

COMMONWEALTH OF PENNSYLVANIA

# Legislative Journal

MONDAY, MAY 9, 2011

SESSION OF 2011 195TH OF THE GENERAL ASSEMBLY

No. 30

## SENATE

MONDAY, May 9, 2011

The Senate met at 1 p.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor Jim Cawley) in the Chair.

## PRAYER

The Chaplain, Imam BEKIR AKSOY, of the Turkish Cultural Center, Upper Darby, offered the following prayer:

Peace be with you all. Please join me in prayer.

O God of all nations, look with favor upon this esteemed Assembly. Guide these decisionmakers with Your divine light. Be the source of their strength and comfort. Enable them, in the best possible manner, to please You and glorify Your name by serving the citizens of this great State, our nation, and the community of nations, regardless of ethnicity or religion.

O God of all mercy, make them Your vehicle to deliver Your divine mercy and compassion. You say that we are ruled according to how we are ourselves. These are the true representatives of our will, desires, and hopes. Bless them with humility. Fill their hearts and minds with passion and determination to do their jobs effectively and successfully. Grant them success in their efforts to wipe out poverty, ignorance, and malice of all kinds.

O God, make the Members of this Assembly peacemakers, healers, and bridge builders so direly needed in these trying times. Let them be successful in their efforts to establish law and order, to improve the quality of life of every citizen of our country and those of their fellow human beings. Give them the wisdom to distinguish between what is right and what is wrong. Give them the courage and strength to overcome the mischief sometimes committed even in Your name. If we fall into error, guide us all to walk toward that end You intended in the creation of humanity, that is peace and prosperity for all.

O God, protect them from every evil, because You are the best of the protectors. Even if we neglect our duties, do not neglect us. Remind us how to serve You and Your servants. In Your most holy and beautiful name, we pray. Amen.

The PRESIDENT. The Chair thanks Imam Aksoy, who is the guest today of Senator Smucker and Senator Brubaker.

## PLEDGE OF ALLEGIANCE

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

## COMMUNICATIONS FROM THE GOVERNOR

### NOMINATIONS REFERRED TO COMMITTEE

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

### MEMBER OF THE BOARD OF PARDONS

May 5, 2011

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, Harris Gubernick, 1064 Jefferson Court, Warrington 18976, Bucks County, Twelfth Senatorial District, for appointment as a member of the Board of Pardons, to serve until November 30, 2011, [data missing], vice The Honorable John E. Wetzel, Chambersburg, resigned.

TOM CORBETT  
Governor

### MEMBER OF THE COMMONWEALTH OF PENNSYLVANIA COUNCIL ON THE ARTS

May 6, 2011

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, Laura E. Ellsworth, Esquire, 414 Laurel Oak Drive, Sewickley 15143, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 2013, and until her successor is appointed and qualified, vice Carol Brown, Pittsburgh, whose term expired.

TOM CORBETT  
Governor

### MEMBER OF THE COMMONWEALTH OF PENNSYLVANIA COUNCIL ON THE ARTS

May 6, 2011

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, Jeffrey W. Gabel, 6 Dinwiddie Tract, Gettysburg 17325, Adams County, Thirty-third Senatorial District, for

appointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 2012, and until his successor is appointed and qualified, vice Clifford Haines, Philadelphia, whose term expired.

**TOM CORBETT**  
Governor

**MEMBER OF THE COMMONWEALTH OF  
PENNSYLVANIA COUNCIL ON THE ARTS**

May 6, 2011

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, Stephen J. Harmelin, Esquire, Two Independence Place, 233 South 6th Street, Unit 1709, Philadelphia 19106, Philadelphia County, First Senatorial District, for appointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 2013, and until his successor is appointed and qualified, vice Diane Dalto, Philadelphia, whose term expired.

**TOM CORBETT**  
Governor

**MEMBER OF THE COMMONWEALTH OF  
PENNSYLVANIA COUNCIL ON THE ARTS**

May 6, 2011

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, Gayle Isa, 4819 Beaumont Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 2013, and until her successor is appointed and qualified, vice Karen Farmer White, Pittsburgh, whose term expired.

**TOM CORBETT**  
Governor

**MEMBER OF THE COMMONWEALTH OF  
PENNSYLVANIA COUNCIL ON THE ARTS**

May 6, 2011

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, Justin Laing, 2351 Wylie Avenue, Pittsburgh 15219, Allegheny County, Thirty-eighth Senatorial District, for appointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 2012, and until his successor is appointed and qualified, vice Myron Tomb, Indiana, whose term expired.

**TOM CORBETT**  
Governor

**MEMBER OF THE COMMONWEALTH OF  
PENNSYLVANIA COUNCIL ON THE ARTS**

May 6, 2011

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, William Lehr, Jr., 13 Field Lane, Palmyra 17078, Lebanon County, Forty-eighth Senatorial District, for appointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 2011, and until his successor is appointed and qualified, vice Clyde McGeary, Camp Hill, whose term expired.

**TOM CORBETT**  
Governor

**MEMBER OF THE COMMONWEALTH OF  
PENNSYLVANIA COUNCIL ON THE ARTS**

May 6, 2011

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, James A. West, Jr., 108 Wynnewood Drive, Pittsburgh 15215, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 2012, and until his successor is appointed and qualified, vice Caryn B. Rubinoff, Pittsburgh, whose term expired.

**TOM CORBETT**  
Governor

**MEMBER OF THE COMMONWEALTH OF  
PENNSYLVANIA COUNCIL ON THE ARTS**

May 6, 2011

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, Jen Holman Zaborney, 2005 Green Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 2013, and until her successor is appointed and qualified, vice Caroline Allen, Harrisburg, whose term expired.

**TOM CORBETT**  
Governor

**HOUSE MESSAGES**

**HOUSE BILLS FOR CONCURRENCE**

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

May 6, 2011

**HB 48, 332, 333 and 398** -- Committee on Consumer Protection and Professional Licensure.

**HB 148** -- Committee on Law and Justice.

**HB 440** -- Committee on Labor and Industry.

**HB 584, 585, 586, 869, 917, 1255 and 1281** -- Committee on Transportation.

**HB 860** -- Committee on Game and Fisheries.

**HB 924, 1022 and 1121** -- Committee on Judiciary.

**HB 1301** -- Committee on Public Health and Welfare.

**BILLS INTRODUCED AND REFERRED**

The PRESIDENT laid before the Senate the following Senate Bills numbered, entitled, and referred as follows, which were read by the Clerk:

May 6, 2011

Senators McILHINNEY and MENSCH presented to the Chair **SB 1046**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for resident license and fee exemptions and for license costs and fees.

Which was committed to the Committee on GAME AND FISHERIES, May 6, 2011.

Senators KASUNIC, ALLOWAY, BOSCOLA, BREWSTER, BRUBAKER, ERICKSON, FERLO, FOLMER, FONTANA, SCHWANK, SOLOBAY, WASHINGTON, WAUGH, M. WHITE and WOZNIAK presented to the Chair **SB 1049**, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, providing for license and permit issuance options; and further providing for expiration of licenses and permits.

Which was committed to the Committee on GAME AND FISHERIES, May 6, 2011.

**APPOINTMENTS BY THE MAJORITY LEADER**

The PRESIDENT. The Chair wishes to announce the Majority Leader has made the following appointments:

Senator Jane Earll as a member of the Board of Directors of the Pennsylvania Economic Development Financing Authority.

Ms. Lisa Gaffney as a member of the Pennsylvania Housing Finance Agency.

Mr. Charles McGroarty as a member of the Board of the Pennsylvania Industrial Development Authority.

**LEGISLATIVE LEAVES**

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, I request temporary Capitol leaves for Senator McIlhinney and Senator Yaw, and a legislative leave for Senator Ward.

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

Senator COSTA. Mr. President, I request legislative leaves for Senator Kitchen, Senator Tartaglione, and Senator Williams.

The PRESIDENT. Senator Pileggi requests temporary Capitol leaves for Senator McIlhinney and Senator Yaw, and a legislative leave for Senator Ward.

Senator Costa requests legislative leaves for Senator Kitchen, Senator Tartaglione, and Senator Williams.

Without objection, the leaves will be granted.

**LEAVE OF ABSENCE**

Senator PILEGGI asked and obtained a leave of absence for Senator MENSCH, for today's Session, for personal reasons.

**SENATE CONCURRENT RESOLUTION****WEEKLY RECESS**

Senator PILEGGI offered the following resolution, which was read as follows:

In the Senate, May 9, 2011

**RESOLVED**, (the House of Representatives concurring), Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when the Regular Session of the Senate recesses this week, it reconvene on Monday, May 23, 2011, 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 Regular Session of the House of Representatives recesses this week, it reconvene on Monday, May 23, 2011, unless sooner recalled by the Speaker of the House of Representatives.

On the question,

Will the Senate adopt the resolution?

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

**YEA-49**

Alloway	Erickson	Piccola	Vogel
Argall	Farnese	Pileggi	Ward
Baker	Ferlo	Pippy	Washington
Blake	Folmer	Rafferty	Waugh
Boscola	Fontana	Robbins	White Donald
Brewster	Gordner	Scarnati	White Mary Jo
Browne	Greenleaf	Schwank	Williams
Brubaker	Hughes	Smucker	Wozniak
Corman	Kasunic	Solobay	Yaw
Costa	Kitchen	Stack	Yudichak
Dinniman	Leach	Tartaglione	
Earll	McIlhinney	Tomlinson	
Eichelberger	Orie	Vance	

**NAY-0**

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

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

**SPECIAL ORDER OF BUSINESS**  
**GUESTS OF SENATOR LISA M. BOSCOLA**  
**PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentlewoman from Northampton, Senator Boscola.

