

COMMONWEALTH OF PENNSYLVANIA

# Legislative Journal

SUNDAY, JUNE 28, 2015

SESSION OF 2015 199TH OF THE GENERAL ASSEMBLY

No. 45

## SENATE

SUNDAY, June 28, 2015

The Senate met at 6 p.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor Mike Stack) in the Chair.

## PRAYER

The following prayer was offered by Senator JOHN C. RAFFERTY:

Good evening.

God, our eternal Father, You have given each of us an awesome responsibility to be stewards of the public trust for the Commonwealth of Pennsylvania. All throughout the history of this great country You have guided men and women in assembly with Your divine providence to reach just decisions. We ask the same blessings upon us this evening, each and every one of us, both sides of the aisle, all political persuasions, all geographic locations, and may we be mindful that the efforts we are working for are for just and fair resolutions to the issues facing the Commonwealth.

Through Your graces, may we respect and be tolerant of one another in our discussions, our debates, and the resolution of those decisions. From Your prophet Jeremiah, You uttered the words, For I know the plans I have for you, declares the Lord, plans to prosper you and not to harm you, plans to give you hope and a future. May all of us working together tonight and the next few days give Pennsylvania that bright future. We ask this in Your holy name. Amen.

## PLEDGE OF ALLEGIANCE

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

## COMMUNICATIONS FROM THE GOVERNOR

### NOMINATION REFERRED TO COMMITTEE

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

MAGISTERIAL DISTRICT JUDGE

June 26, 2015

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, Jacob M. Maldonado, 133 State Street, #2, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Northumberland, Magisterial District 03-3-03, to serve until the first Monday of January 2016, vice The Honorable Todd Strohe, [data missing], deceased.

TOM WOLF  
Governor

## CORRECTION TO NOMINATION REFERRED TO COMMITTEE

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

MAGISTERIAL DISTRICT JUDGE

June 26, 2015

To the Honorable, the Senate  
of the Commonwealth of Pennsylvania:

Please note that the letter dated June 26, 2015, for the nomination of Jacob M. Maldonado, 133 State Street, #2, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Northumberland, Magisterial District 03-3-03, to serve until the first Monday of January 2016, vice The Honorable Todd Strohe, [data missing], deceased, should be corrected to read:

Jacob M. Maldonado, 133 State Street, #2, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Northampton, Magisterial District 03-3-03, to serve until the first Monday of January 2016, vice The Honorable Todd Strohe, [data missing], deceased.

TOM WOLF  
Governor

## HOUSE MESSAGES

### SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 620**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule 13(c)(2)(i), the bill will be referred to the Committee on Rules and Executive Nominations.

**HOUSE BILL FOR CONCURRENCE**

The Clerk of the House of Representatives presented to the Senate the following bill for concurrence, which was referred to the committee indicated:

June 28, 2015

**HB 1192** -- Committee on Appropriations.

**LEGISLATIVE LEAVES**

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, I request legislative leaves for Senator Smucker and Senator Argall.

The PRESIDENT. Senator Corman requests legislative leaves for Senator Smucker and Senator Argall. Without objection, the leaves will be granted.

**CALENDAR****SECOND CONSIDERATION CALENDAR****HB 1276 CALLED UP OUT OF ORDER**

**HB 1276 (Pr. No. 1947)** -- Without objection, the bill was called up out of order, from page 13 of the Second Consideration Calendar, by Senator CORMAN, as a Special Order of Business.

**BILL ON SECOND CONSIDERATION  
AND REREFERRED**

**HB 1276 (Pr. No. 1947)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in child protective services, further providing for definitions, for persons required to report suspected child abuse, for access to information in Statewide database, for release of information in confidential reports, for employees having contact with children and adoptive and foster parents, for information relating to certified or registered day-care home residents, for volunteers having contact with children, for continued employment or participation in program, activity or service, for certification compliance, for education and training and for mandatory reporting of children under one year of age.

On the question,  
Will the Senate agree to the bill on second consideration?

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

**YEA-49**

Alloway	Eichelberger	Mensch	Vogel
Argall	Farnese	Pileggi	Vulakovich
Aument	Folmer	Rafferty	Wagner
Baker	Fontana	Sabatina	Ward
Bartolotta	Gordner	Scarnati	White
Blake	Greenleaf	Scavello	Wiley
Boscola	Haywood	Schwank	Williams
Brewster	Hughes	Smucker	Wozniak
Brooks	Hutchinson	Stefano	Yaw
Browne	Kitchen	Tartaglione	Yudichak
Corman	Leach	Teplitz	
Costa	McGarrigle	Tomlinson	
Dinniman	McIlhinney	Vance	

**NAY-0**

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

Ordered, To be printed on the Calendar for third consideration.

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

**RECESS**

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, I request a recess of the Senate for purposes of off-the-floor meetings of the Committee on Rules and Executive Nominations, the Committee on Appropriations, and the Committee on Law and Justice, all to be held in the Rules room, to be followed by a Republican caucus 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 three meetings referenced, Senate Democrats will meet in the rear of the Chamber for a caucus.

The PRESIDENT. For purposes of the meetings announced, followed by Republican and Democratic 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 LEAVE**

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, I request a temporary Capitol leave for Senator White.

The PRESIDENT. Senator Corman requests a temporary Capitol leave for Senator White. Without objection, the leave will be granted.

**LEGISLATIVE LEAVES CANCELLED**

The PRESIDENT. Senator Smucker and Senator Argall have returned, and their legislative leaves are cancelled.

**CONSIDERATION OF CALENDAR RESUMED  
THIRD CONSIDERATION CALENDAR****NONPREFERRED APPROPRIATION BILLS  
OVER IN ORDER**

**SB 912, SB 913, SB 914, SB 915 and SB 916** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

**BILL OVER IN ORDER TEMPORARILY**

**SB 6** -- Without objection, the bill was passed over in its order temporarily at the request of Senator CORMAN.

## BILLS OVER IN ORDER

**HB 164, HB 221 and HB 272** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**HB 329 (Pr. No. 1195)** -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a portion of Pennsylvania Route 22 in Mifflin County as the Corporal John S. Valent Memorial Highway.

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	Eichelberger	Mensch	Vogel
Argall	Farnese	Pileggi	Vulakovich
Aument	Folmer	Rafferty	Wagner
Baker	Fontana	Sabatina	Ward
Bartolotta	Gordner	Scarnati	White
Blake	Greenleaf	Scavello	Wiley
Boscola	Haywood	Schwank	Williams
Brewster	Hughes	Smucker	Wozniak
Brooks	Hutchinson	Stefano	Yaw
Browne	Kitchen	Tartaglione	Yudichak
Corman	Leach	Teplitz	
Costa	McGarrigle	Tomlinson	
Dinniman	McIlhinney	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 return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

## BILLS OVER IN ORDER

**SB 430 and SB 474** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 533 (Pr. No. 490)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in other criminal provisions, further providing for supervisory relationship to offenders.

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	Eichelberger	Mensch	Vogel
Argall	Farnese	Pileggi	Vulakovich
Aument	Folmer	Rafferty	Wagner
Baker	Fontana	Sabatina	Ward
Bartolotta	Gordner	Scarnati	White
Blake	Greenleaf	Scavello	Wiley
Boscola	Haywood	Schwank	Williams
Brewster	Hughes	Smucker	Wozniak
Brooks	Hutchinson	Stefano	Yaw
Browne	Kitchen	Tartaglione	Yudichak
Corman	Leach	Teplitz	
Costa	McGarrigle	Tomlinson	
Dinniman	McIlhinney	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.

## BILL OVER IN ORDER TEMPORARILY

**SB 536** -- Without objection, the bill was passed over in its order temporarily at the request of Senator CORMAN.

## BILL OVER IN ORDER

**SB 640** -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

## BILL LAID ON THE TABLE

**SB 683 (Pr. No. 672)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, in DNA data and testing, further providing for policy, for definitions, for powers and duties of State Police, for State DNA Data Base, for State DNA Data Bank, for State Police recommendation of additional offenses, for procedural compatibility with FBI and for DNA sample required upon conviction, delinquency adjudication and certain ARD cases; providing for collection from persons accepted from other jurisdictions; further providing for procedures for withdrawal, collection and transmission of DNA samples, for procedures for conduct, disposition and use of DNA analysis; providing for request for modified DNA search; and further providing for DNA data base exchange, for expungement and for mandatory cost.

Upon motion of Senator CORMAN, and agreed to by voice vote, the bill was laid on the table.

## SB 683 TAKEN FROM THE TABLE

Senator CORMAN. Mr. President, I move that Senate Bill No. 683, Printer's No. 672, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

The PRESIDENT. The bill will be placed on the Calendar.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 748 (Pr. No. 790)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions relating to operation of vehicles, further providing for obedience to authorized persons directing traffic; and providing for drivers of certified escort vehicles; in other required equipment, further providing for identification of certain vehicles; and, in size, weight and load, further providing for scope and application of chapter and for conditions of permits and security for damages.

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	Eichelberger	Mensch	Vogel
Argall	Farnese	Pileggi	Vulakovich
Aument	Folmer	Rafferty	Wagner
Baker	Fontana	Sabatina	Ward
Bartolotta	Gordner	Scarnati	White
Blake	Greenleaf	Scavello	Wiley
Boscola	Haywood	Schwank	Williams
Brewster	Hughes	Smucker	Wozniak
Brooks	Hutchinson	Stefano	Yaw
Browne	Kitchen	Tartaglione	Yudichak
Corman	Leach	Teplitz	
Costa	McGarrigle	Tomlinson	
Dinniman	McIlhinney	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.

BILL OVER IN ORDER

**SB 751** -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

BILLS ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 756 (Pr. No. 1009)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, in Commonwealth Financing Authority, further providing for First Industries Program expiration provision.

Considered the third time and agreed to,

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

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	Eichelberger	Mensch	Vogel
Argall	Farnese	Pileggi	Vulakovich
Aument	Folmer	Rafferty	Wagner
Baker	Fontana	Sabatina	Ward
Bartolotta	Gordner	Scarnati	White
Blake	Greenleaf	Scavello	Wiley
Boscola	Haywood	Schwank	Williams
Brewster	Hughes	Smucker	Wozniak
Brooks	Hutchinson	Stefano	Yaw
Browne	Kitchen	Tartaglione	Yudichak
Corman	Leach	Teplitz	
Costa	McGarrigle	Tomlinson	
Dinniman	McIlhinney	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.

