question or the supervising Senator of the employee may appeal the suspension to the Senate Committee on Ethics, which shall determine whether the conduct charged is an offense requiring suspension. Whenever an appeal of a suspension shall be taken to the committee, the suspension shall remain effective pending a decision by the committee.

Rule 37. Affiliation with nonprofit entities.

(a) Requirements.--In order for a Senator or Senate employee, including a family member of the Senator or Senate employee, to be affiliated with a nonprofit entity, the nonprofit entity must meet all of the following:

- (1) Be a legal entity formed under the laws of this Commonwealth or another state that is qualified for nonprofit status.
- (2) Have a formally established board of directors with at least four members that is fully accountable for the nonprofit entity's overall operation.
- (3) Have a written set of bylaws or rules, approved by its board of directors, that establishes its composition and governance process.
- (4) Require official action of the board of directors to be approved and executed in a manner consistent with its bylaws or rules.
- (5) Not receive grant funding directly from the Commonwealth that comprises its sole source of operational funding.

(b) Prohibitions.--A Senator or Senate employee, including a family member of that Senator or Senate employee, who is affiliated with a nonprofit entity may not do any of the following with regard to a nonprofit

entity with which that Senator or Senate employee, including a family member of that Senator or Senate employee, is affiliated:

- (1) Exercise sole and unilateral control of a final action of the nonprofit entity regarding allocation or disbursement of grant funding that the nonprofit entity receives directly from the Commonwealth.
- (2) Direct a Senate employee to staff or provide services to the nonprofit entity as a condition of employment.
- (3) Direct the personnel or other resources of the nonprofit entity for the benefit of a Senator's campaign.
- (4) Commingle funds from any Senate expense account with the funds of the nonprofit entity with the knowledge and intent that those funds are to be used for the direct reimbursement of expenses incurred by that nonprofit entity.
- (5) Maintain a Senate district office within or contiguous to the same office as the nonprofit entity.

(c) Applicability.--A Senator or Senate employee, including a family member of that Senator or Senate employee, shall not be subject to the requirements of this Rule if the affiliated nonprofit entity receives no grant funding directly from the Commonwealth.

(d) Training.--To assure compliance with this Rule by Senators and Senate employees, appropriate training measures shall be implemented by the Senate. Training shall be provided annually for all Senators and Senate employees.

(e) Definitions.--As used in this Rule, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

- "Affiliated." Serving:
 - (1) as an officer of a nonprofit entity;
 - (2) on the board of directors of a nonprofit entity;
 - (3) as a paid employee of a nonprofit entity; or
 - (4) as a contractor of a nonprofit entity.

"Family member." A spouse or child.

"Nonprofit entity." An entity that is qualified by the Internal Revenue Service as meeting the requirements of section 501(c) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)).

On the question,
Will the Senate adopt the resolution?

The yeas and nays were required by Senators PITTMAN and COSTA and were as follows, viz:

YEA-43

Argall	Dillon	Langerholc	Santarsiero
Aument	DiSanto	Laughlin	Saval
Baker	Dush	Martin	Stefano
Bartolotta	Farry	Mastriano	Street
Boscola	Flynn	Miller	Tartaglione
Brewster	Fontana	Pennycuick	Vogel
Brooks	Gebhard	Phillips-Hill	Ward, Judy
Brown	Haywood	Pittman	Ward, Kim
Coleman	Hughes	Regan	Williams, Anthony H.
Comitta	Hutchinson	Robinson	Yaw
Costa	Kane	Rothman	

NAY-5

Cappelletti	Kearney	Muth	Williams, Lindsey
Collett			

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

The PRESIDENT pro tempore. The resolution is adopted.

LEAVE OF ABSENCE

Senator COSTA asked and obtained a leave of absence for Senator SCHWANK, for the remainder of today's Session, for personal reasons.

SENATE RESOLUTIONS RESUMED

**SENATE RESOLUTION No. 5
OFFERED AND REFERRED**

Senator L. WILLIAMS offered **Senate Resolution No. 5** and moved for its immediate adoption, which was read as follows:

A Resolution adopting Ethical Conduct Rules of the Senate.

On the question,
Will the Senate adopt the resolution?

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

Senator L. WILLIAMS. Madam President, the changes that I am proposing to the Senate ethics rules are simple and concise. Unlike the House rules, the Senate rules do not currently contain any provisions that explicitly address sexual harassment complaints. As a result, certain workers have protections in one half of the building, but not the other. The resolution that I circulated to Members on Friday, and that I offer today, incorporates House Rule 2.1 E and Rule 3 with a few small changes.

First, these rules will apply to all individuals working with Members, officers, or employees of the Senate, including outside contractors, lobbyists, and visitors. This means that anyone working with the Senate in any capacity will be protected from sexual harassment. It should not matter where your paycheck comes from; you should still be protected. Second, these rules clarify the Committee on Ethics confidentiality and transparency provisions, making it clear when a complaint can be disclosed, under what circumstances meetings and hearings are public versus closed, and other specifics. Individuals bringing forward a complaint and those who have had a complaint filed against them are entitled to this clarification. Having a clear process is key to ensuring that individuals can come forward to report harassment and that those complaints can be properly investigated and resolved. Third, my resolution extends the statute of limitations for filing a complaint from 1 year to 5 years. We know that in many cases it takes time for a victim to come forward or to consult with an attorney about their options and rights. Providing an extended statute of limitations gives victims the time they need to process events and feel prepared to go through an investigation.

This building belongs to the people of Pennsylvania. That means that everyone who comes here to work or visit should be safe from harassment. We have the ability to provide that protection to everyone on our side of the building, and we should do that immediately. I ask you to think of the people who work here every day, who you value and respect. I ask you to take this vote to protect them from sexual harassment; to keep them safe; to honor their work, their contributions, and their lives; to protect them and all Pennsylvanians who come to this beautiful building that belongs to all of us. I ask you to vote in support of these proposed Senate ethics rules.

Thank you, Madam President.

RESOLUTION REFERRED TO COMMITTEE

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

Senator PITTMAN. Madam President, I move that the resolution be referred to the Committee on Rules and Executive Nominations.

The PRESIDENT pro tempore. Senator Pittman moves that the resolution be referred to the Committee on Rules and Executive Nominations.

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. Madam President, I request that our Members take a negative vote on that motion.

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

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

YEA-27

Argall	DiSanto	Martin	Rothman
Aument	Dush	Mastriano	Stefano
Baker	Farry	Pennycuick	Vogel
Bartolotta	Gebhard	Phillips-Hill	Ward, Judy
Brooks	Hutchinson	Pittman	Ward, Kim
Brown	Langerholc	Regan	Yaw
Coleman	Laughlin	Robinson	

NAY-21

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

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

The PRESIDENT pro tempore. The resolution is referred to the Committee on Rules and Executive Nominations.

**SENATE RESOLUTION No. 6
OFFERED AND REFERRED**

Senator L. WILLIAMS offered **Senate Resolution No. 6** and moved for its immediate adoption, which was read as follows:

A Resolution adopting Financial Operating Rules of the Senate.

On the question,
Will the Senate adopt the resolution?

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

Senator L. WILLIAMS. Madam President, one of the most sacred trusts we have as public servants is to be good stewards of taxpayer dollars. Money spent by our offices, quote, legislative expenses, are taxpayer dollars, and the public has a right to know how that money is being spent. That is why I do not take a State car or per diem and why I instead submit receipts for reimbursements. That is also why I have chosen to post the expenses authorized by my office on my personal Senate website monthly, in two formats: in PDF form as it appears in our internal system with minimal redactions for staff personal information such as addresses and bank account information, and a searchable Excel spreadsheet that allows for easy searching and easy comparison between months. But the key word in that sentence is chosen. I have chosen to tell taxpayers how I spend the money that they have entrusted to me. That should not be my choice. It should not be up to individual Members to tell taxpayers where their money is being spent, just as it should not be up to individual President pro tems to put informal procedures into place allowing for the posting of certain expenses during certain Sessions. We should be open and transparent with taxpayer money, not as a matter of individual choice, but as a matter of course. That is why I am introducing these proposed financial rules. To ensure that the Senate rules clearly state that the public has the right to see how taxpayer dollars are being spent in a way that is easy to access and easy to search and comprehend, because making data available in a cumbersome format is not really access.

To that end, this resolution would require the Chief Clerk to post the expenses of all Senators on a public-facing website in a searchable format. Per diems, State vehicle usage, and reimbursements for expenses would be included on that website. This resolution will also require that all office travel and other expenses that come out of both legislator's and caucus operating accounts be included on that website. Our constituents and all Pennsylvanians deserve this measure of accountability. I ask the Members to join me in voting in support of this resolution, which formalizes the practice put into place by our previous President pro tem and improves upon them for this Session. And because transparency should not be temporary or limited to one Chamber, I will be reintroducing Senate Bill No. 838, my legislation from last Session, so that these disclosures are codified into law for both the House and the Senate and made permanent.