Senator BOSCOLA. Mr. President, I am very honored to introduce two of my interns who are here with us today. Both have been working in my Bethlehem office since January, and they have been doing an excellent job of serving the residents of the 18th Senatorial District.

First, I would like to introduce Kimberly Williams, who is from Leesburg, Virginia, and is a sophomore at Lehigh University in Bethlehem. She is majoring in political science, with a minor in environmental studies. Kimberly has done an excellent job in my office with her dedication to constituent service and outreach. Aside from enjoying political philosophy and public

service, Kimberly has a wonderful, beautiful voice. Her voice can be heard prominently in one of Lehigh Valley's a capella singing groups.

I would also like to introduce another intern with us today. Nathan Dixon, who is from Pennsburg, Pennsylvania, and is a senior at Lafayette College in Easton. He is a government and law major and plays linebacker on the Lafayette football team. I have to honestly say, I am hoping to see the Philadelphia Eagles draft Nate, since the team desperately needs some linebacker help on defense.

We need good young people like Nate and Kimberly, who have taken an active role in their government and their communities. They have worked on everything from constituent casework to legislative and community research and completed a number of constituent outreach projects over the past few months. I would also like to thank Kimberly and Nate for their dedication and hard work in my office and wish them the best of luck in their future endeavors. Mr. President, I ask my colleagues to give these two fine young people our usual warm Senate welcome.

The PRESIDENT. Would the guests of Senator Boscola please rise so the Senate may give you its usual warm welcome. (Applause.)

#### **GUESTS OF SENATOR MICHAEL BRUBAKER PRESENTED TO THE SENATE**

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

Senator BRUBAKER. Mr. President, it is very much a distinct honor and privilege for me to introduce a true hero in the United States of America, United States Sergeant Harry Adams, who is here with us today in the gallery. Sergeant Adams is a World War II veteran who entered the European theater of war and proceeded through England to Utah Beach and, ultimately, on to Luxembourg. Sergeant Adams served his country as part of the medical corps, traveling across Europe and into Germany with General Patton's Third Army forces.

Mr. President, in my office we have today, for Members to come to look at, an original photograph of Sergeant Adams with General Patton and General Eisenhower. That is something that all Members ought to see. Sergeant Adams is seated in the gallery today with his son, Chuck, and Karen Scheffey from my Lititz office. I ask that the Senate give a warm and rousing applause for this great American hero.

The PRESIDENT. Would the guests of Senator Brubaker please rise so the Senate may give you its usual warm welcome. (Applause.)

#### **SPECIAL ORDER OF BUSINESS SENATE RESOLUTION ADOPTED**

Senators SMUCKER, BRUBAKER, FARNESE, DINNIMAN, ALLOWAY, GREENLEAF, FONTANA, SCHWANK, BOSCOLA and TARTAGLIONE, by unanimous consent, offered **Senate Resolution No. 114**, entitled:

A Resolution recognizing the good relationship between Pennsylvania and the Republic of Turkey.

On the question,  
Will the Senate adopt the resolution?

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

Senator SMUCKER. Mr. President, this resolution is offered on behalf of Senator Brubaker and myself. From the early days, Pennsylvania has enjoyed abundant cultural and religious diversity. Our operating principle tends to be inclusion, not exclusion, and that remains true today as many from around the world call our Commonwealth home, where we have schools and communities in which 50 languages can be heard.

In Lancaster County, that is true as well. Many folks, when they think of Lancaster County, think of the Amish and then everyone else. They are surprised when they find out about the wonderful cultural diversity found there. Part of that diversity is a vibrant Turkish American community, and an organization called the Red Rose Intercultural and Educational Foundation. This is a foundation that works to build bridges across religious and cultural divides. There are similar organizations in Bethlehem, Pittsburgh, Philadelphia, and other areas of the Commonwealth.

The resolution today recognizes the good relations between the Commonwealth of Pennsylvania and the Republic of Turkey, and promotes the cultural, educational, academic, political, and economic relations between Pennsylvania and Turkey.

#### **GUESTS OF SENATOR LLOYD K. SMUCKER AND SENATOR MICHAEL W. BRUBAKER PRESENTED TO THE SENATE**

Senator SMUCKER. I am also very pleased, if I may, Mr. President, to introduce several Turkish Americans who are with us here today and, actually, two parliamentarians from Turkey. I will see if I can get their names correct: Mehmet Sahin and Ibrahim Hasgur, who are both parliamentarians in the Turkish Grand National Assembly. Mr. President, please welcome with me our guests today.

The PRESIDENT. Would the guests of Senator Smucker and Senator Brubaker please rise so that the Senate may give you its usual warm welcome.

(Applause.)

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

Senator BRUBAKER. Mr. President, I would like to join Senator Smucker in welcoming our friends from Turkey. They are here for a primary reason, Mr. President. The primary reason our friends from Turkey are here—it is a democracy in the Middle East—they are here to build productive relationships that are not only good for Turkey, but for the United States of America, and good for the people of the Commonwealth of Pennsylvania.

As our businesses grow around the world, Mr. President, when our businesses only focus on the United States, they limit themselves to only 4 percent of the market. Some of our businesses, Mr. President, want to indeed go beyond 4 percent of the market to around the world. That is where some of these business relationships and personal relationships can build economic benefits for the Commonwealth of Pennsylvania and the United States of America, as well as our friends in Turkey. Mr. President, it is an honor for me to join Senator Smucker to welcome our friends from Turkey, and I hope to see them back here very soon.

Thank you, Mr. President.

## LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Yaw has returned, and his temporary Capitol leave is cancelled.

And the question recurring,

Will the Senate adopt the resolution?

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

## RECESS

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, I request a recess of the Senate for purposes of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room immediately, to be followed by a meeting of the Committee on Appropriations, also to be held in the Rules room, to be followed by a Republican caucus to be held in the Majority Caucus Room.

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

Senator COSTA. Mr. President, at the conclusion of the meetings of the Committee on Rules and Executive Nominations and the Committee on Appropriations, the Senate Democrats will caucus as well in the rear of the Chamber. Thank you, Mr. President.

The PRESIDENT. For purposes of a meeting of the Committee on Rules and Executive Nominations, followed by a meeting of the Committee on Appropriations, followed by respective caucuses, without objection, the Senate stands in recess.

## AFTER RECESS

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

## LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator McIlhinney and Senator Ward have returned, and their respective leaves are cancelled.

## LEGISLATIVE LEAVE

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, I request a legislative leave for Senator Corman.

The PRESIDENT. Senator Pileggi requests a legislative leave for Senator Corman. Without objection, the leave will be granted.

## CALENDAR

## THIRD CONSIDERATION CALENDAR

## SB 552 CALLED UP OUT OF ORDER

SB 552 (Pr. No. 619) -- Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator PILEGGI, as a Special Order of Business.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

SB 552 (Pr. No. 619) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 18, 2001 (P.L.949, No.114), known as the Workforce Development Act, providing for industry partnerships.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

## YEA-49

Alloway	Erickson	Piccola	Vogel
Argall	Farnese	Pileggi	Ward
Baker	Ferlo	Pippy	Washington
Blake	Folmer	Rafferty	Waugh
Boscola	Fontana	Robbins	White Donald
Brewster	Gordner	Scarnati	White Mary Jo
Browne	Greenleaf	Schwank	Williams
Brubaker	Hughes	Smucker	Wozniak
Corman	Kasunic	Solobay	Yaw
Costa	Kitchen	Stack	Yudichak
Dinniman	Leach	Tartaglione	
Earl	McIlhinney	Tomlinson	
Eichelberger	Orie	Vance	

## NAY-0

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

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

## FINAL PASSAGE CALENDAR

## RECONSIDERATION OF SB 224

SB 224 (Pr. No. 1181) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for background checks of prospective employees and for conviction of employees of certain offenses.

On the question

Shall the bill pass finally?

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

Senator COSTA. Mr. President, I move to reconsider the vote by which the bill was agreed to on third consideration on May 4, 2011.

Senator PILEGGI. Mr. President, I support the motion.

On the question,

Will the Senate agree to the motion?

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

And the question recurring,  
Will the Senate agree to the bill on third consideration?

#### AMENDMENT OFFERED

Senator COSTA, on behalf of Senator KITCHEN, offered the following amendment No. A1955:

Amend Bill, page 4, line 4, by striking out "ten" and inserting:  
five (5)

Amend Bill, page 4, line 8, by striking out "five" and inserting:  
three (3)

Amend Bill, page 4, line 16, by striking out "three years" and inserting:

eighteen (18) months

Amend Bill, page 5, line 16, by inserting after "ten":  
(10)

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

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

Senator COSTA. Mr. President, I rise on behalf of Senator Kitchen to offer this amendment to Senate Bill No. 224. This amendment would reduce the bill's 3-, 5-, and 10-year bans for felonies and misdemeanors that have nothing to do with crimes related to children. Under this amendment, the 10-year ban would be reduced to 5 years, the 5-year ban would be reduced to 3 years, and the 3-year ban would be reduced to 18 months.

Mr. President, children go to school to learn and thrive. Their parents and all Pennsylvania taxpayers should have the peace of mind that our students are in a healthy and safe environment during the school day. As lawmakers, we have an obligation to make sure that our laws protect our children. Individuals who have a track record of harming children should not be working in our schools, period. But, we must also tread carefully when it comes to prohibiting employment based on past convictions that have nothing to do with children.

