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SESSION OF 2021 205th OF THE GENERAL ASSEMBLY

No. 1

SENATE

TUESDAY, January 5, 2021

The PRESIDENT. This being the constitutional day and hour for the convening of the 205th regular Session of the General Assembly, the Senate will please come to order.

The PRESIDENT (Lieutenant Governor John K. Fetterman) called the Senate to order at 12 m., Eastern Standard Time.

ANNOUNCEMENT BY THE PRESIDENT

The PRESIDENT. Senators and guests, please take your seats. For the safety of the Senators and guests, in compliance with the wishes of the State Fire Marshal, 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 that there are no standees.

The Senate will now come to order. The Chair has a special announcement this Opening Day. Due to the COVID-19 pandemic, some of our Senate Members who are not taking the oath of office may be remotely participating in today's Opening Day Session. This is permissible under parliamentary procedure as it is consistent with usage and customs of the Senate from the last Session.

MOTION REQUIRING WEARING OF MASKS

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

Senator A.H. WILLIAMS. Mr. President, there is an issue with regard to masks that is kind of obvious to all of us. Based upon the guidelines that have been provided to us from the Governor, the CDC, and a variety of others, we are asking that the Senate follow its own guidelines and rules and that all Members be required to--and all who are participating here--be required to wear masks on the floor, and we are presenting that in the form of a motion.

The PRESIDENT. Senator Anthony Williams requests that everyone on the floor wear a mask.

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

Senator AUMENT. Mr. President, is that in the form of a motion? That is not a rule of the Senate.

The PRESIDENT. It is a pandemic, Senator Aument. I think that is an appropriate request, given the number of people that are in this building.

Senator AUMENT. Mr. President, I understand it is a request, but I just want to be clear that it was not in the form of a motion.

The PRESIDENT. Asking that all our guests and Senators please, out of respect for Senator Anthony Williams and others, to please put a mask on. The request has been extended. Thank you, Senator Anthony Williams.

The Chair recognizes the gentleman from Bucks, Senator Santarsiero.

Senator SANTARSIERO. Mr. President, I would like to speak briefly on Senator Anthony Williams' request. I know that there is a rule with respect to visitors and non-Members to be wearing masks. Members, while enjoying the privileges of being Members of this body, are no less capable of contracting and spreading COVID-19. As a consequence, I think, frankly, this needs to be more than a simple request, particularly now that we know the more transmissible variant of the virus is here in the United States, and, in all likelihood, here in Pennsylvania as well. This is a public health matter. It is not a political statement. It is something that we should all be doing out of respect for each other and for the staff and, today, for our guests.

Thank you, Mr. President.

PRAYER

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

Let us pray.

When I was reflecting and preparing today's prayer, I came across these beautiful words from St. Paul in his letter to the Romans. They are especially relevant today, given that it is Opening Day and we are convening and organizing our Senate body today. He wrote:

Many parts in one body. For by the grace given to me I tell everyone among you not to think of himself more highly than one ought to think, but to think soberly, each according to the measure of faith that God has apportioned.

For as in one body we have many parts, and all the parts do not have the same function, so we, though many, are one body in Christ and individually parts of one another.

Since we have gifts that differ according to the grace given to us, let us exercise them: if prophecy, in proportion to the faith; if ministry, in ministering; if one is a teacher, in teaching; if one exhorts, in exhortation; if one contributes, in generosity; if one is over others, with diligence; if one does acts of mercy, with cheerfulness.

Lord, each Senator brings different gifts and talents to the Senate and brings different perspectives to this body. Throughout this next legislative Session, help us to see the value in all of the gifts and perspectives of one another. Help us to respect the differences, and help us, Lord, to find common ground and ways

to work together as one body for the people of this great Commonwealth. All this we ask in Your name. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited by those assembled, led by the gentleman from Jefferson, Senator-elect Dush.)

MOTION REQUIRING WEARING OF MASKS (Continued)

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

Senator A.H. WILLIAMS. Mr. President, I apologize, I had not completed my commentary with regard to my request. My request is very specific of the Chair in that there is a ruling that mandates all Members and those who are on the floor are required to wear a mask today. If they choose not to--and by the way, we want a roll-call vote with regard to it--but if they choose not to, we ask them to leave. This request was made by our Minority Leader, Senator Costa, in the form of a letter to the President pro tempore, of which we have not received a response. So, while it is appropriate to make comments about it, it is much more significant to put it upon a public document, so we are asking a ruling of the Chair to mandate this request of every person on this floor.

Thank you, Mr. President.

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

The PRESIDENT. The Chair recognizes the gentleman from Lancaster, Senator Aument.

Senator AUMENT. Mr. President, may we go at ease for a moment, please?

The PRESIDENT. The Senate will be at ease.
(The Senate was at ease.)

LEGISLATIVE LEAVE

The PRESIDENT. The Chair recognizes the gentleman from Lancaster, Senator Aument.

Senator AUMENT. Mr. President, I request a legislative leave for Senator Arnold.

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

Senator A.H. WILLIAMS. Mr. President, for the benefit of those who are here and may not understand the process, not every Member on the Senate floor is able to vote, so for those who are on Zoom, in particular the folks who represent my side of the aisle, I want them to be aware, if you are in a seat that is an even-numbered seat, you are able to vote. If you are not, you are not able to vote. So, I just want to make sure that people on both sides of the aisle understand how the rules apply. So it is not every Member of the Senate--

The PRESIDENT. Senator, with all due respect, we are just doing leaves of absence right now. We will get to you, all right?

Senator Aument requests a legislative leave for Senator Arnold. Without objection, the leave will be granted.

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

Senator A.H. WILLIAMS. Mr. President, ditto to everything I just said. Thank you.

The PRESIDENT. Senator Anthony Williams has requested a roll call on mandatory masks. The Clerk will call the roll, with the note that only 25 Senators within the Chamber are entitled to vote, and the roll call will reflect as such.

The Chair recognizes the gentleman from Lancaster, Senator Aument.

Senator AUMENT. Mr. President, just to clarify, the motion is the rule for today, and voting 25 Members, the rule will be in effect for today?

The PRESIDENT. Correct.

Senator AUMENT. Thank you.

The PRESIDENT. The Clerk will call the roll.

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

The yeas and nays were required by Senator A.H. WILLIAMS and were as follows, viz:

YEA-25

Arnold	Browne	Mensch	Tartaglione
Aument	Collett	Muth	Tomlinson
Baker	Corman	Phillips-Hill	Ward, Judy
Bartolotta	Fontana	Santarsiero	Williams, Anthony H.
Blake	Haywood	Scavello	Williams, Lindsey
Boscola	Kearney	Stefano	Yudichak
Brooks			

NAY-0

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

The PRESIDENT. The motion passes.

MOTION TO POSTPONE PRESENTATION OF ELECTION RETURNS

The PRESIDENT. The Chair recognizes the gentleman from Bucks, Senator Santarsiero.

Senator SANTARSIERO. Mr. President, I rise to make a motion.

The PRESIDENT. Senator Santarsiero rises to make a motion.

Senator SANTARSIERO. Mr. President, I move that the next order of business, the presentation of election returns and the subsequent swearing-in of Members, be postponed until such time as the Federal District Court of the Western District of Pennsylvania disposes of the matter captioned *Zicarelli vs. Allegheny County*.

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

Senator SANTARSIERO. Mr. President, this motion is necessary because while 25 Members of the State Senate have been duly elected to this Chamber in the past election in November, and therefore should be sworn in today in this Chamber, as would ordinarily be the course, that is not going to happen. We know, Mr. President, that, instead, the Majority party will move to table the presentation of election returns in the 45th Senatorial District in which Senator-elect Jim Brewster was duly elected and certified by the Pennsylvania Secretary of State. This arises,

Mr. President, we are in this position because the losing candidate filed a specious petition in this body seeking, essentially, to overturn the election and to invalidate the will of the people of the 45th Senatorial District. She did that not in compliance with State law, State law passed by this General Assembly, she did it in an untimely way. She did it without the certification of electors, as required by law. She did it without going through the proper procedure in the courts, and she did it notwithstanding the fact that her main contention, which was the counting of 311 votes in Allegheny County, was found to be a legal procedure under State law by the ultimate arbiter of such things, the Pennsylvania Supreme Court.

Now, Mr. President, I understand what it is to lose an election. It is not a pleasant thing. I understand that candidates who lose are disappointed. But a candidate's disappointment should not ever result in overturning our democratic process. A candidate's disappointment should not render a nullity of free and fair election through which Senator-elect Brewster was duly elected to serve the people of the 45th Senatorial District. Mr. President, this happens not in a vacuum. It happens in the context of some very serious threats to our democracy in the United States today. Just tomorrow, the United States Congress will be asked to certify the election of Joseph R. Biden as the 46th President of the United States. And we know, because they have told us, that there are a number of United States Senators and a number of United States Congresspeople who intend to vote against that, notwithstanding the facts, notwithstanding the certification of President-elect Biden's election as the 46th President. Just a couple of days ago, the 10 living former Secretaries of Defense, Republican and Democrat alike, signed a letter stating that the United States military should not be involved in the election contest. An act that should be self-evident, and, up until this point in our history, an unthinkable need to actually state in a letter. We can only surmise that they did so because of some credible threat that such an action would be requested.

Yes, Mr. President, we are at a moment, a dangerous moment in our country's history, in which the very foundations of our democracy are under attack, no less so here in the Commonwealth of Pennsylvania, where this body is going to be asked to set aside a duly elected Member because of a specious claim, not a claim of fraud, not a claim of malfeasance, but a claim in which the claimant has already lost in court, both State and Federal court, a claim regarding the counting of legitimate votes. Mr. President, this can never be the basis of this body not seating a Member. This body, under Pennsylvania law, has the authority to judge the qualifications of a Member of this Chamber. No one in this Chamber here today can judge that Senator-elect Brewster is not qualified to be a Senator. He has served in this Chamber for many years. His qualifications are self-evident. And yet, Mr. President, this Chamber is going to entertain a petition that was not properly filed and that raises this question merely because the claimant is disappointed at having lost the election. Where does this end?

POINT OF ORDER

Senator AUMENT. Mr. President, point of order. The gentleman is far afield from his motion to postpone.

Senator SANTARSIERO. Mr. President, I think that is not the case.

The PRESIDENT. Senator Santarsiero, please conclude within the next 30 seconds to your point.

Senator SANTARSIERO. Mr. President, I am not aware of any time limit on a Member's ability to speak on a motion, and I am addressing the situation pertaining to Senator Brewster. I do not believe that I am far afield of anything, because what I was about to say, before I was interrupted, was that Senator Brewster was the duly-elected Member. He won that election. And you may not like that, but that is the reality. And if we pass this step today--

Senator AUMENT. Mr. President, point of order. The gentleman, again, is far afield. The motion made by the gentleman is a motion to postpone. The debate should be limited to the motion to postpone.

Senator SANTARSIERO. Mr. President, if I may respond to the gentleman's statement?

The PRESIDENT. Yes.

Senator SANTARSIERO. Mr. President, the motion to postpone is based on the fact, which is not in dispute by the gentleman, that the Majority will not allow Senator Brewster to be seated today, and the purpose of my motion is to say, simply, that if Senator Brewster, who is duly elected--

Senator AUMENT. Mr. President, again--

Senator SANTARSIERO. --is not going to be allowed to be seated--

Senator AUMENT. Point of order.

Senator SANTARSIERO. --then no other Member should be allowed.

Senator AUMENT. The Majority has not made that motion. The Majority does not have a motion on the floor, so it is conjecture. The gentleman has made a motion to postpone, and the debate should be limited to the gentleman's motion to postpone.

Senator SANTARSIERO. If there is any question, hypothetically, Mr. President, about any Member not having his or her election returns read today and, therefore, sworn in, then no Member should have their election returns read today and be sworn in until the problem that allegedly exists with respect to that one Member is resolved. That is why I have made this motion to postpone, and that is why the presentation of the election returns should be postponed until the resolution of the matter in front of the Western District of the Federal Court.

MOTION TO TABLE

Senator AUMENT. Mr. President.

The PRESIDENT. Go ahead.

Senator AUMENT. I would like to offer a motion to lay the gentleman's motion on the table.

On the question,

Will the Senate agree to the motion to table the motion to postpone?

The PRESIDENT. Anything else?

Senator A.H. WILLIAMS. Mr. President.

The PRESIDENT. Is Senator Santarsiero finished?

Senator AUMENT. Mr. President, the motion is in order, it is not debatable.

Senator A.H. WILLIAMS. Mr. President.

The PRESIDENT. I understand.

Senator A.H. WILLIAMS. Mr. President.

The PRESIDENT. Yes.

Senator A.H. WILLIAMS. Mr. President, I am asking for an understanding of how the gentleman was in the process of being recognized, acknowledged to vote, how that gets interrupted--which I have never, ever experienced that before--with another motion, means that you have not completed the business of the original motion, which I do not understand that to be within the ability within the Rules of our Senate. Now, maybe I am wrong, but I certainly would ask for an interpretation of that. The gentleman is in the process of debating his particular motion, which has been recognized by the floor. It cannot be interrupted until that has concluded. It has not concluded.

POINT OF ORDER

Senator AUMENT. Mr. President, point of order. I was not interrupting the gentleman. I was waiting until his comments were concluded, I sought to be recognized when the gentleman had concluded his comments, and I was recognized. I made a motion. That motion is in order, and we request a roll-call vote on that motion.

Senator A.H. WILLIAMS. Mr. President, the fact that the gentleman was recognized does not suggest that he is accurate with his interpretation of the gentleman being complete. He was not complete, and, in fact, suggesting that he should not be instructed on his time limit. That is the fact. As a matter of fact, play the videotape back and you will see it. He is not finished, this has not been finished, and that motion is not in order at this particular time.

Senator SANTARSIERO. Mr. President, I had not finished my remarks, and as a consequence, had not yielded the floor, and as a consequence, the gentleman's motion is out of order. I am not, Mr. President.

The PRESIDENT. Continue.

Senator SANTARSIERO. Mr. President, as I was saying, the fact that one Member is not going to be given the ability to be sworn in today is the central point of postponing the presentation of the election returns and the swearing-in of all the other Members. If one duly-elected Member is not going to be recognized, then the other 24 duly-elected Members should not be recognized either, until such time as the alleged issue relating to that one Member is resolved, which is the disposition of the matter in front of the Western District Court.

Mr. President, now, one may try to move to set this particular motion aside in a way that would stifle debate. I would argue that that is inappropriate, and I would also say, what does the other side have to fear about an open debate on this issue? We are taking the decision of the people of the 45th Senatorial District and we are setting it aside. Because that is essentially what you are going to be doing if Senator Brewster is not allowed to be seated. And that, I would submit, is a very consequential action, and one that demands debate. It demands debate.

Now, unless the Senator from Lancaster County is going to tell us that, in fact, Senator Brewster will be seated today and that the returns in the 45th Senatorial District that have been certified by the Secretary of State will be so acknowledged and he, therefore, will be sworn in, well, then this issue will be moot. But I do not hear the gentleman from Lancaster County saying

that. Because that is not what they are going to do. They are not intending to seat Senator Brewster, despite the fact that the people of the 45th Senatorial District have spoken.

This is, in my time in this legislature, the most serious issue that has come in front of us, because we are talking about potentially undoing a fair and free election. What can be more fundamental to us as Pennsylvanians and to us as Americans than that? All because one candidate is displeased with having lost. And all because, presumably, the Majority is displeased about having not picked up that seat. Well, that is what elections are. And, Mr. President, at the end of the day, if one of the two parties in this country, in this State in particular, can be satisfied with no outcome in an election that does not have them winning, regardless of the facts, regardless of what the people say, then we will have stepped away from being a democratic Republic into something very different. So, each and every Member in this Chamber, and particularly right now, each and every Member who is qualified to vote on any motion, this one included, needs to keep in mind that the vote that they are about to cast is no less a vote on a referendum basically on our democracy than anything else.

Mr. President, the gentleman from Allegheny County won his election. The Secretary of State has certified as such. The State Supreme Court has ruled that the process by which he was declared the winner was appropriate and proper. The Federal court has found that there is no reason for a temporary restraining order based on Federal law, because there is no equal protection issue that the losing candidate has raised here, because the law was applied equally to both Senator Brewster and his erstwhile opponent. Mr. President, this body right now, the 25 Members who may do so, should vote on this motion to postpone, and we should wait, if Senator Brewster is not going to be given the privilege of a seat on the floor today, to have the election results presented and the Members sworn in until such time as the Majority party is willing to consent to acknowledge the reality, which is that he was duly and freely elected by the people of the 45th District. Doing anything less, Mr. President, is an assault on our democracy and will be a stain on this Chamber, this institution, and every Member here who votes to subvert the will of the people of the 45th District. And with that, Mr. President, I have concluded my initial remarks.

Senator AUMENT. Mr. President. Mr. President.

MOTION FOR PREVIOUS QUESTION

Senator COLLETT. Mr. President, I make a motion to move the previous question.

Mr. President, I move the previous question, please.

Senator AUMENT. Mr. President, can we go--

Senator COLLETT. Mr. President, thank you.

Senator AUMENT. Mr. President, can we go at ease, please?

Senator COLLETT. Mr. President, can you recognize the Members who have stood to second my motion?

Senator AUMENT. Mr. President. Mr. President, can we go at ease, please?

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

Senator COLLETT. Mr. President, thank you. I have made a motion for the previous question. Please recognize the Members of my Caucus who have stood in support of my motion.

The PRESIDENT. The Chair recognizes Senator Lindsey Williams.

Senator COLLETT. These Members have seconded my motion, thank you. Senator Muth, Senator Lindsey Williams, Senator Boscola, and Senator Santarsiero have stood in support of the second to the motion for the previous question.

The PRESIDENT. Senator Collett has moved the previous question. The motion requires four seconds. Are there at least four seconds to the motion? Senator Muth seconds the motion, Senator Lindsey Williams seconds the motion, Senator Boscola seconds the motion, and Senator Santarsiero seconds the motion.

The question immediately before the Senate--
Senator AUMENT. Mr. President, can I seek clarification on the motion, please?

The PRESIDENT. The question now immediately before the Senate is shall the question now be put? For the information of the Members, this question is--

Senator AUMENT. Could the gentlewoman restate her motion?

The PRESIDENT. --is not debatable. If this motion is passed by a majority vote, then the Senate will immediately vote on Senator Santarsiero's motion without any further amendment or debate.

On the question,
Shall the main question now be put?

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

YEA-11

Blake	Fontana	Muth	Williams, Anthony H.
Boscola	Haywood	Santarsiero	Williams, Lindsey
Collett	Kearney	Tartaglione	

NAY-14

Arnold	Brooks	Phillips-Hill	Tomlinson
Aument	Browne	Scavello	Ward, Judy
Baker	Corman	Stefano	Yudichak
Bartolotta	Mensch		

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

The PRESIDENT. The motion fails.

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

MOTION TO TABLE ELECTION RETURNS OF SENATE DISTRICT 45

The PRESIDENT. The Chair recognizes the gentleman from Lancaster, Senator Aument.

Senator AUMENT. Mr. President, pursuant to the Senate's authority as the judge of election of its Members under Article II, Section 9, of the Pennsylvania Constitution, I move to lay on the table the returns of the November 3, 2020, General Election with regard to the 45th Senatorial District until such time as the Senate has the opportunity for further consideration of the

contest petition filed by candidate Nicole Zicarelli on January 1, 2021. Under Mason's Manual of Legislative Procedure, Section 82-2(j) and past Senate custom and usage, this motion to lay on the table is not debatable, and I ask the motion be put to a vote immediately.

The PRESIDENT. The Chair does not recognize the amendment introduced by Senator Aument.

The Chair recognizes the gentleman from Bucks, Senator Santarsiero.

POINT OF ORDER

Senator AUMENT. Mr. President, point of order. I did not offer an amendment. Mr. President, I immediately appeal the ruling of the Chair that the motion is out of order and ask this appeal be put to a vote immediately.

The PRESIDENT. The Chair requests all certified Senators be sit today.

CONSTITUTIONAL POINT OF ORDER

Senator AUMENT. Mr. President, I rise to a constitutional point of order.

The PRESIDENT. Once again, we are here--

Senator AUMENT. Mr. President, under Article II, Section 9, of the Pennsylvania Constitution, "Each House shall choose its other officers, and shall judge of the election and qualifications of its members." This body, currently comprised of 25 elected, living, sworn, and seated Members, eligible to and entitled to a vote on any matter before it in accordance with *Zemprelli vs. Daniels* case decided by the Pennsylvania Supreme Court in 1981, and as recognized in Rule 27(a) of the Rules of the Senate previously in effect, must be permitted to hear and vote on the motion being offered regarding Senate District 45 in order for this body to properly exercise this authority. Moreover, I would note that per paragraph 7 of Rule 3 of the Rules of the Senate previously in effect, and which, therefore, remain in effect as it is the best evidence of usage and custom of the Senate until our rules for this Session have been adopted, constitutional points of order must be submitted to the body for a vote.

Senator A.H. WILLIAMS. Mr. President.

The PRESIDENT. The Chair does not find that in order.

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

Senator A.H. WILLIAMS. Mr. President, I think you are more succinct than myself, but the reality is we are discussing rules today which, frankly, unfortunately, I do not think we can refer to one rule, because if we are going to talk about a rule, the gentleman in question has been certified, gone to court, won those claims, and so I am not sure why we are debating this at all. So suggesting that something within our rules should overtrump that makes no sense to me at all. But your comment is most succinct. I appreciate that, Mr. President.

Senator AUMENT. Mr. President, we would like to go at ease, please.

The PRESIDENT. The Chair recognizes Senator Santarsiero.

Senator AUMENT. Mr. President. Mr. President. Mr. President, it is your duty to put a motion properly before this body. If you continue to refuse to perform your duties, the Senate will proceed to replace you with the Interim President pro

tempore, pursuant to the Senate's power under Article II of the Pennsylvania Constitution--

Senator A.H. WILLIAMS. I do not think the gentleman wants to do that, Mr. President.

Senator AUMENT. --and the Senate's inherent authority to act under Section 576 of Mason's Manual of Legislative Procedure.

Senator A.H. WILLIAMS. Mr. President, I do not think the gentleman wants to do that given the fact that he has violated the rules from the moment he moved on to open his mouth today. To not seat a certified gentleman who is qualified through the court system, recognized by the Constitution of Pennsylvania, suggests that you are breaking those rules. Do not threaten anyone in this building, because trust me, my friend, you do not want to walk up there with me up there.