Thank you, Madam President.

RESOLUTION REFERRED TO COMMITTEE

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

Senator PITTMAN. Madam President, I move that the resolution be referred to the Committee on Rules and Executive Nominations.

The PRESIDENT pro tempore. Senator Pittman moves that the resolution be referred to the Committee on Rules and Executive Nominations.

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. Madam President, I would like to request a negative vote from my Members.

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

Senator PITTMAN. Madam President, I would like to request an affirmative vote.

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

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

YEA-27

Argall	DiSanto	Martin	Rothman
Aument	Dush	Mastriano	Stefano
Baker	Farry	Pennycuick	Vogel
Bartolotta	Gebhard	Phillips-Hill	Ward, Judy
Brooks	Hutchinson	Pittman	Ward, Kim
Brown	Langerholc	Regan	Yaw
Coleman	Laughlin	Robinson	

NAY-21

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

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

The PRESIDENT pro tempore. The resolution is referred to the Committee on Rules and Executive Nominations.

**SENATE RESOLUTION No. 7
OFFERED AND REFERRED**

Senator MUTH offered **Senate Resolution No. 7** and moved for its immediate adoption, which was read as follows:

A Resolution adopting the Rules of the Senate for the 207th and 208th Regular Session.

On the question,
Will the Senate adopt the resolution?

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

Senator MUTH. Madam President, the resolution in front of this body is the proposal for a new set of operating rules for the Senate. This is the second legislative Session in a row that myself and Senator Lindsey Williams have drafted fair, equitable, and transparent operating rules for the Pennsylvania State Senate. The rules voted on earlier, just a short bit ago, and those of previous legislative Sessions have been, I guess you could nicely say, inadequate. They create a system of imbalance that prevents transparency and limits the democratic process, specifically of Minority party Members. Our legislature is designed so that every

person who is elected here can represent their constituents, in theory. Unfortunately, the operating rules of the Senate limit the ability for Minority Members to have a true voice in the democratic process. We were all duly elected by approximately, give or take a few, 255,000-some people who we represent. Right? So, unfortunately, if you are not of the Majority party, which has had power here in this Chamber for over 20-some--28/9 years, going into 29, I believe--you have no ability to have a hearing on a bill. I could have all sorts of constituents of all party affiliations call my office and ask: this bill is in your committee, Senator Muth, why can there not be a hearing on this bill? As a Minority chairperson of a committee, we are unable to have even a simple hearing on a bill. That is just a simple example of how the current rules and the ones just passed limit this process. The rules put forward here today that I am offering--and Senator Lindsey Williams also just offered ethics and financial rules that were also very commonsense and ensure transparency and accountability--these operating rules are simply to make the process more fair and actually have a democracy where everyone has a voice. Unfortunately--I hope third time is a charm since this will be our third resolution vote here on our efforts--there does not seem to be a big will of this body to change the rules, and the current rules that were just passed a few minutes ago actually are, in my opinion, worse than what the other ones were from last Session, because we now can have off-the-floor committee meetings in the Rules room that is not wired for live streaming. Which means the public, the people who pay us to be here, who pay this government to run, will not be able to view what is happening in off-the-floor meetings. So, I really hope that that is something that can be addressed technology-wise, so that whatever we do here is transparent, and that we are able to have public input and participation.

I will summarize the reforms in that giant packet that I just submitted. It would require that all bills and resolutions receive a vote in committee. Requiring a two-thirds vote for certain motions, including tabling, instead of the current majority vote. Requiring that the marked Calendar to be released at least 24 hours before the start of Session. For people that are in the Minority Party in this Chamber, we do not know the Calendar sometimes up until minutes before we come here on the floor, on what we are actually going to vote on. Also, authorizing Minority chairs to call committee hearings and to add legislation to the committee voting agenda. If you do not like a bill, or you do not support it, then vote "no" on it instead of never voting on the bill ever. There are so many bills that die in committee, die on the floor Calendar, that even of Republican bills, certainly the few Democratic bills that come up or through a committee, they never even get a vote. So just vote on them. Why is this such a negotiated process across Chambers? At least do our job here in this Chamber and send these bills over. Show us where you stand on that issue, take the vote. Mandating that all committee hearings are live streamed, recorded, and archived to ensure public meetings that are held--like I mentioned, in the Rules room--are viewable by the public. Also, requiring that if your bill comes up for a vote, that you cannot decline to be asked questions about your bill. If I had a bill come up for a vote, I would certainly rise for interrogation and explain why I wrote this bill, or why this bill was drafted a certain way, and what it does, who it helps. That is something that currently, right now, we do not require Members to actually answer

questions on their own legislation that is being voted on. Also making sure that every amendment actually gets a vote instead of getting voted on to be tabled. Just vote it down if you do not like it, vote it down instead of tabling things to make it look less severe of objecting to the proposed changes to improve what happens here in this body by Minority party Members. These are not radical changes. This is not some outlandish idea that we as Minority Members have a more fair share stake in the game here. They would ensure transparency and accountability, just like the proposed financial and ethics rules that Senator Lindsey Williams also just tried to get passed, that both failed.

The current operating rules of the Senate are not the right way to govern. They are just not. And I hope that as we move forward in this Session, even if they are voted down now, that we bring them back up in the first meeting of the Committee on Rules and Executive Nominations. Because these are reasonable requests that all party Member's people who we represent in our districts support and are quite shocked that this is how we run the show here. So, I urge a "yes" vote on this resolution.

Thank you, Madam President.

RESOLUTION REFERRED TO COMMITTEE

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

Senator PITTMAN. Madam President, I move that the resolution be referred to the Committee on Rules and Executive Nominations.

The PRESIDENT pro tempore. Senator Pittman moves that the resolution be referred to the Committee on Rules and Executive Nominations.

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

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

YEA-27

Argall	DiSanto	Martin	Rothman
Aument	Dush	Mastriano	Stefano
Baker	Farry	Pennycuick	Vogel
Bartolotta	Gebhard	Phillips-Hill	Ward, Judy
Brooks	Hutchinson	Pittman	Ward, Kim
Brown	Langerholc	Regan	Yaw
Coleman	Laughlin	Robinson	

NAY-21

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

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

The PRESIDENT pro tempore. The resolution is referred to the Committee on Rules and Executive Nominations.

ANNOUNCEMENT OF MAJORITY AND MINORITY LEADERSHIP

The PRESIDENT pro tempore. The Chair has been informed by the Majority Caucus that they have elected as Majority Leader, Senator Pittman of Indiana County; as Whip, Senator Aument of Lancaster County; as Caucus Chair, Senator Phillips-Hill of York County; as Caucus Secretary, Senator Bartolotta of Washington County; and as Chairman of the Committee on Appropriations, Senator Martin of Lancaster County.

The Chair has also been informed by the Democratic Caucus that they have elected the following: as Democratic Leader, Senator Costa of Allegheny County; as Whip, Senator Tartaglione of Philadelphia County; as Caucus Chairman, Senator Fontana of Allegheny County; as Caucus Secretary, Senator Collett of Montgomery County; as Democratic Chairman of the Committee on Appropriations, Senator Hughes of Philadelphia County; as Caucus Administrator, Senator Schwank of Berks County; as Policy Committee Chair, Senator Muth of Montgomery County; and as Vice Chair of the Committee on Appropriations, Senator Kearney of Delaware County.

PERMISSION TO ADDRESS AND MOMENT OF SILENCE OBSERVED

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

Senator L. WILLIAMS. Madam President, I rise today to request a moment of silence in honor of Brackenridge Police Chief Justin McIntire, who was killed in the line of duty yesterday, January 2, 2023. Chief McIntire and another officer were shot during a foot pursuit on an individual that lasted several hours and covered multiple jurisdictions. We are still awaiting information on the other officer who was injured in this tragedy, but we are praying for a full recovery and for their family and friends. Our first responders face dangerous and demanding situations every time they answer the call, and yet they continue to do so, day after day, despite these risks. Chief McIntire was no exception to this, and he answered the call yesterday. He will be remembered by many as the definition of a community officer, and he will be greatly missed. I know you will all join me in sending your thoughts and prayers to the family, friends, and loved ones of Chief McIntire and the entire Brackenridge community during this incredibly difficult time. Please join me in a moment of silence as we mark Brackenridge Police Chief Justin McIntire's end of watch, January 2, 2023.

The PRESIDENT pro tempore. Senator Lindsey Williams has requested a moment of silence to remember Justin McIntire, Police Chief for Brackenridge Borough. Please rise.

[Whereupon, the Senate en bloc stood in a moment of silence in solemn respect to the memory of Brackenridge Borough Police Chief JUSTIN McINTIRE.]

STATEMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDENT pro tempore. We are now ready to notify the House that the Senate is organized.