**SB 862 (Pr. No. 1129)** -- 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 preliminary provisions, further providing for criminal history of employees and prospective employees and conviction of certain offenses.

Considered the third time and agreed to,

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

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	Eichelberger	Mensch	Vogel
Argall	Farnese	Pileggi	Vulakovich
Aument	Folmer	Rafferty	Wagner
Baker	Fontana	Sabatina	Ward
Bartolotta	Gordner	Scarnati	White
Blake	Greenleaf	Scavello	Wiley
Boscola	Haywood	Schwank	Williams
Brewster	Hughes	Smucker	Wozniak
Brooks	Hutchinson	Stefano	Yaw
Browne	Kitchen	Tartaglione	Yudichak
Corman	Leach	Teplitz	
Costa	McGarrigle	Tomlinson	
Dinniman	McIlhinney	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.

## BILLS OVER IN ORDER

**SB 871, SB 872, SB 873 and SB 897** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

## SECOND CONSIDERATION CALENDAR RESUMED

## BILL OVER IN ORDER

**HB 14** -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

## BILLS REREFERRED

**SB 23 (Pr. No. 1104)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in registration of vehicles, providing for multiple-war veteran plate; and, in fees, further providing for exemption of persons, entities and vehicles from fees.

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

**SB 24 (Pr. No. 9)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in registration of vehicles, further providing for veteran plates and placard.

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

## BILL LAID ON THE TABLE

**HB 57 (Pr. No. 49)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in rates, further providing for sliding scale of rates and adjustments; and, in natural gas competition, further providing for duties of natural gas distribution companies.

Upon motion of Senator CORMAN, and agreed to by voice vote, the bill was laid on the table.

## HB 57 TAKEN FROM THE TABLE

Senator CORMAN. Mr. President, I move that House Bill No. 57, Printer's No. 49, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

The PRESIDENT. The bill will be placed on the Calendar.

## BILL ON SECOND CONSIDERATION

**HB 60 (Pr. No. 1921)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, in casualty insurance, providing for coverage for oral chemotherapy medications.

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

## BILL OVER IN ORDER

**HB 66** -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

## BILL ON SECOND CONSIDERATION

**HB 73 (Pr. No. 64)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in sentencing, further providing for counseling of sexually violent predators.

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

## BILLS OVER IN ORDER

**HB 88, HB 89, HB 90 and SB 104** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

## BILL LAID ON THE TABLE

**SB 202 (Pr. No. 169)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 29, 2004 (P.L.1383, No.180), known as the Uniform Crime Reporting Act, in higher education security information, further providing for crime statistics and security policies and procedures; and providing for Pennsylvania safe campuses.

Upon motion of Senator CORMAN, and agreed to by voice vote, the bill was laid on the table.

BILL ON SECOND CONSIDERATION  
AND REREFERRED

**HB 224 (Pr. No. 214)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the posting of annual financial information for public school entities.

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

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

## BILL ON SECOND CONSIDERATION

**HB 229 (Pr. No. 486)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in assault, further providing for the offense of harassment.

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

BILL ON SECOND CONSIDERATION  
AND REREFERRED

**HB 239 (Pr. No. 1887)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 31, 1971 (P.L.398, No.96), known as the County Pension Law, further providing for definitions and for supplemental benefits.

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

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

## BILLS OVER IN ORDER

**HB 263, SB 290 and SB 296**-- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

## BILL OVER IN ORDER AND LAID ON THE TABLE

**HB 363 (Pr. No. 1196)** -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a portion of Davisville Road in Upper Moreland Township, Montgomery County, from State Route 611, also known as York Road, to Terwood Road as the PFC Robert S. Alexander Memorial Highway.

Without objection, the bill was passed over in its order at the request of Senator CORMAN.

Pursuant to Senate Rule 9, the bill was laid on the table.

## BILLS OVER IN ORDER

**SB 388 and HB 400** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

## BILL ON SECOND CONSIDERATION

**SB 404 (Pr. No. 894)** -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing guidelines and procedures governing certain investigations and interrogations of correctional officers; authorizing

certain civil suits by correctional officers; and providing for impact of collective bargaining agreements and for summary suspensions.

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

## BILLS OVER IN ORDER

**HB 447 and HB 455** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

## BILL LAID ON THE TABLE

**HB 475 (Pr. No. 1197)** -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a portion of State Route 22/322 in Juniata County as the Honorable Daniel F. Clark Memorial Highway.

Upon motion of Senator CORMAN, and agreed to by voice vote, the bill was laid on the table.

## HB 475 TAKEN FROM THE TABLE

Senator CORMAN. Mr. President, I move that House Bill No. 475, Printer's No. 1197, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

The PRESIDENT. The bill will be placed on the Calendar.

## BILL ON SECOND CONSIDERATION

**HB 501 (Pr. No. 1319)** -- The Senate proceeded to consideration of the bill, entitled:

An Act designating the Conodoguinet Bridge on that portion of State Route 641 over the Conodoguinet Creek, Hopewell Township, Cumberland County, as the Army Pfc. Harold "Sam" E. Barrick Memorial Bridge.

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

BILL ON SECOND CONSIDERATION  
AND REREFERRED

**HB 530 (Pr. No. 1949)** -- 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 terms and courses of study, further providing for agreements with institutions of higher education; in opportunities for educational excellence, further providing for definitions and for concurrent enrollment agreements; and extensively revising and adding charter school provisions.

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

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

## BILL ON SECOND CONSIDERATION

**SB 566 (Pr. No. 539)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 3, 1959 (P.L.1688, No.621), known as the Housing Finance Agency Law, further providing for the Housing Affordability and Rehabilitation Enhancement Fund.

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

## BILL OVER IN ORDER

**HB 629** -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

BILL ON SECOND CONSIDERATION  
AND REREFERRED

**SB 648 (Pr. No. 1105)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in snowmobiles and all-terrain vehicles, further providing for restricted account and for Snowmobile and ATV Advisory Committee.

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

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

## BILLS OVER IN ORDER

**SB 652, HB 664, HB 720 and SB 731** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

## BILL REREFERRED

**SB 755 (Pr. No. 1017)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, providing for a municipal alternative retirement plan.

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

## BILL OVER IN ORDER

**HB 779** -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

## BILL ON SECOND CONSIDERATION

**SB 785 (Pr. No. 1107)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in consolidated county assessment, further providing for definitions and for subjects of local taxation.

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

## BILLS OVER IN ORDER

**HB 834, HB 857, HB 866, SB 868, SB 877, SB 887, SB 890 and SB 894** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

## BILL ON SECOND CONSIDERATION

**SB 898 (Pr. No. 1064)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, in fiscal affairs, further providing for limits on counties of the second class.

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

## BILL REREFERRED

**SB 899 (Pr. No. 1065)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in consolidated county assessment, further providing for limitation on tax increase after countywide reassessment.

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

## BILLS OVER IN ORDER

**SB 923, SB 925 and SB 926** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON SECOND CONSIDERATION  
AND REREFERRED

**HB 934 (Pr. No. 1946)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, in public assistance, providing for the establishment of KEYS; in children and youth, further providing for provider submissions; in departmental powers and duties as to supervision, further providing for definitions; in departmental powers and duties as to licensing, further providing for definitions, for fees and for provisional license; repealing provisions relating to registration provisions; and, in family finding and kinship care, further providing for definitions, for kinship care program and for permanent legal custodianship subsidy and reimbursement; abrogating a regulation; and making editorial changes.

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

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

#### BILLS OVER IN ORDER

**HB 972, HB 1071 and HB 1198** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

#### THIRD CONSIDERATION CALENDAR RESUMED

##### SB 536 CALLED UP

**SB 536 (Pr. No. 1118)** -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Third Consideration Calendar, by Senator CORMAN.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 536 (Pr. No. 1118)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, in casualty insurance, providing for coverage for oral chemotherapy medications.

Considered the third time and agreed to,  
And the amendments made thereto having been printed as required by the Constitution,

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	Eichelberger	Mensch	Vogel
Argall	Farnese	Pileggi	Vulakovich
Aument	Folmer	Rafferty	Wagner
Baker	Fontana	Sabatina	Ward
Bartolotta	Gordner	Scarnati	White
Blake	Greenleaf	Scavello	Wiley
Boscola	Haywood	Schwank	Williams
Brewster	Hughes	Smucker	Wozniak
Brooks	Hutchinson	Stefano	Yaw
Browne	Kitchen	Tartaglione	Yudichak
Corman	Leach	Teplitz	
Costa	McGarrigle	Tomlinson	
Dinniman	McIlhinney	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.

#### SB 6 CALLED UP

**SB 6 (Pr. No. 1124)** -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator CORMAN.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 6 (Pr. No. 1124)** -- 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, providing for the establishment of the Achievement School District and for its powers and duties.

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

#### LEACH AMENDMENT A2872 OFFERED

Senator LEACH offered the following amendment No. A2872:

Amend Bill, page 3, line 14, by striking out "one member" and inserting:

three members

Amend Bill, page 3, line 18, by striking out "two members" and inserting:

one member

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

The PRESIDENT. The Chair recognizes the gentleman from Montgomery, Senator Leach.

Senator LEACH. Mr. President, this amendment does not go so much to the merits of the bill, there will be plenty of time and plenty of other people willing to discuss that; this goes to something about, sort of, the nature of the process of the bill. This bill has a board that is composed of members, and we were assured that this was a bipartisan, good-faith effort to address some issues involving public education, and that is a worthy goal. However, in virtually every other situation where such a board is appointed, and we have looked a lot, my staff cannot find an exception, maybe there is an exception somewhere in the law, but we could not find one. Typically, the Governor has three appointees, and each Caucus has one appointee - Republican House, Republican Senate, Democratic House, Democratic Senate - each have one appointee. The bill is set up differently. This bill gives the Governor one appointee, it gives the Majority of each Chamber two appointees, and gives the Minority Caucus of each Chamber one appointee. We could not find any other situation where that is the case. It appears to be nothing but an effort to stack the board to make sure that there is a Republican majority. I asked in the committee what the purpose of this was, and the only answer I could get was, it would be to assure continuity, which is odd since this is a new board that never existed before, so continuity of what is not obvious.