This amendment would better insure that individuals have a chance to get a job without a blanket discrimination based on their past, a past that most of these individuals would want to leave behind. Senator Kitchen has helped lead the charge on second-chance legislation that provides employment opportunities for nonviolent ex-offenders. Senator Kitchen strongly believes that steady employment is crucial to keeping nonviolent ex-offenders from returning to a life of crime and helps reduce recidivism in our extremely costly prison system. So I am pleased to offer this amendment on behalf of Senator Kitchen, and I ask for an affirmative vote.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Mr. President, I urge a negative vote on amendment No. A1955. The gentleman has accurately described the amendment insofar as it reduces the 10-year bans for felony of the first degree, second degree, and third degree to a 5-year ban, and reduces the 5-year ban to a 3-year ban for misdemeanor of the first degree, and reduces the 3-year ban for multiple DUIs to 18 months.

I would, however, disagree extremely vociferously that these crimes have nothing to do with children. If an employee of a school district commits one of these crimes, it has everything to do with children, because children are in the school environment for 6 to 8 hours a day in which these individuals are employed. These individuals are charged with the care, sometimes the feeding, sometimes the instruction, depending upon the nature of their work, of children. Therefore, Mr. President, it seems to me that a substantial waiting period should be required before these individuals, after they have served their sentence, should be considered for employment by a school district.

With respect to the 10-year ban, Mr. President, just a couple of the felonies that an individual would be subjected to a 10-year ban would be the crime of terrorism, somebody convicted of being a terrorist; somebody who is an arsonist; somebody who is a burglar; someone who is a robber, a thief, a forger, or a thief who steals identities.

Mr. President, I think one of the great lessons that students in this Commonwealth need to learn is that there are consequences for bad behavior, and we identify bad behavior in this Commonwealth by arrest and conviction of offenses. We have a whole Crimes Code which is chock-full of hundreds of crimes. Each of those crimes has consequences for the offender. If that offender is employed by a school district or wants to be employed by a school district, that offender should wait an appropriate amount of time before they could be considered for employment. Senate Bill No. 224 provides, in my view, the appropriate amount of time to wait, not be completely banned, but to wait until you should be considered for employment by a school district where you would be directly charged with the care and oversight of our most precious resource, our children. I urge a negative vote on the amendment. Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Farnese.

Senator FARNESE. Mr. President, I rise to support this amendment. I just want to note that not only has Senator Kitchen been a leader on this issue for helping folks get back to work, but the lesson that we should all understand is the lesson of second chances. The people in this country and people in the Commonwealth of Pennsylvania deserve a second chance, and that is what this legislation does. It protects children. Let us be very clear about that. Senator Kitchen's amendment, most importantly, keeps children in the State of Pennsylvania safe.

But it also does something else, because the proponent of this amendment understands what some people in this Chamber do not, that people deserve a second chance. When you bar people from employment, when you consistently go after them and keep them from earning a living for offenses that, quite frankly--and I agree with the first speaker, Senator Costa--are not that related to children, when you start to go after those folks and prevent them, or even make them wait, because we understand the way this system works, once you get tagged here, you are never going to get a job again in the school system.

Another point I want to make clear is that this bill does not only go after those folks who are in the system, but these are folks who are not even in the system yet, who are not part of the school system. So, not only are you banning folks who may already be employed, but you are banning people who have not yet even gotten a job. You are actually banning them from the opportunity to work.

So, we are not only just protecting children--and I agree with that, there is nothing more important that we need to do than protect this Commonwealth's most precious asset, and that is our children--but, we also have to make sure we temper that. We must temper that with the idea and recognize that people make mistakes, that many times those mistakes are not very serious, but a young person in their early years can make a mistake and, under this legislation, pay for it for the rest of their lives. When we propose to try to get people back to work and to make them part of society, this is the kind of legislation that goes way too far.

Mr. President, sometimes government does go too far, and that is the situation here. That is why I am proud to support this amendment, because what it does is not only balance someone's right to work, to get back into the workplace, but most importantly, it protects our most precious asset, and that is the children of the Commonwealth of Pennsylvania.

Thank you, Mr. President.

### LEGISLATIVE LEAVE

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

Senator COSTA. Mr. President, I request a legislative leave for Senator Dinniman.

The PRESIDENT. Senator Costa requests a legislative leave for Senator Dinniman. Without objection, the leave will be granted.

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

The PRESIDENT. The Chair recognizes the gentlewoman from Venango, Senator Mary Jo White.

Senator M.J. WHITE. Mr. President, I have been on record many times as supporting Senator Kitchen's second chance initiative and have appeared with her on various platforms supporting that. When this bill first came out, I shared some of the concerns of my colleagues across the aisle, and I attempted to winnow through the bill to find out the ones that were truly related to children and the ones that were not. It was an extremely difficult task, and I finally concluded that it was going to be a highly imperfect one.

This is not a lifetime ban, as Senator Piccola has pointed out. In protecting our children, I finally came to the conclusion that there are some places where the protection of the children has to come first. I fully support opportunities for persons who have paid their debt to society to enter the workplace, but schools are special places, and this is a relatively narrow bill in that it only covers K through 12 and also is not a lifetime ban. But there should be consequences, as Senator Piccola said, and if we are going to balance between the opportunities of persons who have been convicted of a crime and the safety of our children, I think I know where I want to come down. Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Mr. President, just out of curiosity, do we have anything on the record where these circumstances have occurred in the past? I do not have the answer to this, and I am just sort of curious if this is not overkill or if this is something

into which we really, really, really want to bite our teeth, because this is notched with a political edge, too.

I am just sort of curious, have there been people out there who have been allowed to work after they have committed some of these crimes, which some of them, on my part, are a little heinous? Would the maker of the amendment stand for interrogation?

The PRESIDENT. In this case, it would be Senator Costa.

Senator WOZNIAK. Mr. President, well, I can see where the confusion could set in there. It still remains, whether it be Senator Costa or Senator Piccola, I am sort of curious to see whether any of that information is available to us.

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

Senator COSTA. Mr. President, I do not have any firsthand knowledge of the bill. However, I want to reiterate some of the concerns that were raised by my colleague, Senator Farnese of Philadelphia. The issue is that we want to make certain that we protect our children above all things, but as Senator Wozniak referenced in his comments, is this overkill? And, I think, when you start to look at some of the issues relative to making sure that--we have a broad range of issues we want to address, in addition to working to make certain that our schools are safe for our students, that making sure folks have a lifetime ban, or a 10-, 5-, or 3-year ban on some of the offenses related to the latter part of the bill, we think are excessive and, quite frankly, constitute overkill, as I laid out as it relates to Senator Kitchen's remarks.

But I do not have any firsthand knowledge to answer the question of the gentleman, and I defer to my colleagues, who may have those answers, particularly the maker of the bill, who is standing as well. He may want to address this issue.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Mr. President, I do yield to interrogation, gladly. Google is a marvelous thing. We just went through 4 months and found a raft of offenses for which existing school employees would be subject to this legislation. So I would be glad to share this information with the gentleman, and anyone else.

More importantly, this bill came out of a grand jury report here in Dauphin County back in 2005. The county grand jury was investing certain offenses that occurred in a local school district. The grand jury went beyond simply making a presentment and offering up an indictment, but made some legislative recommendations. One of the recommendations that they made was specifically this legislation, that for offenses that are particularly serious and related directly to children, the perpetrator should be subjected to a lifetime ban and not be permitted to be employed in our school districts. However, they went beyond that and said that when less serious offenses are committed, we should consider longer bans, but not lifetime bans, than what was in existence at the time and is now the 5-year ban, and then grade those things downward to the bill as you see it now.

We worked with law enforcement, we worked with school district officials on the specifics of the legislation. To answer the gentleman's question, yes, it is happening in our school districts, regrettably. This is a protection for children. It is not denying anyone the opportunity for future employment if they remain

straight and do not commit offenses over these prescribed periods of time, but it is, I believe, a necessary protection for Pennsylvania's kids.

The PRESIDENT. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Thank you, Mr. President. That was information that was important for me to hear. Thank you very much.

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

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

## YEA-17

Blake	Ferlo	Leach	Williams
Brewster	Fontana	Schwank	Wozniak
Costa	Hughes	Stack	
Dinniman	Kasunic	Tartaglione	
Farnese	Kitchen	Washington	

## NAY-32

Alloway	Eichelberger	Pileggi	Vance
Argall	Erickson	Pippy	Vogel
Baker	Folmer	Rafferty	Ward
Boscola	Gordner	Robbins	Waugh
Browne	Greenleaf	Scarnati	White Donald
Brubaker	McIlhinney	Smucker	White Mary Jo
Corman	Orie	Solobay	Yaw
Earll	Piccola	Tomlinson	Yudichak

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

And the question recurring,  
Will the Senate agree to the bill on third consideration?  
It was agreed to.

And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

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

Senator COSTA. Mr. President, would the maker of the bill please stand for brief interrogation?

The PRESIDENT. The gentleman indicates he will.

Senator COSTA. Mr. President, thank you for the interrogation. I have a couple of very brief questions. First question, Mr. President, we had an extensive conversation in our caucus about some very specific instances with respect to the lifetime ban portion of the legislation, the portion of Senate Bill No. 224 that we are talking about. My very specific question would first be: If we have an individual who is currently employed in a school district, who in his past had one of the enumerated offenses that would have been a 5-year ban at the time, so he commits an offense, he waits his requisite 5 years, and has been hired by a school district. If this legislation passes and is ultimately signed in the form that we will be voting on, and that 5-year ban is now

a lifetime offense, would that individual be terminated from his position with that school district because of the nature of the 5-year offense now converting to a lifetime offense? Would that employee lose their job?