SENATE RESOLUTION NOTIFICATION TO THE HOUSE

Senator ROTHMAN, by unanimous consent, offered the following resolution, which was read, considered, and adopted by voice vote:

In the Senate, January 3, 2023

RESOLVED, That a committee of three Senators be appointed to inform the House of Representatives that the Senate is organized in Regular Session and ready to proceed to business.

APPOINTMENT OF COMMITTEE TO NOTIFY THE HOUSE

The PRESIDENT pro tempore. Pursuant to the resolution just adopted, the Chair wishes to announce the following committee to notify the House that the Senate is organized: the gentlewoman from Monroe County, Senator Brown, as chair; the gentlewoman from Montgomery County, Senator Pennycuik; and the gentleman from Lackawanna County, Senator Flynn.

The committee will leave immediately and discharge its duties.

SENATE RESOLUTION NOTIFICATION TO HIS EXCELLENCY, THE GOVERNOR

Senator FARRY, by unanimous consent, offered the following resolution, which was read, considered, and adopted by voice vote:

In the Senate, January 3, 2023

RESOLVED, That a committee of three Senators be appointed to inform His Excellency, the Governor of the Commonwealth of Pennsylvania, that the Senate is convened and organized in Regular Session and ready to receive any communications he may be pleased to make.

APPOINTMENT OF COMMITTEE TO NOTIFY THE GOVERNOR

The PRESIDENT pro tempore. Pursuant to the resolution just adopted, the Chair wishes to announce the following committee to notify the Governor that the Senate is organized: the gentleman from Lebanon County, Senator Gebhard, as chair; the gentleman from Dauphin County, Senator DiSanto; and the gentlewoman from Montgomery County, Senator Collett.

The committee will leave immediately and discharge its duties.

SENATE RESOLUTIONS ADOPTED THANKS OF THE SENATE TENDERED TO THE VERY REVEREND JOSHUA R. BROMMER FOR HIS PRAYER

Senator COLEMAN, by unanimous consent, offered the following resolution, which was read, considered, and adopted by voice vote:

In the Senate, January 3, 2023

RESOLVED, That the thanks of the Senate is hereby tendered to the Very Reverend Joshua R. Brommer, Cathedral Parish of Saint Patrick, Harrisburg, Pennsylvania, for his services as Chaplain of the Senate this day.

THANKS OF THE SENATE TENDERED TO THE HONORABLE SALLIE UPDYKE MUNDY FOR ADMINISTERING THE OATH OF OFFICE TO REPUBLICAN SENATORS AND OFFICERS OF THE SENATE

AND

THANKS OF THE SENATE TENDERED TO THE HONORABLE HARRY F. SMAIL, JR. FOR ADMINISTERING THE OATH OF OFFICE TO THE PRESIDENT PRO TEMPORE

Senator YAW, by unanimous consent, offered the following resolution, which was read, considered, and adopted by voice vote:

In the Senate, January 3, 2023

RESOLVED, That the thanks of the Senate is hereby tendered to the Honorable Sallie Updyke Mundy, Justice of the Supreme Court of Pennsylvania, for her services in qualifying the newly-elected and re-elected Republican Senators and Officers.

RESOLVED, That the thanks of the Senate is hereby tendered to the Honorable Harry F. Smail, Jr., Judge of Westmoreland County Court of Common Pleas, for his services in qualifying the newly-elected President Pro Tempore.

THANKS OF THE SENATE TENDERED TO THE HONORABLE MICHELE A. VARRICCHIO FOR ADMINISTERING THE OATH OF OFFICE TO DEMOCRATIC SENATORS

Senator MILLER, by unanimous consent, offered the following resolution, which was read, considered, and adopted by voice vote:

In the Senate, January 3, 2023

RESOLVED, That the thanks of the Senate is hereby tendered to the Honorable Michele A. Varricchio, Judge of Lehigh County Court of Common Pleas, for her services in qualifying the newly-elected and re-elected Democratic Senators.

JOINT SESSION

Senator AUMENT, by unanimous consent, offered the following resolution, which was read, considered, and adopted by voice vote:

In the Senate, January 3, 2023

RESOLVED, (the House of Representatives concurring), That the Senate and House of Representatives meet in Joint Session on Tuesday, January 3, 2023, in the Hall of the House of Representatives for the purpose of witnessing the opening, counting and computing of the official returns of the election for Governor and Lieutenant Governor, held on Tuesday, November 8, 2022, in the several counties of the Commonwealth and to elect a Director of the Legislative Reference Bureau.

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

SENATE RESOLUTION

TELLER TO COMPUTE AND COUNT VOTES FOR GOVERNOR AND LIEUTENANT GOVERNOR

Senator BAKER, by unanimous consent, offered the following resolution, which was read, considered, and adopted by voice vote:

In the Senate, January 3, 2023

RESOLVED, That the gentleman from Erie County, Senator Laughlin, be appointed Teller on the part of the Senate, for the purpose of witnessing the opening, computing, and counting of the votes for Governor and Lieutenant Governor.

SENATE CONCURRENT RESOLUTION No. 4, ADOPTED

INAUGURAL COMMITTEE

Senator MARTIN, by unanimous consent, offered **Senate Resolution No. 4**, which was read, considered, and adopted by voice vote:

In the Senate, January 3, 2023

RESOLVED, (the House of Representatives concurring), That the President Pro Tempore of the Senate is hereby authorized to appoint a committee of sixteen Senators to act in conjunction with a committee of twenty-one Members of the House of Representatives, to be appointed by the Speaker, to make necessary arrangements for the inauguration of the Governor-elect to wait upon His Excellency; and be it further

RESOLVED, That the inaugural ceremonies take place at twelve o'clock noon on the third Tuesday of January, the seventeenth instant, 2023, on the Rear Plaza of the Main Capitol Building.

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

The PRESIDING OFFICER (Senator Gene Yaw) in the Chair.

INAUGURAL CEREMONY OF LIEUTENANT GOVERNOR

The PRESIDING OFFICER. The hour having arrived for the administration of the oath of office to the President pro tempore as Lieutenant Governor, the Senate will come to order.

GENERAL COMMUNICATION

RESIGNATION OF LIEUTENANT GOVERNOR

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

COMMONWEALTH OF PENNSYLVANIA
OFFICE OF LIEUTENANT GOVERNOR
200 Main Capitol Building
Harrisburg, PA 17120

Dear Governor Wolf,

It has been my honor to serve as Lieutenant Governor for the last four years of your gubernatorial administration. I deeply appreciate the courageous leadership that you brought to our Commonwealth during a time of unprecedented turmoil amid the coronavirus pandemic.

I write this letter to notify that I will resign from my position effective 11:59 a.m. on January 3, 2023, when I will take the oath of office as United States Senator from Pennsylvania.

Gisele and I wish you and Frances all the best and hope to cross paths often in our new endeavors.

Sincerely,

JOHN FETTERMAN
Lt. Governor

ADMINISTRATION OF OATH OF OFFICE TO LIEUTENANT GOVERNOR

The PRESIDING OFFICER. In accordance with Article IV, Section 14, of the Pennsylvania Constitution, upon the resignation of the Lieutenant Governor, the President pro tempore of the Senate shall become Lieutenant Governor for the remainder of the term.

Will the President pro tempore, Senator Kim Ward, please approach the rostrum of the Senate for the administration of the oath of office for the term as Lieutenant Governor of this Commonwealth.

The oath will be administered by the Honorable Harry F. Smail, Jr., Judge of the Court of Common Pleas of Westmoreland County.

Will everyone please rise.

I have the honor of presenting Judge Smail, who will now administer the oath of office to Senator Kim Ward. Judge Smail.

Judge SMAIL. Will you place your left hand on the Bible and raise your right hand and repeat after me:

I, Kim L. Ward, do solemnly swear or affirm that I will support, obey and defend the Constitution of the United States and the Constitution of the Commonwealth and that I will discharge the duties of my office with fidelity, so help me God.

Congratulations, Lieutenant Governor.

[Applause.]

The PRESIDING OFFICER. The Chair wishes to thank Judge Smail. Please be seated while photographs are being taken. The Senate will be at ease.

[The Senate was at ease.]

GAVEL PRESENTED TO LIEUTENANT GOVERNOR KIM L. WARD

The PRESIDING OFFICER. It is now my privilege to present the gavel of authority of the Senate to the Honorable Kim Ward, Lieutenant Governor of Pennsylvania. Lieutenant Governor Ward.

[Applause.]

The PRESIDENT (Lieutenant Governor Kim L. Ward) in the Chair.

IMPEACHMENT SESSION

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

Senator PITTMAN. Madam President, I move that the Senate resolve itself into Impeachment Session for the purpose of transacting business.

The PRESIDENT. It has been moved by Senator Pittman that the Senate do now resolve itself into Impeachment Session for the purpose of transacting business. For the information of the Members, this is a non-debatable motion.

The motion was agreed to.

CERTIFICATION OF WRIT ISSUED

The PRESIDENT. The Chair now recognizes the Secretary of the Senate.

