

Reflections on a Year in the Pennsylvania State Senate and the Importance of a Juniata Degree

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It's truly an honor to be back here on campus, as I am a proud Juniata graduate. I first visited this campus back in the early 1990s. Over two successive summers, I attended week-long volleyball camps. I fell in love with the campus instantly. I came back in the fall of 1993 to begin college for two reasons: I wanted to continue my athletic career in volleyball and I wanted to go to law school. Only one of those goals happened, but I'm glad it was the latter. I ended up running cross-country and track, and I met many wonderful students, staff, and faculty who changed my life. Campus provided so many wonderful opportunities for me to learn and grow; it made me into a well-rounded person. It wasn't easy. I came here thinking that I knew everything—that I could write with the best of academia. Boy, was I wrong.

Freshman English, among many classes, provided the foundation to change my writing style much for the better. I was here at a time before the digital age. There were no cell phones. We didn't even have landline phones in our room. (Actually, during the tour today, I learned you don't have landline phones anymore. The technology has driven us full circle on that.) If you wanted to make a call, you had one payphone in the hall. I can also remember walking into the computer lab; there was this thing on two computers there, Netscape, among the earliest web browsers through which we can get all kinds of information at the click of a mouse. I will stop with the nostalgia before I sound like a grumpy old man who walked uphill both ways to class.

The point is this: even with changing technology, a liberal arts degree was and still is so vitally important. Probably more so now than before. Because we have knowledge at our fingertips, it is so important to be able to understand the issues from all angles. And it makes you a decent *Jeopardy!* player too.

While I was here, I had the opportunity to take a wide variety of classes. Had I not been here, I never would have taken an art class. Yet, Survey of Western Art was one of my favorite classes. So much so that I ended up taking additional art classes and other classes that I never thought I would take that taught me to think in different and creative ways. In my opinion, that is what a liberal arts education is all about.

I also had the opportunity to serve as a student representative to the Board of Trustees. I can still remember getting the opportunity to attend a fancy dinner with trustees during my freshman year. I was sitting there, nervous, trying to make conversation, and trying to fit in. The dinner came and I cut into my chicken. I looked and it was bright red and I thought this chicken is woefully undercooked! So I motioned for a wait staff to come over, I leaned in and I whispered, “Excuse me, my chicken is not done.” I think she probably thought that was the funniest thing. She said, very loudly for the whole table, “Oh no, honey, that is the ham. You’re eating chicken cordon bleu.” I will never forget that.

I’ll also never forget the many individuals who have had such an impact on my education. Specifically Dr. Jack Barlow and Dr. David Hsiung, with whom I took many classes. I really appreciate the time they have given to this institution.

After Juniata, I went to law school, passed the bar, and began practicing at a firm. I started out doing criminal defense work. About three and a half years into practicing law, I got an opportunity to join the Cambria County District Attorney’s Office. Ultimately, I ended up as the lead prosecutor for the Cambria County Drug Task Force, and for nine years I prosecuted individuals for crimes ranging from homicide to arson to rape—and everything in between.

I have always been interested in politics. For some time, I thought I wanted to run for office, but I didn’t want to do it until I felt like doing so would give something back to the community. I have been approached many times about running for offices as vacancies have come up. I was fortunate enough to be appointed to the Richland Township Board of Supervisors at the age of twenty-six. I served on that board for fourteen years and really learned a lot in that capacity. They say all politics is local, and you don’t get much more local than that. I owe a lot to that experience.

Then, in 2016, an opportunity came along to run for the state senate. I ran and was elected to a four-year term representing the 35th District, which is about 260,000 people including all of Cambria County, all of Bedford County, and almost all of Clearfield County. I can talk for hours about the campaign—about the ruthlessness of politics—but I’ll leave that for a different time.

