

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

TUESDAY, APRIL 16, 2013

SESSION OF 2013 197TH OF THE GENERAL ASSEMBLY

No. 23

**SENATE**

TUESDAY, April 16, 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 DAVID ROBERTS, Pastor of Amos Tabernacle Church of God in Christ, Gettysburg, offered the following prayer:

Let us pray.

Gracious Father, we come thanking You once again for Your goodness, Your loving kindness, and Your tender mercy. We ask You to look on this occasion today as we go forth in this Senate meeting, that You will bless us, O God, give us the knowledge and the wisdom to make decisions as we go forth today. We ask, O God, that You would look on the incident that happened yesterday. Touch the lives of the people that it affected. We ask Your continued blessing, O God, throughout the day. These and other blessings we ask in our son Jesus' name. Thank God. Amen.

The PRESIDENT. The Chair thanks Reverend Roberts, who is the guest today of Senator Alloway.

**PLEDGE OF ALLEGIANCE**

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

**BILLS INTRODUCED AND REFERRED**

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

April 16, 2013

Senators FERLO, KASUNIC, FONTANA, FARNESE, YUDICHAK, BLAKE, COSTA, HUGHES, SOLOBAY, SCHWANK, STACK, LEACH, DINNIMAN, TARTAGLIONE, TEPLITZ, SMITH, BOSCOLA, WOZNIAK, WILLIAMS, WASHINGTON, KITCHEN, GREENLEAF, BREWSTER and WILEY presented to the Chair **SB 800**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code," further providing for general powers of board, for specific subjects on which board may adopt regulations, for selection of

personnel, for when sales may be made at Pennsylvania Liquor Stores, for sales by Pennsylvania Liquor Stores, for authority to issue liquor licenses to hotels, restaurants and clubs, for sale of malt or brewed beverages by liquor licensees, for malt and brewed beverages manufacturers', distributors' and importing distributors' licenses, for shipment of wine and for unlawful acts relative to liquor, malt and brewed beverages and licensees.

Which was committed to the Committee on LAW AND JUSTICE, April 16, 2013.

Senators GREENLEAF, STACK, FARNESE, YUDICHAK, FONTANA, BREWSTER, ERICKSON, RAFFERTY, MENSCH, COSTA, HUGHES, BAKER, SOLOBAY, BROWNE, WASHINGTON, FERLO, SCARNATI, VULAKOVICH and SMITH presented to the Chair **SB 850**, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for definitions, for prospective donors, for prospective donees, for procedure, for amendment or revocation, for rights and duties at death, for requests, for identification and authorization, for the Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund, for confidentiality and for prohibitions; providing for promotion of donations through a registry, for effect on advance health care directive, for facilitation of gifts during investigation, for collaboration, for information, for physician and nurse training, for uniformity and for electronic signatures; and further providing for corneal transplants.

Which was committed to the Committee on JUDICIARY, April 16, 2013.

Senators WAUGH, ALLOWAY, WHITE, SMUCKER and EICHELBERGER presented to the Chair **SB 852**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in grounds and buildings, further providing for work to be done under contract let on bids and exceptions; in charter schools, further providing for charter school requirements; in Thaddeus Stevens College of Technology, further providing for contracts for construction, repair, renovation or maintenance; in State System of Higher Education, further providing for project contracts; and making a related repeal.

Which was committed to the Committee on EDUCATION, April 16, 2013.

Senators WAUGH and RAFFERTY presented to the Chair **SB 854**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in criminal homicide, further providing for the offense of involuntary manslaughter.

Which was committed to the Committee on JUDICIARY, April 16, 2013.

Senators WAUGH, ALLOWAY, FONTANA, COSTA, BRUBAKER and SOLOBAY presented to the Chair **SB 855**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the issuance of identification cards.

Which was committed to the Committee on TRANSPORTATION, April 16, 2013.

Senators WAUGH, FONTANA, RAFFERTY, COSTA, WASHINGTON, FARNESE, KASUNIC, FERLO, HUGHES and SOLOBAY presented to the Chair **SB 857**, entitled:

An Act amending the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act, providing for testing prior to sewage sludge application.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 16, 2013.

## HOUSE MESSAGES

### HOUSE BILLS FOR CONCURRENCE

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

April 16, 2013

**HB 326** and **784** -- Committee on Local Government.

**HB 429** -- Committee on Aging and Youth.

**HB 472** -- Committee on Education.

**HB 927** -- Committee on Community, Economic and Recreational Development.

### BILLS REPORTED FROM COMMITTEES

Senator GORDNER, from the Committee on Labor and Industry, reported the following bills:

**SB 145 (Pr. No. 927)** (Amended)

An Act amending the act of August 24, 1963 (P.L.1175, No.497), known as the Mechanics' Lien Law of 1963, providing for the definition of "costs of construction"; and further providing for right to lien and amount, for priority of lien and for discharge or reduction of lien on payment into court or entry of security.

**SB 297 (Pr. No. 928)** (Amended)

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for qualifications required to secure compensation and for ineligibility for compensation.

Senator FOLMER, from the Committee on Education, reported the following bills:

**SB 34 (Pr. No. 930)** (Amended)

An Act amending the act of December 12, 1973 (P.L.397, No.141), known as the Professional Educator Discipline Act, making extensive substantive and editorial changes; providing for imposition of discipline on additional grounds, for imposition of discipline on founded and

indicated reports, for confidentiality, for subpoenas and for disposition of fees and fines collected; and establishing the Professional Educator Discipline Account.

**SB 46 (Pr. No. 931)** (Amended)

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, providing for employment history review.

**HB 19 (Pr. No. 5)**

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in terms and courses of study, providing for child exploitation awareness education.

Senator TOMLINSON, from the Committee on Consumer Protection and Professional Licensure, reported the following bills:

**SB 441 (Pr. No. 380)**

An Act providing for plumbing contractors licensure; establishing the State Board of Plumbing Contractors and providing for its powers and duties; conferring powers and imposing duties on the Department of Labor and Industry; establishing fees, fines and civil penalties; creating the Plumbing Contractors Licensure Account; and making an appropriation.

**SB 699 (Pr. No. 707)**

An Act amending the act of December 4, 1996 (P.L.911, No.147), known as the Telemarketer Registration Act, further providing for duration of a listing.

**SB 732 (Pr. No. 764)**

An Act amending the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act, further providing for reimbursement for parts and service and for unlawful acts by manufacturers or distributors.

### RESOLUTION REPORTED FROM COMMITTEE

Senator FOLMER, from the Committee on Education, reported the following resolution:

**SR 71 (Pr. No. 838)**

A Resolution memorializing the President and the Congress of the United States to fully fund all special education mandates imposed by Federal laws or regulations upon State, county, municipal or local providers of educational services to students in this Commonwealth.

The PRESIDENT. The resolution will be placed on the calendar.

### LEGISLATIVE LEAVES

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

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

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

Senator COSTA. Mr. President, I request temporary Capitol leaves for Senator Blake and Senator Smith, and a legislative leave for Senator Washington.

The PRESIDENT. Senator Pileggi requests a temporary Capitol leave for Senator Folmer.

Senator Costa requests temporary Capitol leaves for Senator Blake and Senator Smith, and a legislative leave for Senator Washington.

Without objection, the leaves will be granted.

**JOURNAL APPROVED**

The PRESIDENT. The Journal of the Session of March 11, 2013, is now in print.

The Clerk proceeded to read the Journal of the Session of March 11, 2013.

Senator PILEGGI. Mr. President, I move that further reading of the Journal be dispensed with and that the Journal 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-50

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

NAY-0

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

The PRESIDENT. The Journal is approved.

**GUESTS OF SENATOR RICHARD L. ALLOWAY AND SENATOR JOHN T. YUDICHAK PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Franklin, Senator Alloway.

Senator ALLOWAY. Mr. President, good afternoon. I rise to welcome the Pennsylvania State System of Higher Education representatives who are here today. We have 13 of the 14 State schools represented. I do not know if they are up there or not, yes, I see hands. They were on a time schedule to get back home. As the Senate's appointee to the PASSHE system, I would like to welcome them to the Pennsylvania Senate on behalf of myself and Senator Yudichak. Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Luzerne, Senator Yudichak.