The SECRETARY. Pursuant to Senate Resolution No. 386 adopted the 29th day of November, 2022, I would now call forward Chief Sergeant-at-Arms, Daniel Billings.

Please raise your right hand and repeat after me:

I, Daniel Billings, do solemnly swear or affirm that the return made by me upon the process issued on the 30th day of November, 2022, by the Senate of Pennsylvania against Lawrence Samuel Krasner is truly made and that I have performed such service as therein described, so help me God.

The PRESIDENT. The Return of Service signed by the Chief Sergeant-at-Arms will be spread across the record.

Senate of Pennsylvania
Harrisburg, PA

RETURN OF SERVICE

The Commonwealth of Pennsylvania) SS:

Daniel Billings, being duly sworn according to law, says that he resides at 216 Ringneck Drive, Harrisburg, Pennsylvania, in the County of Dauphin, that he is the Chief Sergeant-at-Arms of the Senate of Pennsylvania, specially deputized.

That, pursuant to the Precept to the Sergeant-At-Arms issued by the Senate on the thirtieth day of November, 2022, he served on Lawrence Samuel Krasner, District Attorney for the City of Philadelphia, via to Alan Pentaleri, Mike Lee on the 1st day of December, 2022 at 11:27 a.m., the Writ of Impeachment Summons directing Lawrence Samuel Krasner to file, personally or by counsel, one and only one written answer and any related Pleading to certain Articles of Impeachment on or before 12:00 o'clock Noon the twenty-first (21st) day of December, 2022, with Interim Secretary and Parliamentarian Michael C. Gerdes at his office located at 462 Main Capitol Building, 501 North Third Street, Harrisburg, Pennsylvania 17120, and further directing him to appear before the Senate of Pennsylvania at their Chamber in the city of Harrisburg at 11:30 a.m. on the eighteenth day of January 2023.

(SEAL)

DANIEL BILLINGS
Chief Sergeant-at-Arms
Senate of Pennsylvania

ALAN PENTALERI, MIKE LEE
Received By
December 1, 2022, 11:30 a.m.

**ANSWER OF DISTRICT ATTORNEY
LARRY KRASNER TO THE
WRIT OF IMPEACHMENT SUMMONS**

The PRESIDENT. The Chair lays before the Senate District Attorney Lawrence Samuel Krasner's Answer to the Writ of Impeachment summons filed in the office of the Secretary of the Senate on December 21, 2022.

The answer will be spread across the record and copies distributed to the Members for their consideration.

IN THE SENATE OF THE
COMMONWEALTH OF PENNSYLVANIA
SITTING AS A COURT OF IMPEACHMENT

IN RE IMPEACHMENT OF
LAWRENCE SAMUEL KRASNER,
DISTRICT ATTORNEY OF
PHILADELPHIA.

**ANSWER OF DISTRICT ATTORNEY LARRY KRASNER
TO WRIT OF IMPEACHMENT SUMMONS**

Lawrence Samuel Krasner, the District Attorney of Philadelphia, in response to the Writ of Impeachment Summons, answers the accusations made by the Pennsylvania House of Representatives in the seven Articles of Impeachment exhibited to the Senate, as follows:

PREAMBLE

For several reasons, most significantly because they do not allege any actions that constitute misconduct in office, the charges in the Articles of Impeachment do not permit the Senate to convict and remove District Attorney Krasner from office. During his first four-year term, the District Attorney changed the way the office operated in significant ways--just as he promised the citizens of Philadelphia he would on the campaign trail when they elected him by a wide margin in 2017. He focused resources on the most serious, violent cases. He massively expanded office support for victims of serious crimes. He held police who caused harm responsible for their misdeeds. In the kinds of cases where research shows incarceration has no public safety benefit--or worse, leads to more crime--he found other ways to hold individuals accountable, such as expanding diversionary programs to connect people with necessary treatment and services. And he helped to bolster grass roots, community-based anti-crime, anti-violence prevention initiatives with financial support. His office acted with unparalleled transparency, providing information about outcomes on a publicly accessible dashboard. District Attorney Krasner has not only implemented reforms that work (that is, policies that keep communities safe), he has also raised the bar by recruiting and training highly talented assistant district attorneys. Indeed, while under District Attorney Krasner the District Attorney's Office measures the quality and quantity of justice in more ways than conviction rates, but even under that conventional measure the office has achieved remarkable success, securing convictions and delivering justice for victims and communities in 87% of the over 500 homicide cases held for trial since 2017. In 2021, the voters of Philadelphia overwhelmingly reelected District Attorney Krasner to a second term.

Because of decades of divestment, a deadly pandemic that devastated the economy and normal enforcement initiatives and prevention of crime, and an unprecedented rise in firearm purchases, Philadelphia experienced a spike in homicides in 2021 and 2022--a trend mirrored across Pennsylvania (where many counties experienced higher rates of increase in homicide than Philadelphia), and across the entire country. Along with key partners in the city, the District Attorney has increased efforts to combat this crisis, including by working to secure most of the \$50 million dollars needed for the Philadelphia Police Department to have a state-of-the-art forensic science lab. He believes the entire community must work tirelessly to address this crisis with modern enforcement and investment in prevention, through better policing, more victim support,

reasonable gun regulation, and deep investments in our most impacted communities.

Those who voted for impeachment in the House latched onto a serious subject--gun violence--with an unserious, unconstitutional, and anti-democratic approach: impeachment of a democratically elected official for his ideas and policies. District Attorney Krasner has worked tirelessly to find modern solutions that increase public safety by building up impacted communities in Philadelphia in ways that prevent crime after decades of chronic violence based on the failure of traditional approaches. Certain members of the Pennsylvania legislature may disagree with the ideas and policies of the District Attorney. But the citizens of Philadelphia elected him because they overwhelmingly agree with those ideas and policies. Those disagreements can be debated in elections and in public discussions, but those disagreements cannot serve as the basis for an unprecedented action in this state: impeachment for ideas and policies.

Indeed, as explained below, impeachment on the basis alleged is unconstitutional. First, the charges do not allege conduct by District Attorney Krasner constituting "misbehavior in office" within the meaning of Article VI, Section 6 of the Pennsylvania Constitution, and debates about law enforcement policies, priorities, and philosophy are only properly addressed through the ballot box, where the voters elected, and then re-elected by wide margins District Attorney Krasner in 2017 and 2021 respectively. Additionally, because he is a locally elected official, the District Attorney of the City of Philadelphia, he is not subject to impeachment as a "civil officer" under Article VI, Section 6 of the Pennsylvania Constitution. Third, upon the adjournment of the 206th General Assembly legislative session on November 30, 2022, all of the Articles became null and void, like all matters that are not completed by the end of a General Assembly. Finally, the Senate cannot convict and remove District Attorney Krasner from office because it has failed to put in place a series of rules governing any trial guaranteeing District Attorney Krasner's rights to due process.

For each of these reasons, the Articles of Impeachment should be dismissed.

**DISTRICT ATTORNEY KRASNER HAS NOT BEEN
DERELICT IN THE DISCHARGE OF HIS DUTIES OR FAILED TO
UPHOLD HIS OATH OF OFFICE**

The WHEREAS clauses of the articles of impeachment combine statements regarding the Constitution of Pennsylvania, an opinion of the Commonwealth Court, and the Rules of Professional Conduct with allegations about events occurring during District Attorney Krasner's tenure. Those paragraphs do not make material allegations that District Attorney Krasner has been derelict in the discharge of his duties or failed to uphold his oath of office, and he specifically denies any such allegation. To the contrary, District Attorney Krasner has fully and faithfully fulfilled his duties, enforced the law, and at all times sought to vindicate the interests of the citizens of Philadelphia.

More specifically, District Attorney Krasner's oath defines his duty. That oath is to seek justice and uphold the constitutions and laws. He has done so faithfully, and exercised his discretion precisely for that purpose.

ANSWER TO ARTICLE I

District Attorney Krasner denies each and every material allegation of Article I, and specifically denies that he engaged in a dereliction of duty or refusal to enforce the law.

Article I's allegations combine various incomplete anecdotes and statistics to criticize District Attorney Krasner's operation of the District Attorney's Office and exercise of prosecutorial discretion, including with respect to investigations, prosecution, and sentencing. Specifically, and without any evidence, the Article indicates that the District Attorney's policies have caused violence in Philadelphia.

Not only are these allegations unsupported by any evidence whatsoever, they ignore a plethora of research showing that policies like the District Attorney's do not lead to increases in violent crime, and at least one recent, sweeping study that shows such policies correlate with reduced violent crime. These claims also ignore the District Attorney's many policies that promote decreases in crime and enhanced accountability for serious crimes, including the financial support the District Attorney has provided for grass roots anti-violence and anti-crime

community work, the dramatic increase in victims services the District Attorney has overseen, the office's work to increase forensic and other investigative capacity in serious cases, and the office's efforts to repair the decades-long broken trust of the office and other law enforcement that have undercut the willingness of members of impacted communities to participate in investigations as witnesses and victims. It ignores the office's focus on serious, violent crimes and the office's efforts to connect people charged with less serious, non-violent criminal offenses to solutions that address root causes and therefore have long-term public safety benefits.

