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TUESDAY, JANUARY 2, 2024

SESSION OF 2024 208TH OF THE GENERAL ASSEMBLY

No. 1

SENATE

TUESDAY, January 2, 2024

The Senate met at 12 m., Eastern Standard Time.

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

The PRESIDING OFFICER. This being the day and hour fixed by the Constitution for convening the 208th Regular Session of the General Assembly, the Senate will come to order.

PRAYER

The following prayer was offered by Hon. MICHAEL GERDES, Secretary of the Senate:

Let us pray.

Dear God, we ask You to impart Your wisdom on the Members of this body to help them discern the policies which best serve the people of Pennsylvania. We also ask that You inspire them to work cooperatively to achieve those goals. We pray that this 208th Session of the General Assembly will be productive and that our work here will benefit all Pennsylvanians. We ask this in Your Name. Amen.

PLEDGE OF ALLEGIANCE

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

**ANNOUNCEMENT BY THE
PRESIDING OFFICER**

The PRESIDING OFFICER. Pursuant to Senate Rule 21(b), the Chair is giving the Senators notice that photographers from both Caucuses have been granted permission to take still photographs on the floor of the Senate today during the special order of business for the election of the President pro tempore.

ELECTION OF PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The next order of business will be the election of the President pro tempore as required by Article II, Section 9, of the Constitution of the Commonwealth of Pennsylvania, which states, in part, that the Senate shall, at the beginning and end of each Regular Session, elect one of its Members President pro tempore.

Before taking up nominations for the office of the President pro tempore, the Chair would like to again suggest if there is no objection, in the event that there is only one candidate for the

office, the Chair will dispense with the calling of the roll and ask for a voice vote on the nomination.

The Chair hears no objection.

The Chair will now accept nominations for the office of President pro tempore.

The Chair recognizes the gentleman from Indiana, Senator Pittman.

Senator PITTMAN. Mr. President, shattering glass ceilings one step at a time: the first Hempfield Township Republican Supervisor female that was ever elected; the first female Republican Westmoreland County Commissioner in the history of Westmoreland County; the first female State Senator from the 39th Senatorial District; the first female Majority Leader to ever serve in either Chamber of this General Assembly; the first female ever elected as an institutional officer in either Chamber of this General Assembly. That is the political and public service career of the Honorable Kim L. Ward. Her career has been about shattering glass ceilings every step of the way. Now let us be clear, Mr. President, she did not achieve these remarkable accomplishments because she is a female. She achieved these remarkable accomplishments because she is the most qualified individual for the position, and yes, she happens to be a woman.

But the gentlewoman from the 39th Senatorial District has the political acumen that is unmatched; has a devotion for public service that is unrivaled. She has ice running through her veins. She has nerves of steel. She has passion for everything that she does. The one attribute, however, that she probably would least like to admit is that she has a heart of gold as well: a big heart. A mother, a grandmother, a daughter, a spouse, an individual who cares for her constituents, an individual who cares for this institution, and her care for this institution is exactly why she was elected to serve as our President pro tempore last year. And it is my deep honor and privilege to submit the name of Senator Kim L. Ward to serve as the President pro tempore of the Pennsylvania Senate in the 2024 Session.

Thank you, Mr. President.

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 our friend, Senator Kim Ward, the gentlewoman from Westmoreland County, as our President pro tempore for the Senate of Pennsylvania. Mr. President, over the years I have had the pleasure of knowing Senator Kim Ward in a variety of capacities back in our district in western Pennsylvania and Westmoreland County, but also, most importantly, on this Senate floor and in this Senate Chamber. It was an honor for me to be able to get to know her and enjoy the time that we spent and the great working and professional relationship that we shared.

