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TUESDAY, MARCH 12, 2013

SESSION OF 2013 197TH OF THE GENERAL ASSEMBLY

No. 14

SENATE

TUESDAY, March 12, 2013

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

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

PRAYER

The Chaplain, Reverend REED MOORE, of First Unity Church of God in Christ, Jeannette, offered the following prayer:

Let us pray.

Eternal Father and most gracious God, we thank You for Your goodness and Your kindness. We thank You, Lord, for the Senate. God, as they come together to make decisions, we ask, Father, that Your blessings would be upon them. God, that You would move in a mighty way. We thank You, Almighty God, for Your blessings and, Lord, for Your wisdom. And we say in Jesus' name, amen.

The PRESIDENT. The Chair thanks Reverend Moore, who is the guest today of Senator Ward.

PLEDGE OF ALLEGIANCE

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

RESOLUTION INTRODUCED AND REFERRED

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

March 12, 2013

Senators STACK, RAFFERTY, SMITH, ALLOWAY, McILHINNEY, GREENLEAF, YUDICHAK, HUGHES, FARNESE, FERLO, DINNIMAN, BLAKE, BOSCOLA, COSTA, ARGALL, FONTANA, BREWSTER, SOLOBAY, BROWNE, WHITE, WILLIAMS, ERICKSON, SCHWANK, KITCHEN, HUTCHINSON, VULAKOVICH, TOMLINSON, VOGEL and LEACH presented to the Chair **SR 53**, entitled:

A Resolution supporting a United Ireland.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, March 12, 2013.

**APPOINTMENT BY THE
PRESIDENT PRO TEMPORE**

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

Mr. David Borden as a member of the Pennsylvania eHealth Partnership Authority.

BILLS REPORTED FROM COMMITTEES

Senator ALLOWAY, from the Committee on Game and Fisheries, reported the following bills:

SB 521 (Pr. No. 628) (Amended)

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in special licenses and permits, further providing for definitions, for exotic wildlife possession permits and for menagerie permits.

SB 547 (Pr. No. 511)

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, providing for special provisions for certain deer hunters.

SB 623 (Pr. No. 599)

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in hunting and furtaking licenses, further providing for license requirements and for unlawful acts concerning licenses.

SB 644 (Pr. No. 618)

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the definition of "wild animals."

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

SB 419 (Pr. No. 373)

An Act amending the act of August 11, 1967 (P.L.205, No.69), entitled "An act to validate conveyances and other instruments which have been defectively acknowledged," extending the date for validation of certain conveyances and other instruments.

SB 429 (Pr. No. 376)

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for payments to family and funeral directors.

SB 620 (Pr. No. 627) (Amended)

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, in powers of attorney, further providing for general provisions and for special rules for gifts; providing for agent's duties and for principles of law and equity; further providing for form of power of attorney, for implementation of power of attorney and for liability; providing for liability for refusal to accept power of attorney and for activities through employees; and further providing for validity.

Senator VANCE, from the Committee on Public Health and Welfare, reported the following bills:

SB 5 (Pr. No. 626) (Amended) (Rereported)

An Act establishing the Community-Based Health Care Program in the Department of Health; and providing for hospital health clinics, for mobile prenatal and natal care demonstration project and for limitations.

SB 177 (Pr. No. 134)

An Act establishing a task force on Lyme disease and related maladies; and providing for powers and duties of the task force, the Department of Health, the Department of Conservation and Natural Resources and the Pennsylvania Game Commission to execute prevention and education strategies.

Senator EICHELBERGER, from the Committee on Local Government, reported the following bills:

SB 351 (Pr. No. 273)

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in municipal authorities, further providing for purposes and powers.

SB 583 (Pr. No. 557)

An Act amending the act of August 23, 1967 (P.L.251, No.102), known as the Economic Development Financing Law, further providing for competition in award of contracts.

SB 591 (Pr. No. 565)

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, in Local Government Capital Project Loan Fund provisions, further providing for assistance to municipalities.

LEAVE OF ABSENCE

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

JOURNALS APPROVED

The PRESIDENT. The Journals of the Sessions of January 22, 2013, and January 23, 2013, are now in print.

The Clerk proceeded to read the Journals of the Sessions of January 22, 2013, and January 23, 2013.

Senator PILEGGI. 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 PILEGGI and were as follows, viz:

YEA-49

Alloway	Farnese	Rafferty	Vulakovich
Argall	Ferlo	Robbins	Ward
Baker	Fontana	Scarnati	Washington
Blake	Gordner	Schwank	Waugh
Boscola	Greenleaf	Smith	White
Brewster	Hughes	Smucker	Wiley
Browne	Hutchinson	Solobay	Williams
Brubaker	Kasunic	Stack	Wozniak
Corman	Kitchen	Tartaglione	Yaw
Costa	Leach	Teplitz	Yudichak
Dinniman	McIlhinney	Tomlinson	
Eichelberger	Mensch	Vance	
Erickson	Pileggi	Vogel	

NAY-0

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

The PRESIDENT. The Journals are approved.