Likewise, the Article omits relevant context about the increases in serious crimes, including the impact of the COVID-19 pandemic in the city, and the undeniable evidence of a nationwide increase in the incidence of violent crime beginning in 2020. Substantial upticks in gun crime, especially homicides, occurred in jurisdictions led by members of both parties and with District Attorneys who have massively different policy objectives and approaches. Sadly, the tragic and devastating uptick in Philadelphia is no outlier. Its arc is similar to other jurisdictions of all types--urban, suburban, exurban, rural--in Pennsylvania and across the country. It also ignores the impact that other actors have on criminal investigations and case outcomes, and disregards the importance of police, who must first solve a case and make an arrest and gather evidence without violating constitutional and legal requirements before the District Attorney can get involved, and the courts.

Additionally, the allegations in Article I that relate to District Attorney Krasner's decisions are criticisms of his exercise of prosecutorial discretion, which is vested in the Executive Branch and does not constitute a legitimate basis for impeachment and removal. The Commonwealth's Constitution and laws leave to the citizens of Philadelphia at elections to decide whether the District Attorney properly exercised his prosecutorial discretion. He was elected handily in 2017 and reelected by an overwhelming margin in 2021, which demonstrates the voters' satisfaction. Only an exercise of discretion motivated by an unlawful or corrupt motive--neither of which is alleged in Article I--could form the basis for impeachment and removal.

FIRST AFFIRMATIVE DEFENSE

Article I Fails Because It Does Not Meet The Constitutional Standard For Conviction And Removal

For the reasons set forth in the Preamble of this Answer, Article I does not meet the rigorous constitutional standards for conviction and removal from office of a duly locally-elected District Attorney of the City of Philadelphia and should be dismissed.

SECOND AFFIRMATIVE DEFENSE

Article I Fails Because It Improperly Alleges Multiple Offenses In One Article

Article I is fatally flawed because it charges multiple instances of alleged misconduct in one article. Article VI, Section 5 of the Pennsylvania constitution provides that "[n]o person shall be convicted without the concurrence of two-thirds of the [Senate] members present." Additionally, Senate Resolution 386, at Section 22, which purports to apply to the trial of District Attorney Krasner, states that "An article of impeachment is not divisible for the purpose of voting on the article during the trial." *See also id.* Section 22(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."). Because Article I combines multiple alleged acts and omissions, it creates a real possibility that a conviction could occur even though Senators were in disagreement as to the alleged wrong committed. That is, District Attorney Krasner might be convicted on an Article even if he would have been acquitted if separate votes were taken on each allegedly wrongful act or omission.

ANSWER TO ARTICLE II

District Attorney Krasner denies each and every material allegation of Article II, and specifically denies that he engaged in misbehavior in office in the nature of obstruction of a House Select Committee

investigation. To the contrary, he has complied with all of his duties and obligations in responding to the House Select Committee investigation, and properly sought judicial review of elements of that investigation that he believed improperly implicated separation of powers and grand jury secrecy interests.

Article II alleges that District Attorney Krasner obstructed the 206th General Assembly House of Representatives' Select Committee on Restoring Law and Order by challenging the authority of the Select Committee and its subpoena directed to the District Attorney's Office. But District Attorney Krasner and his Office complied with their obligations by, among other things, serving on the Select Committee a written response to the Subpoena, seeking judicial review of the Subpoena that sought secret grand jury information regarding an on-going, serious homicide prosecution, and producing documents to the Select Committee. The Pennsylvania Supreme Court has squarely held that a recipient of a legislative subpoena may do precisely what District Attorney Krasner did by seeking relief in court from a subpoena for grand jury information that is secret under the law.

FIRST AFFIRMATIVE DEFENSE

Article II Fails Because It Does Not Meet The Constitutional Standard For Conviction And Removal

For the reasons set forth in the Preamble of this Answer, Article II does not meet the rigorous constitutional standards for conviction and removal from office of a duly elected District Attorney of the City of Philadelphia and should be dismissed.

SECOND AFFIRMATIVE DEFENSE

Article II Fails Because District Attorney Krasner Did Not Obstruct The Select Committee

Article II improperly alleges as obstruction District Attorney Krasner's proper resort to legal process.

THIRD AFFIRMATIVE DEFENSE

Article II Fails Because It Improperly Alleges Multiple Offenses In One Article

Article II is fatally flawed because it charges multiple instances of alleged misconduct in one article. *See* Second Affirmative Defense, Article I.

ANSWER TO ARTICLE III

District Attorney Krasner denies each and every material allegation of Article III, and specifically denies that he engaged in misbehavior in office in the nature of violating the Rules of Professional Conduct or Code of Judicial Conduct, including Rules of Professional Conduct 3.3 (Candor Toward the Tribunal) and 8.4 (Professional Misconduct), and Canon 2 of the Code of Judicial Conduct (Impropriety and Appearance of Impropriety) in the matter of *Robert Wharton v. Donald T. Vaughn*. To the contrary, District Attorney Krasner and the District Attorney's Office and its lawyers fulfilled all of their duties and obligations as lawyers in that matter, which is the subject of a pending appeal before the United States Court of Appeals for the Third Circuit.

FIRST AFFIRMATIVE DEFENSE

Article III Fails Because It Does Not Meet The Constitutional Standard For Conviction And Removal

For the reasons set forth in the Preamble of this Answer, Article III does not meet the rigorous constitutional standards for conviction and removal from office of a duly elected District Attorney of the City of Philadelphia and should be dismissed.

SECOND AFFIRMATIVE DEFENSE

Article III Fails Because It Does Not Allege Any Conduct By District Attorney Krasner Personally

The *Robert Wharton v. Donald T. Vaughn* decision that is the subject of Article III concerns the alleged misconduct of other lawyers and non-lawyer employees in the District Attorney's Office, not the conduct of District Attorney Krasner.

THIRD AFFIRMATIVE DEFENSE

Article III Fails Because It Alleges Attorney Conduct Within The Exclusive Jurisdiction Of The Pennsylvania Supreme Court

Article III fails because the Pennsylvania Supreme Court has exclusive and inherent authority to govern the conduct of attorneys practicing law within the Commonwealth.

FOURTH AFFIRMATIVE DEFENSE

Article III Fails Because It Alleges Violations Of The Canons Of Judicial Conduct, Which Are Within The Exclusive Jurisdiction Of The Pennsylvania Supreme Court

Article III fails because the Pennsylvania Supreme Court and the Court of Judicial Discipline have the exclusive and inherent authority to govern conduct subject to the Canons of Judicial Conduct.

FIFTH AFFIRMATIVE DEFENSE

Article III Fails Because It Alleges Violations Of The Code Of Judicial Conduct Which Are Inapplicable To District Attorney Krasner

Article III improperly alleges a violation of Canon 2 of the Code of Judicial Conduct, and does not apply to district attorneys in counties of the first class like District Attorney Krasner and does not apply to the conduct alleged in Article III.

ANSWER TO ARTICLE IV

District Attorney Krasner denies each and every material allegation of Article IV, and specifically denies that he engaged in misbehavior in office in the nature of violating the Rules of Professional Conduct or Code of Judicial Conduct, including Rules of Professional Conduct 3.3 (Candor Toward the Tribunal) and 8.4 (Professional Misconduct), and Canon 2 of the Code of Judicial Conduct (Impropriety and Appearance of Impropriety) in the matter of *Commonwealth v. Pownall*. To the contrary, District Attorney Krasner and the District Attorney's Office and its lawyers fulfilled all of their duties and obligations as lawyers in that matter.

FIRST AFFIRMATIVE DEFENSE

Article IV Fails Because It Does Not Meet The Constitutional Standard For Conviction And Removal

For the reasons set forth in the Preamble of this Answer, Article IV does not meet the rigorous constitutional standards for conviction and removal from office of a duly elected District Attorney of the City of Philadelphia and should be dismissed.

SECOND AFFIRMATIVE DEFENSE

Article IV Fails Fails [sic] Because It Does Not Allege Any Conduct By District Attorney Krasner Personally

The *Commonwealth v. Pownall* matter that is the subject of Article IV concerns the alleged misconduct of other lawyers in the District Attorney's Office, not the conduct of District Attorney Krasner.

THIRD AFFIRMATIVE DEFENSE

Article IV Fails Because It Alleges Attorney Conduct Within The Exclusive Jurisdiction Of The Pennsylvania Supreme Court

Article IV fails because the Pennsylvania Supreme Court has exclusive and inherent authority to govern the conduct of attorneys practicing law within the Commonwealth.