Many people don’t realize what holding political office entails, but it can be a strain on a family. I truly thank my wife for standing behind me, as it’s not easy. People, especially in this day and age, are so quick to hide behind the phone or computer and take shots at you or attack your character. Sometimes it can be very difficult. It also has the highest highs and the lowest lows. It’s a tremendous opportunity. There’s knowledge at my fingertips. I can retrieve anything that I might need to prepare for legislation by only lifting a finger. It’s a tremendous volume of information. I owe it to Juniata for developing in me the ability to parse through that information, to assemble research, and to be effectively prepared.

In the Senate, I serve on six committees. I am the vice chair of the Transportation Committee, and serve on Appropriations, Judiciary, Game and Fish, Local Government, and Aging and Youth. Early on, I

was fortunate enough to be appointed by leadership, Senator Scarnati and Senator Corman, to the Appropriations Committee. That was probably one of the best assignments that I could have gotten. Being on the Appropriations Committee was so important because I saw a snapshot of the state and could see how everything fits together. When I was with the Richland Township Board of Supervisors, we were dealing with \$4,500,000 or \$5,000,000 budget. But then I went to Harrisburg and sat on the Appropriations Committee with a budget of more than \$30 billion. That was a big change from Richland Township. During the three-week period of Appropriation Budget Hearings that come after the governor's budget address, each department asks for some of that money and the committee has the opportunity to ask questions. It still boggles my mind to sit in a room talking about budgets and hear someone say, "Well, it's only \$15 million." When you're talking about a budget of that size, with so many competing interests—lobbyists, constituents, and so forth—it's essential that I be well prepared to advocate for my district.

My first year in the Senate was interesting. I came in with a looming \$1.5 billion deficit due to rising pension costs. Budget negotiations dragged out for months. I am an optimistic person; I thought the budget plan would be done by the end of the fiscal year on June 30. That turned out not to be the case. We wrapped up the budget on October 25. So, it was only about four months overdue.

That said, I learned much in my first year that resonated with what I learned here at Juniata. You have to look at all sides, be prepared, and not be afraid to fail. I have had the privilege of being the only freshman legislator in the House or the Senate to have a bill signed into law in the first eleven months of his or her term. My bill is Senate Bill 589 and it dealt with natural gas vehicles. This emerged from something that I learned on the campaign trail. I was talking to a local trucking company that had just switched over to compressed natural gas (CNG) for fuel. Someone pulled me aside and asked, "Hey, can you do anything about this?" The truck weight limit is 80,000 pounds if you're a diesel truck, but natural gas vehicles weigh 2,000 pounds more because of the equipment that they need to run on natural gas. So that business is at a disadvantage. They want to use natural gas to help the environment, but they are losing 2,000 pounds of what they can ship on their trucks due to the weight of the CNG equipment. My office looked into the issue, drafted a co-sponsorship memo, got some senators to support it, got the committee on board, and then it was approved on the Senate floor. It went over to the House and went through the same process. Ultimately, the House passed it without any amendments, which is fortunate because even one amendment would have kicked it back to the Senate, and then it can keep going back and forth. It got to the governor's desk and he signed it. I am very proud to have sponsored a bill that would not only help my local constituents, but would also help others who are looking to switch over to certified natural gas.

I focused on other issues in my first year as well. In my district, there is the Cambria County Association for the Blind and Handicapped. It is a sheltered workshop, which is a place that provides employment for individuals with disabilities. They manufacture safety harnesses for the mining industry, reflective vests, and other things. Much of what they manufacture is done through what is called piecework. It's largely an assembly line of individuals sitting and putting together products. In January we received word from the head of the Association for the Blind and Handicapped that new regulations threatened to change their circumstances. The Department of Human Services wanted to put the participating employees to work in private sector employment. In my opinion, the way they did it was wrong. They didn't notify any of these people, who only found out about it online. They never even sent a letter to them. My wife and I and the girls went to visit the facility. Seeing the sense of pride on the employees' faces is just an indelible memory. We could instantly see how happy they were to be at work and how appreciated they felt, knowing that the work they did was not just local and regional, but it was really worldwide. There was one instance where some of this gear was going down to South America and it was really central to the people there.