**SPECIAL ORDER OF BUSINESS
SESSION PHOTOGRAPH TAKEN**

The PRESIDENT. The Senate will be at ease while the official photograph is taken.

(The Senate was at ease.)

**GUESTS OF SENATOR KIM L. WARD
PRESENTED TO THE SENATE**

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

Senator WARD. Mr. President, I rise today to recognize some constituents and friends from the Penn State Extension Council and Penn State Agriculture Council from the district in which I serve. They are here today to talk about the importance of funding for their piece of the world, which happens to be the piece of the world which supplies our food. But I am going to take the opportunity to brag about them a little bit.

Last year, over 4,000 young people participated in our 4-H program. And further on this, the Westmoreland Extension Office supports a robotics 4-H club, in which Westmoreland is only 1 of 10 in the entire State. This week they are competing in the For Inspiration and Recognition of Science and Technology Robotics Competition in Pittsburgh. Westmoreland is also the only extension program in the State with a windmill in their backyard. They aggregate and market renewable energy, including solar, across our great Commonwealth. We also have an award-winning demonstration garden, of which the produce from that garden is sent to the Westmoreland Food Bank. Lastly, the Westmoreland branch of the Penn State Extension is one of two counties where they partner with conservation on a water quality education program.

On another note, they came today, as I said earlier, to talk about the budget. As we all know, our State budget has been very, very tight the last couple of years. So I also would like to

take the opportunity right now to thank the Westmoreland County Commissioners for helping to fill that budget gap. Please join me in welcoming these men who I consider community assets to our Capitol.

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

GUESTS OF THE PRESIDENT PRO TEMPORE PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Jefferson, Senator Scarnati.

The PRESIDENT pro tempore. Mr. President, today I ask my colleagues to join me in welcoming some of my constituents who have traveled from the faraway county of Tioga; which, if any of you know of a community there, we have Mansfield and Wellsboro, two beautiful communities along Route 6. I ask that my colleagues join in welcoming my friends and constituents from Tioga County.

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

GUEST OF SENATOR KIM L. WARD PRESENTED TO THE SENATE

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

Senator WARD. Mr. President, I am just the guest Senator today. I would very much like to welcome Reverend Reed Moore, who provided our prayer today. This is my fifth year here and I believe this is also the Reverend's, maybe before I got here, but at least your fifth year here today. Congratulations to you and your wife, Earnestine, on 37 years of marriage this year.

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

GUEST OF SENATOR MATTHEW H. SMITH PRESENTED TO THE SENATE

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

Senator SMITH. Mr. President, I rise to welcome an intern in my office, David Geiger, to the hall of the Senate. David is a senior at the University of Pittsburgh majoring in political science and communications, and he is also studying history as a minor. He is the son of S. Edward and Natalie Geiger, and is a graduate of Mechanicsburg Area Senior High School. He has done a great job in our office, and I ask that the Senate welcome David today.

Thank you, Mr. President.

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

RECESS

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

Senator PILEGGI. Mr. President, I request a recess of the Senate for the purpose of a Republican caucus to be held in the Majority Caucus Room immediately.

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

Senator COSTA. Mr. President, Senate Democrats will meet in the rear of the Chamber to caucus as well.

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

AFTER RECESS

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

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 82 (Pr. No. 47) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 17, 1968 (P.L. 1224, No. 387), known as the Unfair Trade Practices and Consumer Protection Law, further providing for dog purchaser protection.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-49

Alloway	Farnese	Rafferty	Vulakovich
Argall	Ferlo	Robbins	Ward
Baker	Fontana	Scarnati	Washington
Blake	Gordner	Schwank	Waugh
Boscola	Greenleaf	Smith	White
Brewster	Hughes	Smucker	Wiley
Browne	Hutchinson	Solobay	Williams
Brubaker	Kasunic	Stack	Wozniak
Corman	Kitchen	Tartaglione	Yaw
Costa	Leach	Teplitz	Yudichak
Dinniman	McIlhinney	Tomlinson	
Eichelberger	Mensch	Vance	
Erickson	Pileggi	Vogel	

NAY-0

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

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

BILL OVER IN ORDER

SB 83 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 194 (Pr. No. 135) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, in regulation of medical professional liability insurance, repealing provisions relating to reports to commissioner and claims information.

Considered the third time and agreed to,

On the question, Shall the bill pass finally?

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

YEA-45

Table listing names of senators in the YEA-45 group, including Alloway, Argall, Baker, Boscola, Brewster, Browne, Brubaker, Corman, Dinniman, Eichelberger, Erickson, Farnese, Gordner, Greenleaf, Hughes, Hutchinson, Kasunic, Kitchen, Leach, McIlhinney, Mensch, Pileggi, Rafferty, Robbins, Scarnati, Schwank, Smith, Smucker, Solobay, Stack, Tartaglione, Teplitz, Tomlinson, Vance, Vogel, Vulakovich, Ward, Washington, Waugh, White, Wiley, Williams, Wozniak, Yaw, and Yudichak.

NAY-4

Table listing names of senators in the NAY-4 group: Blake, Costa, Ferlo, Fontana.