What this amendment will do would just give each Caucus one appointee as we do in virtually--and when I say virtually, I am only saying that because I am not positive that there is not an exception somewhere lurking in Pennsylvania history, but I am fairly confident in saying that in every other context, we do it with one appointee per Caucus. Now, again, we have divided government, which we did not have for the last 4 years. One party cannot do things like this. The Governor is not -- I cannot speak to the Governor's position on other aspects of this bill, but the Governor is not going to sign a bill which is deliberately structured in an unusual, almost unheard of way, to guarantee that there is an artificial majority on the board.

So, I am asking for a vote to bring this bill in line with every other bill where we have appointments to make, one per Caucus and three for the Governor.

Thank you, Mr. President.

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

Senator SMUCKER. Mr. President, the amendment that is being proposed was an amendment that was discussed in the meeting of the Committee on Education in which the bill was reported out, and after some discussion it was voted down by Members of the Committee on Education. I think the Senator did address the reason for the makeup of the board, and that is to, once this board is put in place, we want to insure that the work of the ASD continues and spans administrations. So the concern is to provide and look for the best mechanism or the best board makeup to have the best chance of continuity once it is established.

So, with that in mind, and because this amendment has been discussed when we reported out the bill, and it was turned down at that point, I ask my colleagues for a negative vote on this amendment. I appreciate their consideration. Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Montgomery, Senator Leach, for the second time.

Senator LEACH. Mr. President, with all due respect, we just heard the justification for the unusual makeup of the board, and to be kind, it was not a very compelling justification. We have to assure continuity once the board is set up. That is oxymoronic. There is nothing to be continuous of right now until there is a board. Once it is set up, it is unclear to me how giving Republicans twice as much representation on the board as Democrats assures continuity. That is not inherently obvious to me and that was not explained.

Now, this was considered, it is true, in the Committee on Education. It was voted down on a party-line vote, not surprisingly. Again, if we are going to be -- in 5 years, there may be a different Governor, whatever, so we do not know what that will be like in the future, but the bottom line is, there is no justification for treating this differently, other than on a politically charged issue, keep in mind that this bill will allow the takeover of certain school districts, which could be, I am not suggesting it will be, but could be, employed in a very partisan way. We do not want to stack the board. That inherently raises red flags. Again, we talked about Kabuki theater in another context in the committee meeting, if we just want to throw things out there that will never become law, we can do that, but if we actually want to have a dialogue where we actually try to solve problems and pass bills that will be signed by the Governor and actually solve the problems of the people of Pennsylvania, you cannot do this. It is ob-

vious that there is no justification other than wanting to stack the board. The stuff about, oh, continuity of something in the future, who knows, it does not make any sense. Even if it did make any sense, there is no reason why having a double Republican representation on the board provides anything, if there was such a justification. So, it just does not make any sense.

So, I am asking if we can treat this like every other board, which will go a long way towards making everyone, at least on this side of the aisle, and the Governor's Office, feel that this is a good-faith effort to solve a problem, rather than a partisan power grab.

Thank you, Mr. President.

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

Senator SMUCKER. Mr. President, just a few points. One is the idea of an achievement school district or the idea of State intervention to focus on turning around the poorest performing schools is not a partisan idea in any way. In fact, the States we looked at that have programs like this that seem to be operating best are both Democratic and Republican States. So, I want to make that point clear initially. This is not a partisan idea. Turning around schools should be, and I am sure is, the priority of every Member of this body. So it is not partisan.

The bill specifically calls for "The Governor shall appoint one member of the ASD board. The President pro tempore of the Senate and the Speaker of the House of Representatives shall each appoint two members. The Minority Leader of the Senate and the Minority Leader of the House of Representatives shall each appoint one member." In no place there does it say Republicans appoint a certain number of members and Democrats appoint a certain number of members. Of course, the Senator knows full well that this body is elected by our constituents and the makeup of that body changes over time. Again, the makeup of this board was intended to try to provide the most consistent and continuous operation of the ASD over a period of time.

Thank you, Mr. President.

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

Senator HUGHES. Mr. President, we spoke about this issue when we had this legislation in front of us in the Committee on Appropriations, and it was clear that the structure at that time, and it seems to remain such, is clearly weighted unfairly to the Majority party in charge of both Chambers right now. We have always tried to operate, when we create a structure similar to this, where there was essentially equal representation from all of those involved, a Member of the Democratic Senate, a Member of the Republican Senate, a member of the Democratic House, a member of the Republican House, and maybe one, two, or three appointees from the administration, trying to create some balance, trying to create some sense of fairness in the process.

What we have here as presented, which Senator Leach is trying to correct, is something that seems to be extremely weighted to one particular political party, and in many respects, probably to the detriment of the schoolchildren involved in this process. I understand the saying, "the Minority has its say, but the Majority has its way." In this structure that is set forth in Senate Bill No. 6, in this case, the Minority does not even have much of a say, let alone a chance to have equal representation in the structure which will be setting up, essentially, an independent school district in the Commonwealth of Pennsylvania outside of geograph-

ical lines that probably, in the end, is worthy of some kind of legal challenge on just the issue of separate but equal. Now, I am not an attorney, there are a number of them here in the room who can probably more fairly interpret that, but you are creating an entity that, on its base, does not seem to be appropriate, but then you are creating an oversight entity in which, I might add, is only scheduled to meet twice a year. Twice a year they have the responsibility of overseeing 147 schools, but they only meet twice a year, that is weighted to one particular part of the legislative structure. That does not seem right. It is not fair and it is clearly not consistent with past practice here, Mr. President. It starts to make us wonder what the true intent is of this legislation and what they are trying to achieve.

Thank you very much, Mr. President.

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

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

#### YEA-19

Blake	Farnese	Leach	Wiley
Boscola	Fontana	Sabatina	Williams
Brewster	Haywood	Schwank	Wozniak
Costa	Hughes	Tartaglione	Yudichak
Dinniman	Kitchen	Teplitz	

#### NAY-30

Alloway	Eichelberger	Pileggi	Vogel
Argall	Folmer	Rafferty	Vulakovich
Aument	Gordner	Scarnati	Wagner
Baker	Greenleaf	Scavello	Ward
Bartolotta	Hutchinson	Smucker	White
Brooks	McGarrigle	Stefano	Yaw
Browne	McIlhinney	Tomlinson	
Corman	Mensch	Vance	

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?

#### TEPLITZ AMENDMENT A2731 OFFERED

Senator TEPLITZ offered the following amendment No. A2731:

Amend Bill, page 12, line 1, by inserting after "receiver":  
or chief recovery officer

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

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

Senator TEPLITZ. Mr. President, I am not sure if this is agreed to or not. I guess we will find out. My staff tried to close the loop on that but we were not able to. This amendment adds four words to Senate Bill No. 6. Last week during consideration of the bill in the Committee on Appropriations, I asked the prime

sponsor how to reconcile the districts that are under a chief recovery officer with pulling them into this new school district that would be created by Senate Bill No. 6, and the sponsor responded that it was not his intent to pull in those districts. There was a feeling by the sponsor that the current language in the bill, which would have exempted receivership school districts and also exempted the recovery school districts, but he recognized that there was a drafting error and that was not accomplished.

I represent the school district of the city of Harrisburg, which the intent of the sponsor of the bill is to exempt. I am offering the four words to the bill that would allow that intention to be codified into law to correct the drafting error. So, I ask my colleagues for support on the amendment. Thank you.

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

Senator SMUCKER. Mr. President, I rise to ask for a negative vote on this amendment. There will be ongoing steps. This bill will be taken up by the House and, of course, would need to be signed by the Governor. There were discussions occurring with the administration in regard to turnaround schools, so there will be ample opportunity to address that issue going forward. So tonight, I ask for a negative vote.

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator Teplitz, for the second time.

Senator TEPLITZ. Mr. President, just really briefly, are we really at a point where the Majority recognizes that there is a drafting error, agrees that the purpose of my amendment was the original intent of the bill, concedes that the bill as drafted does not achieve their intent, and yet still will not make that fix so as not to pull in school districts that they do not want to pull in in the first place? I just do not understand that, and I ask for an affirmative vote. Thank you.

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

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

#### YEA-19

Blake	Farnese	Leach	Wiley
Boscola	Fontana	Sabatina	Williams
Brewster	Haywood	Schwank	Wozniak
Costa	Hughes	Tartaglione	Yudichak
Dinniman	Kitchen	Teplitz	

#### NAY-30

Alloway	Eichelberger	Pileggi	Vogel
Argall	Folmer	Rafferty	Vulakovich
Aument	Gordner	Scarnati	Wagner
Baker	Greenleaf	Scavello	Ward
Bartolotta	Hutchinson	Smucker	White
Brooks	McGarrigle	Stefano	Yaw
Browne	McIlhinney	Tomlinson	
Corman	Mensch	Vance	

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?

## MOTION PURSUANT TO RULE 11

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, obviously, this is an important bill before us and I know our colleagues on the other side of the aisle have a few more amendments that they would like to consider here tonight. The hour is getting close to 11 o'clock, so, Mr. President, I move that the Senate do continue debate beyond the hour of 11 p.m. to continue consideration of Senate Bill No. 6 and the remaining business before the Senate.

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

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

## YEA-47

Alloway	Eichelberger	McIlhinney	Tomlinson
Argall	Farnese	Mensch	Vance
Aument	Folmer	Pileggi	Vogel
Baker	Fontana	Rafferty	Vulakovich
Bartolotta	Gordner	Sabatina	Wagner
Blake	Greenleaf	Scarnati	Ward
Boscola	Haywood	Scavello	White
Brewster	Hughes	Schwank	Wiley
Browne	Hutchinson	Smucker	Williams
Corman	Kitchen	Stefano	Yaw
Costa	Leach	Tartaglione	Yudichak
Dinniman	McGarrigle	Teplitz	

## NAY-2

Brooks                      Wozniak

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

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

## DINNIMAN AMENDMENT A2846 OFFERED

Senator DINNIMAN offered the following amendment No. A2846:

Amend Bill, page 5, line 10, by inserting after "powers":  
and duties

Amend Bill, page 5, line 14, by inserting after "606-B(b)":

A priority shall be given to authorizing charter schools designed and led by the use of the collective teacher autonomy model of leadership and organization to assure autonomy for the professional teachers that is formed by:

(i) the professional employees who are assigned to the school or school district that the ASD is transferring to its jurisdiction; or

(ii) the professional employees who are assigned to a school or the school district that the ASD is transferring to its jurisdiction and the parents of the students that will attend the ASD school and the residents of the area that will be served by the ASD school.