Senator AUMENT. Mr. President, I believe we have a constitutionality motion before the Senate.

The PRESIDENT. The Chair recognizes Senator Santarsiero.

PRESIDING OFFICER REMOVED

Senator AUMENT. Mr. President. Mr. President, I move that the Interim President pro tempore of the Senate assume the duties of the Presiding Officer, pursuant to Section 576 of Mason's Manual of Legislative Procedure, and the inherent power of the Senate under Article II, Section 11, of the Pennsylvania Constitution, "...to determine the rules of its proceedings and to punish its members or other persons for contempt or disorderly behavior in its presence, to enforce obedience to its process..." and "...all other powers necessary for the Legislature of a free State, and I call upon you, in the meantime, to vacate the Chair while the Senate discusses businesses related to your actions, as required by Section 580-2 of Mason's Manual of Legislative Procedure.

The Interim PRESIDENT pro tempore. As Interim President pro tempore of the Senate, a motion has been made to invoke Section 576 of Mason's Manual of Legislative Procedure to replace the Lieutenant Governor, who has refused--

Senator A.H. WILLIAMS. Mr. President--

The Interim PRESIDENT pro tempore. --to perform the duties--

Senator A.H. WILLIAMS. Mr. President, I am totally objecting to this.

The Interim PRESIDENT pro tempore. --in accordance with the Senate powers under Article II--

Senator A.H. WILLIAMS. He is not in control of the Senate.

The Interim PRESIDENT pro tempore. --of the Pennsylvania Constitution.

Senator A.H. WILLIAMS. It is not being acquiesced.

The Interim PRESIDENT pro tempore. The question shall be--

Senator A.H. WILLIAMS. We are not changing the process. We are changing the rules as we move along.

The PRESIDENT. The Chair recognizes--

The Interim PRESIDENT pro tempore. --on the motion to invoke Section 576--

Senator A.H. WILLIAMS. This is inappropriate.

The Interim PRESIDENT pro tempore. --and replace the Lieutenant Governor with the Interim President pro tempore--

Senator A.H. WILLIAMS. You are breaking the Constitution and--

The Interim PRESIDENT pro tempore. --to preside over the Senate.

Senator A.H. WILLIAMS. --the laws of the Commonwealth and violating the oath of office you have actually taken.

On the question,

Will the Senate agree to the motion to remove the Presiding Officer?

The Interim PRESIDENT pro tempore. The Clerk will call the roll.

Senator A.H. WILLIAMS. There is nothing about this day that is appropriate. Nothing. And we will not lay down and roll over because you have got four more folks on that side of the aisle. This is about Pennsylvanians, not Democrats or Republicans. This is not about simply winning, it is about protecting our democracy. That is what this is.

And the question recurring,

Will the Senate agree to the motion to remove the Presiding Officer?

(During the calling of the roll, the following occurred:)

The CLERK. Aument.

Senator AUMENT. Aye.

The CLERK. Arnold.

Senator AUMENT. Aye.

Senator A.H. WILLIAMS. There is no roll-call vote, Mr. President. He is not being acknowledged.

The CLERK. Baker.

Senator A.H. WILLIAMS. He has not been recognized, and it is inappropriate to do such. We will not participate in this farce.

Senator BAKER. Aye.

The CLERK. Bartolotta.

Senator BARTOLOTTA. Aye.

The CLERK. Blake.

Senator BLAKE. No.

The CLERK. Boscola.

Senator BOSCOLA. No.

The CLERK. Brooks.

Senator BROOKS. Aye.

The CLERK. Browne.

Senator BROWNE. Aye.

The CLERK. Collett.

Senator COLLETT. No.

The CLERK. Corman.

Senator CORMAN. Aye.

The CLERK. Fontana.

Senator FONTANA. No.

The CLERK. Haywood.

Senator HAYWOOD. No.

The CLERK. Kearney.

Senator KEARNEY. Hell no.

The CLERK. Mensch.

Senator MENSCH. Aye.

The CLERK. Muth.

Senator MUTH. No.

The CLERK. Phillips-Hill.

Senator PHILLIPS-HILL. Aye.

The CLERK. Santarsiero.
 Senator SANTARSIERO. No.
 The CLERK. Scavello.
 Senator SCAVELLO. Aye.
 The CLERK. Stefano.
 Senator STEFANO. Aye.
 The CLERK. Tartaglione.
 Senator TARTAGLIONE. No.
 The CLERK. Tomlinson.
 Senator TOMLINSON. Aye.
 The CLERK. Ward, Judy.
 Senator J. WARD. Aye.
 The CLERK. Williams, Anthony H.

Senator A.H. WILLIAMS. Mr. President, I do not know what the hell we are doing. I am not sure why we are voting. We have crossed a bridge, we have broken all sorts of rules today. I do not know what we are saying "yes" to or "no" to, because this a violation of the process. The gentleman who sits in the podium, the rostrum, is still the presiding officer--

The CLERK. Williams, Anthony H.

Senator A.H. WILLIAMS. --of the Senate, and any such indication of otherwise is, obviously, a takeover of the government. That is totally inappropriate.

The CLERK. Williams, Anthony H.

Senator A.H. WILLIAMS. It is against the violation of the oath of their offices. So, as far as I am concerned, I can say any gosh-darn thing I want to say, and I am going to say it as long as I choose to say it. No.

The CLERK. No.

Williams, Lindsey.

Senator L. WILLIAMS. No.

The CLERK. Yudichak.

Senator YUDICHAK. Aye.

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

YEA-14

Arnold	Brooks	Phillips-Hill	Tomlinson
Aument	Browne	Scavello	Ward, Judy
Baker	Corman	Stefano	Yudichak
Bartolotta	Mensch		

NAY-11

Blake	Fontana	Muth	Williams, Anthony H.
Boscola	Haywood	Santarsiero	Williams, Lindsey
Collett	Kearney	Tartaglione	

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

The Interim PRESIDENT pro tempore. The Lieutenant Governor has been removed from the Senate for the day.

ELECTION RETURNS OF SENATE DISTRICT 45 TABLED

Senator AUMENT. Mr. President, may I be recognized?
 The Interim PRESIDENT pro tempore. The Chair recognizes the gentleman from Lancaster, Senator Aument.

Senator AUMENT. Mr. President, I renew my motion to lay on the table the returns of the November 3, 2020, general election with regard to the 45th Senatorial District until such

time as the Senate has had the opportunity for further consideration of the contest petition filed by candidate Nicole Zicarelli on January 1, 2021.

The Interim PRESIDENT pro tempore. It has been moved by Senator Aument--

The PRESIDENT. The Chair will not cede the rostrum.

The Interim PRESIDENT pro tempore. --that the results of the Senate District 45 be tabled until such time--

The PRESIDENT. The Chair will not cede the rostrum.

The Interim PRESIDENT pro tempore. --as the Senate has had an opportunity for further consideration--

The PRESIDENT. The Chair will not cede the rostrum.

The Interim PRESIDENT pro tempore. --of the contest petition filed by candidate Nicole Zicarelli on January 1, 2021.

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

The Interim PRESIDENT pro tempore. On the motion, the Clerk will call the roll.

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

YEA-14

Arnold	Brooks	Phillips-Hill	Tomlinson
Aument	Browne	Scavello	Ward, Judy
Baker	Corman	Stefano	Yudichak
Bartolotta	Mensch		

NAY-11

Blake	Fontana	Muth	Williams, Anthony H.
Boscola	Haywood	Santarsiero	Williams, Lindsey
Collett	Kearney	Tartaglione	

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

Senator A.H. WILLIAMS. Mr. President, may we go at ease?

The Interim PRESIDENT pro tempore. The motion carries. The motion has been adopted. The election returns for Senate District 45 are tabled.

Senator A.H. WILLIAMS. Mr. President--

STATEMENT BY THE INTERIM PRESIDENT PRO TEMPORE

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

Senator A.H. WILLIAMS. Mr. President, may we go at ease?

The PRESIDENT. The Chair recognizes Senator Santarsiero. Senator A.H. WILLIAMS. Mr. President.

PRESENTATION OF ELECTION RETURNS

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

Senator A.H. WILLIAMS. Mr. President, may we go at ease?

The PRESIDENT. The Senate will go at ease.

Senator A.H. WILLIAMS. Thank you.

The SERGEANT-AT-ARMS. Mr. President, I have the honor to present the Deputy Secretary for Elections and Commission, Jonathan Marks.

The PRESIDENT. The Senate is at ease.

Deputy Secretary MARKS. Mr. President, it is my honor to--
The PRESIDENT. The Senate is at ease.

Deputy Secretary MARKS. --present the returns and the certification of campaign expense compliance for the offices of Attorney General, Auditor General, State Treasurer, and Senator in the General Assembly for the election held on November 3, 2020.

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

The Clerk will now read the results of the election, excluding Senate race 45.

The PRESIDENT. The Chair recognizes Senator Santarsiero. Senator SANTARSIERO. Senator Corman, I move that the Senate do now recess--

The CLERK. Senator in the General Assembly--

Senator SANTARSIERO. --until such time as the Federal District Court in the Western District of Pennsylvania--

The CLERK. --First Senatorial District, Democrat, Nikil Saval, 124,514 votes--

Senator SANTARSIERO. --disposes of the matter of *Zicarelli vs. Allegheny County*.

The CLERK. --scattered, 1,401 votes.

Senator SANTARSIERO. Said motion takes precedence, Mr. President, and is not debatable.

The CLERK. Third Senatorial District, Democrat, Shariff T. Street, Democrat, 90,323 votes; scattered--

Senator SANTARSIERO. The Clerk should cease any further reading, Mr. President.

The CLERK. --466 votes.

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:

Philadelphia	FIRST SENATORIAL DISTRICT Nikil Saval (D)	124,514
Philadelphia	THIRD SENATORIAL DISTRICT Sharif T. Street (D)	90,323
Philadelphia	FIFTH SENATORIAL DISTRICT John P. Sabatina, Jr. (D)	69,514
Philadelphia	SEVENTH SENATORIAL DISTRICT Vincent J. Hughes (D)	115,760
Chester	NINTH SENATORIAL DISTRICT John I. Kane (D) Thomas H. Killion (R)	80,198 74,173
Berks	ELEVENTH SENATORIAL DISTRICT Judith L. Schwank (D) Annette C. Baker (R)	66,735 47,624
Lancaster	THIRTEENTH SENATORIAL DISTRICT Scott F. Martin (R) Janet Temin (D)	73,371 58,524

Dauphin	FIFTEENTH SENATORIAL DISTRICT Giovanni M. DiSanto (R) George B. Scott (D)	71,119 66,632
Montgomery	SEVENTEENTH SENATORIAL DISTRICT Amanda M. Cappelletti (D) Ellen Fisher (R)	105,840 54,750
Chester	NINETEENTH SENATORIAL DISTRICT Carolyn Comitta (D) Kevin T. Runey (R)	88,996 65,836
Venango	TWENTY-FIRST SENATORIAL DISTRICT Scott E. Hutchinson (R) Shelbie Lynn Stromyer (D)	98,627 40,570
Lycoming	TWENTY-THIRD SENATORIAL DISTRICT Emerson Eugene Yaw (R) Jaclyn E. Baker (D)	87,037 32,131
Jefferson	TWENTY-FIFTH SENATORIAL DISTRICT Cris Dush (R) Margaret Satterwhite Brown (D)	88,994 30,608
Columbia	TWENTY-SEVENTH SENATORIAL DISTRICT John R. Gordner (R) Michelle Lynn Siegel (D)	83,629 32,135
Schuylkill	TWENTY-NINTH SENATORIAL DISTRICT David G. Argall (R)	106,205
York	THIRTY-FIRST SENATORIAL DISTRICT Michael Regan (R) Shanna Danielson (D)	95,228 62,123
Franklin	THIRTY-THIRD SENATORIAL DISTRICT Douglas Vincent Mastriano (R) Richard L. Sterner (D)	96,097 43,914
Cambria	THIRTY-FIFTH SENATORIAL DISTRICT Wayne Langerholc, Jr. (R) Shaun A. Dougherty (D)	91,595 32,794
Allegheny	THIRTY-SEVENTH SENATORIAL DISTRICT Devlin Robinson (R) Pamela M. Iovino (D)	92,027 84,582
Westmoreland	THIRTY-NINTH SENATORIAL DISTRICT Kim Ward (R) Tay R. Waltenbaugh (D)	93,310 44,768
Indiana	FORTY-FIRST SENATORIAL DISTRICT Joe Pittman (R) Anthony J. Deloreto (D)	92,542 34,610
Allegheny	FORTY-THIRD SENATORIAL DISTRICT Jay Costa, Jr. (D)	117,888
Beaver	FORTY-SEVENTH SENATORIAL DISTRICT Elder A. Vogel, Jr. (R) Stephen John Krizan III (D)	88,419 44,595
Erie	FORTY-NINTH SENATORIAL DISTRICT Daniel J. Laughlin (R) Julie L. Slomski (D)	69,818 46,907

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

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

First District—Nikil Saval
 Third District—Sharif T. Street
 Fifth District—John P. Sabatina, Jr.
 Seventh District—Vincent J. Hughes
 Ninth District—John I. Kane
 Eleventh District—Judith L. Schwank
 Thirteenth District—Scott F. Martin
 Fifteenth District—Giovanni M. DiSanto
 Seventeenth District—Amanda M. Cappelletti
 Nineteenth District—Carolyn Comitta
 Twenty-first District—Scott E. Hutchinson
 Twenty-third District—Emerson Eugene Yaw
 Twenty-fifth District—Cris Dush
 Twenty-seventh District—John R. Gordner
 Twenty-ninth District—David G. Argall
 Thirty-first District—Michael Regan
 Thirty-third District—Douglas Vincent Mastriano
 Thirty-fifth District—Wayne Langerholc, Jr.
 Thirty-seventh District—Devlin Robinson
 Thirty-ninth District—Kim Ward
 Forty-first District—Joe Pittman
 Forty-third District—Jay Costa, Jr.
 Forty-seventh District—Elder A. Vogel, Jr.
 Forty-ninth District—Daniel J. Laughlin

The Interim PRESIDENT pro tempore. The returns for Treasurer, Auditor General, and Attorney General will lie on the table.

Senator A.H. WILLIAMS. The 45th Senatorial District, Nicole Zicarelli, Republican, 66,192--

The Interim PRESIDENT pro tempore. For the record, the Chair has been informed by the Secretary of the Commonwealth--

Senator A.H. WILLIAMS. --Democrat, Jim Brewster, 66,261 certified votes, making him the appropriate certified and legal victor, and his numbers should have been read across this docket.

The Interim PRESIDENT pro tempore. --that all Senators-elect have filed with her office accounts and affidavits as required by election laws.

ANNOUNCEMENT BY THE INTERIM PRESIDENT PRO TEMPORE

The Interim PRESIDENT pro tempore. Also, note that the Interim President pro tempore has authorized photographers from each Caucus to take photographs during today's ceremony.

ADMINISTRATION OF OATH OF OFFICE TO REPUBLICAN SENATORS-ELECT

The Interim PRESIDENT pro tempore. The next order of business will be the administration of oaths of office to the new and re-elected Republican Senators. It is a distinct honor and privilege to have with us today Judge Ken Mummah from the Juniata-Perry County Court of Common Pleas. Judge Mummah has kindly consented to be here today to administer the oath of office to the Republican Senators-elect and our Secretary/Parliamentarian and Chief Clerk, in accordance with Article VI, Section 3, of the Constitution of Pennsylvania.

We will now proceed with the administration of oath of office to the Republican Senators-elect.

Will everyone please rise. Senators, please come to the rostrum with your Bibles.

The PRESIDENT. Senator Brewster.

Judge MUMMAH. Please place your left hand on your Bible, and please raise your right hand and then 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.

Congratulations.

(Applause.)

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 newly elected and re-elected Democratic Senators. It is an honor and privilege to have with us today the President Judge of the Superior Court of Pennsylvania, the Honorable Jack A. Panella. Judge Panella has kindly consented to be here today to administer the oath of office to our Democratic Senators-elect and newly-elected Senators in accordance with Article VI, Section 3, of the Constitution of Pennsylvania.

Will all Democratic Senators-elect present themselves in front of the rostrum, and please bring your Bibles with you.

Senator K. WARD. Mr. President.

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

Senator K. WARD. Mr. President, the Senate has moved to set aside the results of the 45th Senatorial District, and I ask that no one be seated and sworn in on the 45th Senatorial District.

Senator A.H. WILLIAMS. Mr. President, whoever that is, I would suggest that those comments need not be a part of the record because you already have allowed it to be stricken from the record, so it is redundant in its commentary, and I am not sure why we decided to be cruel. We applauded those who appropriately won. Those folks won. We applauded them. We applaud that. We think we should be due the same respect and consideration on this side of the aisle.

Thank you, Mr. President.

The Interim PRESIDENT pro tempore. The ruling from the Chair is since no election results were read from Senate District 45, then no one can be seated for Senate District 45. I ask that no Member interested in being seated from Senate District 45, please remove themselves from the rostrum.

The PRESIDENT. Senator Brewster is the certified winner of his district.

Judge PANELLA. If you wish, please place your left hand on the Bible and raise your right hand.

The Interim PRESIDENT pro tempore. The Judge will cease.

We cannot swear anybody in until the gentleman from the 45th Senate District removes himself from the rostrum.

Senator A.H. WILLIAMS. Mr. President--

The Interim PRESIDENT pro tempore. The Chair has ruled since the results were not read--

Senator A.H. WILLIAMS. --the results were read, because I read them--

The Interim PRESIDENT pro tempore. --he needs to remove himself from the rostrum.

Senator A.H. WILLIAMS. --and they are part of the record because I read them, and the record is accurate. If there was anything that I read that was left out, intentionally left out--

The Interim PRESIDENT pro tempore. We cannot proceed--

Senator A.H. WILLIAMS. --then you should acknowledge that and tell how it was inappropriately left out. It was read, it was the appropriate certification--

The Interim PRESIDENT pro tempore. --until the gentleman removes himself from the rostrum.

Senator A.H. WILLIAMS. --and, therefore, he is, in fact, in an appropriate place to be sworn in today. Thank you.

The Interim PRESIDENT pro tempore. The Chair has ruled, and anyone has the right to appeal the Chair's ruling, if they so desire, but the Chair has ruled.

Senator A.H. WILLIAMS. The Chair is behind you.

The Interim PRESIDENT pro tempore. We cannot proceed with any swearing-in, and we will go on with the rest of our business without swearing anyone in, if that is the choice. But we cannot proceed, the Chair has ruled. Any Member--

RULING OF THE CHAIR APPEALED

Senator A.H. WILLIAMS. Mr. President, we appeal the ruling of the Chair.

The Interim PRESIDENT pro tempore. The gentleman has appealed the ruling of the Chair.

The PRESIDENT. The Judge will proceed.

The Interim PRESIDENT pro tempore. The Clerk will call the roll.

On the question,

Shall the ruling of the Chair be sustained?

The Interim PRESIDENT pro tempore. Let me back up. I apologize. Senator Anthony Williams has appealed the ruling of the Chair that no one be seated from Senate District 45. This question is debatable and will be submitted to the Senate for a decision. Those voting "aye" will vote to sustain the appeal and thereby overturn the ruling of the Chair. Those voting "no" will vote to uphold the ruling of the Chair and declare the appeal not well-taken.

The Chair recognizes the gentleman from Bucks, Senator Santarsiero.

Senator SANTARSIERO. Mr. President, as the gentleman from Philadelphia and Delaware Counties stated, the returns in the 45th District were, in fact, read into the record. Moreover, the gentleman, Mr. Marks, from the Department of State presented those returns today precisely because the Secretary of the Commonwealth certified those returns. It should be noted for the record, Mr. President, that the Secretary of the Commonwealth took a particularly longer period of time to undertake that step precisely because of the legal challenges that had been lodged in that matter, but as noted previously, those challenges were found to be without merit by the State Supreme Court, the highest court in our Commonwealth that has ultimate authority to judge the constitutionality of our laws here in Pennsylvania. They were decided by the Federal district court, which declined to issue a temporary restraining order preventing the certification of the election for Senator-elect Brewster. Ultimately, Mr. President, as I stated, they were certified by the Secretary of State.

Those returns have been presented to the State Senate. The gentleman from Philadelphia and Delaware Counties has read them into the record. It is, therefore, appropriate that the gentleman from Allegheny County representing the 45th Senatorial District be now sworn in as a member of this body.

Thank you, Mr. President.

APPEAL OF RULING OF THE CHAIR WITHDRAWN

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

Senator A.H. WILLIAMS. Mr. President, while I object to the manner in which we are conducting this process today, significantly, it is clear that all of us who love the institution of the Senate are uncomfortable in the manner that we are proceeding. But, more specifically, the gentleman in question is uncomfortable and he wants to make sure those who are certified and are going to be sworn in, whether Republicans or Democrats, are part of a group, and that group he wants to make sure enjoy the benefit of this day and proceed forward. So, for those reasons, the gentleman has decided to allow the process to proceed without him, and we certainly want to respect him and the manner in which he has conducted himself. So for those reasons, Mr. President, we would suggest that we proceed with the swearing-in without the gentleman who has been certified from the 45th Senatorial District.

The Interim PRESIDENT pro tempore. The Chair thanks the gentleman.

The next order of business will be the administration of the oath of office.

Does the Leader withdraw her motion?

Senator K. WARD. Mr. President, I do not believe I made a motion.

Senator A.H. WILLIAMS. Actually, I think, Mr. President--

The Interim PRESIDENT pro tempore. All right, we will proceed.

ADMINISTRATION OF OATH OF OFFICE TO DEMOCRATIC SENATORS-ELECT (Continued)

Judge PANELLA. Are you ready? If you wish, please hold the Bible with your left hand and raise your right hand.

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 the Commonwealth of Pennsylvania and that I will discharge my duties with fidelity.

Congratulations.

(Applause.)

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 will proceed.