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

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

BILL OVER IN ORDER

SB 371 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 470 (Pr. No. 411) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in preliminary provisions, establishing the Special Education Funding Commission; in reimbursements by the Commonwealth and between school districts, further providing for definitions; and providing for the distribution of special education funding for student achievement and instruction of eligible students and for special education accountability.

Considered the third time and agreed to,

On the question, Shall the bill pass finally?

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

Senator FERLO. Mr. President, I was wondering if one of my colleagues on the aisle opposite would stand for interrogation. I presume Senator Browne.

The PRESIDENT. The gentleman indicates that he is willing. Senator Ferlo, you may proceed.

Senator FERLO. Mr. President, thank you to my colleague for rising to the occasion. This is an important piece of legislation. Obviously, I am wholeheartedly in support of the urgent need to discuss and review both the funding classification and formula as it relates to special education across our great Commonwealth. I have a couple of concerns. First of all, I am a little bit disappointed that the cyber charter school funding formula is not the most critical issue that right now should be in the forefront. To me, that is much more of a no-brainer in terms of the inequities that exist in the system throughout the Commonwealth. But before us is an important piece of legislation. I do thank former-Senator Piccola, our predecessor, Senator Dinniman, and certainly Senator Browne for moving this bill forward.

I guess a couple of concerns I have is, one, the question to my colleague is to just explain the process. I thought initially we were going to create the commission, then the commission would be coming back specifically with a set of recommendations and suggestions for the formula. The way the bill is written, it almost seems like everything is compiled together and we are voting for all of the elements. Could the gentleman just give a clarification on that?

Senator BROWNE. Mr. President, the commission's responsibility is to come up with a recommendation for a new formula using the three-tiered approach that is in there. The recommendations are, per the legislative language, to be recommended to the General Assembly and to the Governor for implementation.

Senator FERLO. Mr. President, as a follow-up, do we explicitly state what the timetable should be and will be relative to final adoption this year for the budget?

Senator BROWNE. Mr. President, I believe that is correct, yes.

Senator FERLO. Mr. President, and thirdly, I am sorry I forgot my third point. Just the issue of the commission's cost. The third thing, I am a little bit perplexed about the costs associated with doing this. I expressed this in the Committee on Appropriations. If I understand it correctly, the suggestion is that we have to spend upwards of \$950,000 and hire an additional eight staff members in the Department of Education to either functionally administer this program, or monitor it, or to oversee it, and it just seems like an awful lot of money for what should be a reclassification, a redefinition of the funding formula. I do not pretend to know or understand fully the administrative obligations within the department. I was just disappointed to see the budgetary note in excess of \$950,000 to pay for the implementation and management of the future of this proposal.

Senator BROWNE. Mr. President, I appreciate the comments of my colleague. It is important to keep in mind that we are talking about revising a formula that has been in place for several decades now that many of us believe, I think as my colleague has stated, is antiquated and ineffective. It spends over \$1.2 billion per year of the Commonwealth's dollars on a very important initiative by our school districts. The expense of the first \$300,000 is for the purpose of the commission to come up with

the data and to classify individuals in special education within the different categories. It is a tremendous amount of work. So you need at least that in order to make sure that the formula is established correctly and it is reliable.

The other piece of it that is not in our fiscal note but is projected to occur if and when we put additional money into the special education formula, you are asking the Department of Education to take on a new accountability monitoring system on 500 school districts across the State. No doubt that with a more effective monitoring and accountability system we would make sure children are properly classified or phased out of special education when appropriate, or they are not over-identified. That is a \$500,000 expenditure to accomplish the goal on \$1.2 billion now that is being expended. I have no doubt that money will be saved through the results of the accountability system. So I think it is an investment that will lead to savings.

Senator FERLO. Mr. President, that concludes my interrogation. I do appreciate my colleague for rising to the occasion, as he always does, to clarify and explain. Just on the bill itself, I will vote for the bill. I am pleased to vote for the administrative costs, whether it be by consulting or others, to implement the system. I do question, which we can continue to question in the future, the annual operating obligations of eight additional staff people, but that can come up in a later discussion.

Thank you, Mr. President.

LEGISLATIVE LEAVE

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

Senator PILEGGI. Mr. President, I request a temporary Capitol leave for Senator Brubaker.

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

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-49

Alloway	Farnese	Rafferty	Vulakovich
Argall	Ferlo	Robbins	Ward
Baker	Fontana	Scarnati	Washington
Blake	Gordner	Schwank	Waugh
Boscola	Greenleaf	Smith	White
Brewster	Hughes	Smucker	Wiley
Browne	Hutchinson	Solobay	Williams
Brubaker	Kasunic	Stack	Wozniak
Corman	Kitchen	Tartaglione	Yaw
Costa	Leach	Teplitz	Yudichak
Dinniman	McIlhinney	Tomlinson	
Eichelberger	Mensch	Vance	
Erickson	Pileggi	Vogel	

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.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

HB 84, SB 99 and SB 114 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL REREFERRED

SB 117 (Pr. No. 73) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, in orphans' court divisions, further providing for appointment and purpose and for compensation; and, in incapacitated persons, providing for venue and for confidentiality and disclosure of information; further providing for petition and hearing and independent evaluation; repealing provisions relating to county of appointment and qualifications; further providing for review hearing; providing for affidavit in uncontested termination matters and for counsel; further providing for emergency guardian; repealing provisions relating to provisions similar to other estates; providing for removal and discharge of guardian, for appointment of guardian in conveyance and for bond; further providing for evidence of incapacity, for cross-examination of witnesses and for provisions concerning powers, duties and liabilities; further providing for when accounting filed, for distributions of income and principal during incapacity and for guardianship services.