(3) The duty to consult with innovative school representatives, trauma-informed education representatives, parent groups, community affairs representatives, business representatives and any other organization that specializes in and has expertise with schools that implement community engagement and to establish and develop guidelines that all ASD schools shall implement and operate in accordance with, but not

be limited to, the following types of educational and school administration approaches that increase parent involvement by:

(i) creating an environment that recruits parents and community members for school tasks in order to listen to different viewpoints and to share in decision making that provides the necessary foundation for a school-family-community partnership;

(ii) creating ways that families can be involved in schools or school programs and effective methods of recruitment;

(iii) linking families with their children's curriculum through learning activities that can be done at home, as well as homework;

(iv) assisting families with parenting and child-rearing skills and assisting schools in understanding families;

(v) coordinating services in the community with family needs, providing services to the community and making available facilities, faculty and staff to the community for activities and educational programs for the community;

(vi) promoting attendance and truancy prevention efforts between schools and the students' families; and

(vii) including trauma-based best evidence practices that integrate programs and family components into or in conjunction with the curriculum of schools.

(4) The duty to provide assistance, training and material to ASD schools to facilitate the implementation of the guidelines promoted under paragraph (3).

Amend Bill, page 5, line 26, by striking out all of said line and inserting:

(c) Criteria for conversion.--

(1) Notwithstanding the provisions

Amend Bill, page 5, by inserting between lines 28 and 29:

(2) The ASD, when converting a school under its jurisdiction to a charter school, shall give preference to converting the school to a charter school that is a teacher-powered charter school designed and led by the use of the collective teacher autonomy model of leadership and organization to assure autonomy for the professional teachers that is formed by:

(i) the professional employees who are assigned to a school or the school district that the ASD is transferring to its jurisdiction; or

(ii) the professional employees who are assigned to a school or the school district that the ASD is transferring to its jurisdiction and the parents of the students that will attend the ASD school and the residents of the area that will be served by the ASD school.

(3) The charter school given preference under paragraph (2) may have been authorized by the ASD or by any other legal authority.

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

The PRESIDENT. The Chair recognizes the gentleman from Chester, Senator Dinniman.

Senator DINNIMAN. Mr. President, let us get away from the political part of this and all of those arguments and get into the education part of it, though I believe that all of our amendments are justified, I think, in terms of the composition of the board and in terms of the amendment by Senator Teplitz. But mine is this: there are three fundamental aspects of the school - the teachers, the students, and the parents. As I read through this bill, I am concerned that we are bringing in turnaround experts, we are putting layers upon layers of supervision, and I want to see the creation of what are called the use of collective teacher autonomy models for charter schools. These models exist in a number of States and they allow teachers to run the schools as they should, and I wanted that to be given preference in this achievement school district.

Second, in the bill, it talks about advisory boards and it makes it quite clear in precise words that parents really do not matter because all they can do is give some advice or give some feedback. Well, if you are going to turn around the school, then you focus in on the parents in terms of some real power because you

are not going to change anything in the schools until you give most of the teachers and the parents an opportunity to fully be part of that turnaround process. That is the purpose of my amendment, Mr. President. Thank you.

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

Senator SMUCKER. Mr. President, I thank the gentleman for his interest in the quality of our schools and his interest in turning around our poorest performing schools. The idea that parents should be involved in the education of their children is, of course, crucial. In fact, that is probably the most important component of a child's education. So, in that regard I share the goal to have parents be involved. At the hearing that we held in the Committee on Education, we heard a lot about the importance of community involvement in turnaround schools and addressed that by adding a component to the bill that would provide for a community advisory board. This language was just presented in the last hour or so, I have not had a chance to review exactly how this would work. So, for tonight, I ask for a negative vote, and I appreciate my colleagues' consideration.

The PRESIDENT. The Chair recognizes the gentleman from Chester, Senator Dinniman, for the second time.

Senator DINNIMAN. Mr. President, again, I have great respect for Senator Smucker. The two of us really want to change and make sure every child has a decent education. In deference, this amendment was not sent an hour ago, this amendment was produced on Saturday and was certainly forwarded today. Now, I do not doubt that the Senator might have gotten it an hour ago, but certainly his staff got it earlier.

Laying that aside, because I know my amendment will be defeated, when we think of the future and we get to the point of creating these schools, an advisory board of three parents who can only give feedback is not parental involvement. You are not going to change the education in our lowest achieving schools until parents and teachers have a real say and are empowered. That is the purpose of the amendment.

Thank you, Mr. President.

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

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

#### YEA-19

Blake	Farnese	Leach	Wiley
Boscola	Fontana	Sabatina	Williams
Brewster	Haywood	Schwank	Wozniak
Costa	Hughes	Tartaglione	Yudichak
Dinniman	Kitchen	Teplitz	

#### NAY-30

Alloway	Eichelberger	Pileggi	Vogel
Argall	Folmer	Rafferty	Vulakovich
Aument	Gordner	Scarnati	Wagner
Baker	Greenleaf	Scavello	Ward
Bartolotta	Hutchinson	Smucker	White
Brooks	McGarrigle	Stefano	Yaw
Browne	McIlhinney	Tomlinson	
Corman	Mensch	Vance	

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, before we proceed to a vote or comments on Senate Bill No. 6, my colleague, Senator Teplitz, would like the opportunity to interrogate the maker of the legislation.

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

Senator TEPLITZ. Mr. President, I would like to have brief interrogation with the sponsor of the bill.

The PRESIDENT. Senator Teplitz has requested brief interrogation of the maker of the bill. Senator Smucker, do you agree?

Senator SMUCKER. Yes, Mr. President.

The PRESIDENT. Senator Smucker agrees to be interrogated. Senator Teplitz, please proceed.

Senator TEPLITZ. Mr. President, I thank the sponsor of the bill. I want to get on the legislative record what was said last week in the meeting of the Committee on Appropriations so that the legislative intent is clear. Am I correct that currently Senate Bill No. 6 only excludes those school districts that are under receivership?

The PRESIDENT. Senator Teplitz has made the inquiry. Senator Smucker, do you understand the question?

Senator SMUCKER. Mr. President, the answer is yes. The bill specifically excludes districts that are currently under receivership for qualification. Buildings in those districts would not be qualified to be taken over by the ASD.

Senator TEPLITZ. Mr. President, am I also correct that the gentleman's intent was to exclude not just those districts that are under receivership, but also those districts that are under recovery officers?

The PRESIDENT. Senator Smucker, do you understand the question? Please proceed if you do.

Senator SMUCKER. Mr. President, yes. As I said to the Senator in the Committee on Appropriations, there will be an opportunity to change this bill as it moves through the process. It would need to be taken up by the House and there are currently discussions ongoing with the administration, and the issue of whether schools under a chief recovery officer should be excluded is one that, as the maker of the bill, I am certainly willing to discuss with the Senator and consider whether that should be an additional exclusion outlined in the bill.

Senator TEPLITZ. Mr. President, with all due respect, that was not the answer to the question that was given in the Committee on Appropriations last week. The prime sponsor of the bill said that the intent was to exclude both the recovery districts and the receivership districts, and that it was only a drafting error that caused the receiver districts to be excluded while the recovery

districts were not. Has there been a change in the intent since the meeting of the Committee on Appropriations?

Senator SMUCKER. Mr. President, I have answered the question, and the answer is that the bill specifically excludes buildings in districts that are under receivership, and as the bill moves forward, as the maker, I am certainly willing to discuss with the Senator the idea of adding schools that are operated under a chief recovery officer, as well.

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

Senator TEPLITZ. Mr. President, I am done with the interrogation. I will just make the point that the available record from the meeting of the Committee on Appropriations last week is clear that what was stated at the time, and that I was hoping to make clear on the legislative record today on the final vote, is that a drafting error, because of confusion that recovery districts and receivership districts are not the same thing, is what prevented the recovery districts from being specifically excluded from the bill because there was a belief by the sponsor of the bill that the language that only excluded the receiver districts was sufficient to also encompass the recovery districts. That was the intent that was stated a few days ago. I do not know if something has changed between now and then. I had hoped for a more clear repetition of the intent tonight consistent with the intent that was expressed at the meeting of the Committee on Appropriations, and I will leave it at that and will attempt to address this issue over in the House.

Thank you, Mr. President.

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

Senator SMUCKER. Mr. President, Senate Bill No. 6 acts to turn around some of Pennsylvania's nearly 150 persistently underperforming schools and the lives of the students hoping to learn within those schools. We are fighting for those 90,000 kids who are attending schools that are failing to teach them year after year and who are not getting a fair shot in life. Their parents are desperate for other options. I am thrilled to hear that some of my colleagues in this room and the Wolf administration agree that something has to be done to help these children. The status quo has failed. We must do something innovative to help these schools and these students. This bill empowers parents and children who feel trapped by their school district and by circumstances, and gives them new opportunities through new leadership and through new tools.

Already we are spending \$1.3 billion annually on these failing schools. At a time when we are discussing making new investments in education, it is critical that we tie education funding to education quality. If we are not making fundamental changes in what we do, we are living out the definition of insanity - doing the same things and expecting a different result. This legislation rescues children in persistently underperforming schools, using a model that has been tried successfully by other States, as I mentioned earlier Tennessee, Massachusetts, and Louisiana. Many of these Pennsylvania schools have sunk to the bottom of the rankings for not only years, but have been there for decades, failing a whole new generation of kids. It is time to try something different.

How failing are these schools? From statistics in these schools in the bottom 5 percent, only 1 in 200 graduates are college-ready based on SAT scores, and fewer than 1 in 3 students

are reading and doing math on grade level. This achievement school district can operate as a new umbrella district for no more than five schools in the beginning. A change in the top is often what is needed to help these schools at the bottom. The bill allows schools to be transferred to the care of the ASD. The ASD can authorize charter schools and can close charter schools more easily if they are underperforming without a lengthy appeals process. This is a tool that school districts have sought for years.

