

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

WEDNESDAY, JUNE 10, 2020

SESSION OF 2020 204TH OF THE GENERAL ASSEMBLY

No. 27

SENATE

WEDNESDAY, June 10, 2020

The Senate met at 11 a.m., Eastern Daylight Saving Time.

The PRESIDENT pro tempore (Senator Joseph B. Scarnati III) in the Chair.

PRAYER

The following prayer was offered by Hon. Megan Martin, Secretary of the Senate:

Let us pray.

Heavenly Father, we know that the strength we have is not our own. It comes through our faith in You. Although often we cannot see the way, we have the reassurance of Your presence in our lives to help us meet the challenges we face each day. We rest in Your provision, and we know that You lead the way. It really does not matter what life brings because we know that we are in Your care, and we know that through the strength You give us, we can do all things. Amen.

PLEDGE OF ALLEGIANCE

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

COMMUNICATION FROM THE GOVERNOR

NOMINATION REFERRED TO COMMITTEE

The PRESIDENT pro tempore 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:

**MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION**

June 10, 2020

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Stephen L. Washington, Jr., 1008 Whispering Woods Drive, Moon Township 15108, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until graduated or separated from the University, vice Aven Bittinger, Shippensburg, graduated.

TOM WOLF
Governor

HOUSE MESSAGE

**HOUSE CONCURS IN SENATE AMENDMENTS
TO HOUSE RESOLUTION**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HR 836**.

RESOLUTION SIGNED

The PRESIDENT pro tempore (Senator Joseph B. Scarnati III) in the presence of the Senate signed the following resolution:

HR 836.

BILLS REPORTED FROM COMMITTEES

Senator MASTRIANO, from the Committee on Intergovernmental Operations, reported the following bills:

SB 119 (Pr. No. 124)

An Act amending the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, providing for regulatory reduction and for regulatory baseline and public availability.

SB 251 (Pr. No. 569)

An Act amending the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, further providing for definitions and for existing regulations; and establishing the Independent Office of the Repeater and providing for its power and duties.

SB 252 (Pr. No. 570)

An Act providing for the administration of permits by State agencies, for a tracking system for permit applications, for the establishment of permit programs, for third-party review of permit decision delays and for annual reports.

SB 253 (Pr. No. 571)

An Act providing for regulatory compliance.

Senator BAKER, from the Committee on Judiciary, reported the following bills:

SB 1170 (Pr. No. 1769) (Amended)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in depositions and witnesses, further providing for expert testimony in certain criminal proceedings.

SB 1193 (Pr. No. 1756)

An Act amending the act of February 9, 1984 (P.L.3, No.2), known as the Sheriff and Deputy Sheriff Education and Training Act, further providing for Sheriff and Deputy Sheriff Education and Training Account.

LEGISLATIVE LEAVES

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

Senator CORMAN. Mr. President, I request a legislative leave for Senator Mensch.

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

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

The PRESIDENT pro tempore. Senator Corman requests a legislative leave for Senator Mensch.

Senator Costa requests a legislative leave for Senator Leach. Without objection, the leaves will be granted.

JOURNALS APPROVED

The PRESIDENT pro tempore. The Journals of the Sessions of April 28, 2020, and April 29, 2020, are now in print.

The Clerk proceeded to read the Journals of the Sessions of April 28, 2020, and April 29, 2020.

Senator CORMAN. Mr. President, I move that further reading of the Journals be dispensed with and that the Journals be approved.

On the question,

Will the Senate agree to the motion?

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

YEA-50

Argall	Dinniman	Leach	Stefano
Arnold	DiSanto	Martin	Street
Aument	Farnese	Mastriano	Tartaglione
Baker	Fontana	Mensch	Tomlinson
Bartolotta	Gordner	Muth	Vogel
Blake	Haywood	Phillips-Hill	Ward, Judy
Boscola	Hughes	Pittman	Ward, Kim
Brewster	Hutchinson	Regan	Williams, Anthony H.
Brooks	Iovino	Sabatina	Williams, Lindsey
Browne	Kearney	Santarsiero	Yaw
Collett	Killion	Scarnati	Yudichak
Corman	Langerholc	Scavello	
Costa	Laughlin	Schwank	

NAY-0

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

The PRESIDENT pro tempore. The Journals are approved.

RECESS

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

Senator CORMAN. Mr. President, I request a recess of the Senate for the purpose of a Senate Republican caucus to be held in the Rules room in the rear of the Chamber.

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

Senator COSTA. Mr. President, Senate Democrats will meet for a brief caucus as well.

The PRESIDENT pro tempore. For purposes of Republican and Democratic caucuses, without objection, the Senate stands in recess.

AFTER RECESS

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

LEGISLATIVE LEAVE

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

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

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

CALENDAR**THIRD CONSIDERATION CALENDAR****BILL OVER IN ORDER AND LAID ON THE TABLE**

HB 64 (Pr. No. 68) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 2, 1993 (P.L.345, No.48), entitled "An act empowering the General Counsel or his designee to issue subpoenas for certain licensing board activities; providing for hearing examiners in the Bureau of Professional and Occupational Affairs; providing additional powers to the Commissioner of Professional and Occupational Affairs; and further providing for civil penalties and license suspension," further providing for civil penalties.

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 107, SB 331, HB 355 and HB 422 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 430 (Pr. No. 1719) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing standards for carbon monoxide alarms in child care facilities; and imposing penalties.

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

Senator FONTANA. Mr. President, Senate Bill No. 430 would simply require all childcare facilities in Pennsylvania to install and maintain at least one carbon monoxide detector. Unfortunately, Mr. President, according to the Centers for Disease Control and Prevention, Pennsylvania is a national leader in carbon monoxide deaths and poisonings.

Mr. President, carbon monoxide is considered a silent killer. It is a colorless, odorless gas that is produced by the incomplete burning of various fuels from items like portable generators, vehicles, power washers, as well as malfunctioning fireplaces, furnaces, and water heaters. In high concentration, carbon monoxide can cause flu-like symptoms, including headaches, dizziness, weakness, nausea, vomiting, chest pains, loss of muscle control, confusion, and ultimately death. Annually, carbon monoxide poisoning is responsible for approximately 15,000 emergency room visits and nearly 500 deaths in the United States. However, these deaths are entirely preventable. The only safe way to know if carbon monoxide is present in a building is with a working carbon monoxide alarm. Although carbon monoxide poisoning can be fatal to anyone, children are particularly vulnerable, which is why I think it is especially important to have these devices in every childcare facility in Pennsylvania. Averaging around \$20 a protector, Mr. President, this is a small price tag to put on an individual child's life.

The bill unanimously passed last Session in the Senate, and I am thankful to the Members for considering it once again. Obviously, my hope is, this time, we can get it to the Governor for his signature.

Thank you, Mr. President.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. Senator Regan has returned, and his temporary Capitol leave is cancelled.

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-50

Argall	Dinniman	Leach	Stefano
Arnold	DiSanto	Martin	Street
Aument	Farnese	Mastriano	Tartaglione
Baker	Fontana	Mensch	Tomlinson
Bartolotta	Gordner	Muth	Vogel
Blake	Haywood	Phillips-Hill	Ward, Judy
Boscola	Hughes	Pittman	Ward, Kim
Brewster	Hutchinson	Regan	Williams, Anthony H.
Brooks	Iovino	Sabatina	Williams, Lindsey
Browne	Kearney	Santarsiero	Yaw
Collett	Killion	Scarnati	Yudichak
Corman	Langerholc	Scavello	
Costa	Laughlin	Schwank	

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 530, SB 532 and HB 584 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL LAID ON THE TABLE

SB 606 (Pr. No. 791) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for expedited partner therapy and for liability.

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

SB 606 TAKEN FROM THE TABLE

Senator CORMAN. Mr. President, I move that Senate Bill No. 606, Printer's No. 791, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

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

BILLS OVER IN ORDER

HB 617, HB 632, SB 679, HB 716, SB 763, SB 932 and SB 957 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL LAID ON THE TABLE

SB 968 (Pr. No. 1480) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, in judicial boards and commissions, further providing for definitions and for publication of guidelines for sentencing, resentencing and parole, risk assessment instrument and recommitment ranges following revocation; in depositions and witnesses, further providing for confidential communications involving law enforcement officers and for confidential communications to peer support members; in juvenile matters, further providing for inspection of court files and records; in particular rights and immunities, further providing for immunity of State parole officers and for immunity of program administrators and supervisors; in post-trial matters, further providing for postconviction DNA testing; in sentencing, further providing for mandatory period of probation for certain sexual offenders, for disposition of persons found guilty but mentally ill, for information required upon commitment and subsequent disposition, for judicial power to release inmates, for transfer of inmates in need of medical treatment, for applicability, for registry, for initial registration, for duty to inform, for enforcement, for assessments, for administration, for global positioning system technology, for immunity for good faith conduct, for Pennsylvania State Police, for duties of probation and parole officials, for board, for annual performance audit, for applicability, for registration procedures and applicability, for assessments, for administration, for global positioning system technology, for

immunity for good faith conduct, for duties of Pennsylvania State Police, for duties of Pennsylvania Board of Probation and Parole, for board and for annual performance audit; in other criminal provisions, further providing for supervisory relationship to offenders; in preliminary provisions, further providing for definitions; in general administration, providing for powers of peace officers; in community corrections centers and community corrections facilities, further providing for definitions, for department, for offenders who may be housed, for authority of Commonwealth employees, for authority of chairman and for escape and providing for certain offenders residing in group-based homes and for reporting; in Pennsylvania Board of Probation and Parole, further providing for definitions, for operation of parole system generally, for Pennsylvania Parole Board, for board chairperson, for board action, for meetings and for offices, repealing provisions relating to district directors, to district office employees, to disciplinary action and to certain offenders residing in group-based homes, further providing for general powers of board and for specific powers of board involving parolees, repealing provisions relating to probation services, further providing for sentencing court to transmit records to board, for general criteria for parole by court, for right of access to inmates, for parole power, for violation of terms of parole, for parole procedure, for victim statements, testimony and participation in hearing, for general rules and special regulations and for early parole of inmates subject to Federal removal order and repealing provisions relating to definitions, to status as peace officers and to supervisory relationship to offenders; providing for supervision of offenders and for agents; in county probation officers' firearm education and training, further providing for definitions; in Interstate Compacts, further providing for Interstate Compact for the Supervision of Adult Offenders application fee, for deputization and for supervision of persons paroled by other states; conferring powers and imposing duties on the Department of Corrections; providing for the transfer of functions, powers and duties of the Pennsylvania Board of Probation and Parole and for appropriations for the Office of Victim Advocate; and making editorial changes.

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

SB 968 TAKEN FROM THE TABLE

Senator CORMAN. Mr. President, I move that Senate Bill No. 968, Printer's No. 1480, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

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

BILL LAID ON THE TABLE

SB 969 (Pr. No. 1463) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, in preliminary provisions, further providing for definitions; in crime victims, further providing for responsibilities of department, local correctional facilities and board; in administration, further providing for office and for powers and duties of victim advocate and providing for confidentiality of records; and, in financial matters, further providing for costs for offender supervision programs.

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

SB 969 TAKEN FROM THE TABLE

Senator CORMAN. Mr. President, I move that Senate Bill No. 969, Printer's No. 1463, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

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

BILLS OVER IN ORDER

SB 987 and HB 1045 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL LAID ON THE TABLE

HB 1050 (Pr. No. 1779) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 15, 1982 (P.L.1266, No.287), entitled "An act conferring limited residency status on military personnel, their dependents and civilian personnel assigned to an active duty station in Pennsylvania," further providing for residency of students.

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

HB 1050 TAKEN FROM THE TABLE

Senator CORMAN. Mr. President, I move that House Bill No. 1050, Printer's No. 1779, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1125 (Pr. No. 1759) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law, further providing for application of act and for discounts, penalties and notice.

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 PRESIDENT pro tempore. The Chair recognizes the gentleman from Lancaster, Senator Martin.