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

BILLS OVER IN ORDER

HB 124 and SB 141 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILLS REREFERRED

SB 266 (Pr. No. 162) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in personal income tax, further providing for classes of income and for spousal income tax returns; and abrogating regulations.

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

SB 267 (Pr. No. 429) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in pupils and attendance, further providing for excuses from attending school; and making an editorial change.

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

SB 286 (Pr. No. 205) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act, further providing for the definition of "income."

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

BILL OVER IN ORDER

SB 308 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL REREFERRED

SB 340 (Pr. No. 432) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 12 (Commerce and Trade) of the Pennsylvania Consolidated Statutes, prohibiting the sale of shark fins; and imposing a penalty.

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

BILLS OVER IN ORDER

SB 360, SB 391, SB 411, SB 428 and SB 443 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

UNFINISHED BUSINESS SENATE RESOLUTIONS ADOPTED

Senators COSTA, KITCHEN, STACK, DINNIMAN, KASUNIC, ERICKSON, FERLO, MENSCH, WASHINGTON, RAFFERTY, BREWSTER, SMITH, GREENLEAF, VULAKOVICH, FONTANA, TARTAGLIONE, YUDICHAK, WILLIAMS, FARNESE, HUGHES, SOLOBAY, PILEGGI, BAKER, BROWNE and BRUBAKER, by unanimous consent, offered **Senate Resolution No. 46**, entitled:

A Resolution designating March 26, 2013, as "Epilepsy Awareness Day" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator COSTA. Mr. President, I rise today and ask my colleagues to support this resolution which designates March 26, 2013, as "Epilepsy Awareness Day" here in the Commonwealth of Pennsylvania. Mr. President, as I stated before, epilepsy affects more than 200,000 Pennsylvanians and their families. The fact is that 1 in 26 people will develop epilepsy in their lifetime. As some of my colleagues know, epilepsy is a seizure disorder and is characterized by recurring seizure events. The good news, Mr. President, is that there are many dedicated individuals and many groups working to find a cure to overcome the challenges posed by epilepsy. The Epilepsy Foundation, Mr. President, and

its affiliates work very, very hard to insure that those who have epilepsy, and their families, are able to participate in life's experiences.

Over the past several years, this General Assembly has supported resources to allow the work of the foundation across this Commonwealth to do the work that they do. Unfortunately, Mr. President, this year we find ourselves in a position where our budget, the administration, the Governor has recommended zero funding for the Epilepsy Foundation or the epilepsy support line item. The funding that is provided to these groups is used for technical assistance, for training and support of many individuals including school nurses and emergency responders so they can better recognize and be able to react when they see a student or a patient dealing with a seizure issue.

Mr. President, the State authorization or appropriation is also used for patient education, public awareness, and information and referral services for children and their families. And this year is the 40th anniversary of the Epilepsy Foundation which, as I said, is dedicated to serving the needs of Pennsylvania families, and they have worked hard to make a difference. Mr. President, they have made a difference. In fact, the foundation has partnered with our State Department of Health since 1994, and together they have tried to further prevent and create prevention and control mechanisms through education and awareness programs.

Mr. President, today I am pleased to offer this resolution designating March 26, 2013, as Epilepsy Awareness Day here in the Commonwealth of Pennsylvania. I ask all of my colleagues for their support and continued support for the work of the Epilepsy Foundation across this Commonwealth.

Thank you, Mr. President.

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

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

Senators TOMLINSON, BAKER and BOSCOLA, by unanimous consent, offered **Senate Resolution No. 47**, entitled:

A Resolution designating the month of April 2013 as "Pennsylvania 8-1-1 Safe Digging Month."

On the question,
Will the Senate adopt the resolution?

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

Senator TOMLINSON. Mr. President, I rise to ask for unanimous support for a resolution designating the month of April 2013 as "Pennsylvania 8-1-1 Safe Digging Month." Safe Digging Month recognizes the Pennsylvania One Call System which provides easy one-call notification about construction and excavation projects that may endanger lives and jeopardize utility lines. The center has served the residents of Pennsylvania by promoting safety, reducing underground utility damages, minimizing utility service interruptions, and protecting the environment for over 41 years. It also serves more than 100,000 excavators and 3,500 critical infrastructure owners in the Commonwealth of Pennsylvania. The resolution encourages all Pennsyl-

vania residents to call before digging to help protect underground infrastructure. Mr. President, I ask for unanimous approval of this resolution.