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—John. P. Sabatina, Jr.
 Sixth District—Robert M. Tomlinson
 Seventh District—Vincent J. Hughes
 Eighth District—Anthony Hardy Williams
 Ninth District—John I. Kane
 Tenth District—Steven J. Santarsiero
 Eleventh District—Judith L. Schwank
 Twelfth District—Maria Collett
 Thirteenth District—Scott F. Martin
 Fourteenth District—John T. Yudichak
 Fifteenth District—Giovanni M. DiSanto
 Sixteenth District—Patrick M. Browne
 Seventeenth District—Amanda M. Cappelletti
 Eighteenth District—Lisa M. Boscola
 Nineteenth District—Carolyn Comitta
 Twentieth District—Elisabeth J. Baker
 Twenty-first District—Scott E. Hutchinson
 Twenty-second District—John P. Blake
 Twenty-third District—Gene Yaw
 Twenty-fourth District—Robert B. Mensch
 Twenty-fifth District—Cris Dush
 Twenty-sixth District—Timothy P. Kearney
 Twenty-seventh District—John R. Gordner
 Twenty-eighth District—Kristin Phillips-Hill
 Twenty-ninth District—David G. Argall
 Thirtieth District—Judy Ward
 Thirty-first District—Michael R. Regan
 Thirty-second District—Patrick J. Stefano
 Thirty-third District—Douglas Vincent Mastriano
 Thirty-fourth District—Jake Corman
 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—Mario M. Scavello
 Forty-first District—Joe Pittman
 Forty-second District—Wayne D. Fontana
 Forty-third District—Jay Costa, Jr.
 Forty-fourth District—Katie J. Muth
 Forty-sixth District—Camera C. Bartolotta
 Forty-seventh District—Elder A. Vogel, Jr.
 Forty-ninth District—Daniel J. Laughlin
 Fiftieth District—Michele Brooks

**The PRESIDING OFFICER (Senator John R. Gordner)
 in the Chair.**

The PRESIDING OFFICER. Forty-eight Senators having answered to their names, a quorum is present.

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 2021-22 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 Westmoreland County, Senator Kim Ward.

Senator K. WARD. Mr. President, today we gather to elect a President pro tempore to lead our Chamber. It is a demanding assignment, and one that I know Senator Corman takes to heart and will take to heart every day while serving in that office. Before I get too far into what I think Senator Corman will bring to the position of President pro tempore, I must comment on what brought him to this position, and that starts with his late father, Senator Doyle Corman, who clearly established early in Jake's life his dedication to the institution of the General Assembly, and his mother, Becky, who is here with us today, and it is so nice to see you, Becky. I actually worked for Becky before I knew Jake.

(Applause.)

Many of us know her as the strongest of advocates for this Commonwealth, and her influence on Jake is evident in his daily approach to being a Pennsylvania Senator. His dedication to his wife, Kelli; daughter, Bella; and sons, Davis and Jacob, shines through his efforts to build strong communities where families can thrive and kids can grow into anything they want to be. For Jake, family has truly been his driving force that put him in the position to become President pro tempore today, and I know he would not want it any other way.

We all know his passion is his family. His pride is the institution of the Senate, and the firm commitment to the rule of law. As John Adams stated so eloquently, it is "a government of laws and not of men." Jake understands and fiercely defends the role of the Senate as one-half of the legislative branch of the Commonwealth, which is the body through which the citizens speak. His actions demonstrate his commitment to protecting the importance of the General Assembly at all costs. It is this reverence for law that will drive him in his commitments to the Senate's institution as the elected constitutional officer of this body. As I noted above, the President pro tempore is a demanding assignment, but one that Senator Corman will rise to and meet with distinction. He has, as I said, strong commitments to this institution and to his family, and I am so honored to serve with Jake. It has been just a couple of months since we were both elected in our Caucuses, and he has been a great example to me and willing to help in any way. I have already learned a lot from you in 2 months, Jake, so I look forward to a few more years.

So, Mr. President, I stand to nominate Jacob D. Corman to serve as President pro tempore of the Pennsylvania State Senate. Thank you.

The PRESIDING OFFICER. The Chair now recognizes the gentleman from York County, Senator Regan.

Senator REGAN. Mr. President, good afternoon, everyone. I would like to start by thanking my friend, Jake Corman, for allowing me this great honor. I am incredibly pleased to have the opportunity to speak on your behalf, Jake. Thank you very much.

It is said that there are seven characteristics of a great leader: humility, confidence, authenticity, fearlessness, adherence to principles, calmness in chaos, and forgiveness. Over the past 4 years, I have had the opportunity to witness Jake Corman display every single one of those characteristics many times over. To watch him navigate the innately turbulent waters of his position as Majority Leader has been nothing short of inspirational. I have often wondered, after seeing Jake during budget negotiations, with dark circles under his eyes from lack of sleep, or running into him one Session night as he was clearly the last one to leave the Capitol, why on Earth does he want to do it? I think the

answer to that question lies in the way Jake was raised. As all of you know, his late father, Doyle, served this body with great distinction. But it was not just Doyle. Jake's mother, Becky, who is here with us today, is a highly successful businessperson and political operative who is equally formidable. It seems clear that Jake's servant's heart is inextricably mapped into his DNA.

Jake's remarkable dedication to duty and his tireless service to the people of Pennsylvania has been well documented. But if you truly want to see Jake Corman in his element, it is to see him with his family. This past summer, our families spent the day together on a beach in New Jersey, and it was fun to watch Jake beam as his daughter, Bella, explained to us about the nonprofit she was forming, and to watch Jake try to appear modest as he talked about Jacob's athletic prowess, or to see the impish grin on his face as he and Davis engaged in an enthusiastic, but civil, political debate. It is probably not the right time to tell you who I thought won that debate. The one thing that was abundantly clear, though, is that this is a guy who clearly has his priorities in exactly the right order. He and his lovely wife, Kelli, have done an amazing job with those kids, and I do not think it would surprise anyone if someday in the future there is yet another Corman who graces this esteemed Chamber.

We Pennsylvanians are very blessed to have someone of Jake's quality and caliber who is willing to take this job on. It is a difficult job, but I have absolutely no doubt that he will continue his legacy of service to this Commonwealth and its people with profound honor and distinction. Mr. President, it is for these reasons, and many more, that I wholeheartedly second the nomination of Jake Corman to serve as President pro tempore of the Pennsylvania State Senate.

Thank you, Mr. President.

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

Senator COSTA. Thank you very much, Senator Gordner. I rise today to ask my colleagues to not support Senator Jake Corman for President pro tempore. Many of you know me, I do not do this lightly. I have respect for Senator Corman and have stood at this podium a number of times in support of previous Presidents pro tempore because I recognize, in my view, what that role entails and the actions of that particular person as it relates to that position.

Mr. President, I would like to go back to March 15, I believe, 1994, if I am not mistaken, and a former colleague of some of us, Senator Joe Loeper, on this very floor when speaking about what a President pro tempore should be doing, he said the following:

Mr. President, we place a great deal of trust and responsibility in the individual who serves as President pro tempore of this Senate. We expect that individual to respect this institution, to be a voice of reason during the difficult times that we [may] encounter [in this body] here, and to deal fairly and honestly with the many views and interests of the people who serve here... [today. The people who were duly elected here today].

That is the role that the President pro tempore must play. Now, Mr. President, we have had significant debate today on a number of issues. And, Mr. President, I rise today because I believe that our colleague, Senator Corman, has not functioned, in his short period of time where he has been serving as Interim President pro tempore, to meet the qualifications that our friend, Senator Joe Loeper, stated.

Mr. President, we saw what occurred over the course of the past several days with multiple communications that I personally had with Senator Corman about what would take place with regard to the seating of Jim Brewster. Mr. President, I deemed that to be an effort, an attempt, to deny a Member who would likely be elected to serve. And when he took that podium back in November, when I seconded that motion in November to serve as the Interim President pro tempore, it was with the expectation that he would be supporting every Member in this Chamber, those who were elected, again, let me repeat, who the Secretary of State came here with those results to present to this body, that after he usurped the authority of the Lieutenant Governor, said that we would not be reading those results into the record.

Now, Mr. President, to me, and prior even to today, public statements, public statements have said we are going to delay the swearing-in of Jim Brewster. Ladies and gentlemen, that is not what has happened here today. What we did today, we did not delay it to a date certain, like we are going to do it next week, because that is what has been implied. To me, there has been misrepresentation to the people of Pennsylvania, to the public, that that is what is going to happen. We are going to delay Jim Brewster's swearing-in. Let us be clear, we are not delaying the swearing-in of Jim Brewster today. What this other side of the aisle has done, after they grabbed the authority of the Lieutenant Governor to manage this Chamber, as we are supposed to do, ladies and gentlemen on this floor voted to deny the validity of the results of the election as was certified by the Secretary of State, a certification that has been upheld, as was mentioned in the previous lawsuit. And let me be clear, the issue with respect to when that motion to deal with that issue was filed, the underlying lawsuit that is the premise of what got us here to this point, is flawed. And, quite frankly, the opportunity to present that case to this Chamber, to this body, has not occurred properly.

Let me be clear, we talked a lot about the law, we talked a lot about what the Constitution says, and we talked a lot about what our Election Law says. At the end of the day, that is how Republicans took the mantle of the Lieutenant Governor's office and proceeded to run this Chamber. They usurped the Lieutenant Governor's authority. And by the way, when we talk about the rules, we will talk about the other attempts to do that as well through House Resolution No. 262. That is another conversation we will have.

But let me be clear what an election contest talks about. Again, that is what we are delaying, the election results of Jim Brewster, the administering of the oath of office to Senator Brewster, because there is an underlying case that needs to be resolved, both at the Federal court and also in this Chamber. With respect to the election contest before this body, it is not properly here. The issue with the Federal court case is that the Supreme Court disregarded the word "shall," but the Supreme Court has ruled--not once, a second time when a motion for reconsideration was filed with the court--the court affirmed its decision to say those ballots should be counted. And there is a Commonwealth Court decision, by the wife of a previous President pro tempore, Judge Renee Jubelirer, who said that the applicability of that Supreme Court case goes to every county in the Commonwealth, every county. A Republican Commonwealth Court judge said that, and that is where the law is right now. But

not happy with the result of multiple Supreme Court decisions, that matter was brought to the Federal District Court in the Western District.

The proper remedy, Mr. President, according to the rules and according to the Election Law, state as follows: that election contests shall be filed in 20 days from the election. Now, I recognize that part may not be done, but it could be a point in time from the time when the harm occurred. However, all election contests involving a Senate seat shall be filed by 20 voters in the district. We do not have 20 voters who are supporting the election contest that we have before us. That is the premise of why we are not seating Jim Brewster and accepting those results. Further, an election contest shall be filed in the court located in the county where the challenged candidate lives, in this case, Allegheny County. Quite frankly, it should have been filed in Westmoreland County because Westmoreland County--

POINT OF ORDER

Senator K. WARD. Mr. President, point of order. We are in nominations for President pro tempore, and my colleague is far from that.

The PRESIDING OFFICER. The Chair recognizes the gentlewoman from Westmoreland, Senator Kim Ward. For what purposes does the gentlewoman rise?

Senator K. WARD. Point of order.

The PRESIDING OFFICER. The gentlewoman shall state her point of order.

Senator K. WARD. We are on nominations. We are here to nominate our President pro tempore, and my colleague has gone far off the map on this. Thank you.

Senator COSTA. Mr. President.

The PRESIDING OFFICER. The Chair thanks the gentlewoman.

The Chair would just ask that the gentleman stick within the realms of the election of the President pro tempore. The Chair thanks the gentleman.

Senator COSTA. Mr. President, I am speaking to the individual who is being asked to serve this body as a whole, the entire Senate, not a Caucus, but a Senate body as a whole, and I am speaking to the reasons why I am asking my colleagues, and everyone in this building, to not support the motion or the motion that has been made with respect to the nomination of this person. So allow me to continue my remarks, thank you.

The election contest shall be accompanied with a bond. The election contest shall state with specificity--and this is important, it was raised by my colleague, Senator Santarsiero, earlier--it must be accompanied with alleged fraud, and it must be accompanied with an issue with regard to the qualifications of the Member. We do not have that here, Mr. President. So, to me--

POINT OF ORDER

Senator K. WARD. Mr. President. Mr. President.

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

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

The PRESIDING OFFICER. Yes, please state your--

Senator K. WARD. Mr. President, I renew my objection.

The PRESIDING OFFICER. Please state your point of order.

Senator K. Ward. Mr. President, I renew my objection.

The PRESIDING OFFICER. The Chair thanks the gentlewoman.

The Chair, again, would ask that the only thing before the Senate at this time is the election of a President pro tempore. You have certainly spoken in regard to that, but you are now getting into the details of another matter that has already been discussed today, so I would just ask that the gentleman keep his remarks to the election or nonelection of the President pro tempore. Thank you.

Senator COSTA. Thank you, Senator Gordner.

Mr. President, the basis of my concern about electing Senator Jake Corman to this position, in my view, has been his inability to serve this caucus as a whole. As I mentioned, public records reflect that there would be a temporary pause and Senator Jim Brewster will be sworn in, but the fact of the matter is, it is a situation where this issue relates to the election contest. More importantly, Mr. President, with respect to that, I believe, and I think folks will hear me out on this issue, that by virtue of the Senators' and the Majority Leader's filing of an amicus brief to issues raised in the *Zicarelli* case, that that, in fact, has prejudiced those Members from participating in any contest regarding what would take place here in the Senate. And allowing that to occur, that, to me, is another example, another reason, why we should not allow the appointing of this person to this position. They have prejudiced themselves. In fact, as I understand it, the amicus brief was filed in that case, so not only did they individually, but on behalf of the entire Republican Caucus, say we signed, we do not believe that the votes should be counted, and that is the heart of the issue with regard to Senator Brewster and this election contest--

POINT OF ORDER

Senator K. WARD. Mr. President.

Senator COSTA. --that at some point we may be dealing with--

The PRESIDING OFFICER. The gentleman will cease.

The Chair recognizes the--

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

The PRESIDING OFFICER. Yes. Please--

Senator K. WARD. Mr. President, I renew my objection.

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

Senator COSTA. Mr. President, I can go on. I think I made my point that Senator Corman, who, for years we have worked well together, as many Members know in this Chamber, but I am passionate about following the rule of law. It is interesting to note that one of the previous speakers in the Majority mentioned to us, quoting President John Adams, that we are a country of laws, not men. I recited to you what the law is. We have told you what our State Supreme Court has said on two occasions, what the Federal district court has said we are not going to do. We are not going to stop the counting of those ballots, and we are not going to stop Allegheny County, and we are not going to find that Allegheny County violated the law when they, in fact, followed the ruling of the Supreme Court of Pennsylvania who ruled on it two times. To allow this process to move forward as has been discussed with respect to the election contest and as the premise as to why we should not be here and we are not swear--

ing in Jim Brewster, why he will not be here, to me, is unconscionable, it is regrettable, and I am very disappointed that that is where we are right now. For those reasons, and many others that I will not belabor, I ask my colleagues for a negative vote.

Thank you, Mr. President.

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

Senator HAYWOOD. Mr. President, thank you very much--

The PRESIDING OFFICER. The Chair shall remind the Senator that the only thing before the Senate is the election of the President pro tempore. Thank you.

Senator HAYWOOD. Mr. President, yes, and thank you very much for that reminder. I will limit my comments to that topic. A very challenging situation that we are in, and I hate to vote "no" on the President, but I will, and I encourage my colleagues to do the same, for a few reasons.

First, we do not have an imperial Senate. An imperial Senate is a Senate that takes the position of the Supreme Court on counting votes, rejects it, and comes up with its own determination. An imperial Senate is a Senate that disregards the will of the voters. The imperial Senate we must reject.

Second, I am surprised and concerned that the Interim President pro tempore appeared to say today that if Senator Brewster did not leave the rostrum, he was going to discontinue swearing in Senators, which would have had the effect of not swearing in any Democratic Senators. I believe I heard that, even though I am on Zoom. That characteristic of issuing that kind of threat is a serious concern for me. I know that we have had some heated moments in the Senate, but I am very concerned about that reaction and the suitability of that reaction for being President pro tempore.

I am a firm believer in second chances. I know many people, and myself, who have benefitted from second chances. But today, I cannot support the nomination. Maybe we need a delay in this nomination as well as we reconsider the role of the Senate in the three branches of government and the temperament required to lead the body. Thank you.

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 President pro tempore is the Honorable Jake Corman of Centre County. The clerk will now call the roll.

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

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

YEA-31

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

NAY-18

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

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

The PRESIDING OFFICER. The Chair declares Senator Jake Corman elected President pro tempore.

(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 Lancaster County, Senator Martin; and the gentleman from Dauphin County, Senator DiSanto. The committee will proceed to the performance of its duty.

(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. Once again, the Chair calls on Judge Mumma to administer the oath of office to our President pro tempore-elect, in accordance with Article VI, Section 3, of the Constitution of Pennsylvania.

Please rise. Judge Mumma.

Judge MUMMAH. Please state after me:

I, Jacob D. Corman III, 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.

Congratulations.

(Applause.)

**ANNOUNCEMENT BY THE
PRESIDING OFFICER**

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

(The Senate was at ease.)

**GAVEL PRESENTED TO THE
PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The Senate will come to order. Members and guests will please take your seats. It is now my honor and privilege to present your President pro tempore, the Honorable Jake Corman of Centre County.

President pro tempore Corman.

(Applause.)

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

REMARKS BY THE PRESIDENT PRO TEMPORE

The PRESIDENT pro tempore. Quite a first day. Thank you all very much. Let me start by thanking Judge Kenny Mummah, who stands behind me here, for performing the swearing-in duties. Judge Mummah has been a good friend of mine for a lot of years. He was the district attorney in Juniata County before he became a judge of the Juniata-Perry County Common Pleas Court. He is now the President Judge. He and his wife, Tawny, have been great friends of ours for a long time. He gave me my best political advice ever in 2006 when we were walking in a McAlisterville parade in Juniata County, and when it was over he said, Jake, do you want to see every person in Juniata County tonight? I said, yeah, of course. He goes, well, it is opening night at the drive-in of *Talladega Nights* and everyone is going to be there, and he was correct, and we had a big crowd that night. So I thank you, Judge Mummah, for being here.

Let me be the first President pro tempore to say, "thank you, Madam Leader."

(Applause.)

Senator Ward, you have made history today. You are the first woman in the history of the Commonwealth of Pennsylvania to rise to the level of Majority Leader, and I am proud that it was the Senate Republican Caucus, that we were the trailblazers to do it.

Senator Regan, thank you so much for your kind words. You and Fran have been great friends to Kelli and I, and I know we will be great friends for many, many years to come. Thank you very much for your kind words.

To Senator Costa and Senator Haywood, I understand your comments of the day. You have always been loyal servants to your districts. We have been good friends, and hopefully we will remain good friends in the future.

To my family, who actually had to leave because my kids have basketball practice--because you know my family, we are quite active in athletics--but I will start with my mother, who is still here. As was mentioned, she is the political brains of the Corman family. My mother volunteered many times for campaigns over the years, but then started doing it professionally in 1992 working for Senator Specter; 1994 for Senator Santorum; 1996 for Attorney General Mike Fisher; 1998 for myself, which was her hardest race; and 2000, again for United States Senator Rick Santorum. She then retired undefeated. She has been the stalwart of our family, as well, and, quite frankly, growing up, my best friend. When you have a father who is in public life, you rely on your mother for a lot, as most guys do, and my mom was my best friend. Thanks for being here.

(Applause.)

To my children, they are probably glad they are not here when I say nice things about them, but my son, Jacob, has the curse of being the most like me. We both like athletics quite a bit. We both like to watch athletics quite a bit. We both like to yell at the TV while watching athletics quite a bit. But those similarities may stop there as he is actually a good athlete, and he is a straight-A student, which he certainly did not get from his father. But I am really proud of the man he has grown up to be.

My son, Davis, who is 16. I had the problem that Davis, when he turned about 14, became smarter than me. He would argue that it was before that, quite frankly. He probably thought he was

about 11 or 12 when he became smarter than his old man. But he has persevered through a lot in his life and, again, I am very proud of the young man that he has become.

My daughter, Bella, who is the--a lot of firsts in our family with my daughter, Isabella. Her great-grandfather, Jake Corman, Sr., did not go to college. Her grandfather, Jake Corman, Jr., went to IUP. Her father went to Penn State, and my daughter just was accepted to do her further education at the University of Pennsylvania. So quite an achievement for her being the first Corman--not only is she the first Corman to attend an Ivy League school, but she was the first Corman ever to hit a home run in a baseball game. So she is a girl of many talents and a lovely young lady, and I am so proud of her.

My wife, Kelli, God bless her. This may come as a shock to many of you, but it is not easy being married to me. Whoever coined the phrase, "behind every successful man stands a woman," got it way wrong, in my opinion, because they actually do not stand behind, they stand in front. When we are out doing our thing, they are the ones in front making sure our kids' health is good; they are out in front at meetings of the PTA; they are out in front getting kids where they need to go; they are out in front solving kids' problems, as my mother did for me. We will be celebrating our 20th anniversary this year, and she has become my best friend. And this 20-year odyssey with our three kids has been just an outstanding experience, and none of this today would mean anything if she was not with me. And, so, God bless her for all that she does for me.

Also, because of COVID-19, we could not have many more people here. My sister, Catherine; my sister, Melissa; my brother, Kevin--all, I love you very much--and my nephews and nieces and great-nephews and -nieces who could not be here today.

Ladies and gentlemen and Members of the Senate, I know it has been a crazy day. The year 2020 was, without a doubt, the most challenging year, certainly, in my career here in Pennsylvania. We dealt with a health crisis, an economic crisis, social unrest, and one of the most politically turbulent years in my lifetime. For me, I tried to be guided by the idea that many of you have heard me say over the years: a good job takes care of many of the social ills. When people have a job, it empowers them to control their life and lessens their need to have more government. I believe we have done a lot of great things here to make sure working men and women have an opportunity to succeed. I am proud of my time as Majority Leader, mostly because I think we passed many major initiatives that improved the lives of average Pennsylvanians.

As we now turn the page to 2021, I have given a great deal of thought to the position I am transitioning to. As Majority Leader, you are, by definition, the Leader of your Caucus, a truly partisan position. As I step into the role as a constitutional officer, I am still proud to be a proud Republican, but my responsibilities now include the entire Senate, not just one Caucus. In a way, I have been part of this institution of the Senate for over 40 years. I was 12 years old when I sat with my family in the back of this Chamber to watch my father sworn in for the first time. Over those decades, my fondness, respect, and, yes, love for this institution has grown tremendously.

As I considered what we should do to make sure that the public has faith in our work, particularly after such a difficult

year, one word came to mind: transparency. Transparency in our work. This means making sure that all of our operations here in the Senate meet the standard of openness. I know some of you already put your office expenses online, and we all should do more to make sure the public sees exactly how we conduct our business.