Senator MARTIN. Mr. President, Senate Bill No. 1125 would allow local school boards the option to adopt a resolution by majority vote to extend their discount periods for their property tax collection and/or waive late payments for this upcoming school year beginning on July 1. This is consistent with language in Act 15 of this year that allowed similar measures to be taken by county and municipal governments for property taxes due by the end of the year. Mr. President, with a lot of the financial strain many families are facing across this Commonwealth as of late, to be able to give our local school boards the ability to

waive penalties or extend discounts has the possibility of extending hundreds of millions of dollars of savings or relief to our taxpayers and give them more time also to be able to pay their property tax bills. I urge an affirmative vote by my colleagues.

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-50

Argall	Dinniman	Leach	Stefano
Arnold	DiSanto	Martin	Street
Aument	Farnese	Mastriano	Tartaglione
Baker	Fontana	Mensch	Tomlinson
Bartolotta	Gordner	Muth	Vogel
Blake	Haywood	Phillips-Hill	Ward, Judy
Boscola	Hughes	Pittman	Ward, Kim
Brewster	Hutchinson	Regan	Williams, Anthony H.
Brooks	Iovino	Sabatina	Williams, Lindsey
Browne	Kearney	Santarsiero	Yaw
Collett	Killion	Scarnati	Yudichak
Corman	Langerholc	Scavello	
Costa	Laughlin	Schwank	

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 1166 -- Without objection, the bill was passed over in its order temporarily at the request of Senator CORMAN.

BILLS OVER IN ORDER

HB 1379 and **HB 1405** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2502 (Pr. No. 3774) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, in powers and duties of the Department of State and its departmental administrative board, providing for report on implementation of 2020 general primary election.

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

HAYWOOD AMENDMENT A6123 OFFERED

Senator HAYWOOD offered the following amendment No. A6123:

Amend Bill, page 5, by inserting between lines 26 and 27:
(26) For each county and the sum for this Commonwealth, the number of absentee ballots received by the county boards of elections

after 8 p.m. on the day of the 2020 general primary election and no later than seven days following the 2020 general primary election.

(27) For each county and the sum for this Commonwealth, the number of mail-in ballots received by the county boards of elections after 8 p.m. on the day of the 2020 general primary election and no later than seven days following the 2020 general primary election.

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

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

Senator HAYWOOD. Mr. President, this is an amendment to a very important bill to look at the impact of the new procedures that we adopted prior to the last election, particularly the impact of the virus, as well as the vote by mail. This amendment would merely allow us to, additionally, look at the deadline that was established for receipt of the vote-by-mail ballots. Currently, that deadline is the day of the election, and my amendment would look at the question of whether extending the deadline by 7 days, to the same date that we have for overseas military ballots, would have a significant impact on voting and the rights of voters.

So, I request the support of all the Senate so we can make sure every vote is counted and merely look at the question, because this is a study we are looking to adopt, as to whether 7 days will make an impact or not, and is a significant matter to consider.

Thank you, Mr. President.

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

Senator CORMAN. Mr. President, briefly, I respectfully ask for a negative vote.

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

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

YEA-21

Blake	Farnese	Leach	Tartaglione
Boscola	Fontana	Muth	Williams, Anthony H.
Brewster	Haywood	Sabatina	Williams, Lindsey
Collett	Hughes	Santarsiero	
Costa	Iovino	Schwank	
Dinniman	Kearney	Street	

NAY-29

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

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

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

SANTARSIERO AMENDMENT A6177 OFFERED

Senator SANTARSIERO offered the following amendment A6177:

Amend Bill, page 5, by inserting between lines 26 and 27:

(26) For each county and the sum for this Commonwealth, the number of absentee ballots pre-canvassed under section 1308(g)(2) of the Pennsylvania Election Code.

(27) For each county and the sum for this Commonwealth, the number of mail-in ballots pre-canvassed under section 1308(g)(2) of the Pennsylvania Election Code.

On the question,

Will the Senate agree to the amendment?

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

Senator SANTARSIERO. Mr. President, earlier this year when we passed Act 12 of 2020, moving the primary election back to June 2, we also, at the same time, allowed the counties to begin pre-canvass activities for mail-in and absentee ballots at 7 a.m. on election day so they could get to a point where all of the ballots could be processed and, hopefully, tallied by the end of the day on election day. What we saw, after passing Act 12, was a tremendous increase in the number of both absentee and mail-in ballots across Pennsylvania, partly due to the pandemic and the fear that people had of actually going to the polls on June 2, but partly also because people were interested in being able to exercise their new right under Act 77 of last year to vote by mail. As a consequence, our counties across Pennsylvania were overwhelmed by the number of mail-in and absentee ballots they received. Many of them began the pre-canvassing activity on election day at 7 a.m., but in most cases they were unable to tally all of the votes by the end of the day. In fact, we still have a number of counties here in Pennsylvania which have not completed tallying the mail-in ballots that were sent.

So, my amendment is simple. As part of this study, it would also include a study of how that pre-canvassing activity occurred and how many ballots were, in fact, tallied during that period of 7 a.m. to 8 p.m. on Election Day to help inform us about potentially changing the law yet again before November to decide whether we should give the counties more time ahead of Election Day to start that pre-canvassing activity. I have actually proposed a bill this week that would give the counties 21 days. I know that was something that was discussed earlier this spring, but I think we can all agree that come November 3, we want to be able to have a result here in Pennsylvania by the end of that night. We do not want Pennsylvania to be the State that could very well decide the Presidential election, to be an outstanding State in terms of the vote not yet being counted and, therefore, putting the outcome of the Presidential election in some kind of uncertainty.

I hope that all of my colleagues join me in including this provision as part of the study that would happen under House Bill No. 2502.

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

Senator CORMAN. Mr. President, I respectfully request a "no" vote.

And the question recurring,

Will the Senate agree to the amendment?

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

YEA-21

Blake	Farnese	Leach	Tartaglione
Boscola	Fontana	Muth	Williams, Anthony H.
Brewster	Haywood	Sabatina	Williams, Lindsey
Collett	Hughes	Santarsiero	
Costa	Iovino	Schwank	
Dinniman	Kearney	Street	

NAY-29

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

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.

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-50

Argall	Dinniman	Leach	Stefano
Arnold	DiSanto	Martin	Street
Aument	Farnese	Mastriano	Tartaglione
Baker	Fontana	Mensch	Tomlinson
Bartolotta	Gordner	Muth	Vogel
Blake	Haywood	Phillips-Hill	Ward, Judy
Boscola	Hughes	Pittman	Ward, Kim
Brewster	Hutchinson	Regan	Williams, Anthony H.
Brooks	Iovino	Sabatina	Williams, Lindsey
Browne	Kearney	Santarsiero	Yaw
Collett	Killion	Scarnati	Yudichak
Corman	Langerholc	Scavello	
Costa	Laughlin	Schwank	

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.

SB 1166 CALLED UP

SB 1166 (Pr. No. 1753) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 6 of the Third Consideration Calendar, by Senator CORMAN.

BILL AMENDED

SB 1166 (Pr. No. 1753) -- The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of Pennsylvania in the executive, providing for disaster emergency duration.

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

HUGHES AMENDMENT A6132

Senator HUGHES offered the following amendment No. A6132:

Amend Bill, page 1, line 1, by striking out "an amendment" and inserting:
separate and distinct amendments

Amend Bill, page 1, line 1, by inserting after "Pennsylvania,": in declaration of rights, providing for prohibition against denial or abridgment of equality of rights because of race and ethnicity; and,

Amend Bill, page 1, lines 5 and 6, by striking out all of said lines and inserting:

Section 1. The following separate and distinct amendments to the Constitution of Pennsylvania are proposed in accordance with Article XI:

(1) That Article I of the Constitution of Pennsylvania be amended by adding a section to read:

§ 29. Prohibition against denial or abridgment of equality of rights because of race and ethnicity.

Equality of rights under the law shall not be denied or abridged in the Commonwealth of Pennsylvania because of the race or ethnicity of the individual.

(2)

Amend Bill, page 2, lines 5 through 27, by striking out all of said lines and inserting:

Section 2. (a) Upon the first passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments.

(b) Upon the second passage by the General Assembly of these proposed constitutional amendments, the secretary of the commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments. the Secretary of the Commonwealth shall:

(1) submit the proposed constitutional amendment under section 1(1) of this resolution to the qualified electors of this Commonwealth as a separate ballot question at the first primary, general or municipal election which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania and which occurs at least three months after the proposed constitutional amendment is passed by the General Assembly.

(2) submit the proposed constitutional amendment under section 1(2) of this resolution to the qualified electors of this Commonwealth as a separate ballot question at the first primary, general or municipal election which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania and which occurs at least three months after the proposed constitutional amendment is passed by the General Assembly.

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

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

Senator HUGHES. Mr. President, I speak on and offer this amendment for, I guess, what should be obvious reasons. This amendment would enshrine a longstanding notion that no one should be discriminated against based on race or ethnicity. This provides that no discrimination should occur in Pennsylvania based on race or ethnicity. It is modeled after Section 28 of Article 1, which provides for equal rights under the law based on gender. Mr. President, I think it is clear to anyone and everyone that discrimination based on race is hooked into the DNA of this nation. It is reflected in our long and troubling history in Pennsylvania; it is reflected in the documents that are the foundation of this nation, reflected based in ethnicity and the discrimination therein; it is reflected in how we educate our children; how we lend money; how we provide housing, and the race, ethnicity and the discrimination therein; hooked into this nation in terms of how we hire people; how we provide healthcare; and, most recently, and most in our face, how we police and how we protect communities. The need for additional protections are based on that history. The need to advance those protections are based on understanding the DNA, the long-troubling history, and the reality that exists in this nation right now. It has been offered up, presented to us, and stares us directly in our face every day and every hour. The need for protections around race and ethnicity at the State level are manifested even more because of the transgressions that we see happening at the Federal level. Countless numbers of people are questionably appointed to the Federal bench, rightfully unqualified, and clearly with a track record of discrimination. Consequently, the protections that we need to have enshrined need to be lifted up at the State level by what we see happening all around us. We must seize and secure these protections at all costs. We must make sure that no one in the Commonwealth of Pennsylvania is discriminated against based on their ethnicity.

I ask for an affirmative vote on this matter. It is timely, it is appropriate, and the time has come to move this agenda item forward to protect all of us, no matter what our circumstances may be.

Thank you, Mr. President.

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

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

YEA-50

Argall	Dinniman	Leach	Stefano
Arnold	DiSanto	Martin	Street
Aument	Farnese	Mastriano	Tartaglione
Baker	Fontana	Mensch	Tomlinson
Bartolotta	Gordner	Muth	Vogel
Blake	Haywood	Phillips-Hill	Ward, Judy
Boscola	Hughes	Pittman	Ward, Kim
Brewster	Hutchinson	Regan	Williams, Anthony H.
Brooks	Iovino	Sabatina	Williams, Lindsey
Browne	Kearney	Santarsiero	Yaw
Collett	Killion	Scarnati	Yudichak
Corman	Langerholc	Scavello	
Costa	Laughlin	Schwank	

NAY-0

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

On the question,

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

BOSCOLA AMENDMENT A6201 OFFERED

Senator BOSCOLA offered the following amendment No. A6201:

Amend Bill, page 1, line 1, by striking out "an amendment" and inserting:

distinct amendments

Amend Bill, page 1, line 1, by inserting after "in": legislature, providing for powers reserved to the people; and, in

Amend Bill, page 1, lines 5 and 6, by striking out all of said lines and inserting:

Section 1. The following distinct amendments to the Constitution of Pennsylvania are proposed in accordance with Article XI:

(1) That Article III be amended by adding a section to read:

§ 33. Powers reserved to the people.

(a) (1) The legislative power of this Commonwealth shall be vested in the Senate and the House of Representatives, but the people reserve to themselves the power to propose laws and amendments to this Constitution at the polls, independently of the General Assembly.

(2) The initiative is the power of the electors to propose statutes and amendments to this Constitution.

(3) An initiative measure may be proposed by presenting to the Secretary of the Commonwealth a petition that provides the text of the proposed statute or amendment to this Constitution and is certified by the Secretary of the Commonwealth to have been signed by registered electors equal in number to 5% of the votes for all candidates for Governor at the last gubernatorial election in not less than 45 counties in this Commonwealth.