Senator YUDICHAK. Mr. President, as a member of the Board of Governors, as is Senator Alloway, I would like to also express my great pride today in welcoming our PASSHE students, our University presidents, and the entire PASSHE family here to the Capitol today. As we all know, Senator Alloway is a proud graduate of the PASSHE system and a fine example of the good work of the State System of Higher Education. In fact, eight of our State Senators and 33 House Members currently serving in the General Assembly hold a PASSHE degree. I want to thank them for visiting today, expressing their gratitude to this General Assembly for continued support of the PASSHE system, and reminding us that an investment in higher education is an investment in Pennsylvania's future.

Thank you, Mr. President.

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

(Applause.)

**GUESTS OF SENATOR ROBERT B. MENSCH PRESENTED TO THE SENATE**

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

Senator MENSCH. Mr. President, it is my pleasure today to introduce a group of guests from DeSales University. Let me start first with Father Bernard O'Connor, who is the President of DeSales University. He is joined today by four DeSales students who are here, obviously, for a lobby day. We have Matthew Lezinsky, a financial aid major; Eric Altpeter, who is majoring in finance and accounting; Brian Panella, who is majoring in marketing and law; Crystal Salinas, who is majoring in chemistry; and Erin Weigand, who is majoring in dance and communications. Mr. President, please join me in giving them a warm Senate welcome.

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

(Applause.)

**GUEST OF SENATOR LISA M. BOSCOLA PRESENTED TO THE SENATE**

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

Senator BOSCOLA. Mr. President, I would like to recognize a constituent of mine who is visiting the Capitol today with the Scranton School for the Deaf and Hard of Hearing Children. Lemuel Riolo is a student at the school and is here today in the gallery. Mr. President, Lemuel took the time to write me a letter, a personal letter, asking to meet with me and visit our State Capitol. He is a 7th grade student from Stroudsburg, and the son of Joseph and Connie Riolo. Lemuel has two brothers, Nathan and Aharon. He enjoys learning and socializing with his friends at the Scranton school by using American Sign Language. He hopes to graduate from high school and follow in his brother's footsteps and attend The Rochester Institute of Technology. So I wish him the best of luck in all of his future endeavors, and I ask that the Senate recognize Lemuel and give him our usual warm welcome.

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

### LEGISLATIVE LEAVE CANCELLED

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

### GUESTS OF SENATOR JOHN T. YUDICHAK AND SENATOR JOHN P. BLAKE PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Luzerne, Senator Yudichak.

Senator YUDICHAK. Mr. President, I join my colleagues, Senate Blake, Senator Boscola, and others in recognizing the wonderful staff, administrators, and great students with us today from the Scranton School for Deaf and Hard of Hearing Children. The Scranton School is the newest school for deaf and hard of hearing children in the nation, and I would say, without a doubt, one of the finest. I ask my colleagues to extend a Senate welcome to our guests, especially the four children from the 14th Senatorial District, Chariel China and Jeriel Claudio of Hazleton, Justin Warke of Hanover Township, and Adolfo Rivera of Wilkes-Barre.

Thank you, Mr. President.

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

Senator BLAKE. Mr. President, I want to join my colleagues, Senator Yudichak and Senator Boscola, in welcoming some guests. I particularly want to acknowledge, as Senator Yudichak did, the management team at the Scranton School for Deaf and Hard of Hearing Children. Don Rhoten and his group are wonderful people, doing wonderful work. We are glad to have such an important educational asset in northeastern Pennsylvania. There are three wonderful young people here, Mr. President, from the 22nd Senatorial District, Paulo Camacho, John Dougher, and Ryane Smalley, a young lady here as well. I just want to extend my deep welcome to them and the Scranton School, and I would appreciate a kind welcome from the Senate.

Thank you, Mr. President.

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

(Applause.)

### SENATE RESOLUTION ADOPTED

Senators SOLOBAY, FERLO, ERICKSON, WASHINGTON, ROBBINS, FONTANA, RAFFERTY, PILEGGI, HUGHES, YUDICHAK, VULAKOVICH, BROWNE, WAUGH, COSTA, ALLOWAY, BAKER, WHITE, HUTCHINSON, SCHWANK, KASUNIC and TARTAGLIONE, by unanimous consent, offered **Senate Resolution No. 90**, entitled:

A Resolution commemorating the 282nd anniversary of the establishment of the Grand Lodge of Free and Accepted Masons of Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Washington, Senator Solobay.

Senator SOLOBAY. Mr. President, this year marks the 282nd anniversary of the establishment of the Grand Lodge of Free and Accepted Masons in Pennsylvania. The Fraternity of Free and Accepted Masons is the oldest, largest, and most widely known fraternal organization in the world. Today, there are a total of 51 Grand Lodges in the United States and about 1.6 million Freemasons. The Grand Lodge of Free and Accepted Masons of Pennsylvania was established in 1731, and is one of the oldest in the country. The headquarters of the Lodge is in the Masonic Temple at One North Broad Street in Philadelphia. Mr. Jay Smith is the current Grand Master of the Lodge of Freemasonry. It is a way of life that teaches tolerance towards all mankind. "Freemasonry is kindness in the home, honesty in business, courtesy in society, fairness in work, pity and concern for the unfortunate, resistance towards evil, help for the weak, forgiveness for the penitent, love for one another, and above all reverence and love for God."

Please join me in unanimous adoption 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.

### GUESTS OF SENATOR TIMOTHY J. SOLOBAY PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Washington, Senator Solobay.

Senator SOLOBAY. Mr. President, it is my honor, along with the other 15 Master Masons of the Senate Chamber, to introduce and welcome to the Chamber our Right Worshipful Grand Master, Jay Smith. Also with him is Deputy Grand Master, Bob Bate-man. They join us every other year for a celebratory opportunity, both with the House and Senate. It will be topped off later this evening with a dinner. As we are here to celebrate the 282nd anniversary, I ask that we all welcome the Grand Master and Deputy Grand Master to the hall of the Senate.

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

(Applause.)

### LEGISLATIVE LEAVE CANCELLED

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

### GUESTS OF SENATOR DOMINIC F. PILEGGI PRESENTED TO THE SENATE

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

Senator PILEGGI. Mr. President, it is my pleasure this afternoon to introduce Melissa Hickey, Director of the Campus Ministry at Neumann University in Aston, Delaware County. Visiting with Melissa Hickey today are three students from Neumann University, Frank Altamuro, Brian Forrest, and Alexandria Maurizzio. Frank is a junior, majoring in accounting, and is the student government president. Brian is a sophomore, majoring in

communications, and is the student government vice president. Alexandria is a junior and communications major, who serves as student government clubs coordinator. Mr. President, I ask that the Senate give my guests its usual warm welcome.

The PRESIDENT. Would the guests of Senator Pileggi 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 beginning 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 at the conclusion of Session.

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

BILLS OVER IN ORDER

SB 114, SB 177, SB 303 and SB 308 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 351 (Pr. No. 273) -- The Senate proceeded to consideration of the bill, entitled:

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

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

Table with 4 columns of names: Alloway, Argall, Baker, Blake, Boscola, Brewster, Browne, Farnese, Ferlo, Folmer, Fontana, Gordner, Greenleaf, Hughes, Rafferty, Robbins, Scarnati, Schwank, Smith, Smucker, Solobay, Vulakovich, Ward, Washington, Waugh, White, Wiley, Williams.

Table with 4 columns of names: Brubaker, Corman, Costa, Dinniman, Eichelberger, Erickson, Kasunic, Kitchen, Leach, McIlhinney, Mensch, Pileggi, Stack, Tartaglione, Teplitz, Tomlinson, Vance, Vogel, Wozniak, Yaw, Yudichak.

NAY-1

Hutchinson

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 680, SB 731, SB 744 and SB 777 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 808 (Pr. No. 837) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question, Shall the bill pass finally?

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

Senator SMUCKER. Mr. President, for Pennsylvanians watching or listening to this Senate Session, no doubt the action we are about to take seems a little curious. After all, last Session we passed a bill giving the county commissioners the power to eliminate the position of jury commissioner, which has, in some areas, become a bit of a relic in the age of computers. This step was taken with the strong backing of the counties, who have been asking for ways to save money. Earlier, larger counties had been individually granted the power to eliminate the position, and there have been no reports of unforeseen difficulties as they were implemented there. In fact, in some counties, we are seeing candidates for jury commissioner pledging to work to do away with the position. With this compelling evidence of support, the bill was signed into law by the Governor. A number of counties have moved quickly to end the position. As far as nearly everyone was concerned, it was the concluding chapter of a reform success story.