Mr. President, we know that while the election of a President pro tempore of the Senate is, by definition, an electoral process, but it has been in this Chamber, and should continue to be, a non-political event. The President pro tempore is a reflection of the Senate, and it is because the Senate is obviously composed of both Democrats and Republicans, but we serve all the citizens of this great Commonwealth. The Presiding Officer must be a leader of all of us. And with Senator Kim Ward, we have been very fortunate this past year in her term in leadership to have a leader who is both balanced and fair, honest and straightforward, an individual who gives strong, strong consideration to the interests of this institution, but also every Member. She shares with each of us the great respect for the long history of this Pennsylvania Senate, our Constitution, and the people who call Pennsylvania home. And I believe that she will do an outstanding job and will continue to fight to protect the Senate as an institution as she will serve this body and its Members as well. We are a deliberative body. We are not a hasty one. We have a diverse body, as indicated earlier, representing every corner of Pennsylvania and every ZIP Code of this great Commonwealth. And we are a body of respect and decorum for all of our colleagues here, but also every staff person who we employ. And with the remainder of the Senate Session ahead of us in the course of this year, we face many important policy matters: finding and implementing a fair education funding system; making certain that we make sure we have fair and free and secure elections; growing and maintaining jobs as we go forward; looking out for the healthcare of all of our residents in Pennsylvania; and working to protect our environment. These are all matters that will come before this Chamber over the course of the next year, and I am extremely confident that our President pro tempore, Senator Kim Ward, will represent this Caucus and manage this Caucus in this Chamber in a fair and appropriate, just, and honorable way. It is my honor, Mr. President, to second the nomination of Senator Kim Ward for President pro tempore of the Pennsylvania Senate.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentlewoman from Northumberland, Senator Culver.

Senator CULVER. Mr. President, it is an honor to second the nomination of Senator Kim Ward as President pro tempore. Being the newest Member of the Senate, I only had the privilege of working directly with the gentlewoman from Westmoreland County for a little over 10 months. Before I served in the House of Representatives for 12 years, I knew of the gentlewoman from Westmoreland County--I met her on an occasion or two--but her reputation preceded her. Across the building, she was known as strong, determined, formidable, and she was revered. In my short time in the Senate, I have learned that she is principled and focused. She is kind, compassionate, and oftentimes becomes the voice of those who need it the most. She believes that we need to have a budget that positions the Commonwealth for a strong financial future. She understands the value of reaching across the aisle to get things done for the people of Pennsylvania. She has a way of making the impossible possible. A great example of this is Senate Bill No. 8, the breast cancer screening bill, the first of its kind in the nation, which became Act 1 of 2023. She is a true leader and has a proven track record of delivering results. But above all, she understands and has tremendous respect for this great institution. Mr. President, it is for all of these reasons that I

enthusiastically second the nomination for Senator Kim Ward for President pro tempore. Thank you.

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

Senator COSTA. Mr. President, I would like to introduce these remarks on behalf of Senator Muth for the record. Thank you, sir.

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

(The following prepared remarks were made part of the record at the request of the gentleman from Allegheny, Senator COSTA, on behalf of the gentlewoman from Montgomery, Senator MUTH:)

Mr. President, I submit the following remarks for the official record explaining my negative vote for the reelection of Senator Kim Ward as the President pro tempore of the Senate. First and foremost, casting an affirmative vote would violate the oath I took to serve the public and would be threatening to the constitutional rights of all Pennsylvanians. It is important to highlight specifically Article III § 14 of our Pennsylvania Constitution that states: "The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public education to serve the needs of the Commonwealth." Additionally, Article III § 15 states that: "No money raised for the support of the public schools of the Commonwealth shall be appropriated to or used for the support of any sectarian school." The elected leadership of this Chamber continues to push to privatize education, including previous and continued attempts to divert funds to sectarian and other private schools, and I cannot support those leading that charge.

Another constitutional rationale for my negative vote is the continued disregard of Article I § 27 of the Pennsylvania Constitution. In 1971, Pennsylvania voters approved the Environmental Rights Amendment to the Pennsylvania Constitution via a ballot initiative vote. The effort to adopt this amendment was led by then-Representative Franklin L. Kury. Article I § 27 provides:

"The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people."

The Majority party leadership continues to prioritize legislation that would cause further harm to public and environmental health by passing bills that enable fossil fuel companies to further loot and pollute our communities and our Commonwealth. I cannot support anyone in public service who takes action or allows action that violates our constitutional rights, or anyone who fails to take the necessary actions to ensure these rights are protected.

Additionally, the Majority party leadership continues to fail victims by refusing to pass critical legislation that would help victims of child sexual misconduct by reforming our statute of limitations law, which currently does not allow for victims to seek justice in civil court. I cannot support anyone in public service who denies victims justice and healing.

Lastly, the Majority party leadership continues to be unwilling to work with our Caucus on commonsense reforms to the Senate rules that would ensure transparency and fairness in our Chamber. I cannot give my vote of support to anyone in public service who does not strive to achieve full transparency and fairness. For these reasons, please record my vote as a negative vote.

NOMINATIONS CLOSED

The PRESIDING OFFICER. Are there any other nominations? The Chair hears none and declares the nominations closed.