For those with academic performance in the bottom 5 percent of schools, they can become intervention schools, trying new measures and using new tools to turn themselves around. Achievement schools are those in the bottom 1 percent, or those who have been in the bottom 5 percent for a period of 3 years or more. Senate Bill No. 6 allows for intervention in an extremely limited number of schools. Zero in 2015-16, no more than 5 in 2016-17, and no more than 75 out of 3,000 statewide by 2020. It is also important to note that after a 5-year period, there would be a pause in bringing new schools into the district, during which a study is conducted to see if, indeed, these schools are improving and are performing better than they had been before. Only if schools are performing better would new schools be allowed to be added. It is also important to note that no intervention is mandatory. The achievement school district can choose to intervene in schools failing in the bottom 1 percent for 2 consecutive years, or the bottom 5 percent for 3 consecutive years, but is not required to in all cases. The bill calls for an appeals process so that schools serving special populations, or in the early stages of improvement, can be shielded from intervention.

All of these groups support Senate Bill No. 6: Pennsylvania Business Council, Allegheny Conference on Community Development, Pennsylvania Chamber of Business and Industry, Greater Philadelphia Chamber of Commerce, PennCAN, Philadelphia School Advocacy Partners, StudentsFirst in Pennsylvania, Pennsylvania Coalition of Public Charter Schools, Philadelphia Charters for Excellence, Educational Opportunities for Children and Families, and Philadelphia School Partnership.

So tonight, I thank you, Mr. President, for allowing me the presentation of this bill. I would appreciate my colleagues' consideration and support of this important bill to turn around, for once and for all, schools that for many, many years have been failing those kids.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Chester, Senator Dinniman.

Senator DINNIMAN. Mr. President, let me start by saying that this is not a partisan issue, this is an education issue. There is universal agreement, whether it is from Governor Wolf, whether it is from Senator Smucker, the Majority, the Minority, that we have to do something with this bottom 1 percent and 5 percent of schools. The question now is to look at whether the bill that has been sponsored by Senator Smucker is the proper approach.

First of all, before I or anyone else can speak on anything, I think it is important that I establish my ethos, my credibility, to talk on this topic. I have a doctorate of education degree; I have taught for over 40 years; I was a member of two school boards; and I have worked and reached out to education chairs going back to Senator Rhoades for over 10 years. I think we can see the difficulty if we look at two bills, because this discussion tonight is really a tale of two bills. When we discussed the charter school

bill, we saw that passed with almost no negative votes because it was based on a principle that Representative Manderino, the former Speaker of the House had said many years ago, and that principle is if both groups walk away from negotiations with some unhappiness, you know you have a real good solution because you do not want only one group to be happy, because when only one group is happy, you are going to have difficulty from thenceforth. On the charter bill, everyone got something, and in the end, everyone was willing to make certain compromises. On the charter bill, I had five amendments, but I was willing to withdraw my amendments so that we could achieve that consensus.

On this bill, when I heard the list of names that my fine colleague Senator Smucker listed, these are the names of the groups that year, after year, after year have attacked public education, wanted charters, some of them wanted vouchers, and other such things. But, I can give a similar list of those who oppose this bill. You know what the problem is? We know all of the players. We know all of the actors. It is only when we work together, when we negotiate together, and we work in principle that we can get to that middle ground. We did it on charters, we have not done that on this bill, and that is why you have some groups happy and others are not. In fact, one of the groups that Senator Smucker had mentioned wrote a letter and said, vote for the bill and do not vote for any amendments except those coming from Senator Smucker. When someone writes that, you know that they are not ready for a dialogue, and a dialogue is exactly what we need on this bill.

First, we are not Tennessee. Okay? I want a Pennsylvania plan, not a Tennessee plan. Okay? If you look at the amount of money that was spent in Tennessee, Tennessee altogether between the Gates Foundation and the money that was given from Race to the Top, they had \$112 million to put together their district to change things. Now, \$112 million is more than the budget that was proposed by the Republican Majority for all public schools in Pennsylvania, including charters, which are public schools.

Listen, this bill was rushed through without adequate time for consultation. This is important. No one disagrees that it is important and no one disagrees that we cannot go on with a bottom 1 percent, a bottom 5 percent year after year, after year. If we work together in consultation, we can solve this. You know, the bill was announced on April 22. I received the first copy of the bill on May 5. The next day there was a hearing, and at the hearing I voted to have the bill voted out of committee because I thought that there was a commitment for a discussion in the Senate with all of the players. Since that hearing, only some of the players, those who support charters and those who support this district, the very names that Senator Smucker gave, they were the only ones involved in that discussion, not the others of us who had other ideas and possibilities. In fact, the Massachusetts plan is far better than the Tennessee plan, but we never talked about the Massachusetts plan because the Massachusetts plan required the business community, education, and the politicians to all come together and in the process define the fundamental terms of what we want in education in terms of global competition, what we want in education and what the definition is, because I certainly do not know what the definition is of career- and college-ready. If you do not know what the definitions are, and you do not have a consensus between the education, business, and political com-

munity, you cannot go forward with real change. In fact, I was under the impression that is exactly what we were going to do this summer, that we were going to bring everyone together, and I was surprised to see a bill pass, a bill that in 7 weeks came up and pushed out without that commitment being kept.

Let me make this nice and easy. I am going to raise four objections. I call upon anyone on either side of the aisle if they wish to respond to these objections. First of all, this bill says that the identification of those in the 1 percent and 5 percent is to come through what we call the SPP, which is the School Performance Profile. Now, what I want you to think about is this: Many people believe that the School Performance Profile is not the way you can find the effectiveness of schools. In fact, in February 2015, just about 5 months ago, a study by Penn State University, by Dr. Edward Fuller, who is director of the Penn State University Center for Evaluation and Education Policy Analysis, said the following--because remember, you are identifying through the schools. You are even doing the teacher evaluations based on the SPP, which, in turn, is based on the Keystone tests. What does our key university, our key professor, our key researcher say about SPP? He says the following:

Both existing research on school accountability measures and the analyses contained in this report strongly suggest that the SPP scores provide little information about the effectiveness of schools, principals, or teachers. Indeed, the scores are very strongly correlated with factors outside the control of educators. Thus, as currently calculated, SPP scores should not be used--**I repeat, should not be used**--as an indication of either school effectiveness or as a component of educator evaluations.

So, if you are basing it on the SPP, which researchers from around this nation and our own prime university say is not a valid indicator of school effectiveness, then I object. I object to selecting schools based on that.

Second objection--the first is how you chose them, the indicator is not a correct indicator. We say that students failed the test and thus they have to go through these retests. Well, if the test of SPP has been failed by Penn State University's prime center for the evaluation of education, then how in the name of anything do we base this selection on that test? By the way, the student profile is probably going to change this year, the scores on the PSSAs will probably be lowered by the State Board of Education, which I object to.

What is the second problem that I see? That is the matter that I do not see in this ASD plan. I do not see the discussion of what we call the trauma of poverty. Listen for a second, if you will, please. All of the research has said that poverty, violence, and homelessness tremendously impact the student who goes to a school in an area that has a concentration of poverty. We admitted that when we put that factor into our Basic Education Funding Commission formula.

Let me read you something from today's *Inquirer* that deals with the city of Philadelphia and students in that city. There is a gentleman who has been doing research, a pediatrician in Philadelphia, an African American pediatrician, and here is what he said. We know how to determine, my friends, what trauma is, and it is called the adverse childhood experiences. Let me read this:

Generally, the higher the ACE score, the higher the chances for substance abuse, mental illness, diabetes, cancer - as well as for dropping out of school and living in poverty. Roy Wade's research is finding

that childhood exposure to violence, crime, and racism - all common for many of the economically disadvantaged students - also takes a powerful toll on their health as they grow up.

What I was looking for was something in the ASD which recognized that you can spend millions and millions of dollars, but until you accept the fact that this is a health issue, as well as an education issue, you are not going to solve the problem in this bottom 1 percent or 5 percent of schools, and there is nothing that I see in the ASD which speaks to this and which demands it.

Third of the four is this: Let us talk for a second, if we will, about finance. This supposedly is going to be able to be done within all the financial parameters we have, but you happened to choose Tennessee, which I told you had \$122 million to do it. We do not have that. Connected with that, let us read what PASBO has to say about this bill. Certainly, you all respect the business managers of your schools, do you not? Here is what they said:

We would encourage you--**meaning the Committee on Education and the legislature**--to address the questions that we have raised to provide as much clarification as possible and to minimize the financial impact of this proposal on the school districts and their remaining students. Nothing is gained if we rob Peter to pay Paul - fixing the most disastrous schools by taking resources from those that are performing better will create a downward spiral in every district that this legislation is trying to benefit.

There are serious questions being asked by PASBO, and we have a responsibility to make sure those questions are answered before we pass this piece of legislation, and they have not been answered.

In fact, speaking of finance, and then we go on to the last and fourth thing, we just passed the Basic Education Funding Commission formula. We all agreed to that. It is great. But what does it say in the bill? It says this: "The General Assembly shall appropriate funds as it deems necessary to pay the costs for the implementation and ongoing operation of the ASD." Before we even put this into practice, we are already making exceptions to the Basic Education Funding formula. When we appropriate certain moneys for certain schools, it is exactly what we all committed ourselves not to do. To find this in that piece of legislation, whether it is written by the staff who are currently exchanging communication or written by the Senator himself, I find that, my friends, to be very disappointing.

Finally, the parental factor. Listen, you cannot impose change top down. Change can only come when you engage a community. Change can only come when you are respectful to the teachers and educators. Everyone thinks they can teach. Those of you who are lawyers or physicians, you resent someone else telling you how to professionally do your work, but you do not mind telling others. I am tired of the elitists from Washington, or if they be from the Senate of Pennsylvania, telling the school districts, telling the teachers how they are to teach, to be scripted through this. Look at the bureaucracy that has been created in the city of Philadelphia. You have this board of education, then you have the SRC, and below that, now you have an achievement school district. My God, why do you not spend the money in the classroom, spend it and respect the teachers, respect the parents, which was the purpose of my amendment, that we will get change only, only if we respect teachers and parents. Not advisory committees, real empowerment of teachers and students,

and that amendment was rejected and that is a shame that we are going about it in this way.