(4) The Secretary of the Commonwealth shall only certify a measure on which all signatures on petitions are obtained and affixed to the petitions for the measure during the same regular session of the General Assembly and which is submitted by 5 p.m. on Friday after the second Thursday of February in the second year of that session.

(5) An initiative measure embracing more than one subject may not be submitted to the electors or have any effect.

(6) No measure that relates to religion, religious practices and institutions; the appointment, qualification, tenure, removal, recall or compensation of judges; the reversal of a judicial decision; the powers, creation or abolition of courts; the making of a specific appropriation of money from the treasury; and the naming of a private corporation to perform a function or to have a power or duty may be proposed by an initiative petition.

(7) The Secretary of the Commonwealth shall submit the measure at the next general, municipal, primary or special statewide election held at least 75 days after it qualifies. The measure shall be referred to a vote of the qualified electors and shall become law when approved by a majority of the votes cast on the measure and upon proclamation of the Governor.

(b) (1) The legislative power of this Commonwealth shall be vested in the Senate and the House of Representatives, but the people reserve to themselves the power, at their own option, to reject statutes or parts of statutes passed by the General Assembly.

(2) The referendum is the power of the electors to reject statutes or parts of statutes except urgency statutes or statutes calling elections.

(3) A referendum measure may be proposed by presenting to the Secretary of the Commonwealth, within 90 days after the enactment date of the statute, a petition certified to have been signed by registered electors equal in number to 5% of the votes for all candidates for Governor at the last gubernatorial election in not less than 45 counties in this Commonwealth asking that the statute or part of it be submitted to the electors.

(4) If a petition is certified to have been signed by registered electors equal to 10% of the votes for all candidates for Governor at the last

gubernatorial election in not less than 45 counties in this Commonwealth, the effective date of the enacted legislation is suspended until the next election at which time the measure shall be submitted to the electors.

(5) The Secretary of the Commonwealth shall submit the measure at the next general, municipal, primary or special statewide election held at least 75 days after it qualifies. The measure shall be referred to a vote of the qualified electors and shall become law when approved by a majority of the votes cast on the measure and upon proclamation of the Governor.

(c) (1) The General Assembly shall provide the manner in which petitions shall be circulated, presented and certified and require by law measures to ensure full disclosure of disbursements made and receipts obtained by parties who have an interest in initiative and referendum measures and who have exceeded a statutory threshold for these disbursements and receipts for any one initiative or referendum measure in each election. The General Assembly shall also require by law reasonable limits on contributions made to parties who have an interest in the passage or defeat of an initiative or referendum measure for each measure and in each election. The General Assembly shall also require by law the full disclosure of any disbursements made by a person or corporation from another state to advocate the passage or defeat of an initiative or referendum measure. The General Assembly shall, within 90 days following approval of this section, enact the legislation outlined in this paragraph.

(2) An initiative or referendum petition, in order to be eligible for certification by the Secretary of the Commonwealth, shall first be signed by 100 registered electors of the Commonwealth, the originators, who shall pay an administrative fee not exceeding the fee required by law for the filing of nomination petitions by candidates for public office to be filled by the electors of the State-at-large. If the Secretary of the Commonwealth shall certify that the petition contains the entire text of the measure, that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been previously submitted to the electors during the same session of the General Assembly and that it contains only one subject which is not excluded from consideration under this section, then the Secretary of the Commonwealth shall provide blanks for the use of subsequent signers and shall print at the top of each blank the names of the first 10 originators and a fair, concise summary, as determined by the Secretary of the Commonwealth, of the proposed measure as the summary will appear on the ballot.

(3) The Department of State shall, within 10 days of the certification of an initiative or referendum petition upon which the required number of signatures has been affixed, prepare an explanation or argument, or both, for and also an explanation or argument, or both, against the same. The Secretary of the Commonwealth shall then publish the summary and explanations and arguments, together with the entire text of the measure, in as many newspapers of general circulation as deemed by the Secretary of the Commonwealth to be sufficient to give notice throughout this Commonwealth at least 20 days before the election in which the measure is presented to the electors. This information shall also be made available to the general public in printed form.

(4) The Secretary of the Commonwealth shall certify no more than two initiatives or two referendum measures in an election. Each measure shall be limited to only one subject. If more than two measures are submitted to the Secretary of the Commonwealth, the two measures with the largest numbers of signatures shall be certified. If two or more measures are substantially similar in subject matter, whether or not they conflict, only the measure with the largest number of signatures shall be certified.

(5) No more than three initiative and three referendum measures may be certified by the Secretary of the Commonwealth in any two-year period.

(6) No measure may appear on the ballot in an election more often than once during a legislative session.

(7) The veto power of the Governor shall not extend to an initiative measure approved by a majority of the votes cast on the measure or to a referendum measure decided by a majority of the votes cast on the measure.

(8) The General Assembly may not repeal an initiative measure or a referendum measure, approved by a majority of the votes cast on the measure.

(9) The General Assembly may not amend an initiative measure

approved by a majority of the votes cast on the measure, or amend a referendum measure decided by a majority of the votes cast on the measure, unless the amending legislation furthers the purposes of the measure and at least three-fourths of the members of the Senate and the House of Representatives vote to amend the measure.

(10) The General Assembly may not appropriate or divert funds created or allocated to a specific purpose by an initiative measure approved by a majority of the votes cast on the measure, or by a referendum measure decided by a majority of the votes cast on the measure, unless the appropriation or diversion of funds furthers the purposes of the measure and at least three-fourths of the members of the Senate and the House of Representatives vote to appropriate or divert the funds.

(2)

Amend Bill, page 2, lines 5 through 27, by striking out all of said lines and inserting:

Section 2. (a) Upon the first passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments.

(b) Upon the second passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments. The Secretary of the Commonwealth shall submit the proposed constitutional amendments under section 1 of this resolution to the qualified electors of this Commonwealth as separate ballot questions at the first primary, general or municipal election which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania and which occurs at least three months after the proposed constitutional amendments are passed by the General Assembly.

On the question,

Will the Senate agree to the amendment?

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

Senator BOSCOLA. Mr. President, this would amend Article III to add a new Section 33 to the Pennsylvania Constitution to create a direct ballot initiative for the people of Pennsylvania. Too often, there are issues out there that have widespread citizen support and they are being stopped from being acted on in Harrisburg due to the power held in the hands of a few. We need to put more power in the hands of our citizens. Currently, 29 States have some form of ballot initiative process, and of that, 21 States provide for direct statutory initiatives. Proponents of this process point to the advantages of direct democracy. They claim that elected representatives can, at times, be consumed with power and take actions that represent their own self-interests and not the interests of the people. Initiatives can be made and used to make the will of the people law on issues that elected officials are unwilling to address. My proposal requires that statutes could not be proposed unless a submitted petition is signed by registered electors equal to a number of not less than 5 percent of the votes cast for Governor in not less than 45 counties, which would equate to about 175,000 signatures. Now, that is not a simple process, and I intended it not to be. I believe this process insures issues of great importance, of broad support, can be put before the voters if there is that type of broad support. I am telling you, I know for a fact, if we had this in Pennsylvania, we would be dealing with issues like school property tax reform, redistricting,

and so many other issues that sometimes the legislature does not seem to be able to get right. I ask for an affirmative vote on this amendment.

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

Senator CORMAN. Mr. President, I respectfully ask for a negative vote.

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

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

YEA-15

Blake	Dinniman	Iovino	Street
Boscola	Farnese	Kearney	Tartaglione
Brewster	Fontana	Muth	Williams, Lindsey
Collett	Haywood	Schwank	

NAY-35

Argall	DiSanto	Mastriano	Stefano
Arnold	Gordner	Mensch	Tomlinson
Aument	Hughes	Phillips-Hill	Vogel
Baker	Hutchinson	Pittman	Ward, Judy
Bartolotta	Killion	Regan	Ward, Kim
Brooks	Langerholc	Sabatina	Williams, Anthony H.
Browne	Laughlin	Santarsiero	Yaw
Corman	Leach	Scarnati	Yudichak
Costa	Martin	Scavello	

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

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. Senator Leach has returned, and his legislative leave is cancelled.

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR

BILL OVER IN ORDER

SB 5 -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 21 (Pr. No. 3904) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 10, 1990 (P.L.404, No.98), known as The Real Estate Appraisers Certification Act, further providing for title of act, for definitions, for State Board of Certified Real Estate Appraisers, for powers and duties of board and for application and qualifications; providing for application and qualifications of home inspectors and home inspectors-in-training, for conduct of home inspection; further providing for reciprocity, for certification renewal, licensure renewal and records, for disciplinary and corrective measures, for rein-

statement of certificate or license, for reporting of multiple certification, for surrender of suspended or revoked certificate or license, for penalties and for injunctive relief; providing for remedies for home inspection services consumers, for home inspection contracts and for home inspection reports; and making a related repeal.

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 30, SB 207, SB 258 and SB 284 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 364 (Pr. No. 3908) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in rules of the road in general, further providing for enforcement of failure to stop for school bus with flashing red lights; and, in other required equipment, further providing for visual signals on authorized vehicles.

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 531 and SB 609 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILLS ON SECOND CONSIDERATION AND REREFERRED

SB 655 (Pr. No. 1760) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Commonwealth of Pennsylvania to join the Nurse Licensure Compact; and providing for the form of the compact.

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.

SB 764 (Pr. No. 1761) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 4, 1996 (P.L.911, No.147), known as the Telemarketer Registration Act, further providing for definitions, for unlawful acts and penalties and for unwanted telephone solicitation calls prohibited.

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 784, SB 793, SB 809, SB 869 and HB 896 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON SECOND CONSIDERATION AND REREFERRED

SB 940 (Pr. No. 1766) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 20, 2000 (P.L.724, No.99), known as the Municipal Code and Ordinance Compliance Act, further providing for definitions and for compliance requirement.

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 OVER IN ORDER

HB 1032 -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 1033 (Pr. No. 3906) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 16, 1992 (P.L.155, No.28), known as the Assessors Certification Act, further providing for definitions and for duties of board; repealing provisions relating to qualifications; further providing for certification; providing for employees of political subdivisions; further providing for disciplinary and correction measures and for unlawful practice; repealing provisions relating to nonapplicability; and providing for assessors in counties of the first class.

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 1034, SB 1036, SB 1045, HB 1061, SB 1074 and SB 1123
-- 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 1174 (Pr. No. 1360) -- The Senate proceeded to consideration of the bill, entitled:

An Act repealing the act of April 25, 1933 (P.L.74, No.49), entitled "An act relating to baseball and football on Sunday; prohibiting baseball and football on Sunday during certain hours, and also during certain other hours unless the electors of a municipality are in favor of the same and, in certain cases, a license has first been secured from the municipal authorities; providing for referendums to ascertain the will of the electors, and for the enactment and repeal of licensing ordinances and resolutions in accordance therewith; providing penalties; and repealing inconsistent laws."

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 1186 and SB 1187 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON SECOND CONSIDERATION AND REREFERRED

SB 1188 (Pr. No. 1767) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, in local taxes, further providing for tax limitations.

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 rerefereed to the Committee on Appropriations.

BILLS OVER IN ORDER

HB 1597, HB 1860, HB 2018 and HB 2045 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

RECESS

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

Senator CORMAN. Mr. President, I request a recess of the Senate for the purpose of an off-the-floor meeting of the Committee on Banking and Insurance to be held immediately on the Senate floor.

The PRESIDENT pro tempore. For the purpose of an off-the-floor meeting of the Committee on Banking and Insurance to be held on the Senate floor, without objection, the Senate stands in recess.

AFTER RECESS

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

MOTION PURSUANT TO SENATE RULE 12

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

Senator CORMAN. Mr. President, as a special order of business, I call up Senate Supplemental Calendar No. 1, Senate Bill No. 1166, and move the Senate proceed to consider Senate Bill No. 1166, notwithstanding the provisions of Senate Rule 12(m)(2).