Senator PICCOLA. Mr. President, if I understand the question correctly, it is an incumbent school employee who, in the past, has committed an offense for which a lifetime ban would be in order; is that the question?

Senator COSTA. Not entirely, Mr. President. It would be an incumbent employee who in their past committed one of the offenses that, today, before the law passed, is a 5-year ban, but by virtue of the new law going into effect becomes a lifetime ban.

Senator PICCOLA. Mr. President, served the 5 years previously?

Senator COSTA. Correct, Mr. President. Five years has passed. He did something while he was in college, 5 years go by, he gets hired by a school district, and now is working in a school district for 15 years and is an exemplary employee in the school district.

The PRESIDENT. Your question, if I may, Senator, is one of retroactivity.

Senator COSTA. Mr. President, retroactivity versus prospectivity as it relates to the offense, and also going forward with respect to new offenses as well.

Senator PICCOLA. Mr. President, the bill is very clear about retroactivity. We look back 10 years in terms of determining whether an incumbent employee has committed one of the enumerated offenses, and the employee is charged under this bill with self-report. If they fail to do that, there are consequences for failing to report.

Senator COSTA. Mr. President, if I may phrase it this way, and I apologize for confusing folks, we have an employee in college who commits indecent assault or some offense that is on this list. He then completes his college education, waits 3 or 4 years, the 5 years has elapsed, and now he is employed by the school district. For whatever reason, the school district hired him despite his previous record. He is an incumbent employee of the school district, and has been for 10 years. Now he is in a situation where the offense that occurred, after he waited his 5 years, that is a 5-year offense, as I understand it. Now that is converting to a lifetime offense. Will he lose his job because it is a lifetime ban from employment with the school district, not by committing any additional act, but by virtue of the original act that happened when he was in college?

Senator PICCOLA. Mr. President, as I understand the question, the individual committed an indecent assault, which is subject to a lifetime ban. However, he committed it before he was an employee of the school district, was later hired by the school district, and worked there for over 10 years. Now, as I understand the gentleman's question, what happens when he reports what had occurred--although, quite frankly, that should have been reported to the school district through a background check, because we have had that in effect for some time, so that should be on the record. He would be subject, if it happened within 10 years of the conviction, to lose his job.

Senator COSTA. Mr. President, could we be at ease? I think I need some clarity on the examples.

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



Senator COSTA. Mr. President, if I could, just to finally clarify, and if the maker of the bill could clarify, the answer in response to conversations that we had was as it relates to the example I provided to you, Mr. President, and to the Members was that it is both retroactive and prospective in nature as it relates to a previous offense. Is that an accurate depiction of our conversation and what the position is?

Senator PICCOLA. Mr. President, to an extent, it is an accurate description. If I could, Mr. President, let me expand a bit further. The question was, if someone currently employed by a school district in their past had committed an offense for which we are now providing a lifetime ban, would that individual be subject to discharge when this bill became law? And the answer is yes.

The reason we are required to go backward as well as forward is contained in a Pennsylvania Supreme Court case commonly referred to as the Nixon case. That case struck down our Older Adults Protective Services Act, or part of it, where we banned, for a lifetime, certain individuals who committed enumerated offenses, but we only did it prospectively, future employees. The court said you cannot use the lifetime ban, and you cannot treat future employees differently than current employees. So, this bill has been written to conform to Justice Nigro's opinion in the Nixon case.

But I will go further, Mr. President. These supposed innocuous offenses committed during one's youth, I will submit, Mr. President, are not innocuous. First of all, they are felonies: felony of the first degree, felony of the second degree, and felony of the third degree. Secondly, they are directly related to children, or certainly behavior that would have an adverse effect and impact on children. They are set forth in the bill, but I will go over some of them: crimes relating to criminal homicide, stalking, kidnapping, luring a child into a motor vehicle, rape, statutory sexual assault, involuntary deviate sexual intercourse, sexual assault, institutional sexual assault, aggravated indecent assault, indecent assault, indecent exposure, sexual intercourse with an animal, incest, and I could go on, Mr. President. I will not fill the record with these crimes, but these are serious offenses.

Now, why a school district, having had a background check on such an individual who had these offenses on their record, and hired them anyway, even though they were only subject to a 5-year ban, I have no idea. But, in my view, it should be the policy of this General Assembly and the Commonwealth of Pennsylvania that such individuals, whether they are presently employed or want to be employed, should not be employed in school districts in the Commonwealth of Pennsylvania.

And the question recurring,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

#### YEA-47

Alloway	Eichelberger	Piccola	Vance
Argall	Erickson	Pileggi	Vogel
Baker	Farnese	Pippy	Ward
Blake	Folmer	Rafferty	Washington
Boscola	Fontana	Robbins	Waugh
Brewster	Gordner	Scarnati	White Donald

Browne	Greenleaf	Schwank	White Mary Jo
Brubaker	Hughes	Smucker	Williams
Corman	Kasunic	Solobay	Wozniak
Costa	Leach	Stack	Yaw
Dinniman	McIlhinney	Tartaglione	Yudichak
Earll	Orie	Tomlinson	

#### NAY-2

Ferlo Kitchen

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

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

### THIRD CONSIDERATION CALENDAR RESUMED

#### BILL AMENDED

**SB 104 (Pr. No. 87)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, providing for State-owned vehicle use.

On the question,

Will the Senate agree to the bill on third consideration?

Senator FOLMER offered the following amendment No. A2048:

Amend Bill, page 2, by inserting between lines 9 and 10:

"Agency." Any of the following:

(1) An agency of the executive branch of State government including the Governor's Office and any executive offices.

(2) An agency of the judicial branch of State government including members of the judiciary.

(3) An agency of the legislative branch of State government including members of the Legislature.

"Agency motor pool." State-owned vehicles assigned to an agency for exclusive use by agency employees as needed.

Amend Bill, page 2, lines 12 and 13, by striking out "The term does not include an elected" in line 12 and "public official of the State government" in line 13 and inserting:

An individual drawing a salary or wages from an agency

Amend Bill, page 2, line 14, by striking out "State entity." A Commonwealth or judicial agency."

Amend Bill, page 2, by inserting between lines 17 and 18:

"Temporary fleet." State-owned vehicles maintained by the department for temporary assignment to employees of an agency as needed.

Amend Bill, page 2, lines 19 through 25, by striking out all of said lines and inserting:

(a) List.--The department shall post and maintain on its Internet website a list of vehicles assigned to agency motor pools. State employees, contract employees, independent contractors and the temporary fleet or owned by another agency. The list shall include all of the following:

(1) The person to whom the vehicle is assigned.

(2) For a vehicle in an agency motor pool or in the temporary fleet, the identity of the agency to which the vehicle is assigned.

(3) Title, year and make of the vehicle.

(b) Submittal.--The information under subsection (a) shall be submitted to the department by any agency that owns a vehicle.

(c) Updates.--The list shall be updated every

Amend Bill, page 3, line 1, by striking out "official use license plate unless the State employee, contract" and inserting:

official use license plate unless:

(1) The State employee, contract

Amend Bill, page 3, line 3, by inserting after "duties":

or other undercover investigations

Amend Bill, page 3, by inserting between lines 3 and 4:

(2) The individual to whom that vehicle is assigned is an elected official.

On the question,

Will the Senate agree to the amendment?

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

#### YEA-49

Alloway	Erickson	Piccola	Vogel
Argall	Farnese	Pileggi	Ward
Baker	Ferlo	Pippy	Washington
Blake	Folmer	Rafferty	Wauh
Boscola	Fontana	Robbins	White Donald
Brewster	Gordner	Scarnati	White Mary Jo
Browne	Greenleaf	Schwank	Williams
Brubaker	Hughes	Smucker	Wozniak
Corman	Kasunic	Solobay	Yaw
Costa	Kitchen	Stack	Yudichak
Dinniman	Leach	Tartaglione	
Earll	McIlhinney	Tomlinson	
Eichelberger	Orie	Vance	

#### NAY-0

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

The PRESIDENT. The bill will go over as amended.

#### BILLS OVER IN ORDER

**SB 328, SB 330 and SB 468** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

#### BILL AMENDED

**SB 612 (Pr. No. 1135)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in professional employees, further providing for causes for suspension and for persons to be suspended.

On the question,

Will the Senate agree to the bill on third consideration?

Senator PICCOLA offered the following amendment No. A1990:

Amend Bill, page 2, line 20, by striking out "(1) The" and inserting:

In the case of a suspension under subsection (a)(5), the

Amend Bill, page 2, line 23, by striking out "(I)" and inserting:

(1)

Amend Bill, page 2, line 28, by striking out "(ii)" and inserting:

(2)

Amend Bill, page 2, line 29, by striking out "subparagraph (I)" and inserting:

paragraph (1)

Amend Bill, page 2, line 30, by striking out "(A)" and inserting:

(1)

Amend Bill, page 3, line 1, by striking out "subparagraph (I)" and inserting:

paragraph (1)

Amend Bill, page 3, line 3, by striking out "(B)" and inserting:

(ii)

Amend Bill, page 3, line 5, by striking out "(C)" and inserting:

(iii)

Amend Bill, page 3, by inserting between lines 6 and 7:

(3) Any five administrative staff positions selected by the board of school directors shall be exempt from the requirements of paragraphs (1) and (2).