Transparency in our working relationships. Lobbyists can be a very important part of what we do here as they represent millions of Pennsylvanians and bring expertise to issues that legislators often lack. However, it is important that our interactions with them meet the standards that the public is comfortable with, which is why I am introducing, with Speaker Cutler, lobby reform legislation that will clearly define the relationship between legislators, lobbyists, and political consultants.

Transparency in our media. As a former journalism student and a would-be journalist, it was once easy to determine who the media outlets were. When I started, you basically had television, radio, and print news outlets. Now, with the Internet, it is hard to tell who is reporting the news and who is advocating a position. We should demand the same level of openness from those who cover us to release their donors if they are funded by something other than advertisers or subscriptions.

Transparency in our politics. We should hold ourselves to a higher standard where we can develop real-time reporting of campaign contribution expenses. If I can go online and look at an up-to-date picture of my bank account, there is no reason that the public should not have the same access to our campaign accounts. And the 501(c)(4)s that claim to be educational, if they mention a candidate's name in an ad, then, in my mind, it should be held to the same reporting laws that the candidates themselves are held to.

Finally, transparency in our elections. There is no more important component to a representative democracy than public confidence in our elections. Whether you believe it or not, hundreds of thousands, if not millions, of Pennsylvanians are not confident in the last election. I know this because I hear from them every day. We, as public policymakers, have the duty to insure that the public, that we take their concerns seriously and we will provide proper oversight of the last election and make whatever changes necessary to put safeguards into place that the public will have faith in future elections. Election integrity is not a Republican or a Democratic issue, that is why we have created a bipartisan committee to review and then recommend to the entire Senate changes that will insure public confidence.

When we open the doors and windows of this great institution, I am confident the public will see what I have seen for the last 43 years: men and women working hard to represent their constituents to the best of their abilities with courage, honor, and integrity. We are here today and every day to serve the public, and I have always been a big believer that things that unite us are far stronger than things that divide us. With increased transparency, I am confident we can come together to improve the lives of Pennsylvanians, especially those who so desperately need our help.

Being elected to lead this Chamber is an honor of a lifetime, and I will work hard to be worthy of your trust. Thank you, and God bless.

(Applause.)

GUEST OF SENATOR KIM L. WARD PRESENTED TO THE SENATE

The PRESIDENT pro tempore. At this time, the Chair recognizes the Majority Leader, Senator Kim Ward, who would like to recognize some special guests.

Senator K. WARD. Mr. President, I would just like to welcome Stacy Garrity, who is our incoming Pennsylvania State Treasurer. I know she was in here a minute ago. Where did she go? Well, let us welcome her anyway. I guess she had to go. Thank you.

(Applause.)

GUESTS OF SENATOR JAY COSTA PRESENTED TO THE SENATE

The PRESIDENT pro tempore. The Chair recognizes the Democratic Leader, Senator Costa, also to recognize some special guests.

Senator COSTA. Mr. President, I rise to recognize a number of people who have joined us here today. First and foremost, for me personally, is my wife of 36 blessed years, Roxanne, who has joined us. She wanted to be a part of today's discussion and has been here in the past, but also the family members of all the Members who are being sworn in today. I think it is a--listen, it did not turn out the way I think you thought, or how we, who have been sworn in in the past have experienced here, but this is who we are and what we do sometimes here. So thank you to all the families who are here, both on the floor but also up in the gallery, on both sides of the aisle. We want to thank them for being here and supporting their respective Members and respective spouses and family members as well.

So, thank you, Mr. President.

(Applause.)

PERMISSION TO ADDRESS

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

Senator HAYWOOD. Thank you so much. As many of you know, my mother passed away on November 16, and I wanted to take a moment to thank each of the Members and staff for their condolences. Whether it was a card, a plant, a text, an email, all very much appreciated, and I wanted to make sure that that sympathy that was expressed to me and my family was and is deeply appreciated. Thank you.

The PRESIDENT pro tempore. The Chair thanks the gentleman.

ELECTION OF SECRETARY OF THE SENATE

The PRESIDENT pro tempore. The next order of business before the Senate is the election of the Secretary of the Senate. The Chair recognizes the gentlewoman from Washington, Senator Bartolotta.

Senator BARTOLOTTA. Mr. President, it is with great pleasure that I stand before you today to nominate Megan Martin to serve as Secretary and Parliamentarian of the Pennsylvania Senate. Megan has served in this role since 2012. In those

8 years, she has earned a sterling reputation for her knowledge and understanding of the Senate's legislative procedures as well as her commitment to ensuring the successful and smooth operation of the legislative functions of the Senate both on and off the floor. Those skills are always appreciated, but never more than in 2020, when the entire operation of the Senate was turned upside down by the COVID-19 pandemic. The difficulties of managing the day-to-day operations of the Senate, communicating with Members and staff, creating Calendars, amending bills, sunshining committee meetings, transmitting communications to the House, and performing all of the other duties of her office were all magnified by this terrible virus. Her leadership and foresight in establishing the Senate's continuity of operations plan led our Chamber to become the first in the nation to conduct full Sessions remotely during COVID-19, and she continues to do an amazing job of managing her duties under these difficult circumstances. It is hard enough to manage the day-to-day operations when everyone is in the same building. Managing this institution with Members and staff spread out on computer screens throughout the Commonwealth must feel a bit like trying to transport hundreds of live frogs in an open wheelbarrow. The mettle of our Secretary and Parliamentarian was tested like never before by the pandemic, but I think I speak for all of us when I say that Megan and her team passed that test with flying colors.

We were also fortunate to have her leadership a few years ago when she created the virtual Session platform. This was an invaluable tool even before the pandemic, but having this visionary system in place long before COVID-19 was indispensable in making the historic transition to hosting Sessions virtually. The virtual Session platform is just one of among a long list of reforms, modernizations, and improvements she has created during her tenure. She also spearheaded the development of a multi-language, self-guided tour app for visitors to our Capitol. She created new exhibits in the Senate Library, improved digital outreach efforts to Pennsylvanians, and instituted new professional development programs for staff. We are incredibly fortunate to have a Secretary and Parliamentarian with Megan's breadth of knowledge and experience in all three branches of government as well as for her impeccable character and work ethic. My personal thanks goes out to Megan and her team for serving the people of Pennsylvania and the Members of this legislative body with incredible grace, humility, and professionalism, even under some of the most difficult circumstances anyone in her position has faced in the history of this esteemed body. And she has earned the deepest respect from every Member of this body, the administration, and the staff. Once again, it is my great pleasure to nominate Megan Martin to serve as Secretary and Parliamentarian for the Pennsylvania State Senate.

Thank you, Mr. President.

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

Senator K. WARD. Mr. President, thank you. It is with great pleasure that I second the nomination of Megan Martin for the election of Secretary of the Senate. She has done a phenomenal job. She is always calm, cool, and always has the answer. And behind that calm, cool demeanor is a powerhouse of knowledge and resolve to help us all run the Senate properly. So it is with great pleasure that I second that nomination.

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 Secretary of the Senate is Megan Martin of Cumberland County. All those in favor of Megan Martin for office -- there has been a request for a roll call.

So on the nomination electing Megan Martin as Secretary of the Senate, the Clerk will call the roll.

On the question,

Will the Senate agree to the nomination?

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

YEA-47

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

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 Chair declares Megan Martin elected Secretary of the Senate.

ELECTION OF CHIEF CLERK OF THE SENATE

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

The Chair recognizes the gentleman from Cambria, Senator Langerholc.

Senator LANGERHOLC. Mr. President, I rise today to nominate Donetta D'Innocenzo as Senate Chief Clerk. Born and raised in central Pennsylvania, Donetta's inherent family values contribute to her commitment to her profession and community. From her first election as the Chief Clerk of the Senate in 2013, Donetta has remained committed to equally and honorably serving all Members and staff, while being respectfully cognizant of taxpayers and the Senate as an institution. During her tenure, Donetta has insured the business functions of the Senate operate efficiently, while serving in her important roles, including: the chief financial officer, open records officer, and secretary to the Committee on Management Operations. Donetta continues to implement safety measures to keep Members and staff across the Commonwealth safe, as well as providing wellness resources to encourage health and well-being. By constantly improving technologies and procedures, Donetta supports the advancement of the Senate, while maintaining its important history and traditions.

But today comes on a bittersweet day, as her father passed away just yesterday. I would ask that you keep her in your prayers. Mr. President, I ask my colleagues to join me in supporting Donetta D'Innocenzo as Senate Chief Clerk. Thank you.

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

Senator K. WARD. Mr. President, it is my distinct pleasure to second the nomination of Donetta D'Innocenzo to serve as our Chief Clerk of the Senate. Donetta has done a phenomenal job. This is such a big challenge and so many moving parts, and she has just done a wonderful job. Very professional at all times and always makes sure she takes care of every single one of us when we have an issue. So, it is my pleasure to second her nomination. Thank you.

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.

The Clerk will call the roll.

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

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

YEA-47

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

NAY-2

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

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

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 call on Judge Mummah to administer the oath of office to our newly-elected officers.

Please rise.

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

I, (Megan Martin and Donetta D'Innocenzo), 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.

Congratulations. Thank you.
(Applause.)

The PRESIDENT pro tempore. Please be seated, and congratulations to our Secretary and Chief Clerk.

PERMISSION TO ADDRESS

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

Senator PITTMAN. Mr. President, as you pointed out in your comments today, we made some significant history here that I think so far has been overlooked, and that has been the election of the very first female Majority Leader in the history of this Commonwealth in either Chamber. Mr. President, as you know, our newly-elected Majority Leader is a bit short of stature. Those watching on TV may not realize it, so we have hidden behind the podium a step stool that several of us commissioned, and that step stool is engraved, "Senate Majority Leader Kim Ward shattering glass ceilings one step at a time."

Leader Ward, congratulations. The floor is yours.
Senator K. WARD. Thank you.
(Applause.)

SENATE RESOLUTION No. 1, ADOPTED

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Lycoming County, Senator Yaw.

Senator YAW. Mr. President, I offer the following resolution and ask for its immediate adoption.

Senator L. WILLIAMS. Mr. President, I would like to request that the full resolution be read in its entirety so that the public may know what we are voting on. Thank you.

The PRESIDENT pro tempore. In a moment, I will recognize you.

The gentleman from Lycoming County, Senator Yaw, offers the following resolution, which the Clerk will read.

Senator L. WILLIAMS. Mr. President, I would request that the full resolution be read so that the public knows what we are voting on. Thank you.

Senators YAW and K. WARD presented to the Chair **SR 1**, entitled:

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 Westmoreland, Senator Kim Ward.

Senator K. WARD. Mr. President, may we go at ease?
The PRESIDENT pro tempore. The Senate is at ease.
(The Senate was at ease.)

The PRESIDENT pro tempore. A request has been made by the gentlewoman from Allegheny that the adoption of the Ethical

Conduct Rules of the Senate be read across the desk. Without objection, the Clerk will begin to read the rules of the Senate.

(The Clerk read as follows:)

A RESOLUTION

Adopting Ethical Conduct Rules of the Senate.

RESOLVED, That Ethical Conduct Rules of the Senate be adopted for the governing of the 205th and 206th Regular Session.

2021-2022

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 of the act of June 3, 1937 (P.L.1333, No.320), known as 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.

The PRESIDENT pro tempore. The Clerk will yield. The Senate is at ease.

(The Senate was at ease.)

The PRESIDING OFFICER (Senator John R. Gordner) in the Chair.

The PRESIDING OFFICER. The Chair recognizes the gentlewoman from Allegheny, Senator Lindsey Williams.

Senator L. WILLIAMS. Mr. President, I would like to revise my request that the resolution on the Ethical Rules of the Senate be read in its entirety. I ask that the summary of the changes to the Ethical Rules that has been prepared by the Majority and provided to both Caucuses be read into the record for the public's benefit so they can understand what rules are being changed from the prior session.

The PRESIDING OFFICER. The Chair thanks the gentlewoman. The gentlewoman has amended her request to ask that a summary of the rule changes as it relates to the Ethical Rules be read by the Clerk so that they can be spread upon the record and heard by the public. The Clerk is now instructed to read -- if I may return to the gentlewoman from Allegheny County, I want to insure that if the Clerk reads the summary of the rules, that that suffices as it relates to her request.

Senator L. WILLIAMS. Mr. President, yes, because that will reflect in the record then what is changed from the prior Sessions' rules and the public will have access to the prior Sessions' rules and everything that is being changed today.

The PRESIDING OFFICER. The Clerk is instructed to read a summary of the changes to our Ethical Conduct Rules of the Senate.

(The Clerk read as follows:)

Description of the Ethical Conduct Rules 2021-22 Legislative Session

Rule 1

Amends the definition of "campaign activity" to include posting of campaign-related information on "other electronic media websites." (see (11)).

Rule 1

Changes the defined term "official Senate mailing lists" to "official Senate contact lists."

Rule 2(b)(3)

Updates references to a "Senator's official State website" to "Senator's official Senate website, social media website or other electronic media website."

Rule 2(f)

Updates the references to "official Senate mailing lists" to "official Senate contact lists."

And the question recurring,

Will the Senate adopt the resolution?

LEGISLATIVE LEAVE

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

Senator K. WARD. Mr. President, I request a temporary Capitol leave for Senator Baker.

The PRESIDING OFFICER. Senator Kim Ward requests a temporary Capitol leave for Senator Baker. Without objection, the leave will be granted.

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

The PRESIDING OFFICER. The Clerk will read the DO number on the Ethical Conduct Rules.

The CLERK. D00760.

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

The PRESIDING OFFICER. The Chair recognizes the gentlewoman from Allegheny, Senator Lindsey Williams.

Senator L. WILLIAMS. Mr. President, thank you for reading the changes into the record for the public's benefit and the benefit of the Senators in this Chamber. I will be a "no" vote on the Ethical Rules because I think we missed an opportunity to strengthen these rules for our Chamber and hold us to the highest degree of ethical conduct possible for our constituents. So, at this point, because I have not had the opportunity to read the changes to the rules and that I would like to see changes made that strengthen our rules, I am a "no" vote. Thank you.

SR 1 (Pr. No. 1)

A RESOLUTION

Adopting Ethical Conduct Rules of the Senate.

RESOLVED, That Ethical Conduct Rules of the Senate be adopted for the governing of the 205th and 206th Regular Session.

2021-2022

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 of the act of June 3, 1937 (P.L.1333, No.320), known as 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 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.

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

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

YEA-47

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

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 PRESIDING OFFICER. The resolution is adopted.

SENATE RESOLUTION No. 2, ADOPTED

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

Senator K. WARD. Mr. President, I offer the following resolution and ask for its immediate adoption.

Senator K. WARD presented to the Chair **SR 2**, entitled:

A RESOLUTION

Adopting Financial Operating Rules of the Senate.

RESOLVED, That Financial Operating Rules of the Senate be adopted for the governing of the 205th and 206th Regular Session.

2021-2022

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 PRESIDING OFFICER. The Chair recognizes the gentlewoman from Allegheny, Senator Lindsey Williams.

Senator L. WILLIAMS. Mr. President, I rise to ask that the summary of the changes to the Financial Rules of the Senate that have been prepared by the Majority and presented to both Caucuses be read into the record for the public's benefit to know what changes are being made to the financial rules today.

The PRESIDING OFFICER. Senator Lindsey Williams has requested that a summary of the changes to the Financial Operating Rules prepared for today be read by the Clerk. Is that the gentlewoman's request?

Senator L. WILLIAMS. Mr. President, that is my request. Thank you.

The PRESIDING OFFICER. The Clerk will read the summary of the changes to the Financial Operating Rules of the Senate.

(The Clerk read as follows:)

Amendments to the Financial Operating Rules

2021-22 Legislative Session D00755

Rule 1(b)(1)(iv)

Regarding Senate employees' personnel files, changes "job" to "primary work" location to include working remotely during the pandemic.

Rule 1(b)(1)(vi)

Regarding Senate employees' personnel files, changes "letter" to "notification" of appointment to allow for electronic notification.

Rule 1(c)(1)

Regarding contracts for services, restates the introductory paragraph to clarify that certain documents shall be filed with the office of Chief Clerk.

Rule 2(c)(2)

Regarding vehicle leasing, eliminates the following outdated language: "Rules relating to the payment of expenses relating to vehicles leased through the Department of General Services to be used by Senators shall be promulgated by the Senate Committee on Management Operations." This sentence is no longer necessary because the Senate has a contract with DGS for leased vehicles.

Rule 3(b)(1)

Regarding per diem allowance for meals and lodging, adds phrase to clarify the underlying authority for this rule - "in accordance with internal revenue service regulations."

Rule 4(a)

Regarding equipment and furnishing control and inventory, eliminates the following sentence to reflect current practice which allows members to buy flags directly: "The Chief Clerk shall serve as the sole agent for the purchase of United States and Pennsylvania flags."

Rule 4(f)

Regarding equipment and furnishing control and inventory authorized accounts, eliminates superfluous language.

Rule 5(c)

Regarding district office expenses authorized accounts:
-Corrects "computer service" to "computer services" accounts.
-Adds "Postage and Communication Expenses Account of the Chief Clerk."

Rule 6(b)

Regarding capitol office expenses, moves the paragraph that directs the Secretary of the Senate to disseminate literature to the Operating Rules of the Senate.

Rule 6(c)

Regarding capitol office expenses authorized accounts:
-Corrects "computer service" to "computer services" accounts.

Rule 7(e)

Regarding official expenses authorized accounts:
-Corrects "computer service" to "computer services" accounts.

Rule 8(b)

Regarding special expenses, clarifies that only a member of leadership or nonmember officer may submit these expenses.

Rule 8(c)

Regarding special expenses authorized accounts:
-Removes "contingent expense accounts" which are obsolete.

Rule 9(d)

Regarding miscellaneous expenses of standing and special committees:
-technical correction which changes vendors to vendor.

Rule 10(a)(1)

Regarding Senate Committee on Management Operations, removes "Secretary" from this provision because the duties of the Secretary are in the operating rules, not the financial rules; therefore, there is no need to arbitrate a decision of the Secretary relating to the financial rules.

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

The PRESIDING OFFICER. The Chair recognizes the gentlewoman from Allegheny, Senator Lindsey Williams.

Senator L. WILLIAMS. Mr. President, I rise to talk about the financial rules that we are voting on today, and I renew my objection that since we received this as we are voting it on the floor, that myself and the public have not had the opportunity to review these rules and we are missing an opportunity to strengthen these financial rules that we operate under. I will be a "no" vote. Thank you.

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

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

YEA-47

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

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 PRESIDING OFFICER. The resolution is adopted.

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

RECONSIDERATION OF SR 1

SR 1 -- Senator COSTA. Mr. President, I move that the Senate do now reconsider the vote by which Senate Resolution No. 1 was adopted.

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

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

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

YEA-46

Argall	Corman	Laughlin	Schwank
Arnold	Costa	Martin	Stefano
Aument	DiSanto	Mastriano	Street

Baker	Dush	Mensch	Tartaglione
Bartolotta	Fontana	Phillips-Hill	Tomlinson
Blake	Gordner	Pittman	Vogel
Boscola	Haywood	Regan	Ward, Judy
Brooks	Hughes	Robinson	Ward, Kim
Browne	Hutchinson	Sabatina	Williams, Anthony H.
Cappelletti	Kane	Santarsiero	Yaw
Collett	Kearney	Scavello	Yudichak
Comitta	Langerholc		

NAY-3

Muth	Saval	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.

RECONSIDERATION OF SR 2

SR 2 -- Senator COSTA. Mr. President, I move that the Senate do now reconsider the vote by which Senate Resolution No. 2 was adopted.

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

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

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

YEA-46

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

NAY-3

Muth	Saval	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

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

Senator K. WARD. Mr. President, I offer the following resolution and move its immediate adoption.

Senator K. WARD presented to the Chair SR 3, entitled:

A RESOLUTION

Adopting the Rules of the Senate for the 205th and 206th Regular Session.

RESOLVED, That the following be adopted as the Rules of the Senate for the governing of the 205th and 206th Regular Session.
2021-2022

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 Floor Leaders. 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.
- 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 six 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 six 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.

(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 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 the bills 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.

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 six 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 Floor Leaders 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.

(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 Floor Leaders 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.

(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 Floor Leader 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.

(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 Floor Leader 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.

(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 five 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 notify all members of the committee 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 imple-

mented by the Senate. Training shall be provided annually for all Senators and Senate employees.

(c) 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)).

Rule 38. Temporary emergency Rules of the Senate.

(a) continuity of legislative operations.--In order to maintain the continuity of the legislative operations of the Senate and protect the health, safety and welfare of the residents of the Commonwealth, based on the declaration of disaster emergency issued by the Governor on March 6, 2020, the effect of which makes the convening of some or all of the members of the Senate as a body in the Senate chamber of the Capitol Building or at a single location imprudent, inexpedient or impossible, the following apply:

(1) Notwithstanding Rules 6 and 7 the following apply:

(i) In the absence of the Secretary-Parliamentarian and the Chief Clerk and subject to the direction of the President Pro Tempore, the Assistant Secretary shall 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.

(ii) In the absence of both officers and the Assistant Secretary, the President Pro Tempore shall designate a signatory.

(2) Notwithstanding Rule 9, there shall be no guest introductions.

(3) Notwithstanding Rule 14(h), members may remotely participate in committee meetings as follows:

(i) A quorum shall be established through a roll call.

(ii) Technology employed for remote committee meetings must safeguard the integrity of the legislative process and maintain the deliberative character of the meeting by providing for simultaneous aural and verbal communication among all participants.

(4) Notwithstanding Rule 14, the following apply:

(i) The President Pro Tempore may appoint a Senator to serve in a temporary capacity as a member of a committee, serving only for the duration of a single session day for a particular committee meeting.

(ii) The President Pro Tempore shall transmit this designation to the Secretary-Parliamentarian for retention during the two-year legislative session, and this record shall be available for public inspection upon request.

(iii) The communication shall be read across the desk and printed in the Senate Journal on the next legislative day of the Senate.

(5) In addition to the provisions of Rule 14, the following apply:

(i) Regulations shall be deposited with the Legislative Reference Bureau.

(ii) The bureau shall transmit the regulations to the appropriate committee for consideration within 24 hours.

(iii) The bureau shall transmit notice of the transmission of the regulations to the Secretary-Parliamentarian.

(iv) The time for consideration shall begin on the date the committee receives the regulations from the bureau.

(6) In addition to the provisions of Rule 17, the following apply:

(i) Members participating remotely may cast votes for all measures considered and brought to a vote by the committee, as if the members were physically present at the committee meeting.

(ii) The identity of the voting member must be verified by the Chair.