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

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR NO. 1

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1166 (Pr. No. 1770) -- The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing separate and distinct amendments to the Constitution of Pennsylvania, in declaration of rights, providing for prohibition against denial or abridgment of equality of rights because of race and ethnicity; and, in the executive, providing for disaster emergency duration.

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

Senator K. WARD. Mr. President, I rise, first of all, to thank you for your input on this at the very beginning when this started, and I also thank Senator DiSanto, Senator Killion, and Senator Martin for joining me in the introduction of Senate Bill No. 1166, and I ask the Senate for favorable consideration of this bill.

Simply put, we introduced this legislation because no state of emergency in Pennsylvania should negate the balance of power among our equal branches of State government. Since March 6, 2020, we have been living in an unprecedented time under unprecedented measures taken by the executive branch. The authority of the Governor to declare a disaster emergency has enabled him to unilaterally suspend and enact laws and regulations - a

power that otherwise sits with the legislative branch. Understandably, when there is an emergency for the Commonwealth, the Governor needs to lead. However, a long-term state of emergency warrants the engagement of the General Assembly by the Governor, and that is not required under our State Constitution now.

Almost all emergency declarations that have been issued by Governors throughout our Commonwealth's history have been in response to natural disasters and weather-related events. Those situations need to be triaged, which certainly can be done by a Governor within the 30 days this constitutional amendment would allow. If an emergency declaration by a Governor warrants an extension beyond 30 days, this amendment will not preclude that, but it will require the Governor to make a case for it, working with the General Assembly to extend it.

For emergency declarations on non-natural disasters, such as the three we are currently now living under - one relating to the COVID-19 pandemic, one the opioid epidemic, and one to address the situation happening with the rioting in some of these cities - there are far more policy considerations that need to be made regarding them and the long-term consequences for the Commonwealth that come from them. As we have found over the last 3 months, the Governor has repeatedly muted the concerns of our constituents over the long-term, extreme measures he imposed upon them through his ability to declare the state of emergency for COVID-19. The Governor does have the ability to veto legislation, but he should not have the autonomous power to restrict the inherent and protected freedoms of Pennsylvanians for the length of time in which he has and continues to do so.

So, let me be clear, this effort is not politically motivated. No Governor, regardless of party, should have that kind of unilateral power. This amendment will not tie the hands of any Governor to respond to imminent threats to the health, safety, and welfare of Pennsylvanians. But what it will do, if approved by the General Assembly and the Pennsylvania voters, is provide checks and balances among our branches of State government in emergency situations, and that is desperately missing today. Section 2 of Article I of our State Constitution states: (*Reading*)

All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness. For the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform or abolish their government in such manner as they may think proper.

If nothing else, Senate Bill No. 1166 will give the people the ability to exercise their right to alter how long the term of states of emergency are that are imposed on them. Since Senate Bill No. 1166 is a constitutional amendment, it does not have to go to the Governor for his approval. The voice of the people on this cannot be silenced by a veto pen. This constitutional amendment will insure that Pennsylvanians are governed and not ruled, even in times of emergency. Thank you very much.

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

Senator DINNIMAN. Mr. President, what concerns me is the failure of our legislature to take up issues that are of importance, and that is why I rise to support this bill. I do not rise in criticism of the Governor or to talk about some of the failures of the program, but I rise because it seems to me that the issue of executive

authority in an emergency, how long that authority should last, and the role of the legislature is an important and legitimate constitutional issue. Unfortunately, what happens whenever we try to talk about legitimate constitutional issues is the politics take over. I have seen, in my 15 years in the Senate, actual changes in positions when it is a Republican governor or Democratic governor, when it is a Democratic Caucus interest or Republican Caucus interest. This is a legitimate issue. It goes back, if you excuse the professor in me, to the writings of Montesquieu, who established the concept of balance of power. It incorporates the thoughts of John Locke, who talked about the protection of individual rights, property rights, and minority rights which resulted in the First Amendment to the Constitution. It reflected the Founding Fathers' rejection of the concept of Rousseau, the Rousseauian concept that the majority rules no matter what.

So, all I am saying is, what harm is there for a full discussion of this issue with the public? What harm is there for an active civic engagement of all in our community? This is not something that tomorrow is going to limit the Governor. This is something that has to go through two Sessions. This is something that we should be able to discuss without simple consideration as to whose political advantage it is or who is going to be heard or not heard in what election that comes up. It also allows the community to do something which is very important. We need to have a civics discussion in our society. We need to understand the basis upon which our Constitution was made and upon which our government was established. We need to make sure that young people are educated in the history and civics of this country. When we gave the test that every citizen has to take, when I even gave this test to graduate students in a public policy class, they could not answer all the questions that we expect every new citizen to answer. There is a need for civics education, and when we take this issue, bring it to the people, we will have that civics education, not just about the balance of power, but about how the fundamental concepts of this nation were established.

So, I rise to defend it and to say yes on this bill, not just as a criticism or in support of what the Governor is doing. It is different than what we did yesterday when there had to be a decision immediately, and there were questions about whether funding would continue and how we deal with the continuation of the COVID-19 crisis. This is simply a bill that was put in and now has been amplified even further by an amendment which will put discrimination based on race and ethnicity into the State Constitution as well. A civic discussion on the issue of race and ethnicity can take place. A civics discussion on the balance of power and what it means can take place. This requires two Sessions of the legislature. This requires the vote of the people of this Commonwealth. So I am having trouble, and I know my Caucus does not necessarily agree with me, but I am having trouble understanding the harm, any harm, that is done to this Governor, because it does not come into effect until we vote it twice and the people vote it. I am having trouble understanding why we cannot discuss fundamental constitutional issues, because every time we try to do so, it is done in the context of one party's interest or the other party's interest. By the way, in my view, if it was reversed and we were in the Majority and there was a Republican governor, we would probably support this.

So the point is, let us get it out of politics. Let us have a good discussion on what is a fundamental and just question for this Commonwealth and one which has come to further light as a

result of the COVID-19 crisis, and that is, what does executive power mean in an emergency? What is the role of government? And, in an emergency, what is the context of balance of power, civil liberties, and, indeed, the very notion of what citizenship means? Thank you, Mr. President, and I rise in support of this bill, this constitutional amendment, this constitutional change, and also the amendment that we added to it.

Thank you very much, Mr. President.

The PRESIDENT pro tempore. The Chair recognizes the gentlewoman from Luzerne, Senator Baker.

Senator BAKER. Mr. President, permit me to offer a first-person point of view of emergency response and why I believe this constitutional amendment is not only appropriate, but necessary action for the Senate to consider today. My perspective on the State response to the coronavirus crisis is probably different than most of my colleagues. I was part of the Ridge and Schweiker administrations for nearly 8 years, serving as a member of the Governor's senior staff and as a deputy chief of staff and cabinet liaison. So I witnessed first hand Governor Ridge's use of strong executive leadership skills and a keen ability to bring people together during the blizzard that transformed into the flood of 1996 and when the horrific terrorist attacks of 9/11 occurred and Flight 93 crashed into the field in Shanksville. I was in the PEMA Operations Center the evening of 9/11 and will never forget watching the Governor board a helicopter with Adjutant General Lynch and PSP Commissioner Evanko to visit the hallowed ground in Somerset County.

Governor Ridge understood emergency management from a unique perspective. As a Congressman, he championed key changes to the Federal Stafford Act, in effect today, at the time because the Federal government response failed the people in his district. He did not stand by when 65 residents died in tornados, he acted to bring resources and support to the families and local communities devastated by that event. He did not want other communities to suffer as his did. He built strong partnerships and empowered those in positions of trust and held people accountable. So, his experience in disaster response helped establish emergency management as a high priority for his administration. He tasked our then-Lieutenant Governor Mark Schweiker, who was a natural to oversee operations at PEMA because of his experience as a local and county official. He recognized and knew the importance of having a system in place to prepare, respond, recover, and rebuild, not from the top down, but from the bottom up, because emergency management, and what I believe we need to understand is, the emergency management system relies on local, county, State, and Federal officials working together.

Within a few short weeks after 9/11, Pennsylvania was impacted like no other State. We saw the rapid transition of one administration and a complete changeover of executive power to another in a 3-week period when President Bush summoned Governor Ridge to Washington to head what would become the Department of Homeland Security. So, interestingly, one of the first missions of Governor Schweiker and his administration was providing enhanced security for State institutions and facilities, including this Capitol complex, a building that historically was wide open to the public. While DGS oversees the building, the new Governor quickly understood decisions needed to be made collaboratively. Most notably, in the search for answers and responses, Republicans and Democrats, executive and legislative

branches, developed and agreed to a plan that offered heightened security without trampling the rights of people and giving access to our elected leaders.

I offer that personal perspective because it has shaped and guided how I view emergency management. Today, our assessment of how the coronavirus crisis has been handled by State government has been less than positive. Early on, the Wolf administration received high marks for its initial efforts, including a visible and active participation by the Governor and the Secretary of Health. However, the assessments and the assessment of that action has diminished over time as the ongoing response took on what I believe to be a culture of bureaucracy that lacked the clarity and transparency citizens were seeking. Administrators and frontline workers in the healthcare facilities, local officials, emergency responders, employers, and workers are all critical for the very same reason.

The heart of the problem is something that has plagued this administration since they took office. I believe they display too much confidence in their judgment and engage in too little community and legislative consultation. We all recognize the challenges, uncertainties, and fears of this crisis meant decisionmaking was going to be done without the guidance of parallels to look at or anything approaching a full set of facts or a reliable consensus among experts, so there was no reasonable expectation of even near-perfect performance. Yet, the appearance of being in charge does not cover up for situations where management has proved faulty. No one has offered a compelling justification for the shocking failures of policies nursing homes, long-term care facilities, and most egregious of all, the veterans home in southeastern Pennsylvania. Nor is there much acceptance of the mystery of the determinations on which enterprises could remain open and those ordered to stay closed. In many instances, logic and consistency seemed lacking. Fundamental concepts, such as supply chains, were misunderstood.

So, a proposed constitutional amendment is what I consider the long game. It is a serious and dramatic remedy for when the operating principles of State government diverge too far from the checks and balances that are central components to our system. This is the most far-reaching solution, but not the only one. The emergency management laws have not been amended to reflect changing roles and expectations since the events of 9/11 and Hurricane Katrina. The current Pennsylvania Emergency Management Council, created by statute in 1978, has become largely ceremonial and meets only to formally declare disasters after they have occurred. These laws were written long ago and are badly in need of an update, something that many of us realized even before the extent of this extreme stress test of the coronavirus. In fact, the November 2007 report of James Lee Witt Associates, commissioned by the Rendell administration's handling of the Valentine's Day snowstorm, reinforced the need to change the current statutory framework, while the 13-year-old report clearly lays out the importance of high prioritization of emergency management and the need to develop partnerships with local governments, the private sector, and the Federal government. Many of our colleagues have served as county commissioners, and they can attest to the vital role that local government plays in this structure as well.

So, whether this constitutional amendment goes forward as currently written, or there is a substitute developed, or this sparks needed action on the very statutes, that will all be determined

over time. I have no doubt that Senator Regan and the Committee on Veterans Affairs and Emergency Preparedness will be conducting a thorough after-action assessment in presenting other options for us to consider in the future. So, as we all have seen, a failure to consult and negotiate it is ultimately counter-productive to progress and frays community trust in all of us. Again, to do this right, it requires the kind of constructive collaboration that can be difficult to find in divided government. This vote today is an important marker reflecting weeks of frustration on the part of those who believe actions taken in the right manner have a far better chance of producing the right results for our citizens and our communities. They believe, and I believe, it is time for the legislative branch to have a shared responsibility to help the people of Pennsylvania prepare, respond, and recover during emergencies. So, I urge an affirmative vote on this constitutional amendment.

Thank you, Mr. President.