(c) A board of school directors may suspend professional employees under subsection (a)(5) only if the board of school directors adopts, at a public meeting at which an opportunity for public comment regarding the proposed suspension has been provided, a resolution setting forth all of the following:

(1) The reason the suspension is necessary.

(2) The number and percentage of employees to be suspended who are assigned to provide instruction directly to students.

(3) The number and percentage of employees to be suspended who are administrative staff.

(4) The number and percentage of positions eliminated and a description of each position eliminated.

(5) The academic subjects, courses or electives and nonacademic activities that will be affected by the suspension.

(6) A description of other cost-saving actions undertaken by the school district.

(7) The measures the school district will undertake to minimize the impact on student achievement, if any, caused by a suspension of professional employees assigned to provide instruction directly to students.

Amend Bill, page 3, line 7, by striking out "(2)" and inserting:

(d)

Amend Bill, page 3, line 7, by striking out "this subsection" and inserting:

subsections (b) and (c)

Amend Bill, page 3, by inserting between lines 12 and 13:

(e) Nothing in this section shall be construed to limit the causes for which a temporary professional employee may be suspended.

Amend Bill, page 3, line 16, by inserting after "Suspended.--(a)":  
A board of school directors shall exercise its discretion in suspending professional employees under section 1124 so as to operate the school entity in a cost-effective and educationally effective manner.

Amend Bill, page 5, line 4, by inserting a bracket before "(d)"

Amend Bill, page 5, line 4, by inserting after "(d)":

1 (g)

Amend Bill, page 5, line 22, by striking out "in 60 days" and inserting:

immediately

On the question,

Will the Senate agree to the amendment?

#### QUESTION DIVIDED

The PRESIDENT. The Chair recognizes the gentlewoman from Northampton, Senator Boscola.

Senator BOSCOLA. Mr. President, I move to separate the vote on amendment No. A1990 to Senate Bill No. 612. I would like to ask for a separate vote on the material on page 2, lines 2, 3, and 4.

The PRESIDENT. The Chair rules that the request by the gentlewoman is appropriate and that the amendment is divisible for page 2, lines 2 through 4.

The Senate has before it the balance of the amendment, other than the provisions on page 2, lines 2 through 4.

On the question,

Will the Senate agree to part I of amendment A1990?

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

The PRESIDENT. The Chair reminds the Members of the Senate that we are first considering the balance of the amendment. The portion which Senator Boscola requested to separately consider on page 2, lines 2 through 4, will be considered after the balance of the amendment has been considered.

And the question recurring,  
Will the Senate agree to part I of amendment A1990?

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

#### YEA-48

Alloway	Eichelberger	Orie	Tomlinson
Argall	Erickson	Piccola	Vance
Baker	Farnese	Pileggi	Vogel
Blake	Folmer	Pippy	Ward
Boscola	Fontana	Rafferty	Washington
Brewster	Gordner	Robbins	Waugh
Browne	Greenleaf	Scarnati	White Donald
Brubaker	Hughes	Schwank	White Mary Jo
Corman	Kasunic	Smucker	Williams
Costa	Kitchen	Solobay	Wozniak
Dinniman	Leach	Stack	Yaw
Earll	McIlhinney	Tartaglione	Yudichak

#### NAY-1

Ferlo

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

#### RECONSIDERATION OF PART I OF AMENDMENT A1990

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

Senator COSTA. Mr. President, I move that the vote by which part I of amendment No. A1990 just passed be reconsidered.

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

And the question recurring,  
Will the Senate agree to part I of amendment A1990?

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

#### YEA-46

Alloway	Eichelberger	Piccola	Vogel
Argall	Erickson	Pileggi	Ward
Baker	Farnese	Pippy	Washington
Blake	Folmer	Rafferty	Waugh
Boscola	Fontana	Robbins	White Donald
Brewster	Gordner	Scarnati	White Mary Jo
Browne	Greenleaf	Schwank	Williams
Brubaker	Kasunic	Smucker	Wozniak
Corman	Kitchen	Solobay	Yaw
Costa	Leach	Stack	Yudichak
Dinniman	McIlhinney	Tomlinson	
Earll	Orie	Vance	

#### NAY-3

Ferlo                      Hughes                      Tartaglione

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

On the question,  
Will the Senate agree to part II of amendment A1990?

The PRESIDENT. The Chair recognizes the gentlewoman from Northampton, Senator Boscola.

Senator BOSCOLA. Mr. President, the reason I asked for this amendment to be divided was because in various school districts across this Commonwealth, there are very high administrative costs associated with these school districts, and a lot of times our teachers get beaten up because of their salaries and so forth, but there are very high administrative costs that need to be considered. In some of the school districts I represent, we have high administrative staff salaries, so I cannot understand why, in this amendment, it singles out administrators and exempting five from the school boards to be considered. It makes no sense to me. I ask for a negative vote.

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Mr. President, I ask for an affirmative vote, a "yes" vote, on this portion of the amendment. First, I would like to point out that the definition of "administrative staff" in this bill is defined very broadly. It is not just simply superintendents and principals, but it includes bus drivers, cafeteria workers. It is a very broad definition of what administrative workers include. The context in which this section has been inserted into this amendment has to be examined by looking at the main provisions of the bill.

In the bill, we allow school boards and school districts to furlough professional staff for economic reasons. However, we want to make sure, as the gentlewoman has indicated, that they have already done as much as they can do in terms of furloughing administrative staff. So, there is a requirement in the bill that says they must furlough an equal percentage of administrative staff as well, again, defined very broadly.

However, many school districts around this Commonwealth have come to us, during the course of the drafting and the advancement of this bill, to advise us that they have already laid off many, many administrative staff, and there is very little that they can do. So, we inserted into this bill section 2, which gives the Secretary of Education the right to grant a waiver if, in fact, that school district has done that. So, if they have already furloughed the administrative staff to the bone, PDE will review that and make a determination of whether or not they get a waiver from that requirement of the bill.

However, even with that language in there, there are many rural and small school districts that, because of the lack of economy of size, simply cannot meet the demands of this bill, and they ask for additional consideration. So we give them the opportunity to identify the five key administrative staff positions -- it could be a cafeteria worker, a bus driver, a superintendent, a deputy superintendent -- to give them some additional latitude to avoid having to cut further to the bone or into the bone of their administrative staff. This was placed in this amendment at the request of the small and rural school districts of the Commonwealth. We felt that it was justified, and we feel that this bill is a balanced bill with this portion of the amendment in it. Therefore, I ask for a positive vote on this portion of the amendment.

The PRESIDENT. The Chair recognizes the gentlewoman from Northampton, Senator Boscola.

Senator BOSCOLA. Mr. President, I do understand the equal percentage funding. I get that. But the gentleman specifically identified in here five key administrative positions, and it is really now up to the school boards to determine what those five key administrative positions are. And I will tell you that in some districts, it is going to be friends of school board members and so forth, because I see what happens in these school districts.

I also have to say that I know in several school districts that have already contemplated reducing their budget because of State dollars not coming to them, that when they are talking about their budgets, they are talking about furloughing teachers. On the other hand, in certain school districts, especially in the Lehigh Valley, they now say they are hiring administrators for \$108,000 and \$110,000 per year and then are furloughing teachers. I will say that this amendment is not fair, because what it is really doing is singling out just a handful of administrators. That is my point.

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Mr. President, I submit that that five may seem—it may stand out in this amendment, but in a small and rural district, it would be a larger percentage of administrative staff. In a large school district, it would be a very small percentage of administrative staff. But I also want to point out, and I indicated earlier that the definition of "administrative staff" is very broad in the bill, and I would just like to put on the record what the definition of "administrative staff" is, for purposes of subsections (b) and (c), "administrative staff" shall include, but not be limited to, superintendents, assistant superintendents, deputy superintendents, principals, assistant principals, supervisors, managers, directors, coordinators, and any other staff who are not assigned to provide instruction directly to students." Anybody but teachers. So, we have tried to define this broadly so that when these rural and small districts come to implement the provisions of this legislation, they will not be doing it unfairly across the board.

Thank you, Mr. President.

And the question recurring,

Will the Senate agree to part II of amendment A1990?

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

#### YEA-30

Alloway	Eichelberger	Pileggi	Vogel
Argall	Erickson	Pippy	Ward
Baker	Folmer	Rafferty	Wagh
Browne	Gordner	Robbins	White Donald
Brubaker	Greenleaf	Scarnati	White Mary Jo
Corman	McIlhinney	Smucker	Yaw
Dinniman	Orie	Tomlinson	
Earl	Piccola	Vance	

#### NAY-19

Blake	Ferlo	Leach	Washington
Boscola	Fontana	Schwank	Williams
Brewster	Hughes	Solobay	Wozniak
Costa	Kasunic	Stack	Yudichak
Farnese	Kitchen	Tartaglione	

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

On the question,

Will the Senate agree to the bill on third consideration, as amended?

#### AMENDMENT A2037 OFFERED

Senator BLAKE offered the following amendment No. A2037:

Amend Bill, page 1, lines 6 and 7, by striking out "and for persons to be" in line 6 and "suspended" in line 7

Amend Bill, page 2, lines 16 through 19, by striking out all of said lines and inserting:

(5) Beginning in the 2010-2011 school year and each year thereafter, for economic reasons as part of a plan to reduce or control overall school district costs. A suspension under this clause must be approved by a resolution under subclauses (i) and (ii) by the board of school directors at a public meeting which is held after a minimum of ten (10) days' public notice and at which an opportunity for public comment regarding planned suspension of professional employees is provided. The board shall provide the resolution and documentation to demonstrate the economic reasons for the suspension, which may include the school district preliminary budget, proposed final budget, final budget, annual financial report or any other document the school district deems necessary, and shall make the resolution and documents available for public inspection at least ten (10) days prior to the meeting. The following shall apply to suspensions for economic reasons under this clause:

(i) For fiscal years starting after June 30, 2011, prior to the adoption of the school district's preliminary budget under section 311 of the act of June 27, 2006 (1st Sp. Sess., PL 1873, No. 1), known as the "Taxpayer Relief Act," the board must adopt a preliminary resolution of intent to suspend professional employees for economic reasons. For fiscal years starting after June 30, 2010, and ending on or before June 30, 2011, the board of school directors must adopt a preliminary resolution within two (2) weeks of the effective date of this subclause.