Finally, Mr. President, let me say this, the problem is real. No one can deny the problem. We have to do something. If the best minds in this nation have not solved it, the best educators, why should we assume that 7 weeks after a bill has been introduced, 7 weeks without looking at other States - Massachusetts, the Louisiana program, the new program in Georgia - that in 7 weeks we think we have the magic wand? Why would we not at least consider the Department of Education's proposal that they have presented? Is this proposal God-given? Is this proposal coming down from on high? That we, in 7 weeks, are saying after a bill is introduced which affects 90,000 students and the future of this Commonwealth in terms of education, are we saying this is the only answer? All I wanted to be done was a discussion of all plans, all possibilities, and then together we can create a program. We can accomplish the task. We did it with charters because we brought everyone together and no one walked away totally happy, but we knew it was a real, justified compromise. Tonight, if we pass this, significant groups of people will walk away unhappy. I call upon, and I still do not understand why my friend, and indeed he is a friend, Senator Smucker, would not allow a full discussion of all of the plans, of all of the possibilities that we have here.

Finally, let me say this, everyone wants to solve this problem. I know that my colleague, Senator Smucker, is a good and decent person, and I know that the majority who will vote for this, each of you want to do something, but you know, it is in your hearts. It is your desire to do it. Well, let me tell you it is in my heart and the hearts of my Caucus, too. Have we gotten to the point in this body that we are like Washington, D.C.? Have we gotten to the point when people all feel the same way that they want to act together, that in our heart of hearts we know that we have to act? Have we gotten to the point that we do not talk to each other, that we do not share ideas, that we think in 7 weeks, without an adequate ability for the Minority to look at all of the programs, that every time we put an amendment in education that the amendment is defeated?

I think I have made my point. I am not sure the points will make any difference tonight, but I can only hope that the Governor will veto this bill so that at long last, Senator Smucker, myself, and all of us who believe that we have to do something with this bottom 1 percent and 5 percent can sit down and break bread together and finally come up with the solutions, solutions that come from the community, not imposed on the community; solutions that understand the role that trauma plays as a health issue as well as an education issue; and solutions that will long last. Understand that the SPP is not an adequate measure of anything and it is not an adequate measure of the effectiveness of any school, and thus everything is based on that.

So, I said what I have to say. I am sure, unfortunately, in the way that we are going so far in this budget Session, it does not matter if someone is right or wrong. People are simply going to vote the way that they are going to vote. But for the kids, for the sake that all of us feel together, is it not time that we sat down and discussed some of these things together? Is it not time that we looked at all of the possible plans? And maybe after Governor Wolf vetoes this, which I hope he does, then we can have that discussion. I want to say that I have great admiration and respect for the Majority chairman and I do not want my com-

ments to in any way negatively reflect on him. He is an honest, good person who really wants to solve this problem, and I greatly admire him for that effort. It is hard to compliment anyone in the Senate because we are so used to those phony terms, "the good gentleman," "the gentlewoman," but my compliment to Senator Smucker is real because I know in his heart he wants to solve this. I only ask him to let others open up their hearts as well so that together we can make sure that every child in this Commonwealth is educated to the top of the curriculum.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentlewoman from Philadelphia, the city of brotherly and sisterly love, Senator Kitchen.

Senator KITCHEN. Mr. President, briefly, I must rise to state for the record my concerns about this proposal. Let me say that Senator Smucker is an honorable man, and I have worked with him on other issues, so it is certainly not about him. Mr. President, having represented lower-achieving schools since I have been a Senator, it looks like whatever comes along, then this is what they have to take. It is usually a model from another State, another city. What about Edison? Edison turned out to be a total disaster for the lower-achieving schools in my district, and before they left it was absolutely terrible. They left the city of Philadelphia, but they left the lowest-achieving schools last. When they did, the children were not learning anything. It was a total embarrassment. What about all that money? What about the accountability for all of that money that was given to Edison to improve the lower-achieving schools?

My question is, when do the children learn? We are doing the same thing, expecting different results, and why do we not give students the equipment and the tools that they need in the beginning, and they would not have to be transferred over to another school whether they are in the charter schools or the public schools, because they would be achieving at the level where they need to be. Then we would not go into my district and see young men, 6-foot, 4-inches tall reading above a second-grade level because they never had books, they did not have computers, and what did we do? We developed another school instead of taking care of the educational needs like we should have in the first place, like it is our desire here, the Senators here tonight who desire that every child do read, as my colleague said, and is able to be educated to the level where they can be a responsible, producing, taxpaying citizen.

Thank you, Mr. President.

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

Senator TEPLITZ. Mr. President, I was not planning to speak on the bill, but I feel compelled to. I do not believe in State takeovers of schools. My city, Harrisburg School District, was taken over for 10 years through actions of my predecessor in this seat who orchestrated that, and it did not work. It was a very sore spot in our community for a long time, and even continuing after. Now more recently, due to Act 141 of 2012, we have a chief recovery officer. After 2 years of that, test scores have gone down. Not coincidentally, we are now finishing up our interviews for a new chief recovery officer.

So, I do not believe in State takeovers, but I certainly do not believe in a State takeover when the sponsor of this bill does not want my district to be taken over because that was not his intent. When he concedes that there was a drafting error, that someone

did not know the difference between the recovery districts and the receivership districts, and then refuses to correct that error. Now, I recognize that all of this is theater. The Governor has said that he will veto the bill, and perhaps it is not going to even get to him, depending on what happens in the House. Just like what we did tonight in the Committee on Appropriations with the budget is all theater. It is unfortunate that we have to go through this waste of time exercise, where we all know that it is theater, and the media knows it is theater, and even the close observers of the civilians in the public know that it is theater. It is no wonder they are all disgusted by how we conduct our actions.

So, this bill is going to pass. I understand that. It is a shame that we have wasted, I do not know, 2 or 3 hours on this, way past my bedtime. I am voting "no," and not just a "no" on the substance of the bill, which I had originally thought was the product of good intentions, but also the way that we have gotten to this point tonight, with regard to the intentions of whom the bill is supposed to and not supposed to affect.

Thank you, Mr. President.

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

Senator HUGHES. Mr. President, I recognize the hour and I know it is getting late, but I think this is important to speak to the point at hand. We are talking about 147 schools, 22 school districts across the Commonwealth of Pennsylvania. This does need to be addressed. The issues need to be raised at least to make sure that they are on the legislative record in case other matters must be addressed as we go forward.

Mr. President, if I did not believe in the sincerity of the maker of this bill, if I did not believe in his personal commitment to try to make a difference in some of our schools across the Commonwealth of Pennsylvania that have been struggling, I would say to you outright that the gangsters are out and operating tonight on the matter of the education of our children. So many aspects of this particular piece of legislation, so many points in this particular piece of legislation just lend themselves to a straight-up ripoff of the funds that are driven toward the education of our children, especially our children who are coming from very difficult communities and very difficult situations.

Now, we know and we agree that we have to do something about schools that are poor performing and persistently poor performing over a series of years. There is no disagreement there. What we should be doing is having a concerted, aggressive effort to utilize proven measures of success and adopting those measures of success into these struggling schools so that there is no level of experimentation happening, but there is a level of work, committed work, aggressive, committed work to make sure that we can transform the lives of these children. We should use concepts that have been tested and proven to have success in other districts and other schools around the State or around the nation, bring them into these troubled schools, allow them to operate, allow them to flourish, give them the appropriate financial support that they deserve to have, have timetables, have measures, have issues of accountability put in place and allow that to be the driving force.

What we have here in Senate Bill No. 6 is a straight-up ripoff of these kids, their schools, and the communities that they live in. It starts from the structure, an unbalanced structure of an oversight board that is completely imbalanced toward the current Majority party and does not have the fair representation from the



Governor's Office, and there is no level of equity there. That does not pass the smell test, Mr. President. When you see an unbalanced administrative or oversight structure in place, by folks who are not supposed to be designated or not required to be designated educational professionals who know something about the issues of education, but you see this imbalance there, then the radar goes up. We start to say, wait a minute, something is going on here, when we have a structure in place that is clearly imbalanced, only preserving the Majority presence and control.

Then you look at the context. These targeted schools have been underfunded for years. These schools have been left out of the opportunity to have extra access to support largely because of the communities that they come from and there is not a lot of support available there, so then the State, of course, as we know, is supposed to pick up the heavy lifting and make sure that there is additional support provided there, but that is not occurring here. I will get to that issue in a moment. Bad structure, no requirement to use proven methodologies of successful outcomes, a financial situation that clearly, clearly needs to be examined. These schools were already underfunded and there is no commitment anywhere in Senate Bill No. 6 to provide additional resources to these schools. No commitment anywhere. I mean, I should not be surprised at that because it in fact is consistent with what exists in the Republican budget bill, where there is only basically an \$8 million increase in education funding across the whole State of Pennsylvania. So I guess I should not expect any additional funds to be driven toward these particular schools. They are already starving and what they can count on is no more support from the State, because they clearly have not had it for the last 4 years, and in some cases, a lot longer.

The costs are more in the context of this structure, in the context of what is offered in Senate Bill No. 6, there is no extra support provided, no additional funds available to provide for the additional support that clearly these children are deserving of. What there is, again, radars go up, only because we know the economic condition, and the economic circumstances, an aggressive move to provide for additional charters to be established in these schools. We know that charters have a middle-of-the-road kind of performance history in terms of their ability to transform educational outcomes, especially in struggling schools. But what we also know is that if we do not have the additional financial support in place when you add additional charters to the equation, then what you are creating is a situation where the current money that exists is going to be taken from other schools and driven toward these and there is going to be an unfunded reality in the end. No money, bad structure, bad history, bad performance context, and as I said, the gangsters are operating tonight in Senate Bill No. 6, because it is a straight-up ripoff.

Maybe the final point that goes towards the failure or the fallacy of this bill, why this bill is clearly meant for something else, as opposed to the successful outcomes for the children attending these schools, is that this legislation was modeled off of a program that is currently being tried in the State of Tennessee. What we have in the State of Tennessee is that the schools that were similarly structured to a program offered up in Senate Bill No. 6, there is no performance. It is essentially failure. In addition to academic failure, we have article after article of no achievement, financial irregularities, people walking off with funds, and no success for the children. No success for the children, and in fact, the other parallel schools that were given special attention but

were allowed to be run with local controls, those schools perform better than the schools put into this achievement school district that is proposed in Senate Bill No. 6. Those schools did better than the schools set up in the model similar to what is being proposed in Senate Bill No. 6.