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

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

Senators WILLIAMS, DINNIMAN, STACK, FARNESE, RAFFERTY, WOZNIAK, ERICKSON, PILEGGI, VULAKOVICH, BREWSTER, GREENLEAF, ALLOWAY, SMITH, HUGHES, TOMLINSON, COSTA, SOLOBAY, BROWNE, FERLO, TARTAGLIONE and WASHINGTON, by unanimous consent, offered **Senate Resolution No. 48**, entitled:

A Resolution congratulating the Philomathean Society of the University of Pennsylvania, the nation's oldest continuous collegiate literary society, on its 200th anniversary on October 2, 2013, and extending best wishes to the society for a successful and productive future.

On the question,
Will the Senate adopt the resolution?

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

Senator WILLIAMS. Mr. President, the resolution pretty much speaks for itself. We, as a Commonwealth, should certainly be supportive of any institution that has such an extraordinary and distinguished society, but particularly in Philadelphia County, which houses the University of Pennsylvania and has a community of almost 500,000 literary population. This particular society speaks to what can be, as opposed to what is, and so we tip our hat to them.

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

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

Senator SCHWANK, by unanimous consent, offered **Senate Resolution No. 49**, entitled:

A Resolution designating the month of March 2013 as "Professional Social Work Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentlewoman from Berks, Senator Schwank.

Senator SCHWANK. Mr. President, I will be brief, but I think those of us who have worked in State government or local government well understand the critical role that social workers play in our society. They are among the hardest working professional individuals that you will find in government, and often find themselves in very challenging situations. On Friday, I will deliver this resolution, with the consent of my colleagues, to a forum at Kutztown University where hundreds of social workers will be there to get professional credits for their certification.

Thank you, Mr. President.

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

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

Senators KITCHEN, WASHINGTON, STACK, FERLO, ERICKSON, FONTANA, RAFFERTY, BRUBAKER, BREWSTER, GREENLEAF, YUDICHAK, COSTA, HUGHES, TARTAGLIONE, PILEGGI, FARNESE, SOLOBAY and BROWNE, by unanimous consent, offered **Senate Resolution No. 50**, entitled:

A Resolution congratulating the Temple University Kornberg School of Dentistry on its 150th anniversary.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentlewoman from Philadelphia, Senator Kitchen.

Senator KITCHEN. Mr. President, in 1862, Dr. John Hugh McQuillen resigned from his position as chair of operative dentistry and physiology at the Pennsylvania College of Dental Surgery, which was located in Philadelphia and was the only dental school in Pennsylvania. He recognized that the State's half-million population was being underserved, since there were only 114 men practicing dentistry at the time, and of those men, only 18 had degrees. So, Dr. McQuillen decided to open a second dental school in Philadelphia. He believed that competition and additional study facilities would be good for the profession. Dr. McQuillen persuaded the General Assembly to pass legislation that would create the Philadelphia Dental College. That measure was signed into law by Governor Andrew Curtin on April 18, 1863. With two schools of dentistry in Philadelphia, the city became the center of dentistry in the country and the world.

Mr. President, this institution has influenced the lives of millions, educating dentists from around the world who, in turn, brought American dentistry to their homelands. The Temple University Maurice H. Kornberg School of Dentistry has educated many men and women to become dental professionals and has made great contributions to expanding American dentistry right here in Pennsylvania. So I ask my colleagues to join me in honoring the Temple University Maurice H. Kornberg School of Dentistry as they celebrate their 150th anniversary. Thank you.

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

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

Senator BOSCOLA, HUGHES, WILLIAMS, KASUNIC, TARTAGLIONE, FONTANA, PILEGGI, BROWNE, WAUGH, ERICKSON, STACK, DINNIMAN, WOZNIAK, BREWSTER, TEPLITZ, SCHWANK, SOLOBAY, YUDICHAK, FARNESE, KITCHEN, SMITH, WASHINGTON, FERLO, RAFFERTY, GREENLEAF, TOMLINSON, BAKER, ALLOWAY, BRUBAKER, BLAKE and COSTA, by unanimous consent, offered **Senate Resolution No. 51**, entitled:

A Resolution recognizing March 8, 2013, as "International Women's Day" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator BOSCOLA. Mr. President, the United Nations recognizes March 8, 2013, as "International Women's Day." I rise today to offer a resolution recognizing International Women's Day in the Commonwealth of Pennsylvania as well. International Women's Day has been recognized since the early 20th century. It strives to bring awareness to the struggles of women, what they have overcome, as well as recognizing the ongoing significant achievements of women today. Just last week, groups around the world celebrated women's economic, political, and social achievements without regard to national boundaries, ethnicity, language, or socioeconomic status. These groups recognize and commemorate women who are struggling for women's rights, and supporting women around the world who are steadfastly pursuing their dreams and goals despite hurdles like recession, wars, oppression, and poverty.

This year's International Women's Day theme is "A Promise is a Promise: Time for Action to End Violence Against Women." Mr. President, it is estimated that 7 out of 10 women globally will be beaten, raped, abused, or mutilated at some point in their lifetime. Most of this violence often takes place in intimate relationships. In the United States, it is estimated that intimate partner violence costs \$5.8 billion per year in extra healthcare costs and lost productivity. Violence against women is a human rights violation that fractures families and communities, hampering development. It has enormous social, economic, and productivity costs for individuals, families, communities, and our entire society.