(iii) A member may also vote on matters before the committee pursuant to Rule 16(3).

(7) Notwithstanding Rule 20, members may remotely participate in the session of the Senate as follows:

(i) Members participating remotely may cast votes for all

measures considered and brought to a vote during session, as if the members were physically present at the session of the Senate.

(ii) The identity of the voting member must be verified by the presiding officer.

(iii) Technology employed for remote participation in Senate session must safeguard the integrity of the legislative process and maintain the deliberative character of the session by providing for simultaneous aural and verbal communication among all participants.

(iv) A member may also vote as provided in Rule 20(b)(1) and (2).

(8) Notwithstanding Rule 23, the Chief Clerk may provide for remote participation technology that enables members to participate in committee meetings and Senate session.

(9) Notwithstanding Rule 27, the following apply:

(i) Senators participating remotely in the session of the Senate shall be counted for the purpose of determining a quorum.

(ii) A quorum shall be established through a roll call if the identity of the voting member is identified by the presiding officer.

(10) This rule shall expire March 31, 2021, or 10 days following the expiration of the emergency declaration, whichever is earlier, unless otherwise further extended in accordance with the Rules of the Senate.

(b) 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:

"Remote participation." Simultaneous, interactive participation in a committee meeting by committee members not physically present at the location of the meeting, through means of communication technologies designed to accommodate and facilitate such simultaneous, interactive participation.

On the question,

Will the Senate agree to the motion?

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

Senator L. WILLIAMS. Mr. President, I renew my request that the summary of the changes to the operating rules that have been prepared by the Majority party and provided to both Caucuses, that those changes be read into the record for the public's benefit so that they know what rules are being changed here today.

The PRESIDENT pro tempore. Senator Lindsey Williams requests that the changes that are made from prior years' rules to this year's rules summary be read across the desk by the Clerk. Without objection, the Clerk will proceed.

Before the Clerk begins to read, Senator Lindsey Williams, if the Clerk reads this summary, will this satisfy your request?

Senator L. WILLIAMS. Mr. President, yes, it will. Thank you.

The PRESIDENT pro tempore. Thank you. The Clerk will proceed.

(The Clerk read as follows:)

Description of the General Operating Rules

2021-22 Legislative Session D00870

Rule 6(c)(9)

Updates the Duties of the Secretary-Parliamentarian regarding the Senate Journal to reflect current practice by clarifying that the Journal becomes the official record of the Senate upon Senate approval or the posting of the Journal on the Senate Internet website by the Secretary.

Also extends the time period from 60 calendar days to 90 calendar days for the Legislative Journal to be posted on the Senate Internet website unless approved sooner by the Senate.

Rule 6(c)(10)

Directs the Secretary-Parliamentarian to provide for the publication and dissemination of educational or information literature pertaining to

the Senate, the Commonwealth, or the United States. This provision was moved from the Financial Operating Rules.

Rule 7(b)

Technical change to simplify the language that is the basis for the powers and duties of the Chief Clerk.

Rule 8

Clarifies that the Senate shall have a Chief Sergeant-at-Arms and that he or she appoints assistant sergeants-at-arms.

Rule 9(a)

Removes unanimous consent resolutions from the order of business.

Rule 10(j)

Prohibits the use of cell phone voice or video recording and broadcasting capabilities on the Senate floor.

Rule 12(k)

Authorizes bills to be filed electronically with the Secretary's office through a process to be determined by the Secretary.

Rule 12(q) and (r)

Authorizes the pre-filing and normal filing of legislation via paper or electronic format with the Secretary's office.

Rule 12(s)

Authorizes the Secretary to deliver legislation to the standing committees via paper or electronic format.

Rule 13(a)(1)

Clarifies that successor applications to the Senate Virtual Desk application will meet the requirement for furnishing a copy of a proposed amendment to members before voting the amendment on the floor.

Rule 13(a)(2)

Updated to reflect the current process that amendments presented on the floor were obtained electronically through the Legislative Reference Bureau.

Rule 13(b)

Clarifies that successor applications to the Senate Virtual Desk application will meet the requirement for furnishing a copy of a bill that reverted to a prior printer's number through a majority vote of the Senate to members.

Rule 13(c)(2)(i)

Clarifies that successor applications to the Senate Virtual Desk application will meet the requirement for furnishing a copy of a bill or resolution on concurrence from the House to members.

Rule 14(d)(3)

Authorizes special committees appointed under Rule 5(a)(2) to issue subpoenas.

Rule 14(g)(3)

Mandates all meetings of the Senate standing committees *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 Senate Internet website by LDPC. The official livestream and recordings of the livestream 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.

Rule 19(c)

Clarifies that the Senate Virtual Desk and its successor applications will meet the requirement for furnishing a copy of the report of a Committee of Conference to members.

Rule 23(c)

Removes superfluous and outdated language regarding the designation of funding by the President Pro Tempore for the operation of the broadcasting system. Funding is designated in the budget.

Rule 23(e)(5), (6) and (7)

Updates language regarding the official Senate video feed and broadcasting through caucus websites and social media platforms.

Rule 23(h)

Tracks the language in Rule 6(c)(9) which states that the Journal approved by the Senate is the official record of Senate action, not the video or audio feed.

Rule 38

Incorporates the temporary rule for the COVID-19 emergency declaration, and it sunsets on March 31, 2021, or 10 days following the expiration of the emergency declaration, whichever is earlier, unless otherwise further extended in accordance with the Rules of the Senate.

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

LEGISLATIVE LEAVES

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

Senator K. WARD. Mr. President, I request a temporary Capitol leave for Senator Brooks.

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

Senator L. WILLIAMS. Mr. President, I request a legislative leave for Senator Haywood.

The PRESIDENT pro tempore. Senator Kim Ward requests a temporary Capitol leave for Senator Brooks.

Senator Lindsey Williams requests a legislative leave for Senator Haywood.

Without objection, the leaves will be granted.

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

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

Senator L. WILLIAMS. Mr. President, while listening to the Clerk, the copy I have has a sentence that I did not hear read and I just want to clarify. For Rule 23(e)(5),(6), and (7), I have a sentence in my document that says the rules that we are voting on today retains the prohibition on the PPT and Senate officers from editing any portion of the video or audio feed. Is that correct?

The PRESIDENT pro tempore. Give them a minute to check to make sure.

Senator L. WILLIAMS. Thank you.

Senator K. WARD. Will you please repeat the question, because we cannot hear real well.

Senator L. WILLIAMS. Sure. The document I have on Rule 23(e)(5),(6), and (7) has a sentence that the rules that we are voting on today retains, meaning it does not change, the prohibition on the PPT and Senate officers from editing any portion of video or audio feed. I just want to clarify that we did not change that section.

Senator K. WARD. That is correct.

Senator L. WILLIAMS. Thank you very much.

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

Senator MUTH. Mr. President, I rise to ask for the opportunity to ask questions in interrogation of the maker of the resolution.

The PRESIDENT pro tempore. Senator Muth requests that the Majority Leader--is that who you are asking?

Senator MUTH. I am sorry, I did not hear you.

The PRESIDENT pro tempore. Were you asking to interrogate the Majority Leader? I am sorry.

Senator MUTH. Yes, I am. I apologize.

The PRESIDENT pro tempore. Senator Muth has requested that the Majority Leader stand for interrogation. Does the Majority Leader agree?

Senator K. WARD. No, I do not agree. These rules were worked out together in collaboration on both sides of the aisle with the attorneys and staff from both parties, so I decline. Thank you.

The PRESIDENT pro tempore. Senator Muth, Senator Kim Ward will not stand for interrogation.

Senator Muth, you still have the floor.

Senator MUTH. I would just like to comment that they were not worked out on our side of the aisle and there were four basic questions asking for clarity on terms that were not defined within the rules, and I can submit those for the record, if permitted.

The PRESIDENT pro tempore. Senator Muth has asked to submit remarks for the record. Without objection, the remarks will be spread upon the record.

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

Mr. President, in Rule 13, which establishes the rules on amendments, it specifically states that Members "be given a reasonable opportunity to consider same before being required to vote thereon." Could you please define the time length of "reasonable opportunity?" Also, does a Member need to request having reasonable opportunity to consider the amendment, and, if so, how does that request need to be made?

Mr. President, is it true that the language in Rule 13, subsection C, which establishes the procedures when concurring in House amendments, remains unchanged from last Session? If so, were fiscal notes made available to Members before voting finally on bills on concurrence?

Mr. President, in Rule 23, concerning video feed and audio feed, can you please define "unedited?" Does this mean we cannot put subtitles or logos on the video clip? Does this prohibit Members from using Twitter to share clips, as Twitter has certain time limitations for videos?

Mr. President, in Rule 14, concerning committees, why is it necessary for a special committee to subpoena documents when that power already lies with standing committees who cover all subject areas that any special committees would address? Does this not give special privileges to the President pro tempore, who is the sole creator of these special committees?

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

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

Senator L. WILLIAMS. Mr. President, I rise in opposition to the resolution. The rules of this Chamber are drafted to benefit those in the Majority party. Despite our Senate Democratic Members receiving more votes statewide than our Republican counterparts, the Republican Caucus is able to control the entire agenda. The Pennsylvania Senate rules are nowhere near the operating rules in other States. Other States have rules that encourage fairness and transparency in government. Day after day I meet with constituents who ask me why the legislation they support is not moving, and it is not controversial legislation. It is pieces like Victoria's Law, that has broad bipartisan support in banning puppy mills. It is the Living Donor Protection Act, which passed unanimously out of the House last Session but was never brought up for a vote in this Chamber. Pennsylvanians have a right to demand that their elected officials be held accountable for their inactions on issues that matter to them.

Voting for this resolution means you are okay with the status quo. It means you are content with operating in secret as elected officials. Voting for this resolution means you are content with the power of this legislative body being held in the hands of the few. We have a duty to represent our constituents and take action on the issues that matter to them. Mr. President, with the proposed rules, we are tied to the whims of only those with the most power in this Chamber. Today, that whim was to not seat a duly-elected Senator, Senator Brewster, of the 45th Senatorial District. My constituents did not elect other Members of this Chamber to make decisions for them. Any rule that silences the voices of my constituents is voter suppression by any other name. I urge everyone in this Chamber who is tired of having their legislation dying in committee and who is tired of telling their constituents they have no power to bring a bill to the floor for a vote to vote "no" on this resolution. Thank you.

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

Senator COLLETT. Mr. President, the rules of this Chamber that are being voted on today are integral to the operation of the legislative process in this Chamber. That legislative process is critical to making sure all of our constituents' voices are represented in the Pennsylvania Senate, which is the beauty of our American democracy. All of the duly-elected Members of the Senate, regardless of whether they are in the Majority or Minority, are entitled, indeed obligated, to participate in that legislative process on behalf of their constituents. Call me crazy, but I believe we should be implementing rules and procedures that we can all live with and serve our constituencies under, whether we are part of the Majority or Minority party. We were each sworn to represent our constituents, not any political party.

As Members of a Chamber where the Majority and Minority are subject to change every 2 years at the will of the voters, we should be encouraging a fair playing field that puts the interests of Pennsylvanians first and foremost and fight for a process within our rules where votes determine the fate of ideas and policy proposals, not a handful of powerful party leaders. Our rules should encourage a rigorous exchange of ideas and allow for true minority participation in our legislative process. Whether that be a political minority, a geographic minority, or minority with respect to a particular issue, the resolution offered today does not do that. Instead, like the maneuvering by the Majority earlier today with respect to Senator Brewster, Republicans in this Chamber wish to set rules which will continue to grab power for their leadership and limit the ability of any initiatives that are not anointed by those leaders from moving forward. The Majority offers a resolution that does little more than bestow their leadership with even more control, for example, the ability to pack special committees and issue subpoenas targeted at undermining the electoral process.

This is not honest leadership. This is not working on behalf of all Pennsylvanians. This limits our Senate to only working on behalf of the Members of the Majority. Unfortunately, as a result, I am unable to vote in support of these rules, and I urge my colleagues to vote "no" as well. Pennsylvania deserves better than the tyranny of a small power-hungry group of leaders within the Majority. Pennsylvania deserves an open, transparent, and engaged legislature in which ideas can be freely exchanged and debated and in which civility, conversation, compromise, and

action for the betterment of the citizens of Pennsylvania are the goal, rather than partisan power grabs.

Thank you, Mr. President.

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

Senator COSTA. Mr. President, very briefly, I initially intended to support these rules, but I think my colleagues have raised some very significant, compelling points as to what we are not doing more so than what our operating rules are going to say we can do or cannot do. I think they presented to us, through this process that we are referring to and was mentioned with regard to discussing and agreeing to rules, a number of our Members offered some of the amendments that we are talking about, and those rule changes were not given any consideration. Then there was a discussion about trying to amend them on the floor, and that, too, was rejected, Mr. President, as to whether we can or cannot do that. At the end of the day, they are reasonable, logical, and make sense. For that reason, I intend to vote "no" on the operating rules.

Thank you, Mr. President.

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

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

YEA-31

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

NAY-18

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

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. 4, OFFERED

Senator MUTH. Mr. President, I offer the following resolution and move for its immediate adoption.

Senator MUTH presented to the Chair **SR 4**, entitled:

A Resolution adopting the Rules of the Senate for the 205th and 206th Regular Session.

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

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

Senator MUTH. Mr. President, the following resolution was to establish new operating rules for the State Senate of Pennsylvania for our 2021-22 Session. The intent of the proposed Senate rules and the resolution was to insure that every Member can adequately and effectively represent their constituents. The rules of previous legislative Sessions have been largely inadequate, and they create a system of imbalance that prevents transparency and limits the democratic process.

Today, right now, in the longest day ever, a very dramatic day in this Chamber, we have an opportunity to restore faith in this body by the public. We have an opportunity to improve and strengthen these rules for increased inclusion and openness in the process. The proposed resolution is designed to advance policy, encourage public participation, hold Members accountable to the public and their electorate, and actually have a representative democracy here in this Chamber. Specifically, this resolution would insure that every bill is considered for a vote in each committee. This change would encourage each Senate committee to function as it was originally intended. Far too often, important legislation that would help Pennsylvanians is ignored or never sees the light of day for a vote in committee or on the Senate floor because it may not be of benefit to the committee chairperson's political goals or ideology. This is not democracy, and this is not what we were sent here to do by the voters.

Further, this resolution would insure that every amendment offered on the floor would get a vote. Our public voting record holds us all accountable to those who voted to send us here to legislate, to help people, to have a positive impact on lives, not harm people. Blocking votes on well-intended and thoughtful improvements via the amendment process for bills that are under consideration removes the accountability, and it harms this democratic process. With this in mind, several times in the prior Session this body decided by a simple majority vote to end debate, shut it down, no words allowed, silenced voters that we were sent here to represent, and all discussion on the bill was suspended and agreed-upon by the rules. These types of procedural shenanigans only serve to erode the public's trust and discourage ongoing public participation. This type of action should not be taken lightly and should be used only during extraordinary circumstances.

With this in mind, this resolution would increase the minimum requirement to change our rules, mid-debate, from a simple majority vote to a two-thirds' vote. It is my hope that this change would limit the use of these drastic measures unless absolutely necessary.

Finally, this resolution would increase transparency by requiring 72 hours' notice for a committee meeting or a hearing, giving Members of both sides of the aisle ample time to prepare and research what is being presented and voted on. It would also give a 24-hour notice for amendments to bills or resolutions being considered. I can vouch for the fact that we often get things down to the wire, very last minute, with minimal information, scrambling to figure out what it means. These proposed provisions in this resolution, they are not radical, they are not far left propaganda, they are not going to delay proceedings. They are going to further strengthen our democracy. These changes will greatly increase our ability, as elected officials on both sides of the aisle, to include our constituents in the legislative process. These changes will encourage good bills to see the light of day

and for bills presented simply to cater towards special interests or political ends to be fully vetted.

Each of us should be in favor of increasing transparency and accountability in this legislative process. Each of us should want our constituents to be aware of what we are voting on and why we are voting for or against a piece of legislation. Each of us should welcome more public participation and encourage the public to voice their opinions on bills presented before us. Quite simply, if we are acting in good faith, these changes should help change our decisionmaking process by allowing the public to voice their opinions with legislative changes. After all, the bills we consider in this Chamber impact the lives of every single Pennsylvanian in this State.

One final point before I yield, I have heard many Members of both parties express vocal concerns over a general lack of transparency related to decisions being made during the ongoing global pandemic. This resolution represents a prime opportunity for us to demonstrate to our constituencies, the entire Commonwealth, and nation that statements in the press about fairness and transparency in government were not simply talking points at a podium to gain political edge. Allowing for fairness, transparency, and accountability will only assist in our duties to serve the public as elected officials, and I urge your support to these important and meaningful changes to our Senate operating rules.

Thank you, Mr. President.

RESOLUTION REFERRED TO COMMITTEE

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

Senator K. WARD. Mr. President, I move 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 gentleman from Allegheny, Senator Costa.

Senator COSTA. Mr. President, I just want to be clear that what we have before us is a motion to refer this rule resolution offered by Senator Muth, referring it to the Committee on Rules and Executive Nominations. Many of us believe, along with Senator Muth, that this matter should stay before the body on the Calendar and not be referred to the Committee on Rules and Executive Nominations because it is a way to avoid having a conversation regarding it. So, I rise to ask my colleagues to vote in the negative with respect to the motion of referring it to the Committee on Rules and Executive Nominations. Thank you.

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

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

YEA-29

Argall	DiSanto	Mastriano	Stefano
Arnold	Dush	Mensch	Tomlinson
Aument	Gordner	Phillips-Hill	Vogel

Baker	Hutchinson	Pittman	Ward, Judy
Bartolotta	Langerholc	Regan	Ward, Kim
Brooks	Laughlin	Robinson	Yaw
Browne	Martin	Scavello	Yudichak
Corman			

NAY-20

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

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

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

DOCUMENTS SUBMITTED FOR THE RECORD

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

Senator K. WARD. Mr. President, on Friday, January 1, a contest petition was filed with the Senate Secretary/Parliamentarian, the Honorable Megan Martin, on behalf of candidate Nicole Zicarelli. The contest petition asserts that the Senate has an institutional interest in insuring that Members of its body are properly elected, pursuant to Article II, Section 9, of the Pennsylvania Constitution. The petition asks the Senate to refuse to accept the certification of the results of the 2020 election for Senate District 45, which declared candidate Jim Brewster the winner on the grounds that the certification includes certain undated mail-in ballots which do not comply with the requirements of the Election Code. Subsequently, on Monday, January 4, a response to contest petition was filed with the Senate Secretary/Parliamentarian on behalf of candidate James Brewster. Mr. President, as the complete contest petition is over 550 pages in total, and the response thereto 120 pages in total, I move that the contest petition and the response be submitted for and spread across the record of the Senate without being read in full at this time.

The PRESIDENT pro tempore. Senator Ward moves that the contest petition and response be submitted for and spread across the record without being read in the full at this time.

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

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

Senator COSTA. Mr. President, I rise to object to the reading of the election contest read across the desk. For many of the reasons I stated earlier in our conversation today, I think the election contest is flawed. The appropriate remedy, as it relates to this particular issue, was that this matter should have gone from the Pennsylvania Supreme Court, after it was rejected a second time based upon the reargument, it should have went to the United States Supreme Court. That is the proper remedy if, in fact, that was the track it was going to go on, not going into Federal court.

That being said, the comment that was made with respect to the request for relief, it is important that folks take a look at the

request for relief that was contained in the *Zicarelli* motion or petition or election contest. It said, not to certify, which was mentioned, but the reason was that we should declare Allegheny County failed, it was improper for Allegheny County to count those votes. Now, let me say to you that it was the Allegheny County Board of Elections that counted those votes because the Pennsylvania Supreme Court said to count them. That is the sole basis of what they were doing. To declare, to state that our county in Allegheny, and Senator Brewster's district, took illegal steps, is wholly inappropriate, should be stricken from the record, and this petition, quite frankly, in my view, should be dismissed.

In support of that argument, I am submitting my comments for the record, specifically the portion regarding page 6 through page 11 of my remarks that say the reasons why it should be dismissed, which were consistent with what I have talked about before. It is a flawed election contest. This matter should have been brought a long time ago to the appropriate court and missed the opportunity to bring it to this body. We are supposed to talk about the qualifications of individuals. We know Senator Brewster has been qualified. We know that he is a man of integrity, a good man who served this body well, served the constituents of his district well, and is being dragged through the mud by a frivolous petition that is being filed here, and it goes back to my points earlier today that the acceptance of this and even the consideration of this election contest should not be before this body. For those reasons, I make a motion that this election contest, so-called, be dismissed at this point in time. I ask for a roll-call vote.

Thank you, Mr. President.

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

STATUS OF PENDING PETITION FOR ELECTION CONTEST

- Zicarelli's Petition fails to meet the requirements of the Election Code.
- There was no fraud and there are no issues that need to be resolved.
- The Republican majority have no basis to hold up the seating of Senator Brewster.
- The Republican majority is depriving over 250,000 residents in the 45th of representation afforded to every other citizen in PA.
- Not liking an election outcome or disagreeing with a court case is not, nor even has been, the basis for ignoring the Secretary's certification of an election.

Zicarelli's Election Contest filed with the State Senate on January 1, 2021, should be dismissed because her petition is procedurally and substantively defective. In addition, the very issue of which she complains has been resolved by the Pennsylvania Supreme Court and her efforts to stop the Secretary of State from certifying the election were rejected by a federal court.

Court History

On November 23, 2020, the PA Supreme Court ruled by a 4-3 vote that 2,349 ballots cast by registered voters in Allegheny County should be counted even if the voter did not fill in the date on the outer envelope of the mail in ballot because the county time-stamped each envelope and ensured that they were all timely received. Zicarelli had argued that the Election Code says the voter shall sign and date the outside ballot. Three judges said that the use of "shall" was directory, i.e., not mandatory and a fourth justice said that although "shall" may be

mandatory, it should be prospectively applied as this was the first year of the new mail in voting ballot and it should be clearer before voters are disenfranchised.

Zicarelli knew the implications of that decision very clearly because on November 24, 2020, she asked for reconsideration which the Supreme Court denied that day.

Lest there be any doubt of the Supreme Court's decision, the PA Commonwealth Court, on November 25, 2020, ruled that the decision on undated ballots applied statewide and ruled that similar ballots in Bucks County should be counted.

On November 25, 2020, Zicarelli filed an action in federal court and asked the court to prevent the Secretary from certifying the election for the 45th District. She based her request on the argument that Allegheny County had counted the undated ballots, but Westmoreland County had not.