FOURTH AFFIRMATIVE DEFENSE

Article IV Fails Because It Alleges Violations Of The Canons Of Judicial Conduct, Which Is Within The Exclusive Jurisdiction Of The Pennsylvania Supreme Court

Article IV fails because the Pennsylvania Supreme Court and the Court of Judicial Discipline have the exclusive and inherent authority to govern conduct subject to the Canons of Judicial Conduct.

FIFTH AFFIRMATIVE DEFENSE

Article IV Fails Because It Alleges Violations Of The Code Of Judicial Conduct Which Are Inapplicable To District Attorney Krasner

Article IV improperly alleges a violation of Canon 2 of the Code of Judicial Conduct, which does not apply to the conduct alleged in Article IV and does not apply to district attorneys in counties of the first class like District Attorney Krasner.

ANSWER TO ARTICLE V

District Attorney Krasner denies each and every material allegation of Article V, and specifically denies that he engaged in misbehavior in office in the nature of violating the Rules of Professional Conduct or Code of Judicial Conduct, including Rules of Professional Conduct 3.3 (Candor to Tribunal) and 8.4 (Professional Misconduct), and Canon 2 of the Code of Judicial Conduct (Impropriety and Appearance of Impropriety) in the matter *In re: Conflicts of Interest of Philadelphia District Attorney's Office*. To the contrary, District Attorney Krasner accurately testified before a Special Master and discharged his legal and ethical duties as a lawyer in that matter. The Supreme Court rejected the claim that District Attorney Krasner had the alleged conflict. The courts also dismissed a subsequent, similar filing.

FIRST AFFIRMATIVE DEFENSE

Article V Fails Because It Does Not Meet The Constitutional Standard For Conviction And Removal

For the reasons set forth in the Preamble of this Answer, Article V does not meet the rigorous constitutional standards for conviction and removal from office of a duly elected District Attorney of the City of Philadelphia and should be dismissed.

SECOND AFFIRMATIVE DEFENSE

Article V Fails Because It Alleges Attorney Conduct Within The Exclusive Jurisdiction Of The Pennsylvania Supreme Court

Article V fails because the Pennsylvania Supreme Court has exclusive and inherent authority to govern the conduct of attorneys practicing law within the Commonwealth.

THIRD AFFIRMATIVE DEFENSE

Article V Fails Because It Alleges Violations Of The Canons Of Judicial Conduct, Which Is Within The Exclusive Jurisdiction Of The Pennsylvania Supreme Court

Article IV fails because the Pennsylvania Supreme Court and the Court of Judicial Discipline have the exclusive and inherent authority to govern conduct subject to the Canons of Judicial Conduct.

FOURTH AFFIRMATIVE DEFENSE

Article V Fails Because It Alleges Violations Of The Code Of Judicial Conduct Which Are Inapplicable To District Attorney Krasner

Article V improperly alleges a violation of Canon 2 of the Code of Judicial Conduct because it does not apply to district attorneys in counties of the first class like District Attorney Krasner.

ANSWER TO ARTICLE VI

District Attorney Krasner denies each and every material allegation of Article VI, and specifically denies that he engaged in misbehavior in office in the nature of violating victims' rights. To the contrary, District Attorney Krasner and the District Attorney's Office complied with their obligations under victims' rights statutes, and have affirmatively sought to enhance the provision of services to, and protect the rights of, victims throughout his tenure as District Attorney.

FIRST AFFIRMATIVE DEFENSE

Article VI Fails Because It Does Not Meet The Constitutional Standard For Conviction And Removal

For the reasons set forth in the Preamble of this Answer, Article VI does not meet the rigorous constitutional standards for conviction and removal from office of a duly elected District Attorney of the City of Philadelphia and should be dismissed.

SECOND AFFIRMATIVE DEFENSE

Article VI Fails Because It Is Void For Vagueness

Article VI fails as a matter of law because it is unconstitutionally conclusory and vague. It alleges, without identifying supporting facts, that District Attorney Krasner violated federal and state victims' rights statutes by "failing to timely contact victims, deliberately misleading victims and or disregarding victims input and treating victims with contempt and disrespect." Such vague and conclusory assertions are plainly inadequate. In fact, his office's efforts in handling about 35,000 new cases per year and many more that are post-trial have been diligent, reasonable, and extensive.

THIRD AFFIRMATIVE DEFENSE

Article VI Fails Because It Improperly Alleges Multiple Offenses In One Article

Article II [sic] is fatally flawed because it charges multiple instances of alleged misconduct in one article. *See* Second Affirmative Defense, Article I.

ANSWER TO ARTICLE VII

District Attorney Krasner denies that he engaged in any misbehavior in office in the nature of violation of the Constitution of Pennsylvania by usurpation of the legislative function. He denies each and every material allegation of Article VII. To the contrary, District Attorney Krasner makes prosecution decisions on a case-by-case basis with an eye toward achieving individual justice, as his oath to seek justice requires, and has also faithfully performed his duties and upheld his oath to support, obey and defend the Constitution of the United States and the Constitution of Pennsylvania.

Article VII alleges criticisms of the District Attorney Krasner's exercise of his prosecutorial discretion in investigating, prosecuting, and sentencing. Yet, as explained above, those allegations are criticisms of his exercise of broad prosecutorial discretion, not a basis for impeachment and removal. *See* Answer to Article I.

FIRST AFFIRMATIVE DEFENSE

Article VII Fails Because It Does Not Meet The Constitutional Standard For Conviction And Removal

For the reasons set forth in the Preamble of this Answer, Article VII does not meet the rigorous constitutional standards for conviction and removal from office of a duly elected District Attorney of the City of Philadelphia and should be dismissed.

SECOND AFFIRMATIVE DEFENSE

Article VII Fails Because It Is Void For Vagueness

Article VII fails as a matter of law because it is unconstitutionally conclusory and vague. It fails to identify any supporting facts, and its vague and conclusory assertions are inadequate.

THIRD AFFIRMATIVE DEFENSE

Article VII Fails Because It Improperly Alleges Multiple Offenses In One Article

Article II [sic] is fatally flawed because it charges multiple instances of alleged misconduct in one article. *See* Second Affirmative Defense, Article I.

WHEREFORE, for the foregoing reasons, all Articles of Impeachment set forth in the Writ of Summons issued to District Attorney Krasner should be dismissed.

District Attorney Krasner reserves the right to amend this Answer to assert additional responses and affirmative defenses.

HANGLEY ARONCHICK SEGAL
PUDLIN & SCHILLER

DATED: December 21, 2022

By:
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MILLER & CHEVALIER CHARTERED
Michael J. Satin (*Admitted to practice law by a court of record in this Commonwealth*)
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Counsel for District Attorney Krasner

IMPEACHMENT SESSION RISES

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

Senator PITTMAN. Madam President, I move that the Impeachment Session do now rise.

The motion was agreed to.

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS REFERRED TO COMMITTEE

The PRESIDENT 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:

SECRETARY OF COMMUNITY AND ECONOMIC DEVELOPMENT

December 8, 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, Thomas J. Yablonski, Jr., 3115 Wayland Road, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as Secretary of Community and Economic Development, to serve to serve [sic] until January 17, 2023, and until the successor is appointed and qualified, vice Dennis Davin, Pittsburgh, resigned.

TOM WOLF
Governor

MEMBER OF THE STATE CONSERVATION COMMISSION

December 8, 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 Conservation Commission, to serve until May 30, 2023, and until the successor is appointed and qualified, but not longer than six months beyond that period, vice Heidi Secord, Stroudsburg, resigned.

TOM WOLF
Governor

MEMBER OF THE STATE BOARD OF COSMETOLOGY

December 8, 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, Thomas J. Yablonski, Jr. (Public Member), 3115 Wayland Road, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve until February 9, 2025, and until the successor is appointed and qualified, but not longer than six months beyond that period, vice Terri Snoe, Wexford, resigned.

TOM WOLF
Governor

MEMBER OF THE STATE BOARD OF EDUCATION

December 8, 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, Mary K. Topper, Esquire, 232 Sylvania Avenue, Glenside 19038, Montgomery County, Fourth Senatorial District, for appointment as a member of the State Board of Education, to serve until October 1, 2028, and until the successor is appointed and qualified, vice Jonathan Peri, Glen Mills, resigned.

TOM WOLF
Governor

MEMBER OF THE STATE BOARD OF FUNERAL DIRECTORS

December 8, 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 (Public Member), 1500 North Sixth Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Funeral Directors, to serve until March 18, 2024, and until the successor is appointed and qualified, but not longer than six months beyond that period, vice Scott Custead, Hollidaysburg, resigned.

TOM WOLF
Governor

INSURANCE COMMISSIONER

December 8, 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, Thomas J. Yablonski, Jr., 3115 Wayland Road, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as Insurance Commissioner, to serve until January 17, 2023, and until the successor is appointed and qualified, vice Jessica Altman, Harrisburg, resigned.