Mr. President, I ask the Senate to join me and the global community in recognizing the strides and achievements women have made throughout the years, and let us not forget the adversity women face on a daily basis, particularly violence against them. I ask my colleagues for an affirmative vote in recognition of International Women's Day in this Commonwealth.

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

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

Senators STACK, RAFFERTY, KITCHEN, WASHINGTON, ERICKSON, BREWSTER, TOMLINSON, MENSCH, FERLO, GREENLEAF, TEPLITZ, BROWNE, TARTAGLIONE, VULAKOVICH, KASUNIC, ROBBINS, BAKER, FONTANA, WOZNIAK, SMITH, FARNESE, SCHWANK, HUGHES, SOLOBAY, PILEGGI, WHITE, ARGALL, FOLMER, ALLOWAY, BRUBAKER, COSTA and BLAKE, by unanimous consent, offered **Senate Resolution No. 52**, entitled:

A Resolution designating March 2013 as "Irish American Heritage Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator STACK. Mr. President, I am delighted to rise once again this year with my good friend and colleague, Senator Rafferty, to seek unanimous support for this resolution that recognizes the month of March as "Irish American Heritage Month" in Pennsylvania. It is fitting that we pay tribute to the role of Irish Americans and the progress of our country this month in particular. On March 17, we celebrate the feast day of Saint Patrick, the patron saint of Ireland. In Philadelphia, we celebrated this occasion with a parade last Sunday, and if I am not mistaken, I think I saw you, Mr. President, featured prominently in the parade. That is a parade, as you know, that dates back to 1771, one of the oldest parades we have in America. This year's parade theme was and is the "Philadelphia Irish Memorial: A Decade of Remembrance." This is a national monument which was dedicated in 2003. I was lucky to work with Governor Rendell, members of the Irish community, and Members of this Chamber to secure capital budget funding for this monument. It is dedicated to more than a million men, women, and children who perished during the years of 1845 to 1850, and to millions of Irish immigrants who found freedom in America that their ancestors were denied. Philadelphians will gather on St. Patrick's Day at the memorial for the annual commemoration.

Mr. President, I know you know this, Irish immigrants arrived on our shores after fleeing political and religious persecution in their homeland, like many other immigrants. They were penniless and unwanted, but they were filled with hope that America held the future for themselves and for their children, and that they could enjoy the bountiful fruits of this nation which were founded on the principles of liberty and justice for all. Despite the hardships of settling in a new land, the Irish prospered and they built communities and churches, they worked in factories and rose to prominence in every area across the Commonwealth and the country. Irish Americans have made a significant contribution to this great nation from politics and religion to social, economic, and artistic fields, and will continue to do so.

So, Mr. President, I ask my colleagues to join me in recognizing March as Irish American Heritage Month in Pennsylvania, and I really want to state how much I enjoy cosponsoring this bill with my friend, Senator Rafferty, and how he always waits patiently for me to give my much longer speech than his. I also want to thank everyone for being involved with this, and I also want to wish everybody a very happy St. Patrick's Day to all those of Irish descent and, of course, to all those who wish to be of Irish descent. The rule is, if you wish it, you have it.

Thank you, Mr. President.

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

Senator RAFFERTY. Mr. President, it is an honor for me to stand here with my friend and colleague, Senator Stack, once again honoring the Irish during the month of March. Those Americans of Irish heritage can take pride in the many accomplishments of the Irish not only in this Commonwealth, but throughout the country. My colleague has touched on many of those, from politics, to religion, to business, to education, to medicine. There are two particular in the front of the Chamber, Mr. President, I would like to highlight. The colonel in charge of the Pennsylvania Long Rifles during the American Revolution War was a man from Ireland who took immediately to the cause of liberty and justice for all of the individuals living within this

country. George Gordon Meade was of Irish descent, and he, of course, led the Union Army to victory at Gettysburg, preserving the Union.

We have much to be thankful and grateful for and we continue to grow, as does our wonderful and great Commonwealth of Pennsylvania. We will be a part of it, as will the many 12.5 million other people here in the Commonwealth of Pennsylvania, to make sure we continue to move ahead. Mr. President, as we celebrate on Sunday, St. Patrick's feast day, he told all of us, above all, remember God and His goodness. May God continue to bless us all, God bless the Commonwealth, God bless the United States of America, and happy St. Patrick's Day, Mr. President.

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

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Jake Taylor by Senator Corman.

Congratulations of the Senate were extended to Matthew Falcone, Alison E. Moll and to Victoria A. Warner by Senator Erickson.

Congratulations of the Senate were extended to Philadelphia Canoe Club by Senator Greenleaf and Hughes.

Congratulations of the Senate were extended to Jeff Smith, David Manning and to Marjorie Manning by Senator Hutchinson.

Congratulations of the Senate were extended to Connor Michael Blade and to First Aid and Safety Patrol of Lebanon by Senator Folmer.