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

Senator BOSCOLA. Mr. President, I do believe that we need to address the current imbalance of power between the legislature and the executive branch during times of an emergency. The last 24 hours, in fact, demonstrates just how unclear the roles and responsibilities of each branch are during these times. It is during these times where we definitely need that certainty and clarity. Now, emergency declarations have served us well during times of natural disasters, and there was a definitive time to end such situations ordinarily. So the beginning and the end is very clear, and they are often narrowly tailored. Through this pandemic though, we have shown there are gaps in our ability to govern during these times. I would hope no Pennsylvania government has to face this difficult decision again, but if they do, we need to make certain we leave the government better equipped to handle such situations. So, allowing for a more regular voice of the legislature during these times will reassure people that the decisions are not partisan, and that many voices are being heard.

In the end, though, what I like about the constitutional amendment is it leaves the power to the people to make decisions about what they want to happen during these extraordinary times. Perhaps they are going to be comfortable with the powers as they lie today, or maybe they believe the legislature should be more involved. In the end, it is the voters who are going to decide this. The voters, the people, and I do trust them.

Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Dauphin, Senator DiSanto.

Senator DiSANTO. Mr. President, I rise to speak in favor of Senate Bill No. 1166. Through this pandemic, we have witnessed firsthand the vast and broad powers the Governor can exercise through the issuance of an emergency disaster declaration. For more than 3 months, the Governor has acted unilaterally, without input from the General Assembly, and at times, has outright dismissed the people's elected representatives. Countless executive orders have fundamentally disrupted nearly all aspects of Pennsylvania citizens' everyday lives, and many are suffering devastating consequences with little recourse or relief. This indefinite consolidation of government control in the hands of a single individual is antiethical to our great experiment in freedom and self-governance and disregards our inalienable rights of life, liberty, and the pursuit of happiness.

As our nation's founders once said, "the accumulation of all powers...in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny." It is for this reason our Federal and State Constitutions vest government power in separate and co-equal branches as a system of checks and balances. Each branch has its own powers and responsibilities and must not let the other branch wield too much power. Senate Bill No. 1166 provides the necessary check on the Governor's use of emergency powers. This amendment to the Pennsylvania Constitution simply states no disaster proclamation issued by the Governor shall last more than 30 days unless extended with legislative approval. This is a balanced and sensible approach that maintains the executive's ability to quickly respond to an emergency disaster situation while prescribing steadfast time restrictions for how long an executive can exercise unlimited additional powers.

This constitutional amendment is of paramount importance for preserving our representative government and individual rights. We have now experienced prolonged control by one branch of government, and what we have witnessed is an utter lack of transparency and accountability in government at a time when we need it the most. By compelling the Governor to consult with the General Assembly for an extension of a disaster emergency, we insure there is governmental collaboration and communication, as well as effective oversight, of the use of emergency powers. Our government has repeatedly demonstrated that it is best when all the people's representatives are working together and unified by a common purpose to overcome a difficult challenge. As a constitutional amendment, it is ultimately up to the voters of Pennsylvania to make this change. However, after actively engaging with my constituents throughout this crisis, I am fully confident the people are ready to stand up to the government overreach and reclaim their individual liberties. I emphatically urge a "yes" vote on Senate Bill No. 1166.

Thank you, Mr. President.

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

Senator STREET. Mr. President, I rise to share my thoughts on this bill. The forum for a constitutional amendment is appropriate. The discussion we are having today is reasonable. First, I start by applauding all Members on both sides of the aisle who included the provisions when we affirmed that we all believe discrimination on the basis of race is wrong. Clearly, we have seen that it still exists. I applaud the maker of the amendment for constantly fighting on behalf of people, the downtrodden of all backgrounds. I do want to point out, though, that the Federal Constitution already prohibits discrimination on the basis of race. These equal protections are provided by the Fifth Amendment and incorporated in their application to the States by the Fourteenth Amendment. This has been reaffirmed by a number of cases, including *Brown v. Board of Education*. So, while the symbolism of us having provisions against discrimination on the basis of race in our Constitution are meaningful, and I certainly applaud all those who believe it to be the right message to be sent, particularly in this moment in light of the murder of George Floyd and all the people who are upset, I am also reminded that we have countless numbers of Pennsylvanians who are suffering because of the COVID-19 pandemic. We know that a disproportionate number of those folks are people of color. The Governor's

provisions and the Governor's exercise of his power allowing the stay-at-home orders and his gradual rollout of reopenings has saved lives. I find it troubling that, at this point in time, we send a message that those powers have not been exercised in a reasonable manner.

I understand that other Members could disagree, and certainly a constitutional discussion is warranted. But, I simply do not believe that we should be restricting the Governor's powers in this way. Moreover, I want to point out that the General Assembly has had an opportunity to speak. The Governor has not acted unilaterally. What we are doing is, in fact, shifting it from whether it takes a simple majority of the General Assembly in order to stop a stay-at-home order or allow one to proceed, or whether it takes a two-thirds majority, which is what it currently takes. At any point in time, all the bills that we have advanced without the Governor's support could have been enacted into law had two-thirds of the General Assembly supported them, and that is really the substance of what we are doing here.

In times of an emergency, I think the leadership and the ability of the Governor to provide that leadership is important. While I applaud symbolism and people trying to stand for and affirm the equal protection of all people on the basis of race, substantively, those protections exist already. So, it is with a heavy heart that I have to urge a negative vote.

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

Senator KILLION. Mr. President, I rise to support Senate Bill No. 1166. I was very proud to be a cosponsor, along with my colleagues, Senator Kim Ward, Senator DiSanto, and Senator Martin. We all agreed with the Governor when he issued his emergency declaration to combat the coronavirus. But as the days, weeks, and months went on, our offices were deluged with calls on what the rules were and how or when they could open, and we did not have the answers. The reason we did not have the answers is because we were not involved in any way, shape, or form in the process. What this change to our Constitution simply says is, 30 days after a declaration is declared, the Governor, Republican or Democratic, has to come back to the legislature and make his or her case. Very simple, very common sense.

We were all elected to serve our constituents. They chose a Democratic Governor, a Republican House, a Republican Senate, and they wanted us to work together. Through this process, as we moved past the original declaration to where we are now, we have been shut out of this process. We were not allowed to work together. What this says is, after 30 days, simply come back and make your case as to why you think it should be continued. It is important to note that this is a constitutional change. So it is not going to happen today, it is not going to happen tomorrow. If we pass this now, we have to come back next January, in the next Session, and pass it again, and then it gets the final say by the people of Pennsylvania. They can debate it, they can consider it, and they can decide whether or not it is the right thing to do. This is common sense. We need to do it. It will enable us to work together, and it will make Pennsylvania better.

Thank you, Mr. President.

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

Senator MUTH. Mr. President, I can say this is one of the hardest days I have had in the Senate. I am incredibly frustrated and angry that, as of early this morning, we are now being forced

into choosing between a racial justice measure that should have been put into the Constitution a long time ago, and then also having a side conversation about a measure that could possibly endanger our Commonwealth in the future. While I understand that this is a constitutional amendment relative to the bulk of the bill, we have struggled to, as a General Assembly, manage this crisis. It has taken a very long time to allocate CARES dollars. The General Assembly is not an expert, per se, in emergency crisis management, and I believe integrating this amendment is a false cover for what is happening here today. I am frustrated that we talk about transparency and how people deserve to have a vote, to decide on a ballot, yet there has not been a whole lot of effort, including today with amendments being voted down, because the majority of the people who vote in this Chamber did not think it was important to make sure, or even study to make sure, that every vote is counted.

When we talk about ballot initiatives with a constitutional amendment, I think we need to be clear and truthful with the public that this ballot measure would have two questions on it. Meaning, when voters go to the polls, if this passes in two consecutive Sessions, there will be a separate question that isolates out whether or not they believe they would vote to support adding in the ability to discriminate based on race and ethnicity. So I think it is important for voters to know that process, that it will be separate. It is not a guarantee that it will be amended into the actual bill. I think that as my colleague, Senator Street, mentioned, the part about symbolic measures versus substantive measures is a really important conversation that we should have had a long time ago, but certainly now, as black and brown people have been begging and demanding justice to insure their freedom, because freedom has been a big term in this Chamber in the last 3 days, and yet, this is just throwing crumbs. This is a crumb to satisfy—to think that, it is insulting that you think it would satisfy black and brown people that suddenly this was put in there when it is not actually guaranteed to pass. It does not end the true root causes of systemic racism and oppression, and I am really frustrated that this is what is in front of us today, that this Chamber, which has so much power to make change, chose to convolute these two things together.

I am incredibly worried about the moral compass of this body and how we make decisions about who has the power to do what. There is a lot of conversation about limiting the Governor's power and government overreach. I think we also need to talk about government inaction, and that is the failure of the General Assembly, for decades, to pass real, meaningful legislation. So if we are talking about changing the power balance, I would hope that would include a conversation about making sure the legislative Calendar includes bills from both sides of the aisle consistently. A legislative Calendar that maybe the people would have some say in as to what is on there.

I am all for every person in this Commonwealth having their voice heard. I think it is important for the people of the Commonwealth to have the truth in front of them so when they go to make those decisions, they are well aware of what is actually happening and that they are well aware of how certain bills are passed, and it is not based on need, it is not based on what is right, it is based, often, more times than not, on political reasons, on ego, on pride, on who is reelected, who is up this cycle, what is going to happen with this, let us make a moment out of this instead of actually working together. I agree with Senator

Tomlinson that we should be working together, and instead, this has been nothing but a back and forth, with no change.

Thank you, Mr. President.

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

Senator SANTARSIERO. Mr. President, I rise in support of Senate Bill No. 1166, not out of support for the underlying proposition that gave birth to this bill, namely an attempt to limit the Governor's authority in issuing an emergency declaration. I do not actually support that part of the bill, because that part of the bill, as far as I can tell, based on the arguments I have heard in favor of it, seems to be premised on a false argument, an argument that the Governor, unlike the General Assembly, does not represent the people of Pennsylvania. That is blatantly untrue. Like us, the Governor is elected by the people of Pennsylvania. In fact, he is the only person in this discussion who is elected by all of the people of Pennsylvania. Now, we may disagree with his exercise of that authority, but when he exercises it, he does so under our democratic system. So, there should be no question about that.

But there is an issue here that, in my view, transcends that dispute. The issue that transcends that dispute is the one that was put into this bill a short while ago by all of us, to add a provision in our State Constitution that forbids discrimination on race and ethnicity. It is not symbolic. It would be a concrete right expressed in our State Constitution. Moreover, it is a right that is not expressly stated in our Federal Constitution. There are some States that have adopted provisions like this one. Our neighbor to the east, New Jersey, did it in 1949. But we have yet to do it here in Pennsylvania.

Mr. President, I want to give a little bit of historical context as to why I believe it is important that we do so. After the Civil War, there began a period that we refer to generally in American history as the Reconstruction period. It lasted roughly from the end of the Civil War in 1865 until just after the end of the Grant Administration in 1877. During that period, that brief 12-year period, African Americans, former slaves, enjoyed a wide range of civil rights that they had never enjoyed before, and for the next 90 years or so, they would not again enjoy. During that period in 1868, the United States Congress passed, and ultimately the States ratified, the Fourteenth Amendment to the United States Constitution. The Fourteenth Amendment, which has been cited here today already, was critically important because it created, among other things, a due process right, an equal protection right, and even a provision called the Privileges and Immunities Clause that seemed to, at that time, have been the intent of the drafters of the amendment to provide broad protections for all the people of the United States when it comes to civil rights. While it is true that the due process clause of the Fourteenth Amendment was ultimately read to incorporate the Bill of Rights into everyone's right vis-a-vis each of the States, the original Bill of Rights, sadly, passed as it was in the late 18th century, did not expressly include a right to be free of racial discrimination.

But after the Reconstruction period, the Supreme Court of the United States systematically, over a period of time, weakened the Fourteenth Amendment in terms of how it was applied in cases pertaining to civil rights. The Privileges and Immunities Clause was practically written out of existence, and to this day, has not been found by our courts as a fundamental basis for civil rights,

which it should be, because that is how it was intended by the Framers of the Fourteenth Amendment. We know the history. In 1896, the Supreme Court issued the *Plessy v. Ferguson* decision, in which it held, notwithstanding the equal protection clause of the Fourteenth Amendment, that separate facilities, if allegedly equal, were okay. It was not until 1954, when the Warren court overturned that decision when deciding *Brown v. Board of Education*, that, finally, the Supreme Court stated that separate but equal, separate was inherently unequal and, therefore, unconstitutional under the equal protection clause. The Warren court then issued a number of decisions over the next decade providing for civil rights protections using the Fourteenth Amendment as a basis for doing that.