(ii) Prior to the adoption of the school district's annual budget under section 312 of the "Taxpayer Relief Act," the board must adopt a resolution to suspend professional employees for economic reasons.

(iii) A preliminary resolution and a resolution to suspend professional employees for economic reasons must, at a minimum, set forth the following:

(A) The number of temporary employees and professional employees including administrators to be suspended.

(B) The academic subjects, courses or electives to be eliminated or reduced due to the proposed suspensions.

(C) The grade level of position to be eliminated or reduced due to the proposed suspensions.

(D) The total cost savings due to the proposed suspensions.

(E) Identified cost savings reductions from other than suspension of professional employees including, other staff, extracurricular activities and administrative costs.

(F) The property tax rate and earned income tax rate projected in the preliminary or annual budget.

(iv) For the purposes of this clause, a school entity shall be deemed to have "economic reasons" only when, after assessing its entire budget for possible reductions, the school entity determines all of the following:

(A) Projected expenditures without suspension under this clause would exceed projected revenues without a tax rate increase.

(B) Projected expenditures without suspension under this clause would still exceed projected revenues calculated to include total revenues which would be derived from a rate increase by its index, as defined in section 302 of the "Taxpayer Relief Act"; and any additional rate increase by more than its index for which it would qualify under section 333(f) and (n) of the "Taxpayer Relief Act" notwithstanding section 333(h) of the "Taxpayer Relief Act" without implementing this clause.

(v) All savings realized from a suspension for economic reasons

shall be used to offset and may not exceed any decrease in State and local revenue.

(vi) A school entity may implement administrative and other operating efficiencies following a suspension for economic reasons.

Amend Bill, page 3, lines 13 through 30; page 4, lines 1 through 30; page 5, lines 1 through 21, by striking out all of said lines on said pages

Amend Bill, page 5, line 22, by striking out "3" and inserting:

2

On the question,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Blake.

Senator BLAKE. Mr. President, Senate Bill No. 612 lacks objective measures to measure what is considered the trigger, if you will, for the economic furloughs that are suggested by the bill. The bill's current triggers are less than objective and, in fact, the bill provides broad authority for school boards to declare that it needs to furlough employees for economic reasons but really does not provide any measure for that. The amendment I am suggesting will set forth an objective trigger relative to what, in fact, determines the need for economic furloughs, the conditions under which they could occur.

What my trigger suggests in this amendment, Mr. President, is that if a school board's anticipated expenditures exceed the anticipated revenues by an amount that exceeds the amount of revenue that could be brought in by increasing the tax rate equivalent to Act 1 index or any exceptions enabled by Act 1, that the district could then begin the process of furloughing for economic reasons. Again, it is an objective measure of the economic condition of the district vis-a-vis school district taxes and Act 1 exceptions.

The amendment does not require a local tax increase. It simply sets a measure by which to judge what would constitute the means to institute or permit economic furloughs. And the amendment further provides transparency requiring school boards to outline the effects of the anticipated furloughs and how they will occur.

Mr. President, to furlough on anything other than seniority, which this bill suggests, makes the implementation of this legislation possibly a danger for school district litigation. The fact that there have been some efforts in the past to use performance measures as a means to justify furloughs has not worked well in the Commonwealth, and that is why I am looking for a more objective measure, not only with respect to the trigger on the financial condition of the district, but also an objective measure with respect to the actual furloughs themselves.

Allowing furloughs to be based on factors other than seniority opens the door to abusive practices and undermines educational quality. Furloughing the most experienced and educated school employees would result in the greatest cost savings, which would pressure principals to give lower ratings to our most senior employees in the district. Research tells us that experience matters for student achievement, Mr. President, and as much as I appreciate the work of Senator Dinniman, who did allow for an improvement of this bill to allow for economic reasons not to be the only purpose for the furlough to occur, I believe it has to go further to include seniority.

I believe that we need to respect the people who have dedicated years of their service to our districts, communities, and students, and it is that condition, that objective measure, that we should use with respect to the furlough decisions that are being made. Mr. President, I ask the Members to vote in the affirmative on this amendment.

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Mr. President, I urge a negative vote on the amendment. First of all, this bill would require a tax increase before the school district could furlough for economic reasons, because one of the triggers is that they would have to raise taxes to the level of Act 1 allowance before they could exercise this right. So it is basically, increase taxes first, then, if you have to, furlough.

Secondly, Mr. President, this bill provides for a very protracted procedure, or process, through which the school districts have to jump, the hoops they have to go through in order to adopt a resolution calling for the furloughs. There are several resolutions required, the production of actual documents, the process has to be done on a specific day. It just ties the hands of school directors, who, I believe need to have as much flexibility as possible in this economic climate, and that is why we are trying to enact this particular bill as well as a number of other mandate relief bills that will be coming up for consideration in the near future.

Finally, Mr. President, this amendment would limit the way in which positions are determined for furlough to only seniority, even if the contract that the school directors have entered into does not provide for that. As I have offered it, the bill now, as amended, provides for a variety of factors that a school district would use to evaluate the performance of their professional staff. There is no prohibition of the use of seniority in that language. If a school district wishes to use seniority as a factor in making the determination as to which positions would be furloughed, they may do that. But they must use other factors so that this bill gives the maximum amount of flexibility to our school directors as they approach these tough economic times, as tax revenues decrease and State support for education, obviously, is going to decrease, and taxes decrease as well.

Mr. President, this is a prime piece of the mandate relief package that the Senate Committee on Education reported out. For decades, literally decades, I have been hearing from school directors in my district and across Pennsylvania that we need relief from some of the onerous mandates that Pennsylvania's School Code places on them that drive up the cost of education with no benefit to the academic achievement of our kids. This is a prime piece, and if we are serious about giving relief from mandates to our school districts, this piece has to be part of it, and it has to be part of it in a very meaningful way. It cannot be watered down, it cannot be a fluff piece that says we did something when, in fact, we did not. This amendment would water this bill down, and it would make it very ineffective. I urge a negative vote.

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Blake.

Senator BLAKE. Mr. President, I appreciate the comments of my colleague. I just want to make a point here that, again, the amendment does not require a local tax increase. It simply sets an objective measure of the fiscal condition under which an economic furlough could occur.

The only thing I will point out, Mr. President, is that I agree that we do have to institute mandate relief for our school boards, but I will also say that we should not do so in such a manner that allows them to manipulate a process according to local political whims. Without the objective measure of seniority, we do empower them to do things that might be a little distasteful with respect to who is affected by those furloughs.

Thank you, Mr. President.

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

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

#### YEA-23

Blake	Farnese	Kitchen	Tartaglione
Boscola	Ferlo	Leach	Washington
Brewster	Fontana	Rafferty	Williams
Costa	Greenleaf	Schwank	Wozniak
Dinniman	Hughes	Solobay	Yudichak
Erickson	Kasunic	Stack	

#### NAY-26

Alloway	Eichelberger	Pippy	Ward
Argall	Folmer	Robbins	Waugh
Baker	Gordner	Scarnati	White Donald
Browne	McIlhinney	Smucker	White Mary Jo
Brubaker	Orie	Tomlinson	Yaw
Corman	Piccola	Vance	
Earll	Pileggi	Vogel	

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

The PRESIDENT. The bill will go over as amended.

#### BILLS OVER IN ORDER

**SB 631, SB 857, SB 858, SB 872 and SB 907** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

#### SECOND CONSIDERATION CALENDAR

#### BILLS OVER IN ORDER

**SB 27, SB 29, HB 38, SB 52, HB 78, SB 165, SB 292, SB 295, SB 297, SB 308, SB 362 and SB 367** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

#### BILL REREFERRED

**SB 386 (Pr. No. 1040)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for applicability and for the abolishment of the office of jury commissioner.

Upon motion of Senator PILEGGI, and agreed to by voice vote, the bill was rereferred to the Committee on Appropriations.

#### BILLS OVER IN ORDER

**SB 405, SB 411, HB 442, SB 448, SB 450, SB 460, SB 469, SB 473, SB 502, SB 564, SB 566, SB 618, SB 626, SB 638, SB 728 and SB 750** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

#### BILL ON SECOND CONSIDERATION

**SB 791 (Pr. No. 821)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 13, 1980 (P.L.122, No.48), known as the Bluff Recession and Setback Act, further providing for definitions; and making editorial changes.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

#### BILLS OVER IN ORDER

**SB 853, SB 898, SB 923 and SB 932** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

#### REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator ROBBINS, from the Committee on Rules and Executive Nominations, reported the following nominations made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

#### PROTHONOTARY, CLERK OF COURTS AND CLERKS OF ORPHANS' COURT, WYOMING COUNTY

April 12, 2011

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, The Honorable Karen Bishop, 1843 SR 4002, Mehoopany 18629, Wyoming County, Twentieth Senatorial District, for appointment as Prothonotary, Clerk of Courts and Clerks of Orphans' Court, Wyoming County, in and for the County of Wyoming, to serve until the first Monday of January 2012, vice Paulette A. Burnside, resigned.