The only controversy came from those holding or seeking these elected positions. As happens so many times in recent years, approval of a law involving change is followed by litigation on the part of those who prefer the status quo and ardently defend it, so there is no surprise there. The surprise came when the State Supreme Court threw out the law, not by challenging it

on merit, rather, they simply objected to our legislative process. The decision is both puzzling and frustrating. Puzzling from the standpoint of understanding how two measures designed to allow counties to save money are so dissimilar as to violate the State Constitution. There was nothing of a hurry-up drill to our action. The circumstances had been publicly discussed for a long time. Supporting and opposing viewpoints were voiced and available for all to consider. Frustrating because it makes passing laws even more complicated and time-consuming, and it is hard to see the public interest in that. Our agenda is not so open that we should have to redo legislation that was the right thing to do in the first place, and was completely consistent with the taxpayer interest in saving money and managing operations more efficiently. But that is the reality to which we must react. By moving this bill cleanly and quickly, we do two important things: we put reform back on track, and remove the unfortunate confusion about the possibility of elections this year that arose from the court decision.

Thank you, Mr. President.

LEGISLATIVE LEAVES

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

Senator COSTA. Mr. President, I request temporary Capitol leaves for Senator Leach and Senator Hughes.

The PRESIDENT. Senator Costa requests temporary Capitol leaves for Senator Leach and Senator Hughes. Without objection, the leaves 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-38

Alloway	Eichelberger	Scarnati	Vulakovich
Argall	Erickson	Schwank	Waugh
Baker	Farnese	Smith	White
Blake	Ferlo	Smucker	Wiley
Boscola	Folmer	Solobay	Williams
Brewster	Fontana	Tartaglione	Wozniak
Browne	Gordner	Teplitz	Yaw
Brubaker	Kitchen	Tomlinson	Yudichak
Corman	McIlhinney	Vance	
Costa	Pileggi	Vogel	

NAY-12

Dinniman	Hutchinson	Mensch	Stack
Greenleaf	Kasunic	Rafferty	Ward
Hughes	Leach	Robbins	Washington

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

BILL OVER IN ORDER

SB 3 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION, AMENDED

SB 10 (Pr. No. 719) -- 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 safe schools, further providing for Office for Safe Schools and providing for allocation of certain appropriated funds.

On the question,

Will the Senate agree to the bill on second consideration?

Senator PILEGGI, on behalf of Senator SCARNATI, offered the following amendment No. A0979:

Amend Bill, page 2, line 15, by inserting after "(c.1) ":

(1)

Amend Bill, page 2, by inserting between lines 25 and 26:

(2) Municipalities may not receive grant funds under this subsection for any purpose other than for costs associated with school resource officers and are not eligible for other grants provided to school entities under this section. In assigning school resources officers pursuant to this subsection, municipalities shall take into consideration the proportion of students enrolled in each school entity or nonpublic school.

Amend Bill, page 4, line 5, by striking out "Twenty-five" and inserting :

Forty

Amend Bill, page 4, line 7, by striking out "Seventy-five" and inserting :

Sixty

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

It was agreed to.

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

BILLS ON SECOND CONSIDERATION

SB 37 (Pr. No. 6) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 25 (Elections) of the Pennsylvania Consolidated Statutes, in voter registration, further providing for methods of voter registration, providing for electronic voter registration application and further providing for preparation and distribution of applications; in changes in records, further providing for change of enrollment of political party; and conferring powers and imposing duties on the Department of State.

Considered the second time and agreed to,

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

SB 59 (Pr. No. 28) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in municipal police education and training, further defining "police department" and "police officer"; and further providing for reimbursement of expenses and for payment of certain county costs.

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

BILL ON SECOND CONSIDERATION, AMENDED

**SB 120 (Pr. No. 920)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in primary and election expenses, further providing for registration; and providing for monthly reporting, for manner of filing and for inability to file reports or statements electronically by deadline; and further providing for late filing fee and certificate of filing.

On the question,  
Will the Senate agree to the bill on second consideration?  
Senator PILEGGI offered the following amendment No. A0968:

Amend Bill, page 1, line 12, by striking out "and"  
Amend Bill, page 1, lines 12 and 13, by striking out "monthly reporting" and inserting:  
reports required; further providing for late contributions and independent expenditures; providing  
Amend Bill, page 2, line 20, by striking out "sections" and inserting:

a section  
Amend Bill, page 2, line 21, by striking out "Monthly Reporting" and inserting:

Reports Required

Amend Bill, page 2, line 23, by striking out "ONE HUNDRED thousand dollars (~~\$10,000~~) (\$100,000)" and inserting:  
ten thousand dollars (\$10,000)

Amend Bill, page 2, lines 24 and 25, by striking out "ONE HUNDRED thousand dollars (~~\$10,000~~) (\$100,000)" and inserting:  
ten thousand dollars (\$10,000)

Amend Bill, page 2, line 28, by inserting after "THE":  
reporting

Amend Bill, page 2, line 29, by inserting after "CYCLES":  
for the remainder of the calendar year and

Amend Bill, page 2, by inserting between lines 29 and 30:  
Section 2.1. Section 1628 of the act, amended February 13, 1998 (P.L.72, No.18), is amended to read:

Section 1628. Late Contributions and Independent Expenditures.-- Any candidate or political committee, authorized by a candidate and created solely for the purpose of influencing an election on behalf of that candidate, which receives any contribution or pledge of five hundred dollars (\$500) or more, and any person making an independent expenditure, as defined by this act, of five hundred dollars (\$500) or more after the final pre-election report has been deemed completed shall report such contribution, pledge or expenditure to the appropriate supervisor. Such report shall be sent by the candidate, chairman or treasurer of the political committee within twenty-four (24) hours of receipt of the contribution. It shall be the duty of the supervisor to confirm the substance of such report. [The report] A report filed with the Secretary of the Commonwealth shall be filed electronically. Other reports shall be made by telegram, mailgram, overnight mail or facsimile transmission. Any candidate in his own behalf, or chairman, treasurer or candidate in behalf of the political committee, except a candidate required to file with the Secretary of the Commonwealth, may also comply with this section by appearing personally before such supervisor and reporting such late contributions or pledges.

Section 2.2. The act is amended by adding sections to read:

Amend Bill, page 3, line 5, by striking out "ALL" and inserting:  
Beginning February 1, 2014, all

Amend Bill, page 3, line 5, by inserting after "REPORTS":  
and statements

Amend Bill, page 3, line 7, by inserting after "REPORT":

or statement

Amend Bill, page 3, line 12, by inserting after "REPORT":

or statement

Amend Bill, page 3, line 13, by inserting after "REPORT":

or statement

Amend Bill, page 3, line 23, by inserting after "REPORT":

or statement

Amend Bill, page 3, line 27, by inserting after "REPORT":

or statement

Amend Bill, page 3, line 30, by striking out "WOULD THEN HAVE" and inserting:

has

Amend Bill, page 4, line 5, by inserting after "REPORT":

or statement

Amend Bill, page 4, line 8, by inserting after "REPORT":

or statement

Amend Bill, page 4, line 16, by inserting after "REPORT":

or statement

Amend Bill, page 4, line 19, by inserting after "REPORT":

or statement

Amend Bill, page 4, line 24, by inserting after "REPORT":

or statement

Amend Bill, page 5, line 5, by striking out "DOES" and inserting:  
shall

On the question,  
Will the Senate agree to the amendment?  
It was agreed to.

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

It was agreed to.

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

BILLS OVER IN ORDER

**HB 124, SB 160, SB 406 and SB 429** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILLS REREFERRED

**SB 437 (Pr. No. 721)** -- 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 teacher certification, providing for military science certificates.

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

**SB 442 (Pr. No. 722)** -- 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 certification of teachers, further providing for continuing professional education for school or system leaders.

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 492, SB 579 and SB 638** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

## BILL ON SECOND CONSIDERATION

**SB 679 (Pr. No. 654)** -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a portion of State Route 3031 in Richland and Conemaugh Townships, Cambria County, as the Lieutenant Colonel B.D. "Buzz" Wagner Memorial Highway.