The federal judge denied her request to prevent the certification. The judge said that the appropriate response would be to have Westmoreland County follow the Supreme Court order and count the votes--better to level up, than level down, is what the judge said.

On November 30, 2020, the Westmoreland County Board of Elections met with Zicarelli's lawyers, encouraged Westmoreland to not count the undated ballots, ignoring the PA Supreme Court decision, the PA Commonwealth Court decision and the ruling of the federal judge. Zicarelli was trying to manufacture an equal protection argument to support her on-going federal lawsuit.

On December 16, 2020, the Secretary of the Commonwealth certified the election. Senator Brewster won by 79 votes. The certified totals are: Brewster--66,261 and Zicarelli---66,192.

In the meantime, the parties in the federal case have filed cross motions for summary judgment and it is expected that the court will rule by January 11, 2021, or so.

ELECTION CONTEST

On January 1, 2021, Zicarelli filed with the State Senate an Election Contest, asking that the Senate not seat Brewster. Zicarelli mischaracterizes the Supreme Court ruling as being ambiguous even though it ordered that the votes count, she filed an application for reconsideration the next day and the Commonwealth Court has applied the decision in a case decided two days later.

On January 4, 2021, Jim Brewster responded and asked that the Election Contest be dismissed and that he be seated. He pointed out that the Petition for an Election Contest was procedurally and substantively deficient.

Procedurally Deficient

The Election Code requires that an Election Contest be filed within 20 days after the election. It is to precede the certification. She knew by November 13th, after the Election Board of Allegheny and Westmoreland had met, that those boards were inclined to treat the undated ballots differently and so she could have filed within 20 days. Even after the PA Supreme Court decision, she had three weeks to file before the certification was issued.

Ironically, although Zicarelli says the Supreme Court should have ruled that the world "shall" should be mandatory in respect to the ballots and disenfranchising voters from Allegheny County, she has ignored the following provisions of the Election Code as they relate to Election Contests:

- An election contest SHALL be filed in 20 days from the election.
- An election contest involving a Senate seat SHALL be filed by 20 voters in the district.
- An election contest SHALL be filed in the Court located in the county where the challenged candidate lives--here Allegheny.

- An election contest SHALL be accompanied with a bond.
- An election contest SHALL state with specificity the alleged fraud or illegality complained and explain how the election outcome would differ.
- An election contest SHALL be considered by the judge in an evidentiary proceeding.
- In the case of an election contest involving a Senate seat, an appeal from the judge's decision may be taken to the Senate.

Here, Zicarelli complied with none of these provisions and instead filed an election contest (without the 20 voters) in the Senate. She completely ignored every other provision of the Election Code in respect to Election Contests. There simply is no basis under law to do this.

Substantive Defect

- A petition for an Election Contest shall state with specificity the fraud or illegality that changed the outcome of the election.
- Here, Zicarelli did not like the decision of the PA Supreme Court. Her only remedy was to appeal that decision to the US Supreme Court, which she did not do.
- Given the PA Supreme Court order, the Allegheny County Board of Elections was compelled to count the votes of the 2,349 voters with the undated ballot.
- That is what, in Zicarelli's view, changed the outcome of the election.
- Thus, she is arguing that the Allegheny County Board, in following the order of the highest court of the state, somehow engaged in illegal conduct. That argument is patently absurd.
- There is no fraud or illegality in following the decision of the PA Supreme Court.
- Zicarelli's Petition for Election Contest fails to state a claim for which relief can be granted--there was no fraud or illegal conduct.

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

The PRESIDENT pro tempore. For the clarity of the Members, the motion before us is the motion that Senator Kim Ward has moved that the contest petition response be submitted and spread across the record of the Senate without being read in full at this time.

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

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

YEA-29

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

NAY-20

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

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

The PRESIDENT pro tempore. The motion passes.
(The Contest Petition and Response appear in the Appendix.)

MOTION TO DISMISS CONTEST PETITION

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

Senator COSTA. Mr. President, I would like to renew my motion that the petition, at this point in time, be dismissed. As was stated earlier, I submitted for the record what I believe to be the defects with regard to this election framed as an election contest, as what it should be, but, again, referencing that, the election contest that is not judging the qualifications of Jim Brewster and it is not judging the election as it relates to what is necessary, and that is fraud in this election. It is simply saying and simply disagreeing with the Supreme Court of Pennsylvania that on two occasions made a decision with respect to these ballots, but also our Federal court that denied the opportunity. Let us be clear, the United States Federal Court for the Western District said we are not going to tell the Secretary to not certify the ballots, and we are not going to tell the Secretary to not count those ballots. In fact, the judge in that case rejected the temporary restraining order and refused to place that into this particular case.

For those reasons, as well as many others I have stated as part of the record that I have submitted previously, I ask my colleagues to join me in dismissing this motion because of the deficiencies in procedures, but also the substantive deficiencies that I mentioned as well.

Thank you, Mr. President.

The PRESIDENT pro tempore. Senator Costa moves to dismiss the petition for contest.

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

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

YEA-20

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

NAY-29

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

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

The PRESIDENT pro tempore. The motion fails.

MOTION TO SET ASIDE SENATE DISTRICT 45

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

Senator K. WARD. Mr. President, under Article II, Section 9, of the Pennsylvania Constitution, "Each house shall choose its other officers, and shall judge of the election and qualifications of its members." As recognized by the Pennsylvania Supreme Court in the *Harrington* case in 1968, this provision is an exclusive grant of power to this body as a whole regarding the election and qualification of our Members, where we sit as the sole and ultimate tribunal. The court has further recognized that the power to determine the election of our Members cannot be transferred away to an officer such as the Secretary of State, and, therefore, the existence of certified election results, or certificate of election, cannot bind this body. Under Pennsylvania law, a decision of this body as to the election of its Members is final. As such, it is clear that having received a petition from an aggrieved party challenging the election results for Senate District 45, it is within our authority to determine who was properly elected to serve that district.

I, therefore, move that Senate District 45 be set aside and no oath of office be administered, that no individual be sworn or seated in Senate District 45, and that no vacancy in Senate District 45 be declared unless and until such time as the Senate, as a body, takes further action on the petition and a response.

The PRESIDENT pro tempore. Senator Ward moves that Senate District 45 be set aside and no oath of office be administered, that no individual be sworn or seated in Senate District 45, and that no vacancy in Senate District 45 be declared unless and until such time as the Senate, as a body, takes further action on the petition and response.

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

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

Senator COSTA. Mr. President, I rise to object to the motion that is now being made by my colleague. I take specific reference to the ability of this Chamber to put together a committee through the Committee on Rules and Executive Nominations that is going to judge the election as it relates to what has already transpired. As we know, and I have said before, Senator Brewster was certified by our Secretary of State. That, to me, is the defining authority with respect as to whether or not he or she received enough votes to be cast that way.

Now, the issue with regard to this particular race has been litigated in the courts of Pennsylvania, has gone to the Pennsylvania Supreme Court, where they have rendered a decision regarding this issue, and then they rendered a second decision that affirmed the decision that said these ballots should be counted and that Senator Jim Brewster should be declared the victor. That motion, or that appeal to that, should have gone to the United States Supreme Court. And, by the way, I want to mention, on a similar election contest that the President pro tempore and the previous President pro tempore dealt with the issue regarding the 3-day ballot delay, counting the ballots 3 days after the election, they lost that case at the State Supreme Court. They did not go down to Federal court and file a new

lawsuit to start over again, raising the same claim. They went to the U.S. Supreme Court, and that is what was supposed to have been done here. That, in effect, was an election-type contest that they took to the Supreme Court as a matter of right of appeal from the State Supreme Court. That is not what happened here. They did not do that. And they did not take an appeal to this body from the decision of Allegheny County, which they should have done. They did not do that. And the other procedural steps and substantive deficiencies that exist should be recognized as well.

That all being said, Mr. President, no one at this point will be sworn in, and we are fortunate of that, I guess we can say. We are disappointed that it is not Senator Jim Brewster, as has been articulated a number of times by my colleagues, but, at the end of the day, the reference to this particular situation that we are going to accept the fact that this body has jurisdiction over this election contest, again, I reject--we reject--and ask that we vote accordingly. Thank you.

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

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

YEA-29

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

NAY-20

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

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

The PRESIDENT pro tempore. The motion passes.

SPECIAL COMMITTEE ON ELECTION INTEGRITY AND REFORM ESTABLISHED

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

Senator K. WARD. As a special order of business, pursuant to Senate Rules 5(a)2 and 26, and under Mason's Manual of Legislative Procedure, Section 640-1, I move the Senate do now establish a Special Committee on Election Integrity and Reform consisting of four members of the Majority party appointed by the President pro tempore, one of which shall be designated as chairperson of the committee; four members of the Minority party appointed by the President pro tempore in consultation with the Minority Leader; and the President pro tempore serving as an ex-officio voting member of the committee.

The committee shall be charged to examine the security of the vote before, during, and after Election Day; the accuracy and

security of the election process, particularly during the pre-canvassing and canvassing stages; the uniformity of the election process across the Commonwealth; the impact and role of our judiciary in the election process; the impact and role of the Secretary of the Commonwealth of Pennsylvania in issuing interpretations, guidance, and instruction regarding the election process and the conduct of the election as a whole; and other election-related issues that may come before the committee. The committee shall be charged to submit a final report of its recommendations for appropriate legislative actions to the Senate. Thank you.

The PRESIDENT pro tempore. Senator Ward moves that the Senate do now establish a Special Committee on Election Integrity and Reform consisting of four members of the Majority party appointed by the President pro tempore, one of which will be designated as the chairperson of the committee; four members of the Minority party appointed by the President pro tempore in consultation with the Minority Leader; and the President pro tempore serving as ex-officio voting member of this committee. The committee shall be charged to examine the security of the vote before, during, and after Election Day; the accuracy and security of the election process, particularly during the pre-canvassing and canvassing stages; the uniformity of the election process across the Commonwealth; the impact and the role of the judiciary in the election process; the impact and the role of the Secretary of the Commonwealth of Pennsylvania in issuing interpretations, guidance, and instructions regarding the election process and the conduct of the election as a whole; and other election-related issues that may come before the committee. The committee shall be charged to submit a final report of its recommendations for appropriate legislative action to the Senate.

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

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

Senator COSTA. Mr. President, I rise and ask for a negative vote from my colleagues on this particular resolution establishing this committee. As we know, in 2020, we passed Act 12. Act 12 created an Election Law Advisory Board for the sole purpose of examining all the things that the Majority Leader spoke about: looking at before, during, and after the election that occurred. All the things that were raised there are expected to be covered by the Election Law Advisory Board that each party had an opportunity to submit members to. We submitted members, the Majority party submitted members, and there were members who were appointed and came through this Chamber and voted on who were tasked with the responsibility of looking at the Election Law and making recommendations, recommending what needs to be done in the future in terms of how we deal with things like pre-canvassing, which we talked about a lot on this side of the aisle, looking at other matters that are important for us to talk about, including the 3-day voting afterwards, for example, and whether or not satellite offices were appropriate and how they were conducted. All those things should be looked at as we go forward, but the fact of the matter is, this is not the way to do it. We should be looking at the Election Law Advisory Board to do that.

Secondarily, we have a Committee on State Government that we will be creating momentarily as part of our rules--and we probably have already created them--they, too, have the very specific responsibility to look at the Election Law. Other matters that we dealt with through the election process, election changes that we made to the Election Law, all went through the Committee on State Government. That is where these conversations should be taking place. We should not be creating another committee with the ability of the Majority party to control it and be able to say that is going to be the final word in terms of recommendations to the full body.

For all those reasons, I ask for a negative vote on this motion. Thank you, Mr. President.

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

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

YEA-29

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

NAY-20

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

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

The PRESIDENT pro tempore. The motion passes.

ANNOUNCEMENT OF MAJORITY AND MINORITY LEADERSHIP

The PRESIDENT pro tempore. The Chair has been informed by the Republican Caucus of its officers: Majority Leader, Senator Kim Ward of Westmoreland County; Whip, Senator Gordner of Columbia County; Caucus Chair, Senator Mensch of Montgomery County; Caucus Secretary, Senator Aument of Lancaster County; Chairman of the Committee on Appropriations, Senator Browne of Lehigh County.

The Chair has been informed by the Democratic Caucus of its officers: Minority Leader, Senator Costa of Allegheny County; Whip, Senator Anthony Williams of Philadelphia County; Caucus Chair, Senator Fontana of Allegheny County; Caucus Secretary, Senator Collett of Montgomery County; Caucus Administrator, Senator Schwank of Berks County; Chairman of the Committee on Appropriations, Senator Hughes of Philadelphia County; Chairman of the Committee on Policy, Senator Muth of Montgomery County.

PERMISSION TO ADDRESS

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

Senator K. WARD. Mr. President, I stand here today with a heavy, heavy heart, a sad heart, on the passing of Representative Mike Reese. I do not know if I can do this. Can we just say prayers for his family and for him? He was such a big soul, such a big person, you knew when he walked in the room, everybody loved Mike Reese. He did a great job for our community, he loved his family, and he worked hard. He was such an honest guy and everybody knew where he stood. I always marveled at how Mike could tell somebody he disagreed with them and they left loving him. So, it is with great sadness that I just make a couple remarks about him. Thank you so much. Please pray for his family.

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

Senator COSTA. Mr. President, I rise and also echo the comments of my colleague from Westmoreland County, and we know her heartfelt pain that she is dealing with. I know the relationship that she had with Representative Reese in her home community, in Westmoreland County, and our sympathies go out, certainly, to the family of Mike Reese, his wonderful family, his children, and his wife, and the like, and his friends, but also to Senator Ward in that regard.

Mr. President, I got to know Representative Reese a little bit. We were often on the other side of the building, we did not work all that closely together, but I just found him to be someone who was a consensus builder and was someone, quite frankly, as we know, who was a rising star in the Republican Caucus in the House. He demonstrated that in a short period of time where he was able to obtain Leadership positions along those lines. When he spoke here in Harrisburg, he was sincere, and it was something that I think a lot of folks listened to, as we know, particularly on some of the issues that we dealt with last year. I also know that he was somebody back in Westmoreland County, in his district, who was very responsive and very helpful to the constituencies there and worked with the Senate and House delegation in Westmoreland County. So, I applaud him.

If I could talk a little bit about some of my fondest memories working with Representative Reese. As many Members here know, we played a lot of softball games over at the Harrisburg field, and there were a couple years where Mike Reese was the star of the show. He was part of the Yinzer team that was very successful on a number of occasions, and it was just a fond memory that I have as a person. But I know he was a great father, a great husband, and a great friend of the community. So, we join in the recognition and remarks that were made by my colleague, Senator Kim Ward from Westmoreland County.

Thank you, Mr. President.

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

Senator A.H. WILLIAMS. Mr. President, I cannot say I know the Representative extremely, personally well, but I do know of his work. And as strong as I can be, and as passionate as I can be about positions I take, when it comes to our families--I have said it multiple times--whether we are Democrats or Republicans, we come from places where we have loved ones. He has a wife and he has children. The emotion expressed by my colleague, it is not

for television, it is real. It is real because the consequence of the circumstances which challenged him are real. He was a consensus builder. I spoke to my colleagues in the House several times about him. He struck an interesting tone, and it is greatly, greatly felt by us, the loss of him. I want to certainly thank you all early in the Session for acknowledging the commitment to at least wearing our masks, and I thought about him as we were doing it, and I really appreciate the fact that we did it in a bipartisan way and manner, but I truly do want to express my heartfelt condolences to his family, his wife, his children, his colleagues, his constituents, and, most importantly, to the next generation that we have lost such a great person at such an early stage of his life.

Thank you, Mr. President.

The PRESIDENT pro tempore. May we all please stand for a moment of silence.

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

PERMISSION TO ADDRESS

The PRESIDENT pro tempore. For the information of the Members, the Commonwealth lost another tremendous public servant over the holiday. Former Governor Dick Thornburgh passed away, and the Senate will find an appropriate time to honor the service of our Governor when we can contact his family and maybe they can be part of it. But, obviously, another tragic loss for the Commonwealth during our break.

LEGISLATIVE LEAVE

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

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

The PRESIDENT pro tempore. Senator Kim Ward requests a legislative leave for Senator Pittman. Without objection, the leave will be granted.

STATEMENT BY THE PRESIDENT PRO TEMPORE

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

SENATE RESOLUTIONS ADOPTED

NOTIFICATION TO THE HOUSE

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

In the Senate, January 5, 2021

RESOLVED, That the Senate is organized in Regular Session and ready to proceed to business. The House shall be so advised.

NOTIFICATION TO HIS EXCELLENCY, THE GOVERNOR

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

In the Senate, January 5, 2021

RESOLVED, That the Senate is convened and organized in Regular Session and ready to receive any communications from His Excellency, the Governor of the Commonwealth of Pennsylvania. The Governor shall be so advised.

**THANKS OF THE SENATE TENDERED
TO THE CHAPLAIN**

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

In the Senate, January 5, 2021

RESOLVED, That the thanks of the Senate is hereby tendered to The Honorable Megan Martin for her services as Chaplain of the Senate this day.

**THANKS OF THE SENATE TENDERED TO THE
HONORABLE KENNETH A. MUMMAH FOR
ADMINISTERING THE OATH OF OFFICE TO
NEWLY-ELECTED REPUBLICAN SENATORS,
THE PRESIDENT PRO TEMPORE, AND
OFFICERS OF THE SENATE**

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

In the Senate, January 5, 2021

RESOLVED, That the thanks of the Senate is hereby tendered to The Honorable Kenneth A. Mumma, President Judge, of the Court of Common Pleas of Perry and Juniata Counties, for his services in qualifying the newly elected and re-elected Republican Senators and Officers.

**THANKS OF THE SENATE TENDERED TO THE
HONORABLE JACK A. PANELLA FOR
ADMINISTERING THE OATH OF OFFICE TO
NEWLY-ELECTED DEMOCRATIC SENATORS**

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

In the Senate, January 5, 2021

RESOLVED, That the thanks of the Senate is hereby tendered to The Honorable Jack A. Panella, President Judge, Superior Court of Pennsylvania, for his services in qualifying the newly elected and re-elected Democratic Senators.

PERMISSION TO ADDRESS

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

Senator K. WARD. Mr. President, before I do this resolution, I would like to ask the Senate for a moment of silence for Senator Mensch, whose wife passed away this past week. She fought a long, hard battle and they were married a very, very long time, and I would like to offer prayers and condolences to Senator Mensch and a moment of silence.

The PRESIDENT pro tempore. Senator Kim Ward asks for a moment of silence for Senator Mensch's wife, Joann, who passed recently.

(Whereupon, the Senate en bloc stood in a moment of silence in solemn respect to the memory of JOANN MENSCH.)

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

Senator COSTA. Mr. President, certainly on behalf of my colleagues in the whole Chamber, but also our Democratic colleagues, we, too, want to express our deepest sympathies for Senator Mensch's lovely wife. It was horrible, on Christmas day, that we learned that she had passed, and it is unfortunate that that occurred. Having lost, as some of us have - Senator Collett, Senator Corman, and some others, Donetta losing her father yesterday - when we lose people who are close to us, we feel the pain, certainly, of those folks who are left behind. We miss the people who have passed. We want to express our condolences and sympathies directly to Senator Mensch as well.

Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair thanks the gentleman.

SENATE CONCURRENT RESOLUTIONS

WEEKLY RECESS

Senator K. WARD offered the following resolution, which was read, considered, and adopted by voice vote:

In the Senate, January 5, 2021

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene the week of Monday, January 25, 2021, unless sooner recalled by the President pro tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses this week, it reconvene the week of Monday, January 11, 2021, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses the week of January 11, 2021, it reconvene on Monday, January 25, 2021, unless sooner recalled by the Speaker of the House of Representatives.

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

JOINT SESSION

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

In the Senate, January 5, 2021

RESOLVED, (the House of Representatives concurring), That the Senate and House of Representatives meet in Joint Session on Tuesday, January 5, 2021, 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 Attorney General, Auditor General, and State Treasurer, held on Tuesday, November 3, 2020, in the several counties of the Commonwealth, and to elect the 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 ATTORNEY GENERAL, AUDITOR GENERAL, AND STATE TREASURER

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

In the Senate, January 5, 2021

RESOLVED, That the gentleman from Schuylkill County, Senator Argall, be appointed Teller on the part of the Senate, for the purpose of witnessing the opening, computing, and counting of the votes for Attorney General, Auditor General, and State Treasurer, during the Joint Session of the General Assembly.

SENATE RESOLUTION ADOPTED

Senators STREET, FONTANA, SANTARSIERO, PHILLIPS-HILL, KANE, KEARNEY, MARTIN, BARTOLOTTA, SCAVELLO, BROWNE and SCHWANK, by unanimous consent, offered **Senate Resolution No. 5**, entitled:

A Resolution designating the week of January 18 through 24, 2021, as "Dr. Martin Luther King, Jr., Holiday Week" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator STREET. Mr. President, I thank Members for their acknowledgment and their willingness to recognize Dr. King week. Dr. King was a man who lived during a time when this country had not lived up to everything it needed to be. Yet, he saw the promise and potential in this country. In his "I Have a Dream" speech, he also pointed out that he thought that the principles that were laid out in our Constitution, which, when they were written did not apply to black folks, were a goal for them to apply. Although they did not apply, in many cases, to women, he thought they should apply, and while they did not even offer protections to many poor white folks, he thought they should apply. He was a man who was born in this country yet saw kinship in the struggle of people in India, in Mahatma Gandhi. He was a person who was black and lived in a segregated South but marched and died in the Poor People's March for the rights of sanitation workers, many of whom were white. He was a person who was a man but understood he had an obligation to fight for the rights of women.

So much of what Dr. King stood for is the kind of spirit that this country and this Commonwealth needs in this moment. So, I think it is appropriate that we recognize his contributions and that we ask Pennsylvanians to reflect upon his legacy, and, indeed, Members of this body, and that we all strive to live up to the great legacy that he has left for each and every American. With that, I ask for favorable consideration of this resolution, and I thank the Members for their support.

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

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

HOUSE NOTIFIES SENATE IT IS ORGANIZED

The PRESIDENT pro tempore. The Chair lays before the Senate the following communication from the House of Representatives:

The Clerk of the House of Representatives notifies the Senate that the House is organized and ready for business.

RECESS

The PRESIDENT pro tempore. 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. The Chair thanks our guests.

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 a Joint Session in the hall of the House.