I took the tour and then we walked into a room and it was packed with parents. You could tell by their body language—leaning back, arms crossed, ready to tear me apart—that they had powerful concerns that this wasn't good for their children. The work sustains their sense of community because they did more than just work there. They would have dances, a prom, baseball, and other activities, too. They had their friends there; it was their community and they just really felt that they belonged. These parents were upset, and I didn't blame them. I listened and gathered the information and then took it back to Harrisburg.

I had an opportunity when the Department of Human Services came to the appropriations hearings and I could question the administration. I was upset with the way that these people had been treated, and I went back into my old prosecutor, cross-examination mode. On behalf of those who worked at the Association for the Blind and Handicapped, I really laid into this person because I sympathized with how they felt, and I knew that I would feel the same if I had received that kind of treatment. I asked how they notified these people. Did you send them a letter? "No." Did you call? "No." Did you visit the facility? "No." How were they supposed to know? "Well, we did it online." How many of these people are reading the *PA Bulletin*? The way they handled that process was ridiculous.

As I developed questions—and again I owe the ability to process these thoughts, interpret the situation, and effectively communicate it to Juniata—I am happy to say that the administration backed off after that. The families involved with the facility were happy. The administration altered the rules so that the people being served by it kept it if they wanted to. The users were happy with this resolution as they were not forced to change if they didn't want to, and they did not have to change their hours. I was very

proud of that. That had really meant a lot. We went back on St. Patrick's Day and it was nice to see how appreciative they were. That is why I was sent to Harrisburg—to advocate for people. I was very pleased to be able to positively affect change.

There are several pieces of legislation I have worked on over the year. One of the first was Senate Bill 5. This piece is controversial, especially in light of recent events, because it deals with gun law. This is a preemption bill that deals with the concealed carry rights. I have a carry permit; I have the legal right to carry a concealed weapon. If I cross state lines, I have to check to see which states have reciprocity with Pennsylvania. That is, to see whether those states honor my concealed carry permit as I travel in those states. Maryland, for example, partially honors it, but if I travel through Maryland I have to take the clip out of my gun and the clip has to be in a separate place. West Virginia, not so much. In Pennsylvania, some boroughs and townships have enacted gun laws. These codes may say you can't carry a gun in a bar. You can't uphold those codes, not because that's my opinion, but because only the General Assembly has that power. The current state of affairs is this patchwork of different places where lawful gun owners with concealed carry permits may not know that there is a local township ordinance. As they travel through, some persons are getting cited for carrying. This results in the cited person having to bear the cost of hiring an attorney and taking leave from work in order to contest that. They ultimately prevail because prosecution is not permissible because these codes violate state law. Senate Bill 5 seeks to preempt these local ordinances. The bill passed the Senate. It's in the House where it seems to be just sitting.

Another piece of legislation we are working on is the emissions requirement. This was born out of the federal Clean Air Act. In Cambria County, which is my home county, vehicle owners are required to have an emissions test when they get their vehicle inspected. This rule emerged in the 1990s as one of Pennsylvania's methods for improving air quality and complying with the Clean Air Act. It put together a state implementation plan that required that vehicles get tested. As an old steel mill county, Cambria County did not have good air quality. I pulled and reviewed all the regulations, case law, and documentation. The Feds classified areas as either attainment or non-attainment based on air quality. Back in the 1990s, Cambria was a non-attainment area. The air did not meet any kind of quality standards. They tested again years later and Cambria showed improvement. In approximately 2008 Cambria County reached attainment status by meeting the ambient air quality standards as set by the federal government. Yet Cambria still required emissions tests. I have introduced a measure that would look into the costs and would remove Cambria County from that requirement. My argument is that if you have met the goal, you should no longer have to comply with the requirement. It's this sort of thing that gives government a bad rap. Since Cambria County meets that requirement now, we should not have to comply with the remediation actions. Some people correctly note that it's only forty or fifty bucks, but

there is also the principle of the matter. If you meet those quality standards, then you should come off that designation.