Mr. President, this is a ripoff of the highest order. This is straight-up stealing money from the schools, the children, and the communities where these children have been struggling for far too long. They have historically been underfunded, and what Senate Bill No. 6 will do to these children and to the schools is continue to drive money away from them and, unfortunately, it seems like it will siphon off funds and put those funds into the hands or into the bank accounts of corporate school operators who only have one objective, which is to make money, and in this case, make money off of poor kids. The abrogation of contracts, no local representation, no balance in the oversight, and the oversight board is only required to meet twice a year. You have a newly created statewide school district of 147 schools, which would make it the second-largest school district in the Commonwealth of Pennsylvania, but that board, that oversight organization, is only required to meet twice a year.

There is something that smells wrong about this. There is something that indicates that there is another motive in place with this particular piece of legislation. If I did not have faith in the integrity of the maker, I would be more concerned than I am right now, but I believe he is a good and honest gentleman, a Senator who has expressed a commitment, put time into the issue, but I say to you, article after article shows missing funds and low achievement. Audits done, cannot find the cash. Creaming of students, Mr. President. We only want the high-performing students, we do not want everybody. I thought everybody was supposed get a chance in education, not the creaming factor where you find the best and brightest students and they are the only ones for whom an opportunity has been created.

Mr. President, this is a bad piece of legislation. This is some of the worst work that I have seen in terms of academics in a long time. This piece of legislation, a newly created school district of 147 schools that is designed for failure and, in fact, designed to line the pockets of the operators of these schools. They will make the cash, the kids will not get a chance. In 10 years from now, or however long it takes, we will sit back and we will look and we will say, my gosh, do you remember that experiment that we tried with the achievement school district? My gosh, that did not work. Why did we not have certain audits put into place? Why did we not have certain controls put in place? I do not know why we did not have those controls put in place. We could have fixed it. Senator Teplitz offered a measure to fix a particular issue which was agreed to by the Majority that it was a problem that needed to be fixed. They were offered the opportunity to fix it, and they would not fix it. So folks will be looking back and asking, what have we done? What have we done to these children? We just experimented one more time, and the experiment was a big failure. Where did the money go? Who wound up making the money? Where did the cash go? Did it get to the kids? Were they given classrooms? Were they given the appropriate support? Were they given the appropriate class sizes? Were they given the appropriate resources? No, but somebody made off with the cash, and a whole bunch of kids will not have the opportunity to get an education.

Thank you, Mr. President.

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

Senator WILLIAMS. Mr. President, I ask for the maker of the bill to stand for a brief period of interrogation.

The PRESIDENT. Senator Williams has requested that the maker of the bill, Senator Smucker, stand for interrogation. Senator Smucker, do you agree?

Senator SMUCKER. Mr. President, I will.

The PRESIDENT. The gentleman indicates that he will stand for interrogation.

Please proceed, Senator Williams.

Senator WILLIAMS. Mr. President, for the benefit of those of us who have been here for a few hours, or those who are watching, I want to make sure those who are tuning in late understand the factors as they are. I ask the gentleman the number of school districts that will be involved in this process?

The PRESIDENT. Senator Williams has asked a question about the number of districts involved.

Senator SMUCKER. Mr. President, I do not know, offhand, the number of districts that would be involved, but it is a small number of our 500 districts across the Commonwealth. I can tell you the number of buildings. It is around 150 buildings. We have close to 3,000 school buildings in the Commonwealth in those 500 districts and, of course, the bottom 5 percent would be close to 150 buildings, and approximately 90,000 students of our total number of students in public schools at 1,750,000 are attending those school buildings.

Senator WILLIAMS. Mr. President, the number that may be represented in terms of student population was stated before, but can you state for the record, what is that number of students, approximately?

Senator SMUCKER. Mr. President, the approximate, if I understood the question, there are approximately 90,000 students attending the schools identified as the bottom 5 percent out of approximately 1,750,000 students attending all of our buildings across the Commonwealth.

Senator WILLIAMS. Mr. President, would the gentleman know the percentage of them that are students of color?

Senator SMUCKER. Mr. President, approximately 90 percent of those 90,000 students are students of color.

Senator WILLIAMS. Mr. President, we have heard a variety of commentary about potential motivation. So I ask you, if there are 90,000 students, 90 percent of whom are people of color, why do you give a hoot? What is the motivation behind this?

Senator SMUCKER. Mr. President, I will take a little time to address one or the other, and I appreciate the question and comments that were raised, if I may, and that is looking to what works to turn around schools.

In my view, there is no reason that Pennsylvania should not have the best school system across the nation. While we generally do fairly well as a system, we are generally ranked in the top 10 - 8, 9 or 10 - we have a wide disparity in the achievement among our school buildings. We have some buildings doing very, very well that could compare favorably with any school in any State and anywhere across the world. Then, of course, we have other schools which have consistently been failing our kids. In fact, we have the largest gap in achievement of any State. If our goal is to be listed at number one, in terms of the best school systems across the Commonwealth, our focus needs to be on improving the schools at the bottom.

As we looked to States that have done this, one theme was consistent, one decision was consistent among all of those States, and that was this: number one, they insured that schools had the proper resources. We are doing some work on that here in Pennsylvania. We have had a Basic Education Funding Commission that has been looking at the way we fund our schools to begin to address the inequities in the system, and if this body chooses to adopt the recommendations, we will begin to see some changes there over time. The other decision that policymakers have made in States that are performing better than we, is to simply demand quality education. There was a forum recently held here in Harrisburg, and one of the presenters was an individual by the name of Marc Tucker, who has looked at school systems across the world, who looked at Pennsylvania's system and said, what Pennsylvania really needs to do is focus on improving the low-achieving schools. So it is not only about creating a system that can be at the top of the list compared to other States, but it is about those 90,000 students who go to school every day in those buildings and who deserve the same opportunity as any other child in the Commonwealth.

One of the things that has been interesting about the Tennessee model, and this was mentioned earlier--and I apologize to the Senator for a long answer to the question--but one of the things they began noticing in Tennessee, and I will quote, we had the previous Education Secretary from Tennessee testify at a hearing here, and I will read a quote, "data suggests the Achievement School District is lighting a fire under all districts that house priority schools in the bottom 5 percent." Also, another comment, "improvement in priority schools far exceeds the gains in nonpriority schools." The point being that this is not about taking over schools, this is about demanding quality education. The takeover of the school is the last resort. Prior to that, the bill would give additional powers and additional tools. For school buildings that are in the bottom 5 percent, and we are naming intervention schools, the hope is that districts provide the resources or the tools to turn around those schools. But again, it starts with a decision that we will demand nothing less than quality education.

I am sorry, Senator, we are back to the question, it is clear that every child in Pennsylvania should have the opportunity for a world-class education.

The PRESIDENT. For purposes of all the Members, and I know you know this, Senator Williams, our rules prohibit Senators from asking personal motives on legislation. With that in mind, please proceed.

Senator WILLIAMS. Mr. President, I will conclude that period of interrogation and close with my remarks.

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

Senator WILLIAMS. Mr. President, I will be direct. The schools involved in this activity are in Allegheny County, which has 10 schools; Berks County, which has 4; Blair County, 1 school; Dauphin County, 7; Delaware County, 7 schools; Erie County, 3 schools; Fayette County, 1 school; Huntingdon County, 1 school; Lancaster County, 1 school; Lebanon County, 2 schools; Luzerne County, 2 schools; Mercer County, 1 school; Northampton, 2 schools; Philadelphia County, 95 schools; state-wide, charter schools, 4 schools; Westmoreland County, 1 school; and York County, 4 schools. When people take the rostrum on these issues of education, everybody starts with, I am

not against, I am for children. Then they proceed with a passive-aggressive attack on any type of change; 90,000 students in Pennsylvania, 90 percent of whom are of color, and we have sort of gotten far afield to the point where charters are back into the conversation, people motivated for money and lining their pockets, plans.

I suggest to you this: I am a kid who grew up in the civil rights movement and listened a lot to Dr. King. He had a famous refrain in one speech that talked about "How Long, Not Long." Well, in Pennsylvania, when it comes to education, how long, very long. How long, very long. Because before there were charter schools, there were schools like this that did not perform. How long have we looked to repair those schools? Very long. Sort of in the argument with your child or your spouse or someone else who has caught you with your hand in the cookie jar, we all do the same thing, point to the other guy. Let us get to the truth of the matter, 90,000 students is not the majority of students in Philadelphia public schools. It is almost double that, and that number is extraordinary with the dropout rate, the truancy rate, and the number of children who do not go to college. One in 10 children going to school right now will be dropping out before they get there. Approximately 15 percent of them will go on to college. I am 58 years old, and that has gone on for 58 years of my life.

By the way, in the middle of this, there has been stimulus money. There has been a Governor, I am very proud of Governor Ed Rendell in terms of what he did for education, and during the course of that, we had underperforming schools in Philadelphia, in this bandwidth. So I do not care if you agree with the school performance profile or whether you like charters or do not like charters, let us accept a basic reality: Dr. King's refrain, "How Long, Very Long," because when you come to this mic tonight and tell me about the evil that has been cast upon us by everything and anything other than the reality that the schools are not working, and these 90,000 kids whom we all claim to be so concerned about will go on with their lives and all of us who stand at this mic and will frame, with great contempt, that we are spending more money on prisons, well, guess what? You are damning them to that tonight because you do not want change. Every time someone comes up with change, you have an excuse that it is not perfect, it is not designed for all children.

Let me tell you something about public schools in Philadelphia. There is a place called Central. Not every kid gets into it. There is a place called Masterman, and not every child gets into that. There is a place called Science and Technology, not every child gets into that. And by the way, they are all public schools. The way we got to this miserable number of about 130,000 kids in Philadelphia is because, yes, parents and students left other students behind. So, let us take all of the stereotypes tonight and throw them out the window. To our newly minted Governor, I am going to fight for every penny of public money for public education that he asks me to. Every time I meet him he says, you know, Tony and I have had a long, ongoing dialogue about how we educate students in Pennsylvania. So, if indeed this bill is to go forward and going to be vetoed at his desk, I hope that he would do what was done with him when we first met. The Governor called for a commission. He talked about funding, he talked about change. I think this Governor should do the same. He is going to veto this and ask for more money. Guess what? An interesting thing happened in Philadelphia not too long ago.