Congress followed suit in 1964 in passing the first Civil Rights Act, in 1965 in passing the Voting Rights Act, and in 1968 in passing the second Civil Rights Act. As a consequence of that legislation, and more progressive Supreme Court decisions, yes, it is true that Federal law today provides for protection from discrimination based on race and ethnicity. But none of that is enshrined expressly in the United States Constitution. Indeed, we have seen how the Supreme Court, in recent years, has rolled back some of the protections that were provided under the Voting Rights Act of 1965. So we know that when these protections are not enshrined in a Constitution, they are subject to interpretation and change over time.

Mr. President, this issue of civil rights, as it pertains to race and ethnicity, is so fundamental that it needs to be enshrined in our Constitution, whether at the Federal or State level. While, again, I do not support this idea of limiting the Governor's authority when it comes to the declaration of an emergency, because I think it is bad policy and I believe it is being driven by transient and momentary considerations that should not be the basis of actually amending our State Constitution, this issue of insuring the protection of basic civil rights should be in our State Constitution. That transcends, in my view, this proposed change with respect to the Governor's authority.

Mr. President, there are few things, in my time at least here in the General Assembly, that have risen to this level of importance that we have had to decide. This is fundamental to who we are as a people, it is fundamental to what we should stand for as a people, and it is the reason why we should vote in favor of this bill, notwithstanding the error that I believe is made with respect to the Governor's authority on emergency declarations. Mr. President, for these reasons, I ask that all Members support Senate Bill No. 1166. Thank you.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Lancaster, Senator Martin.

Senator MARTIN. Mr. President, I rise in support of Senate Bill No. 1166, and I thank my colleagues who cosponsored this bill with me. This is a responsible piece of legislation, and I am going to tell everyone why. The gentlewoman from Luzerne County, through her experience working in the State Emergency Operations Center, I can greatly relate to. For 8 years, I oversaw a local emergency management agency as a county commissioner, overseeing emergencies like Hurricane Irene, Tropical Storm Lee, various blizzards, the preparation for the avian flu, and, actually, the last novel coronavirus, which was H1N1 in 2009, known as the swine flu, that had infected over 62.5 million Americans. I was brought up in that system with some great leadership in Lancaster County within the emergency operations

center and learned from some of the best: Randy Gockley, who was the longtime emergency management coordinator. It is fascinating to see the difference in how collaboration works. A lot of folks may not know this, but even when an emergency operations center is open in any county that you live in, every decision that is being made by your emergency operations team is typically run by the county commissioners, who are there and are part of the emergency operations centers. The decisions are not made in a vacuum. Ideas are bounced around. Industries are talked about.

So, what have we learned from this? What we have learned from how this pandemic has occurred is, this was a type of emergency that we have responded to in a way that has never been done, in the history of Pennsylvania, in how we respond to emergencies. I give credit to this body, Mr. President. We actually took action, which was my Senate Bill No. 841, became Act 15 of 2020, because even the local governments, who were on the frontlines of responding to emergencies, realized that how the system was set up, they were not able to operate in the same exact fashion. So, we made changes for them to be able to operate.

What we are doing here, which sounds in bipartisan fashion, in seeing the experience that we have gone through in this different type of long-term emergency, is to restore the checks and balances of government. An emergency declaration was never intended for long-term, unchecked capabilities to do anything under the guise of pointing to one provision of the law. So, learning through this experience, Mr. President, it is important for us to add that accountability back in, to be able to give a certain period of time to the Governor of Pennsylvania, who will be in the future, as he works to support those frontline counties responding to an emergency--no different than history has shown: governors, PEMA, the President, and FEMA, who have acted in a supportive role to county first responders--that we are creating a new system of checks and balances to say, are they doing this correctly? Are they responding to the conditions on the ground? That is what is important, what we are doing here today, Mr. President, and, even more so, is putting it in the hands of Pennsylvanians, who are perplexed, who did not know that the kind of actions that have been taken for a drastically long period of time could be taken.

Finally, Mr. President, I add that, putting something into our Constitution is powerful. That is why we do it in two consecutive Sessions. That is why it is put out to the voters, the weight of the voters, and it is so much more than being symbolic. It is why we fought so hard, in a bipartisan way, to incorporate victim's rights into something like Marsy's Law into our Constitution. It weighs more than even statutory laws we put into place. So, I believe that putting in discrimination, based on any type of race or ethnicity, is sending a very powerful message by us passing this now, hopefully, again in the next Session, and allow the people of Pennsylvania to put their stamp on that, and weight behind it, in our Constitution. So, I ask all of my colleagues to support both of these efforts that are part of Senate Bill No. 1166, and I ask for your affirmative vote.

Thank you, Mr. President.

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

Senator COSTA. Mr. President, I, too, rise and ask my colleagues to support this legislation, this constitutional amendment proposal. I come at it a little different than the previous speaker as it relates to both reasons. I stand here as someone who had concerns about the underlying constitutional amendment proposal dealing with the Governor's executive orders, the declarations, I should say, concerns raised with respect to that. But, recognizing the role that the General Assembly should play, I think is a reasonable conversation and something I think the people of Pennsylvania should have the opportunity, quite frankly, to render an opinion on. If they deem what the Governor has been doing to be appropriate, they will vote one way; and if they do not, and they want to see limits on his ability and would inject the General Assembly into that conversation via concurrent resolutions, that would be another direction that we could go.

At the end of the day, what is most compelling to me is the language that my colleague from Philadelphia, Senator Hughes, added dealing with the issue of prohibiting discrimination based upon race and ethnicity. That is a significant and historic moment, I believe, in this Commonwealth and, particularly, this General Assembly, or the Senate, I should say. This is something I think a lot of folks probably did not recognize or realize was not part of our Constitution. As we move forward, it is important, particularly at this moment in time, that we send a very strong message to the people of Pennsylvania, this is something that we deem to be very, very important and should be enshrined in our Constitution. That is how I see it, and it is because of that language, now contained in this measure, that leads me to support this particular constitutional amendment today.

My colleague from Bucks County, Senator Santarsiero, very eloquently laid out a historical perspective in terms of how things have occurred and where things have been in this Commonwealth and why it is right for us now to consider this amendment and pass it on to the House so they would consider it and hopefully get it through a second Session, so we could then let the people of Pennsylvania vote on both of these matters, because they will have that opportunity if things continue to work out this way.

What I think is important is that on balance, when I look at the two provisions as part of this language now, when I look at the language that has been added with respect to prohibiting discrimination based upon race and ethnicity, and also looking at my concerns about the Governor's power and declarations being addressed and minimized, quite frankly, to me, there is tremendous value in doing what needs to be done with respect to protecting the men and women of ethnicity given their race and the like. So, that is what leads me to come down on the side of making certain that we are supportive of this particular aspect, this particular measure, in this legislation. These are the reasons why I stand in support of this measure.

Thank you, Mr. President.

LEGISLATIVE LEAVES

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Columbia, Senator Gordner.

Senator GORDNER. Mr. President, I request a temporary Capitol leave for Senator DiSanto, and a legislative leave for Senator Langerholc.

The PRESIDENT pro tempore. Senator Gordner requests a temporary Capitol leave for Senator DiSanto, and a legislative leave for Senator Langerholc. Without objection, the leaves will be granted.

And the question recurring,
Shall the bill pass finally?

YEA-44

Argall	Costa	Laughlin	Scavello
Arnold	Dinniman	Leach	Schwank
Aument	DiSanto	Martin	Stefano
Baker	Fontana	Mastriano	Tartaglione
Bartolotta	Gordner	Mensch	Tomlinson
Boscola	Hughes	Phillips-Hill	Vogel
Brewster	Hutchinson	Pittman	Ward, Judy
Brooks	Iovino	Regan	Ward, Kim
Browne	Kearney	Sabatina	Williams, Lindsey
Collett	Killion	Santarsiero	Yaw
Corman	Langerholc	Scarnati	Yudichak

NAY-6

Blake	Haywood	Street	Williams, Anthony H.
Farnese	Muth		

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.

The PRESIDING OFFICER (Senator Scott F. Martin) in the Chair.

UNFINISHED BUSINESS BILLS REPORTED FROM COMMITTEE

Senator SCAVELLO, from the Committee on Banking and Insurance, reported the following bills:

SB 1195 (Pr. No. 1762)

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, in Life and Health Insurance Guaranty Association, further providing for purpose, for definitions, for coverage and limitations, for creation of association, for board of directors, for powers and duties of association, for assessments, for plan of operation, for powers and duties of the commissioner, for prevention of insolvencies, for credits for assessments paid, for miscellaneous provisions, for examination of the association and annual report, for immunity, for stay of proceedings and reopening default judgments, for prohibited advertisement or Insurance Guaranty Association Act in insurance sales and for prospective application.

HB 1457 (Pr. No. 1825)

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, further providing for mastectomy and breast cancer reconstruction.

BILLS ON FIRST CONSIDERATION

Senator BARTOLOTTA. 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:

SB 119, SB 251, SB 252, SB 253, SB 1170, SB 1193, SB 1195 and HB 1457.

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

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

MONDAY, JUNE 15, 2020

10:00 A.M.	LABOR AND INDUSTRY and TRANSPORTATION (joint public hearing to discuss "Lay-Offs and All-Electronic Tolling at the PA Turnpike Commission")	Senate Chamber (LIVE STREAMED)
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WEDNESDAY, JUNE 17, 2020

10:00 A.M.	JUDICIARY and LAW AND JUSTICE (joint public hearing entitled "Ensuring Accountability and Equality in Law Enforcement and the Criminal Justice System")	Senate Chamber (LIVE STREAMED)
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THURSDAY, JUNE 18, 2020

10:00 A.M.	JUDICIARY and LAW AND JUSTICE (joint public hearing entitled "Ensuring Accountability and Equality in Law Enforcement and the Criminal Justice System")	Senate Chamber (LIVE STREAMED)
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MONDAY, JUNE 22, 2020

10:00 A.M.	HEALTH AND HUMAN SERVICES (public hearing on Medicaid Pharmacy Reimbursement, House Bill No. 941)	Senate Chamber (LIVE STREAMED)
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12:00 P.M.	VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (to consider House Bill No. 1459; and the nominations of the following PA National Guard officers for promotion: Air National Guard - Brigadier General Gregg A. Perez (nominated for Major General); Colonel Mark A. Goodwill (nominated for Brigadier General); Army National Guard - Brigadier General Stephen M. Radulski (nominated for Major General); and Colonel Laura A. McHugh (nominated for Brigadier General))	Senate Chamber (LIVE STREAMED)
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12:30 P.M.	COMMUNICATIONS AND TECHNOLOGY (to consider Senate Bills No. 835 and 1118; and House Bill No. 2438)	Senate Chamber (LIVE STREAMED)
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Off the Floor	APPROPRIATIONS (to consider Senate Bills No. 85, 655 and 1188; and House Bills No. 364, 808, 1003, 1185, 1188, 1325, 1538, 1710, 1796 and 2418)	Senate Chamber (LIVE STREAMED)
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Off the Floor	EDUCATION (to consider Senate Bill No. 1216; and House Bill No. 2171)	Senate Chamber (LIVE STREAMED)
Off the Floor	STATE GOVERNMENT (to consider Senate Bills No. 42, 395 and 1214; and House Bills No. 86, 2370 and 2487)	Senate Chamber (LIVE STREAMED)
Off the Floor	TRANSPORTATION (to consider Senate Bills No. 1199 and 1220)	Senate Chamber (LIVE STREAMED)
<u>TUESDAY, JUNE 23, 2020</u>		
10:00 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (public hearing to examine Pennsylvania's participation in the Regional Greenhouse Gas Initiative (RGGI))	Senate Chamber (LIVE STREAMED)
12:30 P.M.	AGRICULTURE AND RURAL AFFAIRS (to consider Senate Bills No. 881, 1089 and 1182; and House Bills No. 441 and 2435)	Senate Chamber (LIVE STREAMED)
Off the Floor	FINANCE (to consider Senate Bills No. 875 and 1180; and House Bills No. 1437 and 2484)	Senate Chamber (LIVE STREAMED)
Off the Floor	HEALTH AND HUMAN SERVICES (to consider Senate Bill No. 890; and House Bills No. 672, 1880 and 2455)	Senate Chamber (LIVE STREAMED)
<u>THURSDAY, JUNE 25, 2020</u>		
10:00 A.M.	AGING AND YOUTH (public hearing for update on long-term care facilities and COVID-19)	Senate Chamber (LIVE STREAMED)

PETITIONS AND REMONSTRANCES

The PRESIDING OFFICER. The Chair acknowledges Senator Tartaglione has submitted remarks for the record. The remarks will be spread upon the record.