TOM WOLF
Governor

JUDGE, PHILADELPHIA MUNICIPAL COURT

December 8, 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, Anne Gingrich Cornick, Esquire, 2311 Briarcliff Road, Harrisburg 17104, Dauphin County, Fifteenth Senatorial District, for appointment as Judge, Philadelphia Municipal Court, to serve until the first Monday of January 2024, vice the Honorable Nazario Jimenez, Jr., resigned.

TOM WOLF
Governor

JUDGE, SUPERIOR COURT OF PENNSYLVANIA

December 8, 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, Anne Gingrich Cornick, Esquire, 2311 Briarcliff Road, Harrisburg 17104, Dauphin County, Fifteenth Senatorial District, for appointment as Judge, Superior Court of Pennsylvania, to serve until the first Monday of January 2024, vice the Honorable Jacqueline Shogan, resigned.

TOM WOLF
Governor

MEMBER OF THE STATE BOARD OF MEDICINE

December 8, 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 Board of Medicine, to serve until June 23, 2024, and until the successor is appointed and qualified, but not longer than six months beyond that period, vice Walter Eisenhauer, Jersey Shore, resigned.

TOM WOLF
Governor

MEMBER OF THE STATE BOARD OF OCCUPATIONAL
THERAPY EDUCATION AND LICENSURE

December 8, 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 Board of Occupational Therapy Education and Licensure, to serve for a term of three years, and until the successor is appointed and qualified, vice Carolyn Gatty, Mifflinburg, resigned.

TOM WOLF
Governor

COMMISSIONER OF PROFESSIONAL
AND OCCUPATIONAL AFFAIRS

December 8, 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, Thomas J. Yablonski, Jr., 3115 Wayland Road, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as Commissioner of Professional and

Occupational Affairs, to serve at the pleasure of the Governor, vice Kallonji Johnson, Harrisburg, resigned.

TOM WOLF
Governor

MEMBER OF THE PROFESSIONAL STANDARDS
AND PRACTICES COMMISSION

December 8, 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, Thomas J. Yablonski, Jr., 3115 Wayland Road, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Professional Standards and Practice [sic] Commission, to serve until January 17, 2023, and until the successor is appointed and qualified, vice Mark Anderson, Columbia, resigned.

TOM WOLF
Governor

MEMBER OF THE STATE BOARD OF EXAMINERS IN
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY

December 8, 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 (Public Member), 1500 North Sixth Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Examiners in Speech-Language Pathology and Audiology, to serve for a term of three years, and until the successor is appointed and qualified, but not longer than six months beyond that period, vice Nancy Stimson, Douglassville, resigned.

TOM WOLF
Governor

MAGISTERIAL DISTRICT JUDGE

December 8, 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 Magisterial District Judge, in and for the County of Cambria, Magisterial District 47-1-01, to serve until the first Monday of January 2024, vice the Honorable Michael Musulin, resigned.

TOM WOLF
Governor

MAGISTERIAL DISTRICT JUDGE

December 8, 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, Thomas J. Yablonski, Jr., 3115 Wayland Road, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as Magisterial District Judge, in and for the County of Montgomery, Magisterial District 38-2-09, to serve until the first Monday of January 2024, vice the Honorable Gregory Scott, resigned.

TOM WOLF
Governor

MEMBER OF THE STATE BOARD OF CHIROPRACTIC

December 14, 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, Moriah Hathaway, 112 Juniata Hall, Middletown 17109, Dauphin County, Forty-eighth Senatorial District, for appointment as a member of the State Board of Chiropractic, to serve for a term of four years, and until the successor is appointed and qualified, but not longer than six months beyond that period, vice John McCarrin, West Chester, whose term expired.

TOM WOLF
Governor

MEMBER OF THE STATE BOARD OF MEDICINE

December 14, 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, Thomas J. Yablonski, Jr., 3115 Wayland Road, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Medicine, to serve until March 18, 2023, and until the successor is appointed and qualified, but not longer than six months beyond that period, vice Ronald Domen, Hummelstown, resigned.

TOM WOLF
Governor

MEMBER OF THE STATE BOARD OF COSMETOLOGY

December 19, 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, Moriah Hathaway, 112 Juniata Hall, Middletown 17109, Dauphin County, Forty-eighth Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve until May 12, 2024, and until the successor is appointed and qualified, but not longer than six months beyond that period, vice Deborah Craft, Erie, resigned.

TOM WOLF
Governor

JUDGE, COURT OF COMMON PLEAS,
BUCKS COUNTY

December 19, 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, Rodney R. Akers, Esquire, 4307 Dakota Street, Pittsburgh 15213, Allegheny County, Forty-second Senatorial District, for appointment as Judge, Court of Common Pleas, Bucks County, to serve until the first Monday of January 2024, vice the Honorable Diane E. Gibbons, resigned.

TOM WOLF
Governor

JUDGE, COURT OF COMMON PLEAS,
LEBANON COUNTY

December 19, 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, Rodney R. Akers, Esquire, 4307 Dakota Street, Pittsburgh 15213, Allegheny County, Forty-second Senatorial District, for appointment as Judge, Court of Common Pleas, Lebanon County, to serve until the first Monday of January 2024, vice the Honorable Samuel A. Kline, resigned.

TOM WOLF
Governor

JUDGE, COURT OF COMMON PLEAS,
PHILADELPHIA COUNTY

December 19, 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, Rodney R. Akers, Esquire, 4307 Dakota Street, Pittsburgh 15213, Allegheny County, Forty-second Senatorial District, for appointment as Judge, Court of Common Pleas, Philadelphia County, to serve until the first Monday of January 2024, vice the Honorable Leon W. Tucker, resigned.

TOM WOLF
Governor

JUDGE, PHILADELPHIA MUNICIPAL COURT

December 19, 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, Rodney R. Akers, Esquire, 4307 Dakota Street, Pittsburgh 15213, Allegheny County, Forty-second Senatorial District, for appointment as Judge, Philadelphia Municipal Court, to serve until the first Monday of January 2024, vice the Honorable Thomas F. Gehret, resigned.

TOM WOLF
Governor

JUDGE, SUPREME COURT OF PENNSYLVANIA

December 19, 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, Anne Gingrich Cornick, Esquire, 2311 Briarcliff Road, Harrisburg 17104, Dauphin County, Fifteenth Senatorial District, for appointment as Judge, Supreme Court of Pennsylvania, to serve until the first Monday of January 2024, vice the Honorable Max Baer, deceased.

TOM WOLF
Governor

MEMBER OF THE STATE BOARD
OF OSTEOPATHIC MEDICINE

December 19, 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, Thomas J. Yablonski, Jr., 3115 Wayland Road, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Osteopathic Medicine, to serve for a term of four years, and until the successor is appointed and qualified, but not longer than six months beyond that period, vice Christopher Poggi, Somerset, whose term expired.

TOM WOLF
Governor

MEMBER OF THE STATE BOARD OF
CERTIFIED REAL ESTATE APPRAISERS

December 19, 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, Thomas J. Yablonski, Jr., 3115 Wayland Road, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Certified Real Estate Appraisers, to serve for a term of four years, and until the successor is appointed and qualified, but not longer than six months beyond that period, vice Jeffrey Walters, Wormleysburg, whose term expired.

TOM WOLF
Governor

REGISTER OF WILLS AND RECORDER
OF DEEDS, FRANKLIN COUNTY

December 19, 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, Thomas J. Yablonski, Jr., 3115 Wayland Road, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as Register of Wills and Recorder of

Deeds, in and for the County of Franklin, to serve until the first Monday of January 2024, vice Linda L. Miller, resigned.

TOM WOLF
Governor

MAGISTERIAL DISTRICT JUDGE

December 19, 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, Thomas J. Yablonski, Jr., 3115 Wayland Road, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as Magisterial District Judge, in and for the County of Erie, Magisterial District 06-3-08, to serve until the first Monday of January 2024, vice the Honorable Christopher MacKendrick, resigned.

TOM WOLF
Governor

**CORRECTION TO NOMINATION
REFERRED TO COMMITTEE**

The PRESIDENT 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:

JUDGE, SUPREME COURT OF PENNSYLVANIA

January 3, 2023

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

Please note that the letter dated December 19, 2022, for the nomination of Anne Gingrich Cornick, Esquire, 2311 Briarcliff Road, Harrisburg 17104, Dauphin County, Fifteenth Senatorial District, for appointment as Judge, Supreme Court of Pennsylvania, to serve until the first Monday of January 2024, vice the Honorable Max Baer, deceased, should be corrected to read:

JUSTICE, SUPREME COURT OF PENNSYLVANIA

Anne Gingrich Cornick, Esquire, 2311 Briarcliff Road, Harrisburg 17104, Dauphin County, Fifteenth Senatorial District, for appointment as Justice, Supreme Court of Pennsylvania, to serve until the first Monday of January 2024, vice the Honorable Max Baer, deceased.