The candidate for the office of President pro tempore is the Honorable Kim L. Ward of Westmoreland County.

All those in favor of Senator Kim Ward for the office of President pro tempore will say "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 elected President pro tempore of the Senate of Pennsylvania.

[Applause.]

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

The PRESIDING OFFICER. At this time, the Chair appoints as a committee to escort the President pro tempore-elect, Senator Kim Ward, to the rostrum: the gentleman from Venango, Senator Hutchinson; the gentleman from York, Senator Regan; and the gentlewoman from Berks, Senator Schwank. The committee will proceed to escort Senator Kim Ward to the rostrum.

[Whereupon, the President pro tempore-elect was escorted to the rostrum of the Senate.]

**ADMINISTRATION OF OATH OF OFFICE
TO PRESIDENT PRO TEMPORE-ELECT**

The PRESIDING OFFICER. We are honored to have with us today the Honorable Sallie Updyke Mundy, Justice of the Supreme Court of Pennsylvania, to administer the oath of office.

All Members and guests will please rise.

Justice Mundy.

Justice MUNDY. Please place your left hand on the Bible, raise your right hand, and repeat after me:

I, Kim Ward, do solemnly swear 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.]

**GAVEL PRESENTED TO
PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The Chair wants to thank Justice Mundy for being here today to administer the oath of office to the President pro tempore.

Ladies and gentlemen, it is now my privilege to present the Honorable Kim Ward, President pro tempore of the Senate.

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

REMARKS BY THE PRESIDENT PRO TEMPORE

The PRESIDENT pro tempore. Here I am. I made it. Thank you all so, so very much, and I would like to start by thanking Pennsylvania Supreme Court Justice Sallie Updyke Mundy for administering the oath of office. I am so pleased that you have taken time out of your busy schedule to swear me in today. Thank you so much, Justice Mundy. Thank you to Majority Leader Joe Pittman, Democratic Leader Jay Costa, and Senator Lynda Culver for the remarks. I really appreciate it. And sometimes

when I hear people, you know, talking about me, I think, who are they talking about? Thank you, Senator Regan and Senator Hutchinson, for being part of the escort committee and all of the hardworking Senate teammates who we have here who organized this swearing-in today. I want to acknowledge and thank my family for their support as I continue in my role as a Senator for the 39th Senatorial District. But most importantly--or just as importantly--I would like to thank all of you, my Senate colleagues.

I work and I am surrounded by an amazing group of individuals, and it is a privilege and honor to oversee this body. All 50 Senators who bestow this Chamber were put here by people who they genuinely care about; they want to represent; and they want to do well for them. We all serve because we care about how government touches our communities, our families; how decisions we make affect businesses and jobs; and how public policy shapes our lives. And while it is important that we continue to work together to help the people who sent us here, it is equally important that the Senate, as the upper Chamber, remains accountable to the people of Pennsylvania by ensuring good and effective legislation--that that is the kind of legislation that we pass, and we have done so. But that is not easy with a split government; but even so, as the upper Chamber, we have a responsibility and are duty-bound by our State Constitution to rise above and work through the challenges of a split government and deliver for the people who we represent. That means pausing, pulling back the layers, and vetting issues to find a path forward, not just expediting legislation because it was sent to us. We must be disciplined in reviewing legislation thoughtfully and with the people at the top of our mind, not simply passing legislation to say that we did it. When I look at what is happening politically in our government nationally, it is very upsetting. It does not need to be that way. It makes our nation and our citizens look so divided.

While there are many things that I am thankful for, I am incredibly proud of this Chamber because we have respect for each other. We talk to each other. I like that we talk to each other. We talk about politics, issues, personal interests. We do all of that, all of us, and we see each other as people and not parties, and we are so far ahead of Washington, D.C., because of that. I am proud of us. I think we do a phenomenal job because we know each other. When we vote here, what you witness is a diverse constituency and diverse Senators voting the way they need to vote for their areas and what they believe. But what you do not see is a bunch of mud-throwing. We do not do that here. It is a nice place to serve. You know, we are all people. We are not parties. We all have parents and children and moms and dads and brothers, and we respect each other. We might try to influence each other, and we might disagree on things, but we respect each other. And we saw some of that this past year with increases in the childcare tax credit, continued and historic investments in education, and funding for our community colleges. Those are just a few of the things. We also made a good effort to strengthen our hospital community, support EMS providers, and increase public safety. We also took steps to take care of our own and set a standard of no tolerance with the introduction of sexual harassment legislation. And I am looking forward to continuing to work with Senator Collett, Senator Phillips-Hill, Senator Pennycuick, and many other Members of this Chamber, colleagues on both sides of the aisle, to help advance that legislation.