**TOM CORBETT**  
Governor

#### TREASURER, CRAWFORD COUNTY

April 12, 2011

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, The Honorable Christine L. Krzysiak, 19860 Bear Road, Venango 16440, Crawford County, Fiftieth Senatorial District, for appointment as Treasurer, in and for the County of Crawford, to serve until the first Monday of January 2012, vice The Honorable Frederic Wagner, deceased.

**TOM CORBETT**  
Governor



**NOMINATIONS LAID ON THE TABLE**

Senator ROBBINS. Mr. President, I request that the nominations just read by the Clerk be laid on the table.

The PRESIDENT. The nominations will be laid on the table.

**EXECUTIVE NOMINATIONS****EXECUTIVE SESSION**

Motion was made by Senator ROBBINS,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to by voice vote.

**NOMINATIONS TAKEN FROM THE TABLE**

Senator ROBBINS. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

**PROTHONOTARY, CLERK OF COURTS AND CLERKS  
OF ORPHANS' COURT, WYOMING COUNTY**

April 12, 2011

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, The Honorable Karen Bishop, 1843 SR 4002, Mehoopany 18629, Wyoming County, Twentieth Senatorial District, for appointment as Prothonotary, Clerk of Courts and Clerks of Orphans' Court, Wyoming County, in and for the County of Wyoming, to serve until the first Monday of January 2012, vice Paulette A. Burnside, resigned.

**TOM CORBETT**  
Governor

**TREASURER, CRAWFORD COUNTY**

April 12, 2011

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, The Honorable Christine L. Krzysiak, 19860 Bear Road, Venango 16440, Crawford County, Fiftieth Senatorial District, for appointment as Treasurer, in and for the County of Crawford, to serve until the first Monday of January 2012, vice The Honorable Frederic Wagner, deceased.

**TOM CORBETT**  
Governor

On the question,  
Will the Senate advise and consent to the nominations?

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

**YEA-49**

Alloway	Erickson	Piccola	Vogel
Argall	Farnese	Pileggi	Ward
Baker	Ferlo	Pippy	Washington
Blake	Folmer	Rafferty	Waugh
Boscola	Fontana	Robbins	White Donald
Brewster	Gordner	Scarnati	White Mary Jo
Browne	Greenleaf	Schwank	Williams
Brubaker	Hughes	Smucker	Wozniak
Corman	Kasunic	Solobay	Yaw
Costa	Kitchen	Stack	Yudichak
Dinniman	Leach	Tartaglione	
Earl	McIlhinney	Tomlinson	
Eichelberger	Orie	Vance	

**NAY-0**

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

Ordered, That the Governor be informed accordingly.

**EXECUTIVE SESSION RISES**

Senator ROBBINS. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to by voice vote.

**UNFINISHED BUSINESS  
BILLS REPORTED FROM COMMITTEE**

Senator CORMAN, from the Committee on Appropriations, reported the following bills:

**SB 3 (Pr. No. 218) (Rereported)**

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, providing for compliance with Federal health care legislation.

**SB 9 (Pr. No. 152) (Rereported)**

An Act requiring identification of lawful presence in the United States as a prerequisite to the receipt of public benefits.

**SB 151 (Pr. No. 125) (Rereported)**

An Act amending the act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act, further providing for disposition of fees, fines and civil penalties.

**SB 326 (Pr. No. 1176) (Rereported)**

An Act amending the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, providing for certificate of birth resulting in stillbirth.

**SB 637 (Pr. No. 992) (Rereported)**

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, in contracts for public works, providing for verification of the employment eligibility of all employees for purposes of wage reporting and employment eligibility; prescribing penalties; and establishing good faith immunity under certain circumstances.

**SB 732 (Pr. No. 1185) (Amended) (Rereported)**

An Act regulating certain facilities which perform abortions; imposing powers and duties on the Department of Health and the Legislative Reference Bureau; and imposing penalties.

**SB 1000 (Pr. No. 1186) (Amended)**

An Act providing for the lapsing of legislative budget balances.

**SB 1006 (Pr. No. 1120) (Rereported)**

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, further providing for Schedule I controlled substances.

**CONGRATULATORY RESOLUTIONS**

The PRESIDENT laid before the Senate the following resolutions, which were read, considered, and adopted by voice vote:

Congratulations of the Senate were extended to Aaron Anthony Capozzelli by Senator Baker.

Congratulations of the Senate were extended to Matthew John Arcangelo, Matthew Pettinato, Nicholas M. Brunamonti and to Michael Nole by Senator Blake.

Congratulations of the Senate were extended to Patrick A. Hartl by Senator Brubaker.

Congratulations of the Senate were extended to Dick Calkins, Daniel Todd Foster, Jr., and to the citizens of the Borough of Burnham by Senator Corman.

Congratulations of the Senate were extended to Caleb Wilson by Senator Erickson.

Congratulations of the Senate were extended to Esther Yezilski by Senator Mensch.

Congratulations of the Senate were extended to John Morganelli by Senator Mensch and others.

Congratulations of the Senate were extended to the administrators, staff, and volunteers of Dayspring Homes, Inc., of Reading, by Senator Schwank.

Congratulations of the Senate were extended to Gina Palefsky, Polly A. Prosser, Richard M. Hall and to the Chapman Corporation by Senator Solobay.

Congratulations of the Senate were extended to Jacqueline Mehera and to Saint Titus Church of Aliquippa by Senator Vogel.

Congratulations of the Senate were extended to Jacob Byers by Senator Ward.

Congratulations of the Senate were extended to Mr. and Mrs. Larry Beightol, Daniel Anderson II, Benjamin Updegrave, Venango Technology Center and to R.N. Goss Gas Products by Senator M.J. White.

Congratulations of the Senate were extended to Paul Doyle by Senator Yudichak.

**BILL ON FIRST CONSIDERATION**

Senator PILEGGI. Mr. President, I move that the Senate do now proceed to consideration of a bill reported from committee for the first time at today's Session.

The motion was agreed to by voice vote.

The bill was as follows:

**SB 1000.**

And said bill having been considered for the first time,  
Ordered, To be printed on the Calendar for second consideration.

**PETITIONS AND REMONSTRANCES**

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Stack.

Senator STACK. Mr. President, we have talked a lot in this Chamber about budget cuts and their potential impact on this State, and mostly, it has been my opinion that in this round of proposals on the table, once again, the middle class is getting killed. I know many of us are particularly concerned about the cuts to basic and higher education, but I want to take a moment to talk about one specific group of students who will be hurt by the Governor's budget plan: little kids, Mr. President; specifically, kindergartners.

Now, years ago, we started the Accountability Block Grant Program, and let me tell you something, Mr. President, it has been a blessing for the State. It has given our school districts the ability to fund full-day kindergarten classes which, of course, have helped thousands of our youngest students build basic learning skills, skills that hopefully they will carry with them throughout the rest of their lives.

Now, how did we start accountability block grants? We started them in 2004, and this is an opportunity I have to compliment the Majority Leader of the House, Representative Sam Smith. He was one of the first people to come up with the idea for the accountability block grants, and we were able, in 2004, due to his good idea, to get that into the budget negotiation, and eventually it passed. As I have said, the accountability block grants have been extremely successful.

Since that time, the number of full-day kindergartners has grown an amazing 91 percent, Mr. President. Nearly 350 of the State's 501 school districts use accountability block grants to help fund full-day kindergarten for 50,000 children. That is two out of every three public school students, Mr. President.

It is not just me saying that this program works. Studies are proving that full-day kindergarten is helping our students achieve academically. A new report by the Pennsylvania Partnerships for Children looked at the first group of children who benefitted from full-day kindergarten thanks to accountability block grants. They followed kindergartners in the 2004-05 school year through the third grade in 2008.

Now, I do not know what kind of group the Pennsylvania Partnerships for Children is. I do not know if it is left-leaning or right-leaning or centrist, but I do know this, they saw a remarkable trend. School districts with students attending full-day kindergarten improved third-grade reading proficiency by 50 percent more than districts with part-day kindergarten programs when compared to 2005. And the trend continued. In 2010, school districts with full-day kindergarten saw third-grade math proficiency scores rise nearly twice as much as districts with part-day programs.

But it is not just about the test scores, and from my conversations with you, Mr. President, I know you are aware of this. Children who have developmental delays and other special needs, as well as children who are at-risk for school problems benefit from the extra class time. They have more time to complete their tasks and spend more time with their teachers and individualized in-



structors. Academic and social skills are, as we all know, extremely important for kids with special needs, and the earlier they are put into a full-day classroom experience, the better their chance for thriving in school.

Put simply, full-day kindergarten doubles a student's class time. Doubles. That means more time to work on fundamental reading and math, as well as socialization skills. Yet, I cannot understand it, this budget calls for eliminating the Accountability Block Grant Program. This is going to be a devastating blow to the school districts, and it is going to be detrimental to our schoolchildren across the State, Mr. President.

Kindergarten--and I did not always believe this, but I have come to believe it--is the cornerstone of a child's educational foundation. And I am afraid that if we remove that cornerstone, we will weaken their chances at a stable education. As education standards improve in our schools and as more students enroll in college after graduation, we must look at full-day kindergarten as an absolute must in a child's academic career.