AFTER RECESS

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

PETITIONS AND REMONSTRANCES

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

Senator KEARNEY. Mr. President, today I rise to speak about the Senate's rules. These rules provide the framework for how our Senate runs its legislative business, but they also limit the ability of many of our Commonwealth citizens' voices to be heard. You see, when a bill gets introduced here in the Senate, it is unlikely to ever get a vote, even if that bill has broad bipartisan support. Last Session, the Senate introduced 1,331 bills, and only 240 of those, some 18 percent, were ever given full Senate votes. We left 1,091 bills without any final passage votes. My question is, why? Well, at least part of the answer is the rules. It is time that we reconsider how we run our legislative business. As a full-time legislative body, we have a responsibility to consider more than 18 percent of the bills. How can that small a number represent the Commonwealth's citizens?

We can make small changes, ones that can promote greater bipartisanship and more of a voice for our often voiceless citizens. Even small changes, like forcing the full consideration of bills that have a majority of cosponsors who support from both parties, as well as bills that are unanimously passed by the House. They can make a difference. Our citizens do not care who the author of a bill was or what party the bill came from. They care about having their voices heard. If a bill can get true bipartisan support, it should be voted on. If a bill can pass the House unanimously, it should promptly be given a vote in this Chamber. Mr. President, I am not asking for a lot. Such a small

change would mean only an additional handful of bills would be considered, but it would be a big step in the right direction for this body, a direction towards more bipartisanship, a direction of not letting most bills die, a direction where we do our jobs.

I have been in this Chamber for only 2 years, but it is clear every day how much of an impact these rules have on my ability to do my job as a legislator. I am left to do my job at the will of the Majority Leadership, rather than the will of the majority of the legislature. I rise today to ask us to consider not just what our party wants, but what our citizens want. I will leave you with a quote to consider from Dr. Seuss, who conveys a principle that we teach our children and students about what makes democracy so valuable, but which our institutions often fail to live up to. (Reading:)

Don't give up! I believe in you all.
A person's a person, no matter how small!
And you very small persons will not have to die
If you make yourselves heard! So come on, now, and TRY!

It is time we let all our voices be heard.
Thank you, Mr. President.

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS REFERRED TO COMMITTEE

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

MEMBER OF THE STATE BOARD OF ACCOUNTANCY
December 3, 2020

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, Betsy Phillips, 3607 North Fourth Street, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Accountancy, 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 Erik Scully, Wexford, whose term expired.

TOM WOLF
Governor

MEMBER OF THE STATE BOARD OF ACCOUNTANCY
December 3, 2020

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., 1408 Rose Lane, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Accountancy, 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 Alfred Whitcomb, Mechanicsburg, whose term expired.

TOM WOLF
Governor

MEMBER OF THE ENVIRONMENTAL
HEARING BOARD

December 3, 2020

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., 1408 Rose Lane, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Environmental Hearing Board, to serve for a term of six years, and until the successor is appointed and qualified, vice Richard P. Mather, Harrisburg, resigned.

TOM WOLF
Governor

JUDGE, COURT OF COMMON PLEAS,
ALLEGHENY COUNTY

December 3, 2020

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, Allegheny County, to serve until the first Monday of January 2022, vice the Honorable Donald R. Walko, Jr., resigned.

TOM WOLF
Governor

JUDGE, COURT OF COMMON PLEAS,
LEHIGH COUNTY

December 3, 2020

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, Lehigh County, to serve until the first Monday of January 2022, vice the Honorable Maria L. Dantos, resigned.

TOM WOLF
Governor

JUDGE, SUPERIOR COURT OF PENNSYLVANIA

December 3, 2020

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 2022, vice the Honorable Susan Peikes Gantman, resigned.

TOM WOLF
Governor

MEMBER OF THE STATE BOARD OF MEDICINE

December 3, 2020

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, 1009 Roman Knoll Court, Harrisburg 17109, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Medicine, to serve until June 19, 2021, and until the successor is appointed and qualified, but not longer than six months beyond that period, vice Nirmal Joshi, Mechanicsburg, resigned.

TOM WOLF
Governor

MEMBER OF THE MILK MARKETING BOARD

December 3, 2020

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, Rebecca Dombrowsky, 669 Rockwood Drive, Elizabethtown 17022, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the Milk Marketing Board, to serve until May 1, 2023, and until the successor is appointed and qualified, vice Carol Hardbarger, Newport, resigned.

TOM WOLF
Governor

MEMBER OF THE MUNICIPAL POLICE OFFICERS'
EDUCATION AND TRAINING COMMISSION

December 3, 2020

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, Rebecca Dombrowsky, 669 Rockwood Drive, Elizabethtown 17022, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the Municipal Police Officers' Education and Training Commission, to serve until May 23, 2021, and until the successor is appointed and qualified, vice Jarrad Berkihiser, Lancaster, resigned.

TOM WOLF
Governor

MEMBER OF THE STATE BOARD OF PHARMACY

December 3, 2020

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 (Public Member), 1009 Roman Knoll Court, Harrisburg 17109, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Pharmacy, to serve until September 24, 2025, and until the successor is appointed and qualified, but not longer than six months beyond that period, vice Thomas Carey, Harrisburg, resigned.

TOM WOLF
Governor

MEMBER OF THE STATE BOARD OF SOCIAL
WORKERS, MARRIAGE AND FAMILY THERAPISTS
AND PROFESSIONAL COUNSELORS

December 3, 2020

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., 1408 Rose Lane, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, 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 Renee Cardone, Collegetown, whose term expired.

TOM WOLF
Governor

TREASURER, CLARION COUNTY

December 3, 2020

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., 1408 Rose Lane, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as Treasurer, in and for the County of Clarion, to serve until the first Monday of January 2022, vice Tom McConnell, resigned.

TOM WOLF
Governor

MAGISTERIAL DISTRICT JUDGE

December 3, 2020

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., 1408 Rose Lane, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as Magisterial District Judge, in and for the County of Delaware, Magisterial District 31-2-32, to serve until the first Monday of January 2022, vice the Honorable Andrea Puppio, resigned.

TOM WOLF
Governor

MAGISTERIAL DISTRICT JUDGE

December 3, 2020

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., 1408 Rose Lane, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as Magisterial District Judge, in and for the Counties of Juniata and Perry, Magisterial District 41-3-03, to serve until the first Monday of January 2022, vice the Honorable Daniel McGuire, resigned.

TOM WOLF
Governor

SECRETARY OF EDUCATION

December 7, 2020

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, Noe Ortega, 108 Merlin Drive, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, for appointment as Secretary of Education, to serve for a term of four years, and until the successor is appointed and qualified, vice Pedro Rivera, Lancaster, resigned.

TOM WOLF
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF
KUTZTOWN UNIVERSITY OF PENNSYLVANIA OF
THE STATE SYSTEM OF HIGHER EDUCATION

December 7, 2020

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, Kevin Harden, Jr., 6436 Emlen Street, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, for appointment as a member of the Council of Trustees of Kutztown University of Pennsylvania of the State System of Higher Education, to serve until October 25, 2022, and until the successor is appointed and qualified, vice Jolynn Haney, Collegeville, resigned.

TOM WOLF
Governor

SECRETARY OF LABOR AND INDUSTRY

December 7, 2020

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, Jennifer Berrier, 736 Reserve Way, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as Secretary of Labor and Industry, to serve until January 17, 2023, and until the successor is appointed and qualified, vice W. Gerard Oleksiak, Dresher, resigned.

TOM WOLF
Governor

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

December 7, 2020

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, Nandi Jones-Clement, 1020A Old Valley Forge Road, King of Prussia 19406, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the Board of Trustees of Lincoln University of the Commonwealth System of Higher Education, to serve until August 31, 2024, and until the successor is appointed and qualified, vice Maceo Davis, Chadds Ford, whose term expired.

TOM WOLF
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF
LOCK HAVEN UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

December 7, 2020

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, Daniel Elby, 3535 Pebble Ridge Drive, York 17402, York County, Forty-eighth Senatorial District, for reappointment as a member of the Council of Trustees of Lock Haven University of Pennsylvania of the State System of Higher Education, to serve for a term of six years, and until the successor is appointed and qualified.

TOM WOLF
Governor

MEMBER OF THE STATE BOARD OF NURSING

December 7, 2020

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, Artinese Malachi, 1229 Smokey Wood Drive, Pittsburgh 15218, Allegheny County, Forty-third Senatorial District, for appointment as a member of the State Board of Nursing, to serve for a term of six years, and until the successor is appointed and qualified, but not longer than six months beyond that period, vice Suzanne Hendricks, Quakertown, whose term expired.

TOM WOLF
Governor

MEMBER OF THE PENNSYLVANIA
PUBLIC UTILITY COMMISSION

December 7, 2020

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, Hayley Book, 70 Warrington Way, Wellsville 17365, York County, Thirty-first Senatorial District, for appointment as a member of the Pennsylvania Public Utility Commission, to serve until April 1, 2025, and until the successor is appointed and qualified, but not longer than six months beyond that period, vice Andrew Place, Waynesburg, resigned.

TOM WOLF
Governor

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

December 7, 2020

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 Fillippo, 245 Mine Road, Malvern 19355, Chester County, Nineteenth Senatorial District, for

reappointment as a member of the Council of Trustees of West Chester University of Pennsylvania of the State System of Higher Education, to serve for a term of six years, and until the successor is appointed and qualified.

TOM WOLF
Governor

GENERAL COMMUNICATIONS

STATE ETHICS COMMISSION RULINGS

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

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

TO: Director or Administrator
FROM: Robert Caruso, Executive Director
State Ethics Commission
DATE: May 1, 2020
RE: Distribution of State Ethics Commission Rulings

On June 26, 1989, the revised Public Official and Employee Ethics Law was enacted which re-authorized the State Ethics Commission. The State Ethics Commission is responsible for issuing various types of rulings on matters within its mandated jurisdiction. Pursuant to the law, the Commission is mandated to forward, quarterly, a copy of every Opinion, Advice of Counsel, and Order issued to one law library in each county, one public library in each county, the State Library, the State Senate Library, each authority appointing a Commission member, the Pennsylvania Association of County Commissioners, the Pennsylvania Association of Boroughs, the Pennsylvania State Association of Township Supervisors, the Pennsylvania State Association of Township Commissioners, the Pennsylvania State School Boards Association, and the Pennsylvania League of Cities. Your agency is either specifically identified in the above requirement or has been selected as a library to which this mailing will be made pursuant to the above authority. As such, enclosed please find decisions of the State Ethics Commission from January 1, 2020, to March 31, 2020. Due to budgetary restraints, a CD containing said rulings will replace paper copies that were previously sent.

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

Commission Opinions - Opinions are advisory rulings issued by the State Ethics Commission regarding the duties and responsibilities of public officials and employees under the Public Official and Employee Ethics Law. Opinions are catalogued by year of issuance followed by the sequential number of the opinion during that year. As such, opinions relating to 2020 will begin with the number 20-001 and proceed there from as decisions are rendered.

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

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

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

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

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

STATE ETHICS COMMISSION RULINGS

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

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

TO: Director or Administrator
FROM: Robert Caruso, Executive Director
State Ethics Commission
DATE: July 21, 2020
RE: Distribution of State Ethics Commission Rulings

On June 26, 1989, the revised Public Official and Employee Ethics Law was enacted which re-authorized the State Ethics Commission. The State Ethics Commission is responsible for issuing various types of rulings on matters within its mandated jurisdiction. Pursuant to the law, the Commission is mandated to forward, quarterly, a copy of every Opinion, Advice of Counsel, and Order issued to one law library in each county, one public library in each county, the State Library, the State Senate Library, each authority appointing a Commission member, the Pennsylvania Association of County Commissioners, the Pennsylvania Association of Boroughs, the Pennsylvania State Association of Township Supervisors, the Pennsylvania State Association of Township Commissioners, the Pennsylvania State School Boards Association, and the Pennsylvania League of Cities. Your agency is either specifically identified in the above requirement or has been selected as a library to which this mailing will be made pursuant to the above authority. As such, enclosed please find decisions of the State Ethics Commission from April 1, 2020, to June 30, 2020. Due to budgetary restraints, a CD containing said rulings will replace paper copies that were previously sent.

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

Commission Opinions - Opinions are advisory rulings issued by the State Ethics Commission regarding the duties and responsibilities of public officials and employees under the Public Official and Employee Ethics Law. Opinions are catalogued by year of issuance followed by the sequential number of the opinion during that year. As such, opinions relating to 2020 will begin with the number 20-001 and proceed there from as decisions are rendered.

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

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

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

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

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

2019-20 ANNUAL REPORT OF THE PENNSYLVANIA TREASURY 529 COLLEGE SAVINGS PROGRAM

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

COMMONWEALTH OF PENNSYLVANIA
Treasury Department
129 Finance Building
Harrisburg, PA 17120

December 8, 2020

Dear Fellow Pennsylvanians:

On behalf of the Tuition Account Program Advisory Board, I am pleased to present the annual report of the Pennsylvania 529 College and Career Savings Program (PA 529) for fiscal year 2019-20.

Since the program’s beginning it has helped more than 129,710 students pay for higher education expenses. The program has paid more than \$4.1 billion to cover these expenses. 31,014 students used PA 529 accounts to pay \$464.7 million for their higher education this year alone.

PA 529 continues to excel by virtually any metric. The total accounts of both the Guaranteed Savings Plan (GSP) and the Investment Plan (IP) grew to 250,968 which is a 5.12% increase from last year. Total account owner contributions grew by 10.84% to \$652 million—bringing the total assets of PA 529 under management to \$5.52 billion, an increase of 6.15% from the previous year.

The PA 529 IP was awarded the Morningstar Silver RatingTM, an upgrade from its first-ever Morningstar Bronze RatingTM last year. These ratings put the PA 529 IP in the “Top 529 College Savings Plans” and among the elite “Best in Class” plans. Nationwide, only 14 plans rate as Silver (11) or Gold (3). It should be noted that the PA 529 IP is one of only three 529 plans across the nation whose rating rose from neutral to silver in just two years. These ratings recognize the hard work of Treasury over the past few years to improve the IP through age-based investment options, portfolio diversification, fee reductions, and overall better oversight of the plan. This designation will help us continue to make improvements that will help Pennsylvania families save for higher education costs.

The IP was also able to lower fees again for account owners. The reduction of 0.005% was a result of an increase in assets under management. Treasury anticipates further reductions as assets continue to grow and meet new thresholds. This new reduction continues a multi-year record of working to reduce fees for PA 529 savers.

For the eighth consecutive year, the PA 529 GSP is more than fully funded, at 127.30%. Subsequent to the end of the Fiscal Year, the GSP’s actuarial status was 129.38% as of September 30, 2020.

While the PA 529 program continues to grow, the addition of Keystone Scholars is making a significant impact across the Commonwealth, and helping families start saving as early as possible. The program, that offers \$100 starter deposit into a PA 529 GSP account for every baby born or adopted by a Pennsylvania family, started statewide

in 2019, following the passage of legislation in 2018 and currently has more than 200,000 participants.

Keystone Scholars started in 2018 with a demonstration project in six counties. Researchers have helped us conclude that the availability of Keystone Scholars has a positive impact on families opening PA 529 accounts during the first year of their child’s life. Families in pilot counties were twice as likely to open a PA 529 account during their child’s first year than those in other counties—this was true across all demographics.

This promising finding shows the power of Keystone Scholars and the impact it can have on every new Pennsylvanian. The program helps jumpstart savings for every child without using any taxpayer funds. Keystone Scholars is funded by existing earnings dollars by the GSP and philanthropic donations.

We are excited by these accomplishments, but even more so by the bright future for the PA 529 College and Career Savings Program. Helping families save for postsecondary education is important not only for their individual goals, but for the well-being of the commonwealth’s economy, workforce, and next generation.

Sincerely,

JOE TORSELLA
Pennsylvania State Treasurer

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

ANNUAL REPORT ON THE WIRETAPPING AND ELECTRONIC SURVEILLANCE CONTROL ACT

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

The Supreme Court of Pennsylvania
Pennsylvania Judicial Center
601 Commonwealth Avenue, 8th Floor
P.O. Box 60828
Harrisburg, PA 17106-0828

December 9, 2020

Ms. Megan Martin
Secretary - Parliamentarian of the Senate
Commonwealth of Pennsylvania
462 Main Capitol
Harrisburg, PA 17120

Dear Ms. Martin,

In accordance with Section 5723(d) of the Wiretapping and Electronic Surveillance Control Act, 18 Pa.C.S. §5723(d), I forward herewith the required annual report.

Sincerely,

THOMAS G. SAYLOR

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

2020 MARCELLUS ANNUAL REPORT

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

COMMONWEALTH OF PENNSYLVANIA
 Pennsylvania Emergency Management Agency
 Office of the State Fire Commissioner
 1310 Elmerton Avenue
 Harrisburg, Pennsylvania 17110

December 31, 2020

To the General Assembly
 Commonwealth of Pennsylvania
 Harrisburg, PA 17120

RE: 2020 MARCELLUS ANNUAL REPORT

Attached is PEMA's 2020 Marcellus Annual Report for distribution. Let me know if you have any questions.

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

**APPOINTMENTS BY THE
 PRESIDENT PRO TEMPORE**

The PRESIDENT pro tempore. The Chair wishes to announce the President pro tempore has made the following appointments:

Mrs. Michelle A. Brown as Staff Administrator for the Majority Caucus.

Senator John R. Gordner as a member of the Capitol Preservation Committee.

Senator E. Eugene Yaw as a member of the Board of Directors for the Center for Rural Pennsylvania.

Ms. Joanne Manganello as a member of the Joint Agency Task Force on Misclassification of Employees.

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDENT pro tempore. The Chair wishes to announce the Majority Leader has made the following appointment:

Mr. Timothy S. Wachter as a Commissioner to the Pennsylvania Commission to the United States Semiquincentennial.

APPOINTMENTS BY THE MINORITY LEADER

The PRESIDENT pro tempore. The Chair wishes to announce the Minority Leader has made the following appointments:

Mr. Anthony Lepore as Staff Administrator to the Democratic Caucus.

Mr. Drew Simpson as a member of the Joint Agency Task Force on Misclassification of Employees.

**PETITIONS AND REMONSTRANCES
 (Continued)**

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

Senator FONTANA. Mr. President, I wanted to take a few moments to address what occurred in this Chamber today relative to Senator Brewster, the certified duly-elected winner of the November 2020 election in the 45th Senatorial District, not being sworn in to another term. Mr. President, make no mistake, what occurred in this Chamber today, in this Senate in which we all have taken an oath, is at best disingenuous, and at worst dangerous. Dangerous because stealing an election is an affront to our democracy. It is not the rule or whim of this legislative body to

decide who gets the privilege to serve. The job lies with the voters of each of our districts. Whether it is a large margin or slim one, the person who receives the most votes is the winner and shall serve. The results of the November election that were counted, recounted, certified by Pennsylvania Department of State, and upheld in multiple court rulings show that the elected Senator of Pennsylvania's 45th Senatorial District is Jim Brewster.

Mr. President, it is deeply troubling to stand here today as those on the other side of the aisle use the power given to them by the voters to not seat a Senator selected by the voters of the 45th Senatorial District simply because he was not their candidate. This should not be about political parties. This is about upholding democratic elections decided by the people in counting the votes cast in good faith by those people. No one in this Chamber, Republican or Democrat, should ever play politics with the people of Pennsylvania's fundamental right to select their elected representatives in this Senate or any other body at any level of government.

What is interesting, Mr. President, is that if and when the shoe is on the other foot, how vastly different the approach is. For instance, just across the Capitol Building today in the other Chamber of this General Assembly, a newly-elected Republican Member of the House of Representatives whose very district overlaps with the 45th Senatorial District in both Allegheny and Westmoreland Counties, someone who defeated the sitting Minority Democratic Leader of the House, took the oath of office today. That oath was given without question, and rightfully so, after a similar hard-fought campaign by both candidates. They were voters of the very same counties, some within the same municipalities as Senator Brewster's race. It is interesting, Mr. President, how two very similar results have been met with very different perceptions in this building. Why do you think that is? Is it because the Majority party in this case, the Republicans, should be able to do whatever they want regardless of what is right and fair? In my opinion, they sure demonstrated that today, and I would say it is politics, in my opinion. A complete disregard for working together, and, by the way, the notion of working together was mentioned in our opening prayer today, and I would hope that we all take that to heart going forward.

Yes, Mr. President, we may disagree on issues of philosophies and how to approach various challenges we face, but what I always thought we could and should agree upon were the principles on which this great Commonwealth and our nation were founded. That was until today, which is what makes it a very sad, very troubling day. Again, our approach to tackling the issues of the day are debatable, as they should be, but this attack on our representative democracy is not debatable, it is deplorable. We really need to restore the integrity of this Senate over what happened here today by respecting our election system and by standing by the will of the people of the 45th Senatorial District and swearing-in Senator Jim Brewster.

Thank you, Mr. President.

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

Senator COLLETT. Mr. President, I will submit my remarks for the record, if that is okay. Thank you.

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

(The following prepared remarks were made part of the record at the request of the gentlewoman from Montgomery, Senator COLLETT:)

Mr. President, on a day marked by history and tradition as a celebration of democracy in the Commonwealth of Pennsylvania, at a time when we should be celebrating the hard-fought victories of the newly elected and returning Members of our Chamber and reflecting on the important work ahead of us, I rise to reiterate my shock that the integrity of certified election results - and the integrity of Pennsylvania voters - are being questioned.

I am sad and, quite frankly, outraged that Senator Corman and Leader Ward insisted upon wasting time and dragging this Chamber into the mud by disputing the close but definitive victory of Senator Jim Brewster, our colleague from Allegheny and Westmoreland Counties.

The Majority Leader's refusal to swear him in today - going so far as to remove Lieutenant Governor Fetterman, the President of the Senate, from his rostrum for following procedure and entertaining motions on the issue - is nothing more than a disingenuous ploy to piggyback on a hot-button national political debate and gain favor with an outgoing President and his followers. It is no secret that Pennsylvania Republicans had a good year this year, and they know darn well that these elections, their successful elections, were conducted with integrity and have withstood independent review by countless local and county officials, as well as our State and Federal courts. You cannot have it both ways. This maneuver denies the reality of close elections and temporarily denies representation to the people of the 45th Senatorial District while a final, doomed legal challenge plays out.

Ultimately, Senator Brewster received 69 more votes than his opponent in a hard-fought race. Just because an election is a close one does not mean it is illegitimate. On the contrary, it highlights that in a democracy, every single vote makes a difference, and that the voters - not legislators or judges - have the final word.