While we have taken some solid steps forward, we must continue in helping to provide not only a prosperous path for our Commonwealth, but one with more certainty and minimal delay for Pennsylvanians. They want us to get things done, but they also want to understand what our path is. As we look forward, I am hopeful that we can, together, not only put Pennsylvania on a greater path to prosperity but strengthen our bonds within this Chamber to put people first, and especially our kids first. And we have a once-in-a-lifetime opportunity this year to change the trajectory of our children by creating an education system that benefits all children. We are going to have to put ideology aside, our noses to the grind, and just work on it. We can do more to help families succeed by cutting bureaucratic red tape and not creating, necessarily, more entitlement programs. We can do more to put kids and families first by getting out of the way where we can and providing temporary assistance where we need to. We are not, as I mentioned, all the same party or ideology, but we are all here for one basic reason, and that is to make change for the betterment of the people we represent. We are blessed and honored to be given this opportunity and to leave things better than when we got here. I think we are on a great path to do that, and I am grateful and honored for your support as I continue in the role as the Senate pro tempore. So, thank you all very, very much.

[Applause.]

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

GUEST OF SENATOR ARTHUR L. HAYWOOD PRESENTED TO THE SENATE

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

Senator HAYWOOD. Mr. President, I am very proud, almost elated, to introduce my son, Arthur Haywood, who is visiting from Tulsa, Oklahoma. He is an accomplished artist, and I just cannot be more proud of all that he is and has been able to do. Instead of going through his resume, I will say, primarily, he is my son, and I ask for a warm welcome from my colleagues in the Senate.

The PRESIDING OFFICER. Would the guest of Senator Haywood please rise.

[Applause.]

CALENDAR OVER IN ORDER

The PRESIDING OFFICER. The Chair recognizes the gentleman from Indiana, Senator Pittman.

Senator PITTMAN. Mr. President, I move that all of the bills and resolutions on today's Calendar go over in their order without prejudice as to day.

The motion was agreed to by voice vote.

SPECIAL ORDER OF BUSINESS SENATE RESOLUTION ADOPTED

Senators STREET, KANE, HAYWOOD, SAVAL, KEARNEY, DUSH, CAPPELLETTI, PHILLIPS-HILL, COMITTA, BOSCOLA, TARTAGLIONE, SANTARSIERO, FONTANA, COLLETT, MILLER, COSTA, SCHWANK and DILLON, by unanimous consent, offered **Senate Resolution No. 221**, entitled:

A Resolution designating the week of January 14 through 21, 2024, as "Dr. Martin Luther King, Jr., Holiday Week" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator HAYWOOD. Mr. President, I am glad to rise to request support for our annual Martin Luther King Day resolution. On August 28, 1963, Dr. King made his most famous speech with respect to creating a multiethnic America. During his speech, he called for nonviolence, and he stood against hate, a hate that had unfortunately been demonstrated under 200 years of enslavement and 100 years of segregation in America. Dr. King said: "We must forever conduct our struggle on the high plane of dignity and discipline. We must not allow our creative protest to degenerate into physical violence. Again and again, we must rise to the majestic heights of meeting physical force with soul force." Dr. King shared these words at the March on Washington. He had just left bombings, murders, and job firings for exercise of basic civil rights in the former Confederate States. At least 41 nonviolent civil rights activists were killed in the Civil Rights Movement. Dr. King's house was firebombed, and he was under constant death threats. Dr. King was arrested at least 29 times, yet his commitment to love, and love as a strategy for change, kept him going until his assassination in 1968. Dr. King said: "Darkness cannot drive out darkness, only light can... Hate cannot drive out hate, only love can..." So, it is today that we join to recognize Dr. King and stand against hate, Jewish hate, Arab hate, Black hate, White hate, immigrant hate, LGBTQ hate, Asian hate, all hate.

Lastly, Dr. King said in his March on Washington speech, I quote [Reading:]

When the architects of our republic wrote the magnificent words of the Constitution and [the] Declaration of Independence, they were signing a promissory note to which every American was to fall heir. The [This] note was a promise that all men--yes, Black men as well as White men--would be guaranteed the inalienable rights of life, liberty, and the pursuit of happiness. **He went on further to say:** It is obvious today that America has defaulted on this promissory note insofar as her citizens of color are concerned. Instead of honoring this sacred obligation, America has given the Negro people a bad check, a check that [which] has come back marked "insufficient funds." **He goes on to say:** But we refuse to believe that the bank of justice is bankrupt. We refuse to believe that there are insufficient funds in the great vaults of opportunity in [of] this nation. And so, we've come to cash this check, a check that will give us upon demand the riches of freedom and [the] security of justice.