It's like the Johnstown Flood Tax. After the 1936 flood, the General Assembly put a tax on all malt beverages, which the state collected and used the proceeds to help rebuild Johnstown. For several years, the tax helped Johnstown recover from that tragedy—but then the legislature stopped sending the funds to Johnstown. The state still has the Johnstown Flood Tax. Every malt beverage that is purchased in Pennsylvania is taxed and the revenue goes into the general fund. So another piece of legislation I'm working on is to bring the Johnstown Flood Tax back to Johnstown and to other distressed communities throughout the state like Johnstown. I introduced legislation that would take a portion of this Johnstown Flood Tax and give it back to these distressed communities. That remains in the works as well.

Lastly, the opioid epidemic remains an issue of great concern. I don't think there is anybody who hasn't been touched in one way or another by the opioid epidemic. It knows no socioeconomic class. That was something that I heard all along the campaign trail. Cambria County has the highest per capita rate of opioid abuse in the state, and it's not getting any better. What can be done? I have been trying to tackle the issue. There is not one magical fix for this problem. It's going to take a concerted, multifaceted approach involving education, treatment, workforce development, and prosecution. I am proud to say that I have introduced legislation to combat this epidemic. I think it is working, but we are very far from getting out of the woods on this issue. We are starting to see some of these things work. In terms of education, the Botvin Life Skills Training is a program in which students in grade school learn different life skills, and we are starting to see quantifiable results.

I think part of the solution is reducing the stigma attached to opioid addiction. A mere five years ago, nobody was talking about the rising opioid crisis. If you had a loved one battling this addiction, it remained taboo; you didn't talk about it. To tackle this crisis, we must destigmatize addiction so that we can start to work on treatment, which is another component that is very important. Narcan is a treatment for an overdose that saves lives. We need to say it like that: we can save lives. Nothing infuriates me more than when I'm out in the district and hear people say, "Oh, let 'em die; it's their choice." We need to do everything we can to save every life we can. That person is someone's daughter, brother, sister, or cousin.

One piece of legislation on the table is to amend the Mental Health Procedures Act. Right now, if someone overdoses and the medical team resuscitates him or her, the hospital does what is called a "warm hand-off." I hate that term. If the victim wants to go to treatment, they take them. However, we know that few people choose treatment. We are looking at possible legislation to amend the Mental Health Procedures Act to require them to go to a treatment program and to help them receive that treatment. I brought up this issue not too long ago at a conference and healthcare officials there said they were opposed to that. You can't force somebody into treatment. I get that, but would this serve as a possible

deterrent? Or if we put someone in treatment involuntarily, are they going to benefit from this? People don't want to be incarcerated either, but we incarcerate them anyway. The interventions are methadone, Suboxone, and Vivitrol. They are injections that last for thirty days and block the opioid receptors in the brain. They are also used to treat alcohol abuse. Making these drugs available at the county level just went through a cost analysis and came out of committee two or three weeks ago. Hopefully that will be on the floor of the Senate in Harrisburg next week and then we'll get it over to the House. What that would do is give counties the opportunity and the ability to be able to have that as a treatment option—a tool to combat this epidemic.

But here's what struck me is as I introduced that legislation. I got a knock on my capital office door by people who were opposed to this bill. Lobbyists sat in my office and said, "We don't think this is a good fit." Why don't you think that's a good fit? You are going to sit there and tell me that you're opposed to something that could be tremendously helpful to people battling addiction? Eventually, they came around full circle. Quite frankly, I didn't care if they were opposed to this legislation or not; it was in my mind the right thing to do. The State Correctional Institution, Houtzdale, is doing a trial and treating inmates who are getting ready to leave because Vivitrol only works if you have been clean for seven days. There are challenges with that drug because people may still be under the influence, so getting them while they are clean before being released from prison can be very effective.