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

Mr. President, today marks 5,085 days since the Pennsylvania legislature last raised the minimum wage. That is almost 14 years, and it is far too long.

Mr. President, from the very moment the COVID-19 disaster emergency began in the Commonwealth, we have been sailing in uncharted waters. All Pennsylvanians have been learning on the fly and trying to do our best under extreme duress to protect our health and economic well-being.

Now that the proliferation of the coronavirus seems to be waning, we are still facing extraordinary conditions that will require us, as legislators, to address many consequential questions. Chief among these issues will be how we consider and how we compensate Pennsylvania's low-wage workers moving forward. To quote a recent article published by *The Atlantic* titled, "Don't Blame Econ 101 for the Plight of Essential Workers," I am referring to those who restock grocery shelves, who aid the dying in hospice care centers, who pick strawberries, and butcher chickens and cows. I am talking about those who transport vital goods

from port to store, and who spirit away trash and recycling from homes and businesses, as well as those who change the linens in hospitals, deliver food, watch babies, and help people with disabilities.

Sadly, many of these folks were among those working at or near minimum wage before COVID-19. Yet, during the pandemic, they have been hailed as frontline heroes. Some have been rewarded with hazard pay for their commitment to their jobs and their communities, despite the great personal risks they have encountered.

Mr. President, I ask you, will we continue to regard them as heroes after the virus no longer poses an immediate threat to them or us? Will their employers continue to pay substandard wages? Will these workers be satisfied with poverty wage after all that has been said about them and all that they have been through during the last 3 months? There will be many more questions to ask regarding workers who lost their jobs due to COVID-19. These are workers who, during the pandemic, have been paid their prorated unemployment benefits plus an extra \$600 a week by the Federal government merely to stay home and avoid community contact. If you do the math, that works out to \$15 per hour for each and every unemployed worker in supplemental benefits alone.

Mr. President, I am sure you recall that before the pandemic, in various public opinion polls, an overwhelming majority of Pennsylvania voters said they supported raising the minimum wage. One survey completed last August found that more than six in 10 voters supported raising our minimum wage to \$15. I am confident that support for \$15 an hour will continue to grow now that so many unemployed Pennsylvanians have experienced firsthand how family-sustaining wages can improve their lives. As legislators, it is our duty to satisfy the will of the electorate.

My legislation, Senate Bill No. 12, would insure that all workers earn fair wages that satisfy their basic needs and are commensurate with their true value to their employers and to our economy. The bill would raise Pennsylvania's minimum wage to \$12 this year and to \$15 over the ensuing 5 years. I respectfully urge the General Assembly to adopt Senate Bill No. 12.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Chester, Senator Dinniman.

Senator DINNIMAN. Mr. President, it is good to see you up there, Senator Martin. You are doing a good job there, my friend.

I have several issues to discuss: two briefly, and one in more detail. I have before me, and I will put it on the camera here, a list of 45 people in my district who have not received any unemployment check since March 16. Now remember, this is one district, one district office. This is just not acceptable. That is 3 months, man: April, May, June. These people are hurting. We try to assist them if they need food, need other aspects. I know there are problems with the PUAs, those who are self-employed, but only 8 of the 45 fall into that category, 37 are just people who, there should be no problem with. If you cannot get your unemployment, you also do not get some of the special checks that the Federal government has. Our office has done what we are supposed to do - we have a staff member who sends in the information to Labor and Industry. This cannot continue. It is not fair to these people. Understand, my numbers are probably lower. I represent one of the wealthiest districts in Pennsylvania, and a district that historically has had low unemployment. Now, maybe one of the reasons we are getting all of this is because in my district office we have continued to have people answer the phone. So, people call in, and they know they can call in. We keep records on all of the people calling in, and we try to follow up on it. I, first, rise here to say, this has to be corrected, okay? For 3 months, I tell any Member of the Senate, you try living 3 months if you did not have a job and you were dependent on this unemployment, and I say to the administration the same thing. This is just unacceptable.

The second brief issue I rise on involves the Southeastern Veterans' Center, and nursing homes in general. The Southeastern Veterans' Center used to be in my district, so I am very familiar. It was in my district for over 10 years. The Southeastern Veterans' Center is in my county. I have had more calls from families with more evidence pointing to the fact that we did not adequately take care of the veterans who were there. Remember, this is a State facility. They have the responsibility to make sure our veterans are treated right and carefully. The person who just recently called me--actually, he got onto one of our town halls, started to talk, and then we had further conversations after the town hall was over--they told him everything was okay. Then they called one day to say that his father was going to the hospital. He told me that at the hospital they said to him, your father has had COVID-19 for the last 3 days because he entered the hospital with a 103 temperature. There are a lot of problems that go on there. I am glad that there is an investigation, and I hope action is taken.

Also, in terms of our nursing homes in general, the State of Maryland, for example, West Virginia, and so many States around us, did universal testing back in April, and by early to mid-May, that was completed. We read today, or it was yesterday, an announcement from the Governor's Office that we are not going to finish our testing, the deadline is July 24. There are still questions, my friends, about what we are going to do and how we are going to accomplish all this. This is just not right. I understand the difficulties that come in trying to govern and do administrative work in this difficult period, but 70 percent of the deaths occurred in nursing homes. Over 42 deaths--whether it is 42 or 47, it is still being debated with the home--were at that one home alone. We had another home which had 32 deaths. So, how can we say that we met the challenge of this pandemic when we have over 70 percent of the deaths in nursing homes, and we have not yet fully taken care of what occurs in the nursing homes, especially the Southeastern Veterans' Center, which was under the complete control of the State? An investigation, we will read and see what it says. It cannot be shoved under the door somewhere. It is real. We need to act. I thank Senator Muth and other Senators, Senator Iovino, for helping us in this investigation and helping us get this moved forward. So, my friends, those are simply two issues.

Thirdly, we talked today about this constitutional amendment, and there have been a number of constitutional issues that were brought up, not only in terms of emergency declarations, but also in terms that our Constitution still does not recognize the rights of the LGBT community. I am glad to see African Americans and ethnicity recognized, but I think that Senator Street was absolutely correct when he said we have to go beyond symbolism--I believe Senator Farnese said something very similar--if we are going to really take action.

I think what is necessary is a constitutional convention. We have not looked at this Constitution since 1968. That is, even in my very poor math, 52 years ago. It is time to do it. You know, when we were discussing all the stuff involving Mariner East and the environment, no one was paying any attention to Section 27 in Article I that said we had a sustainable environment and resources that went to all the people. In fact, in the 1968 convention, what happened is, two of the most progressive amendments to the fundamental rights of people were made in that 1968 Constitution. We were the first State to use the word "sustainable,"

and that the resources belong to all the people in Section 27. We were one of the first States to put into its Constitution the rights of women. Remember the women's movement in 1968? So, it is time again, is it not, to relook and remember the importance of Article I. It talks about the fundamental rights of the people of Pennsylvania. It goes all the way back to before the Revolution when it talked about the right of habeas corpus. People did not have to have troops in their home. All of these matters are in there. But maybe some more rights need to be done in terms of what is fundamental to the people of this Commonwealth. I will be putting in a bill asking for a constitutional convention, and I hope we will get support for that, because it is about time--I believe this was Senator Boscola's point when she talked about a direct type of referendum--it is about time we let the people talk.

Finally, the fourth issue, and that is about education. It is time to state and understand in terms of the Black Lives Matter movement, the systematic and systemic racism that has occurred in our educational system, and it is time to deal with it, just as we have to deal with policing. Anyone who looks at the funding patterns of education will clearly see this. In fact, one of the acting presidents at Lincoln University wrote her whole dissertation demonstrating the racism in the funding of schools. We have the largest disparity in the funding of poor students and wealthy students based on our tax system. I tell you exactly why I rise here. What I see occurring right now is a whole generation of students who are lost, and who will be lost, unless we act to correct the situation we are now in. Understand that, if you are teaching remotely, the students who got onto the system last were the students in the poorest districts of this Commonwealth. What happened in Philadelphia and in smaller communities like Pottstown, in Senator Mensch's district, is they did not really have formal instruction until the beginning of May. So, what is occurring is remote instruction, which is not working for the poorest students in this Commonwealth. I could give you example after example of that. It is not just minority students. It is not just students of color. It is also students who are in poverty. It is also students with special needs. It is also students who have their special classroom--you know, the words are escaping me now--that every student gets an IEP, an individualized education program. The solution that we in the legislature have said to this is simply, we will fund the schools at their current levels and the problems will go away. They are not going away. You cannot have education as a fundamental human right, which I believe it is, at the current levels.

Perhaps the legislature has to cut its own funding and put it towards education. You know, when we just simply said everyone is funded for 5 months except basic and higher education, we did not review what is necessary and what is not necessary in this regard. There have been two hearings, and I thank my colleague, Senator Langerholc, for them, and I have worked together in partnership on these hearings. One was for basic education, K through 12, and the other was for higher education, and the problems exist in higher education as well. There is a series of needs, and legislation that needs to be adjusted and passed before we start school, and both of us are going to do our best to make sure that is done. We also wanted to get beyond the ABCs, the interest groups in education that have come to every hearing that we have. So, Senator Langerholc and I are going to go out to speak to teachers, superintendents, and administrators directly to really see what has happened in the schools during this closing. And if

anyone looks at the guidance put out by the Department of Education, you will be astounded by the costs that this is going to be for the citizens of this Commonwealth. We in the legislature, like we have done for years, say we do not raise taxes, and then leave it to the school boards, who increase the most odious of taxes, and that is the personal property tax.

I can tell you, some of the things being discussed now is two sessions of school, one in the morning, one in the afternoon, or having one day school and the next day online. Of these calls for the guidelines of our Department of Health and CDC, what happens on the benches of the buses? You cannot have anyone in the seat with a student, you are not supposed to have anyone sitting in front of them or in back of them, and the buses are to be sanitized completely every day. Does anyone realize that expense? What we are talking about is going back to school, but with massive increases in costs, and the money having to be put up by the taxpayers on property tax, many who are facing foreclosures and who are facing the possibilities of eviction, how is that going to get paid for? Where is our sensitivity to the local taxpayers? Where is our willingness to cut our own funds in the legislature, to cut some of the other funds of other programs? Where is our determination that education is our highest priority? Unlike other States, our State Constitution puts the responsibility for education in the hands of the legislature. It is one of only four States in the Union to do it. Other States put it in the hands of the Governor or the Secretary of Education or the State Board of Education. We, in the legislature, have never taken that responsibility seriously, but we had better, or we are going to lose a generation of students who were in trouble before this and who remote learning did not work for.

Higher education is facing its own problem. We were told that a significant number of private schools will have 25 percent less students enrolled. You will see students--you will see colleges who have over a 100-year tradition go down in this coming semester. We are told that double rooms are now going to be single rooms, and the cost is going to have to be eaten by someone. We asked the Chancellor of the State System of Higher Education, you were already in economic difficulty, what is going to happen now? His answer was, we are in double difficulty. We are in real trouble in terms of the funding of the State System of Higher Education.