That was in 1963. Yes, we still have a long way to go but have made significant progress since that time. And it is my hope that we can all be committed to the dream that Dr. King has established for all of us and the recognition that we, as a people, American people, will get there. Mr. President, I request unanimous support for the resolution. Thank you.

And the question recurring,

Will the Senate adopt the resolution?

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

The PRESIDING OFFICER. The Senate will be temporarily at ease.

[The Senate was at ease.]

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

REMARKS BY THE PRESIDENT PRO TEMPORE

The PRESIDENT pro tempore. I also would like to thank Senator Schwank. I am so sorry. Your name was not in my book, so I did not read it, so it did not happen. But I really do appreciate you being part of my escort committee because they put the two tallest guys in my Caucus with me, and you made me look more normal. So, thank you very much.

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

**UNFINISHED BUSINESS
ANNOUNCEMENTS BY THE SECRETARY**

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

SENATE OF PENNSYLVANIA
COMMITTEE MEETINGS

WEDNESDAY, JANUARY 10, 2024

9:00 A.M. AGRICULTURE AND RURAL AFFAIRS Monongahela Rm.
(informational meeting regarding 5 Years of the Pennsylvania Farm Bill) Pennsylvania Farm Show Complex Harrisburg

MONDAY, JANUARY 22, 2024

11:00 A.M. STATE GOVERNMENT (public hearing on eminent domain, its impact on farmland, businesses and homeowners, and factors to consider when fixing fair market value of property taken under eminent domain) 301 N. Spring St. Bellefonte

WEDNESDAY, JANUARY 31, 2024

1:00 P.M. COMMUNICATIONS AND TECHNOLOGY and LOCAL GOVERNMENT (joint public hearing on cybersecurity issues for local governments and municipal authorities) Hearing Room 1 North Office

THURSDAY, FEBRUARY 1, 2024

10:00 A.M. ENVIRONMENTAL RESOURCES AND ENERGY (public hearing with the Ohio Public Utilities Committee, along with the Ohio House Energy and Natural Resources Committee and the Ohio Senate Energy and Public Utilities Committee, to focus on energy reliability, sustainability and affordability) Ohio State House Room 313 1 Capitol Square Columbus, OH

MONDAY, FEBRUARY 5, 2024

12:30 P.M. COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT (to consider Senate Bill No. 1014) Room 8E-A East Wing (LIVE STREAMED)

12:45 P.M. CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider House Bill No. 1564) Rules Committee Conference Room

Off the Floor APPROPRIATIONS (to consider Senate Bills No. 228, 403, 745 and 832; and House Bills No. 1246 and 1354) Rules Committee Conference Room

Off the Floor ENVIRONMENTAL RESOURCES AND ENERGY (to consider Senate Bill No. 1058) Rules Committee Conference Room

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

Off the Floor STATE GOVERNMENT (to consider Senate Resolution No. 234) Rules Committee Conference Room

Off the Floor VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (to consider Senate Bill No. 1054; House Bill No. 358; and House Resolution No. 279) Rules Committee Conference Room

WEDNESDAY, FEBRUARY 7, 2024

2:00 P.M. COMMUNICATIONS AND TECHNOLOGY and STATE GOVERNMENT (joint public hearing on the recent Office of Administration server data loss) Hearing Room 1 North Office (LIVE STREAMED)

THURSDAY, FEBRUARY 8, 2024

9:00 A.M. GAME AND FISHERIES (public hearing on the annual report from Pennsylvania Game Commission and the Fish and Boat Commission) Room 8E-A East Wing (LIVE STREAMED)

11:15 A.M. COMMUNICATIONS AND TECHNOLOGY and COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT (joint informational meeting - roundtable on Pennsylvania semiconductor production and workforce pipeline) Infinera Corp. 7360 Windsor Dr. Allentown

RECESS

The PRESIDING OFFICER. The Chair recognizes the gentleman from Indiana, Senator Pittman.

Senator PITTMAN. Mr. President, I move that the Senate do now recess until Monday, February 5, 2024, at 1 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 12:32 p.m., Eastern Standard Time.