Considered the second time and agreed to,

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

BILLS ON SECOND CONSIDERATION  
AND REREFERRED

**SB 681 (Pr. No. 660)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the protection of victims of sexual violence, for duties of law enforcement agencies, for procedure and for penalties; and, in juvenile matters, further providing for definitions.

Considered the second time and agreed to,

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

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

**SB 689 (Pr. No. 677)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for prevention of abduction of children.

Considered the second time and agreed to,

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

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

UNFINISHED BUSINESS  
SENATE RESOLUTIONS ADOPTED

Senators TARTAGLIONE, BAKER, WOZNIAK, KITCHEN, FERLO, TEPLITZ, WASHINGTON, STACK, FONTANA, ERICKSON, RAFFERTY, KASUNIC, WILLIAMS, YUDICHAK, PILEGGI, HUGHES, FARNESE, ARGALL, GREENLEAF, SOLOBAY, BREWSTER, ALLOWAY, SCHWANK, COSTA, HUTCHINSON, BRUBAKER, BLAKE and MENSCH, by unanimous consent, offered **Senate Resolution No. 91**, entitled:

A Resolution recognizing the week of April 21 through 27, 2013, as "Crime Victims' Rights Week" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator TARTAGLIONE. Mr. President, each year, 18.7 million Americans are victimized by crime. In a country where we pledge liberty and justice for all, too often, we find victims are obscured by red tape and their voices are muffled by the overwhelming sounds of excuses. This year, the theme of the National Center For Victims of Crime is "New Challenges, New Solutions," which represents the issues and barriers victim advocates encounter every day while assisting victims. Thanks to dedicated advocates and determined victims, victim advocacy efforts have come a long way over the past 30 years, but we still have a long way to go to insure victims receive the necessary services.

Right now, approximately 50 percent of violent crimes are unreported, and only a small percentage of victims receive the help they need and deserve. In order to assist as many victims as possible, we must work together to develop solutions that will address the challenges we are currently facing in this Commonwealth and this nation. We must take action to protect, restore, and expand crime victims' rights. This week, victim service providers, criminal justice officials, and concerned citizens throughout the nation are coming together to observe National Crime Victims' Rights Week. Today, I ask my colleagues to join me in observing the week of April 21 through April 27, 2013, as "Crime Victims' Rights Week" in Pennsylvania.

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 GORDNER, PILEGGI, COSTA, WOZNIAK, TEPLITZ, DINNIMAN, TOMLINSON, GREENLEAF, BREWSTER, STACK, ERICKSON, KASUNIC, FERLO, ALLOWAY, FONTANA, RAFFERTY, HUGHES, FARNESE, WHITE, YUDICHAK, VULAKOVICH, SCHWANK, MENSCH and SOLOBAY, by unanimous consent, offered **Senate Resolution No. 92**, entitled:

A Resolution recognizing the month of April 2013 as "Financial Literacy Month" in Pennsylvania.

Which was read, considered, and adopted by voice vote.

Senators TEPLITZ, FOLMER, WASHINGTON, FERLO, STACK, KITCHEN, WOZNIAK, TOMLINSON, ERICKSON, BREWSTER, SCHWANK, GREENLEAF, BRUBAKER, WAUGH, BAKER, WHITE, PILEGGI, COSTA, SOLOBAY, HUGHES, RAFFERTY and MENSCH, by unanimous consent, offered **Senate Resolution No. 93**, entitled:

A Resolution noting with deep sadness the death of Army Warrant Officer Matthew Ruffner (Chief Warrant Officer 3) a pilot serving with the Pennsylvania National Guard who died in the line of duty in eastern Afghanistan on April 9, 2013.



On the question,  
Will the Senate adopt the resolution?

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

Senator TEPLITZ. Mr. President, this is a condolence resolution for Chief Warrant Officer Matthew Ruffner, who lived in Susquehanna Township while he was a full-time flight instructor at Fort Indiantown Gap. He and another Chief Warrant Officer, for whom Senator Schwank has a condolence resolution, were both killed on April 9, in Afghanistan. Chief Warrant Officer Ruffner grew up in eastern Ohio near Pittsburgh, and wanted to be in the military like his older brother. He joined the National Guard at age 18 as a mechanic, graduated from IUP with a degree in criminology, then went to flight school and started working for the Guard full-time as a flight instructor. He recently received his 7-year wings. He was called probably the most dedicated Apache pilot in the program. He and Chief Warrant Officer Yoder were both members of the 1-104th Attack Reconnaissance Battalion. About 350 members of the battalion shipped out to Afghanistan in August. Unfortunately, both men were the 52nd and 53rd members of the Pennsylvania National Guard killed while on duty since 2004. Their helicopter crashed about 150 miles east of Kabul, Afghanistan. The cause of the crash is under investigation. I ask my colleagues for a moment of silence in recognition of Chief Warrant Officer Ruffner and the sacrifice he and his family made, and to join me in the adoption of this resolution.

(Whereupon, the Senate en bloc stood in a moment of silence in solemn respect to the memory of Chief Warrant Officer MATTHEW RUFFNER.)

The PRESIDENT. Let the record reflect that the resolution was adopted unanimously.

Senators SCHWANK and FOLMER, by unanimous consent, offered **Senate Resolution No. 94**, entitled:

A Resolution honoring the life of United States Chief Warrant Officer 2 Jarett Yoder, who was killed during a reconnaissance mission on Tuesday, April 9, 2013, in Nangarhar Province, Afghanistan.

On the question,  
Will the Senate adopt the resolution?

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

Senator SCHWANK. Mr. President, today we mourn the loss of Chief Warrant Officer 2 Jarett Yoder, who died along with Chief Warrant Officer Matthew Ruffner in Afghanistan on April 9, 2013, in service of our country as part of Operation Enduring Freedom. Jarett's family lives in my district in Berks County, not too far from me. Jarett and his wife resided in Brecknock Township, Berks County, and were constituents of Senator Folmer, who is a cosponsor on this resolution.

Mr. President, Jarett was only 27 years old and graduated from Oley Valley High School in 2005. He was a star athlete in high school where he ran track and excelled in pole vault, triple jump, and hurdle events. Jarett was known and admired by his teachers, coaches, and peers for his energy, enthusiasm, and strong work ethic. Taught at an early age by his family the im-

portance of giving back to his community, he made it a point to help others whenever and wherever he could. When Jarett joined the Pennsylvania National Guard in 2005, he was following a strong desire to serve and followed in the footsteps of his brother, Bryon, and his sister, Amanda, who also serve as members of the Guard.

In 2008, he deployed to Iraq with Company C of the National Guard's 56th Stryker Brigade based in Kutztown, PA. Seeking to fulfill a lifelong dream of being a helicopter pilot, Jarett applied for and was accepted to aviator training at Fort Rucker in 2010 and graduated last year. He proudly wore those aviator wings during his most recent deployment to Afghanistan. It was during this deployment that he made the ultimate sacrifice in service of our country, defending the freedoms we hold dear.

Although his life was far too short, Jarett Yoder will be remembered as a true American hero and his memory will inspire future generations to give back to their communities and our country. Devoted husband to his lovely young wife, Heather--Jarett just married last fall--beloved son and brother, loyal friend, and faithful soldier are fitting descriptions of this young man whose life of giving touched so many. Today, we acknowledge with great sadness the passing of Jarett Yoder who gave his life in service of our country, and we extend heartfelt condolences to his wife, Heather, and to the entire Yoder family. Mr. President, would the entire Senate join me in this condolence resolution.

(Whereupon, the Senate en bloc stood in a moment of silence in solemn respect to the memory of Chief Warrant Officer 2 JARETT YODER.)

The PRESIDENT. Let the record reflect that the resolution was adopted unanimously.