Election cycle happened and everyone talked about, we want to fix public education in Philadelphia. Right after it was over, city council had to take a vote on how much money to spend on Philadelphia schools. It was half of what the superintendent asked for.

I am long past the narrative of Democrat, Republican, conservative, liberal, black, white, Philadelphia, Lancaster, talking about children and education. We are failing them. The rhetoric does nothing but click another time bomb on a child today. Jamal, Jane, Johnny, Joel, does not matter who they are, if they come from a place of poverty, if they are in this 90,000 students, guess what, the percentages are stacked against them to go from where they are in life to a place where dreams are. This is not fair. To cast it in such limited refrains challenges all of us who want to make change.

So, while this is an imperfect bill, it cries for advancing to change. It demands to listen to these 90,000 students, of which 95 schools are in Philadelphia. It cries out that somebody who does not look like them, does not represent them, does not register like them, may not come around them, actually does care about them. So it may be limited in what its ability is to do, it may follow a model in other States, it may do things that people do not agree with. Well, then fix it. But guess what, let us do it fast. We do not have another generation to send--to condemn--off to prisons. I ask my Governor to create that commission if he is not supporting this, because it is not going to be enough for us to raise more money for public schools, send it down the wishful lane and hope that things get better because we have data that everyone is talking about tonight that proves it just does not work that way. By the way, Stanford University's Center for Research on Education Outcomes, objectively one of the highest rated institutions in this country, has said charter schools in Philadelphia actually have helped. My point is not to say charters are a panacea, because they are not. There are good ones and bad ones. The question is, what do we do with the public in terms of its money, how are we going to be accountable, and more importantly, for those children who are waiting for an opportunity to move to a place where they know an academic outcome can suit them, we should be talking about that tonight.

Senate Bill No. 6 is not the end-all, be-all, but it is a conversation for those who are serious about this to begin to be engaged, to force change. As my dear friend the professor said, if one side goes away dancing and screaming and are happy, apparently that is not a good piece of legislation. Let us create that table, that table of compromise. In Dr. King's memory, Dr. King's desire for what truly all Americans should be about, that these 90,000 students, 90 percent of color, their dreams will be realized because they do not have to wait another year, another month, another week, another second for us to take collective action in their collective interest. I am glad that the Senator moved in this direction. I do not think it is perfect. I do not think it is a final solution, but I do think it is worthy of a vote.

Thank you, Mr. President.

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-27

Alloway	Eichelberger	Pileggi	Vulakovich
Argall	Folmer	Rafferty	Wagner
Aument	Gordner	Scarnati	Ward
Baker	Hutchinson	Scavello	White
Brooks	McGarrigle	Smucker	Williams
Browne	McIlhinney	Stefano	Yaw
Corman	Mensch	Vance	

## NAY-22

Bartolotta	Farnese	Leach	Vogel
Blake	Fontana	Sabatina	Wiley
Boscola	Greenleaf	Schwank	Wozniak
Brewster	Haywood	Tartaglione	Yudichak
Costa	Hughes	Teplitz	
Dinniman	Kitchen	Tomlinson	

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.

### UNFINISHED BUSINESS BILLS REPORTED FROM COMMITTEES

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

#### HB 1192 (Pr. No. 1959)

An Act to provide from the General Fund for the expenses of the Executive and Judicial Departments, the State Government Support Agencies and the General Assembly of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2015, to June 30, 2016, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2015; to provide appropriations from the State Lottery Fund, the Tobacco Settlement Fund, the Aviation Restricted Account, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Account Guaranteed Savings Program Fund, the Banking Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund, the Oil and Gas Lease Fund, the Home Improvement Account, the Cigarette Fire Safety and Firefighter Protection Act Enforcement Fund, the Insurance Regulation and Oversight Fund, the Pennsylvania Racehorse Development Restricted Receipt Account, the Justice Reinvestment Fund and the Multimodal Transportation Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2015, to June 30, 2016; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2015, to June 30, 2016, for the proper operation of several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund money; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2015; and to provide for the additional appropriation of Federal and State funds from the General Fund and the State Lottery Fund for the Executive Department of the Commonwealth for the fiscal year July 1, 2014, to June 30, 2015, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2015.

#### HB 1276 (Pr. No. 1984) (Amended) (Rereported)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in child protective services, further providing for definitions, for persons required to report suspected child abuse, for access to information in Statewide database, for release of information

in confidential reports, for employees having contact with children and adoptive and foster parents, for information relating to certified or registered day-care home residents, for volunteers having contact with children, for continued employment or participation in program, activity or service, for certification compliance, for education and training and for mandatory reporting of children under one year of age.

Senator McILHINNEY, from the Committee on Law and Justice, reported the following bill:

#### HB 466 (Pr. No. 1985) (Amended)

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, as follows: In preliminary provisions, further providing for definitions. In Pennsylvania Liquor Control Board, further providing for general powers of board. In Pennsylvania liquor stores, providing for career training and postsecondary education grant eligibility. In licenses and regulations, liquor, alcohol and malt and brewed beverages, further providing for license districts, license period and hearings and for issuance, transfer or extension of hotel, restaurant and club liquor licenses, providing for wholesale permit, for wholesale licenses, for wine or liquor expanded permits and for wine or liquor enhanced permits; further providing for malt and brewed beverages manufacturers', distributors' and importing distributors' licenses, for malt and brewed beverages retail licenses, for application for distributors', importing distributors' and retail dispensers' licenses, for prohibitions against the grant of licenses, for interlocking business prohibited, for licenses not assignable and transfers, for surrender of restaurant, eating place retail dispenser, hotel, importing distributor and distributor license for benefit of licensee and for unlawful acts relative to malt or brewed beverages and licensees. The General Assembly finds and declares as follows: (1) It is the purpose of this act to reform and privatize the system by which alcohol is dispensed and controlled within this Commonwealth to reflect changes in the marketplace while continuing to protect the welfare, health, peace and morals of the citizens of this Commonwealth. (2) The 21st amendment to the Constitution of the United States dictates that the laws of the states shall govern the transportation and importation of intoxicating liquors into the state for delivery and use within the state. (3) Further, the United States Supreme Court has opined in interpreting the 21st amendment that "the states' regulatory power over this segment of commerce is largely unfettered by the Constitution's commerce clause." (4) Revenues derived from the operation of a system for the manufacture, transportation, distribution and sale of alcohol are necessary to implement and sustain a regulated marketplace to continue to protect the welfare, health, peace and morals of the citizens of this Commonwealth and to contribute to the overall economic stability of the Commonwealth. (5) In order to adapt to the changing marketplace, this act will: (i) Permit private industry to offer additional products for sale while ensuring that the laws of this Commonwealth are thoroughly enforced. (ii) Ensure that the value of licenses held by small businesses are not devalued, but are enhanced through the opportunity to expand operations and sales. (iii) Provide for the operation of a retail system that promotes competition and convenience to ensure that the residents of this Commonwealth purchase products within this Commonwealth. (iv) Establish a system by which these increased opportunities will continue to contribute to overall fiscal stability of the Commonwealth. (6) Recognizing the benefits of allowing the private market to offer products directly to licensees and retailers, the General Assembly intends to fully divest of the Commonwealth's wholesale liquor business in order to allow additional products into the marketplace, establish a more reliable system for the distribution of products and provide additional convenience for licensees and retailers. (7) Recognition and furtherance of all these elements is essential to the welfare, health, peace and morals of the citizens of this Commonwealth.

Senator CORMAN, from the Committee on Rules and Executive Nominations, reported the following bills:

#### SB 42 (Pr. No. 1025) (Rereported) (Concurrence)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in licensing of drivers, further providing for issuance and content of driver's license.

**SB 405 (Pr. No. 1075) (Rereported) (Concurrence)**

An Act designating Exit 30 from Interstate 84 onto State Route 402, in Pike County, as the Corporal Bryon K. Dickson, II, Exit.

**BILLS ON FIRST CONSIDERATION**

Senator KITCHEN. Mr. President, I move that the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to by voice vote.

The bills were as follows:

**HB 466 and HB 1192.**

And said bills having been considered for the first time,

Ordered, To be printed on the Calendar for second consideration.

**BILL REREFERRED**

Upon motion of Senator CORMAN, and agreed to by voice vote, the following bill just considered was rereferred to the Committee on Appropriations:

**HB 466.****ANNOUNCEMENTS BY THE SECRETARY**

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

## SENATE OF PENNSYLVANIA

## COMMITTEE MEETINGS

MONDAY, JUNE 29, 2015

10:00 A.M.	LABOR AND INDUSTRY (to consider Senate Bill No. 889; and House Bill No. 315)	Room 461 Main Capitol
Off the Floor	APPROPRIATIONS (to consider Senate Bill No. 928; and House Bills No. 466, 762 and 934)	Rules Cmte. Conf. Rm.
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bills No. 538 and 620)	Rules Cmte. Conf. Rm.

TUESDAY, JUNE 30, 2015

9:30 A.M.	JUDICIARY (public hearing to discuss missing children and human trafficking)	Hrg. Rm. 1 North Off.
Off the Floor	JUDICIARY (to consider Senate Bills No. 606, 851, 859 and 860; and House Bill No. 874)	Rules Cmte. Conf. Rm.

**HOUSE MESSAGES****SENATE BILL RETURNED WITH AMENDMENTS**

The Clerk of the House of Representatives returned to the Senate **SB 538**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule 13(c)(2)(i), the bill will be referred to the Committee on Rules and Executive Nominations.

**HOUSE CONCURS IN SENATE BILL**

The Clerk of the House of Representatives returned to the Senate **SB 438**, with the information the House has passed the same without amendments.

**BILL SIGNED**

The PRESIDENT (Lieutenant Governor Mike Stack) in the presence of the Senate signed the following bill:

**SB 438.****RECESS**

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, I move that the Senate do now recess until Monday, June 29, 2015, at 11 a.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 12:11 a.m., Eastern Daylight Saving Time.