Congratulations of the Senate were extended to Ruth Richard and to Diane Bracalente by Senator Mensch.

Congratulations of the Senate were extended to Joseph Hobaugh and to George J. Boyce by Senator Pileggi.

Congratulations of the Senate were extended to Lieutenant Martin E. Knezovich and to LaRue Smith by Senator Scarnati.

Congratulations of the Senate were extended to Chief Mark A. George by Senator Schwank.

Congratulations of the Senate were extended to David A. Hartman by Senator Smith.

Congratulations of the Senate were extended to Paul Crayne, Virginia Mass, South Side Middle School and to Elizabeth Forward Middle School by Senator Solobay.

Congratulations of the Senate were extended to Michael MacElroy by Senator Tomlinson.

Congratulations of the Senate were extended to Neil William Painter, Varada Krishnamurthy and to Cody Matthew Durham by Senator Vance.

Congratulations of the Senate were extended to Barbianne Davis and to James G. Boots by Senator Vogel.

Congratulations of the Senate were extended to Alex McCafferty by Senator Ward.

Congratulations of the Senate were extended to Sean Michael Coleman by Senator White.

Congratulations of the Senate were extended to Wayne C. Luker by Senator Washington.

CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late George Milo Cannon by Senator Solobay.

BILLS ON FIRST CONSIDERATION

Senator HUTCHINSON. 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 177, SB 351, SB 419, SB 429, SB 521, SB 547, SB 583, SB 591, SB 620, SB 623 and SB 644.

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

WEDNESDAY, MARCH 13, 2013

9:00 A.M.	EDUCATION and VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (joint follow-up hearing on school safety, focusing on child care centers, buses, parochial schools, colleges and universities)	Hrg. Rm. 1 North Off.
10:00 A.M.	FINANCE (to consider Senate Bills No. 303 and 492)	Room 8E-A East Wing
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Resolution No. 53)	Rules Cmte. Conf. Rm.

MONDAY, MARCH 18, 2013

10:30 A.M.	STATE GOVERNMENT (public hearing on governance reform for Penn State Board of Trustees)	Hrg. Rm. 1 North Off.
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TUESDAY, MARCH 19, 2013

9:30 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (to consider testimony on Senate Bill No. 258)	Hrg. Rm. 1 North Off.
12:00 P.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (confirmation hearing for John R. Evans, nominee for Small Business Advocate)	Room 461 Main Capitol

WEDNESDAY, MARCH 20, 2013

9:30 A.M.	AGING AND YOUTH (joint public hearing with the House Committee on Aging and Older Adult Services on the 2012-2016 State Plan on Aging)	Room 60 East Wing
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FRIDAY, MARCH 22, 2013

2:00 P.M.	GAME AND FISHERIES (public hearing to provide information to the Senate Game and Fisheries Committee and other interested parties from the PA Fish and Boat Commission on the following topics: PA Fish and Boat Commission Fiscal Slope: Spending reallocation plan and revenue generating options)	Erie Yacht Club, 1 Ravine Dr. Erie, PA 16505
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PETITIONS AND REMONSTRANCES

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

Senator BAKER. Mr. President, on behalf of my colleagues from northeastern Pennsylvania - Senator Yudichak, Senator Gordner, Senator Blake, and Senator Argall - I rise to offer our deepest sympathies to the family of Eric Williams. Eric, of Slocum Township, Luzerne County, who was born and raised in Nanticoke, lost his life in late February. He was killed in a brutal assault by an inmate using a homemade knife when Eric was working as a corrections officer in a Federal prison in Wayne County. That this occurred in a Federal facility, that this was the first attack in nearly 5 years, does nothing to diminish the tragedy of the circumstances or to lessen our concern.

All the technology and training poured into modern correctional facilities lull some into believing these jobs are no longer difficult or dangerous. Sadly, untrue. Yet, these are necessary jobs. We rely on good people filling them, and by every account, Eric Williams was one of them. The job was in line with his training and represented stable employment. His future was taken by someone with nothing to lose and absolutely no reason to care. There is a warning in this incident. While we are justifiably debating alternatives to incarceration for lesser offenses, we are reminded that many of the individuals currently locked up are there for sound reasons of public safety.

Williams' sister, after recounting the wonderful and fine qualities of her brother, asked a truly haunting question that hit the heart of the unfairness of it all: "He is already in jail. How do you get your justice?" So I ask my colleagues to join me in a moment of silence in memory of Eric Williams.

Thank you, Mr. President.

(Whereupon, the Senate en bloc stood in a moment of silence in solemn respect to the memory of Corrections Officer ERIC WILLIAMS.)

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

Senator STACK. Mr. President, I was prepared earlier today to make some rather strong statements with regard to the Medicaid expansion issue and the loss of the adultBasic program. I was going to be, I would say, perhaps, speak in very strong terms against the way that Governor Corbett has handled those two particular issues. But instead, I would like to change gears and, in fact, I am going to throw away my speech which has a rather strong tone and I would rather talk about where we can

find a way--the Governor, Democrats and Republicans in the Senate and in the House--to work together to solve the complete problem with lack of insurance across Pennsylvania.