In addition, we are now living in a society where, of course, both parents work, or it is a single-parent household. If schools are forced to reduce kindergarten to part-time, you are absolutely going to see families scrambling for half-day programs or for a private sitter. Families who already struggle to pay their bills simply cannot afford to pay for a caregiver before or after school, especially in these tough economic times. Full-day kindergarten has quickly become a necessary part of a child's education. It enhances a child's academic and social abilities, and it provides them with stable, consistent learning environments.

We should not have to ask a 5-year-old to sacrifice their education for the sake of filling the budget deficit. We can afford to restore some of these cuts, and not to bore some of the people in this Chamber, but I have talked about how we can do this time and time again. I have offered Senate Bill No. 836 to help bring in delinquent payments of court and fines, as well as a traffic amnesty program for Philadelphia. There is at least \$1.5 billion in unpaid money that the State, at this moment, could try to collect. Let us collect. We also have to look at reducing costs of the Department of Corrections. I do not necessarily pay attention to the surveys. I generally take a look at the numbers, I talk to people, and I see what the result is, but all the surveys are saying that people think we are spending way too much money on prisons in this State. I happen to agree.

I know that one of the folks who Governor Corbett admires in politics is Governor Christie, who I agree has been very bold on budget cuts in our neighboring State of New Jersey. But I am sure Governor Christie would be whistling a very different tune if he had a huge natural gas bonanza potentially going on in the State of New Jersey. That is what we have in this State with the Marcellus Shale, and I think before we cut crucial programs, Governor Corbett might try to obtain a fair amount of revenue from the billion-dollar gas industry, which is currently getting a free ride.

So let us not let the gigantic gas companies raid Pennsylvania's natural resources and get off scot-free and then tell the middle class, good luck, we are cutting you again; it is up to you to figure out your way; we have a tough budget situation. Mr. President, I cannot support that kind of thinking. I will not support it. We should all fight to restore the funding for full-day kindergarten, and we should all be fighting to restore cuts against our middle class.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Farnese.

Senator FARNESE. Mr. President, I have been in this Chamber and this General Assembly now just for about 3 years. I can tell you that one of the proudest days of my life was when I was sworn in and given the opportunity to represent the men and women of the First Senatorial District in Philadelphia. I stood here in this Chamber with my parents, watched the expressions on their faces, how proud they were to be here with me on that special day.

Today, I originally was going to talk about some cuts to the education budget, but again, I cannot allow the events of today to go by without commenting on them. One of the reasons I was so proud when I stood in this Chamber was because I believed, like many, many people I know and other people in this Chamber believe, that government has two objectives, at least in my opinion it does. Number one is to help people, and number two is to do everything we possibly can to make their lives better. I believe that we should be guided by these principles every day that we come here and we work on passing the laws that will govern the way that the Commonwealth of Pennsylvania goes about its day and exists. What we did today, in my opinion, earlier in a meeting of the Committee on Appropriations and just on the floor right now, does nothing at all to advance those two objectives of government - to help people or to make their lives better.

What I am talking about is a vote earlier today on Senate Bill No. 3, a bill which, when you look at it, wherever you may come down on this sensitive subject of a woman's right to choose, the truth is that today in the Commonwealth of Pennsylvania, we took a step closer to denying women across the State access to medical care. That is what we did.

You can call it whatever you want. You can raise issues on both sides. And I respect everyone's opinion on this, but the fact remains that we passed a piece of legislation today that we did not have to pass, because it did not make people's lives better and, clearly, Mr. President, it did nothing at all to help people, especially those women who are in desperate need of medical care and medical access.

Then, most recently, we passed Senate Bill No. 224, which, again, under the ruse of protecting and making children across the State of Pennsylvania safe--and I will be the first to tell you that I believe there is no greater asset, no greater natural resource in the Commonwealth of Pennsylvania, than our children. They must be protected, they must be cared for, no question about it. This is an issue over which there is no debate.

But we also have to understand that when we pass laws that restrict someone's right, 10, 15, 30 years from being gainfully employed, we are doing nothing to make their lives better, and we are certainly not doing anything to help them. To force people in this economy--and everybody around here likes to talk about these, quote, difficult economic times--to put forth a bill that hurts people, that makes it difficult for them to gain access to work, to get back into the workplace 10, 15, 30 years later for crimes that, when you really look at them, Mr. President, quite frankly, and in all sincerity, have nothing to do with children.

When you take action like that, you are making a statement, a political statement about priorities. Quite frankly, I really do not know where the priorities of this administration are. Because I look at the Calendar, I see May 9, and I see an administration

that has from January, the day that we were sworn in, talked about completing a budget by Memorial Day. That ship has sailed. That is not going to happen. But what we do have the opportunity to do is to go after women's medical coverage and access and denying people the right to work. That is not how we should be spending our time, and quite frankly, that is not how I want to spend my days here.

We have opportunities here to help people, to have open and transparent debate about important topics. And I hope, at some point, when we put these issues of political partisanship aside and those who want to make their political points have made them, that we are going to get down to doing things that will make people's lives better, get a budget done that does not cut \$1.3 billion from basic education, that does not put people out of work, that does not prohibit kids from living their dream, which is going to school and getting a higher education.

If that is the way that we decide to spend our time, then yes, I am all for that. I am all for that debate, but there has to be a point when the priorities of this administration come forward, when you begin to govern and put down the campaign trail. I am hopeful, like everybody else, that that time is going to come soon, because I will tell you this: not only can the people in this Chamber no longer wait, but time is running out for the people across the Commonwealth of Pennsylvania as well. They do not have any more time. They are out of work. They are trying to make ends meet. Forty-one thousand of them have been cut off from adultBasic. And what do we do? We go after a woman's right to healthcare coverage and people's ability to get a job, to get back in the workplace. That is what we do, and it is May 9.

So, Mr. President, I just want to rise and be heard on this. I was not going to talk about this. I was going to talk about something else, but, quite frankly, I cannot stand here, because the people from my legislative district, like many, many other people in this Chamber and this General Assembly, we were sent here to do a job. And we are ready, willing, and able to do that job. When the time to score political points has passed and we are ready to undertake the task at hand, I hope that the priorities of this administration begin to reflect what we were sent here to do--and I will say it one last time--to help people and to make their lives better.

Thank you, Mr. President.

### ANNOUNCEMENTS BY THE SECRETARY

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

#### SENATE OF PENNSYLVANIA

#### COMMITTEE MEETINGS

#### MONDAY, MAY 9, 2011

Off the Floor	APPROPRIATIONS (to consider Senate Bills No. 3, 9, 151, 326, 637, 732, 1000 and 1006)	Rules Cmte. Conf. Rm.
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider certain executive nominations)	Rules Cmte. Conf. Rm.

#### TUESDAY, MAY 10, 2011

10:00 A.M.	LABOR AND INDUSTRY (to consider Senate Bill No. 1030)	Room 461 Main Capitol
10:30 A.M.	EDUCATION (to consider Senate Bills No. 306, 389, 560, 743, 813 and 933; and an informational discussion on Senate Bill No. 172)	Room 8E-A East Wing
11:00 A.M.	TRANSPORTATION (to consider Senate Bills No. 299, 314, 595 and 635; and House Bill No. 218)	Room 8E-B East Wing
12:00 P.M.	LOCAL GOVERNMENT (to consider Senate Bills No. 730, 894, 977, 978, 979, 980, 981, 982, 983, 984, 985 and 986; and House Bills No. 373 and 374)	Room 461 Main Capitol
12:15 P.M.	FINANCE (to consider House Bill No. 986)	Room 461 Main Capitol
12:30 P.M.	STATE GOVERNMENT (to consider the nomination of Jeffrey F. Smith, Esq., to the State Board of Claims)	Sen. Maj. Caucus Rm.
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider certain executive nominations)	Rules Cmte. Conf. Rm.

#### WEDNESDAY, MAY 11, 2011

9:30 A.M.	COMMUNICATIONS AND TECHNOLOGY (public hearing to consider Senate Bills No. 354, 355 and 356)	Room 8E-A East Wing
9:30 A.M.	LAW AND JUSTICE (public hearing on the PA Instant Check System)	Room 8E-B East Wing
9:30 A.M.	PUBLIC HEALTH AND WELFARE (to consider the nomination of Gary D. Alexander as Secretary of the Department of Public Welfare)	Senate Maj. Caucus Rm.

#### THURSDAY, MAY 12, 2011

11:00 A.M.	STATE GOVERNMENT (joint hearing with the House State Government Committee to consider Congressional Redistricting)	PA Convention Ctr., 105AB, 12th St. Concourse 1101 Arch St. Phila., PA
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#### THURSDAY, JUNE 2, 2011

10:00 A.M.	LOCAL GOVERNMENT (public hearing to consider administration and enforcement of local health laws)	Paul Peck Alumni Ctr. Drexel Univ. Phila., PA
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#### THURSDAY, JUNE 9, 2011

11:00 A.M.	STATE GOVERNMENT (joint hearing with the House State Government Committee to consider Congressional Redistricting)	Cranberry Twp. Municipal Bldg., 2525 Rochester Road Cranberry Twp., PA
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TUESDAY, JUNE 14, 2011

9:00 A.M.      STATE GOVERNMENT (joint hearing      Hrg. Rm. 1  
with the House State Government      North Off.  
Committee to consider Congressional  
Redistricting)

**RECESS**

The PRESIDENT. The Chair recognizes the gentleman from Lehigh, Senator Browne.

Senator BROWNE. Mr. President I move that the Senate do now recess until Tuesday, May 10, 2011, at 1 p.m., Eastern Daylight Saving Time, unless sooner recalled by President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 6:08 p.m., Eastern Daylight Saving Time.