Senators WARD, PILEGGI, ERICKSON, WOZNAK, WASHINGTON, FERLO, TEPLITZ, DINNIMAN, COSTA, STACK, BROWNE, GREENLEAF, VULAKOVICH, FONTANA, FARNESE, TARTAGLIONE, BREWSTER, KASUNIC, MENSCH, RAFFERTY, BRUBAKER, SCHWANK, WHITE, HUGHES, SMITH, SOLOBAY and ALLOWAY, by unanimous consent, offered **Senate Resolution No. 95**, entitled:

A Resolution designating the month of April 2013 as "Hemophilia Awareness Month" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator WARD. Mr. President, today I will take a couple of minutes to talk about hemophilia. As I am sure we all know in this room, hemophilia is a genetic disorder that impairs the body's ability to control bleeding. There are approximately 1,760 citizens in our Commonwealth who are afflicted with this disease. Because they do not have the ability to form blood clots, they cannot do all the physical activities that most of us are safely able to do. The cuts and bruises that we shrug off can turn to something serious for someone with hemophilia. Additionally, it is very difficult, if even possible, to purchase a life insurance policy or even healthcare insurance. There is no cure, but the disease can be maintained and controlled with infusions of factor

replacement therapies. The expense of this treatment is off the charts, and I hope that someday one of the drug manufacturers or university research centers will be able to find a cure. I humbly ask my colleagues to join me in helping to bring awareness to hemophilia and how it affects the lives of those who live with it by recognizing the month of April as "Hemophilia Awareness Month" in Pennsylvania. 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.

Senators FONTANA, WOZNIAK, WASHINGTON, WILLIAMS, DINNIMAN, FERLO, FARNESE, KITCHEN, GREENLEAF, TEPLITZ, MENSCH, ERICKSON, HUGHES, BAKER, BREWSTER, STACK, SMITH, WAUGH, WHITE, SOLOBAY, BROWNE, ALLOWAY, VOGEL, VULAKOVICH, SCHWANK, RAFFERTY, PILEGGI, COSTA, TARTAGLIONE, KASUNIC and BRUBAKER, by unanimous consent, offered **Senate Resolution No. 96**, entitled:

A Resolution recognizing the week of April 21 through 27, 2013, as "National Volunteer Week" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator FONTANA. Mr. President, I rise to briefly comment on the resolution which recognizes the week of April 21 through April 27 as "National Volunteer Week" in Pennsylvania. Mr. President, volunteers are the lifeblood of our communities. Their dedication, devotion, and hard work make so much possible. With little fanfare, recognition, or praise, these citizens volunteer their time to work with children, assess the elderly, aid those with disabilities, counsel victims, help feed the impoverished, and work to raise funds for important programs and causes. In many cases, Mr. President, volunteers are courageous, as we just witnessed in Boston yesterday, staffing emergency service positions to fight fires, rescue people, treat the injured, and deliver so many other vital services.

Pennsylvania's volunteers deserve our praise and credit for improving the quality of life throughout our communities. They also help minimize taxpayer costs for arrangement of important services and programs. If you ask these citizens, Mr. President, why they are willing to do so much for so little in return, most of them will tell you that they love the work that they do and love the people they work with. They will tell you that they believe in their cause. Whether they are volunteering for their church or local Little League, they will tell you that they see the ability of others and want to help others as a blessing. They will tell you their reward is in the eyes of a senior citizen they just delivered mail to, or in the smile of a child who just hit his first baseball.

Mr. President, I publicly thank and acknowledge all Pennsylvanians who volunteer their work and time, and I hope this resolution helps convey the appreciation of all of us in the Senate and all Pennsylvanians. I hope it encourages more people to become volunteers.

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.

Senator COSTA, on behalf of Senators HUGHES, WOZNIAK, DINNIMAN, TEPLITZ, KITCHEN, FARNESE, WASHINGTON, FERLO, SMITH, GREENLEAF, STACK, BAKER, ERICKSON, BROWNE, BRUBAKER and PILEGGI, by unanimous consent, offered **Senate Resolution No. 97**, entitled:

A Resolution encouraging all citizens to observe Earth Day on April 22, 2013.

On the question,

Will the Senate adopt the resolution?

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

Senator COSTA. Mr. President, may I offer remarks for the record on behalf of Senator Hughes for this resolution?

The PRESIDENT. Without objection, the remarks will be spread upon the record.

*(The following prepared remarks were made part of the record at the request of the gentleman from Allegheny, Senator COSTA, on behalf of the gentleman from Philadelphia, Senator HUGHES:)*

Mr. President, United States Senator Gaylord Nelson of Wisconsin created the concept of Earth Day to encourage Americans to contemplate the damage being done to the earth through pollution. The idea came to Earth Day founder Gaylord Nelson, then a U.S. Senator from Wisconsin, after witnessing the ravages of the 1969 massive oil spill in Santa Barbara, California. Inspired by the student anti-war movement, he realized that if he could infuse that energy with an emerging public consciousness about air and water pollution, it would force environmental protection onto the national political agenda. The first Earth Day on April 22, 1970, activated 20 million Americans from all walks of life and is accredited with launching the modern environmental movement. Throughout the years, Earth Day has grown as a service day for many around the world, especially in the United States.

The Great PA Cleanup, Pennsylvania's participation in the national Great American Cleanup campaign sponsored by Keep America Beautiful, provides the perfect opportunity to keep participation in Earth Day activities. The entire Great PA Cleanup campaign runs from March 1 to May 31, with cleanups sponsored by townships, boroughs, and other communities across the State of Pennsylvania. With community events like the Great PA Cleanup, more than 1 billion people now participate in Earth Day activities each year, making it the largest civic observance in the world. It has been estimated that every year, millions of Americans participate in Earth Day activities to promote a healthier and cleaner environment.

This year, 2013, is the 43rd anniversary of Earth Day, the year for environmental change. This year's global theme for Earth Day is "The Face of Climate Change." As civil servants, it is our duty to preserve our planet. Every action toward a greener environment is a step forward into a prosperous future for earth. Together, we can take care and preserve our earth, one environmentally conscious move at a time.

And the question recurring,

Will the Senate adopt the resolution?

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

Senator COSTA, on behalf of Senators LEACH, DINNIMAN, BROWNE, GREENLEAF, FERLO, WOZNIAK, ERICKSON, TARTAGLIONE, RAFFERTY, WILLIAMS, YUDICHAK, FONTANA, PILEGGI, FARNESE, SMITH, BREWSTER, COSTA and HUGHES, by unanimous consent, offered **Senate Resolution No. 98**, entitled:

A Resolution recognizing the month of April 2013 as "Multiple Birth Awareness Month" in Pennsylvania.

Which was read, considered, and adopted by voice vote.

Senator COSTA, on behalf of Senators LEACH, WASHINGTON, WOZNIAK, TEPLITZ, DINNIMAN, FERLO, TARTAGLIONE, BREWSTER, RAFFERTY and PILEGGI, by unanimous consent, offered **Senate Resolution No. 99**, entitled:

A Resolution congratulating The Hooters on 30 years of success and appreciating its contributions to the art and culture of this Commonwealth and the world.

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 want to be clear that this is the band Hooters, the group that is well known in the southeastern part of the State. I want to make our Members aware that on April 30, the band Hooters will be performing in the East Wing.

Thank you, Mr. President.

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

Senator WILLIAMS. Mr. President, would the previous speaker stand for a brief period of interrogation?

The PRESIDENT. Senator Costa?

Senator COSTA. Mr. President, I would be glad to answer questions from the gentleman from Philadelphia County.

The PRESIDENT. The gentleman indicates that he will. Senator Williams, you may proceed.

Senator WILLIAMS. Mr. President, we are married to attractive women, smart women, and so I was curious as to the opening comment about clarifying that this was the band Hooters. That draws my attention to the fact that there must be another Hooters that he is aware of. So, for the benefit of us who never, ever experienced anything other than the band Hooters, we would like to know to what he was alluding with the other Hooters.

Senator COSTA. Mr. President, I know the gentleman is familiar with the band Hooters, having come from the area of Philadelphia, southeastern Pennsylvania, where the Hooters play, but I would suggest to the gentleman that there is a minor league baseball team called the Hooters, and that is to what I was referring.

Thank you, Mr. President.

Senator WILLIAMS. Mr. President, well done.

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

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

Senators DINNIMAN, STACK, TEPLITZ, TOMLINSON, WILLIAMS, ERICKSON, FONTANA, BRUBAKER, BREWSTER, GREENLEAF, SCHWANK, WASHINGTON, TARTAGLIONE, RAFFERTY, SMITH, PILEGGI, YUDICHAK, HUGHES, FARNESE, ARGALL, SOLOBAY, ALLOWAY, COSTA, FERLO, HUTCHINSON and BLAKE, by unanimous consent, offered **Senate Resolution No. 100**, entitled:

A Resolution commemorating the 65th anniversary of the birth of the State of Israel.

On the question,  
Will the Senate adopt the resolution?