This Chamber is no stranger to some of the things that I have said on the adultBasic program. It has lapsed, but it was previously a nationally recognized program which provided low-cost health insurance for working Pennsylvanians. That is a group of people of whom there are more and more and more these days than ever before. And it was a highly regarded program, it was not just a government give-away. It was founded by a Republican Governor and carried on by Democrats and Republicans over the years. I thought it was unfortunate and a mistake that we let it lapse, and at the time Governor Corbett said it was a program we simply could not afford.

My view was then and it is now that we simply cannot afford to not fund programs that provide affordable health insurance to people across Pennsylvania, because if they do not have insurance, their health issues get worse and worse and they put it off until they are so sick that the only choice they have is to enter the health system through the emergency room doors. And then, because we are a humane society and we have laws on the books that say you cannot just let sick people die, you have to administer medical care, that is always done and what happens is it is the most expensive entry into the health system, and all of us pay. Everybody who has an insurance policy pays for those who do not have insurance. So it is in everyone's interest to make sure that we have as many people covered by insurance as possible.

We had a golden opportunity in Pennsylvania with the Medicaid expansion to cover a lot of folks. So I want to revisit that issue in light of the recent Commonwealth finding of unconstitutionality with regard to the funding of the adultBasic program and the inappropriate usage under the Constitution of the tobacco settlement money, which this Chamber and the House and previous governors had committed to using for healthcare purposes only. Without going into the court case, the Commonwealth Court found that it was unconstitutional, essentially, to do away with the adultBasic program, and to use the tobacco settlement money other than for healthcare reasons. So what I want to say is as opposed to doing what seems to be fashionable these days and kicking Governor Corbett--it seems to be that is the hobby of a lot of people--and kicking him while he is down, he will not always be down. He will be up at times and he will get political winds and his popularity will grow. The important thing is we have to try to find a way to get above the political gamesmanship and point-making and get back on to the point which I believe is very important, and that is providing more insurance.

So I would like to say to the Governor, and I know that there are Members of my Caucus who feel the same way. I know Senator Costa feels this way, I know Senator Kitchen feels this way, and others do, that in light of the constitutional issue, I think it is appropriate for the Governor to try to reevaluate whether it is appropriate for us to expand the Medicaid program, to take a second look at that in light of the constitutional issue as found by the court. And if he cannot reinstate the adultBasic program, to find a way to cover the people that might have been covered by the adultBasic program with the Medicaid expansion. I think it is legitimate and fair for any Governor to reevaluate the issue in light of a court finding. I do not think it is fair for Democrats to then turn around and accuse the Governor of flip-flopping or choosing political expediency. That would be the wrong thing to

do. So I want to say, just as far as this Senator is concerned, and I know other Senators feel the same way, if the Governor decided to reevaluate, and I think he should, the Medicaid expansion issue, the coverage of adultBasic--and by the way, CHIP is also apparently having problems getting children insured. We lost another 845 children from the CHIP rolls in March, and before that we had lost 3,000. So somewhere we are running into problems making sure that we met our duty of providing insurance for all children and for providing insurance across the board.

So getting back to my point, I do not think it is appropriate for Democrats to criticize the Governor if the Governor determines that he wants to reevaluate and expand Medicaid or find other ways to provide insurance. I, for one, will not criticize him, I will commend him. I think others should do the same and that anyone who tries to make political points on an issue as important as providing affordable health insurance across the board to Pennsylvanians, I think that would be the wrong thing to do. The right thing would be to compliment and commend the Governor, and that is why I would implore him to do that. I look forward to working with him and Members on both sides of the aisle here and in the House.

Thank you, Mr. President.

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

Senator RAFFERTY. Mr. President, I heard on the news this morning that March 20 will mark the beginning of spring, and I recognize the fact that there are two professional baseball teams from the State of Pennsylvania now involved with spring training in the State of Florida. I am, of course, speaking of the Philadelphia Phillies and the Pittsburgh Pirates. As a diehard, lifelong Phillies fan, Mr. President, I am very excited about the start of the new season. Roy Halladay seems to be getting back his pitching prowess, Ryan Howard is among the league leaders with home runs and runs batted in, and the man who could pass as my identical twin--except a little taller--Chase Utley, seems to be having a productive spring as well.

So to the Philadelphia Phillies, I wish them a very exciting spring training and a most productive and exciting season in the baseball world when we begin in earnest in April. I am looking forward to the possibility of the Phillies and the Pirates looking up and the Phillies winning the Series. I look forward to the Phillies going to the playoffs and the World Series. Optimistic, yes, but I am a Phillies fan.

So thank you, Mr. President. To all the teams in spring training, the Phillies and the Pirates, best wishes and health in the spring training season.

Thank you, Mr. President.

The PRESIDENT. The Chair thanks the gentleman and shares his sentiments, but would encourage the gentleman to visit his optometrist.

RECESS

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

Senator SMUCKER. Mr. President, I move that the Senate do now recess until Wednesday, March 13, 2013, at 11 a.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 4:15 p.m., Eastern Daylight Saving Time.