Debasing that core democratic principle for political points establishes a dangerous precedent. No individual or party should hold enough power to sway elections and disenfranchise the voters.

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

Senator MUTH. Mr. President, I will submit my remarks for the record.

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

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

Mr. President, I rise today once again unfortunately disappointed with actions taken and decisions made by this legislative body. Today, on the opening of a new legislative Session and the start of a new year, we had the opportunity to serve our constituents in a transparent and fair manner. Unfortunately, this Chamber has done business as usual, largely voting along partisan lines and acting only to support their own political ideologies. By refusing to allow a duly-elected Senator to be sworn in, the Majority party stole the voice of thousands of Pennsylvania voters who took the time to do their civic duty to cast support for Senator Brewster. The election was certified, the courts have had their say, and despite the hundreds of thousands of taxpayer dollars spent to ensure a free and fair election - the handful of Members serving the Majority party stood here today and blocked Senator Brewster from taking office.

This is unconscionable and clearly a violation of the very oath others took here today. This was, of course, only possible after taking the unprecedented and unconscionable action of removing another official acting in their official authority. Our Lt. Governor Fetterman was acting appropriately when attempting to seat Senator Brewster, and the moves made to remove him from the podium and from this Chamber speak volumes to the extent that some Members of this body are willing to go in order to distort the democratic process. The law is

quite clear that it is the duty of our Lt. Governor to recognize Members and provide them with the opportunity to represent their constituents. I have no doubt that the actions taken in this Chamber today will have lasting impacts on the future of the Commonwealth and will not be resolved this evening upon the sound of the gavel.

Now, more than ever during an ongoing global pandemic, we have a responsibility to put policy above politics in order to help those in our communities who are suffering. Today, I witnessed the confirmation of officials who have not advanced these goals, serving only to advance the policies and politics of the Majority party. Appointing officials who have a lengthy history of favoring one party over the other will only continue to operate in a partisan manner and will only further divide this Chamber at a time when we need to work together.

Just as of December 31, the Chief Clerk's office chose not to renew a contract with Pennsylvania Legislative Services, a resource my staffers, as well as many others, use for vital information during Session. They still continue to pay the Capitol Wire subscription, which is a conservative legislative apparatus. Additionally, on January 1, a State government holiday, the Senate Secretary's office gave special privileges to the Majority party and opened their office to receive an untimely petition.

Sadly, today I only saw a continuation of the political battles and partisan decisions that will further harm our Commonwealth. The prime example of this was the adoption of rules meant only to block transparency, limit accountability, and prohibit full representation by all Members of the Senate. The rules adopted today will only serve to erode faith in democracy, encourage bills that only serve special interests, and prohibit good bills from becoming law.

Further, today I witnessed many Members who voted for these flawed rules violate the very provisions they were voting for. Members spoke out of order, they took over the rostrum without just cause or proper decorum, and claimed to champion transparency but blocked questions.

We should be clear about the changes to the rules that we adopted. The newly established rules will allow special committees, appointed solely by the President pro tempore, to have the same subpoena privileges as standing committees. They further limited the ability to record activity on the floor - which compounds the lack of transparency that currently exists through the Majority party's current practice to limit the video streaming to the rostrum or Senator speaking - not showing the full floor or activity on the floor. They further limited the ability of all Members to represent fully and in accordance with the Constitution.

Today I offered a resolution that would have provided balance to the rules we claim to follow. My resolution would have improved how we operate and allowed for increased transparency and accountability for the 2021-22 Session. The resolution was based off of last Session's with changes to ensure that each Member can adequately represent their constituents. The proposed rules in the resolution are designed to advance policy, ensure transparency in the process, encourage public participation, and hold Members accountable to the public and their interests.

Unfortunately, my resolution was not adopted. Unlike the three preceding resolutions which received roll call votes, the Majority party forced my resolution to be referred to the Committee on Rules and Executive Nominations, where it will likely never see a hearing nor a vote. These changes, championed by myself and Senator Lindsey Williams, were shared over a month ago with our Caucus legal counsel, who brought the proposed changes to the Majority party's counsel during rules negotiations. The Majority party did not include any of our proposed changes in their operating resolution.

While I am not surprised, I am regretful that our constituents have once again been denied the representation that should be granted. These changes would have improved our process and allowed for a clear and transparent discussion on what is best for Pennsylvania during this period of unprecedented crisis. Our constituents are not concerned about the political battles that take place in the halls of the Capitol, but they are concerned that their voices are not being heard and when legislation they need does not get any consideration. This needs to change, and it is my hope as we move forward in this new Session that Members of this Senate, on both sides of the aisle, will be able to set aside partisan differences and do what is best for the people of this Commonwealth.

2021 is just beginning and so much remains uncertain for all Pennsylvanians, who are subject to the childish whims of an undemocratic and opaque Majority party. However, I know that I will fight day in and day out for my constituents and the people and working families throughout this Commonwealth.

Thank you, Mr. President.

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

Senator COSTA. Mr. President, I rise today to recognize the tremendous service to this Commonwealth from our Senate Librarian, Evelyn Andrews. It is my distinguished privilege today to rise and recognize her for more than 31 years of distinguished service to the Senate of Pennsylvania and our Commonwealth as the Senate Librarian. Since joining the Senate in 1989, Evelyn has transformed the library, both in form and in function, and has been a committed and dedicated member of the Pennsylvania Senate family and community. Evelyn oversaw not only one, but two, renovations of our library, committed herself to the future of the important institution both in 1994, and more recently in 2018. Her work overseeing these renovations will not be forgotten and will insure that future generations have access to these resources to fully appreciate the legacy of this historic building and, in particular, this Chamber.

Evelyn went further and helped shape the importance of our Commonwealth's history with all of Pennsylvania by developing and presenting a number of exhibits that highlight the Senate, this Chamber, the Capitol, and most importantly, our Commonwealth. My Capitol office is located directly across from the Senate Library, and I have come to appreciate the opportunities to interact with Evelyn each time I was in Harrisburg during Session. She treated my staff, as well as many others, with kindness and warmth in offering guidance, along with the occasional cup of coffee or cookies. Once again, I offer my sincere thank you to Evelyn Andrews for over three decades of service and commitment to the Senate Library, and, more importantly, to the Senate of Pennsylvania as a whole. I wish her well and ask my colleagues to join me in wishing her well as we celebrate her retirement and let her know that her presence and her dedication has been important, but, most importantly, will be missed.

Thank you, Mr. President.

(Applause.)

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

Senator L. WILLIAMS. Mr. President, I rise to speak on a few topics today. Today, my colleague and friend, Senator Jim Brewster, was denied the opportunity to serve the constituents of the 45th District. But even more importantly, the constituents of the 45th District were denied representation today. Twenty-six Republican Senators decided that they would ignore the votes in that district and not seat Senator Brewster. It is a direct attack on our democracy. Two years ago, I was in a somewhat similar situation where there were threats that I might not be seated, and I know that Senator Randy Vulakovich spoke up on my behalf and said that he thought it was important that the constituents of the 38th District deserved their Senator; I was elected, I won, and I should be seated. I respect him for saying that, and the efforts that he took to not be partisan and to follow the Constitution, things that were ignored today. It was ignored that the constituents of the 45th District will be without representation because

26 Senate Republicans decided that they did not want to follow the results of a certified election, that they wanted to continue down the path of frivolous litigation, and that is a shame for our democracy, and it is really scary moving forward about what we are going to be facing if we just continue to ignore the Constitution and operate under rules that allow the Majority, by a simple majority vote, to subvert the will of the people. We attempted to change those rules today. We failed. We attempted to make sure that the rules are public information. We will continue that fight because I believe that, as a Senator, it is my responsibility to be fair and transparent and as public as possible about what happens in this Chamber and what I do and how I represent my constituents. So I will continue that.

I also want to state for the record that I voted against the Secretary of the Senate and the Chief Clerk because it is clear that these positions have become partisan. These positions are supposed to be nonpartisan and serve all Members equally and fairly, and that has not been my experience.

Thank you, Mr. President.

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

Senator HUGHES. Mr. President, I want to make sure that my voice is heard clearly through this mask. What I want folks to understand is this: that on this day, January 5, 2021, the Senate Republicans stole an election from a duly-elected sitting Senator in his reelection. They stole the election. Folks at home cannot quite see what the floor of the Senate looks like right now. Right now, the floor of the Senate is populated by Democratic Senators. However, on the other side, the desks are empty. So they stole the election and ran away from the scene of the crime. They stole the election and ran away from the scene of the crime. Now a few of them want to come back. Maybe they want to come back and see if they can find any other dregs or any other things that they can steal from this process. They can wave their hands all they want to, but this is not funny. How would you have liked, as a sitting Senator going through an election, win the election, have all of the Federal court challenges you win, all of the State court challenges you win, have the Secretary of the Commonwealth of Pennsylvania certify that you are the winner, and then when you are to be sworn in, the election is stolen from you. That is what happened today, probably about 5 1/2, 6 hours ago. The election was stolen from duly-elected Senator Jim Brewster of the 45th Senatorial District.

The election totals are this, Mr. President: 66,261 for Brewster; 66,192 for Zicarelli. A lot of votes cast. Small margin of victory. But margins of victory only equate to one more vote than the other person. In this case, Senator Brewster won the election. But the Republican Senators stole it from him. They stole the seat not just from him, but from the people who reside in the 45th Senatorial District. There were several legal challenges in the course of the counting of the vote in the 45th Senatorial District race. There were challenges at the State level. Each and every time the challenge occurred in State court, Senator Brewster won.

There were challenges in Federal court. Each and every time Senator Brewster was successful, he won in Federal court. Even by Trump-appointed judges. The irony of all of this. Trump always seems to be kind of hanging around, hanging around. Trump hangs around and he has his minions doing his bidding for him. In this case, the minions are in the Senate Republican

Caucus. This is not some small thing. This is a big thing. This is a big deal. Local township commissioner, how would you like it if you ran your race and you won your race and then someone came up and said, well, I do not like the color of your campaign material, I am going to steal the election from you. That is what the Senate Republicans did. They are thieves. They stole the election. Just like Trump is trying to do in Washington, D.C. They stole the election, again, from the 45th District and from Senator Jim Brewster. Stole it. Grand larceny. Thievery.

This thing called voting is the foundation of our democracy. We have lived for hundreds of years in the real world of all kinds of voter suppression. Finally, it has gotten so bad, this whole thing of voter suppression, that it has realized itself on the floor of the Pennsylvania Senate where they are not just suppressing individual voters in the process of voting, they are suppressing the vote after the vote has been counted and tallied and recorded and certified by the Secretary of the State of the Commonwealth of Pennsylvania. Thieves. Lurking in the night. Ready, put your hands in your pockets or they might take the money out of your own pockets. That is what has happened here.

I have traveled around this country on a special commission from 2 years ago to see voter suppression in States all across the nation. Georgia, Michigan, California. Numerous places I have been, held hearings with other elected officials and election experts all around the country. I have seen some crazy things in this world around voting. Stealing the election after the votes were counted, tabulated, and certified reaches the pinnacle of voter suppression. Thieves. Thieves. The man won the election, Jim Brewster. An individual who many of the Republican colleagues have said, Jim, you know I like you--and you always got to worry when they start off like that--you know I like you, you are a good man, we like working with you. Then when that line comes--and you know what I am going to say--that line comes and they say, this is not personal, it is just the work we do. That is when you better make sure that your hands are in your pocket, because that is when--this is not personal--I am just going to steal the election. I am just going to deprive--from your duly-won victory--I am going to deprive your constituents from representation. Right now, the people in the 45th Senatorial District have no representation. They voted for it. They contributed to campaigns for it, but they have no representation right now. Why? Because the Senate Republicans stole the election from the winner. Stole it. Thieves. Stole the election. Nothing more and, oh, my goodness, absolutely nothing less. Stole it.

I am going to repeat the facts one more time, because you cannot refute it. Jim Brewster: 66,261 votes. Nicole Zicarelli: 66,192 votes. A lot of votes cast in a Senate election in Pennsylvania. The difference is 69 votes. Senator Brewster won by 69 votes. There were several recounts. Oh, that is right. They counted, and they counted, and they counted some more. Hand recounts. Then there were several court challenges in State court. Jim Brewster won every court challenge in State court. Okay, there were several challenges in Federal court. Jim Brewster won every challenge in Federal court. All right, now. So the popular vote, the State court, the Federal court, and then the Secretary of State waits about 7 weeks after November 3 to certify the election, an unprecedented amount of time to allow everybody to have their say. Everybody had their say. The county officials had their say, the muckity-mucks had their say, and then she said, look, everything has been said and done and the result is

still the same. The Secretary of State does not determine the result, the result is determined at the local level. The election was certified. See, the certification of election is recognized at every State, but it is also a process that is recognized in Federal law.

Now, I am not a lawyer, Senator Street, but I have learned enough about that. It is recognized in Federal law. Wait for the States to certify. States certify, Feds take the report. He won. He won the popular vote, most important. He won the State court challenges, he won the Federal court challenges, the Secretary of State certified the election, and then, on today, January 5, somewhere around 1 o'clock or so, the Senate Republicans stole the election from Senator Brewster and stole the election from the people of the 45th Senatorial District when they chose not to recognize his numbers and not to recognize the outcome. They did not like the results, they did not like the outcome. So, utilizing the power of their Majority, their gerrymandered Majority, I might say, they made the decision to say, no, not going to have it. You are not in. We will see you somewhere down the road. Thieves. Thieves. Thieves. Thieves. Senate Republicans are thieves. Senate Republicans have committed theft on this day when they stole that election. When they did not seat Senator Brewster, who won the election. Stolen election. The highest form of voter suppression, the highest form of voter suppression is to steal the election away from the winner after the election was certified.

Mr. President, I have participated in eight swearing-in ceremonies in the Pennsylvania Senate. I have seen a lot. Eight is the number. First one was November 21, 1994, my own, and then a number subsequently after that. I have never seen, I have never seen--no one in this body has that kind of seniority. No one in this Chamber has been around for that many swearing-in ceremonies. I have seen it all. Or at least I thought I saw it all, until about 1 p.m. today, January 5, 2021, when the Senate Republicans stole an election after it was certified, after it was victorious in Federal court and State court, and after the votes had been counted a couple of times and Senator Brewster won the race. They stole it. It is not any more complicated than that. It is real simple, and it is fundamental.

We go through this process of working and connecting with our constituents to solve problems, to deal with issues, to respond to their needs. We go through this process of helping them and, hopefully, they recognize that at election time, that the individual that has been helping them is worthy of support. We go through this process called an election, that is called democracy. We go through this process of running campaigns and knocking on doors and having Zoom meetings and phone calls and commercials and raising money and talking to various people in our districts. That is called campaigning. That is called democracy, and on Election Day, the voters make their decision, and the voters made their decision in the 45th Senatorial District. Senator Jim Brewster was their decision. The State courts and the Federal courts backed that up. The Secretary of the State of the Commonwealth of Pennsylvania backed that up. So democracy occurred. Then when it comes time to take the next step from democracy to representation, where you get sworn in to the body, in this case the Pennsylvania Senate, you get sworn in to do the representation part, which is part of the fundamentals of our system, Senate Republicans participated in one of the greatest heists in the history of this State. Maybe in the history of this nation. They stole the election away from Senator Brewster.

That is what they did. He won it, it was supported by various legal decisions, and then when it came time to, came time to put his left hand on the Bible and his right hand in the air and swear to the oath to protect and defend the Pennsylvania Constitution and the United States Constitution, that opportunity was snatched from him in the greatest effort of voter suppression that most of us have ever seen.

Stolen election. Stolen democracy. That must change. That has to be changed. That cannot be who we are. But, it is Trumpian in its very essence, because that is what he is trying to do in Washington, D.C. Just listen to the tapes of him and the election officials in Georgia. Do you see a similarity? Do you see a connection? Do you see where this all comes together? I do not like the results, I am going to just not accept them, I am going to do something else. It is a dark moment. It is a dark moment for this nation and it is a dark moment for this State, and, quite frankly, this body has never sunk so low as it has on what occurred here today. Larceny, thievery, committed by the Senate Republicans to deny Jim Brewster, rightfully elected in the 45th Senatorial District--

POINT OF ORDER

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

The PRESIDENT pro tempore. Will the Senator yield, please. Will the Senator state her point of order.

Senator K. WARD. Mr. President, my colleague across the aisle is impugning the integrity of our Members. I believe that is out of line.

The PRESIDENT pro tempore. Senator Hughes, I have tried to give you great latitude, particularly since we are on Petitions and Remonstrances and we give great latitude to remarks from Members, but impugning a Member's character or impugning a Member's intentions is still against the rules at any time. So I would ask you to refrain from characterizing fellow Senators in a negative or derogative way.

Please continue.

Senator HUGHES. Mr. President, I want to be clear, I have not talked about anyone's character, I have talked very clearly about the facts and what has occurred. He was the Senator, he won the popular vote, his election was supported in State court, in Federal court, certified by the Secretary of the Commonwealth of Pennsylvania, and when it was time for him to put his left hand on the Bible and put his right hand up to take his oath of office, that moment was denied to him, denied to him because of a ruling as a result of the power of the Majority. I believe, in my neighborhood, that is stealing the election. I believe, in my neighborhood, that is unacceptable. I believe, in my neighborhood, that we have a set of rules that we are supposed to follow, and, in this case, the Majority did not like the outcome in any place because they lost every time in their challenges, they lost every time, they did not like it so they are just going to commit the greatest kind of voter suppression, which is take the election from Senator Brewster and the people he represents.

Just because you do not like the results does not mean you can change it. We all do not like certain things that occur in our lives, but the rules of the road dictate that we must live by them. I will say, once again, Jim Brewster, the Democratic candidate, and the sitting Senator in the 45th Senatorial District, got 69 more votes than Ms. Zicarelli. The outcome, which was counted several

times: 66,261 for Senator Brewster, 66,192 for Ms. Zicarelli. He got 69 more votes than she did. The cases were challenged in State court, Senator Brewster was affirmed there. The cases were challenged in Federal court, Senator Brewster was affirmed there. The Secretary of the Commonwealth of Pennsylvania held off for as long as she possibly could in terms of certifying the election, and then she certified it, I believe, 7 weeks after Election Day. A decision by popular vote, a decision by State court, a decision by Federal court, the certification by the Secretary of State. Jim Brewster should have been sworn in today, but his seat and his opportunity was stolen from him.

Mr. President, this will not be the last time you hear about this issue from this side. There are people watching all across the nation about what has happened here in Pennsylvania, about the crime that has occurred here in Pennsylvania, about the stolen election that has occurred here in Pennsylvania. Oh, yeah, we are paying attention in Georgia, we are paying attention to the Presidential madness that is going on, but we are paying close attention to what is happening in Pennsylvania when an election was stolen from a confirmed winner. Stolen, and the crime occurred on the floor of the Senate of the Commonwealth of Pennsylvania.

Thank you, Mr. President.

GENERAL COMMUNICATION

APPOINTMENTS TO COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

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

SENATE OF PENNSYLVANIA

January 5, 2021

TO: The Honorable Megan Martin
Secretary of the Senate

FROM: Senator Jake Corman
President Pro Tempore

SUBJECT: Senate Rules and Executive Nominations Committee

In preparation for the new Session, as President pro tempore and in consultation with the Minority Leader, I hereby appoint the following Members to the Senate Rules and Executive Nominations Committee for the 2021-22 Session:

Senator Kim Ward, Chairman; Senator John Gordner, Vice Chairman; Senator Ryan Aument; Senator Camera Bartolotta; Senator Michele Brooks; Senator Pat Browne; Senator Joe Pittman; Senator Mike Regan; Senator Mario Scavello; Senator Gene Yaw.

Senator Jay Costa, Minority Chairman; Senator Maria Collett; Senator Wayne Fontana; Senator Vincent Hughes; Senator Katie Muth; Senator Anthony H. Williams.

Senator Jake Corman, ex-officio

PETITIONS AND REMONSTRANCES (Continued)

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Philadelphia, Senator Street. And I only ask that my cheesesteak you gave me is getting cold right now.

Senator STREET. Mr. President, Senator Hughes said so much. I am not going to repeat the things that he said. I will say

this, I am going to ask, in the spirit that this body has operated, that we go ahead and quickly seat Senator Brewster. And I am not going to extrapolate on all the things and the reasons and the rationale that my colleagues have extrapolated on. I am going to say it because we know that it is the likely outcome. And we, each and all, every one of us in our districts, have people who are hurting because they have been out of business because of the COVID-19 mitigations. We have people who are dying because of gun violence. We have people who need enhancements to healthcare. We have folks who are concerned about their jobs. We have kids, schoolchildren, who are not in school. We have families who are working virtually, and some of them in rural communities do not have Internet and some of them in inner-city communities do not have proper access to the Internet. We have Pennsylvanians who need us to come together and work on the day-to-day issues that they need. And issues like this, where we already know the likely outcome, are an unnecessary delay on the things that Republican constituents in their districts are concerned about, whether they are sitting on farms, or sitting in small towns, or sitting in suburbs, and Democrats in inner cities and in rural communities and in suburban communities are also concerned about. The people of Pennsylvania need us to be concerned about the hundreds of people who die from gun violence. The people of Pennsylvania need us to be concerned about all the folks who are out of work. The people of Pennsylvania need us to be concerned about the fact that suicide is up, drug addiction is up, unemployment is up, joblessness is up, and they need us to be concerned about their day-to-day lives, not our day-to-day procedures. And, certainly, our procedures are important to us and they are part of how we conduct our business, and we are going to disagree from time to time on them, but at some point we have to settle those matters so we can get focused on the matters that the people in each and every one of our districts sent us here to focus on, because the people of Pennsylvania, like people across this country, are hurting and they need us to focus on their issues, not our issues.

So I ask that we go ahead and resolve the issue and seat Senator Brewster in the manner that most of us know is likely to happen and do it because, like he understands, and each of us understands, the people in our districts, they really want us to talk about their issues and not our issues. And their issues relate to the pandemic, their issues relate to unemployment, their issues relate to violence, their issues relate to jobs, their issues relate to their lives and their children getting back to school and their lives getting back to normal and vaccinations getting distributed. That is what they want to hear us debate about, that is what they want to hear us talk about, and that is what we need to get back to. So I thank the Members for your time, and I yield.

RECESS

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Erie, Senator Laughlin.

Senator LAUGHLIN. Mr. President, I move that the Senate do now recess until Monday, January 25, 2021, 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 6:30 p.m., Eastern Standard Time.