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

Senator DINNIMAN. Mr. President, 65 years ago the State of Israel was founded. This State has prospered and is a firm ally of the United States, and it is important that we recognize its anniversary. Despite terrorism and problems with security, the nation of Israel has prevailed. And, in fact, in this era of terrorism, it is good for us to learn from the Israeli experience. So as we face episodes such as what happened yesterday in Boston, we, too, can be prepared and prevail against acts of terrorism.

Mr. President, Israel also has taken leadership in the world in terms of technology, especially in terms of biotechnology, and is engaged in many cooperative endeavors with American companies in this area. I rise, Mr. President, so that we as a Commonwealth can unite with our strong ally, our ally who opposes and is with us on this war of terror that exists in the world today, our strong economic partner, and our good friend, the nation of Israel. I ask for adoption of this resolution.

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

Senator STACK. Mr. President, I commend my friend and colleague, Senator Dinniman, for this resolution, and I want to second what he has said. Last night, Senator Williams, Senator Greenleaf, and I spent some time at the Jewish History Museum in Philadelphia also honoring the 65th anniversary of the State of Israel. It was a wonderful time, and I want to commend and congratulate the State of Israel for being the only democracy in the Middle East, for being our most reliable and staunchest ally in the Middle East, and for being there at all times. I have one of the most vibrant, culturally energetic Jewish communities in the Commonwealth in my senatorial district. I have visited Israel five times and would like to go again. I consider myself an unofficial ambassador for other Members of this great body that I recommend they all travel there. It is a wonderful nation and, once again, we commend Israel for their 65th anniversary, and we look forward to continued excellent relations with our staunchest ally in the Middle East.

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

Senator WILLIAMS. Mr. President, as Senator Stack alluded to, last night, he, myself, and Senator Greenleaf were invited to a wonderful celebration on the 65th anniversary that has occurred with this particular organization to celebrate independence day for Israel. There were probably 400 people in the room, and to the person all were greatly affected by the tragic events in

Boston which occurred yesterday. Frankly, it was an extraordinary backdrop to why we were celebrating the independence of Israel, because for all who would fight against what we would call a grand experiment in the United States, which is an imperfect country with perfect ideals, ideals which celebrate freedom, respect for all, fairness, and also the uplifting of those who, at a point in time we did not uplift, that means women and people of color, Israel represents all of those components within a democracy surrounded by hostile territory.

It is not just that people sometimes view Israel as a political ally, it is a moral ally. Its existence is not just for personification of a particular ethnic group--Jews, as many people would characterize it--it is about what the human spirit can actually extract in adverse situations and circumstances. Israel represents the finest that America can associate with, but frankly, it represents the finest of human composition. If we truly are about our brother's keeper, if we truly are about uplifting one another, then the tragedy in Boston only reflects the dignity and magnificent opportunity expressed in America and Israel, and that is that terrorism, wherever it comes from, will never thwart the possibilities of promise, the integrity, the energy, the desires, the hopes and dreams of human beings who respect one another. So Israel's existence, in the backdrop of daily terrorism, only personifies what we have experienced in very short terms in Boston and Oklahoma City and other places across this country.

So for all those reasons, we continue to celebrate the existence of Israel. We certainly turn our attention to the victims in Boston, and whatever we can do as a Commonwealth, whatever we can do as citizens, and whatever we can do as human beings, we offer that in our humblest regards to the victims and families of those who are suffering in Boston. We certainly uplift the spirit, the tenacity, the intellect, and, frankly, the recovery that Israel has often gone through in similar circumstances as we celebrate its independence day.

Thank you, Mr. President.

#### LEGISLATIVE LEAVE CANCELLED

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

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

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

Senator TEPLITZ. Mr. President, I rise to join my colleagues and this entire body in showing its support for the State of Israel in such a strong and positive way. This is particularly meaningful for me as a new Senator representing the greater Harrisburg Jewish community and as an active member of that community myself. I am very proud to be the fourth Jewish Member of the Senate, which is not quite a minyan, but we are getting there. There are areas of this State where that joke killed, Susquehanna Township, in my district, among them.

On Sunday, my family and I participated in our local Jewish community center's Walk the Land celebration, which was a journey that allowed our community to reflect on Israel's history and its contributions in all facets of society. Those kinds of celebrations have occurred throughout this country. We have come

a long way in allowing those to happen and celebrating the fact of those different ceremonies, and in doing resolutions like the one we are doing today. I appreciate the fact that we are gathering, as communities are across the world, to celebrate an independent Israel and to show our solidarity with our brothers and sisters living and prospering there. I want to thank the Senate for joining us in this anniversary celebration, and I look forward, as I know we all do, to many similar resolutions commemorating future years of the State of Israel.

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.

#### 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 Jacob T. Schneckloth by Senator Alloway.

Congratulations of the Senate were extended to American Hose Company No. 1 by Senator Argall.

Congratulations of the Senate were extended to Stephen L. Hutter by Senator Costa.

Congratulations of the Senate were extended to Mr. and Mrs. Steve Zodtner, Claudia R. Schwartz, Shyanne R. Marquette, Rebecca M. Hodge, Elizabeth A. Hollinger, Hannah E. Lane, Ron Ditzler, Kayla Reilly, Eric Sigovich, Dan Speca, Miriam Mills, Ying Ying Shang, Jennifer C. Henry, Michelle E. Tracy, Phoenixville Public Library, Saint Agnes Catholic School and to the Friends of Martin's Tavern by Senator Dinniman.

Congratulations of the Senate were extended to Molly McGuckin by Senators Dinniman and Rafferty.

Congratulations of the Senate were extended to Senior Master Sergeant Beth Palmer by Senator Eichelberger.

Congratulations of the Senate were extended to Ryan W. Matukaitis, Derek Michael Grose and to Paul Yost and the Friends of Milton State Park by Senator Gordner.

Congratulations of the Senate were extended to John Hayburn and to Lenore Forsted by Senator Leach.

Congratulations of the Senate were extended to Michael Ross by Senator McIlhinney.

Congratulations of the Senate were extended to Levi Schneck and to Evan Mundie by Senator Mensch.

Congratulations of the Senate were extended to Robert E. Coleman by Senator Pileggi.

Congratulations of the Senate were extended to DuBois Area Middle School and to the men and women of the United States Armed Forces by Senator Scarnati.

Congratulations of the Senate were extended to Leonard Edward Moore, United Way of Berks County and to the Oley Valley Heritage Association by Senator Schwank.

Congratulations of the Senate were extended to Corporal Dean R. LaSalvia by Senator Solobay.

Congratulations of the Senate were extended to Patrick Francis Briotte and to Frederick M. Garlock by Senator Teplitz.

Congratulations of the Senate were extended to Mr. and Mrs. Willard Murphy by Senator Yaw.

**CONDOLENCE RESOLUTIONS**

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

Condolences of the Senate were extended to the family of the late Ernest Ashbridge, Jr., and to the family of the late Helen R. Swan by Senator Baker.

Condolences of the Senate were extended to the family of the late Chief Warrant Officer 2 Jarett Yoder by Senators Schwank and Folmer.

**BILLS ON FIRST CONSIDERATION**

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

The motion was agreed to by voice vote.

The bills were as follows:

**SB 34, SB 46, SB 145, SB 297, SB 441, SB 699, SB 732 and HB 19.**

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, APRIL 17, 2013

10:00 A.M.	GAME AND FISHERIES (to consider Senate Bills No. 647, 648, 763 and 764; and House Bill No. 353)	Room 8E-B East Wing
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THURSDAY, APRIL 25, 2013

10:00 A.M.	JUDICIARY (public hearing to receive testimony on the concept of determinate sentencing)	Phila. Bar Assn., 11th Floor, Conf. Ctr., 1101 Market St. Phila., PA
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TUESDAY, APRIL 30, 2013

9:30 A.M.	LAW AND JUSTICE (public hearing to consider the Governor's plan on liquor privatization)	Hrg. Rm. 1 North Off.
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TUESDAY, MAY 7, 2013

9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (public hearing on storm response)	Hrg. Rm. 1 North Off.
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9:30 A.M.	JUDICIARY (public hearing to discuss civil legal representation of the indigent: Have we achieved equal access to justice?)	Room 8E-B East Wing
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**PETITIONS AND REMONSTRANCES**

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

Senator RAFFERTY. Mr. President, today, as chairman of the Senate Committee on Transportation, I held a press conference in the media room. Before I begin, I want to thank Carol Maravic Milligan and her staff for putting together a terrific press kit, chock-full of information that the press corps now has and is able to use for their reports for their readership and for their listening audience. I also want to thank Ryan Boop, chief of staff, and Nate Spade, Executive Director for the Senate Committee on Transportation, for their hard work in organizing today's event. We had, I think, the largest crowd I have seen in the media room on the stage supporting myself, Senator Wozniak, Representative Hess, and Representative McGeehan on the transportation plan that we unveiled today.