So, what am I trying to do? I am trying to say all is not well, okay? We have to make sure people who are on unemployment get their checks. You know, 3 months is a long time to live on. You try it. We have to say that we are not going to tolerate anymore what is happening in the Southeastern Veterans' Center or in our nursing homes, because that is where the disease is and that is where people are dying. We have to say, listen, it is time for a constitutional convention. It is time to make sure that Sections 27 and 28 dealing with a sustainable environment and women's rights are not ignored by the courts or the legislature, and it is time to figure out what new rights have to be put in. It has usually been the conservatives who have asked for this. I think all of us across the aisle need this constitutional convention and need to make sure the courts and the legislature respect our Constitution to begin with.

We need to understand that a lot of students are in trouble. We are going to lose them. What good, for example, does remote education do for someone who does not speak English? Yet, we are doing that in the West Chester School District itself, one of

the wealthiest school districts. There are 573 students who do not speak English. I can imagine what the number is in other school districts. In fact, in Lebanon city, I remember over 50 percent do not speak English. So, what good does remote education do if we are not requiring schools to have simultaneous translation? Which does not even cost that much. What good does remote do if some students simply cannot learn that way? In fact, in my county, working with the IU, we have created a retired teachers volunteer teaching corps which will work with any student of remote learning who is having difficulty, and our first focus is on non-English language learners. But months have gone by. We know students lose what they have learned over the summer. Can you imagine what they have lost since we closed the schools in March?

Higher education institutions, by the way, are very concerned about the liability suits they are going to get, if we do not have a bill that exempts them from liability, because people are going to challenge whether you have kept the standards. So the standards have to be clear, and we have to help the universities that are trying to cope with this. By the way, the suits are already pouring in for basic education because the IEPs are not being acted upon. In that situation, school districts can only pay their attorneys so much money, but any private attorney, by the laws we created in Pennsylvania, can charge \$500 to \$600 an hour, and if the school district loses, who pays? The school district. If you bring 10 complaints and throw them against the wall, and only 1 works, they still pay even if 9 are dismissed. We had better get real here and understand the impact on education. We had better get real and not lose this generation of students.

In conclusion, I thought that the testimony of Dr. Brenda Allen, who is the president of Lincoln University, which is in my district, was very compelling. Compelling because she relates the Black Lives Matter movement to institutional and systemic racism, and that we need to act. She says, for example, that COVID-19 has resurfaced the digital divide, not only in communities of color and low-income communities, but in K through 12 as a whole. She further commented that parents who, because of this racism and because of this disparity, have not received an education of excellence themselves, are having difficulty helping their own children. It is not enough simply to give someone a Chromebook if they do not know how to use it or if they do not have an Internet connection. She goes on to say this in terms of Lincoln University: she says when students cannot be on our campus due to COVID-19, they often go back to communities that do not have the social currency, by that she meant the resources and technology they experience on campus. They may not also have the software, hardware capacities which can limit the way of responding to what is happening. She uses the words "campuses matter," in that they allow students, especially poorer students, to expand their world view so they, in turn, can return to their communities and share the cultural capital knowledge that they have gained and be a force within their own communities. She said that for Lincoln students, the campus and on-campus learning is transformative for those students. So having to leave campus to reenter communities without access to the Internet can interrupt student growth and development.

My friends, we are on the verge of losing a generation of students. It is time we woke up. We have talked in this Chamber about funding a variety of things: housing, food, and all of these other issues, unemployment, all of which are important. But our

Constitution says to us that the fundamental responsibility for education is the legislature, not the Governor. We need to stand up and make sure we are not failing our schools and make sure—we have had legislators, led by Senator Boscola, Senator Schwank, and others who have spoken out about the property tax. Does anyone understand the vast increases in the property tax that are going to come if we follow the directions that openings are occurring, even just in transportation alone? Does anyone understand that the school rate, the Act 1 rate that was done in September of 2019 when we were prosperous and says that there is a 2.67-percent increase, that a school board could do without going through a referendum?

We need to wake up and understand that we need to save our schools, and we need to help our property owners who, in the worst of the situations, are going to be paying higher property taxes. We need to step to the plate on this issue, and we need to make sure that every student in this Commonwealth is educated to the very top of the curriculum. Black lives matter not only in policing, it matters in education, it matters in making sure that every student reaches his or her potential, it matters if we are going to have a workforce with the skills to insure our prosperity in the years ahead. Let us stop hiding our heads in the sand. Let us understand that one of the victims of COVID-19, as a way we are restructuring, is the education of young people in this community. We will be paying for years and decades for our failure.

So just like my friend, Senator Tartaglione, has mentioned at every remonstrance—has put something in writing if she does not speak personally—about the minimum wage, I will do the same in every Session, speak much more shortly and briefly and put something in writing. People need to wake up to this. It is not right. Every student has to be educated. It is our future, and we had better get going in the legislature to assure it, and the truth of the matter is there has not been very much discussion. We thought when we had all schools at the same level of last year it would solve it, it does not. So, thank you, Mr. President, and let us rise to the occasion and let every student be educated to the top of the curriculum and the top of their ability.

Thank you very much, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentlewoman from Montgomery, Senator Muth.

Senator MUTH. Mr. President, George Floyd, Breonna Taylor, Antwon Rose, Tony McDade, and Sandra Bland, black lives matter, but matter is the minimum. Black lives are respected, black lives are worthy, black lives are valued, and black lives are needed. As many of my colleagues across the aisle said yesterday, it is our job as elected officials to respond to what constituents are asking for, and they are demanding that we take urgent action to end racial injustices and systemic oppression that has long plagued our society. But for this to happen, we have to change laws, we have to change minds, we have to change ourselves, and we have to listen. Those changes start with us as individuals, particularly those of us who are white. Are we doing intentional work on ourselves to be antiracist? Not just now, when it is in the media and the headlines of the latest black life murdered, but every single day. As white people, it is our social and moral responsibility to use our privilege to make change.

There are going to be some tough conversations about race and how race intersects with every single aspect of our society. One of those tough conversations that needs to happen is one about police brutality. This conversation has to happen at home,

with our neighbors, and it has to happen here at our jobs among the Members of this Chamber, and with our colleagues in the House. This conversation has to include the victims and families of victims whose lives have been taken at the hands of police brutality. This conversation also should include members of law enforcement who acknowledge we have work to do and want to be a part of this change. Police brutality and the unjust murder of black lives will not stop until we, as elected officials, elected leaders in positions of power, start making change. How are we addressing inequities that are rampant throughout our own Commonwealth, inequities such as the drastically higher rates of death from COVID-19 in African American communities? How are we helping those who are most vulnerable and marginalized who have, for generations, the least amount of access to quality healthcare, housing, education, and meaningful work?

We also need to change the policy and culture around what safety looks like in our communities. Community safety should not include violence and threats. It should be centered on people caring for one another and protecting the lives of every single person, no matter the color of their skin. Community safety also relies on the public's trust and authority. It relies on people's access to basic needs and resources. We need long-term social and economic solutions now more than ever. We should be prioritizing people over profit or special agendas. We need to properly allocate State funds to strengthen our school budgets equitably and understand what it means to fully fund our public education systems in this Commonwealth. We need to establish fair and accessible elections to make sure that every single ballot is counted. We need holistic and systemic change that centers and uplifts those who are most marginalized.

We need to legislate change right now. We need to demilitarize the police, and guarantee accessible and affordable healthcare. We need to invest in affordable housing and expand mental health resources. We need to save our planet, both from a pandemic and from constant pollution and global warming. We need to do all of this right now. It is a lot of work, and I know many of you in this Chamber have been here far longer than I have. We have an opportunity in this moment of epic tragedy to change things for the better. We may not be able to change the hearts, minds, and morals of other people, but we can legislate to help lift people up and also legislate consequences for those who do not want to respect the lives of others, and that includes black and brown people who have been through far too much. We have waited far too long to act.

So, let us use this moment, to turn the anger, sadness, and frustration into action. Let us come back here the next legislative Session, as soon as possible, and use the power that we have to make change, both sides of the aisle. People's lives depended on it before this, and they certainly depend on it now.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Delaware, Senator Kearney.

Senator KEARNEY. Mr. President, George Floyd, Breonna Taylor, Antwon Rose, Eric Garner, Sandra Bland, Tamir Rice, Michael Brown, Philando Castile. They were someone's fathers and mothers, sons and daughters, husbands and wives, and brothers and sisters. They were human beings. The story is tragic and all too familiar about the unique threat posed to black lives in America. Being black in America should not be a death sentence, but the facts paint a cold and shameful picture. In 2016, 1,093

Americans were killed by the police. Of those people, 24 percent were black, despite the fact that black people are only 13 percent of the population. The rate of fatal police shootings per million was 6.6 for black people, but only 2.9 per million for whites.

The murders of George Floyd and too many others were not anecdotal. Their murders have reverberated across the nation because systemic racism exists in every corner of our nation. They are vivid examples of a systemwide problem that requires systemwide reforms. That is why I am proud to stand here today to support my Caucus's package of police reforms in order to make everyone safer. But first, I want to make something abundantly clear. Distorting the Black Lives Matter movement to say that its supporters hate all police is just wrong. The failure of some officers to live up to their oath to protect and serve is not a reflection on their entire profession. Compare this to the example of the Catholic Church. Like everyone, I have been horrified by the sexual abuse scandal within the church. I know there are many good priests who serve with great virtue, but that does not erase the sickening actions of the sexual predators, nor the need for reform. That is why I, the son of a Catholic schoolteacher, the product of 16 years of Catholic education, introduced legislation to eliminate the statute of limitations for sexual abuse in Pennsylvania. That is why I also support reforms to address police brutality.

Making reforms for accountability and transparency will protect black lives and help guarantee the American promise of liberty and justice for all. I know the many good members of Pennsylvania's law enforcement community who carry out their duties with compassion and competence also support the call for reform. My Democratic colleagues in both Chambers have put forth over a dozen legislative proposals for rational and just oversight and reform. Senator Street has proposed banning chokeholds, such as the one that killed George Floyd. Senator Haywood and Senator Hughes have proposals for creating standards for the deadly use of force. Too often in this country we have seen innocent people killed, unarmed, with their hands up, or moving away rather than toward an officer. Senator Costa has proposed setting up what many other professions in Pennsylvania already have, a professional oversight and policy development board. Senator Anthony Williams and Senator Fontana have proposals for setting up civilian review boards to review police actions. Independent reviews will improve community trust in our local departments and provide needed accountability after wrongful actions. Senator Street and Senator Muth have proposed terminating police access to military-grade equipment and weapons. This equipment, which was not intended for civilian environments, has had deadly consequences and sowed widespread fear and distrust of the police in many cases. My colleagues have introduced many other bills to provide needed reform. We must hear these proposals and work together to see them through the legislative process. The public is crying out for justice and reform across the State, and we will not see an end to civil unrest until this body takes meaningful action.

As elected leaders, we all must act now. Systemic racism harms or benefits everyone, whether or not we are aware. My privilege as a white man and a lawmaker comes with an obligation to act. To do nothing in the face of injustice is unacceptable. We have lots of work to do. It will not require just a change of policies but also a change of hearts. Times of crisis have led to some of history's greatest achievements. The Great Depression

led to the New Deal, the turmoil of the 1960s led to the Civil Rights Act, and the Stonewall uprising led to the modern LGBTQ rights movement. This moment in history offers us the chance to address 400 years of racial injustice on American soil. This is the time for us to rise up and to meet the unfinished project of freedom in America.

Thank you, Mr. President.

BILL SIGNED

The PRESIDING OFFICER. The Chair wishes to announce the following bill was signed by the President pro tempore (Senator Joseph B. Scarnati III) in the presence of the Senate:

HB 2502.

RECESS

The PRESIDING OFFICER. The Chair recognizes the gentleman from Columbia, Senator Gordner.

Senator GORDNER. Mr. President, I move that the Senate do now recess to the call of the President pro tempore.

The motion was agreed to by voice vote.

The PRESIDING OFFICER. The Senate stands in recess to the call of the President pro tempore.

AFTER RECESS

The PRESIDENT (Lieutenant Governor John K. Fetterman) in the Chair.

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

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 22, 2020, at 1:28 p.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 10:59 p.m., Eastern Daylight Saving Time.