Another key component to fighting opioids is workforce development. We need to put people back to work and eliminate barriers for those who are battling opiates. Work is one element in helping them recover from addiction; as the old adage has it, idle hands are the devil's playground. Having people back to work and off government support is success. But we must be cognizant of existing members of the workforce and can't just cater to those overcoming addiction. We need to help recovering addicts overcome the stigma of opiates and find employment. Employers may not want to take a chance on those with a criminal record. The Senate has been addressing this concern.

Finally, prosecution of those involved in the opioid epidemic is a challenge. Several years ago, our Appellate Courts declared mandatory minimum sentences unconstitutional, thus voiding the applicability of this vital resource at sentencing. However, the Courts did not rule that they were unconstitutional per se, but rather the administration of them was flawed. In order to convict someone of a crime, they must be proven guilty beyond a reasonable doubt by a unanimous jury of twelve. To enact the mandatory minimum sentence, a judge would need to find the mandatory sentence applied by the preponderance of the evidence. This is a civil standard and much lesser than what is required in criminal court.

My legislation aims to correct this flaw and make mandatory sentences as separate chargeable offenses that would afford those charged with due process throughout all steps of criminal proceedings.

But this battle is a long one as the general sentiment is against mandatory minimums. Yet my goal is to give our prosecutors all the necessary tools to effectively deal with this epidemic. We also want this to serve as a deterrent for the high-level dealers. Because we have had actual recorded phone conversations with inmates, we know the word on the street is that in Pennsylvania, it's cool to deal here because there is no mandatory minimum. I heard that at the Judiciary Committee hearing we had. The Pennsylvania District Attorneys Association testified to that. It has always struck me as funny since my time as a district attorney that anybody in jail knows that all of their phone calls are recorded, yet they would still implicate themselves. When an inmate picks up the phone to make a call, it says your call will now be recorded. "Hey man, what's up? Did you see that I left you those 'gummy bears' in the cabinet?" Many times we would use conversations that were recorded on a jail line to help make a case in court.

With pleasure, I accepted an appointment by Senate Majority Leader Jake Corman to serve as head of the School Safety Task Force alongside Senator Mike Regan. We all know how concerning an issue this has become. In light of recent events, we need to address the issue, establish goals, and put something in place for the short term, medium term, and long term before we break for the summer. Our President Pro Tempore Senator Scarnati and our Majority Leader Jake Corman felt that Senator Regan, a former U.S. marshal, and I, a former assistant district attorney, would be a really good fit to lead this effort. I had the privilege of inviting every superintendent from my district to a meeting about it last week. We asked, "You're here on the ground; what are the issues?" The largest worry for school officials: mental health. It was something that I hadn't thought a tremendous amount about. They explained how they are burdened by mental health. The school counselors are focusing on testing or dealing with other issues and can't devote the core time to address the students' mental health needs, and there are many students who have a need for mental health counseling. I have been corresponding with my chief of staff in Harrisburg about allocating more school social workers or counselors so that they can address this need and to get to the root cause. You can put in metal detectors, you can arm guards—which might be a helpful step—but we all need to treat the core issue here: what is causing these catastrophes?

That is my account of my high priority concerns among the myriad issues facing our commonwealth today. Legislators constantly deal with the competing interests of lobbyists and constituents when enacting new laws. I represent 260,000 people across three counties. They sent me to Harrisburg to advocate on their behalf. I must do what is in the best interest of the district. Sometimes that does not comport with my party affiliation, but I am okay with that. I will always vote what is in the best interest of my constituents. I understand that nearly always that means not making some people happy. But essentially that is what a democracy means.

My career as an attorney, as an assistant district attorney, and now as a legislator became possible by the education that I received here. To the students: the degree that you get from Juniata College will

enable you to do anything that you set your mind to do. You get the foundation here that will make you successful in whichever path you take. You should be proud to be a part of a long line of individuals who attended this institution who affect and change their communities. Thank you, Juniata. This place will always hold a special place in my heart.