Mr. President, I know there are people out there saying, well, do not do anything, we do not need to do anything, there is enough savings there in transportation that we can do it out of those existing funds. That is not true. We have shown that under both Secretary Schoch and his predecessor that they have considerably reduced the staff in PennDOT. PennDOT now employs about 11,500 people for the whole Commonwealth. That is engineers, maintenance workers, and office workers. Additionally, 76 percent of the business conducted by PennDOT is privatized. Companies here in Pennsylvania, employing Pennsylvanians, are doing the work on our roads and on a number of other items handled by PennDOT. We have made PennDOT leaner. Is there more to do? There is certainly more to do, but when we are looking at the report of the Transportation Advisory Commission from 4 years ago, we are looking at Governor Corbett's TFAC report, we are looking at \$2 billion to \$3 billion a year that we need for transportation.

When I was appointed chairman of the Senate Committee on Transportation, I immediately began touring through the Commonwealth. We did hearings, I took staff or I went myself, we toured the three ports, toured various airfields, we spoke with mass transit, we toured roads and bridges from Route 219 in McKean County, to Route 202 in my area, Route 422, and to Route 79 in Senator Costa's area. We made sure we had a good handle on what was needed in Pennsylvania before I would undertake unveiling a transportation plan. I feel very confident today in the plan that we introduced. It will raise the Commonwealth of Pennsylvania \$2.5 billion a year. No small amount of change. I have to give credit to Governor Corbett. All along, people said to me, are you going to do anything on transportation? I said I need the Governor involved. Well, Governor Corbett stepped up to the plate. In February, he unveiled his transportation package of about \$1.8 billion a year. I used that as a base, a foundation block, if you will, for my transportation bill that we introduced today and built upon it.

Our transportation plan, and I want to make this clear to people because reports will be all convoluted, as will some information floating around. The money that comes from adjusting the Oil Franchise Tax, this is not a tax at the pump, this is a tax on wholesalers, or I should say a fee on wholesalers. The oil franchise cap that we are adjusting has not been touched since the 1980s. A \$1.25 per gallon for Exxon and those companies, I do not mean to pick on them, but the big gas companies are paying.

So by adjusting that cap, that money that PennDOT would realize must go, per our Constitution, to the Motor License Fund, as do the registration and license fees which we are proposing to adjust, because many of those have not been changed in 16 years, and some not since 1970 that we have seen any kind of change in those fees.

So, we are proposing to adjust those fees for inflation, which will raise additional revenue for the Pennsylvania Department of Transportation to use for their costs incurred since those fees have not been increased in all those years. And that money as well must go into the Motor License Fund, per the Constitution, Article VIII, Section 11. The Motor License Fund must be used for roads and bridges. So there will be instant corrections and changes made to the roadways that those people may experience because of having to pay an additional fee. They are going to see the improvements in the roads, expanse in the roads. It gives us the opportunity to move Pennsylvania ahead. Recently, MSNBC conducted a survey of the 50 States. They looked at the States most inviting for business. Pennsylvania, which ranks in the top 7 for population, ranked 30th for business-friendly. One of the criteria used was transportation infrastructure. Of the 50, we ranked 35th because we have long neglected our transportation infrastructure.

What we are proposing today and what will be in Senate Bill No. 1 is not what we saw in Federal stimulus when the money came in and we repaved and repainted bridges. We are talking about expansion of our infrastructure, adding capacity on our roads and bridges. We are also working with mass transit to increase fees for mass transit to the tune of about \$500 million to \$600 million by the end of year 5. That money will be used for the long-neglected capital projects and mass transit all throughout the Commonwealth of Pennsylvania.

I want to remind people, there are 36 transit agencies in this Commonwealth. People have a tendency to focus on SEPTA and the Port Authority. There are 36. Some of the transportation agencies and transit agencies that run in this Commonwealth are in the rural areas, and they are the only way people can get to the hospital for dialysis or for doctor appointments, the only way. We have to make sure that those transit agencies continue to be funded as well.

The entire Commonwealth of Pennsylvania will benefit from the transportation plan unveiled today. Every corner is going to receive attention and much-needed revenue to improve the infrastructure. We agree with the Governor, we are going to hold the 2 cents a gallon for the first few years, reduce the gallonage at the pump for the people who drive, by 2 cents a gallon, which is about \$120 million over a 2-year period. We are willing to work with the Governor on that, and agree with the Governor's assessment on that as well. People said, well, the Oil and Gas Franchise Tax, that is going to pass through. We do not know for certain. We know these are worldwide companies, so they could absorb this worldwide. If they should pass through, if they should, at the rate today, people would pay \$2 a week more for gas. Two dollars a week. I do not want to pay any more either. I am very happy when the gas prices go down, but we cannot afford to do nothing. We are already losing jobs. We already have 4,400 structurally-deficient bridges, 650 weight-limited, and 50 are closed. If we do not do anything, more will be weight-limited or closed. That means emergency vehicles getting to somebody's house will have to do a runaround or a longer

route to get to the home, and that can mean life or death or destruction of property. Children will have to be spending more time on school buses.

We cannot afford to do nothing. The chambers of commerce have estimated we could lose 12,000 jobs within the next couple of years here in the Commonwealth of Pennsylvania if we do nothing. If we do something and invest in the Commonwealth of Pennsylvania and our future--under the Governor's plan, he estimated 50,000 jobs will be created. His plan is about \$1.7 billion, \$1.8 billion. We built upon the Governor's foundation. At \$2.5 billion, there will be more jobs created for the construction of our highways and bridges, our rail lines and freight rail lines. We have a growing freight and shortline industry here in the Commonwealth of Pennsylvania. The Marcellus Shale area is growing, as well as our urban areas. Philadelphia, now with the dredging of the river, is going to see more cargo coming in and they will need freight lines and shortline railroads running that cargo, as well as the central part of the State that is attracting a major rail center and a cargo depot.

This is an opportune time for the Commonwealth of Pennsylvania, for all Pennsylvanians to realize the importance of this bill that benefits all Pennsylvanians who drive, who ride trains, who ride buses, who use transit. All Pennsylvanians will benefit from this piece of legislation, as well as our three ports and our regional airports. I ask the people of Pennsylvania to look at the bill, look at the value of the bill, and what it means to us for today, for jobs, but more importantly, we the Senate of Pennsylvania addressing a core function of government, the safety and welfare of our residents. When you have 4,400 structurally deficient bridges, and if we do nothing, we will have that many more. We have to step up and say we are addressing a core function of government, providing transportation for the movement of people and goods throughout this Commonwealth. That is our obligation and our responsibility.

So we cannot choose to do nothing. We must be proactive in this piece of legislation. I want to compliment Senator Wozniak, who has worked very closely and very hard with me. He is the Democratic chair of the Senate Committee on Transportation. I received support and encouragement from Senator Scarnati, Senator Pileggi, Senator Costa, Senator Hughes, and Senator Corman. All of us want to see the right package put together for the Commonwealth of Pennsylvania. Over the next few months, we look forward to continuing to work with Representative Hess and Representative McGeehan, the House chairs for the Committee on Transportation, and with the Governor. Governor Corbett has indicated his willingness to continue to work with us as the bill moves forward. That is an encouraging sign, and more importantly, a real plus for the Commonwealth of Pennsylvania.

So, today, I was proud to stand on the stage and introduce a piece of legislation surrounded by people representing the chamber of commerce in Pennsylvania, representing the building and trades of Pennsylvania, representing the engineering firms of Pennsylvania, the paving contractors of Pennsylvania, AARP was out en masse, the bikers, the pedestrians, all were interested, and many other groups. Agriculture is behind us because we are putting more money into gravel roads. The people of Pennsylvania will benefit from this legislation, the sooner we can get it through the Senate and the House, then to the Governor's desk. Secretary Schoch, of whom we all have a great deal of respect and admiration, on both sides of the aisle, in both Chambers of

this General Assembly, the Secretary of Transportation, announced today that he is ready to begin letting bonds so that construction can begin, and we can start moving Pennsylvania ahead and modernizing our transportation system, and making this the place to live and work in the 21st century.