GENERAL COMMUNICATIONS**2021-2022 ANNUAL REPORT FOR THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

COMMONWEALTH OF PENNSYLVANIA
Public Utility Commission
400 North Street
Harrisburg, Pennsylvania 17120

December 9, 2022

To the General Assembly
Commonwealth of Pennsylvania
Harrisburg, PA 17120

We are pleased to submit the FY 2021-22 Annual Report for the Pennsylvania Public Utility Commission (PUC). This report covers actions taken between July 1, 2021, and June 30, 2022.

As required by Section 321 of the Public Utility Code, 66 Pa. C.S § 321, the Annual Report highlights the significant orders, decisions and issues the PUC faced over the course of the year in fulfillment of our mission as regulators and protectors of the public interest.

Despite the challenges posed by a global pandemic, the Commission achieved many important successes, including: encouraging consumers and small businesses who may be experiencing financial difficulty to #CallUtilitiesNow to discuss the options to remain connected to vital utility services; increasing awareness for Pennsylvania consumers to #KeepUtilitiesOn with the Low-Income Household Water Assistance Program; participating in emergency preparedness activities that focus on emergency preparedness, business continuity, emergency response and cybersecurity plans; encouraging outreach on the FCC's broadband benefit available through the Affordable Connectivity Plan for Pennsylvanians; continuing investigations and enforcement related to pipeline, electric and motor carrier safety; and releasing multiple audits across the regulated industries.

We look forward to the next fiscal year and continuing our important mission.

GLADYS BROWN DUTRIEUILLE KATHRYN L. ZERFUSS
Chairman Commissioner

STEPHEN M. DeFRANK JOHN F. COLEMAN, JR.
Vice Chairman Commissioner

RALPH V. YANORA
Commissioner

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

**AUDIT REPORT FROM THE
RURAL HEALTH REDESIGN CENTER AUTHORITY**

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

Rural Health Redesign Center Authority
625 Forster Street, 8th Floor
Harrisburg, Pennsylvania 17120

December 12, 2022

Good afternoon Mr. Gerdes,

RE: ACT 108 Filing Requirements

As outlined in the Senate Bill 314, the Pennsylvania Rural Health Redesign Authority (established by Act 108 in May 2020) is required to file a copy of the audit of the preceding Commonwealth fiscal year with your office. I understand you are the appropriate party to receive the 6/30/22 reports. Please contact me if you have any questions or need any additional information.

Thank you.

Gerard P. Egan, MBA

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

**2022 FINANCIAL AUDIT REPORT
PA REINSURANCE PROGRAM**

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

COMMONWEALTH OF PENNSYLVANIA
Department of Insurance
1326 Strawberry Square
Harrisburg, Pennsylvania 17120

December 20, 2022

To the General Assembly
Commonwealth of Pennsylvania
Harrisburg, PA 17120

RE: Section 1332 - 2022 Financial Audit Report

Please find below a link to the 2022 Financial Audit, which is also posted to the Insurance Department's website.

<https://www.insurance.pa.gov/Coverage/Documents/PA1332WaiverFiles/PA-Re%201332%202022%20Audit.pdf>

If you have any questions or comments, please let me know.

Thanks,

Abdoul Barry
Legislative Director

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

**TELECOMMUNICATIONS DEVICE DISTRIBUTION
PROGRAM AND PRINT MEDIA ACCESS
SYSTEM PROGRAM ANNUAL REPORT**

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

COMMONWEALTH OF PENNSYLVANIA
Public Utility Commission
400 North Street
Harrisburg, Pennsylvania 17120

December 20, 2022

TO THE MEMBERS OF THE GENERAL ASSEMBLY
OF THE COMMONWEALTH OF PENNSYLVANIA:

In accordance with Section 6701.4(e) of the Universal Telecommunications and Print Media Access Act (UTPMAA), the Pennsylvania Public Utility Commission (Commission) respectfully submits this 2022 Annual Report regarding the Telecommunication Device Distribution Program (TDD Program) and the Print Media Access System Program (PMAS Program, also known as "Newline"). The TDD Program and the PMAS Program are operated by the Office of Vocational Rehabilitation (OVR) in the Pennsylvania Department of Labor and Industry (L&I) pursuant to Sections 6701.3 and 6701.3(a) of UTPMAA, respectively. Both the TDD Program and the PMAS Program are currently funded by the Telecommunications Relay Service (TRS) surcharge. The Commission administers the TRS surcharge fund pursuant to Section 6701.4(c) of UTPMAA.

The attached report discusses the following aspects of the programs: 1) Calculation and Statement of the TRS surcharge pursuant to Section 6701.4(c); 2) TDD Program, account balances, revenues, disbursements and expenses; 3) PMAS Program, account balances, revenues, disbursements, and expenses; 4) OVR reported information; 5) Commission

Conclusion. An electronic version of this report is available on the Commission's website.

Very truly yours,

GLADYS BROWN DUTRIEUILLE
Chairman

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

**2021-2022 ANNUAL REPORT FOR THE
SMALL BUSINESS OPPORTUNITIES PROGRAM**

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

COMMONWEALTH OF PENNSYLVANIA
Department of General Services
5th Floor, North Office Building
Harrisburg, Pennsylvania 17120

December 21, 2022

To the General Assembly
Commonwealth of Pennsylvania
Harrisburg, PA 17120

RE: 2021-2022 Small Business Opportunities Program Annual Report

Hello,

For awareness of the General Assembly, the attached annual report has been released by DGS' Bureau of Diversity, Inclusion, and Small Business Opportunities (BDISBO). The report is publicly available via DGS' website through this link: [Fiscal Year 2021-2022 Small Business Opportunities Annual Report \(pa.gov\)](https://www.dgs.pa.gov/About-DGS/Reports-and-Information/Annual-Reports/2021-2022-Small-Business-Opportunities-Annual-Report)

Please let me know if you have any questions regarding this report.

Eryn Spangler
Legislative Director

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

**PROCUREMENT DEPUTATE QUARTERLY
LEGISLATIVE REPORT FOR Q1 FY2022**

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

COMMONWEALTH OF PENNSYLVANIA
Department of General Services
5th Floor, North Office Building
Harrisburg, Pennsylvania 17120

December 12, 2022

To the General Assembly
Commonwealth of Pennsylvania
Harrisburg, PA 17120

RE: Q1 FY2022 Report

Good afternoon,

Please see the attached Procurement Deputate Quarterly Legislative Report for Q1 FY2022 available to the General Assembly.

Hardcopies are available upon request.

Thank you,

Eryn Spangler
Legislative Liaison

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

**APPOINTMENTS BY THE
PRESIDENT PRO TEMPORE**

The PRESIDENT. The Chair wishes to announce the President pro tempore has made the following appointments:

Senator Elisabeth J. Baker as Majority Caucus Administrator.

Senator Daniel J. Laughlin as Majority Policy Chairman.

Mrs. Michelle A. Brown as Staff Administrator for the Majority Caucus.

APPOINTMENTS BY THE MINORITY LEADER

The PRESIDENT. The Chair wishes to announce the Minority Leader has made the following appointments:

Ms. Colleen DeFrank as Senate Democratic Caucus Staff Administrator.

Mr. Alan C. Kessler, Esq., as the Democratic appointee on the Pennsylvania Intergovernmental Cooperation Authority.

The PRESIDENT. The Senate will be at ease.

[The Senate was at ease.]

HOUSE NOTIFIES SENATE IT IS ORGANIZED

The PRESIDENT. The Chair recognizes the Sergeant-at-Arms.

The SERGEANT-AT-ARMS. Madam President, I have the honor to present the chair of the committee from the House of Representatives, Representative Lynda Schlegel-Culver.

The PRESIDENT. The Chair recognizes Representative Culver.

Representative CULVER. Madam President, we have been appointed as a committee by the House to inform the Senate the House is organized and ready to proceed with the business of Session. Thank you.

The PRESIDENT. The Chair thanks the committee from the House of Representatives.

HOUSE MESSAGE

**HOUSE CONCURS IN SENATE
CONCURRENT RESOLUTION**

The Clerk of the House of Representatives informed the Senate that the House has concurred in the resolution from the Senate, entitled:

Joint Session.

RECESS

The PRESIDENT. The time has come in our order of business to assemble in the Hall of the House of Representatives for a Joint Session. The Chair requests that all guests remain seated until the Members of the Senate leave for the House. This will eliminate

considerable confusion and facilitate our movement to the House, and the Chair thanks our guests for their cooperation.

The Members of the Senate will please form a line in the center aisle immediately behind the Sergeant-at-Arms in order that we may proceed to the Joint Session.

The Chair now declares a recess of the Senate for the purpose of the Joint Session with the House.

AFTER RECESS

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

RECESS

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

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

The motion was agreed to by voice vote.

The PRESIDENT. The Senate stands in recess until the call of the President pro tempore.

AFTER RECESS

The PRESIDING OFFICER (Senator Michael R. Regan) in the Chair.

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

RECESS

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

Senator AUMENT. Mr. President, I move that the Senate do now recess until Friday, January 6, 2023, at 3:12 p.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

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