Mr. President, I thank you very much.

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

Senator FERLO. Mr. President, I know it is late in the day, and I apologize for speaking so late in the day. There are only a couple of my colleagues left standing, but the fact of the matter is that I first thank Senator Rafferty and, certainly, our colleague Senator Wozniak, the Minority chair of the Committee on Transportation, for their important press conference. I am hoping and praying that somehow we can build consensus on a needed, long overdue comprehensive transportation plan for our great State.

Mr. President, on another matter, and again, I apologize for speaking late, but I think it is important that I have my say here. I hope that some of my concerns and words will echo outside of these Chambers. To my honorable colleagues with whom I serve and to the people of Pennsylvania who have elected us, I rise before you to speak from a heavy heart about a matter that should concern us all because it has to do with nothing less than a full-scale assault on our State Constitution by the very branch of government that we trust to serve as the last line of defense against such an attack.

Next month, the Pennsylvania Supreme Court will hear a case that challenges Article V, Section 16, of the Pennsylvania Constitution which states, and I quote, "Justices, judges and justices of the peace shall be retired..." upon attaining "the age of 70 years." The plaintiff is Judge Arthur Tilson of the Montgomery County Court, who will reach the judicial age limit this year and, therefore, will have to retire. Judge Tilson's theory is that Article V, Section 16, amounts to unlawful age discrimination. So in effect, and in an effort to retain his position, he is suing not only Governor Corbett, but Secretary of State Aichele, State Treasurer McCord, and a host of others. The timing of this lawsuit is particularly convenient for our Chief Justice Ronald Castille and three other judges because, even though he is currently running to retain his seat, he turns 70 next year, and will therefore have to retire only 1 year into what will likely be his next term.

Of course, employment discrimination based on race, religion, gender, and age, violates the equal protection clauses of our State and Federal Constitutions. And as the highest court of our Commonwealth, the Pennsylvania Supreme Court is the sole authority to say what the law of our Commonwealth is. The problem is that Judge Tilson's case is moot because our Supreme Court, in my opinion at least, settled it 24 years ago. In 1989, Supreme Court Justice Juanita Stout sued the Commonwealth under the same theory as Judge Tilson. In Justice Stout's case, the court reiterated that the judicial age requirement applies to all justices, judges, and justices of the peace, regardless of whether they are elected or appointed. The court also noted that the terms of the judicial requirement, and I quote, "...express in the simplest language possible the absolute will of the sovereign people of the Commonwealth that jurists must retire upon reaching their seventieth birth-date."

Ultimately, the court decided against Justice Stout, finding that, first, our Constitution's judicial age requirement is neither arbitrary nor capricious, but rests on a perfectly reasonable and

rational basis. Second, our Constitution's judicial age requirement does not violate the Federal Age Discrimination and Employment Act because an explicit exception within the act provides that it does not apply to any person elected to public office in any State or any appointee on the policymaking level. Therefore, that our Supreme Court would even give Judge Tilson's case the time of day is quite disconcerting to me, especially given the context of Justice Castille's circumstances. It has been said that the rule of stare decisis, if I pronounced that correctly, should not be trifled with because if the law knows no fixed principals, chaos and confusion will certainly follow. Justice Castille reiterated the statement in his own opinion that he recently authored noting that, and I quote:

"Even if the law of the case doctrine were deemed not to apply strictly, the related preclusion doctrine of stare decisis also counsels respect for the prior decisions....The doctrine of stare decisis 'promotes the evenhanded, predictable, and consistent development of legal principles, fosters reliance on judicial decisions, and contributes to the actual and perceived integrity of the judicial process.' ...It 'is not a vehicle for perpetuating error,' but 'a legal concept which responds to the demands of justice and, thus, permits the orderly growth processes of the law to flourish.'"

Now, I do not have to be a legal scholar to know why this decision in Justice Stout's case has remained untouched since 1989. There have been a few similar cases in other States, some of which were in agreement with Pennsylvania case law and some of which were not. But it does not appear to me that the law or the circumstances of this Commonwealth have changed in a manner that would justify upending the court's decision in Justice Stout's case. The only difference is that this time, Chief Justice Castille and three other judges are being inconvenienced by the plain meaning of the Pennsylvania Constitution.

Just to be clear, first, I would support changing the judicial age requirement through the procedure that is provided for in Article XI, Section 1, of our own Pennsylvania Constitution, which requires a voter referendum. Secondly, I do not suggest that Chief Justice Castille has somehow orchestrated Judge Tilson's suit and is planning to play with what Justice Scalia once referred to as a "Supreme Court peek-a-boo" with the law of this Commonwealth. Quite the contrary, I would echo the concurring opinion in Justice Stout's case, that Chief Justice Castille exemplifies the argument, and I quote:

"...chronological age is no measure of one's continued ability to offer their wisdom, experience, and skills honed in a lifetime of commitment to their profession. She possess that inestimable serenity of mind that is the very essence of the search for justice. Her loss to us...is a loss to all....The state constitution is explicit and there is insufficient federal constitutional authority to say otherwise."

But it is a fact that this court has taken up Judge Tilson's case when it could have left the matter up to a significantly less partial Federal district court. And it is a fact that this court has taken up Judge Tilson's case even though the matter has been settled for over two decades. Thus, I cannot help but wonder if we have, once again, left a judicial fox to guard the constitutional hen house. The highest court of this Commonwealth, again, the highest court of this Commonwealth, should be beyond reproach. It pains me to think that its motivations would stray one scintilla from its duty to uphold the rule of law under our State and Federal Constitutions.

Therefore, I urge Justice Castille and his colleagues to put this matter back to rest. I urge the Pennsylvania Supreme Court to drop Judge Tilson's case from its docket so that the matter may be taken up in a more neutral Federal form. I would not want my constituents, or my colleagues, to think that I am somehow focusing my dissatisfaction solely with Justice Castille, or whether or not I am being partisan. Most people I know, including many from the legal profession, are dismayed at what appears to be a growing isolation, a growing arrogance, if not a growing omnipotence from the high court and its dysfunction. Many people across our Commonwealth, and certainly a growing number of those who speak to various media outlets, are losing faith and respect for our high court.

Not only being witness to the Justice Joan Melvin indictment and prosecution, but revelations of late that raise legitimate questions in regard to Justice Seamus McCaffery and his wife, who also serves as his judicial aide, Lise Rapaport. An article that appeared in The Philadelphia Inquirer recently suggested that she received referral fees for referring clients to various firms. It contends that Justice McCaffery has heard at least 11 cases in which firms that paid referral fees won, and supposedly, an amount in excess of \$800,000 was involved. Of those 11 cases, Justice McCaffery voted in favor of the legal positions of eight of the fee-paying firms. It has been claimed that Justice McCaffery did not disclose these fees. However, there is no indication that the cases heard by Justice McCaffery were the same cases from which his wife received referral fees. I just want to emphasize that.

However, Chief Justice Castille said that such action could potentially raise, and I quote, "conflicts of interest and the appearance of impropriety arising from a judge's staff employee practicing law while receiving fair compensation while employed in a judicial chamber, and especially in a judicial chamber." I will avoid any discussion at length about the nepotism in the courts at all levels of our Commonwealth, how many spouses and wives and brothers and sisters and cousins are on the same payroll as the elected judge. It is mind-boggling to me. If that were the phenomena here, the State legislator would be run out of town, rightfully, on a rail.

Justice McCaffery and his wife now find themselves in an ethical minefield. Defusing it would at least require full disclosure of the fees paid to date, as well as an explanation of how they will address the glaring potential for conflicts of interest in the future. I predict that at some point in the future, the voters of Pennsylvania, just like they did in the pay grab, will take stock of what is happening in our highest court and will help resolve the matter at the polls, the voting polls. They will do this with their feet, and they will do this with their votes as they have in years past.

Thank you, Mr. President.

### RECESS

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

Senator BROWNE. Mr. President, I move that the Senate do now recess until Wednesday, April 17, 2013, at 10:30 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 4:33 p.m., Eastern Daylight Saving Time.